

You've all been convicted of crimes." I responded, "If you are rich, white, and your families are profiting off this system, then you shouldn't be concerned. But if you're impoverished or a person of color, then you should be very much concerned about all of this." I continued, "This system is intentionally perpetuating dysfunctional families by removing the father from his children, hundreds of miles away, making visits pretty much impossible." Basically, this destroys family ties. I told Mr. Bergman of my own situation as an example. I've been able to see my own two children about four times in the past 14 years. I'd just barely started to see them in San Quentin when prison officials maliciously had me transferred to Pelican Bay SHU on "indeterminate" sentence. This was in retaliation for exercising my rights of access to the courts as a jailhouse lawyer and also for utilizing my access to the news media as a political prisoner and journalist to expose my innocence and prison official corruption and mistreatment of prisoners.

Mr. Bergman then inquired on "gang issues." I explained to him that I could not discuss these issues because I myself am not in SHU for any alleged gang label, and I produced my documents that show I have no such affiliations, that I am a political prisoner whom prison officials have chosen to single out.

However, I did tell Mr. Bergman that a few of the highly respected Mexican convicts from various groups were seeking the governor's and prison officials' cooperation in providing a forum where they could gather for a peace conference, but such efforts were met negatively. He then asked me for names. Unfortunately, I could not provide the names of the other prisoners. If he'd given me ample notice, I'd have been able to confer with those prisoners. They may have agreed to speak with him or entrusted me with a message.

*NOTE: 60 Minutes will again visit Pelican Bay sometime in August to continue their investigative probe.*

## WHAT KILLED JOHN Q. BILLY: T.B. or C.D.oC?

by Corey Weinstein, MD

**J**OHN QUINLAND BILLY DIED OF TUBERCULOSIS on February 17, 1993, at the age of 58. Mr. Billy was serving a drunk-driving sentence at San Quentin State Prison. When he arrived at San Quentin on December 2nd, 1992, Billy told prison officials that he had had active TB disease three times in the past eight years. The prison medical staff ignored the important information. Billy's routine TB skin test, given on arrival to the prison, showed no reaction to TB. So Billy was housed in general population. On January 23, 1993, Billy began coughing up blood and was taken to a local hospital where he died in less than a month (*SF Chronicle*, 2/18/93).

It is very likely that Billy had active TB disease the whole time he was in prison. When a person with a history of TB shows no reaction to the routine skin test for TB, it usually means that he is very sick. In fact, such a negative test in anyone with Billy's history is considered a "red flag" warning of active TB disease. Yet the California Department of Correction's medical staff failed to recognize the warning, and through their negligence a man died a preventable death. In the midst of CDoC's second year of a TB elimination program, the staff failed to understand one of the most basic indicators of TB disease and failed to protect the rest of the prison population, guards and inmates alike, from exposure to TB.

The Pelican Bay Information Project has received other reports from prisoners that show CDoC's disregard for prisoners' health. A man was transferred from R.J. Donovan to Corcoran State Prison in October of 1992.

While at Donovan, he was found to be TB skin test positive, but "well" with a normal chest X-ray. He was diagnosed as having TB infection, not TB disease, and given daily preventive medication. He was supposed to take the medication for six months, but after four and one-half months he was transferred and his TB preventive therapy forgotten by CDoC. He told the Medical Technician Assistants and even filed two 602 inmate grievance forms, but as of his last letter, he has not received his medication in four months.

At Pelican Bay State Prison, there is great misunderstanding about the purposes and techniques of the TB elimination program. The medical staff has not conducted an adequate education program, leaving the prisoners uninformed and suspicious. It would be hard for inmates to trust a medical department that appears as much a part of punishment as health care. The Pelican Bay medical department has been indicted for malicious neglect in the upcoming class action law suit in Federal court (*Madrid v. Gomez*). And the high security units breed mistrust, fear and anger, which makes effective education and prisoner participation less likely.

Recently, CDoC has published five accurate, clear and well-illustrated pamphlets on TB. In the past, CDoC has used such educational pamphlets as the *only* tool in feeble and unsuccessful health campaigns (e.g. HIV). The appropriate use of pamphlets is to supplement individual



Corey Weinstein

counseling and encourage prisoner-to-prisoner discussion. An educational campaign that focuses on talking is very important because 60% of the prisoners in California read below a ninth grade level. Mass TB skin test screening efforts should contain an oral education part that is just as important as the skin test itself.

### **TB BASICS**

Tuberculosis is a contagious illness caused by bacteria. It is spread through the air by tiny airborne particles that contain the TB bacteria when someone who has the active disease coughs, sneezes, talks, or sings. It is not spread as easily as the flu or a cold, but the overcrowded and poorly ventilated conditions of prisons make exposure to TB more likely.

After decades of decline, TB has been on the rise since 1984. In 1991, California reported more TB cases than any other state. The preconditions for the new TB epidemic are poverty, homelessness and illness. Overcrowded facilities that warehouse poor people such as homeless shelters and prisons are frequent breeding grounds for TB; 82,000 prisoners are released from CDoC back into the community each year. Poor immigrants from underdeveloped nations are susceptible to TB. People with AIDS have weakened immune systems which are especially vulnerable to TB.

The TB infection rate in California's prisons is six to ten times the infection rate in the general community. At least three inmates have died of TB in the last few years. One prisoner's treatment was so mismanaged between 1989 and 1991 that he developed a particularly lethal form called Multidrug-Resistant TB. Prisoners and staff were exposed to the MDR-TB because the prison infirmary did not have proper isolation facilities (MMWR, 1/29/93).

Most people who are exposed to TB never develop the disease. The TB germ enters the lungs of a person who breathes in contaminated air. The bacteria grow for a short time, but before long, the body's immune system controls the infection. The TB germs remain dormant in the lungs unable to harm the person. This is called "TB Infection." The person has no signs of any illness, has a negative chest X-Ray, and cannot spread TB. But someone with TB infection does show a positive reaction to the TB skin test.

Unlike TB infection, the active "TB Disease" is associated with symptoms of illness. The TB skin test is usually positive in those with TB disease, but the symptoms of disease clearly indicate a different meaning of the skin test result. Also, the chest X-Ray is usually positive in those with the disease.

The general symptoms of TB disease are weakness, fatigue, weight loss, fever, loss of appetite and night sweats. A harsh, persistent cough and cough with mucous and/or blood usually occurs. The cough does not easily go away and cannot be helped by ordinary antibiotics. Anyone with active TB disease needs to be isolated

from others in special rooms that contain the spread of the germs (respiratory isolation). Modern antibiotics bring the disease under control in a few weeks, so the suffering individual can leave isolation. But antibiotics must be taken for months to ensure that the disease won't return.

### **SCREENING**

While CDoC prisoners have been tested for TB on entry to prison for many years, only in the last 15 months have prisoners been routinely screened after entry. Such regular screening is essential to determine how much TB is being spread in the prisons and to help identify those who have become infected and are at risk for the disease.

In the screening process, the entire community, prisoners and staff, are given the safe and standard TB skin test called the Purified Protein Derivative (PPD). PPD is a harmless substance and contains no TB bacteria. Those with documented positive skin-test results in the past do not need to get another, because the skin test usually remains reactive forever. A positive skin test is one where the bump in the skin, not the redness, is ten millimeters (one-quarter of an inch) when read by a trained health worker 48 to 72 hours after it was put on.

All the skin test shows is that someone has been infected with the TB germ in the past. A chest X-Ray and clinical evaluation are required to determine if the positive skin test means that the person has the disease or just the infection. Chest X-Rays are given to new positive test reactors within 72 hours of discovery. Chest X-Rays are also given to those with known past positive skin tests if they are at risk of developing the disease.

Those who have had close contact with a recent case of TB disease, who are HIV positive, or who have risk factors for HIV (unprotected sex, IV drug use, tattooing) are considered to be skin-test positive if the bump is five millimeters.

The screening program uses the PPD skin test and chest X-Ray to find those who have been infected with TB. Those with X-Rays suggestive of TB disease receive special culture tests of their phlegm for the TB germ. Anyone with a new positive skin test or abnormal X-Ray must be put in respiratory isolation until culture results and/or X-Ray is shown to be negative. Respiratory isolation means that no one else is exposed to the air that the patient breathes out.

### **TREATMENT**

Treatment is given to those who have TB infection and to those who have TB disease. Public health officials recommend that all antibiotic treatment be monitored to make sure the medicines are taken for the right amount of time. This practice is called Directly Observed Therapy, which translates to "hot meds" in prisons and jails.

Those with just the infection need preventative treatment. By taking a single antibiotic called INH for six months, the risk of ever getting TB disease later in life is

greatly reduced. INH must be taken on a regular basis for six months consecutively.

The problem with the INH preventive treatment is that INH can cause hepatitis, an inflammation of the liver. People with a history of hepatitis or drug abuse need to be supervised closely to make sure that their liver trouble does not worsen while taking the medication. Regular blood tests for hepatitis are required.

Those who are found to have TB disease need specific multiple antibiotic therapy for six months. People who are HIV positive or who are sick with AIDS are given longer antibiotic programs for both prevention and for treatment.

A monitoring system for the whole program is required. Records of TB skin test and X-Ray results, and tracking of everyone on medication is critical in following and preventing TB outbreaks.

### PROBLEMS IN TB PROGRAMS

The problems in TB case finding and treatment in California prisons come from the general problems in medical delivery that have plagued the CDoC for years. The do-nothing, good old boy leadership of CDoC Health Services does not have the knowledge, skill, or respect to plan and coordinate a public health effort. Thousands of PPD tests in the 1992 TB screening were improperly prepared. Matters of tracking and attention to special populations were ignored. While its own staff was struggling to carry out its first TB control effort, CDoC appointed itself to teach seminars to county corrections departments about TB—all to the dismay and embarrassment of state public health officials.

There is often little trust between the prisoner-patients and the CDoC institutional medical staff. Canceled appointments, long delays in getting care, and superficial attention to serious medical needs plague the system. Prisoners have learned to not participate with medical staff that just doesn't seem to care. Now when the entire prison community needs to act together for its own good health, the infrastructure of competence and trust is not in place.

TB control is also hindered by CDoC's policies concerning HIV and AIDS. By adopting HIV rules that interfere with rational public health efforts, CDoC sabotages the TB program.

People who are HIV positive are much more likely to get infected with the TB germ, and much more likely to get TB disease. HIV positive people do not react as easily to the PPD used in the TB skin test, and have a harder time curing the infection with antibiotics. Therefore, special protocols for both testing and treatment are needed for those with HIV.

But CDoC has constructed huge barriers to the identification and treatment of those with HIV. Prisoners do not want to be tested for HIV because if they are found to be positive, they will be discriminated against in housing and job assignments. Punitive segregation awaits

anyone found to be HIV positive. CDoC does not provide the confidential, anonymous testing that would encourage prisoners to find out about their HIV status. Instead, CDoC uses the anti-public health law, Prop 96, as an excuse for inaction, rather than finding a creative way to apply the law that would actually protect staff and prisoners. Also, CDoC has failed to educate staff and prisoners enough about HIV so that a decent testing and treatment program could be supported.

In California's prisons, there are about 5,000 to 6,000 prisoners who are infected with HIV. Less than 1,000 of those infected have been identified by CDoC as HIV positive. As many as 5,000 prisoners either don't know that they are HIV positive or won't tell CDoC about it. Some with HIV and TB infection or disease react poorly to the TB skin test and some don't react to the skin test at all. These critical individuals who need special screening and treatment are lost in a system that puts punishment before public health. Thus, thousands of HIV positive prisoners are put at risk for TB, ultimately endangering the other prisoners, employees, visitors, and general community.

Public health officials from the California Department of health have tried to educate CDoC Health Services by including CDoC staff in the recent TB Elimination Task Force. The public health officials want to teach CDoC how to control TB in prisons. What these officials fail to understand is that CDoC is a runaway train with its own ideas about punishment that interfere with rational public health work. The gentle voice of the public health community is barely heard above the noise of the engine of CDoC as it rumbles into the "lock 'em up and throw away the key" future. Public health retreats from any confrontation with CDoC, refusing to demand that public health principles come first anywhere there are TB and HIV.

The death of John Q. Billy, the lack of TB medication continuity, the HIV program disasters and improper TB treatment stand as grim reminders of the real capacity of CDoC medical to protect the prison and general community from the ravages of contagious disease. The public health principles of appropriate education, screening, tracking, and treatment must be combined with dramatic changes in CDoC medical leadership and attitude to successfully face the prison TB epidemic. As yet, other state agencies remain ineffective in forcing CDoC to develop proper plans and hire adequate staff to protect the health of its charges and employees.

**HUMAN RIGHTS REPORT by PBIP Co-founder Dr. Corey Weinstein, entitled *Torture In U.S. Prisons*, can be ordered for \$5 (payable to PBIP): 2489 Mission St., #28, San Francisco, CA 94110.**

# NOTICES

## 30,000 CALIFORNIA PRISONERS EXPOSED TO TB

**A**CCORDING TO A RECENT CALIFORNIA DEPARTMENT OF CORRECTIONS survey, 23.5 percent of Pelican Bay Prison's 3,481 inmates are currently under treatment for TB or have a history of the infection or disease. The CDoC survey is the first of its kind for the department and includes data collected from all of California's prison facilities, beginning in late February.

The California Men's Colony in San Luis Obispo was recorded as having the highest rate, with more than 38 percent. The Northern California Women's Facility at Stockton reportedly has the lowest figure, with slightly more than 12 percent. Director James Gomez said the survey will provide information allowing officials to monitor and control TB. "It also confirms our suspicions that more than one quarter of [California's] inmate population has been exposed to TB at some time in their lives."

A preliminary summary of the survey showed that more than 30,000 inmates statewide have a history of being exposed to TB infection. About half of these—15,900 inmates—are currently under preventive treatment. Officials said treatment usually takes about nine months to complete. The other 14,000 inmates have finished treatment and are monitored each year to make sure the infection hasn't returned.

Although inmates are tested before entering prison, those with the infection or disease have been hard to track due to the ineffectiveness of the medication administered at the advanced stages of the disease, and also because of the incompetence of CDoC employees entrusted with inmate medical oversight.

*PBIP NOTE: This survey was conducted by the CDoC under political pressure to act on the rising infection rate in California prisons this last year. Some reported instances were sent to our office in which prisoners had threats and force used upon them by guards so that they would submit to testing and who-knows-what-else. Therefore, we advise the public to be highly suspicious of these figures promoted by the self-serving and suspect CDoC.*

## DOCTORS MIS-DIAGNOSING TB

**M**ANY DOCTORS MAY BE MISDIAGNOSING and incorrectly treating tuberculosis, a highly infectious disease that is making a frightening comeback, according to surveys for the U.S. Centers for Disease Control and Prevention.

The survey included 2,034 physicians—both general practitioners and specialists—in selected areas throughout the country with a high incidence of tuberculosis. Nearly 68 percent of doctors surveyed had patients who either had been infected with tuberculosis or had the disease, and 80 percent had diagnosed an active case.

Seventy-five percent knew of CDC and American Thoracic Society recommendations, and more than 95 percent could describe a recommended course of treatment. But only 36 percent of the doctors gave a correct example of skin-test results that would indicate the need for further testing. And only 58 percent described a recommended treatment when asked for their regular regimen for TB.

Fifteen percent would use incorrect or unnecessary lab tests before starting therapy and 5 percent designated incorrect treatment.

## CALIFORNIA A TB TROUBLE SPOT

**A** NATIONWIDE RESURGENCE OF TUBERCULOSIS hit hardest in California, New York and Hawaii in 1992, according to national Centers for Disease Control and Prevention.

The bacterial disease infected 25.2 of every 100,000 residents in New York, 23.5 in Hawaii and 17.4 in California. The national average of reported cases was 10.5 per 100,000 people.

Atlanta was the hardest-hit city, with a TB rate nearly eight times the national average. Other cities—including Newark N.J., New York, San Francisco, Miami and Houston—all had TB rates at least four times the national average.

Dr. Kenneth G. Castro, director of the Atlanta-based federal disease control agency, said more research was needed to pinpoint why certain states and cities ranked significantly higher than others.

Nationwide figures show a 1.5 percent increase in cases in 1992. The fourth consecutive yearly rise frustrated medical experts, as TB, an airborne bacteria usually affecting the lungs, is preventable.

"We know a lot about TB—how it works, how to prevent it, how to diagnose it and how to treat it. Yet TB is still the largest cause of death of any infectious disease in the world," said ALA President Lee B. Reichman.

Reichman said spread of the disease, which waned for three decades until 1985, amounted to a "colossal embarrassment to the United States." Fighting the disease effectively would require \$380 million in additional federal funding and heightened efforts by state health officials to control TB within their borders.

## TB CALLED "GLOBAL EMERGENCY"

**T**HE WORLD HEALTH ORGANIZATION has declared tuberculosis a global emergency. Dr. Arati Kochi, manager of WHO's Tuberculosis Program, told a WHO meeting in London: "Tuberculosis is humanity's greatest killer and it is out of control in many parts of the world... The disease, preventable and treatable, has been grossly neglected and no country is immune to it."

Kochi said an estimated 30 million people will die of tuberculosis over the next decade unless immediate action is taken. About 9,000 people a day worldwide are dying from TB, partly because their symptoms are ignored or they do not get enough medicine.

Worst-hit is sub-Saharan Africa, and in some countries the number of sick people more than doubled from 1985 to 1990.

"There's a global epidemic, not because the disease is incurable, but because it is neglected," said Dr. Keith McAdam of the London School of Hygiene and Tropical Medicine. Incomplete treatment can be worse than no treatment, because patients who begin to recover may stop taking the drugs but continue to spread TB, which is carried by the air.

Treatment involves giving infected patients anti-TB drugs for at least six months. Without treatment, the disease kills about half of those infected.

## MULTIPLE DRUG-RESISTANT TB

**T**HERE IS A DIFFERENT KIND OF TB which is even more dangerous than "regular" TB because its germs cannot be killed by the usual anti-TB drugs. We have seen more of it recently in prisons, jails, and hospitals. It is called multiple-drug resistant TB. MDR-TB requires long and more expensive treatment. For someone

with HIV, it is serious enough to be life-threatening.

### How to Get More Information About TB:

Send for *TB Booklet* to  
National Prison Project  
1875 Connecticut Ave., NW  
Washington DC 20009  
or call (202) 234-4830;  
FAX (202) 234-4890.

Or

Contact the Centers for Disease Control, Division of Tuberculosis Elimination, 1600 Clifton Rd. NE, MS-E-10, Atlanta, GA 30333

## WOMEN POLITICAL PRISONERS IN THE U.S.

### STOP THE ISOLATION. WRITE THE WOMEN!

#### NATIVE AMERICAN

**Norma Jean Croy** #14293, CIW Chowchilla, PO Box 1501, Chowchilla CA 93610 (To be honored this year by the Prisoner's Rights Union)

#### MOVE

**Debbi Sims Africa** #006307  
**Consusuela Dotson Africa** #006434

**Janine Phillips Africa** #006309  
**Merle Austin Africa** #006306  
**Janet Holloway Africa** #006308  
**Sue Leon Africa** #006325

All are at P.O. Box 180  
Muncy, PA 17756

#### PUERTO RICAN

**Alicia Rodriguez** #N07157, Box 5007, Dwight, IL 60420

**Haydee Beltran** #884620-024, FCI Pleasanton, 5701 8th St., Camp Parks, Dublin, CA 94568

**Dylcia Pagan** #88971-02, FCI Pleasanton, 5701 8th St., Camp Parks, Dublin, CA 94568

**Lucy Rodriguez** #88973-024, FCI Pleasanton, 5701 8th St., Camp Parks, Dublin, CA 94568

**Alejandrina Torres** #92152-024, FCI Pleasanton, 5701 8th St., Camp Parks, Dublin, CA 94568

**Carmen Valentin** #88974-024, FCI Pleasanton, 5701 8th St., Camp Parks, Dublin, CA 94568

#### CUBAN

**Anna Lucia Gelabert** #384484, Rt 2, Box 800, Gatesville TX 76528

#### NORTH AMERICAN

**Kathy Boudin** #84-G-171, 5701 8th St., Box 1000, Bedford Hills, NY 10507

**Judy Clark** #83-G-313, 5701 8th St., Box 1000, Bedford Hills, NY 10507

## EUROPEAN PENPAL NETWORK FOR ETHNIC MINORITIES

**P**LEASE BE PATIENT and don't be disappointed if it takes some time before you receive a letter. There are many more requests than we have pals to write. However, if you don't get any letters for some time, please tell me and I will try to help.

Please keep me informed if your address should change.

I do hope that we can help you to find some good carding pen-friends, but please be aware that we can not help you with romantic partnerships or sexy letters.

Take care and stay strong!

Annette Sanne  
Zum Backenberg 4  
W-3404 Guntersen  
Germany

## PRISONER'S LAWSUIT & APPEAL FOR HELP

**I** RECENTLY FILED A 1983 CIVIL RIGHTS complaint against the CDoC. On September 20, 1992, I was sitting in my cell, minding my own business, when an altercation took place by the door at the front of the pod. The gunner fired a round into the wall on the top tier. It ricocheted off the top tier and... a piece of that bullet found its way into my cell and lodged itself in my lower left leg.

In my lawsuit, I'm trying to focus on medical indifference. What I want to show is... a pattern of medical indifference here at Pelican Bay.

I'm positive there are other convicts here who have experienced the same BS. What I need are affidavits and declarations from other convicts that have had trouble obtaining medical treatment for whatever reason. The only thing is that I'm in the SHU and communication is limited.

If you wish to help, contact:  
ARNIE GONZALES, #C-53214  
SHU D-8-203, PO Box 7500  
Crescent City, CA 95532  
OR  
PBIP, 2489 Mission St., #28, San Francisco, CA, 94110

## IRISH FREEDOM FIGHTER, FUGITIVE FROM BRITISH RULE WINS TEMPORARY REPRIEVE

**I**RISH FUGITIVE JIMMY SMYTH WON A SIGNIFICANT VICTORY before U.S. District Judge Barbara Caulfield when she declared that the British government has withheld documents that are "relevant to a full and fair extradition hearing." Smyth has contended all along that his life would be forfeit if he were put back into the hands of the Belfast authorities. They have repeatedly demanded him back for breaking out of a Belfast prison in 1983, along with 38 other prisoners, who were eventually caught.

U.S. prosecutors delivered to the Court a letter from the British Secretary of State for Northern Ireland. The Secretary of State stated that the reports, requested by Federal Public Defender Karen Snell, were irrelevant to Smyth's case and would be "extremely harmful to the national security of the United Kingdom of Her Royal Highness the Queen" if disclosed. This assertion did not seem to impress the court who on several occasions took issue with lack of prosecutorial com-

pliance.

Caulfield had indicated that she would dismiss the British government's bid to extradite Smyth if it did not comply with the subpoena order.

Meanwhile, the same judge sentenced Smyth to 250 days—time issued for use of a false passport when entering the country. Bail for the fugitive will be considered shortly and most likely granted while prosecutors scramble to do something.

"It means that our chances of ultimate victory have gone up tremendously," said Smyth's lawyer with optimism.

## WHO IS MUMIA ABU-JAMAL AND WHY IS PENNSYLVANIA TRYING TO KILL HIM?

**A**BU-JAMAL IS A BLACK POLITICAL PRISONER ON DEATH ROW in Huntingdon State Prison in Pennsylvania.

A former Black Panther Party member, Abu-Jamal was the president of the Philadelphia Association of Black Journalists in 1981 when he was wrongly accused of the murder of a Philadelphia policeman.

Today, Abu-Jamal writes and speaks out on behalf of all death row prisoners. His work has been published in newspapers across the country and internationally. Jamal is also a commentator and correspondent for Flashpoints, KPFA Berkeley, California (94.1 FM).

**Leonard Weinglass** (Chief Counsel for Mumia's appeal), **Jane Henderson** (Coordinator of Equal Justice USA and Co-director of the Quixote Center) and **Pam Africa** (Spokesperson, Concerned Family and Friends of Mumia Abu-Jamal, Members of MOVE) and **Mother's Tone** (music and songs) will be at **Mission Neighborhood Center**, 362 Capp St., San Francisco, **July 31, 1993**. Reception: 6:30 PM.

Program 7-10 PM. For information and childcare, call: 415-648-4505. "Until Mumia is free, nobody in America is free."

—Luis Talamantez of the San Quentin Six.

## DELAY IN CIVIL TRIALS IN FEDERAL COURTS

**A** GROWING NUMBER OF FEDERAL JUDGES in San Francisco and across the country are delaying the start of civil jury trials because money to pay jury fees is running out quickly.

In some cases, judges are trying to persuade civil litigants to exercise their option of having a judge hear the case without a jury. In other instances, judges have delayed civil trials for several months in the hope that funds for jury fees will become available. The projected \$7.5 million gap in jury fees nationwide is only one part of huge budget crisis in the federal courts. Administrators for the federal courts have asked Congress for nearly \$100 million to cover court costs for the remainder of the year, including \$60 million in fees for attorneys who represent indigents.

Locally, a prison civil rights violation trial is being heard this September before Federal District Judge **Honorable Thelton E. Henderson**, in San Francisco **Madrid vs. Gomez**. It will be paid for by the federal judiciary. It has its origins inside California's newest maximum security prison at Pelican Bay, situated at Crescent City.

The class-action lawsuit appears to be one of the biggest constitutional violation prison trials to come before the federal courts in a number of years and the attorneys who will prosecute it have been retained at court expense. In 1974 in the same Golden Gate Federal courthouse, the case of **Spain vs. Proconier**—then Director of the California Department of Corrections—was tried, and a judgment won, on similar prison issues before the **Honorable Judge H.J. Zirpoli** (now retired). In his

final ruling of the three-week trial, and after testimony taken from numerous expert witnesses, along with the San Quentin Six plaintiffs, Zirpoli found that San Quentin's notorious Adjustment Center was unconstitutional. But little change was made.

Presently, lack of funds for civil trials is a national problem, said Rich W. Wierking, Clerk of the U.S. District Court in San Francisco.

The Washington-based Administrative Office of the U.S. Courts had previously warned the 94 U.S. District Courts nationwide that it would not forward any payments for jurors in civil cases impaneled after May 12.

Juror fees for criminal trials would be unaffected.

## THE INMATE WELFARE FUND

**A**CCORDING TO THE PUBLIC HEARING held by the Joint Prison Committee On Prison Construction And Operations on December 19, 1992, the Inmate Welfare Fund's approximate budget is 36 million dollars.

This is a self-supporting, non-governmental fund generated by California State prisoners and their loved ones. (Note Penal Code Sections 5006-5008, and CDoC Departmental Operations Manual Chapter 20000, sub-chapter 23000, Section 23010). It was reported that last year the prison canteen sales prices were marked up by 38%. This year Mr. Gomez announced an increase of 9% for a total of 47%.

### SIZABLE PROFITS MADE FROM THE FOLLOWING:

- \* Handicraft sales and supply purchases
- \* Canteen sales
- \* Special purchases
- \* Food sale drives
- \* Photo sales
- \* Visiting vending machines
- \* Film production industries' contributions
- \* Interest on prisoners trust accounts
- \* Confiscated currency/contraband

## COLLECT PHONE CALL COMMISSIONS

In December 1989 alone, commissions totaled \$175,330.28 for calls from 19 prisons, according to corrections officials. In one month at Folsom State Prison, there were 21,000 collect calls placed by prisoners. (Sac. Bee 5/5/90)

All calls made by prisoners must be made as a collect call. The commission comes from the telephone company paying the state for providing the phones.

We request that 100% of this revenue be re-directed into the Inmate Welfare Fund (IWF) and amend Penal Code 5006 to include the telephone commissions.

As our prison population increases, the visiting programs decrease. California law states that visiting is a right. No exception is given in the law for budget constraints for the purpose of reducing the visiting program.

The merits of the family visiting program to inmates, their family members, the prison environment, and ultimately to society is not a point of contention. The question is how to best finance the continued operation of the program in this

period of budget austerity.

Available data indicates that the IWF can finance both regular seven-day visiting and family visiting throughout the entire state of California!

The IWF is the *only* fund under the auspices of the state that is solvent, operating at a profit and creating surplus capital. (It is rumored the Governor's Office and Department of Corrections officials authorized interest-free loans to other state agencies from the IWF). Monthly purchases by inmates from the prison canteen is IWF-financed; 10% of all special commissary and hobbycraft purchases goes to IWF.

For public comment, write:

Assembly Members On The Public Safety Committee, State Capitol P.O. Box 942849, Sacramento, CA 94249-0001.

—Romaine and Diane Fitzgerald

*PBIP NOTE: Romaine and Diane, husband and wife, team up as sponsors of this public initiative. Romaine is currently a state prisoner with life to go. Diane was recently released and working for her husband's release. Way to go!*

## FINALISTS, CORRECTIONAL HIV CONSORTIUM PRISON ART CONTEST

**T**HE CHC AIDS COMIC BOOK ART CONTEST FINALISTS, from which placing winners will be selected and assigned specific work on the AIDS Comic Book, are:

Steven King Ainsworth, C-13201, Tamal  
Hugh Dickerson, C-36753, Pelican Bay  
Johnny Loop, C-97946, Vacaville  
Jimmie Castro Mendez, C-25042, Pelican Bay  
Thomas Robinson, D-90102, Vacaville (CMF)  
Martin Rositas, D-41101, Crescent City  
Daniel Silva, B-77654, Tehachapi  
Joe "Taps" Tapia, D-13529, Tehachapi  
"Little Wolf"— please contact CHC

For more information, contact: Correctional HIV Consortium, 3463 State Street, #204, Santa Barbara, CA 93105.

# LEGAL CITATIONS

## DUE PROCESS REQUIRES HEARING BEFORE PUNISHMENT

**K**EITH BROWN-EL IS A PRISONER AT THE MISSOURI STATE PENITENTIARY (MSP). He was infraacted for staying in bed during count and staying in the shower too long. He was found guilty at a disciplinary hearing, sentenced to segregation, transferred to another prison, and placed in administrative segregation. The only reason listed for his ad seg placement were the infractions received at MSP months before. Brown-El filed suit under 1983 claiming his ad seg placement violated the Fourteenth Amendment's due process provisions. He also claimed being given cold food violated the Eighth Amendment and that a policy prohibiting him from using inmate-staff paper, when no other paper was available, obstructed his use of the mail and denied his access to the courts. The defendant prison officials moved for summary judgment which the district court granted, dismissing the suit.

Brown-El appealed and the Court of Appeals for the Eighth Circuit affirmed in part, reversed in part, and remanded.

The Court of Appeals affirmed dismissal of the claims pertaining to the cold food and inmate staff paper as being frivolous.

The court reversed dismissal of the segregation claims by noting "...a prisoner cannot be punished for a conduct violation without the appropriate notice and hearing requirements set forth in *Wolff*. Prison officials cannot escape the procedural requirements of *Wolff* by defining segregation as 'administrative' rather than 'punitive.'" *Infra*, at 848-49.

In this case the court held there was no justification for Brown-El's placement in the maximum security unit at MSP two months after he

committed his conduct violations absent a record that he was placed in segregation for constitutionally appropriate reasons.

The court held that "If the decision to segregate is arbitrary or purposeless, a court may infer that the purpose of the governmental action is punishment that may not constitutionally be inflicted upon inmates." See *Brown El v. Delo*, 969 F.2d 644 (8th Cir. 1992).

## CONFISCATION OF LAW BOOKS CLAIM

**T**YRONE CHAVERS IS A WISCONSIN STATE PRISONER.

He filed suit under 1983 after prison officials confiscated his law books. This case is the district court's ruling on Chavers' In Forma Pauperis (IFP) request. The defendants had not yet been served in the case.

The court held that Chavers had adequately alleged his indigence because Chavers did not claim that the confiscation of his legal materials affected his ability to litigate. However, the court held that this claim was legally frivolous and had no arguable basis in law.

The court went on to hold that Chavers could state a claim that prison officials had violated his due process rights by confiscating his law books.

While an intentional but unauthorized property deprivation cannot be challenged in federal court as long as adequate state remedies exist, an authorized and intentional confiscation may be challenged under 1983 in federal court.

In this case, the court relied on Wisconsin DOC rules which authorize only Bibles and Korans as permissible books. It thus held that Chavers may not have been afforded due process to challenge the DOC policy prohibiting prisoners from possessing their own law books and le-

gal materials. These claims were authorized by the court to proceed. See: *Chavers v. Abrahamson*, 803 F. Supp 1512 (ED WI 1992).

—From *Prison Legal News*

## CDOC K-9 SEARCHES RESTRICTED FOR NOW

**I**NJUNCTION AGAINST CDOC Restricting Searches of Visitors, *Estes v. Rowland*, 93 DJ, D.A.R. 4098.

Following are the main elements cited of the restrictions which must be provided to visitors in both English and Spanish:

All visitors must be mailed written notice of the policy and reasons for the policy along with the consequences of contraband. They must also be notified orally and in writing immediately prior to the search. This notification must reflect what the search will entail, the reasons for the search, and the consequences. It should offer the option of leaving and returning without the car without losing visiting privileges that day. Searches are conducted only after written consent is obtained from the driver.

If the driver decides to leave, passengers cannot be denied their visit. Local police officers may not be involved in the search nor the process "without valid reasons." Vehicles may not be delayed more than 10 minutes prior to a search and the search itself may not last longer than 10 minutes. If a drug-detecting dog (which must be kept 20 feet from visitors at all times) indicates the presence of drugs, the search may be extended another five minutes. If contraband is found indicating the intention to be smuggled into the prison, additional searches may be instigated.

NO VISITOR MAY BE STRIP-SEARCHED SOLELY on the basis of positive dog alert unless drugs are found in the vehicle. Again, a visitor

must be notified orally and in writing the reasons for the strip search. If contraband is found, the visit may not be denied unless the contraband was packaged in a way suggesting an intention to be smuggled into the prison.

Finally, no employee may damage or soil any visitor possessions and must return them to the same location. The department must adopt these regulations and must distribute them to all institutions prior to any future searches. The court retains jurisdiction to enforce and supervise the implementation of these conditions and restrictions and if necessary, to appoint a monitor to act on behalf of the court.

*NOTE: Any violation of your person, rights, or possessions while in the hands of correctional state employees, should be reported immediately to the U.S. Dept. of Justice, Civil Rights Division, 10th St. at Pennsylvania Ave, NW, Washington D.C. 20530.*

## ANTI-VISITING BILLS REJECTED

**O**N MAY 19, THE ASSEMBLY PUBLIC SAFETY COMMITTEE rejected anti-visiting bills sponsored by both Unberg and Andal. The first bill would have barred conjugal visits for anyone serving a life term without parole or facing the death penalty. The second proposal would have barred overnight visits for certain categories of convicted offenses.

## ATTENTION S.F. BAY AREA PBSP VISITORS

**T**HE PBIP IS COMPOSING A VISITORS' PHONETREE. Its purpose is to efficiently spread information of available seats on upcoming rides between S.F. Bay Area and Crescent City. If you want to be included, contact Karina at PBIP, 2489 Mission St., #28, San Francisco, CA 94110.

## Rx JUSTICE ASKS COMPASSIONATE RELEASE OF PRISONERS

**O**N JUNE 18, 1993, BOB MCKEE, Compassionate Release Committee Directors office, CDoC, stated to Mr. William C. Brady that CDoC has never experienced the pressure of media, phone, mail and fax since the Judy Cagle case. Ken Topper of Senator Roberti's office literally adopted us in Sacramento and was able to move Stanley's case along with great compassion and a very big stick. Act Up San Francisco, Prison Issues Committee, provided the enormous resources of their media power and became our dear friends. Mr. Brady who tragically lost his beloved son Patrick 12 hours following his compassionate release, provided the moral and ethical power for Stanley's cause. Mike Haggerty of AIDS Consortium of Santa Barbara entrusted Stanley's case to our care. Many of you provided phone support to Stanley's mother, Freda Kubas, prior to

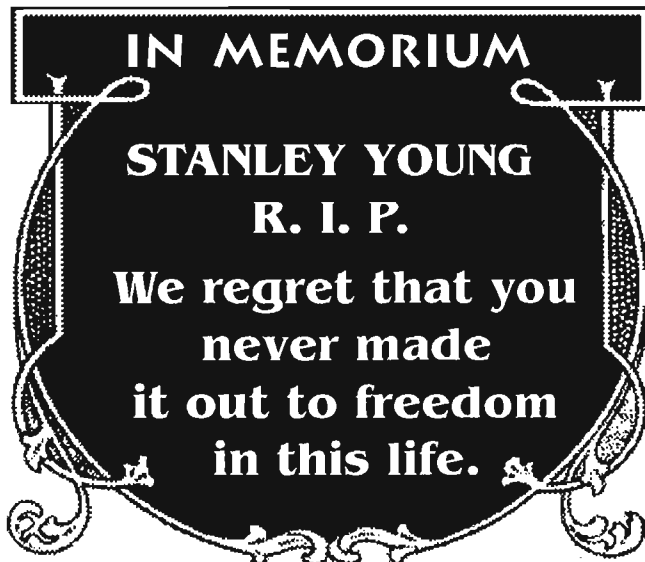
her vigil on the capitol steps.

Much remains left to do. Many men and women are currently eligible for compassionate release and many more become eligible each month. We continue our work case by case. We hope you will continue to support these dear people who just want to go home to die with dignity.

—Juliet Traynor (415) 752-2765

—Patricia A. Hilaire (415) 969- 6306

*Rx Justice* is a new, community-based organization. They are working as advocates and case mangers on behalf of patient-prisoners in the Federal, State, and county California correctional system.



## PRISONER NOT ALLOWED TO DIE AT HOME

**L**ESS THAN FIVE HOURS after a Salinas judge delayed releasing him on humanitarian grounds from prison, Stanley Young attained his own kind of compassionate release. He died of AIDS in the hospice ward of the CDoC facility at Vacaville. "Justice was served," Freda Kubas said bitterly, after watching her son die. "They got their pound of flesh. They got his last breath. I wonder who's satisfied."

Young's request for compassionate release had been presented to Salinas Superior Court Judge Harkjoon Paik. Paik said he would decide on the request "in a week or so," although public defender Jonathan Seigel pointed out that Young's condition was declining rapidly.

Freda Kubas had fought fiercely for her 28-year-old son's release. She began a courageous hunger strike on the steps of the state Capitol, June 14, 1993, and vowed to fast until her son was released.

Under California's "compassionate release" program, inmates with less than six months to live may apply for release, allowing them to die outside of prison near their family. This program to date has been a dismal failure due to the conflict within the CDoC, which metes out compassion with one hand and punishment with the other.

"Hello to Homies"



DANNY FLORES

# INCREASING PEACE IN THE BARRIO

## An Interview with Danny Flores

Danny Flores, 30, joined the Culver City gang in California when he was 15 years old and remained a member for 10 years. Currently, he is a coordinator for a drug elimination program in Los Angeles and has also worked as a gang counselor. He spoke via telephone with Final Call editor, and we copped it from there. Raise the call. Thank you, Brothers.

**F**INAL CALL: What drew you into the gang?

**Danny Flores:** I was lacking my own identity. I wanted to be a part of something, and it gave me a sense of belonging and security.

**FC:** Why haven't Latino nations followed the example of Black nations in Los Angeles to establish a truce?

**DF:** A truce and unity is more likely in the Black community because Blacks are beginning to become conscious of their identity and have a lot of leaders which the gang members follow and respect. There are not many positive role models in leadership in the Latino community. We're still dwelling on our lack of identity and self-hatred.

**FC:** What are you doing in the community to bring peace among the gangs?

**DF:** I'm an original organizer of a gang truce on the west side of Los Angeles. I began to get recognized as a positive leader in reducing gang violence. After the law enforcement found out that I was a key player in this, I began getting a lot of bum tickets within six months, and began getting harassed big-time.

**FC:** Are you saying there is a truce in your community?

**DF:** We don't necessarily call it a truce; we call it a "red light." That means there's a "red light" on shooting.

**FC:** What was the sentiment in the Latino community when they heard that Black gang members were calling a truce?

**DF:** We thought it was good because a lot of the Black gangbangers came on television and on the news and told the truth. They said they had been wrong in doing what they were doing... that they had been "smokin" (shooting) kids and that some of the wrong people had been dying.

**FC:** Why did you leave the gang?

**DF:** Substance abuse and alcoholism was killing me. I drank and used [dope] because I couldn't deal with my feelings after I did some of the violent acts I committed. The more I committed the violent acts, the more I had to drown out my remorse and sedate myself. I've since dedicated my life to serving at-risk youths. Now my community views me as a role model. Members of other gangs don't view me as an enemy anymore.

**FC:** What do you hope to see in your community concerning gang activity?

**DF:** I'd like to see my people be more proud of who they are. Culver City, for example, was founded 75

years ago by a white man named Harry Culver. He probably didn't do anything for the Chicano or Mexican people. He might have owned a few and had them milk his cows or plow his fields, but he didn't do anything for our people. But in 1993, a lot of 15-year-old guys are tattooing Culver City on their stomachs, their chests, and they're willing to die for that white man's last name. If that ain't lack of your own identity, I don't know what the f— is.

**FC:** Why is the killing still escalating?

**DF:** We're generational gangs out here and they've been killing each other since the '40s. They still haven't woke up to realize we're the only ones killing each other.

**FC:** Do the gang members listen to any of the voices coming out of the Black community and tailor the message to address the circumstances in your community?

**DF:** Yes. We can relate very much to what they're saying. I identify with things that are being preached by Minister Farrakhan. Ice Cube has a lot to do with the education I have.

**FC:** Would you want your sons to be part of a Latino gang?

**DF:** No. It's a miserable, demoralizing way to live.

**FC:** Do you have any regrets about your past life?

**DF:** I do a lot of gang awareness presentations and whenever I talk, it brings up a lot of bad memories. I feel totally forgiven by God for what I did wrong, but the things you do in gang life will stick with you whether you like it or not. There are guys who will boast about the evil things they've done, but when they are alone in bed at 2 o'clock in the morning and they're not on drugs or alcohol, their conscience just tears them up.

The other regret I have is that for ten years my mother watched her child turn into a stone maniac and I did a lot of insane things right in front of her. Because I chose to live that way for ten years of my life, when I did change my lifestyle she only lived five months after that. That bothers me.

**PBIP NOTE:** On May 17, 1993, 1,000 people strong, mostly students, marched in the streets of Fremont, California, calling for the name of their high school to be changed from Fremont to Cesar Chavez High School, noting that the early California conquering hero was mostly famous for the killing of Mexicans and the stealing of land. Fremont High School is predominately Chicano and the name and memory of Cesar Chavez is dearly loved there.

# Citizen's Prison Watch



## DYSFUNCTIONAL PRISON SYSTEM

by Janet Lamb

**T**HE MOST DYSFUNCTIONAL SEGMENT OF THE U.S. SOCIETY today is the prison system. The U.S. incarcerates more members of its society than any other country in the world. Statistics show that by the year 2053, one-half of the population will be living behind bars if we continue to jail 'em at the present rate. This is a country that has re-enacted the death penalty while many other countries around the world now recognize this as cruel and inhumane treatment. The disabled, the mentally ill and even the animals have their rights and laws to prevent cruel and abusive treatment. The time has arrived for this country to open its eyes and see what it is we're doing inside our prison system.

Cruel, torturous and inhumane treatment is commonly practiced behind locked doors in secret. Human Rights groups condemn the death penalty, condemn control unit prisons, as well as strip cells, black out cells, hog tying, starvation tactics and all forms of physical/emotional cruelty and all forms of torture. In many cases, it depends on *who* is making *what* decision, but there are no absolute guarantees that justice is equally served.

There can be alternatives to the legal use of violence which only creates more violence. The title *correctional officer* indicates use of corrective measures. Yet, guards too often get "kicks" out of their own brand of discipline based on personal satisfactions of power over an inmate's life-death situation born out of ignorance and lust for violence. They too often exert unnecessary force, taunt, tease, use verbal violence, physical violence, racial slurs, and operate out of control and beat inmates unconscious. Their status as correctional officers, supposedly engaged in proper disciplinary procedures, can justify their every action. Guards give shape to prisoners' action. Inmates feel under attack: worthless and demeaned. They are under constant threat to safety—injury and death, use of weapons against them—creating paralyzing fear, physical terror, panic, high stress, high anxiety and emotional strain beyond imagination. They develop a combative stance against the world, feel committed to remaining unkind, and act out their role of dangerous human beings. They are out of touch with their feelings, lose sight of identity, experience deep depression, and become trauma victims.

Inmates need opportunities to verbalize their excruciating emotional pain in a safe environment. They need support to bridge from the inside to the outside world and a chance to pick up the pieces and reassemble their lives. **THEY DO NOT NEED TO BE TREATED AS CONTINUOUS SCAPEGOATS** of society. A society is as sick as its prison system. The time for change is now to prevent further deterioration from within.

Rehabilitation of prisoners as well prohibition of guards and prison officials is essential to promote a healthy environment in which human beings can heal.

## PRISON POPULATION SETS RECORD

**T**HE JUSTICE DEPARTMENT REPORTS that inmate population at state and federal prisons reached a record 883,593 last year due to an increase in people locked up for drug-related convictions. While the total increase of 59,460 inmates in state and federal prisons represents a 7.2 percent increase over the previous year, the far smaller federal prison population grew at a much faster rate of 12.1 percent, to 80,259 inmates. State prison populations rose by 6.8 percent, to 803,334.

In 1990—the last year for which the bureau had available data—almost one-third of all new court commitments to prison were drug offenders. That was up from 11.5 percent in 1977; 1990 was the first year the number of inmates imprisoned for drug offenses—about 103,800—exceeded those in prison for property crimes—102,400. Approximately 87,200 were imprisoned for violent crimes.

Not all drug offenders are involved in violence, and release of the new data comes as Attorney General Janet Reno is expressing concern about the need to provide adequate prison space for violent criminals: "The most important problem in America today is violence, and people want those who hurt and maim and kill and brutalize put away and kept away for as long a time as they possibly can be. That's my goal."

Unfortunately, she noted, prison overcrowding can lead to the premature release of violent criminals, and has done so in her home state of Florida, where she was top prosecutor in Dade County for 15 years.

## **NO CONTROL UNIT PRISONS AT MARION, FLORENCE, PELICAN BAY, SACRAMENTO, OR ANYWHERE ELSE!**

• **THE U.S. PRISON SYSTEM**, in which the U.S. penitentiary at Marion is the ultimate, incarcerates more people and at a higher rate than any other system in the world. The imprisonment rate for Black people in the U.S. is seven times higher than the rate for white people in the U.S. and five times higher than the rate for Black people in South Africa;

• **THE U.S. PRISON SYSTEM** is the cornerstone of a racist society, just as control units are the cornerstone of a racist prison system.

• **MARION, THE "MODEL" CONTROL UNIT**, has been locked down since 1983. The men are locked in their cells for 22 hours a day, where they eat, sleep and defecate. According to a 1987 Amnesty International report, Marion violates almost every one of the United Nations' Standard Minimum Rules for the Treatment of Prisoners.

• **DESPITE CLAIMS BY THE BUREAU OF PRISONS (BOP)**, Marion does not hold "the worst of the worst." In fact, a 1984 Congressional report shows that 80% of the prisoners did not have the appropriate security rating designated for the prison. Marion does incarcerate, however, political prisoners, prisoners who participate in labor organizing, those who write "too many" lawsuits, and those pursuing their religious freedoms.

• **CONTROL UNITS MODELED ON MARION** have proliferated throughout the state prison systems. The U.S. government and the BOP are currently constructing a control unit prison in Florence, Colorado. The BOP has thus far refused to release any detailed plans for the prison, but initial statements by BOP spokespeople suggest that this will become the most brutal prison in the history of the U.S. For example, it will be the first federal prison ever built for the purpose of permanent lockdown. In addition, the prison site is located in the midst of a toxic waste site stemming in part from uranium mining.

**WE BELIEVE THAT THESE CONTROL UNIT PRISONS** are an outrage to morality and human dignity, both for those incarcerated and for those of us in whose name these terror mechanisms are being created. We reject these prisons. We will not have them built in our name. We demand that you end the lockdown at Marion and that you cease and desist with the plans for the construction of the control unit prison at Florence. We condemn control units everywhere!

For more information, contact: Committee to End the Marion Lockdown, P.O. Box 578172, Chicago, IL 60657-8172, (312) 235-0070

## **PELICAN BAY'S UNOFFICIAL POLICY?**

**"Shoot to Kill"/"Shoot to Wound" Response to Altercation Between Prisoners.**

**P** RISONERS ARE INFORMED when they arrive at Pelican Bay that the prison has a "shoot-to-kill" policy. Prison officials tell prisoners, "if you fight on the yard, we shoot to kill; if you fight in the dining area, we shoot to kill." Pelican Bay officials publicly concede that they at least have a "shoot-to-wound" policy.

In September 1990, for example, inmate Rodger Hernandez was killed by a guard shooting to break up an altercation between prisoners on the yard. Mr. Hernandez was 22 years old and due to be paroled within two months.

According to prison officials, a fight broke out on the yard, and a guard fired two warning shots from the watch tower. When prisoners failed to break up the fight, several guards shot five more rounds of live ammunition. Mr. Hernandez was killed and the fight broke up.

This extreme use of violence by Pelican Bay guards was clearly unwarranted. Other than the warning shots, no steps short of firing live ammunition into the crowd to break up the fight were taken by Pelican Bay guards.

Mr. Hernandez' death was the results of defendants' deliberate policy to control general population inmates through violence and terror. Guard presence and the use of other monitoring devices on the yard is quite limited. Inmate-on-inmate assault is a commonplace event. Inmate stabbings on the yard occur as frequently as once a month. Warning shots are heard daily.

It is Pelican Bay's policy to deliberately cultivate an environment of fear and violence on the yard.

# SHOOT FIRST, PRISON GUARD LEADER SAYS

by Peter White

**S**OME PRISON GUARDS at California's high-security jails would rather shoot inmates than break up fights between them, John Beard, an official of the California Correctional Peace Keepers Association (CCPOA), told a Sacramento audience May 8.

The comment came in a heated exchange between writer Nat Hentoff and prison guards at a conference on correctional reform. Hentoff, one of the country's foremost civil libertarians, was speaking to 300 policy-makers and peace officers in the State Capitol building.

He said prison officials tolerate too much violence inside the state's overcrowded prisons, and he blamed guards for the death of an inmate at Pelican Bay Prison last year:

"There's something wrong with some of the guards and certainly with the wardens if they get away with that [fighting]," Hentoff said.

"You break it up," shouted Beard, a 21-year veteran of Wasco State Prison near Bakersfield and president of CCPOA's Bakersfield chapter. "There's no red 'S' on our chest, mister. They've got knives. They're predators among predators."

"So it's OK to shoot them if they're fighting?" Hentoff asked. "You let them kill one another, right?"

"No, we have to take an action," Beard said.

"What do you do? You shoot 'em, right?"

"Yes," admitted Beard.

Despite an unprecedented prison-building binge throughout the 1980s and get-tough-on-crime policies that filled jails to overflowing in California, crime hasn't declined much, if at all, in the past 15 years. Most studies show violent crime rates are actually up.

In 1980, the total adult inmate population of 23,000 was housed in 12 state prisons. Today, 30,000 guards watch 110,000 inmates in 23 state prisons that were built to hold about half that number.

But at least half of California's prison inmates don't have to be there, said San Francisco State criminologist John Irwin. Irwin studied the records of newly incarcerated felons and found about half of them were doing hard time for crimes that did not involve guns, injury, rape, murder, robbery, or other serious offenses. Much of the increase in prison populations throughout California can be traced to drug-related offenses.

However, the state Legislature isn't showing much interest in alternatives to incarceration. Department of Corrections chief James Gomez said there are 138 bills currently pending in Sacramento to increase prison sentences, and none to decrease them

*Reprinted from The Bay Guardian, May 19, 1993.*

## SIMILARITIES BETWEEN PRESENT PRISON SYSTEM AND PAST NAZI HISTORY

by Jenny DeSilva for PBIP

**O**N MY TRIP THROUGH EUROPE, I met my friend Anna Cava in Paris and we toured France by train. One of our excursions took us to Caen, not far from the famous Nuremberg. Walking off the beaten path in this beautiful area, we came to a neighborhood church. Anna is an artist who is interested in stained glass windows. When we walked into this mini-cathedral, I saw a window, stunning in color and contrasts, that I'll never forget:

Before I left San Francisco, the *Pelican Bay Prison Express* (vol. 1, no. 3) had just come out with a drawing on the front page. It depicted the guards at Pelican bay in helmets and visors, crushing a prisoner against a wall. In this faraway place, I was looking at a similar scene commemorated as a memorial in 1946, of human atrocities committed in a recent era. The window had been created in 1946.

At the top of the glass display were Nazi planes spitting fire and dropping bombs; below was a skeleton wearing a swastika around its neck. The skeleton was watching a group of storm troopers pushing a battering

ram at a group of people huddled behind barbed-wire.

As I looked at this grisly reminder of man's past inhumanity to man, I told Anna that she would be shocked when she returned to the States and saw the latest edition of our newsletter. She would see how much of the past is copied by today's authorities and guards who believe they are only "doing their jobs" when they punish and beat prisoners at the request of the state. Their CDoC sponsors have trained and programmed their behavior, instincts and attitudes. They thereafter obey the CDoC only too willingly, though no longer with any moral conscience of their own. No longer do they feel responsible for their own actions. They can and do get away with brutality and even torture.

Anna replied that the new prison system is being patterned on the Nazi Movement—total domination and mind control.

The United States is using the same tactics of repression used fifty years ago to isolate, persecute and finally to eliminate "undesirables" from society. Today, the state manufactures propaganda to scare the public into follow-

ing anything the prison system wants to do with the prisoners under its control. As a highly reactionary society, we have the odd notion that the only way to protect ourselves is to give up some of our freedoms and to accept as authority "big brother knows best". We take out our frustrations and social fears against our prisoners, illegal aliens, and minorities. When taking away their basic rights, we take away our own rights also.

On to Berlin and my visit with Angela Warsitz and San Francisco American Indian Movement representative Bobby Castillo, on tour for U.S. political prisoner Leonard Peltier. The German people with whom I met were very kind and hated living with their recent Nazi past. They were doing everything they could to ensure that the recent nightmare would never surface again. They were very concerned about human rights and felt that the U.S., while acting as a great world democracy, is in fact regressing in fundamental rights for all its citizens. They believe that the only way to obtain equal rights for yourself in this country is to have the money or influence to acquire it. Otherwise, it is not guaranteed. Many people there believe that the next great world dictator will arise in the United States. The comrades in struggle there and everywhere I traveled, send us all their solidarity.

## **MEXICAN POLICIA ARRESTED FOR KILLING PRISONER FROM U.S.**

**R**OSARITO, BAJA CALIFORNIA: Pressure brought to bear on the Mexican Government by the brother of a Los Angeles man, slain in the Rosarito jail, paid off when Mexican officials confirmed the arrest of a police officer on murder charges. Joe Amado, 50, said that he is not satisfied with the arrest of just one single policeman for the killing of his kid-brother, Mario. The policeman charged— Jose Verduzco Flores, 35—had been assigned to working in the rundown jail when the death took place during the wee hours of the night.

The relentless pursuit to find out what happened to "baby brother" is what drove Big Joe. He went seeking help in the calibre of some big political guns willing to go after the local police mafia, for which the resort area is infamous. International attention has also been drawn now to Mexico's appalling overall human-rights prisoner abuse record, especially with those born "stateside."

Mario Amado, 29, was purportedly killed in a dank and windowless jail cell during what was to have been a hard-earned vacation to the seaside resort by him and his brother and friends.

Mexican authorities initially insisted that Mario had committed suicide by fashioning a noose from a pullover sweater and hanging himself from a crossbar of the cell door. To have done so, he would have needed help to perform his own hanging, which experts say, isn't as easy to do as it sounds.

One U.S. official joined Joe Amado in calling for further investigation and more arrests in the case, which was initially closed by Mexican authorities before Amado began enlisting human rights advocates, the media, and U.S. lawmakers.

## **... MEANWHILE MEXICAN PRISONERS IN CALIFORNIA NEED HELP**

**M**EANWHILE IN CALIFORNIA'S OWN PRISON SYSTEM, where close to 10,000 Mexican-born prisoners languish, charges of human rights abuses are legion. The office of the Pelican Bay Information Project (PBIP), based in San Francisco, has focused its attention on California's worst known offender of human rights abuses: the new super-max facility at Crescent City known as "Skeleton Bay."

Over a period of time, the PBIP has been flooded with complaints and cries for help emanating from this high-tech fortress. Racism, it seems, has been a motivating factor for these systematic abuses by the prison guards and has had a disgusting history. Presently 59% of the facility's prisoners are of Hispanic descent, while 392 of these prisoners are Mexican nationals. The guard workforce there is 98% white and very rabid towards other nationalities. Third world prisoners are locked up in what many people familiar with the setup there, describe as California's own version of an experimental, "ethnic cleansing" program, engineered by correctional officials under the guise of segregating "the worst of the worst."

At the urging of the PBIP and other groups, the Mexican Consulate in San Francisco on March 4th visited Pelican Bay to conduct its own investigative probe. The two-member team was limited by its jurisdiction to seeing only prisoners born in Mexico. The prison administration made available a very small number of these prisoners, stating to the delegation that many prisoners were refusing to come out and see them.

The willy-nilly compliance of the visiting functionaries was apparent at a later meeting held at the Mexican Consulate's Market Street address, at which the PBIP was present. Mexican Consulate officials had only the highest praise for the racist prison regime. We were told by a more-than-satisfied Consulate staff functionary that "no human right violations are happening at Pelican Bay." And as if to add a compliment to the now-dismissed complaints, we were further informed that, "the officials who met us at the prison, all spoke to us in perfect Spanish."

*PBIP note: When governments scratch each other's back, when they conceal from our view the business they do us in prison, and when torture is hidden within the state, who do we tell? State-sanctioned torture is on the hands that hold, strangle, and kill us off one at a time—done under color of law.*



## MAX PRISON GETS NEW WARDEN TEAM

**B**RYAN GUNN, WARDEN of a new state maximum-security prison, Calipatria, Imperial County, California, was dismissed, as was Chief Deputy Warden Myrna Rodriguez. California Department of Corrections officials said they wanted to take the prison in a "new direction."

James Gomez, CDoC Director-General said he had brought in a new team.

*NOTE: The PBIP sincerely hopes that the "new team" is not the ill-famed "extraction team" about which we've been hearing so many deplorable things. Good luck, Jim, in your new direction. Please do something about Pelican Bay. Even some of the guards working in that concentration-style camp think it needs a new direction.*

## DEATH ROW INMATE WINS RIGHT TO DIE

**T**HE U.S. DISTRICT COURT signed the official order that dismisses the legal appeal of Death Row prisoner David Mason. The court found that Mason was mentally competent to drop the challenge to his death sentence. Mason is now scheduled to die August 24 at 12:01 A.M. in San Quentin's gas chamber, where last April, Robert Harris was executed. The prison spokesman said in default of a choice by the prisoner, the method prescribed by law is lethal gas.

## DEATH PENALTY ACTION TEAM

**T**HE DEATH PENALTY ACTION TEAM will meet Monday evening, August 2, from 6 to 7:30 PM, about the execution of David Mason. The Vigil will be on August 23 at the gate of San Quentin. Call/Write for specific time and other information: 510-452-9505, 1212 Broadway, Suite 808, Oakland, CA 94612

# WHISPERINGS FROM THE BAY

### IN A LETTER RECEIVED FROM PELI- CAN BAY IN EARLY APRIL . . .

"[The] info is from my neighbor. A Mexican inmate about 30 years old, named L..., A.k.a. R..., from around the Bay Area, was found hanging in his cell (2—) at the "five count." That is two cells away from me. My neighbor said he heard some funny sounds coming from (2—) at about 4:30 am. About 15 minutes later, the First Watch Officer came by for the Count. He yelled to the gunner in the control booth, "Hanger!"

"He's hanging! He's hanging! Hit the Button!"

Then the alarm went off and the "extraction team" came. My neighbor said he heard them say "No heartbeat." There was no doctor. Just an MTA and guards. I woke up about this time. I seen them carry him by my cell. His eyes were closed."

### FROM PELICAN BAY, JUNE 16, 1993

I am an indigent inmate housed in Pelican Bay State Prison's D-SHU. I would greatly appreciate being placed on your mailing list to receive copies of *Pelican Bay Prison Express*.

I arrived at PBSP on December 14, 1989, via Folsom with a possible parole date of September 1992. Since then, my parole date has extended itself to March 1997. I've gotten four write-ups at PBSP; the last one was for possession of a "staple" which resulted in a 30-day credit loss.

Doing time isn't supposed to be a walk in the park, but this is insanely preposterous! I applaud your concerns and efforts to correct the injustices suffered in PBSP-SHU.

Respectfully,  
Larry Taa, #C-36520  
D-8-113, PO Box 7000  
Crescent City CA 95531

# U.S. EXECUTIONS

## "Scourge of the Nation"

*"It's the system, not the life of the man sentenced to death, that should be dispatched."  
—Justice Thurgood Marshall, October 17, 1990*

**LEONEL HERRERA**, 45, became the 58th prisoner executed by the state of Texas since executions were reinstated there in 1976. He died by lethal injection, proclaiming loudly his innocence. "I am innocent, innocent, innocent. Make no mistake about this. I owe society nothing," Leonel said in a final statement. Facing his final moments, he added, "I am an innocent man and something very wrong is taking place tonight." Brother Leonel's life was snuffed out by the powers that be, those that say, "You are guilty even if you're innocent."

Herrera was sentenced to die for the 1981 shooting death of Enrique Carrizales, a rookie Los Fresnos policeman who had pulled him over for speeding. Herrera's attorneys later claimed to have new evidence that his brother, Raul, who was murdered in 1984, actually killed the officer.

Texas state law requires that new claims of innocence be filed within 30 days of conviction, an almost impossible requirement to meet.

On January 25, 1993, the United States Supreme Court had issued a landmark ruling concerning the executed Mexican inmate. In *Herrera vs. Collins*, the court decided that it was *not* unconstitutional to execute an innocent man. It said that inmates may not make new claims of innocence in federal court once all other appeals have been exhausted and that state prisoners have a final recourse within their own state governor.

Well known among the Texas prisoners waiting execution is the effort of the National Movement of La Raza working on behalf of Mexican national **RICARDO ALDAPE GUERRA**, also accused of the killing of a Houston policeman in 1982. Mexico has been requesting Guerra's repatriation to his homeland where capital punishment does not exist. The U.S. has steadfastly refused.

Texas now leads the nation and world in the frequency and number of state-sanctioned homicides. Since 1976, 202 people have been executed in the United States. One-fourth of them have been at Huntsville, where a team of executioners, some posing as doctors, are rotated. For more information write NMLR 2510 Broad #200 Houston, Texas 77087.

In Chicago, April 29, 1993, hundreds of Latino students, community members, and supporters of **MANUEL SALAZAR** marched in front of the State of Illinois building demanding that Governor Jim Edgar return

Salazar to Mexico. Salazar was kidnapped from his home there eight years ago at the age of 18. He was illegally handed over to U.S. border guards by bounty hunters, in violation of the U.S.-Mexico Extradition Treaty.

Salazar is on Death Row in Pontiac, Illinois, charged with the death of a Joliet cop in 1984 and with fleeing the country. The police officer was shot with his own gun. Salazar says it happened after his car was stopped. He had been riding with Black and Latino friends. The cop chased Salazar, and beat him so badly that he was unrecognizable. His life in danger, he says, he scuffled with the cop. The cop drew his gun and it went off. Salazar's case has become a symbol in Illinois of the daily struggle youths of color face as victims of police harassment and violence. For the Defense: 164 W. 18th St. Chicago, Ill. 60608.

### EMERGENCY NOTICE FROM HOUSTON

**GARY GRAHAM, 29, HAS BEEN SCHEDULED FOR EXECUTION August 17, at Huntsville, Texas. Graham, an African American, was 17 years old when arrested in Houston and accused of shooting to death a white male in a Safeway parking lot. Attorneys from the Texas Resource Center recently forced Ann Richards, Governor of Texas, to grant Graham a 30-day stay only minutes before he was to be executed April 29th.**

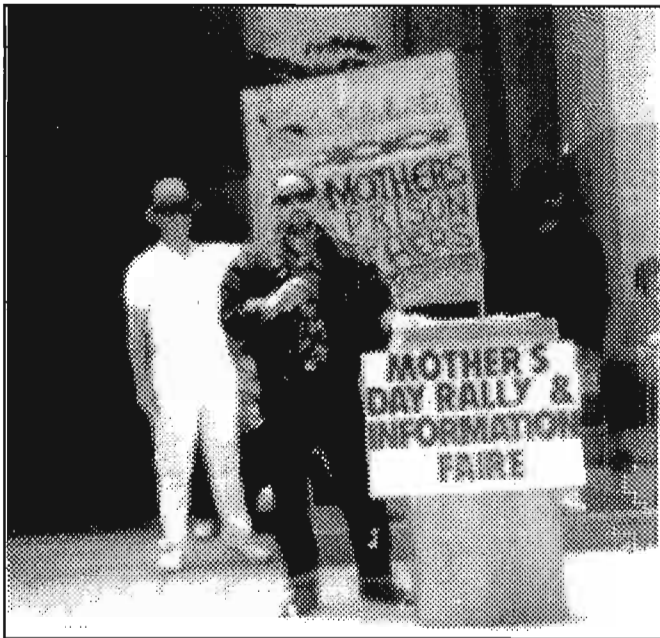
**The day before, hundreds of Graham supporters marched on the state Capitol at Austin chanting, "No Justice, No Peace!" Close to 300 determined members of the Gary Graham Justice Coalition crammed into a small room with a nervous representative of the governor and forced him to take action in seeking the stay, which was to be used to present new evidence showing that Graham was the wrong kid apprehended at the time of the shooting.**

**Solidarity with the Chicano community has been overwhelming, especially from the numerous families that have loved ones on Texas Death Row scheduled for execution.**

# ACTIVITIES

## MOTHER'S DAY RALLY

**M**OTHER'S DAY COMMEMORATION in Sacramento on May 6, 1993, drew a crowd of supporters to the state Capitol in behalf of a yearly rally for Mothers In Prison With Children and Prisoners With Mothers Outside. Numerous speakers spoke publicly to a crowd of onlookers, many of whom had traveled far to be present and share in remembering loved ones inside. Many of the speakers spoke to the issue of the battered women serving undeserved sentences who should be set free. Also addressed and vigorously defended was the continuing struggle for visiting rights, to keep visiting from being shut down by state authorities.



Ex-Prisoner and Poet, Bato Talamantez, shown with PBIP supporters Bob Wharton and Ernesto Luna holding banner. Talamantez read a poem dedicated to the uncertainties and doubtful love that exist through "doing time" between a prisoner inside and the wife left outside.

## THE PBIP GETS LITERARY

**T**HE PELICAN BAY INFORMATION PROJECT got seriously literary last April 22nd with a presentation of prison-based writings at San Francisco's Modern Times Bookstore. Featured on the agenda rubriced "Prison Pen" was Michael Snedeker, who brought his new novel *Down In The Valley* (Clear Glass, 1992) to the literary feast. *Down In the Valley* is loosely based on Snedeker's remembrances of the early

days of the Prisoners Rights Union, of which he was a founding member. Also on the podium was PBIP coordinator Luis Talamantez and investigative poet John Ross. Both honored Pelican Bay inmate Hugo Pinell with their work.

Attendance at San Francisco spoken word performances has been soaring and "Prison Pen" proved no exception. Some 40 literary buffs enlivened the ambiance with penetrating questions and Snedeker sold a number of books.

All of this, of course, is small potatoes compared to the famous authors at Pelican Bay. Kody Scott (D-O7829) is on the charts with *Monster* (Atlantic Monthly Press), the hottest item at last October's Frankfort Bookfair. *Monster* has reportedly netted its author a six-figure advance and an excerpt was recently published in *Esquire*. Movie rights are being hawked by the *Monster's* Los Angeles agents.

I tell you, it's time to pick up the pen.

—JOHN ROSS

The Union of the Civil Dead surprised everyone by their snowballing success in organizing the men of the infamous Lagrimas State Prison. Lieutenant Sanchez hatches a brutal scheme to destroy the Union and its founders—a handful of convicts and ex-cons, a wizened old jailhouse lawyer called the Fly, and their unflagging counsel Teresa Suchil. A story about trust and danger inside, and about the pleasures and pains of risky living.

*Down In The Valley* by Michael Snedeker  
\$10.00 each

Postage and handling is \$1.50 for first book, \$.50 for each book thereafter. Make checks and money orders payable to Clear Glass Publications and mail to 1752 S.E. Hawthorne Blvd., Portland, OR 97214. Bulk orders may be purchased from: BOOKPEOPLE, 7900 Edgewater Dr., Oakland, California 94621, or call 1-800-999-4650.



L to R: Journalist John Ross, author Michael Snedeker and Luis Talamantez



**Pelican Bay Visitors in Solidarity:**  
Matthew, Shane, Luis, Kathleen, Dinna, May 1993

## PRISON LIFE MAGAZINE INTERVIEW WITH HUGO PINELL

by Kathleen Vasilakos

**O**N APRIL 29, 1993, *PRISON LIFE* MAGAZINE sent Matthew Bright and myself to Pelican Bay State Prison. Our assignment was to interview Hugo Pinell, incarcerated for 30 consecutive years and last of the San Quentin Six to remain in custody.

I would like to take this opportunity to thank Hugo for a wonderful and successful interview. Having spent some time in the system myself, nothing came close to the years of isolation spent by Mr. Pinell. I am not so sure I would be as "together" as I found him to be. Spiritually, physically, and mentally, Hugo is a person whose humanitarian essence will remain undaunted because he has discovered the secret to being. His body remains inside the gray walls, in the pit of hell. Yet his spirit is free. One of the things that keeps him going, he explained solemnly, are the people that care about him, his loved ones, his family and comrades. Some of these people have passed on to the next world, yet the love and solidarity remain. Some first touched his life in prison; yet others were drawn by circumstances. It doesn't really matter how they came into his life. What matters is that the walls were penetrable. Again Hugo, I thank you for allowing me the opportunity to know you.

The article on Hugo is scheduled for the November issue of *Prison Life* magazine. For those of you who haven't heard of *Prison Life*, we are a national magazine based in New York. Our audience, geared originally towards the prison population, has successfully reached a much larger interest, including correctional officers, judges, attorneys, and many others. The magazine offers stories from the inside and a chance to speak your mind.

If you would like more information about the magazine, please write to:

*Prison Life* magazine, 28 West 25th St., 7th Floor, Dept. 76, New York, NY 10010.

## SUCCESSFUL SYMPOSIUM IN SACRAMENTO

**M**ORE THAN 200 PEOPLE went to Sacramento to attend the May 1st kickoff event for Prison Awareness Month, sponsored by the Criminal Justice Consortium. Prisoner Rights Advocates, service providers and the interested public listened to speeches and workshops focusing on the "Costs of Confinement."

Wilson Riles Jr. gave the fiery and informative keynote address. He advised citizens to look at the budget and money trail to understand a society's priorities. Mr. Riles, regional director of AFSC, said that the Criminal Justice Industrial Complex has been built on the creation of a myth that social problems can be solved by a direct attack on citizens. In the past 10 years, the Department of Correction's budget grew at eight percent per year; \$4.3 billion was spent over the last 15 years on prison construction, giving California the largest prison system in the world. In this era of diminishing public spending, more prison guards have been added to the public payroll (22,000) than all other state employees combined (19,000). Guards' salaries start at \$38,000 a year, while teachers begin at \$26,000. Workshops included topics on Alternatives to Incarceration, Medical Care and Pelican Bay State Prison. The PBIP banner hung proudly in the meeting hall and attracted a lot of interest and discussion.



**Jimmy Johnson of PBIP speaking of his experience of torture at the hands of the CDoC.**

**L to R: Dr. Maisonette (FCI Dublin), Dr. Goldenson (S. F. County Jail), and Jimmy Johnson.**

## INDIGENOUS PRISONERS

**I**NTERNATIONAL INDIAN TREATY COUNCIL is asking indigenous prisoners to get in touch. Write to:

Indigenous Prisoners Rights Project  
International Indian Treaty Council  
123 Townsend St., Suite 575  
San Francisco, CA 94107-1907

# LETTERS

## LETTER TO PELICAN BAY STATE PRISON WARDEN REGARDING GED COURSES FOR SHU PRISONERS

Dear Warden Charles D. Marshall:

This letter is written on behalf of the many Pelican Bay State Prison Security Housing Unit prisoners that have requested the GED Coursework. Although correspondence courses for SHU prisoners have been approved, this course isn't available for them through the mail because a test must be given by a California State representative upon completion of the course.

As this course and the test are provided for prisoners on the mainline, why isn't it possible for the SHU prisoners to check out GED books from the library? Once the books have been checked out, the prisoners can study in their cells on their own. These men are in their cells 22.5 hours a day and this course of study would benefit the prison guards as well as the prisoners. If the prisoners had something to occupy their time, they wouldn't require so much of the guards' attention.

The prisoners could apply to take the GED test, and specific times could be set up for a teacher to give the test. The SHU prisoners have access to the law library every two weeks and to the locked individual visiting cubicles. Visiting is only allowed on Saturday and Sunday, so it should be possible to arrange for the GED test to be taken on a quarterly basis.

According to *The Commission on Accreditation for Corrections*, (#C2-4231):

"The academic and vocational education programs are licensed or approved by the State Department of Education or a recognized Accreditation Association. Programs up to the completion of high school and/or GED are available at no cost to inmates (#C2-4423)".

The Commission further states in #C2-4110:

"Written policy and procedure provide that inmates in administrative segregation and protective custody have access to programs and services that include, but are not limited to, the following: educational services, commissary services, library services, social services, counseling services, religious guidance and recreational pro-

grams (2-4233)."

A representative of the Educational Institute in Washington DC says the high school drop-out rate correlates with the prison population. The less education a prisoner has, the more likely he is to return to prison once released. The high school drop-out rate in California is 33.9%. The California prison population is now 113,000. California has the highest crime rate, violence rate, prison population, and the longest prison sentences. Prisoners are returned directly to the streets from SHU and are totally unprepared to become part of society.

We request that you help prisoners begin their academic studies by providing the GED program. By allowing the GED program to become available to SHU inmates, you will help keep these prisoners from returning to prison upon their release.

The cost to taxpayers for warehousing each SHU prisoner is \$24,000 annually. This warehousing of prisoners doesn't benefit society or the prisoner. Because of the isolation and idleness SHU prisoners are released more hostile and unprepared to succeed than they were when admitted to the prison.

Education will be a long-term benefit that will help prisoners adjust when released and help them to get a job. This will benefit everyone involved.

We are sure you will agree with us on this matter, and we anticipate your reply.

Sincerely,  
Jenny DeSilva  
Anne Flickenger

## LETTER TO THE PBIP FROM THE CDoC, JUNE 18, 1993

Pelican Bay Information Project:

This is in response to your recent letter addressed to Senator Barbara Boxer. Your letter was referred to the California Department of Corrections for reply. In your letter you expressed

concerns regarding alleged staff misconduct at the PBSP and other prisons in California.

Specifically, you enclosed a copy of a letter from Inmate Vincent Gutierrez, H-35238, alleging lack of access to a medical diet at PBSP. You have also enclosed a copy of your newsletter, *Pelican Bay Prison Express*, which alleges staff misconduct in various forms at PBSP.

Pursuant to the California Code of Regulations (CCR), Sections 3084.1(a), *any inmate* under the Department's jurisdiction may appeal any departmental decision, action, condition, or policy *perceived by the individual* as adversely affecting his/her welfare. However, the complaint **must be initiated by inmate** through the established inmate appeals process, CDC Form 602.

In regards to Inmate Gutierrez's concerns, in contacting PBSP's Inmate appeals' staff, records indicated Inmate Gutierrez has filed an appeal regarding his issue of concern. Log No. PBSP-93-3547 was denied at the first level of response on May 27, 1993, and as of June 14, 1993, this appeal has not been submitted for second level review.

Additionally, CCR 3084.1(d) states that no reprisals are to be taken against any inmate or parolee for filing an appeal. Therefore, if an inmate needs assistance in filing appeal, that inmate should contact their correctional counselor or PBSP's Inmate Appeals Coordinator. **The Director's Office becomes involved only if and when the issues of concern reach the third level of review.**

We thank you for your interest and input into this matter.

Sincerely,  
Steve Crawford, Program Administrator  
Institution Services Unit  
Department of Corrections  
PO Box 942883  
Sacramento, CA 94283-0001

**PRISON PROJECT LANDS ON DEAF EARS**, "Editor's Notebook," by John Pritchett, Ed., *The Triplicate*, Wednesday, June 30, 1993

IT SHOULDN'T SURPRISE ANYBODY that Pelican Bay State Prison is filled with bad people. Some charge there is torture, corruption and brutality. And who is committing these sins? Why, the correctional officers and prison staff, some would have us believe.

A group calling itself the Pelican Bay Infor-

mation Project, along with a publication called the "Pelican Bay Prison Express," is trying to rally support for changes in the prison, specifically for the closure of the Security Housing Unit.

"The Pelican Bay Information Project works to monitor the situation at Pelican Bay and to educate the community about conditions there," according to a forward written in the newsletter. "Our four goals are: 1. An end to the human rights abuses in the Pelican Bay SHU; 2. An end to the use of long-term solitary confinement in California prisons; 3. Rehabilitation of prisoners held in the SHU as survivors of torture; 4. The closing of Pelican Bay SHU."

The newsletter also features a cartoon of prison guards abusing a prisoner, a list of rules for convicts (No. 12—The convict is required by the warden and his staff to always be ignorant and worthless, not capable of doing anything right), and even an interview with a recently released prisoner from Pelican Bay, who tells of his woes.

I read through the *Pelican Bay Prison Express*. One thought crossed my mind.

"Are these people serious?"

Do the members of the Pelican Bay Information Project really expect to generate sympathy for those inmates incarcerated? Do people really fall for this bleeding-heart diatribe?

Now don't get me wrong—I am not some right-wing Rush Limbaugh loving skinhead racist. But after plowing through this much, it's easy to understand why I might want to become one.

For example:

"Slowly the audience began to understand the magnitude of the human rights abuses happening under color of law at (Pelican Bay) as they gained some insights into who the real 'criminals' are," someone wrote in describing a PBIP meeting.

In an interview with an unnamed former inmate, eight guards were described "stomping some Puerto Rican brother. You know how they do it—calling themselves 'restraining' him." The inmate later complained because the state hadn't supplied him with a halfway house, some place he could go while he looked for work." I'm sorry, but about the best sympathy I can work up for this guy is "Too damn bad."

The gist of the *Pelican Bay Prison Express*, and from other inmate produced materials and letters, is always the same. "It's not my fault I'm in prison," they say. They always blame society, or the system, or something, anything but them.

Someplace along the line a person has to take

responsibility for his or her own life. If a person robs, steals, drives drunk and runs over somebody, sells drugs, rapes a woman or small child, kills somebody, whatever, that was their choice. Don't try to tell me that it is society's fault. I see a hundred people on the street every day and we manage to not break the law, at least not severely enough or repeatedly enough to be sent to Pelican Bay.

In regards to prison guards: Yeah, there may be some tough officers in there. There may be even a few that cross the line. But I'm, willing to wager that almost all are pretty normal men and women, who really only want the same thing the inmates want—to go home safe. The difference, of course, is the correctional officers are there because they were hired to do a job. Inmates are [there] because they severely broke the law.

The bottom line: Don't try to tell me how awful it is for the inmates at Pelican Bay State Prison. Don't tell me how terrible the correctional officers are. Don't tell me the SHU should be closed down because it's so cruel. Because in the entire *Pelican Bay Prison Express* newsletter, all 14 pages of it, not once does it say anything about helping real victims of crime. Their pleas for consideration mean a lot more to the public than those from the pretend victims in Pelican Bay.

### STOP CODDLING INMATES

March 26, 1993, *The Triplicate*, Crescent City

I get fairly heated over a number of things happening in our county, but Mike Wallace coming here to fawn over the no-goods released from prison really lit my fire.

So the bad boys don't like Pelican Bay Prison—does that tell us something? Like perhaps we should have a lot more prisons just like it. Maybe then they will go peddle their mischief in another state.

If the Department of Corrections would stop coddling these guys perhaps they would be more careful about where they practice their craft. Why should our tax dollars go into televisions, VCRs, and gym equipment? They are supposed to be punished for their crimes, not to be in a resort.

Pick up your pen and start writing to the people you've elected. Let them know you are sick and tired of the way prisoners are coddled in resort prisons. And if they are not at Pelican Bay, hurray for our side.

## PRISON MARRIAGES

### CONGRATULATIONS TO PELICAN BAY SHU'S FIRST PRISON MARRIAGES

On Feb. 24th 1993, Alex and Erika Juarez took their marriage vows

On May 8th, 1993, Braulio and Lara Castellanos took their marriage vows.

The PBIP would like to extend our best wishes for the newly wedded. Our future hopes ride with you, and your commitment to share with one another, a new and better beginning for life. And for freedom. We'd like to see that 'new beginning,' begin upon saying "I do." From where you are today, to where you'll be in some tomorrow, when you're truly free.

—Your friends in struggle, the PBIP

FROM A LETTER WRITTEN TO US 5/17/93 by Braulio, who was instrumental in winning this victory:

"... I got married. It was a pretty good ceremony. I was able to have my brother and my celly as my "best man." And my two kids were also present. Since I wasn't able to put the ring on the bride, my daughter did it for me. It was a lot more than I expected. Members of my family helped her celebrate. Friends and family made it real special..."

MARRIAGES ARE NOW ALLOWED AT PELICAN BAY SHU UNDER THE OPERATIONS MANUAL SECTION 53010:

#### A. Basic Requirements:

1. The prospective bride and groom must be of the opposite sex. (Bride must supply copy of birth certificate.)
2. Both must be at least 18 years of age.
3. Bride must be on the inmate's approved visitor list.
4. Blood test fee 'hold' on the inmates trust account (\$11.50).

**NOTE:** Numerous pages of the operations manual are available under Marriage Procedures. We advise that anyone going this departmental arduous route, **to study the material** carefully. For more information send self-addressed stamped envelope to:

Pelican Bay Legal Services  
c/o Marriage Info  
General Delivery  
San Quentin, CA 94964

Thank you for your support

STAMP



**NEXT ISSUE:**

- *The Madrid v. Gomez* civil rights trial
- Colorado State Prison at Florence

## Pelican Bay Information Project



THE PELICAN BAY INFORMATION PROJECT is an independent citizens group that was formed during 1991 in response to prisoners' complaints about Pelican Bay State Prison. The group is made up of family members and visitors of prisoners, ex-prisoners, human rights advocates, and lawyers. We have sponsored two investigative visits to Crescent City and Pelican Bay State Prison (PBSP), which included more than 100 in-depth interviews with prisoners and visitors. Those site visits, our continuing communications with Pelican Bay prisoners, and our long collective experience with the California Department of Corrections provide the basis of for our knowledge about the harsh realities of life at PBSP and its torturous Security Housing Unit (SHU).

The PBIP works to monitor the situation at Pelican Bay and to educate the community about conditions there. Our four goals are:

1. An end to the human rights abuses in the Pelican Bay SHU
2. An end to the use of long-term solitary confinement in California prisons
3. Rehabilitation of prisoners held in the SHU as survivors of torture
4. The closing of the Pelican Bay SHU.

## PELICAN BAY PRISON EXPRESS

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## Adopt a Prisoner Educational Program

**R**EWARD YOURSELF by being a sponsor for an indigent Pelican Bay SHU prisoner. Be part of assisting prisoners to educate and better themselves by sending them paperback books and articles and by sharing insights. If you choose to send educational materials anonymously, you may do this through the Pelican Bay Information Project Adopt a Prisoner Program. Each edition of the *Pelican Bay Prison Express* will feature a particular prisoner's words or other material sent from within the SHU. To get involved or for more information, write:

ADOPT-A-PRISONER, c/o PBIP  
2489 Mission St. #28  
San Francisco, CA 94110

**THIS MONTH'S CHOICE IS:**  
**Ruben Castellon, #E-27138, SHU D-10-106**  
**Box 7500, Crescent City 95532**

*"It is my strong belief that an avenue is needed for prisoners so that when they're finally released from these confinements, they will have a better and basic understanding on what it will take to further themselves socially and economically. We should all hope that in society supporting rehabilitation, we can generate an on-going fight for prisoner reform and increased opportunities for prisoners, and their families. Let's not give up hope."*

—Ruben Castellon