



25¢ OUTSIDE

VOL. 1 - NO. 3

THE CALIFORNIA PRISONERS UNION — SERVING THE CONVICTED CLASS AND FRIENDS

AUG.-SEPT., 1971

CPU Press Conference on San Quentin Guard Murder

On Tuesday, July 27th, The CPU, represented by Chairman Ernie Harris, Editor J. Douglas Halford and Treasurer John Irwin called a press conference at 10 a.m. at the Glide Memorial Church in San Francisco. What follows is the press release:

Last Wednesday, July 21, 1971, correctional officer Leo Davis, was killed in San Quentin. This is the latest act of violence in an escalating confrontation between prisoners and prison staff. In the last 19 months the casualty list now reads 5 guards and 11 convicts dead.

A vast majority of the killings between prisoners and staff are a direct result of incredible oppression against prisoners, and a refusal on the part of prison administrators to permit prisoners legal recourse to combat the many crimes committed against them in the name of rehabilitation. It is a long recognized fact that as long as prisoners are denied legal recourse, they will feel compelled to rise up with knives in order to effect a semblance of justice.

Immediately after the slaying of officer Davis, Associate Warden James Park in an emotionally charged and libelous statement to the press, attempted to place a major part of the blame on so-called "radical attorneys." We of the California Prisoners Union wish to emphasize that this is a libelous ploy on the part of prison administrators to cover up for their mismanagement, their inhumanity and their violence.

The problem is not external attorneys, rather it is internal prison officials treating prisoners as less than human. The evidence of mis-

management and blatant inhumanity against prisoners in California prisons is well documented. But currently it is best demonstrated in the non-violent hunger strike of some 40 prisoners in K wing at Deuel Vocational Institution, a medium security prison near Tracy, California. The prisoners are on strike because they are imprisoned in K wing segregation for "institutional convenience," a term used by prison officials to justify punishing "political" type prisoners. The men in K wing have not been found guilty of violating institutional rules (even by the kangaroo-court type prison disciplinary procedures) and the conditions of their incarceration include no lights in cells, cold food, no exercise, no medical treatment and no radio. They are periodically tear gassed and the prison has not had a psychi-

atrists in 7 years. Even by a punishment criteria, this is cruel and unusual punishment.

We feel further proof of prison staff treating prisoners as less than human is reflected in the statement associate warden Park made to the press: "The irony of this is that officer Davis lost his life protecting an inmate..." The intimation is that a guards' life is more valuable than a prisoners' life. We think all life is valuable. . . Park, obviously does not.

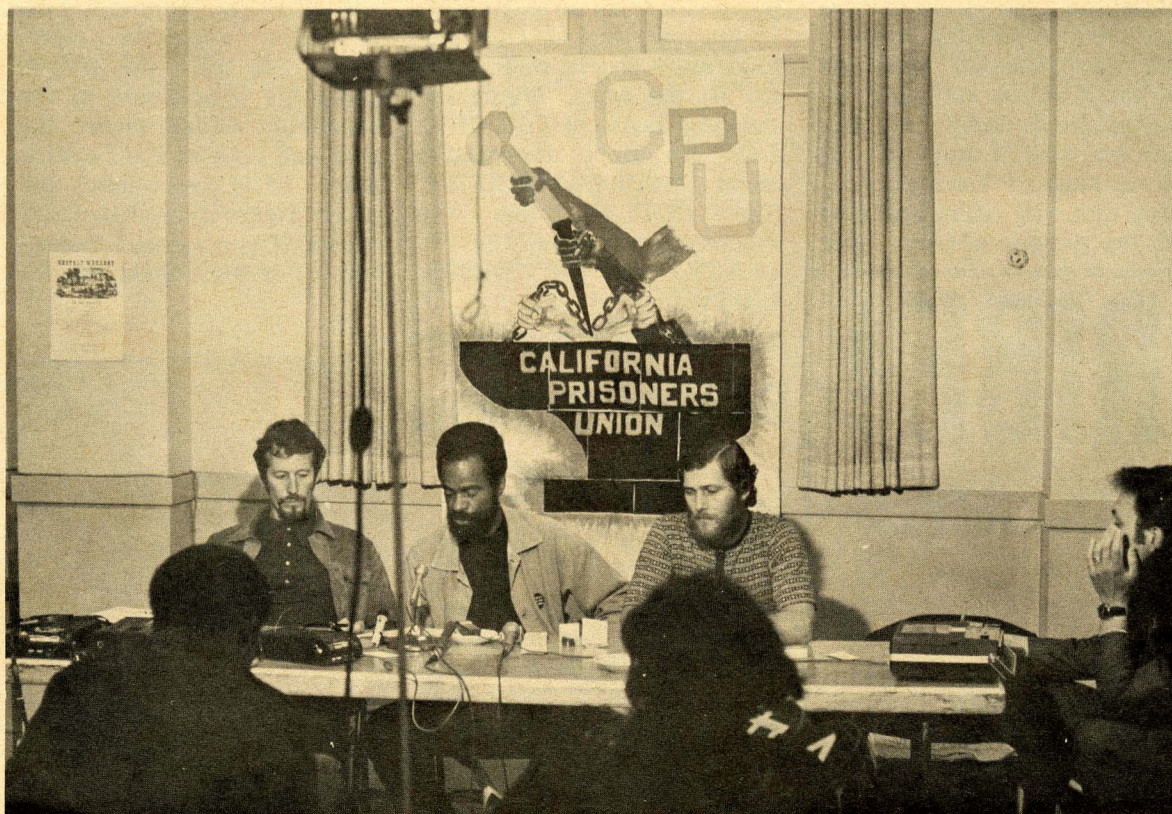
The attorneys that Park's alluded to, are a small handful of dedicated and conscientious people who make absolutely no money attempting to provide justice and relief for indigent prisoners. For the prisoners seeking

redress have no money. And none of the attorneys in question own swimming pools. If anything, these very attorneys whom Parks libelously accuses of murder, have been instrumental in reducing pressures and tensions in prison by giving the prisoners the possibility of non-violent redress through the courts. But the legal relief that they afford prisoners is limited as their numbers are small, and the legal apparatus of the State which they take on in courts across California is large and powerful. But the California Department of Corrections keeps rolling on, caging men and oppressing them as animals. And when these oppressive techniques fail, they seek to place the blame on somebody else for their brutality and mismanagement. It would do the people well if they would more closely scrutinize the

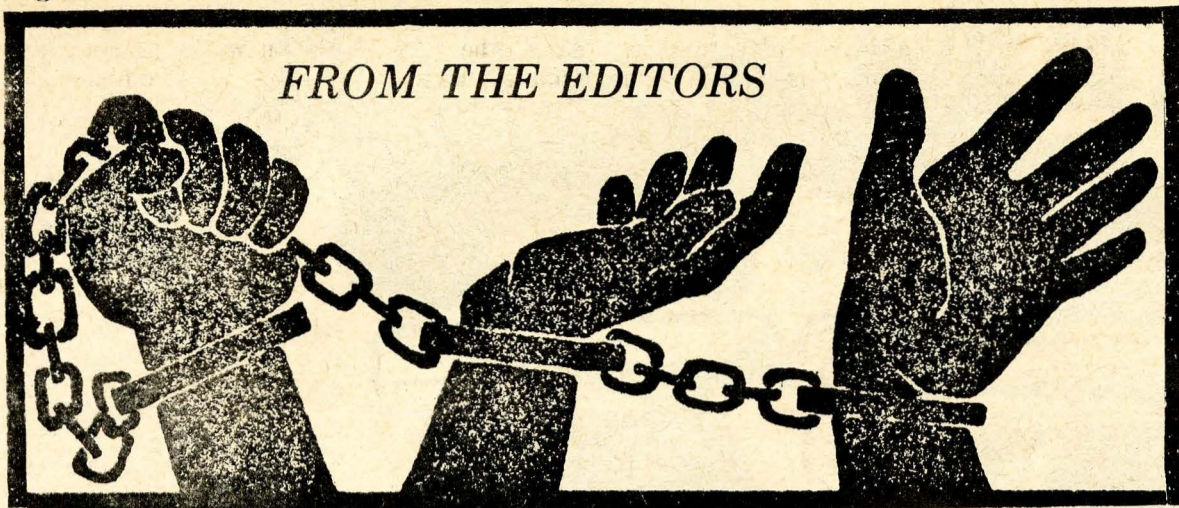
prison system and see exactly what is being done with their \$125 million tax dollars. Rehabilitation is not punishment and manipulation, and real rehabilitation would not continue to incite insurrections, strikes and murders.

And as for associate warden Park maintaining that attorneys are in part responsible for the murder of officer Davis, that is the big lie technique used by Adolf Hitler: turn around the truth. For the facts are that Herman Earl Johnson, the inmate informer, whom officer Davis was killed attempting to protect, admitted on the witness stand in Monterey, that he was threatened by prison officials at Soledad with bodily harm if he did not testify against the Soledad Three (defendants in the murder case of officer Shull— which by the way was dismissed the District Attorney for complete lack of evidence). After Johnson's admission of perjury and coercion, he was transferred to San Quentin, where by the warden's own admission, he feared for his life. In spite of this the prison officials permitted informer Johnson to walk the "yard" where an attempt was made to kill him. Why did the prison authorities permit informer Johnson (whose life was in apparent jeopardy — as an informer is hated by all convicts) to walk the San Quentin yard unprotected, if the prison officials themselves did not wish Johnson harmed for "botching" the state's case against the Soledad Three? Either we conclude that the prison officials actually wanted Johnson dead, or it is typically a case of bureaucratic incompetence. We will leave that for you, the press, to decide.

(see "The Struggle at San Quentin," page 14)



SUPPORT THE SOLEDAD BROTHERS! TRIAL STARTS AUGUST 9, 1971 — S.F. SUPERIOR COURT



CONVICT UNITY

EDITOR'S NOTE: We are reprinting the July 1968 issue of the San Quentin OUTLAW. It is a call for unity which for realism and eloquence surpasses anything we could say. Unity is a prerequisite to unionization. Dig it. As you will recall, the authorities broke up this now famous attempt to bring together all factions of the Convicted Class. Let us attempt to do it again. Regardless of our differences, the differences we have with the CDC and the AA are so much greater. Let us come together. Now.

THE OUTLAW
San Quentin Press
July 1, 1968

**THE RED-NECKED
BUSHBEATER
IS BEAT AGAIN**

At last the muckrakers who publish the OUTLAW have been apprehended and sent away. Never again will that subversive rag disturb the stagnant placidity of San Quentin. But what's this?? THE OUTLAW!!! Better luck next time Red. (Convicts' nickname for San Quentin warden Louis Nelson.) How many bum beefs does that make now??? About 27. Give it up Red, or tell us where it's at. Don't you realize you've got 4,000 of us?!!!!

* * * * *

Earlier in this century, men striking against slavery sang a song with the follow-

ing chorus: "Which side are you on, boys, which side are you on?" Seems like we ought to be singing that song today. Some of us cons don't seem to know what side we're on. We're obsessed with near-sighted disputes based on race, ideology, group identity, and so on. We expend our energies despising and distrusting each other. All of this is helping the CDC. We permit them to keep us at each others throats. A handful of us are calling for UNITY. This is for a purpose. We want to crush this empire that has been erected on our suffering. We call for 4,000 united convicts. Wake up!!! put your prejudices, biases, and class distinctions aside for the purposes of our fight with the CDC. YES! The time has once again come to speak of UNITY. Not partial UNITY. Not meaningless nor aimless UNITY, but whole and purposeful UNITY. A UNITY that includes every man wearing blue denim, a UNITY that includes every man who is aware of the need to overthrow the CDC if we are to ever again be dealt with as men and not as chattel. UNITY that can show the free world that we are reasonable in spite of the unreasonable response of the CDC to our plea for relief from their evil excesses. UNITY that will rally to us support from the outside that will carry our plea to the proper places. Our

outside support will publicly embarrass the CDC and the AA. They will carry the main force of our cause. They will set the stage for us. BUT the stage is set for us as REASONABLE CONVICTS. The stage is NOT set for MADDOG CONVICTS. We will lose everything if we play into the CDC's hands and let them move us into a riot situation. DON'T let BIG RED WIN at this point in the game!! All he needs is a riot situation. DON'T let a riot or fire or any disturbance allow his bully hand to fall. We're not afraid of him. BUT we lose our whole fight when we fight with his pig tools. So let's loosen up the atmosphere in here. Don't let the pigs harrass you into a bad move. Play the shit for them. Don't be so critical of the other races . . . Let's Get It Together for a while. By getting it together we can get the CDC. So Wake Up!!! The CDC is the enemy, NOT some other convict. Hang In!!! We are going to have our UNITY DAY in AUGUST. It will be our final move on the CDC, it will be the CONVICT'S REASONABLE requests for an investigation by the legislators. Our outside support will be backing us all the way! Watch for the next issue of THE OUTLAW for more information about UNITY DAY AUGUST. The OUTLAW has the righteous drawings!! UNITY, BLACK, BROWN, WHITE, UNITY!!!

The Committee Meets the CDC

The California Department of Corrections represented by Director Raymond Proconier, Bertrum Griggs of C.I.M., Virginia Carlson of C.I.W., Abe Chavez of CRC and spokesman Victor Bluestein met with an interested group of citizens which calls itself "The Committee." The 1st Unitarian Church, the Mothers of Watts, the California Prisoners Union and approximately 50 persons from the community were present July 15, in Los Angeles.

The objectives and purposes of "The Committee": "We are a group of concerned community people who have come together in an attempt to alleviate or end the many injustices that people are currently enduring in the California State Penal System. We recognize that the people in the prisons are not in the best positions to obtain any meaningful redress to the conditions presently existing with the institutions. What we desire is: to obtain free access to the various California institutions, to investigate complaints, to attempt to keep minor problems from developing into riotous proportions, to assist families of people incarcerated with problems they possess and, to create an impartial body that con-

victs and their families can always apply to for a just resolution of their problems. In order to accomplish this, we need the total support of the Director, wardens and superintendent of various California Penal System Institutions.

In response to these objectives, Director Proconier agreed that 3 party representative groups be established and make themselves available to each institution on an individual basis. But, he continued, the Committee cannot be accepted in whole or as a 15 member body — it is too large a body to deal with and is basically unknown. It was suggested by the Department of Corrections that the individual 3 member committees develop a working relationship with the administrators at each institution, although these groups will not be allowed to do any investigating, although these investigating, will not be allowed to sit in on disciplinary hearings, classification, transfers or any administrative procedures. In other words, just hang around until the warden wants to see you. Proconier's response to the Committee is typical of a bureaucrat: create the committees and give them nothing meaningful to do.

CONVICTS SUBSCRIBE!

The two checks that are reproduced below are from convicts. We are asking that all convicts in the state of California subscribe to the ANVIL. The paper is the convict's alternate viewpoint. It tells the people about the oppression of the Convicted Class under the boot and claw of the Department of Corrections, the Adult Authority and the California Correctional Industries. If all subscribe, the

board cannot hold it against you. You are already in jail, so what can they do to you? The quest of the CPU to unionize all prisoners so that we can, at long last, get justice is not illegal. It is an inherent right. Support the CPU! Subscribe to the ANVIL. It's your thing. Get it together. Lowriders and writwriters Unite! Subscribe to the ANVIL. If you don't have the money, send us your name, address and we'll send it to you until you can get it together. Do it Now!

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Soledad Brothers Demand Trial By Peers

John Cluchette, Fleeta Drumgo and George Jackson, accused of murdering a prison guard at Soledad last year, have demanded a trial by a jury of their peers — other prisoners. Right on! The U.S. Constitution says all men shall be tried before a jury of their peers. Peers means people from the same background and economic status. We can relate to that. Let us see if the courts can relate to it.

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Parole as a Continuation of Prison

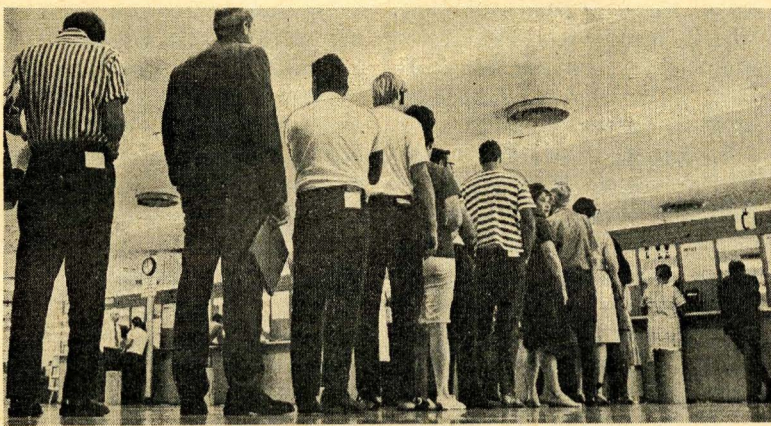
By J. Douglas Halford

In prison we find ourselves forced to fight at two fronts. This is something no army can do successfully, yet something the prison administrators require of us all the years we are incarcerated. The first front we fight is that of physical-psychological survival in the excruciating subculture known as the prison mainline and the prison program. This subculture the administrators continue to ignore or tolerate as the infighting among prisoners pits us against one another and serves to discourage prisoner organization and unity against the concerted oppression of the administrators in their quest to maintain maximum law and order.

On the prison mainline lives a composite of revolutionaries, religious fanatics, psychopaths and sociopaths. We are compelled each day of our prison lives to interact with these men. We cannot avoid them. They cannot avoid us. We eat with them, pass them on the way to our work assignments, deal with them in compulsory group therapy sessions and sometimes are even required to share a cell with them. Most probably we are one of them.

The prison subculture compels us to be men, or be ripped off. We must all carry super-convict facades. We cannot be sensitive or it will be construed as weakness. We cannot be deeply loving or seriously inclined to books or this will be seen as a demonstration of latent homosexuality. In short, we can only be strong, hard, convicts playing out the cruel/insane games of prison which are absolute prerequisites for respect and survival in the prison world.

The other front we fight is that of the innocuous surface conformity that the Adult Authority/Dept. of Corrections Axis requires of us before we are seriously eligible for parole to the outside world. In this fight of fights, we cannot display indignation or outrage although incidents are daily created by staff to incite just such a response from us. We cannot protest, without fear of penalty, the multifarious indignities leveled against us. Instead we must submit and view the State as the omnipresent Oracle that sees all, knows all and approves all things. We cannot seriously question our job assignments, our emotions, our country, or our cruel overseers and their perversions. So, in order to win an early release from this legal torture, we conform on the surface when inside we are seething like



Persons line up for unemployment checks.

volcanos. We get our game of surface conformity down so well that we dupe the Adult Authority and we win a parole, and then we take that insidious conformist facade that weathered us through the fires of prison and we begin to utilize it as a vehicle to win our freedom on parole. But it doesn't work. For we fail to understand that prison perpetuates the belief that we can only survive in prison. And so, the tools of victory in prison become the stumbling blocks of defeat on parole.

And yet some of the qualities (personal courage and perserverance) that enabled us to succeed on both war fronts in prison can free us from the oppression of parole, or some of the qualities we used in prison (gaming, lying, ripping off) can glue us to the cycle of prison and parole for the rest of our lives. It is of vital importance that we recognize what has been done to our heads and hearts while in prison. We must first recognize that most of the things we learned out of necessity in prison are oftentimes the very things that, on parole, will return us back to the inferno of prison life. We must come to realize that the jive/lie/conformist games we perfected to win our freedom from prison will make us lose our freedom on parole. We must begin to see our prison behavior as dehumanizing behavior that is unfit for us on parole. For these are the games of capitalism and prison. They are not conducive to meaningful interaction with our brothers and sisters on the outside. If we truly seek to be more than prison life has made us, then we must dump these games. Prison subculture games are designed to keep your body and spirit in the corrections Book of the Dead.

In order to successfully complete the transition from prison to parole to freedom, requires change. Change means sacrifice and we tend to feel that after prison we have sacrificed too much and we mistakenly see parole as a respite from prison and not as a continuation of prison requiring from us

even greater sacrifices and struggle. So on parole, unlike prison, we get loose. We think just because no one on the streets seeks to rip off our body or our canteen that we do not need the constant vigilance and paranoia that we required in prison.

Nothing could be further from the truth: parole is hard work. It is not a respite from prison but rather a cruel continuation of it. And the level of struggle and sacrifice is intensified. But we must be on guard not to take the savage connotations of struggle inside prison outside to parole. The competition and requisites are demanding but not savage.

We are completely unrealistic about parole. For instance, if, while in prison we are fortunate enough to master a trade, we immediately tend to dismiss the task of securing a job as not a serious hurdle. And while that may have been realistic several years ago, it is unrealistic today. Inflation is prevalent in the land and millions of people are unemployed. Even educated white people cannot get work. So, your quest for employment is a serious task to be reckoned with in earnest.

On parole we have new worlds, new laws, new words, new rulers, new tactics, new games and new vibrations to take in account and deal with. No longer are you bogarted so closely and physically into conforming and working. But you are still being watched as you move down the "brick mainline." They are still guaging your behavior with their "acceptability" yardstick and they are still penalizing you for "misconduct." They have even more guns, loaded and ready to be used against you if you move the wrong way. For parole is even a more ludicrous carnival than prison. There are more payers and players. There are more smiles, more sex, a greater availability of drugs and alcohol. In short, more accessible temptations to lure you into a new felony, or a technical parole violation. Remember that for years upon years we have been deprived of serious decision making, of free-

dom and then suddenly we are thrust out and told to make the right decisions, choose the right pleasures and demonstrate responsibility or else.

We must begin to see that we unconsciously take the climate of prison outside to parole. Dig it. We must awaken to the fact that we come from years of incalculated negative/violent/oppressive/deceptive conditioning. And that we carry it in our heads like stink on shit. We are the most oppressed minority in all the world. Bar none. All our lives we have been victimized by merchants, bureaucrats and police. We are always the first casualties in the persecution of the poor people. Why are not the numerous corporate criminals incarcerated in prison? Justice in America is contingent upon your ability to pay. Yes, we the convicted class are the turkeys and chumps of capitalism and it's chief snakepit: prison. We are the scapegoats and the village idiots. We are the guys who get all the hardknocks, blows that I am virtually certain the term fixers, the penologists, the jurists, the police and parole bureaucrats could not take under identical circumstances. The doses they are daily meting out to us, they themselves could not swallow without regurgitating.

We all know that the object of parole is the completion of parole with a discharge. But I sometimes think that convicts think that a parole cannot be finished without compromising our manhood. It's only sissies and jalonis who can finish a parole. This is bogus. In fact, only chumps and weaklings continue to be obedient slaves to the conditioning received in prison and consequently cannot break the chains of blind/reactionary obedience to the state.

Brothers, we must change the imagery we have of ourselves as beautiful in spite of the wounds we have received in prison. We can begin to see our wounds as badges of personal courage. For how many can pass through the murderous obstacle course of prison and keep their sanity? This can inspire us to succeed in spite of the odds against us. We must realize that with parole comes an increase in physical/psychological latitude and that because of our conditioning, we may not be able to handle initially this new freedom wisely and effectively.

However, with this new latitude, we can create the situations instead of the situations creating a blind/reactionary response from us. When we leave prison we should begin to see ourselves as non-convicts. A parolee is a non-convict. For he is out of prison on parole. This concept does not stop us from continuing to relate to our oath of loyalty and alligiance to our brothers and sisters still busted. In fact, it may very well enable us to reach back further and faster to pull a brother out. We must learn to divorce our responses from inside prison to outside on parole. Being turned loose on parole without any preparation is the scourge of the convict who aspires to become an exconvict.

For the truth of the matter is that until we become conscious of the conditioned cycle of poverty, prison, and parole that the insane tenacles of corrections and capitalism has charted for us, we will remain tortured slaves for the authoritarian state. Rise up! For the time has come for all convicts of all colors and all convictions to join together so that, at long last, we can all unceasingly work toward justice and freedom for all men for all time.

Convict Appeals D.A. Fascism

The 3d District Court of Appeal will investigate a Deuel Vocation Institute inmate's claim that San Joaquin County's district attorney is filling a role that ought to be reserved to superior court judges.

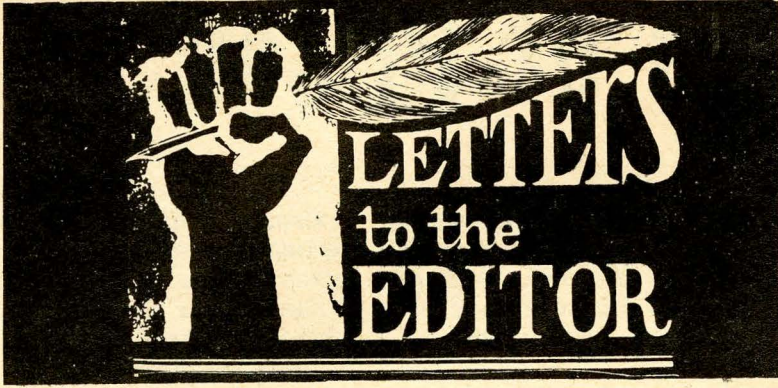
The appellate court yesterday afternoon responded to a petition by prisoner Willie Reaves and ordered an October hearing on the matter.

Reaves contends that inmates' petitions seeking reviews of their convictions are given by the San Joaquin County Superior Court to the district attorney for investigation.

According to Reaves' complaint — filed on behalf of all prisoners at Deuel — the district attorney's office prepares court orders on the inmates' petitions and the judges sign them without hearing.

Reaves says the procedure denies inmates legal protection guaranteed by the US Constitution and equal protection under the law.

The appellate court ordered San Joaquin Superior Court to show why it should not be required to alter its procedures and why it should not reconsider a prior petition filed by Reaves.



LETTERS to the EDITOR

Dear Sir:

This letter unearths the arbitrary procedures of the barbaric disciplinary committee at Folsom State Prison.

On or about April 10, 1970, (exact dates may vary a week) the Folsom prison disciplinary committee charged subject with attempting to smuggle into this institution over an ounce of pure heroin. As a result, the disciplinary committee sentenced subject to 29 days in isolation; retained segregation (4-A); loss of all privileges, including correspondence with mother; and referred to the District Attorney of Sacramento for possible felony prosecution.

On or about April 20, 1970, subject made his regular yearly Adult Authority Board appearance. The A.A. Board, after careful evaluation, granted subject a parole date effective April 17, 1971. On May, 1970, the disciplinary committee pointed out to the A.A. Board that an error was made and that subject's parole date should, in fact, be rescinded based on the above stated prison infraction. The A.A. went along and rescinded subject's parole date until final disposition of contraband charge. In the same month of May, 1970, the Dist. Atty. of Sacramento gave notice that he would not prosecute subject for any contraband charge. After investigation by state agents of the Department of Corrections into the smuggling charge, it is stated that subject was duped into a smuggling scheme which involved his mother, Maria Perez, 2771 Logan Ave., San Diego, Calif., and a typewriter. On April, 1971, the A.A. Board reconsidered subject's case and found cause to grant subject another parole date effective August 23, 1971.

On June 5, 1971, subject's maternal grandmother passed away. (Grandmother

reared subject from infancy.) Due to the circumstances, prison officials approved an emergency 72 hour furlough so that subject could attend funeral services at San Diego, Calif. Subject buried his loved grandma and returned to prison in a state of mourning.

Two days after subject returned to prison, correctional Lieutenant G.R. Johnson alleged to have received reliable information that subject brought back with him from San Diego a large quantity of narcotics: heroin and marijuana. Lt. Johnson further alleged that his reliable info. pointed out that subject stashed the contraband at the prison's employees' service station when subject arrived from 72 hour pass; moreover the informant implicated convict Jaramillo, A-62552, who was assigned to the employees' service station, as having smuggled the narcotics into the Folsom Prison Ranch for subject.

Armed with this fabricated information, Lt. Johnson accompanied by Sgt. H. A. Slete, officers U.F. McCleerey, and A.B. Denton proceeded to convict Jaramillo and subject's respective bed areas. There the officers searched for contraband, none was found. Lt. Johnson, however, alleges that he noticed subject trying to burn his right arm inside the elbow with a lighted cigarette. Checking subject's arms, Lt. Johnson stated that needle marks were found. Here, Lt. Johnson conducted a medical examination of subject's body; that is, eyes, mouth, rectum, penis, arms and heart. Lt. Johnson then concluded that subject was under the influence of heroin and marijuana.

Convict Jarmillo and subject were then taken to the main prison to be placed in isolation, pending investigations. Before being placed in isolation, subject was taken to prison hospital and

there the doctor examined subject and concluded subject was not under the influence of any narcotics and that subject's arms were clean. Thereafter, subject together with convict Jaramillo was placed in isolation. Then, approximately three hours later, correctional officer A.B. Denton alone went back to subject's ranch dorm area and there searched subject's ranch dorm locker. Officer Denton alleges to have found four (4) marijuana cigarettes in subject's ranch dorm locker. (It is pointed out that over 50 convicts and inmates reside in each ranch dorm.)

When convict Jaramillo, A-62552, and subject faced the Folsom disciplinary committee, subject showed the members that he could not have given or stashed any narcotics at the employees' service station for Jaramillo to smuggle into the prison ranch area. Specifically, subject showed that the night before he returned to prison, he found himself at the Sacramento Bus Depot with no bus scheduled to Folsom until the next morning at 7:00 a.m. Subject decided it best to call Mrs. Misty, proprietor of the convicts' half-way house in Sacramento for assistance. Mrs. Misty and her husband agreed to help. It was agreed that subject sleep the night at Misty's half-way house; come morning the Mistys were to personally transport subject to prison front gate office and officer. All this did in fact take place. No inmates were close by when subject's party arrived at front gate of prison; and there, even before subject got out of Mrs. Misty's car, the gate officer alertly waited for subject. Subject's explanation satisfied the disciplinary committee; and consequently, convict Jaramillo, A-62552, was found not guilty. Since that time, Jaramillo has been paroled and is now living around Folsom city.

On the other hand, the disciplinary committee found subject guilty as charged and sentenced him to 10 days in isolation; change of custody, from minimum ranch to medium A main prison; referred to the District Attorney of Sacramento for possible felony prosecution; and recommended to the Adult Authority Board to rescind subject's parole date of August 23, 1971.

To date the District Attorney of Sacramento has not indicated if felony prosecution will follow. (Subject welcomes outside court intervention.) The A.A. Board rescinded subject's parole date of August 23, 1971, and placed subject on the December, 1971, calendar A.A. schedule. (In effect, subject is back to the indetermined end of his sentence.) The A.A. Board stated to subject that persons like him would eventually cause the 72-hour furlough to be banned from the

system.

Mr. Editor, subject did not bring any narcotics back with him from San Diego. All subject brought back was sad memories of the funeral services of his grandmother.

If subject were granted the minimum of due process, he would be a free man this instant; instead, subject finds himself in Folsom prison. Prisoners have no due process of law, even if the law books state the contrary. Prisoners are poor and alone. Convicts need help... now... Your organization can help.

If subject's case interests your organization, please write subject. Moreover, feel free to publish subject's case of events in your newspaper, ANVIL. Any steps you feel should be taken, please take them.

Yours truly,
Raymond Moreno
A-29480

Members of this Convicted Society:

You cannot solely blame the Department of Correction for its total lack of apprehension on human relationship. You must comprehend what motivates such warped personalities as those of prison officials. When the overall picture is manifest, then and only then shall the end meet the need.

Ray K. Procnier is not so bad of a guy, if taken for what his position really calls for. That is, Procnier is a tool of his own ignorance, a modern device by which his authority is controlled by the makers of the present day outlook within the spectrum which erected the mode of degradation known throughout the California Penal System.

Being a tool of such a system, Procnier is not only a scape-goat type of person, but he cannot utilize his own mental facilities because of his lackey position. This is equally so concerning each member of the California Adult Authority who, in my opinion, is made up of personalities unfit for human consumption.

Members of the Adult Authority are basically sapped of thinking perspectives; each has been deprived of being wholly human. They think consonantly and so being, cannot deviate from the trend of thought created by its maker. Consequently, the Adult Authority cannot reach outside the score of the Department of Correction for brains to usurp its administrative functions. For to do so will not only innovate humane sanctions by which to overcome the prevalent phase of degradation so imbrued within the confines of each prison in the State of California, but also will manifest the total failure which the Department of Correction represents.

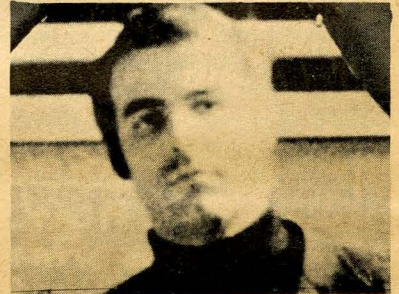
The caliber of custodial officers chosen to work for the Department of Correc-

tion is far flung from the scope of apprehensiveness such correctional endeavor calls for. Each personality accepted by the Department is prone to his subservient position and has been so from early childhood. Not one of them is capable of thinking constructively for himself, or herself; but when it comes to being cruel, destructive and uncompassionate, they are the pride of the lot.

These people are losers of the worst sort; they prey on their own sorry lot, and then come to work warped in the abjectness to subject not only some blacks, browns, or white to their perverted standard of comprehension, but also their fellow workers who think in turn opposite to the System. This I have witnessed daily; and, too, this is the cry and hue of this mob. For each individual in his concept of thought is so infamously profane and destituted for want of comprehension, nothing is conceivable toward civil obedience.

Ben

NOTICE



John Mugford, exconvict out of Raeford Prison, Florida, has been expelled from the Union for a variety of activities counterproductive to the goals of the C.P.U. He no longer represents the C.P.U., and the Union is no longer responsible for any actions he may attempt to initiate.

He was with the Los Angeles local.



Mari Watters, exconvict, out of several Oregon joints, has been expelled from the Union for actions contrary to the best interests of the C.P.U. Miss Watters was formerly a member of the Governing Board of the Union. She signed a contract with the State Department of Human Resources (which operates the California Prison and Parole System). The contract gave the Department of Human Resources the right to enter the S.F. Local at any time without a warrant.

She is alleged to have left the state. The C.P.U. is no longer responsible for any madness she may attempt to initiate in the name of C.P.U.

THE CPU ANVIL IS IN NEED OF IDEAS, WRITERS, TYPISTS, ARTICLES, ESSAYS, CARTOONS, PRAISE, CRITICISM AND OFFICE SUPPLIES. . . WE NEED DRAWINGS, ARTICLES, ESSAYS, PURCHASE ORDERS, ETC. FROM THE JOINT. ALSO ARTICLES FROM RELATIVES AND PRISONERS. WHAT KIND OF ORDEAL DOES THE SYSTEM PUT YOU THROUGH BECAUSE YOU LOVE YOUR MAN? LET US KNOW. HELP US EDUCATE THE PEOPLE AS TO THE NATURE OF THE BEAST. WE CANNOT DO IT ALONE. ALL FACTS, ARTICLES, ETC. WILL BE PUBLISHED WITHOUT A BY-LINE IF YOU WISH. ALL POWER TO THE IMAGINATION!

Sadistic Castrators Exposed

By Don Jackson

Castration is in widespread use as a punishment in California. The prudery of the establishment press has concealed the facts from the public. How extensively this savage punishment is used cannot be determined because of the practice of courts destroying their records, ostensibly to protect victims.

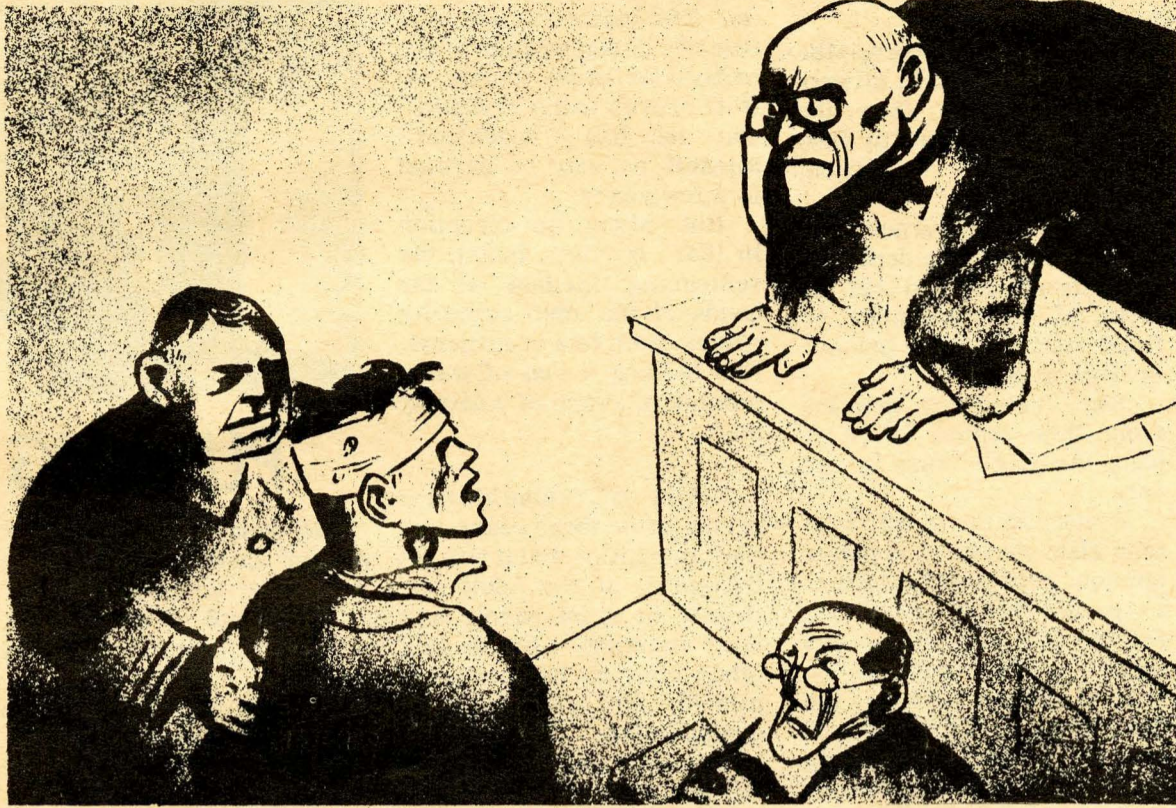
However, San Diego Superior Court Judge Lawrence N. Turrentine boasts of ordering 60 castrations. President Nixon, impressed with Turrentine's crusade for decency, recently appointed Turrentine to the U.S. District Court. L.A. County Superior Court Judge Frank C. Collier (retired) claims credit for 41. Scores of other judges impose bizarre punishment, but refuse to talk about it.

California laws do not empower judges to order involuntary castrations, but the judges have great power over persons accused of sex crimes because the State Parole Board has a long standing policy of refusing to set sentences for sex offenders. Because California has indeterminate sentencing, sex offenders are defacto lifers. Judges, knowing that the puritanical parole board never releases sex offenders, uses the threat of life imprisonment to force homosexuals, peeping toms, cunnilingus eaters, masturbators and other sex criminals to "voluntarily" sign papers to have themselves emasculated.

Section 645 of the California Penal Code provides that an operation "for the prevention of procreation" may be involuntarily performed on anyone found by state doctors to be a "mentally disordered sex offender" or who is convicted of a sex crime. The State Department of Mental Hygiene reports that 19,042 involuntary "sterilizations" have been ordered by judges, but does not report what percentage of these operations were vasectomies and what percentage were castrations. Prudish newsmen consistently refer to castration by the nicer, but inaccurate term, "sterilization." Prudery and secrecy have combined to keep the public ignorant.

Former San Quentin Warden Clinton Duffy has an entire chapter on castration of prisoners in his book, "Sex and Crime." Duffy expresses the mentality typical of the castrating judges — that sex is sinful and castration "helps" men to overcome sinful desires.

In one case history, Duffy tells the story of a man who "fondeled" an eight year old girl while she was sleeping at a public campground. The judge asked "Do you want



probation and castration." The man later told Warden Duffy: "I just heard him (the judge) say probation and I said yes. They took me to a hospital. Then they put me to sleep and when I woke up they had taken 75% of my pleasures away from me." Duffy tells the story with sadistic glee. After the man was castrated the judge changed his mind about probation and sentenced the man to San Quentin.

A psychiatrist who is frequently appointed by courts to examine persons suspected of being "Mentally Disordered Sex Offenders", often recommends castration. In a magazine article the shrink boasts of his ability to coerce men to sign the legal papers authorizing castration by injecting them with a hypnotic drug. The shrink says, however, that he only uses this strategy in cases where the "patient" adamantly refuses to sign the papers.

The types of men who are forced to submit to castration vary greatly. Many are plain, ordinary homosexuals who have the misfortune of coming before a moralistic ignorant judge in a rural county. In Los Angeles and other urban areas, judges are a bit more selective, and reserve castration as a punishment for other sexual deviations such as peeping toms, pedophiles, rapists, fondelers and exhibitionists. One such "patient" is a boy from Pasadena who got his kicks by watching ladies at their bath. One night he was arrested while quietly peaking through a bathroom window. He was charged with "Disturbing the Peace", a misdemeanor, but was threatened with commitment to a mental institution for life unless he agreed to get castrated. Another was a 24 year old UCLA law student who was charged with "child molestation" he was

having a love affair with a 16 year old male "child." Yet another is a quiet refined Bakersfield businessman who bought pretty fuzzy sweaters for teen age girls who let him kiss their cunts.

Judges are able to force their will on men who are charged with sex felonies because convicted sex offenders are virtual lifers. Sodomy, for example, is punishable by life imprisonment. Thousands of men are incarcerated for prolonged periods on this charge. A notorious example is the case of Alex Anderson, who was convicted of sodomy in 1956. In the 15 years since then, he has been shifted back and forth between the homosexual isolation wing at the California Men's Colony/Las Padres and Atascadero State Hospital. How many similar cases there are, nobody knows. We only know about Anderson because he has filed to appeal in U.S. District Court in Sacramento.

Judges are able to force their will even on men who are charged with misdemeanors, or who are not even charged with a crime at all. Since conviction is not required under the "Mentally Disordered Sex Offender Act", the inconveniences of trials and evidence are avoided. The MDSO law provides that any person suspected of sexual abnormality can be committed to a state mental hospital for 90 days observation. If the doctors feel that the "patient" is likely to commit sex offences, they keep the "patient" incarcerated until "cured". Since all sex acts other than solitary masturbation and sexual intercourse between a lawfully married male-female couple with the man on top and woman on the bottom are defined as "sex crimes" in the California law books, they can incarcerate just about anyone they wish.

Almost anyone can be committed under the MDSO law, but the insane asylums only have room for a fixed number of "patients". Consequently the law enforcement-judicial establishment commits only enough people to fill the "vacancies".

Many primitive societies conduct an annual lottery to select someone to be sacrificed to the Gods to assure that the crops will grow. The practical effect of the anti-sex law enforcement is, in fact, a lottery. Our hypocritical society outlaws almost all sex, but since its hypocrisy would be exposed if it punished everyone guilty, a lottery called sex law enforcement is operated to select a few people to serve as scapegoats for societies guilt feelings. In a type of Messianism, the collective consciousness feels it is redeemed from the sin of sex by inflicting punishment on a few scapegoats. The idea of a scapegoat atoning for the sins of all is the basic ethic of Christianity, and is therefore, deeply ingrained

in the culture.

The risk of being selected by the lottery is much greater for people who live in small towns. The applied ignorances and taboos of the churches are more firmly entrenched in rural areas, so those who happen to be in the wrong place at the wrong time have a much greater chance of falling into the clutches of the anti-sex establishment, and thus become scapegoats to atone for the sins of everybody.

In spite of the widespread use of castration as a "treatment" for sexual deviation, most doctors say it is "worthless" as a treatment because sexual orientation is in the mind, not the sex organs.

The reason castration is popular in California is related to sadistic tendencies on the part of judges, policemen and doctors. Many people were sentenced to Spandau prison by the Nuremberg tribunal for castrating prisoners in the Nazi concentration camps. Many psychiatric authorities testified for the prosecution, stating that there is a primitive male instinct called the "castration instinct" that causes some depraved people to get a sexual thrill and ejaculate while witnessing or performing castrations. Concentration camp inmates "testified that the "doctors" demonstrated a perversion. Most of the "doctors" were not physicians, but merely guards, SS men and soldiers who had seen the operation performed and insisted on performing it themselves. Further evidence of the sadistic nature of the operation is the fact that the Nazi "doctors" always insisted on performing the operation under local anesthetic because it increased their sadistic thrill by allowing conscious patients to watch the operation.

Parents, Friends and Relatives of Quentin Prisoners!

The Black Panther Party has noticed that those people who have been able to travel from other places to the Bay Area are having great difficulty getting from airports and bus stations out to San Quentin Prison itself.

Therefore, to meet your needs, they are offering transportation from the airport, etc. to the prison and back.

When you arrive in the Bay Area — and cannot

afford transportation to San Quentin — or if you can call ahead of time and let them know your arrival time and other information — they will send transportation for you. Or if possibly, come by the Central Headquarters office, and they will take you from there. Contact: Black Panther Party — Central Headquarters — 1048 Peralta St., Oakland, Calif. Phone (415) - 465-5047. ALL POWER TO THE PRISONERS!

'Silent Beefs' Hold Up Paroles

By David Holmstrom

Nearly every inmate in a California prison could tell his story of life on the inside by checking off a list of shared frustrations ending with something mysterious called a "silent beef."

A silent beef is something "bad" or "wrong" that is held against an inmate when he is being considered for parole; in other words, something additional being held against him when he may have already "paid" for his crime.

Take the case of Verlin Spencer. Earlier this week he was paroled after 30 years in California prisons. In 1940 he was convicted of murdering five people and sentenced to serve five consecutive life terms.

He was denied parole for 22 consecutive years, though he was considered a model prisoner. A California Superior Court judge finally ruled that objections to Spencer's parole were based on "whim, caprice, and rumor" — in inmate jargon, a "silent beef."

Never in the open

A silent beef is like an alleged skeleton in the closet. It is never mentioned, never brought out into the open because it may not be factual but, in reality, is intangible and sometimes unsubstantiated by any measuring rod.

The reason behind the silent beef in Spencer's case might go something like this: Murder is the worst human crime, therefore it should bring the harshest penalty, maybe even death. And if a man commits five murders he should have five times the penalty. Therefore, as each parole hearing comes up, the weight of five murders hangs over the man and "silently" influences the parole board's decision, no matter what the man's record in prison.

A 1970 state legislative report urged an alternative to the present method by developing a parole-readiness index that would weigh equally offender characteristics, prior behavior,

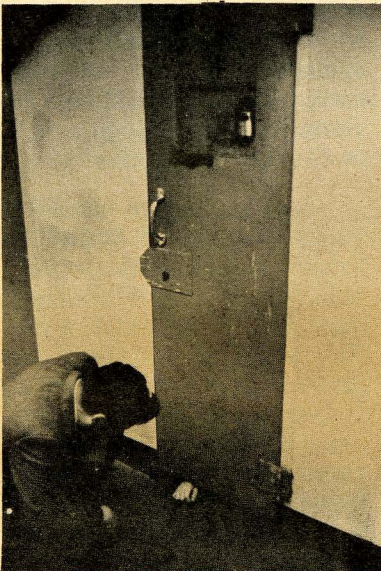
and an inmate's record in prison.

The report also urged the granting of parole to all prisoners no later than the minimum term fixed by law, unless special conditions existed.

The report urged that reasons for parole denial be given in writing and that the term of imprisonment be fixed soon after the prisoner arrives at prison.

But legislation growing from this report failed to pass the Legislature by one vote.

Critics of the parole system also charge that public opinion, expressed in letters to parole board members, private communications, and mass media emphasis on special crimes influence the decisions. "One year it may be a series of grisly murders," said a criminologist, "Another year it might be child molestations which deny parole to inmates with similar crimes."



State Assemblyman W. Craig Biddle said, "The political reality is that you have to be tough on all crime in the 1970's. If you could get a newspaper to run a series on penal reform on the Sharon Tate murder trial, which would stick in the minds of the public, the legislators, and the parole board?"

Board arouses ire

What sticks in the minds of any convicts and ex-convicts are their personal experiences with the system. No official body, except the prison itself, arouses more parolees than the California Adult Authority, the eight-man board of political appointees that is solely responsible for sentencing all California felons and releasing inmates on parole. It operates independently of any outside scrutiny except the State Legislature.

The extent of their power, and another example of a silent beef, is seen in the following true story of Joe Smith (fictitious name), convicted of second degree murder in 1963. It was his first offense, an act done in a siege of anger.

Under California's indeterminate sentence Smith got

"five years to life" in prison. The indeterminate sentence is designed to produce motivation in an inmate — if he proves to the "system" that he has "redeemed" himself he may be paroled in a few years.

But since its inception in 1947, convicts insist, the sentencing method at the hands of the adult authority comes down to a cruel game, like holding a cup of water just out of reach of a thirsty man.

Smith was denied his first parole after three years with the explanation that it was not the policy of the Adult Authority to grant parole at a first meeting. Smith said other convicts had prepared him for this and he was not disappointed.

But four successive years he was denied parole and never told the reason why.

Those four meetings lasted less than 10 minutes each. Smith's personal record was read by the parole board hearing representatives only while he was in the hearing room, not before.

Smith was considered a "good" prisoner. Only two minor infractions occurred during his eight years behind bars. On one occasion, when a near-epidemic swept through the prison, he worked around the clock helping other men.

Pitfalls 'persist'

In his official record, right up to the time he was paroled, his psychiatric evaluations mentioned his problems with "women and alcohol." Yet in seven years in prison he had had no contact with women or alcohol, and the evaluations were based on a single interview each year.

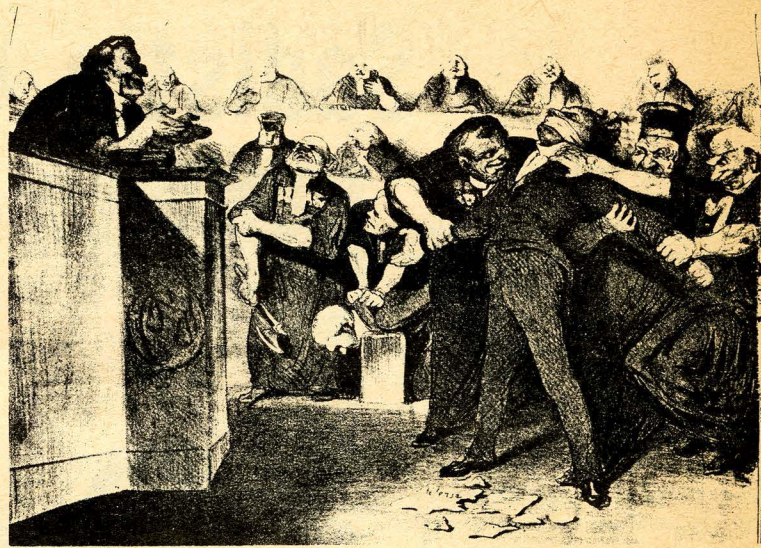
To this day Smith does not know that these alleged difficulties were mentioned over and over again in his record.

Asked how he felt to be turned down for parole and not know why, he said, "My anger kept me going. I knew I was going to get out and live again no matter what they did."

The case is not unique. Almost a thousand men and women each year are granted parole for no specific reason and denied it for no specific reason.

Penal officials in California who support the indeterminate sentence and the parole board procedures, and who contend that California's approach to rehabilitation is progressive, maintain that the overall system encourages "flexibility" to handle individual cases.

"The same academic types who are criticizing the system now," said San Quentin associate warden James L.W. Park, "are the ones who pushed for and got the



PULLING COVERS

"The irony of this is that officer Davis lost his life protecting an inmate . . ."

Associate Warden Park (S.F. Chronicle 7-24-71)

"You can lay some of the blame for this at the doorstep of some of these radical attorneys who come in here and encourage the men to do this sort of thing . . ."

Associate Warden Park (S.F. Chronicle 7-24-71)

The city of Folsom which has never given a damn about Folsom prison convicts recently annexed the Folsom prison population of 2,900. Of course they did not do this because they love the prisoners, or for that matter because they choose to be identified with them. Yes, you guessed it. It's the old money game. By annexing the prison population, the city adds about \$40,000 a year to its redneck budget. Folsom receives about \$16 in tax funds from the state for each resident included in the census figures it tabulates. The history of Folsom, California is a city that was based on convict slave labor. They hired out convicts to private construction capitalists. So the city of Folsom is built upon the blood and exploitation of the Convicted Class. And their exploitation continues unashamed. Makes you wonder who is the good guy and who is the bad guy . . . In Folsom they are known to run hippies out of town or bust them if they refuse to leave. They wear white hats and you'd better get out of dodge if you wear a black one.

indeterminate sentence in 1947."

Ramsey Clark, former United States attorney general, and Chief Justice Warren Burger of the United States Supreme Court, both favor the indeterminate sentence over specific sentences for specific crimes.

"No amount of statistics, no amount of experience can tell you who will make it on the outside and who won't," said James Fruchey, assistant regional parole administrator for California. "The art of handling people is as much of a mystery to us as it is to anyone."

There is \$34 million dollars spent in California annually for enforcement of Penal Code 647F (public drunkenness). This \$34,000,000 is spent to arrest, process and imprison "chronic" type drinkers. Each year the police arrest 230,000 persons for violation of P.C. 647F. For being drunk in public, arrestees must be punished with confinement in city and county jails . . .

According to an AAWU study, approximately 80% of the women behind bars in America have children whom must be supported. Thus, the system finances not only imprisonment of mothers deemed, for the most part non-violent, but creates its own army of welfare recipients by imprisoning people who should be allowed to live and work in the community, rather than be isolated from it.

In the President's Commission on Law Enforcement and the Administration of Justice — the most massive statement ever published on crime and corrections in America — there is no chapter or paragraph devoted to the female "offender."

Across the U.S., there are some 7,800 women in 3325 jails. Some 1800 are locked in jails in California.

The first separated prison for women was established in 1873 — at the Indiana Women's prison.

While 7 men are arrested to every one woman in the country — the gap widens to more than 30 to 1 at the prison level.

"Prisons with walls are inherently repressive . . ."

Director of Corrections Raymond K. Procnier (Sacramento Bee 7-24-71)

"If the killing (of guards) doesn't stop, we'll have to take steps to close down these 'weapon factories' (vocational shops) and even some academic programs . . ."

Director of Corrections Raymond K. Procnier (Sacramento Bee 7-24-71)

Angela's Trial Set

Superior Court Judge Richard E. Arnason has set Sept. 27 as the trial date in the murder-conspiracy case of Angela Davis. Miss Davis has pleaded not guilty to all charges lodged against her. She is said by the State to have been involved in a plot to take hostages to obtain the freedom of the Soledad Brothers. Ruchell Magee, a San Quentin convict, who is also charged in the murder-kidnapping and conspiracy case has not had his trial set yet.

FREE OUR SISTERS!

By Pat Halloran and
Free Our Sisters Collective

Women in jail

"In the U.S. all women in jail are political prisoners because their alleged crimes are actually acts of survival necessitated by our political and economic system. . . The real crimes like starvation and war are not illegal in the U.S. In a just society legality and justice are one. In our society, the gap is wide. It is our political system that defines these women as outlaws and criminals." (Marilyn Salzman-Webb, "Off Our Backs" July 31, 1970)

Drugs and Booze

First of all, we can forget the very popular idea that women who drink or shoot dope do it because they have some flaw in their character; that they are weak while women who never take a drink or drugs are strong. One thing you know about every addict is that he/she took to drugs because his/her life was unbearable. Alcoholism and drug addiction are only two out of a vast range of things that women do to maintain themselves in an intolerable situation.

For some the safety valve is adultery, some watch TV 8 hours a day, some mistreat their children; some allow themselves no safety valve at all, and go quietly insane. All these things divert pressure from those who profit from the situation as it is.

Society encourages women to become addicts of every kind, to deny the kind of vitality that would make them demand real lives. Few people think of the epidemic of barbiturate addiction among middle-class women as a serious problem. That's because in a capitalistic society, to have half the population reduced to nitwits is not considered a loss; on the contrary it's the only way the society can go on functioning. It's only when poor people are driven to steal and prostitute themselves for the money for drugs and drink and thus end up in jail that addiction is considered a problem.

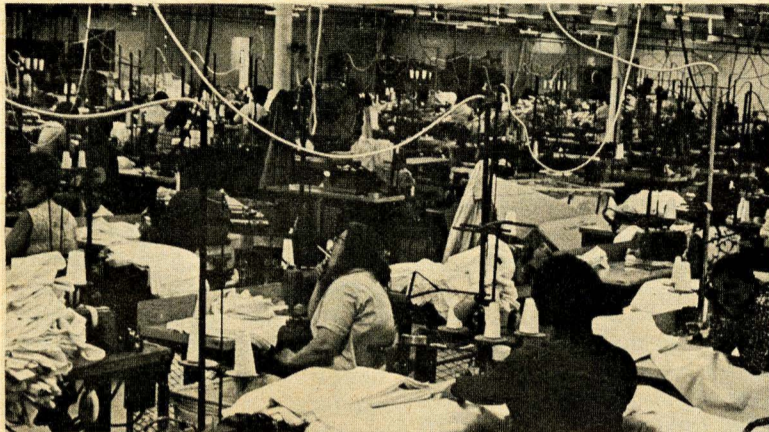
Larceny

More women are arrested for larceny than for any other crime, and larceny offenses are rising faster than any other crime. Larceny includes shoplifting, forgery, and domestic pilferage. A woman with children will steal to keep them fed and clothed. A woman who is supported by a man may steal rather than undergo the humiliation of justifying her every expense to him. And a single woman, who can't support herself adequately because of job discrimina-

tion will steal clothing and cosmetics because her society forces her to use these things to compete with other women for a man who will support her.

Murder

When a woman commits murder, the victim is almost always her husband, her lover, or her child. These murders are usually not premeditated, but explode out of



the desperation that comes from monotonous, repetitive, physically and emotionally exhausting work. Everyday there is the dishes, the laundry, the cleaning, the shopping — and the constant drain of having total responsibility for the comfort of everyone in her family.

It is no accident that most murders committed by women take place in the home, and most often in the course of a domestic quarrel in the kitchen. The woman kills her husband or lover, who in his role as the pillar of the nuclear family seems most responsible for her frustration, her suffocation, her total lack of contact with the outside world.

Prostitution

Prostitution is the only "crime" automatically connected with women. Women are not the only prostitutes, but somehow people feel that a person selling her/his body for another's sexual gratification is an essentially feminine act. Prostitutes really do live out one side of what being "feminine" means. Every woman is taught that she has to be sexually exciting to many men in order to feel like a real woman. Every woman is taught that if she pleases a man, he will pay her way in exchange for her companionship.

As one sister who used to be a prostitute wrote, "All the prostitute has done is eliminate the bullshit." When prostitutes do get arrested it is because they are pawns in big-time male games. City politicians use periodic raids on prostitutes as election ploys; the subsistence hooker, who have to hustle on the streets are easier to pick off than the organized racketeers who exploit them.

Why do women become prostitutes? Liberals can only psychologize there is something deviant about these women — no morals, high sexual appetite, etc. But it is conditions of our society, not the individual, which are to blame and this oppression hits 3rd World women even more than white women. (For example: Reagan's welfare cuts. What's the real reason for legalizing prostitution?)

"Under capitalism, 3rd World women are forced to compromise themselves because of their economic situation. The facts that her man cannot get a job and that their family is dependent on her for support means that she hustles money by any means necessary. Black and Puerto Rican sisters are put into a situation where jobs are scarce or non-existent and are forced to compromise body, mind, and soul; they are then called whores or prostitutes." (Young Lords Position Paper on women.)

Runaways

Besides prostitution, runaways are the only other category of crime in which over half of those arrested are women. The family structure restricts the liberties of a young girl and curtails her development as a full human being. Parents use the guise of protection, until she is delivered safely into the hands of a husband. The dualities inculcated in her for her future role as wife and mother — dependence, passivity, self-denial — make it especially difficult for her to survive in the streets.

Political prisoners

Prisons have been called "total institutions": a place of residence and work where individuals cut off from the wider society over a long period of time lead an enclosed, regulated round of life. They are authoritarian, controlled from the top, and run on a rigid system of rewards and punishments. All women in this society live in "total institutions." For them, as for inmates of jails and asylums, the behavior most encouraged is obviously what-

ever will make them easiest to control: compliance, passivity, and a servile attitude toward those in power. This is just about all women can expect as she moves from one total institution to another. As a young girl in the home, the values she is rewarded for are those of a servant; whenever she shows initiative or originality, she is warned that she is "pricing herself out of the marriage market."

In school, she is more encouraged to be popular, take typing, and cheerlead than to train her mind, learn carpentry or participate in athletics. If she manages to get interested in a demanding

career, her guidance counselor advises her firmly to be "realistic." Everyone assumes she'll never finish anything she starts.

"Prisons are ultimately the defenders of an entire oppressive state and society." (H. Levy, *Liberated Guardian*, June 3, 1970). For women, to be outside the walls of a jail is in some sense an illusion. Jails are real, but none of us are free. We must work not only to break down the stone walls that enclose some of our sisters, but to break down the barriers of written and unwritten laws that would call us criminals if we refuse to be slaves.

STRIKE AT WOMEN'S PRISON

On Sunday, July 25, around 11:30 a.m. the women in Central Feeding Facility got together on a sit down strike for what they believed to be injustices in their work assignment; they were protesting against the discriminatory practices of the Administration, no pay for work, and the general working conditions.

The strike they had been talking about for weeks became a reality. The Staff was called in after counttime and were told to keep the inmate population locked down for fear that the strike would spread campus wide.

During these moments of silence the guards came into the C.F.F. at 12:30 and the staff promised to feed the main population. They told all the women in C.F.F. to go to the staff training dining room. The women in the kitchen refused to go in there because they knew that this was going to split the group and because the guards had cans of mace ready to attack C.F.F. workers if just one fork was dropped. The other women on the campus were fed by the administrators and the cleaning was done by some of the guards. (They finally got a taste of what "work" really means; the first time that they had to earn their money.)

The women of C.F.F. were told that they had visitors out there waiting for them if only they would go back to work; they refused to break the strike. The women asked to see the new superintendent, Miss Carlson, and it took a long time before she arrived. (Even though the administrator is to be on call during the working hours.) A meeting was called at 9:00 a.m. on Monday morning concerning monies for their extra hard labor in C.F.F., conditions and overtime. These women will represent C.F.F.: Mattie Lou Burkley, Mary Holmes, Judy Garcia, and Doris Hill.

On Monday morning the women met with Miss Carlson and Mr. Koehler for

three hours but to no avail did anything work out. The women were told to get committees together for different demands from all the campus and to research any instance where the men in the California prisons were getting paid for work other than industry. (Completely ignoring the point that any and all work should have wages, for it is our sweat and blood that keeps the prisons going.) We asked Mr. Wathan, who is the business manager, about the inmate welfare funds; he in turn had a weak answer to what happens to the monies.

Miss Carlson has set a deadline for August 16th to see if she can get some of these things together. So all I can say is that at breakfast time the women, who were given good 128's for being exploited by the Staff and the administration, said they were not going to feed the "protesters". This was because already the administrators recognized the weaker links of the strikers who were forming a human chain of struggle.

So, more power to the people and all my carnales y carnalitas, una carnala por la causa y el movimiento and all oppressed people. Till August 16th,

Sally Nunez

Below are listed the demands of C.I.W. prisoners:

1. Investigation of the monies in the inmate welfare fund.
2. Free time when our work is already done.
3. In C.F.F. we have assigned areas of work.
4. Communications between the staff and the inmates for settlement of grievances.
5. More people assigned to the kitchen, need more help.
6. Equal pay for all workers in C.F.F., not just the cooks.
7. That Close Custody prisoners be able to function with the rest of us, we can't speak to them nor relate to

Continued on page 17

KISU SPEAKS TO THE PEOPLE

EDITOR'S NOTE: To fully understand the scope of the feelings of Jesse Phillips, it is necessary to understand the background of his fight.

In the first of September, 1970, prison officials at Soledad filed charges of murder and conspiracy against Jesse Phillips, Roosevelt Williams, Jimmy James, Walter Watson, Alfred Dunn, James Wagner and O.C. Allen — all black men from Los Angeles. They were supposed to have killed a guard in July 1970 at Soledad prison — north facility.

They were imprisoned in Soledad's infamous "O" wing until their trial, one year later. "O" wing in Soledad is beyond description. It is probably the worst place — the worst adjustment center — in the state of California. Numerous killings, gassing, suicides have taken place there.

So Jesse Phillips and his 6 brothers went to trial, chained at the hands and feet like animals... Patrick Hallinan and Joe Rhine defended the Seven. At their preliminary trial, the attorneys made three requests, all of which were quickly denied. They asked that (1) the people on the outside be allowed to come in the courtroom until it was filled to capacity; (2) the prisoners be allowed more humane visitation privileges; and (3) the prisoners be unshackled as it was unbecoming to their dignity, interfered with their note taking and made unnecessary noise. Hallinan and Rhine were only allowed five days to prepare for the hearings. They asked for 30 days to properly prepare and this was denied. On the basis of this type of "lynching-like" arrangement, the attorneys waived the preliminary hearing.

The political significance of the waived preliminary is that it put the prison officials on notice that they would not be allowed to get away with their divide and rule scheme. For, the state had posted on the halls of Soledad, reward posters stating that any prisoner who would snitch (testify) against the brothers would be given \$500 or paroled. All of the prisoners who were slated to testify against them for a parole were up for parole within 30 days. If the preliminary had been held, the witnesses would have testified at that first hearing, received parole, and left town. And at the trial, this testimony would have been read to the jury and entered into the trial record without the defense being able to cross-examine these witnesses. (CALIFORNIA VS. GREEN).

Furthermore, all seven of the accused brothers had life tops under the indeterminate sentence law. If found guilty, under penal code section 4500, they would all automatically get the death sentence. The same holds true for George Jackson and the Soledad Brothers who are slated to start their trial August 1971.

When the trial started, the relatives and loved ones of the Seven were issued green cards. They were fingerprinted like criminals for identification.

Ultimately before final trial against the Seven, charges against 3 were dismissed for lack of evidence. That left James Wagner, Roosevelt Williams and Jesse Phillips for lynching by the state.

And finally, after a year of harassment, persecution and torture by the State, the D.A. —

William Curtis — asked that the charges against the 3 be dropped.

This was not done out of the "interests of justice" so much as it was done when an inmate rat — Thomas Brinson — admitted to perjury. And finally the state's case was dead and stinkin!

Since then Jesse Phillips has been transferred to San Quentin and kept in the adjustment center there. The State claims that Jesse received 13 115's and justified his incarceration on that. (A 115 is comparable to a "felony" writeup and is placed in a prisoner's dossier — which the Adult Authority uses against a man in denying him parole). Then developed the possibility that the Department of Corrections had not included in Jesse's jacket, the transcript of the dismissal motion. That means that as far as the Adult Authority parole board is concerned, Jesse is still suspect as the murderer of a prison guard. Laurence P. Horan, attorney for the brothers wrote to the judge (now retired) and asked him to write the Director of Corrections about the dismissal motion. Judge Good wrote Proconier:

"Dear Mr. Proconier:

Mr. Horan of Hudson, Farr, Horan, LLOYD and Dennis of Monterey, attorney for Mr. Phillips, informs me that Phillips is assigned to maximum security of San Quentin Adjustment Center for 90 days due to "13 write-ups" while in maximum security at Soledad waiting trial of P.C. 4500 charges arising out of the murder of Correctional Officer Shull at Soledad last summer. The charges were dismissed on motion of the District Attorney made during the 11th day of trial. Phillips informed Mr. Horan that the Associate Superintendent and committee interviewed Phillips on June 1, 1971, told him that neither the District Attorney's motion nor the court's comment in granting it were included in the Phillips' record.

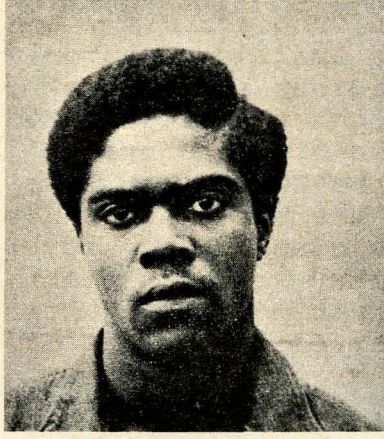
I respectfully submit the following considerations:

1. As presiding Judge, I ordered the transcript of the dismissal motion forwarded to the Department of Corrections for inclusion in the records of the three defendants. I am asking Mr. Horan to check with the Clerk at Salinas to determine whether this was done.

2. Six days of evidence demonstrated that the accusations rested upon evidence either so inherently untrustworthy or so obviously mistaken that the case did not support even a reasonable suspicion of guilt — facts acknowledged by the District Attorney.

Under the circumstances, assuming that the accused were not in maximum security at the time of accusation, it appears less than human to continue maximum security after legal acquittal of the unsupported charge — in effect, a discipline imposed because a wrongful accusation was placed against them. (Thirteen "write-ups" against a 19 year old prisoner who, in addition to the normal pressures of custody, is undergoing the enormous anxiety and strain of such an accusation is certainly minimal.) Common decency, fairness and intelligence would seem to indicate that these defendants should be restored to status quo ante unless compelling reason otherwise exists.

These defendants were either deliberately or inadvertently sub-



jected to certain procedural errors in pretrial processes that would justly vehement anger on the part of a defendant. Upon discovery of the fact I ordered an in camera hearing for the next day. The District Attorney informed me that there was no evidence to support the particular orders.

My concern was not only for the integrity of the judicial process, but, as reflected in my remarks made to the prospective jurors at the time and to the defendants at the time of dismissal, to ameliorate the impact of the abuse in the minds of the accused and to restore some measure of respect for legal procedures — a consideration I have always believed essential to the rehabilitation of any prisoner.

I believe these considerations amply justify immediate review of Mr. Phillips' status and respectfully request that this be done."

That's the whole point Jesse Phillips' words that follow below. The Department of Correction continues to act as if they are beyond the law. You would think that if they were sincere about all their talk about rehabilitation, that they would begin to set an example for prisoners to follow. But they don't and that's why nobody but the duped taxpayer continues to believe them. They prove themselves to be oppressors at every turn. And they appear less and less inclined to change. And so they continue to oppress and temper men like Jesse Phillips. Dig his letters.

8 feet wide, 10 feet long, steel bars, surrounded by concrete, a slab of steel for a bed, a sink joined to a toilet, these are the dimensions and elements which provide for my comfort and help hold me captive in this dungeon of solitude, suffering and death. This is the transcript of the destruction of black men in particular and humanity in general. Being confined 23 hours a day with a possible shower twice a week. These restrictions among others carry a burden that has left an indelible scar which psychologically impairs what once was a normal man. Supposedly these adjustment centers are comprised of convicts who have committed some infraction of prison rules, but that we are being warehoused, simply because we are undesirables, the nucleus of enlightenment, and a threat to the order of prison officials and their reactionary lackeys. Our only infraction is that of trying to bring about the awareness of the downtrodden and dispossessed masses. We refuse to relate to the views of

demented racists, we reject the dissention, propagated by individual tools of the prison establishment. We, by every inhumane and debased method, have suffered beyond repair. There is no justification for the pure disregard of human life which will be found within these pig stys. We have been kidnapped from reality, yet I hear one of the beasts telling one of the ignorant pawns, that all they want is to rehabilitate!

This whole penal system is a mockery. . . whatever state of mind you enter with, you can leave only in one or two ways: a broken man without self-pride and respect, a man of no moral standards, or you can leave filled with hate, anger and a bitterness never conceived by this society. We are but the products of our environment: adject chattel void of needs, wants, emotions and desires. In short no more than raging animals. Our position should be understandable. Why we refuse, resist and rebel against all forms of oppressive authority. We ask not sympathy for our unfortunate situation, but simply a thorough understanding of the why's of our miserable wretched state. . .

We are purposefully discriminated against, supposedly because we have committed a criminal offense against society — but we say our crime is that of being poor — and attempting to survive in an asphalt jungle, struggling for the necessities of life. Each day a crime against humanity is perpetrated by the capitalistic, exploitative and oppressive system. It's crimes are performed by the individual elite. Extreme anger and rebellion is our everyday life for we realize who the real criminals are. . . Do you?

To better understand what is taking place today in the numerous penal institutions throughout California, it is necessary for us to examine the existing economic system. Since the rise of capitalism here in Amerika, the whole of society has been in a confused state. We are attempting to point out some of the contradictions that presently exist, and clearly present them to the people. Over the years, an elite class has maneuvered themselves into a position where they determine the destiny of the masses. The masses very existence depends on whether or not the elite will permit them to work in one of their factories. Since this elite class looks upon the people as instruments of labor in one of their factories to fill their pockets, the people build for them vast empires to protect their pro-

perty. It was also necessary for them to set up judicial systems with racism and inequality being much a part of it as the black robe.

We, who have awakened, know that the elite class determines our very residences, control the rent, and own the businesses in the many communities throughout Amerika. I use the word communities but mean ghettos because this is what is created by these hungry capitalists with their racist mentality. They strive to keep the people they exploit in a state of ignorance and poverty and servitude. They strive to keep the people unaware of why they are subjected to the most debased of living conditions, when all around them is prosperity.

The 1960's saw innumerable uprisings staged by poor people who were tired of being exploited by this system. This seems to be the only way of expressing their discontent for the existing economic and social structure. The 1970's has already seen uprisings throughout this penal system, since this is the only way we can express our discontent for the system. We are tired of being maimed and brutalized in the name of the people.

Love and Struggle. . .
Kisu (Jesse Phillips)

From the dungeon to the pit, the treacherous swine are constantly at work. Today I went before the Grand Dragon, and after my master to slave scolding, limited freedom was obtained. Yes, I am in the main population, but in a section that is called "Max Row." It is supposed to be the housing place for security risks, which they have told me I am. To me there is but little difference from where I just left. The prison officials say I can go to the yard three times a week for about an hour and a half. I have progressed, they say, since I now have a bed with springs, a locker and what property they have not missappropriated. I am once again reinstated to my "inmate status". . . To you I say this: no amount of pacification can surmount my anger, my rage. . . I will intensify my efforts to enlighten my mentally dead brothers. I have been wronged and unjustly accused, tormented and harassed, threatened and abused, ridiculed and deceived. I swear, promise, and pledge my life to the destruction of a capitalist/racist/oppressive system, and the liberation of black people. I suppose my captors

Continued on page 9

Legal Recourse to Medical Abuse

By Jim Smith

STATE AND FEDERAL REMEDIES FOR FAILURE TO PROVIDE MEDICAL CARE TO STATE PRISONERS

FEDERAL REMEDIES (1983) AVAILABLE TO A CALIFORNIA STATE PRISON INMATE DENIED MEDICAL TREATMENT

The availability of Title 42 U.S.C.A. Section 1983 as a prisoner's remedy for failure to provide medical care has been complicated by the traditional reluctance of the judiciary to inquire into prison administration, or the "hands off" theory. Most federal courts have agreed to intervene in a prison administrator's decision only in "extreme cases" or "exceptional circumstances". See, for example, *Douglas v Sigler*, 386 F.2d 684, 688, (8th Cir. 1967) and *Carey v Settle*, 351 F.2d 483, 485 (8th Cir. 1965).

In the Ninth Circuit, including California, the elements of a claim under 1983 have been fairly well defined. In *Stiltner v Rhay*, 371 F.2d 420 (9th Cir. 1967), the Court articulated what has since become the position of the Ninth Circuit on 1983 cases by prisoners claiming inad-

quate medical care.

"Under exceptional circumstances, the failure to provide or permit access to medical care may arise to Fourteenth Amendment proportions. ... (citing *Hughes v Noble*, 295, F.2d 495 (5th Cir. 1969) and *McCullum v Mayfield*, 130 F.2d 112 (D.C.M.D. Calif. 1955)... The allegations of each of these illustrative cases clearly tend to show an acute physical condition, the urgent need for medical care, the failure or refusal to provide it and tangible residual injury.

The four part test was repeated in several subsequent cases, see *Smith v Schneckloth*, 414 F.2d 680 (9th Cir. 1969) and *Mayfield v Craven*, 299 F. Supp. 1111 (1969). Thus the 1983 complaint must, at a minimum, allege (1) acute physical conditions; (2) the urgent need for medical care; (3) the failure or refusal to provide it; and (4) tangible residual injury.

These elements require more than a showing of medical malpractice, as the court stated in *Mayfield*, supra.

"Succinctly, to state the issue, the Federal Civil Rights Act was designed to protect constitutionally guaranteed rights, not to provide a Federal Forum for trial of actions for alleged medical malpractice, since the complaint does not raise a justifiable federal issue, defendant's motion to dismiss the action will be granted." 299 F. Supp. at 1113.

POSITION OF OTHER CIRCUITS REGARDING DEPRIVATION OF MEDICAL CARE TO A PRISON INMATE AS STATING A CAUSE OF ACTION UNDER 1983

In the Second Circuit, in *Church v Hegstrom*, 416 F.2d 449 (2d Cir. 1969), the Court stated that the failure to provide medical care to a prison inmate must be the kind of conduct which "shocks the conscience", citing *Roche v California*, 342 U.S. 165, 172 72 S.Ct. 205, 96 L.ed. 183, 25 A.L.R. 2d 1396 (1952) or a "barbarous act", citing *Robinson v California*, 370 U.S. 660, 676, 82 S.Ct. 1417, 8 L.ed. 758 (1962). In summarizing what is probably the dominant federal position, the Court stated:

"Mere negligence in giving or failing to supply medical treatment alone will not suffice, since all rights existing under state law are not also federal rights carrying a federal remedy... Cases which have held a denial

of medical treatment actionable under Section 1983 in the absence of a showing of intent to cause harm to a prisoner generally have relied upon the presence of severe and obvious injuries. *Hughes v Noble*, 295 F.2d 495 (5th Cir. 1961) (plaintiff jailed immediately after neck injury in automobile accident); *Coleman v Johnson*, 247 F.2d 273 (7th Cir. 1959) (bullet wound in leg during arrest)... In the absence of such factors, both versions of the appellant's complaint sounded in negligence, suggesting at most a possible breach of a duty of care through culpable omission. But the alleged non-action of a prison doctor who was not claimed to have any role in supervising prisoners outside the jail infirmary and whose attention presumably was never called to Church's illness, for example, while it might conceivably be negligence, could in no way rise to the level of a Section 1983 violation of constitutionally protected rights"

The statute of limitations for a 1983 complaint expires at the end of three years from the date of injury. (See *Willis v Reddin*, 418 F.2d 702 (9th Cir. 1969).)

STATE CLAIM FOR MEDICAL MALPRACTICE

The State of California has enacted a narrow, technical statutory remedy for malpractice claims by state prisoners. Government Code, Section 844.6 provides that the State of California is liable for malpractice arising from an act, committed or omitted by a prison physician on a state prisoner, while the physician is acting in the scope of his employment. Government Code, Section 845.6 provides that the failure of a non-physician (e.g., prison guard, M.T.A.) to furnish or obtain medical care for prisoners in their custody subjects the State to liability if the employee knew or had reason to know that the prisoner was in need of immediate medical care but failed to take reasonable action to summon such care.

Thus, Sections 844.6 and 845.6 provide for liability in two instances:

1. Where an employee fails to summon medical care when he knows, or should have known, that the prisoner is in need of immediate care; and
2. That a physician is liable for injuries proximately caused by malpractice the same as other physicians.

These Code sections are the exclusive state remedies for a prisoner who sustains injury from the failure of the authorities to provide adequate medical care. (See *Sanders v Yuba County*, 247 Cal. 2d 748, 55 Cal Rptr. 852 (1967).)

An employee of the prison, who is not a licensed physician, is liable for any negligent act resulting in injury to a prisoner, but the public entity is not required to pay any judgment, compromise, or settlement unless the negligent act was the employee's unreasonable failure to summon medical care. (Government Code, Section 845.6.) However, for a licensed physician, the State is obligated to exonerate said physician if he is an employee of the prison.

In order to assert this statutory claim for malpractice or negligence, the prisoner must file a claim for damages with the State Board of Control, 915 Capitol Mall, Room 102, Sacramento, California 95814, within 100 days of the date of injury or the date the injury was discovered (Government Code Section 910). The lawsuit to collect the damages must be filed within six months of the date the Board of Control acted on the claim (or 45 days after filing with the Board, whichever comes first) (Government Code, Section 945.6, 950.6).

Subsection (b) of Government Code Section 945.6 provides that the six month statute of limitations of Subsection (a) of Section 945.6 starts to run upon restoration of civil rights, "when a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in state prison...". Subdivision (b) further provides that, "the time shall not be extended if the public entity establishes that the plaintiff failed to make a reasonable effort to commence the suit or to obtain a restoration of his civil rights to do so before the expiration of the time prescribed in Subdivision (a)."

Thus a prisoner wishing to assert a claim of medical malpractice or failure to provide medical care must:

- 1) File his claim within 100 days of the injury with the Board of Control;
- 2) Attempt to secure restoration of civil rights; and
- 3) When he is successful in obtaining restoration of his civil rights, file suit against the state employee and public entity employing such person (e.g. the State of California) within six months of obtaining restoration or, if restoration has not been obtained, within six months of the date the Board of Control rejects his claim (or 45 days after filing with them) whichever comes first.

KISU

Continued from page 8

feel they have justified themselves in placing me here, I suppose they think I have forgotten the malicious conspiracy to destroy black manhood, and I suppose they have forgotten the numerous lives of innocent black men and women who refused to relent in their struggle for freedom. But I have not forgotten. I detest every fiber in their body and I reject and rebel against all they stand for. What once was a kind, compassionate Negro is now a Rebellious Black Warrior. My transformation was not willed, but forced and now that it has taken place, a lot will be sorry they attempted to make a sacrificial lamb out of this black man. I thank them for one thing, and that is the awakening from my individual hate and prejudiced outlook. Other than that they have nothing coming, except to taste my burning rage. . .

One day they will know the lash of this unleashed hatred and when that time comes I pity any that stand in my way. . . Ignorance for too long has been my guiding light, but patience has brought about awareness.

Love and Struggle,
Kisu (jesse phillips)

Appellate Refuses Ruchell Rights

An appellate court, saying "enough is enough," yesterday barred Ruchell Magee, Angela Davis' co-defendant in the Marin County courthouse shootout, from filing any more motions.

The action by the Ninth US Circuit Court of Appeals came while Magee, 32, a San Quentin convict, was in court agreeing to delay of his murder, kidnapping, and conspiracy trial until after Miss Davis' trial.

Magee and Miss Davis, who pleaded innocent Tuesday and had her trial set for Sept. 27, were charged in connection with an Aug. 7, 1970, escape and kidnapping attempt which ended with the deaths of four persons, including a judge.

The Federal Appellate Court in San Francisco forbade Magee to file any further actions with it after denying everything he had previously requested.

Noting that the convict has filed about 30 papers with the court so far, "The time arrives when enough is enough," said the order

signed by Chief Judge Richard H. Chambers and Judge Charles M. Merrill.

The ruling means Magee must now lodge petitions rather than file them, permitting an individual judge to deny the motions without court action.

We see the ruling as meaning Magee is definitely going to the gas chamber. For if he cannot have recourse to the higher courts, how can he get justice? Does any of us believe that after what happened at Marin County courthouse, that Ruchell Magee is going to get a fair trial from the state of California? The appeal Courts reactionary response to the most persistent writ-writer is so blatantly unconstitutional as to defy analysis. It is typical of the justice that the courts mete out to members of the Convicted Class. We are viewed as sub-human at every turn. If Magee had been a non-violent caucasian convict perhaps the courts would have been more patient, but he's black and angry. And we know how Mr. Jones feels about all that, huh!

POETRY OF THE CONVICTED CLASS

Peace and Freedom

Freedom puts a price
On all men
Shadow of man reflects
A crack so long
So deep
It would take more than
One Jesus to mend.

To sell the poor people
Fancy wrappings
That hold nothing but air
Could cause the poor
To one day walk over
Graves of artificial morals sculptured
From masquerading advocates
Of Truth.

Falling Petals of Peace
Cause signs to raise up
A weeping question.
How blind, How foolish will man remain?
The folly is
Man dies for an abstract
Belief.
See how death
Crocheted a net
For the season tally?
Listen hear the laughter
In the halls of history
Where man's peace and freedom
Are placed on tables of bronze.
It is in those halls where the
Show-case of life and death will
Display
The meaning of reality and the abstract.
Yes the palms of death
Hold a dark meaning
About peace and freedom.
The future is a ghost
Whose hands hold destiny.

Reality struggles to survive in a world that reflects
The truth. Peace is not a bomb, flame thrower,
Spitting bazooka. Not a reason for war
Out from the warehouse of the abstract comes the muse
Of human life justified by freedom.
For these two words men have paid a price that has become
Unmerciful since day one. If the life of two words can
Play as big a part as these two have, just think what love
Share, welcome and concern can mean.
Peace and freedom are dying and have yet to become the
Ground to walk on.
Blah, blah, blah. Peace and freedom are dead.

Joseph Wayne Burton

this rifle is yours

This rifle is yours
as it was your father's
and it will kill today
as yesterday it killed
But in this madness
Fertilized by blood
Death has no meaning
Beyond your bullet's
message
And if you cry
Know all your strength
Is in that tear.

Robert Olsen

The Nature of Salt

My father once said
Salt has many functions

It stabilizes the metabolism
Prevents goiters, and
is very good for snails.
He also said
Never look back.

Stuart Allen Chapman

When the Revolution Comes

When the Revolution comes
There will be light where there is now darkness,
There will be love where there is now alienation,
There will be knowledge where there is now despair.
There will also be sadness
For those who were lost
From us in that struggle
Of liberation that is the Revolution.

When the Revolution comes
The emotions of Man
Will come with an orgasm of evolution.
The pig jaws of the pimps of destruction and hate
Will melt and simmer in the dust
Of the boots of the people
That take back their land for themselves.

To the people when the Revolution comes
Will the power of light and knowledge go.
To the people, who have for so long
laid idle under the jack boot
Faces of the exploiters, will the Revolution come,
So that they may feel it's mother warmth love,
So that they may stand equal in a land of freedom
When the Revolution comes.

Have no fear for you are immortal
And the evolution of the Revolution has begun.
The fear is for the rich pig punks
That know their time is short,
See them squeal and oink
As they see the leash of capitalism
That they wear growing tighter
Around their sweat, pencil necks,
See them cry for help as they drown
In a sea of people who seek their liberation;
When the Revolution comes.

Ron Uriarte

Love is not Lost

Love is not lost
If you look within
The shedding of tears;
It has merely been mislaid.

The monster fear
Survives on naivete,
Thereby to falsify
The loss.

When you hear
The burning cry
Of one who is empty,
You need not justify
To yield
And give love.

Love is not lost;
It flounders
In the inner chambers
Of the self.

Joseph Bruton

HO CHI MINH

the first page

Reciting verses has not been one of my habits,
But now in prison what else have I to do?
These captive days I'll spend in writing poems,
And, singing these, bring nearer the day of freedom. . .

gambling

Outside the jail, people who gamble are arrested,
But once inside the jail, they can gamble just as they like:
So, of course, in jail the prisoners are often heard to
complain:
'Why on earth did I never think to come to this place
before?'

Visiting her husband in prison

The husband is inside the iron bars.
The wife is outside the iron bars, looking in.
So near they are, only separated by inches,
And yet so distant, like sky and depths of the sea.
What no words utter, their desperate eyes relate.
Before each word, their eyes brim over with tears.
Who could stand here and watch their meeting, unmoved?

Advice to Oneself

Without the cold and desolation of winter
There could not be the warmth and splendour of spring.
Calamity has tempered and hardened me,
And turned my mind into steel.

Sadness

The whole world is ablaze with flames of war,
And men compete as to who will be first at the front.
In jail inaction weighs heavily on the prisoner.
My noble ambitions are valued at less than a cent!

Writing a Petition for a Jail-Mate

Being all in the same boat, we can never refuse
Help to one another. For you I write this petition,
Starting to use expressions considered correct,
Like: "So, in accordance with your sublime instructions. . ."
That kind of phrase I am learning now for the first time.
But how you thank me for turning out such a nice job!

AT THE END OF FOUR MONTHS

"One day in jail is equal to a thousand years outside it. . ."
How right were the ancients, expressing it in those words!
Four months leading a life in which there is nothing human
Have aged me more than ten years.
Yes: in a whole four months I have never eaten my fill,
In four months I have never had a comfortable night's sleep,
In four months I have never changed my clothes, and in
four months
I have never taken a bath.
So: I have lost a tooth, my hair has grown grey,
And, lean and black as a demon gnawed by hunger,
I am covered with scabs.

Fortunately

Being stubborn and patient, never yielding an inch,
Though physically I suffer, my spirit is unshaken.

AT THE POLITICAL BUREAU OF THE
FOURTH ZONE OF RESISTANCE

I have traveled the thirteen districts of Kwangsi province,
And tasted the pleasures of eighteen different prisons.
What crime have I committed, I keep on asking?
The crime of being devoted to my people.

PERMITTED TO TAKE A WALK IN
THE PRISON YARD

After this long inactivity, my legs are like cotton.
While trying my first steps, totter and stagger.
Immediately the chief warden calls out after me:
"Attention — about turn! That's enough of dawdling around!"

Sometimes Surfaces the Nemesis in Revolution (to Che)

sometimes
the connotations of the words we use can betray our
invisible ideologies
and other times
our enunciated conditioning reveals
another truth
for
history to record
for the unborn masses
and sometimes love
cannot
escape
the twisting vise of revolution
in the earth-world
and in the massive upheaval
of personal/collective change
love can go astray
like a wounded fawn in flight
when love was all
the revolution sought anyway. . .

J. Douglas Halford

Network

Scene I Attention!
Portions of Peter Pan
Have been banned.
Our censors feel
That Tinkerbell's
Advocation of
Pixie Power
Is not in the best Public Interest.

BREAK The White Knight
Gallops endlessly
Through phantasia
Interrupted
Only
By regularly
Scheduled programming.

Scene II I worry at times
About the habits
Of the Nelson family.
It seems that
Ozzie and Harriet's
Home has no bathroom.

Channel
Check Plastic Man
Has been replaced
By the Lady from Lycra
Who coquettishly
Crosses her heart
And firmly flatters us
Into trussed-up posture.

Scene III Mannequin mouthed
Life actors
Play death scenes
Above and Beyond
Belief.

FADEout Finally ground down,
Nerves no longer
Jangled by jingles,
We return to
Reality
And wander off
Mindlessly chanting
"STRONGER THAN DIRT"
"Stronger than dirt. . ."

Tim Thayer Whitcomb

let us start these glorious fires

brothers and sisters,
as aires retreats mauled
from the revolutionary onslaught of change
and dissolution rushes forward
to embrace the tenacles of oppression
I see us collectively
struggling to break the bonds
of conformity and capitalism,

and I see us
passing through the simple splendor
of all the colored seasons
like wisps of misty wonder
twisting and seething into the legal
madness of our murderous elders,

and I see us
fiercely grinding down the muck
of our involuntary conditioning
which grossly violates us
in our naked moments of godpassion,

and I see us
racing into the flames of revolution
where love and bravery is everywhere!

J. Douglas Halford

As I walk
Through this storm
Me and my God
All alone
Doing Our Thing

Raymond Scott

We must unionize!

Half a man's life is made up of the time he devotes to labor. Whether in prison or on parole, we are compelled to work for a living. Work is the major provision of a people. If we do not work, we steal. If we steal, the chances are we will be returned to prison. If we can't find work in a system that does not provide jobs for everybody, we are sometimes returned to prisons with a parole violation. We as members of the convicted working class are twisted and mangled in the vice of a cruel system that cares little for human life. We are the last to be hired, the first to be fired. We are compelled to dance at every turn: we dance for a parole, and we dance for a job while on parole. In the widening class struggle in Amerika, we prisoners are the lowest of the low. We are wage slaves inside and outside. But the labor movement on the outside have got it somewhat together in contrast to the labor movement on the inside of prisons throughout California. Both inside and outside labor movements started out with nothing but illegal enslavement. But labor on the outside has largely dealt with the issues of sweatshops, unsafe working conditions and gross exploitation. We of the convicted working class haven't. We are still daily being crippled in the prison sweatshops for mere pennies, we are still being psychologically tortured by the nebulous but spirit crushing reality of the indeterminate sentence law, we are still political pawns in the game of power, profit and political debts incurred by the governor and the director of corrections, we are still being issued trade certificates which aren't worth the price of zig zag papers on the streets, we are still being paroled back to the identical poverty and degradation which has been a cycle in our lives of poverty, prison, parole and more poverty, and we are still returning to prison at the same recidivism rate as before, we are still doing in California, the highest median time served of prisoners anywhere in the United States. Nothing has changed. We are still struggling alone, one at a time against the concerted oppression of capitalism's department of corruptions with it's 12 beastly prisons, 26 slave labor camps, 7000 bureaucrats and 130 million dollar budget. It is no small wonder that we can do nothing but continue to suffer unspeakable crimes against us and lick our wounds. We are unorganized. We have the numbers, but we have no righteous unity. Even recently, the system had us knifing one another over the issue of the color of skin pigmentation! And the system, through

the deprivation / gratification game, has evolved a snitch system that places men's lives in physical jeopardy over the whim and caprice of a rat! And in spite of all this, we remain unorganized and ineffective to deal with our common oppression!

How many more lives must be lost in adjustment centers and prison mainlines before we deal with the oppressor? How much more blood must we sell and shed before we decide that we are finished with this madness? How many more of the system's games are we going to participate in and succumb to, before we get it together? How many more forced therapy sessions are we going to attend, how many more 115's and 128's are we going to get put in our jackets before we realize that as long as we remain unionless, we will remain powerless to deal with our incredible oppression. The writwriters think the answer lies with the courts, but the courts have downed us all our lives. In fact, the courts have conspired with the millionaires and the police in seeing to it that, every time, we lose in the legal arena. Just recently, at the end of June, the California Supreme court ruled in a 5-2 decision that the Adult Authority Board was legal in every respect. The court ruled that it was valid that prisoners weren't permitted the right of an attorney (if we could afford one at each yearly hearing) at parole consideration/revocation hearing, we weren't permitted the right of calling witnesses in our behalf, nor cross examination, redress, appeal — nothing! Downed again. Writs is only one level of the struggle. Because, even if the courts upheld our position, who is going to enforce the law at the custody level in prison? You will notice in this issue, a do it yourself writ kit. We endorse writing, but we of the C.P.U. are committed to life and death in Union among the poorest, most oppressed minority, most violated, most ripped off people on the planet! That's us. Let us cease this shucking and jiving and get down the road of revolution! Let us come gloriously together after 300 years of system induced manipulation/ of sticking each other! Let us all join — you and you and you and him and me and her and you, the California Prisoners Union! Prisoners Unite, for what have you to lose but your chains!!! Slaves of the state, Rise up!

If the courts, the legislature, and many of the people refuse to recognize our humanity, what recourse do we have? The only way we can get the man's boot off of our neck is to unionize. If we effectively unionize and form

locals in prison and outside prison, we can begin to put an end to the oppression of the Adult Authority, the California Dept. of Corrections, the California prison Industries. We can then deal with the indeterminate sentence, the criminal lack of medical attention, the adjustment centers, the mad custody clique, the slave wages we receive, the unsafe and illegal conditions we are forced to work under, the cruel and illegal conditions of visitng. We can become independent and financially free! We can abolish most of the provisions of parole. Now is the time to unionize. Behind this dream of a union is the twisted and broken bodies of literally thousands of our brothers and sisters who have been killed trying to deal with the system. As long as we do not unionize, we can expect the same madness day after day. Without the strength of a union, we will witness again murder in "O" wings, B-sections, 4-A's, Max rows. The people, no matter how well intended, will not put an end to the madness we are subject to day after day after day. Only those of us caught in the vise of the cycle of poverty, prison, parole and more poverty are qualified to deal with it. It is our duty to ourselves, to do it. Let us put the petty differences aside that the system has created for us, and come together with a strong and righteous union. And after we get our union, let us make sure that it remains true and strong and real to the needs of the convicted class!

Join the C.P.U. All prisoners in county jails, city jails, and state prisons and camps are urged to join. Send out the coupon below — name and prison number and \$4 (if you have it, if not we will deal with that later) to the California Prisoners Union Membership Dept. P.O. Box 2858 Sacramento, Ca. 95812

ALL POWER TO THE CONVICTED CLASS !!! ALL POWER TO THE PEOPLE!!!!

***** YESTERDAYS *****

Worst Prison Fire Kills 320 Convicts

America's worst prison fire killed 320 caged convicts in Ohio's state penitentiary at Columbus while armed troops battled spectators to clear a path for firemen.

Flames were first sighted in the scaffolding of a new cellblock shortly before sundown April 21, 1930, by convicts in a group marching from supper to the west block of the jail.

Guards commanded the men to move faster. The cells were believed fireproof and a safe place to secure the men while the fire was being extinguished. The prison, originally built to house 1,500 inmates, was jammed with 4,000 the night of the fire.

As the last cell bolts clanged shut, gusting wind carried embers from the construction site to the wooden, tar-papered prison roof of the west block. The roof seemed to erupt in flames. Suddenly, the "fireproof" cells were an inferno.

Flames raced along oiled rafters and spilled into top-floor bunks where they engulfed prisoners' bedding.

About this time the first alarm was sounded. State and federal troops summoned by the warden's office arrived just before the first hook-and-ladder truck. It was precisely 6 p.m.

Caged inmates in the west cellblock furiously cursed

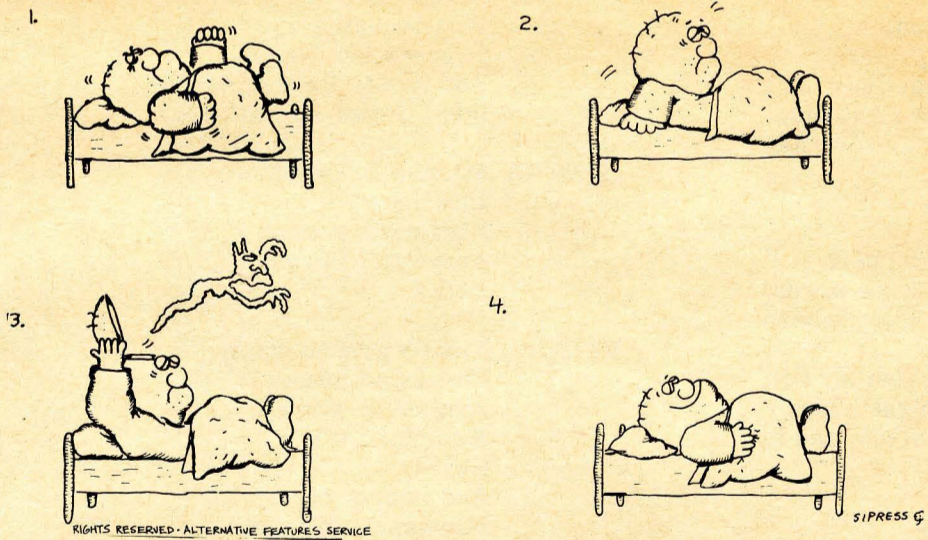
their guards. One tried to chisel open a cell door. A guard shot him dead. Roof sections collapsed on trapped men. Thickening smoke drove gasping guards and tried to storm inside when the gates opened to admit firemen. Guards armed with rifles and tear gas turned their attention from prisoners to civilian rioters.

By the time they beat back the mob to admit the firemen, 320 imprisoned convicts were already dead, and more than 200 were badly burned or overcome by smoke. Guards and troops had managed to evacuate all but the west block, using bayonets to prod prisoners into a safe compound.

When the flames were brought under control, prisoners and firemen worked together carrying out the victims.

There were moments of heroism. One prisoner had stood fast with flames licking toward him, battering open cell doors with a sledgehammer. It was later estimated he saved the lives of 136 inmates.

Others could have been saved, according to guards who told a special Board of Inquiry that guard Thomas Watkinson had refused to surrender cell block keys. By the time they took the keys away from him, heat-swollen locks were jammed.



To join the C.P.U. fill in coupon below and send to:
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THE GRIFFIN-BUSSEY RAILROAD

By Ed Souza

On August 2, 1971, a jury of 12 persons after 2-1/2 days of deliberation finally compromised their beliefs and in the face of truth found James E. Griffin and Leroy J. Bussey guilty of possessing heroin in their cell at Folsom Prison. The two were originally charged with possession of heroin for sale. The compromise was reached because Judge DeCristoforo (who was appointed to the bench by Gov. Ronald Reagan) by his pre-trial rulings gave the prosecution an overwhelming advantage over the defense. Since the offense allegedly occurred on August 25, 1970, both defendants have spent most of their time in isolation in 4-A at Folsom Prison. Judge DeCristoforo denied defense requests that the defendants be returned to the mainline population because only in that way could they contact witnesses and prepare a defense to the charges. Judge DeCristoforo denied a defense motion to permit the defendants to wear civilian clothing to their trial, and they were forced to go to trial in prison khakis. The judge also denied defendants' motion for an order permitting confidential communication with their attorneys, so the defendants' mail to their attorneys was read by the very prison officials who were witnesses against them. A defense motion to inspect and photograph the scene of the alleged crime was also denied, although the District Attorney was permitted to go to the prison and take photographs as he pleased. Defense contentions that the grand and trial juries were unconstitutional, particularly due to the exclusion of all persons ever convicted of a felony, were denied. A defense motion for dismissal based on denial of the right to a speedy trial was denied even though the offense allegedly occurred on August 25, 1970, the defendants were not indicted until December 17, 1970, and the trial did not begin until July of 1971. Judge DeCristoforo's one reasonable order — that the attorneys for the defendants be allowed to inspect the prison files of all defense inmate witnesses — was overturned by Judge Kistle during the trial. Thus, the prosecution began with a tremendous advantage over the defense.

Nonetheless, the District Attorney was only able to put on a pretty shaky case. The defendants were represented by Robin Yeaman who is a C.P.U. attorney and Lawrence Marquette. These defense attorneys pointed out that on August

25, 1970, Fu Griffin and Skip Bussey were in a cell that measure 53" wide by 130" deep by 90" tall. If they had had any contraband, the prison officials should have been able to make out an airtight case against them. But, although the prosecution alleged that Mr. Griffin swallowed three bindles of heroin on the night of the offense, no urinalysis

nity.

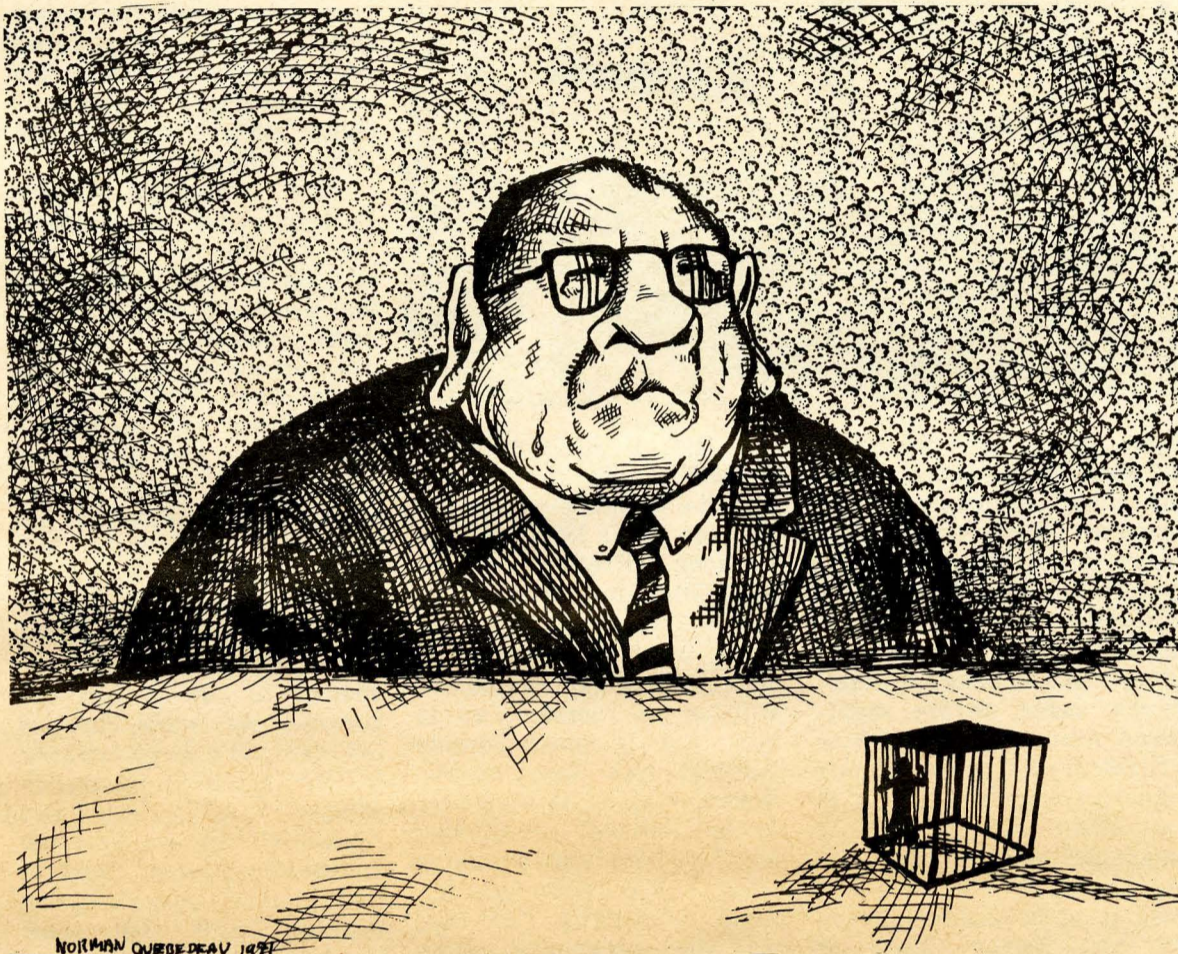
Sgt. Poland also testified that Folsom Prison is not a brutal place. He went on to say that he has seen inmates kill each other and die from overdoses of drugs. In addition, pictures of a bloody encounter between guards and a friend of the defendants were introduced. But Sgt. Poland apparently doesn't regard that as brutal.

the prosecution tried to make it appear to be a delicately balanced scale, it simply was not. The defense presented testimony that such a contraption simply is not used in the packaging and sale of heroin.

The weaknesses in the prosecution's case, the defense argued, were due to the fact that the defendants were framed, and heroin was

defendants would retaliate against them for the savage beating of their friend Gary Cooper. The prosecution introduced photographs of a bloodstained scrubbrush and a bloodstained towel as evidence that Gary Cooper hit his own head on the floor and bit off part of his tongue, not as a result of any beating. The prosecution discreetly refrained from introducing any pictures of the inmates Gary Cooper himself. Mr. Bussey testified that he felt that the guards expected retaliation for this beating, but that he himself had no intention of retaliating. As all members of the convicted class know, it has always been the oppressor's story that he or she fell downstairs, or fell on the floor, or slipped in the shower, and that is the cause of the inmate's injuries.

Because of past reformist middleclass do-gooders, who had a law passed saying that a defendant's past record could not be introduced into evidence unless he testified in his own defense, the oppressor retaliated by passing a law that prior felony convictions must be considered in sentencing. As a result, the jury in this case was unaware of the penalties for possession of heroin and for possession of heroin for sale, and they were also unaware of the effect of prior convictions and wholly unaware of the punishment which would be meted out to the defendants. The jury, having been informed by the judge that possession is a lesser offense than possession for sale, thought that it was reaching a compromise verdict. But in fact the sentence for possession and for possession for sale is the same — a 15-year minimum for defendant Griffin and a 2-year minimum for defendant Bussey.



or other test was made to determine what he swallowed, if anything. Nor was any suspect checked for needlemarks.

The District Attorney claimed that a gunrail officer saw one defendant spit an object (containing heroin) into the toilet in his cell. The prosecution was allowed to introduce photographs of the defendants' cell, not as it was on the night of the offense, but stripped absolutely bare. On the night of the alleged crime, a large chest, clothing, headboards, and other objects obscured the view from the gunrail into the cell. Nonetheless, the only photographs introduced into evidence were stripped to make it appear that the gunrail officer could have seen into the cell. If the D.A. had an airtight case, he wouldn't need to stoop to photographer's tricks like that.

The main prosecution witness, Sgt. Poland, a guard at Folsom Prison, testified that defendant Bussey flushed the toilet once in an attempt to dispose of the "heroin," and that the object failed to flush away. But Sgt. Poland took only one step into the cell, and if there had been any contraband in the toilet, Mr. Bussey would at least have made a second attempt to dispose of it since he easily had that opportu-

The prosecution produced Mr. Ken Mack, a chemist, to testify that the heroin found in the cell of the defendants was 31% pure heroin and weighed a total of .57 grams (a small fraction of an ounce). Mr. Mack had no notes to indicate how he arrived at the 31% figure and, contrary to standard practice, took no photographs of the chemical reactions or crystal formations he obtained. On the envelope from the crime lab Mr. Mack wrote "heroin," and he had crossed something out. When asked what he crossed out, he replied, "cocaine." That doesn't seem like a very exacting analysis.

The defense presented testimony that if the heroin had been 31% pure, and if Mr. Griffin had chewed and swallowed (as Sgt. Poland said he did) three bindles of heroin, he would have died or at least shown some effect. The prosecution indicated that Mr. Griffin showed no effects whatsoever from this "heroin" and was immediately placed in isolation.

The prosecution claimed have found a "scale" in the cell of the defendants that was used to weigh heroin for sale. The scale consisted of two lids from mailing tubes, some jewelry chain, and a metal bar. Although

planted in their cell by prison guards. The defense did not stop with this bare allegation but went on to demonstrate the motivation for planting heroin in the defendants' cell. The prosecution produced testimony that in One Building (where the defendants were at the time of the offense) there were 900 inmates and 5 guards. The defense pointed out that the only way that so few guards can control so many inmates is to cause the inmates to fight among themselves. Further, the way to control so many men of different races is to cause the different races to fight each other. The defendants, Mr. Griffin and Mr. Bussey, had been active at Folsom Prison, especially during and before the work strike in November of 1970, in working for better relations among the different races. Specifically, the defendants had attempted to stop rumors that interracial fights were coming and to talk things over with inmates of other races. The defense argued that it was because of this that the guards felt they needed to isolate the defendants and make an example out of them — as a means of perpetuating their control of the inmate population.

The defense also presented testimony that the prison guards feared that the

Heinze Dead

Robert A. Heinze, who retired in 1966 after running Folsom prison for 22 years is dead. He was 72.

Heinze was named acting warden at Folsom in 1944. Before that he worked as a parole officer and deputy chief state parole officer. He began his career in 1917 as a chauffeur to the president of the State Board of Prison Directors. He was a member of the Elks Club of Alameda, a racist organization which last year at their national convention voted 2200 to 3 against admitting blacks to membership. Hundreds of men died in Folsom from torture while Heinze was warden.

We do not regret his passing.

THE STRUGGLE AT SAN QUENTIN

By Convict John Doe

I read in the newspapers the rebuff of Mrs. Soladay and the CPU to the irresponsible contentions of Assistant Warden Parks that inmates had been instructed to kill by radical lawyers. Just imagine, under what kind of assinine people we inmates are directed to perform and subjected to live under their command! That is why it is very important that you people on the outside redouble your news media campaign to snatch out the mask of this group of cynics that manages the Dept. of Corruptions. I have been in here for five years, I am extremely hip to the manipulations and Machiavelism of this old clique that manages the Dept. of Corruptions as a private legacy in the close-knit society style of a true Cosa Nostra family.

You can be sure that, in 95% of the cases, the turmoil created within the institution, there is behind them, the sinister hand of the carpetbaggers, manipulators of the "family," as I will refer to them from now on. For example: At any time the legislature says anything about closing this place down or to reduce custody personnel, somehow, and thriving on the stupid racial conflict that divides this country plus the almost total ignorance and illiteracy of the great majority of the inmate population, of which the administration also has stooges from one side and the other, then they (administration) start to spread around some kind of rumor as to create unrest through their stooges, and when the stooges' intrigue does not work too effectively, the rumors are then spread by the guards themselves (the old clique), about any trivial thing, but being careful that it contains some racial overtones and the rest falls down: click, click, click into place with its beforehand quota of murder, mayhem, etc., etc.

By the time when all of this is accomplished the schemers got in the bag what they wanted, Viz., to show to the planners of the budget that it is impossible to contain the unruly animals with less personnel and a reduced budget and instead they keep pressing and crying for increased wages and by the time they had also accomplished the main purpose, they had also hit the jackpot: the overtime money for extra duty, available for the "family" without having to earn it in any other fashion than scheming and manipulating their perfidious and despicable designs.

Read the underlined paragraphs of this newspaper clipping, enclosed herewith, containing the Warden's Re-

port on Stabbings and compare it with the account that I gave to you before in regard as to how and why the incident really happened. Do you see the cleanup now that the operation, as I told you before, backfired? Can you imagine that in a case of the magnitude and implications as it was to have this inmate Johnson (a rat) transferred to San Quentin?



Specifically when the names of all the inmates that served as state witnesses in the case of "The Soledad Seven" were widely circulated and publicized in all organs of diffusion and even in the proper Soledad Prison? They used to have all informers under severe maximum security or have them transferred to minimum security warehouses. It is not other than unadulterated poppycock of the worst class. As I told you before the plan was to send inmate Johnson to the upper yard of San Quentin to have him killed for the motives that I previously exposed to you. Read again the Warden's words: "He called to our attention that he was concerned for his safety."

I want to let you know that the Warden of San Quentin is playing football without his helmet. Check this: In this prison, like in any other one under the set up of the American penal system, and the same is the case the world over, when a prisoner approaches his gaolers stating that "he is concerned for his safety," the first thing that customarily is done, when they do not want a different outcome, is to immediately have the prisoner in question lock up in P.C. (protective custody) until it can be determined who is threatening him. Such prisoners never again are put back into the mainstream of the general prison population until they are definitely either one, paroled, or two, transferred to another institution. In the case of inmate Johnson and officer Davis just check the same newspaper account in the words of outside investigators Read and Thompson of the California State Employees' Association about the "Green Room" and you will detect the criminal intent and conspiracy that lead to the wrongful and negli-

gent death of officer Davis. I honestly believe that the proper course to follow in this case will be to file a suit of at least Five Million Dollars in behalf of the widow and children of the late officer Davis stressing the point of wrongful death as a consequence of the internal policies within the Department of Corruptions and at the same time

to file a petition in the federal courts for a probe into the whole operation and policies of the Dept. of Corruptions. Probe into the whole old family who runs it, and how the Adult Authority is used as a leveler to suppress free expression and volition of inmates, as in this case in which inmate Johnson was sent to San Quentin to get killed because of his refusal to further testify on the prosecution's behalf. The probe into the Adult Authority is essentially necessary since this administrative body is used as a coercive enforcer of rampant arbitrariness rather than as a scientific, as it is supposed to be, body of professionals looking into the true rehabilitation of felons, not through the expressions of cynicism, whim, caprice and despotism and absolutist policies by which inmates know we are treated by such fascist group of ex-policemen acting out as docile instruments of bias and extreme prejudice against prisoners. The impunity under which the Adult Authority operates have to be checked at once.

Check this other account that will further lend credence to my expose: The same night of the day when officer Davis was killed there started snowballing around the rumor that "Whitey" was out seeking vengeance to avenge the death of the white officer, that they were going to kill either a bunch of blacks or a black correctional officer or the following morning, Wed., July 21, 1971, the whole of the inmate population, including the prison block's workers, was summarily prohibited to remain in the blocks namely for a "systematic search for weapons," to which I am particularly not opposed since it is just natural to be done

in a dreadful penal institution like this one, historically so tragically ridden by violence, only that this operation in search for weapons was performed only as an insulting aberration of sheer stupidity and vindictiveness from the guards themselves being used as instruments of their emotions that most absolute contempt and disdain for the prisoners going in a rampage and destroying personal property, throwing the inmates belongings down from the upper floors and in many cases even stealing or destroying blank envelopes, hobbies, or hobby material bought with inmate's own money.

Now Assistant Warden Park in order to minimize the retributory and brutalizing actions of the guards that eventually forced the inmate population to stage a sit down demonstration to express their revulsion and displeasure at such irresponsible and senseless practices of mass retaliation for something that the general population had nothing to do with. Park said to the public through the news media that the strike or demonstration was in response to our disapproval because we were "ripped off" (prison's jargon as used by Mr. Park in the newspapers) of contraband "goodies" that we were not supposed to have. And he went further stating and describing part of such "goodies" as pieces of furniture. What a sarcasm!

That is completely untrue. Whoever has visited San Quentin inside can tell you that we live in cubicles unfit for habitation even for a squirrel monkey, let alone for a human being. The space of the cells accommodate two persons at a time. The space is so reduced that inside one of these cages you keep bumping against the bunks and wall lamp all the time unless you exercise extreme care or you are a midget of 39 pounds, so, hardly can you have any piece of furniture in the way other than a single stool, state property, our only piece of all purpose furniture. Therefore it was not other than one of the many foolish attributions of Assistant Warden Park and his cohorts.

Since I am an old timer in this institution, I have the distinction of keeping rapport with all the different ethnic, political, and religious groups in here. At noon of that day, Wed., July 21, 1971, I did set out to consult the hate groups, the pacifists, the neutralists, everybody, as to find out the veracity of the rumor being spread around that "whitey" (the white population) was out to get a black officer or any other black as retaliation to avenge the death the day before of a white officer. Everybody expressed the

same rationalization: That it was none other than an administration's fabrication in order to entice the inmate population to disorder, rebellion, revolt and, ultimate division in order to create the perfect excuse to tear gas us and to massacre us since we were trapped in the upper yard with all the block's doors closed while the destruction of our family pictures and everything else was taking part.

You have never seen in your life a most beautiful display of unspoken solidarity and agreement than at this occasion. When the enslavers blew the prison power plant's whistle calling the enslaved to fulfill the assigned roles of their forced servitude, as a monolithic mass 95% of the inmates at the yard remained peacefully assembled at the upper yard, all groups, whites, blacks, Chicanos and other minorities in here, to demonstrate to the schemers that we were aware of their game, that they were going to divide. Afterwards, the techniques of our gaolers was changed to a more provocative one; they filled up the gunrails to the wall with armed guards in full combat and riot control gear, you know, the whole bit, shotguns, machine guns, rifles, carbines, a plentiful supply of tear gas canisters, gas masks, and then they sent a group of unarmed guards dispersed throughout the yard to intermix with the inmates in order to entice some hothead to jump on one of them under the muzzles of the guns that were pointed at us all the time.

This deliberately created antagonism is an intrinsic part of the "rehabilitation" that we receive in here. We were helplessly stranded in the closed yard so the only move we made confronting this diabolical provocation was to rush to the water faucets at the yard and dampen whatever rage we could, our handkerchiefs, our T-shirts, sensing (we are trained to this by our oppressors,) that at any minute there was going to come the order to gas us out or to massacre us and our only defense therefore was to have a dampened rag to cover our faces from the effects of the tear gas since against the bullets we were not in position to do anything.

After the rush to soak our rags had subsided we got back to our respective places on the yard's pavement and remained peacefully seated there until they finally realized that their provocation was not working and therefore decided to let us then go back to our cages only to be confronted with the chaos and disarray of our remaining belongings scattered and broken all over our

Continued on page 15

Outside, Looking In

By Ron Uriarte

As a Chicano, and as another third worlder whose people have been murdered at the hands and guns of the ruling class in America, I find it not so difficult to believe that 62% of all prisoners now in the custody of the California Dept of Corrections are poor blacks and chicanos. I have long been aware that the police and the parole officials automatically look on blacks and chicanos and poor whites as prime "criminal suspects" and not as the prime victims of society that they truly are. The placa (police) look upon our people as sub-human. The poor black and poor white can at least speak the English language of the placa, but many chicanos cannot speak English well, and as a result get themselves railroaded right into prison. And if they are lucky by the time they get out on parole, they can speak English.

I think you really have to look at the history of America to understand where America is at now. When Americans were British subjects under a colony on the East coast in the 1700's, they felt they were not being represented, their desires were not being heard or considered; they were being taxed but were not getting anything back for their money. Taxation without representation, they said, is "tyranny."

In prison (and on parole, and manytimes after a discharge), you pay taxes on everything you buy, and you don't get to vote. America has come along way since the days when the Colonists were up in arms, but it seems strange that some of the same principles that the colonists fought and died for are still being fought and died for by Americans today: equality among men and the pursuit of happiness . . .

Why is it that almost 200 years later Americans are

still fighting for the same goals? Why is it that men and women are still being snatched up (without warrants) by a racist society, imprisoned and left to rot in holes the establishment calls "rehabilitation centers?" The answer lies in the structure of power in the U.S. Who really runs the government? It has become obvious that it is not "majority rule" which was intended in the U.S. Constitution. The real power in America, and the world lies in the hands of Big Business. It is the 76 corporations and the approximately 28,000 people in the U.S. that make up what has become the ruling class. These are the very people who would be the first to say that we have democracy here. And perhaps for them there is democracy. Money, as all poor know, will do anything. But for millions of third world Americans there is no justice. There is only the injustice of the placa's club, the placa's fist, the placa's gun. There is only the farce of trials in court where your guilt or innocence is determined by how much money you can pay for bail and attorneys. And there is the all too familiar cycle of the quarter of a million felons in California alone, the cycle of poverty, prison, parole and

SAN QUENTIN

Continued from page 14

cages. Resignedly and stochically, with oriental fatalism, (after all, what we can do about it?) we gathered our remaining things back in place and life resumed and continued to develop in here as before. Something I can tell you is that the directors of the show got a big fiasco since we didn't perform as they were expecting; we knew already our battle plan: the use of dampened rags on our faces, and our strategy: passive resistance. They do not like that a bit when they confront a cohesive demonstration by all groups since it immediately shatters all their plans. They are extremely frustrated because they were in need of a riot at all costs.

The California Prison Guards Association is trying to get unionized and to negotiate through the Teamsters Union a contract to get a raise in their wages that Tricky Ronnie Baby, Governor of the State of California, already ordered slashed from the current budget. As they were trying to make it appear, the truth is we were only demonstrating and showing displeasure and revulsion because of their inhuman harrassment and despicable behavior destroying our belongings in our cages. But imagine us playing into their hands and putting on the dirty part of the show and getting ourselves killed or hurt thus giving credence to their contentions to the state government that it is imperative to get their wages increased and granted. They failed and they are going to fail from now on at any time that

they try again to stage the same circumstances of divisiveness to serve their malign designs.

I will be unable to escape unhurt and further penalized from the wrath of my oppressors because of my honest and indefatigable denunciations of their connivance, I do not have illusions about that, nobody yet has escaped their retaliation fighting from inside the entrails of the monster. Either they transfer the person to bury him alive in the dreadful dungeon that is Folsom Prison, with specific orders on how they expect the new arrival to be treated and also specific order or recommendations to the disguised retrograde facists of the Adult Authority to hold the person in question indefinitely incarcerated at whim and caprice or in a last resort, if the person in question they consider is becoming much of a nuisance, it is very likely that someday he be eliminated like officer Davis with a knife plunged against his back at any place within these walls. Remember what I said before about the stooges? Being a knife, not a bullet, the method used for the elimination, there is not trouble at all, it will appear as any other one of the several deaths that occur in here every year.

If anything of the nature of the above described ever happens to me, i.e., my sudden assassination (I do not have enemies whatsoever) than bring a suit in federal court in behalf of my little daughter.



more poverty and then back to prison.

One must always keep in mind that poverty and prison is big business in America/California. The California Dept. of Corrections with it's 12 prisons, 26 camps, 7000 bureaucrats and 125 million dollar budget is big business. The prisons and the pri-

Conjugal Bill Downed

The Assembly Wednesday night rejected a bill aimed at curtailing homosexuality in state prisons by allowing inmates to have two-day conjugal visits with wives or girlfriends. The vote was 30 to 46.

"I don't think with priorities the way they are this is the time to build honeymoon cottages at each prison," said Assemblyman W. Craig Biddle (R-Riverside).

Under the bill, by Assemblyman Walter Karabian (D-Monterey Park), inmates would be entitled to at least three conjugal visits per year of 48 hours duration each.

"Now that we've had fun and games with this bill," Karabian said, "the ho-

David Hilliard Railroaded

SAN FRANCISCO (LNS)—Black Panther Party Chief of Staff David Hilliard was convicted by an Alameda County jury June 12, of two counts of assaulting a police officer — and acquitted of two other counts of attempting to murder the same policeman.

The prosecution witnesses — all police except for a city building inspector — testified about the April 6, 1968 shootout between police and Panthers. This was the incident which resulted in the death of Bobby Hutton and the reimprisonment of Eldridge Cleaver.

District Attorney Vutoka (whose tendency towards racism is so strong that four of his past convictions have been overturned by the State Supreme Court for that specific reason) as usual eliminated every prospective black juror. Defense Attorney Vincent Hallinan did not put great emphasis on the voir dire (examining prospective jurors for possible bias against the defendant). Hallinan works on the assumption that any jury is going to be largely racist, and therefore biased, and works that idea into his overall defense strategy.

In all of the prosecution testimony only three bits of evidence linked Hilliard to the shooting: A shoe that was found near one of the parked Panther cars; a jacket with ammunition in the pocket, found in a nearby shed;

soners are a part of capitalism. In a class structured society, there is created a class at the bottom which is poor and oppressed, and a class at the top which is rich and oppressive. The millionaires at the top are the ruling class and the prisoners at the bottom are the poorest class. As long as this system continues, there will be millionaires and prisoners . . .

homosexual problem in California's prisons is one that we want to contain and check.

"If we're going to continue a situation that graduates people into society who have been forcibly raped in prison, who have been subjected to degeneracies because this Legislature refuses to do what is right, then we are all responsible."

Adult Authority Bill

The state Senate has passed a bill to increase the size of the California Adult Authority from 9 panel members to 12. The bill, SB 216, authored by Senator Howard Way — R-Tulare county would also establish some qualifications for membership to the Board.



and a set of car keys left by Hilliard in a house in which he sought refuge.

There was no conclusive evidence to indicate that the shoe was David's. He had testified that he had been wearing sandals on that night — in any case that car was not one of the ones involved that night. Furthermore, the jacket with the ammunition in the pocket was much too large to have belonged to Hilliard. Throughout the trial Hilliard never denied that he was at the scene that night.

The lack of evidence did not disturb Vukota. The fact that Hilliard was a Black Panther — and a leader at that was sufficient he argued. It should convince any jury, if they would only use "the same common sense you use in running your business" that he was equally responsible as those who had shot at the police that night.

He never tried to convince the jury that Hilliard himself had a gun. His fingerprints could not be found on guns, bullets, or cars — although such evidence had been found for the others arrested that night.

The jury finally settles on a compromise and decided that Hilliard must be "partly guilty." He was found innocent of attempted murder, but guilty of assault. Each guilty count carries with it a one to ten year sentence; David Hilliard is now in jail, for a possible total of 20 years. An appeal is expected.

As we know, currently all Adult Authority members are political appointees of the Governor. A political appointment is a way of paying off political debts in this system of capitalism. The bill would permit a former prisoner to be a member of the Authority, and would require that at least four members be "trained and experienced in Psychiatry, psychology, social welfare or sociology; four members shall be attorneys experienced in criminal prosecution or defense or persons experienced in law enforcement; and four members shall be persons experienced in criminology or persons experienced in corrections, whether in prison, probation, parole or community corrections." The bill was sent to the Assembly for further consideration. . . .

From Death Row

Editor's Note: What follows are two letters from Nathan E. Eli — B-29114 and Robert L. Massie — A-90159. Both Brother Massie and Eli are involved in legal war with the totalitarian state. Massie recently in a letter to Congressional Representative Alphonzo Bell called for a prisoners' bill of rights and informed the Representative that he was discontinuing all litigation to save himself from the clutches of the gas chamber . . .

Eli has litigation before the State Supreme Court regarding Director Proconier's rule 2505 which rips off 25% of a prisoner's monies on manuscripts he sells. If he succeeds, as he points out in the letter below, all prisoners whom previously have been published and paid will get back the 25% retroactively.

Both have refused to be intimidated by the claws of the prison system, and have utilized every avenue of legal redress open to them.

We are also reprinting a true copy of a memorandum from associate warden James W.L. Park. In it he cites some jive about director's rules which prohibits prisoners from being a correspondent for a newspaper. Obviously nothing could be more cruel than to prevent a man who is scheduled to die, the inherent/constitutional right to pass his last thoughts on to the people. But then this is just one more example of "rehabilitation" on the part of Park and the Department of "Corruptions."

Editor, The Anvil
P.O. Box 2858
Sacramento, Ca 95812

Re: **In re Eli**, 15 Cal.
App. 3d 682

Dear Sir:

In your July issue of The Anvil, I note that you have devoted some space to the manuscripts issue presently pending before the California Supreme Court. I thought that perhaps you and your readers would like some background information to clarify the situation.

Initially the Department of Corrections would not permit death row inmates to solicit manuscripts for sale. This denial was, no doubt, based on the so-called infamy caused by the Chessman case and his stay on death row.

I felt that it was unfair to deny us the right to sell our written works because

Convict Petitions

A Folsom Prison inmate has asked the State Supreme Court to prevent prison officials from inspecting letters between prisoners and their attorneys.

Robert Charles Jordan filed the petition in San Francisco Friday. In June, Sacramento Superior Court Judge Joseph DeCristoforo had ruled against Jordan's demand that letters between prisoners and their attorneys be exempted from inspection by prison officials.

we have no chance to sell hobby work or paintings in order to pay for the expense of our legal appeals. Furthermore the thought crossed my mind that the State DID NOT want us to help ourselves in our quest for life. You cannot imagine the expenses entailed in the purchase of law books and legal materials necessary to various litigation.

Several men on the row are doing legal work for themselves either aiding their respective attorneys or filing **propria persona** applications for judicial relief from the choke of the gas chamber. For the men who are acting pro se (i.e. without legal counsel) it is almost impossible to acquire the requisite legal materials without some form of help. Many of the men here are excellent writers and are able to pay their own way through the courts from the proceeds of their works.

Because of the inequities inherent in the State's denial, I filed a **propria persona** suit in the California Supreme Court. Chief Justice Wright issued an Order to Show Cause returnable before the District Court of Appeal. Subsequently the Department of Corrections hastily moved to abolish the proscription against selling manuscripts, ostensibly to make my litigation moot. When the Attorney General filed his return to the Order to Show Cause, I virtually demolished every point he raised in my traverse. But the District Court ignored my contentions altogether and merely held that 25% of the profits from the sales was not unfair.

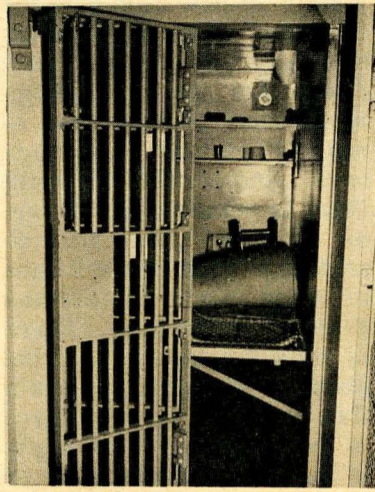
I contended that 25% of the profits of my earnings deprived me of 25% of the legal tools with which I could fight the behemoth of the State. Furthermore, the Department of Corrections would not contribute 25% of the supplies necessary to produce the manuscripts (i.e. carbon paper, paper, and postage). In fact they specifically stated that NO State paper could be used in the production process.

After I lost my bid to vitiate the rule of the Director, I asked Paul N. Halvonik of the ACLU to help me take the matter to the California Supreme Court for a hearing, which the Court later granted. Mr. Halvonik's position, as you noted, was that 25% levy on manuscripts is, in reality, a tax on knowledge and thus patently illegal. Furthermore he pointed out that **Davis v. Superior Court**, 175 Cal. App. 2d 8, specifically stated that the State has no property interest in manuscripts produced on death row. Personally, I feel that this should also apply to the mainline population as well. As a matter

of fact the Legislature has various bills before it now (viz., AB #2699 et al.) to make all writings of inmates their exclusive property.

My suit will be heard soon, and, if it is successful, it would mean that the State would have to retroactively pay each inmate the money illegally taken from him.

In the future suits will be filed to attack the hobbycraft system and its denial to death row inmates. Whether they sell anything or not, hobbycraft would give the men something to do to



pass the time and make them enough money to smoke other than "duffy" cigarettes. For others it would give them a creative avenue to aid themselves and their counsel to pay the enormous legal expenses attendant to death row appeals. Additionally it would give the men a "choice" of counsel, rather than the State dictating to some public defender the onus of defending them. And, as everyone knows, lawyers who are paid will do a better job than public defenders who run the various legal supermarkets, and dispense turnstile justice, much to the chagrin of indigent inmates.

I have written several articles about the law that you might want to share with your readers. One is titled "Confessions: The Problem and a Practical Solution. The Case for an Absolute Fifth Amendment." This information would apprise the readers of the legal aspects of police who "take" confessions (by whatever means they choose to employ), and the future of such litigations in the courts. Perhaps, from time to time, you would permit me to give your readers a synopsis of the legal arguments pending in the various courts on sundry points of law. Please let me know. I remain,
Very sincerely yours,
Nathan E. Eli

Editor, The Anvil
P.O. Box 2858
Sacramento, Ca 95812

Thank you for your prompt reply to my letter of July 5th and for the copies of your newspaper. However, I received ONLY one issue: Vol. 1, No. 2. The first issue, if not mailed in the same envelope with #2, was either lost in the mail or confiscated by the institution. Since I was not

informed of its confiscation I must assume that it did not arrive. Would you mind sending me another copy of the first issue via a method of mail which will insure its arrival, as I would like very much to read the verbatim report of your comments about my letter to Congressman Bell? On second thought, send me ten (10) copies of the first issue along with a bill, because I want to provide the members of my family and other correspondents with copies. Upon receipt of your bill I will have a relative send you a money order, or have our business office forward a check. There is a good possibility that some of the people I write to will be desirous of entering subscriptions.

It would give me great pleasure to be your death row correspondent, but you will note from the copy of the enclosed memorandum (typed verbatim) from our Associate Warden, that Director Proconier has made a rule which prohibits us from writing for a regularly published column on a continual basis. And until this restrictive rule (not a law) is challenged and nullified, I am unable to accept your proposal. But perhaps I could write an occasional article that would serve your needs (and ours) without violating or circumventing institutional proscription. Would this be satisfactory? Please advise.

TRUE COPY

State of California Human Relations Agency—Department of Corrections

Memorandum

To: MASSIE, Robert Lee Date: July 21, 1971
#A-90159 (Condemned) File No.:
Condemned Unit #II Subject:

From: California State Prison, San Quentin 94964

We find that Mr. Halford, Editor of Anvil, is proposing that you be their death row correspondent for that publication.

We must call your attention to the fact that the Director's rules prohibit acting as a columnist. "SUBMISSION OF MANUSCRIPTS - It is the policy of the Department to permit manuscripts, within reasonable limits, to be submitted for publication. Such writings are considered primarily educational activities, having as their purpose the development of skill of talent. Articles must be in good taste and must not be related to the inmate's business or profession. Inmates shall not enter contractual agreements with publishers involving a commitment for a regular published column. Inmates should be encouraged to enroll in courses in creative writing."

/s/ James W. L. Park
JAMES W. L. PARK
Associate Warden
Administration

JWLP:fd

GA-47

Tehachapi Revolt

More than 300 prisoners massed in protest last month to protest prison conditions and treatment by guards and had to be dispersed by rifle-fire. About 100 friends and relatives of prisoners were picnicking near the fenced enclosure where the shots were

Anvil is the very best publication I have ever read about conditions in prisons, and the reporting of TRUTH is like music to my ears. Keep up the good work, as the message of your paper is a source of inspiration to all who labor beneath the tyranny of this dictatorial regime. However, I am sure you realize that many of the men are not articulate enough to properly express their appreciation.

I do not want to miss a single issue of Anvil and I am wondering if you will immediately add my name to your list of subscribers? If so, I will also have a member of my family send you the annual subscription rate of \$4.00.

I shall look forward to hearing from you at your first convenience. Peace and blessings from

Your friend,

Robert L. Massie

P.S. Originally, I mailed this letter via Certified Mail, Return Receipt Requested, but it was returned to me by the warden's office, stating: "Denied due to Workload . . ." I was always under the impression that I could avail myself, or purchase whatever postal services the Federal Government is selling. Apparently I was wrong. Enclosed is a self-addressed pre-stamped envelope, and I would appreciate an instantaneous acknowledgement to this letter.

Suggested Reading

Editor's note:

The following books should be of interest to those desiring to become more familiar with prison and the prisoner point of view. This list does not purport to be comprehensive or complete. We offer it only as a suggested list of books that are saying something. We are recommending that purchases should be made from the FORTUNESTORE in New York. The Fortune Society is a group of exconvicts in the East who are telling it like it is. And until an organization of exconvicts can put together a service here on the West coast that sells books relative to the prison experience, we will recommend buying from our brothers in the East. Listed are the books and prices, to which you should add the cost of postage. Send orders to the FORTUNE SOCIETY, 1545 Broadway, New York, N.Y. 10036.

The Crime of Punishment by Dr. Karl Menninger \$1.95

An Eye for an Eye by 4 Indiana State Inmates \$6.95

Return Me to My Mind (poetry) by Stanley Eldridge, Fortune Society member \$2.00

Fortune And Men's Eyes (a play) by John Herbert \$1.95

In the Service of Our Country/War Resisters in Prison by Dr. Willard Gaylin \$1.95

Black Voices From Prison by Ethridge Knight \$2.45

Soul on Ice by Eldridge Cleaver \$1.95

Killer (A journal of murder) by Thomas E. Gaddis and James O. Long \$7.95

Crime in America by Ramsey Clark \$1.50

Soledad Brother by George Jackson \$1.50

Autobiography of Malcolm X \$1.25

A Bridge to Solution by Ed Menken \$1.00

Prison Notes by Barbara Deming \$1.95

Honest Politician's Guide to Crime Control by Morris and Hawkins \$5.95

Accomplices to the Crime by Thomas Murton \$7.50

Vision of Jean Genet by Richard Coe \$2.95

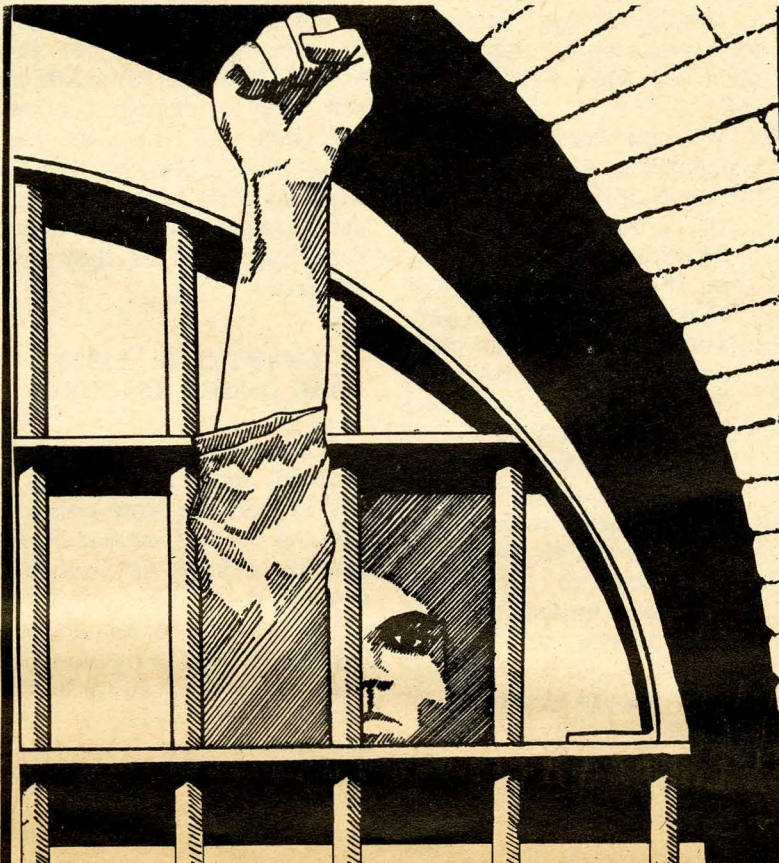
A Doctor Among the Addicts by Nat Hentoff \$0.95

Prison Within Society by Laurence Hazelrigg \$1.95

Death Penalty in America by Hugo Adam Bedau \$2.45

The Junkie Priest by Daniel Egan \$0.75

The Violent Gang by Lewis Yablonsky \$1.95



Tattoo the Wicked Cross by Floyd Salas \$1.25

Trial of the Catonsville 9 by Daniel Berrigan \$1.95

The People vs. Baby by Gertrude Samuels \$1.25

Pictures at a Prosecution by Jules Feiffer \$3.95

The Felon by John Irwin \$2.45

Justice by Richard Harris \$1.65

Howard Street by Nathan Herd \$0.95

The Professional Thief \$1.95

The Bust Book (What to Do Before the Lawyer Comes) \$1.25

Attorney for the Damned by Arthur Weinberg \$2.45

Jail Notes by Timothy Leary \$2.95

The Great Conspiracy Trial by Jason Epstein \$1.95

The Joint by Jim Blake \$7.95

Miracle of the Rose by Jean Genet \$1.25

Children in Trouble by Howard James \$6.95

The Ordeal of Stephen Denison by Lisa Hoffman & Lucy Freeman \$6.95

Brief Against Death by Edgar Smith \$1.25

Prison Journal of a Revolutionary Priest by Father Philip Berrigan \$5.95

Down These Mean Streets by Piri Thomas \$0.95

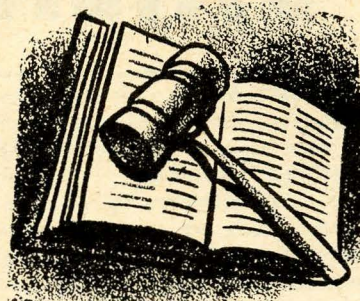
The Crime of Martin Sostre by Vincent Copeland \$1.95

Crimes Without Victims by Edward Schur \$1.95

Prostitution and Society by Fernando Henriques \$0.95

Funeral Rites by Jean Genet \$1.50

Law As It Should Be



One evening after attending the theatre, two gentlemen were walking down the avenue when they observed a rather well-dressed and attractive lady walking just ahead of them. One of them turned to the other and remarked, "I'd give \$50.00 to spend the night with that woman." To their surprise the young lady overheard the remark and turning around, said, "I'll take you up on that." She had a neat appearance and a pleasant smile, and after bidding his companion goodnight, the man accompanied the lady to her apartment where they immediately went to bed.

The following morning the man presented her with \$25.00 and prepared to leave. She demanded the rest of the money stating, "If you don't give me the other \$25.00 I'll sue for it." He laughed saying, "I'd like to see you get it on those grounds." The next day he was surprised to receive a summons ordering his presence in court as a defendant in a law suit. He hurried to his lawyer and explained the details. His lawyer said, "She can't possibly get a judgment against you on such grounds, but it will be interesting to see how her case is presented."

After the usual preliminaries, the lady's lawyer addressed the court as follows:

"Your Honor, my client is the owner of a piece of property, a garden surrounded by a profuse growth of shrubbery, which property she agreed to rent to the defendant for a specified length of time for the sum of \$50.00. The defendant took possession of said property, used it extensively for the purpose for which it was rented, but on evacuating the premises, he paid only \$25.00 one half the amount agreed upon. The rent was not excessive since it is restricted property and we ask judgment be granted against the defendant to assure payment of the balance due."

The man's lawyer was impressed and amused at the way his opponent had presented the case. His defense, therefore, was somewhat altered from the way he had originally planned it.

"Your Honor, my client agrees that the young lady has a fine piece of property, that he did rent it for a time and a degree of pleasure was derived from the transaction. However, my client found a well on the property, around which he placed his stones and sunk a shaft and erected a pump, all labor performed personally by him. We claim these improvements to the property were sufficient to offset the unpaid balance, and that the plaintiff was adequately compensated for the rental of said property. Therefore, we ask that judgment not be granted."

Her lawyer's comeback was this:

"Your Honor, my client agrees that the defendant did find a well on the property and that he did make improvements such as my opponent describes. Had the defendant, however, not known the well existed, he would never have rented the property. Also, upon evacuating the premises, he removed the stones, pulled out the shaft and took the pump with him. In doing so, he not only dragged his equipment through the shrubbery but left the hole much larger than it was originally, prior to the occupancy, making it easily accessible to little children. We, therefore ask that the judgment be granted."

AND SHE GOT IT !!!

STRIKE

Continued from page 7

them, even when they have kitchen duty.

8. For summer meals, we serve cool meals.

9. No more overtime (make-up) for absenteeism due to illness.

10. That the women who work in C.F.F. for 8 hours be given the responsibility to supervise.

11. That no one carry anything over 30 lbs.

12. Proper work uniforms.

13. Monthly privileges for C.F.F. workers, since many times we miss holiday by having to work.

14. Rubber matting on the floors by the washing area.

15. The right to join unions.

Isolation Bill Clears

A bill to give "due process of law" to prisoners facing isolation or segregation in state prisons has been revived and approved by the Senate Judiciary Committee.

The committee, which had turned down Senate Bill 1610 June 22 because of a lack of affirmative votes, approved it yesterday when a greater number of committee members were on hand. The bill was sent to the Senate Finance Committee.

The bill seeks to cut down the time and improve the living conditions of inmates placed in the so-called "adjustment centers" in state prisons. The author, Sen. Mervyn M. Dymally, D-Los

Angeles County, said he personally has observed conditions in the cells.

James Smith, an attorney for California Rural Legal Assistance, said the CRLA has received complaints from former prisoners who reported spending all but a few months of lengthy prison terms in adjustment centers.

He said one man reported spending 36 months in one of the cells, getting out only for exercise at irregular periods.

The bill was opposed by James T. Cummins, a prison employe, who said the intent of the bill is "laudable" but feels it needs more study and changes. Other representatives of the prison employes and administration complained the bill would favor the 2 to 5 percent of the prisoners who end up in ad-

justment centers at the expense of the employes and other prisoners.

In addition to placing restrictions on the number of days a prisoner can be placed in isolation or segregation — without a court order — the bill also requires that a psychiatrist or psychologist examine a prisoner in confinement at least once every four days.

In certain cases, a prisoner could not be placed in confinement without a statement in writing from a psychiatrist that the prisoner could take the confinement without substantial risk of suicide or mental illness.

The bill also lists the possessions and privileges to which a prisoner is entitled while in confinement. It also limits the firing of live ammunition in the area of prisoners.

JAILHOUSE LAWYERS MANUAL

EDITOR'S NOTE: We are introducing a section which will appear in each issue of THE JAILHOUSE LAWYERS MANUAL. Because the many members of the Convicted Class are poor and cannot afford counsel, we are encouraging members to become familiar with the law so that they can defend themselves to the best of their ability. Prisoners, for years, have been demanding that the Department of Corrections set up law library facilities in each prison so that a man can have access to the "redress provided under law." But the Dept. has systematically refused to provide men in prison with access to law. On the one hand they refuse us recourse to law and on the other hand, they scream when, because of their refusal, they create conditions of violence and chaos that is without law. It is not our position that in learning to file writs, petitions, etc. that you can rectify the injustice of your situation. You know and we know that oftentimes the parole board denies you a parole because of your litigation. So, for you writwriters and legal beagles, here is the first installment of THE JAILHOUSE LAWYER'S MANUAL:

I. INTRODUCTION

This section of the JAILHOUSE LAWYERS MANUAL concerns relief under the Civil Rights Act, 42 United States Code (U.S.C.) S1983. Section 1983 creates a civil remedy for a violation of constitutional rights, that is, it permits any individual to sue any other individual who has deprived him of some right or rights granted by the United States Constitution, if the deprivation was done "under the color" of State law.

There are many complex legal considerations in the filing of any law suit, especially in the changing area of prisoners' rights under S1983. Many of the complexities will only be referred to in passing, or ignored altogether because of the purpose of this MANUAL. Since the United States Supreme Court decided *Johnson v. Avery*, 393 U.S. 483 (1969), prison officials have been prohibited from interfering with legal assistance given one inmate by another, if that assistance is given in a "reasonable" manner, and if there is no other source of legal assistance in the prison. This MANUAL is designed to provide "jailhouse lawyers," inmates particularly interested in or knowledgeable about the law, with basic materials that can be used in filing a habeas corpus petition or a S1983 suit, so that the jailhouse lawyers can use these materials to assist other inmates as well as themselves in securing their full legal rights.

This section cannot possibly elaborate all of the various procedural problems, causes of action or legal strategies that an ex-

perienced lawyer might employ on a case brought under S1983. For that reason, each inmate should do everything within his power to secure an attorney who will handle his case before attempting to handle it himself, even with the aid of this MANUAL.

Possible sources of attorneys are O.E.O. Legal Services (Legal Aid) offices near the prison, a local unit of the American Civil Liberties Union, the National Lawyers Guild, or other organizations or lawyers that may be known in the prison. However, it is because all of these organizations and all lawyers in the field are very overworked and therefore cannot assist every person with a claim, even every person with a worthwhile claim, that this MANUAL has been created. It would be a waste of time and energy to spend all of one's time trying to secure a lawyer instead of going ahead and trying to do the best job you can yourself.

In Chapter II, procedures are outlined for having the court appoint a lawyer for you (and pay his expenses), but this is only sometimes successful and many times the choice is between handling a suit yourself or not having one at all.

This section, then, is designed for someone in prison, without a lawyer, who knows something about the law, but has access to few, if any, legal materials.

Some clues about legal writing: Although many inmates who do their own writing suspect that there is a magic formula of words that will win their case for them, this is almost never the case. It is true that the law is full of language that the average layman has difficulty in understanding, but this does not mean that fancy language will win any case. For someone without formal legal training, the best thing is to be straightforward and direct, using simple language that you are familiar with, and proceeding with what you want to say step by step. Use a dictionary, if one is available. Some of the language that you may want to use will be supplied by this MANUAL, and you will see that it is not terribly complicated or hard to understand.

Remember that a lot of extra detail or exaggeration will not help your case. Hopefully, this MANUAL will help you figure out what is relevant and what is not. If there is still some doubt in your mind about whether a certain fact should be included, put it into your legal papers. But think hard about each thing you may want to include.

Remember also that your audience in writing your

legal papers will be very familiar with the law, but probably not very familiar with prison conditions or even prison organization. In most cases there is no reason to tell them what the law is, but there is a big need to tell them about the realities of life in prison and the details of the deprivation of your rights. And often the biggest impact comes from a simply-worded, straightforward, step by step statement of what happened to you.

William Bennett Turner, a prominent prison attorney for the N.A.A.C.P., has said, . . . Judges still resist hearing prisoners' cases on the merits, especially those filed in *propria persona* (by the inmate himself, without an attorney). This is probably due to a rarely articulated fear of being inundated with incomprehensible, prolix and exaggerated pleadings on which they will be forced to rule . . .

However unjustified this fear of judges may be, the inmate filing his own legal papers should bear it in mind as he writes his pleadings, and keep his papers simple and direct and easy-to-understand.

The organization of this section of the MANUAL should make it easy to use. Chapter II is a comparison of S1983 with other remedies that a prison inmate might use, including habeas corpus. The jailhouse lawyer should be able to determine from this which legal course to follow in a given case. If, from this Chapter, it appears that habeas corpus is the best possible remedy, the next step should be to turn to that section of this MANUAL and begin working there. If S1983 appears the best remedy, continue on to Chapter III, which examines the area of "standing," that is, who can bring a S1983 suit and when they can be brought. This should give a quick indication of whether a S1983 suit is possible in a certain circumstance. Also included in this Chapter is information about filing *in forma pauperis* (as a poor person, without paying court fees), and some general information about filing legal papers.

Chapter IV outlines a S1983 COMPLAINT, and gives some model pleadings to use in such a COMPLAINT. Many areas of S1983 law are covered during the course of this outline, but two important areas are covered in their own Chapters, S1983 issues (Chapter V) and Types of Relief (Chapter VI).

Unless you obtain a lawyer at an early stage, you will have to become involved to some degree in federal civil procedure (all S1983

suits are brought in federal court). This is the complicated area of when and how to file papers, etc. A brief outline of the Federal Rules of Civil Procedure as applicable to S1983 suits is given in Chapter VII.

This MANUAL will be updated and revised regularly, and any comments or criticisms by jailhouse lawyers or practicing attorneys would be much appreciated. At the very end of the MANUAL is a form which can be removed and returned, so that we can know where the MANUALS wind up, and so that we can send supplements with current materials as they are prepared.

CHAPTER II: S1983 AND OTHER REMEDIES

The primary relief granted under habeas corpus is release from prison, and the most frequent reason for release is unlawful conviction. The primary relief under S1983 is an injunction, and the most frequent reason for the injunction is unlawful prison conditions.

Both of the statements above are true basically, although habeas is becoming more and more used to complain about prison conditions (see that Section of the MANUAL), and S1983 has occasionally been used to obtain actual release. More about this will be discussed in Chapter VI. Much detail on habeas corpus can be found in that Section of this MANUAL, but in general the benefits of a habeas corpus petition are: (1) it is relatively easy to complete; (2) release is a common form of relief; (3) the appointment of an attorney at some point in the proceedings is becoming more widespread. The disadvantages of a habeas corpus petition are: (1) very few courts will look favorably upon a habeas petition having only to do with prison conditions; (2) state remedies must be exhausted before a habeas petition can be filed; (3) a habeas petition cannot be filed until the alleged time for actual release has already arrived.

Benefits of a S1983 petition are: (1) an inquiry into prison conditions is commonplace in this format; (2) no exhaustion of other remedies is generally required; (3) there is a possibility of broad relief affecting the whole prison population; (4) a S1983 suit may be brought at any time before, during or after a constitutional deprivation. Disadvantages of a S1983 petition are: (1) there is a small likelihood of a lawyer being appointed; (2) the inmate has to become involved with sometimes complicated

civil procedure; (3) very rarely is actual release ordered, although release from solitary or transferring is less rare.

Basically, S1983 is used to complain about conditions within the prison. There is no reason why it is not possible to file both a habeas petition and a S1983 action if they concern separate fact situations. However, if both are filed with the federal court, the court may choose itself to consolidate the actions as either habeas or S1983, and the inmate will lose control of the type of action he gets.

In addition, it is common court practice at least in some jurisdictions, to re-label actions as habeas petitions even though they may be filed as S1983 petitions, if the court feels it more "appropriate." In filing either a habeas or a S1983 petition, therefore, try to fulfill all the requirements as given in this MANUAL to avoid such a relabeling.

There are other remedies available to the prison inmate as well, but these are not described in detail in this MANUAL because they are both rarely used and generally require an experienced lawyer to bring about a successful result. They are:

The Federal Tort Claims Act (28 U.S.C. 2671-80, 1964): This is a general form of relief for tort (accidental or purposeful injury) claims against the federal government. It is only applicable to federal prisoners and some large money recoveries have been made under it. California also has a tort claims act, but prisoners are specifically exempt from using it. (California Civil Code 844.6)

The Prisoner Compensation Act (28 U.S.C. 4126, 1964): This too can only be used by federal prisoners and provides for money recovery for injuries sustained while prisoners are working at their jobs. There is no California equivalent.

Writs of Mandamus: This is a request for an order to be issued against a government official, ordering him "to do his duty." Although mandamus has been used against prison administrators, courts are generally reluctant to use it in this way.

Criminal Civil Rights Act (18 U.S.C. 242): This is the criminal equivalent of S1983 and provides for the criminal prosecution of those who deny the constitutional rights of others under color of state law. In the prison context, this is extremely rare, since federal officials are reluctant to bring charges against state officials. While it may

COMPARED TO WHAT

(News from Outside California)

TIJERINA PAROLED

Reies Lopez Tijerina, founder of a group of Chicano citizens that claims title to parts of the Southwest of America under old Spanish land grants, has returned to his homeland in New Mexico.

Tijerina was smiling and laughing as he was greeted at the airport in Albuquerque by his family and some 200 supporters. He was originally sentenced to the Federal prison at Springfield for assault on a sheriff when he and some 200 of his people took over a county in New Mexico claiming it to be land that belonged to the Chicano people. They held the entire county for two days before federal and state police retook it.

BERRIGAN BROTHERS DENIED PAROLE

The U.S. Board of Paroles

Jailhouse Lawyers Manual

Continued from page 18

bring about reform if it were used, it never can bring about immediate and direct relief for a particular inmate.

Other possibilities include a normal civil tort action against state prison officials or guards, or an action for contempt of the court which sentenced the inmate (for example, for punishing the inmate more than was intended by the sentence.) These have also been used but are rare.

The inmate should keep in mind the possibility of settling a case that he has brought through negotiation with prison officials. Generally officials will not act until they are forced to do so by the pressure of a law suit, and sometimes not even then. But it frequently happens that the officials will try to remedy a situation before letting it come to trial. It is in their interest to do so, since settling the case avoids embarrassing publicity and the scrutiny of the court.

It may also be in the inmate's interest to settle the case if he anticipates a difficult time handling the trial, and can receive substantial satisfaction of his demands from the settlement. Often in a \$1983 suit, the court will order negotiations between prison officials and inmates in the hope of getting such a settlement, and avoiding taking up court time by a trial. It is clearly better in such a negotiating situation to have a unified position on behalf of a large number of inmates, rather than just an individual viewpoint.

had denied parole to Phillip and Daniel Berrigan. Both are Roman Catholic Priests and were convicted of destruction of draft records at Catonsville and Baltimore, Maryland in 1967. They were downed 10 months and are imprisoned at the Federal Correctional institution at Danbury, Conn. Phillip Berrigan, is currently accused of plotting to kidnap presidential adviser Henry A. Kissinger. Both are shaking concurrent sentences. The parole Board's session took place behind closed doors and Parole Board Director, George J. Reed offered no explanation of its decision.

MALCOLM X MARKER

An historical marker to honor Malcolm X has been authorized by the Nebraska Historical Society. Marvin Kivett, Society Director said the birthplace of Malcolm X in Omaha would be ruled out because it is "private property." But he said, the marker may be placed in that general area.

TIM LEARY BUSTED

Dr. Tim Leary, the celebrated "high priest" of LSD-25, who escaped from CMC-East ten months ago, was captured in the village of Villars-Sur-Ollon in Switzerland in early July. He is being held for extradition to California. The U.S. Embassy in Switzerland asked the Swiss authorities to arrest him. Swiss officials said Leary offered no resistance. His wife was also taken into custody. Dr. Leary is not charged with any offense under Swiss law. He was taken into "provisional Custody" for extradition provided for in a 71-year-old Swiss-American treaty for legal assistance and

Insurrection at DVI

An insurrection broke out in 6 of the 9 wings in this prison, last month. Authorities reported that the prisoners broke glass windows and smashed furniture for about half an hour before it was brought under control with guns and tear gas.

A disturbance had broken out earlier in June which was without injuries but cost the state some \$5000 in damages.

Both insurrections were because of institutional repression of the prisoners. Prisoners had demanded the right to grow beards and mustaches, but officials issued an order against these resulting in numerous 115's being issued.

Thomas J. O'Neil, 38, a "model inmate" was killed by unknown assailants.

extradition. Dr. Leary was shaking a 6 months to 10 year sentence for possessing a bag of Cannabis Sativa in Orange County. When Dr. Leary first escaped, he surfaced in Algeria and stayed with Eldridge Cleaver, another ex-convict and political prisoner. There is currently a worldwide campaign of artists and writers who are circulating a petition to be presented to the Swiss authorities calling for Dr. Leary's release.

NEW ORLEANS PRISON REBELLION

Last week in the New Orleans Parish prison, a group of 34 prisoners (led by Black Panther political prisoners) seized two "Negro guards" and held them hostage in protest of the corrupt judicial system and the rat infested parish prison. The rebellion lasted some 8 hours. It ended when police and guards carrying shotguns and pistols ringed the crumbling 40 year old prison which stretches out a square block in downtown New Orleans. The hostages were released unharmed after the rebel prisoners met inside the prison with law officers, Panther attorneys and mayor Moon Landrieu. Mrs. Dorothy Taylor, the lone black member of the Louisiana Legislature. Mrs. Taylor said the mayor agreed to set up a citizen's committee which she will lead, aimed at improving prison conditions. It should be added, that the rebelling prisoners surrendered upon the assumption that there would be no reprisals taken against them for their action. Shortly thereafter, D.A. Jim Garrison of New Orleans, who is currently under indictment by the Government for accepting bribes, stated that he intended to prosecute the rebels. Of course, Garrison, claims he is being framed by the Government on the bribery charges. . . .

Desalination Process Discovered By Convict

Warren G. Briggs, bank robber and escaped convict surrendered himself last week. He was free for 3 days. Briggs, 34, an escape artist with 4 previous escapes to his record, had escaped from the 7 year old maximum security Federal penitentiary at Marion, Illinois, under a hail of gunfire.

Briggs surrendered to a reporter in return for a breakfast of ham and eggs and an opportunity to dramatize a process, he and prisoner, Carl C. Bowles, claimed could inexpensively desalinate salt water. Briggs claimed he and his partner had worked out the revolutionary system while behind prison walls. He maintained that his system could cut the current cost of turning salt water into fresh drinking water by half,

or less.

Briggs says the only reason he escaped was to get his desalination process some publicity. He also wanted a chance to expose to the press the way prison destroys the mind of men, he said.

Briggs and his partner are also working on a new concept for a rifle range-finder and a theory to double the intensity of laser beams.

Briggs said he was able to escape from the max prison at Marion, Ill., because 5 other convicts created a diversion by throwing fire bombs at a gun tower. One of his comrades was shot and seriously wounded.

Briggs said he would be happy if he and his partner could be transferred to an institution close to the sea, where they could work together to perfect their technique of desalination, patent it and obtain recognition for their work. He vowed if he ever made a great deal of money from his process, he would use it to bring about major changes in prisons. He spent two years in solitary confinement at Lewisburg Federal prison.

Get on Warren G. Briggs, you doublebad member of the convicted class!

TUPAMAROS' MASS ESCAPE

MONTEVIDEO, Uruguay-Thirty-eight women prisoners, all suspected terrorists, placed dummies in their prison beds and escaped Friday through a tunnel into the city's sewer system, authorities said.

The mass escape was the largest in Uruguayan history. The fugitives included nearly all of the women members of the leftist Tupamaro guerrilla organization who were in custody.

It was first reported that 39 escaped, but the Interior Ministry later placed the number at 38.

Authorities said the women prisoners escaped through a 17-yard tunnel that had been dug from an under-

Strike at DVI

It is reported that some 100 men have gone on strike refusing to eat or confer with prison officials until their list of demands are met. The prisoners are demanding psychiatric services, better lighting in cells, a minimum of one hour of exercise per day, books, magazines and writing materials.

Associate warden John Hacker in an interview with the AP wireservices admitted that the meals taken to the seg and isolation units get cold before they reach their destination. He said also that the strike was not related to a recent insurrection at the medium security prison where a 38-year-old prisoner was stabbed to death.

ground sewer outside the prison wall to a point under one of the women's beds.

A routine bed check at 5 a.m. revealed dummies in the beds.

Guards quickly found the tunnel, which contained digging apparatus and a pump used to supply fresh air.

The largest previous prison break in Uruguay also involved Tupamaro women suspects. Thirteen of them escaped from the same prison last year.

The Tupamaros are holding five kidnap hostages, including British Ambassador Geoffrey Jackson, kidnapped on Jan. 8.

Assembly Studies Quentin

The California Assembly has voted to direct the Joint Legislative Budget Committee to make a study to determine if San Quentin prison should be replaced, abolished or kept in operation. Resolution ACR 102, Baley, adopted unanimously, would call for a report to the legislature at next year's session. San Quentin prison is the oldest prison in the state. It was opened in 1852.

It was built to house some 2000 men and currently houses some 3900. Overcrowding creates violence and unrest. And we know if the politicians who will vote to determine if Quentin stands or falls, had to spend one day in there, they would cast their vote faster than you can wink your eyes. But they will not walk a mile in our shoes, so they'll probably vote to keep it in operation and be indignant and appalled everytime there's a murder there.

Soledad Brothers Protest Racist Judge

On Thursday, August 5, the "Soledad Brothers" asked an appellate court to prevent Superior Court Judge Walter Carpeneti from presiding at their murder trial.

The three Soledad prison inmates, George Jackson, John W. Cluchette and Fleeta Drumgo, were scheduled to go on trial Monday, August 9.

The three, all blacks, are accused of murdering a prison guard.

Thursday's petition contends that Judge Carpeneti would be biased against the three because he is racially prejudiced.

The jurist, the petition alleges, is a member of the Benevolent Order of Elks and the Moose, two fraternal organizations which restrict their membership to white males.

GEORGE JACKSON: P.S. ON ULYSSES

Comrade Ulysses McDaniel, prison camp number A-64486, was captured at about the same time that they captured me. He was thrown into the State's prison a bare two months after my own imprisonment. My number is A-63837. In other words, 649 other numbers, representing people, passed between us. Most of them were Black; all were working or lumpen class. I was counting and asking questions then also. Our numbers were stamped on us in the early months of 1960, eleven years ago. Like myself, he has never seen the night sky since.

When I left Chino Reception Center for Soledad, Ulysses was leaving for San Quentin. He entered San Quentin on the tail end of one of the largest administration-provoked race wars of the decade. Eleven men died in eleven days. Shortly after the manhunt, attrition-type war that goes on "all the time" inside these places, there was an uneasy period of calm in which all sides carefully mobilized a mass basis for defensive and retaliatory violence: the Blacks against the white cons; the Black and white guards; the Mexicans, who then identified with the white cons, because they out-numbered us and made regular canteen draws. The flash-point was reached in early 1961. Several dozen right-wing shock troops moved against the ten or twelve Blacks who dared to come out of their cells after the word was passed that no niggers would be allowed on the prison yard that day.

The opposing forces met on the lower yard, where the guards would have to take longer shots and risk hitting a white inmate. The brothers knew who the guards would be shooting at and they reasoned that if they closed fast, stayed in the middle of things, the most they had to worry about was being outnumbered on the ground. The Blacks went immediately to the lower yard and made preparations. If the fascists wanted to carry out their threat, they had to go to the lower yard. In other words the guerrillas drew them to grounds favorable to neither side. The unrighteous came with knives and pieces of plumbing pipe; the guards pretended not to be aware of what was going on, but casually cleared out of range of any fire that would come from the gun walks and towers. Each Black had secretly checked out a baseball bat and concealed it nearby. When the fight ended, one "Hitler's Helper" was goose-stepping in that big pig-pen in the sky and a couple of dozen others were in desperate need of extensive medical treatment. "Patches" of hair were found all over the baseball diamond.

Comrade Ulysses and several other brothers were put in the hole. That was ten years ago. Since then, Comrade Ulysses has spent only several months out of the hole, or



George Jackson

maximum security wings of the prison system.

Ironic in the case of Ulysses McDaniel is that he entered prison with a term of from one year to five years. In fact, he was doing no more than a 5-year term. Ordinarily a prisoner with such a term does 18 months in, and three and a half years on parole. But...

In 1963 (the year after I was rushed to San Quentin from Soledad as a result of another battle in protracted war), Captain Hacker and the prison's staff of Right Wing Lieutenants set up and assassinated a brother named Booker, with three accidental rifle shot wounds in the back. The rifle that killed Booker was a lever action deer rifle, so I don't think anyone believed that all three of the holes through his heart were accidental. Two of the men in on the set-up were attacked by a Black partisan, beaten and left for dead. Comrade Ulysses was tried in Marin and convicted on convict testimony and given a new life-top sentence.

You comrades would get battle fatigue if I related all of the occasions that the prison system forced this brother into a defense of this person or others victimized as all here are.

In 1964, he was sent to Folsom. The guards there poisoned him, shot at him each time the circumstances allowed, gassed him, beat him and denied him all medical attention, until finally his health broke. He contracted a terminal disease in his intestines, fell from 200 pounds to 120 pounds and was transferred back to San Quentin's hospital to die. Actually the doctors offered him an operation with a 75% chance of recovery — as an invalid, or a quiet year in the hospital maximum ward —

and death. He refused the operation, started doing special ancient Eastern exercises, ate only the foods that other Black partisans could steal for him.

From his situation, he wrote me (then locked in a cell with an extra lock welded above the two original locks) these lines that we still use on new partisans:

*If ever I should break my stride,
Or falter at my comrade's side,
This oath will kill me!
If ever my word should prove untrue,
Should I betray the many or you few,
This oath will kill me!
Should I be slow to make a stand,
Or show fear before the hangman,
This oath will kill me!
Should I misuse the people's trust,
Should I submit ever to greed or lust,
This oath will kill me!
Should I grow lax in discipline,
In times of strife, refuse my hand,
This oath will surely kill me!*

U.

When the year was half gone, the brother had gained 25 pounds, without eating (they thought). The doctors and the rest of the prison administration was so incensed that they asked Sacramento to return him to Folsom lockup. They did. He's lived on borrowed moments for six years. Last March he was again told by the prison's medical staff that he could live no longer than a year without their operation; the parole board has out-right told him to accept the operation or forget parole. They want to kill him under the knife. Or render him useless to the people.

Over the six years that he's lived with death, the symptoms coming and going in alternate periods, marked by rapid loss of weight and slow partial recovery, the brother's mind and determination to stay in the fight have never once weakened. A brother who refuses to stop his resistance, refuses to stop learning, refuses to die!

The last irony in his case is that now he lives right next to me in a cell unfit for the healthy. He'll probably die this time; I can smell death on him and hear it in his voice. The Soledad Defense Committee or the Black Panther Party will pay all fees to any combination of lawyer and doctor who can get into San Quentin to give this comrade the benefit of knowing at least what it is that's killing him — outside of over-oppression, that is. Men who contract terminal diseases in prison are generally released shortly before they are expected to die. They will not release this brother, because he still has possession of his mind and is pledged to use it in our struggle.

George Jackson
San Quentin Prison