

# ROCK

## ★ Working to Extend Democracy to All ★

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### THE PILOT PROGRAM: SECURITY THREAT GROUP – IDENTIFICATION INTERDICTION, PREVENTION, AND MANAGEMENT

#### (The Title Defines its Purpose)

Security Threat Group (STG) will institute: new and more aggressive attacks against “prisoners” and their families, friends, associates, and communities, who have already been victimized by our Institutionalized Racist System – Prison Industrial Complex (IRS-PIC), who uses just one of many of their institution policies to persecute, incarcerate, as well as subjugate prisoners – inside their incarceration in solitary confinement units. As does government policies subjugate us “poor class” citizens into ghetto’s, barrio’s, rural, and urban areas. . .

Security Threat Group in itself is a “racist policy” that will set a new precedent for attacks against new Afrikans (i.e. blacks), Mexicans, Latinos, Asians and *poor* whites to allow CDCR to implement a classification of our people and communities, by utilizing Security Threat Group that means one of us can define all of us, through their validation system.

We are individuals despite all the hype around this gang validation nonsense. We must reject the “Security Threat Group –

Identification, Interdiction, Prevention and Management Plan,” it will allow our communities to be further subjugated, persecuted and openly attacked by overzealous public servants or security guards who operate like Gestapo against poor citizens of this nation. And those of us held in the Prison Industrial Complex – subjected to physical and psychological torture in “Long Term” isolated solitary confinement units ... the term Threat Group only means that the validation process is being expanded to where all prisoners based on a group validation as a gang can be and will be subjected to what we already suffer as individuals under the validation procedures.

Identification of prisoners will mean what it means now, not only who you are, but who are your family, friends, and associates and this will not stop and just identification, because it goes into their lives by way of other agencies; LAPD, OPD, SFPD, SDPD, Sheriffs, etc. ... This I call profiling of our people and our communities, by identifying the prisoner as part of a STG- gang member or associate opens up covert/overt investigations against our family, friends and associates. This is the purpose for the identification making our people/community suspects in alleged gang activity, subjecting us to harassments: searches, investigations,

etc. ... which is the pretext used by CDCR-PIC in order to hide their racist intent.

Interdiction – means to destroy, cut-off or damage, or to prohibit by decree, authoritarian implementation: will only familiarize New Afrikans, Latinos, Mexicans and Asians with what they know all too well, an authoritarian presence of a militarized po-

lice state inside our communities. They patrol our communities as if we’re terrorists. Yet, the prisoner will be the justification for the purpose of interdiction. Remember they (CDCR-PBSP officials) have already cut us off from our family, friends and associates also our communities and when we are connected to them they use many scare tactics to destroy, damage or cutoff these relationships OFF. It’s called interdiction.

Prevention – means to keep from happening or existing, to hold back, hinder, stop, which means that we (prisoners) will be suppressed by any means necessary based on flawed intelligence, though crime initiatives, and implementing policies to counter crimes that have not occurred. For example, prisoners are not allowed “contact visit” in solitary confinement units, because there is a potential or possibility for a crime to be committed, CDCR NO contact visits speculates and assumes that prisoner’s families, friends and associates will be an accomplice to criminal activity. CDCR Policy says NO kissing, not touching, etc. . . while on a contact visit on General Population – (GP). This is what they mean, when they say Prevention-Instituting Policies that suppresses the growth and development of prisoners and their families, friends, associates and community, by cutting off whatever crimes that can be committed, but to do this is to insinuate that all our people are criminals, which is an inherited racist disposition inside the institution of Institutionalized Racism – (IR). Therefore, we “all” become suspects or subjected to policies that limit our interaction and movement.

Management; means that act or art of

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managing “control.” This is what it’s about controlling the obsolete “poor class” prisoners, who are only an extension of the obsolete poor class of people out in society, and by maintaining control over this class of people they’re able to utilize intimidating acts or practices against the prisoners toward controlling them.

Death Penalty, Long Term- Solitary Confinement units, assault weapons, prison violence, prison oppression, etc. ... toward maintaining control, this is how they manage prisoners.

### **The validation system ... does not mean you have ... broken the law, ... it only means that you have been profiled or identified as an alleged “something” by the CDCR**

Plan is a method for achieving an objective. Therefore, we all are in danger. The STG is only a new and more aggressive Policy that will further subject prisoners to harsh conditions and the current physical and psychological torture we exist under now. I basically just interpreted the title of this new policy which defines its true purpose/meaning.

We also see that this Pilot Program is filled with numerous of Job Titles, which is how CDCR fleeces the California tax payers out of funds. They create unnecessary positions that are irrelevant and serve no purpose. . If any one thinks that those of us held in solitary confinement units, need to go through gang management programs at the ages of 40 to 70 plus years, they are only fooling themselves. There is NO gang members, or gang bangers in the “short corridor” only grown men who come into these institutions at very young ages, who have educated themselves and many were never gang members from the get go. What you have back here are Political Prisoners, Jail House Lawyers, strong minded influential prisoners who understand the games Correctional Officers/Officials play and those of us who did come into these prisons with a backward mindset, do not adhere to that gang nonsense anymore. Its “crazy” to tell us (prisoners) who’ve been in solitary confinement units from 10 to 40 years, that we got to go through a “step down program”-SDP in order to get out, when we been held illegally and subjected to physical and psychological torment throughout our stay in these torture chambers.

The validation system is just that, it does not mean you have committed a crime, or broken the law, in any way, it only means that you have been profiled or identified as an alleged “something” by the CDCR under their gang validation system. So to place you in solitary confinement units and leave you there for the rest of your natural life on the validation alone, is inhumane and criminal against those prisoners subjected to this fate.

The fact that we have been here from anywhere from 5 to 40 years for no criminal offenses, no gang offenses, and no violent offenses, our placement is based on simply a administrative placement where we are validated as gang members and associates and locked up indefinitely on flawed intelligence. Some of this “so call” intelligence is so ridiculous that one have to wonder are these intelligent?? gang officers or a bunch of professional liars who hide behind the veil of institutionalized racism. . . There is NO way we (prisoners) should be held in solitary confinement units- (i.e. Ad-Seg/SHU) on gang validations, when the average person are anywhere from 40 years of age to 70 years of age. . . There is NO GANG MEMBERS back here. This CDCR knows quite well. . .

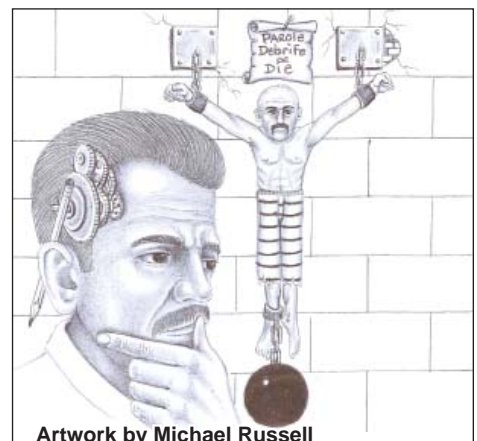
The Pilot Program – “A new behavior based system which will serve to enhance the existing intelligence based validation system.”

These words are important to understand because they basically speak to the re-enforcement of the already intelligence base validation system that places prisoners in these solitary confinement units on non-behavior placement. To say your going to put prisoners particular alleged STG prisoners in solitary confinement units for their behavior – now – only means that a wider pool of prisoners will be locked up because now, alleged prison gangs, street gangs, disruptive groups, etc. ... all fall under STG-Identification, Interdiction, Prevention and Management Plan. ... these are for the most parts groups who could commit an offense and be given a determinate sentence of any where from 90 cays to 5 years in solitary confinement, but they would be let out when that time is up. This is a just system because it deals with individual accountability. And no one should be held in solitary confinement indefinitely even if they want to be there. Now all these determinate SHU prisoners will fall under this new-validation system where CDCR officials will utilize the SDP to place people

under a STG I and STG II validation title holding them inside a program that serve “no purpose” whatsoever, but to further torment the prisoners inside a Step Down Program that offer nothing, but harassment to those prisoners inside that program.

The STG-SDP –Pilot Program is lacking any real commitment to letting us out of the solitary confinement units. There is “too much\* bureaucracy” one have to go through and this is with the same bias, prejudice and racist prison guards that held us back here of 22 ½ years without adequate clothing, adequate food, no educational programs, under severe isolation from our families, friend, associates and other prisoners. No natural sunlight, no adequate medical care, etc. ... so, why would they CDCR/PBSP do tight by us prisoners now????? Their only expanding their “torture chambers” and if anyone think otherwise is clearly not reading what CDCR are saying. One thing CDCR is good at is playing psychological games and tormenting prisoners we all know this first hand because we seen many go crazy or insane or mad or loony or mentally ill or catatonic or illusional or severe depression, etc. ... because I’ve seen them all here in Pelican Bay State Prison - Security Housing Units. . . People have to realize that CDCR/PBSP – officials have had a lot of success in torturing prisoners into submission into their debriefing program that is used to frame and set up prisoners for this mockery of a system. We continue to reject this Pilot-Program it does nothing toward giving us a gateway out these torture chambers. Their even saying that NO STG I members who are influential are never getting out, who determines who gets out and who stays?? We say “nobody” deserves to be tortured in solitary confinement units at the hands of no one. ●

*One Love – One Struggle  
In solidarity always, Mutope Dugma*



# ON THE PBSP-SHU PRISONERS' 2011 FIVE CORE DEMANDS

To: CDCR Undersecretary of Operations, Terri McDonald, PBSP Warden, Greg Lewis, PBSP Assoc. Warden, P.T. Lewis  
From: Todd Ashker, Arturo Castellaños, Sitawa Nantambu Jamaa/Dewberry, Antonio Guillen  
Subject: **PBSP-SHU PRISONERS 2011 FIVE CORE DEMANDS**

**O**n behalf of myself and those similarly situated, I request your attention and responsive action, with respect to the issues stated below relevant to our 2011 Five Core Demands.

Briefly summarized ... it's been nearly 14 months now since we suspended our non-violent, peaceful protest hunger strike actions of July, and Sept.-Oct. 2011, wherein we presented CDCR with our Five Core Demands for reforms to be made regarding SHU/Ad Seg policies and practices, all of which your predecessor Scott Kernan, admitted were reasonable. He made this admission during our negotiations as well as when he met with our Mediation Team, and the public. Mr. Kernan promised that our Demands would be meaningfully addressed, in substantive ways, in a timely fashion.

To date, the bulk of our Five Core Demands have not been met in meaningful, substantive ways, as per our understandings/agreements during July, August, October 2011 negotiations, some of which you were personally present at (phone conferences).

This lack of good faith effort to meet our 2011 Demands is a big problem and needs to be rectified in the not so distant future. In a nut shell, our first Three Core Demands: #1. individual accountability; #2. Policy/s on debriefing and denial of inactive status, and related denial of release from SHU based on innocuous association and alleged intelligence, without formal charges; #3. An end to long term-indefinite SHU/Ad-Seg and related reforms recommended in 2006 by the Commission On Safety & Abuse In America's Prisons -- have not been met!

The CDCR's October 11, 2012 STG Pilot Program - Instructional Memo - fails to meet our first Three Core Demands for reasons best exemplified in the included document titled, "Responsive Opposition To CDCR's October 11, 2012 STG Pilot Program."

With respect to our Core Demands #4, Food/Nutrition, and #5, Programming Privileges, the following are examples of problems that continue to be unresolved. It's important to remember one of the main principles relevant to these Demands is that many of us have been in SHU for administrative reasons for 10 to 40 years. All parties acknowledged during our negotiation process that many of the restrictions were redundant and unnecessary in the content of the promised change in policy/practice to a system of individual accountability and focus on humane treatment and conditions in SHU and Ad Seg Units !!

We would like to point out that although PBSP-SHU Associate Warden P.T. Smith, has attempted to work together with us, in keeping with the above principles, based on his nearly 30 years of experience in CDCR and with SHU prisoners. His efforts are largely futile based on CDCR Headquarters and/or SHU Warden's non-recognition of the above referenced principles and continual focus on maintaining SHU and Ad Seg policies and practices that are redundant in a system based on individual accountability!

Below are examples, and in the future we will provide a more detailed list.

RE Core Demand #4: Food and Nutrition Issues. This issue remains a major problem at Pelican Bay SP, with small portions of either poorly prepared and/or inedible, rotten food items!!

RE Core Demand #5: Programming and Privilege Issues. We presented CDCR with a list of EXAMPLES of reform measures regarding SHU/Ad Seg program and privilege issues, as follows with notations about continued lack of meaningful progress.

A) Expand Visiting, regarding amount of time and adding one day per week. This hasn't happened yet, in spite of Scott Kernan's July/August presentation that extra time would be permitted when visiting slots were open. PBSP I.G.I insists on having 3 separate visit slots for SHU in order to keep Short Corridor prisoners separated from Long Corridor and C Facility prisoners. This makes extra time impossible here!

There's no need for 3 visit slots when visiting is closely monitored by I.C.I. and a system of individual accountability means prisoners involved in prohibited actions at visiting can be sanctioned individually!

Between 1989 and 2006, PBSP SHU had 2 visit slots, and often allowed extra time

when slots were open, especially for visitors coming a long distance!

You can direct PBSP to go back to the 2 slots and permit extra time when slots are open, or, direct the D facility visiting room to be re-activated and used on weekends and holidays !!

B) Allow a weekly phone call--- hasn't happened yet !!

C) Allow two (2) annual packages a year--- hasn't happened! We had asked, in the 5 Core Demands, for allowance for one (1) 30 lb. package of food/beverage items, and one package of non-food items, such as sweats, thermals, cosmetics, earbuds, etc. For those held in SHU and Ad Seg for more than one year, who are free of any serious disciplinary notices for 12 months, these prisoners should be allowed TWO 30 lb. packages of food/beverage items, and 1 package of non-food items -- per year.

D) Expand canteen and package items allowed. Some new items have been allowed, however, there are more that can be added!

One of the items that we need as soon as possible, that CDCR has not given the OK for, is lotion. We were able to get lotion for years, but this year it was taken from our canteen/packages, on the excuse that it was "not on property matrix"! We need it here and medical refuses to give it out.

Sweat shorts, so that we have the dignity of not being paraded about in boxer shorts while escorted to medical line, or yard.

We are also seeking to be able to buy 2 cases of Top Ramen, and woodless colored pencils, which could be added to canteen.

E) More TV Channels -- denied by Warden Lewis! CDCR/PBSP keep falsely claiming that we have 27 cable channels. We actually have 3 cable channels and 5 network channels, which is less than all other SHU units across the state. We're asking for 2 or 3 more channels.

F) Allow Hobby Craft items: art paper, colored pens, small pieces of colored pencils, watercolors, chalk, etc. We have gotten paper, pens, and chalk so far, but many can't work with the chalk. We've found that Walkenhorst's sells "woodless colored pencils." See Walkenhorst's 2012 Fall Catalogue, page 136, item E.

We have asked Pelican Bay staff to notify Walkenhorst's that SHU prisoners are allowed to purchase these 12 and 24 sets of woodless colored pencils for our packages. Assoc. Warden P.T. Smith tells us that only

Sacramento CDCR headquarters can notify Walkenhorst's about allowing us to have items.

Thus, we are asking you to notify Walkenhorst's that we are allowed to have the woodless colored pencils in our packages.

G) Install pull-up and dip bars on SHU yards—has not happened yet!

H) Additional issues: Warden denied our request to participate in "charity bake sales," stating "Get out of the SHU!" Unfair, and no kind of security risk. And the PIA mattresses being issued now = **NO** mattress at all !!?!!

Again, the above are examples of problematic issues regarding our Five Core Demands. A more detailed list dealing with issues in Demands #4 and #5 will be forthcoming.

Your time, attention and assistance with the above is much appreciated. •

*Todd Ashker, Arturo Castellaños, Sitawa Nantambu Jamaa/Dewberry, Antonio Guillen  
November 28, 2012*

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## **PBSP - SHU, Short Corridor Representatives Responsive Opposition to CDCR's October 11, 2012 STG Pilot Program**

December 3, 2012

From Todd Ashker, Arturo Castellaños, Sitawa Nantambu Jamaa/Dewberry, and Antonio Guillen

To Whom It May Concern:

**T**he CDCR's October 11, 2012 Security Treat Group Pilot Program Instructional Memo **IS NOT ACCEPTABLE !!** It fails to meet our 2011 Five Core Demands, and is hereby rejected for reasons briefly summarized in the examples below of the problems we have with the STG Pilot Program, and what the CDCR needs to do to meet your Demands, and thereby keep their word !!

See also, our related oppositions to CDCR's March and June 2012 STG Proposals.

We have repeatedly made clear that the heart of our first three Core Demands is the requirement for substantive changes to SHU and Ad Seg policies and practices, that must include:

1) An individualized accountability,

behavior-based system, when it comes to grounds for placement/ retention in CDCR's SHU or Ad Seg solitary confinement cells. This means such cells are reserved for those prisoners who are charged for and found guilty of committing a serious, felonious-type of rule violation, that merits a "determinate" SHU term. Individual accountability also applies to privilege restrictions when such are abused by an individual. This equates to a demand for an end to "indeterminate" SHU confinement!

2) Related Demands for an end to progressively punitive SHU and Ad Seg policies and practices for the purpose of coercing prisoners into agreeing to become state informants: this Demand includes our call for an end to the "debriefing" policy;

3) A Demand for humane treatment and conditions in the SHU and Ad Seg units, with a focus upon meaningful program opportunities and ability to gain privileges, based on criteria that are realistic and reasonable -- the purpose being, to assist the prisoners with being able to return to the general prison population in the shortest amount of time possible (e.g., the voluntary participation in SHU programs equates to meaningful, additional privileges and the ability to earn good time off one's sentence in order to shorten the determinate SHU term.)

The CDCR's October 11, 2012 Pilot Program is not responsive to our above summarized demands, as exemplified below:

For more than 25 years the CDCR has used an alleged "gang management" policy/practice, consisting of placing validated prison gang members and associates in SHU and Ad Seg solitary confinement cells - indefinitely, wherein prisoners are subjected to progressively more punitive conditions, for the purpose of coercing them into 'debriefing' (becoming a state informant to gain release from solitary by providing gang unit staff (IGI) with verifiable information that harms other gang affiliates.

Between 1986 and 1999 the only way to get out of solitary was to parole, die, go insane, or debrief. In 1999, in response to a court ruling, the CDCR came up with another alleged avenue for SHU release, wherein a prisoner able to go six (6) years with zero documented gang activity, can meet 'inactive' gang status and thereby might be released to general population. The 'inactive' avenue for SHU release has proven to be a sham!

Notably, most of the prisoners in SHU

for the past 1 to 40 years, based on a 'current active' validation, have never been found guilty of committing an illegal, gang-related act. We're talking about decades of indefinite, punitive solitary confinement, based on alleged, current active gang involvement, consisting of innocent association/political type activity, and/or the unsubstantiated allegations of involvement in illegal gang activity by debriefer/confidential informants, deemed 'reliable' by IGI (but no charges were filed!) IGI's validations etc., are rubber-stamped by the Office of Correctional Safety (OCS and/or SSU): UCC.UCC /committees and all levels if the 602 Appeals process! [as per admissions by former PBSP Warden McGrath, during his testimony in the 2009 *Lira* trial.]

The October 11, 2012 STG Pilot Program claims to 'change' the present SHU policy/practice in the following ways, "... to provide individual accountability of offenders" (Pilot Program Memo, page 1, Purpose) based on "A new behavior-based system, which will serve to enhance the existing intelligence-based validation system. The implementation of this process will include an STG behavior-based disciplinary matrix, which will provide for additional procedural due process safeguards and a system of individual accountability [page 2, Key Revisions]

However, the truth is that the pilot program fails to change the present policies and practices at issue - in any substantive meaningful ways, and, it will actually result in a significant expansion of the numbers of prisoners kept indefinitely in SHU and Ad Seg solitary confinement torture cells [the numbers will expand to tens-of-thousands, because the CDCR STG Pilot Program targets not only prison gang affiliates, but OCS will now target any and all groups of three (3) or more prisoners who are deemed to pose a 'potential' threat. [Pilot Prog. Memo, pages 1 and 9]. This failure to change the present system is also demonstrated by:

**A)** The prisoners validated as STG-1 Members (i.e., prison gang members] will continue to be subject to automatic, indefinite SHU confinement, solely based on the validation. There is no requirement that a formal charge (for Gang related misconduct) be filed, nor any related requirement for a formal hearing to take place to determine guilt or innocence, as per a preponderance of credible evidence standard, as required by CDCR's formal rule violation

hearing process. One's only avenue for release from the SHU is to parole; die' go insane; debrief; or successfully complete the four (4) year minimum step down program [Pilot Prog. Memo, Sections 200.2; 500; 600.3; 700; 1200]

Additionally, any/all prisoners validated as STG affiliates will continue to be placed, and/or retained, in SHU and Ad Seg solitary confinement cells indefinitely, based on alleged intelligence indicating: "confirmed STG behavior or activity," defined as, "STG behavior which is discovered and confirmed to have occurred. Confirmation can be obtained through two processes: 1) a guilty finding in a STG rule violation report; and/ or any document that clearly describes STG behavior or activities incorporated within the validation or 'continued STG behavior package', and which is confirmed by the OCS, Special Agent assessment, and the STG unit Classification Committee [Pilot Program, attachment A. STG Definitions at, "Confirmed STG behavior or activity. See also, definitions for step down program, Steps 1 and 2, regarding use of intelligence and these steps housing prisoners based on: **influence!**]

The above is also supported in the Pilot Program Memo, at Section 600.3: validated affiliates with confirmed STG behavior, outside the disciplinary process:

" a) A STG affiliate determined to have confirmed STG behavior or intelligence, ... which occurred outside ... the formal disciplinary process shall be documented in a CDCR form 128-B, General Chrono [confidential chrono, if appropriate.] the behavior or activity must have occurred within the last 4 years. Investigators shall establish reliability per CCR Section 3321 when confidential information is used and shall be recorded within the chrono. This confirmed STG behavior or activity shall consist of the following:

"Behavior, activity or intelligence items as identified in section 600.1: Validation Source Criteria, totaling at least 10 additional points and identified subsequent to the validation process. This process shall only be utilized if the circumstances cannot be otherwise addressed through the disciplinary process ... "

Everyone familiar with CDCR/OCS-SSU-IGI's SHU and Ad Seg policies and practices over the course of the past 10 to 40 years, will recognize the above referenced Pilot Program. 'Changes' to

the present policy and practices equate to NO substantive changes at all.

The facts are: CDCR staff have always been required to issue rule violation reports to prisoners who are alleged to have violated a rule, when such is supported by credible evidence. [per CCR, Title 15, Section 3312, et seq.] In spite of this long standing regulation, most of the prisoners have not been charged with, nor found guilty of, an illegal gang related act! We've been subjected to decades of SHU isolation based on the criteria referenced above regarding 'confirmed STG behavior, outside the disciplinary process.'

With the above in mind, the only 'change' to the current policy is: a 4 year review, in the absence of being found guilty of an STG related rule violation report, wherein, "... documented and confirmed STG behavior or activity, totaling at least 10 additional points [over the course of 4 years] will be cause for continued, indefinite SHU confinement!"; as compared to the present six (6) year review for consideration of inactive gang status, so long as there is no documented gang activity [over the course of 6 years].

The above process will be applied to those prisoners presently serving an indeterminate SHU term based on their validated status and they, "... shall be afforded a Departmental Review Board (DRB) hearing, to determine their appropriate placement and/or retention within the SHU/ Step Down Program or potential release to general population ... The DRB will conduct an assessment of the preceding four (4) years to determine the existence of ongoing STG behavior ..." [Pilot Program Memo, page 3]

Based on all of the above referenced pilot program points, we can expect the DRB criteria used for their "assessment" of the preceding four years to determine the existence of on-going STG behavior," will be the same criteria used for a six (6) year active/inactive review, with a focus on finding any alleged 'documented items of current behavior or activity occurring within the past four years -- totaling 10 or more points [i.e., a 'continued STG behavior package' type of assessment] whereupon they will determine what step one is eligible for in the Step Down Program.

The DRB will utilize the sections of the pilot program referenced above because most of the validated affiliates - in SHU and Ad Seg for decades - have no STG related rule violation guilty findings. So they'll

have to utilize pilot program Section 600.3 (referenced above) because the CDCR/OCS has no intention of releasing certain STG affiliates to general prison population [eg, those in PBSP 'Short Corridor' who are there based on 'influence', which in turn is based on confidential informant/debriefers claims and/or IGI's subjective opinion, which is impossible to disprove! See Pilot Program Memo, page 41, re SDP, Steps 1 and 2, Reference to 'influence.']

All of the above referenced pilot program points are **NOT ACCEPTABLE!**

What it basically boils down to is a CDCR/OCS sentence enhancement of four years-to-life for alleged STG behavior or activity, without a requirement for any related formal charge(s) or guilt of committing any illegal, gang-related act! Remember, this sentence enhancement can be applied to STG affiliates for minor non-criminal associational activity. [eg., Pilot Program Memo, Section 600.2 (a), (b), (c) and 600.1, Disciplinary Matrix, bottom four boxes, re: tattoos; roll-call; group exercise; greeting cards and art work; acting in a leadership role; displaying behavior to organize and control other inmates, etc!] being deemed 'guilty' of such innocuous and/or vague activity is cause for a minimum of 4 years of indefinite solitary confinement, unable to earn good time credits off one's sentence, in addition to all the additional punitive conditions such confinement entails!

This amounts to a minimum of four (4) years of subjection to conditions that are psychologically and physically torturous to prisoners, and their loved ones on the outside, for the purpose of coercing them into becoming state informants via debriefing -- without being formally charged, and/ or for insignificant violation(s) of minor, associational-type activity!!

The above points exemplify the CDCR/OCS' intent to maintain the present status quo of confining thousands of prisoners in long term solitary cells, subject to progressively punitive conditions, for coercive purposes. What is worse is they insist on doing this in spite of the fact that such practices violate U.S. Constitutional and International laws and treaties, as well as state law, regarding enhancements/sanctions for gang-related activity [the applicable Cal. Penal Code is 186.22, as interpreted by the Cal. Supreme Court. See for instance, *People v. Castenada*, 23 Cal. 4th 743 (2000), the leading case. See also: *People v. Moreno*, 68 C.A. 4th 1198 (1998), and *People v.*

*Gardeley*, 14 Cal. 4th 605 (1996), and *People v. Gomez*, 235 Cal. Rptr. 2d 957, 971].

Again, this is not acceptable, nor is it a sensible, responsible use of the tax payer's money -- to utilize costly SHU and Ad Seg cells [for an indefinite time period of at least four years!] for such minor infractions of CDCR/OCS' made up rules. These sorts of small infractions can be addressed in the general prison population via progressive levels of restrictions on various programs and/or privileges. SHU and Ad Seg cells are approximately \$20,000. Costlier than general population cells per year!

**B)** The pilot program memo also claims the change in policy will provide, "additional layers of procedural due process" regarding validation(s)/ continued STG behavior -- and related SHU placement/retention/ Step Down Program issues [Pilot Program Memo, page 1, Purpose; and Sections 100; and 400 - 800]

For the past 25+ years, many SHU and Ad Seg prisoners have received CDCR's version of 'procedural due process' wherein, I.G.I.'s decisions (recommendations) are automatically upheld by all levels of review by OCS; Committees; and prisoner grievance process-602 Appeals. The pilot program changes nothing, because each level of review will still be conducted by CDCR employees who are trained and directed by OCS - SSU - IGI!

Therefore, this part of the pilot program is **NOT ACCEPTABLE !!** Real due process requires substantive, as well as procedural aspects, and at least one level of meaningful review by a neutral third party, a qualified monitor, who conducts a thorough substantive, procedural review.

**C)** The pilot program memo claims the four year (minimum) Step Down Program (SDP) will provide STG affiliates with a way to earn release from indefinite solitary confinement without having to debrief [Pilot Program Memo, Sections 700, et seq.]

CDCR's SDP is **NOT ACCEPTABLE!** Four years is too long and the proposed programs/privileges for each step are not realistic, reasonable, or meaningful!!

CDCR presents the SDP as "... an incentive based multi-step process for the management of STG affiliates. This program will assign transition and monitor inmates who by their behavior have demonstrated the need for CDCR's utilization of special strategies for their management. The SDP shall normally be completed in five steps and provides a process for in-

mates engaged in STG behavior or activities to demonstrate their ability to refrain from this type of behavior, preparing them for return to non-segregated housing and eventual release to the community." [Pilot Prog. Memo, Section 700]

Unfortunately, the CDCR pilot program for an SDP is structured in a way that is demonstrative of their true intent of maintaining, and greatly expanding upon, the current policy/practice of keeping thousands of prisoners in punitive solitary confinement cells indefinitely, until they die, go insane, or debrief!

The first 3 ½ years of CDCR's SDP entails a type of solitary confinement, wherein, the prisoners spend virtually 24 hours a day alone -- in a cell, on the small-cell yard. The CDCR states this will be 'a period of observation' during which the prisoner will be expected to keep his bed made and complete in-cell, self-directed journals, and earn incentive-based privileges [Pilot Prog. memo, Sections 700 through 700.5, pages 40 - 50]

This makes No Sense! How can you 'closely observe' someone for the purpose of assessing their behavior or activity, when they are in a type of solitary confinement 24/7? How does a minimum of 3 ½ years of doing self-directed journals for basically trivial and insignificant privileges 'prepare them for return to non-segregated housing and eventual release to the community?'

A Step Down Program should be a maximum of eighteen (18) months in duration, for the purpose of enabling prisoners to shorten their 'determinate' SHU terms. In today's SHU and Ad Seg units, and level 4 general population prisons, the prisoners are closely monitored 24/7. Any SDP needs to be based on realistic, reasonable adult programming criteria, and meaningful incentives for each step. For example, **Step 1** can be a maximum of 90 days of basic in-cell type of programming; **Step 2** can be a maximum of six (6) months, of more meaningful, interactive-type of programming, such as small group activities in cages; small group yard, etc., where observations of prisoners behavior and activities actually mean something towards assessing one's potential for successful transition to general population; **Step 3** can be for a maximum of nine (9) months of small group programming, larger group yard, dining together; Step 4 can be for monitored status in a general population type of setting.

The incentives for each step need to be realistic, and meaningful, for example, the ability to earn good time credits, regular phone calls, contact visits, additional packages, canteen, property, etc., beginning at **Step 2**. Once in the SDP, sanctions for STG behavior or activities **must be solely based on** a formal charge, and guilty finding, for a serious rule violation, linked to a STG!

Additionally, the CDCR's mission priority is founded upon the principle of promoting and protecting public safety, and the related operation of a reasonably safe and secure prison system. They presently have the opportunity to back up these catch phrases **with action**, by creating a sensible program for the purpose of transitioning the present long term SHU prisoners to a general population prison environment in a reasonably safe and secure manner. Their presence in general population will enhance the safety and security of the prison system as a whole, which will enable CDCR to provide prisoners with meaningful rehabilitation type programs, and thereby help prisoners be better prepared for achieving success upon their parole to the community. [See, August 12, 2012 Agreement to End Hostilities.]

The CDCR can do this **right now**, at little to no cost, via the creation of the MCU [MAX-B] type program that we detailed in our March 2012 'Counter Proposal' [See [www.prisonerhungerstrike.org/solidarity.wordpress.com/pelican-bay-human-rights-movement-short-corridor-collectives-counter-proposal-to-cdcr/](http://www.prisonerhungerstrike.org/solidarity.wordpress.com/pelican-bay-human-rights-movement-short-corridor-collectives-counter-proposal-to-cdcr/)]

It's a simple matter, for pilot program start-up purposes, to review all PBSP-SHU prisoners files. Those on indefinite SHU status for validation, who have not been found guilty of a formally charged, gang-related offense (a serious RVR), in the last two (2) years, who are between 3 to 5 years, or less, to their parole date/parole eligibility hearing, are immediately released to the MCU, on PBSP-B Facility, where they can still be closely observed while actually interacting with each other and staff, in a less restrictive, yet still controlled environment! This is a model for success !!

## CONCLUSION

It has been more than 13 months since we agreed to suspend our non-violent, peaceful protest hunger strike actions, -- in response to CDCR's top administrators admissions that all of our Five (5) Core Demands were reasonable, and would be responded to via substantively meaningful

changes to the policies and practices at issue!

This has NOT HAPPENED, as summarized in the above examples. [See also: our related Opposition/ Rejection statements, responding to CDCR's March and June 2012 STG proposals.]

To date, the CDCR's top officials have acted in bad faith -- including ignoring our prior opposition points and counter-proposal !!

Therefore, at this point, we request a face-to-face meeting with the top CDCR officials, authorized and able to make decisions on the spot, for the purpose of changing the October 11, 2012 STG Pilot Program Memo, in ways responsive to our Five (5) Core Demands, in line with the examples set forth in this document.

This meeting can be in person, or via video conference in PBSP-SHU.

Let this serve as notice, that failure to change the Pilot Program in ways that are responsive to our Five Core Demands, as exemplified in this document, will be deemed to be just cause for our collective resumption of our non-violent, peaceful protest action(s). •

Thank you for your Time and Attention

*Todd Ashker, Arturo Castellanos,  
Sitawa Nantambu Jamaa/Dewberry,  
Antonio Guillen  
December 3, 2012*

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## ED'S COMMENTS

Welcome to volume two, issue number of the *Rock* newsletter. This little newsletter is starting its second year. In 2012 people contributed \$1,091 in cash and 2049 stamps. All but \$500 of that amount came from prisoners. This is indeed a prisoner-supported publication. Of that amount the newsletter currently has \$237 in cash and enough stamps to put out this issue with a small amount left over. The money is used for toner for my laser printer (\$154 each, about two newsletter editions out of each cartridge of toner) and printer paper (around \$50 a case of ten reams, a little over two reams are used for each issue). The *Rock* mailing list now stands at 243 and is mailed mostly to SHU prisoners.

For those of you who are new to *Rock* let me lay it out for you. I'm a 71 year-old state-raised ex-con who has served about 35 years behind bars, starting at the age of 13. I have a long history of prisoner activism.

My only income is Social Security, which ain't very much. I do this work because... well, because I'm an idiot. And I'll continue doing it for as long as you feel this work is important enough to support with your donations of stamps and money. For what it's worth, I keep a careful record of every stamp and dollar received and spent. If you find the information I provide useful, then keep the stamps and dollars coming in.

The reader should note that there may be typographical errors in the articles from the PBSP-SHU reps. These were just received from the person who typed them. I wanted to get them out fast so have not proofed them for corrections.

Now if you have not yet read the letters section I want you to stop right here and read the letters before you go any further. The rest of these comments are responses to letters critical of my call to desegregate the prisons. Return here after you've read the letters on pages eight and nine.

First of all I apologize for going off on an angry tirade. That was impulsive and immature. And I agree that the first and second hunger strikes were indeed historic events. You all wrote a well thought out letters and made many good points. I especially appreciate your sharing some of your personal experiences with me and other *Rock* readers. You did good. Now let me try and respond to some of the points raised in the many letters I've received on this subject (I do not have the space to print them all), starting with the first one.

While it is true that I have not done time in the California system, I have pulled some years inside the walls of the Arizona State Penitentiary at Florence, which is almost as bad in terms of racial divisions. I organized the multi-racial Committee to Safeguard Prisoners' Rights there. In addition, I get a lot of letters from California prisoners who tell me what's going on in the prisons. And don't forget, I've been an editor of *California Prison Focus* for over a dozen years. While I'm not in there with you, I nonetheless have a fair idea of what's going on.

Your first point seems to be that a lot of progress has been made, so let's leave it at that. Besides, "what you are calling for is never going to happen." Actually, the only concrete thing I asked for a statement on the subject. And even then I thought that at most the "fellas" would issue some sort of a public statement and then go behind my back and tell prisoners to pay me no mind. But I doubt there will even be a statement.

Anyway, "never going to happen" is a relative term. When I was young sodomy was a crime punishable by life imprisonment. Today gay marriage is legal where I live.

You go on to say that the Agreement to End Hostilities "is something of even greater importance" than the hunger strikes. As it happens, today I received a letter from a prisoner who said: "There was just a racial riot between the Blacks and Southern Mexicans here in Calipatria." You see, if you don't deal with the root of the problem, if you don't deal with the issues that prevent real prisoner unity, then you're just pissing up a rope. Oh you may get some cheap trinkets or other token bribes from the state in exchange for selling out, but there will be no real, substantial, or lasting change.

You say I "can't pick and choose who should be treated fairly and who shouldn't. If you did then what separates you from our captors?" I don't pick who gets out and who doesn't. I'm an old man with not a lot of years left to me; I *do* get to pick how I want to spend those remaining years. I am willing to give them to you rather than spend them sitting on some sunny beach, but I am only going to give those years away for something real—something that will make a significant difference for prisoners, not for weights or additions to the commissary list.

Lastly, you note that "[w]e can't push our beliefs onto you and you shouldn't push yours onto us because the truth is that we don't want to cell up with other races." You may not want cell with someone of another race, but there are those who might like to, and who should have the freedom to do so without threats or fear of violence from their peers. You see, the gang mentality needs to be replaced with a class perspective—that prisoners see themselves as a strata of the social order rather than as members of this or that race or region. I don't have to tell you that the state uses those divisions against you. You all in there are telling me how the state does that day in and day out, even your letter makes that case. I am indeed trying to push my beliefs on you in this regard, but only because the belief in these racial and regional divisions is undermining your struggle. You know damn well it's true.

My ultimatum was wrong. I apologize to all who were victimized by my lashing out like that. I'll continue to press for what I think is needed for the success of the long term struggle, but I'll try to do it with less anger and in a more thoughtful way. •

# LETTERS

[*Note: Names of letter writers will be withheld unless the author of the letter explicitly approves printing of their name.*]

## Interracial Celling Will Never Work

Greetings and salutation to all. I send mine in full. I just received the December 2012 issue of the *Rock* newsletter and I must say that it is very informative. I'm a validated Chicano who is currently housed in Pelican Bay SHU C Facility, Nine Block, Cell 106. I am five years into a 25 year sentence so all of these issues and concerns affect me directly and I always do my best to stay abreast of the current on goings pertaining to the struggle.

One thing that I noticed is that there is a lot of information coming mainly from a few different regions of late but I've yet to see anything from all regions besides the agreement to end all hostilities. I myself come from the east side of San Jose around the Palomar area so I would love to hear what the PBSP-SHU short corridor representatives have to say from my region. I'm sure Antonio and George have some words of wisdom to enlighten us all to their state of mind in regards to all that has been taking places as well as to what the future has in store.

Communication has been very limited since I came back to PBSP-SHU. A lot has changed since 2006. I try to keep as many avenues open as possible by receiving MLM Prisons, PHSS, as well as *Rock* newsletter and anything else I can get my hands on. Yet still more often than not I am left wondering how everyone is doing and what's on their mind. I even want to see if I can obtain my college degree but have no way of enrolling in the necessary courses so it's very frustrating. Hopefully sometimes in the near future someone will strike up an article or put me on their mailing list because I am striving to do my part to help all of the representative's goals and objectives move forward.

Now in regards to your article titled Editorial 1-12 in the most recent issue of the *Rock*. I appreciate all of the help that you are giving us, as well as your knowledge and support. However, I believe that you were out of line on your comments concerning double celling. It was very disrespectful of you to call anyone a dope fiend and your attitude and tone was unnecessary

as well as uncalled for. I understand that you have good intentions and you mean well but it's obvious that you don't really fully know the California penal system history and all that goes with it. Because if you truly did grasp all that it entails then you would realize that what you're calling for is not going to happen.

First and foremost, it was an historic event for the first rounds of hunger strikes to take place because something of that magnitude with all group segments and regions participating together is unheard of. It just does not happen here in this prison system. Wars are more the norm. Yet somehow we were able to put our differences to the side for the greater good and the common goals and objectives that are beneficial to all convicts. A lot of positive things came out of the hunger strikes and the fuse was lit in many who would have otherwise stood by and did nothing, either out of lack of knowledge and know how or out of lack of duty and obligation.

Secondly, not only did the hunger strikes take place but now the "Agreement to End Hostilities" has been enacted and this is something of even greater importance. Never in my life did I think that I would see the day that such an agreement would be made. I just didn't think that it would happen. This is something that you can't help but tip your hat to. I commend the Short Corridor Collective for their strength and courage in coming to this mutual understanding. There is a lot at stake here and the fact that they were able and willing to put all differences to the side and reach this agreement speaks volumes as to their character.

In your article you asked if this struggle is only about releasing the shot callers so they can go back to business as usual. It sounds to me as if someone has gotten into your head and planted seeds and you watered them and allowed them to grow. The plain and simple answer to your question is that no, it isn't about that. Yes, of course those who have been back here in the SHU for decades should be the first to be released. But not because of who they are, instead rather they should be the first to be released because it is wrong to hold someone in solitary confinement for so long for nothing other than affiliations. Justice sees no faces, races, or colors because what's right is right and what's wrong is wrong. You can't pick and choose who should be treated fairly and who shouldn't. If you did

then what separates you from our captors?

This struggle is for the masses, for all solid individuals who deserve to be treated with common decency and not warehoused like dogs in a cage. It's for my brother-in-law in Tracy who just got validated and is waiting to come up here. It's for my cousin as well as my loved ones in PBSP Adseg waiting for their bedspace back here. It's for my pops serving 25 to life out on the mainline, as well as for those who remain behind these walls and for those who will suffer. So that we can all be judged and treated fairly for our own individual actions and not because of what some rat says or because of who we associate with.

Keep in mind that just as there's a lot at stake for us, so too is there a lot at stake for CDCR. They do not want to see us triumph and be successful in what we are striving to accomplish. They would rather see us at war and focusing on each other instead of working together. I don't think that it's a coincidence that my door has been opened twice along with other inmates from a different region within the last year. The first was immediately after the first hunger strike in late August of 2011 and it resulted in a battle with block gun being fired into the section. As the hunger strike representative said, some feel that certain things don't apply to them but it was supposedly an isolated incident so I didn't hold it against anybody. I just did what I had to do and left it at that. I wasn't even moved out of my section.

Then again, in May or June of 2012, my door was popped open with another inmate from the exact same region supposedly on accident. Except this time salutations were exchanged and nothing happened much to the surprise of the tower. So trust and believe that they are attempting manipulate situations not only back here but on the mainline and in the adseg as well. Trying to create a crack in the agreement. That is why it is imperative that we stand firm and remain strong in honoring said agreement whether you like it or not because that is what has been figured out. Those with honor and integrity must stand strong against any attempt by the administration and/or knuckleheads to bring an end to what has been set in place.

So you see, Ed, we have enough on our



plate trying to deal with all of this. The upcoming hunger strike, the Agreement to End Hostilities, and trying to get CDCR to honor the five core demands are the battles that we must focus our time and energy on. Not interracial celling because interracial celling would never work in California, maybe in another state but not here. There has been too much bloodshed, sacrifices, and work that has transpired throughout the years to expect people to agree to that. Wars that have been going on since the late sixties were still continuing on until only recently when the Agreement to End Hostilities came into effect. So it's going to be hard enough to get that to hold let alone trying to push for interracial celling. We have to pick and choose our battles and I feel that you were wrong in trying to push that on us. We can't push our beliefs onto you and you shouldn't push yours onto us because the truth is that we don't want to cell up with other races.

Hopefully you can see where I'm coming from when I say all that I have and you can see that it's wrong to start calling people out of their name because I'm sure they wouldn't do that to you. In closing I would like to thank you for all of the hard work and support that you have given all of us behind these walls as well as to our families. Please do print this article if you can as well as my names and number. As I said, I would really like to hear from Antonia or George and know what they have to say about all of this. Once again, I send my love and respect to all those worthy, keep on pushing.

*Carlos Ramirez #P-69993*

### **The Ultimatum Was Wrong**

Greeting and salutations. I hope you're in great health and high spirits. I've enclosed a drawing for the *Rock*. You know I've found you from the start to be the bridge between two voices. To have your own opinions is one thing, but here you are pushing your own personal politically motivated policies about who inmates should be cell mates with. There is a divide between races, between groups, and this idea to have all hostilities between us stop is a big deal – now to basically say, “Ok, now move in together with those who have possibly killed a friend.” Come on, that's a bit rich to handle. Traditionally it's worked in California to just take one step at a time. So please, understand our position and the hellish environment of violence that's out there. Be the instrument to help us get our

goals one step at a time. Be that bridge of communication between us. Be there not to pass judgment. We are making sense out of the chaos around us. We respect your opinions and we can't change our colors over night. So with respect, reconsider and recognize we're working slowly to bring peace to all.

*Michael O. Russell*

### **Forgotten What Prison is Like?**

Real quick, I just want to respond and give my comments from a “current” prisoners point of view to what you wrote in the December issue of the *Rock* about interracial cell living and your threat to “jump ship” if we don't accommodate you and those of like mind.

First off, I must certainly appreciate what you do not only in this current struggle but in all the years past (I've been incarcerated a long while and have become familiar with you, Ed, like old friends). And while I may not always agree with you, you must know that no one can ever doubt your zeal. That said, however, has it been so long that you have forgotten what prison is like? (and not just any prison, a California prison). You speak about inter-racial cell living from an ideological standpoint as opposed to a grounded understanding of reality.

And No! I do not speak of “racism.” This is 2012. Modern America and social progress has not escaped the prisons as much as some people and movies would have you believe. I have absolutely no problem with, speak to, and get along very well with Afrikan Americans, Cuacasians, North, South, Asians...you name it. And to be honest, sure I could most definitely live well and fine with some of those friends of mine. But the reality is that this is prison and we DO NOT “pick” who we live with. A blanket policy like that would be pretty much disastrous.

Inter-racial cell living is NOT like moving in with you well-adjusted suburbanized neighbor in a four bedroom house where everyone goes to work in the morning, don't see each other all day, obeys all laws, etc, etc. We can't just get up and move when we want or ever spend some time away during an argument over some petty thing. We're stuck. Period. And what about different sleep hours?

To understand our reality you must think beyond mere cultural differences. There are hygiene issues, cleanliness issues, ways of living that are complete opposites in some cases, ideological beliefs and mood

swings, different mentalities, etc. Do NOT envision yourself living with the best of the best, or even some you are completely compatible with – but rather take that dirty-ass bum off the side of the freeway (cause it very MIGHT be him), or some big-ass foo with anger management issues who not only does not want to cell/live with you either, but who – having nothing in common with you – has no more love for you than you have for him. Now imagine a disagreement. And you ARE stuck. NO crying, NO running to the police, and NO asking to leave. You would have to meet any concerned threat with unchecked force just to ENSURE your survival. And survival is any human's natural instinct. This ain't no “dating service” or wonderland. We're in PRISON!

While I know you have always included “SNY” and “PC's” in your prisoner rights/reform propaganda, you should remember that you are also speaking to those of us who are SOLID. Men (and women) who DON'T break, take no slight, and DO FIGHT! Next you'll be saying that “SNY” and “GP” should just program together. I mean if assault is against the laws, the we should not be attacking rapists and child molesters, right? WRONG!

Look, all I'm saying is to CONSIDER the fact that there might be some things about actually living here (and living in a cell with someone) that you – and those who support that position – are missing, not taking into, or...have just forgotten.

That “ultimatum” was wrong, Ed. And I say that with the utmost respect for you. You put those man (and our struggle) on the spot, putting them on blast, asking them to speak out on something that has nothing to do with our unified struggle! We are united! Or can't you see? I'm here (inside) and I can say without a doubt there has been a huge leap forward and shift in prison politics. In fact, your comment (last month?) about “this won't last” only proves to me and everyone listening that you have no idea how California prisons work. But you are like a crazy old uncle who will ALWAYS still be part of the family (smile). Ha ha.

Think about these things...and reconsider. With respect and solidarity,

*Marco Perez #P80335  
Tehachapi “SHU”*

[**Ed's Response:** Please read my response to these letters in my Editorial Comments on page seven.]

## WOULD YOU LIKE A PEN PAL?

“A wall is just a wall. It can be broken down.”

*Assata Shakur*

Please consider participating in a Human Rights Pen Pal Program, a new project of Prisoners Hunger Strike Solidarity coalition (PHSS).

The Human Rights Pen Pal program is an anti-racist, ‘outside the walls’ organizer training program in solidarity with the human rights of prisoners in California’s solitary confinement cells. It is specifically intended to support the ongoing work of PHSS to end solitary confinement and address the human rights of prisoners in SHU’s and Ad Segs in California’s prisons.

The program is centered on creating principled relationships between prisoners in solitary confinement and supporters outside the walls. It assumes that these developing relationships will lead to a growing commitment of those ‘outside the walls’ to work in solidarity with prisoners and your human rights campaign.

If you would like a human rights pen pal, please send a note to Sharon Martinas, 2440 16th Street. #275 San Francisco, CA. 94103. Include your name, ID number and current ‘address,’ so we can get back in touch as soon as possible. If you wish, please include a little bio and why you would like to participate in a human rights pen pal program.

The program will begin Sunday January 20, 2013, so please try to get your letter to us before that date.

The program will be small: only 12-13 ‘inside the walls’ and 12 -13 ‘outside the walls’ participants. We will prioritize participation by people ‘inside the walls’ working for the human rights of California prisoners who may not be receiving as much mail from friends and family outside the walls as they would wish.

**More prepared  
More informed  
More indignant**

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