

# !ROCK!

★ Working to Extend Democracy to All ★

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## CENSORSHIP SUIT OVER POLITICAL DISSENT AND HUMAN RIGHTS ADVOCACY

January 9, 2014: Philadelphia, PA —

The Human Rights Coalition (HRC), politicized prisoner Robert Saleem Holbrook, and College of Charleston Professor Kristi Brian brought a lawsuit yesterday against several employees of the State Correctional Institution (SCI) at Coal Township and the Pennsylvania Department of Corrections (PA DOC) for confiscation of mail sent to Holbrook, a co-founder of HRC currently held at SCI Coal Township.

“Today HRC is going on the offensive to fight back against prison censorship,” editor of *The Movement* and HRC-Philadelphia activist Patricia Vickers stated. “It is long overdue that prison officials are held to account

for their attempts to silence those who speak out against this abusive system. The rights, health, and lives of our loved ones are at stake.”

The suit, *Holbrook et al. v. Jellen et al.*, filed by the Abolitionist Law Center, details a series of confiscations of Holbrook’s mail since January 2012 that includes academic correspondence with a college professor and issues of *The Movement*, essays written by Angela Y. Davis and James Baldwin, a newsletter published by HRC which focuses on prison abuse, solitary confinement, and ways that prisoners’ family members can come together to challenge human rights abuses and injustice in the criminal legal system.

The content of the materials censored by SCI Coal Township and Central Office officials touch on the most vital issues of the operation of the prison system in Pennsylvania: juveniles sentenced to die in prison, deaths in solitary confinement, repression of human rights defenders inside prisons, advocacy efforts by families of prisoners, and the pervasive racism that defines the criminal legal system in Pennsylvania and the U.S. In this context, freedom of thought, speech, and association carry life or death consequences.

Plaintiff Robert Saleem Holbrook, a 39-year-old prisoner who is serving a sentence of life-without-parole for a conviction imposed when he was 16-years-old, wrote about prison censorship in an article published in October 2012, “Censorship on the Prison Plantation: Extinguishing Dissent”:

“[T]he prison mailroom supervisor at the prison I am incarcerated in (SCI

Coal Township) reflexively denies all books by Black/Latino authors that provide a radical critique of prisons, as well as all publications that contain articles written by prisoners that critique prisons from an adversarial position. Every issue of the Human Rights Coalition newsletter “*The Movement*” has been denied by this institution, as well as informational brochures and flyers related to HRC’s advocacy on behalf of prisoners. It is not the information contained in these newsletters that the prison censor fears, because none of the material is threatening or inflammatory. What angers the censor and the prison administration is that prisoners are taking the initiative to challenge their imprisonment and conditions of confinement without apology! On the pages of these publications, prisoners are demonstrating that they possess a voice and are ensuring that their voice be heard.”

“This lawsuit challenges the ability of PA DOC officials to target political dissent and human rights defenders with arbitrary censorship,” said Bret Grote, an attorney with the Abolitionist Law Center representing the plaintiffs in the case. “The First Amendment protections at stake extend far beyond the confines of this particular case, and touch upon the daily lives of millions of people in this country who are in prison or who communicate with people in prison.” •

*Human Rights Coalition - FedUp!*  
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# AMIDST SERIOUS ISRAELI ATTACK, DETAINEES START HUNGER STRIKE

By Saed Bannoura, Jan. 11, 2014

The Palestinian Ministry of Detainees has reported that Palestinian political prisoners held at the Israeli detention facility 'Ramon' started a hunger strike to protest the latest serious Israeli assaults carried out against them.

Rami Al-'Alami, a lawyer of the Palestinian Ministry of Detainees, said that the situation at the Ramon Israeli prison could lead to confrontations, especially after four units of the military have continued their assaults against the detainees for the third week in a row.

The soldiers, accompanied by military dogs, broke into the cells of the detainees, violently searching them.

The Ministry said that the detainees discovered that there are hidden cameras in the walls of their rooms, and protested against this serious violation of their rights.

Detainee Abdul-Salam Shokry said that, after the detainees found the hidden cameras and protested the violation, the Prison Administration and the Israeli Security Agency decided to attack the detainees and retrieve the cameras.

Shokry added that the soldiers caused excessive damage to the detainees' property, broke their electrical equipment and forced the detainees into solitary confinement, in another section, after cuffing them and forcing them to undergo a strip search.

The issue led to clashes between the detainees and the soldiers, who also attacked and struck several detainees, including Kamal Abu Shanab, Yousef Barghouthi, Ibrahim Ziyada and Ahmad Ka'abna.

The prison administration also decided to move the representative of the detainees, Kamal Rajoub, into solitary confinement.

Shokry said that the situation at Ramon prison could deteriorate even more and lead to clashes, should the army and the prison administration continue these violations and assaults.

He said that the detainees started a gradual hunger strike on Saturday, a strike that could lead to an ongoing hunger strike by the detainees, and added that the detainees filed 49 appeals against the Israeli violations. •

<http://www.imemc.org/article/66733>

# GUANTANAMO DETAINEES DESCRIBE DESPAIR 5 YEARS AFTER OBAMA PROMISED CLOSURE

Five years after President Obama promised to close Guantanamo Bay within one year, detainees have described their despair at conditions and their indefinite detention. Recent legislative amendments by Congress removed obstacles to transferring cleared detainees out of the prison.

Abu Wa'el Dhiab, a cleared Syrian, said: "I am dying every day many, many times. Sometimes because of my illness, and sometimes because of the oppression by the guards here, and sometimes because of the doctors, and sometimes because of the pressure they put on us and because of the length of our unfair imprisonment.

I had wanted to live in peace with my wife and our children and we had planned our future and the future of our children together, but they destroyed our dreams and our plans, they did not let us live . . . Twelve years I have been unable to see my children, not out of choice, but because I was denied the ability to see them, and without reason."

A recent report by lawyers at the human rights charity Reprieve revealed that 33 men are back on hunger strike and being force-fed twice daily. Authorities have clamped down on information coming out of the prison, including no longer releasing official numbers of hunger strikers because it was furthering the men's peaceful protest.

Cleared British resident Shaker Aamer, whose British wife and their four children live in London, is one of the men back on hunger strike. He told his lawyer that he:

"Lost 25 lbs in a week over Christmas."

David Cameron has repeatedly stated that he wants Shaker returned home to the UK and he last year raised My Aamer's case with President Obama. Shaker has been cleared for release under both the Bush and Obama administrations yet remains held without charge or trial.

155 men are still held at Guantanamo Bay, despite President Obama signing an

Executive Order of January 22nd 2009 to close the prison within a year. More than half the detainees have been cleared for release, a process involving unanimous agreement by six US federal agencies that they pose no threat to the United States.

Last year, Guantanamo's Chief Prosecutor announced that less than 3% of all the men who had been held at the prison would ever be tried.

Recent Congressional amendments to the annually-renewed National Defense Authorisation Act (NDAA), removed the certification requirement for countries to which detainees can be resettled removing obstacles to Obama transferring cleared men out of the prison.

Clare Algar, Reprieve's Executive Director, said: "Five years ago today the detainees were full of hope that finally their nightmare would be over. Yet still they sit in the hell of Guantanamo Bay. President Obama has no excuses left, why is it still open? And why are cleared men like Shaker Aamer still not home with their families where they belong?" •

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# RAPP URGES GOVERNOR CUOMO TO PUSH FOR PAROLE REFORM AND TO RELEASE AGING PEOPLE IN PRISON

Tuesday, January 14, 2014

New York: Governor Andrew Cuomo has taken two positive steps toward criminal justice reform by announcing the creation of a Commission on Youth, Justice, and Public Safety, and a council on Community Reintegration and Reentry.

The Commission will raise the age of criminal responsibility in New York, and the council will strengthen job training and other programs designed to reduce recidivism. Release Aging People in Prison (RAPP) applauds Governor Cuomo for his efforts while urging him to reform parole practices, especially as they pertain to the release of elders behind bars.

While the total prison population has decreased by more than 20 percent in the past decade, the number of incarcerated people

over 55 years old has increased by more than 70 percent. “These elders do not need to be incarcerated,” said Mujahid Farid, lead organizer for RAPP. “The risk of committing a new crime is about 5% for older people, compared with an overall recidivism risk of nearly 40%,” he said.

Thousands of seniors are being confined to cruel and degrading conditions as Parole Commissioners deny their release from prison even when they pose a low risk of endangering public safety and show a clear ability to reintegrate. This culture of permanent punishment does nothing to enhance public safety, but it does violate human rights and waste financial and human resources.

To efficiently dismantle what Governor Cuomo himself has called “the madness of an incarceration society,” further attention must be given to the regulations that govern parole decisions. Elders who pose no risk to public safety should be released. Interestingly, if this were done, the overall recidivism rate that Governor Cuomo criticized would fall.

Revisions to current parole regulations are posted for public comment until February 1. RAPP is calling on Parole Commissioners to promote release from prison based on fair and reliable guides, such as age, length of time already served, and risk of committing a new crime.

We ask Governor Cuomo to explicitly support fair an evidence-based parole practices. We also invite the media and public to review our proposed regulations at the following URL:

<http://www.correctionalassociation.org/news/nys-parole-regulations>. ●

## UPDATE FROM MENARD HUNGER STRIKERS: WE NEED OUTSIDE SUPPORT

### Force feeding threatened

January 21, 2014

The following information is drawn from letters received from prisoners in Administrative Detention at Menard Correctional Center in Menard, Illinois, and compiled by attorney Alice Lynd.

Jan. 21, 2014 – On Jan. 15, 2014, approximately 25 prisoners in Administrative Detention at Menard Correctional Center went on hunger strike. Officers shook down their cells and took any food they found. The hunger strikers were sent to see medical staff and charged \$5 for medical treatment.

On the way back from seeing medical staff, one prisoner (said to be Armando Valazquez) was pushed onto the stairs while in handcuffs by two officers. Those officers then kicked and stomped on his back, picked him up and then slammed his face into the plexiglass window on a door. One officer was sent home early that day. Prisoner Valazquez was moved to the Health Care Unit and the prisoners have not seen him since.

The hunger strikers have been told the prison administration is working on obtaining a preliminary injunction to force feed them. They expect to continue the hunger strike even if they are force fed.

“We need as much outside support as

possible,” the prisoners say.

Please call or email: Gov. Pat Quinn, (217) 782-0244, <http://www2.illinois.gov/gov/Pages/ContacttheGovernor.aspx>. Warden Rick Harrington, (618) 826-5071. Illinois Department of Corrections Director Salvador Godinez, (217) 558-2200, ext. 2008. Attorney Alice Lynd can be reached at [salynd@aol.com](mailto:salynd@aol.com).

### Menard prisoners’ demands

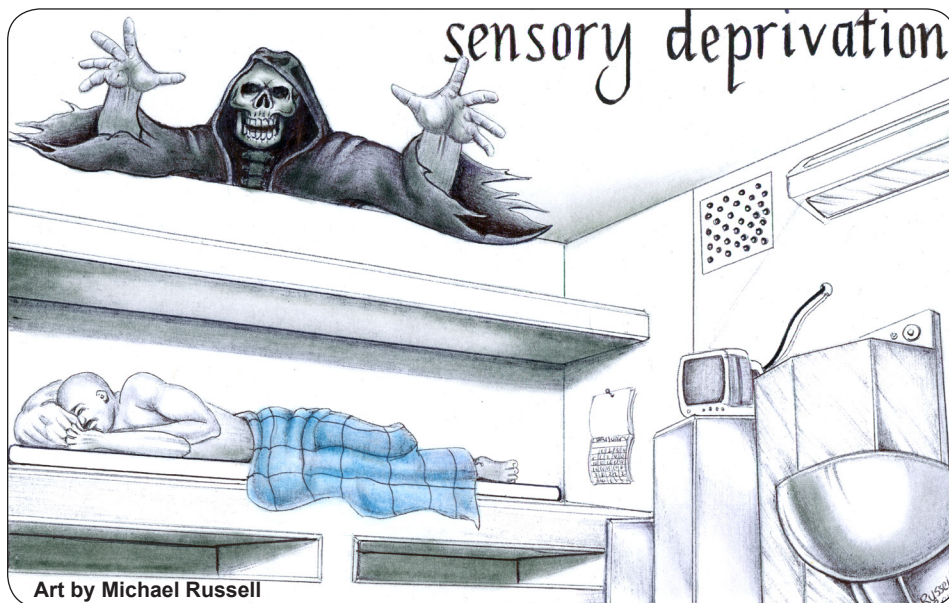
In a letter to Illinois Department of Corrections Director Salvador A. Godinez, Alan Mills of Uptown People’s Law Center in Chicago writes that prisoners formerly housed at Tamms and now in Administrative Detention at Menard in the High Security Unit, or HSU, “have contacted our office regarding both the process by which they were placed in this unit and the conditions of their confinement in the unit.

“They have advised us that due to the lack of response from anyone within the Department regarding their informal complaints and formal grievances they will begin an indefinite hunger strike today, Jan. 15.

“The men have forwarded the following demands to us in the hopes that we can facilitate resolution of the issues:

- A hearing upon arrival and rationale for placement, as well as the written rules and regulations regarding their classification;
- Quarterly meaningful reviews of continued placement;
- Timely written responses to grievances in compliance with the departmental directives;
- The ability to have reasonable access to cleaning supplies for their personal cells;
- The common areas to be cleaned and sanitized (i.e., showers) and the vermin and rodent infestation eliminated;
- Adequate heat and hot water in cells and common areas;
- The ability to purchase basic commissary items (i.e., thermal clothing, shoes etc.), pursuant to departmental regulations;
- Access to individual razors and nail clippers held by departmental staff;
- Timely addressed medical treatment (i.e., physical, mental and dental ailments); and
- Adequate access to legal property boxes and the law library.”

Alan Mills can be reached at Uptown People’s Law Center, 4415 North Sheridan, Chicago IL 60640, (775) 769-1411, [www.uplchicago.org](http://www.uplchicago.org). ●



Art by Michael Russell



# LETTERS

## Supports PAC

(Footnotes are Ed's comments)

I am writing to express support for this proposal of creating a prisoners PAC [Political Action Committee]. Briefly explained by Jesse Perez in the last issue. I think it's a *brilliant* idea and do pledge \$100 to start. Hey, I know it isn't much but that's from absolutely *nothing*. The point however, is to say that people will not only meet that \$5 call (periodically) but will dig deeper and give more! Nothing in the regulations should hinder this effort either, so long as its administrators are on the outside. Of course, no matter what the regs say we should expect push back—even for those on the streets (i.e., unfounded, wild accusations of organized crime, etc.). Especially because this can actually work. It is a natural progression of our struggle. [Perez] was absolutely right! And with teeth (smile). Good stuff.

My only input (followed by a suggestion) is to say that embezzlement or white collar crime is usually perpetuated by Ivy League professionals (so to speak) and people who you would otherwise think do not break the law. So can anyone punch numbers into a database. That in itself does not mean our money is being used to fight *our* causes—or anything for that matter. Even where in this case an act like that would be incredibly—incredibly—unwise; people think they are smarter than they are at times, and a lot of money can tempt anyone.

Secondly, for me at least, while I can see value in teaming with other organization, partnering, inclusion, and co-opting with acceptable causes for mutual benefit to expand our reach, impact, etc., I would *not* want to contribute to things I do not support (i.e., better programming for sex offenders in Washington, juvenile or adult. See past issue of *Rock*).<sup>1</sup> I'm sure you agree. Plus,

1. As far as I know *Rock* has never advocated for better programming for sex offenders. It's needed, but *Rock* is not about "programming" for anyone, regardless of offense. This newsletter is about shutting down the factory, and not at all about feeble efforts to tidy up the destructive product that factory produces. Moreover, if I were to have anything to do with such a PAC, no monies at all would be used for any kind of programming. This would be a political fund, not a rehabilitation fund. That said,

if this works, and I do think it will work, it can garner support from the outside. We all saw P.H.S.S. do outstanding work. So yes, that's a lot of money [which could lead to] focused fund raisers and rallies. A lot of people support our cause, so neither do we want to turn people off by adding, or even associating with what may be "unacceptable" issues for support by, and from, the general public.<sup>2</sup> Personal views aside, our strategic approach must be considered in this light—and precautions effected—so as to maximize our support base and thus maximize our potential.

My Suggestion: While transparency and a professor with students sound *great* for its [the funds] administration (good case study for them as well), I think having what I would describe as safeguards or security controls, where one or two of our own would serve in a marginal supervisory capacity at lest to periodically—and literally—drop in to check progress, books, coffers, monies paid, services rendered, issues raised, etc. would help to ensure that our issues, our goals, and what is important to us—namely our causes—are the ones being pushed for all men, women, and juveniles included.

Marco Perez, *Tehachapi SHU*

## Supports the PAC

I would like to speak on the PAC to represent the prison community, an issue which was brought up in articles in previous issues of *Rock*. This is a solid idea that should be explored. I did not read these articles and take them as trying to outspend the CDCR (CCPOA). I took it as coming together as a whole to fight fire with fire against them (CCPOA), to try and get this fight on a somewhat equal battlefield. It is no secret that money gets things done, so it would be wise for us to gain financial support in order to back those that fight for us on the out there (Loni Hancock and Tom Ammiano, etc.) so they can really make things happen more than they have already. The CDCR (CCPOA) is only able to push their weight around due to the money they

do I think prisoners need to overcome their prejudices against gays and sex offenders? Yes. *Anything* that works to further divide prisoners from each other serves the interest of your captors.

2. He may be referring to "radicals" here, as in "as soon as our struggle becomes acceptable we need to do what the union movement did back in the day and toss them under the bus."

throw towards what benefits them, which is to keep a revolving door policy in and out of prison and to keep these SHUs up and running.

A few dollars from each of us on a monthly basis (just like union dues) can help our supporters go to battle for us with the proper weaponry. It will give us, the voiceless, a pretty loud voice! Look what we got done with our latest peaceful protest (hunger strike/work strike), we opened the eyes of so many across the nation and around the world. Imagine what we can do with financial support. We'd be able to fight things on a much wider scale, both inside and outside these walls, and pushing the issue even louder on getting us out of the SHU by truly fixing this joke of a validation process, better education, and real rehabilitation. Not to mention things we once had before, such as family visits for livers and weights back on the yards. Those are just a couple of examples of things we had before, so we know it can be done. Plus, and a very big plus, with money we'd be able to fight to fix these laws out there to slow down that revolving door. Years get handed out like candy and yet they have no way of dealing with overcrowding.

We get slapped with this gang label, which gives them action to hit us with decades-long enhancements. We are then forced to take an already outrageous deal with 85 percent just to come to prison and get validated and have 85 percent turned to 100 percent due to tattoos or drawings that these so-called "gang specialists" consider "prison gang related." This needs to change and we can make it happen with the financial means to educate the public and expose the crooked truth of the system!

On another money-related topic are these private prisons. Since CDCR and these private prisons have contract quotas to deep their beds full or CDCR will have to pay big money for not keeping up with their quota of warm bodies. Then maybe those on the general population should refuse to go out of state, thus making CDCR pay those fines. Hit them where it hurts, in the wallet! Everything revolves around the almighty dollar! Not only are we merely a number to the state, we are walking dollar signs to these people. So let's not make it easy for them.

Before I exit I'd like to thank all those

out there that fight for us in here, whether it's those of you running these vital newsletters, those with political stature, or the everyday true freedom fighters that give their all for this cause, such as Delores Canales. Thank you all very much for all you do.

*E. Arballo, PBSP SHU*

### **Shout Out Box Winner**

Solidarity to all who advocate for true change to the sham that is the California Department of Corrections and no Rehabilitation.

Enclosed is a donation of 12 stamps. I hope it helps and is put to good use. Communication by those of us confined to cement boxes and decades of torture is of the utmost impertinence. We need to have our voices heard, so that the public, country, and world can understand the illegal torture and injustices forced on California (SHU) and level 4 general population prisoners.

Pelican Bay B-Yard had donated 60 forever stamps [they have won this month's Shout Out box]. We are looking forward to every newsletter you send out and hope many others donate to ensure this dire publication continues for months and years to come. In Solidarity,

*Gonzalo Gonzalez, PBSP*

### **Has Questions for Reps**

Although I have a subscription, I'm enclosing some stamps from those of us within the pod who can spare a few to assist those who can't buy a subscription.

To the Short Corridor Collective there is a few ideas and questions we, around me, would like to put out there: One, it was great to read the minutes from the Nov. 2013 meeting with the administration (though a month and a half later). We are unsure if it was correct in stating meetings will only be held every three months instead of the every month Warden Barnes had granted and was mentioned in the Vol. 2 #12 [Dec. 2013] of the *Rock*? It was also good to hear the other rep should be included in the future. Are efforts being put into place to expand that 20 reps to include maybe a "random few" or "selected few" from the C-Side to insure the minutes/memos from the meetings are correct in what is being passed round on the C-Side? Also, a suggestion was put out there to be allowed to submit a GA-22 (request for interview) directly to Short Corridor Reps (as a Collective, not individually) to suggest small things, such as rubber stoppers placed on "pod selection

doors" so the metal-on-metal slamming is muffled (due to late night counts). Also, athletes tape to be wrapped around the pull-up bar to get a better grip; a paging system for books from the mainline yards the same as A.S.U. standalone has it here at PBSP; and to ask questions too, such as where are these "ab rollers" we're supposed to already be given?

This is not to say a GA-22 system would totally work. I'm sure important ones that staff would not want addressed, like where's the hairnets and gloves officers are supposed to wear while handing our food? Nonetheless it would be some way to make suggestions from blocks who have no reps.

Also, this PAC proposal that was explained and talked about. Hands down it looks good and I know once the fundamentals of where the money is to be collected at and how those funds will be used, it will be to the benefit of us all. An endorsement from the reps will also go a long way to ease any questions. The Friends Committee on Legislation of California, 1225 8<sup>th</sup> Street, Ste 220, Sacramento, CA 95814-4809, is a non-profit organization who has always been supporters of prisoner and parolee's right. They may be helpful in setting up the PAC.

*Salvador Negrete, PBSP*

### **Ideas On The PAC**

Greetings and utmost respect is extended to you, as I humbly ask to be allowed a moment of your time and be granted the privilege to share some of my thoughts. And at the very same time express my true gratitude and appreciation for your support and assistance that you have been in regards to keeping the *ROCK* newsletter updated and keeping us informed on the latest as well as educating us on the movement but more importantly for your valuable time. Thank you.

I will be touching a few bases in this letter. So pardon me if it's extensive in reaching my point. As I am well aware you're a busy man with many correspondences to attend to. So, let me get to it...

I am currently housed in P.B.S.P. (A.S.U.) waiting to go back to (GP) mainline in exactly one week from today. I was one of the hunger strikers who was transferred to Folsom (A.S.U.) along with others whom I will never forget. As we survived off of each other's strength in solidarity enduring the struggle in the longevity of 59 days. I salute each and every one of them, as well to any and all that participated in the move-

ment for a better change, ending solitary confinement. I am not validated, though I embrace the struggle as my own, for I am too familiar of these outrageous tactics our oppressors use, and at any time I could find myself in the same predicament as the next man. I stand in solidarity alongside each and every one of you. Not taking for granted all that's in our reach. I have taken the initiative with the help of some fellow inmates whom are also in this (A.S.U.) to put a letter together directed to the warden in attempts to see a better change of these living conditions. (Enclosed is a copy of the letter). We have not received any type of written response nor has the administration honored our request to be able to speak to Sergeants, Lieutenants, etc. to the populations' issues, on our concerns, leaving us having to 602 each matter individually, while they exhaust the time limitations, only to deny your appeals. However one thing worth mentioning is that we have taken notice of a couple things that have changed. 1) They started to clean the tiers (sweep/mop). 2) The increase of the purchase of soups to no limits ... 3) they installed (A) T.V. shelf but Squad (IGI) came to inspect it and of course shut it down stating it was flimsy and inmates could use it as weapons. That is typical for them to say such things. And because of that everything has been put on hold until they figure out another set-up... Now at the very latest we see some things are slowly moving. We will keep on pushing forward to better our living conditions in this (A.S.U.) as we exercise patience and acknowledge that these things take time. It's different as times due to all our inquiries and requests go brushed off by CDCR. And it brings frustration. But we will not give up and will continue to move forward in our continual protest...

On a different subject, regarding the feedback to the prisoner (PAC) proposal ... I personally think it is not a bad idea and could see how it could benefit us inmates. After speaking with a few fellow inmates, I believe that many are open minded to the contributions. As I will contribute when I can... An idea came to mind one that I will share with you. Many of us have families and friends out there that are into the culture of "Lowriding"... as we know lowriding and car clubs are family Barrio Hobbies that throw events to give back to the communities, if we want to educate them on the idea of the prisoner (PAC) proposal. This could get big and the contributions would multiply by the number. As lowriding is a

worldwide event involving all ethnicities, families, and communities? I believe if this idea were to be pitched to the publishers of *Lowrider Magazine* and *Street* [Low] ... [Cannot read full name of magazine] could begin to circulate and get a perspective of their opinions and inmates on this . As I mentioned it's only an idea...

I humbly thank and appreciate all the prisoners, attorneys, legislators, and reps for your dedication and sacrifices in achieving the greater good. As I know it's no easy task and its hard work and time consuming which makes me extremely grateful and honored to be allowed and be a part of this movement. Thank you for your time and priceless knowledge and education.

*Esteban Hernandez, PBSP*

### On Ultimatums and PACs

I disagree when the publisher states that the "movement is strong and doing well." Leading up to the last hunger strike there were hordes of cell-soldiers who made the covenant that this was the Big One, the strike to end all. Many strikers wrote in and made public comments that this was it. This time it was all in. They were going to "starve to death." What happened? Except for the unfortunate man who committed suicide, nobody followed through their threats and ultimatums. I think that was a grave mistake. Don't make threats if you are not going to follow through. This degrades our leverage in the present and in the future. This is not to take away from the many men and who did the strike to its end and made many sacrifices and suffered consequences for their selfless dedication.

The only way this "movement" is going to gain traction now is going to be through real work. Real focus and the weeding out of all those agendas that are not true to the one main goal—abolition of the SHU. Currently the use of hunger strikes has run its course unless people are really, absolutely, committed to dying from starvation no matter what happens. I actually agree with the prisoner who suggested the use of a PAC as a means of leverage. PACs take huge sums of money though. Far more than prisoners and their families could acquire. There are websites with which people can post their charities so that people around the world can donate sums of money if they are moved by the cause.

We could best use the money generated by prisoners and their families to purchase a website and rent space where it could generate greater revenue. All of the people

who marched and petitioned for us during the HS could spread word of our website. Those people could tell others, and so on. There are almost 4.5 billion humans on Earth. If 20,000 donated \$5, that would be \$100,000. That's not a huge amount of money. However, that amount in the pocket of the right lobbyist might help. It's time to begin thinking large. If we compartmentalize this struggle to within these walls, then we limit our reach. It's time to fight fire with fire.

*Robert Dragusica, Corcoran SHU*

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## PROPOSAL FOR A "COMMUNITY RELEASE BOARD"

*By Pelican Bay SHU State Prison-SHU conscious Prisoners*

*"The power to grant parole should be in the hands of the community the prisoner is accused of breaking the peace in. They should be the ones who decide whether or not a person is ready to rejoin their community. Who knows the prisoner better than the people who have known him/her all their lives. Who better could say whether or not that person has changed for the better? No one. Certainly not an ex-district attorney, or ex-police officer, or ex-guard, or ex-sheriff-- those who make up the Board of Prison Hearings today. SHU prisoners are given one hundred percent parole denials. Who in their right mind wouldn't call that torturous punishment? Stop The Insanity!"*

**I**n California if you have the misfortune of being arrested, charged and held to stand trial for a crime, the informational page of the criminal complaint will read something like: The People of the State of California (or one of its associate counties) versus John/Jane Doe for violating penal code #xx. If you suffer the misfortune of being convicted, if you are sentenced to prison as an indeterminate life prisoner with the possibility of parole, your sentence will have two components of interest: The minimum amount of time you must serve in custody – i.e. Minimum Eligible Release Date (MERD), and the Maximum Sentence –which can be life.

There has been and are a lot of subjective

variables which (could) govern life prisoners' parole decisions. This subjectivity determines who is and who isn't paroled. California uses a lifer's Matrix which assigns minimum, medium, maximum terms based on each lifer's specific case factors. Again, there has been and are a lot of subjective variables which govern life prisoners' parole decisions. As a consequence, most lifers serve more than the state's matrix term for their case factors. Considering these facts, I question what "People," "State," or "County" means on the informational page of a criminal complaint? I contend they mean "broke the community peace," violated state law and the right under the law (of the persons wronged) – all at one and the same time.

Given California's apparent insatiable appetite for prisoners and the unparoled number of lifers beyond their state matrix term as calculated by each of their specific case factors, and absent a new criminal charge...

Communities being bled of money and people ought to – must – organize to reclaim its lost members and guard against their sons, daughters and themselves being pulled into this ravenous enterprise, permanently marooned in state/private prison as a source of income for others, for, since there is no tangible relationship between me and them, other than me as a source of income, they have no vested interest in me other than as a prisoner. Make sure your state does not have a mandatory prisoner quota contract with one of the private prison companies; which in California has a 70 percent occupancy. This may be why California is resisting operating its prisons at capacity as opposed to 137 percent of capacity. A possible solution to change the dynamic is an informed community that organizes to petition the state legislature to, at a certain point in a lifer's sentence, to cede parole authority to the community upon whose behalf the state acted. To petition the state legislature to reconstitute a new "Community Release Board" and once a lifer has served his/her MERD, or , the middle amount of time of the medium matrix, to eliminate the discriminatory subjectivity in paroling life prisoners.

The prisoner bid to be paroled would be made to and heard by the community whose peace he/she broke, and neighbor he/she broke, and neighbor he/she wronged. They would have the authority to evaluate the prisoner's bid and reject it, delay it or grant it.... ●



# MASS INCARCERATION, MASS DEPORTATION: TWIN LEGACIES OF GOVERNING THROUGH CRIME

One is considered punishment for crimes. The other is consider a civil action to protect the national integrity of the U.S. But despite these differences mass incarceration and mass deportation are off-spring of a common source, the U.S. political system's broad turn toward race-tinged fear, violence and coercion to govern American society since the 1970s (or what I call "governing through crime"). What follows are some common features.

- Both mass incarceration and mass deportation are rationalized on the basis that they are primarily necessary to keep Americans safe from violence. This persists despite the fact that violent crimes in most parts of American society are there lowest level in decades, few criminologists believe that mass incarceration played a significant role in reducing violence. And almost no credible evidence exits linking non-citizens here without federal permission to violence.
- Both mass incarceration and mass deportation are forms of governing that operate on masses, groups, classes, and races rather than individuals. They rely on racial profiling and rigid rules designed to remove the ability of judges or other officials to take individual or contextual circumstances into account.
- Both mass incarceration and mass deportation (therefore) systematically deny the human dignity of individuals and result in conditions of confinement and forced removal that have been repeatedly found to violate human rights obligations of the United States under international treaties such as the Universal Declaration of Human Rights, and the International Covenant of Civil and Political Rights.
- Both mass incarceration and mass deportation deliver some of their most destructive effects to the family members of the individuals imprisoned or detained who find themselves denied

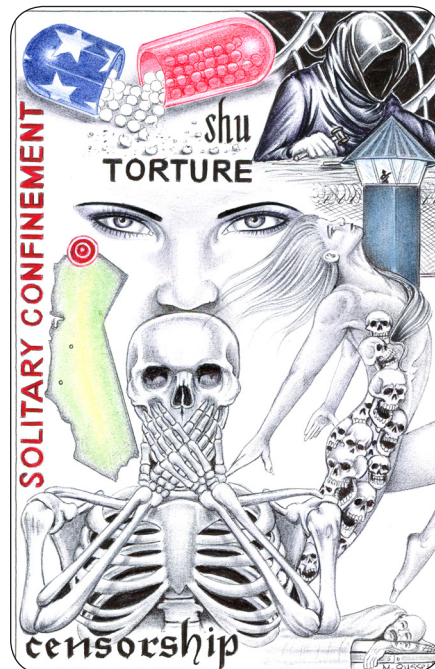
parents, partners, and vital economic support despite having done broken no laws themselves. The spillover effects also diminish the freedom and dignity of whole communities who must move through life with their heads over their shoulder looking out for police or immigration enforcement officers.

- Both mass incarceration and mass deportation remain powerful engines of destruction, despite lack of visible public support, and despite tremendous fiscal costs largely because of political calculations that any deviation from rigid punitive policies will be risky, and the resistance of powerful financial interests with great lobbying ability to policy changes that would diminish the high profits they receive from servicing the prison complex and operating many of the immigration detention centers.

As we end a year in which President Obama and Attorney General Eric Holder have given important signals that they are aware of the moral and human destruction of both mass incarceration and mass deportation we must endeavor to produce the kind of grass roots social movement that will demand a full dismantling of both these legacies of the era of governing through crime.

As The New York Times reports in a story recently on immigration (read it here) there is an increasingly visible protest movement against mass deportation. We need an equivalent movement against mass incarceration. •

*Jonathan Simon  
The Berkeley Bog*



## Quote Box

"They must find it difficult...those who have taken authority as the truth, rather than truth as the authority."

*Gerald Massey*

Blessed are those who hunger and thirst for justice.

*Jesus, Matthew 5:6*

"In our obscurity, in all this vastness, there is no hint that help will come from elsewhere to save us from ourselves. It is up to us."

*Carl Sagan*

"The state has, in order to control us, introduced division into our thinking, so that we come to distrust others and look to the state for protection! But the roots of our individualism remind us that what we are is inseparable from the source from which all others derive; that coercive practices that threaten our neighbor also threaten us."

*Butler Shaffer*

The Senate intelligence committee approved a report concluding that "harsh interrogation" measures used by the CIA did not produce significant intelligence breakthroughs, officials said. The 6,000-page document, which was not released to the public, was adopted by Democrats over the objections of most of the committee's Republicans.

<http://is.gd/x81eTa>

"It is the function of the CIA to keep the world unstable, and to propagandize and teach the American people to hate, so we will let the Establishment spend any amount of money on arms."

*John Stockwell, former CIA official*

"Many Americans hunger for a different kind of society -- one based on principles of caring, ethical and spiritual sensitivity, and communal solidarity. Their need for meaning is just as intense as their need for economic security."

*Michael Lerner, journalist*

"There is no greater tyranny than that which is perpetrated under the shield of the law and in the name of justice."

*Montesquieu, The Spirit of the Laws*

# DOJ FINDS CONDITIONS AT WOMEN'S PRISON TO BE UNCONSTITUTIONAL

Montgomery, Alabama, 1-17-2014

The U.S. Department of Justice said today that conditions at Julia Tutwiler Prison violate the Constitution, citing what it called "a history of unabated staff-on-prisoner sexual abuses and harassment."

DOJ sent investigators to Tutwiler last April and issued their findings in a 36-page report today.

"The women at Tutwiler universally fear for their safety," the report stated. "They live in a sexualized environment with repeated and open sexual behavior, including: abusive sexual contact between staff and prisoners; sexualized activity, including a strip show condoned by staff; profane and unprofessional sexualized language and harassment; and deliberate cross-gender viewing of prisoners showering, urinating and defecating," the report stated.

DOJ said the conditions violate the Eighth Amendment right to be protected from harm. It said problems go back almost two decades.

The DOJ also said it will expand its investigation to look into medical and mental health care for inmates and other issues.

Alabama Department of Corrections Commissioner Kim Thomas said today he did not think conditions at the prison were unconstitutional and said efforts have been under way for months to address problems first reported by the Equal Justice Initiative in 2012.

Thomas declined to respond to specific allegations in the DOJ report, which he said he received this morning.

"I think they are off-base in their findings, but I don't want to respond to any one part of the findings," Thomas said.

He said inmates at Tutwiler are safe and free to report abusive behavior by staff.

"We will look very carefully at the contents of this report and look forward to working with the Department of Justice to understand the valid complaints that they raise and hopefully finding resolution without the necessity of imposing some court

action," Thomas said.

Bryan Stevenson, executive director of the EJI, said findings in the report were troubling and a cause for quick action by the state.

"I think it's a serious indictment of the conditions of confinement that exist at the Tutwiler Prison for Women and it calls into serious question whether there's a need for fundamental reform within the Department of Corrections specifically related to sexual abuse and misconduct at Tutwiler," Stevenson said.

"I think it's a very thorough and troubling set of findings that ought to warrant a very significant response from the governor and the department to immediately remediate these very serious problems at Tutwiler."

EJI asked DOJ to investigate when it reported its findings in 2012.

Today's report follows one issued in 2012 by the National Institute of Corrections, part of the DOJ, which also sent a team to Tutwiler and found abuses of inmates by staff and problems with the way inmate complaints were handled.

The DOJ report says investigators did an on-site inspection at Tutwiler for four days in April 2013 and interviewed staff and dozens of prisoners. They analyzed incident reports, investigative reports, disciplinary reports and other documents and received 233 letters from current Tutwiler prisoners detailing a variety of concerns.

In a summary of findings, DOJ says it has made a number of factual determinations, including:

-- For nearly two decades, Tutwiler staff has sexually abused and sexually harassed inmates with impunity.

-- Staff has raped, sodomized, fondled prisoners and coerced prisoners to engage in oral sex.

-- Prison officials discourage prisoner reporting of sexual abuse by, for example, placing women in segregation after they make a complaint. (Thomas said that practice has been stopped.)

-- Tutwiler fails to adequately investigate allegations of sexual abuse and harassment.

The report says individual prisoner allegations were corroborated by paternity tests, polygraph examinations, staff admissions, ADOC investigations and corroboration by other prisoners with no chance to coordinate stories. •

# WIFE'S LETTER FROM KERN VALLEY

My husband who is incarcerated at kern valley state prison. He sent me this letter and asked me if you could publish it:

"Despite the universal agreement to see all interracial hostilities and violence, last week at Kern Valley State prison A yard building 5, 2 white inmates attempted to attack and stab a black inmate who they believe to be white, saying that he was a race traitor.

"This unnecessary act of open aggression amongst the different races now jeopardizes the inmate populace common goal of advancing of living conditions and humane treatment.

"The white inmates at Kern Valley State prison a yard show a blatant disregard for protocol and their insubordination demonstrate an unwillingness to cooperate with peace accord forged by those who wish to advance in the cause.

"White inmates on level-4 prison yards continue a campaign of racial prejudice and unnecessary bloodshed based on another man's choice of affiliation.

"They continue to target inmates they perceive to be white who are members of black gangs, however they ignore the many white inmates who are members of Mexican gangs, this contradictory and ignorance practise only results in the black inmates responding with equal or greater violence, creating an atmosphere of racial tension and warfare." •



**SHOUT OUT BOX**  
A special shout out to the men of PBSP B-Yard (level 4). Thanks for the 60 stamps. You guys Rock! Is there another pod that can knock them out of the box? Rock on!



[*Ed's Note: The first draft of this newsletter contained a front page article purportedly by Short Corridor Human Rights Collective (the Reps) that was written by Todd Ashker. After that issue was printed we received notice that the article had not been approved by the entire collective. We were asked to toss that issue of Rock in the trash (a \$200 loss), which we did. In place of that article we are running some back up material and more letters.*]

### **Tehachapi Refuses to Comply With Sacramento Directive.**

In the November issue, one of our reps spoke about a meeting with Director Stainer. They were told that we would be allowed additional personal property in the SHU and that a memo would soon be out that would be specific so that "prison staff" couldn't screw us like they have with the June 5th memo . . . During the hunger strike ombudsman vela told us that Sacramento is aware that each SHU has been deciding what they will or will not allow with Tehachapi being the most strict and that when the strike was over Sacramento would put out one property matrix that would apply to all SHU's.

It appears that we have been lied to again because property officers here on the 4B have told us that they have the memo but will not pass it out because there are items on it that "they" "are not going to let us have here in Tehachapi and "they" will pass out copies of the new DOM property matrix with the items highlighted that "they" will allow us to purchase . . . This is supposed to happen in February.

Looks like business as usual here at Tehachapi as soon as the spotlight is off of them. Okay, Ed, just thought that folks might be interested in what is actually happening vs what "they" claim to be doing. I also wanted to send a few more stamps.

### **Free Electronic Copy**

Outside people can read, download, or print current and back issues of the *Rock* newsletter by going to [www.prisonart.org](http://www.prisonart.org) and clicking on the "Rock Newsletter" link.

Outside folks can also have a free electronic copy of the newsletter sent to them each month by way of e-mail. Have them send requests for a digital copy of the newsletter to [rock@prisonart.org](mailto:rock@prisonart.org).

## **DOJ REPORT: GUARDS COMMIT HALF OF ALL SEXUAL ASSAULTS**

By Marisa Taylor, *Al Jazeera America*  
27 January 14

**J**ustice Department reports over 8,700 alleged sexual assaults in adult prisons in 2011, up 11 percent from 2009

Allegations of rape and sexual assault involving prison inmates are increasing, and nearly half of those assaults are committed against prisoners by correctional officers, according to a new report issued by the Justice Department's Bureau of Justice Statistics.

Prison and jail administrators reported 8,763 cases of alleged sexual abuse of inmates 2011, representing an increase of 4 percent from the 8,404 that were reported in 2010 and an 11 percent jump from the 7,855 cases reported in 2009, the report said.

The report released late last week defined sexual victimization as any non-consensual sexual acts, abusive touching, threats and verbal sexual harassment. It involved surveying federal and state prisons, private prisons, local jails, military prisons and jails located in Indian country, all of which hold a collective 1.97 million inmates.

The issue of prison rape has received heightened attention since Congress passed the Prison Rape Elimination Act in 2003, a federal law calling for prisons and jails to keep detailed records of incidents of rape to be published by the government annually.

This year's report, which crunched data from 2011, said that 10 percent of the cases reported that year were "substantiated," meaning that they were confirmed to have happened after an investigation was launched.

That means 90 percent of the cases reported by inmates but were not substantiated. The report did not clarify whether those cases had also been investigated and then dismissed.

Some 49 percent of the incidents that year involved prison staff members committing what the report called "sexual misconduct," or otherwise sexually harassing inmates, with the other 51 percent of cases comprising inmates assaulting fellow inmates.

Among the substantiated staff-on-inmate cases in 2011, 54 percent were committed

by women, the report said. From 2009 to 2011, 84 percent of the substantiated staff-on-inmate cases involved a sexual relationship with a female staff member that "appeared to be willing," compared to 37 percent of the cases involving male staff members during the same time period. The report noted, however, that regardless of whether the sexual relationship between an inmate and a correctional officer was consensual, it was illegal.

In the cases of sexual assault or "willing" sexual relationships with staff members, more than three-quarters of the correctional officers resigned or were fired, and just 45 percent were arrested or prosecuted.

Women prisoners appeared to experience disproportionate numbers of sexual assaults; while they represented 7 percent of state and federal prison inmates from 2009 to 2001, 22 percent of inmate-on-inmate cases involved women, as they did among 33 percent of staff-on-inmate incidents.

Two-thirds of the inmates who had been sexually assaulted by other inmates received medical examinations, and one-third were given rape kits.

The report did not indicate whether the increased incidence of alleged rapes and sexual assaults in prisons and jails might have been due to more reporting by inmates, or to heightened awareness of the problem by prison staff.

BJS statistician Allan Beck, who was a co-author of the report, told Reuters that a study from May 2013 (PDF) conducted by the same agency came up with much larger numbers, tallying some 80,000 inmate allegations of sexual abuse or assault during 2011 and 2012.

"Of course we find much higher rates of sexual victimization through inmates' self-reports than what comes through in the official records," he told Reuters. •



By Wayne Willhoite

# DEFINING POLITICAL ACTION COMMITTEES (PACS)

Politics is the struggle for power and PACs are one of the means for those ends. Banning solitary confinement, repealing the three strikes law, repealing mandatory sentences, etc. are some of the goals prisoners seek. Finding political candidates to support such issues and placing them mailers may be the way to go.

Because so many letters show support to form a California prisoners (PAC) Here is a brief description of how it works. This comes from California's Fair political Practices Commission, Manual 4, draft 5/2009. The term "PAC" refers to a general purpose committee that is the political arm of a trade or professional association, labor union, or membership organization (prisoners, ex-prisoners, family and friends). A separate bank account is usually maintained for the purpose of receiving contributions and making political expenditures.

Membership dues are deposited for political purposes, such as making contributions to candidates and ballot measures that support the membership's goals. When \$1,000 or more is received, a recipient committee is formed and, since it will be supporting (or in some cases opposing) a number of different candidates or measures over the years, it is considered a general purpose committee. •

Mark Cook

## Notice

Articles and letters sent to the *Rock* newsletter for publication are currently being delivered and received in a timely manner.

Please do not send such materials to third parties to be forwarded to *Rock* as it only delays receiving them and adds to the workload of those asked to do the forwarding.

Letters sent to *Rock* (located in Seattle) in care of *Prison Focus* (located in Oakland) can take over a month to reach us. Send mail to this newsletter's return address.

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