Support the prisoner hunger strike at Corcoran Prison
Stop torture in prison: Shut down the Security Housing Units

In November we received the following statement about a hunger strike being organized in Corcoran State Prison to protest the unjust classification of prisoners to the Security Housing Units. We applaud the bravery of these prisoners willing to risk their health and retaliation to fight back against these conditions. In Amerikan prisons where all opportunities for legal and administrative protest are denied, a hunger strike is one of the few non-violent options left for protest.

Support this protest by attending the hearing in Sacramento described below and writing letters of protest to Secretary Roderick Hickman, Department of Corrections P.O. Box 942883 Sacramento, Ca. 94283 and The CDCR Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA. 94283-0001

MIM has long struggled against the torture that is the Security Housing Units (SHU) in California’s prisons, and that work has expanded over the past year with the many organizations and individuals working together in the United Front to Abolish the SHU. The United Front to Abolish the SHU is dedicated to shutting down Security Housing Units in California prisons. The SHU is one type of control unit, which are solitary or small group confinement cells. The inhuman conditions in control units, including total sensory deprivation, amount to torture.

Dear Organizations/supporters:

I am contacting all of you to request that all of you join in solidarity to assist me in opposing certain Departmental regulations.

As many of you know, the Department operates a SHU. Under prison regulations, an inmate whose CONDUCT endangers institutional security or the safety of persons will be placed in the SHU. (Title is CCR 3341.5 (o)). However, throughout the years, prisoners have found themselves in the SHU arbitrarily and for lawful conduct, such as for exercising basic First Amendment freedoms of association and free speech, not for violent/dangerous behavior.

I’m one of those prisoners. While I was in the general population at Corcoran I was challenging inhumane prison conditions and mistreatment of prisoners. In addition, I was legally assisting prisoners (many who were gang affiliated) obtain Court access. Shortly there after I was assaulted by prison guards placed in segregation and accused of “gang association.” I remain in the SHU based on this vague charge, and prison officials refuse to release me from the SHU due to my continuing association with alleged gang members. Yet, these continuing associations are social and legally assisting prisoners with their cases, some whom have suffered gross injustices. I have a lawsuit pending on these abuses and arbitrary power in Martinez v. Shaw, et. al. in the Eastern District Federal Court in Fresno.

With that said, the Department is proposing new regulations to be placed in the Calif. Code of regulations (CCR), Title 15. They...
govern gang management and segregation procedures. While much more fair than the current process, there are still two proposed regulations that are flawed, I will be opposing these two regulations and I need your help to block them from becoming law.

The proposed regulations in question are 3341.5(6) and 3378(1). While the regulations now force prison officials to designate prisoners as “current active” gang associates, prior to receiving a SHU sentence, the rules are still unfair for two reasons:

First, the Department defines “current active” as any documented activity within the PAST six (6) years. This is unfair for the obvious reason: behavior from six(6) years ago does not prove that a prisoner is currently active in that type of behavior. It’s also in conflict with the Dictionary’s actual definition of “current.” (see also Toussaint v. Rowland, 711 F. Supp. At 540, 541-42 n.15 (N.D. Cal, 1989)).

Second, the term “activity” is vague and invites discriminatory enforcement. The question is what type of “activity” is considered gang activity? Since there is no clear definition, prison officials will be able to apply their own biased opinions and continue to place prisoners in the SHU based on activity that does not violate the law. (see Rios v. Lane, 812 F. 2d 1038 (7th Cir. 1987) (Holding “gang activity” rule vague stating “where prohibited conduct does not vary with it its own indicia of wrong doing the need for clearly drawn prison regulations is particularly acute”)

So how do we remedy this issue?
By being heard, and this is how:

On November 30, 2005 a public hearing will be held from 9:00 a.m. to 11:00 a.m. at: Water Resources Auditorium 1416 Ninth street, Sacramento CA 95814. I encourage every single organization/supporter to attend this hearing. However, for those of you unable to attend, you can also submit written comments to: Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA. 94283-0001.

Either at the hearing or in writing, voice those concerns that I have raised in this letter regarding the two regulations in question, and urge the Department to do the following: 1. Define “currently active” as any documented activity within the past twelve (12) months; and, 2. Define Gang Activity as any misconduct committed on behalf of a gang. I believe these definitions will be fair and prevent arbitrary placement in the SHU. You can also say anything else you want regarding the SHU. But let’s not lose focus on the issues in this letter which have merit and legal support.

On a final note, I will be submitting a petition to the Department regarding the issues raised in this letter. In addition, I and over 100 prisoners will be fasting on November 30, 2005 to demonstrate the seriousness of these issues and to stand in solidarity with all of you that support this cause, for those of you that are able to attend the hearing, it may be effective to let the hearing officials know that Corcoran indeterminate SHU prisoners are fasting. I will personally be doing the talking when the administration inquires into the reason for the fast.

I thank all of you for your time and assistance. With solidarity, we can prevail and obtain justice which is well overdue.
- a California Prisoner, November 2005