

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/07/01/voices-from-solitary-letter-from-a-pelican-bay-hunger-striker/>

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by [Jean Casella and James Ridgeway](#) | July 1, 2011

The following letter was written by John R. Martinez, one of the inmates in the Security Housing Unit at California's Pelican Bay State Prison who [began a hunger strike](#) on July 1 to protest conditions in solitary confinement. Written just before the strike commenced, the letter is addressed to Governor Jerry Brown, Secretary of Corrections and Rehabilitation Matthew Cate, and Pelican Bay Warden G.D. Lewis.

Gentlemen:

On July 1, 2011, I and my fellow prisoners on their own free will will be commencing a hunger strike to protest the denial of our human rights and equality via the use of perpetual solitary confinement. The Supreme Court has referred to solitary confinement as one of the techniques of physical and mental torture that have been used by governments to coerce confessions (*Chambers v. Florida*, 309 U.S. 227, 237-238 (1940)).

In regards to PBSP-SHU, Judge Thelton E. Henderson stated that many if not most, inmates in the SHU experience some degree of psychological trauma in reaction to their extreme social isolation and the severely restricted environmental stimulation in SHU (*Madrid v. Gomez*, 889 F. Supp. 1146, 1235 (N.D. Cal. 1995)). Not surprisingly, Judge Henderson stated that the conditions in the SHU may press the outer bounds of what most humans can psychologically tolerate and that sensory deprivation found in the SHU may well hover on the edge of what is humanly tolerable for those with normal resilience (*Madrid*, 889 F. Supp. at 1267, 1280). Four years later, a Texas federal judge reviewed conditions in isolation of a Texas prison that mirrored those of PBSP-SHU. He correctly held:

Before the court are levels of psychological deprivation that violate the United States Constitution's prohibition against cruel and unusual punishment. It has been shown that defendants are deliberately indifferent to a systemic pattern of extreme social isolation and reduced environmental stimulation. These deprivations are the cause of cruel and unusual pain and suffering by inmates in administrative segregation (*Ruiz v. Johnson*, 37 F. Supp. 2d 855, 914-915 (S.D. Tex. 1999)).

Thus solitary confinement, by its very nature, is harmful to human beings, including prisoners,¹ especially for those of us prisoners whose isolation is perpetual based solely upon our status as an associate or member of a gang. In theory, our detention is supposedly for administrative non-disciplinary reasons. Yet, when I asked one of the prison staff why is it we are not afforded the same privileges as those gang-affiliated inmates in a Level 4 general population (GP), I was told that according to Sacramento, we don't have shit coming and that it is the department's goal of breaking us down. Thus, our treatment is clearly punitive, discriminatory and coercive.

Further proof is provided by the fact that a member of a disruptive group i.e., a gang per CCR 3000 who commits a violent assault on a non-prisoner will receive three to five years in the SHU as punishment and then be released back to the GP. Ironically, we on the other hand receive way harsher treatment. We are subjected to the same disciplinary SHU conditions. Worse yet, for an indeterminate term solely for who we are or who we know. Not for violent or disruptive behavior.

Most of us have been in isolation for over 15 and 20 years. In most cases, for simple possession of a drawing, address, greeting card and/or other form of speech and association.

Unfortunately, some of my fellow prisoners are not here with me today. The SHU has either driven them to suicide,² mental illness or becoming a Judas i.e., informer to escape these cruel conditions, which occurred after the findings in *Madrid*.

An oppressed people always have the right to rise up and protest discrimination, oppression and injustice. The Martin Luther King era reminds us of that. So does the Attica prisoner uprising. Those prisoners in Attica acted out, not because they were animals, but because they were tired of getting treated worse than animals. There is no difference with us. The only difference is that our protest is one of non-violence. We are a civilized people that simply wish to be treated as humans and with equality. Not subjected to punitive treatment year after year, which is imposed with a desire to injure. As Justice Thurgood Marshall eloquently stated:

When the prison gates slam behind an inmate, he does not lose his human quality, his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-

realization concluded. If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment. It is the role of the First Amendment to protect those precious personal rights by which we satisfy such basic yearnings of the human spirit (Procunio v. Martinez, 416 U.S. 326, 428 (1974)).

Wherefore, I respectfully request that our reasonable demands attached hereto be honored as soon as possible and that the bigotry and persecution against us for who we are come to an end once and for all.

Respectfully submitted,

John R. Martinez

Remember those in prison as if you were their fellow prisoners and those who are mistreated as if you yourselves were suffering. Hebrews 13:3

cc: Family, friends and supporters

1. Empirical research on solitary and supermax-like confinement has consistently and unequivocally documented the harmful consequences of living in these kinds of environments. Studies undertaken over four decades corroborate such an assertion. (Craig Haney, Mental health issues in long-term solitary and supermax confinement in crime and delinquency. Vol. 49, No. 1, January 2003, pp. 124-156). See also, Amnesty International, Report on Torture, Penal Coercion, 1983.

2. As Kevin Johnson reported in USA Today: California, which has the largest state prison system in the nation, saw a total of 41 suicides in 2006; of those suicides, 69 percent were in solitary confinement. (Inmate suicides linked to solitary, USA Today, Dec. 27, 2006.) Those numbers have increased since then.

John R. Martinez can be reached at J52893, PBSP SHU, P.O. Box 7500, Crescent City, CA 95532.

More information on the Pelican Bay hunger strike can be found at the websites of the [Prisoner Hunger Strike Solidarity](#) coalition and [California Prison Focus](#).



James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Voices from Solitary](#)

September 30, 2022

by [Voices from Solitary](#)

September 19, 2022

by [Voices from Solitary](#)

September 6, 2022

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

typo error word should be world thanks for understanding

In keeping my agreement to share John's concerns with the word, I posted this article or essay on the web to show my recognition for change in the SHU housing assignments and institutional policies and procedures. I cited this web site as the originating thought and source of information and feel that my recommendations should be carried through by lawmakers or policy makers that read this post. It is truly based on correctional best practices and shows no variances in treatment other than what has already been approved by court tested cases

http://www.associatedcontent.com/article/9032553/hunger_strike_voices_from_pelican_bay.html

Few people believe cons is an understatement = this is the core of the problem STIGMAS

Stigmas are imposed by society and the AGENCY that offsets credibility and believe it or not this is the same method or rationalizing those staff members who tell the truth = the stigma of discrediting, disgruntled and alleging suspicious behavior on them is an instantaneous reaction to any internal complaint that is made by anyone in the corrections system and often results in ostracization as well as disciplinary if still active in service in addition to humiliation in a public forum.. Once initiated internal environment controls are in motion to offset any damage and the finger is pointed to the accuser not the AGENCY or its administrators.

They prefer officers take the rigidity of the code of silence in a public forum and have been able to do that successfully often until somebody breaks it open and then they are on the defense controlling the external environment while slamming the hammer on those who spoke out. This is why you cant organize a newly formed group for many wont risk retirement, status, stress or other disconcerting impacts on their families to do so.

BOTTOM LINE: Cons are believable at about 30 % of face value hence an old saying, if a prisoner is moving his lips, he must be lying. To bring this percentage up to at least 50 % he must present evidence of such wrongdoings.. this could be difficult to attain [as many things disappear or are moved to other locations to avoid having witnesses] except for body bruises and other physical marks but justification for use of force incidents often cover these visible injuries by the description contained within the report thus making the prisoner the assailant, the justification self-defense and regain control of a disruptive individual and no further review needed as the report is consistent with evidence presented. The prisoner is rarely interviewed and when they are by IA or other investigator, their credibility is back down to 30 % giving the officers the 70% benefit of doubt in the case thus case closed.

AND the UNION has a powerful voice in this process of defending good staff who are accused of misconduct sacrificing one of their own members for the goodness of protecting the all of the membership the collateral damage is corrupt prisons and corrupt practices that will not be erased until someone on the top says stop to the practice and makes cultural changes to allow those who speak out a form of protection and insulation from the harm of those who resist this change. Working in a blame environment creates fear and intimidation = hence the officers are subjected to the same environmental influences as the cons.. sad to say, this is the case more than not.

As always you have made a great case and from what I have read these strikers understand all of this and yet feel they have no other solution.

I, like you, worry about them but there are issues which can/does cause death beyond their hunger strike. Most of which are not controlled by them.

Our background shares more than it has differed.

We are human and have compassion for our fellow man/woman.

The system as you have already pointed out affects con and guard alike.

It needs restructuring. People like you can organize and testify about these issues. I have pointed you to at least two other correctional workers that feel as you do. Why not band together and confront the bullies in the work place?

Your newly formed group would have the credibility needed to get the ball rolling.

Few people believe cons, even those that have changed.

And for good reason they have a tendency to con you. :)

@Alan the fact that I dont support hunger strikes is engrained in my correctional experience as I have been through at least a dozen of them where the outcome does not justify the amount of damage done to ones self In the beginning, there are constant factors to be considered; Depending on the length of a hunger strike a person can do severe, in some cases irreparable, damage to their body. The following is a short list of the serious health risks involved in carrying a hunger strike beyond 2-3 weeks this info assumes that you are engaging in a water-only hunger strike and you are basically healthy when you begin your hunger strike, also some of these effects are not permanent:

Damage to muscle tissue

Weakening of bones

Hallucinations / Dementia

Potentially permanent brain damage

Potentially permanent damage to internal organs

Potential failure of internal organs

Death

1. Location isolation areas out of the publics view and reliant on the CDCRs ability to monitor as required by policy
2. Access to staff every hour if made diligently or more frequent if health is deteriorating but becoming target for being a striker and treated with deliberate indifference
3. Access to medical emergency treatment only
4. Accurate reporting definition of being on strike various on officers interpretation
5. Reliable oversight of conditions dependable & accountability of supervision and documentation
6. Impaired communications between prisoner, officer and supervisors
7. Prejudices and biases as well as hesitation to report the facts on observation willful interference by staff who expressed the willingness to sabotage outcome of strikers including selective punishment
8. The ability to control one own actions beyond a certain point of the strike- hypothermia, shock, etc. impairs ability to ask for help in a timely manner
9. Control of the environment Physical plant parameters can be adjusted to alter air temp, circulation, water access, electricity etc.
10. Control of personal needs e.g. clothing, water, blankets to offset environmental controls imposed

Not the best of conditions to conduct a hunger strike but like I said, I understand the reasons for the civil disobedience but will never advocate striking and harming your body any further than they have already been harmed. Their physical conditions were questionable from the beginning and just rebounding off the last hunger strike so the body was not restored to its capacity as the fasting created changes in the body that have to be addressed with care and sound advice from medical that I am sure was not fully cooperative in dealing with this last strike as one would anticipate.

A catch 22 indeed I know you understand my position but we will never totally agree as we have two different backgrounds and different solutions to the problem.

@Carl This August 21 was the 40th anniversary of the San Quentin Adjustment Center riot. Now I can understand not supporting a repeat of that disaster but really why would you not support this non-violent protest? What would you suggest they do? How else can they protest? I would like to hear all your ideas.

I just think its hard to shake off all those years of having a correctional workers mind set.

Your heart is in the right place now you just need to think it through.

The letter is a sad example of the deadly Catch 22 the system has placed on them.

John, I received your letter as I was asked to do, I shared it with others including the media I pray this hunger strike is over soon as you already know that I dont support the strike but understand the reasons behind the action taken.. I pray to God Almighty all will be resolved soon and changes are made that conform to sound correctional practices with transparency and oversight that is justified and proper.. I posted your letter on my blog at:

http://wastedhonor-workingtheprisons.blogspot.com/#.TpYYEcLJ_ao.twitter

HI MY NAME IS JESSICA SERRANO AND MY BOYFRIEND DANIEL MANRIQUEZ FROM PELICAN BAY SHU IS ON THIS HUNGER STRIKE. AND I WANTED TO LET HIM KNOW THAT I AM SO PROUD OF HIM AND HIS VOICE IS BEING HEARD. STAY STRONG MY LOVE WE ARE HERE IN SUPPORT! WE THE FAMILY OF ALL THE CALIFORNIA INMATES STAND RIGHT BEHIND YOU! JUSTICE WILL BE MADE.

I LOVE YOU DANNY

JESSICA

Johnny,stay strong ,soon something has to give.We love you.your pops!!

New International Version

They also will answer, Lord, when did we see you hungry or thirsty or a stranger or needing clothes or sick or in prison, and did not help you?

New International Version

Remember those in prison as if you were their fellow prisoners, and those who are mistreated as if you yourselves were suffering.

I think Joe Arpaio could give some good advice on this problem. Why not consult him in Arizona. I dont think he has a suicide problem.

In Solidarity with the men on hunger strike over inhuman and vicious conditions. SHAME on the CDCR..and SHAME on the politicians and career criminals in charge who oversee this travesty of humanity.

Tomisina what prison is that? ill the postmaster today also call the obudsmen @ 916-445-1773

We out here THAT support these guys have run into a snag Tehachap,cas SHU that is also participating in the strike and has little support, has stopped the mail

I called post master General I encourage everyone to do the same they are breaking the LAW

also, i am sending my husband via mail this letter and other articles relating to the hunger strike. i hope in reading this he is strengthened and by his freewill chooses to continue striking However, please, if you have access to John Martinez, ask him to pass down the word southerners are not required to strike, but can in solidarity with their brothers in SHU. -jc

im all for reform im in solidarity with the prisoners HOWEVER because of the organized Chicano system in prison, prisoners in different prisons are being forced to partake in the hunger strikes. My husband, a southerner has to comply but he has no idea why he is striking this has to end

hoper your frends efeorts work to end solitary they should stop working to like the otjhher prison did that realy get the state pissed off lol that and the prisons will come to a halt all ready over crowed and over kill with cuts thanks to munny the oficers will have to keep up a lot more and they get notested faster to

damit ny state governer asshole hes shutting sumit shock down dam it thares gos my fucking changes of seeing a real pirtson up and runing with in a good long time if ever dam them goverment assholes

i got say to g.d lewes first off your a pirck to keep your prison runing on a regeem of hard core solitary to the inmates that stand up as one to say no to your use of solitary on such hard core lveels i say kick some ass may you have a grate vitory like only the spartens have felt oh and ps to the warden g.d lewes how bout getting a dam back up genrater for the prison lol dam your dumm you in the midel of no

where and got hard core supposed gans and no back up for the prisons power thats smart in a dam supermax ya wate till lights out lol i mean common oh ya wate you not got no common sens or you know solitary do not work at all

My prayers are with all the inmates at Pelican Bay State prison. I wish only the best to all who are imprisoned within the walls of Ameicas prisons. May God grant you the strength to find hope in him.

John is a close friend of mine, brilliant in law, peaceful, Christian, could you correct his # to read J52893?

thank you,
Marcia

Thank you for the correction, Marcia!

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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