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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/10/03/california-department-of-corrections-threatens-prison-hunger-strikers-bans-lawyers/>

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by [Jean Casella and James Ridgeway](#) | October 3, 2011

In response to a renewed inmate hunger strike to protest conditions in the California prison system, the California Department of Corrections and Rehabilitation has taken a hard line, threatening participants with disciplinary action and banning two lawyers who represent the strikers. According to the [Contra Costa Times](#):

Prison officials are investigating the two lawyers for alleged misconduct, said Terry Thornton, spokeswoman for the California Department of Corrections and Rehabilitation.

Letters faxed Friday to San Francisco lawyer Carol Strickman of Legal Services for Prisoners with Children and Berkeley lawyer Marilyn McMahon of California Prison Focus said they were banned from inmate visits as the department investigated whether they had jeopardized the safety and security of the prisons.

Both women have been active advocates for the rights of prisoners at Pelican State Bay Prison, the Crescent City supermax facility at the epicenter of the hunger strike this week and another one in July.

It's under investigation. I really can't comment any further on that, Thornton said.

[California Watch](#) reports that the attorneys were banned under temporary exclusion orders that were signed by Corrections Undersecretary Scott Kernan on September 29. The order states that an investigation is underway to determine whether the lawyers violated the laws and policies governing the safe operations of institutions within the CDCR. While not providing specific allegations, the document cites a section of the California Code of Regulations: Committing an act that jeopardizes the life of a person, violates the security of the facility, constitutes a misdemeanor or a felony, or is a reoccurrence of previous violations shall result in a one-year to lifetime exclusion depending on the severity of the offense in question.

According to California Watch, Department of Corrections spokesperson Terry Thornton confirmed the department had banned some specific attorneys from one facility for alleged misconduct. She declined further comment, citing an ongoing investigation.

Shortly after it banned the lawyers, the CDCR issued a memo to all striking prisoners, informing them that the department will not condone organized inmate disturbances. The memo indicated that disciplinary action could be taken against inmates participating in the hunger strike, and that those identified as leaders could be placed in isolation in a Security Housing Unit. The memo did not state what might be done to those strike leaders already locked in solitary in the Pelican Bay SHU, where the strike originated.

The current hunger strike, according to inmate organizers, is not a new protest but rather a renewal of the three-week strike that began on July 1. That strike ended after prison officials agreed to some limited concessions, including a review of the policies by which prisoners are placed and held in indefinite solitary confinement in the state SHUs. The initial hunger strike also resulted in a hearing in the California Assembly on the treatment of inmates in the SHUs, where [thousands of inmates](#) languish in 22- to 23-hour-a-day in isolation in windowless cells, some for 10 years, 20 years, or more.

According to [statement](#) issued in mid-September, strike leaders in the Pelican Bay SHU saw little indication or promise of real change:

As of September 2011, these SHU-prisoners continue to be subjected to CDCR's torturous human rights violations, in spite of the July 2011 peaceful protest via hunger strike, wherein thousands of prisoners of all races/groups united in their effort to bring mainstream exposure and force an end to such barbarous policies and practices. [CDCR has responded with more propaganda, lies, and vague double talk promises of change in time].

SHU prisoners are dissatisfied with CDCR's response to their formal complaint and (5) core demands, and therefore will continue to resist via peaceful protest indefinitely, until actual changes are implemented.

The state is clearly taking an even harder line on this round of the hunger strike. Scott Kernan told California Watch: Unlike in the first instance where we certainly evaluated their concerns and thought there was some merit to it, this instance appears to be more

manipulative, and it certainly has the possibility of being a real disruption to the Department of Corrections and the security of its staff and inmates.

Last week, the [CDCR](#) stated that close to 3,400 inmates at six prisons were participating in the hunger strike, which the department defines as refusing state-issued meals for three consecutive days. According to the most recent data from the corrections department. On Saturday, [Prisoner Hunger Strike Solidarity](#) reported that numbers released by the federal receivers office that monitors health care in California prisons show that on September 28th, nearly 12,000 prisoners were on hunger strike, including California prisoners who are housed in out of state prisons in Arizona, Mississippi and Oklahoma. Prisoners are currently on strike in Pelican Bay State Prison, Calipatria, Centinela, Corcoran, Ironwood State Prison, Kern Valley State Prison, North Kern State Prison, and Salinas Valley State Prison. Throughout the last week prisoners at California Rehabilitation Center in Norco, Pleasant Valley State Prison, San Quentin as well as West Valley Detention Center in San Bernardino County were participating.

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 [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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I myself spent almost 16 years in California's prison system, mostly over drug related charges. What I did was wrong, and I deserved the time I got, but now in this state if you are a drug addict, you are indeed treated better, with prop 36 the state I think goes out of its way to try to help the person or the addict, but our prisons aren't just filled with drug addicts, and the gang members who try to run our prisons, get sent too the SHU, you must understand the extreme violence that inflict on the general population of inmates, it is safe to say most of our inmates just want to do their time, stay free from drugs, and violence. But all of the gangs are more interested in the sales of drugs, and the control of the prisons, meaning areas of the yards, or different showers, even sections of dorms, and by putting the few, in SHU, type settings isn't really a bad thing, I mean really, so called shot callers, make it almost impossible, for first time offenders, too program, do their classes, and in general get better, I myself no longer use any sort of drugs, I work harder than my Co workers to prove I earned my freedom, I do believe a man can change, but he can't be changed, meaning if you don't do it yourself it's worth nothing, I wish well to all,

I spent 10 years in California prisons on drug charges and witnessed prison guards staging wars to get paid time and a half while on lockdown so now I write novels about it and get prison art for book covers! It's time to open eyes to injustice within our system! Can you put a link up for my novels? I get prison art for book covers and am an activist for redemption!

<http://www.amazon.com/dp/B0056C0LW4>

<http://www.amazon.com/dp/B005G5YMTE>

<http://www.amazon.com/dp/B005I678MO> 949 354 7176 Glenn Langohr God bless

@Johlyn believe it or not I understood your entire message this time and find it interesting to put the shoe on the other foot your logic is sound and filled with chances there be light in the darkness of justice if they could only pay attention to what is being said by those suffering and what they are really asking for is better treatment and due process rather than being disposed of as expendables within a system that doesn't care for them in the same manner if it was their own family members locked up inside there.. good points.

wow that really metcher CDC take it out on the two lawyers real what the heck not cool not right then again what your doing to your inmate is wrong as well I got a thought for you CDC get your brain in gear start using your head stop thingening with you dick how I know you have one cos that's what you ben acting like a dick I mean real come on if I was the inmates I be pissed off to you thing that the shu in pbsp is so grate how bout you do I mouth in your shu units dam well you best know beter after doing that what if it was your famly I would not do that to anyone for I would not want it done to me bout time you got your face kicked in for what you ben doing to the inmate and your not the only state that should lot more but right now your the one that's being a dick your a shame to the usa doing that to anyone may there be light in the darknes of justice

@Carl Well I am not optimistic about our near term prospects.

But these kids are just entering positions that will have influence on public policy. And they are entering better prepared than any previous generation. Women are leading the charge and their inherently more nurturing. If my own daughter and her peers are any measure of the future than I will die believing Americans have a brighter future ahead.

Give them time to work their way up to positions of influence. I only hope the \$\$s don't sway them like they did our own generation and that they maintain their current focus on fairness.

After all look at the mess we are leaving them with. I am not proud of the state of the union.

It will be interesting to hear how Obamas state of the union speech will come across in January. I am not putting the blame on him but let's face it I have never seen it this bad and I am turning 60 this week.

Unfortunately I do not see anyone of interest in the race yet. I besides I do not believe any one person is going to solve our problems. It will take a generation that can work together.

It appears that one is waiting behind the scenes.

I have read the articles as you suggested and find a clear conflict of interest between baby boomers and this Millennial generation.. Interesting to read how they see the government's role:

By a 54 percent to 39 percent margin, Millennials favor a bigger government with more services, over a smaller government with fewer services, almost the reverse of the attitudes of older generations. While older generations are split on the question, Millennials by a clear 51% to 43% margin believe government needs to regulate business to protect the public interest rather than accepting the GOP argument that such regulation usually does more harm than good. On another issue that divides partisans, Millennials, by 62% to 34%, favor the Supreme Court basing its decisions on what the Constitution currently means rather than how it was originally written.

Millennials are equally unified against GOP conservatism on most of the current hot button social issues. By 64% to 31, Millennials favor gay marriage; only 40% of older voters agree with them on that issue.

By an overwhelming 82% to 16% margin, Millennials also favor a pathway to citizenship for undocumented immigrants.

The Millennials belief in sharing and inclusion extends to foreign policy, with 64% of them believing that the United States must take into account the interests of its international allies, even if this involves compromise.

While it is almost inevitable that attitudes like these will form the core of the nation's civic ethos by the end of this decade, when Millennials will represent more than one out of every three adult Americans, the choice of which path to choose will be before the country in a much clearer and more immediate way in 2012.

I feel that the prisoners are doing good as to being peaceful with the whole situation. Most people think of prisoners as ruthless killers (which they can be), but tend to forget that they are also human. The prisoners may have not been very prolific while they were out in society due to circumstances, but they can possibly proliferate their writing and reading skills in prisons. Anyways this just comes to show how a plethora of inmates can come together and unite for a cause they feel is not fair and harmful.

@Carl True. But here is why I think it will get fixed. First an example of how far back these issues go.

Cesare Beccaria, an Italian, wrote a famous treatise in 1764 called

Of Crimes and Punishments.

Two of Beccaria's key tenets are important.

One, prevention of crime is more important than punishment, and, two, when punishment is administered it should be fairly and swiftly applied.

Secret accusations, torture and the death penalty, he argued, are counter-productive, since crime is an injury to society and not a matter of revenge.

It is for the man in public life, he wrote, to establish the relationship between political justice and injustice, between what is useful and what is harmful to society.

Then almost eighty years later this was written.

The poor and the vicious classes have been and will always be the most productive breeding ground of evildoers of all sorts; it is they whom we shall designate as the dangerous classes. For even when vice is not accompanied by perversity, by the very fact that it allies itself with poverty in the same person, he is an object of fear to society, he is dangerous.

Honore-Antoine Fregier (Paris, 1840)

Then I read this:

About every eight decades, coincident with the most stressful and perilous events in U.S. history the Revolutionary and Civil Wars and the Great Depression and World War II a new, positive, accomplished, and group-oriented civic generation emerges to change the course of history and remake America. The Millennial Generation (born 1982-2003) is America's newest civic generation.

In their new book *Millennial Momentum*, Winograd and Hais investigate how the beliefs and practices of the Millennial Generation are transforming American culture, from education to entertainment, from the workplace to the home, and from business to politics and government. The Millennials cooperative ethic and can-do spirit have only just begun to make their mark, and are likely to continue to

reshape American values for decades to come.

Drawing from an impressive array of demographic data, popular texts, and personal interviews, the authors show how the ethnically diverse, socially tolerant, and technologically fluent Millennials can help guide the United States to retain its leadership of the world community and the global marketplace. They also illustrate why this generations unique blend of civic idealism and savvy pragmatism will enable us to overcome the internal culture wars and institutional malaise currently plaguing the country. Millennial Momentum offers a message of hope for a deeply divided nation.

The closing line of Millennial Momentum:

..the United States would be well advised to let its next great generation provide the country the wisdom and guidance to shape Americas civic ethos in the Millennial era

Prison conditions cannot get much worst so it is time for an improvement.

I have heard this new Millennial generation speak,

I have two children that qualify are Millennial,s and what I have heard and seen from them gives me hope for the future!

@Alan, unfortunately prison news rarely makes the front page news. The reason is simple: Americans have been desensitized by violence, suffering and grief. Prison conditions are now acceptable since their lack of knowledge has turned into ignorance or apathy of the truth. They are more concerned about the financial and ecosystems than in the human suffering inside prisons. After all, lawmakers and vendors [private prison builders and operators] design such places to hide the incarcerated masses from their sight, their mind and their conscience.

In the end, I am like you, hoping that common sense does find its way into the minds of the policy makers.

All of these tactics were used in at least the previous four decades.

In the end the system has just gotten worst.

The main difference this time around is that this is a non-violent protest which has only been met with the iron fist of the CDCR.

World wide the populace are taking to the streets to protest such repressive and corrupt governmental actions.

Lets hope common sense suddenly finds its way into public policy before it spreads to our shores.

Judging from our past I doubt it will and I note that the Wall Street Protesters are already making front page news.

Margaret Thatcher Prime Minister of the United Kingdom from 1979-1990,

You may have to fight a battle more than once to win it.

This escalation of tactics by the CDCR is not beneficial to the states position to resolve its problems. In fact, it complicates their position as they now have to defend new policies directed at lawyers, advocate groups and a free society where individuals who are very expressive and some internationally, bring in new advocacy groups coming to their defense that would ordinarily would not have gotten involved and created more political pressure by other systems taking care of CDCR prisoners out of state.

This could in fact help the hunger strikers but not the CDCR.

Governor Brown needs to seek resolution as soon as possible before he is drowned by his own water poured on him by the CDCR officials who have chosen to take an offensive mode this time around. I dont support hunger strikes but I do support freedom of speech and non-violent expressions or actions. In this case, the truth has two sides and neither will win their own points unless the Governor exercises his right to settle this matter with an executive order or decision to change policies and practices inside the SHU. He is the final decision maker in this matter and his word will either resolve this strike or fuel this strike longer. Silence is not golden in this situation and everybody knows that already.

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