

OUT ^{the} LAW

VOL. I NO. 5 25c

Journal of the Prisoners Union

JULY-AUG '72

UNFINISHED BUSINESS

The Last Unorganized Laborers in America

There's some unfinished business in American labor union history. There remains a large block of workers in this country who are receiving wages far under all minimum standards. They are eligible for neither workman's compensation nor unemployment insurance. Many of them work in factory conditions that would not pass 19th century safety standards. They work in a variety of trades in every state of the union manufacturing a wide selection of products. The only things they have in common as workers is that they are prison convicts and are, in every respect, slaves of the state.

In almost every federal and state prison in the country is an industrial plant where convicts manufacture the "states goods," working for wages that range from zero to 25¢ an hour. There are few trades or skills involved with these industries that have any viability on the outside. Yet little if any effort is made to provide meaningful vocational training for the majority of the workers. In many states prisoners sign a release from liability prior to receiving medical treatment for work related injuries.

Prison industries, federal and state, are run by boards and trade advisory councils manned by a convenient mixture of labor and business management. These boards offer well-meaning rhetoric about training and rehabilitation while they cooperate to protect their respective empires. Prison labor must not compete with free labor. Prison products must not compete with free enterprise products. These "protections" can only be assured through an agreement made by free people who are normally mortal competitors.

Prison reformers have for two hundred years decried the exploitation of prison labor. It should be clear to us now that all the well-meaning reformers in the world cannot beat the unholy alliances that run our prison industries. Decent wages, safe working conditions, viable apprenticeship training and

workman's compensation can only be won for the convict worker by collective bargaining carried out between industry boards and convict workers. That's the way free labor won it. That's the way prison labor must win it.



FREE LABOR UNIONS

An examination of labor's role in prison industries displays their characteristic neglect of their own ideals. The 1881 platform of the AF of L stated:

"It is hereby declared the sense of this congress that convict or prison labor, as applied to the contract system in several of the states is a species of slavery in its worst form, pauperizes labor, demoralizes the honest manufacturer and degrades the very convict whom it employs."

When it came time to do something about this deplorable situation, however, the unions lobbied vigorously for the so called "States Goods" laws protecting their membership from the competition of slave labor. Not a finger was raised on behalf of the slaves, who continued to work in medieval factories for a few pennies an hour manufacturing the states' goods.

FEDERAL PRISON INDUSTRIES

manufacturing the people's goods

In 1934 President Roosevelt signed the Federal Prison Industries Act forming a government corporation that would operate inside federal prisons manufacturing goods for the federal government in compliance with the previously passed "States Goods" acts. In approving the bill the president said:

"Without any competition with private industry and labor, the government can provide increasingly useful work for those who need to learn how to work and to learn that work in itself is honorable and is a practical substitute for criminal methods of earning ones livelihood."

Well, Mr. Roosevelt, perhaps the lesson would be better learned if convicts really did earn a livelihood from prison labor.

Prison Industries, Inc. has survived the ups and downs of booms and recessions and still runs a profitable operation. The 1970 Annual Report of the corporation states that, "rising labor and material costs reduced profit to \$9.9 million compared with \$10.5 million in 1969."

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from: PRISONERS' UNION

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Unfinished Business

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Measured against sales of \$54 million, that is a 17% profit - almost unheard of in private industry. The report goes on to boast that a "dividend" of \$5 million was paid to the United States Treasury ... thus making us all shareholders in a corporation that pays a maximum wage of 25¢ an hour.

Later in the report, the directors casually mention that annual production per worker increased from \$10,895 in 1969 to \$12,168 in 1970 "The average profit for each 'inmate' employed rose from \$2,113 in 1969 to \$2,350 in 1970." This remarkable statement came only a few short paragraphs after complaining about increased labor costs affecting profits. Were this the annual report of a regular American corporation, the stock might be delisted from the Stock Exchange and serious charges brought against the company.

Federal Prison Industries, Inc. is a model for all the state systems ... states products, profitable operation, dividends to state treasuries, unsafe working conditions and exploitative wages.

PRISONERS UNION

The first labor union in the United States comprised entirely of convicts has been formed at Green Haven State Prison in Stormville, New York.

Significantly the original organization of the union was begun by the inmates last fall. The Prisoners Rights Project of the Legal Aid Society completed the legal work.

More than three fourths of the total inmate population of 1800 have signed up for the union. This is an unprecedented display of prisoner solidarity and unity.

Perhaps the most heartening and unusual news about the union is that the executive committee of local 65 of the Distributive Workers of America has recommended that the union be made an affiliate of their 30,000 member organization.

David Livingston, president of the union, predicted that his members would vote overwhelmingly in favor of accepting the Prisoners Labor Union as an affiliate. His union would then be prepared to assist and counsel in bargaining for wages, better working conditions, job training and fringe benefits.

Predictably, Oswald (the man who brought you Attica) and other officials oppose the union and challenge its legality. Eugene Eisner, a labor lawyer hopes to determine the legitimacy of the union in the courts. He is claiming that since inmates work for the state they have the right to bargain collectively. The Public Employers Fair Employment Act excludes only those employees of the government who work for the organized militia of the state.

Oswald, under advice from Department of Corrections attorneys, has declared that bargaining with the

Prisoners Labor Union would be illegal and that the Taylor law is not applicable to prisoners.

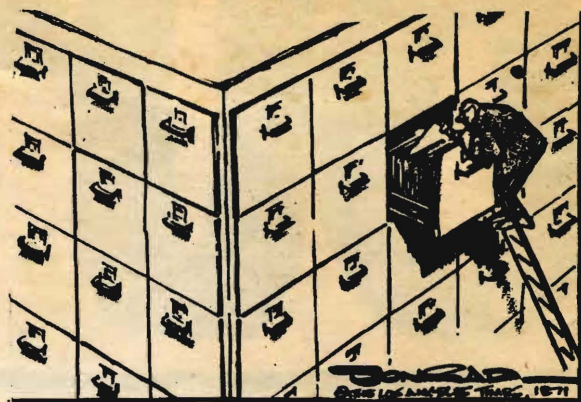
The Public Employment Relations Board disagrees ruling that "There is nothing in the Taylor Law that specifically exempts prisoners."

Of course, the union is also opposed by the warden of Green Haven and Leo Zeferitti, president of the Correctional Officers Benevolent Association, who calls it "a ludicrous idea." "Benevolent Association" is a common euphemism for union.

Hopefully, the Green Haven Union will be the first local of a national union of prisoners, with locals in every prison factory in the nation. We can also hope that, without the reaction and violence that is so characteristic of labor union history, prisoners will one day have the right to bargain collectively with their employers for wages that will allow them to support their families, pay taxes, save for their release and if paid enough, even pay room and board like every other American worker.

Unions exist to add dignity, stature, freedom and democracy to the lives of their members. These are not possessions that will threaten the security of prisons as the warden of Green Haven suggests. It would seem, rather, rehabilitation could begin. Resistance to prisoners efforts to bring dignity and economic viability into their lives is more evidence that prisons are in the business of breaking human beings and creating a class that is growing, day by day, more alien to our society.

Mark Dowie

PEOPLES LAWYER**LABOR LAW**

The following is the first in a proposed series of articles dealing with labor law. The main purpose is educational: we are not trying so much to preach what the law should be (most of us already have pretty strong notions along that line), but to inform us what the law actually is.

It is also necessary to point out that we will describe what the law is in theory, and where our limited practical experience permits, we will comment on what it actually is in real life. Again, most of us know only too well that more often than not the law on the books says one thing and the administrators of the law do something else entirely different. Nevertheless, in dealing with the law in practice, it is quite helpful, nay, quite necessary, to know what it is in theory. Since a legal education is expensive and hence beyond the reach of many of our readers, it is the object of this series to fill the gap.

The articles will be written with the lay reader in mind. The field is not difficult to grasp, especially when one realizes from the outset that results are almost always determined by political and economic realities rather than by what the law says. As with workmen's compensation, most of the legal fighting in labor law has been removed from the courts and today takes place in hearings before the National Labor Relations Board, the top brass of which is appointed by Nixon, or whoever is President at the time. Unlike the Supreme Court justices, these appointees can be ousted whenever the President likes, so one can readily see how the labor setup is designed to give a lot of room for politics to influence and even control decisions.

In addition, figuring out what the law is even in theory can be tricky, since the National Labor Relations Act is written in large part with vague language, allowing either a conservative or liberal interpretation, depending on the political attitudes of those in power. So when studying it one looks not only to the language of the Act, but to its history, to see how the Board has interpreted it. Therefore, when trying to figure out what the law is one doesn't look to engraved tablets of stone kept enshrined in a vault somewhere. One asks the question, "How will the Board decide this one?" The answer, of course, usually depends on who is in office. Speaking generally, Republican administrations side with management and Democratic administrations lean more toward labor.

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PROPAGANDA-?

Your employer may use any, or all of these various devices—letter, rumors, threats, phony committees, captive meetings and others not mentioned here—in his attempt to convince you that you don't want or don't need a union. All of these methods are contained in standard propaganda packages developed and sold by professional union-busting specialists who are paid, and paid well, to confuse workers and get them to vote against their own best interests.

Don't let some highly paid "Specialist" tell you how to think. Don't be tricked into voting against yourself.

Neither the boss nor the anti-union specialist he hires will belong to, or run your union. They have their own "Unions." This union is different -- it's yours; you run it!

The final decision must be, and is, up to you.

Excerpted from pamphlet by
UAW Organizing Department



Don't Criticize, Organize.

1. Get together with a couple of friends and intelligently evaluate your rights. Discuss this peacefully and assume the responsibility for obtaining your rights through peaceful means.

2. Study. Read. Think. Research your community. Ask questions. Reread #1.

3. Find someone whose rights are being denied. Talk to him or her and furnish him or her with all the factual information you have as to how their rights are being denied.

4. Find a concrete issue (Violation of Civil Rights, Due Process of Law, Right to Organize, Racism, etc.) Start working for change. Don't give up.

5. Take a good look at your job. Think about what you produce, what you earn. If you are not earning a wage proportionate to what you produce ask why. Ask for the right to collectively bargain for the right to a minimum wage. Reread #1.

6. Check the safety codes pertaining to the machinery you operate. If it does not come up to standard, let it be known that it is a hazard to your safety. Notify the Prisoners' Union about this defect.

7. When you think about Organizing, don't ever divorce Economics from your thoughts.

8. Don't be destructive. Try to eliminate injustice, inequality. Maintain your dignity at all times.

9. Don't be insulting, but demand your rights and mutual respect under any conditions.

10. Everyone deserves some rest and relaxation now and then. Take a break. Now read #11.

11. Sit down and make a list like this. It will help you decide what work needs to be done and how to organize to do it. Send your list to The Outlaw and we'll print whatever there's room for.

12. Support existing organizations that are working for change, like the Prisoners' Union, with whatever resources you have.

13. Remember that unity really is the solution. Economic facts should bring us together regardless of sex, age, race, or belief.

14. Don't bother to hate people who are still tied to old ideas or actions. Furnish them with information whenever possible and continue to work for change yourself.

15. When you criticize an institution, keep in mind that it was established for some reason. Discover what the reason is and think of a better way to accomplish the desired end. Put your idea into action.

16. Take a good look at yourself. Discover any ways in which you play into the hands of people who will try to violate your personal or civil rights. Always gear your actions toward survival and self-respect.

17. Be flexible. People are acting for change in many different ways throughout our society. Useful resources may come from some unlikely places. Look around.

18. Share your copy of The Outlaw with a person who might not otherwise get a chance to read it.

19. Advertise for change on the letters you send. Try something like Unity instead of Yours Truly on letters.

all together now!

If we look at any reform movement, we see they evolve through three overlapping stages. The first is protest in which people petition their rulers for specific policy changes. When the level of protest becomes massive, the rulers begin to apply reactionary pressures to suppress it. This, in turn, drives the people towards the second stage, resistance. As this conflict sharpens, resistance leads to a liberating phase in which the prevailing hierarchy disintegrates and "new reforms" are established by the people.

America, in the past decade, has seen many examples of this process put into motion by the ever growing collective groups who are striving for the sorely needed changes that are long over-due.

All groups, be it political, survival, or social, band together for collective action. The ruling class

views most groups - be they black, brown, white; two dozen or three, as minorities. Individually, everyone is a minority, but a collective effort negates minority connotations. Today, there is a nationwide network of people with the same oppression, the same language, the same music, the same styles, the same needs and grievances: the very essence of a new society taking root and growing up in the framework of the old. Each and every group is similar in their drive for change. They move from protest to the ultimate liberation. But at the same time, each group is different in their struggle for specific and local needs.

The Prisoners' Union is unique in many ways and at the same time a part of the common dialectic. The central outlines of what we want are now clear as possible without developing a rigid blueprint. We have to abolish the indeterminate

sentence which is the major factor in producing a recidivism rate of over 50%. This form of recycling must be stopped. We mean to turn around the brutal way an ex-offender is released after years of forced slave labor. Our goal is to see that every man and woman just released from prison is met and embraced as humans without the stigma and label of "ex-convict" that the Department of Corrections Media has put out to the people. We believe that everyone who puts in an honest day's work should get an honest return for their sweat and efforts. We stand together in our struggle for the union of prisoners.

What is less clear is why the need to "bad-rapp" and criticize between collective groups?

*editorial**tony newland*

The Prisoners' Union has noted, not understandably without a measure of alacrity, that the California Correctional Officers Association has recently had another major setback. It is perhaps understandable from their point of view -- that of the true paranoid -- that they would be upset when the United States Supreme Court recently decreed that the death penalty is unconstitutional. Mr. Comacho and the other worthies of that fine organization would have us believe that this decision will result in the prison yards being strewn with the bodies of guards.

Nothing, of course, could be farther from the truth; unless, the guards themselves foster a reign of terror to make the convicts retaliate; but time will bear out how ridiculous this allegation is.

We, at the Union, cannot help but wonder that any credence at all can still be put in this organization. It would seem that the Bay Guardian's edition of "The Soledad Frame-Up," Vol. 6 No. 8, June 22, 1972, would settle their score forever. That expose showed how militantly right-wing and paranoid that prison guards' organization is. Their exploits in the Soledad incident would rival the great James Bond both in fantasy and idiocy.

Furthermore, since the C.C.O.A. has called for a Prisoners' Union investigation, we now call for an investigation of that organization. For we indeed feel that the evidence indicates that the Prisoners' Union has far less to hide and fear from an investigation. At most around our offices a sick dope fiend might be turned-up; we wonder, however, what skeletons could be turned-up in the C.C.O.A.'s offices?

PRISON IS A NOBLE BADGE OF IGNORANCE,
AND WE WHO HAVE BEEN WRONG CAN ONLY
EXPERIENCE THE SATISFACTION OF SOME-
DAY BEING RIGHT -- WHILE YOU, WHO
ARE RIGHT, CAN ONLY EXPERIENCE THE
MISERY OF SOMEDAY BEING WRONG.

James Testa - ex-convict

THE SOLEDAD FRAME UP

Reprinted from Bay Guardian, vol. 6
No. 8, June 22, 1972.

CAST OF CHARACTERS

Sgt. "Moe" Comacho: Soledad guard and vice-president of the CCOA (Calif. Correctional Officers Assoc.). He was the first to inform Pewitt of his scheduled role in the attempted frame-up of Rundle.

Loran Spoon: Correctional Officer. Drove Pewitt on the bugging mission and rented the car Pewitt took to Rundle's house.

Norm Gard: Member of Attorney General Evelle Younger's office. Gard provided the radio equipment for the mission, and sat nearby with Spoon to monitor Pewitt's talk with Rundle.

Dr. Frank Rundle: Chief of Psychiatry at Soledad; spoke out for reform of prison conditions. Fired for insubordination when he refused to release confidential files on an inmate-patient.

Tony Pewitt: Soledad inmate whose friendship with Rundle was used by government officials to implicate Rundle in radical activities and two Soledad murders.

Hugo Pinell: Inmate charged in Soledad murder No. 3. During his pre-trial hearing, Rundle first testified on in-

humane treatment of prisoners.

Simmons/Fletcher/Murphy: Monterey private investigators called in by Rundle. Their detectives witnessed the bugging equipment which had been taped onto Pewitt's body.

Raymond Procnier: Head of the California Dept. of Corrections. He initially backed up Rundle in his outspoken criticism of Soledad conditions--and later came under suspicion himself.

Eric Hilton: Inmate charged with Soledad murder No. 4. A patient of Rundle's, it was his file the psychiatrist refused to hand over to his prison supervisors.

Jerry Enemoto: Rundle's supervisor at Soledad. Told him to stop testifying on behalf of prisoners facing trial, and later ordered him to give up confidential psychiatric records on Hilton.

Joanie Griffin: Pewitt's fiancée, daughter of Pastor Martin Wahl, a Forestry Camp Chaplain.

— Representatives from the Attorney General, the Calif. Correctional Officers Assoc., the Monterey County District Attorney's office, the Kern County Homicide Division and staff members from two prisons may all have been involved in the plot.

(Four days after Pewitt's refusal to entrap his friend, he was abruptly put under investigation for a four-year-old unsolved murder in Bakersfield, which terminated his early release from prison, just two months away. The investigation was later dropped for reasons outlined in the story.)

Rundle, his composure returning, called attorneys ("They're trying to set me up for a murder charge," he said in anger and apprehension) and arranged for a Monterey private detective firm to send investigators to his house that night and document Pewitt's part in the plot. The detectives and a friend of Rundle's took photos of Pewitt and his bugging device (turned off so the outside buggers wouldn't hear), took statements and tape recordings, and xeroxed Pewitt's prison pass and the rent-a-car application. All these records have been turned over to this writer and the Guardian for this story. They will be made available to the proper investigating authorities.

— Outside Rundle's house, a block or so down the street, a member of the State Attorney General's investigative staff and a Soledad guard sat in a green Torino and monitored the Rundle/Pewitt conversation.

— Pewitt, then an inmate at Chino Prison, was visiting Rundle on a 72-hour pass (fraudulently obtained by prison officials) on the promise of an early release if he cooperated and the threat of a three-year delay if he didn't.

— Pewitt's mission, as described to him by prison officials, was to set up Rundle as a conspirator in two Soledad murders.

— Raymond Procnier, chief of all California prisons, was, like Rundle, also under suspicion.

By Don Jelinek
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Eds. note: Don Jelinek is a Berkeley lawyer and writer. His story is based on extensive investigation, including interviews with Dr. Frank Rundle, fired chief of psychiatry at Soledad, and Tony Pewitt, Rundle's former inmate-clerk at Soledad. Jelinek's story was withheld from publication for three months--while Pewitt was fighting for his release from prison--because of the incidents outlined for the first time publicly in this article. Pewitt was released from prison on May 22.

About 6:30 p.m. on Dec. 16, 1971, a smartly dressed young man and his fiancée rang the doorbell of the Monterey house of Dr. Frank Rundle, former chief of psychiatry at Soledad Prison.

Rundle greeted them warmly and everybody entered Rundle's living room for what Rundle thought would be a jovial dinner and conversation with Tony Pewitt, an old and trusted associate.

An hour later, Rundle went into the kitchen to freshen the drinks. Pewitt followed him, grabbed some green paper from the kitchen telephone table and wrote Rundle this startling note:

"Do you realize that the CCOA [California Correctional Officers Association] is out to hang you at any expense?" Then: "I'm bugged."

Pewitt then ripped open his shirt and revealed the network of wires strapped to his chest. Rundle was staggered by the revelations and "sort of freaked out," as he put it to me later, but he wrote Tony a note back. The two exchanged written notes, while making small talk for the "buggers," until the major points of Pewitt's incredible story emerged:

— Inside Pewitt's cowboy boots and clothing was a miniature radio transmitter.

ALL OR NONE

Of the fourteen state prisons in California, only one is for women. It is located in Southern California, just outside of the towns of Riverside, Chino and Corona. The mailing address is 'Frontera' which means 'new beginning.' Up until the beginning of 1970, when Governor Reagan and Raymond Procunier (Director of Corrections) decided that the population must decrease, there were usually between nine and eleven hundred women housed at the Calif. Institution for Women at Frontera. Presently the count there is between five and six hundred.

Because of the physical set up at Frontera, women are seemingly "treated" rather than "punished" when sent to prison. This is another one of the State's euphemistic approaches to controlling the prison populations. The yard or mainline is referred to as the 'campus.' If you look at the grounds, with green lawns, flower beds, neat brick cottages surrounded by a chain link and barbed wire fences, you are indeed reminded of a college campus. There are no gun towers there, but the ideas and fears that put guns into mens' hands are most assuredly prevalent in the attitudes of the prison staff towards the female convicts. In January of this year additional male guards were hired and equipped with riot control guns, in an effort to reduce the amount of escapes.

Psychologically the women's prison is far more dangerous to the growth (or continued life) of human beings housed there than the tiered-celled, gun-towered, maximum security prisons where men are warehoused. The women have individual cells, complete with bedspreads, curtains and rugs and a wooden cabinet built around the toilet in the cell which is used for an extra chair. Reality then, is not as stark and unreal for women in prison as it is for the men. Women do not have to conform to the same rigid patterns that men do while in prison, and this tends to confuse the situation. A woman may be much more honest in her verbal confrontations with the guards than a man can be and not be physically brutalized for it. Women also have more physical freedom of movement within the prison during the hours when they are not locked in their cells. This tends to relieve some of the pressures and tensions on the convict level, in the same way that having false eyelashes and wigs sent in from home acts as a pacifier. A woman may go up to the records officer and request to see her file more easily than a man can; but instead of just being told "no," she will be told that it is a written policy and her right, but that she may only see certain parts of it and only with the permission of the staff who wrote each part. So, she is manipulated into thinking that the prison is trying to fill her needs, when in fact the prison is trying to completely brainwash her to the point of not having any needs.



During her sentence to prison a woman is subjected to the hang-ups, philosophies, religious beliefs and sexual problems of the people who are payed by the state to supervise her. From the first fingerprint that is taken of her, she is the cup into which the guards, therapists and administrators empty all of their negativity.

The word "no" becomes a part of life, more natural then the word "yes." She is programmed day and night to return to prison. She is forced to wade through all of their garbage before she can get into her own hang-ups and reasons for being where she is. She is counselled to fall into the middle class, prejudiced patterns of society, a society which, when she is released, will NOT accept her back into it. Yet, for several years she is prepared to go out into the community with the stigma of being a parolee, and attempts to fit in, to be accepted and find a place for herself.

The staff of the prison, by the very nature of their jobs and the salaries they accept for doing them are committed to playing the game. Time after time, nurses, doctors, counselors, administrators, fence watchers and cooks as well as the parole board members will tell a woman: "We'll be able to deal with you much more on your next trip to prison, you'll be more ready to listen to reason then." So there is really no such animal as the born or incorrigible criminal, there is, though, a vast system of "breeding farms" called state institutions that create such things.

In every interview I have ever read or seen between a news media person and an administrator of a prison, homosexuality has been named the number one problem within the prisons. This is another creation of the Department of Corrections, not only in this state, but in every state that has a prison system that is not co-educationally set up. Even though a small percentage of the women sent to prison are already self admitted homosexuals, that percentage has little bearing on the conditions that create the emotional setting for initial homosexual activity.

From the first mailing form a woman sends out to her last visit while locked away from society, she is discouraged from having any deep involvement with members of the opposite sex. One male, unmarried, is

the amount of contact she is allowed. If she is married only her husband may visit her or a very close male relative. If married but seperated, she must have the written permission or her legal husband before she may have visits with any other male. When there are males within the prison, from a college group, entertainment groups or even religious order, she is discouraged by threat of disciplinary write ups to socialize with them.

During her visits, a woman is not allowed to touch, not even hands, with her male visitor. One good bye kiss in full view of the visiting room guard and other visitors is allowed at the end of the visit. She may hold her children, but if they need to use the rest room, she may not go with them, and a rest room for visitors is not provided. Although on paper the policy of the prison states that conjugal visits will be allowed and even encouraged, in practice this is not true. A legal marriage license, along with other complicated forms and even more complicated criteria must be met before a women may apply for conjugal visits. The mens prisons had approved a conjugal visit program over a year before the California Institution for Women even investigated it.

In group sessions, which are for the most part gripe groups, the counselor will often approach the subject of male-female relationships with so negative an attitude that often women begin to feel that it is unclean to want a man or to love a man. If a woman has a husband or boyfriend who is also in prison, she will usually be denied correspondence with him, not by the administrator of the men's prison (everyone knows things are worse for men) but by the administration for the women's prison. This again is part of the psychological warfare. The reason given for not allowing this relationship to continue is that committing crimes together is all they have in common--not the love they shared nor the parenthood of children they have together.

Not only are males not deemed totally acceptable parts of a woman in prisons' life, but other members of her family are also targets in the system's war tactics. If a woman does not have family or friends to inquire about her, to show the state that they will give her moral and social support upon her release, then she

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A STEP FORWARD

CDC's & AA's Rules & Regulations Illegal

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

AMERICAN FRIENDS SERVICE COMMITTEE,
a non-profit corporation; CONNECTIONS
GUIDANCE CENTER, a non-profit corpor- NO. 219108
ation; BROTHERHOOD-IN-MOTION, a non-) DEPT. 9
profit corporation; COMMITTEE FOR
PRISONER HUMANITY AND JUSTICE, a non-)
profit corporation; and PAUL HALVONIK,)

Petitioners,)
vs.) NOTICE OF
) DECISION

R.K. PROCUNIER, Director of Corrections,)
State of California; HENRY W. KERR,)
Chairman, California Adult Authority;)
CURTIS O. LYNUM, Vice-Chairman, Calif-)
ornia Adult Authority; MANLEY J. BOWLER;)
CHARLES E. BROWN; LELAND M. EDMAN;)
WALTER A. GORDON, JR.; JAMES H. HOOVER;)
and DANIEL R. LOPEZ, Members, California)
Adult Authority,)

Respondents.)

The issues raised by the pleadings before the Court are whether or not the Administrative Procedure Act, Govern- ment Code Section 11371, et seq., applies to the rules and regulations of the Director of Corrections and the Adult Authority. This Court has concluded that the answer is in the affirmative. It is asserted by the Attorney General that Penal Code Section 5958, which provides that "The director may prescribe rules and regulations for the administration of the prisons and may change them at his pleasure" is indicative of a legislative intent to ex- clude the department from the provisions of the Act which, in general, requires notice of hearings, public hearings, as well as participation and filing of regulations with the Secretary of State for the lawful promulgation of rules and regulations. It is further contended that the Act is not applicable in the operation of the prison system because the Director is not "implementing, inter- preting or making specific the law enforced or adminis- tered by it" within the meaning of Government Code Section 11371(b) defining "regulation" when he is discharging his statutory mandate to administer the prisons and that therefore his "rules and regulations" are not subject to the procedural requirements of the Act. And, further, that the Director's "rules and regulations" come within the "internal management" of the prison system, which is expressly excepted from the Act by Government Code Sec- tion 11371(b).

This Court is not persuaded by said arguments. Section 11371(a) of the Government Code implies very clearly that all executive agencies of state government which would include the Director of Corrections and the Adult

Authority are included within the Administrative Procedure Act and absent some specific exclusion by statute such as Government Code Section 11445, which excludes the Public Utilities Commission and the Industrial Accident Commis- sion, it is more reasonable to conclude that it was not the intention of the Legislature to exclude the respon- dents from the Act. The argument advanced by the Attorney General that the words "at his pleasure" in Section 5058 of the Penal Code creates an inconsistency with a finding of legislative intent to include the respondents within the Act is not necessarily so. The Director may prescribe rules and change them as long as he complies with the procedural requirements of the Act and not be statutorily inconsistent. They are statutorily reconcilable.

The defense advanced that the Director is not implemen- ting, interpreting or making specific the law enforced or administered by him within the meaning of Government Code Section 11371(b) defining regulation when he is discharg- ing his statutory mandate to administer the prisons, and therefore not making rules and regulations as contempla- ted by the APA is not appealing to this Court. The Direc- tor, by the very nature of his duties and responsibilities, and in execution thereof, is called upon "to implement, interpret and make specific" various provisions of law, many of which do not concern internal management (exclud- ed by Government Code Section 11371(b)), but which have a decided impact upon prisoners, parolee population and society in general.

The additional argument that a review of the legislative history establishes a legislative intent to exclude the Department of Corrections from the requirement of the Act is not supported by the record.

This Court concludes therefore that the provisions of the Administrative Procedure Act apply to the Department of Corrections and the Adult Authority and that therefore the respondents must comply with its requirement in the promulgation of rules and regulations. By reason, there- fore, petitioners' request for the issuance of a Peremp- tory Writ of Mandate, commanding respondent to invali- date all Rules, Regulations, and Resolutions, promul- gated in violation of the Administrative Procedure Act, subject to revalidation, within a reasonable period of time, upon procedures in conformance with the Adminis- trative Procedure Act, and further, to comply with the dictates of the Administrative Procedure Act in the adoption, repeal or revision of the Rules, Regulations and Resolutions of the Director of Corrections and the Adult Authority in all future actions which may be taken, is hereby granted.

DATED: JUN 30, 1972

Presiding Judge of the Superior Court

projection:

A judge in the Sacramento Superior Court made a ruling that could dras- tically change the procedures of the Department of Corrections and the Adult Authority. Judge William M. Gallagher ruled that the Administra- tive Procedure Act, APA, applies to the Rules and Regulations of the Department of Corrections and Reso- lutions of the Adult Authority. The APA was designed to protect the

people from abuses by government bureaucracies through public hearings and due process guarantees. One word of caution must be noted however... this is a Superior Court decision and it will surely be appealed by the Attorney General and will not go into effect until after the appeals are over.

If the decision is upheld, then all rules, regulations, and resolutions that the Department of Corrections

and the Adult Authority wish to adopt must be discussed in a public hearing before implementation. Not only must the hearing be public, in that it is open to whomever comes in, the public must be notified 30 days prior to the hearing...notices must be mailed to those who have requested them, and "appropriate" special interest groups and notices must be published in newspapers.

Name Edward Louis Stephens, A-47455
 Box No. 2000, J-127, Vacaville, Ca 95688
 Date Saturday, June 24th, 1972

"THE ULTIMATE SURRENDER"

There are those who lose their heart, and with it, their identity. They live to be sheep, to lick the left-overs, to reap the sufferings intended by the disgraceful deeds of others. They ultimately, through their own passiveness, become scape goats, puppets mechanically controlled with a string by others; they become stepping stones, broken bodies, victims over which their triumphant conquerors tread. These are the men who have lost their courage; who have squatted by the wayside; who have meekly removed themselves from the list of those who desire to halt the steady advance of the worlds wrongful deeds. These are the men who have lost their heart.

The content of these words will, perhaps, describe with justice those persons who will stand by and watch suffering; tolerate it, condone it; do all but embrace it...

by: Edward Louis Stephens
 March, 1972

I have been a prisoner for some fifteen years and have written many poems and free verses. This is the first one I've submitted for publication. It is hoped that it may be of some use in your newspaper.

My prayers go with you and all that you (collectively) stand for. And I want to thank you for your kind attention.

Sincerely,

I never got what I wanted.
 I always got what I did not want.
 What I want
 I shall not get.

Therefore, to get it
 I must not want it
 since I get only what I don't want.

what I want, I can't get
 what I get, I don't want

I can't get it
 because I want it
 I get it
 because I don't want it.

I want what I can't get
 because what I can't get is what I want

I don't want what I can get
 because what I can get is what I don't want

I never get what I want
 I never want what I get

p.32 Knots R.D. Laing

Murder simply happens i believe that in the banking system that is the universe not one red cent goes unaccounted for and that the "wheels of justice", as FDR said, do "grind exceedingly fine", too slowly i say for if i were to await the cosmos to right the lady's scales i would grow old, wither and die

waiting. for "Vengeance is mine" the Lord is quoted as saying, and mine too I say and if i choose to coarsen world cycles with my act it's only because

my keepers tried to kill my soul and made but a wounded hungry dog.

and so i have made an investment: to work with others of the same bent to try to awaken our brothers and sisters still in prison and to warn them that murder happens simply in many small insidious ways, such as willfully laboring for pennys: a human all to human omen.

Hear me. O men of the Adult Authority: too long and too often you have shit in the corners and living room of my house and now you will have your noses rubbed in it all - nasty pups that you are.

walter burckhard

the outlaw POETRY the outlaw

EULOGY FOR A BLACK MAN:
 FOR AARON MITCHELL, EXECUTED WHILE I
 WAS IN SAN QUENTIN - LAST BLACK MAN
 TO BE EXECUTED IN QUENTIN.

THE CONDEMNED MAN

O, JUSTICE, I WONDER, ABOUT THE CRIMES COMMITTED IN YOUR NAME
 I WONDER IF YOU REALLY KNEW, WHO THEN WOULD BE TO BLAME...
 WOULD IT BE THE JURY, OR THE PEOPLE WHO CANNOT LIE,
 OR WOULD IT BE THE FOOLS LIKE ME WHO ARE ABOUT TO DIE?

I HAD A DRINK ONE NIGHT, HOW WAS I TO KNOW
 THE LAST DRINK I HAD, WOULD PUT ME ON DEATH ROW?
 THEY SAY I KILLED A COP, THAT'S THE REASON I'M HERE.
 MY LAWYER SAID PLEAD GUILTY THAT I HAD NOTHING TO FEAR.

O, JUSTICE, JUDGE OF MEN, THOUGH YOU CANNOT SEE,
 IF YOU HAVE ANY TEARS TO SHED, THEN SPARE A FEW FOR ME.
 THE EXECUTIONER CAME BY JUST BEFORE THE BREAK OF DAY.
 HE SAID THAT I LOST MY PLEA AND WITH MY LIFE I HAD TO PAY.

I CAN STILL REMEMBER THE DAY, IT WAS JUST THREE YEARS AGO
 I STARTED FIGHTING FOR MY LIFE WHILE HERE ON DEATH ROW.
 THE CHAPLIN CAME BY THIS MORNING TO SEE IF I WANTED TO PRAY
 ALSO, THE NEWS REPORTERS CAME TO SEE WHAT I HAD TO SAY.

I CAN HEAR THEM COMING FOR ME, THEY ARE JUST AROUND THE BEND
 THEY SAY I'M TO GO JUST AS THE CLOCK STRIKE TEN.
 THERE IS SOMETHING I'D LIKE TO SAY NOW THAT MY TIME IS HERE
 SEND MY BODY HOME TO MOTHER, O, JUSTICE THE PUNISHMENT IS SO SEVERE.

LEE SANTA MARIA - EX-CONVICT

THE FREEDOM CRY

Let me hear the shouts of Men
 marshal marching to and fro,
 with love-strength for all Mankind
 wherever they must go.

Let me hear the shouts of Men
 triumphantly proclaim
 let live the life that we so choose,
 with no interference from the lame.

Oh let me hear the shouts of Men
 crying for wars to cease;
 remove the World from strife
 bring happiness and Peace.

Let me hear the shouts of Men
 smoking opium, hash or weed
 tripping on their own good thing
 for each his own, true need.

Let me hear the shouts of Men
 as they march ahead full bent.
 Onward, ever onward
 against the Establishment.
 Let me hear the shouts of Men,
 Who will finally win the day.
 Oppression gone, new life with job
 Where power and love-strength will stay.

Judy's Man

Books have been written
 about the great psychic difference
 and the slough of human waste
 called 'prison memoirs'
 yet none have caught the fog
 before early light
 or the rapture of the wind
 that storms sand full
 on hot dry days
 and traced them across pages
 for the 'free world'
 folks to know
 no, none have yet gathered
 the flies in summer heat
 the smell of cold cow and colder dung
 or the look in eyes
 that have traveled on the same path
 for years without seeing
 the fence with barbed wire
 built (some one thought)
 to keep them in
 and sung them to the earth
 in honor of alive.

There have been books written
 though, about prison
 that are full of pages
 that are full of words
 that mean nothing
 to the numbered women
 who lock their own cell doors
 each night at eight o'clock
 so that tomorrow early
 morning they can be ready
 to go and work eight hours
 for another eighteen cents.
 these same numbered women
 will pause at least once
 each time they cross the yard
 to watch another baby bird
 fall flying from a tree
 or stop to inspect
 the latest holes dug
 by the always busy gophers
 and they won't understand
 the words that are used
 to tell them why they must
 learn a trade like sewing or sweeping
 they will only understand
 that some new book
 written by some old liar
 has made it through elections
 and is being used as a bible
 by the parole board this year...
 Perhaps some day a book
 won't have to be written
 to state for once quite clearly
 'these are our sisters, who are alive'
 (but for how long in prison?)

Mary Vangi

PRISONERS' UNION - UNITE

Presenting our goals in peaceful dissent.
 Regretting but accepting those that resent.
 Individuals we are with a life misspent.
 Seeking our rights, never being contempt.
 One by one take a step tho it be inept.
 Never falling always onward we become adept.
 Equity and justice, society has kept.
 Rights, civil and human, we have been denied.
 Struggle and we will be free of contempt.

Unite and we will gain our right.
 Never faltering or losing sight.
 Inside is where we must light the light.
 Onward with dignity we unite.
 Never forgetting we are human and have that right.

Unite we must in absolute trust.
 Needing one another brother and sister a must.
 Into the union completely free of lust.
 To work towards the goals we have that are just.
 Ever keeping our identity lest we rust.

Unity,
 Willie Holder

Congress of the United States

House of Representatives

RONALD V. DELLUMS, 7TH DISTRICT, CALIFORNIA
DISTRICT OF COLUMBIA COMMITTEE
FOREIGN AFFAIRS COMMITTEE

July 7, 1972

Hon. Nicholas C. Petris
State Senator
California Legislature
State Capitol
Sacramento, California 95814

Dear Nick,

It has been brought to my attention that your Subcommittee has been holding hearings regarding the attempted espionage against Dr. Frank Rundle, by staff of the Department of Corrections. I wish to express my firm support for these investigative actions by the Committee.

I would appreciate being informed of the findings of the Committee, to the extent possible, and would urge that you disclose the content of your investigation to the public, to the extent you believe necessary and appropriate. It is my firm belief that the public must be made aware that these types of activities are becoming an all too consistent pattern of activity by those who profess "law and order", yet who violate the letter and intent of the various laws respecting personal liberty in this country.

To whatever extent I or my staff can be of assistance in this or other matters relating to the prison system, feel free to call upon us.

Sincerely yours,



Ronald V. Dellums
Member of Congress

RVD:hlh

WASHINGTON OFFICE:
1417 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-2661

DISTRICT OFFICE:
201 13TH STREET, ROOM 105
OAKLAND, CALIFORNIA 94604
(415) 763-0370

RESTORING EX-FELONS' VOTING RIGHTS

by Selina Bendix

"Voting is a right not a privilege."

League of Women Voters of California, 1972

An ex-burglar can vote in Alameda, Contra Costa, Marin or Sonoma counties, but not in Santa Cruz or San Bernardino counties.

A person convicted of drunk-driving causing death can vote in Butte county but a convicted wife beater can not.

If convicted of non-support, you can't vote in San Diego but you can vote there if you have been convicted of first degree murder.

Approximately 100,000 California ex-felons are presently denied the right to vote amidst a welter of inconsistent and illogical laws that give rise to the phenomena listed above.

A writ of mandate seeking to end these discriminatory practices has been filed in the California Supreme Court, against California Secretary

of State Brown and the 58 California County Clerks. The action is being taken by California Rural Legal Assistance (CRLA), which has been joined by Los Pintos, the 7th Step Foundation, the Prisoner's Union, and the League of Women Voters of California.

The suit was filed on behalf of three

disenfranchised ex-felons who are all family men who were denied the right to vote because of jail sentences served 15 or more years ago. One of them spent three months in a Texas state prison 21 years ago on a robbery charge.

Six years ago, the Supreme Court's *Otsuka v. Hite* decision said that only those persons convicted of crimes which threaten the purity of the ballot box could be denied the right to vote but no guidelines were ever established to tell registrars which ex-felons are eligible to vote or to guarantee equal application throughout the State.

The CRLA suit states that 40% of the States of the United States either do not disenfranchise ex-felons, only disqualify those convicted of an election code violation, or have provided an automatic restoration of civil rights upon completion of the sentence. Voter qualification rules are under state control, so long as they do not violate constitutional rights.

The court decision has been implemented on an ad hoc basis by each of the 58 County Registrars of voters in California on the basis of their individual moral codes. It has been shown, in a recent survey by the California Secretary of State, that, due to the hodge-podge of practices by county registrars, practically no two counties have like application of the decision. The statements at the beginning of this article are based on this report. Other findings were:

• Los Angeles county will not register an ex-felon whose crime was statutory rape but apparently will one who was guilty of forcible rape.

• 21 counties will register an ex-

felon convicted of possession of dangerous drugs, but Butte and San Joaquin will not.

• San Bernardino will register a person convicted of drug possession but not one convicted of use.

• In Orange and Santa Cruz counties drug possession and use are all right but you can't vote if convicted of sale of drugs.

Several surveys and studies have dealt with citizens' voting rights. The President's Commission on Law Enforcement and the Administration of Justice recommended the automatic restoration of civil rights to ex-convicts upon completion of incarceration and parole.

The President's Commission on the Causes and Prevention of Violence concluded that the denial of the right to vote tends to alienate people and "to drive them into a search for an alternative, some times violent means to express their feelings."

A 1971 survey by the Education Fund of the League of Women Voters found that at least 2/3's of the surveyed American Legion Commanders, Chamber of Commerce Presidents, city council presidents, and other community organization members felt that persons convicted of a felony and released from prison should be eligible to vote.

Ms. Schuiling, president of the League of Women Voters of California said recently, "An ex-felon should have the same rights as all other citizens, so that he will again feel that he is a part of society and has a legitimate role in the political process." Let us hope that the current suit makes this possible.

Name _____

Address _____

City _____ Zip _____ Phone _____

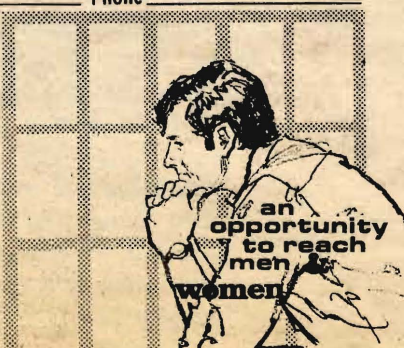
I'm interested in learning more about

The Prisoners' Union

1345 - 7th Ave

S.F., Ca. 94122

Phone: 415 664-4315



I'M AN EX-CONVICT. I KNOW IT.
I HOPE I DON'T BLOW IT.

LOOK, MA
HOPE

CIW

NO CHINGES
CON IGO MAS!!!

Picking

the

pieces



prison — the pendulum

conversations

ons with the dead

prison life
photographs

dr

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19

noon to eight p
admission free



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ly mc cune #12

july

san

daily

The People's
STRUGGLES

sponsored by:
prisoners union (6
the house outside
institute for the s

red by:

quentin (479-1470)
dy of nonviolence
(321-8382)



CONCERNED

(Re-copied from San Francisco Chronicle, "Letters to the Editor", Thur., June 29, 1972.)

ONE FOR TWO

Editor - The announcement last autumn that San Quentin would shortly be "phased out" was applauded by prison reform groups everywhere. However, plans are now in the making to replace San Quentin with facilities that may very well turn out to be more destructive of human beings housed therein than that ancient, grim fortress.

The Department of Corrections has obtained a legislative appropriation of \$150,000 in capital outlay to produce plans for two new 400 - man institutions. The prison administration has been remarkably closemouthed about the precise nature of these and has produced no written statement of what is intended, although in February, Raymond Procunier, Director of Corrections, told a Senate Committee, "the prison to replace San Quentin will be a lot tougher a lot more stringent."

However, we are informed by Jerry Beavers and Thomas Tanner of the Legislative Analyst's office that the plans are in fact far along. They disclosed that there would be two new maximum security prisons initially, 400 beds each, for "problem inmates." These units would cost approximately \$12 million apiece. The new institutions would be small "prisons within prisons." They would be "more secure than Soledad," with double instead of single fencing.

Thus the budget request for preliminary planning is the first step toward a vast extension of the long - term maximum - security lockup and segregation of what the Department is pleased to call "problem inmates" -- a term elastic enough to encompass the political dissident, the nonconformist, the leader of an ethnic group.

The budget, including \$150,000 specifically approved for planning new maximum security prisons, has now passed the legislature. In the final stages of the budget debate the Legislature exacted a requirement that the Department of Corrections submit monthly reports on the progress of the plans. This requirement will become meaningful only if concerned people inform themselves of the content of the reports.

We urge your readers to write their state legislators and to Assemblyman Willie Brown, Chairman of the Ways and Means Committee, to ask for details of the monthly reports and to vigorously oppose capital expenditures for these maximum facilities.

JOHN IRWIN
PAUL JACOBS
JESSICA MITFORD
JAMES SMITH, ESQ.
FAY STENDER, ESQ.

Dear Prisoners' Union

Recently, I requested the privilege of visiting a prisoner at San Quentin and was denied on the grounds that the prisoner and I are not friends of long standing. To my knowledge, this young man has no other visitors, and even if he did, I do not see this as a valid reason for denial of visiting privileges.

This particular prisoner will be transferred soon, I have learned, so it will not make any difference in this case that a visitor was denied, but I feel strongly that what seems to me to be an arbitrary and rigid rule should not be allowed to dictate the depth or quality of a new friendship, especially since this may be meaningful in terms of helping to rehabilitate the prisoner.

If there is anything you can do to help soften or relax or re-evaluate this rule, I am sure it will be deeply appreciated by many prisoners and their friends.

Sincerely yours,

Dorothy Mullin

...COMPLETE INNOVATIVE CHANGE

Senator Nicholas Petris
Sacramento June 30, 1972

Dear Senator:

Thank you for your statement and outcry about the undercover work which took place to frame Dr. Frank Rundle and the injustice done to Tony Pewitt.

We have met Dr. Rundle on several occasions here in Monterey and can only say that California has lost an extremely capable, sensitive and brilliant psychiatrist-who was, indeed, trying to serve the needs of prisoners, despite continued opposition from prison personnel.

It is quite plain that the long-overdue investigation of this "tip of the iceberg" thing at Soledad prison is due. And it is only the tip. I have attended many trials in support of prisoners, have seen the shackles, observed the "objectivity" of judges when it comes to prison treatment and the neglect of prisoners.

Thorough investigation of the great power the CCOA has over the lives and deaths of men is imperative. The question of long incarceration in huge institutions is well documented as being a failure.

I would like to suggest that Calif. legislators no longer think of prison affairs as beyond their constituents' comprehension or interest. In fact there are many of us who demand that legislators take the responsibility for complete innovative change in the present depersonalized and harmful system. Massachusetts is a good example of progressive action. Perhaps

you could borrow some ideas from this state and others who are going through this process.

The question of the abuse used by the Adult Authority through the Indeterminate Sentence should be thoroughly explored, plus the disgraceful sub-minimum wages earned by the prisoners. None of these issues if corrected will mean much unless the caliber of personnel is highly upgraded from a punishment concept to real rehabilitation and humane treatment.

"To protect society" can no longer be the excuse to warehouse men in huge bastions of misery; people such as the governor, wardens and the chairman of the Department of Corrections mis-judge society's awareness and intelligence.

You have my complete support to do whatever necessary to change California's decadent prison system.

Yours sincerely,
Victoria H. Plaisted



The Willing Pen-al Pals
Take the time to help.
Fifteen minutes out
of your week to
show we haven't
forgot the men and
women incarcerated

I WOULD LIKE TO WRITE TO A
PRISONER

NAME _____

ADDRESS _____

CITY _____

send to: Prisoners' Union
1345 7th Avenue
San Francisco, Ca.
94122

Freedom to Breathe

A shower fell in the night and now dark clouds drift across the sky, occasionally sprinkling a fine film of rain.

I stand under an apple tree in blossom and I breathe. Not only the apple tree but the grass round it glistens with moisture; words cannot describe the sweet fragrance that pervades the air. I inhale as deeply as I can, and the aroma invades my whole being; I breathe with my eyes open, I breathe with my eyes closed -- I cannot say which gives me the greater pleasure.

This, I believe, is the single most precious freedom that prison takes away from us: the freedom to breathe freely, as I now can. No food on earth, no wine, not even a woman's kiss is sweeter to me than this air steeped in the fragrance of flowers, moisture and freshness.

No matter that this is only a tiny garden, hemmed in by five-story houses like cages in a zoo. I cease to hear the motorcycles backfiring, radios whining, the burble of loudspeakers. As long as there is fresh air to breathe under an apple tree after a shower, we may survive a little longer.

ALL TOGETHER NOW!

cont from pg 3

Now is the time for all of the People's struggles (grass roots and long time organizations) to stop playing the establishment's game. By virtue of each collective group's fight for their singular needs, a coalition is imperative. Many of our goals and demands are rightfully similar. All of our impulses that lead to protest are the same. Every victory and liberation gained turns our energy into power; a power that must be shared if our struggle for change is to succeed.

Now is the time for the many factions fighting for change and reform to stand side by side. We must remember the issues and respect each others needs. We must remember the dead and the living dead. We must work for change and not inhibit change. We must love and not envy the efforts of another action group. Power to the people means power to all of the peoples' collective struggles.

J.D. Richardson

FIX IT

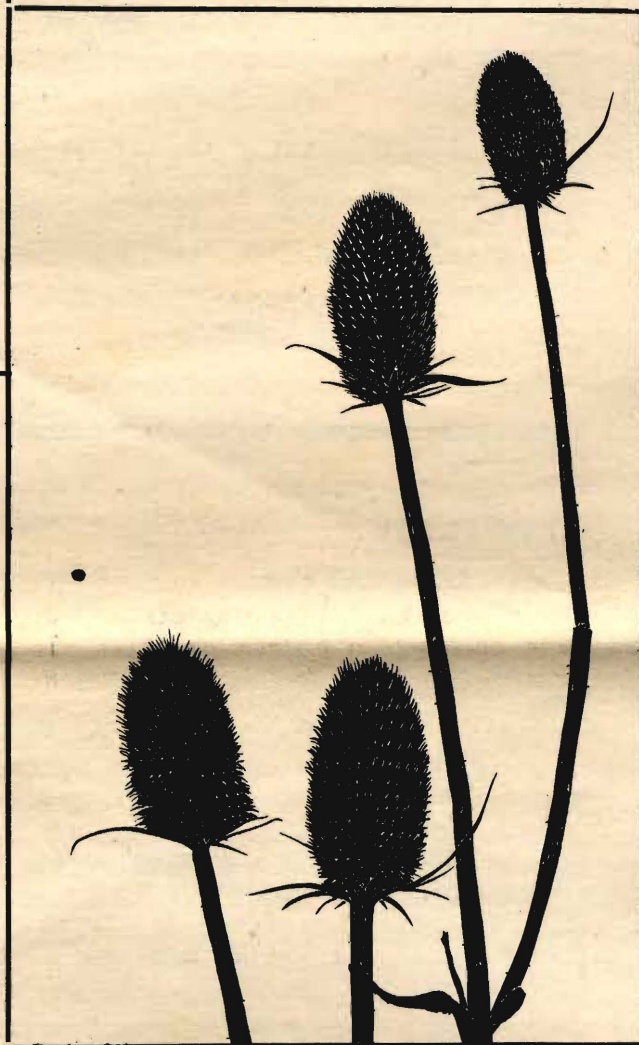
Change is a phenomana that has been taking place since the beginning of time. And I can think of nothing that has meet more resistance. You take a fetus and watch it grow until it has reached the confines of its prison and it will resist the expulsion into an environment that is both alien and to it hostile; hostile because change is necessary for survival.

You resist breaking a hundred dollar bill because you know that it will then be spent and your security is threatened - a security that will always be threatened and will be taken from you the very minute that you cease to struggle.

If you were to write an equation about change it would be something like this: security plus apathy equals aquiescence; which is resistance to change. Survival plus struggle minus apathy plus concern equals the ability to change.

The ability to change is only the first step of many steps. The first one being get off your ass and start educating yourself as to your needs that will equip you in your struggle for change.

cont to pg 16



ALL OR NONE

cont from pg 5

may spend the rest of her life in and out of prison. As long as the state can discourage people from caring about prisoners, they will have total and absolute control. Eliminating the competition has been an historical way of making sure one has absolute power. The state has a system of political and economical parasites, people who are totally supported by tax dollars, earned by working within the prison system. So the system must program a woman (or man) to return to prison, rather than the community in order to keep it going.

From the minute she is arrested till long after she is on parole, a convicted female is slowly and subtly being conditioned to thinking that she has little or no identity or self-worth. She cannot assume responsibility for any of the decisions that must be made about her life, yet she is held, by law, responsible for her actions. While in prison she becomes totally dependant on others for survival in the physical sense. This changes a woman in a lot of ways. It contributes to the already growing

feelings she has of frustration, bitterness and inadequacy. Soon, the female felon begins to feel that the only place she does belong, she does feel secure in, is prison.

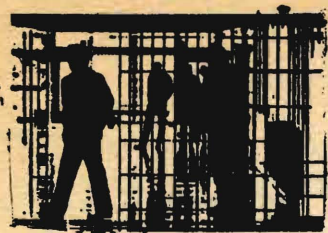
When a woman is released she is given \$68.00, a pat on the back and told to be successful on parole. Out of that money she must pay for her transportation back to where she came from and that leaves her with very little money on which to survive until she finds a job. If a woman were allowed to have gainful employment while in prison, for which she would be paid a wage comparable to that on the outside, she would then be in a position to assume certain responsibilities. She could send a few dollars home to the support of her kids every month, she could save money with which to build a new life upon release, she could pay for college courses offered by mail for herself and other things that are not part of the state regular 'rehabilitation' programs at this time.

Convicts need not be the burden to tax payers that they are at present. Yet, if these things were changed and minimum wages were paid for the work they are forced to do, the tax payers would soon find out that the bulk of the tax monies spent on the prison system in this state goes to the salaries of the keepers, the guards, the doctors and so-called therapists that are the parasites of the system. For the same paid job position that I held and was paid \$6.00 a month in prison, the male convict who holds the same position in San Quentin is paid \$26.00 per month. His job is no more complicated or vital than mine was.

In a time when the words 'political prisoner' and 'discriminate injustice' are found so often; in a time when there is so much attention and energy being focused on prisons in general, it is difficult to understand why none of it is directed toward the women at Frontera. It seems that just because their rebellion or rejection of the life damage that the state is inflicting upon them has not been a violent or bloody one until now, people out here don't think that their struggle is a real or valid one.

Our sisters in prison have been struggling for a long time against the untruths and halftruths that the media has projected about them. Too many of my sisters out here in the streets, who have perhaps spent a night in the county jail once, are too willing to form support groups for the male folk heroes of the prisons today, totally ignorant of the women's struggle inside prison and on parole. They go around mouthing words about women being equal and being liberated from old stereotypes, yet they do not live these words; they still find men to be of the first order of importance and maybe if they have time or energy left they will someday find out about women in prison. I do not mention this to negate or belittle the brothers in prison and in graves who have taken their stands for all their lives' were worth. I mention it to show that there is energy and love enough out here to go around for all; everyone of us are important or none of us are important.

Mary Vangi



WHY?

To whom it may concern:

I have been in the California Prison System, fourteen, going on fifteen years. The charge, first degree murder. (Date of commitment, 5-12-58.) My first board appearance (parole), 5-65. I have appeared before the board every year since; six times all together. Each time I appear I ask the reason for the constant denial; to which question I am given no answer. I now have five years clean time and I believe that I should be given some consideration.

What I ask of you people is help in finding out why I am being subjected to this prolonged stay in the penitentiary. Please give me some assistance if you possibly can. Thank you.

Yours sincerely,
Robert Weller

SUSANVILLIAN SPEAKS OUT

Dear Paul

Another Shot At The Rehabilitation Myth:

Until recently, this institution had one of the few worthwhile rehabilitation programs in the state. That was a college program which allowed a man to complete an A.A. degree while serving his sentence. The proof of its value lies in the fact that out of all the people who have seriously partaken in the program, not one has returned to prison.

The program served two purposes. First, no one can deny the value of a college degree on the job market. Regardless of the job, the chances of the man with the degree are far above those of the man who has only completed high school, if that. Second, and perhaps accidental, is that while attending classes the man has a feeling of accomplishment. The college program was not a C.D.C. program, but offered by the Lassen Community College. Attendance was completely up to the individuals involved. It offered the opportunity to do something for oneself. Also, it kept the mind active and aware of the world outside.

It seems that this program is falling victim to the ax of the Departmental Priorities though. There is currently no scheduled college program here for the Fall term. We are still struggling to get some classes, but Mr. Trout, the Supervisor of Education tells us that the prospect is a dim one.

The reasons which have come to us via a Mr. Philip Guthrie, of the C.D.C. in Sacramento, are that because of the reduction in population, that such a program is not feasible. (This was told to a Ms. Sigrid Peek of the Sacramento Bee). When Congressman Johnson checked into the matter, he was told that the reason was because the college would not give

letters from "inside"

classes with less than twenty students. A further check by Mr. Johnson revealed that this was not the case at all.

The actual reason we don't have any classes scheduled for next year, is a far different story. The reason is that the staff of this institution will now not allow a man to stay in the institution long enough to complete the eighteen weeks of class. They say it is because this is a camp center and the men must go to camp.

There is only one major thing being overlooked. This has always been a camp center!! In the past, when a man was involved in the college programs, a position on the permanent work crew or a spot in Antelope Camp (within the institution) was utilized which allowed him to continue his education. This could still easily be the case with a little consideration from the staff here. Not everyone is capable of college level programs and not all of those capable are interested. All that is necessary is for the staff to place the thirty or forty men who are in the college program in the permanent work crew or the Antelope Camp. So far, they have shown no inclination to do so.

They do this despite any and all requests from inside and out. There have been several legislators, numerous college officials, concerned individuals, lawyers, instructors, students and others who have written and requested that the college program be given a higher priority. To this date, there has been no reconsideration given to the college program.

I think the whole thing boils down to a matter of values. What is valuable to the man in blue is not necessarily valuable to the department or institutional staff. It would seem that the staff values could generally be counted in dollars and cents, where the man in blue is more concerned with his future as a man and a member of society. While setting a man's "program," the latter is seldom taken into consideration. Often a man will be given (?) a trade which he has absolutely no interest in. Others cannot get any vocational education at all, while still others receive trades which are absolutely useless to them. The latter is one of the biggest problems here. Forestry training which is preparation for camp, is one of the most useless trades there is for a convict. I wonder if there are any statistics which show the percentage of men who ever use that training after they leave prison. Yet, forestry training is the vocational course which receives priority. It benefits only the department. There is nothing in it for a man to use in his future. Neither is there anything in the camp program to allow a man to prepare for a successful future. And yet when a man has served a sufficient amount of time, enough that he is no longer considered to much of an escape risk, he is told by the classification committee that he will fit nicely into the camp program and that it will prepare him for the streets. What they should be telling him is that they want to get a few more dollars from his period of slavery

before his release!

They pull men out of trades and education programs here and send them to camp. If there were such things as rehabilitative programs, they would be exactly the opposite, and would be designed to give a man the chance to prepare himself for his return to society. Under the current priorities, where learning how to chop down a tree takes priority over realistic preparation for the future and academic education, there is no rehabilitation. After all, think of the unemployed men who now are employed by the department. The ones who would be incapable of finding employment elsewhere, and who would not have any job if rehabilitation was a fact.

Prisoner

MESSAGE FROM OHIO

Dear Sister:

Right on, right on - God-damned-on! I haven't been back in my drum for an hour, but have already given your letter, the slip sheet outlining the goals of the Union and the copies of the Outlaw a pretty fair going over. My enthusiasm was such that I couldn't wait longer to get at the type-writer. First, in answer to your question, I got everything. I'm a clerk in the Mail Office and they had damned well better give me everything that comes into the joint with my name on it. Since our sit-down and hunger gig of about three months ago, the mail situation has lightened up, but petty harrasment still continues to some extent, like sending "objectionable" material back if there is the slightest excuse, like a name misspelled, or the number (con-number) omitted. In my job, I'm able to counter a lot of that by making corrections when I can, or raising hell when I can't (more about that latter).

And YES, put me on your mailing list by all means and I most sincerely wish to become a member of the Union. I take it that you have done a number (by the X after your name). At first I thought it was a kiss until I saw it used repeatedly. I'm not complaining, I would have just as soon had it be a kiss .. it's been a long dry summer), and so you're hip to the financial situation of most of us. It darn sure includes me. In Ohio, we make \$12.00 per month (a recent "progressive" step) and I already blew this month on such foolishness as toothpaste, shaving gear and the like. So do the thing with the sponsor, and next month I'll juggle the budget and send along \$4.00 either for re-imbursement or to be used to sponsor someone else. I should also mention that if times are good my family sends me a carton of butts at Xmas but that is the extent of my income.

As far as articles that relate to the Union, I assume you mean that relate to the principles for which the Union stands and I'll get on the

case. Beside that, I write myself (although my English is weak and someone will have to rearrange my commas) and I know the score, at least here in Ohio and if you'll give me an indication of what you are most interested in this far out in the boondocks. I'll give you a straight picture. The system here so closely parallels that of Calif. that it's amazing. However, our struggle doesn't really have a voice, at least not a knowledgeable one. We have a few people who are interested, but they are not organized and they come on like so many voices crying in the wilderness. Considering the organization with which you're connected I know you dig the need for a solid front ... and not just from inside. Right now, the Ohio system is in a turmoil, nine-tenths of the population of the pen at Columbus is up-tight, locked in their drums because of "unrest," caused by, according to Warden Cardwell (An ex-highway patrolman appointed after the riots of 67 at the OP) the prospect of the move of the inmate population to the new Southern Ohio Penitentiary at Lucasville. Bullshit. Caused by just the things the Union is dedicated to fight, economic exploitation, indeterminant sentencing, and the denial of human and civil rights. There have been over twenty separate acts of violence at the OP in the last month, resulting in the deaths of five inmates. A group of approximately 100 inmates those most outspoken against the inhumane administration have been brought here to Chillicothe (an old Federal installation) and housed in close segregation in the block which the Feds used to use for a hole. The riots of '67 resulted in the relaxation of the mail regulation (to some extent) and raising the monthly wage from \$4.00 to \$6.00, these were not immediate changes either, it took about three years to accomplish them. Also the Governor appointed a "committee" or "task force" to investigate the system. Jesus, what a put-on. They spent months rapping to the wrong people about the wrong things, but even then, in the report they submitted to the Governor were some halfway decent recommendations, none of which has been followed. After a state-wide sit down strike about three months ago, some changes were made and some tentative agreements. The pay was upped to \$12.00 per month (for 200 working hours), "personal hygiene" rules were slightly relaxed, i.e. hair an inch longer, sideburns and beards of the goatee or Van Dyke type. Food service was slightly improved (they wash the plates a little better). Major changes? There aren't any.

In a recent "rap session" between the convicts at Chillicothe and State Sen's Bowen, Gray and one other member of the legislature they told us they were powerless to alter the completely arbitrary methods of the Adult Parole Authority, that the Governor was also powerless and that "the parole authority could not be replaced by any legal method in Ohio" ... if you go for that, I have some swamp land and a bridge I want to unload. "What we are doing," the able Sen. Gray informed us, "is increasing the

membership of the board from seven members to eleven." The only thing I can see coming of this, is the old dogs teaching the new ones old tricks. So it goes...on and on and on.

You will shortly be hearing from other dudes down this way, because it is my intention to circulate The Outlaw and to make Xerox (bootleg incidentally) copies of the Goals of the Prisoners' Union and see that they get circulation. I have much more to relate, if you care to hear it, only cutting down now because I intend to fly this and postage is expensive. A word from you, and I'll start work on articles of a specific nature highlighting situations existing here in the Ohio system, trying to send along as proof Admin. Directives and the like. Also will see that you get a copy of the CCI News, the Institution newspaper, but it, like most of them, is an admin-organ highlighting the dandy lot of today's prisoners. If nothing else, you might find use for it in your washroom.

Meanwhile, before closing, I'd like to get personal again for a minute. I saw a bit in the Outlaw about having folks write to prisoners. Groovy. Can you fix me up? Better yet, if you're not busy (too, I mean) can I write to you? I mean aside from Union business? Either way, at any rate, as I said in my first letter, I have been up-tight for nigh on 12 years and the postman has long since quit coming. No girl-friends, friends of by-gone days are gone, mother writes when somebody dies and you sent me the papers, and took time to write a personal note (for which, many thanks). In case somebody wants to know, I'm 37, white (but no fanatic about it), tall, thin, hip and angry. I read, write, paint, contemplate my navel and bitch. In case the color of the envelope in which this reaches you should cause you to think otherwise, I like women exclusively. I'll write to anyone, black, white, etc. who takes the time to tell me one.

Till I hear from you, little sister, I'm done with it. Keep on trucking and doin' the good thing.
Peace, Love, Unity

PRO & CON

Dear Connor:

In answer to your last letter let me take first questions first and give you my personal conclusions and opinions.

First as to the "Psycho-Surgery." To my knowledge (and I work in the hospital as a records clerk) such activities do not take place here. Things such as Anectine have never been employed here, there are no facilities for such things as shock treatments and I don't think that our Chief Psychiatrist permits it.

As for Prolixin, it is only administered in severe cases of psychosis and especially where there have been a series of self inflicted wound incidents. You may recall the newspaper articles our Chief Psychiatrist was featured in (some time in April or May 1971 in the Sacramento Bee primarily). He is a very sincere per-

son, highly critical of the lack of proper treatment and I have never seen him permit any medication to be misused.

Moreover because I was curious about the stories I had heard on such things as Prolixin I did a deep reading on the drug and it's effects on persons under various conditions. It appears to be dangerous only if improperly used (too much for too long) and other wise only seems to tone down a man's violence potential. Since I have been here I have not been aware of any mis-use of it and have observed several men who have gone through the series (with their consent) after which they were no longer constantly on the verge of violence although they seemed perfectly normal in all respects. They were then generally paroled thereafter. This is not to say that such a drug is beneficial, I don't know, but I do know that several guys I have known from other joints who were definitely anti-social for years after the series of injections (about 1.5 cc every two weeks) soon calmed down and appeared rational and reasonable.

One example of our Chief Psychiatrist's successes particularly impressed me. The case concerned a young black man who was extremely hyperthyroid and extremely quick on the violence trigger. The Doctor correctly guessed that it was due to a hereditary thyroid condition his whole family had suffered, and with permission, committed a thyroidectomy. Thereafter the young man turned out to be a very intelligent, personable young man and the Doctor took him back to the board, explained that he had not been responsible for his criminal actions because of the condition and the board has since released him. The man left here with his intelligence enhanced and a job awaiting him that would do credit to a college graduate.

It may sound like I am making testimonials but that is far from the case. I am giving credit where credit is due and trying to protect you against subjective opinions or misinformation. What I say here applies to this institution only, but by the same token what is done is sorely underdone.

What is desperately needed here and probably all the rest of the Joints is more opportunity to freely pursue productive, creative outlets of the individuals choice. By that I mean that there are just the usual limited amount of make work jobs and sorely limited educational and vocational training.

I've tried any number of times to get various groups approved or permission to pursue such things of personal interest and involvement as celestial navigation clubs (to self teach from courses that are available free) boating clubs, boat building clubs, inventors groups, product design groups, how-to-start-your own business, etc., where men were deeply interested and would have pursued the avenue of interest with great vigor, only to be told that the club or group or idea was not "custodially feasible."

A recent such turn down involved a request for permission to send for or buy and own cassette tape

cont from pg 2 -

If, as a union, one has enough money to spend (enter the economic realities of labor law), one can appeal adverse Board decisions to the courts and thereby enter a forum less subject to political control (although many would argue that the courts are run by political puppets anyway). And while this last point may be very true, it is important to note that the courts still are less subject to politicians' desires than is the Board.

The U.S. Constitution requires that any area of law not regulated by the Federal government be left to the states to regulate for themselves. Whenever Congress wishes to enter a given field by passing a relevant statute, it must find a basis upon which to do so in the Constitution. The claimed basis of Federal authority in labor law is the Commerce Clause (Article I, section 8, clause 3).

Under this Clause the constitutional power of Congress to regulate in the area of labor law and other fields is very broad indeed. One of the most fundamental and strenuously protected things in American jurisprudence is the flow of commerce from state to state. Anything that impedes that flow had better have a damn good reason for so doing, or else it simply will not be permitted. Many state statutes have been declared unconstitutional by the U.S. Supreme Court for hindering the flow of business within the country. Since strikes and other economic tactics typically used by unions certainly do hinder interstate commerce (for example, the recent Longshoremen's strike), the Supreme Court has ruled that Congress, and not state legislatures, shall have sole authority to pass laws regu-

lating labor. Based on the power granted by this Clause to regulate commerce "among the several states," Congress has stated in enacting labor legislation that its purpose is to eliminate from the channels of commerce those obstructions caused by "labor disputes."

The particular measures which have been adopted by Congress have been claimed as appropriate (in terms of the scope of their coverage) within the meaning of the "Necessary and Proper" Clause (Article I, Sec. 8, cl. 18), which grants Congress the power to make "all laws necessary and proper" to carry out the regulatory powers granted by the Constitution (in this case, the powers granted under the Commerce Clause).

Federal law dominates, i.e., pre-empts, conflicting state legislation by virtue of the Supremacy Clause (Art. IV, cl. 2), which states that laws passed by the Congress pursuant to its constitutional powers are the "supreme law of the land," binding uniformly in the land "anything in the Constitution or laws of any State to the contrary notwithstanding."

Since the primary source of Federal regulatory power lies in the Commerce Clause, it necessarily follows that Congressional action will be limited by the interpretation or construction placed on the meaning of that clause. The case of *Gibbons vs. Ogden* (U.S. Supreme Court, 1824) defines "commerce" as undertakings "in the advancement of society," "labor, transportation, intelligence, care, and various mediums of exchange." And, "the subject, the vehicle, the agent, and their various operations become the objects of commercial regulation."

By 1895 (*U.S. vs. E.C. Knight Co.*,

U.S. Supreme Court) the concept of "commerce" had notably shrunk (in an era of laissez-faire, live-and-let-live business activity) by a Supreme Court distinction between "manufacturing" on the one hand and "commerce" on the other. "Manufacturing," the Court said, was an activity carried on exclusively within one particular state and hence was an activity carried on exclusively within one particular state and hence was not subject to the authority of Congress as no interstate activity was involved (and therefore could not be impeded), as opposed to "commerce" (interstate, and thus subject to regulation). The modern return to the breadth of the *Gibbons* concept, which has accelerated since the 1930's, marks also the most relevant period in the expansion of Federal activity in the field of labor law. The particular distinction between manufacturing and commerce was obliterated in *Wickard v. Filburn* (U.S. Sup. Ct., 1942) and the present challenge for lawyers would appear to be discovery of some area of life which is immune from the claim that it "affects interstate commerce." TO BE CONTINUED NEXT ISSUE.

Closing Paragraph:

We are interested in feedback on this series. What you think of it, how often and seriously you read or intend to read it, and ways in which you think it can be improved are all things we'd like to know about. Also if you have any questions on labor law, don't hesitate to ask them. However, in the interest of efficiency, please restrict your questions to material already covered.

Address all correspondence regarding this series to Edward Blintz, c/o The Outlaw, 1345 7th Avenue, San Francisco 94122.

Edward Blintz - law student

PROJECTION

cont from pg 6

At the hearing the APA requires that "any interested person or his duly authorized representative, or both, have the opportunity to present statements, arguments, or conditions." For example, the Prisoners' Union will be able to argue before the Department of Corrections and the Adult Authority in behalf of its membership and that they must recognize the Union as a representative of prisoners. Additionally, if they adopt unacceptable regulations the Union may appeal them to the courts.

Once the regulations are adopted they must be made available to the general public and they must be kept current. This means an end to secret regulations, since anyone can look to see exactly what the regulation says. You will not have to rely on what an administrator says the regulation is ...only to find that he has changed his mind two weeks later.

If you are accused of violating a regulation the APA requires a hearing with all due process guarantees before any punitive action can be taken against you. The APA also requires that the charges must be specified, in writing, and in a clear concise manner so that the accused may respond on the basis of the accusation. If the accused wishes, he may have an open hearing and he may be represented by counsel. He may

also have the names and addresses of all potential witnesses and he may get copies of any pertinent medical and investigative reports. At the hearing the accused will be able to cross-examine witnesses and present a defense to the charges. Ultimately, if the hearing officer finds the accused 'guilty,' the accused may appeal the decision to a court for a complete review.

We of the Prisoners' Union salute Judge Gallagher for his enlightened decision.

PRO & CON

cont. from pg 14;

players. Not only for the value of the music of your choice but more important, to take advantage of the hundreds of courses now available in this easy to learn medium. We could have had a tape lending library in our regular library where cassettes could be checked out for nominal periods containing everything from languages to courses in accounting or math or you name it. The proposal was refused by custody on the grounds that there was not enough manpower available to censor the incoming tapes. (Try that reason on for logic and reasonableness).

So that leaves half of twenty-four hundred men with nothing to occupy the majority of their waking hours with except potentially illicit adventures in everything from dope to sniffing glue to pressure groups to

knifings to homosexual adventures since it goes without saying that all of this bottled up energy is going to find an outlet. So no productive, creative and interesting outlets are available for the most part (unless you're a freak for license plate making) and the negative activities all become the order of the day.

Under separate cover I will be sending you a copy of a critique I once wrote on the problems inherent in this system and a proposal for an alternate that you might find interesting. We need more freedom to pursue avenues of creative and productive things of our choice and more open contact with the outside world. We need to be able to have a voice in our community in which we assume part of the responsibility for rule making and conduct (ala Walla Walla Washington) we need to treat adults like adults instead of trying to force them to become juveniles by the juvenile treatment. Anyway, so much for now, more later.

Peace, Freedom & Unity

Convict - San Luis Obispo

P.S. We need more lobbying and popular vote getting to back up our penal reform minded legislators. If necessary "truth" squads or "awareness" squads to hip the voters and get them to put their name on referendums etc.

FIX IT

cont from pg 12

When you see the need for change in an area take an inventory of your assets (Intellectual, emotional, monetary, time you can give & give & give & give & give).

Give without reservation or thoughts of personal gain.

There is no greater feeling on earth than to fix something and watch it work. When you have done this you have brought about change.

Resistance to change is an absolute, "untill the change has been forced upon us and ceases to threaten our cacoon then and only then do we accept it."

So brothers and sisters (people, human beings) stop being force fed. 'Unprison' yourself and ask why, which is your inalienable right any-time, anywhere and demand an answer. In my heart, my head, my physical being, I like the idea of being 'unprisoned.'

Willie Holder

the return of the "outlaw"

The *Outlaw*, the Prisoners' Union's newspaper, is back in prison. This time the *Outlaw* was convicted of being another relevant voice of convicts. The Judicial System has sentenced the *Outlaw* to the State Prisons at Soledad, Vacaville, Jamestown, Susanville, CMC, with more coming on the way.

Welcome back *Outlaw*!! It's really nice to read you once again. Seems you are a recidivist for didn't you first start at San Quentin in 1968? Didn't the administration try to stomp you out then? How did you get in this time?

...You say they let you in?! That can't be for real. They never would let you in. You had better be sure for you only may make it as far as the mail room and no farther.

...I'll tell you how to find out if you're really in. We'll mail a note to tell you we received the paper.

NOTE

I received your *Outlaw*:

NAME _____

NUMBER _____

JOINT _____

Mail to Prisoners' Union, 1345 - 7th Avenue, San Francisco, Ca. 94122

ALL

THAT IS NECESSARY

FOR THE FORCES

OF EVIL TO WIN

THE WORLD

IS FOR ENOUGH

GOOD PEOPLE

TO DO

NOTHING



Prisoners'

Union

Goals:

We demand a termination of:

- I. **ECONOMIC EXPLOITATION**
- II. **THE INDETERMINANT SENTENCE**
- III. **DENIAL OF CIVIL & HUMAN RIGHTS**

1. Employment without a reasonable wage.
2. Employment without workers' compensation or benefits.
3. Refixing of sentences.
4. Delay in Sentencing.
5. Sentencing with irrelevant, scientifically invalid, unjust, arbitrary, or whimsical guidelines.
6. Revocation of parole without due process.
7. Brutal treatment on the part of guards and prison staff.
8. Racism.
9. Denial of basic civil rights.
10. Inferior, incompetent, and insufficient medical treatment.
11. Arbitrary, indefinite punitive segregation.
12. Inadequate educational and vocational programs.
13. Forced participation in inhumane and ineffective "treatment" programs.
14. Restrictions on prisoners' efforts to litigate.
15. Denial of full civil rights upon release.

WE MUST UNIONIZE !

MEMBERSHIP FORM:

Prisoners' Union - 664-4315
1345 7th Ave.
S.F., Ca 94122

NAME _____

ADDRESS _____

CITY _____ ZIP _____

PHONE (home) _____ (work) _____

TYPE OF MEMBERSHIP:

Convict _____ X-Convict _____
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UNITY

is the
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OUTLAW

Journal of the Prisoners Union

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