

The Abolitionist

PUBLISHED BY CRITICAL RESISTANCE, OAKLAND CHAPTER

ISSUE #1 - SPRING 2005

An Open Letter to Fellow Abolitionists

Dear friends,

When a prisoner suggested we entitle this quarterly newspaper *The Abolitionist*, we couldn't help but revel in the title's historical significance. The original *Abolitionist* was a monthly journal of the New England Antislavery Society that agitated for the immediate abolition of slavery back in 1835. Not only does this name connect the enduring racism of slavery to the prison industrial complex; it demonstrates how a newspaper can act as a vehicle of liberation.

We envision this newspaper not only further exposing and criticizing the prison industrial complex - this modern form of slavery and social control - but also collectively organizing and positively asserting our will to live in a just, free world. Like our predecessors, our task is to abolish an

between incarcerated peoples? How can we include more people on the inside with writing, editing, designing or direction? How can this paper be the most effective at creating relationships that work to create a just world that doesn't need prisons or policing to deal with its problems? We're hopeful for the possibilities that this paper holds for creating dialogue, generating ideas, pushing change, and wrestling with these issues together. *The Abolitionist* is yours as much as it is ours.

The Abolitionist

The Abolitionist will educate prisoners on the subject of abolition instead of "reform," because many of us don't believe prisons can be "reformed." - response to CR prisoner survey

The idea for this paper came from members of

Critical Resistance who were interested in continuing and broadening the one-on-one conversations with our brothers and sisters inside through letter writing and phone calls. This quarterly newspaper was envisioned as a forum for prisoners and allies to discuss solutions and strategies to abolish systems of prisons, policing and social control. We want to explore ideas with you like self-determination, violence prevention, alternatives to cages, human rights, education, resistance, & more. You know firsthand the effects of prisons, policing, and social control: the isolation, institutional violence, racism, classism, sexism, decreased safety, and deportation - and we look forward to creating practical ways of dismantling these systems.

Abolition - the political vision that seeks to eliminate the need for prisons, policing, and surveillance by creating

sustainable alternatives to punishment and imprisonment - is new and sometimes challenging for all of us. But it is a practical, realistic vision that says: "No, we won't live like this. We deserve more."

Who We Are

We are a small collective within a larger group of Critical Resistance organizers in Oakland. Neither Critical Resistance nor *The Abolitionist* is sectarian in its political or religious beliefs. We draw from a range of traditions of resistance and focus on abolishing the prison industrial complex (PIC) by working in collaboration with all people to successfully

eradicate such systems of violence. Critical Resistance is a national, grassroots, member-based organization that has 10 chapters across the country. Every chapter works on a local level to end the PIC by challenging the belief that caging and controlling people makes our society safe. We believe that basic necessities such as food, shelter, and self-determination are what make our communities secure.

CR members come from a wide variety of backgrounds - former prisoners, family members of prisoners, teachers, students, activists, and community members - and we welcome new members. If you, your family or friends are interested in becoming a CR member or are interested in helping to produce *The Abolitionist*, please get in touch with us.

Next Issue

Abolition means making concrete commitments and taking practical steps in our struggle against the PIC. Submissions for the next issue should focus on ideas, strategies, and models to build toward the goal of abolition.

Some possible article topics are:

- How could society deal with someone you know who has harmed another person - without relying on cages?
- How could people in a neighborhood stay safe without relying on police? What would it take politically, socially, and economically in our communities to create "police free" or "harm free" zones?
- Historically, what do you think were the social, economic, and political factors that led to such widespread use of prisons?
- Whose interests are served by the PIC today? Considering the political capital and the powerful institutions underpinning "tough on crime" policies, how as communities can we reverse these trends?
- What can a society, a neighborhood, or an individual do to prevent harm even while our society and government institutions are so violent and unjust?
- How can we work on alternatives to the PIC while inside prison? How can our daily practice reflect the change we are trying to create?
- What questions do you have about alternatives and about abolition?

We welcome your thoughts on themes for future issues, ideas for getting more involved, and the paper's direction. Most of all, we look forward to beginning this dialogue with you.

In solidarity and struggle,

The Abolitionist Editorial Collective



institution that has been deemed "unchangeable" by many.

Critical Resistance Oakland's editorial collective is excited to present this first issue of *The Abolitionist* and is grateful to all of you who filled out surveys, submitted pieces, and corresponded with us. Each member of the editorial collective read every submission, and while we do not have the space or resources to print every voice, each of you has informed our first attempt at compiling *The Abolitionist*. Your energy and spirit of resistance moves this paper, and us, onward. We look forward to deepening such relationships, and connecting with those of you who we don't yet know. All are encouraged to write in with submissions, questions, critique, issues you struggle with, and love.

Launching this newspaper has been challenging. We continue to grapple with questions like: Is a paper the best way to spark ideas, debate, and increased organizing around abolition? How large should we start? How much editing changes the content of a submission or an author's voice? What else can we do to create connections with and

The Abolitionist
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Real Playaz

Empowering individuals and uniting communities

"The biggest battlefield is dealing with the minds of youth."

A former drug dealer, a recovering addict, and an ex-felon who's been on both sides of the gun, Rudy Corpuz works with a youth violence prevention program called the United Playaz Youth Program. Rudy was interviewed by The Abolitionist.

United Playaz is not talking about the type of players that have a lot of females or jewels and long fancy coats – we're talking about players who are doing positive and productive things for their

much influence they could have, we started getting involved in a lot of activist stuff: Proposition 21, Martin Luther King, Jr. marches, the AIDS walk. We rallied, got involved in food banks, cleaning and feeding our own communities, grassroots fundraising.

A young lady named Billie Williams was part of our program ten years ago; today she runs her own youth program. She still comes back and takes kids on college tours. We have a brother in our program who was off the hook. Now he's a preacher. But then there are a lot of people who fall through the cracks too. Some chose to go back into that lifestyle – and the ultimate consequence for that is death.

I didn't use to know any of this. I was walking around with blindfolds on in the dark – not knowing why we are in this condition. Why are we starving? Why are there people lying out on the streets when the White House has got hella empty rooms? This system is designed for us to fail. A lot of cats don't know their real histories. And now that I know, it's my responsibility as a man to serve these kids the truth.

I work in a couple of programs up at San Quentin. One is called The Trust. Lifers train guys who are going to be in the pen for one to five years. They teach them everything they never learned about how to be a man, a father, how to raise kids, how to talk to kids, how to respect women, how

Why are we starving? Why are there people lying out on the streets when the White House has got hella empty rooms? This system is designed for us to fail.

communities. That's a real player. We unite people to do something in this vicious world.

Our program originated back in 1994 at Balboa High School during a racial riot. Myself and some other adults asked two of the groups fighting if they wanted to sit down and talk. Both of the groups were tired of seeing people get killed. When we sat them down there was a lot of animosity. But then we heard why – it was deeper than just somebody threw something at somebody or people bumped into each other. It was the frustration, the stress that these youngsters had. You got 1,500 people in that school and at lunchtime you can't go nowhere or do nothing...everybody just looks at each other. Eventually somebody's going to jump off. Fighting was the activity!

A lot of what causes youth violence is poverty. A lot of youngsters don't have jobs, are suffering, and come to school hungry. How the hell are kids going to learn when they can't concentrate? How are you going to learn in school when you just saw someone get smoked in your neighborhood – you have to jump over bodies that are bleeding – blood is going down the drain and thirty minutes later you're at school thinking about Math or English?

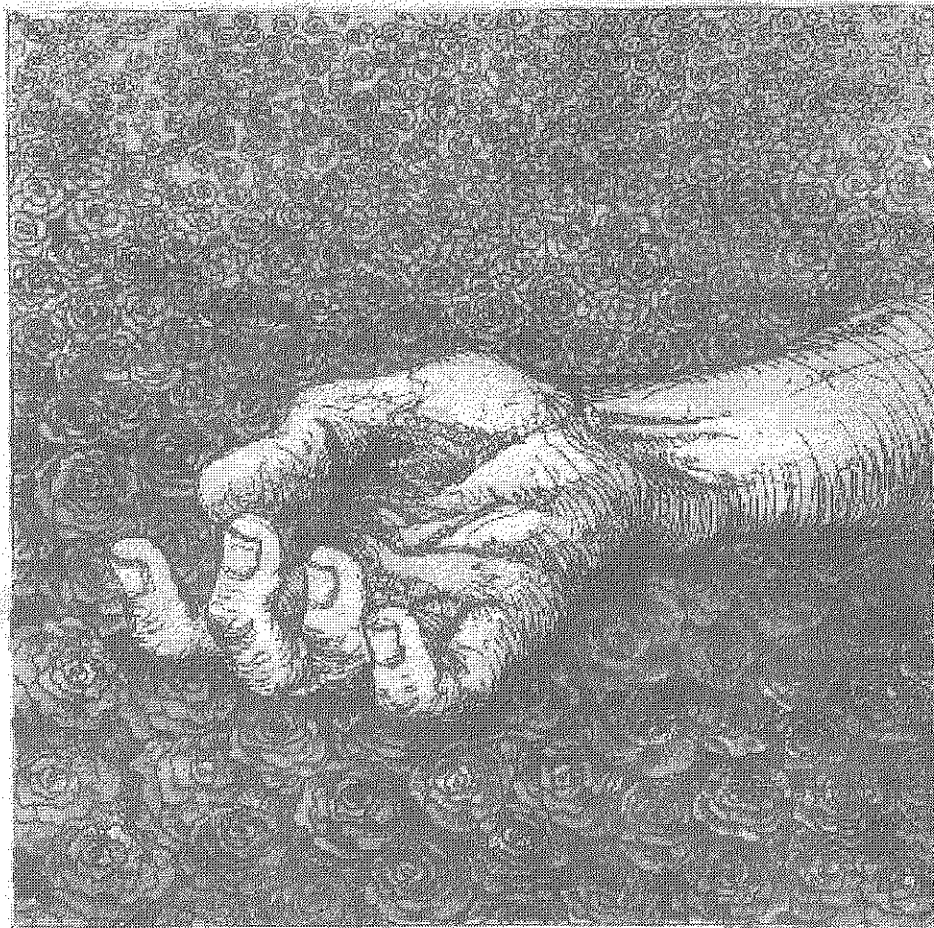
People talk at youngsters – but they don't really listen. Once we really paid attention to what these kids wanted, they responded and reciprocated by participating and sparking the minds of other youngsters. They started working together and it stopped a whole lot of violence. Now not everything stopped! But a lot of the kids who had been before could stand away from it now. And that saved some lives. When youngsters saw how

to deal with anger. Then after five years when they get released and come out of the gates, they're being bridged back to the community where there are programs like ours who will take them and help brothers out. We also put on shows in the joints. In between the musical acts we say that is what we do and if you're coming home this is what you need to do because

we need brothers on the inside to help in this war. Teachers, preachers, counselors are trying to work with these kids and a lot of them are not figuring it out. In order for you to save a thug you have to have been a thug. We need the guys inside – sleeping giants – to come home so they can work with youngsters.

The school systems, the media, the prisons are all part of the same team. The judge, public defender, District Attorneys – they're all part of the 'Fuck you' crew. We live in a hard time, and it's going to get rougher. We can't depend on the local government or the State – we have to depend on our communities and ourselves. When the gas is turned off, the electricity is turned off and the water shut off, the first person you're going to see when you walk outside your house is your neighbor. So you need to make sure that you have some type of relationship with your neighbors.

We've been waiting too long and asking for people to give us shit. We need to start helping our selves. We've been knocking on that door for way too long. We just need to kick that shit down; we need to get on the other side of that door where there's enough food and money. The paradox is that our people act like they own shit, representing this turf while they don't own a board or brick on that motherfucking block but are willing to die for it. What we need is something to live for – now.



Prison Gang Politics

BY TRACYE B. WASHINGTON

"I use to think that not to gangbang was a sign of weakness, but now I know better. Making a positive transition in your life is a sign of strength, never weakness..."

—Big Tookie, Co-Founder of the Crips

If there is a progressive prisoners rights movement within the California Department of Corrections (CDC) today, one has to make an exceptional search to locate its body.

purpose: prison gang politics.

Some say that prison gangs were forged out of a need to defend against ethnic and racial aggressions. Some argue that they formed for the very purpose of attempting to maintain an orderly prison environment, and still others say that they were created exclusively as a profit-oriented enterprise. Whatever their conceptual intent, the ideologies that have eventually been adopted and promoted have ignited a divisive flame that surpasses control.

In the years since prison gang politics have been established within the California

authority to smuggle in lethal weapons and illicit drugs to certain prisoners and helping prisoners bypass security checkpoints to attack targeted victims. While some prison guards participated in these acts for the simple sadistic and perverse pleasure of watching men maim and kill each other, some aligned themselves with certain groups based on race and ideology.

For the prison administration, the unrestrained violence provided ample ammunition to lobby the legislature and the office of the governor for tighter restraints on prisoners rights and privileges

won during the 1970s, as well as for more funding for prison construction. And they succeeded. Every year since 1983, another prisoner right or privilege has been revoked. The courts sanctioned these by citing patterns of political, social, racial, and predatory violence. But the gang violence cited by prison authorities was fraught with prison guard complicity. As we have seen during the last ten years, from Corcoran to Pelican Bay to Salinas Valley State Prison, guards instigate, agitate, promote, and sponsor prison gangs, street gangs, and their own gangs. They perpetuate violence within the prison environment for the same reasons as their prison guard predecessors did during the 60s, 70s, and early 80s.

Prisoners must accept the blame for gang violence -- because we have allowed ourselves to be played like puppets on strings. While we suffered, they celebrated, twisting our own ideologies against us. They studied and learned the prison codes

and exploited them to their own advantage. They know that certain political, ethnic, racial and social groups on the prison yard follow a set of policies and guidelines and exploit those rules to force us into violent conflicts. We should not be bound by our own inflexible rules if they now serve

as a detriment to us all -- those rules now advance no realistic cause.

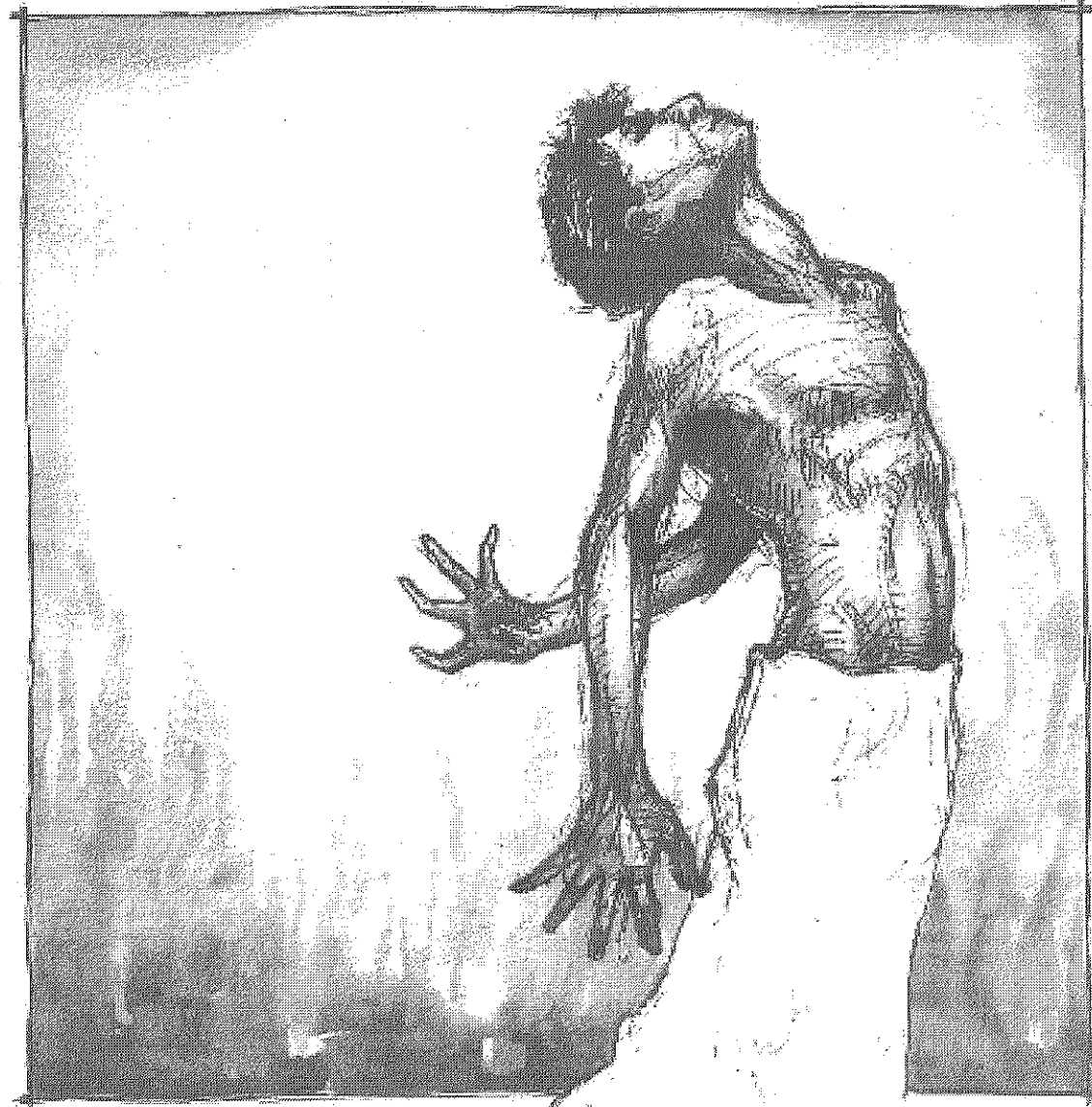
Our disunity has meant that in California, almost all prisoners' rights have been severely restricted and/or repealed since the 1980s. During the last three decades, we have also lost the support of many outside prisoner rights organizations, as well as media access, which had helped keep the public informed about prison conditions.

Today there are almost no conjugal visits allowed for prisoners to maintain healthy family connections. There are no more weights to help keep our bodies fit. We have no more photographs to send to our loved ones. There are no more college programs or vocational trade programs. We cannot receive packages from friends and family. Allowable personal property has been severely restricted, and in some prisons there are complaints of meal portions being cut.

The prison yards have been dissected into small, bare enclaves that serve as mini-battlefields for those who care to venture out on "Gladiator Day," where guards ultimately decide the victory or defeat of the combatants. On the prison yard, we are accustomed to using words and actions to distinguish ourselves and ideologies, but we have yet to prosper from all the bloodshed spilled in the names and views we have pledged so much allegiance to. What we have done instead is brought grief upon our families by depriving them of the additional income, comfort and security that our presence would have brought them. We burden them with our pleas for financial support and we worry and shame them with our ignorance, lack of insight and growth -- all because we are afraid to change.

In order to retrieve all that we have lost, we must unite and form a progressive movement for change. I invite everyone who reads this critique both in society and in incarceration to contact Critical Resistance's national office at the address listed in this newspaper. Let's get this movement started.

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All current and future CDC prisoners benefit from our predecessors, who suffered, fought, and died to establish a Prisoner's Bill of Rights (1976), determinate sentences (1977), and good-time/ work-time credits (1983). This struggle for rights was among the most glorious moments in California prison history. It was a time when the conscience awoke. Prisoners recognized we were in the same boat, suffering from the same problems at the hands of the same oppressors, and that unity -- whether in mass or in small numbers -- was a force to be reckoned with. Spurred by these factors, we were able to submerge our differences, unite and push for change. But, ironically, when our battles were finally won and conditions began to improve these very liberties created other problems that soon escalated into a crisis.

During the mid-1970s, the laws regarding how prisoners could challenge the conditions of confinement changed. If prisoners incurred a wrongdoing committed by prison authorities, they could seek redress through a writ of habeas corpus or by filing civil suit. It was now possible for prisoners to individually challenge the conditions of confinement without needing to organize or unite. And the organizational skills learned during the struggle for better prison conditions, racial equity in staffing and prisoner job assignments found a new

Department of Corrections, many ethnic, racial, social, and political tensions have surfaced. Most disturbing have been the proven allegations that prison guards themselves were complicit in fanning the flames of racism and social division. Charges against them include using their positions of

Submission Guidelines for The Abolitionist

DEADLINE FOR SECOND ISSUE IS: APRIL 15, 2005

The Abolitionist accepts:

- Reproducible artwork (desperately needed!)
- Letters (250 words)
- Short Articles (250-750 words)
- Questions you have about abolition
- Strategies for coming home (jailhouse lawyering or other)
- Useful resources with contact information and description
- Important legal and administrative news
- International, national, and local organizing efforts and prison news

Note that we WILL edit your piece for content, length and clarity unless you tell us not to! If you do not want your piece edited, write a note on your submission indicating that no changes

should be made. In this case, however, it might not be used.

Also clearly note if you want us to print your full name and address, just your initials and city, or to simply have it remain anonymous.

Unfortunately, we will not be able to respond to or publish every submission we receive and will be unable to return them unless prior arrangements are made. What we can promise is that we will read everything that comes in and use it to inform our overall work.

Once again, the DEADLINE FOR SECOND ISSUE IS: APRIL 15, 2005.

Please let us know if you would like to be involved in producing the paper, OR if you have questions about what to

write for the paper.

Also, please forward family members and friends' mailing and email (this option is cheaper for us) addresses who you want to receive the newspaper or who might want to get directly involved in working on it. We are still in the process of securing funding for this project. If you would like to contribute please send money or stamps to: **CRITICAL RESISTANCE/LSPC/ 1904 FRANKLIN STREET, SUITE 504/OAKLAND, CA 94612.**

In solidarity,

The Abolitionist Editorial Collective

Currently CR does not have the capacity to provide legal services, job placement, or housing placement.

Johnson v. California: The CDC's Race Gamble?

Garrison Johnson's lawsuit challenging the California Department of Corrections' practice of segregating reception center prisoners by race raises critical questions on the role of the color line and institutionalized violence in prison. While the outcome itself may not be known until June, many court observers believe that Johnson -- a CDC prisoner who has served for nearly two decades and faces at least two more -- will win. We should begin thinking about how to direct this decision towards our abolitionist goals. This article will also briefly discuss the continuation of the prison media ban in the context of this watershed case.

The case was argued in the U.S. Supreme Court last November, ten years after Johnson first filed in *pro per*. (See *Johnson v. California*, 321 F.3d 791 (9th Cir. 2003) and *Johnson v. California*, 336 F.3d 1117 (9th Cir 2003), Ferguson, J. dissenting from the denial of en banc review). Johnson contends that the CDC practice of double-celling prisoners of the same race in reception centers violates the

Fourteenth Amendment's "strict scrutiny" standard for race-based classification. The CDC has hotly defended its methods, which have been in existence close to 25 years, and favors the *Turner v. Safley* (482 U.S. 78 (1987)) standard, which permits impingements if there is a "valid, rational connection" between the prison regulation and the governmental interest put forward to justify it. If Johnson wins, the CDC will

either have to come up with much better reasons for its current practice, or will have to cease segregating solely on the basis of race.

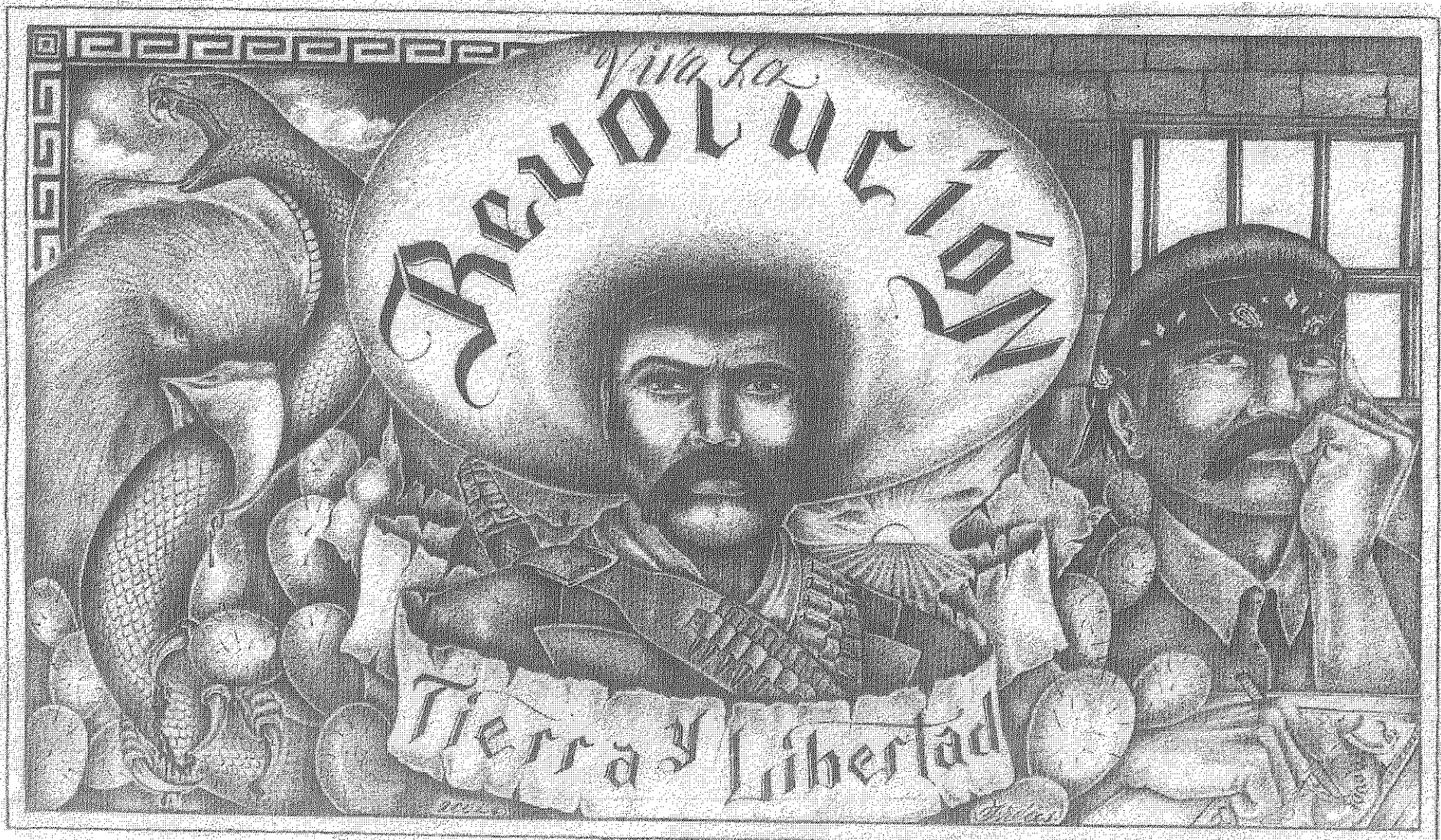
What this case is really about is how the CDC uses race and racism inside prisons to control prisoners. To defend its position on segregation, the CDC has taken a hardline position on the relationship between race and violence. For instance, the Senior Assistant Attorney General Frances Grunder argued before the Supreme Court, "California is ground zero for race-based prison and street gangs." Likewise, Warden Schulteis of CSP Lancaster insisted, "You cannot house a Japanese inmate with a Chinese inmate. They will kill each other. They won't even tell you about it. They will just do it."

Although the CDC's race rhetoric focuses on conflict *between* races, some of the more striking examples are *intra*-racial episodes (e.g., a white supremacist attack on unaligned whites in Pelican Bay, a Crips vs. Bloods fracas) and are not preventable

by racial segregation. Moreover, the CDC insists throughout the Johnson case record that, with the exception of the reception center policy, the CDC is completely integrated. It's unfortunate that during the hearing no one played the announcement from the Corcoran visitor information hotline (which enumerated the separate days that white, Hispanic, and Black prisoners could be visited) or presented the racial breakdown of the SHU compared to the general population, or contrasted the racial make-up of Level IV against Level II facilities in response to this astonishing, false assertion.

Johnson himself completely agrees that racial violence is pervasive in the system; no one asserts anything to the contrary. What is really at issue is *why*. Johnson has argued that segregation exacerbates tensions by preventing prisoners from reaching out across racial lines to form safe and necessary alliances. Importantly, existing research supports integration. The Trulson study, which assessed segregation in Texas prisons, found that "over ten years, the rate of violence between inmates segregated by race in double-cells surpassed the rate among those racially integrated." Seeing the CDC defend itself and its methods in the face of such evidence, Johnson's own experiences, and common sense begs the question: What purpose does segregation

What would it mean to stop relying on race in making the first, fundamental decisions about arriving prisoners?



really serve?

The core of Johnson's complaint – that because of the CDC's practice he cannot be part of an affinity group that is not based on race – challenges the assumptions inherent in the CDC's classification system. It is not surprising that a desegregation of officials is so opposed to a parade of CDC officials who are so opposed to desegregation. Playing up racial divisions has historically been used to prevent progressive multi-racial prisoner alliances; this is documented and known to date back at the very least to the 1960's and early 1970's and in the CDC's attempts to undermine a united prisoner union.

What would it mean to stop relying on race in making the first, fundamental decisions about arriving prisoners? Would it foment race war? Would eliminating the policy enable the administration to increase staff and weaponry in reception centers on "security grounds"? Would this result in more guard brutality? Conversely, if the elimination of enforced segregation leads to less conflict as it has elsewhere, would there eventually be less reliance on extreme controls and on harsh classification methods? Would work and education become available to a larger number and wider variety of prisoners? Would these basic opportunities alleviate frustration and violence? The immediate and long-term results will certainly depend on prisoners' ability to organize across the color line.

Because Johnson's case raises the possibility of a major change in the way that the CDC could control prisoners, it is especially unfortunate that last year's efforts to end the current prison media ban (AB 1866, [M. Leno] and SB 1164 [G. Romero]) was vetoed by Schwarzenegger. The media ban, enacted in 1996, forbids prisoners from having uncensored, confidential correspondence with members of the media and allows prisons to refuse press requests to interview specific prisoners. It also forbids the use of cameras or recording equipment even during prison-approved press interviews. Permitted instead are "random" interviews that the press may conduct with prisoners who are visible to them during tours of the prison, and interviews with prisoners when reporters are on the prisoners' pre-approved visitors lists.

With this policy in place, breaking prison news can never be reported and knowledgeable prisoners are likely to be isolated from the press. Pervasive ignorance about what happens inside prisons and how they are run surfaced once again during the Supreme Court hearing in Johnson's case. It was clear from the questioning that the justices are familiar with the popular mythology of racist gangs and "race riots," but they lacked any understanding of the violence of incarceration itself. California *does* have a very violent prison system- the most violent in the country by far when measured by the number of prisoners killed by guards. The reality of guard instigation in riots, along with corrupt prison staff involvement in violent gang activity, have slowly come to light through legislative hearings and the courts- but *not* through the press, and in most cases, only years after the specific incidents in question occurred.

Johnson's case could bring about changes that the prison system itself vehemently opposes. Those on the outside must have access to what is happening on the inside in order to provide appropriate support and solidarity. As one prisoner pointed out, "ideas are the only things that flow back-and-forth across prison walls." With this in mind, it is crucial we challenge the media ban, build grassroots communication lines, and use the Johnson decision to develop prisoner unity.

EIGHT SIMPLE RULES FOR DRAFTING A HABEAS CORPUS PETITION

By KENT RUSSELL

The purpose of this column is to provide "habeas hints" for prisoners handling habeas petitions as their own attorneys ("in pro per") under AEDPA – the 1996 habeas law that now governs this practice throughout the U.S. What follows are eight rules to simplify a daunting task and improve the quality of your habeas petition.

1. Obtain and obey the local rules

Before drafting a habeas petition, order the local rules from the court by mail or have a family member obtain them online and give them to you. Important rules for filing the petition are to use the court-approved form (which varies from court to court), service a copy of the petition on your opponent, payment of all required fees (\$5 for a federal petition), and keeping under the 25-page limit.

2. Don't be late

No matter how persuasive a habeas petition might be, if it's filed after the statute of limitations runs out, it's probably going to the habeas graveyard. If you're filing a federal petition you need to make sure you give it to the prison staff in time for them to mail it before the statute of limitations runs out. If you're filing a state petition, leave enough time to file in a federal court in case your petition is denied by the state's highest court.

3. Start out with the Supporting Facts

The main purpose of a habeas petition is to tell the judge why your case is one of the very few that should be granted relief from a conviction and sentence that have already been upheld by the state courts. Most prisoner petitions are loaded with case citations but short on specific persuasive facts that would convince a reader that the petitioner has been wrongfully convicted. In drafting a petition, start with a solid list of facts before doing any extensive legal research. Use the final arguments and appellate briefs to make a list of the "bad" facts the prosecution used to get you convicted. Then make a list of the "good" facts you can prove to refute each of the prosecution's "bad" ones. Your supporting exhibits need to back up these "good" facts.

4. Take your best shot(s)

Most judges have little patience for habeas, and the windier and more convoluted a petition is, the more likely that patience will run out. Furthermore, no petitioner ever wins more than one habeas claim at a time. Hence, prisoners who think the best habeas petition is the one with the most

claims are sorely misguided. Quality counts way more than quantity, and choosing the two or three strongest claims allows the court to give the focused attention they deserve.

5. Keep your eye on the (Supreme Court) ball when citing Supporting Cases

All habeas petitions need to cite case laws supporting each claim. However, you don't need to cite more than one example of a favorable US Supreme Court decision (USSC) for every claim in the petition. For example, once you have your "good" facts lined up and determine why you were wrongfully convicted, then cite the USSC case that supports your claim. Here are some common examples: If facts weren't presented during your trial, then you can probably claim "ineffective assistance of counsel" by citing *Wiggins v. Smith*, 123 S.Ct. 2527 (2003). If your attorney tried to present facts the judge wouldn't allow, cite *Chambers v. Mississippi*, 410 U.S. 284 (1973). And if you discover that facts relevant to your case were concealed by the State during the discovery phase, cite *Brady v. Maryland*, 373 U.S. 83 (1963).

You can cite other cases besides USSC authority, but finding a USSC case to support your claim is straightforward, and there's no need to delay or clutter up the draft petition with citations to cases from other jurisdictions. Keep in mind that the petition merely points the court to the key cases on which your habeas claims are based. You will have an opportunity to cite additional authorities in state court if the court orders informal briefing, or in federal court when you file your Traverse.

6. Back up all Ineffective Assistance of Counsel claims by showing of "prejudice"

The successful IAC claim shows not only "deficient performance" by the trial lawyer, but also "prejudice." Be sure to show how the mistakes the lawyer made changed the outcome of the trial. Judges quickly grow tired of IAC claims that degenerate into a laundry list of every criticism in the lawyer's performance. The best way to show prejudice on an IAC claim is to use the Exhibits to provide a "cure" for every "ailment" in the

attorney's performance. For example, if the prisoner claims the lawyer failed to call a witness for the defense, the Exhibits should contain a sworn declaration from that witness that summarizes the testimony they would have given. If the IAC claims the lawyer failed to call an expert to contradict the prosecution's forensic evidence, the Exhibits should include a declaration from a newly retained expert demonstrating that the prosecution's evidence was flawed.

7. Federalizing the direct appeal

A competent appellate lawyer will research and present the best legal arguments you have on your direct (first) appeal. Most legal claims can be framed, not only as state law arguments, but also in terms of the denial of a federal constitutional right, which is required for habeas claims. Stating a legal claim as one based on the federal Constitution is called "federalizing" the claim. Most good appellate lawyers will do this on the direct appeal by making sure that the strongest claims are federalized and presented to the state's highest court. (In California, this is done in the Petition for Review, which must be filed within 40 days of the date the appeal is denied.) Thus, one of the most important things to do in drafting your habeas petition is to focus on the Petition for Review (or similar document in other states) and see whether the claim(s) which you consider most persuasive were also federalized. You must file federal rights violation claims in the state petition (properly supported by USSC authority), because you cannot raise a federal claim later if not first filed in a state court.

8. Use Exhibits wisely

Exhibits are essential to a successful habeas petition and should be chosen with care and presented in a way that will make the greatest impact. The most important exhibits are declarations by witnesses and/or experts that add important factual information to the court record. Avoid bulky excerpts from the trial transcript that duplicate the pre-existing court record. When presenting Exhibits, lead off with expert witness declarations, test results, and documents that were not presented at trial, then present declarations from non-expert witnesses, and finish up with transcript excerpts. Reproduce only the most important pages of transcript and highlight the most critical portions. Begin with an "Index To Exhibits" and number all pages consecutively. The index should be arranged in columns showing document titles, page number(s), and the habeas claim to which the Exhibit pertains.

Kent Russell is the author of the California Habeas Handbook (Ed 4.04, rev. Dec. 2004), which can be purchased by sending a check or money order for \$29.99 to the Law Offices of Russell and Russell, 2299 Sutter Street, San Francisco, CA 94115.

What is the Prison-Industrial Complex?

The prison industrial complex (PIC) is a complicated system situated at the intersection of governmental and private interests that uses prisons as a solution to social, political, and economic problems. The PIC depends upon the oppressive systems of racism, classism, sexism, and homophobia. It includes human rights violations, the death penalty, industry and labor issues, policing, courts, media, community powerlessness, the imprisonment of political prisoners, and the elimination of dissent.

How the PIC Works

To fully describe the PIC, we have to look at the big picture of how it functions. For example, the prison construction boom can be linked to, among other factors, the huge increase in the number of people sentenced to prison terms with the onset of the war on drugs, the repression of radical movements led by people of color for self-determination, and the anti-imperialist struggles of the 60s, 70s, and 80s. The "war on drugs" and the national and local efforts to destroy radical political movements led to increasing police presence in communities of color and poor communities, higher arrest rates, and longer prison sentences.

This boom is also fueled by dramatic and racist reporting about "crime," "delinquency," and "rebellion," creating a culture of fear in which it continues to be acceptable and desirable to many people to lock people (primarily people of color, youth, and poor people) in cages for longer and longer in the interest of "public safety." The way the many parts of the PIC interact is exactly what makes it so powerful and destructive. In order to fight this system, we have to see it for all that it is and recognize what drives and shapes it.

Fighting the PIC

Fighting the PIC means fighting the mainstream ideas of public safety and challenging the idea that police, prisons, and the court system make people who are not in power safer. At the same time, we must create alternative ideas of security based on the safety of the people most affected by the PIC.

The United States currently imprisons over 2 million people. About 6.9 million people are presently under some form of supervision within the criminal justice system. Women represent the fastest rising prison population. Since 1980, the number of women imprisoned in the U.S. has risen by almost 400 percent. Racism continues to be a major factor in the United States, illustrated by policies and programs that sustain white supremacy. Racism, as it is used through criminal laws that target people of color, is essential to the PIC, not accidental.

Prisons Are Not an Answer to Crime

The wrongdoings we call crime do not exist in the same ways everywhere and are not "human nature". What is considered a crime is determined by the societies we live in. Because we have seen over and over again that locking more people in cages does not reduce crime, we must understand the power relationships that lead society to lock

up only certain people. Since prisons do not stop problems like poverty, racism, or drug addiction, we cannot expect them to stop crime. We need to understand that we have no option but to fight and continue to fight until all of the different parts of the PIC that continue to put our survival in danger are eliminated.

The Movement Against the PIC

The movement against the PIC runs the risk of being shaped by easy victories or simplified struggles that do not recognize and fight the whole system. We must go beyond false separations, such as "non-violent" versus "violent" that place prisoners in opposition to each other. We cannot allow ourselves to do short-term work that undermines our long-term vision and goals, or rely on the same systems of oppression and domination that sustain and drive the PIC to influence voters and decision makers. In order to do this work, we must continue to create spaces for people with different points of view to have honest discussions and disagreements about directions the movement against the PIC should take.

What We Are For

Since we are so frequently asked what we are "for" rather than "against," the struggle against prisons, police, repression, punishment, and the criminalization of entire communities must display a clear vision that a world without the PIC is possible. One way to define and shape what we are for is through creating a culture of resistance, or a culture and society that fill all the different parts of our lives with alternatives to the culture of imprisonment. A new culture must nurture and sustain our struggle and provide space for political education, conversation and debate about what we are doing and what we need to do in the future.

In order to figure out why people get locked up and under what circumstances, we need to look at what are sometimes called "root causes."

This strategy requires looking at the competing priorities of the systems in which we live and understanding why they work well for some and horribly for others. The systems of race, class, gender, and sexuality, for instance, are commonly understood as privileging some people's needs and ideals over others. By exploring why and how those systems work for some and not for others, we can begin to develop a better understanding of how to include concrete steps in our work that deal with the negative effects of these systems on the people who are most often put in cages.

To oppose the PIC, activists must work on both theoretical and practical levels. We cannot only engage in single-issue struggles, because all the issues intersect. How can we best create social change in an era of globalization? The voices of today's radical activists, particularly activists of color, must be at the front of the fight against the PIC. Those who are most affected by the system must be the ones planning its end.

Organizing against the PIC is as much about building something as it is about fighting what is destroying our communities. Our organizing is also an ongoing effort to create alternatives, not only to imprisonment, but to the culture of punishment we've become so used to.

