



LAS CALLES Y...

LA TORCIDA

May 2020

a project of Unión del Barrio

Chicano Mexicano Prison Project will host its 22nd Annual Conference on Raza Prisoners and Colonialism “Prison Industrial Complex: Population Control”

The theme of this year’s conference “Prison Industrial Complex: Population Control” was chosen because historically prisons have served the capitalist class as a way to maintain poor working class black and indigenous peoples locked up and under control. In order to fully understand the role of prisons as an institution of the state that serves as a method of control it is fundamental to know why and when prisons were created.

Imprisonment as a form of criminal punishment became widespread in the United States right before the American revolution and grew exponentially soon after the civil war. The growth of imprisonment after the civil war is attributed to the confederate south “losing” the civil war which according to American history also ended slavery. Slavery per se has never ended but it has taken on more sophisticated forms, one of which is the prison industrial complex.

Before the civil war slavery was an economic system-slaves were formally considered property and an integral part of the economic system of production. The end of the civil war resulted in the demise of slavery which left the southern economy in ruins and the adoption of the 13th amendment to the constitution, which states “Neither slavery nor involuntary servitude, except as a

punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction”. Four million people who were formerly considered “property” were “free” the capitalist class refused to allow four million black people to be a part of society as equals so they utilized a loophole in the 13th amendment to criminalize free blacks- blacks were vilified, hunted down, and incarcerated.

Throughout history, the capitalist class has adjusted accordingly to changes in society to maintain power; the prison population was flat throughout most of the 20th century but this drastically changed during the period known as the civil rights movement. During this period Blacks, Chicanos, Puerto-Ricans, and Native Americans began intense campaigns in the most marginalized neighborhoods and struggled for self-determination and national liberation. The state felt threatened by these movements and more so by

the solidarity and unity between organizations, so the US government through COINTELPRO neutralized these movements by militarizing and pumping drugs into neighborhoods which led to the further criminalization of communities that were organizing themselves to change their conditions. Leaders were either assassinated or incarcerated which led to the demise of these movements and marked the beginning of the mass incarceration of black and indigenous peoples.

continued on page 2.....



CMPP conference article continued from page 1.... The United States is home to 5 % of the world's population but 25% of the world's prisoners, it is estimated that one out four human beings in the US is behind bars. The prison population has increased steadily since the 1970's, in 1972 the prison population was 350,000 and in 2017 there was 2.3 million people behind bars. This increase is due to the racist anti-black, Mexican and poor policies that the US government has implemented since the late 1970's and well into the 1980's. Ronald Regan's war on drugs campaign coined "just say no"; was put into action during an economic depression, and implemented cuts to social programs, all the while flooding poor neighborhoods with crack cocaine. The criminalization of crack use- caused an explosion in mass incarceration of mainly black and Raza men. "Tough on crime"- politics became crucial to win elections, Bill Clinton won the presidency in 1993 on the promise to the American people that he would be "tough on crime". During his presidency the largest federal crime bill was passed in 1994 (which was written by then senator of Delaware- Joe Biden who is now the democratic presidential candidate). The \$30 billion-dollar federal crime bill increased law enforcement and incarceration which led to the massive expansion of the prison system. It increased funding to states to build prisons, incarcerate people for drug offenses, put

100,000 police officers in the street. This bill built the infrastructure (militarization of communities) that led to the prison industrial complex. We understand that the prison industrial complex is not exclusive to prisons and the mass incarceration of the poor working class, but it also includes the other institutions that have failed to address our needs; education, housing and employment. Our community has lacked the basic necessities to be able to live a dignified life and as a result end up incarcerated for non-violent crimes.

Our conference will have first-hand testimony on how the prison industrial complex has affected not only individuals, but families and communities as a whole. Our keynote speaker, Phal Sok, a Cambodian refugee, who spent many years in prison and was funneled into the deportation pipeline under mandatory detention and deportation, was eventually pardoned and is now a leading organizer with the Youth Justice Coalition in Los Angeles, CA. We will also have four panelists that will share their experience with the different facets of the prison industrial complex; with the intention to raise consciousness so that we can further organize our communities to build self-determination, community self-defense and overturn the conditions that keep our people oppressed.

Know your revolutionary women: This year marked the 100th commemoration of the birth of one of Cuba's most heroic woman; Celia Sánchez Manduley known as "the most authentic flower of the revolution" was born on May 9, 1920 in Media Luna, Oriente, Cuba. She was the founder of the July 26th movement in Manzanillo, she organized and planned the landing of the Granma (the yacht that transported the revolutionaries from Mexico to Cuba in 1956) and later became a combatant in the Cuban revolution alongside Fidel Castro, Ernesto "Che" Guevara and Raul Castro, making her the first woman to take up arms and join the guerillas in the Sierra Maestra. After the triumph of the revolution- Celia devoted herself completely to the creation of a new socialist society, she assumed roles within the Central Committee of the Communist Party of Cuba, as Secretary of the Council of the State, and within the Council of Ministers. Through Celia's leadership she paved the way for the idealism for Cuba's new woman by showing women's capabilities in leadership, care taking and physical labor. 100 years after her birth, Celia Sanchez continues to be a shining example for all Raza.

¡Compañera Celia Sánchez Presente!



“La compañera Celía era muy exigente, muy meticulosa en detalles, muy cumplidora, muy esclava del deber en todos los campos: en guerra, en la paz, el la construcción del socialismo en nuestro país”- Fidel Castro

Editor's note: The following is an article written by CMPP member Robert Z. it provides an analysis on the state of the current "justice" system and how it continues to fail the majority of working class people and serves the ruling class interests by further criminalizing and incarcerating our people by denying us the right to trial by jury. This is part one of the article titled: "Pre-trial convictions: The jury trial myth".

Pre-trial convictions : The jury trial myth

Hardly anyone ever takes the time to explain how the system of mass incarceration functions in practice. In theory, the so-called criminal "justice" system is meant to work one way but in reality, it is discriminatory, racist, and malicious; which is not taught about in the educational system. Anyone taking a beginning course in criminal law is taught that one is innocent until proven guilty and the burden of proving anyone guilty of an alleged crime is on the prosecution. This is not true, and it will be addressed in this article.

Presently many are unaware that in this modern-day system, known as the criminal "justice" system, almost all criminal cases never make it to a jury trial. One reason is the high percentage of cases plea bargained for or the result of the trial penalty. The trial penalty means that if a defendant chooses to exercise the right to a jury trial, he will be punished with a much harsher sentence than that offered to him in order to plead guilty.

The same district attorney, and/or the judge in the case threaten the defendant. Oftentimes through one's representing attorney because a defendant does not meet one-on-one, face-to-face with the district attorney off the record, much less on the record for the threat to be made part of the public record. During this time, the prosecution offers a defendant the opportunity to plead guilty.

When the defendant refuses to plead guilty, he is then threatened with the trial penalty. Prosecutors abuse their power by coercing a defendant to plead guilty, retaliating against a defendant to impose a much higher sentence in situations where defendants' wish to have a jury trial. Because the prosecutor's power determines all cases, they ultimately influence whether defendants decide to take their case before a jury trial or not. It is important to consider what exactly is happening in a system that obtains convictions at an almost 100% rate coming by way of guilty pleas with very few cases actually going to jury trials. This is more important because we live in a place with the highest incarceration rate of any population in the world (of which people of color are the most affected). A place where incarceration is a form of modern-day slavery through the 13th amendment, where many manufactured products come from prison labor. Corporations like Core Civic and GEO Group profit from prison

labor by implementing a business model within the prison industrial complex.

Approximately 97% of cases in the state and federal system are plea bargained. Which means, 3 out of 100 cases ever make it to a trial. In the vast majority of cases, defendants plead guilty. This is nothing new; in fact, this number has been consistent since 1985. In the [Trial Penalty Report](#), an 80-page report written by lawyers and judges in the profession, it is stated that, "...[O]ver the last fifty years, trial by jury has declined at an ever increasing rate to the point that this institution now occurs in less than 3% of state and federal criminal cases."

One has to wonder about the purpose behind the implementation of the jury trial in the first place. A jury of 12 members of the community exists to prevent the state from abusing its power. In other words, to prevent the tyranny that



would occur if one judge, with his biases, would decide every single case that ever came before him. In theory, 12 members of the community are better able to decide whether one is guilty or not of an alleged crime. Instead of having a judgment handed down from an individual judge, the collection of a people's judgment seems a bit more participatory in a society that puts itself out there as being the

emblem of Democracy in the world. It is certain that behind the concept of jury trials lies the purpose of avoiding exactly what is happening now, and what has been going on for over 50 years. The high number of convictions being obtained through guilty pleas, to the point that the jury trial does not exist anymore. This is a clear indication of how undemocratic the "justice system has become and how the abuse of power within this system is at the hands of the prosecutor, complicit judges, and the defense attorneys' silent consent.

In the plea-bargaining phase this is what is should occur; the prosecutor, the judge and defense attorney are to work together to settle every case that comes their way.

continued on page 4.....

Pre-trial convictions article continued from page 3.....

The roles of judges, prosecutors and defense attorneys have changed from their traditional role. In the Trial Penalty Report it states that "...[D]efense lawyers spend most of their time negotiating guilty pleas rather than ensuring that police and the government respect the boundaries of the law including the proof beyond a reasonable doubt standard, and judges dedicate their time to administering plea allocutions rather than evaluating the constitutional and legal aspects of the government's case and police conduct..." The judge asks the defendant important questions for the courtroom stenographer to make part of the record, for the sole purpose of not having plea bargains overturned on appeal. In the article titled, Coercive Plea Bargaining Has Poisoned the Criminal Justice System by Vanguard Administrator it states, "Instead, at a typical plea acceptance hearing, the judge asks the defendant whether they felt coerced, which is bit like asking the hostage if the kidnapper played fair while the hostage still has a gun to their head."

Simultaneously, at the same time that trials were diminishing, ADR (alternative dispute resolution) was rising within the court system, which in turn had the effect of obscuring a judge's traditional role, changing it to one of being a case manager. In other words, a judge's idea of managing cases is to encourage defendants to plead guilty. All the while the defendant wants a jury trial.

Now, how does almost every conviction come by way of a guilty plea, which occurs with an almost 100% rate? The formula is simple: threatening defendants with a high sentence upon going to trial (the trial penalty), coercion or pressuring defendants to plead guilty, the use of scare tactics, manipulation, lying, falsifying documents, misrepresenting and committing fraud through the implementation of these "deals" written on paper. If one tactic does not work, they try another method or any combination of them. Also, many convictions are obtained through false confessions of defendants to obtain leniency from the prosecutor in exchange of a lesser sentence. The prosecutor is eager to obtain a conviction by way of a guilty plea and the bottom line is that they go unpunished when they abuse their power because when they threaten someone for wanting a jury trial, they make true to their threat. In Prosecutors Protect Themselves First by Glenn Harlan Reynolds it is stated that when prosecutors lie, they get immunity. It cites a case in which a prosecutor from Kern county, Robert Murray, was trying to negotiate a deal; he produced a translated transcript of the defendant's interrogation to which Murray added a false confession. Eventually, Murray admitted to falsifying the transcript presumably in the hopes of coercing a plea deal or ensuring a trial victory. The defendant was not found guilty. Thereafter, Attorney General Kamala Harris appealed the case arguing that putting a

false confession in the transcript wasn't "outrageous" because it didn't involve physical brutality.

The judge and "defense" attorney, whether public or retained, are active participants in this abuse of power. Their silence is complicit, and added with the knowledge of the prosecutor's wrongdoing, even criminal. Most of what any defendant can hope for as a defense is that their representing attorney will have grounds for his clients appeal by allowing an error to occur. However, this is a long shot because it is difficult to prove a prosecutorial misconduct or an ineffective assistance of counsel claim on appeal. This type of theatrics displayed at the plea-bargaining phase, is almost reminiscent of the good cop bad cop technique used by pigs to extract a confession. Where the prosecutor is the bad cop so is the judge, with that farce of seeming impartial; and the attorney, whether retained or assigned public defender, being somehow the good cop (the defense attorney giving off the false impression that he's "your" attorney and on your side). All with the purpose to, again, extract a confession.

Plea bargains have gone on for so long that in the case of Missouri v. Frye decided in (2012) a judge stated the criminal "justice" system has become plea bargains; the judge mentions that plea bargains are not just part of the criminal justice system, but IT IS the criminal justice system. The argument for settling all cases is that it saves the state money or makes the criminal justice system efficient. Yet, through the incarceration of many, there is a market for profiting from the same inmates that are incarcerated (as for-profit prisons are being built all across the nation to house inmates to the point of overpopulation). In California, this means transporting inmates out of the state of California to private contractors in other states to reduce California's prison population under a lost lawsuit (Plata v. Schwarzenegger). But for the sake of "efficiency," or to save money, a defendant is threatened with a higher sentence upon a jury trial and offered a lighter sentence in exchange for a guilty plea. The justice aspect of this system has been taken out completely. Coercing defendants to plead guilty, even though they might not be guilty of the charges alleged against them in order to save money is absurd. Yes, some even plead guilty when they are innocent because they are pressured into guilty pleas by the state who threatens them with a much harsher sentence upon exercising the right to a jury trial.

Part two of this article will be published in our next issue of Las Calles y la Torcida.

Editor's note: The following is a statement published by the Chicano Mexicano Prison Project on April 14, 2020 to denounce and expose the treatment of prisoners in the height of the global COVID-19 pandemic and to express our solidarity with their right to protest. The medical care prisoners receive is inadequate and deplorable, many go without medical attention due to its lack of accessibility (in some state prisons- there is a fee that inmates have to pay in order to receive medical care which creates more barriers to access care). Within the prison population there is a high rate of chronic diseases and lack of nutritional foods that puts inmates at higher risk for COVID19 infection, complications, and eventually death. The Eighth Amendment in the U.S. constitution requires that prison officials provide a system of ready access to adequate medical care- but we know that this a right that has been denied to millions of black and brown people currently inside prisons. The CMPP demands that prisoners be granted the necessary and adequate medical attention they have a right to receive during the global pandemic and be given the critical personal protective equipment to defend themselves from the virus.

Inmate Protests Against Forced Exposure to Covid-19

On April 10, 2020, dozens of inmates at the Lansing Correctional Facility in Kansas took part in an uprising to protest the unsanitary conditions within the prison during the current worldwide health crisis COVID-19 pandemic. At this specific facility many staff and inmates have tested positive for COVID-19. Prisoners and their families have been very concerned about the rising numbers of coronavirus infections among prisoners across the whole country. The prisoners at Lansing Correctional Facility busted into offices and broke furniture and windows as a form of protest.



The Chicano Mexicano Prison Project (CMPP) for many years has exposed the Prison Industrial Complex for what it is – a system of CONCENTRATION CAMPS filled with the poor and working-class people. Prisoners are exposed daily to diseases due to overcrowding and poor maintenance by for-profit private prisons, and prisoners continue to be deprived of medical attention, supplies and essential services during this pandemic.

Our people, living daily in these concentration camps, are the most vulnerable right now and the CMPP continues to denounce the current and ongoing conditions that prisoners are forced to live under. The U.S. is a country where there are more prisoners and prisons than anywhere else in the world. Let's remember that it is not a system that is set up to make us feel "safe or protected", but one to feed the greedy Prison Industrial Complex which has become a producer of wealth, reaping billions from the backs of our poor and working-class people.

Nationwide protests in response to COVID-19 outbreaks have taken place in several prison facilities, and the CMPP is in complete support of the prisoners' demands and urgent demands for help during this pandemic. Our struggle is not one just against prisons and those that profit from the incarceration of millions of people, but also against the conditions in society which force too many of our people into criminal behaviors. These protests and uprisings demonstrate the level of unity among all races and the organizing capabilities of oppressed people when they are prepared to fight.

**¡SUPPORT THE STRUGGLE!
¡CONSCIOUSNESS AND UNITY!**

¡Human rights are prisoners' rights!



CARTAS DE LA PINTA

Editor's note: The following is a letter written by Olga C., a detainee at the Otay Mesa detention center located in San Diego, California. Immigration detention centers are an extension of the for-profit prison system that makes money off of the detention, incarceration and the separation of thousands of migrants that have fled their homelands due to the neoliberal policies the US government has imposed in Central America. Migrants have been detained unlawfully for years now, without a right to due process, no criminal act has been committed, and seeking asylum is not a crime. The CMPP denounces the atrocities committed against migrant children, women and men at the border and in the detention centers, we say: ¡No Human Being is Illegal! and demand the immediate release of all migrants.

Hola mi nombre es Olga C. estoy detenida en el centro de otay mesa llevo aproximadamente 3 meses en dicho detencion no carezco de los recursos necesarios para una asesoria legal por el cual solo paso el dia a dia sin obtener respuesta de lo que esta pasando con mi caso y con el disgust y estrés de lo que sucede en el centro de detención. Viendo que ver que muchas cosas se salen de sus manos no contando en si con los recursos ni las condicioned necesarias para seguir manteniendonos detenidos como algunas cosas simples que son la alimentacion actualmente han impuesto un nueva menu en nuestros alimentos no consider que comer comida se nutritivos se que se preocupan por nosotros pero tienen muy mala administracion que se lleva en el centro. Muchas veces podemos notar en el mal uso del equipo de limpieza que nos dan siendo utilizados inadecuadamente teniendo que utilizar la mayoría del tiempo toallas de papel utilizando los liquidos inadecuados y sin protección a nuestras manos. Y sin mas



pranbulos nos vamos a la mala atención medica teniendo que pasar humillaciones por los enfermeras que los mal atienden por el simple hecho de ser indocumentado no teniendo un buen trato por ellos muchas veces teniendo que a notarme para consulta medica mas de una vez para poder obtener algo de medicamento en muchas ocasiones contraindicados teniendo el derecho a uan consulta un malestar no tratando de escucharnos como mas sentimos o lo que esta pasando en nuestros cuerpos habiendo que esperar que los enfermeros nos refieran al medico teniendo que volverme a notar otra vez para consulta medica. Agradeciendo te antemano por la atencion recibida pero siempre he creido que es muy importante concientizar de lo que vivimos y el reflejo de las experiencias que estamos teneindo en este lugar sintiendome con miedo y impotencia y encontrandome aislada y confundida sobre los reisos que estamos correindo, pensando si podremos volver a ver nuestras familias asi como se que muchas estamos pasando por lo mismo en una agonis que pensamos que no tendra final hasta que nos devuelvan nuestra libertad.

English version:

Hello my name is Olga C. I have been detained at the Otay Mesa center for 3 months in said detention with no resources necessary for legal counsel for which I wait day to day without an answer of what is happening with my case and with disgust and stress of what happens within this detention center.

So many things are out of your control without counting if the resources nor the necessary conditions to maintain us detainees like simple things which is the actual food sustenance they have placed a new menu in our food without (sic) nutrition. I know they worry about us but they have a very bad administration in the center. Many times we are aware of the wrong use of cleaning equipment that are being inadequately utilized having to use the majority of the time paper towels using inadequate liquids and without protection on our hands.



Without more preamble we are going to the bad medical attention to go through humiliation by nursing staff who provide poor attention for the simple fact that we are undocumented being treated badly many time having to put in a 'call slip' for medical consultation more than once just to get some medication in many occasions against recommendation having the right to consultation for maleficence (feeling sick) not trying to listen to how we feel or what is happening in our bodies having to wait that the nurses would refer us to a doctor having to 'sick call' myself for another medical consult.

I am grateful for your attention received but I have always believed that it is very important to be conscious of what we live and a reflection of the experiences we've had in this place feeling fear and powerlessness and finding myself isolated and confused about the risks we have thinking if we will ever see our families again like many others we are wondering in the same agony that we think there is no finality until they return us to our freedom.

Message to our all our readers especially to our sisters and brothers doing time in the pinta:

On behalf of the Chicano Mexicano Prison Project (CMPP)- we thank you for taking the time to read our newsletter, hopefully you are able to share it with others so that the messages and stories in these pages reach many more. We also encourage everyone to send us letters, poetry, art, etc.. so that we can publish it in *Las Calles y La Torcida*- No voice has more expertise about the experience and impact of incarceration than the voice of prisoners. Whether you did time or currently doing time we welcome any feedback, proposals, ideas, etc so that our newsletter can better serve its purpose. CMPP members are all volunteers that have chosen to be part of this organization so that one day we can overturn the system that oppresses Raza working class communities and all other oppressed people. Although, we have limited resources, we are dedicated to advancing our four objectives and continue with our struggle for liberation and self-determination. Now more than ever only an organized community can defend itself, we call on all of our readers, supporters, and community to join an organization so that united we can build a just and dignified world.

¡The people united will never be defeated!

¡All Power to the people!

SFV 2nd Chance Scholarship Foundation

Our Mission

SFV 2nd Chance Scholarship Foundation's mission is to provide financial and social support to various communities and incarcerated people achieve and maintain their educational and personal goals. SFV 2nd Chance Scholarship Foundation provides support by helping people pursue a higher education or providing them with life skills and the proper resources to overcome any barriers. SFV 2nd Chance Scholarship Foundation has been in existence for over 9 years and collaborates with other community based organizations

Our Services and Programs

- Sfv 2nd Chance Scholarship and Ernesto "Neto" Bustillos Scholarship: This scholarships are for regular students and student organizers. Applicants can attend any higher education institution or vocational school. Applications are available in September.
- Viva La Mujer Event: This event is to honor hard working females in our communities. Community members nominate the females and a banquet is done to recognize them. The event takes place in March and it is open to the community.
- Juarez Empowerment Scholarship: This scholarship is for people that are incarcerated. The scholarship consist of book scholarships for people in school or people trying to learn self-empowerment. Applications are available in September.
- "No limits towards knowledge" 4 Course curriculum: This curriculum is for people that are incarcerated and are trying to learn life skills. The curriculum consists on Employment Skills, Financial Literacy, Higher Education and Transitioning resources. Participants receive a certificate after each course completed and a completion letter.
- 2nd Chance Pen Pal Services: It is a free online pen pal service where inmate's picture/drawing, contact info and small bio are uploaded.
- Collaborate with other organizations in facilitating workshops and creating events.

For more information:

PO Box 369, Porterville, CA 93258 or info@sfv2ndchancescholarship.com

WHO WE ARE:

The Chicano Mexicano Prison Project (CMPP) was founded by Union del Barrio in 1993. The CMPP is an independent grassroots project that does not receive funding from any governmental entity/non-profit. All of our efforts including the printing and mail out of our newsletter are paid for by our members and donations we receive.

The following are our four objectives:

1. Inform and raise the consciousness of Raza prisoners.
2. Expose the racist colonialist-capitalist system as the main enemy of our community and the great majority of people on planet earth.
3. Educate our community to the real reasons for the existence of jails and prisons: to oppress and keep us colonized.
4. Fight for the human rights of all prisoners.



¡JAIL THE OPPRESSOR!

¡FREE THE OPPRESSED!

QUIENES SOMOS:

El Proyecto de presos Chicano/Mexicano fue fundado por Unión del Barrio en 1993. Somos un proyecto independiente, no recibimos fondos de ninguna agencia gubernamental. Todo nuestro trabajo incluyendo la carta noticiera es financiado por nuestra membresía y donaciones que recibimos.

Tenemos cuatro objetivos:

1. Informar y elevar la conciencia de los presos.
2. Exponer el sistema racista colonial-capitalista como el principal enemigo de nuestra comunidad y de la gran mayoría de la gente en el planeta.
3. Educar a nuestra comunidad de las verdaderas razones de la existencia de las cárceles y prisiones: es de maternos oprimidos y colonizados.
4. Luchar por los derechos humanos de todos los presos.

¡CARCEL AL EXPLOTADOR!

*¡LIBERTAD PARA LOS
EXPLOTADOS!*



contact us via; facebook @ [chicanomexicanoprisonproject](#) or Instagram @ [cmpp_udb](#)

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