

falls under what is known as the “elements of the crime”, am also held to the respecting punishment. For example, if I am a witness to injustices on any level as a mandated reporter or have a procedural duty to intervene and do not do so, I may therefore be held to the same reprimands as the assailant. There are whistleblower protection laws set by federal government to prevent repercussions in the work environment, specifically in place to protect workers with matters of this nature who do report such things (Title 15 3413.1).

CDCR, being a state entity under constitutional laws, federal state laws, must comply to these said clauses. There are many agencies of interest in place to assist in the keeping of statutes.

California State Prison is falling far short of the bar set for California institutions.

This letter is to be a notice of accountability. If there is further interest or questions to my own personal ordeals, I would be compliant to share only my own experiences, except where to do so would cause conflict with or lead to prevention or any form of justice currently being took or any future relief that may be pursued by individuals or groups, at which point, I must invoke my right to counsel and direct inquiries to my representation.

I will close with this: the Bible speaks clearly and often of the company we keep, such as evil company, corrupt, good habits, and speaks of the power of the tongue (James, Chapter 3). From the tip of the tongue is produced both life and death. Today I ask that you choose life, speak the truth, for the oppressed and stand for those incapable of doing so for themselves.

A Son, A Father, A Brother,

A Believer,
M.B.

On Jail Support Nights

By Jail Support Team

Greetings from Oakland IWOC! We want to share some news & information with you about one of our projects, which is to offer support to people getting out of Alameda County Jail. Oakland IWOC members and supporters head out to Dublin, CA once a week with food, cigarettes, & warm clothes. Several nights a month we offer rides to public transportation until the last BART train leaves.

Many people who come out with us don't know that Santa Rita is the fifth largest jail in the United States. There is a new multimillion-dollar courthouse across the street, and the Alameda County Sheriff's Office receives millions of dollars of funding - local, state, and federal - to imprison people inside Santa Rita Jail and to directly police parts of unincorporated Alameda County. Yet people are dying in jail custody, pregnant women have miscarried or given birth in isolation, and people are forced to walk two miles just to get to the closest public transportation after they're released

We have met friends & family members who wait all night to pick up their loved ones. Teenagers who have never been arrested

before and are just beginning to make sense of everything. Elders who spent years in SHU. People who went to the store in slippers and sweatpants - not expecting that they would spend days, weeks, or months locked up.

People tend to agree, whether they're getting out or just there to support, that the world would be a better place without Santa Rita. Until that day, we're committed to doing our best to offer people the care that is so lacking inside. A hot meal is just a fraction of the care that we all need and deserve as human beings. These moments also offer us all a way to connect: to share information about what conditions are like inside, exchange phone numbers, or just to talk and breathe some fresh air. We are not doing this out of obligation or charity, or to ask anybody to evangelize our organization. We go out to Santa Rita in recognition that it is a frontline of struggle, & because it is a place that some of us have been seen from the inside and were lucky enough to walk away.

We are currently working on a few different ways to expand this project. We're working on getting more drivers, and looking for housing and resources to offer people who don't have a place to go. Ultimately, as people committed to the abolition of jails and prisons, we want to see fewer people coming out because fewer people are going in.

We would like to know what you think of this project. It is growing and evolving as we receive more support, and we would be honored to receive your comments, questions, or other input. Please write to us if there is anything you'd like us to know.

Your Writing and Feedback Needed

To our friends, comrades, and co-organizers,

Thank you so much to the folks who have contributed art and writing so far. Your contributions are and will continue to be the only things which make this publication possible. We hope to include many more pieces in the future, and to expand the breadth of the paper with your guidance.

To that end we are anxious to hear any and all of your thoughts about the editorial process, the newsletter as a whole, its title, or a piece of writing in particular. Please do not hesitate to send feedback. We hope for this to be a platform for analysis, collaboration, accountability, and mutual building, as well as an ongoing discussion over the walls. (When sending feedback please indicated whether you'd like it published or not)

As “editors” we try our best to publish the pieces we receive as they are. This includes not making judgments on spelling, grammar, or punctuation use (if you want us to spell/grammar check your work we can, just ask when you send in your submission). We think the pieces here, as well as many others we've received thus far, are thought-provoking and deserve to be read by you all.

Inside Outside, All on the Same Side,
IWOC-Oakland

Send feedback, inquires, responses, and additional original work to:

IWOC Oakland
ATTN: Newsletter
PO Box 6305
Oakland, CA 94603

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KEEP THE FIRES BURNING

A PUBLICATION BY AND FOR
CALIFORNIA PRISONERS

ISSUE 3 | Winter 2019

On Rehabilitation

By: M3SSIAH

Hello. It is I, M3SSIAH: The Entity Previously Confused, Then Most Disastrously Mistaken...

You are well.

In lieu of the General histrionics y eccentricity embodied by The Brand: M3SSIAH, W3 shall instead extend ourselve into the realm(s) of mild “civilization,” as to secure coherence in an otherwise cacophonous conversacion.

Please Note: You are thanked for the spatial leasings, invitacion to occupy the lines of “Keep The Fire Burning.”

W3 are inspired, behooved by Issue One Winter 2018 y debut article, “A Call To Consciousness,” from Mr. P. W3 are pleased, grateful.

Rehabilitation hath become such verbose chattering as though to elude definicion. What is Rehabilitacion? Literal contents require the joinings of prefix, “re” to root word, “habil” (able) should stipulate the restoracion of some un-specified ability. In the incarcerate environment, as such as restorative efforts are of the punitive sort, it is assumed punishment(s) may return one to a sane, healthy state.

Cacophany.

Question: To what positive, productive, sensible state may be returned if never having had opportunity of safely existing in such state?

Incarceration is a mechanism imagined to be reformative for persons whom, to the fullest of their understanding have carried out deeds which were most immediately useful in securing conidicion(es) conducive to survival. Had one felt confident with other, less criminally injurious behaviors, y deemed them most viable, given the circumstance bearing, it is reasonable to presuppose such would have been elected. It is not conducive to evolucion to deliberately draw injury upon the Self. One must ask:

While cap(able) of positive behavior(s), why practice those known as injurious in place of others less injurious?

What sane individuals would prefer brain themselves a bullet in alleviating a mild headache, full aware a small tea with aspirin to be of comparable effect? Perchance One conditioned toward belief tea be only for white people...? Gays; one sexually molested by a kind relative offering of sips of honey-sweetened, richly creamed tea, then shamed to secrecy. Perhaps one beaten by a mob of classmates the last...six times they'd shared affninit(ies) for black spiced chai; one deluded by a charlatan that all partakers of the devil's cup shall weep, gnash their teeth in a devil's hell for an eternity of eternities?

Backward socialization psychologically disables our citizens in ways innumerable. Its supposed remedy, incarceration, is that, “...slow and daily tampering with the mysteries of the brain...” (Charles Dickens, The Works of Charles Dickens, Vol 27, American Notes), which serves little (beneficial) purpose. Echo the sentiment. Though theoretically cap(able) of any positive action (x), One is incapable of that forbade by an oppressed, repressed, damaged psyche. The Mass3s are oft less than able, neither due to inferiority, nor lack of intent. We are crippled, rendered invalids in positive pursuits by environmentally imposed, psychological barriers which strip y degrade us the ability to distinguish between properties.

M3ssiah/M3ssiah Manif3st are not @ this time sufficiently prepared to comment on the merits of the prison abolitionist ideology y movements. W3 are however, persuaded that whatever form the rehabilitation of our marginalized incarcerates assumes, an activation of those psychological machinations central to sound, ethical judgments is inexorable. Punishment(s) does/do not modify behavior. With intelligence comes the ability of adaptacion to, even identificacion with deterrants, in favour of whatever said deterrant serves as obstacle to. The errant need perceive/receive greater psychological reward in behaviors alternative to those self-injurious.

“Let Them Eat Cake!”

May there no longer be needs to pilfer, cover after cookies...o crumbs...

Until Next Time,

The Entity Previously Confused, Then Mistaken...

M3SSIAH

1

A Voice From The Belly Of The Beast

By Lucio Cabanas

There are two matters I wish to discuss: CDCr Overcrowded Crisis and CDCr's new housing living policy. In order for the reader to fully grasp the content of this essay; a brief history lesson is necessary.

CDCr created "Sensitive Needs Yards" ("SNY" hereinafter) to house all of those whose lives would be in danger at "General Population Yards" (Active Yards - hereinafter.) I am currently housed at Facility C "SNY" level III. Child molesters, Child killers, rapers, and gang members drop outs are my new neighbors. I transitioned from an active yard to a SNY in 2016. I am unaffiliated to no gang; so, I did not fit into, an active yard.

I. CDCr NEEDS A YEARLY QUOTA OF NEW BODIES (YOUTH TO OCCUPY EMPTY CELLS BUILT ON CONTAMINATED LANDS (AVENAL, AND PLEASANT VALLEY) AND ON LEAD INFESTED WATER GULAGS,***(TEHACHAPI.)

A big chunk of CDCr's new yearly slaves come from California's youth. The output of a broken public education system. Uneducated, ignorant, drug and alcohol addicted; they were easily recruited, into the street gangs. Many of them sentenced to die behind bars: [Life without the Possibility of Parole, "LWPP" and life]; others fared no better: [15, 25, 50, ... up to 100 years].

Without this inflow of fresh blood; CDCr would eventually dry up, and would not be able to -replace- those of us, condemned to live and die as slaves of the top notch facilities: [Beatings, lynching attempts, violence, brutality, 24/7 lock ups; 24/7 T.V. garbage programming.] It is no wonder that those that survive, come out mentally ill, or hating society.

Therefore, if we are really serious, about, fighting for the demise of CDCr; we need to clog up, the inflow of fresh bodies. A 12 years old kid must have- mastered the tools necessary to avoid falling, into the traps set up for them: [Drugs, alcohol, gangs, and the promise of easy money]. Which are then used by our finest to ship them to the gulags.

I feel sorry for today's youth; in one hand; the gang recruiter is preying to embark him in the trip on no return. And on the other hand; we have the police officer, whose livelihood depends on the number of arrests, that he makes. One of the tools can come from; recently released lifers; they can share, about their experiences, as state slaves. [And we know that they have the physical and mental scars to bring the message across.] The internet can be used to get across to today's youth.

Unless, the youth flow--- is clogged up; the genocide being committed; against the most vulnerable members of our society will continue perpetually. These days those in power are more worried in throwing a 92 millions parade; while, thousands of its youth are being arrested, tried, convicted, and shipped to the gulags.

II. CDCr'S REINTEGRATION POLICY: [HOUSING SNY AND ACTIVE INMATES IN THE SAME FACILITY.]

As asserted above, SNY's inmates are those who would be killed; if they were to be housed, at "General Population Facilities." * CDCR'S NEEDS PERPETUAL VIOLENCE: IN ORDER TO EXIST PERPETUALLY.

If CDCr were to stop all of its violence: (Inmate on inmate, and inmate vs. peace officers.); it would eventually cease to exist. However, peace, safety, and true rehabilitation is not on CDCr's list of priorities. Murders, attempt to murders, riots, fights, and violence in general produces: Disciplinary reports better known as CDC115s. These 115s in turn are then used to create new- criminal charges. The inmate gets retried, reconvicted, and resentenced to an additional prison term. For the lifers found guilty of these CDC 115s; they will be forever held accountable, until they die of attrition.

Because CDCr is in perpetual state of war, new policies, and schemes are constantly being developed. So, that the 115s and new crimes charges keep coming. This allegation can be easily proven by revisiting CDCr's bloody history. In fact, back in the 1990s; CDCr experimented with a similar reintegration policy. It placed known - enemies within the same exercise yard. Then it ordered its officers to shoot to kill; the inmates for fighting. The level of bestiality, brutality, corruption, unaccountability, and violence reached levels that could not be covered up. Especially, when the victim' families started asking questions, about the circumstances of their loved deaths.

If it didn't work then; what makes CDCr believe, that it will work now? By now, we already know; that CDCr doesn't care about; the slaves lives. It is perfectly ok. to play with our lives. In the 1990s; the killers said: "We were just following - orders." [The same defense that Hitler's killers used to defend their atrocities.] Due to ignorance of our true status, as USA's slaves; a true reconciliation and mutual trust is impossible with my "General Population Active Counterparts." It is something that CDCr already knows; it is hard to live safely; when one half of the yard wants to kill the other half. Those in CDCr's black list will be the first ones to put into harms way. We (SNY/Actives) will be putting the bodies; CDCr will put the bullets.

It did no escape my mind; that CDCr could have created its so called - programmers and nonprogrammers yards; within, each of its two groups of slaves. And avoid the bloodshed. But, no, bodies have to be dropped, in order to keep the status quo. "Overcrowded prisons and its ammunition to defend its "Worst of the worst" rhetoric needed to excuse the genocide.

Send feedback, inquires, responses, and additional orginal work to:

IWOC Oakland
ATTN: Newsletter
PO Box 6305
Oakland, CA 94603

2

Poetic Justice

*Several weapons at their disposal to ensure our compliance
Some say the food's the worst part but I'm sure it's these tyrants
The first thing that I learned there's little hope in the air
A breeding ground for corruption and it grows everywhere
But we get television every day to help rot and tame us
Part of a pernicious strategy to turn us into lame ducks
A tiny cell I must call home that's even unfit for raccoons
I'm being generous when I say probably as big as your bathroom
There's dozens of prisons statewide and they're filled past capacity
Just a hint of some resistance and they tend to act drastically
Like pushing a pillow in our face to keep our voice muted
Gave some an inferiority complex with no choice but to do it
Chains of conformity that I'm resisting each and every day
To do what the next man does is a game that I rarely play
You may like the status quo but I see the need for a change
How can it be for the greater good when there's so many in pain
It's sad there's people out there that think it's just this
A term that some like to call an act of Poetic Justice*

Sincerely,
A.B.



Feedback Letter

Firm solidarity salute extended out to all Revolutionary Activists- community/Prison/Human Rights, etc.

I just completed reading of your Newsletter(referenced above) and elected to take you up on your invitation to your Reading audience to write and share our "feedback." (You Can Always Publish me.)

First, the editorial process is cool and the title is good, Be-cause the word "FIRE" has both some historical (see "The Fire next time" by James Baldwin) and contemporary (the fiery spirit of rebellions in the urban amerikan landscape since the turbulent sixties up to and thru the Los Angeles rebellions of the 90s, then the recent Michael Brown/Ferguson rebellions, etc.) significance you definitely needs to incorporate more "visuals" via artistic, photography/expressions, because "graphics" plays a big role in many(among the oppressed masses) preferred Learning styles. It sometimes finds more attention-grasping & holding than written words. This has become unfortunately moreso in recent years, (here in amerika) due to Todays technology (cell phones/texting, etc.) taking ahold of the masses' minds in place of natural Humyn/social/(spiritual) interactions, etc.

Overall, i enjoyed reading the News. That opening poetic expression "The Untold Stories of Incarceration" by Mr. P was real & deep (touched my revolutionary spirit.) I have questions about some of that info. contained in "Alert Memo" by A.F. condemned prisoner. Maybe in some individualized case scenerios.

For instance, here at Salinas Valley State Prison (Facility C), they do not provide us access to a (eavesdropping-proof) confidential legal room but uses the Board of Parole Hearing(BPH) (non-eavesdropping proof) room. our good brutha Sitawa Nantambu Jamaa (one of the 4 Prisoner Human Rights Movement (PHRM) Principal Negotiators from the Pelican Bay Short Corridor's Prisoner hunger strike solidarity (Phss) he filed aginst CDCr/SVSP eavesdropping on legal visits. But its no evidence of the officials using "recording" applications here, only them being right on the other side of the door/window (2-way) able to listen in and here the "confidential" attorney-client privileged communications-visits. But how general is this application is that we have to yet to find evidence of an recording/listening applications, only guards eavesdropping ears outside the room. Usually when the kind of operations (in "Alert Memo") occurring, is selective targeting and may have a court authorized by like a wiretapping PIN eavesdropping applications. And the facts is revealed in court cases thats what happen. Now do mistake my point here, i do agree with the central message being conveyed in the "alert Memo" article because it keeps the minds awareness sharp and vigilant.

Finally, i want to commend your editorial staff on their contributions in producing this first Newsletter. And i definitely look forward to contribution when/where i can to the Newsletter. im mindful of this quote: "we come to our struggles from communities, cultures, and identities that continue to nurture and sustain us in our organizing. These are gifts we bring to the movement." Tomashi, Zool: Community: Legacy of our Ancestors.

Additional, on May 24, 2016 CDCR updated its Core Guide concerning Gender Dysphoria (GD) to allow inmate-patient evaluations for sex-reassignment surgery (SRS).⁹ In spite of this policy change, CDCR is still as a rule predisposed against granting SRS which is defined in still existing regulations as “not medically necessary.”¹⁰

Thanks goes to Michelle Norsworthy and Shiloh Quine for these groundbreaking legal precedents. Their strength and resilience as transwomen imprisoned under the most adverse circumstances imaginable led to these historic legal victories. The TGI Justice Project, Transgender Law Center, and Prison Law Office continue working to ensure compliance with these new policies by prison officials.¹¹

V. Reform or Revolution?

The mainstream LGBTQ rights movement and liberal elites have developed a political agenda centered around capitalist class interests and assimilationist goals with a focus on three issues: 1) marriage equality, 2) military service, and 3) hate crimes laws. The problem with this is that it perpetuates historically flawed institutions and systems of oppression such as patriarchy and white supremacy, and does not resolve societal problems of racial oppression and gender violence. It would also not make our communities any safer from police brutality and prison slavery.¹²

The corporate sponsored Pride events that take place every June -- LGBTQ Pride Month -- is a prime example how the liberal Democrats and mainstream LGBTQ rights movement has co-opted Queer Liberation and transfeminist struggle by controlling the narrative with a narrow focus on pro-capitalist, pro-military, and pro-police objectives. Radical queer and trans folks have disrupted these Pride parades with chants of “No justice, no Pride!” in an effort to draw attention to the ongoing criminalization and violence many queer and trans people still experience in the streets and prisons, particularly those who are poor people or people of color in the new fascist USA of the pig Donald Trump.

While taking immediate actions to protect queer and trans people from some of the worst harms they face behind bars is critical, reforming jails and prisons can never be a complete solution.¹³ We must advocate an end to mass incarceration and police brutality now! Our ultimate goal is the abolition of prison slavery and the closure or repurposing of all penal detention facilities!

Rosie the Rebel is an imprisoned anarchist and transfeminist prison rebel in California, who has continued to be involved in prison abolitionist work for three decades. She's an aspiring artist, blogger, poet, writer, student, worker, and revolutionary activist. Her case is pending in the courts for a sentence reduction and she has also applied for a commutation of sentence from Governor Jerry Brown.

⁹ See Norsworthy v. Beard, 87 F.Supp.3d 1104 (N.D.Cal. 2015) (court issued preliminary injunction ordering the CDCR provide SRS to a transgender inmate where it was found “medically necessary” by healthcare providers).

¹⁰ See California Code of Regulations (CCR). Title 15, Section 3350.1 (b).(1)&(2).

¹¹ Request the handout “Common Issues Facing Transgender People in California Prison: the Law and Self-Advocacy” (Updated January 2018) available from: Prison Law Office, General Delivery, San Quentin, CA 94964.

¹² Ryan Conrad, Ed., Against Equality: Queer Revolution Not Mere Inclusion”, (a radical critique of the mainstream LGBTQ rights movement).

¹³ “Why Prisons Are an LGBTQ Issue: An Introduction”, <http://www.transequality.org>.

The Bubble: Sentencing Law Confusion (Cont.)

do not pay close attention to all the ramifications they subject themselves, and interestingly enough are not counselled as to the particulars of how they were charged in the first place by the prosecution which is key to any petition's success, or benefit one hopes to gain from the modest change in the Felony-Murder Rule statute. One may have to litigate that aspect in order to ultimately be successful in their petition at some point not clear. This will also result in, sadly, lots of bubbles being busted when their petitions for resentencing based on SB1437 is denied. One will have to check the records for proper support, for if the record does not provide substantive proof that none of the above mentioned burdens apply in their case. Know that there will not be any unfettered mass releases of violent prisoners based upon the change in the Felony-Murder Rule, but if one person is resentenced to a lesser term or released from these confines based upon the change, it will still be a good thing. With All Due Respects, Mr. John Q. Convict

This memorandum is written with the express purpose of making all receiving parties aware of stated issues and concerns. In the community, if a crime takes place and I, though not directly involved, have any form of participation that

(Cont. Pg. 8)

The Bubble: Sentencing Law Confusion

by M.B.

To many current as well as most former prisoners, Sentencing Law is very confusing, as ironically enough, for many licensed practicing “Criminal Law” attorneys. Surprised, we don't be as the simple fact is that California Sentencing Laws are “Arcane,” and out of such plain ignorance these Public Servants tend to mislead unintentionally or intentionally mislead their clients into accepting the so-called plea bargains that their defense attorney presumptively have brokered with the prosecution who factually tend to be much more versed in the future ramifications and penalties that such convictions result in for the person so duped. However, on its face, it appears that some aspects of California Sentencing Law practices are getting a proverbial tune up! Yes like for instance the infamous “Felony-Murder Rule” which commencing January 1, 2019 a defendant will no longer be automatically deemed guilty of a murder just because they were present when the crime was committed. Hurray, some are saying. However this change has in effect resulted in even more confusion for many current prisoners, who are seeking to obtain some sort of relief from the sentence they may be suffering upon the draconian Felony Murder Rule. I anticipate that numerous petitions will flood the courts on the presumption of entitlement to resentencing. Sure, some may be granted, but most will not, since there is clear stopgap provisions in the law as written whereas if the alleged accomplice did not actually do the killing, he/she will only be held accountable for the underlying crime. Yet slow down and let's explore this a bit more carefully. There is no free pass, since when one has been found to have Aided, Abetted, Instructed, Commands, Induces, Counsels, Solicits, Requests, or Assists in the commission of a murder, that person will still be held liable as a participant. What, how does this small insertion concern you? Well let's consider the fact that current statute that suggests that when an accomplice is deemed a major participant in the underlying felony and is said to have acted with reckless disregard/indifference to human life, or it has been emphasize, the victim is a peace officer. The individual will still be never-the-less, held accountable under the Felony-Murder Rule with a vengeance. Most prisoners in California

(Cont. Pg. 6)



A collaboration between S.H. and E.S. The artists asked what we saw in the picture, and an outside member responded "amidst swirling chaos and danger friends/ crew members find refuge and new possibilities through mutual aid and solidarity"

Trans Resistance in California Prisons: A Brief Chronology

By Rosie the Rebel

I. Queer Revolt in Amerika

Queer and trans liberation struggles arose in the context of existing radical leftist movements of the 1960s, such as those of the Black Panthers and Womens Liberation, and are intersectional with issues of race, class, and gender. Two recently recognized historical sites of queer revolt, the Comptons in San Francisco and the Stonewall Inn in New York, mark the beginning of the LGBTQ rights movement. In 1966, police raided the Comptons Cafeteria, a local hangout of the LGBTQ community in the Tenderloin District of San Francisco, where they proceeded to harass and arrest drag queens. One brave trans woman resisted this discriminatory action by police and a riot ensued.

In 1969, New York police raided the Stonewall Inn in a similar attack on LGBTQ people where they met stiff resistance. This caused a larger street battle as the pigs barricaded themselves inside the building while the people fed up with police abuse rioted in the street, gay and trans rebels yelling insults and revolutionary slogans. A Boriqua drag queen Sylvia Rivera was a central figure in this queer revolt and would later be called the Mother of the Movement by transgender activists.

These early days of struggle saw the formation of radical queer collective [sic] like the Vanguard in San Francisco and the Gay Liberation Front in New York. Of which Sylvia Rivera was a member. However, she would often criticize gay activists for their exclusion of trans people's issues, particularly with police harassment of drag queens and sex workers in the streets. Sylvia Rivera and Marsha P. Johnson would take on a more radical political significance by starting their own group -- Street Transvestite Action Revolutionaries (STAR), which focused on providing housing and direct services to the trans community. STAR was endorsed by Black Panther Party leader Huey Newton and the Puerto Rican nationalist Young Lords Party.

California has a long history of radical political movements and social justice activism, particularly in the San Francisco Bay Area and the state prisons. From the founding of the Black Panther Party in Oakland to the assassination of George Jackson in San Quentin, from the 1992 L.A. riots (a Black uprising against racist police brutality) to the 2011 statewide prisoner hunger strikes against solitary confinement. Most recently, we witnessed anarchist and anti-fascist resistance successfully shut-down white nationalist rallies in Berkeley and Sacramento. Black Lives Matter also started with two queer women of color from California.

The so-called “gay rights” movement started with radical queer insurrection and trans resistance. The rise of American fascism and the rigged election of an openly racist President, Donald Trump, necessitates a return to our revolutionary roots!

II. LGBTQ Prisoners are Vulnerable

A history of bias, abuse, and profiling toward LGBTQ people by law enforcement has contributed to disproportionate criminalization and mass incarceration. ¹ According to the National Transgender Discrimination Survey, 16% of transgender adults have been in prison of jail for some reason. Those who are poor or people of color especially face disrespect, harassment, discriminatory arrests, and physical or sexual assault by police at very high rates. ²

In prison settings, LGBTQ people are the most vulnerable to abuse and mistreatment by both staff and other prisoners. More than 200,000 youth and adults are sexually abused in prisons, jails, and juvenile detention facilities each year according to federal estimates. ³ A study of California prisons found that transwomen in men's facilities were 13 times as likely to be sexually abused as other prisoners. ⁴

The Prison Rape Elimination Act (PREA) was passed by Congress in 2003, which led to the 2012 implementation of the National Standards to Prevent, Detect, and Respond to Prison Rape (known as the PREA Standards). These federal regulations include specific provisions for the protection of trans prisoners, and state agencies face financial penalties for non-compliance. ⁵ Thus far, PREA auditors have rubber-stamped compliance even in the worst facilities with high rates of sexual abuse.

¹ See Amnesty International, Stonewalled: Police Abuse and Misconduct Against LGBTQ People in the U.S. (2005)

² NTDS. Frank H. Galvan & Mohsen Bazargan, Interactions of Latino Transgender Women with Law Enforcement. (2012).

³ Allen J. Beck, et al., Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-2012. Bureau of Justice Statistics, May 2003.

⁴ Valerie Jenness, et al., Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault, (Center for Evidence-Based Corrections, 2007).

⁵ See 42 U.S.C. § 15601, et. seq., and 28 C.F.R. Part 115, et seq.

When I first entered California state prison in 1989, trans healthcare was non-existent. Transsexuals who had undergone hormone therapy prior to their incarceration were deemed “flamboyant homosexuals” and were segregated in the Category B unit at the California Medical Facility (CMF) in Vacaville.

In 2013, at Kern Valley State Prison, a Latina transwoman named Carmen Guerrero was killed by her cellmate Miguel Crespo. This is only one of several murders of trans people in California prisons.

III. Queer & Trans Prison Organizing

California prisons have long been ruled by a system of Jim Crow racial segregation which has been strictly enforced by state policy and the prison gangs. ⁶ In the past, gay boys and queens by force of circumstance usually aligned [sic] with the own ethnic group, often forced or coerced into sexual relationships as “punks” under the men's protection.

This power dynamic has began [sic] to change since the development of Sensitive Needs Yards (SNY), white and Mexican gangs in the late 1990s began pushing a rule against homosexuality which resulted in widespread homophobic violence and SNY placement for most gay and trans prisoners. SNY facilities allowed for the relaxation of racial tensions and for integrated housing.

It was also in the 1990s that Gay Boy Gangsters (GBG) first began to make a name for themselves in the streets of Hollywood and L.A. County Jail, with a purpose of protecting queer and trans folks from “fag bashers” and retaliating against haters for homophobic violence. GBG was the first such collective to take root in California prisons, and also popularized usage of the term “family” to denote a separate queer identity transcending race.

Around 2007, some queens in the SNY facilities began to develop a “girls only” clique called Latina Bitch Cartel (LBC), which was followed in 2009 by formation of a new organizational structure called Loyal Queen Riders (LQR) at High Desert State Prison. LBC was later renamed Red Roses. Both of these factions came from the same foundation, but would develop separately until 2016 when they were joined into a consolidated queen organization. LQR would also implement a partial name change from “Riders” to “Revolutionaries” in order to disassociate from other prison factions using that term, and to indicate a more politicized transfeminist position as our main purpose.

“Gender Anarky” was a concept that was developed and promoted by a former member of Red Roses who writes under the pseudonym “Sister Amazon.” In 2015, this OG homegirl was forcibly stripped of her rank and membership in Red Roses for repeated disloyalty and unacceptable violation of our rule against snitching. The Gender Anarky support site was also subsequently taken off-line by the support team for similar reasons and for Zionist sympathies. The Gender Anarky “collective” is now defunct. ⁷

Red Roses/LQR has continued growing stronger in its purpose to build solidarity and support among transwomen, and to act as a resistance against hatred and violence when necessary. This modern-day Amazon tribe has currently about 30 members statewide, composed primarily of Black & Brown sisters (myself one of the exceptions) with solid street and prison backgrounds. These fierce femmes have adopted common usage of the last name “Rose” to signify a bond of tribal loyalty and sisterhood.

As a transfeminist prison collective, Red Roses/LQR also has an anti-racist, anti-fascist and prison abolitionist focus, while recognizing intersectional issues of race, class, and gender in the wider struggle. We believe strongly in self-defense, but see violence as a last resort. We work with outside prisoner support groups and legal advocates to end the criminalization and victimization of trans folks by the police and prison officials.

IV. Recent Legal Developments

As a result of a lawsuit brought by the Transgender Law Center against CDCR, the court order has expanded access to clothing and canteen items for transgender people consistent with their gender identity. ⁸ On April 28, 2017, CDCR issued Notice of Change to Regulations 17-03 (NCR 17-03), which created temporary regulations changes for authorized property for transgender prisoners. This new policy allows access to make-up, panties, and other items previously restricted to women's facilities only.

⁶ See Johnson v. California, 543 U.S. 499 (2005) (California policy that segregated inmates by race did not pass “strict scrutiny” standard because it was not “narrowly tailored” to address gang violence problem).

⁷ UltraViolet. Vol. XXVIII, No. 1, Summer 2017, “Gender Anarky” (letter by Sister Amazon claiming falsely that Red Roses is “a wing of Gender Anarky” and inexplicably denouncing revolutionary liberation of transwomen accusing a sister of “criminal activity or assaults on officers.”)

⁸ Quine v. Beard, No. 3:14-cv-02726 (N.D.Cal. June 12, 2014).