

Our All of Us or None newspaper serves to link those of us who have been locked up, those who are locked up, as well as our families and allies in this struggle.



# ALL OF US OR NONE NEWSPAPER

We want to ensure that the voices of our people inside are heard and the inside artists are recognized for their contributions to this movement.

Your stories matter!

DEC 2023



During our Friendsgiving event volunteers and staff wrote over 1400 holiday messages to our members inside. Photo by TaSin Sabir

## All of Us or None Celebrates as Two Jails Go Unfunded



Spokane County Superior Court building. Photo by Shutterstock

by TaSin Sabir, LSPC Communications Manager and AOUON Editor in Chief

In a remarkable grassroots effort, Spokane County's Measure One has been successfully opposed. Despite facing challenges such as smear campaigns and personal attacks, the political committee Justice Not Jails, mobilized over 100 volunteers, raised \$500,000, and hired formerly incarcerated individuals to champion their cause.

Measure One proposed a new sales tax on purchases, presenting itself as a solution to overcrowding by allocating set percentages of the revenue for criminal justice, public safety, or behavioral health purposes — essentially, the funding of new jails. Spokane County, anticipating a nearly doubled population by 2053, planned to address this growth by constructing two new facilities. The first, a Housing Facility for 896 minimum to medium-security Incarcerated community members, would absorb individuals from the closing Geiger Corrections Center and accommodate future capacity needs. The truth is Spokane County Commissioner's had zero plans to close Geiger and used this narrative to create a false plan to build an additional detention center. The second, a Community Corrections facility for 128 minimum-security incarcerated individuals, raised concerns about the county's approach to managing its projected population growth.

The campaign, backed by more than 10 organizations with Spokane Community Against Racism rising as the largest contributor to the campaign efforts alongside All of Us or None, utilized a multifaceted approach. TV commercials, digital ads, mailings, and direct voter contact methods such as text messages, phone calls, and door knocking were employed to reach a broad audience. A staggering 48,500 voter contacts were made, showcasing the dedication of the volunteers involved.

All of Us or None has been an active force in Spokane prior to the pandemic. The grassroots movement was first on the scene to engage formerly incarcerated people prior to the 2020 elections. Their efforts included attempts to reach into the county jail to register and engage voters. The Eastern Washington chapter remained diligent to center those directly impacted by incarceration as trusted messengers for community.

One of the key figures in this grassroots movement was Megan Pirie, Eastern Washington's All of Us or None Chapter Founder and Lead. Pirie's journey is a testament to resilience and transformation. Initially incarcerated nearly 30 years ago, Pirie turned her life around and now serves as the Director of

# Writing Letters & Frying Turkey

by Mitra Zarinebaf, LSPC Communications Associate

Every holiday season at Legal Services for Prisoners with Children (LSPC), we are reminded of why we are doing this work in the first place. Above all, holidays encourage connection and community, allowing for festive feasts, gift giving, and joy. However, for people directly impacted by mass incarceration or who work to abolish the prison-industrial complex, this time of year may be challenging knowing that prisons and jails have ultimately separated families and communities.

This is why LSPC makes a wholehearted commitment to not let carceral borders weaken our relationships. We know that while these prison walls have been artificially built, our relationships between friends, family, and comrades on the inside and outside will always run deeper. To continue to deepen and sustain our connections, we make sure that no one feels alone during the holidays. Therefore, one event we hold annually is our Friendsgiving.

Friendsgiving is where volunteers, All of Us or None members, community and LSPC staff gather at the Freedom and Movement Center, hold a large potluck, and spend the day writing holiday cards to our All of Us or None incarcerated members. While building community here in Oakland, we are simultaneously forming bonds across the United States, letting people know that they are not alone.

For this year, dozens came together on November 17th to rekindle this tradition. Some stayed for an hour and some stuck around for the whole day while we wrote over 1,400 letters. We made sure to let

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(l-r) Errol Veron and John Cannon's famous fried turkey! Photo by TaSin Sabir



Volunteers enjoying a laugh while writing letters to members inside. Photo by TaSin Sabir

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**ALL OF US OR NONE**  
NEWSPAPER

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*All of Us or None is an organizing movement started by people who have been in prison in order to challenge the pervasive discrimination that formerly incarcerated people, people in prison, and our family members face. Our goal is to strengthen the voices of people most affected by mass incarceration and the prison industrial complex. Through our grassroots organizing, we are building a powerful political movement to win full restoration of our human and civil rights.*

[www.prisonerswithchildren.org](http://www.prisonerswithchildren.org)



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4400 Market Street, Oakland, CA 94608



**SELF DETERMINATION  
PLEDGE**

**As members of All of Us or None,  
we pledge:**

**To demand the right to speak in  
our own voices**

**To treat each other with respect  
and not allow differences to  
divide us**

**To accept responsibility for any  
acts that may have caused harm  
to our families, our communities  
or ourselves**

**To fight all forms of  
discrimination**

**To help build the economic  
stability of formerly-  
incarcerated people**

**To claim and take care of our  
own children and our families**

**To support community  
struggles to stop using prisons  
as the answer to social problems**

**To play an active role in making  
our communities safe for  
everyone**

**All of Us or None Celebrates as Two Jails Go Unfunded  
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Person-Centered Services at the Department of Corrections. Her role involves incorporating the voices and perspectives of incarcerated individuals into the agency's practices and policies.

Pirie's husband Stanley Harewood stepped up to the position of vice chair for the campaign. As a black man formerly incarcerated in the Spokane County Jail, Harewood was the best person to lead this campaign. The campaign faced adversity when opponents launched a smear campaign against Harewood. These opponents desperate attempts to introduce smear campaigns prompted ongoing discussions within All of Us or None about the importance of the narrative when we tell our stories as formerly incarcerated people.

Despite the challenges, The Eastern Washington chapter successfully collaborated with BIPOC communities and formed the C4 political committee, Justice Not Jails. This strategic move ultimately led to a resounding victory in their efforts to oppose the construction of two new jails. The success of the campaign underscores the power of community organizing, grassroots mobilization, and centering the experiences of incarcerated and formerly incarcerated people. Eastern Washington's All of



A sign that reads, "Vote no on Measure 1," in front of a neighborhood home.

Us or None chapter has not only demonstrated the impact of collective action but has also emphasized the importance of allowing individuals with lived experiences to define their narratives.

As the community celebrates this victory, Eastern Washington's All of Us or None chapter remains committed to its mission of restoring the rights of formerly incarcerated individuals and dismantling systemic racism. The story of Stanley Harewood, Megan Pirie and the dedicated participants in this campaign serve as an inspiration for communities advocating for positive change across the nation.

**Hip Hop and Sports**

by Timothy Hicks, San Quentin  
News Sports Editor

Hip Hop celebrates its 50th year of existence. And in its infancy it latched on to sports, another rising juggernaut at the time. Together, the two have now become a world of entertainment providing opportunity while budding from generation to generation.

Grandmaster Flash and the Furious Five blessed the world with the first rap song, Rappers Delight and although swag has always been present in the urban communities through dress and song, however, in the 70s, a new era was born -Hip Hop.

Before there was Hip Hop, sports was already thriving and blacks were already dominating some of the fields. Moreover, blacks who had swag, were not bringing that flavor to its spaces. But after Hip Hop had carved out its own space, New York rapper/producer, Kurtis Blow made the song, Basketball, giving a Hip Hop voice to the sport.

That song highlighted the basketball stars of that era, such as; Julius "Dr. J" Erving and Mose Malone just to name a couple. According to all those who are 50 and older and who are Hip Hop fans who followed the genre since its inception, Kurtis Blow was found to be the first to merge sports with Hip Hop.

Now today inside the arenas and stadiums, and at almost every major sport venue, over the PA systems, DJ's are blasting Hip Hop songs through the speakers and wowing the crowds.

After Allen Iverson was dubbed the first bad boy

with swag to enter the basketball league because of his edgy dress code and flashy jewelry, now when you look on the sidelines at the players, you will see the Hip Hop swag on full display.

Once the Hip Hop culture began to morph, it took off like wild fire, creating a new out-spoken movement through the art.

Hip Hop also created more opportunities for those with the creative abilities to make things

happen, like rappers/producers, Jay Z and Ice Cube did.

Hip Hop rappers and moguls Jay Z and Ice Cube took it to another level. Jay Z took his rap money and invested in a whole basketball team, The New York Nets, elevating the game.

Ice Cube one upped Jay Z when he created his own league, The Big Three. That was entrepreneurialism at its finest. The California Mogul put a stamp on the relationship seal between Sports and Hip Hop, letting the world know that those two will forever be united.

Football and basketball teams have rappers representing them through their song's. Rappers have made songs that represent their cities and their teams. From Wiz Kalifa with, Black and Yellow, to Bay Area rappers E40 and the Luniz.

Hip Hop brings a unique flare where ever it is present. But because of Hip Hop and sports, the two together have emerged into a unique platform. May Hip Hop continue to break boundaries.



# LSPC Denounces CA Proposed Wage Increases for Incarcerated Workers

Reprinted with permission from *The Davis Vanguard*

By Annie Rudolph, Melinda Kukaj and Charlie Simmons

Legal Services for Prisoners with Children (LSPC) this week denounced the California Department of Corrections and Rehabilitation (CDCR) proposed plan to double the general wage scale for incarcerated workers.

In a statement, LSPC agreed there is a dire need to pay incarcerated people more, but they condemned the department's proposal for failing to create pay schedules that adequately address the needs of incarcerated workers.

The public comment asserts the proposal does not go nearly far enough to justly compensate incarcerated workers for their labor and fails to acknowledge them as employees protected by California labor laws.

Currently, the hourly wage for most incarcerated employees ranges between \$0.08 and \$0.74 per hour, and LSPC critiques the proposed wage increase because “in abstract, that sounds significant, but since the starting wage is currently so low, it amounts to increases measured by nickels and dimes.”

For example, LSPC notes the lowest level worker would get a raise from \$0.08-0.13 to \$0.16-0.26 per hour, “special skill” laborers would get a raise from \$0.19-0.32 to \$0.38-0.64 per hour, and “lead” level workers’ pay would increase from \$0.32-0.37 to \$0.64-74 per hour.

The same proposal also calls for a maximum daily rate for “Conservation Camp workers, i.e. fire camp.” According to the proposed § 3041.2(a)(2), the highest pay rate for these workers “will have a daily pay cap of \$10.24 while the lowest will be \$5.80 per day.”

LSPC explains that “the daily rate (and the regulation does not tie this to any number of hours, which in an emergency situation, we imagine, might exceed a normal eight-hour day) is, at best, around two-thirds of the state’s general minimum hourly wage for non-incarcerated workers, and the lowest range for camp workers is just above one-third.”

According to the CDCR, the pay increases will “incentivize work and job retention; enhance self-esteem in furtherance of rehabilitative goals; enable payment of restitution obligations; and allow incarcerated persons to save money for reintegration upon parole or release.”

In its initial statement, the department claimed it had no “reasonable alternatives” to alter its “initial determination” and that these proposed changes would be the most effective and least burdensome measure.

LSPC, in arguing for substantially higher wages, charges paying incarcerated employees and fire camp workers “the statewide minimum wage of \$15.50 an hour” would present an alternative that “would, incrementally, achieve the goals more effectively.”

The group used the CDCR’s own words against them to postulate that if “a pay raise from a couple of dimes to a couple of quarters an hour ‘provid(es) better incentives to accept and retain jobs’ (ISOR, at 1), then an increase to at least \$15.50 would provide stronger incentives.”

The comment stresses alternatives do exist.

“For the wage scale applicable to the ‘lead’ level, for instance, one can readily think of at least 1,476 alternatives that would better achieve the stated goal; one alternative for every cent between the proposed highest wage of seventy-four cents an hour and the general minimum wage,” said LSPC.

And, said LSPC, for incarcerated fire camp workers, increasing their pay to the state minimum wage or even higher to a wage more comparable to Cal Fire employees would better incentivize this work while honoring their dignity and self-worth which the department recognizes as important.



David McNew / AFP/Getty Images

Furthermore, LSPC responded to the CDCR’s claim the proposed regulations have “no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California,” by stating that it is “totally implausible” that the prison labor market has no effect on the general economy.

The comment condemns the department’s hypocritical and antithetical stance on how the proposed regulations would affect general welfare.

LSPC explains how “this inconsistency is a symptom of the basic policy tension at the heart of these regulations; to wit – the aim of increasing the pay of incarcerated workers, to improve their economic situation and foster self-respect, while at the same time treating them as an underclass of workers not entitled to ordinary minimum protections.”

LSPC also calls into question the legality of employing prisoners for wages below the state minimum, arguing CDCR “has been massively violating the law in this area for years.”

The state’s labor code calls for a “minimum wage for all industries” and all state employers are subject to the statute. According to LSPC, the “fiction that CDCR is not covered by the Labor Code is completely unsupportable by basic principles of statutory interpretation.”

LSPC added the state’s “Penal Code expressly recognizes incarcerated work as employment” and

the Labor Code “plainly covers a state agency like CDCR who employs workers, regardless of whether they are incarcerated.”

LSPC acknowledges “provisions on the books that appear to contravene the interpretation just advanced,” drawing from a penal code in 2005 which established “a maximum wage for Prison Industry Authority workers that is below the general minimum wage.”

However the labor code, which establishes a minimum wage, was established in 2016. LSPC notes that “when two statutes conflict, *ceteris paribus*, the latest in time governs.” Therefore, the

CDCR is “legally bound to apply the minimum wage” for incarcerated employees, insists LSPC.

LSPC also cites a final “policy intention” of the CDCR, which “completely undercuts the expected efficacy of the rule changes,” noting this policy intention involves “changing many work assignments from full-time to halftime.”

While the CDCR claims this move will “provide greater flexibility to have a paid work assignment and participate in other, unpaid rehabilitative programs, and to increase wages without additional cost to the taxpayers” LSPC said it found it counterproductive to the aims of the organization.

LSPC added this move will not generate “more buying power” if the net income is unchanged and it fails to address questions surrounding whether an increased rate “is sufficient to achieve the stated goal of incentivization.”

LSPC also criticized the department for not supplying “any analysis of whether the self-worth goal is better achieved through reduced hours or through maintaining full-time opportunities for persons who want that.”

LSPC, in short, maintained the CDCR proposal “does not go far enough in compensating incarcerated workers for their work. The wage levels should be increased so as to eliminate the subminimum condition which the proposed regulations would allow to persist.”



# A Crime Against the Elderly

Hotep (Peace) Dorsey Nunn,

I am writing to commend intern Esme Lipton on a very outstanding, compelling, and superbly written literary composition addressing "The lingering reality of slavery in U.S. prisons" and to submit my own testimonial to you. This has been a major concern of mine long before I was incarcerated within our Criminal Injustice System in October 1998. I am mailing a copy of a January 1, 2016 Open letter to you that I wrote to the General American Public after about 18 years of incarceration. Within my open letter, I address many aspects of incarceration, particularly penological life. However, starting on page 34, I focus on and emphasize the need to end the racialized system of social control known as Mass Incarceration, aka Neo-slavery, which, as intern Lipton states, is condoned by both Article 1, Section 6 of the California Constitution and the 13th Amendment of the U.S. Constitution.

About 6 years ago, I was a victim of our state's involuntary servitude system in which I was forced to withdraw from college and work in an unpaid capacity. Presently, I am a 73-year-old disabled (ADA), medically high-risk, CCMS human being assigned to Valley State Prison (VSP). However, back in 2017 or 2018, I was assigned to the substance abuse treatment Facility (SATF). At that time, I had been enrolled in the college volunteer education program (CVEP) for more than a year. I had made a conscious decision to enroll in that program because, as I began to age, I could recognize my cognitive skills and abilities beginning to wane and deteriorate. Among other debilities, my short-term memory and basic academic skills were being impaired.

After being enrolled for more than a year, I could identify the rich and rewarding benefits that I had accrued from reporting reliably to the learning center on a daily basis without fail. Then one evening I received a notice from the VSP assignment office that ordered me to report to the dining hall to labor as a dining hall worker from 4:00 am until 10:00 am. I immediately spoke to and wrote to the authorities and told them that I was a 67-year-old senior member of the inmate community who was enrolled in the College Volunteer Educational Program on a daily basis and that this work assignment would conflict with my educational goals. Unbelievably, callously, I was told that VSP's needs took precedence over my personal ambitions.

I even filed a grievance relative to this matter, and the CVEP Director submitted a letter attached to my grievance that verified that I had been attending school on a daily basis for more than a year along

with my official attendance records. But again, this was to no avail. I was pulled out of school and forced to do "slave" labor for the state of California's penal system. I have verification of those documents in storage in R&R should you find them useful.

So, for several weeks, I reported to the dining hall for work because I was told that if I refused the assignment or failed to report, I would be issued progressive disciplinary actions, as well as possible reassignment to a Level 3 prison. Therefore, I acquiesced and continued to report to work. Nevertheless, the emotional, mental, psychological, and physical anguish and trauma that I felt and endured were overwhelming. I couldn't understand, as a senior member of this community, why I was not allowed to retire and devote my remaining years of life to pursuing educational, edifying, culturally enriching, and other personal goals and objectives. I was devastated. I am still devastated because I

**"I am still devastated because I realize that at any moment I could be 'enslaved' again at VSP. It made me contemplate and reminisce about what our 17th, 18th, and 19th-century African and African American ancestors had to endure at the hands of our country during both the slavery era, post-reconstruction era, and Jim Crow era of American history."**

realize that at any moment I could be "enslaved" again at VSP. It made me contemplate and reminisce about what our 17th, 18th, and 19th-century African and African American ancestors had to endure at the hands of our country during both the slavery era, post-reconstruction era, and Jim Crow era of American history. Why are we, Californians, revisiting that horrific, inhumane, and monstrous phenomenon and existence on another generation in the 21st century? We are better than that, America! Or, at least, we should be if we've learned the lessons of our past.

Fortunately, during my 4 years of assignment at VSP from July 2019 until July 2023, I have not been assigned to any involuntary work details as of yet. But I realize that unless ACA 8 is passed by the citizens of California, I could be villeinaged by VSP's feudal lords at any time. This is the case of another African American human being whom I am acquainted with. He is 83 years old but has been forced to report to work daily or be subjected to disciplinary actions. What a crime against the elderly - this is institutionally sanctioned elder abuse, plain and simple.

It reminds me of what I read in the celebrated and acclaimed author Douglas Blackman's thoroughly researched and groundbreaking book entitled

"Slavery By Another Name." In which aging Black Americans were forced to work until their death within America's convict leasing system. Blackmon's bold writing style portrays a vivid, graphic, and evocative picture of how dehumanizing and morbid life was for Black people who were condemned and sentenced to toil for life while confined, day and night in southern mines making treacherous and exploitative white men wealthy. Certainly, all of us, whether Black, Brown, Red, Yellow, and White, have a vested interest in ensuring that this kind of or a facsimile of such an enological system is not allowed to exist today in 21st Century United States of America. But let's start with our state of California by passing ACA 8.

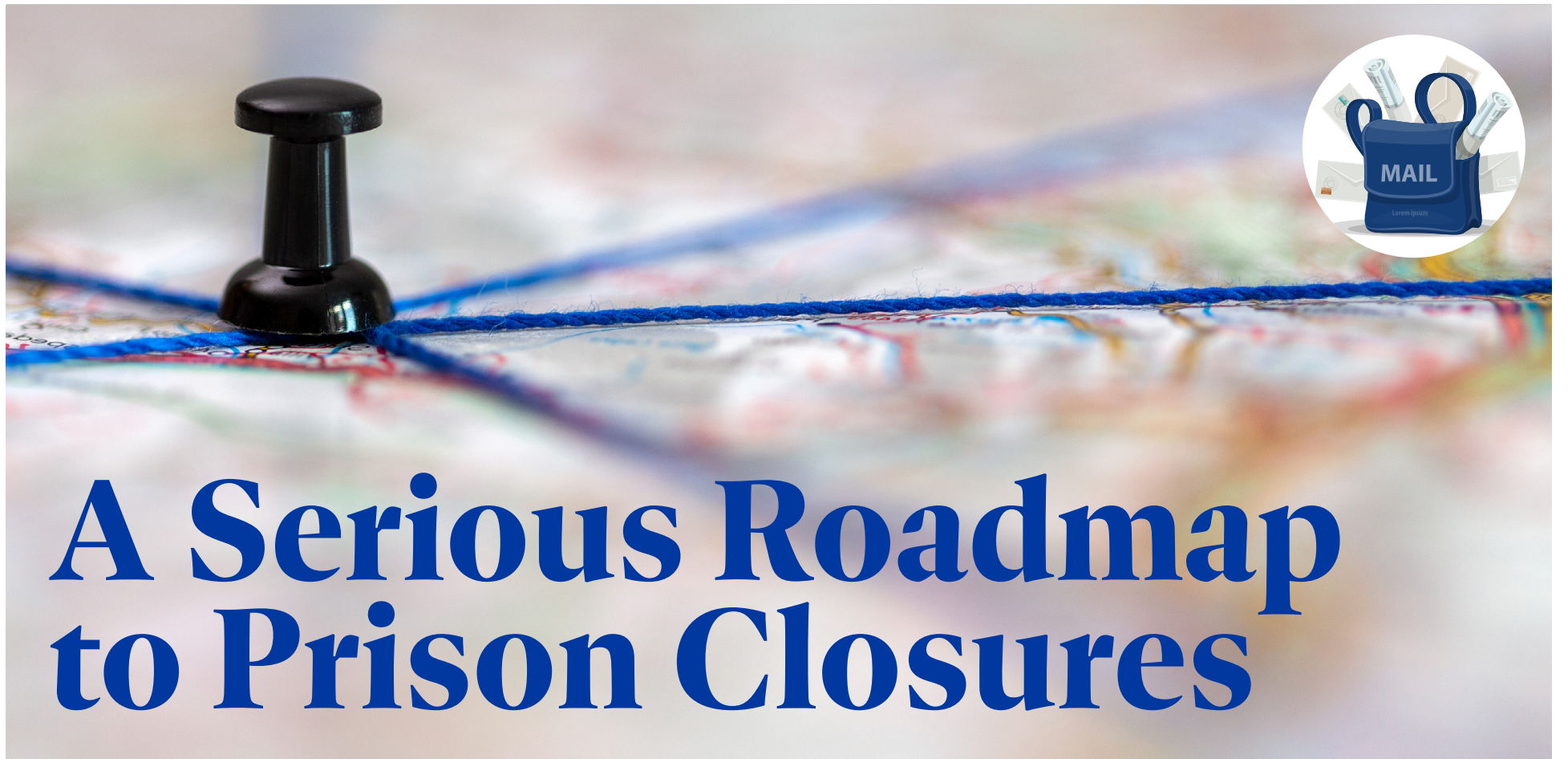
I gave my fellow 83-year-old inmate friend a copy of your "Call for Testimonies" campaign worksheet, Director Nunn, and he says that he intends to submit his own personal testimony to you.

By the way, the only way that I was able to get out of the dining hall work assignment at SATF was because I identified an inhumane working condition that I was subjected to on a daily basis. During my several weeks of enslavement in the SATF dining hall, there was only one toilet that had to be used

by more than 20 dining hall and kitchen workers. I suffer from incontinence, and I was compelled to hold my urine and feces for 20-30 minutes while standing in line behind 6-10 other workers. Subsequently, I filed a CDCR 1824 Reasonable Accommodations Request asking to be unassigned from the dining hall because I had to painfully hold my bodily wastes for an unreasonably long period while waiting to use the one toilet, and ultimately, I was unassigned from that job assignment.

Nevertheless, I should have never been compelled to work for slave labor in the first place, and that's why I want to commend you and the members of your organization for the efforts that you are making on behalf of incarcerated Californians to encourage civic-minded and compassionate registered California voters to pass ACA 8 and amend the California Constitution. I am hoping that all California voters will see that passing this amendment could potentially help themselves and their loved ones should they find themselves unexpectedly and wrongfully enmeshed and embroiled in our state's penal system through no fault of their own.

Hotepu (Peace be unto you).  
Joseph Louis Neale, Jr.  
Valley State Prison



# A Serious Roadmap to Prison Closures

by Markese Clark  
Chuckawalla Valley State Prison

## INTRODUCTION

There is an ancient biblical adage that humorously suggests that if you want to make YAHUWAH, ELOHIM laugh, we should share our plans. This concept applies not only to our future but also to the intricate system of incarceration (CDCR), our esteemed Governor Gavin Newsom, and our legislators. As we, the rehabilitating prisoners, hear these conglomerates formulating plans, we find amusement in their endeavors. In this meticulously crafted response essay to Robert J. Hansens's article, "Plan to Close Ten Prisons by 2025", we endeavor to amplify the voices of rehabilitating prisoners, presenting their heartfelt insights. It is from the perspective of those caught in the middle of a tennis match between two parents that we put forth our vision on "A Serious Roadmap for Prison Closure."

## ADDRESSING CHALLENGES AND LIMITATIONS

As Markese, I have courageously embraced the path of recovery and healing through therapeutic treatment. Along this journey, I have encountered a myriad of obstacles. Regrettably, professionals have conveyed their limitations in providing ample assistance. For instance, inmates not classified under CCCMS or E.O.P., guidelines are restricted from frequent mental health sessions. Moreover, these sessions are encouraged to be brief, and after the initial meetings, a 90-day waiting period ensues. The conundrum is evident: how can individuals with deeply ingrained maladaptive behaviors unlearn them or identify and address them effectively under such constraints?

## THE URGENCY OF PRISON CLOSURE

The concept of closing prisons deserves serious contemplation. The prison system has disproportionately drained taxpayers' resources over the decades, yet yielding minimal to no tangible ROI. Despite this, California communities continue to grapple with safety concerns, high recidivism rates, elevated guard suicide statistics, and escalating crime rates. The incongruity arises when the CDCR requests increased funding while failing to provide authentic rehabilitative opportunities to inmates incarcerated for extended periods. Nevertheless, a case can be made for an increase in funds if appropriately allocated to essential resources. Nonetheless, some prisoners may still require continued imprisonment until they have fully addressed their maladaptive behaviors and actions.

## WHAT CONST/TUES A SERIOUS ROADMAP?

A serious roadmap demands a radical shift from ineffective approaches. Key elements include augmenting professional help and therapy, embracing advanced learning technology, and fostering emotional intelligence. Dr. Michael Merzenich, a respected authority from the University of California in San Francisco, envisions restructuring prisons as brain healing centers (San Quentin News Article, February 2023). Yet, the path to achieving this transformation remains unclear due to fundamental disagreements among politicians on the purpose of prisons. Should their primary objective be punishment or guidance? The answer lies in adopting progressive measures akin to Northern European systems of incarceration, which focus on rehabilitating prisoners into productive members of society. Achieving this requires placing social scientists and psychologists in control of the incarceration system, instead of politicians driven by personal ambition.

## THE POWER OF PERSONAL STORIES

Allow me to share an example that epitomizes the message I, Markese, seek to convey. I encountered inmate BJ, or Brother Jones, during my time at CVSP. Serving a life sentence for murder and attempted murder, BJ defied the odds when he was found suitable for release at his first Board of Parole Hearing (BPH). BJ's transformation stemmed from his enrollment in a Dog Training Program at Lancaster Prison. Under the guidance of professional psychologists, he gained the necessary insight and empathy, transitioning from a life of criminality to one of compassion. The therapist's role in guiding his maladaptive behaviors toward adaptive ones was crucial. However, it is crucial to acknowledge that not all prisoners can access such tailored programs. If we contemplate a serious roadmap to successful prison closures, one that includes the mass diaspora release of inmates, we must allocate adequate funding—perhaps an additional \$500 million—to provide similar opportunities to countless others.

## EMBRACING PERSONAL GROWTH AND CHANGE

As part of my personal growth while incarcerated, I dedicated myself to college, majoring in Alcohol & Drug Studies (ADS). My journey involved delving into psychology and sociology and engaging in transformative therapy sessions with various doctors. However, during an introduction to Sociology class, my hope faltered. The class revealed how America is aware of its past atrocities

and the necessary remedies, yet fails to implement them, often due to a lack of available funding. To address complex issues of psychology, professional cost-free help is essential. It is crucial to recognize that the majority of the 90,000-plus inmates in CDCR and millions of incarcerated Americans face indistinguishable conflicts and issues. Without proper treatment, America will remain a warehousing factory, particularly for African American and Hispanic communities.

## LOOKING AHEAD: TOWARDS MEANINGFUL REFORMS

Perhaps the time has come for all parties, Crips and Bloods, I mean the Left Blue and Right Red, Democrats and Republicans, to take charge and steer the system towards success. Senate Bill 513 (Wiener), aptly named the "Reducing Recidivism through Therapy Act", represents a step in the right direction. This bill mandates CDCR to conduct mental health treatment for incarcerated individuals and provides introductory mental health therapy appointments within two weeks of requesting care. Consistent mental health therapy is offered to those in need. It is through these meaningful initiatives that we can pave the way for prison closures while ensuring increased public safety. Let's imagine for a second, if commissioners and/or board psychologist spent time outside of the boardrooms and offices to spend some time on prison yards and buildings observing or interacting in inmate's daily lives to get a better understanding of who we are.

## CONCLUSION

In conclusion, the pursuit of prison closures requires a comprehensive and serious roadmap. It entails an overhaul of the current system, prioritizing professional help, advanced learning technology, and emotional intelligence. Personal success stories, like that of Brother Jones, serve as inspiration, but we must extend these opportunities to all inmates. As I, Markese, continue my journey of personal growth, I understand the vital role of properly implemented rehabilitation programs. Let us seize the opportunity to transform the incarceration system, guided by social scientists and psychologists who prioritize public safety and true rehabilitation over political ambitions. By investing in the mental health department and embracing progressive models, we can pave the way towards a safer and more compassionate society, one step at a time.

# Policy Update

by Jeronimo Aguilar, LSPC Policy Analyst

We are getting closer to the start of another legislative session. Being that it will be the second year of a two year session we have many bills that we will be pushing across the finish line in 2024. We also have some new legislation that we are looking to introduce and will keep you all informed as we move forward. Though the legislature is off, we have been busy outreaching and providing public education to the community regarding our major campaigns and getting our policy priorities in order for the upcoming legislative session.

## SB 474 (Becker) Basic(s) Act Canteen Price Reform VICTORY!

A message from Policy Analyst Ivana Cortez who was the lead advocate from LSPC on this legislation: "Today we learned that CDCR will start implementation of the Canteen bill which will reduce markups from a 65% to 35% markup starting tomorrow December 1st!! Folks inside have already started seeing the reduction in prices. Great job LSPC!!"

We are proud of this development and are eager to hear the feedback from all of you regarding this reduction in canteen prices. Please write to Ivana Cortez at 4400 Market St, Oakland, CA 94608 with any information regarding this legislation.

## AB 1516 (Kalra) Living Wage for All

Our Living Wage for All campaign is something we are very excited about. AB 1516, authored by Assemblymember Ash Kalra, was originally a study bill, to research the need for a higher minimum wage for all workers as well as the need to end



the sub minimum wage of incarcerated workers. The research report is almost ready and will be released this month or early January. Further, we are exploring the prospects of taking it from a study bill to a legitimate legislative proposal where, if passed, would raise the minimum wage for all workers without exception, including incarcerated workers. Either way, this will remain a long term goal of LSPC and we won't stop until we attain a livable wage for all.

## NCR 23-11: The Living Wage for All coalition

hosted a press conference on 11/16 to educate the public about the so-called "raise" CDCR is planning on giving incarcerated workers. We were joined by Senator Bradford and Senator Cortese as well as press from the LA Times and KQED. We gave the public and press the whole story, which includes CDCR's plan to reduce 75% of all work assignments to half time and the fact that CALPIA will not benefit from this wage "increase." All things considered, incarcerated workers will not be receiving any more than they were before, in fact CDCR may be able to save money in the long term. We'd love to hear from you all regarding this issue and the potential effects of this massive reduction in full time work assignments. So far we've been able to get stories published in the LA Times, Newsbreak, and KQED just to name a few.

**[Get Involved]:** Please send us your testimonials, stories, and experiences on the need for a real humane wage for incarcerated workers. We'd also love to hear your thoughts regarding NCR 23-11.

Your words matter and we will make sure that legislators, elected officials, and press hear what you all have to say. Write to LSPC Policy Analyst Jeronimo Aguilar at 4400 Market St, Oakland, CA 94608 or give us a call and we can arrange recording voice testimony.

## ACA 8 The End Slavery in CA Act

We are still pushing forward with our campaign to end slavery in California. We will be resuming our mission to pass it out of the CA legislature and will need to get it passed by June 2024 in order to qualify for the November 2024 ballot. Remember, this campaign is all about making sure incarcerated workers gain the right to consent to any and all labor that benefits anyone or anything outside of themselves. So for instance, cleaning your cell and personal hygiene doesn't qualify or relate to involuntary servitude. We are referring to labor and ensuring that no individual be subject to forced labor without their consent. It is long overdue for our state to stop utilizing forced labor as "punishment for a crime."

**[Get involved]:** Your stories and experiences are invaluable. Please continue reaching out to us and legislators regarding the oppression of forced labor and how inhumane this practice is. Write to LSPC Policy Analyst Jeronimo Aguilar at 4400 Market St, Oakland, CA 94608 or give us a call and we can arrange recording voice testimony. Also let us know if you'd like the address to elected officials offices so you can advocate directly to legislators.

# Legal Corner - The Changing Landscape of Felony Murder

by Kellie Walters, JD, LLM, LSPC Staff Attorney

This is the second in a series of articles concerning the changes in Felony Murder in California.

As stated in the previous article, Senate Bill 775 clarified section 1172.6 of the California law, which allows defendants who could not have been convicted under the new law to petition the sentencing court to vacate their murder conviction and resentence them on any remaining counts. At the hearing, if granted, the prosecution must prove beyond a reasonable doubt that the petitioner is guilty of murder. The trial court must act as an independent factfinder and determine whether the petitioner committed murder under the law as amended by Senate Bill 1437. See *People v. Clements*, 75 Cal.App.5th 276, 294, 297, 290 Cal. Rptr.3d 395 (2022).

If the prosecution fails to prove the case, the previous conviction and any allegations will be annulled, and the defendant will be sentenced again on remaining charges. If eligible for relief, the defendant's conviction will be renamed as the target offense for resentencing, regardless of any statute of limitations.

SB 775 applies to anyone convicted of attempted murder, manslaughter, or murder where malice was assumed based solely on their participation in the underlying crime. This includes those who entered a guilty plea for lesser charges of attempted murder, felony murder, or manslaughter to pursue a claim for relief.

Significantly, while SB 1437 and 775 limited the scope of the felony-murder rule, it is also only extended to those who have been convicted under the natural and probable consequences theory, rather than an intent to kill theory. See *People v. Trent*, No. C096306 (Cal. Ct. App. Oct. 3, 2023) These two theories of liability differ in terms of the mental state required for a murder conviction. Under the natural and probable consequences doctrine, an aider and abettor need not personally possess malice. "A [homicide] that is reasonably foreseeable is a natural and probable consequence under this doctrine." *People v. Smith*, 60 Cal. 4th 603, 611, 180 Cal. Rptr. 3d 100, 337 P.3d 1159 (2014)

Conversely, under an implied malice theory, the accused must know that their conduct endangers the life of another and act with conscious disregard for life. The jury instruction for intent to kill as

in an attempted murder charge indicates "[t]he person committing the act harbored express malice aforethought, namely, a specific intent to kill unlawfully another human being." Cal. Jury Instr.--Crim. 8.66, Cal. Jury Instr.--Crim. 8.66 (emphasis added).



A reviewing court will look to the record of the convicting trial court to determine whether an individual previously convicted of homicide under felony-murder is eligible for relief. If the record reveals that they were convicted under a theory other than the natural and probable consequences doctrine, the convicted individual will not be eligible for relief under SB 775. See *People v. Garcia*, No. G062397, 2023 WL 7532693, at \*2 (Cal. Ct. App. Nov. 14, 2023) ("the jury instructions given at trial established that the jury found Garcia had acted with the intent to kill. He could not have been convicted under the natural and probable consequences doctrine for the simple reason that the jury was not instructed on that theory.").

# Jesse's Corner

by Jesse Burlison LSPC/AOUON In-Custody Program Coordinator



On December 9th, All of Us or None will be giving new bicycles to the nearly 300 children of our All of Us or None inside members from around the Bay Area communities. This event is called Community Giveback and has been happening for 24 years. This year the event will be held at McClymonds High School in West Oakland. Last year the event was held as a Block Party outside of the Freedom and Movement Center here at the office but we had to endure inclement weather conditions. So this year the event will be indoors and have parking available.

children so happy and excited as they participate in all of the activities we have for them. For the smaller children we have face painting and hand crafts, and gift them toys along with a new bike. We have larger bikes for the teenagers and smaller bikes with training wheels and tricycles for the smaller children. There is food, music and helmet fitting. There is a photo booth where we take pictures of the children with their new bikes to send back inside for mom or dad. And all of the children are informed that the new bike is a gift from their mom or dad.

The Community Giveback event is special because it directly involves the children. These are children who are without one parent at home, and some are without both parents, due to the parents' incarceration. Some of the children are missing their mothers, while most of the children are without their fathers who are locked up. This event gives the incarcerated parent a means to provide their child the gift of a brand new bicycle.

SHOUT OUT TO ALL OF THE VOLUNTEERS who came to help assemble all of these bicycles! We could not do this without your help! And thank you to the formerly incarcerated volunteers and those from our partner orgs who came to the center on a weekday or the weekend to put in the work of helping to assemble hundreds of bicycles. Shout out also to Pon Bike North America and Pacific Cycle for donating nearly 100 bikes for the cause!

I have participated in the Community Giveback in the past several years and each time it is a joy to see the

*The entire LSPC office, also known as the Freedom and Movement Center, was transformed into a bike assembly hub as volunteers gathered to assemble bikes for the 24th Annual Community Giveback. Photos by Tanisha Cannon*



## Writing Letters and Frying Turkey (Continued from page 1)

recipients know that we are with them, we are sending encouragement, and we are wishing for a hopeful and joyful New Year. Along with writing, we had an amazing potluck that kept our energy in high spirits. One amazing highlight was our turkey where our Development Analyst Errol Veron and AOUON Outreach Coordinator John Cannon were Michelin Star Chefs for the day, frying a 20lb turkey in peanut oil and it was scrumptious!

Friendsgiving is only a few weeks before our other annual tradition, Community Giveback: where LSPC gives bikes to children on behalf of someone who is currently incarcerated. For me, I am incredibly grateful to have an event such as Friendsgiving to ease us into this holiday season that is often hectic and fast-paced. It reminds me and many others the significance of community, of

slowing down, and of always uplifting our comrades on the inside.

Our 24th Annual Community Giveback is slated for December 9th, 2023, where LSPC will be giving bikes to over 100 families! As our AOUON Self-Determination Pledge states, we must "claim and take care of our own children and our families." This event reminds children that they have a whole community of people who care about them, and also supports former prisoners in their efforts to positively impact their communities. It is dedicated to the memory of Robert Moody, a formerly incarcerated activist who helped initiate the project. While almost all of us are affected by mass incarceration, we let this become an opportunity to come together and giveback, not letting the effects of incarceration destroy our bonds.



*A volunteer writes a holiday card to a member inside. Photo by TaSin Sabir*

# ALL OF US OR NONE

Slave, who is it that shall free you?  
 Those in deepest darkness lying.  
 Comrade, only these can see you  
 Only they can hear you crying.  
 Comrade, only slaves can free you.  
 Everything or nothing. All of us or none.  
 One alone our lot can't better.  
 Either gun or fetter.  
 Everything or nothing. All of us or none.

You who hunger, who shall feed you?  
 If it's bread you would be carving,  
 Come to us, we too are starving.  
 Come to us and let us lead you.  
 Only hungry ones can feed you.  
 Everything or nothing. All of us or none.  
 One alone her lot can't better.  
 Either gun or fetter.  
 Everything or nothing. All of us or none.

Beaten one, who shall avenge you?  
 You, on whom the blows are falling,  
 Hear your wounded comrades calling.  
 Weakness gives us strength to lend you.  
 Come to us, we shall avenge you.  
 Everything or nothing. All of us or none.  
 One alone his lot can't better.  
 Either gun or fetter.  
 Everything or nothing. All of us or none.

Who, oh wretched one, shall dare it?  
 We who can no longer bear it.  
 Counts the blows that arm our spirit.  
 Taught the time by need and sorrow,  
 Strikes today and not tomorrow.  
 Everything or nothing. All of us or none.  
 One alone our lot can't better.  
 Either gun or fetter.  
 Everything or nothing. All of us or none.

Bertolt Brecht (1898–1956)

**AOUON is a grassroots organizing project of Legal Services for Prisoners with Children (LSPC) fighting to restore the civil and human rights of formerly and currently incarcerated people and our families. Started in California in 2003, AOUON currently has chapters all over the country advocating effectively to Ban the Box, restore voting rights, increase access to housing and education, and end mass incarceration. We demand a voice in building healthy communities.**

**LSPC organizes communities impacted by the criminal justice system and advocates to release incarcerated people, to restore human and civil rights, and to reunify families and communities. We build public awareness of structural racism in policing, the courts, and prison system, and we advance racial and gender justice in all our work. Our strategies include legal support, trainings, advocacy, public education, grassroots mobilization, and developing community partnerships.**



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## We are proud to announce the merger of East Bay Family Defenders and Legal Services for Prisoners with Children.

Our shared mission is to end family separation, restore human and civil rights, and make a lasting impact in our community. East Bay Family Defender (EBFD) brings expertise in juvenile dependency law and a proven holistic defense model, while Legal Services for Prisoners with Children (LSPC) contributes four decades of experience

in community organizing, policy and legal advocacy for directly and systems impacted families. Together, we will work towards reunifying families impacted by the criminal legal and family policing systems, advocating for policy changes, and creating a more just world. Thank you for your continued support.



### All of Us or None Membership Form | Yes, I want to become a member of ALL OF US OR NONE!

Name & Number: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

Country of Origin: \_\_\_\_\_

Do you have children? YES / NO. Do you need support with family issues? YES / NO

Earliest Parole/Release Date: \_\_\_\_\_ County of Parole/Probation: \_\_\_\_\_

- I can organize & facilitate group meeting
- I can help with membership outreach
- I can distribute materials & resources
- I can address & pass along feedback

Mail this form & any questions to:  
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