

Pages	Table of Contents
1&4	Life on Death Row – Glen Cornwell
1&4	The Cost of Privileges in Prison – Jason Davis
2-3	Letter from the Editor
5	Testimony to Labor in the CA Carceral System – CJ Black
6	The SNY Experiment – Franklin Lee
7	Turning Their Back – Brian Mattes
8	Indecent Exposure: Carceral Contamination in Toxic Prison – D. Razor Babb
9	Police Threatens Safety of Thousands of Incarcerated Individuals – Jamel Walker

Life on Death Row

By **Glen Cornwell**

California Medical Facility

Woke up from a deep sleep at around 6:00 a.m., looked around and saw iron mesh with thirteen black bars surrounded by concrete and cement. Whoever thought of this place had a sick sense of humor. Sheets and clothing hung from a line along my cell, drying from yesterday. Probably dry but I'll give them another day to be sure. Hit the sink, wash up then do my morning ritual. Bits and pieces of conversations come from all directions; free staff mixed with inmates produce unintelligible sounds I'd rather ignore, sounding like babble.

This morning I woke up thinking back to my first day on trial when the district attorney looked at me and said, "I know the informants are lying." This is true. They claimed I was born, raised and went to school in Sacramento, California with them until I went

to Youth Authority (YA). All a lie, of course, I was born and raised in Watts and Compton, California. Joined the US Navy, turned 18 in boot camp, and never went to YA. Of course, my dumptruck lawyers didn't think the jury needed to hear the truth. Threatened to gag me if I blurted it out. Thirty years later facts like that still haunt me. Like dozens of dead friends I like to socialize with, long gone by the token of time. It took a while but mentally I eventually changed the theme. Get up, fix my rack, put coffee on, and start my day. Promised a good friend I'd write something about death row (DR). After about forty-five minutes this is what I've managed so far.

By 6:30 a.m. a corrections officer (CO) slides my breakfast tray through the tray slot, mystery meat with onions, oatmeal roll, half a carrot and milk. I take down half of it and slide my tray back out when they come back around. If they miss a tray East Block will get torn up in



"Whoever thought of this place had a sick sense of humor."

a massive search. It's happened before.

Since I have a group today from 11:00 a.m. until 1:00 p.m., my morning's main focus is to get ready for that. Then from 1:30 p.m. until 3:00 p.m... *Continues on page 4*

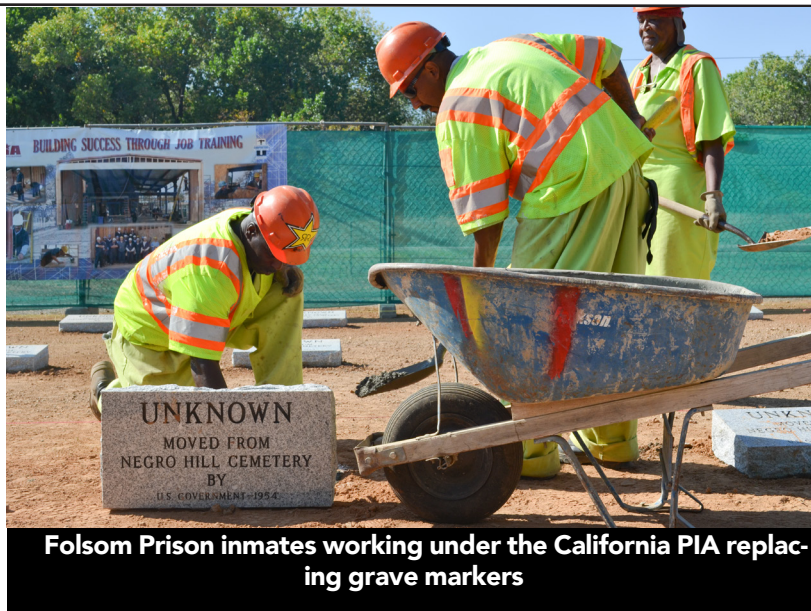
The Cost of Privileges in Prison

By **Jason Davis**

Mule Creek State Prison

Being incarcerated is punishment enough without being forced to work. Although there are many reasons for working while inside—to learn job skills, combat idleness, instill rehabilitative effects, to earn income—ultimately, having an assignment is a requirement. The state has other reasons for creating work in prisons, none of which are in the interest of the inmate. The bottom line is profit. Miles Schneiderman writes in *Yes! Magazine*, "The value of goods and services generated by incarcerated workers is over \$11 billion per year." Bottom line economics seems to be at the heart of department intentions.

In the 1980s the US authorized the creation of the Prison Industries Authority (PIA). Throughout the system, PIA has created many



Folsom Prison inmates working under the California PIA replacing grave markers

low-skilled factory-like positions such as sewing, meat processing, dairy, lunch packaging, food and beverage. To many inmates, these are highly coveted jobs that pay thirty-five to eighty cents an hour. Pay increases are based on

quarterly evaluations with a five-percent increase if you meet expectations. Having a paid job means a lot to many prisoners. However, prison labor carries a host of consequences if you quit a position or refuse to work. This includes the potential loss of good time credits, family visits, and the chance of being sent to solitary confinement. It puts things into perspective when the choice is to work or suffer the consequences. Under these circumstances, prison labor is forced servitude—modern-day slavery.

These exploitative labor practices have endured in the US for more than 150 years and are the result of the Thirteenth

Amendment's punishment exception. It reads, "Neither slavery nor involuntary... *Continues on page 4*

Welcome to the May Issue!

By Joan Parkin

A historical milestone passed since I last wrote: America's largest death row shut down. On May 29, the last bus left with the final prisoner from San Quentin's condemned unit, renamed San Quentin's Rehabilitation Center. Let's raise our glasses and bid good riddance to this vile appendage of the racist death penalty that housed 673 men, double the second-largest death row in Florida. According to Death Penalty Focus, approximately 68% of men and 66% of women on California's death row are people of color. Black people comprise only 5.6% of California's population but 34% of its death row population. California Governor Gavin Newsom, who declared a three-year moratorium on executions, said, "Since its inception, the American death penalty has been disproportionately applied, first, to enslaved Africans and African Americans, and, later to free Black people." Hopefully, a current writ petition filed at the CA Supreme Court by civil rights and legal organizations puts an end to California's racist death penalty. The writ states that "Extensive empirical evidence demonstrates that California's capital punishment scheme is administered in a racially discriminatory manner and violates the equal protection provisions of the state Constitution." The goal is to turn San Quentin's death row into an innovative, positive healing environment. In the meantime, those who are being transferred from death row remain on condemned status.

The response to the transition has been mixed. These men lived, many for decades, in inhumane conditions, living every day under a death sentence. Despite the horrifically oppressive circumstances, relationships between correctional officers and incarcerated individuals developed. Steve Brooks, former editor-in-chief of the San Quentin News, told me he "received reports of officers crying when it finally became a reality. Many of those guys were here so long they greatly impacted the people who worked there."

On April 29, 68-year-old Daniel Jenkins committed suicide for reasons unknown. He had been on San Quentin's death row since 1988. I spoke with a friend of his on the row who referred to him as "Dan Dan." He said he had often spoken of killing himself because he wanted to be closer to his son, who was killed by cops. Whatever the reason, after nearly four decades on San Quentin's death row, he chose death over transferring to the general population at another prison. Even though the transition can be jarring, the men I spoke with via messaging and phone calls were looking forward to moving around freely and having better programming opportunities. Although some vocalized fear of being unfairly targeted by other incarcerated individuals for their condemned status, none of the individuals I communicate with have complained of being targeted.

On the contrary, they hang out with other incarcerated individuals in the yard and day rooms. Most now have cell mates after years of living in single-cell units. Still, the transition has been built on a series of broken promises for many. The California Department of Corrections and Rehabilitation (CDCR) promised that they would get their property back quickly, but some are still waiting after weeks of being transferred. They were promised jobs and programming that has often failed to materialize. In addition, most were promised single cells after having lived for many years in a single cell on death row, yet unexpectedly were told they would have a cellmate upon arrival.

Joan Parkin is the Director of the *Vanguard Incarcerated Press*, the author of *Perspectives from the Cell House*, *An Anthology of Prisoner Writings*, and co-founder and former director of Feather River College's Incarcerated Student Program where she is also a Professor Emerita. She also serves on the Board of Directors for the Vanguard News Network and teaches college English in prisons. She received her Bachelor of Arts from Boston University and PhD in Comparative Literature from The Graduate School and University Center of the City University of New York. She was the coordinator in Chicago for the Death Row Ten, a group of wrongfully convicted death row prisoners who were tortured by former police commander Jon Burge, many of whom won pardons by Governor George Ryan in the victorious abolition campaign that led to historic death row commutations.

We at the Vanguard Incarcerated Press want to know more about the transition experience from death row to the main line. If you have an interesting story, we would like to hear it.

To read more about San Quentin's death row, read Glenn Cornwell's "Life on Death Row." He was one of the last to be transferred. At one point, he told me that when he was in his cage in the yard to exercise, it was eerie because the other cages were empty as far as the eye could see to the left and right. Here, he shares his daily routine in detail with us: "By 6:30 am, a CO slides my breakfast tray through the tray slot, mystery meat with onions, oatmeal, roll, half a carrot, and milk. I take down half of it and slide my tray back out when they come back around. If they miss a tray East Block will get torn up in a massive search. It's happened before." Glenn gives us a window into a world most will never see.

You'll also read a couple of articles about prison labor. In "The Cost of Privileges in Prison," Jason Davis takes us into the world of prison labor and reveals that getting a job comes with severe risks. If you don't go to work, you can experience the "loss of good time credits and family visits, and the chance of being sent to solitary confinement." That's because the bottom line behind keeping people in cages is money, not incarcerated individuals' well-being. Davis quotes Miles Schneiderman from *Yes! Magazine*: "The value of goods and services generated by incarcerated workers is over \$11 billion per year." C.J. Black, in his article "Testimony to Labor," questions why jobs are a priority over rehabilitation. Many are forced to work during the time of regularly scheduled self-help programs. Black asks that the Thirteenth Amendment, which makes it legal for prisoners to do slave labor, be repealed. Black insists that "if we truly want safer communities, then we should allocate tax dollars towards rehabilitating people in prisons instead of locking those same people in cages with said funding."

A few articles cover the dangers of living on Sensitive Needs Yards (SNY), also known as Non-Designated Programming Facilities (NDPF). SNY or protective custody includes sex offenders, informants, gang dropouts, the medically disabled, the elderly, programmers who want to right their wrongs, and any other identity factors that leave individuals at risk in the general population. In "Turning Their Back," Brian Mattes calls out officers who ignore incarcerated individuals being abused for their SNY status and challenges misconceptions about sex offenders. Mattes, a veteran with an honorable discharge status, has a non-contact charge. Nevertheless, he was assaulted in front of officers by an individual who said he did so to protect his status in the gang.

Similarly, Jamel Walker accuses CDCR of risking community well-being in his article "Policy Threatens Safety of Thousands of



LETTER
from the editor

Editor-in-Chief

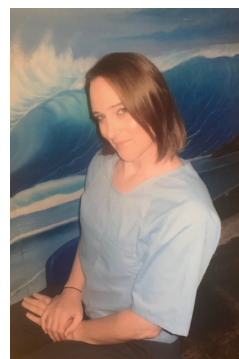
Joan Parkin



Production Editor

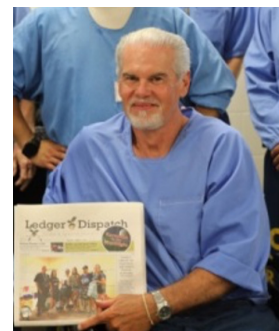
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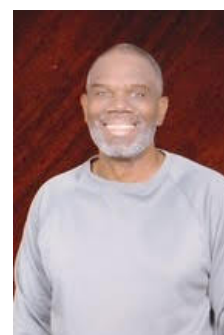
Angie D. Gordon

California State Prison, Sacramento



D. Razor Babb

Mule Creek State Prison



Jamel Walker

Mule Creek State Prison

Incarcerated Individuals.” He accuses CDCR of knowingly placing “incarcerated individuals housed in NDPFs in danger of being assaulted by individuals known to CDCR custody officials as being members of Security Threat Groups (STGs) and gangs.” He argues that the policy allowing general population individuals to be transferred to NDPFs has allowed for multiple assaults on the most vulnerable individuals at Mule Creek State Prison. Franklin Lee notes in his article “The SNY Experiment” that many people who get transferred to SNY don’t want to be there because of the protective custody stigma, but “Their only way to get back on the bus was to engage in a violent act.” If the goal of rehabilitation is “to break the cycle of violence, manage addiction, replace aggression, and find support in others and a higher power,” Lee argues that CDCR needs to take a more proactive role in breaking its “own cycle of violence” and move towards a care model for the incarcerated.

D. Razor Babb takes on the health and environmental crisis at CDCR in his article “Indecent Exposure: Carceral Contamination in Toxic Prisons,” showing that when health care is driven by profit, higher death rates and other malfeasance occur. He discusses a case of a man who potentially contracted kidney cancer from drinking contaminated water. Babb claims that “This troubling intersection of mass incarceration, the explosion of the Prison Industrial Complex, and the commercialism of imprisonment, along with the environmental injustices imposed on our most vulnerable communities, reflects a society more inhumane than human.”

As you read through these stories of systemic abuse and heartbreak, please remember that change is still possible and that it only happens through struggle. The unpopularity of the death penalty is the result of years of protest, especially around cases of wrongful conviction. Many of the reforms in California date back to the Pelican Bay hunger strike that swept California back in 2013 and ended the notorious Security Housing Unit

“Please remember that change is still possible and that it only happens through struggle.”

(SHU). When I met some of them as an English instructor for Feather River College, I was surprised initially at how pale our students were. We were told the paleness was an effect of a lack of vitamin D, which we get from sunlight. Some hadn’t seen the sun or a night sky in decades. These desperate men waged a hunger strike that shook CDCR to its core. Reforms soon followed. Flash forward to 2024, and it’s a new day: If San Quentin’s death row can become a Rehabilitation Center, anything is possible. So, we would like to hear your stories of struggle behind the walls. How are you working every day to challenge systemic abuse? What’s your story? *

Who We Are

The *Vanguard Incarcerated Press (VIP)* wants to do more than shine a light in the darkest corners of America’s prison system; We want to build a bridge between the incarcerated and the community through our newspaper. Prisons by design isolate and dehumanize incarcerated persons, leaving them with few resources to connect with a larger community.

A newspaper produced by incarcerated persons working with educators and social justice activists on the outside has the potential to create communities of readers and writers who are no longer isolated from each other but joined by the relationship to our newspaper. When an incarcerated individual sees his/her/their name in print, they know that they have joined a broader conversation of contributors to and readers of the *VIP*.

Our parameters are simple, anyone with a story about prisons or the criminal justice system can submit for consideration. Of course, themes appear around the viciousness of the system, its racism, barbarity and absurdity. While maintaining an abolitionist framework of the system, we remain inclusive of the vast array of voices that make up the carceral landscape. As abolitionists, we plan to join these incarcerated voices in the larger conversation about prison abolition.

In partnering with other organizations, we join forces with the broader abolitionist movement. Our goal is to join our writers and readers in a larger movement to challenge conditions of confinement and the inequities that oppress disenfranchised masses and resist positive change.

Our Mission

The *VIP* publishes hard-hitting news and commentary written by the incarcerated themselves, depicting prison life, human rights issues, and critiques of the criminal legal system. We seek to expose injustices lurking in America’s prisons, empowering a community of incarcerated voices along the way. We are enabling those voices to be heard, without censorship, and creating a community forum where our contributors can engage in civil debate, oppose the brutalities of the carceral state, and challenge the status quo, all in the pursuit of systemic change and prison abolition.



**San Quentin
Rehabilitation
Center**

**Source: Frank
Schulenburg**

Life on Death Row continued... with a yoga class. Half the time I teach that class so I must always be ready if I'm called upon. By about 10:40 a.m. the CO comes cell front and searches everything I'm taking out. Between now and then the cages on the first tier are filled with prisoners going to various ducats. I'm on the second tier. It's so loud they may as well be sitting in my cell. The strange thing was if I fell back to sleep after breakfast, I wouldn't hear them at all, no matter how loud they grew. A side effect of thirty years in cages, sleeping in the middle of a herd.

Luckily the houses are single cells. If I want to give a neighbor a bag of food, it's a serious task. Can't think of any other prison whose grade "A" program enforces such a rule.

There's seven yards here with between fifty and one hundred prisoners. Certain cliques can't be on the same yards as each other. At some point, back in the day, they attacked each other. The sad thing is, for some of them, they weren't even born when the original beef began.

Several guys here happened to catch their murders in another prison. Thinking they'd never get out, they committed several acts of violence since they arrived. Especially the people who came in under twenty-five years of age. What they didn't know is the law would change, giving everyone who caught their case under the age of twenty-five special consideration. Something to do with the young brain being underdeveloped. Sadly there's not even a conversation about DR prisoners in their seventies with the same mentality they had when they drove up in their twenties.

"The strange thing was if I fell back to sleep after breakfast, I wouldn't hear them at all, no matter how loud they grew. A side effect of thirty years in cages, sleeping in the middle of a herd."

So many people have gotten reduced sentences and been sent to mainline or home, I never would have thought it possible when I arrived back in April of 1995. Thanks to the people of California, a law called Prop 66 was passed a few years ago that calls for all of us to be transferred to other prisons within California. I think this might put most of us in a better situation. In fact, there's been a list of laws that may even allow me to be resentenced or released. Gov. Newsom and Attorney Rob Bonta are giving many of us a real bite at the apple. They're creating integrity units all over the state and exposing issues previously ignored. If there is one thing that changed this system, that must be it.

It's 3:30 p.m. and I had an awesome day for a Friday. My group had interesting conversations about current events. My yoga teacher called on me to teach the class. For about an hour we had a ball. Which helped my confidence.

Saturday Morning I was dead asleep like a newborn baby, somehow I thought I heard the guys around me talking about the DR being ended, the fellas were up in deep banter. I was sleeping like a sixty-eight-year-old who had worn out a group of thirty-something-year-old youngsters the previous day. Which I am, and I did.

When the yard came back in at 12:30 p.m. I asked about the DR news. Yes, there's news: They're emptying San Quentin's death row. Now that I know I can have such vivid dreams, my next one might be of me finally being free. *

The Cost of Privileges in Prison continued... servitude except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." This has been interpreted to mean that the incarcerated are not protected under the Thirteenth Amendment. The punishment exception has paved the way for institutions to justify profiting off of inmate labor, with little to no

pay going to the laborers. This raises concerns about the economic motivation underlying the

"These exploitative labor practices have endured in the US for more than 150 years..."

Amendment's forced labor exception. Arguably, punishment as it applies to the Thirteenth Amendment should only apply to those explicitly sentenced to labor. Daniel Yves Hall writes, "Just as the Punishment Clause in the Thirteenth Amendment focuses on individuals who have been duly convicted, the Eighth Amendment provisions are also almost uniformly applied to incarcerated individuals when determining whether treatment is constitutional." Protection from both Amendments, as applied to the incarcerated, is not equal. While involuntary servitude in the US is not legal, forced labor as a punishment is. The Fifth Circuit Court has taken a closer look at the word "involuntary" in *Watson v. Graves*, 909 F.2d, 1549-1552 (1990) and found that a prisoner "who is not sentenced to hard labor retains his Thirteenth Amendment rights."

Now we look at the word "involuntary" by following the process of an inmate to employment. If you want to enjoy privileges throughout your stay, such as yard and day room, full canteen draw (\$240 per month), food sales, etc., you must have an assignment. It may be school or a job. Many prefer to work, but jobs are limited. Incarcerated workers in the prison systems number around 800,000 according to the Marshall Project. Those without an assignment lose privileges. Failure to accept an assignment may mean being sent to solitary confinement (the hole). Custody points then go up, you may be transferred to another prison, and your release date may be delayed. Many jobs pay nothing, a scenario being addressed in California this year-how that works out we will have to wait and see. There are options for jobs, e.g., porter, yard crew, ADA caregiver, kitchen, PIA, clerk, tutor, and media tech. First, you must be deemed suitable via committee action, for PIA, for instance. Then you may apply, interview, and if you're accepted, you are assigned. Congratulations, you're a confined worker, earning pennies. At what cost?

The Michigan Journal of Law states, "Convention #29 defines forced labor as 'all work or service which is exacted from any person under the menace of any penalty, and for which said person has not offered himself voluntarily.'" By this definition, it is clear that prison

labor qualifies as forced servitude.

"Congratulations, you're a confined worker, earning pennies. At what cost?"

It is not only prison abolitionists who understand that involuntary labor is modern-day

slavery and an ongoing fact of the Prison Industrial Complex. In 2020, Democrats introduced a joint resolution in the House and Senate, the 'Abolition Amendment,' thereby prohibiting the imposition of involuntary servitude on the incarcerated. The measure is yet to be approved.

In 2021, California Senate Bill 1371 addressed a five-year plan implementing a schedule to increase compensation for incarcerated workers. The bill was vetoed by the governor in September of 2022. However, recently Nebraska, Utah, Colorado, Vermont, Oregon, Alabama, and Tennessee have passed amendments to their state constitutions addressing involuntary servitude and banning all forms of slavery. This is a process, a step at a time. *



Testimony to Labor in the California Carceral System

By CJ Black
Central California Women's Facility

If we want to improve our society, then we need to take rehabilitation seriously. Enslavement to the prison-industrial complex prevents such. People end up in prison for a plethora of reasons: some grounds include the school-to-prison pipeline, systemic inequalities, broken homes and neighborhoods, domestic violence, etc. Whatever the cause may be, if we truly want safer communities then we should allocate tax dollars towards rehabilitating people in prisons instead of locking those same people in cages with said funding.

"Job placements in prison take precedence, despite laws in California that mandate the availability of self-help programs that do not conflict with work schedules."

When all we do in prison is serve the multibillion-dollar industry of the prison-industrial complex, then we leave prison just as broken if not worse than going in. Job placements in prison take precedence, despite laws in California that mandate the availability of self-help programs that do not conflict with work schedules. In reality, each incarcerated individual is assigned a job placement that they must report to daily regardless of their ability to perform the job duties.

Job assignments fail to place people according to their physical ability. For example, elderly women, handicapped, and people with disabilities are placed in jobs that require physical labor such as bending and lifting that they cannot provide. Many receive disciplinary write-ups for missing work due to illness and injury or their inability to perform duties like working in the kitchen and disposing of trash due to their physical ability. Because the slavery clause allows forced servitude, the state can and does take our good time credit days away from us which extends our prison stays.

"There is no retirement, medical leave, or vacation in prison because we are forced to work every single day!"

These contracts include making products such as the clothes we wear in prison (shoes included), lunch packages, blankets, laundry washing, American flags, screens, construction and building maintenance, and running, basically, the entire institution.

Certain job assignments for prisoners create financial profit for the prison. Prisoners can be assigned to work for contracts the prison holds.

In addition, the California Department for Corrections and

Rehabilitation (CDCR) gains a profit from California taxpayers' dollars that fund each person incarcerated at exponential rates. Yes, you, the citizen, pay to detain each person behind bars out of your hard-earned wages.

To put this enslavement into perspective, people in prison are paid eight cents an hour to twenty-five cents an hour. Restitution takes half that instantly, leaving from six to eighteen dollars left to purchase hygiene and necessities such as food and coffee (a must-have to slave for the state). Currently, at Central California Women's Facility (CCWF), it costs eight dollars for an eight-ounce jar of instant coffee; thus not everyone can afford to purchase the fuel needed to slave for the state, nor afford hygiene products to clean off the sweat and grind of slavery. Think

"Release formerly incarcerated people back to your community as better people, instead of increasing the already billion-dollar industry of prisons."

of who the payment of these necessities falls upon, family and friends of the incarcerated population which further impacts low-income communities targeted by social stratification and school-to-prison pipelines.

A further side effect of this broken system is that these enslaved people are unable to learn how to budget their pathetic pay slots to afford necessities. This adversely affects people paroling home who need to budget for themselves and their families.

There is no retirement, medical leave, or vacation in prison because we are forced to work every single day! Job placements are eight-hour shifts, five days a week, separate from chow time and mandatory counts. This leaves only two hours per evening and weekends for potential self-help groups. People who return to their communities as neighbors after serving time often return far worse than before as a result of the trauma and PTSD inflicted by prison. They are often internally broken from not addressing their core issues that may have led them to prison in the first place.

By removing the slavery clause from the Thirteenth Amendment of the California Constitution, we can end involuntary servitude in the prison-industrial complex. Let's refocus your hard-earned wages and taxes to serve rehabilitative programs for self-improvement while in prison. Release formerly incarcerated people back to your community as better people, instead of increasing the already billion-dollar industry of prisons. *

The SNY Experiment

By Franklin Lee

Federal Correction Institution, Englewood

Protective custody for high-profile cases, sex offenders, and informants used to mean a death sentence for the incarcerated. The California Department of Corrections and Rehabilitation (CDCR) housed protective custody (PC) inmates with the general population (GP), also known as mainline. Acts of violence against PC inmates including abuse, extortion, stabbings, and even murder were common. There were no safe places for them.

California has the largest PC population in the country, and it has been a challenge to find safe housing for them. In early 2000, the CDCR created Sensitive Needs Yards (SNY) facilities for the PC population to provide PC inmates and drop-out gang members places that would be safe for them to rehabilitate. For nearly two decades, the CDCR ran several of these SNY facilities. But, unfortunately, the SNY program was shut down in 2018. The issue was not that the programs failed, although it did have problems. Many drop-outs forged new alliances on the SNY yards, such as the Northern Riders and Two-Fivers, rebuilding their gang statuses. By 2017, one-third of all 129,000 California inmates were SNY, yet curbing the violence on these yards continued to fail. The CDCR had to resolve the SNY challenge. In December 2017, CDCR

“I had lost all hope in being protected in the SNY program.”

announced an end to all SNY facilities with the goal of reintegrating the population. Facilities became “Designated” (non-programming yards) or “Non-Designated” (program yards for rehabilitation, education, and vocation) facilities. Those who were once mainline had an opportunity to apply for these yards and work their way toward parole.

According to the CDCR memorandum that announced this change, “assignment” to these facilities is made only after a careful review of each individual’s case factors, potential safety concerns, housing, and rehabilitative needs to ensure people can safely program together. The new parameters are meant to place inmates in the least restrictive housing due to placement scores, mental health, behavior, and medical issues.

Although the program’s goals were to push inmates toward rehabilitation, many in the general population pushed back. Those who wanted to maintain their gang affiliation or those who did not want the PC stigma refused to stay in programming facilities. Many first-time offenders were not given a choice and were sent to program yards. Their only way to get back on the bus was to engage in a violent act.

These non-programmers often sought out the most vulnerable to engage in their attacks. Correctional staff prepared for the transport bus’s arrival by shutting down programs and assembling a full complement of officers. Recently, the inmates on these programming yards have been fighting back. They “strap on their boots” and lay out the rules of the cell to new arrivals, offering a choice to attack someone, anyone other than the elderly or disabled. Others form welcoming committees in preparation to retaliate and have non-programmers removed from the yards. Unofficially, they have been told that as long as they do not throw the first punch, it would be considered self-defense.

For 52-year-old Mule Creek State Prison resident Anthony Chavez, who has been incarcerated for nearly 15 years, he started out on the mainline but never affiliated with gangs. He was still forced to participate in all forms of violence and after the fifth time, switched to SNY in 2013. “I wanted to straighten out my life and not get hurt in the system,” stated Chavez. He found the SNY facility to be peaceful, although there were occasional violent altercations, but most of the time everyone got along. In 2019, after the SNY designation was dissolved, a busload of new inmates arrived and a new guy showed up at Chavez’s pod, just before the

afternoon count time. Having completed his work day and exiting the shower, Chavez offered to help the new guy carry his property to his room. The young man covered with tattoos handed Chavez a box before taking a swing at him. Fortunately, Chavez was not hurt, though he did slip and fall against a table.



After the incident, Chavez was able to recount the situation and noticed one important factor: upon arriving to the pod, the new inmate was escorted by several officers who waited around as if they knew what was about to happen.

“I had lost all hope in being protected in the SNY program,” said Chavez, who was now back at square one, having to watch his back for future violence. “After regaining my composure, I am more vigilant with my safety. It kind of leveled out, although I still cringe when new arrivals come in.”

An ex-gang member, 45-year-old Frank Rojas was convicted of murder in 2002 and got caught up in gang politics, which eventually made him a target. In 2005, Rojas dropped out of his gang and transferred to an SNY institution.

“I was able to program without pressure,” Rojas stated, “to do the right thing without repercussions.” He invested his time in college, attending rehabilitation courses, and even enrolled in the P.O.O.C.H. program, which allows inmates to train dogs for injured veterans and autistic children. One night after chapel services, Rojas was walking back to his dorm with his dog. “Before I knew it,” said Rojas, “a guy attacked, throwing some swings, but missed me.” The incident startled his dog who ran off in fear. “I fell back to old criminal thinking. I could have responded to violence with violence.” But Rojas was actually focused on the welfare of his dog. “I was upset that the dog could have been traumatized and it would affect his ability to serve.” The dog program has a high standard for dogs in order to graduate from the program. Dogs who can’t perform the commands or have a troubled temperament are failed and removed.

Many SNY facilities house the elderly, medically disabled, or

“With mainliners coming in and committing violent acts, many fear for their lives or fall back on old habits.”

just programmers trying to right their wrongs and take accountability for their crimes. With mainliners coming in and committing violent acts, many fear for their lives or fall back on old habits. They are given no option but to protect themselves at all costs. For those preparing for the Board of Parole Hearings, any reaction to the oncoming assault could jeopardize any chances of a finding of suitability and an opportunity to go home.

The goals of rehabilitation are to break the cycle of violence, manage addiction, replace aggression, and find support in others and a higher power. The CDCR needs to step up and accept the same rehabilitative ideals, to break its own cycle of violence and find better ways to care for its incarcerated community. *

Turning Their Back

By Brian Mattes

Federal Correctional Institute, Seagoville

If most people heard that staff turned their backs and allowed a sex offender to be brutally assaulted in prison, they wouldn't lose any sleep.

Wrong or right, society has painted a picture of what a sex offender is using broad strokes and overgeneralizations. What if you knew that the assaulted individual had a no-contact charge, had never had a contact charge, and was an honorably discharged military veteran? What if you knew that he'd done extensive work with charitable organizations his whole life, even while in prison, and donated four feet of his hair to Locks of Love for Cancer and Leukemia survivors, and arranged for food, clothing, and school supplies to be sent to a small village in Dodoma, Tanzania?

Would it make any difference if you knew he now lived in the Veteran's Honor Unit, set up to allow veterans to reclaim their honor and hold themselves to a higher standard than other prisoners, and that he was heavily involved in organizing contacts and resources for the veteran community? Even at the time of the assault, he was only there to do a favor for an older disabled gentleman.

"The guard on duty watched the assault take place."

In the Autumn of 2023, I was assaulted by an inmate who had been known to have behavioral issues. He admitted during the assault, "They're making me do this. I have to smash a 'cho-mo' to get off the compound." So, he hunted down a random sex offender to assault, with no regard for his age or health, and attacked him in full view of hundreds of inmates and staff. The guard on duty watched the assault take place. Instead of properly responding, I saw the officer to their back and enter the building, allowing the attack to continue. I was badly injured and covered in blood, yet I received no medical attention at all.

Even two months later, medical staff have ignored my requests. Staff has also neglected to pursue the assault as a hate crime, even though this is a textbook case and the assailant bragged that he "got off light" because "no one cares about cho-mos." This behavior only ensures that more assaults like this will take place.

The next day, the same guard unlocked my locker, allowing several inmates to steal anything of value, instead of cataloging it, securing it, and forwarding my property to the Property Officer. I remained in the Special Housing Unit from September 7th to the 20th, and, in all that time, none of my property turned up. It was all gone. Among the missing items was a dental prosthetic (partial plate), legal materials, manuscript materials, artwork, and personal letters from family and friends who have

"It benefits society as a whole to treat them as if they will be welcomed back to society, not shunned."

passed away. Many inmates witnessed this and knew that the officer allowed the assault to happen, and were deeply disturbed.

Several of my close relatives chose to work as corrections officers and were concerned about my reaction. I told them to "just treat the prisoners like people and I will always respect your choice of careers." There are good staff members who do just that, and they are greatly appreciated. I am a big advocate for giving props where they are due. I am at a low-custody facility, due to be released in 2024, but all of the inmates at a facility like this will be released eventually. So it benefits society as a whole to treat them as if they will be welcomed back to society, not shunned.

"The job these corrections officers chose was to ensure the safety and well-being of ALL inmates, not just the ones with palatable charges."

The job that these corrections officers chose was to ensure the safety and well-being of ALL inmates, not just the ones with palatable charges. Much like when I wore a military uniform, this job requires guards to set aside emotion, personal bias, and other prejudices while in uniform. If we, as military, were unable to do so, it made us unfit to serve, and the same holds true here. When a guard chooses not to guard, when they sanction or turn a blind eye to an assault they could have stopped, they are no better than the assailant. Lowering themselves to the level of a common criminal, they have not only disgraced their uniform, but their chosen profession, their union, and their co-workers. Any guard who cannot be counted on to guard those given to his or her care is unfit to wear the uniform and a liability to the facility and the profession.



"She is no better than the assailant."



The outside of FCI Seagoville

Indecent Exposure: Carceral Contamination in Toxic Prisons

By D. Razor Babb

Mule Creek State Prison

Donald “Curly” Brooks (63) arrived at Mule Creek State Prison, a medical facility, in 2016. As of his fortieth year of incarceration, Curly is legally blind with an assortment of medical conditions. Until about a year ago, however, he was fairly robust and maintained a weight of around 260 lbs. Then, within three months he suddenly experienced rapid weight loss of thirty pounds and felt extreme pain in his side. A medical exam revealed kidney stones. Further testing discovered a tumor in his other kidney, later diagnosed as cancer. He underwent surgery to implant a stent to treat the stones, followed by another surgery to remove the cancerous kidney. He has been on a merry-go-round of trips to the yard clinic and outside medical centers, lost another twenty pounds, and says on several occasions medical staff were completely unaware of his condition or why he was there. Sadly, this is not an unusual situation. Inadequate or ineffective medical care is routine on the inside.

The Yale Law Journal reported in “Free-World Law Behind Bars” by Aaron Littman, “In many states, licensure laws permit doctors who lack full medical licenses—either because they never passed licensure

“Inadequate or ineffective medical care is routine on the inside.”

exams or because their licenses were suspended—to practice inside prisons and jails under special, limited-scope institutional licenses.” Departments of corrections seek out physicians with limited practice licenses because fully licensed providers require higher salaries. The Department of Health and Human Services certifies certain geographic areas, specific population groups, or facilities—such as prisons and jails—as Health Professional Shortage Areas (HPSAs). The HPSA designation carries significant benefits, such as loan forgiveness for providers who participate in a National Health Service Corps placement program and visa waivers for noncitizen physicians with residency training in the US.

Prison healthcare has gone the way of canteen and food service providers—sold out to the highest for-profit bidder. Private equity firms such as Wellpath Holdings, Centurian Health, Prime Care Medical, NaphCare, Armor Correctional Health Services, and Corizon Health are wholly responsible to their shareholders and an attractive alternative for the departments of corrections. They take complete responsibility for healthcare and do it on the cheap, with bottom-line profits as the motivation. In many cases, they utilize physician assistants instead of doctors and cut costs by limiting hospital transfers and overnight stays. In a Prison Legal News exposé (April 2024) Professor of Criminology and Justice Andrew Harris states, “These companies are inherently motivated to make money. That’s why they are in business. There are going to be situations where care is going to be withheld, very often with negative consequences for patients.”

Reuters News reports that facilities that utilize privatized healthcare providers have much higher death rates than facilities where government agencies provide services. NaphCare and Armor had the highest death rates at around twenty per 10,000 people incarcerated. Last year Mule Creek State Prison was released from federal receivership

“Prison healthcare has gone the way of canteen and food service providers—sold out to the highest for-profit bidder.”

oversight after the office of the inspector general determined they complied with healthcare oversight regulations. Many disagree with that finding.

Doctors can’t tell Curly how he contracted kidney cancer. His kidney was sent to Stanford University for a biopsy. He hopes the report has some answers. Suspicions have arisen that exposure to contaminated drinking water may be involved. MCSP settled a \$1.7 million lawsuit recently for dumping toxic water into the community watershed, and incarcerated residents have filed numerous lawsuits.

David N. Pellow, a professor from the University of California Santa Barbara, author of “Struggles for Environmental Justice in US Prisons and Jails” told a freelance journalist, “There are lots of examples proving water could be the worst environmental justice issue in

“Prisons and jails in the US are frequently built adjacent to or even on top of toxic waste sites...”

prisons across the country and the world.” Pellow points out that prisons and jails in the US are frequently built adjacent to or even on top of toxic waste sites, are inundated with air and/or water contamination, are sources of hazardous waste generation, and are places where people of color are highly overrepresented. Scholars have documented the fact that people of color, immigrants, Indigenous people, low-income persons, women, and queer folk across the US and the globe who already experience social, political, economic, and cultural marginalization are also more likely to experience disproportionate environmental and public health threats from state and corporate institutions than other populations. Because of this systemic maltreatment, Pellow refers to these marginalized demographics as “despised populations.” This troubling intersection of mass incarceration, the explosion of the Prison Industrial Complex, and the commercialism of imprisonment, along with the environmental injustices imposed on our most vulnerable communities reflects a society more inhumane than human.

As for the healthcare provided at Mule Creek, Curly Brooks says, “It’s like everything else inside, they do it on the cheap and they do it in the dark. Where I come from, you get what you pay for, and other than these forty years I gave them, I have yet to receive a bill.” *



D. Razor Babb is a former network affiliate broadcast journalist and current social justice reporter for VIP, Empowerment Avenue, Prison Journalism Project, & The Mule Creek Post. Razor has published several books, is a 3-time PEN awards winner, and finalist in the 2024 L.A. Press Club Awards for crime reporting.

Police Threatens Safety of Thousands of Incarcerated Individuals

By Jamel Walker

Mule Creek State Prison

On Wednesday, May 23, 2024, three incarcerated individuals transferred from a General Population (GP) facility to Mule Creek State Prison's Infill Complex, where Facilities D & E, their Non-Designated Program Facilities (NDPFs), are located. Witnesses report that, while in Receiving & Release (R&R), two of the three incarcerated individuals got into an altercation when one of them, a member of the Fresno Bulldogs gang, attacked the other, a member of the South Siders gang. Both are known Hispanic gangs. The Bulldog member was taken to Restricted Housing, and the South Siders gang member was asked to sign a document indicating he would not engage in any further violence, which he signed. However, after being escorted to E Facility's Housing Unit 21, upon entering dorm A-105, he immediately attacked incarcerated citizen, A. Mendez. Mendez, a visually and mobility-impaired individual who uses a walker to assist in his mobility, reports that "He walked in and attacked me while I was sitting on my bed, but I was able to duck out of the way. The officer sprayed him and he got down." As virtually all incarcerated individuals understand, until the policy is changed, they will continue to be potential casualties of it.

The CDCR is putting incarcerated individuals housed in NDPFs in danger by exposing them to assaults by individuals known to the CDCR as being members of STGs and gangs. There have been numerous attacks on incarcerated individuals, some of whom are issued Rule Violation Reports (RVRs) for defending themselves from these assaults, resulting in injuries and some being denied parole suitability for a guilty finding for fighting. These assaults occur when members of STGs and gang members are transferred from General Population (GP) facilities to NDPFs.

"Upon arrival, they will engage in a violent attack on the first incarcerated citizen they see."

In December 2022, CDCR's Office of Public and Employee Communication issued a FAQ sheet titled, Sensitive Needs Yards and Non-Designated Programming Facilities. In it, CDCR discussed its codification of regulations regarding "Sensitive Needs Yards (SNY) and Non-Designated Programming Facilities (NDPF) programs." The CDCR defines SNY as a "designation for incarcerated people who have safety concerns regarding living on a General Population (GP) yard..." They define NDPF as "an integrated housing model for individuals demonstrating a willingness to participate in rehabilitative programs and to conform to departmental policies." Although the CDCR claims "assignment to these facilities is made only after careful review of each individual's case factors, potential safety concerns and housing/rehabilitation needs to ensure people can safely program together," there have been numerous assaults after their so-called careful review.

Mule Creek State Prison (MCSP), located in Ione, California, has two Level II NDPFs—Facilities D & E. Because of CDCR's policy, on August 19, 2022, incarcerated citizen M. Lewis was issued an RVR when he came to the aid of an elderly incarcerated citizen who was being attacked by a gang member. Said gang member had just arrived from a GP facility. According to the RVR narrative, when the gang member entered E22, D Pod, he immediately began striking an elderly incarcerated citizen. Both were given orders to "Get down!" by custody staff. Both continued fighting. They were then pepper sprayed with a two to three-second burst, from approximately six feet away, aiming for and striking both in the facial area. Lewis was observed to begin striking the attacker in the facial and upper torso area. Both were also ordered to "Get down!" but continued fighting. They were then pepper sprayed, at which time all



three disengaged from fighting and separated into the prone position.

Later, when I asked why he joined in the fight, Lewis stated, "I couldn't stand by and watch some young guy beat up an old man." Lewis further stated, "They know these guys don't want to be on this yard, so why force them when they know they are going to attack someone to get off the yard? Now, I was found guilty of fighting for trying to defend an old man from getting beat up."

Lewis's comment goes to the heart of CDCR's policy. Officials at CDCR headquarters and MCSP are aware of the fact that STG and gang members they transfer to MCSP's NDPF do not want to be there, and upon arrival, they will engage in a violent attack on the first incarcerated citizen they see.

Predictably, that was not the only violent attack that evening. Shortly after the first, custody staff escorted another gang member into Housing Unit E21. Custody staff watched as a gang member walked up to C. Crowder and kicked him. A fight ensued and, for a second time, custody staff had to deploy their pepper spray to subdue the attacker. Later, Crowder relayed the circumstances of the attack. Crowder stated, "[Custody staff] keeps bringing these dudes here when they know they are going to assault one of us." When I asked Crowder why he believed custody staff know the gang members they transfer to MCSP will assault someone once they arrive, he said, "Staff know that throughout the state MCSP is known for being off limits to gang members." Crowder speaks to what virtually every incarcerated individual—and certainly nearly every custody staff member at MCSP—knows; gang members are told that if they want to remain in good standing with their gang, they are not allowed to be housed at MCSP. If they are transferred there, they must attack the first incarcerated individual they see, and keep their RVR as proof to show the gang shot-caller when they get transferred to another institution.

In speaking with custody staff at MCSP, some express frustration with the policy. Unable to go on the record, one custody member said, "It's not safe for you guys and it's not safe for the officers," who could get hurt breaking up attacks. In a conversation with a lieutenant, I asked when these gang members express an unwillingness to be housed here, why they cannot be placed in administrative segregation (now Restricted Housing) as a potential threat. The reply was, "They can't be placed in ad-seg. just because they don't want to be here. The only way they can be placed in ad-seg. is if they commit an act of violence." This is the policy. When speaking with a captain about the policy, he said, "They must be given an opportunity to program." When one considers both of these custody staff's comments, being given "an opportunity to program" means

"That was the third attack in one evening."

these gang members “must be given an opportunity” to “commit an act of violence.”

It should be painfully obvious that the policy operates to give gang members an opportunity to assault incarcerated individuals housed in NDPFs. If it is not, let us revisit the evening of August 19, 2022. After the attacks on Lewis and Crowder, a third gang member was given “an opportunity to commit an act of violence,” and took full advantage of said opportunity. M. Niles relayed the circumstances of when he was attacked:

At approximately 9:30 p.m., while on my bunk half asleep, I sensed something was happening on the tier in front of my dorm. I looked up and saw half a dozen officers shaking their pepper spray cans while an inmate was standing in front of them peering through the window of my dorm with an angry scowl. I realized the officers knew the inmate was preparing to attack someone when they opened the door. I didn't have a chance to put my shoes on, when the officers unlocked and opened the door. As I stood up, the inmate walked in and attacked me. To make matters worse, as I was defending myself, custody staff pepper sprayed me in the face.

That was the third attack in one evening. Six GP incarcerated individuals arrived that evening. Of those, three decided to attack someone. That amounts to a 50% assault rate. There have been assaults prior to and since that evening.

“A 20% assault rate, amounts to 6,000 potential casualties, which seems to be an acceptable rate of collateral damage due to CDCR’s policy.”

To minimize the impact of the policy on MCSP’s incarcerated citizens, I requested support from the captain in advocating for a revision of the policy. The captain stated

the policy would not be revised. He further stated, that “80%” of the GP inmates that arrive do not commit any violence. Although that number can be disputed, based on his comment, it seems that a 20% assault rate is acceptable. In its December 2022 FAQ sheet, the CDCR states, “Currently more than 30,000 incarcerated individuals are positively programming on an NDPF, many of whom are SNY designated.” A 20% assault rate amounts to 6,000 potential casualties, which seems to be an acceptable rate of collateral damage due to CDCR’s policy.

In a March 29, 2023 memorandum issued by Connie Gipson, former Director of the Division of Adult Institutions (DAI), there seems to be an acknowledgment of the flaw in their dangerous policy. In the memorandum, Gipson states: “In 2022, the California Department of Corrections and Rehabilitation (CDCR) began to house all incarcerated people the same way based on their case factors and individual needs, not on their Security Threat Group (STG), or gang affiliation. CDCR aims to give all incarcerated people the opportunity to participate in positive activities... Unfortunately, integration has not been successful for all groups.”

In recognition of their policy’s failure, Gipson goes on to state, “The department has developed a plan to allow the maximum number of people to program peacefully without the threat of violence.” The plan stated that beginning March 17, 2023, the CDCR would begin endorsing these Level III and Level IV members to Salinas Valley State Prison (SVSP), California State Prison, Corcoran, and Pleasant Valley State Prison.”

Unfortunately, for the incarcerated citizens of MCSP’s Level II NDPF, Level I and Level II STG and gang members will continue to be given the opportunity to victimize its residents due to CDCR’s inability to recognize, in the face of overwhelming evidence, the failure of its policy. Meanwhile, as late as August 1, 2023, the violence facilitated by CDCR’s flawed and dangerous policy continues... with no end in sight. *

Join the Conversation

By Dymitri “Linus” Harszewski
Mule Creek State Prison

When the California prison system touts its “goal to use more humanizing communication strategies,” I immediately think of its shift away from calling people “prisoners” or “inmates”. While genuine efforts to humanize others are celebrated, I’m afraid I cannot support this phony-baloney language tinkering. In fact, I deeply resent it, because any sincere acknowledgement of prisoners’ humanity must surely recoil from mealy-mouthed Orwellian euphemisms like “incarcerated citizen” or, god forbid, “correctional facility resident.” I believe honesty is important, and in all honesty, I am no “resident” of this place that holds and abuses my body. If we’re really being honest, prisoners are *hostages* in a system that first kidnaps us and then enforces our “residence” with its chains and barbed wire and the ever-present promise of a bullet to the head if we should stray too far in any one direction.

Like all caged humans, the fact is, I AM a prisoner and glossing that over with sanitized jargon is a “strategy” that humanizes no one, serving only to obscure an ugly reality and relieve the cognitive dissonance of those who wish to imagine themselves humane while continuing to advocate and justify the entirely DE-humanizing captivity of their brothers and sisters.

Editor’s Note: The writing featured in the “Join the Conversation” column are unedited submissions sent in from our readers. Their opinions do not express the views or opinions of the Vanguard Incarcerated Press or the Davis Vanguard.

Dymitri Harszewski (“Linus” to most prisoners who know him), is a caged anarchist and youth-rights activist who grew up with the same misconceptions about anarchism and prison abolition that most people have; adversity is a tough but thorough teacher. He is a 2024 Honoree of the USC Prison Education Project, and has been published in a variety of anthologies and literary journals. He blogs frequently at: Betweenthebars.org/blogs/1660.

Organizational Update

By Angie. D Gordon
California State Prison, Sacramento

June is notorious! And, as it should be, a poignant month within an Abolitionist’s historical calendar. Juneteenth falls on the 19th, the celebration of the Abolitionist tradition which still persists in our country due to bloody rife, toil, and sacrifice stoked to ember in the heat of June. Pride is with us as well, bearing a legacy of protest and visibility within a changing landscape of lived scrutiny. As an Abolitionist organization the VIP must take care to mention, with reverence, our prolonged dedication to the tradition of our forbearers, and take stock in our commitment to practice equity and inclusion within this movement, seeking with care the radical empowerment of uncensored voices and an end to enslavement and forced captivity of any kind. We thank you all for writing with us, for tracing out together our continued journey towards a more just and balanced world.

The words we say here he value and we would aim to share them. The VIP would like to ask our readers to help us expand our reach on both sides of the wall. As we know, Abolition requires action and utility just as much as it requires vision and foresight, so please, share our contact information with your friends and family, asking them to join our digital mailing list, thus furthering the reach of the voices found within these pages. Thank you for your commitment to our work, and thank you for bearing with us the weight of our shared struggle.

With care and love,
The VIP

Support Our Work

The *VIP* is a nonprofit publication written and edited by incarcerated people. We distribute our monthly issues to incarcerated readers free of charge; we also provide training courses and mentor services for both incarcerated journalists and scholars. Through the education and equitable empowerment of the incarcerated, we work tirelessly to disrupt the oppressive and violent social hierarchies in prison, striving to create meaningful opportunities for change and personal growth in the lives of those on the inside, but we cannot maintain this important work without the gracious support of our allies and community partners.

If you believe in what we do and have the ability, please make a financial contribution to our cause. For those who are unable to contribute financially, please help us promote the *VIP* and share it with a broader audience, bridging the gap between the prison and the community.

To make a donation and learn more about the work we do, please visit www.davisvanguard.org. Checks may be made out to The *Davis Vanguard*, with *VIP* in the memo, and mailed to the address at the bottom of this page.

Subscription Information

The *VIP* is a monthly publication distributed free of charge to incarcerated readers; likewise, we share digital copies of the *VIP* to our supporters on the outside. If you are interested in being added to our mailing list, please use the following contact information:

Inside readers, send subscription requests to the address listed at the bottom of this page.

Outside readers can find copies of the *VIP* on our website www.DavisVanguard.org or email us at outreach@davisvanguard.org to be added to the list to receive the newsletter electronically.

Write To Us



The *VIP* accepts submissions, either as manuscripts or query letters, from currently incarcerated writers. We are interested in content covering prison and the experiences of the incarcerated. For a more detailed coverage of the content we are looking for, please send us a self-addressed stamped envelope and we will forward you a copy of the *VIP*'s Official Style Guide.

All submissions making factual claims must include their sources and appropriate citations for referenced material; likewise, content which includes interviews with incarcerated people's names, likeness or quoted words must adhere to departmental requirements governing media interviews with incarcerated people.

Generally, we are looking for the following types of articles:

- Carceral Narratives
- Profiles/Interviews
- Investigative Reporting
- Op-Eds
- Prison Culture Analysis
- The Criminal Justice System
- Humorous Anecdotes
- Special Event Coverage
- Program Coverage

Please send **your submission and a short bio** to to the mailing address listed below.

Disclaimer

The purpose of the *VIP*'s monthly publication is educational, providing incarcerated writers with a platform to improve their skills as journalists and exposing our readership to a diversely sourced representation of authentic inside voices. For this reason, the *VIP* does not censor the content submitted by its contributors; The views and perspectives represented in articles from our contributors do not necessarily reflect those of the *VIP*, its affiliates or employees.

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