



Fact Sheet For CDCR Proposed Censorship Regulation Changes

The proposed regulations are designed with two main purposes: to censor writings that educate the public about what is actually occurring inside the prisons, and to stifle the intellectual and political education and organizing of prisoners themselves.

Under the guise of “obscenity” regulations, the California Department of Corrections and Rehabilitation (CDCr) has proposed sweeping new political censorship rules for mail going both into and out of the prisons. If these changes are approved, CDCr will permanently ban any documents it defines as “contraband,” including political publications and correspondence that should be protected by First Amendment constitutional rights.

CDCr officials state that the purpose of these censorship rules are to forbid “publications that indicate an association with groups that are *oppositional to authority and society.*” This ominous language reveals the political underpinnings of the proposed changes. We must ask: Why are prison officials attempting to increase the political, mental and emotional isolation of people in solitary confinement struggling to resist an already crushing physical isolation?

What Are Activists Inside CDCr SHU Torture Units Saying?

- “These new proposed regulations are designed to serve one purpose and that is to censor any writings, mailings and publications that educate the public to what is actually occurring in these prisons.”
- “This is an attempt to silence prisoners and publishers whose voices have been prominent in waging struggle against prisoners’ perpetual suffering. CDCR wants to stifle prisoners’ truths and disconnect them from society at large.”
- “They want to be free to pursue the maintenance of the SHU torture units and the expansion of the prison industrial complex (and the ever-growing portion of the public’s tax dollars) without the prospect of legitimate criticism and the voice of opposition.”
- “They seek to not only halt all criticism, but also the education and political development of underclass segments of their population – particularly those who are imprisoned...They seek to control all we read, see, learn or think.”
- “Allowing CDCr to censor the content of our mail would violate not only the First Amendment but also CCR Title 15, Section 3135(b): ‘Disagreement with the sender’s or receiver’s morals, values, attitudes, veracity or choice of words will not be cause for correctional staff to disallow mail. Correctional staff shall not challenge or confront the sender or receiver with such value judgments.’”

What Will The Proposed Changes Do?

- **Expand the definition of contraband:** Section 3006(c)(19) expands the definition of contraband to include “written materials or photographs that indicate an association with validated Security Threat Group (STG) members or associates.” Possession of contraband is a disciplinary violation resulting in specific punishments. Prison guards and “gang investigators” can use this violation to “validate” someone as a member or associate of an “STG” (a broader version of “gang validation”) and with that “validation” place them into *solitary confinement*.

- **Lengthy confiscation of political mail:** Section 3134.1(d) as amended would result in mail delays of months, or outright denials, for anything prison officials at their prisons want to ban. This is a blatant attempt to destroy timeliness of newspapers and personal correspondence, thus making them irrelevant. Even temporary “disallowance” can severely threaten First Amendment rights. In 2013, prison officials “disallowed” every month’s issue of the SF Bay View from January to June (except February) at Pelican Bay State Prison and withheld until well after the hunger strike began on July 8. Those issues were packed with letters from prisoners explaining and discussing the reasons for the upcoming strike.
- **Further criminalize culture and political dialogue:** Section 3134.1(e), describes further the nature of the publications which CDCr would prohibit to include “STG recruitment material.” CDCr views political and historical writings, as well as materials relating to cultural identity, as “STG recruitment material.”
- **Criminalize correspondence the prison does not agree with:** Section 3135(c)(14) adds “written materials or photographs going into or out of the prison that indicate an association with validated STG members or associates” to a list of “Disturbing or Offensive Correspondence” which prison officials would prohibit. This language threatens “STG validation” against anyone in possession of such materials.
CDCr would almost certainly consider as “oppositional to authority” materials from organizations or individuals opposed to solitary confinement--thereby subject to banning. CDCr could target materials from family members or other outside supporters innocently depicting persons deemed STG suspects.

How could this affect prisoners?

- Under current state law, media may not conduct face to face interviews with prisoners unless approved by the prison. During approved tours they are only permitted to speak with prisoners handpicked by officials. Prisoners are not allowed to send confidential mail to journalists about prison abuses; with these regulations prison officials could ban their outgoing mail altogether.
- If CDCr bans political publications, they would cut off prisoners from nonviolent organizing efforts to improve their situation. In California, where writing from one SHU prisoner to another is punished, publications enable a prisoner suffering in silence and isolation to know he or she is not alone.

How could this affect family members, activists and attorneys?

- The new, pending Security Threat Group regulations¹ expand the net of who prison officials can label as STG members or associates to include family members, activists and other outside supporters. These so-called “obscenity” regulations could expand the sheer number of items that prison officials can deem contraband and create exponential ways they can deem family members (and others in correspondence with prisoners) as affiliates of STGs. This could result in prison officials revoking mail and visiting privileges.
- These proposed regulations would also give prison officials even more power to alienate people in solitary confinement from supportive relationships with loved ones by deeming innocent communications as “contraband” and “disallowing” them.

¹ <http://sfbayview.com/2014/power-concedes-nothing-a-discussion-on-cdcers-insidious-regulatory-semantics-and-judicial-collusion-in-maintenance-of-shu-torture-units/>

How could this affect newspapers and other publications?

- Any publications reporting on solitary confinement with a critical lens could be subject to political censorship and banned, ranging from publications like *PHSS News*, *Rock*, *Prison Focus*, *SF Bay View*, *Abolitionist*, *Prison Legal News*, *Turning The Tide*, *Final Call* to the *New York Times*, *Mother Jones* and *The Nation*. What's "oppositional to authority" is, of course, in the mind of the censor.
- Prison-oriented publications that are banned may not survive.

Other resources:

- "New proposed censorship rules mean more torture for California prisoners in solitary confinement" article published in the SF Bay View: <http://sfbayview.com/2014/new-proposed-censorship-rules-mean-more-torture-for-california-prisoners-in-solitary-confinement/>

- CDCR Source Materials for "Obscenity" regulations:

Title: Obscene Material

Section(s): 3006, 3134.1 and 3135

Notification Date: April 4, 2014

Public Hearing Date: June 17, 2014

- [Notice of Change to Regulations \(NCR 14-05\)](#)
- [Notice of Proposed Regulations](#)
- [Initial Statement of Reasons](#)
- [Text of Proposed Regulations](#)
- [Forms](#)