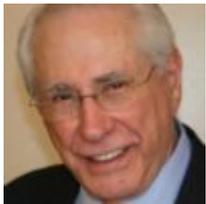


How to Legalize Cannabis Throughout US

The process that ended Prohibition provides a template, writes former Senator Mike Gravel.

By Senator Mike Gravel

Special to Consortium News



In the interest of full disclosure, I have been on the board of [Cannabis Sativa, Inc.](#), for five years, including four years as CEO. I presently serve as CEO of [THC Pharmaceuticals, Inc.](#) My earlier professional life included being speaker of the Alaska House of Representatives and two terms representing Alaska in the U.S. Senate. These combined experiences equip me to address some of the problems caused by the U.S. anti-drug campaign.

One of the great domestic political tragedies since the last century is the [war on drugs](#) initiated by President Richard Nixon, part of which placed cannabis (marijuana) on the list of Schedule 1 drugs under the Controlled Substances Act of 1970.

Nixon, seeking to shore up his position opposing cannabis, appointed Raymond Shafer, the recently retired governor of Pennsylvania, to head a commission to study the negative effects of marijuana on the American populace. Nixon was incensed when the Shafer Commission's 1972 report showed no negative effects from the use of marijuana on society and called for it to [be decriminalized](#).

The report was promptly shelved; and Nixon, supported by his religious backers, executed his plan of drug prohibition,

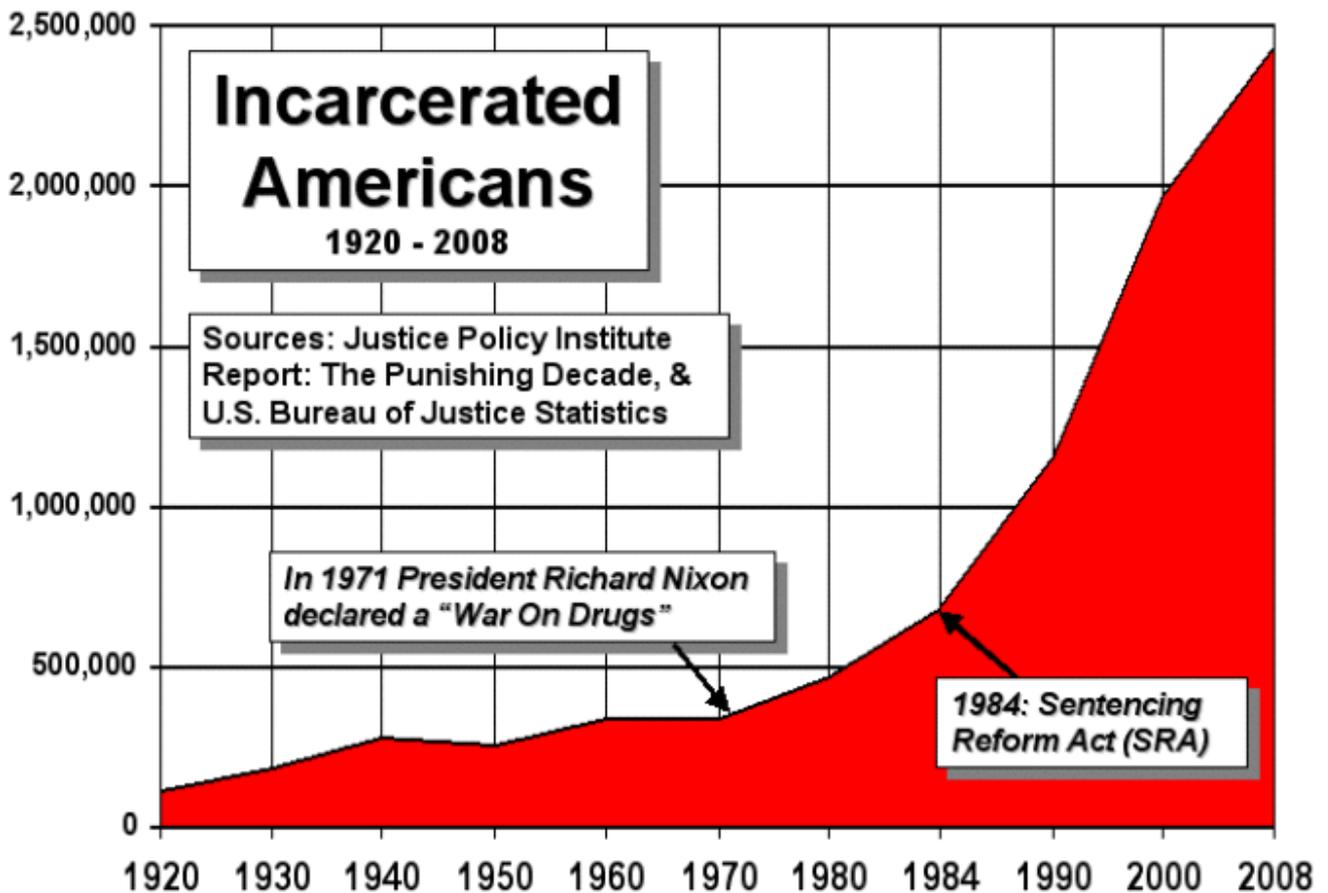
interdiction and punishment without the slightest medical or legal rationale, to punish young Americans protesting his continuation of the Vietnam War.

A Failed 'War'

The war on drugs has not ended drug use or trafficking. Instead it has ravaged the lives of untold Americans and bloated our prison system. It has fostered massive illegality over the decades.

But in 1996 the citizens of California passed Proposition 215 authorizing the use of cannabis for medical purposes, finally breaching the barriers of ignorance and prejudice about cannabis.

Other states followed California's lead, some via a grassroots initiative process and others by the vote of courageous legislatures. This state-by-state development of the cannabis industry has created inconsistencies that are further complicated by the illegality that the federal government casts over the industry. This is most obvious where the cannabis industry is denied the banking services vital to any economic enterprise for fear of federal prosecution.



On a recent visit to Sacramento to express my support for public banking, which would offer a solution, I met with Fiona Ma, California's newly elected state treasurer. She invited me to discuss various concepts using public banking and the state's private banking system. She asked me to critique a recent study addressing cannabis banking and public banking.

My experience with the cannabis industry and my knowledge of the Constitution led me to set aside the industry's banking problems at this time and focus on the fundamental problem – the federal government's war on drugs. The plan I propose to finally end it is based upon a strong precedent.

The federal government's prohibitions of alcohol and of cannabis have both been abject failures, severely damaging

American society. The prohibition of alcohol lasted 13 years, while the prohibition of cannabis has endured a little more than six decades.

The process that ended alcohol prohibition is the template for the way we can now end the prohibition of cannabis – with a constitutional amendment. Since prohibition of alcohol was put in place by the 18th Amendment, it required an amendment to repeal it. This had never been done before – repealing one amendment with another amendment.

Section of Article V

There was another first. The nation was in a hurry to repeal prohibition, so to ratify their repeal of the 18th Amendment it chose a never-before used section of Article V:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several states, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several states, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.

The section “... by Conventions in three fourths thereof ...” of Article V, above, was used for the first time to repeal the 18th Amendment, which was enacted on Jan. 16, 1919, by a two-thirds majority of both Houses of Congress and “... the Legislatures of three fourths of the several states.”

The Amendment to prohibit the sale of alcohol went into effect on Jan. 17, 1920. During the 1920s Americans increasingly came to see Prohibition as unenforceable.

In 1932 Franklin Roosevelt, as a presidential candidate, called for the repeal of Prohibition. On Feb. 20, 1933, two-thirds of both Houses of Congress voted to repeal the 18th Amendment, including the repeal of certain elements of the Volstead Act, which enabled federal enforcement. However, rather than submit the resolution to three-fourths of the state legislatures, it was submitted to ratifying conventions in three-fourths of the states, a process noted in Article V: "... by Conventions in three fourths thereof ..."

This process had never been used before or since and substantially shortened the time for ratification to a little more than eight months when ratified by the requisite number of state conventions on Dec. 5, 1933.

In 1932 the country had 48 states. Therefore, after two-thirds of the Congress voted for the resolution, it took three-fourths, or 35 state conventions, to ratify the 21st Amendment.

With today's 50 states, it would require 38 states — three-fourths — to ratify the two-thirds resolution enacted by the Congress to repeal the designation of cannabis as a Schedule 1 drug.

Since 33 states have legalized some form of cannabis and additional states are looking at legalization, it is highly likely that five more states would join an effort to remove cannabis from Schedule 1 of the Controlled Substances Act of 1970.

I believe an amendment to repeal the war on drugs could easily secure the two-thirds vote in the House. However, if blocked by the majority leader in the Senate or if Vice President Mike Pence refused to sign the resolution, another section of Article V could be used: "... on the Application of the Legislatures of two thirds of the several states ..."

A national campaign initiated by the political leadership of California and the cannabis industry would already be securing agreements of three-fourths (38 states) to ratify the resolution. A simultaneous effort could approach the same 33 states (two-thirds) to approve the resolution.

California legislators and its officials, having led the nation in 1996 with Proposition 215, can now lead the nation in securing the ratification of an amendment to remove cannabis from Schedule 1. I am convinced that the ratification of an Amendment can be secured within a year.

Mike Gravel, an author and businessman, served in the U.S. Senate from 1969 through 1981. In 1972, at the request of Dan Ellsberg, he read the "Pentagon Papers" into the Congressional Record during a subcommittee hearing that he chaired.

California Wildfires and the Undocumented

California's wildfires, like the hurricane devastation in Texas and Florida, compounded human rights concerns about the Trump administration's treatment of the undocumented amid emergencies, as Dennis J Bernstein reports.

By Dennis J Bernstein

Even as Northern California's massive wildfires are brought under control,

another life-or-death question remains: Will the many undocumented people in the area who have lost everything be able to get help from the Federal Emergency Management Agency and the Red Cross?

This question of the rights of the refugee and the undocumented has been central in the minds of those people directly affected by recent natural disasters that have been exacerbated by global warming, not just the California wildfires but the hurricanes that struck Houston, Florida and Puerto Rico.



There's also an economic element to the issue: Will Latinos and other people of color be protected as they undertake the dangerous work of the the frontline cleaning operations?

In Northern California and Sonoma County, which includes the hardest hit city of Santa Rosa, the question of what to do was no small trauma for hundreds of immigrant families, including many farmworkers and day laborers, who fled to the coast and took shelter in front of the Pacific Ocean and the roar of the waves, instead of bedding down in the official designated shelters.

And, while we've heard much concern about the loss of California's Wine Country, there has been less focus on the devastation of Farmworker Country and Indian Country. Indeed, even as the fires were raging, workers were sent in to harvest the last of the grape crop.

I delved into these issues in a recent conversation with Pablo Alvarado, Executive Director of the National Day Laborer Organizing Network, or NDLO, who was just back from a tour of the massive fire damage on Oct. 26.

Dennis Bernstein: In the context of the California fires, it is still in question where undocumented workers who have lost their homes are going to go, what kind of support they can count on.

Pablo Alvarado: Sad to say, federal disaster relief is limited and often depends on who is affected. That is why people in Puerto Rico receive different treatment than people in Houston or Florida. Because ultimately those are brown people in Puerto Rico. The first step is that first responders provide direct assistance to homeowners and business owners. They bring the relief that people need to reconstruct their properties and reconstruct their lives.

Unfortunately, they never think about the workers who come to remove contaminated water and hazardous chemicals from burned down homes. These are the second responders, who come to remove the debris, the ashes, the fallen trees. There are no protections for these second responders. They go in to remove hazardous debris without proper protective gear. And while these workers are rebuilding other people's homes, they are also at work rebuilding their own lives. They understand that when they are rebuilding a home they are not only rebuilding the infrastructure, they are rebuilding families, communities.

In Northern California, we are working to ensure that these second responders are protected, that they have the proper training and equipment. We want to make sure that every worker who goes out at the beginning of the day comes back safely to his loved ones at the end of the day. A significant proportion of these second responders are undocumented workers and I can assure you that the work won't get done without these migrant workers and day laborers. The message to America that will come out of these reconstruction efforts is very clear: If you accept the fruits of my labor, you must recognize my humanity. If you benefit from what I produce with my hands, you must give me my rights. We want to raise the value of labor in the context of this massive reconstruction effort.

Dennis Bernstein: What does it mean in real terms to respect the humanity of the workers?

Pablo Alvarado: Everyone in this country enjoys the fruits of other people's labor. But when it comes down to ensuring that workers are safe at the workplace, most people don't want to be bothered. I visited Houston and in every home you could find a migrant construction crew at work there. Undoubtedly, many of these workers were undocumented, meaning that their humanity was being denied. By reconstructing people's homes, by reconstructing people's lives, these workers earn the right to belong to our communities.

Dennis Bernstein: I understand that the National Day Laborer Organizing Network is going to be expanding in Northern California because of all the reconstruction work going on.

Pablo Alvarado: NDLOON has been able to build a national infrastructure to respond to natural disasters. You can go to reconstructionworks.org to see the intervention we did after Sandy in New York and New Jersey, or to reconstructionworkstexas.org to view the reconstruction we have been doing in Houston after Harvey. We have dozens of health and safety trainers across the country who we plan to mobilize to come to Northern California, Houston and Florida to train workers by the thousands.

Many day laborer and domestic worker families were impacted by the fire. Not only did many lose their housing, but they lost their employment as well. The houses they were cleaning and providing gardening services to are no longer there. We have put a petition online to help these workers rebuild their own lives so that they can continue to help their communities rebuild.

Whenever there is a natural disaster of large magnitude, it is common to find people coughing blood, with skin rashes, etc. Unscrupulous employers will come and hire people without providing the health and safety equipment they need. Not only that, oftentimes they will refuse to pay the workers their wages after they have done the work, using the issue of migration to keep the workers quiet.

Dennis Bernstein: How do you determine if it is safe to enter an area that has been hit by a natural disaster?

Pablo Alvarado: Right now our own team is doing the research, consulting with the proper institutions. Trainers help people identify the dangers, for example, in the case of a flood, electrical wires or chemicals in the water. This is exactly what we are doing here in Northern California, identifying the risks and putting together easily readable educational materials. Since the early 1990's, after the fires in Malibu, we have organized relief brigades, who are often first responders at disaster areas.

After Sandy, for instance, in Staten Island, we were running a food bank there and when the workers saw what was happening, they began packing food into bags and went to the neighborhoods to bring food to the families. They were the first to get there. The workers even cleaned the homes of people who were adversaries of immigrants and, at the end of the day, the people were in tears and saying how grateful they were.

In the end, this is our country. It does not belong to the white supremacists. The day laborers, the construction workers and domestic workers are going to show the way forward.

Dennis Bernstein: What kind of precautions are you taking to protect the workers from immigration people [ICE]? We know that a lot of people without documents fled, some to campsites along the coast.

Pablo Alvarado: This was a big issue in Houston. Undocumented people have to think twice before going to shelters run by government agencies. That is why it is important that civil society insist that people in shelters are not questioned about their status. In Houston there were thousands of people who stayed away from shelters because of that fear. Even many legal permanent residents didn't dare ask for assistance.

If we cannot work with this administration, we have to work with local authorities, who understand that undocumented people are an asset to their communities, not a burden. This becomes especially clear in the case of natural disasters. When undocumented people are themselves affected by a natural disaster, they should get the aid that they need. If the government doesn't provide assistance to undocumented communities, then we have to look elsewhere. That is exactly what we are doing in Northern California.

We know that undocumented people cannot receive aid from the federal government, but we can raise money to make sure that they can find new housing and go on with their lives. At this moment, when we ask undocumented workers to help us rebuild, we should be willing to provide them assistance as well.

Dennis J Bernstein is a host of "Flashpoints" on the Pacifica radio network and the author of Special Ed: Voices from a Hidden Classroom. You can access the audio archives at www.flashpoints.net.

California Wildfires Inflict More Devastation

Among recent natural disasters striking the U.S. are devastating wildfires that torched California's wine country, destroyed thousands of homes and killed more than 40 people, report Dennis J Bernstein and Miguel Gavilan Molina.

By Dennis J Bernstein and Miguel Gavilan Molina

The Tubbs neighborhood in Santa Rosa, Sonoma County, one of the hardest hit by the recent fires in Northern California, looked like some of the worst bombed-out and scorched neighborhoods in Syria with little left standing other than a few red brick chimneys and the burnt-out shells of cars and heavy metal appliances.

According to CalFire, the three largest fires in California's Wine Country – the Tubbs, Atlas and Nuns – have burned more than 182,000 acres in Sonoma and Napa counties. The total number of houses and businesses destroyed is estimated at more than 5,700 buildings with a death count of more than 40 people. In the Tubbs Fire alone, 17 people died, making it among the deadliest fires in the state's history.

Pacifica's Flashpoints program broadcast live from the Arlene Francis Center in Santa Rosa with interviews with Santa Rosa City Council Member Julie Combs and

Sonoma County Supervisor James Gore.

Dennis Bernstein: Let me first begin with you, Councilwoman Julie Combs. ... Let's start on a personal note. We were talking before we went on air and I was thinking it must be horrifying to have a tree fall on your house. But then you said...

Julie Combs: I'd rather have a tree than a fire. I was very lucky. I am okay but my heart is with my whole city and my whole city is still recovering.

Dennis Bernstein: Tell us some of the stories you have heard.

Julie Combs: In my spare time I am also a ham radio operator. Sunday night I was listening to fire engines being called. The calls were coming in so quickly and it was clear the fire was moving fast and spreading rapidly. I kept listening till about 3:00 in the morning when it became clear we had to do massive evacuations. We got shelters open early that morning. It was shocking how rapidly that fire moved. It moved faster than men could run.

Dennis Bernstein: Say something about the level of desperation people have been going through.

Julie Combs: We are estimating about 15,000 displaced. Santa Rosa has lost about 5% of its housing stock. Even before this, we had just a 1% vacancy rate for rentals. We had quite a number of people in shelters but most people found hotel arrangements or family to go to. A lot of people went out of area to stay with family. Many went to campgrounds at the coast. All of this is only going to work in the short term.

Schools will be closed until sometime next week. They have to do an excellent job of removing the toxic elements that have been in the air. The other problem is that hundreds of teachers have been displaced and are still without housing.

Miguel Gavilan Molina: The Spanish-speaking communities have special concerns. A lot of folks that did go out to the coast went because they were afraid of immigration.

Julie Combs: Initially they were afraid to go to shelters. It took us a while to get the word out that we were not going to ask any questions about documentation.

I had a fabulous experience at one of the shelters which illustrates how a community can come together around a disaster. I went to one shelter in a predominantly Latino area. The school gymnasium had about 150 people there. It received people from nursing homes, it received children with developmental

difficulties, a lot of people with medical needs. Kids from a Polynesian dance class were performing. In another room, people had volunteered to offer massages. Outside a motorcycle club cooked a barbecue dinner for everyone in the place. So while it has been a great hardship, as we go forward into what will be a much harder time with rebuilding and clean up, I hope we can hold on to how well we pulled together as a community.

Dennis Bernstein: James Gore is vice chair of the Sonoma Board of Supervisors.

James Gore: It is a great opportunity to be here, because we are at a crucial point now between crisis and rebuild and recovery. This fire didn't distinguish, it affected everyone. In my district we have lost core housing stock, something like three to four thousand houses gone. These are teachers, workers, carpenters, farm workers. These were not high-income houses up in the hills. We need to make sure that people stay there, that when we rebuild it isn't for second homes in the Wine Country. We have to take care of our workers, even if it means changing laws, changing jurisdictions, even changing things at the state level.

Dennis Bernstein: Could you share with us how this disastrous event has ultimately changed your life?

James Gore: My cousin and his family will probably be living with us for a long time because their house is gone. Two of my childhood homes are gone. My step sister lost her home as well. I am driving all around my community, trying to evacuate certain areas and at the same time repopulate other areas. And I look at the back of my car and see basically everything that is important to me. Every time I put on the brakes I can hear my wedding picture slide across the back seat. Because I am ready to go with my kids, too, at any moment.

Someone said to me the other day on the street, "The way the city is rebounding reminds me of the Santa Rosa I grew up in." This is a great equalizer and it is a huge shock to our system that we need to make use of. We tend to get complacent and focus on what I call "hashtag first-world" issues. We need to take this as a mandate to go forward and do what we need to in terms of housing, watershed protection, economic equality.

I feel that we have to seize the moment to prove that we did not run for local office to be professional politicians. As public servants, we must respond to the needs in our community. We need to understand this as an opportunity to rally and create a movement. We have talked about how the city and the country can work together. Well, it is not theoretical anymore.

Miguel Gavilan Molina: One thing I am concerned about is that winter is just a

month and a half away. The rains are coming. Are these evacuation centers going to be able to keep people there for the next four or five months?

James Gore: The future is a question more than an answer right now. Let's start with the environment. I was an appointee in charge of conservation in the Obama administration. I visited communities in Colorado and Arizona where flooding after a fire caused double the damage caused by the fire. We are trying to bring in state and federal people to work with local landowners to prepare the lands for rain. Last year we had historic rains. Whether you believe in climate change or not, we are clearly dealing with a new system.

Then look at the economy. We are seeing small business people who haven't had any business for the past two weeks and they don't expect to have much business for the next couple months. We are raising money for our undocumented community, because they are not going to qualify for FEMA. Finally, where are people going to stay? This is where the city and county are going to have to rally. We have to identify county pieces of land, city pieces of land, private land where we can put up modular units to keep people in our towns.

Julie Combs: The fires are still not 100% contained. Fires continue within the areas of containment. At any moment nature could trick us. We could get a sudden wind. It is possible we could get another fire before the end of the year. We are in the process of both putting out an active fire and re-entering areas where fire damage has occurred. Traditionally, repopulation takes place after the fire has been eliminated. We are trying to get people back in their homes as quickly and as safely as we can.

James Gore: We are at the point right now where we have to figure things out as we go. We are in adaptive management mode. I tell people that the only thing perfect is our relentless, imperfect progress. This is not the first time this has happened. I was talking recently with Supervisor Rob Brown who led the response to the Valley fire two years ago. He told me that when we are rebuilding we have to remember that these are not reconstruction sites, these are sacred sites. These are places where people brought their kids home for the first time. The silver lining is that we are not going to let the systems hold us back from solutions. We have been talking about system inertia for a long time. Well, now is our chance to wipe it out.

Julie Combs: Some of the barriers that existed between the city and the country have disappeared. This has truly been a joint effort. The first question I asked FEMA when they came was how soon we could get FEMA housing support. We wanted FEMA to be thinking more creatively in what they provide to us and how we receive it, so that we aren't stuck in the future with housing we don't want and instead get the housing we need.

Dennis Bernstein: Dealing with FEMA can be tricky.

James Gore: In our initial conversation with FEMA we made clear to them that we wanted not just to rebuild but to build capacity at the same time. They agreed that it didn't make sense to buy a bunch of mobile units from somewhere else, that we should use our workforce here to rebuild. We want to have everyone, both union and non-union, on the ground building capacity, using this as an opportunity to get things done.

There were certain areas in my district that were not connected up to the sewer system. We are looking to FEMA to help us ensure that everyone is connected to the sewer so we have less groundwater damage in the future. We don't want to repeat the horror of empty mobile homes that we saw after Katrina.

I am cautiously optimistic because I believe that we have the capacity to push, to mobilize and get it done. My heart goes out to some of the other communities that don't have the abundance of resources that Sonoma County has. In other communities, the resources are indeed scarce.

Julie Combs: As dollars come in, it is important that we use them locally. That we are not bringing in a lot of outside labor to solve problems that we have the ability to solve here. I think it is important that we are paying a prevailing wage, ensuring that people who are building houses can live in them. I also want to make sure that people really understand what FEMA has to offer them. Federal assistance is up to \$32,000 for loss of residence. There are hotel costs, costs of replacing tools, childcare. There are funds available for these things.

A lot of people assume that if the parents are not documented, they cannot get FEMA aid. If there is one person in the family with documents, the whole family is eligible for FEMA funding. If you are a dreamer with a social security number, that counts. Another thing people worry about is that, when you fill out your visa form, you have to say whether you have received government assistance. FEMA does not count as one of the government assistance programs.

James Gore: A lot of this stuff has already been figured out. We have to make sure we take the best practices from the Valley fire in Lake County, from Santa Barbara, from Monterey, Trinity County, San Diego. I was recently at the Sonoma County Fairgrounds and the private sector engineering contractors association are getting people who are already certified and certifying others. The operating engineers on the union side have 300 people ready to deploy. Right now it is all about getting those contracts out in the most efficient manner.

And, as Julie said, it is crucial that we pay good wages. We have to infuse into our local economy. Julie and I have failed if all of these jobs go to people

outside our community and all these people here on a thin wire get displaced.

Dennis J Bernstein is a host of “Flashpoints” on the Pacifica radio network and the author of Special Ed: Voices from a Hidden Classroom. You can access the audio archives at www.flashpoints.net.

California May Abolish the Death Penalty

California voters will get a chance to abolish the state’s expensive and flawed death-penalty system, a step that could reduce America’s death-row population by almost a quarter, writes Marjorie Cohn.

By Marjorie Cohn

On Election Day, California voters will make a monumental moral and financial decision. Proposition 62 – the Justice That Works Act – is on the Nov. 8 ballot, and if the initiative passes, it will replace the death penalty with life in prison without parole. It will also require convicted murderers to work and pay restitution to their victims’ families. And it will save taxpayers \$150 million a year, according to the Legislative Analyst’s Office.

Among the states still part of the U.S. death penalty system, California has the most people on death row—746. Florida is next, with 388, according to the Yes on 62 campaign. Overall, 2,943 people are on death row in the United States (as of Jan. 1) – meaning almost one in four people waiting to be executed are in the California penal system. The elderly make up 11 percent, and the oldest condemned inmate is 86. The average stay on death row is 18 years.

Although California has spent about \$5 billion administering the death penalty, it has executed just 13 people since 1978. This means taxpayers have spent about \$384 million per execution.

There is no evidence demonstrating that the death penalty deters crime, according to a 2012 National Academy of Sciences study. Capital punishment has been applied arbitrarily due to inherent bias, local political pressures on prosecutors and judges, and lack of access to quality defense attorneys by those convicted. According to Death Penalty Focus, the race of the victim and the race of the defendant are major determinants in who is sentenced to death in this country.

According to the Death Penalty Information Center(DPIC), since 1973, 156 people

sent to death row nationwide were later exonerated. A 2014 study conducted by the Proceedings of the National Academy of Sciences concluded that 4.1 percent of all death row inmates are actually innocent.

But the innocence rate is more than twice the rate of exoneration. That means an unknown number of innocent people have been or will be put to death.

“Every time we have an execution, there is a risk of executing an innocent,” said Richard Dieter, former executive director of the DPIC. “The risk may be small, but it’s unacceptable.”

The United States has no uniform law on the death penalty. Each state is free to choose whether or not to execute people. Nineteen states have abolished the death penalty. The Inter-American Commission on Human Rights determined that this discrepancy violates the American Declaration of the Rights and Duties of Man, which the U.S. has signed.

And look at the company we keep. Only China, Iran, Iraq and Saudi Arabia execute more people than the United States.

Comparing Propositions

California voters will be confronted with two competing death penalty propositions on the November ballot.

Whereas Proposition 62 would replace the death penalty with life in prison without parole, Proposition 66 – the Death Penalty Reform and Savings Act – purports to execute Californians more efficiently. The latter initiative would double down on the death penalty and spread the costs and burdens to local courts and counties.

Under the guise of efficiency, Proposition 66 would add two additional layers of habeas corpus review in superior and appellate courts. It would impose unworkable time frames for appeals and habeas proceedings. And it would require attorneys who may be inexperienced, unqualified or unwilling to take death penalty cases or face expulsion from the court’s public defender panel.

Moreover, Proposition 66 would transfer 746 inmates to new death row facilities at local prisons built and maintained with county funds. Counties would be on the hook to provide separate housing, guards with specialized training, security level IV facilities, and unique physical and mental health accommodations.

The increased workload on superior and appellate courts would take up a significant and (in some counties) overwhelming percentage of local resources. Proposition 66 prioritizes death penalty cases at the expense of all other

matters before the criminal and civil courts. The judicial system's ability to handle issues like business claims, family custody hearings and traffic tickets in a timely manner would be negatively impacted.

With a backlog of more than 150 capital appeals and habeas petitions now awaiting review, and hundreds more in the pipeline, the California Supreme Court would have to turn its full attention to death penalty cases for years, to the exclusion of other important matters, in order to meet Proposition 66's proposed timeline.

Proposition 66 adds sped-up appeals timelines that are unenforceable and infringe on judicial and legislative separation of powers. Constitutionally required court procedures cannot be changed through the ballot process. California's death penalty system is beyond repair.

Who Supports Proposition 62?

A diverse coalition of people and groups supports Proposition 62, including former death penalty advocates, victims' families, exonerated and wrongly convicted prisoners, retired district attorneys and judges, criminal law and economic experts, and faith, labor and civil rights leaders.

Ron Briggs, who led the 1978 campaign that brought the death penalty to California, calls it a "costly mistake." Briggs says, "Now I know we just hurt the victims' families we were trying to help and wasted taxpayers dollars." He maintains, "The death penalty cannot be fixed. We need to replace it, lock up murderers for good, make them work, and move on."

Franky Carrillo, who was convicted of a crime he didn't commit, was released after spending 20 years in prison. Witnesses recanted, and new evidence came to light.

"I am living proof that our justice system sometimes gets it wrong," Carrillo says. "If I had been sentenced to death instead of life in prison, this might have been a different story." An innocent man might have been put to death.

The Catholic Bishops of America supports Proposition 62, stating "capital punishment has repeatedly been shown to be severely and irrevocably flawed in its application."

Endorsers of Proposition 62 include the California Democratic Party, California Labor Federation, Service Employees International Union, California Federation of Teachers, Exonerated Nation, National Association of Criminal Defense Lawyers, Rainbow Push Coalition, California NAACP, Clergy and Laity United for Economic Justice, California Catholic Conference, and the League of Women Voters

of California.

Proposition 62 would replace California's failed death penalty system with life in prison, guaranteeing that the worst criminals would never be released. It would provide a measure of respect to victims' families by requiring convicted murderers to work and pay restitution. And it would save taxpayers \$150 million per year, money that could be spent on education and repairing California's crumbling infrastructure.

The United Nations Special Rapporteurs on summary executions, Christof Heyns (whose term recently expired), and on torture, Juan E. Mendez, have called on the U.S. government to initiate a federal moratorium on the imposition of the death penalty with a view to abolish it. They observed that more than three-quarters of countries around the world have abolished the death penalty either in law or practice.

"Despite all efforts to implement capital punishment in a 'humane' fashion, time and again executions have resulted in a degrading spectacle," they wrote. "The death penalty as a form of punishment is inherently flawed."

None of the three major international criminal tribunals – the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia, and the International Criminal Tribunal for Rwanda – allow the death penalty as a sentencing option for the most heinous of crimes over which they have jurisdiction.

Former U.S. Supreme Court Justice John Paul Stevens (quoting former Justice Byron White's 1972 concurrence in Furman v. Georgia) thinks "the imposition of the death penalty represents 'the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the State [is] patently excessive and cruel and unusual punishment violative of the Eighth Amendment.' "

In a 1976 Boston Globe article, then-U.S. Supreme Court Justice Arthur L. Goldberg wrote: "The deliberate institutionalized taking of human life by the state is the greatest conceivable degradation to the dignity of the human personality."

When speaking to the French Chamber of Deputies in 1830, years after witnessing the excesses of the French Revolution, the Marquis de Lafayette, said, "I shall ask for the abolition of the punishment of death until I have the infallibility of human judgment demonstrated to me."

The premeditated killing of human beings by the state is expensive and just plain wrong. Californians should abolish it.

Marjorie Cohn is professor emerita at Thomas Jefferson School of Law, former president of the National Lawyers Guild, and deputy secretary general of the International Association of Democratic Lawyers. Her books include *Cameras in the Courtroom: Television and the Pursuit of Justice*. Visit [her website](#) and follow her on Twitter at @marjoriecohn.

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[http://www.truthdig.com/report/item/death_to_the_death_penalty_in_california_20160826]

Dangers from Pesticides

Intensive use of pesticides in California and other agricultural centers presents a risk to farmworkers and their families that is still only dimly understood, writes Dennis J Bernstein.

By Dennis J Bernstein

Industrialized Agriculture is addicted to chemistry in the form of pesticides. The addiction was marketed to the American People, along with other post World War Two miracles such as nylon stockings and the ball point pen. The pen and the nylons, of course, ultimately proved much less dangerous than the chemical fix for company profits.

Between 1947 and 1949, pesticide companies invested nearly \$4 billion into expanding their production facilities, and made huge profits. By 1952-53, there were some 10,000 separate new pesticide products registered with the USDA, in what was labeled by journalists and historians as “The Golden Age of Pesticides.”



Today, well over 33 million pounds of fumigants are used in California agriculture each year with over 9 million of cancer-causing chloropicrin alone. For strawberries grown in the state, fumigants account for 87 percent of all

pesticide use. A 2014 report by the California Department of Public Health (DPH) found that fumigants dominate the top five pesticides of public health concern sprayed and spread in close proximity to schools.

A disturbing new study out of UCLA's Sustainable Technology & Policy Program found, in a case study of three fumigant pesticides commonly applied together in California, that "these pesticides may interact to increase the health risk for California farm workers and residents" and regulators do not exercise their authority to regulate the application of multiple pesticides to prevent or decrease risks to human health.

The UCLA study found that "Each of the pesticides ... causes adverse health effects in humans or animals, including acute, developmental, reproductive, and neuro-toxicity, and carcinogenicity and mutagenicity. There is a reasonable likelihood that the three pesticides can interact to synergistically increase the toxicity to humans."

According to Dr. Ann Lopez, Executive Director for the Center for Farmworker Families, the most at risk are the children in their formative years, who are impacted at local schools, located near the growing fields, and are constantly being exposed to the extensive drift of these dangerous fumigants. Dennis J Bernstein spoke recently to Dr. Lopez and to Mark Weller. Weller is Program Director for Californians for Pesticide Reform.

DB: Let me start with you Dr. Lopez. Give us a little bit of background on the chemicals we are talking about, in terms of the spraying near schools. How dangerous is this chemistry. What we know about the multiple impacts.

AL: Well, the researchers actually worked with three different pesticides, that are frequently used in California. Two in particular are very distressing because they are used in strawberry fields almost everywhere. The first one is chloropicrin which is a carcinogen. ... We inherited it from World War II as so called vomit gas because when you sprayed it on the enemy, in the war, they would have to remove their face mask in order to vomit.

Chloropicrin causes poisoning of the lungs, skin and the digestive tract. And the other one that's of major concern is Telone or 1,3-dichloropropene. This one is another cancer causing chemical. And it's also neurotoxic, and impacts fertility. And I'll come back to the neurotoxic part shortly. But what they did is they studied the impact on the body, of combination of pesticides. In other words, what happens when children are exposed to chloropicrin and Telone, either in succession or as a mixture.

And they found that each pesticide potentiates the impact of the other. So that

what happens is you get a combined effect that's much greater than you would get with either one individually. And they work by dismantling the detoxifying mechanisms of the body, the so-called co-factors, like glutathione. And they also impact the DNA. So they alter the DNA in a way that could put the cells on the path to cancer.

So this is basically what they discovered. It's the first study of this kind that I've seen. And the reason that it's so distressing is because these chemicals are not like liquids or solids that you just dump on the ground and that's the end of it. They stay in that location, rather, they're mobile. They are vapors that move over the ground. And so when we have these narrow buffer zones around residences and schools, like we do, right now it's only 1/4 of a mile. This stuff can move over the ground, and just move right into the classroom or the playground, and impact the children. I think this is terrible. This is very, very distressing. So that is the concern and it's just a thumb nail sketch of the study, itself.

DB: And Dr. Lopez, say something about the impacts that we know, in terms of specifically on children, because we're talking about spraying these cancer causing chemicals near schools. These are kids in the formative years. I imagine this has a special impact, the kids are more vulnerable.

AL: Absolutely. Yes, the growing bodies of children are much more vulnerable. They take in a whole lot more liquid than adults. And they take in more air. So they are bound to absorb a lot more of these chemicals. And, it's distressing because the neurotoxins effect the brain and spinal cord. And I have worked in the areas where this study was done, northern Monterey county and Santa Cruz county for about 18 years, with farm workers.

All of them, every family I've ever talked to wants their kids educated and out of farm work. So what we do is we send the most oppressed, the poorest, and the voiceless, essentially, to these elementary schools where we spray right near the school. And these children go to school hoping to become educated and have a better future, and we're subjecting them to chemicals that can potentially alter their brain and spinal development. I just think it's unconscionable.

DB: And this is observed in terms of their actual behavior.

AL: Exactly. The autism rate at UC Davis' study showed that the autism rate increased, I think it was ten times, or what was it? Five or six times in a ten-year period, in the state of California. There's a direct link between ADHD, autism...many of these kinds of brain damaging pesticides result in these conditions, even pre-birth. I wanted to mention one other thing, if I may, and that is, in today's Santa Cruz Sentinel there is an article on the right hand

side of the front page, about how the commercial crab season has been canceled again, or at least delayed because the crabs themselves have a potent neurotoxin called domoic acid.

And I think it's so interesting that the California Department of Fish and Game would cancel the season in order to protect the public from eating crab with a potent neurotoxin, and yet the Department of Pesticide Regulation will do nothing to stop these fumigants that are neurotoxins that affect children almost every school day.

DB: Also joining us is Mark Weller. He's Program Director for Californians for Pesticide Reform. You were part of this press conference today. Maybe you could put this into context in terms of this community, how dangerous this situation is, and if, in fact, it's not part of a larger problem.

MW: Sure. There were parents and teachers from Ohlone Elementary School there. I think, Ohlone Elementary is a really good way to kind of capsule what's happening all over California. So, Ohlone Elementary is a school of 500 children, K through 5, 97% Latino, 96% sociologically disadvantaged, you know, by state standards. And teachers and parents there have been battling pesticides for decades.

In fact, in 1999 the civil rights lawsuit against the California Department of Pesticides included Ohlone parents of students there. And they charged the state with discriminatory regulations by allowing for disproportionate number of Latino children to be exposed to hazardous pesticides. Now this case was settled. It was still being challenged, however, in 2011, that's 12 years later. And ... the Department of Pesticide Regulation accepted no guilt. But they agreed to install a pesticide air monitor on the grounds of the Ohlone Elementary campus.

Now, so this has been going on ... the air monitoring testing since the very end of 2011. And the state sets the lifetime cancer risk, their regulatory target for air concentrations of 1,3-D or Telone that Dr. Lopez is talking about in the study. That's a standard that is 10 times more lenient than in Europe. So it allows for 10 times more before California considers the level dangerous. But we should be clear, the European Union has banned 1,3-D and chloropicrin, and in fact all the pesticides studied in the UCLA report, as well as 6 of the 8 that are most used pesticides near Ohlone Elementary.

So what did the state find in the air monitoring testing? Well, in its first full year of testing in 2012 the level was 14 percent above the cancer risk level at that elementary school. And over the last 3 years, the average has been 93 percent of the state's cancer risk level. So it's just under the state

regulatory goal.

But, if that's not enough to say "Enough already, with allowing our children to breathe this poisoned air." The UCLA study tells us that the state just under the risk level figure is, most surely, understated. Because it doesn't take into account the presence of other fumigants which combine with 1,3-D to magnify cancer risk. And indeed chloropicrin does that and indeed chloropicrin is applied in huge amounts at Ohlone Elementary School.

So the DPR [Department of Pesticide Regulation] is, right now, drafting a statewide policy about regulations for pesticide used near schools. And so they must consider this information, about the combined effects of pesticides, when making that policy. And if they can't ban ... if they don't ban this stuff like they have in Europe the least they can do is push this stuff as far away from school children as possible: a mile, at least, is what we've been calling for.

DB: And Mark Weller, let me ask you, we know that there's a lot of corporate money, a lot of lobbying money, the major corporations have a lot to say about whether these kids are going to continue to be poisoned. Could you talk about that part of this struggle?

MW: Well, look 1 3-D is manufactured by Dow, Dow AgroSciences. This is that toxic air fumigant that causes cancer and the state was so worried about it that it was banned in California, between 1990 and 1995. It was brought back by hard lobbying, and successful lobbying, extremely successful lobbying by Dow because it is now one of the most used pesticides in the state.

Yeah, these are big factors, big forces to deal with. And, you know, we have to get our state, we have to ... it's been captured by these companies. And so we need to take it back and say "You've got to put the health of people, of children ahead of Dow's profits."

DB: Dr. Lopez, I'd love to hear more from you about what happens among the families that you work with, when they find out about this. When they know about this. Is there a sense of a growing resistance? We know that it's not easy to complain particularly if you happen to be undocumented. You may be being poisoned but if you speak up you may end up being poisoned, and then getting deported.

AL: Right. That's absolutely correct. Eighty-three percent of farm workers in Santa Cruz county are undocumented. Seventy-five percent statewide. So they tend not to say anything. And it's very depressing. I actually told one farmworker family that has children that go to Ohlone School. I told them, I said "Keep them home." If I were that parent I wouldn't allow them to go to school and be

subjected to this. And I think there needs to be a ground swell statewide of protests at the state level insisting that the DPR [Department of Pesticide Regulation] does its job. It has a mandate to regulate pesticides. It's not doing its job. Why are we paying their salaries, with our tax dollars?

I think this is disgraceful, and in Santa Cruz county, the south county is mostly brown, and many, many farm workers. The north county is mostly anglo, or white. And in the north county we have these laws about crab fishing so that white people don't eat crab with neurotoxins. But it's perfectly okay to spray brown children with these awful neurotoxic chemicals. I think this kind of environmental racism. It's a civil rights issue, Dennis. I mean this is absolutely intolerable and unconscionable.

DB: And so Mark, what comes next on this battle? Where do you see this going? And how will you try and call more awareness to what's going on?

MW: I think what's next in the battle is pushing, and pushing, and pushing on the state regulators to make as strong a policy as we can get them to make regarding pesticide use around schools. We really have this important historic moment. There's never been anything like this. The Department of Pesticide Regulation has never done a statewide policy that can be so far reaching as one to address all the schools in the state to make them more protected. And that would be a big step forward. They are drafting their policy right now. It's delayed. You know, of course, our concern is they may be listening to other forces, that we discussed earlier, like Dow. So we have to keep the pressure on now, with news conferences, with meetings with community leaders, and elected leaders.

DB: Any teachers speaking out?

MW: Yes, they are absolutely speaking out. They are at the forefront of this because they're concerned about their students.

DB: As well as their own health, I should imagine.

MW: Yeah. At our news conference we had two teachers and representatives from teachers union. And they gave powerful speeches, and shared powerful concerns. I even have some quotes from them. This is from Sarah Henny. "We're tired of the children that we teach and care for being the guinea pigs of the pesticide industry. We're tired of the inaction of the state and local pesticide regulators to protect us from these health threats. If we're not going to ban these hazardous pesticides, then the least we can do is push them away from most harm."

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The Saga of Cesar Chavez

Exclusive: The teaming up of United Farm Workers founder Cesar Chavez and Sen. Robert Kennedy marked an important moment in the fight for the rights of Latinos in America, a time in history brought to life by a film biography of Chavez, says James DiEugenio.

By James DiEugenio

In 1996, with great fanfare and under the influence of political adviser Dick Morris President Bill Clinton signed the largest welfare “reform” bill of the last 35 years. It was so harsh toward recipients that many speculated that not even Ronald Reagan would have signed it. But Clinton, as a titular Democrat, had the cover to do so. Many commented at the time that this act demonstrated that the Arkansas governor’s association with the “centrist” Democratic Leadership Council was not just cosmetic.

Upon signing the bill, Clinton utilized the words of the late Robert Kennedy, quoting the liberal icon as saying that work is what the United States is all about; we need work as individuals and as citizens, as a society and as a people. When Rory Kennedy, Bobby Kennedy’s youngest daughter, heard this invocation of her father’s name to support a law that would hurt the poorest and most disadvantaged people in America, she immediately called Peter Edelman, who had been a legislative assistant to Kennedy when he was a senator.

Edelman, who was working for Clinton as assistant secretary for Health and Human Services, resigned in protest against the new law. A year later, the Harvard-educated lawyer wrote a blistering essay about the “reform” bill and Clinton’s role in it. Five years later, Edelman explained that not only was the bill a bad one but he was outraged at Clinton’s use of his former boss’ name in signing it.

Edelman wrote, “President Clinton hijacked RFK’s words and twisted them totally. By signing the bill, Clinton signaled acquiescence in the conservative premise that welfare is the problem, the source of a culture of irresponsible behavior,” while RFK envisioned a large American investment to guarantee that people actually could get decent jobs.

Kennedy wanted both protections for children and outreach to those who could not find jobs. In other words, he wanted to do something big about *ending* poverty. (See the introduction to Edelman's book, *Searching for America's Heart*.)

RFK and Justice

Perhaps nothing illustrates the difference between the Democratic Party now and then than Edelman's role in getting Sen. Kennedy to Delano, California, in 1966. It's a story Bill Clinton probably knew about, but to my knowledge never mentioned in public.

Kennedy had been serving on a subcommittee of the Senate Labor Committee that dealt with the plight of migrant workers. That is, people largely from either Asia or Central America who worked the huge fruit and vegetable farms in California and other southern states for the large agribusiness owners.

Prior to 1965, these workers had no real labor rights. Because of a strong agribusiness lobbying effort, the minimum wage law did not apply to them. Neither did child labor laws or collective bargaining statutes. The national media had only once noticed their plight in late 1960, when Edward R. Murrow broadcast his famous CBS documentary *Harvest of Shame*.

Edelman and labor leader Walter Reuther convinced Kennedy that his presence was needed at congressional hearings being held in March 1966 in Delano. There was a strike going on led by a Mexican-American activist named Cesar Chavez. Kennedy's presence there would give Chavez's movement some media attention and bolster the spirits of his followers.

Labor representative Paul Schrade told me that he and Reuther had already been to Delano and met Chavez, who suggested that Kennedy attend the hearings. Schrade said he called Jack Conway, who was Reuther's liaison to Kennedy's office, and connected with Edelman, who joined with Conway in convincing Kennedy to attend the hearings by making the argument that "These people need you!" (Arthur Schlesinger, *Robert Kennedy and his Times*, p. 825)

Though reluctant, Kennedy finally relented. But even on the plane ride out, he still wondered why he was going. But, if anything, Edelman underestimated the attention and aid RFK was about to bestow on Chavez and the farm workers.

Both the local sheriff and the district attorney were there to testify. As Kennedy either knew, or was about to learn, both men were in the pocket of the wealthy landowners. With cameras running and reporters in attendance, a famous colloquy took place between Kennedy, who had served as Attorney General of the United States, and Sheriff Leroy Galyen of Kern County.

Galyen: If I have reason to believe that a riot is going to be started because somebody tells me that there's going to be trouble if you don't stop them, then it's my duty to stop them.

Kennedy: So then you go out and arrest them?

Galyen: Yes, absolutely.

Kennedy: Who told you they're going to riot?

Galyen: The men right out in the fields that they were talking to says, "If you don't get them out of here, we're going to cut their hearts out." So rather than let them get cut, you remove the cause.

Kennedy: This is an interesting concept. Someone makes a report about someone getting out of order and you go in and arrest them when they haven't done anything wrong. How can you go in and arrest somebody and they haven't violated the law.

Galyen: They're ready to violate the law, in other words.

At this point, Kennedy cracked up and laughter enveloped the proceedings.

Kennedy: Could I suggest in the interim period of time ... the lunch period that the sheriff and the district attorney please read the Constitution of the United States.

When the hearing was over, Kennedy met Chavez outside and told him that he supported the strike. The senator then joined Chavez on the picket line. Chavez felt protective of Kennedy, wondering if he wasn't going too far too fast. For instance, when a reporter asked RFK if "the Huelga" (the strike) may be communist inspired, Kennedy instantly replied with: "No, they are not communists. They're struggling for their rights." (ibid, p. 826)

What RFK Brought

As Dolores Huerta, another United Farm Workers founder, noted, "Robert didn't come to us and tell us what was good for us. He came to us and asked two questions: What do you want? And, how can I help? That's why we loved him."

And as Chavez later said about RFK's appearance there, "He immediately asked very pointed questions of the growers; he had a way of disintegrating their arguments by picking at very simple questions. So he really helped us turned it completely around." (ibid)

As Edelman later said about Kennedy's flight into Delano, "Something had touched

a nerve in him. Always, after that, we helped Cesar Chavez in whatever way we could.” (ibid, p. 827) As Kennedy saw it, Cesar Chavez was doing for Hispanics what Martin Luther King Jr. was doing for black Americans, “giving them new convictions of pride and solidarity.” (ibid)

Kennedy called on labor leaders to help Chavez organize the migrants. It was the beginning of a friendship that lasted for more than two years until Bobby Kennedy’s assassination in Los Angeles after winning the California primary on June 6, 1968.

When Kennedy was shot at the Ambassador Hotel, Kennedy had Dolores Huerta on the podium with him. He had thanked her and Chavez for mobilizing the voters in Central California. Chavez then served as an honorary pallbearer at Kennedy’s funeral service.

The humorous scene between Galyen and RFK is depicted in the film *Cesar Chavez: History is Made One Step at a Time*, which was released last year in theaters but which got so little media push and publicity that I didn’t see it. But Patricia Barron, a Mexican-American friend of mine, advised me to get it on Netflix or from Red Box. “Jim, it’s at least as good as *Selma*” and she was right. I actually think it’s better than *Selma*, but lacked an Oprah Winfrey/Brad Pitt producing team to promote it.

Both movies focus on an iconic leader representing an oppressed group of Americans, with *Selma* centered on Dr. King. And as Kennedy noted, Chavez was probably the closest role model that the Hispanic community has in comparison to King.

Chavez did face a David-and-Goliath struggle that, in some ways, was comparable to King’s accomplishments. King’s opponent was the system of racial segregation that replaced slavery across the South after the Civil War and the failure of Reconstruction. Segregation was ingrained in nearly every aspect of Southern life and culture and was enforced by both law and violence.

The Lords of Agribusiness

Chavez’s opponents were the omnipotent lords of California agribusiness, which was the largest industry in the state. They dominated the area from north of Santa Barbara to approximately south of San Jose. When one drives that stretch of the Golden State Freeway, one can see that the huge expanse is largely made up of agricultural fields.

The owners of the fields felt their profits relied upon maintaining the pose of being farmers, but they were really running a large industry. Privately they did not refer to themselves as farmers, but rather as ranchers, growers or

agribusiness men. (See Chapter 1 of *So Shall Ye Reap*, by Joan London and Henry Anderson)

There was good reason for that. In 1970, the average farm size in California was over 700 acres; twice the national average. The average sales price for a farm was over \$300,000; five times the national average. The top 2.5 percent of the industry accounted for the employment of 60 percent of the migrant labor force.

As authors London and Anderson point out, this type of wealth allowed the growers to employ a phalanx of lawyers, PR men, and state and federal lobbyists all of it in the cause of preserving and disguising their dominance over their cheap and plentiful workforce.

With this kind of power at their disposal, the growers took advantage of laws that allowed them to claim the government subsidies that sought to sustain average farmers. For example, irrigation water was delivered to them at a fourth of what it should have cost because they took advantage of a subsidy that was reserved for farms of 160 acres or less in size.

As London and Anderson revealed, the growers rigged the system to achieve this by making trusts of their properties and partly holding their land in title to their wives, sisters, daughters, sons, nephews and any other relatives they could find. They also intervened with the state government in Sacramento to make their industry exempt from unemployment insurance and benefited further because only a very small minority of the farm workers were signed up for Social Security. Thus, there were very few records of these farm workers who really were transients.

For 30 years, until 1967, agricultural workers also were excluded from the milestone Fair Labor Standards Act, meaning they were not subject to minimum wage laws or overtime regulations. Almost all of them worked on a piecework scale based on how much fruit or how many vegetables they picked.

Both Sacramento and Washington excluded agribusiness from the Wagner Act of 1935, which was perhaps the most far-reaching of New Deal legislation governing worker/employee relations. Without its application, the growers did not have to recognize collective bargaining efforts and were free to terrorize organizers who also faced the fact that local law authorities that were on the growers' side.

Seeking Out Labor

In addition to all of this, the growers went looking for minority groups at home and abroad who they could exploit sometimes as distant as the Far East but, after the Mexican Revolution, there was a steady stream from the south both

available and exploitable. This was made legal by the bracero program, a diplomatic agreement with Mexico permitting the importation of temporary manual labor into the U.S. By 1945, because of claims of a labor shortage brought on by World War II, there were 50,000 braceros in the California fields.

As London and Anderson note, the growers were so powerful that they were allowed to exempt their workers from Selective Service and use prisoners of war in their fields. After Ronald Reagan's election as California governor in 1967, he showed his appreciation for the growers' huge campaign donations by letting them use prison convicts for work, until the state Supreme Court overturned the order.

What existed closely resembled a feudal system, down to the workers living in properties sometimes owned and monitored by the landowners. It was, as one scribe wrote, a condition of semi-voluntary servitude.

But politicians like Reagan had no qualms about preserving it. He appointed growers like Alan Grant to the California Farm Bureau Federation, the UC Board of Regents, and the State Board of Agriculture. From his lofty perch, Grant saw no problem with the system as it was and no need for unionism in agriculture. As he famously said, "My Filipino boys can come to my back door any time they have a problem and discuss it with me."

As with Dr. King, there was a history of organizing attempts for Chavez to look back on. After violence broke out in 1913, two organizers were jailed. And six years later, the Criminal Syndicalism Act was passed in California, essentially making union organizing a criminal act.

During the Great Depression, some strikes were led by communists, so agribusiness later used red-baiting and violent tactics to crush strikes. Under the Criminal Syndicalism Act, several strike leaders were arrested, two were killed, and over 20 were wounded violent tactics that persisted until 1939, condoned by local authorities and hailed by the local press barons.

This anti-unionism was endorsed by Richard Nixon, who was elected to Congress from California in 1947 and was making his reputation as a red-baiter. In 1950, during a strike in the Delano area, the giant DiGiorgio ranch hired strikebreakers, a practice that Nixon endorsed, signing a document asserting that farm workers had been properly excluded from labor laws.

"It would be harmful to the public interest and to all responsible labor unions to legislate otherwise," Nixon stated, a position that became known as the Nixon Doctrine and helped turn that strike around in favor of the growers.

The strike was called off later in 1950 after court orders limited picketing, boycotting and the importation of assistance from other unions. One of the young

men on the picket line nearby was Cesar Chavez.

Escaping Violence

Chavez's grandparents came to America to escape the violence of the Mexican Revolution. Cesar was born in Arizona in 1927. His family moved to California in 1938 and first lived out of their car, then under a tent. As he later related, sometimes they would eat wild mustard seeds just to stay alive. His family then worked as migrant farm laborers under the influence of local contractors. They would move up and down the state following plant harvests.

Chavez dropped out of school at age 14 in the eighth grade and became a full-time worker in the fields. In his early 20s, he married Helen Fabela and in 1949 they had the first of their eight children. With a young family, he decided to leave the shifting tides of the migrant worker stream and moved to San Jose. In season, he harvested delicacies like apricots. In the offseason, he worked in lumberyards.

His father, Librado, had been active in union organizing and favored eventual affiliation with the CIO rather than the AFL. The CIO was Walter Reuther's union. Young Cesar would sit in on these discussions and learn as he went. He was also stung by the whip of racism. In his teens, he remembered being removed from a movie theater for violating segregated seating rules.

But the single event that probably changed Chavez's life the most was the night a priest named Father McDonnell knocked on the door of his home. Fathers Donald McDonnell and Thomas McCullough were famous in the area as the "priests to the poor." The two divided up the central part of the state and visited, by their own estimate, about a thousand farm labor camps. Very early they realized that the growers would never divide up their farms and sell them to the workers, so the only way to achieve any justice or dignity for the migrants was through a union.

In 1952, Fred Ross visited the Stockton area from an agency called the CSO, or Community Service Organization, an offshoot of Saul Alinsky's Industrial Areas Foundation. The group's idea was to recognize central issues and then build local alliances finding common approaches to address the issues. Alinsky hired Ross to organize Mexican-Americans in the Los Angeles area, and after considerable success Ross shifted north to San Jose.

The knock on the Chavez door was part of a Ross/McDonnell cellular approach, called the house meeting. In a three-week period, Ross and McDonnell would visit several houses each night. At the end of the three weeks, they would then have a larger meeting at one of the bigger homes to include all the people they talked

to who were interested in the cause identified by the CSO. They would elect temporary officers and send the people out to knock on more doors, leading eventually to a local chapter of the CSO.

The night that Ross met Chavez, Ross reportedly wrote in his journal, "I think I found the guy I'm looking for."

Ross ended up hiring Chavez to work for the CSO at \$35 per week. In 1953, he became a statewide organizer, working from northern California, south to Oxnard. Chavez and Huerta, whom Ross also recruited, built the state CSO into a coalition of 22 chapters in California and Arizona, concentrating on getting farm workers state disability insurance and signing up as many as they could for Social Security benefits. These developments meant the growers had to keep files and records on their workers.

Expanding the Fight

The next target for Ross, Chavez and Huerta was to end the bracero program, which they finally did at the end of 1964. But there was a problem Chavez had with the CSO, which would not commit to an all-out push to organize and unionize the farm workers of California. Chavez resigned and took his life savings of \$900 out of the bank. He moved to Delano, explaining that "My brother lived there, and I knew that at least we wouldn't starve."

Chavez started organizing the local farm workers, calling his new agency the Farm Workers Association. He deliberately avoided the word "union," which he knew was offensive to the growers. He also borrowed money from a friend to open up a credit union and offered those who joined preferential rates on insurance. By 1964, he had enough workers paying dues that he could devote all his energies to building the union.

In 1965, Chavez went on the offensive. He called a rent strike against the Tulare Housing Authority. He then called two strikes against small growers. He won and the strikers were rehired. But the greatest conflict of Chavez's career, the one Bobby Kennedy enlisted in was the massive farm workers' strike from 1965 to 1970, which expanded into first a national boycott, and then an international one.



Diego Luna's film begins near the end of that boycott. Chavez (played by Miguel Pena) is in a radio station in Europe trying to expand the scope of the boycott to England. He begins talking about how he started out, and the film flashes back to the beginning of his career as an organizer for CSO near San Jose. Chavez arranges a house meeting so he can question some of the workers in the area.

The narrative then jumps to his dispute with CSO over a focus on union building for farm workers, and we witness his family move from San Jose to Delano. We see his early struggles to get the farm workers union going. For example, a visit from the local sheriff, who is surely meant to suggest Galyen.

But the picture really picks up momentum with the beginnings of the five-year strike and boycott, which, ironically, was not started by Chavez. It was actually begun by Larry Itliong, the leader of Filipino workers. Itliong chose to have his followers go on strike because the grape growers in Delano would not pay comparable wages as the growers in the Coachella Valley.

The film depicts this moment of crisis very strongly: we see the forces of the growers standing outside the worker's barracks in the middle of the night, demanding, with a loud speaker, that they return to work or be evicted. The workers refused, and many were evicted.

Itliong then wrote to Chavez. From past experience, Itliong knew the growers in Delano would try to recruit strikebreakers from the Hispanic ranks and asked Chavez to support the walkout by not having the Mexican-Americans replace his men in the fields.

A United Front

This was a portentous moment for Chavez because his efforts were relatively new, and the union he was leading was not fully formed. But he saw that what Itliong was asking him to do was to stand up for all farm workers everywhere, whether they be Asian-Americans or Mexican-Americans. Chavez argued for backing Itliong

and carried the day in the Union Hall. Although the dynamics behind the Filipino walkout are skimmed, the scene with Chavez leading the argument in the hall is vividly depicted in the film.

On Sept. 16, 1965, Chavez and his workers joined the Filipino picket line. For all intents and purposes, this was the beginning of the five-year strike, called La Huelga. When the boycott was added, Chavez called it La Causa.

Realizing that the stakes had been raised by the alliance of Chavez and Itliong, the growers started revving up their battery of weapons. First they used the legal venue, going to court to get injunctions against picketing. They cited the criminal syndicalism laws to disallow Chavez from speaking to his followers on a bullhorn. The local courts were so rigged that they even forbade the strikers to use the word Huelga. The growers knew these perverse decisions would be reversed on appeal, but they thought they could outlast the farm workers.

If it would have been anyone besides Chavez and Itliong, that may have been the case. But as the film carefully notes, Chavez had hired a capable attorney to beat back these ridiculous rulings, a man named Jerry Cohen, who got Chavez, his wife, and Huerta out of jail.

The film next depicts the beginning of the boycott. Chavez started small, deciding to attempt to boycott just one winery. But he realized that he would need allies to spread the word. So, he had his followers perform outreach to sympathetic leftist groups like students and civil rights advocates.

In another good scene, the film shows the effectiveness of this boycott and how it began to split the ranks of the growers. Julian Sands plays the director of the boycotted company, with John Malkovich as the representative of the growers' association. Malkovich asks Sands not to give in, but as Sands makes clear, he really did not have a choice. The boycott was hurting sales too much. (Malkovich also executive produced the film.)

Mixing black-and-white newsreel film with a reenactment, the picture next depicts the appearance of Sen. Robert Kennedy at the Delano hearing. Luna found an actor named Jack Holmes who has a strong natural resemblance to Bobby Kennedy. However, the film underplays this remarkable moment by not showing the bonding that took place afterwards between the two men.

But Luna does show the climactic event that took place after Kennedy left. Borrowing a page from Gandhi and King, Chavez organized a 245-mile walk from Delano to Sacramento. Luna's depiction of this event briefly includes the skits that playwright Luis Valdez would prepare for the protesters to watch at night. These were almost always satiric in nature and meant to caricature the arrogance

and insensitivity of the growers.

The main intent of the march was to get California Gov. Pat Brown to push a bill through the legislature that would give agriculture workers the right to organize. That bill eventually did pass, but it was later under the governorship of Pat Brown's son Jerry.

The 23-Day Fast

No film about Chavez would be complete without his 23-day fast over the escalating violence used by the growers to harass his followers. Chavez was also disturbed by the failure of the farm workers to refrain from retaliation. Chavez only drank water during this period and although Chavez did attract much attention to his efforts many thought he had endangered his health. Finally, Bobby Kennedy arrived to convince Chavez to stop and take Holy Communion with him.

The film does a nice job in playing off the Holmes/Kennedy scenes with the newsreels of Ronald Reagan attacking both Chavez and his union. After Kennedy leaves, we watch as Reagan attacks the grape boycott as immoral, and he accuses Chavez of using threats and intimidation tactics against the grape growers.

Luna and his scriptwriters do an even better job with the assassination of Robert Kennedy. We watch as Chavez pulls his car over to hear a radio bulletin about Kennedy's assassination. Luna then cuts to Kennedy's requiem at St. Patrick's Cathedral. The director is careful to include a shot of presidential candidate Richard Nixon in attendance.

This will strike the theme that, with RFK dead, Chavez lost a key ally in the political world. The growers increased their violent tactics. And, with Nixon in the White House, they thought they had a solution to the national boycott because Nixon facilitated agreements that allowed them to ship their grapes to Europe to be sold.

But Chavez was planning for this maneuver. Because of the expanded exposure of his work in the mass media, a *Time Magazine* cover for instance, he had become something of a celebrity. So, the film picks up where it began: with Cesar speaking on the radio in England, promoting the boycott abroad. He also made alliances with unions there to not handle U.S. grapes.

And in what is probably the highlight of the film, Luna shows Chavez and his new English friends dumping unshipped grapes into the Thames River, a reverse Boston Tea Party. The film crosscuts this with a montage of Malkovich on his empty ranch: one with no workers, abandoned tractors, and unmoved grapes spoiling in crates.

Being checkmated abroad was the last straw for the growers. In July 1970, many of these agribusinesses decided it was time to recognize the United Farm Workers, even if it meant signing contracts with Chavez. The film ends with that historic signing.

The Chavez/Kennedy/Itliong struggle was truly a case of the underdog winning out through sheer determination and courage. The deck was completely stacked against their cause, but with help from good people like RFK, Reuther and Pat Brown, Cesar Chavez did make a difference and achieved what no one had done before him.

There have been surprisingly few films made about Chavez, even though his life was full of both epic and personal drama. I only know of two documentaries: *Viva LaCausa* and *The Fight in the Fields*. The latter PBS documentary goes beyond the time limits of Luna's film and confronts some of the problems the UFW had later. After all, it was not easy to maintain what Chavez achieved with Ronald Reagan in the White House and George Deukmejian in the governor's mansion in Sacramento.

Luna has made a good film, one with a strong underlying message. Chavez was not handsome and photogenic like JFK was. He was not anywhere near the speaker that King was. And he did not have the wonder drug of charisma, as did Malcolm X. That Chavez achieved what he did with so few natural gifts was a great testament to what an ordinary man can do when touched with the right moment and the right inspiration.

James DiEugenio is a researcher and writer on the assassination of President John F. Kennedy and other mysteries of that era. His most recent book is [Reclaiming Parkland](#).

Overcoming Political Immobility

The American Republic is facing a crisis of political immobility caused by Tea Party extremism overcoming the traditions of compromise that date back to the Founding. History has troubling lessons for such moments, but there are signs of hope, says ex-CIA analyst Paul R. Pillar.

By Paul R. Pillar

[Last month, Dov Zakheim](#), in the course of discussing the baleful influence of the Tea Party phenomenon on U.S. national security, likened some of what we are seeing to the French Fourth Republic, which lasted only a dozen years following

World War II.

The comparison is apt, and not only with regard to the effect an image of unreliability, which in the case of the Fourth Republic stemmed largely from short-lived, revolving-door governments, has on foreign relations. We also have been seeing in Washington much of what the French called *immobilisme*: a simple inability to get things done.

With a historical precedent such as that, we naturally should think of what lessons the precedent might hold for how we could get out of our own similar problems. What brought the Fourth Republic to an end and opened the way to the longer-lived and relatively more stable Fifth Republic was not just impatience and disgust with the *immobilisme* but a full-blown crisis involving the insurrection in Algeria, which had begun in 1954. Portions of the French army began revolting, with the high command that was fighting the war in Algeria making common cause with French settler interests and threatening to move on Paris.

Also crucial to what would follow was political leadership and one leader in particular: Charles de Gaulle, the French Cincinnatus and leader of the Free French in World War II. The rebellious generals of 1958 insisted that de Gaulle come back from Colombey-les-Deux-Églises and rescue the nation once again. De Gaulle did so, becoming the last premier of the Fourth Republic before becoming the first president under the new constitution of the Fifth.

The outsize prestige and stature of de Gaulle were needed even beyond that moment, as the Algerian insurgency wore on. Contrary to the expectations of some of those who had called for his return, de Gaulle concluded that Algerian independence had to be accepted and initiated peace talks. A quartet of French generals who, along with *pieds noir* French settlers, could not stomach that concept attempted a putsch in Algiers in 1961.

De Gaulle stared down that move but then had to contend with a terrorist campaign by the Secret Army Organization, led by Raoul Salan, a former commander of French forces in Indochina and an escaped perpetrator of the putsch. For an American comparison, imagine if a former commander of U.S. forces in Iraq or Afghanistan had first attempted a coup and then formed a terrorist group that started setting off bombs in American cities. In short, really bad stuff.

We do not want to go through anything like what the French went through. If this is the cure for *immobilisme*, it would be fair to say the cure is even worse than the disease.

The right response to that gloomy conclusion is to look for even partial cures,

including ones in our own experience. They exist, particularly in the reform of election laws. This kind of procedural and legal engineering can do much to overcome even the less salubrious aspects of contemporary American political culture.

For an exemplar and for lessons we can look not to France of the 1950s but to California of the past few years. Two pieces of electoral reform have been especially beneficial. First, California is one of the few states that have taken legislative and congressional redistricting out of the hands of state legislatures and given the task to nonpartisan commissions.

Second, California is one of three states (Louisiana and Washington are the others) to adopt the open primary system, in which the top two vote-getters regardless of party face each other in a second round election if no one gets a majority in the first. These two changes have greatly increased the need for politicians, if they are to be elected, to appeal to a broader spectrum of opinion rather than to a narrow party base.

The results in California have been dramatic. In short order it has gone from a model of fiscal and political dysfunction at the state level to a place in which much productive across-the-aisle work gets done. There is no doubt that making the same electoral changes across the country would make an enormous difference in how the U.S. Congress operates. How Congress operates now, with the frequently invoked threat of a Tea Party primary challenge exemplifying why it operates that way, richly earns it its nine percent approval rating from the American public.

Part of what made electoral reform possible in California is that it is easier there than in most other states for citizens' movements to put initiatives on a statewide ballot. That practice has its own problems, including overly long ballots and the constraining effects of the notorious Proposition 13. But it is not nearly as bad as coups and insurrections as a way of overcoming *immobilisme*.

Leadership has been important, in California as well as in France. A Republican governor, Arnold Schwarzenegger, provided important muscle in pushing for reform. The current Democratic governor, Jerry Brown, has used his veto power to help contain some impulses from within his own party that did not have broad support. Neither Schwarzenegger nor Brown is a de Gaulle, but they help give us hope for what leadership can do in greatly improving the way this republic works without, as the French did, tearing up a constitution and starting from scratch.

Paul R. Pillar, in his 28 years at the Central Intelligence Agency, rose to be one of the agency's top analysts. He is now a visiting professor at Georgetown University for security studies. (This article first appeared as a blog post at

California's Real-Life Cop Drama

California is obsessed with a real-life crime drama, the story of a disaffected former Los Angeles police officer suspected of killing three people. Now the subject of a massive manhunt, the ex-cop has turned to Facebook to detail his grievances, notes Danny Schechter.

By Danny Schechter

Only in California, home of the late Huey P. Newton and then the Symbionese Liberation Army that went several steps further, do characters emerge that transcend every action movie fantasy and stereotype, characters like an ex-cop who has declared war on the police on, of all places, Facebook in a 6,000-word statement that's being described as "rambling." (He never claimed he was writer.)

The ex-cop denounces police practices that he considers racist and abusive, although the sheer drama of the manhunt will make it unlikely that media outlets will seriously delve into the substance of his charges. Here is the full uncensored text of his posting.

Christopher Jordan Dorner is being pictured as the "mad man" of the hour, playing himself in the manhunt of the week, accused of three murders that he denies, or appears to deny as the author of a statement that's being labeled a manifesto adding political weight to what began as a personal crusade for self-vindication.

He is presented as an irrational and scary armed black man out for revenge. So far, he has eluded capture, out-maneuvering a small army of stalkers and poses in blue. He's being pictured as a well-trained killing machine with every police force out to get him, perhaps Bin Laden style, before he gets a chance to speak to the public about his detailed grievances with the LAPD.

Dorner is clearly at war with his former colleagues, writing, "Unfortunately, this is a necessary evil that I do not enjoy but must partake and complete for substantial change to occur within the LAPD and reclaim my name." Does that evil justify "murder?" Unclear!

This now a juicy media story. He has sent documents to journalists. He has

praised CNN and MSNBC. The FBI is reportedly studying a package sent to Anderson Cooper. He is playing to the press and they are featuring him, but not in the way he would like.

As of Friday night, reports the New York Times, he has slipped away: "With the search for a former Los Angeles police officer wanted in three killings yielding no sign of him Friday morning in a snowy valley high in the San Bernardino Mountains, the authorities were wondering whether he had somehow managed to slip the dragnet." Great word, remember the police series, "Dragnet"?

The public has been terrified by the dramatic media coverage: "For the second day in a row," the Times tells us, "local schoolchildren were getting a day off school, keeping them and their yellow buses off the mountain roads in the midst of the search Cindy Johnston, who lives in San Dimas, was in the Big Bear Lake area for the weekend to ski with her family and said: 'We're being a little bit more careful, but that's about it. We're keeping the kids closer together and not going out so much at night. I think he'd be stupid if he was here, and he doesn't seem stupid. There are too many people looking for him'"

Remember those words: "He doesn't seem stupid." Dorner is treating his attempt to escape as a war game steeped in the alphabet soup lexicon of covert ops, telling his former colleagues:

"I know your TTP's, (techniques, tactics, and procedures). Any threat assessments you generate will be useless. This is simple, I know your TTP's and PPR's. I will mitigate any of your attempts at preservation. ORM is my friend. I will mitigate all risks, threats and hazards. I assure you that Incident Command Posts will be target rich environments. KMA-367 license plate frames are great target indicators and make target selection even easier.

"I will conduct DA operations to destroy, exploit and seize designated targets. If unsuccessful or unable to meet objectives in these initial small-scale offensive actions, I will reassess my BDA and re-attack until objectives are met. I have nothing to lose. My personal casualty means nothing. Just alike AAF's, ACM's, and AIF's, you cannot prevail against an enemy combatant who has no fear of death. An enemy who embraces death is a lose, lose situation for their enemy combatants."

Mike Ruppert, a former LAPD cop often accused of being a conspiracy theorist, is not buying the official story. He writes: "Chris Dorner could possibly break down all of law enforcement in SoCal and also foment internal revolts inside law enforcement. He is a supremely-skilled warrior and living proof of the psychosis that comes from training warriors, telling them they are honorable, and then tasking them to kill women and non-combatants exactly as he is now doing here at

home. He apparently has a little more control of his ROE than US personnel have used in combat in Iraq and Afghanistan.

"I am still digesting. I have read most of his so-called 'manifesto.' It is not a manifesto. It is an indictment. It makes complete sense to me. I believe all of his allegations and I suspect that Shamar Thomas and Captain Ray Lewis do too. While not condoning, but absolutely understanding his reasoning, I think he is being taken with the utmost seriousness because he can do real damage to institutions and 'the s...ystem' as a whole.

"I can say several things with certainty. He is scaring the shit out of people in Washington, DC, at the FBI, at the DoJ, at the Pentagon and at CIA. This is a warrior capable of wreaking havoc. He's already provoked a mistaken-identity shooting of innocents in Torrance."

(CLG reports: "A lawyer says two women delivering newspapers had no warning before they were mistakenly shot by Los Angeles police officers searching for triple murder suspect Christopher Dorner. Investigators say 47-year-old Maggie Carranza and her 71-year-old mother Emma Hernandez were in a Toyota Tundra pickup truck similar to Dorner's vehicle. They were delivering newspapers in Torrance when LAPD officers guarding a target named in Dorner's manifesto peppered the pickup with bullets, wounding the women, before dawn on Thursday.")

Adds Ruppert, "At this moment I am absolutely certain that covert CIA/JSOC hit teams are being deployed all over Southern California. Their urgent orders would be to 'kill on sight.' The last thing anyone wants now is for him to come in alive and testify."

That may be, but there is no evidence yet for this hyperbolic and sensational claim. Ruppert does make more sense in his conclusion: "I just hope he understands that he can do far more damage alive than dead."

Dorner is disturbed, for sure, but has also, no doubt, had lots of disturbing experiences. I can't comment on his mental condition but there is a lot that is maddening and mad in that culture. He's not the first cop to go off, violently. Some kill their families before killing themselves.

The plot is thickening. What makes it fascinating too is that Dorner is no ideological lefty, he says he likes Bush Sr. He references his detailed experiences in the police culture. They sound very believable, but this is a culture that is barely covered and where dissidents rarely enjoy any sympathy. Let's hope that this man will survive but, given the forces ranged against him, and given the "shoot first, ask questions later" MO that characterizes police reactions in the increasingly common violent incidents like this, that may be

asking a lot.

My suggestion to him is to do what another alleged “cop killer” did in New York in the early 1960s. His name was Jerry Rosenberg, a.k.a “Jerry the Jew,” who became well known later during the Attica rebellion. At the time of his crime, he was a young man, a driver in a robbery that turned violent resulting in the death of two police officers. There was a huge manhunt out to get him. It was a headline story in all the tabloids. He claimed he shot no one and turned himself into the Daily News newsroom in New York, after he stripped naked and had pictures taken to show he had not been beaten. He used the media to survive certain capture and probably execution.

Armed police surrounded the building. Threats were made. But the newspaper turned him over in the glare of publicity, and he was not killed or brutalized. He was, however, later convicted on a felony murder charge that held that if he took part in the robbery, he could be held accountable for what happened there. He was sentenced to death but the sentence was later reduced to life imprisonment. He later became a well-known prison lawyer and died of natural causes in 2009 after serving 46 years in state prisons.

Stay tuned. There is more to come in this escapade of life imitating the movies. And speaking of movies, what California studio will get the movie rights? Has reality finally outdone the big screen?

News Dissector Danny Schechter blogs at Newsdissector.net and edits Mediachannel.org Comments to dissector@mediachannel.org

Anti-Torture Strike in California Prisons

Many Americans were shocked by how the Bush administration treated “war on terror” detainees and others were startled when the Obama administration abused suspected WikiLeaks leaker Bradley Manning in a military brig. But the larger scandal may be how common such prison cruelty is in the United States, as Marjorie Cohn explains.

By Marjorie Cohn

July 19, 2011

The torture of prisoners in U.S. custody isn’t confined to foreign countries. For more than two weeks, inmates at California’s Pelican Bay State Prison have

been on a hunger strike to protest torturous conditions in the Security Housing Unit (SHU) there.

Prisoners have been held for years in solitary confinement, which can amount to torture. Thousands of inmates throughout California's prison system have refused food in solidarity with the Pelican Bay prisoners, bringing the total of hunger strikers to more than 1,700.

Inmates in the SHU are confined to their cells for 22 ½ hours a day, mostly for administrative convenience. They are released for only one hour to walk in a small area with high walls. The cells in the SHU are eight feet by 10 feet with no windows. Fluorescent lights are often kept on 24 hours per day.

Solitary confinement can lead to hallucinations, catatonia and even suicide, particularly in mentally ill prisoners. It is considered torture, as journalist Lance Tapley explains in his chapter on American Supermax prisons in *The United States and Torture: Interrogation, Incarceration, and Abuse*.

The Commission on Safety and Abuse in America's Prisons (CSAAP), which is headed by a former U.S. attorney general and a former chief judge of the U.S. Court of Appeals, found: "People who pose no real threat to anyone and also those who are mentally ill are languishing for months or years in high-security units."

The commission also stated, "In some places, the environment is so severe that people end up completely isolated, confined in constantly bright or constantly dim spaces without any meaningful contact torturous condition that are proven to cause mental deterioration."

Prisoners in other California prisons have reported that medications, including those for high blood pressure and other serious conditions, are being withheld from prisoners on strike.

"The situation is grave and urgent," according to Carol Strickman, a lawyer for the Prisoner Hunger Strike Solidarity coalition. "We are fighting to prevent a lot of deaths at Pelican Bay. The CDCR [California Department of Corrections and Rehabilitation] needs to negotiate with these prisoners, and honor the request of the strike leaders to have access to outside mediators to ensure that any negotiations are in good faith."

One of the hunger strike demands is an end to the "debriefing process" at Pelican Bay. Prisoners are forced to name themselves or others as gang members as a condition of access to food or release from isolation. Naming others as gang members itself amounts to a death sentence due to retaliation by other prisoners.

In May, the U.S. Supreme Court upheld a lower court ruling that incarceration in California prisons constitutes unconstitutional cruel and unusual punishment.

Marjorie Cohn is a professor of law at Thomas Jefferson School of Law and editor, most recently, of *The United States and Torture: Interrogation, Incarceration, and Abuse* (NYU Press).
