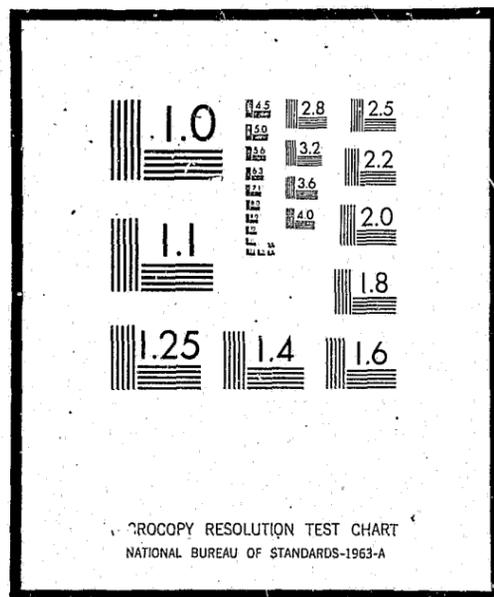


NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

Date filmed

5/20/76

STATE OF CALIFORNIA
SENATE SUBCOMMITTEE ON CIVIL DISORDER

---oOo---

Public Hearing re:)
GANG VIOLENCE IN CALIFORNIA'S)
PENAL INSTITUTIONS)

---oOo---

Held In
State Capitol Building
Sacramento, California

---oOo---

Thursday, March 28, 1974
9:30 O'Clock A.M.

---oOo---

Honorable DENNIS E. CARPENTER, Chairman
Honorable JOHN HARMER
Honorable JAMES WEDWORTH
Honorable RUBEN S. AYALA

---oOo---

I N D E X

Page

WITNESSES:

Sgt. William Hankins, California Department of Corrections, San Quentin Prison	3
Paul Morris, Deputy Superintendent California Training Facility Soledad	35
Arthur Diaz, California Department of Corrections	71
Dan Vasquez, California Department of Corrections	96
Joe Moody, U.S. Department of Justice, Drug Enforcement Administration	112
Ron Silliman, Committee on Prisons, Humanity and Justice	136

---oOo---

THURSDAY, MARCH 28, 1974 AT THE HOUR OF 9:30 O'CLOCK A.M.

SACRAMENTO, CALIFORNIA

---oOo---

CHAIRMAN CARPENTER: I'm Dennis Carpenter, Chairman of the Senate Subcommittee on Civil Disorder. I'd like to introduce before we begin here Senator Harmer, additionally a member of the committee, and Senator Ayala, who is a new member of the committee who was appointed last week to fill a vacancy on the committee and Senator Wedworth, the other member, will be along shortly.

This hearing relates to some continuation of information seeking that the committee is concerned with relative to violence in our prison system and the overflow thereof into society in general.

Our penal institutions are now experiencing probably the worst seige of violence in their history. In the past two years we've had over sixty fatalities including six prison staff members and more than three hundred stabbings. Indications are that there are problems, violent problems that we think deserve our examination.

According to prison authorities, some of whom we will here from today, the majority of these incidents are the result of activities perpetrated by four major gangs within the prison and gang members outside the prison and other revolutionary groups concentrating on the recruitment of inmates for radical purposes. It appears that these groups

are highly organized and highly motivated as indicated by the continual violence against our system in general and the prison system in particular.

The gangs allegedly have gained some control over illegal activities within the prison and are now attempting to control street crimes involving such things as narcotics from within our penal institutions. This indicates that they have reached an organizational level of some sophistication and consequently reached a level of violent activities that constitute a threat to the safety of citizens in general and criminal justice and the penal system in particular.

Any system of criminal justice and punishment cannot be permitted to be subverted by the persons who are the objects of that system, in this case the inmates of penal institutions.

It is the intention of this subcommittee and with the very deep cooperation of the California Department of Corrections and their agencies to determine as fully as possible the nature and extent of this problem.

Additionally we hope to determine what measures might be taken by the State Legislature through recommendations of this subcommittee to deal effectively with the problem and either put an end to or learn as much as possible about this prison terrorism and related violence inside and outside the system before it becomes an even greater threat, threatening the well being of all of our citizens.

I'd like to thank the California Department of

Corrections for their cooperation and assistance in these hearings and the information that has been provided has been the impetus for this investigation by this committee. I hope the committee findings and recommendations will be of assistance to the Department and to other interested agencies in helping to control and overcome these violent problems.

With that preface I'd like to note that Senator Wedworth, our fourth member, has arrived and that we will go right ahead with the witnesses we have scheduled. The first witness is Sgt. William Hankins of the California Department of Corrections stationed at San Quentin.

Sgt. Hankins, would you come forward, please.

Please be seated there.

Sgt. Hankins, can you tell us a little bit about your background and your area of responsibility in the department.

MR. HANKINS: Yes, sir. I've been with the Department of Corrections for seventeen years at San Quentin, the last eight and a half years spent as the liason officer at San Quentin.

CHAIRMAN CARPENTER: What does a liason officer do?

MR. HANKINS: Gathering of information, liason with outside law enforcement, various agencies within our own department.

CHAIRMAN CARPENTER: Do you have some opening remarks of your own that you want to make or do you merely want to respond to our questions?

MR. HANKINS: I didn't prepare a statement. I intended to respond to questions.

CHAIRMAN CARPENTER: Did you understand the nature of our inquiry in general relating to the gang violence and the gang operations within the prison?

MR. HANKINS: Yes.

CHAIRMAN CARPENTER: Perhaps then we could commence more constructively by asking you to identify the groups and their general nature as you see them from your point of view.

MR. HANKINS: Yes. I think the groups we're talking about are the Mexican Mafia or M.A., Nuestra Familia or the N.F., the Aryan Brotherhood and the Black Guerrilla Family.

We had traces of the Mexican Mafia back in 1957 where it started at Duelle Vocational Institution in Tracy. I, myself, didn't notice too much organization being formed until early '66 at San Quentin. At this time I started identifying people we had at San Quentin who were identified to me as members of the Mexican Mafia.

At this time the Mexican Mafia, in the early stages, were involved in highjacking of the inmate canteen, petty stuff within the institution or dealing in drugs. They always preyed on other races, Caucasians and Blacks. They never did fool with inmates of their own race. Then at San Quentin after '66 we started having a series of incidents that was directed toward other Mexicans. The first one that I recall was an incident involving Sonny Pina who was assaulted and

killed by the Mafia members in the main yard at San Quentin.

At this time the rest of the Mexican population got up pretty tight. This was the first assault on a Mexican inmate. About this time there was another group that started forming which was more or less for self-protection of the Mexicans. This was the start of the formation of Nuestra Familia.

This went on and there was another assault by the Mexican Mafia on another inmate. Again, this caused the other group to enlarge a little and prepare for what they felt, I guess, was the inevitable.

Then we had an incident occur where one of their members was assaulted in the latter part of 1968. When this occurred this was more or less the straw that broke the camel's back between the two groups. The following day members of the new group, which we now refer to as the Nuestra Familia, laid in wait in one of the blocks and when Mafia members returned from the weekend movie they were assaulted. I think we ended up with seventeen people stabbed, one fatally. This is where the war between the two groups erupted that goes on today. It was the formation of the Nuestra Familia which started to become strong from that point on.

When that occurred a lot of your Mafia members were locked up at this time. That turned the traffic in the main population to the other group and they started in turn dealing in narcotics.

The Aryan Brotherhood has been around for quite a number of years. We've known it under different names. They were at one time the old Nazi faction in the prisons. Now they've branched out and become what we now know as the Aryan Brotherhood. They have aligned themselves with the Mexican Mafia in the war against the New Family.

We also have the Black Guerrilla Family which sprung up recently. I look at it as a mixture of blacks from the Muslims, Black Liberation Army, Republic of New Africa, Black Panther Party that have become disenchanted with these groups on the streets that have come together in a prison setting and they have become the Black Guerrilla Family. They in turn have aligned themselves with the New Family. These are the four groups that we now are talking about.

CHAIRMAN CARPENTER: Well, so much for their origins. As you see them from the San Quentin point of view, let me ask you this: Are they -- they all seem to have their origins in ethnic or racial motivation and identification.

MR. HANKINS: Well, the make-up of the Mexican Mafia is primarily from the East Los Angeles section. The make-up of the Nuestra Familia is primarily valley Mexicans with a heavy concentration in San Jose, Salinas, Santa Barbara areas.

CHAIRMAN CARPENTER: Does this geographical identification before they were in prison have a strong bearing on what group they intend to associate with?

MR. HANKINS: That's correct.

CHAIRMAN CARPENTER: Do any of the other Senators have questions on the subject of the origin.

Senator Wedworth?

SENATOR WEDWORTH: Sergeant, you say you've been aware of this or San Quentin has been aware of this since 1969, late sixties?

MR. HANKINS: No, I said this is when it started.

SENATOR WEDWORTH: You were aware of that.

MR. HANKINS: I am now. I became aware of it in 1966.

SENATOR WEDWORTH: That there was a real problem or that you'd better look into it or what?

MR. HANKINS: No. It was just starting then. It was the formation of the organization.

SENATOR WEDWORTH: You mentioned stabbings and at least one fatality.

MR. HANKINS: Yes, sir.

SENATOR WEDWORTH: How many of these people have been charged and tried?

MR. HANKINS: I can't recall.

SENATOR WEDWORTH: Have some?

MR. HANKINS: Over the years or are you talking about the initial incident?

SENATOR WEDWORTH: Over the years.

MR. HANKINS: Oh, yes, there's been numerous members from both factions tried.

SENATOR WEDWORTH: How about a ballpark figure? When you say "numerous," what does that mean? Ten? Twenty?

MR. HANKINS: Oh, I would estimate probably twenty-five or thirty.

SENATOR WEDWORTH: Have there been convictions?

MR. HANKINS: Yes.

SENATOR WEDWORTH: Thank you very much.

SENATOR AYALA: You mentioned seventeen years. Is that the total number of years your career spanned at San Quentin or have you been other places part of that time?

MR. HANKINS: No. Seventeen years with the Department of Corrections all at San Quentin.

SENATOR AYALA: All at San Quentin.

MR. HANKINS: That's correct.

SENATOR AYALA: You also mentioned that the Mexican Mafia for the most part was centered in a geographical area: East Los Angeles, Salinas, San Jose, Santa Barbara, so forth. What about the other organizations? Do they have a tendency to come from geographical areas like the Mexican Mafia?

MR. HANKINS: Well, I said the Mexican Mafia came primarily from the East Los Angeles area. The New Family came from the valley area.

SENATOR AYALA: Oh. Also the Aryan Brotherhood, you mentioned -- I didn't catch something about the Nazi prisoners. What is the connection between the two?

MR. HANKINS: I said the Aryan Brotherhood we can go

back to the same type of people we knew through the years in prison gangs. They graduated from one to the other such as the Bluebird Gang into what we knew as the old Nazi Party and into the Aryan Brotherhood.

CHAIRMAN CARPENTER: Senator Harmer?

SENATOR HARMER: Sergeant, we had testimony at a prior hearing of other groups that existed which I notice you haven't mentioned. Is there some reason for your not making reference to any other group, or in your opinion are they not worth the trouble or are these groups you mentioned the only ones we're concerned with?

MR. HANKINS: Well, these are the four major prison groups. We do have other groups within the prison such as the Muslims, but these are the four groups that I mentioned because they are the four that we are having difficulty with.

SENATOR HARMER: Let me ask you specifically: Is the Symbionese Liberation Army at San Quentin?

MR. HANKINS: I --

SENATOR HARMER: Let me preface the statement, Sergeant. I know that you requested not to be asked questions about the activities of the S.L.A. and I don't intend to pursue it. I simply want to know if they exist at San Quentin.

MR. HANKINS: There is a connection.

SENATOR HARMER: Thank you.

CHAIRMAN CARPENTER: Sergeant, let me ask you something about these groups and their relationship to other

institutions in California. I think we can take notice of the fact that they exist in all the various felony institutions at least or maximum security institutions. Is part of your responsibility the question of communication between members of these gangs at San Quentin and other institutions in California? And how is this communication carried out?

MR. HANKINS: Communication between the inmate groups is carried out in a number of ways: through visitors, letter writing, through mail drops, they use coded terms in their letters, newspaper publications from the underground-type newspapers. Many, many ways. Through certain attorneys that have contact throughout the system.

CHAIRMAN CARPENTER: What about communication between inmates who are members of the gangs and street members who are discharged who are out of prison and so forth.

MR. HANKINS: There still are communications carried on through the mails and through visits.

CHAIRMAN CARPENTER: Okay. I'm trying to get at the issue of the nature of the relationship between the inside group and the outside group. Is there a responsibility of the department to follow the outside activities?

MR. HANKINS: Yes. We work in liason with outside law enforcement. Is this what you're getting at? If we continue to pass on information that we may gather from outside agencies --

CHAIRMAN CARPENTER: Well, let's get into this issue:

We have been told in prior hearings that the flow of information either through attorneys, wives and friends and other visitors and the mail and so forth constituted a very substantial amount of the communication process. What inspection rights does the Department have now on incoming mail? What inspection rights does it have relative to attorneys bringing their briefcases, their legal documents and so forth into the prison. Could you explain for us what limitations there are?

MR. HANKINS: We are allowed censorship of the mail but not attorney mail. Attorney mail is not inspected under 2600 of the Penal Code. Publications that are sent in are inspected.

CHAIRMAN CARPENTER: Excuse me. You say attorney mail is not inspected. What constitutes attorney mail? Are you talking about an envelope with a letter in it or what if it's a box?

MR. HANKINS: You can open these in front of the inmate if you have reason to inspect them. You have to open them in front of the inmate.

CHAIRMAN CARPENTER: Well, I assume in the case of a box or a carton you would do that as a matter of course?

MR. HANKINS: That's correct. Attorney mail has to be signed by the attorney and designated as legal mail.

CHAIRMAN CARPENTER: It is signed on the outside of the envelope so you know?

MR. HANKINS: That's correct.

CHAIRMAN CARPENTER: How do you know the person signing is a lawyer? Is his name registered with you, with the department?

MR. HANKINS: Well, the ones that we aren't sure are lawyers we check with the Bar Association. They should have a copy of their signature on file at the institution.

CHAIRMAN CARPENTER: If they desire to be corresponding with an inmate. Do they have to have an attorney-client relationship with a specific inmate?

MR. HANKINS: No, they do not in all cases.

CHAIRMAN CARPENTER: Then anybody who happens to be a lawyer in our society can write any inmate in the prison any time he wants to or send him anything he wants to through this privilege without restriction.

MR. HANKINS: That's correct.

CHAIRMAN CARPENTER: Does that pose a problem with regard to these gangs?

MR. HANKINS: Yes, it does.

CHAIRMAN CARPENTER: Is it your interpretation of the Penal Code that they have that right as you currently practice it irrespective of any attorney-client privilege or relationship?

MR. HANKINS: These are the rules that are handed down to us.

CHAIRMAN CARPENTER: Are you familiar with an organization known as Venceremos?

MR. HANKINS: Yes, I am.

CHAIRMAN CARPENTER: Could you tell us something about it?

MR. HANKINS: Well, the Venceremos came into being around 1970, '71. It had splintered off from a group known as the Revolutionary Union. When they splintered off under the leadership of H. B. Franklin their beliefs were that the Revolutionary Union was too slow moving in that the Revolutionary Union's thinking was that they believed in revolution in this country and the armed overthrow of this country, but they felt that it would take fifteen years to effect this. During this fifteen-year time span they believed their time should be spent in infiltrating the working ranks and gathering more followers as they went.

The Venceremos Organization felt this was too slow moving. They felt that revolution could be effected within a three-year time span. At this time they planned using the Black Panther Party as the armed vanguard of the revolution. Their plans called for mass demonstrations, sniping of police stations, bombing of buildings, etc.

CHAIRMAN CARPENTER: Before you go further with that. When we talk about them in this context you say that the revolutionary groups are advocating violent overthrow and so forth, can you relate that to these organizations or to inside prison activities and the violence. I mean, do they recruit inmates during their incarceration or what have you?

MR. HANKINS: Correct. This is what I was about to get into.

CHAIRMAN CARPENTER: Go ahead.

X MR. HANKINS: There was a tie between known Venceremos Organization members and certain inmate leaders of various groups. I'm speaking of the Mexican Mafia and Nuestra Familia. They were in communication through letters and visits trying to recruit inmates into their groups. I think that their feeling was they would like to bring the two groups together, get a truce effected between the two groups and have them come together under their leadership, under their director.

CHAIRMAN CARPENTER: Where does all that stand today, if you know?

MR. HANKINS: Of course, the Venceremos Organization has publicly said that they had disbanded, there was a split in the group. I believe it has gone on to something under another name now.

CHAIRMAN CARPENTER: How would an organization like Venceremos or any other go about recruiting a prisoner? Have you had an opportunity to observe this process?

MR. HANKINS: Yes. One of the main ways is through women in the organization. All these groups on the outside have many women members. They use them to start up a correspondence with an inmate, get on his visiting list and start visiting him. Of course, we're speaking about people who have been locked up six, seven, eight years. It doesn't

take long for a guy to build up an emotional attachment and get involved with her to where he becomes almost like a puppet on a string.

CHAIRMAN CARPENTER: I've observed that that can happen in a few minutes and on the outside. But I think we get your point.

Are there other recruiting procedures or devices that you have observed that have been successful?

MR. HANKINS: I think a lot of these problems lead through promises of legal help, promises of help to get them onto the streets, promises of help on the streets once they are there.

CHAIRMAN CARPENTER: To your knowledge do they deliver on these promises?

MR. HANKINS: Not to my knowledge, no.

CHAIRMAN CARPENTER: What about the provision of legal assistance to the inmate? I suppose it's traditionally been true that people in long term incarceration have increased their activities relative to appeals and reopening of cases and things of this nature. Are there any organizations of which you're aware who are active in assisting inmates in this regard that are related to these organizations you're discussing?

MR. HANKINS: Well, certain elements of the National Lawyer's Guild work in this manner.

CHAIRMAN CARPENTER: Well, the National Lawyer's

Guild has come up in our prior testimony, too. The National Lawyers Guild, is this a group who would utilize their staff attorneys or members to contact prisoners without having been approached and requested to represent them?

MR. HANKINS: Yes, I believe this is the case.

CHAIRMAN CARPENTER: In other words, they --

MR. HANKINS: In most cases.

CHAIRMAN CARPENTER: The National Lawyer's Guild solicits an inmate to become a client, is that correct?

MR. HANKINS: This is what I've been told.

CHAIRMAN CARPENTER: Do they come to your institution regularly?

MR. HANKINS: Quite regularly.

CHAIRMAN CARPENTER: Would a lawyer from that organization or any other merely come to San Quentin and say, I want to see a prisoner, any prisoner, or does he come and say, 'I want to see John Doe,' and John Doe doesn't know him or has never heard of the attorney but he responds and comes and visits with him; is that correct?

MR. HANKINS: This has happened, yes. No prior contact.

CHAIRMAN CARPENTER: Have there been cases at San Quentin where attorneys have been proven to bring contraband, whether it be narcotics or any other thing that's prohibited by the institution or actually arms or other escape tools, to prisoners?

MR. HANKINS: Well, we have a case right now that's under appeal that I'm sure you're aware of in which this was indicated. We had a recent incident. This was strike information being brought into San Quentin by a member of the National Lawyer's Guild office in San Francisco. She was stopped at one of the gates and they made a check of the material she was bringing in and this was found. Strike demands that she was carrying into the institution.

CHAIRMAN CARPENTER: Do we have a copy of this, Mr. Neal?

MR. NEAL: We don't have a copy of that.

MR. HANKINS: I brought this for you.

CHAIRMAN CARPENTER: Fine. We'll take that, please. Referring back to a case I'm sure we're all more familiar with, the George Jackson case. Was there an attorney involved in the introduction of a weapon in that case?

MR. HANKINS: Yes, this case is still going.

CHAIRMAN CARPENTER: What do you mean "going"? Has there been an arrest or an allegation made?

MR. HANKINS: There were six inmates indicted and one attorney who has never been found. Recently the indictments were thrown out and that case is presently under appeal, that decision.

CHAIRMAN CARPENTER: The missing attorney is Mr. Bingham; is that correct?

MR. HANKINS: That's correct.

CHAIRMAN CARPENTER: And it was alleged that he brought the gun in that Mr. Jackson had in his possession; is that correct?

MR. HANKINS: That's correct.

CHAIRMAN CARPENTER: Any other members have any questions at this point?

SENATOR AYALA: Yes. I'd like to pursue one statement that the sergeant made that any mail received by an inmate with an attorney's signature on the envelope will not be opened other than one who is involved in an attorney-client relationship. You were asked if this is part of the Penal Code. You said this is the orders we have or something to that effect. Who gives that order that only mail received from attorneys is not subject to inspection?

MR. HANKINS: The Director of Corrections hands down his administrative orders as to his interpretation of 2600 of the Penal Code.

SENATOR AYALA: Is any mail that is received by an inmate that is signed on the outside by an attorney, no matter who he may be, will that be opened?

MR. HANKINS: You can open it under certain conditions. Again, you can open it if you have reason to feel there may be a weapon or something in it. You can open it in the presence of the inmate and open it in such a manner that you can inspect it but can't read the contents, such as opening it and holding it upside down.

SENATOR AYALA: This is at the direction of the Director of Corrections?

MR. HANKINS: That's correct.

SENATOR HARMER: Sergeant, are you familiar with the type of literature that is commonly distributed from the outside?

MR. HANKINS: Yes, sir. I have brought some examples of this for the committee.

SENATOR HARMER: Does that literature have any type of a common theme?

MR. HANKINS: Yes, it's all of a radical nature.

SENATOR HARMER: How do you mean "radical"? You mean it's committed to some specific activity?

MR. HANKINS: Well --

SENATOR HARMER: Violence or revolution?

MR. HANKINS: A lot of it advocates violence, Marxist type stuff.

SENATOR HARMER: Does it seem to have a common source, the literature itself?

MR. HANKINS: Well, several sources.

SENATOR HARMER: Could you show us what you're talking about or could you explain that?

MR. HANKINS: Here are some newspapers that I brought and I have them cataloged in the order that they appear here. The conspiracy which came in in an envelope from the National Lawyer's Guild. Written on the envelope was "legal paper,"

but it was in effect a copy of the newspaper The Conspiracy. Also a publication called Revolution which is published by the Revolutionary Union out of Chicago, Illinois. Struggle came from Boston, Massachusetts. There are many, many articles in here authored by Black Liberation Army Members.

SENATOR HARMER: What do these articles seek to accomplish? Are they advocating that the recipients organize themselves into some type of movement, organization; that they engage in some type of militant or violent conduct?

MR. HANKINS: Yes. I'd like to -- this particular publication is called Midnight Special. It is published by the National Lawyer's Guild, New York Chapter. In here on page 12 you will find an article under Maryland where they are talking about prison personnel and I'll read from here if you don't mind.

"The type of people that we have to deal with are very vulnerable. They go to parties, clubs and so on. They chase women, sleep, drive cars and go to the movies. They have families. One of our righteous thinking sisters could lead one of them to a predesignated spot for execution. Their cars can be wired. They can be drugged in bars by righteous bartenders. They can be followed into movie bathrooms and get their throats cut. Word can be sent out following every assault on an inmate. The assaults would soon stop if, say, Officer X beats Inmate A on Monday and a firebomb is thrown through the window of Officer X's home on Tuesday night, or

if his wife is visited while he is working, or if his kid is snatched from school and his head is found in front of the jail. I am serious about this. The situation is such now that death is no longer unusual."

This is one of the types of publications.

SENATOR HARMER: Tell me how that got into the prison?

MR. HANKINS: It was mailed in.

SENATOR HARMER: From the National Lawyer's Guild?

MR. HANKINS: From the National Lawyer's Guild.

SENATOR HARMER: Was it marked "legal paper"?

MR. HANKINS: No, it wasn't.

SENATOR HARMER: Just mailed in to an inmate from the National Lawyer's Guild?

MR. HANKINS: Yes, it was.

SENATOR HARMER: Was that theme an ordinary theme in this type of material?

MR. HANKINS: Pretty much so, yes. They are very aware of the restrictions we have on handling this type of stuff. They know where the fine line is but they still have a way of getting the message across.

SENATOR HARMER: Does this literature which you have contain theme of violence against others in our society besides the penal institution officials and guards?

MR. HANKINS: Yes.

SENATOR HARMER: Such as political figures or businesses?

MR. HANKINS: Yes. This was picked up. This comes from the Black Liberation Army in New York. Of course, this one is talking all about killing the police on the streets. How it should be done. I also brought this along for your inspection. This particular magazine is written by the regional office staff of the Bay Area National Lawyer's Guild called Legal First Aid, and it's instructing people how to handle themselves when approached by police. It tells them such things as "Keep your weapons hidden. Everyone in the house should know where they are and if they are legal and if they are loaded. People visiting as strangers do not need to know that you have weapons. Large stores of weapons should be in a very safe place like in a house that could not be linked to the movement."

SENATOR HARMER: Is there anything in this material which either advocates or calls for acts of sabotage against any facilities in the community, governmental institutions or public utilities or transportation systems?

MR. HANKINS: Not in this report, no.

SENATOR HARMER: This is not then necessarily a common theme in the literature that these groups use?

MR. HANKINS: Well, this is just one publication. They put out many.

SENATOR HARMER: Well, your answer is that it's not in that book?

MR. HANKINS: That's correct.

SENATOR HARMER: But in the literature that comes to

these individuals from various outside groups, is a theme in that literature the carrying out of acts of sabotage against our society, against the transportation system, governmental entities, or against corporations?

MR. HANKINS: Well, sir, certain papers, yes. I wouldn't venture to say all of them because again they know what is permissible and what is not permissible.

SENATOR HARMER: You spoke to us about the origin of these groups. How would you estimate or would you care to estimate the trends that we can project down the next several years regarding these groups? Do you see them growing? Do you see them becoming a matter of greater concern for us? Do you feel they are contained? Would you say that it would be necessary for us to try to have a more specific policy to come to grips with them or do you feel that they do not constitute that much of a threat?

MR. HANKINS: They definitely constitute a threat. Are we talking about numbers in the various groups?

SENATOR HARMER: If you can or care to do so.

MR. HANKINS: Now, when I mentioned numbers belonging to certain groups, these are members that I've known over the years. They may be out on the street. They're people that I have run across or had information on over the years and I'm speaking of a period of the last eight, nine years. I'm talking about sympathizers, also. Not just hardcore members, but sympathizers. I number the Mexican Mafia in the area of 700. The Nuestra Familia in the area of 500, and the Aryan

Brotherhood in the area of 400.

On the Black Guerilla Family I'm going on information from inmate sources that estimate their number as high as 1250.

SENATOR HARMER: Does membership in the group continue after the individual leaves the institution?

MR. HANKINS: Yes.

SENATOR HARMER: We had testimony at a prior hearing that several of these groups force members to stay in it at the threat of their lives and with threats on their families if they do not stay in the group and then do not actively organize from the outside to assist members of the group on the inside of the institutions. Is that consistent with your knowledge of these groups?

MR. HANKINS: Yes, it is.

SENATOR HARMER: Do you have any specific examples of where individuals other than the National Lawyer's Guild, more specifically, where a former inmate member of one of the groups has been released from the institution and has participated on the outside in the organizing of activity to aid the inmates in the institution or continue on the program of the group on the outside?

MR. HANKINS: Yes, I am aware of this, but I believe you have another witness coming that can cover this better.

SENATOR HARMER: All right. Thank you.

Mr. Chairman, can I pursue another line? How's the time?

CHAIRMAN CARPENTER: We're on schedule.

SENATOR HARMER: There's one other item that I'd like to find out about. I'd like to find out about the activities of the groups inside. You made reference to their control of narcotic traffic. We have also had testimony that it is a practice of these groups to identify known homosexuals and to actually own them and trade the homosexuals among themselves as a piece of property and to use them in other ways. Is that type of activity to your knowledge common among these groups?

MR. HANKINS: It has occurred. I wouldn't say it was common, but it does occur.

SENATOR HARMER: Are you referring both to narcotics and homosexual activity?

MR. HANKINS: Primarily the homosexual activity that you were talking about.

SENATOR HARMER: What about the narcotic activity? Where do they get the drugs and narcotics? How do they get this material?

MR. HANKINS: Are you talking about inside?

SENATOR HARMER: Yes, I meant inside the institution?

MR. HANKINS: One of the main ways that it comes into San Quentin is through visitors. A female visitor comes in to visit her husband, boyfriend and she will come in and she will have two or three balloons in her mouth. We allow them to embrace, kiss. She transfers them to him. He swallows them. When he gets back to his cell, he regurgitates or passes

them through a bowel movement.

SENATOR HARMER: And the balloon has in it the drug or narcotic?

MR. HANKINS: Of course, if you have reason to suspect the visitor and you approach to search her, she will swallow them.

SENATOR HARMER: Surely there must be some other way. I can't imagine that there's that much kissing going on in prisons.

MR. HANKINS: There's quite a number of visitors. This is just one source.

SENATOR HARMER: Can you name some other sources. I didn't mean to be facetious, Sergeant. I'm sure it's a problem and I assume you have all sorts of problems trying to determine who has balloons under their tongue.

There must be some other mechanism.

MR. HANKINS: Oh, yes, you have traffic in and out of vehicles carrying produce, other articles into the prison for delivery. We have had cases of narcotics stashed in these trucks. This is another source. We have drops made around the prison. You do have inmates out working in the areas that pick it up and transport it on in by various means.

SENATOR HARMER: All right. A final question for me, Sergeant, although there are others I'd like to pursue. I think I've taken more than my share of the time.

Would you care to comment on what you think we ought to recommend to the Legislature in terms of coming to grips

with the emergence now of these organizations, the literature that is being supplied to them, the type of activity which they are engaged in?

MR. HANKINS: Well, I think this is something that had best be answered by the Director and his staff. We made our recommendations to him and I'm sure he's prepared to get the message across.

SENATOR HARMER: A very judicious answer.

CHAIRMAN CARPENTER: Sergeant, the suggested number of members in these four organizations that we're dealing with, did I understand those to be just in San Quentin or in total around the State?

MR. HANKINS: In total.

CHAIRMAN CARPENTER: Among all the institutions?

MR. HANKINS: And on the street.

CHAIRMAN CARPENTER: And that's in how many institutions in California?

MR. HANKINS: Ten, I think I'm talking about.

CHAIRMAN CARPENTER: Are these organizations restricted to California?

MR. HANKINS: I have indications they are spreading to other States. I'm quite certain that there is Mafia in the Federal Prison in Marion, Illinois. There's Mafia at McNeal Island in Washington, and I'm quite certain there is also Mafia at Leavenworth.

CHAIRMAN CARPENTER: What is the impact of some of this information on a prisoner who is a longtimer? Maybe he's

there for a violent crime. If you can give us your opinion and your observations of the impact of this type of suggested violence? How to murder people. How to murder policemen.

MR. HANKINS: I look at it as a brainwashing vehicle with these people, and of course, we're speaking of minorities in numbers. When we talk about the people that this is reaching, I'd say we're talking about 7 to 10 per cent.

CHAIRMAN CARPENTER: Seven to ten per cent of the inmate population?

MR. HANKINS: That's right.

CHAIRMAN CARPENTER: That's a pretty healthy percentage.

MR. HANKINS: That is a pretty healthy percentage. I think when I was back in Washington appearing before a similar-type committee, information came out back there that a full-scale riot at Leavenworth was the result of 30 men who called the shots, 20 to 30 men who actually controlled.

CHAIRMAN CARPENTER: All right. Let me finally ask you, Sgt. Hankins, with regard to the literature of this type which is, I think by anybody's definition not lawyer's material, it's just publications probably calculated to incite the passions or violent intentions of inmates or to prey on them in some way. Why do you let that material in? Why does it get into the prisoner's hands? Is it department policy or interpretation that they are obligated to permit that stuff to flow in the prisons?

MR. HANKINS: Yes, I'm sure we have a law to follow.

The Director hands down his policy on this and, of course, they're as aware as we are. They know the fine line, how far they can go. There's many, many things myself that I would look at and not being as well versed in this particular law as the Director, I'd say it should go in. We do allow it because we have to.

CHAIRMAN CARPENTER: Well, you talked about female visitors passing narcotics by kissing their husbands or the person they're visiting. We've had other department people tell us or at least they have told me that they can carry it in their vaginas or there is rectal carrying of narcotics and so forth. Why do you permit the contact? Is it the department's feeling that the actual physical contact of prisoners is necessary?

It seems to me they are always separated by glass or other devices.

MR. HANKINS: Well, this is true. We're talking about a small number of people that carry on this type of activity, and I think the department's feeling is that because of this small group, are you going to punish the entire population?

CHAIRMAN CARPENTER: Well, because of a small group the entire population submits itself to a search before boarding an airplane and it isn't 7 to 10 per cent of the population like it is in the prison population.

MR. HANKINS: I agree with what you're saying, myself.

CHAIRMAN CARPENTER: Senator Wedworth?

SENATOR WEDWORTH: Yes. Sergeant, we had previous testimony about the lawyers involved in this. No names. How many lawyers to your knowledge have visited or operated at San Quentin?

MR. HANKINS: Again, you're talking about lawyers and their staff and investigators. At San Quentin I would number it in the area of probably 10 to 15.

SENATOR WEDWORTH: 10. I don't think we had that question at the previous meeting. Thank you.

Now, do you think there's adequate statutes to control this group within the prisons?

MR. HANKINS: No, I do not.

SENATOR WEDWORTH: You do not. You mentioned visits and Senator Carpenter got on to that. The type of narcotics and the amounts in the previous testimony indicates that there's a substantial amount of narcotics within the prison system and you mentioned how some of it comes in. How many visits would you estimate that you have per day at San Quentin where this bodily contact is allowed?

MR. HANKINS: Well, I wouldn't know the exact figures. As I recall, at one time I overheard visiting personnel talking about a monthly number of visits, and it seemed to me it was around 2800 visits.

SENATOR WEDWORTH: 2,800?

MR. HANKINS: Yes.

SENATOR WEDWORTH: That was a contact-type of visit, personal contact?

MR. HANKINS: No, I couldn't split it up. The majority are personal contact.

SENATOR WEDWORTH: Do you consider or believe that you have good communication within this system from the Director down to among the employees of the prison?

MR. HANKINS: Yes, we have pretty good communication.

SENATOR WEDWORTH: It seems to me like I'm picking up some gaps here someplace in your testimony. Like the people that handle the visitors, for instance. Do you have good contact with those people so you know how many are coming in or in your semi or at least undercover-type of work, do you relate to these people that handle these visitors?

MR. HANKINS: Yes.

SENATOR WEDWORTH: To be on the lookout for certain people at certain times?

MR. HANKINS: Yes, I do.

SENATOR WEDWORTH: And do you give other officials within the institution that information, also?

MR. HANKINS: Yes, I do.

SENATOR WEDWORTH: Then I would think that you have a pretty good idea of the exact numbers, don't you?

MR. HANKINS: No, I don't really get into the number of visits. Again, we're just talking about a small group.

SENATOR WEDWORTH: What percentage of narcotics that enter this institution would you say, by weight or any way you want to put it, through the type of visits that have the bodily contact?

MR. HANKINS: Well, I think one way of possibly explaining this -- I think what you're getting at, you're concerned with how much narcotics can a person carry in their mouth and transfer.

SENATOR WEDWORTH: As to the total amount that I'm told are within the institutions.

MR. HANKINS: You may have a number of people involved in the same thing that come up from, say, Los Angeles all in the same car that visit different inmates that are all with the same group.

They all will in turn transfer narcotics. Whether it be three or four balloons, whatever it may be. Where you end up with maybe an ounce delivered inside.

SENATOR WEDWORTH: A total of one ounce among a group of say four in a car?

MR. HANKINS: Possibly, yes.

SENATOR WEDWORTH: How many ounces per day or per month do you believe enter through this type of visit? A pound or whatever you have?

MR. HANKINS: I couldn't give you a safe estimate.

SENATOR WEDWORTH: How many pounds do you think enter this institution within a month or a week?

MR. HANKINS: I would have no way really of giving you a good, safe figure. I know it wouldn't be anywhere near a pound.

SENATOR WEDWORTH: Well, you know we need to nail down as closely as we can some exact figures so we'll be able

to maybe come up with some answers as to how much each group is bringing in. You don't know?

MR. HANKINS: I'm unable to answer that for you.

SENATOR WEDWORTH: How many people within the institution do you think use narcotics?

You know how many prisoners you have there as of this morning, whenever you mustered them or made a check? Somebody did.

MR. HANKINS: Well, a large percentage have used narcotics over the years.

SENATOR WEDWORTH: Well, let's use 1973. I think you should by now at least have some statistics on 1973 because this is almost April. What percentage in 1973 of the inmates do you think were users of narcotics?

MR. HANKINS: Again, I can't answer this question for you. I don't keep these kinds of statistics.

SENATOR WEDWORTH: How about a guess? You're out there working, you're undercover. You get a lot of information, I'm sure. Ten per cent, 40, 60, 70?

MR. HANKINS: I couldn't answer.

SENATOR WEDWORTH: Just can't answer that. How many vehicles a day, per day enter the institution?

MR. HANKINS: Again, this is outside my area.

SENATOR WEDWORTH: Yes, but you said you had a communication system that was adequate or sufficient or good within the system at that one institution.

MR. HANKINS: There's no way you can really pin down

the number of vehicles that enter the prison on a given day.

SENATOR WEDWORTH: Official vehicles? There's no way you could do that?

MR. HANKINS: I couldn't, no. They keep a log of vehicles that come in. They keep this information, but I don't have it.

SENATOR WEDWORTH: Well, you're an expert on this and you're here testifying. I'd hoped that you might have more information than you do, Sergeant.

MR. HANKINS: I do not work that much in the narcotics field.

SENATOR WEDWORTH: We had a previous hearing and we're getting some information from other areas. Now you've come as an official and it would be beneficial to this Committee if we had some ballpark figures. I'm not asking for names, I'm not asking for how many were there on the 18th of June, 1973. I'm not asking for that, but I think if we had just some estimates it would be helpful.

MR. HANKINS: Well, I'm still unable to give those.

SENATOR WEDWORTH: You still don't know that?

MR. HANKINS: No, I don't.

SENATOR WEDWORTH: Thank you.

Mr. Chairman?

CHAIRMAN CARPENTER: Sgt. Hankins, one final question from me. I presume on occasions during visitations you intercept weapons or narcotics or other contraband coming in; is that not the case?

MR. HANKINS: Yes.

CHAIRMAN CARPENTER: What is the procedure when this occurs?

MR. HANKINS: It's treated as a felony. It's handled by a disciplinary committee and referral is made to the District Attorney's Office.

CHAIRMAN CARPENTER: This would be Marin County in your case?

MR. HANKINS: That's correct.

CHAIRMAN CARPENTER: Well, Sgt. Hankins, we appreciate very much your coming down to help throw some light on this issue for us, and we get kind of discouraged in the Legislature sometimes, but I've already made my mind up when I leave this job I don't want yours, either.

Thank you very much for appearing here today.

Mr. Paul Morris, please.

Mr. Morris, you are the Deputy Superintendent of the Soledad facility, is that correct?

MR. MORRIS: Yes, sir.

CHAIRMAN CARPENTER: Do you have a statement?

MR. MORRIS: No, sir.

CHAIRMAN CARPENTER: You want to go on questions?

MR. MORRIS: Yes, sir.

CHAIRMAN CARPENTER: Can you tell us what problems arise in the administration in a penal institution by virtue of this gang activity that we're discussing here today?

MR. MORRIS: Well, there are a number of them. I

guess the best place to start would be that an institution is operated along formal lines and, of course, these underground groups or these disruptive groups have an informal or are more or less an informal force within the institution.

They often run counter to the institution's procedures and policies. They put pressure on men. They cause us problems in terms of programming people and keeping people on the line that are afraid of them or that they're pressuring.

SENATOR WEDWORTH: I can't hear very well and I'd like to ask you to speak up.

CHAIRMAN CARPENTER: I think there is some problem. Pull this other microphone over, too. Please speak up, Mr. Morris.

MR. MORRIS: I'll speak up.

SENATOR WEDWORTH: Please, if you would, because the people in the audience would like to hear this, too.

CHAIRMAN CARPENTER: Proceed.

MR. MORRIS: And this informal operation throughout the institution is running counter to what we would like to have within the institution. They pose a serious threat to other inmates and oftentimes staff, and just in general, you know, their nature of themselves is as it would be on the streets, as a syndicate that's throwing its weight around.

CHAIRMAN CARPENTER: We have had testimony from inmates that indicate to us that there is a pervasive atmosphere of terror inside the prison that exists because of this

gang activity. Would you think that's a fair description?

MR. HANKINS: Fair?

CHAIRMAN CARPENTER: That the inmates have fear and terror?

MR. MORRIS: Yes.

CHAIRMAN CARPENTER: It's fairly understandable when more than three hundred stabbings have occurred in a fairly short period of time. What's the reaction of your personnel, your guard staff and so forth? What problems does this create?

MR. MORRIS: That's hard to evaluate. As Sgt. Hankins pointed out to you earlier in this article he read from that newspaper, we also received that. The Superintendent received that mimeographed anonymously through the mail, excerpt. The staff were aware of this, you know, they're aware of that newspaper and it's very hard to evaluate or calculate the effect it has on them.

It must have an effect. They must understand that's making their job more difficult. Threats against them personally and/or their families are something that they've had to learn to live with. It's obviously had a negative effect.

CHAIRMAN CARPENTER: Could you observe anything about the impact it might have on recruiting the best qualified people to work in the prison staff?

MR. MORRIS: Oh, yes. Interestingly, we have sent recruiting teams out and we gather up a group whether through

an employment agency or one thing and another, and we'll talk to them. And we've often had the name of the place -- you know, the proper name of the place is the correctional training facility. So the training team would be talking about the correctional training facility and somebody in the audience would say, is that anywhere near Soledad or words to this effect, and when the recruiting team said that is Soledad, you could see the effect.

This is dying down a little because, you know, no staff has been killed there in the last two and a half years, last couple of years, so it's getting better. Two and a half years ago when a member of staff had been killed in the preceding six months it was bad, very bad.

SENATOR WEDWORTH: May I?

CHAIRMAN CARPENTER: Yes.

SENATOR WEDWORTH: You say it has improved at this institution. Is that because of a change in the way in which the institution handles these people?

MR. MORRIS: You're talking about the --

SENATOR WEDWORTH: There's less killings, less stabbings and you're proud that there's been -- and I am, too, that the staff has not been attacked as often or hasn't been attacked at all.

MR. MORRIS: Well, I think --

SENATOR WEDWORTH: Is that because of a change in attitude of the staff?

MR. MORRIS: I think we have exercised more control.

SENATOR WEDWORTH: More control?

MR. MORRIS: We've been very careful, very careful. We try not to put anybody on our line that we deem to be a threat to inmates or staff. Now, when I say somebody --

SENATOR WEDWORTH: So the answer is more control. That helped the situation.

MR. MORRIS: Yes, it did.

SENATOR WEDWORTH: I wonder why you didn't do it before?

MR. MORRIS: Well, I wasn't there before.

SENATOR WEDWORTH: Oh, somebody else was there before?

MR. MORRIS: Yes.

SENATOR WEDWORTH: Okay. Thank you. That's the point.

MR. MORRIS: Could I respond to just a little bit more on that?

CHAIRMAN CARPENTER: Surely.

MR. MORRIS: It wasn't all control either. A lot of it was spending much time developing some relationships, communicating. We communicated with groups. We communicated as best we could.

SENATOR WEDWORTH: Inmates, you mean?

MR. MORRIS: Inmate groups, yes. We communicated even with the type of groups like the Familia and the Mafia. We told them what they could expect if they didn't get along. You know, just the facts of life. The meetings weren't just

threatening meetings. We just said, "If you continue to get along, things will be all right. If you don't get along, there's going to be a large number of people locked down as a result of it."

SENATOR AYALA: You say this didn't happen before. In prior years this didn't happen, this communication?

MR. MORRIS: No, I'm not saying that at all. It was done before. I think the problem on the Mafia and the Familia developed after I arrived there. I don't think the major problems in the State were there prior to that time.

We ought to separate something now. I believe the majority of the killings of staff prior to my arrival at Soledad were attributed to Black militants, not the Chicano groups.

SENATOR AYALA: How long have you been with the Department of Corrections, sir?

MR. MORRIS: 23 years.

SENATOR AYALA: And at Soledad two, two and a half?

MR. MORRIS: No, three years in June.

SENATOR AYALA: What other institutions have you served in?

MR. MORRIS: I started out at San Quentin 23 years ago. I served as a Sergeant at Tehachapi, a Camp Lieutenant out of CIM, a Captain in the narcotic program -- that's at Norco now. I served as a jail inspector out of Sacramento. I was program administrator at Camp Sierra for five years, and then I spent a year as an associate superintendent down at

Chino just before I came up here. As a matter of fact, I met you down there.

SENATOR AYALA: That was at the prison.

CHAIRMAN CARPENTER: Was Senator Ayala an inmate?

SENATOR AYALA: Mr. Morris, the informal activity that you referred to that was on the increase, the stabbings and murders; this has decreased in the last few years, is that correct, where you're stationed at?

MR. MORRIS: No.

SENATOR AYALA: Just on the personnel itself, the correctional officers?

I was under the impression that you felt that the activity had decreased and the reason was because now you're communicating and there's more enforcement or more help for you.

MR. MORRIS: Well, what I really mean to convey -- we're talking about two different things. First, we start talking about the officers being killed there which with the last staff member and the National Socialist White People's Party claims responsibility for that in communications with us after we arrived there. That was the program administrator that was killed. It was the last staff member killed there.

Now, the others were militant Blacks. The Chicano problem seemed to develop and come to a head throughout the department and we are feeling our share of it there at Soledad in the past couple of years. We've had our assaults there. And we've had our deaths there, inmate deaths. So we're

talking about two different things. Staff deaths is what we started out talking about. We've had the inmate deaths. We have had five deaths at the north facility. We have two facilities there, north and central. There have been four deaths at central. These were involved with the group activities with a couple of exceptions that didn't appear to be. They were just a spur of the moment kind of thing.

CHAIRMAN CARPENTER: Mr. Morris, what is the basic educational requirement for a staff person such as a guard or those who have contact with the prisoners?

MR. MORRIS: Well, he has to have a high school diploma. This qualifies him to take the examination and go before an oral board. There's a large number of young men now who have associate of arts degrees, who are applying. And speaking as one who sits on this type of interview panel, the hiring panel, the higher the education, the more likely the man is to get put on the list, obviously.

CHAIRMAN CARPENTER: Yes. How long a period of time does the training program that you undertake encompass?

MR. MORRIS: Well, it's an ongoing program.

CHAIRMAN CARPENTER: The man goes right to work and then he is exposed to other activities and training on the job?

MR. MORRIS: Right. For the first week he doesn't do anything but get oriented to the job. Then within the first few weeks or first few months -- now that we're catching up -- the men have to spend a week of training at an academy

and there he gets his 832 training out of the Penal Code which is required by the Penal Code, the peace officer and how to handle a gun training.

He has regular classes he's required to attend each month that are basic. The bulk of the training centers on the sergeants and lieutenants on the watch who are required to spend time with the man and tell him how to function in the particular position he's assigned to.

CHAIRMAN CARPENTER: Well, is there any time during the training prior to employment or on the job -- do you have any training in the philosophy of revolutionary doctrine and things like this, the kind of exposure your prisoners get from the documents we've seen?

MR. MORRIS: Oh, yes, we have classes on just about anything that would help the officers do their job. I have a training schedule for Soledad that I could submit to the Committee.

CHAIRMAN CARPENTER: Would you leave that with us, please?

MR. MORRIS: Sure. I'd be glad to.

CHAIRMAN CARPENTER: You indicated that as a part of the communications process you found it helpful to -- well, I was going to use the word negotiate. You might not like that. But at least to sit down with identifiable leaders of these various gangs at Soledad at least to work things out with them, let them know what they can expect if they conduct themselves in such a way and so forth. So in essence you've

officially recognized the existence of the gangs. Are those leader so easily identifiable?

Do they proudly wear the label of captain in the Mexican Mafia or what have you? How do you go about identifying them?

MR. MORRIS: Well, there are no membership lists.

CHAIRMAN CARPENTER: I assumed that.

MR. MORRIS: My experience with the Mexican Mafia, with a couple of exceptions, is that seldom does anybody step forward and acknowledge that he's with the Mexican Mafia, and that's even after the point of a half a dozen inmates telling you he is running the Mexican Mafia or he's a power within the Mexican Mafia.

You call the guy in and talk to him about it and he denies it completely. So at this point, you've got a number of people that feel he is, at any rate. This is an interesting thing because it sometimes gets to that point. It's kind of immaterial what we really think as staff whether a guy is in a group or not in a group because the inmates become so convinced that he's either lined up with them or against them that he gets stabbed or he's into it whether he wants to be or not.

I've seen men stabbed that I certainly question whether they were ever involved in the group except that the opposing faction felt that they were and that's why they got stabbed.

The Familia in the past has been fairly open about

acknowledging their leadership. At least at our institution, and they would come in and talk. Of course, they identified to us the Mafia people. And another thing, we had a Chicano group operating there at Soledad where there was obviously members of both groups within this Chicano organization. It was easy for me to communicate my feelings concerning certain matters to the group and the message was getting across. You know, I might not be talking to the leaders of the Mafia at the institution, but the word would get to them that I was putting out.

CHAIRMAN CARPENTER: Let's talk about control devices that one in a management capacity, such as yourself, have devised and the Department has devised. The Director's cases and lock down and what have you. How do these function?

MR. MORRIS: Well, taking the Director's cases first, this came about about a year ago now. We had a series of stabbings and problems throughout the department with these two groups. It had been discussed before, you know, how we might deal with it. I believe it was about May of last year the Director decided to identify the leadership of both the Familia and the Mafia and lock them down and make them Director's cases.

SENAOR HARMER: What does the term "lock them down" mean?

MR. MORRIS: That would be to put them in a segregation unit. I would estimate that the bulk of them were already in a segregation unit under a local classification

plan. This was an action by the Director himself and his staff ordering the man locked down and the institution staff could not release him to a main line without the Director's permission.

This took place. We had many meetings. Any number of people were submitted. I guess probably four out of five that were submitted were not accepted by the Director as being a serious enough threat to staff or inmates to be locked down.

It was very selective. They locked down the Mafia at San Quentin and the major lock down for the Familia was at Soledad.

I can't speak too authoritatively as to what effect it's had on the Mafia except at our institution they obviously don't want any problems and we haven't had any problems. We're trying very hard to get along. On the Familia I'm very familiar with the effect it had. We started with about 30 of their top leaders locked down. We presently have about 20 hardcore Familia people locked in our segregation unit. During this time 8 people have broken away completely from it. Five or six have gone on protective custody because they have broken away so strongly from it and they are feeling the effects of the Director's lock down.

We took back 15 strong sympathizers and we were able to put them on the line and in spite of the fact that these hard core cases wanted these people re-released to the line to go out and stab and hit somebody out there, as they call it, they didn't do it because they saw what was happening to

the others.

I think the recruiting, as far as the Familia, has dropped way off because they now have a feeling as to what can happen down the road if they get into this organization.

Another interesting thing is that the Familia has -- it's my understanding that because the people we put out on the line has not stabbed anybody, have not retaliated against the Mafia, now they put contracts on them.

But there are so many on our line now that the contract is kind of meaningless. There are just too many of them. As a matter of fact, the group that is **stabilizing on** our line probably outnumbers the hardcore and so we've had no problem.

I've got a number of them in a close supervision unit that we're gradually releasing back to the line. As a matter of fact, I'm meeting with them Friday.

SENATOR WEDWORTH: Mr. Chairman?

CHAIRMAN CARPENTER: Senator Wedworth.

SENATOR WEDWORTH: Then what you're telling us is that punishment inside the institution is effective. Is that what you're saying?

MR. MORRIS: The segregating of people is effective, certainly.

SENATOR WEDWORTH: Well, when you segregate the hardcore, that's really punishment. You lock them down and they cannot hurt anybody?

MR. MORRIS: That's correct.

SENATOR WEDWORTH: My question then is: Why didn't you do this long before? For instance, say, the first stabbings. Why did it take so many years for somebody, someplace within the system -- and I'm referring now to the officials, the people that run the prisons, that are appointed to run these institutions -- why did it take you so many years and so many deaths and so many stabbings to finally come back to the realization that maybe what we've been doing is wrong and we'd better do something else and let's try punishment, which you eventually did?

MR. MORRIS: If you'll recall earlier, I said that most of the people that were locked down were already locked up. We locked people up after every stabbing. We had these people identified and we had them locked up. The idea of the Director's saying, "You cannot be unlocked unless approval comes from Sacramento," is what I'm talking about, the Director's cases.

I would say 99 per cent of the cases that are Director's cases were locked up when they were submitted to the Director in the first place. They were a threat to the line. They had been involved in stabbings. They had been identified and segregated. This is a long-term lock down. Anybody that gets locked up appears regularly before a committee and each time he has to get out. Quite naturally, you know, and there's one hell of a lot more hope involved in the thing that the Director has locked you down as a definite threat and this is long-term.

SENATOR WEDWORTH: The Director has locked you down. Would you identify the Director?

MR. MORRIS: The Director of Communications.

SENATOR WEDWORTH: That's Mr. Procunier?

MR. MORRIS: Yes, sir.

SENATOR WEDWORTH: From his ivory tower with information he says, "Okay, lock this one up." Without his okay, you don't do it?

MR. MORRIS: No. No, we can lock anybody up we want to lock up with cause. Anybody that's a threat to the staff or inmates can be locked up.

SENATOR WEDWORTH: Well, would you say that since there's been this change and you have these lock downs and I know you do, there's been a tremendous change in the operation of our institutions in the recent months, right?

MR. MORRIS: Yes.

SENATOR WEDWORTH: I'm aware of that. Then you say it is working?

MR. MORRIS: Yes.

SENATOR WEDWORTH: Then would you say it is because lock down is really punishment, isn't it?

MR. MORRIS: Yes.

SENATOR WEDWORTH: Would you say that they do recognize punishment?

MR. MORRIS: Yes.

SENATOR WEDWORTH: Thank you. That's all I wanted.

CHAIRMAN CARPENTER: Senator Ayala?

SENATOR AYALA: Could you describe for me what you mean by "lock them up"?

They're already in prison; they're in jail. What does the additional lock up mean, solitary confinement? What are we talking about?

MR. MORRIS: We're talking about the segregation unit. At our institution we have a hundred and forty-four man segregation unit. In this unit it's very tight security. They're moved in restraint anyplace they go. By that I mean they're moved in handcuffs. They are under close supervision when they shower, exercise. They're exercised in small numbers.

Because of the large number of different, you know, we have people from every affiliation up there and a lot of animosity so we have to be careful on when we exercise them and how we exercise them. They spend a great deal of time in their cells. There is no program for them. You know, they can't go to school. There's no self-improvement efforts there.

SENATOR AYALA: Is there a guidance center at CIM?

When they first arrive there, don't they keep them up in a certain area of the prison until they are able to evaluate where to ship them?

MR. MORRIS: They may. There is really no comparison between guidance center processing and what I'm talking about.

SENATOR AYALA: My further question is, sir, and I should have asked the Sergeant the same question, too: Are these also prevailing in our women's prisons, these different

groups, the Mexican Mafia?

MR. MORRIS: I really don't have any knowledge of it. I've heard that there is kind of a women's auxiliary, but I can't speak with authority on that.

SENATOR AYALA: Just one further question: The Sergeant, I guess, indicated the ballpark figure of 700 for the Mexican Mafia, 500 for the Familia, 400 for the Aryan, and 1250 for the Black Guerilla Family.

You say you can't identify these people. They won't admit it. How are these figures arrived at?

MR. MORRIS: Well, I'm not sure how the Sergeant arrived at his figures. How I identify a lot of them -- as I said, the Family will often identify themselves. They are getting more reluctant, but they have in the past often identified themselves.

SENATOR AYALA: In your opinion --

MR. MORRIS: It's inmate information by and large. As I said before, it sometimes becomes immaterial what we think. If the Mafia believes a man is in the Family, and they feel it strongly enough to stab him, you know, it's kind of immaterial whether he's in the Family because they have put him in the Family and they feel he's there.

SENATOR AYALA: Are these figures fairly accurate as you're concerned or do you have any idea?

MR. MORRIS: Well, I don't know. I don't know because he mentioned the word "sympathizers." When you think of sympathizers -- from all the information I got with real

problems, real problems within the institution breaks out, that it is really going to align with the Chicanos from the Los Angeles area which is, you know, a large portion of our population as opposed to the rural and Northern California. So when you start talking sympathizers, somebody that didn't even belong in the organization might well be a sympathizer and it might be a north-south deal if it ever became real heavy.

SENATOR AYALA: This number may be conservative then?

MR. MORRIS: If you're going to say sympathizers and he said that, yes, it could be, because it's a north-south type of thing. Rural north as opposed to urban Chicanos out of Los Angeles.

CHAIRMAN CARPENTER: Mr. Morris, I assume you have the same observations or problems or however we should describe them relative to information coming into the prison with regard to lawyer's visitation and what have you. Is the narcotic traffic in use inside Soledad comparable to that of other institutions?

MR. MORRIS: Yes.

CHAIRMAN CARPENTER: Can you add anything to what Sergeant Hankins said relative to the introduction of narcotics into Soledad?

MR. MORRIS: Only that we are presently building another visiting area and in this visiting area we are going to have the glass and telephones for visiting. As we identify

people who are involved in narcotics or who we feel are involved in narcotics, we're going to require them to visit in this special area.

CHAIRMAN CARPENTER: No contact visits?

MR. MORRIS: No contact visits.

In other words, a contact visit is going to be a privilege that's going to have to be very carefully protected at our institution. That's what we are moving toward.

CHAIRMAN CARPENTER: Why, hasn't that always been the case? Has there been judicial intervention or decisions that have changed the nature of visitation or the introduction of material, reading matter in the prison?

MR. MORRIS: Yes, there has been. Not the visiting, to my knowledge. I can't think of anything off the top of my head.

CHAIRMAN CARPENTER: You know of no judicial decisions or other legal restrictions that importune your ability to determine the type of visitation that's going to be allowed?

MR. MORRIS: No, not off the top of my head.

Again, and the Sergeant covered it, it's important to remember that -- you know, I can't give any figures either, but it's still the majority of the men in prison who are trying to do their time and program and get out and we're dealing with a minority and it's very difficult to oppress a large number of men because of a few.

So the best thing we can try to do is identify these few and set up restrictions for them accordingly. This is

exactly why we have the adjustment centers, the close supervision units. I do have some concerns about judicial intervention.

CHAIRMAN CARPENTER: Please, I would be interested.

MR. MORRIS: Well, in terms of classification, we place a man in one of these lock up units through a classification process and if the courts get involved in our classification process or try to determine from afar whether a man is a threat to other inmates or to staff, this can cause one terrible problem for us that I hope we never have to face. Our classification process may be inexact, but we do the best we can and we keep the majority in mind.

The majority of the men and it's just like a town. There are some people who don't get along in any society. We've got a group of people that didn't get along in society in the first place. Now within that society there's some people that just don't get along. They prey on others or they're very dangerous people. And they need to be segregated so that we can operate as normally as possible with the majority.

CHAIRMAN CARPENTER: Senator Harmer?

SENATOR WEDWORTH: Mr. Chairman? Oh, I'm sorry. Go ahead.

SENATOR HARMER: Mr. Morris, the general tenor of our hearing has been to determine if within our facilities at this time there is a growing recruitment into these radical militant groups and if there is any way to identify organized effort on the outside of the institutions to make contact with

the inmates and to encourage their recruitment into these organizations.

Do you see in the overall picture at Soledad any indications that would tell you that these organizations are growing in number? That there is increased activity to both recruit and mobilize inmates into these organizations?

MR. MORRIS: Well, I would only say yes to one part. I think that the thing is growing, is moving on the streets. At least, the information we have is that it's moving on the streets. I don't see any big, major change in the institution other than the fact that the thing is obviously carrying over to the streets.

SENATOR HARMER: You say the thing is carrying over to the street. You mean the recruitment to these organizations appears to be active on the outside at the institution to the best of your knowledge?

MR. MORRIS: Well, recruitments -- not necessarily what I think -- is that people who are in these organizations, some of them tend to go out and continue working with another group of people who are in the organization on the outside. I think that's what we're finding out.

SENATOR HARMER: Do you know what the general purpose of these people is in their activity on the outside? What is it they want to do?

MR. MORRIS: Well, continue to fight each other first. The first is probably to continue criminal activity. Second is to fight each other.

SENATOR HARMER: Is there any purpose in this, any express purpose on their part, any identifying theme that unites them that you know of?

Do they have a discernible goal that they want to achieve or are they just people whose whole mentality is committed to violence?

MR. MORRIS: That's fair. There are a large number of them -- now, not everybody in the group is committed to violence. Not everybody has even committed violence. And an appreciable number in the Familia pulled out just as a result of being told, "You have to stab somebody." They come into the institution. They were from, maybe, San Jose, which is a proper place to be from, and they join the Familia. And it was all fun and games and all of a sudden somebody tells them, "You have to stab somebody." That's when they started having thoughts about belonging to this organization.

But some of them are very much committed to violence. Some of them are very dangerous people. It's safe to say that most of these people aren't going to be on the streets for a long, long time.

SENATOR HARMER: As opposed to your inmate population that is on the line and in the adjustment center or locked up, what percentage in ratio could you identify for us of membership in the radical militant groups?

Would it be that more of the radical militant group members tend to be in the lock up or on the line or can you identify such percentages?

MR. MORRIS: Well, the dangerous, radical, militant, or underground inmate groups are locked up. I hope I'm speaking authoritatively on that.

SENATOR HARMER: Have you seen over the period of your experience in the system generally, irrespective of how long you've been at Soledad, any change in the Familia or the prison population over the last decade?

MR. MORRIS: Yes.

SENATOR HARMER: What has been that change?

MR. MORRIS: Well, the change is that -- it's very similar to the change that is happening on the streets. I spent many years in the Department of Corrections. I was at San Quentin when two officers were murdered and I think at that time, if memory serves me right, it was the first two officers killed in the Department of Corrections in 25 years. Then we went for many years without anybody being killed. Then, all of a sudden, we had a rash of staff being killed.

The Blacks became more militant just like they were becoming on the streets. They wanted recognition and we weren't dealing with the most stable Black element. We were dealing with the most dangerous Black element in the institution.

The Chicano movement started on the streets and the Chicano movement started in the institution. In between times we always had our Nazi type and what with one thing and another, they were more than willing to get off into their thing, the white supremacy thing. You have the same thing on the street over the last few years, and as far as I'm concerned,

it kind of reflects what's happening in society. It went on in the institution in a more dangerous vein.

SENATOR HARMER: Would it be a fair summary of your statement to say that in your opinion over the last decade the nature of our prison population has become a more dangerous type person and a more violent type person to deal with in the institution?

MR. MORRIS: Yes, I'd agree with that statement.

SENATOR HARMER: Then to continue on from that point: Do you see any relationship between the emergence of that phenomena and some causative element? You tell me it's the same thing that's been happening on the outside. Why is it happening at least to our prison population? Why over the past decade is our prison population becoming more violent and more militant and a more dangerous type individual?

What has happened in our society to bring this about or in our penal system to bring it about?

MR. MORRIS: Well, that's a tough one. I'm not sure. I'm really not sure. I do know that we have -- for instance, one example is the forger doesn't come to an institution as regularly as he did in the past unless it's a large-scale forgery operation. He's more apt to get probation or something of that nature. This has tended to drive up the violence. I don't know why violence has increased on the outside. I really don't. I don't know why violence has increased against police officers, and it has. I'm not sure anybody has the answer to it. It's kind of an anti-establishment thing going on that

is hard for somebody that's been part of the establishment for so long to understand.

SENATOR HARMER: Well, if we can then get back to perhaps something more specific and less theoretical. Within Soledad itself can you identify any additional groups other than the ones that Sgt. Hankins referred to as being in existence? You stated you had the new Familia, the Mexican Mafia, the Aryan Brotherhood. Do you have members of the Symbionese Liberation Army at Soledad to the best of your knowledge?

MR. MORRIS: No.

SENATOR HARMER: You are saying you don't know or you don't have?

MR. MORRIS: Not to my knowledge.

SENATOR HARMER: You have no knowledge of having any there?

MR. MORRIS: No.

SENATOR HARMER: How about Venceremos?

MR. MORRIS: Well, we have had people, disruptive people within our institution. Some of them that we have had to segregate and one thing and another who corresponded with Venceremos-type people. But as far as anybody acknowledging themselves or even informants saying this person was a member of Venceremos, we have had very little of that within the institution.

SENATOR HARMER: How about the real Mafia, the Costa Nostra Mafia?

MR. MORRIS: We have a couple of those guys.

SENATOR HARMER: Do they function in any different way?

MR. MORRIS: No, they don't cause us any problems at all.

SENATOR HARMER: Just one last question then, Mr. Morris. Is there any indication that the emergence of these groups is identified with Communist activity, with Marxist, Leninist propoganda?

MR. MORRIS: Yes, this Third World Movement is almost in a part. We have people in all groups that get off into that. We've never had, you know, a group jump up and say, "We're the Third World Movement," but there are people that by the literature they receive and the correspondence they send out, we know they were quite obviously way off into the Third World and most of that is Communist-type literature.

I say Communist, and most of it leans more towards the China brand.

SENATOR HARMER: Maoist-type, you mean?

MR. MORRIS: Maoist-type, yes.

SENATOR HARMER: Is the literature that Sgt. Hankins showed us typical of the type of literature that shows up among the prisoners at Soledad?

MR. MORRIS: Yes.

SENATOR HARMER: Its theme is generally the same theme?

MR. MORRIS: Yes.

SENATOR HARMER: Thank you, Mr. Chairman.

CHAIRMAN CARPENTER: Mr. Morris, we're going to take approximately a ten-minute recess. We Senators have to go to the floor for a few moments to start the session.

After ten minutes, we will return and commence. If you can just wait, we'll go right on from there.

There will be a ten-minute recess.

(Whereupon a brief recess was taken, after which the following proceedings were had.)

MR. MORRIS: Senator, could I make a few comments on things that I've had time to reflect on in this break?

CHAIRMAN CARPENTER: We'll go back on the record. You can proceed, Mr. Morris.

MR. MORRIS: First, in terms of the punishment aspect of being locked up. I'm sure the inmates view it as punishment. That's not our intent. Our intent is to make the institution safe and segregate these people. That's our intent.

The other thing Senator Harmer was asking about is that the whole thrust of the State has been to keep lightweight offenders out of prison, which has had probably the most pronounced influence on the type of people we receive today.

The last thing I'd like to comment on is the reference the Senator made to Director Proconier in his ivory tower. We have nobody in Sacramento involved in the direct operations who hasn't had longterm institutional experience similar to my own. So they know what's going on.

CHAIRMAN CARPENTER: All right. Let me proceed where I was when we broke and then I think Senator Ayala had some questions.

With regard to the handling of lawyers and their contact with inmates in the Soledad system, I'd like your analysis of that problem. Did you hear Sgt. Hankins' comments in that regard?

MR. MORRIS: Yes, I did.

CHAIRMAN CARPENTER: Do you have the same problem at Soledad? Do you handle it exactly the same?

MR. MORRIS: No, we haven't had the problems that San Quentin has experienced. I deal personally with all attorneys for central facility, and in all honesty, the so-called radical element in my personal dealings with them have by and large been the same as with any other attorney. They've been very reasonable with very few exceptions, and the exceptions I always call to their attention not only on the spot but I've put it in writing to them that this type of conduct won't be permitted and we've had mail come in that was magazines marked "legal mail," but they weren't radical magazines.

We haven't had any real serious violations of the mail at our institution that I know of.

CHAIRMAN CARPENTER: What's different about Soledad and San Quentin in this respect? Is the type of inmate different?

MR. MORRIS: Yes, and who you happen to have at your institution. At one time we had inmates there who attracted

this type of element and we had much more contact with them at that time. Many of these people were transferred to San Quentin and, of course, the attorney interest then centered on them. We are also a little bit further away from the Bay Area where these people headquarter than San Quentin.

CHAIRMAN CARPENTER: Senator Ayala?

SENATOR AYALA: Yes, Mr. Chairman. I want to pursue one of the questions by Senator Harmer. In reference to the increase of more violent-type of individuals in our jails today and the question was: In your opinion, what has triggered this type of a hardcore-type of person into our institutions? I just wonder if something that we're doing within the institution has triggered it, our attitudes or lack of or perhaps more discipline. What is it? Is it anything that we're doing within the prison that will trigger this type of violent attitude on the part of individuals or is it something they already had when they came to the institution?

MR. MORRIS: Well, I sure hope not, Senator. You know, we're sometimes accused of running a crime school. Obviously, we don't run a crime school, but we can't stop anybody who comes to an institution intent on becoming more professional by talking to more professional people and he forgets that they are also failures at whatever criminal profession they were in because they are in prison, too.

We can't stop a man who wants to become a better burglar from talking to other burglars and acquiring new techniques. To that extent, he can further his education in

crime if that's what he comes there and seeks. We certainly don't encourage it.

SENATOR AYALA: I recognize that the correctional officers are screened intensively before they're given the position. My limited experience as a guard, a Marine guard at a Naval prison, I noted some of the individuals, my fellow guards, they enjoyed the idea of triggering and making it rough for the inmates, their own fellow Navymen or Marines or whatever.

I just wonder if in spite of the fact that we do screen the correctional officers very carefully to a great degree, that maybe one or two slip in that has that type of personality who would like to anger these people and trigger it. I'm not suggesting this happens, but I know this has happened as Marine guard in a prison.

My other question is that you mention that you refer to a Venceremos-type of person.

MR. MORRIS: I said that?

SENATOR AYALA: You said that earlier, yes. I wrote it down as you said it.

MR. MORRIS: I'll do my best to explain what I thought I was saying at the time. I equate it with this Third World Armed Revolutionary, armed overthrow of the government. That's what I equate it with. A violent overthrow, not through social change or political change, but just armed violence.

SENATOR AYALA: You mean involved in the forceful

overthrow of the government, this is the type of people that are attracted to the Venceremos?

MR. MORRIS: Yes.

SENATOR AYALA: My third question; Would you support legislation that would limit the mail privilege to only the attorney-client type of a situation and every other mail received by the inmate be opened by the authorities regardless of whether it's from attorneys or not?

MR. MORRIS: I support any legislation that is submitted by the Director of Corrections and through the proper channels and passed.

SENATOR AYALA: Well, I mean, you have to support it because he's your boss. Would you initiate it?

Would you promote it? Do you think this is needed today? Let me put it another way. Do you think we need legislation that would allow the authorities to open all mail received by inmates except that mail which is the attorney-client type of a letter?

MR. MORRIS: We already have that privilege.

SENATOR AYALA: But I understand that if it's written on the front that it's from an attorney, you can't open it unless you're suspicious of some illegal activity being involved.

MR. MORRIS: We can open it in front of the man. If we have any question at all, we can open it in front of the man. We don't read it, but we open it in front of the man.

SENATOR AYALA: Okay.

CHAIRMAN CARPENTER: Senator Wedworth?

SENATOR WEDWORTH: Mr. Morris, I want you to understand that I'm not angry with you or anyone in the institutions.

MR. MORRIS: Thank you, Senator.

SENATOR WEDWORTH: And I'll use what some of the press use on some of their panels. What I say or the questions I ask are not necessarily my own philosophy. It's just a way in this case of not getting a story but getting facts. That's all I'm interested in.

MR. MORRIS: I'll try to help you, sir.

SENATOR WEDWORTH: And I would like to ask you this question: You had a dramatic change to the good for the safety of both inmates and staff at your institution, you tell us?

MR. MORRIS: A dramatic --

SENATOR WEDWORTH: You had a dramatic change at your institution, Soledad. You don't have so many any more, do you?

MR. MORRIS: No.

SENATOR WEDWORTH: And I think that's very good. Now the question is this. Did that change come about by law or did it come about by regulations under existing law?

MR. MORRIS: It came about because of the existing regulations.

SENATOR WEDWORTH: Then this good change for the safety of everyone at the institution came about by a change of the regulations?

MR. MORRIS: Yes.

SENATOR WEDWORTH: Thank you very much,

CHAIRMAN CARPENTER: Mr. Morris, with reference to the National Lawyer's Guild, you have contact at Soledad with members of this organization?

MR. MORRIS: Very, very little. I was thinking about it earlier and the only personal contact I've had was a telephone call where a Los Angeles-based attorney identified himself and his organization and asked me to permit a law assistant to go in who had no legal standing and interview inmates, plural. Under our regulations a man can visit a person, but an attorney can visit a number of people. An individual can only visit one man and that's what I limited him to. And to the best of my knowledge, this intern did not meet our law student intern type of qualifications and he never appeared at the institution.

CHAIRMAN CARPENTER: I see. Do you find being introduced to your inmate population publications by the National Lawyer's Guild or other groups of the type Sgt. Hankins was showing us?

MR. MORRIS: Yes.

CHAIRMAN CARPENTER: And do you permit that material to be passed into the institution?

MR. MORRIS: Only if it meets -- they're screened individually and if they meet the requirements of Penal Code Section 2600, they're permitted in the institution. If they don't, we notify the man that the thing is not being permitted

it in writing and why.

CHAIRMAN CARPENTER: What are the standards that determine whether or not you permit it in?

MR. MORRIS: Well, in general --

CHAIRMAN CARPENTER: Excuse me. Let me give you a little bit more of what I'm thinking of. Maybe you can be more responsive to it. Taking, for example, the National Lawyer's Guild publication that Sgt. Hankins read from inciting or suggesting kidnaps, killing, or other activities, killing policemen and so forth. Let's apply it to that situation. What do you do when you receive literature like that?

MR. MORRIS: That wouldn't go into the institution and Penal Code 2600 clearly supports our not letting it into the institution. This section covers that a prisoner can receive anything that goes through the U. S. Mail except that the warden may exclude obscene mail, gambling, lottery-type of things, anything that would pose a threat or violence within the institution. So it's our interpretation of it but it's fairly specific.

CHAIRMAN CARPENTER: Do you have a high volume of literature in this vein that is presented to you?

MR. MORRIS: No. What's a high volume? We have a high volume of mail and papers coming in and the vast majority of them are approved in.

The volume of radical literature has fallen off, as far as I'm concerned, it's fallen off in the last couple of years. There isn't a great deal of stuff turned away, no.

CHAIRMAN CARPENTER: Do you have specific staff personnel who are assigned the responsibility to make this determination?

MR. MORRIS: Yes.

CHAIRMAN CARPENTER: So they have some accumulated background by which to judge this according to the standards of Penal Code Section 2600?

MR. MORRIS: Yes.

CHAIRMAN CARPENTER: Very good.

SENATOR AYALA: I just have one more question.

CHAIRMAN CARPENTER: Go ahead.

SENATOR AYALA: When I was asking about the mail situation, Mr. Morris, you indicated you opened the letters but you don't read them. Now you say if the content of the mail is not proper, you don't give it to the inmate. How do you determine if it is proper if you don't read it?

MR. MORRIS: Okay. We're talking about two different things. We do not read all mail. We do not read privileged mail. And privileged mail is -- you gentlemen are entitled to privileged mail. An inmate may write to you and we don't read it, but we read usual, ordinary correspondence. In other words, I can open up an attorney's letter if I am suspicious or a package, and pick the stuff up like this, obviously not reading it, and examine it in front of the inmate. The inmate can stand there and see I'm not reading it. But I make sure -- you know, as long as it's a piece of paper I don't know what's written on it. As long as it's a piece of paper, and it's not

a hacksaw blade or a bunch of magazines, I would give it to him. But that's attorney mail. That's attorney mail.

SENATOR AYALA: That's what I had reference to earlier that all mail received by an inmate obviously from an attorney you don't read?

MR. MORRIS: No.

SENATOR AYALA: And the one that is of the attorney-client nature, you don't read at all or even open that?

MR. MORRIS: That's true.

CHAIRMAN CARPENTER: If there are no further questions, I'd like to thank you, Mr. Morris, for coming here today and sharing some information with us.

MR. MORRIS: Thank you, gentlemen.

CHAIRMAN CARPENTER: At this time we're going to recess until 1:00 p.m., at which time we'll reconvene.

Thank you.

(Whereupon the noon recess was taken.)

--oOo--

AFTERNOON SESSION

1:00 O'CLOCK, P.M.

--oOo--

CHAIRMAN CARPENTER: We can go on the record. At this time I'd like to call Mr. Arthur Diaz. What is your position in the Department of Corrections?

MR. DIAZ: Special Agent, Senator, Liaison Enforcement, Liaison duties.

CHAIRMAN CARPENTER: Between the Department and other law enforcement agencies?

MR. DIAZ: Correct.

CHAIRMAN CARPENTER: What are your responsibilities in that capacity?

MR. DIAZ: Gathering information from the different institutions and assimilating the same to other institutions, law enforcement agencies, and in general keeping apprised of the amount of activity, violent incidents that are of mutual interest within the system and also on the street as it pertains to parolees that are involved in our operation.

CHAIRMAN CARPENTER: Do you have responsibility relative to the New Family, Nuestra Familia?

MR. DIAZ: That's correct.

CHAIRMAN CARPENTER: And the Black Guerilla Family, is that correct?

MR. DIAZ: Up to a point, I do, yes.

CHAIRMAN CARPENTER: Can you give us some background relative to the activities of Nuestra Familia as you see them

from your point of view?

MR. DIAZ: I think you have a copy. I want to point out, it's the Constitution of the Nuestra Familia. It's that six or seven pages and one of the ways that I can explain something about the Nuestra Familia that people who have been working in the NF, as it is also referred to, would agree with us, by going over parts of the Constitution and explaining how we see this as affecting the Department.

CHAIRMAN CARPENTER: How in practice the content of the Constitution is carried out by the organization?

MR. DIAZ: Correct. In this light.

CHAIRMAN CARPENTER: Would you speak as close to the microphone as you can, please. Proceed to select what portions you wish to discuss.

MR. DIAZ: Fine. I think the best part to proceed with is their Article IV, which has at the top of the page, "Lieutenants."

The reason I want to start there -- excuse me, let me back up.

SENATOR CARPENTER: About page 5 or 6 of the document?

MR. DIAZ: Article II, starting with Section I indicates the primary purpose and goals of the organization.

Article II subsection I: "The primary purpose or goal of this organization. . ." meaning the NF, ". . . will be for the betterment of its members and the building up of the organization on the outside into a strong and self-

supporting Familia. . ."

Now, this Constitution was picked up by security officers in Soledad the first part of January and we had it typed up verbatim including the spelling errors that are in there to reflect to some degree the educational level perhaps of the individual who wrote it and his expertise in making a document like this.

Section III is interesting. "A Familiano will not be released from his obligations toward the organization because he is released from prison, but will be expected to work twice as hard to see that a Familia is established and works in hand with the organization already established behind the walls (Pinta)."

Pinta, P-i-n-t-a, which is the Mexican word for institution.

Now, Section IV. "A Familiano will remain a family member until death or otherwise discharged from the organization. He will always be subject to put the interest of the organization first and always above everything else in prison or out."

There was earlier testimony about the carry-through of the NF and other organizations from the inside to the outside.

Section V deals with an area that affects violence within the institution because it is talking about discipline.

"An automatic death sentence will be put on a Familiano that turns traitor, coward, or deserter. Under no

circumstances will a brother Familiano be responsible for spilling the blood of a fellow brother Familiano. To do so will be considered an act of treason."

Within the Constitution there are further provisions of a member's blood because in achieving discipline within the ranks they have made provisions that if an inmate does not follow through with his orders, then he will be disposed of at the discretion of his immediate leader.

SENATOR HARMER: Can I interrupt, Mr. Chairman?

CHAIRMAN CARPENTER: Yes.

SENATOR HARMER: Are you familiar with any instances of this happening where in fact a member of the NF tried to leave the organization and was pursued and killed because of it?

MR. DIAZ: There are instances that are documented in the Department.

SENATOR HARMER: Of that happening?

MR. DIAZ: Of that happening, correct.

And also there are instances of people that were high up in the leadership that in their own words saw the madness of it all since they were at the top of the echelon and wanted out and have clarified these areas for us in terms of how the structure was working, admitting their involvement in the organization and are now, of course, in a protective custody setting.

SENATOR HARMER: Thank you.

CHAIRMAN CARPENTER: Mr. Diaz, on that point and not

with the intention of being grammatical, in Section V where it says, "An automatic death sentence will be put on a Familiano that turns traitor, coward or deserter." Then it goes on to say, "Under no circumstances will a brother Familiano be responsible for spilling the blood of a brother." Now, that's inconsistent. Who carries out an execution order if they can't kill their own members of the family or does that mean --

MR. DIAZ: Okay. That is, as I said, as it was picked up as written. Now, they make further provisions for spilling the blood of another member that comes under the discipline aspect. They go in degrees and one of the things on earlier constitutions that came about and the methods of dealing with disciplinary measures would seem to be so harsh that they were driving their own members out.

So in Article VI, they take it in degrees. The regimental captain -- they have people in the structure at different institutions. "The original captain shall pass sentence for all minor infractions of conduct. In wartime there will be no appeal to the national general, " which means that if a particular captain or particular institution feels that this one should be handed out, at that point if they're engaged in violent activities with, say, the Mafia or the Aryan Brotherhood, which they are opposed to, then he will carry out the discipline. He will not be faulted for having executed that thing.

However, in what they call a peacetime situation, they have to refer it right back up the line.

CHAIRMAN CARPENTER: And you feel that they fairly closely adhere to the dictates of their Constitution?

MR. DIAZ: Correct.

CHAIRMAN CARPENTER: What would the sentence be for a minor infraction? Can you give us some example of what kind of discipline would be meted out in those cases?

I assume it's something short of death. What can they do or what has been done inside the prison for a minor infraction?

MR. DIAZ: Well, you've got expulsion. They cut them off from the organization and then they become prey for the other organizations. The minute you join the Nuestra Familia as it stands now, you're going to be a target for the Aryan Brotherhood and the Mexican Mafia who have a coalition.

CHAIRMAN CARPENTER: All right. So you lose your protection.

MR. DIAZ: You lose your protection in terms of maybe your personal belongings, your manhood. One issue is the homosexuality bit where somebody picks on a weaker inmate. Those sorts of things would occur.

CHAIRMAN CARPENTER: All right. Go ahead.

MR. DIAZ: The more severe disciplinary measures, of course, are what we're running across in coded messages and intercepted communications that are double talk on contracts on members either inside the institution or outside. There are prepared lists of people who are out of the organization, out of grace, and actual contracts have been

issued to have them hit whenever they're found.

CHAIRMAN CARPENTER: Inside or outside?

MR. DIAZ: Inside or outside, correct.

CHAIRMAN CARPENTER: Can you relate to us any circumstances where these contracts have been let and carried out?

MR. DIAZ: There again, there have been some carried out and this is documented in Departmental records. I don't want to go into the name situation right now for the protection of either those who gave up what we know.

CHAIRMAN CARPENTER: All right. When you talk about Nuestra Familia, can you enlighten us somewhat on the communications issue both from outsiders in to members inside of the prison and among themselves. What devices are used?

MR. DIAZ: Let me make one point clear on this communication thing: This is not a hit and miss, "If I see you, you'll hear from me, or not," of an unsophisticated street-type gang. They do have their chain of command. They do have communication that's supposed to go up unilaterally, so to speak.

In Article III, Section III, I want to get into this so we can further explain.

"Due to circumstances beyond our control, it may be that there will be more than one captain in a regiment at the same time. If a captain is transferred from one Familia or regiment to another where there is already a captain, the captain with the highest rank will take command and the others

will be reserves according to their rank."

Now, Section IV "B". "Whenever Nuestra General becomes incommunicado and can't supervise his captains, the first captain or commander of La Nuestra Familia will have the responsibility to see that each captain of the said organization invokes and governs within this constitution."

As to actual mechanics, they have inmates coming in to different institutions on regular transfer who bring messages from different institutions verbally or if it's doubted that it came from, say, the leadership, then it would be in written or coded form.

Sometimes, like Mr. Hankins mentioned earlier, in letters that might be labeled, "Legal."

To be exact, this particular document was in an envelope and all it had was "Legal Mail." It was opened and out fell the Nuestra Familia Constitution that was being brought in after being drafted with all this rough form into Soledad.

Now, as far as outside communications, they have as we mentioned earlier, outside people, girlfriends, members who have already gone to the streets and messages are passed back and forth. If you're out in a camp situation, of course, you've got phone calls that can be made and that's one method also.

But, in the area of communications, when staff first started working this thing, your letters, your formal communication was fairly open. A lot of the communications, say, were written in Spanish slang terms that are not easily

picked up by staff who don't know Spanish or don't understand the street jargon even if you did know Spanish or the Spanish slang and jargon mixed in with the institutional terms that pop up.

I believe you were given some examples here earlier of some of the words. They also substitute one word for another in code form. Especially with the Blacks now with the BGF, there are a lot of words that are being used from Swahili dictionaries that are completely unknown to anyone unless you know how to read Swahili dictionaries. This you pick up as you're going along and trying to decipher what they're trying to say.

CHAIRMAN CARPENTER: What can you tell us about the street activities of the Nuestra Familia?

MR. DIAZ: From what we have gathered from people who have gotten out of the system high up in the structure, there is a definite structure of sorts, unsophisticated right now. The mainstay of the outside activity right now, the power base is in the Santa Barbara-Oxnard area.

CHAIRMAN CARPENTER: Excuse me. Why there?

MR. DIAZ: The reason is because of the chain of command. They do have a recognized individual out on the streets who, from the information that we have -- when a person is released, as mentioned earlier, he's not relieved of responsibility from the NF. He is supposed to report to an individual on the outside for assignment whether it be a contract hit involving criminal activity or on the streets or

going back into the institution. If it was a narcotics scene. In the Oxnard area there's an individual who before getting out volunteered for the dubious pleasure of being the executioner for the Nuestra Familia. From the information we have, contracts that are supposed to be carried out are directed to him by the individual who has the authority above him to be farmed out from there.

This is why I mentioned those areas specifically in this particular organization. The NF out of all the organizations seems to document most of what it does and is really the most talked about clandestine group that we have. It's not as hard to follow up as the rest of them. But that's getting increasingly harder because they know that we're into this and their methods of communication are becoming more veiled and it's harder to pick up on it.

They're going person to person rather than written communications and that ties it up unless you turn to the individual who is receiving and he's willing to share them with you.

CHAIRMAN CARPENTER: We have some estimates of the number of people who might be involved in the NF. Do you concur with those numbers?

MR. DIAZ: I don't disagree. I would say that in all of these groups there are a hardcore number who are really at least talking themselves into really being dedicated to the thing. They're the hanger-ons and there are the people who are waiting to be recruited, so to speak.

CHAIRMAN CARPENTER: I suppose that's true in the Ladies Aid Society, too, all organizations.

MR. DIAZ: Correct.

CHAIRMAN CARPENTER: What is the relationship between Nuestra Familia and the Mexican Mafia?

MR. DIAZ: Okay. There isn't any relation to speak of. What is occurring as Sgt. Hankins voiced earlier, there is what is declared here as a war right now between the Mexican Mafia and the Nuestra Familia. The Nuestra Familia keeps very concise lists of all its enemies -- and by enemies, I mean the Mexican Mafia -- by name, by number, if they can get it, by town, by local barrio; chicas, which is a slang term for the Oxnard area.

At any rate, right now in the institution, the Department has taken some steps to separate these people, identify them, and not so much in a disciplinary sense, but if you have leadership -- if a completely unknowledgeable person put the Nuestra Familia leadership in the same housing section with a Mexican Mafia leadership under the feeling that, well, the racial balance should be so many Mexicans, on that sort of a pure level, you'd have the place falling apart because they'd be at each other's throats.

CHAIRMAN CARPENTER: What is the basis for their dispute?

MR. DIAZ: Okay.

CHAIRMAN CARPENTER: You referred to it as a war.

MR. DIAZ: Well, Sgt. Hankins mentioned earlier --

CHAIRMAN CARPENTER: The "standoff" --

MR. DIAZ: That is part of it. See, the Mexican Mafia was the first one in the Mexican portion of the population who began to achieve some structure. When they found that they had some power, they began to exploit other inmates. The Mexican element that they were beginning to exploit was the ones that were less sophisticated from the rural farm areas. As a matter of fact, the Mexican Mafia called the NF farmers, homesteaders and nesters. When this occurred, then, the NF began to form as a mutual aid protection society. When they achieved a level of sophistication, they then began to take the Mexican Mafia to task as far as making assaults on them, also going into pressure-type activities on other inmates who were not involved in one way or the other.

CHAIRMAN CARPENTER: Yes. All right. It seems to me that if you have in a prison population members of both groups with this mutual hatred or attitude in existence, you have somewhat of an impasse. Maybe if I could use the expression, "the Mexican standoff." This is because they're mutually protective of their members. They may be competitive, but one act would be retaliated by another. Does that have a tendency to suppress violent activity on the inside?

MR. DIAZ: You mean sizing up these individuals, kind of standing off?

It might to some degree, but first of all, it would be hard for staff to identify the violence potential of each individual and whether or not he's going to carry it out. See,

in the institution it isn't enough that you have four Mexicans here and another four here and they all have a piece. To get back to the old saying, "Do they have enough moxie to use it," and their general reputation. You can have three Mexican Mafia Individuals probably make a group of ten or fifteen others shy away simply because they know that there will be retaliation in the future.

See, it's not that black and white. You get 14 here and 14 there and give them all the same.

CHAIRMAN CARPENTER: Well, as one who sees these functions and, of course, your expertise is primarily with the Nuestra Familia, can you discuss a little bit the impact on the prison attitude of the population at large by this group and the others in competition with the stabbings and killings that have occurred? Well, let me tell you what I'm trying to get in my mind.

The prison system in its best days of operation has not turned out to be a rehabilitative success. It strikes me that this type of activity further depresses the potential of rehabilitation on all the prisons.

MR. DIAZ: Correct.

CHAIRMAN CARPENTER: And can you describe in your own words as one involved far more closely than I what impact this terrorism has on not just rehabilitation but on life inside the institution?

MR. DIAZ: It is very disruptive. If we send an individual in to do his time and he fully intends to do that

in good faith, but in order to achieve the very basic human needs of a male, his manhood or whatever, and these individuals are driving on him to become involved in homosexual acts or become involved in other unlawful acts, which he may be prosecuted for while he's there, bringing in say narcotics or whatever you have. We're not really putting him in a setting where he can fulfill what we put him there to do, do his time, get out under the guidelines that we have.

CHAIRMAN CARPENTER: But you do feel they are having a negative impact?

MR. DIAZ: To a degree. I don't want to be an alarmist. We're aware that this thing is existing. You try to identify people to a degree that you can make -- well, the classification committees can make the right recommendations to institutional security and what have you. You go from there.

CHAIRMAN CARPENTER: One witness in the prior hearing had told us that while the lock down device is an effective device for dealing with certain members, but he says you can't lock everybody down forever.

MR. DIAZ: No.

CHAIRMAN CARPENTER: If you lock too many people down for 90 days or four months, you'd better keep them there for the rest of their lives because they'll never be able to live with anybody again. What I probably should have asked Mr. Morris earlier was the usual term or the average term for a lock down when it comes about involving some of these people.

MR. DIAZ: I don't have any personal knowledge in that area, Senator. Those decisions are made by the institution staff who deal with the classifying of inmates and their behavior and time.

CHAIRMAN CARPENTER: Senator Ayala?

SENATOR AYALA: Yes, I wasn't here at the beginning, Mr. Chairman, and I'd like to ask Mr. Diaz: What is your capacity with the California Department?

MR. DIAZ: Special Agent, Senator, Law Enforcement Liaison is the function that we perform.

SENATOR AYALA: You work out of the Sacramento office or are stationed at one of the institutions?

Where is your primary area of operation?

MR. DIAZ: Well, keep it broad. Southern California. But we go all over the State.

SENATOR AYALA: What is your experience in this field?

MR. DIAZ: I've been with the State seven years, in Corrections for ten. I've worked juvenile for three years in a supervisory capacity in Fresno County, to be exact.

I have worked institutions. I have worked parole and I'm on assignment now.

SENATOR AYALA: The by-laws that we received here, I'm too clear. I wasn't here when you started your explanation. How did you come about these by-laws, not only the by-laws, but the revised by-laws? How do you keep up with the revisions on them?

MR. DIAZ: Well, as we can get them. As the organization gets a little more clandestine, we probably won't see them. Most of it will be in their heads. The way we got these, Senator, is they came in from one institution to another in a plain envelope marked "Legal Mail." Of course, the inmate came in and the staff looked through it, because it wasn't a letter that fit into that category and we obtained these. These are typed verbatim with all of their errors as was in the long-hand copy to make it easier to read.

SENATOR AYALA: The next question would be: Is the Nuestra Familia a functional organization inside and outside the penal institutions or primary for those who are incarcerated?

MR. DIAZ: To a degree I'd have to say yes from the information we have. Yes.

SENATOR AYALA: Yes?

MR. DIAZ: Yes. It is functional inside and outside.

SENATOR AYALA: Does this involve both men and women?

MR. DIAZ: Men for the most part. The women seem to be playing the role of runners in, say, narcotics and providing support.

SENATOR AYALA: In Article I "E" under Section IX. Section I actually says that the Nuestra general may be impeached. Now, how does that take place?

MR. DIAZ: I'll tell you my views on that matter. This was a revised copy. Prior to this coming out one of the ways of deleting your unpopular leadership was to execute them

and get them out.

SENATOR AYALA: That's how you impeach them?

MR. DIAZ: So when this was revised, it apparently left a little hope for the people down at the bottom. So if they wanted them out, they wouldn't have to take the extreme measure of having them executed.

SENATOR AYALA: When you mentioned declaring war, this is war on other organizations?

MR. DIAZ: Correct. I'm paraphrasing what I have picked up in their correspondence and in the Constitution. That's the word they use.

CHAIRMAN CARPENTER: Senator Wedworth?

Senator Harmer?

SENATOR HARMER: Mr. Diaz, is it your opinion that there is a consciousness in the Mexican-American community outside of the prison of the existence of this organization?

MR. DIAZ: It depends. I'll give you an example. Here in Sacramento a while back there were articles in Del Paso Heights and at that time I was attending a class and, of course, people asked, "Did you hear about the Del Paso Heights thing." All that was said was, "Where is Del Paso Heights?" So in terms of this organization, these people generally operate in areas where there's a criminal element in the community. Yes, those people who live around these areas would have a consciousness of something being cohesive there or they might have knowledge of the NF. Other areas would not.

SENATOR HARMER: You've testified that it's an established organization; that its structure is now sophisticated enough that it can probably be self-perpetuating.

Do you perceive it as a passing phenomena or something likely to be with us for a while?

MR. DIAZ: I think it's going to be around a while. I think it is at the point right now that exposure training of staff in custody situations, county jails, Department of Corrections, law enforcement can help break down their discipline or their organization.

CHAIRMAN CARPENTER: Would you say that that's also true of the Mexican Mafia?

MR. DIAZ: I'd say about the same.

SENATOR HARMER: Have there been any liaison between these two groups and others who are not as overtly radical militants? You've already testified and other witnesses have that the Mexican Mafia and the Aryan Brotherhood have had a league I gather against the Nuestra Familia. But I'm asking now: Do you have any information that would show that there has been involvement of the Communist conspiracy in trying to make contact with these groups or has there been involvement by the Costa Nostra with these groups or others who may have an interest in conspiratorial activity in our society?

MR. DIAZ: Well, I don't want to label my answer as Communist or any particular faction, but there have been individuals in contact with this group who advocate violence and that type of activity and that's criminal activity, also.

The Venceremos has made contact with people from the Nuestra Familia. Of course, the Nuestra Familia has -- from information that we have -- a standing, a somewhat inflexible coalition with the Black faction that is generally identified as the BGF, the Black Guerilla Family.

Of course, they have their counterparts.

SENATOR HARMER: Is there any type of program to propagandize the membership of the NF or the Mexican Mafia with literature which is designed to induce them to engage in conspiratorial espionage or sabotage, attacks on law enforcement officials, public officials, business leaders, this type of thing?

MR. DIAZ: One unique phenomena about the NF is that they're into a heavy criminal -- if you want to use the word -- bag. They are criminally oriented. Some of the individuals that have been known to be more inclined toward revolutionary types of activity and that aspect of it have lost favor within the upper echelons of the Nuestra Familia. In fact, some of them had contracts issued on them.

SENATOR HARMER: Because their only interest was revolution activities?

MR. DIAZ: Because the Third World trip wasn't consistent with the individuals right now at least that are in command of the Nuestra Familia. I keep checking myself on names. This individual is turning his organization more toward being a more self-reliant, and an isolation policy, if you want to call it, for lack of a better word.

SENATOR HARMER: So their only activity that you can identify at the moment is one of overt criminal activity with no interest, per se, in the Third World Movement?

MR. DIAZ: With certainty, yes, at this point. There's potential there and there apparently has been some attempt to get the Nuestra Familia, the Mexican Mafia to quit hassling each other and to instead turn and deal with the oppression of the system, so to speak, whether it be the Department of Corrections or on the outside, on the power structure.

SENATOR HARMER: We had testimony earlier at a prior hearing of contact being made by the National Lawyer's Guild with members of the NF and the Mexican Mafia. Have you had any experience in this regard of either monitoring or checking out the involvement of the National Lawyer's Guild or any other group of lawyers, for that matter, in making contact with these organizations or attempting to assist them in any way?

MR. DIAZ: In all fairness to your question, that isn't a question that I can answer at this point. My involvement in working with this group has been based on trying to identify its structure, trying to identify its membership and its size, their location, activities and what have you. The whole aspect of their dealings with, say, the Lawyer's Guild or this other faction is one that I haven't explored fully enough to answer your question for you.

SENATOR HARMER: I see. Have you had any contact or direct association with the Venceremos activity?

MR. DIAZ: Has the Nuestra Familia?

SENATOR HARMER: Have you?

MR. DIAZ: No, I have not.

SENATOR HARMER: Your area of concern is primarily the Nuestra Familia?

MR. DIAZ: At this point, yes.

SENATOR HARMER: Thank you, Mr. Chairman.

SENATOR WEDWORTH: One question.

CHAIRMAN CARPENTER: Senator Wedworth.

SENATOR WEDWORTH: Would you say this is a sophisticated group compared to organized crime or the Mafia?

MR. DIAZ: If you were to term it in terms of growth, right now it's --

SENATOR WEDWORTH: I mean in operation.

Sophistication in operation.

MR. DIAZ: I will answer your question, Senator. It's in an embryonic stage. It has gained sophistication and has potential for becoming a problem in the community.

SENATOR WEDWORTH: An organization that might catch on and hold?

MR. DIAZ: Correct. The reason for that like it was mentioned earlier, is that if an individual is in the community and he's asked to assist this organization in any, say, Mexican barrio, what have you and I come from some myself and he said, "No," and assuming he's with a criminal element and he then goes into a county jail situation and is unfortunate enough to go to an institution and they have good intelligence

in these groups. If the information gets out that the guy was not cooperative, he's in the institution, now he's at their mercy. But if staff does not pick up on the situation an individual can be in a lot of hot water and this is where the influence factor comes into the community.

SENATOR WEDWORTH: It would seem to be stronger from a position of intimidation than sophistication?

MR. DIAZ: Correct.

SENATOR WEDWORTH: How about the educational level of these people that you observed here? Are they college graduates?

MR. DIAZ: I wouldn't venture to say that there are college graduates in the group.

SENATOR WEDWORTH: Are there some?

MR. DIAZ: I would imagine there are some because some of the individuals that we have followed up on apparently have gone on to school with some other program. So there are some maybe on the outside right now. But to answer your question: There are some very intelligent people in this group regardless of years spent in school, and very wise in the ways of institutional life which you don't get in a college education. A college education for a Mexican individual would not make him any safer in our institution if he wasn't wise to the ways of existing in an institutional structure.

SENATOR WEDWORTH: Thank you.

SENATOR AYALA: Mr. Diaz, under Article V, Section III: "No applicant will be granted for membership if he (the

applicant) misrepresents his qualifications. . ."

What are the qualifications for the organization?

MR. DIAZ: Well, from what we understand an individual is sized up in terms of his aggressiveness, in terms of deeds that he's performed whether it be criminal or noncriminal. One who would sustain a lot of questioning and not give up the group. I want to tie into another section.

Article VI, Section VII. A member who would be able to comply with this at all times.

"As of now the standard answer for a Familia when he is asked by any county, state, or federal authority if he is or if there is any organization known to exist in the pintas... Pinta is the slang word in Spanish for institution.

". . .the answer is no."

So in talking about qualifications they definitely want people who are not going to claim any association with the organization. In their first step you would see tattoos of NF or La Familia or some pretty obvious signs of some membership and you don't see that any more. As a matter of fact, the standard for recruiting now -- the term being used now -- they have a lot of undercover people who are being recruited who are known to be members only to the person who recruited them, that is, the Lieutenant in that area, to be used supposedly to effect NF business. Whatever they may want to accomplish at that time.

CHAIRMAN CARPENTER: Let's see. In Article V, Section IV, "Membership of this organization shall be

restricted only to those of Latin extraction."

Must a person have a prison record before they're eligible?

MR. DIAZ: As far as my knowledge, the issue of whether they had a prison record or not doesn't enter into it. The thing is that in their recruiting what this organization sees as a fertile field for development it's very unlikely they're going to go and pick a completely stray individual who one day approached them about criminal activity or assault or violence. They're not going to get anywhere except to report down to the police that this fellow came up and told us this.

SENATOR AYALA: It's not necessarily true that you have to have a police record?

MR. DIAZ: No.

SENATOR AYALA: My question was: What is the philosophy of the Nuestra Familia?

What is the objective? What is the purpose of the organization?

MR. DIAZ: Okay. I read that earlier in the stated purpose. It seems rather innocent when it's read, but when you go through the whole Constitution, you -- the primary purpose -- this is Article II, Section I.

"The primary purpose or goals of this organization will be for the betterment of its members and the building up of the organization on the outside into a strong and self-supporting Familia."

Section II says: "All members will make solely for

CONTINUED

1 OF 2

that objective and will put all personal goals and feelings aside until said fulfillment is accomplished."

SENATOR AYALA: But they have no definition of what is the betterment of their own members?

MR. DIAZ: When you go throughout this whole Constitution, you find out that you deal with areas of discipline which might involve, say, a homicide; might involve a criminal activity.

SENATOR AYALA: Thank you.

MR. DIAZ: They're asking the members for their undivided attention and their disciplinary measures are pretty effective.

SENATOR WEDWORTH: Mr. Chairman, I have one other question.

Do they have secret signs that you know of or secret words to identify each other?

MR. DIAZ: Well, there were examples that were passed out, Senator. If you don't have them, we'll get them for you.

SENATOR WEDWORTH: I saw them.

MR. DIAZ: They are some, yes. They have coded messages, and so forth.

SENATOR WEDWORTH: Well, I saw the codes and messages at the previous hearing, but that requires transportation, and movement from one institution from another, from in to out or out to in. Within the population of the institution itself, if a new one came in and he didn't bring some communication with him, written code or something, then do they have a word

or handshake or something to identify the individual?

MR. DIAZ: The individuals are known.

SENATOR WEDWORTH: Oh, they know before they get there?

MR. DIAZ: They know before they get there and if the fellow's delivering a verbal message, if it's of enough importance, they're going to get it in in some fashion, in writing, because they recognize each other.

Most of these individuals -- as a matter of fact, about 85 per cent -- all have a monitor, a block with a white fence or, you know, and they're known by that nickname. They're known a lot easier than by their real name. Most of these people know each other by their monitor only and at sight. So when you say that Babo sent me everybody knows who Babo is.

SENATOR WEDWORTH: There are several other names that we heard, too.

MR. DIAZ: Correct.

SENATOR WEDWORTH: Thank you.

CHAIRMAN CARPENTER: Thank you, Mr. Diaz.

Mr. Dan Vasquez.

Mr. Vasquez, it's indicated here that you are also an employee of the Department of Corrections; is that correct?

MR. VASQUEZ: Yes.

CHAIRMAN CARPENTER: Can you tell us in what capacity and how long and so forth.

MR. VASQUEZ: I've been employed by the Department

of Corrections for nine years and I'm presently working in Soledad State Prison, correctional training facility, as a classification and parole representative.

CHAIRMAN CARPENTER: Classification and parole representative?

MR. VASQUEZ: Yes.

CHAIRMAN CARPENTER: Would you speak as loudly as you can in the microphone so everyone can hear.

Do you have a prepared statement or comment to make?

MR. VASQUEZ: No, just notes that I had to refresh my memory here for questioning.

CHAIRMAN CARPENTER: All right. With reference to the prison gangs we are examining, what is your particular background or area of emphasis?

MR. VASQUEZ: I was one of the first investigators assigned by the Department of Corrections to start investigating the groups in 1971.

SENATOR CARPENTER: Which groups have you investigated now?

MR. VASQUEZ: I've investigated Nuestra Familia, the Mexican Mafia, the Aryan Brotherhood, a little of the Black Guerilla Family, and the Venceremos organization and its connection with the prison gangs.

CHAIRMAN CARPENTER: All right. Do you have anything to add to Mr. Diaz' comments with regard to the organization structures and what have you. He talked mostly about NF.

MR. VASQUEZ: Yes. One of the Senators, I believe, was asking about the codes or different kinds of codes and the codes of the monitors, as Mr. Diaz referred to, was of course, the nickname, which is something very characteristic of Mexican-Americans. They give you a nickname when you're a small child in the neighborhood and it stays with you.

For example, there is one of the members of the Mexican Mafia known as Champ from Hazard. Hazard is a street. Hazard Avenue in East Los Angeles. Throughout the whole prison system there's not another Champ from Hazard. There's only one.

I just wanted to add that.

The Mexican Mafia organization and its potential first came to our attention in 1971 when I was participating in a federally funded project that was assigned to a university. We had a parole unit attached to it and we were going to be looking at new ways, innovative ways of supervising alcoholic and drug recidivists and trying to get more mileage out of them in the community and hopefully making them agents of change through some college courses and organizing and setting them up in jobs, in self-help groups in the community.

The Mafia very effectively infiltrated our program and almost took it over.

CHAIRMAN CARPENTER: The Mexican Mafia infiltrated your government rehabilitation or change program and nearly took it over?

MR. VASQUEZ: That's correct.

CHAIRMAN CARPENTER: For what reason?

MR. VASQUEZ: Well, for a variety of reasons. At that time the Mafia was experimenting in political ventures and this program -- I believe, in analyzing it, that they felt it was a ready made program. It had **money available**. It had contacts with community members and community organizations. It had political contacts to receive funding from the National Institute of Mental Health. So I think it was a very vital program that they saw as very lucrative.

CHAIRMAN CARPENTER: At what point does it determine that this takeover was intended or involved?

MR. VASQUEZ: You mean when did we find out it was happening?

CHAIRMAN CARPENTER: Yes.

MR. VASQUEZ: I think it took us about four months after the beginning of the program to notice that there was something going on. When we first started having contact with the Mafia members, we weren't aware that they were an organized prison group. We looked at and interpreted their militancy as sort of prevailing. The attitude in that period was the social movement type of attitude. So that's what we thought they were kind of involved in.

It soon became apparent that they were using that more or less "front" to further their activities, their self on to the communities, and a lot of your communities in particular.

CHAIRMAN CARPENTER: Well, when you refer to this

activity and this takeover and these intentions, were these things directed or fostered from within, from inside institutions?

MR. VASQUEZ: Yes, they were.

CHAIRMAN CARPENTER: Has the control of organizations like the Mafia and NF always been within the institution?

MR. VASQUEZ: Well, can you rephrase that? Ask me that question again.

CHAIRMAN CARPENTER: Well, I'm trying to get at where the headquarters is located: Inside or outside. Are these organizations' leaders that we've heard about mostly on the inside? Do **they** direct these activities outside from within the walls?

MR. VASQUEZ: That does occur and there is also leaders in the community areas.

CHAIRMAN CARPENTER: Are those usually former prisoners who have been discharged?

MR. VASQUEZ: Oh, yes. Not discharged. Some are on parole, some discharged, but their responsibility is that community, that barrio, ghetto area. Their responsibility is to organize the narcotics in the area, fencing operations, burglarizing, robbery rings. I've seen much of this.

CHAIRMAN CARPENTER: Well, let's take an inmate who has gone out on parole. Would not association with other criminals be a violation of his parole?

MR. VASQUEZ: Yes, it would. It's a technical violation of parole.

CHAIRMAN CARPENTER: Have there been paroles revoked by virtue of this type of activity?

MR. VASQUEZ: Most certainly, yes.

CHAIRMAN CARPENTER: What methods are used by these organizations to transfer their activities from the inside out to the streets?

MR. VASQUEZ: Okay. First of all, let me preface it by this statement: The culture within the prison is a lifestyle in itself. That is what I feel penology is all about, is understanding that lifestyle. These men come from certain communities. For example, one man may come from the East Los Angeles area. He's going to be paroled. Naturally, in most cases, he's going to go right back to the East Los Angeles area.

So he goes out already prepared with instructions who to contact to start his activities, the organized activities within the community that will support the people still inside the institution.

CHAIRMAN CARPENTER: All right. Do all these organizations seem to have a dedication to keeping people in them for life?

MR. VASQUEZ: That's true.

CHAIRMAN CARPENTER: There's no easy ingress and egress to the organization as we understand organizations, but a person on the inside who gets involved with one of these organizations by choice or otherwise who wants to do his time and go back to society and lead a different kind of life

doesn't have a chance, does he?

MR. VASQUEZ: It's very difficult, Senator. These groups do exert a lot of pressure on the inmate and it has been to the point where an inmate had to choose. Especially the Mexican-American inmate would have to choose between the Nuestra Familia or the Mexican Mafia. It came to that kind of critical point.

CHAIRMAN CARPENTER: And that choice continues after he gets out?

MR. VASQUEZ: Once he gets into these organizations, he's expected to function primarily for the organization. His family and his parole success is secondary. The organization is his primary responsibility.

CHAIRMAN CARPENTER: All right. But when he gets out and goes back to his family in, suppose, East Los Angeles, perhaps he gets a job. I guess in the time honored expression, "He wants to go straight." Somebody from the organization comes to him and says, "You must participate."

MR. VASQUEZ: Yes, that's happened.

CHAIRMAN CARPENTER: Participate in narcotics, armed robbery --

MR. VASQUEZ: Hiding a fugitive or something like that.

SENATOR CARPENTER: What do you think his options are at that point?

MR. VASQUEZ: He'd better do as he's asked.

CHAIRMAN CARPENTER: Do you think they're that

pervasive?

MR. VASQUEZ: Yes. You asked Mr. Diaz a question whether the communities knew of the existence of these organizations. I would like to add something on that. They most definitely do know of the existence, most especially in the barrio communities, the urban plight areas like East Los Angeles and San Jose that has a high concentration of Mexican-Americans.

They are aware of the existence of these groups. I've investigated instances where the Mexican Mafia has made threats against family members because their son was a member of the Nuestra Familia organization. I've actually gone into East Los Angeles communities and investigated these kinds of threats and they have proven to be valid. They were true.

CHAIRMAN CARPENTER: What about the Brown Berets that we hear of occasionally? Are they associated with any of these groups or are they outcroppings of the Familia?

MR. VASQUEZ: No, as far as I can determine. Of course, this group, the Brown Berets, you don't hear too much of them any more. I think they're kind of fading out. In all of my investigations I have never seen any connection with the Brown Beret Party and these radical prison groups.

CHAIRMAN CARPENTER: Are there many rehabilitation programs of the type you mentioned previously?

At what university did this event occur?

MR. VASQUEZ: This occurred at Cal Poly, Pomona.

CHAIRMAN CARPENTER: And this federally funded

rehabilitation program was established there?

MR. VASQUEZ: Yes. Well, I'd like to add that the program is doing well now that this element has been removed. It was our first opportunity to watch it and study it as it was actually trying to organize itself and this information was being disseminated to the Director of Corrections who allowed us to continue to study the group almost on an undercover assignment basis although we were participating, studying and reporting its activities to the central office.

CHAIRMAN CARPENTER: Do you have any recommendation for the prevention of this activity?

MR. VASQUEZ: Well, I don't know what we can do to prevent it. I think that these types of groups are going to be with us for many, many years to come and I don't know what we can do to prevent it. I think we can prepare ourselves to deal with it more effectively than we have in the past by training of our staff. For example, in my position as a caretaker, so to speak, of the classification system of my institution, I can make recommendations based on my knowledge of the groups to staff about placement or transferring, or if I know that a member of the group is going to another institution, it's my responsibility to call that institution and advise them that you have a certain individual from a certain group that has been identified that is going to be received by your institution.

So, I think it's now up to the Department to deal with it and they are dealing with it in many forms and fashions.

The training that I spoke of. I've given maybe a hundred hours of training in radical groups. I make a point to study them myself. I try to understand where they're at philosophically.

CHAIRMAN CARPENTER: Would you give us what knowledge you have with regard to the Venceremos organization and its relationship and involvement with these other organizations with which you are familiar?

MR. VASQUEZ: Well, the Venceremos organization had contact that I know of with members of the Mexican Mafia. One particular individual who was contacted was the "Godfather" of the Mafia. The man was incarcerated in the Los Angeles County Jail and one inmate who was by the Venceremos organization and his accomplice -- in particular his accomplice -- visited this gentleman in the Los Angeles County Jail and from this man received instructions on who to contact to try to sell some stolen jewelry to obtain money to continue their flight.

CHAIRMAN CARPENTER: What do you mean when you refer to a rescue? Do you mean a break?

MR. VASQUEZ: Yes. In October of 1972, Runaway Beady was rescued by the Venceremos organization and Officer Jess Sanchez was assassinated.

CHAIRMAN CARPENTER: And that was a Venceremos operation?

MR. VASQUEZ: That's correct.

CHAIRMAN CARPENTER: What's happened follow-up to that?

MR. VASQUEZ: There have been two people convicted or murder in the second degree and also rescue or lynching I think it's called. And I think there are two or four more people that are being prosecuted in the Los Angeles County area for charges that stem out of that rescue.

CHAIRMAN CARPENTER: How would you describe the Venceremos organization?

MR. VASQUEZ: A very dangerous, radical organization that espouses the violent overthrow of the government as we know it now.

CHAIRMAN CARPENTER: To your knowledge is this organization still in existence?

MR. VASQUEZ: It's my understanding that this organization has broken into smaller cells, smaller units which make it harder for detection by law enforcement agencies and I think some easier operation basis for themselves. But as far as I can determine, I think it's still in operation. It has different names.

CHAIRMAN CARPENTER: What type of activity do you suggest that they are capable of or that falls within the realm of their intentions? You mentioned prison breaks as one.

MR. VASQUEZ: Yes. Well, you know, if you're an organization that wishes to recruit prisoners -- for example, it was explained to me by Mr. Beady that the Venceremos organization thought it was very wise, a good idea to have prisoners recruited that had overcome the fear of fatal violence, for example, or prisoners or inmates that had

experience in committing armed robberies and burglaries. This was behavior or experience that this group could utilize.

CHAIRMAN CARPENTER: This individual who escaped that you mentioned, Mr. Beady. Was he a member of Venceremos before he went in?

MR. VASQUEZ: No, he wasn't.

CHAIRMAN CARPENTER: He was recruited on the inside?

MR. VASQUEZ: Yes. I think it was a progressive thing rather than an instantaneous recruiting. I think it went over a period of time where they analyzed him and he analyzed them and I guess they felt they could work together. I think Mr. Beady, even in his own testimony, has indicated that he just used this group for an escape.

CHAIRMAN CARPENTER: Do you know of a rescue attempt made in San Diego?

MR. VASQUEZ: There was a planned rescue attempt, but it never came off.

CHAIRMAN CARPENTER: Could you tell us about that?

MR. VASQUEZ: Well, that occurred, I think, in December of '72. It was during the investigation of the rescue and murder that occurred in San Bernardino County at the Chino institution for men. We went into the residence of a man on parole who we knew that associated with Mr. Beady prior to his escape and in the search of the residence we found a letter that had been written out of the San Diego County Jail which had some plans for a jail break from the Courthouse similar to what happened in Marin County. Hostages were going to be

taken. They would be taken to the airport and an airplane would be demanded for flight to Cuba.

CHAIRMAN CARPENTER: In the course of the investigation was it determined to have been a Venceremos operation?

MR. VASQUEZ: No, it was not. It appeared more likely to be a Black Liberation Army operation because there was some mention of the Vanguard Suicide Squad which is associated with some elements of the BGF and also with the Black Liberation Army.

CHAIRMAN CARPENTER: Senator Wedworth, do you have some questions?

SENATOR WEDWORTH: No.

CHAIRMAN CARPENTER: Senator Ayala?

SENATOR AYALA: Yes.

You mentioned the Cal Poly grant for some program that you had. What was the name of the program?

MR. VASQUEZ: Project Span.

SENATOR AYALA: Project -- ?

MR. VASQUEZ: Project Span, S-p-a-n. It was a special program for alcoholism and narcotics.

SENATOR AYALA: This is to rehabilitate these people or prevention thereof?

MR. VASQUEZ: Prevention thereof and new approaches in trying to deal with alcoholic and drug recidivists.

SENATOR AYALA: Was this a night class for adults, day students, what kind of class?

MR. VASQUEZ: It was a 24-hour program where they

lived on the campus.

SENATOR AYALA: On the campus. I see.

MR. VASQUEZ: And participated in courses there at the university and also worked with community-based organizations.

SENATOR AYALA: Is that still existing today?

MR. VASQUEZ: Yes, it is.

SENATOR AYALA: My other question is: What is the makeup of the Venceremos organization from the ethnic point of view? Is it strictly Blacks or Chicanos or is it a mixture --

MR. VASQUEZ: It's a mixture. It's a Third World mixture.

SENATOR AYALA: Is it like the Familia?

MR. VASQUEZ: No, it's multi-ethnic.

CHAIRMAN CARPENTER: Senator Wedworth,

SENATOR WEDWORTH: Are you aware of activities such as you have described at one campus of that type of activity on other campuses in this state?

MR. VASQUEZ: Yes.

SENATOR WEDWORTH: Can you name some of them?

MR. VASQUEZ: UCLA.

CHAIRMAN CARPENTER: What's the name of the program?

MR. VASQUEZ: Well, UCLA, there was a gentleman that was trying to organize sort of a fraternity house only it was a social movement, Chicano social movement type of association with students. In fact, he was going to name it the La Familia Cultural Center or something like this, but this didn't progress.

We were able to bring it to the attention of the staff.

SENATOR WEDWORTH: That was not a federally funded program or any type of funded program?

MR. VASQUEZ: I believe some of those organizations do receive some federal money to organize their cultural centers.

SENATOR WEDWORTH: Any other campuses you are aware of?

MR. VASQUEZ: At this point I can't recall other than Cal Poly and UCLA.

SENATOR WEDWORTH: Cal Poly and UCLA.

MR. VASQUEZ: Well, there was two. The Mafia attempted to take over a program that was started in, I think it was UCLA also, and it was a Pinto program or prisoner's program. Pinto is a very popular slang word for prisoners. It was to take the paroled convict into the university setting and utilize the resources available from the university for housing and loans for books and so forth and so on and go into a formal education program. There was attempt by the Mafia organization to infiltrate that program. In fact, one member was actually accepted into it but he failed it.

SENATOR WEDWORTH: How did he fail? You mean the examination?

MR. VASQUEZ: No, he started the courses but then he didn't follow through with them. He was requested by members of the Mafia to engage in certain activities and now he is wanted for two counts of murder. He's a fugitive.

SENATOR WEDWORTH: Just two college campuses is all you're aware of?

MR. VASQUEZ: Yes.

SENATOR CARPENTER: Mr. Vasquez, the material you've submitted on the Black Guerilla Family and their ideology and their rules, where does this information come from?

MR. VASQUEZ: That information was picked up, taken from a prisoner while he was being searched to be placed in administrative segregation. They go through their property very thoroughly and that document was in his property.

CHAIRMAN CARPENTER: Is this information readily available on the inside?

MR. VASQUEZ: Is this information available to who?

CHAIRMAN CARPENTER: Well, a copy of this document, manifesto, rules and regulations.

MR. VASQUEZ: No, that's usually information that that prisoner is going to keep pretty well hidden. I submit another document as well. Something that was written at San Quentin when Wounded Knee was pretty much in the news and that was found in a man's legal property hidden inside some manuscript, legal manuscript he was getting ready to be taken out through legal mail.

CHAIRMAN CARPENTER: Well, this data and information then is in essence contraband on the inside.

MR. VASQUEZ: Yes, it is.

CHAIRMAN CARPENTER: It gets there as we have had testimony previously.

MR. VASQUEZ: To be found in the possession of that type of a document would throw some shadow or some doubt on him as to possibly being a member or associate of this organization. It's not a document they like to share with staff.

CHAIRMAN CARPENTER: Senator?

SENATOR AYALA: Just a quick question. Going back to the Cal Poly program, what organization attempted to take it over?

MR. VASQUEZ: The Mexican Mafia attempted to take it over.

CHAIRMAN CARPENTER: Mr. Vasquez, thank you very much.

MR. VASQUEZ: You're welcome.

CHAIRMAN CARPENTER: Call Mr. Joe Moody.

Mr. Moody, state for us your place of employment and responsibilities.

MR. MOODY: Yes, sir. I'm a special agent with the U. S. Department of Justice, drug enforcement administration.

CHAIRMAN CARPENTER: Drug enforcement administration?

MR. MOODY: Yes, sir.

CHAIRMAN CARPENTER: I believe you have a statement which you will read.

MR. MOODY: Yes, I will read a statement or report that has been prepared by myself and other people that have testified here of information gathered over the past couple of years regarding mainly the Mexican Mafia, but also the other groups.

CHAIRMAN CARPENTER: All right. Will you proceed with that?

MR. MOODY: My testimony is going to be directed mainly towards the Mexican Mafia, the Nuestra Familia and the Aryan Brotherhood who exist both inside and outside the prison system. Although I will not direct my attention towards the Venceremos and other related Third World Revolutionaries, I believe that from testimony given by others, that their role in prison violence and organized crime is not without due recognition. The interaction between these groups has contributed to the overall growth and strength of the prison gangs by providing them with a sophisticated system of communication; legal support, and in some cases provided subsistence to gang members released to parole.

There are a number of criminally oriented groups operating both within and outside of the California prison system. Three major groups stand out because of their power and influence on the "streets" and in the various institutions. These tightly knit, formal organizations are made up of prison inmates and parolees and they are known to be actively involved in narcotic trafficking, extortion, contract killings and robberies.

The first such group is the Aryan Brotherhood. This is a group made up of white supremacist individuals, many of whom were active in various outlaw motorcycle gangs. The Aryan Brotherhood and Mexican Mafia have formed an alliance based on narcotic control and the hatred for blacks. It is

further known that the Aryan Brotherhood accepts "hit" contracts from the Mexican Mafia in order to draw unwanted attention away from the Mexican Mafia's activities.

The second powerful group is the Nuestra Familia, or the New Family, or Our Family. The stated goal of this group is to build up an organization outside of prison into a self-supporting family, whose primary concern is the control of narcotics. For this reason they are constantly at war with the Mexican Mafia.

The third and most powerful of these prison oriented groups is the Mexican Mafia. The interrelationship between these groups has created a power base in the prison system that has penetrated free society.

In the latter part of 1958, members of the various barrio gangs from the greater Los Angeles area, while in the California Youth Facility, Tracy, California, formed a gang. This gang was not much different from the neighborhood gangs in the Los Angeles area, with the exception that it consisted of persons that were in the prison system. This new prison gang had a new meaning; it had a name; a name other than a barrio or neighborhood name. The "Mexican Mafia," La EME, the Big "M" was something altogether new in California. There is always small groups in every prison. These groups are usually referred to as a "Tip", a "Click," or a "Family," but never had any real meaning other than close friendship or a mutual business arrangement. What gave this new gang such a penetrating effect was that it was in no way like the others.

Usually a Mexican-American gang in prison is the reunion of individuals from the same barrio or the same neighborhood; purely a prison thing. Up until the formation of the Mexican Mafia, prison gangs in California never had a name other than the barrio name from the "streets" of the city, and this was usually a territorial name; for example, the "Spiders from Whitefence," the "First Street Flips from Flats," the "Buzzards from Santa Monica," et cetera. At the inception of the Mexican Mafia, it seemed only a self-protection union issued only to protect possessions of its members. However, soon afterwards it was used to inflict its will on other inmates, in order to control the various "hustles" in the prisons, such as, canteen, cigarettes, gambling and sex, the things that are considered valuable to the prison inmate. This organization grew in number and spread throughout the California prison system, and until 1966, was confined solely to the prisons, so that as a member was paroled or discharged to free society, he was no longer committed to the organization and would ultimately return to his community and reaffirm his allegiance to the neighborhood gangs from which he originated.

During the early days of this organization, members were chosen for their leadership in the barrios, their instinct in the prison and rebellious attitudes, also for what they had done in the way psychopathic moves to prove their convictions and how well they executed their moves. The candidates would also be well screened before their nomination.

After a subject was nominated for membership, all other members of the Mafia throughout the prisons would have to vote on his acceptance. Only with the approval of all members would he become part of this group. Before and again after his acceptance, the prospective member would have to swear an oath to the organization, and cut any bonds or close ties with "Homeboys", friends from their barrio, something very difficult for most ghetto Mexicans. However, once this was done, the feeling of "brotherhood" was much closer.

In the early 60's the gang known as La Eme, or Mexican Mafia, had grown beyond the bounds of an ordinary gang. Its discipline had allowed its adherents to spread power throughout the entire California prison system. In the mid-'60's its viciousness and long-term effect became institutionalized in the San Quentin facility. This situation was brought about through the Mexican Mafia's contact with the long term hard-core inmates in the lower yard of this institution. It was here that heroin for the first time became a main source of income and reason for combat. Heroin in the prison is used to ease the pain of being restricted or confined, and heroin in the hands of the Mexican Mafia in the San Quentin yard was of much value for the Mafia's development. The Mafia knew that if heroin was controlled then the non-committed prisoner could be used against Mexican Mafia's enemies. This was a lesson taught by the long-term prison inmate, and it was he that would become the backbone of the discipline, and organization of this group. It was the long-

termen who enforced and continued to reinforce the fear factor so necessary for control of any prison. Unknown to most of the "soldiers" of the Mexican Mafia at the time, was that their use of fear as a tactic inside the prison became the first step toward organized criminal activity as it now exists outside of prison.

One of the reasons the Mexican Mafia grew so powerful in the prisons was that a member was not expected to get along or to take a liking to all its "brothers," but was expected to be on time when needed. A member must at all times understand that he is committed to death with all who belong to the "Brotherhood." A member of this "Brotherhood" does not, under any circumstances, threaten the life of another. To threaten another member's life would show emotional instability and a cause to suspect weakness and fatal ignorance. There is always a constant evaluation of each member's intentions and motives. The Mexican Mafia regards an attack with a weapon on another "brother" for solely personal reasons as a capital offense. It was not this way with the other "Tips" or gangs inside prison, which made the Mafia unique.

Usually in prison there is a mutual respect for every prisoner to do his "time" the way he sees fit. There are some things that a prisoner is instinctively expected not to do in the way of making it uncomfortable for his fellow prisoner, i.e., respect towards private property. However, these naturally established rules that existed in San Quentin

at this time were totally disregarded by the Mexican Mafia, and are still more disregarded today as they pertained to prisoners outside of the "Brotherhood."

In 1964, most loansharks in San Quentin were independent. Loansharks deal in cigarettes as they are not considered contraband, unless a prisoner has more than three cartons in his possession. They also deal in narcotics, money, and anything of material value, although they conduct their business usually with cigarettes. A prisoner borrows two cartons and agrees to pay back three cartons in two weeks. This is called two for three. If he fails to pay on time, the debt is doubled. Since the prisons are full of gamblers and heroin addicts, these businesses are a good manipulative tool and investment.

Most of the heavy gamblers in San Quentin would borrow up to forty or fifty cartons of cigarettes at once, which is the equivalent to two hundred dollars. A good loanshark will get well acquainted with a "strongarm" with a lot of influence and make him a partner to enforce collection of debts. The object is to trap a prisoner into a debt that will multiply, so that it becomes impossible to catch-up. The pressure turns into such a squeeze that finally an arrangement is made between the loanshark and the prisoner in debt, to pay on installments. The prisoner pays so much a week for the rest of his prison term, or does favors for the loanshark whenever he wants something done. This usually will work well for the loanshark, since almost all prisoners

want to keep their name clean among the prison population. For the prisoner, there is no place to go and only two alternatives, maybe three. Do the will of the loanshark and make payments or do him favors; go to the authorities and ask for protection, or pick up a knife and put the loanshark out of business.

As soon as the Mexican Mafia controls the yard and the loansharks of a prison facility, they begin to use these indebted prisoners to do a lot of the messy work that could not be done by the Mafia, because of exposure. The Mafia often had these prisoners, who were in debt, fill contracts to murder someone to pay off the debt. Whenever the Mexican Mafia was to execute another prisoner, to enforce their will on the yard, they would choose an indebted prisoner who was trying to pay off his debt. He would be looked over and chosen according to how "prison-wise" he was and how well he could lure the prisoner who was to be assassinated into a good spot, so that the guards could not see the execution. Heroin is the most effective way to lure an unsuspecting victim.

In all the time that the Mexican Mafia has been in existence, there had never been more than fifteen members in the main population of any one particular prison in California, mostly because of their aggressive attitude. Progressively throughout the years, the member that remained on the "main line" grew smaller, while the number grew in the lockup areas, solitary, segregation and adjustment centers. Because the Mafia controlled the lock up areas, most prisoners were not

almost completely reluctant to oppose anything that the few members in the main population chose to do, for fear of being sent to lockup areas.

The men who make up the bulk of the Mexican Mafia spend long periods of time confined in the lockup areas inside their cells. They find themselves in a suitable position to recruit and indoctrinate potential members from other prisoners who were also confined in segregation for some of the reasons that the Mafia members were "locked down." Further because of the long period of lockup, these Mafia members spent most of their time planning new strategies to inflict terror on the rest of the prison population. As a result, the Mexican Mafia used isolation and lockups for recruitment of the hard-core, aggressive, assaultive oriented inmates, those who would operate from a base of force and terrorism to control the criminal activities within the prison.

During the latter part of 1971, the Mexican Mafia began to purge and thereby strengthen its membership. The purging of ranks took form in assassination of its weaker members. The weaknesses that the Mafia could not tolerate were doubt and hesitation. Any hesitation, sign of weakness or fear, would have to be answered for and could very easily result in a member's own death, for not keeping with the discipline. There was no question as to the fate of the informer, even if his so-called weakness took place many years prior to becoming a member. Also the constant feverish pitch of fear had to be maintained, so that a Mafia member that did

not impose the will of the Mafia on other prison inmates became himself a target of his own organization.

Because of the violent effects of the Mexican Mafia in the prisons, other groups that were patterned after the Mafia began to emerge. One such group was the Nuestra Familia, or new family. This "Tip" or gang, is mainly made up of Mexican-Americans from the rural areas of California, as opposed to the Mafia, which is made up of individuals from the urban areas. Unlike the Mexican Mafia, the Nuestra Familia was not selective in its recruitment of members, and only recruited for quantity in an attempt to loosen the control the Mafia had on the "rackets" in prison. "War" between these "clicks" broke out on September 18, 1968, in San Quentin, and for the following years continued leaving numerous prisoners dead and many others seriously stabbed. The result of this conflict was an increase in the prestige of the Mexican Mafia, and polarization of both the La Familia and the Mafia.

As warfare continued between these groups, other "clicks" began to take up sides with one or the other of the Mexican groups. The Aryan Brotherhood aligned itself with the Mafia and some of the Blacks in prison moved on the side of the La Familia. The Mexican Mafia and Aryan Brotherhood had agreed to make "hits" for each other, based on the availability of the group to reach the intended victim. The Aryan Brotherhood is made up of approximately 80 to a hundred members, and we're talking about hard-core members. However, again,

like the Mafia, their members are made up of some of the most violent prisoners in the California prison system, which makes them equally effective in spreading terror among the prison population.

Information received from now incarcerated prisoners, who were former members of the Mafia, report that Rudolfo Cadena was, until his death, the Mafia's most respected member. These informants stated that Cadena's long range plan for the organization was to first gain the confidence and support of the Mexican community of East Los Angeles by assisting in the "Chicano" movements. After support of these groups was achieved, then the Mafia would move into the criminal activity, using the total community as a "front."

On December 17, 1972, the Mexican Mafia temporarily postponed the idea of infiltrating the community movement. And I emphasize the word "postponed." This was the day that the Nuestra Familia executed Rudolfo Cadena, the original promoter of this idea. Cadena received 50 stab wounds in his chest and back and died.

CHAIRMAN CARPENTER: Where did that occur?

MR. MOODY: That occurred in Chino.

After the killing of Cadena, a few Mafia members who were considered leaders in their respective institutions, were ordered to kill any Familia member that they could get their hands on. Many refused to kill Nuestra Familia members for various reasons. Some had parole dates, others admitted later they were tired of all the killings. However, because

of their refusal to follow the will of the Brotherhood, "Contracts" on their lives were issued by other Mafia members. Because of the firm grip the Mafia had on prisoners, the only escape was to have correctional authorities lock him up in protective custody.

In the latter part of 1971, the first steps were taken by the Mexican Mafia to appoint a leader to organize and coordinate criminal enterprises in free society. The Mafia had come to the realization that if the fear of the prison inmate is controlled, it must be necessarily so that the criminal operating in free society, who is in constant fear of returning to the prison system, must also be aware of this power. The next step for the Mexican Mafia was to place members in free society and "reap the harvest it had sown" in prison. The choice of a leader of the Mafia on the outside marked the first time that Mafia organizational ability had become completely amalgamated with discipline and goals toward the syndication of narcotic trafficking in California. This was now truly organized crime in its embryonic stages.

During the next several months, a law enforcement task force, actively investigating the Mexican Mafia was able to identify the members, leaders and goals of this group. Because the main objective of the Mexican Mafia was the control of heroin trafficking, Drug Enforcement Administration became actively involved in the investigation.

Prior to a concerted effort by the California Department of Corrections and local law enforcement agencies,

an incarcerated member of the Mafia who wanted to leave the Mafia, had no alternative other than to fight the organization and eventually be killed or go to the prison authorities and be locked in protective custody for the rest of his term. This was an awkward position for any prisoner and especially an inmate of the caliber of a Mafia member.

Officials are of the opinion that the Mexican Mafia is at the present time the strongest prison gang in the California Prison System. The investigation of this group reveals that it has made several unsuccessful attempts to take over control of narcotic trafficking, murder for hire and several federally funded self-help projects in California communities. The main reason for the Mafia's failure in their attempts to control major criminal activities has been the organized and concerted effort of the California Department of Corrections and local law enforcement agencies through arrests of Mafia members and a continued monitoring of their activities, both inside and outside of prison.

In view of the following factors, the Mexican Mafia's potential for refining and expanding in the communities of California is a constant and grave threat.

The base power firmly established over the past 15 years in the California prison system and its growth through the use of terror and forced tactics has left over 80 deceased victims.

The direct ties with narcotic traffickers in Mexico, who come in contact with the Mexican Mafia as former prisoners

of the California System or as previous suppliers of individual members.

The ever present base of operations for criminal activities in the neighborhoods throughout California.

The established reputation and continued willingness to utilize terror and violence to achieve the goals of the Mexican Mafia.

The efforts generated toward the immobilization of the Mexican Mafia and other related prison gangs has revealed that an enormous amount of resources exist in the California Department of Corrections, concerning narcotic trafficking. Most major narcotic dealers in California have at one time or another been incarcerated in the California Department of Corrections and were subsequently released to parole supervision. This demonstrates a continuing need for drug enforcement administration to further develop and maintain a close working relationship with the resources available through this agency.

CHAIRMAN CARPENTER: Mr. Moody, the problems we've been dealing with -- and of course, our main concern is in relation to California -- are these organizations active or are comparable organizations active in the federal prison system to your knowledge?

MR. MOODY: I haven't really studied that aspect of it. However, I have heard from informed sources that they have spread to the federal facilities.

CHAIRMAN CARPENTER: When we talk about more than 80

deaths and murders and more than 300 stabbings, are these all the result of violent gang activity or the overwhelming majority of them, or is it possible to say?

MR. MOODY: I would say the overwhelming majority.

CHAIRMAN CARPENTER: You refer to the lockup situation in a way that intrigued me or the lock down as they call it now as a device which the Department has utilized that has had some impact in some areas; but in a sense you almost made it sound like maybe it doesn't work that well because the Mafia controls the lock up area by having the majority of the people there. This in and of itself becomes an enforcement tool for them, I think you indicated?

MR. MOODY: It could. However, when we're talking about the lock down situation at the time the Mafia was recruiting, we're talking about a time when the California Department of Corrections wasn't quite as sophisticated as they are today in identifying members of this organization. The Department of Corrections I know has spent an awful lot of time in the past two years trying to identify these people so that they can separate them in the institution.

CHAIRMAN CARPENTER: Well, I'm impressed that that's true. My only problem is that in looking at that device, I mean, it has its outer limits in terms of numbers of people and the impact it's going to have. I can see how it might be fruitful for short periods of time with limited numbers of people, but in the long run, it's kind of a frightening enforcement technique to have to use, particularly if they have

to use it on the basis of suspicion, it could work to the detriment of individual prisoners who probably ought not to be caught up in it or may not want to be but have no place else to go.

With regard to narcotic control and in particular with inside traffic, can you of your own knowledge tell us about violence that arises from that or what the competition is between the Mafia and the other organizations for narcotic distribution in the system in California, in your opinion?

MR. MOODY: I couldn't speak as any kind of an expert on that. I haven't studied inside distribution of narcotics.

CHAIRMAN CARPENTER: Well, when we think about heroin, say, as the ultimate control of narcotics, as maybe the most sought after by users who are on the inside, we also think of it primarily as a very expensive habit.

MR. MOODY: Yes.

CHAIRMAN CARPENTER: At least on the street. Assuming access and availability on the inside, how would one go about supporting it? You're going to have a hell of a time making it with cigarettes. Is it barter or exchange?

MR. MOODY: Well, I know of several ways that they do support it. One is from money coming from outside, families, friends. Other ways have been extortion. The Mafia has used extortion on other inmates. I can't give you any specific names, but I have seen instances where we have had reports that the Mafia has approached weaker prisoners inside the

institution and threatened him and told him that his mother or wife or whatever he had, whatever type of connection he had outside, was to send so much money to so and so at a certain place in order to support his habit.

CHAIRMAN CARPENTER: I see. So the payment is going to be forced on the outside in order to effect delivery on the inside?

MR. MOODY: Yes, sir.

CHAIRMAN CARPENTER: Do you have some opinions about what you think can or should be done to correct this situation with regard to these gangs and the violence involved?

MR. MOODY: Well, based on the study that I have made in the last almost two years now, I look at the organizations, the Mafia, the Nuestra Familia and the others, as having two points to be attacked. One is their strong point which is a discipline, and the second, their weak point, which is the narcotic users.

So at the outset, we attack the weak one, the user. He is vulnerable to arrest. He's also in violation of the law so the user is a vulnerable to the police because he's usually stealing to support his habit or robbing or whatever. So we should attack that side of it to begin with. The other point was the discipline that the organization had that had to be attacked. In my report I talked about the Mafia's strengthening its organization by putting out hit contracts on weaker members. These members to them were weak, but as it turned out, they were stronger than the members that had put the

contract on them. So that when we would find out that a member was to be hit by his organization, we would contact him and talk to him and ask him for information regarding the organization and try to guarantee his psychological and physical safety.

If we took a prisoner out of the system, we would oftentimes have to place him in some small jail or hide him here or hide him there or transfer him around the State. So this is what we did for the past year. This is how we attack the discipline in the organization. Some of these members that came over and worked with us were some of the stronger members in years past of the Mafia.

CHAIRMAN CARPENTER: How do you see these organizations progressing?

How do you see them now? As sophisticated, highly organized and what do you think they will turn into?

MR. MOODY: No, I don't believe that they are highly sophisticated. In the institutions they are well organized. On the streets they've made several attempts to organize and have run into a block wall, but I think they learn by their mistakes. I think that the bulk of the membership is made up of just common criminals rather than people that are thought of to be an executive-type of criminal, a planning criminal. But there are elements in the organization that have the ability to plan and carry out sophisticated criminal activities.

CHAIRMAN CARPENTER: What is the roadblock to

organizing on the outside?

Do you think that just the nature of freedom prohibits this activity?

MR. MOODY: Well, from what I have seen the one big roadblock was that they carried over their homicidal tendencies from the institution to the streets which drew attention on them that they shouldn't have had drawn on them and this was what brought them down in the last instance that they attempted to organize narcotic traffic.

CHAIRMAN CARPENTER: You mean if they'd stuck with narcotics or other types of crime, from a growth point of view, they would have been better off than getting into homicide? They might not have been as recognizable compared to other groups and individuals as they are now?

MR. MOODY: In my opinion, yes.

CHAIRMAN CARPENTER: Senator Wedworth?

SENATOR WEDWORTH: Yes. Mr. Moody, what do you suggest that society can do to abolish this thing? We pay our taxes; we hire experts; and yet we feel that our results are not what they should be. We're even sliding maybe backwards.

MR. MOODY: Well, the only thing that I can really suggest regarding this, and I'm only speaking of these organizations, the Mafia, the Nuestra Familia, the Aryan Brotherhood, the criminally oriented type, is to have law enforcement, all law enforcement, work together to stamp out this problem rather than one going one direction and one going another direction. You need a task force-type unit to operate

and work continually and monitor this type of thing.

SENATOR WEDWORTH: Would you suggest full cooperation between the different law enforcement agencies?

MR. MOODY: When you're after an organization or organizations like this you have to have a concerted effort with all law enforcement agencies, yes, sir.

SENATOR WEDWORTH: Well, there's a lot of worry out there among the people. They have hired more and more police officers. In fact, all branches of government have done that. We have hired better educated, better trained men and still we find in 1974 we have what I deem to be a serious problem, even more serious than it was in 1973 when we look at the total, the problems that we face.

If we had more cooperation, cooperation between agencies, do you think that would eventually overcome this problem?

MR. MOODY: Well, I think it's a good step. I think it's a big step. Of course, that's just my opinion from operating on this for the past year and a half.

SENATOR WEDWORTH: Do you think we could overcome it by hiring more and more and more law enforcement agents?

MR. MOODY: No, I don't believe so.

I think that you have to have dedicated personnel like the ones I've been associated with from the California Department of Corrections, people that are dedicated to their job and are worried about not just the institution but what's going to happen in free society which is what the Department

of Corrections did. They warned law enforcement what was going to happen on the street two years ago. That's why my agency got into this, because we were warned by the California Department of Corrections two years ago.

SENATOR WEDWORTH: Do you think too many agencies ignored that?

MR. MOODY: Well, I think some of the agencies probably thought it was something out of a comic book. I've been laughed at and ridiculed and what not. Like we said before, when we talked about the Mafia and the Nuestra Familia, in my estimation, a bunch of hoodlums, they're not sophisticated, but their potential for sophistication is there and the base that they have for operation in California presents a serious and dangerous problem.

California could end up with a sophisticated, organized criminal group operating in this State.

SENATOR WEDWORTH: That's all.

CHAIRMAN CARPENTER: Senator Ayala.

SENATOR AYALA: Mr. Moody, you referred to the Aryan Brotherhood as a white supremacy group connected with motorcycles. Is there any connection between this group and the prison population? Are they connected? The others as you mentioned earlier there was some connection with the prison population in California. Is the Aryan Brotherhood connected with the prisons, too?

MR. MOODY: The Aryan Brotherhood is.

SENATOR AYALA: They have members within prisons, too?

MR. MOODY: Oh, yes. That's where most of their members are.

SENATOR AYALA: Did you say there were 80 to 100 of these?

MR. MOODY: Yes.

SENATOR AYALA: This next question I probably should have directed to Mr. Diaz or Mr. Vasquez, but the recent conviction of mass murderer Juan Corona who was convicted in Northern California, was there any connection with that attack with any of the groups we've been discussing here today?

MR. MOODY: Not that I know of, sir.

SENATOR AYALA: Just something that was an internal problem, not necessarily connected?

MR. MOODY: It could have been connected with the Aryan Brotherhood or with any of the organizations, but as far as I know, it wasn't.

SENATOR AYALA: I don't have any other questions, Mr. Chairman.

CHAIRMAN CARPENTER: I was going to ask you, Mr. Moody, do you have any familiarization with the Alvarez case that you can report to us?

MR. MOODY: I believe you're referring to Pache Alvarez?

CHAIRMAN CARPENTER: Yes.

MR. MOODY: This was one of the first executions that we were made aware of that occurred in Southern California

with regard to the Mexican Mafia.

CHAIRMAN CARPENTER: That's an execution on the outside?

MR. MOODY: Yes, sir.

CHAIRMAN CARPENTER: That was planned on the inside?

MR. MOODY: That's correct. From my informed sources within the institution who were in the organization, Pache Alvarez was not following orders, was not contributing to the organization and was using the organization's name. I'm talking about the Mexican Mafia. And for several other reasons, I guess, a contract was placed on his life from the institution and was carried out and he was shot to death in Southern California.

That's not the only execution that's been carried out on the outside.

CHAIRMAN CARPENTER: I understand that. From what I have heard, it occurred to me that it might be a rather typical case, though, following the extension of violence from inside the walls to the outside and reaching out to enforce the actual membership requirements of the organization.

MR. MOODY: Well, this is part of it. You're talking about the discipline on the inside and the hits that they do inside the prison to perpetuate their organization while they have to do it on the outside, also.

CHAIRMAN CARPENTER: Do you feel that these groups function primarily on the basis of fear?

MR. MOODY: I believe that any criminal organization

that's beginning and starting to grow always functions on fear.

CHAIRMAN CARPENTER: Anything else?

Mr. Moody, thank you very much.

Some organizations and individuals have requested the right to testify. We're going to go into that in a moment, but first we're going to take a brief recess to let our Reporter relax her fingers.

Thank you.

(Whereupon a brief recess was taken after which the following proceedings were had.)

CHAIRMAN CARPENTER: We will come to order, please.

We have some other witnesses, but prior to their testimony I'm going to introduce the testimony of Senator H. L. Richardson on July 24, 1973, to the House Committee on Internal Security and exhibit thereto which are quite lengthy. I'm not going to read them.

We're going to include this with the other exhibits that we have. Mr. Neal, if you'll take those.

The Committee has understood it would receive testimony from Ms. Jennie Rhine of the National Lawyer's Guild. The Committee received a letter from Jennie Rhine yesterday, I believe, withdrawing from giving testimony. She was on the agenda.

The same is true of Mr. Larry Dick, the second public

witness who had asked to testify and then indicated he would not.

The third person we have listed is Mr. Willie Holder of the Prisoner's Union. Is Mr. Holder present?

UNIDENTIFIED SPEAKER: Mr. Holder decided not to testify earlier today.

CHAIRMAN CARPENTER: Fine.

Mr. Ron Silliman, Committee on Prisons, Humanity and Justice.

Mr. Silliman, do you have copies you want to distribute to us?

MR. SILLIMAN: Yes, I would like to.

CHAIRMAN CARPENTER: You may proceed.

MR. SILLIMAN: I'll proceed to read from my prepared statement.

My name is Ron Silliman. For the past two and one half years I have been working with the Committee for Prisoners, Humanity and Justice in San Rafael, of which I am presently the director of research and public education. A member of the coordinating council of prison organizations, CPHJ is committed to the abolition of prisons as we now know them, to the creation of a humane and equitable correctional system which is essentially nonincarcerational and community controlled, and to the extension of civil rights to all convicted persons. I wish to speak to the issue of violence in prisons, its relationship to outside organizations, such as CPHJ, which actively seek change, to the way in which legislative and

governmental agencies have chosen to respond to prison violence, and to some specific causes of violence within the Department of Corrections' facilities.

Substantive changes in the conditions of confinement, when they occur, will be accompanied by a shift in public attitudes toward prisoners. The taxpayer is going to have to perceive the convicted person as somebody much like themselves, with similar talents, limitations, needs and desires. It is only when this recognition is made that it becomes clear that it is in the best interests of all concerned to reintegrate the offender into the community on a productive and crime-free basis, and that incarceration is the method least able to achieve this. It is therefore a top priority of the prison and criminal justice movements to effect this change in public opinion, to make the average citizen fully aware that prisoners are, in fact, real human beings.

Prison violence is our greatest obstacle. Sensationalized by an understandably human and competitive media, and to some extent exploited by politicians for other purposes -- Senator Richardson's use of the case of Leo Robles in the death penalty campaign of 1972 is perhaps the most explicitly obscene example of this -- prison violence creates a stereotype which becomes imposed on all prisoners and rigidifies the attitudes of a cautious and somewhat fearful public. Violence as the Prisoner's Union has aptly put it, is "the Man's game," and is likely to slow, rather

than hasten, genuine and positive change.

I want to stress this point, somewhat, because there is a habit on the part of bodies such as this to confuse the recognition by outside organizations that the conditions of confinement make many prisoners legitimately angry with the advocacy of violence. In two and one half years I have yet to hear any serious proposal for a violent or felonious action on the part of anyone connected with CPHJ, with the member organizations of the Coordinating Council of Prison Organizations, or even loosely associated with the prison movement. And if I did hear one, I would completely oppose it. Nevertheless, I doubt that any of these same people are unaware as to why certain individuals are moved by the prison system to such extreme anger as has been evidenced by the Symbionese Liberation Army. If we fail to recognize that such anger is rooted in legitimate concern for real problems, then we will continue to create the conditions which lead inevitably to such incidents and events.

Governmental bodies, especially those coming from correctional and legislative agencies, have failed to look realistically at the problem of violence in prisons. The Senate Subcommittee on Civil Disorders is not an exception. All too often these groups tend to focus on ways of avoiding responsibility for the creation of the very conditions which give rise to violence by finding scapegoats. Typically, such bodies tend to create stereotypes of prisoners and to attack those in the community who seek change in the criminal

justice system. Let me cite some examples:

1. The Reporter of the House Internal Security Committee entitled REVOLUTIONARY TARGET; The American Penal System, makes charges against the National Lawyers Guild, for example, which, if true, should be actionable, if not in a court of law then certainly through the disciplinary process of the state bar association, yet to date no such action has been taken in spite of an alleged confession on the part of a prisoner-informant. The failure to press such charges should never throw the veracity of such reports into grave doubt. Nevertheless, this committee chose to publish them. Likewise, they reprint an article by Louis Nelson and James Park, both then employed at San Quentin, entitled "Wardens and Attorneys," yet fail to reprint the reply by Fay Stender which was published in the same journal. Such unfairness demonstrates a disinterest in arriving at any real or legitimate finding and only serves to exacerbate the problem of violence in prisons.

2. The 1974 report of the State Senate Subcommittee on Civil Disorder reprints testimony from a witness who is unable to distinguish between the Prisoners Union and the United Prisoners Union. These organizations, as both would be glad to tell you, have different structure, constituencies, goals and style. To give attention to complete misinformation shows that the facts of the matter were not sought after. Is this any way to solve the problems of violence?

3. The Justice Department monograph entitled

"Prevention of Violence in Correctional Institutions," makes very similar errors. It prints an article by Walter Dunbar of the New York prison system which is shallow, racist and self-serving. What it does not say is that the state of New York was willing to execute 43 human beings, including state employees, in order to maintain a public posture of belligerence. That incident must serve as a warning and lesson to every employee of the CDC, and must effect his or her decision making on a daily basis. I would suggest to you that the decisions made on the basis of that lesson are precisely those which are most apt to create tension within the institution.

4. The CDC's own special violence task force has not held public meetings, has no prisoners on, in spite of the fact that they have been the principal consumers of violence within that system. Such a task force is less than useless.

5. The CDC's institutional violence severity scale literally gives a higher score for killing a staff member than it does for killing a prisoner. Until we admit to ourselves that all human beings are just that, and give some credence to the concept that all men and women are created equal, we will continue to treat others in ways which provoke incidents of violence. I suggest that the institutional violence severity scale demonstrates an attitude within the CDC which is going to have to be reversed, turned around 180 degrees, before there are significant inroads made in curbing violence with our prisons.

Finally, I want to address myself directly to some causes of violence within the prison: administrative policies and misuse of tension management. First, let's look at some facts of prison life. Cliques do exist. Why do they exist? Because prisoners are largely kept idle and impoverished. Those who do have some sort of pay numbers are given wages more humiliating than useful. As a result, a moderately large illegal commodities market has been created within the prison system. With some variations due to increased risk and a laissez faire market, the same economic forces which operate in the free world exist within the Department of Corrections. In order to obtain a larger share of, and more control over, this market, corporations, which the media describes as gangs of prison militants, have arisen. To the extent that the present violence within the prisons in California is clique-related, which, incidentally, I believe to have been exaggerated considerably, it can be dealt with most effectively by providing a guaranteed minimum wage to all prisoners, whether assigned to work positions or not, a minimum wage which is at least equal to minimum wage standards presently held by this state. This would keep loansharks quite effectively out of business.

But it is within this framework of poverty, idleness, and an illegal commodities market that we have to look at administrative decisions which are taken that effect the life of prisoners and create the present situation of violence. A major factor is overcrowding, which leads inevitably to major

losses in personal space for every prisoner, resulting in increased tension. The primary cause for overcrowding is the policy of the Adult Authority, and we should therefore look more closely at this policy.

California has not only the largest and most expensive prison system in America, but has the longest sentences as well, with a median of around 36 months for a first-term prisoner. Permit me to quote, now, from Gary Garfinkle, principal consultant of the Assembly Criminal Justice Committee, in his preliminary statement to that committee on March 11th of this year. He noted that the percentage of parole dates "rose from approximately 30-40% in 1969, to 40-50% in 1970 and 1971. There was a significant increase to 60-70% late in 1971. . . . The trend was abruptly and dramatically reversed early in 1972, after representatives of the Governor's Office conferred with the Adult Authority members. . . Since early 1972," the number of men with dates have "fallen. . . down to 10%." It is doubly worth noting that at this point in time the percentage of prisoners being returned with new commitments had itself dropped to about 10%, half the recidivism rate of 1962. Thus, the reversal in policy came at a time when the department was achieving unprecedented levels of parole success. This change in policy has had the effect of creating an precedent mass of despair, uncertainty and anger. It has also precipitated a significant jump in prison population, wholly unnecessarily, and thus created a further source of tension with overcrowding and

double celling.

There is more than a little evidence available that seems to suggest that these policies, plus the large multi-prison lock down of last winter -- itself a major new input of tension amid prisoners -- were intended with the specific purpose of demonstrating the need for new prison construction. One major aspect of need which such policies would show is that prisons are overcrowded, another would be that prisoners are inherently more violent now than previously. If there is any truth to this latter assertion, it is the result of a more violent Adult Authority. When Jerry Burns was murdered at Tracy last winter, it was the Adult Authority and those politicians who have placed pressure on that board, such as Governor Reagan and Senator Richardson, who were most responsible. And when the Department responded to that death totally out of proportion to the deaths of a number of prisoners, each equally victims of this situation, it only added to the problem.

This leads me to my final point: the misuse of tension management within the system. Tension management is a common tool in any institution, be it a school, a hospital, or a prison. It involves recognition of potential sources of tension and direction of these sources so as to arrive at the desired goals. It can be directed very generally, such as with the prevention of contact visits at some institutions or the sudden increase of waiting time for visits at San Quentin recently, or no specific individual is singled out for

this treatment. Or it can be used specifically. I am going to quote from a letter received from a white prisoner at CPHJ:

"In regard to the danger I'm in, my counselor is aware of the situation because he questioned me about that. . . I told you in my last letter that a shank was found in a person's room here about six months ago and that this shank was supposedly meant for me. The Mexican who supposedly gave this shank to the other Mexican is still here. Of course, I haven't said anything about my knowledge of what this person did. One Mexican is willing to state that he was asked to kill me and that the reason for. . ."

I've omitted the clique's name and individuals throughout.

". . . wanting to kill me is because a certain officer in K Wing told the Mexican that I was the one who set him up for the shank bust."

This same man wrote in another letter of a pending transfer from Tracy to Soledad:

"In the morning or sometime tomorrow I'll be on the bus heading for Soledad North and this is as far as I'm concerned a transfer with a great many risks involved.

"On the same bus going to the same joint is a known enemy and a partner of his. This enemy is the same one I spoke to you about in my last letter.

"I can understand why this inmate wants revenge, because he thinks I am to blame for the three-year to life sentence he received. As I already told you and others, this isn't true and this rumor was perpetrated by a certain officer and possibly others."

Another example, this time from a prisoner in San Quentin:

"I am presently in B section segregation unit since May 1973, due to being a victim of attack, stabbing. . ."

"Since this time I have been under protective custody status and have sought help here at this institution numerous times without positive results.

". . . in relation to this stabbing incident where I was found victim of attack by the disciplinary committee, a statement which alleges I said 'which names said assailant' -- was submitted by a lieutenant that is false and has put my life in jeopardy.

"To begin with, I did not make no such statement and have already exhausted all procedures: appealing it to the Warden, to the Director of Corrections with negative results!

"Behind this Lieutenant's fabricated statement, I am unable to function here in the general population or at any institution without finding my life in jeopardy. I have been locked up now in segregation for nine months and subjected to mental strain and verbal harassment by this false statement. I can't even transfer to another institution!"

A third example, even more extreme, again from a prisoner in Tracy, whose K-wing appears to be the most poorly run unit in the CDC system:

"I was housed in K-319, P.C. tier. November 13th, at or about 11 p.m. I was shot in the side of the head by an institution made weapon, the barrel was made from a hole in the concrete wall where a towel rack used to be bolted down at. The charge -- gunpowder -- was made from matches, the bullet was the teeth of a zipper from a coat. What happen was I was called to the 'Hole' by my neighbor

and asked a question, while I was answering I was shot. While waiting for the officer to come for count, I bathed my wound, and pulled teeth of the zipper out of my wound. At or about 1 am November 14th the officers came back for count. I stopped them, showed them my wound, and told them I had been shot earlier in the evening. The officers shook their head and left. I sat down and at about 1:30 am I am taken out of my cell and escorted to B Wing (the hospital). I am placed in the treatment room, and the MTA treats my wound and I am questioned by two sergeants and a picture is taken of the wound all at one time. After I had been ex-rayed (sic) I was taken upstairs and placed in a cell of the hospital ward. Immediately upon entering I am questioned again and the MTA is explaining or at least trying to tell the sergeants to let me rest. But they kept on. And while still in shock from the accident I told the two sergeants . . . I had been shot through a hole by a zip gun by my neighbor. . .

"Later in the morning of this day

I constructed a letter. . . addressed to my mother explaining that I had been shot but I was all right. This letter was returned marked 'Institution Gossip'. . .

"Later during the week I was moved back to K-wing and placed in 336 away from the individual that I had been shot by. January 5th, inmate was moved to cell 334 two doors from me, his partner. . . was moved into Cell 335 next door to me."

The prisoner goes on here to explain that he complained about the placing of the prisoner who had shot him so close and then continues,

"Meanwhile the man who shot me pulls out a write up and gives it to his partner telling him to read it aloud, which he does -- this write up is for shooting me. It states it plainly that I told on him. Now this is heard on both 2nd and 3rd tier. On these 2 tiers are members of the clique and another clique.

"Most of these inmates will be transferring to other institutions so the word will spread."

Since this time, this prisoner has had at least one other attempt made on his life, directly related to his having been cited in the write up.

All three situations are graphic illustrations of conscious decisions on the part of correctional staff which resulted in increased violence, or at minimum, increased risk. These letters are not unique in our files, merely recent and particularly graphic. They characterize the problems of a system operating under the conditions previously described.

These problems can best be solved by taking broad steps which would effect all prisoners. Firing one or two guards who act out of malevolent motives is not the solution. Altering the Adult Authority policy, which is based in politics and not in reality, would. The California prison population could be brought to less than 10,000 persons today without creating any new dangers to the citizens of California, and those 10,000 prisoners -- and I personally feel this figure to be quite high -- could be housed in minimum-medium institutions, and California would discover that it had solved its problem of prison violence overnight.

Thank you.

CHAIRMAN CARPENTER: Thank you, Mr. Silliman. I might point out to you that the CPHJ organization has not been mentioned by any witness.

MR. SILLIMAN: I realize that, but there has been a general tendency to refer to a number of other outside organizations quite a few of which our organization has worked with. This tends to reflect and spread on literally every private social agency which attempts to work with prisoners

and with the families of prisoners in the community.

CHAIRMAN CARPENTER: Well, I take notice of the fact personally that I have over the past two or three years been in contact with a number of organizations interested in prisoners' welfare and the rehabilitative system such as it is and what have you. I would only say in response to that that this Committee in its limited scope of interest in these problems does not direct itself so much toward prisoners' rights and the welfare of prisoners and the rehabilitative system and so forth because there are other committees and other activities and interests that relate to that subject.

I didn't mean to say that we, the members of this Committee, have no interest in them, but by way of explanation this subcommittee is interested in violence in our society and we've been in to a number of other areas.

MR. SILLIMAN: I do realize that.

CHAIRMAN CARPENTER: So we have to take into account that so much has happened within that system whether you're all right or the Department is all right, and I suspect nobody is totally correct in this instance.

We're recognizing not so much the causes, but we're looking at the effect and the impact it has on the outside and so forth. I just wanted to see if you could understand that.

MR. SILLIMAN: That's true. Personally, one of my reasons for coming here today and for making the statement as I did, which to another committee I might have made

it differently, was that I felt that this committee would do better to look at the problem of violence in perhaps a larger context and larger scope.

CHAIRMAN CARPENTER: Look at the causes?

MR. SILLIMAN: Look at the causes of violence. I agree with you that violence is a very serious problem. Three times in the past two years I have either had to or been a party to watching one person in our office tell another person or friend or family member of a prisoner that that person had died, and obviously I am not happy with that kind of a situation. Nobody in an outside organization is. As I stressed, prison violence is our greatest obstacle. We want to change public attitude.

CHAIRMAN CARPENTER: I think in some of our other activities in the Committee there are some schools, public schools in our State, particularly in Southern California, that bear an increasing and frightening resemblance to the prison system.

MR. SILLIMAN: In administration or violence characteristics.

CHAIRMAN CARPENTER: No, in terms of violence that comes up. You know, when you get into causes there you're almost in a different situation. They aren't related but the effect and cause is very similar.

MR. SILLIMAN: The problem with the institutions is something that I think Mr. Moody indirectly brought up when he pointed out inside organizations, which as I said,

are primitive corporations and certainly are one of the best examples of the natural processes of free enterprise left totally without control that I have seen -- their inability to make substantive headway in a free society is an example of what happens in that kind of an organization in a free and open society and community, which the Department of Corrections is not and has not been.

CHAIRMAN CARPENTER: Senator Ayala?

SENATOR AYALA: Well, I understood that this Committee was to investigate some of these groups, not for the purpose of placing guilt but for the purpose of learning what is happening and what's going on and then to perhaps recommend corrective legislation.

In one of your paragraphs here at the bottom of page one, I kind of think you're taking a shot at us before we even get started, as far as I'm concerned. Governmental bodies, you say, especially those coming from corrective and legislative bodies have failed to look realistically at the problems of violence in prisons and the Senate Subcommittee on Civil Disorder is not an exception. I'd like to take exception to your exception. I think we're trying, not to place guilt on individuals, but to find out what is really going on and perhaps come up with corrective legislation that will attempt to resolve the problems.

MR. SILLIMAN: Okay. I suggest that you might take a serious look at the Adult Authority.

CHAIRMAN CARPENTER: Senator Wedworth, did you have

any questions?

SENATOR WEDWORTH: Just to inform the gentleman that we're here to get the facts and we'll take testimony from anyone that's involved in this both inside and out, from intelligence groups --.

MR. SILLIMAN: I appreciate that.

SENATOR WEDWORTH: You know, don't think that one person or one group is all truth or all factual any more than we do other people, but when we get all the testimony together, correlate it, put it together, we might come up with a few facts.

MR. SILLIMAN: I do appreciate that. And I also appreciate that perhaps unfortunately the history of this Committee and its predecessors in this State and the national level -- I'm thinking specifically of the House Internal Security Committee -- have been such that private organizations and individuals outside have been unwilling in the past to come forward and speak openly.

I think it's only when we begin to open up a dialogue honestly on both sides that we can begin to work cooperatively toward a solution which will meet the needs of everybody concerned.

SENATOR WEDWORTH: Well, I agree to a point, but there's some information that I think that we should have that we can't have publicly. There's some people who can't talk. The person you're referring to in your letter there is afraid he's going to get killed.

MR. SILLIMAN: That's quite true.

SENATOR WEDWORTH: He can't talk.

MR. SILLIMAN: No.

SENATOR WEDWORTH: How are you going to get a person like that at a public meeting, hearing?

MR. SILLIMAN: Well, the problems of a closed community -- I think the closest example to an outside situation that would parallel that kind of fear would be San Francisco's Chinatown and its gang problems. There we've got a culturally closed community and as you may have been aware grand juries have had difficulty getting testimony from persons involved in those activities.

Here we have an institutionally closed community. It's the closedness which I think creates that potential for fear and for violence and for retribution on the part of these individuals.

SENATOR WEDWORTH: We're working now after it's been created.

MR. SILLIMAN: I realize that.

SENATOR WEDWORTH: Not before.

MR. SILLIMAN: I realize that.

SENATOR WEDWORTH: So don't you agree that we have to do the best we can to get into a closed society to get some information?

MR. SILLIMAN: I agree.

SENATOR WEDWORTH: Otherwise, we can't do anything.

CHAIRMAN CARPENTER: I know, Mr. Silliman, because I

think it might be of general interest to others here that I feel as you do that, that when we look at this problem we take cognizance of the fact -- or at least I do -- that we're talking about some 20,000 people who are inmates.

MR. SILLIMAN: Twenty-three.

CHAIRMAN CARPENTER: 23,000. As a former law enforcement official myself, my own judgment of our ability to rehabilitate appropriately the people is that it is a rather dismal failure.

MR. SILLIMAN: Yes.

CHAIRMAN CARPENTER: On the other hand, we have more than 20 millions of people outside in society making their own way as best they can on whom some of the impact of violence is extremely negative in terms of fear, in terms of our responsibility as government to provide an orderly society in which they must live. The numbers are rather overwhelming in that context, too, when we talk about violence.

On the other hand, the guy on the inside, he has no place to hide. He can't change geography if he doesn't like where he is and what have you. So he's victimized in quite a different way and with much greater and more dramatic impact, I realize.

Well, that's really all. We're trying to find our way through a maze that's very complicated.

MR. SILLIMAN: Okay.

CHAIRMAN CARPENTER: I appreciate your comments.

MR. SILLIMAN: I appreciate your listening.

CHAIRMAN CARPENTER: Thank you.

Mr. Connor Nixon?

Mr. John Ellingston?

Mr. Jan Marinissen?

Is there anyone else in the audience that wishes to be heard?

Thank you for your attention. We'll declare this meeting closed.

--oOo--

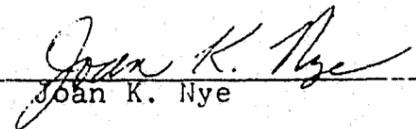
(Whereupon the above hearing was concluded.)

REPORTER'S CERTIFICATE

This is to certify that I, JOAN K. NYE, a qualified reporter, was present at the time and place the foregoing proceedings were had and taken before the Senate Subcommittee on Civil Disorder, held in Sacramento on March 28, 1974, and that as such reporter I did take down said proceedings in shorthand writing to be transcribed into longhand typewriting and the foregoing pages, numbered 1 to 156, inclusive, constitute a true, complete, accurate and correct transcription of the aforementioned shorthand writing.

Dated this 22nd day of April, 1974.

SACRAMENTO, CALIFORNIA


Joan K. Nye

END