

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/09/07/california-justice-three-strikes-and-sixteen-years-in-solitary/>

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by [Jean Casella and James Ridgeway](#) | September 7, 2012



The *San Francisco Chronicle* today ran an op-ed called [The Crime of Punishment at Pelican Bay State Prison](#). The author is Gabriel Reyes, who has spent 16 years in solitary confinement (and whose artwork is featured on the left). The brief, powerful piece begins this way:

For the past 16 years, I have spent at least 22 1/2 hours of every day completely isolated within a tiny, windowless cell in the Security Housing Unit at Californias Pelican Bay State Prison in Crescent City (Del Norte County).

Eighteen years ago, I committed the crime that brought me here: burgling an unoccupied dwelling. Under the states three strikes law, I was sentenced to between 25 years and life in prison. From that time, I have been forced into solitary confinement for alleged gang affiliation. I have made desperate and repeated appeals to rid myself of that label, to free myself from this prison within a prison, but to no avail

Unless you have lived it, you cannot imagine what it feels like to be by yourself, between four cold walls, with little concept of time, no one to confide in, and only a pillow for comfort for years on end. It is a living tomb. I eat alone and exercise alone in a small, dank, cement enclosure known as the dog-pen. I am not allowed telephone calls, nor can my family visit me very often; the prison is hundreds of miles from the nearest city. I have not been allowed physical contact with any of my loved ones since 1995. I have developed severe insomnia, I suffer frequent headaches, and I feel helpless and hopeless. In short, I am being psychologically tortured.

Reyes points out that his case is far from unique: [I]n fact, about a third of Pelican Bays 3,400 prisoners are in solitary confinement; more than 500 have been there for 10 years, including 78 who have been here for more than 20 years. Reyes only disciplinary citations are for donating artwork to a non-profit organization and for participating in a statewide hunger strike to protest conditions in solitary. He is part of a federal lawsuit brought by the [Center for Constitutional Rights](#) challenging treatment of Pelican Bays SHU prisoners.

Reyes concludes: I understand I broke the law, and I have lost liberties because of that. But no one, no matter what theyve done, should be denied fundamental human rights, especially when that denial comes in the form of such torture. Our Constitution protects everyone living under it; fundamental rights must not be left at the prison door.

Read the full piece [here](#). To view more of Reyes artwork and read his personal statement, click [here](#).

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He

was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in *The Guardian*, *The Nation*, and *Mother Jones*, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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Mucha suerte a te y su hijo!

Lots of luck to you and your son.

First, my love and respect to Connie and Gabriel. We should never have to witness our loved ones locked up in dark cages, worse than dogs. This in itself is criminal.

I am so thankful that the men have come to the place where they know that they must be united and no longer allow race, creed or anything else to divide them. This will not be easy as forces will arise to prevent this unity. I hope and pray that in my life time, we will be rid of solitary confinement.

Im Gabriels Mom. Im so proud to have a son whose spirit of wisdom has instilled empathy in the hearts of men and women who are active in making a change in the prison system. Gabriel is a man of spiritual conviction and allows him to reach out to those who are encased in the cement tomb as he is. Not just them, but the families who love them. He has said, Mom, tell everyone about Solitary confinement, and the tortures of its name Not, Black!, White, Indian, Chinese, Mexican; But human beings that deserve to be treated better than Dogs!!

@Connie you should be proud and I pray that this torture stops for all and for those we love Godspeed your son through this trial and keep you well.

What the system does not even account for is the stress pain and anguish we go through out here I wrote to Charles Samuels jr. director of BOP and told him so.

thank you for posting everyone is effected by this atrocity. ALL PEOPLE.

adding whats up with politics on the subject from from Common dreams and The crime report The Republican Party platform adopted this week at the partys convention in Tampa backs mandatory prison terms for gang crimes, violent or sexual offenses against children, repeat drug dealers, rapists, robbers, and murderers, declaring that, liberals do not understand this simple axiom: criminals behind bars cannot harm the general public.

So the GOP is on board. To stop the insanity!

Exactly just as this man said:

Reyes concludes: I understand I broke the law, and I have lost liberties because of that. But no one, no matter what theyve done, should be denied fundamental human rights, especially when that denial comes in the form of such torture. Our Constitution protects everyone living under it; fundamental rights must not be left at the prison door.

He makes no mention of race and neither should these type of articles or those commenting. Bringing up the racial imbalance at every turn divides the opposition. Every state has different demographics and a state like CA with such a large minority population can skew even the national stats.

It has become almost automatic to imply that this imbalance is proof of racism. The anger this creates in some prisoners is then directed at other prisoners and guards. Violence follows and the guards say those taken part are rabid dogs that have to be isolated.

Alan we shall keep trying huh? discrimination and racism are issues but seperate from the issue of isolation if anything is to be changed we must demand no one be tortured Our government per our Constitution can not torture our people. All people. No matter what we do we by our constitution are supposed to be free from torture. as for the system at hand it denies it even has solitary confinement See the issue? We have to first get this out to mainstream media which I have said Ive written them all its time others write.

What in the world does color have to do with this issue if it were only black, only white, only Asian etc..?. PEOPLE, American PEOPLE

are being tortured by their own country. Keep the focus on the issue we have a right as American PEOPLE to not be tortured in prison. The longest held in state prison is Black, the longest held in Federal is White, so what? I do not want any people tortured. If there is more of one race than the other I still want my country to NOT torture people. I wont sway from that 1 issue no matter what color My country is made up of everyone I do not want our government to violate ANYONES rights. I will not sit out until theres x amount of color. I want America to STOP torturing its people. I want all the people to be angry. If we allow ones rights to be trampled on we risk losing our own rights.

Actually I am four years younger. :) I also lived in Jersey in the 50s.

Look when I was a teenager the LAPD cruised our mostly white neighborhood four to a squad car in what we now call swat gear. My knees buckled whenever they passed me by. My friend had his face literally rearranged by them as I watched in horror from a roof top. He and the police were all white.

The tradition continues today. Read this:

<http://latimesblogs.latimes.com/lanow/2012/05/seven-suspected-members-of-secret-sheriffs-clique-placed-on-leave-sources-say.html>

I have a store and a black professional is not followed around but after years of incarceration I can usually spot a criminal white or black. I love the movie Crash when the two black guys complain about the white lady clutching her purse as they walk by and then go on to car jack the couple. Sometimes diligence is justified.

Your friends should know I had once had a look that brought me under suspicion when I entered a store as well.

I am saddened by your early experiences with harm I agree that we can each be misguided in how we treat one another. I have never experienced racism but I sure have experienced sexism and classism..oh , those issims!

You are somewhat older than me. I was born and raised in the South Bronx. I am almost 64. What I write comes from what I witness. Now, decades ago, on my street in the South Bronx, my brother who was home for the summer from college, the first sibling to go to college,..well, he was playing stickball and some plain clothes white cops came by and ordered my young white brother to get out of the street. he protested, they beat him. He has been a Canadian citizen ever since. Remarks about the devil, remarks about nigs, come from ignorance and dare I say, pain?

White privilege is real. I know when I go to the store I am not usually followed around but my black friends frequently tell me their stories of being followed and watched even in my middle class town. none of this is right or simple. We are a messed up society and with any luck, we will survive ourselves

And there are people that make their living off of such cases and incite a circle of violence. I have no doubt that you have read about and possibly experienced racism in your lifetime.

Let me tell you in the 1960s there were those that claimed it is impossible for blacks to be racist because they do not hold positions of power and influence.

Need I point out that is no longer the case.

To me as a white four year old living in the projects of Hunters Point, San Francisco and after spending several years in California worst juvenile institutions I have personally encountered racism.

In 1956 in Hunters Point I was tied to a tree and beaten with sticks by hoards of my teenage neighbors in front of their mothers until my bare legs and arms were a patchwork of bloody welts. I have also been personally attacked over and over again both verbally and physically while serving time in CYA. And it saddens me that after all the progress in this country I still hear and read the devil remarks directed at me and my race.

I am afraid now that we have so many African Americans in power that they must come to the realization like we whites that just because someone shares your same color he is not your brother or sista. In fact the man in the next cell has more in common with you no matter his shade.

The guards use this hatred for sport. And the inmates enable them. Read this:

http://www.washingtonpost.com/national/investigators-see-pattern-of-abuse-against-inmates-in-los-angeles-county-jails/2012/09/07/4c1c9702-f949-11e1-a93b-7185e3f88849_story.html

Race/ Class? Both but race first from what I see and have seen all of my life. Recall Professor Gates? That was race and it happens all the time, every day.

The prisons get to decide the rules with virtually no oversight. They make up rules as they go along. If they decide to not abide by title 15 rules, particularly at places like Pelican Bay, there are no repercussions. Remember, every now and then they do get caught. Recall the brother that was scalded at Pelican bay? 60 minutes did that story moons ago. And then there was the gladiator fights incited and promoted by the guards, who also by the way bring contraband inside. Theres a thin line I could go on and on. The entire system is rigged. good luck to us all

It may help motivate your listeners but it also motivates the hate mongers to attack people they associate with the ruling class. And in that term (ruling class) you have the real dividing line. It is class not race that separates those who receive such punishment and those that do not.

I would like to point out the Texas Observer Newspapers story on Warren Jeffs titled No Refuge. He is able to control his religious sec while incarcerated for child molestation charges. Why he is not restricted is a my question when others are? I dont think the fact the mans white is the answer As you point out poor whites are victims of the system as well.

As far as stats I would like to point out my earlier comment on Californias demographics both state wide and those in the states SHU system.

<http://solitarywatch.com/2011/09/08/a-form-of-torture-testimony-of-laura-magnani-on-solitary-confinement/>

I point these things out because I know how the perception of white privilege plays out when your incarcerated. It can be one of the primary motivations for prison violence and this violence is the primary reason the guards point to to justify their use of solitary.

I think Tommy Silverstein should rank high among these men that have endured Solitary confinement for many years, Tommys total to date is around 30 years, many of them years under a No human contact heading, that amount of time in Isolation is beyond a normal persons comprehension!

Just try for a moment to imagine, not being able to speak or hear another human being, for decade after decade,

you folks on the hill should be really proud about how you avoid addressing this issue!

Dear 8forever and other righteous folks

The gentleman who began this discussion because the SF Chronicle published his letter, Gabriel Reyes, is a friend of mine. I host a radio show that the men in Pelican Bay can hear. I interviewed Gabes mom many years ago. She told the story of her sons misdeeds as he does. I have been trying with all my might to get people to understand this madness. I know that I have reached some. But sadly, I do not see solitary going away.

Since the men at PB and other places went on hunger strike, more people know about their plight and that is a good thing. It will take this country, our country, to make a huge shift in our thinking in order to end solitary. We are not even close.

who is the most affected does matter. But it is the fact that we use this torture here in the best country on the planet (I wonder?) is what the righteous need to ponder. As to the who that gets placed in Solitary, there is no questionbut that this dishoner is metted out to minorities and poor whites. If anyone can find stats that demonstrate otherwise, please present. So the question must be asked..why?

We must also remember that Obama okayed more new supermaxes during his term I believe I read that here on SolWat.

Obama didnt close Guantanamo and AG Holder dismissed the torture charges. This fact might hold clues to how receptive Obama would be to overriding the BOP policies.

I quote:

In fact President Obamas budget request for fiscal year 2013 includes cuts to everything from Medicare and Medicaid to defense and even homeland security. But federal prisons are among its biggest winners, according to an analysis by the Federal Times.

The closing of the two cases means that the Obama administrations limited effort to scrutinize the counterterrorism programs carried out under President George W. Bush has come to an end. Without elaborating, Mr. Holder suggested that the end of the criminal investigation should not be seen as a moral exoneration of those involved in the prisoners treatment and deaths. [...] Mr. Holder had already ruled out any charges related to the use of waterboarding and other methods that most human rights experts consider to be torture. His announcement closes a contentious three-year investigation by the Justice Department and brings to an end years of dispute over whether line intelligence or military personnel or their superiors would be held accountable for the abuse of prisoners in the aftermath of the terrorist attacks of Sept. 11, 2001. [The New York Times]

However both political parties have mentioned prison reform as a goal.

The Crime Report has two articles on the election platforms of both parties. Excerpts:

Republicans called for more attention to prisoner re-entry to society, saying, Prisons should do more than punish; they should attempt to rehabilitate and institute proven prisoner reentry systems to reduce recidivism and future victimization.

Both parties agree on prisoner rehabilitation to reduce recidivism, with President Barack Obamas administration boasting of its creating the Federal Interagency Reentry Council in 2011 to deal with prisoner re-entry. (The Republican administration of George W. Bush initiated the federal Second Chance Act on that subject.)

The Democrats pledge to fight inequalities in our criminal justice system, backing the death penalty but saying it must not be arbitrary.

In that Assistant Majority Leader Dick Durbin (D-IL), Chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights, held the first-ever congressional hearing on the issue of solitary confinement at 10:00am ET on Tuesday, June 19.

So I believe Obama knows the issues here.

But the belief that Obama simply because he is a man of color would be more sympathetic may be misplaced as this study on judges clearly shows.

At a time when black justices were almost nonexistent, researchers had assumed that disparities in sentences resulted from racism by white judges against black defendants. (Meyer and Jesilow, Doing Justice in the Peoples Court p. 42.) The studies that have examined the effect of the characteristics of judges have generally found little differences in judicial decisions between black and white judges. (Frazier and Bock, Effects of Court Officials on Sentence Severity; Gruhl et al., Women as Policy) The method used in this paper controls for differences in judges race, ethnicity, gender, and time served on the bench.

Controlling for such factors as the sentence recommended by the Pennsylvania sentencing guidelines showed that black judges handed down longer incarceration sentences than white judges. Further, although white judges did not tend to sentence black offenders any more severely than they did white offenders, black judges did tend to sentence black offenders to longer prison terms than white judges gave

to white offenders.

This may stem from higher victimization rates in the black community. Black judges simply may be more sensitive to the plight of the victims.

The over use of solitary confinement diminishes our standing in the world. Arguing who is the most affected divides the opposition and distracts from the message that it is a counterproductive practice.

I wrote Obama long ago regarding this issue no reply Ive written seemingly ever senator in my state and CO no reply Why is our country making money from the suffering of human beings. I asked these officials what do you call making money from keeping people in chains? Slavery is the answer which does not even address the torture, human rights violations that are happening in this country. For 7 yrs I have written the media cbs, msn, etc forwarding these articles but no one seems to care that Americans are being tortured in American prisons, We hear about Guantanamo, but never ADX in the regular news media. I am happy whenever I see other Americans taking on this issue. And to Kim I am happy to see Sol Wat bring notice to your comment I have read Sol Wat since it began and I have written them as well to ask questions no reply. Good luck people this is not easy. When I started I thought We The People had a voice and sounded no different than you all I was naive believing that if I wrote a very good letter to Honorable Whomever I'd see help come not to be I have nearly lost hope but how these thousands don't lose hope I will never ever know Some do and they pull out their own eyes chew off their own fingers..etc. I do hope to see more like us shout so loud so long and so often they have to listen.

Kim..I have wondered the exact same thing..Does Obama know? Forget Romney, I know he doesn't know
I heard that Obama reads 10 letters a night from folks. I am planning to write him a letter about this just in case he really does not know..
Personally, Solitary Confinement is sick. This makes our country sick. We need a remedy and fast.
Peace
Sista

Read everything you can on Restorative Justice, Fleet Maultheres a GREAT book Restorative Justice, Everything I didn't Learn in Kindergarten, I learned in Prison. Read about the Honor Dorm at Alabamas prison. THIS MUST BECOME THE MODEL. Does Obama know? Does Romney? no one has mentioned prison conditions in their commentary. I am devoting my life to this cause. I have a full time job, but this HAS to be done. The roots of the grass need to grow. EVERYONE interested in this cause should sign up to take Path of Freedom, Fleet Mauls training (read about him first, just google him). WE ARE ALL PART OF THE PROBLEM IF WE ARE NOT PART OF THE SOLUTION. INACTION FOR THIS CAUSE IS INTOLERABLE.

It is truly unbelievable. I am thinking about becoming a lobbyist. If anyone has any ideas, please let me know. I will open a fb page called restorative justice RJ come on in, lets talk. Want to be part of a San Diego grass roots organization, check RJ on fb.

I first learned about Solitary in 1989 when Pelican Bay opened. What I find remarkable about this torture is the fact that most who get this treatment are black, brown and poor whites in that order.

Sadly, and the way things are going now, this situation will not really change by much. Each of us who care about this, should get involved and do what you are able. If you can establish a friendship with just one inmate, in any of our 33 prisons here in California, you could possibly help someone turn their ship around. The system will not do this.

Peace
Sis

Are we not hearing this Harrowing story all too often these days, I wonder does the contenders for the Presidency know or are they aware of what is happening to their fellow Americans! PUNISHMENT ! I was under the impression that being sent to prison was punishment, not to also be Tortured when they get there !

I have a friend that spent 27 and a half years under the heading, No human contact can anyone imagine that, decades of nobody talking to you, not even the Guards.

This is the 21st century U S A, not some medieval country where Torture is the Norm if anyone want to help stop this Cruel & unusual punishment, write your Senator, complain Directly to the Director of the B O P, we can no longer bury our heads in the sand, these guys need our help & support, DESPERATELY.

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