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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/06/16/prisoner-locked-up-in-solitary-based-on-reading-materials/>

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by [James Ridgeway and Jean Casella](#) | June 16, 2010

Prisoners are often assigned to solitary confinement cells sometimes indefinitely or permanently because corrections officials have identified them as gang members. Some prisoners complain that the criteria for being validated as a gang member are arbitrary and inaccurate, and also subject to abuse by prison staff.

Recently, a California prisoner charged that he was put in solitary confinement based largely on his choice of reading material. He was moved from the general population into a Secure Housing Unit (SHU) after guards discovered writings by George Jackson, the black revolutionary who was killed almost 40 years ago at San Quentin during an alleged prison break attempt.

State courts more or less agreed with the prisoners' allegations. But they ruled that these reading materials were valid proof of gang affiliation, and reason enough to condemn him to solitary confinement. The Los Angeles [Metropolitan News-Enterprise](#) reported on last week's ruling by a California appeals court:

Assigning an inmate to secure housing based on his possession of constitutionally protected materials linking him to a gang did not violate his First Amendment rights, the Fifth District Court of Appeal ruled Friday.

The judges affirmed Kings Superior Court Judge George L. Orndoff's order denying Edward T. Furnace's habeas corpus petition. Furnace claimed his assignment to the Secure Housing Unit at Corcoran State Prison was arbitrary and capricious and deprived him of free speech.

Furnace, who was committed to state prison in 1992 to serve a life sentence without possibility of parole for murder and other crimes, was validated as a gang member and assigned to SHU Corcoran in 2008. That action followed a property search at Salinas Valley State Prison, where Furnace was then incarcerated, that turned up a piece of paper with contact information for Hugo Pinell, a Black Guerilla Family member at another prison.

The search also turned up a book titled *Facism: Its Most Advanced Form Is Here in America* by George L. Jackson, a CD about Jackson's life and death, and a photocopied flier promoting a 2005 event commemorating fallen BGF members as well as other Freedom Fighters. Jackson, founder of the BGF, a Marxist prison gang, was killed, along with three correctional officers, during a failed escape attempt in 1971.

In defense of Furnace's validation as a gang member, prison officials explained that possession of materials related to Jackson is normally considered as evidence of association with the BGF. In Furnace's case, the fact that he had those materials, together with possession of contact information for a BGF member whom he could not contact without violating prison rules, led to the conclusion that he was affiliated with the BGF, officials said.

Furnace denied any such affiliation. He wanted to contact Pinell for advice about a children's book on how to avoid gang violence, he said, claiming his interest in Jackson was purely historical.

Justice Betty Dawson, writing for the Court of Appeal, said the trial judge correctly deferred to prison officials' expertise in the matter of identifying gang affiliates. The justice explained that a prison's internal decision-making will not be interfered with if there is some evidence to support it. While Furnace offered innocent explanations of why he possessed the materials, officials were entitled to conclude that the combination of items formed a reasonable basis for officials to believe that Furnace was a member of the BGF.

With respect to Furnace's First Amendment claim, the justice cited *Turner v. Safley* (1987) 482 U.S. 78. The case held that prisoners' rights of expression must yield to legitimate penological interests, as determined by a four-pronged test.

You can [read the rest of the article](#) to find out more about the four-pronged test that weighs a prisoner's constitutional rights against the judgments of corrections officials.

Keep in mind, too, that while today the Black Guerilla Family is viewed as just another violent prison gang bent on securing its turf, in

George Jackson's time it was motivated by ideology; though its means were often violent, its objectives were political. The same is true of Jackson's writings, which are widely read in college and even high school classrooms and considered to be, as Furnace claimed, of historical interest. The prisoner Furnace tried to contact, Hugo Pinell, is not a current leader of the BGF; he is a 65-year-old contemporary of George Jackson, and the only member of the [San Quentin Six](#) who remains in prison 40 years after their trial. Pinell has spent much of those 40 years in solitary confinement; the last 20 of them in the Security Housing Unit at Pelican Bay.

For another California prisoner, expressing admiration for George Jackson had far more profound consequences. In 2005, Governor Arnold Schwarzenegger turned down an appeal for clemency from Stanley "Tookie" Williams, who had become an anti-gang and anti-violence activist while on death row for several gang-related murders. In [his response to the appeal](#), Schwarzenegger stated that the dedication of Williams' book *Life in Prison* casts significant doubt on his personal redemption. The book was dedicated to Nelson Mandela, Angela Davis, Malcolm X, Assata Shakur, Geronimo Ji Jaga Pratt, Ramona Africa, John Africa, Leonard Peltier, Dhoruba Al-Mujahid, George Jackson, Mumia Abu-Jamal, and the countless other men, women, and youths who have to endure the hellish oppression of living behind bars.

Schwarzenegger pointed out that many of these figures had violent pasts and some were murderers; in particular, he wrote, the inclusion of George Jackson on the list defies reason and is a significant indicator that Williams is not reformed and that he still sees violence and lawlessness as a legitimate means to address societal problems. Williams was executed at San Quentin on December 13, 2005.



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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I wish it was enough to say Give me a break! after reading about the extreme over-reaction to this man reading George Jackson, or for being in possession of Hugo Pinell's address. Unfortunately, for this man, it is a major deal, because he is being put in solitary confinement for it. This system is repressive, senseless and wasteful. Furthermore, having Hugo's name in the mix is bad for Hugo, perpetuating the myth that he is dangerous. Leave these men alone! This is bullshit! Get a life, CDC! (R not earned)

In the Afterword of *Blood In My Eye* by George Jackson, Huey P. Newton wrote:

When I went to prison in 1967 I met George Jackson. Not physically, but through his ideas, his thoughts and words.

Today I say that although George's body has fallen, his spirit goes on, because his ideas live.

On page 108 Jackson wrote: Prisoners must be reached and made to understand that they are victims of social injustice.

The sheer numbers of the prisoner class and the terms of their existence make them a mighty reservoir of revolutionary potential

Only the Prison Movement has shown any promise of cutting across the ideological, racial and cultural barricades that have blocked the natural coalition of left-wing forces at times in the past.

Jackson writes about the importance of these three core elements for a successful revolution on page 43.

- 1) An increasingly pervasive underground press.
- 2) The popularization of the revolutionary culture and then the elevating of it.

3) Both under the direction of an ultra-aggressive political party.

Should we be surprised then that after reading this list that the system would attempt to suppress this message?

Jackson was not. He expected it, as evidenced by his comment on page 44.

All serious challenges will be met with panic and repression it helps people bit by bit to understand and relate to the necessity of violence in any plan to overthrow anything overthrown means violence.

Most of this violence however is skillfully redirected by the system towards other inmates. The uneducated and angry followers of this propaganda have repeatedly attacked, not the armed men guarding them, but rather inmates whose skin color represents those in the power structure. The race wars in prisons, if not directed from the guards themselves, have only served to divert the anger away from them.

If change is ever going to come it will happen only after the inmates stop warring with each other.

Jackson, MLK, and Malcolm X, all came to the same conclusion near the end of their lives and ironically this was a more dangerous position to the power structure. Did it seal their fate? You judge.

Rather than prohibiting their views maybe the system should educate the prisoners on the inclusive nature of their message.

And in order to reduce the racial friction in prison the left might want to play down Jackson's most divisive message notably that;

Page 99 All black people, wherever they are, whatever their crimes, even crimes against other Blacks, are political prisoners because the system has dealt with them differently than with whites.

This attitude separates the races in prison and fuels the race war.

CDCr is out of line. check my blog for news that's rocking the prison reform community as well as families.. visits are being canceled and reading material is being banned/censored randomly link your blog as well.

BANNING OF THE BOOK THE GREEN WALL

<http://prisonmovement.wordpress.com/2010/06/16/banning-of-the-book-the-green-wall/#comment-3216>

ok all i can say is your honner have you at anytime befor this trial ben high or stoned on the bech today lol i mean what the hell man this is insane i mean ever thingk that he may be right for ones i mean what the hell is he going to do with a 60 year old inmate in a dam supermax plese tell me thats a thet lol old men gone killers in with canes lol i mean come on what he reads is not your places to say i mean if he has not tried ti do something him self then let him be i mean i read former inmates books and wardens books to holly hell you going thouw me in the shu do lol you inmae lern how to run your prison the right way i mean how meny wardens have spent a week in thare prisons hole i say let them read what ever as long as they arnt trying to do a crime with the other inmate i realy do not care what they say to each other then i mean i read books on gangs holy hell dose that mean i in all those gangs to lol no it dose not and your termnater guneor sent a good man to death in reason of what he reads the man become a say no to gangs and drugs and killing on death row and your dumm ass says kill him for reading a book i sorry but your thouts of threats to you and your prisons is what is a threat to your prisons is you and your dam bull spend more on your kids lol maby your lern what a real theat is if you whent to school instead of building prisons as schools

Funny I am no fan of Jackson or the communism doctrine that he preached. But even as a white man I have a small collection of black liberation books. And being white I am definitely not a member or supporter of any of the resulting gangs. Funny that Jackson still scares the man.

In the preface of George Jackson's book

Blood In My Eye

on October 15, 1971 Gregory Armstrong wrote on page xii

Most of his offenses inside prison the reasons why he was forced to spend over seven years in various forms of solitary confinement, including the infamous strip cells* in Soledad's O wing, the reasons why he was never paroled involve his defense of other inmates. What made him particularly dangerous to the prison authorities was this enormous talent as an organizer.

*A 6 by 8 cell with no protection from wet weather, deprived of all items with which he might clean himself, forced to eat in his stench and filth caused by his own body wastes, allowed to wash his hands only once every five days and required to sleep on a stiff canvas mat placed directly on cold canvas floor.

I found most of this inflammatory rhetoric very uncomfortable since members of my race were often singled out by less visionary forces he inspired for retribution.

He however could be pragmatic. Here is a quote by Jackson just below Armstrong's;

Im always telling the brothers that some of those whites are willing to work with us against the pigs. All they got to do is stop talking honkey. When the races start fighting, all you have is one maniac group against another. That's just what the pigs want.

Excerpts from a letter written to me dated June 25, 1993 my brother Mike writes;

Dear Al

There may be worse things than being caught in the middle of a prison race riot, but frankly I cant think of one.

Time: March 28, 1967

Place: D.V.I. Tracy, Ca

Event: Riot

Act 1:

Five thirty in the morning and the racking of the cell doors, shrilling sirens and glaring lights wake be from my dreams. Its another day at the Duel Vocational Institution at Tracy, California, but the sun doesnt know it yet.

In my 6 X 8 accommodations, cellmate Lewis and I begin our daily routine. I dress first. Because of the bunk bed and combination toilet and sink in the cell we share, there is hardly enough room for both of us to stand at the same time, let alone dress. And because our world is governed by adrenaline diplomacy, the threat of violence is constant. Known and unknown grudges can be settled swiftly, perhaps fatally, if you let your guard down for even a moment. So Lewis stands watch outside the cell door.

I hurriedly wash my face in the chill, blackish water that dribbles from the spout. Since it is so cold, I take the precaution of shaking all my cloths out. Cockroaches make my shoes, pants, even my hair their home away from the cold. When Im finished, I relieve Lewis from his position outside our door and allow him privacy to complete his dressing.

Rumor has it that It is going to come down sometime this weekend, probably Sunday, but it could happen any day, any hour, and if it does, it can easily escalate into a full-blown riot of the worst kind racial. Most riots are focused on the bulls guards, staff but when its racial the ugliness turns inward on the inmates themselves: rapes, beatings, mutilations and often deaths. The guards wont get involved except to finally clean up the mess because this vile, this violent, they know theyre helpless and apt to be swallowed up in the insane whirlpool.

So it comes down to every man for himself or every fraction for itself: The Black Muslims, the Mexican Mafia, the Crips, the Bloods, the Aryan Brotherhood, the American Indians from Comanche to Sioux, to your basic misfits, fruits, nuts, and vegetables, all fighting, all competing for a stake in power and control in an environment of only four square acres held loosely in check by guards who are really no healthier or better psychologically or emotionally, than the animals they watch over. It simply comes down to animals guarding animals a cesspool in a pressure cooker!

Act 2

Lewis finishes dressing and we take a quick look outside our cell door, just to make sure everything is copasetic. I take first shift on the lookout for the bull. It is now time to armor down and get our shit together.

Our armor is crude, but effective against the wide variety of custom designed weapons each prisoner has fashioned for himself. National Geographic magazines are soaked in the toilet, two or three at a time, until they are soft. Then, with a pencil, each page is painstakingly pierced until there is an even hole running from the front cover all the way through to the back cover, at both the top and the bottom, strips are ripped from bed sheets and made into crude ropes, These strips are then threaded through each hole in the magazine, binding them side by side, ending up looking something like a womans corset. The result is, quite literally, armor plates all the way around your mid-section from under your armpits to the small of your back. Providing a knife blade doesnt land between the magazines, these National Geographics make a pretty formable body protection. Shanks homemade knives- enable us to walk to breakfast with a further sense of safety. Hidden in each of our mattresses, our shanks are made of plexiglass, trimmed and sharpened on both sides. The plexiglass was taken from Prison Industries and because it is plastic, it wont set off the metal detector. The knife handles are made from wooden handles of a gardeners spade, forced onto the end of the pleiglass, then wrapped with sticky masking tape, which enables you to get a tight grip, and best of all; no fingerprints. To be caught with a shank on you is an automatic sentence of five years, but to be caught without it could easily be a death sentence!

Ready now for breakfast, Lewis and I walk down the three flights of stairs of Cell Block A. We reach the bottom door and zip up the old Navy P coats given to us for winter, and step outside onto the compound. The walkway is covered with slimy pigeon shit, frozen over in the winter-morning dew. But were less worried about slipping and sliding on the frozen slime than we are with what may lay waiting in the shadows and corners that we have to pass to get to the Mainline cafeteria.

There exist two and only two types of riots in prison: One is literally spontaneous erupting over the smallest of incidents and spreading like wildfire. The second, more serious and deadly is slow and calculated and includes well-planned physical and sexual assaults. The impending riot promises to be one of the latter.

As best we can we keep our heads down against the cold Northern California winter wind, at the same time staying alert to danger, yet never making eye contact with anyone we dont know or are not on speaking terms with. The wrong gesture, no matter how unintentional, or stare held too long, if not provoking, immediate reprisal, will most assuredly be accounted for if and when it finally comes down. The cafeteria is already half full and it isnt because of the great cuisine and atmosphere: Its dangerous to lie in your bunk after the doors are racked open.

More and more convicts pile in, each morning to the self imposed area designated by his group. Lewis and I dont belong to any particular group, we try to watch out for each other, but your race tends to automatically involve you in any altercation.

We find a good spot near the door. If it kicks down maybe well be able to get out before the bulls lock everyone in from the outside.

(This way, they hope to isolate the problem and let whoever are locked inside finish each other off, making it easier on them to deal with and, eventually, clean up)..

The scream comes from the back of the cafeteria and echoes all the way down the aisles.

Lewis and I are up on our feet, but were immediately knocked to the floor by a rush of men trying to make it out of the cafeteria. The doors are slammed shut by the guards outside before we can get out. One mans hand is caught between the door and the wall. His fingers are crushed off and there are only bloody stubs remaining. He falls to the floor in excruciating pain and shock..

Sammy comes running, dodging the small groups of fighting men, seemingly untouched, but screaming out for Lewis and me. He looks bewildered and cant find us; I see the knife lodged just under his shoulder blade. I stand up to call out to him, and theres a whizzing sound over my head, then a painless pressure strikes the top of my skull and the floor rushes up to me. There is a sound of braking glass and I can smell something, at first sweet and thick, then gagging. And I begin to dream. I am back home with my brother Al and family in North Hollywood, we are all sitting around the floor of our home and I am happy, so very happy.

Act 3

The voice is calling my name over and over again.

Hey, wake up. If I have to lay here awake staring up at the peeling ceiling so do you. As if rising from the depths of a deep dark well, the voice pulls me away from my family. I move and feel something wet and slimy as I slide my skin across it. My left wrist aches something awful. Turning, I finally waken enough to realize I am in bed in the prison hospital. The slimy feeling is the old, unchanged bed sheets Im lying in. Opening my eyes, I look up and see my left wrist has been handcuffed to the bed post. The side of my head is bandaged and the gauze hasnt been changed in quite a long time.

Man, I thought you were a goner for a while, Lewis says with a half-hearted smile. You took a good one across the head. At least, thats what they tell me.

Well, sidekick, you werent moving too swiftly either. In fact, I thought theyd taken you off the count too..

They did take Sammy off, Lewis says, turning his head and looking away..

With only a mild concussion, Im promised to be back to life as usual, lucky me.

Such is prison life.

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