

## **Manufacturing Revolutionaries, Suppressing Dissent** *Kevin D. Sawyer*

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Reading furnishes the mind only with materials of knowledge; it is thinking that makes what we read ours.

– John Locke (English Philosopher, 1632-1704 A.D.)

State censorship, dubious surveillance, gang validation, and being considered a terrorist are some of the challenges prisoners face every day inside the California Department of Corrections and Rehabilitation (CDCR) and elsewhere. Anyone of these accusations could result in a prisoner being placed in a super-max control unit indefinitely or under the scrutiny of the Central California Intelligence Center (CCIC), federal agencies, or foreign governments.

I know this firsthand because I barely slipped through the California state prison system's branding apparatus at San Quentin State Prison. Had I not managed to extricate myself, there was a strong possibility that I would have ended up in solitary confinement; a secure housing unit (SHU) in California. A SHU is a torturous dungeon constructed to maximize sensory deprivation. These are places designed to prevent the proliferation of political-left erudition in prisoners considered "revolutionary". I surmise that most people in the United States and in California specifically, do not know that "solitary is used to break people down, to remind them they have no power over their own lives, and to keep them from fighting back against their inhuman prison experience" (Rojo, 2014).

Questionable suspicions about state prisoners run rampant in the CDCR. This is because the 21<sup>st</sup> century "thought police" often define some prisoners' choice of reading material as "dangerous" and "revolutionary", believing it to be subversive. And it does not end with a prisoner becoming a suspect or a person of interest because of what they read. Prisoners who become jailhouse lawyers are systematically silenced for their litigious research, writing, filing of prisoner appeals, and legal briefs in court to challenge the conditions of their confinement and mistreatment at the hands of prison guards.

Although I have no direct evidence of my name or other personal information being passed on to other agencies or governments in reports containing erroneous and misleading information, at some point during my incarceration I was suspected of "subversive" behaviour. In the CDCR a "confidential" section may be created and added to a prisoner's central

file; generally, we are allowed to view the entire file, except what is labelled confidential.

My arrival at San Quentin State Prison from Folsom State Prison in the fall of 2011 as a result of California's Realignment (AB 109) scheme to reduce overcrowding in its prisons nearly elevated my status as a relatively unknown, common prisoner to that of a Black Guerilla Family (BGF) prison gang member or associate. A guard who seized my writings, notes, quotes and other research material upon my transfer to San Quentin wrote on a receipt left in my property that the confiscated materials were "revolutionary". Among the items he was describing were my intellectual property that consisted of my body of writings done over fifteen-plus years of imprisonment in several institutions. Legally, my writings are defined as an "Inmate Manuscript".<sup>1</sup> This same guard, who worked in the prison's Investigative Services Unit (ISU), which also doubles as the Institution Gang Investigators (IGI), said my unpublished political writings were indicative of "membership" in the BGF. A Lieutenant in the ISU/IGI later informed me that I would receive two "validation" points as a result. The validation process is arbitrary and has no judicial oversight, but can result in isolation.

If California prison officials deem a prisoner a member or associate of a prison gang he may be subject to placement in a SHU indefinitely. At that point it can take years, if any relief from this form of isolation is realized. Similar to how our national government labels Arabs "terrorists" or "enemy combatants" and ships them to Guantanamo Bay, the state government does the same by tagging prisoners as "gang members" and sending them to Pelican Bay (State Prison). Problematically, this is all legal.

This bureaucratic process outlines how a guerilla, terrorist, revolutionary, and the like are manufactured in the Golden State. Since my arrest, conviction, and sentence of 48 years and four months to life was imposed nearly 20 years ago, I have been reading the works of James Baldwin, Richard Wright, Edgar Allan Poe, Charles Dickens, Zora Neal Hurston, Angela Davis, Fidel Castro, Albert Calms, Frantz Flinn, Mao Tse-tung, Niccolo Machiavelli, Che Guevara, Marcus Garvey, Noam Chomsky, Malcolm X, George Jackson, Huey Newton, W.E.B. DuBois, Nietzsche, Socrates, Plato, Adolf Hitler, Sun Tau, Carl von Clausewitz, Mumia Abu-Jamal, Franz Kafka, and many more. I have amassed eclectic knowledge from the assortment of books that I have read, which to date total more

than 355 titles and this does not include the many short stories, magazines, and daily newspapers that I read. During periods of long, inescapable lockdowns in the various prisons where I have done time in the last two decades, reading became a natural pastime. Writing soon followed.

An ISI/IGI guard once told me that San Quentin has George Jackson's property and they still examine the contents. He also noted, "Every book that George Jackson has read [I've] also read". An African American's offensive reading choices and writings, as I quickly discovered, increases their profile in prison and the size of the target placed on their back, nominating them for confinement in a SHU. Indeed, this is an expanded form of racial profiling. Instead of it taking place on the other side of the prison gate, California prison officials cultivate the practice in its penal colonies with a more sinister machination in mind. It is an extension of the tactic employed by law enforcement agencies in urban areas. We "have been finely targeted, first by class, second by that disguised brand of racism called race, and third by place. This cumulative targeting has led to the *hyperincarceration* of one particular category, *lower-class African American men trapped in the crumbling ghetto*, while leaving the rest of society – including, most remarkably, middle- and upper-class African Americans – practically untouched" (Wacquant, 2015).

In response to the comment made about my reading choices, I said to the guard that I have also read Adolf Hitler's book *Mein Kampf* and have at least ten pages of handwritten notes taken from it. I then asked why he was not concerned with my affiliation with the Aryan Brotherhood prison gang. He appeared impervious to my comment. Needless to say, this issue concerning my choice of reading material and personal writing was, and always will be, about race. What else could it be? If I were white, my Hitler notes could be construed as "indicative" of membership in the Aryan Brotherhood, the American Nazi Party, Skin Heads or some other more ominous group. I suppose it is worth mentioning that I recently completed reading *The Turner Diaries* by William Pierce, a fictional story about the violent overthrow of the United States by white supremacists. According to the FBI, *The Turner Diaries* was used by Timothy McVeigh as "the blueprint" for the bombing of the Alfred Murrah Federal Building in Oklahoma City in April 1995. Does my reading it somehow imply that I wish to embark on a vocation in demolishing buildings? I think not. Such a thought is absurd. A lieutenant

of the ISU/IGI, after examining my confiscated property, said to me, “I see you’ve been reading *Guerilla Warfare*” by Che Guevara. Does this somehow also make me a socialist or a communist?

Some time ago I ceased with my legal “practice” after receiving my paralegal diploma. Some of the litigation I was doing at Folsom prison was the impetus for the institution’s administration placing me on a bus headed to San Quentin Realignment for filing a prisoner appeal. However, since the San Quentin prison administration and the CDCR had violated my Constitutional rights and the U.S. Copyright Act, and due to the fact that the administrative appeal process did not produce favourable results (i.e. to have all of my property returned to me), I was left with no other choice than to file a civil rights complaint to seek declaratory and injunctive relief from state-sanctioned repression.<sup>2</sup> In his book *Jailhouse Lawyers*, Mumia Abu-Jamal (2009) describes how a study done in the 1990s revealed that the largest percentages of prisoners who find themselves in administrative segregation (Ad-Seg or “the hole”) are prison litigators. According to the study, Blacks, the mentally ill, and gangs are ranked next in order among other groups identified. I, unfortunately, now find myself in the first two groups at the top of the heap.

My education precedes my arrival to prison where I was sent for “punishment” that I refuse to accept. I also am not here for rehabilitation, which in the context of punishment is as dichotomous as Janus, the god of gates and doorways in Roman mythology that has two faces looking in opposite directions. Rehabilitation, as the name implies in California’s penal colonies, is a misnomer. The law is unambiguous. As a defendant-turned-prisoner convicted of a felony in California I was sentenced pursuant to Penal Code Section 1170(a) (1) which promulgates, in part: “The Legislature finds and declares that the purpose of imprisonment for crime is punishment”. My understanding of this salient point makes me a management problem because I will not allow the state to punish me or “educate” me through what Paulo Freire (1970, p. 76) describes as “the banking notion of consciousness” in *Pedagogy of the Oppressed*. Up to this point, the state has been unsuccessful in its attempts to make “deposits of information” in my head. I have my own knowledge and truths that cause me to reject what the state says I should believe. Freire (1970, p. 166) outlines the intentions of state agents meting out oppression through its one-size-fits-all

education: “The educated individual is the adapted person, because she or he is better “fit” for the world. Translated into practice, this concept is well suited to the purposes of the oppressors, whose tranquility rests on how well people fit the world the oppressors have created, and how little they question it... this ready-to-wear approach serves to obviate thinking”.

My thoughts cannot be supplanted with the state’s, which some may interpret as my inability to be controlled or to “adjust”. This is due in large part to the fact that I did not discover my talents in prison; I brought them here. Therefore, the state attempted to stifle my creativity because of the books I read and for the nature of what it deems as my “revolutionary” prose. It is a common practice when the banking education fails or is rejected outright. What comes next is a progression of control mechanisms instituted to repress freedom of thought. I can relate to where Freire (1970, p. 167) says, “Oppression – overwhelming control – is necrophilic; it is nourished by love of death, not life. The banking concept of education, which serves the interests of oppression, is also necrophilic. Based on a mechanistic, static, naturalistic, spatialized view of consciousness it transforms students into receiving objects. It attempts to control thinking and action, leads women and men to adjust to the world, and inhibits their creative power”, which takes one’s state-imposed civil death to another descending level, leading to erroneous profiling and recordkeeping in state databases.

“California prison authorities are reporting on inmates to the FBI for possessing political, religious, and other literature they deem radical” (Bluemel, 2012). The public should be alarmed about this form of “innocuous” data-mining in carceral environments because what it allows to take place inside the laboratories of U.S. prisons is often a precursor to what will be consummated against them in the future. Suspect prisoners’ personal information is often placed in national counter-terrorism databases. If this is not Orwellian in practice then what qualifies as such? The American Civil Liberties Union (ACLU) said it has warned for years about suspicious activity reports (SARs) made by the government made against private citizens. In a 2013 statement, the ACLU said SARs are filed to include many activities that are not only lawful, but are protected under our First Amendment rights (Harumi, 2013). After the attacks on the World Trade Center and Pentagon on 11 September 2001, President George W. Bush pushed for the *PATRIOT Act*, 2001 and later attempted to collect from

public libraries lists of the books their patron's checked out. The threat of such government intrusion into the personal affairs of its citizens' reading is concern enough and might cause many to practice self-censorship.

Prisoners and former prisoners know very well what lengths prison officials will go to in order to suppress free speech. Wilbert Rideau, a former death-row prisoner, former Editor-in-Chief of *The Angolite*, and author of *In the Place of Justice* (2010) has said, "As long as prison has been here, they've always insisted on the power of censorship" (Losowsky, 2013). All it takes is for one guard who is unlearned and unlettered, holding only the indoctrination of correctional academy training, to cry foul about a book. The state's built-in Constitution violation machinery, obstruction of justice apparatus and mob of agents of repression take control from that point. "A security threat" is the language used in "the arbitrary censorship faced every day by America's prisoners at the hands of over-zealous officials" (Losowsky, 2013). The simplicity of a government threat is cause for many law-abiding citizens to curtail their reading, even if they are not violating the law. "The point is obvious. There is more than one way to burn a book. And the world is full of people running about with lit matches" (Bradbury, 1967, p. 176). In my world those people are prison guards, so-called gang "experts" who say reading certain books, writing as I do, and collecting source material to continue writing, are "indicative of the Black Guerilla Family prison gang".<sup>3</sup>

Prisoners' writings have been monitored for some time, beginning with outgoing mail the surveillance then extends to essays, poetry and journalistic endeavours. If California prison officials do not like a prisoner's "revolutionary" ideology and thoughts memorialized in print, they will concoct a myriad of excuses to deem them a "safety" concern. Moreover, if a prisoner is prolific with his prose he may find himself placed in isolation indefinitely under "the security of the institution" panacea.<sup>4</sup>

Understandably, many U.S. law enforcement agencies have complicated jobs that require legitimate investigative measures and tools when it comes to fighting terrorism and real crime. In the 1990s, the Federal Bureau of Investigation tracked down and convicted Ted Kaczynski, after publishing his Unabomber manifesto, "a rambling thirty-five-thousand-word declaration of the perpetrator's philosophy" (Hitt, 2012). Retired FBI agent James Fitzgerald formalized the use of "forensic linguistics"

and later created the Communicated Threat Assessment Database (CTAD), “the most comprehensive collection of linguistic patterns in written threats, containing some 4,000 ‘criminally oriented communications and more than a million words’” (Hitt, 2012). In the 1980s, before Kaczynski, linguist Robert Leonard used a special technique to identify “highly idiosyncratic features” of writings that led to the conviction of Jarvis Masters for the murder of a California prison guard (Hitt, 2012).

The United States’ post-9/11 era and its so-called war on terrorism inside the CDCR’s monolithic cameral environment has propagated a new form of authoritarian-state paranoia, cultivating equivocal concerns with what it refers to as “inmate radicalization”. Fueled by legislation such as the passage of the *Violent Radicalization and Homegrown Terrorism Prevention Act* (2007), amended the *Homeland Security Act* (2002) to “examine and report upon the facts and causes of violent radicalization, homegrown terrorism and ideologically based violence in the United States”,<sup>5</sup> the CDCR subjectively uses the aegis of such laws to target minorities for placement in its control units. Purportedly passed to examine an “extremist belief system for the purpose of facilitating ideologically based violence to advance political, religious, or social change”<sup>6</sup> in the wake of the attacks on the World Trade Center and Pentagon, these laws are not only used to ferret out terrorists, but are also insidiously utilized to further CDCR agendas in its 34 prisons. Author of the VRHTPA, then Representative Jane Harman (D-CA) said, “Our plan must to intervene before a person crosses that line separating radical views from violent behavior”.<sup>7</sup>

California prison authorities are not attempting to “intervene” before a prisoner crosses any line. The practice of targeting prisoners who have not violated any law is two-fold. First, the CDCR has increased in its enormity over the past three decades (Gilmour, 2007), so much so that it is too big to sustain. There are so many people in the state’s overcrowded penal colonies that prison administrators are scrambling to justify their existence and multi-billion-dollar annual budget. This justification is camouflaged in the old and new mantras, the “toughest beat” and “public safety”. But it is only tough, however, when state prison guards resort to provoking prisoners in attempts to incite them and then suppress, which in turn justifies their existence. In nearly all levels of California’s state prisons the staff creates an environment that agitates the prison population and produces violent results.

Second, the CDCR does not deal with so-called terrorists in the Guantanamo Bay sense of the word. It receives largely unsophisticated men, women, and children convicted of “domestic” street crimes. Prison officials are not likely to find prisoners, particularly those in prison or street gangs, congregating to discuss the finer points on how to build bombs because these individuals do not exist in the aggregate. Instead, the CDCR used a peculiar method to interpret radical prisoner behaviour. For example, in 2007 prisoner Michael Hawkins was at Folsom State Prison when a guard searched his cell and confiscated a photocopy of the book *Blood in My Eye* written by George Jackson, an article “History is a Weapon!” by Watani Tyehimba, and a *California Prison Focus* newspaper (Hudson, 2012). The CDCR claimed the book was seized for “security” reasons. Hawkins later sued, claiming violation of his 14th Amendment right to due process and equal protection. In *Hawkins v. Russell*, U.S District Court Judge Carolyn K. Delaney said, “Even if plaintiff did nothing more than possess multiple items that, in total, suggest a keen interest in Jackson... this was enough to implicate legitimate security concerns”.<sup>8</sup> I take this to mean that some courts are still adhering to the outmoded doctrine of Chief Justice Taney who wrote, “A black man has no rights that a white man is bound to respect”.<sup>9</sup> The Hawkins case is only one example of how “prison officials used [this item] in determining whether they could validate that [he] was affiliated with or a member” of the BGF (Hudson, 2012). CDCR guards often claim that George Jackson’s books are not allowed in the prison system. Yet, in 2011 one federal district court found no such evidence of any ban on Jackson’s book within the CDCR (Hudson, 2012).

In June 2012, CCIC received a SAR entitled “Inmate Radicalization at CDCR”. The SAR said in part: “On June 26, 2012, a cell search was conducted on inmate [redacted]. A search of the cell found a copy of the book titled *Blood in My Eye* by George L. Jackson. This book is considered contraband and will be written up as a point toward validation”.<sup>10</sup> Also in 2012, a CDCR guard at Pelican Bay State Prison confiscated prisoner James Crawford’s outgoing mail because he described himself as a “New Afrikan Nationalist Revolutionary Man”. The state contended that “New Afrikan” was gang ideology that promoted gang activity. Crawford denied these allegations and filed a petition in court (Egelko, 2012). Crawford said

there are many, like himself, who have been placed in solitary confinement “because of political beliefs in a New Afrikan Nationalist Revolutionary Man” (Egelko, 2012). The First District Court of Appeal in San Francisco ruled 3-0 in Crawford’s favour, stating even gang members “retain rights of expression and those rights cannot be taken away by a governmental agency simply speculating” about security risk.<sup>11</sup>

In 2010, another incident involved a SAR received by the CDCR. A CDCR guard reported that he conducted a search of two prisoners’ cell. “Both inmates are Muslims who appear to have Radical Islamic views. Both prisoners have since been placed in our Administrative Segregation”.<sup>12</sup> In such a desolate place filled with injustice such as in the CDCR’s prison system, where lockdowns and isolation are the order of the day, reading and writing are all many prisoners have to do in effort to stay productive, outside of exercising in their cell. This is due in large part to the fact that there are only so many push-ups a man can do in a day. Therefore, reading and writing are essential to a prisoner’s cerebral existence. “Dostoevsky was made by being sent to Siberia. Writers are forged in injustice as a sword is forged” (Hemingway, 1954, p. 71).

The First Amendment to the United States Constitution affords U.S. citizens the right to read as they please, write, express unpopular political views, and practice their religion, yet these forms of self-expression are all causes for the CDCR to “validate” a prisoner, while “Gang evidence comes in countless forms. Possession of Machiavelli’s *The Prince*, Robert Greene’s *The 48 Laws of Power* or Sun Tzu’s *The Art of War* has been invoked as evidence” (Bauer, 2012). Being associated with a prison gang – even if you have not done anything illegal – carries a much heavier penalty than, say, stabbing someone. Association could land you in solitary for decades. California officials frequently cite possession of Black literature, left-wing materials and writing about prisoner rights as evidence of gang affiliation.

Repression in California’s state prisons takes place in many ways. For me, it was through the attempted suppression of my choice of books to read and the effort made to forestall my writing, and perhaps the publication of my unpublished essays and poems. Because I have read books written by George Jackson (*Soledad Brother* and *Blood In My Eye*), and my writings about politics, society, prison, education, war, racism, and the like seem to mirror Jackson’s sentiments and writings, I was deemed a potential threat

to prison security. In other words, I think for myself and have formed certain beliefs that are consistent with many African American men who are imprisoned by the politics of the day.

If one is well-read in prison, he or she will arrive at similar conclusions about the state of affairs regarding United States foreign policy, national and state political issues, and prison. When certain ideas are voiced or written with any hint or tone of dissent for what is happening at the hands of the status quo and its power structure, the voice is invariably silenced through intellectual castration and other effective means. In 2012, Daniel Vasquez, a former warden of San Quentin State Prison in the 1980s, told *Mother Jones* magazine, “it is ‘very common’ for African American prisoners who display leadership qualities or radical political views to end up in the SHU” (Bauer, 2012). There they remain locked down 365 days of the year, 23 hours a day, for an indeterminate amount of time.

It is important to note that California’s penal colonies, like most institutions within the United States, are not operated or managed by the same racial minorities that are warehoused in them. Rather, many are run by a white power structure with leanings toward heavy-handed punitive measures to deal with crime inside and outside of prison; whether the criminalized activity is real or imagined seemingly makes little difference. The CDCR, like the national government, has in place its own secret surveillance program in operation, and it utilizes a race-based approach to criminalize Black (African) history and culture, consigning our activities as gang related and designating our writings as “gang indicia”. This is one of many ways crime is ascribed to Blacks on both sides of the prison gate.

Whites’ associations of crime with people of color have helped to make the criminal justice system more punitive toward people of all races, and especially toward racial minorities, through several mechanisms: First, the public’s racial perceptions of crime have gone hand-in-hand with its support for punitive crime policy, to which elected officials, prosecutors, and judges have been responsive. Second, these perceptions directly influence the work of criminal justice practitioners and policymakers, who are not immune to these widely held biases. (The Sentencing Project, 2014).

Blacks and Hispanics make up the majority of the prison population in California. They are also the primary targets for those placed in SHUs. Prison officials categorize our history and culture as gang activity, while simultaneously promoting white supremacy by encouraging us to read European history, art, philosophy, and religion – dismissing people of colour as irrelevant. This boils down to race and racial superiority, and it was the underlying issue in my situation. Race and racism are deciding factors for who is targeted for placement in the prison industrial complex’s control units, and it is done over and over again with impunity. As Angela Davis (2003, p. 30) states:

Proof that crime continues to be imputed to color resides in the many evocations of “racial profiling” in our time. That it is possible to be targeted by the police for no other reason than the color of one’s skin is not mere speculation. Police departments in major urban areas have admitted the existence of formal procedures designed to maximize the numbers of African-Americans and Latinos arrested – even in the absence of probable cause.

Racism and imprisonment demonstrate how American society deals with well-engineered inequalities. The creation of race and the formal uses of racism are at the heart of how the California prison system operates. For example, during my years of incarceration within the CDCR, I have been subjected to countless race-based lockdowns. During this time, if Blood gang members were involved in an incident, all Blacks were systematically locked down. If the CRIPs did something, all Blacks were subsequently locked down. And if Kumi or any other organization considered a Black “disruptive group” or gang did something wrong, all Blacks were locked down.

Race is not a natural category; it is a thing that humans created to classify each other based on physical appearance and other characteristics. Although race is a manmade category it has very real and far-reaching consequences when one is not of the “right” (white) group, especially in the United States, and particularly in prison. “Black Lives Matter” in prison and on the outside.

As previously mentioned, a more insidious consequence of being labelled a gang member or a terrorist is the passing of the VRHTPA. We are now at the apex of government paranoia – hyper-sense of the McCarthyism era

revisited in the new millennium. There is a new boogeyman – “that guy”. We all know who he is. “If you see something, say something”. That guy, like me, is the one who was sent to prison, picked up the “wrong” books and educated himself far beyond what was offered in public institutions. He learned too many truths. He cannot be silenced. He turns every prison into his personal university and every prison cell into a classroom for his own erudition. We know very well who “that guy” is because we have seen him throughout history: Frederick Douglass, Malcolm X, Booker T. Washington, George Jackson, Eldridge Cleaver, Huey Newton, Stanley Tookie Williams, Mumia Abu-Jamal, and Martin Luther King Jr. – all Black men who were fettered and shackled. Yet, all contributed in sonic measure to social change in the very society that still attempts to banish many of their works and blot out of our memory their entire existence. In the contemporary, there are equal counterparts of women doing this work – like Angela Y. Davis, Assata Shakur, Ramona Africa and the like. Some call them arrogant, dangerous, revolutionaries and leftists exhibiting insurrectionary behaviour. They are not like the others who capitulate to the constant demand to shut up, as they have minds of their own and the mental fortitude to express themselves through voice and *Zeitgeist*.

The attempt to silence me is a caveat to others who are not as similarly situated. It stands as a testament to how a Guerilla, Revolutionary, Terrorist, Enemy Combatant, Insurgent and Criminal are manufactured inside the CDCR. If confinement in a carceral environment is not bad enough, followed by a lifetime of disenfranchisement, the CDCR’s reckless act of branding prisoners in its custody only serves to further the subtle and overt forms of state oppression. “These institutional tentacles, and the routine practices of profiling, surveillance, and enclosure at a distance that they permit, severely curtail the life chances of former convicts and their families by stretching the effects of judicial stigma on the labor, housing, and marital markets as well as into daily life” (Wacquant, 2015).

A spokesperson for the CDCR said prison officials do not single out prisoners or place them in solitary confinement because of what they read. Rather, it is for “their behavior as validated gang members or for committing major new crimes while in prison”. He further stated that prisoner beliefs do not generate SARs (Bluemel, 2012). However, in 2011 and again in 2013, tens of thousands of prisoners participated in statewide hunger strikes in

an effort to bring attention to the immoderate use of solitary confinement and the gang validation policy in California state prisons (Prisoner Hunger Strike Solidarity, 2014). Following the prisoner-led hunger strikes, mounting pressure compelled the CDCR to change regulations regarding the validation process. The changes, however, came after many prisoners had served decades in solitary confinement and the changes are not yet fully implemented.

In January 2014, the CDCR filed a Notice of Change to Regulations (NCR) to amend and adopt some 37 sections and subsections to prison rules regulating prisoner behaviour “to combat gangs... with the greatest propensity for violence”. The language in the NCR now identifies prison gangs, street gangs and disruptive groups as Security Threat Groups (STG).<sup>13</sup> The recent changes to CDCR regulations affect the validation process of prison gang members who are not supposed to automatically be placed in the SHU based solely upon their validation to a gang or “security threat group” unless there is a nexus to confirmed gang activity. The changes lend some credence to what the CDCR’s spokesperson said. “This policy includes an enhanced intelligence-based identification system needed to identify members, associates and suspects who are believed to present a clear threat to the safety of staff, offenders and the security of the institutions”.<sup>14</sup> “Instead of capitulating to progressive social forces and ending torture in SI-F6I units, the state has closed ranks and seeks to redefine the nature of the conflict itself by redefining the language in its policy governing STG validation and torture unit confinement” (Prisoner Hunger Strike Solidarity, 2014). Compounding the problem of covert surveillance of prisoners, the collection of personal information on prisoners resulting from SARs will sometimes be placed in the FBI’s eGuardian, a national counter-terrorism database. This data could be shared with more than 18,000 United States law enforcement agencies and foreign governments (Bluemel, 2012).

Faced with the absurd, it seemed rather superfluous that I had to file suit to recover my copyright-protected writings, notes, quotes and research that were not returned to me after exhausting all administrative remedies in my appeals, which in the CDCR is nothing more than a perfunctory exercise in futility. Perhaps the federal courts will rule differently on my civil rights complaint.<sup>15</sup>

The saga continues in the Golden State. In the interim, the CDCR has filed NCR 14-05 to update its Centralized List of Disapproved Publications in the prison system.<sup>16</sup> The CDCR’s Initial Statement of Reasons for the proposed

change to regulations attempts to prohibit incoming publications to prisoners that “indicate an association with groups that are oppositional to authority and society”.<sup>17</sup> What I find interesting is that my latest revision (revised 06/01/2015) of the CDCR’s disapproved publications (15 CCR § 3134.1), which is 14 pages long, does not list one book written by George Jackson. This takes a portion of this subject matter regarding censorship full circle. During the public comment period, in response to NCR 14-05, attorney Leila Knox with the law firm Bryan Cave, LLP sent an e-mail to the CDCR Regulation and Policy Management Branch (RPMB) “On behalf of the San Francisco Bay View National Black Newspaper”. Knox wrote, “The Proposed Regulations include ostensibly minor revisions that could be used to work a fundamental change that would severely burden the First Amendment rights of both inmates in CDCR facilities and innocent third parties who wish to communicate with them” (San Francisco Bay View National Black Newspaper, 2014).

An example of a banned publication would be anything the CDCR deems “recruitment material for a Security Threat Group”.<sup>18</sup> Simply stated, these new regulations would define many books currently in the possession of prisoners’ contraband. Readers should understand that the name George Jackson calls to mind hate and trepidation within the CDCR. “His very name represents resistance – the epitome of our Black manhood – and this explains in part why the CDCR has spent the last 44 years attempting to censor the name George L. Jackson from within its prisons” (Shakur, 2016). Citing the fact that courts have relied on the First and 14<sup>th</sup> Amendment rights of publishers “to communicate with inmates” on numerous occasions, Knox pointed to the United States Supreme Court’s 1974 ruling in *Procunier v. Martinez*,<sup>19</sup> which states in part: “Whatever the status of a prisoner’s claim to uncensored correspondence with an outsider, it is plain that the latter’s interest is grounded in the First Amendment’s guarantee of freedom of speech”.

Because prisoners in California do not have direct access to e-mail or the Internet, I mailed my comments to the CDCR’s RPMB regarding NCR 14-05. While I did not go into the same degree of depth on the matter as Knox did, I certainly share her sentiments. I agree in particular with Knox’s assessment of how the CDCR previously used prisoners’ choice of reading material to validate them as members or associates of prison gangs. This included possession of anything written by prisoner and political activist George Jackson. It is plausible that prisoners designated as STG members, through other changes in regulations, may be disciplined for possessing the

“wrong” books. It never ends, but to be fair, I have to be objective in my own assessment of changes to regulations. Such biases and prejudice on my part would make me just as thoughtless as the individuals I criticize.

I am a college graduate. I read and write. So what? I read long before my confinement. I am also a musician who has been playing guitar more than thirty years and studying piano for the past four. I have always been gainfully employed in a professional career outside of prison. While in prison I have taken several undergraduate college courses. I have become a certified electrician. Following those accomplishments, I paid for and earned a paralegal diploma. I am a published author of prose, poetry and have contributed written material as a professional journalist. None of that connotes gang activity. San Quentin prison officials, however, have attempted to dismiss my achievements and me as nothing more than part of a defunct prison gang that by all accounts has been eradicated in the CDCR’s mainline prisoner population long before my arrival. The system’s machine was going to *make* me a Guerilla whether I wanted to be one or not. This same machine is still in operation devouring the lives of women and men who have not violated any rules inside of prison.

Today, I am well. *Mens sacra in corpore sano* (Latin for sound mind in a healthy body). I hope that in the future readers do not see my writings originating from a security-housing unit because of the appendage “Guerilla” or “Revolutionary” given to me by the state. Regardless, I press on to move ahead, always remembering what the state (CDCR) would sooner prefer us to forget:

Settle your quarrels, come together, understand the reality of our situation, understand that fascism is already here, that people are dying who could be saved, that generations more will die or live poor butchered half-lives if you fail to act. Do what must be done, discover your humanity and your love in revolution. Pass on the torch. Join us, give up your life for the people. (Jackson, 1970, p. xxv).

All power to We, The People... who are still citizens of this Republic held as political prisoners until such time when the tough-on-crime pendulum swings in the other direction and the law changes, because “We are one of the few countries that doesn’t treat its prisoners as if they are citizens” (U.S. District Court Judge Thelton Henderson, 2015).<sup>20</sup>

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## ENDNOTES

- <sup>1</sup> California Code of Regulations, Title 15, §§ 3000 and 3151.
- <sup>2</sup> Sawyer v. Chappell, et al., U.S. District Court, Northern District of California, Case No. CV 15-00220 JD.
- <sup>3</sup> Exhibit B to CDCR 602 Inmate/Parolee Appeal (Log No. CSQ-3-12-00700).
- <sup>4</sup> California Code of Regulations, Title 15, Division 3, Section 3270.
- <sup>5</sup> H.R. 1955 Violent Radicalization and Homegrown Terrorism Prevention Act of 2007 (Official Summary).
- <sup>6</sup> Idem.
- <sup>7</sup> Idem.
- <sup>8</sup> Hawkins v. Russell (E.Dist.Cal.2011) 2011 WL 1299939.
- <sup>9</sup> Dred Scott v. Sanford 19 U.S.393, 407; 15 L.Ed. 691 (1857).
- <sup>10</sup> Suspicious Activity Reports Received by the Central California Intelligence Center, June 2010 – June 2012.
- <sup>11</sup> In re James Crawford (Court of Appeal, First District, California) A131276, June 13, 2012.
- <sup>12</sup> Suspicious Activity Reports Received by the Central California Intelligence Center, June 2010 – June 2012.
- <sup>13</sup> CDCR Notice of Change to Regulations (NCR 14-02).
- <sup>14</sup> Idem.
- <sup>15</sup> Sawyer v. Chappell, et al., U.S. District Court, Northern District of California, Case No. CV 15-00220-JD.
- <sup>16</sup> CDCR Notice of Change to Regulations 14-05 to California Code of Regulations, Title 15, Division 3 §§ 3006, 3134 and 3135.
- <sup>17</sup> CDCR Notice of Change to Regulations 14-05 to California Code of Regulations, Initial Statement of Reasons.
- <sup>18</sup> NCR 14-05 (ISOR).
- <sup>19</sup> Procunier v. Martinez 416 U.S. 396 (1974).
- <sup>20</sup> After the first draft of this essay was completed, the *Associated Press* reported on 1 September 2015 that California agreed to end its practice of housing prisoner in security housing units who have been validated as prison gang members. The agreement is part of the settlement in the case *Todd Ashker, et al. v. Governor of the State of et al.* (Case No. C 09-5796 CW) filed in the United States District Court for the Northern District of California. Time will tell if such words will materialize in practice.

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