

# **Locked Down: The Hidden History of the Prisoners' Rights Movement**

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## **Abstract**

*In recent years, there has been an increasing discourse centered on the prison-industrial complex, addressing issues that range from ending the school-to-prison pipeline to calls for the abolition of prisons entirely. However, this movement is far from a novelty, rather, it is the resurgence of a forgotten moment in history that is being revitalized by a new generation. In order to understand the recent development of the anti-incarceration movement, it is important to provide context to these current conversations and ensure that the contributions of the prisoner's rights movement are properly understood. Through the uncovering and analysis of archival materials, collections of recorded oral histories and published prison letters, this paper illustrates how prisoner activism of the 1970s brought the plight of prisoners into the limelight, while also leading to increased systemic repression and a debilitating historical declension narrative. By highlighting this history of prisoner activism, this paper challenges the declension hypothesis approach to the prisoners' rights movement and investigates the movement's effects on the current day structure of the criminal justice system.*

## Introduction

The prisoners' rights movement is an undermentioned and understudied movement that grew for decades in the United States, finally reaching maximum visibility in the early 1970s. The dominant narrative surrounding the movement can be traced as: *The American prison system was cruel, inhumane and unjust. Prisoners fought for better conditions and rights, using similar rhetoric to that of the Civil Rights Movement. The movement declined simultaneously with the courts and states' responses to legal pushes for rights, and many of the more humane institutional norms seen today are a product of prisoner activism of the 60s and 70s.* Heather Ann Thompson, author of *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* speaks to the issues of the narrative surrounding the prisoners' rights movement stating that "in key instances, the prisoner activism of the 1960s and 1970s brought fundamental improvements to institutions of punishment around the country, and in other respects they indeed fueled a hostility that served to net them even more unconscionable abuse. To write the history of this period fully, scholars must wade into this complexity."<sup>1</sup> This charge from Heather Ann Thompson has influenced my investigation into the declension narrative surrounding the prisoners' rights movement and its relationship to systemic repression within prisons today. For this paper, a declension narrative is being defined as any story of change overtime that traces a secular decline or deterioration in historical phenomenon, or any story that is told in a non-cyclical way. When forming my initial research question, I heavily considered the onset of mass incarceration, presuming that the phenomenon was a byproduct of the prisoners' rights

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<sup>1</sup> This statement from Heather Ann. Thompson is taken from *Process*, the blog of the Organization of American Historians, *The Journal of American History*, and *The American Historian*. The quote is from a roundtable discussion with scholars of the carceral state about prisoners organizing in the 1960s and 1970s.

movement and backlash for this activism. However, Robert T. Chase, an assistant professor of history at Stony Brook University, mentions in his paper *We Are Not Slaves: Rethinking the Rise of Carceral States through the Lens of the Prisoners' Rights Movement* that mass incarceration was not necessarily a product of prisoner activism of the 1960s and 1970s, but instead prisoners saw this phenomenon emerging and sought to curtail it. Chase furthers this idea by explaining how “a full accounting of the rise of the carceral state must look at how prisoners sought to counter the rising tide of mass incarceration [and that] continuing this research and excavating multiple histories of prisoner resistance might well offer a path to confront the ways a variety of carceral states have taken such deep root across American politics and society.”<sup>2</sup> This research seeks to look deeper into this complexity that Robert T. Chase describes and through reviving and analyzing archival material containing primary sources, collections of recorded oral histories, and reviewal of secondary sources this paper will examine how the declension narrative surrounding the movement has been *created* and *maintained* through state tactics such as censorship, discreditation of prison activists, and a concealment of political prisoners in the United States.

The purpose of this project can be simplified to these three terms: to examine, document and combat. The overall project seeks to examine the prisoners' rights movement in California and its impact on the present-day prison system, which includes investigating the ways in which the movement fueled a hostility that produced systemic backlash and repression as well as a historical declension narrative. Moreover, the project works to document oral histories and revive the hidden archive and focus on identifying and preserving these histories that have been obscured. Lastly, but most importantly, this research intends to

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<sup>2</sup> Chase, Robert T., “We Are Not Slaves: Rethinking the Rise of Carceral States through the Lens of the Prisoners' Rights Movement.” (2015) 73–86.

combat the declension narrative surrounding the movement. In short, this project seeks to bring this little-known history of the prisoners' movement to the forefront of present-day conversations regarding the prison system in order to think deeper about the ways it has contributed to forming the present-day prison and criminal justice system.

### **Case Studies: George Jackson, the Soledad Brothers and the San Quentin Six**

When I first began this research project, I had never heard about the prisoners' rights movement that shook the country throughout the 1960s and the decades following. This realization sparked a great interest in researching the background and context surrounding the movement, both of which are necessary to outline in this paper before presenting my findings.

The prisoners' movement was nationwide, and it had a multitude of aims that included exposing abusive prison policies, calling for the eradication of the prison system's inhumane conditions, calling for organizing of prison labor unions and political power, and even calling for reductions in the overall prison population. It is important to note that the prisoners' rights movement did not occur in a vacuum, rather it was a continuation of organizing that was occurring on the outside of prisons, such as the Civil Rights Movement, the Anti-War movement, and the Black Liberation Movement to name a few. An important figure that rose to prominence out of this movement and with the help of the Black Panther Party for Self-Defense, is that of George Jackson, who arguably became face of the prisoners' movement. Jackson's prominence rose with his induction into the Black Panther Party for Self-Defense and his writings about race, revolutionary political thought, and the injustices of the prison system. His book

*Soledad Brother: The Prison Letters of George Jackson* was released in 1971 selling 400,000 copies internationally. Along with his influential writings, Jackson was also instrumental in organizing and politicizing those on the inside, and during his incarceration he became a part of a case that was heavily documented by the media—the case of the Soledad Brothers.

George L. Jackson, Fleeta Drumgo and John W. Clutchette became known as the Soledad Brothers, their case catching the Nation's attention and turning heads to look deeper into the United States' prisons, when the three men were falsely accused of murdering a prison guard in retaliation for the murder of three prisoners at Soledad Prison in January of 1970. The Soledad Brothers Defense Committee was created with support of many people on the outside including Angela Davis, a well-known professor at the University of California, Los Angeles at the time. The Soledad Brother's case received its height of visibility on August 7<sup>th</sup>, 1970 when Jonathan Jackson, the younger brother of George Jackson took over the Marin County Courthouse, taking hostages in exchange for the Soledad Brothers freedom. Jonathan Jackson and all but one hostage in his possession were killed by police on the scene only moments after leaving the courthouse. Ruchell Magee, one of the prisoners that joined in on the takeover, was the only survivor. Following the incident, Angela Davis was indicted and imprisoned for conspiracy in the takeover when it was revealed that the guns used in the takeover were registered under her name. The national coverage that the Soledad Brothers were receiving skyrocketed after the Marin Courthouse takeover, drawing the nation's attention to the injustices of the criminal justice system.

On August 21, 1971 only a year after the Soledad Brothers case caught the public's attention and a few weeks before the official trial was set to begin, George Jackson was shot to death by

prison guards at San Quentin State Prison in an alleged escape attempt. It was ruled out as justifiable homicide, but the details of that day still remain unclear, or as unclear as the dominant narrative portrays it. The repeated story is that George Jackson after meeting with attorney Stephen Bingham snuck a gun into San Quentin Prison and attempted to escape along with six other prisoners. The six prisoners, Luis Talamantez, Hugo Pinell, John Larry Spain, David Johnson and Willie Tate were put on trial thereafter, and became known as the San Quentin Six. The evidence supporting claims of an escape attempt have proven dubious if even practical over the years, and many activists and organizers insist that the alleged escape was a frame-up created to justify Jackson's murder.

Figure 1 illustrates the connections that each of the San Quentin Six had to prison activism prior to George Jackson's murder and the indictment of the San Quentin Six. As seen in the flowchart, each of the San Quentin Six and Ruchell Magee had filed affidavits against Soledad and San Quentin Prison for murders of prisoners W.L. Nolen, Cleveland Edwards, Alvin Miller and Fred Billingssea. The flowchart not only serves as a visual representation of the connections between the multiple cases, but it is also reverse engineers exactly how the state managed to discredit prison activists and distort the narrative surrounding the movement.

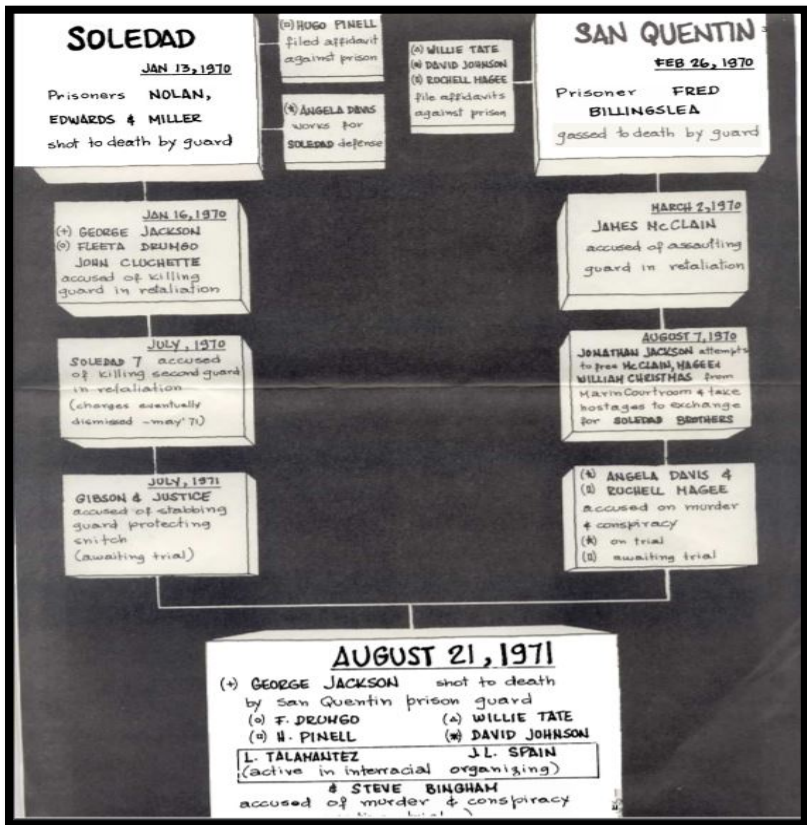


Figure 1. A flow-chart distributed during the San Quentin Six Trial, located at *ItsAboutTimeBPP* Archives in Sacramento, California and the *Freedom Archives* in San Francisco, California.

## Methods

In order to investigate the declension narrative and systemic repression stemming from the movement, this project uses archival research methods by analyzing primary and secondary

sources. Primary sources include George Jackson's *Soledad Brother* and *The Blood in My Eye*, Angela Y. Davis *If They Come in the Morning* and a plethora of materials (documents, audio interviews and footage) from the *Freedom Archives*, the official archive of the Black Panther Party *ItsAboutTimeBPP* and a personal archive that I gained direct access to. This personal archive includes documents that were either collected by the archiver or donated, and as a part of this project I am digitizing and scanning materials from the archive to make it available online to the public in the near future. These primary sources were used for content analysis and to better understand the perspectives and objectives of prison organizers and activists during the movement, while secondary sources such as Heather Ann Thompson's *Blood in the Water*, Dan Berger's *Captive Nation* and Eric Mann's *Comrade George: An Investigation into the Life, Political Thought, and Assassination of George Jackson* were used to frame the movement and explore the research that has already been completed in the past.

### ***Oral History***

A large aim of this project as aforementioned, is to document oral histories with goals of preserving histories that have been obscured or looked over by the declension narrative. To conduct this portion, I utilized a traditional oral history method in which I conducted interviews with survivors and participants of the movement. These interviews sought not just to receive information about the movement from a historical perspective, but to identify each subject's relationship to that history by tracing events of their life and each period of their life. Some questions include *When and where were you born?* or *What was your upbringing like?* I chose the oral history method so that each interviewee's relationship to the movement would become present and any gaps in the narrative that has been constructed around the movement could be further explained.



For instance, in my interview with John W. Clutchette, the only surviving Soledad Brother, I was able to trace the trajectory of his life and better understand exactly why tenets of the Black Panther Party for Self Defense appealed to him more so than other politically active groups present at the time. In my interview with Karen Wald, a journalist and member of the Soledad Brother's Defense Committee, her connection to activism became apparent as she spoke about her experience with student and anti-Vietnam War movements prior to her involvements in the prisoners' rights movement. The oral history interviews seek the facts and truths that can be corroborated through documentation and evidence, but still based on the perspective and life experience of the interviewee.

## **Findings**

The declension narrative present within discussions of the prisoners' rights movement does not stand alone in the creation of an unnuanced and non-cyclical narrative. Further purposeful distortions have contributed greatly to the current dominant narrative and relates to the backlash and increased systemic repression within prisons and the criminal justice system. The following findings represent both categories of a distorted and deteriorated narrative, and each has a different impact on the legacy of the prisoners' rights movement and the prison system.

### ***Increased Censorship inside Prisons***

Throughout the 1960s, courts across the nation saw an influx of cases drawing attention to the infringements upon prisoners' rights, and more specifically the right to practice freedom of religion and freedom of speech. The Nation of Islam, a radical religious group formed in the 1930s, was at its height and the organization's ideology was widespread and heavily studied by many Afro-American prisoners who spearheaded the fight for prisoners' Constitutional rights. Among those fights, were

several cases urging for Afro-American Muslims “freedom from punishment on account of one’s religion, the opportunity to hold religious service, and the right to wear religious medals”<sup>3</sup> as well as guaranteed access to the Qur’an, newspapers such as *Muhammad Speaks* and correspondence with their religious leaders. In 1964 the Nation of Islam broke ground for prisoners’ rights with the Supreme Court ruling for *Cooper v. Pate* which ruled that prisoners have the lawful standing to address their grievances before a court under the Civil Rights Act of 1871, noting that the Supreme Court is obligated to acknowledge the constitutional rights of prisoners (*Cooper v. Pate*, 378 U.S. 546, 1964). This case was cited in over 200 other court cases during the period that served to increase prisoners’ access to outside literature, legal counsel, and end to inhumane and brutal prison policies. Most notably, this decade of legal pursuit gave way to the radicalization and politicization of prisoners through access to books that were not only related to the Nation of Islam, but other political organizations like the Black Panther Party for Self-Defense. George Jackson, who himself had been incarcerated since 1960, benefited greatly from this change. If it were not for the success of *Cooper v. Pate*, letters written by Jackson between 1964 to 1970 would have never been published in his book *Soledad Brother* that served to voice Jackson’s politics and knowledge that was inspired by works from Mao Zedong and Kwame Nkrumah. In my interview with John W. Clutchette, he speaks to the importance of literature and reading groups for politically charged prisoners:

*“Everybody read. I don’t care what kind of book it was, you had to read and study. And you couldn’t pretend that you read because we would have book gatherings and the brothers would know if you had read or not. But like I say it was a self-*

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<sup>3</sup> Colley, Zoe “All America Is a Prison”: The Nation of Islam and the Politicization of African American Prisoners, 1955–1965” (2014) 393-415

*serving because like I say, its hard to educate a fool, its hard to talk to a fool, its hard to reason with a fool. So you don't go down to brothers level, you bring 'em up to yours."*

***Interview with John Wesley Clutchette, 7 April 2019***

This mentality that Clutchette describes served as the basis for organizers like George Jackson in his pursuit of educating himself and others. Louis Sander Nelson, the warden of San Quentin State Prison at the time of George Jackson's assassination, begged to differ in an interview given after George Jackson's death when asked why California State Prisons gave prisoners access to revolutionary material, stating: "if we put a man in a cell, and by nature of his acting out we require to keep him in his cell then we feed him all the revolutionary works, and George Jackson had at least a hundred or more revolutionary works, then of course he's not concerned with bettering himself, he's only looking forward to the day when he can get out a become a true revolutionary."<sup>4</sup> This quote was not very far removed from the still underway investigation into the details surrounding George Jackson's death, and the outrage and prison uprisings that followed was enough to make the state error on the side of caution in relation to prison organizing.

After the decline of the movement, censorship processes changed drastically and appeared to take a major step backward. In 1989, the Supreme Court ruled in *Thornburgh v. Abott* that prisons could not ban access to all books, granting it unconstitutional under the First Amendment, however it granted "broad discretion" in examination for inappropriate content deemed "detrimental to the security, good order, or

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<sup>4</sup> This quote was taken from an interview that was first shown on August 23<sup>rd</sup>, 1971. The entirety of the news clip is held at Fremantle Media Archives located in London, UK. The footage includes exclusive interviews with the warden of San Quentin, George Jackson's mother, and Angela Davis.

discipline of the institution or if it might facilitate criminal activity” (Thornburgh v. Abbott, 490 U.S. 401 (1989)). Since the ruling, the type of books banned in prisons has increased from institution to institution. In my interview with Gail Shaw, an organizer during the period and close friend of the Jackson family, she explains that along with this increased repression through censorship, prisons across the nation have since seen a dramatic decline in the upkeep and presence of prison libraries.

Only two and a half decades after the groundbreaking *Cooper v. Pate* decision, *Thornburgh v. Abbott* sparked a major change in the leniency of institutions allowing in radical materials. The rhetoric utilized in the ruling, claiming that if materials appeared to pose a threat to security of the institution, allowed institutions to prohibit political materials. Despite *Abbott’s* clause claiming that censorship cannot be “solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant”<sup>5</sup> several lists of banned books throughout the nation appear to contain the exact content.

### ***Discreditation of Prison Activists***

Amid the decline of the prisoners’ rights movement, a major attempt to link prison organizing and activism to gang activity was seen with entities such as the Federal Bureau of Investigation’s counterintelligence program (COINTELPRO) that sought to target, surveil, infiltrate, neutralize and discredit domestic political organizations. Following the assassination of George Jackson, the FBI worked to tie Jackson to the notorious prison gang the Black Guerilla Family (BGF). In my interview with John W. Clutchette, he mentions that widespread knowledge of the BGF did not come about until the 1980s

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<sup>5</sup> See Thornburgh v. Abbott, 490 U.S. 401 (1989) U.S. Supreme Court syllabus and documentation

while he was incarcerated, and that Jackson himself never mentioned the gang and was opposed to gangs by nature. Clutchette himself was still accused of being a member of the gang, even up until his most recent parole hearings in which Governor Brown used his alleged membership of the gang as reason for denying Clutchette's parole. Moreover, on the FBI's public records site, all documents pertaining to the BGF and surveillance of the organization do not date until 1973, two years after Jackson was assassinated, yet he is still recognized as the gang's founder. The documents claim that prisoners who were apart of the gang credited Jackson as the founder, but throughout this period "many prisoners were pushed to testify against the Soledad Brothers"<sup>6</sup> with false testimonies to incriminate the Soledad Brothers and more specifically George Jackson, a practice that did not end following his death.

### ***The Shape of Political Imprisonment in the United States and the Decline of its Visibility***

Throughout the movement, there was an emphasis on highlighting the cases of political prisoners by activists despite the United States concealment thereof, and refusal to acknowledge its existence. According to the first amendment of the United States Constitution, freedom of speech, religion and expression are guaranteed inalienable rights that are protected by the government. The amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."<sup>7</sup> This freedom of expression clause is often suggested as evidence to the United States' lack of political prisoners or imprisonment of people for political activities that seek to petition the government and its

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<sup>6</sup> Mann, Eric. *Comrade George*. New York: Harper & Row, 1974.

<sup>7</sup> U.S. Constitution Amend. 1.

ideologies. Prisoner activists during the movement emphasized the danger in defining political imprisonment in a nation through the lens of those “controlling the ongoing war” (Dutch and Susler). Michael E. Deutsch and Jan Susler’s paper titled *Political Prisoners in the United States : The Hidden Reality* complicates the theoretical and practical framework of political imprisonment in the United States by dividing the definition into three distinct categories: “(1) foreign nationals whose political status or political activities against allies of U.S. imperialism result in detention of imprisonment; (2) members of U.S. oppressed nationalities (African-Americans, Puerto Ricans, Chicanos/Mexicanos and Native Americans) who are prosecuted and imprisoned for political activities in furtherance of their movements for liberation and justice; [and] (3) white people who have acted in solidarity with the liberation movements of the oppressed nationalities and/or in opposition to U.S. foreign or domestic policies. A key component of these distinctions that is defined within the members of U.S. oppressed nationalities sector, as defined by Deutsch and Susler are the prisoners of war--who have participated in “armed struggle.”<sup>8</sup>

In my interview with Bill Jennings, a former Black Panther of the Oakland chapter, Jennings mentioned that over a hundred Panthers were in prison at one time across the country. The official reasoning behind their imprisonment however was never solely political, and government documentation often attributed their imprisonment to murders of prison guards and police officers. Angela Y. Davis’ book, *If they come in the morning* further speaks to this phenomenon of political imprisonment in the United States stating that “the political prisoner’s words or deeds have in one form or another embodied political protests against the established order and

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<sup>8</sup> Deutsch, Michael E., and Jan Susler. "Political Prisoners in the United States: The Hidden Reality." *Social Justice* 18, no. 3 (45) (1991): 92-106.

have consequently brought him into acute conflict with the state. In light of the political content of his act, the “crime” (which may or may not have been committed) assumes a minor importance. In this country [...] the political prisoner inevitably stands trial for a specific criminal offense, not for a political act. Often the so-called crime does not even have a nominal existence.”<sup>9</sup> The emphasis on material regarding the nature of political imprisonment and the cases of political prisoners has shifted dramatically since the decline of the movement. Much of this can be related to the distortion and declension narrative surrounding the movement and incarceration today.

## **Conclusion**

While there has been an increasing momentum towards re-evaluating the criminal justice system and the system of carceral punishment in the United States, much of this movement has developed without the benefit of an understanding of its roots in the prisoners’ rights movement and prisoner activism of the 1970s. As shown throughout this paper, much of this history has been either repressed or buried and lie in boxes of archives, and in the unrecorded memories of key participants of this movement. This history should be re-examined and brought to the surface so those who challenge the prison system today can learn from its successes and mistakes.

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<sup>9</sup> Davis, Angela Y. *If They Come in the Morning: Voices of Resistance*. New York: Third Press, 1971.

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