



## U.S. Senate Holds Historic Hearing on Solitary Confinement

By Jean Casella, James Ridgeway, and Sal Rodriguez

The cell placed at the back of the hearing room in the Dirksen Senate Office Building was a pretty accurate replica of a real isolation cell—the kind that exists in supermax prisons and solitary confinement units all over the country. It measured about 7 feet by 10 feet, with a tiny covered window too high to see out of and nothing inside but a bunk and a toilet. The door contained a slot through which a guard slides a food tray; for many prisoners, this represents their only human contact for the day. These are the conditions in which some 80,000 men, women, and children live on any given day in American prisons and jails. They spend at least 23 hours a day in their cells, and some remain in solitary for years or even decades.

Solitary confinement in our prisons and jails may be the most pressing domestic human rights problem to which most Americans remain largely oblivious. But on June 19, supporters and foes of the practice descended on Capitol Hill for a hearing of the Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights, convened by subcommittee chairman Dick Durbin (D-Ill.). An overflow crowd of some 200 spectators came there to witness what was—somewhat amazingly—the first-ever congressional hearing on solitary confinement.

Durbin opened the proceedings with a surprisingly strong indictment of solitary confinement as it is practiced in US prisons. The senator, who had visited the notorious Tamms supermax in his home state of Illinois and was apparently much affected by the experience, called on his colleagues to visit prisons in their states and witness the conditions for themselves. “America has led the way with human rights around the world,” Durbin said. But “what do our prisons say about our American values?”

America leads the world in solitary con-

finement, Durbin noted, tracing the rise of supermax prisons and solitary confinement units back to the 1980s and making reference to their damaging psychological effects. He ended by quoting his Senate colleague John McCain, who spent two years in solitary as a POW in Vietnam. “t’s an awful thing, solitary,” McCain later said. “It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment.”

Leading off the testimony was Charles Samuels, director of the Federal Bureau of Prisons. The BOP would be an obvious first target for any congressional effort to reform prison practices, since it is part of the Justice Department and subject to direct congressional oversight. Yet the federal prison system is a serious offender when it comes to the use and abuse of solitary: Samuels offered no figures for the total number of prisoners the BOP holds in isolation, but in 2010 a BOP spokesperson told CNN that there were more than 11,000 inmates in “special housing”—a common euphemism—out of a total prison population, at that time, of about 210,000.

A former corrections officer who rose through the ranks at the BOP, Samuels came off as a consummate bureaucrat. (His predecessor Harley Lappin, forced to resign after a drunk driving incident, now works for the nation’s largest private-prison corporation.) Samuels quickly made his position clear: “Segregated housing,” as he called it, is a necessary part of prison practice, and is not used excessively in the federal system. It’s not a “preferred option,” Samuels said, but he went on to say he believes that it helps stop violence and other bad behavior in prison. “It’s a deterrent and it works,” he declared—though he admitted under questioning that the BOP had never actually conducted studies on the effectiveness (or the effects) of solitary.

At the US Penitentiary Administrative Maximum (ADX) in Florence, Colorado, known as the Alcatraz of the Rockies,

prisoners famously live in extreme isolation. But it isn’t solitary confinement, Samuels said, because the 490 inmates there have contact with staff. In fact, Samuels admitted, ADX has only two shrinks for 490 inmates. He cited a Colorado study that showed no negative mental-health effects from years of solitary—a study that has been widely debunked.

The next panel threw into question just about everything that Samuels had said. Christopher Epps, Mississippi’s corrections commissioner, described how his state had reduced its solitary population by some 85 percent—and a 50 percent drop in prison violence followed.

Psychologist Craig Haney, a psychology professor at the University of California-Santa Cruz who has spent his career studying mental-health effects of solitary, described prisoners responses to long-term isolation, which include psychosis, self-mutilation, and suicide. “Prisoners have cut off parts of their bodies,” Haney said. He also directly contradicted Samuels’ statements about ADX Florence, saying there were mentally ill prisoners housed there who received little care. (The same claim is made in a class-action lawsuit filed in federal court in Colorado.)

Stuart Andrews Jr., an attorney representing mentally ill prisoners in isolation in South Carolina, argued that prisoners with psychological disabilities are two to three times more likely than others to end up in solitary. Prisons—and especially solitary-confinement cells—have essentially replaced psychiatric facilities as warehouses for the mentally ill. Andrews described the fate of one inmate with mental illness and mental retardation who was locked down in solitary because he had hygiene problems, despite an absence of any violent behavior. He was found “lying face down in his own vomit and feces,” Andrews said, and “died of neglect, alone in a cold cell.”

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The most emotional testimony of the day came from Anthony Graves, an exoneree who spent 18 years in Texas prisons, 12 of them on death row, and most of those years in extreme isolation. “No one can begin to imagine the effect isolation has on a human being” unless they have experienced solitary, Graves said. He went on, describing the self-mutilation, suicide attempts, and successful suicides that took place around him on death row, concluding that solitary “breaks a man’s will to live.” In response to people who claim it has no psychological effects, “I say, ‘Go live there for 30 days, and then tell me that.’...Solitary confinement makes our criminal justice criminal...It dehumanizes us all.”

So what can be done about all this? Sen. Al Franken (D-Minn.) suggested a commission to study the criminal-justice system “from top to bottom,” following a plan proposed by retiring Sen. Jim Webb (D-Va.). Both Franken

and Durbin spoke approvingly of Mississippi’s reform efforts as a harbinger and a model. They spoke of the Prison Rape Elimination Act, which set nationwide standards for how prisons deal with rape and linked compliance to federal funding. A similar policy, experts have suggested, could force prisons to limit or reform their use of solitary confinement. There was talk, too, of having independent mental-health professionals to evaluate prisoners in solitary, and providing outside counsel to represent them, since they are placed in lockdown on the say-so of prison officials who serve as de facto prosecutors, judges, and juries.

But what is probably needed first of all is a modicum of transparency. Supermax prisons are virtual domestic black sites, cut off from the public and the press, condoned by the courts, and largely ignored by elected officials. Senators could begin by heeding Durbin’s call to visit American prisons—and directing the subcommittee staff to undertake a full investigation, with

hearings around the country. If they do, they will have the support of advocacy groups including the ACLU, which provided the mock cell in the hearing room, and the National Religious Campaign Against Torture, which organized a press conference after the hearing to break its members’ “23 Hour Fast to End 23 Hour Solitary.”

They will also have support from prisoners’ families, who showed up at the hearing in force. Among them was Irene Huerta, who traveled from California. “As a wife of a prisoner who has been incarcerated for almost 28 years, and most of that time held in Pelican Bay solitary confinement, attending the Senate hearing was very emotional and promising for me,” she said. “Viewing the mock cell brought tears to my eyes; I pictured my husband. No human being should endure such torture.”

*This article originally appeared on the Mother Jones website on June 19.*

**LOUISIANA** — April 17 marked a torturous milestone for Herman Wallace and Albert Woodfox. The two men, members of the group known as the Angola 3, have been in solitary confinement for 40 years. Wallace and Woodfox were members of the prison chapter of the Black Panther Party at the Louisiana State Penitentiary at Angola when they were convicted of killing a corrections officer in 1972. The two men are now in the sixties, and their lawyers argue that both have endured physical injury and “severe mental anguish and other psychological damage” from living most of their adult lives in lockdown. They also argue that Wallace and Woodfox are being held in solitary not because they are a threat to prison safety, but because of their political beliefs. Angola Warden Burl Cain said in a deposition that the men cannot be released from solitary because they are still practicing “Pantherism” and “I would have the blacks chasing after them.”

**COLORADO** — In May, a Federal District Court in Denver heard a case brought by students at the University of Denver Law School’s Civil Rights Clinic on behalf of Troy Anderson, an inmate with mental illness who has spent 12 years in solitary at the Colora-

do State Penitentiary. Anderson’s lawyers argued that symptoms of untreated mental illness are keeping him in isolation indefinitely, effectively condemning him to life sentence in torturous conditions. In August, the judge in the case ordered that Anderson’s mental health treatment be reviewed. He also ruled that the conditions at CSP constitute “a paradigm of inhumane treatment,” and ordered that prisoners, who currently receive no outdoor exercise, be given some “meaningful exposure” to natural light and air.

**WASHINGTON, D.C.** — In July, Bureau of Prisons chief Charles Samuels sent a memo to all federal prisoners, urging them not to kill themselves. “At times you may feel hopeless,” Samuels told prisoners in the memo. “If you are unable to think of solutions other than suicide, it is not because solutions do not exist; it is because you are currently unable to see them.” The memo was issued shortly after two lawsuits were filed, asserting that the lack of mental health care at ADX, the federal supermax in Florence, Colorado, was contributing to prisoner sui-

cides. While it contained a specific reference to inmates who might be “in a Special Housing Unit or Special Management Unit cell,” the memo ended with a quotation from Albert Einstein that might seem a cruel joke to people condemned to decades of solitary: “Learn from yesterday, live for today, hope for tomorrow.”

**VIRGINIA, OHIO, GEORGIA, NORTH CAROLINA** — During the spring and summer, people in solitary confinement held separate hunger strikes in prisons around the country. In May, at Red Onion supermax in Virginia, strikers demanded “an end to torture in the form of indefinite segregation through the implementation of a fair and transparent process whereby prisoners can earn the right to be released.” Prisoners in solitary at the Ohio State Penitentiary, during a two-week May hunger strike, likewise demanded a fairer “step-down” program. In July, inmates at Georgia’s Diagnostic and Classification Prison went on a month-long hunger strike demanding better medical care, due process, and human rights. And later that same month, a hunger strike was launched at three state prisons in North Carolina in protest of conditions in “close custody” housing.

# Concrete Solitaire

By Enceno Macy

*Editor's Note: Enceno Macy is the pen name of an inmate in a West Coast state prison. In prison since the age of 15, Macy has earned a high school degree and completed college courses while inside. His writing appears on the website Planet Waves, where a longer version of the following essay was originally published.*

The light is as dim as a 40 watt bulb in a basement, like you might see in a B-rated horror movie. But this light illuminates a different kind of horror.

Imagine you're in a cube, a concrete cube six feet by ten feet max. A thick concrete slab three feet high is built into the back wall. An exercise mat lies atop the slab, three inches thick and almost as hard as the slab itself. A stainless steel combination toilet-sink is built into the side wall, and next to it is a solid steel door. There may or may not be a small, filthy window, no bigger than a VCR tape, high up in one wall. The available floor space is about the same as a standard 4 x 8 sheet of plywood. This is your entire world, 24/7.

You have two books, if you're lucky, chosen from a very limited selection of dog-eared novels, usually with subjects of no interest to you. A couple sheets of paper, a pen the size of a golf pencil, a toothbrush and a comb complete the inventory of your property.

Three times a day, a slot in your door opens, a tray is shoved through with strictly regulated portions of alleged food the FDA may or may not have approved strewn across it. Every two days, you are restrained—put in handcuffs and leg chains—and taken to shower.

Occasionally you will receive your mail if the guards don't 'lose' it and if you are fortunate enough to have anyone care enough to write to you. Every little noise echoes. Even the silence echoes, a dry, empty silence, the kind where you can hear yourself think. As months go by, the thoughts you hear become actual voices. After years in the cube, those voices become someone else's and you no longer have a voice of your own.

This is a cell in what they call "segregation." It used to be called solitary confinement, but for some bureaucratic reason it was changed to "segregation," with various adjectives added. The use of solitary, once a relatively rare means of isolating prisoners whose violence jeopardized both guards and other prisoners, is now so frequent and so commonplace in U.S. prisons that prefab concrete segregation cubes are standard units of prison construction.

It is not hard to see how difficult it would be to keep yourself from going crazy in such a cube. Now add the probability—actually the strong likelihood—that most of the people put into those cubes already have some serious psychological problems before they are put there, and even a ten year old could deduce that such treatment would compound whatever problems someone had. Yet for the last 25 years, there has been a vast expansion of dungeons full of cubes like those I describe in prisons throughout the U.S. And their original purpose of keeping dangerous prisoners from harming others has been vastly expanded to include punishments for violations of prison rules and any behavior deemed insubordinate by sadistic or control-freak guards.

To anyone who has endured the horrors of solitary, it is impossible not to view this kind of punishment as an extreme form of cruelty. I would say cruel and unusual, except that it's no longer unusual because every prison in the country has isolation units just as bad or worse than my description.



In some prisons, you are put on a leash when you exit the cell for any reason, like for medical treatment if you're lucky. You are allowed to exit for "yard" once a week, for an hour alone in a slightly larger concrete cube with a screen across the open roof twenty feet above. This is your only contact with the outdoors. I have done a total of some two years off and on in solitary cells such as these. Not one of the experiences was anything but depressing and painful.

I am not suggesting that some of the people put into these units do not need to be segregated from the rest of the prison population. Many are in prison for anti-social behaviors and shouldn't have been stuck with each other to begin with. But a very high percentage of them would technically be certified for mental institutions if not for their violent, criminal behavior. Prison, and especially solitary, simply intensifies psychological problems that might be treatable in another setting. It is distressing and sad to report from my personal observation that there are very few or no opportunities for rehabilitation in prison, whether psychological, behavioral or even educational.

Logical thinking might lead one to conclude that lock-up, which is pretty much a long-term 'time out' from society, is not an adequate means of deterring criminal activity, especially when you herd a bunch of wildly dysfunctional people together and expect them to change. Of course it's not; you might as well herd wild horses into a corral and expect them to change into dressage champions. I think actually addressing and correcting convicts' issues would be more productive, but there is too much political and economic pressure hindering the introduction of rehabilitative services. An unempathetic society chooses to punish offenders instead of helping them, even if the punishment creates worse monsters than the originals.

For example, if you put a 15-year-old kid in prison for a lengthy amount of time (as I have been), and offer him little or no avenue to learn how to be a

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positive contributor to society, he will inevitably learn from what he is being exposed to. He will come to know only how to cope and survive in a locked-up environment surrounded by seriously messed-up guys. So when you eventually re-introduce him to society, what expectation can you have of him? Even if he tries his best to fit in, his reactions to situations will be a product of what he has come to know.

I have written before about the prison environment. It is 99 percent negative and sub-primal. This doesn't mean no one ever survives it and returns to society to become a functioning citizen, but the likelihood of this happening is slim to none.

The same and more so can be said of locking someone in a solitary/segregation cube and expecting him to come out any better. The overwhelming likelihood is that he will emerge a far more violent, far more uncontrolled, far angrier person than ever before. Punishment may be a necessary aspect of deterring certain behaviors, but I don't think people who have not experienced this kind of punishment can comprehend how it can actually harden one to the prospect of such consequences.

When you get put into that kind of isolation, you have no choice but to accept it. After a time, some people actually come to embrace the solitude, and it becomes a great discomfort to

live in the general population again. Now they are not only no longer deterred by the threat of solitary, but are likely to create the situations that will send them there.

Around the country, some of these seg units hold people for years, even decades, prolonging and eventually preventing their potential recovery from such an experience.

The unrelieved boredom of these units and the lack of any live contact drives many inmates to create any opportunity for interaction with anybody at all. Common examples are phantom or self-inflicted injuries that give them a chance to have contact with medical staff, who may be incompetent and totally indifferent but at least are arguably human.

Long-term seg units give inmates 'packets' that they are required to complete prior to release back into general population. These are basically a joke. The packets ask inmates to explore their behavior in an attempt to get them to understand how their thinking and actions led to their being in solitary. But there are no simple cookie-cutter answers to such complexities.

These inmates have spent their whole lives becoming who they are; a year or more of solitary confinement cannot alter the mentality that has been created during a lifetime—except to enhance the most negative elements of it. I mean, think about it: the very last

things you're likely to acquire while locked alone in a concrete cube are empathy or civil behavior or social conflict-solving techniques.

I am not an expert, so I can not propose satisfactory solutions to the dilemma of holding criminals accountable and at the same time avoiding any contribution to their mental and behavioral instabilities. A few things come to mind, though, primarily the need to help these guys understand the importance of becoming educated. Services using former prisoners, who are more likely to be regarded with respect and attention, could teach inmates this importance and provide opportunities to pursue all kinds of knowledge and skills, which would give them an incentive to stay out of trouble and to better themselves.

This would fill another important need: our need to feel useful and have something to do good for. Those who have been discarded by society—unloved, unwanted, uncared for—need this above all: a way to acquire or regain that sense of worth. Burying us alive in concrete cubes has exactly the opposite effect.

What society has done is invest in more and more solitary confinement cubes that intensify the problem, instead of investing in the education that could cure or prevent it. Somewhere I read that it is cheaper to send someone to Harvard than to incarcerate him for a year. That says it all, doesn't it?

## About Solitary Watch

Solitary Watch ([www.solitarywatch.com](http://www.solitarywatch.com)) is a web-based project aimed at bringing solitary confinement out of the shadows and into the light of the public square. Our mission is to provide the public—as well as practicing attorneys, legal scholars, law enforcement and corrections officers, policymakers, educators, advocates, and people in prison—with the first centralized source of background research, unfolding developments, and original reporting on solitary confinement in the United States.

The print edition of Solitary Watch is produced quarterly and is available free of charge to currently and formerly incarcerated people, to prisoners' families and advocates, and to non-profit organizations. To receive a copy, send a request to the address or email below.

We also welcome accounts of life in solitary confinement, as well as stories, poems, essays, and artwork by people who have served time in isolation. Please send contributions to “**Voices from Solitary**” at the address below.

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