

A Hunger for Justice in Pelican Bay

By James Ridgeway and Jean Casella

On 21 July, prisoners in solitary confinement at California's notorious Pelican Bay State Prison began accepting the meals that were slipped to them through slots in their solid metal cell doors. For many, it was the first time they had eaten in three weeks. A group of inmates in the prison's Security Housing Unit (SHU) had resolved to protest their isolation using the only means available to them – by going on a hunger strike. The strike quickly spread to more than a third of California's 33 prisons, where about 6,600 prisoners refused at least some of their meals. After 21 days, with prisoners losing as much as 30 pounds, the strike ended where it began – in the SHU.

If this seems like a desperate measure by desperate men, it is. The widespread use and abuse of solitary confinement in U.S. prisons and jails is one of the nation's most pressing domestic human rights issues, and also perhaps its most ignored.

In the end, the Pelican Bay hunger strikers won only a few token concessions from the California department of corrections and rehabilitation (CDCR) – the right to wear caps in cold weather, to hang wall calendars in their cells, and to have access to a modicum of educational programming. But they achieved something much more important, as well: For a few weeks, the men of the Pelican Bay SHU ceased to be invisible.

Solitary confinement is a hidden world within the larger hidden world of the American prison system. At Pelican Bay, about 1,100 men languish in long-term or permanent isolation. In super-max prisons across the country, the number is at least 20,000, with tens of thousands more in solitary in other prisons and jails. Most are confined to their cells without yard time, work or any kind of rehabilitative programming. In the Pelican Bay SHU, prison-

ers spend at least 22.5 hours each day in windowless concrete cells, and the remaining time alone in concrete exercise yards. Many have been there for years, some for decades, often with no end in sight to their torment.

Solitary confinement has been denounced as torture or "cruel, inhumane and degrading treatment" by several international bodies, including the UN and the European Court of Human Rights. Research conducted over the last 30 years confirms that stretches in solitary produce psychopathologies that include panic attacks, depression, inability to concentrate, memory loss, aggression, self-mutilation and various forms of psychosis. But in the United States, the courts have been reluctant to limit its use. In the 1995 case *Madrid v Gomez*, a federal judge sharply criticised conditions in Pelican Bay's SHU, writing that nearly round-the-clock isolation in windowless cells "may press the outer borders of what most humans can psychologically tolerate." Yet, he fell short of declaring long-term solitary confinement unconstitutional.

Largely unrestrained by courts, legislatures, or public opinion, solitary confinement has become routine – a punishment of *first* resort for all sorts of prison infractions. Today, a prisoner can be placed in solitary not only for violence, but for any form of "insubordination" towards prison officials, or for possession of contraband (which includes not only drugs but cell phones, cash or too many postage stamps). Some inmates are sent to solitary confinement for exhibiting the symptoms of untreated mental illness. Others, including juveniles in adult prisons, end up in isolation for their own "protection" because they are targets of prison rape. Many of the men in Pelican Bay's Security Housing Unit are there because they've been "validated" as gang members, based on their tattoos or on the say-so of other inmates, who are rewarded for "snitching."

In 2006, as one of its primary recommendations, the bipartisan US Commission on Safety and Abuse in Prisons called for substantial reforms to the practice of solitary confinement. It should be "a last resort," the commission said, and even in segregation units, isolation should be mitigated and terms should be short. The Pelican Bay hunger strikers adopted the commission's recommendations into their core demands, along with an end to the system of gang "validation" and provision of "adequate food" and "constructive programming" for SHU inmates. The demands were far from radical. Yet a spokesperson for the California department of corrections and rehabilitation insisted that the state was "not going to concede under these types of tactics."

While its tangible results were few, the hunger strike received surprisingly widespread press coverage, in spite of the CDCR's complete ban on media access to participating prisons and prisoners. And the visibility wrought by the hunger strike builds upon the work of a growing number of advocates. Earlier this year, the National Religious Campaign Against Torture issued a statement calling for an end to prolonged solitary confinement across the nation, and urged people of faith to sign on. They joined the American Civil Liberties Union and American Friends Service Committee, along with several smaller or state-based groups, in opposing solitary confinement as it is practiced in the United States today.

If the public at last begins to acknowledge long-term solitary confinement as a form of torture and a major human rights issue, it will be owing largely to the efforts of these activists – and to a group of prisoners who, for a few weeks this summer, starved themselves in solitude to bring their torment to light.

This article was originally published by The Guardian: www.guardian.co.uk.

About Solitary Watch

The mission of Solitary Watch is to provide the public—as well as practicing attorneys, legal scholars, law enforcement and corrections officers, policymakers, educators, advocates, and prisoners—with the first comprehensive source of information on solitary confinement in the United States.

Combining background, analysis, breaking news, fact sheets, resource lists, and “Voices from Solitary,” the site will serve as an information clearinghouse and educational resource, aimed at bringing this issue out of the shadows and into the light of the public square.

Solitary Watch is on the web at www.solitarywatch.com.

The print edition of Solitary Watch is produced quarterly, and includes a small selection of pieces from the site. It is available free of charge to current and former prisoners, 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 inmates in isolation. Please send contributions to “Voices from Solitary” at the address below.

PO Box 11374, Washington, DC 20008

solitarywatchnews@gmail.com

Voices from Solitary: Letter from a California Hunger Striker

Editor’s Note: The following is excerpted from a letter sent to a loved one outside by a hunger striker in the Security Housing Unit (SHU) at the California Correctional Institution at Tehachapi. It is dated July 21, after the writer had been refusing food for three weeks, and shortly before he received news that the strike was ending. He refers to the California Department of Corrections and Rehabilitation (CDCR) policy of gang “validation” and “debriefing,” which is discussed in the article on page 1. — Sal Rodriguez

I am glad the word is out, I’m just saddened that I don’t see anything on the news of our struggle. As far as we last heard it’s been like 12 prisons that are involved. Here there are a lot of people on strike — all races, Pelican Bay and Corcoran for sure...

As far as commissary, that’s a negative. It is CDC policy to search our cells and remove all store when hunger strikes begin, and they did so here. All they do is weigh us and take our vitals (blood pressure, temp., and heart rate), but of course they weigh us in chains to weigh us down and they allow the [corrections officers] to operate the scale. I am at 171 on my last weigh-in, down from 185. They attempt to take my blood, which I refuse; I’m weak as it is, if I do that I’ll fall out...

I remain strong in the hopes that change will come. I get sad when I watch the news and they talk about stuff with no meaning and ignore us. I am an American citizen and when enemy combatants in Guantanamo Bay had a strike they covered it, all networks, beginning to end, but we are just forgotten. Contact all media networks and let them know this is a peaceful protest and we have been given no other option for relief rather than to hunger strike in the hopes that someone, ANYONE, will care enough to step in and help us.

One might think that us as prisoners must be held under duress and extreme conditions in order to refuse the most basic necessity; food. I choose to remain on strike for I have been robbed of my life, my ability to be a father to my son, a son to my parents, a lover to my love, a friend to friends, and to experience life in the minimum of its meaning.

I was sentenced to life in prison at 18 for an action I committed, but now I am validated for no actual action committed by me. And I’ll be held here in the SHU until I die or debrief. Just imagine if anyone out there could be put in jail just for someone’s accusation. It’s unheard of. But in here its common practice for we are forgotten. We are the tragic aftermath of an angry committee.

Some believe we don’t deserve common decency or compassion because we didn’t show any when we committed our crime. To those people I say, in life wrongs are committed. I don’t justify anything. But this country was founded on mass genocide and yet that is forgotten. Now that civil rights have passed the oppression that must be has moved behind these walls of the new “concrete slave ship.”

I am only a man who prays that I will be judged by my actions and my disciplinary file, not by the words of faceless informants and a confidential file that I can’t see. We must defend ourselves against the unknown. It’s literally impossible.

My feet still walk the trail of tears. I am in my soul still a believer in justice and the good in people. I believe if society really knew what happened in here they’d be appalled.

Confronting Torture in U.S. Prisons: A Q & A with Solitary Watch

The following is excerpted from an interview with Solitary Watch editors James Ridgeway and Jean Casella, conducted by Angola 3 News. It originally appeared in June 2011 on the website Alternet: www.Alternet.org.

Angola 3 News: What is a SHU?

Solitary Watch: SHU is just one of many euphemisms prison systems have developed to avoid using the term “solitary confinement.” In California, it stands for Security Housing Unit; in New York it is Special Housing Unit. Elsewhere we see Behavioral Management Units, Communications Management Units, Administrative Segregation, Disciplinary Segregation—the list goes on. There are nuances of difference among them, but they all consist of 23- to 24-hour-a-day lockdown. Most of these systems—including the federal Bureau of Prisons—deny that they use solitary confinement, even while they have tens of thousands of prisoners locked alone in their cells for months, years, even decades.

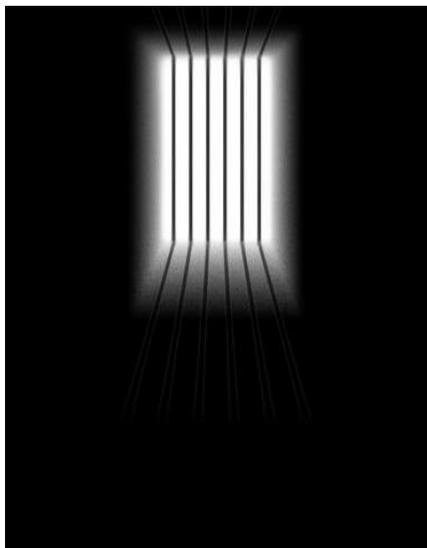
A3N: When was the first SHU made?

SW: Solitary confinement was actually invented here in the United States, in the early 19th century in Philadelphia, as a supposedly humane alternative to things like floggings. Prisoners were locked up alone, with nothing to do but contemplate their crimes, pray, and supposedly become “penitent”—thus the term “penitentiary.”

Of course, nothing like that happened. The U.S. Supreme Court looked at conditions in the Philadelphia prison in 1890 and found that “A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community.”

For nearly 100 years after that, solitary confinement was rare; the famous

Birdman of Alcatraz spent six years in solitary, and that was unusual. Things really began to change in 1983, when two guards at the federal prison in Marion, Illinois, were killed by inmates on the same day. That was the beginning of the notorious Marion Lockdown, where prisoners were permanently confined to their cells without yard time, work, or any kind of rehabilitative programming.



A3N: How have they developed since?

SW: In 1989 California opened the first purpose-built supermax prison—Pelican Bay. There was a supermax boom in the 1990s, and today, 40 states and the federal government have supermax prisons holding upwards of 20,000 inmates. Tens of thousands more are held in solitary confinement in lockdown units within other prisons and jails. There’s no up-to-date nationwide count, but according to the best available data, there are at least 80,000 prisoners in solitary confinement on any given day in America. Solitary confinement has become the disciplinary measure of first resort, rather than of last resort.

A3N: What are effects of the SHU on prisoners’ health and well-being?

SW: As one prisoner at the Tamms supermax in Illinois said, “Lock yourself in your bathroom for the next 10 years and tell me how it will affect your mind.”

If it weren’t already obvious enough, research conducted over the last 30 years confirms solitary confinement has an extremely damaging effect on mental health. One study found that a single week in solitary produced a change in EEG activity related to stress and anxiety. There’s evidence that long-term isolation profoundly alters the brain chemistry, and that longer stretches in solitary produce psychopathologies at a considerably higher rate than other forms of confinement. Yet we have prison systems that insist they are placing prisoners in solitary so that they can “learn self-control,” and many cases where inmates are released directly from long-term isolation onto the streets. Unsurprisingly, they have a notably higher recidivism rate than other prisoners.

It’s important to acknowledge, also, that a huge number of prisoners who are placed in solitary suffer from underlying mental illness. After 40 years of cuts to funding for mental health care, prisons and jails in general—and solitary confinement cells in particular—have become America’s new asylums. Prisoners are placed in solitary for being disruptive, when what they are doing is simply exhibiting the untreated symptoms of mental illness. One report by Human Rights Watch found that in prison systems around the country, one-third to one-half of the prisoners held in solitary were mentally ill. Other studies have found that two-thirds of all prison suicides take place in solitary confinement.

There has been less research done on the physical effects of solitary confinement, but evidence from recent court cases suggests a relationship to things like extreme insomnia, joint pain, hypertension and even damage to the eyesight—which makes sense when you are talking about not being able to walk or look more than ten feet in any direction for years or decades on end. We will clearly see more evidence of health damage as more and more prisoners grow old in long-term solitary confinement.

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A3N: What are some other characteristics of the SHU?

SW: These prisons have made a science out of isolation. The cells usually measure between 60 and 80 square feet, and those cells are a prisoner's entire world. They are fed through slots in the solid steel doors, and if they communicate with prison staff, including mental health practitioners, that also takes place through the feeding slot. If they're lucky they get to exercise one hour a day, alone, in a fenced or walled "dog run," and leave their cells a few times a week to take a shower—in shackles, of course. In some cells the lights are on 24 hours a day, and there's round-the-clock video surveillance.

Prisoners may or may not be permitted to have visits. They may or may not be allowed reading and writing materials, art supplies, or other things to help them pass the time, and they may or may not have television, with close-circuit programming supplied by the prison. There's a lot of concern about inmates being perceived as having it "too easy"—so they often don't have air conditioning in summer or enough heat in the winter, and the food is barely adequate. Some states still use "the loaf"—made of a tasteless puree of foods—as punishment.

A3N: Do you think prison authorities have used solitary confinement as a political tool against prisoner activists and organizers?

SW: There's no doubt that solitary confinement is routinely used to punish prison whistleblowers, and to suppress nonviolent dissent and free expression in prison.

In the case of Herman Wallace and Albert Woodfox, the two still-imprisoned members of the Angola 3, and of Hugo Pinell at Pelican Bay, we are talking about men who have had virtually clean disciplinary records for several decades, and who are now in their sixties. The fact that they continue to be held in solitary confinement clearly has everything to do with their involvement as prison organizers.

But you don't have to be associated with any organized political group, to be punished for prison activism. In

Massachusetts, an inmate named Timothy Muise was sent to solitary after he tried to expose a sex-for-snitching ring run by guards at his prison; they said his offense was "engaging in or inciting a group demonstration." A prison journalist in Maine named Deane Brown was isolated and eventually shipped out of state for sending broadcasts called "Live from the Hole" to a local radio station.

A3N: How well do you think the media has covered the issue of solitary confinement in prisons?

SW: Well, there has actually been some outstanding reporting on this subject. The problem we have with media coverage is that there isn't nearly enough of it. And it doesn't get anything close to the attention it deserves or produce the kind of outrage it should, considering the fact that this is one of the major domestic human rights issues of our day. Our impression is that the media is simply reflecting how effectively prisoners have been marginalized in our society.

A3N: Today, in the post-9/11 so-called "War on Terror" era, do you think that the U.S. public supports the use of torture against U.S. prisoners?

SW: We do think that the public is tolerating the torture of prisoners—some because they don't know about it, others because they simply don't care. But we'd actually like to turn your question around, because we believe that a tolerance for the torture of U.S. prisoners helped to produce a tolerance for the torture of foreign terrorism suspects, rather than vice versa. The "War on Crime" predates the "War on Terror," and places like Pelican Bay and ADX Florence made it that much easier for Guantanamo Bay and Abu Ghraib and Bagram to exist.

To discuss what produced this tolerance for torture in the first place, we need to remember that prisoners are today by far the most dehumanized members of our society. For at least the last 30 years, politicians from both parties have been cynically exploiting public fears about crime to win elections, and the prison population has grown by leaps and bounds with tacit public approval.

It comes down to depriving prisoners of their full humanity. Once you do

that, it becomes a lot easier to deprive them of their basic human rights, not to mention their civil rights.

A3N: Strategically speaking, how do you think supporters of human rights can best use media-activism to challenge the powerful forces currently trying to convince the U.S. public that torture is good policy? What are key points that we should be making?

SW: When it comes to solitary confinement, we probably need to emphasize different key points with different audiences. For those who think that prisoners are criminals who deserve whatever they get, we can still emphasize the fact that solitary confinement is not only cruel, but also costly and counterproductive. It can cost two to three times as much to keep a prisoner in a supermax, rather than in the general prison population. And it simply doesn't "work," in that it makes people more likely to re-offend and end up back in prison.

For those people who already have a firm opposition to all torture, we simply need to share information about the nature and widespread use of solitary confinement, and try to bring this practice out of the shadows and into the public square. Some important human rights and civil liberties groups are now trying to call attention to solitary confinement, so that's a positive development. We need to encourage people to see the torture of all U.S. prisoners as a human rights issue just as pressing as the torture of Bradley Manning or the torture of the captives at Guantanamo or Abu Ghraib—because torture is torture, and if you believe this, it shouldn't matter whether or not the victim has committed a crime.

Resources on Solitary Confinement:

American Civil Liberties Union Stop Solitary Campaign: <http://www.aclu.org/stop-solitary-dangerous-overuse-solitary-confinement-united-states>

American Friends Service Committee Stopmax Campaign: <http://afsc.org/campaign/stopmax>

National Religious Campaign Against Torture: Ending Torture in U.S. Prisons: <http://www.nrcaat.org>