

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/09/03/the-destruction-of-the-human-spirit-testimony-of-rev-will-mcgarvey-on-solitary-confinement/>

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by [Sal Rodriguez](#) | September 3, 2011

Reverend William McGarvey, a member of the national board of More Light Presbyterians and former chair for the Justice, Advocacy and Caring Committee of the Presbytery of San Francisco, spoke at the California Assemblys Public Safety Committee hearing on Californias Security Housing Units (SHUs). He was representing the Bay Area Religious Campaign Against Torture, a local chapter of the National Religious Campaign Against Torture, which has launched a campaign aimed at [Ending Torture in U.S. Prisons](#), with a national petition to [End Prolonged Solitary Confinement](#).

Rev. McGarvey speaks about the religious historical roots of solitary confinement and how what began with a religious impulse toward the reformation and rehabilitation of inmates has become an often cruel and brutal system of warehousing inmates, with little, if any, concern for the genuine reformation and reclamation of the individual as a suitable member of society. He goes on to speak about the suffering of inmates in solitary, and concludes with a litany of examples of the abuse of solitary confinement against religious inmates.

This testimony is available as a PDF here: <https://solitarywatch.org/wp-content/uploads/2011/09/mcgarvey-state-assembly-remarks-final.pdf>

Statement of Rev. William McGarvey at Hearing of California Assembly Public Safety Committee, August 23, 2011

Elected state representatives, Ladies and gentlemen, my name is Rev. Will McGarvey. I am pastor of Community Presbyterian Church of Pittsburg, CA we are dually aligned with the Presbyterian Church (USA) and the United Church of Christ. I am the past chair of the Justice, Advocacy and Caring Committee of the Presbytery of San Francisco, and I serve on the national board of More Light Presbyterians.

I am one of the earliest clergy signers of the National Religious Campaign Against Tortures Statement on the Optional Protocol to the Convention Against Torture something both my denominations have also signed. And I regularly visit elected leaders with a contingent from the Bay Area Religious Campaign Against Torture, asking for transparency from our military and police forces in following our nations laws. The National Religious Campaign Against Torture (NRCAT) is a membership organization of over 300 religious organizations committed to ending U.S.-sponsored torture, including torture in U.S. prisons.

I am here today to share inter-religious perspectives on solitary confinement within our criminal justice system.

I would draw your attention to our NRCAT statement, Ending Prolonged Isolation, which has been sent to you. It states,

Solitary confinement typically embodies the following:

Prolonged solitary confinement under these kinds of conditions has long been considered a form of torture, which destroys the humanity of those who suffer it, particularly those with mental illnesses, those with learning disabilities, those with developmentally disabilities, and young people.

As of May 18, 2011, 3,259 people were being held in solitary confinement in California special housing units (SHUs) and hundreds more are being held in Administrative Segregation, awaiting a SHU assignment. People of faith all over California are calling for a comprehensive and public review of solitary confinement practices in California prisons and an end to the implementation of this practice as a long-term solution for individual prisoners.

Our laws and all faith traditions recognize the inherent and inviolable dignity of every human being. As Justice Thurgood Marshall so poignantly stated: When the prison gates slam behind an inmate, he does not lose his human quality. [1] Prolonged solitary confinement destroys that human quality. Any practice that promotes that end does not reflect the values and moral principles that ground our nation and this great State.

As you may know, the history of solitary confinement in U.S. penal institutions has a religious underpinning. Edith E. Flynn and Margaret Zahn, in their article on legal history: Prisons and Jails: Development of Prisons and Jails in the United States notes this history,

Reflecting the legacy of their European ancestors, the American colonists made extensive use of corporal punishment, with death, mutilation, branding, and whipping decreed for serious offenses, and public ridicule, such as the stocks, the pillory, the public cage, or the ducking stool, imposed for lesser offenses. In general, the colonial penal system was harsh, exacting, and motivated principally by revenge. After the Revolutionary War reform-minded colonists began to experiment with new criminal codes. They also embarked on a course of penal reform that would not only affect America but eventually spread throughout the world.[2]

By 1787, a small group of concerned citizens in Pennsylvania organized the Philadelphia Society for Alleviating the Miseries of Public Prisons advocated for reforming the existing penal structure to make prisons more humane. Pennsylvania Quakers provided significant support for the Society's efforts at prison reform. It was actually the Quakers that came up with the idea of solitary confinement as a rehabilitation practice. It was thought that prisoners confined in solitary conditions, with time to reflect on their actions, would be rehabilitated through penitence. The term penitentiary comes from the Quaker idea that solitude would bring about penitence.

The Wall Street Jail in Philadelphia was the first to experiment with solitary confinement. First constructed in 1776, according to Flynn and Zahn, *this jail had all of the hellish characteristics of its predecessors*. Men, women, and children were kept in the same facility, where conditions were brutal and inhumane. The Wall Street Jail was renovated in 1790, becoming the nation's first penitentiary. Debtors were separated from hardened felons, and men, women, and children were now separated. Corporal punishment was banned. New legislation developed by the Philadelphia Society shifted the focus from physical, often capricious punishment of offenders to their reform and rehabilitation. Inmates were given a Bible and religious instruction to facilitate solitary contemplation and hard labor to teach self control. The combination of contemplation and self-control would bring about rehabilitation and redemption and prisoners would be returned to society as law-abiding generic ambient citizens.

Then, as now, the total lack of human contact led to the development of psychoses and other forms of mental and physical illnesses among the prison population. Then, as now, suicide was a frequent response of prisoners who were left in solitary confinement for prolonged periods. By the late 1880s, U.S. prisons authorities began looking at clinical evidence from Europe that confirmed the dire effects of solitary confinement experienced in Wall Street Jail and other U.S. penitentiaries, and the practice of solitary confinement was abandoned in U.S. prisons from the 1880s to 1970 when it was revived in its most extreme forms in Supermax prisons and special housing units.

Friends, what began with a religious impulse toward the reformation and rehabilitation of inmates has become an often cruel and brutal system of warehousing inmates, with little, if any, concern for the genuine reformation and reclamation of the individual as a suitable member of society. And we all suffer consequences: prisoners suffer and our communities suffer when many people who have been subjected to prolonged periods of isolation from any human contact are returned to our communities psychologically broken and unfit for social intercourse. Inmates who have experienced long-term solitary confinement show some of the same effects as prisoners of war and those who have been held hostage.[3] And we should remember that while this system of confinement causes social and mental injury to the inmate, it also causes moral injury to the guards who witness and participate in the long-term consequences of this system.

Inmates in the U.S. have been put into solitary confinement for many different reasons, including disciplinary actions. I will leave it to others speaking to you today to document the psychological and social impairments which solitary confinement produces, but we should also note how solitary confinement is used to enforce cultural biases, particularly around race and religion.

Native American inmates have been put into solitary confinement for not submitting to policies of wearing short hair, and Rastafarians have been targeted for declining to have their dreadlocks cutoff, also a protected religious expression. For the last 10 years, Kendall Gibson and 10 other prisoners have been kept in solitary confinement in Virginia for keeping the Biblical injunction found in Numbers 6:5, There shall no razor come upon his head.[4]

Also in Virginia, over 30 inmates were moved to a maximum security facility for non-compliance with standards that require hair to be above one's shirt collar and beards to be completely shaven.[5]

For many Muslims, it is worse. Islamophobia contributes to a significant number of Muslim inmates being placed into solitary confinement, now called Communications Management Units (or CMUs) in some prisons, for fear that they may be terrorists who need to be separated from one another. The Center for Constitutional Rights estimates that 60-75% of those in CMUs are Muslim. Unlike other Federal prisoners, CMU prisoners are forbidden from any physical contact with their children, spouses, family members or other loved ones during their visits.

On the flip side of this problem are Lesbian, Gay, Bisexual, and Transgender inmates, 67% of whom report that they have been sexually assaulted by another inmate during their incarceration at a rate 15 times higher than the general population.[6] The faith community is univocal that rape should not be a part of anyone's sentence, but a surprising number of LGBT inmates especially the transgender inmates have reported knowingly committing minor infractions in prison in order to go into the horror of solitary confinement in order to avoid systematic rape. Fortunately, California allows for conjugal visits for same-gender loving couples, whereas most states do not. Still, there continues to be considerable discrimination against LGBT inmates not only by other inmates, but also from the staff and officers of the jails and prisons.[7]

Ladies and Gentlemen, the United States is a signatory of the U.N. Convention Against Torture. I would submit that persistent, long-term solitary confinement constitutes torture under this definition: it is clearly an intentional infliction of physical and mental pain and suffering. Prisons that use debriefing practices offering prisoners freedom from solitary confinement if they become informants on other inmates also break this convention. Since there are ways to protect inmates that are a danger to themselves and others without completely isolating them from human community, and given what we have known since the late-nineteenth century about the impacts of extreme isolation, I believe what we are doing in supermax and control-unit prisons in California is a form of torture and a violation of human rights in which we are all implicated.

Rev. Richard Killmer, Executive Director of NRCAT, wrote, The National Religious Campaign Against Torture vehemently believes

that even those convicted of crimes are human beings with inherent dignity and worth, and they deserve humane treatment.[8]

Each of our faith traditions reminds us of the inherent worth of each human being. As people of faith, we are called to recognize, bless, and reclaim the human dignity within each person. In the Christian tradition, we call this the *imago dei*, the image of God found within each individual.

What concerns us as people of faith is the destruction of the human spirit. When human beings are subjected to conditions that destroy who they are, it is incumbent upon the whole faith community to call our culture, and yes, even our government, to accountability. If we allow solitary confinement to continue in our society especially when we have been informed of the harmful results what does that say about the kind of people we all have become?

Thank you for your time.

Written with the aid of Geoffrey Gaskins, from the Bay Area Religious Campaign Against Torture

1 *Procunio v. Martinez* (1974)

2 Prisons and Jails Development of Prisons and Jails in the United States Private, Inmates, Penal, and Punishment
http://law.jrank.org/pages/18929/Prisons_Jails.html

3 http://www.newyorker.com/reporting/2009/03/30/090330fa_fact_gawande#ixzz1ViF9N38r

4 <http://news.change.org/stories/sentenced-to-solitary-confinementfor-dreadlocks>

5 <http://prisonintro.blogspot.com/2011/03/respecting-inmate-culture.html>

6 <http://www.justdetention.org/pdf/CFCLGBTQJan09.pdf>

7 <http://www.unodc.org/documents/justice-and-prison-reform/Prisoners-with-special-needs.pdf>

8 <http://obrag.org/?p=41341>

Sal Rodriguez was Solitary Watch's first and most prolific intern. Based in Los Angeles, he served as an editorial writer and columnist for the Orange County Register and the Press-Enterprise, and is now the opinion editor for the Southern California News Group.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

@Ann-Belinda Honablezh

I feel for you and your son. I lost a brother in a SHU a couple of years back. He spent some time at the same place as your son. That said well it is true that the spark that ignited prison gang violence was rooted in a prison cast system, a system which was a reflection of our society at large, there are some facts which you might not realize.

<http://quickfacts.census.gov/qfd/states/06000.html>

California 2010 demographics:

Persons of Hispanic or Latino origin, 37.6%

White persons not of Hispanic origin, 40.1% (This does NOT mean Anglo Saxon rather many diverse groups such as Jews, Iranians, Arabs etc. make up this total and CA has a substantial numbers of each group.)

http://en.wikipedia.org/wiki/Prisons_in_California

The (prison) system, like the state as a whole, lacks a racial/ethnic majority among the population, with Hispanic inmates making up approximately 37% of the population, African American and white inmates each representing about 27%, and other inmates representing 8% as of 2006.

As you just read the number of Hispanic inmates is in proportion to their population as a whole in the state. It would be no surprise then if they also were the majority in Pelican Bay.

It is only the higher percentage of blacks and lower percentages of whites incarcerated that differ from the total population numbers of the state. There is room for debate as to why, with racism playing a role but not an exclusive one.

As far as the gang info you posted you may want to click on the following link to correct the errors in your post and you have several.

<http://www.gangsorus.com/prisongangs.html>

If you want to understand how the prison gangs were formed read *The Rise and Fall of Californias Radical Prison Movement* by Eric Cummings. Also read *Edward Bunkers Education of a Felon*. Or his shorter essay *War Behind Bars*. The two correlate on what started the race war.

On Pelican Bay specifically Cummins writes on Page 272: Much of the violence in our prisons, now as in the past, is perpetrated by uncontrolled gangs of guards. These abuses are not slipups at Pelican Bays SHU This is a prison that was designed on a principle of grossly inhuman treatment.

Cummins comes from the point of view of a white radical who supported the prison movement but later came to realize it destroyed the very ideals it sought to obtain. Bunker gives a view of events as seen by a non racist white inmate that was there at the time. The larger question of the time was about the tactics necessary to win equal rights for blacks in prison work place. Were the black inmates going to use the non-violent methods of MLK or the violent tactics of the BPP? A violent group lead by Jackson used violence. And this violence shut down the dialog on prison reform and gave us the SHU. Both authors believe that Jackson philosophy ignited this violence. Both acknowledge that racism of guards became even more prevalent as they were killed by black inmates in vengeful attacks in numbers never seen before or since.

According to Cummings it was the violent tactics promoted by Jackson that created the current hostile atmosphere. The result was that every racial group found it necessary to circle their wagons, so to speak, to protect their own.

Yes even whites who were and are the most fractured of all the races in prison. The term 1%er while I was incarcerated was a reference to the fraction of the white population that was unwilling to just fold under the intense pressure from other races.

The Nazis Low Riders were founded in Preston (a juvenile institution) around the same time that I was there. It began as a younger version of the AB. As a personal note I never have joined a gang inside or outside.

The Aryan Brotherhood was founded by Irish bikers. Motor Cycle clubs in turn were formed earlier by war veterans unable or unwilling to reenter society. The fact that many bikers were war veterans that had fought the communists made them ideologically opposed to Jacksons communist movement. And yes more in line with the establishment. Still the progressive influence of the New Left was felt heavily as programs were geared up to appease minorities and stamp out any white resistance. Rather than not feeling the heat of the authorities white inmates that have fought back are dispersed to dilute their ability to resist. Solitary confinement was and remains full of these men. Just ask Silverstein, Mills, Barnes etc etc.

Rather than about human rights, for many inmates, it was all about power, and controlling the yard. It is still about that. This struggle goes on while guards stand by or consciously chose sides based on their own skin color and/or where they can earn the most money. Thus many are no better than the inmates they guard.

Cummins Page 219: The Cleaver Panther factions October 1971 issue of *Right On!*, for instance, called on black guards to smuggle weapons in to black San Quentin inmates.

(Still unexplained is how Jackson obtained a gun in San Quentins AC unit on August 21, 1971. Did his lawyer give it to him or was it a plant by a guard in order to have an excuse to kill him? Each side believes what they want to believe. The fact is people died as a result.)

In conclusion Cummins warns on page 277: We should be mindful, as the fires spread outward from our prisons into the California ghettos, to resist this time the mistake made in the 1960s of revering ordinary street criminals as revolutionary freedom fighters. Despite the obvious injustices and horrible conditions of life in the ghettos of Los Angeles and other pockets of racism and poverty across California, it is just plain dangerous to call street crime political crime, making street criminals automatically antistate revolutionaries. California convicts will be only too easily convinced to see themselves as guerrilla heroes. Sadly, if it comes to that, these California prisoners will likely become ideological pawns in another cultural crossfire, this time perhaps in a race and class war of which they will be the first victims.

So lets stay united and focused on the human rights aspect of all of this and not fuel racial stereotypes.

about time someone stood up and brout this to the front lines and try to fight for it to end i all for it lets bring a end to the misuse of solitary may thare be light in the darknes of justice

My son is now out of the SuperMax prison at Tehachapei, (after 16 months approx.) but he is in Ag-Seg supposedly awaiting transfer to some other institution and/or to be reassigned again to another stint within the SuperMax prison system.

In his letter to me, he states that he does not trust anyone, and that he is paranoid about things these days. To be paranoid is one of the main psychological effects of being in a SuperMax situation for a prolong period of time.

Moving him to Ag-Seg, they gave him only one of his envelopes, and another person gave him a piece of paper to contact me. This is

considered as a psychological non-communicative status condition. Because you may get a letter sent to you and/or it may be destroyed.

Pastor William McGarvey have stated here the history of solitary confinement as it related to its earliest form. for which I shall concur. Richard Quenney, one of the earlier instrutors within the field of criminology spoke of the same history. It is really interesting that Quenney would touch on these same subjects within his literature and lectures.

In 1970, when the SHU and SuperMax prisons was introduced, it was seen as a way of isolating people such as George Jackson, Angela Davis, Giromo Pratt, members of the Black Panther Party, American Black Muslims, Huey Newton, and the such, because they were the earlier revolutionary fighters. In other words, thry were (and some still are) political prisoners.

Perhaps one is asking themselves, how can one become a political prisoner? They become political prisoners because of what they are fighting against. For example, the Black Muslims under Malcom X were bringing Black men out of prison, teaching them a trade, and also how to respect themselves and women. The United States government did not like this, especially Anglo-Saxons: they wanted the conditions to remain, based on what the status-quo had put into place. Second, everything written within the history books pertaining to Black Americans were removed, except that of slavery.

When, pastor McGarvey outlined the history of solitary confinement, its effects dating back to the seventeen hundreds, the Revolutionary War, and nowone can find the cruelinest of practice, the same cruelinest that solidary confinement is still producing. In other words, the United States likes it, the status-quo likes it, and California loves it. California loves its solitary confinement, because it gives the individuals that are placing these inmates within this condition power as an authority.

This is so encouraging. We want to be at the forefront of this effort in Arizona. If anyone in AZ wants to collaborate with us please contact us at Davids Hope.

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