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Criminal Justice Issues and Prisoners' Rights

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Campaign and Advocacy

close

Search

close

close

by [James Ridgeway and Jean Casella](#) | February 15, 2010

While it doesn't specifically reference solitary confinement, an article in the *Boston Globe* this morning has a lot to say about the larger environment in which these brutal conditions of confinement become routine. In [Imaginary Fiends](#), Joe Keohane asks why Americans stubbornly refuse to believe that the U.S. crime rate has been dropping for at least 15 years.

The year 2009 was a grim one for many Americans, but there was one pleasant surprise amid all the drear: Citizens, though ground down and nerve-racked by the recession, still somehow resisted the urge to rob and kill one another, and they resisted in impressive numbers. Across the country, FBI data show that crime last year fell to lows unseen since the 1960s, part of a long trend that has seen crime fall steeply in the United States since the mid-1990s.

At the same time, however, another change has taken place: a steady rise in the percentage of Americans who believe crime is getting worse. The vast majority of Americans—nearly three-quarters of the population—thought crime got worse in the United States in 2009, according to Gallup's annual crime attitudes poll. That, too, is part of a running trend. The more lawful the country gets, the more lawless we imagine it to be.

The implications for the country at large are stark. Democracy is based on an informed citizenry and public calling upon its representatives to address problems facing their society. If we believe crime is on the march in the streets all over the country, it influences our beliefs on critical issues.

Keohane offers some interesting explanations for this national delusion, though he doesn't mention the influence of cynical politicians who use fear of crime to win votes, and of a prison industry that uses this fear to sustain itself.

Whatever is behind it, this public misconception has no doubt fueled the enormous growth in the U.S. incarceration rate, which is the highest in the world. The [rise of the supermax prison](#) and with it, of solitary confinement has been even more dramatic. As [the Sentencing Project has documented](#), the 35-year imprisonment boom appears to have little relationship to the crime rate. And in an article for [The Crime Report](#) earlier this month, Joe Domanick wrote about mass incarceration in relation to the most recent declines in crime. No one among the experts I spoke with, he said, suggested that as a factor.

What the imprisonment boom has done, however, is bankrupted state budgets, destroyed lives and communities, and sucked up resources that might have been used for everything from education to mental health care to community policing—all of which do significantly reduce crime.

This graphic from [Online Education](#) illustrates what it means to live in an incarceration nation.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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.

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October 25, 2022

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September 29, 2022

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yes i love to see status of now that and how much of the usea if we are 5% how much of that 5% is inmates all i saying is do we think about what we the peepal really are i wonder how much is really we the inmates lol like insane anyone ever dream thare owen trial live every full moon dam creepiest thing to ends badly like above case lol good thing dreams not mean fucher at least i pray like hell they do not lol other wise i say let me go like old yellor lol cos what they would do to be a lot cruiler lol love to hear if any you have had a dream of your trial but never ben on trial in real life yet knock on wood lol

this is a real case and i was wonting to know how the hell the judge was abal to do this by law and not have it overturned how he was abal to do this by guid lines and law i not sher was hoping one of you mite be abal to tell me and would a judge nowadays be abal to inpose the same sentinces Saying that only extraordinary restrictions can prevent a Bronx gang leader from continuing murderous enterprises from behind bars, a Federal judge sentenced the head of the states Latin Kings street gang yesterday to a life sentence that must be served in solitary confinement and with severely limited visits from family members and his lawyer.

Judge John S. Martin of United States District Court in Manhattan said the only foolproof way to prevent Luis Felipe, known as King Blood, from endangering the public would be to impose the death penalty, a punishment which the judge said he would have chosen despite his philosophical objections to capital punishment. But Federal sentencing guidelines do not permit the death penalty in conspiracy cases, so Judge Martin placed unusually restrictive conditions on Mr. Felipes prison term, depriving him of any telephone calls and permitting visits only with family members who are approved by the court and occasional conferences with his lawyer.

This defendant has no regard for human life and obviously enjoys a godlike role in determining who should live and who should die, Judge Martin said in sentencing Mr. Felipe, 34. This defendant has forfeited any right to human contact.

Mr. Felipe was convicted in November of ordering three murders. He was found guilty on all 18 counts of a Federal racketeering indictment.

Judge Martin said the extreme measures were warranted because Mr. Felipe had manipulated his prison privileges in the past, ordering three murders from his jail cell. In one, the victim was strangled and beheaded and his gang tattoo was cut off his arm.

But by ordering the kind of restrictions usually left to the discretion of the Federal Bureau of Prisons, Judge Martin exceeded the usual guidelines followed by Federal judges, stunned Mr. Felipe and angered some of the 200 Latin King gang members who stood outside the courthouse awaiting the sentence.

You accuse me of killing people, but youll be killing me every day, Mr. Felipe said to the judge, according to his lawyer, Lawrence Feitell.

Mr. Feitell said he was outraged by the harsh sentence, calling it unconstitutional, and said it deprived Mr. Felipe of his right to appeal.

Why dont you give him a gun and let him shoot himself, said Mr. Feitell, who vowed to appeal the restrictions. Hes being tortured.

Richard Zabel and Alexandra A. E. Shapiro, assistant United States attorneys, said they were pleased by the sentence of life imprisonment for the murder conspiracies and an additional 45 years for weapon possession. Prosecutors declined to comment on the judges restrictions, saying they wanted to research the sentence.

But some legal experts said Federal law gives judges the latitude to dictate the conditions of a prison term, especially in cases involving criminals considered a danger to the public.

Under the sentencing statute, he is allowed to consider protecting the public from future crimes, and so by isolating Felipe, he may be allowed to do this under a theory of deterrence, said John Byrnes, a lawyer with the Federal Defender Division of the Legal Aid Society. But we think its a moot question, because its likely that the Bureau of Prisons would do something like this anyway.

The sentence is the latest in a string of legal setbacks for Mr. Lopez, a Cuban immigrant who became New York Citys most powerful and deadly gang leader while behind bars.

The Latin Kings were founded in Chicago in the 1940s as a fraternal organization, and Mr. Felipe began the New York City chapter in 1986, while serving a manslaughter sentence in the Collins Correctional Facility in Helmuth, N.Y., 30 miles south of Buffalo.

Using revolutionary rhetoric and a rigid code of conduct enforced by brutal discipline, the gang became highly visible in city neighborhoods and correctional institutions, where its hundreds of members identified themselves by wearing black and gold beads. When Federal authorities began an investigation into the Latin Kings activities five years ago, gang membership was around 2,000.

Mr. Felipe was among 50 Latin Kings charged in 1995, but the only one to stand trial, because the other gang members all pleaded guilty or cooperated with the authorities.

Although gang bylaws preach love and respect, testimony at the trial described Mr. Felipe as a leader whose followers paid for their transgressions with blood. Gang members testified that Mr. Felipe issued orders of T.O.S., or terminate on sight, against one follower who ran from a fight and another who had insulted Mr. Felipe's girlfriend.

At sentencing yesterday, the mother of one gang member who was murdered said she will forever be haunted by the killing. Lola Reyes, whose son Ismael was killed in January 1994, urged the judge to impose a long sentence on Mr. Felipe for ordering the slaying.

Now I just sit around on holidays and cry or go to the cemetery, she said.

The gang's new leader, Antonio Fernandez, known as King Tone, has vowed to pursue a nonviolent agenda. But Bronx prosecutors accused the Latin Kings of putting a \$5,000 contract on a police officer's life last year to protest the acquittal of a police officer who had been charged in the killing of a Hispanic man in the Bronx.

Photo: Luis Felipe founded the New York Latin Kings chapter while serving a sentence for manslaughter. (pg. 26)

Excellent presentation for becoming aware of a 25 to 30 years lasting process! America must have reached the most secure country on globe by a justice system catering the Prison Industrial Complex. On dictatorial island more and more selected citizens learn rehabilitation under warehousing conditions. What a wonderful profit-oriented New World exposing world highest prisoner rate and Golden GULAG.

I would love to see more current figures like 2008 & 2009

Re. current figures:

From the same Boston Globe piece: According to preliminary FBI data, the murder rate dropped 10 percent from 2008 to 2009, robbery fell 6.5 percent, aggravated assault fell 3.2 percent, auto theft was down a whopping 18.7 percent.

Estimates seem to put the increase in the incarceration rate last year at somewhere around 1 percent low, compared to earlier years (mostly because of cash-strapped budgets), but still way out of sync with crime.

It's crazy I feel overwhelmed

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