

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2016/11/03/man-held-in-solitary-confinement-for-37-years-wins-legal-victory-in-pennsylvania/>

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by [Sarah Blatt-Herold](#) | November 3, 2016



In September, Arthur Johnson got the news he has waited more than three decades to hear. A federal judge granted a preliminary injunction, ordering Pennsylvania to transition him out of solitary confinement and into the general prison population.

Johnson, now 64, spent close to 37 years over half of his life alone, locked in a 7 x 12 square foot cell for 23-24 hours a day. He was put in solitary for an alleged escape attempt when he was 26 years old, and was never released. Last May, he [sued the Pennsylvania Department of Corrections](#), arguing that his solitary confinement constituted cruel and unusual punishment and a violation of his right to due process. He sought reintegration into the general population of the State Correctional Institute at Frackville, where he is serving a life sentence without parole.

In order to secure this emergency release from solitary, he had to prove two points that he had a reasonable likelihood of success in the general prison population, and that he would suffer irreparable injury if he remained in solitary confinement.

The [DOC argued](#) that Johnson would not suffer irreparable harm if the injunction were denied. Johnson's attorney, Bret Grote of the Abolitionist Law Center, disagreed, telling Solitary Watch that every moment he spends in solitary confinement causes real harm, real injury.

In the end, Johnson's case won out. The presiding judge declared that the government's proffered reason for Mr. Johnson's continued exile—that he is an escape risk—is unpersuasive and substantially outweighed by the compelling facts presented in support of preliminary injunctive relief. Indeed, it is difficult to conjure up a more compelling case for reintegration to the general prison population.

According to the [case brief](#), Johnson was forbidden from human interaction throughout the entire term of his isolation. His entire immediate family is deceased, and he was unable to communicate with other inmates. While in solitary, Johnson was limited to as few as a single phone call a month, and went more than 37 years without any meaningful human contact outside mandated strip searches when he left his cell.

While in solitary, Johnson was unable to participate in any prison programming. According to the [brief](#), this kind of treatment is a deprivation of what it means to be human. The [Pittsburgh Post-Gazette](#) called it Kafkaesque disregard.

As a consequence of his nearly four decades in solitary confinement, Johnson suffers psychically, psychologically, and emotionally. In addition to battling anxiety, depression, and memory loss, Arthur can no longer concentrate enough to read a book. According to expert witness [Dr. Craig Haney](#), Mr. Johnson's situation is almost unique in its severity.

In Johnsons [declaration to the court](#), he stated that his cell, perpetually lit, was smaller than many cages used to hold animals at zoos.

He argued that not only did his 36 years in solitary confinement constitute cruel and unusual punishment, but they served no penological purpose. He was confined on account of 25-year-old disciplinary infractions that were neither serious nor violent.

Johnson will enter a step-down program to transition back into the general prison population.

Johnson's complaint is not the first victory in Pennsylvania. Grote, his lawyer, recently won a settlement in a similar case representing [Russell Shoatz](#), who was confined for 22 consecutive years. Pennsylvania agreed [to pay \\$99,000](#) to settle Russell's case, and he has since been removed from confinement.

According to Grote, Johnson's favorable result could have significant impact on the issue of long-term solitary confinement.

Sarah Blatt-Herold was a research and reporting intern for Solitary Watch. She also tutored in Massachusetts prisons and worked with Black and Pink and Brooklyn Defender Services. She currently attends Harvard Law School.

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

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When you work in a prison you can comment on how this is so unfair. Until then, liberalism in a mental illness we can do without.

Absolutely cruel and inhumane. Although I'm totally against the death penalty, it would have been more merciful than what this man suffered. The State of Pennsylvania needs to investigate this prison and some heads better roll!! Probably another example of white supremacist hatred. Prisons are notorious for hiring white racists. That said, yes there are some genuinely nice people who are prison guards, many who are too afraid to report against their hateful revenge-filled coworkers and supervisors.

Barbarism yet again, in the Kinder, Gentler nation. Thank goodness for these small reliefs.

After only 74 days in solitary in the Los Angeles County jail, on a misdemeanor charge, I plead no contest to get out of jail. Some days later I was again diagnosed with PTSD the first time I received this diagnosis was after spending 6 days with my arm twisted behind my head punishment for being charged with assaulting an officer. Both arrests were the result of having seizures. Solitary confinement is a huge evil and should be eliminated. In the meantime promote the non-drug methods to treat trauma Tension & Trauma Releasing Exercises (The Revolutionary Trauma Release Process: Transcend Your Toughest Times by David Berzeli, PhD. <http://www.traumaprevention.com>), Somatic Experiencing (Healing Trauma by Peter Levine PhD, 2005 <http://www.healingtrauma.org>) and Eye Movement Desensitization and Reprocessing (EMDR) The International EMDR Association, <http://www.emdria.org>, establishes standards for EMDR while the EMDR Institute <http://www.emdr.com> list practitioners.)

Here is his background that was not mentioned in SW article.

http://www.philly.com/philly/news/20160615_The_Phillly_man_who_s_spent_three_decades_in_solitary.html

Johnson's ride to the deepest of holes started on Oct. 6, 1970, when he was 18. He was in a gang fight on a Philadelphia street that left a young man named Jerome Wakefield fatally wounded by a bullet and a blade, according to court records. An accomplice, who passed a polygraph test, told police Johnson did it. Johnson confessed, and was tried, convicted, and sentenced to life in prison without parole.

He later would claim that police beat him and that the confession should not have been admissible during his trial because he suffers from intellectual disabilities and is classified as educable mentally retarded, based on IQ scores of 63 and 70, obtained at ages 14 and 8, respectively.

The state Supreme Court affirmed his conviction and sentence in 1976.

In the early 1970s, Johnson began running with imprisoned members of the black liberation movement, and became a target for severe state repression, the Abolitionist Law Center said.

He was accused of being involved in an escape attempt in 1979, resulting in his being sent to solitary confinement. He was accused again of plotting escape in 1984, an accusation Grote calls fantasy. I do not know how somebody escapes from a cell they are locked in 23 to 24 hours per day, and which you can only leave after being handcuffed and handled by at least two guards, Grote said.

Since 1979, Johnson has been shuffled to nearly a dozen state prisons always to solitary except for a six-month stint in 1989-90, when he was housed in federal custody due to a lack of space in the state system.

Hes been locked up alone longer than any inmate in the state except Daniel Delker, in solitary since 1973 for killing a guard at the state prison in Fayette.

<http://old.post-gazette.com/localnews/20030601solitary0601p4.asp>

Daniel Delker had killed a Verona policeman.

Delker grew up in and around Allentown in Lehigh County. He can scarcely remember a time when he was not in trouble with the law. The same holds true for his family.

During one stretch of the 1960s, Delker, his three brothers and their father were all in jail or prison at the same time. Delker dropped out of high school as a sophomore, spent two years in juvenile hall for assault, then landed in prison at 19 for the armed robbery of a supermarket. He could have been paroled in as few as six years, but he found more trouble inside the walls of Pittsburghs prison.

By Sept. 21, 1973, he said, racial tension in the prison was so thick you could cut it with a butter knife. He said three black inmates jumped him that day, and the primary aggressor, Melvin Sermons, pulled a knife.

Delker said he took the knife away from Sermons, then killed him with it. A jury would later accept his account, finding that he had acted in self-defense.

Delker later confessed to yet another murder that of CO Peterson and was tried and convicted of first-degree murder in 1974. Delker said the unwritten code of prison is that no inmate who is convicted in a guards death can ever get out of solitary.

And he might be right on that point.

Remember William Blake a sentence worse than death? Well he and Thomas Silverstein are both in the same boat.

In fact the cases of Delker and Silverstein are eerily similar.

Get real!

USSA is Exceptional for its beyond any totalitarian society prison population, and even more exceptional for its cruel and inhuman TORTURE by UN and any CIVILISED standards.

Please read this essay for some insight into solitary confinement in USSA domestic gulags (and lets not speak about the black hole torture camp-laboratories USavages STILL operates across the planet) and by the way, your venerated soldiers invading nation after nation after nation, brothers in arms with al CIAda terrorists, and occupying 1000 Imperial Squatter camps around the world commit far more heinous crimes on innocents than your worst domestic criminals . and your president is a depraved war criminal with kill lists, droning innocents, bombing in 7 nations..

So take a long hard look at the psyche of your entire ethos in a nation of depraved inhuman barbarians.

<http://solitarywatch.com/2013/03/11/voices-from-solitary-a-sentence-worse-than-death/>

I think youve misinterpreted my post and went off on a rant.

Ive spent time in the hole and my brother died in one. I have written about it on this site.

Do a search for Alan CYA and you can read my posts.

I just believe an article should give a bit of background info not that I advocate for solitary confinement.

The second point was that many have spent more time in the hole when they killed a CO.

Why a COs life is more valued then a xitiEns is the question I present.

Every life is important.

Even after my experiences and the loss of my brother Im not

As bitter as you appear however.

thank god this poor man was released from the most cruel and inhumane conditions, i cant believe in a civil society we do something so unimaginable to other human beings.

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