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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/09/25/federal-government-seeks-dismissal-of-supermax-suicide-lawsuit/>

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by [Jean Casella and James Ridgeway](#) | September 25, 2012

The U.S. government is currently contending with two federal lawsuits that challenge the torturous conditions at the U.S. Penitentiary Administrative Maximum (ADX) in Florence, Colorado. Both suits allege that the social isolation and sensory deprivation at ADX are so extreme that they drive prisoners to madness, self-mutilation, and suicide yet the Bureau of Prisons offers them next to nothing in the way of mental health treatment.

We've published two previous posts ([here](#) and [here](#)) tracking Andrew Cohen's excellent, detailed reporting on these lawsuits. Yesterday, Cohen reported on the federal government's latest move, which was to file a motion to dismiss one of the suits. It concerns the death of Jose Martin Vega, who hanged himself in his cell at ADX in May 2010. (Although Vega was unconscious and possibly dead when guards found him, they nonetheless shackled his hands and feet before removing him from his cell, as shown in photos from the Fremont County Coroners Office.) Vegas family is alleging that former ADX-Florence warden Blake R. Davis and other Bureau of Prison officials were deliberately indifferent to Vegas medical needs, including his mental health needs, which the family says were extensive and obvious.

The complaint alleges, in graphic detail, how Vega lost his mind at Supermax. How he began to mutilate his own body. How he came to believe that the guards were poisoning his food and violating his bodily integrity. When he complained, as he often did, in writing, prison staff typically told him that the results of his complaints were not disclosable to him. Now that he is dead, now that he can no longer testify about what was done to him, here is what the feds say to try to rid themselves of the responsibility of an accounting:

Plaintiff makes no allegation that inmate Vega was in fact suffering from a serious mental illness requiring treatment at the time of his death (or at any time when Mr. Davis was the Warden at the ADX). There are similarly no facts showing that any treatment was prescribed (or even indicated) for inmate Vegas mental condition. Further, there are no facts alleged showing that, objectively, inmate Vega was at an increased risk of suicide.

His prior (unidentified) suicide attempt in 2005 and self-mutilation in 2010 are insufficient to show, objectively, that inmate Vega was diagnosed by a physician with a serious mental illness mandating treatment or was suffering from a condition that was so obvious that even a lay person would easily recommend the necessity for a doctor's attention.

You follow that twisted logic? The prison staff's repeated failure or refusal to treat Vega for his obvious mental illness now is being used as evidence by the government that Vega didn't need to be treated for his obvious mental illness. And since a lay person like a juror, for example, wouldn't have viewed Vegas conduct before his suicide as mandating treatment, lay people like jurors should not be allowed to review the evidence in this case to decide for themselves whether Supermax officials failed to meet their legal obligations to this prisoner.

Cohen's piece needs to be read in full to appreciate the extent of the twisted logic, Catch-22s, and other tactics to which the federal government has resorted in trying to prove they are not responsible for the well being of a man they locked up in a small concrete box. As Cohen points out, the aim of these motions are more than just depriving the nation of the truth of the matter. The aim is to protect public servants from ever having to answer publicly for their work. He concludes:

Congress has no interest in reviewing cases like this; they aren't good politics. This summer, I tried to get someone at the Bureau of Prisons to respond to some of the allegations made against it, to explain how prisoners with mental illness are treated inside our federal prisons. Not only did the Bureau refuse to respond to my requests—not so much as a no comment—but the elected officials on Capitol Hill who are supposed to provide oversight of the Bureau, politicians of both parties, refused even to pass along my request. The truth is no one in power in Washington cares about these prisoners or what is being done to them in our name.

And that leaves the courts. Both Supermax lawsuits now are before U.S. District Judge Richard Matsch, the nails-tough senior-status judge most famous for presiding over the Oklahoma City bombing trials. He has shown repeatedly over the past few decades that he is brave enough to take on the Bureau of Prisons. The question now is, will he? And if he does, will the appellate courts back him up long enough to ensure that someone, somewhere, has to answer for what happened to Jose Martin Vega and what is happening, today, to other Supermax inmates?

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.

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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prison is suppose to punishment not vacation time. u two make it sound like the officers should b responsible for the criminals issues. the criminal is there due to his own actions.

@carla I agree prison is the punishment a finite about of time free of abuse and torture. When we get to that itll be better. after all these are American citizens we ar not supposed to lose our rights when we go to prison.

AMEN!!!

What I can not comprehend or stomach is that other human beings can sit back and glean a paycheck from this if just 1 soul over there would speak up. How can they all turn a blind eye to this? What kind of sick people work there? Do they really think they are helping the world thats the interview I want to see. Nazis!

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