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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 | April 15, 2010

Most residents of the nationsdeath rowslive in long-termsolitary confinement, in what are effectively supermax units for the condemned. They are subject to allof thedevastating psychological and physicaleffects of prolonged isolation, with the added torment of knowing that someday they will more than likely be put to death at the hands of the state. According to a 2009 report from the Death Penalty Information Center:

Psychologists and lawyers in the United States and elsewhere have argued that protracted periods in the confines of death row can make inmates suicidal, delusional and insane. Some have referred to the living conditions on death rowthe bleak isolation and years of uncertainty as to time of executionas the death row phenomenon, and the psychological effects that can result as death row syndrome.

Four times a year, the NAACP Legal Defense and Educational Fund compiles statistics and other information on the men and women who live in these conditions on death rows across the United States. It has justreleased the Fall 2009 edition of *Death Row USA*, which has figures through October 1, 2009. At that time, there were 3,263 death row inmates in state and federal prisons. The largest number are in California (694), followed by Florida (395) and Texas (339). About44 percentof those death row inmates are white, 42 percent are black, and 12 percent are Latino.More than 98 percent are male.

In the grim calculus of the death penalty, the numbers have changed somewhat in the intervening six months. Twenty-five prisoners have been executed since October 1, 2009. Two more died of natural causes, including an Arizona inmate who, at age 94, was the oldest death row prisoner in the United States. We could not find reliable information on the number of new death sentences meted out in those same six monthsbut since death sentenceswere down in 2009 and executions were up (after the Supreme Court gave the go-ahead to lethal injections), its safe to say that Americas death rows are not quite maintaining their replacement rate.

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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not sher how this tands after all thare was a case years ago the court siad sens he was in solitary for a mouth as was old law befor death that it was cruil and they let the man go so if are top court said no to that case how is it that we doing this to day again if your going kill them at least let them live a bit with others to be abal to face it with a sane and abel mind i not for death my self but it dose make me thing a bit i sher thare are some in supermax that fell at least they get to have a end to it all wile others do not i mean at least they get to be done with it some have to live in solitary till they die the slow way year after year after year i thingk that a wores sentince then death i mean death it over with i know in texes the old law they had tryed ones was those they dident kill they realy did this not now in the same way but it was at one time a real texes sentince LIFE IN SILTARY and whenm i say life i not tacking 25 years lol i mean LIFE they use to paint the cell of who ever it was with thare name and nubber god that is a hell lot wores a sentices then death thank god that did a way with that just that they did that even just makes me want to shiver i mean hears a ? for you all whould you rather if you had to pick death or life in solitary what would you pick? me my self i thingk i go with life but if i was not abal to win a apeal and i knowen befor well i gess it real matter what way they kill me i rather go my self by fireing quod honestly if that was how they did it i might take that now for all you out thare that are for this let me say i not for death or life in solitary thank god that sentince no longer is real as in comeing from a judges orders less your a tarerest stilll say shoot ing more humane thow in the case that is of if those where my only opshins that is

At least there are civil rights groups fighting for some. What we need to do is look beyond the racial statistics and focus on the plight of the whole prison population. The public needs a united front such as was the vision of martin Luther Kings Poor Peoples Campaign.

BILL MOYERS opening line: In 1968, King was building what he called the Poor Peoples Campaign for better pay and affordable housing.

Here are select excerpts from this Bill Moyers April 4th 2010 program that show a direct time line link between these practices:

http://www.pbs.org/moyers/journal/04022010/transcript3.html
http://www.pbs.org/moyers/journal/04022010/profile4.html
http://www.pbs.org/moyers/journal/04022010/transcript_inequality.html

Inequality begins to rise in the 1970s and now we have:

The top 200 wealthiest people in the world control more wealth than the bottom 4 billion.
The top .01% or 14,000 American families hold 22.2% of wealth.
The bottom 90%, or over 133 million families, control just 4% of the nations wealth.

BRYAN STEVENSON: In this country the opposite of poverty is not wealth in America, the opposite of poverty is justice.

The prison populations have been steadily increasing in this country since the early 1970s and 2/3s is due to a harsher judicial system enforcing such laws as three strikes.
Weve gone from 300 thousand people in jails and prison in 1972, to 2.3 million people in jails and prisons today. With nearly 5 million people on probation and parole most of that increase is explained by this so-called war on drugs.

The United States reinstated the death penalty in 1976.

BRYAN STEVENSON: For every eight people who have been executed, weve identified one innocent person.
If we will tolerate that kind of error rate in the death penalty context, it reveals a whole lot about the rest of our criminal justice system and about the rest of our society.

BILL MOYERS: In this richest of countries, more than 40 million people are living in poverty.

At some point in their childhoods, half of Americas children will use food stamps to eat.
The most unequal countries have more homicide, more obesity, more mental illness, more teen pregnancy, more high-school dropouts, and more people in prison.
The United States, they report, has the greatest inequality of income of any major developed country. Thats the betrayal of the American promise.
A society whose economic system cannot make those opportunities widely available is in deep trouble, the dreams of its people mocked and denied.

ATUL GAWANDE: Our first supermaxour first institution specifically designed for mass solitary confinementwas not established until 1983, in Marion, Illinois.

The number of prisoners in these facilities has since risen to extraordinary levels. America now holds at least twenty-five thousand inmates in isolation in supermax prisons. An additional fifty to eighty thousand are kept in restrictive segregation units, many of them in isolation, too, although the government does not release these figures.

Advocates of solitary confinement are left with a single argument for subjecting thousands of people to years of isolation: What else are we supposed to do? How else are we to deal with the violent, the disruptive, the prisoners who are just too dangerous to be housed with others?

Prison violence, it turns out, is not simply an issue of a few belligerents. In the past thirty years, the United States has quadrupled its incarceration rate but not its prison space. Work and education programs have been cancelled, out of a belief that the pursuit of rehabilitation is pointless.

The result has been unprecedented overcrowding, along with unprecedented idlenessa nice formula for violence. Remove a few prisoners to solitary confinement, and the violence doesnt change. So you remove some more, and still nothing happens. Before long, you find yourself in the position we are in today.

The simple truth is that public sentiment in America is the reason that solitary confinement has exploded in this country, even as other Western nations have taken steps to reduce it.

In much the same way that a previous generation of Americans countenanced legalized segregation, ours has countenanced legalized torture. And there is no clearer manifestation of this than our routine use of solitary confinementon our own people, in our own communities, in a supermax prison, for example, that is a thirty-minute drive from my door. Read more:

http://www.newyorker.com/reporting/2009/03/30/090330fa_fact_gawande#ixzz0kRCiyRum

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