

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

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by [Jean Casella and James Ridgeway](#) | November 5, 2010

On TomDispatch today, lawyer and journalist Chase Madar argues that Guantanamo is not quite as exceptional as either those who love it or loathe it might think. He reviews the case of Omar Khadr, who was 15 years old when he was captured after a firefight in Afghanistan, then tortured and placed at Gitmo, where he remained until he made a plea deal last month. Madar finds parallels in the U.S. criminal justice system to nearly all aspects of Khadr's brutal treatment. Some choice excerpts follow, but this long piece [deserves to be read in full](#).

When I was down in Guantanamo a few months ago, a veteran German journalist let it slip that she didn't much care for the place. *This*, she confided in me, and many of the other journalists there as well, is the *worst* place I have ever visited in my entire career.

It's not hard to see why my superlative-loving friend felt this way. Gitmo and all other places without *habeas corpus* rights are indeed dismal places and there is certainly something disgusting about the first conviction of a child soldier since World War II. All the same, I couldn't help but wonder if my vehement *Kollegin* had ever visited a homegrown federal prison like the one in Terre Haute, Indiana (whose maximum security wing was copied down to the smallest detail at Gitmos Camp 5), or even your run-of-the-mill overcrowded state lock-up, the kind you pass on the highway without even noticing that you've done so, or one of the crumbling youth detention facilities in New York State which, as we lawyers who have represented youth offenders know, are hellish.

Such prisons may lack the exotic setting of Gitmos Camp Delta, but they should not be forgotten. At the risk of sounding boosterish, it so happens that a great many of America's unsung domestic prisons also routinely abuse inmates, Guantanamo-style, are unable or unwilling to prevent inmate rape, employ long-term, sustained solitary confinement (which [gives waterboarding](#) a run for its money), and in actual practice are often beyond the rule of law. Confessions, true or false, obtained through violence and threats, aren't restricted to Guantanamo either. They are not all that hard to find in our contiguous 48 states. And for the rest of our prison system, where are the outraged German journalists? Why are no British law lords calling the federal supermax in Florence, Colorado, a legal black hole as law lord Johan Steyn termed Guantanamo?

Gitmo, a betrayal of American values? Would that it were! Alas, for nearly every grisly tabloid feature of the Khadr case, you can find an easy analog in our everyday criminal justice system. In a sense, much of our War on Terror has proven a slightly spicier version of our normal way of doing criminal justice.

Bagram and Abu Ghraib have regularly been described as one-off aberrations, but the origins of such brutality are not hard to spot in our treatment of prisoners at home. Fact is, the abuse and/or torture of prisoners, though far from systematic, is not all that uncommon in many American prisons. What came out in the Abu Ghraib photos is, [according to](#) the (increasingly busy) United States program of Human Rights Watch, not so different from the abuse and brutality of many of our own stateside lock-ups.

In New York, for instance, a state task force convened by Governor David Paterson in 2008 [deemed](#) the entire youth detention system broken. The official report found that guards throughout the system regularly used excessive force on youth inmates, sometimes breaking bones and shattering teeth.

Prison abuse here at home can be just as fatal as at Bagram. In New York, an emotionally disturbed 15-year-old died in 2006 after corrections officers pinned him face down on the ground. (Remember, at Bagram the interrogators tried to make young Khadr talk by threatening to send him to an American prison, which they apparently considered at least as threatening as anything Afghanistan had to offer.)

This is not lost on lawyers representing Gitmo detainees. I might well advise a client to take ten years in the communal wing of Guantanamo over three years in solitary at the supermax in Florence, says Shayana Kadidal, senior managing attorney at the [Guantanamo Global Justice Initiative](#) at the Center for Constitutional Rights. Attorney Joshua Dratel, who took part in the very successful defense of Gitmo detainee [David Hicks](#), told me recently that he thought the worst American-run prison is not Guantanamo's Camp Delta, but rather the Metropolitan Correctional Center in lower Manhattan. And yet, somewhat mysteriously, New Yorkers are more likely to know about the brutality of Gitmo and Abu Ghraib than the fatal abuse and abysmal prison conditions in their own state.

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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vary true words but saying NY and the one prision is worse then adx that i dout i would take NY over ADX any day of the week

When the U.S. holds 25% of the world's incarceration population but only 6% of the total population, Houston, we have a problem. When up to 75% of those incarcerated are addicted and/or mentally ill, we have an even bigger problem. When those we lock up are likely to do more time for pot possession than rape and murder, then, folks, we have a criminal justice system epidemic.

Great blog post. Thanks for writing.

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Please help us identify the lack of medical, mental, physical, etc., care for Wounded Warriors Incarcerated with documented combat PTSD/Traumatic Brain Injury/Survivors Guilt et al of those tragic consequences of encountering THE DEMONS OF WAR (*)

For The War Widows

Mary Murphy, former VA/Prison Chaplain/Marshal Oklahoma Court of Criminal Appeals

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seeking to live John 14:12 Because you believe in Me (TRUTH) greater works (*) will you do than I for I go to My Father healing
Hebrews 6:6 We crucify Christ (TRUTH) afresh and put Christ to an open shame (*)

Yes! finally someone has addressed Americans in American prisons.

I am inspired with new hope. they have no amnesty, no voice no attention. Forgotten people. Did you tell your friend about our prisons and invite them to look?

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