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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/10/26/millennium-bomber-scarred-by-12-years-in-solitary-is-sentenced-to-37-more/>

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by [Jean Casella and James Ridgeway](#) | October 26, 2012

A federal judge this week decried the effects of solitary confinement on a prisoner convicted on terrorism-related charges, who has spent 12 years inside ADX Florence supermax. The same judge then proceeded to sentence the prisoner in question to 37 more years, which will most likely be spent in the same torturous conditions. But these 37 years were in fact a lesser alternative to life sentence sought by federal prosecutors, who are angered by the prisoners decision to stop supplying them with evidence against other terrorism suspects. The [Los Angeles Times reports](#):

A federal judge criticized the effects of solitary confinement Wednesday and refused to impose a life sentence on Ahmed Ressam, convicted in 2001 of plotting to bomb Los Angeles International Airport. Instead, the judge ordered the Algerian national to serve 37 years in prison.

U.S. District Judge John C. Coughenour said Ressams decision to stop providing evidence against fellow Al Qaeda suspects was not obstructionism, as U.S. prosecutors argued in seeking a life sentence, but a deranged protest against the severe conditions of his imprisonment. The changes in Ressam as a result of his confinement for the last 12 years alone in a cell the size of a small bathroom were marked and stunning, the judge said.

It is my ethical responsibility not to hold him culpable for the harmful and involuntary consequences of that punishment, the judge said. I will not sentence a man to 50 lashes with a whip, and then 50 more for getting blood on the whip.

The hearing Wednesday morning in a federal courtroom in Seattle marked the end of several years of tangled legal proceedings for Ressam, who was arrested in Port Angeles, Wash., in 1999 after driving off a ferry from Canada in a car with a trunk full of explosives. He was convicted on terrorism and other charges in spring 2001 in a plot that federal authorities said was designed to strike Los Angeles International Airport.

Ressam, known as the Millennium Bomber, agreed to provide evidence against other terrorist suspects and initially he did, but then refused to provide further help and recanted some of his previous statements

The district court twice had sentenced Ressam to 22 years in prison, in part reflecting his previous cooperation, and twice a federal appeals court sent the case back, calling the sentences too lenient. Coughenour said his new sentence reflected the legal sentencing guidelines required by the appeals court as well as Ressams failure to extend his cooperation.

But he rejected the governments call for a life sentence, in part because he agreed with the defense that Ressam was not likely to return to the fold of Al Qaeda after his release. To the contrary, the judge said, the defendants cooperation in several cases so far would probably brand him a traitor.

Coughenour also gave credence to defense arguments that the harsh conditions of solitary confinement have affected Ressams mental state and his decision to cooperate with federal authorities.

In his sentencing memorandum, federal public defender Thomas Hillier II provided a psychiatrists report that Ressam is probably permanently injured and severely impaired by the conditions at the federal maximum security prison in Florence, Colo., where he is housed.

The defense said he has spent the last 12 years alone in an 87-square-foot cell with a single window looking onto a cement yard. He is allowed out only once a day into a windowless room or a caged area similar to a dog run, all while confined in leg irons, handcuffs and belly chain. His contact with others outside prison staff is limited mainly to visits with lawyers a few times a year.

The wisdom of solitary confinement may be open for debate, but the effect that it has had on Mr. Ressam is not, the judge said in his ruling.

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.

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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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CNN) A New Mexico man held in solitary confinement in a county prison for nearly two years without ever being prosecuted has won a \$22 million jury award for violation of his constitutional rights, officials said.

It is one of the largest federal civil rights settlements in history involving an inmate. Stephen Slevin alleged he was essentially forgotten while in custody

B. I do remember this. And I hope that these kinds of decisions will help with T when he gets to the new court

@BJ I think I found it.

<http://www.cnn.com/2012/01/25/justice/inmate-settlement/index.html>

Former inmate wins \$22 million over forgotten solitary confinement

But in this case he had never been convicted and was forgotten. And with the poor woman she was also trapped and terrorized by a guard.

@BJ I couldnt find the mans case but there is this one.

N.Y. court awards former inmate \$606,750

Under Shanks questioning, Anna told the court a chilling tale of powerlessness and isolation, and of being terrorized, physically, sexually and psychologically by Lasker, Kindlon said.

Shanks said Anna was more concerned with vindication than a monetary award.

The judge understood and empathized with the trauma, the humiliation and degradation that [Anna] was subjected to, not only by Lasker but by the corrections system that punished her for being raped, Shanks said. While the money will help, more important to her is that she has finally been taken seriously, that her pain has been acknowledged.

<http://www.dailyreportonline.com/PubArticleDRO.jsp?id=1202575349688&thepage=3>

good question Alan

Wow B I missed that. Glad you posted. If 18 months is too much and it harmful to foreign nationals Why is the BOP purposely prejudice against Tommy? A singled out torture of one man.

After Ressams 2005 sentencing, the 9th U.S. Circuit Court of Appeals sent the case back to correct procedural problems, although the judges expressed concerns about the relatively mild sentence.

When Coughenour reimposed the 22-year sentence in 2008, prosecutors appealed again. This time, a majority of the 9th Circuit judges found that Coughenour had abused his discretion and ignored compelling evidence for a longer sentence.

While not ordering Coughenour to give Ressam more time, the 75-page decision makes clear the view that more time is warranted.

Among the most significant justifications, the appeals court said, was that Ressam would be a relatively young 51 after serving the 22-year sentence and could still pose a threat to the U.S. Ressam's defense attorney, federal Public Defender Thomas Hillier, argued in court filings that Ressam will be deported to Algeria when he gets out.

http://seattletimes.com/html/localnews/2019505699_ressam24m.html

Now with the 37 year sentence Ressam would be in his mid 60s when he is released.

The way I read this is the judge doesn't like the criticism directed at him and that is why he used the solitary argument. Otherwise he could give a shit about people in solitary.

As for the government the only way they want Ressam leaving is in a box.

I also find the snitch or rot tactic (debrief) to be based on the STG policy that other inmates have to deal with. What carrot does the government have to get him to testify on those other cases? I don't think he'll ever be placed in the general population to spread jihad so what can they offer him?

Yes 8forever & Alan you are both correct, but don't forget that guy that recently sued the BOP for being held in Solitary for what, 18 months, and because it was deemed a cruel & unusual punishment! That man received many millions of Tax payers Dollars, but in Tom's case the Judge didn't believe it was harmful to keep a man totally isolated for around 30 years, I ask myself, is that Judge Human?

B has always said T wouldn't have been in the position if he wasn't falsely accused. and I am sick of the Foreign enemies being treated better than we that were born under the American Flag with rights Whatever Sick.

@8forever: Isn't odd that there seems to be more concern for these foreign terrorists than Americans. But actually the fact is Tommy has been held in isolation since February 18, 1979, after a convict named Danny Edward Atwell was murdered the previous day.

The jury found Silverstein guilty and on March 3, 1980, he was sentenced to life in prison and transferred to the penitentiary at Marion.

From Pete Early's The Hot House Page 148:

On appeal a three-judge panel of the U.S. Court of Appeals for the Tenth Circuit said it was appalled by the quagmire of conflicting testimony and recanted statements. The judges ordered federal prosecutors to either dismiss the murder charge against Silverstein or conduct a new trial (none has been held).

Page 228: From the outside, Marion has always looked peaceful. But in 1980 inside there was no such serenity. Between January 1980 and October 1983, there were more serious disturbances at Marion than at any other prison, including fourteen escape attempts, ten group uprisings, fifty-eight serious inmate-on-inmate assaults, thirty-three attacks on staff, and nine murders.

Because Silverstein had been convicted of killing Atwell, he was assigned a cell in the control unit when he first arrived. At the time, it was the only long-term facility in which prisoners were locked in single-man cells all day and allowed out only to shower or to exercise.

Eddie Griffin describes the Marion mission here:

<http://solitarywatch.com/2011/01/22/supermax-psych-behavior-modification-at-marion-federal-prison/#comments>

After the murder of Officer Clutts on October 22, 1983, Tom was placed under a no human contact order. He says things have pretty much remained the same ever since.

So if we do the math this coming February 18th Tom will have been in the hole for 34 years under even more extreme conditions than anyone else.

But rather than use such language as the judge in this article the Judge Philip Bimmer ruled Silverstein's conditions Not Extreme. Read the SW article titled:

Federal Judge Rules 28 Years in Solitary Confinement Not Extreme, Dismisses Silverstein Case.

Unless you have been held in place while stone cold killers threaten to kill you at any moment like Silverstein you can never understand his actions. Survival is a primal instinct. As those that have read the reports on this site must realize by now guards are not saints and if one can believe Silverstein Clutts wanted to see him dead. A threat Tom realized was all too possible for him to accomplish given Clutts literally held the keys to his fate.

Tragic for everyone that such systems exist which force people to kill or be killed.

This compared to the crimes of terrorists who choose to kill innocents.

Why not ask this judge what he thinks about the Angola 3 and Silverstein's much longer isolation?

If Silverstein's conditions are not extreme this man held in the same area cannot be deemed extreme.

Only 12 years in isolation? They ADX the government; has an American Tommy Silverstein at 27 years in isolation.

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