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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/09/10/tamms-prison-closure-temporarily-halted/>

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by [Sal Rodriguez](#) | September 10, 2012

On September 4th, Alexander County Circuit Court Judge Charles Cavaness [temporarily halted](#) Illinois Governor Pat Quinn's plan to close the Tamms supermax prison, where hundreds of inmates have been held in solitary confinement. The ruling came days after an arbitrator ruled that the Governor's plan was in violation of [union contracts](#). Prison union employees with the American Federation of State, County, and Municipal Employees filed a lawsuit to block the closure of Tamms. The AFSCME has argued that closing the supermax facility would destabilize the entire prison system, worsen dangerous overcrowding and put the safety of employees, inmates, youth and the public at risk.

[Critics](#) have countered that Tamms currently holds only about 180 inmates, and that many of them would be more accurately described as the sickest of the sick in terms of their mental health rather than the worst of the worst.

Governor Quinn has cited budgetary concerns as chief among his reasons for closing down Tamms. Despite only housing approximately 400 inmates (half of whom in the supermax unit), Tamms has cost taxpayers over [\\$20 million annually](#) to operate.

One former Tamms inmate, [Brian Nelson](#), described his experience at Tamms this way,

I spent 12 years in solitary confinement and I was never told why I was placed in solitary. I am a human being and every day I still struggle with the trauma being held in that gray box. I wake screaming at night. I can get it out of my head some days. Solitary confinement in my opinion is worse than being beaten. That I spent twelve years in such conditions in America is appalling.

On August 8th, Tamms inmates, represented by [Alan Mills](#) and Nicole Schult of the Uptown Peoples Law Center, filed a [motion](#) urging the court to allow inmates to present evidence of the negative psychological impact of supermax incarceration.

An article on [Truthout](#) discusses the damage that supermax facilities can have on both inmates and their families,

More generally, Illinois correctional facilities regularly hold inmates who are mentally ill and end up in prison or jail for lack of treatment facilities that could help them avoid punishment. Cook County [Sheriff Tom Dart called Cook County Jail the largest mental health provider in the state of Illinois](#).

In 2012, the United Nations discussed the possibility of launching a [probe to see whether the treatment of inmates at Tamms constituted torture by international human rights standards](#).

But for those whose loved ones spend every day in Tamms, the pain continues.

Brenda Smith, whose son Herman has been in isolation in Tamms for more than ten years, says, The letters that he writes me are horrifying.

The only way she copes is by trying not to think about what he is going through.

I am the only person he can write the letters to, and he doesn't tell me everything he is going through, says Smith.

Smith's son is one of the inmates at Tamms whose distress has led him to self-mutilate.

It's like he's dead, in a sense. You can't touch him; you can't hug him. It's hard.

Solitary Watch will continue to provide updates on the battle to close Tamms prison as information becomes available. For more on the debate over the Tamms closure, click [here](#) for a review of the arguments made in an April hearing on the issue.

Sal Rodriguez was Solitary Watch's first and most prolific intern. Based in Los Angeles, he served as an editorial writer and columnist for the Orange County Register and the Press-Enterprise, and is now the opinion editor for the Southern California News Group.

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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Brian, I just got finished reading the article in the latest Rolling Stone that focused on your story at Tamms, and it moved me to tears. You are an incredibly strong person to have survived what you did, and a fucking hero for what you're doing to try to help those still inside. I couldn't go through that you went through there. I'd have gone caveman as you refer to someone else there, or worse. This horrifyingly barbaric practice of long-term solitary confinement (esp. without proper judicial review) has GOT to stop in our country. Hang in there, man, and keep fighting the good fight. You are in my prayers

The most appalling thing that I find with so call prison watch dog groups and all these confabs and commissions that hold hearings about solitary confinement is that they all claim to know the effects to know what solitary does to a person who has endured it because they read it in a book. As those who lived through it are ignored or used for financial gain they are not being questioned about what THEY went through and GO through daily. You want to know what happened, ask us WE will tell you. I have issues with those that seem to think that they speak for us. When we needed to be able to speak for ourselves without punishment. We needed and DID stand together inside and WE still DO outside. Nothing and nobody can take away from us what we did and tried to do for those coming after us. We can thank those that stood and continued to stand by us like Solitary Watch, Uptown Peoples Law Center and ALL of the people who have shown that we are human beings.

Sad that the great institution of Workers Unions has sunk so low that they now condone torture just to have jobs. AFSCME really needs to look at the cost of this litigation and the suffering they are forcing on Americans. Thank you Solitary Watch!

At some point the deals the public unions have made outstripped the funds to pay for them. Well one can wish the states or cities keep their word reality is proving that government officials have kicked the can down the road knowing that the money wasn't being put away to cover their deals. Now something has to give. And many people without such benefits are unsympathetic to having their taxes raised to cover those that do. The budget details will dictate what is a reasonable position. Look at what is happening in CA to get an idea as to what can occur in Illinois or anywhere else across the country. I am not a Public Policy expert but here is the way some who are see the pension problem which I assume is part of the package in dispute in both cases.

<http://journalofaccountancy.com/News/20125927.htm>

\$1.38 trillion funding gap

A report by the Pew Center on the States, a national public policy think tank, indicates that the gap between states public employee retirement benefit obligations and the funds set aside to pay those benefits was approximately \$1.38 trillion in fiscal year 2010. That's a 9% increase from the gap the previous year.

The report used the states own actuarial assumptions and did not reflect benefit cuts many state legislatures enacted in 2010 and 2011 to shore up their pension funds. Between 2009 and 2011, 43 states enacted benefit cuts, increased employee contributions, or both, according to the report.

In response to the Pew report, the National Public Pension Coalition (NPPC), which represents public-sector employees, criticized states pension-slashing policies.

GASBs changes, however, relate only to accounting and financial reporting, not to how governments approach the funding of their pension plans. Attmore has said pension funding is a policy decision made by government officials.

AFSCME's demands at Tamms are very different than their demands in the school case. In general, I (and the Law Center) strongly support public employee unions, and in other situations relating to over crowding and underfunding, we have joined with the union (and vice versa) to protest these conditions in prisons. But AFSCME's position regarding Tamms is insupportable. Every employee at Tamms has been offered a transfer to another prison job. The system is vastly understaffed, and every prison other than Tamms needs more employees. The fight over Tamms is really just a small part of AFSCME's much larger fight with the State over reform of Illinois near-bankrupt pension system. Unfortunately, the prisoners at Tamms have become pawns in that game, rather than being treated as human beings.

As to the school strike, the main issue there is NOT money. It is working conditions. Class size, how teachers are evaluated (deemphasis on standardized tests), physical conditions of the schools, health care costs, etc. The fight here from the City's perspective is really about being able to privatize public education. This is an issue which is vital to people all through Chicago and the US.

We fully support the Chicago Teachers Union strike, support AFSCME on the Illinois pension issue, but will fight them tooth and nail on Tamms.

@Francis what are you trying to say here?

you must not think CA democracy doesn't work.

Let me summarize my own position for you since you have also misread my posts.

The union suit is halting the closing of Tamms.

The union is worried not about the state budget deficit or the inhumanity of Tamms but rather they put their jobs first.

The same applies to the Chicago teachers union.

I believe education is the key to advancement and it is unequally distributed resulting in inequalities of outcome. The same goes for health care.

You have the roles of China and US backwards we borrow from them.

The CYA following my name stands for California Youth Authority

So yes I have my opinion on how well the CA democracy works.

And I've attended several of my own parole hearings thank you.

Focus your argument.

Are you writing from United States of America, nation with world wide highest prisoner rate? Invite reading Prison and the Character of Nations <http://www.manipulatedtrial.de/FK%20Prison%20and%20the%20Character%20of%20Nations%200108.pdf>
You may also like to attend Board of Parole Hearing and learn procedures of release. Glory of US bureaucracy will convince! Really leading and a model to the world!

By the way, you must not think CA democracy doesn't work. It works. Communist China will go on borrowing so US economy overcome and taxpayers money supports Incarceration Nation ad infinitum. Health care, no. Education of Youth, no. Prisoner warehousing, yes.

The state might want to watch what's going on in CA:

In San Jose and San Diego, voters have taken matters into their own hands, passing ballot initiatives curtailing pension benefits for current and future municipal employees. Unions are suing to overturn the initiatives.

If benefits for current workers and retirees get reduced, it would shatter decades of conventional wisdom, backed by the courts, about the sanctity of public pensions.

The clear precedent in California is that public employee pensions are guaranteed. Once you enter employment, the retirement benefit cannot be changed, said Amy Monahan, a pension law expert at the University of Minnesota.

The biggest test of that theory is in Stockton, which filed for Chapter 9 municipal bankruptcy protection June 28 after concluding it couldn't pay its bills.

Contracts routinely get severed in bankruptcy. Corporations have used bankruptcy to cancel their pensions. But few municipal governments have ever filed for bankruptcy, and until now, no one's ever tried to use bankruptcy to erase the pension promise made to a government worker.

It's always been sacrosanct in California, and it may prove to be, said Rick Roeder, a pension consultant in La Mesa. But it may be trumped by federal bankruptcy law.

Read more here: <http://www.sacbee.com/2012/09/08/4799363/stockton-bankruptcy-case-could.html#storylink=cpy>

Ironic that Chicago teachers union strike is also in the news this morning as I read this.

This is about as much as we can do, Vitale said. There is only so much money in the system.

The district said it offered teachers a 16 percent pay raise over four years and a host of benefit proposals.

This is not a small commitment we're handing out at a time when our fiscal situation is really challenged, Vitale said.

Lewis said the two sides are close on teacher compensation but the union has serious concerns about the cost of health benefits, the makeup of the teacher evaluation system and job security.

Sometimes unions overstep in their demands and the public should be able to rein them in.

In both of these cases it would appear given the states economic woos that they are an impediment to progress. Sad because I feel that we need more unions in the private sphere.
But in the public area where it affects the masses everyone is out for themselves these days.

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