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Criminal Justice Issues and Prisoners' Rights

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by [Jean Casella and James Ridgeway](#) | April 13, 2011

In the midst of an epic budget battle that could transform the American landscape for decades to come, the White House and Republicans in Congress appear to agree on one point: Federal prisons need more money.

With more people and a higher percentage of the population locked up than any other country, the United States would seem more than ripe for cuts in both its incarceration rate and its prison spending. A number of states have initiated such measures, and a growing chorus of critics on the right and left are decrying the devastating fiscal costs of mass incarceration. Yet the Obama Administrations combined budget requests for [FY 2011](#) and [FY 2012](#) call for a full 10 percent increase over 2010 levels in funding to the federal Bureau of Prisons, to more than \$6.8 billion. The increase, says the BOP, is necessary to accommodate a still-growing federal inmate population. And the latest budget deal reached with Republican leadership indicates that this particular category of discretionary spending will emerge from the budget battles comparably unscathed.

There is ample precedent for an expansion of federal prisons under a Democratic administration. According to analyses by the [Sentencing Project](#) and the [Pew Center on the States](#), the growth rate in the BOPs population has far outstripped that of the states (which itself has increased by more than 700 percent in the past 40 years). Federal growth was most dramatic during the Clinton years, when a host of new offenses were federalized: Since 1995 alone, the number of federal inmates has more than doubled, to over 211,000. More than half of these prisoners are serving time on drug charges, and another 10 percent are held on immigration violations. In all, more than 72 percent are nonviolent offenders with no history of violence, and 34 percent are first-time nonviolent offenders.

What's more, the federal government is now bucking a state trend toward decreasing inmate levels and closing prisons. The Pew Center found that in 2009, in the wake of the financial crisis, the overall state prison population fell for the first time in 38 years. States as tough on crime as Texas, Georgia, and Florida are [now pushing reforms](#) that range from lighter sentences to early release programs all under the leadership of Republican governors. In contrast, the BOP population continues to rise, with an [increase of 11,000](#) projected this year, according to Attorney General Eric Holder.

No wonder, then, that federal prisons are overcrowded, and the government is still opening new ones. According to the Justice Departments [FY 2012 budget request](#) for the Bureau of Prisons:

The biggest challenge facing the BOP is managing the ever increasing federal inmate population and providing for their care and safety, while maintaining appropriately safe and secure prisons required to ensure the safety of BOP staff, inmates, and surrounding communities, which is why the requested base resources for BOPs operations budget (S&E) and for modernization and repair are vital.

BOP anticipates finalizing the construction of Federal Correctional Center (FCC) Aliceville, AL, a secure female facility in FY 2012. This facility will add 1,792 more beds to rated capacity. Assuming the requested FY 2012 funding is received, the BOP will begin the activation process of FCC Berlin, NH and the acquisition and renovation process of administrative maximum U.S. Penitentiary (ADX USP) Thomson, IL. If realized, FCC Berlin, NH will add 1,280 beds and ADX USP Thomson, IL will be activated as a federal institution and add up to 1,600 high security cells after modifications.

The activation of the new ADX (administrative maximum) prison in 2012 depends upon the purchase of that prison in 2011 from the state of Illinois, and its retrofitting as a federal supermax. This has been by far the most controversial facet of the BOPs future plans, since the new ADX in Thomson was originally proposed as a new home for Guantanamo detainees.

Obama's plans to close Gitmo and move its residents to the American mainland were stymied by Congress, but the White House decided to buy Thomson nonetheless. In a [letter sent](#) just last week, Eric Holder assured Illinois Democratic Senator Dick Durbin and Republican Senator Mark Kirk that consistent with current law, we will not transfer detainees from Guantanamo to Thomson, or otherwise house Guantanamo detainees at Thomson. The Thomson facility would only house federal inmates and would be operated solely by the Bureau of Prisons.

What the White House is calling for, then, is the creation of a second federal supermax on the model of the notorious Florence ADX in Colorado—a place where solitary confinement has been raised to a torturous art, and inmates seldom, if ever, see another human being.

Conditions at this Alcatraz of the Rockies are so harsh that the European Court of Human Rights is currently refusing to extradite terrorism suspects to the United States lest they end up in ADX. Yet this new prison has also become the centerpiece of Obamas plans for prison expansion. The letter from Holder to Durbin and Kirk continues:

As you know, the Department wishes to acquire the Thomson facility in order to provide critically needed high security bed space for the federal Bureau of Prisons. The current population of high security federal penitentiaries is 51 % above rated capacity, and continues to grow. I appreciate your leadership in addressing the dangers of prison overcrowding, and in fostering community support for the federal governments acquisition of this unused state facility.

The Presidents FY11 budget requested \$237 million for the acquisition, renovation, and operation of the Thomson facility. However, under the FY11 Continuing Resolutions, the Department lacks sufficient money to purchase or activate Thomson using currently available funds. We look forward to working with you to obtain additional appropriated funds for this important and needed project.

So far, this new prison remains a sticking point in the latest budget deal. With [\\$6.3 billion for the BOP](#), it includes much of the other prison funding requested by the White House, and represents a significant increase over 2010 levels. But it is still \$239 billion below the White Houses 2011 request, and doesnt contain funding for the Thomson purchase. Durbin and Kirk have not given up on the plan, however, and will continue pressing the Justice Department to come up with funds to finance the new prison.

The BOPs standing in the House Republicans 2012 budget proposal is less clear. Budget Chair Paul Ryans Path to Prosperity calls for more than [\\$10 billion in cuts](#) to programs that fall under the broad spending category Administration of Justice. The plan is more of a manifesto than an actual budget, and it doesnt specify where these cuts should be made though history would suggest that civil rights prosecutions and the like would be more obvious targets for Republican cuts than prison spending. In another rare show of bipartisan unity, House Judiciary Committee Chair Lamar Smith (R-TX) and ranking member John Conyers (D-MI) have already [joined in writing](#) to the House Budget Committee, warning them against making cuts to federal law enforcement in 2012.

What belies all this agreement on increasing federal prison spending is a bipartisan trend, growing over the past several months, that calls for precisely the opposite. Fall 2010 saw the birth of the group [Right on Crime](#), spearheaded by the likes of Newt Gingrich, Grover Norquist, and Ed Meese, making the conservative case for criminal justice reform including a reduction in prison populations. [Norquist also joined the NAACP](#) last week to endorse its Smart and Safe Campaign for criminal justice reform, and publicize its new report *Misplaced Priorities: Under Educate, Over Incarcerate*. Another recently formed coalition, calling itself [Smart on Crime](#), brings together the Heritage Foundation, Manhattan Institute, and Prison Fellowship with the Innocence Project and the ACLU. Smart on Crime advocates for criminal justice reforms that are fair, accurate, effective, proven, and cost efficient, and makes a particularly sharp critique of the overcriminalization of conduct and overfederalization of criminal law.

What think tanks and pundits do, of course, is quite a different matter from what elected officials are willing to undertake. Few politicians will risk being declared soft on crime in the next election. And in the end, the generous funding for prisons makes a grim kind of sense, in the context of a budget that slashes education, health care, and social services: A country that cant spare the funds to properly educate its children or care for its sick, poor, or unemployed is destined to remain an incarceration nation.



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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if u are at a camp with little to no supervision let them out early send them home on house arrest or some thing save our government

some money lots of money

lets help them as well as our elderly they need the money more than prisners in a camp ,they are not a threat to any one ,every one deserves a second chance in live.

instead of fixing the prison system to save money ,1.2 billion a year offered by the bop themselves with increased good time and the barbour amendment we have decided to put the burden of our national debt on the backs of our elderly and disabled.this is not the america that i grew up in.its a shame the turn our nation has taken.

The solution to expense and overcrowding is concentration camps. Gas and cremate all of those on deathrow. Farm out the rest to new factory compounds and those with the least offenses to labor on the infrastructure. Give the gaurds the power of life or death. Any attempted escapes are liquadated infront of the other inmates. That will efficently stop the rate of crime, at the least expense!

I agree with D. Young. Our system is in need of reform. We all need to contact our senators and congressmen and get something done. Until we unite and have a loud voice things will remain the same. Many are just talking about it. We need to do something to be heard.
J. Patterson

I agree with D. Young. The system is not working and keeping these men and women locked up for years, and years doesnt help them or anybody else, including the familys of the inmates who left with out having there fathers and or mothers at home, what happens is the inmate wastes away in prison and the kids are left to do the same thing there parent did. All this has to be address and the sooner the better.

J. Esp

I totally agree with D. Young. The whole system is broken and needs to rethought, what worked 50 years ago isnt what works now. Making the offender pay the bill makes sense any way you look at it.

No to any new prisons. Use the ones we have. Overpopulation is a simple fix. Immediately reduce by 1/3 everyones sentence regardless of their crime. Our country has become a nation of Overincarceration. Release everyone that is a first time, non-violent crime, irregardless of the crime and put them immediately into a program that requires education so that they will not recidivate.

I have a better idea that is far more intelligent than the current judicial system and is quite simple. This would only apply to those that are not a threat to society. When a crime is committed, a fine will be paid and community service will be required and education to prevent further crimes will be a must. This will be paid for by the person that violated. A must is that the person will retain their job. We need taxpayers paying taxes, not our draconian system of locking people up and the taxpayers paying to overincarcerate them for years. If the person reoffends, then the fine goes up and again community service/education all paid for my the offender. This will keep family units in tact.

I as a taxpayer and a human being want to see change made quickly. Make it simple!

D. Young

oh crap thare really going do it thare going to build a nuther adx grate just what we need not it is only a matter of time till the adx all of it thare terny usa into poj and take my word for it the plane of justice is no frend of freedom we cant let them build the walls of justice round us and do nuthing sooner or later it will be to late to stop this madnes we must stop them from building the walls round us befor they are tall and over are heads for those allready in justice and those soon to go within them may thare be light in the darknes of justice

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