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Criminal Justice Issues and Prisoners' Rights

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by [Julian Burns](#) | July 16, 2012

Alan Mills is the Legal Director of the Uptown Peoples Law Center in Chicago, Illinois. The Center has been involved in ongoing litigation on behalf of Illinois prisoners challenging the procedures used to send inmates to Tamms, the states supermax facility. Shortly after Illinois Governor announced plans to close Tamms, he spoke with Solitary Watch about the path that led him to prisoners rights work and the Tamms litigation.

Thanks for agreeing to talk to us. Youve done a lot of prisoners rights work; can you tell us about your background and how you got involved in this sort of litigation?

Oh, man. [Laughs.] You may have to edit it down. It comes from my youth I suppose my mother was very active in the Civil Rights Movement in Baltimore in the mid-sixties. One of my first memories is stuffing envelopes for a demonstration. And during that process she became interested in jails, and then when I was in college she spent a lot of time working on prison and jail issues in Maryland. So thats an issue Ive been interested in since I was a little kid.

Then once I got to the Peoples Uptown Law Center, the Law Center has always had the firm belief that people who are in prison need to be treated as members of your community. We are a community-based law center, and people go to prison from the community and people from prison come back into the community. Its silly to deal with them as totally separate entities. From our community work, we represent a lot of the families from which people go to prisons, so they continue to write us. So the correctional institutions have always been part of the mission of the Uptown Peoples Law Center. Weve always considered them as part of the mission that we serve.

In the early 1980s I started work at the Law Center as a volunteer. In 1981 we were contacted by one former uptown resident who was in a hellacious setting in the old Joliet prison, which was built before the Civil War. He complained that he and another prisoner had been taken out and they had been gassed, essentially, and plywood was placed in front of their cells and they passed out. They came fairly close to dying. He wanted to sue. We found him a lawyer for that and [the case] grew from there, and the [two main plaintiffs] claimed they hadnt been given meaningful access to the courts. And if you want to do advertising in prison, do a case about access to the courts, because you get contact with all the jailhouse lawyers throughout the system. So from there our practice really grew, and we do dozens and dozens of prisoner cases.

Can you tell us about the legal team you work with at the Uptown Peoples Law Center? Tamms was a big case, and litigation is time-consuming and expensive. Did you have outside help?

For most of the time Ive been at the Law Center, Ive been the only lawyer here. So for the first six years or so of the Tamms case and for most of the rest of the individual cases that weve done, Ive been the lawyer on that, alone. Over the last several years, we have worked very hard at expanding our ability to make a difference by leveraging our expertise in prison law with pro bono lawyers. So we spend a lot of time recruiting, training, and supporting pro bono lawyers who have agreed to take on prisoner cases. More recently, weve been able to do that not just for individual cases but also for the larger class action stuff. So we had DLA Piper, one of the biggest law firms in the world, as our partner after the Tamms case was remanded from the Seventh Circuit, around 2006. From then through the trial, we had an expanded team, and at the end we had about ten lawyers from DLA Piper and myself.

The Law Center is a community-based organization. What sorts of things have you done to inform the community about prison issues? Have you worked with other grassroots or activist groups in the context of your prison rights work?

Because of our community roots, we never viewed ourselves as lawyers coming in to solve a problem. Our staff total has been about six people through most of this time. But our Executive Director, Belinda Belcher, was born and raised in uptown and has deep roots in uptown, so weve always believed in mobilizing people either politically or otherwise to be involved in solving their own problems. So when we started doing prisoner work, we did the same kind of thing at Tamms. Not only making sure we understood who was at Tamms and developing a relationship with every prisoner at Tamms.

For instance, throughout the litigation at Tamms we have sent a birthday card to every prisoner at Tamms for their birthday but also their families. Tamms is in an isolated place so one of the things we did was organize bus trips to people to get down to visit their loved ones in prison, and without those bus trips there was no way to get there on public transportation, so we did a lot of work running those sorts of things. We brought together groups of parents, both for support but also to reach out to legislators or the press or friends and family whatever we could do in order to build awareness of what was going on, because people felt like they were isolated, and family members felt like they were isolated and their loved ones were lying to them about how bad it was down there. And once you got ten of them in the same room and they all said the exact same thing, it became clear that the problem was Tamms, the problem was not their loved ones. So that sort of breaking through isolation was really important. From our point of view, it is [legal work].

More recently, there have been a lot of groups that have been active in things like this, and we have been working with them. We continue to be involved, but there are other groups, too.

Very briefly, can you explain to us the main legal issues in the Tamms case?

Well, there were two. The overall class action issue was whether prisoners sent to Tamms were entitled to a Due Process hearing. And they absolutely said no, and ultimately the District Court and now most recently the Seventh Circuit held that yes, in fact, they did require a Due Process hearing because conditions in Tamms were typically significantly worse than in any other prison in Illinois, therefore they were entitled to a hearing and the Department had to justify why they were sent there and give people an opportunity to defend against that. So that was the first issue.

The second issue was that we claimed that on behalf of sixteen individuals they personally never belonged in Tamms at all, and rather than being sent there for a legitimate reason, they had been sent for filing lawsuits or grievances or otherwise exercising their First Amendment rights. They were retaliated against. Those cases were tried at the same time as the class action case to juries, and juries found that four of those sixteen individuals never should have been placed in Tamms. Unfortunately because the laws so slow, they had spent an aggregate total of over thirty years confined in this complete isolation before the jury finally found that they never should have been sent there in the first place and that they were sent there for illegitimate and unconstitutional reasons.

There's been a movement to close solitary facilities through the country because of budgetary constraints. How much traction do you think arguments based on fiscal responsibility will be able to gain? Do you think that's a viable alternative to legal challenge at this point?

Tamms is a perfect example. Just [last month] the press reported that the governor is firmly committed to closing Tamms. I think that the budget alone is never going to drive decision-making. The public, if they're willing to spend money on anything, it's on making themselves safer. If the public is convinced that supermax prisons do that, then money and the law is never going to win the way. However, I think that the money provides a good reason for legislators that are otherwise motivated to take action and close these supermax prisons. I think that's exactly what happened in Illinois.

The combination of lawsuits not just our one lawsuit, but we've prevailed on about half a dozen cases has convinced the Department that they don't need [Tamms] and that it's more trouble than it's worth. At some point, they would have closed Tamms, but the current budget crisis gave them good reason to do it now rather than at some time in the future. I think litigation is always most successful when it's part of that overall strategy.

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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My husband is in Statesville corrections and tells me of how they are underfed, an inmate told my husband to stop hunger pains eat toilet paper, I heard that on the phone. He's in for another driving on revoked no alcohol or speeding involved pulled for headlight out. He's bipolar and randomly gets his meds, was in dirty clothes for three weeks and had no sheets for his bed. I'm glad there's someone who is trying to make a difference. When I call the prison to mention the importance of my husband's meds or clean clothes he gets put in the hole. So knowing someone is working for prisoners welfare is appreciated.

I arrived at Tamms within days of it opening. I have read a lot of reports about who was there fighting for the inmates. I spent 12 years there and endured a lot. Extensive hunger strikes, being gassed and then falling into deep depression. From the beginning the UPTOWN PEOPLES LAW CENTER Executive Director Belinda Belcher, Executive Legal Director Alan Mills have been at the forefront of the

fight to help the men there. Jean Synder was also active. Then came the family members that formed the Tamms Committee and set up bus trips to bring family members that can not afford to travel to Tamms to visit their loved ones. These family members formed the Tamms Committee and for the first five or six years these mentioned people were the ones that gave us hope. I applaud each of them and thank them.

Brian Nelson
Tamms Survivor

God bless everyone who fights for the prisoners! I spent 10 years in California prisons on drug charges, with 4 of those years in solitary. I turned it into a blessing by writing novels to shine a light on the need for more compassion and that we are only breeding bigger criminals. Underdog, a novella that shines a light on the Pelican Bay Hunger strike, is featured in Front Row Lit! <http://frontrowlit.com/?p=2510> Check out the excerpt to see how prisoners are being falsely validated over just surviving a riot. Available in ebook and audio book with 20 Five star reviews. To check out all of my crime thrillers full of redemption go here- <http://www.amazon.com/-/e/B00571NY5A>

Thank you for caring and all the work everyone has done.

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