

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2014/07/16/federal-supermax-prison-violates-international-law-amnesty-international/>

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by [Jean Casella and James Ridgeway](#) | July 16, 2014

Many times, on this site and elsewhere, we have referred to supermax prisons and solitary confinement units as [Americas domestic black sites](#) places where terrible suffering, even torture, take place on a daily basis, out of site of the public, the press, and in some cases the governments own meager oversight. At the dark heart of these black sites is the federal Bureau of Prisons U.S. Penitentiary Administrative Maximum, or ADX, in the remote high desert town of Florence, Colorado. Weve called it the [worst prison in America](#). Its worst not because it is dark and filthy in fact, one former warden called it [a clean version of Hell](#) but because of the sheer extremity of the isolation and sensory deprivation visited upon the men held there.

Today, Amnesty International released a report on ADX, entitled [Entombed: Isolation in the Federal Prison System](#). The US governments callous and dehumanising practice of holding prisoners in prolonged solitary confinement in the countrys only federal super-maximum security prison amounts to cruel, inhuman or degrading treatment or punishment and is in violation of international law, said Amnesty in a press release.

The report describes what is called the Alcatraz of the Rockies as a place studiously designed to deprive men of all human contact, and nearly all sensory stimuli as well:

The ADX Florence federal facility has a capacity for 490 male inmates. Prisoners spend a minimum of 12 months in solitary confinement before they may become eligible for a reduction in the restrictions of their detention. In reality, many spend much longer in isolation. One study produced by lawyers found the average length of time an inmate would spend in isolation was 8.2 years.

Most inmates are held in cells with solid walls and a barred, air-lock style chamber in front of a solid metal door, to ensure they have no contact with other prisoners. One small slit of a window allows them a view of the sky or a brick wall.

Furniture in the cells is made of poured concrete and consists of a fixed bunk, desk and a stool, as well as a shower and a toilet. Meals and showers are taken inside the cells and medical consultations, including mental health checks, are often conducted remotely through teleconferencing.

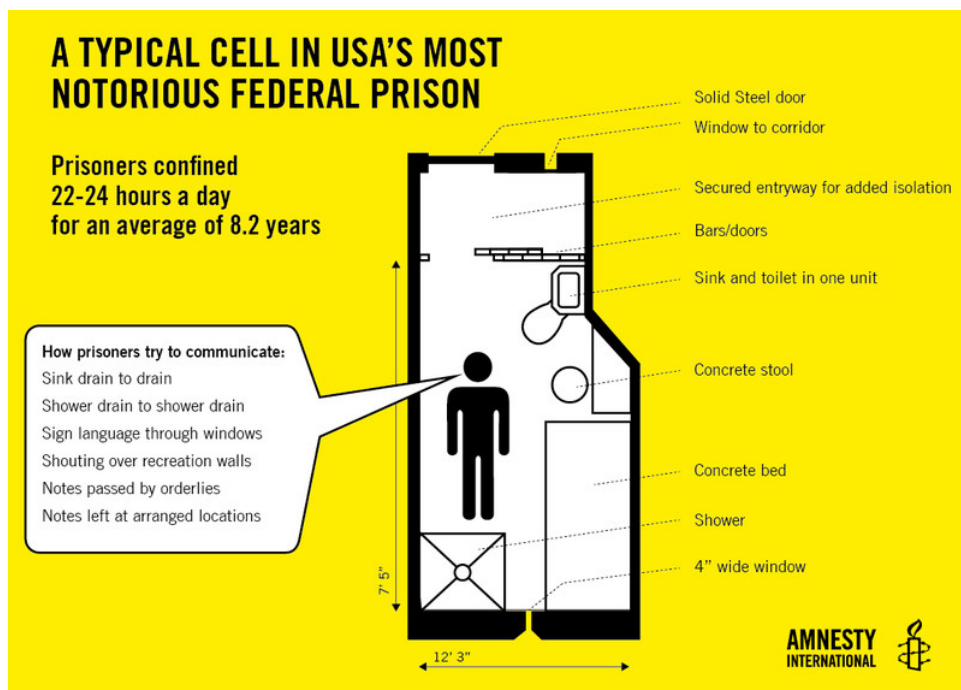
The results of such treatment are not surprising: Put simply, it drives men mad. Individuals with mental illness are supposed to be banned from ADX, but many clearly have underlying psychiatric problems when they arrive, while others quickly acquire them. Drawing on information from the current lawsuit *Cunningham v. BOP*, the Amnesty report recounts the story of John Jay Powers (whose own writing has [been featured](#) on Solitary Watch):

JP, a prisoner with a history of mental illness, was transferred to ADX in 2001 and placed in the CU to serve a 60 month sentence imposed after he escaped from a medium security prison. The lawsuit describes how he was repeatedly transferred for brief periods to the federal medical facility at Springfield for psychiatric evaluation after a series of incidents of self-harm, only to be returned to the CU after being stabilised with medication. The self-harming incidents included lacerating his scrotum with a piece of plastic (2005); biting off his finger (2007); inserting staples into his forehead (2008); cutting his wrists and being found unconscious in his cell (2009). He finally completed his CU term in 2011, ten years and five months after his original term would have expired had he been able to comply with the behavioural requirements. According to the lawsuit, he continued to be deprived of mental health care after being placed in the ADX GP. In January 2012, he reportedly sliced off his earlobes and in March 2012 sawed through his Achilles tendon with a piece of metal; after he again mutilated his genitals in May 2012 he was placed on the anti-psychotic medication Haldol but had no access to other treatment such as mental health counselling. In August 2013, he left ADX on an emergency mental health transfer to Springfield, Missouri. In October 2013, he was sent to USP Tucson but was transferred back to Springfield in about March 2014 after he rammed his head into an exposed piece of metal in his cell, causing a skull fracture and brain injury, for which he refused most treatment. Since arriving at Springfield he has inserted metal into his brain cavity through the hole that remain in his skull, which BOP says cannot safely be removed.

*Entombed* is the most comprehensive report to date on ADX. But Amnesty International acknowledges the limitations on its own ability to observe and assess conditions at the supermax, due to the restrictions on access to ADX and more generally a lack of transparency regarding BOP use of isolation. Amnestys requests to visit the prison have been turned down, as have requests from the UN Special

Rapporteur on Torture, Juan Mndez, and numerous media outlets including Solitary Watch. Even the federal governments ongoing internal audit of its use of solitary confinement will not look at the most [extreme and secretive isolation unit](#) at ADX, where prisoners have reportedly gone on hunger strike and been force-fed.

Amnesty makes a series of recommendations which, considering the content of the report, seem relatively modest, designed to alleviate some of the suffering at ADX without compromising safety. But perhaps the strongest question raised by this and all previous investigations of the nations only federal supermax is why we are building another one. Over [\\$50 million in this years BOP budget](#) will go to retrofitting, staffing, and opening USP/ADX Thomson in rural Illinois, which will substantially increase the federal governments capacity to hold people in torturous isolation.



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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Excerpt from

Waiting for the Barbarians

Why this sudden restlessness, this confusion?  
(How serious peoples faces have become.)

Why are the streets and squares emptying so rapidly,  
everyone going home so lost in thought?

Because night has fallen and the barbarians have not come.  
And some who have just returned from the border say  
there are no barbarians any longer.

And now, what's going to happen to us without barbarians?

They were, those people, a kind of solution.

By C.P. Cavafy

Human Rights Watch's report

ILLUSION OF JUSTICE

Human Rights Abuses in US Terrorism Prosecutions

Includes this section:

Vulnerable Targets: People with Mental, Intellectual Disabilities, Indigent People

The FBI appears to have frequently targeted particularly vulnerable individuals with mental or intellectual disabilities. At least eight of the defendants in cases we examined showed serious signs early on that they struggled with mental or intellectual disabilities, diagnosed mental health problems or significantly low intelligence or difficulty comprehending basic concepts.

In the same report the word Informant appears 96 times.

Cunningham's case illustrates such people can be both dangerous and informants.

How the government manipulates them is indeed a concern.

In denying Silverstein relief The BOP stated:

members of the D.C. Crew and Aryan Brotherhood are separated in all federal prisons and no influential member of either gang is allowed to interact in the open prison population.

Finally, there is a lack of deterrent punishment sufficient to prevent inmates like him from committing future violent acts when they are serving life sentences without the possibility of parole.

<http://www.ca10.uscourts.gov/opinions/12/12-1450.pdf>

This implies endless administrative segregation in my mind for those that are so deemed. .

Like Cunningham who in his own words stated:

There was a bloody war going on in Marion when I arrived there,..The war was racial, blacks against whites. The Aryan Brotherhood was warring with D.C. inmates.

I'm from Washington, D.C. and I got caught in the middle..

Like I said before, as goes Silverstein's case, a case that not too many seem to find compelling, goes all the cases that you do care about.

@Jay

Did you read the Entombed report which contains the following info?

According to the Cunningham v. BOP lawsuit he had spent time in PROTECTIVE CUSTODY after testifying against three inmates he had witnessed murder another prisoner; he reportedly ESCAPED FROM A MEDIUM SECURITY PRISON after learning that he was to be placed back in the prison's general population.

Cunningham arrived at ADX/Supermax in 2001,

Then there is John Jay Powers as reported in SW:

JP, a prisoner with a history of mental illness, was transferred to ADX in 2001 and placed in the CU to serve a 60 month sentence imposed after he ESCAPED FROM A MEDIUM SECURITY PRISON.

SO JP AND CUNNINGHAM HAVE A LOT IN COMMON!!!

Hard to see Cunningham as just a scared innocent victim when

in Cunningham's own words

I became a monster that one one dared to fuck with. and when Cohen reports.

Harold Cunningham: At age 41, Cunningham is serving a life sentence plus 380 years for a series of crimes, including murders and robberies. In 1996, representing himself in a state trial, he suddenly stabbed a witness in open court, in front of judge and jury. Following the courtroom attack, Cunningham was diagnosed by a renowned psychiatrist with paranoid schizophrenia, antisocial personality disorder, and borderline intellectual function.

Now this does not mean I agree with his treatment at ADX.

Obviously men like Cunningham should be medicated and closely monitored.

I weep for JP, and all the other poorly, frightened people whose symptoms are treated as a breach of the rules. Clearly the US government would comfortably sweep this away to a hidden place so I applaud. Solitary Watch in being relentless in pulling this and other news out of the darkness

A bit of history for the youth reading about these issues.

In 1963, the Federal Bureau of Prisons built USP Marion as a smaller prison to house the convicts transferred from Alcatraz after it closed.

In 1973, the control unit cell blocks were first created. In 1979, USP Marion was designated the only Level 6 institution.

In 1976 there was a hunger strike over it so Congress started an investigation.

It took over a decade for the 1987 Amnesty International report titled,

Allegations of mistreatment in Marion Prison, Illinois, U.S.A. to come out.

So what was the result?

Pelican Bay opened its SHU in 1989, and ADX opened up the gates of hell in 1994.

Then we had Amnestys 2012 titled,

The Edge of Endurance: Conditions in Californias Security Housing Units.

Followed by this latest one on ADX.

Last year Durbin

Nearly 40 years after this Marion hunger strike, forty odd states have their own Supermax and a new Federal ADX is about to open in Illinois.

Again Washington holds a hearing reported here on SW.

Way Down in the Hole:

Senate Hearing Challenges Solitary Confinement for Some, But Not All

The message was clear enough in Chairman Dick Durbins opening remarks

The fact that the United States holds more prisoners in solitary confinement than any other Democratic nation is a human rights issue that we cannot ignore, the Illinois Democrat said.

But Durbin quickly narrowed his focus. Make no mistake. Some dangerous inmates must be held in segregated confinement.

Durbin has championed the federal governments acquisition of Thomson, an unopened state prison in northern Illinois.

As the BOP confirmed to Solitary Watch last year, a significant portion of Thomson will be used for solitary confinement, including Administrative Maximum cells like those at ADX Florence, the notorious federal supermax in Colorado.

A state-of-the-art isolation facility, ADX Florence epitomizes the worst that solitary confinement can do to the human mind and body.

Is this an honest effort at progress or just an elaborate con game?

LORD PLEASE HELP THESE INMATES THAT ARE BEING TORTURED..juveniles in solitary confinement just wrong.

Treat people as if they were what they ought to be and you help them to become what they are capable of being. ~ Johann Wolfgang Goethe [http://www.wisdomquotes.com/cat\\_expectations.html](http://www.wisdomquotes.com/cat_expectations.html).

Oscar Wilde wrote this relative line in Duchess of Padua (Act 4)

We are each our own devil, and make this world our hell.

And I note that Robert Hood, the warden at ADX, from 2002 until 2005 has called ADX,

A clean version of hell.

on CBSs 60 Minutes program airing on June 21, 2009.

This reports

INTRODUCTION also quotes Thomas Silverstein from ( Silverstein v. Federal Bureau of Prisons et al, Civil Action No. 07-cv-02471-PAB-KMT, Exhibit 1) as declaring:

Though I know that I want to live and have always been a survivor, I have often wished for death. I know, though, that I dont want to die. What I want is a life in prison that I can fill with some meaning

Going on to note that Thomas Silverstein, has been confined for over 30 years in isolation, nine of which have been spent in ADX.

Silverstein was first held on Range 13 the most isolated section of the facility. Those held on Range 13 have no view of the outside since the small window at the top of each cell is too high to see through. Cameras are positioned on the cells 24 hours a day. Silverstein remained on Range 13 for nearly three years between 2005 and 2008 even though he has had a clean conduct record for over two decades and was still held under the no human contact order there that had been issued by the Director of the BOP in 1983.

Silverstein was moved to ADXs General Population in 2008 only after he filed his lawsuit and it is this mans opinion that was done solely to win the latest appeal.

According to court documents, Silverstein even after his move to GP ihas been treated differently than others held there as he has been forced to recreate alone, unable to interact with other prisoners in the outdoor cages. (paraphrased from this report)

SW wrote Drawing on information from the current lawsuit Cunningham v. BOP

I remember Andrew Cohens June 2012 Atlantic article on this titled:

Supermax: The Faces of a Prisons Mentally Ill

Cohen writes:

Harold Cunningham: At age 41, Cunningham is serving a life sentence plus 380 years for a series of crimes, including murders and robberies. In 1996, representing himself in a state trial, he suddenly stabbed a witness in open court, in front of judge and jury. Long before that incident, Cunningham had been diagnosed with conduct disorder, under-socialized aggressive needs, and major depression. Following the courtroom attack, Cunningham was diagnosed by a renown psychiatrist with paranoid schizophrenia, antisocial personality disorder, and borderline intellectual function.

Cunningham arrived at ADX/Supermax in 2001, was taken off his existing medication, and was promptly placed in the prisons ultra-secure Control Unit, a place where prisoners are not permitted to take psychotropic medication. Once, in 2004, he was given a telepsychiatry session whereby he was able to speak via video conference with an off-site psychiatrist. During the session, Cunningham was allegedly handcuffed from behind with shackles on his legs and surrounded by corrections officers. He has received no mental health treatment since 2001, the Supermax complaint alleges.

Then Cunningham wrote to Solitary Watch to tell more of his story:

What I have been through at Marion and here in the ADX Control Unit has been a bloody nightmare. Mentally and physically.

There was a bloody war going on in Marion when I arrived there, a place I should have never been sent to, I was designated to be housed at the Springfield Medical Facility. I have been taking psychotropic medication and receiving psychological therapy since the age of ten and on and off throughout my life. The war was racial, blacks against whites. The Aryan Brotherhood was warring with D.C. inmates.

Im from Washington, D.C. and I got caught in the middle but my problem was more with the racist correctional officers who were behind everything. It was a very dangerous environment, one wrong move and you could lose your life. I was lucky, it was like living in a concrete jungle and only the strong survive. But to survive you have to become an animal and I became a monster that one one dared to fuck with.

When Silverstein was also transferred to the Marion Control Unit in 1979-80 it was the only level-six prison in the country. By the time Silverstein had won his first appeal he had already been convicted of 1981 murder of Robert Chappelle, also a convicted murderer and a member of the rival D.C. Blacks prison gang mentioned above.

Once again Silverstein denied that he was involved in

Unable to convince Cadillac Smith, who for unknown reasons had been transferred from another institution and housed near Silverstein, that he had not killed his friend, Smith went on to make two documented attempts on Silversteins life. But even after these two failed attempts the two remain housed near one another. There would not be a third.

Rather than stop the threats on Silversteins life, Smiths murder only increased them.

Thus because of the increased tension between black and white inmates BOP Officer Merle Clutts began to focus his attention on Silverstein. This attention leads to allegations by Silverstein of unfair harassment. Besides the harassment by Clutts, Silverstein claims Clutts also suggested that he might just allow Silversteins rivals out of their cells to kill him.

This threat was something Silverstein felt that he had to prevent. So in October 1983 Silverstein slipped out of his cuffs, with the help of another inmate, as he was being escorted from the shower to his cell, then proceeded to stab Clutts to death.

If one is to believe Cunninghams quotes in these references listed in the Entombed report below than Silverstein was not just another paranoid schizophrenic.

10 Cunningham v BOP, Case 1:12-cv-01570 (formerly Bacote v BOP), filed 06 June 2012.

31 Cunningham v. BOP, p. 14. The lawsuit alleges that two prisoners in K Unit (the Intermediary Unit) stomped and beat a third prisoner to death over a period of many minutes in full view of ADX staff members, who made no effort to intervene until the victim was lying still.

32 Cunningham v. BOP. The lawsuit alleges that, while inmates in the TU are grouped so that they are separated from hostile inmates (e.g. rival gang members) during recreational periods, guards often fail to take adequate precautions, for example, opening cell doors unexpectedly so that hostile inmates have sometimes gained unauthorized access to others in the day room.

(TU: Transitional Unit, second stage of the SDP: Step Down Program Prisoners in the TU (capacity of up to 32 inmates) are assigned to groups of up to 16 inmates with whom they are allowed to associate on the range for up to three hours a day; they consume meals on the range with their assigned group. The Unit also provides outdoor group recreation and prisoners are allowed an additional 15-minute social phone call a month.)

86 According to the Cunningham v. BOP lawsuit he had spent time in protective custody after testifying against three inmates he had witnessed murder another prisoner; he reportedly escaped from a medium security prison after learning that he was to be placed back in the prisons general population.

One reason the BOP sights for the violence is they believe, there is a lack of deterrent punishment sufficient to prevent lifers like these from committing future violent acts when they have no possibility of parole.

Has Silversteins loss of hope of ever being released, really meant that he has also lost his respect for life itself, even his own? Or has his isolation driven him to value the simplest of interpersonal relationships over, even if for a very short time, a tortured existence inside an ADX tomb for the living?

His declaration and his many appeals for relief seem to answer these basic questions.

<http://solitarywatch.com/wp-content/uploads/2011/05/silverstein-declaration.pdf>

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