

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/09/19/new-fact-sheet-on-solitary-confinement-and-the-law/>

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by [James Ridgeway and Jean Casella](#) | September 19, 2011

Our latest fact sheet lays out the legal context in which the practice of solitary confinement has been carried out in U.S. prisons and jails. It discusses how the Constitution has historically been interpreted to limit or allow solitary confinement, and includes a section on international law.

[FACT SHEET Solitary Confinement and the Law](#)

The fact sheet was written by Jennifer Wedekind, a recent graduate of Georgetown University Law School who is currently working at the ACLU's National Prison Project in Washington, D.C. She is also a journalist who has published work in *Mother Jones* and *In These Times*, and has been a [guest author](#) on Solitary Watch.

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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This isolation issue must be picked up by the mainstream media. And class action sounds great. Though the prisoners (I have decided to not say inmate anymore these people are prisoners) that are currently suffering need relief immediately.

There are so many personal stories that SW has posted I think about the ones that haven't been able to share their stories.

SW did the story of Tommy Silversteins 10,000 days in isolation which is the story of just how much the Government can get away with.

My question I continue to ask is how can these prisons get away with all this?

I answer myself by echoing the answers I get from friends and family that are unconcerned with the human industry, they believe the

money they pay and the isolation of people keeps them safe. Little do they realize that the entire isolation is made up of men that haven't had the right of due process and are accused of crimes within prison. And I'm with Ann-Belinda and the rest saying WE that know have a lot of work to do demanding our constitution is used and that spending more money is not making the public safe but giving this industry more reason to ask for more money, I hope my diatribe made sense, I get so emotional about this issue. Thank You to SW and all the folks willing to see these prisoners as people and isolation and cruelty serve no purpose

Man, if you only knew what undercurrents are present to answer such a constitutional issue and that will never make it to the surface..for a court to see.

Thanks to Jennifer Wedekind, confirmation was granted to the previous writing from this writer as it relates to how the prisons like the SHU/SuperMax have used the constitution and case law in order to grant creditability to their use of torture. Although, this writer is not an attorney; she is educated within the arenas of: government, including government policy, which also includes constitutional law, sociology, culture anthropology, and political anthropology. As a result, this writer does an analysis of the situation, and then, writes from the analysis that is produced from the topic(s) at hand, in that given moment and time.

The Fact Sheet produced by Ms. Wedeking, is pretty-accurate. Knowing these facts, and the cases involved, which there are many more it is this writer's belief, that the SHU/SuperMax prisons should be put on trial. For instance, the issues that the Supreme Court did not address, within its written opinions, should be brought before the court on behalf of all the inmates within these units. In other words, a class-action/civil rights lawsuit, that would start at the Supreme Courts within the institutions state, then on to the Courts of Appeal, within the jurisdiction of each institution. Ending, should it be necessary with the United States Supreme Court; that is, if Congress, who has the power, to write policy and change situations, does not.

Going the route mentioned above, takes much more time, because it is a long process. At this present time and moment, these inmates do not have the luxury of time. Nevertheless, it would be a very good project for a number of law schools, and also the ACLU. Perhaps one would be inclined to state, all of this takes money, but sometime in order to correct constitutional issues, everyone of us would need to work together by donating so many hours, under the guidance of a lead-attorney.

@Carmel you aren't kidding our government has gotten away with making money from torturing people for too damn long. And in the case of Tommy Silverstein try 28 years and counting. I am ashamed of my own country. Thanks to sites like Solitary Watch for bringing this major issue to the forefront, though I would like to see the mainstream media involved!

This is too barbaric.

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Solitary Watch News