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Criminal Justice Issues and Prisoners' Rights

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by [Sal Rodriguez](#) | September 12, 2013

In June 2012, a federal lawsuit was filed by eleven prisoners at the United States Penitentiary, Administrative Maximum Facility (ADX Florence) against the Federal Bureau of Prisons (BOP). The facility houses approximately 450 men from across the country in solitary confinement units. The lawsuit alleges that inmates diagnosed with mental illnesses are denied constitutionally adequate mental health treatment. The severe sensory deprivation and restricted social contact at ADX is further alleged to exacerbate mental health problems. This concern was underscored in a June 2012 [US Senate](#) hearing on solitary confinement, when Director of the BOP, Charles Samuels, testified that there were only two psychiatrists on staff at ADX.

One man in ADX, Jesse Wilson, [wrote](#) Solitary Watch after he listened to the head of the BOP testify that there weren't mentally ill prisoners in ADX. I heard the head of the BOP in Congress (on radio) saying they do not have insane inmates housed here, Wilson wrote, This is what should be thought of as a lie. I have not slept in weeks due to these non-existing inmates beating on the walls and hollering all night. And the most non-insane smearing feces in their cells.

The [lawsuit](#) is currently pending before the US District Court. Currently titled *Cunningham v. Federal Bureau of Prisons*, a website tracking the progress of the lawsuit provides [profiles](#) of the plaintiffs.

The Government Accountability Office (GAO) [released](#) a report in May that found federal officials hadn't studied how long-term segregation affects those subject to it, how much it actually costs, or the extent to which it achieves its stated purpose to protect inmates, staff and the general public. A snapshot estimate provided by the BOP to the GAO suggests that taxpayers are spending \$78,000 per year, per person at ADX Florence to incarcerate them in psychologically devastating conditions.

Solitary Watch has been in contact with several individuals in ADX Florence, including members of the lawsuit who wanted to tell more of their story and share their perspectives.

Harold Cunningham, ADX Control Unit, 12 Years in Solitary

Harold Cunningham, 43, is the lead plaintiff of the federal lawsuit demanding constitutionally adequate mental health care in ADX. Cunningham is serving a life sentence and has been at the ADX Control Unit since 2001. Suffering from mental health issues since the age of ten, he has since been variously diagnosed with Paranoid Schizophrenia, Psychotic Disorder NOS and Personality Disorder NOS, and has been incarcerated on and off since he was 11, including a five year prison sentence at the age of 17 for cocaine possession. Sentenced to life imprisonment in 1996 for his involvement in a series of murders and robberies, he was incarcerated at United States Penitentiary, Marion until his transfer to ADX in 2001.

While at Marion, he was at times held in solitary confinement. He complained of visual and auditory hallucinations and was prescribed anti-depressants and anti-psychotics. According to the federal lawsuit, a psychologist at USP Marion found that Cunningham's current mental status, emotional expression, and behavior suggest significant mental health problems. A year later he was transported to ADX, where psychiatric drugs are not provided to inmates.

The lawsuit details that, as a consequence of the denial of psychiatric medication, his behavior predictably worsened, and he was cited for rules violations such as possessing weapons, assaulting corrections officers, and refusing to leave his cell. For this, he would spend five years, from 2002-2007 in even more restrictive environments within the Control Unit.

His treatment has thus far consisted of workbooks and programs through his television. 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.

I was sent from Marion to ADX Control Unit in 2001. I was treated and lived like an animal for years. Stripped of all my clothes for weeks at a time just a blanket chained to my bed, water turned off, no shower at times. No food and when they did feed me it was bad food, stale bread and cheese, rotten apple I was beaten while handcuffed. All this on and off throughout five to six years. It was an up and down roller coaster ride in a bloody nightmare. I was at war physically and mentally. I survived but now I suffer from PTSD so its hard for me to talk about some of the things Ive been through. Ive tried to block a lot of it out by escaping through writing. Every day in here is like a landmine field, one wrong step and I may snap back to that nightmare, something I dont want to do.

I have been seeking and reaching out for help, therapy and medication that I used to be on but thats not allowed here in the control unit. This is what my lawsuit is all about. My attorney has been working real hard to help me get the treatment I need. Ive been here 12 years, I have less than a year left. Hopefully they will send me somewhere I can get the help I need and get involved in programs like education and writing.

Sal Rodriguez was Solitary Watchs 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

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

Did I understand this correctly, that YOU deleted my comment ?? I did 37 years in the feds, all max security. I dont mince words and tell it like it is. Riverfront Times, St. Louis did an article about me 8,500 words published Jan. 2017. A movie/documentary, TV series are being produced about my life story. A podcast has 10 episodes and reviews are 95% positive. A book is being written. See: American Skyjacker. So, you deleted my comment ?? Fuck you too !!!!!!!!!!!

We dont recall deleting your comment. Was it recent? We just switched to a new website platform and it might have gotten lost in the move. If youd like to try again, we seldom remove comments. We would appreciate if you could avoid name-calling and cursing people out, however.

Do not let Harold Cunningham fool you. He killed 8 people in cold blood in the early 90s and stabbed his ex-girlfriend who was testifying against him as a whiteness in the court room. He was acting as his own attorney, hid a 5 inch prison made shank in his wheel chair and tried to kill her in the middle of the court room. Oh, he lost a few toes when he was shot in the foot in a gun fight with police during his arrest but can walk just fine (with a limp). This man deserves to be on death row.

Inhuman stop it..

The savages are not in ADX because they stole a candy bar from 7 11.

If the conditions there are so awful, bullets to the head will put them out of their misery!

This is for the name lame that says only dumb fucks are sent to supermax because they dont know the system. Here is some advise to you lame name, I personally know a couple of heavy hitters that ended up in supermax and I would love for you to shoot them a kite and school them on how they fucked up and I am sure they will be happy to reach out and touch you in a manner you might just like.

This Joe Gonzalez responding to Java or who ever it is hiding behind that lame name. I have personally told many gangbangers to stop sniveling like bitches, both on the street and in every prison they sent me too. If you really knew what time it was PUNK you wouldnt shoot your mouth off to someone that wont hesitate to shut it. On the street or in the joint real men dont snivel and the ones that do are either in Protective custody or headed there. The only thing you convey to everyone who reads your message PUNK is that you are afraid of gangbangers. Maybe you would be afraid to call them a sniveling bitch, but dont think everyone is a spineless bitch like you. I invite you to leave your computer and come discuss the issue with me personally. Yeah thats a challenge PUNK now you can show us all what you got and if not take your coward ass to another forum. PUNK

Are we supposed to feel sorry for these criminals? I dont. Theres a REALLY easy way to not wind up in prison- behave yourself. I (and

pretty much everyone Ive ever known) have managed to do so since birth. Not that difficult. If you dont behave yourself you only have yourself to blame. Rot in prison. It will keep you from hurting other people.

Waste of time and money. Execute this trash.

i DO NOT believe in long term solitary confinement. It absolutely causes mental health issues which in turn causes more problems for the guards and also becomes a major major security issue for the guards. For someone with a preexisting confirmed mental condition to be sent here will make it much worse since they cant take psych medications at this facility. I honestly cant believe we even have a prison that is 100 percent solitary confinement for all inmates. My husband is a policeman and I am not a do-gooder who believes in lame punishment for evil crimes. I believe in punishment and I also believe in solitary confinement when it is warranted but not for years at a time. This is American and our prison systems need to be humane if we are going to send prisoners there, regardless of their crime. A chained dog becomes vicious. There is more to think about than just chaining people up or confining them for years in solitary with no regard for the mental health of the individual.

Give him a little nerve gas that will calm him down

The accommodations arent to their liking? Oh well. Next time, dont break the law.

some of you are hilarious. I love this one, Dont Break the Law. Do you know how many felonies ordinary citizens committ each and every day. Because the laws in this country are not as straightforward as people would have you believe. Next time your mother gets an abcess in her tooth, and just until she can get to the dentist you give her a Vicodin for the pain. There is your first punishable felony for that day anyway.

give them the option of being put down like the animals they are. they deserve no sympathy. they have killed, raped, robbed, etc. members of this society, now they complain that they are being mistreated?? they are getting better than they gave their victims. let them rot.

Wheres the part two.. Good read though its sad that prisons have crappy mental health funding..

Do they ever explain that cant get along with each other either now is the BOP suppose to make them better people so they wont stab or hurt other prisoners for a variety of reasons when out of their cells. This goes on the lower security levels all the time, I can only imagine what would happen with many of these violent murders who are serving LWP or some long sentence, knowing they nothing to loose. What do they expect from the BOP?

SOME OF THIS STUFF IS FUNNY. THE FACT IS- SOME OF THESE DUDES HAVE NOTHING COMING WITH 37 YEARS IN THE FEDS I KNOW WHAT IM TALKING ABOUT.. A LOT OF INMATES WERE JUSTIFIABLY DEALT WITH CONVICT JUSTICE DO THE CRIME DO THE TIME. PRISON IS NOT EASY..

I would just like to convey that Martin has an honest and realistic opinion of what is really going on in these prisons. I suggest that some of you liberals research some cases of some of these crying ass inmates. Some of you write in support if these inmate with out having any idea why they are where they are. As you can see these inmates posting their BAD TREATMENT never write what they are there for. Lets face it, most of our level 3 and 4 institutions are designed and structured for punishment not rehabilitation. By the time these inmates reach the level they are in, you can pretty much be assured that they have committed multiple felonies. Of course they want better accommodations, better treatment, better food so their experience in prison can be a comfortable one. Now why would anyone defend or support a person that is in prison for killing a little 4 year old child by shoving her into a bathtub of scalding water. How about the guy that sodomized a 2 year old baby, or the gangster that opened fire on a house killing an elderly lady of 75 and a 5 year old child. Should I go on, it really is frustrating to know and read postings and comments from citizens that support these criminals and advocate for prison reform and better treatment. I hope it never happens that one of you liberals have to experience such a heinous crime on one of your loved ones. I am sure you will not continue to advocate for them but probably against them. For the most part I believe that a large percentage of inmates that are in prison deserve to be exactly where they are but of course they will never admit it. They are just trying to manipulate you people into assisting them obtain better conditions. They have nothing to lose. I feel confident that once they get out they would probably rob and rape and burglarize your homes and families without hesitation. What would you say then ?

I would not debate for one second that these inmates are some of the most horrific scumbags on the planet and deserve anything they get. But that does not mean to say that the people running these prisons and are not a bunch of f***g psychopaths. Cockroaches enjoy consuming feces.

Dick, and Joe

I agree with both of you guys on multiple points. Most of these jerks were tough guys on the street who wouldnt think twice about committing a horrible crime and not give it a second thought . When caught they act like little bitches because the justice system doesnt serve them steak an eggs for breakfast. I say three years on appeal then the chair or the needle.

Hello

I am glad to see that there are still some righteous citizens that can recognize manipulating scumbags. Let me mention that a high percentage of these gangsters that did their dirt to get locked up are now in protective custody, sensitive needs or what ever else they want to call those weak sissy yards they run too for protection. I challenge any of these sniveling punk inmates crying for better accommodations and treatment to write in detail the crimes they committed to get where they are today. Share those stories with us Tell us how you carjacked some poor innocent lady, how you sold drugs to kids, how you did that drive by and killed an innocent child, how you home invaded some nice family and terrorized them while you were stealing their property or how about molesting children or assaulting helpless women. Be the big bad men you try to be out here and tell us about the crime you committed. I bet not one of you has the guts to do this. Sorry ass little sniveling bitches.

Comments on this post have been closed and the last two comments deleted. It is our policy to delete comments that contain threats to other readers. You can say anything you want about our posts, but you cannot use our site to threaten to do harm to others.

To Solitarywatch and its readers. Let me apologize for my inappropriate response. I should be use to being challenged and insulted but even after all these years it does require an excessive amount of restraint. I enjoy your forum and for the most part I believe your readers to be educated and mature. Unfortunately one slips through once in a while. So please accept my apology for lowering my intellect to a level I do not admire.

Thank you

Just another weak,and worthless chump who made his bed,and now has to lay in it. A punk,and a pathetic excuse for a human.

You took the words right out of me. I am glad someone feels that these sorry clowns should shut up and deal With it. They cry about good treatment now but they didnt care how they treated their victims.

Plz ppl.dnt get it twisted, its really innocent ppl there being punished for crimes they did not commit.

If the tables turned today and u go to prison, would u like to get treated like this? That shit would drive you insane.

Then with no outside communication would brake 85% of u ppl. Of course make them pay for their crime(s), but its rules and criterias of how this is done.

So be careful of what u say.because the shoe could be on the other foot.

Would u want ure ppl or ureself treated like that?

I really dnt think so.

Think b4 we be harsh to others.

These inmates are very strong to deal with treatment like this everyday, most of u ppl wouldve killed ureselves or needed med,s also.

The stuff in the world bothers most of usso just imagine what these ppl goes through on a daily basis.

most people in prison are guilty as hell, especially the ones in ADX, no man is at adx for being a model convict, most of those people are beyond rehabilitation once they are deemed that much of a security threat.

Chump huh. You would not survive one hour in that place Dick.

Joe gonzalez is clear your all for inhumane treatment but maybe if you had a dad or brother going thru 23 hour lock down you would feel bad but clearly joes family are the victims and corrections officers thats the team he cares about but ill tell you what joe gonzalez i hope your family dont ever make any mistakes because clearly you wouldnt care you probaly would send no money and never go visit them and then try to justify it to yourself saying they shouldnt have been humanms william is right its not working we need prison reform start by letting inmates pay for their own stay. But this is only posible if the prison industrial complex stops their legal 30cent an hour slavery because its not ok to exploit humans no matter what i understand some inmates are evil but we are just as evil by making them worst setting them up for failuurewe all know theirs no profit for the prison if we persevere

Don it gives me great satisfaction to advise you of how ignorant your statement sounds. First only a complete moron would believe that our system doesnt need improvement. Second what is clear is that you have no experience in researching the criminal mind. I would assume that if members of your family were victimized by being carjacked, robbed, raped or murdered you would sympathized and want the criminals to be treated like celebrities. Give them a 3 star living arrangement and pamper them so when they are released they will be upstanding citizens. A large percentage of these criminals in solitary have committed multiple offenses in society and in prison. They didnt reach that level by missing Sunday church. If any of my friends or relatives decide to commit these horrible offenses then I dont feel sorry for them. I have met many offenders of diverse backgrounds and ages and unfortunately there are some very disturbed violent predators that if released they will only continue to victimize innocent people. The only thing that is clear in your statement is that you have no idea what you are writing about. Do a little research so your statements may have some validity.

Im glad that fu**nut is put away (Robert Phillip hansen)

Poor guy I feel bad for him. We all make mistakes some greater than others but we at ALL human and prone to mistakes. I have hated the united stated since bush was president and after my military service ended during that piece of shit Obamas term I left. I now live in the Philippines and have renounced my citizenship as I want nothing more to do with America. Anybody know how I can get in touch with Mr. Cunningham as I would love to pay for any help he needs or sponsor him here for a better life.

good riddance ryan. you probably moved to the phillipines so you could get with young boys.

Ms. Williams

I suggest you spend a little time speaking with some victim groups or even check out your seedy neighborhoods. Every city has them. Some people like crime, they enjoy hurting people, they dont have any respect or consideration for other people. They are termed SOCIOPATHS or PSYCHOPATHS. Would you like one as your neighbor. Why dont you go visit a few and see which one you want to marry your daughter. Lets cut the crap lady and call it what it is, PUNISHMENT. We all know what is probably going to happens when we sell drugs or carjack, home invade, rob, rape and murder. We are probably going to prison. So yes I say DEAL WITH IT now like the big bad guys you were out here. You had your chance probably a few of them and now you are there. Prison isnt suppose to be nice. Just be grateful you are not treated daily like you treated your victims. That will come later when you get to hell.

Recidivism? Rehabilitation doesnt not happen in prison. The thugs either open their eyes or get tired of the thug life. The ones that dont return are either killed outside, find Jesus and or continue their criminal enterprise. They do not care one iota about the people they have killed or harmed, it is all about the power and the money. Prison is a deterrent, as long as you keep them locked up.

Hello Gerry

I do not see an argument with any thing you stated. I really dont even understand what the issue is here. These prisoners would kiss the inside of their solitary confinement cells and write letters of appreciation to the BOP if they were sent to a middle Eastern country and witnessed the conditions of those institutions and the penalties for their crimes. I could not understand a coalition to save a California condemned female inmate that murdered a 4 year old girl by forcing her into a bathtub of scalding water. Sometimes I am not sure if we have all the sick people locked up. Yes lets let her out and hire her as our daycare provider.

I find Mr Cunningham argument well thought out, intelligent, lucid and rational and this is without medication? Hahaha interesting.

You can be intelligent, well thought, and rational and STILL have a mental illness. They are not mutually exclusive. Cognition and the presentation of mood disorder or thought disorder are not the same.

So locking people up and treating them like crap is an answer. Judging by the recidivism rate when people EOS form a Supermax prison (60%), it is not, and then there is the little problem of inmates housed in these close managment facilities cost more, and then there is the fact that many of these inmates are mentally ill and were mentally ill when they came to prison. I really dont think that deal with it is an answer that addresses the problem.

Hello

I do not think we are focusing our attention in the right area. I believe that the prisoners we are referring to have committed mulitply crimes and have made their choices. Their not kids if people make the choice to be anti social criminals and murderers then they cant expect to be treated like Medal of Honor recepients.

To inform persons do not choose to be AntisocialThese Personality Disorders are largely the result of traumatic childhoods children and people who have been abused and treated poorly. Some, so inhumanely you could not imagine. Socrates said, To know the good is to do the good. Doing good is a kind of knowledge and the absence of this knowledge is ignorance. Evil is ignorance. And it is bred!! (There is, incidentally, A LOT of ignorance in this comment thread!) To ask our corrections system to rehabilitate these folks- to make every effort to do so and to promote humane conditions in the facilities is the least we can ask and expect. Our society is reflective of the choices we make within such systems and this article shows how so we are breeding individuals who are not capable of functioning on a community level. We are perptuating and exacerbating the problem.

how bout putting them in a half way house on your street?? love how people advocate for all of these things, yet will cry and wail if it is in their back yard.

Ure right Susan.

Ive been in high max USP Hazelton for ten yrs. I understand we have to pay for the crime we committed, but what about the ones who suffers from mental health from a child to adulthood? Some are not responsible for their actions, and the guards thats sworn in to protect these inmates.are the same ppl doing them wrong. Its still a criteria and rules you have to abide by as an deputy, officer or sheriff or what have you.

Lets say its one if you guys there.no matter the crime you committed, would you want to be treated like that?

Denied medical, outside communication, mental meds, food and so on.

Sounds to me their running a concentration camp.

some are not responsible for their actions yet victims still suffer horrible fates, and families still grieve, would you want your mama living near these folks?

She lives near these folks everyday.some just have more control than others.

What about the ones that cant controll their mental health, the ones that has been diagnosed as children with their illness??

Dnt be so insensitive, at least a mental facility would be acceptable.

Somewhere where their problems would be addressed appropriately.

I agree that they should be in a mental facility.

My opinion is simple. To the individuals complaining of their conditions and treatment. Stop your sniveling, be the tough gangsters and criminals you were when you were free. You didnt have any sympathy for your victims, some of which are dead. You knew where you were headed and didnt care. You werent crying for medication and therapy when you were taking drugs so quit your damn crying now and deal with it. Be the big bad gangsters you were out here and stop acting like bitches now. Have some pride and dignity. Next time behave your self and stay free. Fucking sorry ass gangbangng bitches.

You are such an obvious coward its almost humorous.

Youre a perp

Mr. Cunningham, Yes I agree we all make mistakes in life and you already have been forgiven.Stay strong GOD does have your backthings will change, never forget youre under the wings of his angels.

From this article:

I heard the head of the BOP in Congress (on radio) saying they do not have insane inmates housed here, Wilson wrote, This is what should be thought of as a lie. I have not slept in weeks due to these non-existing inmates beating on the walls and hollering all night. And the most non-insane smearing feces in their cells.

A snapshot estimate provided by the BOP to the GAO suggests that taxpayers are spending \$78,000 per year, per person at ADX Florence to incarcerate them in psychologically devastating conditions.

I ask what has changed since Eastern State Penitentiary (ESP) opened up in 1829. At the time it was the largest and most expensive public structure in the country and the elite opinion in the U.S. was firmly behind the idea of solitary confinement.

Then as now, the major concern was whether the system at ESP was cost effective.

Then as now, the arrogance of the system can be heard in the annual report of 1869, which lists the arguments against the solitary system, refutes them, and concludes, We are justified in unequivocally asserting that the Pennsylvania system of penitentiary discipline

understood and properly applied, is not injurious to the health, has no injurious influence on the mind, is neither inhuman nor cruel and that if properly administered, it is now the most philosophic and effective system for the treatment of crime as an actual condition of persons in all societies.

Despite this vehement defense of the solitary system, in the period after the Civil War, the regimen at Eastern State was slowly abandoned. Historians have theorized that the rise in foreign immigrants among the prison population decreased public sympathy for prisoners and made expensive penal reform less politically popular during the postwar period.

Have you noticed how many comments your last article on immigrants received?

I clicked on the profile link but I found that all the profiles of the inmates from Washington, D.C. and the one man from Saipan are lacking the specifics of the crimes that they were originally sentenced for. Not that it matters but I did find it odd because all the other offenders profiles specifically stated their crimes and documented their previous history of mental illness.

Four were convicted for robbery and two for threatening the President.

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Solitary Watch

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