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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/04/13/atul-gawande-on-solitary-confinement-our-generation-of-americans-has-countenanced-legalized-torture/>

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by [James Ridgeway and Jean Casella](#) | April 13, 2010

On April 7, a year after his groundbreaking piece on solitary confinement, [Hellhole](#), appeared in the *New Yorker*, Dr. Atul Gawande spoke about the issue at Harvard Law School. Gawande reiterated many of the points made in his article about long-term isolation in U.S. prisons, citing evidence of its ineffectiveness as well as its cruelty. Worth repeating here, however, are Gawande's comments on how apathy and complicity among the American public allow a torturous practice to continue.

According to the [Harvard Crimson](#), Gawande said:

The public is outraged at some level, but not deeply enough. The prisoners are not connected to our society due to racial, socioeconomic, and educational disparities. The average inmate is not a person you would run into in daily life. I think it would disturb us or be difficult to stomach putting people we grew up with in solitary isolation.

When we consider legalized torture, we consider Guantanamo and Abu Ghraib. But solitary confinement in our state prisons is the legalized torture of our own people within our own communities.

The [Harvard Gazette](#) reported that Gawande wondered aloud how prolonged solitary confinement can be so widespread, when clearly it is so intrinsically cruel.

In the United States, the continued practice of solitary confinement in prisons across the country is directly linked to the public's acceptance of the practice, he said.

We learn very quickly that public sentiment is the reason that solitary confinement has exploded here, said Gawande, adding that the support of such isolation is a generational construct.

These are ideas that previous Americans have not found acceptable. And in much the same way that a previous generation of Americans countenanced legalized segregation, I think that ours has countenanced legalized torture.

And according to the [Harvard Law School site](#), Gawande depicted public sentiment driving prison policy rather than the other way around, saying that some prison administrators would like to end the practice of long-term solitary confinement, but fear of public reprisal keeps them from doing so. The reason is us, he said.

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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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Prisoners as well as staff suffer under solitary confinement conditions or whatever name officials use in our different states to describe 23 hour lockdown for many years on end for some, the remainder of their lives.

Education and skills training can prevent this sinking prison ship from going down but, these are being cut from budgets right and left throughout the USA.

This is surely a failed social system for all of us including taxpayers.

We might as well put our money into a big bonfire as into supporting this often unregulated system of what is being called torture.

The only thing to do is keep speaking out, especially to legislators, many of whom have never visited these housing units in their states prisons.

The Science of Solitary Confinement in the National Geographic Explorer series this month is excellent. Buy a copy if you don't have it on your TV service. The Colorado system is at least studying this.

My new documentary coming out later this year takes a more personal approach to the subject through those who have come out in one piece.

May we solve this somber, sobering social issue in our lifetime.

if they real want to end it like i do then do it HEAR ME ALL WARDENS DOC FBOP IF THIS IS TRUE YOU WANT TO END SOLITARY SO DO I be brave like those who started this grate nashion dare to stand where it need be done like those who gave us are rights those who freed us from slavery and those who wanted same rights for all if you want to end it as much as i do THEN STAND UP FACES THEM AND JUST SAY NO TO SOLITARY FEAR NOT FREEDOM USE IT TO END IT for if you do not act who will and what statment dose that make bout your nashion like war gos stand and make your self willing for what is right or die being seen as those who do not care no one said justice was painles but it is to be fare i hate the staues that are holding scales tipped as if they see that as waying no you just need the sacles of justice at a ballence not to fare to one side but evenly they work to way both sides and only those who stand will be abal to say they care a nuff to stand for what is right no mater what that is justice at the best of its power

Renee and you have read the vile comments on Silversteins site I have seen you there after the CNN article came out on him. There were some real venomous pose written there. In the end the public is to blame for the abuse of inmates and the subsequent creation of ex-cons capable of the most horrendous of crimes.

Alan, I have thot that myself. I took my thoughts to the absurd, In the movie Addams Family Values the children were put in the Harmony Hut to punish and correct. I think people who commit crimes arent corrected and taught they go right back out worse than they went in. Its possible prison may be a deterrent but never a place of correction.

Taken from his article Hellhole:

It wasn't always like this. The wide-scale use of isolation is, almost exclusively, a phenomenon of the past twenty years.

In 1890, the United States Supreme Court came close to declaring the punishment to be unconstitutional. Writing for the majority in the case of a Colorado murderer who had been held in isolation for a month, Justice Samuel Miller noted that experience had revealed serious objections to solitary confinement:

A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others, still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community.

The simple truth is that public sentiment in America is the reason that solitary confinement has exploded in this country, even as other Western nations have taken steps to reduce it. This is the dark side of American exceptionalism. With little concern or demurral, we have consigned tens of thousands of our own citizens to conditions that horrified our highest court a century ago.

I have also witnessed this ugly side of public sentiment on blogs and news outlets that allow for public comment. The negative reactions of these supposedly solid citizens decring the cruelty of crimes committed by men, women and yes children is understandable. But what is counter intuitive is after they so vehemently attack and condemn these acts that they then cry out for even harsher treatment of

prisoners. This lack of foresight astonishes me because most of these inmates will once again walk amongst us. When we encounter them on the street after their release in what frame of mind do we want them in?

I do not believe average people like myself are even aware of solitary confinement. My question is then who is driving this crazy train? I just do not believe this statement

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I dont think most people even think about prison or its prisoners at all. The people I know and have talked to have not even heard these things exist and I am some kind of nut for even bringing up the prison topic as they seem to think the only people in prison are murderers and rapists. I bet if a reporter came to my town and stopped anyone in this village on the street they would not have even thought about prisons and its issues or even know that our states/countrys budgets take from education to fund more prisons. I BET.

My latest article on abuse of solitary confinement can be found at <http://www.scribd.com/doc/29879687/The-Fate-of-LD1611> I invite you, reader, to visit

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