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Criminal Justice Issues and Prisoners' Rights

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by [Jean Casella and James Ridgeway](#) | September 6, 2012

The title of this post is the title of an article that appeared in yesterday's [New York Law Journal](#) by Michael Mushlin, professor at Pace Law School and a longtime advocate for the reduction and reform of solitary confinement.

As Mushlin points out, the prison population in New York State has dropped by 16.75 percent in the past decade, to just under 56,000. Yet New York maintains one of the highest rates of solitary confinement in the nation: Today in New York almost 4,500 inmates are confined into small prison cells for up to 23 hours a day with almost no stimulation or human interaction, he writes. This is a rate of solitary confinement that is 37 percent higher than the national average. It represents a 46 percent increase in 10 years of prisoners placed in solitary confinement in New York.

Mushlin's compelling piece goes on to describe his own encounters with solitary confinement in New York's prisons:

I first confronted conditions in solitary confinement units over 30 years ago when I served as trial counsel in a federal civil rights case involving Unit 14, Clinton prisons solitary confinement unit in upstate New York. What I saw was deeply disturbing. Inmates were locked for 23 hours each day into small windowless cages for months and years on end. No programs or activities were provided. Without access to any meaningful activity, they were separated from one another, spending almost all of their time entirely by themselves. During that one precious hour per day when a Unit 14 inmate could leave his cell there was only one place to go: a small space directly behind his cell called a tiger cage. The tiger cage was an empty space with a barren floor surrounded on all sides by high concrete walls that were not covered by a roof. An inmate could walk only a few steps in one direction before turning. If he looked up he could glimpse a bit of the sky but nothing else of the outside world.

Working on that case I witnessed firsthand the awful consequences of subjecting human beings to solitary confinement. I will never forget looking into the eyes of those inmates struggling to maintain a foothold on reality and sanity. Afterwards, when visiting other solitary confinement units, no matter where, I see that same pained, desperate stare. I have seen it so often, and in so many different places, that I have come to recognize it instantly as the gaze of a tortured person.

The piece goes on to point out that most inmates, even those who are in solitary confinement, will someday return to our communities. It is a serious mistake, therefore, to ignore these severe conditions thinking that they do not directly affect us. Many prisoners are released directly from solitary to the streets given a suit of clothes, \$40 and a bus ticket to the Port Authority Bus Station in midtown Manhattan.

Mushlin discusses alternatives that have dramatically reduced the use of solitary confinement in other states, and concludes: The New York legal community, which has an important role to play in the operation of our criminal justice system, should send a strong message that says, Stop the widespread use of solitary confinement. When that message is sent and received we will have a prison system more worthy of our state; one in which there are no longer hidden in it men and women suffering silently and unnecessarily in those dark, oppressive solitary confinement cells.

Read the full piece [here](#). For more on solitary confinement in New York State prisons, see our article in *The Nation*, [New York's Black Sites](#). And stay tuned for an important new report coming out in October from the New York Civil Liberties Union.

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.

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