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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2018/07/11/the-solitary-confinement-of-paul-manafort-and-the-temptations-of-moral-and-political-relativism/>

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by [Jean Casella and James Ridgeway](#) | July 11, 2018

It's been interesting to observe in recent days the growing consternation on the Right over Paul Manafort's month-long stay in solitary confinement in a regional jail in Virginia, which began on June 15 after his \$10 million bail was revoked based on allegations of witness tampering. After [appeals from Manafort's lawyers](#) that his confinement was severely impacted the ability of the defense to effectively prepare for the upcoming trial, the court yesterday ordered him moved to a jail in Alexandria, just outside D.C. At that point the lawyers [rescinded their request](#), suggesting that all they were really after to begin with was for Manafort to again be released on bond, as well as for his trial to be delayed.

In the meantime, on media and social media, a host of pro-Trump forces have been saying that Manafort is a [victim of political treachery](#) who was somehow relegated to solitary confinement by Robert Mueller, and not by the federal Bureau of Prisons officials who decided to place him in involuntary protective custody as a high-profile detainee. [They argue](#) that Manafort doesn't deserve to be in solitary for a number of reasons: because the crimes he is accused of are nonviolent, because he hasn't yet been convicted, or because he represents no threat to others in jail. We have yet to come across any expression of concern from these same commentators for the tens of thousands of other people in solitary in the United States who fit these criteria. This includes countless children, LGBTQ individuals, people with disabilities, and members of other vulnerable groups who, like Manafort, have been placed in isolation for their own protection.

On the other hand, the glee over Manafort's situation that is being expressed by some on the Left (though not, notably, by people who are actually involved in prison or criminal justice reform) is just morally indefensible. Celebrating the torture in prison of political enemies is a hallmark of the worst totalitarian regimes. And it has now been seven years since the UN Special Rapporteur on Torture [declared](#) that considering the severe mental pain or suffering solitary confinement may cause, it can amount to torture or cruel, inhuman or degrading treatment or punishment. The UN's Mandela Rules on the treatment of incarcerated persons call for a ban on solitary beyond 15 days. And in fact, as a 69-year-old and a pre-trial detainee, Manafort belongs to two groups that most human rights campaigners say should never be placed in solitary at all, even for very short periods.

Some seeking to defend Manafort's solitary confinement have pointed to [prosecutors' assertions](#) that these conditions are less draconian than the norm, while others argue that it is acceptable because he was placed there not by Mueller, but by prison officials, simply for his own protection. Yet the facts remain that Manafort is being isolated 23 hours a day, and that there are always better alternatives to any form of solitary confinement. (And since when have self-identified progressives started quoting prison wardens as trusted arbiters of what constitutes appropriate treatment?)

Finally, there are the more nuanced responses like those made by Glenn Greenwald, who recently [wrote on Twitter](#): This dilemma always presents hard moral quandaries. On the one hand, the US prison system is extremely repressive & solitary confinement is torture; *nobody* deserves that. On the other, rich & powerful people shouldn't be exempt from the evil system they built & sanctioned.

The temptation of this argument is strong, but his own tweet shows that even Greenwald, an early and fierce opponent of solitary, recognizes there can really be no moral quandary when torture is involved. And as a practical matter, subjecting more rich, powerful, white conservative men to the grotesque injustices and abuses of our criminal justice system is an unlikely path toward change. With a very few exceptions (Pat Nolan comes to mind), when these people go to prison, they don't gain any kind of broader vision or empathy from the experience. They just spend their energy (as noted above) explaining why they are less deserving of such horrific treatment than the 2 million other Americans whose incarceration they vociferously support.

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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September 29, 2022

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P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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