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Criminal Justice Issues and Prisoners' Rights

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by [James Ridgeway and Jean Casella](#) | April 1, 2010

The Center for Constitutional Rights has [filed a lawsuit](#) in the U.S. District Court in D.C. on behalf of five prisoners held in solitary confinement in the Communications Management Units (CMUs) of two federal prisons. The experimental units were supposedly designed to hold high-risk inmates, including terrorists, whose crimes warrant heightened monitoring of their external and internal communications. But the reality, the [CCR asserts](#), is that many prisoners end up in the CMUs for their constitutionally protected religious beliefs, unpopular political views, or in retaliation for challenging poor treatment or other rights violations in the federal prison system.

The two CMUs, at the federal prisons in Marion and Terre Haute, now hold about 70 men. They were secretly created by the federal Bureau of Prisons during the Bush Administration, in 2006 and 2007, and have remained intact since the Obama Administration came to power.

Inmates in the CMUs are subject to isolation which in some respects exceeds even that of federal supermax prisoners. [According to the CCR](#):

Prisoners in the CMU, alone out of all general population prisoners within the federal system, are categorically banned from any physical contact with visiting friends and family, including babies, infants, and minor children. To further their social isolation, the BOP has placed severe restrictions on their access to phone calls and work and educational opportunities.

What's more, unlike most supermax prisoners, those assigned to the CMUs are not even accused of any disciplinary violations that might warrant their segregation for example, attacks on guards or other inmates, or other violations of prison rules. And they receive not even a pretense of due process before being placed and held permanently in these extreme conditions. As CCR explains:

All five men confined in the CMU have been classified as low or medium security, but were designated to the CMU despite their relatively, and in two cases perfectly, clean disciplinary history. Not a single one has received discipline for any communications-related infraction within the last decade, nor any significant disciplinary offense.

Like all CMU prisoners, the men received no procedural protections related to their designation, and were not allowed to examine or refute the allegations that led to their transfer. They are also being held indefinitely at the CMU without any meaningful review process. They expect to serve their entire sentences in these isolated and punitive units.

Predictably, the lack of procedural protections has allowed for an unchecked pattern of discriminatory and retaliatory designations to the CMU. Rather than being related to a legitimate penological purpose or based on substantiated information, our clients' designations were instead based on their religious and/or perceived political beliefs, or in retaliation for other protected First Amendment activity.

Who exactly are these prisoners, deemed so dangerous that they cannot be permitted to communicate with the outside world or to hold their children? Unsurprisingly, more than two-thirds of them are Muslims. (The BOP denies that it is discriminating on racial or religious ground, and one document on the CMU says that inmates there represent multiple ethnic backgrounds, which include an international flavor.) Many of the others CMU residents have what are considered subversive political views among them environmental activists convicted as [ecoterrorists](#).

As an [article in Reuters](#) described it, the CMUs have become known for holding what critics call members of the al Qaeda B-team, accused Islamic militants who are deemed to be less of a security risk than the high-value detainees, but too important to mix with the general prison population. Higher profile Islamic terrorists like Ramzi Yousef, Zacarias Moussaoui, and Omar Abdel-Rahman are held at ADX Florence, the federal supermax in Colorado. In the CMUs, it seems to be the prisoners' ideas, rather than the prisoner themselves, who are considered dangerous.

Of the plaintiffs in the CCR suit is Yassin Muhiddin Aref, an Iraqi Kurd who served as imam of a mosque in Albany. In 2006, [Aref was convicted](#) of aiding in a plot to buy a shoulder-fired missile to assassinate a Pakistani diplomat. The plot, however, was a fake invented by the FBI, and presented to Aref, in a controversial sting operation, by an informant who was working for the Bureau in exchange for a

reduced sentence on a separate charge. Aref is serving a sentence of 15 years.

Another plaintiff is Daniel McGowan, who was [sentenced to seven years](#) for serving as a lookout when during a 2001 arson at an Oregon lumber company, carried out by members of the Earth Liberation Front (ELF). He was arrested in 2005 in another FBI sting, this one using an informant who was an old friend of McGowan's, and reconnected with him at an animal rights conference in New York. At the time, the Bush Justice Department was calling militant environmental activists the number one domestic terrorism threat, and rounded up more than a dozen of them in what it called [Operation Backfire](#).

Another of these eco-terrorists, Andrew Stepanian, spent six months in the CMU and is one of the units few former residents to be out of prison. [Stepanian told Reuters](#) that guards frequently referred to the CMU as Little Gitmo or CTU for the term Counter Terrorism Unit as used in the TV show 24.

The CCRs suit calls for the Bureau of prisons to transfer prisoners out of the CMU, or provide justification for continuing to hold them in these conditions. Either way, the suit demands that the plaintiffs be given the same rights to communicate as other prisoners have.

David Fathi, who heads the the American Civil Liberties Unions National Prison Project, [told Reuters](#): You get people sent to a place incommunicado. You expect this from totalitarian regimes, but not from the Obama administration.

Together with the draconian [Special Administrative Measures](#) being imposed on terrorism suspects before they have even been tried or convicted, the existence of the CMUs suggests that it may no longer matter all that much whether or not the Guantanamo Bay detention facility is ever closed because Gitmo has already come home to stay.

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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AC = Adjustment Center

Here is a good paper to read to get a more current view:

http://www.utexas.edu/know/2010/11/22/renaud_jorge/

I am also sympathetic of inmates held in these conditions. But we all need to understand how it came to this.

The main cause is the racially based prison gangs and the violence they commit. And what fueled this was the rhetoric.

Edward Bunker wrote an article for Harpers Magazine in 1972 titled War Behind Walls:

Here is an excerpt:

what increases racial polarization in prison beyond conciliation is the mutative leap in black militant rhetoric. This rhetoric is heard within prison walls by unsophisticated minds and gives those blacks that already hate whites a rationale for murder. Everyone understands that blacks have been brutalized by generations of institutional racism, and recently by inertia and indifference. What the sympathetic fail to grasp is that sometimes the psychological truncation is so great that it cannot be repaired. Nothing is left but hate. They have no desire no motivation for anything but revenge.

And all of this is confirmed in this book.

The Rise and Fall of Californias Radical Prison Movement by Eric Cummins

revolutionary black convicts, the ideological products of secret political study groups, were by 1970 more and more often resorting to secret retaliatory gang style slayingsthe major player in this movement toward gang-style politics was George Jackson.

Page 224: A small group of extreme leftists in the Bay Area, renouncing the need for grass-roots support, instead chose to isolate themselves from the public further. In a few cases their analysis led them to become participants in emerging foco groups led by paroled or escaped convict guerrilla warriors.

The unreasoned extremism of one such foco, the Symbionese Liberation Army, came straight from the pages of George Jacksons Blood in My Eye and was to undercut in 1974 what little remained of the last public support for the prison movement.

Page 242: On February 4, 1974, the SLA broke into Patty Hearsts Berkeley apartment and took her as a prisoner of war.

Page 235: In its campaign to recapture of San Quentin from its radical convicts, the prison stepped up suppression of mail and books. This was especially true in the AC, where the San Quentin six, George Jacksons alleged conspirators on August 21, were still attempting to organize.

Page 228: On April 6, 1972, one of the movements critics, Jimmy Carr, was shot dead in San Jose

Carr had been a leader of the movement. Carrs widow later quoted Nietzsche:

Shedding ones skin. The snake that cannot shed its skin perishes. So do the spirits who are prevented from changing their opinions; they cease to be spirit.

And to every action there is always an equal and opposite reaction.

The California Right had from the very first reacted with intense fear to the Marxist language in which the Left had chosen to couch its prison ideology. Fired by the bogeyman of communism, conservatives had generously contributed to committees funding police units to investigate California radicals. By the time of George Jacksons death, multiple local, state and federal agencies had infiltrated the California prison movement.

In hearings before a congressional subcommittee investigating San Quentin in October, Moe Camacho, President of the CCOA, called for the creation of separate, maximum security prisons for revolutionary inmates and demanded stricter treatment for the remaining maximum security prisoners.

In 1970 Warden Nelson had served on the Committee on Riots and Disturbances of the American Correction Association. The first firm decision the group came to was that convict ringleaders must be removed and isolated from the general population before an opportunity to carry out their plans presents itself. In other words, troublemakers were to be identified and punished before they committed any offenses.

(1968 penal code 2600)

By the way leftist whites were some of the most violent and radical. Weathermen and SLA members just to name a few.

The book points out this violence was counter productive.

It makes you question whether such literature is raising prisoner consciousness or blinding them. Let me share this quote with you.

Prisons We Choose to Live Inside by Doris Lessing.

Remembering our time of total commitment to a set of dogmas that we now find pathetic, we tend to wear wry smiles. Perhaps it is not too much to say that in these violent times the kindest, wisest wish we have for the young must be: We hope that your period of immersion in group lunacy, group self-righteousness, will not coincide with some period of your countrys history when you can put your murderous and stupid ideas into practice. If you are lucky, you will emerge much enlarged by your experience of what you are capable of in the way of bigotry and intolerance. You will understand absolutely how sane people, in periods of public insanity, can murder, destroy, lie, swear black is white.

As far as your comment the ones who claimed George Jackson was about beating up white people

Although I never met Jackson myself I served time during the 1960s in CA with those that he influenced. They were not open for dialog on the troubling aspect of Disporportional Minority Contact in the justice system. One had killed two policemen in South Central as a revolutionary act.

But Edward Bunker celled next to him and he wrote this in his memoir Education of A Felon on

Page 272-273: I think George Jackson was introduced to Marxist rhetoric when he was discovered by white Bay Area Marxists, with Fay Stender being the first and foremost. Until then he had simply hated whites. I was already a veteran when he first came to prison, and was in a nearby cell. I heard him say that he didnt want equality; he wanted vengeance on the European race.

And if you do your research CoIntelPro was even more effective against the KKK than the BPP.

The more things change the more they remain the same.

Jean-Baptiste Alphonse Karr

Actually, Jonathan Jackson was probably referring to strong coalitions that existed then (and today) between revolutionary black nationalists and anti-racist, anti-imperialist white people. These coalitions recognize that revolutionary black nationalists are targeted the most for political imprisonment and given the longest, harshest sentences.

Go to any of their support activities outside and you will often see one of the most proud black people, yet integrated places around, full of activity and comradeship. Yes, I am sympathetic that doesn't translate inside, but that is because the prisons put the political prisoners in isolation or diesel therapy while promoting the divisive ones, the ones who claimed George Jackson was about beating up white people and other COINTELPRO-worthy statements.

And even on the other side of the fence.

George L. Jackson was a self-proclaimed black communist revolutionary. His book titled *Blood in My Eye* was completed barely a week before he was shot dead by prison guards in San Quentin Prison on August 21, 1971.

To his credit Jackson could be pragmatic, take this quote from the preface of *Blood in My Eye* xii written by Gregory Armstrong on October 15, 1971.

Most of his offenses inside of prison the reasons why he was forced to spend over seven years in various forms of solitary confinement, including the infamous strip cells (A 6X8 cell with no protection from wet weather, deprived of all items with which he might clean himself, forced to eat in the stench and filth caused by his own body wastes, allowed to wash his hands only once every five days and required to sleep on a stiff canvas mat placed directly on the cold canvas floor.), in Soledad's O wing, the reasons why he was never paroled involve his defense of other inmates. What made him (Jackson) particularly dangerous to the prison authorities was his enormous talent as an organizer.

We have got to be together. We have got to be in a position to tell the pig that if he doesn't serve the food when it's warm and pass out the scouring powder on time, everybody on the tier is going to throw something at him, then things will change and life will be easier. You don't get that kind of unity when you're fighting with each other. I'm always telling the brothers that some of those whites are willing to work with us against the pigs. All they got to do is stop talking honky. When the races start fighting, all you have is one maniac group against another. That is what the pigs want.

It is not coincidental that the need for unity among revolutionary groups is one of the major themes of this book.

To get a sense of how Jackson's forced isolation was counterproductive read Page xiii of preface:

Try to remember how you felt at the most depressing moment of your life, the moment of your deepest dejection. That is how I feel all the time. No matter what level my consciousness may be, asleep, awake, in between. The thing is there and it keeps me moving, pins my eye to the ball, uptight, twenty-four hours a day.

Jackson wrote on page 108: The sheer numbers of the prison class and the terms of their existence make them a mighty reservoir of revolutionary potential.

Page 109: Only the prison movement has shown any promise of cutting across the ideological, racial, and cultural barricades that have blocked the natural coalition of the left-wing forces at all times in the past.

Although I have never been a revolutionary or a communist sympathizer myself I was never the less probably one of the whites that Jackson is referring to in this unifying part of his philosophy.

Unfortunately that part of his message was drowned out by the rest of his ideology which drove many of his followers to seek revenge against their white peers. Most of the perpetrators of this violence justified their actions by claiming that they were the result of lawful combat against a racist corrupt system run by whites.

Jackson wrote on page 42: Economic crime and even crimes of passion against the oppressors must be understood as rebellion.

Page 99 All black people, wherever they are, whatever their crimes, even crimes against other Blacks, are political prisoners because the system has dealt with them differently than with whites.

Finally he states on page 111, I deny the existence of black racism outright, by fiat I deny it.

It seems my concerns were the same as those of the US government at the time.

<http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIIIa.htm>

Under the FBI's director William C. Sullivan, the Domestic Intelligence Division greatly expanded its jurisdiction including Black Nationalist groups in 1967.

The Black Nationalist COINTELPRO and the racial intelligence investigative section were set up at about the same time in 1967.

The letter went on to direct field offices to preclude violence-prone or rabble rouser leaders of these groups from spreading their philosophy publicly.

On March 4, 1968, the program was expanded from twenty-three to forty-one field offices.

The letter expanding the program lists five long-range goals for the program:

(5) to prevent the long range growth of these organizations, especially among youth, by developing specific tactics to prevent these

groups from recruiting young people.

Bureau witnesses are not certain whether the Black Nationalist program was effective. Mr. Moore stated:. It is not easy to measure effectiveness. There were policemen killed in those days. There were bombs thrown. There were establishments burned with molotov cocktails. We can measure that damage. You cannot measure over on the other side We hope that it did play a part. Maybe we just gave it a nudge.

I think maybe a graphic example of my concern about the spread of hatred in the penal system is in order. From my memoir Preston School of Industry 1968:

I left school alone and unknowingly walked right into an African American rally that was being held as a black pride event of some kind. To appease the ever more militant and numerous minority populations under their supervision the penal system was now allowing inmates to wear their traditional garbs at these gatherings. So on Cinco de Mayo you could see Chicanos in Mexican Sombreros and Panchos and at this particular gathering the inmates wore African Dashikis while beating on their African Djembe drums. These benign gatherings were meant to instill racial pride and build self esteem but they were also used by the inmates to spread anti-establishment propaganda. Of course the establishment was considered to be white and therefore white inmates bore the brunt of the resulting anger. It is notable that no such accommodation was given to white inmates and so white inmates resented the practice and some like me linked it to an ever increasing hostility directed at white inmates.

Now between me and my destination, Sequoia lodge, there were hundreds of African Americans from all over Preston in African garb preaching the hatred of whites and blaring James Browns the then hit record Im Black and Im Proud.

I hesitated for just a brief moment as I scanned the area before proceeding into the crowd trying to maintain an image of confidence. I thought to myself Dont show your fear Alan dont give them the satisfaction.

There are at least two ways to look at ever issue.

I hate to wake you all up from your obma loveing stupor but he playing you he forming a tribunal of power he just the speaker who they try to keep happy it those behided him that are more deadly cos they can find a new puppet to speak and take the its you see power over us is the goal they are building the walls as we speak and when you find out it be to late less you act he aloud those units to be left he wants tomsen even cruiler then adx he wants to build us in to his prison he wants to play warden of are lives put down your tea and march fihgt for your rights the song prison song may be more true then you want to belive but the voids age is now stop the tribunals take over or be fosed under thare hammers i for one shall not stand by and let them run my heath like the BOPs dam heath care they are trying to scare you all i for one do not want to have my life run like a inmates i for one will to be free let them come i do not fear them

Again I am conflicted. I do not believe in this relatively new practice of placing inmates in long term isolation. The lack of any meaningful review process either before these inmates are placed in this CMU or throughout their stay seems un-American at its best. This practice can only validate these inmates antiestablishment views and those of other inmates witnessing it.

That said I do believe inmates that advocate violence need to have their speech curtailed in some fashion. Preaching divisive rhetoric in an already tense, violent atmosphere to a vast supply of illiterate and mentally unstable inmates is dangerous particularly for the other inmates housed with them.

The majority of the young, most violent, inmates do not have enough education to weigh the evidence presented by an articulate rabble rouser to make an intelligent appraisal of his message. Like dumping hot coals onto parched underbrush the result is predictable.

The current demographics of our nations prisons results in much of this rhetoric being racial based. Thus inmates self-segregate into gangs and/or religious sects which then end up doing battling with each other. In such primitive conflicts the sheer numbers predict the final outcome.

Free speech in a crowded theater or a prison has its limits. These limits are needed whenever another persons safety is adversely affected by someones hate filled rhetoric. However these divisive messages would be less well received if the system showed more compassion towards those in its charge and though the introduction of opposing ideas. What harm could come from further educating these inmates?

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