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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2017/02/10/trump-wants-to-bring-back-torture-for-thousands-of-americans-it-never-went-away/>

Campaign and Advocacy

close

Search

close

close

by [Jean Casella and James Ridgeway](#) | February 10, 2017

Among the many human rights calamities ushered in by the Trump era is a renewal of the national debate over the legitimacy of physical torture. The President, unsurprisingly, has long been in favor of it, [asserting repeatedly](#) that torture works, and [promising](#) to bring back practices a hell of a lot worse than waterboarding.

A [draft of an executive order](#) leaked during Trump's first week in office calls for a revival of enhanced interrogation techniques, and of the network of overseas Black Sites that sprung up after 9/11. (For now, Trump says, he will defer to his Defense Secretary and CIA Director, who believe that other methods of extracting information are more effective though that could change at any time.)

A stinging [response](#) to Trump's order came from John McCain, one of the only Republicans in Congress yet willing to disagree with the President on any front. The President can sign whatever executive orders he likes. But the law is the law. We are not bringing back torture in the United States of America.

But as McCain, of all people, should know, a practice widely recognized as torture has been taking place all along, right on American soil.

During his nearly six years as a POW in North Vietnam, McCain [endured terrible beatings](#) and other forms of physical torture. Yet he described his two years in solitary confinement this way: Its an awful thing, solitary. It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment.

For some of the roughly 100,000 people held in solitary confinement in U.S. prisons and jails, the extreme isolation and sensory deprivation of solitary are being used, as they were on McCain, as a means of coercion, whether it be to reveal information or simply to plead guilty while awaiting trial.

For tens of thousands of others, this spirit-crushing treatment is imposed simply as a prison management tool. People in prison are routinely condemned to spending 23 hours a day alone in small, bare cells, for months, years, or even decades not by a judge or jury, but by prison staff, including rank-and-file corrections officers. Infractions as trivial as talking back to a guard, failing to return a food tray, or having too many postage stamps are reason enough to land you in prolonged isolation.

People with psychiatric disabilities are disproportionately sent to solitary for acting out due to untreated symptoms of mental illness, including self-mutilation and attempted suicide. So, too, are children, LGBTQ individuals, and people who are deaf or blind, often purportedly for their own protection. Arguments that solitary reduces violence, even for those who commit more serious infractions, have been proven false.

The case against solitary confinement as inhumane, ineffective, and dangerous to public safety is now backed by so much evidence that it is close to incontrovertible. But is it torture? And should it demand the attention of Americans, even amidst the travesties of justice that now emerge from the White House on a daily basis?

In his seminal [New Yorker article](#) on solitary confinement, Dr. Atul Gawande explored the experience of former hostages and POWs as well as individuals formerly incarcerated in U.S. prisons. None, he wrote, saw solitary confinement as anything less than torture. Neither have any of the thousands of people we have spoken and corresponded with over more than seven years of covering the subject for [Solitary Watch](#).

Even the former warden at ADX, the federal government's all-solitary supermax prison in Colorado, [called the place](#) he once managed a clean version of Hell. A lawsuit filed in 2012 on behalf of men held at ADX [describes their responses](#) to years of extreme isolation and sensory deprivation:

Prisoners interminably wail, scream and bang on the walls of their cells. Some mutilate their bodies with razors, shards of glass, writing utensils and whatever other objects they can obtain. Some swallow razor blades, nail clippers, parts of radios and televisions, broken glass and other dangerous objects. Others carry on delusional conversations with voices they hear in their heads, oblivious to the reality

and the danger that such behavior might pose to themselves and anyone who interacts with them.

Hundreds of people in prison have gone so far as to choose death over a continued life in solitary confinement. While approximately 5 percent of the nations prison population is being held in solitary, 50 percent of all prison suicides take place there. The challenge of taking ones own life in a bare cell has been met by individuals who jump head first off of their bunks, or bite through the veins in their arms.

International human rights bodies have likewise concluded that solitary confinement constitutes torture. In 2011, former UN Special Rapporteur on Torture Juan E. Mndez [called on countries](#) to prohibit the use of prison isolation beyond 15 days, citing the severe mental pain or suffering caused by solitary, as well as the permanent nature of the psychological and neurological damage it can cause. For children and people with mental illness, he recommended a total ban.

In 2015, Mndezs recommendations were codified in the United Nations Standard Minimum Rules on the Treatment of Prisoners, known as the [Mandela Rules](#), to which the United States is a party. Yet the U.S. government [repeatedly denied](#) Mndez the opportunity to even conduct fact-finding visits to American supermax prisons and solitary confinement units.

Despite this growing consensus, U.S. courts have, with a few exceptions, failed to conclude that solitary confinement violates the Constitutional ban on cruel and unusual punishment. There are no federal laws and only a handful of state laws that place any limitations on the use of solitary. Solitary confinement continued to be used at Guantanamo after the Obama Administration banned other forms of torture, and even the Army Field Manual, which has been held up as a model by McCain and others as a guide for humane interrogation techniques, [permits](#) the use of solitary.

In the last several years, however, an expanding group of advocates, joined by growing numbers of ordinary Americans, is resisting the widespread use of solitary in U.S. prisons and jails. And under the pressure of both activism and evidence, some state and local prison systems have begun to [reduce their dependence](#) on the practice. In January 2016, they were joined by President Obama, who [ordered incremental reforms](#) to the use of solitary in federal prisons.

The federal-level changes can easily be reversed by Trump and his new Attorney General, Jeff Sessions. But there is nothing to stop state prisons and local jails where the vast majority of the 2.2 million incarcerated Americans are held from continuing and expanding their reforms.

They still, however, have a long, long way to go: [A recent report](#) suggests that the number of people in solitary in prisons (not counting jails or detention centers) has declined from a high of 81,000 in 2005 to about 70,000 today. These numbers will fall significantly only if advocates and citizens maintain and increase the pressure for change.

People in solitary confinement may be the most marginalized members of American society, but they are human beings and as Atul Gawande wrote, all human beings experience isolation as torture. Even as the Trump era delivers its daily doses of disaster, this is something we cannot afford to forget.

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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The New York Times reported yesterday that:

in a 2002 memo written in part by Bruce Jessen, one of two psychologists who eventually helped create the C.I.A.s enhanced

interrogation program. The memo recommended opening at least one secret overseas site where prisoners would be subjected to constant sensory deprivation and develop a profound sense of despair.

PowerPoint training slides were used in a training course by Dr. Jessen and a colleague in March 2002. Among the potential methods listed are psychological torture through ISOLATION.

The memo also insisted that secrecy be paramount. No press, IRC, US or foreign observers, the memo states. These documents reveal some of the earliest planning for the systematic torture and abuse that Jessen and others would inflict on U.S. prisoners.

The emphasis on keeping the prisons hidden showed that those involved in the plans knew that what they were doing was wrong. Every action taken by Drs. Mitchell and Jessen was approved and directed by the C.I.A. after the Department of Justice and the Office of the President advised that the contemplated action was legal.

End of article.

But the trail goes back to the 1950s which then lead to Marions use a decade later as reported by Eddie Griffin in Breaking Mens Minds: Behavior control and human experimentation at the federal prison in Marion, Illinois.

Much of our prison methodology has been taken directly from the military the most obvious being the modern day Boot Camps which are of course modeled after the militarys basic training.

It therefore is not surprising to me that Isolation as a tool of control was also. Nor is it surprising that those running our prisons would also seek to keep the press out.

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