

# America's Invisible Inferno

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## *Hell Is a Very Small Place: Voices from Solitary Confinement*

edited by Jean Casella, James Ridgeway, and Sarah Shourd, with an afterword by Juan E. Méndez  
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If you look inside a solitary confinement cell such as the ones I have visited in New York's Sing Sing prison, you'll see a gray-walled, eight-by-eight-foot room with a concrete slab bed; it's underground, more like a tomb than a cell. The light is always on. Usually there aren't any windows, but there is a toilet (no toilet seat or paper) and a shower.

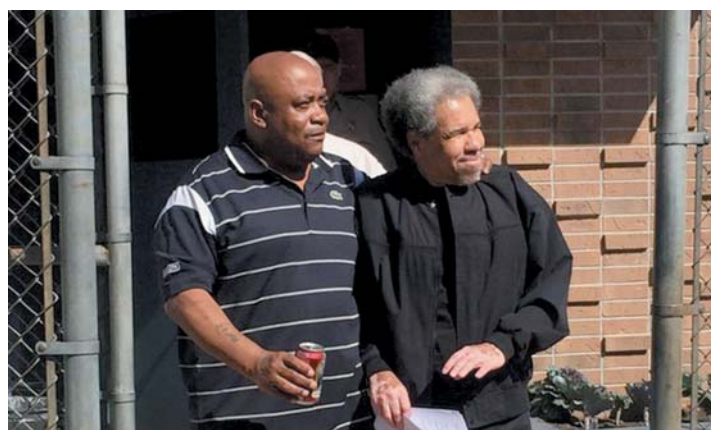
The solitary cell is home to a single prisoner, twenty-three or twenty-four hours a day; the extreme isolation and sensory deprivation imposed by the cell can last for days, months, years, or decades on end. Someone who visits a solitary cell might not notice the feces or the urine that leaks from the cells above, down the walls into a puddle on the floor. He or she would not be shown prisoners mutilating themselves or fighting guards or one another to the death, or men in their underwear, or naked, shackled by their hands to the bottom of bunks, deprived of books, paper, radio, pens, or pencils. I have represented a range of defendants in constitutional and criminal cases during the last fifty years, and my clients who have spent time in solitary consistently testify to having witnessed, or been subjected to, these abuses.

They describe being shackled to their bunks by their feet and hands, and moved from place to place like animals. They report being fed slop and also left without food in a state of extreme hunger. They tell me that hooded guards, armed with tasers and bats, in body armor and riot gear, extract prisoners from their cells and leave them lying on the floor, beaten, bruised, and unexamined by doctors. Once you see—and smell—a solitary cell, you will never forget it.

I first saw a solitary cell at Sing Sing in 1963, when I went to visit Fred Wood, an inmate there. (Mr. Wood, who had the odd distinction of being the next-to-last man executed by New York State, laughed as he sat down in the electric chair and said, "You are about to witness the damaging effect electricity has on wood.") Since then, I have had many occasions to visit clients and talk with inmates in solitary cells in federal and state facilities throughout the country. Each of the many solitary cells I saw was an abomination.

*Hell Is a Very Small Place: Voices from Solitary Confinement* is a collection of seventeen essays by men and women who have been held in solitary confinement in American federal and state prisons. They were collected by Jean Casella, James Ridgeway, Sarah Shourd, and Solitary Watch, a national organization that opposes solitary confinement. For readers who have no sense of the nature of the punishment that is exacted in their name, this collection offers an unforgettable look at the peculiar horrors and humiliations involved in solitary confinement.

America's prisons hold 2,193,000 people. That is more than the number of people who live in Manhattan. It is also more than the total number of prisoners in either Russia or China, the countries with the second- and third-highest



Billy Sothorn

Albert Woodfox (right), accompanied by his brother Michel Mable, leaving West Feliciana Parish Detention Center in Louisiana after forty-three years in solitary confinement, February 2016

prison populations. The United States shares with North Korea the distinction of having the world's highest incarceration rate. With 5 percent of the world's population, America houses 25 percent of the world's prisoners.

Approximately 400,000 people in our prison population move in and out of solitary, and many of America's over two million prisoners know they can be put in solitary even if they are jailed for the most minor offenses. Between 80,000 and 120,000 men and women are held in solitary confinement every day. Every federal and state prison has solitary cells. More than 100,000 American children inhabit prisons in which solitary is considered a standard management practice. Men, women, and children can be put there for years on end, solely at the whim of a prison guard. There is no legal process that gets them there and no legal process that can prevent them from being put there.

"Cruel" and "unusual" are likely two of the first words most inmates—and most readers—would use to describe solitary confinement. But no United States court has ever held that solitary confinement violates the Eighth Amendment and its proscription against cruel and unusual punishment. It seems that few American judges have ever been inside a solitary confinement cell.

*Hell Is a Very Small Place* provides a harrowing guided tour of some of the country's solitary units. The essays in the collection were written by inmates, some of whom have been confined for months to decades in solitary, as well as by one lawyer, two professors and legal activists, and two psychiatrists, including Stuart Grassian, a former Harvard Medical School professor who writes about the psychiatric effects of solitary confinement. Together these essays are both a condemnation of our prison system and an indictment of America. It is difficult to read this book without feeling shame.

The first American experiment in solitary confinement sprang from utopian ideals. In their introduction, Casella and Ridgeway observe that there are many historical accounts of people confined alone in towers and dungeons, and that, before the nineteenth century, many different societies used solitary as a way to torture and punish miscreants. But, they argue persuasively, "solitary confinement as a self-conscious, organized, and widespread prison practice" is a uniquely American creation.

The "penitentiary system" was introduced in the late eighteenth century in Philadelphia and was intended by its Protestant founders to quietly house "penitents" for as long as necessary in solitary so that they could have ample time to read the Bible, reflect, and change. Proud penitentiary supporters invited and encouraged important visitors from abroad to observe them; Casella and Ridgeway describe the appalled findings of Alexis de Tocqueville, Gustave de Beaumont, and Charles Dickens, who were among those who came to visit.

In their 1833 treatise on US penitentiaries, Tocqueville and Beaumont wrote that, from the very beginning, the whole system had gone horribly, murderously wrong:

The convicts had been submitted to complete isolation; but this absolute solitude, if nothing interrupts it, is beyond the strength of man; it destroys the criminal without intermission and without pity; it does not reform, it kills.

Charles Dickens visited the Eastern State Penitentiary in Pennsylvania in 1842, and the editors call him "one of the earliest—and still one of the most eloquent—critics of solitary confinement." He described the penitents there as men "buried alive."

In an 1890 case, the United States Supreme Court recognized the harm, cruelty, and inefficiency that Dickens and Tocqueville described, but nonetheless found solitary confinement lawful according to the Constitution. Now, more than one hundred years later, America uses solitary more often, and for longer periods of time, than any country in the world. The cruelty we impose in solitary cells is, for the most part, nearly invisible. The American government prohibits UN officials from visiting solitary cells. No president in office has ever visited a solitary cell; few judges or legislators have seen one.

The arbitrary power to send an inmate to solitary confinement does not belong to a judge or jury; instead, as Casella and Ridgeway observe, solitary is "a 'classification' that is handed down by prison officials" who have unchecked discretion and can subject inmates to this kind of extreme punishment for a range of infractions—walking too slowly,

or too fast, or talking too much. Most systems have hearing procedures that do not have a semblance of legal process—the prison guards, usually a tightly knit unit, are prosecutors, witnesses, and judges.\* More than 98 percent of prisoners' complaints about solitary are denied.

Prisons provide jobs and revenue for the communities in which they are located, which have an interest in ensuring the facilities' success. If something untoward happens to an inmate, it can—and often is—presumed to be the fault of the inmate rather than that of the revenue-generating prison. Mindful of this and of the very low number of prisoner complaints that are upheld, few of the inmates dispatched to solitary ever challenge their status.

The racial breakdown of those confined in solitary cells is particularly shameful: though black and Hispanic prisoners constitute 60 percent of all arrests, they make up 80 percent of the country's prison population and 95 percent of the inmates confined in solitary cells. Matters are not getting better: in the five-year period from 1995 to 2000, the most recent years for which data are available, the number of prisoners held in solitary confinement increased by 40 percent. As the prison population increases, facilities are overcrowded and harder to control, making solitary more appealing to those charged with maintaining order. The racial makeup of our prison population, and of our solitary population, reflects a system of criminal justice in which the scales of justice are heavily weighted against people of color.



Bebeto Matthews/AP Images

*A solitary confinement cell at Rikers Island jail, New York City, January 2016*

The prison system has increasingly become a warehouse for juveniles and for the mentally ill. The Treatment Advocacy Center estimated that in 2012, more than 350,000 people with serious mental illness were housed in prisons and jails, ten times the number confined in state mental hospitals.

In August 2011, a committee chaired by Juan E. Méndez, who serves as the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and contributes an afterword to *Hell Is a Very Small Place*, ruled that solitary should never be used for juveniles. Often, however, solitary is imposed on juvenile—and adult—inmates who are deemed unable to handle ordinary prisons. The suicide rate for juveniles in solitary is eighteen times greater than for juveniles in the general population.

Many of the contributors to this volume lived, for much of their lives, like caged animals. Yet their voices remain those of observant people with distinctive and varied responses to their confinement. This is precisely why the collection is so revealing and disturbing.

Judith Vazquez, age fifty-nine, the first female licensed electrician in Jersey City, spent over five years in solitary in a New Jersey state prison after she was convicted of first-degree murder. Confined in a tiny cell, with a “dime-sized piece of the sky,” Vazquez describes her thirst for air—an urge to breathe free. It was so intense, she writes, that she spent months scraping her fingernails against the rubber seal on the window frame in order to create a tiny hole. “I needed some air,” she writes. “I believe it took about six months of scraping and bleeding before I finally made a tiny little hole.” The hole was not large enough to admit a breeze, but Vasquez writes that there was room enough for her to put one nostril against the hole at a time so that she could breathe fresh air in. “It gave me a sense of being human again,” she writes.

Shaka Senghor, age forty-three, was eighteen when he killed a man in a fight involving drugs. He served twenty years of his forty-year sentence for second-degree murder in Michigan state prisons, including seven years in solitary confinement. After his release, Senghor founded the Live in Peace Digital and Literary Arts Project in Detroit, and since then was named a 2013 MIT Media Lab Director's Fellow and a 2014 W.K. Kellogg Community Leadership Network Fellow.

In 2013 he published a memoir, *Writing My Wrongs*. Senghor's writing provides graphic testament to the brutal and deranging force of solitary confinement. In one passage, he recalls his early impressions of his fellow inmates on the cell block called Graves, because, he writes, inhabitants are "dead to everyone in the general prison population" and because the cells are so small that prisoners feel they have been "squeezed into a coffin."

A lot of the prisoners at Graves do act like animals, or worse. They wage battle after battle against the officers and each other. Their weapon of choice is what's called "Weapons of Ass Destruction," feces-filled bottles hurled at anyone considered an enemy. Once squirted with a shit pistol, no matter how many showers you take, the thought and feeling of being drenched in another person's defecation is not easily forgotten. The smell hangs in the air like a miasmic cloud for days, and stands as a reminder for everyone else to be careful.

My client Gerardo Hernández, who did six years in solitary while serving a life sentence at Lompoc, a federal maximum-security prison in California, once gave me a particularly vivid image of the twisted forms human invention can sometimes take in extreme circumstances:

Imagine prisoners can make killing weapons out of most anything—the cardboard within a roll of toilet paper, hardened by feces. One of the few things the prisoners have and can use freely is their feces. It's also an element that the prison guards can "keep" in the cells and on cell walls.

Senghor's description of a Latino prisoner's efforts to end the pain and misery that were his life in solitary suggests the perverse logic that governs solitary housing units:

One night a Latino prisoner set himself on fire, so desperate for escape from this pain and misery he would rather end his life through immolation. After days of harassment about his sexual orientation by guards, he woke everyone up in the middle of the night reciting a chilling rendition of the Lord's Prayer. The next day he set his cell on fire. The officers sprayed him with a fire extinguisher then took him to suicide watch where he set himself on fire again.

In the small world of solitary confinement, torture takes unexpected forms. Smell, noise, and temperature can all have terrible effects. William Blake, fifty-two, who is in his twenty-ninth year of solitary after he killed an officer and wounded another in an attempted escape during a court hearing, writes that for months the first thing he noticed when he awoke in the morning was the "malodorous funk of human feces, tinged with acrid stench of days-old urine, where I ate my breakfast, lunch, and dinner with that same stink." Blake writes that he'd seen

days turn into weeks that seemed like they'd never end without being able to sleep more than short snatches before I was shocked out of my dreams, and thrown back into a living nightmare, by the screams of sick men who had lost all ability to control themselves, or by the banging of the cell bars and walls being done by these same madmen.

Five Mualimm-ak, forty, was jailed for twelve years for a series of drug offenses and spent five years in solitary in a New York state prison. Released in 2012, Mualimm-ak is a founding member of the New York State Campaign for Alternatives to Isolated Confinement. In his essay, Mualimm-ak describes an anarchic world governed by prison guards and their seemingly arbitrary rules, which they enforce by giving "tickets" that add up to special punishments:

In New York, guards give out tickets like penny candy. During my years in prison, I received an endless stream of tickets, each one more absurd than the last. When I tried to use artwork to stay sane, I was ticketed for having too many pencils. Excess pencils are considered sharpened objects, or weapons. Another time, I had too many postage stamps, which in prison are used like currency and are contraband.

One day, I ate an entire apple—including the core—because I was starving for lack of nutrition. I received a ticket for eating the core because apple seeds contain arsenic. The next time I received an apple, fearful of another ticket, I simply left it on the tray. I received a ticket for "refusing to eat."

For parents, solitary confinement sometimes involves additional violence. My client Kathy Boudin was the young mother of a fifteen-month-old boy when she was put into solitary in the New York Metropolitan Correctional Center, a

federal prison, for participating in a robbery during which three men were killed. Acting on their own authority, prison officials refused to let him visit her. After a long court battle, the child was allowed to visit so long as he and his mother remained at opposite ends of a twelve-foot-long table and did not touch each other. If the child cried, guards ended the visit. Guards checked the boy's anus and mouth for drugs and weapons whenever he came through jail security. The child howled. We tried to get the prison officials to stop this practice, and failed.

After a four-month battle, Kathy received court permission to touch her own child during visits. A maverick federal judge presided over her exceptional case. Most of the hundreds of thousands of women kept in solitary confinement who do not have access to lawyers are not able to have physical contact with their children.

The state rules against parents touching their children serve no apparent purpose; that the government (in this case US Attorney Rudolph Giuliani's deputies) spent hundreds of thousands of dollars trying to keep a mother from holding her baby seems particularly irrational and despicable.

Is there reason to believe that testimony as graphic and as memorable as that collected here will bring an end to solitary confinement? Recent court decisions, legislative actions, and public outcries suggest a diminishing tendency to impose the punishment. And yet in May 2014, a federal appeals court in Denver found that Thomas Silverstein's captivity for thirty years of solitary confinement did not violate the Constitution.

In the report on solitary confinement prepared by his UN committee in 2011, Méndez, who was held in solitary by the Argentine government in 1975 for filing writs and petitions on behalf of political prisoners, recommended ending virtually all prolonged solitary confinement practices around the globe. The committee defined "prolonged" as a period lasting longer than fifteen days and demanded that prisoners have available to them a legal process by which they can ask for release from solitary. With Amnesty International and other human rights groups, I introduced his report in a Florida federal court and its recommendations for changed public and legal procedures intended to produce a court ruling that solitary confinement violated the Constitution's proscription against cruel and unusual punishment.

The Supreme Court had occasion to consider the lawfulness of solitary confinement last summer. In reviewing *Davis v. Ayala*, the 2015 case over a death sentence given to a Hispanic defendant by an all-white jury, Justice Anthony M. Kennedy agreed with the majority in upholding the conviction but noted that the defendant had likely been held for twenty-three hours a day during most of the past twenty years in a windowless cell no larger than a typical parking spot. Invoking Dostoevsky's observation that "the degree of civilization in society can be judged by entering its prisons," Justice Kennedy said that the conditions of Hector Ayala's solitary confinement might have violated the US Constitution. Solitary "literally drives men mad," Kennedy told a House subcommittee. He seemed to invite a case that would make the Court confront the constitutionality of solitary confinement.

Supreme Court Justices Elena Kagan, Sonia Sotomayor, and Ruth Bader Ginsburg took note of the special brutality of solitary; however, most of the major recent court holdings, including one by the Supreme Court, suggest that we are a long way from abolishing a practice that degrades us all. Justice Antonin Scalia's replacement may provide a fifth vote to start restricting it.

Meanwhile, the prison-building epidemic goes on. A new \$200 million supermax prison is set to open this year in Illinois that will double the number of federal solitary prison cells in the country. And powerful corrections unions continue to oppose any procedures that interfere with the total control of guards over prisoners.

Barack Obama, the first US president to visit a prison, has spoken out against solitary confinement and directed his attorney general to investigate the misuse of solitary in federal prisons. His recommendations include a complete ban on the use of solitary confinement for juveniles. This year, New York City officials decided to ban the solitary confinement of juveniles at Rikers Island. But other cities and states will not come to similar decisions easily.

Today's forward progress is reversible. Solitary will end only when the public demands it. Franz Kafka wrote that "a book must be the ax for the frozen sea within us." This book may be such an instrument.

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\* Such a system is described in the forthcoming book *23/7: Pelican Bay Prison and the Rise of Long-Term Solitary Confinement* by Keramet Reiter (Yale University Press). <https://www.nybooks.com/articles/2016/12/08/solitary-confinement-americas-invisible-inferno/>