

## **Solitary Confinement and ALC Abolitionist Practices**

*As a warden of the first U.S. prison control unit, set up by the government at Marion, Illinois, stated in open court, “control units are designed to control [and suppress] revolutionary tendencies in this country.” –Russell Maroon Shoatz, the Implacable, [Death By Regulation](#)*

Many people see abolition as a horizon the movement should aspire and work toward. We see abolition as prioritizing the everyday work of dismantling the carceral state and freeing people from cages on the way to that horizon. Abolition is a river fed by many different tributaries. Abolitionist Professor Joy James talks about the [Plurality of Abolition](#) and the tensions within it in a recent podcast. ALC’s abolitionist experience is rooted in the vision of our founders who struggled within solitary units and outside the cages to liberate themselves and their comrades. If abolition is the horizon and groups are not stopping to free people on the way then that is not an abolition ALC subscribes to as an organization. This document is to provide internal clarity to the reason why we attack solitary confinement. It is a takeaway of the notes from the ALC Solitary Confinement retreat from August of 2021.

## **Political History of Solitary**

*The nature of the function of the prison within the police state has to be continuously explained, elucidated to the people on the street because we can't fight alone in here. Oh Yeah, we can fight, but if we're isolated, if the state is successful in accomplishing that, the results are usually not constructive in terms of proving our point. We fight and we die, but that's not the point, although it may be admirable from some sort of purely moral point of view. The point is, however, in the face of what we confront, to fight and win. That's the real objective: not just to make statements, no matter how noble, but to destroy the system that oppresses us. By any means available to us. And to do this, we must be connected, in contact and communication with those in the struggle on*

*the outside. We must be mutually supporting because we're all in this together. It's one struggle at base.” –George Jackson, Interview Karen Wald, 1971*

Solitary confinement in the U.S. dates to 1829 at Eastern State Penitentiary in Philadelphia, Pennsylvania. Following studies proving the severe psychological effects of solitary and a Supreme Court ruling in 1890 finding solitary mentally harmful, the practice was generally eliminated from the American penological toolkit. That is, until prison officials chose to revive the torturous practice in response to uprisings in the 1950s and 1960s within prisons due to the overcrowding of mass incarceration and the implementation of racist, discriminatory policies and practices.

USP Marion in Illinois opened in 1963, the same year that Alcatraz closed, and replaced Alcatraz's status as the most brutal, repressive federal prison for “adult male felons who are difficult to control,” [according to the superintendent](#) of Marion at the time. The feds had sent a lot of political prisoners to Marion. After a work stoppage to protest the guard's beating of a Mexican prisoner, officials at Marion implemented the “Control Unit” in 1973, establishing a new status of “administrative segregation” under which prisoners could be held in solitary confinement indefinitely based on prison officials finding their existence to be a “disruption” or “danger” to the operation of the prison. Marion officials had been planning for several years to institute the Control Unit prison-wide and in October 1983, following hunger strikes, labor strikes, and the killing of two guards, Marion officials wreaked barbaric abuse on the prisoners and locked down the prison for the next 23 years. This indefinite lockdown set a new standard for the use of solitary: 22 to 24 hours in cell and no hours out on the weekend.

Solitary as a political method of control was subsequently replicated across the country. Between 1985 and 2000, mass incarceration soared. A new prison was being built every week across the country. In Pennsylvania, Arthur Cetewayo Johnson was locked down indefinitely in 1979. Joseph Joe Joe Bowens in

1981, and Russell Maroon Shoatz in 1983. Pennsylvania saw the creation of its death row in 1982.

At the time of the PA prison uprisings in 1989, there were still only about six prisons in Pennsylvania. Camp Hill was built to hold 1,826 people but was [overcrowded with 2,607 people](#) at the time of the uprising. Pennsylvania prisons—and prisons across the country—were bursting at the seams. The gross mismanagement and overcrowding showed that officials only held the facade of control, and the oppressive, racist, inhumane policies sparked mass resistance. In February 1989, prisoners at SCI Rockview rose up, and in October 1989, as many as 100 prisoners at SCI Huntingdon rioted. Two days later, on October 25, 1989, the Camp Hill Rebellion popped off. Incarcerated people took over the whole prison for three days, setting fire to buildings, destroying locks and state property, holding guards hostage, and utilizing the machinery and tools within their access at the time. Ultimately, the riots destroyed fourteen of the prison’s buildings and cost the state over [\\$57 million in damage](#).

In 1992, PADOX created the [Special Management Unit](#) (SMU), mirroring Marion’s Control Unit. And in 1993, the state began the construction of its first supermax SCI Greene, which officially opened in 1994 under the “law-and-order,” “tough-on-crime” Republican Gov. Ridge. Greene was designed as an entirely single-celled prison, with solid steel doors and 600 beds reserved solely for solitary confinement. While most of the 1,478 people transferred to Greene were Black or brown people from Philadelphia and Pittsburgh, the staff of mostly white men with military experience came from Greene County—with a 98 percent white population. Black prisoners reported obscene racial violence and a Miami lawyer who visited [said](#), “The place has an Alcatraz mentality. It’s like a concentration camp.”

Prisons, especially supermax institutions like Greene, were and are lawless institutions, except when people use the law as a tool to enforce rights. The majority of Pennsylvania’s political prisoners, prisoner activists and legal

advocates were sent to SCI-Greene's Control Unit and Special Management Unit when it opened to isolate them and disrupt prisoner resistance. It is not a coincidence that the core of the Human Rights Coalition emerged at SCI-Greene. Among those housed in SCI-Greene when it opened were Russell Maroon Shoatz, Mumia Abu-Jamal, Arthur Cetewayo Johnson, Kerry Shakabonna Marshall, Kempis Ghani Songster, Robert Saleem Holbrook, John Shabaka Thompson, Sergio Hyland, Andre Shabaka Gay, Jerome Hoagie Coffee and Tyree Little among many others. Among those housed in the Special Management Unit (SMU) were Kerry Shakabonna Marshall, John Shabaka Thompson, Robert Saleem Holbrook\* and Tyree Little.

### **Landmark ALC Litigation Against Solitary**

*Abolition in the cage is different from the envisioning of abolition out here in the free world. Inside it is the machete. With the capacity to cut through the repression, trauma and harm of a system that since its inception, has pulverized Black, Brown and poor communities beneath its weight. The law is a tool that, along with other tools, we will use to dismantle the master's house. The law that is used to oppress us, we will use to defend ourselves. It is part of the theory of change that I bring to the outside at the Abolitionist Law Center, and we will use its full disposal. We also recognize that the law is not the solution, it is just one tool in our Abolitionist Toolbox.” –Robert Saleem Holbrook, Dismantling the Master's House*

*Shoatz v. Wetzel.* Russell Maroon Shoatz had been locked down since 1983. Maroon's lawsuit argued that his long-term placement in solitary deprived him of basic human needs. And after 20 years in the hole with no misconducts, it had become blatantly unconstitutional. Prison officials pointed to his Black Panther Party beliefs as reason to keep him locked down. Maroon's litigation gained community support through the advocacy efforts of his family and the Human Rights Coalition. Five Nobel Peace laureates supported his case. Maroon was transferred from Greene to Mahanoy to Frackville to Graterford, with officials at each prison fearing his organizing. Ultimately, the state

released Maroon in 2014 and settled the lawsuit in 2016, determining that 22 years as a benchmark to take claims of excessively long solitary confinement to court. \*\*This case made it possible for Arthur Cetewayo Johnson and Joseph Joe Joe Bowens to be released from solitary confinement after over 30 years.

*Palakovic v. Wetzel.* Brandon Palakovic was a 22-year-old man, diagnosed with several mental illnesses. Despite his diagnoses and despite his past suicide attempts, guards continued to place him in solitary confinement for his behavior, even after the Civil Rights Division of the U.S. Department of Justice launched an investigation of the prison he was at due to it placing people with serious mental health issues in solitary without treatment. The only mental health care he received was one to two minute interviews through a slit in his cell door. After being placed in solitary for a “minor rules violation,” Brandon committed suicide. The Third Circuit ultimately ruled in favor of Palakovic’s family, finding that the isolation of individuals with severe mental illness in solitary confinement stated a claim under the 8th Amendment’s ban on cruel and unusual punishment and the case could therefore proceed to discovery. In 2020, the case settled for a substantial sum

*Johnson v. Wetzel.* Arthur Cetewayo Johnson had been held in solitary confinement since 1979. He spent 37 years in solitary confinement. His case argued that his long-term placement in solitary violated his 8th Amendment, 5th Amendment, and 14th Amendment rights. In 2017, a federal court found his placement in solitary violated his right against cruel and unusual punishment and ordered Cetewayo’s release from solitary confinement. The DOC settled the case for \$325,000 in damages and attorney fees, and guaranteed he would not be sent back to solitary. This was the first case in the country where a court ordered someone to be released from long-term solitary confinement without having to establish a threshold of mental illness. This case is an example of our abolitionist practice. Cetewayo was an inside movement leader and mentor, and ALC releasing him from solitary paved the way for his release from prison altogether in 2021 as the result of PCRA that ALC filed on his behalf. **We will be preparing another paper on litigation.**

*Death Row Litigation.* ALC has also litigated four cases involving solitary confinement on the death rows in the Pennsylvania DOC, winning injunctions, setting important precedent, obtaining settlement awards, and finally putting an end to death row solitary in this state in 2020. Our cases: *Bridges v. Wetzel* (client released from DOC custody prior to injunctive ruling; case settled); *Hall v. Wetzel* (won preliminary injunction ordering release of client from 24 years of solitary confinement; case settled); *Porter v. Wetzel* (Third Circuit reversed district court summary judgment grant, finding plaintiff prevails on his due process claim and can proceed to trial based on his 32 years in solitary, setting a major new precedent in this Circuit's Eighth Amendment jurisprudence; client removed from solitary and case settled on remand); *Reid v. Wetzel* (class action on behalf of current and future death-sentenced prisoners that resulted in a negotiated settlement ending death row solitary confinement; further negotiations will result in integration with the general population in January 2022).

### **Organizing and Litigation Against Solitary is Abolition**

Currently and historically, solitary confinement has functioned as a tool of control to prevent resistance and organizing within prisons. The purpose of solitary is to terrorize incarcerated people, while prison in general is used to terrorize working class communities. This is how the state functions in racial capitalism. Solitary's main purpose is to establish and maintain control and order within that structure. The archetypal target of solitary is those who are most threatening to the order of the prison regime and the racial capitalist structure.

The state both arbitrarily and intentionally inflicts this torturous tool to instill a fear of punishment and to separate and isolate people with knowledge and will to assert their constitutional rights. Any move can be perceived or distorted into an action of disobedience against prison staff. Not having your shirt tucked in, possessing one too many stamps, etc. etc. can be used as reasons to isolate a

prisoner in solitary confinement. Prison officials and staff use this discretion and arbitrariness to abuse their power at their whim to create an environment of terror. They veil their targeting of politicized prisoners behind a claim of “disobedience.”

Anyone in prison who learns about history and politics, becomes upset about the system, and shows any amount of leadership skills will be a primary target for solitary. Guards fear any activity that expresses agency or involves prisoners working together. Anything that is considered unauthorized group activity (i.e. calling for better items in commissary) or any action that asserts a prisoner’s agency to have a say in their lives or how the prison is run will be targeted for solitary.

Russell Maroon Shoatz, the epitome of the state’s target, was told he was going to die in solitary. Maroon escaped multiple times from prison. He was locked down for 30 years for organizing and shifting the political consciousness of lifers at SCI Pittsburgh. The primary goal is solitary when it comes to political and politicized prisoners is isolation, to crush the movement and instill fear in would be revolutionaries.

Working to end solitary confinement attacks the root of the state’s terroristic method of control and repression and weakens the state’s tool used to enforce mass incarceration and racial capitalism. Fighting against solitary also, and most importantly creates breathing space or in the words of Russell Maroon Shoatz, a strategic retreat, for imprisoned activists to organize and advocate for their freedom.

### **Reformist vs. Not-reformist Reforms**

Organizing and litigation against solitary confinement and other prison conditions runs the risk of creating the “constitutional prison.” This is a prison that provides the bare constitutional protections. This is the circular reformist fight that misses the larger political movement and underlying purpose of solitary confinement. Without grounding in an abolitionist framework or an

anchor like Abolitionist Law Center, reforms will compromise where compromise shouldn't happen and will not result in accountability to the people who have to live in those conditions.

Abolitionist work to end solitary must know when to walk away. So many groups are willing to trade a "win" for having a line crossed that disrupts the purpose of the organizing or accept a compromise that ends one carceral plank but reinforces or introduces another. Non-reformist reforms must be paired with a cultural shift. Fighting against solitary, we are working to decarcerate and create spaces where people cannot be abused and more importantly organize within the prisons against their abuse. Some organizations and groups work with the state to make technical changes that look good on paper but do not acknowledge the adversarial relationship with the state.

Non-reformist reforms necessitates specific objectives of concrete change, but also depends on the method of organizing. The nonprofit industrial complex believes that political power responds to rewards, but these cheap, fake victories are, in fact, how the state maintains its legitimacy. Liberal reformism has an intentional willingness to believe in the myth of the benevolent state. Abolitionist organizing takes building a series of relationships and understanding that this society is unjust and needs to be fundamentally changed. Mass incarceration and state violence has been a concerted bipartisan effort, using solitary as its tool of enforcement. The state is the opponent and it is not benevolent, no matter who is in it.

Solitary is not incidental. The state cannot uphold mass incarceration without solitary confinement. Uprooting and eliminating solitary confinement will lead to a dismantling of the carceral system of terror, control and containment.

*This is the first in a series of internal articles outlining ALC's abolitionist practices.*

[\\*Control Units: High Tech Brutality article written by Saleem in 1999 at SCI-Greene](#)