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Judge Rules Procedures at Tamms Supermax Violate Constitution

July 21, 2010

tags: [Tamms](#), [Illinois Department of Corrections](#), [Tamms Year Ten](#), [due process](#), [14th amendment](#), [Uptown People's Law Center](#)

by Jean Casella and James Ridgeway

A federal judge yesterday ruled that current procedures for sending prisoners to the Tamms Correctional Center in southern Illinois—and keeping them there indefinitely—is in violation of the 14th Amendment to U.S. Constitution, which guarantees due process of law. The judge ordered that significant changes be made at the notorious state supermax.

George Pawlaczyk, whose award-winning coverage last year exposed abuses at Tamms, [reports in the Belleville News-Democrat](#):

A federal judge has ruled that even inmates termed the “worst of the worst” by state prison system officials have a constitutional right to a hearing before they are sent to what many consider the harshest prison in Illinois — the solitary-only Tamms Correctional Center.

U.S. District Court Judge G. Patrick Murphy, sitting in federal court in East St. Louis, has ruled that all inmates transferred to Tamms, the state’s only supermax prison, must be given a swift hearing and told why they are being sent to the lockup, where most prisoners spend 23 hours a day in their cells and are let out only to walk alone in a steel cage.

And all inmates currently at the prison must be given the same type of hearing, which must allow them an opportunity to challenge their transfer. Tamms inmates also must be given 48 hours notice of the hearing after being sent to Tamms, so that they can have an opportunity to prepare to challenge their transfer.

The decision follows a ten-year legal effort by the Uptown People's Law Center in Chicago, which brought suit on behalf of several dozen Tamms prisoners, and a trial in federal court that ended last December. Pawlaczyk quotes Uptown's Legal Director Alan S. Mills, who called the judge's ruling a "significant victory":

"Everybody who has been sent there (Tamms) up until now, have had their constitutional rights violated and has a right to a hearing, a new hearing, to see whether or not they should have ever been sent there in the first place," said Mills...

Mills said that inmates can now challenge prison system claims that they violated disciplinary rules at other prisons or any administration claim that warrants being sent to Tamms. And they can require prison officials to state a reason for transfer. They also may challenge department claims that they are members of a gang and that is why they were sent to the lockup.

"Many of these inmates have never been told why they were sent to Tamms," Mills said. He said these inmates include one plaintiff in the lawsuit who had been at Tamms since it opened more than 12 years ago but was never told why.

Murphy also ordered that inmates who have been at Tamms the longest, and many have been there for more than 10 years, will be placed at the head of the list for the hearings. The judge's order noted that some inmates were not told why they were sent to Tamms until years later...

Judge Murphy made clear that his ruling "is narrowly drawn, extends no further than necessary to correct the violation of the 14th Amendment due process rights of IDOC [Illinois Department of Corrections] inmates placed at Tamms, and is the least intrusive means necessary to correct the violation of the federal rights of such inmates." He stated that "the supermax prison at Tamms is clean, excellently administered, and well staffed." This despite the fact that [Amnesty International](#) and [Human Rights Watch](#) have challenged conditions at Tamms, as has a local activist group, [Tamms Year Ten](#).

New attention was focused on the prison last year, after reporting by George Pawlaczyk and Beth Hundsdorfer found nightmarish conditions at Tamms, which is in many cases used as a de facto asylum for prisoners suffering from serious mental illness. [You can [read the original series here](#).] As Pawlaczyk wrote yesterday:

The treatment of Tamms inmates, especially those who were mentally ill, was the subject of a *News-Democrat* investigative series in August titled "Trapped in Tamms," which was followed by more than a dozen follow-up stories. The articles challenged the prison system's claims that Tamms inmates were the worst of the worst, and reported that more than half of the inmate population had not committed any new crimes since entering prison.

The newspaper reported that many mentally ill inmates were sent to Tamms after throwing urine and feces at guards, assaults that are often handled administratively at

other prisons. This behavior, according to mental health experts who study incarceration, can often be a sign of mental illness made worse by solitary confinement.



Mud stencil on Chicago sidewalk,
by Tamms Year Ten

It remains to be seen how much the new ruling will help such inmates. The court stated that during the newly mandated hearings, prison officials can consider "the safety and security of the facility, the public, or any person, [and] an inmate's disciplinary and behavioral history," in deciding whether an inmate needs to be held at Tamms. Clearly, an inmate's "behavioral history" can be affected by untreated mental illness.

However, the prisoners in Tamms have more going for them than many of the other 25,000-odd inmates held in U.S. supermax prisons: They have local muckraking journalists to expose their living conditions; local and international human rights groups taking up their cause; and excellent pro bono legal representation from the Uptown People's Law Center. All of these watchdogs will, no doubt, be waiting to see what happens at Tamms when the judge's order goes into effect.



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1.

Joshlyn [permalink](#)

July 21, 2010 11:39 am

i am glad to hear that a judge stood for what is right may there be more judges like that one day soon we need know what we do to others i care for this fight being won it is a grate win for us and all the usa it shows that some still care to work and stand for what is right as a jidge is ment to a bit of hope and light shines on the plane of justice today for all those within we must keep fighting to brake the wall of solitry down for good but a crack is a start well done may there be light in the darknes of justice

2.

[Chaplain Mary Murphy War Widow](#) [permalink](#)

July 21, 2010 11:52 am

Please help us identify how many of the 25,000 in this study are WOUNDED WARRIORS INCARCERATED; many suffering from untreated combat related PTSD/Traumatic Brain Injury/ see the 6/24/2010 Health Canal BEST COURSE FOR TROUBLED VETERANS; TREATMENT, NOT JAIL. Every state in the country needs such a program as the Veterans Program collaboration between North Shore-Long Island Jewish Health System Law and Psychiatry Institute, District Attorney offices in Brooklyn, Queens and Nasau, New York State Courts and the US Dept of VA: the first in the state and largest in the nation –

Please help us get this Veterans Program in every state in the country so the Veterans receive the needed care before they wind up in the solitary nightmares.

The War Widows

<http://www.veteranschamberofcommerce.org>

Mary Murphy, former VA/Prison Chaplain/Marshal OklaCtCriminalAppeals

mmurphy@veteranschamberofcommerce.org

Veterans Village No. 93

7651 W 41st Avenue

Wheat Ridge, Colorado 80033

3.

Alan [permalink](#)

July 21, 2010 1:07 pm

Yes indeed we need more “local muckraking journalists to expose their living conditions; local and international human rights groups taking up their cause; and excellent pro bono legal representation”!

Sounds like this judge only stuck his toe in the political waters but at least it is a start. I often worry what will happen to us now that there is an investigative journalist shortage. They are the true buffers that protect us all. We of course need the others listed to follow up on their leads. Bravo to them all!

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1. [Federal Judge: Illinois Supermax Procedures Violate the Fourteenth Amendment « Prison Law Blog](#)

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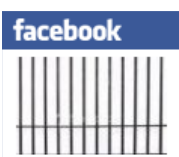
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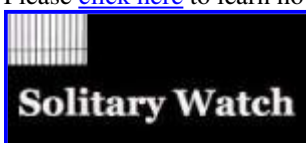
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- [Sourcebook on Solitary Confinement](#)
- [Supermaxed.com](#)
- [Tamms Year Ten](#)

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• SW QUOTE OF THE WEEK

"When the [prisoner's] punishment is over, [society] leaves him to himself; that is to say, it abandons him at the very moment when its highest duty towards him begins. [Society] is really ashamed of its own actions, and shuns those whom it has punished, as people shun a creditor whose debt they cannot pay, or one on whom they have inflicted an irreparable, an irremediable wrong."

--*Oscar Wilde*

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