

**Testimony of**  
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**Before the**  
**Senate Judiciary Committee**  
**Subcommittee on the Constitution, Civil Rights and Human Rights**  
**Hearing on Reassessing Solitary Confinement**

**June 19, 2012**

Mr. Chairman, Members of the Subcommittee, thank you for this opportunity to submit testimony on behalf of the New Evangelical Partnership for the Common Good concerning the harmful use of solitary confinement in our nation's federal prisons, jails, and detention centers. We are encouraged that a growing number of states across the nation are reassessing this practice and implementing policies to limit its use. In light of the high cost of solitary confinement and its diminishing returns, we are grateful for the Subcommittee's timely review of the federal system's use of isolation today.

The New Evangelical Partnership for the Common Good (NEPCG) is an organization headed by Rev. Richard Cizik and made up of thousands of young evangelical Christians who hear the gospel speaking to the great challenges we face today including nuclear proliferation, war and peace, immigration, interfaith relations, family planning, and prison reform. The organization came into being as young evangelicals responded negatively to the old culture-wars paradigm of their parents and sought to solve problems rather than simply fight about them. We seek to do the same.

As the Executive Director of a lean organization with a small staff, one of my responsibilities is to develop various media for the organization. We were charged by our partner organization, the National Religious Campaign Against Torture, with developing a 15-minute video educating viewers on the problem of prolonged solitary confinement. My remarks will be personal in nature, describing how I was deeply affected by the knowledge I gained, the people I met, and the process of learning about what I now understand as an abhorrent practice that goes mostly unnoticed in American life today. I will describe how I moved from being indifferent toward the use of prolonged solitary confinement to being active in working to end it.

Working regularly on such difficult issues brings enthusiasm to some, indifference to others. When I was approached about producing a short video on prolonged solitary confinement, I felt that I had little emotional capacity to give to the project. I believed that one can only care about a finite number of things, even one one places compassion above all other virtues. I felt that I did not have energy to give to this issue even though I had already encountered it close to home.

**Prisoner Abuse and the Cub Scouts**

My first encounter with some of the practices I would later come to know as associated with prolonged solitary confinement occurred one evening on a field trip with our local Cub Scouts den. The leaders of our den thought it would be both interesting and sobering to our kids if a field trip was made to the Anderson County Jail, located in east Tennessee, where I reside. Three of my four children are triplets, and my two younger sons were on this field trip where they were shown the jail's maximum security facility.

The visit to the jail made an impression on these then-nine-year-old boys. They got to stand in the secure guard tower above the cell unit where they saw the male prisoners end their recreation time and enter their cells to be locked up for the night. After this occurred a young prisoner was asked to stand in the center of the common area and address the cub scouts. He was serving a life sentence for murder (and I'm not clear about why he was serving this part of that sentence in the county jail) and made an inspiring speech to the boys about the need to stay clean and stay off drugs. He returned to his cell after the speech and our kids went to another part of the jail to hear from the guards.

The guards then gave the boys a show-and-tell presentation about tools they use to control the prisoners. They showed them a large plexiglass shield that, when picked up, would cover a guard from above the head to just below the belt. The two handles one would use on the inside of the shield to firmly hold the device also contained a trigger that sent thousands of volts of electricity between two probes located on the outside of the shield. They showed how the plexiglass that formed the largest part of this particular shield was cracked and broken (yet was still in use), and then pulled the trigger inside. To the delight of the boys, the bright blue stream of electrical current jumped from the metal probes down the length of the cracks in the shield and jumped in every direction. The breaks in the shield seemed to direct the current in abnormal ways.

The guard then told the boys how the shield is used to protect them against prisoners during what I came to know later as a cell extraction, a particularly brutal method of subduing a prisoner as part of disciplinary action. This delighted the young Cub Scouts, but horrified me, as I wondered what effect these thousands of volts sent ripping through the cracks in this shield into the muscles of a defenseless prisoner might be. The demonstration left a great impression on both me and the boys, but most likely a different kind.

Then the guards pointed to a large black fiberglass form, with straps and buckles, situated on the floor before them. This, they said, was the restraint chair. It is used whenever a prisoner becomes unruly and unmanageable. The prisoner is forcibly placed in this device that completely restrains all movement and kept there until the prisoner "gets the message" (their words). Later I came to understand that, while use of the chair itself may not be considered prisoner abuse, often prisoners are placed in the chair and forgotten about for long periods of time, sometimes urinating or defecating on themselves as a result.

We left the jail that night with me wondering what the Cub Scout leaders were hoping to accomplish. My boys accepted the visit at face value. I discovered later that I had just been exposed to practices that, if abused, could be considered torture.

### **Three Days in Maine**

Years later, in the fall of 2011, I was hired by the National Religious Campaign Against Torture (NRCAT) to produce a 15-minute video to educate religious people on the problem of prolonged solitary confinement. I provided videography and editing services to NRCAT, who wrote the script and provided logistical support for three days of interviewing experts and persons who had been subjected to solitary

confinement for years at a time. This testimony is to give you a glimpse into my own mindset, reminding you that prior to this period I was indifferent to the problems of life in modern prisons. I was completely unaware that a Supermax prison contains only solitary confinement cells, and that prisoners are intentionally prevented from any form of human contact or sensory stimulation except for one hour per day for “recreation” that a prisoner spends in a confined space outside his or her cell, still kept apart from any form of human contact. I was also unaware that the UN Special Rapporteur on Torture called for an absolute ban on placing juveniles or the mentally ill in solitary confinement or holding anyone in solitary confinement for more than 14 days (which he defined as “prolonged solitary confinement”). As the United States is a signatory to the UN Convention Against Torture, torture is illegal in the United States. Therefore prolonged solitary confinement is a breach of both domestic and international law. And all of that did not matter very much to me, as I worked passionately on other human rights issues.

While making this kind of video, the camera operator and interviewer are met face-to-face with the knowledge and experience of the interviewee. There is always interaction that the viewer of the final video never sees, always on a very human, personal level. As I listened to Michael, a young man who had spent over two years in solitary confinement in a Maine prison, I wondered if his stammer was a result of his prison experience. I heard him describe in detail how he developed delusions and hallucinations as a result of his being deprived of not only human contact, but of a sense of time, of night and day, and any other sensory stimulation whatsoever. I listened as he told how he sensed his ability to concentrate slipping away, and noticed in his interview how he still demonstrated this inability to focus.

Most disturbing was an interview with another man named Michael who was a patient in the Maine State Mental Hospital. He had been taken there after winning a court case after spending nine years of an eighteen-year sentence, much of which in solitary confinement. He was well-known within his prison as a mentally-ill inmate who experienced as many as five violent cell extractions per day for a period of months and years.

A cell extraction, I discovered, can be performed without any kind of due process; one can take place simply because a guard decides it is in order. Once the order is given a group of men dressed in helmets and riot gear, wielding tasers and shields similar to the one I had seen on the Cub Scouts field trip, descend on the prisoner’s cell, electrocuting and violently beating the prisoner, shouting “do not resist,” even when the prisoner is unable to resist due to the temporary paralysis that comes with electrocution. The prisoner is then bound and carried out to be placed in a small cell with no furnishings other than a cot with no mattress and a toilet, and no windows. Thus begins an indefinite period of sensory deprivation and loss of human contact. Extractions often, but do not always, result in placement in solitary confinement. But most often, extraction and solitary confinement are used together as a form of extreme disciplinary action against prisoners.

To hear from Michael of his experience of hundreds of these violent cell extractions, and then of his months spent in solitary confinement while already diagnosed as suffering from mental illness, was profoundly disturbing to me. How far away was this, I wondered, from the stories I have read from prisoners in Dachau or Sachsenhausen?

### **Sarah Shourd**

A few weeks later we gained an opportunity to interview Sarah Shourd, which led me to meet her in Birmingham, Alabama, for an interview. Sarah is one of the three hikers that accidentally crossed the

Iran-Iraq border in northern Kurdistan. She spent 14 months in solitary confinement and was released many months before her companions found freedom.

I found Sarah to be a remarkable, articulate young woman. She went into great detail about her experience which alarmingly matched those of other interviewees. She described how she lost track of night and day and of the amount of time she spent in her cell. She told of feeling as though her mind was slipping away, of how she became obsessed with wondering how her mother was doing and of having no way to clear her mind of these worries, and of how she began screaming uncontrollably and beating at the walls of her cell until her knuckles bled, so much so that the guards had to come and calm her down. While she was screaming, she reported, she believed she was only dreaming, unaware that her screams and blood were real. She, too, told of a loss of ability to concentrate, the lasting effects of which are evidenced in the interview footage. I found quite unbelievable the similarities between the experiences of prisoners in the United States and of this young woman tortured in a prison cell in Iran.

### **In Conclusion**

The experience of interviewing these people was profoundly disturbing and ultimately transformative. I could no longer ignore the practice of placing human beings in a prolonged state of solitary confinement, a practice which destroys the minds of prisoners for no reason that I could fathom. To come to terms with the practices that occur on a daily basis in US prisons is to understand that prolonged solitary confinement is cruel, unusual, and if continued for more than 14 days, is considered to be torture by domestic and international law. I cannot, and will not, tolerate this inhuman practice as something I don't have the time or inclination to care about, and I will be working to shine light on this issue among the rising tide of young evangelicals that my organization works with.

Mr. Chairman, Members of the Subcommittee, The New Evangelical Partnership for the Common Good believes strongly that the United States should do everything it can to reverse our nation's harmful and expensive reliance on solitary confinement. We have a moral obligation to uphold the dignity and the mental health of those currently incarcerated. To that end, we would strongly support your leadership in sponsoring legislation that would limit the use and length of solitary confinement. We implore you to immediately take steps to end the use of prolonged solitary confinement. Your hearing today is a very important effort in doing that, and we thank you for the opportunity to contribute to it.