

# US court upholds nine-year solitary confinement of Philadelphia man

Tom Bishop  
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A three-judge panel of the US 3rd Circuit Court of Appeals in Philadelphia has unanimously ruled that Pennsylvania authorities may continue the nine-year solitary confinement of Russell Shoats, a former member of a militant black activists' organization.

In the decision, Circuit Judge Richard L. Nygaard of Erie, said Shoats has been in the "hole" since June 1991 "because he is, in the considered judgment of all the prison professionals who have evaluated him, a current threat to ... security, and ... to the safety of other people." ( *To read the court's decision go to:* <http://vls.law.vill.edu/locator/3d/May2000/993603.txt>).

Shoats is in "administrative custody" at the State Correctional Institution at Greene in Western Pennsylvania. He is kept in his cell 23 hours a day, five days a week, and 24 hours a day for the other two days. He eats meals alone. He has been denied visits with family for eight years. He has no organized activities, no radio, no TV, no telephone calls "except emergency or legal calls," no books other than legal materials "and a personal religious volume." At the appeal hearing, prison officials acknowledged that they generally are concerned about the psychological damage to an inmate after 90 days of such confinement and would generally recommend transfer to the general population after 90 days as a consequence.

Shoats was sentenced to life in prison for allegedly participating with five other activists in the August 29, 1970 shooting of Fairmount Park Police Sgt. Frank Von Colin in Philadelphia. Shoats was part of the Black Unity Movement, one of several paramilitary groups that formed during the period in response to FBI Director J. Edgar Hoover's initiating COINTELPRO in 1968, a program which included infiltration and disruption of the Black Panther Party. The program led to the murder of dozens of members of the Black

Panther Party and the frame-ups of many more. In the decision to continue Shoats' solitary confinement, Judge Nygaard said, "Shoats participated in the attack as a member of a black revolutionary group that sought to eradicate all authority."

Tensions were high in Philadelphia in the summer of 1970 because Philadelphia Police Chief Frank Rizzo had ordered a crackdown on militant groups in the run-up to the national convention of the Black Panther Party in Philadelphia on September 5, 1970. The shooting of Von Colin prompted a 2 a.m. raid on the Black Panther headquarters in North Philadelphia. After the raid police officials allowed news photographers to take humiliating photos of the Black Panthers being strip searched on the street.

Shoats escaped from Huntingdon State Prison for 27 days in 1977, and for 3 days in 1980 from the Fairview State Hospital for the Criminally Insane. After the 1977 escape, he was kept in the "hole" from 1977 to 1982 except for the one year he spent at Fairview. Shoats had been sent to Fairview by the court after he was diagnosed as being a paranoid schizophrenic. He had previously attempted jail breaks in 1972 and 1976.

In a 1982 interview with the radio station WQRO at the Huntingdon County Courthouse where Shoats was being retried for a kidnapping and robbery during his 1977 escape, Shoats said, "I don't feel as though I'm guilty for what I'm charged with.... Consequently, I've always got the hope that somewhere along the line I'll get out of prison."

Five members of the Black Unity Movement were convicted of first-degree murder in Von Colin's death. The sixth, Richard Thomas, fled and was at large for 26 years. He was arrested in suburban Chicago in March 1996. The only incriminating evidence found in Thomas's apartment in 1970 was a telephone book with

numerous names, including those of several codefendants in the case.

Prosecutors tried to persuade two men convicted in the killing, Hugh Sinclair Williams and Alvin Joiner, to testify against Thomas in exchange for a recommendation by prosecutors that their life sentences would be commuted, but the defendants refused. Thomas, who did not testify, contended that he fled because he feared he would be railroaded—or shot—by police after he was identified as a suspect. Thomas was acquitted in a jury trial on November 3, 1999. Juror Bill Forman said, “Some black jurors remembered the times—1970—that it had been difficult being a black.” The jury included six blacks and six whites.

The use of solitary confinement has a long tradition in Pennsylvania. In 1829, Eastern State Penitentiary opened in Philadelphia. It was the creation of the Philadelphia Society for Alleviating the Miseries of Public Prisons, a group of “free thinkers” and Quakers. Instead of the previous methods of punishment by torture, dismemberment and death, they advocated solitary confinement where the prisoners could meditate on their sins and resolve to live a better life.

Known as the “Pennsylvania System,” it was considered progressive because it combined punishment and hoped for reform. All of the cell blocks radiated from a central rotunda that allowed maximum security and surveillance. Inmates were alone in individual cells that had a bed, a toilet, a worktable, a small exercise yard, a skylight and a Bible. Human contact was kept to the minimum possible. The penitentiary's radical design became the model for 300 similar prisons in Europe, Asia and South America. The practice of solitary confinement as a prison-wide policy was abandoned at the prison by the end of the nineteenth century because it was found to drive inmates insane. The prison closed in 1971 and is now a national historic landmark.

After touring Eastern State in 1842, the British novelist Charles Dickens condemned solitary confinement, stating: “I hold this slow and daily tampering with the mysteries of the brain is immeasurably worse than any torture of the body.” ( *See "Philadelphia and its Solitary prison" from "American Notes" by Charles Dickens:* <http://www.bibliomania.com/Fiction/dickens/American/chap07.html>)



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