

May 15, 2013

The Honorable Patrick J. Leahy  
Chairman  
United States Senate  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Charles E. Grassley  
Ranking Member  
United States Senate  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

**RE: Support Senator Blumenthal's Amendment 2 (MDM13517) To S.744 That Would Significantly Reforming The Use Of Solitary Confinement In Immigration Detention Facilities.**

Dear Chairman Leahy and Ranking Member Grassley,

We, the undersigned faith-based, immigration, human rights, civil rights and criminal justice advocacy organizations, are writing to urge you to support Senator Blumenthal's amendment 2 (MDM13517) to S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act which would significantly reform the use of solitary confinement in immigration detention facilities. This amendment would establish a broad framework specifying when solitary confinement can be used to house immigration detainees, place presumptive limits on the use of such confinement in non-disciplinary settings, and require the Department of Homeland Security ("DHS") to develop effective oversight mechanisms.

As recently reported in the New York Times and elsewhere, evidence of the excessive use of solitary confinement abounds. On any given day, more than 300 immigration detainees are held in solitary confinement; almost half of them are kept there for 15 days or more. Keeping anyone in solitary confinement for more than 15 consecutive days can amount to torture because, as the UN Special Rapporteur has documented, the conditions of solitary confinement beyond that point create a significant risk of permanent psychological damage. As Senator McCain attested in an April 2013 report by Physicians for Human Rights, "It's an awful thing, solitary. It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment."

Solitary confinement is the practice of placing a person in physical and social isolation for 22 to 24 hours a day with little or no human contact – generally in a small cell with a solid steel door, a bunk, a toilet and a sink – day in, day out, including administrative segregation and protective custody. Studies published by the American Psychological Association and many others have shown that prolonged periods of solitary can bring about disastrous and sometimes permanent mental and physical health effects. Detainees have experienced a wide-range of negative consequences after being held in isolation including: perceptual distortions and hallucinations, lack of impulse control, severe and chronic depression, weight loss, self-mutilation and lower levels of brain function.

This amendment would prohibit the use of solitary confinement for minors under the age of 18 and carefully limit the practice for immigrant detainees with serious mental illness. It would curb common abusive practices in detention facilities such as using solitary as a measure to

punish detainees for minor offenses, as well as to “protect” especially vulnerable populations. The amendment balances the operational needs of facilities that hold immigration detainees with basic respect for the health and human rights of detainees subject to solitary confinement.

We urge you to support Senator Blumenthal’s Amendment 2.

Sincerely,

AdvoCare, Inc.  
America’s Voice  
American Civil Liberties Union  
American Federation of Teachers  
Amnesty International USA  
Anti-Defamation League  
Center for Constitutional Rights  
Detention Watch Network  
Families Against Mandatory Minimums  
Family Equality Council  
FedCURE  
Heartland Alliance  
Human Rights First  
Human Rights Watch  
Illinois Coalition for Immigrant and Refugee Rights  
Immigration Equality  
Just Detention International  
Lambda Legal  
The Leadership Conference on Civil and Human Rights  
Lutheran Immigration and Refugee Service  
Make the Road New York  
Mexican American Legal Defense and Educational Fund  
National Association of Social Workers  
National Center for Transgender Equality  
National Council of Jewish Women  
National Council of La Raza  
National Gay and Lesbian Task Force Action Fund  
National Immigration Forum  
National Religious Campaign Against Torture  
New York Civil Liberties Union  
New York Immigration Coalition  
No More Deaths  
Queer Undocumented Immigrant Project  
Texas Civil Rights Project  
The National Center for Lesbian Rights  
T’ruah: The Rabbinic Call for Human Rights

United We Dream Network  
Uptown People's Law Center  
Washington Lawyers' Committee for Civil Right and Urban Affairs  
Women's Refugee Commission

**cc:**

The Honorable Senator Blumenthal  
The Honorable Senator Coons  
The Honorable Senator Cornyn  
The Honorable Senator Cruz  
The Honorable Senator Durbin  
The Honorable Senator Feinstein  
The Honorable Senator Franken  
The Honorable Senator Flake  
The Honorable Senator Graham  
The Honorable Senator Hatch  
The Honorable Senator Hirono  
The Honorable Senator Klobuchar  
The Honorable Senator Lee  
The Honorable Senator Sessions  
The Honorable Senator Schumer  
The Honorable Senator Whitehouse