

**SPECIAL ISSUE:  
TORTURE AND ABUSE IN PRISON**

# JUSTICE MATTERS

The Newsletter of the WESTERN PRISON PROJECT

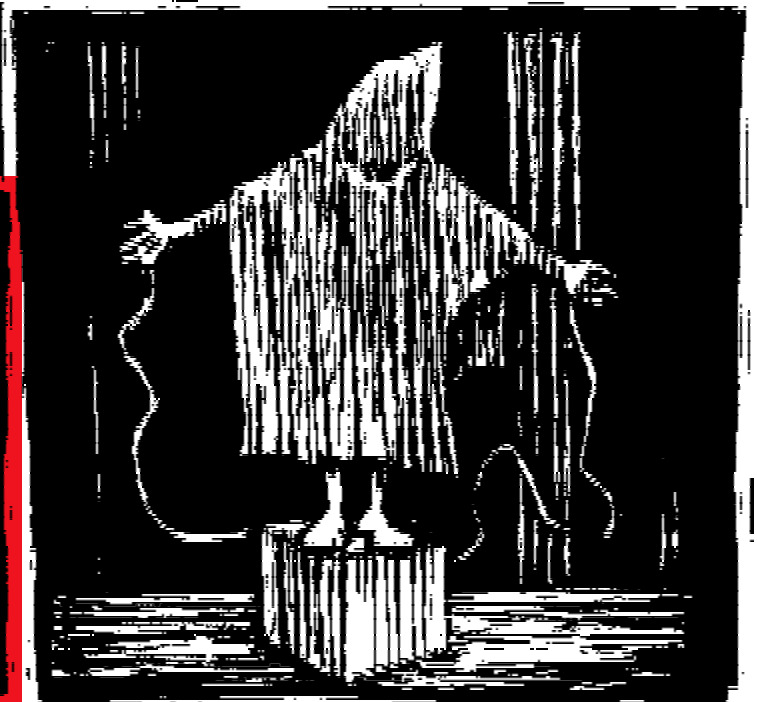
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"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

— Article 5  
Universal Declaration  
of Human Rights



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Throughout this issue we have reprinted testimony from U.S. prisoners about abuses they have suffered or witnessed in our prisons. These testimonies (except where noted) are from the publication "Torture in U.S. Prisons: Evidence of U.S. Human Rights Violations," published by the American Friends Service Committee. The testimonies were selected and compiled by Bonnie Kerness, Coordinator of AFSC's Prison Watch Program; and the publication was edited by long-time *Justice Matters* contributor Julia Lutsky.

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The Western Prison Project is a 501(c)3 non-profit organization based in Portland, OR. We exist to build and strengthen the criminal justice reform movement in OR, WA, ID, MT, WY, UT, and NV.

## American Opinions on Torture

The prisoner abuse scandal at Abu Ghraib prison in Iraq last spring brought the issue of prisoner abuse and torture into the news. Most of the editorials and opinion pieces in the papers were against the use of torture, and many even noted the existence of torture and abuse in U.S. prisons—a rare event in a country where the media and the public both like to pretend that prisons are comfortable places where prisoners sit around all day watching TV. But what does the average American think about torture? Is it okay? If so, when?

A Washington Post-ABC News poll in May found the following:

- 63% of Americans say torture is never acceptable (even in cases in which a suspect is believed to have knowledge of an upcoming terrorist attack).
- Women and low-income Americans were much less likely to approve of the use of torture.
- Opposition to torture was strongest among Americans 65 years old and older.
- 40% of Republicans and almost as many Independents said torture is sometimes acceptable, compared to only 27% of Democrats.
- A little more than 1-in-3 Americans think torture can be used in some cases.
- A majority of Americans think the following forms of torture and abuse are **acceptable**:
  - depriving a suspect of sleep (66% approve);
  - keeping a hood on a suspect for a long time (57% approval);
  - playing loud music or other noises for extended periods (54%).

All of these techniques have been used in Iraq and elsewhere to force suspects to talk.

However, strong majorities **reject** certain types of torture, such as:

- sexually humiliating a suspect (84% disapprove);
- applying electric shocks to a prisoner (82%);
- threatening to harm a suspect's family (80%);
- holding a suspect's head under water (78%);
- forcing the suspect to go naked (74%);
- punching or kicking a suspect (69%);
- withholding food or water (61%);
- exposing the suspect to extreme heat or cold (58%);
- threatening to shoot the suspect (57%)

Only a third of Americans would define what happened at Abu Ghraib prison as torture.

Half of the American public believes that torture is taking place as a matter of policy in the "war on terrorism."

A PIPA/Knowledge Networks Poll called "Americans on Detention, Torture, and the War on Terrorism" (July 22, 2004) found the following:

- A large majority of Americans support having international laws that completely prohibit physical torture.
- A majority supports international laws that completely prohibit mental torture and humiliating or degrading treatment.
- A large majority of Americans hold individuals responsible for their actions in regard to torture and abuse. They believe

that government officials who engage in, or order others to engage in, torture or cruel and humiliating treatment as a way to get information should be tried and punished.

"I'm 40 years old, I feel I'm fairly well educated and trying to keep a grip. The loneliness and solitude are working on me. No physical contact, the depression. I've never been depressed in my life. I'm usually in such good moods it has been known to piss people off...Now I catch myself with tears running down my face.

"At first I'd get pissed off at myself and call myself a pussy, broken, weak, but now that it's more frequent I just let it flow. Six-three, 220 pound...boy crying his eyes out. But afterwards I feel some peace until the hate comes in. Optimism, anger, hate and despair: I'll bet I go through each one of these emotions five to ten times a day."

*MN, Maximum Control Facility, Indiana Department of Corrections*

**“The Christian in me says it’s wrong, but the corrections officer in me says I love to make a grown man piss himself.” *Spec. Charles A. Graner, one of the U.S. soldiers allegedly involved in the torture of prisoners at Abu Ghraib prison, as quoted in the Washington Post, May 22, 2004***

Last spring, the pictures of prisoner abuse from Abu Ghraib prison outside Baghdad were splashed across the front pages of newspapers, the covers of magazines, and on the nightly news. It was horrific: hooded prisoners made to stand for hours with arms outstretched, electrical wires attached to them; naked prisoners forced to pose in sexually humiliating positions; cowering prisoners threatened by dogs. And then there were the smiling military prison guards who seemed to be enjoying their handiwork. People like Spec. Charles Graner, quoted above, who in civilian life works as a prison guard here in the U.S.

For many American prisoners and prisoners’ advocates, what was most surprising about the Abu Ghraib scandal was not, unfortunately, that it happened. Many of us know, either first-hand or from communications with prisoners (and sometimes corrections staff), that shocking abuse occurs in U.S. prisons everyday. The surprise was that it was made so public, thanks in part to all of the photos of the abuse that military personnel had taken, and that the media had brought to our attention.

Prisons are such hidden institutions, a place where “bad” people (whether they are alleged “enemy combatants” or “criminals”) are disappeared for a period of time. Once prisoners are hidden away behind prison walls, the public forgets about them, and about their human rights. Out of sight and out of mind. And yet

in the U.S., prisoners regularly and consistently document the abuse going on. They write letters to advocates, judges, legislators, and newspapers. For the most part, they are ignored. Just as the International Committee for the Red Cross was largely ignored by the Coalition Forces in Iraq when they documented abuse of Iraqi prisoners. It wasn’t until the public saw, with their own eyes, the cruel treatment of Iraqi detainees at Abu Ghraib that the truth began to be believed.

Here at home, no CDs full of photo files documenting abuse in our prisons have come to light. That doesn’t mean abuse isn’t happening. There are a few videos out there, like the one from Brazoria County Jail in Texas where prisoners were made to crawl across the floor while dogs attacked them. Or the video of Michael Valent in Utah, strapped to a restraint chair for hours, which caused his death. But because visual documentation like this is so uncommon, it is easy for most Americans to believe that these incidents are aberrations, something rare and regrettable, rather than frequent and preventable.

And within our “hidden” U.S. prisons, there are even more secret places. Security Housing Units, Intensive Management Units, they are called by different names but they are essentially the same: 23-hour a day lockdown, sensory deprivation, and harsh conditions. Human rights advocates have documented a great deal of abuse occurring in America’s “control units.” This should come as no surprise. Like

Tier 1A at Abu Ghraib, our prisons’ “special housing units” are a prison within a prison, doubly hidden from sight, making them a place where abuse and yes, even torture, occur all too often. In this special issue of *Justice Matters*, we have included testimonies from prisoners around the country, many of them confined in these units. These testimonies were collected by the Prison Watch program of the American Friends Service Committee, which has collected testimony from thousands of American prisoners about abuse within our prisons. There are no pictures, but listen to the words they write and you will know there is truth being spoken.

Until all of America’s prisons are opened to independent observers, who can enter and monitor conditions at any time, we are unlikely to see an end to the human rights violations documented in these pages. As a nation that prides itself on valuing human rights, it’s time we turn a shining light on the human rights violations in U.S. prisons, whether they be here in the U.S., or half a world away in Iraq or Afghanistan.

Brigette Sarabi  
Executive Director

## Report of the International Committee of the Red Cross on Iraqi Prisoner Abuse

*The following is excerpted from the February 2004 report of the International Committee of the Red Cross (ICRC) on the treatment by the Coalition Forces of prisoners of war and other protected persons by the Geneva Conventions in Iraq during arrest, internment and interrogation. This report was delivered confidentially to the Coalition Forces weeks before the horrific pictures of torture and abuse at Abu Ghraib prison hit the press. The violations noted in this report were documented between March and November 2003.*

### **Treatment During Arrest:**

[P]ersons interviewed by ICRC delegates have described a fairly consistent pattern with respect to times and places of brutality by members of the CF (Coalition Forces) arresting them...

Arresting authorities entered houses usually after dark, breaking down doors, waking up residents roughly, yelling orders, forcing family members into one room under military guard while searching the rest of the house and further breaking doors, cabinets and other property... Sometimes they arrested all

adult males present in a house, including elderly, handicapped or sick people. Treatment often included pushing people around, insulting, taking aim with rifles, punching and kicking and striking with rifles...

Certain CF military intelligence officers told the ICRC that in their estimate between 70% and 90% of the persons deprived of their liberty in Iraq had been arrested by mistake...

In almost all instances documented by the ICRC, arresting authorities provided no information about who they were, where their base was located, nor did they explain the cause of arrest. Similarly, they rarely informed the arrestee or his family where he was being taken and for how long, resulting in the de facto "disappearance" of the arrestee for weeks or even months until contact was finally made.

### **Treatment During Transfer and Initial Custody:**

One allegation collected by the ICRC concerned the arrest of nine men by the CF in a hotel in Basrah on 13 September 2003. Following their arrest, the nine men were made to kneel, face and hands against the ground, as if in a prayer position. The soldiers stamped on the back of the neck of those raising their head... The suspects were taken to Al Hakimiya... and then beaten severely by CF personnel. One of the arrestees died following the ill treatment (aged 28, married, father of two children). Prior to his death, his co-arrestees heard him screaming and asking for assistance... Two other

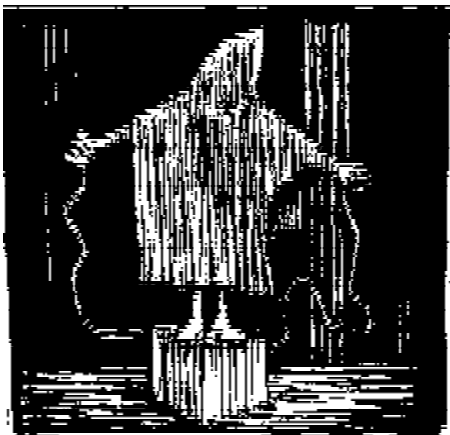
persons deprived of their liberty were hospitalized with severe injuries... A week later, an ICRC medical doctor examined them in the hospital and observed large haematomas with dried scabs on the abdomen, buttocks, sides, thigh, wrists, nose and forehead consistent with their accounts of beatings received.

During a visit of the ICRC in Camp Bucca on 22 September 2003, a 61-year old person deprived of his liberty alleged that he had been tied, hooded and forced to sit on the hot surface of what he surmised to be the engine of a vehicle, which had caused severe burns to his buttocks. The victim had lost consciousness. The ICRC observed large crusted lesions consistent with his allegation.

### **Treatment During Interrogation:**

... In certain cases, such as in Abu Ghraib military intelligence section, methods of physical and psychological coercion used by the interrogators appeared to be part of the standard operating procedures by military intelligence personnel to obtain confessions and extract information. Several military intelligence officers confirmed to the ICRC that it was part of the military intelligence process to hold a person deprived of his liberty naked in a completely dark and empty cell for a prolonged period and to use inhumane and degrading treatment, including physical and psychological coercion, against persons deprived of their liberty to secure their cooperation.

The methods of ill-treatment most fre-



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quently alleged during interrogation included:

- Hooding, used to prevent people from seeing and to disorient them, and also to prevent them from breathing freely...Hooding was sometimes used in conjunction with beatings thus increasing anxiety as to when blows would come. The practice of hooding also allowed the interrogators to remain anonymous and thus to act with impunity. Hooding could last for periods from a few hours up to 2 to 4 consecutive days...;

- Beatings with hard objects (including pistols and rifles), slapping, punching, kicking with knees or feet on various parts of the body (legs, sides, lower back, groin);

- Pressing the face into the ground with boots;

- Being held in solitary confinement combined with threats (to intern the individual indefinitely, to arrest other family members...) insufficient sleep, food or water deprivation...;

- Being paraded naked outside cells in front of other persons deprived of their liberty, and guards, sometimes hooded or with women's underwear over the head;

- Acts of humiliation such as being made to stand naked against the wall of the cell with arms raised or with women's underwear over the head for prolonged periods while being laughed at by guards, including female guards, and sometimes photographed in this position;

- Being attached repeatedly over several days, for several hours each time, with handcuffs to the bars of their cell door in humiliating (i.e. naked or in underwear) and/or uncomfortable position causing physical pain;

- ...Prolonged exposure while hooded

to the sun over several hours, including during the hottest time of the day when temperatures could reach 122 degrees Fahrenheit or higher.

...The ICRC medical delegate [at Abu Ghraib] examined persons deprived of their liberty presenting signs of concentration difficulties, memory problems, verbal expression difficulties, incoherent speech, acute anxiety reactions, abnormal behavior and suicidal tendencies. These symptoms appeared to have been caused by the methods and duration of interrogation.

The ICRC reminds the authorities of the Coalition Forces (CF) that prisoners of war and other protected persons in the custody of occupying forces must be humanely treated at all times; they must not be subjected to cruel or degrading treatment; and must be protected against all acts of violence (Art. 13, 14, Third Geneva Convention; Art. 27, Fourth Geneva Convention) **Torture and other forms of physical and psychological coercion against prisoners of war and other interned persons for the purpose of extracting confession or information is prohibited in all cases and under all circumstances without exception** (Art. 17 and 87, Third Geneva Convention; Art. 5, 31, and 32, Fourth Geneva Convention). Confessions extracted under coercion or torture can never be used as evidence of guilt (Art. 99, Third Geneva Convention, Art. 31, Fourth Geneva Convention). Such violations of International Humanitarian Law should be thoroughly investigated in order to determine responsibilities and prosecute those found responsible (Art. 129,

Third Geneva Convention and Art. 146, Fourth Geneva Convention)...

The internment of persons in solitary confinement for months at a time in cells devoid of daylight for nearly 23 hours a day is more severe than the forms of internment provided for in the Third and Fourth Geneva Conventions (investigation of criminal offenses or disciplinary punishment). It cannot be used as a regular, ordinary mode of holding of prisoners of war or civilian internees. The ICRC reminds the authorities of the Coalition Forces in Iraq that internment of this kind contravenes Articles 21, 25, 89, 90, 95, 103 of the Third Geneva Convention and Articles 27, 41, 42, 78, 82, 118, 125 of the Fourth Geneva Convention. The ICRC recommends to the authorities of the CF that they set up an internment regime which ensures respect for the psychological integrity and human dignity of the persons deprived of their liberty and that they make sure that all persons deprived of their liberty are allowed sufficient time every day outside in the sunlight and the opportunity to move about and exercise in the outside yard.

"I was chained to a bed...sitting up...for about 21 days, fed one sandwich three times a day and one cup of water. I had refused to go in lock-up. Guards jumped on me, grabbed me by the balls and put me in a choke hold."

*JGM, James V. Allred Unit, Texas*

## America's Abu Ghraib

By Bob Herbert

Most Americans were shocked by the sadistic treatment of Iraqi detainees at the Abu Ghraib prison. But we shouldn't have been. Not only are inmates at prisons in the U.S. frequently subjected to similarly grotesque treatment, but Congress passed a law in 1996 to ensure that in most cases they were barred from receiving any financial compensation for the abuse.

We routinely treat prisoners in the United States like animals. We brutalize and degrade them, both men and women. And we have a lousy record when it comes to protecting well-behaved, weak and mentally ill prisoners from the predators surrounding them.

Very few Americans have raised their voices in opposition to our shameful prison policies. And I'm convinced that's primarily because the inmates are viewed as less than human.

Stephen Bright, director of the Southern Center for Human Rights, represented several prisoners in Georgia who sought compensation in the late-1990's for treatment that was remarkably similar to the abuses at Abu Ghraib. An undertaker named Wayne Garner was in charge of the prison system at the time, having been appointed in 1995 by the governor, Zell Miller, who is now a U.S. senator.

Mr. Garner considered himself a tough guy. In a federal lawsuit brought on behalf of the prisoners by the center, he was quoted as saying that while there were some inmates who "truly want to do better ... there's another 30 to 35 per cent that ain't fit to kill. And I'm going to be

there to accommodate them." On Oct. 23, 1996, officers from the Tactical Squad of the Georgia Department of Corrections raided the inmates' living quarters at Dooly State Prison, a medium-security facility in Unadilla, Ga. This was part of a series of brutal shake-downs at prisons around the state that were designed to show the prisoners that a new and tougher regime was in charge.

What followed, according to the lawsuit, was simply sick. Officers opened cell doors and ordered the inmates, all males, to run outside and strip. With female prison staff members looking on, and at times laughing, several inmates were subjected to extensive and wholly unnecessary body cavity searches. The inmates were ordered to lift their genitals, to squat, to bend over and display themselves, etc.

One inmate who was suspected of being gay was told that if he ever said anything about the way he was being treated, he would be locked up and beaten until he wouldn't "want to be gay anymore." An officer who was staring at another naked inmate said, "I bet you can tap dance." The inmate was forced to dance, and then had his body cavities searched.

An inmate in a dormitory identified as J-2 was slapped in the face and ordered to bend over and show himself to his cellmate. The raiding party apparently found that to be hilarious.

According to the lawsuit, Mr. Gar-

ner himself, the commissioner of the Department of Corrections, was present at the Dooly Prison raid.

None of the prisoners named in the lawsuit were accused of any improper behavior during the course of the raid. The suit charged that the inmates' constitutional rights had been violated and sought compensation for the pain, suffering, humiliation and degradation they had been subjected to.

Fat chance.

The Prison Litigation Reform Act, designed in part to limit "frivolous" lawsuits by inmates, was passed by Congress and signed into law by Bill Clinton in 1996. It specifically prohibits the awarding of financial compensation to prisoners "for mental or emotional injury while in custody without a prior showing of physical injury."

*Cont. on Page 8*

"Two young black prisoners were transferred here and put into strip cells. (In strip cells the prisoner is in the nude and there is no bedding. There is only the concrete floor.) One was beaten and maced twice a day for several days. Guards came from other wings as if they were participating in an old fashioned lynching."  
*RS, Starke, Florida*

America's Abu Gharihs Cont. from Page 7

Without any evidence that they had been seriously physically harmed, the inmates in the Georgia case were out of luck. The courts ruled against them.

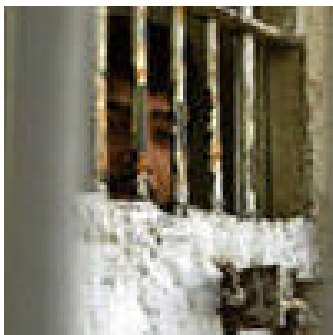
This is the policy of the United States of America.

Said Mr. Bright: "Today we are talking about compensating prisoners in Iraq for degrading treatment, as of course we should. But we do not allow compensation for prisoners in the United States who suffer the same kind of degradation and humiliation."

The message with regard to the treatment of prisoners in the U.S. has been clear for years: Treat them any way you'd like. They're just animals.

The treatment of the detainees in Iraq was far from an aberration. They, too, were treated like animals, which was simply a logical extension of the way we treat prisoners here at home.

*(In accordance with title 17 U.S.C. Section 107, this material is distributed without profit to those who have expressed a prior interest in receiving the included information for research and educational purposes.)*



## Prisoner Abuse: How Different are U.S. Prisons?

By Jamie Fellner Esq.

The sadistic abuse and sexual humiliation by American soldiers at Abu Ghraib prison has shocked most Americans—but not those of us familiar with U.S. jails and prisons. In American prisons today, wanton staff brutality and degrading treatment of inmates occur across the country with distressing frequency.

We know that two of the soldiers charged with abuse at Abu Ghraib were prison guards in the United States. Lane McCotter, who oversaw the reopening of Abu Ghraib prison last year, has a long—and somewhat troubled—history in corrections. For example, he resigned from his position as director of the Utah Department of Corrections in 1998 after a schizophrenic inmate died following sixteen hours of being immobilized in a restraining chair. The Pentagon has said it wants to send more people to Iraq who have U.S. prison experience. But before it does, it should look closely at the human rights records of their prisons.

A federal judge in 1999 concluded that Texas prisons were pervaded by a "culture of sadistic and malicious violence." In 1995, a federal judge found a stunning pattern of staff assaults, abusive use of electronic stun devices guns, beatings, and brutality at Pelican Bay Prison in California, and concluded the violence "appears to be open, acknowledged, tolerated and sometimes expressly approved" by high ranking corrections officials.

In recent years, U.S. prison inmates have been beaten with fists and batons,

stomped on, kicked, shot, stunned with electronic devices, doused with chemical sprays, choked, and slammed face first onto concrete floors by the officers whose job it is to guard them. Inmates have ended up with broken jaws, smashed ribs, perforated eardrums, missing teeth, burn scars—not to mention psychological scars and emotional pain. Some have died.

Both men and women prisoners—but especially women—face staff rape and sexual abuse. Correctional officers will bribe, coerce, or violently force inmates into granting sexual favors, including oral sex or intercourse. Prison staff have laughed at and ignored the pleas of male prisoners seeking protection from rape by other inmates.

Most of the men and women who work in U.S. prisons are decent professionals who have never physically abused or intentionally degraded an inmate. But just as in Iraq, the absence of leadership, oversight, and external scrutiny can create a climate in which abuses will occur.

The Department of Justice's Inspector General recently reported on the abuse Muslim men picked up after September 11 endured while detained at the federal Metropolitan Detention Center in Brooklyn. For example, officers slammed unresisting, shackled inmates into walls and mocked them during body-cavity searches. A lawsuit by one of the detainees alleges that one of the officers maliciously pushed a pencil into his anus.

Just this January, a videotape at a California facility captured two officers beating and kicking two inmates. One officer

struck an inmate approximately twenty times in the face; another officer is shown kicking a handcuffed inmate in the head.

When Florida inmate Frank Valdez died in 1999, every rib in his body was broken, his corpse bore the imprint of boot marks, and his testicles were badly swollen; guards admitted having struggled with him, but denied they had used excessive force. They claimed most of his injuries had been “self-inflicted.”

In Maricopa County, Arizona, a sheriff who dresses male jail inmates in pink underwear introduced live “jail cam” broadcasts on the internet in 2000. Three cameras covered the holding and searching cells of the jail, including shots of strip searches, inmates bound in “restraint chairs,” and even, for a while, unobstructed views of women using the toilet. The broadcasts ended up being copied onto web porn sites.

Even detained children and youth are not immune from staff brutality and abuse. They too are kicked, beaten, punched, choked, and sexually preyed upon by adult staff. The Maryland State Police recently



filed criminal assault charges against staff at a youth facility in Maryland because of an incident in which one guard restrained a youth while the three others kicked him and punched him in the face. In January 2004, the U.S. Department of Justice reported on terrible conditions at Arizona’s juvenile detention centers, including sexual abuse of the children by staff members (and fellow inmates) that occurs “with disturbing frequency” and a level of physical abuse that is “equally disturbing.”

When the news about Abu Ghraib broke, the Bush administration tried to suggest it was the work of a few rogue officers. But in over two decades of monitoring prisons in the United States and around the world, Human Rights Watch has learned that abusive officers do not operate in a vacuum. More typically, a culture of brutality has developed in which correctional officers know they can get away with excessive, unnecessary, or even purely malicious violence. In such prisons, senior officials have failed to commu-

nicate unequivocally-through training, staff supervision, investigations, and discipline-that abuse will not be tolerated.

The failures of senior prison officials in the United States are compounded, as in Abu Ghraib, by the absence of external scrutiny. Prisons are closed institutions

from which the press, human rights groups, and members of the public are typically excluded. Independent expert inspections

are rare, and usually occur only after the situation has become so bad that inmates have filed a lawsuit.

Perhaps if photos or videotapes of abuse in U.S. prisons were to circulate publicly, Americans would be galvanized to protest such treatment as they have the treatment of Iraqi prisoners. Absent such graphic and unavoidable evidence, it is all too likely that abuse will continue to be a part of many prison sentences.

*This article is reprinted with permission of Human Rights Watch*

## More Than Just a Few “Bad Apples” Confronting Prison Problems in Iraq, and in the U.S.

By Rose Braz

Condemning the abuse of Iraqi prisoners as “fundamentally un-American,” Donald Rumsfeld ignores the strikingly similar circumstances facing 2 million U.S. prisoners.

While Congress, the military and pundits alike argue that the Abu Ghraib photos do not depict conditions in American prisons, they forget that a few months before atrocities were caught on tape at Abu Ghraib, we watched our own videotape of guards at the California Youth Authority beating youth under their watch.

A few years earlier, at California’s Corcoran State Prison, guards staged and wagered on “gladiator fights” between prisoners. As in Iraq, there have been deaths in custody. For example, in Florida in 1999, guards beat prisoner Frank Valdez to death. And if there was any doubt that prisons equal torture, one need only remember Pelican Bay State prison, where prison guards immersed a mentally ill prisoner in a tub of boiling water.

### Parallels in Iraq and US Prisons

These are not isolated incidents, and the similarities do not end there. The Iraqi prisons are now run by the same people who run our prisons at home: two of the seven soldiers accused in the Abu

Ghraib scandal are prison guards in the US. The man appointed to re-open Abu Ghraib was the director of the Utah Department of Corrections. He resigned that position in 1997 after a prisoner died while shackled to a restraining chair naked for 16 hours.

With additional revelations of more atrocities, the call rises to court martial Lynndie England and other abusers, get rid of the few “bad apples”, reduce the number of prisoners held at Abu Ghraib and possibly even close the prison.

Unfortunately, history and research show that eliminating torture requires more than just removing so-called bad apples from the barrel. The Abu Ghraib catastrophe, and the atrocities that occur in American prisons everyday, should instead make us rethink the use of prisons as answers to what are social, economic and political problems — both in Iraq and here at home.

Research underlines this truth: A seminal 1971 study by Stanford’s Philip G. Zimbardo had students play the roles of guards and prisoners. The study had to be halted after only a few days when the “guards” began to abuse their fellow student “prisoners.” In a recent *Boston Globe*

editorial (May 9, 2004) comparing his experiment’s finding with the abuses in Abu Ghraib, Zimbaro wrote:

“My research and that of my colleagues has catalogued the conditions for stirring the crucible of human nature in negative directions. Some of the necessary ingredients are: diffusion of responsibility, anonymity, dehumanization, peers who model harmful behavior, bystanders who do not intervene, and a setting of power differentials. Those factors were apparently also operating in Iraq. But in addition there was secrecy, no accountability, no visible chain of command, conflicting demands on the guards from the CIA and civilian interrogators, no rules enforced for prohibited acts, encouragement for breaking the will of the detainees, and no challenges by many bystanders who observed the evil but did not blow the whistle.”

### Challenging a History of Prison Abuse

Prisons did not always exist, and the movement to abolish prisons was born 200 years ago with construction of the first prison. After visiting the first modern prison, the Pennsylvania Eastern State Penitentiary in 1842, Charles Dickens wrote, “There is a depth of terrible endurance...which no man has a right to

“[In September] 1999 I was strapped down to four point restraint...I’ve never in my life been strapped to a bed, it’s terrible...being strapped down and under circumstances of helplessness and officers coming in the cell while I’m strapped down displaying their racism, saying ‘We hate niggers. If it was up to us you’d be hung.’ To say the least I was scared. I would have preferred the beat-down, instead of the mental torture I was put through.”

*JHE, Wallens Ridge State Prison, Big Stone Gap, Virginia*

inflict upon his fellow creature...I believe it to be cruel and wrong.”

Charles White, the first prisoner of Eastern State, was not unlike many locked up today in the US. Just 18 years old, his prison record states: “Burglar. Farmer by trade. Can read. Theft included one twenty-dollar watch, one three-dollar gold seal, one gold key. Sentenced to two years confinement.”

Williams was assigned a number, “1”, which would replace his name throughout his stay. A black hood was placed over his head whenever he left his cell.

That was 1829. Today, there are 78,000 prisoners 19 years old and under, and two million adult prisoners. Our society continues to label prisoners as less than human, locks them in cages, strips them naked and even allows their murder and rape. Like Williams and the Iraqi detainees, 21<sup>st</sup> century prisoners at Virginia’s Wallens Ridge State Prison have been forced to wear black hoods.

On top of it all, prisons don’t make our communities safer. In the first national study on the impact of imprisonment on crime, the Washington, DC-based Sentencing Project found that people in states with more prisons and more people in prison were no safer than people in other states.

Since 1997, Critical Resistance has been working to debunk the myth that the prison industrial complex (PIC) will make our communities safer. After September 11, 2001, we found ourselves also working to debunk the myth that expanding the prison industrial complex, internation-

ally and domestically—more prisons, more people in prison, more surveillance, more barriers to immigration—will make this nation safer. The same flawed principles of retribution and retaliation that have driven the growth of the PIC as an answer to what we label “crime” at home have now been employed as an answer to 9-11. These policies have driven this nation to war and threaten to expand the PIC further at home and in Iraq. One result is the Abu Ghraib crisis.

### **Loss of Freedom, Rights for All**

Following September 11, we witnessed a myriad of proposals to expand the PIC, most coming under “The Patriot USA Act of 2001”. Ironically, these restrictions on our freedom came in the guise of protecting our freedom.

Among the more alarming proposals made in the aftermath of September 11: indefinite detention of legal immigrants—without charge—and in some cases the mandatory detention of immigrants; deportation based on the *suspicion* that a person may be willing to help a terrorist; expansion of the power to summarily deport without judicial review; a six-month moratorium on student visas and broad new powers of surveillance including national identification cards and the authority to wiretap any phone or computer that might be used by a suspect.

While not all of the above proposals came to fruition, many did. Since Sep-

tember 11, more than 1,100 people—almost all of Arab descent—have been detained. Almost three years later, over 600 detainees remain imprisoned at Guantanamo Bay—without charge. One man, Mohammed Rafiq Butt, held uncharged for a month in a New Jersey INS lock-up, died before anyone, including his family in Pakistan, knew that he had been arrested. In the aftermath of 9-11, there

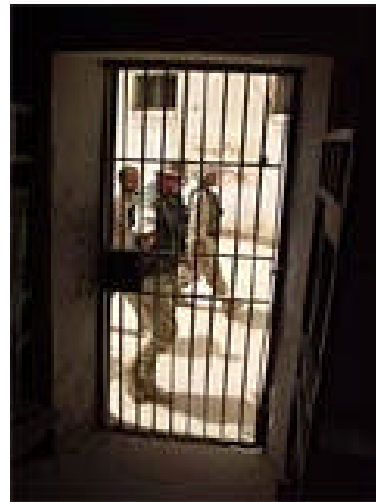
were reports of detainees being disappeared; their attorneys unable to find them.

Meanwhile, the stock prices of companies that sell surveillance equipment doubled in value directly after September 11. And compa-

nies that build and run private prisons, which were on the brink of bankruptcy before 9-11, experienced as much as 300% gains after 9-11 in anticipation of internment camps and new prisons.

While the PIC and “homeland security” efforts claim to be about safety and order, in reality both have made the lives of most people—especially people of color and the poor—less safe and more disordered.

The behemoth prison industrial complex that was in place prior to September 11 did not prevent what occurred that



*Cont. on Page 12*

*More Than Just a Few Bad Apples Cont. from Page 11*

day. Similarly, an expansion of those failed policies will not prevent further tragedies from occurring. In fact, we recently learned from the U.S. State Department that rather than making us safer, these draconian measures have led to a sharp increase in both the number of incidents labeled “terrorist” and the toll in victims in the last year.

The solution to the Abu Ghraib nightmare isn’t as simple as locking up Lynndie England and her fellow military personnel in the same cages that they oversaw. It won’t be resolved by firing Rumsfeld or reducing the number of Iraqi detainees. Closing Abu Ghraib is at most a superficial gesture.

These proposed solutions will fail because as Professor Zimbardo recently told the *New York Times*, “It’s not that we put bad apples in a good barrel. We put good apples in a bad barrel. The barrel corrupts anything that touches it.” Americans are now faced with a choice: we must either relinquish our innocent self-image or dismantle the barrel.

*Rose Braz, is the director of Critical Resistance, a national grassroots organization seeking to reverse this nation’s reliance on prisons. For more information, contact Critical Resistance, 1904 Franklin St Suite 504, Oakland, CA 94612; [www.criticalresistance.org](http://www.criticalresistance.org)*

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### **Ramadan in IMU**

*The following letter was sent to a WPP action alert member in Washington state, by a prisoner held in an Intensive Management Unit in a Washington prison.*

“All yesterday, November 6, 2003, the Goon Squad kept dragging this little black guy around, hogtied with handcuffed feet and hands cuffed together, so his back was all arched. I don’t think that’s in the Handcuff instruction manual. He was really screaming good. Fairly standard. They lift you by your elbows, so your entire body weight is torn into your wrists by the steel handcuffs. Excruciating. I know first-hand from repeated applications.

“For some reason, they would place him in a cell, naked and covered with tear gas, then go back into the cell with the electric stun shield (50,000 volts) and move him to another cell. Why? He is Muslim and it’s Ramadan, and the guards refused to feed him at night, so basically, since during Ramadan any Muslim can’t touch food during the daylight hours, he was being starved.

“Finally they put him in Cell C110...he’s still naked. Here’s the funny part. They tell him at first he doesn’t get no mattress, clothes, or blankets, but in the process of looking around in his new cell, he tries to flush the toilet and it flushes! And here is the beautiful part: this joyous peal of laughter, all from the discovery he has running water. We all broke into tears and laughter. See, usually on ‘cell modifications’ they shut off all of your water, turn it on for a couple of minutes each day, two times, so you can grab a sip of water and flush the toilet.

“So [the prisoner], with a bare steel and cement cell, he discovers he has running water...And we were so happy for him, better than Christmas or a birthday.”

## Softening Them Up, Right Here at Home

By Alan Elsner

Following reports of U.S. troops abusing Iraqi prisoners, many human rights observers drew parallels with the maltreatment that often occurs in U.S. prisons and jails. But one major difference may be the way such cases are handled.

In Iraq, those accused of abuse face swift military trials and punishment if found guilty. Jeremy Sivits, one of those accused in taking part in the abuses in Iraq's Abu Ghraib prison, became the first U.S. serviceman to face a military court in Baghdad on May 19. He pleaded guilty and promised to testify against others in a court martial that lasted less than an hour.

In U.S. prison abuse cases, it is often difficult to persuade prosecutors to bring cases to trial. They know they will be relying on testimony from convicted felons while correctional officers rarely testify against one of their own. In contrast to the public outrage at the abuse of Iraqis, there is a widespread view in the United States that prisoners should be treated harshly and if such treatment occasionally crosses the line to abuse, then so be it.

Even when prosecutors do bring cases, backed up by strong evidence, juries are reluctant to convict prison guards. For example, Texas brought a sexual assault case last month against Lonzo McShan, a guard at the Walls Unit prison. He was accused of assaulting two inmates, both of whom collected DNA which matched that of the guard. But the jury in Walker County acquitted McShan. Prosecutor Kelly Weeks of the state's spe-

cial prosecution unit said she was surprised and disappointed at the verdict and had no doubt that McShan was guilty.

One problem securing justice for victims of prison abuse is that cases often come to trial in small, rural towns where many U.S. prisons are now located. Some of these communities have become dependent on prisons for their employment.

In 2002, three guards from Wallens Ridge State Prison in Virginia were charged with beating a shackled prisoner in his cell and falsifying their report of

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the incident. When the case came to trial in rural Wise County, many potential jurors said they knew the defendants and some were related to them. The jury eventually heard testimony from three other officers who described how they had seen the accused guards kick and beat the inmate. It took the jury less than an hour to acquit the guards.

In 2000, eight guards from Corcoran prison in California's Central Valley - an area that boasts some 10,000 prison jobs - were accused of setting up "gladiator fights" between rival gang members in the prison. The judge allowed several people to sit on the jury who had reason to favor the guard, including one corrections officer at a local county jail and another who had applied to become a state

prison guard. After the not-guilty verdicts, jurors posed for pictures with the acquitted guards.

In 2002, a jury in rural Bradford County in north Florida acquitted three guards of murdering death row inmate Frank Valdez. An autopsy found Valdez suffered 30 rib fractures as well as a broken nose, jaw, clavicle and sternum. Attorneys called nearly 3,000 potential jurors and questioned nearly 1,000. Scores of people were dismissed after they expressed sympathy for the guards.

After three months, a panel of six jurors and five alternates emerged. The prosecution produced 51 witnesses and stacks of documents but the jury chose to believe the defense, which argued that some of Valdez's injuries might have happened after he climbed the bars of his cell and threw himself on to the concrete floor. Following the verdict, the state prosecutor decided to drop charges against five other officers it believed had taken part in the lynching, saying it would be a waste of time and money bringing them to trial in Bradford County.

*Alan Elsner is a correspondent for Reuters News Service and the author of the recently published book Gates of Injustice: The Crisis in America's Prisons. He can be reached at [www.alanelson.com](http://www.alanelson.com). Reprinted with permission from the author.*

## Torture in Our Prisons

By Julia Lutsky

*Editors Note: This article was originally published in the Fall, 2001 issue of Justice Matters.*

By the end of May, 2001, twenty-three Turkish prisoners and their supporters had died protesting the threat of isolation and torture. The Turkish government had initiated a plan the previous October to transfer prisoners to isolation cells in F-type prisons where they would be housed one to three per cell. They had previously been held in ward-like dormitories which, according to the government, are controlled by different gangs and therefore unsafe for administrative personnel. The government had tried to put the same policy in place in 1996 but desisted after twelve prisoners had died in protest fasts. This time, however, it appears determined at all costs to implement the policy. Four F-type Turkish prisons are already operational and more are planned.

What does this have to do with prisons in the United States, you wonder? A great deal, considering that both things feared by the Turkish prisoners, isolation and torture, are openly practiced here. Turkey's F-type prisons are modeled on U.S. maximum security prisons. While Turkey has a total prison population of about 72,000, prison activists here estimate that between 40,000 and 200,000 prisoners (i.e., 2—10% of all U.S. prisoners) are housed in isolation units.

According to Morton Sklar, director of the *World Organization Against Torture*, super maximum (isolation or control unit) prisons all share certain characteristics: "1. Prisoners ... are kept in solitary con-

finement in tiny cells (six by eight feet is usual) for between twenty two and twenty three hours a day. There is no congregate dining, no congregate exercise, no work opportunities and no congregate religious services. Access to facilities or social services is severely limited.

"2. These conditions exist permanently (as opposed to temporary lockdowns ...) as official policy."

Now, because US prisons are filled over capacity, two and even three prisoners may be confined in these cells, built to house only one.

*"[T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person ... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." From the UN Convention against Torture and other Cruel, Inhuman or Other Degrading Treatment or Punishment, June, 1987.*

No federal law defines torture as a crime, but its presence can readily be testified to by prisoners here. All the testimonies below were made by prisoners confined to control unit cells in the Western Prison Project's region; prisoners throughout the country report similar treatment.

From Utah, "Suffice [it] to say that control units are cruel, inhuman places where prisoners are grossly abused and mistreated ... [The Maximum Facility Intensive Management Control Unit] houses only 12 prisoners and most of them suffer from chronic genuine mental disor-

ders. [It] is cold, dark, dirty, and noisy. Steel plates on hinges ... cover the cell doors and windows. The guards open and slam shut these plates throughout the night ... They never clean the unit. [It] is very unsanitary coated with old food, dirt and human waste.

"Prisoners ... are given one hour of out-of-cell recreation, three times per week. That ... time consists of going to a small smelly courtyard ... with a concrete floor and no roof. Other than for showers and three hours of courtyard weekly, we are never let out of our bare cells. Sensory deprivation is a severe problem. After awhile many of us hear voices.

"Whenever we leave our cells, even to the shower, they employ full restraints on us, which means being handcuffed behind the back and guided by a 'dog leash' attached to the handcuffs."

From Oregon's IMU in a Salem prison, "Here we are handcuffed at the back with a leash and escorted by two officers to and from the rec[reation] rooms and shower, one at a time.

"I [have] seen it all, people have literally gone insane, too much stress or depression or too much medication or go wild over frustration and get beat up or decide to [commit suicide. ...] [W]e are practically underground, no sun, no air, no night..." [Lights are controlled by guards outside and cells are constantly illuminated.]

From Walla Walla Washington, "The CO [corrections officer] ... entered my room,

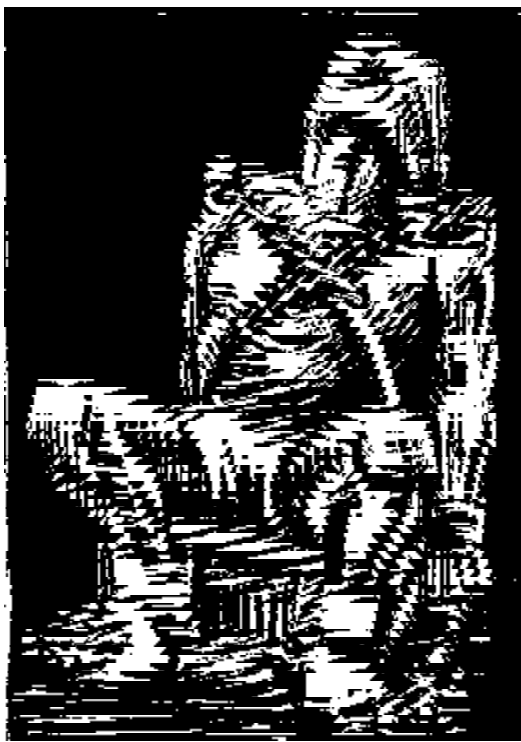
put my bedding on the floor and walked over it ... As soon as I started to voice my displeasure the trash-talking guard twisted my wrist and slammed me against the wall. The only thing I could do was turn to my right to relieve the pain ... which the guard took [to be] resisting. I was then thrown to the ground and [held] by six other guards who applied pain to my body's pressure points which made me yell out in extreme pain. I was then lifted up by my four limbs and put face down in my cell ...

"I was ordered to stand and put my hands out my cuff port to have my cuffs removed. After my cuffs were off I left my right hand out ... and demanded to talk to the lieutenant. The sergeant ... took that as a "threat" and ordered the cuff port shut on my arm. Before I could pull my arm in a CO on each side ... slammed the hatch shut trapping my arm. They then, with the sergeant and two more COs, started to punch [and] beat my arm and bend my fingers back. While I'm still trying to pull my arm in the sergeant thinks it's a good idea to give the hatch a good kick. He gives it a good eight kicks before he allows me to retrieve my bruised and cut arm."

From Utah maximum security, "Until four years ago Utah used a form of torture called 'the Chair.' The chair was/is a chair made of steel that was bolted to the floor. The prisoner was strapped down to each leg and the armrest and placed inside a bare dark cell. The room temperature of this cell was *always* at least 60 degrees and of course the prisoner

was always naked. [In 1997] the gestapo troops got a little too zealous and a prisoner [Michael Valent] was killed. ... His mom filed a lawsuit and ... the gestapo was cleared of all wrong doing"

Speaking of another prisoner, "[He] was directed to leave the strip cell and a urine



soaked pillow case was placed over his head... He was then walked shackled and hooded to a different cell where he was placed in a device called the 'chair.' The chair is a restraint device designed for mentally ill persons who pose a significant danger of harming themselves or others. The inmate is stripped nude, placed in the chair, with [his] buttocks several inches below the knees. The arms and legs

are then cuffed or shackled to the legs of the chair to prevent the inmate from moving. The design of the chair forces the inmate back against the chair. Mobility is almost non-existent.

"The inmate cannot relieve himself without soiling himself. He is left uncovered and unprotected, in pain and shackled. [The prisoner] was kept in the chair for over thirty hours. This resulted in extreme physical and emotional suffering."

The chair to which Michael Valent - who heard voices and had been diagnosed schizophrenic - was strapped was one in which Utah prisoners have been strapped for as long as four days running. Prolonged immobilization in a sitting position can cause blood to clot and block major arteries resulting in death. Valent spent 16 hours in the chair after which, when he was taken to the shower, he collapsed and died.

Since his death, "Utah has adopted a ... kinder gentler form of torture. It's called 'the Board'. Basically 'the Board' is a piece of board three feet wide [and] six feet long that is covered with towels. The prisoner is stripped and shackled spread eagle to the board. The board is then inclined from the wall. ... Three times a day a guard comes in with chow (always cold) and a bedpan. If you have to use the bathroom you do it in the bedpan. You are not unshackled. The guard holds the pan under you!! They give

*Cont. on Page 16*

Cont. from Page 15

you *Ensure* which is a protein drink so you don't have to eat solid food. This eliminates defecation."

From Washington Corrections Center in Shelton, "I was extracted from my cell by the prison's tactical squad. They used pepper-based gas, spraying my cell with a large dose from a canister. ... I was taken to a [recreation] yard where my clothes were cut from my person. ... This was done in the presence of female staff. I was then placed back in my cell, which was still full of gas.

"The pain induced by the gas was excruciating. The gas didn't abate for about two or three hours. I believe this caused permanent damage to my eyesight. Prior to the gassing I had 20/20 vision; thereafter I couldn't see five feet in front of me and required prescription eyeglasses to see.

"To compound matters they stripped my cell, leaving it completely empty. No mattress, no bedding, no toilet paper, no clothes - nothing. The next day they gave me undershorts and a T-shirt but nothing else. I was left [in the ] strip-cell for 14 days. I was told this was done to teach me a lesson."

At a capital trial in Las Vegas, Nevada, the prisoner was obliged to wear a stun belt capable of delivering up to 50,000 volts to the kidney area for several seconds. It is controlled remotely and can be activated at will by the person holding the remote switch. The resulting shock is extremely painful and can cause the

wearer to be apprehensive lest any move he make be misinterpreted. At one point during the trial, the stun belt was activated causing the prisoner to "shake uncontrollably" and to fall writhing to the floor. The belt has been known to be activated accidentally and this is precisely what happened: an officer inadvertently activated the stun belt when he touched the remote control as he leaned across a desk. The jury subsequently sentenced the defendant to death for the murder of his wife. *Amnesty International* noted that "It is not clear why the authorities felt it necessary to put

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**"I was sentenced to one to 15 years ... for possession of stolen property. I was not sentenced to punishment that will cause me problems for the rest of my life."**

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a stun belt on [him] as he was a cooperative defendant to the point of his own self destruction. He had represented himself during the proceedings and had urged the jurors to give him the death penalty."

Recently, because of overcrowding, Wyoming transferred 72 prisoners to Wallens Ridge State Prison in Big Stone, Virginia, one of the most infamous control unit prisons in the country. It is currently under federal investigation; prisoners transferred there from New Mexico allege that they have been beaten by guards, shocked with stun guns and denied necessary medical care. The ACLU's National Prison Project has filed suit against the prison charging that prisoners are routinely subjected to the use of stun guns or to

being strapped down for up to two days for minor transgressions of prison regulations. The prison has suspended (but not stopped) the use of one type of stun gun because a prisoner died after it had been fired at him.

Defending his decision to transfer them, Governor Jim Geringer remarked that prisoners "gave up their own rights by their own choice when they committed a crime." It is true they are forcibly removed from their homes and loved ones and must give up their right to freedom of movement. They have not, however, given up their basic right to be respected as human beings. The protection of society does not require that those who must be forcefully separated from it be further punished.

In the words of a Utah prisoner, "I have seen inmates that have cut their wrists and throats trying to get away from [four pointing, beatings and the restraint chair]. I was sentenced to one to 15 years ... for possession of stolen property. I was not sentenced to punishment that will cause me problems for the rest of my life." [Prisoner had already served 16 years.]

Sources other than those cited above: *American Friends Service Committee*, Criminal Justice Program, *Salt Lake Tribune*, Salt Lake City, Utah, *World Organization Against Torture, USA, Cruelty in Control?* "The Stun Belt and other Electro-Shock equipment in Law Enforcement," *Amnesty International* report, June 1999

## A Long Record of Abusing Jailed Foreigners in U.S. By Mark Dow

The first I heard about rituals of sexual humiliation in prison had nothing to do with Abu Ghraib. It was from a Nigerian man, an elected state senator in his own country until a military coup drove him out. He was forced to strip naked and then remain on his knees for hours with his hands on another naked male prisoner.

You might think this happened to him in Nigeria, and that it was part of what drove him to emigrate to the United States. But in fact it occurred here, in New Jersey, after he was detained by American immigration authorities.

Such extremes of mistreatment can take place in any prison, but they happen more easily in a system predicated on blurring the distinction among aliens, criminals and terrorists, and where lower-level violence and verbal abuse are standard operating procedure. That's U.S. immigration detention in a nutshell.

Many people first heard about immigration detention after Sept. 11, 2001. But on Sept. 10, the U.S. Immigration and Naturalization Service already had about 23,000 detainees in its custody, a number that has not changed significantly since then (although the Department of Homeland Security's Bureau of Immigration and Customs Enforcement now runs the operation).

These people are called "detainees" but they are, in fact, prisoners, held in federal penitentiaries, private prisons and local jails as well as in "service processing centers" while awaiting deportation or legal pro-

ceedings. The detention facilities can be found in 49 of the 50 states as well as in Puerto Rico, Guam and the U.S. Virgin Islands.

About half of the detainees, according to the government, are "criminal aliens." That tag does the work of an army of propagandists to stave off sympathy for the victims of mistreatment. In fact, the term "criminal alien" refers equally to an illegal border-crosser-turned-serial-killer and to a 30-year legal resident with one youthful misdemeanor drug conviction.

And many immigration detainees are not criminals at all. Between 10% and 13% of them are asylum seekers who have come to the shores of the U.S. requesting protection.

These people are all lumped together and held; they're not automatically entitled to lawyers. When they do get one, the immigration bureau often interferes with the lawyers' access to clients, transferring them from jail to jail in the middle of the night while preventing the "detainee" from making telephone calls.

Once the human shell game and the dehumanizing are in place, the rest comes easy. Among the practices I have heard about consistently, from across the country and over many years, are coerced sex in exchange for the promise of release from detention; sexual assaults; arbitrary use of solitary confinement for prolonged periods; forced sedation; stealing money from detainees' accounts; and destroying legal paperwork

Congressional hearings and General Accounting Office reports about immigration enforcement have usually focused on management, budget or the efficiency of deportations. Why does the mistreatment of the immigration bureau's detainees, despite reams of documentation by human rights groups for more than two decades now, remain mostly invisible?

The immigration bureau has long had a culture of secrecy and brutality. But there are a few ways to hold it accountable:

- Congress should call hearings — not just for an afternoon — to consider the 2 1/2 decades of immigration detention abuses. Congress should also request that the Office of Inspector General, which issued a welcome report on the mistreatment of post-9/11 detainees in Brooklyn, now extend its investigation.

- Independent, surprise monitoring of all detention centers, prisons and jails should be organized by nongovernmental and community groups across the country, under agreements with the jailers themselves.

- Legal counsel should be appointed for every detainee, and there should be judicial review of every prisoner's case.

- The 1996 anti-immigrant laws — responsible for tripling the detention population and for the deportation of tens of thousands of long-term legal residents for past minor crimes — must be repealed.

Ultimately, detention authority should be removed from the immigration service except in emergencies and for strictly limited periods. The American immigration bureaucracy should not be operating a prison system at all.

## Doctors of Death By Brigette Sarabi

The author of a report on the role of doctors in the torture of Iraqi prisoners said he was motivated by a nagging question: “Why were the doctors quiet? Why didn’t the medical profession blow the whistle?” It is an urgent question, both in Iraq and within the U.S. prison system, where medical neglect and abuse of prisoners is rampant. Two reports released in August, one looking at Iraqi prisons and one at California prisons, begin to shine a light on the role some doctors play in prisoner abuse.

In late August, a report published in *The Lancet*, a top British medical journal, said that U.S. military doctors and medics at Abu Ghraib prison were complicit in the torture of Iraqi prisoners. The report states that the U.S. military doctors faked death certificates to try and cover up homicides committed by the Coalition Forces working at the prison.

The report was written by Dr. Steven Miles, a professor of bioethics at the University of Minnesota. Using evidence from the International Committee of the Red Cross, U.S. congressional hearings, and sworn statements of prisoners and soldiers, Dr. Miles concluded that doctors were involved in torture at Abu Ghraib from the beginning. The report in *The Lancet* states: “The medical system collaborated with designing and implementing psychologically and physically coercive interrogations... Army officials stated that a physician and a psychiatrist helped design, approve, and monitor interrogations at Abu Ghraib.”

In one case described in the report, a

prisoner who was being interrogated collapsed and was apparently unconscious after a beating. Medical staff revived the detainee and left, and the beating continued. In another case a medic tried to create evidence that a dead prisoner was still alive when he was sent to the hospital. The report suggests that medical abuse was widespread at Abu Ghraib, and it argues that similar abuse occurred in U.S. prisons in Afghanistan. Dr. Miles said that “death certificates of detainees in Afghanistan and Iraq were falsified” and medical investigators “routinely” attributed deaths to natural causes when proof of abuse was glaring.

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**“If it was a want ad, it would say something like, ‘Bad doctors apply here. No one turned away.’”**

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On August 10<sup>th</sup> a federal court report was released in San Francisco and presented a scathing picture of medical care in U.S. prisons. The report was ordered by U.S. District Judge Thelton Henderson, as part of a civil rights suit alleging substandard medical care for prisoners. The report concluded that the California Department of Corrections had hired many incompetent doctors with a history of problems (including prior criminal charges, substance abuse, and mental health problems), then failed to monitor them, putting prisoners at serious risk of injury or death.

Examples cited by the panel included an incompetent retired cardio-thoracic

surgeon who managed complex internal medicine patients and made serious life-threatening mistakes on a continual basis. They noted that an obstetrician was managing HIV patients, and a neurosurgeon was seeing patients with internal medicine problems, but he wasn’t trained to read the electrocardiograms used in internal medicine. At one prison, the vice chairman of the committee that oversees credentials is an obstetrician who had lost his medical license for seven years for incompetence and alcoholism. He now oversees prison doctors practicing internal medicine, even though he has no experience in that area.

Commenting on the report on California’s prison doctors, state Senator Jackie Speier said: “If it was a want ad, it would say something like, ‘Bad doctors apply here. No one turned away.’”

While the two reports only cover prison medical care in California and Iraq, prisoners advocates throughout the U.S. have long known that medical neglect and abuse is happening on a massive scale within the U.S. prison system. And whether the doctors involved are actively covering up death-by-torture, as they appear to have done at Abu Ghraib, or are simply letting prisoners die from preventable or curable illnesses, as happens in the U.S., the result is the same. Prisoners are dying because doctors are not doing their job.

*(This article was compiled from stories in The Toronto Star, 8/20/04; and the Los Angeles Times, 8/11/04)*

## Selected Resources

### Organizations and Selected Publications

#### Human Rights Watch

350 Fifth Ave, 34<sup>th</sup> Floor  
New York, New York 10118-3299  
www.hrw.org

Ill Equipped: U.S. Prisons and Offenders with Mental Illness  
No Escape: Male Rape in the U.S. Prisons  
Shielded from Justice: Police Brutality and Accountability in the United States  
Red Onion State Prison: Super-Maximum Security Confinement in Virginia  
Cold Storage: Super-Maximum Security Confinement in Indiana  
All too Familiar: Sexual Abuse of Women in U.S. State Prisons  
The Road to Abu Gharib

#### Amnesty International USA

322 Eighth Ave  
New York, New York 10001  
www.amnestyusa.org

A Call to Action by UN Committee Against Torture  
A Briefing for the UN Committee Against Torture  
Cruelty in Control? "The Stun Belt and other Electro-Shock Equipment in Law Enforcement"  
United States of America: Rights for All

#### American Friends Service Committee Criminal Justice Program

Prison Watch  
972 Broad St. 18<sup>th</sup> Fl.  
Newark, New Jersey 07102

Torture in U.S. Prisons: Evidence of U.S. Human Rights Violations  
Survivors Manual: Survival in Solitary

#### World Organization Against Torture, USA

1015 18<sup>th</sup> St. NW Suite 400  
Washington DC

#### Legal Aid Society

Prisoners' Rights Project  
90 Church St.  
New York, New York 10007

The Constitutional Law of Isolated Confinement: A Quick and Dirty Review

#### International Covenants and Conventions

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly, Dec. 1984; entered into force June 1987

Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly, Dec. 1979

International Covenant on Civil and Political Rights, adopted by the UN General Assembly, Dec. 1966; entered into force March, 1976

Standard Minimum Rules for the Treatment of Prisoners, Adopted August 1955 by the First United Nations Congress on Prevention of Crime and the Treatment of Offenders

### Books

The Execution Protocol: Inside America's Capital Punishment Industry, Stephen Trombley, Crown Publishers, 1992

Celling America's Soul: Torture and Transformation In Our Prisons, Judith Trustone, 2003, Infinity Publishing

Total Confinement: Madness and Reason in the Maximum Security Prison, Lorna Rhodes, 2004, University of California Press

Gates of Injustice, Alan Elsner, Prentice-Hall, 2004

American Gulag: Inside U.S. Immigration Prisons, Mark Dow, University of California Press, 2004

## Prisoner Testimony

“October 1996, corrections officers half carried and half dragged a prisoner into the visitation area [where] myself and eight other inmates were being detained... awaiting turnout for the ‘Hard Labor Crew.’ It was evident he had been sprayed with a great amount of chemical agent as it was dripping from his hair and he was soaked in it, he had his hands handcuffed behind him and was being carried by his lower arms... [The prisoner] was crying out in pain and begging the officers to relieve the strain on his shoulders and wrists. Both of his knees were bleeding as he had been dragged on them, and he was wearing no pants. He had been sprayed in the area of his penis, anus and scrotum and was begging to be allowed to shower to remove the chemical agent. He was in such pain he lost control of his bowels and bladder... [The prisoner] was then escorted to the work site where he was confined to a small pen for approximately five hours. He continued to scream and cry out, begging the officers for help or a chance to wash off the chemical agent... [The prisoner] was forced to endure the pain and suffering caused by this extremely dangerous chemical agent and the exposure to the sun for the entire day.”

*RES, Arizona State Prison*

“The guard had the food port open... [and] said ‘Are you going to take the medication?’ I should have known. The nurse was down two cells... and I had to reach out to take it off the lid of the food slot [which] weighs twenty pounds. Wham, he slams it up just as I get my hand on the medication cup. He... kept punching the lid. I had one foot in the toilet to get leverage to pry it out. I got it out but slipped. [The cell door] was opened about a foot 16 inches or so, for the nurse to take my blood pressure. He got me good in the side, broke two ribs. ... Internal Affairs even investigated the witness who confirmed it! [My lawyer came with permission but they took his camera. I had the boot heel [mark] on my rib cage!”

*Y., Rahway Ad Seg, Control Unit*

“On March 13, 1995 I was brought here to the Supermax [where they] jacked me up, applied pressure to the side of my neck...snatched me in the air and carried me to the holding cell and took me to the floor...I was at all times handcuffed, had on leg irons, a waist chain and a chain going from feet to hands. I was forced by about eight to ten officers to [lie] on the dirty floor, forcing my face to kiss the floor. I was told in a loud...intimidating voice, ‘You will stay on the floor until you are given the order to get up.’...I started to get up...They rushed me, with full riot gear, helmets, chest vests, gloves, shield...After they got me to the floor they [stood] on my head, twisted my toes, my wrist, my arms. Making little racist cracks. They ripped the clothes off which always hurts your private parts...While I was having my clothes ripped off there was a female officer filming it...Oh, and the main hallway is about a hundred yards, they ran me down the hallway also naked. I had been given a jump suit but it was around my ankles, and at the door of each block were both female and male guards watching this spectacle.”

*YM, Northern Prison, Somers, Connecticut*

“[The Commissioner] loudly said [to the tactical squad], ‘You’ve got five minutes to clear out this building and four and a half is already gone.’ The officers went wild. Doors started to open and people and property was being thrown everywhere.

“When my door opened five officers rushed in. The first officer order me to half-down and struck me in the back of the head with a retractable baton, driving me to the floor where I was then kicked in the face by a second officer, driving me back to my knees and breaking my nose...I was beat beyond function...and dragged out onto the top range where I was [thrown] over the rails...After I hit the floor I was swarmed by another group of officers who continued to beat me.

“I was taken to a small yard area when I was laid face down on the concrete surface where I lay for 15 minutes. I was then dragged up the sidewalk by the arms...When I arrived there was no skin on my knees or the top of my feet and my penis was also scarred. I was then beaten by two officers.”

*SWW, Hays State Prison, Trion, Georgia*

## Testimony from Women Prisoners incarcerated in Arizona, Texas, Missouri and New York:

“The guard sprayed me with pepper spray because I wouldn’t take my clothes off in front of five male guards. Then they carried me to a cell, laid me down on a steel bed and took my clothes off. They left me there in that cell with that pepper spray in my face and nothing to wash my face with. I didn’t give them any reason to do that, I just didn’t want to take my clothes off.”

“They put me in a device called a restraint chair. When they put you in this chair your hands are cuffed behind your back and tucked under your buttocks. They stripped me naked...and kept me there over nine hours until I fouled myself on my hands, which were tucked underneath me through a hole in the chair.”

“I am tired of being gynecologically examined every time I am searched.”

“That was not part of my sentence...to perform oral sex with officers.”



“Once I saw a man here who told the guards he would kill himself. They put him in a cell and left him entirely without observation; he hung himself. They could have saved him, but chose not to. They then stayed at his cell door looking in on him for about ten minutes saying they could not go in because it would be too dangerous; he was the only person in there. So when they finally took him out it was in a black bag...”

“So there are racial games they play with all of us, Black and white alike. They figure we will fight and maybe kill each other. At one time the white officers used to give the white prisoners knives and let them into the cell of a black man, possibly even while he was handcuffed. They would then claim they had no idea how the man in the cell was killed. They like to keep us fighting each other so that we are not

fighting them; that is the game. There is literally nothing you can do but die.”

*JTK, Ely State Prison, Ely, Nevada*



“I have survived in Administrative Segregation for 14 years...for being classified as a gang member. Single celled for 23 hours a day, outside the cell one hour five times per week – in what is called a day room...nothing but a table and chin

bar. Two days per week to what is referred to as ‘outside rec’...a wall area divided in two parts of a so-called yard, one inmate on each side of the divided yard...I have never been beaten up but I have seen others being beat up. But sometimes I believe that mental torture is a lot worse than the physical kind of torture!”  
*BA, Stiles Unit, Beaumont, Texas*

## The Good, The Bad and The Ugly

### Lawyers Unite Against Prison Abuse

In response to abuse of Iraqis at Abu Ghraib prison, the American Bar Association (ABA) has passed a resolution condemning “any use of torture or other cruel, inhuman or degrading treatment or punishment upon persons within the custody or under the physical control of the United States government (including its contractors) and any endorsement or authorization of such measures by government lawyers, officials and agents.” The ABA resolution goes on to urge the U.S. government to comply with all relevant international law, including the Geneva Conventions, and to ensure that any foreign person held by the United States “are treated in accordance with standards that the United States would consider lawful if employed with respect to an American captured by a foreign power.” The ABA also cited what it called “a widespread pattern of abusive detention methods,” saying that such actions “feed terrorism by painting the United States as an arrogant nation above the law.”

The ABA also passed a resolution in support of the elimination of mandatory minimum sentences.

### Inhumane Confinement For California Youth Will End

Ending a practice dubbed inhumane by critics, Walter Allen III, the director of the California Youth Authority (CYA), said that young inmates who misbehave will no longer be isolated 23 hours a day in barren segregation cells. Members of the California Senate Rules Committee called the practice of near-round-the-clock confinement in 6-foot by-8-foot cells bar-

baric and demanded an end to this punishment procedure.

Senate leader John Burton (D-San Francisco) said “You treat somebody like an animal, they’re going to come out like an animal. Shame on us for letting this stuff happen.”

The committee’s criticism of the use of extreme isolation on youth was also fueled by this year’s suicides of two teenagers at the youth prison in Ione, southeast of Sacramento. Deon Whitfield, 17, of Los Angeles and Durrell Feaster, 18, of Stockton hanged themselves with bed sheets, raising the CYA’s inmate suicide toll to 15 since 1996.

At the time of their deaths, Feaster and Whitfield were on “23 and 1” status, occupying the sort of segregation cell that became the focus of

the Rules Committee hearing. In the “23 and 1” status youths are placed in cells with nothing but a toilet, a sink and a narrow concrete bunk. Deprived of visiting, recreation and other normal privileges, they remain in the cells 23 hours a day, emerging in handcuffs only for a shower, a change of boxer shorts and a brief group session with a teacher or

counselor. The CYA’s use of the restrictive units for stays lasting up to 90 days has been harshly criticized - and is far in excess of what is common in other states.

### More California Horror

California Youth Authority officials revealed Thursday that they were pushing prosecutors to file criminal assault charges against an officer for allowing his police dog to attack an inmate who was not resisting. The episode marks the second time in four months that video cameras have captured possible misconduct by a guard at a troubled youth prison in Stockton.

Those who have seen the still-secret tape said it showed the canine officer letting his German shepherd bite a 20-year-old prisoner on the leg, even though the inmate was following orders and lying on the floor.

Since the incident, CYA Director Walter Allen III has suspended the use of dogs in juvenile prisons so the animals’ role can be reviewed. Although canine teams are mainly employed to hunt for drugs in cells and visiting rooms, CYA regulations allow their use for security and “crowd control.”

The episode took place at the N.A. Chaderjian Youth Correctional Facility, the same Stockton lockup where a pair of counselors were taped punching and kicking two inmates in a January scuffle. tape was released by a state senator.



## Special Thanks

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**O**n December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the **Universal Declaration of Human Rights**. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.” Here are the first ten articles of the Declaration.

- Article 1.* All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
- Article 2.* Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
- Article 3.* Everyone has the right to life, liberty and security of person.
- Article 4.* No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
- Article 5.* No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 6.* Everyone has the right to recognition everywhere as a person before the law.
- Article 7.* All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to discrimination.
- Article 8.* Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.
- Article 9.* No one shall be subjected to arbitrary arrest, detention or exile.
- Article 10.* Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

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