



SOMEONE TO WATCH OVER ME?
US Prisoners and Human Rights in a Post 9/11 World
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Introduction

Since 1975, I have been a human rights advocate on behalf of people in prison throughout the country. I coordinate the Prison Watch Project for the American Friends Service Committee in Newark, which deals with human rights violations concerning prisoners across the US.

Young Black and Puerto Rican young people in Newark tell me that the police feel like an occupation army. They speak about a school system being used to feed young people into youth detention, jails and prisons where those bodies are suddenly worth a fortune. People say that the criminal justice system doesn't work. I've come to believe that it works perfectly, just as slavery did, as a matter of economic and political policy. How is it that a 15 year old in Newark who can't get a job can suddenly generate 30 thousand dollars a year, once trapped in a criminal justice system, where architects, medical providers, correctional officers, administrators, etc. get paid?

In the US criminal justice system, the politics of the police, the politics of the courts, the politics of the prison system and the politics of the death penalty are a manifestation of the racism and classism which governs the lives of all of us. Every part of the criminal justice system falls most heavily on the poor and people of color, including the fact that slavery is mandated in prisons by the 13th Amendment of the US constitution. The US didn't abolish slavery; it simply transferred it into the prisons. Prison slavery in the form of involuntary labor is real.

Testimonies: Youth

I'd like to share with you some of the voices that I hear during my day. The first two are from youngsters who have spent time in juvenile detention describing a system in which parents have no say so over what happens to their children and a system which prepares them for a future of imprisonment.

“I went in when I was 14. They have what they call an MCU there, and it’s like the “hole” in a regular prison. Kids that fight go in there. If you refuse they come and get you. You get a shower once a week and they bring the food to you. It was so cold in there. “

“I heard people scream, yell and holler. I saw boys get strung out on meds. The food was mostly Sloppy Joes and one cup of water. They make you take sleeping stuff in the needles. They used pepper spray on this girl who was fighting one time. They sprayed her directly in her mouth and she couldn’t breathe. They were hitting her. We kept telling them that she had asthma, but they wouldn’t listen”.

On Mothers Day 2003 in Elizabeth, NJ, Eddie Sinclair, Jr. hung himself in the Union County Youth detention facility; Eddie was 17 and had stolen a bicycle. He had missed a court appointment, was picked up and locked in isolation. It is not irrelevant that Eddie’s father is African and his mother is Puerto Rican. Howard Beyer, head of the Juvenile Justice Commission in New Jersey has said that prohibiting lengthy isolation in juvenile facilities is akin to suicide prevention. Unfortunately, it continues throughout the country.

Testimonies: Adults

I also want to share haunting testimonies of torture being committed in US adult prisons:

“John was directed to leave the strip cell and a urine soaked pillow case was placed over his head like a hood. He was walked, shackled and hooded to a different cell where he was placed in a device called “the chair”, where he was kept for over 30 hours resulting in extreme physical and emotional suffering.”

Another writes with a description of being placed in a restraint chair. He was stripped naked and placed in the chair with his buttocks several inches below his knees. His arms and legs were then cuffed and shackled to the legs of the chair to prevent him from moving. He was left uncovered and unprotected in pain for over 24 hours. Mobility was non-existent. He couldn’t relieve himself without soiling himself.

Women

A woman in Texas writes “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 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.”

Another writes that when she refused to move into a double cell, she was dragged out of her cell and thrown on her back. She was beaten about the face and head and describes a guard sticking his finger in her eye deliberately. She says, “I was rolled onto my stomach and cuffed on my wrists with leg irons on my ankle. They stripped me.

The proportion of complaints coming from women has risen, with women describing conditions of confinement which are torture. They suffer from sexual abuse by staff with

one woman saying, “That was not part of my sentence to perform oral sex with officers. Women have reported the inappropriate use of restraints on pregnant and sick prisoners including one woman whose baby was coming at the same the time guard who had shackled her legs was on a break somewhere else in the hospital.

Mental Illness

Some of the saddest letters are from prisoners writing on behalf of the mentally ill – like the man who spread feces over his body. The guards’ response to this was to put him in a bath so hot it boiled 30% of the skin off him. These past years have been full of thousands of calls and complaints from prisoners and their families, describing inhumane conditions including cold, filth, callous medical care, extended isolation often lasting over a decade, use of devices of torture, harassment, brutality and racism. I have received vivid descriptions of four point restraints, five point restraints, spit hoods, restraint chairs, restraint beds, stun grenades, stun guns, stun belts, tethers, waist and leg chains.

Solitary Confinement

Prolonged solitary confinement often for the purpose of behavior modification has been a long time concern for many prison activists, on both sides of the walls. The reports coming in about the use of devices of torture have largely been from isolation units, which are called control units or supermax prisons, where there are few witnesses.

Many of us trace the expansion of isolation and the development of control units to the tumultuous years of the civil rights movement when many activists found themselves in US prisons. Incarceration and the use of isolation and torture were used on these political prisoners and then extended to other prisoners. Sensory deprivation was used extensively on with imprisoned members of the Black Panther Party, Puerto Rican Independentistas, members of the American Indian Movement and white radicals. In later years, we found jail house lawyers, Islamic militants and prisoner activists placed in extended isolation. Aside from juveniles living in isolation, during the past fifteen or so, activists and lawyers have grave concern about the number of those who are mentally ill being held in supermax prisons. One person wrote calling it a “secret punishment” for his disability. I can’t think of a more inappropriate placement.

Right now efforts to expand the solitary confinement population involve the alleged spread of gang problems in US prisons. This trend is being repeated throughout the country, resulting in the increased building of supermax prisons. In these gang prisons called Security Threat Group Management Units, prisoners are called upon to renounce their group membership – which is reminiscent of the witch-hunts during the McCarthy investigations in the 1950’s, the ongoing FBI Counter Intelligence Program and current Homeland Security directives. In the case of Ojore Lutalo, a New Jersey prisoner, he was released in 2002 winning a substantial monetary award for being held in isolation without reason for 16 years. This past June, he was re-placed in isolation. When I called to ask why, I was told it was at the request of Homeland Security.

International Law

When the news about what was going on in Abu Ghraib broke, President Bush said that “what took place in that prison doesn’t represent the America I know”. Unfortunately, for the more than two million US citizens and countless undocumented immigrants living in US prisons, this is the America that they, their family members, their lawyers and activists DO know and experience daily. What happened at Abu Ghraib, what is happening at secret prisons all over the world and at Guantanamo Bay, are a reflection of the physical and mental abuse taking place every day to men, women and children living in the jails, juvenile detention facilities and prisons of this country.

The conditions and practices that imprisoned men, women and children are testifying to are in violation of the Universal Declaration of Human Rights of 1948, the United Nations Convention Against Torture and the United Nations Convention on the Elimination of All Forms of Racial Discrimination, the latter two of which the US ratified in 1994.

Article 1 of the UN Convention Against Torture prohibits policies and practices that “constitute cruel, inhuman or degrading punishment”. In 1995, the UN Human Rights Committee stated publicly that conditions in certain US maximum security prisons were incompatible with international standards. In 1996, the UN Special Rapporteur on Torture also reported on cruel, inhuman and degrading treatment in US supermax prisons. In 1998, the Special Rapporteur on Violence Against Women took testimony in California on the ill treatment of women in US prisons. In 2000 the United Nations Committee on Torture roundly condemned the US for its treatment of prisoners, citing supermax prisons and the use of torture devices, as well as the practice of jailing youth with adults. The use of stun belts and restraints chairs were also cited as violating the UN Convention against Torture. In May of 2006, the same committee concluded that the US should “review the regimen imposed on detainees in supermaximum prisons, in particular, the practice of prolonged isolation”. Despite this international attention, such practices remain common throughout the US prisons system, from federal penitentiaries to county jails.

In 1998 and again in 2005, the AFSC contributed to the World Organization Against Torture and Prison Reform Internationale’s Shadow Reports on the Status of Compliance by the US Government with the International Convention Against Torture. These Shadow Reports, submitted to the United Nations, found that the US was not meeting its obligations under that treaty. Given what has happened at Abu Ghraib and Guantanamo and given that the Executive Branch of the US government seems to sanction torture, it becomes imperative we give more long term attention to what is happening to people in prison in the US.

This year, the AFSC is launching a Campaign called STOPMAX, which has as its goal the abolition of solitary confinement and related forms of torture. We are currently building the infrastructure of STOPMAX, which hopes to hold its first national conference in the summer of 2007. We are hoping to mobilize grassroots activists to push for changes in the public discourse, including changing policy which relegates

people to conditions which are torture. We are also negotiating with activist lawyers who are interested in forming a clinic specifically focused on issues of torture in US prisons.

Conclusion

Oppression is a condition common to all of us who are without the power to make the decisions that govern the political, economic and social life of this country. We are victims of an ideology of inhumanity on which this country was built. If we dig deeper into the US practices that I've talked about, the political function that they serve is inescapable. Police, the courts, the prison system and the death penalty all serve as social control mechanisms. The economic function they serve is equally chilling. Just as in the era of chattel slavery, there is a class of people dependent on the poor, and on bodies of color as a source for income.

The Department of Corrections is more than a set of institutions. It is also a state of mind. That state of mind led to Abu Ghraib and Guantanamo. We need to alter the very core of every system that slavery, racism and poverty has given birth to, particularly the criminal justice system. The United States must stop violating the human rights of men, women and children. We need to decriminalize poverty and mental illness, and in many cases, homosexuality. We must eliminate solitary confinement, torture and the use of devices of torture. We desperately need to redirect the dollars going into prisons that belong in communities, in schools. The link between poverty, race, discrimination, and prisons cannot be denied.

The AFSC has always recognized the existence and continued expansion of the penal system as a profound spiritual crisis. It is a crisis that allows children to be demonized. It is a crisis that legitimizes torture, isolation and the abuse of power. It is a crisis that extends beyond prisons themselves into school and judicial systems. I know each time we send a child to bed hungry that is violence. That wealth concentrated in the hands of a few at the expense of many is violence, that the denial of dignity based on race, class or sexual preference is violence. And that poverty and prisons are a form of state-manifested violence.

Thirty years ago, if you had interviewed me I would have fought any implication of torture in the United States. Now it pains me to know better. The testimonies I read and hear daily have enormous implications for all of us. Whether or not we are particularly aware of these issues, we are paying in many ways including fiscal and human costs. In a system where 95% of prisoners return to our communities, the impact of these practices is felt beyond prisons.

To take away someone's civil rights is something we can and should debate regularly as a society. To take away someone's human rights isn't negotiable. Isolation, torture and the use of devices of torture violate not just international law, but human decency as well.

I want to thank you all so much for hosting this extraordinary series. This gives people like me abounding hope that real social change is possible.