

REPORT TO THE PRISONERS AT MARION
ABOUT THE CONGRESSIONAL HEARING ON MARCH 29, 1984

After receiving many, many requests, recently and over a number of years, for Congressional hearings into human rights violations at Marion, Congress has at last included us in its agenda. On March 29, 1984 the Judiciary Committee Subcommittee on Courts, Civil Liberties, and the Administration of Justice heard from witnesses about the crisis in the federal prison system generally and the crisis at Marion specifically.

In prepared remarks, Norman Carlson, Director of the Bureau of Prisons, made absolutely no attempt to justify the five month long lockdown at Marion. Instead he addressed himself to the histories of the two men convicted of the Control Unit killings, and their purported association with the Aryan Brotherhood, citing them as examples of the "increasingly sophisticated, gang-oriented and violent offender population," stating his views in favor of instituting a federal death penalty. When members of the subcommittee posed that the lockdown appears to violate Bono v. Saxbe,* and that he had not responded to the allegations by the Marion Prisoners' Rights Project of widespread beatings, Mr. Carlson answered arrogantly that he "welcomes litigation in the Southern District of Illinois." Ignoring the fact that many prisoners have filed pro se suits challenging the lockdown and conditions, Carlson denied there was pending litigation. He also stated specifically that he did not appreciate the exposure in the press which resulted from MPRP's report about the beatings and the lockdown.

*Bono v. Saxbe, 450 F.Supp. 934 (S.D. Ill. 1978), orders the provision of minimal procedural safeguards prior to placement in the Control Unit. No such procedures were followed, as you well know, prior to locking down the entire population in Control Unit conditions.

During our testimony, we pointed out that this government should not be run by officials (like Carlson) who violate people's rights and then dare them to sue, especially when the officials know the people have no resources, when they know the court in the district where the prison is located takes forever and is unsympathetic, and when they attack and make false accusations against lawyers who do dare to sue on behalf of the prisoners. We said we would continue to pursue litigation on file and to use whatever forum we could to expose Marion and BOP officials' violations of the prisoners' rights. We then talked about the lockdown conditions, citing as an example of the ridiculous level of repression the recent pattern of beatings occurring when paper wrappers for salt and pepper are not returned on meal trays.

We also addressed the whole question of Marion, piercing the myth perpetuated by the BOP that such a place is necessary, or designed to accomplish any legitimate purpose.

Referring to the inhumane conditions of the Control Unit, now illegally generalized to the whole prison, we quoted two medical experts who testified in court back in 1973 as to the likely result of conditions in the Control Unit - that:

...it could only do harm. It could only do harm for a variety of reasons: One is that the setting in its organization demeans and dehumanizes and shapes behavior which is contrary to that that is professed to be the purposes of the program, that is, it seems to me that it shapes behavior toward violence by accentuating frustration, rage and helplessness and that the violence is either directed inwardly or outwardly.*

*Testimony of Bernard Rubin, M.D., November 26, 1973, in Adams v. Carlson (S.D. Illinois)

In other words, that the October, 1983 deaths in the Control Unit, preceded by the deaths of many prisoners there, could have come as no surprise to Carlson and his underlings, and that such conditions would be likely to continue to breed death and destruction, as the psychiatric experts predicted so long ago.

Carlson's remarks revealed his short term vision - he asserted that the lockdown succeeded in reducing violence, because since October at Marion there had been no murders, and "only" three "minor" assaults on prisoners, and four on staff, seemingly refusing to acknowledge or accept responsibility for the long-run consequences of this cruel policy.

When asked how long he intended to carry on the lockdown, he refused to be pinned down, offering that in the next period of time he might begin to permit some outside recreation for a maximum of two days per week (though he stated that unless forced to by a court, he would never let Fountain and Silverstein see the light of day). He threatened that once they began running yard, they would return to the harshest lockdown conditions once any incidences of violence occurred.

After a lawyer from the ACLU spoke, the subcommittee heard testimony from the president of the guards' union (the American Federation of Government Employees, or AFGE), who had very strong words for Carlson, referring to him as uncaring, "detached and distant," and "more concerned with images like clean floors and nice shrubs than the real problems of employee stress, safety, and personnel needs." He assessed that the prison system is in a crisis stage, breaking down because of "increased societal demands, inadequate resources, and an insensitive and distant management."

He cited insufficient training in self-defense, but also in stress management, psychology and human communication, and understaffing, as major causes for low employee morale. He of course expressed concern over incidences of prisoner assaults on staff.

Interestingly, the AFGE told the subcommittee that it holds no position on the general use of the death penalty.

Other guards spoke briefly, including Larry Hardin from Marion, attesting to his perception of the violence provoked by the Control Unit.

The responses of members of the subcommittee varied greatly, from support for the death penalty (DeWine) to questioning the need for continuing the lockdown (Kastenmeier). Although he is chair of a different subcommittee (Criminal Justice), the Hon. John Conyers (D. Mich.) attended the hearings and showed much concern over the conditions at Marion.

The Subcommittee on Courts, Civil Liberties, and the Administration of Justice includes:

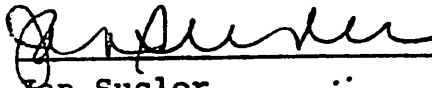
Hon. Robert Kastenmeier (D. Wisc.), Chairman *
Jack Brooks (Texas)
Romano L. Mazzoli (Kentucky)
Mike Synar (Oklahoma)
Patricia Schroeder (D. Colo.) *
Dan Glickman (Kansas)
Barney Frank (Mass.)
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Howard L. Berman (California)
Carlos J. Moorhead (California)
Henry Hyde (Illinois)
Michael DeWine (Ohio) *
Thomas Kindness (Ohio) *
Harold S. Sawyer (Mich.) *

*These members and/or their aides attended the March 29 hearing.

We stressed that this subcommittee needed to take further steps to immediately end the lockdown, and then to go to Marion themselves to view conditions and talk with you all, to conduct an independent investigation, and to convene further Congressional hearings at Marion.

We will continue to encourage Congress to take these steps.

Dated: April 10, 1984



Jan Susler
Jim Roberts
Attorneys
On behalf of MPRP

Marion Prisoners' Rights Project
c/o Law Office
343 S. Dearborn, Suite 1607
Chicago, IL 60604
312-663-5046