

U.S. Political Prison:

Lexington Prison High Security Unit

by Mary O'Melveny*

On August 19, 1988 the United States Bureau of Prisons closed the doors to a small underground women's prison in Lexington, Kentucky known as the "High Security Unit" (HSU). In the less than two years that the HSU was operational, this 16-bed control unit (which never housed more than six women) became a focus of national and international concern over human rights abuses by the U.S. government, and direct proof that political prisoners not only exist in the United States but are the targets of a well-organized counterinsurgency campaign.

Lexington's origins and opening were shrouded in secrecy, without congressional oversight or public scrutiny. By the time the HSU was closed 22 months later, it had been a formal agenda item at the U.S.-U.S.S.R. Summit Conference, had been condemned by national and international human rights advocates (including a 38-page report by Amnesty International in London), had been held by a U.S. federal judge to have been operated in violation of the First Amendment to the U.S. Constitution, and had come to symbolize America's hypocrisy on the issues of human rights and political prisoners.

The government's closing of Lexington is, in its view, a mere transferring of its "mission" to a larger women's facility in Marianna, Florida, a remote area near the Georgia and Alabama borders.¹ Thus, while the particular Lexington experiment may have ended, the government has not disbanded its mission. It is important to examine and analyze Lexington's lessons, particularly as they reflect counterinsurgency within U.S. borders against those who resist racism, genocide, colonialism and imperialism and end up as political prisoners in U.S. jails and prisons.

My first visit to the Lexington "High Security Unit" occurred in December 1986. My client, Susan Rosenberg, an anti-imperialist North American political prisoner, and Alejandrina Torres, Puerto Rican independentista and proclaimed POW, were the first women prisoners in the federal prison system to go to the High Security Unit when it opened in October 1986. The "new" federal underground prison unit was a prison within a prison. Fundamentally, in intent and practice, the HSU was an isolation unit (although the Bureau of Prisons denies this label) intended to closely monitor and control its residents. The conditions were startling. The HSU was in a basement of an old 1930s building,

formerly owned by the Public Health Service, which was "remodeled" in 1986 to house 16 women at a taxpayer expense of approximately \$735,000, and an annual per woman maintenance cost of more than \$55,000, more than the annual cost for women in all other federal prisons.

This modern dungeon bore little relationship to the larger (1,700 inmates) prison at Lexington within which it sat amidst rolling hills and green Kentucky grazing land. Its residents could not see the pastoral landscape which lies past the double-razor wire shrouded building. Ceiling-high windows were so thickly screened that daylight was barely perceptible.² The HSU prisoners lived in constant artificial light. Their only link to the world above was a television set, an occasional ten-minute social telephone call, and less frequent visits from attorneys. The things we take for granted as basic components of human existence—natural light, fresh air, color, sound, human contact, variable smells—were conspicuously, intentionally absent from the lives of the women confined to the HSU. Also denied were those equally important, slightly more subtle human needs—privacy spheres, intellectual stimulation, comradeship, continuing connections to family, friends and caring others, undisturbed sleep, health care, educational and recreational options, and spiritual comforts.

The Political Basis of Assignment To Lexington

The Bureau of Prisons made no secret of the political basis for the designation of the first women sent to this unique experimental control unit. Susan Rosenberg was said to be "associated with the FALN, Black Liberation Army and other terrorist groups" and one who had "threatened in open court to take her armed revolution behind prison walls."³ Alejandrina Torres was also said to be associated with the FALN and with the militant struggle for an end to the colonial domination of Puerto Rico. Both women were to spend nearly three months alone in the underground silence of the HSU,

2. There were two groups of cells separated by a corridor. The women were housed on the "dark side" of the corridor until the summer of 1987 when a tour by the ACLU National Prison Project questioned the basis for the room assignments. Windows on the "light side" were still heavily screened, but were located at regular window height, permitting slightly more light to enter.

3. Memorandum from William A. Perrill, Warden, Federal Correctional Institution, Tucson, Arizona to Jerry T. Williford, Regional Director, Western Regional Office of the BOP dated August 19, 1986, designating Ms. Rosenberg for transfer to maximum security custody status at the HSU. Also cited by Warden Perrill was Ms. Rosenberg's asserted "link" to the 1979 escape of Assata Shakur from prison in New Jersey, even though those charges had been dropped by the government in 1985.

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1. Letter dated September 30, 1987 from BOP Director J. Michael Quinlan to Congressman Robert W. Kastenmeier (Dem.-Wisc.).

surrounded by guards who were tutored to hate and fear them,⁴ their every movement monitored by cameras and in log books, cut off from virtually all contact with families, friends, and political supporters.

In January 1987, Susan Rosenberg and Alejandrina Torres were joined by Silvia Baraldini, an Italian national who had worked for years in the U.S. anti-imperialist movement before her 1983 conviction for conspiracy to liberate Assata Shakur from a New Jersey prison. As with the others, politics formed the obvious basis for this transfer:

Although Ms. Baraldini scores well enough on her Custody Scoring Sheet to be considered for a custody reduction, she is a member of the May 19th Communist Party which is sympathetic to other radical groups including the New African Freedom Front and the FALN.⁵

The Bureau of Prisons advanced two criteria for placement of women prisoners in the HSU. The first was the one it used to try to justify sending all three political prisoners to the Unit:

Candidates for placement in this Unit are those females whose confinement raises a serious threat of external assault for the purpose of aiding the offender's escape.⁶

The second, said to be applicable on only a "space-available basis," was for those women with "serious histories of assaultive, escape-prone or disruptive activity." Later, the BOP's criteria became even more explicitly political:

[A] prisoner's past or present affiliation, association or membership in an organization which has been documented as being involved in acts of violence, attempts to disrupt or overthrow the government of the U.S. or whose published ideology includes advocating law violations in order to "free" prisoners...⁷

No one, once sent to the HSU, could get out unless "the original factors for placement in the Unit no longer apply and when placement in a less secure facility becomes appropriate."⁸ For political prisoners, the message could not have been clearer—renounce the political affiliations and beliefs which had led the FBI/BOP to define them as candidates for the HSU, and they could get out. Fail to do so and remain in isolation, denied all basic components of humane

4. The women reported several occasions where unit guards remarked on having studied them in a special "school" to prepare them for dealing with the "terrorists" who were to be their charges at the HSU. Photographs and profiles were apparently part of the materials studied. During later litigation about the HSU, the government never produced any documents or information about such special training, but one BOP official, Southeast Regional Director Gary R. McCune, admitted that he had attended a special course given by the FBI about how to deal with "terrorists" in prison.

5. December 23, 1986 Memorandum from Pleasanton FCI Case Manager, Terry R. Eanis to Acting Associate Warden Dave Wischart.

6. September 2, 1986 Memorandum from G.L. Ingram, BOP Assistant Director to BOP Regional Directors.

7. September 30, 1987 letter from BOP Director J. Michael Quinlan to Congressman Robert W. Kastenmeier (Dem.-Wisc.).

8. *Op. cit.*, n 6.

existence and political connection, for 35 to 58 years. All were told they had a "one-way ticket" to the HSU.

For nearly two years these women lived alone together, cut off from the rest of the world in all but the most superficial ways. Until their situation eventually provoked outcries from human rights groups, religious communities, families and friends, attorneys and political activists, they existed in a sort of physical and psychic limbo, buried but still very much alive.



Credit: D'Aedalus Productions

Alejandrina Torres, Susan Rosenberg, and Silvia Baraldini (left to right) in Lexington HSU.

The Strategy of Isolation and Denial

The defining feature of the Lexington HSU women's control unit was small group isolation. Isolation as torture is not new. In fact, it began as part of the Nazi experiments at Dachau, used first on the Communists and homosexuals imprisoned there. There is a science to the use of isolation, as witnessed by the fact that all conditions in isolation are remarkably similar. Nelson Mandela's isolation in South Africa's Pollsmoor High Security Prison shared the same essential characteristics as those in Uruguay's "La Libertad" prison/interrogation center.⁹ The isolation units in Italy and West Germany known as "white cells" or "dead wings" are likewise strikingly parallel to the Lexington HSU.

Nearly ten years ago, Amnesty International condemned the use of small group isolation and solitary confinement against the Red Army Faction and 2nd June Movement in West Germany's Stammheim high security prison as "torture or other cruel, inhuman or degrading treatment or punishment" of prisoners, in violation of the 1977 United Nations Standard Minimum Rules for the Treatment of Prisoners, and the 1966 United Nations Covenant on Civil and Political Rights. The detailed Amnesty report on Stammheim chronicled the effects of long-term confinement of these

9. See Maxwell Bloche, "Uruguay's Military Physicians: Cogs in a System of State Terror," Report for the Committee on Scientific Freedom and Responsibility, American Association for the Advancement of Science, Washington DC, March 1987, pp. 6-8.

political prisoners in extreme isolation and described the inhumane conditions they were subjected to in these "high security" wings.

There can be no doubt that the Lexington HSU was conceived by U.S. authorities as an experimental version of Stammheim's isolation wings, and as part of a deliberate effort to destroy revolutionary and radical political prisoners and their capacity to organize support for their politics. The known life-threatening effects of such long-term confinement on the RAF prisoners did not go unnoticed by U.S. counterinsurgency experts, and the reality of Lexington as it unfolded over 20 months made evident that the significant incapacitation of its residents was indeed the intended effect. Thus, at the 1978 U.S.-sponsored "Special Seminar on Terrorism in Puerto Rico" workshop, participants were specifically encouraged to examine the "interesting lessons" from West Germany and Italy and the conditions employed against political prisoners at Stammheim which resulted in the deaths of four RAF leaders.¹⁰

The Conditions Underground

The severe isolation of the HSU was accompanied by sensory and by often extreme voyeurism and sexual harassment by the mostly male staff, as well as sleep deprivation, overt hostility by guards, completely arbitrary rules and rules changes. No meaningful work or recreational opportunities or educational programs were offered. Personal property was forbidden, or so severely restricted as to be meaningless, as a way of establishing an independent identity in the midst of a totally controlled, sterile environment. Twenty-four-hour camera and visual surveillance recorded every word and every activity: moods, illnesses, menstrual cycles, eating patterns.

Correspondence was severely censored for many months. Prison guards prepared logs documenting the names and addresses of every person who corresponded with the HSU prisoners. Telephone calls were also very limited and were not only monitored, but were also the subject of detailed memos analyzing the conversations, listing the names of all people referred to in the conversations, and describing the assertedly "relevant" portions of what was said. These memos went to other agencies for evaluation and follow up.¹¹

The Effects of Lexington on the Prisoners

The more time which passed underground, the more overwhelming the effects. Susan Rosenberg described the conditions as "existential death;" Debra Brown as akin to being "in the grave."¹² Sleep deprivation experiments¹³ led to insom-

10. Terrorism Conference Background materials, pp. 25-6. For more on this seminar, see Richard Harvey, this issue, pp. 42-43.

11. These telephone logs came to light in the litigation brought against the Justice Department in March 1988 (Baraldini v. Meese, Civ. No. 88-0764).

12. Letter from Susan Rosenberg, ABC "20/20" interview with Debra Brown.

13. Sleep deprivation tactics, another common torture technique, occurred sporadically over several weeks-long periods.

According to Dr. Richard Korn, the mission of Lexington High Security Unit was "...to reduce prisoners to a state of submission essential for their ideological conversion."

nia, exhaustion and unventilated rage. So too, the denial of privacy or personal space, coupled with constant sexual harassment either in fact or in threat, and the effort to infantilize the women because of

their enforced dependency on the hostile guards who defined every aspect of their lives.

Early on, the women began to experience some of the predictable psychopathological effects of longterm isolation: vision impairment, memory loss, inability to concentrate, loss of appetite and weight, and lethargy.¹⁴ In August 1987, Dr. Richard Korn, a clinical psychologist and correctional expert, issued his first report for the American Civil Liberties Union's National Prison Project based upon a tour of Lexington and interviews with the prisoners. His findings about the conditions of Lexington were stark. First, he observed that "the power of the institution over the prisoners was total, beyond questioning and accounting, even if it appeared to violate traditional fairness or common sense."¹⁵

Among the factors affecting the psychophysical well-being of the prisoners were rules "tending to depersonalize and deny individuality" (drab, colorless government clothing, sterile and bleak living spaces, denial of adequate reading materials, severely limited personal effects). Dr. Korn concluded that the restrictions imposed upon the women's lives were nothing less than an ideological attack which was "carefully deliberate, in every detail."

The psychological consequences for the prisoners were "evident" to Dr. Korn: claustrophobia, chronic rage reaction, suppressed, low-level to severe depression, onset of hallucinatory symptoms, defensive psychological withdrawal, blunting of apathy. Likewise, there were concrete physical reactions: loss of appetite, marked loss of weight, exacerbation of pre-existing medical problems, general physical malaise, visual disturbances, dizziness, heart palpitations.

Finding that Lexington had "many similarities" to the federal prison at Marion, Illinois and to West Germany's Stammheim prison, Dr. Korn had "no question" about the nature of the experiment being conducted:

to reduce prisoners to a state of submission essential for their ideological conversion. That failing, the next objective is to reduce them to a state of psychological incompetence sufficient to neutralize them as efficient, self-directing antagonists. That failing, the only alternative is to destroy them, preferably by making them

14. See, S. Grassian, "The Psychopathological Effects of Solitary Confinement," *American Journal of Psychiatry* (November 1983), pp. 1450-54; Amnesty Federal Republic of Germany Report; H.D. Nelson, "Long Term Health Effects of P.O.W. Incarceration" (Paper, Resident Talk, December 7, 1987); The Center for Victims of Torture, "Therapeutic Models: A Beginning" (Draft, April 26, 1988).

15. "The Effects of Confinement in HSU" by Dr. Richard Korn, p. 3 (hereafter "Korn Report"), appended to August 25, 1987 Report on The High Security Unit for Women, Federal Correctional Institution, Lexington, Kentucky, by National Prison Project of the ACLU Foundation (hereafter referred to as the "NPP Report.")

desperate enough to destroy themselves.¹⁶

The Effects of Lexington as a "Deterrent"

Bureau of Prisons officials referred endlessly to the "mission" of Lexington. Deterrence was clearly another central feature of that mission. Some political prisoners, such as Carol Manning and Marilyn Buck, were "designated" to Lexington long before they were eligible for transfer anywhere, while others were threatened with the prospect of being sent there. Even though in-prison behavior was so obviously irrelevant to the designation decision, social prisoners at Pleasanton FCI, one of the BOP's general population prisons, were "threatened" with the spectre of the HSU if they did not "behave."¹⁷

In addition to increasing the level of intimidation and control over women in the federal prison system, Lexington obviously served as a chilling deterrent to political activists on the outside, particularly as the BOP expanded its placement criteria to include actions which might "disrupt the government" or membership in groups which advocated "law violations."¹⁸

The Political and Legal Opposition to Lexington

Central to the movement against Lexington was the prisoners' determination not to be broken by the never-ending attempts to destroy them, even as their physical health evidenced the strain. They were joined first by their families, friends and by lawyers who offered crucial support (including women lawyers in Kentucky who immediately mobilized to offer assistance). The Puerto Rican independence movement embraced the issue and played a crucial role in bringing attention to the existence of the Unit and the inhumane treatment of the prisoners. Religious leaders and thousands of other individuals responded to the issue as one of basic human rights, rejecting the Reagan rubric of "terrorism" as a justification for inhumane conditions or political persecution.

A tour in September 1987 by the General Board of Global Ministries of the United Methodist Church resulted in a highly condemnatory report which directly confronted the political issues of Lexington, and the concern that it was a secret experiment in political persecution.¹⁹ Not only did the Methodists' report state that the "extreme isolation...from all meaningful human contact and from any hope of such contact in the future" was "cruel and unusual punishment," but they called for the U.S. government to officially recognize the existence of political prisoners.

In October 1987 the Bureau of Prisons announced that it would close Lexington and move its "mission" to a new, larger women's prison in Marianna, Florida. However, despite the reports by the National Prison Project condemning Lexington as a "living tomb" which was "incompatible" with constitu-

tional guarantees, and the concerns raised by the Methodist Church, Amnesty International, and others, the BOP continued to keep it open, refused to transfer the women to general population facilities, and persisted in defending the HSU as "safe" and "humane." By not backing away from the politics of Lexington, the BOP continued to keep the women there, causing them to suffer the maximum damage from its intolerable conditions.

A lawsuit was finally begun in March 1988 seeking injunctive relief to close the Unit and transfer the women. After voluminous testimony by deposition and at a trial in June 1988, a federal judge ruled on July 15, 1988 that the BOP and Justice Department had unlawfully designated prisoners to Lexington based on their past political associations and personal beliefs.

Judge Barrington Parker found that political views of Silvia Baraldini and Susan Rosenberg which were "unacceptable" to the government could not form a constitutional basis for sending them to Lexington, particularly when their in-prison conduct had demonstrated no basis for finding them to be escape risks. The Court rejected the government's effort to make it a "crime" for prisoners to be "members of leftist political organizations, even if those groups have engaged in unlawful pursuits in the past," and found that the government had failed to document any basis for their assignment other than "their alleged past connections with leftist groups promoting ideas that some government officials did not favor."

While breaking ground on the matter of recognizing the political nature of Lexington — and thus the existence of U.S. political prisoners — the Court rejected the Fifth and Eighth Amendment claims in the lawsuit, finding that the treatment of the prisoners did not constitute cruel and unusual punishment. However, Judge Parker did find that the issue was a close one since the Unit had at times "skirted elemental standards of human decency," particularly in light of the "exaggerated security, small group isolation, and staff harassment," all of which "constantly undermine the inmates' morale." He castigated the government for its "shameful" delays in remedying some of the more egregious conditions, and for operating "a unit that in many respects, measures below acceptable standards for federal prisons."

Amnesty International monitored the Lexington lawsuit, sending an observer to the trial. In August 1988, Amnesty issued its report which defined the HSU as, "an experimental control unit," with a "deliberately and gratuitously oppressive" regime in which:

The constant and unjustified use of security chains, the repeated strip searching, the almost total lack of privacy, the claustrophobic lack of sensory stimuli, freedom of movement, possessions, choice of activities and incessantly small range of contacts cannot be other than debilitating.

Whereas most small security units compensate for any necessary physical limitations by granting prisoners extra privileges and greater autonomy, the reverse appears to

16. *Ibid.*, pp. 19-20.

17. Interviews with Linda Evans and Laura Whitehorn, political prisoners then at FCI Pleasanton, September 1987.

18. *Op. cit.*, n. 7.

19. "Report of Visit by General Board of Global Ministries Team to High Security Unit for Women, Federal Correctional Institution, Lexington, Kentucky," October 15, 1987 (hereafter "Methodist Report").

be the case at HSU.²⁰

In addition, Amnesty's observer found "overwhelming evidence that the prisoners at HSU have deteriorated physically and psychologically during their custody there. There has to be a prospect that one or more will finally resort to suicide should their custody at HSU be prolonged."²¹ Amnesty recommended Lexington's immediate closing and made clear that Marianna "should not replicate HSU."²²



Credit: DAedalus Productions

Political prisoners Susan Rosenberg and Silvia Baraldini under constant surveillance at Lexington. The HSU has been compared to the infamous "dead wings" used to incarcerate IRA suspects in British prisons.

The Government's Response

The government responded to the Court ruling by ignoring its direction to move the women to general population federal correctional institutions. Instead, it designated the three political prisoners to pre-trial holding facilities (Metropolitan Correctional Centers), ensuring that they would continue to experience many of Lexington's most serious health-threatening conditions. It also appealed, a process which may take months or even years.

The new "high security" prison in Marianna, Florida opened for business in August 1988 without shower curtains, educational programs, or even adequate medical staffing. By October 1988 more than 50 women had been sent to Marianna, none of them political prisoners. However, the government was already arguing for an expedited appeal because of

an "urgent" need to transfer four Puerto Rican POWs to Marianna based upon their "FALN" membership,²³ and the government's intent to send other women political prisoners to Marianna remains clear.

Greater control and repression of federal women prisoners will be the hallmark of Marianna regardless of the outcome of the government's appeal from its loss on Lexington. The existence and public acceptance of control units was largely unaffected by the court case. Marion remains locked down, despite national and international criticism of its inhumane conditions, and increasing numbers of state control units are being opened and filled.²⁴

The Lessons of Lexington

In addition to the experiment in new forms of psychological torture, Lexington was an intelligence-gathering mission. The government learned a great deal from the Lexington experiment—about the psychology of women political prisoners, about the effects of long-term small group isolation and the denial system, and about the nature and content of the resistance mounted against the HSU. No surprise that every letter to the women was read, and the sender's name and address recorded. No surprise that analytical memoranda were made of every phone call. No surprise that the government never retreated from justifying the need for the Unit or the appropriateness of its operating conditions.

Lexington opened, existed and "closed" in the midst of increasing retreats from constitutional guarantees both for persons charged in political cases and for political prisoners. Preventive detention and house arrests, together with the imposition of exaggerated sentences in political cases and the deliberate silent complicity of the mainstream press, all set the stage for the inhumanity of a Lexington control unit, and the larger counterinsurgency strategy it represents.

In other countries, the number and operation of special political prisons has been directly affected by the level of public exposure and resistance. These countries at least recognize that political prisoners exist. Thus, the lessons of the Lexington experiment must always be premised on exposing the myth that the United States has none. This done, the political repression and violations of international law which Lexington symbolizes can be more easily recognized and resisted.

The political prisoners held at Lexington, like their counterparts in isolation at Marion and elsewhere in U.S. prisons, were and are victims of psychological torture. They were saved from joining the ranks of the "neutralized" and "disappeared" through growing public education generated by unrelenting political organizing. This model can and should be applied to expose the larger issues of how the U.S. government treats political resistance in the United States, and how to prevent more live burials. ●

20. Amnesty International: USA, "The High Security Unit, Lexington Federal Prison, Kentucky," (AJ Index AMR 51/34/88). Amnesty appended its 15-month correspondence with the BOP about Lexington to the report. Observer's Report, p. 15.

21. *Ibid.*

22. *Ibid.*

23. See government's Motion To Expedite Appeal, filed September 9, 1988 in *Thornburgh v. Baraldini*, C.A. 88-5275 (D.C. Court of Appeals), pp. 6-10.

24. See, e.g., Amnesty International Report on "Allegations of IM-Treatment in Marion Prison, Illinois, USA" (AMR 51/26187), May 1987; "An Uneasy Calm..." Report on the U.S. Penitentiary at Marion by John Howard