

The New York Times

Copyright © 1988 The New York Times

SUNDAY, JULY 17, 1988

Judge Bars U.S. From Isolating Prisoners for Political Beliefs

WASHINGTON, July 16 (AP) — Two women who were held in an isolation unit at a Kentucky prison because of their radical political beliefs were ordered Friday by a Federal district judge to be transferred into regular cells.

"The designation of prisoners solely for their subversive statements and thoughts is the type of overreaction that the Supreme Court has repeatedly warned against," the judge, Barrington Parker, said in his ruling.

Judge Parker barred the Bureau of Prisons from "considering a prisoner's past political association or personal political beliefs" in deciding on transfers in Federal prisons.

Psychological Harm Seen

The ruling came in a lawsuit filed by the American Civil Liberties Union's National Prison Project, the Center for Constitutional Rights, the People's Law Office and private lawyers challenging regulations that allowed the isolation of prisoners based on their political beliefs or affiliations.

It was filed on behalf of three women in the high-security isolation unit at the Federal Correctional Institution in Lexington, Ky. Lawyers for the women

Two women are ordered transferred out of a special unit.

said they had been treated so inhumanely that they might have been permanently harmed psychologically.

Judge Parker ordered the Bureau of Prisons to rewrite its regulations and transfer into the general prison population two of the prisoners, Silvia Baraldini and Susan Rosenberg, who were convicted in connection with terrorist activities by radical political groups.

"Defendants may be concerned that the two plaintiffs will persuade inmates within the general prison population to share their political views, but those fears cannot be accommodated at the expense of constitutional rights," the judge wrote in his opinion. "The treatment of the plaintiffs has skirted elemental standards of human decen-

cy. The exaggerated security, small group isolation and staff harassment serve to constantly undermine the inmates' morale."

'Human Rights Violations'

The third prisoner represented in the lawsuit, Sylvia Brown, had been placed in the isolation unit for reasons other than her political beliefs and was not affected by transfer order, said Alexa Freeman of the A.C.L.U.

Adjoa Aiyetoro, chief counsel to the prisoners, said the ruling was a "tremendous victory," adding, "The decision vindicates the rights of prisoners to hold beliefs based on conscience."

Elizabeth Sink, a lawyer for the Center for Constitutional Rights, hailed the ruling, saying the isolation unit "is an example of the human rights violations that this country engages in."

Warning About New Unit

John C. Cleary, who represented the Bureau of Prisons in the suit, declined to comment on the ruling. At a hearing before Judge Parker last month, Mr. Cleary contended that the women had been placed in the unit because they posed "a risk of external assault on the prison." He said there was no medical

evidence to support assertions that they had suffered psychological harm.

The bureau has announced plans to close the Lexington unit and transfer prisoners to a new high-security unit at Marianna, Fla. Judge Parker warned the bureau to be careful that conditions at the new unit "do not lead to wanton and unnecessary inflictions of psychological pain."

"Consigning anyone to a high-security unit for past political associations they will never shed unless forced to renounce them is a dangerous mission for this country's prison system to continue," he said. "This court is afraid that the Marianna facility will automatically assume many of the problems haunting the Lexington unit."

Ms. Rosenberg is serving a 58-year term for possessing weapons and explosives in 1985 in New Jersey and is one of seven people recently indicted in the 1983 bombing of the United States Capitol.

Ms. Baraldini was convicted of racketeering and conspiracy in aiding a \$1.6 million robbery of a Brink's armored car in Nyack, N.Y., in 1981 that left a guard and two police officers dead. Ms. Rosenberg was linked by law-enforcement officers to the same robbery.