

Committee to End the Marion Lockdown
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March 27, 1993

Attorney General Janet Reno
Department of Justice
Washington, D.C. 20534

Dear Attorney General Reno:

We are writing to you in your capacity as Attorney General of the United States with a concern of the utmost urgency. Your office has the ultimate responsibility for the oversight of the Bureau of Prisons. We find it essential to express our grave concerns over the planned construction of the new "control unit prison," or "administrative maximum security prison," in Florence, Colorado. It is our belief that the BOP is planning what will be the most inhumane federal prison ever built in the United States. However, as this prison will not be in operation for at least one more year, we are still in a position to prevent it from opening as currently planned. We believe that doing so would be a genuine, positive contribution to the nature of imprisonment and human rights in the United States.

For more than a year, we have been calling upon the Subcommittee on Intellectual Property and Judicial Administration, headed by Representative William J. Hughes, to hold public hearings on this planned prison. We have received very little response. We are hoping that your appointment to the post of Attorney General brings a fresh perspective regarding criminal justice in the United States. We understand how busy you must be in these first days of office. However, we must demand your immediate attention on this matter, as many, many lives are in the balance and time is short. We thus call upon you to convene public hearings about this planned prison. Representative Kastenmeier, the previous chair of the Subcommittee on Intellectual Property and Judicial Administration, held similar hearings on the United States Penitentiary (USP) at Marion, Illinois in 1984. Since the proposed administrative maximum security prison in Florence would be the first federal prison specifically built as a control unit prison, it would be a qualitative break with anything the BOP has previously done. As far as we are aware of the plans, the isolating and restrictive conditions at the new prison will be extreme. The psychological damage that will be incurred by the prisoners housed there is a matter of the most serious concern. Congressional hearings would not only allow for a comprehensive investigation into the details of the new prison but would also provide the proper forum in which public concern could be voiced.

If Congress will not heed your plea for hearings, then certainly you could find administrative solutions to this problem since the director of the BOP is under your direction.

We would like to explain to you our opposition to the planned control unit prison and recount to you the difficulties we have faced in trying to obtain information about the new prison. These are the major factors that have led to our request for hearings.

The concept of control unit prisons began at USP Marion when one wing of the prison was turned into a control unit in 1972, to much criticism. When the entire prison was locked down and hence turned into a control unit prison in 1983, the protests escalated. In 1985, the Committee to End the Marion Lockdown, our organization, was formed. Since then we have been campaigning against the brutality of the lockdown at USP Marion.

Prisoners at USP Marion suffer almost total isolation. They are confined to their 8' by 6' cells for an average of 22 1/2 hours per day, during which they speak to no one and see only the guards who deliver their food. Prisoners' access to educational programs and facilities is minimal and work opportunities are virtually non-existent. Communication between prisoners and their families and communities is made extremely difficult by the severe restrictions placed on telephone calls, the censorship of mail and the absence of contact visits. We think that these conditions are inhuman and thus unacceptable. Lack of human contact results in the deterioration of the mind and emotions. Extended isolation is known to cause feelings of resentment, rage and violence.

It is these conditions at USP Marion that the US 7th Circuit Court of Appeals in 1988 described as "ghastly," "sordid and horrible" and "depressing in the extreme." (Bruscino vs Carlson, 854 F.2d 162 (7th Cir. 1988).) We also draw your attention to the startling fact that Amnesty International, the Nobel Peace Prize winning international human rights organization, evaluated USP Marion and concluded that, "there is hardly a rule in the [United Nations] Standard Minimum Rules [for the Treatment of Prisoners] that is not infringed in some way or other." (See enclosure.)

Furthermore, USP Marion has served as a model for an increasing number of similar state prisons in the United States. In fact, Human Rights Watch, a human rights organization located in the U.S., has condemned this "Marionization" of U.S. prisons in a recent report. (We have enclosed their press release announcing the publication of their report.) In addition, the delegation of the Subcommittee on Intellectual Property and Judicial Administration that visited USP Marion in May 1990 concluded that:

"We must continue to develop a more human approach to the incarceration of the maximum security prison population. This is particularly true because the Federal Bureau of Prisons serves as a model for state prisons and for other countries in the world. In fact, according to a survey conducted by the Bureau of Prisons, 36 states now operate Marion style prisons or units within prisons and the lack of standards or controls on the operation of these maximum security ("lock down") prisons is cause for great concern."

The Human Rights Watch report also criticizes the role of control unit prisons in the entire judicial process: "The confinement in 'maxi-maxis' is administered by prison officials without independent supervision and leads to a situation in which inmates may in fact be sentenced twice: once by the court, to a certain period of imprisonment; and the second time, by the prison administration, to particularly harsh conditions. The second sentencing is open-ended -- limited only by the overall length of an inmate's sentence -- and is imposed without the benefit of counsel."

Early in 1990, the BOP announced the construction of a new control unit prison in Florence, Colorado, which would be the centerpiece of a prison complex that would include three other separate prisons. The more we learned about this new prison the more alarmed we became: it appeared that a more repressive version of USP Marion was being planned. All of the feature of USP Marion that continue to violate international law would be present and intensified. Furthermore, the new prison is being built only five miles from Lincoln Park, a Superfund site, the Environmental Protection Agency's designation of the worst toxic waste sites in the United States. This is analogous to the situation at USP Marion where for seven years prisoners have been forced to drink toxic water from Crab Orchard Lake, itself a Superfund site. As you recall, Rep. Kastenmeier, responding to our requests for a federal investigation, visited the prison on May 19, 1990, had the water tested, found it to be contaminated and ordered the prison to find a new water supply.

In response to these initial impressions on the planned control unit prison in Florence, we wrote two articles. We are enclosing them for your information. As we wrote these articles we realized that we didn't know enough. Thus, in the public interest, we began asking the BOP for specific details. Each time we wrote to the BOP, however, we were rebuffed. We then wrote to J. Michael Quinlan, the former director of the BOP, on January 22, 1990 and asked him a set of 57 very specific questions. (We have enclosed this letter and the associated questions for your information.)

We were similarly disappointed when we received the response to a Freedom of Information Act (FOIA) inquiry concerning the new prison that had been filed by a lawyer for some of the prisoners at USP Marion. It read, in part, "The issues you inquired about have not yet been decided. Therefore, no records

exist at this time pertaining to your request." This is indeed a perplexing response given that ground had already been broken for the prison complex and that the BOP representatives and regional governmental officials in Colorado were openly discussing specific aspects of the planned control unit prison. (A copy of the FOIA denial and the lawyer's reply are enclosed.)

Faced with this lack of response we started a public campaign to have our questions answered, a campaign to find out basic information which should already have been provided to the public. We and many concerned people across the country who oppose the use of control unit prisons started sending these questions to many members of Congress. Two months after we initiated this campaign, and seven months after posing these questions to Mr. Quinlan, the BOP issued an official response written by Dan Dove, Chief, Office of Public Affairs. (A copy of this letter is enclosed.)

Despite the detail of this letter, it contains many evasions and distortions which we describe in our reply to him (enclosed). We are thus now appealing to you as Attorney General with ultimate responsibility for the Bureau of Prisons. We would like specific, meaningful answers to our questions. We know that you agree that the public, whose money is financing the construction of this planned prison, is entitled to answers to these questions. We also believe that you, in your position, will also be interested in specific answers to these questions in order to determine whether the BOP is constructing a prison that is really needed for security or one that will violate human rights and draw the critical eyes of the international community.

Since, as noted above, USP Marion has been found to violate the United Nation's Standard Minimum Rules for the Treatment of Prisoners, we have no doubt that the control unit prison planned at Florence will result in even greater violations of international standards. We believe that a just society would not condone such an institution, yet the BOP insists on embarking upon this course with no accountability to the people who live in this country. We hope you will respond positively to our request for public hearings.

Sincerely,

Nancy Kurshan

cc: Bill Clinton, President