

Committee to End the Marion Lockdown  
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COPY OF LETTER MAILED  
TO EACH COMMUNITY  
BIDDING ON SUPERMAX  
PRISON

Dear Mr. Dougherty:

It has come to our attention that Soyland Power Co-op, Inc. has tendered a bid for the supermaximum security prison planned for Illinois. Our organization, along with many others, adamantly oppose the construction of a supermax prison in this state. Indeed, a spirited campaign has already been launched in the Chicago area against the supermax proposal, and plans are now being formulated to target the bidding communities. We ask you to consider the information that follows, as we are quite certain that neither the Illinois Department of Corrections nor your state representatives have made this data available to you. We are confident that after considering the information outlined below, you will reconsider your preliminary interest in having such an institution constructed in your community, withdraw your bid, and issue a public statement denouncing the construction of a supermax prison anywhere in the state of Illinois.

As you may be aware, the United States Penitentiary at Marion, Illinois was converted into a control unit (supermax) in 1983. This was the first such institution in this country. Our organization was founded in 1985 in order to monitor and oppose the brutal conditions of Marion, to fight against the proliferation of supermax prisons in this country, and to publicly expose the racist nature of these prisons. Our membership includes lawyers, legal workers, educators, social workers, clergy, public health officials, political activists, and students. Our supporters number in the thousands and contribute to our work actively and financially.

In May of 1991, Indiana opened a supermax prison, the Maximum Control Complex in Westville, Indiana (MCC). Indiana's experience provides the best empirical data available on the supermax question and is certainly relevant to Illinois' decision

to build such an institution.

Initially, it is important to recognize that Indiana invoked the identical rationale to build the MCC that proponents of an Illinois supermax are currently employing in their campaign literature and public statements: if the most unruly prisoners/"worst of the worst"/predators are removed from the general prison population and placed in a supermax prison, then the rest of the prison system can become less restrictive, and rehabilitation programs can be instituted and function more effectively. This rationale is patently erroneous, and a brief survey of the Indiana experiment highlights the absurdity of this reasoning.

First, since the MCC was opened in mid-1991, Indiana has suffered two of the longest prison lockdowns in United States' history - at the Indiana Reformatory in Pendleton and at the Indiana State Prison in Michigan City. Programs and services were virtually eliminated during these nearly year long deadlocks. Lockdowns, even those which last for only a few days, are rarely employed and are officially recognized as a severe form of control and repression. Thus, rather than creating less restrictive conditions in the general population, Indiana's removal of the alleged predators created qualitatively harsher conditions and violence in the rest of the system.

In addition, Indiana has now announced and instituted plans for a second supermax prison in southern Indiana. Hence, the uncontested reality is that neither violence nor resistance decreases simply because a few hundred men have been permanently segregated from the general prison population.

Finally, since Indiana's MCC opened, prisoners at that institution have engaged in two of the longest and most widely-reported hunger strikes in United States' prison history. Moreover, prisoners at other Indiana institutions conducted sympathetic strikes and protests in solidarity with the hungerstrikers at the MCC.

Thus, not only do supermax prisons not accomplish their stated goal and official mission, but these institutions foster and promote the emergence of additional problems that threaten to rock the security of the entire prison system. Indeed, former Illinois Department of Corrections directors, Gayle Franzen and Michael Lane, both self-described "hard-liners," were adamantly and publicly opposed to supermax prisons, reasoning that they sought to "solv[e] one problem with the creation of a much larger one."

It is important to understand that the construction of a supermax prison in Illinois would signal a qualitative change in this state's penalogical evolution. Supermax prisons (or control

units) by their very nature and design violate the rights of the men held in these institutions. Supermax prisons differ intrinsically from lesser security prisons in three principle respects. First, unlike maximum security prisons, where prisoners are out of their cells an average of 13 hours per day, supermax prisons are permanent lockdown facilities. In other words, prisoners are caged in their single cell approximately 23 hours per day.

Second, supermax prisons employ isolation, control, and behavior modification techniques. Prisoners are not allowed to communicate with other prisoners. Since the trend in these institutions is to utilize solid steel doors, rather than bars, complete isolation is virtually assured. Prisoners must eat, sleep, and live their entire lives alone in a cell. There is no congregate exercise or religious service. Censorship of reading materials is strict, and educational program via correspondence courses are severely restricted.

Prison officials seek to curtail any expressions of creativity or individuality by the prisoners. Basic human needs such as human contact, communication, and individuality are viewed by prison officials as a threat to the smooth running and security of the institution and are, therefore, proscribed.

Visits by family members, often critical to a prisoner's psychological well being, are restricted and take place under such oppressive conditions that many families refuse to return. Last year, at Indiana's MCC, for instance, after a two-hour delay while prison officials attempted to deny a pre-approved visit by a prisoner's father, the father suffered a heart attack when his son was finally brought out, and he saw his son's deteriorated physical condition and observed his abusive treatment by MCC guards.

On the rare occasion when a prisoner has an opportunity to leave his cell, he is full shackled (hands, feet, and waist) and flanked by several guards. Minor rule infractions result in severe punishment ranging from a prisoner being fully strapped down to his bed to a visit from a cell extraction team (guards in riot gear with mace and steel-tipped rib-spreaders).

Finally, a prisoner is designated for transfer into a supermax prison as an *administrative* measure, as opposed to a *punitive* measure. The legal effect of an administrative transfer is that the prisoner has no legal recourse to challenge the designation. A punitive transfer, on the other hand, would require at least the minimum requirements of due process.

Not only can a prisoner not challenge his administrative designation, but he can be held indefinitely in a supermax because of that designation. Supermax prisons are unique in this

respect. Standard procedure in non-supermax prisons would require that a prisoner be returned, as of right, to the general prison population at the conclusion of his punitive segregation term.

It is precisely these conditions, i.e. permanent lockdown, isolation, and administrative designation that led Amnesty International, the Nobel peace prize-winning human rights organization, to condemn the United States penitentiary at Marion, Illinois, and to write two letters of inquiry and condemnation to the Indiana Department of Correction regarding the supermax prison at Westville. (See Appendix A attached). Amnesty found that both institutions violated virtually all of the United Nations' Standard Minimum Rules for the Treatment of Prisoners.

In addition, Human Rights Watch, another esteemed human rights monitor, in its annual survey of the United States' prison system, found that the single most disturbing aspect of the U.S. prison system was the proliferation of supermax prisons:

Human Rights Watch deplores the fact that 36 states have followed the example of the maximum security prison in Marion, Illinois, to create super maximum security institutions. The states have been quite creative in designing their own "maxi-maxis" and in making the conditions particularly difficult to bear, at times surpassing the original model.

As a result, inmates are essentially sentenced twice: once by the court, to a certain period of imprisonment; and the second time, by the prison administration to confinement in "maxi-maxis" under extremely harsh conditions and without independent supervision. This second sentencing is open-ended and limited only by the overall length of an inmate's sentence and is meted out without the benefit of counsel. The increasing use of "prisons within prisons" leads to numerous human rights abuses and frequent violations of the U.N. Standard Minimum Rules for the Treatment of Prisoners.

Weschler, J., Prison Conditions in the United States (Nov. 14, 1991).

Thus, while hardcore proponents of this prison may suggest that Illinois' supermax, unlike every other supermax in the country, will not violate international standards, this is

patently untrue. By their very nature and design - control, isolation, and permanent designation - these prisons function to violate an individual's rights. Moreover, as Human Rights Watch found, these prisons inherently breed additional abusive practices by prison personnel.

Not only have these supermax prisons resulted in international scrutiny and condemnation, but massive class action lawsuits have been filed against each such institution in this country. For instance, at Pelican Bay in California, a state supermax prison, a federal district judge, in an unprecedented move, ordered a prestigious private law firm to investigate conditions at Pelican Bay commenting that "he had never seen such a flood of serious complaints from one California prison." (See Appendix B attached). Additionally, a class action suit was filed by the Indiana Civil Liberties Union on behalf of the prisoners at Westville's MCC alleging that conditions of confinement at the prison violated both federal and state law. (See Appendix C attached). The Indiana supermax suit continues to capture public attention and secure front page headlines throughout Indiana. Moreover, legal research reveals literally hundreds of similar lawsuits filed against each supermax prison in this country.

In a state such as ours, where 65% of the state's prison population is Black, and a survey of supermax prisons across the country reveal even more staggering percentages of Black men (Indiana's supermax, for instance, is 85% Black), to bid on, not to mention build, a supermax will quickly transform your small community into a veritable magnet of national and international opposition and condemnation, thereby creating or increasing already existing racial tensions. Soyland can be certain that mass demonstrations, public protests, and organized opposition are virtually assured if your community wins the supermax bid and decides to pursue the construction of this high-tech dungeon.

Indeed, wide-ranging multi-racial opposition has plagued the day-to-day operation of supermaxes throughout the United States. In Indiana, spirited press conferences, mass demonstrations, and large student protests brought the issue to the forefront, tearing the local community apart and sparking the much-publicized question, "Is Valparaiso, Indiana just another Simi Valley?". (See Appendix D attached). Similar actions are, and have been, taking place at other control units in the country. (See Appendix E attached).

Opposition to supermax prisons comes from within the ranks of corrections officials as well. It is interesting to note that the attrition rate at supermax prisons numbers among the highest in overall DOC employment. For instance, several employees and guards at Westville's MCC voluntarily left their employ at the prison and issued public statements censuring the spartan

brutality and isolation of the prison.

We consider the issue of human rights and racial equality to be paramount, and indeed dispositive, of the supermax debate. Soyland ought properly consider these compelling facts, particularly since a successful bid for the supermax prison merely presents a mirage of economic prosperity. Not surprisingly, many small rural communities, desperate to bid on prison proposals that promise local jobs, have fallen victim to this false "economic boon" ploy. (See Appendix F attached).

As an initial matter, the jobs created by the construction of a new prison will not go to the local community. Residents of Decatur must remember that the proposed supermax prison will be the highest security prison in Illinois, not to mention one of the most technologically sophisticated prisons in the United States. As such, virtually all positions at the proposed supermax will be filled by present DOC personnel, particularly by those individuals transferring from the state's three existing maximum security prisons. Indeed, our sources indicate that preliminary advertisements for many of the proposed positions have already been issued on a system-wide basis throughout the Department of Corrections.

Second, as you are no doubt aware, four newly constructed prisons in Illinois remain empty as of this writing due to state budget restraints. It has already been widely publicized, and in fact, the Illinois DOC has recently admitted, that the 60 million dollar price tag for the supermax is grossly under-estimated. (See Appendix G attached). Therefore, it appears likely that its final construction, staffing, and operating costs will present a contentious legislative battle in the coming years. Finally, Soyland would do well to consider the possibility of protracted litigation seeking to enjoin the construction of this technological demon.

In summary, Soyland Co-op, Inc. has made a perilous decision to bid on a prison that Amnesty International and Human Rights Watch have determined violates virtually all of the United Nations' Standard Minimum Rules for the Treatment of Prisoners. To ignore the facts presented herein is to place this community's quest for better economic conditions above issues of human rights and engage in a deliberate policy of institutionalized racism. We, therefore, ask that you inform the members of your community of these facts, that you provide copies of the enclosed materials to anyone currently supporting the supermax proposal, and that you hold public hearings to democratically discuss these issues. We feel confident that after review and reconsideration, you will withdraw your bid for the supermax prison and publicly denounce its construction.

We would be pleased to meet with you or provide additional information at any point in this process. It is time to take a stand for justice and equality. We ask that people of goodwill unite and publicly reject this ill-conceived proposal.

Yours Truly,

Joey Mogul  
Committee to End the Marion Lockdown

enclosure