

mates so separated is greatly outweighed by the increased security and other measures necessitated when inmates' contact with their families on the outside is minimized."

In an interview with Smith, *EIR* asked him to amplify on his Aug. 27 City Council testimony, as well as to describe a May 1997 incident in Youngstown, in which the CCA's warden, Willis Gibson, had used tear gas against the inmates without warning, and without any physical threat posed to prison personnel by the inmates (see interview, below).

At the end of his testimony, Smith pointed out, "There is no act more profound than for the state to deprive a person of her or his freedom through incarceration. Given the solemn nature of this responsibility, is it appropriate to turn over the execution of a sentence of incarceration to a private entity on a profit-making basis? . . .

"Each of the three branches of government are involved in the operation of the criminal justice system: The legislature proscribes the conduct that is deemed to be criminal, the executive prosecutes crime, and the courts rule on guilt and decide on punishment. Because the liberty of an accused is at stake, our legal system requires that enormous care be taken at every stage. . . . For most public functions there is a private sector analogue and the privatization question turns on where the line is drawn between the public and the private activity. Thus, it is a different question when we discuss the privatization of public schools . . . [and] the construction of public buildings. . . . Only the state confines persons to prison. . . . It is unseemly at best to turn this key component of the criminal justice system over to private parties to operate for private gain."

The dehumanization of America

The privatization of prisons can be seen, in this context, as a most terrifying application of Bernard de Mandeville's (1670-1733) notion that "private vices" foster "public virtue." Increasingly, the nation is assuming, through the "privatization"—that is, *dissolution*—of the public welfare, the features of a criminal enterprise. Legalized gambling, the decriminalization of drugs, the virtual legalization of prostitution, have all been tolerated. Why, therefore, not profit from crime? On the one hand, various "entrepreneurs" promote addictions of all types. The individual who is so seduced, loses his powers to resist the impulse of addiction, termed by the pro-vice-legalization proponents, both ideological and "profit-motivated" (such as the fascist monetarist Milton Friedman), as morally indifferent "choice." The victim's addiction secured, he commits an "illegal" act to support his habit, and lands in a jail, now converted to a non-unionized slave-labor camp, with paltry to non-existent health or rehabilitation facilities. Then, there are those who are imprisoned for their political beliefs, as occurred with LaRouche and his associates, or imprisoned for no reason, other than convenience or bias. A few of the most resilient will fight back, but the rest will be broken, ground up into

an involuntary army of slave laborers.

The breaking of the will, however, is not only aimed at the potential leaders. D.C. prisoners who were afraid of being assaulted or killed by other prisoners at the Youngstown facility, were given the choice of transferring to the maximum security facility known as "Super-Max." "These prisoners are confined to cells all but a few hours a week," Smith said. "They are held in their underwear and kept in shackles, belly chains, and handcuffs at all times when outside their cells, even in the shower. The lights are on in their cells 24 hours a day, visits are limited to one hour a month, and phone privileges to one 10-minute call every 15 days."

The dehumanization is extended to the families as well. "Visiting family members are treated rudely and sometimes subjected to humiliating searches. Several women report being required to disrobe partially in an area visible to other visitors, prisoners and staff."

Lyndon LaRouche, himself a victim of the criminal abuses of the prison system, has stated that, when one reflects that the U.S. rate of incarceration is, by all available indicators, the highest in the world, that, outside of those imbeciles who believe in Nazi "race-science," rational people must conclude that, either America's population is the most criminal in the world, or that there are drastic inequities in our penal system. Nowhere is this clearer than in Washington, D.C., a city where 50% of the African-American male population is either in jail, on parole, or awaiting action in a law-enforcement dispute. That fact, betrays a great injustice, which, with the Control Board Coup of 1996, has been, not corrected, but compounded.

Interview: Jonathan Smith

An eyewitness report from CCA-Youngstown

Mr. Smith is the executive director of the D.C. Prisoners' Legal Services Project.

On July 10 and 11, he visited the Corrections Corporation of America (CCA) facility in Youngstown, Ohio, to investigate client complaints filed with the D.C. Prisoners' Legal Services Project. "I learned of very disturbing allegations of abuse, of a dysfunctional classification system and of inadequate medical and mental health care," he says.

Smith interviewed close to 50 inmates, and spoke with staff members and the warden of the facility. He attempted, without success, to persuade the D.C. City Council, which

had voted on Aug. 29 to contract with the CCA to send inmates to Youngstown, to “require that the contract be modified to include terms that will protect both the District and its prisoners from improper and unconstitutional conduct by the private operators.”

One episode in particular exemplifies Smith’s concerns. On May 30, four of the cell blocks, without warning, and without provocation, were tear-gassed. While the immediate cause of the incident was the refusal of a small group of inmates to cooperate with a lock-down order, the warden, Willis Gibson, “admitted to me, contrary to reports prepared by staff, that no one was in danger and property was not threatened at the time of the gassing.”

Not only were prisoners not given medical attention, although several required it: They were not even allowed to shower. Handcuffs and other restraints prevented others from removing the gas from their eyes. “After being handcuffed, each prisoner was led out of the cell block with a guard on each arm. As they exited the unit into the main hallway, they were pushed up against the wall and held there as a guard sprayed them directly in the face with Mace. . . . The only relief they could obtain from the Mace that had been sprayed on them was to dip their heads in the cell toilet.

“It was only after the passage of several hours that the handcuffs were taken off and prisoners were permitted to wash the Mace off of their faces. By this point, the skin had begun to peel on many of the prisoners. It is clear that chemical force was being used purely as punishment in these cases. If the events occurred as described to me, and I believe that they did, prisoners’ civil rights were violated. In my view, this incident was the result of inexperienced and poorly trained staff, insufficient oversight by the District of Columbia, and poor judgment by senior correctional officials.”

Excerpts of EIR’s interview with Smith, conducted by Dennis Speed, appear below.

EIR: You mentioned that it was your view that the rights of prisoners had been violated at the Youngstown facility. What are the rights of prisoners?

Smith: What I’m referring to, specifically, is the protection from the excessive use of force. What the Eighth Amendment says—you’ve got eight or nine words, which essentially say, that people cannot be subjected to “cruel and unusual punishment.” The court has got to derive from those words some meaning, when confronted with real-life, factual situations. One of the ways in which those factual situations occur, is when force is used against prisoners. And the court said, not all force is a problem; some force is appropriate and justified. But, where the force reaches a certain point, of being excessive, it is not justified. And that is when the pain is either inflicted as punishment, force is used in punishment, particularly in a context like this, where there is no due process, or if it is more than is necessary to address a particular security risk, and you place someone at risk to their health or safety.

So, whenever you use a weapon—chemical force, something like that—there has to be some justification for placing people’s life and health at risk.

Certainly, here, everybody freely acknowledges that there was no threat to property, no threat to persons, but a refusal to go back into the cell blocks. The correction staff knew that they were able to talk them back into the cell blocks, based upon the experience they had the day before. The use of chemicals against these prisoners, either in order to compel their action, or ultimately, when they were simply restrained, spraying them in the face with some form of gas, either Mace or pepper spray, purely as punishment, is excessive force, under the Eighth Amendment, and violates their rights.

One thing that we’ve learned since that testimony, which is interesting, is that the gas that was used against the prisoners on that day is something called CS gas. It’s a military-derived form of tear gas, and is licensed for use only out of doors, because it’s so dangerous.

EIR: Is that the same gas that was used at Waco?

Smith: I think it is, but I’m not certain.

EIR: What are the effects of long-term exposure to Mace? You said that the skin began to peel on the prisoners.

Smith: Well, you’ve got a number of things. It causes extreme pain, particularly in the eyes, the mucous membranes of the nose and the mouth. There have also been two incidents that I’m aware of, where prisoners have been sprayed on their genitals with pepper gas, while restrained.

With Mace, the eyes begin to run, to wash out [the chemical]. It can cause the skin to peel, particularly around the lips and nose. For people who have any kind of breathing disorder—asthma, emphysema—someone who might have a compromised immune system, or related infection, it can interfere with breathing. We’re particularly worried about the asthmatics, because it can trigger an asthma attack. If someone has a cardiac condition, it places them at a higher risk for some kind of cardiac event—heart attack, some form of hypertension.

With pepper gas, it is like taking the hottest form of jalapeño pepper you can imagine, and rubbing it against someone’s genitals. It’s extremely painful.

EIR: You said that 70% of Warden Gibson’s staff in Youngstown had never worked in corrections before. Who are these people?

Smith: CCA moved into Youngstown because there’s a very high unemployment rate, and they could get land and labor there very cheap. And they cut a deal with the Youngstown folks to get all kinds of tax breaks. And, as I understand it, they were practically *given* the property upon which to build the prison. They then hired local folks who were unemployed. Youngstown has had a terrible economic problem

since the closing of the steel mills.

EIR: So, you have a formerly industrial workforce. The plants close down, or move out. Everybody is out of work. Then you create prisons in the area, and you take the unemployed labor, people who used to work for \$15-17 an hour, and now they're working for—what are they being paid?

Smith: One of the guards told me that the starting salary for front line guards is \$15,000 a year. That's about \$7 an hour. They are essentially the sons and daughters of unemployed steel workers.

EIR: You reported another incident in which guards used tear gas in the gymnasium in order to break up a fight. What happened?

Smith: I think that what happened here, was that you had guards who had no idea how to handle the situation, and they freaked. They just used gas because they didn't know what else to do. There are experienced staff, who *will* defuse these situations. You can remove some of the people from the gym quickly, you can secure the individuals involved in the fight; there are lots of ways to deal with that situation, short of using force. And in fact, you create a hazard to everybody, when you start to do something like gas everybody in a closed space. Because, you create panic. Everybody wants to get out, and the chances of someone getting hurt increase dramatically. You can't see what's going on, people are rushing you, they're desperate to get out of there, and the risk to staff is tremendously increased when you do something like that. I think you just had folks who didn't know what to do, so they shot off a gas canister.

EIR: In the "Super-Max" [maximum security] unit, you said that the men are not allowed reading or religious material, social visits, or telephone calls?

Smith: That's correct. Now, that's changed slightly. They're allowed one ten-minute phone call every 15 days, and one two-hour visit a month. They *still* do not have reading material, they still do not have religious material. . . . Interestingly, I now have the paperwork for four or five of [the men in Super-Max]. The justification for being confined to the high-security unit, is problems that they had *prior to their transfer to Ohio*. None of them have been charged with offense against prison discipline in Ohio. They just went back to their records and found things that had occurred, some of them ten years ago, and they are using that as the basis to keep them there.

EIR: You report that, for the Youngstown facility, there are 19 medical staff, but only one physician. That physician has no experience treating patients with HIV. Do you have any estimate of what the HIV infection rate would be in that location?

Smith: Well, the rate throughout the department is about

10%. I have no reason to believe that this population would be any different.

EIR: How many people are in Youngstown as a whole?

Smith: There are now 1,500 D.C. prisoners in the institution. There were, for a short period of time, 200 Arizona prisoners, who were returned to Arizona. They were there on a temporary basis, while they rehabilitated a prison in Arizona. So, right now, there are 1,500 in the facility, and they are all from D.C.

EIR: Why are people who are ill, not allowed to have various medications? You indicated this was occurring for psychiatric cases, as well as physical problems.

Smith: I think it comes down to two or three reasons. There's pressure on the contractor to keep the costs down. State-of-the-art HIV care is very expensive, and state-of-the-art psychiatric care is very expensive. I think that's one factor, and the doctor actually told some of our clients, that he couldn't prescribe medications that were expensive. I haven't been able to document it, but I've heard it from enough clients, frankly, that I believe them, that on some occasions, the doctor actually said that.

The second thing is, I think that they don't have the capacity, with the staff that they have, to have real treatment plans for people who have chronic illnesses, or any kind of capacity to deal with chronic illnesses. And so, they just simply, through an overwhelmed system, have been unable to figure out how to start people on medications, monitor their medications, get them back for renewals, do the blood work necessary to make sure that the medications are at the right levels. The reason is, that apparently, of the 1,500 that are there now, Corrections Corporation of America claims that D.C. didn't send medical records for 400 people. D.C. claims they sent them, and CCA lost them, but the result is the same. There are no records on these 400 guys. And they're not treating them, until they get the records, which is madness. At worst, you could just work them up again.

EIR: That's almost 30% of the people up there.

Smith: That's correct. And so, those guys aren't getting treated. The system is completely overwhelmed. If you assume that there are 150 people with HIV, you have to see each of those guys for medication renewal, and for basic medical, probably at least once a month, assuming that they're stable—and that's just the HIV patients. Add to that the very high level of cardiac illness, asthma, mental illness. By the time you do that, you need at least one provider who is probably doing nothing other than the routine chronic illness, monthly monitoring review, renewing of prescriptions. On top of that, you've got acute care, trauma, sudden illness, and then your basic sick call. With that staff, it's simply *impossible* to do that. You need to add additional providers, because of the high acuity of illness in this population.

I don't care whether this doctor had spent 40 years in prison, or just walked off the street, or was the most energetic guy you could find. There's no way the job could be done with that staff.

EIR: Are there any cases of disease-resistant tuberculosis there?

Smith: I don't know. It's possible. Part of the problem is that they don't do cultures and sensitivities in the District. So, if you get somebody who has infectious tuberculosis, they just start you on whatever their regime of drugs is, without doing sensitivities. So you don't know, even, really what the incidence of multiply-resistant TB is that we have in the District. Because our public health system has completely collapsed.

EIR: The strain on the families undergoing this "distance incarceration" is severe.

Smith: I know that families are having a tough time. The cheapest public conveyance out there is \$50. That's a bus service that sprang up to take people to the prison door. It's kind of a gruesome thing, because they leave at midnight on a Friday night; they get you out there in time for visiting, which starts at ten in the morning. Then at five o'clock, you climb back on the bus and you drive overnight to get back to the District early Sunday morning. So, these families are completely wrecked by the time they do that trip. Fifty dollars is a lot for a lot of people, and it's hard to go very often, or to bring kids along—it's \$50 a head. It's a grueling experience. On top of that, they put in a new telephone system in the last couple of weeks; this service costs \$2 to connect, and then it's \$2.50 for every minute, and it cuts you off after ten minutes. You have to start over again with the \$2 connect fee.

Interview: Dr. Andres Taylor

Funds for higher education cut in half

Dr. Taylor teaches English at the University of the District of Columbia (UDC). He was interviewed by Dennis Speed.

EIR: There have been traumatic changes proposed and implemented at the university in the 1990s. Could you tell us something about this?

Taylor: In the last five years, the university has lost over 50% of its funding.

EIR: And it's already reduced several of its programs?

Taylor: Practically all of our graduate programs have been scuttled. We may have, at most, a half-dozen left.

All our graduate programs in business were eliminated. Our programs in mathematics, chemistry, physics. And those were our *best* programs. We had first-rate programs in the sciences. We still have the law school, but the law school came as the result of a merger. We didn't develop it. It was merged with the university by an act of the City Council. So, the law school is still hanging on. The graduate program in history is gone. We have a graduate program in psychology and counseling, hanging by a thread.

EIR: You lost a lot of your undergraduate degree programs also, right?

Taylor: Yes, among them history; but more than that, the programs that are left have been so drastically reduced, and we've lost a lot of our associate degree programs. We inherited a lot of those from Washington Technical Institute, which was a junior college. UDC was formed as a result of merging a junior college, a teachers college, the District of Columbia Teachers College, and Federal City College. Those mergers took place in 1976.

EIR: How many students regularly attend the school?

Taylor: We now have 5,200 students. In 1981, we had 15,800.

EIR: So, the student body has been reduced by two-thirds.

Taylor: Correct. The most drastic cut has come in the last year. In 1996, at the end of the spring semester, we had 10,800 students.

EIR: So, the student body has been cut by 50% in one year!

Taylor: In one year. The cuts in funding started in 1992, when the university's budget was—people argue whether it was \$71 million, or \$77 million. I don't remember the exact number. It is now less than \$37 million.

EIR: So, in five years, the budget was cut in half.

What's the significance of UDC as a college? I understand it has graduated prominent people in several fields.

Taylor: UDC regularly graduates 1,000-1,500 students per year, and many of them have been outstanding. Sharon Horton graduated from UDC in 1987, and she finished her Ph.D. program at Stanford University in neurobiology. She was the first black woman to receive a Ph.D. in that field. She is now a research fellow at Southwestern Hospital in Houston, Texas. One of our graduates is the superintendent of the Dayton public school system. We have graduated 20,000 students since the merger [in 1976].

UDC is the land-grant university for the District of Columbia, and most of the students that attend UDC are adult working people.