

"Dismantling the Prisonhouse of Nations II:

The Treatment of Prisoners in the US"

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There are two key criteria for evaluating national incarceration policy: 1) the *number of citizens that are incarcerated* in a nation, and 2) the *treatment of those prisoners*. US incarceration rates -- the highest in the modern world -- and their causes, are thoroughly explored in "Dismantling the Prisonhouse of Nations: A Socialist Prison Reform Proposal".
http://combatingglobalization.com/articles/dismantling_the_prisonhouse_of_nations.html

The present article focuses on the treatment of prisoners in the USA.

The Treatment of Prisoners in the US

During the "War on Crime"/"War on Drugs" of the 1980s, 1990s, and the beginning of the new millennium, few US politicians have wanted to appear to be soft on crime and most of them endorsed the neoconservative Republican prison policies that have shaped the treatment of prisoners that prevails in US prisons today. Specific rules for judging the treatment of prisoners in any country are published by the United Nations in *Standard Minimum Rules for the Treatment of Prisoners* which was approved by the UN Economic and Social Council of which the US is member. <http://www2.ohchr.org/english/law/treatmentprisoners.htm>

The list of US violations of these rules is extensive and includes:

- **Racial discrimination.** The US Department of Justice reports, "At midyear 2008, there were 4,777 black male inmates per 100,000 U.S. residents being held in state or federal prison and local jails, compared to 1,760 Hispanic male inmates per 100,000 U.S. residents and 727 white male inmates per 100,000 U.S. residents."

<http://www.ojp.usdoj.gov/bjs/prisons.htm> This racial disparity of incarceration puts the US in clear violation of the UN basic principle of non-discrimination (6.1)ⁱ.

- **Prison size (population).** 48% of all US prisons exceed the UN recommended size of penal institutions to insure individualization of treatment (500 inmates); 30% are twice the recommended size (greater than 1,000); and 4% are over five times the optimal prison size (2,500 inmates or more) (63.1).
<http://www.ojp.usdoj.gov/bjs/pub/pdf/csfcf05.pdf> The remote locations of most large US prisons do not allow prisoners to remain in contact with their families and reputable friends through regular visits as stipulated by UN rules (37).
- **Prison and jail overcrowding.** As US prison and jail populations continue to grow, overcrowding which affects the health and safety of inmates and guards alike is becoming endemic. Double-celling, which often leads to conflict and violence and is allowed as only a temporary response to overcrowding under UN rules (9), is becoming common practice across the nation. In the past, prison overcrowding has led to widespread prison unrest and riots. <http://www.monthlyreview.org/0903vogel.htm>
- **Inadequate healthcare.** Not only is routine health care inadequate, but many prisoners who have been diagnosed with chronic illnesses do not receive prescribed treatment (22, 62). With the rollback of social services under neocon state and federal administrations during the last three decades, many individuals who could be treated as outpatients or should be committed to public psychiatric care facilities are entering the criminal justice system and ending up in prison, an explicit violation of UN standards for the treatment of insane and mentally abnormal prisoners (82). Mentally ill inmates celled within the general population often create intolerable conditions that endanger prisoners and guards.
- **Lack of meaningful education and rehabilitation programs.** Education and rehabilitation programs have been widely underfunded under neocon prison policies and in many institutions existing practices violate the guiding principles for rehabilitation of prisoners (58, 59, 65). Prison overcrowding has further undermined these programs.
- **Denial of due process for prisoners.** Prisoners' access to legal resources and the courts to address legitimate grievances over prison conditions or treatment, a basic legal right recognized by the UN (36), has been severely restricted under neocon rule through The Prison Litigation Reform Act of 1995 and numerous court rulings.
- **Supermax confinement.** The imposition, often without due process, of long-term or permanent solitary confinement of inmates in Supermax prisons or Supermax units within prisons, violates not only various specific rules but also many of the guiding principles for the treatment of prisoners set forth in the UN resolution (37, 57, 58, 59, 60, 61).

The egregious and systematic violations of the *UN Standard Minimum Rules for the Treatment of Prisoners* by US prison administrators must be seen for what they are -- crimes committed by the state against citizens of the nation. This criminal indictment extends to the legislatures and courts that consistently validate the existing criminal justice system.

Dismantling the Prisonhouse

This survey of the treatment of prisoners in the US leads to the same conclusion reached by the examination of mass incarceration and the retention of the death penalty in "Dismantling the Prisonhouse of Nations":

Both of these repressive social practices -- mass incarceration and the continuing use of the death penalty [and the treatment of prisoners in the US] -- are direct results of the reactionary US prison policies that have been in effect for the last 30 years....Only a socialist state based on the political principles of liberty, unity, and social justice can dismantle the Prisonhouse of Nations.

The original article, "Dismantling the Prisonhouse of Nations: A Socialist Prison Reform Proposal", is available at:

http://combatingglobalization.com/articles/dismantling_the_prisonhouse_of_nations.html

ⁱ All numbers refer to specific rules set forth in the UN Standard Minimum Rules for the Treatment of Prisoners.