

## USP Marion's Version of Orwell's 1984 and Beyond

Ronald Del Raine

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When one has [a maximum security or control] unit, one uses it. When I came here, our Bridgewater Unit had 80 to 100 youngsters who were considered the most dangerous in the state. We have closed that unit and we haven't missed it a great deal. As long as we had it, it was full. If we were to build one that would hold 300 vicious youngsters tomorrow, within six months it would be filled with 300 vicious youngsters that were suddenly discovered within our system. So I would suggest to be aware of that. (Dr. Jerome B. Miller, former Commissioner of the Massachusetts Department of Youth Services)

In my first essay, written in the 'hole' in Lewisburg federal prison after being transferred from Marion, I draw an analogy between the newly inaugurated Marion prison program and those utilized by the omnipotent, shadowy agents of government as depicted by Franz Kafka in *The Trial*. The analogy was based upon personal experience: my enduring twenty-eight months of the new program during 1972-1974.

The Marion procedures were enacted in the former segregation unit (the 'hole') which was now labeled the Long Term Control Unit (new program, new name). They began as newly arrived convicts disembarked from the transfer bus and were lodged in segregation for a few days as a matter of normal procedure. They then expected to be released into the general population, unless they had been charged with a rule violation. However, normalcy no longer prevailed at Marion.

Instead of being released, many unfortunates were summarily sentenced to indefinite terms in the Control Unit for no discernible reason. When their protestations of 'You must have me mixed up with someone else,' were not answered, and they then inquired, 'What did I do wrong?' some were told, 'We don't want you in *our* population!' Since this is a difficult 'accusation' to refute, they then remained in the Long Term Control Unit. And if any doubt exists that 'Long Term' does not refer to the length of their felony sentences but defines the length of their stay in lock-up, consider that one prisoner spent five years there, while many were there three or four years.<sup>1</sup>

Perhaps this new policy of arbitrarily selecting random victims for their 'program' was the Bureau of Prisons' (BOP) equivalent of 'preventive detention' and 'no knock' legislation. Just as the passage of the

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*This essay is a consolidation and revision of the author's two previous essays, 'The Marion Experience,' which took First Place in the 1975-76 PEN prison writer's essay contest, and 'The Marion Experience - Revisited,' which received an Honorable Mention in PEN's 1988-89 essay contest.*

Omnibus Crime Control and Safe Streets Act of 1968 purportedly made the streets safe for honest citizens, so too the federal prisoncrats may claim they are making their penitentiary tiers safe for prisoners (or for guards). However, the Omnibus Bill was enacted by Congress, while the BOP enacted its policy *sub rosa*. This surreptitious convict control plan, choosing as if by lot, young, old, short-term, long-term, violent, non-violent, first-timers, and recidivists, certainly is not designed to benefit the victims; however, the more zealous, persistent practitioners of the policy often benefit by a Washington, DC headquarters assignment. A blind subservient acceptance of orders – of such stuff are promotions made. Ever onward, ever upward, climb the ladder of success; never mind whose bodies are used as rungs.

As the Marion Inmate Disciplinary Committee officials dispense terms of endless years in segregation for reasons so nebulous and evanescent as to defy articulation, their demeanor certainly does not betray any guilt, apprehension, or doubt. Rather, they seem quite righteous, smug, and virtuous in the performance of their duties. Since their actions are inexplicable by rational standards, what psychological factors could explain their conduct? Or, how are they themselves persuaded that they are correct, that they are making just decisions, that they are taking appropriate actions?

One factor influencing their mental make-up is the effect upon them of the free-will philosophical school of thought. This ideology states that people have complete untrammelled freedom of choice when they make a decision; they deliberately choose to do good or evil, right or wrong. In utilizing this belief, such influences as the person's past environment, heredity, psychoses, neurosis, culture, panic reactions, economic conditions, and the exigencies of the moment are negated. (An apt analogy is Voltaire's description of a fly landing on a horse-drawn carriage and proclaiming, 'Oh! Look at *me!* I'm pushing the carriage!' or something to that effect.) Authoritarian, disciplinarian-type personalities who are attracted to prison careers will, almost without exception, believe in free-will. They conclude that all convicts are in prison because they deliberately, and with malice, chose to commit an evil act. Accordingly, there should follow punishment. And this the Marion (and other) administrators are prepared to apply endlessly.

Another prevailing attitude among the vast majority of prison personnel is that convicts have it too soft, that conditions are too luxurious, and that a return to the 'good old days' is in order. Considerable resentment of bleeding-heart liberals who have introduced penal reform with its attendant amelioration of the convicts' condition into *their* prisons is evident. Therefore, when an opportunity arises to increase the population of the Long Term Control Unit, and other similar control units, with convicts who have exercised their free-will and chose evil,

and who, beyond any doubt, are already being pampered, then the prison administrators need not wrestle with any moral dilemmas as to the convicts' guilt or innocence. The decision is clear – lock 'em up!

In addition to these influences, the administrators are also subject to, or perhaps victimized by, an all-pervasive subtle propagandistic tactic which was detailed in *The New Republic* years ago. Briefly, this technique of peacefully persuading people to follow your dictates consists of first, convincing them that they live in the freest country in the world, that this is indeed the best of all possible worlds (and for those inclined to believe it, that this present world is not important, but the life after death is). Most people thoroughly imbued with this belief will then tend to passively accept whatever conditions prevail in their society and they condemn those 'criminal types' who rebel. Since the structure of society is organized so that it functions, at least theoretically, in a perfect, or nearly perfect, manner, then any who rebel within the system – or against the system – must obviously be culpable. One advantage of governing people by this tactic is that no such crude, expensive instruments such as guns, clubs, or force are required. Such people are self-policing. Such a tactic is effective without being offensive – and thus efficient.

Closely allied with this 'best of all possible worlds' influence is the related effect of the 'best of all possible prison systems' influence. The BOP has long been regarded as the paradigm for the world. When state penologists seek a model to emulate, it is toward the BOP that they turn. Experts from foreign countries tour this system seeking advice and counsel on how best to direct and administer prisons in their own lands. One director even wrote a book on the history of the BOP. Some prominent bureau officials, past and present, testify before various committees as 'experts' – parroting the usual stereotyped penological pronouncements. (However, the testimony of a genuine expert, Dr. Richard R. Korn, professor of criminology at Berkeley, would befit the federal system when he aptly states of the correctional process: 'The sickness is in charge of the treatment . . . . We are not the doctors, we are the disease.') So the administrators at Marion (and other prisons that follow the model) have the psychological assurance of knowing they are performing their duties within, and sanctioned by, the world's most respected penal system.

When the members of the prison disciplinary tribunal exercise their prerogatives of office and sentence innocent, unsuspecting prisoners – who have not even been accused of any transgressions – to indefinite terms in Control Unit, are they absolutely convinced they are morally correct? Probably not. The average person finds it difficult to completely discard all his moral precepts, especially if they were integrated into his personality while he was still young. Perhaps the administrator retains a vestige of conscience, or a faint fundamental belief in the

innocence of the innocent. He knows he should not put innocent people into segregation – yet he does. He will then be impelled to find a rationalization to justify his decisions to himself, his colleagues, and his underlings. But this situation leads to a contradiction, or a cognitive dissonance, which results in a psychological condition of stress. The average individual will then try to resolve that dissonance/stress by sustaining, often subliminally, that element of the contradiction to which he has the most intense attraction, and will change that element to which he has the least intense attachment. In this case, the idea of the innocent not being punished constitutes the least intense attraction and is suppressed. By emphasizing the idea that convicts exercised their free-wills and chose evil, that the convicts have it too soft, that the convicts live in the best of all possible worlds, and that, as an upper-echelon member of the BOP (or other such prison), his policy must be correct, then he is stressing that element of the contradiction to which he has the most intense attraction. This tends to reduce or eliminate the dissonance, which then leads to a sense of relief.

In the renowned 1984, George Orwell, in a percipient analysis of similar mental phenomena, labeled the process of simultaneously recognizing and not recognizing a fact as *doublethink*; he said that it requires a splitting of intelligence. If the term 'Marion Administrator' is substituted for 'Party Intellectual,' and the 'BOP' is substituted for 'Ingsoc' in the following passage from 1984, then Orwell could very well have been describing Marion:

*Doublethink* means the power of holding two contradictory beliefs in one's mind simultaneously, and accepting both of them. The Party Intellectual knows in which direction his memories must be altered: he therefore knows that he is playing tricks with reality; but by the exercise of *doublethink* he also satisfies himself that reality is not violated. The process has to be conscious, or it would not be carried out with sufficient precision, but it also has to be unconscious, or it would bring with it a feeling of falsity and hence of guilt.

*Doublethink* lies at the very heart of 'Ingsoc,' since the essential act of the Party is to use conscious deception while retaining the firmness of purpose that goes with complete honesty. To tell deliberate lies while genuinely believing in them, to forget any fact which has become inconvenient, and then, when it becomes necessary again, to draw it back from oblivion for just so long as it is needed, to deny the existence of objective reality and all the while to take account of the reality which one denies – all this is indispensably necessary. Even in using the word *doublethink* it is necessary to exercise *doublethink* (Orwell, 1949: 175-6).

As fitting as this classic passage is, perhaps only Erich Fromm's statement in the 'Afterword' of the same book better describes the administrative minds of Marion: '... [I]n a successful manipulation of the mind the person is no longer saying the opposite of what he thinks, but he thinks the opposite of what is true.'

Then what is the attitude of the average guard as he performs his duty of insuring that the occupants of the Control Unit are indeed controlled for a 'Long Term?' He will usually accept whatever conditions or orders his superiors have determined he shall accept. His years of turning keys, like a well oiled automaton, have merely reinforced his conditioned reflex response to perform and not to question. His milieu has not been such as to whet intellectual curiosity, so lemming-like, he does not question official policy that classifies the human merchandise stored in the concrete cubicle as deserving of its punishment or that his function is to keep it there. So keep it there he does.

Also to be considered is the fact that the Long Term Control Unit (and other such administrative and punitive control units in different prisons) exists; that is, it has been built. It must exist for a purpose, why not utilize it? Even the name (Long Term Control Unit) suggests that a prisoner should not be locked up in it for a short term. So the psychological redolence of the very title reinforces the 'lock 'em up' attitude.

My own Marion experiences are illustrative of the workings of these administrative and psychological processes. In 1972, I was starting my fourth year on a 199-year federal prison sentence at Leavenworth, Kansas, for a bungled 1967 bank robbery 'shoot out.' J. Edgar Hoover and Myrl Alexander, director of the BOP, had conducted an acrimonious public debate about our case, that, at the very least, caused my name to be placed on the penitentiaries 'hot list' (i.e. those given special scrutiny and frequently, special treatment). On April 7, 1972, I was locked up in segregation for 'agitating for a work strike.' Never mind that I was working every day in the shoe factory at the time of the strike. I worked because I thought it stupid to begin a strike for the institution of Latin movies, foods, cultural programs, and for the observance of Mexican holidays; additionally, nothing untoward had happened recently to cause a strike (unlike two other recent work stoppages). Some of us believed that any action involving and benefiting only one ethnic group merely furthered our master's 'divide and conquer' tactics.<sup>2</sup>

Of course, any convict knows that one can not work during a strike while urging others to stop working. Even the most silly, stir-simple stumble-bum understands this contradiction. Nevertheless, when I protested my innocence to the lieutenant who locked me up, he assured me that I could explain it to the Disciplinary Committee the next day. Instead, I was trundled into a prison bus and deposited in the 'hole' at the Medical Center for Federal Prisoners in Springfield, Missouri, for six weeks.

The next stop on my odyssey was the segregation cell block at Marion, Illinois (H-Unit – later entitled the Long Term Control Unit), where I spent the next twenty-eight months. Joining me in lock-up were three 'ringleaders' from Leavenworth who did not report to work and

who had been given a special transfer to Springfield, but in a few weeks they were all released into general population, while I was given a variety of patently fabricated excuses for remaining in segregation. I now have twenty-five different official and written reasons for my stay in *durance vile*, including, for example, (1) my original conviction which resulted in my prison term; (2) an incident which occurred in county jail; (3) a felony in another state for which I had never been charged or even questioned about; (4) what I might do; (5) various prison disciplinary charges for which I had long ago served my sentences; (6) being involved in 'devious' plots, the nature of which I could never discover; (7) if a lawsuit were filed because of me, they were liable; (8) *ad infinitum, ad nauseam*.

In a few months, those three 'ringleaders' were back in lock-up again, along with others, for another strike. Then a few days later, during a heat wave, a few lads on an upper tier started a minor disturbance, breaking some cell lights and hollering. In response, the 'goon squad' wheeled in 'Big Bertha,' pumped out tear gas on all four tiers and took *everything* from everybody, except our shorts. Because of a .38 bullet hole in my neck, which hit the spinal column, sleeping on the concrete was painful; so, I saved paper milk cartons for a bed, but the 'hacks' took them also.

In 1973, the People's Law Office in Chicago, with the assistance of the National Prison Project of the American Civil Liberties Union (ACLU), filed a class action lawsuit for those segregated as a result of the strike, but Judge James M. Foreman, a recent Nixon appointee, perhaps determined not to 'coddle criminals,' denied relief. (See *Adams v. Carlson*, 352 F.Supp. 982 [E.D. IL 1973]). When the case was remanded back to him with directives from the Seventh Circuit Court of Appeals, he ordered that the prison disciplinary committee give new hearings to the men who had been in segregation. A prison lieutenant investigated the charges against the men and submitted written reports which were used as evidence to *again* convict them. Excerpts from his reports stated:

... Obviously a report would not have been written if the officer had not believed that the incident would happen. [Investigative report, Leon Bates.]

... Facts true until proven false. [Investigate report, Chester James.]

... As per the reporting officer, Miranda must have been agitating, otherwise there would have been no reason to write a report. [Investigative report, Raphael Miranda.]

Three of his reports even exonerated the prisoners:

... Officer Killman verified that [Hallman] reported to work on 7-25-72, the date of the offense ...

... Officer[s] Hill and Pringle verified that Warren had worked on 7-25-72, the date of the charge ...

... Officer Roman stated that Patmore did report to work but he was ordered back to his cell for the count ...

One portion of the Memorandum filed by the prisoners' lawyers stated:

Inmate Bates was even told by the guard who allegedly wrote his incident report that he in fact never filled out such a report and if called before the Committee would testify as to that: yet Bates was denied the right to call him as a witness.

However, since the Court of Appeals had stated that sixteen months segregation for a work strike was disproportionate punishment, the judge was forced to order thirty-six prisoners released into general population, in spite of BOP frantic last minute legal protestations filed with the court, swearing that, in effect, riot, ruin, and revolution would surely ensue if these dangerous desperadoes were allowed to mingle with the other prisoners. But of course, all was peaceful and quiet when they were finally released.

Since my own entreaties for release had been consciously ignored, I finally decided to execute a desperate, or perhaps deranged, plan, one that would not endear me to my masters, but held a faint hope of relief: I filed a petition for a writ of *habeas corpus*, asking for release from segregation. In addition to the legal argument, I included the following philosophical oratory hoping to soften the cold judicial heart:

As an *obiter dictum*, I can only quote Socrates in this peroration:

For of old, I have had many accusers, who have accused me falsely to you during many years.... Hardest of all, I do not know and cannot tell the names of my accusers ... and therefore I must simply fight with shadows in my own defense and argue when there is no one who answers.

Notwithstanding the fact that the federal *habeas corpus* statute (28 U.S.C. 2243) states that 'a court judge or justice entertaining an application for a writ of *habeas corpus* shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted,' and that 'it shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed,' and that the 'court shall summarily hear and determine the facts, and dispose of the matter as law and justice require,' and omitting the fact that I filed two petitions for a writ of *mandamus* in a vain attempt to compel the court to comply with the requirements of this law, a year and two months elapsed before I was given an evidentiary hearing. At this hearing, a Marion administrator testified that an unknown informer told an unknown guard who wrote an unknown report (at least all unknown to me), that I had agitated for a strike in Leavenworth. Actually, this informer, guard, and report were so unknown that four

years and several different prisons later, when I requested that my prison file be searched under the new Freedom of Information Act for signs of a disciplinary report, a memo, a document, or any reason for my twenty-eight months in segregation, my requests were returned to me with notations indicating that the reasons were still *unknown*.

Five months after the hearing, the good judge rendered his decision, and my legal education proceeded apace as I was forced to assimilate the unpalatable fact that these laws (*habeas corpus* and *mandamus*), while perhaps applicable to some, do not apply to me and certain others similarly situated. It stated in part:

It appears that Petitioner is in administrative segregation, rather than punitive segregation imposed pursuant to any specific rule infraction. [Yet the thirty-six prisoners ordered to be released lived alongside me in identical cells and were accorded identical treatment] ...

The Court feels that it would not be proper to order that Del Raine be released to the prison's general population, since some prison officials have already concluded that if he were in the general population he would present a threat to prison officials, other inmates or himself. The Court will not order the Respondents to do an act which would endanger lives at the institution.

Strange! One might conclude from this judicial reasoning that I am Jack the Ripper reincarnated, incarcerated. Completely ignored is the fact that I have never even been accused of harming or attempting to harm anyone during my many years in prison.

But there was yet hope. The court ordered that I be given a due process hearing to determine if I should be continued in 'administrative segregation' (the use of this euphemistic label is a favorite legal tactic to avoid deciding certain cases on their merits). But in order to justify my two years in the 'hole' – which is approximately the amount of time one spends locked up after killing another convict – some rule infraction needs to be recorded – and the more serious it is, the better the government's case will appear.

Lacking any bodies to use as evidence, but determined to perform their duly allotted role in the charade with what 'evidence' they had, they issued me an Incident Report, stating in part, 'The last Mental Health Evaluation made by our staff psychologist recommended that should [Del Raine] be returned to our population he would be a threat to himself or others or to the orderly function (sic) of the institution.' The decision of the three committee members was that I should remain in segregation. However, their wishes were nullified when the General Counsel for the BOP granted my appeal in the newly inaugurated administrative remedy procedure, and I was released into population at Lewisburg prison after twenty-eight months in segregation.

But in 1986, only a dozen years later, the US Attorney sent me another



copy of the Incident Report as part of his motion to dismiss my case, which stated:

The last Mental Health Evaluation made by our staff Psychologist recommended that should [Del Raine] be returned to our population he would *not* be a threat to himself or others or to the orderly function (sic) of this institution. (my emphasis).

So much for the integrity of the BOP Disciplinary Committee. Thomas Jefferson aptly described such judicial proceedings as 'Twistification of the Law.'

But *voilà*, the US Attorney also attached to his motion to dismiss (perhaps not realizing its significance) a bonanza, i.e., a Memorandum dated April 7, 1972 (the date I was locked up), stamped 'F.O.I. EX-EMPT,' (Freedom of Information Exempt) which informed me – after fourteen years – why I was locked up. An authentic copy is reproduced here as Figure 1.

In one of my *pro se* appeal briefs to the Court of Appeals, submitted in conjunction with my court-appointed attorney's brief, I commented as follows: [Note: In order to fully express my analysis of the Memorandum, I have chosen to utilize a non-judicial, satirical style of expression.]

It is noteworthy that I'm not even mentioned in the first five paragraphs of the Memorandum since I was so inconsiderate to the furtherance of the 'conspiracy' as not to go to the yard, thus depriving the author of observable 'evidence' of my guilt. But not to worry, he recoups lost ground in paragraphs six and seven.

In paragraph two, chief suspect Welge didn't just go to the yard and talk to people as all others did; no, that's too mundane. Instead, he made 'voice contacts' with 150 others (not conversation, chit-chat, or greetings, but the more sinister, conspiratorial 'voice contacts'). Of course, he didn't just stand around in the yard, he 'stationed himself' (just as 007 James Bond does before plunging into another exciting adventure).

In paragraph three, corroboration of the 'conspiracy' is further shrewdly noted by the ever vigilant author, the BOP counterpart to Sherlock Holmes. Since one of the first 'contacts' chief suspect Welge makes is with possible suspect Hopwood, then he is a key member of the conspiracy. And then what does Hopwood do? *Aha!* Of course. He 'stations himself' on the ventilator (others may sit or lie down on the ventilator, but he 'stations himself'). Very incriminating. Then after thirty minutes he's in the southwest corner of the yard (hardly the actions of any innocent person). Instead of just looking around, or even just glancing about, he 'keeps close surveillance' with the prime perpetrator (*à la* Gang Busters).

In paragraph four, McCracken, a new protagonist, joins the plot. After walking around the track (undoubtedly on a scouting mission for enemy agents), he makes for the rendezvous, the apex of operations – the ventilator – where he confers with Hopwood. Of course, his 'close surveillance' and

## FIGURE 1: Memorandum Cited as Evidence for Confinement

UNITED STATES GOVERNMENT  
 Memorandum  
 85492-132 DELRAINE 2

TO : Operating Correctional Supervisor DATE: April 7, 1972

FROM : Roy D. Daniels, Senior Officer *Roy D. Daniels*

SUBJECT: Welge 92397-131, Hopwood 81013-132, McCracken 85967, Bodenbach 08844, and Delraine 85462.

The following incidents were witnessed on the recreation yard, on the evening of April 6, 1972, by Acting Lieut. McQuillan and or Senior Officers Jack Darrow, Birdie Perdue and myself:

Welge 92397-131 came on the yard as soon as the yard opened after the evening meal and stationed himself near the gate to the west entrance to the recreation yard. As soon as the inmates started coming to the yard, he started making ~~xxxx~~ voice contacts with them. These contacts continued throughout the evening yard period and ~~xxxx~~ were made, principally with the Mexican population. Although he did make contact with occasional whites, his ~~xxx~~ contacts were mainly Mexican and throughout the roughly, one and one half hours he was observed, he made as many as 150 contacts.

One of the first contacts Welge made was with Hopwood 81013-132. After the contact, Hopwood walked the track and stationed himself on the ventilator near the center of the north wall. He stayed there for about 30 minutes, then went to the south west corner of the yard. Throughout the yard period, he maintained a close surveillance and occasional contact, with Welge.

Shortly after Hopwood came to the yard, McCracken 85967 came to the yard, made contact with Welge, then walked around the track and joined Hopwood on the ventilator and remained with Hopwood, and two other inmates we were unable to identify, throughout the yard period. McCracken kept a close surveillance and occasional contact with Welge during the entire yard period.

During the period Welge was making his contacts, Bodenbach 08844 was stationed in the window on the east side of the first floor of the recreation building. Every time that I, Or another officer got ~~xxxx~~ close enough to Welge to hear his conversation, Bodenbach would signal and Welge would leave the contact.

During a ~~xxxx~~ period of two weeks, when I was Relief Evening DCH Officer and during two days of this two week period, I have Observed McCracken and Delraine 85462, within the cellhouse, and they appear to be more than just close friends. They exercise together in the rear of the cellhouse and spend considerable time at the door of each other's cells talking in quiet manner. Although I haven't seen them together in the yard, they are ~~xx~~ very close within the cellhouse.

In my judgment there is an obvious chain of conspiracy here starting with Delraine, McCracken, and Welge within D Cellhouse, then spreading to Hopwood, Bodenbach and others in other cellhouses. One can only offer conjecture as to what the conspiracy pertains to, but because of the past breaches of security and disciplinary problems, involving these inmates, I recommend that the situation be investigated thoroughly.

cc: C. J. HALLEY, A.W. (c)

OPR. Lt.

COS

CENTRAL OFFICE / INMATES

'occasional contact' with Welge does not go unobserved. (Now, the average reader might not be able to trace McCracken's link to mastermind Del Raine from these activities, but using arcane inductive modes of deduction – known only to a chosen few – our Sherlock could immediately perceive the guilty link.)

In paragraph five, the plot thickens: arch villain Bodenbach, 'stationed' as a 'point man' (the author missed his chance in not using this particular prison parlance), would 'signal' Welge and his 150 'contacts' when the guards walked up (just as John le Carre might have written it). (Of course, a skeptic, a realist, might ask why Welge and his 'contacts' couldn't see the uniformed guards walking up to overhear their 'plotting.' But perhaps they were suddenly struck blind by occult forces and needed the signals.) (However, that would raise the question how they could see Bodenbach's signals. But never mind. Any author who has concocted such science fiction as this can surely invent further phantasmagoria buzz words to further his fable. Also, it's best for the purpose of this fiction to ignore the well-known fact that Bodenbach is a certified lunatic, an informer who is frequently being knocked on the head, and on one occasion, even stuffed into a garbage can).

In paragraphs six and seven, all the tenuous threads of the criminal conspiracy are unraveled for all the world to see. With such scientific, conclusive proof of my evil machinations ('exercising' and 'talking in a quiet manner') officially documented, the only recourse open for me is confession of my crime. Yes, indeed, I am guilty! I did exercise with, and talk to, McCracken, a friend of mine. As for suspects Welge and Bodenbach, sorry, I don't know them, although Bodenbach's activities were known to many. With a report such as this written against me for 'talking in a quiet manner,' I wonder what might have been written had the author overheard our many vociferous disagreements – perhaps I would have been charged with 'inciting to riot.'

Paragraph six states, 'there is an obvious chain of conspiracy here starting with Del Raine, McCracken ... . Based upon any rational analysis of this Memorandum, I suggest if one must ferret out a conspirator, then the author be given prime consideration as the conspirator. Or, perhaps one should properly consider this report as belonging to the realm of comic book literature, i.e., not to worry good folks, this surreptitious, sinister convict conspiracy has been unmasked by Peerless Fearless Fosdick, operating under deep disguise in this case as a Leavenworth Senior Officer Specialist...

In the appeal brief, I then described BOP reasoning as follows:

- Everyone is suspect.
- He who is doing something suspicious is suspect.
- Most suspicious is he who is not seen doing something suspicious.
- Every suspect can become an accused.
- Suspicion is sufficient grounds for arrest.
- The arrest of a suspect is sufficient and conclusive proof of his guilt.

The Court of Appeals then reversed and remanded my case back to the

district court for the second time; in 1990, it was again reversed and remanded.

Charles Dickens' *Bleak House*, recently shown on television as one of the Masterpiece Theater series, portrayed the litigants in *Jarndyce v. Jarndyce* contesting the disposition of an estate. But the case endlessly dragged on for so many years that the court costs consumed all the value of the property: the heirs were left with nothing. As with the interminable *Jarndyce* lawsuit, the dispensation of justice (or is it just-us?) seems to proceed rather slowly in my case.

Then what are the results of such prison policies and practices? What of the human merchandise stored endlessly in the concrete cubicles? After the shock, amazement and disbelief begin to wane, certain general behavior patterns begin to emerge. Some prisoners adopt the attitudes and actions most completely acceptable to the administration. They become *inmates*, cringing sycophants always absolutely in agreement with every utterance of the staff; they continuously reassure them of their willingness to please with a servile smile. Some few become so blatantly obsequious that they nauseate the normal convicts. They seem oblivious – or perhaps *are* oblivious – to the titters and smirks of the guards who know they have reduced this particular prisoner specimen to the slavish state they desire. However, if they reinforce their fawning with a few choice nuggets of information, they may then be labeled 'rehabilitated.' Even release may then become possible.

Others of a more defiant nature protest their resentment of 'life in lock' by vehement vocalizations. If their vociferousness becomes too annoying, the 'goon squad,' armed with the usual array of equipment (pick-ax handles, tear gas, helmets with visors, shields, and the like) will soon silence them. This type of convict is quickly labeled as a desperado (incurrible), and his actions are recorded as evidence of the necessity for his preventive detention.

A few unfortunates seem never to acquire the foggiest notion of how they arrived at their present dilemma or what course of action might possibly release them, so they just stagnate in their cells and endure; some, who can not read, literally lie on their beds year after year enduring. This category accounts for many who are shipped to the Medical Center as psychotic.

Another group well understands the situation they are trapped in, but also the Hobson's choice they face: they can not debase themselves by fawning upon their keepers; informing violates their moral code. They realize that provoking the 'goon squad' merely results in bumps and bruises. Litigation is a chimera never yet successful without an attorney. Since all alternatives are futile, nothing is left but to endure.

However, some in this group, realizing that the official charge against them is weak or non-existent, try not to provide any reason which could

be used to justify continued segregation. They hope that, by maintaining a stoic silence, they might get out. But they are yet to be undone. All staff members entering the Control Unit are required to record all comments, requests, or actions that could be construed as derogatory or critical of the administration. And, of course, anything the unwary occupants write, such as letters to their family or friends, can be used as *prima facie* evidence against them. But even the most vigilant prisoner, who has the experience and self-discipline to be constantly alert, will, in all probability, relax and make a candid remark critical of his captors. And that does it: this is now recorded as proof of his 'bad attitude' and used as factual evidence documenting the reason he is locked up in the Long Term Control Unit. Law and Order in Action. I say their 'Law' is out of 'Order!'

One of the first final victims of their program was a friend of mine. He was a bemedaled veteran of World War II, about 5'9" tall, weighing approximately 140 pounds. After being arbitrarily singled out as a participant in a work strike, locked up for over a year, denied judicial relief as usual, he became despondent. After a verbal dispute one morning, the 'goon squad,' seven or eight strong, arrayed in their battle gear, swarmed into his cell, beat him, then dragged him to a special isolation or 'boxcar' cell. The manager of the Control Unit was informed by two guards, and even a prisoner, that he was sick, that he was acting very strange: the manager said he was faking. A day or so later he was found dead – standing on air. A.E. Housemen inimitably pictured the scene when he wrote, 'A neck God made for other use, then strangling in a string.'

Then another friend of mine was shipped to the Medical Center, given various unknown chemical concoctions,<sup>3</sup> and sent to a county jail, where he also began acting quite peculiar. Shortly thereafter, he was found dead – his neck in a noose.

Then two others in the Unit took themselves off the count: gave themselves a back door parole in a box – via the noose! To us involved in it, the Marion experience began to resemble Hitler's 'final solution.'

Then how did these deaths affect our keepers? Only what might be expected: a deep resentment of these trouble-making convicts causing us all this trouble (or, the victims of oppression are regarded as the cause of oppression). Rabindranath Tagore, the Indian poet, understood this attitude when he wrote, 'Power takes as ingratitude the writhing of its victims.'

Then, perhaps, the Marion prisoner in the Long Term Control Unit, along with Kafka's protagonist in *The Trial*, knows the same futility, despair, and impotent rage of experiencing a nameless accuser, reciting a nameless charge, before a nameless authority, condemning him to endless imprisonment. Thus it would seem that the question is still

valid in the BOP 1900 years after Juvenal asked it, 'But who will watch the keepers themselves?'

My Marion experience of 1972-74 was wretched, but upon my return in 1980, the Marion experience revisited has been even more intolerable. In the late 1970s, the BOP hierarchy had convened a conference and prepared contingency plans to lock Marion down – 'if and when.' The 'if and when' arrived in 1980 when another extended work strike occurred. The industry was then relocated; other work assignments necessary to keep the prison in operation were given to the guards, with idleness for all prisoners resulting. Time on the yard was drastically curtailed, and all cell blocks ate separately (with the result that we sometimes ate breakfast at 2:00 pm). With this new routine, assaults became more frequent; more lads tried to escape; the staff became more vindictive, e.g., several guards in the Long Term Control Unit urinated in a bucket and threw it on several individuals; when complaints were lodged, a minor internal investigation ensued, and I believe the guards were admonished not to do it again.

Then on October 27, 1983, while two lads were serving many endless, monotonous, mind-numbing years in the Long Term Control Unit on different tiers, they were charged with killing two guards and stabbing two others after coming out of their handcuffs. Shortly afterwards, the entire prison was converted into a Control Unit.

Attorneys from the Marion Prisoners' Rights Project, Donna Kolb, Jim Roberts, Jacqueline Abel, Martha-Easter Wells, and others, tried to gain access to the prison, but they were denied admittance until they obtained a court order. In June 1984, with the help of the People's Law Office in Chicago, and Nancy Morgan of Seattle, Washington, they filed a class-action lawsuit for us, stating in part:

Plaintiffs move the court for an injunction restraining the defendants from beating, torturing, and abusing plaintiffs; from using illegal rectal searches and unwarranted strip searches as a means of humiliating and terrorizing plaintiffs; and from denying plaintiffs reasonable communication with free persons. Plaintiffs request that the court enter specific orders designed to end both brutality which is planned, or condoned by defendant administrators as a means of control; and brutality which is directed against prisoners by individual guards, acting alone. In support of this motion, plaintiffs state as follows:

- 56 In retaliation for the killing of two guards ..., defendants launched a comprehensive attack against prisoners throughout the prison. At least fifty prisoners were seriously beaten ... [90 by August 1984.]
- 58 Defendant administrators used guards from throughout the federal system to assist in the reprisals against prisoners. Defendants knowingly selected guards from the riot teams of other prisons and permitted them to conduct the searches and beatings in riot gear, including helmets with face masks, without any identifying name tags.

- 59 In the course of the prison-wide search, defendants stole and destroyed prisoners' authorized property. Many family pictures and religious articles were destroyed or defaced on the spot. Religious articles and legal materials, some of them irreplaceable, and other items were removed, ostensibly to the property room, and then reported to have disappeared. [Truckloads of our property were buried on the adjacent prison camp after earth-moving equipment dug holes for it. Al Garza's radio – with his name stamped on it – (along with *at least* one other radio) was given to a white collar criminal at the camp who was too frightened to testify for us at the court hearings. I lost 5 1/2 boxes (canned goods size) of legal materials, all addresses, pictures, etc.]
- 12 ... Defendants have opened and read his [Edgar Hevle] legal mail and systematically withheld and interrupted his personal mail. In November 1983, he was removed from his cell by unidentified guards in riot gear, and taken to segregation with hands cuffed behind his back. In the hallway he was severely beaten with fists, feet and clubs, and his head was repeatedly run into walls and metal doors. Defendant administrators Carlson [Director, BOP], Miller [Warden], and Ralston [Regional Director] saw this beating.
- 17 [Geovani Montey de la Cruz] is a Cuban ... [He] speaks only Spanish ... . During the prison-wide search in November 1983, defendants wantonly smashed his painting of Saint Lazarus. [Kept as part of his Santeria religion.] In December 1983, defendants charged him with destruction of property (a plastic cup), beat him severely, and placed him in a cell in segregation after injecting him with an unknown drug which caused him to remain unconscious for two days.
- 20-21 Garvin Dale White [and Jeremiah Geaney were] ... assaulted by defendants, subjected to illegal X-rays and an illegal forced rectal search, and confined to a cell [without water] for four days handcuffed behind [their backs] and wearing only underwear. [The cuffs were *not* removed so they could use the toilet. This was done because their X-rays were 'cloudy.' No contraband was found on or in them.]
- 25 On June 20, 1984, the beating and torture of prisoner Henry B. Johnson. Mr. Johnson was beaten and tortured by four lieutenants and chained to a bed in metal handcuffs and leg irons for 35 hours.
- 28 In June and July 1984, the repeated beating and torture of prisoners Tomas Hernandez Santos and Jose Santiago Tanco. These prisoners, who speak only Spanish, were refusing to eat. Defendants force-fed them twice a day from approximately June 1, three days after they stopped eating, until their transfer to Springfield on June 13th. For at least one week in early July, they were beaten daily by guards including at least one lieutenant. From July 1 through July 13, defendants did not lubricate the tubes which were pushed down the prisoners' noses twice a day for the forced feeding.<sup>4</sup>

Three individuals testified for us as expert witnesses, and also submitted affidavits, after touring the prison. One was Craig Haney, associate professor of psychology at the University of California, -Santa Cruz.

Professor Haney specializes in the effects of confinement on institutionalized persons, he has served as a consultant to the US Department of Justice, and he has worked with prison systems in New Mexico, Texas, and California. He testified:

The penitentiary's use of collective punishment has held large numbers of prisoners responsible for actions in which they clearly played no part. Indeed, the entire institution has been converted into a massive Control Unit all in response to the actions of a very few. It is difficult for prisoners to perceive either the wisdom or the justice in this lesson. I share their reaction.

Frank Rundle, a psychiatrist specializing in medical and psychiatric problems in prisons stated:

I make this affidavit with an anxious sense of urgency and foreboding ... so that the matter may be brought to the Court's attention at the earliest moment possible ... . Since October 27, 1983, the prison has been in near total lockdown status with most of the population being held under security conditions of a degree I have seen no where else in ten years of visiting prisons around the United States.

In my opinion, the psychological effect upon most inmates is to generate a sustained state of smoldering rage, resentment and bitterness and a preoccupation with thoughts of violent revenge. An enormous pressure cooker of human emotions has been created and unless the pressure is reduced, staff and inmates alike will taste the poisonous stew made up of mutual suspicion and distrust, fear, hatred and vengefulness.

Joseph G. Cannon, associate professor in administration of justice at the University of Missouri-St. Louis, and former director of corrections in Kentucky and Maryland testified:

I have worked in and around prisons and jails for the greater part of my life (now in my 60th year) and I have never seen procedures so extreme and so seemingly designed to degrade and aggravate the prisoners.

On August 15, 1985, Magistrate Meyers denied all twenty-nine issues raised by the prisoners, except that those chained hand and feet to the metal rungs embedded in the new concrete beds should be checked more frequently. All prisoners' testimony was declared non-credible, except for one inmate turncoat who testified for the government after they broke his nose and finger (the magistrate even declared that if he was not an expert witness, he did not know who was). All the guards' testimony was declared credible, except for David Hale's, who admitted beating prisoners (of course, he is now an ex-guard).<sup>5</sup> Then the magistrate finished his decision – and our hopes for relief – with this diatribe:

USP Marion is USP Marion. It houses the most vicious, unmanageable, and manipulative inmates in our penal system today and perhaps in the history of the penal system in the United States ...



It is abhorrent that correctional staff and officers have been subjected to so many vicious and unjustified attacks on their integrity. Such exploitation is an abuse of the judicial process.

Finally, the Court is of the firm conviction that this litigation was conceived by a small group of hard-core inmates who are bent on disruption of the prison system in general and of USP-Marion in particular. These inmates will spare no effort, means or tactics to accomplish their final objective: the control of USP-Marion. This Court will not be an accomplice to such an endeavor.

Chief Judge Foreman approved these findings in *Bruscino v. Carlson*, 654 F.Supp. 609 (S.D. Ill. 1987). On July 22, 1988, the court of appeals upheld the district court's ruling. So much for the much vaunted due process of law in America.

Upon consideration of the events transpiring in this program, could Edward S. Herman's comment be analogous, when he stated in *Covert Action Information Bulletin*, #26, at page 33:

This is the ultimate Orwellism: Those who terrorize the most are able to take the puny responses of their victims and use them to justify their own future excesses.

Or would Noam Chomsky's depiction of this scenario in the same issue be more fitting:

Alexander the Great captured a pirate and asked him, 'How he dare to molest the sea?' The pirate replied, 'How dare you molest the whole world? Because I do it with a little ship only, I am called a thief; you do it with a great navy and are called an Emperor.'

Some years ago a Kansas City newspaper printed a letter of mine in which I decried, in effect, two escaped Oklahoma convicts who had embarked on a mad murder spree. But perhaps I was too critical. If someone were to escape from here now (virtually impossible, of course) and begin a retaliatory campaign of mass murder, robbery, arson, sabotage, and terror, I would have to ask whether it were not merely an expression of W.H. Auden's truism: 'Those to whom evil is done, do evil in return.'

## NOTES

- 1 Arthur 'Red' Hayes, who had apparently been designated as the new Birdman of Alcatraz (perhaps to serve as a warning example to others), could not equal the Birdman's forty or so years in the 'hole' – he became ill and then psychotic, dying after only thirteen or so years of lock-up, thus depriving the BOP of its prime paradigm.
- 2 My judgment that it was a foolish tactic to launch a strike for the benefit of only one ethnic group was later verified when a lawsuit was filed for Chicanos only. See *Gonzales v. Richardson*, 455 – F. 2D – 953.
- 3 It is of more than passing interest that the US Supreme Court ruled on February 27, 1990, that prison officials may administer any kind of powerful, mind-altering drugs they wish to any prisoner whose behavior they feel is undesirable. The decision as to

whom these powerful, mind-altering drugs may be administered is left to the absolute discretion of the prison officials. No outside review is allowed so long as the prison psychiatrist (who is employed by the prison officials) states that it is in the prisoner's best interest.

- 4 The same tube pulled out of one's nose would then be inserted into the other's nose – without cleaning. When Jose was suddenly flown here from Puerto Rico, he had a gold chain intertwined through the skin on his chest, as part of his Santeria beliefs. The prisoncrats told him that no pagan African religions were allowed and to remove it. When he refused, the 'goon squad' clubbed him down and ripped it out. When he later replaced it with thread, they beat him again and tore that out. After I filed a petition for a writ of *habeas corpus* on his behalf, the court appointed an attorney to represent him. The lawyer interviewed one guard, who naturally denied all wrong-doing, so the good lawyer recommended that the case be dismissed, and so it was. In prison, this all too familiar type of attorney is called a 'dump truck.' Nor was this an isolated instance. After the 1983 anti-Marion nationwide propaganda campaign began, local attorneys were afraid to represent those incarcerated there. One lawyer (to my knowledge) even returned a fee rather than take a Marion "untouchable's" case.
- 5 In their zeal to fabricate an even stronger case against us, and especially to incriminate the attorneys who volunteered to help us, an Assistant US Attorney (AUSA), upon information and belief, was overheard by an 'outside' lawyer (not one of our volunteers) and reported for suborning perjury from a prisoner. As a result, the AUSA was transferred. When none of these efforts persuaded our volunteers to cease and desist, an attorney's office door was pried open and *one* convict's file was stolen (the only one still at Marion who was accused of involvement in the guards' deaths). Shortly thereafter, she left the state. But COINTELPRO (the government's program of burglarizing political dissidents' residences) has been declared to be discontinued – right?

## REFERENCES

Orwell, G. 1949. 1984. New York: Harcourt, Brace and Jovanovich