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Bureau Of Prisons Should Shutter Secretive And Isolated Communications Management Units, Says ACLU

June 2, 2010

Prisoners Unfairly Assigned To Draconian And Unconstitutional Units

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C. – Secretive housing units inside federal prisons in which prisoners are condemned to live in stark isolation from the outside world are unconstitutional, violate the religious rights of prisoners and are at odds with U.S. treaty obligations, according to the American Civil Liberties Union.

In comments filed today with the U.S. Bureau of Prisons, the ACLU called for the immediate closure of all Communications Management Units (CMUs), which were ostensibly created to house and control the communications activities of prisoners with suspected terrorist ties. But because the criteria for placement in a CMU are so vague and overbroad, and because those criteria are applied by prison officials with no outside review or accountability, CMUs in fact house prisoners who have never been convicted or even accused of any terrorism-related crime.

"These units are an unprecedented attack on the constitutional rights of prisoners and those in the outside world who wish to communicate with them," said David Fathi, Director of the ACLU National Prison Project. "There is no justification for forcing prisoners who have never been convicted of any crime of terrorism to serve their sentences in severely isolated housing units, especially since prison officials are already able to address any legitimate security concerns by monitoring the mail, telephone calls and visits of people in their custody."

The Bureau of Prisons has long been operating two CMUs without regulatory authority – one at the Federal Correctional Complex in Terre Haute, Indiana and one at the United

States Penitentiary in Marion, Illinois. The ACLU's comments oppose proposed federal regulations which, if adopted, would formally authorize the CMUs' operation.

The ACLU last year filed a federal lawsuit challenging the Bureau's creation of the CMUs on behalf of Sabri Benkahla, an American citizen who has been imprisoned at the Terre Haute CMU since October 2007, despite being found not guilty of all terrorism-related charges against him and praised as a "model citizen" by his sentencing judge, who said the chances of his ever committing another crime are "infinitesimal."

The proposed regulations grant unfettered discretion to prison officials to decide, without any kind of independent and external review, to transfer federal prisoners to a CMU, where prisoners' ability to communicate with the outside world is all but eliminated. Prisoners in CMUs are allowed just one 15-minute phone call per month with "immediate family members only," they are allowed only one one-hour, non-contact visit per month with "immediate family members" and their written correspondence is limited to three pieces of paper once per week which can be sent to or received from a single recipient "at the discretion of the Warden."

There is no provision for visiting or telephone contact with friends, relatives other than immediate family, clergy or members of the news media, in violation of the Constitution and federal law. And a lack of provision for prisoners who are foreign nationals to visit or communicate by telephone with consular officials violates U.S. treaty obligations.

Additionally, the proposed regulations are in no way limited to people with proven or even suspected terrorist ties. In fact, the proposed regulations could be applied to virtually any person in federal custody, including witnesses, pretrial detainees and other people who have never been convicted or even charged with any crime.

"These draconian units are as unconstitutional as they are unnecessary," Fathi said. "The CMUs must be closed immediately, and prison officials must abide by the rule of law without violating the First Amendment rights of prisoners and their families."

A copy of the ACLU's comments, which were signed by the National Association of Criminal Defense Lawyers, the Washington Lawyers' Committee for Civil Rights and Urban Affairs, Penal Reform International, the New York Legal Aid Society and the Uptown People's Law Center, is available online at: www.aclu.org/prisoners-rights/aclu-comments-bureau-prisons-calling-immediate-closure-all-communications-managemen

A copy of the ACLU's lawsuit filed last year challenging the CMUs' creation is available online at: www.aclu.org/prisoners-rights/benkahla-v-federal-bureau-prisons-et-al

Additional information about the ACLU National Prison Project is available online at: www.aclu.org/prison

Published on *American Civil Liberties Union* (<http://www.aclu.org>)

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