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EDITORIAL

## Prisoners' Rights

In 1996, Congress passed a law that made it much harder for inmates to challenge abusive treatment. It has contributed significantly to the bad conditions — including the desperate overcrowding — that prevail today. The law must be fixed.

In the name of clamping down on frivolous lawsuits, the Prison Reform Litigation Act barred prisoners from suing prisons and jails unless they could show that they had suffered a physical injury. Prison officials have used this requirement to block lawsuits challenging all sorts of horrific conditions, including sexual abuse.

The law also requires inmates to present their claims to prison officials before filing a suit. The prisons set the rules for those grievance procedures, notes Stephen Bright, the president of the Southern Center for Human Rights, and they have an incentive to make the rules as complicated as possible, so prisoners will not be able to sue. “That has become the main purpose of many grievance systems,” Mr. Bright told Congress last year.

In the last Congress, Representative Robert Scott, Democrat of Virginia, sponsored the Prison Abuse Remedies Act. It would have eliminated the physical injury requirement and made it harder for prison officials to get suits dismissed for failure to exhaust grievance procedures. It would have exempted juveniles, who are especially vulnerable to abuse, from the law’s restrictions.

The bill’s supporters need to try again this year. Conditions in the nation’s overcrowded prisons are becoming increasingly dangerous; recently, there have been major riots in California and Kentucky. Prisoner lawsuits are a way of reining in the worst abuses, which contribute to prison riots and other violence.

The main reason to pass the new law, though, is human decency. The only way to ensure that inmates are not mistreated is to guarantee them a fair opportunity to bring their legitimate complaints to court.

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