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January 8, 1991

Wallace H. Cheney
General Counsel
Federal Bureau of Prisons
Attn: FOI/Privacy Office
320 First Street
Washington, D.C. 20534

Re: Request No. 90-3778 (Florence, CO)

Dear Counsel,

I received your letter dated December 31, 1990 stating that the Bureau of Prisons has "not yet decided" the issues I inquired about in my Freedom of Information Act request dated November 26, 1990, and that "no records exist." I must confess I am at a loss to understand your response, since it is so inconsistent with public statements made by the Bureau of Prisons spokespeople indicating that many decisions have been made.

In 1988, Gary Henman, then warden of USP Marion, was reported to have said that "[t]he Bureau of Prisons is committed to the need for a 'high security' operation to house the handful of inmate it considers too dangerous to live and work in an open prison" and "that it would be 'ideal' if a new, super-secure prison could be built from the ground up," asserting that Marion was built to accommodate only an open population. (Southern Illinoisan, December 3, 1988). Then in 1990, USP Marion Warden John L. Clark promised the transfer of Marion prisoners and guard staff to Florence, which, he said, "will have about 500 beds for level six inmates" (Chicago Daily Law Bulletin, May 10, 1990). Russ Martin, project manager for Florence, was quoted as saying that the Florence level six prison will include "state of the art security technology and new construction materials" to make it escape-proof (though Marion's executive assistant boasts in the same article that there have been no escapes from Marion since 1979), that new "electronics and sliding gates" will obviate the need for contact between guards and prisoners, and that prisoners will be even more restricted ("inmates won't have to travel nearly as far in the new Florence prison.") (Pueblo Chieftain, July 15, 1990) Mr. Davis is later reported to have said that "the

new prison is designed so level 6 inmates will have more freedom away from their cells." (Pueblo Chieftain, October 20, 1990) See also Pueblo Chieftain, October 26, 1990 and October 27, 1990.

Bureau of Prisons spokespeople also confirm that a special task force convened to look at the issue of Marion and its successor (Southern Illinoisan, December 3, 1989; Pueblo Chieftain, July 15, 1990). Randy Davis told the Chieftain, "A special task force for federal prisons has studied Marion and made recommendations, and those recommendations will be incorporated at Florence." Mr. Martin was quoted as saying, "What we have learned [at Marion] will enable us to make significant gains in the management of this facility [Florence]." (Pueblo Chieftain, July 15, 1990) The task force obviously made some decisions.

Furthermore, a Bureau of Prisons general fact sheet reflects that in the ADX unit at Florence (please correct me if I am wrong in assuming this is the level six replacement for Marion), the daily cost of per prisoner will be \$50.00, with an annual cost per prisoner of \$18,000 (compared to the FCI's projected \$33.00/\$12,000 and the USP's projected \$34.50/\$12,700). These figures must be based on some program decisions.

The architectural plans and construction are clearly based on some decisions. The plans, made available to the public on tee shirts (Pueblo Chieftain, July 15, 1990) and in local banks, car agencies and other sites (Record, May 16, 1990), as well as the Bureau of Prisons' local project office, contemplate a specific design, acreage, square feet, etc. On what are these specific plans based?

Finally, you may recall that on October 19, 1990 you yourself signed a letter to me, over Mr. Quinlan's name, that purports to represent that certain decisions had been made about the Florence replacement for Marion.

Perhaps you can see why I am at a loss to understand your December 31, 1990, assertions that no records exist

and no decisions have been made. I hope you will reconsider and comply with my FOIA request immediately.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jan Susler".

Jan Susler
Attorney

JS/mg