

**MARION PRISON:**  
**PROGRESSIVE CORRECTION OR LEGALIZED TORTURE?**

In a prison setting, there must be a balancing of security and freedom. Allowing considerations of freedom to prevail, in every case, over considerations of security creates unnecessary risks. Allowing considerations of security to prevail, in every case, over considerations of freedom creates unnecessary repression.

*[Allegations of Ill-treatment in Marion Prison, Illinois,  
Amnesty International USA, May 1987]*

A Report by

**THE NATIONAL INTERRELIGIOUS TASK FORCE ON CRIMINAL JUSTICE**

Written by L.C. Dorsey

Adopted by the Task Force, April 27, 1990

With a response by J. Michael Quinlan, Director,  
Federal Bureau of Prisons, December 28, 1990

## Introduction

Approaching Marion Prison on the bus, one sees the manicured grounds that look more like a college campus than the grounds of one of the most controversial experiments in the history of United States corrections. That is, until one looks up from the carpet-like grass to the shiny razor wire, gleaming jewel-like in the autumn sunlight. Nothing brings home the reality of prison like razor wire: coiled atop barbed wire, a silent sentinel poised, ready to discourage the most determined escape artist. Looking at the wire, there is no doubt that this is a prison, not a campus. It is the U.S. Penitentiary, Marion, Illinois, the latest innovation in the two-hundred-year history of incarceration in the United States.

## Inquiry Team

The bus contained members of the National Interreligious Task Force on Criminal Justice. The Task Force is related to both the National Council of Churches of Christ in the U.S.A. and the Joint Strategy and Action Committee, Inc. The members are clergy and lay religious leaders from national religious organizations; they come from all regions of the United States. An ecumenical body, the group has three characteristics in common:

- \* A history of church/denominational involvement in criminal justice activities, including a ten-year history of advocacy involvement (predating the lockdown) concerning Marion Prison.
- \* A shared commitment to the philosophy, if not the theology, of the teachings of Matthew 25:31-46.
- \* A shared concern that some of the conditions of confinement of the prison went beyond punishment and were, in reality, acts of torture.

The Task Force visit on October 15, 1989, came at the initiative of Michael Quinlan, Director of the Federal Bureau of Prisons, who invited the organization to visit Marion when he met with the group in Washington, D.C., in April 1989. The Task Force had made the arrangements for the site visit through the Bureau of Prisons' Chaplaincy Services. The visitors were expected.

## Marion Prison

The Marion welcoming committee included Mr. Randy Davis, Executive Assistant to the Warden, Reverends B. Frazier and P.W. Patterson from Marion's Chaplain Service, Rev. Charles Riggs, Chief of Chaplaincy Services, Federal Bureau of Prisons, and Rev. Joe Errington, Regional Chaplain, Federal Bureau of Prisons.

Marion Prison was opened in 1963 to replace the infamous Alcatraz, located in the San Francisco Bay area of northern California. Marion is located three hundred miles from Chicago and a hundred and twenty miles from St. Louis, in the southern judicial district of Illinois. It is the only institution rated at level six, the highest security level in the Bureau of Prisons. Marion has a rated capacity of 415 prisoners.

Marion prisoner population is classified by the Bureau of Prisons into these groups: the secure Unit (K Unit), the control unit (H Unit), the administrative disciplinary segregation unit (I Unit), the protective custody unit (G Unit), and the general population

units (D, E, and F Units). C Unit is the intermediate pre-transfer unit for prisoners earning their way to B Unit. C-Unit inmates have more privileges than the inmates in the general population units. The pre-transfer unit, B Unit, has the least restrictions and is the last step in the progression out of Marion. Most of the prisoners in B Unit are employed by Federal Prison Industries. The control unit (H Unit) houses prisoners who are classified as the most dangerous or who represent the highest escape risks. K Unit is for those prisoners in need of special protection, the majority of whom have received extensive media exposure.

On October 15, 1989, there were 408 prisoners in the units, plus another 235 prisoners at satellite camps. There were 637 staff members. According to Dr. Gary Henman, Warden, approximately 50 percent of the population is Black. There are 10 Black correction officers and 15 females on the current staff. There are no people of color on the institutional chaplaincy staff and we were told that an Imam is contracted from outside to provide spiritual guidance for Islamic followers. We did not get a breakdown on Hispanics, Asians, or Native Americans who are in the system.

As reported by the prison administration, the official function of Marion is to house prisoners who are too dangerous to stay in the general populations of other institutions, either because of violent behavior patterns or because they represent high escape risks. The reported behavior profile of the prisoner population is:

- 50.7 percent have been involved in murder
- 79.2 percent have been involved in assault
- 36.3 percent have been involved in escape attempts or escape plots
- 98.0 percent have documented histories of violent behavior.

[L. Karacki, *General Information and Facts*, Office of Research and Evaluation, U.S. Penitentiary, Marion, Illinois, May, 1987.]

Marion operates in a high-security mode, which includes lockdown, single-cell housing, and triage escort practices (three guards to each handcuffed and shackled prisoner). Security measures also include limiting the number of prisoners out of the cells at any time to nine men, according to an information flier from Marion Prison. Prisoners from each cellblock are permitted to exercise, one at a time, in a fenced-in area between the cells. All nonlegal telephone calls and mail are monitored. No contact visits are allowed and guards are stationed so that surveillance is constant. Security is not a measure at Marion; it is a state of being.

## The Visit

The first thing that a visitor to Marion notices is how sparkling clean everything is. The hallway floors gleam and there are no prison odors.

Secondly, the visitor soon *hears* the silence. In this prison, there is an eerie absence of loud music, loud television sounds, or conversation. There are no "cat calls" or talking through the bars to other prisoners. Each cell has a black-and-white television and an AM/FM radio; both are used with earphones. There are also rules that help to maintain the silence.

The visitors asked for but were not provided with a handbook that officials indicate exists. At the same time prisoners report that they could receive rule violation reports ("write-ups") for "anything," including, perhaps, excessive exuberance? Or is the silence the result of collective depression triggered by the constant lockdown?

The team of visitors spent nearly an hour and a half in two units, F Unit, a general population unit, and H Unit, Marion's control unit for prisoners who are classified as extremely dangerous and/or who are high security risks.

The group was escorted to one tier of F Unit by the staff who formed the welcoming committee and two or three guards. As we entered the cellblock, we were joined by the security guards who worked the block. We were asked to stay together. The guards carried clubs and were dressed in neat gray slacks and blue or white shirts.

The group talked to the prisoners who initially responded to our presence on the tier by coming to the bars, returning a greeting, or inquiring about our presence. Prisoners who remained on their bunks or with their backs to us were not disturbed.

Members of the Task Force talked with prisoners about such things as access to religious services, access to the law library, the lockdown itself, health services, education, and visits from family and friends.

Conversations between prisoners and the Task Force inquiry team were monitored by guards who maintained a watchful presence. Nevertheless, prisoners talked openly about religion, health care, law library service, and the lockdown.

No one that we talked to enjoyed the religious services. Complaints were voiced by the men about the absence of fellowship, because the only worship services available to prisoners by the chaplains are on closed-circuit television. It was not clear from the comments by prisoners whether the closed-circuit religious programming was limited to in-house programming or if religious programming from cable or commercial stations was also available.

Marion officials appear to be sensitive to the different denominational needs of the prisoners through the staff and through contracted services. Yet any sensitivity over the issue of fellowship or the sterile nature of closed-circuit worship service appears to have given way to the stringent security measures.

"The health care services are terrible," one prisoner reported to us. When asked for details, he cited the rigidity of a health care system where, if a prisoner becomes ill overnight, his only recourse is to leave a note on the cell bars. The officials of Marion are proud of their health care program. They report that a team of six physician assistants (P.A.s) who make rounds each morning is the "front/field staff" for the rest of the health care staff: one physician, one dentist, one medical records technician, and two full-time psychologists. Additionally, the prison contracts with a psychiatrist who visits the prison one to four times a month, an optometrist who visits once a month, and an orthopedist who visits once a month.

Health care delivered at Marion is determined by judgment calls of the P.A.s. It is they who must initiate the process for the prisoner to be seen by a physician, dentist, or psychiatrist. If a patient becomes acutely ill overnight, it is the guard who makes the judgment call to summon medical help. The Bureau of Prisons' official *General Information and Facts* (1987) does not indicate what procedure is to be used if a prisoner becomes seriously ill overnight. The document does state that "prisoners with serious medical conditions are normally treated at the Medical Center for Federal Prisoners in Springfield, Missouri."

Family visits to Marion are difficult at best. The sheer distance between a prisoner's home state and Marion, Illinois, often deters visits. Some prisoners reported not wanting their family to incur the expense of traveling hundreds of miles for a monitored visit. Noncontact visits between prisoners and their families are monitored, and family members

report that they often hear their conversations over loudspeakers. The monitoring of family visits is a major source of frustration to family members as well as to prisoners as they hear their family business broadcast publicly.

At the end of the tier in the F Unit we saw a collection of law books and other legally oriented publications. We could not determine whether a trained lawyer or a paralegal was available to assist prisoners with writ writing or to determine how the prisoners who could not read or write received legal assistance. The only information in the official list of services offered at Marion (in *General Information and Facts*) is that legal services are offered through "legal materials." It is reasonable to assume that if lawyers were available, the information about them would be included in this document.

Education is available to all prisoners except those in administrative detention or disciplinary segregation. As with religion, it is only available through closed-circuit television. In this way the prison offers programs for adult basic education, G.E.D., college correspondence courses, foreign languages, and hobby-craft.

### Lockdown

Marion is the maximum security prison of the Federal Bureau of Prisons. Most state prisons have a unit or a wing of the prison where prisoners are held under conditions that the general population is not subjected to. Routinely, lockdown means being locked in the cell for up to 23-1/2 hours each day. Such a unit is used to punish perceived misbehavior or to reduce escape risks. The behavior modification benefits of this mode are reinforced by the opportunity to be returned from lockdown to the general population.

In the Marion experiment, the lockdown state is continuous. The possibility of earning one's way out through good behavior appears ambiguous other than upon completion of the sentence that the prisoner was sent to Marion to serve. The average length of confinement at Marion is 36.9 months, according to *General Information and Facts*.

The issues of food service, special diets, religious observance and food preparation for special holidays, i.e., Ramadan, Passover, and others, were not covered in the short time that we were at the prison. We reviewed staff information and a printed handout that stated that "nutritionally adequate meals are served to prisoners in their cells, three times a day". Other than B Unit, the fellowship of communal dining enjoyed by prisoners in general populations of other prisons is not available to the men housed at Marion.

The atmosphere in the cell block was subdued, quiet, and anxious. Granted our presence (nineteen Task Force members, plus the chaplains and Mr. Davis) intruding upon their Saturday afternoon may have caused some frustration. Most prisoners and guards answered questions, responded to comments, and were polite. Our questions, asked of individual prisoners, included personal data (home state, offense, time to be served at Marion), access to religious services, visitors, satisfaction with the health services offered, and the amount of time spent out of the cell.

None of the prisoners expressed satisfaction with the conditions of their confinement. (Most prisoners are familiar with conditions in other prisons and have developed an informal rating system of the "best" to "worst" places to do time. Marion is rated "worst" because of the lockdown conditions.)

The physical appearance of the Marion facility and of the men locked up there reinforces reports of ill treatment and unsafe conditions. While the men appeared clean and

bore no visible marks of abuse, not a few of us noted a sense of profound despair. Marion has the capacity to severely damage the spirit.

The constant monitoring of the prisoners, the limited contact with other people, the closed-circuit programming that furthers sensory deprivation, the frequent rectal searches (called the "finger wave"), and the constant show of force by guards adds up to a continuous state of dread.

Prisoners' comments to members of the Task Force were made in the presence of guards who have total control over them. How much more might we have learned if conversations had not been so monitored? Were there issues and concerns that we did not even know to ask about? Would reports of ill treatment have been substantiated if we had been allowed to visit the prisoners in an unmonitored setting? Obviously, a two- or three-hour visit to Marion is structured primarily to receive information that prison officials want to convey.

### **Allegations of Mistreatment and Public Health Issues**

Several major issues prompted the visit to Marion: 23 hours of daily lockdown for years on end, the practice of chaining men spread-eagled on concrete bunks, shackled movement, reports of an outbreak of infectious disease, chronic depression, and suicide.

Earlier this year several Marion prisoners were diagnosed as having giardia lamblia, an intestinal parasite, usually transmitted to humans by fecally contaminated water or food. The infestation is characterized by cramps, nausea, diarrhea, fever, weight loss, and weakness in the patient. Officials at Marion verified that the infection had occurred and claimed that it was under control.

Families have expressed concern that toxic chemical contamination of Crab Orchard Lake, the source of inmates' drinking water, likely contributed to their health problems, according to *Allegations of Ill-treatment in Marion Prison*, Amnesty International USA, May 1987. The Task Force was reassured by some Marion officials that the water is safe and by others that plans were under way to develop a new water system. However, they did not admit that Crab Orchard Lake was the culprit in the recent outbreak of illness. At the same time, relatives of Marion prisoners report that some men are still suffering from the symptoms of the infection.

Prisoner rights groups have attempted to document the number of suicides at Marion but have no means of determining the causes of death among the prisoners. While there is no hard evidence to suggest that official reports on causes of prisoner deaths at Marion are not accurate, the nature of a maximum security prison is such that secrecy and misinformation often prevail.

The evidence of conditions that could cause insanity and/or suicide is present in the function of Marion: total control through lockdown and shackles. As stated in the Amnesty International Observers' Report:

In a prison setting, there must be a balancing of security and freedom. Allowing considerations of freedom to prevail, in every case, over considerations of security creates unnecessary risks. Allowing considerations of security to prevail, in every case, over considerations of freedom creates unnecessary repression.

There is no pretense of balance at Marion. Therefore, the concept of freedom and/or rehabilitation as one side of a balanced equation is virtually denied by the total preoccupation with security measures. We want to stress that access to religious services as well as to educational opportunity only via closed-circuit television, when coupled with no contact visits and a limited number of monitored telephone calls, offer clear evidence of ill-treatment. When there is no logic to punishment, the proper balance between rehabilitation and safety is eliminated and people consumed with rage, bitterness, and frustration are released back into the community.

Access to religious services is essential and must not ever be reduced to the isolation of closed-circuit television in a solitary cell. The hallmark of any community of faith is just that—community. Thus deprivation of community worship is deprivation of the exercise of religious freedom.

The impact of the prison lockdown on line staff is also an important concern of the Task Force. We wonder what total lockdown does to guards who often are locked down themselves. Acknowledging the mind-bending strain of continuous lockdown duty, the Marion administration rotates the staff every three months. Prisoners, who are not rotated, bear the strain in their psyches. Even with the rotation, the strain and tension of guard duty reflects a lack of balance. While some of the guards reported that they liked the lockdown system because it was easier to exercise control, others spoke of stress and some shared personal ways for coping with the stress. Lack of balance forces the guards to dehumanize their captives and to remain on "animal alert" at all times. ("Animal alert" is when a dangerous animal is in the community and no one knows exactly where it is or the extent of its potential violence. Fear and anticipation are even higher when the animal is finally cornered.)

Total lockdown was a practice tried and abandoned by officials in the early stages of prison history. This practice was intended to force prisoners to contemplate and therefore to repent of their deeds. The idea was abandoned because it became clear that the isolation of total lockdown drove prisoners insane (as described in *Inside Marion Prison: Inside the Lockdown*, Committee to End the Marion Lockdown, Chicago, 1986).

## Conclusion

Torture is a strong word. Is torture only such practices as handcuffing a prisoner spread-eagled on a concrete bunk as punishment for a rule infraction? Or does it include knowledge that the prison officials at Marion have the power to insert their fingers in prisoners' rectums at will for security purposes? We submit that these practices, if true, constitute a form of psychological torture with predictable outcomes that include rage and depression. We submit that torture is anguish, not only of the body but also of mind and spirit. It is agony.

The absence of balance in the procedures at Marion prison, where security measures override the individual need for human contact, spiritual fulfillment, and fellowship, becomes an excuse for the constant show of sheer force. The conditions of Marion prison discussed in this report constitute, in our estimation, psychological pain and agony tantamount to torture.

U.S. Department of Justice

Federal Bureau of Prisons



Office of the Director

Washington, DC 20534

December 28, 1990

Reverend Matthew L. Stephens  
Chairperson  
National Interreligious Task Force  
on Criminal Justice  
Lebanon Correctional Institution  
Post Office Box 56  
Lebanon, Ohio 45036

Dear Reverend Stephens:

This is in response to your letter of September 14, 1990, in which you so graciously summarized the dialogue we shared at our meeting in Washington. We wish to thank you and the committee members for your frank observations and for inviting feedback to the points you raised. At the meeting we agreed to provide you with our reaction to the task force report on the conditions at Marion. Please excuse the delay in responding to the many items of discussion identified in your proposed report.

Our responses to the report are offered here for your use as you proceed to the final product. It is our genuine hope that this information will be reflected in the published report.

Inasmuch as Amnesty International has never visited Marion, it would be our preference that their view would not be adopted as an unchallengeable conclusion.

We are mindful that Marion's security operations are the most extensive of any of the Bureau's institutions. The events are well known that necessitated a further step in the direction of extraordinary control for the type of assaultive, predatory and escape-prone inmates that comprise Marion's population. Although they number less than one percent of the Bureau's inmate population, they do require special security controls.

The 370 Bureau staff at Marion, including Reverends Denman Frazer and Ralph Minster, are constantly aware of the special nature of the institution's operation. The weekly visit to each cell by a chaplain is an attempt to personally attend to the religious needs of the prisoners. Through careful management and scheduling, services are provided for each faith represented in the prison. There are group experiences even though they are limited to congregating only by individual range within each



unit. Religious services are more personal than the focus on the closed circuit television programming would indicate.

In a similar way the educational opportunities also reach beyond the closed circuit television delivery. The University of Illinois makes possible the offering of nearly 100 subjects through correspondence courses. Two of the educational staff are assigned to assisting inmates on an individual basis.

The availability and usefulness of the law library seemed important to the group as we talked. I am assured that the law library is fully equipped and meets the needs of inmates as they ~~prepare for their federal cases.~~ Access to these materials is ensured and facilitated by staff assigned to accomplish this service. The issue of illiterate inmates' use of these materials is a just concern which the Bureau is unable to address. The courts have, however, established a pattern of appointing counsel for such persons.

I also sensed an intense interest in the group that centered on the health care services of the institution. Especially of concern to you is the availability of health care in the event of an emergency at night. I asked for and received a very detailed description of the systems and procedures that are in place to address such an emergency. I have received solid assurance that after-hours medical attention is responsibly available to address acute needs throughout the institution.

Your deep concern about the reported diagnoses of giardia lamblia is understandable. I must rely on the integrity of the report from the Center for Disease Control whose epidemiologist could identify no corroborative evidence linking either the water or food supply at USP Marion with any manifestation of the disease in the institution. The CDC report concluded that the positive giardia test results were caused by a lab error.

Your group also believes that prisoner and family conversations are somehow broadcast over speakers and able to be heard by other prisoners. Upon examination of this it was clear that staff do use a telephone to monitor the visiting room conversations. I wish tour time had permitted your personal observation of this area so you could confirm that there are no speakers through which any broadcasting could occur.

Factually, there are some areas where our perspectives differ enough to call your attention to our statistics which are thoroughly documented. In the matter of suicide: there has been only one death by suicide at Marion in the past 12 years. Concerning body cavity searches: it is not a frequent procedure as only 6 were conducted from September 1988 through September 1990. Concerning the accusation that Marion breeds angry,

violent inmates: of the 600 inmates transferred from Marion, only 15 percent have returned to Marion.

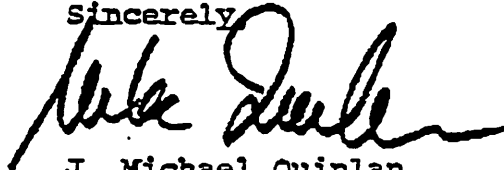
In the interest of fairness, I must offer a different perspective to the charge that secrecy and misinformation prevail at Marion. Marion Penitentiary is the most open and often scrutinized correctional facility in America. In addition to the scrutiny of the courts, Congress, the media, outside interest and advocacy groups, there were over 700 visitors of record in the last year. The institution's records of operations are also open for examination.

~~Please be assured of my sincerity in pursuing a productive and ongoing dialogue with your task force as you fulfill your duties to the religious communities you represent.~~

When your task force is able to identify some dates to visit Marianna, please let Charles Riggs know and he will coordinate the event with you.

If I can be of further assistance, please contact me.

Sincerely



J. Michael Quinlan  
Director