

Toxins ON Tap?

BY LINDA ROCAWICH

A letter arrives from a man incarcerated at the U.S. penitentiary in Marion, Illinois:

"There are prisoners here with skin problems, some who suffer constant coughing and sneezing, and others with digestive problems and headaches. These conditions have not been relieved by the Vaseline, the hormone-based creams, and Tylenol that the physician's assistants give us. We are not going to trust the opinion of a doctor whose main concern is to please the petty bureaucrats who run this place."

Another inmate writes: "There are a number of prisoners here who have skin problems. The distribution seems to be higher than at other prisons, a fact the health department seems to at least tacitly acknowledge by being somewhat inclined to make skin-problem medications like hydrocortisone cream and coal-tar shampoo more accessible than at other prisons."

Other letters arrive. The prisoners' complaints include chronic dermatitis similar to eczema, multiple lipomas (small, benign tumors that form under the skin), frequent headaches, nausea, deterioration of vision, and, in a few instances, cancer.

What is going on here?

The penitentiary at Marion, the Federal Government's only super-maximum-security facility, which opened in 1963 as a replacement for Alcatraz, is the place where the U.S. Bureau of Prisons keeps the men—about 350 of them—it considers the most dangerous and aggressive of the 40,000-plus in its custody. The treatment program—behavior-modification "therapy" that consists largely of isolation and idleness—has long been notorious for its psychological and, sometimes, physical cruelty.

But can a prisoner in Marion have reason to suspect, as many do, that their health problems have an organic cause the Bureau could easily eliminate but won't? Is

it paranoia that makes an inmate refer to the psychological effects of the health problems in these terms: "Marion being a laboratory for experiments in social manipulation and control. I suspect this element is intentional"? There's nothing unusual about inmates distrusting the motives of their wardens; the distrust is sometimes justified, sometimes not. This time, the inmates appear to be on to something.

One of the first things that seems to happen to prisoners transferred into Marion is an outbreak of rashes, says attorney Donna Kolb of nearby Carbondale, who deals regularly with Marion inmates and represents them in a class-action lawsuit that has nothing to do with the health complaints. She says the lipomas are common, too—that many men have them on their forearms; some, all over their bodies.

And as to what is going on, the prisoners think they know the answer. They blame the water—the water they drink and bathe in, the water their food is prepared with. It comes from Crab Orchard Lake; a 7,000-acre lake in the Crab Orchard National Wildlife Refuge a few miles away. The Refuge is a repository for so much toxic industrial waste that in 1984 the Environmental Protection Agency placed it on the National Priorities List for Superfund cleanup. Dump sites on the side of the lake near the intake for the prison's water supply are full of polychlorinated biphenyls (PCBs), lead, arsenic, dioxins, furans, chromium, mercury, and other metals. Other dump sites near the lake are additionally contaminated with benzene, magnesium, cyanide, and cadmium.

Industrial use of the site began before the Refuge was established, when the War Department turned what had been farmland over to manufacturers of munitions during World War II. In 1946, when the land was transferred to Interior's Fish and Wildlife Service for use as a Refuge, the Service invited in companies manufacturing explosives, metal products, printing inks, and electrical components. And the companies disposed of their waste at many

locations on the Refuge. Of thirty-one sites officially investigated under Superfund guidelines, only nine—including two "control sites"—were found to be safe. Seven are slated for Superfund action, and the others are subject to further tests or continued monitoring.

Yet the tourist brochure picked up by visitors to the Refuge says under the heading **INDUSTRY**: "On Crab Orchard, it coexists with wildlife. Industries located on the Refuge manufacture a wide variety of products with minimal impact to the environment."

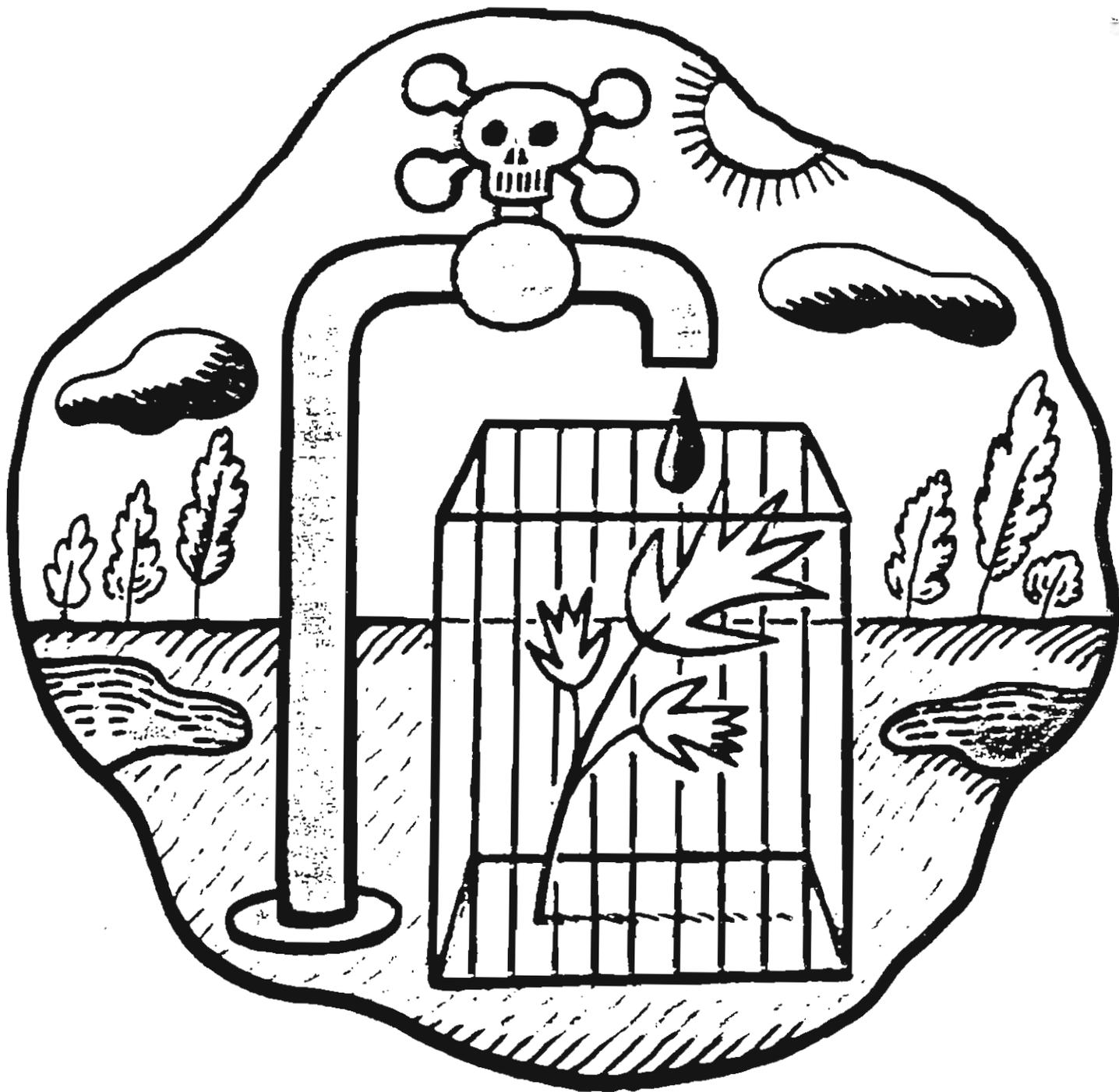
Explosives are currently the major product manufactured on the Refuge.

Of the many contaminants at Crab Orchard, the PCBs are of particular concern. Widely used in the manufacture of electrical equipment, these chemicals were banned in 1976 because of their association with cancer of the vital organs, stillbirths, and birth defects. Fifty parts per million of PCBs in soil are considered hazardous by the EPA. Studies at the Refuge have found levels as high as 12,000 parts per million. And runoff has carried PCBs into Crab Orchard Lake. They have been found in sediments at the bottom of the lake, in fish caught in the lake, and in water samples from the lake. They have not been found, officially, in the drinking water taken from the lake.

Lake water, after treatment at a plant on the Refuge, is used on the Refuge itself and is piped to Marion for use by prisoners at the penitentiary and a nearby lower-security Federal work camp. Historically, the city of Marion used the lake as a backup source of drinking water when shortages occurred—but not recently. Public concern about Crab Orchard water since the toxic mess was revealed in 1984 has forced city officials to buy much more expensive water from other sources when emergencies arise.

So prisoners, who can't control what they're given to eat, drink, and shower in, are the only ones using this water supply full-time. Prison staff, who live in the area

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BOB GALE

and read the same frequent press reports of Refuge contamination as their neighbors, apparently won't drink the water, either: the prisoners say the guards bring in water for their personal use. The Bureau of Prisons won't comment.

The Bureau's contention is, flatly, that the water is safe.

One basis for that contention is confirmation by the Illinois Environmental Protection Agency (IEPA) that the penitentiary's drinking water complies with state health standards. But there's at least one catch, as *The Southern Illinoisan* newspaper reported in 1985: The level of tri-

Toxic chemicals are present in the water, in the fish, and in sediments at the bottom.

Prisoners are the only people forced to use this lake as a water supply.

halomethanes (TTHMs), a suspected carcinogen, has consistently been higher than the level allowable in towns of 10,000 or more people. But state law sets no limit on TTHMs for the water supplies of smaller communities, such as the penitentiary.

Another basis is the findings of a 1988 study conducted by O'Brien & Gere, an engineering firm based in Syracuse, New York, under contract to the Interior Department's Fish and Wildlife Service, which owns Crab Orchard, and Sangamo Weston, Inc., the company responsible for much of the pollution on the Refuge, at a

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site near the intake to the water-treatment plant.

The firm's published report—about the size of two Sears catalogs—is the first part of a "Remedial Investigation, Feasibility Study" called for by Superfund guidelines. Its purpose was to determine the extent of contamination and assess risks to human health, wildlife, and the environment. In the second part—the feasibility study—O'Brien & Gere will explore the options for cleaning up the sites its remedial investigation showed to be significantly contaminated.

The study of Crab Orchard Lake has this to say: "PCB residues have been detected in lake sediments." And "PCB residues have been detected in aquatic biota [i.e., fish] taken from the lake." But "PCB residues have been detected in some water samples from the lake, but not in drinking water prepared from it or in the raw water intakes to the treatment plant."

The engineers' conclusion: "Use of Crab Orchard Lake as a source of drinking water is very limited, serving only the Refuge and the Marion penitentiary at present. . . . Analyses of Refuge finished drinking water failed to reveal the presence of PCBs. Therefore, the only potential human receptors for PCBs in the lake are consumers of fish captured by recreational angling."

The catch here is the question of impartiality. *The Southern Illinoisan* has been wondering about this ever since O'Brien & Gere was hired in 1985. In an editorial at the time, the paper said, "Sangamo Electric Company leaves a poisonous mess alongside Crab Orchard Lake. The U.S. Department of the Interior unwittingly inherits the mess and discovers it twenty years later. Congress writes a blank check to study how the mess should be cleaned up. Interior convinces Sangamo to throw in some money, but Sangamo gets to choose who does the study. Neat deal for Sangamo, huh? . . ."

"Allowing a company which ought to pay for what could be an expensive cleanup to hire the guys who will advise just how expensive that cleanup will be makes Interior look irresponsible."

In mid-March, the General Accounting Office, the investigative arm of Congress, released a report on Superfund contract practices which says EPA is risking a major procurement scandal by letting contractors police themselves for potential conflicts of interest. It said a company working for both the polluter and the Government could feed the EPA biased data, thereby weakening legal efforts to recover cleanup costs from a polluter.

An EPA administrator, who said the agency doesn't have the resources to police every situation, told *The Washington Post* that a company caught working for both the agency and polluters at the same site could face a ban on EPA work or termination of the contract.

But at Crab Orchard, it's not the EPA that's in charge. Although the site is on the Superfund list, it's not eligible for Superfund money because the Federal Government owns the land. And, while EPA has a monitoring and advisory role to play there, the Interior Department calls the shots.

None of this proves anything about the actual safety of the water. But the local people, who have been well served by the investigations and editorials of their newspaper, are suspicious.

So, apparently, was the Bureau of Prisons. *The Southern Illinoisan* reported in 1985 that prison officials had noted the controversy over the chemical-dump site near the lake. Then-warden Jerry Willford told the paper he had decided to look for another water supply rather than try to answer all the questions about the safety of Crab Orchard water.

A major problem, he said, was the cost of constructing new water lines from alternative sources to the prison, a cost estimated at \$100,000. What he didn't say is that \$100,000 is not much more than the Government spends to incarcerate two men in Marion for a year.

The Bureau of Prisons no longer says it is looking for other water; it just says the water at Marion is safe. But the suspicions remain, and, as always, the most suspicious are the prisoners who are actually using the water. They're worried about their health, and they want answers.

So the inmates are suing the Bureau of Prisons. Following discovery of the PCB dump, officials of several involved state and Federal agencies met at the Wildlife Refuge almost six years ago to discuss what to do. In an internal memo reporting on the meeting, an EPA representative told his section chief about talk of the PCB levels found in the lake sediments. "A penitentiary representative," he wrote, "has already called me expressing concerns that the inmates will file suit once they discover that PCBs have been found in Crab Orchard Lake."

Original filings by several individual inmates acting on their own have since been consolidated as a class action and taken on by Chicago attorney Stephen Feinberg on behalf of the Trial Lawyers for Public Justice, a Washington, D.C.-based public-interest firm. Complaints, motions to dismiss, responses, amended complaints, and the like have been floating back and forth since 1984—but with no effect on the water supply at Marion.

Feinberg, who is handling the case on a pro-bono basis, has been stymied by the Government's refusal to allow him to have the water and the prisoners tested impartially.

He is dissatisfied with the quality of information about the water as tested by the state and the engineering firm on the Ref-

age, just as many people are. But he also says a finding that the water there is safe doesn't necessarily mean the prisoners' water is safe, that it may be picking up contaminants from the old pipes transporting it several miles from the treatment plant to the prison or from accumulations of chemicals in the system.

So Feinberg asked the court to allow testing of the water at the place it enters the prison. He told the court that if the tests show the water to be as good as the Government says it is, he will drop the suit and go away. The Government said no, thanks.

The case remains stalled, with a "stay on discovery" in place to prevent the water tests. Last October, a Federal Magistrate ruled that the prisoners should be allowed to go ahead with their case, at least for purposes of seeking an injunction barring use of water from Crab Orchard Lake, and that discovery should proceed immediately. The Government has appealed that ruling, and a Federal district judge has continued the test ban pending his decision on the appeal—a decision now six months in the making with no indication from the judge how much longer he needs to think about it.

"What's outrageous about this case," says Feinberg, "is that it could be resolved relatively quickly and easily. If the water is tested, all the lawyers have left to argue about is: Are the levels [of contaminants] safe or not? But their adamant refusal only drives everyone's suspicions."

Meanwhile, Robert Wyler, the inmate who first filed suit asking for relief from the water supply and who then dropped his suit as a condition of getting transferred out of Marion, is dead. He died of cancer.

Everyday life for prisoners at Marion is bad enough without being forced to use water they're afraid of. One man interviewed by *The Progressive* in 1976 said, "Living in the control unit is impossible for a free person to understand. The only way you could understand it is to go into your bathroom, lock the door, lie down in the bathtub, and remain there for three to four years. Cut off contact from your family and your friends, and you will start to glimpse the feeling we go through."

The control unit was, according to the Bureau of Prisons bureaucrat who designed it, "the end of the line at the end of the line." Solitary confinement in six-by-eight-foot cells, twenty-three hours a day; in handcuffs whenever outside the cell. When this prisoner spoke, only sixty-eight of Marion's 525 men were in the control unit. Since then, the Bureau has, in effect, made the entire penitentiary a control unit by placing it on permanent lockdown—permanent since 1983, at any rate, although the term "lockdown" implies there's something temporary about it.

Demonstrate at Marion

On April 29, several buses from Chicago and other cities will take demonstrators to southern Illinois to join local people in protest against conditions at the U.S. penitentiary at Marion. They will demand that the Government stop the flow of contaminated water, end the lockdown, abolish control units, and end selective mistreatment of political prisoners. Beginning with a 10 A.M. rally on the campus of Southern Illinois University, the demonstration will include a march to the Federal building and post office in Carbondale and rallies on the shore of Crab Orchard Lake, at the prison, and in downtown Marion. For more information, call the sponsors: Committee to End the Marion Lockdown, (312) 663-5046, or National Committee to Free Puerto Rican Prisoners of War, (312) 278-6707.

A delegation from the John Howard Association, a prison-reform group in Chicago, visited Marion in 1987 with the cooperation of the Bureau. The delegates reported, "The Marion program seems to be designed to break the defiant spirit and behavior of difficult prisoners . . . and then to reconstruct their personalities by offering a chance to work and receive services. Through a year or more of sensory and psychological deprivation, prisoners are stripped of their individual identities, in order that new compliant behavior patterns can be implanted."

The prisoners who have written to me about the water situation are living in this environment of deliberate deprivation. They have legitimate grounds for wondering about the safety of their water supply. What they want most is to *know*—and then, of course, to have action taken if action is warranted. One man, after listing the many medical complaints he and other prisoners have, says, "Perhaps the greatest effect is psychological."

A person on the outside who suspects his water supply is poisoned can do something—buy bottled water, move away, even try to organize the neighbors to force whoever's in charge to clean up the water or find a new supply. But the prisoners at Marion are helpless, their stalled lawsuit being the only remedy available.

But some try what they can. The man who brought up the psychological fallout writes, "Some prisoners try to restrict their

water and food intake and bathing in the hope they can limit their exposure. Despite the risks of dehydration and inadequate hygiene and no exercise, I met one prisoner who even goes so far as to try to get by on condensation off the outside of the ice container and soda pop from the commissary to the extent he can afford. He rarely, if ever, showers and is skinny.

"Even people who recognize that 'ya gotta drink the water' and try to dismiss it have the pollution and its possible deleterious effects constantly in their consciousness," the letter continues. "Even the sensual pleasure of swilling down a cup of cold water on a hot and sweaty day can be canceled as its potential cost intrudes. Undoubtedly, fears raised by the knowledge that the water is contaminated go beyond what is justified, but Marion prisoners have no means to contain them. And the Marion lockdown is especially conducive to a mindscape in which psycho guerrillas run rampant and lie in ambush among the fears of polluted water, lurking for the isolated and frequently ignorant prisoner forced to wander that wilderness."

Why won't the Bureau of Prisons allow the water to be tested? The Government won't even have to pay: Stephen Feinberg's law firm offered to pick up the tab.

Why won't the Bureau of Prisons satisfy the inmates' requests for medical attention? One man concerned about the health effects of the water supply asked for a medical examination. The Bureau's written reply was on a form for "administrative remedy"; the inmate sent me a copy. It said this:

"The medical services department is responsible for providing medical services to inmates with a specific ailment. The medical department will not provide routine medical examinations at the request of inmates. . . .

"Inasmuch as the institution's water supply has been found to be safe and the fact that you have not complained of any particular illness that warrants medical treatment, observation, etc., your request . . . is denied."

It was signed by the warden.

Another inmate writes, "It would not take much to deal with this issue and if the water is as safe as the jailers claim it to be, they would have nothing to worry about or hide. To assuage our worries the only things that would be required is to give us blood tests and allow an impartial laboratory to test the water that we drink on a daily basis. Thus far the response of these petty administrators has only served to intensify our worries. . . .

"Because we are locked up in a cell practically all day, we have to be concerned and worried about our health. For it is the only thing that we can claim as ours." ■