

America's Special Prisons for Muslims and Arabs

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If you think the U.S. Bureau of Prisons (BOP) couldn't possibly make its prisons more inhumane no matter how hard it tried, you are wrong. It has created CMUs, or Communications Management Units, where the "management" part consists of denying inmates virtually all communication with their families and the outside world. In its Terre Haute, Ind., facility, the BOP is concentrating Arab and Muslim inmates and limiting them to mailing one six-page letter per week, making one 15-minute phone call per month, and receiving only one 60-minute visit per month.

Word of the restrictive new facilities came to light when Rafil Dhafir, an American doctor born in Iraq (and convicted of sending money to a charity he founded there and other non-violent crimes,) claimed he was imprisoned in Terre Haute as part of "a nationwide operation to put Muslims/Arabs in one place so that we can be closely monitored regarding our communications." Subsequent inquiries showed that Dhafir had a case. While Muslims make up just six percent of the federal prison population, 18 of 33 prisoners at Terre Haute, or 55%, are Muslim, and 23 of 36, or 64%, at Marion, Ill., are Muslim.

BOP's actions have been challenged legally by the Center for Constitutional Rights (CCR) which, *The Nation* magazine reports in its March 28th issue, contends inmates are being shifted to these facilities "based on their religion and/or perceived political beliefs." Author Alia Malek writes, "The extreme nature of the (BOP's) restrictions also raises the issue of cruel and unusual punishment," forbidden by the U.S. Constitution. CCR also says the CMUs impede the free speech and association rights of family members. The BOP insists that these inmates must communicate in English, another punitive barrier, and it now denies them any physical contact with their families. Thus, prisoners cannot kiss their wives or children and can only talk with them in a crabbed room through a Plexiglass wall using a tapped telephone that records their conversations.

Prisoners in the two CMUs are not being punished because of any terrorist acts. "The vast majority of these folks are there due to entrapment or material support convictions," says CCR attorney Rachel Meeropol, who has communicated with most of them. These are "terrorism-related convictions that do not involve any violence or injury." One example, Malek writes, is Yassin Aref, who simply witnessed a loan in a plot "planned by an FBI informant." Other examples include officers of the Holy Land Foundation (HLF), a U.S.-based Islamic charity that sent funds to programs administered by Hamas, a U.S.-designated terrorist organization. Ghassan Elashi, co-founder of HLF, is behind bars for funding schools and social welfare programs in the Occupied Territories.



Inmates at Terre Haute

The Terre Haute CMU was opened during the Bush regime in 2006 and Marion followed it two years later. Both openings circumvented “the usual process federal agencies normally follow that subjects them to public scrutiny and transparency,” Malek noted. She quotes William Luneburg, former chair of the American bar Association’s administrative law practice section as terming the BOP action “grossly irregular” and arguably illegal. “It is not a normal thing for agencies legally bound by the APA (Administrative Procedure Act) to propose some new program, to start through the public rule-making process and then basically not complete it, and then to decide to go ahead and do it on their own.” Adds David Shapiro, of the ACLU’s Prison Project, “Essentially these CMUs are being operated in the absence of any rules or policies that authorize them.” Shapiro said the ACLU hoped “When Obama came into office...that the use of CMUs would be revisited...”(As Clarence Darrow once told a judge, “Your Honor has the right to hope.”)

One wonders if there is anyone inside the Bureau of Prisons who has a care for the impact of the CMU regulations on prisoners’ families. Christy Visher, professor of sociology and criminal justice at the University of Delaware, is quoted by *The Nation* as saying, “Contact visits where you can hold a child on your lap or touch your wife are very important.” What’s more, she says, “The lack of connection to family make it harder to think of a plan for post-release, and if they have no hope for life after release, then they’re less likely to be making behavior change.”

Nobody asked me, but behavior modification needs to begin with the Bureau of Prisons. It has apparently established a new kind of detention facility without observing the legal rules for so doing, concentrated prisoners inside based on their religion, and grossly reduced their right to communicate with their families and the outside world. As for the New Testament phrase attributed to Jesus Christ by Matthew (25:36), “I was in prison and ye came to me,” the BOP is going to make that as tough as possible to fulfill for the families of Muslim inmates.

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