

The Death of Kalief Browder: Human Rights Violations in the US Prison System

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The suicide of Kalief Browder, who at 16 was accused of stealing a backpack and thrown into New York's Rikers Island prison, where he was tortured and starved in solitary confinement without ever having been convicted of a crime, has exposed before the world the barbarity of America's "justice" system.

Kalief's three-year imprisonment was documented last year in a Pulitzer Prize-nominated exposé in the *New Yorker* magazine, which chronicled his struggle to adjust to life outside of prison after having been psychologically shattered by three years of incarceration at Rikers Island.

Kalief's attorney and friend, Paul V. Prestia, spoke movingly about the young man's death in a *Los Angeles Times* interview.

"I think what caused the suicide was his incarceration and those hundreds and hundreds of nights in solitary confinement, where there were mice crawling up his sheets in that little cell... Being starved... That was the pain and sadness that he had to deal with every day, and I think it was too much for him."

The treatment of Kalief is not an aberration at the infamous Rikers facility. The *New York Times* reported that over 11 months in 2013, 129 inmates sustained "serious injuries" in altercations with prison guards. According to an internal report obtained by the Associated Press in March 2014, nearly one-third of Rikers inmates had suffered a blow to the head by guards.

Kalief's case is only the latest in an endless series of atrocities and human rights violations committed in the vast US prison system, the biggest and most densely populated in the world. On Friday, the state of Texas executed Lester Bower, 67, who became the oldest person to be executed in the US since the reinstatement of capital punishment in 1976. Bower had spent more than three decades on death row, including more than 14 years in solitary confinement.

Bower's conviction was based entirely on circumstantial evidence, and when new exculpatory evidence emerged, a judge denied a retrial on the absurd grounds that while the evidence "could conceivably have produced a different result at trial, it does not prove by clear and convincing evidence that [Bower] is actually innocent."

On Tuesday, a federal appeals court once again blocked the release of Albert Woodfox, a prisoner at Angola Prison in Louisiana, despite the fact that a federal court overturned his

conviction last year. Woodfox has served over four decades in solitary confinement, more than anyone else in the United States.

In the Kalief Browder case, defense attorney Prestia sued New York, accusing the prosecution of “seeking long, undue adjournments of these cases to procure a guilty plea from plaintiff.” Realizing that they had no case against him, prosecutors sought to use imprisonment to force Kalief to plead guilty.

The teenager was subjected to three years of torture to extract a confession, demonstrating that the medieval practices banned by the US Constitution and international law are alive and well not only in America’s foreign gulags and CIA black sites, but also at home. They are routinely used against workers and young people swept up by the sadistic machinery of what is called the US justice system. As Prestia declared, “He didn’t get tortured in some prison camp in another country. It was right here!”

Kalief refused to confess to a crime he did not commit. When a judge offered to release him immediately in exchange for a guilty plea, he declared, “I did not do it... I want to go to trial.”

The *New Yorker* piece noted that in the Bronx in 2011 there were only 165 felony cases that went to trial, while in 3,991 cases defendants pleaded guilty. Similar figures are to be found in working class cities and neighborhoods throughout the country, where the Sixth Amendment’s guarantee of a speedy and public trial is virtually a dead letter.

So is the rest of the Bill of Rights. Police routinely beat and arrest people for insufficiently deferential speech (in violation of the First Amendment), search people without cause (in violation of the Fourth Amendment), torture suspects into confessing to crimes (in violation of the Fifth Amendment), deny the right to a speedy trial (in violation of the Sixth Amendment), and subject detainees to excessive bail and “cruel and unusual punishment” (in violation of the Eighth Amendment).

Across the Harlem River from the Bronx, Kalief’s native borough, where half of all children live in households where there is not enough to eat, multi-millionaire and billionaire Wall Street speculators live in a different world. They are allowed to commit any crime, from fraud to insider trading to money laundering, with impunity.

Browder’s death has been met with crocodile tears from the political establishment. New York’s Democratic mayor, Bill De Blasio, called it an “eye-opener,” declaring that, “a lot of the changes we’re making at Rikers Island right now are the result of the example of Kalief Browder.”

Those changes barely merit the term “token.” Solitary confinement is to be banned only for inmates 21 years old and younger. Even this is not scheduled to take place until January 2016, and is contingent on funding.

At every turn, de Blasio has sought to defend prison guards and officials implicated in torture and violence. Despite the firing of guards and the resignations of three top officials, only one person, a guard, has been criminally charged for the reign of terror that has left several inmates dead, hundreds injured and untold thousands scarred for life.

On Tuesday, the *New York Times* published an editorial which, feigning sympathy for Kalief

Browder, sought to present the Obama Justice Department as a force for reform of the prison system. There was not even a hint from the editors of the *Times* that anyone should be held accountable for Kalief's tragic end.

In fact, all of the numerous settlements between the Justice Department and cities throughout the country over a "pattern and practice" of civil rights abuses have been toothless whitewashes, holding no one to account for the crimes revealed in the official investigations.

What the *Times* and the entire political establishment assiduously evade is the inseparable connection between the endemic brutality in America's prisons, the functioning of militarized police as virtual occupation armies in working class neighborhoods, and the massive growth of social inequality.

Justice in America is class justice, enforced by a state apparatus serving the interests of a ruling elite that presides over a bankrupt socio-economic system. Capitalism, which has no solution to mounting poverty, unemployment and working class anger, relies increasingly on brute force to protect the interests of the financial oligarchy.

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