



## New Jersey Civil Rights Defense Committee

# Equal Rights

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### **NJCRDC meets with Monmouth Officials, visits Detainees** *By Tom Baldwin*

On July 18, members of the NJCRDC met with Monmouth County Jail Warden, William Frazier, and Monmouth County Sheriff, Joseph Oxley, to discuss the detention of immigrants at the facility. Present at the meeting were Reverend Dr. Garfield Greene of the First United Methodist Church of Freehold, New Jersey. Jeanette Gabriel, Eric Lerner and Nicki Newby of NJCRDC, Joe Richey, from Boulder, Colorado, Father Ron Chaffee, St. Joseph RC Church, Keyport, Rev. Robert Shultz, Pastor of Prison Ministries, Trenton, and Tom Baldwin, MCRIR and Casa Freehold.

Rev. Greene expressed our concerns about the treatment of the immigrant detainees. Ms. Gabriel detailed abuses in the system, such as the use of dogs in the jail, physical abuse by the guards, and lack of medical treatment, as well as the detainees being denied special diets as prescribed either by their doctors or religious beliefs. Sheriff Oxley and Warden Frazier denied all of these charges, but Frazier did say that the charges will be investigated and he will report his findings to the committee. Ms. Gabriel insisted that the charges were true and that she was willing to present her documentation. She again stated her concerns about the medical treatment of certain prisoners, one in particular who had serious medical problems. Oxley stated that there was adequate medical attention. Warden Frazier said he was willing to check our list of medical problems and to act on them.

Objections were also raised to the detainees being held at all, since their detention without charge is unconstitutional, but the Warden and Sheriff refused to discuss these issues. Other members were concerned about the lockdown of the detainees, sometimes 23 hours in a row. There was no need for this because the detainees are not violent and were not

causing any problems. Sheriff and warden deny that there is a lockdown on a routine basis. There were complaints about the detainees' mail not being received, especially mail from their lawyers or other representatives concerned about their welfare. The Warden stated this not the case, but promised to look into the situation.

Warden Frazier and Sheriff Oxley also promised future meetings, but no date has been set. Most importantly, Warden Frazier agreed to a procedure by which complaints from the detainees were to be forwarded to him by NJCRDC and he would respond to these complaints.

After the meeting, the Committee toured the jail and interviewed some of the detainees. We were given the opportunity to speak with the detainees for quite a while. Many of the detainee comments contradicted what we had been told by the jail officials, such as the amount of time they are in lockdown, food quality and access to appropriate medical care. We were particularly concerned about a Nigerian detainee, Hussan Fagge, who we had been in contact with. Mr. Fagge has complex medical problems including a heart condition and type II diabetes. He was previously held in Passaic County Jail, but after several trips to the hospital Passaic decided they could no longer keep him and sent him over to Bergen County Jail. Bergen immediately rejected him as being too sick to keep in the jail and sent him down to Monmouth. Mr. Fagge is blind in one eye and is losing the sight in his other eye due to inappropriate care at Monmouth Jail. He is also losing feeling in his right leg. Our delegation was shocked at Mr. Fagge's deteriorating condition and urged the jail to send him to the hospital. The jail did a medical examination and sent him to the hospital, but quickly returned him to the regular unit. Mr. Fagge's condition continues to deteriorate. Overall we were very pleased with the opportunity to meet with the detainees, but concerned at the lack of ongoing public accountability.

Since the meeting, a set of detainees complaints have been sent to the Warden and he has responded, including a meeting with detainees to discuss and resolve grievances. Whether this will lead to resolution of all grievances remains to be seen.

### **Hunger Strike at Passaic County Jail** *By Eunide Alexandre*

A recent hunger strike was led by Jean Alexandre, a detainee at Passaic County, to protest the inhumane conditions and to call attention to the treatment of the detainees. Jean Alexandre is a Haitian immigrant raised in Brooklyn and, like many people who are green card holders, has come under the aegis of the Patriot act and new anti-immigrant legislation.

He began the hunger strike because of the deplorable conditions. Food given to the inmates was spoiled. There was poor ventilation throughout in the heat of the summertime which negatively impacted on the detainees and was a health risk. The cell was overcrowded and was populated with more people than it was meant to hold.

As a result of initiating the hunger strike, Jean had been put in a unit with the general criminal population as punishment for leading the hunger strike and the prison authority told the detainees that Jean would remain in restricted confinement and not return back to the ICE unit until they cease the hunger strike.

In addition to the inhumane conditions already detailed, immigrant detainees are constantly placed with the general hardcore criminals population. The medical treatment is greatly lacking for sick inmates and sometimes is non-existent. The prison claimed that they are understaffed to attend to medical needs. This is simply unacceptable. As a result an LPN handles all serious medical matters and treats all ailments simply with Tylenol. Jean himself was a victim of this lack of treatment after suffering from a swollen leg for weeks. He was unable to get up and he remained in bed for days.

There is enormous abuse and violation of detainees' rights. The prison staff, especially the guards, treat detainees like hardcore criminals. They do not follow memorandums posted by the OAG inspector. Detainees rarely get the constitutional right of contacting their attorneys even weeks after putting in written requests on specific days and times to speak to their lawyers.

One detainee was physically abused with a stun gun and kicked by guards for failing to jump out of bed quickly enough during roll call. The prison staff used stun guns to subdue him and even other detainees who tried to speak up on the individual's behalf.

Recent laws such as the real Id act and other numerous legislation makes it impossible for a fair hearing to be provided for detainees. Detainees are in the process of being deported constantly without a right to see a judge or have an opportunity for a hearing. The overall conditions require immediate attention as they are a violation of people's constitutional rights.

### **Office of Inspector General Audits Detention Facilities** *By Flavia Alaya*

The Inspector General's inquiry--technically called an "audit"--into the operations of detention facilities all over the US, places where the Bureau of Immigration and Customs Enforcement (now a subset of DHS) temporarily holds so-called "undesirable aliens" before deporting them to their "home" countries-- which means virtually anywhere (or in some instances, nowhere) on the face of the globe, includes two county jails in New Jersey, Passaic and Hudson, along with eight other detention centers that have been charged by detainees and their spokespeople with credible--and serious--abuses of human rights.

The audit began in January 2005. In June the IG declared an official scale-back from ten audited facilities to five, though the two in New Jersey remained still on the list.. But by August the entire audit had been hit with a tsunami of reversals.

Even as New Jersey detainees come forward to testify and are named in dossiers to the IG, they begin to disappear from the facilities they'd charged with misconduct. New Jersey Civil Rights Defense Committee mail to the jails is turned away without explanation--unclear whether on account of such transfers, since rigid visitation grids in the two facilities make checks on the whereabouts of large numbers of detainees impracticable and encounters by telephone with jail personnel Kafkaesque. News comes of a suicide in Passaic County detention; an attempted suicide; a series of savage beatings; another hunger strike.

A posse of angry activists/advocates, brought together by the audit, begin to meet, building a head of steam over the summer of delays. They include representatives of our own group, the New Jersey Civil

Rights Defense Committee, who have consistently supplied first-hand and eye-witness testimony of unconscionable conditions on the inside, joining forces with several other Metro area advocacy groups to form a coalition. All of us are actually invited to meet with Inspector General Skinner on August 22.

Suddenly, on August 17, Sheriff Speziale ups and tosses the entire New Jersey auditing team out of his Jail. Mind you, these are the people who write his contract, and pay for it--the "Boss." Or so one might think. The news is reported in the press under the headline "Speziale boots feds." Speziale is quoted: "They're arrogant..., they're a disgrace to the federal government."

The IG himself, Richard Skinner, was plumply gracious, Virginia gentleman to the bone. They argued that their cutback in audit facilities had been based on simple staff-time calculus. Q&A elicited that Speziale himself would in fact be coming down to Washington with a cohort of staff the following day, prepared to talk. When asked in this context what accountability for non-compliance might be demanded of a facility like this, IG Skinner, with a certain fire in his otherwise mild eye, unhesitatingly shot back that they could recommend the termination of contract.

But when we returned to the most salient sticking point--the protection of detainee interviewees via lay witnesses (termed "citizen-advocates")--discussion remained hot. IG personnel resisted--tried to deny that this had been promised--waffled-- dodged--but didn't outright refuse. "Clearance" was muttered as the stumbling block.

The meeting ended as amicably as it had begun, maybe more so: flowery gratitude from IG Skinner for work he considered essential to their own function--their "eyes and ears on the ground," with promises that the audit process would be as open and speedy as possible, closure on all five facilities by the end of the year, with much handshaking and friendly post-meeting confabulation.

The New York Times tells us that the same Inspector General has boldly announced a close, hardfisted scrutiny of the no-bid contracts under FEMA for rebuilding New Orleans. But local press headlines here in Paterson, not the IG themselves, speak the bizarre truth about our own audit: "Speziale may allow review of jail conditions..." "Sheriff considers lifting ban..." Speziale is in charge, his boot slamming down, hard

as ever. Meanwhile, the Ministry of Truth has been at work on our own little history: ICE representatives tell ours that it all never happened: Speziale never did "throw the auditors out"--only there was a misunderstanding about process..., and now, a reconfiguration of agenda....

They say work on the audit is about to resume. Here in New Jersey we've heard nothing direct, and have a right to wonder under what stipulations it will, if it does.

Of course, their time to spin has been our time for a certain clarity. One of the Sheriff's reported gripes was that "auditors gave too much credence to complaints by detainees and activists." We now know, and we know the IG knows, that we are the threat, meaning the detainees and those who actually speak for and with them.

The inevitable conclusion?: that the IG must complete its audit, even if it is on the terms dictated by Speziale.

The new challenge is the showdown still to come, apparently not between the Sheriff and the government that hands him his rich contracts, who appear instead to have cemented their unholy alliance off-camera. It's the usual, really, a showdown between both of them and the people's real democratic determination to get at the facts.

*Full text at: [www.counterpunch.org/alaya10012005.html](http://www.counterpunch.org/alaya10012005.html)*

### **Massive hunger strike by immigrant detainees at Guantanamo** *By Eric Lerner*

200 detainees, one-third of the whole prison, are on a hunger strike at Guantanamo Bay. 20 are being fed intravenously by authorities. An earlier hunger strike ended July 28th when detainee Shaker Aamer negotiated with Col. Michael Bumgarner that the detainees would be treated in accordance with the Geneva Convention and a six person committee was set up to represent the prisoners to authorities. But the jail officials disbanded the six person committee a few days later. Now the detainees have been hunger striking for several weeks to protest being held without being charged with any crime and the conditions at the jail.

**FREE ALL THE DETAINEES, BOTH IN GUANTANAMO AND NEW JERSEY!**