

Lauren J. Tenney, PhD, MPhil, MPA

www.LaurenTenney.us (718) 273-8708

**An Open Letterⁱ to:
Governor Scott Walker,
WI DoC Central Office/Secretary of DoC John E. Litscher,
Columbia Correctional Institution Warden, Michael Dittman,
Waupun Correctional Institution Warden, Brian Foster,
FBI/Milwaukee, Wisconsin,
Medical Professionals, Psychologists, Psychiatrists,
Appointed Public and Elected Officials,
People of the World, and
Others With Power to Intervene
Regarding Wisconsin's Prison System's Use of Torture
in the Form of Solitary Confinement Re-Branded as Administrative Confinementⁱⁱ.**

I have recently learnedⁱⁱⁱ of the “Dying to Live” Food Refusal Humanitarian Campaign^{iv} in Wisconsin prisons. For more than two months, prisoners at WCI have been subjected to force-feeding in response to their “Dying to Live” Food Refusal Humanitarian Campaign, to call attention to these horrid conditions prisoners in the United States are subjected.

I write to you imploring you to get involved. Abolish state-sponsored and state-sanctioned torture in prisons. Abolish institutional and structural racism in the prison system as part of the problem that allows for torture of people held as prisoners.

Whether you have a canon of ethics or not—I urge you to realize it is your moral imperative to get involved, speak out, and take a stand against solitary confinement for any one, any where, at any time, in any place, for any ‘reason’. Speak out and say, that officials must meet the demands of the Dying to Live Food Refusal Humanitarian Campaign.

The heinous condition in which some prisoners in the Wisconsin Prison System are being forced to endure is prolonged solitary confinement re-branded as administrative confinement. The re-branding of this form of torture is itself, in my mind, a transgression of the United Nations (1948) Universal Declaration of Human Rights, Article 5, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”^v. Solitary confinement also violates a host of other international mechanisms to protect and promote human rights for all people, further discussed below.

There are people, who held as prisoners in Wisconsin, are further segregated from others within the prison, and are being held in isolation for extended lengths of time—sometimes years. These people are routinely denied sunlight and fresh air; denied or severely limited access to communication with family and/or friends; denied communication with members of their chosen religion; denied heated water to bathe in; and are subjected to a host of other daily assaults.

The conditions of solitary confinement would cause the average person to crumble under the pressure and pain inflicted by the practice.

Solitary confinement creates environments that violate basic human rights and prevents basic human needs from being met.

Some people, held as Wisconsin prisoners, have been in some form of solitary confinement for over 20 years.

An immediate cessation of this torture, and trauma-informed responses is what are required actions by the jailers, not more torture of those held as prisoners, which is what is happening.

To be clear, people are being tortured for their actions in carrying out a Food Refusal Humanitarian Campaign to call attention to—and abolish the practice of—torture in prisons.

I am sure there are people who will agree with my position that the acts of creating the conditions for solitary confinement to take place within state-sponsored institutions are acts of torture. Not only is the actual act of torture criminal, but someone who is creating conditions to carry out acts of torture ought to also be seen as criminal.

Concerning those people in state-sanctioned and state-sponsored power who are actively naming, approving, or in any way supporting the existence of solitary confinement, and those people who employed by those in power who are carrying out the actions, in practice, by overseeing the physical spaces of solitary confinement—these people are responsible for inflicting torture upon those who are subjected to these spaces.

In other words, anyone who supports or enacts solitary confinement is committing acts of torture against human beings held as prisoners.

How can one be expected to live day in and day out, in a box the size of an average bathroom—maybe six by eight feet in space—with no contact with other people?

Certainly, from my perspective as a New Yorker, attempting to abolish solitary confinement in any form is not a new issue. A tremendous amount of efforts have been undertaken to abolish down solitary confinement in New York Prisons—which are heinously also still involved in carrying out state-sponsored torture in the form of solitary confinement.

Additionally, in New York, some of us fought (and fight) against ending solitary confinement based on perceived or assigned (dis)ability. Specifically, some of us argue that a fraudulent psychiatric diagnosis ought not be a protective factor for who can be subjected to torture under the name of solitary confinement.

I urge all efforts to eliminate solitary confinement for **all** people.

Article 2 of the Convention Against Torture and Cruel, Inhuman or Degrading Treatment specifies, “Each State Party shall take effective legislative, **administrative**, judicial or other measures to prevent acts of torture in any territory under its jurisdiction”^{vi}.

In a terrible straying from the Convention Against Torture, it seems the Wisconsin Prison System, by administrative order, have found a way around the deterrents to prolonged (or any) use of solitary confinement, by creating not an administrative action to prevent torture, but an administrative action to allow for torture, in re-branding solitary confinement as Administrative Confinement and expecting thinking-people to accept that the practice is non-punitive.

Torture is what Cesar DeLeon and LaRon McKinley-Bey, two people held as prisoners in Wisconsin, are subjected to because they are calling attention to and seeking an end of the sham of Administrative Confinement.

In a recent statement from Cesar DeLeon, one of the prisoners involved in a “food refusal campaign” known as “Dying to Live” it is explained that the prisoners are fighting for the end of the use of Administrative Confinement. Recently, DeLeon stated in a letter,

“Apart from the pain, humiliation, and sick process I have to go through 3 times per day in this force-feeding, I am okay^{vii,viii}”.

It is clear to me that these acts of force-feeding are retaliatory.

I believe the force-feeding of these inmates meets the “four elements of torture” outlined by Hresko (2006, pp. 19 – 20^{ix}). Hresko (2006) described the four criteria required for something to meet the standard of torture a decade ago: as actions that “cause a certain degree of mental or physical pain or suffering” (p. 19). In short, Hresko breaks down the four criteria:

- actions that are “intentional” (p. 20);
- actions that have a “specific *objective*” (p. 20);
- actions to cause pain (p. 20) with “possible objectives” of causing pain taken from the Convention Against Torture such as “punishment, coercion or intimidation” (p. 20); and
- actions must be state-sanction and state-sponsored (p. 20).

Based on public information, I can assert that force-feeding is clearly being enacted at least two penal institutions in Wisconsin with state-sanction and state-sponsored-resources (Hall, 2016^x).

DeLeon even wrote that those inflicting the torture offered a way out: those in power said they would stop the force-feeding if those force-fed would drink the mixture themselves, then the guards would not be required to record it, and scant resources could be saved^{xi}.

Clearly, the continued force-feeding of these people confined as prisoners is in retaliation to their food refusal campaign, Dying to Live.

Kim (2015^{xiii}) offers an extensive review of how international laws and treaties, including the International Covenant on Civil and Political Rights and the Convention Against Torture have been and could be used on American soil. Based on Kim's work one can assert, as did Kim (2015), based on a wealth of research, that force-feeding may constitute torture or ill treatment.

Relying on a *Shadow Report* published by the World Organization for Human Rights USA on June 15, 2006, Kim (2015) notes specifically, "force feeding has been established as degrading treatment amounting to torture" (p. 397).

Nasogastric feeding is force-feeding someone through tubes inserted into her or his nose and is more common and more invasive than other forms of force-feeding, such as intravenous force-feeding, which Kim (2015) asserts, "is still invasive and may still constitute torture or cruel, inhuman or degrading treatment or punishment when conducted without any medical necessity" (p. 408).

It has been reported that Cesar DeLeon and LaRon McKinley-Bey, who began refusing food on June 7, have had tubes shoved down their noses more than 100 times^{xiii}.

DeLeon states this was done in a way that jeopardized his physical safety and put him at a greater risk than ordinary. There is video of this, which to the naked eye, seems to have been edited. There is an attempt to have both the improper actions putting DeLeon at risk and the editing of the video formally investigated^{xiv}.

Concerning forced-feeding practices in the United States, Kim (2015) concludes:

imposing an invasive treatment on a competent prisoner can do more harm than good; thus the United States should highly consider the true necessity of the force-feeding before infringing into the prisoner's bodily and physical integrity. (p. 410)

Thus, even with the limited information I hold, I can deduce that these intentional acts of the jailers are inflicting mental and physical pain and suffering on DeLeon during the force-feeding.

I believe that this infliction of pain and suffering on DeLeon and others subjected to this force-feeding could be due more to intimidation or punishment for their participation in the "Dying to Live" Food Refusal Humanitarian Campaign to call attention to and end the practice of Administrative Confinement, than to any true medical necessity to keep these people alive.

Kim (2015) addresses these issues, using a case determined in the European Court of Human Rights—*Nevmerzhitsky v. Ukraine* (p. 398)—which resulted, at least in part, in a

“test” (p. 399) requiring the jailers to ”prove force-feeding is a medical necessity, meaning it must be essential to save the prisoner’s life” (p. 399) prior to force-feeding.

It is important to note that even if it is determined that there is “medical necessity” for force-feeding a prisoner, “the manner in which the prisoner is force-fed cannot be cruel, inhuman, or degrading” (p. 399).

In the *Journal of Law and Policy*, an incredibly important article on the “Psychiatric Effects of Solitary Confinement,” was put forth by Stuart Grassian (2006, pp. 325 - 383^{xv}). Grassian writes as a footnote, explaining some of the lack of footnotes in that published work is due to the fact that, “This article was prepared from a statement given to the Commission on Safety and Abuse in America’s Prisons” (p. 325). He wrote:

Solitary confinement—that is the confinement of a prisoner alone in a cell for all, or nearly all, of the day with minimal environmental stimulation and minimal opportunity for social interaction—can cause severe psychiatric harm. (p. 327)

He detailed “a” through “g” as a “specific psychiatric syndrome associated with solitary confinement” (pp. 335 - 336) and includes the following components. Grassian’s sub-titles were:

a) Hyperresponsivity to External Stimuli; b) Perceptual Distortions, Illusions, and Hallucinations; c) Panic Attacks; d) Difficulties with Thinking, Concentration, and Memory; e) Intrusive Obsessional Thoughts; f) Overt Paranoia; and g) Problems with Impulse Control. (pp. 335 -336)

Grassian concluded, “This syndrome has the characteristics of an Acute Organic Brain Syndrome—A Delirium” (p. 337).

There is a long and embarrassing history of the use of solitary confinement in institutions in the United States that dates back centuries.

I am asking you to put an end to the retaliatory force-feeding of Cesar DeLeon and LaRon McKinley-Bey, and any others subjected to this torture, today.

I am also asking you to respond to protests against Solitary Confinement including it’s re-branding as Administrative Confinement not with more torture, but with an immediate cessation and abolition of solitary confinement under any name, carried out in your prisons.

It is crucial that solitary confinement under the cloak of prolonged, indefinite Administrative Confinement be abolished, immediately.

It is crucial that people are adequately informed about the scientific limits of psychiatry, and the dangers of psychiatrizing people in prisons.

I am available to discuss with you the wealth of research on the dangers of solitary confinement; the long history of attempts at abolishing solitary confinements and physical, mechanical, and chemical restraints in institutions dating back to the 19th Century; and the findings of my earlier research, which adds to the evidence-base showing that solitary confinement was experienced by people subjected to it as torture.

On a personal note, under psychiatric confinement when I was a teenager and a young adult, I myself was subjected to solitary confinement.

I can tell you that in fact, for me, experiences of solitary confinement were experiences of torture.

I am sure, that the length and breadth of what the people held as prisoners are subjected to under the euphemism of “Administrative Confinement” is much more extreme than anything I ever suffered, and I am sure, it is experienced by people subjected to it as torture.

I am sure that the practices of solitary confinement, under any branding, must be abolished.

If you are in power to do so, I implore you: meet the demands of the “Dying to Live” Food Refusal Humanitarian Campaign.

Begin the major work that must be done within the Wisconsin Prison System to abolish these human rights violations and help people heal from them.

If you are like me, and not in power, stand with me, and more importantly, stand with those on the front lines of this fight for human rights. Stand with those who are being tortured for speaking out and say no more.

Require those in power to end the state-sponsored, state-sanctioned torture programs in Wisconsin.

Join the “Dying to Live” Food Refusal Humanitarian Campaign^{xvi}.

Sign the petition^{xvii} that the campaign has started.

Call on people you think can intervene, and help, to do so.

Sincerely,

Dr. Lauren J. Tenney, PhD, MPhil, MPA, Psychiatric Survivor
Environmental Psychologist/Mad Environmental Social Scientist

References

ⁱ This open letter may, based on new information or inadvertent mistakes, be revised.

ⁱⁱ Wisconsin State Legislature. DOC 308.01 – 308.04. Administrative confinement. http://docs.legis.wisconsin.gov/code/admin_code/doc/308.

ⁱⁱⁱ Hall, D. J. (2016). Judge refuses to halt force feeding of inmate in solitary confinement protest. Retrieved on August 14, 2016 from <http://wisconsinwatch.org/2016/07/judge-refuses-to-halt-force-feeding-of-inmate-in-solitary-confinement-protest/>.

^{iv} Dying to Live Food Refusal Humanitarian Campaign. <http://solitarytorture.blogspot.com/2016/05/dying-to-live-food-refusal-starts-june.html>.

^v United Nations. (1948). Universal Declaration of Human Rights. <http://www.un.org/en/universal-declaration-human-rights/>.

^{vi} Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (1984) (Entry into force 26 June 1987). <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

^{vii} Latest Letter from Cesar DeLeon. SolitaryTorture.Blogspot.com. <https://solitarytorture.blogspot.com/2016/08/latest-letter-from-cesar-deleon.html#more>.

^{viii} Milwaukee IWOC calls for a national day of action in solidarity with the Dying to Live hunger strike at Waupun Correctional Institution (WCI). (2016, August 5). Retrieved from: <https://solitarytorture.blogspot.com/2016/08/milwaukee-iwoc-calls-for-national-day.html>.

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^x Hall, D. J. (2016, June 23). Wisconsin prison officials begin force feedings as solitary confinement protest continues. WisconsinWatch.org. <http://wisconsinwatch.org/2016/06/wisconsin-prison-officials-begin-force-feedings-as-solitary-confinement-protest-continues/>.

^{xi} Latest Letter from Cesar DeLeon. <https://solitarytorture.blogspot.com/2016/08/latest-letter-from-cesar-deleon.html>.

^{xii} Kim, H. G. (2015). Applying international human rights laws to force-feeding prisoners: Effort to create domestic standards in the United States. *Pacific McGeorge Global Business and Developmental Law Journal*, 389.

^{xiii} Milwaukee IWOC calls for a national day of action in solidarity with the Dying to Live hunger strike at Waupun Correctional Institution (WCI).
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^{xiv} Search video. To have video of DeLeon being force-fed investigated for tampering.
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^{xv} Grassian, S. (2006). Psychiatric effects of solitary confinement. *Washington University Journal of Law and Policy*. 22, 325 - 383. Retrieved on February 17, 2014 from
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^{xvi} Dying to Live website. <https://solitarytorture.blogspot.com/>.

^{xvii} Waupun prisoners begin "Food Refusal" to Protest Solitary Torture. Change.org.
<https://www.change.org/p/wi-doc-secretary-jon-litscher-waupun-prisoners-begin-food-refusal-to-protest-solitary-torture>.