

Reply ID: Blog 4HR

RE: International Human Rights (HR) Day. (12/10/2012)
U.S. Prisoners Not Human?

TO: Between The Bars
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DATE: November 26th, 2012

- 1) I put forth the proposition to all you Blogsters out in the Blog theater, if American governments, both state and federal, can exempt American prisoners from the same standards of human rights (HR) as it advocates and agrees and demands from all "so-called" civilized and industrialized, and, most importantly, technologically superb advanced countries, does that not mean, at least in name and letter of the American law, and from the point of view of lawmakers, prisoners are not human!
- 2) Because only "non humans" would be exempt, correct?
- 3) In American prisons everyday, in one prison or another, is an "Abu Ghraib" prison experience. And the courts, from high to low, (See: CACI Premier Tech, Inc. - vs. - Rhodes, 536, F 3d 280), have not only permitted such civil and human rights abuse, they have developed specialized jurisprudence to dehumanize this misanthropism body of law and practice. (See: Hamelin - vs. - Michigan, 501, U.S. 957, at 962-65 (1991)). Also, Celia Rumann, Tortured History: Finding Our Way Back to the Lost Origins of the Eight Amendment, 31 Pepp. 2, Rev. 661, at 684-93 (2004). (Describing the courts interpretations of the word "punishment" in the Eighth Amendment).
- 4) Then, see: Mikel-Meredith Weidman's The Culture of Judicial Deference and The Problem of Supermax Prisons; 51 UCLA L. Rev. 1505, 1517 - 21 (2004). (Describing the high threshold that prisoners must meet to succeed in constitutional claims).
- 5) Which exempt American prisoners from the universal standards of HR that the U.S. demands from others.
- 6) Here is a concrete pointer of HR abuse this writer has witnessed and experienced personally:
 - (1) Harmful and torturous long term solitary confinement. Personally, 12 years straight And going, of supermax torture for ones political, cultural, and spiritual rights, advocating HR for prisoners.
 - (2) Electronic intrusions for no reason other than intimidation and attrit. 24 hour voyeuristic perversion when guards can watch you shower and use the bathroom.
 - (3) Exploitation of social and medical phoebias which are recognized as disabilities, but not by the prisons, such as prophesies and paruesis, collectively known as shy bladder, which they turn into their tools of torture by using the perv-cam in (2).
 - (4) They feed you so punitively that you are always famished but yet enough to meet the minimum standards of health. Yet, if you are a grown person, and not a child, exercise, and try to stay active, you need more than just eh minimum. You need more.

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(5) Due to lack of food, you stop exercising and, not only do you start to suffer physically, but also intellectually and psychologically. Exercise, when entombed for 24 hours for decades, is not only necessary, it is medical.

(6) Courts allow prison officials to censor and suppress any and all dissent from prisoners on the HR for prison reform under the pretext of security and ethnocentric stylized re-education, clothed as rehab, yet when pouring out their retributionisms, they say rehabilitation and torture is one and the same.

(7) In Elizabeth vasilides, scholarly and compassionately, law review titled: "Solitary Confinement and International Human Rights: Why the U.S. Prison System Fails Global Standards", in American University International Law Review, Article #5, She highlights this inhumanity, that is silently overlooked and kept secret, or people just don't care to know.

(8) She explains the abusive history of the subject matter throughout U.S. history, (P. 73). She breaks down, with case law evidence too disturbing for those without horror movie stomachs, how confinement like this is creating psyche-incinerator that are burning and destroying the minds in them. (P. 76).

(9) Suicide in SHU and Supermax(s) are the highest in the world. In the U.S., Wisconsin is highest in the nation. Yet, U.S. Court Appeals for the Cir., claims the prison can censor prisoners for pointing out this fact and abuse. In fact, this article here is contraband under their philosophy and can be censored under their case law. As anyone familiar with HR's abuse know, censorship is the tool used to conceal and control it and perfect the same. (See: WI.DOC.com, Wisconsin Prison Suicide Twice the National Average. 28 from 2001 - 2005).

(10) I have been told personally by a sitting U.S. Federal District Court that HR do not apply to me, to U.S. prisoners. I am currently appealing said ruling to U.S. 7th Court of Appeals. But I have no Stockholm delusions they will side with prisoners. But the law of the U.N. and other treaties say we are entitled. (See: U.N. Charter, Art. 55 (c), (p. 80).

(11) Universal Declaration of Human Rights (UDHR), Art. #5 states: "No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment." (G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen. Mtg., U.N. Doc A/810 (1948).

(12) the deceptions will spin you when they spiel you by claiming prisoners HR's are protected and perfected by the U.S. 8th Amendment (8th Amd). That the 8th Amendment has the same language. But that is a creative lie, because, remember that specialized developed jurisprudence I spoke of. Yeah, well, that body of law has been emasculated and castrated, and devitalized, impoverished and undermined that it affords a prisoner no more protection than a slave. (Modern slaves). That's right, the sacred 8th Amendment has specialized standards that are weakened stylized for application to prisoners.

(13) U.S. as a member of the OAS¹ has agreed to specific prisoner rights in a more regional context. This agency put forth Article #25 and #26, that says, "every prisoner has the right to be free from cruel, infamous, or unusual punishment", (p. 82).

¹ Organization of American States.

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(14) OAS also created the “American Convention on HR”, which Article #5 states that “every person has the right to have his physical, mental, and moral integrity respected². It also prohibits torture or cruel inhuman or degrading punishment.” Id.

(15) ICCPR (International Covenant on Civil and Political Rights), created in 1966, with Articles #7, and #10, offering the same protection language previously discussed.

(16) In 1992, the U.S. ratified the ICCPR, yet they invoked exclusion clauses with said reservations providing the U.S. to put conditional enforcements on Article #7, prohibitions on cruel, inhuman, or degrading treatment³.

(17) These conditional enforcements say that Art. #7 must afford prisoners (U.S. prisoners) the rights that are defined by the U.S. 5th, 8th, and 14th Amendment rights. Now this is where the creative lies come in. These U.S. Amendments, as explained before, have been diluted specifically in definition and directly when in relations to prisoner, to be modified so badly that the standards are not the same as the ICCPR. So that Articles #7, #16, and #31 of the ICCPR has two standards. One that is universal and the other the diluted American/selective version, which is the Catch 22. That Catch 22 is that, ICCPR does not apply to all American prisoners.

(18) Also, Congress incorporated escape clauses (Article #30 (2), which permit's a state to declare that it is not bound by Article #30 (1); (convention against torture, p. 85).

(19) There is a colossal difference between the U.N. Charter ICCPR and convention against torture kinds of protection and that of the 8th Amendment. The 8th, for one, does not “protect the treatment of prisoners”. And this is based upon the case law and the rulings in which prisoner's rights and abuses inflicted have been justifiably upheld⁴.

(20) You would think that in modern America this kind of abuse would not happen. Especially when the guiding principle and standard theory of the courts is that the 8th draws it's meaning from “the evolving standards of decency”. Yet this does not fluidly apply to prisoners, only to people not in prison or perhaps people with money and connections.

(21) The U.S. Supreme Court in Rhodes - vs. - Chapman, 452 U.S. 337, at 349 (1981); reasoning that ... prisoners level of discomfort is a matter that politicians (get tough on crime people). The always bankable, and cheap/safe campaign election ploy that people swallow and person officials (the rejected wannabe cops, wife abusers, unexposed sadists, and angry unemployed or rural neglected who hate their jobs but love the money) to decide. So, it is not surprising why this evolving standard of decency has been static and severely diluted.

² Nov. 22nd, 1969, Art. 74 (2), O.A.S. T.S., NO #36.

³ See: John Henry Stone's “The International Covenant on Civil Political Rights and U.S. Reservation”- 7 U.C. Davis J. Int. LL & Pol'y 1, 9 - 10 (2001). (Positing that these reservations allow the U.S. govt. to make laws in contravention of ICCPR standards).

⁴ David Heffernan's “America, The Cruel and Unusual?” An analysis of the Eighth Amendment under international law, 45 Cath. U.L. Rev. 481, 540 (1996) (quoting Manfred Nowak, U.N. Covenant CCPR commentary).

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(22) The only relief comes if you are mentally ill and, so, you have to not only sit in the SHU or Supermax for decades, but endure the maltreatment, dehumanization, and torture, until they break you and you either die or go crazy. And I'm not either of those.

(23) In summation, I did not even go into the death penalty and it's suspect use. But since it is "Thanksgiving" tomorrow, and Xmas the disciplinary month, it is worth noting that with over a thousand people on death row in America, it is an interesting perspective to see Obama play out a Thanksgiving ritual of pardoning a turkey while no real Christian forgiveness is extended within the next week of month by these so-called Christians who selectively apply their versions of Jesus (Isa peace upon) teachings.

(24) But in the end, I blame the 2.10 million or so prisoners in America who pretty much do not a thing to stand up for the treatment they say they deserve and want. Yet they do nothing. This is the coldest slavery to ever exist. Because, continue to walk into the game and play a laced and loaded game, knowing they are being "hunted". As Thurgood Marshal reportedly once said, before joining the enemy's table, "If you cannot articulate what your rights are, then you don't have any." (Paraphrased). Because those in power are not going to treat you fair and equal when that equal and fairness rides against their own greedy interest; weakens of takes power out of their hands.

(25) Taking that further, if you don't believe and stand up, talk up, write and act like you have and deserve to be treated like a human being, then who can be blamed when others don't treat you the same?

(26) This is not Pollyanna struggle. This is real political and legal war. They are not playing, so nor shall we. The pain and suffering are real. And the dehumanization is mind blowing - literally.

(27) The cruelest thing I've seen so far is watching and starting to feel like the beast and monster they falsely and hyperbolized you to be, for your traumatic mind ration, at least, the abuse already being inflicted, will be a consequence of you actually doing something as opposed to them abusing you for free right.

(28) As Nietzsche said, "You stare into the abyss too long, and the abyss will manifest back in you. Stare in the eyes and face of the monster and you become one." Well, you treat a man like an animal and strip him of his humanity, eventually a beast will emerge. For no man or woman or child, nor even an animal, will endure constant abuse too long before backdrafting. Not even a slave is that broken.

(29) If I may make a call to action for all you bloggers out there, in the ether, I say let the President and Wisconsin DOC, and other officials, hear your voice by sending a tsunami of emails until action is taken. The ACLU in D.C., and others, have made comprehensive recommendations that have been ignored. Send the tsunami's of letters.

Send in the "NAMI's"

A Voice From the Fire

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