

# £UNITED STATES OF AMERICA:

## @REINTRODUCTION OF CHAIN GANGS - CRUEL AND DEGRADING

Chain gangs - the forcing of prisoners to do hard manual labour while shackled together, last used in the USA thirty years ago, were re-introduced into the prison systems of Alabama and Arizona earlier this year. Florida and Utah have recently passed legislation reintroducing chain gangs in those states, and other states may soon follow suit. Amnesty International believes that the operation of chain gangs constitutes cruel, inhuman or degrading treatment, in violation of international standards on the treatment of prisoners.

### ALABAMA

During his 1994 campaign for the gubernatorial seat of Alabama, Fob James promised to put prisoners "back in leg irons". James became Governor of Alabama in January 1995, and in May inmates were assigned to chain gangs at the Limestone Correctional Facility, (a state prison for convicted adult prisoners) in Northern Alabama. Since then chain gangs have been introduced into three more Alabama prisons: Station Correctional Facility, Easterling and Draper Correctional Facilities. Chain gangs were dropped from the Alabama prison system and the rest of the South thirty years ago. According to press reports, state officials see the reintroduction of the gangs as a means to cut crime by increasing the deterrent value of a prison sentence, and saving money under the new system, one prison officer can guard twice the number of prisoners on work details than under the old system. The step has been criticised by some experts, including the former Director of the National Sheriff's Association who reportedly said "I don't think it's going to work. Sitting in a cell is hard. But a chain gang is degrading. When they [the prisoners] get out these guys will hit the street angry"<sup>1</sup>. According to a recent press report<sup>2</sup> a senior official at Limestone said: "Officially we are carrying out the politicians' orders. That's what they want us to do, so we'll do it. Will the chain gang stop anyone committing crime? I doubt it. Will it make them tired? Yes, but they're locked up all weekend, 400 men in a dormitory meant for 200 and who knows what will happen? Will it save money? No, because we have to work the guards on double shifts."

According to Amnesty International's information, about 400 men from Limestone have been assigned to chain-gangs since May (Alabama law does not permit women to be chain-gang members); 500 more are expected to be assigned when another chain gang facility is completed near Montgomery (the state capitol) next year. Alabama has about 20,000 prisoners; chain-gang members are drawn from a list of Alabama's moderate risk offenders, and are part of the gang for between one to three months. The amount of time a prisoner spends on the gang is decided by prison officials. While attached to the gangs, the 400 men are housed in one large dormitory meant to house 200 inmates. They are not allowed to watch television, or smoke, and can only drink coffee on Sunday, unlike the prison's other inmates. Prisoners attached to the gangs are woken in the early hours of the morning and taken to their work site in buses dressed in white work suits, wearing caps with the word "Alabama chain gang" emblazoned on the front. They are then made to kneel down where they are

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<sup>1</sup>The Independent, 14 September 1995 (a UK daily newspaper)

<sup>2</sup>The Guardian, 20 May 1995 (a UK daily newspaper).

linked together at the ankle in groups of five with a large "handcuff" and a 2.5 metre of steel chain which weighs 1.5 kilos. Many prisoners are reported to tie shoe laces around the chains to prevent the metal rubbing their ankles, which according to one inmate " [the steel] gets hot - it burns your ankles raw". Work on the gang lasts for 10-12 hours often in hot sun, with very brief breaks for water, and an hour for lunch. Most prisoners assigned to the gangs are reportedly black since African-Americans make up the majority of Alabama's prison inmates. Prisoners' tasks include cleaning draining ditches and tidying verges of roads. They are watched by guards with shotguns and dogs, who are reported to be under order to shoot if they try to escape. The only toilet facility available to chain gang inmates is a portable chamber pot behind a make-shift screen. Inmates remain chained together while using it. When the chamber pot is inaccessible, inmates are forced to squat down on the ground in public

A lawsuit on behalf of four Alabama prisoners and all present and future Alabama inmates who have been or may be assigned to work in chain gangs was filed on 15 May 1995 by the Southern Poverty Law Centre, (SPLC - a non-governmental civil rights organization based in Alabama). The lawsuit, which is also supported by the American Civil Liberties Union, claims that the use of chain gangs is "barbarous, inhumane, and cruel" and a "constant source of wanton and unnecessary pain". The irons and chains, it says, "inflict extreme psychological pain on the inmates, humiliating and degrading them" and the leg irons "further cause them physical pain, constantly rubbing and chafing against their legs while they work. Inmates frequently suffer from swollen ankles, sunstroke...". The lawsuit also claims that guards assigned to the chain gangs frequently use unnecessary force against inmates and hurl racial abuse at them. In addition the lawsuit claims chain gangs deprive inmates of their dignity, and expose prisoners to public humiliation by making them an object of mockery, hatred and derision, and describes how drivers often taunt chain gang members as they drive past.

Earlier this year a state legislator introduced a bill seeking to prohibit the practice in Alabama, but the outcome of the bill is not yet known.

### **Rock-breaking chain gangs**

Prisoners at Limestone Correctional Facility were put to work on rock-breaking chain gangs in August 1995, and the rock-breaking program was reportedly being introduced into another two Alabama prisons. According to reports, this involves 160 Limestone prisoners being shackled together with leg irons and a 2.4 metre link chain while crushing chunks of limestone with sledgehammers to make gravel for roads. Prisoners work for 10 hours a day, with a break every 20 minutes, five days a week. The Alabama Commissioner of Prisons, Ron Jones is reported to have said that the reintroduction of chain gangs has been so efficient, that it was decided to use them for this new task, which he described as "our way of finding something useful for these inmates to do." However, it appears that the rock-breaking program is used mainly as a means of punishment as state highway officials are reported to have said that they have no use for the crushed rock produced by the prisoners. Rock-breaking chain gangs have been criticised by others, including Alabama State Representative John Rogers, who reportedly stated that "This is just another step in the degradation and humiliation of Alabama's prisoners. We're turning our prison system into a joke and in the process we're going back to the dark age."<sup>3</sup>

Prisoners break rocks in Alabama c. Christopher Bell, AP

### **The "Hitching rail"**

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<sup>3</sup>Report by Deborah Solomon for Reuters, 21 August 1995

An additional concern to Amnesty International is the practice of handcuffing inmates to a hitching rail (a metal restraining post, usually used for tying up horses) as punishment if they refuse to work. There is no shade, so prisoners must stand in the hot sun. According to the SPLC law suit, "inmates [who have been chained to the hitching rail] have had their limbs stretched taut and have suffered dizziness and pain" after being tied to the rail. It claims that one inmate was ordered to serve time on the hitching post for refusing to work after he had an epileptic seizure. He was handcuffed to the post for 10 hours and forced to stand with his hands above his head all day so that "His wrists and hands became numb, and he suffered dizziness and constant pain". The prisoner, according to the lawsuit, was later cleared of all charges at a prison disciplinary hearing. Prisoners handcuffed to the rail must urinate against a fence, and at least one has been forced to defecate into a bucket.

Press reports quote a prison staff member saying of the post "We need the hitching rail to overcome resistance". Since Alabama reintroduced chain gangs, at least forty-eight prisoners are reported to have spent a day on the hitching rail.

## ARIZONA

Arizona reintroduced chain gangs in May 1995. According to information received, chain gangs are in use in several state prisons, and in one county jail, and are composed of prisoners with disciplinary problems. In the state prisons, inmates are not chained together, but each inmate has his legs chained together with a 20" chain. Some gangs are assigned to work projects such as breaking rocks, or digging and filling holes. Amnesty International has received unconfirmed reports alleging that if prisoners refuse to work on a chain gang, prisoners are chained to a pole, and forced to stand up all day without food or water. In one prison, new inmates are reportedly required to spend 30 days on the chain gang before they can request another assignment. At the Maricopa County Jail, inmates are chained together with five foot lengths of chain and work at cutting weeds, and tidying verges of highways.

## INTERNATIONAL STANDARDS

Article 7 of the International Covenant on Civil and Political Rights, (ICCPR) ratified by the US government on 8 June 1992, states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

Article 10 of the ICCPR says: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person".

Article 33 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR) states: "Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as punishment. Furthermore, chains or irons shall not be used as restraints."

Article 45 (1) of the SMR states: "When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form."

The United Nations Committee against Torture, which oversees the adherence by state parties to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by the US government in October 1994) has expressed its alarm at the return of chain gangs to the US penal system. According to press reports, one anonymous member of the Committee said: "It is alarming to see such practice starting up again in a country that prides itself on democracy and justice."

The European Parliament has also passed a resolution calling the reintroduction of chain gangs in Alabama a "spectacularly regressive step", and is "humiliating" and "cruel".

## US DOMESTIC STANDARDS

The American Correctional Association's (ACA) <sup>4</sup> *Standards for Adult Correctional Institutions* specifically prohibits the use of instruments of restraint "as punishment" and their use "...for more time than is absolutely necessary."

## CHAIN GANGS AND INTERNATIONAL PRACTICE

Amnesty International knows of only two other countries where chain gangs are used: China, where they are used whenever transferring prisoners (although they are not reported to be used for work purposes) and Myanmar, where people convicted of common crimes work in chain gangs on major infrastructure projects.

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<sup>4</sup>The ACA and the Commission on Accreditation for Corrections with whom it cooperates, administers a national accreditation program for correctional institutions in the USA, and set standards for prison management.