

STATEMENT OF CONGRESSWOMAN BARBARA LEE

CHAIRMAN WALTON: Good morning.

CONGRESSWOMAN LEE: Good morning.

CHAIRMAN WALTON: Congresswoman, it's a pleasure to have you here with us. I've never -- even though I live in Washington, that's where I sit as a judge, I've never had the opportunity to meet you, but I've sure heard a lot about you. I know of your commitment to human and civil rights, and therefore I know that you have a profound concern about the problem of human beings being sexually abused in our prisons and jails throughout the country.

So we do appreciate you being here, and we would welcome any input you can give us on what you think we should be doing to address this problem.

CONGRESSWOMAN LEE: Thank you very much, Chairman Walton.

Let me thank all of our distinguished members of the Commission for your very diligence and your commitment to address this very horrific situation pursuant to the law and pursuant to your personal commitments to try to make this a better world, a better country.

And I'm glad to see my friend Commissioner Nolan. We have known each other for many, many years, and I just want to say thank you for your remarkable work and for what you have done.

Let me also just thank you for coordinating

this hearing and for asking me to be with you today and mention, first of all, the courage and dedication of the victims and the survivors. I want to commend, again, the Commission and commissioners, also Human Rights Watch, Stop Prison Rape and so many other activists, leaders, outside organizations who have joined together in a bipartisan way to address this very, very important issue.

The distressing state of our prison system is a personal and public concern for me as a human being, first of all, an African-American, as a woman, as a Californian and as a member of Congress.

Sexual abuse and rape in our prisons really are what I consider the epitome of the dehumanizing nature of our entire correctional system. Prison rape is a human-rights issue, it is a public-health issue, and it is a public-safety issue.

First, I say it's a human-rights issue because every person has the right not to be violated. You do not lose that right simply because you're incarcerated. Once convicted of a crime, one does his or her time. Punishment for a crime, that does not mean a free-for-all for rape and abuse. Our prison system routinely ignores or condones the type of gruesome rapes and abuse that you are hearing testimony about today. And it demonstrates the same fundamental disregard for basic humanity that shocked and horrified the world, quite frankly, as we saw the

pictures and learned of what's going on at Abu Ghraib and Guantanamo Bay.

The United States cannot purport to be a leader on human rights, a leader with regard to justice and democracy when we have the largest prison population in the world and many of these abuses that you're learning about and addressing today.

We have no qualms condemning other countries -- and we should -- for human-rights abuses. But we turn, oftentimes, a blind eye on the inexcusable actions that occur right here at home. Our prisons, quite frankly, resemble very closely those of South Africa during the Apartheid era rather than those of a developed democratic society of the 21st Century.

Secondly, prison rape is also an issue of public health. It takes an enormous physical and mental toll on individuals and on our communities. The failure to stop prison rape contributes to the spread of infectious diseases like HIV and AIDS, tuberculosis, Hepatitis B and C. The rate of AIDS is three and a half times higher in prisons than in the general population. Victims of sexual abuse and rape are also subject to posttraumatic stress disorder, depression, suicide and the exacerbation of existing mental illnesses.

Thirdly, prison rape is an issue of public safety. It increases the level of murder and other violence in prisons. And what people tend to forget,

approximately 600,000 formerly incarcerated individuals return to communities every year. Victims of rape suffer severe physical and psychological effects that can really hinder their ability to reintegrate into their communities and maintain stable employment. These sorts of obstacles in re-entry really contribute to recidivism, which ultimately undermines public safety.

Mr. Chairman, we have to also remember and look at who we're talking about. For example, according to several reports, including the report in the Washington Post, sexual abuse is very prevalent among juveniles in juvenile and adult centers. It has been estimated that juveniles are five times more likely to be sexually assaulted in adult rather than juvenile facilities, often within the first 48 hours of incarceration. We have a duty to protect these young people, not allow them to be abused by fellow inmates and, unfortunately, by prison staff.

These people have their entire lives ahead of them. Instead of being rehabilitated, quite frankly, they're being raped. Mr. Chairman, we must stop -- put a stop to this inhumanity, and that's what it is. We must be proactive, not reactive.

Black, white, Hispanic, Native American, Asian, Pacific Islander, man or woman, regardless of one's sexual identity or behavior, prison rape and sexual abuse should be intolerable across the board.

Now, you are listening today to great experts who will offer testimony on the steps that correctional facilities must take. In Congress, of course, important initiatives have been launched; for example, the Prison Rape Elimination Act, which I was a very proud coauthor of. It gave national attention to the systematic abuse in correctional facilities, and you're conducting much of what needs to be done as it relates to that law.

But, more importantly, let me just go into a couple of other issues that I think we need to address. Human Rights Watch and other leaders have pointed out that we must adopt a zero-tolerance policy, zero tolerance for sexual abuse at all federal, state and local and private correctional facilities given the privatization move now. From the moment a person, staff or inmate, enters a prison facility, it must be crystal clear that sexual abuse will not be tolerated.

Secondly, we must insist on accountability. That means holding private facilities and private contractors to the same standard as federal, state and local institutions. There should be no protection for private contractors receiving federal funds.

Finally, we must fulfill the basic human-rights obligations that we hold other countries to. That means adopting legislation to implement the international covenant on civil and political rights

and hold everyone to adhere to these basic standards. As you know, this covenant was entered into force -- I think it was 1976, and the United States ratified it in 1992, but they ratified it with so many reservations that basically it's largely symbolic. And I believe that we need to introduce legislation to make it self-executing in order to make these provisions real and to allow individuals to move forward with a cause of action. I think that is absolutely critical that this Commission to look at and recommend.

Also, we must respond at a community level. We need to have honest and healing discussions in our neighborhoods about what happens behind bars. Civil society, faith leaders, social workers, community activists, local elected officials, families, we can't whisper in the corner. We need to shout from the podium. We have a collective duty to stamp out these crimes against humanity, which is what they are, once and for all.

Throughout my life I have worked, of course, on different strategies to reform our prison system, and I think we need to look at basic institutional reform. As a state legislator, for example, I worked to have "rehabilitation" reinstated into the California Penal Code, and, quite frankly, the first member of Congress in the country to declare a state of emergency in my district, in Alameda County, our

first county, regarding the HIV and AIDS pandemic as it relates to the African-American community.

But following that, we -- and I personally am a strong advocate that I think condoms should be freely distributed in prisons. And many of us continue to fight the social stigma that's associated with --

(Proceedings interrupted.)

(Announcement broadcast over the public address system.)

CHAIRMAN WALTON: Well, we're safe.

CONGRESSWOMAN LEE: Let me just say going back and fighting the social stigma associated with formerly incarcerated individuals, many of us are continuing to help them find work and educational opportunities by looking at how we can provide ways to expunge, for the most part, records of nonviolent offenders.

My many years of experience as an elected official, but also my background as a clinical psychiatric social worker, have made it clear to me that rape and sexual violence are only symptoms of the dehumanizing culture that governs our correctional facilities. Eliminating sexual abuse must be part of fundamentally changing our criminal justice system.

For generations, Mr. Chairman and Commissioners, the word "prison" has sent a dark shudder through our communities. We all know the

basic statistics: That minorities are disproportionately in prison. One in every four African-American men will be incarcerated during their lifetime; that 90 percent of female inmates are mothers; and that according to the Bureau of Justice Statistics, at our current rate of incarceration, one in every fifteen people will serve time behind bars in their lifetime.

As all we have to do is look around and do the math. We all have a vested interest in eliminating sexual abuse and rape in our prisons and undertaking the fundamental reform of our criminal justice system. So we must act.

We have an obligation to launch an attack on multiple fronts, in facilities, in Congress, in states and in our communities. In a united voice we announce that we will do whatever is necessary to prevent sexual abuse from happening in the first place. And as the Prison Rape Elimination Act calls for, we must establish zero tolerance for prison rape and sexual assault. This must be a priority for our prisons. It must be a priority for our jails, and it must be a priority for the entire country.

And I'm very proud of the fact that this Commission is moving forward in its work, looking at ways to make sure that this becomes the priority that the law requires.

Our arms, our hearts and our ears are

available to support the victims and survivors. It's unimaginable what they have to go through in terms of their life subsequent to this type of abuse.

By doing nothing, by doing nothing, we condone this humane and abusive behavior. Indifference, whether it's deliberate or not, but indifference, Mr. Chairman and Commissioners, violates the Eighth Amendment of the Constitution banning cruel and unusual punishment. And I don't think we want to see our country continue in violation of the Constitution.

Thank you very much, and I appreciate the ability to be with you today.

CHAIRMAN WALTON: Thank you very much for your presence. With your permission, we'll make your written statement a part of the official record, which we'll consider as we proceed with our mandate that you gave us.

I know that you've been a supporter of the effort, and I'm sure you'll continue to do so, so we look forward to working with you.

I don't know if there are any questions anybody had.

Thank you very much.

CONGRESSWOMAN LEE: Thank you very much. It was an honor to be with you.

CHAIRMAN WALTON: And I know you're very busy when you come back to your home district, so we appreciate the time that you spent with us.

CONGRESSWOMAN LEE: Thank you.

CHAIRMAN WALTON: Thank you.

Okay. We will take our lunch recess until 1 o'clock -- I think it's 1 o'clock, yes.

And we'll come back and we'll continue at that time. Thank you.

(The proceedings adjourned for the lunch recess at 11:50 p.m.)