

LE Magazine August 2004

COVER STORY

Inside America's Prisons



There is a dark, dirty secret in America that virtually no one talks about. It all started in the 1970s with a series of media exposés. News programs like "60 Minutes" reported on violent criminals who committed vicious atrocities after serving only short prison sentences or avoiding jail altogether because of some legal technicality. The public became infuriated and demanded longer jail sentences and the elimination of technicalities that let clearly guilty criminals escape punishment.

Federal and state lawmakers responded to their constituents' outcry by drastically lengthening prison sentences, eliminating the discretion of judges to give lenient sentences when warranted, and appointing judges who were known to be very tough on crime. In fact, being "tough on crime" became a prerequisite for legislators and governors to be elected and for judges to be appointed.

The benefit of these draconian actions is that violent and property crime levels have diminished somewhat, as more violent criminals are jailed and now serve longer sentences. An unintended consequence, however, is that these same harsh penal standards are being applied to those who are convicted of political crimes. The result is that the US has become the largest "police state" in the world. The numbers speak for themselves—the percentage of Americans incarcerated is greater than that of any other country in the world. This includes countries that the US government accuses of human rights abuses, such as Cuba, China, North Korea, Iraq (under Saddam Hussein's rule), and Russia. The US locks up more of its citizens than any totalitarian country on Earth.¹

We use the term political crime broadly to generally define actions that the government declares illegal but do not directly harm other people. These political crimes can manifest as a result of intense industry lobbying to monopolize the marketplace, or in perceived public sentiment as expressed by a vocal minority group, or by events that are sensationalized by the media or politicians.

The problem is that in its zeal to aggressively prosecute anyone accused of doing anything "illegal," the government has failed to differentiate between violent criminals and those whose actions produce no victims and in fact might someday be legalized.

Do a Good Deed, Go to Jail

Children are taught that they will be punished if they do something "bad." As adults, we perceive that people are jailed because they commit transgressions that deserve harsh punishment.

The reality is that Congress and state legislatures have passed so many laws that few people realize that a prosecutor could declare very innocent activities "illegal" and subject a citizen to imprisonment.

For instance, pretend that someone you cared for died from AIDS and left behind \$10,000 of unused medications. You might very well know of other AIDS patients who cannot afford these drugs and you might be inclined to donate the medications to these needy individuals. Most people would consider such a donation an example of doing something "good." Regrettably, the law prohibits prescription medications from being further dispensed, even if the drugs are given away to someone who will die because they do not have the money to afford them. So, in this case, doing something "good" could put a benevolent person behind bars.

Other political crimes may be considered to have more sinister motives,

NO ONE KNOWS ALL THE LAWS

State and federal legislators have passed so many laws that criminalize various behaviors that no attorney knows them all. Today, attorneys brought in on criminal cases sometimes have to ask the question: "Is the activity my client is accused of 'against the law'?" Jurors are "instructed" by the judge as to the specific law(s) a defendant is accused of breaking because the average person has no idea if the alleged activity is legal or not.

Even prosecutors do not know all the laws and are not shy about admitting it. A few years ago, a private pilot flew his airplane over Havana, Cuba, as Fidel Castro was giving a speech. His purpose was to embarrass Castro. The Miami federal prosecutor's response to this incident was that his office was going to research the law thoroughly in order to ascertain whether this pilot had engaged in an "illegal activity" by flying his plane over Cuba.

If defense attorneys and prosecutors do not know all the laws, and if a person can be incarcerated without there being a victim, what assurance do average citizens have that they will not fall into a trap that results in them serving a significant part of their life behind bars?

even though a large percentage of the population either engaged in them at some point in their lives or does not believe that the victimless activity warrants incarceration. The biggest shock America's political prisoners face is that they never expected their acts would result in a lengthy prison sentence, especially since their actions never harmed anyone.

Jay Kimball, Political Prisoner

When Jay Kimball discovered the benefits of deprenyl, he formed a company that produced a liquid version of the drug (deprenyl citrate) that he claimed was superior to the prescription-drug version (deprenyl hydrochloride). Jay at one point was selling his liquid deprenyl over the counter, but he capitulated when the FDA ordered him to stop selling his product, which cost about one-third the price of the prescription-drug variety. Jay continued, however, to export his liquid deprenyl to other countries.^{2,3}



You might ask, what is wrong with exporting medicines to other countries? It turns out that this too is "illegal," unless the FDA first approves you doing it. Americans who wanted Jay's purportedly superior deprenyl began ordering it from other countries, and that is when Jay got into big trouble.

The company making prescription deprenyl did not like the low-priced competition, so it ran to the FDA demanding that Jay Kimball be stopped. The FDA did not move fast enough to suit the drug company, so it hired a private detective agency to conduct a criminal investigation independent of the government. The private detectives did a superb job of documenting that Jay was indeed shipping deprenyl to other countries. This thoroughly documented case was turned over to the FDA, which used the information supplied by the private investigators to raid Jay Kimball's premises and eventually indict him on numerous criminal counts. There were no victims of Jay Kimball's actions, just violations of FDA laws.

What happened after Jay was indicted is so unprecedented that few attorneys believe the story until they read it. Just from watching TV, most Americans are aware that defendants are entitled to an attorney and that if they cannot afford one, an attorney will be appointed and paid for by the government. In fact, the government is often quite generous in providing a free attorney for violent street criminals. If you murder someone, the government will sometimes pay an expert criminal defense attorney so that the "incompetent counsel" argument cannot be used to overturn a death-penalty sentence.

Jay did not kill anyone, but he was denied an attorney for his trial. Jay's problem was that he was not indigent, as are most street criminals. Jay had some money to feed his wife and 13-year-old son and to provide housing for them. The federal government demanded that Jay liquidate all of his assets to pay for an attorney, or else represent himself in court. That would have meant that his wife and son would have to live on the street.

The federal prosecutors offered him a relatively lenient sentence if he pleaded guilty, but Jay defiantly stated that he had not harmed anyone and did not believe he did anything wrong. The federal judge told Jay that if he did not plead guilty, he faced up to three years in prison if convicted. Jay pleaded for an attorney, but since he was not flat broke, the government would not pay for one. Jay thus had to represent himself against the federal prosecutors, the FDA, and the drug company's private detectives.

Having never practiced law, Jay did an abysmal job of defending himself and managed to get the judge to absolutely despise him in the process. After the jury found Jay guilty, the judge sentenced him to an astounding 13 years in jail, citing Jay's conduct in trial as a reason to add the 10 years.

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Health Freedom Activists Try to Help

When news spread that Jay was sentenced to 13 years in jail for FDA violations that had harmed no one, the health freedom community was outraged. Jay was denied the basic right to have an attorney represent him, and then was sentenced to 10 years beyond the maximum sentence the judge had told him he would face prior to trial. Federal rules mandate that defendants be told their maximum prison sentence exposure in order to determine whether a guilty plea is appropriate.



While Jay had nothing to fight with during his trial, donations poured in after his conviction. An appeal was filed seeking to overturn the 10 additional years the judge had arbitrarily and unjustly imposed on him. Despite the best efforts of one of the nation's leading criminal defense firms, the appeal was denied repeatedly.

Jay made it clear to the judge that he was a political dissident and did not recognize the FDA's authority over him. Jay had become the embodiment of a "political prisoner." As is the case in all police-state countries, this meant he would be sent to the harshest jails the Bureau of Prisons could find. There was no "Club Fed" for Jay. He was sent to filthy county jails and then to one of the worst jails (in Belle Glade, FL), where third-world-like squalor breeds infectious diseases among prisoners. Jay contracted traumatic injuries at the hands of guards and infectious diseases that almost killed him. Medical treatment was repeatedly denied.

When the government identifies a political dissident, the punishment often greatly exceeds that of a common street criminal. After all, this person dares challenge the authority of the government itself. An example is Saddam Hussein, who jailed those who committed street crimes but summarily executed those suspected of questioning his absolute authority. The same was true of Adolph Hitler's death camps. Eleven million people were murdered in the Nazi death camps. Six million of those were Jews, with the remainder consisting of unpopular ethnic groups, homosexuals, those with physical or mental disabilities, and political dissidents.

Hitler and Hussein routinely murdered men like Jay Kimball. As you will read in the accompanying article, the US government is trying to do the same by denying him and others basic medical care.

Jay's entire case, including the original legal documents, can be accessed at www.liquid-deprenyl.com.⁴



The Costs of Unnecessary Incarceration

The federal government has become obsessed with inflicting harsh punishment. The news media feeds this frenzy by sadistically reporting on high-profile white-collar trials. What no one looks at is the high cost to taxpayers of locking up people up who do not pose a danger to society.

The current average annual cost of incarcerating just one prisoner is about \$30,000.⁵ By some people's standards, half of the 2 million people jailed today are political prisoners who either do not belong in prison or at least should not be serving lengthy sentences. Multiply 1 million political prisoners by \$30,000 and you come up with \$30 billion in taxes every single year. And that figure does not include the high costs of arresting and prosecuting these individuals.

These numbers pale in comparison to what taxpayers will soon face. Middle-aged and older people increasingly are sentenced to long prison terms. The health care expenses to be paid by the government will become astronomical as these prisoners age and contract the diseases of aging at an accelerated pace because of the dilapidated conditions of American prisons.^{6,7}

The most severe economic consequence is the loss of income tax revenue that occurs as a result of taxpaying citizens being put behind bars. Taxpayers who are not incarcerated are going to have to pay more because the government is increasingly locking up those who used to pay a lot of taxes. In some cases, the government has to take care of the economic needs (welfare) of family members who used to be supported by the political prisoner. The government also forgets about private creditors of the political prisoner, who have to foreclose on homes, repossess automobiles, and write off credit card debt because the political prisoner is no longer able to make monthly payments.

No one talks about the squandered tax dollars caused by the government incarcerating as many Americans as it can. The federal government does this even though it is running a \$500 billion budget deficit and faces an impending economic catastrophe as a result of Social Security obligations it cannot possibly pay.⁸⁻¹¹

No Equal Justice

The following five words are inscribed on the architrave that towers over the entrance of the Supreme Court Building in Washington, DC :“Equal Justice Under the Law”



Of all the phrases that could have been chosen, providing “equal justice” was deemed the most important role of the Supreme Court. When it comes to incarceration, however, the courts have perverted “equal justice” into meaning that everyone receives equal punishment. The problem is that individual circumstances are so different, applying equal punishment results in horrendously unequal situations.

For instance, some people make enormous personal sacrifices to achieve a career, a home, a business, a comfortable retirement, etc. Others float through life never giving a thought to any personal responsibility.

For those who build a life for themselves, a prison sentence of any substantial length often results in them losing everything. For the irresponsible person, floating in and out of jail is just a routine, and some of them do not consider it a significant imposition.

An example of a person with no personal responsibility is a roofer who can find work with any company on a sunny day. This individual sleeps on whatever floor a fellow worker provides or in the company truck if necessary. He takes his cash pay each Friday, spends the money on drugs or alcohol, and is broke before the weekend is over.



Because of his drug habit, basic necessities like food and housing are luxuries. This roofer made no sacrifices to get anywhere in life, pays no taxes, and has no credit to even generate any financial obligations. Welfare takes care of his illegitimate children. A two-day or two-year jail term means relatively little to the roofer, as he has no bills to pay, hates his job, has no responsibilities, and can get drugs in jail anyway (and free food). The roofer has no problem sleeping in an uncomfortable cot, using filthy toilet facilities, or having no decent climate control or little in the way of medical or dental care, since he never had these to begin with. If his teeth rot out, they would have done so in or out of prison, since he never went to the dentist. Being around lower-class criminals is not a problem either, since those are the people with whom the roofer works. When let out of jail, the roofer just calls a roofing company and lets them know he is available on the next sunny day to work. (This story about the roofer is true.)

Go to the opposite extreme of an attorney who made enormous sacrifices to go through seven years of college and law school, then worked 100-hour weeks to build a successful career. If convicted of the same victimless crime as the roofer and then jailed for two years, the lawyer loses his law license, his practice, his home, his car, his savings and credit, and everything for which he may have spent his entire life sacrificing. The squalid prison conditions and lack of decent medical and dental care result in the lawyer suffering brutally, while for the roofer, a two-year stint is just a minor inconvenience.

The judicial system arrogantly ignores personal circumstances when sentencing political prisoners.

The result is incredible differences in the magnitude of punishment each person suffers. This is blatantly unconstitutional, but no politician even raises a concern about it. The public, after all, thinks everyone should suffer equally. The sad fact is that there is such a disparity between the examples of the roofer and the lawyer that no one could possibly say that they would receive “equal” punishment if jailed for two years.

There are creative solutions that could help alleviate the unequal severity of punishment the government inflicts on its citizens, but the purpose of this article is to provide an inside look at American prisons. Since this is a health publication, a lot of focus will be on the lack of medical care that clearly represents cruel and unusual punishment—something the US Constitution expressly forbids.

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EQUAL INJUSTICE UNDER THE LAW

Going back to the 1800s, US jails have been filled with people arrested on seemingly innocuous charges. The following is a small sample of the unbelievable charges brought by the US government against American citizens.

10 Years in Jail for Writing to the Editor

Rosa Pastor Stokes was married to millionaire James Phelps Stokes and had all the money in the world to live a life of leisure. Instead of just taking it easy, however, she fought for social justice while befriending the likes of Upton Sinclair, Jack London, and Clarence Darrow. In 1917, she was arrested under the new federal Espionage Act. Under that law, individuals could be fined \$10,000 and sentenced to up to 20 years in jail for interfering with the recruiting of troops or releasing information concerning national defense. Stokes received a sentence of 10 years in jail simply for writing a letter to the Kansas City Star that stated, "no government which is for the profiteers can also be for the people, and I am for the people while the government is for the profiteers." After her release, she continued to work for social reform. She was critically injured after being clubbed by a police officer in a 1929 demonstration demanding that the US withdraw its military forces from Haiti.

Civil Disobedience to Help End Slavery

Passed by Congress in 1850, the Fugitive Slave Act required US Marshals and citizens to return runaway slaves to their masters. Those who harbored or failed to arrest runaway slaves were to be fined \$1,000, while those who found and returned slaves were entitled to a finder's fee. Fugitives were denied the right to a trial. As a result of this law, many former slaves migrated to Canada. The Vigilance Committee in Boston, MA, likened the US Marshals to federally sponsored kidnapers. The fugitive Thomas Sims was arrested and held in April 1850. His arrest provoked such outrage that it took some 300 armed police officers and US Marshals to escort Sims to the Navy ship that transported him back to his former owner, who then sold him to another slave owner in Mississippi. The Fugitive Slave Act so outraged citizens such as Arthur Tappan that he publicly declared that he would disobey the law and helped fund the "Underground Railroad" to help former slaves in their flight to freedom.

Jailed for Not Revealing Political Affiliation

Academy Award winner Ring Lardner, Jr., was one of Hollywood's highest-paid screenwriters in the 1940s. His career came to a screeching halt when he was called before the House Un-American Activities Committee to testify about the motion picture industry and his left-wing views. Lardner refused to testify, citing his rights under the First Amendment. Lardner was fired from his job and blacklisted, fined \$1,000, and incarcerated for one year in a federal prison in Danbury, CT. After the blacklist was lifted in the 1960s, Lardner resumed his respected writing career and received a second Academy Award for his screenplay of the hit movie "MASH."

Handcuffing Freedom, Igniting Civil Rights

On December 1, 1955, a revolution started. On that day, Rosa Parks, a black woman in Montgomery, AL, refused to yield her bus seat to a white passenger. The bus driver stopped the bus and the police arrived to arrest Ms. Parks and haul her away in handcuffs. Her arrest was a pivotal moment, inspiring religious leaders like Martin Luther King, Jr., to organize the Montgomery bus boycott that ignited the Civil Rights Movement. In the years following, civil rights leaders were themselves frequent targets of unjustified imprisonment. Dr. King, a minister and recipient of the Nobel Prize for Peace in 1964, was harassed, arrested, and jailed—once for requesting service at an Atlanta department-store lunch counter, and once for violating probation on a traffic offense.

Innocent Prisoners Wrongly Sentenced to Die

Since 1973, 114 inmates in 25 states have been released from death row after being proven innocent of the crimes for which they were convicted. The idea of executing innocent people who may have been railroaded by racist or corrupt police has become so unsettling that two states, Illinois and Maryland, recently decided to suspend all executions. Meanwhile, other cases have continued to move through the courts, freeing death-row inmates across the country. In Florida, Rudolph Holton was freed after spending 16 years on death row for a rape he did not commit. In Illinois, Aaron Patterson was freed after 17 years when his innocence in a stabbing murder was proven. Madison Hobley was freed after serving 16 years on death row for a mistaken arson conviction. The fire he was convicted of setting killed seven people, including his wife and child. Many of these cases involved false confessions that police literally "beat out" of the accused.

Imprisoned for Betraying US Military Policy

In 1971, Daniel Ellsberg, a Harvard graduate and former commander of a Marine rifle company, passed along a 7,000-page, top-secret government study to the New York Times. The study, which came to be known as the "Pentagon Papers," exposed the US military strategy in Vietnam as one founded on lies and distortions. He was tried on 12 felony counts, with a possible sentence of 115 years. His trial was dismissed in 1973 on the grounds of governmental misconduct against him, which later led to the convictions of several White House aides and ultimately figured in the impeachment proceedings against President Nixon.

Woman Imprisoned for Feeding Homeless

"If feeding people is a crime, I am beyond rehabilitation," said Sandra Loranger, who may well be the first American to be convicted of feeding the homeless. She was found guilty of violating an obscure health code law in Santa Cruz, CA, intended to regulate the kitchens in food establishments. She served 45 days in jail.

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