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Communications Management Units (CMUs), nicknamed “Little Gitmo” by the inmates for the resemblance to the Guantanamo Bay prison, are coming under criticism for their controversial policies, constitutionality, and secrecy. Prisoners assigned to these units cover a broad interpretation of the “War on Terror,” from Muslim men thought to have extreme leanings to radical environmental and animal rights activists.

Opened under the Bush administration, CMUs [are designed to severely restrict prisoner communication for inmates](#). Under the proposed new rules, which are even more restrictive than those currently in place, prisoners would be limited in communication to: one three-page, double sided letter per week to one recipient; one 15-minute phone call per month to immediate family only; and a single one-hour visit per month with immediate family only which must be non-contact in nature.

Secret Prisons Seek Approval

[The American Civil Liberties Union](#) (ACLU) and the ACLU of Indiana filed a legal complaint June 18, 2009, challenging the secret creation of the housing units within federal prisons in which prisoners are severely isolated from the outside world. The ACLU says that the housing units are intended for prisoners the government labels as terrorists and that their creation violated federal law which requires a period of public comment. A staff attorney with the ACLU National Prison Project, David Shapiro, said, “The government created CMUs without any opportunity for public comment or oversight in an effort to skirt obligations of accountability and transparency.”

The two CMUs, one at Terre Haute, Indiana, and the other at Marion, Illinois, opened in 2006 and 2007 without any public notice. After a series of legal complaints were filed against the Federal Bureau of Prisons (BOP) for creating the prisons outside of the required channels and for violating the constitutional rights of inmates, the BOP opened a period of public comment

earlier this year, which just recently closed.

On June 2, 2010, the ACLU submitted their comments to the BOP. Others also submitted comments, including the Center for Constitutional Rights (CCR), other civil rights and liberties groups, CMU prisoners, family members and friends, legal organizations, former correctional officials, environmental organizations, psychologists, and more.

No Due Process

One of the major complaints voiced in the public comments was the lack of due process at the CMUs. Prisoners are routinely kept ignorant of why they were moved to the CMU or what evidence, if any, was used in the decision to move them. There is also no prison structure in place through which they can challenge their placement at the CMU nor is there any review process through which they could earn their way out.

In his [letter](#) submitted for public comment, Stephen F. Downs, attorney to CMU Muslim inmate [Yassin Aref](#), argues that prisoners are assigned to the CMU on what appears to be a completely arbitrary basis. Downs said that his client was assigned to the Terre Haute CMU and then the Marion unit, yet his co-defendant Mohammed Hossaid has not been assigned to any CMU.

Both defendants, who were convicted in a sting by the FBI, have no reported connections with terrorists. Yassin Aref was moved to a CMU for allegedly supporting a terrorist organization called JEM.

During the FBI sting, Aref repeatedly told the FBI informant that he did not know anything about JEM. The FBI admitted that they had no evidence of any connection between Aref and any terrorists. An FBI representative at the press conference following the conviction said, "Did he [Aref] actually himself engage in terrorist acts? Well, we didn't have the evidence of that, but he had the ideology...Our investigation was concerned with what he was going to do here and in order to preempt any, anything else, we decided to take the steps that we did take..."

Downs argues that if the purpose of CMUs is to prevent prisoners from communicating with terrorists outside the prison, there was no reason to assign Aref to a CMU, since he neither knew nor would have any reason to communicate with terrorists.

Downs writes, “The preemptive program by its very nature (convicting Muslims of contrived crimes to preempt them from possibly committing real crimes in the future), is illegal, and results in many innocent Muslims being sent to jail for long periods of time... The idea of treating a religious minority in such an illegal and discriminatory manner is shocking to anyone who believes in the Bill of Rights.”

In his blog, [Support for Daniel McGowan](#), McGowan – an environmental and social justice activist from New York City who is now imprisoned in the Marion CMU – writes about the idea that the people housed in these units are there for any rational reason. He writes:

The irony is that I was moved to the CMU to have my communication managed, but what changed in that one year to justify this move? If I was a danger, then why did the BOP house me in a low-security prison? The same applies to many of the men here— some have been in general population for twenty years and then suddenly a need to manage their communication is conjured up. During my pre-CMU time, I had used 3500 phone minutes and sent hundreds of letters. If there was a problem with my communication, shouldn't the BOP have raised this with me? My notice stating their rationale for placing me here attributed it to me “being a member and leader in the [Earth Liberation Front] and [Animal Liberation Front]” and “communicating in code.” But if this is true, then shouldn't I have been sent to the CMU as soon as I self-reported to prison in July 2007?

Dangerous Demographics

Due to the lack of oversight surrounding which prisoners are sent to the CMU and why, there has been an unimpeded pattern of Muslim and politically-minded prisoners being moved there, with as many as [60 to 70 percent](#) of the prisoners being Muslim.

The remainder of the demographically skewed CMU population is made up mainly of political or environmental activists. Will Potter, an award-winning independent journalist who has become the leading authority on “eco-terrorism” and post 9/11 civil liberties, reports on [GreenIsTheNew](#)

[Red.com](#)

that

transferring vocal, public environmental activists to CMUs is an expansion of the lesser-known “terrorism” crackdown against animal rights and environmental activists by corporations and politicians. He claims that this coordination campaign to label activists as “terrorists” and push a political agenda of the “Green Scare” has involved terrorism enhancement penalties and new terrorism legislation like the Animal Enterprise Terrorism Act. He argues that putting environmental activists in CMUs where their communication is limited is a clear message that the government wants the expansion of the crackdown on activists to proceed “unobstructed and unseen.”

Human Collateral

Critics of the CMUs say that another fundamental problem with the units is that the extreme nature of the limitations on visits from family is unnecessarily cruel. The isolation hinders rehabilitation and damages the family unit during and after the prisoner’s incarceration. It is particularly difficult for children to endure.

The 14-year-old daughter of Kifah Jayyousi, one of the prisoners in the lawsuit said, “The thing that hurts the most is that I can hear him but I can never touch him. I haven’t hugged, kissed or held my dad since December of 2007.”

Daniel McGowan entered into the public comments the pained existence of living without being able to touch his spouse, “The feeling of joy I used to get from seeing my wife and being able to hug her at the start of our visit is impossible to describe. It helped us deal with the seven year sentence I am serving to be able to connect, even though we only saw each other a few times a year. This month, it will be two years since the last time I was able to hug my wife or even hold hands. It feels like torture.”

McGowan’s wife, [Jennifer Synan echoed the sentiments](#) , saying “For the last two years I have already experienced the devastating, heart-breaking effects of having a spouse in the CMU and cannot fathom how much more difficult our lives will be if the proposed rule moves forward. As it stands, I was only able to visit my husband for a total of 20 hours in 2009. That is less than a day. I also have not been able to embrace him or even touch him for over two years.”

[A group of New York University psychologists submitted comments](#) to the BOP stating that the regulations in the CMUs were harmful and unnecessary. The comments said, “The proposed regulations impose restrictions on contact between the prisoner and the outside world that create significant psychological and emotional harm for all involved. It is difficult to comprehend what makes such practices necessary other than to compound the already severe punishment those imprisoned are receiving.”

The psychologists also pointed out that research shows visitation significantly reduces recidivism and more visits further lessen the likelihood of repeat offending. The reduction in contact would therefore add to the likelihood of future crime.

Voices

The media often serves as a voice for those who can't speak for themselves. Where have the media ambassadors for the voiceless CMU prisoners been? After all, considering the outcry of the American people to close Guantanamo Bay, the people would certainly be interested in a “Little Gitmo” operating in the heart of America. Yet, on [Democracy Now!](#) Amy Goodman talks about the information blackout on CMUs saying, “The government has provided little information about the special prison units. A search on the Bureau of Prisons website yields just one document even mentioning the program. Only a handful of news articles have covered what's been described as a Little Guantanamo by some of the prisoners.”

Regardless of the lack of media attention, the ACLU and the CCR succeeded in pushing the BOP into opening up a period of public comment. The concerns of the prisoners and their families have now been voiced and the information they supplied will give the American people the opportunity for continued vigilance regarding our treatment of prisoners in the U.S.

Now concerned Americans just need to keep their eyes on the horizon for information about U.S. Bagram airbase in Afghanistan. The Obama administration [plans to retain the ability to hold international terror suspects at the prison](#) even after control is transferred to Afghanistan next year. The [BBC](#)

reported that the Bagram airbase contains a facility distinct from the main prison. Nine prisoners had been held in the separate building, what the prisoners called a “black jail,” where they claim they were subjected to abuse, including being kept in isolation and deprived of sleep.

