

HOW DOES OUR NATION CONFRONT PRISON RAPE:

THE MORAL AND ETHICAL QUESTIONS

COMMISSIONER FELLNER: Let me just push you a little on that because I take -- I fully understand what you're saying about consensus and trying to avoid some of the debates which can be realized, action in the pursuit of the perfect -- all of that.

If we agree that prison rape generally is a sign and symptom of poorly run prisons, then I think we have to agree that the solution has to be improving the prison systems as a whole. You won't solve prison rape by itself if you don't take on some of these broader issues. And that seems to me, because the standards for dealing with -- the solution to prison rape, I believe, will be the same solution as if our mandate was simply prison violence in general, so I wanted to ask your advice.

How do we deal with some of these larger questions which in prison management if we're really trying to get at the root causes, how do we

avoid that sort of Sessions versus Kennedy debate that you suggested?

MR. HOROWITZ: Well, first, the distinction between prison rape and prison violence is an artificial one. The two are pretty much the same. We talked prison rape because it was easier to forge that kind of consensus, but be sure. If you isolate the predators, if you have good training programs, if you have whistle blower protection systems, if you have screening systems, you will eliminate the prison violence right along with the prison rape. The two are, in my judgment, indistinguishable.

COMMISSIONER FELLNER: That's good to hear for you.

MR. HOROWITZ: But I do think that often the notion of let's get at the root causes are -- are send -- the take away message that we've got to get at poverty, we've got to stop prison overcrowding, we got to close more prisons. My judgment is you work at the easiest problem, so you pick the lower hanging fruit where you can generate a sense of -- you consider the consciences of all

Americans and you come up with solutions that really begin to make significant progress and the ripple effects are extraordinary.

I've been around now for almost a decade dealing with a variety of human rights issues, whether the trafficking women are religious persecution and I always find that the most difficult problem is we're creating our movements or people who are saying, gee, why do they only want to fight religious persecution, how about religious discrimination because our objective is to have full religious freedom, so let's take that on.

My judgment is and my experiences is that if you didn't even care about religious persecution, the best way to get at it is to create a national and international movement that sees and identifies with the victims of religious persecution and in the process the ripple effect will have far more effect in curbing religious discrimination than if you attacked it head on without getting the kind of -- so it's from this seed of evil, just tackle merely that problem and if it does nothing but curb

prison rape and prison rate alone, you'll have earned your pay and made history, but I assure each and every one of you that if you do a good job with what you got and create the consensus I think you can achieve within this commission and over the course of the country, you will do far, far more in terms of ameliorating prison conditions.

You may take the expenditure issue. You may create lobbies at state levels that say our prisons are overcrowded and that's a problem, but now people will be engaged about the issue in prisons, will feel that there really are solutions that efforts can achieve. We have no idea what the ripple effects will be. They will surely be great at local levels, but you are a federal commission. There are federal -- there is a responsibility on your part in light of the Farmers Supreme Court decision that says that deliberate indifference to prison rape is a violation of the cruel and unusual punishment of the federal constitution to deal with that issue. But stick to your last and you'll get at root causes.

Don't try to tackle the whole problem of

societies or indeed of prison or the criminal justice system. Stick to this and you'll do more reform with society and the criminal justice system than you can, in my judgment, possibly imagine.

MS. STRUCKMAN-JOHNSON: Mr. Richards thank you for your work. So few people work with the rehab and the reentry process. I think this is where so much help is needed and I appreciate hearing what you're doing. Mr. Horowitz, thank you for everything. I don't know if people realize the role that you play, but we wouldn't be here if it wasn't for you and I thank you for coming to give us such encouragement, so thank you.

And Lara Stemple, you're leaving SPR soon, correct?

MS. STEMPLER: Yes.

MS. STRUCKMAN-JOHNSON: I want to say good-bye and I'm very sorry, but I know that wherever you go, you'll continue to do great work and I know that your people who are going to come in will do great work too, but as I told you privately in an e-mail I would like you to go and do testimony. Steven Donaldson may be calling you.

MS. STEMPLE: Thank you.