

OPENING REMARKS AND INTRODUCTION OF COMMISSIONERS

CHAIRMAN WALTON: Good morning. We will now convene the second public hearing of the National Prison Rape Elimination Commission held here in San Francisco on August 19th, 2005 at 9:30 a.m.

We are conducting this hearing in the Ceremonial Courtroom of the United States District Court for the Northern District of California. I would like to personally thank -- I've already done so, but publicly thank Chief Judge Vaughn Walker for permitting us to use this facility. It obviously has aided the effort of the Commission.

The Commission, for those of you who may not be familiar with it, is a bipartisan commission that was created by an act of Congress, namely the Prison Elimination Act. And the sponsor -- the cosponsors of the legislation were Senator Edward Kennedy of Massachusetts, Jeff Sessions from Alabama, Congressman Frank Wolf of Virginia and Congressman Bobby Scott of Virginia.

On each occasion when I have the opportunity, I want to always acknowledge them and thank them for their foresight in seeing the importance of addressing the problem of sexual assault in prison communities.

This Commission, as I said, is a bipartisan commission. The members were appointed by the President and by the leadership of both the Senate

and the House of the United States Congress.

Our mission is to eradicate the problem of sexual assault in prisons. It may be unrealistic to believe that we can wholly eradicate the problem, but we believe we have a mission, and we believe we will be successful in at least curbing the incidents of sexual assaults that take place in our nation's prisons.

Fortunately, as I said, there was the foresight on the part of Congressional representatives to appreciate our need as a society to address the problem of sexual assault in prison institutions. I know from discussions that I often have with people when they find out that I'm doing this in addition to my judicial responsibilities is "Why do you care?"

And I care because I believe that, as a nation, we have an obligation to treat even the least among us who may have committed crimes against society with humanity. And it's important that we appreciate that there are ultimate consequences a society suffers when individuals when they are incarcerated are abused in the manner that all too often takes place in our nation's prisons and jails.

Ultimately, our responsibility as a Commission is to produce a report that we will submit to the Executive Branch of the federal government and to the Congress of the United States, along with

proposed standards which we believe, if implemented, will have an impact on curbing the problem of prison rape and prison sexual assault.

I would like to briefly just identify the members of the Commission. There are nine of us. To my far left is Mr. Jim Aiken, who is president of James E. Aiken & Associates. He is a long-term participant in the criminal justice process. He is an expert in the area of prison management and testifies as an expert throughout the country on issues related to prison management.

Next to Mr. Aiken is Professor Brenda Smith, who used to try cases before me as an outstanding lawyer. Now she is a professor of law at my alma mater, the American University Washington College of Law, an expert in the area of prison-staff-on-inmate sexual abuse.

Next to Professor Smith we have Professor Cindy Struckman-Johnson, who is a professor of psychology at the University of South Dakota, again, an expert in the area of prison sexual assault. And what she brings to the Commission is invaluable because of her knowledge of the area.

Next to me, to my right, is Mr. Pat Nolan, who is president of the Justice Fellowship, which is the policy arm of Chuck Colson's Prison Fellowship Ministry, who was very influential in ensuring that this legislation became a reality.

Next to Commissioner Nolan is Commissioner

John Kaneb, who is chairman of the board of directors of HP Hood and the Gulf Oil Company. Again, Mr. Kaneb was very influential in ensuring that this legislation became a reality. He's someone who had really not had any long-term involvement with the issue, but because of his sense of humanitarianism, he realized the importance of addressing this problem and became very active in ensuring that this legislation would be a reality.

There are three members who unfortunately could not be here: Ms. Jamie Fellner, who is the director of the United States Program of the Human Rights Watch; also Commissioner Nicole Garnett, who is a professor of law at the University of Notre Dame School of Law; and also Mr. Gus -- or Commissioner Gus Puryear, who is the executive vice president and general counsel and secretary of Corrections Corporation of America.

With that, I don't have any further comments that I would make and we will commence with our hearing.