

Testimony of
Rabbi David Saperstein

July 31, 2002

Good afternoon. I am Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, and I'm pleased to join you today to speak in support of the Prison Rape Reduction Act of 2002. This important legislation would address a profound violation of human rights whose shameful prevalence has been overlooked in this country for far too long.

First, let me commend Senators Kennedy and Sessions and Representatives Wolf and Scott for their passionate, bipartisan leadership on this issue. We could not ask for congressional champions more dedicated to upholding the basic values of human dignity. Their example should demonstrate to all Americans our shared capacity to transcend religious, ideological, and partisan differences and unite behind a common vision of fundamental decency on issues where core principles are at stake.

The scourge of prison rape is just such an issue: Studies show that nearly 25 percent of the more than two million individuals in federal and state prisons across the country will be the victims of some form of sexual assault or harassment during their period of incarceration. In a typical state prison, one in 10 prisoners will be the victim of a completed rape. Once so brutalized, victims are far more likely to be victims of repeated rape. These are staggering statistics that should by themselves arouse the moral outrage of all people of conscience.

The comprehensive Human Rights Watch report *No Escape: Male Rape in U.S. Prisons* reminds us, however, that these statistics represent traumatic incidents of violent abuse that have been perpetrated upon real people. The report contains information from more than 200 prisoners in 34 states, and notes that in addition to the often "unimaginably vicious and brutal" physical effects of sexual assault, prison rape victims also suffer serious and enduring psychological stress, manifesting itself through "nightmares, deep depression, shame, loss of self-esteem, self-hatred, and considering or attempting suicide. Some of them also describe a marked increase in anger and a tendency toward violence." And tragically, AIDS, HIV and other sexually transmitted diseases devastate lives physically and emotionally. Sadly, too many prison officials turn their backs on the problem, or even worse, encourage it as a means of control.

All religious traditions teach that the ultimate judgment of a society depends on how it treats the most vulnerable of its inhabitants. Certainly, incarcerated individuals fit into this category. No matter what crime a person has committed, no one deserves to be brutally raped as a condition of his or her punishment. But for too many people in the American penal system, prison rape is merely par for the course.

We must not allow this terror to continue. The bill at issue today provides a responsible, measured approach to the problem, setting up mechanisms for the study, reporting, and prevention of prison rape. Most importantly, the legislation promises to bring to the forefront a

tragic plague that is too often a punch line and too rarely a subject of genuine concern in our civic life.

The Prison Rape Reduction Act would direct the Justice Department to set up three programs to address the problem: one to collect and publish comprehensive information, one to serve as a clearinghouse for the reporting of sexual assaults in prison and to provide training and assistance to prison officials, and one to make grants to state and local programs aimed at preventing and punishing prison rape. Further, the bill would establish a national commission charged with setting standards for averting sexual misconduct in penal facilities and able to play a critical role in educating the American public on this crisis. As one who was honored to serve as the chair of a federal commission established by a unanimous act of Congress, I can testify to the potential of such commissions to be a vitally effective goad to executive and legislative officials and to the public conscience.

These reforms would, for the first time, signal a serious engagement with the problem by the federal government. Such an engagement is vital, because turning our back on prison rape would not only violate the Eighth Amendment's protection against cruel and unusual punishment, it would also mean betraying our most fundamental moral values, which tell us unequivocally that if we can prevent another person from being viciously attacked, we must.

I'm here today to tell you that we can prevent prison rape; we should prevent prison rape; and we must prevent prison rape.

Because of the profound moral clarity of the issue, a remarkable coalition of conscience has come together in support of this legislation. Jewish, mainline Protestant, Evangelical, and Unitarian groups, civil rights, human rights, and criminal justice reform advocates, health care professionals and youth workers, liberals, conservatives, and everyone in between - we all believe that prison rape is wrong, and that we can, and must, do something about it.

Some of us work together frequently; others less so. For example, it is not so common that Reform Jews and conservative Evangelicals find common ground to work together, but when we do, you can be sure that the issue at stake is one that cuts to the heart of a principle so basic that no reasonable person can stand in the way of its genuine manifestation.

We have joined together in the past on issues of similarly essential principle. Our common concern for the world's poor brought us to the table to advocate international debt relief. Our common disgust at the most foul human rights violations drives our work to prevent international sex trafficking and to end slavery in the Sudan. Our common understanding of the ennobling power of religious belief guides our quest for religious freedom, and to end religious persecution both at home and around the world.

One of the Torah's most radical innovations was to put forward the notion that human beings are created *b'tselem elohim* - in the image of God. The use of divine terminology to describe the human state serves to raise up humankind, to proclaim the infinite worth and potential of each individual person.

The implications of such a concept are far-reaching and profound, imposing on individuals and societies the obligation never to degrade others, to recognize the potential in all for redemption, and to assist the most vulnerable.

That this includes the prisoner is clearly reflected in the Bible in two separate places, where it pronounces a prohibition on raping those captured in war (imprisonment for criminal activity was not known in the ancient Jewish world), both women (Deuteronomy 21:10-16) and men (Deuteronomy 23:16-17). Intrinsically, rape is regarded as a vile sin - under some circumstances, the Bible holds rape to be a civil wrong that requires payment of damages by the perpetrator as compensation for pain, suffering, shame, and blemish (Deut. 22:28-29); in others, rape is categorized as a capital offense (Deut.22:25).

We must recognize that to allow the epidemic of prison rape to continue unabated is to reject the spirit of the divine that connects us all. Therefore, I urge the members of this committee to join with Senators Kennedy and Sessions in supporting the Prison Rape Reduction Act.

Thank you for your time.