

United States Senate

WASHINGTON, DC 20510

June 02, 2004

Honorable Glenn Fine
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Room 1145
Washington, DC 20530

Dear Mr. Fine:

I write to respectfully request that you investigate and report on how at least three individuals selected by the Department of Justice to oversee the reconstitution of Iraq's prison system could have been chosen for such a sensitive and important role despite credible allegations of serious misconduct when they served as corrections officials in the United States.

Lane McCotter, who had a disturbing history of defending inmate abuses, was tapped to be one of four individuals sent by the Department of Justice to redevelop Iraq's prison system. McCotter was forced out of the top spot in Utah's Department of Corrections when a schizophrenic prisoner died after being strapped to a chair naked for sixteen hours. His record was further tainted when the DOJ investigated a New Mexico prison that was run by a private corrections firm that employed McCotter for failing to provide inmates with a safe environment and adequate medical facilities. Nonetheless, the Department of Justice selected him to help oversee the reconstitution of Iraq's prisons, including service training guards at the notorious Abu Ghraib facility.

Gary DeLand served in the same position later held by McCotter, as head of Utah's Department of Corrections, in the late 1980s. According to Salt Lake City Mayor Rocky Anderson, DeLand was well known for the "sadistic" manner in which he ran the state's penal institutions. DeLand was also recruited to help reconstitute Iraq's prison system, including Abu Ghraib. DeLand was reportedly sent to Iraq by the Department of Justice as well.

A third civilian contractor, John Armstrong, was forced from his post as the head of Connecticut's corrections department for defending abuses of prisoners before eventually serving in a high-ranking management position overseeing the Iraqi prison system. Armstrong served in Iraqi pursuant to a State Department contract. While running Connecticut's prison system, Armstrong made a practice of shipping even low-level offenders to a supermax facility in Virginia which was notorious for its use of excessive force - ranging from unjustified use of stun guns shooting 50,000 volts through prisoners to locking inmates in five-point restraints for such lengthy periods that they were routinely forced to defecate on themselves.

Now, evidence has surfaced that a fourth civilian contractor with a troubling history in the United

States' corrections system, Terry Stewart, was one of a handful of former prison officials recruited by the Department of Justice to help rebuild Iraq's prison system. Stewart came under scrutiny for numerous incidents involving the mistreatment of inmates while serving as the head of the Arizona Department of Corrections from 1995-2002. In 1997, the Department of Justice Civil Rights Division named Stewart in a suit brought against the Arizona Department of Corrections concerning a pattern of sexual assault against female prisoners by male prison guards. Stewart was charged with knowingly turning a blind eye to repeated incidents of sexual abuse by guards against female prisoners ranging from sexual assault and rape to watching female prisoners undress and use the restroom. The suit was eventually settled after the Arizona Department of Corrections agreed to make major changes in numerous prison policies.

Under Stewart's watch prisoners at Arizona facilities were also made to stand outside in the summer for up to four days in the summer and for up to 17 hours in the winter without sanitation, adequate drinking water, changes of clothing, proper food or protection from the elements. In a third questionable incident a class action suit was brought against the Arizona Department of Corrections during Stewart's tenure charging that the prison system had failed to properly use protective custody to shield certain at-risk inmates from harm.

Given the backgrounds of the three individuals who were selected by DOJ to serve in Iraq, I am respectfully requesting that you investigate and report on: the criteria used to select them, the vetting process to which they were subjected, the identities of the officials who selected them, the extent to which concerns about their backgrounds were known by the officials who vetted and selected them, and the reasons such concerns were disregarded when these individuals were appointed.

Thank you for your attention to this matter and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in cursive script that reads "Charles E. Schumer". The signature is written in black ink and is positioned above the printed name and title.

Charles E. Schumer
United States Senator