

# Two Standards of Detention

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Scott Roeder, the anti-abortion zealot charged with killing Dr. George Tiller, has been busy. He called the Associated Press from the Sedgwick County Jail in Kansas, saying, "I know there are many other similar events planned around the country as long as abortion remains legal." Charged with first-degree murder and aggravated assault, he is expected to be arraigned July 28. AP recently reported that Roeder has been proclaiming from his jail cell that the killing of abortion providers is justified. According to the report, the Rev. Donald Spitz of the Virginia-based Army of God sent Roeder seven pamphlets defending "defensive action," or killing of abortion clinic workers.

Spitz's militant Army of God Web site calls Roeder an "American hero," proclaiming, "George Tiller would normally murder between 10 and 30 children ... each day ... when he was stopped by Scott Roeder."

The site, with biblical quotes suggesting killing is justified, hosts writings by Paul Hill, who killed Dr. John Britton and his security escort in Pensacola, Fla., and by Eric Rudolph, who bombed a Birmingham, Ala., women's health clinic, killing its part-time security guard.

On Spitz's Web site, Rudolph continues to write about abortion: "I believe that deadly force is indeed justified in an attempt to stop it."

Juxtapose Roeder's advocacy from jail with the conditions of Fahad Hashmi.

Hashmi is a U.S. citizen who grew up in Queens, N.Y., and went to Brooklyn College. He went to graduate school in Britain and was arrested there in 2006 for allegedly allowing an acquaintance to stay with him for two weeks. That acquaintance, Junaid Babar, allegedly kept at Hashmi's apartment a bag containing ponchos and socks, which Babar later delivered to an al-Qaida operative. Babar was arrested and agreed to cooperate with the authorities in exchange for leniency.

While the evidence against Hashmi is secret, it probably stems from the

claims of the informant Babar.

Fahad Hashmi was extradited to New York, where he has been held in pretrial detention for more than two years. His brother Faisal described the conditions: "He is kept in solitary confinement for two straight years, 23- to 24-hours lockdown. ... Within his own cell, he's restricted in the movements he's allowed to do. He's not allowed to talk out loud within his own cell. ... He is being videotaped and monitored at all times. He can be punished ... denied family visits, if they say his certain movements are martial arts ... that they deem as incorrect. He has Special Administrative Measures (SAMs) ... against him."

Hashmi cannot contact the media, and even his lawyers have to be extremely cautious when discussing his case, for fear of imprisonment themselves. His attorney Sean Maher told me: "This issue of the SAMs ... of keeping people in solitary confinement when they're presumed innocent, is before the European Court of Human Rights. They are deciding whether they will prevent any European country from extraditing anyone to the United States if there is a possibility that they will be placed under SAMs ... because they see it as a violation ... to hold someone in solitary confinement with sensory deprivation, months before trial."

Similarly, animal rights and environmental activists, prosecuted as "eco-terrorists," have been shipped to the Federal Bureau of Prisons' new "communication management units" (CMUs). Andrew Stepanian was recently released and described for me the CMU as "a prison within the actual prison. ... The unit doesn't have normal telephone communication to your family ... normal visits are denied ... you have to make an appointment to make one phone call a week, and that needs to be done with the oversight of ... a live monitor."

Stepanian observed that up to 70 percent of CMU prisoners are Muslim—hence CMU's nickname, "Little Guantanamo." As with Hashmi, it seems that the U.S. government seeks to strip terrorism suspects of legal due process and access to the media—whether in Guantanamo or in the secretive new CMUs. The American Civil Liberties Union is suing U.S. Attorney General Eric Holder and the Bureau of Prisons over the CMUs.

Nonviolent activists like Stepanian, and Muslims like Hashmi, secretly and dubiously charged, are held in draconian conditions, while Roeder trumpets from jail the extreme anti-abortion movement's decades-long campaign of intimidation, vandalism, arson and murder.

Denis Moynihan contributed research to this column.

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