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Hunger-Striking Prisoner Appeals Force-Feeding To Supreme Court

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HARTFORD —

Inmate William Coleman has not eaten any solid food in four years, his lawyers say.

Since Sept. 16, 2007, he has waged a see-saw hunger strike, usually sustaining himself on milk, juice and nutritional supplements. But at times he has escalated his protest and refused everything except water and ice chips.

During the course of his strike his weight dropped from 237 pounds to as low as 139 pounds. Fearing he faced death or permanent organ damage, prison officials got a court order and have force-fed him on numerous occasions.

The state Supreme Court on Tuesday heard arguments in Coleman's case as it decides the balance between an inmate's rights and the obligations of the prison system.

Attorney William E. Murray said Coleman's First Amendment right to free speech allows him go on a hunger strike and his 14th Amendment right to privacy allows him to refuse medical treatment, such as force-feeding.

"What we're asking you to do is let him be," said Murray, of Gordon & Rees, who represented Coleman with the American Civil Liberties Union of Connecticut.

But Assistant Attorney General Lynn Wittenbrink argued that correction officials face "Herculean obstacles" in caring for prisoners while maintaining safety and security. If Coleman were allowed to die, copycat hunger strikers could disrupt the prison system, she said.

"There could be genuinely suicidal people who copied his behavior," Wittenbrink said.

Coleman was not in court Tuesday, but testified during a five-day Superior Court hearing in 2009 that resulted in Judge James T. Grant's issuing a permanent injunction allowing correction officials to force-feed him.

Coleman said he was protesting a "hideously broken and hideously corrupt" judicial system as well as his 2005

conviction and eight-year sentence for raping his wife during a bitter divorce and custody battle. His appeal was denied and he is scheduled for release in December 2012.

Murray said Coleman's mental competence is sound and his basic rights should be respected, even in prison. He said prison officials "under the guise of safety and security" were "stretching the boundaries of constitutional permissibility."

He said Coleman has suffered pain when he has been strapped down and force-fed nutritional supplements through a tube inserted into his stomach through his nose. But Wittenbrink described it as a relatively routine procedure.

Murray dismissed the possibility of copy cat hunger strikes, especially because of the duration of Coleman's protest.

"This is a very unusual hunger strike situation," Murray said.

Wittenbrink responded that prison is a unique environment and that the state has an obligation to protect life regardless of an individual prisoner's desires.

"Mr. Coleman would have died," she said. "There's no question about that."

Murray argued that there's precedent in international law banning forced feeding, but Wittenbrink replied that there is no consensus on the issue.

Before the hearing, David J. McGuire, an attorney for the ACLU-CT, said he had seen Coleman recently and, although he did not know his current weight, he was not exceedingly thin. Coleman is currently taking liquids, including nutritional supplements, and has not been force-fed this year.

Although Coleman has pain, digestive problems and headaches, he does not complain or seek treatment, McGuire said.

"He sees that as a natural consequence of his hunger strike," McGuire said.

On Friday, attorneys John R. Williams and Charles L. Kurmay filed a lawsuit on Coleman's behalf against two Department of Correction doctors who force-fed him. The lawsuit contends the feedings violated the constitution and the United Nations Convention Against Torture. The lawsuit seeks compensation for Coleman's "pain and humiliation."

Coleman, a British citizen, is also appealing a deportation order. McGuire said that although eligible, Coleman has not applied for early release because he could be deported after getting out of prison.

"His position is he is not leaving until he is vindicated," McGuire said.
