

# One in five US prisoners has contracted COVID-19, more than 1,700 have died

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As the coronavirus pandemic continues to surge across the US bringing with it a wave of death, a forgotten section of the population is being especially ravaged: prisoners in state and federal prisons. The Marshall Project has been tracking inmate cases and deaths since mid-March.

The non-profit news organization, in coordination with the Associated Press, reports that by December 15 at least 276,107 people in prison had tested positive for the illness, a 10 percent increase over the week before, far outpacing the previous peak in early August. As testing for the virus is limited, and all cases are not reported, this number is undoubtedly much higher.

The following number of new cases were reported on the last week studied:

- California: nearly 6,000
- Federal Bureau of Prisons: more than 3,000
- Michigan and Pennsylvania: more than 2,000 each
- Arizona and Nevada: more than 1,000 each

These staggering figures show that the ruling elite's policy of "herd immunity" is even more concentrated within prison walls, where prisoners are confined to close quarters and social distancing is nearly impossible. As with workers sent into auto, meat processing and other factories, the lives of prisoners are seen as expendable. Prisoners, moreover, are viewed as a drain on the resources of the capitalist state, which receives limited cash value from their incarceration.

Federal prisons have had 33,410 cases, more than any one state prison system, and 175 deaths, second only to Florida, which has seen 189. The number of federal cases has been boosted by the Trump administration's pursuit of executing as many federal prisoners as possible before Joe Biden is to be sworn as president on January 20. Biden has said he will move to end federal executions.

The Department of Justice, under the direction of Attorney General William Barr, is on track to carry out 10 executions on Trump's way out of office, more than have taken place over the previous three decades. Barr, who directed the Bureau of Prisons (BOP) last year to reinstate capital punishment for federal inmates after what had been an essential moratorium on federal executions, will leave his post before Christmas, washing his hands of the final three executions scheduled in January.

One of these inmates is Dustin John Higgs, 48, who is scheduled to be put to death on January 15 in connection with the kidnapping and killing of three women in Maryland in 1996. The BOP notified Higgs's attorneys on Thursday that their client had tested positive for the coronavirus. The news comes amid prisoner concern about an exploding number of cases of the virus at the complex in Terre Haute, Indiana, where the only federal death row is housed.

After the November 19 execution of federal prisoner Orlando Hall, 49, it was reported that eight prison employees who had taken part in his execution at the Terre Haute facility had contracted COVID-19. Despite this, five of these employees were scheduled to work during the executions of Brendon Bernard, 40, on December 12, and Alfred Bourgeois, 55, the following day.

Another federal inmate in Terre Haute, James Lee Wheeler, tested positive for the virus on November 17. He was evaluated by medical staff at the prison on November 25 for decreased oxygen saturation on November 15 and was transferred to a local hospital for further treatment.

Wheeler had long-term, preexisting medical conditions placing him at increased risk for developing severe COVID-19 disease. On December 9, he was

pronounced dead by hospital staff. Wheeler, 78, was serving a life sentence following convictions in Florida and Ohio for obstruction of justice, racketeering and drug charges.

James Frazier, 79, Ohio's oldest death-row inmate, died November 19 from a likely case of coronavirus. He was convicted and sentenced to death in 2005 for the murder of Mary Stevenson, 49, of Toledo. One hundred eighteen Ohio prisoners have died due to COVID-19, according to the Marshall Project, the fourth largest death toll following Florida, the federal government and Texas. More than 8,000 Ohio inmates have been infected.

On November 14, 2017, authorities found Frazier in his cell at the Chillicothe Correction Institution following what doctors called multiple minor strokes, according to Frazier's attorneys. He was later transferred to a local hospital.

Frazier's attorneys filed a notice of insanity in Lucas County Common Pleas Court to stop his execution, scheduled for October 20, 2021. They said he suffered from dementia and had little idea where he was.

In addition to Higgs's January 15 execution, there are three other federal executions scheduled before Inauguration Day, January 20.

Lisa Marie Montgomery, 52, is scheduled to be put to death January 12. Her December 8 execution was temporarily stayed after her attorneys contracted COVID-19, most likely from visiting her in prison, and could not prepare her clemency petition. US District Judge Randolph Moss signed a court order blocking the federal government from executing her before the end of the year.

Montgomery was convicted and sentenced to death for the 2007 strangling of a Missouri woman who was eight months pregnant and taking her unborn baby, who survived. Sandra Babcock, one of the lawyers representing Montgomery against Barr, said, "Mrs. Montgomery's case presents compelling grounds for clemency, including her history as a victim of gang rape, incest and child sex trafficking, as well as her severe mental illness."

If Montgomery's execution does go forward, it would be the first federal execution of a woman in almost seven decades. Ethel and Julius Rosenberg were executed by electrocution on June 19, 1953. They were framed up and prosecuted at the height of the Cold War

under the Espionage Act of 1917 on charges of conspiracy to commit espionage on behalf of the Soviet Union.

Cory Johnson, 52, is scheduled for execution January 14 for the 1992 killing of seven people as part of a drug trafficking conspiracy based in Richmond, Virginia. Johnson's attorneys argue that he has an intellectual disability and needs to present evidence of this in court.

Since the US Supreme Court reinstated the death penalty in 1976 after a brief hiatus, the US has sent 1,529 people to their deaths, including 13 federal prisoners. These have included the mentally impaired, foreign nationals denied their consular rights, individuals sentenced to death for crimes committed while minors, and women.

On November 27, the Justice Department published a new regulation that permits the federal government to perform executions using any form of lethal injection "or by any other manner prescribed by the law of the state in which the sentence was imposed or which has been designated by a court" in accordance with federal death penalty statutes.

Methods of state killing in the 28 states that still have the death penalty on the books include lethal injection, electrocution, lethal gas, hanging and the firing squad.



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