Despite the United Nations condemning the practice as “torture”

US district court ruling allows electric shock “therapy” of intellectually disabled students

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The Washington D.C. District Court of Appeals has struck down a ban on the deliberate and painful shocking of autistic and mentally-impaired children with electrical stimulation devices.

At issue is the signature policy of the Judge Rotenberg Educational Center (JRC) in Canton, Massachusetts. The JRC has, since 1985, used a “graduated electronic decelerator” (GED) on students ages three to adult, supposedly as a form of “aversion therapy.” For decades, the center has been the target of lawsuits, petitions and exposés by traumatized youth and families. In 2013, the United Nations condemned its practices as a violation of the UN Convention against Torture.

After the case remained in limbo for several years, the Food and Drug Administration (FDA) finally banned the use of GEDs in March 2020. The ruling cited “an unreasonable and substantial risk of illness or injury that cannot be corrected or eliminated through new or updated device labeling.”

The agency reviewed the clinical and scientific literature on self-injurious and aggressive behavior, the purported rationale for delivering the shocks, while interviewing experts in the field. It concluded that the shocks could only temporarily halt such problems and, on balance, were harmful. They found that GEDs create a significant risk of “worsening of underlying symptoms, depression, anxiety, post-traumatic stress disorder, pain, burns and tissue damage.”

Nonetheless, the July 6 appeals court decision found that the FDA could not ban the device, claiming such a prohibition constituted “interference with the practice of medicine.” In fact, the Judge Rotenberg Center is technically a school, licensed by the Massachusetts Department of Elementary & Secondary Education, serving those with intellectual disabilities or behavioral, emotional or psychiatric problems. Many clients are referred from the juvenile justice system and have a history of abuse or abandonment.

The shocking devices were developed by the center’s founder Matthew Israel in 1985 after his policy of physical abuse (spanking, squeezing and pinching) came under legal attack. Reportedly, shocks are delivered to between 20 and 50 percent of enrolled students.

The purpose of the device is to inflict pain. Students are required to wear a backpack containing the shocking device with electrodes affixed to their skin at all times. Staff can shock them with remote-control activators at any time.

Andre McCollins was shocked 31 times for failing to remove his jacket, “tensing up” his body, and screaming with pain, according to *New York Magazine*. The episode left McCollins catatonic, barely able to eat or walk for days. His mother sued JRC, forcing the release of a horrific video of her son strapped in four-point restraints with a helmet on his head while being repeatedly shocked. The session went on for hours while staff rotated electrodes around his body to lessen burn marks. The video showed the child screaming for help and begging employees to stop. His mother says he has never fully recovered.

Jen Msumba, a former student, called her time at JRC “mind and body torture.” She said electrodes were applied under students’ fingers or the bottom of their feet to increase the pain. She recounted being shocked for “waving her hands, body movements, talking too loud, not answering a staff member in less than 5 seconds, or pretty much anything they deem annoying.”

In 2018, Disability Rights International petitioned the Inter-American Commission of Human Rights, pointing to multiple practices at the JRC facility, including “contingent shocks, the use of restraints and the use of isolation rooms.” It stated, “These practices—particularly when used in people with disabilities and children—constitute cruel, inhuman and degrading treatment and torture.” It objected to the state law which permitted the policies and implored the body, “Under international law, the prohibition of torture is absolute and cannot be justified for any reason.”

Food deprivation is another tool used at JRC, according to Msumba. “Your meal is divided up into little cups: If you rock in your chair, wave your hands, or talk without permission you have to get up and throw one cup away. If they stop work for 5 seconds, such as staring at the wall—throw your food away. Until you have no food left, she says. At the end of the day, they’ll give you a nasty concoction with liver powder all over it. And that’s going to be your food, but you wouldn’t eat it until 11 p.m. that night if you lost all portions of food. And that way of living makes you obsessed about food.”

Israel’s center has been a steadily growing and lucrative business. The annual cost per student is $220,000, and states pay the bills. According to the *New York Magazine*, “Between 2000 and 2005, the facility’s annual revenues grew from $18 million to more than $50 million.” The “nonprofit” school brought in $79

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million in 2020, handsomely paying its president Glenda Crookes $354,000 and its director of human resources $224,000, with 11 other executives making between $100,000 to $200,000.

Since 2010, the center has spent nearly $500,000 lobbying federal lawmakers and agencies. At the same time, hundreds of thousands more were funneled to legislators from New York and Massachusetts, according to ProPublica. The JRC was previously named the Behavioral Research Institute and was based in California and Rhode Island, but simply relocated from state to state to elude constant legal battles.

Those confined to the JRC are largely working class and poor youths. Jennifer Gunnerman reports in *New York Magazine*, "In the fall of 2006, I visited while working on a story for another publication, and I found the place packed with teenagers from New York City, many from poor neighborhoods. One 15-year-old girl said she recognized other kids from her days in Bronx-Lebanon Hospital's adolescent psych ward. Two young men said they'd come straight from Rikers." At present, the center has over 300 students living in group homes operated by the school.

The center came to the attention of the United Nations in 2010, after the Mental Disability Rights International (MDRI) issued a report on the JRC titled, "Torture Not Treatment." UN's Special Rapporteur on Torture Manfred Nowak commented at the time, "To be frank, I was shocked when I was reading the report." He added, "What I did, on the 11th of May, was to send an urgent appeal to the US government asking them to investigate."

The UN noted that increasing voltage was applied as individuals "became adapted" to the shocks. It quoted Israel describing the process as "very painful." The MDRI argued, "Whether or not such treatment is narrowly defined as effective, international human rights law places limits on the amount of pain that can be inflicted on a person."

The group pitched their appeal to then-president Barack Obama, urging a federal investigation. "President Obama has staked his international reputation on ending torture, and the world is now looking," said Eric Rosenthal, the MDRI executive director. He added, "Are we gonna live up to our obligations and is President Obama gonna live up to his promise to end torture by the United States government?"

Appeals to Obama, the UN, and the court system notwithstanding, the JRC continues business as usual. It rakes in millions of dollars in tax money and continues to be well-protected. The enterprise was initially named for Judge Rotenberg because he was the first judge—in the 1970s!—to deny families' claims and rule for Israel. The FDA itself stalled for years before issuing the ban, which was overturned in just over a year. Dozens of legal attempts have similarly failed to force a shutdown.

The problem is not just a few wealthy and well-connected individuals but a more profound need by the capitalist system for social repression. The barbaric torture and war crimes committed at Abu Ghraib and Guantanamo have their counterpart at home against the working class. One recalls the "black sites" run by the Chicago Police Department, the mounting use of the death penalty against the poor and mentally ill and the increasing assault of basic democratic rights. Over 70 percent of high school students attend schools patrolled by armed police. As schools cut psychologists, social workers and counselors, they add "school resource officers" resulting in growing abuse.

While the precise "averse therapy" of JRC is unusual, such institutions are not. Various forms of highly profitable entities which prey on troubled and mentally impaired youth have proliferated across the US.

On April 29, 2020, Cornelius Frederick, 16, died after being tackled and restrained at a Michigan "strict discipline academy" in Kalamazoo. The academy is a charter school run by Sequel Youth and Family Services which houses children in the foster care and juvenile justice systems. Such outfits are very often a thin veneer for profitable business chains. This particular type of charter school was incorporated into Michigan law following the 1999 shooting at Columbine High School. (See also the business model of former Detroit-based Evans Solutions .)

Sequel Youth and Family Services has 44 "behavioral health care programs" across the US. They have been the subject of numerous allegations of illegal excessive restraint, negligence, and trauma inflicted upon children. While such reports are not regularly quantified and publicized, a federal investigation in 2007 found thousands of allegations of abuse at facilities for at-risk youth between 1990 and 2007. These reports from "boot camps," "residential treatment facilities," "strict discipline academies," etc., include abuse and deaths recorded by state and federal agencies and in "pending civil and criminal trials with hundreds of plaintiffs."

Under conditions of deepening social deprivation and the near nonexistence of mental health care for the vast bulk of the population, social tragedies and abuse are mounting. The pandemic has dramatically exacerbated the growth of poverty and mental health crises. Deaths from overdoses have reached record highs. Psychologists predict that a mental health "shadow" pandemic will last for years after the COVID-19 pandemic has subsided.

The tragic saga of those abused and tortured at the Judge Rotenberg Center is a warning. Every agency of capitalism and both political parties turned a deaf ear to these youth and workers. It is necessary to put an end to a system that requires torture and social deprivation to maintain the dictatorship of a financial oligarchy over humanity's productive forces. Relief from this social crisis must be achieved through the independent struggle of the working class for socialism.

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