Nearly Eight Years In Prison Without A Trial

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"I want to go to trial on Monday; I've been locked up for nearly eight years," Dr. Tom Sell declared. "The federal court has no evidence, they have no witnesses. I want my trial one week from today. I am not incompetent in any way, shape or form."

His statements rang true to bystanders attending his hearing on November 22 in the federal courthouse in St. Louis, Missouri. Whatever happened to the right of an accused to have a speedy trial?

Once a successful dentist in St. Louis County who treated many indigent patients, Dr. Sell was accused of Medicaid fraud in 1997. Although he has never hurt anyone, and a federal court held that he poses no danger to those around him, prison officials frequently placed him in debilitating solitary confinement for periods that totaled nearly two years.

Prison officials tried to drug Dr. Sell, allegedly to make him fit for trial, and the lower courts ruled in favor of mandatory drugging of this non-convicted, non-dangerous, non-violent prisoner. The federal government fought all the way to the U.S. Supreme Court for the power to forcibly drug Dr. Sell and, even though it lost its case there, the government continued to imprison and prevent him from receiving proper medical care.

The forced medication was designed to correct Sell's attitude towards the government. Sell seemed to think the government was out to get him, and the government wanted to drug him to get him to change his mind.

Is this occurring in the United States of America? Psychiatrists were frequently employed by the Communist Soviet Union to cover up atrocities and silence critics, but our veterans who fought against the communists in Korea and Vietnam never expected such tactics to be used by our own government.

Earlier this year, a government psychologist declared that Dr. Sell was mentally fit for trial. Apparently that medical opinion was not satisfactory to Dr. Sell's persecutors, and to everyone's surprise that government psychologist reversed his diagnosis without reexamining him, and declared Dr. Sell unfit for trial.

An independent psychiatrist then confirmed Dr. Sell's own view that he was fit for trial, and the court agreed and scheduled a trial for November 29. But on November 22 the lawyers insisted that he was not ready for trial and persuaded the judge to cancel it.

The lawyers argued that Dr. Sell is not competent to stand trial because he insists on talking about the abuse he has suffered in the prison which could be proved by prison videos that the government is keeping secret. The Association of American Physicians and Surgeons filed a motion for the court to release these revealing tapes, and the St. Louis Post?Dispatch also intervened to demand their public release.

But it appears that the government is doing everything it can to prevent a trial of Dr. Sell that would expose the record of this case.

In investigative reporting worthy of a Pulitzer Prize, Carolyn Tuft of the St. Louis Post?Dispatch revealed on November 23 some of the evidence on the still-secret videos. She reported that two videotapes of Dr.

Sell show him being stripped, scalded, humiliated and brutalized in a way that sounds shockingly similar to the abuse of the Abu Ghraib inmates.

Is there no accountability for this type of government misconduct? Instead of investigating and punishing the wrongdoers, federal officials are moving heaven and earth to avoid a public trial that should expose the tapes and the fact that a man has been held in prison so long without a trial.

The only one in the courtroom making any sense at what should have been the final hearing before trial was Dr. Sell himself, who stood up to assert his constitutional rights. His plea was to no avail, as the judge ordered him to be shipped to North Carolina for yet another examination by a government psychiatrist.

By now Dr. Sell knows the game all too well, and he announced in open court that he would not submit to another sham mental evaluation. Nevertheless, he will now be transported across the country to find another government psychiatrist to deliver the desired diagnosis to save officials from public scrutiny.

We've all seen the pictures of Abu Ghraib, so why can't we see the pictures of prisoner abuse in the federal prison at Springfield, Missouri? Congress should demand the immediate release of the shocking videos showing the mistreatment of Dr. Sell and also order a full accounting of the taxpayers' money spent by the government to keep a man in prison nearly eight years without a trial.