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Maine State Prison: Oppressively limited access to legal and educational resources (4-1-14)

IMAGINE that you were conducting research, and then producing in type-finished form documents discussing opinions, arguments and perspectives (yours and those of others) for the purpose of conveying your insights and reasons in support of your objective to another person or persons, particularly such as professors or judges, attorneys and paralegals, toward the end, of course, of eliciting a particular response –an understanding/opinion-ruling, grade, or action in relation to subject matter involving a great deal of information that has been accumulated over a period of years, AND, you can only read/review pertinent material and then type a few paragraphs or pages of text per week because you only have access to needed research resources and word-processing tools in two, at most four short periods lasting between 40 to 65 minutes each, totaling no more than about 4 hours per week, and that's if you're lucky. It would of course be impossible for you to come even close to conducting necessary research and producing the work-product that would be capable of eliciting a favorable critical review.

In a legal matter involving a serious civil or criminal matter where a person's future life and liberty hangs in the balance, to prevent their access even to those resources they would need in order to produce work-product of a quality that could be considered as placing their efforts on the outer edges of having a realistic chance of gaining any measure of a favorable outcome from the civil, criminal or appellate courts, is a horrible act of oppression, especially when you consider that every year countless persons are acquitted of criminal charges, and as plaintiffs or appellants prevail in civil actions or criminal appeals. The individual's ability to present petitions towards the end of correcting professed injustices should be a fair process, but on FAR too many occasions it's not.

IF the effective management of your life requires that you produce a considerable volume of type-finished hard-copy or digitized documents AND you had no choice but to forgo 80-90 percent of that work altogether –for an entire year– in order to produce sufficient work on the few other projects, what would happen; what would your life be like at the end of that year? **IMAGINE** the frustration of not being able to produce that other 80-90 percent of work that with reasonable access to resources could have been done in just a few days or weeks while also completing the other 20 percent as well –all in no more than a month.

At Maine State Prison, the library and Law Library are in the same space separated by a wall and door in a large building referred to as the "Activities Building" where prisoners have access to a variety of other activities such as

an outside jogging track, sports and weight lifting-exercise equipment, religious services, an education dept., etc.

In 2½ hour periods per day prisoners have access to all sections of the activities building 7 days per week except for these two that are arguably the most vital to prisoners rights and rehabilitation: the Education Dept. and library-law library, both of which are closed on weekends, holidays, and at least one or more of the remaining days M-F because the librarian and Education Dept. personnel are classified as "non-essential staff." Therefore, any number of *so-called* "security reasons" may qualify as cause to close the library (Staff training, staff meetings, town meetings, staff shortages, security lock-ins, or, *just because*. Sick days and car problems etc. are very common). Additionally, the library is closed every Thursday because the librarian goes to the *Special Management Unit* (SMU) to pass out paperback books to prisoners in solitary confinement (23 hour lockdown). At *normal* prisons this procedure is done *—very easily no less—* by prisoner trustees in a manner that ensures sufficient security measures. Additionally, the library closes 15 minutes before the rest of the activities building, and, like the rest of the activities building resources, is *never* accessible for the 2½ hours scheduled because "mass movement" —when prisoners are released from their housing unit for the walk and sign in process to the activities building (about 5 minutes) does not occur until 20 to 60 minutes —or more— of the "rec-period" has passed.

Also on a regular basis for any of several reasons or proffered excuses the librarian simply does not show up to open the library on at least one or more days every week (*just because*). When the librarian fails to show to open the library, no one bothers to review the reasons she gives because, except the prisoners needing access, no one cares. I cannot remember the last time when the library was open close to 60-70 percent of the scheduled hours that are already *way* too limited to begin with. Nearly all scheduled days when the library is closed are in violation of the fundamental fairness that is codified in case and statutory law.

No justice will come about regarding this situation unless or until the prison is successfully sued in civil court. The reason it is as bad as it is, is because the MDOC counsel/Maine AG knows that suing over such grounds, largely because of the very matter being sued for, limited "access to the courts," is a rather steep hurdle for a prisoner litigant.

SIDEBAR: At Maine State Prison, convicts are cooped up in increasingly densely packed cellblocks (recently increased from 56 to 66 to 79 men) for 90-95% of their waking lives' —that is unless they're giving themselves over to being slaves to the Maine prison industrial complex working in jobs that either do or do not pay a wage that in some small way justifies their efforts. Overly dense convict warehousing foments multiple forms of conflict and is in a word,

rather two: *outrageously rotten*. Unlike county jails where sentenced inmates are serving less than one year terms, prison is essentially a small town where convicts spend years, often many. It is a place where these individuals should, from sunup to sundown, have opportunities –access to programs and resources that will aid in their developing an improved *worldview* toward becoming better prepared to meet the exceptionally steep obstacles and challenges most of them will face upon rejoining mainstream society. (95% of the prison population returns to mainstream society. Approximately 170 -225 prisoners are released annually from Maine prison facilities).

What Maine State Prison does with convicts on a daily basis results in an outrageous disservice to the unaware and often indifferent public. (*This comment branches off into an article regarding prison reform where the matter concerning library-law library such as discussed on this page <though very significant> is but one small part*).

The following is the library schedule of a California prison in 1971:

CTF Library: Sun/Mon -closed all day. Tue, Wed, Thurs, Fri, Sat: 8:15 to 11:15 a.m.; 1:00 to 4:00 and 6:30 to 9:00 p.m.

(Robert J. Minton Jr. "Inside-Prison American Style." p.19 ©1971). Library access at this prison averages 42½ scheduled hours per week opposed to the 10 that are scheduled per week at MSP, as stated herein, that rarely ever reaches 5-6 hours. Moreover, as described below, the word processor access is even less. In the law-library section of the library there are four (4) computers equipped only with Westlaw.com for legal research. In the main library are four (4) computers equipped only with Microsoft Word. These resources must serve the needs of 850+ prisoners. Access to the word-processing computers is achieved *by appointment only* in sessions scheduled for 65 minutes (This tiny scrap of time is often cut down to 40 minutes –or less– because of the afore-stated late releases for “*mass movement*”). As for producing in a timely manner quality work-product in type-finished form; posted in front of the computers is **Library Computer Rules**, two of which state: • **Do not save documents on the computer.** • **Save at your own risk. The documents may be deleted or modified at any time without notice.** Prisoners can save whatever documents they’re working on but *without* password protection. “Flash-drive” portable document storage devices are not available. (At MCC prison in Windham, Maine, prisoners are given “floppy-discs” that are kept in a file by a library clerk). With Maine State Prison’s system any prisoner or staff member can read and copy other prisoners’ confidential legal documents.

In order to resume work in progress the prisoner must gain access to the same numbered computer (1-4) where their document(s) are or are not saved –a period separated by days or even a week or more. The only way to ensure that the prisoners’ writing remains private is to erase entire documents immediately after printing them. Imagine the frustration of having to throw away an uncompleted page of work, as well as having to retype an entire finished page because of any

number of tiny errors that are commonly made, especially when –as is always the case for writers in the MSP library– the work is rushed.

In the “computer lab” in the Education section of the activities building at all times sit fourteen (14) computers equipped with Microsoft Word, 70 to 90 % of which gather dust daily. In order to print documents the prisoner/student must obtain a floppy disc from a clerk whereon they save the document to be printed after which the disc is erased. There is one disc to serve all students. Very few prisoners who do not qualify for Adult Basic Education/G.E.D., or some other program classified as “educational,” can gain access to the Ed. Dept, except to engage in those “educational” programs that are for the most part wasted effort towards the ends of the skills building that actually results in lowered recidivism. There is a college program available –‘liberal arts’ courses toward an AA/BA degree. To become enrolled the prisoner must pay \$220.00. (Only *certain* and very few prisoners are provided with the opportunity of enrollment in this program without pay. Many well meaning minority activists have turned majorities into minorities) As Christopher Hedges says: *“People have no value beyond their monetary value.”* THIS LIBERAL ARTS PROGRAM raises subject matter of another article that currently sits in hand drafted form gathering dust in my cell concerning inadequate academic and particularly *vocational* programs and resources available to prisoners at MSP. (Soon I will submit to APWA an article regarding an incident involving my efforts to engage in post-secondary education that is very revealing of how rotten this system is).

Under the herein-stated conditions a lawyer or professional student could not conduct needed research and produce quality type-finished work-product in a timely manner. How can it be justified; the imposition of such conditions upon stress racked convicts with far more limited education?

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P.S.: Adding insult to injury, the prison canteen purveyor sells a typewriter with no editing features that has no market value in mainstream society for \$249.00. Print ribbons cost \$8.40, about 300 percent over mainstream retail, and are only good for about 25 single line spaced pages of text. Another of the many examples of the utterly pathetic MDOC “bottom feeding.” AND, no one who has ordered this machine over the past two months has actually received it –with no explanation.