

FIRST AMENDMENT UNDER ATTACK IN ILLINOIS' PRISONS:
THE PRICE OF DISSENT

Exercising one's first amendment rights is analogous to breathing; we only learn to appreciate it when our capacity to do either is impinged upon. However, there are certain events which serve to heighten an individual's awareness to particular circumstances, and for those of us who are incarcerated, we quickly discover how tenuous our ability is to engage in first amendment activities that the average person would take for granted.

The magnificence of the Bill of Rights comes not from their uniqueness - most principles had been drawn from the "Liberties of Englishmen", won in the 17th century in Great Britain, after a lengthy battle between parliament and the king - but rather, that they symbolize the premise that the government exists for the benefit of the people, and is based upon their consent. The first amendment reads:

Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

These are liberating words, in that they afford every member in a collective body the opportunity to set forth his or her thoughts on whatever is important to them. As one who has been incarcerated since LBJ was president, I have developed an insider's perspective of the Illinois prison system, an acute sense of the nuances and paradoxes of its operational procedures, and a discerning insight into the complex linkage between information and power.

When Illinois revised its Freedom of Information Act law in 2010, it afforded prisoners throughout the state the ability to gain an insight into how the Department of Corrections develops its rules and regulations, as well as how they are supposed to

be implemented within the prison system. Armed with this knowledge, I began to research an issue which confronts most every American prisoner - substandard and inadequate food - with the hope that my endeavors would garner the attention of officials who are in an oversight position within state government, and that those individuals would take that responsibility in a serious fashion, and investigate the allegations I have raised. While some of my points of contention were unique to the facility I was then confined in - the Hill Corr. Center - I believe that the investigative techniques I utilized are universal, and can be applied to most any problems we encounter.

On April 16, 2012, Hill instituted a "Brunch Program", which reduced the number of meals served daily from three to two. The breakfast and lunch meals were combined into one meal, and in an April 2012 interview with the Lee Enterprise newspapers, the Corrections Director stated that the program would save the state \$2.5 million the following year.¹

In order to ascertain exactly what food items we should be receiving, I submitted a F.O.I.A. request for a copy of the Master Menu, which is a document prepared by the Department's Food Service Administrator; it outlines the meals which are supposed to be served daily. It is prepared every fiscal year, and operates on a rotating five-week schedule. I also sought any e-mails which had been receiving by Hill, relative to the implementation of the Brunch Program. In due time, I received the requested documents.

I then began to chart every meal that was served over a one month period, and then conducted a comparative analysis of how well it matched up with the Master Menu; upon the completion of this analysis, it was apparent that there was a considerable disparity between what prisoners were supposed to be fed, and what the Dietary Department was actually providing. Being an

inquisitive individual, I attempted to uncover the reason why the meals we were being served were so dissimilar to those that were specified on the Master Menu. At that point in time, I did not know whether the facility was not being provided with sufficient funding, or some of it was being misdirected for unauthorized purchases. My quest to unravel this mystery would be a lengthy one.

I registered multiple complaints regarding the meals' shortcomings with the Food Service Administrator's Office, and she, along with the Dietary Manager at Hill came to interview me in my residential unit during one of her regularly-scheduled visits to Hill. Although I was able to secure some minor improvements in our diet - tuna and fresh apples would now be served - they fell far short of the Master Menu's requirements, and thus it was "back to the drawing board" with my efforts.

My initial breakthrough came when I was able to secure a copy of the Food Service Operations Manual, which provided me with the blueprint of how the Dietary Department was supposed to function. I now possessed the information of how the prison purchased its food, how substitutions could be made when the kitchen temporarily ran out of a particular food item, how the substitution was supposed to be of an equal nutritional value, and most importantly, that Institutional Directive G5.01.127 stated the following:

Employees shall be served the same menu as provided to offenders.

For years, I had been complaining that employees were fed a more nutritious diet than prisoners, and when the John Howard Association of Illinois investigated this issue, the Department replied that there was no rule or regulation which mandated them to provide equal meals to employees and prisoners alike. Clearly, the Department either willingly misinformed the JHA, or were

ignorant of the "same meal" requirement; where the truth lies in this matter, I have yet to discover.

To bolster the presentation I was assembling, I compiled a list of all the food items which were made available to employees, but not to prisoners. The following is a compilation of the extra foodstuffs they receive - in addition to the regularly-scheduled meal:

Sliced Cheese	Shredded Cheese
Tuna Salad	Potato Chips/Pop Corn
Cookies	Crackers
Dry Cereal	Raw Eggs - for Boiled
Apples	Eggs or Potato Salad
Fresh Celery	Radishes
Fresh Tomatoes	Cucumbers
Bell Peppers	Fresh Carrots

Once I obtained this list, my next objective was to learn the items' approximate cost; I did this by submitting a F.O.I.A. request for the monthly purchase orders and invoices for each item. This gave me a rough estimate of how much money was being expended for food which never reached a prisoner's plate. Two items in particular stood out: Hill spent up to \$1,318.00 per month for potato chips and pop corn, and some \$1,425.00 for tuna. When I first arrived at Hill in 2010, tuna was never served to prisoners, but after my interview with the Food Service Administrator, she informed the Dietary Manager to ensure that it was occasionally served, and he complied with her directive. However, I was not able to secure the issuance of pop corn or potato chips on a more-frequent basis.

At about the same time that I was gathering this information, an article was published in a local newspaper - the Belleville News-Democrat² - which outlined a supplemental appropriations request from the Department, in which it sought an additional \$40.5 million from the Illinois House Public Safety Appropriations Committee. One of the stated reasons for the need of the supple-

mental funding was because it had cost the Department some \$200,000 per facility to implement the Brunch Program. Due to my personal knowledge of the program, and the information I had uncovered during my investigation, I found this assertion perfidious, at best.

Because I had no formal training as a forensic accountant, I did not know how one would differentiate the cost ratio to be assigned to a food item - such as cheese - which was served to both prisoners and employees, but when one group can consume that item at will, and the other only when it was listed on the Master Menu for a specific meal, an objective person would likely assess the majority of that item's expense to those individuals who have the most access to it. That being said, if my analysis is anywhere close to being accurate, the amount of money being expended for food which employees should not be having access to comes to well over \$100,000 at Hill alone.

I subsequently collated all the information and supportive documentation, and submitted that material, along with a detailed explanation, to each member of the House Public Safety Appropriations Committee. It was my hope that the Committee would not only look into the Brunch Program's alleged cost, but also, the disparity which existed between the food served to prisoners and employees, in violation of the Department's own rules. As Illinois is all but bankrupt, I was hopeful that the state's elected officials would be interested in eliminating waste, fraud and abuse. I was naive in this assertion.

The last three months of 2014 saw a marked increase in prisoner dissatisfaction throughout the state, relative to the quality and quantity of food being provided, and this ultimately resulted in a series of food strikes, where prisoners would enter the dining room, and refuse to accept the proffered tray. When this occurred at Hill in early November, the facility was placed

on lockdown, while the administration attempted to identify those individuals who coordinated the strike. While I understood the frustration which led to the prisoners protesting the substandard food - which had previously been described by the prison guards' union as "barely edible"³, I have never been a proponent of an open confrontation with the system, but rather, have chosen to try to use my intellect to effectuate change from within.

As one who has been a vocal critic of the prison system's failure to abide by its own rules and regulations, I recognized that the possibility existed that my endeavors to secure an improvement in the quality and quantity of the food served at Hill might expose me to additional scrutiny relative to those efforts, as I had previously observed the determination with which Department of Corrections' officials were willing to resort to in an attempt to preserve unwarranted privileges. This was done in part by restricting the access to information which might be used to curtail those privileges, as to date, the Department has refused to release the initial evaluation of the Brunch Program, although State law indicates that it is subject to release. 5 ILCS 140/2.5 reads as follows:

Record of funds. All records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public.

My appeal to Illinois' Public Access Counselor, seeking the release of this document, has been pending for nearly two years. Due to the Department's unwillingness to release the evaluation, one can only imagine the embarrassing information it contains.

Disillusioned by the tepid response I received from the House Public Safety Appropriations Committee, I decided to try a different approach. Since the prison system was recalcitrant in its refusal to comply with existing rules and regulations,

and the legislative body charged with supervising the expenditure of state monies refused to investigate my allegations of impropriety within the Hill Corr. Center, I decided to share my concerns with the public, believing that the best disinfectant for corruption was the light of day. Recalling the adage "a picture is worth a thousand words", I composed a cartoon which encapsulated the issue I sought to publicize. While it was acidic in my criticism of the prison system, it was factually accurate.

On December 10th, I was summoned to the Internal Affairs Office, and advised that my cartoon had come to the attention of the Director, who was extremely displeased with it. In turn, I informed the hearing investigator that I was disappointed that the prison would continue to refuse to comply with its own rules and regulations, when presented with direct evidence of Hill's noncompliance with them. As the first amendment clearly allows all the country's citizens the right of free speech, and to seek redress for our grievances, I clearly intend to avail myself to whatever relief I may secure through the application of those rights. Although I had violated no rule of the Department, I had embarrassed its highest ranking official, and in response, Internal Affairs placed me in segregation while they "investigated" me. Thirty days later, I was released, without any disciplinary charge being written against me.

Shortly after my release back into the general population, several employees informed me that the administration was disappointed that the Director's Office had not authorized my transfer, and that I should "watch my back". While I appreciated their concern, I recognized the fact that if the administration was determined to transfer me, they would eventually find a reason to do so. That reason would arise the following month.

On the day I was released from segregation, two employees from the Internal Affairs Office let me know that I would no longer be allowed to share a room with my best friend and confidant. As I had nothing to warrant being placed in segregation in the first place, I contacted the individual who assigned my friend to my room several years earlier, and explained the situation to him. A query was then made on my behalf, but instead of acquiescing to that person's request, I found myself being interrogated by an investigator from the Internal Affairs Office in Springfield, relative to my relationship with employees both within the Hill Corr. Center and throughout the state. Upon the completion of that interview, that investigator released me, but approximately one hour later, Hill's administration once again placed me in segregation, and the following day I was issued a Disciplinary Report which alleged that I possessed another prisoner's legal papers. When I appeared before the Adjustment Committee, I showed them a copy of Departmental Rule 430.30, which states, in pertinent part:

Committed persons may assist one another in the preparation of legal documents to the extent consistent with institutional security.

The Committee ignored this Rule, found me guilty of the rule infraction, and shortly thereafter, I was transferred to the Western Illinois Corr. Center.

While the story I have just shared with you may have little importance, outside a small circle of friends, the underlying principle - free speech - is under attack throughout the entire United States. Whether it is Smith College cancelling a commencement address by International Monetary Fund Director Christine Lagarde in response to protesters, or a prison system attempting to silence a critic, the principle is the same. Free speech is worth defending.

When one raises the topic of the free speech limitations, such countries as China, Egypt and Turkey immediately come to the forefront, as their disdain for it is readily apparent to even the most casual observer. I refrain from mentioning Russia in the same category, as the right to free speech is articulated quite clearly in Russia's constitution, though there is currently no mechanism by which that right can be enforced. I am more concerned with what I see as the gradual diminution of our free speech rights within my homeland. The beacon of democracy is slowly losing its potency in the eyes of the rest of the world, when it sees that a handful of protesters can cause the cancellation of a graduation address by former U.S. Secretary of State Condoleezza Rice at Rutgers University, presumably because they disapproved of her role within the Bush administration. Even more egregious was the report that a Northwestern University scholar - Laura Kipnis - was sued by students who disagreed with her assessment that some sexual harassment complaints were unwarranted. That this lawsuit was eventually dismissed is irrelevant; it serves as a chilling reminder that free speech is not free.

Whether you support the basic premise of this paper - that a prison system should be held to account, when it refuses to comply with its own rules or regulations - or vehemently disagree with me, I absolutely support your right to have your voice heard. Our freedom of speech is a nonnegotiable right.

- 1 & 2. Belleville News-Democrat, October 26, 2013, p. B5;
"Two meals a day in state's prisons more expensive than expected"
3. "Maximum Insecurity" at www.afscme31.org



According to Institutional Directive G5.01.127, "Employees shall be served the same menu as provided to offenders."

The supper meal on Sunday, October 5, 2014 consisted of the following:

Prisoners' Dining Room

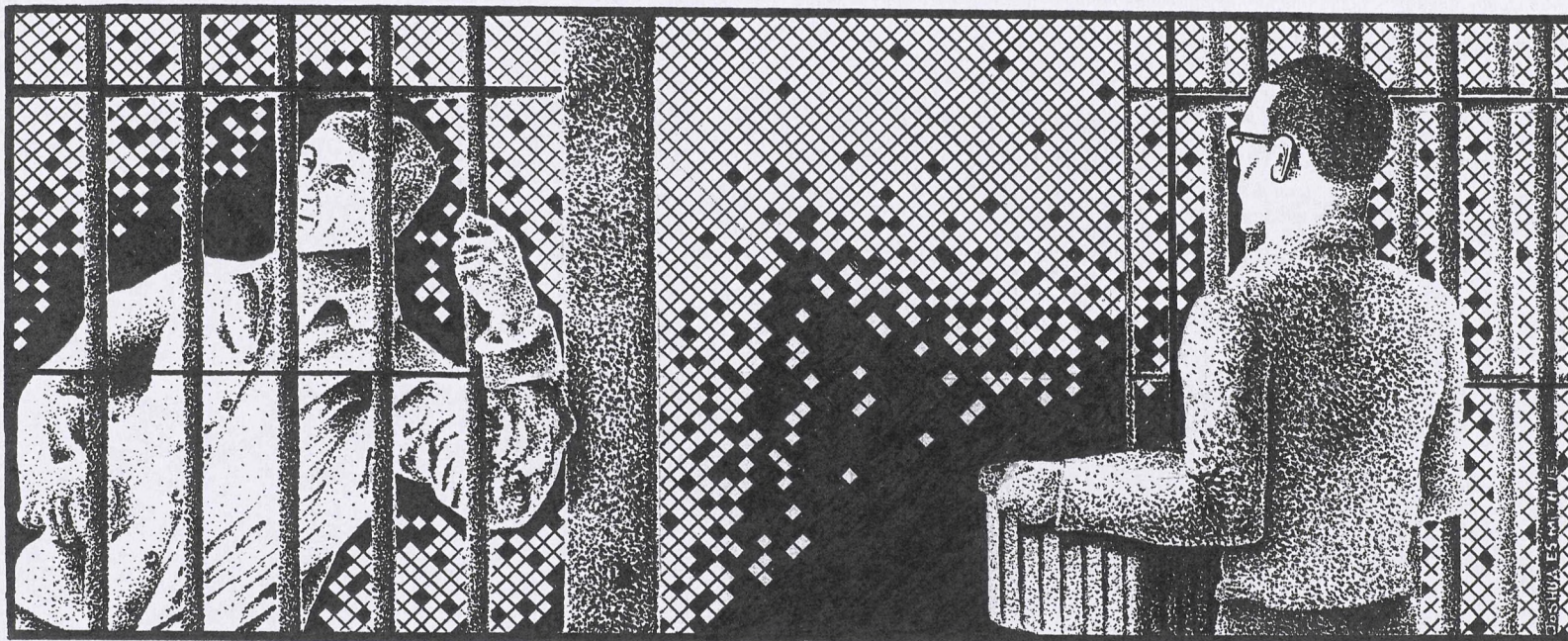
- Chicken Nuggets
- Noodles
- Corn
- 2 Bread
- 1 Milk
- 1 juice

Please note: Prisoners cannot even obtain one extra slice of bread.

Employees' Dining Room

- Everything listed at left; also:
- Potato Salad
- Boiled Eggs
- Sliced Cheese
- Fresh Onions
- Fresh Peppers
- Fresh Radishes
- Cucumbers
- Crackers
- Boiled Potato
- Dry Cereal
- Fresh Carrots
- Cookies
- Sherbert
- Margarine
- Chicken Salad
- Shredded Cheese
- Fresh Tomatoes
- Melted Cheese
- Lettuce
- String Beans
- Fresh Celery
- Oranges
- Turkey Patties
- Danish Sweet Rolls
- Cake
- Apples
- Fresh Peppers
- Salad Dressing





"Me? I just received the Nobel Peace Prize for
Prison Reform. You?"