

## Arguing the Write-up

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If you've read any of my blogs, you know I was retaliated on by staff here at USP Tucson when I wrote on prison issues. On March 4th, 2017, staff member Ms. Farinsky and SIS Officer Kelly put me in the SHU (Special Housing Unit) for false charges, to prevent me from coming back to the library and typing about prison issues (First Amendment rights).

I spent 40 days before I went to DHO (Disciplinary Hearing Officer). They couldn't find me guilty of attempted bodily harm (which is insanely bogus) and intent to cause a riot (equally insane) or Insolence (ditto). But they did get me with an attempt to circulate information.

So, today, May 24th, I finally got my DHO write-up; I've been waiting for this. I am going to appeal, of course, but I have 20 calendar days.

So, how does this appeal work? First, I had to get the report, so I can see what I'm fighting. Sadly, these people never gave me my initial write up, so I went to DHO unprepared for a defense. Violation of due process; the first of a laundry list of screw-ups by staff.

Now, I can't be too impartial here, so you'll have to forgive me. Farinsky and Kelly lied on me, to put me in the SHU. They violated the First Amendment by confiscating and reading mail to the NAACP, Georgetown Law and Senator Ann Kirkpatrick. By law, they have NO right to read, or further, censor my writings. But they did.

So, how do I appeal? First, I have to look at the charge. The summary of charges was "Threatening another with bodily harm, engaging in or encouraging a group demonstration (Attempted); Insolence toward a staff member."

Now, I plead with you, none of this is true. Staff can lie on an inmate to put them in the SHU just because they can get away with it. The underlying assumption here is that 1) inmates can never be right, and 2) staff never lie. But there's also a third; staff can do whatever they want to inmates, and get away with it. So, I have to fight a flood of lies to prove I was innocent.

According to the DHO report, the incident happened on March 3rd- that's about ALL that was true. I was charged with a 212A, or "committed the prohibited act(s) of Engaging in or encouraging a group demonstration". What I have to do is read the report, and plan an appeal to counter this. What's frustrating is that I have to fight a lie made up by Ms. Farinsky. She could have said I had a dead elephant in my locker, and some SIS officer would back her up. Still, I cannot let this stand. I have 20 days to appeal, best to get started.

The statement says that Ms. Farinsky said I printed several copies of an essay, "Paradoxes of Guilt in Black History". Well, HALF of that is true. I printed 4 copies- each with a separate address on it- of that essay and another, "What A Difference A Year Makes". Now, why didn't Farinsky mention that? She confiscated that too- that's evidence.

On March 3rd, Farinsky confiscated both, and gave none back, nor gave me a Confiscation Notice. Without that notice, Farinsky could be

dishonest with evidence- which she was. Farinsky knew that what I wrote was accurate, and put another staff member in a negative light, so she acted to protect her, or "defend the shield".

Is this right, or legal? Absolutely not!

Program statement 5350.27 clearly states that inmates are allowed to write manuscripts WITHOUT staff approval. A "manuscript" is defined by BOP (Bureau of Prisons) as "fiction, NON-FICTION, poetry...". In short, Farinsky should never have confiscated my essays.

The report continues, "In the document inmate Mason speaks very negatively and even aggressively about Ms. Baker's involvement in Black History Month activities". Now, let's go back to program statement 5350.27 which says that inmates are allowed to write manuscripts WITHOUT staff approval. What I write is NOT subject to Farinsky's discretion, even if she doesn't agree with that I said.

In fact, case laws concerning the First Amendment say that Farinsky isn't supposed to even be READING those documents to the NAACP, Georgetown Law and Sen. Ann Kirkpatrick. It's not her place to censor my writings.

So, after confiscation, the report says, "When told that due to the nature and subject of the documents they would be confiscated and sent to SIS for review, inmate Mason became verbally assaultive, threatening that "I'm going to put your name in my case against this department" and "your name will be going in front of the warden over this"...

Now, it's amazing how Farinsky can remember an exact quote, but forget that she confiscated 48 pages and 2 essays, not one, on March 3rd...

This is why so many DHO appeals fall apart; staff makes up, or "fudges" statements to villify the inmate. At NO TIME did I say that; I told them that I can write this incident up, with their names on it, to hold them accountable. I was clear; if you confiscate my writing- a clear violation of the First Amendment, I will write this up and put it on my blog. I knew I wasn't going to get a fair hearing from staff- you never do.

Write-ups aren't about finding truth; it's about how staff can twist rules so they're not guilty. Farinsky lied, and she knew what she was doing.

The last part of the report said that when asked why I made copies, I said, "that he was passing them out to other inmates so that Ms. Baker can finally feel the shame and guilt that she deserves"....

I cannot stress to you the FURY I'm experiencing while writing this; Farinsky lied on two counts: One, I NEVER said I was passing them out. I'm mailing them out! She knew that, because each of those essays was clearly addressed to different entities.

And Two, I never said what I did about Baker. Yes, she botched Black History Month on a galactic level, and my 2nd essay clearly examines that (which is why Farinsky never turned it in as evidence). But Farinsky put false words in my mouth by saying that.

Now, concerning the charge, if all they have is ONE copy of my essay, "Paradoxes of Guilt in Black History", then how am I engaging or encouraging any demonstration? Had she found me distributing, or had there been witnesses, there could be an angle. But me printing documents clearly addressed to entities outside the prison does not constitute any form of engaging or encouraging a group demonstration.

Further, Farinsky clearly violated the First Amendment by reading AND confiscating a letter clearly addressed to law and government officials. The essay in evidence is addressed to Senator Ann Kirkpatrick- why is Farinsky confiscating a letter addressed to a congresswoman?

Yet worse, the DHO took the words of Farinsky, who lied about what I said. When I argued that, DHO officer J. Ciufu said, "I just don't think that Farinsky would lie to me".

Really? So... what's with the statement, "In addition to the reporting officer's written account, you appeared before the DHO and stated that she (staff) confiscated about 48 pages, not what is stated in report"?

Uh... that's not true. Farinsky confiscated 60 pages; that's what I told the DHO lady in there (and who is the reporting officer; there was only 2 people in that room; me and the DHO lady).

So they're saying that they DIDN'T confiscate 60 pages, perhaps not even 48? Uh... so the prison CAMERAS didn't pick up Farinsky holding far more than 8 pages on the 3rd, and about 12 on the 4th? Nobody saw that?

Really? They're gonna lie and say the cameras didn't pick up those actions? And I wrote on the 4th an essay titled "Is Farinsky Breaking The Law"... THAT is actually why I went to the SHU. My essay clearly shows Farinsky, with case laws, breaking the law by violating my First Amendment rights...

But that evidence never showed up; it magically disappeared, even though the cameras on March 4th CLEARLY show Farinsky holding it, before calling SIS Officer Kelly, who took me in the hallway to ensure, by his own words, that our conversation was recorded. It certainly then recorded him holding my essays in his hand. So.. where did it go?

So, I have to fight the lie they put on me, which I ought to win easily; no proof, a hearsay testimony by a staff member that violated the First Amendment by reading, confiscating and punishing me for my freedom of speech.

Sounds easy, but sadly, it's like reasoning to a terrorist about world peace...

But I've got to try; I cannot let this injustice against me stand- so time to start swimming up the waterfall...

I'll let you know how this goes... until next time.