

What's The REAL Reason?  
(An essay written March 25th, 2017 from the SHU)

*For your  
perusal.*

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It's worth noting that I need to document the reasons- rather the excuses, that Farinsky used to keep me from getting my documents. On Friday, March 3rd, she confiscated 4 copies of "Paradoxes of Guilt" and "What A Difference A Year Makes". Now, the SIS officer told me on the 22nd (of March) that the NEO (the inmate word processor) is an optional piece of equipment, and as such he argues that the CAN confiscate it, since they don't have to provide the NEO.

Yet this wasn't the reason Farinsky gave when she confiscated; in fact, she tried 3 different excuses:

(Note: Education staff member Ms. Farinsky confiscated legal and other writings from me, and refused to give them back. This in itself is a clear violation of an inmate's First Amendment, which Farinsky, staff and the prison refused to acknowledge. It resulted in me being falsely accused by Farinsky and SIS officer Kelly and put in the SHU (Special Housing Unit) for up to 40 days. While in the SHU, I wrote about 100 pages, documenting my stay in the SHU and the details of what happened. This was one of many essays I wrote while in the SHU)

The first was that, as Farinsky told me, my documents were "inappropriate" because she said I didn't know what I was talking about. Farinsky, after reading my essay, tried to tell me that "she saw the members with Baker," and "I didn't know what I was talking about".

(Note: I had written an essay on how Education staff member Ms. Baker had ruined Black History Month for the compound by refusing to do anything she promised- even though she is the Black History Month Committee Advisor. I wrote this, and Ms. Farinsky, blindly taking sides, lied to say that she knew more about what was going on than I did.)

The problem is that Farinsky is trying to discredit my article in order to justify taking it. The problem is that she lied about what Baker was doing. I told her, "I'm the Secretary; I wrote the minutes!"

How Farinsky can justify taking my essays simply because she felt I didn't know what I was doing is wrong because SHE doesn't know what she's talking about AND by case law, she can't confiscate a writing simply because she doesn't agree with what I'm writing. There is no justification to take my writing.

Her second attempt was that she said, "I'm taking these because you made copies. If you want to make copies of your work, you need to use the copier".

This is also false, because as soon as she told me that, I responded that she can easily READ the documents, and see that on each document there is a different address. Each of the 8 is addressed to a different entity. As such, we ARE allowed to print off copies because each one is addressed to a different entity, thus each is a separate document. After 4 years of being here, we've always been able to print multiple copies, as long as its clearly identified as going to separate entities.

I pointed out, and what was clearly indicated, was essays to the NAACP, Georgetown Law and Senator Ann Kirkpatrick, CTA Alternatives and other addresses, and I told that to her as well. Farinsky lied by claiming I was making copies because she clearly saw the addresses, and I told her such as well.

Further, even IF I was making copies, Farinsky still had to, at the very least, give me ONE copy from each of my 2 essays; she refused to give me anything. One inmate who worked in the library overheard Farinsky and another staff member discussing my writings, to which he was overheard saying, "I don't see anything worth confiscating" and "shouldn't we at least give him one copy back?"

So Farinsky lied about me "making copies" when she could have easily looked at the essays, or at least given me one copy of each back, both she was refusing to do.

The third reason Farinsky attempted was that "if you want to write about a grievance, you need to write it on a BP" In this, Farinsky was trying to tell me that I am not allowed to voice my opinion, using my First Amendment rights, unless I use the BP- which is absolutely false.

(Note: A "BP" is a grievance form used in the Federal Prisons, when an inmate has an issue or concern. While this is a venue, it is NOT required by any inmate to voice a concern. The First Amendment far supercedes this formality, which often is not administered fairly by the BOP. Many times when inmates fill out a BP, it is rarely taken with seriousness by the prison. Many inmates see it as a dead end, because one rarely gets a favorable result.)

Farinsky used this excuse of confiscation to keep my essays, because by her logic, I'm SUPPOSED to write a BP. Nothing in the United States Constitution demands I file a BP with the Bureau of Prisons BEFORE I redress a grievance. I have an OPTION to do that, not a directive. Farinsky was using this excuse to keep my essay, believing I didn't have a right to write those essays because I was supposed to file a BP first.

Considering how difficult it is to file a successful BP anyway, Farinsky was assuredly giving me an option she KNEW would not work, or be greatly hindered. I told Farinsky that I didn't HAVE to file a BP if I didn't want to, and that I had every right to write those essays.

Yet even after this, she still refused to give me any of my essays. After 3 excuses, I was still not given my essays, and in the conversation I had with the SIS officer Kelly, he claims that since the NEO isn't a typewriter, and an optional equipment, that they didn't need to give me a confiscation notice.

Yet in those 2 days (March 3rd & 4th) neither gave me the "policy" about the NEO that another SIS officer gave me on the 22nd.

To now challenge HIS excuse, if it was such a policy, why wasn't it posted for inmate population? Further, if it was/IS policy, why didn't Farinsky say so? Not once in her 3 excuses could she validate taking my writings, and not giving me any copies, nor given me a Confiscation Notice of what was taken.

Further, I don't believe for a minute that using the NEO negates your First Amendment rights. Those rights must still be protected, otherwise they (Education) could confiscate legal documents simply because they could. I do not believe that just because Education provides the NEO, that any person who uses it thereby foregoes their First Amendment.

As such, then the reserved NEO is subject to staff reading, and thus not protected by case laws and other guaranteed rights.

All this said, none of their reasons validate why Farinsky took my writings. She used every excuse she could think of, each countered with simple logic, case laws and constitutional rights. So, what's the REAL reason?

The very obvious; what I wrote was accurate and embarrassing to Ms. Baker, Ms. Farinsky and Education. Nothing I said was vulgar, but what I said was inflammatory- yet that is still clearly in my rights to do. I accused Baker of completely failing to help us- as our Advisor- in Black History Month. I also directly accused Farinsky of confiscating, and suppressing, my essays to legal and elected officials, which she has NO right to do.

The REAL reason I wasn't given my essays was simply put, Farinsky didn't want that information getting out about her, Baker and Education. It wasn't about policy, since there is no written policy out on such use of the NEOs; it wasn't about accuracy of my essay, since Farinsky is no expert on the Black History Month Committee, nor does she have a right to confiscate simply because she doesn't agree with it.

It wasn't about copies, since it was clearly addressed, and I still should have gotten one copy of each, and it wasn't about the BP, since I don't have to file one.

The REAL reason Farinsky took my articles on March 3rd and 4th was simply, because they were frighteningly right.

(Note: I spent 40 days in the SHU, before going before the DHO (Disciplinary Hearing Officer), who ruled in Farinsky's favor simply because "I don't think Farinsky would lie to me". This in light of the fact that Farinsky and Kelly didn't turn in all the evidence; only 8 pages (one essay to Sen. Ann Kirkpatrick). The other essays, including one titled, "Is Farinsky Breaking The Law" was never turned in. Staff discarded more than half the evidence, only using a single essay, which should have never been read, let alone confiscated.

At the appeal, the BOP requested an extension of time, in light of my arguments. They were allowed 60 extra days, with the response due by August 6th...

Today, as I type this, is August 9th. Still no response...

It appears that BOP is trying to defend their own, at all costs...

PS: You don't have to respond, I simply wanted to share one of a few hundred essays I have written. I send quite a bit to Georgetown Law, Cornell University and UNC-Wilmington. Feel free to share it if you'd like. Thanks for taking your valuable time to read this.

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