

Should Inmates Speak Up or Shut Up?

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As we set feet deeper in the "Information Age", we see that the world news comes from more venues than in decades past. We're learning, at an alarming rate, of things we didn't know existed. Some of these venues are positive, but many are not.

For example, we see more now the violence of rogue police officers who intentionally, or unintentionally, take the lives of innocent people. While this does NOT in any way reflect all of our law enforcement, it clearly shows that there are people who are no more honorable than those they lock up. And let's not fool ourselves, just because we see a video of police brutality, it doesn't mean this just started this decade. It's been going on far longer, numerous decades, but only because we're in the Information Age are we finally seeing what's already existed.

So, my argument; do inmates have a right to speak about prison issues, or do they deserve whatever they get?

Now, I won't spend much time on the latter; guys, inmates are still people, and most still have family and loved ones that care about them. So yes, inmates still have a voice.

This brings in the First Amendment, and the idea of inmates using their freedom of speech in prison. This is still a relatively new argument, because for the most part, many in society actually believe inmates have NO rights. This couldn't be any more accurate than if I had \$75,000 in my account, but tell you that I can't afford to buy a pair of \$100 shoes, because "I ain't got no money".

The First Amendment of the U.S. Constitution guarantees inmates the right to free speech. Most in society haven't heard this because when prison officials talk to the public, they twist the truth, telling them we have no rights. Before I got locked up, I read from a well-known organization that supposedly helped inmates that said, "although inmates have basic rights, they in effect have no rights".

It puzzled me then how such an organization who prided themselves in advocacy was telling people that inmates don't have rights, when clearly they do.

So, do inmates have a right to free speech? Let's be crystal clear- YES!

Yet here's the problem; do prisons respect this right? Often times, the answer is no. And let's also be clear on this; it is NOT the option of any prison to decide to violate that right. No matter what they think about the inmate, or why he's in prison, that officer has no right to maliciously take away, and violate, an inmate's right. In fact, there's a case law that shows that prisoners have a right to expect prisons like the FBOP (Federal Bureau of Prison) to follow the rules.

In the case of Morton v. Ruiz, from 1974, it is said, "where

the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures..." In short, if an inmate has a right, don't violate it.

In Caldwell v. Miller, in 1986, it is said, "An inmate, too, has the right to expect prison officials [BOP] to follow policies and regulations..."

So, let's step back a bit; I'm presenting to you the idea that inmates have numerous rights; yes, we lose some while we are incarcerated, but we still retain many. Amongst those is the freedom of speech via the First Amendment of the U.S. Constitution.

Why is this important? Because as I mentioned at the beginning, there are many venues the general public know little of- one being prison abuse. So much has been kept behind isolated doors, and most intel given has been horribly one-sided... and often inaccurate.

But now, in the Information Age, inmates have venues to address their concerns to the public, and no warden, officer or staff member has a right to persecute or harass inmates for this action; but it does happen... often.

Up until the Rodney King situation, most people wouldn't believe police officers would beat a man mercilessly- until they saw it on television. Most people knew about the racial issues in the South, but did little until the brutality of the Selma incident was put in the world's eyes. Only when injustice faces the general public will there be a drive to change how we treat others.

No different with prison issues.

So, let's make this a little personal. As an inmate, I have issues that need to be addressed. Nothing frivolous, or crazy; legitimate prison issues, like staff members violating inmate rights.

So, I type it up on a word processor, to send to legal entities and elected officials. But at the print station, one of the staff members read my document, doesn't like what I wrote, and confiscates it. I argue that I have a right to write that, but she doesn't listen-even if I show her the program statement. She takes my works simply because she doesn't want me to mail those letters out. In fact, she calls another officer and creates a lie, to have me taken to isolation cells on a false charge, to prevent me from coming back to retype the letters she confiscated.

"Hey, that's a little TOO personal. Did that..."

Yes, it did.

So, in light of this, did I have a right to my First Amendment? Was staff right to censor my writings? While there ARE reasons to censor, the problem in prisons has been that they magnify the situation to fit their beliefs, so they can feel justified in confiscating inmate's works, such as mail. This opens a dangerous door

of complete censorship based on a staff member's single belief. She could, in such a case, confiscate a letter written to my mom, simply because she can. This is why there are laws against this.

By law, prisons cannot censor our documents so that they prevent unflattering or unwelcome statements. If I write about prison abuse, using real examples, it's not their call to decide if I can mail it or not. Inmates have a right to voice their opinion, if done according to the guidelines of the First Amendment.

The problem here is that prisons often act as if inmates have no right to talk about prisons. Heck, who BETTER to talk about it; we LIVE here! And most of society has no idea what inmates have to live through. How many MILLIONS of mothers, wives, girlfriends, friends, brothers, aunts and so on, that have someone they care about in prison? Don't they deserve to know how prisoners are supposedly taking care of them?

Federal prisons have a responsibility to care for those inmates. If this wasn't true, you'd hear of a prison that starved 500 inmates to death.

Never heard of that? Never saw it on Headline News? Me neither. Why? Because we all know they can't do that. Prisons have a responsibility, but often they neglect it because they feel they can get away with it.

Folks, it really amazes me what these officers and staff say in seething hatred of inmates behind the prison walls to us, knowing they have 20 other officers to back them up, or they can hide like rats behind the BOP shield. But if there was a reporter or an audience from the outside to hear that same officer say what they say, their words would be more carefully chosen.

If they're allowed to tell a lop-sided tale about how we're all some 250 pound bald guy with tattoos all over our body, with a thick beard and lift weights every day with his gang flanking him, then we ought to be able to speak in a counter argument. We have a right to address grievances- that's the First Amendment.

Now, mind you, my tone is harsher because of what I have seen in prison, but to be fair, not every officer is like that. Yes, there are some good officers in prison, some that know that we all make mistakes, and also that the justice system isn't always fair. But again, this essay isn't on those guys, it's on the ones that feel that they have a God-given right to persecute human beings.

So, with my personal scenario, did the staff member have a right to take, read, confiscate, then punish me for what I wrote? A case law, *McMamar v. Moody*, says that prison officials were in the wrong, and violated the constitutional rights of an inmate by refusing to send an inmate's letter to his girlfriend. While censorship is possible in prison, it must be limited to concrete

violations.

In another case law, LeVier v. Woodson, prison officials were in violation by stopping letters to the state government. The inmate wrote on prison issues, and the prison denied them from going out.

Kinda sounds like my situation... hmm...

Further, a recent case, Nordstrom v. Ryan, of 2017, says prisons are NOT supposed to even READ inmate's mail. They can inspect for maps or contraband, but not to read the contents. Reading an inmate's mail going out to legal or government officials is a violation of the 1st Amendment (freedom of speech) and the 6th Amendment (right to assistance of counsel).

"Huh? Why is that important"?

That second part is important, because it protects inmates from staff compromising that inmate's right to appeal. Follow me here: a staff member here at USP Tucson can illegally read an inmate's court appeal. She then takes it, makes copies and forwards it to the courts, to give them a head's up, giving the government an unfair advantage in court.

Guys... this happens a lot, and it is illegal. But they get away with it because they also suffocate an inmate's right to make that public.

That's why there's laws- which often prisons break.

In my case (again), the staff member was violating the First Amendment the second she started READING my works. By LAW, she had no right to do that. But because she did, she was then able to impart her personal prejudice against my writing, self-censoring my First Amendment simply because she didn't like what I wrote. She went further by confiscating it, and not giving me a Confiscation Notice, which makes it evidence of what she took, and why.

Then she lied about WHY she took it, using excuses nowhere in any policy. Then, as the icing on the cake, she lied to put me in Special Housing for what I wrote, and threw away the essays I wrote on prison abuse- so that evidence never showed up when I had my disciplinary hearing. They magically disappeared, like a rainbow leading to a pot of gold... or pyrite.

I say to you, it is critical that inmates be allowed to speak; it's our right anyway. We don't lose all our rights simply because we're in prison. How would you feel if you had a relative in prison, and guards were beating him every week? You'd never know unless someone was brave enough to address the issue.

Or, what if you sent pictures of the family to your relative in prison, but he never got them, because the prison mailroom tosses them in the garbage?

Or, if your loved one has a strong case to have his sentence vacated, but can't send the legal work to the courts because staff members are illegally blocking it from leaving the prison?

Folks, this happens a lot, far too much to ignore, especially here at USP Tucson. But if no one speaks on it, then the prison staff and others will continue to violate the laws until it gets so barbaric that maybe the lives of inmates won't matter. Who's gonna grieve 500 dead inmates?

So it's important that inmates speak, yell if necessary, so that people will know what goes on in prisons. It's your right to know how your loved one in prison is being treated, and it's our right to tell you.

After 5 years of writing, I have been able to share a variety of issues, some serious, some comedic. Often I try to share Christian/Inspirational essays, or share entries of my journal. This comes from me writing over 8000 pages online from 2001-2010 on a few blogsites like Prison 101 and Prison Chains Broken, on Blogspot and Wordpress.

Now, here in prison, I am trying to do the same. If I can get across to people to care about those in prison, maybe it can make a difference to those who are being abused. I won't argue the necessity of prisons; we need them. Nobody knows that better than me, with those I live around. But I also can quickly counter that there are good people who made a mistake, and are still good people. Every person here has value, and can be a credit to society if given a chance. But if they are all treated like dogs or slaves, they cannot possibly rehabilitate.

This is why I write, to hopefully change that. This is why it is important for inmates to speak. Hopefully, you may be encouraged to read my other essays. Until next time, feel free to write me or ask for other essays... I'll keep writing...