

ALL LIVES MATTER EVEN THOSE OF UNDERPRIVILEGED FEDERAL PRISONERS AT USP BEAUMONT

As this Country lowers the Flag of the War on drugs, abandoning Mass incarceration, turning to education and rehabilitation. As it struggles to correct the injustices of the failed War on drugs and struggle to restore the integrity of our Criminal Justice System and rebuild the trust of that system in the poor Communities of this Country. Federal prison administrators, seemingly and demonstratively in contempt of that monumental goal, use mass punishment to normalize inhumane treatment under the flag of serenity with deliberate indifference to resulting death of prisoners. Furthermore, the administrators promote policies and practices that promote gang membership, violence, intimidation and criminal activity. In other words, the Federal prison administrators, in contempt of the agenda of Congress and the American people, promote policies and practices that if not corrected will undermine the agenda of reducing Mass incarceration and recidivism in a safe and gradual manner. Most importantly, if relevant government agencies do not take a meaningful look at these practice and procedures. Moreover, if they don't correct these practices the First Step Act and the steps to follow have a destiny of failure.

In 1970 and lasting many years this Country declared a War on drugs. Congress of yesterday found and declared that the "illegal importation, manufacture, distribution, and improper use of Controlled Substances have a substantial and detrimental affect on the health and general welfare of the American people". See 21 U.S.C. § 802(2). To combat the problem Congress enacted "The Controlled Substance Act" (Title 21 of the United States Criminal Code). In summary, Congress of yesterday reasoned that a major portion of the illegal trafficking of Controlled Substances flows through interstate and foreign Commerce. Thus, Congress concluded that Federal Control of intrastate incidents of trafficking of Controlled Substances was essential to effective Control of interstate incidents of drug trafficking. See 21 U.S.C. § 802(3)(A)-(C). Said another way Congress raised the flag of the War on drugs extending the interstate Commerce Clause to illegal drug trafficking. In doing so Congress essentially and effectively enlarged Federal jurisdiction to include State drug trafficking crimes.

Some years later prompted by large part over the concern of "Crack Cocaine" among other concerns in regard to drug abuse and related crime, a later Congress enacted the Anti-Drug Abuse Act. Pub. L. NO. 99-570, 109 Stat 3207 (1986) [hereinafter ADAA]. In the ADAA Congress passed a series of harsh mandatory

minimum sentences for drug related crimes. In short, Congress established laws drafted to target "Major" drug traffickers which incorporated a recidivist provision that provided for enhanced penalties for repeat and "Major" drug traffickers. At large part the laws removed the discretion of the Judicial Community and placed the determination of whether the defendant was a "Major" drug trafficker within the discretion of the Justice Dept. and the prosecuting attorney. If the prosecutor determine the defendant to be a "Major" and repeat drug trafficker. He had the discretion to seek the enhanced mandatory minimum penalties of at least 20 years and at most Mandatory Life by filing an "851 Notice". See 21 U.S.C § 851. However, the problem was over zealous prosecutors abuse that discretion which fastly became a Wedge to be used to discourage defendants from exercising their Constitutional right to a Jury trial. Moreover, was used as a tool of punishment for doing so. Under the ADAA and over zealous federal prosecutors this Country's federal prison population exploded. The resulting prison population did not consist of "Major" drug traffickers, to the contrary, the prison population consisted of the poor and underprivileged who become addicted to drugs, amass petty drug convictions and ultimately turn to drug distribution to support drug addiction. In other words, the ones exploited by the "Major" traffickers to

effectively distribute the drugs in poor Communities. In summary, the war on drugs effectively imprisoned thousands of the poor Communities addicted to drugs and used as pawns by the "Major" drug traffickers. They were imprisoned under laws drafted to target the "major" drug traffickers responsible for the flow of drugs. The original targets escaped and thus the war failed with monumental and devastating effects on the poor Communities.

As children of the poor Communities witnessed fathers, Mothers, older brothers and Sisters hauled into Federal Court unreasonably marked "Major" drug traffickers and ultimately imprisoned under ludicrous prison sentences. It breeds resentment and distrust toward the Criminal Justice System and the government in the poor Communities. In consequence, it left thousands fatherless at large part lacking education to understand and/or means to take alternative direction in life, filled with resentment to step into the shoes of the fathers and brothers imprisoned. In other words, the "Major" drug traffickers had a ready available supply of pawns to effectively distribute the drugs and appease the over zealous prosecutors for prosecutions. The war on drugs was a failure with nothing solved and generations were imprisoned outrageously labeled "Major" Drug Dealers from the poor Communities and the prison population exploded to the point rehabilitation was impossible

due to the vast numbers and built up resentment and distrust of the imprisoned. A failure that had monumental effects on the family structure of the poor communities.

Under the oceanic prison population, prison administrators struggled with population control to say the least. To control the huge diverse prison populations the federal prison administrators developed a practice and undocumented policy of using "Spoke Persons" from each ethnic, racial, and groups further segregated by region of conviction. This policy, arguably inadvertently, effectively taught and encourage gangs, Segregation and inmate on inmate violence and intimidation. The prison administrators used these "Spoke persons" to effectively govern the prisons. A process which effectively communicated to other prisoners they held positions of authority. To effectively utilize these governors the prison administrator used mass punishment to communicate its desire and agenda. The rationale of the administrators was basically straight forward. If they punish a 1000 violent criminals the most violent and harden criminals, naturally the ones that migrated to positions of authority as "Spoke persons" would intimidate and thus provide deterrents from violating of the rules. However, such deterrents fastly grew to beatings and as discussed below often resulted in inmates deaths. In other words, the federal

prison administrators promoted violent gangs and controlled the leaders through use of mass punishment. A method that effectively directed violence and intimidation often resulting in beatings and deaths of prisoners. Furthermore, turned the Federal prisons into breeding grounds for violent gangs and advanced school of crime. This policy and practice, although convenient, effectively contributed to the revolving door of recidivism. It played a large part because education and rehabilitation was abandoned for a convenient means of population control. A method that demonstrably promoted lack of respect for the law and ultimately flooded the poor communities with violent gangs. In summary, the failure of the War on Drugs was monumental affecting the family structures of the poor communities and destroying the trust and integrity of the criminal justice system in those communities. A failure that created mass incarceration and promoted violent gangs as a means of population control. Gangs that ultimately migrated back to the streets of the poor communities to recruit and influence fatherless children. The failure created a cycle of crime and recidivism that progressed over generations.

The Congress of today with substantial presidential, judicial, legislative, and public support embraced the failure of the war on drugs. Congress of today concluded that mass incarceration of the

poor and underprivileged under unreasonable prison sentences was not the answer. Congress considered, among other things, a lot of the crimes that were committed and resulted in the massive prison population were consequences of drug addiction. Thus, Congress concluded education and rehabilitation was the key and turned the country to a path way of correcting the injustices of the failed war on drugs, reduction of the prison population with education and rehabilitation. Under this reasoning Congress passed the First Step Act of 2018. Rightly named, the act was essentially the first step to gradually and safely reducing the massive prison population of this country. The First Step was monumental and comprehensive. It was monumental because changes in the criminal sentencing laws and good time credits and restoration of limited jurisdiction and discretion back to the judicial community released thousands and reduced sentences for thousands more. It was comprehensive in that Congress embraced the fact, that the ones being released would need assistance. Thus, Congress created funding and incorporated mandates that meaningful educational programs be expanded inside the prisons to provide prisoners means and opportunities to obtain much needed life skills and marketable job skills. Finally, with great insight, Congress accepted the fact many years of injustices had breed resentment

and distrust in the legal system. Specifically, for prisoners imprisoned for years under hopeless and unreasonable sentences of which would need the education and assistance more so. Thus, Congress incorporated incentives to promote the critical educational programs. The incentives, among others, included good time credits that would effectively reduce prison sentences. It stands to reason, Congress wanted to promote the critical educational programs to ensure the ones integrating back into their communities could do so in a positive manner with life and job skills. Thus, protect the communities from recidivist crimes of desperation. In summary, the First Step Act was a well put together package to begin reducing mass incarceration and recidivism as well as restoring the integrity of the criminal justice system in the poor communities. Moreover, a package that incorporated safety precautions for the communities.

Most importantly, if the ones responsible for the First Step Act do not now turn to extend the reform to policies and procedures of prison administrators that conflict with the discussed agenda at best and at worst undermine that agenda. The First Step and the steps that follow have a destiny of failure. Take USP Beaumont as an example.

To begin with the policy of using "Spoke persons" controlled through mass punishment must be abandoned. Most importantly, this practice is getting prisoners killed. For example, at USP Beaumont recently in separate and back to back incidents, prisoners were found beaten to death and stuffed under beds. One had been dead for hours. The other lay clinging to life for hours brain dead and died the next day. It stands to reason that these prisoners died from beatings for violations of rules that could get the entire prison population punished, as a form of deterrence and example for the other prisoners promoted by the policy discussed above. The administration's response to these resulting deaths is deliberate indifference at best. The administration acts as if these deaths are insignificant. As if it was not like it was a Correctional officer or someone important. It was just an underprivileged prisoner that should have followed the rules. It's just part of the process of population control. Such opinion is demonstrable by Correctional staff openly joking with the Correctional officer assigned to the dorm where the prisoners died for "Sleeping on the job". Frankly, this opinion is foul and immoral. Those young men's lives matter as much as the life of a so-called pillar of the community. If a healthy debate is needed ask the "ones that really matter", one of which is presented on the cover flyer here. Furthermore, this

policy is undermining the Critical educational and rehabilitation Concepts of the First Step Act to say the least. The ones in these positions of "spoke person" whose authority is ultimately validated by the administration are, at the most part, the most violent Career Criminals of the lot. Prisoners who have no desire for education or rehabilitation and are in contempt of the ones that seek to better themselves through education. For example, when the First Step Act became law on Dec 23, 2018 Career Criminals were attempting to intimidate the young impressionable prisoners using among other things the mention position of authority and "peer pressure" to prevent them from taking advantage of the educational programs offered under the First Step Act. Such an insanity, prompted the undersigned to create the flyer that represents the cover page here. The purpose of the flyer was to encourage the young men to take advantage of the programs if not for themselves, then for the "ones that really mattered". Concedingly, the undersign is a former Career Criminal not easily intimidated, but one who has obtained 3 College degrees and can testify to the fact education is critical to change. Because through education comes understanding which reduces resentment. Moreover, provides positive options in life, something that is critical to change. Because as embarrassing as it may be to admit, the undersign was a Criminal because that's all he knew and had limited options in life.

In Summary, the effort was rewarded by many of the more mature prisoners rejecting the negativity and seeking to better themselves. But sadly, the younger prisoners folded to this negative influence and rejected the programs. Finally this policy promotes gangs that migrate back to infect the poor Communities. The thing is, as discussed above the family structures were hit hardest in the poor Communities. Resulting in a lot of these young men coming into these prisons without family support and looking for validation and somewhere to fit in and belong. The promoted gangs fill that void and undermine redemption and rehabilitation. Accordingly, this practice and policy must be abandoned if the agenda of Congress and American People is to prevail.

Secondly, and of equal importance, a meaningful review of the practices and policies of the educational administrators of the prison must be conducted to ascertain those policies and practices are in tune with the agenda of Congress. Again take USP Beaumont for example. At USP Beaumont in appearance one would conclude that the educational administrator is in contempt of Congress. There are no meaningful educational programs. In fact, the administrator promotes fraud with indifference. He simply turns a blind eye to the fraudulent practice of educational staff encouraging the prisoners to "Just sign

the roster" assuring them they will get First Step Credit and "go on back". Then those fraudulent rosters submitted to the regional office as if classes were actually taught and meaningful education transferred. Furthermore, what classes that are actually conducted are by unqualified prisoners with personal monetary interest. Thus, just another means to produce a fraudulent roster. The Class rooms are stocked with school supplies unused that never reach students because classes are not taught. Of no less importance, the few programs that are available are routinely suspended under mass punishment. In other words, the educational administrators focus and agenda at USP Beaumont is to appease the prisoners to encourage them to partake in producing fraudulent Class rosters for the purpose of submitting them to the regional office to bamboozle them to concluding classes were actually taught. In summary, such a practice robs the prisoner of a much needed education and robs the public of the protection from recidivist crime the "Meaningful" education represented. Accordingly, if the agenda of the prison educational administrators are not brought in tune with the agenda of Congress, the First Step and Steps to follow have a destiny of failure.

In Conclusion, the First Step Act began as a Success. The undersign witnessed renewed hope and trust in prisoners. But sadly watched it die under Contemptuous prison administrators and Mass punishment. Oh to be sure the prison population is being reduced. However, the Million dollar question is whether the recidivism will be reduced. Moreover, will the Communities be protected from the recidivist Crime as Congress intended. Most importantly, is whether the Current Attorney General and Director of prisons will align with Congress and ascertain prison policy and practice meet the agenda of Congress. Only time will tell. Currently, at USP Beaumont prison policies Conflict with Congress.

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