

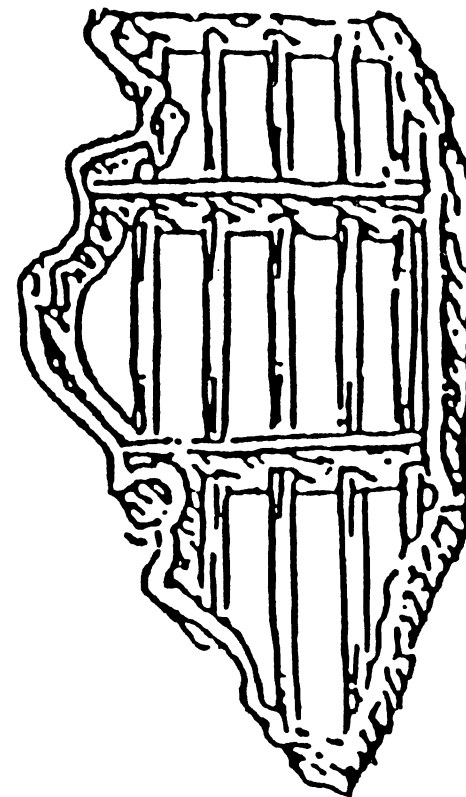
- 44.) Wilkins vs. Gaddy, 130 S. Ct. 1175 (2010)
- 45.) Williams vs. Jackson, 600 F. 3d 1007 (8th Cir. 2010)
- 46.) Rhodes vs. Chapman, 452 U.S. 337, 345-46, 101 S. Ct. 2392, 2398-99, 69 L. Ed. 2d 59 (1980)
- 47.) Helling vs. McKinney, 509 U.S. 25 (1993)
- 48.) Gibbs vs. Cross, 160 F 3d 962 (3rd Cir 1998)
- 49.) DeSpain vs. Uphoff, 264 3d 965 (10th Cir 2001)
- 50.) Martino vs. Carey, 563 F. Supp. 984, 1001 (D. Or. 1983)
- 51.) Ruiz vs. Estelle, 503 F. Supp. 1265 (1980)
- 52.) Trop vs. Dulles, 356 U.S. 86, 101, 78 S. Ct. 590, 598, 2 L. Ed 2d 630 (1958)
- 53.) Spain vs. Proconier, 600 F. 2d at 200
- 54.) Coleman vs. Schwarzenegger, 2009 WL 2430820 (E.D. Cal.)
- 55.) Farmer vs. Brennan, 511 U.S. 825, 114 S. Ct. 1970 (1994)
- 56.) DR 502.100
- 57.) Pontiac Correctional Center Orientation Manual pg. 23
- 58.) DC 7861
- 59.) Pontiac Correctional Center Orientation Manual pg 35
- 60.) LeMaire vs. Maass, 745 F. Supp. 623 (1990)
- 61.) Sandin vs. Conner, 515 U.S. 472 (1995)
- 62.) Fifth Amendment
- 63.) United States vs. Michigan, 680 F. Supp. at 275
- 64.) Smith vs. Oregon State Dept. of Corrections, 101 Or. App. 539, 792 P. 2d 109 (1990)
- 65.) Moss vs. Ward, 450 F. Supp. 591, 596 (W.D.N.Y. 1978)
- 66.) Finney vs. Arkansas Board of Corrections, 505 F 2d 194, 207-08 (8th Cir 1974)
- 67.) Finney vs. Hutto, 410 F. Supp 251, 256 (E.D. Ark. 1976)
- 68.) Segregation Procedure Manual pg. 7
- 69.) Wright vs. Rushen, 642 F 2d at 1133
- 70.) Estelle vs. Gamble, 429 U.S. at 103, 97 S. Ct. at 290

About the Author

Matthew Smith is a 20 year old political prisoner confined within Pontiac Correctional Center segregation. He is a communist revolutionary and is the leader and founder of the Political Party S.O.B. (Soldiers of Bondage). Anyone who wishes to contact him may do so at the following address:

Matthew Smith B86629
 Pontiac Correctional Center
 P.O. Box 99
 Pontiac, IL 61764

A Report on the Oppression of the Political Prisoners within Pontiac Correctional Center 2012



Written by:
 Matthew Smith
 (on behalf of S.O.B.)

Contents

Introduction	pg. 3
What is S.O.B.?	pg. 3
First Amendment: Access to Reading Material	pg. 3
First Amendment: Censorship of Mail	pg. 5
First & Fourteenth Amendments: Access to Courts	pg. 7
First & Fourteenth Amendments: Freedom of Religious Activity	pg. 8
Education	pg. 9
Eighth Amendment: Protection From Physical Brutality	pg. 13
Eighth Amendment: Right to Decent Conditions in Prison	pg. 14
Sanitation	pg. 14
Lighting	pg. 15
Fourteenth Amendment: Due Process	pg. 16
Meatloaf	pg. 16
Strip-Out	pg. 17
Conclusion	pg. 17
Injunctive Relief	pg. 18
References	pg. 19
About the Author	pg. 20

Edited by Anthony Rayson on November 14th, 2013

Published & Distributed By:

South Chicago ABC Zine Distro / POB 721 / Homewood, IL 60430
@nticopyright - free to prisoners - Each One, Teach One

References

- 1.) Turner vs. Safley, 482 U.S. 78 (1987)
- 2.) Thornburgh vs. Abbott, 490 U.S.401, 404 (1989)
- 3.) Williams vs. Brimeyer, 116 F. 3d 351 (8th Cir. 1997)
- 4.) DR 525.210(a)
- 5.) Departmental Rule 504.209 Dangerous Written Material
- 6.) Department Rule 504.308 Contraband or Unauthorized Property
- 7.) Departmental Rule 504.310 Abuse of Privileges
- 8.) Departmental Rule 504.403 Disobeying a Direct Order
- 9.) Departmental Rule 504.404 Violation of Rules
- 10.) DOC 0317 Disciplinary Report
- 11.) Gates vs. Collier, 501 F. 2d 1291 (5th Cir. Sept. 20, 1974)
- 12.) Proconier vs. Martinez, 416 U.S. 396 (1974)
- 13.) Bach vs. People of the State of Illinois, 504 F. 2d 1100 (7th Cir. 1974)
- 14.) Adams vs. Carlson, 488 F. 2d 619 (7th Cir. (1973)
- 15.) Moore vs. Ciccone, 8th Cir. 1972, 459 F. 2d 574
- 16.) McCray vs. Sullivan, 5th Cir. 1975, 509 F. 2d 1332
- 17.) Pontiac Correctional Center Orientation Manual pg. 17
- 18.) Castillo vs. Cook County Mail Room, 990 F. 2d 304 (7th Cir. 1993)
- 19.) Barlow vs. Amiss, 477 F. 2d 896, 898 (5th Cir. 1973)
- 20.) Taylor vs. Sterrett, 532 F. 2d 462 (5th Cir. June 1, 1976)
- 21.) Frye vs. Henderson, 474 F. 2d 1263 (5th Cir. 1973)
- 22.) Cruz vs. Hauk, 475 F.2d 475 (5th Cir. 1973)
- 23.) Smith vs. Robbins, 454 F.2d 696 (1st Cir. 1972)
- 24.) Wolff vs. McDonnell, 418 U.S. 539, 94S. Ct. 2963, 41L. Ed. 2d 935 (1974)
- 25.) Washington vs. James, 782 F. 2d 1134 (2nd Cir. 1986)
- 26.) "The Perpetuation of Our Political Institutions" by Abraham Lincoln
- 27.) Bounds vs. Smith, 430 U.S. 817, 975. Ct. 1491
- 28.) Younger vs. Gilmore, 404 U.S. 15, 92 S. Ct. 250, 30L. Ed. 2d 142 Pp.1494-1500
- 29.) Pon 0348
- 30.) Shango vs. Jurich, 965 F. 2d 289 (7th Cir. 1992)
- 31.) Cepulonis vs. Fair, 732 F. 2d 1 (1st Cir. 1984)
- 32.) Exparte Hull, 312 U.S. 546, 61 S. Ct. 640, 85L. Ed. 1034 (1941)
- 33.) Cruz vs. Beto, 405 U.S. 319, 321, 92 S. Ct 1079, 1081, 31 L. Ed 2d 263 (1972)
- 34.) Chaffin vs. Stynchcombe, 412 U.S. 17 34n. 22, 93 S. Ct. 1977, 1986, 36 L. Ed 2d 714, 728 (1973)
- 35.) Love vs. Reed, 216 F. 3d 682 (8th Cir 2002)
- 36.) Religious Land Use and Institutionalized Persons Act
- 37.) Charles vs. Verhagen, -- F.3d --, No. 2-3572, 3003 WL. 22455960 (7th Cir. Oct 30, 2003)
- 38.) Washington vs. Lee, 263 F Supp. 327, 331 (M.D. Ala 1966)
- 39.) "Beyond the Bubble" by Joan Petersilia
- 40.) Pontiac Correctional Center Orientation Manual pg. 38
- 41.) DR 405.50
- 42.) Pontiac Correctional Center Orientation Manual pp. 39-40
- 43.) Hudson vs. McMillian, 503 U.S. 1 (1992)

In light of the information provided throughout this report on the oppression of prisoners within Pontiac Correctional Center it is demanded by – not the author or prisoners of Pontiac Correctional Center individually – humanity as a whole that these oppressive actions be remedied through the following.

- 1.) That the Pontiac Correctional Center Officials stop the illegal banning of publications that have no penological interest to the institution and that the keeping of a list of banned publications be ceased due to the illegality of such a list.
- 2.) That the illegal opening of prisoners' legal mail outside of their presence be stopped immediately and any prison official found guilty of illegally opening legal mail be severely punished.
- 3.) That the law libraries be enlarged and that prison officials follow guidelines to prevent the damaging of legal books. Also, that all damaged legal books be replaced.
- 4.) That Pontiac Correctional Center Officials allow prisoners confined on One Gallery of North Cell House to meet with religious leaders as there is no penological interest in denying them this right.
- 5.) That upon arrival at Pontiac Correctional Center all prisoners sentenced to two or more years – except those serving life or death penalty sentences – be given the T.A.B.E. test within 20 days and that prisoners in segregation status be allowed to participate in educational classes.
- 6.) That the habitual use of excessive force against prisoner by Pontiac Correctional Center Correctional Officers be put to a stop. That camera's be placed on every gallery and in every stairwell to help prevent the use of excessive force. And that prison officials found guilty of using excessive force against prisoners be severely punished.
- 7.) That prisoners be issued more than a half cup of disinfectant soap per week. Either by issuing one *full* cup every Sunday or issuing two half cups to prisoners every week. That the vents be periodically cleaned. That the cleaning of any and all bodily fluids and wastes be done promptly and efficiently. And that prisoner's be allowed to purchase combs, grease, and dental floss off of the commissary. And that the cell on One Gallery of North Cell House *not* be illuminated twenty-four hours per day.
- 8.) That the use of Meal Loaf as a punishment for anything other than the abuse of food or eating utensils be stopped. That the practice of placing prisoners on Meal Loaf before they are found guilty of abusing their food and eating utensils be stopped. That the use of strip-out status as a punishment for anything other than the abuse of property and clothing be stopped. And that the practice of placing prisoners on strip-out status before they are found guilty of abusing their property and clothing be put to a stop.

As a collective whole of civilized humanity it is *demanded* that every one of these remedies be met – with NO exceptions! To not abnegate to these demands is to alienate oneself from the civilized world and into a barbaric nightmare. For prisoners are humans and therefore they have rights.

This report was written to shed light on the oppression of the political prisoners within Pontiac Correctional Center. This oppression is perpetuated knowingly, willingly, and continuously by the Pontiac Correctional Center Officials whose job and duty is to house, care, and rehabilitate prisoners.

It is the hope of the author that this report will open the eyes of society to the inhumane conditions and treatment of prisoners – specifically those who are confined in Pontiac Correctional Center. Furthermore, the author hopes that after their eyes have been opened society will unite and demand that these oppressive actions be stopped.

Although prisoners are incarcerated for various crimes they still have rights. Rights that are being violated and ignored by Pontiac Correctional Center Officials. Hopefully, with the help of the masses, that will soon end.

What is S.O.B.?

The Soldiers of Bondage (S.O.B.) is a communist revolutionary political movement that is against Imperial Capitalism in all of its forms.

This report contains ways that the current capitalist system oppresses the people of Amerikkka. However, it is by no means every way that the people are oppressed.

S.O.B. is *not* a gang nor does it advocate gang activity. Instead, S.O.B. educates the masses about their oppression and advocates peaceable resistance (such as the construction of this report). The movement was founded by Matthew Smith on July 2, 2011 within Pontiac Correctional Center Segregation. The goals of S.O.B. are as follows;

- 1.) To end the oppression of the people perpetuated by the Amerikkkan government;
- 2.) To end capitalism; and
- 3.) To implement communism into the government.

Again, S.O.B. is *not* a gang! S.O.B. does not advocate violence (armed-resistance) but peace (passive-resistance). It is the aim of S.O.B. to counter oppression with liberation and true-equality for all!

First Amendment: Access to Reading Material

The First Amendment protects a prisoner's right to obtain and possess reading material. Prison officials cannot ban any publication unless they can show "legitimate government interest" in prohibiting the material. See *Turner vs. Safley*, 482 U.S. 78 (1978); and *Thornburgh v. Abbott*, 490 U.S. 401, 404 (1989).

However, just because prison officials have the right to ban publications that does not mean that they can abuse that authority. An example of Pontiac Correctional Center Officials' abuse of discretion is the construction and maintenance of a list of publications that have been prohibited by said officials. This is in direct violation of the law.

A prison cannot maintain a list of excluded publications or decide that no materials from a particular organization will be allowed in. It must decide about each book or magazine on a case-by-case-basis. This holds true even for books and magazines that prison officials know have been banned in the past. See *Williams vs. Brimeyer*, 116 F. 3d 351 (8th Cir. 1997); and *DR.525.210(a)*.

"Prison officials cannot censor material just because it contains religious, philosophical, political, social, sexual, or unpopular or repugnant content. They can only censor material if they believe it will incite disorder or violence, or it will hurt a prisoner's rehabilitation." *Thornburgh vs. Abbott*. 4

Yet, even though the law gives prisoners reasonable protection, Pontiac Correctional Center Officials knowingly, willingly, and continuously infringe on prisoners' rights.

The prohibition of Machiavelli, Robert Greene, Sun Tzu, Clausewitz, etc... are in violation of the procedures set forth in *Turner*. *Turner* asks four (4) questions of the prison officials banning of publications. They are as follows;

- 1.) Is the regulation reasonably related to a legitimate, neutral government interest?
- 2.) Does the regulation leave open another way for you to exercise your Constitutional Rights?
- 3.) How does the regulation impact other prisoners, prison guards or officials and prison resources?
- 4.) Are there obvious, easy alternatives to the regulation that would not restrict your right to free expression?

In regards to the authors previously mentioned I will now respond to each of the *Turner* questions in full.

1.) The banning of Machiavelli, Greene, Tzu, and Clausewitz are not related to any legitimate, neutral government interest. Pontiac Correctional Center Officials claims that the material written by them is a "security threat" to the institution; but they *do not* specify how they are a threat.

Prison officials can "...censor material if they believe it will incite *disorder or violence*, or will *hurt* a prisoner's *rehabilitation*." *Thornburgh vs. Abbott*. – Emphasis mine throughout.

None of these authors advocate violence or disorder. They are historians and/or philosophers who ponder many things such as life, war, love, success, and society. They do not encourage people to bear arms against the government nor do they suggest that violence is the answer to society's problems.

They do not incite disorder, violence, or hurt a prisoner's rehabilitation. Thus, Pontiac Correctional Center Officials fail the first *Turner* Question.

2.) The banning of Machiavelli, Greene, Tzu, and Clausewitz does not leave open another way for prisoners to obtain material written by them and therefore prisoners cannot exercise their Constitutional Rights to have access to reading material as set forth in the First Amendment.

Being that their works have been prohibited prisoners cannot receive copies of them in any way. Prisoners cannot have family and friends print material off of the internet and sent to them because that would be a violation of *Department Rules 504.209 Dangerous Written Material; 504.308 Contraband or Unauthorized Property; 504.310 Abuse of Privileges; 504.403 Disobeying a Direct Order; and 504.404 Violation of Rules*.

These violations would result in a *Doc 0317 Disciplinary Report* being written which would result in loss of privileges, loss of good time, demotion of grade, and segregation time.

Therefore, the banning of said authors does not allow prisoners to obtain their works by other means because their material has been banned in it's entirety. Thus, Pontiac Correctional Center Officials fail the second *Turner* Question as well.

Pontiac Correctional Center Officials have a tendency of stripping out (taking away all of their property) for various rule infractions but they do so unconstitutionally for two (2) reasons.

First, the *Segregation Procedure Manual*, which is published by the Department of Corrections, says on *page 7* that a prisoner can only be stripped out for the following:

- 1.) He lights a fire in his cell.
- 2.) He floods his cell.
- 3.) He harms himself.
- 4.) He harms somebody else.
- 5.) He damages or misuses state property.

Pontiac Correctional Center Officials strip out prisoner for reasons other than the five listed above. If a prisoner is being loud or is found possessing any contraband he will be stripped out.

In *LeMaire* the court found that the use of strip-out status for anything *other* than the abuse of property is unconstitutional. Therefore, not only is it unconstitutional to strip-out a prisoner for being loud or possessing contraband, it is also unconstitutional to strip-out a prisoner for any of the first four reasons listed on *page 7* of the *Segregation Procedure Manual*. See *Wright vs. Rushen*, 672 F. 2d at 1133; and *Estelle vs. Gamble*, 429 U.S. at 103, 97 S. Ct. at 290.

Secondly, PCCOs do not allow prisoner to prove their innocence of alleged rule infractions before stripping them out. This practice is unconstitutional.

Disciplinary hearings exist so that an offender can prove his innocence before being punished for something he may in fact not be guilty of. Stripping a prisoner out before he is found guilty at a disciplinary hearing is the equivalent of executing someone without a trial to determine their guilt or innocence.

Prisoners have the right to prepare a defense before their disciplinary hearing. However, due to the fact that prisoners are stripped out for a *minimum* of seventy-two hours it makes it extremely difficult - if not impossible – to do so.

In essence, PCCOs are in violation of the law as pursuant to *LeMaire* in regards to using strip-out status as a punishment for anything other than the abuse of property/clothing and preventing prisoners from preparing a *proper* defense at their disciplinary hearings by stripping them out before they are found guilty.

Conclusion

This report has been prepared not to shed light on only one injustice perpetuated by Pontiac Correctional Center Officials but to show a wide spectrum of events committed by said officials of Pontiac Correctional Center that are oppressive to the prisoners confined within said institution.

These multiple infractions of the United States Constitution have resulted in severe physical and psychological harm to the prisoners detained within Pontiac Correctional Center. Very recently it was found that such conditions are unconstitutional and therefore illegal. See *Coleman vs. Schwarzenegger*, 2009 WL 2430820 (E.D. Cal.).

Instead of turning a light on, or using a flashlight to see into a cell when necessary the PCCOs maintain a constant illumination of the cells on One Gallery of North Cell House. "There is no penological interest for requiring plaintiff to suffer physical and psychological harm by living in constant illumination. This practice is unconstitutional." *LeMaire vs. Maass*.

Fourteenth Amendment: Due Process

16

The state shall not deprive "any person of life liberty, or property without due process of the law." This is known as the "Due Process Clause" of the Fourteenth Amendment. When prison officials violate this right a prisoner has a "liberty interest." See *Wolff vs. McDonnell*, 418 U.S. 539 (1974); and *Sandin vs. Connor*, 515 U.S. 472 (1995).

Meal Loaf:

Whenever a prisoner of PCC segregation assaults another prisoner or a guard the prison officials place him on Meal Loaf status without the due process of a disciplinary hearing. Before the prisoner is found guilty of the assault he is accused of committing he is punished with Meal Loaf. If, after his disciplinary hearing, he is found guilty of committing the assault he will then be punished *again*. This is double jeopardy and is illegal. See *Fifth Amendment*.

Meal Loaf is the leftover scrap of any meal that are first grind up and then compacted together and baked into a brick. Prisoners are placed on Meal Loaf for a *minimum* of three days.

In the past the courts have declared that Meal Loaf is, in itself, constitutional. See *United States vs. Michigan*, 680 F. Supp. At 275; and *Smith vs. Oregon State Dept. of Corrections*, 101 Or. App. 539, 792 P. 2d 109 (1990).

However, when Meal Loaf is used as a *punishment* for anything not to do with the abuse of food or eating utensils it is unconstitutional. See *LeMaire vs. Maass*, 745 F. Supp. 623 (1990).

In *LeMaire* the court concluded that Meal Loaf as punishment is illegal. "I conclude that the use of Nutra Loaf as punishment violates plaintiff's Eighth and Fourteenth Amendments rights."

The court found a similar ruling in *Moss vs. Ward*, 450 F. Supp. 591, 596 (W.D.N.Y. 1978). "...prison officials cannot impose such severe sanctions for breaking disciplinary rule...when there is no showing that the prisoner is engaging in the conduct the rule is designed to prevent."

See also *Finney vs. Arkansas Board of Corrections*, 505 F. 2d 194, 207-08 (8th Cir. 1974); and *Finney vs. Hutto*, 410 F. Supp. 251, 276 (E.D. Ark. 1976).

Only if a prisoner abuses his food or eating utensils can he be placed on Meal Loaf. Assaulting other prisoners or guards is not punishable by Meal Loaf. The court also decided in *Lemaire* that feces and urine do *not* constitute the same as food. If a prisoner *does* throw urine or feces (as disgusting as that is) he *cannot* be placed on Meal Loaf.

Pontiac Correctional Center Officials use Meal Loaf as a *punishment* for several things (i.e. assaulting staff, disrespecting staff, throwing feces and/or urine, etc...).

But back to due process – placing prisoners on Meal Loaf prior to being found guilty at a disciplinary hearing violates the prisoner's right to due process. In *Wolff vs. McDonnell* the court clearly declared that prisoner have the right to a disciplinary hearing before being punished for an alleged rule infraction.

3.) The banning of Machiavelli, Greene, Tzu, and Clausewitz effects all prisoners because it prevents them from pursuing an education in certain areas. If a prisoner wished to obtain a degree in political science he would be unable to do so because he would inevitably come across such theories/topics as war, society, strategy, tactics, and revolution which are the main topics written about by the above authors who have been banned.

Imagine. A prisoner pays for a correspondence course in political science and as part of his lesson must read Clausewitz, Tzu, Machiavelli, or Greene. He would be unable to do so due to the banning of them and that would obstruct him from finishing and obtaining his degree.

The banning of Machiavelli, Green, Tzu, and Clausewitz does not impact prison guards, officials, or prison resources in any way. Whether or not a prisoner reads their work the prison will continue to function safely and successfully because their material does not advocate disorder, violence, or harm a prisoner's rehabilitation.

Therefore, the prohibition of these authors is nothing more than an abuse of power and a way of oppressing prisoners within Pontiac Correctional Center. Thus, Pontiac Correctional Center Officials fail the third Turner Question also.

4.) Yes. There is an easy, obvious alternative to the banning of Machiavelli, Greene, Tzu, and Clausewitz. Pontiac Correctional Center Officials ban all works related to war, strategy, tactics, and revolution.

The alternative to this is to allow in books and magazines that discuss the *theory* of these topics and to ban those that *advocate the use* of them. There is a mass difference between discussing the theory or history of war and discussing the desire to start a war.

However, Pontiac Correctional Center Officials refuse to utilize this alternative and continue to abuse their authority and oppress the prisoners within their care. Thus, Pontiac Correctional Center Officials fail the fourth, and final, Turner Question as well.

As dictated above, Pontiac Correctional Center Officials fail to meet any of the four (4) Turner Questions satisfactorily.

Machiavelli, Greene, Tzu, and Clausewitz are not the only authors victimized by Pontiac Correctional Officials abuse of power. I have used them only as examples of this oppression and acknowledge that they are only a few of the authors who are banned illegally.

First Amendment: Censorship of Mail

The First Amendment protects prisoners' right to send and receive letters. Generally prison officials have the authority to censor incoming and outgoing mail for the sake of security. However, this does not pertain to legal mail which is to remain confidential. See *Gates vs. Collier*, 501 F.2d 1291 (5th Cir. Sept. 20, 1974); and *Procurier vs. Martinez*, 416 U.S. 396 (1974).

The court decided in *Collier* that legal mail consists of any mail addressed to or from b) All Federal Officials including the President of the United States, any senator or congressman, and officials of any United States agency or department; all state officials including the Governor, members of the state Senate and House of Representatives, and officials of any state agency or department."

Pontiac Correctional Center Officials have a repetitive history of tampering with prisoners' incoming and outgoing legal mail. This tampering obstructs a prisoner's right to have access to the courts and non-censored legal mail. See *Bach vs. People of the State of Illinois*, 504 F. 2d 1100 (7th Cir. 1974); and *Adams vs. Carlson*, 488F, 2d 619 (7th Cir. 1973).

In *Bach* the court said, "We think that contact with an attorney and the opportunity to communicate privately is a vital ingredient to the effective assistance of counsel and access to the courts." See also *Moore vs. Ciccone*, 8th Cir. 1972, 459 F.2d 574; and *McCray vs. Sullivan*, 5th Cir. 1975, 509 F.2d 1332.

Indeed, in *McCray* the court found that "...inmate's right of unfettered access to the courts is as fundamental a right as any other he may hold... All other rights are illusory without it..."

On page 17 of the *Pontiac Correctional Center Orientation Manual* it states in section (N) Mail Service:

"Offenders may receive an unlimited number of letters from anyone except an offender in another institution. In this case, permission must be granted by both facilities wardens. Mail will be opened and examined for contraband, *except legal mail, which will be opened by the officer delivering the mail in front of the offender, and examined for contraband.* The offender is required to sign a slip stating the mail was unopened until the officer opened it in his presence. - Emphasis mine throughout.

This statement is in accordance to law. See *Castillo vs. Cook County Mail Room*, 990 F.2d 304 (7th Cir. 1993).

However, even though these regulations are within the rule book, the officials of Pontiac Correctional Center do not always comply with them.

There are several instances when prisoners have received legal mail that was opened outside of their presence or have had outgoing legal mail opened outside of their presence. These instances are documented by the victimized prisoners by the filing of grievances and occasionally, the filing of Section 1983's. This practice of opening prisoners' legal mail outside of their presence is unethical, immoral, and illegal. See *Barlow vs. Amis*, 477 F.2d 896, 898 (5th Cir. 1973); *Taylor vs. Sterrett*, 532 F.2d 462 (5th Cir. June 1, 1976; *Frye vs. Henderson*, 474 F.2d 1263 (5th Cir. 1973); and *Cruz vs. Hawk*, 475 F.2d 475 (5th Cir. 1973).

Although this issue has been addressed several times the PCCOs continue to oppress the prisoners within their care by tampering with their incoming and outgoing legal mail outside of their presence. This, as stated above, is illegal. See *Smith vs. Robbins*, 454 F.2d 696 (1st Cir. 1972).

The law specifically states that legal mail can only be opened if A.) there is strong evidence to suggest that the contents are, in fact, not legal mail; and B.) the prisoner that the mail is addressed to, or from, is present. See *Wolff vs. McDonnell*, 418 U.S.539, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974).

The Constitution guarantees the right for prisoners to send out and receive mail that is confidential (legal mail). This allegation is validated by the First, Fourth, and Fourteenth Amendments of the United States Constitution. This right is non-negotiable and cannot be infringed upon.

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

Naturally one would say, "Don't throw waste on the gallery." And if you say that you are correct. However, there is no possible way for prisoners to prevent other prisoners from doing so. We are in our cells twenty-four hours a day.

By forcing prisoners to live in such filthy conditions the PCCOs are subjecting the prisoners under their care to cruel and unusual punishment. See *Trop vs. Dulles*, 356 U.S. 86, 101, 78 S. Ct. 590, 598, 2 L. Ed. 2d 630 (1958); and *Spain vs. Procunier*, 600 F. 2d at 200.

These conditions are unhealthy, inhumane, and dangerous. They can result in serious sickness and even death. Prison officials have the *responsibility* to detain prisoners in a safe and sanitary environment. See *Coldman vs. Schwarzenegger*, 2009 WL 2430820 (E.D. Cal.); and *Farmer vs. Brennan*, 511 U.S. 825, 114 S. Ct. 1970 (1994).

"...prison officials may be held liable under the Eighth Amendment for denying humane conditions...only if they know that inmates face substantial risk of serious harm and disregard that risk by failing to take reasonable measures to abate it..." *Farmer vs. Brennan*.

Pontiac Correctional Center Officials are aware of the sanitation violations with PCC and they do nothing to abate those violations.

Prisoners are also supposed to be given proper grooming supplies. Indeed, a prisoner is expected to keep himself well groomed at all times. See *DR 502.100*.

However, this is not possible due to PCCOs' failure to comply with institutional rules. Page 23 of the *Pontiac Correctional Center Orientation Manual* states that prisoner are allowed to have combs so that they can keep themselves groomed and presentable. Yet, PCCOs do not hand out free combs to prisoners upon their arrival nor do they sell combs on the commissary. See *Dc 7861*.

Any prisoner who is *not* well groomed at all times will be issued a *DOC 0317 Disciplinary Report*. See Page 35 (4) of the *PCCOM*.

The commissary sells only a palm brush which is made of cheap, flimsy plastic. This means that Afrikan-Amerikkkan prisoners cannot maintain their grooming because the palm brush breaks in their curly, nappy hair. In order to keep their appearance presentable they need a comb or a hair pick.

Also, the commissary does not sell prisoners in segregation status dental floss or hair grease. Hair grease is necessary for Afrikan-Amerikkkan prisoners to keep their scalp from drying out and peeling.

Without dental floss tartar and plague build up around the gums in places that a tooth brush cannot reach. This results in bad breath, rotting teeth, and gum disease. There is no "penological interest" in denying prisoners in segregation combs, grease, or dental floss. The denial of such is a tactic that PCCOs use to oppress prisoners.

Lighting:

On One Gallery of North Cell House all of the cells are lit twenty-four hours a day. This causes sensory deprivation from being exposed to light constantly without reprieve.

See *LeMaire vs. Maass*, 745 F. Supp. 623 (1990).

This means that at all periods of the day fifty-two prisoners in North Cell House are being systematically tortured by excessive exposure to light. Placing prisoners in a cell that is constantly lit has the same effect as placing them in cells that are constantly dark.

"...there is no evidence that...staff needs to see into the...cells for 24 hours per day, or that they are even near the...cells for 24 hours per day. Defendant offered no reason why the cells could not have switches outside so guards can see into them when they must." *LeMaire vs. Maass*.

Eighth Amendment: Right to Decent Conditions in Prison

The Eighth Amendment's prohibition of cruel and unusual punishment also protects a prisoner's right to safe and somewhat decent conditions in prison. See *Rhodes vs. Chapman*, 452 U.S. 337, 345-46, 101 S. Ct. 2392, 2398-99, 69 L. Ed. 2d 59 (1980). 14

Sanitation:

Pontiac Correctional Center Officials knowingly and willingly force prisoners to live in unsanitary conditions that are often dangerous to one's health. What makes this even more outrageous is the fact that they could fix this problem if they wanted to. They don't. The PCCOs are putting prisoners' lives in danger with despicable diseases that have the potential of being deadly and/or contagious (i.e. Hepatitis C, Staff Infections, Pneumonia, etc...). This deliberate, uncaring negligence is inhumane and illegal. See *Helling vs. McKinney*, 509 U.S. 25 (1993).

Each cell within North Cell House is equipped with a vent so that air can be circulated throughout the cell. However, these vents are *never* cleaned so they have accumulated a significant amount of dust, lint, and debris which makes them nonfunctional. Because of all of the accumulated junk in the vents the PCCOs are forced to keep them turned off. This means two things - 1.) air in the cells is *not* circulated; and 2.) the prisoners can (and sometimes do) suffer severe harm. See *Gibbs vs. Cross*, 150 F. 3d 962 (3rd Cir. 1998).

Prisoners are entitled to sanitary living conditions. See *DeSpain vs. Uphoff*, 264 F. 3d 965 (10th Cir. 2001); *Martino vs. Carey*, 563 F. Supp. 984, 1001 (D. Or. 1983); and *Ruiz vs. Estelle*, 503 F. Supp. 1265 (1980).

This includes the right to have adequate cleaning supplies.

Once a week on Sundays PCCOs issue one half cup of diluted disinfectant soap to each prisoner. This half cup is expected to work miracles. First, it is supposed to last a prisoner until the following Sunday. Secondly, it is supposed to be enough to *properly* clean the walls, ceiling, sink, toilet, floor, door, chuck-hole, desk, and bed of the prisoner's cell. Obviously this is not enough disinfectant to meet those utopian expectations.

It would be quite simple for PCCOs to give prisoners more disinfectant soap per week. It could be done one of two ways. 1.) It could be that they give prisoners a *full* cup every Sunday; or 2.) They could give out one half cup *twice* every week. Unfortunately, they refuse to do either and force prisoners to live in filthy environments.

Pontiac Correctional Center segregation houses those prisoners who have violated institutional rules and are being disciplined with isolation. It is needless to say that some of these prisoners are mentally ill. These mentally ill prisoners are actually supposed to be housed separately from the "sane" prisoners - they're not.

When a prisoner throws urine or feces onto the gallery (the walkway outside of the cells) PCCOs leave it there and refuse to clean it up. The only time you will see them clean up the waste is if either the Warden or the Director of IDOC is about to tour the cell house.

So, unless their bosses are coming through for an inspection, the only means of having the waste cleaned up is on 1st shift when the medium-security prisoners that act as janitors are in the cell house. This means that if any waste is thrown onto the gallery on 2nd or 3rd shift it will remain there until the following day when the medium-security prisoners come back in on 1st shift.

Therefore, prisoners have to put up with the smell, toxic fumes, and insects that co-exist with such filth. Typically, when addressed about this problem PCCOs say, "I'm not cleaning it up. Wait until day shift."

Amendment 4: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath of Affirmation, and particularly describing the place to be searched, and the person or things to be seized."

Amendment 14: (Section 1) "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws."

(Section 5) "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

Therefore, if prison official open a prisoner's legal mail then said prisoner *has* to be present when opened as according to law. See *Washington vs. James*, 782 F. 2d 1134 (2nd Cir. 1986).

Unfortunately, PCCOs ignore the law and maliciously oppress the prisoners within their care.

The Preamble states; "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of the law."

Indeed, in his speech entitled "The Perpetuation of Our Political Institutions" Abraham Lincoln said, "...if the laws be continually despised and disregarded, if their rights to be secure in their persons and property, are held by no better tenure than the caprice of a mob, the alienation of their affections from the government is the natural consequence; and to that sooner or later, it must come."

Therefore, PCCOs must uphold the law as is their duty and cease to tamper with prisoners' legal mail or they are violating the laws, ideas, and standards that they proclaim to stand for as agents of Amerikkka.

First & Fourteenth Amendments: Access to the Courts

The First and Fourteenth Amendments guarantees prisoners the right to access to the courts. This includes, but is not limited to, adequate law libraries that are accessible to every prisoner.

Pontiac Correctional Center Officials provide in-adequate law libraries to prisoners in segregation status. The legal books within the segregation law library are torn up and otherwise defaced. See *Bound vs. Smith*, 430 U.S. 817, 97 S. Ct. 1491 ("...the fundamental constitutional right of access to the courts requires prison authorities to assist inmates...by providing prisoners with adequate law libraries...")

The Constitutional Right of access to the courts is so fundamental that the courts require for prison officials to provide adequate law libraries to prisoners. See *Younger vs. Gilmore*, 404 U.S. 15, 92 S. Ct. 250, 30 L. Ed. 2d 142 Pp. 1494-1500.

Books Required to be Available in Law Libraries

- 1.) Relevant state and federal statutes;
- 2.) State and Federal law reporter from the past few decades;
- 3.) Shepards citations; and
- 4.) Basic treatises on habeas corpus, prisoners' civil rights, and criminal law.

However, the books must also be useable. In Pontiac Correctional Center segregation law libraries the books are ripped apart, missing pages, and otherwise damaged. The books are in such condition because the prison officials are deliberately indifferent in the fact that they do not follow the procedure they themselves implement. See *PON 0348*.

Specifically, prison officials do not search prisoners before entering, and after leaving the law libraries in segregation. This results in the damaging of the legal books.

Also, federal courts have required that law libraries be of adequate size. See *Shango vs. Jurich*, 965 F. 2d 289 (7th Cir. 1992); and *Cepulonis vs. Fair*, 732 F. 2d 1 (1st Cir. 1894).

The law libraries with Pontiac Correctional Center segregation do not meet that requirement either. They are the same size as the cells in which prisoners reside. Indeed, they are actual cells that have been converted into "law libraries".

There are only two (2) law libraries in North Cell House segregation. Each law library is the size of a cell, only contains two (2) shelves of books, and only one (1) prisoner is allowed in any given law library at one time. The law library can only be used on a first shift (7:00 AM – 3:00 PM) Saturday through Thursday. And these small law libraries must meet the needs of approximately four hundred prisoners at any given time. Needless to say, they are inadequate.

Prison officials cannot abridge nor impair a prisoner's right to access to the courts. See *Ex parte Hull*, 312 U.S. 546, 61 S. Ct. 640, 85 L. Ed. 1034 (1941). Yet, thinking themselves above the law, Pontiac Correctional Center Officials do abridge and impair prisoners' right to access to the courts by providing and maintaining small, inadequate law libraries to prisoner within segregation.

Prison officials have the duty to provide prisoners with adequate law libraries. See *Cruz vs. Beto*, 405 U.S. 319, 321, 92 S. Ct. 1079, 1081, 31 L. Ed. 2d 263 (1972); and *Chaffin vs. Stynchcombe*, 412 U.S. 17, 34n. 22, 93 S. Ct. 1977, 1986, 36 L. Ed. 2d 714, 728 (1973).

First & Fourteenth Amendments: Freedom of Religious Activity

The "Free Exercise Clause" of the First Amendment and the "Equal Protection Clause" of the Fourteenth Amendment protect a prisoner's right to have faith in and exercise of religion without being discriminated against due to their beliefs.

The First Amendment of the United States Constitution says in part; "Congress shall make no law respect in an establishment of religion, or prohibiting the free exercise thereof..."

That means that as citizens of the United States of Amerikkka prisoners have the right to practice religion without discrimination by prison authorities. As long as your belief is religious and sincere prison officials cannot impede you from practicing it. See *Love vs. Reed*, 216 F. 3d 682 (8th Cir. 2002).

Pontiac Correctional Center Officials obstruct prisoners from practicing their religious beliefs while housed in North Cell House segregation and placed on One Gallery. Prisoners have the right to meet with a religious leader and to attend religious services of their faith.

About once a week either the chaplain of Pontiac Correctional Center or religious volunteers from the community walk through the institution and stop at prisoners' cells to conduct religious services for those in segregation status. However, the Pontiac Correctional Center Officials prohibit the chaplain and volunteers from making rounds on One Gallery of North Cell House. Thus, denying fifty-two prisoners of their right to meet with religious leaders each time that the religious leaders tour the facility.

Due to their tyrannical behavior the prisoner's of Pontiac Correctional Center who in segregation are denied educational, and therefore rehabilitative programs. This results in the degeneration of prisoner's psyche and well-being which culminates in a high recidivism rate amongst prisoners.

Eighth Amendment: Protection From Physical Brutality

The Eighth Amendment protects prisoners from physical brutality under the "Cruel and Unusual Punishment" standards. This includes excessive force by guards within prisons. See *Hudson vs. McMillian*, 503 U.S. 1 (1992).

Employees at Pontiac Correctional Center know as Correctional Officers have a repetitive and violent history of brutally assaulting prisoners. Many prisoners have been viciously attacked by PCCOs because they have flooded their cells, assaulted staff, popped sprinklers, and used explicit language towards staff. Most of the time prisoners do these things as a means of protesting their oppressive treatment.

The correctional officers of PCC have perfected a method of being able to safely beat prisoners. First they group together. Next they handcuff and shackle the prisoner. And then they attack him.

In *Hudson vs. McMillian*, the Supreme Court found that a prison guard's use of force is unconstitutional when it is not applied "...in a good faith effort to maintain or restore discipline" but is instead used to "maliciously and sadistically cause harm."

When someone is considering whether the force used is excessive or not, you would have to consider the following:

- 1.) The need for force.
- 2.) Whether the amount of force used was reasonable given the need.
- 3.) How serious the need for force appeared to the guards.
- 4.) Whether the guards made efforts to use as little force as necessary.
- 5.) How badly you were hurt.

Using the method preferred by the correctional officers of Pontiac Correctional Center, I will now address each of those questions in order to demonstrate the physical abuse prisoners face by the hands of their guardians.

- 1.) There is no need for force if a prisoner is already constrained by handcuffs and shackles. He poses no risk to anyone and the correctional officer's assault of his person while he is constrained by manacles is unconstitutional and illegal.
- 2.) As noted above, there is no justification for the use of force by correctional officers against a prisoner who is bound by handcuffs and shackles (i.e. Defenseless).
- 3.) The guards cannot reasonably proclaim that they believed any force was necessary when the force in question was used against a prisoner that was already restrained.
- 4.) As noted above in the answer to No. 3, if a prisoner is bound by handcuffs and shackles there cannot be any reasonable excuse for using force against him. Therefore, any force that is used is to be considered as excessive and cannot be considered as the use of "as little force as necessary" because none was necessary!

Therefore, after considering the responses to those five questions it is extremely easy to see that prisoners of Pontiac Correctional Center are being savagely attacked by the correctional officers whose job and duty it is to protect and care for them. Such behavior is illegal and inhumane. See *Wilkins vs. Gaddy*, 130 S. Ct. 1175 (2010); and *Williams vs. Jackson*, 600 F. 3d 1007 (8th Cir. 2010).

the request along with the offender's educational level. The basic education material appropriate to the educational level of the offender will be sent to the segregation unit for the offender's use. All material will be in the form of workbooks or worksheets. The material will be returned to the Educational Facility Administrator, evaluated and additional materials may be provided." 12

"Note: Unless specifically approved by the Office of Adult Education and Vocational Services and the Facility Chief Administrative Officer, offenders in segregation status will not be eligible to take the G.E.D. exam. No credit is given for mandate days or EGCC while in segregation status. No offender will be able to take the T.A.B.E. Test."

Pontiac Correctional Center Officials do not allow offender in segregation status to partake in any educational classes. In all reality, prisoners are unable to do so because of the prison official's oppressive restrictions that they themselves facilitated. "No offender will be able to take the T.A.B.E. test."

The T.A.B.E. test is the test offenders take to determine their educational level. By not allowing prisoners to take the test while in segregation status, Pontiac Correctional Officials effectively disqualify every prisoner within segregation from participating in educational classes.

See the above reference; "The Educational Facility Administrator...will review...the offender's educational level. "By prohibiting prisoners from taking the T.A.B.E. test while in segregation status the EFA is not able to review a requesting prisoner's educational level because a record of such does not exist. This results in the prisoner's request automatically being denied. This act is knowingly and willingly committed by Pontiac Correctional Center Official's as a systematic mode of oppression which is perpetuated so that prisoners do not rehabilitate and therefore return to prison after release. Remember; more prisoners equals more money for prison officials while less prisoner's equals less money.

These procedures are in violation of *DR 405.50* which can be located on pages 39-40 of the *Pontiac Correctional Center Orientation Manual*.

"DR504: Adult Basic Education Requirements for Offenders Committed to the Adult Division on or after January 1, 1987:"

"(a) Offenders who are committed to the Adult Division of the Department of Correction on or after January 1, 1987, for two or more years, or who have been committed as Sexually Dangerous Persons, except those offenders serving either a life sentence or a death penalty sentence, will be given an achievement test within 20 days of their arrival at the Pontiac Correctional Center. Offenders whose composite score in reading and mathematics is below 6.0 (6th grade level) will be required to complete a 90-day attendance program in reading and mathematics. Any exceptions to this requirement must be made by both the Warden and the Superintendent of School District No. 428. Failure to comply with this requirement may result in disciplinary action and/or restriction of assignment pay."

Obviously these two statements contradict each other. The first says, "No offender shall take the T.A.B.E. test." While the second says, "Offenders who are committed to the Adult Division of the Department of Corrections on or after January 1, 1987....will be given an achievement test within 20 days of their arrival at the Pontiac Correctional Center."

However, the former is a *regulation* enforced by the PCCOs while the later is the *law*. In refusing to allow prisoner's in segregation to take the T.A.B.E. test, they are breaking the law; pure and simple. For the T.A.B.E. test is the "achievement test" that is mentioned in *DR 405.50*.

This means that the Pontiac Correctional Center Officials are not living up to their mission as laid out in the *Pontiac Correctional Center Orientation Manual*; to rehabilitate the prisoner's under their auspices.

Prison officials cannot treat members of any religious domination different than others. This means that the fifty-two who reside on One Gallery of North Cell House are guaranteed by law to have the opportunity to meet with religious leaders that the other three hundred prisoners in North Cell House have. See *Cruz vs. Beto*, 405 U.S. 319 (1972).

In 2000, Congress passed the Religious Land Use and Institutionalized Person Act (RLUIPA) which protected prisoners' right to practice their religious beliefs. RLUIPA states that a prison cannot "...impose a substantial burden on the religious exercise of a person residing in or confined to an institution." See *Charles vs. Verhagen*, --F.3d--, No. 02-3572, 2003 WL 22455960 (7th Cir. Oct. 30, 2003).

However, by prohibiting religious tours of One Gallery in North Cell House, Pontiac Correctional Center Officials do exactly what RLUIPA prohibits; they impose a substantial burden on prisoners' religious beliefs.

Their unethical and immoral – not to mention illegal – behavior is *not* justified in any way, shape, or form. Only when essential to prison *security* and discipline can prison officials place restrictions on religious activities. See *Washington vs. Lee*, 263 F. Supp. 327, 331 (M.D. Ala. 1966).

Being that all of North Cell House is made up of prisoners who are in segregation status or administrative detention the exclusion of prisoners on One Gallery of North Cell House receiving religious leaders is un-substantial and therefore cannot be deemed as a precaution towards institutional security or discipline. If prisoners on the other seven galleries are allowed to meet with religious leaders even though they are in segregation it only goes to show that prisoners on One Gallery should be afforded the same right.

Yet, that isn't the case. Sadly, prisoners who are placed on One Gallery of North Cell House are treated differently than those on the other galleries of North Cell House for no reasonable reason. This is a violation of their right to equal protection as set forth in the Fourteenth Amendment.

"All persons born or naturalized in the United States...are citizens of the United States...No state...shall abridge the privileges...of citizens of the United States, nor shall any state deprive any person of life, liberty, or property...nor deny any person...equal protection of the laws." Fourteenth Amendment of the United States Constitution.

Education

The purpose of incarceration is rehabilitation of prisoners so that upon release from prison they can re-enter society as safe and productive citizens.

Rehabilitation consists of, but is not limited to, educational and vocational classes, therapy, counseling, and Narcotics Anonymous (N.A.) and Alcohol Anonymous (A.A.). Pontiac Correctional Center does not offer any of these rehabilitative programs to prisoners in segregation.

This is a direct violation of any prison's mission; to rehabilitate prisoners. Joan Petersila said in the article "Beyond the Prison Bubble" that "it should not come as a surprise to learn that we have a corrections system that does not correct." Indeed, why should we expect our corrections system to correct when prison officials do not offer rehabilitative programs to the vast *majority* of prisoners? Particularly, Pontiac Correctional Center Officials refuse to give prisoners in segregation any rehabilitative programs to participate in.

The *Pontiac Correctional Center Orientation Manual* states on page 38 that prisoners in segregation status will be given access to educational classes upon request;

"(F) Education: (1) Offenders confined in segregation status may submit a request for basic educational materials. The Educational Facility Administrator (EFA) will review

The majority of women in prison are there for property crimes, such as check forgery, check kiting, and illegal credit card use. Women bear the brunt of policies that criminalize poverty, being sent to jail and placed on probation for failing to earn enough money to survive. At the same time, the safety net has been slashed, forcing many women to choose between staying out of jail or feeding their kids.

- ① 80% of women in prison report incomes of less than \$2,000 per year in the year before their arrest, and 92% report incomes under \$10,000.
- ② Since 1980, the percentage of women in prison has increased by more than 275%.
- ③ In 1979, fewer than half of the women in prison were there for non-violent crimes. Today, 70% are there for non-violent crimes.

GUILTY UNTIL PROVEN WEALTHY

White collar crime drains \$200 billion per year from the US economy, while the economic cost of "street crime" is less than \$5 billion. Finding a white collar criminal in most prisons, however, would be no small task. Those who can afford high-priced lawyers and witnesses rarely do jail time, while those who can't must make do with court appointed attorneys who seldom have the time or resources to defend their clients properly.

- ④ The Savings & Loan frauds have cost US taxpayers at least \$125 billion.
- ⑤ The US now imprisons more than ten times as many drug offenders as it did in 1980, most of them low-level dealers and users. At the same time more than \$250 billion in drug profits go through US banks each year while convictions for money laundering are few and far between.