

### UPDATE OF CURRENT DEVELOPMENTS

I had a feeling my last few posts would draw attention; and they did. I now have two letters at the Correspondence Review Committee, CRC, located at SCDC headquarters. :( We have a new mail room director, so I'm having to explain policy and law to him--just like his predecessor--in order to get my mail.

Both my BTB letters do abide by all state and federal laws, and are protected by the Constitution--but that doesn't stop the occasional staff member from playing games. Pushing my limits to see if I'll let them get away with the violations against my rights. It's just a sad fact of being a prisoner, some individuals believe it is their duty to punish beyond what is actually within their scope of legality: just making up rules that do not exist.

A case in point: A prison can only censor mail that they believe (and can show the court) will incite disorder or violence, or will hurt a prisoner's rehabilitation. Stefanow v. McFadden, 103 F.3d 1466 (9th Cir. 1996); Chiceol v. Phillips, 169 F.3d 313 (5th Cir. 1999). And for an act of censorship to take place, Courts require decisions "must go through proper channels and procedure allowed by law." Williams v. Brimeyer, 116 F. 3d 351 (8th Cir. 1997). "An inmate does have the right to express [their] political beliefs." Sczerbaty v. Oswald, 341 F. Supp. 571 (S.D.N.Y. 1972). And in my case, I use this mail made blog as a way to further my writing career and help my rehabilitation: According to law, a prison may not enforce a rule that stops a prisoner from carrying on a legitimate profession, as is crucial to rehabilitation and re-entry into society. For example, one court found a rule that kept prisoners from carrying on businesses or professions in prison to be not reasonably related to legitimate governmental interests when it kept Mumia Abu-Jamal from continuing his journalism career. Abu-Jamal v. Price, 154 F. 3d 128 (3rd Cir. 1998). The court relied on evidence that (1) the rule was enforced against Mumia, at least in part, because of the content of his writing, and not because of security concerns; (2) his writing did not create a greater burden within the prison than any other prisoner's writing; and (3) there were obvious easy alternatives to the rule that would address security concerns. The "Turner" test is clear on this, The prison "can't pick and choose certain books or ideas or people unless it has a "neutral" reason, like security, for doing so. And even then, it must be able to prove to a court that the item would incite a riot or violence in some tangible way." These things are even listed, as in plans of the prison, weapon blueprints, etc., obvious stuff like that. And prison retaliation, when a staff member wants some get back for the inmate making him look like a fool, is not allowed. Castle v. Clymer, 15F. Supp. 2d 640 (E.d.Pa. 1998). The meet and compliance to the Turner test was decided in an important Supreme Court case called Thornburgh v. Abbot, 490 U.S. 401, 404 (1989). A prison official "cannot censor [inmate] mail just because it makes rude comments about the prison or prison staff." Bressman v. Farrier, 825 F. Supp. 231 (N.D. Iowa 1993).

As you can see, many many laws protect my mail, even SCDC's own policy and procedure--particularly SCDC Policy PS-10.08 and the correctly updated, SCDC Form 10-6 (May 2013) (that is used in its white/canary/pink trio form that must be filled out for every single piece of questioned mail).

My problem this past Friday, July 11th, was about the new mail director of BRCI's wanton misuse of Form 10-6; he sent me a photocopied 2005 version that does not properly protect my Constitutional rights, and is in preference of any lazy staff members, because it requires less paperwork for them. But thankfully the CRC and other offices of SCDC prefer that paperwork be done properly. Photocopies of a form one year, and a week, obsolete are not acceptable. Especially when the new form has been available since July 1, 2013! This weeks incident, depending on the fate of my two BTB letters under review, could end up in court; because if they continue to hinder my rehabilitation, and career as a writer, I'll have no choice but to sue.

But I'd rather not; I just want my mail.

And when my mail is in question, the least they can do is file all the proper paperwork, and take all the correct channels. And for God's sake, don't enforce rules where they don't belong, and certainly don't make rules up. A person should practice a little pride in their work, even some integrity at times. I have faith that the CRC will make the right choice, they've approved hundreds of my BTB letters since 2009 already; because as I've said, laws, such as those cited, and many others, protect my rights for such mail.

Hopefully, someone, over there in headquarters will have a heart.

From now on though, I think I'll be keeping my posts strictly about my writing (e.g., poetry, short stories, novels, etc.), and not so much about the prison life. Those that want to read about what goes on in here will have to wait for my memoir, and my journals (the first volume forthcoming soon in e-book).

\*On a more delightful note: I graduated as Valedictorian this past Thursday, July 10th, and will have some pictures soon, once the Warden signs off on them. And I must say, the Warden and the other staff who gave speeches went pretty well, and were in good compliment to my own speech. For the day, I felt like a normal human.