

created 29 Jan. 2012, but all still valid.

**Denial of All Maps** At one time, W.S.P.F. had a policy prohibiting us from possessing all maps, as did the D.A.I. under Policy #309.20.03. These policies were supported by the opinion in George v. Smith, 507 F.3d 605, 609 (7th Cir. 2007), in which a prisoner unpersuasively challenged the denial of an atlas. The seventh Circuit accepted as apparent (improperly, I say) the need to deny maps because of their possible use in aiding escapes. Under the policies, I was denied visitors guides for Canada, Texas, & other far-away lands, because they had maps of those places in them, maps that would be of no use to someone wanting to escape from a Wisconsin prison.

After filing several appeals to my warden & then through the I.C.R.S., challenging the denials of some of the visitors' guides, I finally persuaded Madison to change these policies. Welcome Rose stated in her C.C.E. report for my I.C. #WSPF-2010-5836 (you all can cite this):

"The blanket denial of all maps under both the former WSPF rule and the former DAI Policy... had been improper. The DAI policy has again been revised and changed to now allow maps, except for those maps... 'that may compromise the security of the facility, safety of the public or safety of staff....' (sic throughout)

What I did to effect this policy change was to carefully explain (both in my C.C.E. appeals & in a letter to the W.D.O.C. secretary) how the blanket ban of all maps — blanket bans of any kind are frowned upon by the courts, see, e.g., Williams v. Brimeyer, 116 F.3d 351, 354 (8th Cir. 1997) (Blanket ban on Christian Identity material ruled unconstitutional), but see Borzych v. Frank, 439 F.3d 388, 390 (7th Cir. 2006) (Upholding W.D.O.C.'s blanket ban on religious texts promoting racial purity or supremacy) — failed to satisfy the applicable 4-part rational-basis standard (see, e.g., Lindell v. Frank, 377 F.3d 655, 658-659 (7th Cir. 2003)), because:

- Despite the sloppy rationale of George v. Smith, there was no apparent need to ban all maps in order to prevent escapes from Wisconsin prisons. Maps of Texas couldn't aid an escape from any W.D.O.C. prison, yet such maps were denied.
- Maps were in various books in my prison's library, which I'd been lent, making useless a ban on my personal ownership of books with maps in them.



- Most Bibles had maps of Biblical lands in them, such as the Bible I had at the time, & that map wouldn't help anyone in America escape from their prison, yet was verboten.
- Even a map of the city my prison was in would not help me escape from my prison - only a schematic map of the prison itself might help me escape the prison.
- Only once a prisoner had already escaped would a map possibly be of use, & then it could easily be obtained!

Yes, I'm strutting, but also showing you all how to explain the irrationality of policies & rules that deny our rights, without going through the expense of litigation. Take some time & consider all the ways that a policy really doesn't serve the interest it's supposed to. Carefully explain these gaps in logic in your I.C.s, your C.C.F. appeals, & in a letter to the W.D.C.'s secretary &/or legal counsel.

### Other Policies We've Changed

**Denials of Photos From Out of State Prisoners.** After I was denied the photo of an Oregon-state prisoner, because it supposedly violated §DOC 303.40 Unauthorized transfer of property, I filed I.C.# WSPF-2011-9447, pointing out that §DOC 303 could only be applied on WDOC captives, as §DOC 303.01 Applicability and purpose stated. Of course W.S.P.F.'s I.C.E. & warden denied my I.C., but C.C.F. Welcome Rose's Report found that:

"The photo had been inappropriately denied. A photo sent to a State of Wisconsin inmate from an inmate in another state is not unauthorized transfer of property under chapter DOC 303 administrative rules. A photo received for an inmate must be approved or denied under the administrative rules governing mail in chapter DOC 309."

We (myself & others) have changed other policies at WSPF by effectively complaining (i.e. being allowed our personal T.V.s, getting better pens, being allowed to legal route photocopies). But there are other policies we still must attack (i.e. denial of our typewriters & radios & fans in seg. status; denial of all photos, periodicals, & edible canteen while on step 3; denial of hardcover books while on A.C.; not being allowed to receive Airmail & package-sized postage from the U.S.P.S. or catalogs; no hygiene supplies sold by catalog vendors). Others & I have carefully challenged these & other policies, but without success.

I'm not saying we will change these policies without litigation, but you now know how it can be done. The more doing so, the better.

#79

## Chronic Vitamin D Deficiency In Wisconsin's Prisons

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<http://betweenthebars.org/blogs/540/nathaniel-lindell>

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Few modern prisons have "holes," in the sense of unlit, underground segregation units. Instead, most modern prisons have above-ground, constantly fluorescently illuminated, pre-fabricated concrete crypts. Most modern prisons, particularly in Northern states, such as Wisconsin, still deny their captives exposure to sunlight. Thus why — I wonder why so few wonder — is anyone surprised at the "dark" results of such dark places?

Beyond the impossible philosophical & psychological <sup>1</sup> answers to the above question, there is a firm biological answer: it's not surprising that separating prisoners from sunlight produces harmful results. "[W]hen its precursor molecule in our skin absorbs light energy from ultraviolet B rays" — "it" being Vitamin D<sub>3</sub>, an essential molecule for regulating the level of calcium, phosphorus, etc. in our blood — we synthesize it. (Life Extension Magazine, March 2006, Report, "Vitamin D: Cancer Prevention and Other New Uses" by Russell Martin, @ <http://www.lef.org/>). The sun's ultraviolet B (UVB) rays are blocked/absorbed by such trifles as dark skin, sunscreen, clothing, glass, & cloudy conditions. (<http://ods.od.nih.gov/fact-sheets/vitaminD.asp>, accessed 23 Sept. 2007, page 2 of 12; "Ultraviolet B (UVB) Radiation Reduces Risk of 16 Types of Cancer in U.S." from <http://www.newstarget.com/020610.html>, accessed 23 Feb. 2007). The pre-fab concrete slabs & dirty windows separating most Wisconsin prisoners from the sun surely deprive them of the ability to make adequate amounts of Vitamin D.

Foods with added Vitamin D, such as milk, even when accompanied by multi-vitamins containing the R.D.A. of 400 International Units (I.U.s) of Vitamin D<sub>3</sub>, are not enough to keep prisoners' blood levels of Vitamin D<sub>3</sub> 25-Hydroxy (25(OH)D<sub>3</sub>)<sup>2</sup> at 32.0 ng/mL (nanograms/milliliter),

F.N. 1 It's true that decreased exposure to sunlight caused by changes in the seasons is implicated in causing Seasonal Affective Disorder (S.A.D.), recognized in the DSM-IV-TR as a subtype of depression. See <http://www.healthyminds.org/expertopinion7.cfm>, accessed 2 Oct. 2007; "Winter Depression," Harvard Mental Health Letter, Nov. 2004, pp. 4-5; Lurie, Stephen J., M.D., Ph.D., Gawinski, Barbara, Ph.D., & Pierce, Deborah, M.D., M.P.H., 2006, American Family Physician, vol. 74, no. 9 pp. 1521-1524.

F.N. 2 25(OH)D<sub>3</sub>, or Vitamin D<sub>3</sub> 25-Hydroxy, is what our livers convert



which is the lower threshold that research has shown necessary for optimal health. I know this because I was eating everything on my meal trays, drinking the three Vitamin D<sub>3</sub> fortified milks I was served each day, & taking a multi-vitamin containing 400 I.U.s of Vitamin D<sub>3</sub> each day, but my 25(OH)D<sub>3</sub> blood levels were bouncing around between 18 & 29 ng/mL — and I was also taking 1000 I.U. Vitamin D<sub>3</sub> supplements! This was while I was, as I still am, held captive in segregation at W.S.P.F., where sunlight rarely touches captives' skin.

If you think having low levels of Vitamin D is not a big deal, you may be right, if schizophrenia, various cancers, both types of diabetes, hypertension, heart disease, arthritis, osteoporosis, fibromyalgia, multiple sclerosis, & various autoimmune diseases (e.g. lupus) are not a big deal to you. All of these ailments are correlated with low blood-levels of Vitamin D. (See <http://ods.od.nih.gov/factsheets/vitaminD-QuickFacts>, accessed 26 Dec. 2011; Grant, William B., Ph.D, "A Brief Introduction to the Role of Vitamin D in Reducing the Risk of Chronic Disease," available from <http://www.sunarc.org>, & the article noted in f.n. 2). One study showed a high correlation between low sunlight levels & cold temperatures — both common in Wisconsin prisons — and increased rates of acute lymphoblastic leukemia (ALL). (See T.T.T. Timonen, "A Hypothesis Concerning Deficiency of Sunlight, Cold Temperature, and Influenza ...", 1999, *Annals of Hematology*, vol. 78, no. 9, pp. 408-414).

I hypothesize that at least some of the mental illness, maladaptation, recidivism, & violence that flourish in modern prisons is due to the chronically low levels of Vitamin D amongst both captives & staff. Yet I can only dream that the powers that be (... causing this problem) will conduct a legitimate scientific study of how sunless prisons have damaged & will damage both captives & staff & compensate both for this subtle torture. Still, I think it's reasonable that we demand that, along with the T.B. tests we're given every six months, we be provided an accurate 25(OH)D<sub>3</sub> level test & receive enough supplementary Vitamin D to remedy any deficiencies.

A simpler solution would be to allow us one hour a day of recreation in the sunshine, or to tear down these walls.

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F.N.2, cont. Vitamin D<sub>2</sub> or D<sub>3</sub> into. Our kidneys must then turn 25(OH)D<sub>3</sub> into what we ultimately use, 1,25(OH)<sub>2</sub>D<sub>3</sub>. "Vitamin D," *Vitalongevity*, Sept. 2005, published by the Orentreich Foundation for the Advancement of Science (OFAS), Inc. 910 Fifth Ave. New York, N.Y. 10021-4187.