

Retaliation Against Whistleblowers In Prison

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Last week I watched an Independent Lense documentary about corruption in West Virginia's Health Dep't and the E.P.A., which permitted toxic water to be consumed. The documentary revealed that a Dr. Gupta went from a strong advocate for cleaning up the water to an apologist for the government after he was appointed head of W.V.'s Dep't of Health. As stunning as the doctor's moral flip was, it was shown to be common.

The documentary revealed that it's the likes of Dr. Gupta who allowed toxic water to poison people in Flint, Milwaukee and many other cities and towns across America. The rare few within the E.P.A. and states' Dep'ts of Health who spoke against the lead-poisoned flow were ostracized by co-workers and nit-picked into retiring, demoted or fired by supervisors.

Similar corruption occurs within prison bureaucracies, as revealed in cases such as Fairley v. Andrews, 578 F.3d 518, 525 (7th Cir. 2009), where two Cook County jailers were harassed in near-fatal manners because they were willing to testify against other guards in prisoners' lawsuit. Being "simply" ostracized by fellow guards in prison can get a whistleblowing guard killed, for example by prisoners doing business with corrupt guards or during a riot when other guards ignore prisoners who attack the whistleblower.

You should now understand why it's rare to hear about staff verifying prisoners' claims of abuse and why it's so common to hear prisonrats denying abuse, which leads to abuse flourishing. (See, e.g., <http://wisconsinwatch.org/series/waupun-allegations/> — notice how, despite photos of severe injuries and numerous reports of similar abuse, Warden William Pollard angrily denied abuse occurred.)

It thus falls on prisoners to blow the whistle on abuses within prison... even though prisoners are in the fragilest position when it comes to retaliation for whistleblowing. Prisoners depend on the staff they are "snitching" on to be fed, kept safe

from other prisoners (and staff), receive emergency medical care, be allowed visits with loved ones... and have their mail to/from judges delivered. It's profoundly easy for staff to put their fingers in a prisoner's whistle to stop it from blowing or to discourage future blowing.

Would you want to risk visits with your children or being denied your asthma inhaler because you wrote a complaint about guards denying food to a mentally ill and deaf prisoner? (This has been happening recently, to a man across the hall from me.)

I've been denied all of those basic needs to deter me from filing complaints and lawsuits about abuse.

For one example of such retaliation, in Case No. 18-cv-2027, filed in the U.S. District Court for the Eastern District of Wisconsin (see www.wied.uscourts.gov), Lindell v. Meli, a case that's pending, you can see ^① irrefutable documentary evidence that I was maliciously punished based on my phoning in a Prison Rape Elimination Act (P.R.E.A.) complaint about a guard named Schouten. To justify punishing me for supposedly lying, W.C.I.'s Security Director — the third highest ranking prisonrat at the institution, under the warden and deputy warden — Anthony Meli, falsely claimed that my PREA complaint was made against Cpt. Olson and falsely claimed that I said Cpt. Olson brought me out of my cell to molest me (actually I stated that Schouten tried to bring me out, possibly to molest me — staff were claiming we "resisted," then beating us while handcuffed, followed by "staff-assisted strip searches," where they spread our butt cheeks and fondled our testicles and penis).

Not only did Meli lie about my statements, but he denied ^② my request for my PREA complaint to be considered at the hearing.

Meli's actions caused me to be kept in solitary confinement for over three years. ^③

F.N.1 You can view documents in this case with www.pacer.gov My Amended Complaint — Docket #26, attachment 1 — clearly lays out who did what and why it was wrong.

F.N.2 Using pacer.gov, look at Dkt. #31, Exhibits 15-18, which verifies what I say happened.

F.N.3 See Dkt. #25, Exhibits 3-13, for my Meli suit.

Another prisoner sued Meli for Meli charging him too with lying in a PHEA complaint, in E.D. Wis. Case No. 15-CV-1020, Hayes v. Meli. That prisoner, Zachary Hayes, settled for 14,000\$.

Meli didn't stop retaliating. In E.D. Wis. Case No. 17-CV-1353, Howard v. Meli, he was sued for transferring a prisoner who was helping other prisoners file lawsuits.

It's not always easy to show that prisoncrats' actions were meant to silence criticism or litigation. They're not stupid; they learn.

Sometimes prisoners' sole evidence of retaliation is their own testimony and maybe the testimony of other prisoners who witnessed staff make rude comments about a prisoner's complaints/suits before mistreating them. This type of case is weaker, as the popular prejudice about prisoners is that they are liars, while prison staff are presumed saints.

It's such an iffier position that I'm in for another retaliation case that I'm litigating in E.D. Wis. Case No. 19-CV-255, Lindell v. Pollard, (the same Pollard mentioned earlier). This case concerns Cpt. Jay VanLanen at Green Bay Correctional Institution (G.B.C.I.) ordering subordinates to do a degrading strip search on me in a cell that had feces smeared on its door, and denied me cleaning supplies — they kept me in that cell for almost two months, until I was sent to my current prison. The reason they stripped me and put me in the shitty cell was because I wrote complaints for a practically illiterate prisoner who'd been in suicide watch over 40 days with nothing in his cell but a 3' by 2' slab of rubber to sleep on and a nylon smock.

What Cpt. VanLanen did to me was disgusting and infuriates me, but it was common; and multiple prisoners complained about such treatment to Pollard and other members of G.B.C.I.'s Administration, yet they took no action to protect us, which led to my predicament. I'm suing those administrators for this in Lindell v. Pollard.

Systems protect themselves. The First Amendment is meant to check such corruption... but it only works if judges enforce it.

Such bureaucratic corruption is especially resilient in prisons, because:

- courts defer to prisoncrats' "expertise," despite prisoncrats' general incompetence and lack of higher education and demonstrated incompetence at rehabilitation;
- prisoncrats are allowed to deny journalists visits with those in solitary confinement and otherwise cover up what goes on;
- rather than independent investigators, prisoncrats investigate complaints about other prisoncrats' abuse;
- most prisoners are barely literate and have mental/emotional problems that disable them from defending themselves;
- supervisors don't supervise subordinates but turn a blind eye on abuses of prisoners.

Until Progressive legislators enact laws addressing these handholds of corruption, it falls on jailhouse lawyers to hold open the door for speech and lawsuits about prison conditions.

* Please assist me by ordering me postage embossed envelopes (item # 8039) & pens (#4305) from www.JLMarcusWisconsin.com
 At present I'm 9,000\$ in debt, so can't buy these for myself, but need them to write blog posts, lawsuits, etc.

F.N. 4 In Koutnik v. Brown, 456 F.3d 777, 781-84 (7th Cir. 2006) the federal court of appeals that sits over WI, IL & IN found that it was obliged to defer to a gang investigator's opinion that a WI prisoner's drawing promoted white supremacy. The drawing was of a swastika over the state of Wisconsin, under the words "Keeping kids in cages" and above the words "Wisconsin Department of Corrections" and the drawing was sent to a Progressive publisher. Clearly Koutnik wasn't promoting racism, but was claiming that the WI Doc was racist, yet the court upheld punishing Koutnik & censoring his letter.