

Date: 9/3/2023 4:29:32 PM

Subject: Abuse of Prison Journalists in WI DOC

I sent this on 3 Sept. 2023 @2:30PM

Please share/publish this with journalists and activists who may care.

Thanks

How Wisconsin Treats People in Prison Who Dare to Express Themselves to The Public

by Nate A. Lindell

created 3 Sept. 2023

I, Nate A. Lindell, a person incarcerated in Wisconsin, worked for a year as a tutor for GED students in my prison (the Columbia Correctional Institution, C.C.I.). Then I began college classes for Small Business Entrepreneurism at the Madison Area Technical College (M.A.T.C.), earning a 3.85 GPA my first semester and a 4.00 this last semester. I don't use/sell drugs, nor am I in any gang.

Despite busting my butt to do what's right while in prison, due to an illegal policy (explained below), I was fired from my job as a tutor, the single cell that I'd earned from years without discipline was taken, and I was forced to move in with a severely and untreated mentally ill person (i.e. Ben Handl). Several hours after being moved in with Handl, Handl severely bit his wrist (in front of staff), screamed that I was "GAY" and told staff that I slapped his butt. (I'm neither gay nor am I a homophobe/transphobe)

Despite no sexual misconduct in my 25-year prison record, despite no history of sex charges (and a history of having been sexually abused as a child), based on Handl's accusation, I was moved into C.C.I.'s worst Seg/RHU unit (i.e. DS1). Feces, semen & pepper spray stained the walls. The mattress and pillow had their stuffing exposed, reeked of old body fluids and waste, could not be sanitized is the captives entrusted with that task cared yo do so (and they don't) --I couldn't breath through my nose due to O.C. residue in the bedding. Much of my property was destroyed/stolen/damaged, because Handl screamed that I was "GAY" and claimed I'd slapped his butt.

What makes it more ironic is that staff knew that was in prison for killing someone because I thought he sold child porn. Childhood sexual abuse had traumatized me.

That chain of events was set in motion due to Adult Conduct Report (C.R.) #00334012, which charged me with violating several rules based on my having a Facebook page that posts my art and writings posted on it:

[Facebook.com/PrometheusWrites](https://www.facebook.com/PrometheusWrites)

A Department of Adult Institutions (D.A.I.) Policy & Procedure (P&P), #300.00.82, was enacted that directed prison staff to discipline and otherwise obstruct people in WI prisons from creating or having others maintain social media accounts or any websites.

That P&P was enacted several months after the U.S. District Court in Madison reaffirmed its earlier decision that it violated the First Amendment to punish a prisoner for posting an article on his blog. See *Kalafi v. Brown*, 2018 U.S. Dist. LEXIS 105201 (W.D. Wis. 2

June 2018). The former DAI Director enacted a P&P that he KNEW was illegal, and prison staff are enforcing it in particularly cruel ways.

Not only is the P&P facially unconstitutional, but it is also illegal under the statutes that concern administrative law. Wis. Stat. ss. 227.11(1)&(2)(a)¹ makes clear that agencies, including the Department of Corrections, are not allowed to pass laws only interpret laws that they exist to carry out. For a similar reason, based on federal administrative law, Biden's original student debt relief plan was shot down by the U.S. Supreme Court as being unauthorized by federal statutes.

As an artist, journalist, poet, my material is on dozens of websites and hundreds if not thousands of social-media accounts. I must stop writing newspaper editors, activists, publishers of any sort², because if they post my thoughts on the websites or social media that they all have, then I can't work as a tutor, may be moved in with a lunatic, will go to Seg/RHU, must sleep on filthy bedding, will have property stolen and destroyed...because I dared to express myself.

Please like, share, publish this.

My lawsuit about this will be filed as soon as I've exhausted the grievance process.

F.N.1 The statute states:

"(1) Except as expressly provided, this chapter does not confer rulemaking authority upon or augment the rulemaking authority of any agency.

"(2) Rulemaking authority is expressly conferred on an agency as follows:

"(a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but the rule is not valid if the rule exceeds the bounds of correct interpretation."

There are no statutes directing the Wisconsin prison system to in any way restrict internet postings by incarcerated persons.

F.N. Wis. Admin. Code ss.DOC 309.04(2)(c) guarantees that "The department shall permit an inmate to correspond with anyone." The unauthorized P&P 300.00.82 obstructs this authorized regulation....