

SCHOLARSHIP FROM THE INSIDE: AN ANTHOLOGY

EDITOR’S NOTE

We are proud to present our first anthology of previously published Scholarship from the Inside articles in Volume 48 of the N.Y.U. Review of Law & Social Change. For several years, we have published writing and art by currently or formerly incarcerated authors in our accompanying online publication, The Harbinger, highlighting authors’ individual and unique encounters with the U.S. criminal punishment system. The pieces in this anthology include personal essays, commentaries, poetry, lyrics, and reflections. We are deeply grateful to the authors who have given us permission to share their work in print, and we remain committed to platforming the writing of individuals who have experienced the injustices of incarceration. We have long championed the work of legal scholars and practitioners who bring careful, dedicated research and analysis to developing creative legal solutions to society’s most pressing sociolegal problems. At the same time, we acknowledge the importance of recognizing the depth of information and insight that can only be obtained through lived experience. This is the driving motivation behind our dedication to participatory legal scholarship and our publication of Scholarship from the Inside.

All of the pieces in this anthology have previously been published online in Volumes 47, 48, and 49 of The Harbinger. Any errors are our own.

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ONLINE REGISTRIES: A 21ST CENTURY PILLORYLEO CARDEZ[∞]

In this piece, Mr. Cardez outlines the sinister parallels between the outlawed punishment devices of the past with one of today's most common forms of public punishment and explains the pervasiveness of extreme forms of shaming through U.S. history and its negative impacts on those subjected to it.

I believe that ex-offender public online registries are ineffective security theater and amount to nothing more than modern day pillory—one of those medieval devices where an offender's hands and head are fastened to a wooden instrument to be mocked. This dual punishment and spectacle started more than a thousand years ago in Europe before spreading to the New World.¹ It lasted well into the Nineteenth century before it was deemed too cruel and outlawed. In the 21st Century it has been replaced by the various criminal online registries—sex offenders, youth offenders, violent offenders, and so on—living on the new public square: The Internet.²

For better or worse, the internet and social media have significantly amplified society's means of public shaming, taking its victims from the town square to a global network of connected screens. The internet has simplified and supercharged our ability to publicly shame on a scale never previously imagined. The result is a steady flow of new names and faces as targets—both high-profile and everyday citizens—flooding our media feeds and rage cycle. Some

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1. *Manchester Stocks and Pillory*, PRISON HISTORY, <https://www.prisonhistory.org/lookup/manchester-stocks-and-pillory/> [<https://perma.cc/WFV3-T684>] (last visited Nov. 19, 2022) (explaining the history and use of the pillory); *Pillory*, MERRIAM WEBSTER, <https://www.merriam-webster.com/words-at-play/pillory-word-history-and-origin> [<https://perma.cc/6KZA-PU9K>] (explaining that the pillories existed in the United States until about 1905).

2. *US: Sex Offender Laws May Do More Harm Than Good*, HUMAN RIGHTS WATCH, <https://www.hrw.org/news/2007/09/11/us-sex-offender-laws-may-do-more-harm-good> [<https://perma.cc/2YE2-5PQT>] (explaining the harm of laws aimed at people convicted of sex offenses on former offenders).

proponents call it justice and, “others embrace it as a social reckoning”³, while politicians hide behind unfounded community safety arguments.⁴ Whatever it’s called, this “new wave of public shaming”⁵ is affecting individuals and communities in various forms of psychological turmoil.

Public shaming is not a new phenomenon. Throughout history we can see various examples of offenders who violate moral codes being fastened to pillars, stocks, and pillories—even Jesus Christ endured a type of public shaming in his crucifixion. Regardless of the method, the history of human civilization runs parallel with shaming.⁶ Some social psychologists believe that it is possibly an evolved mechanism to ensure our survival by favoring group cooperation.⁷ Shame may be a way of internalizing the social cost of certain behaviors in a way that helps to protect individuals from future undesirable social circumstances, such as being ostracized by a group. Unfortunately, the reality is, these feelings of shame are negatively internalized and evolve into a feeling of disgust and lack of self-worth for the individual.

Prolonged shame is linked to various forms of mental, emotional, and physical distress, wreaking havoc on the individual.⁸ It has been seen to cause extreme negative emotions associated with feelings of powerlessness,⁹ like being stuck in a barrel at the bottom of the ocean with no options. There is no worse feeling. Even if, at best, it could be attributed to the slightest community benefit, the cruel effects on the individual level are simply too high.

3. Tree Meinch, *Shame and the Rise of the Social Media Outrage Machine*, DISCOVER MAGAZINE (Feb. 12, 2021), <https://www.discovermagazine.com/the-sciences/shame-and-the-rise-of-the-social-media-outrage-machine> [<https://perma.cc/76CW-JPSY>].

4. Sandy Jung, Meredith Allison, Carissa Toop, Erin Martin, *Sex offender registries: exploring the attitudes and knowledge of political decision-makers*, 27 *Psychiatry, Psychol. and L.* 478 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7534266/> [<https://perma.cc/7QV2-P8Y4>] (explaining that the impetus for the United States’ creation of these laws originates from community concerns about former offenders committing new offenses, U.S. politicians have held more negative attitudes toward the rehabilitation of sexual offenders, and that the hope is that registries help ensure public safety).

5. Meinch *supra* note 3.

6. Ute Frevert, *The History of Humiliation Points to the Future of Human Dignity*, PSYCHE (Jan. 20, 2021), <https://psyche.co/ideas/the-history-of-humiliation-points-to-the-future-of-human-dignity> [<https://perma.cc/BCP9-L8DF>] (explaining how the practice of public shaming dates back to the Middle Ages, describing how public shame and humiliation have evolved into their modern forms, and providing suggestions for how to reform these practices).

7. Meinch *supra* note 3.

8. Sarah Lupis, Natalie Sabik, Jutta Wolf, *Role of shame and body esteem in cortisol stress responses*, 39 *J. OF BEHAV. MED.* 262 (2017) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5125296/> [<https://perma.cc/F96J-V5FP>] (explaining that “repeated or chronic activation of stress systems has consistently been linked to negative physical and mental health outcomes” and shame in particular can predict stress responses).

9. *Shame and Attachment*, TRAUMATIC STRESS INSTITUTE, https://traumaticstressinstitute.org/wp-content/files_mf/1276631745ShameandAttachment.pdf [<https://perma.cc/FK3A-LGR7>] (last visited Nov. 20, 2022) (explaining that shame can bring feelings of powerlessness).

Experts agree: we should not confuse guilt with shame.¹⁰ Guilt can be good for us. It teaches us when we have done something wrong through feelings of regret and remorse. Shame, on the other hand, is pointless, causing mostly feelings of uselessness and self-judgment, which can inevitably lead to more serious mental issues.¹¹ More simply, the distinction between guilt and shame is the equivalent of you *did* something bad versus you *are* bad. It is hard to imagine a scenario when simply making someone feel small and helpless is the morally correct thing to do...this sounds more like torture or revenge.

I suppose the question begs, to what degree should any single mistake define a person's reputation and ability to ever live a normal life again? When does shaming cross the line to simply another form of bullying?

It is complicated. Registries are devoid of context. There is no opportunity to hear both sides of any given circumstance; there is no back-and-forth discourse that people would be able to interpret as in real life. It is simply a red dot on a map on your computer screen that, when clicked, shows a photo, name, and address: This is where the monsters are, stay away or...go get them. But it is hard to think of someone as subhuman when you get to know them, when you see their humanity. Registries are designed for broadcasting; they are one-sided, there is no opportunity for listening or understanding. They are simply a platform for public moral outrage directed at certain offenders.

It is interesting to note that shaming through registries is not the same world-wide. In America, we feel the need to endlessly punish ex-offenders, oftentimes for life, by berating them with the idea that since they did something wrong, they are a piece of s^*&, unworthy of redemption. But in more collectivistic societies, shame is used thoughtfully in a manner meant to promote self-improvement and moral guidance, connecting and repairing relationships¹² ... sounds a lot like the

10. Ying Wong & Jeanne Tsai, *Cultural Models of Shame and Guilt*, in *THE SELF-CONSCIOUS EMOTIONS: THEORY AND RESEARCH* 209–223, 211 (Jessica L. Tracy, Richard W. Robins & June Price Tagney, eds., 2007), http://www.gruberpeplab.com/teaching/psych3131_summer2015/documents/3.2_WongTsai_2007_CultureShameGuilt.pdf [<https://perma.cc/N6XR-TCR9>] (explaining how emotion researchers differentiate shame as involving real or perceived negative evaluations from *others*, whereas guilt involves a negative evaluation of *oneself*, and concluding that “[s]hame, therefore, is associated with the fear of exposing one’s defective self to others. Guilt, on the other hand, is associated with the fear of not living up to one’s own standards.”).

11. See *id.* (“[E]mpirical findings suggest that in U.S. contexts, unlike experiencing shame, experiencing guilt leads to higher self-esteem and increases in empathy and perspective taking.... Moreover, shame prone individuals are more likely to engage in avoidance and withdrawal, to experience inward anger, and to blame others than are guilt-prone individuals.”).

12. See Wong & Tsai, *supra* note 10 at 213 (finding that in collectivistic cultures, the concept of shame aligns more with how American culture views guilt, i.e. associated with “specific and temporary attributions” rather than “global and stable characteristics,” and describing how shame is more effective in collectivistic cultures like Chinese culture “because it is associated with a code of ethics that varies by situation and relationship . . .”). See also Wong & Tsai, *supra* note 10 at 214 (describing how many non-Western cultures place a positive value on shame, which is “consistent with the interdependent goals of self-effacement, adjustment to group standards and norms, and self-

pillars of restorative justice initiatives (which are still in their infancy in America).¹³

Online registry-caused shaming or violence against ex-offenders can become even more complex when it perpetuates the history of stigmatizing ex-offenders as social pariahs in the U.S. People often act and react only by the prompts of current societal norms. It is no surprise, therefore, that shaming certain ex-offenders found on the internet will continue. They are an easy target, just like those stuck in a pillory in the public square.

The criminal offender registry system is a result of the conflation of public safety with public vengeance. By branding them with a scarlet letter unlike what any other offender leaving the corrections system has to bear, no matter how terrible the offense, registries are harmful to people who have paid their debts to society. What's more, they further harm those people's families by exposing them to undue stigma and ostracism.¹⁴

There is a solution: The immediate and complete abolishment of all national and state public online criminal registries. There is a horrible cost every time we create a sub-human scary creature to justify our cruelty, which only results in exposing the monster within us. Brutality taxes the deliverer and community in invisible ways—not as apparent, but just as detrimental, as it does the receiver.

improvement,” and concluding that shame is not necessarily psychologically harmful in every context but can inform and motivate members of collectivistic societies).

13. See Restorative Justice, CENTRE FOR JUSTICE & RECONCILIATION, <http://restorativejustice.org/restorative-justice/#sthash.mKYtHfMF.dpbs> [<https://perma.cc/223YWA2B>] (last visited Feb. 26, 2022) (outlining the key principles of restorative justice, including that justice should focus on repairing the harm caused by crime, that those most affected by crime should have the ability to participate in resolving it, and that the government has a responsibility to maintain order and building peace in communities). See generally Ted Wachtel, *Defining Restorative*, IIRP (2016), https://www.iirp.edu/images/pdf/Defining-Restorative_Nov-2016.pdf [<https://perma.cc/4ABQ-3XBF>] (defining restorative justice and providing its history, supporting framework, and various processes).

14. See, e.g., Kristan Russell, Katie M. Snider, William Evans & Shawn C. Marsh, *Shame and Justice: Partners of Individuals on Sex Offense Registries Encourage Policy Reform*, 11 QC 1 (2022), <https://www.qualitativecriminology.com/pub/lezor6ns/release/1> [<https://perma.cc/3WAZ-EBW3>] (describing how sex offense registries negatively affect partners of registered individuals, including through courtesy stigma, reductions of social support, and mental health consequences, and surveying partners on their opinions about how to reform current policies).

TOUGH LOVE

FARHAN AHMED[¥]

In this piece, Ahmed describes his first day in a new school as a child and how that day informed his perspective on education.

It was a hot summer morning. While we were sitting in chairs under the tress in the front yard of our private school, the headmaster approached us with our English test cradled in his left arm and a thick stick in his right hand.

I felt confident, not because I had done great on that test, because of the assurance I had gotten from my English teacher that I would not be held accountable for my performance on the test.

I had been admitted to this school just two weeks ago. The second day, the headmaster had come in the class to announce an English test within two days. He said that there would be a test for the last two months of the syllabus. Once he had left, I reminded my English teacher that I had just joined this class and had not studied the texts. He assured me that he would let the headmaster know and I should not be worried about it, but I should take the test anyway to gauge my performance.

In my country, you respect your teachers and do not confront them because that could be perceived as a challenge to a hierarchy. I obeyed. That was the end of the discussion.

As the sun blazed down, I noticed the shimmering heat rising above the hot metal of train tracks less than fifty yards from me. The headmaster cleared his throat and began calling our names. One by one, we got up, collected our test, and sat down. By the time he was finished, my English teacher had sheepishly stepped backward, as if he was a silent observer of the class.

I glanced down at my test. Two out of thirty. *Really? I know it's a joke. It's okay. My teacher must have told the headmaster about my peculiar situation. Now at least I know what to study.*

The headmaster's next instruction snatched me out of my reverie. He said, "Everyone who has gotten less than fifteen points, get up and stand in the sun." I struggled to make eye contact with my teacher, but he was casually staring in the direction of train tracks. I hesitated, but the headmaster's glare forced me to join the

[¥] Farhan Ahmed, born in Punjab Pakistan, is a writer and an activist. He has earned his associate's degree in Liberal Arts and bachelor's degree in Social Studies from Bard Prison initiative (BPI) and is in the process of applying for a Master's in Public Health at Columbia University. Currently, while he is writing his first novel, he is also working to build a community-based program providing physical and mental support for climate change related displaced populations. He believes in including young generations in decision-making processes to address current social and ecological crises because they are our future leaders. You can reach him at Ahmedfarhan1218@gmail.com.

students already forming a straight line. For comfort, I wiggled between my two friends.

The headmaster moved toward his left, the beginning of the line, and started his spiel. He would ask a student how long he had been in this school, if he had an after-school tutor to help him, and why he performed so poorly on this test. After emotional pleading and a minimum explanation from the student, the headmaster would demand him to extend both his hands and reprimand him with wooden sticks.

I wiped away the sweat forming on my forehead and strained my ears to catch every student's response. In my mind, I didn't need any explanation because my teacher had allegedly taken care of it. The third student to my right reasoned that he had been in this school for only a month and he was really sorry for such poor performance. He collected only two sticks.

I took a deep breath.

The second student to my right had been in this school for at least three years. Six sticks. The student to my right narrated a long, pleading story and then announced "five years." Eight sticks. I assumed I would be fine because of my teacher. Still I evaluated my situation and calculated my time in this school. *The most I may get is one whipping.*

"How long have you been in this school?" He demanded.

For once more, I craned my neck and squinted at my teacher, but he was lost in his own world. I said, "Two weeks. Only two weeks. I . . . I'm trying—" He cut me off and, without any further explanation, said, "Extend your hands out."

I obeyed. While sweat dripped from my face, I braced myself.

One, two, three. . . . I lost count. *I think it was ten.*

I stared at my reddened moistened palms, already swelling. Bewildered, I glared at my teacher who was still avoiding eye contact. I wanted to scream, but my upbringing to respect and obey my teachers was holding me back. I tried to massage my hands together, but the pain jolted, forcing me to experience every bit of my punishment.

Right before the class was over, I meekly inquired and my English teacher politely commented that he had totally forgotten about my situation and he was sorry.

Sorry? I drowned my anger inward. I felt the pain as I touched the handle of my bicycle. I felt the pain when I tore off a *roti* to satisfy my hunger. I felt it when I washed my hands after responding to a call of nature. I felt it. . . . I lost track of all the moments when I felt that pain, but I felt it for almost a week.

I remember the next morning when, because of the punishment, my anger to abandon education reached its peak. I was sitting on the wooden stool in the kitchen. My mother leaned forward over the stove and stirred into the pot, making sure that the last night's leftover ground beef and okras would not stick in the bottom. I watched her prepare a *pratha*, spiced shredded white carrots stuffed

between two thin floured *roties*, cooked on a low heat with fresh butter. In a fluid motion, she flipped the *pratha* on the hot pan with her bare hands, letting it turn golden-brown on the other side as well. Then, after a few moments, she deposited it in the flat woven basket in front of me, thin steam rising and lingering in the air. I deeply inhaled the curry wafting out of the pot on the stove.

I tore off the *pratha* with both my hands, letting it cool off a bit. I looked at my mother and asked, “Mom, in what grade did my older brother quit school?” Her gaze demanded attention. It was a mixture of affection and sternness. I had not told anyone in the house about the beating from the school, yet her eyes suggested she could feel my pain and didn’t want me to give up like my older brother.

She broke the gaze, dumped some butter on the hot pan, placed thin dough on the round flat wooden piece, poured the mixture of shredded carrots on it, and covered it with another thin layer of dough. Then, slipping the tips of her fingers underneath it, she placed the sandwiched dough on the drizzling grease. I broke off a piece of greasy *roti* in front of me. My fingers absorbed the fading heat from it and I deposited it in my mouth. While the spicy mixture of white carrot melted in my mouth, leaving a hint of ground black peppers behind, I caught my mother’s encouraging expression. As the tasty food disappeared in my mouth and I reached down in the flat basket for more, gradually my hatred toward education dissipated and I made up my mind.

My mother poured some ground beef and okra in a bowl in front of me. I scooped some of it with buttery *roti*. While chewing on it, I absorbed every bit of her affectionate gaze, acknowledging that discipline is a part of life.

Finally, when she inquired what had caused me to ask that question, I commented, “I was just curious, that is all.”

BREATHING LEAVES

DERRICK GAILES[∞]

Everything in life, that has life –
doesn't possess lips.
Oxygen, H₂O, a literal life that
lives; is not always as it seems,
depending on how one perceives.

For example, the rain forest...
Run forest run; to see the sights,
to be beheld, a fluorescent heaven,
nothing that would even almost dwell
in a venue deemed a hell.

A botany of life, inception as a
seed...

Breathing leaves.

[∞] Derrick Gailes was born and raised in Houston, Texas. He is a man of God, father of three, February-born Pisces, and appreciative of his gift of writing.

LIFELONG LEARNING

BRIAN FULLER[∞]

Ultimately, we are all responsible for our own education or lack thereof. I've always been secretly jealous of people who make academics look easy. Most of us struggle. Yet, it is in that struggle where we reach common ground and attain transcendence. Because after all, if we are willing to invest the effort, we will realize the possibilities.

Never in a million years would I have thought I'd be doing this again. You see, I'm one of the thousands upon thousands who fell through the cracks in the "system." Back when this nightmare first began, I knew I couldn't continue making decisions based on emotional reactions. So very early, I set my sights upon education and outreach. They imprisoned the body... not the mind.

When we get locked up, something happens with our memories. Instead of forgetting them, they go into hyperdrive, permeating our thoughts at will. It's as if someone else has grabbed the remote. The screens inside our heads change and all we can do is smile in sweet surrender while we bask in the splendor of days gone by.

I was working at a foundry before I got arrested. It was hot, hard, dangerous work. I loved every second of it. When molten metal is poured from the crucible into the mold, it looks like hot lava flowing from a volcano. I'm immediately shot back through space and time to that inquisitive five-year-old sitting on the floor flipping through pages of National Geographic. Dad walks in and I point to the caption. "Etna is Grandnana's name!" He smiles and says, "Close enough. Maybe Etna is how they spell Edna in Italy." I keep turning pages and don't look up when I speak. "Itlee is where they make peetsa and skettee."

Autistics are visual learners. I wouldn't even find out I was on the spectrum until much later in life. Everybody always told me I was a smart boy. I was a good boy. All I knew was that the other kids picked on me. I was a little weirdo and they hated me. I didn't dare tell the grown-ups what was really going on in my brain. Those were the days when children were expected to be seen and not heard. To deviate from the norm would let everybody down.

Our public school system was considered top-notch. Nowadays, kids can't imagine a time without computers. I simply loved those old books. The weight of them. The smell of them. Beautiful illustrations and brilliant photography. Before I could even spell words like "biology," "architecture," and "geography," I'd already been absorbing them subconsciously. Those sneaky teachers had duped me into study time. All the while, I thought I was doing my own thing.

[∞] Brian Fuller is a writer, artist and activist. He has written and published several poems, short stories, and personal essays. He brings a rawness and level of detail, honesty and humor to his writing that will surely move its readers.

The streets would bring a different kind of training. Navigating social awkwardness and shrewd business negotiations. Staying aware of my surroundings. Reading faces and body language. Skepticism means survival when so many people are trying to swindle you. Don't ever let anyone tell you you're just being paranoid. Follow your instincts. Trust your intuition.

I entered the workforce early in life. Mentally ill does not mean mentally deficient. Compensation is a poor measure of intelligence. I've worked for some complete imbeciles. All I could do was watch silently in horror as they ran perfectly good businesses into the ground. I had the willingness to work hard. I just lacked the confidence to speak up.

Moving from job to job broadened my skill set. Regardless of the task, I always struggled with concentration and attention span. My mind would detach from my body; I would daydream, working out pressing problems or projects that really interested me.

I've done almost every job there is to do in this place. I'm at the age now where they don't make me work if I don't want to. However, I can still work circles around these youngsters. Our "50s" really are the new "30s." Somehow I still feel like a teenager in my head. I'm the oldest student in both of my college courses. I'm even older than one of my professors.

We're locked down at the moment. While everybody is trying to figure out how to get their contraband through "shake-down," I'm preoccupied with when we are going to attend class again. This is the first time in roughly two years that our renowned professor has been allowed to come and give lectures in person. I truly enjoy his enthusiasm, focus, and energy.

Out of all the things they could have confiscated, I'll miss magazine subscriptions the most. For whatever reason, our captors seem to have such a perverse disdain for knowledge that it borders on fear and loathing. When I noticed the cart for the library, I asked the sergeant, "can you please donate those to education?" Art, history, and literature must be preserved at all costs.

Although their relentless foolishness still makes me angry, I'm learning to channel that energy into fuel. It becomes the catalyst for change. Who knows? Maybe another renaissance will explode out of the kinetic forces locked inside of our own potential.

OUR SONG OF TRANSFORMATION

IRON THUNDERHORSE[¥]**Hearken and Listen**

to the voices of life
 chanting in unison
 they say to us
 “carry on the struggle”
 “we are together
 in our resistance”

**Mother Earth and Father Sky**

Embrace us as children
 In their vastness and image
 So that we may endure
 And that we may survive
 Beyond the oppressor’s folly

**Natural Law is forever**

Wonnux Law is temporary
 the Dawnland’s Spirit
 is forever unfolding
 changing with the seasons
 our power is knowing
 that WE are ALL Related
 In this Great Cycle of Life



∞ Iron Thunderhorse is a published author of over 20 publications and a columnist and journalist whose work has been published in over 50 forums and included in the work of many others. His official biography is: FOLLOWING THE FOOTPRINTS OF A STONE GIANT, by Ruth Mahweeyeh Thunderhorse, © 2007 InfinityPublishing.com, ISBN 0-7414-3977-8. He speaks over a dozen languages and specializes in indigenous art, crafts, history, cultural traditions, and linguistics.

Remember to Visit Our Relatives

Talk to the clouds
 Say Hello to the Mountains
 Care for the Trees and Paths
 Their message
 is loud and clear
 yet Strong and Silent too

**THEY ALL SAY TO US**

“Listen To Us, Impatient Ones”
 “For We Are Timeless and Forever”
 You Promised to Learn The Old Ways
 But Say You Just Don’t Know How
 When all you must do
 Is Remember

**Remember The People**

Remember The Ancestors
 Remember Our Homeland
 Remember We Have the Power
 Of Transformation
 The Renapi Way
 Is To Live In Harmony

**Remember and Live**

In Harmony With
 ALL OUR RELATIONS
 IN THE GREAT CYCLE OF LIFE
 We Are ALL Connected
 A Thousand Generations
 Reborn Anew Each Day
 With the Dawnland Power
 Of Transformation



WE ARE THE DAWNLANDERS
WE ARE FOREVER

CAGED CREATIVITY

JOHN HOVEY[∞]

Hovey reflects on our shared humanity, the dehumanizing experience of incarceration, and how society's problems, like a pandemic, are prison problems. He explores his journey as an author and an artist and the "undesirable necessity" of "prison writing."

Why cartoons and comics? Why commentary? Why anything?

In discussions of Social Justice, or the Criminal Justice System, or the Prison Industrial Complex, a prisoner can be a convenient witness, a genuine literal insider as it were. Sometimes prison problems become society's problems, but more often, the issues that affect free society impact prisons as well... disease and epidemics for instance.

From the moment COVID-19 infected the American penal system, individuals and organizations were asking me to write about the pandemic experience within the prisons. I was hesitant, but I consented, since it was such an important subject that affected so many.

Like many people, I've been writing since I was a child. And I've been writing about injustice and incarceration ever since I myself was wrongfully convicted and imprisoned as a teenager, so very long ago, in the Orwellian year 1984. And yet, to me, "prison writing" has always been an undesirable necessity, a duty, whereas creative expression, fiction and art and cartooning for example, is a passion more closely aligned to my interests.

I often write that criminals are much more than just the worst five minutes of their lives, that no matter how heinous their behavior - or even a single anomalous action - has been, it is still only one facet of a complex human being with a lifetime of experiences good and bad...

Similarly, prisoners are more than just criminalized commodities in cages; they aren't an aberrant separate species or race, or abhorrent freak of nature, they are citizens who were incarcerated because of an action or accusation, something that can happen to anyone anywhere, whether guilty or innocent. Sometimes

[∞] John Hovey is an author/artist doomed to a "life" sentence who has been continuously incarcerated since 1984 when he was sixteen. His articles, fiction and illustrations appear in numerous books, magazines, and other venues. He wrote Chapter 35 "Growing Up Incarcerated: A Prisoner's Perspective on The JHO Experience" of Routledge's new textbook "The International Handbook of Juvenile Homicide" (2024, Editor Kathleen M. Heide, PH.D.). The Harbinger previously featured his "Corona Drive-Through." He is currently caged in WA state and can be contacted by email via Securustech.net as John Hovey #878017.

prisoners are well-rounded individuals, some even possess a wide range of skills and talents and interests beyond the criminal.

A few prisoners are writers who became incarcerated, but there are many more prisoners who began to write once incarcerated, and often because of it. Until recent years, there weren't many forums inviting the prisoner perspective. Giving voice to prisoners (and to all marginalized disenfranchised communities) is both a noble goal and an absolute necessity, and yet... to believe prisoners can ONLY write about prison, or worse, to only allow prisoners to write about prison, is a different kind of oppression; it reduces them to mere stereotypes and declares their existence should be solely defined by incarceration. It ignores any uniqueness and memories and imagination they may possess, and helps assure they remain two-dimensional subhuman vilified victims, marginalization sometimes made more insidious by specious good intentions.

Personally, I've always preferred to express my thoughts and imagination in myriad ways, through articles or speeches, artwork or stories, novels or cartoons, sculpture or scripts – whatever I feel is the best project to convey a particular idea. But because I'm a prisoner – a status that renders me oppressed and ostracized – producing and sharing anything with the world has always been extremely difficult, and the majority of my creation over the decades has been disseminated under pseudonyms. I've never even seen the Internet. (I can almost hear the collective gasps of a billion Millennials.)

The accompanying corona-cartoons (drawn during the pandemic) can be viewed and interpreted as a quick throwaway laugh, or as social commentary about alienation and oppression (respectively), or both, or anything. Similarly, even the recent accompanying Godzilla cartoon was interpretive—is it simply representational of one imaginative child's enthusiasm watching monster movies on TV in the Seventies, or is it darkly allegorical, suggesting childhood innocence constantly threatened by the inexplicable monstrousness of modern life? One should never underestimate the importance of art; it can portray complicated truths in a universally understood manner, sometimes in an accessibly fun or silly way.

When discussing social issues (including the coronavirus pandemic), I've written countless articles and essays and stories and more, and yes, sometimes created artwork and cartoons. As they say, a picture can be worth a thousand words... and a cartoon panel can express multifaceted issues both subtle and overt at a glance, as well as add a layer of emotion or artistry or entertainment to subjects that may otherwise be dry or grim.

An intellectual or creative person shouldn't be limited or lobotomized simply for being incarcerated, although this is precisely what happens. Penal systems are designed for regimented conformity – they destroy any hint of individuality, including intellectual/creative/artistic expression, they loathe talent and imagination, they fear empowerment and intelligence, they want prisoners to know their place, they hate when prisoners dare to hope and dream rather than remain

despised, exploited, abandoned, and forgotten. Meaningful Freedom of Expression (as well as most other basic rights) is often denied to prisoners. Unfortunately, these attitudes are not limited to penal employees; prisoners encounter prejudice and demonization from society all the time (even from the publishing and entertainment industries), after all, prisoners are the only minority everyone is allowed and encouraged to openly hate.

We must never forget, anyone on earth can become a prisoner, and many will, especially when uneducated and impoverished, but every prisoner is also still a real living complex human being and can be more than just the monster in the cage if only given the opportunity.



[Image ID: John Hovey’s January 2024 article “Caged Creativity” includes two accompanying representative colorful cartoon-style illustrations drawn by the author himself. The First Illustration is a comic-strip feature entitled “Quarantine Comix,” with two cartoon panels. The logo uses silly lettering, a gooey splash, a housecat wearing a medical mask, and a bat on a branch.

In Panel One, a pretty, young mother speaking on the phone in the home’s hallway tells the listener: ““Social distancing?” My kids have already been doing that for years.” Behind her in the den, a bespectacled teenage daughter sitting on a bean bag is absorbed in a tablet screen and music player, while her young brother is frantically playing a video game, and an older brother is outside the window in shorts enjoying the fresh air and warm sunshine. The apparent joke is that all the members of the family are self-absorbed and completely oblivious to each other, thus the common pandemic phrase “social distancing” becomes a pun with a double meaning.

In Panel Two, a mean schoolteacher, an older woman wearing a medical mask, addresses her small rowdy classroom of grade-schoolers: “Children! Ineffective masks... inappropriate choices... ‘corona cartoons’... oh, how dare you students foster a sense of humor during the pandemic!” The apparent joke is that

the mandated masks the kids are wearing are more akin to Halloween than for a medical purpose. The students' ridiculous costumes include: Spock the Vulcan from "Star Trek," Pennywise the evil clown from "It," a ghost in a form-fitted sheet, a cute girl in a cat outfit, hockey-masked Jason from "Friday the 13th," Batman, and a goofy kid with a bra and panties on his head. The children seemingly represent free-spirited fun, while the teacher symbolizes stern oppression.]



[Image ID: The Second Illustration contains no logo, text, or dialogue. It is a wide panoramic view of a living room featuring a skinny young boy with bushy dark hair excitedly sitting too close to a television, he has a wide toothy exuberant smile. Surrounding him in the room are ghostly images of giant movie monsters, products of his overactive imagination as he watches a movie. The most recognizable monsters are Godzilla, nearby to his side, and Godzilla's silly child, close to his other side. Eleven more monsters lurk around these four. Godzilla and the others are all scaly Japanese movie monsters specifically from Japan's 1960s era of fantasy films, suggesting the scene is set in the early Seventies. There is also a certain unsettling difference between the bright vibrant boy and the grey faded monsters, as well as the expressions, which seemingly demonstrates the apparent contrast between youthful innocence and worldly monstrosity.]

ISOLATION WHILE AT FISHKILL

JONATHAN RODRIGUEZ[∞]

I fell ill on Wednesday, December 15, 2021. Headaches and chills raked through my body, making me feel completely out of it. I took Tylenol and Ibuprofen every six hours for three days straight, hoping they would ease my discomfort. Even though nothing worked, I wrote my sickness off as a common cold since I was vaccinated against Covid-19 and had not had the flu in a while. But when my sinuses began draining into my nasal passage, the nasty puss taste lingering in my mouth led me to believe something was terribly wrong.

I was called to the visiting area on Friday, December 17 to take a random Covid test. I immediately reflected on how, two days prior, I used the kiosk and coughed – I wondered if the officer who was working C-Center that day put me in for this “random” Covid test. I, of course, was a bit skeptical about the timing but decided to just dismiss my skepticism. Getting tested and finding out the results were the most important things that mattered at the moment. The nurse administering the Covid test was friendly, joking about how it could cause a little discomfort. I assured her that I would be fine; this made her smile. After administering the test, I scrunched up my face, which drew an “I’m so sorry” from the nurse. I told her not to worry about it; I just wasn’t used to putting anything up my nose. Then I posed a question: “Would I test positive if I just have a common cold?”

She assured me, “The Covid test is pretty accurate. I wouldn’t worry.” I left the visiting area feeling hopeful. I went about my business by attending my college classes, giving presentations, and outlining final papers. I even continued my weight training and ate cooked meals with my roomies. I had no idea that my world would come to a standstill on Thursday, December 23—two days before Christmas.

Sometime before 9 p.m., I was hanging out in housing unit C-Center’s day-room when my roomie Lou came to me and said, “Ms. G wants to talk to all of us in our room.”

“Why? What’s wrong?” I asked, alarmed.

“I don’t know,” he replied while walking away from me.

[∞] Jonathan Rodriguez currently resides in Fishkill Correctional Facility and has been in prison for 19 years. He received his associate’s degree in Liberal Arts from Bard Prison Initiative (BPI) in June 2021 and just applied to BPI’s bachelor’s program for this fall. His published essays and artwork in *The Harbinger* are part of a larger collection of works. Writing and drawing allow him to explore his thoughts and break the shackles that bound many. His contact information is: Jonathan Rodriguez Din: 05A3198, Fishkill Correctional Facility, 18 Stack Drive, Beacon, NY 12508.

I sensed Lou's annoyance but reserved commenting. As I walked into the room, the C.O. Ms. G had her back to me, talking to my other roomie Chris. "We're all here," Lou announced.

Ms. G turned around, took a deep breath, and looked at everyone. "You all have to pack up." Then her eyes settled on me, a painful look in them. Pointing a finger directly at me, she declared, "You tested positive for Covid. I'm sorry."

Her words hit me like a ton of bricks. As she walked out of our room, I leaned against my bedframe, confused, thinking, *How? When? Who?* The energy in the room crashed as Lou, Chris, G, and I wrestled with this revelation. I turned to my roomies, who had become my friends. "Guys, I'm sorry. I didn't mean to expose you."

"Don't worry about it. You have to remember that someone gave it to you first. And there isn't anything we can do about it right now," Chris assured me. "You've been to the box before, so you know how to occupy your time. Baby boy, I still love you."

"Yeah, don't worry. This is a situation that's beyond your control. We just have to deal with it," G added.

"Well, I'm not happy. I hate having to move!" Lou interjected, his annoyance readily apparent. "But I love you too, kid."

Dazed, I started packing my bags but was repeatedly interrupted by men in my housing unit who expressed their sympathies. I received get well wishes from them and was even told by one guy to hurry up and get back to the unit because he needed his barber. I told him I would and went back to packing essential clothing, cosmetics, and books to take with me into isolation. I ended up taking two bags, and the rest of my belongings remained in C-Center. While Chris, G, and Lou were escorted to the hospital for observation, I was escorted to the main building, housing unit 17-19.

It was well after 9 p.m. when I entered my new housing unit. The officer on the unit had the post. He told me who he was, giving me a run down on how he ran his unit, eventually asking me if I needed anything such as toilet paper, bed sheets, or a blanket. I told him I was good, and he informed me that I'd be moving into room 5. He led the way as I carried my bags. When he unlocked the door to my room, I entered, flicked the light switch on, and took a deep breath. The sounds of the door closing and the lock clicking behind me sealed my fate. I expected and prepared to be in isolation for at least 2 weeks.

My time in isolation felt like being in Special Housing Unit (SHU). I was alone in my room for 23 hours and 15 minutes per day, with 45 minutes to shower, use the kiosk, and get on the phone. Using this time wisely for at least the first three days of being there, I took 10-minute showers, quickly synced my tablet to the kiosk so I could send out and retrieve emails and got on the phone for 30 minutes. The rest of my day was spent in my room reading articles related to my academic papers, typing these papers into my tablet, and writing emails to family

and friends. As for recreation, I listened to music and read books and magazines. I got some fresh air by opening my window every day for an hour or two. My window opened to a sort of yard that had bare trees and a small burgundy warehouse, with food containers and garbage laying everywhere. But even though this sounds depressing, the yard was teeming with life. I watched geese fight over white bread I had fed them and domestic cats relax on or near a leafless tree. One or two times, I witnessed a cat stalk a sparrow, only to give up on the chase when the sparrow sensed the cat and took off flying.

Then, my isolation took an interesting twist. On the fourth day into it, Fishkill went into lockdown. The CERT team, manned by officers from neighboring facilities, made its round to different housing units, searching cubes and rooms for contraband and sending incarcerated persons to SHU. I waited for the CERT team's arrival for three days straight. I was a nervous wreck because I knew that officer-on-inmate violence increased during institutional searches. Every morning and evening, I'd open my window and hear the CERT team's rollcalls. These officers' words were indiscernible, but it was clear to me that their stomping and chanting were meant to build unity among them and intimidate those waiting and listening for their arrival.

On the third day of the prison lockdown, my sixth day in isolation, I On the third day of the prison lockdown, my sixth day in isolation, I opened my window to get some fresh air and saw men and women in S.W.A.T. gear searching the building's perimeter. I slowly lowered my window and waited for their arrival. They didn't fail to make their presence known in my housing unit. They yelled and screamed, ordering incarcerated persons to strip down to their boxers and slippers, and to have their backs to the door and hands interlaced behind their heads. I complied and waited for an officer to open my room door and direct me to clear a portable metal detector.

I paused on my way to the metal detector and asked the escorting officer if I could fix myself.

"Yeah, we don't want to see any swinging dicks around here," he replied. I fixed myself, interlaced my hands behind my head again, and continued my walk toward the metal detector. Once there, another officer had me remove my Casio watch and clear the metal detector that reminded me of a pole. I walked through it, turned in a circle, and was directed to walk back through.

Once I cleared the metal detector, the escorting officer ordered me to stand facing the wall in front of my room with my hands interlaced behind my head. He informed me that I was not to move until told otherwise. I acknowledged his directions by saying, "Okay, I understand," and waited for the other officer who was searching my room to finish his job. I remained in this position for about 20 minutes before another incarcerated person got fed up and defied this universal procedure. I heard shouts from a nearby officer to my right telling this person to turn around and get back on the wall. I held my breath and tried to stop my mind

from accelerating. The incarcerated person, who I gauged was a few people away from me, said that he was refusing the officer's direct order because his arms were hurting from standing in an uncomfortable position for such a long time. This confrontation must've lasted for 2-3 minutes until a supervising sergeant came onto the unit to intervene.

I had dealt with this sergeant when I was in Green Haven, and he wasn't with the bullshit. He gave the incarcerated guy a final warning. And when he refused to comply with his direct order, the sergeant directed his undercharges to restrain "the individual." I continued facing the wall but listened to the tussling and yelling. There came a point when I embraced the possibility of being jumped on and not going out without a fight. I knew that my emotions and imaginations were getting the best of me because I wasn't thinking straight. But being so close to going home and finding yourself in a situation like that can spark anyone's imagination and build his anxiety.

The incarcerated individual was quickly handcuffed, given a long speech about being lucky he wasn't going to the box, and escorted back inside his room with no further commotion. Once this situation was given the all clear by the area sergeant, the officer standing directly behind me gave me an order to return to my room. What I saw was typical: all my belongings were dumped on my flipped mattress. And I wasn't surprised to discover, after folding my clothes and reorganizing my room, that my personal blanket was taken.

"You gotta be kidding me!" I whispered. For an officer to look like he's doing his job, something must be taken.

I eventually had a porter on the unit locate and retrieve my blanket from the garbage bin. Not being given a contraband receipt after this ordeal didn't surprise me.

This institutional search lasted for another two days. This meant I was not allowed to come out of my room for anything. The door to my room was only opened when an officer had to serve me food, which was three times a day, the actual time varying, with the food consistently being served cold: white rice, carrots, and chicken curry; pizza with a three-bean salad; baked potatoes, cabbage, and meatloaf. For evening meals, we were served a baloney and cheese sandwich, 2 sugar cookies, an apple, and a juice.

The lack of cleaning supplies and access to cold water (the water was somehow switched to hot only) further complicated my experience in isolation. Being forced to improvise, I used a t-shirt and liquid laundry detergent to clean the floor, toilet, and sink, and I poured hot water from my sink into milk containers and stored them on my window ledge so I could have cold water to drink.

I was transferred from housing unit 17-19 (the isolation unit) to 9-1 (general population) in the afternoon of January 1, 2022. I remained there with no access to the rest of my belongings, and I became increasingly annoyed at the fact that I only had a few shirts and no food. When I asked officers for help finally getting

me back to C-Center, they would make a few phone calls and come back to me saying they couldn't do anything because the facility was running on a modified system. I was basically stuck on the other side of the prison with very little to my name. And to make matters worse, I had to continue living out of my two bags.

My typewriter, which I had left with a friend back in C-Center, somehow made its way to me, but being called to housing unit 13-1 to pick it up didn't sit well with me. Leaving it with someone else probably wasn't the brightest idea, as I could have been subjected to disciplinary action for unlawful exchange of personal property. Luckily, this didn't happen to me. When I met up with the officer who called for me, he basically asked me why someone else had my property, and why multiple incarcerated people asked for it, each one presenting their own reason for wanting it back. His inquiry was funny to hear. I told him that these men were my friends and they were just trying to protect what was mine. Then I apologized for breaking the institutional rule about lending other people personal belongings.

I must've struck a chord within this man because he returned my typewriter, saying I shouldn't get into the habit of lending things to people in this type of environment. I acknowledged his advice and returned to housing unit 9-1, examining my typewriter along the way. I immediately noticed that its condition wasn't as I had left it. The keypad cover, slot rest (where the paper sits), and handle were missing.

"Damn, my typewriter was a Mercedes Benz when I left it in C-Center. Now it's a hooptie," I whispered to myself as a way of dispelling my disappointment.

I plugged it in when I got back to my cube in housing unit 9-1, wanting to see if it was still operable. It was, but it wasn't. It printed what I had written in the memory, but only the bottom half of the letters were printed. Either someone had gotten a hold of my typewriter, or it was banged up pretty badly before it was returned to me. I was conflicted on whether to buy a new one, even though my best friend Brittany had advised me not to invest in something so ancient.

I remained in housing unit 9-1 until January 16. In the evening hours, I was told by an officer to pack my belongings because I was moving up the hill, back to C-Center, as soon as the walkway opened at 6 p.m. A sense of relief filled me. I had been away from my regular housing unit for more than three weeks, and this had me extremely annoyed. Being away from my stuff and moving around so much was stressful. I had the opportunity to go to commissary, but with my limited funds at the time, I could only buy enough food for 3-4 meals. The thought of gaining access to the food I had left in my regular housing unit became even more pressing. Now that I was finally moving, I wasted no time bagging the little bit of property I had in my possession.

So I said farewell to a few guys, grabbed my stuff, and braved the cold weather outside, relieved that I'd be reunited with my belongings, my roomies, and my sense of normalcy after so many weeks.

FDOC MENDACITY

KEITH SOANES[¥]

Imagine being incarcerated on a prison plantation (Fla. State Prison) which warehouses over 1,250 prisoners¹⁵¹ all being seen by only one dentist. Imagine how long the waiting list to be seen is. Imagine yourself as that prisoner whose name has finally made it to the top of the dental waiting list. You get informed that you have a dental call-out (appointment), then you get offered an extra tray to refuse your dental call-out, all because overseers love the sinecure, but they hate to actually work. Imagine, in the land of the so-called free, you're being thrown in solitary confinement, based on a trumped-up Disciplinary Report ("DR") which plays into the Department of Cruelty's bureaucratic conspiracy in keeping you on Close Management ("CM") status indefinitely, all because you submitted a grievance regarding the situation.

On 3/1/22, while housed in M1319 cell at FSP, at approximately 7 a.m., an M wing orderly approached the cell in which I was housed and informed me that I had a dental call-out. And that overseer, Jonathan J. Welcher, a well-known racist, said he would give me an extra tray if I refused my dental call-out – a common practice of prison overseers who come to work only to inflict hidden racist and sadist torture of prisoners. Considering how long it was going to take me to get back at the top of the dental call-out list, and the deteriorating condition of my teeth; plus, I am not that hungry or greedy that I would sell my soul for a tray, more than half of which I was going to have no choice but to flush down the toilet anyway. I told the orderly to inform Overseer Welcher that I would rather go see the dentist.

I got ready by putting all my personal property into my locker, leaving the overseers no excuse for denying me this dental call-out. I stood at the cell door window glass having a sign language conversation with prisoner Alex Beasley across the tier from me. An hour or so went by and no overseer did the required every-30-minutes security check, and no one came to take me to my dental call-out. So I yelled through the side of the cell door, "Hey officer, what's up with my dental call-out? I'm ready." From downstairs Overseer Welcher responded, "Shut the fuck up, fuck boy, before I come up there and...", thereby violating Ch. 33-

¥ My name is Keith Soanes, I was born in the Caribbean. I am a former street reactionary and patriarch misogynist turned feminist and egalitarian revolutionary and activist. I am a political visual artist, poet and essayist, and upcoming author. My goal is to demonstrate to society and the world that all things DOC only means Department Of Cruelty, not Corrections, that no genuine rehabilitation or essential self-criticism is going behind these Amerikkklan Iron Curtains, just sadist, racist, and fascist torture and warehousing. I will keep saying this truth and moving toward egalitarianism till death.

1. Florida Department of Corrections, *Florida State Prison*, <https://fdc.myflorida.com/ci/205.html> (last visited Nov. 12, 2023).

208.002(8).¹⁶² “No employee shall willfully or negligently treat an inmate in a cruel or inhumane manner, nor shall profane or abusive language be used in dealing with an inmate or person under the employee’s supervision.” My response was, “I know, you’re a real tough guy, so I know not to piss you off. I’m gonna shut up, but you said I had a dental call-out. I just wanna know, what’s up with my dental callout?”

At approximately 8:20 a.m., I was still standing at the cell door waiting to be taken to my dental call-out when Overseer Welcher approached the cell door and started talking. He wouldn’t respond to my inquiry regarding my dental call-out, so I walked off the door and picked up a book while he walked away mouthing out inaudibly. By then, I knew that he had bucked (denied) me on my call-out, by contacting dental and falsely listing me as refusing to see the dentist. Thereby violating Florida Administrative Code Ch. 33-208.002(12) & (19) which clearly states respectively: “No employee shall falsify reports or records.”¹⁷³ and “No employee shall knowingly submit inaccurate or untruthful information for or on any Department of Corrections record, report, or document.”¹⁸⁴

At approximately 2:54 p.m., Overseer Ms. Jackson, who conducts dental call out escorts, approached the cell, and pushed a dental refusal form under the door into the cell while asking me to sign it, which would indicate that I voluntarily refused to see the dentist. I emphatically informed Ms. Jackson that I’m not signing the form because I did not refuse my dental call-out, I got bucked by Overseer Welcher, and I’m still waiting to be seen. She walked off without saying a word, leaving me thinking that she understood the situation and would reschedule me, disregarding the code-blue-loyalty.

M-wing fixed video surveillance of grievance pick-up, will show and prove that on 3/2/22, mail room personnel Ms. Price picked up two grievances from under my cell door: a formal grievance to the warden’s office regarding the 3/1/22 issue with Overseer J. Welcher trying to bribe me by offering me an extra tray to refuse my dental call-out, denying me my call-out and falsifying a claim that I refused, and calling me a “fuck boy.” Knowing the warden’s office history of throwing away prisoners’ grievances, I also submitted an exact written copy of the warden’s grievance of medical nature to central office as an emergency grievance, which I knew would return without action, but it would have a log # (22-6-07272). As anticipated, it was returned on 3/16/22 proving the grievances were in fact submitted regarding the issue on 3/2/22. The warden’s office has yet to respond, throwing my grievance in the trash.

On 3/3/22, I used one of my twice a month phone calls to inform my family of the situation, just in case it escalates into deprivation of meals, property restriction, pepper spray, beating and/or my death.

2. FLA. ADMIN. CODE ANN. r. 33-208.002 (2021).

3. *Id.*

4. *Id.*

On 3/4/22, at approximately 5:15 a.m., for submitting the grievance, I received retaliatory DR log #205-220-418, charging me with “spoken threat.” Overseer J. J. Welcher falsified a report claiming that I threatened him by stating, “Fuck you, cracker, I’m gonna fucking kill you,” which I never said, and attempted to prove by calling M-wing fixed audio and video surveillance into evidence. Which would clearly show and prove that it was totally the other way around, revealing Overseer Welcher as being in blatant and rampant violation of Chapter 33-208.002(8),¹⁹⁵ *supra*, and Ch. 33-103.017(1) F.A.C: Reprisal: “Inmate shall be allowed access to the grievance process without hindrance. Staff found to be obstructing an inmate’s access to the grievance process shall be subject to disciplinary action ranging from oral reprimand up to dismissal in accordance with Rule 33-208.001-003, F.A.C., Good faith use of or good faith participation in the grievance process shall not result in reprisal against the inmate.”²⁰⁶ and Ch. 33-208.002(12)²¹⁷ & (19)²²⁸ F.A.C., *supra*. Also, prisoner Alex Beasley in M1321 cell, who witnessed the entire incident, wrote a witness statement on my behalf.

On 3/4/22, with the help of another prisoner using the phone, my family was informed that I had been written a false and retaliatory DR by Overseer J. Welcher and that I was going to be placed in disciplinary confinement. Family said that they will be calling the institution right away.

On 3/5/22, between the hours of 1 p.m. and 3 p.m., due to family flooding the prison with phone calls, a lieutenant approached the cell and informed me that had received orders from superiors to inquire whether or not force was used on me. I informed him, “Not yet, but maybe.” I also informed him of the situation with Overseer Welcher. He gave me a witness statement to fill out, on which I listed the entire situation from beginning to end while he stood waiting, looking into the cell. He was present on 3/1/22, he knew what happened really well.

On 3/10/22 DR-hearing team members, Chairman Moss, H.L. and Morris, R.L., in code-blue-loyalty and bias, found me guilty without even reading or considering the sworn written statement of witness prisoner Beasley and I, even while verbally informing me that the audio and video were reviewed and (conveniently) were not clear enough to understand what was being said. Basically, despite two written witness statements and conveniently faulty audio and video, which I was, disenfranchised, not allowed, as evidence, to personally review, I was found guilty based solely on, twice privileged, Overseer Welcher’s false and retaliatory statement. The reliance on Overseer Welcher’s statements alone is in blatant disregard of Florida code procedural requirements.²³⁹ Still, in 2022, we witness with our own

5. *Id.*

6. FLA. ADMIN. CODE ANN. r. 33-103.017 (2007).

7. FLA. ADMIN. CODE ANN. r. 33-208.002 (2021).

8. *Id.*

9. *See* Wolff v. McDonnell, 418 U.S. 539, 562 (1974); Hayes v. Thompson, 637 F.2d 483, 487 (7th Cir. 1980); FLA. ADMIN. CODE ANN. r. 33-601.800 (2022).

eyes that no amount of prisoners' truth and audio/video (which I know for a fact, if allowed to be reviewed, contradicts Overseer Welcher) evidence holds any weight against the lies of an overseer. The exception clause of the 13th Amendment of the U.S. Constitution says it all where it clearly states: "Neither slavery nor involuntary servitude EXCEPT as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."²⁴¹⁰ In other words, convicts/prisoners are the new slaves, and as slaves, all prisoners are the new 3/5's humans, in 2022, with no rights that any overseer and system is bound to respect.

DR-team members' oral pronouncement that "audio was reviewed and was not clear enough to understand what was said," is in contradiction with DR-team's written findings, which state, "Inmate requested video camera/audio evidence. The evidence did not support the inmate's claim or statement of the incident." Again, findings which are reached in code-blue-loyalty without prisoners' (myself included) personal review of the evidence. Guilty, no matter what evidence, or how exculpatory, the lie outweighs the truth. "To be was to be convicted, and to be convicted was to be punished," as once asserted by abolitionist Frederick Douglass in *The Narrative of the Life of Frederick Douglass*.²⁵¹¹

Currently, my DR appeal is pending, but due to central office's code-blue loyalty, I may have to file a writ of mandamus, requesting that the court grant an order for FDOC to allow me personal review of audio and video evidence relating to DR log #205-220-418, which will clearly show and prove that Overseer Welcher made no such "order for me to cease any disorderly conduct" and at no time did I respond, "Fuck you cracker, I'm gonna fucking kill you." Especially considering the fact that this false and retaliatory DR is going to be used as an excuse to either send me back to CM-1 or have me continue on CM-2, and worse, house me on CM status indefinitely.

CM is not DC (Disciplinary Confinement) but it's being viewed and treated as such. CM is administrative segregation housing, governed by Ch. 33-601-800 F.A.C.,²⁶¹² wherein prisoners are permitted many of the same privileges and rights as the general population. Eighth Amendment rights guard against cruel and unusual punishment that can lead to risk of severe mental health deterioration caused by extended 24-hour lock-down and indefinite or permanent solitary confinement.

Despite relentless efforts by SPLC, FLS (*See Harvard v. Inch*),²⁷¹³ and other legal rights and abolitionist advocate organizations to abolish Florida's use of solitary confinement, Florida blatantly and rampantly continues not only solitary confinement, but indefinite and permanent solitary confinement. While being

10. U.S. CONST. amend. XIII.

11. FREDERICK DOUGLASS, NARRATIVE OF THE LIFE OF FREDERICK DOUGLASS, AN AMERICAN SLAVE (1845).

12. FLA. ADMIN. CODE Ch. 33-601-800 F.A.C. (2022).

13. *Harvard v. Inch*, 411 F.Supp.3d 1220, 1239 (N.D. Fla. 2019).

interviewed by On-Point journalist Megna Chokabotty on NPR, former Florida prisoner Ian Manuel, who was housed on CM for 18 years, mentioned another prisoner, Darrel Stritter, who is currently on his 25th year, yes, 25 straight years, on CM.²⁸¹⁴ I just saw him on M-wing in February.

Another prisoner, Willie Sanders, has been on CM for 14 years. On 6/29/21, at approximately 12:57 p.m., while housed in J1131 cell, he was denied his medical call-out by Sergeant C. Tyre, a known racist, who climaxes off using his job to abuse black prisoners. For kicking on the cell door in protest about being bucked on his medical call-out, prisoner Sanders was pepper sprayed and beaten while in handcuffs for trying to spit on Sergeant C. Tyre but ended up spitting on a white shirt.

Currently, I am housed in B-wing (confinement). Word is the prisoner in B1101 cell, known as Bobby, has been on CM for 14 years. Another prisoner across the hall from me in B1120, Mark, has been on CM for 10 years. There are many other prisoners of different indefinite stay times on CM, and you can tell how psychologically damaged or ruined they are by just listening to their levels of conversation. CM is clearly designed to further ruin prisoners rather than genuinely rehabilitate us. Every bed must remain occupied at all times, at all costs, especially considering the fact that it costs taxpayers more money to house prisoners on CM than in the general population. Every penny counts to the plutocrats. Thus, the push for more CM institutions continues.

As of present, I have yet to see dental, based solely on Overseer J. J. Welcher's false report, which was obviously approved of, endorsed, condoned, and encouraged by Ms. Jackson. Who would expect a black wombman [sic] and member of the oppressed class, who is totally aware of how racist and sadist Overseer Welcher and others function in regard to treatment of prisoners. Who would expect, of all people, black overseers, and staff to be an accomplice with white racist and sadist overseers? But from observance and experience, within FDOC, the reality is that no black overseer or staff will go against code-blue-loyalty in risk of losing green, which provides their food, clothing, and shelter. A black nurse, Ms. Singletary, known for collaborating with racist and sadist overseers by helping with the justifying and covering up of abuse and brutality of prisoners, while conducting sick-call at my cell door (J1333) on 3/12/21 blatantly and rampantly threatened me by stating (which was caught on audio, see grievance log #21-6-13241), "I see you write grievances, you must be new here."

Now, please imagine how many other systematically ostracized and disenfranchised, alienated, and isolated prisoners have endured the same abuse in this war against the poor. Being housed on CM indefinitely based solely on false reports, records, and documents of fascist, racist, and sadist overseers and staff,

14. Ian Manuel, *In Author Ian Manuel's 'My Time Will Come,' A Look at Life in Solitary Confinement*, WBUR (May 10, 2021), <https://www.wbur.org/onpoint/2021/05/10/life-in-solitary-confinement>.

backed by a fascist, sadist, racist Department of Cruelty that grants them guaranteed unlimited impunity. And with my dental health deteriorating, there is no telling when I will see the dentist. It's just a shame what people will or won't do when they know that they, being twice privileged, will get away with it. Impunity ruins humans to the core, turning many into state thugs and mercenaries, following the carrot on the stick.

A JAILHOUSE LAWYER'S FIGHT FOR JUSTICE

DR. S. M. STEELE-BEY, D.D., CLA, CPLC[∞]

Incarcerated citizens face insurmountable odds. They suffer forced separation from their families. They are sent to prison for decades behind bars, most times without remorse or forgiveness, and they must endure the insanities of their environment such as the untreated mental health crises some of their fellow incarcerated citizens experience on a daily basis.

In addition, they must accept the inhuman treatment imposed upon them by prison guards. The “planted” drugs, the false conduct reports, and the physical abuse alongside their cover-ups are all a part of the prison experience for incarcerated citizens locked up in American prisons.

Many people in society believe incarcerated citizens deserve to suffer and often turn a blind eye to their misfortunes when they cry out for help. They accuse incarcerated citizens of exaggerating their claims or they shun them for whining about “small things” regardless of how egregious the abuse they endure. Too often ignored by those who could help make a difference, incarcerated citizens languish behind bars unseen, unheard, and unappreciated.

Even the actually innocent suffer from this neglect. Mountains of rigid laws deny them access to the courts even if they have evidence of their innocence. They spend decades in prison just like the guilty, pleading for a new trial or a sympathetic ear only to be told that their claims are untrue or that they may be experiencing punishment for crimes they got away with. Tragic stories of police corruption of vindictive witnesses are ignored as fairy tales or half-truths. For the actually innocent, their only option is to suffer in silence or plead to deaf ears.

For the average incarcerated citizen, hopelessness is a common mindset. “I don’t care” and “It is what it is” are popular idioms from the voices of the defeated. Their banishment from society has only convinced them that their circumstances was their fate all along. Convinced they cannot win, the average incarcerated citizen wanders through prison living up to the expectations of their biggest critics

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and adversaries. And as time passes by, these captured souls live trapped behind bars doing nothing more than yearning for freedom.

But there is a distinguished class of incarcerated citizens living behind bars who see these conditions as a challenge. Yearning for their freedom is only the beginning of their fight. They experience their adversity as a way to sharpen their character. For them, hopelessness is a derogatory word. Murdered by the State through the infliction of a social death, they are resurrected by the presence of injustice. These brothers and sisters are known as Jailhouse Lawyers. In prison, a Jailhouse Lawyers' goal is certain: **to defeat inhumane laws and conditions through the power of the pen.** They are practitioners of the law by circumstance, but the only bar they must pass is their own prison cells as they march like warriors to the law library in search of justice.

On their way to the law library, the Jailhouse Lawyer is known by the way they exercise their right to bear arms. With their ink pens clutched in their hands or lodged behind their ears and their minds filled with unlimited ammunition, they trek to law libraries across the country to battle and destroy unjust decisions committed by legislatures and judges.

Some of them are sharpshooters. They have done these before time and time again. They know what laws they need to show and what facts they need to stuff within every shot. When they lift their ink pens into the air, prison officials cringe with fear at the show of courage. These Jailhouse Lawyers serve as champions of the oppressed behind bars and as surefire enemies of injustice.

The righteous ones among them are fearless in the face of adversity. When correctional officers search their cells out of retaliation, they challenge their authority. When correctional officers strip them naked to attack their manhood, they challenge that officer's sexual morality. And when the correctional officer frames them with false crimes or rule violations, they walk that officer into the courtroom and sue them for defamation among other things. A Jailhouse Lawyer sees their adversities as a way to sharpen their craft.

Despite the attacks made on Jailhouse Lawyers, they never quit. With their guns of ink, they fire back at every unjust move. Shoots to their reputation are seen as expected counterstrategies of war. They know the defenders of injustice will never relinquish their power without a fight. Nevertheless, they stay prepared to fight, to die, and to win no matter what. And they know no bounds except the boundaries of justice.

How do I know this? Because I am a Jailhouse Lawyer. For the past sixteen years I have studied the law and I have armed myself with caches of ink to battle those who see injustice as a weapon to be wielded against the poor and disenfranchised. I have filed lawsuits, appeals, and other motions for myself and others to help fight any injustice that may arise. I am of those who fight to extract and to protect the scarce resources of rights entitled to all incarcerated citizens.

My fight has not been easy. I have been met with resistance on many occasions. Prison administrations have sought to discourage me through many countertactics. They have searched my cell, taken my property, and written false conduct reports along the way. They have also used solitary confinement and institutional transfers as a way to disrupt and discourage my initiatives. But I refuse to quit. To do so would admit defeat to a system that ruins lives for economic gains with no regard for their humanity.

As Abu-Jamal perfectly wrote, **“those who are most apt to use pen and paper—rather than, say, a ‘lock in a sock’—to address and resolve grievances, are the most targeted of all prison populations.”**²⁹¹ Jailhouse Lawyers must deal with the tactics prison administrations throw at them if they desire to achieve their goals. Without our courage millions of prisoners would remain constant victims of injustice without a solution. There would be no record of their victimization. The Jailhouse Lawyer is the gatekeeper of justice behind prison fences.

As Jailhouse Lawyers we must not stop our assault on the corruption systematically suffered behind bars. The cure for any sickness always comes from within the disease itself. With our ink pens in hand, we must conquer injustice by all means. We must triumph over systemic injustice. Our redemption is inside our fight.

1. MUMIA ABU-JAMAL, JAILHOUSE LAWYERS: PRISONERS DEFENDING PRISONERS V. THE USA 48 (2009).