



STATE OF MISSOURI
DEPARTMENT OF CORRECTIONS
INFORMAL RESOLUTION REQUEST

10/23
DS

INSTITUTION USE ONLY EMERGENCY COMPLAINT

OFFENDER NAME		DOC NUMBER	
DATE STAFF RECEIVED IRR 10-26-12	COMPLAINT NUMBER CRCC-	CATEGORY #2	HOLDING UNIT

COMPLAINT - ONE ISSUE - BE SPECIFIC

Mail Room / W. Morgan / Censorship Committee

STATE YOUR PROBLEM BRIEFLY

The censoring of (MIM/ULK) by W. Morgan & Censorship Committee is an attempt to be counter-productive, having ones authority simply to obtain a deep-seated satisfaction in withholding something of meaning (educational/political propaganda that is of a none capitalistic nature) from inmates that choose to think outside the box of "Base Desires". "MIM Prisoners / Under Lock & Key" is not a gang (federal law)

ACTION REQUESTED: STATE REMEDIES YOU ARE SEEKING

The harassment of my political, social, educational mail must stop! Because W. Morgan & the Censorship Committee don't share my views of reform, they give them carte blanche to dispose/withhold something meaningful to me! I request for the return of all my mail...

STAFF USE ONLY

DISCUSSION OF COMPLAINT (SUMMARIZE RESULTS OF MEETING)

"M^{SK} in prison "Under lock and Key"
The political newsletter is called "under lock and key"

IRR RESOLVED BY DISCUSSION/WITHDRAWN

IRR NOT RESOLVED BY DISCUSSION

OFFENDER SIGNATURE	DATE 10/30/12	STAFF SIGNATURE J. Klevorick	DATE 10-30-12
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STAFF FINDINGS/RESPONSE

OFFENDER
COPY

INVESTIGATING STAFF SIGNATURE	DATE	RESPONDENT SIGNATURE	DATE
REVIEWER SIGNATURE	DATE	RESULTS <input type="checkbox"/> SATISFACTORY <input type="checkbox"/> UNSATISFACTORY	
YOU HAVE THE RIGHT TO FILE A FORMAL GRIEVANCE. YOU MUST FILE A GRIEVANCE FORM WITH THE DESIGNATED STAFF WITHIN SEVEN (7) DAYS FROM THE DATE YOU RECEIVE THIS RESPONSE. FAILURE TO SUBMIT A GRIEVANCE WITHIN THIS TIME FRAME CONSTITUTES ABANDONMENT.			
OFFENDER SIGNATURE			DATE

See Attachment

CRCC-12-2000

IRR/Issue: Mail Room / W. Morgan / Censorship Committee

(18 U.S.C. 521: Criminal street gangs) Defines the term "gang" as an ongoing group, club, organization, or association of five or more persons: (A) that has as one of its primary purposes the commission of one or more of the criminal offenses described in subsection (c); (B) the members of which engage, or have engaged within the past five years, in a continuing series of offenses described in subsection (c); and (c) the activities of which affect interstate or foreign commerce. The offenses of subsection (c) are - "(1) a federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) for which the maximum penalty is not less than 5 years; (2) a federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another; and (3) a conspiracy to commit an offense described in paragraph (1) or (2)."

Alabama law defines a "street gang" as, "Any combination, confederation, alliance, network, conspiracy, understanding, or similar arrangement in law or in fact, of three or more persons that, through its membership or through the agency of any member, engages in a course or pattern of criminal activity." Ala. Code 13A-6-26 (2002).

New York State DOCs rules define "gang" as "a group of individuals, having a common identifying name, sign, symbol or colors, who have individually or collectively engaged in a pattern of lawlessness (eg. violence, property destruction, threats of harm, intimidation, extortion, or drug smuggling) in one or more correctional facilities or that are generally recognized as having engaged in a pattern of lawlessness in the community as a whole. For the purposes of this rule, printed or handwritten material that is observed in the inmate's possession, could result in an inference being drawn about the inmate's gang affiliation, but excludes published material that the inmate has obtained through the facility library or that has been approved for the inmate to possess through the media review process." NYS DOCs 105.13 2070.2 (B)(6)(iv).

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And for CRCC / W. Morgan / Censorship Committee to state otherwise, is misleading. The "MIM/ULK" does not meet the legal requirements to be considered a gang. Their primary goal is to disseminate political, philosophical, revolutionary reform by educating the masses to a new branch of community life/living without the have's have not's, not to commit crimes."

- 1) "Wardens may not reject a publication solely because its content is religious, philosophical, political, social (,) sexual, or... unpopular or repugnant, or establish an excluded list of publications, but must review each issue of a subscription separately." *Thornburgh v. Abbott*, 490 U.S. 401
- 2) "When a prison regulation restricts a prisoner's first Amendment rights to free speech, it is valid only if it is reasonably related to legitimate penological interests." *Lindell v. Frank*, 377 F.3d 655, 657 (7th Cir. 2004). Citing *Turner v. Safely*, 482 U.S. 78, 89 (1987).
- 3) "Prison authorities cannot rely on general or conclusory assertions to support their policies." *Walker v. Sumner* (9th Cir. 1990) 917 F.2d 382, 385
- 4) "Unsupported security claims could not justify infringement on first Amendment rights." *Crofton v. Roe* (9th Cir. 1999) 170 F.3d 957
- 5) I received a rejection of mail slip for the third time on 10/17/12
reason for rejection: Picture displaying violence & reference to law enforcement as "pigs".

One can hardly mount an effective challenge against the decision to withhold publication, when the inmate is not allowed to see the publication! As for reference to law enforcement as "pigs", can be found in almost every approved media review process allowed at CRCC. To name a few: *Jet* magazine, *USA Today*, *The KC Star*, *The STL World/Post Dispatch*, *The KC Call/Newspaper* etc...

So it is very clear that the problem lies not in a safety & security issue or pedagogical interest, but one based on wings & desires, finding "NIM ULK" guilty of not promoting their own political views!

Something must be done to change the attitudes of the men & women censoring/withholding the images mail for any reason but a pedagogical one!