Anatomy of an Attempted Murder


"A sex offender housed at Minnesota's state treatment facility in Moose Lake has been charged with attempted murder after allegedly using a makeshift knife to slash the throat of a staff member there. George Mack Jr., 42, was charged with first-degree attempted murder and fourth degree assault of secure treatment facility personnel, both felonies.

The assault left a clinician at the Minnesota Sex Offender Treatment Program (MSOP) with two gashes to her throat, while a staff member who intervened also suffered injuries, according to the criminal complaint. Mack is being held in the Carlton County jail in lieu of $500,000 bail.

...According to video footage of the incident, Mack lunged at a clinician who was leading a community meeting in an open area of the MSOP facility. Mack grabbed the clinician from behind and made at least two slashing motions across the front of her throat, the criminal complaint says. The clinician was able to avoid further injury by jumping out of his chair and running away, the complaint says.

Another employee intercepted Mack, sustaining several blows and ribs. Mack was then subdued by several staff members.

...This is the second time since 2014 that Mack has been charged with assaulting a staff member at the MSOP facility. Mack also has three convictions for criminal sexual assault between 1995 and 1999, according to state court records."

Editor’s Supplement:

When I started covering this story, I was certain there must be a much deeper tale to tell about how this kind of incident could take place. And indeed, I still have that feeling, more than ever. However, two impediments have prevented me from gaining the whole truth in this case. The first is that there is a ‘wall of silence’ in place in the residence hall (Unit IC) in which the incident took place, such that numerous MSOP residents with probable knowledge of the circumstances are simply ‘clamming up’ when asked about the incident or its antecedents. Others have been willing to offer their perspectives, but the narratives given by these include troubling inconsistencies that drive into the very heart of the matter of the matter would do a disservice to all those affected.

The second impediment is the ‘chilling effect’ to some degree, if not to others that we come to understand them, and thereby to achieve both peace and progress. So let us begin to unravel this incident as best we can to achieve such understanding. Some threads to this story fabric the looming already should show to some degree, if not yet plainly. There is clarity, for instance, to an interpersonal violence within the assailant, George Mack. A string of assaults, most or all on staff, by Mack in prison quickly convinced officials to repeatedly relocate him to the most isolated part of MCF- Oak Park Heights (Minnesota's highest security prison) and to bar him from other prisons.

In 2014, following his commitment to MSOP, Mack also assaulted an MSOP staff. The pattern was clear: Mack deeply resented authority figures and blamed them for all ills and wrongs. Further telegraphing a problem-in-the-following as to Mack in MSOP is the longstanding MSOP policy of requiring that all MSDP convicts must have a roommate in cells very much resembling, and perhaps may be driven by a ‘us versus them’ and perhaps may be driven by an ‘us versus them’ posture that has often been known to result from violence in an institution, no matter how isolated.

This move was denied by MSDP staff, leaving Mack and others that we come to understand them, and thereby...
Wage Case Update
Watch for Official Letter Giving You the Opportunity to Join in the Case; Sign & Send Back the Form or Lose Out! No Exceptions!!

Recently in the Wage Case (Gamble et al. v. Minnesota State Operated Services et al.), the presiding District Judge adopted the Report and Recommendation on the subject of who will be allowed to join in the case as “collective plaintiffs.”

The details of this ruling aren’t important right now. As previously stated, the R&R suggested allowing everyone confined in MSDP who earned wages working at anytime during the minimum wage law.

In conformity to the usual practice in cases of this type, Attorney Alden is now preparing a form letter which will be addressed and mailed to everyone on that list. Essentially, that letter will ask each recipient if he wishes to become part of this lawsuit as a collective plaintiff. Those who do wish to join in will be asked to use the enclosed reply form, checking off the response stating that wish, signing the form, and then sending it back to the attorney.

When the period for sending that form comes to an end, Attorney Alden will present all such reply forms to the District Court together with a motion to allow all respondents to join as collective plaintiffs. These motions are only rarely opposed (except in uncommon cases where someone responding affirmatively is later discovered to not be qualified; in such cases, that person’s name is simply struck, and everyone else goes forward without him).

Hence, that’s basically all there is to it. How you can qualify to receive your rightful share of the recovery, which will be based on the difference between wages you actually received and the amount per hour you should have received under the federal minimum wage law.

At this point, let me stress, as I have before and as the title to this article restates again forcefully, if you do not fill out, sign, and return this form to Attorney Alden within the period allowed, you will neither be allowed to join in the case as a collective plaintiff. This means that you will not be able to share in the recovery in the case. Technically, you could file your own case to get just your own money back as a separate matter. However, you would almost certainly not find any attorney working in this kind of law practice who would be willing to represent just yourself unless you paid a very hefty fee (almost certainly more than you would stand to recover by yourself). Therefore, you would almost certainly have to represent yourself. This is a complex area of law practice, so it is highly unlikely that you could win trying to do things this way.

Hence, in sum, as a practical matter, failing to send in the reply form on time will almost certainly mean that you will never have another chance to recover the unpaid portion of the minimum wages you should have been paid. In other words, it’s now or never. Please keep this in mind, and send in that reply form as soon as you get it filled out and signed. That way you won’t forget and the reply form won’t get mislaid somewhere.

Now a word of lawyer’s caution: There are never any guarantees in judicial cases. I can’t promise that you will recover the unpaid portion of your rightful wages. However, both we, the initially named plaintiffs, and Attorney Alden agree that our chances of recovering at least some portion of these unpaid wages are very good indeed.

Hence, since there is no risk to you other than the near certainty of not recovering at all otherwise, you certainly should get into this case at your earliest opportunity.

The main problem is simply that courts move very slowly. Thus, Attorney Alden thinks that it could very easily be late 2020 before any of us actually receive our money. But the good news is that, once you are signed up as a collective plaintiff, all unpaid rightful minimum wages simply add onto the qualifying unpaid wages dating back to 2003. So the amount due you will continue to grow with each new paycheck until your full share is paid. And, of course, assuming we win, the Defendants will be ordered to permanently pay the federal minimum wages at all times in the future. Hence, just hang onto your job(s) and eventually you will be well paid, and you will be able to save up quite a good amount of money. This should help tremendously if/when you might later get freed.

Moral Vigilantism – Part 3 of 3 (The End) - Is This Also the End of Justice?

Editor’s Note. The last TIP edition printed the second part of the excerpts from the article on this topic. This final installment ends these excerpts and offers closing observations by the editor.

Gary Cooper
(E) High Noon


"Unfortunately, the distortions of the criminal justice system inspired by the shadow vigilante impulse, such as police 'testifying' and injustice-guaranteeing mandatory minimums, are only the first act of this sad tragedy of the system's lost credibility. The defendants in drug cases, and others present in the courtroom, obviously know the police are regularly lying in court. Once the practice becomes common knowledge in an area, one could reasonably expect that people would stop trusting the police and the courts. A community that sees a significant portion of its young men sent to prison for long terms by mandatory minimums far beyond what even the larger community thinks is just punishment548 could easily see the criminal justice system as an enemy to be subverted, rather than an institution worth supporting and helping.

"One way in which this discontent plays itself out is through movements like 'Stop Snitchin,' which encourages people not to assist or cooperate with police.549 In some places the movement goes further, to urge intimidation of people who might think of assisting or cooperating with authorities. 'Snitches Get Stitches,' the saying goes.550 The antitax campaign has been boosted and glorified by popular music and culture.

"Originally mentioned in rap lyrics, the 'Stop Snitchin' campaign has been fed by a DVD entitled 'Stop Fucking Snitchin,' and a clothing line of t-shirts and apparel using that phrase as its logo, as well as a follow-up DVD, 'Stop Snitchin'.551 The DVDs discuss threats and violence against witnesses, together with footage of people discussing their desire to kill those who 'rat.552 In Newark, New Jersey, t-shirts carry pictures of witnesses that are to be killed, and puffed-up witness statements are posted online.553 In Baltimore and Boston, rap artists tell residents not to cooperate with the local authorities.554 Sports stars also give legitimacy to the
message. When asked how many pro athletes from high-crime areas would help identify criminals, Baltimore native and NBA veteran Sam Cassell said, 'One hundred.'

In response to the Stop Snitchin' norm in Essex County, prosecutors have adopted an unwritten policy not to pursue cases in which they have a single witness because the person is too likely to be killed or intimidated into silence.564 Even seemingly 'slam-dunk' cases will not be pursued with a single witness, unless the witness' testimony is extensively corroborated by physical and forensic evidence.565 Although witnesses are considered particularly compelling at jury trials, the frequency with which they are intimidat-

ded or killed makes police reluctant to rely on them.566 Police detectives in Newark and other gang-violence-prone areas of New Jersey try to avoid using witnesses whenever possible.567 As one state police detective explained: 'If you push someone and they agree to testify, now they're your responsibility - you've got to keep them from disappearing or getting hurt. Can we protect them? Maybe. But God forbid that two years later you have to tell someone their husband or father got killed.568 Even the then-Governor of New Jersey suggested that police should 'use civilian witnesses sparingly.'569 While the New Jersey State Police gang unit has prosecuted hundreds of cases statewide over the past five years, it has used civilian witness testimony less than a dozen times in that period.570

The scar
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truth appears to be that witness intimidation is a pervasiv
and growing trend in many places.571 A study of witnesses appearing in Bronx County, New York, indentified at least thirty-six percent of witnesses had been directly threatened, and that among these not explicitly threatened, fifty-seven percent feared that they would be subject to reprisals.572 A study conducted by the National Youth Gang Center indicated that eighty-eight percent of urban prosecutors have described witness intimidation as a serious problem.573 In cities such as Baltimore and Boston, prosecutors estimate that witnesses face some kind of intimidation in nearly eighty percent of all homicide cases, while in Essex County, New Jersey, prosecutors claim that at least two-thirds of their witnesses in homicide cases receive direct threats not to testify.574 It is perhaps no surprise that Essex County, with its spoken rule that single-witness homicides generally will not be prosecuted,575 contains one of the most dangerous cities in the country, Newark, New Jersey.576

The success of Stop Snitchin' only feeds the vicious cycle by making effective prosecution of serious crimes more difficult. With the intimidators winning the battle against authorities over public allegiance, or at least compliance, that power only reinforces the impunity with which they can intimidate further. That, in turn, gives them a freer hand to commit offenses in the first place. In other words, the Stop Snitchin' response is a recipe for disaster for the neighborhood. The lack of cooperation reduces the system's crime-control effectiveness, which further damages its reputation, leading to less credibility, and less cooperation, in an end
downward spiral.'

VI. CONCLUSION
The current system's apparent insensitivity to the importance of doing justice may not produce many vigilantes in the streets, but it has contributed to disillusionment about the criminal justice system's interests in doing justice. That disillusionment may help people increasingly justify subverting the system. In the spirit of the 1851 Vigilance Committee and the Lavender Panthers, the system's intentional and systemic failures of justice provide the shadow vigilants with moral justification to 'take the law into their own hands.' They do this not by taking to the streets - typically only Hollywood fantasy does that now - but by manipulating the system to their own ends as they see others doing to escape deserved punishment.

Such shadow vigilantism may be less dramatic than taking to the streets, but it can be pervasive, and ultimately even more damaging to the integrity of the process. The 1851 Vigilance Committee announced themselves and their doings so people would know their affect. Shadow vigilantism provides an unseen and accountable corrupting force that contaminates the entire process because one can never know when it is at work. Yet the criminal justice system currently portrays itself as free to create harmony among the community over failures of justice as it sees fit because there is nothing a disillusioned community can do about it. This is an arrogant and dangerous short-term. There is much that a disillusioned and cynical community can do, beyond distracting itself by spending money to see vigilante hero movies. The community can manipulate the system through many avenues to force it to do what it often seems reluctant to do.

The tragedy of this dirty war is twofold. First, it could be avoided simply by being more sensitive to the importance of doing justice. The system could avoid doctrines that will predictably frustrate justice, unless there is a compelling reason to do so and there is no other, less justice-damaging alternative. Second, forcing the disillusioned into shadow vigilantism often produces results that, in the larger perspective, even the shadow vigilants would find objectionable. Mandatory minimums avoid the problem of uncheked lenient sentencing, but they also produce a set of cases of predictable injustice. We would all be better off - both the offenders and the community - if the criminal justice system earned some reputation for doing justice without the prodding of an outside force being necessary.

Rather than suffer the distortions of shadow vigilantism, it is argued here that the system ought to publicly commit itself to the importance of doing justice (and of avoiding injustice) in a way that will regain the trust of society. That public commitment, backed by action, can undercut the motivations for the unfortunate distortions that shadow vigilantism brings. It could build trust that the system is devoted to doing justice on its own, and need not be manipulated into it.

No criminal justice system can have a perfect reputation for both doing justice and avoiding injustice. Someone will always think the system has improperly allowed a clearly guilty offender to go free, even if the belief is mistaken. But just as the system ought not give up trying to avoid injustice simply because someone will always claim there is more to be avoided, neither should the system give up trying to avoid failures of justice simply because someone will always claim there are more to be avoided. The system can incrementally improve its moral credibility, and thereby its crime-control effectiveness, by reducing its current level of failures of justice (and of instances of injustice).

The cure for vigilantism, direct or shadowed, is a clear public commitment to giving the punishment deserved, nothing more and nothing less. That will require significant reforms to current rules and practices, but such reforms can bring not only greater justice, but also greater stability, respect, and deference to the criminal law in all its work.

Notes:
548 Text accompanying note 542.
549 Jamie Masaten, Ain't No Snitches Ridin' Wit' Us': How Deception in the Fourth Amendment Triggered the Stop Snitching Movement, 70 Ohio St. L.J. 705, 705-07

(Continued on page 4)
551 Masten, supra note 549, at 705.

552 Id. at 705 n.5.

554 Id.

558 David Kocieniewski. Scared Silent: In the Streets, supra note 549.


565 Id.

569 Id.

570 Id.

571 Kocieniewski, Code of the Streets, supra note 558.

572 Kelly Dedel, Witness Intimidation, Center for Problem-Oriented Policing, www.popcenter.org/problems/witness_intimidation/ (Continued from page 3)

573 Kocieniewski, Witnesses at Risk, supra note 553.

574 Id.

575 Ramirez, supra note 564.


Editor's Closing Commentary: Everyone hopes for justice. Justice helps us make sense of the world. A world without any justice would be chaotic, unpredictable, and frightening in its pseudo-anarchy.

Hence, when we perceive an injustice, frustration and anger are understandable reactions. However, what is the definition of an injustice? In the Old West, before widespread civilization set in, hanging cattle rustlers on the spot of apprehension was regarded as justice. Certainly, those who carried out the lynching in The Oxbow Incident thought themselves morally justified and effective agents of summary justice — until that is, they learned that their conclusion of guilt of the ones they hanged was incorrect.

Thus, in modern times instead, we assign determinism of what constitutes justice to law and courts. Everyone has some complaint with at least one judicial decision. As an innocent man in my own latest conviction, I certainly do.

Yet even I know that the system of laws and judicial dispensation that we have, flawed though it is, remains the only thing that separates us from roaming lawless bands making life and death decisions about what displeases them and effecting those decisions with murder that they will call "justice."

Almost immediately — probably when it dawns on members of such a gang that justice not based on law and a system of trying facts is just personal emotional reaction, such a gang devolves into seeking personal wants and satisfactions at gunpoint, becoming criminally anarchic. One has to wonder about the true motives of those who, in advance, would advocate for such so-called vigilante justice.

The three-installment article-excerpts just completed address a uniquely insidious form of vigilantism ("shadow vigilantism") that infests or pressures the formal justice system itself, from police who are "sure" of a suspect's guilt, but cannot prove it beyond a reasonable doubt except by "testifying" (simply, perjury) to those who, in judicial reckoning decisions, threaten to unseat judges whose decisions they dislike.

In some cases, shadow vigilantism takes the form of individuals taking the place of police in investigating crimes. They even entice those they are "sure" would commit a contemptible crime, such as trying to arrange to meet juveniles for illicit sexual interaction.

For example, Perverted Justice did exactly the latter, digitally posing as teens to entrap pedosexuals into accepting seeming offers to meet up with the "teen." When the pedosexual would show up, he would be arrested by police, who had been tipped off by Perverted Justice in advance.

Had police themselves arranged such stings without any advance indication that the pedosexual would have set up such meetings on his own, the sting operation would have been deemed "entrapment," and the resulting charge of luring a minor could not have been sustained. Only because the sting was conducted by private citizens were such charges upheld.

Yet this was simply a legal "dodge." In many cases Perverted Justice vigilantes worked hand-in-hand with police detectives, who guided every step vigilantes took to progressively escalate their campaign of temptation of the pedosexual. Police simply stood by in the wings, as it were, to seem to minimize their involvement in this scheme in order to get a sustainable arrest.

All of this was defended on the justification that "he would have eventually done it anyway." However, as much of the scientific inquiry appearing in the pages of almost every issue of TLP has repeatedly proved, there is no way to know that, in fact, statistical evidence shows that the odds of even the most flagrant pedosexuals actually attempting such a crime are very low, not high.

It serves to emphasize the intensity of the problem that shadow vigilantism about or within the justice system comprises to quote a passage from the article here:

"Shadow vigilantism is generally unseen: Jury nullification, improper exercise of discretion in charging, sentencing and other criminal justice decisions, and support in the voting booth for unjust punish-

(Continued on page 5)
Sex offender commitment as it is actually practiced is simply a means of disposal of humans so extremely dehumanized as to cause some people to believe that a past sex offender simply cannot live a crime-free lifestyle, and hence, are unfit for life in open society. We who have been relegated to commitment facilities of this type know full well that this is a lie (although sincerely accepted by many).

We also witnessed so-called experts who had never met us hold forth hystically, predicting that, for cherry-picked unscientific reasons, we supposedly were guaranteed to recidivate sexually at some future time.

The term 'psychopathic personality' was rejected as a term of art by the psychiatric profession in 1885.*

Dr. Erickson, MCCTA Task Force Hearing, August 25, 1994

Even when our lawyers were adept enough to prove to the court that such lies were actually contrary to known science, we heard judges adopt those lies as a supposed basis to chuck us into these modern-day black holes simply as an expedient means to get rid of us and to play to the electorate they hope will re-elect them.

Using the civil commitment system to confine people like Linehan who are not mentally ill, nor incompetent, who are fully accountable of their actions, and should be held fully accountable of their actions, is unconstitutional preventive detention. A law authorizing such detention would in essence establish a ‘dangerousness' court, authorized to lock people up indefinitely based upon the predictions of mental health professionals about what they think people might in the future do.

Applied to people like Linehan, who have served their criminal sentences, where the law requires that they be released, this is double jeopardy. Preventive detention, dangerousness courts, double jeopardy - these are, in my opinion, anathema to our democratic way of life."— Prof. Eric Janus,

MCCTA Hearing, August 24, 1994

Then in turn, we are later informed that such rolling travesties of justice are upheld by appellate judges as supposedly within the "discretion" of the trial judge, even though any honest person would know upon sight that such judicial decisions are nothing more than rank exercises in bias as the true basis to lack one away — presumably for life.

Finally, after landing in one of these facilities, we watch as each of them proclaims loudly and long to the public and their administrative overlords agencies and legislators that they are treating us so as to make us 'safe for release.'

However, in fact, the inappropriately gobbledygook they foist upon us as a false façade of treatment is really just aimed at shaming us and making us more considerate and polite individuals. If this is the stuff of why sex crimes are committed, then such instruction and practice at such social skills is something that could be done anywhere, including during the parole that each of us is deprived of through such commitments. And it certainly does not take the 20 years and more that, at a minimum, we remain confined in these facilities to impart those lessons to us.

They do this because, even though they assume that we are ‘sick,' they haven’t the foggiest how to construct a treatment program that would actually fit their ‘theory' of why we committed one or more sex crimes all those decades ago, much less their revised bias about us that claims that, if released, we would immediately begin a chain of recidivistic sex crimes that we simply could not resist an impulse to do.

Every word in that bias is scientifically baseless. It proceeds from nothing more than the crime(s) we committed so long ago, augmented only by various non-criminal current behaviors that are baselessly ginned up into a claim that, because we do such things, we must be heading toward future sex crimes. That is a pure non sequitur, a pure excuse for the ears of those who stand as arbiters in the doorway to release who really just want to hear such a convenient excuse to never let us go — whether from genuine fear, personal disgust, or just political expedience (or usually, all of these).

non se qui tur ‘innocent’-se-kwee-tar also, ‘Turin lig., it does not follow': a statement (as a response) that does not follow logically from or is not clearly related to anything previously said

Merriam-Webster Dictionary and Thesaurus

While all this goes on in the back rooms, commitment captors utter lies to us about a supposed intention of doing their best to see that we get released in reasonable time, but really, by this they actually just send us round and round the 'treatment merry-go-round' ad infinitum until we get old and die.

Collectively, those first subjected to this disguised system of additional punishment and pure preventive detention (not even justified by the tiny statistics of actual recidivism by sex offenders) fell for ill in ignorance or in patient willingness to play along to see where things would go.

But now, some twenty-five years later, this has gone absolutely nowhere. Throughout the various jurisdictions that employ this fake-civil commitment as a means of adding further incarceration after our prison terms have ended, the rates of release, on average, from these insidious systems of confinement -for-its-own-sake are minimal at most, and in some cases, are almost non-existent.

Thus, in countrywide ‘commitment' confinement sex offenders are no longer fooled by such empty lies of intention. We know that such captors do not intend to release us, and we know that they know we know. And none of us can afford to continue to accept this abuse of our rights and this deliberate destruction of our humanity.

We must speak loudly and incessantly, to all of us will listen about this immoral wrong that is inflicted upon us, this permanent incarceration by means of nothing more than sheer character assassination of us.

We will recite the science that this infliction silently but deliberately defies. We will expose what is really being done, citing each death in confinement that is arranged by vicious detention of old men, under malignant medical neglect.

We will seek to defrock all such faux experts from whatever allegedly professional status they have, but which they do not deserve; their anti-scientific fraud demand that they be permanently barred from the helping professions.

We will share among ourselves the true scientific knowledge, upon which our freedom should turn, and we will meet our captors in court to demand that freedom and to demand just recompense for the years of our lives that they have deprived us of.

We will politically expose and delegitimize all political sponsors of this disreputable, fraudulent commitment misadventure and to seek to unseat them for their part in this cress and knowing conspiracy. Know that the days of such permitted 'testifying' have ended. These former sponsors will not come to the defense of such character assassins now.

Hearing Number 72 among those confined in MSOP since its inception. In that same period, MSOP has only released two people to final discharge and only approximately 12 to "provisional discharge" (excluding about another 10 awarded such status on paper, but not physically released, on the excuse that no residence willing to accept them is approved by MSOP and local authorities. Thus the ratio of MSOP deaths to releases is now 83% to 17%.

This is the fourth death in less than the two months preceding this TP issue.

(See next two pages for excerpts from the last 1994 legislative audio recordings, plus closing commentary.)
Carmen Madden, Hearing Officer

MP: They're getting committed because they are going to die of attrition within the next year or two.

Rep. Bishop

MP: Why long after surgery? Have any research been done to your knowledge? Any of the journals on the effects of a prefrontal lobotomy? Is that surgery out?

MP: That particular surgery, in my mind, is to know the consequences of losing one's ability to control oneself and make very poor social judgments.

Rep. Bishop

MP: So the prefrontal lobotomy, successful controls. So if you did one you'd have to do both.

MP: The prefrontal lobotomy, that combination in mind, as a possible treatment.

John Kean, Associate Attorney General

MP: Most protection of the public from people who are sexually dangerous is going to be through the criminal system. It is now, that's the way it's going to continue to be. The laws have been changed so that much more of that will be happening through the criminal system. There will be limited situations where, for one reason or another, the criminal system can not be used to or is not adequate and a civil commitment system will be necessary.

MP: From the relationship between existing criminal law and the proposed sex-offender commitment law, it is said that if the professional sex offender statute, and handle exactly the same factors in the sentencing hearing by the court. The professional sex offender statute, and as a concerned member of the community, I cannot see us really recommending less restrictive alternatives when public safety is at such a high risk from these people. I am basically getting myself into a greater deal of trouble by admitting that but this would be because we have more than three people in on very important cases, that we would have fourteen or fifteen psychologists sitting in on these cases where sex psychopath cases are being staffed. I should assume that in any of those trials, I could expect twelve or thirteen people or even more of the staff members to visit in that person in a 24-hour setting and go to a security hospital.

Richard Hanson, Hennepin County Psychologist

MP: 1980 Mr. Nick Long: As the relationship between existing criminal law and the proposed sex-offender commitment law, it is said that if the professional sex offender statute, and handle exactly the same factors in the sentencing hearing by the court. The professional sex offender statute, and as a concerned member of the community, I cannot see us really recommending less restrictive alternatives when public safety is at such a high risk from these people. I am basically getting myself into a greater deal of trouble by admitting that but this would be because we have more than three people in on very important cases, that we would have fourteen or fifteen psychologists sitting in on these cases where sex psychopath cases are being staffed. I should assume that in any of those trials, I could expect twelve or thirteen people or even more of the staff members to visit in that person in a 24-hour setting and go to a security hospital.

Sen. Hoopes

MP: The current Psychopathic Personality Law as it's been interpreted by the Supreme Court. You need a disorder element. Each of those facts has three elements: past conduct, a disorder, and a likelihood of future harmful conduct. In the current Psychopathic Personality statute as interpreted by the Supreme Court, the disorder element may be the inability to control one's sexual behavior or something along those lines, or at least that part of the disorder element. What this new definition does - this new standard is: it would say that the disorder element is the manifestation of a sexual, personality, or other mental disorder or dysfunction, and what we're trying to make clear here is that's the disorder element, and you should be read inability to control behavior in as another part of that disorder element. But we recognize here is that perhaps, constitutionally, there is a requirement here that this kind of commitment be limited to people who have some sort of disorder or dysfunction.

Sen. Salsberg

MP: That's basically the reason why we want to commit them because they think, they're going to do it again.

Sen. Hoopes

MP: I'm not sure even thinking about chemical castration, but very pervasive preference in our society...
The point of disagreement I would have with Ms. Hoopes and some of these speakers is that, at least at the current time, we have people coming out of the correctional facilities that haven't served those longer sentences recently enacted, but probably even after the newer sentences become fully effective or even after any changes that might be considered here at some point and enacted by the legislature become fully effective. There will be a relatively few people, as is the case now, who, for one reason or another, there is going to be an additional need for public protection. And I think for the foreseeable future we are going to need some sort of civil commitment system to deal with this limited group of people.

Closing Commentary:

Once again, one of the dominant themes in this final segment of recordings was overt hatred for sex offenders. For some participants, such as Representative Bishop (one of the commitment bill's prime two sponsors), this was an overwhelming obsession. Be sure to note his desire for 'treatment' via castration and lobotomizing.

Another abiding theme is that sex offenders act "of their own volition" as a matter of "choice" in committing sex crimes. (See, for instance, Dr. Long's comments.) This conflict with the contrary constitutional requirement in the Hennepin County court system underscores the breadth of the legal issues involved. Yet, Emily Shapiro and John Krien explain the intent of the Minnesota Court of Appeals to qualify for commitment under the aforesaid Act requires "professional commitment" to address what is simply a criminal justice problem, thereby evoking a form of pure preventive detention -- utterly apart from any true psychiatric malfunctions that would lead to irresistible sudden impulses.

In response to Ms. Hoopes' criticism, Kerwin (one of the actual designer's of the bill) simply cites a shortcoming in sex-criminal sentences (not any mental problems) as requiring passage of the bill.

Beyond candid admissions that the bill is just a pragmatic means to inflict permanent preventive detention, rather than any mental health need, the most mysterious utterance is in closing by Task Force Chairperson Wes Skoglund, citing an avoidance of the need to be concerned about "doomsday devices" by passage of the bill. No explanation for this statement was given. Many references are possible, all utterly fascinating.

In conclusion, the various statements contained in both segments of the recordings of legislative deliberations about the 1994 MCCTA bill clearly show time and again that it was intended to serve simply as a preventive detention device to prevent crimes though to be likely at the hands of those to be preventively detained. Because of this aim, the MCCTA of 1994 unquestionably violates the protection intended by the guarantee of substantive due process. Under American constitutional law, it is impermissible to lock people up out of nothing more than fear of future crimes which may be committed by them.

No one has any crystal ball of prediction. Yet virtually every commitment trial under the MCCTA today focuses almost exclusively on exactly such predictions -- really just unscientific guessing. If American justice is to retain any respectability at all, it must remove incarceration outside of criminal sentencing. That is the only proper venue for recidivism concerns. The MCCTA of 1994 must be struck down.

... ... ...

Gladden Excerpt:

Attainer: Functional Analysis, Part 2 of 3

Grant of Jail Credit for MSOP Detention Shows Its Incarceral, Punitive Functional Nature

Confinement in MSOP has been held by the Minnesota Court of Appeals to qualify for "jail credit" in sentencing, implying its nature as incarceration.

Until shortly after the 1994 Act, residential amenities in MSOP resembled those of Minnesota's "regional treatment centers." (See for description, e.g. "Treating Sex Offenders," supra.) As that article explains: "To support treatment programs and prevent constitutional challenges, MSPD/ (predecessor entity to MSOP) gives the perception - both legal and psychological - that persons committed under MSPD law are no longer jailed." Citing its design as being a "step up from the architecture of typical detention facilities," with "certain residential amenities that may be unpopular with the public," the article continues: "Architectural project manager John Strachota of RWBI Architects says there is another reason for the unique design. Patients may be held indefinitely, so we had to make the facility better than any existing prison in the state. If not, it would have been very easy for patients to commit a crime against a staff member or another patient in order to be sentenced and returned to prison, thus effectively getting moved out of the facility," he says.

However, as the Kansiggi Third Amended Complaint alleges, in more recent years those amenities have been stripped away, and new housing buildings (Complexes One and Two) have been constructed for occupancy by MSOP detainees, effectively mirroring housing at a maximum-security prison. Thus, notes "Treating Sex Offenders" (id), specifically referring to MSOP: "...if treatment programs are not successful, if current law is stricken down, or if sex offenders start receiving life sentences, state officials say the facility can be converted for use as a prison." (emphasis added).

In State v. Johnson, 114 Minn. 2d 376, 379 (Minn. 2008), the Minnesota Supreme Court acknowledged the fact that the sex offender commitment facility was "without dispute the functional equivalent of a jail." These functional equivalencies categorically attest to the incarcerative, punitive nature of SPP/SDP commitment.


As opposed to other commitments, a statutory provision applicable only to sex offender commitment under the aforesaid Act requires that anyone released from MSOP must serve ten years thereafter on "conditional release." Every sex offender

Patients may be held indefinitely, as we released from prison must serve that same "conditional release" period as part of the sentence itself for his sex crime(s). Indeed, the requirement for that term of conditional release as to commitment release defines itself by reference to that same requirement in the sex-offender sentencing statute. This means, quite flatly, that at least this part of the MSOP commitment scheme in Minnesota is expressly penal, due to the unquestionably punitive character of that ten-year term of "conditional release." In turn, that punitive character sways wide the door to raising a bill of attainter claim, and indeed, even a double jeopardy claim, against those Minnesota commitment statutes. (Note that double jeopardy requires punitive character, in the sense of criminal penalties, whereas attainer requires only "penal character, a much broader term including, e.g., loss of employment.) Therefore, due to the unquestionably punitive character of that ten-year term of "conditional release," commitment to MSOP, including this release conditioning there-
Dynamic Difficulty: Dynamic Risk Assessment Problems Reveal Conceptual Questions


Text excerpts:

"...Evidence for a definite link between changes in dynamic risk and reduced recidivism remains limited. (citing, inter alia, Hanson & Morton-Bourgon, 2005: Oliver & Wang, 2011). This clearly raises questions about the RNR paradigm and, as a corollary, the assessments based on its framework and how these assessments are interpreted."

"...[A] lack of clarity remains about how we understand the very notion of dynamic risk (see Ward & Beech, 2015)."

"Dynamic Risk Assessment

The dominant RNR paradigm (Andrews & Bonta, 2010) conceptualises dynamic risk as enduring psychological or behavioral features shown not only to correlate with recidivism but, due to their variability, amenable to change following intervention (Bonta, 1996; Hanson & Bussiaere, 1998; Hanson & Harris, 2001; Proulx, Perreault & DuMont, 1999; Thornton, 2002). Dynamic factors are further delineated as either stable or acute. Stable dynamic risk factors are those with a tendency to be persistent characteristics (i.e., stable over time) that change over an extended period of time (e.g., cognitive distortions, deviant sexual arousal). Acute dynamic risk factors, on the other hand, are more fluctuating or rapidly changing (e.g., negative emotional state, substance abuse, and victim acquisition behaviors) and can supply, even hourly. Consequently, acute dynamic risk is said to have the potential to signal the time at which offending is at greatest risk of occurring."

"Beech Deviancy Scale

"The Beech Deviancy Scale (Beech, 1998; Beech & Fisher, 2004) is a psychological typology that distinguishes between high and low deviancy offenders based on the presence of stable dynamic risk factors (i.e., pro-offending attitudes, socio-affective functioning). ...Based on a scoring protocol, High Deviancy men display high levels of cognitive distortions about children, highly distorted attitudes about their victims, sexual obsessions, and self-reported sexual deviance patterns (Beech, 1998). They also report problems forming adult intimate attachments, showing a preference for having their emotional needs met by children, while experiencing other socio-affective difficulties (e.g., low self-esteem, loneliness; Beech, 1998; Beech & Ford, 2006). In contrast, there is an absence of generalized cognitive distortions with Low Deviancy men, no evidence of emotional identification with children (in fact, it has been shown to be lower than non-offender groups; see Fisher, Beech, & Brownie, 1998). Although Low Deviancy men exhibit social inadequacy problems, it is not as marked as that found in High Deviancy men."

"Structured Assessment of Risk and Need (Structured Risk Assessment)"

"The Structured Assessment of Risk and Need (also known as the Structured Risk Assessment (SRA), Thornton, 2002) is a research-guided, multistep framework that integrates a Static Risk Assessment (RM2000/S, Thornton et al., 2003; or Static-99), an assessment of treatment needs (Initial Deviance Assessment (IDA) in the SRA) and an evaluation of progress based on treatment response to determine treatment change (see Craig et al., 2007; Tully, Brownie & Craig, 2015)."

"...While one can question the impact of environmental or individual factors on psychometric test results, it also raises questions about the efficacy of the test battery."

"Stable 2007/Acute 2007"

"The STABLE-2007/ACUTE-2007 (and preceding versions) are the most widely used sexual offender dynamic risk assessment tools in Canada and the US (McGrath, Cumming, Burchard, Zeoli, & Elberry, 2010). An interview- and file-based tool, the STABLE -2007 is comprised of 83 relatively enduring but changeable factors that reflect five stable dynamic dimensions: (i) significant social influences; (ii) intimacy deficits; (iii) self-regulation problems; (iv) general self-regulation problems; (v) (non)cooperation with supervision (Hanson et al., 2007). Factors are assessed using three-point rating scales (0 = no problem; 1 =
some concern/slight problem; 2 = present/slight problem; 3 = present/rapidly changeable risk factors, which form two discrete factors; sexual preoccupations, and social supports, and substance abuse (Hanson et al., 2007).

Conclusions

"What does the preceding summary of structured dynamic risk tools tell us about their usefulness in the context of assessing sexual offenders? The most telling point is that the majority of risk prediction variance is explained by the static component of the assessment and that the incremental validity of dynamic risk factors is limited. Does this mean that dynamic risk factors fail to tell us anything about the individual? That will depend largely on what position is taken regarding the relationship between static and dynamic risk. If one adopts the aetiological model described by Beach and Ward (2004: Ward & Beach, 2005) clearly the two will be related, although it remains unclear how this model can be used to inform the assessment process... Finally, there is the perspective that 'real' dynamic predictors should demonstrate incremental validity to static risk factors and that change on that variable should effect an appreciable change in risk (Harris et al., 2003). However, to demonstrate incremental validity one must first have a clearly operationalized construct and that clearly is not the case. More work is needed in this regard.

[...] the strength of the relationship between the dynamic risk factors and recidivism was low even when one takes into account such factors as sample sizes, base rates for reoffending, and variations in population. [Meta-analytic findings show that single risk factors are not strongly enough correlated with sexual recidivism to be sole predictors (Hanson & Bussière, 1999).

Crystal gazering: divination of past or distant or future events based on visions seen in a ball of rock.


"While clearly there is a difference between what is acceptable in the medical sciences in terms of true positives and false negatives, criticism has been levelled at adopting the small, medium, large classification without heeding Cohen's (1988) sentiments when assigning those labels as a rule of thumb (in the estimation of effect sizes). In fact, Cohen pointed out that such arbitrary labels would be problematic (see Mossman, 2013). He stated that ‘..qualitative concepts as ‘large’ are sometimes understood as absolute, sometimes as relative; and thus they run a risk of being misunderstood’ (Cohen, 1988, p. 12). Rather than being the ‘guessimate’ he had proposed, they have become standards by which accuracy is judged. It is worth noting that Rice and Harris (2005) acknowledged that the categories were provided as a tentative rule of thumb. Perhaps researchers have become complacent with seemingly ‘strong’ effect sizes found on the current battery of assessment tools and willing to accept incremental validity in the range of 0.2 - 0.4 as sufficient evidence that the assessment tool is meeting the criteria of evidence-based assessment.

In conclusion, the way forward in dynamic risk assessment, it seems, is by taking a step back. A step back in terms of theory development, from which can emerge the constructs that might define and explain risk. This should, in turn, inform the development of assessment tools which can be validated according to best practice and evidence-based assessment guidelines.

References


Hanson, R.K., Harris, A.J.R., Scott, T.L. & Holmns, L., "Assessing the Risk of Sexual Offenders on Community Supervision The..." (Continued from page 8)
JPay Exposé—
The Bad News: They Want Your Money. The REALLY Bad News: They're Not Alone.

Editor's Note: Departing somewhat from usual practice, the following excerpts from one main article will be periodically interrupted by congruent excerpts from three other articles on the subject to give a broader view of this problem. A Concluding Note will draw together the theme of how this problem fits in terms of the need to assert our constitutional right to communicate with the world without being held up by corporate highwaymen for that right.

JPay charges $4.15 service fee to transfer $20 from the outside to an inmate. Sending one email costs $3.50, double that to include a photo, and quadruple to include a video. A song can cost up to $2.50, and an album can be—somewhat inexplicably—as much as $46. Chat with a loved one? That'll be $18 per hour. But even these prices fluctuate during busy seasons. For instance, WIRED reported that the price of an email might increase from $3.50 to $47 around Mother's Day, when inmates most want to communicate with loved ones.

"It's prices that are way over market rates, and it just seems like predatory pricing, just pure profit-seeking," said Raher. "That's money that needs to come from family members, and usually there's a fee associated with sending it to someone's commissary account. It's a very predatory system."


"...Since 2016, prison telecommunications companies like JPay and Global Tel Link have been giving out thousands of free tablets to inmates in several states, including New York, Florida, Missouri, Indiana, Connecticut, and Georgia. While the tablets are marketed as ways to let inmates educate themselves, prepare to re-enter the workforce, and communicate with their loved ones, the economics behind what has become a free-tablet imbroglio suggest that in some cases the operation is no more than a money grab for every player in the chain, from state governments to the distributors. The tablets feature each company's unique online marketplace, which is something like an iTunes/Yenmo/Gmail mashup, allowing inmates to send emails, video chat, receive money transfers, and download select movies, TV shows, and music. Most tablets block internet access, though in some states inmates are allowed to visit online libraries and news sites.

...[F]or many inmates and their families, that [free] price tag has not panned out as promised. 'It's very misleading to call them free,' said Stephen Raher, a lawyer and volunteer at the Prison Policy Initiative ("PPI") who researches communication systems in prison. "[I]f you want to do anything with that tablet, you have to pay, and the prices are eye-raising for anyone..."

In New York, for example, JPay—which aspires to be the 'Apple of prisons'—gave out 52,000 tablets in February 2018. By 2022, it expects to make all of that money back plus $8 million in profit, according to internal company documents. That's because of the way it has priced even its most basic inmate services.

JPay charges $[a] $4.15 service fee to transfer $20 from the outside to an inmate. Sending one email costs $3.50, double that to include a photo, and quadruple to include a video. A song can cost up to $2.50, and an album can be—somewhat inexplicably—as much as $46. Chat with a loved one? That'll be $18 per hour. But even these prices
to a new contractor. Other inmates report media downloads disappearing from their devices for no explained reason. Riley cites countless reports of malfunction/breakdown of the tablets or various apps or other functions in them, with requests for service/repair often going months before response. Facilities using kiosks as an alternative to tablets cite inmates waiting in long lines for a merely 20-minute session, in which to get all of their needs filled. Most users complain that this simply does not get the job done. Riley also mentions that some facilities have done away with all paper-based incoming mail in the wake of J-Pay-type systems. Instead, inmates only get black-and-white scans of incoming mail with — you guessed it — a charge per page.)

(Riley also observes that New York reduced its in-person visiting days from seven down to three after signing on with JPay, which offers video visits at the aforesaid exorbitant fees.)

In a 2016 bid proposal from Securus to Nebraska, JPay stated that it served ‘more than 1.9 million inmates and released offenders in 34 states’ for all of its services...

[emphasis added. In addition to its array of incarceration services, Securus also lists “parole GPS monitoring,” “voice biometrics,” “data analytics,” and “managed access service (wireless contraband).” Thus, it is clear that Securus plans to cash-in, at your expense, by keeping you tightly in line. The question: If/when released, will you be blocked from Internet access so that JPay or a similar firm, acting in profit-sharing conspiracy with the State, can extract large sums from you for pitifully claimed substitutes?]?

[Returning now to Michael Wateri’s article for The Outline]...

...Family members of inmates who requested anonymity told The Outline that as much as 25 percent of their monthly income went to paying for phone calls, video chats, and digital commemorative items like games. JPay is owned by Securus, a conglomerate of prison tech companies... Securus’ main competitor is Global Tel Link (‘GTL’), a powerful telecommunications company.... If recent acquisitions are approved, Securus and GTL will have a combined share of as much as 84 percent of the prison telecommunications market. Securus and GTL are responsible for the predatory pricing of

Telmate noted, ‘the more an inmate communicates, the more likely he or she will self-incriminate.’

...Privacy violations are not hypothetical either: in a June 2018 lawsuit, Securus was charged with recording private conversations between incarcerated people and their lawyers and sharing them with prosecutors, a violation of their attorney-client privilege.

Editor’s Concluding Note:

All that glitters is not gold. The first lesson from the ‘Trojan horse’ scheme that JPay and its competitors offer is that such non-Internet tablets only provide a license to spend money — in fact, lots of very little.

From the standpoint of our captors, this kind of scheme is simply a way to obscure the fact that we are not being given any reasons of Internet access and instead, are only being placated by the entertainment options and games offered via such tablets. The profit participation of the State in this scheme is the most shameful aspect of this. Rather than protect us, as consumers, from these egregious rip-offs based up our lack of choice and our helplessness in this, the State in this case is deliberately selling us down the river to the waiting clutches of these robber-baron profiteers.

Do not be deceived. These tablet systems do not offer any significant amount of education beyond the kind offered in-person in MSOP’s own Education Department. Even the so-called online libraries and news sites offered on these tablets aren’t really on the Internet; they are periodically downloaded as a ‘snapshot’ to the intranet offered by the tablet system. You have already read my explanation in recent TLP issues of the First Amendment lawsuit now being readied. Among other things, that case seeks access to the real Internet. Effectively, such access will be free. Thus, you will be able to gain access to the very kinds of functionality which the ‘tablet system’ denies to you or, in a palpably few exceptions, provides to you, but only at exorbitant prices — with no true Internet access.

By the numbers, all but a tiny sliver of content on the Internet as accessible without cost. For those here in MSOP so long that they have never had access to the Internet in your lives, the staggering breadth of subject matter and the range of view will amaze you. Your sudden access to information of all kinds, as well as to free access to entertainment and to open-participation discussion groups, will force you to make choices for lack of time to attend to it all.

(Continued on page 12)
Visiting restrictions are extreme. No local newspapers can be subscribed to, possessed or read. Video media are extremely restricted. Books and magazines are regularly censored due to content or simply topic. Computer ownership is barred, along with a host of other electronic devices. No education is provided or even allowed beyond the high school level except with rare permission only by Clinical Department approval for specific reasons thought valid and important by staff of that department. No video visiting is allowed at all.

Phone calls are limited and are inmate-paid. All phone calls are recorded. Mail is read and often subject to censorship. Other First Amendment restrictions apply to every means of communication with the outside world.

The further fact is that print media are now in a mass die-off everywhere, as free Internet distribution of news, opinion, and information of every kind proliferates beyond the power of expensive print distribution to compete. Even traditional "snail mail" is only seldom used anymore by those having access to email and other communication means via Internet.

Now the default means of communication is Internet-based calling and smart phones, allowing simultaneous real-time dialog and sharing of digital documents and files, including spreadsheets and presentations, as well as CG video as design and projection media and as bases for virtual reality and augmented reality means for conceptual visualization brought to real-world scenarios.

The current ban on Internet access is based solely on the claimed fear that sex offenders, as opposed to any other group of prisoners or merely any subset of society, would supposedly abuse access to the Internet in some nanoscopic sleazy search for and acquisition of illegal pornography or a supposed search for victims to exploit and/or sexually abuse online.

The first answer to this is: Even if so, those who do so will be readily apprehended and punished in accordance with the universally applicable criminal law. The forces of law enforcement against such Internet crimes are everywhere in depth, from the F.B.I. to I.C.E., to statewide investigation and enforcement agencies in place in every state, and in all counties and also separately in most mid- or large-size cities. It would be fully for anyone to assume that they could get away with such crimes.

The notion that a known former sex offender could do so successfully — especially from within such extremely monitored and surveilled surroundings as a sex offender commitment facility — transcends into the realm of surreal self-deception. Only relatively does anyone encounter someone here that self-delusional or moronic. Moreover, by far most here would greatly value the opportunity to learn how to use the Internet for all manner of useful (and legal) tasks and goals. These would not only refrain from engaging in any illegal or questionable activities, they would confront others suspected of attempting to do such things as a threat to continued Internet access for all. Since no one is more suspicious of a sex offender than another sex offender, such confrontations would occur in a high percentage of such attempts, reducing greatly the chances of completing any illegal Internet actions.

In sum, therefore, such fears of rampant Internet crimes are baseless and contrary to the motivational lift of the vast majority of inmates here.

For all of the foregoing reasons, there is no reason to discriminate against committed sex offenders. Indeed, because each of us have served our prison term before even getting here, we are not to be punished any further. Although Internet connectivity may be withheld in prison under certain circumstances and be justified as such punishment, this cannot be levied upon us here without violating the First Amendment. Thus, as we have already said, we need and have a right to access to the Internet.

A Short Review of Our Claims:

Our general aim in the case will be to strike down all MSDP and DOC interference with free exercise of our First Amendment rights to freedom of speech and press, free receipt of information and entertainment in all media forms, and freedom of thought and emotion. This Amended Complaint will challenge a vast range of such interference, from denial of Internet access and personal computing equipment, to all media restrictions, to all other restrictions upon means of communication with loved ones, friends, and the outside world in general, to visiting restrictions, and to restrictions on all print media items, including newspaper subscriptions, and mail, and to monitoring and recording of phone conversations, and all "tier restrictions" on First Amendment items and access to communication. The following list will provide a sample of specifics we will challenge and the rationales for each.

1. Complete denial of access to the Internet — as a deprivation of access to information, to communication, to entertainment, to education, and to permitted commerce that it is an unqualified denial of the First Amendment rights:

2. MSDP restriction to only PG-13 and lesser-rated movies, requiring review and case-by-case approval of all R-rated movies and even selected movies of lesser ratings, using criteria far more expansive than simply the criminal bars on illegal pornography and "obscenity."

3. MSDP bars and restrictions on creation, printing, and distribution of newsletters by MSDP inmates, including imposing limits and procedural requirements on such newsletters or their preparation/distribution.

4. The complete MSDP ban on purchase and use of personal computing equipment, thereby confining us to use of MSDP-owned PCs furnished at a rate of six for 98 inmates. This greatly restricts our ability to use computing equipment to communication efficiently with each other and the outside world, to contain thoughts and information in digital storage, and to use helpful application software.

5. MSDP restriction of printed media to only such items reviewed and decided not to transgress any of the same broadly expansive standards.

6. Further, distinct censorship of printed matter for its content based on completely unrealistic claims of threats to institutional security or safety of the public, with no set decisional standards whatsoever.

7. A second, cumulative censorship system operated by Clinical Department personnel of MSDP on a completely undefined standard of whether some item of any printed or video media is "counter-therapeutic," even though in complete conformity to all particular media standards, simply due to displeasure by Clinical staff or their supervisors with either innocuous content or only a given topic.

8. Restrictions on visiting hours and circumstances, and rejection of various visiting applicants. This also challenges restrictions or censorship of visits between MSDP inmates and any media representatives.

9. MSDP denial of mail or phone contact or both with any specific correspondents/conversant(s).

10. Deprivation of contact via "Skype-style; Internet-carried video and audio communications with outsiders who wish to communicate with us in that way.

11. Monitoring and recording phone conversations, and scanning incoming and outgoing correspondence and retaining digital or paper copies of either.

12. Media review practice by MSDP Clinical Dept. personnel holding media items for unreasonable long periods.

13. The "Tiers" policy authorizes, and results in confiscation of both media and devices for viewing or listening to and of said media items, as punishment for trivial violations of various rules unrelated to permissible media or Property Dept. restrictions upon or requirements of such media playing devices.

14. No legal mail status for mail to/from courts, administrative tribunals, or the Attorney General or other elected or appointed officials.

15. Stamping all mail as "from a secure treatment facility" as a HIPAA violation.

16. Exclusion of all "Mail-a-Book" library loan service (including all books and videos). Why this review of all these claims? Two reasons: First, you may know of some additional wrong having to do with denial of any First Amendment rights of freedom of speech or of the press, or of freedom of thought. We would eagerly welcome any identification and description of such constitutional violations that you can give us. Please write such descriptions up and deliver them to either Charles Stone, Ray Semler, or myself (Cyrus Gladden) or, alternatively, speak to any of us about these. These can be things that have been done or denied to you or anyone else. These may wind up being new, independent claims of First Amendment violation.

Now the second reason: I'm willing to bet you have been blocked or otherwise deprived of your own First Amendment rights in any one or more of the ways specified above. If so, and you regard the matter as more than trivial, then we want to hear about it. This lawsuit is not just about our personal beefs with the MSDP system; it will be a class action, and hence, it includes the deprivations MSDP has inflicted on everyone in MSDP when it comes to the rights of all of us under the First Amendment. This means that your own deprivations and MSDP reprisals for asserting your First Amendment rights are just as relevant as those of the three of us, as proposed "Named Plaintiffs."

In short, please write up and deliver, or discuss with any of us a short description of each incident that falls within any of the foregoing sixteen categories of unconstitutional actions or deprivations by MSDP staff or officials. We really do want to know. Many of you have factual scenarios that are just as powerful, and perhaps more powerful than those of the three of us toward convincing the federal court that when it comes to First Amendment rights, MSDP is treating us as if we have none at all. This kind of cumulative proof is what we need to successfully convince a judge that we need and deserve a court order forcing MSDP to honor those rights of ours in every way. Your stories/stories on any of these points will substantially help toward getting such judicial relief.

So, on both of these reasons, please let us hear from you soon. Thanks!

Remember, you're unique — Like everybody else.