Brush Fires

"It does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds." – Samuel Adams, Father of the American Revolution.

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LibRA–The Sign Symbolized by Scales

In our last newsletter we announced open discussion among our members as to whether we should change our organizational name and, if so, to what. Some argued that we should retain the then current name, but most of those taking this position gave only religious reasons for doing so. Most of our members stated that changing the name to one which did not include "Christian" was both necessary and desirable–and most of those agreeing to a name change are Christian Identity or adhere to some other Christian creed.

A few CI prisoners initially wanting to retain "CLA" wrote back to change their position after experiencing a small sample of what we've been confronted with out here. They shared *Brush Fires* with others who all seemed to like the content of the newsletter and what we stand for but who were almost all turned off by the inclusion of "Christian" in the organizational name. The so-called "religious right" with its alignment with police state and empire building neo-con Republicans are discrediting advocacy groups with "Christian" in their names. We may share views on a few issues with some of these groups, but we definitely do not share their agenda and don't need to be confused with them.

It was suggested that we substitute "advocate" for "legal" to minimize being confused with a law firm. As "advocates" we are involved in lobbying, voter or public education or other advocacy efforts and issues as well as legal research and litigation. In pondering possible names, as many of you may also recall, I remembered in legal research in constitutional law, particularly due process and equal protection, the recurring use of the term "liberty interest." If phrased differently, one could say "liberty right." Combining these suggested terms, we come up with "Liberty Rights Advocates." (As a side note, in my own personal view the principle embodied in the 14 Words is perhaps our most fundamental "liberty interest" or "liberty right.") So far, everyone to whom I've had a chance to mention the term liked calling our association "Liberty Rights Advocates."

It was pointed out to me that, in addition to LRA, a possible acronym could also be LibRA, from **Lib**erty **R**ights **A**dvocates. Prior to the proposed name change, several included scales in various suggested logos. Coincidentally, the symbol of the astrological sign Libra is a set of scales.

WE WIN! Supreme Court Upholds RLUIPA

On May 31, the US Supreme Court released its unanimous decision, captioned *Cutter v Wilkinson*, upholding the constitutionality of Section 3 of the Religious Land Use & Institutionalized Persons Act (RLUIPA) against challenges that it violated the establishment clause of the 1st Amendment.

Section 3 of RLUIPA, 42 USC 2000cc(1)(a)(1)(2) reads in part: "No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution...even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden (1) is in furtherance of a compelling government interest; and (2) is the least restrictive means of furthering that compelling interest." 42 USC 2000(cc)(5)(7)(A) stipulates: "The term 'religious exercise' includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief."

The Court rejected the 6th Circuit's ruling that lifting a burden on the free exercise of religion while not lifting burdens on other constitutional rights is somehow an endorsement of religion in violation of the establishment clause. "Were the Court of Appeals' view the correct reading of our decisions," the court noted, "all manner of religious accommodations would fall...as would accommodations Ohio itself makes. Ohio could not, as it now does, accommodate 'traditionally recognized' religions,'" such as providing prisons with chaplains and facilities for religious services.

Cutter did concede that "security" is a legitimate government interest, which the controlled media over-emphasized. We can expect prisoncrat thought police to continue to try to chant the "security" mantra, but many may find it more difficult to get away with the ruse of excusing religious rights suppression because of "security concerns," much of which are but fictional creations of their warped delusions and perfidious media spins. What the media downplayed or ignored is the part prisoncrat modern-day wanna-be "inquisitor" enforcers of "PC" orthodoxy don't want to hear. In writing the Court's decision, Justice Ginsburg averred: "We have no cause to believe that RLUIPA would not be applied in an appropriately balanced way, with particular sensitivity to security concerns...Lawmakers supporting RLUIPA were mindful of the urgency of discipline, order, safety, and security in penal institutions." The earlier Supreme Court ruling against the Religious Freedom Restoration Act (RFRA) applied only to the states. RFRA has continued to remain in effect for the federal system. Cutter cited the brief of the US Attorney General's office, which intervened for the limited purpose of defending the constitutionality of RLUIPA. "For more than a decade, the federal Bureau of Prisons has managed the largest correctional system in the Nation under the same heightened scrutiny standard as RLUIPA without compromising prison security, public safety, or the constitutional rights of other prisoners." Reference was made to the findings of Congressional hearings leading to the enactment of RLUIPA of the effect the denial of the protection of RFRA had on the religious rights of state prisoners. "Congress documented...that 'frivolous or arbitrary' barriers impeded institutionalized persons' religious exercise. See 146 Cong Rec S7774, S7775 (July 27, 2000) (joint statement of Senator Hatch and Senator Kennedy on RLUIPA)...'Whether from indifference, ignorance, bigotry, or lack of resources, some institutions restrict religious liberty in egregious and unnecessary ways.'"

In addition to *Cutter*, two other civil rights suits–*Miller v Wilkinson* and *Gerhardt v Lazaroff*–were combined for the limited purpose of deciding the constitutionality of RLUIPA, and all other civil rights actions originating from Ohio prisons which included religious rights claims have been on hold pending final disposition. *Cutter*, *Miller* and *Gerhardt* are being remanded to the lower courts, and the suits previously on hold should now be free to proceed. I am aware of at least a few dozen civil rights complaints across the country in various stages of litigation, filed by Identity Christians, Christian Separatists and Eurofaith prisoners, which will be favorably effected by this decision. To my knowledge, the one with the earliest trial date is set in October for *Murphy v Missouri Dept of Corrections*. If that caption sounds familiar to some of you, yes, there was a previous court case with the same caption and, yes, this is the same Mike Murphy of the landmark *Murphy v MDOC*, 769 F2d 502 (CA 8 1985). Murphy and co-plaintiff Order prisoner David Tate–both LibRA members–are suing for the religious rights of Christian Separatist prisoners in the Missouri prison system. This first scheduled trial after *Cutter* will be an important case for all who are righting for the right to the free exercise of religion. I have sent out Tate's request for help over the Internet. Those without Internet access who may want (and

should) help, please contact me for details.

As of this writing, *Cutter v Wilkinson* has yet to be assigned a case citation in either the US or Supreme Court Reporters. An electronic citation is 73 USLW 4397, Docket No 03-9877. Anyone needing a hard copy of this decision may obtain one by sending $2.00 or its rough equivalent in postage stamps or # 10 size embossed postage paid envelopes.

Khmer Rouge "Re-Education" Programs in US Prisons

For quite some time I have been receiving reports from a growing number of prisons, mostly in Tennessee, Washington, Texas and Michigan, of prisoners being forced into what can only be called brainwashing programs. Because federal grant money is available for "anti-gang deprogramming" or a number of other Orwellianized names, these programs are spreading to other states. Regardless of what they are called or the various ways they may be implemented, they all have one thing in common. Invariably they all deteriorate into "hate Whitey" sessions and force feeding prisoners with neo-marxist "politically correct" ideology. Some reports are reminiscent of Khmer Rouge style "re-education" camps or Stalinist brainwashing methods masquerading as "mental health." Those with religious beliefs incompatible with state approved "jailhouse religion" are labeled "security threat groups" ("STG") and singled out for particularly vicious doses of "re-education" "sensitivity training" programs.

Among the more elaborate examples of these programs is the one in Tennessee's prison system. Prisoners are arbitrarily labeled "STG" for unjustified and even irrational reasons. An example of what some Tennessee thought police consider "STG activity" was a prisoner ordering a Geneva Bible which somehow is considered "gang related." (The prisoner was told to get an "approved"–by them–KJV translation, instead.) In addition to being put in the hole and subject to other acts of retaliation and harassment, some "STG" prisoners are transferred to near supermax facilities. Once there, the prisoner is made to pass through successive "levels" of "programming." As long as the prisoner remains in the program he is ineligible for parole. To "successfully complete" the program, the prisoner is compelled to renounce his so-called "STG" affiliation. Because more often than not a prisoner's religious beliefs, whether Identity Christian, Odinist/Asatru or some other usually separatist religion not adhering to state approved "PC" orthodoxy is arbitrarily labeled by thought police bigots as "STG," the prisoner is being coerced into renouncing his religion. Prisoncrat thought police in other states apparently view Tennessee's Khmer Rouge neo-stalinist "re-education" program as a model for other states to follow. In April I received a report that Ohio's head thought police or "STG director" and several other DORC officials had toured the Southeast Tennessee State Correctional Facility (STSCF) in Pikeville to see in person how the program operated. The Tennessee DOC website calls STSCF's brainwashing or "mental health programs" such Orwellianized names as "violent offender" and "self awareness." For over a year consistent reports have come out of the Southern Ohio Correctional Facility, the state's maximum security prison at Lucasville, that four cell blocks have consistently been kept empty. Various rumors speculating as to what these empty cell blocks may be reserved for have proven to be untrue. Four cell blocks in Lucasville kept empty for over a year. "STG" and other DORC officials visiting STSCF to see how that state's max prison's brainwashing program works. DORC's known habit of initiating programs to get federal grants. They could all be just coincidences.

These insidious neo-stalinist programs must not go unchallenged. Political prisoner and LibRA member Michael Nelson has filed litigation against the Washington state prison system's own peculiarly obnoxious and abusive version, *Nelson v Locke, et al*, case # CT-03-5126, US District Court for the Eastern District of Washington. Denial of religious rights and retaliation for the exercise of constitutional rights are among some of the other claims of his civil rights action. Nelson wrote of his experiences after being compelled to participate in one of that state's "all the ills of the world are the fault of evil Whites" indoctrination class, in an article titled "The War Against Whites," which was published in *White Voice*. Washington prisoncrats reacted with periodic "diesel therapy" transfers, placement in the hole, termination or denial of prison job assignments and other acts of retaliation.

Another variation is what is cynically called "victim awareness," about which Nelson recently wrote in "The Cult of Victimhood." I sent this with commentary to my e-mail list. A "hard copy" may be obtained for $1.00 or its rough equivalent in postage stamps or # 10 size postage paid embossed envelopes. Remember, these classes are not taught in plain English but in Orwellianized "PC" "newspeak." "Victims" of whom the prisoner is to be "aware" are not just victims of criminal offenses but those who the "PC" bunch consider more equal than you and who are perpetual "victims" of "racism." At last report Washington prisoncrats attempted to evade questions Nelson raised in interrogatories by objecting that the requested information somehow wasn't relevant to his case, and coming up with racial statistical information on the percentages of those confined in that state's prisons and comparative percentages of those subjected to "STG" disciplinary proceedings and of those coerced into these programs–they manage to keep track of this information for their "racial balancing" and other purposes–would some how be too expensive and too time consuming. The information was still provided in responses to interrogatories "without waiving objection."

Claiming it would be too expensive and too time consuming to provide requested information routinely kept by prison employees is not unique to Washington. Ohio prisoncrat thought police are attempting to use these excuses and spins to evade questions about the percentages by race of those subjected to "STG" disciplinary proceedings in Ohio's prisons. Yet, after the Ohio attorney general's office presented its objections, this information was given to the Ohio General Assembly's Correctional Institution Inspection Committee after an unannounced visit and inspection, which the CIIC published on March 17, 2005, in the "CIIC Inspection & Evaluation Report on the SOCF." A class action civil rights complaint has been filed by LibRA member Brian Mann, Alfar Kynwulf (one of the main plaintiffs in *Miller v Wilkinson*, a religious rights suit on behalf of Ohio Odinist/Asatru prisoners which had been temporarily combined with *Gerhardt v Lazaroff* and *Cutter v Wilkinson* for the limited purpose of deciding the constitutionality of RLUIPA which the US Supreme Court has now upheld), and other Ohio prisoners. *Eberle, et al v Wilkinson, et al*, case # 02-03-272, US District Court for the Southern District of Ohio, Eastern Division, challenges anti-White discriminatory "racial profiling" by the Ohio Dept of Rehabilitation & Correction (DORC) in prison disciplinary proceedings and its misuse of so-called "STG" rules to target for suppression religious and political beliefs and associations disliked by DORC's "PC" thought police.

We are monitoring the growth and implementation of these programs, how they operate in each state, and what efforts are being made to combat them, with the intention of developing effective means to challenge and hopefully eradicate them. The co-operation of LibRA members who are either in prison or in regular contact with prisoners in keeping us informed of developments in your state and prisons is needed and requested.

Conclusion: A Needed Different Positive Direction?

With growing frequency I hear from those who say we're different from most pro-Eurofolk efforts–more positive, with attainable goals and a real purpose. Our greatest obstacle isn't the strength of our enemies who have less actual control (as opposed to illusory influence) than they'd like us and them to think. It is the negative, cult of failure, lets pretend attitudes of too many who say they want to be pro-Eurofolk. The volume of discontent, not with just one or a few "leaders" or factions but with almost everyone, grows louder while the lets pretenders grow more deaf. More are concluding that a new direction for pro-Eurofok efforts is needed. More see that we have our successes. Successes which may be small but which are real. Small successes build momentum into bigger ones. Those of us involved with LibRA may not have deliberately intended to, but more are telling me we may have begun the different, more positive direction so many are concluding we desperately need.

John W Gerhardt
Administrator