



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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Setting Brush Fires

LibRA member Jacob Barrett has challenged the Oregon state prison system's practice of discriminatory access to prison chapels by denying their use to "non-mainstream" religions. Another form of discrimination are policies which require prisoners to obtain items by ordering them only through their commissary accounts and then only from "approved vendors" which never provide religious items for those who practice Asatru. *Barrett v Willows*, case # 06-875-JE in the US District Court for the District of Oregon asks that prisoners be allowed to order religious items from others. *Barrett v Bellegue*, case # D6-876-JE concerns Oregon DOC's blanket ban of *Fidelitas* and other Asatru publications. Barrett has been subjected to retaliatory disciplinary charges such as allegedly being "disrespectful about" prison staff in letters he wrote to those outside prison in which he described prison conditions and prison staff misconduct. *Procurier v Martinez*, 416 US 396, 96 S.Ct 1800 (1974) and *Thornburgh v Abbott*, 490 US 401, 109 S.Ct 1874 (1987) have long established that prisoners have a 1st Amendment right to correspond with those outside prison and that this includes the right to discuss prison conditions and staff conduct. This issue is before the US 9th Circuit Court of Appeals in *Barrett v Bellegue*, case # 06-35667.

LibRA member Reid Danell has filed a civil rights suit, *Danell v Montana State Prison*, in the US District Court for the District of Montana, case # CV-U6-31-14. At issue is a blanket ban of Asatru publications and Montana policy of, when sending a prisoner a notice of withholding, allowing only the choice of destroying the publication or at the prisoner's expense returning it to the publisher or sending it to a third party. There is no provision for appeal of the refusal to allow the prisoner to receive the publication.

Three civil rights actions filed by current or former Ohio prisoners for the right to the free exercise of religion had been temporarily combined for the limited purpose of deciding the constitutionality of the Religious Land Use & Institutionalized Persons Act (RLUIPA), and all other civil rights suits out of Ohio prisons which included religious rights claims had been on hold pending disposition of this issue. The US Supreme Court, in *Cutter v Wilkinson*, 123 S.Ct 213 (2005), upheld RLUIPA. All actions involved have finally been remanded to the US District Court for the Southern District of Ohio, Eastern Division, and are no longer combined but are free to proceed, as are all other suits which had been on hold. *Miller v Wilkinson*, case # C2-98-275, in which several LibRA members are plaintiffs, is a class action suit for the right of Ohio Asatru prisoners to practice their religion and, as of this writing, is undergoing settlement negotiations. *Gerhardt v Lazaroff*, case # C2-95-517 involves not only religious rights issues but includes claims of retaliation, such as a cumulative total of 75 days in disciplinary segregation for being sent literature, and anti-Eurofolk discriminatory "racial balance" quotas in prisoner job and housing assignments. Defendants were denied qualified immunity. Another action now free to proceed is *Mann v Wilkinson*, case # 2:00-CV-706, filed by LibRA member Brian Mann for the right of Christian Identity prisoners to separate religious services.

Some prisons attempt to forestall civil rights actions by trying to sidetrack prisoners into a prolonged administrative process rather than outright denial of religious rights. Some times concessions are made to administrative complaints for

which denials will not be upheld in court, then prisonrats try to impede them with stall and delay tactics. Despite this, LibRA associate Pam Bailey is making progress for Asatru prisoners at the Central California Womens Facility at Chowchilla. Ms Bailey has battled against CCWF's refusal to allow Asatru prisoners to order religious items which "approved" vendors won't supply. Although on paper Asatru prisoners are to now be allowed to order from a previously "disapproved" vendor, Pam has had to file follow up administrative complaints for catalogs to actually be received and orders allowed to be processed. In one novel turn around, Ms Baily filed complaints over the offensive comments jailers repeatedly make to pagan prisoners, and requested that prison employees be required to undergo "sensitivity training" to end this. I have a copy of the response in which prison officials state, in writing, that they will now require such "sensitivity training" programs. We will be monitoring to see if they actually comply with what they themselves announced as their own new policy. Turn about is fair play. Shouldn't our Eurofolk and EuroFaith people be as entitled to demand that behavior and comments directed towards us which we consider offensive be prevented or even penalized, just as those of other ethnic, religious or sexual persuasions are always demanding? Asatru prisoners in CCWF were able to hold an outdoor Asatru blót or rite, and are now fighting for the right to an outdoor ritual area separate from Wiccans. As of the time this is being written, the prison's "Native American" chaplain has been designated to "supervise" Asatru prisoners. Pam has filed a request for an Asatru clergy to be hired for Asatru prisoners. The earlier tact of prisonrat thought cops to try to coerce CI prisoners into participating in only "pc approved" "generic Protestant" services is being recycled in prisons across the country with the attempt to deny Asatru prisoners their rights by subordinating them as a "Wiccan sub-sect" or under the control of system approved "pc pagans." To put this in terms those who aren't Asatru may understand, this would be like trying to claim Southern Baptists and Hasidic Jews are sub-sects of the same religion based upon the irrational and ignorant premise that they must be the same because their religions theoretically trace back to similar deities. *McCollum v California DOC* is a pending class action suit for the rights of followers of different pagan religions, and a claim for Asatru prisoners, as Asatru, has now been added.

LibRA member Allen Truitt is fighting a similar battle on the administrative level for the right of Christian Identity prisoners to separate services in Texas prisons. Truitt was able to show that the prison chapel's "generic Protestant" services and beliefs are incompatible with the fundamental tenets of CI. Prison officials have finally relented and have said they will allow CI prisoners to hold separate services if an outside CI clergy will be willing to come in. I sent out notices to my own e-mail list to try to help find one. If it becomes apparent that prisonrat thought cops are using this requirement as a ruse to prevent CI prisoners from having CI services by continually imposing conditions which effectively eliminates any CI clergy from being approved civil rights litigation under RLUIPA and 42 USC 1983 will follow. It should be noted that retaliatory transfers to attempt to forestall allowing CI prisoners to enjoy separate CI services are also recognizable claims in civil rights actions.

LibRA member Daniel Deville is fighting for religious rights, also so far on the administrative level. Last fall he

submitted the required "New Religion Form" requesting that Creativity be a recognized religion by the Federal Bureau of Prisons (BOP). Creativity is the religion of the former World Church of the Creator. The BOP has refused to allow Creators the right to the free exercise of their religion. After waiting for several months without receiving a response, Deville asked the prison chaplain at USP Leavenworth what the status of his religious rights request was, and learned that the request had been denied but the prison chaplain failed to send him a copy of the response. Deville currently is appealing this refusal through the federal "administrative remedy process." If after this has been "exhausted" the BOP continues to refuse to recognize Creativity as a religion and allow Creators to practice their religion, a class action suit will be filed. As this battle unfolds, will prisoncrat thought cops continue to recycle old spins? First we saw the attempt to submerge Christian Identity and Christian Separatism into "pc" approved "generic Protestantism." This spin is being recycled with the even more absurd claim that Asatru/Odinism is a "Wiccan sub-sect." Creators don't recognize or have any deity, but then neither does Buddhism. Will prisoncrat thought cops try to invent "generic Buddhism" and make Creativity a "sub-sect" of it?

The BOP has recognized the right of Asatru federal prisoners to practice their religion. Yet in some federal prisons prisoncrats obstruct the right of Asatruar/Odinists to the free exercise of their religion. Political prisoner and LibRA member John Burke, in USP Hazelton, had to fight for the right to acquire a Thor's Hammer, and when he won this right the prison would allow only plastic ones, and has a constant battle to be able to receive religious literature. Burke has been trying to find an outside Asatru clergy to come in to oversee blots or rites to enable them to be held without constant impediment, and this has been sent over the Internet. Burke is making progress, but a civil rights action remains an option should this become necessary.

LibRA member James Keen has filed in the US District Court for the Central District of California *Keen v Noble*, case # 1:04-CV-05645-AWI-WMWP, a civil rights action against the BOP's recently adopted policy which prohibits Asatru federal prisoners from individually possessing their own set of runes. The BOP policy only allows Asatru prisoners to have "rune cards." "Rune cards" are not a set of runes but are little more than Tarot cards with runic inscriptions and Norse themes. Personal possession of a set of runes, whether inscribed on stones or on wooden discs, is no more a valid "security concern" than individually possessing prayer beads, rosaries or religious items of other faiths. Keen has submitted statements from legitimate Asatru experts who quoted Odin's command in the *Havamal* that it is a requirement for those who practice Asatru to have their own set of runes and to be proficient in their meanings, use and manufacture.

LibRA member Derek Kramer has filed a state tort claim, *Wisconsin ex rel Kramer v Kingston*, case # 06CV4040, in the Wisconsin 11th Circuit Court, Branch 7, for the right to receive religious and political publications free from retaliation. While confined in Waupun Correctional Institution, Kramer was subjected to rules infraction charges and put in segregation for possessing publications he had been allowed to receive. In one of the disciplinary write ups, one jailer referred to Kramer and other Eurofolk prisoners with the racially offensive term "white boys." It isn't known if this jailer, with the same approval from higher level officials, have referred to those of other ethnic groups with such terms as "black boys" or "jew boys." Kramer was subjected to a retaliatory transfer to Wisconsin's super-max prison. Wisconsin DOC, after losing an earlier civil rights suit, claims it no longer has a super max prison because it has been renamed "Wisconsin Secure Program Facility." Incidentally, based upon precedents, defendants in *Gerhardt v Lazaroff* were denied qualified immunity for putting plaintiff in disciplinary segregation for merely being sent literature.

The trial of the civil rights suit filed by LibRA member Michael Murphy for the right of Christian Separatists in Missouri prisons to the free exercise of their religion was the

first major trial after the Supreme Court upheld RLUIPA in *Cutter*. Briefs have finally been filed in the US 8th Circuit Court of Appeals in *Murphy v Missouri DOC*, case # 06-1603. Earlier remands to the district court may be read at 372 F3d 979 (CA8 2004) and 814 F2d 1262 (CA8 1987). Among the issues raised in the latest appeal, jury instructions were not supported by the complaint and functioned as a virtual directed verdict. Rather than instruct the jury on the legal standard mandated by RLUIPA as stated in the statute, the district court came up with another, contradictory, reading. Denial of discovery by allowing prison employees to evade it prejudiced plaintiff. The trial court, when asked during jury deliberations, refused to clarify that Murphy and other Christian Separatists sought equal footing with other accommodated religious groups. The court also seemed unwilling to recognize the equal protection violation of refusing to allow Christian Separatists, who do not advocate violence or racial hatred, religious services separate from other Christian sects, while allowing Moorish Science Temple and Nation of Islam, which have advocated violence and racial hatred, to have services separate from other Muslim sects. Murphy no longer has to fight this legal battle pro se. LibRA member and attorney Jason Henry has stepped forward to represent him at oral arguments should they be held, and during retrial on remand.

In a separate action Murphy has filed civil action against retaliatory and unconstitutional acts of the Missouri Parole Board in *Murphy v Missouri Parole Board*, case # D67608, in the Missouri Court of Appeals, Western District. At the time Murphy was sentenced, Missouri statutes gave prisoners a liberty interest in parole. The law was later changed to take away this liberty interest, which the Missouri Parole Board applied retroactively to Murphy and other Missouri prisoners. Citing the Supreme Court decision in *Garner v Jones*, 529 US 244 (2000), Murphy argues that this retroactive deprivation of a vested liberty interest violates the ex post facto clause. Racial and religious discrimination were also factors in the refusal to parole Murphy. Retaliation for filing civil rights actions has also been shown. An act which may otherwise be constitutional, when done in retaliation for the exercise of a 1st Amendment right, is a violation of constitutional rights. Attorney Jason Henry is now also representing Murphy in this action.

LibRA member Tony DuPree has been fighting what at times seems to be almost routine rejection of CI religious publications by thought cops of Florida's prison system. DuPree has also filed a complaint of defamation by FDOC prisoncrats for insisting on falsely labeling CI a "prison gang." There already are court precedents holding that CI is a valid religion, including *Wiggins v Sargent*, 753 F2d 663 (CA8 1985), in which the court concluded that there is no connection between CI ministries and prison gangs. DuPree has also developed a novel legal challenge to forced racially integrated prison housing which may have a greater chance to succeed than earlier challenges. This challenge strays into a growing body of case law which so far has not been cited in relation to this issue. We will pool the talent of the growing network of "jailhouse lawyers" within LibRA to more thoroughly research different aspects, which will be made available to LibRA members. Incidentally, the Supreme Court decision in *Jones v California*, 543 US 499, 125 S.Ct 141 (2005), did not mandate forced integrated celling. This decision merely threw out California's mandatory racially segregated celling in receptions. It still recognized the need to allow segregated housing for security reasons—segregation which is almost always voluntary by the prisoners involved.

Political prisoner and LibRA member Chester Doles has filed a petition in the US District Court for the Northern District of Georgia to vacate the excessive sentence imposed upon him. Doles effectively argues that the case meets the test for ineffective assistance of counsel set in *Strickland v Washington*, 466 US 668 (1984), which is that performance of counsel fell below an objective standard of reasonableness and that this deficient performance prejudiced the defendant. Counsel failed to challenge false information and inflammatory racial and political statements in his PSI which

were irrelevant to his alleged offense. Those statements were used to elevate Doles to a higher sentencing range. Doles cited *US v Booker*, 125 S.Ct 738 (2005), and the unreported decision in which LibRA member and now former political prisoner Jason Swanson won a reduction of sentence after raising among other issues false information and inflammatory racial and political statements irrelevant to his alleged offense which had been in his PSI.

Political prisoner and LibRA member Bret Maness is back in the US 9th Circuit Court of Appeals after the US District Court for the District of Alaska ignored an earlier remand to vacate and resentence. Citing *Booker*, *Blakely v Washington*, 542 US 296 (2004) and *Apprendi v New Jersey*, 530 US 466 (2000), Maness presents claims that federal sentencing guidelines were exceeded when factors which put him in one guideline range were used a second time to erroneously elevate him to a higher range.

Progress is being made in *Eberle v Wilkinson*, case # C2-03-272, in the US District Court for the Southern District of Ohio, Western Division. Filed by LibRA members Jeffrey Eberle, Alfar Kynwulf, Brian Mann and other plaintiffs, this civil rights action seeks to end anti-Eurofolk discrimination in disciplinary proceedings by the Ohio Dept of Rehabilitation & Correction (DORC). *Eberle* has survived dismissal, DORC has been ordered to cease evading or impeding discovery, and counsel has been appointed. *Ratcliff v Moore*, case # 1:05-CV-582, filed in the US District Court for the Southern District of Ohio, Eastern Division, by LibRA members Jason Ratcliff, Alfar Kynwulf and others, challenges DORC's "STG" policy which disproportionately targets EuroFaith and other Eurofolk prisoners, as unconstitutional. Surviving dismissal, a time table for discovery and other procedural requirements has been set by the court.

FTCA Administrative Claim # TRT-SER-2007-02126, has been filed by Order POW, political prisoner and LibRA member Gary Yarbrough concerning the second, and most serious, of the assaults to which he was subjected by guards at USP Atlanta. As a result of this brutal beating, Yarbrough needed outside hospitalization and was in a wheelchair for over three months. Yarbrough has also been victimized by other acts of retaliation and abuse, including being confined in SHU units for most of the past 16 years, which will be issues of other planned tort claims. If the BOP fails or refuses to adequately deal with these assaults and other abuses under the statutory provisions of the Federal Tort Claims Act, a civil rights action will be filed in federal court. Our political prisoners for too long have been singled out for especially vindictive treatment, but these assaults took this abuse to another level. We have resolved that retaliation and harassment against our political prisoners must never again be allowed to go unchallenged.

This report discusses at least 22 legal battles in which LibRA members are now engaged. I could have included several more. Those who are or become associate members of LibRA are no longer alone if victimized by constitutional rights violations. Experience from fighting for rights of those in prison can, and will, be used to fight for Eurofolk rights outside prison. When I was discussing with LibRA member Robert Strittmatter the proliferation of legal battles which LibRA members are fighting, in a pun from the Sam Adams quote from which this newsletter gets its name, he commented, "We're setting brush fires." Wanna-be tyrants and self appointed thought police need to be made aware that we still have rights as long as there remains a Constitution to protect those rights.

Setting More Brush Fires

On Sept 23 I was asked to address a public rally at the City Municipal Building in Columbus, Ohio, sponsored by the NSM. Although the main purpose of the rally was to protest massive illegal immigration and the disastrous impact it's having upon our country, Ohio NSM organizer Mark Martin asked me to speak on prisoner rights issues. Martin has been a LibRA member for a few years and is among the few serious pro-Eurofolk activists with the foresight to see our point that we need a Eurofolk ACLU. LibRA is that

nascent Eurofolk civil liberties association which serious Eurofolk activists will realize they need. Other LibRA members also attended to show their support, some of whom share affiliations with other groups, some of whom are exclusively involved in LibRA.

I pointed out that the mentality which led to Abu Gharib originated in our own country's prisons. Many of the National Guardsmen operating Abu Gharib were employed as prison guards in civilian life. Some of those who were court martialled for atrocities they inflicted upon Iraqi prisoners had previously been named as defendants in civil rights suits filed by American prisoners for abuses in American prisons. The brutal beating to which Order POW, political prisoner and LibRA member Gary Yarbrough was subjected by prison guards didn't happen at Abu Gharib but at USP Atlanta, an American prison.

I informed those attending the rally about the injustices of Ohio's dual disparate sentencing system, how the Ohio Parole Board uses "old law" prisoners to perpetuate its unneeded existence by denying parole releases to those who merit them, and how it artificially inflates the Eurofolk percentage of the state prison population by giving paroles to a disproportionately higher percentage of non-Whites but to a disproportionately lower percentage of Eurofolk prisoners, to the point that for several months, from many Ohio prisons, I have received reports of anti-Eurofolk discrimination so blatant that parole hearing panels gave paroles to every non-White and refused parole to every Eurofolk prisoner appearing before them. I warned the audience to beware of prisoncrat and media spins. When they see hyped up media stories about someone coming up for parole, trying to incite opposition to parole release, to pay attention to photos the media shows, how many are Eurofolk and how many are not, or media stories of someone who has been released from prison who commits a high profile crime, when their photos are shown, to pay attention to how many are non-White and how many are not.

CI evangelist and LibRA member Eli James invited me to come back on his program, *Judgment Day Perspectives Radio*, on Oct 1. Pastor James began by reading the title of the main report in *Brush Fires # 6*, "21st Century Revival of the Inquisition." There followed discussion of the ruse of prisoncrat thought cops of misusing "STG" policies to repress religious or political views they arrogantly deem "politically incorrect," and the proliferation of Khmer Rouge style "re-education" or brainwashing programs. These abuses in America's prisons should be recognized by Americans as a stark warning of what they can be subjected to by "pc" thought cops should they along with their police state building cohorts ever become as insufferably arrogant as their prisoncrat counterparts in thinking that the restraints of the Constitution cannot possibly apply to them. Pastor James repeatedly advised those in his listening audience that because of this threat, it is in their own best interest to join and support LibRA to fight for our rights.

I was asked to be part of a prisoner advocate delegation organized by CURE-Ohio for an introductory meeting Oct 19 with Terry Collins, who had recently been appointed as the new director of the Ohio Dept of Rehabilitation & Correction (DORC). An agenda of topics to be discussed had been agreed to in advance.

The first topic was the need for more to be done to help released prisoners with re-entry. Collins surprised everyone, especially the ex-prisoners who were part of the delegation, when he claimed that DORC is "leading the way" in helping released prisoners with re-entry and is a major employer of ex-felons. We were surprised because none of us had ever heard of an ex-prisoner being hired by DORC. When asked about changing policy to make it less difficult for people to visit prisoners, Collins said his hands were tied by the guards union. There was an exchange of words when CURE's Michele Baker refuted Collins' allegation, when asked what is going to be done about the poor medical care DORC provides prisoners, that the fault lies with prisoners "who don't follow instructions." I was not alone in failing to see the humor in Collins' attempt to brush off the growing

number of complaints about dwindling food portions given to prisoners when he tried to joke, "First they complain that the food is lousy, then they complain because they want more." One of Collins' aides chimed in that prisoners are getting less food as part of a "health diet." I did manage to refrain from asking until later if DORC's "health diet" is modeled after the "health diet" for Union POW's at the Confederate prison camp at Andersonville.

When I raised the question about the right of Ohio prisoners to the free exercise of religion the smiley spins came to an abrupt halt. Collins stated he refuses to change DORC policy without a court order. I informed Collins that the federal system allows Asatru prisoners to practice their religion and the previous year Colorado conceded Identity Christian prisoners some of their religious rights after the Supreme Court decision in *Cutter v Wilkinson*, in which employees of his dept are named as defendants. Collins said, "I believe we're on the right path," but responded with silence when asked, "And just what is that path?" I discussed the hunger strike of LibRA member Alfar Kynwulf, who was protesting the refusal of Allen Correctional Institution in Lima, Ohio, to even accept let alone process a religious accommodations request. It made some difference when top DORC officials were made aware that there were those outside the prison who knew of his hunger strike and that Alfar had outside support.

None of us really expected the meeting to accomplish more than its intended introductory purpose. The introduction worked both ways. A few more have been introduced to the fact that LibRA is a serious advocacy association, that we will present our issues in an articulate and professional manner, and that we will meet with government officials and with other groups. We have previously met with state legislators and other officials and have spoken before a variety of groups or forums. It is also known by a few more that LibRA will not be any prisoncrat's cheerleader, nor will we help propagate any of their spins but will challenge and refute them. There may be some prisoner advocates who may go along with the prisoncrat notion that meeting with prison officials is some sort of "privilege." We don't view such meetings as a "privilege" but as a responsibility. The responsibility of government officials, of any branch or on any level, to meet with us as well as other citizens and to address issues we raise, and our responsibility to represent our constituency.

Alfar had ceased his hunger strike shortly after this meeting. As of the time this is being written, LibRA member Jeff Weisheit has just announced a hunger strike in protest of Asatru prisoners being labeled "STG" solely because of their religious beliefs. Prisoncrats attempted to tell those outside prison who made inquiries that Weisheit was "out to court" or transferred to Corrections Medical Center or somewhere else even though he continued to remain confined in Trumbull Correctional Institution in Conneaut. Alfar has resumed his hunger strike partially because, after his religious accommodations request was finally accepted as filed it has been several months and he still hasn't received any kind of response, and partially in support for Weisheit. Keep in mind that the prison employees who will be dealing with a hunger strike are the same prison employees who oversee or administer medical "care" so bad that too often prisoners needlessly die. While we may care about your health, safety and well being as much as we do about your rights, prisoncrats care only about minimizing civil liability and trying to not look too bad, which is why some times they try to conceal from outside scrutiny any hunger strikes which may be going on inside their prison. But, while I discourage other LibRA members from going on hunger strikes, we will provide outside support for those in our association who are behind the wire and who have to fight for basic rights.

The state convention of the America First Party of Ohio was convened in McConnellsville, Ohio, on Oct 28. Representing LibRA along with me were Robert Strittmatter, who was among the founding members of our association and who served on the AFPOH state platform committee, and Beverly Seymour. Ms Seymour addressed

the convention on Ohio's need for a strong self defense law. An incident which received extensive publicity in Central Ohio was when a Worthington home owner, after his property was repeatedly trespassed upon and vandalized, shot an intruder. In states with saner laws, the intruder would have been the one arrested. In Ohio, the home owner, for defending his home, is the one who is jailed. AFPOH now has in its state platform a pledge to enact a strong self defense law which will immunize citizens from criminal prosecution if they have to resort to the use of force to protect themselves or their property.

The main business of the state convention was the proposed state platform, and with its adoption my work as AFPOH state platform committee chairman was completed. The AFPOH has strong civil liberties planks, including a call to repeal Ohio's "Patriot Act" and to prohibit any state or local government official or employee, under any circumstance, from infringing upon the right of any individual to practice the religion of their choice. As part of the criminal justice reform section the AFPOH adopted one of LibRA's priority issues, a demand for the complete restoration of all rights, and a removal of all liabilities or restrictions, for ex-felons who have served their sentences and who, for a period of five years, have not been convicted of having committed another offense. The AFPOH pledges to end Ohio's dual disparate sentencing system and to mandate parity for "old law" prisoners with those sentenced under Ohio's current criminal sentencing code. Those without Internet access may obtain a copy of AFPOH's new state platform for \$2.00 or its equivalent in first class postage stamps or postage paid # 10 size envelopes.

Kortney Gessler has been appointed LibRA's Arizona State Advocate. Kortney has been an active member of LibRA since before the first anniversary of our association, and has represented LibRA at several meetings. She has helped many ex-prisoners to find housing, employment and other assistance. Kortney has more than been a supporter of our political prisoners, she has provided practical help when it was needed. Several agree that she has earned recognition. Already a knowledgeable paralegal, Kortney is planning to enter law school to enable her to earn a law degree and become eligible for admission to the bar. Advocate Kortney submits the following report of some of her more recent activities:

— On Mar 10 I represented LibRA at a pro-Eurofolk BBQ north of Phoenix. As I was handing out information packets many were interested in learning more about the different activities we are involved in, the direction our association is taking and our future plans. When I explained to them that LibRA is becoming a Eurofolk ACLU response was enthusiastic, many saying it's about time. Referring to the "Patriot" Act and other measures, I warned them that we are losing our rights and will continue losing them unless we show necessary and effective opposition. I was then asked to speak at a St Patrick's gathering the following weekend, Mar 17, during which there was an Ostara blot. I informed those participating about "DREAM," a program being promoted in Arizona for illegal aliens to receive a college education without having to go through usual financial aid processes, but there are no programs for Eurofolk Americans. I also spoke on the need to oppose a bill introduced in the Arizona state legislature which, if passed, would make it a class 5 felony for a private citizen to "search for" and alert others about illegal activity. Supposedly aimed at the Minute Men, this bill is worded in such a way that it would criminalize such citizens self defense efforts as neighborhood block watch programs. Since this meeting I have been contacted by people who state that they are now ready and willing to stand with me and others in LibRA to fight for our rights. Some have been actively involved in prisoner support issues for a long time. We are on the right track to start tackling issues our people are facing. We need only the right like-minded people and not necessarily a large group to make our point loud & clear. — Report by Advocate Kortney Gessler.

LibRA was successful in our first formal active participation in an electoral contest. Up until nearly a week

before last November's election polls showed then Ohio State Auditor and former state attorney general Betty Montgomery, who was running for another term to be Ohio Attorney General, to be the only Republican running for a statewide office to be ahead. The margin of her lead was so small that we decided we should try to do something about it. Montgomery is despised by former and current Ohio prisoners, Ohio prisoner advocates and civil libertarians. An example of some of the stunts she pulled when she was state attorney general before, Montgomery, using *Gerhardt v Lazaroff* as her forum, earned the dubious distinction of being the first of anyone, anywhere in the entire country, to formally ask a federal court to throw out RLUIPA. Before that, in a case which arose out of Texas and in which the Ohio Attorney General need not have been involved, Montgomery petitioned to intervene to argue against the Religious Freedom Restoration Act (RFRA). Montgomery's campaign ran vicious and false attack ads against her opponent, state senator Marc Dann. I met with Sen. Dann a few years ago when I was asked to substitute for a prisoner advocate, the late Ted Kaplan, who was in a coma after having a stroke. Kaplan had informed Dann about the atrocious state of medical care in Ohio's prisons, and Dann arranged a meeting with him and then state senator Mallory who was reviving the Ohio General Assembly's Correctional Institution Inspection Committee (CIIC). Within two weeks, as we requested, CIIC began unannounced inspections of state prison medical facilities.

I composed a commentary exposing Montgomery's sordid anti-freedom record, and sent this over the Internet to every contact in Ohio and to those with Ohio contacts of their own. We asked them to vote against giving Ugly Betty Montgomery another term as state attorney general by voting for Sen. Dann. Those without Internet access may obtain a copy for \$1.00 or its equivalent in first class postage stamps or postage paid # 10 size envelopes. Many circulated it further, and I was told by some who said they had planned to either vote for Montgomery or not at all that they were persuaded to vote for Dann. The election ended with a surprise upset defeat for Montgomery. Unlike some, I won't claim that LibRA's last minute effort was the main reason Ohio is spared from again having Montgomery as attorney general, but because the election was so close, our participation was a factor.

Beverly Seymour is now LibRA's Ohio and Federal Prisoner Religious Rights Advocate. Ms Seymour brings to the position years of prisoner advocacy activism and civil rights and other litigation experience. A former school teacher and small business owner/operator, Advocate Seymour works for a Columbus law firm and independently operates Druids of Danu. Beverly has prepared a form with which prisoners may file religious rights violation complaints with the Civil Rights Division of the US Justice Dept, which has requested complaints. LibRA members may obtain a copy for \$1.00 or its equivalent in first class postage stamps or postage paid # 10 size envelopes. To help ensure that these complaints will actually be filed, completed copies may be sent to her attention for forwarding. She also asks that LibRA members who file religious rights violation complaints on their own with the Justice Dept send a copy to her to enable better monitoring and possible follow-up.

Beverly Seymour and I were invited to participate in a meeting of Advocacy of Hope held Dec 9 in a conference room adjacent to the Ohio Secretary of State's office. Advocacy of Hope is a mostly "faith based" group being formed to provide re-entry assistance and information for prisoners being released from prison. The invitation came through Rod Kee of the Cleveland based Innocent Inmates Association with whom Beverly has been in contact for years and with whom I previously collaborated when we represented a prisoner before a full board review of the Ohio Parole Board. A main organizer is now former Ohio Assistant Secretary of State Monty Lobb. Participants came from a wide variety of affiliations, some involved in prisoner advocacy or prison ministries. Ms Seymour convinced the group to not exclude from their "faith based" effort followers

of non-Abrahamic EuroFaith religions. We were invited to participate in a second meeting held Feb 10 in a conference room of Ohio's DORC central office. I was surprised to learn how many others there were former prisoners when a number spoke up in support of a point I raised on how detrimental are "association" rules imposed as parole conditions. Many ex-prisoners who have "successfully re-entered society" help others getting out of prison but, because of parole conditions, have to be sneaky about it. Ex-felons who get out and stay out tend to have little tolerance for those who are released only to go back to getting into more trouble. This issue may be discussed with representatives of the Ohio Adult Parole Authority at a future meeting.

Re-entry will be given increasingly more attention by LibRA. In addition to extending networking in Ohio, Advocate Kortney Gessler and other LibRA activists in Arizona and Colorado have begun compiling lists of sources for ex-prisoners in those states for help in finding employment, housing and other assistance, and we plan to do this in other states as well.

Eli James had me back on *Judgment Day Perspectives Radio* on Feb 18. Main topic was anti-Eurofolk discrimination in America's prisons, which is more blatant than outside prison. A factor was too long having allowed prisoner advocacy to be a monopoly of leftists and neo-marxists who act as if there aren't any Eurofolk prisoners. Until LibRA was formed there was no outside support group for Eurofolk prisoners. Callers voiced outrage over the assault upon Gary Yabrough by prison guards. Discussion shifted to anti-Eurofolk discrimination outside prison, which Pastor James summarized by stating, "The tables have been turned on us." I replied, "Its our turn now to overcome." Pastor James reminded the audience of the old slogan, "we shall overcome." And we shall. Do right and fear no one.

Jones v Bock Lightens Filing Rules

Advocate Beverly Seymour has written the following analysis for LibRA members of a Supreme Court decision important for all prisoners compelled to use the court system to fight for their rights:

-- *Jones v Bock*, 123 S.Ct 910, 166 LE2d 798, decided January 22, 2007, is a positive ruling for those in the 6th Circuit and other circuits who were subject to more severe filing requirements for civil rights cases against the prison system. In *Bock*, prisoners were required to meet the higher filing standards of the US 6th Circuit Court of Appeals, which included 1) that the prisoner had to declare that he "exhausted" prison administrative and appeals processes and *demonstrate* (show documentation) that he or she had done so, and 2) he could only name in his/her suit those officials or staff members he had named in his/her grievance, administrative or appeals process, and 3) if he or she had exhausted and unexhausted claims all in one case, the whole case was dismissed by federal courts in the 6th Circuit.

The US Supreme Court said that while the Prison Litigation Reform Act of 1995 (PLRA) does require the prisoner to "exhaust administrative and appeals remedies" in the prison grievance process, it does not actually state that the prisoner must say so in his claim, or "demonstrate" it when first filing his claim in court. However, it is evident that the state officials can come back as a defense and claim that the prisoner did not "exhaust administrative remedies" and then the prisoner will *still have to be able to show that he has done this*. Per the PLRA, this is so that prison officials are put on notice that a prisoner is claiming civil rights violations and given the opportunity to address the situation. The high court left it to the lower courts "to determine the sufficiency of the exhaustion" in the prisoner's case.

The Supreme Court also ruled that even though a person is not named in a grievance, he can still be named in the prisoner's suit. The court noted, if a claim contains both good and bad claims, the court is to proceed with the good and dismiss only the bad. Thus, on initial review, the court will tell the prisoner if any filed claims will not be allowed, and what claims can go forward, throwing out the 6th Circuit rule that all claims had to be good ones or the whole case was

dismissed. Chief Justice Roberts delivered the opinion of the Supreme Court. The PLRA, he pointed out, was enacted to reduce the number of prisoner suits. If all prisoner civil suits, habeas corpus petitions and motions to vacate a sentence are combined, the prisoner cases made up 24 percent of all federal civil filings in 2005.

NOTE: If any of our members need to keep copies of their "exhaustion of grievances" records, you may send them to us and we will keep a file copy for you, to be available to you so that it won't "disappear" when and if you need them in court. — Analysis by Advocate Beverly Seymour.

"Future Dangerousness"

Political prisoner and LibRA member Bret Maness has written an insightful article which warns of "The Future Dangerousness of 'Future Dangerousness.'"

"Future dangerousness" is a dangerous notion which alleges that targeted individuals should be restrained not because of something they have done but because someone claims they *may* do something *in the future*. Currently this is being used to rationalize ever more draconian laws towards one group cynically calculated to be the most despised, sex offenders.

Whenever the controlled media and system politicians get on a kick, beware of a hidden agenda. Back when RICO laws were first proposed, we were told they were intended only for, and would be used only against, crime bosses and drug lords. As these laws withstood challenges, they were expanded upon until today they are used against everyone else. That's the way the legal system works. What is allowed to be used against one group can and inevitably will be used against others.

The most insidious are "civil commitment" laws which enable courts to continue to confine convicted sex offenders after their sentences have expired, without any new charges. The excuse--they allegedly pose a "future danger."

If these laws withstand challenges and are allowed to continue to operate they can and will be expanded upon to be used against others. We are burdened with a system determined to import the methods of the former Soviet Union. One ploy of the Soviets was to confine dissidents in supposed "mental institutions" which were but part of its vast gulag system, rather than go through the motions of criminal charges. As has been previously reported in this newsletter, self appointed thought cops who arrogantly style themselves "politically correct" are borrowing from communist systems with the proliferation of Khmer Rouge style "re-education" brainwashing programs. How long will it be before they try to accuse unrepentant thought criminals of posing a "future danger" and who should continue to be confined?

Those without Internet access may obtain a copy for \$1.00 or its equivalent in first class postage stamps or postage paid # 10 size envelopes.

Thought Cop Alert

Order POW, political prisoner and LibRA member Richard Kemp, in a special report, "Judas Goat Forces Changes in Asatru," warns Asatruar--and by implication all Eurofolk with religious beliefs self-appointed "pc" thought police want to repress--of a censorship policy of the Federal Bureau of Prisons now going into effect. The new policy mandates that only "approved" books, publications, videos and other Asatru religious material on a standardized, system-wide list, be allowed to Asatru prisoners. Prison chaplains are instructed to throw out anything not on this list. What is to be "acceptable" on this list is to be determined by someone the BOP considers an "expert" on Asatru. That so-called "expert" was not a legitimate Asatru/Odinist gothi or gythia (Odinic term for "clergy"), but a Susan Ann Balin, a Catholic nun employed at BOP central office as "religious advisor." Excluded from the "approved" list are such titles as *The Poetic Edda*, which would be like excluding the Bible from an approved list of religious reading material for Christians. Kemp is trying to get various titles to be added to this "approved" list, titles which should not be excluded, and in a follow up report asked for help from those outside prison, which was shared with those on my e-mail list. If this fails, civil rights litigation may become

necessary.

The rationale for this latest censorship effort is the propaganda campaign of one Daveed Gartenstein-Ross, a liberal Jew who had converted to Islam, then after 18 months converted to Christianity, then decided he is now a "counter-terrorism" expert. When it was decided Muslim religious literature is to be restricted, self appointed thought cops didn't waste time to extend this to include publications of religions such as Asatru which by any stretch of even the most paranoid or lunatic imagination can not be shown to have any involvement with or sympathy for even mainstream Islam, let alone Islamic "extremists."

Those without Internet access may obtain a copy of Kemp's reports for \$1.00 or its equivalent in first class postage stamps or postage paid # 10 size envelopes.

Rats Old and New

"Rats Old and New" combines two reports. The first is by political prisoner and LibRA member Jake Laskey on facts of his case. We have copies of documents sealing the plea agreement of Gerald Poundstone, who agreed to become a traitor/informant against the Laskey brothers. We also have copies of letters Poundstone had the audacity to write to Laskey expecting Laskey's approval of his betrayal in exchange for a much lighter sentence and of his intentions to resume involvement in pro-Eurofolk groups, then became angry with Laskey when instead of approval he got justified condemnation. Poundstone sounds an awful lot like a more notorious traitor/informant, Glenn Miller, who also blames his treachery on those he betrayed and who also has been trying to make a come back in pro-Eurofolk circles. The second report, "Glenn Miller Is At It Again," was written by Order POW, political prisoner and LibRA member David Tate concerning the controlled media's promotion of traitor/informant Miller as some kind of "great white hope." There is a danger in becoming involved in even discussions of illegal activities and with the schemes of those who act like traitors/informants, a danger in allowing traitors/informants to come back into pro-Eurofolk circles and in associating with those who seem to tolerate this. Those without Internet access may obtain a copy for \$1.00 or its equivalent in first class postage stamps or postage paid # 10 size envelopes.

Claim Tomorrow

Just prior to the AFPOH state convention, Beverly and I viewed an Internet Youtube clip with the song "Tomorrow Belongs To Me." Beverly was inspired to suggest a good slogan for LibRA would be--"Claim Tomorrow!" An informational hand out was prepared for the convention, designed to appeal to non-prisoners, titled, "Claim Tomorrow!" This hand out was well received and has been popular with those to whom it has been distributed since then. Our association continues to grow in experience and accomplishment as well as in numbers and support. We have positive direction and goals. Those coming in to our association find a confidence lacking elsewhere. For our Eurofolk who wanna-be tyrants and self appointed thought police would prefer to forget that this happens to still be our country, more than a good slogan, a proclamation of what we now do. *Claim Tomorrow!* Do right and fear no one.

John W Gerhardt
Chief Advocate

