

# 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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Published by Liberty Rights Advocates, PO Box 713, Johnstown, OH 43031 – No. 5

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## **Order POW Beaten By Guards Files FTCA Claim**

We previously reported the vicious beating to which Order POW and LibRA member Gary Yarbrough was subjected by prison guards in USP Atlanta, and of plans to take appropriate action to assure that prisoncrats thought police and the goons they employ, as guards won't get away with it. Yarbrough has filed an action under the Federal Tort Claims Act (FTCA).

28 USC 1346(b) enables a citizen to file legal claims for injuries "caused by the neglect or wrongful act or omission by any employee of the Government...while acting within the scope of his office or employment." But in relinquishing federal immunity from civil liability, statutory procedure requires the citizen to first file a tort claim with the head of the administrative agency or department employing the wrong doer(s). Federal prisoners still have to comply with the usually time-wasting PLRA requirement to "exhaust administrative remedies," which Yarbrough completed before filing his claim. But FTCA procedures do not allow for the stall, delay or evade tactics so many prisoners experience when having to file administrative complaints with prison officials. The official with whom a FTCA claim is filed has six months to issue a decision. If none is made within that period, the claim is legally considered denied. Yarbrough will then be legally free to file a civil rights action in federal court.

Issues raised in the claim include a history of anti-Eurofolk discrimination and of harassment, retaliation for the exercise of constitutional rights and abuse by guards with an Abu Gharib mentality. "Affirmative action" jailers continually attempted to incite non-White inmates to assault Yarbrough, loudly using such racial slurs as "honkey" and "cracker." On two separate occasions, on Jan 28, 2004 and on Feb 5, 2005, harassment and retaliation escalated to guards physically assaulting Yarbrough. The second beating was the most serious, resulting in injuries serious enough to require outside hospitalization, after which Yarbrough spent months in a wheelchair. It was only after outside complaints that the BOP finally moved Yarbrough from USP Atlanta, and he currently is confined in USP Marion.

Our political prisoners are almost always targeted for more vindictive treatment. The beatings to which Yarbrough was subjected takes this retaliation, harassment and abuse to another level. Whenever possible, acts of harassment, retaliation or abuse to which any of our political prisoners are subjected must be legally challenged if this is ever going to be made to stop. Yarbrough's legal action is not solely for himself, but ultimately is a battle for all of our political prisoners.

## **LibRA's Message Presented on Radio**

I was invited to appear on the Feb. 12 program of the call-in shortwave radio program, "Hands Across the Border," broadcast out of Ontario. The program is hosted by Canadian paralegal John Beattie, who also heads the Canadian based British Peoples League. I was asked to address prison reform and prisoner rights advocacy issues. The first question I was hit with was, "Don't prisoners already have too many rights?" I was able to refute that neo-con myth, then invited any listener to undergo the prison

experience and see if they still clung to that delusion. Related subjects discussed included the dual disparate sentencing systems of Ohio and other states, battles for religious rights, and the ploy of wanna-be police state builders of targeting singled out despised groups such as drug dealers or sex offenders as a ruse to implement increasingly repressive laws which always seem to end up being stretched until they eventually effect everyone else. Some of LibRA's accomplishments and our growing association emerging as the voice for our political prisoners were also discussed. Callers from all over the US phoned in to relate their own generally bad experiences with what they were told is called "our criminal justice system." It was later pointed out to me that, unlike with many previous programs with other speakers addressing other issues, no one called in to disagree with anything I said.

On Mar 12 I was invited by Eli James of Chicago to appear on the Internet access radio program, "Judgment Day Perspective Radio," hosted jointly him and Dan Johns of Michigan. James is a CI evangelist with his own prison ministry who was appalled when he learned of the extent of religious rights repression behind the wire, and who has been a LibRA member for quite some time. The title of this particular broadcast was "White Prisoner Rights." We discussed the blatant anti-Eurofolk discrimination which permeates America's gulags, including discrimination in parole release decisions (I was able to give examples and names of several Ohio prisoners), the repression of religious rights, and in several other areas. Abuses such as the brutal beating to which Order POW and LibRA member Gary Yarbrough was subjected—and the fact that that vicious assault was not an isolated or infrequent incident but is the norm in too many prisons—was also discussed. James has also aired reports on other broadcasts, such as informing his listeners of the battle for religious rights in Missouri's prisons by LibRA member Mike Murphy and reading reports and appeals by Murphy's fellow prisoner, Order POW and LibRA member David Tate. James later informed me that everyone who contacted him about this program expressed sympathy and agreement with what we said.

Chronic meddlers, control freaks and wanna-be police state builders are overlooking an important fact. Record numbers of prisoners inevitably lead to record numbers of ex-prisoners and, combined with their families and friends, a growing number of those who learn the way it really is and how false are controlled system media and politician spins about America's prison industrial complex and what they call its "criminal justice system."

## **Presenting Our Issues In A Serious Political Platform**

I previously reported having addressed a few state conventions of the America First Party of Ohio, mostly on prison/parole reform issues and the LibRA proposal for a complete restoration of all rights to ex-felons, and my surprise election as chairman of the AFPOH state platform committee. (This position is not to be confused, as a few apparently have done, with the office of state party chairman. The purpose of this committee is to draft a proposed platform for the state party.) There has been much discussion of what issues or proposals should be included in the platform. A formal meeting of the platform committee was held in

Akron on May 12. Consensus was reached on several issues, and some were tabled for further discussion or development.

The party will address a far broader range of issues than what our association is usually involved with. Some of what may be called the "LibRA issues" agreed upon include ending Ohio's dual disparate sentencing system and mandating total parity for the state's "old law" prisoners with those sentenced under the current code which went into effect in 1996. Because all the current "truth in sentencing" code did was convert the minimums of the indefinite sentences of the former code into the total definite sentences of the current code, based upon the previous longstanding presumption and practice that the minimum was the actual time a prisoner was expected or intended to serve, parity will be achieved by stipulating that when a prisoner sentenced under the former code has served the minimum of his or her sentence, there is a presumed expectation that the prisoner will be released. We will also call for the abolition of the Ohio Parole Board and of the Ohio Adult Parole Authority. Those serving life sentences will be reviewed by the sentencing court for consideration of release. Probation supervision will be returned to the control of the sentencing court which imposed it and of the county in which the court is located. There is also a proposal for the complete restoration of all rights, and the removal of all restrictions or liabilities, for all ex-felons who have been out of prison or free of any sanction imposed by a court in lieu of imprisonment, for at least five years during which he or she has not been convicted of having committed another felony.

We are also presenting a strong civil liberties section of the proposed platform, including repealing Ohio's "Patriot Act" and withdrawing Ohio from the "Matrix program" and prohibiting participation in any other "data base collection or sharing" spy programs with other state or federal "law enforcement" or "security" agencies. We are also proposing making it illegal for any state official or employee to use their position to suppress or infringe upon the right of any Ohio citizen to the free exercise of the religion of their choice, under any guise, regardless of what excuse or spin they may come up with to attempt to justify it—a protection, it must be emphasized, which will apply to all Ohio citizens, without exception.

There will be further discussion, refinement and undoubtedly debate, before a final platform is formally adopted at the next state convention, tentatively scheduled to be convened towards the end of this coming summer. Meanwhile, the national AFP with which the AFPOH is affiliated, will hold its national convention near Cincinnati the weekend of June 3. I have been asked to be one of Ohio's voting delegates at this convention.

#### **Suggested LibRA Logos**

Almost from when we first began forming our association there has been periodic discussion about a possible logo or emblem for LibRA. Some suggested logos have been rather elaborate, others simple, some inspiring. For quite some time suggested logos invariably included a set of scales because of various legal battles in which LibRA members have been or will be involved. However, for the past several months suggested logos have more often incorporated the Tiwaz rune in some way. (For those of who are unfamiliar with the Norse runes, picture a directional arrow pointed upwards.) It has been pointed out to me that the scales is over-used while the use of a Tiwaz would be unique.

As some of you know, the runes are more than just a phonetic alphabet. Each rune represents certain concepts, principles or meanings. Tiwaz (which is actually a tip of a spear) may be viewed as a rune of war or engaging in battle or conflict, but more accurately it symbolizes victory in battle for a just cause. Because of associational meanings of justice and divine order, the

battles for a just cause may be legal ones as well as other kinds. It also represents honor, courage, duty, persistence and (something which our political prisoners will understand all too well) self sacrifice for the good of folk and kin. Concepts, principles and meanings which Tiwaz represents fits the intents and purposes of LibRA rather well.

LibRA members are now being asked for your thoughts and suggestions. Shall we adopt a logo which includes a Tiwaz, scales, both, neither, or none at all.

#### **Voice of the Political Prisoner**

In our last edition, I mentioned the release of an essay I wrote, "A Defining Issue," which for all practical purposes has now become a LibRA policy statement. This essay deals with the shameful track record of too many of those who like to claim they are pro-Eurofolk when it comes to supporting our political prisoners. Political prisoner and LibRA member Chester Doles subsequently wrote an excellent response article, "Marching Forward and Taking Casualties," which perhaps even more eloquently addresses the issue of the need for more support for our political prisoners. I took Doles' article, pasted at the conclusion my original article, added additional introductory commentary mincing even fewer words, and sent it to my own e-mail list. Positive response was even greater. Several shared it with their own e-mail lists, and both articles have been posted on various websites. Louis Beam, when sharing it with those on his own list, commented that the articles "need to be read because of the men and women who are in jail as political prisoners and need our help. I ask that we not abandon those who have stood for the folk." In an e-mail response to me he gave me permission to publicly quote, Beam stated: "This great article will become widely read over time. It should become the *standard* by which activists are judged...Indeed, the *standard* you outline for support of political prisoners and contributions to the aid of prisoners and their families should determine whether or not we associate and work with others. This *standard* should determine who is a legitimate member of the struggle and who is just playing 'let's pretend.'"

Since these two articles began circulating, some who have never written to any prisoner have asked me for addresses. Several who admitted they never previously gave our political prisoners even a moment's thought contacted me to say how moved they were by the articles and that they will now begin supporting our political prisoners. A few more of those who like to posture and bellow how pro-Eurofolk they want us to believe they are have learned that they may no longer defame or undermine support for our political prisoners with impunity, but that they will be checked, privately if not publicly. "Voice of the Political Prisoner" is being revised to include the statements of a few more political prisoners who are now LibRA members. Those without Internet access may obtain a copy of "Marching Forward and Taking Casualties" for \$1.00 or its equivalent in postage stamps or in postage paid embossed # 10 size envelopes. A copy of "A Defining Issue" may also be obtained for the same amount.

#### **A Benefit of Growth**

With continued growth in membership in LibRA there is an emerging potential network of good "jailhouse lawyers." There have always been some within our association from the beginning, a few who are now no longer prisoners but who are still with us. Within the past few months an even greater number of those with experience in legal work, some with impressive successes, have become associate members. Even more have expressed a desire to join. We are considering ways to better co-ordinate this growing network to facilitate greater, more efficient sharing in legal research projects and pooling information and resources.

John W Gerhardt  
Administrator