

## A Brief Outline of Unlawful Mail Censorship in Michigan Prisons

People imprisoned within the many prisons of the Michigan Department of Corrections (MDOC), have a constitutionally guaranteed right to send and receive mail, especially via the United States Postal Service (USPS), as do the people and organizations that send them mail, as set forth in the Michigan Constitution of 1963, art. 1, §5 and the United States Constitution, Amend. I.

However, at some MDOC prisons, mail room employees either unlawfully reject, purposefully misdirect, or steal prisoners' mail in violation of state and federal constitutions and law, as well as MDOC administrative rules and policy. See, for example, MCL 800.43, PD 05.03.118, and Admin. R. 791.6603, all of which are specifically cited and discussed within the attached Administrative Hearing Reports and Grievances, Steps I-III at this website.

When prisoners' mail is rejected by a prison mail room employee, that employee is required to fill out and issue a Notice of Package/ Mail Rejection (CSJ-316) to both the prisoner and the sender. See PD 05.03.118(00); Admin. R. 791.6603(8); and *Procunier v. Martinez*, 416 U.S. 396, 417(1974). The prisoner and/or sender may then either acquiesce to or contest the rejection. A prisoner may do this by requesting an Administrative Hearing on the rejection or agreeing to mail out the offending materials or have them destroyed. The sender is also entitled to some sort of administrative process if they object to the rejection, but not being on that end of the process, with very few senders willing to object, I do not know what that entails. I do know both prisoner and sender are entitled to their rights of due process as guaranteed by state and federal constitutions.

Suffice it to say, these Administrative Hearings are recognized as little more than a joke by MDOC employees and prisoners alike, as can be seen by reading the attached Administrative Hearing Reports. I've learned to provide a sworn statement, written out and signed in advance, containing specific details of all the violations of state and federal constitutions, law, rule, and policy entailed in each rejection, or, at least, as many as I can think of at the time. Otherwise, if left up to the Hearing Officer (HO) to type in, "your statement" will end up being a truncated, twisted, and unrecognizable version of what you said. This inevitably serves the interests of the MDOC and its prison mailroom employees in upholding the initial rejection. You know, like if you were to give a statement to the police – "Anything you say can and *will* be used against you" (my emphasis).

If you're not satisfied with the hearing results, typically a rubber stamping of the rejection without rhyme or reason, you may then file a Step I Grievance. You may also file a Step I Grievance (CSJ-247A) in concern of any mail that has gone missing and not delivered to you, e.g., stolen mail, after its arrival at the prison. In the latter case, having the sender put tracking numbers on the mail is helpful, as the grievance process, like the hearing process, is weighted against the prisoner. The MDOC grievance process, such as it is, consists of three exercises in futility called "steps." If you disagree with the Step II Response you may appeal to Step III. The entire process is set forth in the MDOC grievance policy PD 03.02.130.

When you receive a Step III Response, the grievance, and the claim or issue set forth within it, is considered fully exhausted and ripe for filing, in the form of a

claim or civil suit, in state or federal court. In state court of claims actions you must then file a Notice of Intent to file a claim in the court of appeals or you can pursue a civil suit in the state district or circuit court, depending on the amount of money you're asking for, that has jurisdiction. Federally, the Prison Litigation Reform Act (PLRA) limits prisoners' civil suits to the claims or issues fully raised and exhausted in the state's corrections department's grievance process. In the MDOC, that is all the way up to Step III.

The responses, at Steps I-III, are generally as much of a joke as the "reasons and findings" in an Administrative Hearing Report. The Step III Response is typically the exact same boilerplate used in every grievance no matter what the issue or claim raised happens to be. As such, one should be able to easily and successfully argue that in Michigan the MDOC provides no substantive, i.e., real, due process to prisoners because their issues and claims are almost never seriously investigated, considered, or answered. Unfortunately, almost all courts, state and federal, are courts of deference, meaning they all defer to the results below sustaining the rejection of mail or denying the grievances in concern of rejections or non-delivery of mail.

So far as the grievance process within the MDOC and its mailrooms, it wasn't always this way. Censorship was rare and grievances seemed to be taken seriously for the most part. I first went through "the bubble," i.e., the entrance to prison, at the Southern State Prison of Michigan in Jackson, back in 1987. Back then, and on through most of my years in prison, including this last nineteen-year stretch, censorship was rarely a problem. Not even for the most radical publications. This battle had already been fought and won by prisoner sin the '60s - '80s. The only materials censored, i.e., rejected, were those calling for the immediate, violent overthrow of the government. Later, pornography ("I know it when I see it") and photos showing genitalia were subject to censorship when various prisons' bans against them were upheld by the courts.

So far as I can tell, what happened in Michigan is that over time MDOC mail rooms became dumping grounds for Corrections Officers (COs) with job performance problems who, because of various personality trains and psychological issues, could not get along with their fellow COs, or prisoners, or both. In some cases these COs had assaulted prisoners, or even COs, smuggled contraband, used drugs, or tampered with prisoner's food, e.g., urinating on food trays, etc. However, unlike in the private sector, as public employees they were protected by the Civil Service Commission, union contracts, etc., and rarely able to be fired. Thus, the only consequences they suffered were a few days off without pay, some retraining, and exile to a position up front in the control center, often ending up in the mail room as a General Office Assistant (GOA).

At Thumb Correctional Facility (TCF) in Lapeer, GOA Peggy Haywood (Haywood) was so notorious for fucking with prisoners' mail that upon my arrival there, in the summer of 2011, I was greeted by a friend who advised me that "it's not bad here" but I was going to have "a huge problem with the lady who works in the mail room," meaning Haywood. Later, I discovered she was also notorious for phoning in to a local radio station's morning show as "Prison Peggy" and describing the contents of mail sent to prisoners - all those "nasty things" prisoners girlfriends

and wives write and send them through the mail. Her punishment? She was told to stop.

“Prison Peggy” was indeed a huge problem for me, and a portent of things to come, as she issued numerous Notice of Package/ Mail Rejections for various periodicals, books, and other printed materials sent to me, while also failing to deliver even more through misdirection, outright theft, etc., during my time at TCF, 2011-2015. For example, Haywood rejected *Negroes with Guns* by Robert Williams for two “reasons”:

1. Its foreword quoted part of William Lloyd Garrison’s pre-Civil War book review of *Uncle Tom’s Cabin* where he opposed slavery, which Haywood claimed “advocated black racial supremacy” (apparently, Haywood did not realize Garrison was white); and
2. Williams’ call for Negroes to defend themselves against attacks by the Ku Klux Klan (KKK) was “racist, advocates black racial superiority,” according to Haywood.

All of which strongly indicates Haywood is a racist, possible member of the KKK, and more than likely suffering from some sort of psychological disorder. Yet, so far as I know, she is still working in the TCF mailroom along with her partner in crime, GOA Tonica Bates (Bates).

*Negroes with Guns*, along with the also-rejected *Maroon the Implacable* by Russell “Maroon” Shoats, were delivered to me after an administrative hearing (n.b., no hearing report was issued) held the day before I was punitively transferred to Kinross Correctional Facility in Michigan’s Upper Peninsula (UP) in retaliation for the many grievances I’d filed against the TCF mail room employees, Peggy Haywood in particular, as well as Bates, in concern of unlawful mail rejections, non-delivery, and outright theft of my mail.

The order for my transfer was signed by then acting deputy warden Randee Rewerts (Rewerts), the former TCF facility manager who, according to Haywood, was her “good friend.” Rewerts, rather tellingly, signed my Transfer Order within days of his return to TCF from Woodland Correctional Facility where he had been sent to act as a deputy warden several months previously. My retaliatory transfer to KCF in the UP, where all the prison are essentially disciplinary prisons, is a clear indicator of the corruption and cover-ups rampant at many MDOC prisons.

Times had most definitely changed here in the second decade of the 21<sup>st</sup> century. Now in the UP, I quickly learned the mail rooms at KCF, Alger Correctional Facility (LMF), and Chippewa Correctional Facility (URF) (n.b., the acronyms don’t always make sense, like most things in the MDOC, unless you know most prisons have two names. E.g., Chippewa (URF) was also known as Upper Regional Correctional Facility), were extremely reactionary in the application of their de facto censorship policy, including rejections, non-delivery, and theft of numerous material and periodicals sent to me via U.S.P.S. mail. Not very surprising, inasmuch as the UP is one of the more insular and reactionary areas of Michigan, with a major portion of its economy dependent on MDOC prisons and jobs. Moreover, KCF and URF are located near the city of Sault Ste. Marie, which has long been known as a

center of KKK activity in its not-too-distant past. In other words, they voted for Trump.

Consequently, it also comes as no surprise, here at URF I've encountered the most extreme, racist, reactionary, and unlawful censorship of U.S.P.S. mail and books than I have in all my years in prison, and I'm not alone in this. URF mail room employees, GOAs Jacqueline Mertaugh and Colleen Myotte, have unlawfully and repeatedly rejected, when not misdirecting delivery or stealing, my and other prisoners issues of *Workers World (WW)*, a weekly newspaper, *Prison Legal News*, and *San Francisco Bay View*, both monthlies, *News & Letters (N&L)*, and *Under Lock & Key (UL&K)*, both bi-monthlies, along with many other periodicals, books, personal correspondence, photos, legal paperwork, etc. For a myriad of reasons, most of which are as unlawful as they are irrational and unrelated to any serious penological concern as required by the United State Supreme Court in *Turner v. Safely*, 482 U.S. 78,89 (1987).

For example, I've never had an issue of *PLN* rejected until being transferred into URF in May 2016, and I've been a subscriber for over a dozen years. Further, over the course of my eighteen years as a subscriber to *WW* I had maybe five or six issues rejected or not delivered, with one issue stolen and passed among MDOC employees, all directly attributable to Haywood at TCF. Since arriving at URF, a total of twenty-one issues have not been delivered to me in less than a year. That is almost half a year's subscription.

The majority of these mail rejections, non-deliveries, and thefts of my mail have occurred after the inauguration of corrupt businessman, racist, and misogynist Donald Trump as president. Apparently, Jacqueline Mertaugh (Mertaugh) and Colleen Myotte (Myotte) perceived Trump's election as a license to reject, misdirect, or steal all mail they found to be personally and politically unpalatable, which by law they are expressly forbidden from doing as set forth in M.C.L. 800.43. After all, with Trump, the new "commander-in-thief," being a notorious scoff-law, why should *they* follow the law? It follows that a lawless president naturally encourages lawlessness in the ranks. One need look no further than our national borders to see the chaos Trump has engendered. Thus, it came as no surprise when Mertaugh informed me she once worked for either U.S. Customs or Border Patrol. I suspect she lost that job due to her marked propensity for overzealous enforcement in accordance with her personal beliefs and in disregard of federal laws, rules, and policies. It was no surprise either, she was interviewing me in order to respond to a grievance written against her in violation of the grievance policy, PD 03.02.130(x), which mandates the Step I respondent, and interviewer, be the supervisor of the person grieved *not* the person grieved. In a word, corruption. In sum, this corruption reaches up to and through the grievance coordinator's office all the way to the warden's office here at URF.

For the fully story, facts, and details, check out the rest of this section of my website, where you'll find posted my recently filed Notice of Intent to File a Claim which I filed in the Court of Claims section of the Michigan Court of Appeals, who, in turn, served it on the MDOC and Michigan Attorney General. You'll also find posted, or in the process of being posted, all my grievances, Steps I-III, as referenced in said

Notice, along with the administrative hearing reports in concern of mails rejections, as well as all the relevant law, rule, and policy cited therein.

Please bear with me, and the website manager, as posting all of this is quite a process. A necessary one, because the fact is that the MDOC and its employees are able to get away with all the shit they do – the censorship, poor health care, lousy and insufficient food, high prison commissary prices for low quality “food,” theft of prisoners’ property, brutality, etc – because it is hidden and they want to keep it that way. I do not, so get ready for the big reveal!

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