

Current and Former CMU Prisoners

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Ms. Sarah Qureshi
Office of General Counsel
Bureau of Prisons
320 First Street, N.W.
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Re: BOP DOCKET #1148-P COMMUNICATION MANAGEMENT UNITS

Dear Ms. Qureshi:

As an individual imprisoned in the Communication Management Unit (CMU) at the United States Penitentiary at Marion, I feel a need to submit comments on the proposed rules for the CMU (BOP Docket #1148-P). Although this proposal is flawed on many levels, I will attempt to limit my comments to the extreme restrictions placed on our communication with the outside world and how they negatively impact our families. While there are numerous legal and civil rights objections to this proposal, I will leave those to be raised by the multitude of civil liberty and legal organizations.

While it is a welcome (albeit, minor) step to see the Bureau of Prisons (BOP) finally propose rules for the CMU (after operating them illegally for 3-plus years), this proposal is a huge step backward. Similar to the "Limited Communication for Terrorist Inmates" proposal (BOP Docket #1135-P) of 2006, these new rules would severely restrict the communications of prisoners in the CMU and would have a devastating impact on the wellbeing of our families.

Perusing the six page proposal, one might conclude that the BOP is proposing the creation of a new unit. However, this is not the case as there have been CMUs operating at FCI Terre Haute (Indiana) since January 2007 and at USP Marion since May 2008. As it stands; our communication is restricted in the following ways:

- Telephones: Until January 2010, we received just one 15 minute phone call a week. That number was increased to two calls a week after a lawsuit was filed by the ACLU in June 2009. Federal prisoners outside the CMU receive 300 minutes a month for phone calls—five times what we got. These calls must be scheduled one week in advance and are live-monitored by the BOP's "Counter-Terrorist Unit" (CTU) on the east coast. Maintaining healthy relationships with family is exceedingly difficult on a 15, or even two 15 minute phone calls a week. The stress of “who to call” and whether they will pick up or be home is always there.

- Visits: This is easily the cruelest and most trying aspect of life in the CMU. Unlike the majority of federal prisoners, our visits are non-contact and are behind an inch of glass. There is no embrace or holding hands; no chance at all to express your love for the people who are standing by you as you serve your sentence. The visit takes place in a dedicated room adjacent to the normal visiting room; you speak to your visitors through a phone and it is live-monitored. Despite the existence of technology that makes it easy to monitor verbal communications, the BOP insists on making our visits noncontact. Strip searches of prisoners, background checks of our visitors and searches of our visitors upon arrival make it so contact visits could easily be implemented, if the BOP saw fit to do so. It is aspects like these that have convinced me that the CMU is designed to punish and isolate the prisoners held here. Adding insult to injury, CMU prisoners receive only two four-hour visits per month. At the last prison I was held at, I was able to receive eight visits a month (roughly 56 hours). Because of this restriction, the distance of USP Marion from my residence in New York, and costs, my wife is only able to visit every five months or so. In restricting our visits in number and making them horribly uninviting, the BOP has contradicted its own policy on visits which states: "The Bureau of Prisons encourages visiting by family, friends and community groups to maintain the morale of the inmate and to develop closer relationships between the inmate and family members and others in the community." In light of the CMU, and these proposed rules, those are just empty words.
- Correspondence: Our mail is not currently limited in quantity, but all mail is scanned by unit staff and forwarded to the Counter-Terrorist Unit (CTU). There, it must be approved, and only then can it be delivered to us or our correspondents. This results in significant delays in mail delivery, especially if the letters are written in a language other than English. It is not uncommon for my wife to wait ten days to get a letter. Interesting to note is that at no point did any CMU prisoner consent to mail monitoring by the CTU nor does the Institutional Supplement for this prison or the admissions handbook mention this fact. Instead, a Freedom of Information Act (FOIA) request unearthed this secret.

These restrictions that I have noted (that are currently in place) are having a deleterious effect on CMU prisoners and especially our families and children. It is next to impossible to be meaningfully involved in the lives of our families with such restrictions. Every week, on the morning of my phone call to my wife, I set my alarm clock, write notes and ask my neighbors to remind me of my upcoming phone call. This is due to the limited number of calls and the fear that I will miss one and not speak to her for some time.

Although the phones are a logistical nightmare, the visits, by far, cause the most senseless suffering on our families. Many men in the CMU will never receive a visit from their families because they do not want to put them through the pain and frustration of seeing them behind glass. The feeling of joy I used to get from seeing my wife and being able to hug her at the start of our visit is impossible to describe. It helped us deal with the seven year sentence I am serving to be able to connect, even though we only saw each other a few times a year. This month, it will be two years since the last time I was able to hug my wife or even hold hands. It feels like torture.

There is a gulf that opens up between us and our visitors from the lack of physical contact. Men in the CMU with children have it even worse. It is impossible to explain to a small child why their father cannot hug them or why they cannot sit on his lap (when this was common at previous visits). Children blame themselves for this and suffer from a lack of contact with their fathers. Normal childhood development requires that children receive hugs, reassurances and love from their parents. The inch of glass between father and child prevents this healthy dynamic. Recently, when lamenting to a neighbor that I had not seen my wife in five months, he noted that he had not seen his children in eight years. The little girl who was learning how to crawl when he came to prison is now in 3rd grade. The little boy in grade school is graduating high school. These stories are all too common in the CMU.

Personally, I felt the brunt of these visiting and phone regulations last winter when my mother died of cancer. Diagnosed in 2007, just two weeks after I came to prison, she had been unable to visit me due to her placement on an organ donor list (requiring she not travel more than three hours from NYC). While at a low-security prison in Minnesota, I did everything I could to receive a transfer closer to home: taking classes, working as a clerk, reading and writing to friends, receiving no disciplinary violations and having my security points lowered through good behavior. I submitted a transfer request in April 2007, but just 2 weeks later I was sent to the CMU.

Unfortunately, my mother's health took a turn for the worse. She was hospitalized on Thanksgiving 2009 and passed away, with my family by her side, in December 2009. Because of my placement at a CMU, it was an uphill and bureaucratic struggle to receive an emergency phone call. Whereas it would have been a simple affair at a normal prison—with me just calling my sister who was at my mother's side or receiving a call via the chaplain—that was not the case here. Many phone calls were made by my wife and sisters to coordinate this phone call. I kept thinking the whole time, "if I was just at a normal prison, this would not be an issue," as I had seen men just walk to the chaplain's office and request a call. I finally did get a call due to my family's persistence and the intervention of an Associate Warden, but the restrictions of the CMU baffled me (and common sense) every step of the way.

In its quest to make the Communication Management Unit legal (that is, to have a codified, national policy), the BOP has chosen to radically restrict our communication, making our current restrictions seem practically lenient. Citing a need to “ensure the

June 2, 2010

Rules Unit, Office of General Counsel
Bureau of Prisons (BOP)
320 First Street, NW
Washington, DC 20534

**Re: BOP Docket #1148-P
Communication Management Units**

To Whom It May Concern:

Below, please find my comments on the proposed Communications Management Unit (CMU) regulations.

- The rule states that “designation to the CMU is not punitive.” As an inmate who spent 2 years at CMU Terre Haute, the CMU is a completely punitive environment where, without justification, inmates are deprived of proper contact (phone & visits) with their families.
- The CMU intentionally lacks educational, job training, work, recreation, and religious programming.
- The CMU even lacks an outside yard in an attempt to keep inmates indoors at all times.
- CMU Terre Haute doesn’t equate or qualify as a general population. It is a restrictive unit with an assortment of punitive measures. Even exercise and recreation activities are restricted. A recent request for a crochet class was denied even though it’s available at the regular FCI and even at ADX.
- The published rule states that “CMU inmates continue to earn sentence credit in accordance with law and Bureau policy.” This is a misleading statement. CMU inmates are deprived from earning credit for a variety of programs that are intentionally not available to the CMU. One such program is the drug program.
- Although the proposed published rule gives no hint, both CMUs (Terre Haute and Marion) have a high concentration of Muslim and Arabic inmates who were particularly selected due to their ethnic and religious background and were secretly shuttled to the CMU from various locations around the country.
- Arab/Muslim inmates at the CMU are particularly discriminated against in violation of their constitutional rights and other US and international laws.

Religious discrimination against CMU inmates targets only Muslims and includes:

- No congregation prayers
 - No designated chapel space
 - Restricting individual prayer to cell area next to toilet
 - No recognition of religion fasting (except Ramadan)
 - No Arabic language study allowed even though Arabic is the Muslim liturgical language of worship
 - No religious studies allowed
- Unlike what is published in the proposed rule that the CMU is a “general population” and non-punitive unit, the CMU lacks many programs and includes many prohibitions:
 - No library
 - No drug programs
 - No job training
 - No career counseling
 - No UNICOR jobs
 - No recreation except cards/chess
 - No education programs except GED/ESL
 - Most importantly, the CMU does not prepare inmates for release back into society. On the contrary, it is a breeding ground to radicalize inmates due to the discrimination and abuse they face because they are Muslims or Arab/Asian-Americans.
 - Under “Designation Criteria” section A or “Inmate’s Current Offense”: This is a broad and general criteria and needs to be further defined and specified. For example, despite my conviction on terrorism-related charges, the Judge determined that my last involvement was 12 years ago, so despite having no contact, communication, involvement or association related to terrorism, I am being designated to the CMU. Furthermore, this criteria means that I will spend the balance of my sentence at the CMU with no hope of a transfer to a facility closer to my family. This is arbitrary, capricious and contrary to BOP transfer policies.
 - Under Section C of “Designation Procedure,” it states that a written notice will be given to inmates after arriving at the CMU. This effectively turns the designation and transfer into a secret kidnapping of the designated inmate. This was the experience of everyone who was secretly taken to the CMU without notice or a hearing. There has to be a due process hearing to give the inmate an opportunity to challenge the designation which is usually based on bogus information proven wrong at trial.

- CMU designation review mentioned under Section C(5) is both misleading and untrue. 6-month reviews by the Unit Team are nothing but a few minutes of reviewing a computer print-out that has nothing to do with the designation. No review resulted in any re-designation or transfer since the CMU's opened. I was told by the Unit Manager that I will spend the rest of my sentence (7 years) at the CMU with no chance of transfer. My written request for transfer was summarily denied by the Warden.
- Section 540.204 phone limitations to one 15-minute call per month is draconian, arbitrary, and capricious. If an inmate violates no policies, then why is s/he and their family getting punished like that? In general population, inmates receive 300 minutes per month, that is twenty times what's proposed here. How can I communicate with my wife, 5 children and two elderly parents in one 15-minute call per month? This is unjustified punishment and discrimination.
- Section 540.205 visitation, like phone restriction, proposed non-contact visits for CMU inmates which are punitive measures for both inmates and their families. Many of these inmates enjoyed contact visits for years at other BOP facilities before being transferred to CMU. As a result, many inmates stopped getting family visits due to the restrictive visitation measures which were shocking to those who visited, especially children. The BOP already has in place policies that worked for decades and inmates at the CMU should enjoy the same visitation privileges as those in general population.
- Even ADX supermax inmates get better mail, phone and visitation than what is proposed here for CMU inmates.
- After 2 years at the CMU, I can testify that this CMU is a complete failure. Inmates are being treated as enemy combatants just because they are Muslims, and even though most of them were convicted of crimes other than terrorism, they are being treated as terrorists. This has created a poisonous environment of discrimination and bigotry tolerated by the senior administration.
- The CMUs under the proposed rules are nothing but GITMO with a different zip code. The result will be a radicalized inmate population due to the abuse and religious discrimination they experience on a daily basis. It is obvious that these CMUs and the proposed rules were thrown together as a politically-correct solution to the huge problem of terrorism without any regard to the constitution, BOP policy or US and international law.
- I suggest improving the proposed rules as follows:
 - Create a structured, transparent, open and more specific designation process
 - Avoid targeting Muslim inmates

Comments Submitted by Current and Former CMU Prisoners

- Provide 300 minutes of telephone calls per month, the same number of minutes available to prisoners in general population.
- Provide contact visits similar to those available to general population prisoners
- Provide a clear policy for transferring out of the CMU (even ADX and SMU inmates have transfer programs to lower facilities available)
- Train CMU BOP staff to stop current practices of discrimination
- Include in the rules clear prohibition against ethnic and religious discrimination which is currently rampant in the CMU under the cover of security and proper operation of a safe facility.
- I suggest that you visit the two CMUs, review the mountain of administrative remedy files, the current law suits and other disciplinary cases, and at least get some input from staff who were here during the previous 3.5 years.

Thank you for your consideration.

Anonymous CMU Prisoner

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June 2, 2010

Rules Unit, Office of General Counsel
Bureau of Prisons (BOP)
320 First Street, NW
Washington, DC 20534

**Re: BOP Docket #1148-P
Communication Management Units**

To Whom It May Concern:

Below, please find my comments on the proposed Communications Management Unit (CMU) regulations.

I was housed in the USP Marion's Communications Management Unit (CMU) for approximately two years. I am also currently a Plaintiff in the pending law suit against the Attorney General, and the Federal Bureau of Prisons Director, Harley Lappin.

I want the record to adequately reflect the truest purpose and usage of the CMU. BOP personnel have created a unit, i.e. CMU, specifically to house Muslim prisoners. The proof that this is, and was, its intended purpose can be found in the Director of the BOP, Harley Lappin's testimony before Congress in 2009 when Director Lappin specifically informed Congress that he had created two new units, i.e. CMUs, identified as "Communications Management Units," and what they were created for, i.e. monitoring inmates' communications, and for whom they were created.

Director Lappin specifically redressed a concern that surrounded activities by Muslims prisoners within the custody of the Federal Bureau of Prisons. Because certain Muslim prisoners "don't require" higher security, Director Lappin informed Congress that the CMUs were specifically created for "these individuals" instead of placing them in the Supermax ADX. [BOP 2009 Budget Hearing Before Congress]. This request for additional funds was for 9 million dollars after Congress had already given Mr. Lappin 17 million dollars for the Counterterrorist Unit in West Virginia (CTU).

It was not until complaints that the CMU was discriminatory, and specifically after a Federal Judge commented in open court that “a unit with so many Muslims in it raises some eyebrows” that suddenly Mr. Lappin’s CMU began to take on a small percentage of non-Muslims.

When complaints to the Office of the Inspector General (OIG) were filed by this writer alleging the CMU was a “terrorist unit,” which Director Lappin informed Congress it was established for, the OIG instructed Lisa Hollingsworth, Warden at the United States Penitentiary, Marion, to respond to the allegation of this “secret terrorist unit.”

In response, Mrs. Hollingsworth told the OIG that no such unit existed, and that the CMU was simply a communications unit with nothing else attached to it, and specifically no consideration of religious association was considered. However, speaking privately with Mrs. Hollingsworth shortly after her OIG response, she stated that technically I was correct in that Mr. Lappin had told Congress that the CMU was for terrorists and her response to the OIG conflicted with his to Congress... Thus Mrs. Hollingsworth’s response interfered with a Federal Investigation that was being conducted by the OIG. When this complaint was brought to the Office of General Counsel for the BOP it was ignored.

As mentioned in the pending suit, *Aref, et al, v. Holder, et al*, Case no. 10-cv-00539 (RMU), the BOP has operated under the radar since 2006. The consequence has been complaints about the CMUs have been ignored, or downplayed. Federal prisoners, including U.S. citizens, have been tucked away from the public, media, friends, family, and associates.

In some cases some prisoners have been abused, threatened and neglected all under the watchful eyes of the bureau staff. Specifically, one Muslim prisoner was allowed to cut himself up with a razor over half a dozen times. He threatened to kill himself and expressed multiple signs of depression and mental illness. BOP officials transferred him to the Supermax ADX Colorado – a place Director Lappin testified before Congress that CMU prisoners didn’t need. However, another CMU prisoner displayed mental health issues, only threatened to do harm to himself and others and was transferred to another prison to undergo psychological treatment.

A gentleman by the name of Mr. Nettles, a 71-year-old man serving 120 years also resides in the CMU. Mr. Nettles does not shower for months on end. Letters written to the U.S. Department of Health and Human Services are “lost” in the mail. Staff, those specifically running the CMU On-Site and Administration Staff, i.e., Mrs. Hollingsworth, her associate Wardens and department staff heads, are all aware of the odor of urine on Mr. Nettles and have made *no* attempts to have him transferred to an institution where he could be taken better care of. The neglect expressed toward Mr. Nettles is not just a Constitutional wrong, but a moral wrong as this gentleman is an elderly and Mrs. Hollingsworth’s lack of concern for his well being is shameful. As a matter of fact, Regional Staff and National Staff have made visits to the CMU, including Director Lappin, and have personal knowledge as to Mr. Nettles’ treatment and state.

Furthermore, the CMU operates under the guidance of the CTU, a department created by Director Lappin to monitor terrorist activities within the BOP. What the BOP has failed to mention in its notice is the scrutiny for which CTU will place private citizens under. Though the BOP announces CMU inmates will be monitored in their communications it leaves out very serious and essential information in its notice.

The BOP has failed to inform the public that the public itself will be held under a microscope if it has contact with CMU prisoners. Thus, a long-lost relative recently making contact with his CMU brother, associate, etc. has to be investigated. His record, finances, associations, politics, and travel history are all examined. This information is then saved in a data bank and that individual is now considered officially an associate with the CMU prisoner, i.e., a terrorist, or an individual who is associated with terrorist or such organizations...

The extent of the intelligence gathering conducted by the CTU is *not* mentioned in this notice posted by the BOP. The BOP hasn't informed the public that in-coming and out-going mail is scanned and then sent via email to the CTU to be processed for approval. Financial, private, and confidential information is subjected to hackers since the correspondence are not inspected at the prison.

Congress was never informed that private citizens would be placed under such scrutiny, nor is such scrutiny mentioned in the BOP's notice.

The very fact the BOP has failed to mention so many specifics regarding the scrutiny and procedures of CMU, or CTU, and has further failed to explain a reviewing process of the progress of the CMU, in conjunction with the abuse, neglect, and treatment of some prisoners in the CMU, the public should request the OIG to conclude its investigations, publish its findings, and Director Lappin should be compelled to explain more specific information to Congress about the CMU and CTU and how they *really* run. Citizens have great concerns when they are scrutinized without their knowledge.

Because the BOP refuses to allow me a live interview with the media you may contact me via mail at the address above or through my attorney, Ms. Rachel Meeropol, 212-614-6432.

I request CMUs be terminated, and they were established in a discriminatory fashion and are a very bad idea.

Sincerely,

Royal Gene Domingo Jones, Sr.

Royal Jones is a CCR Plaintiff.

Adham Hassoun
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June 2, 2010

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**Re: BOP Docket #1148-P
Communication Management Units**

To Whom It May Concern:

These are my comments and objections to the unconstitutional proposed rule 28 C.F.R. §§ 540.200-540.205 Communication Management Units:

I object to § 540.203 “Written Correspondence Limitations”: The proposed rule for general correspondence limitations violates clearly established constitutional rights, Supreme court case law, and the BOP’s own rules and regulations. *See, e.g., Bell v. Wolfish*, 441 U.S. 520 (1979); *Thornburgh v. Abbott*, 490 U.S. 401 (1989); *Turner v. Safley*, 482 U.S. 78 (1986); *Procunier v. Martinez*, 416 U.S. 396 (1973); *Pell v. Procunier*, 438 U.S. 1 (1978).

I object to § 540.203(b), “Special Mail”: Any limitations or interference with the incoming or outgoing legal mail or imposing any requirement that the inmate seal the envelope in the presence of the staff or limiting legal mail to attorney of record only or creating any new restrictions with respect to legal mail will open the door to countless lawsuits and will waste the taxpayer’s money in a rule that will surely be found by the court to be unconstitutional because the law is clearly established that an inmate has the constitutional right to send and receive legal mail without any interference by prison officials. *See, e.g., Al-min v. Smith*, 511 F.3d 1317 (11th Cir. 2008); *Jones v. Brown*, 461 F.3d 353 (3rd Cir. 2006); *Davis v. Goord*, 320 F.3d 346 (2d Cir. 2003); *Walker v. Page*, 66 Fed. Appx. 52 (7th Cir. 2003); *Merriweather v. Zamora*, 569 F.3d 307 (6th Cir. 2009).

I object to § 540.204(a), “Telephone communication limitation”: Any implementation of the proposed limitations or restrictions on the monitored telephone communications, including limiting the phone calls to immediate family members only, requiring the communication to be English only, or limiting the calls to one call a month

or one call a week, will be challenged in the court under the 1st, 5th, and 8th Amendments and equal protection clause of the 5th Amendment. The CMU inmates should be allowed 300 minutes of phone calls a month.

I object to § 540.204(b), “Unmonitored telephone communication” limitations: Any implementation of this proposed limitation or restriction on unmonitored privileged communication, including the requirement proposed that the calls be limited to the attorney of record or allowing only urgent calls to the attorney, or requiring the inmate to show an impending deadline, or establishing that visiting or correspondence is insufficient to be allowed to make a legal call will be challenged in the court because such limitations are in violation of clearly established laws.

I object to § 540.205(a), proposed limitations and restrictions in visitations for CMU inmates: Any implementation of the proposed restrictions or limitations including limiting the visits to the immediate family members, limiting the frequency and duration or regular visiting or limiting the number of visitors or limiting the visitation to non-contact visits, or requiring the visits to be conducted in English only will surely be challenged in the court as unconstitutional and will open the flood gates for lawsuits in this matter. The CMU inmates should be allowed same visitation rights and privileges as inmates in other general population facilities and contact visits must be provided.

I object to § 540.205(b), proposed limitations and restrictions on attorney-client privileged visits: Imposing any restrictions on the attorney-client privileged visits will be challenged in the courts as unconstitutional.

The proposed restrictions are unconstitutional, violate international law and the treaties of the United States, and the BOP’s own rules and regulations, and such rules will place the U.S. in the same category as so-called outlaw governments who are criticized by the U.S. government for violating prisoner rights to freedom of speech, association and religion.

Respectfully submitted,

Adham Hassoun

cc: Center for Constitutional Rights

Noureddine Malki

63740-053

CMU inmate since september 2008

**RE: BOP DOCKET#1148-P (CMU) COMMUNICATION
MANAGEMENT UNITS**

I strongly object to any proposal to legalize CMU anywhere in the US. No one deserves to live under such harsh and extreme conditions. Inmates are treated like herded sick animals quarantined away from the rest of healthy animals in the farm and placed in an isolated stable marked for euthanasia. The CMU metaphor is clearly a reminiscence of the horrible concentration camps in Nazi Germany and more recently Slavic serbia. It is also a revival of what happened to 120,000 American Japanese during World War II when they were confined in concentration camps called internment for no clear political reason other than being Americans of Japanese descent.

The allegory here is that in a civilized world CMU must be banned because it represents a sinister move towards a new trend of political discrimination and prejudice against a certain group of people. It is a new modified form of concentration camp where inmates are stranded inside a unit that is totally isolated from the rest of the general population and where their communication to the outside world is drastically reduced to two phone calls a week. This is a brutal form of dictatorship that serves only the racist ideology of those who created it on purpose to bring this country back to the era of fascism. This misconstruction of law is in fact a new fabricated political product used by demagogues to score political points. It actually has nothing to do with the fight against terrorism because some people, including myself, have never been accused or convicted of terrorism. Even though this is a remnant of one of the Bush failed policies, it is still enforced illegally with malicious intentions to legalize it. It's appalling to learn that wicked attempts to add more restrictions to an already illegal CMU is taking roots in congress. It's like adding gasoline to a raging fire.

This clear violation of due process is not only a challenge to inmates and their families, but also an insult to democracy, to the republic, and to constitutional rights. Inmates in a CMU live under the constant staffer's discretion. Complaints are normally answered with threats of retaliation. Almost all incoming legal mail is routinely checked in complete disregard to the basic law that "legal mail should be open only in the presence of inmate". Given so much power over inmates a staffer can turn inmate's life into a miserable living hell. They are given authority to control everything and cause inmates to fight, and tell on each other to gain favoritism. A staffer in bad mood can confiscate inmate's commissary purchased items and turn them into contraband at any given time without respect to CFR and Program Statements and with almost guaranteed impunity. Inmates are told that they

can leave CMU if they achieve 18 month clear-conduct rule, yet when no prohibited act is ever committed fictitious incident reports are rampant to keep inmates inside CMU.

CMU staffs enjoy air conditioners in their rooms while inmates suffer 24 hours a day from heavy-duty noisy fans in their quarters. Inmates take in more noise than needed oxygen, and have difficulties breathing and adapting to sleeplessness and lack of concentration. Under these stressful conditions an inmate can quickly snap and lose his temper, and that's exactly what a wicked staffer is waiting for. It seems as if an open competition for the employee-of-year is the motivating factors the staffs embrace to keep the pressure on. Inmates already exhausted all administrative remedies and law suits are in courts to redress grievances. This political facade of discrimination must be destroyed to preserve and protect the bill of rights because there is a general fear that not only our 8th constitutional right has been violated and largely ignored, but also the constitution itself is now at risk of being permanently defaced.

Submitted on behalf of Nouredine Malki, a CMU Prisoner, by Halima Le Ray.

MAY 19, 2010

Comments Submitted by Current and Former CMU Prisoners

RULES UNIT

OFFICE OF GENERAL COUNSEL

BUREAU OF PRISONS.

320 FIRST STREET, NW

WASHINGTON, D.C. 20534

RE: COMMENTS AND/OR OBJECTIONS TO THE PROPOSED
RULE FOR "COMMUNICATION MANAGEMENT UNITS"
BoP DOCKET # 1148-P

1. THE PROPOSED RULES ARE UNCONSTITUTIONAL AND IN VIOLATION TO RIGHTS OF THE FIRST AMENDMENT, SEE BARALDINI V. MEESE 691 F.Supp 432 (D. DC 1988) ("THE BoP POLICY WAS UNCONSTITUTIONAL BECAUSE IT PUNISHED INMATES FOR THEIR 'RADICAL POLITICAL BELIEFS AND ALLEGED ASSOCIATIONS WITH REVOLUTIONARY POLITICAL ORGANIZATIONS'").
2. THESE RULES VIOLATES THE EQUAL PROTECTION CLAUSE AND PROGRAM STATEMENTS 1040. "NON-DISCRIMINATION TOWARDS INMATES:" BECAUSE THE RULE [DOES NOT] APPLY TO OTHER INMATES WHO ARE GANG LEADERS OR MEMBERS, DRUG DEALERS, AND OTHER INMATES WHO WERE CONVICTED OF USING THE TELEPHONE OR MAIL TO FURTHER CRIMINAL ACTIVITIES BUT THEY ARE NOT ALLEGED TERRORIST INMATES.
3. THESE RULES VIOLATES THE CUSTOMARY INT'L LAW AND THE TREATIES OF THE U.S INCLUDING THE INT'L CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, STANDARD, MINIMUM RULES FOR THE TREATMENT OF PRISONERS, BASIC PRINCIPLES FOR TREATMENT OF PRISONERS ETC.

4. THESE RULES VIOLATES THE FIFTH AMENDMENT B/C, IT DEPRIVE THE INMATE OF THE RIGHT TO ADVANCE WRITTEN NOTICE THAT ADVISE THE INMATE OF THE SPECIFIC ACT[S] OR OTHER EVIDENCE WHICH FORMS THE BASIS FOR RECOMMENDATION THAT THE INMATE BE PLACED UNDER LIMITED COMMUNICATION. THE RIGHT TO A HEARING, BEFORE IMPARTIAL COMMITTEE TO DETERMINE WHETHER OR NOT THERE IS SUFFICIENT AND RELIABLE EVIDENCE TO SUPPORT THE PLACEMENT OF INMATE UNDER LIMITED COMMUNICATION STATUS. THE RIGHT TO PRESENT DOCUMENTARY EVIDENCE AND WITNESS AT THE HEARING, THE RIGHT TO A FULL TIME STAFF MEMBER TO REPRESENT THE INMATE IF INMATE SO DESIRE, AND OTHER NECESSARY DUE PROCESS PROCEDURAL TO PROTECT INMATE'S RIGHTS. SEE WOLFE V. McDONNELL, 418 U.S. 539 (1974)
5. THESE PROPOSED RULES ARE UNCONSTITUTIONAL BECAUSE IT GIVES THE WARDEN THE AUTHORITY TO PLACE INMATE UNDER LIMITED COMMUNICATION STATUS, BECAUSE HE/SHE DISLIKES THE INMATE'S OR DESIRES TO PUNISH HIM FOR MISCONDUCT.
6. THESE PROPOSED RULES ARE UNNECESSARY, BECAUSE THERE ARE RULES IN THE BOOK THAT PROTECT THE NATIONAL SECURITY OF THE U.S AND GIVES THE ISOP THE AUTHORITY TO PUNISH THE INMATE FOR USING OF THE TELEPHONE OR MAIL OR VISIT TO FURTHER CRIMINAL ACTIVITY. SEE:
- 28 CFR § 501.2 NATIONAL SECURITY CASES.
 - 28 CFR § 501.3 PREVENTION OF ACTS OF VIOLENCE & TERRORISM. AND
 - 28 CFR § 541.13 PROHIBITED ACTS AND DISCIPLINARY SEVERITY SCALE.

7. THESE PROPOSED RULES VIOLATES THE SUPREME COURT DECISIONS
IN BELL V. WOLFISH 441 U.S. 520 (1979).
- THORNTON V. ALSTOTT 490 U.S. 401, 415 (1989)
- PROCTOR V. MARTINEZ 416 US 396, 415-16 (1973)
- PELL V. PROCTOR 438 U.S. 1 (1978).
8. THESE RULES VIOLATES THE BOP RULES & REGULATIONS,
SUCH AS: 28CFR § 540.10 TO 540.25
28CFR § 540.40 TO 540.52
28CFR § 540.60 TO 540.65
28CFR § 540.70 TO 540.105 &
28CFR § 540.12
(INMATE RIGHTS AND RESPONSIBILITIES).
9. THESE PROPOSED RULES ~~ARE~~ WILL OPEN THE DOOR FOR
COUNTLESS LAW SUITS AND WILL WASTE THE TAX MONEY
IN RULES, THAT SURELY ARE UNCONSTITUTIONAL.
10. THESE PROPOSED RULES MAY VIOLATES THE 8TH AMENDMENT
BECAUSE LIMITED COMMUNICATIONS AND VISITS HELP INMATES
TO HOLD IN CHECK SOME OF THE MORBIDITY AND HOPELESSNESS
PRODUCED BY PRISON LIFE AND ISOLATION, STIMULATES THEIR
MORE NATURAL AND HUMAN IMPULSES OTHERWISE MAY
MAKE CONTRIBUTION TO BETTER MENTAL ATTITUDE AND
REFORMATION.
11. THESE PROPOSED RULES ARE AGAINST THE DIGNITY OF U.S.A,
WHO SELF-CLAIMED ACROSS THE WORLD AS A CHAMPION OF
HUMAN RIGHTS.

RESPECTFULLY,

KHALID AWAN
#50959-054
USP MARION - CMU
PO BOX 1000
MARION, IL 62959

N O T I C E

Comments Submitted by Current and Former CMU Prisoners
AUTHORIZED BY UNDERSIGNED TO: Post On-Line/All Forms of
Public Media and by Federal Registry in opposition

FROM: Martin Shahawar Siraj
c/o In re
"MATIN S. SIRAJ"
FCI-THA -- "CMU"
PO BOX 33
TERRE HAUTE, IN 47808

Aggrieved,

TO: SARAH QURESHI & RULES UNIT
Office of General Counsel
Bureau of Prisons
320 First Street, NW
Washington, D.C.

Respondents.

OPPOSITION TO: NEW (ALREADY ACTIVELY, UNLAWFULLY IMPOSED) BUREAU OF
PRISONS RULE DISCLOSES POLICIES AND CONDITIONS IN EXPERIMENTAL
SEGREGATION UNITS [Docket No. 1148-P] BY AFFIDAVIT

Martin Shahawar Siraj, Aggrieved, Affiant herein, does here and now affirm and attest true, correct, certain and not misleading OPPOSITION to the Federal Bureau of Prisons (BOP) Proposed Rules Action. The proposed rules [regulations] (2d attempt), [BOP Docket No. 1148-P] RIN 1120-AB48, Communication Management Units (CMU) FR/Vol. 75, No. 65/Tuesday, April 6, 2010/Proposed Rules. This opposition and demand to avert the sanction of unlawful, illegal, discriminating, punitive, and political segregation of political, religious and ethnic people for undisclosed broad based unlawful and illegal purposes patently repugnant to the Constitution for the United States of America and protections afforded the People therein and through the Bill of Rights, 1791. December 2006, BOP, after being refused acceptance of establishing CMUs and not opening it up to public debate, after publication in the Federal Register. Without lawful nor legal sanction, BOP unlawfully and illegally proceeded to open a CMU in the old condemned Death Row building within the fenced perimeter of the Federal Correctional Institution (FCI) at Terre Haute, on Indiana, initially opening with several generally low/medium classified Muslim men, with no prior due process, subjecting them with abuses of suppression of all regular, ordinary telephone, post-mail and visitation, these all punitive sanctions against liberty, with the excuse of arbitrary and capricious labeling them as "terrorists" or "international terrorists" and further subjecting them without cause to an array of abuses much too lengthy to elaborate here, ALL without any due process nor meaningful opportunity for redress of any kind whatsoever. These crimes hidden from sight, already committed against numerous people, punishing indiscriminately the prisoners, their families and their communities, BOP now seeks to legitimize unlawful, illegal, criminal abuses, where no legitimate penological interests can possibly be served by such egregious abuses, nor can the integrity of the United States of America possibly be served by such blatant human rights abuses and acceptance of tolerating civil servants being allowed to generally operate their dirty business and hidden agenda without regard for the Constitution nor legitimate constitutionally sound laws of the United States of America and the laws of the controlling states united. Thus, Aggrieved-Affiant demands and affirms:

Be it affirmed, Aggrieved-Affiant is of age of maturity, sound mind, and does freely express with firsthand experience and isolation as an aggrieved victim of the abuses of the unlawful and illegal sequester of prisoners in the old Death Row building, secreted away, isolated, without legitimate due process within the double fenced perimeter of the FCI located adjacent to 4200 Federal Road North, near Terre Haute, on Indiana, called as an obvious cover-up, erroneously, "COMMUNICATION MANAGEMENT UNIT" (CMU) [more accurately Isolation and Suppression Unit], since delivered there Aggrieved was isolated and not allowed basic opportunity for legal remedies and relief without any pre-placement due process. [Here since December/2006]

Be it affirmed, Aggrieved-Affiant has firsthand experienced immediate and continuous abuses, thefts of mail, impeding mail, refusal to allow mail to refusal to allow mail as to Aggrieved-Affiant's certified record keeper, Attorney-In-Fact, and Notary Public by "Special confidential Mail" or any other mail as well as an array of all imaginable forms of censorship, none of which is related to safety, security nor orderly operation of correctional facilities nor the protection of the public. These violations entirely predicted upon falsification of records, issuing bogus "Incident Reports" where no attempts nor prohibited acts have ever occurred, further for prejudicial, political biases and reasoning, a "dirty trick" of falsification, perjury of records by BOP staff and other accomplices, to load administrative files with prejudicial falsities to justify and further the abuses of prisoners who are being profiled wrongly for religious and/or political reasons. Nothing to do with institutional interests.

Be it affirmed careful review of BOP's 6 April, C.E. 2010 publication in the Federal Registry regarding CMU exposes a clear intent to entirely abrogate all legitimate protections of law where unregulated, unidentified officers, agents, or employees of the Federal Bureau of Prisons are to be given a boundless opportunity for enforcing political, religious discrimination and further undefined abuses, proliferate retaliation and human rights violations of any prisoners, families and communities as the unilateral agendas and means to abuse perceived alternative ideologies without the inconveniences of the constraints of law, are clearly intended by the published intent. Such long-standing, time honored protections of law as the rights of freedom of speech, freedom of expression, freedom of redress of grievances, freedom from loss of life, liberty, or property without due process, freedom from cruel and unusual punishment, the array of human rights violations replete in present lawless CMUs as being operated unlawfully and illegally, and an open door to an array of abuses not necessarily identifiable at present. This, all where no clearly defined, valid penological interests can reasonably even come close to justifying such tyrannical disregard for the law.

Be it affirmed, "The rule" proposed does not clarify existing Bureau practices with respect to the unlawful, illegal secreted CMUs, but rather is broadly ambiguous, leaving wide, undefined avenues for the broad based abuses of prisoners, their families and the community at large. The publication at this time, as sound litigation is proceeding against BOP and the US Department of Justice (DOJ) for the broad array of abuses, violations of laws of the United States, the protections of the Constitution and Bill of Rights, and violations of the international treaties on Human Rights, is a bold-faced admission of past, on-going, and now intent to continue an unbridled, unlawful, illegal system of human rights abuses absolutely repugnant to any standards of law common to legitimate civilized nations. This rubbish of published ploy, a shameful, willful attempt to justify past crimes and abuses as well as to open the door for even greater crimes and abuses in the future, perhaps on an even much greater scale as the result of allowing such the credibility of acceptance by a civilized people, is a reckless disregard for the limits of law and order that have made the United States of America. The colorful though not in any way convincing excuses proffered in the scandalous publication April 6, 2010, implying such authority as requested is already in existence, as if to excuse the violations of law and civilization that have already existed the result of BOP's unlawful, illegal opening and operating of CMUs at FCI Terre Haute, and USP Marion, Illinois and is therefore somehow legitimate and should therefore be sanctioned by a responsible people and their government, that such is merely "monitoring", that such low and medium prisoners are actually "terrorists", that such a lawless, abusive confinement is common as general population, that the limits are mere necessary measures not punitive, that such is essential to maintain the safety, security and legitimate operations of BOP institutions, that such crimes and abuses somehow serve the "greater protection of the public" (?corporation, or people?), none of which can possibly excuse nor pass muster in a country where the protections of law are absolutely crucial to the life, liberty and property rights of the "free" and lawful people. What is abundantly clear is, that BOP, its profit structure, economic concerns, hidden agenda(s) and total disregard for the equal protections of law for all people, are seeking sanction in the disgraceful, shameful publication of 6 April, C.E. 2010 in the Federal Register.

Be it affirmed, the Proposed Rules Action is a serious misrepresentation of the dark facts of the devastating effects that the unlawful, illegal operation witnessed by this Aggrieved-Affiant firsthand in CMU. At Terre Haute, an elderly (73 years) man who had been safely resident serving his sentence in general population for many years, where he was receiving medical services for his heart condition, was abruptly without due process transferred to CMU, where he had no emergency button, nor any way of summoning help in the cell where he was locked in from 9:00 pm to 6:00 am, and was told he could not continue receiving crucial heart medication. David died through the night a few months later. Personnel spoke up, "If you [administration] had told us, we would have given him proper attention." A clear admission David, without any penological interests, had his life cut short for lack of proper medical attention in an unlawful, illegal abusive environment called CMU.

Be it affirmed, the CMU close confinement, actually Administrative Detention, where there are few jobs, none with any significant opportunity for meaningful earning opportunities nor rehabilitative work skills development that would aid CMU prisoners to prepare for a successful return to their community and a productive life style. This has resulted in a conflict among seven men over one job in the food service effort. As the staff and administration were well aware of the conflict developing, they did nothing to intervene, as the conflict involved at least one litigant seeking relief via litigation. Further, the peaceful unit is not conducive to the justification for the unlawful, illegal, suppressive operation of CMU, and a conflict among prisoners tends to justify special operations. Result, five men, beat down one man. The lead litigant in an ACLU lawsuit, Mr. Royer, was immediately sent out of CMU and eventually sequestered at the maximum security facility in Florence, Colorado. Five, including the victim were confined in disciplinary segregation, where one remains as of this date confined

there for over eight months of isolation, as of this writ. One was transferred to CMU, USP Marion, and Two have been released from Disciplinary Segregation and remain in CMU Terre Haute, while the last has been transferred to an SMU (Special Management Unit). All for a situation promoted by staff and administration at CMU Terre Haute to justify the unit and their coveted assignment where the men live peacefully of their own self-discipline, despite the array of serious, continuous abuses suffered since they have been unlawfully and illegally sequestered and confined in CMU.

✓ Be it affirmed, terrorists and terrorism labels perpetrated arbitrarily by BOP or other actors undisclosed and unknown, a smokescreen, cover-up libel to justify the operation of CMUs, violating the protections of due process, equal treatment under the law, the Privacy Act in particular and an array of United States laws and constitutional protections, sets up victims, saddled with these gross misrepresentations in records, discrimination as against this Aggrieved-Affiant and the array of victims discriminated against by BOP and unidentified, unknown others. These records serve to saddle the victim of such abuses with a ruthless slander certain to impede the victim in prison, and the workplace, community, transportation, and such human activities as are prejudiced by such slanderous, inflammatory, abusive labeling as calling one a "terrorist" in official records.

Be it affirmed the BOP's "Proposed Rules Action" fails to admit the description of BOPs active, though secreted practices of suppression and censorship of religious, political, lawful written and spoken communications with family, community and legal services pre-judicial, non-judicial and judicial. Such abuses, trespasses arbitrary, capricious policies with no legitimate purpose of necessarily ensuring the security, good order of BOP nor the general community.

✓ Be it affirmed, BOP substitutes force, where no regulatory authority exists to violate laws of the United States and protections of the Constitution for the United States of America and Bill of Rights. In particular an example is imposing on First Amendment protections with use of a mere commissary offering, BOP fancies as TRULINCS, a non-regulatory proffer stipulating to access to telephone, e-mails and "mailing labels". BOP refuses to allow access and use of post-office through the US Postal Service if one does not use the "mailing labels", property of TRULINCS which must be a pre-approved label (no recourse) by BOP, or unknown others making approval, effectively allowing GENSORSHIP as to whom one may send mail to, where no such requirement can legally nor lawfully be required in order to access the post-office with pre-paid/post-paid mail. This suppression, censorship, abusive scheme is a direct trespass on First Amendment protections where BOP controls unilaterally without due process nor any compelling penological necessity, access to the post-office via US Postal Service.

Be it affirmed Aggrieved-Affiant has witnessed and suffered an array of abuses, mental and physical torture as a result of having been subjected to the confinement in unlawful, illegal capricious, and often retaliatory environment for over three years operating under the pretense of CMU, and secretly known as the "Terrorist Unit" or "Counter Terrorism Unit" (CTU) and by Aggrieved and others as Guantanamo Bay Midwest. Abuses are rooted in secretly, without due process, without recourse, all victims of this abuse are labeled (libeled) with title "International Terrorist Associate"/"Terrorist" with no recourse nor review. A label that sorely injures and violates this Aggrieved and all victims at CMU, as well as our families and our communities. Abusive actions are doled out with arbitrary, capricious and retaliatory irregularity. In example:

Early on during my stay at CMU, I was having alot of trouble with mood-swing issues. I was receiving PROZAC, which resulted in my actually having greater emotional control problems and I ended up having a conflict with another of the men in CMU. I was sanctioned with a #201 Disciplinary Code violation and sanctioned the maximum of over two months of disciplinary segregation, six months no telephone, and loss of 21 days of Good Credit Time.

Administrators and all staff are at all times violating the safety, security, good order and operations of the institution, as well as the interests of the public by their unlawful, illegal operation of their secret human rights grist-mill, CMU/CTU or whatever they choose to call it.

Be it affirmed Aggrieved-Affiant suffers constant psychological pressure, as a result, cannot get proper rest, maintain healthy habits nor focus even on simple tasks due to the constant duress and uncertainty that is leveled unlawfully, illegally and arbitrarily by administrators and staff who are operating outside of any regulatory authority under an undefined, secret scheme of activities resulting in the destruction of the human spirit and physical existence. Stress and duress exaggerated with friends and family. Never allowed to set foot off concrete floors on ablade of grass, nor out side of cages and one small building (old, condemned death row at FCI Terre Haute).

Be it affirmed this aggrieved has no rehabilitation opportunities. And due to psychological damage is unable to focus even on simple tasks of completing the GED program. At only 27 years this Aggrieved has not had the opportunity to prepare for vocational nor occupational necessities essential to functioning upon return to free society after 30 years of these inhumane abuses. This dark side of the human rights violative intent and purpose behind BOPs desire to justify and sanction CMUs or any such secret abusive situations MUST be opposed by myself and any of those people who share the planet earth and have any sense of human decency, and I and my entire family strongly oppose BOPs seedy efforts to justify gross and hideous human rights violations in CMUs or any other such secret violative environments of **torture**.

Done, NOTICED and AFFIRMED as attested true, correct, complete and not misleading as the truth, whole truth and nothing but the truth stands as stated hereinabove this ~~19th~~ day of May, 2010, and signed before witnesses hereunder "teste" where they (witnesses) know this Aggrieved-Affiant and witness the signing this same day.

Matin Shahawar Siraj
Aggrieved-Affiant in opposition

Rex Amel Dan: Jordan
teste

by: *Shela H. King*
teste *A. G. C.*

Patrick Byrnes
teste

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- 1/ David Lane, age 73, Died of heart failure in CMU while locked in a cell alone all night.
- 2/ suppress, vb. To put a stop to, put down, or prohibit; to prevent (something) from being seen, heard, known, or discussed <the defendant tried to suppress the incriminating evidence>. — suppression, n. — suppressible, suppressive, adj. [Black's Law Law Dict., 8th, ed. p. 1481]
- 3/ censor, n. 1. Roman Law. (ital.) A Roman officer who acted as a census-taker, assessor, and reviewer of public morals. 2. A person who inspects publications, films, and the like for objectionable content. 3. In the armed forces, someone who reads letters and other communications and deletes material considered a security threat. — censorial, adj. — censorship, n. [Black's Law Dict, 8th, ed. p.237]