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*Brian McCarvill*

# Combat Dispatch 106: Volunteers

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and wedged discs. So they know they are torturing me mentally and physically. Still, separating Rob and I was and is a tremendous blow to my good mental health. We pose absolutely no threat to ODOC of any kind. Filing of the lawsuit, your support, the engagement, was an affront to ODOC security's fascist ego, nothing more, nothing less. They simply cannot stomach that they were wrong, both morally and legally. Authority, like a trod-upon viper must bite and bite it has.

## Conclusion

I am currently in physical and mental agony as I write this piece. Perhaps by the time it is read conditions will have improved. I know that comrades at APLAN have put out a call for a write-in campaign to ODOC officials on my behalf. Asking that I be returned to OSP and be given adequate medical treatment via indy-media on the Net. Regardless, I'm a casualty of war, of **combat**, a willing casualty. We must not be daunted by authority, by capital, or by combat. It has been said that history is written by the winner. My friends, we should have and maintain every intent to write that history.

upon its individuals, it simply squeezes its taxpayers a little harder. The costs to you and I are intended to deter. Capital at work controlling us.

For me this has never been an obstacle. For you, well, I must say, thankfully, that those of you who were not deterred, occurred, and hopefully will continue to occur, in adequate numbers to move the revolution forward. To those of you who were deterred by either financial cost, time incurred, or simply by the necessary effort, I implore you to get the fuck out of the way, take your social-climbing non-committal arse elsewhere — there is no place in the revolution for you.

I recognise that outside support for us prisoners, whether it be monetary, physical effort and/or moral support, takes away from other valuable life experience. I think I speak for more than myself when I say that we prisoners deeply respect and appreciate your efforts.

Economic impositions upon us, the prisoners involved (Rob los Ricos and I here) are, of course, amplified very quickly as we deal with very small amounts of money in our lives. We were immediately impacted when we lost our jobs and were thrown in the hole for the postcard campaign.

As long-term prisoners, it was rather easy to take this in stride, particularly because of the outside support that we receive. Still, the state imposes the penalty as a deterrent, it's all that it knows. Personally, I lost 100 or so days of good-time as well as my prison job. In the long run, the loss of income will become a considerable hardship factor in my quality of life and my ability to interact with the outside. The hole time (120 days) and the loss of good-time are somewhat inconsequential deterrents.

The greatest casualty suffered by me is my transfer to TRCI. The state knows this, it is why they did it. There was a clamour from the outside and from me to ODOC high-rankers to restore Rob and I as cellies and to our jobs. Even the attorney general's office recommended return of the jobs and no transfers. But authority must have its pound of flesh, gained in this case through the mental anguish inflicted upon me through the transfer to TRCI. Not only did they knowingly separate Rob and I, the worst thing they could do to me, they transferred me to the only prison in Oregon that has no means of ever sitting with back support. They did this with the full knowledge that I suffer from severe spinal trauma

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in the past is no longer a detriment. Organisation, as a verb, not an entity, as in this instance, is a proven battle winner.

Winning the war is next. It involves **combat**. Fuck Uncle Sam, the revolution needs you.

## Part II

Combat begets casualties. War is hell. How true. Revolution is not a dinner party, after all.<sup>8</sup> Casualties were suffered by us all around. Impact, both immediate and long-term, varied by degrees as to the participants. I am reminded of a conversation that I had with two of the defendants from the lawsuit, Greg Atkin, the OSP safety officer, and Jacy Duran, the then-central mail administrator.<sup>9</sup> Prior to my actual filing of the suit I had told Duran and Atkin (to his credit, Atkin had brought Duran to my cell door in an effort to solve the circle-A problem) that the only avenue of relief that I had left was to actually file suit. I asked them both if there would be any hard feelings in the event that I did file suit and of course they both professed that there would not be any “paybacks”.

I am currently sitting in ODOC’s showcase isolation unit prison, Two Rivers Correctional Institution (TRCI). How and why did I arrive here? If you have had enough wherewithal to read this far, you obviously are able to rationalise the answer. I am getting ahead of myself here somewhat. Let me back up.

The first casualties in the battle were absorbed by you, our supporters, and us prison rank and file, in the form of monetary cost. Court filing fees were \$150.00. Legal copies and postage expenses quickly took off exponentially, costing multiple hundreds of dollars all total. You raised these funds for us. Your actions and support in doing so constituted a state defence. Although the state complains of costs, there is no impact

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<sup>8</sup> Please forgive my quoting of Mao but many of his observations are fairly astute on removal from the ideology.

<sup>9</sup> Duran proved to be extremely vindictive. She rose to her position of ODOC authority via a stint as a line officer and an Internal Affairs officer. Since the prosecution of this action, she has been supplanted as head Central Mail Administrator by Randy Geer. Duran’s vindictiveness was instrumental in the backlash against this author.

efforts were conducted by me from the hole. Yes, I had to hand print it all on unlined paper with a miniature pen the size of a run-of-the-mill birthday cake candle, but I had plenty of time to accomplish it all. Had I been in general population, I would not have had the opportunity to perfect the tremendous amount of written discovery. This proved to be a key downfall in the enemy's defences on the central front.

As I hammered at the enemy with the full frontal attack of the litigation, the outside support network kicked into full mobility. The Anarchist Prisoners Legal Aid Network, with us from the beginning, both raising and supplying monies that supported the litigation, went on line and otherwise organised massive publicity for the battle. APLAN also coordinated the continued postcard campaign, as well as an effort to arrange declarations in support of the litigation from interested Anarchists from all over the world.<sup>7</sup> Break the Chains and *Green Anarchy* of Eugene, Oregon, mirrored APLAN's efforts, providing a position statement and kicking the bushes for declarations. John Connor and *Green Anarchist* of London, England, provided an in-depth position statement. Joanne Rankin and comrades of Dublin, Ireland, held a fundraising event and provided much appreciated moral support — thank you, Joanne. Ryan Foote and *Mishap* zine of Eugene, Oregon, provided an in-depth position statement and support that considerably freed-up ODOC restriction on zines. John Zerzan provided much-needed declarations that substantially took the legal substance away from ODOC's position. Countless others from everywhere contributed declarations, postcards and, probably most important to me, moral support.

It turns out that, had I approached the litigation on my own, the cause would have failed. Had ODOC been approached without the litigation, the cause would have failed. Because we approached the battle multilaterally, with full force and conviction, we won. Anarchist comradery was the binding influence. In this age of information we are a power to be reckoned with. The isolation that accompanied Anarchist individualism

<sup>7</sup> Declarations are sworn statements on par with affidavits. Federal courts allow declarations. Declarations do not require the declarant to swear before a notary public. The court accepts the declarant's statement as true as a matter of independent honour.

## Part I

I chose the term "Volunteers" because it is apropos to **combat**. "Comrade" or "comrades" is another term that I like to use a lot in conjunction with **combat**. I feel as though the two terms are genuinely applicable to Anarchists. I am an Anarchist. As an Anarchist I try to frame my thoughts, my mode of Life, my spirit, in terms of Anarchism. My Anarchism. My Anarchism is what I believe it to be, not what I am told it should be. Still, my Anarchism is fluid. I constantly thirst for, and seek out, Anarchist literature and comradery, from anywhere and everywhere that I can. As a prisoner in the Oregon gulag, all contact with outside Anarchists was gradually being choked off. More on that in a moment. Let me close this opening paragraph by stating that "Volunteers" and "**combat**" extend beyond the confines of Anarchism. "Volunteers" and "**combat**" encompass the struggle to move the revolution forward. Given this very simple request, both "Volunteers" and "**combat**" will tolerate and seek extra-Anarchist support.

Back to the situation within the Oregon prison system.

In 2000 the Oregon Department of Corrections (ODOC) "documented"<sup>1</sup> Anarchists as a security threat group (STG).<sup>2</sup> At first, this STG designation by ODOC definition earned Anarchists designation as a gang. Prior to this secretive documenting, interaction between myself and outside Anarchists was relatively free and open. Rejection of Anarchist publications was rare. As far as I know, no Anarchist publication has ever caused an actual security problem within an ODOC prison facility that I had the pleasure of being interned in.<sup>3</sup> Once the documentation occurred, almost all Anarchist literature was intercepted and rejected by ODOC. The reasoning tendered for almost all of the rejections was the display of the circle-A or Anarchist Black Cross symbol.

<sup>1</sup> This is ODOC's terminology. Webster describes a document as: "A paper that furnishes information, proof, or support of something else".

<sup>2</sup> This according to a sworn statement by Benny Ward, ODOC's STG manager.

<sup>3</sup> Eastern Oregon Correctional Institution at Pendleton, Oregon, and the Oregon State Penitentiary at Salem, Oregon. My interaction with outside Anarchists earned me my transfer from EOCI to OSP for "administrative security concerns".

It is the rare Anarchist publication that does not contain either a circle-A symbol or an ABC symbol. ODOC was aware of this and they wrote a provision into their mail rule which declared the circle-A, the ABC cross, and the black flag depictions within Anarchist publications to be “gang / STG paraphernalia”. They followed up this declaration with a policy of “zero tolerance for any gang / STG-related activity”. My interaction with outside Anarchists essentially ceased to exist. I was pissed.

I was not the only one pissed off. Other Anarchist prisoners, comrades of mine and yours, were equally pissed off. We all attempted to challenge the rejection problem by utilising ODOC’s administrative review process. While I was at EOCI (Eastern Oregon Correctional Institution), every once-in-a-while one of these administrative reviews would terminate in my favour. This did not last long before I was transferred to OSP (Oregon State Penitentiary). At OSP, not one single administrative review for any anarchist prisoner that I knew of terminated in the Anarchists’ favour.<sup>4</sup>

We were in a quandary as to what to do about this problem. It became obvious to me that only a court injunction was going to get us any relief. I was loathe to file such an action. Tried pleading our case with all of the ODOC brass who’s sphere of influence touched upon the mail rule, or whom could influence the mail rule. It was totally fruitless. It appeared that the lawsuit avenue was to be our only chance of relief. It was a big chance. I was an experienced prison litigator and prison legal assistant. I knew that the courts were not friendly to prisoner litigation. Coupled with the bad press that Anarchists were getting in Oregon it seemed hopeless. Still, nothing ventured, nothing gained. We were already in a position of total repression. We could only improve our situation. However, a loss in court would only seal our fate in the form of our current dilemma. I filed suit, *McCarvill v. DeHaan et al.*, United States District Court, District of Oregon, case no. 02-1167-KI, Portland, Oregon.

The combat had begun. I do not want to bore you with the ins-and-outs of litigating the suit. Anyone truly interested in this aspect of the combat can access the court file and gain a pretty good idea of the massive effort required to prosecute such a suit from the perspective of a prisoner.<sup>5</sup> It was formidable, I can tell you.

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<sup>4</sup> At least not until the date this dispatch was written.

We won the suit. Notice that I said “we”. I could not have accomplished this win alone. This is the point that I wish to make. Had I been alone in this effort I would have lost.

There was all manner of support in this combat. This is Anarchism at work. This is revolution at work. In the matter at hand this was victory. Of course, not all Anarchists, particularly those who pose themselves as ethically pure Anarchists, or principled Anarchists, chose to participate. This is certainly OK. I support them in their principalities. They are often keepers of the flame, the ones that can be relied upon to perpetuate both theory and history, to pacify with knowledge and truth, noble, pertinent, and necessary tasks to be sure. But, be that as it may, there is a war in progress, the litigation that I started was a battle in that war, militarily speaking, an engagement.

Once started, the litigation was, in fact, approached as a battle. It was all or nothing. This was no skirmish. As in any battle, militarily speaking, to win against a formidable enemy, a firmly entrenched enemy, an enemy with superior firepower that holds the high ground, the tactics would necessitate creating multiple fronts and out-flanking the enemy on all of those fronts. This required more than me as the litigator, much more.

My cellmate at the time, and comrade, Rob los Ricos, came up with a plan to mobilise outside forces. A second front was born. Rob, with myself in full agreement, organised a campaign wherein outside supporters were requested to protest ODOC’s repression by sending both of us postcards with a large circle-A symbol displayed over the words “This is not a gang symbol”. Hundreds of postcards flowed in. ODOC reacted by throwing both of us in the hole for 120 days, convicting us of “unauthorised organisation 1”.<sup>6</sup>

The hole time turned out to be a blessing in disguise as far as litigating the lawsuit was concerned. Approximately 90% of the written discovery

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<sup>5</sup> The court file will show you documentation actually filed. It will not show you the tremendous amount of written discovery that took place in the form of Requests for Production and Requests for Admissions submitted to each of the ten separate defendants. This was a brutal, voluminous task, but proved to be exceptionally effective. The court file should be accessible online for anyone wishing to view the documents filed.

<sup>6</sup> Of course we first had a fair trial!