

# ALLENWOOD OBSERVER

*-Giving the Truth Even if Uncouth*

January 2017

Issue One

## MP3s: Music to the Years

*By Jason Gerhard*

According to the Federal Bureau of Prisons (BOP), the MP3 players that were sold to inmates beginning in 2012 were supposed to provide culturally diverse music, music to remote locations, and allow for the dissemination of educational material among other purposes. Since being launched, however, legitimate educational material has proven elusive.

Advanced Technologies Group (ATG), based out of West Des Moines, Iowa, was awarded the contract to provide the media for inmate MP3 players. For fiscal year 2012, ATG was paid \$6,750,000 for music downloads.

Tracks are priced in three difficult tiers: \$.80, \$1.20, and \$1.55. A freedom of Information Act (FOIA) request, filed in January 2016, asking for the "Total MP3 sales nationally since the inception of MP3 players in the Bureau of Prisons" was denied in August. Northeast Regional Counsel Michael D. Tafelski wrote that, "The records you request are not 'agency records.' Agency records are either created or obtained by an agency under agency control at the time of the FOIA request." Adding, "The Federal Bureau of Prisons does not track data in the manner you seek."

Atul Gupta, Chairman and CEO of ATG, sent to the BOP in 2011 a memo explaining that, "Music providers price songs at different prices, the table below

provides the three prices as well as an estimate of the percentage of songs (in the library) in each level."

Unfortunately, the BOP redacted the price and percentage data in the table under 5USC§ (b) (4) which "protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential."

Inquiries made to staff as to when educational material would be available on the MP3 players were met with some variant of the 'that's above my pay grade' line. On August 24, 2015, I began the administrative remedy process requesting that, "audio books, podcasts, foreign language instruction, etc." be provided to inmates in accordance with the trust fund manual. On September 22, 2015, the Warden wrote, "all material available for purchase for use with the MP3 player is decided by Central Office and the contractor who controls the software...Because of this, we are not able to resolve this issue at this level."

Next, Regional Director J. L. Norwood responded to my grievance on February 23, 2016. "The vendor the Bureau of Prisons utilizes provides access to different genres of music as well as some educational material that can be purchased," Mr. Norwood assured me. "The BOP has limited control over what materials are offered; however, there is research being

conducted to find different ways to offer educational material. Accordingly, your appeal is denied."

Raising doubts as to the veracity of Mr. Norwood's claims is the June 6, 2016 FOIA response from the Northeast Regional Counsel: "In response to your request for educational material provided through MP3 players staff thoroughly searched for the records you requested using the terms and search parameters referenced in your request. However, we located no records responsive to your request."

The MP3 library is divided into numerous genres. Among these are four that would seem to relate to educational material: Spoken Word; Spoken Word>Educational; Spoken Word>Educational>Jewish Content; Spoken Word-Literature.

There are a total 247 tracks in the Spoken Word>Educational category. Of these, 216 are from Mordechai Ben David. According to Wikipedia, Ben David's real name is Mordechai Werdyger. It describes him as, "an American Hasidic Jewish singer and songwriter popular in the Orthodox Jewish Community. He is also known as the "King of Jewish music."

But wait, it gets even weirder, " Ben David's music is considered 'soul touching' and 'spiritually uplifting' with most of the lyrics based on Hebrew prayer, Biblical passages, and religious poetry, known as Zemirst. His recordings include traditional melodies of Eastern European folk-style alongside more modern jazz, pop, and rock music." For those who are curious, "His father, David Werdyger, was a hazzan (cantor) and Holocaust survivor originally from Krakow."

This category also contains one track from Rabbi YY Jacobson and two tracks from Rabbi YY Palatial. The remaining tracks are not in English.

Within "Spoken Word-Literature" are such well known classics as "A didergo Kiraly" and "Borsoszem hercegkisasszony" along with 26 other tracks not in English.

The "Spoken Word" category contains some worthwhile material but it is prohibitively expensive. For example, Noam Chomsky's album "The Clinton Vision" has 22-tracks. Three tracks are less than one minute 20 seconds and none is longer than six minutes, yet each track is \$1.55 making the album's total cost \$34.10. The only Biblical album that I found, "the New Testament-Mathew [sic], is similarly very expensive. It contains 28-tracks at \$1.20 each making the whole album \$33.60.

Given that it has been over four years since MP3 players were first introduced and this is the best the BOP can do, there can be no doubt there is absolutely no concern for providing educational opportunities within the federal prison system. For those of us who believe education is truly important, we must demand the following:

1. Free educational material is made available within the MP3 library. If need be, inmates can be enlisted to record audio books.

2. Complete transparency of the financial arrangement the BOP has with ATG. This would include information as to whether the BOP receives any financial remuneration from MP3 media sales.

3. The BOP immediately starts looking for another MP3 media provider if ATG proves unwilling or unable to perform as expected.

BOP apologists will probably be quick to argue that the contractor is primarily responsible and prison officials are at worst simply incompetent. Yet, a recent incident demonstrates that even local BOP officials are actually hindering education.

While at FCI Fairton, in New Jersey, I purchased a digital Spanish/English translator from Amazon.com. Since arriving at LSCI Allenwood, Pennsylvania, in March, 2016, I've been trying to purchase a different translator with more languages. The Warden however, refuses to allow inmates to purchase them. I have filed an administrative remedy on this, but it has been denied at the institutional and regional level as of this writing. Why this item would be allowed at a medium security facility but denied at a low security facility is beyond me.

For all its faults, the American Prison System does present a few opportunities to those captured in its grasp. One of these is an enormous amount of free

time. Thanks to a Mother who instilled the importance of an education on her three sons, I have been imbued with a deep desire to learn.

Granted, this desire did hibernate for most of my teens due to various chemicals, but the flame never went out. This flame, I believe, exists in most people; even those in prison. The goal then is to locate it and throw gasoline (i.e., educational material) on it until it turns into an uncontrollable, self-sufficient blaze.

From where I'm sitting, the BOP seems to be a firefighter obsessed with squelching any flame, no matter how small. They truly embody one of the tenets from George Orwell's book, 1984: Ignorance is Strength.

***For more information and other writings by Jason Gerhard, go to:  
American Political Prisoners Alliance at <http://americanpoliticalprisonersalliance.info>***