

EXHIBIT 24



U. S. Department of Justice
Federal Bureau of Prisons
USP Marion

INSTITUTION SUPPLEMENT

OPI: Communication Management Unit Manager
NUMBER: MAR-5321.07A
DATE: November 28, 2012

Operation & Security of the Communication Management Unit (I Unit)

//s//
Approved: J. S. Walton, Warden
USP Marion

- I. **PURPOSE AND SCOPE.** This Institution Supplement establishes guidelines and procedures for the operation and security of the Communication Management Unit (CMU) in I Unit, at the United States Penitentiary, Marion, Illinois.

The CMU is established to house inmates who, due to their current offense of conviction, offense conduct, or other verified information, require increased monitoring of communication between inmates and persons in the community in order to protect the safety, security, and orderly operation of Bureau facilities, and to protect the public.

The CMU is a self-contained general population housing unit where inmates reside, eat, and participate in all educational, recreational, religious, unit management, and work programming within the confines of I Unit. Additionally, the unit contains a block of cells located on B Range which are dedicated to segregated housing for those inmates in need of being placed in administrative detention or disciplinary segregation status. All National policies applicable to general population inmates apply with conditions specified within the supplement.

- II. **SUMMARY OF CHANGES.**

- Section IV, letter B, sub letter c, number 6; adjusted the verbiage from: be scheduled Monday through Friday, excluding federal holidays... To: be

scheduled Sunday through Friday, including federal holidays...

- Section V, letter d; adjusted the verbiage from: All inmate meals will be served and consumed on B range of I-Unit. Food from the food Service line may not be stored in inmate cells. To: All inmate meals will be served and consumed in the inmate dining hall of I unit. Food from the food service line may not be removed from the dining hall or stored in the inmate's cell.

III. **DIRECTIVES AFFECTED.**

a. **Directives Rescinded.**

MAR-5321.07, Operation & Security of the Communication Management Unit (August 29, 2011)

b. **Directives Referenced.**

P.S. 1330.17, Administrative Remedy Program (August 20, 2012)

c. **Standards Referenced.**

American Correctional Association 4th Edition Standards for Adult Correctional Institution:

IV. **RESPONSIBILITY AND AUTHORITY.**

A. **ADMISSION & ORIENTATION / CLASSIFICATION AND REVIEWS:** The executive assistant is responsible for administering the Admission and Orientation Program (A&O). The purpose of the program is to familiarize each inmate with the unit staff, unit procedures, expected behavior, and programs available. All items on the A&O Checklist will be covered and the checklist will be utilized for verification of participation. As part of A&O, I Unit inmates will receive a copy of this Institution Supplement and an I Unit A&O Handbook. A&O has been recorded on a DVD and will be presented to each inmate in I unit.

Within five calendar days of arrival, I Unit inmates will be provided a "NOTICE TO INMATE OF TRANSFER TO COMMUNICATION MANAGEMENT UNIT" form indicating the reasons for their placement in the unit. A blank copy of the form is included with this Institution Supplement, Attachment "A".

Classification and reviews of I Unit inmates will occur according to national policy. Reviews for an inmate to be considered for transfer out of a CMU will commence with the first unit team meeting. Subsequent reviews will be conducted at six month intervals. A review for transfer from a CMU will be

conducted in a manner consistent with sound correctional judgment and security threat management practices. The review will include a number of factors, including programming needs and if the original reasons for CMU placement still exist. After conducting the review, the unit team may recommend to the warden that an inmate be transferred out of the CMU. A record of each review conducted shall be kept in the inmate's central file.

B. CONTACT WITH PERSONS IN THE COMMUNITY: The purpose of the CMU is to provide increased monitoring of communication of the inmates assigned to it. By operating a self-contained housing unit, staff may adequately regulate and monitor all communications between inmates and persons in the community.

(a) Written Correspondence. Mail call is held Monday through Friday between the hours of 12:00 p.m. - 2:00 p.m. Inmates must be present to receive their mail. Mail leaving the institution must be hand-delivered to unit management staff. Mail leaving the institution must contain a return address which includes their name and register number. Legal and special mail will ordinarily be delivered by the case manager. Outgoing special mail (i.e., attorney, federal courts, probation officers, etc.) may be sealed and delivered to the unit management staff during mail call hours.

(b) Telephone Communication. All telephone communication between inmates and persons in the community (except properly placed, unmonitored legal calls) will:

- (1) be conducted using monitored ITS phone lines;
- (2) be live-monitored by staff;
- (3) be recorded;
- (4) occur in English-only (by both the inmate and community call-recipient) unless previously scheduled for and conducted through simultaneous translation monitoring;
- (5) be limited to two 15-minute calls per week;
- (6) Monday through Friday, except federal holidays, telephone calls may be scheduled between the hours of 8:00 a.m. and 8:00 p.m., local time;
- (7) Sunday and federal holidays, telephone calls may be scheduled between 8:00 a.m. and 2:30 p.m., local time.

Monitored calls, where either party speaks in non-English, will be immediately terminated by the staff monitor unless previously scheduled and conducted through simultaneous translation monitoring. In the event of terminated calls, inmates may be subject to disciplinary action, and the person may be removed from the inmate's approved telephone list.

- (c) **Visiting.** All visiting between inmates and persons in the community (except properly scheduled, unmonitored legal visits) will:
- (1) be conducted in the main visiting room using non-contact facilities (i.e., secure partitioned rooms, telephone voice contact);
 - (2) be live-monitored;
 - (3) be subject to recording;
 - (4) occur in English-only (by both inmate and visitor) unless previously scheduled for and conducted through simultaneous translation monitoring;
 - (5) Nonverbal communication (i.e. hand signals, sign language) may result in termination of the visit;
 - (6) be scheduled Sunday through Friday, including federal holidays between the hours of 8:30 a.m. and 2:30 p.m. Each inmate is authorized eight hours of visiting each month.
 - (7) Visits may be scheduled in increments up to four (4) hours.

Any violations may result in immediate termination of the visit. Persons for whom an inmate requests placement on the approved visiting list must complete the "**Acknowledgment of Conditions for Visiting with Inmates in the Communication Management Unit, USP Marion,**" form included with this Institution Supplement as Attachment "B," as proof of their acknowledgment and acceptance of these conditions.

V. HOUSING CONDITIONS / UNIT PROGRAMS / SERVICES.

- (a) **Cell Assignments:** Ordinarily, I-Unit inmates will be housed in single bunk cells. The unit contains a range of cells dedicated to segregated housing of those inmates in need of being placed in administrative detention or disciplinary segregation status. Cells I02-010L thru I02-016L are designated as segregation housing for I-Unit inmates placed in administrative detention status or disciplinary segregation status.
- (b) **Health Services:** Health Services staff will provide sick-call in the morning on Monday, Tuesday, Thursday and Friday in the unit examination room. Medications will be delivered and/or administered in the unit twice daily. In the event there are no medication(s) for delivery on the evening shift, staff will not conduct same in the unit. Inmates may request to be seen by a physician. Specialized services may be provided in the institution's main health services unit as needed.
- (c) **Mental Health Services:** Psychology staff will make regular rounds within the unit. Inmates may request to be seen by psychology staff, which will occur within the unit.
- (d) **Meals:** All inmate meals will be served and consumed in the inmate dining

hall of I unit. Food from the food service line may not be removed from the dining hall or stored in the inmate's cell.

- (e) Education/Recreation Services:** Inmates will ordinarily be permitted to leave their cells and participate in activities in the unit from 6:00 a.m. to 9:45 p.m., except during counts.

A basic leisure and law library are located within the unit. Additional materials may be accessed by using the electronic law library. A photocopier has been provided for inmate use at their expense.

Inmates will be provided table games such as chess, checkers and cards. Hobby craft opportunities will also be provided.

Earphones will be utilized when playing radios at all times. Radios may be played on the recreation yard, walkways during off duty hours, and in individual inmate cells. Alteration of a radio is not permitted and will be confiscated as contraband.

Televisions are available in the unit for viewing. The recreational areas contain various recreation activities to include handball, basketball courts, sit up benches, stationary bikes, stair-stepping machines, and walking.

- (f) Religious Services.** Religious service opportunities will be provided in the unit.

- (g) Ice Machine:** An ice machine is provided. This area must be kept clean at all times. Water drainage lines must remain unclogged and will not be used to dispose of food items. The ice machine may be turned off for an indeterminate amount of time if contraband is found in this area.

- (h) Commissary/Trust Fund Operations.** Commissary purchase forms will be issued on Tuesday of each week by unit management staff. After completion of the forms, they will be hand delivered by staff to the commissary for processing by COB Wednesday. The commissary items will be delivered to the unit and handed out by commissary staff on Thursday of each week. Any special purchases (personal radios, etc.) must be approved by unit management staff. Commissary items will be neatly stored in your assigned locker ONLY. Under no circumstances are commissary items to be stored on the floor. Items not contained in their original container are considered contraband and will be confiscated. Original containers are to be disposed of when empty and will not be used for other purposes.

- (i) Sanitation/Personal Hygiene.** I-Unit inmates are responsible for sanitation of their living areas. Unit orderly job assignments will be made by the unit staff. Clean, serviceable clothing will be issued to each inmate upon his

arrival to the unit. Laundry service is available in the unit. I-Unit inmates are responsible for laundering their own personal clothing. Barber services for I-Unit will be conducted as needed, all inmates are required to make their beds, clean their rooms, empty their trash containers and turn off their lights prior to leaving for work, on a daily basis. Daily inspections will be made by unit staff for cleanliness and sanitation of the unit.

(j) Indigent Inmates. Hygiene items, which are supplied through the Laundry Department and issued by the unit team, are as follows:

- 1 Toothbrush (monthly)
- 1 Razor (weekly)
- 1 Comb (quarterly)
- 1 Bar Soap (weekly)
- 1 Tooth Powder (weekly)
- 1 Shave Cream (weekly)

Additional items may be purchased by the inmate from the institution commissary. Inmate showers are available. Staff will make regular rounds within the unit to assure proper sanitation is being maintained.

(k) Work Assignments. All work assignments will be made by the unit team.

VI. **ADMINISTRATIVE REMEDY PROGRAM:** You may appeal your transfer to I-Unit or any conditions of your confinement, through the Bureau's Administrative Remedy Program, 28 C.F.R. 542.10 through 542.19, and Program Statement 1330.16. Unit staff will provide you with the necessary form upon request.

VII. **EFFECTIVE DATE:** This supplement is effective upon issuance.

NOTICE TO INMATE OF TRANSFER TO COMMUNICATION MANAGEMENT UNIT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name (Last, First, Middle):	Register Number:
Warden (print and signature): J. S. Walton, Warden	Institution: USP Marion, Illinois

NOTICE: This notice informs you of your transfer to a Federal Bureau of Prisons (Bureau) facility that allows greater management of your communication with persons in the community through more effective monitoring of your telephone use, written correspondence, and visiting. Your communication by these methods may be limited as necessary to allow effective monitoring. Your general conditions of confinement in this unit may also be restricted as necessary to provide greater management of your communications. Your transfer to this unit, by itself, will have no effect on the length of your incarceration. You will continue to earn good-conduct sentence credit in accordance with Bureau policy.

Your transfer to this facility under these conditions is based on the following specific information:

Based on this information, your transfer to this facility for greater communication management is necessary to the safe, secure, and orderly operation of Bureau institutions, or protection of the public. Your continued designation to this facility will be reviewed regularly by your Unit Team under circumstances providing you notice and an opportunity to be heard, in accordance with the Bureau's policy on Classification and Program Review of Inmates.

OPPORTUNITY TO APPEAL TRANSFER DECISION - You may appeal this transfer decision, or any conditions of your confinement, through the Bureau's Administrative Remedy Program, 28 C.F.R. §§ 542.10 through 542.19, and corresponding policy. A member of your unit team will provide you with the necessary form upon request.

INSTRUCTIONS TO STAFF - Provide the inmate a copy of this form and complete the following information documenting delivery.

Staff Member Name and Position (printed):	Staff Member (signature):	Date Issued:
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**ACKNOWLEDGMENT OF CONDITIONS FOR VISITING
WITH INMATES IN THE COMMUNICATION MANAGEMENT UNIT
USP MARION, ILLINOIS**

_____, _____, an inmate housed in the CMU
(Inmate Name) (Reg. No.)

at the United States Penitentiary, Marion, Illinois, requests your name be placed on his approved visiting list.

As a condition of being placed on this inmate's approved visiting list, you agree to the following conditions:

1. All communication between you and the inmate will be subject to monitoring and recording by Bureau of Prisons' staff;
2. Your conversations with the inmate during the visit will occur in English-only, unless previously scheduled for, and conducted through, simultaneous translation monitoring; and
3. Monitored conversations where either party speaks in non-English will be immediately terminated by the staff monitor unless previously scheduled and conducted through simultaneous translation monitoring. In such cases, inmates may be subject to disciplinary action, and you may be removed from the inmate's approved visiting list.

Signature

Date Signed

Printed Name

EXHIBIT 25

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
Yassin Muhiddin AREF, et al.,)	
)	
Plaintiffs,)	
)	
)	Case No. 1:10-cv-00539-BJR
)	
Eric HOLDER, et al.,)	
)	
Defendants.)	
_____)	

EXPERT REPORT OF ANDREW A. BEVERIDGE, PH.D.

Revised February 24, 2014

1) I am a Professor of Sociology at Queens College and the Graduate Center, City University of New York. My primary responsibilities at the College and Graduate Center are teaching statistics and research methods at the graduate and undergraduate level and conducting quantitative, statistically-based social research. In July 2006, I became chair of the Queens College Sociology Department, a position I have held since then, except for a sabbatical in 2011-2012. Trained at Yale University, I have been a professor since 1973, first at Columbia University until 1981 and since then at Queens College and the Graduate Center of CUNY. My areas of expertise include demography, the statistical and quantitative analysis of social science datasets, most particularly including Census data, survey data and administrative records. I am an expert in the application of Geographical Information Systems (GIS) technology to the analysis of social patterns. I regularly publish results in professional journals and peer reviewed books. Some of my analyses have served as the basis for articles in the *New York Times*, where I serve as a demographic consultant through an agreement between Social Explorer, Inc., the CUNY Research Foundation and the *Times*. I have served as a consultant to a number of public and private entities, where I provide services related to demographic analysis.

2) I have testified as an expert in demographic and statistical analysis, including affidavit testimony and the submission of reports in a number of cases, including but not limited to: *City of Joliet, v. Mb Financial Bank, N.A, et al, and United States v. City of Joliet*, United States District Court for the Northern District of Illinois, Report and Deposition, Trial Testimony, 2012-2013; *United States v. St. Bernard Parish*, United States District Court for the Southern District of Louisiana, Report; *ex rel. Curtis Lockey, et al. v. City of Dallas, et al., 3:11-cv-354*, United States District Court for the Northern District of New York, Two Reports; *Fair*

Housing Justice Center, Inc., et al, v. Silver Beach Gardens Corporation, et al., United States District Court for the Southern District of New York, Report and Deposition, 2011-2012; *Favors v. Cuomo, et al.*, U.S. District Court for the Eastern District of New York, Hearing Testimony, 2012; *MSP Real Estate, Inc., et al., v. City of New Berlin, et al.*, and *United States v. City of New Berlin*, United States District Court for the Eastern District of Wisconsin, Report, 2011; *Bear Development LLC v. City of Kenosha and Redevelopment Authority of the City of Kenosha*, United States District Court for the Eastern District of Wisconsin, Report and Deposition Testimony, 2011; *Melvin Boone, et al., v. Nassau County Board of Legislators, et al.*, United States District Court for the Eastern District of New York, Report and Trial Testimony, 2011; *Adriana Aguilar, et al., v. Immigration and Customs Enforcement, Division of the United States Department of Homeland Security, et al.*, United States District Court for the Southern District of New York, Report, Rebuttal Report and Deposition Testimony, 2010; *Commonwealth of Virginia v. Prieto*, Fairfax County Virginia Circuit Court, Affidavit and Trial Testimony, 2010; *State of Georgia v. Jason McGhee*, Forsyth County Georgia State Court, Trial Testimony, 2010; *Isidoro Rivera, et al. v. Incorporated Village of Farmingdale, et al*, United States District Court for the Eastern District of New York, Report, 2009; *Fair Housing in Huntington Committee, et al. v. Town of Huntington, New York, et al*, United States District Court for the Eastern District of New York, Report and Rebuttal Report, 2010; *Barkley v. United Homes LLC. et al.*, United States District Court for the Eastern District of New York, Report, Deposition and Trial Testimony, 2009-2011; *Mount Holly Gardens Citizens in Action, Inc., et al v. Township of Mt. Holly, et al.*, United States District Court for the District of New Jersey, Declaration, 2008 and 2010; *Antidiscrimination Center of Metropolitan New York v. County of Westchester, et al.*, United States District Court for the Southern District of New York, Report, Rebuttal Report and

Deposition Testimony, 2008-2009; *Five Borough Bicycle Club, et al v. City of New York, et al.*, United States District Court for the Southern District of New York Report, Deposition and Trial Testimony, 2008-2009; *Vargas, et al. v. Town of Smithtown*, United States District Court for the Eastern District of Long Island, Report, 2008; *Helene Henry, et al v. National Housing Partnership*, United States District Court for the Northern District of Florida, Gainesville, Division, Three Reports and Deposition Testimony, 2007-2008; *Commonwealth of Virginia v. Sanchez*, Prince William County Virginia Circuit Court, Affidavit, 2008; *Commonwealth of Virginia v. Ajlan*, Prince William County Virginia Circuit Court, Affidavit, 2008; *New Hampshire v. Addison*, Hillsborough County, New Hampshire, North Division, Superior Court, Declaration, Deposition and Testimony, 2008; *U.S. v. Port Chester*, Southern District of New York, Report, Two Declarations, Deposition and Hearing Testimony, 2002-2009; *Anderson, et al. v. Jackson, et al.*, United States District Court for the Eastern District of Louisiana, Report and Deposition, 2007; *Martinez v. Kelly*, United States Court of Appeals for the Second Circuit, Declaration Regarding Peremptory Jury Strikes, 2006; *Commonwealth of Virginia v. Portillo-Chicas*, Stafford County Virginia Circuit Court, Affidavit, 2006; *Commonwealth of Virginia v. Rogers*, Stafford County Virginia Circuit Court, Report and Testimony, 2006; *U.S. v. Margaret Torres*, Eastern District of Louisiana, Declaration, 2006; *U.S. v. Caldwell*, Eastern District of Louisiana, Declaration, 2006; *U.S. v. Darryl Green, et al.*, Eastern Division of the District of Massachusetts, Seven Declarations and Trial Testimony, 2004-2006. A complete list of cases and other matters in which I have provided opinions appears in my résumé, attached as Exhibit 1.

3) I have been retained by counsel for plaintiffs in *Aref v. Holder*, pending in the United States District Court for the District of Columbia.

4) I was asked to analyze whether the likelihood of being in Administrative

Segregation for General Population Prisoners with security levels of low and medium in Federal Bureau of Prisons custody was similar to the likelihood of prisoners being in Communication Management Units (CMUs). I was also asked to compare the duration of these two types of confinement. In short, I was to compare the usual time a prisoner would spend in relatively harsh conditions, that is, administrative segregation, with the usual time a similarly situated prisoner spends in a Communication Management Unit.

5) I am charging \$200 per hour plus all expenses for my work on this matter.

6) I had access to the following material when conducting my own analyses and assessment:

- a. The Redacted First Amended Complaint in this matter.
- b. A file prepared by the Bureau of Prisons of all prisoners who were in a large set of facilities run by the Bureau of Prisons during the period February 1, 2012 through August 2, 2013, and were in administrative segregation. This file includes security level, the date and time the prisoner was put into administrative segregation and the date and time administrative segregation ended for that prisoners. It is organized by spells in administrative segregation by prisoner index number and by facility (BOP CMU 67589-75574).
- c. A file prepared by the Bureau of Prisons of all prisoners who were in either the Marion or Terre Haute CMU facility during the period February 1, 2012 through August 2, 2013. This file also includes security level, the date and time the prisoner was put into a CMU and the date and time the CMU placement ended for that prisoner. It is organized by spells in CMU by prisoner index number and by facility. (BOP CMU 075598-075602)

- d. A file prepared by the Bureau of Prisons of all prisoners who were in either the Marion or Terre Haute CMU facility which lists the period January 1, 2007 through June 30, 2011. This file also includes security level, the date and time the prisoner was put into a CMU and the date and time the CMU placement ended for that prisoner. It is organized by spells in CMU by prisoner index number and by facility. (BOP CMU 062339-62354).
- e. A file prepared by the Bureau of Prisons of the number of prisoners with low or medium security levels in a large set of BOP facilities on the last Saturday of each full weekend of each month from February 2012 through July 2013. (BOP CMU 075603-075675).
- f. SAS version 9.3, a widely used and recognized software system for data management and statistical analysis of data.

7) My opinion, set forth below, is based upon my experience and qualifications as a social scientist and statistical data analyst with extensive experience in the statistical analysis of administrative records and on the data and information sources described herein. I reserve the right to supplement or amend this report if additional materials become available to me.

8) Using the data available to me, I performed three analyses: 1) An analysis of the duration that low and medium security level inmates spent in administrative segregation compared to those assigned to a CMU during the period under review; 2) An analysis of the duration that low and medium security level inmates assigned to a CMU spent in a CMU for the CMU prisoners described in paragraph 6d; 3) An analysis of the chance that a low or medium security level inmate would be assigned to administrative segregation during the last Saturday of

the last full weekend of each month from February 2012 through July 2013 compared to the chance that an inmate assigned to a CMU, would be in a CMU on that same day.

DURATION

14) Using the data supplied by the Bureau of Prisons, it is possible to directly compare the time spent in administrative segregation with the time spent by inmates with low and medium security levels assigned to the CMUs for the period February 1, 2012 through August 2, 2013.¹ It should be noted that from the data it is only possible to examine the time spent in CMU or administrative segregation for prisoners held during the period from February 1, 2012 through August 2, 2013. Information about the disposition of prisoners not in CMU or administrative segregation during that period was not provided. Therefore, if a prisoner was in prison either before the start of the period or after the end, they could have continued to be in CMU or had more episodes in administrative segregation.

15) Combining all episodes in administrative segregation or CMU, whenever and wherever they occur during the period, the median aggregate time that a prisoner with a medium or low security level spends in administrative segregation is about 3.42 weeks during the 18 month (or 78 week) period. The median time that an inmate in a CMU spends in a CMU is 66.78 weeks during the same period. The median gives information on the prisoner exactly in the middle of the distribution, half spend more time and half spend less time.²

16) The time in CMU or administrative segregation does vary by facility. Exhibit 2 presents data by facility. Here, if an inmate is moved from one facility to another, the episodes

¹ The data allowed the calculation of the time spent in administrative segregation and the time spent in CMU, since start and stop dates and times for each episode was supplied.

² The comparison for all prisoners (including those with a "High" security level for both CMU and general population is as follows: Median weeks in administrative segregation for the general population prisoners 3.98; Median weeks for the CMU prisoners in CMU 70.93. It should be noted that all plaintiffs in this case were classified as either medium or low security, and comparison of the percent of prisoners in administrative segregation was done (based upon materials supplied by the Bureau of Prisons) only for prisoners classified as either medium or low security.

in a CMU or in administrative segregation are counted and aggregated for each facility. For Terre Haute the median number of weeks in administrative segregation is 1.07, in the CMU it is 59.57. For Marion the median number of weeks in administrative segregation is 3.59, in the CMU it is 61.43. Five inmates during this time period spent time in both the Terre Haute and Marion CMU.

17) As noted above, a second data set of CMU prisoners was provided that listed the period involved as January 1, 2007 through June 30, 2011, though the data suggest a longer period of reporting. The start dates were all somewhere in the range of December 20, 2007 through December 23, 2011, while stop dates were from May 11, 2007 through May 14, 2013. The median duration of time these medium and low security level prisoners spent in the CMU was 138.71 weeks. For the Terre Haute facility the median duration in CMU was 102.07 weeks. The median duration in CMU for the Marion facility was 106.15 weeks. As with the other CMU prisoners, a few spent time in CMU in both facilities.³

18) In sum, the pattern of long durations in CMU is true from February 7, 2007 through August 2, 2013. Furthermore, since all the files do not necessarily include the entire time that the prisoner was in CMU it is quite likely that the total duration in CMU generally is higher. Indeed it is likely even higher than that reflected in the file of prisoners in CMU during the earlier period, as discussed in paragraph 17 above.

LIKELIHOOD TO BE IN ADMINISTRATIVE SEGREGATION OR CMU

19) By definition every inmate in a CMU unit is subject to being in a CMU, so 100% of such inmates are in CMU. For medium and low security prisoners in a range of facilities it was possible to compute the proportion in administrative segregation on the last Saturday of

³ Unfortunately, data to do direct comparisons between duration in CMU and duration in administrative segregation for the period January 1, 2007 through June 30, 2011 was not supplied. All cases had a start date, and those that did not have a stop date, I set the stop date to May 14, 2013.

every month from February 2012 through July 2013. According to this computation some 3.98 percent of all medium and low security inmates are in administrative segregation during that reporting period. Thus, 100 percent (ALL) CMU low and medium security inmates are in CMU, while only 3.98 percent of low and medium security non-CMU inmates are in administrative segregation. Exhibit 3 presents data by facility. Here the computation simply compares the number of medium and low security level prisoners in each facility on the appropriate Saturday with the number of medium and low security prisoners who are in administrative segregation or in the CMU during the appropriate Saturday. The numbers are summed, and the percent in either administrative segregation or in a CMU is computed for all the Saturdays.

SUMMARY AND CONCLUSION

20) Based upon these three analyses it is plain that low and medium security prisoners in CMU generally spend many more weeks in what could be considered “harsh conditions” than low and medium security prisoners in administrative segregation.

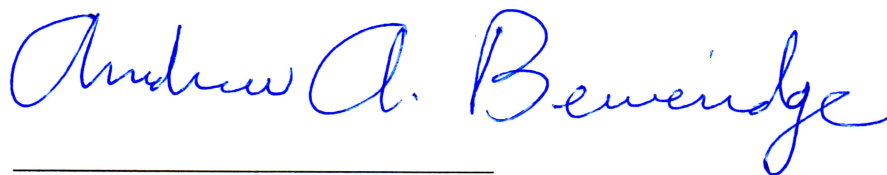
21) The difference in duration is 3.42 weeks for a typical low and medium security prisoner versus 66.78 weeks for a low and medium security CMU prisoner. This means that a low and medium CMU prisoner can expect to be in such a condition about 19.5 times longer than a typical medium or low security prisoner. In other words, for low and medium security prisoners assigned to CMU the time spent in “harsh conditions” is 1,853 percent more than a typical low and medium security prisoner.

22) The chance of a low and medium security prisoner being in administrative segregation during one of the “reporting Saturdays” is 3.98 percent, while the chance of a low and medium CMU prisoner being in CMU conditions is 100 percent. Thus the chance for low and medium security CMU prisoner to be in “harsh conditions” is about 25 times as great for a

typical low and medium security prisoner.

23) In sum, the low and medium CMU prisoners are subjected to harsh conditions for much longer periods than are typical low and medium security prisoners. They are much more likely to be in harsh conditions at any given time compared to other low and medium security prisoners.

Respectfully submitted,



Andrew A. Beveridge, Ph.D.
Revised February 24, 2014
Yonkers, NY (Bronxville, P.O.)

EXHIBIT 1

Exhibit 1

CURRICULUM VITAE

July 2013

Andrew Alan Beveridge

Office: 233 Powdermaker Hall
Department of Sociology
Queens College--CUNY
Flushing, New York 11367
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Home: 50 Merriam Avenue
Bronxville, New York 10708
(914) 337-6237
(914) 337-8210 FAX

PERSONAL

Born April 27, 1945, Madison, Wisconsin
Married, one child
U.S. Citizenship

EDUCATION

1968-73 Yale University (Sociology), M.Phil. 1971; Ph.D. 1973
1967-68 Yale University (Econometrics, Economic Theory)
1964-67 Yale College (Economics), B.A. 1967, with honors in economics
1963-64 California Institute of Technology (Freshman Year, Math, Science)

RECOGNITION AND AWARDS

2013 *Social Explorer* (Co-Creator) named Outstand Achievement, Interactive Media Association
2012 *Social Explorer* (Co-Creator) named Publishing Standard of Excellence, Web Marketing Association
2010 *Social Explorer* (Co-Creator) named Outstanding Reference Source by the Reference and Users Services Association of the American Libraries Association
2007 American Sociological Association *Public Understanding of Sociology Award*
2006-pres. Marquis *Who's Who in the World*
2005-pres. Marquis *Who's Who in America*

TEACHING EXPERIENCE

2006-pres. Chair, Queens College, Department of Sociology
2002-pres. Professor, Queens College and Ph.D. Program in Sociology, Graduate School and University Center, The City University of New York
1981-2001 Associate Professor of Sociology, Queens College, and Ph.D. Program in Sociology Graduate School and University Center, The City University of New York
1981-82 Associate Professor of Sociology, Columbia University
1973-81 Assistant Professor of Sociology, Columbia University
1972-73 Acting Instructor, Department of Sociology, Yale University
1969-70 Assistant in Instruction, Department of Sociology, Yale University

RESEARCH APPOINTMENTS

2008-pres. Executive Committee Member and Affiliate, CUNY Institute for Demographic Research
1987-88 Visiting Researcher, Center for Studies of Social Change, The New School for Social Research
1982-83 Research Associate, Center for the Social Sciences, Columbia University
1980-82 Co-Director, Annual Housing Survey Project, Center for the Social Sciences, Columbia University
1970-72 Research Affiliate, Institute for African Studies (the former Rhodes-Livingstone Institute), Lusaka, Zambia
1965-69 Research Assistant and Programmer, Department of Economics and Economic Growth Center, Yale University

OTHER RELATED ACTIVITIES

2006-pres. Co-Founder (with Ahmed Lacevic) and President, *Social Explorer, Inc.* A web-based map and data service, now distributed by Oxford University Press and Pearson

OTHER RELATED ACTIVITIES (Continued)

2

- Publishing. Assisted Development of over 200 activities to accompany introductory Sociology, Political Science and History Texts.
- 1997-pres. President of Andrew A. Beveridge, Inc., a Demographic and Social Science Data Consulting Firm that provides consulting in litigation and other settings. (Cases and other engagements listed below.)
- 1993-pres. Consultant to the Newspaper Division of the *New York Times*. Work with reporters and editors regarding covering social science and demographic trends. Analyses and data cited over 1,000 times in newspaper. (Selected analyses listed below)
- 2001-pres. Columnist for the *Gotham Gazette*. Write Demographic Topic on recent trends and news related to social and demographic trends. (Topic Columns listed below.)
Contributing Editor (2013-pres.)

PUBLICATIONS**Book**

- 1979 *African Businessmen and Development in Zambia*. Andrew A. Beveridge and A. Oberschall. Princeton N.J. and Guildford, Surrey, United Kingdom: Princeton University Press, 382 pages.

Edited Books

- 2013 *New York and Los Angeles: The Uncertain Future*. (David Halle and Andrew A. Beveridge, Co-Editors) New York : Oxford University Press. 624 pages; 38 maps, 35 graphs, 27 photos, and 79 tables.
- 2011 *Cities in American Political History*, (Associate editor) (Editor. Richardson Dillworth), Sage-CQ Press, 760 pages. Named one of *Choice's* Outstanding Academic Titles of 2012.

Papers and Chapters

- In Press (2014) "The Development and Persistence of Racial Segregation in United States Urban Areas: 1880 to 2010." Andrew A. Beveridge. In Ian Gregory and Alistair Geddes (eds.) *Towards Spatial Humanities: Historical GIS and Spatial History*. Bloomington, IN: Indiana University Press.
- 2013 "New York and Los Angeles: The Uncertain Future." David Halle and Andrew A. Beveridge. Pp. 1-30 in *New York and Los Angeles: The Uncertain Future*.
- 2013 "The Big Picture: Demographic and Other Changes." Andrew A. Beveridge and Sydney J. Beveridge. Pp. 33-78 in *New York and Los Angeles: The Uncertain Future*.
- 2013 "Financial, Economic and Political Crises: From Sub-Prime Loans to Dodd-Frank, Occupy Wall Street and Beyond." David Halle and Andrew A. Beveridge. Pp. 154-93 in *New York and Los Angeles: The Uncertain Future*.
- 2013 "Residential Diversity and Division: Separation and Segregation among Whites, Blacks, Hispanics, Asians, Affluent and Poor." Andrew A. Beveridge, David Halle, Edward Telles, and Beth Leavenworth Default. Pp. 310-42 in *New York and Los Angeles: The Uncertain Future*.
- 2011 "Avenue to Wealth or Road to Financial Ruin? Home Ownership and Racial Distribution of Mortgage Foreclosures." Elena Vesselinov and Andrew A. Beveridge. In Christopher Niedt and Marc Silver (eds.) *Forging a New Housing Policy: Opportunity in the Wake of Crisis*. Hempstead NY: National Center for Suburban Studies, Hofstra University, pp. 45-55.
- 2011 "The Rise and Decline of the L.A. and New York Schools." David Halle and Andrew A. Beveridge. In Dennis R Judd and Dick Simpson (eds.) *The City, Revisited: Urban Theory from Chicago, Los Angeles and New York*. Minneapolis, MN: University of Minnesota Press, pp. 137-69.
- 2011 "Commonalities and Contrasts in the Development of Major United States Urban Areas: A Spatial and Temporal Analysis from 1910 to 2000." Andrew A. Beveridge. In Myron P. Guttman, Glenn D. Deane, Emily R. Merchant and Kenneth M. Sylvester (eds.)

PUBLICATIONS (Continued)

3

- Navigating Time and Space in Population Studies*, Springer for the International Union for the Scientific Study of Population, pp. 185-216.
- 2009 "How Does Test Exemption Affect Schools' and Students' Academic Performance?" Jennifer L. Jennings and Andrew A. Beveridge. *Educational Evaluation and Policy Analysis*, vol. 31: June, pp. 153-75.
- 2008 "A Century of Harlem in New York City: Some Notes on Migration, Consolidation, Segregation and Recent Developments." Andrew A. Beveridge. *City and Community* vol. 7:4 pp. 357-64.
- 2007 "Who Counts for Accountability? High-Stakes Test Exemptions in a Large Urban School District." Jennifer Booher-Jennings and Andrew A. Beveridge. In A. Sadovnik, J. O'Day, G. Bohrnstedt, & K. Borman (eds.) *No Child Left Behind and the Reduction of the Achievement Gap: Sociological Perspectives on Federal Education Policy*. Routledge, Taylor & Francis Group, pp. 77-95.
- 2006 "Community-Based Prevention Programs in the War on Drugs: Findings from the 'Fighting Back' Demonstration." Leonard Saxe, Charles Kadushin, Elizabeth Tighe, Andrew A. Beveridge, David Livert, Archie Brodsky and David Rindskopf, *Journal of Drug Issues*, vol. 36:2 pp. 263-94.
- 2006 "Varieties of Substance Use and Visible Drug Problems: Individual And Neighborhood Factors." Julie Ford and Andrew A. Beveridge. *Journal of Drug Issues*, vol. 36:2, pp. 377-92.
- 2006 "Neighborhood Crime Victimization, Drug Use And Drug Sales: Results From The 'Fighting Back' Evaluation." Julie Ford and Andrew A. Beveridge. *Journal of Drug Issues*, vol. 36:2, pp. 393-416.
- 2006 "Scale-Up Methods as Applied to Estimates of Heroin Use." Charles Kadushin, Peter D. Killworth, Russell H. Bernard, Andrew A. Beveridge. *Journal of Drug Issues*, vol. 36:2, pp 417-40.
- 2004 "'Bad' Neighborhoods, Fast Food, 'Sleazy' Businesses and Drug Dealers: Relations Between the Location of Licit and Illicit Businesses in the Urban Environment." Julie Ford and Andrew A. Beveridge. *Journal of Drug Issues*, vol. 34:1, pp. 51-76.
- 2003 "Race and Class in the Developing New York and Los Angeles Metropolises: 1940 to 2000." Andrew A. Beveridge and Susan Weber. In David Halle (ed.) *New York and Los Angeles: Politics, Society and Culture, A Comparative View*. University of Chicago Press, pp. 49-78.
- 2003 "Residential Separation and Segregation, Racial and Latino Identity, and the Racial Composition of Each City." David Halle, Robert Gedeon and Andrew A. Beveridge. In David Halle (ed.) *New York and Los Angeles: Politics, Society and Culture: A Comparative View*. University of Chicago Press, pp. 150-90.
- 2003 "The Black Presence in the Hudson River Valley, 1790 to 2000: A Demographic Overview." Andrew A. Beveridge and Michael McMenemy. In Myra B. Armestead (ed.) *Mighty Change, Tall Within: Black Identity in the Hudson Valley*. State University of New York Press, pp. 263-80.
- 2002 "Immigrant Residence and Immigrant Neighborhoods in New York, 1910 and 1990." Andrew A. Beveridge. In Pyong Gap Min (ed.) *Classical and Contemporary Mass Migration Periods: Similarities and Differences*. Altamira Press, pp.199-231.
- 2002 "Immigration, Ethnicity and Race in Metropolitan New York, 1900-2000." Andrew A. Beveridge. In Anne Kelly Knowles (ed.) *Past Time, Past Place: GIS for History*. ESRI Press, pp. 65-78.
- 2001 "The Visibility of Illicit Drugs: Implications for Community-based Drug Control Strategies." Leonard Saxe, Charles Kadushin, Andrew A. Beveridge, David Livert, Elizabeth Tighe, Julie Ford and David Rindskopf, *American Journal of Public Health*, vol. 91:12, pp. 1987-94.

PUBLICATIONS (Continued)

4

- 2001 "Does Neighborhood Matter? Family, Neighborhood and School Influences on Eighth-Grade Mathematics Achievement." Sophia Catsambis and Andrew A. Beveridge. *Sociological Focus*, vol. 34, October, pp. 435-57.
- 2001 "Simulating Social Research Findings To Aid in Teaching Introductory-Level Sociology Courses." Andrew A. Beveridge, Joanne Miller, Dean Savage, Lauren Seiler and Carmenza Gallo. In Vernon Burton (ed.) *The Renaissance of Social Science Computing*. Champaign: University of Illinois Press.
- 2000 "Survey Estimates of Drug Use Trends in Urban Communities: General Principles and Cautionary Examples." Andrew A. Beveridge, Charles Kadushin, Leonard Saxe, David Rindskopf and David Livert. *Substance Use and Misuse*, vol. 35, pp. 85-117.
- 1997 "Think Globally Act Locally: Assessing the Impact of Community-Based Substance Abuse Prevention." Leonard Saxe, Emily Reber, Denise Hallfors, Charles Kadushin, Delmos Jones, David Rindskopf and Andrew A. Beveridge. *Evaluation and Program Planning*, vol. 20:3, pp. 357-66.
- 1988 "An Evaluation of 'Public Attitudes Toward Science and Technology' in *Science Indicators the 1985 Report*." Andrew A. Beveridge and Fredrica Rudell. *Public Opinion Quarterly*, vol. 53: Fall, pp. 374-85.
- 1986 "Microcomputers as Workstations for Sociologists." Andrew A. Beveridge. *Sociological Forum*, vol. 1:Fall, pp. 701-15.
- 1985 "Running Records and the Automated Reconstruction of Historical Narrative." Andrew A. Beveridge and George V. Sweeting. *Historical Social Research* vol. 35:July, pp. 31-44.
- 1985 "Local Lending Practices: Borrowers in a Small Northeastern Industrial City, 1832-1915." Andrew A. Beveridge. *Journal of Economic History*, vol. 65:2, pp. 393-403.
- 1985 "Action, Data Bases, and the Historical Process: The Computer Emulating the Historian?" Andrew A. Beveridge and George V. Sweeting. In Robert F. Allen (ed.) *Data Bases in the Humanities and Social Sciences*. Osprey Florida, Paradigm Press, Inc., pp. 117-22.
- 1981 "Studying Community, Credit and Change by Using 'Running' Records from Historical Sources." Andrew A. Beveridge. *Historical Methods*, vol. 14:4, pp. 153-62.
- 1980 "Organizing 'Running' Records to Analyze Historical Social Mobility." Andrew A. Beveridge, George R. Hess and Mark P. Gergen. In Joseph Raben and Gregory Marks (eds.) *Data Bases in the Humanities and Social Sciences*. Amsterdam and New York, North-Holland Publishing Company, pp. 157-64.
- 1977 "Social Effects of Credit: Cheshire County, New Hampshire: 1825-1860." Andrew A. Beveridge. *Regional Economic History Research Center Working Papers*, Autumn, pp. 1-33.
- 1974 "Economic Independence, Indigenization and the African Businessman: Some Effects of Zambia's Economic Reforms." Andrew A. Beveridge. *African Studies Review*, vol. 17:3, pp. 477-92.

Maps

- 2011 "Charles Burnett's Los Angeles, Circa 1970: The City" and "Charles Burnett's Los Angeles, Circa 1970: His Neighborhood." Andrew A. Beveridge. In Robert E. Kapsis (ed.) *Charles Burnett Interviews*. Jackson, MS, University of Mississippi Press, in folio between p. 94 and p. 95.

Invited Pieces and Columns

Gotham Gazette Demographic Topic Columns: January 2001-2013.

- "New York's Changing Electorate: What It Means for the Mayoral Candidates" Jun 16, 2013
 "New Plan for City Council Districts" (November 16, 2012) (Christian Salazar and Andrew A. Beveridge)
 "Proposed City Council District Map Protects Incumbents" (November 15, 2012)

PUBLICATIONS (Continued)

5

"The Attempt to Kill the ACS" (July, 2012)
 "10 Years Later: Enumerating the Loss at Ground Zero" (September 10, 2011)
 "Under a Different Name Census Data is Ready for Perusal" (August 11, 2011)
 "Failure of Redistricting Reform Could Bring Reprise of 2002's Fiasco" (June 16, 2011)
 "Census Wounded City's Pride but Probably Got the Numbers Right" (April 26, 2011)
 "Census Brings Unpleasant Surprise for State Politicians" (January 04, 2011)
 "Census Likely to Offer Accurate Count of New Yorkers" (September 16, 2010)
 "Census Could Set Off Major Redistricting in State" (February 25, 2010)
 "New York's Now Beleaguered Financial Workforce" (August 2009)
 "New York and the Fight Over the 2010 Census" (February 2009)
 "The Senate's Demographic Shift" (November 2008)
 "A Shift in Albany Could Avert Higher Rents" (October 2008)
 "An Affluent, White Harlem?" (August 2008)
 "The School Divide Starts at Kindergarten" (June 2008)
 "Housing Squeeze Shows No Sign of Easing" (May 2008)
 "A Religious City" (February 2008)
 "Will the 2010 Census 'Steal' New Yorkers?" (December 2007)
 "The End of 'White Flight'?" (November 2007)
 "Feeling the Effects of a Housing Bust" (September 2007)
 "No Quick Riches for New York's Twentysomethings" (June, 2007)
 "Women of New York City" (March, 2007)
 "Stuyvesant Town and Peter Cooper Village, Then and Now" (September, 2006)
 "What New Yorkers Are Like Now" – First Results of the American Community Survey" (August, 2006)
 "Hitting the 9 Million Mark" (June, 2006)
 "New York's Asians" (May, 2006)
 "Undocumented Immigrants" (April, 2006)
 "Transit Workers/Transit Riders; Beginning Lawyers Are Richer; 9 Million New Yorkers?" (March, 2006)
 "Teachers In NYC's Institutions Of Higher Learning" (January, 2006)
 "Hispanics and the Ferrer Candidacy" (December, 2005)
 "Disabled in New York City; Also: Is The City Still Booming?" (November, 2005)
 "Who Can Afford to Live in New York City?" (October, 2005)
 "Can NYC 'Profile' Young Muslim Males?" (August, 2005)
 "Upstate and Downstate – Differing Demographics, Continuing Conflicts" (July, 2005)
 "Living at Home After College" (June, 2005)
 "Four Trends That Shape The City's Political Landscape" (May, 2005).
 "High School Students" (April, 2005)
 "New York's Responders and Protectors" (March, 2005)
 "Who Got The Death Penalty" (February, 2005)
 "Wall Street Bonus Babies" (January, 2005)
 "New York Lawyers: A Profile" (December, 2004)
 "Bush Does Better and Other Election Results In NYC" (November, 2004)
 "New York's Creative Class" (October, 2004)
 "Portrait of Same-Sex (Married) Couples" (September 2004)
 "New York City Is a Non-Voting Town" (August, 2004)
 "New York's Divided Afghans" (July, 2004)
 "Flaws in the New School Tests" (June, 2004)
 "Why Is There A Plunge In Crime?" (May, 2004)
 "Estimating New York City's Population" (April, 2004)
 "The Passion for Religion Ebbs" (March, 2004)
 "Imprisoned In New York" (February, 2004)
 "Who Are NYC's Republicans?" (January, 2004)
 "Five Hidden Facts about Housing--An Analysis of Data from the Housing and Vacancy Survey" (December, 2003)
 "Young, Graduated and in New York City" (October, 2003)
 "Back To (Public and Private) School" (September, 2003)
 "The Vanishing Jews" (July, 2003)
 "The Affluent of Manhattan" (June, 2003)
 "How Different Is New York City From The United States?" (May, 2003)

PUBLICATIONS (Continued)

6

- "The Poor in New York City" (April, 2003)
- "Eight Million New Yorkers? Don't Count On It" (March, 2003)
- "Does Archie Bunker Still Live in Queens?" (February, 2003)
- "Is There Still A New York Metropolis?" (January, 2003)
- "City of the Foreign-Born" (December, 2002)
- "Can The US Live Without Race?" (November, 2002)
- "New York's Declining Ethnics" (October 2002)
- "A Demographic Portrait of the Victims in 10048" (September, 2002)
- "Manhattan Boom" (August, 2002)
- "GOP Senate Majority Repeals Census 2000" (July, 2002)
- "Changing New York City" (June, 2002)
- "The Census Bureau's Bad Estimates" (May, 2002)
- "The Boom 1990's?" (April, 2002)
- "Segregation" (March, 2002)
- "Non-Legal Immigrants" (February, 2002)
- "Counting Muslims" (January, 2002)
- "The Arab Americans in Our Midst" (September, 2001)
- "A White City Council" (August, 2001)
- "Counting Gay New York" (July, 2001)
- "Redistricting" (June, 2001)
- "Politics and the Undercount" (May, 2001)
- "False Facts about Census 2000" (April, 2001)
- "Eight Million New Yorkers!" (March, 2001)
- "Redefining Race" (February, 2001)
- "Census Bureau Finds 830,000 'Extra' New Yorkers" (January 2001)

Other:

- 2013 "The Two Cities of New York: Wealth, Poverty, and Diversity in the Big Apple." *ASA Footnotes*, February p. 1.
- 2007 "Four Trends Shaping the Big Apple." *ASA Footnotes*, February, p. 1.
- 1996 "Sociologists: Eyes Open for Trends in New York City." *ASA Footnotes*, January, p. 1.
- 1996 "Stroll the Upper East Side for Lifestyles of the Elite." *ASA Footnotes*, March, p. 1
- 1988 "Credit to the Community: American Banking's Tribal Roots." *Thesis* (Spring), pp. 18-23.
- 1976 "African Businessmen in Zambia." *New Society*, 35:702: pp. 599-601.

Book Reviews

- 2012 "Social Theory Two Ways: John Levi Martin's Structures and Actions" Review of *Social Structures and The Explanation of Social Action. Historical Methods Historical Methods: A Journal of Quantitative and Interdisciplinary History*, 45:4, 179-182.
- 1995 *The Assassination of New York*. Robert Fitch. *Contemporary Sociology*, vol. 24:March, pp. 233-34.
- 1990 *Doing Deals: Investment Banks at Work*. Robert G. Eccles and Dwight B. Crane. *Contemporary Sociology*, vol. 19:May, pp. 186-87.
- 1988 *The End of Economic Man? Custom and Competition in Labor Markets*. David Marsden. *Contemporary Sociology*, vol. 17:March, pp. 172-73.
- 1988 *Technocrimes: The Computerization of Crime and Terrorism*. August Bequai. *Society*, vol. 25:May/June, pp. 87-88.
- 1985 *The Economic Basis of Ethnic Solidarity: Small Business in the Japanese American Community*. Edna Bonacich and John Modell. *American Journal of Sociology*, vol. 90:January, pp. 942-45.
- 1979 *Oneida Community Profiles*. Constance Noyes Robertson. *Business History Review*, vol. 53:Autumn, pp. 277-78.
- 1978 *Urban Man in Southern Africa*. C. Kileff and W.C. Pendleton (eds.) *African Studies Association Review of Books*, vol. 4, pp. 25-26.
- 1977 *Colonialism in Africa, 1870-1960 Volume Four: The Economics of Colonialism*. Peter Duignan and L.H. Gann (eds.) *Business History Review*, vol. 51:Autumn, pp. 382-85.
- 1976 *The Quality of American Life: Perceptions, Evaluations, and Satisfactions*. Angus Campbell, Philip Converse, and Willard L. Rogers (eds.). *Political Science Quarterly*, vol. 91:Fall, pp. 529-31.

PUBLICATIONS (Continued)

7

- 1976 *Corporate Power in an African State: The Political Impact of Multinational Mining Companies in Zambia*. Richard L. Sklar. *African Studies Association Review of New Books*, vol. 2, pp. 53-55.

PUBLICATIONS (Continued)

8

Reports

- 2000 *Fighting Back Household Survey, Interim Report of 1995-1999 Findings.* David Livert, Charles Kadushin, Leonard Saxe, Andrew A. Beveridge, David Rindskopf, Elizabeth Tighe, Jennifer Hoffman, Saul Kelner, Ricardo Barreras and Julie Ford.
- 1997 *Fighting Back Evaluation Interim Report: Wave II General Population.* Survey David Livert, Charles Kadushin, Leonard Saxe, Andy A. Beveridge, David Rindskopf, Elizabeth Tighe, Jennifer Hoffman, Saul Kelner, Ricardo Barreras and Julie Ford.
- 1997 *Monitoring Archival Indicators of Alcohol and Other Drug Harm: A Fighting Back Progress Report.* Andrew A. Beveridge, Elizabeth Tighe, Mary Jo Larson, David Rindskopf, David Livert, Susan Weber, Charles Swartz, John McKenna, Charis Ng and Leonard Saxe.
- 1997 *Social Trends in North America:* Andrew A. Beveridge, Vivian Brachet, Lorne Tepperman and Jack Veugelers. Prepared for the State of the Environment Report of the Consortium for Environmental Cooperation, Montreal, Quebec.
- 1996 *Fighting Back Program Interim Report,* Leonard Saxe, Emily Reber, Charles Kadushin, Andrew A. Beveridge, Mary Jo Larson, David Rindskopf, David Livert, Joe Marchese, Michael Stirrat and Susan Weber.
- 1994 *Black and White Property Tax Rates and Other Homeownership Costs in 30 Metropolitan Areas: A Preliminary Report.* Andrew A. Beveridge and Jeannie D'Amico. Queens College of the City University of New York, Department of Sociology, Program for Applied Social Research.
- 1994 *An Analysis of Black and White Income Differences: Queens County and the United States.* Andrew A. Beveridge and Jeannie D'Amico. Queens College of the City University of New York, Department of Sociology, Program for Applied Social Research.
- 1992 *Patterns of Residential Segregation in New York City, 1980-1990: A Preliminary Analysis.* Andrew A. Beveridge and Hyun Sook Kim. Queens College of the City University of New York, Department of Sociology, Program in Applied Social Research.
- 1988 *Integrating Social Science Workstations into Research and Teaching: Final Report to IBM.* Andrew A. Beveridge and Lauren Seiler. Queens College of the City University of New York, Department of Sociology.
- 1984 *Changing Lifestyles and Newspaper Reading: An Exploratory Study of Younger Adults.* Andrew A. Beveridge and Albert E. Gollin. Newspaper Readership Project, Newspaper Advertising Bureau.
- 1978 *Social Effects of Time of Use Pricing of Electric Power: A Sociological Approach.* Andrew A. Beveridge. Electric Power Research Institute

SELECTED RECENT PRESENTATIONS**Presentations of Scholarly Work**

- 2013 Ahmed. Lacevic, Andrew A. Beveridge, and Sydney. Beveridge. *New Directions in Visualization for Web Based Historical GIS*, to be presented at the Annual Meeting of the Social Science History Association, November 21-24, Chicago, IL
- 2012 Elena Vesselinov and Andrew A. Beveridge. "Racial/Ethnic Typology, Occupational Structure and Mortgage Foreclosures in Neighborhood Context." Annual Meeting of the American Sociological Association, August, 17 to 20, Denver, CO
- 2012 "Studying Disparate Impact in Housing". National Research Council, Committee for National Statistics, Workshop, June 14 and 15, Washington, DC. Presentation Summarized in *Benefits, Burdens, and Prospects of the American Community Survey: Summary of a Workshop.* (National Academies Press, Washington, DC. 2013)
- 2012 "The Genesis of Crisis: "looting" by lenders, default by profligate borrowers, or government housing incentives." Annual Meeting, Eastern Sociological Society, February 23 to 26, New York City.

SELECTED RECENT PRESENTATIONS (Continued)**9**

- 2011 Elena Vesselinov and Andrew A. Beveridge. "Foreclosures, Subprime Loans and the Neighborhood Effects of Race and Class in Detroit and Phoenix." Annual Meeting of the American Sociological Association, Las Vegas, NV, August 23.
- 2011 Andrew A. Beveridge and Elena Vesselinov. "From Chicago to Las Vegas? The Housing Bubble, Ethnic Communities, Social Class and the Effects of Mortgage Foreclosures." Annual Meeting of the American Sociological Association, Las Vegas, NV, August 22.
- 2011 "The Demographics of Boom and Bust: New York and LA Metros, 1990 to 2011." Annual Meeting of the American Sociological Association, August 20, Las Vegas, NV.
- 2011 "How Do Current Districts Stack-Up." The Redistricting Puzzle: The Shifting Sands of Population and the Electorate: Changes in New York. CUNY Graduate Center. May 5.
- 2011 "Displacing Hope: Hope VI and the Destruction of Housing for Poor Families." Annual Meeting of the Urban Affairs Association, March 16-19, New Orleans, LA.
- 2011 "2010 Census: Research Issues and Opportunities." Panelist. Annual Meeting of the Eastern Sociological Society, Philadelphia, PA, February 26.
- 2011 "The Effects of Foreclosure on Educational Performance." Annual Conference of the Sociology of Education Association. Asilomar Conference Center Pacific Grove, California. February 18-20, 2011.
- 2010 "The Origins of the "Bubble" and the Financial Crisis 2008: "Looting" by Lenders or Default by Profligate Borrowers." Andrew A. Beveridge. Annual Meeting of the Social Science History Association, November 18-21, Chicago, IL.
- 2010 "Success in Cumulative Voting Systems." Andrew A. Beveridge and Robert Smith. Annual Meeting of the Social Science History Association, November 18-21, Chicago, IL.
- 2010 "Avenues to Wealth or Roads to Financial Ruin? Homeownership and the Distribution of Mortgage Foreclosures. Elena Vesselinov and Andrew A. Beveridge. Annual Meeting of the American Sociological Association, August 15, Atlanta, GA.
- 2010 "Teacher Effectiveness on High- and Low-Stakes Tests," Corcoran, Sean P., Jennifer L. Jennings, and Andrew A. Beveridge. Presented at the Institute for Research on Poverty Summer Institute, University of Wisconsin – Madison, June.
- 2010 "Social Effects of Foreclosures in New York and Los Angeles Metros, a Preliminary Analysis. Andrew Beveridge, and Elena Vesselinov. Eastern Sociological Society Annual Meeting, Boston, MA. March 18-21.
- 2010 "Homeowners No More: A First Look at the Foreclosure Crisis's Effects on Neighborhoods and Communities across the United States." Andrew Beveridge and Elena Vesselinov. Eastern Sociological Society Annual Meeting, Boston, MA. March 18-21.
- 2009 "Foreclosure Patterns and Demographic Trends in the Los Angeles and New York Metros." Presented at the Annual Meeting of the Social Science History Association. Long Beach, CA. November 12-15.
- 2009 "Cities: What the Classics Can Tell Urbanisms Today." Panel Presentation, Annual Meeting of the Social Science History Association, Long Beach, CA. November 12-15.
- 2009 "Reflecting on Efforts to Build Communities of Teachers, Learners, and Researchers using Web 2.0 Tools." Panel Presentation at the Annual Meeting of the American Sociological Association, San Francisco. August 8-11.
- 2009 "Sociologists and the Media: Developing Positive Relationships between Journalists and Academia." Workshop Presentation at the Annual Meeting of the American Sociological Association, San Francisco. August 8-11.

SELECTED RECENT PRESENTATIONS (Continued)**10**

- 2008 "Religious Adherents and the 2000 Presidential Election: A Spatial Analysis." Presented at the Social Science History Association 2008 Annual Meeting, Miami, Florida, October 24-26.
- 2008 "Segregation Revisited: The Growth and Dispersal of Black, Latino, Immigrant and Ethnic Populations in United States Metropolitan Areas Since 1950" Presented at Historical GIS 2008. University of Essex, UK. August 21-22.
- 2008 "Teacher Effects on High and Low-Stakes Tests," Jennifer L. Jennings and Andrew A. Beveridge. Annual Meeting of the American Education Research Association, New York, NY, March 25-28.

Presentations Regarding *Social Explorer*

- 2013 American Sociological Association, Annual Meeting, Research Poster, August 10-13, New York, NY
- 2013 National Science Foundation NSF Course Curriculum and Laboratory Improvement Program/Transforming Undergraduate Education in Science Conference and at NSF Atrium Presentation, January 23-25, Washington, DC.
- 2012 American Sociological Association, Annual Meeting, Research Poster, August 17-20, Denver, CO.
- 2011 American Sociological Association, Annual Meeting, Research Poster, August 21, Las Vegas, NV.
 American Library Association, Annual Meeting, Oxford University Press, Booth, June 25, New Orleans, LA.
 Center for Geographical Analysis, Harvard University, 2011 Conference, May 6 and 7, Cambridge, MA.
 CUNY Journalism School, Ethnic Community and Media Census Training, May 5, New York, NY.
 American Association of Public Opinion Research, New York Chapter, April 21, New York, NY.
 Population Association of America, Pre-Conference Session, March 30, Washington, DC.
 National Low Income Housing Coalition, Annual Conference, March 29, Washington, DC.
 Census Bureau, Geography Division, January 28, Washington, DC.
 National Science Foundation NSF Course Curriculum and Laboratory Improvement Program/Transforming Undergraduate Education in Science Conference and at NSF Atrium Presentation, January 26-28, Washington, DC.
 CUNY Journalism School, Making Sense of the Census, January 3, New York, NY.
- 2010 Social Science History Association, Annual Meeting, "Exploring Long Term US Change: Research and Teaching with Social Explorer," November 18, Chicago, IL.
 Jewish Community Relations Council, Community Connections Fellowship Orientation, New York, November 9.
 U.S. State Department, Office of International Visitors. "Changing Demographics and Multiculturalism in the United States." Flushing, NY, September 21.
 American Sociological Association, Annual Meeting, Research Funding Opportunities and Data Resources Poster, August 15, Atlanta, GA.
- 2009 American Sociological Association, Annual Meeting, Research and Data Support Poster, August 8-11, San Francisco, CA.
 Eastern Sociological Association, Annual Meeting, Research Workshop, April 2-5. Baltimore, MD.
- 2008 American Sociological Association, Annual Meeting, Research and Data Support Poster, August 2, Boston, MA.
- 2007 New York Chapter of the American Association of Public Opinion Research, October 4, New York, NY.
 American Sociological Association, Annual Meeting, Research and Data Support Poster, August 12, New York, NY.

SELECTED RECENT PRESENTATIONS (Continued)

11

- Coalition for the National Science Foundation, U.S. House Office Building Reception, Official Representative of the American Sociological Association, Washington, DC, June 26,.
Pew Research Center, Washington, DC, June 25.
- 2006 National Center for Supercomputing Applications ,Invited Conference on Spatial Thinking in the Social Sciences and Humanities," December 18-19, Urbana, IL.
Annual Meeting of the Social Science History Association, "Social Explorer as a Resource for Teaching," November 2-5,, Minneapolis, MN.
Annual Meeting of the American Sociological Association, Research Workshop, "Geographical Information Systems (GIS) as a Research Tool for Sociologists," August 11-14, Montreal, Quebec.
Annual Meeting of American Sociological Association, Research and Data Support Poster, August 11-14, Montreal, Quebec..
National Center for Supercomputing Applications, Invited Conference on Spatial Thinking in the Social Sciences and Humanities, December 18-19, Urbana, IL.

GRANTS AND AWARDS**Grants and Awards in Progress**

- "INSPIRE: Studying and Promoting Quantitative and Spatial Reasoning with Complex Visual Data Across School, Museum, and Web-Media Contexts" Leilah Lyons, Josh Radinsky (University of Illinois Chicago) and Andrew A. Beveridge (Social Explorer, Inc.) . National Science Foundation, Tues-Type 2 Project, Information Technology Research, Discovery Research K-12, Cyberlearning: Transforming Ed,Inspire, Geography and Spatial Sciences. 2012 to 2015, \$795,000 Total, \$242,00 Sub-Contract to Social Explorer.
- "Creating and Disseminating Tools to Teach with Demographic Data Maps and Materials." Andrew A. Beveridge and Josh Radinsky, National Science Foundation, Division of Undergraduate Education, 2009-2013, \$332,896
- "Census Analyses for the New York Metropolitan Area." *New York Times* Newspaper Division and CUNY Center for Advanced Technology, 1993-pres.,Renewed 9/2012 to 8/2015, (\$317,563)

Grants and Awards Completed

- "Integrated Public Use Microdata Sample Redesign." Subcontract through University of Minnesota from National Institutes of Health R01,2006-2013 \$175,000.
- "Collaborative Research—The National Historical Geographic Information System." National Science Foundation, Sociology Program, 2007-2012, \$99,725 (Continuing Award)..
- "The Distribution and Social Impact of Mortgage Foreclosures in the United States." Andrew A. Beveridge and Elena Vesselinov, National Science Foundation, Sociology Program, 2009-2010, \$144,995.
- "Collaborative Research—Creating Exemplary Curricula and Supporting Faculty Development in Using Social Explorer to Teach with Demographic Data Maps." Andrew A. Beveridge and Joshua Radinsky, National Science Foundation, Division of Undergraduate Education, CCLI, Phase 1, 2006-2008, \$149,970.
- "Collaborative Research—A Digital Library Collection for Visually Exploring United States Demographic and Social Change." Andrew A. Beveridge and David Halle, 2002-2007, \$706,746.
- "National Historical Geographical Information System." John Adams, Andrew A. Beveridge, et al, Subcontract of National Science Foundation Infrastructure Grant through University of Minnesota, Organize Historical City Based Data, 2001-2006, \$194,000.
- "Using Socio-Economic Characteristics of Residents of Student Neighborhoods as a Proxy for Socio-Economic Characteristics of Students: An Assessment Using ECLS-K." National Center for Education Statistic through Educational and Statistical Services Institute, 2004-2005, \$57,958.

GRANTS AND AWARDS (CONTINUED)

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- "Adding Census 2000 Data and Geographic Location to the ECLS-K Data Set." Andrew A. Beveridge and Sophia Catsambis, National Center for Education Statistic through Educational and Statistical Services Institute, 2002-2003, \$59,335.
- "Visualizing and Exploring United States Urban and Rural Social Change, 1790-2000: Interactive Multimedia and Web Based Tools." Andrew A. Beveridge and David Halle, National Science Foundation, Division of Undergraduate Education, Educational Materials Development, 2001-2004, \$418,000.
- "Evaluation of Fighting Back." Leonard Saxe, Charles Kadushin, Andrew A. Beveridge, Robert Wood Johnson Foundation, 1994-2002, \$370,000.
- "Development of a Map and Demographic Data Server," CUNY Software Institute, 2001, \$8,000.
- "Redistricting and Minority Voting Rights in Metropolitan New York." Randolph McLaughlin and Andrew A. Beveridge, 2000-2001, Pace Law School \$90,000 total; Andrew A. Beveridge \$60,000.
- "Mapping and Exploring New York City Change, 1905-2000: A Set of Interactive Web Based Tools." National Science Foundation, 1999-2000, \$78,960.
- "A Laboratory for Integrating Multimedia and World Wide Web Technology Into Sociological Instruction." Samuel Heilman, Robert Kapsis, Max Kilger, Dean B. Savage and Andrew A. Beveridge, National Science Foundation, 1996-1998, \$47,846.
- "A Shared Computer Work Station and Storage System for Social Science Research." National Science Foundation, 1996-1997, \$20,964.
- "The Battle for Yonkers and the Dilemma of Desegregation." Presidential Research Award, 1993-1994, One Term Release.
- "Why Do Neighborhoods Change or Stay the Same?" Ford Foundation, Diversity Initiative Grant. 1993, Course Release and Student Stipends.
- "Separate American Dreams Face the Common American Dilemma: The Battle to Segregate Yonkers, New York, 1940-1990." Profession Staff Congress, Research Award Program, 1992-1994, \$6,800.
- "Using the Census for Social Mapping Across the Sociology Curriculum." President's Mini-Grant for Innovative Teaching, 1992-1993, \$3,500.
- "Modeling the Results of Union Elections by Developing Standard and Hierarchical Logistical Models." Diane Poland, Andrew A. Beveridge, and Wing-Shing Chan, Probe Program for Grand Challenges in the Social Sciences, National Center for Supercomputing Activities, 1992-1994, Super-Computer Time at National Center.
- "The Introductory Sociology Curriculum Initiative: An Empirical, Scientific Approach." Andrew A. Beveridge, Joanne Miller, Lauren H. Seiler and Dean B. Savage, National Science Foundation, Undergraduate Course and Curriculum Program, 1992-1995, \$160,000.
- "A Computer Laboratory for Quantitative and Scientific Reasoning in Sociology." Andrew A. Beveridge, Joanne Miller, Dean Savage and Lauren H. Seiler, National Science Foundation, Instructional Instrumentation and Laboratory Program, 1991-1994, \$50,825.
- "Socially Mapping the New York Area." Ford Diversity Initiative Grant, 1992, Course Release Time.
- "Development of Research Mentorship and Laboratory in Sociology." CUNY Dean for Research and Academic Affairs, Department Faculty Development Program, 1991-1992, One Course Release Time.
- "Integrating Yonkers." Faculty-In-Residence Award, 1988-1989, One Course Release Time.
- "Credit Allocation and Community Change." Professional Staff Congress CUNY, Faculty Fellowship, 1987, \$6,200.
- "Credit Allocation and Community Change." Professional Staff Congress CUNY, Research Award Program, 1986-1988, \$13,268.

GRANTS AND AWARDS (CONTINUED)

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- "A Study of Industrial Development of an Agricultural Community Based Upon Financial Records: Keene and Cheshire County, New Hampshire, 1820-1915." Putnam Foundation, 1985-1988, \$33,000.
- "The Intelligent Work Station in Social Science Research: Development, Evaluation, Instruction and Demonstration." Lauren Seiler and Andrew A. Beveridge, International Business Machines Corporation, Special Study, 1985-1987, \$78,000 of hardware and software, \$17,000 funding.
- "Integrated Software for the Social Research Workstation." Andrew A. Beveridge and Lauren Seiler, Inter-University Consortium for Educational Computing, 1985-1986, \$20,000.
- "A Study of the Industrial Development of an Agricultural Community." National Endowment for the Humanities Grant, Basic Research Program, 1984-1985, \$75,000.
- "Credit Allocation and Community Change." Professional Staff Congress CUNY, Research Award, 1984-1985, \$6,973.
- "Credit Allocation and Community Change." Professional Staff Congress CUNY, Research Award, 1983-1984, \$6,928.
- Andrew A. Beveridge and Phoebus J. Dhrymes, "Longitudinal Transformation and Analysis of the Annual Housing Surveys." Department of Housing and Urban Development, 1980-1982, \$248,000.
- "Credit and Social Change: Cheshire County and Its Provident Institution, 1832-1915." American Council of Learned Societies, Fellowship, 1978-1979 \$13,500.
- "The Context of Credit in Wilmington, Delaware, 1800-1870." Regional Economic History Research Center, Eleutherian Mills Hagley Foundation, Grant and Fellow, 1978-1979, \$12,000.
- "Societal Effects of Credit Allocation." National Science Foundation Sociology Program Research Grant, 1976-1978, \$81,781.
- "Social Structure, Social Change and Credit Allocation: A Case Study." National Endowment for the Humanities Summer Stipend, 1976, \$2,000.
- "Social Structure, Social Change and Credit Allocation: A Case Study." American Philosophical Society, Grant, 1976, \$750.
- "African Businessmen in Zambia: Economic, Social and Governmental Impact." Foreign Area Fellowship Program Fellowship, 1970-1971, \$11,400.
- Pre-Doctoral Research Grant. National Institute of Mental Health, 1969-1972, Stipend and Tuition.

OTHER SOCIOLOGICAL RESEARCH ACTIVITIES**Selected Analyses Appearing in *New York Times* and Elsewhere**

Since 1992, Professor Beveridge, Queens College Sociology, and Social Explorer have been cited over 1,000 times in the New York Times, and materials have been syndicated or appeared elsewhere. Other media appearances include NPR, WCBS, WABC, WNBC, WNYW, CUNY-TV, CBS Radio, and the Associated Press.

"Racial Patterns Are Found in Recent School Budget Elections." *The New York Times*, August 25, 2010, Pg. A19. By Sam Roberts.

"In New York, Black and Hispanic Strongholds Become More White." *The New York Times*, December 15, 2010; Pg. A17, By Sam Roberts. (Maps Pg. A17)

"Immigrants Make Paths To Suburbia, Not Cities." *The New York Times*, December 15, 2010 Pg. A15. By Sabrina Tavernise and Robert Gebeloff. (Maps Pg. A1, A16)

"Economic Boom in Washington Leaves Gaping Income Disparities." *The New York Times*, December 18, 2010, Pg. A11. By Sabrina Tavernise and Robert Gebeloff; Sabrina Tavernise.

"A Slice of Queens Where People Who Arrived in 1977 Are Newcomers." *The New York Times*, January 8, 2011 Pg. A15. By Joseph Berger.

OTHER SOCIOLOGICAL RESEARCH ACTIVITIES (Continued)

14

"Black? White? Asian? More Young Americans Choose All of the Above." *The New York Times*, January 30, 2011, Pg. A1. By Susan Saulny.

"Smaller New Orleans After Katrina, Census Shows." *The New York Times*, February 3, 2011 - By Campbell Robertson. (Includes maps and graphics.)

"For City Parents, a Waiting List for Nearly Everything." *The New York Times*, February 22, 2013, By Soni Sangha.

"A Survey of the Flooding in N.Y.C. After the Hurricane." *The New York Times*, Nov. 21, 2012.

"New York Led Country in Population Growth Since 2010 Census." *The New York Times*, June 28, 2012. By Sam Roberts.

"BIG CITY--Offspring Who Cling To the Nest." *The New York Times*, June 24, 2012 - By Ginia Bellafante.

"100 Years Of Staying Put." *The New York Times*, April 27, 2012 - By Benjamin Weiser and Noah Rosenberg.

"Born Abroad, Well Off and Using Public Schools." *The New York Times*, February 14, 2012. By Kirk Semple.

"Solo in America." *The New York Times*, February 5, 2012 by Bill Marsh and Amanda Cox.

"Detroit Census Figures Confirm A Grim Desertion Like No Other." *The New York Times*, March 23, 2011 Wednesday, Pg. A1. By Katharine Q. Seelye.

"Non-Hispanic Whites Are Now a Minority in the 23-County New York Region." *The New York Times*, March 28, 2011, Pg. A19. By Sam Roberts.

"Cougars Aren't Mythical." *The New York Times*, October 15, 2009, Pg. C1. By Sarah Kershaw.

"Five-Year-Olds at the Gate: Why are Manhattan's elementary schools turning away kindergartners? How the Bloomberg administration missed the baby boom it helped create" *New York Magazine*, June 1, 2009. By Jeff Coplon.

STUDIES CONNECTED WITH LEGAL CASES**Legislative Districting and Redistricting (Including Plans for Jurisdictions and for Community Groups)**

Center for Law and Social Justice, Medgar Evers College and Newman, Ferrara *Favors v. Cuomo, et al.*, U.S. District Court for the Eastern District of NY (Hearing Testimony, 2012).

Frederick Brewington and Randolph McLaughlin, *Melvin Boone, et. al., vs. Nassau County Board of Legislators, et. al.* U.S. District Court for the Eastern District of New York. Produced report and plan and testified in trial regarding redistricting of Nassau County Legislature. 2011

Westchester County Board of Legislators, Plan for Redistricting Westchester County, Adopted May 17, 2011.

City of New Rochelle. Plan for Redistricting City Council Districts. Adopted May 10, 2011.

United States Department of Justice. *United States v. Port Chester*. U.S. District Court for the Southern District of New York. Investigation, Voting Analysis, Analysis of Potential Plans, Reports and Declarations, Testimony, 2002-2009. Cited in Opinion.

Emery, Celli, Curti, Brinkerhoff and Abadi. *Rodriguez v. Pataki*. U.S. District Court for the Southern District of New York. Reports, affidavits, deposition testimony and trial testimony related to claims about the State Senate Redistricting Plan in New York State, 2002-2004. Decided.

Randolph McLaughlin, Esq. *New Rochelle Voter Rights Committee, et al vs. New Rochelle, et al.* U.S. District Court for the Southern District of New York. Plaintiff's redistricting plan, affirmation, report, trial testimony, negotiated redistricting plan, settlement hearing testimony, 2003-2005. Decided and Settled.

Frederick Brewington, Esq., *Montano v. Suffolk County Board of Legislators*. U.S. District Court for the Eastern District of New York. Produced report and plan and testified in trial regarding

STUDIES CONNECTED WITH LEGAL CASES (Continued)

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proposed redistricting of Suffolk County Legislature. Cited in District Court Opinion, 2003. Decided.

City of Yonkers. Plan for the Redistricting the City Council. Adopted June 24, 2003.

Center for Constitutional Rights and Social Justice Center, Pace University Law School. *Goosby v. Town Board of Hempstead*. U.S. District Court for the Eastern District of New York. Designed and presented plaintiff's plan for districting the Town of Hempstead, a community of 720,000. Created single member district plan using census data and boundary files. Submitted plan including maps and data and testified at trial. Court ordered plan; affirmed by 2nd Circuit; Supreme Court denied certiorari. Plan and testimony cited in District Court and 2nd Circuit opinions. 1995-1997.

Connecticut Civil Liberties Union. *Coalition for Fair Representation, et al. v. City of Bridgeport, et al.* U.S. District Court for the District of Connecticut. Analysis of segregation patterns in Bridgeport Connecticut. Affidavit and maps filed. Cited in 2nd Circuit Decision. 1993-1994.

Berger, Poppe, Janiec. *Diaz, et al. v. City of Yonkers*. U.S. District Court for the Southern District of New York. Prepared redistricting plan for the Yonkers City Council, met with plaintiffs and defendants and in court. Plan accepted by City Council and District Court. 1992-1993.

Housing Discrimination, Affirmative Steering, Rent Stabilization and Affordability, etc.

United States Department of Justice. *City of Joliet, v. Mb Financial Bank, N.A, Et Al, and United States v. City of Joliet*. United States District Court for the Northern District of Illinois. Report and Deposition, Trial Testimony,. 2012-pres. United States Department of Justice.

United States Department of Justice. *United States v. St. Bernard Parish*. United States District Court for the Eastern District of Louisiana. Report. Settled..

Disability Rights California. Analysis of Proposed City Council Group Home Zoning Law in Los Angeles. Report and Letter. 2012--.

Relman and Dane. *ex rel. Curtis Lockey, et al. v. City of Dallas, et al., 3:11-cv-354-*. United States District Court for the Northern District of Texas. Two Reports. 2012-pres.

Marin Goodman, LLP. *Fair Housing Justice Center, Inc., et al, v. Silver Beach Gardens Corporation, et al.* United States District Court for the Southern District of New York. Report and Deposition, 2011-pres.

Foley and Lardner and U.S. Department of Justice. *MSP Real Estate, Inc., et al., v. City of New Berlin, et al., and United States v. City of New Berlin*, U.S. District Court for the Eastern District of Wisconsin; Report, 2011. (Settled 2011.)

Foley and Lardner. *Bear Development LLC v. City of Kenosha and Redevelopment Authority of the City of Kenosha*, U.S. District Court for the Eastern District of Wisconsin. Report and Deposition Testimony, 2011. (Settled 2011.)

Hofstra University, School of Law, Law Clinic. *Isidoro Rivera, et. al. v. Incorporated Village of Farmingdale, et. al.* U.S. District Court for the Eastern District of New York. Report. 2009-pres.

Skadden, Arps, Slate, Meagher & Flom. *Fair Housing in Huntington Committee, et. al. v. Town of Huntington, New York, et. al.* U.S. District Court for the Eastern District of New York. Report and Rebuttal Report. 2010. (Decided 2010.)

South Brooklyn Legal Services. *Barkley v. United Homes LLC. et al.*, U.S. District Court for the Eastern District of New York, Report, Deposition and Trial Testimony. 2009-2011. (Jury Verdict 2011.)

Relman and Dane. *Anti-discrimination Center of Metropolitan New York v. County of Westchester, et al.* U.S. District Court for the Southern District of New York. Report, Rebuttal Report and Deposition Testimony, 2008-2009. (Settled 2009.)

Sullivan & Cromwell. *Vargas, et. al. v. Town of Smithtown*. U.S. District Court for the Eastern District of Long Island. Report. 2008. (Settled 2008.)

Southern New Jersey Legal Services. *Mount Holly Gardens Citizens in Action, Inc., et al v. Township of Mt. Holly, et al.* U.S. District Court for the District of New Jersey. Declaration, 2008 and 2010. (Summary Judgment Reversed by 3rd Circuit, Certiorari Pending))

STUDIES CONNECTED WITH LEGAL CASES (Continued)

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The Advancement Project. *Anderson, et al. v. Jackson, et al.* U.S. District Court for the Eastern District of Louisiana. Report and Deposition re: Public Housing Demolition in New Orleans, 2007. (Decided 2007).

Three Rivers Legal Services and Southern Legal. *Helene Henry, et al v. National Housing Partnership.* U.S. District Court for the Northern District of Florida, Gainesville, Division. Three reports and deposition Testimony. 2007-2008. (Settled 2008.)

Legal Services of Southern New Jersey. *Bergen Lanning Residents in Action ,et al. vs. Melvin R. "Randy" Primus, et al.* Superior Court of New Jersey, Law Division, Camden County Report re: Bergen Square Redevelopment in Camden, NJ. 2005. (Decided 2005.)

Legal Services of Southern New Jersey. *Cramer Hill Residents Association, et al. vs. Melvin R "Randy" Primus, et al.* Superior Court of New Jersey, Law Division, Camden County. Report re: Cramer Hill Redevelopment in Camden, NJ. 2005. (Decided 2005.)

Legal Services of Southern New Jersey. Citizens In Action ,et al. vs. Township of Mount Holly, et al. Superior Court of New Jersey, Law Division, Burlington County. Report and Certification re: Redevelopment of the Gardens in Mount Holly. 2005. (Decided 2005.)

Legal Services of Southern New Jersey. *Hispanic Alliance, et al. vs. City of Ventnor, et al.* Superior Court of New Jersey, Law Division, Atlantic County Report and Testimony re: Ventnor Redevelopment. 2005. (Settled 2005.)

Legal Services of New Jersey. *Connie Forest, et al vs. Mel Martinez, et al.* Superior Court of New Jersey, Law Division, Essex County. Report re: Brick Towers Demolition in Newark. 2003-2006. (Decided 2006.)

Legal Services of Southern Florida, *Reese v. Miami-Dade County Housing Authority*, Analysis of Relocation of Public Housing Tenants. U.S. District Court for the Southern District of Florida. Report and Testimony at Trial. Cited in District Court Opinion. 2001-2003, and 2009. (Decided 2003, 2009.)

City of Long Beach, *Walton v. City of Long Beach.* Analyzed the vacancy rate in the City of Long Beach for 1992 through 2000. Filed affidavits in state and federal court. Testified in proceedings. Carried out various studies related to vacancy rate. 1997-2000. (Decided 2000, Reversed by Appellate Court.)

Arnold and Porter. *Witt, et al. v. New York State Board of Elections.* Analyzed those who have two or more domiciles where they regularly reside for case involving voting in more than one local election. 2000-2002. (Decided 2002.)

Coral Ortenberg Zeck and Condispoti. *Village of Spring Valley v. Town of Clarkstown.* Analyzed the affordability of housing in Rockland County New York for a case involving the annexation of a parcel to build such housing. Testified at trial. 2000. (Decided 2000.)

United States Justice Department, Civil Rights Division. *United States vs. Tunica Mississippi School District.* Analyzed proposal to build a new school near the Casino development in Tunica Mississippi, which was desegregated by order in 1971. 1999-2000. (Decided 2000).

New York City Environmental Justice Alliance. *New York City Environmental Justice Alliance, et al. v. Rudolph W. Giuliani, et al.* Filed an affidavit that analyzed the racial and Hispanic distribution of the various community gardens for sale and not-for-sale in New York City in 1999. Decided, Cited in the 2nd Circuit opinion.

Connecticut Civil Liberties Union, Center for Children's Advocacy, NAACP Legal Defense Fund, and the Puerto Rican Legal Defense and Educational Fund. *Sheff v. O'Neil.* Analyzed the changing patterns of school enrollments in the Hartford area for this landmark case. Supplied a series of exhibits used by plaintiffs. 1998. (Decided.)

Connecticut Civil Liberties Union and National Association for the Advancement of Colored People. *NAACP v. Milford.* Analyzed historical housing and segregation patterns in the Milford region, and provided disparate impact analysis for not providing low-income housing as agreed. 1997-1998. (Settled 1997.)

STUDIES CONNECTED WITH LEGAL CASES (Continued)

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Connecticut Civil Liberties Union and Puerto Rican Legal Defense Fund. *Pitts v. Hartford*. Analyzed placement of low-income public housing tenants in wake of destruction of public housing. Case settled. 1997.

American Civil Liberties Foundation of Maryland. *Carmen Thompson, et al. vs. U.S. Department of Housing and Urban Development, et al.* Analysis of various proposed plans for the relocation of public housing tenants throughout the Baltimore metropolitan area. Created a series of maps and analyses. Prepared trial testimony. Consent Decree Entered, April 1996.

Gurian and Bixon; Davis, Polk and Wardwell. Open Housing Center, Inc. vs. Kings Highway Realty, a Division of Provenz Realty Corp.; Provenz Realty Corp; Diane Provenz; Evelyn Cannon; and Barbara Noonan. Analyzed real estate "tester" data and apartments that various clients were shown. Imputed racial status of clients by using GIS techniques. Prepared affidavit. Cited in judge's opinion denying summary judgment. 1994-1996. (Settled, 1996.)

Westchester Legal Services and Sullivan and Cromwell. Carol Giddins, et al. v. U.S. Department of Housing and Urban Development, et al. Analyzed various proposed plans to end racial steering of Section 8 tenants to South West Yonkers. Maps and analyses incorporated into consent decree, and still in use in placing tenants. 1992-1994 and continuing.

Metropolitan Action Institute. Analysis of Housing Segregation Patterns in Yonkers, New York and Starrett City, Brooklyn, 1983-1984. (Materials Used for Testimony of Paul Davidoff.)

Federal Court Jury System Challenges (All Cases Decided.)

Andrea Hirsch, *Martinez v. Kelly*. U.S. Appeals Court for the Second Circuit. Analyzed effects of peremptory challenges for *habeas corpus* petition. 2006-2007.

Stern Shapiro Weissberg & Garin. *United States v. Darryl Green, et al.* U.S. District Court for the Eastern District of Massachusetts. Analyzed jury selection system for using Census data, local lists and other materials. Filed 7 declarations and testified twice. 2004-2006.

Federal Public Defender, Eastern District of LA, New Orleans, LA. *United States v. Torres*. Analyzed jury selection system for the Eastern District of Louisiana based upon Census Data and Estimates, as well as filings in the Eastern District. Declaration filed. 2006.

Federal Public Defender, Eastern District of LA, New Orleans, LA. *United States v. Caldwell*. Analyzed jury selection system for the Eastern District of Louisiana based upon Census Data and Estimates, as well as filings in the Eastern District. Declaration filed. 2006.

Federal Public Defender, Western District of PA, Pittsburgh. *United States v. Lawrence Skiba*. Analyzed jury selection system for the Pittsburgh Division of the Western District of Pennsylvania based upon Census Data and Estimates, as well as filings in the Western District. Affidavit filed. 2004.

Federal Public Defender, Western District of PA, Pittsburgh. *United States v. Minerd*. Analyzed jury selection system for the Pittsburgh Division of the Western District of Pennsylvania based upon Census Data and Estimates, as well as filings in the Western District. Affidavit filed. 2002.

Federal Public Defender, Western District of PA, Erie, PA. *United States v. Rudolph Weaver*. Analyzed jury selection system for the Pittsburgh Division of the Western District of Pennsylvania based upon Census Data and Estimates, as well as jury lists and voting. Affidavit Submitted 2001, Testified.

Newman Schwartz and Greenberg. *United States v. Albert J. Pirro, Jr.* Filed affidavit that analyzed representation in master jury wheel for White Plains and Foley Square Court Houses in the Southern District using census data with respect to the dilution of Italian Americans likely to be on a jury, if venue changed from White Plains to Foley Square. Venue change motion was denied. 2000.

Polstein, Ferrara, Dwyer and Speed and Stephen P. Scaring. *United States v. Dennis McCall, Trevor Johnson*. Analyzed representation in master jury wheel for White Plains Court House in the Southern District. Filed affidavit, which was cited in judge's opinion. 1998.

Curtis, Mallet-Prevost, Colt and Mosle, *United States v. Don King and Don King Productions*. Analyzed representation in master jury wheel for New York City Courthouse in the Southern District. Affidavit and Consulting. 1997-1998.

STUDIES CONNECTED WITH LEGAL CASES (Continued)

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Dominick Porco, *United States v. Kevin Veale*. Analyzed representation in master jury wheel for White Plains Court House in the Southern District. Filed affidavit. 1997.

Diarmuid White, *United States v. Jose Reyes, et al.* Analyzed representation in master jury wheel for New York City Courthouse in the Southern District. Report and testimony in case cited in the judge's opinion. 1996.

State Court Jury System Challenges (All Cases Decided.)

Joseph Flood and Steven Malone. *State of Arkansas v. Daniel Pedraza Munoz*, Declaration. 2013.

Fitch Richardson, *Commonwealth of Virginia v. Prieto*. Fairfax County Virginia Circuit Court. Affidavit and Trial Testimony, 2010.

Capital Defenders Office, Atlanta GA. *State of Georgia vs. Jason McGhee*. Forsyth County Georgia State Court. Trial Testimony, 2010.

Public Defenders Office and Joseph Flood, *Commonwealth of Virginia v. Sanchez*. Prince William County Virginia Circuit Court. Analyzed Jury Selection in Prince William County, VA. Affidavit, 2008.

Ferrell Law, *Commonwealth of Virginia v. Ajlan*. Prince William County Virginia Circuit Court. Analyzed Jury Selection in Prince William County, VA. Affidavit, 2008.

New Hampshire Public Defender, *New Hampshire v. Addison*. Hillsborough County, New Hampshire, North Division, Superior Court. Declaration, Deposition and Testimony, 2008.

Public Defenders Office, *Commonwealth of Virginia vs. Portilla-Chicas*. Stafford County Virginia Circuit Court. Analyzed Jury Selection in Stafford County, VA. Affidavit, 2006.

Virginia Indigent Defense Commission, *Commonwealth of Virginia vs. Rogers*. Stafford County Virginia Circuit Court. Analyzed Jury Selection in Stafford County, VA. Report and Testimony, 2006.

Criminal Legal Clinic of Syracuse University Law School, *People v. Tyisha Taylor*. Syracuse City Court. Analyzed Jury Selection System for Syracuse and Onondaga County, New York. Testimony, 2005.

Capital Defenders Office, *New York State v. Sweat*. Analyzed representation in jury selection in Broome County, New York. Two affidavits filed, one relating to factors likely to lead to underrepresentation of African Americans in Jury Pool, another related to the operation of the allocation of jurors among courts in Broome County. (Capital Murder Case.) 2003

Michael J. Spiegel, *New York State v. Dennis Salvador Alvarez-Hernandez*, Analyzed representation in jury selection in Westchester County, New York. Analysis based upon census data and estimates, and an emulation of the reported jury selection process using voter lists and other sources. Filed affidavit reporting results. (Capital murder case.) 2001--2003

Capital Defenders Office, *New York State v. Taylor*. Analyzed representation in jury selection in Queens County, New York. Analysis based upon census data and estimates, and an emulation of the reported jury selection process using voter lists and other sources. Filed affidavit reporting results; testified at hearing. Produced demographic analyses by town to assist in jury selection. Testified in 2002. (Capital murder case.) 2000-2002

Mann and Mitchell, *State of Rhode Island vs. David Tremblay*. Analyzed representation in jury selection in Bristol and Providence Counties, Rhode Island. Affidavit filed that includes an analysis of the geographic, racial, and Hispanic representation of jurors in counties in Rhode Island and includes an estimate of the disparities by race and Hispanic status. 1999-2001.

Capital Defenders Office, *New York State v. McCoy*. Analyzed representation in jury selection in Suffolk County, New York. Analysis was based upon census data and estimates, and an emulation of the reported jury selection process using voter lists and other sources. Filed affidavit reporting results. Produced demographic analyses by town to assist in jury selection. (Capital murder case.) 1997-1998.

Reynolds, Caronia and Gianelli. *New York State v. Robert Shulman*. Analyzed representation in jury selection in Suffolk County, New York. Analysis was based upon census data and estimates,

STUDIES CONNECTED WITH LEGAL CASES (Continued)

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and an emulation of the reported jury selection process using voter lists and other sources. Filed affidavit reporting results. (Capital murder case.). 1997. Opinion reproduced in New York *Law Journal*.

Capital Defenders Office, *New York State v. Gordon*. Analyzed representation in jury selection in Queens County, New York. Analysis was based upon census data and estimates, and an emulation of the reported jury selection process using voter lists and other sources. Filed affidavit reporting results. (Capital murder case.) 1997. Opinion reported on and reproduced in New York *Law Journal*.

Capital Defenders Office, *New York State v. Sam Chinn, III*. Analyzed representation in jury selection in Onondaga County. Affidavit filed that presented an analysis of the geographic, racial, and Hispanic representation of jurors. It includes an estimate of the disparities by race and Hispanic status. Plea bargain offered and accepted. Discussed at presentation at the New York State Defenders Association, Glen Falls, NY. (Capital murder case.) 1997.

Capital Defenders Office, *New York State v. George Bell*. Analyzed representation in jury selection in Queens County, New York. Analysis was based upon census data and estimates, and an emulation of the reported jury selection process using voter lists and other sources. Filed affidavit reporting results. (Capital murder case.) 1996-1997.

Capital Defenders Office, *New York State v. Hale*. Analyzed representation in jury selection in Kings County, New York. Analysis was based upon census data and estimates, and an emulation of the reported jury selection process using voter lists and other sources. Filed affidavit reporting results. (Capital murder case.) 1996-1997.

Employment Discrimination

Shneyer and Shen. *Grimston vs. Marsh and McLanahan*. Analyzed employment patterns based upon Census data and defendant records. Filed expert report and testified in deposition. Case Settled. 1998-2000.

Shneyer and Shen. *Maglasang vs. Beth Israel Medical Center*. Analyzed employment patterns based upon Census data and defendant records. Filed expert report and testified in deposition. Case Settled. 1999-2000.

Shneyer and Shen. *Williams vs. Safesites, Inc.* Analyzed employment patterns based upon Census data and defendant records. Filed expert report. 1998. Decided.

Shneyer and Shen. *Lachica vs. Emergency Medical Services*. Analyzed employment patterns based upon Census data and defendant records. Case Settled. Filed expert report. Case Settled. 1996-1997.

Other Legal Projects

Dewey & LeBoeuf (transferred to Winston, Strawn) and Latino Justice (PRLDEF). *Adriana Aguilar, et. al., v. Immigration and Customs Enforcement, Division of the United States Department of Homeland Security, et. al.* U.S. District Court for the Southern District of New York. Report, Rebuttal Report and Deposition Testimony, 2010-2012. Settled 2013.

Debevoise & Plimpton; *Five Borough Bicycle Club, et al v. City of New York, et al.* U.S. District Court for the Southern District of New York. Summoning Patterns Regarding Critical Mass Rides in Manhattan. Report, Deposition and Trial Testimony, 2008-2009. Decided.

Rabinowitz, Boudin, Standard and Krinsky, *Garrison v. I.R.S.* U.S. District Court for the District of Columbia. Filed expert report and testified at trial. Analysis based upon a survey of a sample of all synagogues in the United States. 1991-1992. Settled.

OTHER MAJOR STUDIES AND ANALYSES

Time-Warner Cable of New York. Analyzed and provided maps with underlying ethnic and racial composition for each of the six cable systems managed by Time-Warner Cable in Manhattan, Queens and Brooklyn, 1998-1999 (Proprietary).

New York *Times*. Analyzed circulation patterns of the *New York Times* in connection with their launch of the Boston and Washington editions, 1996-1997 (Proprietary).

OTHER MAJOR STUDIES AND ANALYSES

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Newspaper Association of America. Analysis of Field Experiment of Full-Color Run of the Press Advertisements in Richmond, Virginia, 1992.

Newspaper Advertising Bureau. Analysis of a Panel Study of Change in Newspaper Readership among Young Adults, 1983-1984.

Friends of Vincenza Restiano. Political Consulting, Polling, and Voting Analysis, Computer Based Voter List Organization, 1983, 1985, 1987, and 1991.

Abt Associates, through Center for the Social Sciences, Columbia University. Transfer of Annual Housing Survey Project to Abt, 1982.

Response Analysis Corporation, Princeton, N.J. Problems in Reliability of Longitudinal Household Surveys. 1982.

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

Future Directions in Spatial Demography Specialist Meeting. Invited participant. Convened by the University of California, Santa Barbara, Penn State University, and NIH Advanced Spatial Analysis Training Program (NICHD 5R-25 HD057002-04) Santa Barbara, CA December 12-13, 2011.

Editorial Board Member, Spatial Demography, 2012-pres.

American Sociological Association: Member, Park Award Committee, 2013; Search Committee, Editor of City and Community; 2008-2009; Organizer, sessions on Applied and Evaluation Research, 1998; Organizer, special session on New York Trends, 1996; Organizer, sessions on Economy and Society, 1984; Organizer, sessions on Social Change, 1979.

National Science Foundation

Review Panel Member: Transforming Undergraduate Education in Science, (also Course Curriculum and Laboratory Improvement) 2011, 2010, 2007, 2006, 2005, and other earlier years; Cyber Discovery of Innovation, 2011; Math Science Partnership, 2009.

Advisory Board Member: School Attendance Boundary Information System (SABINS), 2009 to present.

Advisory Workshop Member, General Social Survey (GSS): The Next Decade and Beyond, 2007; Future Investments in Large-Scale Survey Data Access and Dissemination, 2010.

Occasional Reviewer, NSF Sociology Program.

Occasional Reviewer, American Sociology Review, American Journal of Sociology, Sociological Forum, and other journals

Eastern Sociological Society: Vice President 1997-1998; Program Committee, 1991-1992; Co-Chair, Computer Committee, 1985-1987; President and Discussant, Women's History Session, 1985; Member, Computer Committee, 1984-1985; Coordinator, Computer Workshops, 1984 Annual Meeting; Co-Chair, Membership Committee, 1983-1984; Member, Papers Committee, 1983-1986; President, Historical Sociology Session, 1983; Co-Chair, Papers Committee, 1982-1983; Chair, Membership Committee, 1981-1982; Co-Chair, Conference Committee, 1980-1981.

American Association for Public Opinion Research: Program Committee, 1983-84; Nominating Committee, 1985-1986; Task Force Regarding the Use of Survey-based Evidence in Legal Proceedings, 2010.

New York Chapter, American Association for Public Opinion Research, Associate Program, Chair 2006-07; Program Chair, 2007-08.

International Sociological Association, Research Liaison Committee on Economy and Society

American Economic Association

Social Science History Association

Population Association of America

COURSES TAUGHT

Graduate: (M.A. and Ph.D.) Demography; Computer Applications in the Social Sciences; Advanced Social Statistics; The Sociological Study of Economies; Logic of Social Research; Survey Research

COURSES TAUGHT (Continued)

21

Methods; Co-Operative Education Field Placement; Demography; Integrated Social Research; Ph.D. Dissertation and M.A. Thesis Supervision.

Undergraduate: New York City in Your Neighborhood; Social Change in the City; Methods of Social Research; Sociology of Economic Life; Third World in Social Change; Social Statistics; Sociological Analysis; New York Area Undergraduate Research Program (at Columbia): Housing Crisis in New York City , Equity of the Criminal Justice System, Implementation of No-Fault in New York.

UNIVERSITY, COLLEGE AND DEPARTMENTAL ACTIVITIES

CUNY Podcast, 2011, Assessing the Census

CUNY Forum on CUNYTV, October, 27, 2009; April 20, 201, and May 5, 2012.,

CUNY Research Foundation, Faculty Advisory Committee, 2006-pres.; Board of Directors, 2006-pres.

CUNY Professional Staff Congress, Legislative Committee, 2000-2001; CUNY, University Committee on Research Awards, 1988-1991; CUNY, University Computer Policy Committee, 1986-1987; CUNY/PSC Sociology Research Award Panel, 1986-1987; Graduate Center Sociology Program, Chair, Search Committee, 1989-1990; Methods Subcommittee, 1986-1987; Computers Committee, 1987-1990.

Queens College, Committee on Fellowship Leave, 1990-1991; Queens College, Committee on Research and Sponsored Programs, 1982-1986; Ad Hoc Computer Committee, Division of Social Sciences, 1982-1986, 1994-1996, 1998-pres.; Official Representative to the Inter-University Consortium for Political and Social Research (ICPSR), 1983--; Workload Committee, 2007-09; Executive Committee of College Personnel and Budget Committee, 2006-2011

Queens College, Department of Sociology, Chair 2006-11 ;Computer Committee, 1981-2005. (Chair most years); Queens College, Departmental M.A. Program Committee, 1981-2005 (Director and Chair, 1982-1987, 2001-2003, 2004-2006).

CIVIC AND COMMUNITY ACTIVITIES

Yonkers Board of Education, Trustee 1986-1990. President, 1988-1989. Chair, Policy Committee, 1989-1990; Chair, Spelling Bee Committee, 1986-1988.

Yonkers Democratic Party, Second Vice-Chair and District Leader, 1991-1992; District Leader, 1995-2002

Council of Large City School Districts, 1986-1991. Executive Committee, 1990-1991; Committee on School Choice, 1991; Lobbying Committee, 1989-1990.

New York State School Boards Association, Member Federal Relations Network, 1989-1990.

Longvale Homeowners Association, Board of Directors, 1983-1985. President 1985.

Yonkers Private Industry Council, 1988-1990. Chair, Program and Planning Committee, 1989-1990.

Founding Member and Vice-President, Citizens and Neighbors Organized to Protect Yonkers (CANOPY), 1987-1992.

Volunteer, Friends of Nicholas Wasicsko, 1989 and 1991.

Volunteer, Friends of Vincenza Restiano, 1983, 1985, 1987, and 1991.

Volunteer, Friends of Terence Zaleski, 1991.

EXHIBIT 2

Exhibit 2: Median Duration (Weeks) in Administrative Segregation or in a CMU, Feb 1 2012 through August 2, 2013. For All Inmates who are Low or Medium Security and by Facility

Abbreviation	Facility Name	Median Weeks in Administrative Segregation or in CMU	Abbreviation	Facility Name	Median Weeks in Administrative Segregation or in CMU
	All CMU	66.79	LVN	Leavenworth USP	5.80
MAR CMU	Marion CMU	61.43	LEE	Lee USP	2.84
THA CMU	Terra Haute CMU	59.57	LOM	Lompoc USP	3.40
			LOR	Loretto FCI	5.40
ALL	All Prisoners	3.42	LOS	Los Angeles MDC	2.61
ALF	Allenwood Low FCI	3.51	MAN	Manchester FCI	3.29
ALM	Allenwood Med FCI	3.57	MNA	Marianna FCI	3.00
ALP	Allenwood USP	6.25	MAR	Marion USP	3.59
ASH	Ashland FCI	1.55	MCR	MCCreary USP	2.25
ATL	Atlanta USP	3.98	MCD	Mcdowell FCI	4.56
ATW	Atwater USP	3.08	MCK	Mckean FCI	3.27
BAS	Bastrop FCI	3.12	MEM	Memphis FCI	5.64
BML	Beaumont Low FCI	4.29	MEN	Mendota FCI	9.82
BMM	Beaumont Med FCI	4.32	MIA	Miami FCI	2.06
BMP	Beaumont USP	4.15	MIM	Miami Fdc	1.40
BEC	Beckley FCI	4.01	MIL	Milan FCI	1.84
BEN	Bennettsville FCI	3.38	MRG	Morgantown FCI	4.80
BER	Berlin FCI	1.01	NYM	New York MCC	1.16
BSY	Big Sandy USP	3.93	OAK	Oakdale FCI	3.30
BIG	Big Spring FCI	5.23	OAD	Oakdale FDC	4.90
BUF	Butner Low FCI	4.44	OTV	Otisville FCI	2.01
BTF	Butner Med Ii FCI	3.89	OXF	Oxford FCI	3.44
CAA	Canaan USP	1.62	PEK	Pekin FCI	1.29
CCC	Chicago MCC	0.88	PEM	Petersburg Med FCI	0.90
COP	Coleman I USP	2.86	PHX	Phoenix FCI	3.27
CLP	Coleman Ii USP	3.00	POM	Pollock Med FCI	4.47
COL	Coleman Low FCI	2.30	POL	Pollock USP	3.80
COM	Coleman Med FCI	3.58	RBK	Ray Brook FCI	4.35
CUM	Cumberland FCI	2.57	SAF	Safford FCI	3.14
DUB	Dublin FCI	2.90	SDC	San Diego MCC	2.66
EDG	Edgefield FCI	3.52	SST	Sandstone FCI	4.34
ERE	EI Reno FCI	4.56	SCH	Schuylkill FCI	4.15
ELK	Elkton FCI	1.71	SEA	Seagoville FCI	2.24
ENG	Englewood FCI	2.84	SET	Seatac FDC	1.82
EST	Estill FCI	4.58	SHE	Sheridan FCI	5.64
FAI	Fairton FCI	2.68	TDG	Talladega FCI	3.36
FLF	Florence FCI	5.70	TRM	Terminal Island FCI	5.25
FLP	Florence High USP	2.97	THA	Terre Haute FCI	1.07
FOR	Forrest City FCI	4.82	THP	Terre Haute USP	4.54
FOM	Forrest City Med FCI	6.98	TEX	Texarkana FCI	0.96
FTD	Fort Dix FCI	5.23	TRV	Three Rivers FCI	4.53
FTW	Fort Worth FCI	2.11	TCN	Tucson FCI	2.80
GIL	Gilmer FCI	3.25	TCP	Tucson USP	5.21
GRE	Greenville FCI	4.95	VIM	Victorville Med I FCI	4.95
GUA	Guaynabo Mdc	1.44	VVM	Victorville Med II FC	5.94
HAZ	Hazelton USP	2.00	VIP	Victorville USP	2.58
HER	Herlong FCI	2.68	WAS	Waseca FCI	1.32
HON	Honolulu Fdc	1.45	WIL	Williamsburg FCI	2.43
HOU	Houston Fdc	0.99	YAN	Yankton FPC	2.81
JES	Jesup FCI	3.63	YAZ	Yazoo City FCI	3.49
LAT	La Tuna FCI	2.12	YAM	Yazoo City Med FCI	4.97

EXHIBIT 3

Exhibit 3. Percent in Administrative Segregation of In a CMU, Feb 1 2012 through August 2, 2013. For All Inmates Who Are Medium or Low Security and by Facility

Abbreviation	Facility	Combined Percent in Administrative Segregation or in CMU	Combined Number in Medium and Low Security Average for all Months	Abbreviation	Facility	Combined Percent in Administrative Segregation or CMU	Combined Number in Medium and Low Security Average for all Months
	All CMU	100.00	NA	LVN	LEAVENWORTH USP	6.75	1,750
MAR CMU	Marion CMU	100.00	NA	LEE	LEE USP	6.47	75
THA CMU	Terra Haute CMU	100.00	NA	LOM	LOMPOC USP	10.29	1,472
				LOR	LORETTO FCI	2.77	1,265
	Total All Facilities Listed	3.98	97,038	LOS	LOS ANGELES MDC	6.63	157
ALF	ALLENWOOD LOW FCI	2.61	1,251	MAN	MANCHESTER FCI	2.66	1,101
ALM	ALLENWOOD MED FCI	4.18	1,234	MNA	MARIANNA FCI	4.13	1,195
ALP	ALLENWOOD USP	7.25	31	MAR	MARION USP	3.25	1,047
ASH	ASHLAND FCI	2.00	1,202	MCR	MCCREARY USP	9.72	84
ATL	ATLANTA USP	3.36	1,537	MCD	MCDOWELL FCI	6.23	1,606
ATW	ATWATER USP	5.65	111	MCK	MCKEAN FCI	4.28	1,228
BAS	BASTROP FCI	2.21	1,138	MEM	MEMPHIS FCI	3.56	1,138
BML	BEAUMONT LOW FCI	1.94	1,799	MEN	MENDOTA FCI	17.47	406
BMM	BEAUMONT MED FCI	3.97	1,632	MIA	MIAMI FCI	1.08	1,018
BMP	BEAUMONT USP	1.71	445	MIM	MIAMI FDC	6.08	262
BEC	BECKLEY FCI	3.64	1,598	MIL	MILAN FCI	2.41	1,135
BEN	BENNETTSVILLE FCI	5.46	1,649	MRG	MORGANTOWN FCI	48.30	10
BSY	BIG SANDY USP	10.89	80	NYM	NEW YORK MCC	3.83	122
BIG	BIG SPRING FCI	2.40	1,519	OAK	OAKDALE FCI	4.57	1,487
BUF	BUTNER LOW FCI	6.91	1,049	OAD	OAKDALE FDC	7.70	202
BTF	BUTNER MED II FCI	5.72	1,550	OTV	OTISVILLE FCI	1.94	1,011
CAA	CANAAN USP	7.76	59	OXF	OXFORD FCI	3.74	994
CCC	CHICAGO MCC	3.05	129	PEK	PEKIN FCI	4.94	1,175
COP	COLEMAN I USP	12.53	54	PEM	PETERSBURG MED FCI	3.59	1,706
CLP	COLEMAN II USP	13.49	44	PHX	PHOENIX FCI	5.85	992
COL	COLEMAN LOW FCI	1.14	1,710	POM	POLLOCK MED FCI	5.31	1,553
COM	COLEMAN MED FCI	5.08	1,585	POL	POLLOCK USP	8.75	65
CUM	CUMBERLAND FCI	4.56	1,118	RBK	RAY BROOK FCI	3.93	1,085
DUB	DUBLIN FCI	1.87	897	SAF	SAFFORD FCI	1.63	1,124
EDG	EDGEFIELD FCI	5.77	1,652	SDC	SAN DIEGO MCC	7.63	229
ERE	EL RENO FCI	5.27	954	SST	SANDSTONE FCI	1.85	1,174
ELK	ELKTON FCI	2.03	2,239	SCH	SCHUYLKILL FCI	4.31	1,247
ENG	ENGLEWOOD FCI	1.37	798	SEA	SEAGOVILLE FCI	1.67	1,507
EST	ESTILL FCI	4.76	1,093	SET	SEATAC FDC	3.04	311
FAI	FAIRTON FCI	3.28	1,332	SHE	SHERIDAN FCI	4.62	1,080
FLF	FLORENCE FCI	7.23	1,046	TDG	TALLADEGA FCI	3.65	941
FLP	FLORENCE HIGH USP	55.04	19	TRM	TERMINAL ISLAND FCI	2.25	957
FOR	FORREST CITY FCI	3.10	1,741	THA	TERRE HAUTE FCI	8.34	1,061
FOM	FORREST CITY MED FCI	6.37	1,644	THP	TERRE HAUTE USP	5.34	100
FTD	FORT DIX FCI	3.16	4,161	TEX	TEXARKANA FCI	1.20	1,182
FTW	FORT WORTH FCI	2.25	1,539	TRV	THREE RIVERS FCI	4.70	1,134
GIL	GILMER FCI	6.71	1,680	TCN	TUCSON FCI	3.01	522
GRE	GREENVILLE FCI	3.91	1,119	TCP	TUCSON USP	8.77	88
GUA	GUAYNABO MDC	2.12	123	VIM	VICTORVILLE MED I FCI	3.39	1,615
HAZ	HAZELTON USP	2.13	717	VVM	VICTORVILLE MED II FCI	4.58	1,601
HER	HERLONG FCI	3.38	1,571	VIP	VICTORVILLE USP	10.16	54
HON	HONOLULU FDC	6.90	68	WAS	WASECA FCI	2.22	858
HOU	HOUSTON FDC	5.32	178	WIL	WILLIAMSBURG FCI	4.07	1,663
JES	JESUP FCI	1.34	1,621	YAN	YANKTON FPC	64.71	3
LAT	LA TUNA FCI	3.95	1,240	YAZ	YAZOO CITY FCI	2.93	1,712
				YAM	YAZOO CITY MED FCI	4.49	1,579

EXHIBIT 26

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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- - - - -x
YASSIN MUHIDDIN AREF, et al.,      :
      Plaintiffs,                    :
      -against-                       :
ERIC HOLDER, et al.,                :
      Defendants.                    :
- - - - -x

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** C O N F I D E N T I A L **

DEPOSITION of Expert Witness, ANDREW A. BEVERIDGE, Ph.D., taken by The Department of Justice, at the offices of the U.S. Attorney - Eastern District, 271 Cadman Plaza East, Brooklyn, NY, on Friday, January 10, 2014, commencing at 1:40 p.m., before Elizabeth Santamaria, a Certified Shorthand (Stenotype) Reporter and Notary Public within and for the State of New York.

1 Beveridge
2 answer a question like that? How would you
3 typically express the results of your
4 conclusions?

5 A Well, on something like snow
6 shoveling, like how long does it take until you
7 can maybe drive down your street or something
8 like that, I mean we had a -- a couple of years
9 ago we had what has been often called the
10 Bloomberg Bermuda blizzard where he turned out
11 to be in Bermuda and the snow plowing didn't
12 happen that quickly.

13 What you might do, I mean overall,
14 and sometimes they do this for deployment of
15 like fire trucks, you know, how long does it
16 take for a fire truck to get somewhere? Usually
17 you look at the median time, because the median
18 is a very good measure of what the average
19 person experiences. It's not an average per se,
20 but it's what the person right in the middle of
21 the distribution experiences.

22 So that's probably where you would
23 start. And then what you are, I think, driving
24 at is, you know, how does that vary. And then I
25 guess you would look overall at the distribution

1 Beveridge

2 but the median is a very good what is called
3 measure of central tendency, because it gives
4 you the data on what is the average experience
5 of a person in a given situation.

6 Q Going back to that point about
7 distribution, what are some of the ways that a
8 researcher like yourself might typically express
9 the distribution of, in this case that we are
10 talking about, snow shoveling?

11 A Well, you might -- you know, you
12 could present how many people, did it take a
13 minute, you know, how many people got it
14 shoveled in three hours, up to whatever number
15 of hours. There are several measures of
16 distributions, one of which -- but the major
17 measure of distributions are so-called central
18 tendency and I think the best of those for this
19 kind of work is median.

20 I mean, for example, people look
21 at median income and if you look at median
22 income, it's a very good measure because let's
23 say you live in a neighborhood and the median
24 income is \$150,000 and let's say Bloomberg moves
25 into your neighborhood and he, of course, makes

1 Beveridge
2 a lot more money than anybody else. So if you
3 take --

4 Let's say your neighborhood has a
5 thousand people in it and so everybody makes
6 \$100,000 so you're talking about, I guess, that
7 would be \$100 million of income in the
8 neighborhood. So let's say Bloomberg moves in
9 or Trump moves in and they make \$5 billion a
10 year. Suddenly the average in that neighborhood
11 has gone through the roof, but the median will
12 not have changed or it will minimally change.
13 It might move up by one person.

14 So I think that that's why the
15 median is sort of privileged as the best sort of
16 central tendency measure. The question is:
17 Should we look at all the distributions in a
18 given situation? Sometimes you do, sometimes
19 you don't. Often when the distributions seem
20 closer, you might look at more of the -- more
21 points along the distribution. I personally
22 prefer ordinal measure, which a median is, but
23 that's what I would say.

24 Q Okay. Why don't we turn to the
25 subject of the data you looked at and how you

1 Beveridge

2 time that inmate was in the CMU whether he was
3 at Terre Haute or Marion?

4 A That's correct.

5 And the same is true for the
6 administrative segregations. And as you will
7 note, administrative segregation often has
8 multiple episodes. So I added up all of the
9 episodes of administrative segregation and got a
10 total time in administrative segregation.
11 During this period from --

12 Q And you --

13 A During the period.

14 Q And you did that or were able to
15 do that, am I correct, because each assignment
16 period is cross-referenced with an inmate's
17 unique index number, correct?

18 A Correct.

19 Q So let me stay on this point about
20 aggregation.

21 In Paragraph 15 you inform us that
22 you concluded that the median times an inmate
23 spends in the CMU is 66.78 weeks during the
24 2012-2013 time period and then you go on to
25 explain in Paragraph 16 that the median number

1 Beveridge
2 of weeks an inmate in CMU spent at the Marion
3 CMU was 61.43 weeks and the median time at the
4 Terre Haute CMU was 59.57 weeks. And so you
5 also state, in Paragraph 16, five inmates during
6 this time period spent time in both Terre Haute
7 and Marion CMU.

8 My question simply is, so we have
9 the number of -- the time at Terre Haute is
10 59.57, the time at Marion is 61.43. However,
11 the median of both those two places is higher
12 and is 66.78 weeks. And my question is: Is
13 the -- is that number higher because of these
14 five inmates that you were talking about who
15 were at both Terre Haute and Marion CMU?

16 A Yes. So we counted both their
17 time at both places together, whereas in this
18 comparison we only looked at the time they spent
19 in each facility.

20 Q Did you also calculate for these
21 five inmates the median length of time those
22 five inmates spent in the CMU?

23 A No. I mean it's in the database,
24 but I didn't pull it out and calculate it
25 separately, no.

1 Beveridge

2 But plainly they would have spent
3 some more time than they spent in either place.
4 Because they spent some time in the CMU in
5 Terre Haute, sometime in the CMU in Marion. If
6 you add it together, it's more.

7 Q My question is: Would that
8 calculation, would that be in the SAS database
9 that you have?

10 A Yeah. It actually -- it would be.
11 We would simply pull out the index numbers of
12 the five people that switched from one CMU to
13 another during the 18-month period.

14 Q Okay. So your -- you have been
15 expressing the duration of times in the CMU as a
16 median time, and was the average time that an
17 inmate spent in a CMU during this time period,
18 was it shorter or longer than the 66.78-week
19 period?

20 A I think it was about the same. I
21 did run out average just to look at it, and both
22 for the administrative segregation time and for
23 the CMU time and the comparison was virtually, I
24 mean the pattern was virtually the same.

25 In other words, there was much

1 Beveridge
2 less time in administrative segregation than in
3 CMU if you look -- if you use either the -- if
4 you use the median, which is my preferred
5 measure of central tendency, or if you use
6 average.

7 Q Is that data about averages, is
8 that still saved in the SAS program that you
9 created?

10 A I have -- yeah. I have SAS
11 programs and I am pretty certain that I did --
12 what I did is I ran out average median and some
13 of the other standard kind of descriptive
14 statistics. But I think, just for simplicity of
15 presentation, I decided since the pattern -- you
16 know, whether you use median or mean, the
17 pattern was really very similar. So I decided,
18 for simplicity of presentation, just to rely
19 upon the median. But to recover the mean and
20 all that stuff, it's -- I think it is in fact in
21 one of the files I created.

22 Q Did you observe any difference in
23 the median length of time an inmate spent in the
24 CMU during this 2012-2013 time period based on
25 the inmate's security level?

1 Beveridge

2 In other words, was there any
3 difference that you observed between low and
4 medium security inmates in the CMU in terms of
5 how long they remain in the CMU?

6 A I actually did not directly run
7 that. Once again, that's something that would
8 be easy to run based on the data set. But as
9 you will note on note 2 on Page 6, I did add
10 in -- I did include high and then I probably --
11 and my guess is minimal security. And as you
12 see there, the median in ad seg is slightly
13 higher. The median in the CMU is slightly
14 higher, if you run against all the prisoners in
15 the database.

16 I did not run it against -- by
17 security level per se; that is to say,
18 distinguishing a minimum and high. I mean,
19 excuse me, low and medium. But, you know, it's
20 easy enough to do, and I can't imagine that the
21 pattern would be any different.

22 I mean, to put it simply, having
23 run a lot of different analyses with these data,
24 there is a term of art in social science data
25 analysis which is "robust" and the question is,

1 Beveridge
2 are the findings robust? In other words, if you
3 try to do certain things to the data, do the
4 findings hold up?

5 And I think that the findings
6 here -- and given the huge differences between
7 the time in the CMU versus the time in
8 administrative segregation, that the findings
9 here are very, very robust with respect to
10 comparing the duration in the two different
11 situations.

12 Q Just staying on the security level
13 issues for a moment here, it looks to me -- and
14 tell me if you agree -- that the median length
15 of time that you calculated for how long a CMU
16 inmate spends in a CMU during this 2012-2013
17 time period below a medium security inmate is
18 quite close to the median length of time for
19 high security CMU inmates.

20 Would you agree with that?

21 A I don't have that data in front of
22 me. My suspicion is it would be similar, yes.

23 Q Are you able to make any
24 conclusions about whether security level has a
25 significant impact on the length of time an

1 Beveridge
2 conclusion about the median length of time an
3 inmate spends in the CMU for that inmate's
4 entire confinement in the CMU? Or is that just
5 a calculation to allow you to make a comparison
6 to this particular 2012-13 time period?

7 A It's really the latter. The data
8 we had was in this time slice and so I
9 calculated administrative segregation during
10 this time slice and being in the CMU during this
11 time slice.

12 Q And so was this 78-week period
13 that we're looking at, is that long enough to
14 make an, I guess, reliable conclusion about how
15 long or what the median length of time an inmate
16 spends in the CMU for his entire period of
17 confinement there?

18 A Actually, I don't think that we
19 could make that conclusion about either group.

20 In other words, we can't say that
21 this is the entire number of weeks that they
22 spent in administrative segregation, that this
23 is the entire number of weeks that they spent in
24 the CMU. What we can do though is we can
25 compare the amount of time during this time

1 Beveridge

2 slice of any prisoner who is in general
3 population or CMU during this time slice.

4 So it is what it is.

5 Q I think I understand.

6 So, in other words, this -- the
7 data allows you to make a comparison versus the
8 relative length of time an inmate spends in the
9 CMU versus -- but you weren't using the data to
10 try to conclude what the total lent of time an
11 inmate spends in either one of those places; is
12 that right?

13 A Correct.

14 Q How about in Paragraph 17? There
15 I believe you are looking at data that is set
16 forth in Expert Exhibit 3.

17 A I think it's 4.

18 Q As well as -- okay. This is kind
19 of a dumb question here, but let me ask this.

20 So you have these numbers here
21 where you tell us the median duration of time
22 these medium and low security prisoners spent in
23 the CMU was 138.71 weeks. And so this number,
24 138.71, does that apply -- does that apply only
25 to the January 1, 2007 through June 30, 2011

1 Beveridge

2 time period?

3 A Well, there is a slight
4 qualification which is in the next sentence,
5 which is that some of the start dates were
6 actually earlier than January 1, 2007 and some
7 of the stop dates were later than January 30,
8 2011.

9 So I guess what I would say, these
10 data suggest that the actual duration in the
11 CMU, in CMU, is the median duration of time of
12 medium and low security level prisoners in CMU
13 during this period is actually longer. And that
14 is due, I think, mostly to the fact that this is
15 a much longer reporting period. But we don't
16 have comparative data on administrative
17 segregation.

18 Q And could you just explain what
19 you mean by that, that you don't have the
20 comparative data? Do you mean that you don't
21 have a comparable data set for placement in
22 administrative detention for the January 2007
23 through January 2011 time period?

24 A It's actually June 30, 2011, but
25 the answer is "no."

1 Beveridge

2 other words, the results of analyzing the data
3 are robust. But part of that is because --

4 I talked over you or you talked
5 over me.

6 Q I can ask another question or you
7 can just continue your answer.

8 A Well, basically, the data were in
9 very good condition and the findings are robust.

10 Q And when you say the findings are
11 robust, do you mean that they are statistically
12 reliable?

13 A They are reliable and it won't
14 make too much difference what method -- you
15 know, what methods or measurement that you use
16 to look at the differences. The differences are
17 going to be there because, frankly, the
18 differences are just humongous.

19 That's not a technical term. They
20 are very, very large. The differences are very,
21 very large and you don't generally see
22 differences this large in social science
23 analysis.

24 Q Okay. And differences, we are
25 talking about differences in terms of length of

EXHIBIT 27

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
YASSIN MUHIDDIN AREF, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 10-0539 (BJR)
)	
ERIC HOLDER, <i>et al.</i>)	
)	
Defendants.)	
_____)	

**DEFENDANTS’ OBJECTIONS AND RESPONSES TO PLAINTIFFS’ REQUESTS FOR
ADMISSION**

In accordance with Rule 36 of the Federal Rules of Civil Procedure, Defendants, by and through their undersigned counsel, hereby responds to Plaintiffs’ Requests for Admission.

GENERAL OBJECTIONS FOR REQUESTS FOR ADMISSION

1. Defendants objects to the “Instructions” and “Definitions” that accompany Plaintiffs’ Requests for Admission to the extent that they attempt to impose obligations outside of the requirements of the Federal Rules of Civil Procedure or the Local Rules of the District of Columbia.
2. Defendants objects to these Requests for Admission to the extent that they call for information protected by the work product doctrine, including government counsel’s mental impressions, legal theories, or evaluations of evidence. Nothing contained in the following responses constitutes a waiver of any applicable objection or privilege as to the requested discovery.

3. The following responses are based upon information currently known to Defendants based on reasonable inquiry to date, and Defendants reserve the right to supplement or amend the responses should additional or different information become available.
4. In their August 11, 2011, Joint 26(f) Report, the parties agreed to limit the number of requests for admission to 100 per side. Accordingly, Defendants object to answering any requests beyond the first 100 requests for admission contained below.
5. All of the General Objections set forth herein are incorporated by reference into and made a part of each individual response set forth below.

SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION

REQUEST NO. 1

The Communications Management Unit (CMU) at FCI Terre Haute (“Terre Haute”) was opened on or around December 11, 2006.

OBJECTION: Defendants object that “opened” is vague and ambiguous.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the first CMU inmate was designated to the CMU at FCI Terre Haute on December 13, 2006.

REQUEST NO. 2

The CMU at USP Marion (“Marion”) was opened on or around March 20, 2008.

OBJECTION: Defendants object that “opened” is vague and ambiguous.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the first CMU inmate was designated to the CMU at USP Marion on May 13, 2008.

REQUEST NO. 3

The CMUs are the only general population settings in the federal Bureau of Prisons (BOP) in which all inmates within the unit are denied social contact visits for the entire duration of their confinement there.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 4

Apart from ADX Florence, the CMUs are the only general population settings in the BOP in which all inmates within the unit are denied social contact visits for the entire duration of their confinement there.

RESPONSE: Subject to the General Objections, denied except to admit that, unless an exception is made on a case-by-case basis by institutional staff, inmates in the general population unit at ADX Florence and inmates in the CMU are not permitted to have social contact visits.

REQUEST NO. 5

At least eight BOP facilities are set up to audio record social contact visits.

OBJECTION: Defendants object that the request is vague and ambiguous.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 6

A Notice to Inmates (found at P000755) was posted by BOP staff at the Marion CMU in or around October 2009.

RESPONSE: Subject to the General Objections, denied except to admit the referenced Notice was posted by BOP staff at the Marion CMU on September 25, 2009.

REQUEST NO. 7

A Notice to Inmates (found at P000755) was posted by BOP staff at the Terre Haute CMU in or around October 2009.

RESPONSE: Subject to the General Objections, admitted that the referenced Notice was posted by BOP staff at the Terre Haute CMU, but after a reasonable inquiry BOP has not been able to identify any records indicating when the referenced Notice was posted. After speaking with a CMU staff member, BOP was still unable to identify when precisely the referenced Notice was posted, although Defendants believe it was posted in or around October 2009. Consequently, Defendants can neither admit nor deny the truth of the Request.

REQUEST NO. 8

No institution staff can currently increase the duration of social visits provided to CMU inmates.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 9

At no time has institution staff been able to increase the duration of social visits provided to CMU inmates.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 10

No institution staff can currently increase the frequency of social visits provided to CMU inmates per month.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 11

At no time has institution staff been able to increase the frequency of social visits provided to CMU inmates per month.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 12

No institution staff can currently increase the duration of social telephone calls provided to CMU inmates.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 13

At no time has institution staff been able to increase the duration of social telephone calls provided to CMU inmates.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 14

No institution staff can currently increase the frequency of social telephone calls provided to CMU inmates per month.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 15

At no time has institution staff been able to increase the frequency of social telephone calls provided to CMU inmates per month.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 16

CMU inmates receive less than 300 telephone minutes per month due to limitations on staff resources.

RESPONSE: Subject to the General Objections, denied except to admit that inmates housed in CMU Terre Haute and CMU Marion receive less than 300 telephone minutes per month for security reasons, which include but are not limited to the fact that there are limitations on staff resources.

REQUEST NO. 17

Restrictions on the frequency of social telephone calls at the CMUs are due to limitations on staff resources.

RESPONSE: Subject to the General Objections, denied except to admit that the frequency of social telephone calls at the CMU are limited due to security reasons, which include but are not limited to the fact that there are limitations on staff resources.

REQUEST NO. 18

Restrictions on the duration of social visits at the CMUs are due to limitations on staff resources.

RESPONSE: Subject to the General Objections, denied except to admit that the duration of social visits at the CMU are limited due to security reasons, which include but are not limited to the fact that there are limitations on staff resources.

REQUEST NO. 19

Restrictions on the frequency of social visits at the CMUs are due to limitations on staff resources.

RESPONSE: Subject to the General Objections, denied except to admit that the frequency of social visits at the CMU are limited due to security reasons, which include but are not limited to the fact that there are limitations on staff resources.

REQUEST NO. 20

Daniel McGowan was transferred to the Marion CMU on or around August 22, 2008, and stayed there until or around October 29, 2008, when he was placed on writ in relation to a federal grand jury.

RESPONSE: Subject to the General Objections, denied except to admit that Daniel McGowan was designated to the Marion CMU on August 22, 2008 and stayed there until October 29, 2008, at which time he was released on a federal writ.

REQUEST NO. 21

Daniel McGowan returned to the Marion CMU on or around February 2, 2009, and remained there until he was released from the CMU, and transferred to a Marion general population unit on or around October 19, 2010.

RESPONSE: Subject to the General Objections, denied except to admit that Daniel McGowan returned to the Marion CMU on February 2, 2009 and remained there until he was transferred to a non-CMU Marion general population unit on October 19, 2010.

REQUEST NO. 22

Daniel McGowan was designated to the Terre Haute CMU on or around February 24, 2011 and stayed there until he was released from the CMU and transferred to a halfway house on or around December 11, 2012.

RESPONSE: Subject to the General Objections, denied except to admit that McGowan was designated to the Terre Haute CMU on or around February 24, 2011, and stayed there until he was released from the CMU and transferred to a Residential Reentry Center on or around December 11, 2012.

REQUEST NO. 23

Daniel McGowan spent more than 42 months in a CMU.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 24

Kifah Jayyousi was transferred to the Terre Haute CMU on or around June 18, 2008.

RESPONSE: Subject to the General Objections, denied except to admit that Jayyousi was designated to the Terre Haute CMU on or around June 18, 2008.

REQUEST NO. 25

With the exception of a weeklong hospital stay, Kifah Jayyousi remained at the Terre Haute CMU until he was transferred to the Marion CMU on or around October 1, 2010.

RESPONSE: Subject to the General Objections, denied except to admit that Jayyousi was transferred to a local hospital on July 25, 2010, and returned to the Marion CMU on August 2, 2010.

REQUEST NO. 26

Kifah Jayyousi remained at the Marion CMU from on or around October 1, 2010 until he was released into Marion's general population on or around May 14, 2013.

RESPONSE: Subject to the General Objections, denied except to admit that Jayyousi remained at the Marion CMU from on or around October 1, 2010 until he was released into the non-CMU general population unit at Marion on or around May 14, 2013.

REQUEST NO. 27

Kifah Jayyousi spent more than 58 months in a CMU.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 28

Yassin Aref was transferred to the Terre Haute CMU on or around May 11, 2007 and stayed there until he was transferred to the Marion CMU on or around March 26, 2009.

RESPONSE: Subject to the General Objections, denied except to admit that Aref was designated to the Terre Haute CMU on or around May 11, 2007 and stayed there until he was designated to the Marion CMU on or around March 26, 2009.

REQUEST NO. 29

Yassin Aref remained at the Marion CMU from on or around March 26, 2009 until he was released into Marion's general population on or around April 11, 2011.

RESPONSE: Subject to the General Objections, denied except to admit that Aref remained at the Marion CMU from on or around March 26, 2009 until he was released into the non-CMU general population unit at Marion on or around April 11, 2011.

REQUEST NO. 30

Yassin Aref spent 48 months in a CMU.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 31

Avon Twitty was transferred to the Terre Haute CMU on or around May 30, 2007 and remained there until he was released to a halfway house on or around October 20, 2010.

RESPONSE: Subject to the General Objections, denied except to admit that Twitty was designated to the Terre Haute CMU on or around May 30, 2007 and remained there until he was released to a Residential Reentry Center on or around October 21, 2010.

REQUEST NO. 32

Avon Twitty spent more than 39 months in a CMU.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 33

Daniel McGowan was classified as a "low security" inmate by the BOP throughout the entirety of his CMU designation.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 34

Yassin Aref was classified as a “low security” inmate by the BOP throughout the entirety of his CMU designation.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 35

Kifah Jayyousi was classified as a “low security” inmate by the Bureau of Prisons throughout the entirety of his CMU designation.

RESPONSE: Subject to the General Objections, denied except to admit that Jayyousi was approved for transfer from the CMU to the non-CMU Marion general population unit on May 13, 2013, and as a result, on May 13, 2013, he was reclassified from a low to a medium security inmate to match the security level of the non-CMU Marion general population unit. Jayyousi was transferred to the non-CMU Marion general population unit on May 14, 2013.

REQUEST NO. 36

Daniel McGowan has never been found by the BOP to have committed any prohibited act, as defined by the BOP’s program statement on Inmate Discipline.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether BOP has “found” the inmate to have committed a prohibited act. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan’s BOP disciplinary history does not include an unexpunged incident report.

REQUEST NO. 37

Daniel McGowan's BOP disciplinary history includes no sanctioned incident reports.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "sanctioned." Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan's BOP disciplinary history does not include an unexpunged incident report.

REQUEST NO. 38

Yassin Aref has never been found by the BOP to have committed any prohibited acts, as defined by the BOP's program statement on Inmate Discipline.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether BOP has "found" the inmate to have committed a prohibited act. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 39

Yassin Aref's BOP disciplinary history includes no sanctioned incident reports.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "sanctioned." Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 40

Kifah Jayyousi has only once been found by the BOP to have committed a prohibited act, as defined by the BOP's program statement on Inmate Discipline.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether BOP has "found" the inmate to have committed a prohibited act. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit Jayyousi's BOP disciplinary history includes one unexpunged incident report.

REQUEST NO. 41

Said prohibited act was not "communications-related."

OBJECTION: Defendants object that "communications-related" is undefined and therefore vague and ambiguous.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the prohibited act was Interfering with a Security Device, which did not involve a violation of a BOP rule with respect to communications with persons in the community.

REQUEST NO. 42

Kifah Jayyousi's BOP disciplinary history includes only one sanctioned incident report.

OBJECTION: Defendants' object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "sanctioned." Defendants interpret the request to address

unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi's BOP disciplinary history includes one unexpunged incident report.

REQUEST NO. 43

Daniel McGowan has never been found by the BOP to have violated BOP rules during a social visit.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit McGowan's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a social visit.

REQUEST NO. 44

Kifah Jayyousi has never been found by the BOP to have violated BOP rules during a social visit.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit Jayyousi's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a social visit.

REQUEST NO. 45

Yassin Aref has never been found by the BOP to have violated BOP rules during a social visit.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit Aref's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a social visit.

REQUEST NO. 46

Avon Twitty has never been found by the BOP to have violated BOP rules during a social visit.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit Twitty's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a social visit.

REQUEST NO. 47

Daniel McGowan has never been found by the BOP to have violated BOP rules during a legal visit.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a legal visit.

REQUEST NO. 48

Kifah Jayyousi has never been found by the BOP to have violated BOP rules during a legal visit.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a legal visit.

REQUEST NO. 49

Yassin Aref has never been found by the BOP to have violated BOP rules during a legal visit.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a legal visit.

REQUEST NO. 50

Avon Twitty has never been found by the BOP to have violated BOP rules during a legal visit.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Twitty's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a legal visit.

REQUEST NO. 51

Daniel McGowan has never been found by the BOP to have violated BOP rules during a social telephone call.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a social telephone call.

REQUEST NO. 52

Kifah Jayyousi has never been found by the BOP to have violated BOP rules during a social telephone call.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a social telephone call.

REQUEST NO. 53

Yassin Aref has never been found by the BOP to have violated BOP rules during a social telephone call.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a social telephone call.

REQUEST NO. 54

Avon Twitty has never been found by the BOP to have violated BOP rules during a social telephone call.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Twitty's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a social telephone call.

REQUEST NO. 55

Daniel McGowan has never been found by the BOP to have violated BOP rules during a legal telephone call.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a legal telephone call.

REQUEST NO. 56

Kifah Jayyousi has never been found by the BOP to have violated BOP rules during a legal telephone call.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a legal telephone call.

REQUEST NO. 57

Yassin Aref has never been found by the BOP to have violated BOP rules during a legal telephone call.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules during a legal telephone call.

REQUEST NO. 58

Avon Twitty has never been found by the BOP to have violated BOP rules during a legal telephone call.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Twitty's BOP disciplinary history does not include an incident report for violating BOP rules during a legal telephone call.

REQUEST NO. 59

The BOP has never found Daniel McGowan to have violated BOP rules regarding social mail.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan's BOP disciplinary history does not include an incident report for violating BOP rules regarding social mail.

REQUEST NO. 60

The BOP has never found Kifah Jayyousi to have violated BOP rules regarding social mail.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules regarding social mail.

REQUEST NO. 61

The BOP has never found Yassin Aref to have violated BOP rules regarding social mail.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules regarding social mail.

REQUEST NO. 62

The BOP has never found Avon Twitty to have violated BOP rules regarding social mail.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has "found" the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Twitty's BOP disciplinary history does not include an unexpunged incident report for violating BOP rules regarding social mail.

REQUEST NO. 63

The BOP has never found Daniel McGowan to have violated BOP rules regarding legal mail.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has “found” the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan’s disciplinary history does not include an unexpunged incident report for violating BOP rules regarding legal mail.

REQUEST NO. 64

The BOP has never found Kifah Jayyousi to have violated BOP rules regarding legal mail.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has “found” the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi’s disciplinary history does not include an unexpunged incident report for violating BOP rules regarding legal mail.

REQUEST NO. 65

The BOP has never found Yassin Aref to have violated BOP rules regarding legal mail.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has “found” the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref’s disciplinary history does not include an unexpunged incident report for violating BOP rules regarding legal mail.

REQUEST NO. 66

The BOP has never found Avon Twitty to have violated BOP rules regarding legal mail.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean when they ask for BOP to admit or deny whether it has “found” the inmate to have violated BOP rules. Defendants interpret the request to address unexpunged incident reports issued to the inmate and upheld by a Disciplinary Hearing Officer or Unit Disciplinary Committee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Twitty’s disciplinary history does not include an unexpunged incident report for violating BOP rules regarding legal mail.

REQUEST NO. 67

Daniel McGowan’s 9/3/08 Notice to Inmate of Transfer to the CMU was the only explanation he received from the BOP for his designation to the Marion CMU.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 68

There is no policy that requires BOP staff to provide CMU inmates with a verbal explanation for their designation to a CMU.

RESPONSE: Subject to the General Objections, denied except to admit that BOP policy requires that CMU inmates be provided with a written, as opposed to a verbal, explanation for their designation to a CMU. However, the reasons for the inmate's placement in the CMU may be discussed with the inmate by CMU staff. In addition, inmates may raise questions and concerns with CMU staff regarding their placement in the CMU at their program reviews or seek additional information by filing an administrative grievance.

REQUEST NO. 69

Daniel McGowan's offense conduct did not include current membership in the Earth Liberation Front.

OBJECTION: Defendants object that the use of "current" is vague because the request asks about McGowan past offense conduct. Therefore, Defendants' interpret "current" as applying to the time period of McGowan's offense conduct. Defendants also object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "membership" in the Earth Liberation Front. Defendants interpret the request to address whether McGowan's offense conduct included involvement in any actions associated with or attributed to the Earth Liberation Front.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 70

Daniel McGowan's offense conduct did not include current membership in the Animal Liberation Front.

OBJECTION: Defendants object that the use of "current" is vague because the request asks about McGowan's past offense conduct. Therefore, Defendants' interpret "current" as applying to the time period of McGowan's offense conduct. Defendants also object that it is not clear what Plaintiffs mean by "membership" in the Animal Liberation Front. Defendants interpret the request to address whether McGowan's offense conduct included involvement in any actions associated with or attributed to the Animal Liberation Front.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 71

The BOP does not have any evidence that Daniel McGowan was a member of the Earth Liberation Front in 2008 or after.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "membership" in the Earth Liberation Front. Defendants interpret the request to address whether McGowan's conduct from 2008 or after included involvement in any actions associated with or attributed to the Earth Liberation Front.

RESPONSE: Subject to these objections and the General Objections, Defendants admit that they are not aware of any evidence that McGowan was involved in any actions associated with or attributed to the Earth Liberation Front from 2008 onwards.

REQUEST NO. 72

The BOP does not have any evidence that Daniel McGowan was a member of the Animal Liberation Front in 2008 or after.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “membership” in the Animal Liberation Front. Defendants interpret the request to address whether McGowan’s conduct from 2008 or after included involvement in any actions associated with or attributed to the Animal Liberation Front.

RESPONSE: Subject to these objections and the General Objections, Defendants admit that they are not aware of any evidence that McGowan was involved in any actions associated with or attributed to the Animal Liberation Front from 2008 onwards.

REQUEST NO. 73

Daniel McGowan’s offense conduct did not include a current leadership role in the Earth Liberation Front.

OBJECTION: Defendants object that the use of “current” is vague because the request asks about McGowan past offense conduct. Therefore, Defendants interpret “current” as applying to the time period of McGowan’s offense conduct. Defendants also object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “leadership role” in the Earth Liberation Front. Defendants interpret the request to address whether McGowan’s offense conduct displayed a leadership role in any actions associated with or attributed to the Earth Liberation Front.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 74

Daniel McGowan’s offense conduct did not include a current leadership role in the Animal Liberation Front.

OBJECTION: Defendants object that the use of “current” is vague because the request asks about McGowan past offense conduct. Therefore, Defendants interpret “current” as

applying to the time period of McGowan's offense conduct. Defendants also object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "leadership role" in the Animal Liberation Front. Defendants interpret the request to address whether McGowan's offense conduct displayed a leadership role in any actions associated with or attributed to the Animal Liberation Front.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 75

The BOP does not have any evidence that Daniel McGowan was a leader in the Earth Liberation Front in 2008 or after.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "a leader" of the Earth Liberation Front. Defendants interpret the request to address whether McGowan's conduct displayed a leadership role from 2008 or after in any actions associated with or attributed to the Earth Liberation Front.

RESPONSE: Subject to these objections and the General Objections, Defendants admit that they are not aware of any evidence that McGowan was involved in any actions associated with or attributed to the Earth Liberation Front from 2008 or after in which he displayed a leadership role.

REQUEST NO. 76

The BOP does not have any evidence that Daniel McGowan was a leader of the Animal Liberation Front in 2008 or after.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "a leader" in the Animal Liberation Front. Defendants

interpret the request to address whether McGowan's conduct displayed a leadership role from 2008 or after in any actions associated with or attributed to the Animal Liberation Front.

RESPONSE: Subject to these objections and the General Objections, Defendants admit that they are not aware of any evidence that McGowan was involved in any actions associated with or attributed to the Animal Liberation Front from 2008 onwards in which he displayed a leadership role.

REQUEST NO. 77

The BOP does not have any evidence that Daniel McGowan was ever the leader or the organizer of the Earth Liberation Front.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "the leader or the organizer" of the Earth Liberation Front. Defendants interpret the request to address whether McGowan's conduct displayed a leadership or organizing role in any actions associated with or attributed to the Earth Liberation Front. Defendants interpret the phrase "have any evidence" to include McGowan's Presentence Investigation Report, which is currently within BOP's possession.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 78

The BOP does not have any evidence that Daniel McGowan was ever the leader or the organizer of the Animal Liberation Front.

Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "the leader or the organizer" of the Animal Liberation Front. Defendants interpret the request to address whether McGowan's conduct displayed a leadership or planning role in any actions associated with or attributed to the Animal Liberation Front. Defendants

interpret the phrase “have any evidence” to include McGowan’s Presentence Investigation Report, which is currently within BOP’s possession.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 79

Daniel McGowan’s offense conduct did not involve teaching others how to commit arson.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 80

Daniel McGowan’s offense conduct did not involve destroying an energy facility.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 81

The BOP does not have any evidence that Daniel McGowan ever taught others how to commit arson.

OBJECTION: Defendants object that the request is vague and ambiguous and interpret the phrase “have any evidence” to include McGowan’s Presentence Investigation Report, which is currently within BOP’s possession.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 82

The BOP does not have any evidence that Daniel McGowan ever destroyed an energy facility.

OBJECTION: Defendants object that the request is vague and ambiguous and interpret the phrase “have any evidence” to include McGowan’s Presentence Investigation Report, which is currently within BOP’s possession.

RESPONSE: Subject to the General Objections, denied

REQUEST NO. 83

Daniel McGowan's offense conduct did not involve training others to design and construct incendiary devices.

RESPONSE: Subject to the General Objections, denied

REQUEST NO. 84

The BOP does not have any evidence that Daniel McGowan trained others to design and construct incendiary devices.

OBJECTION: Defendants object that the request is vague and ambiguous and interpret the phrase "have any evidence" to include McGowan's Presentence Investigation Report, which is currently within BOP's possession.

RESPONSE: Subject to the General Objections, denied

REQUEST NO. 85

The BOP does not have any evidence that Daniel McGowan tried to set himself up as a spokesperson for the Animal Liberation Front or Earth Liberation Front during his incarceration.

OBJECTION: Defendants object that "spokesperson" is vague and ambiguous.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that BOP does not have any evidence that McGowan set himself up as an official spokesperson for the Animal Liberation Front or Earth Liberation Front during his incarceration.

REQUEST NO. 86

None of Daniel McGowan's outgoing communications have ever been rejected based on advocating criminal activity.

OBJECTION: Defendants object that "advocating" is vague and ambiguous.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 87

None of Daniel McGowan's outgoing communications have ever been rejected for security reasons.

OBJECTION: Defendants object that "security reasons" is vague and ambiguous.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 88

While incarcerated, Daniel McGowan has never been found by the BOP to have advocated for any criminal activity.

OBJECTION: Defendants object that "advocating" is vague and ambiguous.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 89

The BOP does not have any evidence that Daniel McGowan ever communicated with any member of the Earth Liberation Front while incarcerated.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "member" of the Earth Liberation Front. Defendants interpret the request to address whether, during his incarceration, McGowan communicated with any individuals who engaged in actions associated with or attributed to the Earth Liberation Front.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 90

The BOP does not have any evidence that Daniel McGowan ever communicated with any member of the Animal Liberation Front while incarcerated.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “member” of the Animal Liberation Front. Defendants interpret the request to address whether, during his incarceration, McGowan communicated with any individuals who had engaged in actions associated with or attributed to the Animal Liberation Front.

RESPONSE: Subject to these objections and the General Objections, admitted.

REQUEST NO. 91

The BOP does not have any evidence that Daniel McGowan ever communicated or attempted to communicate with any terrorist while incarcerated.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “terrorist.” Defendants interpret the term to include individuals convicted of terrorism-related offenses.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 92

Leslie Smith recommended Daniel McGowan for CMU designation based, at least in part, on the contents of some of Daniel McGowan’s communications while incarcerated.

RESPONSE: Subject to the General Objections, denied except to admit that in a March 27, 2008 memorandum, BOP CMU 5026-5029, Mr. Smith recommended to BOP’s North Central Regional Director that McGowan be placed in a CMU. The memorandum stated that “McGowan’s communications warranted heightened controls and review” based on his offense conduct. The memorandum also referred to certain of McGowan’s communications while he had been in prison, which Mr. Smith interpreted as support for illegal activities. Mr. Smith has explained that he concluded that there was a risk that McGowan would attempt to further illegal

activities through his communications with the public while he was incarcerated and that this risk supported his recommendation that McGowan be placed in a CMU.

REQUEST NO. 93

Leslie Smith's decision not to concur with Daniel McGowan's unit team's March 2010 recommendation that McGowan be redesignated from the CMU was based, at least in part, on the contents of some of Daniel McGowan's communications while incarcerated.

RESPONSE: Subject to the General Objections, denied except to admit that in a March 22, 2010 memorandum, BOP CMU 5030-31, Mr. Smith recommended to BOP's North Central Regional Director that McGowan should remain in a CMU. The memorandum stated that McGowan was placed in a CMU based on his terrorism-related convictions. It also referred to certain of McGowan's communications while he had been in prison, which Mr. Smith interpreted as support for illegal activities. Mr. Smith has explained that he concluded that there was a risk that McGowan would attempt to further illegal activities through his communications with the public while he was incarcerated and that this risk supported his recommendation that McGowan remain a CMU.

REQUEST NO. 94

Some North Central Regional Office staff recommended against Daniel McGowan's redesignation from the CMU in March 2010 based, at least in part, on the contents of his communications while incarcerated.

RESPONSE: Subject to the General Objections, denied except to admit that at least one North Central Regional Director staff member recommended against McGowan's redesignation to the North Central Regional Director in part due to his continued contact with certain organizations that he believed were associated with illegal activity. *See* BOP CMU 3419.

REQUEST NO. 95

Leslie Smith's decision not to concur with Daniel McGowan's unit team's August 2010 recommendation that McGowan be redesignated from the CMU was based, at least in part, on the contents of some of Daniel McGowan's communications while incarcerated.

RESPONSE: Subject to the General Objections, denied except to admit that in an August 23, 2010 memorandum, BOP CMU 63909-63910, Mr. Smith recommended to BOP's North Central Regional Director that McGowan should remain in a CMU. The memorandum stated that McGowan was placed in a CMU based on his terrorism-related convictions. It also referred to certain of McGowan's communications while he had been in prison, which Mr. Smith interpreted as support for illegal activities. Mr. Smith has explained that he concluded that there was a risk that McGowan would attempt to further illegal activities through his communications with the public while he was incarcerated and that this risk supported his recommendation that McGowan remain a CMU.

REQUEST NO. 96

Daniel McGowan was never told by any BOP employee why the BOP decided not to grant his February 2010 CMU redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "never told." Defendants interpret this request as asking whether McGowan ever discussed redesignation with any BOP employee in February 2010.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan received a program review in February 2010, during which redesignation was discussed and that there is an April 2010 memo in Section 2 of McGowan's Central File, to which McGowan had access, discussing the denial of a transfer request by McGowan.

REQUEST NO. 97

Daniel McGowan did not receive written notification of the reason(s) why his February 2010 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan received a program review in February 2010, during which redesignation was discussed and that there is an April 2010 memo in Section 2 of McGowan’s Central File, to which McGowan had access, discussing the denial of a transfer request by McGowan.

REQUEST NO. 98

There is no policy that requires BOP staff to provide CMU inmates with a verbal explanation for why a redesignation request has been denied.

RESPONSE: Subject to the General Objections, denied except to admit that policy only requires that inmates be informed in writing of the reasons why they have not been redesignated from the CMU. The inmate may appeal that decision through the administrative remedy process, which may result in a further verbal explanation by CMU staff as to why the inmate was not redesignated from the CMU.

REQUEST NO. 99

Daniel McGowan was never told by any BOP employee why the BOP decided to transfer him from the CMU in October 2010.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether McGowan ever discussed redesignation with any BOP employee in October 2010.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan was transferred from the Marion CMU to the Marion general population unit in October 2010 and that a BOP transfer form was placed in Section 2 of McGowan's Central File, to which he had access.

REQUEST NO. 100

Daniel McGowan did not receive written notification of the reason(s) why the BOP decided to transfer him from the CMU in October 2010.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "written notification."

RESPONSE: Subject to these objections and the General Objections, denied except to admit that McGowan was transferred from the Marion CMU to the Marion general population unit in October 2010 and that a BOP transfer form was placed in Section 2 of McGowan's Central File, to which he had access.

REQUEST NO. 101

There is no policy that requires BOP staff to provide inmates with a verbal explanation of why they have been transferred from the CMU.

RESPONSE: Subject to the General Objections, admitted that there is no policy that requires that an inmate be provided with a verbal explanation for why he has been transferred from the CMU, although the inmate can request an explanation from CMU staff or file an administrative grievance seeking such information.

REQUEST NO. 102

Daniel McGowan did not receive any written notification of the requirements of the CMU step-down program.

RESPONSE: Subject to the General Objections, denied because no such requirements exist. Defendants admit that the first six-month period inmates spend in a non-CMU general population unit after being released from the CMU is referred to as a “step down” process, but there are no specific requirements that must be satisfied by the inmate to successfully complete this process in order to avoid redesignation to the CMU. Instead, an inmate will only be transferred back to the CMU if it is determined anew that they meet the criteria for CMU placement and the Regional Director approves their redesignation after a new referral process.

REQUEST NO. 103

Daniel McGowan did not receive any verbal notification of the requirements of the CMU step-down program.

RESPONSE: Subject to the General Objections, denied because no such requirements exist. Defendants admit that the first six-month period inmates spend in a non-CMU general population unit after being released from the CMU is referred to as a “step down” process, but there are no specific requirements that must be satisfied by the inmate to successfully complete this process in order to avoid redesignation to the CMU. Instead, an inmate will only be transferred back to the CMU if it is determined anew that they meet the criteria for CMU placement and the Regional Director approves their redesignation after a new referral process.

REQUEST NO. 104

Kifah Jayyousi’s June 18, 2008 Notice to Inmate of Transfer to the CMU was the only explanation he received from the BOP for his designation to the Terre Haute CMU.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 105

Kifah Jayyousi's offense conduct did not include communication with al-Qaeda or any member of al-Qaeda.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "offense conduct," "communication," or "al-Qaeda or any member of al-Qaeda." Defendants interpret the phrase "al-Qaeda or any member of al-Qaeda" to include affiliate organizations and cells and members of those groups.

RESPONSE: Subject to these objections and the General Objections, denied. Jayyousi's Presentence Investigation Report indicates that he communicated with members of affiliate organizations and cells of al-Qaeda.

REQUEST NO. 106

Kifah Jayyousi's offense conduct did not include association with al-Qaeda or any member of al-Qaeda.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "offense conduct," "association with," or "al-Qaeda or any member of al-Qaeda." Defendants interpret the phrase "al-Qaeda or any member of al-Qaeda" to include affiliate organizations and cells and members of those groups.

RESPONSE: Subject to these objections and the General Objections, denied. Jayyousi's Presentence Investigation Report indicates that he associated with members of affiliate organizations and cells of al-Qaeda.

REQUEST NO. 107

Kifah Jayyousi's offense conduct did not include assistance to al-Qaeda or any member of al-Qaeda.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “offense conduct,” “assistance,” or “al-Qaeda or any member of al-Qaeda.” Defendants interpret the phrase “al-Qaeda or any member of al-Qaeda” to include affiliate organizations and cells and members of those groups.

RESPONSE: Subject to these objections and the General Objections, denied. Jayyousi’s Presentence Investigation Report indicates that he provided assistance to members of affiliate organizations and cells of al-Qaeda.

REQUEST NO. 108

Defendants do not have any evidence that Kifah Jayyousi ever communicated with al-Qaeda or any member of al-Qaeda.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “evidence,” “communicated,” or “al-Qaeda or any member of al-Qaeda.” Defendants interpret the phrase “have any evidence” to include whether Jayyousi’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Jayyousi communicated with al-Qaeda or any member of al-Qaeda. Defendants interpret the phrase “al-Qaeda or any member of al-Qaeda” to include affiliate organizations and cells and members of those groups.

RESPONSE: Subject to these objections and the General Objections, denied. Jayyousi’s Presentence Investigation Report indicates that he communicated with members of affiliate organizations and cells of al-Qaeda.

REQUEST NO. 109

Defendants do not have any evidence that Kifah Jayyousi ever associated with al-Qaeda or any member of al-Qaeda.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “evidence,” “associated,” or “al-Qaeda or any member of al-Qaeda.” Defendants interpret the phrase “have any evidence” to include whether Jayyousi’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Jayyousi associated with al-Qaeda or any member of al-Qaeda. Defendants interpret the phrase “al-Qaeda or any member of al-Qaeda” to include affiliate organizations and cells and members of those groups.

RESPONSE: Subject to these objections and the General Objections, denied. Jayyousi’s Presentence Investigation Report indicates that he associated with members of affiliate organizations and cells of al-Qaeda.

REQUEST NO. 110

Defendants do not have any evidence that Kifah Jayyousi ever assisted al-Qaeda or any member of al-Qaeda.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “evidence,” “assisted,” or “al-Qaeda or any member of al-Qaeda.” Defendants interpret the phrase “have any evidence” to include whether Jayyousi’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Jayyousi assisted al-Qaeda or any member of al-Qaeda. Defendants interpret the phrase “al-Qaeda or any member of al-Qaeda” to include affiliate organizations and cells and members of those groups.

RESPONSE: Subject to these objections and the General Objections, denied. Jayyousi’s Presentence Investigation Report indicates that he assisted members of affiliate organizations and cells of al-Qaeda.

REQUEST NO. 111

Kifah Jayyousi's offense conduct did not include use of religious training to recruit individuals in furtherance of criminal acts.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "religious training," "recruit," or "criminal acts."

RESPONSE: Subject to these objections and the General Objections, denied. Jayyousi's Presentence Investigation Report indicates that he used religious training to recruit individuals in furtherance of criminal acts.

REQUEST NO. 112

The BOP does not have any evidence that Kifah Jayyousi ever used religious training to recruit individuals in furtherance of criminal acts.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "religious training," "recruit," or "criminal acts." Defendants interpret "have any evidence" to include whether Jayyousi's Presentence Investigation Report, which is currently within BOP's possession, indicates that Jayyousi used religious training to recruit individuals in furtherance of criminal acts.

RESPONSE: Subject to these objections and the General Objections, denied. Jayyousi's Presentence Investigation Report indicates that he used religious training to recruit individuals in furtherance of criminal acts.

REQUEST NO. 113

Kifah Jayyousi's offense conduct did not include providing support to Abu Hamza.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "offense conduct" and by "support."

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi's Presentence Investigation Report describes interactions between Hamza and certain of Jayyousi's co-defendants but does not explicitly state whether Jayyousi provided support to Abu Hamza.

REQUEST NO. 114

The BOP does not have any evidence that Kifah Jayyousi ever provided support to Abu Hamza.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "evidence" and by "support." Defendants interpret "have any evidence" to include whether Jayyousi's Presentence Investigation Report, which is currently within BOP's possession, indicates that Jayyousi provided support to Abu Hamza.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi's Presentence Investigation Report describes interactions between Hamza and certain of Jayyousi's co-defendants but does not explicitly state whether Jayyousi provided support to Abu Hamza.

REQUEST NO. 115

The BOP does not have any evidence that Kifah Jayyousi ever communicated or attempted to communicate with any terrorists while incarcerated.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "evidence," "communicated or attempted to communicate," or "terrorists." Defendants interpret "terrorist" to include individuals convicted of terrorism-related offenses.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 116

Kifah Jayyousi was never told by any BOP employee why the BOP decided not to grant his December 2009 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Jayyousi ever discussed redesignation with any BOP employee in December 2009.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in December 2009, during which redesignation may have been discussed and that BOP routinely informs an inmate when a redesignation request has been denied.

REQUEST NO. 117

Kifah Jayyousi did not receive written notification of the reason(s) why his December 2009 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in December 2009, during which redesignation was discussed and that there is a December 2009 memo in Section 2 of Jayyousi’s Central File, to which Jayyousi had access, discussing the denial of a transfer request by Jayyousi.

REQUEST NO. 118

Kifah Jayyousi was never told by any BOP employee why the BOP decided not to grant his May 2010 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Jayyousi ever discussed redesignation with any BOP employee in May 2010.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in May 2010, during which Jayyousi requested transfer from the CMU and that BOP routinely informs an inmate when a redesignation request has been denied.

REQUEST NO. 119

Kifah Jayyousi did not receive written notification of the reason(s) why his May 2010 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in February 2010, during which redesignation was discussed and that there is a May 2010 memo in Section 2 of Jayyousi’s Central File, to which Jayyousi has access, discussing the denial of a transfer request by Jayyousi.

REQUEST NO. 120

Kifah Jayyousi was never told by any BOP employee why the BOP decided not to grant his October 2010 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in October 2010.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in October 2010, during which a redesignation request may have been discussed and that BOP routinely informs an inmate when a redesignation request has been denied.

REQUEST NO. 121

Kifah Jayyousi did not receive written notification of the reason(s) why his October 2010 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Defendants, after reasonable inquiry, have been unable to locate a written response to a redesignation request Jayyousi may have made in October 2010.

REQUEST NO. 122

Kifah Jayyousi was never told by any BOP employee why the BOP decided not to grant his February 2011 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in February 2011.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi had a program review in February 2011 during which he made a redesignation request and that there is an April 2011 memo in Section 2 of Jayyousi’s Central File, to which Jayyousi had access, stating that Jayyousi’s request had been denied.

REQUEST NO. 123

Kifah Jayyousi did not receive written notification of the reason(s) why his February 2011 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi had a program review in February 2011 during which he made a redesignation request and there is an April 2011 memo in Section 2 of Jayyousi’s Central File, to which Jayyousi had access, stating that Jayyousi’s request had been denied.

REQUEST NO. 124

Kifah Jayyousi was never told by any BOP employee why the BOP decided not to grant his September 2011 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in September 2011.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in September 2011 during which he requested to be redesignated and that there is an Inmate Activity Record form in Section 2 of Jayyousi’s Central File, to which Jayyousi had access, stating that his transfer request was denied.

REQUEST NO. 125

Kifah Jayyousi did not receive written notification of the reason(s) why his September 2011 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in September 2011 during which he requested to be redesignated and that there is an Inmate Activity Record form in Section 2 of Jayyousi’s Central File, to which Jayyousi had access, stating that his transfer request was denied.

REQUEST NO. 126

Kifah Jayyousi was never told by any BOP employee why the BOP decided not to grant his March 2012 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Jayyousi ever discussed redesignation with any BOP employee in March 2012.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in March 2012 during which he requested to be redesignated from the CMU and that there is a notation on an Inmate Activity Record Form in Section 2 of Jayyousi’s Central File, to which Jayyousi had access, stating that he would not be transferred out of the CMU because he continued to demonstrate behavior that precluded transfer.

REQUEST NO. 127

Kifah Jayyousi did not receive written notification of the reason(s) why his March 2012 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in March 2012 during which he requested to be redesignated from the CMU and that there is a notation on an Inmate Activity Record Form in Section 2 of Jayyousi's Central File, to which Jayyousi had access, stating that he would not be transferred out of the CMU because he continued to demonstrate behavior that precluded transfer.

REQUEST NO. 128

Kifah Jayyousi was never told by any BOP employee why the BOP decided not to grant his September 2012 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "never told." Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in September 2012.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in September 2012 during which he requested to be redesignated from the CMU and that there is a notation on an Inmate Activity Record Form in Section 2 of Jayyousi's Central File, to which Jayyousi had access, stating that he would not be transferred out of the CMU because the original reasons for his placement still existed.

REQUEST NO. 129

Kifah Jayyousi did not receive written notification of the reason(s) why his September 2012 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "written notification."

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi received a program review in September 2012 during which he requested to be redesignated from the CMU and that there is a notation on an Inmate Activity Record Form in Section 2 of Jayyousi's Central File, to which Jayyousi had access, stating that he would not be transferred out of the CMU because the original reasons for his placement still existed.

REQUEST NO. 130

Kifah Jayyousi was never told by any BOP employee why the BOP decided to transfer him from the CMU in 2013.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "never told." Defendants interpret this request as asking whether Jayyousi ever discussed his transfer out of the CMU with any BOP employee in 2013.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi was transferred from the Marion CMU to the Marion general population unit in May 2013 and that a BOP transfer form was placed in Section 2 of Jayyousi's Central File, to which he had access.

REQUEST NO. 131

Kifah Jayyousi did not receive written notification of the reason(s) why the BOP decided to transfer him from the CMU in 2013.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "written notification" and by "reason(s)."

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Jayyousi was transferred from the Marion CMU to the Marion general population unit

in May 2013 and that a BOP transfer form was placed in Section 2 of Jayyousi's Central File, to which he had access.

REQUEST NO. 132

Kifah Jayyousi did not receive any written notification of the requirements of the CMU step-down program.

RESPONSE: Subject to the General Objections, denied because no such requirements exist. Defendants admit that the first six-month period inmates spend in a non-CMU general population unit after being released from the CMU is referred to as a "step down" process, but there are no specific requirements that must be satisfied by the inmate to successfully complete this process in order to avoid redesignation to the CMU. Instead, an inmate will only be transferred back to the CMU if it is determined anew that they meet the criteria for CMU placement and the Regional Director approves their redesignation after a new referral process.

REQUEST NO. 133

Kifah Jayyousi did not receive any verbal notification of the requirements of the CMU step-down program.

RESPONSE: Subject to the General Objections, denied because no such requirements exist. Defendants admit that the first six-month period inmates spend in a non-CMU general population unit after being released from the CMU is referred to as a "step down" process, but there are no specific requirements that must be satisfied by the inmate to successfully complete this process in order to avoid redesignation to the CMU. Instead, an inmate will only be transferred back to the CMU if it is determined anew that they meet the criteria for CMU placement and the Regional Director approves their redesignation after a new referral process.

REQUEST NO. 134

Leslie Smith's decision not to concur with Kifah Jayyousi's unit team's February 2011 recommendation that Jayyousi be redesignated from the CMU was based, at least in part, on Jayyousi's August 15, 2008 sermon.

RESPONSE: Subject to the General Objections, denied except to admit that in a March 22, 2011 memorandum, Mr. Smith recommended to the North Central Regional Director that Jayyousi remain in a CMU. The memorandum stated that Jayyousi had been placed in a CMU based on his terrorism-related convictions. The memorandum referenced Jayyousi's statements in the CMU on August 15, 2008, which Mr. Smith believed threatened security and provided additional support for his recommendation that Jayyousi remain in the CMU.

REQUEST NO. 135

Some North Central Regional Office staff recommended against Kifah Jayyousi's redesignation from the CMU in March of 2011 based, at least in part, on Jayyousi's August 15, 2008 sermon.

RESPONSE: Subject to the General Objections, denied except to admit that at least one member of the North Central Regional Director's staff recommended in favor of Jayyousi's continued placement in the CMU based on his efforts to radicalize other inmates in the CMU. BOP CMU 4618.

REQUEST NO. 136

Yassin Aref's May 11, 2007 Notice to Inmate of Transfer to the CMU was the only explanation he received from the BOP for his designation to the Terre Haute CMU.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "explanation." Defendants interpret this word to include verbal explanations.

RESPONSE: Subject to this objection, denied.

REQUEST NO. 137

Yassin Aref's offense conduct did not include communication with Jaish-e-Mohammed (JeM) or any member of JeM.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "offense conduct," "communication," or "Jaish-e-Mohammed (JeM) or any member of JeM." Defendants interpret the phrase "JeM or any member of JeM" to include individuals purporting to be assisting the organization.

RESPONSE: Subject to these objections and the General Objections, denied. Aref's Presentence Investigation Report indicates that he communicated with individuals purporting to assist JeM.

REQUEST NO. 138

Yassin Aref's offense conduct did not include association with JeM or any member of JeM.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "offense conduct," "association with," or "JeM or any member of JeM." Defendants interpret the phrase "JeM or any member of JeM" to include individuals purporting to be assisting the organization.

RESPONSE: Subject to these objections and the General Objections, denied. Aref's Presentence Investigation Report indicates that he associated with individuals purporting to assist JeM.

REQUEST NO. 139

Yassin Aref's offense conduct did not include assistance to JeM or any member of JeM.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “offense conduct,” “assistance to,” or “JeM or any member of JeM.” Defendants interpret the phrase “JeM or any member of JeM” to include individuals purporting to be assisting the organization.

RESPONSE: Subject to these objections and the General Objections, denied. Aref’s Presentence Investigation Report indicates that he assisted individuals purporting to assist JeM.

REQUEST NO. 140

The BOP does not have any evidence that Yassin Aref ever communication with JeM or any member of JeM.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “evidence,” “communication,” or “JeM or any member of JeM.” Defendants interpret “have any evidence” to include whether Aref’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Aref communicated with JeM or any member of JeM. Defendants interpret the phrase “JeM or any member of JeM” to include individuals purporting to be assisting the organization.

RESPONSE: Subject to these objections and the General Objections, denied. Aref’s Presentence Investigation Report indicates that he communicated with individuals purporting to assist JeM.

REQUEST NO. 141

The BOP does not have any evidence that Yassin Aref ever associated with JeM or any member of JeM.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “evidence,” “associated with,” or “JeM or any member of

JeM.” Defendants interpret “have any evidence” to include whether Aref’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Aref associated with JeM or any member of JeM. Defendants interpret the phrase “JeM or any member of JeM” to include individuals purporting to be assisting the organization.

RESPONSE: Subject to these objections and the General Objections, denied. Aref’s Presentence Investigation Report indicates that he communicated with individuals purporting to assist JeM.

REQUEST NO. 142

The BOP does not have any evidence that Yassin Aref ever assisted JeM or any member of JeM.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “evidence,” “assisted”, or “JeM or any member of JeM.” Defendants interpret “have any evidence” to include whether Aref’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Aref assisted JeM or any member of JeM. Defendants interpret the phrase “JeM or any member of JeM” to include individuals purporting to be assisting the organization.

RESPONSE: Subject to these objections and the General Objections, denied. Aref’s Presentence Investigation Report indicates that he assisted individuals purporting to assist JeM.

REQUEST NO. 143

The BOP does not have any evidence that Yassin Aref ever communicated or attempted to communicate with any terrorists while incarcerated.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “evidence,” “communicated or attempted to communicate

with,” or “any terrorists.” Defendants interpret “terrorist” to include individuals convicted of terrorism-related offenses.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 144

The BOP does not have any evidence that Yassin Aref has ever communicated or associated with Mullah Krekar regarding anything criminal in nature.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “communicated or associated with.” Defendants interpret this phrase to include evidence that Aref was linked to Mullah Krekar. Defendants further object that the phrase “anything criminal in nature” is vague and overly broad. Defendants interpret “have any evidence” to include whether Aref’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Aref communicated or associated with Mullah Krekar regarding anything criminal in nature.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref’s Presentence Investigation Report indicates that Aref has been linked to Mullah Krekar but it does not specify whether the linkage was “criminal in nature.”

REQUEST NO. 145

The BOP does not have any evidence that Yassin Aref has ever communicated or associated with Islamic Movement in Kurdistan regarding anything criminal in nature.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “communicated or associated with.” Defendants interpret this phrase to include evidence that Aref was linked to the Islamic Movement in Kurdistan. Defendants further object that the phrase “anything criminal in nature” is vague and overly

broad. Defendants interpret “have any evidence” to include whether Aref’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Aref communicated or associated with Islamic Movement in Kurdistan regarding anything criminal in nature.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref’s Presentence Investigation Report indicates that Aref has been linked to Islamic Movement in Kurdistan but it does not specify whether the linkage was “criminal in nature.”

REQUEST NO. 146

The BOP does not have any evidence that Yassin Aref has ever communicated or associated with Islamic Central regarding anything criminal in nature.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “communicated or associated with.” Defendants interpret this phrase to include evidence that Aref was linked to Islamic Central. Defendants further object that the phrase “anything criminal in nature” is vague and overly broad. Defendants interpret “have any evidence” to include whether Aref’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Aref communicated or associated with Islamic Central regarding anything criminal in nature.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref’s Presentence Investigation Report provides evidence that Aref has been linked to Islamic Central but it does not specify whether the linkage was “criminal in nature.”

REQUEST NO. 147

The BOP does not have any evidence that Yassin Aref has ever communicated or associated with the Libyan Islamic Fighting Group regarding anything criminal in nature.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “communicated or associated with.” Defendants interpret this phrase to include evidence that Aref was linked to the Libyan Islamic Fighting Group. Defendants further object that the phrase “anything criminal in nature” is vague and overly broad. Defendants interpret “have any evidence” to include whether Aref’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Aref communicated or associated with the Libyan Islamic Fighting Group regarding anything criminal in nature.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref’s Presentence Investigation Report indicates that Aref has been linked to the Libyan Islamic Fighting Group but it does not specify whether the linkage was “criminal in nature.”

REQUEST NO. 148

The BOP does not have any evidence that Yassin Aref has ever communicated or associated with Rafil Dhafir regarding anything criminal in nature.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “communicated or associated with.” Defendants interpret this phrase to include evidence that Aref was linked to Rafil Dhafir. Defendants further object that the phrase “anything criminal in nature” is vague and overly broad. Defendants interpret “have any evidence” to include whether Aref’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Aref communicated or associated with Rafil Dhafir regarding anything criminal in nature.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref's Presentence Investigation Report indicates that Aref has been linked to Rafil Dhafir but it does not specify whether the linkage was "criminal in nature."

REQUEST NO. 149

The BOP does not have any evidence that Yassin Aref has ever communicated or associated with John Earl Johnson regarding anything criminal in nature.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "communicated or associated with." Defendants interpret this phrase to include evidence that Aref was linked to John Earl Johnson. Defendants object that the phrase "anything criminal in nature" is vague and overly broad. Defendants interpret "have any evidence" to include whether Aref's Presentence Investigation Report, which is currently within BOP's possession, indicates that Aref communicated or associated with John Earl Johnson regarding anything criminal in nature.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref's Presentence Investigation Report indicates that Aref has been linked to John Earl Johnson but it does not specify whether the linkage was "criminal in nature."

REQUEST NO. 150

The BOP does not have any evidence that Yassin Aref has ever communicated or associated with Ali Yaghi regarding anything criminal in nature.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "communicated or associated with." Defendants interpret this phrase to include evidence that Aref was linked to Ali Yaghi. Defendants further object that the phrase "anything criminal in nature" is vague and overly broad. Defendants interpret "have any

evidence” to include whether Aref’s Presentence Investigation Report, which is currently within BOP’s possession, indicates that Aref communicated or associated with Ali Yaghi regarding anything criminal in nature.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref’s Presentence Investigation Report indicates that Aref has been linked to Ali Yaghi but it does not specify whether the linkage was “criminal in nature.”

REQUEST NO. 151

Yassin Aref was never told by any BOP employee why the BOP decided not to grant his May 2008 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in May 2008.

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Aref received a program review in May 2008, during which Aref requested transfer from the CMU and that BOP routinely informs an inmate when a redesignation request has been denied.

REQUEST NO. 152

Yassin Aref did not receive written notification of the reason(s) why his May 2008 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to this objection and the General Objections, and after reasonable inquiry, denied except to admit that Defendants, after reasonable inquiry, have been unable to locate a written response to the redesignation request Aref made in May 2008.

REQUEST NO. 153

Yassin Aref was never told by any BOP employee why the BOP decided not to grant his October 2008 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in October 2008.

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Aref received a program review in October 2008 during which he requested transfer to a facility closer to New York and that BOP routinely informs an inmate when a redesignation request has been denied.

REQUEST NO. 154

Yassin Aref did not receive written notification of the reason(s) why his October 2008 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Defendants, after reasonable inquiry, have been unable to locate a written response to a redesignation request Aref may have made in October 2008.

REQUEST NO. 155

Yassin Aref was never told by any BOP employee why the BOP decided not to grant his March 2009 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in March 2009.

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Aref was transferred to the Marion CMU in March 2009 and received a progress report, during which a redesignation request may have been discussed and that BOP routinely informs an inmate when a redesignation request has been denied.

REQUEST NO. 156

Yassin Aref did not receive written notification of the reason(s) why his March 2009 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Defendants, after reasonable inquiry, have been unable to locate a written response to a redesignation request Aref may have made in March 2009.

REQUEST NO. 157

Yassin Aref was never told by any BOP employee why the BOP decided not to grant his April 2009 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in April 2009.

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Aref received a program review in April 2009 during which a redesignation request may have been discussed and that BOP routinely informs an inmate when a redesignation request has been denied.

REQUEST NO. 158

Yassin Aref did not receive written notification of the reason(s) why his April 2009 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Defendants, after reasonable inquiry, have been unable to locate a written response to a redesignation request Aref may have made in April 2009.

REQUEST NO. 159

Yassin Aref was never told by any BOP employee why the BOP decided not to grant his October 2009 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in October 2009.

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Aref received a program review in October 2009 during which he requested

redesignation and that a copy of his program review form in Section 2 of Aref's Central File, to which he has access, states that his October 2009 request was denied because he had not yet been at the facility for 18 months.

REQUEST NO. 160

Yassin Aref did not receive written notification of the reason(s) why his October 2009 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "written notification."

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Aref received a program review in October 2009 during which he requested redesignation and that a copy of his program review form in Section 2 of Aref's Central File, to which he has access, states that his October 2009 request was denied because he had not yet been at the facility for 18 months.

REQUEST NO. 161

Yassin Aref was never told by any BOP employee why the BOP decided not to grant his March 2010 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "never told." Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in March 2010.

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Aref received a program review in March 2010 during which a redesignation request may have been discussed and that BOP routinely informs an inmate when a redesignation request has been denied.

REQUEST NO. 162

Yassin Aref did not receive written notification of the reason(s) why his March 2010 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Defendants, after reasonable inquiry, have been unable to locate a written response to a redesignation request Aref may have made in March 2010.

REQUEST NO. 163

Yassin Aref was never told by any BOP employee why the BOP decided not to grant his September 2010 redesignation request.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed redesignation with any BOP employee in September 2010.

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Aref received a program review in September 2010 during which he requested redesignation and that BOP routinely informs an inmate when a redesignation request has been denied.

REQUEST NO. 164

Yassin Aref did not receive written notification of the reason(s) why his September 2010 redesignation request was denied.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to this objection and the General Objections, denied except to admit that Defendants, after reasonable inquiry, have been unable to locate a written response to a redesignation request Aref may have made in September 2010.

REQUEST NO. 165

Yassin Aref was never told by any BOP employee why the BOP decided to transfer him from the CMU in 2011.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “never told.” Defendants interpret this request as asking whether Aref ever discussed his transfer out of the CMU in 2011 with a BOP employee.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref was transferred from the Marion CMU to the Marion general population unit in April 2011 and that a BOP transfer form was placed in Section 2 of Aref’s Central File, to which he had access.

REQUEST NO. 166

Yassin Aref did not receive written notification of the reason(s) why the BOP decide to transfer him from the CMU in 2011.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “written notification.”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that Aref was transferred from the Marion CMU to the Marion general population unit in April 2011 and that a BOP transfer form was placed in Section 2 of Aref’s Central File, to which he had access.

REQUEST NO. 167

Yassin Aref did not receive any written notification of the requirements of the CMU step-down program.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “any written notification” and by “the requirements of the CMU step-down program.”

RESPONSE: Subject to the General Objections, denied because no such requirements exist. Defendants admit that the first six-month period inmates spend in a non-CMU general population unit after being released from the CMU is referred to as a “step down” process, but there are no specific requirements that must be satisfied by the inmate to successfully complete this process in order to avoid redesignation to the CMU. Instead, an inmate will only be transferred back to the CMU if it is determined anew that they meet the criteria for CMU placement and the Regional Director approves their redesignation after a new referral process.

REQUEST NO. 168

Yassin Aref did not receive any verbal notification of the requirements of the CMU step-down program.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “any verbal notification” and by “the requirements of the CMU step-down program.”

RESPONSE: Subject to the General Objections, denied because no such requirements exist. Defendants admit that the first six-month period inmates spend in a non-CMU general population unit after being released from the CMU is referred to as a “step down” process, but there are no specific requirements that must be satisfied by the inmate to successfully complete this process in order to avoid redesignation to the CMU. Instead, an inmate will only be

transferred back to the CMU if it is determined anew that they meet the criteria for CMU placement and the Regional Director approves their redesignation after a new referral process.

REQUEST NO. 169

Avon Twitty's offense conduct had no connection to terrorism.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 170

The BOP does not have any evidence that Avon Twitty ever communicated with a terrorist.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "terrorist." Defendants interpret "terrorist" to include individuals convicted of terrorism-related offenses.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 171

The BOP does not have any evidence that Avon Twitty ever associated with a terrorist.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "associated" or "terrorist." Defendants interpret "terrorist" to include CMU inmates convicted of terrorism-related offenses.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 172

The BOP does not have any evidence that Avon Twitty ever assisted with a terrorist.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "assisted." Defendants further object that the request is vague

and ambiguous because it is not clear what Plaintiffs mean by “terrorist.” Defendants interpret the request to include individuals convicted of terrorism-related offenses.

RESPONSE: Subject to these objections and the General Objections, admitted.

REQUEST NO. 173

The BOP does not have any evidence that Avon Twitty ever communicated or attempted to communicate with any terrorists while incarcerated.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “terrorist.” Defendants interpret “terrorist” to include individuals convicted of terrorism-related offenses.

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 174

The BOP does not have any reliable evidence that Avon Twitty was ever involved in recruitment or radicalization of other inmates through extremist, violence oriented indoctrination methods.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 175

Avon Twitty was never provided with the “reliable evidence” that the BOP referred to in Mr. Twitty’s Notice to Inmate of Transfer to a CMU.

RESPONSE: Subject to the General Objections, denied except to admit that this information was not provided to Twitty because it is law enforcement sensitive.

REQUEST NO. 176

Inmates are not provided with notice prior to their transfer to a CMU.

RESPONSE: Subject to the General Objections, denied except to admit that BOP policy does not require BOP staff to provide inmates with notice prior to their transfer to a CMU.

REQUEST NO. 177

Inmates are not provided a hearing prior to their transfer to a CMU.

OBJECTION: Defendants object that the word “hearing” is vague.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 178

Inmates are not provided a hearing after their transfer to a CMU.

OBJECTION: Defendants object that the word “hearing” is vague.

RESPONSE: Subject to the General Objections, admitted that CMU inmates do not receive a hearing conducted by a Discipline Hearing Officer, but that CMU inmates meet with Unit Staff during program reviews every six months regarding their placement in a CMU.

REQUEST NO. 179

There are no written CMU policies setting forth the expected duration of CMU confinement.

OBJECTION: Defendants object that “expected duration” is vague and ambiguous. Defendants interpret the request to ask Defendants to admit or deny whether there are written policies setting forth a required period of time an inmate must spend in a CMU before being eligible for release.

RESPONSE: Subject to the General Objections, admitted that there are no written policies setting forth the expected duration of CMU confinement because there is no minimum period of time that inmates must spend in a CMU before being eligible for release. Instead the appropriateness of an inmate’s placement in the CMU is regularly reviewed by staff.

REQUEST NO. 180

CMU inmates are not provided with written information explaining how they can change their behavior to earn a transfer out of the CMU.

RESPONSE: Subject to the General Objections, denied. For instance, an inmate's Notice of Transfer to Communication Management Unit may contain information about the inmate's institutional conduct that resulted in CMU designation, which, if mitigated, could be a basis for the inmate's release from the CMU.

REQUEST NO. 181

CMU inmates are not provided with verbal instructions explaining how they change their behavior to earn a transfer out of the CMU.

RESPONSE: Subject to the General Objections, denied. For instance, CMU Unit Staff can discuss with the inmate what conduct resulted in designation to a CMU, which, if mitigated, could be a basis for the inmate's release from the CMU.

REQUEST NO. 182

No BOP policy requires BOP staff to provide such verbal instructions to CMU inmates.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 183

Prior to March 2008, there was no written procedure explaining how BOP staff could refer inmates for CMU designation.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by "refer." Defendants interpret the request to address the existence of written procedures informing BOP staff that they may nominate inmates for CMU placement by contacting Leslie Smith, Chief of the Counter Terrorist Unit.

RESPONSE: Subject to these objections and the General Objections, admitted that, prior to March 2008, no documents had been distributed to BOP staff informing them that they could nominate inmates for CMU placement by contacting Leslie Smith, Chief of the Counter Terrorist Unit.

REQUEST NO. 184

BOP has no written procedures setting forth the required contents of a CMU referral packet.

OBJECTION: Defendants object that the term “referral packet” is vague and ambiguous, and interpret this term to refer to the packet of materials assembled at the North Central Regional Office when the Regional Director is considering whether to approve a CMU designation or redesignation.

RESPONSE: Subject to these objections and the General Objections, admitted.

REQUEST NO. 185

BOP has no written procedures setting forth the criteria to consider when determining whether an inmate should be designated to a CMU.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 186

BOP has no written procedures setting forth the process that the North Central Regional Office (NCRO) shall follow to determine whether an inmate should be designated to a CMU.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 187

Neither BOP policies nor practices require the BOP North Central Regional Director to document the reason(s) he/she decides to designate an inmate to the CMU.

RESPONSE: Subject to the General Objections, denied. A draft Notice of Transfer to Communication Management is typically reviewed by the Regional Director in order to assess whether the Notice adequately informs the inmate of the reasons for his CMU placement.

REQUEST NO. 188

No Counterterrorism Unit (CTU) staff considered the eligibility of any CMU inmate for transfer out of the CMU to a BOP general population unit prior to 2010.

RESPONSE Subject to the General Objections, denied.

REQUEST NO. 189

No North Central Regional Office staff considered the eligibility of any CMU inmate for transfer out of the CMU to a BOP general population unit prior to 2010.

OBJECTION: Defendants object to the request because the CMU is a general population unit. Defendants interpret this request to address transfers out of the CMU to a non-CMU general population unit prior to 2010.

RESPONSE: Subject to these objections and the General Objections, denied. For instance, the Regional Director's office evaluated administrative grievances from CMU inmates requesting transfer out of the CMU prior to 2010.

REQUEST NO. 190

No CMU inmates were transferred out of the CMU to a general population unit prior to 2010.

OBJECTION: Defendants object to the request because the CMU is a general population unit. Defendants interpret this request to address transfers out of the CMU to a non-CMU general population unit prior to 2010.

RESPONSE: Subject to these objections and the General Objections, admitted.

REQUEST NO. 191

Inmates may use the administrative remedy process to grieve their designation to a CMU, but that process does not result in substantive reevaluation of the question of whether an inmate belongs in a CMU.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 192

Inmates may use the administrative remedy process to challenge the accuracy of the factual allegations in their Notice to Inmate of Transfer to a CMU, but even where that process uncovers factual error(s), it does not result in substantive reevaluation of whether an inmate belongs in a CMU.

RESPONSE: Subject to the General Objections, admitted that inmates may use the administrative remedy process to challenge factual allegations in their Notice to Inmate of Transfer to a CMU that the inmate believes are incorrect, but the remainder of the request to admit is denied.

REQUEST NO. 193

Inmates who use the administrative remedy process to seek additional information about the reason for their CMU designation are directed to file a Freedom of Information Act (FOIA) request, but filing such a request does not result in disclosure of any additional factual support for their designation to a CMU.

RESPONSE: Subject to the General Objections, admitted that inmates who use the administrative remedy process to seek additional information about the reason for their CMU designation may be directed to file a Freedom of Information Act (FOIA) request, but the remainder of the request is denied because said FOIA request may or may not result in disclosure

of additional information regarding the inmate's CMU designation depending upon, for instance, whether the information at issue is law enforcement sensitive and, as a result, exempt within the meaning of FOIA.

REQUEST NO. 194

Prior to October 2009, inmates were told they could request transfer from a CMU after 18 months of clear conduct.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 195

The only written BOP procedures for requesting a transfer after 18 months of clear conduct are set forth at page four of Chapter Seven of BOP Program Statement P5100.08, Inmate Security Designation and Custody Classification.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 196

Nearer release transfers are discretionary.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 197

There are no written BOP guidelines regarding whether or not an inmate with 18 consecutive months of clear conduct should be granted a nearer release transfer.

RESPONSE: Subject to the General Objections, denied

REQUEST NO. 198

CMU wardens do not have the authority to grant an inmate's request for transfer out of the CMU, even if that inmate meets the nearer release transfer criteria.

RESPONSE: Subject to the General Objections, denied except to admit the Regional Director of the North Central Regional Office has final decision making authority to release an inmate from the CMU, but a warden may make a request to the Regional Director to release an inmate from the CMU.

REQUEST NO. 199

Transfer from one CMU to the other restarts the clock on the 18 months of clear conduct necessary for a nearer release transfer.

RESPONSE: Subject to the General Objections, denied because, pursuant to current policy, inmates are not required to spend 18 months in a CMU before being eligible for release and because, pursuant to current policy, inmates are released from the CMU after the BOP determines, pursuant to written criteria, that CMU placement is no longer appropriate — not as a result of a nearer release transfer.

REQUEST NO. 200

Prior to October 2009, more than 20 CMU inmates spent over 24 months in a CMU with clear conduct.

OBJECTION: Defendants object that the term “clear conduct” is vague and ambiguous.

RESPONSE: Subject to these objections and the General Objections, admitted.

REQUEST NO. 201

Since late 2009, BOP procedures have required CMU unit teams to make an independent written recommendation regarding a CMU inmate’s transfer request at or immediately following the inmate’s team review.

OBJECTION: Defendants object that the term “independent” is vague and ambiguous.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that a BOP document entitled Notice to Inmates (Review of Inmates for Continued Communication Management Unit (CMU) Designation), which went into effect in late 2009, states that unit team staff will forward their recommendation regarding the appropriateness of an inmate's release from the CMU to the warden but it does not specify when this must be done. *See* P1919-1920.

REQUEST NO. 202

Said independent recommendation is to be considered and then accepted or rejected by the facility warden.

OBJECTION: Defendants object that the term "independent" is vague and ambiguous.

RESPONSE: Subject to these specific objections and the General Objections, denied except to admit that a BOP document entitled Notice to Inmates (Review of Inmates for Continued Communication Management Unit (CMU) Designation), which went into effect in late 2009, states that with the concurrence of the warden, recommendations will then be forwarded to the Bureau's Counter Terrorism Unit (CTU) for review of individual cases. *See* P1919-1920.

REQUEST NO. 203

If the unit team recommends against a CMU inmate's transfer request, the transfer will be denied with no further consideration.

RESPONSE: Subject to the General Objection, denied. For instance, the inmate may file an administrative grievance challenging the denial.

REQUEST NO. 204

If the facility warden recommends against a CMU inmate's transfer request, the transfer will be denied with no further consideration.

RESPONSE: Subject to the General Objections, denied. For instance, the inmate may file an administrative grievance challenging the denial.

REQUEST NO. 205

Neither BOP policies nor practices require that an inmate be provided with written notification of the reason why a CMU's inmate's redesignation request is denied.

RESPONSE: Subject to the General Objections, denied. A BOP document entitled Notice to Inmates (Review of Inmates for Continued Communication Management Unit (CMU) Designation), which went into effect in late 2009, states that inmates denied re-designation from a CMU will be notified in writing by the unit team of the reason(s) for continued CMU designation. *See* P1919-1920.

REQUEST NO. 206

CMU inmates are not provided written notification of the reason(s) why their CMU redesignation requests are denied.

RESPONSE: Subject to the General Objections, denied except to admit that currently inmates are informed in writing if a redesignation request has been denied and that unit teams typically provide the reasons for the denial if they are known to unit staff.

REQUEST NO. 207

CMU inmates are not provided written notification of the reason(s) why their CMU redesignation requests are granted.

RESPONSE: Subject to the General Objections, admitted that BOP policy does not require CMU inmates to be provided written notification of the reason(s) why their CMU redesignation requests are granted, but the inmate can request this information, including by filing an administrative grievance.

REQUEST NO. 208

The BOP has never memorialized any CMU “step-down” program in a written document.

RESPONSE: Subject to the General Objections, denied because no such requirements exist. Defendants admit that the first six-month period inmates spend in a non-CMU general population unit after being released from the CMU is referred to as a “step down” process, but there are no specific requirements that must be satisfied by the inmate to successfully complete this process in order to avoid redesignation to the CMU. Instead, an inmate will only be transferred back to the CMU if it is determined anew that they meet the criteria for CMU placement and the Regional Director approves their redesignation after a new referral process.

REQUEST NO. 209

The BOP has never set forth the requirements of any CMU step-down program in writing.

RESPONSE: Subject to the General Objections, denied because no such requirements exist. Defendants admit that the first six month period inmates spend in a non-CMU general population unit after being released from the CMU is referred to as a “step down” process, but there are no specific requirements that must be satisfied by the inmate to successfully complete this process in order to avoid redesignation to the CMU. Instead, an inmate will only be transferred back to the CMU if it is determined anew that they meet the criteria for CMU placement and the Regional Director approves their redesignation after a new referral process.

REQUEST NO. 210

The BOP does not provide NCRO staff with any formal training specific to CMU designation or review.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “formal training.”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that NCRO staff did not attend any classes outside of their normal duties specifically focused on CMU designation or review.

REQUEST NO. 211

The BOP does not provide NCRO staff with any informal training specific to CMU designation or review.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “informal training.”

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 212

The BOP does not provide CTU staff with any formal training specific to CMU designation or review.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “formal training.”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that CTU staff did not attend any classes outside of their normal duties specifically focused on CMU designation or review but CTU staff do receive formal training relevant to CMU designation or review.

REQUEST NO. 213

The BOP does not provide CTU staff with any informal training specific to CMU designation or review.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “informal training.”

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 214

The BOP does not provide CMU unit team members with any informal training specific to review of CMU inmates for redesignation from the CMU.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “informal training.”

RESPONSE: Subject to these objections and the General Objections, denied.

REQUEST NO. 215

The BOP does not provide CMU unit team members with any formal training specific to review of CMU inmates for redesignation from the CMU.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “formal training.”

RESPONSE: Subject to these objections and the General Objections, denied except to admit that CMU unit teams did not attend any classes outside of their normal duties specifically focused on CMU designation or review.

REQUEST NO. 216

The BOP does not provide the wardens at Terre Haute or Marion with any informal training specific to review of CMU inmates for redesignation from the CMU.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “informal training.”

RESPONSE: Subject to these objections and the General objections, denied.

REQUEST NO. 217

The BOP does not provide the wardens at Terre Haute or Marion with any formal training specific to review of CMU inmates for redesignation from the CMU.

OBJECTION: Defendants object that the request is vague and ambiguous because it is not clear what Plaintiffs mean by “formal training.”

RESPONSE: Subject to these objections and the General objections, denied except to admit that the wardens did not attend any classes outside of their normal duties specifically focused on CMU designation or review.

REQUEST NO. 218

The two CMUs are the only units with the BOP called “self-contained general population units.”

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 219

In order to determine whether the CMUs impose an atypical and significant hardship under *Hatch v. District of Columbia*, 184 F.3d 846 (D.C. Cir. 1999), the Court first compares conditions at the CMUs to conditions in administrative segregation at FCI Terre Haute and USP Marion.

OBJECTION: Defendants object that this request purports to require Defendants to admit or deny a pure legal conclusion, which is improper.

RESPONSE: Denied except to admit that the D.C. Circuit in *Hatch v. District of Columbia*, 184 F.3d 846 (D.C. Cir. 1999), stated that whether a deprivation is “atypical and significant” should be assessed in comparison with the “most restrictive confinement conditions that prison officials, exercising their administrative authority to ensure institutional safety and good order, routinely impose on inmates serving similar sentences.” *Id.* at 856. For this reason, Defendants believe that the conditions imposed in administrative segregation at FCI Terre Haute and USP Marion are likely relevant to the Court’s assessment of whether placement in a CMU constitutes an atypical and significant hardship. Defendants further aver that it does not.

REQUEST NO. 220

Until March 1, 2013 or thereabouts, inmates in administrative segregation at USP Terre Haute were permitted social contact visits.

RESPONSE: Subject to the General Objections, denied.

REQUEST NO. 221

The administrative segregation units at the following BOP facilities form the complete universe of facilities to which the CMUs can potentially be compared for purposes of *Hatch*: Allenwood Low FCI; Allenwood Med FCI; Allenwood USP; Ashland FCI; Atlanta USP; Atwater USP; Bastrop FCI; Beaumont Low FCI; Beaumont Med FCI; Beaumont USP; Beckley FCI; Bennettsville FCI; Berlin FCI; Big Sandy USP; Big Spring; FCI; Butner Low FCI; Butner Med II FCI; Canaan USP; Chicago MCC; Coleman I USP; Coleman II USP; Coleman Low FCI; Coleman Med FCI; Cumberland FCI; Dublin FCI; Edgefield FCI; El Reno FCI; Elkton FCI; Englewood FCI; Estill FCI; Fairton FCI; Florence FCI; Florence High USP; Forrest City FCI; Forrest City Med FCI; Fort Dix FCI; Fort Worth FCI; Gilmer FCI; Greenville FCI; Guaynabo MDC; Hazelton USP; Herlong FCI; Honolulu FDC; Houston FDC; Jesup FCI; La Tuna FCI;

Leavenworth USP; Lee USP; Lompoc USP; Loretto FCI; Los Angeles MDC; Manchester FCI; Marianna FCI; Marion USP; McCreary USP; McDowell FCI; McKean FCI; Memphis FCI; Mendota FCI; Miami FCI; Miami FDC; Milan FCI; Morgantown FCI; New York MCC; Oakdale FCI; Oakdale FDC; Otisville FCI; Oxford FCI; Pekin FCI; Petersburg Med FCI; Phoenix FCI; Pollock Med FCI; Pollock USP; Ray Brook FCI; Safford FCI; San Diego MCC; Sandstone FCI; Schuylkill FCI; Seagoville FCI; Seatac FDC; Sheridan FCI; Talladega FCI; Terminal Island FCI; Terre Haute FCI; Terre Haute USP; Texarkana FCI; Three Rivers FCI; Tucson FCI; Tucson USP; Victorville Med I FCI; Victorville Med II FCI; Victorville USP; Waseca FCI; Williamsburg FCI; Yankton FPC; Yazoo City FCI; and Yazoo City Med FCI.

OBJECTION: Defendants object that this request purports to require Defendants to admit or deny a pure legal conclusion, which is improper.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the Court may decide to consider the conditions in administrative segregation at these facilities for purposes of assessing whether placement in a CMU constitutes an atypical and significant hardship.

REQUEST NO. 222

Of the administrative segregation units identified in RFA #221, at least 43 allow contact social visits.

RESPONSE: Subject to the General Objections, denied except to admit that of the facilities listed in RFA#221 at least 43 typically allow inmates in administrative detention to have social contact visits.

REQUEST NO. 223

The administrative segregation units at the following BOP facilities form the complete universe of facilities to which the CMUs can potentially be compared for purposes of *Hatch*:
Allenwood Low FCI; Allenwood Med FCI; Allenwood USP; Ashland FCI; Atlanta USP;
Atwater USP; Bastrop FCI; Beaumont Low FCI; Beaumont Med FCI; Beaumont USP; Beckley FCI; Bennettsville FCI; Berlin FCI; Big Sandy USP; Big Spring FCI; Butner Low FCI; Canaan USP; Chicago MCC; Coleman I USP; Coleman II USP; Coleman Low FCI; Coleman Med FCI; Cumberland FCI; Dublin FCI; Edgefield FCI; El Reno FCI; Elkton FCI; Englewood FCI; Estill FCI; Fairton FCI; Florence FCI; Florence High USP; Forrest City FCI; Forrest City Med FCI; Fort Dix FCI; Fort Worth FCI; Gilmer FCI; Greenville FCI; Guaynabo MDC; Hazelton USP; Herlong FCI; Honolulu FDC; Houston FDC; Jesup FCI; La Tuna FCI; Leavenworth USP; Lee USP; Lompoc USP; Loretto FCI; Los Angeles MDC; Manchester FCI; Marianna FCI; Marion USP; McCreary USP; McDowell FCI; McKean FCI; Memphis FCI; Mendota FCI; Miami FCI; Miami FDC; Milan FCI; Morgantown FCI; New York MCC; Oakdale FCI; Oakdale FDC; Otisville FCI; Oxford FCI; Pekin FCI; Phoenix FCI; Pollock Med FCI; Pollock USP; Ray Brook FCI; Safford FCI; San Diego MCC; Sandstone FCI; Schuylkill FCI; Seagoville FCI; Seatac FDC; Sheridan FCI; Talladega FCI; Terminal Island FCI; Terre Haute FCI; Terre Haute USP; Texarkana FCI; Three Rivers FCI; Tucson FCI; Tucson USP; Victorville Med I FCI; Victorville Med II FCI; Victorville USP; Waseca FCI; Williamsburg FCI; Yankton FPC; Yazoo City FCI; and Yazoo City Med FCI.

OBJECTION: Defendants object that this request purports to require Defendants to admit or deny a pure legal conclusion, which is improper.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the Court may decide to consider the conditions in administrative segregation at these facilities for purposes of assessing whether placement in a CMU constitutes an atypical and significant hardship.

REQUEST NO. 224

Of the administrative segregation units identified in RFA #223, at least 43 allow contact social visits.

RESPONSE: Subject to the General Objections, denied except to admit that of the facilities listed in RFA#223 at least 43 typically allow inmates in administrative detention to have social contact visits.

REQUEST NO. 225

An inmate's sentence is one fact considered in determining an inmate's security level.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 226

An inmate's security level is the most important factor in determining the BOP facility to which the inmate is designated.

RESPONSE: Subject to the General Objections, admitted.

REQUEST NO. 227

The BOP determines the number of all inmates in its custody on the Saturday of the last full weekend of each month.

RESPONSE: Subject to the General Objections, denied except to admit that BOP's Office of Research and Evaluation ("ORE") uses data files to determine the number and attributes of inmates who are currently, or were previously, in BOP custody. These data files

come from the SENTRY operational data system and are created on the weekend (usually Saturday), with some of the largest, such as the admission and release history record, only being created on the Saturday of the last full weekend of each month.

REQUEST NO. 228

Application of SMU designation and review procedures to CMU inmates would impose financial and staff resource burden on the government. No other burdens would result.

RESPONSE: Subject to the General Objections, admitted that application of SMU designation and review procedures to CMU inmates would impose financial and staff resource burden on the government, but denied that no other burdens, such as those related to security concerns, would result.

REQUEST NO. 229

Daniel McGowan had a First Amendment right to publish articles that presented no danger to prison security or public safety while he was in BOP custody.

OBJECTION: Defendants object that this request purports to require Defendants to admit or deny a pure legal conclusion, which is improper.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the Supreme Court has repeatedly recognized that “a prison inmate retains those First Amendment rights that are not inconsistent with his status as a prisoner or with the legitimate penological objectives of the corrections system.” *Pell v. Procunier*, 417 U.S. 817, 822 (1974). As a result, “the relevant inquiry [in the First Amendment context] is whether the actions of prison officials were reasonably related to legitimate penological interests.” *Thornburgh v. Abbot*, 490 U.S. 401, 409 (1989) (internal quotation marks omitted).

REQUEST NO. 230

Daniel McGowan had a First Amendment right to publish blogs that presented no danger to prison security or public safety while he was in BOP custody.

OBJECTION: Defendants object that this request purports to require Defendants to admit or deny a pure legal conclusion, which is improper. .

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the Supreme Court has repeatedly recognized that “a prison inmate retains those First Amendment rights that are not inconsistent with his status as a prisoner or with the legitimate penological objectives of the corrections system.” *Pell v. Procunier*, 417 U.S. 817, 822 (1974). As a result, “the relevant inquiry [in the First Amendment context] is whether the actions of prison officials were reasonably related to legitimate penological interests.” *Thornburgh v. Abbot*, 490 U.S. 401, 409 (1989) (internal quotation marks omitted).

REQUEST NO. 231

Daniel McGowan had a First Amendment right to provide interviews to the press that presented no danger to prison security or public safety while he was in BOP custody.

OBJECTION: Defendants object that this request purports to require Defendants to admit or deny a pure legal conclusion, which is improper.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the Supreme Court has repeatedly recognized that “a prison inmate retains those First Amendment rights that are not inconsistent with his status as a prisoner or with the legitimate penological objectives of the corrections system.” *Pell v. Procunier*, 417 U.S. 817, 822 (1974). As a result, “the relevant inquiry [in the First Amendment context] is whether the actions of

prison officials were reasonably related to legitimate penological interests.” *Thornburgh v. Abbot*, 490 U.S. 401, 409 (1989) (internal quotation marks omitted).

REQUEST NO. 232

Daniel McGowan had a First Amendment right to author and send social letters that presented no danger to prison security or public safety while he was in BOP custody.

OBJECTION: Defendants object that this request purports to require Defendants to admit or deny a pure legal conclusion, which is improper.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the Supreme Court has repeatedly recognized that “a prison inmate retains those First Amendment rights that are not inconsistent with his status as a prisoner or with the legitimate penological objectives of the corrections system.” *Pell v. Procunier*, 417 U.S. 817, 822 (1974). As a result, “the relevant inquiry [in the First Amendment context] is whether the actions of prison officials were reasonably related to legitimate penological interests.” *Thornburgh v. Abbot*, 490 U.S. 401, 409 (1989) (internal quotation marks omitted).

REQUEST NO. 233

Kifah Jayyousi has a First Amendment right to sermonize in a manner that presents no danger to prison security or public safety while in BOP custody.

OBJECTION: Defendants object that this request purports to require Defendants to admit or deny a pure legal conclusion, which is improper.

RESPONSE: Subject to these objections and the General Objections, denied except to admit that the Supreme Court has repeatedly recognized that “a prison inmate retains those First Amendment rights that are not inconsistent with his status as a prisoner or with the legitimate penological objectives of the corrections system.” *Pell v. Procunier*, 417 U.S. 817, 822 (1974).

As a result, “the relevant inquiry [in the First Amendment context] is whether the actions of prison officials were reasonably related to legitimate penological interests.” *Thornburgh v. Abbot*, 490 U.S. 401, 409 (1989) (internal quotation marks omitted).

REQUEST NO. 234

Kifah Jayyousi was permitted by BOP staff to lead Jumah prayer after August 15, 2008.

RESPONSE: Subject to the General Objections, Defendants state that, after conducting a reasonable inquiry, including contacting a CMU staff member and searching for relevant documentation, the BOP is neither able to admit nor deny whether Jayyousi was permitted by BOP staff to lead Jumah prayer after August 15, 2008.

REQUEST NO. 235

Transfer to a CMU as a result of speech protected under the First Amendment is a retaliatory action sufficient to deter a person of ordinary firmness from speaking again.

OBJECTION: Defendants object that this request purports to require Defendants to admit or deny a pure legal conclusion, which is improper. Defendants also object that this question purports to require Defendants to answer a hypothetical.

RESPONSE: Subject to these objections and the General Objections, denied that any designations to the CMU have been for retaliatory reasons in violation of the First Amendment. Defendants also deny that designation to a CMU is designed to deter speech, and further deny that designation to a CMU would deter a person of ordinary firmness “from speaking again.”

Dated: February 3, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 3, 2014, a copy of the foregoing was served via email to counsel for the Plaintiffs, Rachel Meeropol and Alexis Agathocleous, Center for Constitutional Rights, 666 Broadway, 7th floor, New York, NY 10012 at aagathocleous@ccrjustice.org and rachelm@ccrjustice.org.

/s/ Nicholas Cartier
NICHOLAS CARTIER

EXHIBIT 28

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

)	
YASSIN MUHIDDIN AREF, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 10-0539 (BJR)
)	
ERIC HOLDER, <i>et al.</i>)	
)	
Defendants.)	
)	

**DEFENDANTS’ OBJECTIONS AND RESPONSES
TO PLAINTIFFS’ FIFTH SET OF INTERROGATORIES**

In accordance with Federal Rule of Civil Procedure 33, Defendants, by and through the undersigned counsel, hereby respond to Plaintiffs’ Fifth Set of Interrogatories:

GENERAL STATEMENT AND OBJECTIONS

1. Defendants object to the interrogatories to the extent they request information that is not reasonably calculated to lead to the discovery of admissible evidence.

2. To the extent that Defendants answer these interrogatories, Defendants do not concede that the information requested is relevant to this action. Defendants expressly reserve the right to object to further discovery on the subject matter of any of these interrogatories and the introduction into evidence of any answer or portion thereof.

3. Defendants object to these interrogatories to the extent that they seek information protected from disclosure by the attorney-client privilege, the work product doctrine, deliberative process, law enforcement privilege, or any other applicable privilege or immunity recognized under statute or applicable case law.

4. Defendants object to these interrogatories to the extent that they seek to impose obligations beyond those specified under the Federal Rules of Civil Procedure.

5. Each of the foregoing General Objections is incorporated by reference into each and every specific response set forth below. Notwithstanding the specific responses to any interrogatory, Defendants do not waive any of these General Objections.

RESPONSES TO PLAINTIFFS' FIFTH SET OF INTERROGATORIES

INTERROGATORY NO. 1

How many CMU inmates spent over 18 months in CMU confinement with clear conduct?

Objections to Interrogatory No. 1

Defendants object that this interrogatory is vague.

Response to Interrogatory No. 1

Subject to and without waiving this objection and the General Objections listed at the beginning of this document, Defendants answer as follows:

Defendants have identified 95 inmates who did not have any unexpunged discipline infractions for a period 18 or more months while designated to a Communication Management Unit, *i.e.*, who were never found guilty of a disciplinary infraction or issued an incident report for an action during the period or, if they were, later had the finding or incident report expunged. For the purposes of this calculation, Defendants counted inmates who were designated to a Communication Management Unit, but may have been temporarily housed elsewhere while they were designated to a CMU.

INTERROGATORY NO. 2

How many CMU inmates spent 36 months or more in CMU confinement with clear conduct?

Objections to Interrogatory No. 2

Defendants object that this interrogatory is vague.

Response to Interrogatory No. 2

Subject to and without waiving this objection and the General Objections listed at the beginning of this document, Defendants answer as follows:

Defendants have identified 25 inmates who did not have any unexpunged discipline infractions for a period of 36 or more months while designated to a Communication Management Unit, *i.e.*, who were never found guilty of a disciplinary infraction or issued an incident report for an action during the period or, if they were, later had the finding or incident report expunged. For the purposes of this calculation, Defendants counted inmates who were designated to a Communication Management Unit, but may have been temporarily housed elsewhere while they were designated to a CMU.

INTERROGATORY NO. 3

Please identify all national policy referenced in the sentence “Classification and reviews of D-unit inmates will occur according to national policy,” found at P000321.

Objections to Interrogatory No. 3

Defendants object that this interrogatory is vague.

Response to Interrogatory No. 3

Subject to and without waiving this objection and the General Objections listed at the beginning of this document, Defendants answer as follows:

BOP Program Statement P5100.08, Inmate Security Designation and Custody Classification, and BOP Program Statement P5322.12, Inmate Classification and Program Review.

AS TO THE OBJECTIONS:

Dated: February 4, 2014

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General

RONALD C. MACHEN JR.
United States Attorney

ANTHONY J. COPPOLINO
Deputy Branch Director

/s/ Timothy A. Johnson
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on February 4, 2014, a true and correct copy of Defendants' Objections and Responses to Plaintiffs' Fourth Set of Interrogatories was sent via email to counsel for Plaintiffs, Rachel Meeropol and Alexis Agathocleous, Center for Constitutional Rights, 666 Broadway, 7th Floor, New York, NY 10012 at AAgathocleous@ccrjustice.org and RachelM@ccrjustice.org.

Dated: February 4, 2014

/s/ Timothy A. Johnson
TIMOTHY A. JOHNSON
Attorney for Defendants

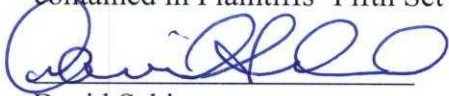
I declare under penalty of perjury that Defendants' responses to Plaintiffs' Interrogatories Nos. 1 and 2 of Plaintiffs' Fifth Set of Interrogatories are correct.



Jennifer Batchelder
Supervisory Research Analyst
Office of Research and Evaluation
Federal Bureau of Prisons

Dated: 2/04/2014

I declare under penalty of perjury that Defendants' response to Interrogatory No. 3 contained in Plaintiffs' Fifth Set of Interrogatories is correct.

A handwritten signature in blue ink, appearing to read "David Schiavone", is written over a horizontal line.

David Schiavone
Senior Intelligence Analyst
Federal Bureau of Prisons
Central Office
Washington, D.C.

December 18, 2013

EXHIBIT 29

CONFIDENTIAL - PURSUANT TO THE PROTECTIVE ORDER

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- x
YASSIN MUHIDDEN AREF, et al., :
 Plaintiffs, :
v. : CIVIL ACTION NO.
ERIC HOLDER, et al., : 10-539 (BJR)
 Defendants. :
----- x

CONFIDENTIAL - PURSUANT TO THE PROTECTIVE ORDER
DEPOSITION OF
RALPH MILLER
Washington, D.C.
Thursday, December 19, 2013
12:50 p.m.

Reported by:
Cassandra E. Ellis
Ref: 10854B

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<p>1 Q Thank you. Do you have any</p> <p>2 responsibilities with respect to the communications</p> <p>3 management units?</p> <p>4 A No, ma'am.</p> <p>5 Q Now, I understand that the Bureau of</p> <p>6 Prisons classifies inmates into different security</p> <p>7 levels. Could you please explain to me what a</p> <p>8 security level indicates?</p> <p>9 A May I refer to the program statement?</p> <p>10 Q Sure. What program statement would you</p> <p>11 like to look to?</p> <p>12 A 5100.08, Security Designations and</p> <p>13 Classification Maintenance.</p> <p>14 Q Yes, you said 5100.08?</p> <p>15 A Yes, ma'am.</p> <p>16 Q So that's Exhibit 112, let's take a look at</p> <p>17 it.</p> <p>18 A Can you maybe repeat the question, please?</p> <p>19 MS. MEEROPOL: Request you read it back.</p> <p>20 (Question, "Now, I understand that the</p> <p>21 Bureau of Prisons classifies inmates into different</p> <p>22 security levels. Could you please explain to me what</p> <p>23 a security level indicates," read back by the</p> <p>24 reporter.)</p> <p>25 A Security level, excuse me, it's used to</p>	<p>1 security classification effect the inmate in terms of,</p> <p>2 I'll give you an example, does it effect where they're</p> <p>3 designated, how they're treated at a given prison?</p> <p>4 A It does, they will be designated to a</p> <p>5 facility commensurate with their security level.</p> <p>6 Q And how is security level determined?</p> <p>7 A It's the -- determined during the</p> <p>8 classification process upon initial designation. And</p> <p>9 then it is also determined annually at an institution</p> <p>10 during an inmate's program review.</p> <p>11 Q What factors go into that classification</p> <p>12 process?</p> <p>13 A At initial designation it will be the</p> <p>14 inmate's severity of his instant offense, months</p> <p>15 remaining to serve, escape history, any history of</p> <p>16 violence, whether or not he's permitted to voluntary</p> <p>17 surrender. May I refer to the policy to make sure I'm</p> <p>18 not missing anything?</p> <p>19 Q Please do, and it would be helpful to me,</p> <p>20 once you find a page to look at, if you could indicate</p> <p>21 what page you're looking at?</p> <p>22 A Yes, ma'am.</p> <p>23 Q Thank you.</p> <p>24 A I'll begin on chapter four, page five,</p> <p>25 beginning with number five, voluntary surrender.</p>
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<p>1 describe the structural variables in inmate to staff</p> <p>2 ratio provided at the various types of bureau</p> <p>3 institutions, in other words, we have minimum</p> <p>4 security, low security, medium security, and high</p> <p>5 security, it also identifies the institution type</p> <p>6 required to house inmates based on their histories,</p> <p>7 institutional adjustment, public safety factors, as</p> <p>8 well as the physical security of the institutions to</p> <p>9 include mobile paroles, gun towers, perimeter</p> <p>10 barriers, housing destruction devices, inmate to staff</p> <p>11 ratio, and internal security.</p> <p>12 Q So as I understand it, that's how a</p> <p>13 security level is applied to an institution, do</p> <p>14 inmates also receive security levels?</p> <p>15 A Yes, ma'am.</p> <p>16 Q And what does an inmate security level</p> <p>17 indicate?</p> <p>18 A An inmate can be classified as minimum</p> <p>19 security, low security, medium security, we have high</p> <p>20 security, those are the four different types of</p> <p>21 security levels as they apply to inmates.</p> <p>22 Q What's the impact of a given security</p> <p>23 classification on the inmates' experience?</p> <p>24 A Could you rephrase?</p> <p>25 Q How does it effect the inmate, how does a</p>	