

PRISON LEGAL NEWS

Annual Report

JANUARY 1, 2008 TO DECEMBER 31, 2008

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PRISON LEGAL NEWS completed its 18th consecutive year of publication, continuing our distinction of being the longest-running independent magazine published by and on behalf of prisoners. During 2008, PLN ran cover articles on the environmental impact of an aging prison in Colorado; the implosion of the Texas Youth Commission; the renewed interest in using prisoners as medical test subjects; the increased use of economic penalties against criminal defendants; systemic problems and abuses in jails in Washington state; the ostracization of sex offenders in Miami as a result of residency restriction laws; an analysis of the laws and politics leading to our nation's policy of mass imprisonment; corruption within the Oregon Dept. of Corrections' food system; the prolonged segregation of mentally ill prisoners in Massachusetts; the financial implications of mass imprisonment; the rights of gay and lesbian prisoners; and the expanding use of lie detectors by law enforcement agencies.

The depth and breadth of PLN's coverage continues to improve and expand. Each issue of PLN contains 45 to 50 news and law articles, the bulk of which are original content (about 97%) as opposed to reprints, and are written by current or former prisoners. PLN is the only national criminal justice publication with a general, non-academic readership that has in-depth coverage of complex justice-related topics. We expanded to 56 pages with the October 2008 issue; this increase in page size is due to the success of PLN advertising director Susan Schwartzkopf in developing new advertisers and retaining existing ones.

PLN reduced its distribution of free sample issues to prisoners and non-prisoners from previous years to identify different and less expensive means of reaching new subscribers, but continues to distribute samples both to expand awareness about PLN and increase our exposure to potential subscribers. PLN distributed about 90,000 sample copies during 2006 and 40,000 in 2007. During 2008 we distributed approximately 26,000 free copies of PLN through Books to Prisoners projects, at conferences and events, and through newspaper kiosks in the Washington, DC area. In addition, to increase awareness and PLN's subscription base, PLN has donated about 500 free trial subscriptions to women prisoners around the country. This effort, however, resulted in very few paid renewals. The main problem appears to be that relatively few women prisoners are serving long sentences, while PLN's subscriber base tends to be concentrated among longer-term prisoners.

PLN's print subscription numbers have stayed steady at approximately 6,800. Our experience with sample mailings indicates that very few prison-related mailing lists are kept up-to-date, and there is a longer lag time between when samples are sent to a particular list and when they begin to generate results. The sample mailings did generate significant results, though, and we think it is worth doing again. We are still getting subscriptions from mailings we sent out over 18 months ago. Our subscriber numbers continue to increase, albeit more slowly than when we did large sample mailings. PLN has subscribers in all 50 states and internationally.

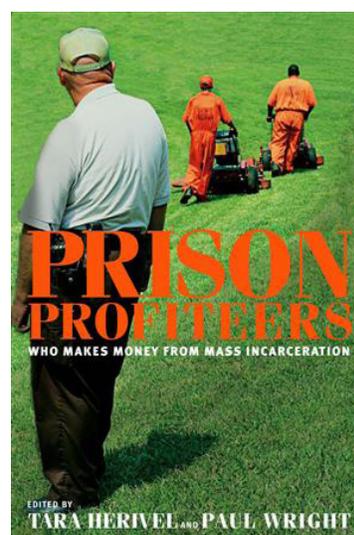
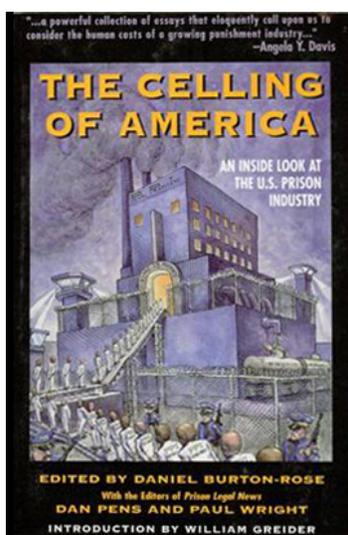
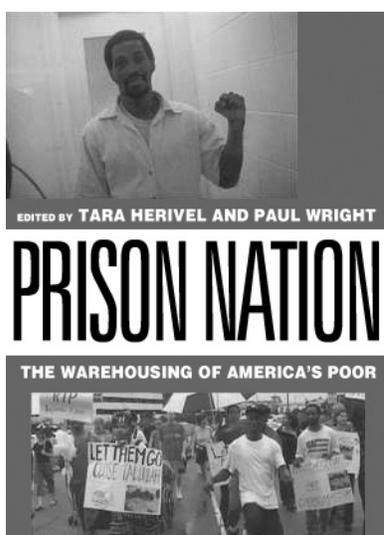
PLN also distributed 4,000 sample issues at various events such as the National Lawyers Guild's annual convention, Critical Resistance, the ACLU's Prison Litigation conference, the Cen-

terforce conference, book readings, university events, and a variety of other meetings and gatherings around the country. PLN also makes free sample issues available to organizers of criminal justice events we cannot attend.

PLN further distributes several hundred copies of PLN in the Washington, DC area each month through kiosks maintained by the Prisons Foundation.

PLN received around 1,000 pieces of mail per week throughout 2008. The majority of this correspondence was from prisoners, many requesting legal assistance as well as sending us news clippings, court rulings and other items of interest.

Book Sales / Reviews



PLN's book sales showed an increase during 2008, with approximately 4,800 book orders processed. This is despite censorship efforts by officials in a number of states to ban books distributed by PLN. PLN offers a wide variety of hard-to-find works on criminal justice issues, plus self-help legal resources useful to prisoners who are litigating their own cases. We intend to expand our book list next year.

Former PLN board member Tara Herivel and PLN editor Paul Wright, with research assistance from associate editor Alex Friedmann, completed PLN's most recent book anthology, *Prison Profiteers: Who Makes Money From Mass Incarceration*, which deals with the political economy of mass imprisonment and the interests that benefit from this state of affairs. The book, the third in a trilogy of PLN anthologies (*The Celling of America: An Inside Look at the US Prison Industry*, Common Courage, 1998, and *Prison Nation: The Warehousing of America's Poor*, Routledge, 2003, are PLN's previous books), discusses mass imprisonment in America and features contributions by some of the top experts in the field.

Prison Profiteers was released by The New Press in January 2008. It sold about 3,000 copies in 2008 (PLN distributed an additional 600 copies during this period as well) and received positive reviews from a variety of sources:

- Barbara Davenport in the San Diego Union-Tribune wrote in Jan. 2008 that *Prison Profiteers* “... takes a hard look at the human and financial costs to the people who have suffered from them, the corporations who have profited from this vigorous growth industry and the taxpayers who foot the bill.”
- *Publisher’s Weekly* stated on February 11, 2008, “This is lucid, eye-opening reading for anyone interested in American justice,” while a review in *Punch & Jurists* stated, “Reading this book helps one understand why America’s insane experiment with mass imprisonment is driven largely by corrupt politicians, the guard unions, and the many industries that benefit from a constantly growing prison population – often secretly and without any accountability.”
- Vernon Ford wrote a positive review of *Prison Profiteers* for *Booklist* on March 1, 2008. “This is an important analysis of a troubling social trend that has not been widely publicized,” he said.
- Ronald Fraser of *Daily News Los Angeles* wrote on April 10, 2008 that *Prison Profiteers* “... tells how the prison gravy train actually works. In addition to supplying food, clothing and medical care, private companies profit in other, less visible, ways.”
- Amanda Milstein with *OpenLeft* stated in a March 12, 2008 review, “I have been able to talk about little else but prison reform since finishing this book – my desire to discuss it with one friend was so great that I shipped him a copy even though he lives in England. As progressives we talk a lot about the need for healthy food for children, welfare benefits, and a living wage – but we also need to be talking about issues that impact the 1% of American adults that are incarcerated, and why our government is farming vital work out to corporations who seem to be doing a terrible job of it.”
- On May 22, 2008, David A. Love of the *Black Commentator* published a review of *Prison Profiteers*, stating, “*Prison Profiteers* provides the reader with a thoughtful, comprehensive and accessible analysis of the money trail behind the prison industrial complex. It is required reading for students of the criminal justice system, civil rights and civil liberties advocates, and those who desire a greater understanding of the underbelly of our nation’s prisons-for-profit system.”

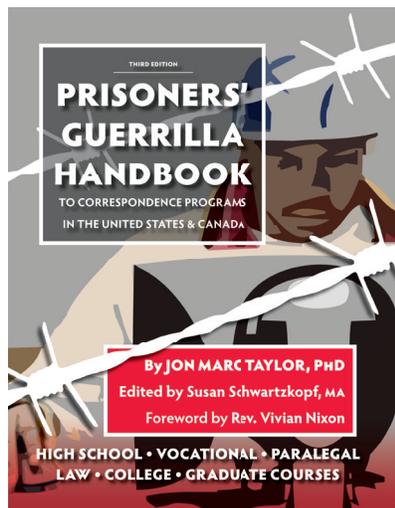
The Website

During the past year we have further developed and expanded PLN's website by significantly increasing its content and usability. The website has been a work in progress, and we are in the process of redesigning it to make it more user friendly by simplifying and improving the search features and user menus, adding more options, and improving functionality. PLN's site receives over 100,000 visitors per month and has become a significant means of doing media and community outreach. Our site, WWW.PRISONLEGALNEWS.ORG, is now the largest online source for prison and jail issues; in Google searches for the word "prison," it usually scores in the top ten.

PLN's website currently has over 24,000 news articles and 12,000 court rulings in its searchable database. The publications section has almost 2,400 reports, audits and other documents related to criminal justice issues, and the brief bank contains over 3,000 assorted legal pleadings. All sections of the database are growing daily. We are at a point where we would benefit from having a full-time web editor to oversee our online content.

PLN's site includes a free criminal justice news listserv which has approximately 1,300 subscribers and sends out around 1,200 messages per year. The messages are stored in a searchable online database.

We have also developed the website to better promote PLN. We can now accept donations online, and the site includes a map showing our litigation activities around the nation with supporting documents, our annual reports, all media coverage that PLN has received, and other useful resources. We are in the process of adding multimedia and photo gallery capabilities to the site.



Book Publishing

PLN is making a cautious foray into reference book publishing. The successful book *Prisoners' Guerrilla Handbook to Correspondence Programs in the US and Canada*, by Missouri prisoner Jon Marc Taylor, had been published for many years by Biddle Publishing. The publisher is retiring, and rather than see the book go out of print, they gave the rights to PLN. PLN is undertaking the printing and distribution of the book and has updated it to a third edition. The subject of the book, how prisoners can obtain higher education through correspondence study from accredited schools, is extremely important and the only one of its kind. PLN

distributed earlier versions of the book for several years. Susan Schwartzkopf edited the third edition with Jon Marc, and the new edition was released for distribution in early 2009, designed by Jules Siegel, the son of a former convict.

PLN Staff

PLN's full time staff members during 2008 included Paul Wright, Editor, and Susan Schwartzkopf, Advertising and Outreach Coordinator, working from our Vermont office; Alex Friedmann, Associate Editor, working from Nashville, Tennessee; and Don Miniken, Executive Director, Danielle Fuskerud, our Circulation Manager, and Amanda Henry, Office Assistant, based in our Seattle office, assisted by volunteers, contract employees and work study students.

PLN continued publishing the work of prisoners, freelance writers, attorneys and others in our magazine, and increased the use of such articles on our website.

PLN Board of Directors

With the assistance of consultant Fred Epstein, PLN significantly expanded and revamped its board of directors in 2008. Our board members include:

Don Miniken – Mr. Miniken is PLN's executive director in charge of PLN's Seattle office and mailing operations. A successful businessman, Mr. Miniken was imprisoned for 11 years in the Washington state prison system.

Paul Wright – Mr. Wright is the editor and founder of PLN. He is responsible for PLN's editorial content, public advocacy and outreach efforts, fundraising, and litigation. Mr. Wright was incarcerated for 17 years in the Washington state prison system and was released in 2003.

Rollin Wright – Mr. Wright is PLN's publisher and the father of board member Paul Wright.

Dan Axtell – Mr. Axtell is a computer professional and human rights activist.

Jo Anne Wigginton – Ms. Wigginton is the family member of a former prisoner and advocates on behalf of the rights of family members of prisoners, especially children.

Silja J. A. Talvi – Ms. Talvi is a journalist and prisoner rights advocate whose work has been extensively published. She is the author of *Women Behind Bars* (Seal Press, 2007).

Bill Trine – Bill Trine has been a trial lawyer for the little people for 49 years, is a past president and founder of Trial Lawyers for Public Justice, past president of the Colorado Trial Lawyers Association, and is on the board of other trial lawyer groups. He has been the senior partner in his own trial firm for many years and is presently in the process of trying to retire to do more writing and teaching. He started a national prison project through TLPJ in 2005 and has been plaintiffs counsel

in a number of prison cases, including class actions for prisoners arising out of the CCA-operated prison in Crowley County, Colorado. Bill helped start the Gerry Spence Trial Lawyers College in 1994 and has been a faculty member and board member since that time.

Sheila Rule – Ms. Rule is the founder and president of Resilience Multimedia, a publishing company where she is channeling her passion for social justice into the world of social entrepreneurship. Her first literary contribution is a self-help book titled *Think Outside the Cell: An Entrepreneur's Guide for the Incarcerated and Formerly Incarcerated*, by Joseph Robinson. She was a journalist at the New York Times for more than 30 years, working as a reporter, foreign correspondent and senior editor before retiring in 2008 to be a full-time publisher. She serves on the boards of the Prison Action Network, which seeks to empower prisoners and their families in New York state, and Good Shepherd Services, a leading New York City social services and youth development agency serving vulnerable children and families. She is a longtime volunteer with the Prison Ministry of Riverside Church, which is internationally recognized as a center for promoting progressive causes. She is married to Joseph Robinson, who has been incarcerated for 17 years.

Judy Greene – Judy Greene is the founder of Justice Strategies, a non-profit policy firm that publishes reports on evidence-based outcomes for the criminal justice system, emphasizing decarceration. She is a national expert on the issue of prison privatization.

Rick Best – Rick Best is an attorney employed by the National American Civil Liberties Union and is responsible for wills and bequests. He is a former prisoner who served three years for draft resistance, and a former director of the National Lawyers Guild.

Bell Chevigny – Bell Chevigny is a professor emeritus at Purchase College, SUNY. She has headed the PEN Prison Writing Program and has long supported writing by prisoners; she edited the book *Doing Time: 25 Years of Prison Writing* (Arcade Publishing, 2000).

Peter Sussman — Peter Sussman is a former editor at the San Francisco Chronicle. He is the leading expert on media access to prisons and prisoners and an expert on issues related to press freedom, journalism ethics and diversity. He is the coauthor of *Committing Journalism: The Prison Writings of Red Hog*.

Advocacy Work

During 2008, PLN continued its long-standing practice of advocating for prisoners' rights and criminal justice reform through attendance and speaking engagements at public discussions, meet-

ings and professional/academic conferences, plus several special advocacy projects. Our advocacy work included the following highlights:

PURYEAR OPPOSITION CAMPAIGN

Beginning in November 2007, PLN associate editor Alex Friedmann conducted an opposition campaign against the federal judicial nomination of Gustavus A. Puryear IV, general counsel for Corrections Corp. of America (CCA), the nation's largest for-profit prison firm.

Mr. Puryear was nominated by President Bush for a lifetime appointment to the U.S. District Court in Middle Tennessee, where CCA is located, despite having very little federal court experience. Over his entire legal career, Mr. Puryear was personally involved in only five federal cases and two jury trials (one of which he lost).

After conducting extensive research, and on a shoestring budget, Alex orchestrated a campaign on both the national and local levels that targeted Mr. Puryear's limited experience and lack of qualifications; his cronyism with and campaign donations to Republican politicians; his conflicts of interest in cases involving CCA; his comments denigrating lawsuits filed by prisoners; his membership in a private country club that discriminates based on race and gender; his efforts to conceal information from the public; and disturbing remarks he made concerning the 2004 homicide of a female prisoner at a CCA-run jail (the Estelle Richardson case).

Alex enlisted other organizations in support of the opposition campaign, including the Alliance for Justice, AFSCME, the National Lawyers Guild, Grassroots Leadership, ADPSR, and even the California Correctional Peace Officers Association (CCPOA). Upon request, the National Council of Women's Organizations, National Organization for Women, and Women's Equal Rights Legal Defense and Education Fund provided formal letters condemning Mr. Puryear's discriminatory country club membership.

The opposition campaign received extensive media attention, including front page coverage in the *Tennessean*, Nashville's daily newspaper, and the *Nashville Scene*, a local independent publication. The campaign was mentioned in two *Associated Press* national wire reports and in *Mother Jones*, *Harpers Magazine*, the *National Law Journal*, UPI, the *ABA Journal* and a two-part feature article on AlterNet, with related coverage in *TIME* magazine and a Democracy NOW! interview with PLN board member Silja Talvi. Additionally, Alex communicated extensively with Senate Judiciary Committee staff during two trips to Washington, DC.

While the campaign appeared to have little chance of success at the outset, it gained steady momentum due to Alex's efforts and perseverance. The massive outpouring of negative media prompted CCA to embark on a public relations campaign and set up a separate website to "counter media bias." Further, the campaign raised serious questions among government agencies about CCA's internal audits and incident reporting. Alex developed a website which extensively documents the campaign: WWW.AGAINSTPURYEAR.ORG. On Sept. 23, 2008, one of Mr. Puryear's key sup-

porters, U.S. Senator Lamar Alexander, admitted defeat for the nomination, acknowledging that it was “not going to happen.”

OTHER ADVOCACY EFFORTS

In January 2008, the Vermont legislature considered charging prisoners a \$5 co-pay for access to medical care. Paul Wright provided resource material to advocates in Vermont, who in turn presented information to lawmakers, who then removed the co-pay language from the legislation. The co-pay had been strongly sought by the DOC and governor’s office despite evidence that it would contribute to the spread of infectious diseases and make illnesses more expensive to treat.

- Alex Friedmann participated in Stop Abuse and Violence Everywhere (SAVE) Coalition conference calls throughout 2008. PLN is a member of the SAVE Coalition, which is an ACLU-directed effort to reform the Prison Litigation Reform Act through federal legislation (www.SAVECOALITION.ORG).
- Alex Friedmann participated in an organizing meeting of the Tennessee chapter of Citizens United for the Rehabilitation of Errants (CURE) on January 21. Charles Sullivan, co-founder and co-director of CURE, was in town during a trip through various states to organize and visit local chapters. Alex created the Tennessee CURE brochure, in which PLN and other organizations were listed as national resources, and distributed copies of PLN at the meeting.
- PLN editor Paul Wright participated in a panel discussion at a seminar on LGBT prisoners on February 12, 2008 in New York City. The discussion centered around how jail/prison is different for LGBT prisoners, what they encountered while in custody, how they survived, and what needs to change to ensure that the human rights of LGBT prisoners are respected. Paul gave an overview of case law and litigation involving LGBT prisoners.
- In March, PLN signed on to a letter sponsored by Students for Sensible Drug Policy that called for Congress to repeal the law that strips financial aid from students who have drug convictions.
- On March 24, Paul Wright presented at a book event for *Prison Profiteers: Who Makes Money from Mass Incarceration* at Black Sheep Books in Montpelier, Vermont. Fifty people attended the event and many participated in a discussion following the presentation.
- Paul Wright presented for a group of graduate students at the School for International Training in Brattleboro, Vermont on March 25. He spoke about prison issues in general as well as topics covered in *Prison Profiteers*.

- Alex Friedmann and Paul Wright attended the ACLU NPP's Prison Litigation conference on March 28-29, 2008 at George Washington University in Washington, DC. Paul presented on censorship and public records litigation.
- Paul Wright and Alex Friedmann spoke at a reception at the Prison Art Gallery in Washington, DC on March 30. They spoke about prisoner rights, sentencing reform and related topics, and followed up with a question and answer period.
- On April 2, Paul Wright and PLN board member Silja J.A. Talvi co-presented at the Elliott Bay Book Company in Seattle, Washington. Paul spoke about the costs of (and who ultimately benefits from) the prison industry and related topics, as outlined in *Prison Profiteers*. The event was attended by approximately 50 people.
- Alex Friedmann attended CCA's annual shareholder meeting on May 16, 2008, questioned CCA's CEO, and wrote an article about the event that was published by the *Nashville Scene*. Alex owns one share of CCA stock.
- On May 30 through June 1, Paul Wright and Susan Schwartzkopf attended the American Friends Service Committee (AFSC) National STOPMAX Conference in Philadelphia. Paul Wright presented at a workshop titled "History of Supermax Litigation." His co-presenters were David Fathi, director of U.S. Human Rights Watch, and Angus Love, director of the Pennsylvania Institutional Law Project.
- Paul Wright presented at the NORML 2008 Aspen Legal Seminar in Aspen, Colorado on June 5 and 6, 2008. He spoke about prison litigation and the rights of prisoners, with the goal of educating and organizing attorneys so as to encourage them to take on such cases.
- On June 15, Alex Friedmann spoke to a church-related criminal justice group at the Eastwood Christian Church in Nashville, Tennessee. Alex talked about criminal justice issues in general, mass incarceration, and the nature of our penal system.
- Alex Friedmann attended an anti-death penalty event on June 29 and distributed copies of PLN. The event included a movie titled "Death House Door," and was sponsored by the Tennessee Coalition Against State Killing.
- On July 1, 2008, Alex Friedmann attended a vigil for Estelle Richardson on the 4th anniversary of her death. Estelle was a prisoner who was murdered at a CCA-operated jail in Nashville, Tennessee. Alex spoke at the vigil and handed out copies of PLN; he was also an invited speaker at a Sept. 6 protest rally related to the Estelle Richardson case, organized by Power to the People Nashville.

- PLN signed on to a July 11 letter to the U.S. Department of Homeland Security, sponsored by the Rebecca Project for Human Rights, to urge ICE to stop shackling women detainees during pregnancy, labor, delivery and post-delivery.
- On Sept. 13, 2008, Alex Friedmann was an invited speaker at the Northwest Correctional Center in Tiptonville, Tennessee for the annual PAIICE (prison-based organization) banquet. Alex had previously served time at that facility.
- On September 17, 2008, Paul Wright presented with three other panelists at the “Spotlight on Incarcerated Women: Conditions, Profiteering and Resistance” event at the Bluestockings bookstore in New York City. The event included a discussion on who profits from the nearly tripling of the number of incarcerated women in the past two decades, and conditions inside and resistance from both inside and outside the prison system. Co-panelists included PLN board member Silja Talvi, former prisoner Yraida Guanipa, and Books Through Bars co-founder Victoria Law.
- PLN signed on to a letter to Congress from the Open Society Institute to urge FY 2009 funding for the Second Chance Act, on September 23, 2008.
- Alex Friedmann and Paul Wright presented at the Critical Resistance conference in Oakland, California on September 26-28, 2008. Alex spoke as a co-panelist at a workshop titled “Fighting the PIC by Taking on Private Prison Corporations,” while Paul Wright was a co-panelist on the workshop “Media Access for Prisoners.”
- Paul Wright presented as a co-panelist at the 2nd Annual Socratic Dialogue at the Centerforce Inside/Out Summit, “More than One in One Hundred, the Crisis, the Issues, the Solutions” on October 6-7. The Dialogue was a roundtable event of 12 panelists who were asked a series of questions concerning incarceration-related issues. It was held in Sonoma Park, California.
- Paul Wright accepted the National Lawyers Guild’s inaugural Arthur Kinoy Award at the NLG’s 71st annual convention in Detroit, Michigan from October 15-19, 2008. He also organized and moderated a workshop on ending the systemic sexual abuse of women prisoners in Michigan. His co-presenters were attorneys Deborah Labelle and Julia Yoo, as well as former prisoner Renee Williams.
- In December 2008, PLN signed on to a Justice Roundtable letter concerning the “Home for the Holidays” campaign, asking the president to grant commutations to prisoners who had served long sentences for low-level crack cocaine offenses.

Media Coverage

Prison Legal News and PLN staff continued to receive notable attention in the media over the past year, ranging from articles about PLN itself to the growing use of PLN as a source for expert information related to prisons, jails and the criminal justice system by both print and radio media. This section does not include the extensive coverage received by the Puryear opposition campaign (see above).

- PLN editor Paul Wright participated in a radio Interview on Jan. 9, 2008 related to dangerous chemicals in UNICOR prison work programs. The program was hosted by Dean Becker of Drug Truth Network for the radio program “Cultural Baggage.” DTN is a media production organization, based at KPFT Radio Houston, dedicated to exposing the fraud, misdirection and wastefulness of the war on drugs.
- Paul Wright was quoted in a January 26 *Los Angeles Daily News* article entitled “\$85-a-Night Jail a Hit with L.A.’s Celebrity Convicts,” which discussed the inequities and differences in confinement conditions for those who can afford to stay at a pay-to-stay facility and those who cannot.
- On January 26, 2008, Paul Wright was interviewed about *Prison Profiteers* for radio station KEXP in Seattle, Washington.
- On January 29, Paul Wright discussed *Prison Profiteers* during an interview with Dean Becker of Drug Truth Network on KPFT Radio Houston.
- A letter to the editor by Paul Wright was published in the *National Law Journal* on February 11, 2008. The article was in response to a previous article, “Fees Paid in Pro Bono Cases are Contested.” In his letter, Paul defended the award of attorney fees to law firms that represent plaintiffs in civil rights and public records cases.

- On Feb. 11, Paul Wright was interviewed by Rosette Royale for *Real Change News* in Seattle, Washington. “Is there anything people on the outside can do to help people inside?” Rosetta asked Paul at the end of the interview. “Well, most people on the outside have no idea what’s going on inside, and the government spends a lot of time and resources keeping it that way. There’s no accountability [in prisons] if people are killed or brutalized or whatever. And unfortunately, America has a bipartisan criminal justice policy and no one is advocating any change in the status quo. One of the things I keep hoping is that, as more and more people are locked up, more people who aren’t locked up are going to feel a direct impact of the criminal system and hopefully that will start the impetus for a type of change. Unfortunately, most of the people who are being locked up are all poor people, and their friends and relatives tend to also be poor people who don’t have much political say in this country.”
- Paul Wright was quoted in a *Seattle Weekly* article on February 13, 2008, in regard to efforts by Washington state’s Attorney General to limit prisoners’ access to public records.
- Paul Wright participated in an interview on the radio program “Weekday” on KUOW in Seattle, Washington, titled “Incarcerated in America.” The program aired on March 19 after the Pew Center study was released that documented America’s rank as the world’s most prolific incarcerator. His co-panelist was PLN board member Silja Talvi.
- The *Tennessean* asked Alex Friedmann to write an editorial regarding a private prison being built in Tennessee; the editorial was published on March 7, 2008.
- On March 28, Alex Friedmann was interviewed on “Justice Talking” on National Public Radio (NPR) concerning prison privatization issues.
- Alex Friedmann was interviewed for a radio program on a New Mexico NPR station on April 10, concerning a task force formed to address prison and re-entry issues. Other panelists included Tilda Sosaya and task force chair John Bigelow.
- On April 21, 2008, Alex Friedmann was interviewed for “Justice Talking” on NPR for a lengthy piece on private prisons, the bail bond system and other aspects of for-profit criminal justice.
- Paul Wright was interviewed for a radio program on WCGV in Columbia, South Carolina on April 15. The program, “The Real Reason America’s Prison Population is Growing,” included information about privatized prison health care, Tasers and other criminal justice-related topics.

- On April 24, 2008, the *Boston Herald* reported on PLN's lawsuit in U.S. District Court against Corrections Commissioner Harold Clarke, former Commissioner Kathleen Dennehy and other officials for banning books from PLN in Massachusetts prisons. The article, titled "Publisher sues Mass. prisons chief claiming censorship ban," also appeared in the *Boston Globe* and *Worcester Telegram*.
- Paul Wright was interviewed by Rob McConnell for the radio and TV show "The 'X' Zone" on April 25, related to topics covered in *Prison Profiteers*.
- Naseem S. Miller of the Ocala, Florida *Star-Banner* interviewed and quoted Paul Wright in an article titled "Inmates will keep verified meds under new jail program," published on April 27, 2008.
- Paul Wright was quoted in South Dakota's *Argus Leader* in an article about banishment clemencies in South Dakota. The article, titled "Janklow stretched limits of clemency," published on April 29, dealt with commutations by the Governor that required released prisoners to leave the state and never return.
- On May 10, Paul Wright was interviewed by David Lush, a commentator with WABG Channel 6 and host of the "Open Mic" radio program in Louisiana. Paul discussed topics covered in *Prison Profiteers*.
- In July 2008, Paul Wright was a guest on the weekly radio program "Prison Pipeline" on KBOO hosted by Ruth Kovacs in Portland, Oregon. Topics of discussion included prison privatization and subject matter from *Prison Profiteers*.
- *Seattle Weekly* featured PLN's 18th anniversary issue in a July 9, 2008 article by Rick Anderson titled, "Don't Know What to Get the Convict on Your List? Consult Prison Legal News." Anderson wrote, "PLN now has six full-time employees. Unlike in the past, when most stories were rewrites of already-printed items from traditional publications, Wright now can assign original pieces. 'We're going to do more investigative stories,' he says, in part because such pieces aren't on the mainstream media's radar."
- Paul Wright was featured in a *Seven Days* (Burlington, VT) article by Ken Picard, entitled "The Good Fight: For Some Rabble-Rousing Vermonters, Every Day is Independence Day," on July 2, 2008. The article showcased Paul and others in the state who actively work to protect civil liberties.
- Alex Friedmann was interviewed on the radio station KBOO in Portland, Oregon for the program "We the People" on July 24, and talked about prison privatization.

- *Mother Jones* mentioned PLN in two articles, “What is Nutraloaf, Anyway?” by Justin Elliot and “What Do Prisoners Make for Victoria’s Secret?” by Caroline Winter, for their online July/August 2008 issue. PLN worked with *Mother Jones* editors and writers on their special prison issue.
- On July 25, Alex Friedmann consulted with a writer for *Boston Legal*, an ABC prime time program, who was seeking information about prison privatization and death penalty issues to use in upcoming episodes.
- On July 29, 2008, PLN won a landmark public records lawsuit against CCA, which was reported by Nashville’s WATE-TV Channel 6 and News Channel 5, the *Tennessean*, *Forbes*, MSN Money and CNN Money. The ruling was covered by several dozen media outlets around the country, including all the financial news wires, due to its significance for private companies that contract to perform core government functions (such as operating prisons).
- Paul Wright was quoted in an August 2, 2008 AlterNet article by Marlene Martin about life-without-parole sentences.
- Alex Friedmann was the subject of personal profile articles in Nashville’s daily newspaper, the *Tennessean*, on August 13, and in the *Murfreesboro Post* (a local Tennessee paper) on September 7, 2008. Both articles noted his accomplishments since his release from prison and his position with PLN.
- In a September 1, 2008 *Publishers Weekly* article, PLN was mentioned and Paul Wright was quoted in regard to book sales to prisoners.
- NPR’s Alex Cohen interviewed Alex Friedmann for the article “Ex-Felon Voters Foiled by Confused Officials” and for the show “Day to Day” on October 8, 2008, regarding whether ex-felons should be allowed to have their voting rights restored.

In addition to the above articles and radio interviews, PLN fielded dozens of calls and e-mails from reporters and broadcast journalists seeking background information on prison and jail-related issues, and PLN staff were quoted and PLN was mentioned in a number of other media sources. PLN’s website is a leading source of information for researchers, policy makers and reporters. University of Pennsylvania professor Marie Gottschalk’s recent book, *The Prison and The Gallows*, cited PLN extensively; she donated her first royalty check to PLN.

Joint Projects

In addition to our media, advocacy, publishing and litigation efforts, PLN continues to work with other organizations to expand our influence in the area of prisoner and human rights. PLN has worked with the Society of Professional Journalists (media access to prisoners); the Private Corrections Institute (Alex Friedmann is PCI's vice president – PCI opposes prison privatization); Public Justice (formerly known as Trial Lawyers for Public Justice – PLN and PJ are working together to identify catastrophic injury cases involving private prison companies, where top-notch counsel can have a significant impact, with the ultimate goal of bankrupting the industry); and the Prison Policy Institute (publishing and distributing a legal resource guide for prisoners).

PLN has also assisted advocacy and research organizations such as Human Rights Watch, the Southern Poverty Law Center, and Just Detention (formerly Stop Prisoner Rape), which have used PLN to contact prisoners and to disseminate information about their projects and services. The National ACLU used PLN to advertise the availability of legal counsel for women prisoners denied access to abortion services. Paul Wright serves on the interim board of the AFSC StopMax Committee (opposing supermax prisons), and PLN continues to work closely with the National Police Accountability Project (NPAP) on issues relating to prison and jail litigation. Paul Wright is on the NPAP's board of directors. PLN worked with the Detention Watch Network on issues related to immigration detainees, and with the Partnership for Safety and Justice on advocacy and organizing strategies. Further, PLN provided copies of our magazine to over a dozen Books to Prisoners projects around the country and to the Washington, DC-based Prisons Foundation. PLN is a member of the SAVE Coalition, which is working to reform the Prison Litigation Reform Act.

PLN also fields dozens of calls each month from attorneys, journalists, legislative aides, researchers and prisoners' family members requesting information, referrals and other services in addition to the collaborative relationships mentioned above.

Litigation

PLN continues to be involved in litigation efforts, primarily due to censorship issues and denials of public records requests, including the following cases:

California Censorship Suit: In 2006, the California Department of Corrections and Rehabilitation agreed to settle PLN's claims that numerous aspects of the prison system's mail procedures violated PLN's federal and state rights. As part of the settlement the Department agreed to substantially revamp its mail rules and policies. This case has been settled but is still in the enforcement stage, as the Department has not complied with the settlement. PLN is represented by the law firm of Rosen, Bien and Galvan; the case is *PLN v. Schwarzenegger*.

Kansas Ban on Gift Subscriptions: In 2002, PLN sued the Kansas DOC over its policy requiring that prisoners purchase all subscriptions and publications from their prison trust accounts. The policy limited such expenses to \$30 per month, banned publications sent to certain security level prisoners, and did not provide for notice to the publisher when mail was censored or rejected. The district court dismissed the suit after consolidating it with complaints filed by two Kansas state prisoners. See: *Zimmerman v. Simons*, 260 F.Supp.2d 1077 (D. Kan. 2003). On appeal, the Tenth Circuit reversed and remanded, holding that PLN had produced sufficient evidence entitling it to a trial on the merits. As a matter of law, the appellate court held PLN was entitled to judgment on its due process claims, and ordered the lower court to enter an injunction in that regard. See: *Jacklovich v. Simmons*, 392 F.3d 420 (10th Cir. 2004). The case went to trial in Wichita, Kansas in February 2007. In late 2007 the court issued a ruling in PLN's favor on all issues, enjoined the KS DOC ban on gift subscriptions/book orders and limits by security level, and ordered the prison system to notify the sender when mail is censored. The court subsequently awarded almost \$70,000 in attorney fees and costs. PLN received no damages because the defendants were granted qualified immunity. PLN was represented by attorneys Bruce Plenk and Max Kautsch. The case was *PLN v. Werholtz*.

GEO Records Suit: PLN filed suit in state court in Florida seeking details about the amount of money that GEO Group (formerly Wackenhut) had paid out in litigation related to the operation of its private prisons in Florida. PLN is represented by Frank Kreidler. The case has been ongoing since 2005 and despite three orders to compel, GEO refuses to produce the records. The case is *PLN v. GEO Corporation*.

BOP FOIA Suit: In 2005, PLN filed a Freedom of Information Act (FOIA) suit in the District of Columbia against the federal Bureau of Prisons, seeking copies of all cases and claims over a multi-year period where the BOP had paid money to resolve claims or lawsuits. The BOP responded by attempting to charge a ridiculous amount to search for and copy the requested records, a common tactic used by the Bush administration to keep small non-profit media agencies from accessing information to which they are entitled. The district court ruled in PLN's favor and ordered the BOP to provide all of the requested records at no charge. The BOP has begun providing the records, but some were redacted. We are now litigating the redactions and are awaiting the court's ruling for summary judgment on the merits. PLN is represented by Washington, DC attorney Ed Elder. The case is *PLN v. Lappin*.

Massachusetts Book Censorship Suit: In April 2008, after fruitless attempts at negotiation, PLN sued the Massachusetts DOC to challenge the exclusion of PLN books from their approved vendor list. A week after filing suit, PLN was added to the DOC's vendor list. The suit now continues for damages and attorney fees. PLN is represented by Howard Friedman and David Milton. The case is *PLN v. Clarke*.

Fulton County Jail Publication Ban: In October 2007, PLN sued the Fulton County jail in Atlanta, GA over their policy of banning all books and non-religious publications. In February 2008 the court issued a preliminary injunction enjoining the policy, ordered PLN subscriptions and book orders to be delivered, and struck down the policy. The suit continues for damages, fees and a permanent injunction. PLN is represented by Atlanta attorneys Brian Spears and Gerald Weber. The case is PLN v. Freeman.

California DOC Public Records Suit: In December 2007, PLN filed a public records lawsuit against the California Dept. of Corrections and Rehabilitation in Sacramento, seeking disclosure of details about all litigation payouts made by the state's adult and juvenile prison systems over a multi-year period. The Department has produced some but not all of the requested records, and this case is still ongoing. PLN is represented by Rosen, Bien and Galvan. The case is PLN v. Tilton.

CCA Public Records Case: In May 2008, PLN sued Corrections Corporation of America (CCA) under Tennessee's public records law, seeking disclosure of various company records including all litigation payouts and sanctions against the company related to its Tennessee facilities. CCA responded that they were not subject to the public records law and did not have to comply. On July 29, 2008, a state trial court issued a landmark ruling that held for the first time that a private prison company was subject to Tennessee's public records statute. CCA has appealed the ruling. PLN is represented by Memphis attorney Andy Clarke; the case is Friedmann v. CCA.

BOP Video FOIA Suit: In May 2008, PLN filed a Freedom of Information Act lawsuit against the Executive Office of U.S. Attorneys, seeking disclosure of a Bureau of Prisons videotape of the murder of a prisoner in the segregation unit at the U.S. Penitentiary in Florence, Colorado. The video was shown in court during the murder trials of the victim's assailants; however, the government has refused to release it to the media. PLN is represented by Gail Johnson. The case is PLN v. EOUSA.

District of Columbia Public Records Suit: In June 2008, PLN filed a public records lawsuit against the District of Columbia seeking information on jail-related litigation payouts. The suit also challenges the District's refusal to provide records in electronic format as required by District law, and its refusal to waive copying fees when in the public interest. PLN is represented by the Partnership for Civil Justice. The case is PLN v. District of Columbia.

Tennessee Voting Rights Case: PLN associate editor Alex Friedmann was one of several plaintiffs in a federal suit that challenged financial payment provisions of Tennessee's revised disenfranchisement law. Under the revised law, ex-felons who owe restitution or are not current on their child support payments are unable to regain their voting rights. Similar financial requirements are not imposed on other citizens. The lawsuit, filed by the Tennessee ACLU, argued that conditioning the right to vote on financial resources constitutes an unconstitutional poll tax. The case was profiled

in Nashville's daily newspaper, the Tennessean, on July 2, 2008. In late September 2008 the court dismissed most of the claims, with Alex's due process claim being the only one that survived. The case later settled and Alex regained his voting rights; he was able to vote in the November elections. The case was *Johnson v. Bredesen*, and the dismissal of the other plaintiffs' claims is on appeal.

PLN continues to face censorship by a number of prison systems and jails, and has various censorship suits in the pre-filing stages. Investigating and litigating such cases continues to consume extensive PLN staff time. In addition to the above lawsuits being pursued on behalf of PLN and our readers, PLN also filed friend-of-the-court (amicus) briefs in the following two cases:

Right of Women in Labor Not to be Shackled During Delivery: PLN submitted an amicus brief with other organizations on behalf of the plaintiff, Shawanna Nelson, an Arkansas prisoner, who was shackled and chained while giving birth. The 8th Circuit U.S. Court of Appeals had held that such a practice was permissible. PLN and other amici argued the practice was unconstitutional, and the appellate court has agreed to rehear the case en banc. The case is *Nelson v. Norris*.

PLRA Administrative Exhaustion: In July 2008, PLN and other agencies submitted an amicus brief on behalf of an Indiana state prisoner, related to when prison grievance procedures are deemed exhausted under the Prison Litigation Reform Act (PLRA). The 7th Circuit U.S. Court of Appeals denied a motion to rehear the case en banc, but modified portions of its earlier ruling. The case was *Pavey v. Conley*.

Administrative Agency Advocacy

FCC Petition to Cap Prison Phone Rates: On Sept. 21, 2008, Alex Friedmann sent a supplemental letter to Marlene Dortch, Secretary of the Federal Communications Commission, in reference to the Wright petition. The Wright petition requests that the FCC enact rules to require competition among prison phone service providers by prohibiting such providers from entering into exclusive service agreements with government agencies. The petition further seeks the imposition of rate caps and/or benchmark rates, and fewer restrictions on prison phone calling options. Alex had filed initial comments with the FCC concerning the Wright petition in April 2007, and a follow-up letter after they requested additional information. The FCC has not yet issued a ruling.

Prison Rape Elimination Act Comments: In 2008, PLN submitted comments to the National Prison Rape Elimination Commission regarding the promulgation of PREA standards for adult, immigration and juvenile detention facilities.

U.S. Civil Rights Commission Hearings on the Religious Rights of Prisoners: In 2008, the U.S. Civil Rights Commission contacted PLN and requested input in regard to how well or poorly the U.S. Dept. of Justice was accommodating the religious rights of prisoners. PLN's comments were included in the final agency report.

Legislative Testimony

On June 26, 2008, PLN associate editor Alex Friedmann testified by invitation before the U.S. House Subcommittee on Crime, Terrorism and Homeland Security in regard to H.R. 1889, the Private Prison Information Act. This bill would extend the Freedom of Information Act (FOIA) to private prison firms that contract with federal agencies. Private prison industry lobbyists succeeded in killing the legislation; PLN is working with other organizations to introduce a similar bill in 2009.

Financial Information

January 1, 2008 though December 31, 2008

INCOME

<i>Grants</i>	
Public Welfare Foundation	\$50,000.00 ¹
Open Society Institute	\$100,000.00 ²
Sonya Staff Foundation	\$5,000.00
<i>Other income</i>	
Subscriptions and donations	\$147,420.19
Advertising	\$70,370.00
Book sales	\$49,308.11
Total income	\$422,098.30

EXPENSES

Payroll	\$264,621.00
Health Insurance	\$27,917.13
Postage	\$40,487.61
Printing	\$28,223.41
Website development	\$18,698.51
Contract labor	\$19,116.30
Internet service	\$4,563.34
Office overhead and supplies	\$46,739.78
Books	\$18,492.21
Total expenses	\$468,869.29

12 months at \$4,166.67 per month 212 months at \$8,333.34 per month

Looking Forward: Goals for the Next Two Years

PLN's goals for the next two years include hiring a full-time bookkeeper, an in-house staff attorney, a website editor, and a staff writer. A staff writer would allow us to do more investigative reporting; this tends to be time consuming and labor intensive, which is why the mainstream media rarely does in-depth reports on criminal justice issues. Censorship and public records litigation continues to consume an inordinate amount of PLN staff time, which is not reimbursable even when we win lawsuits and our attorneys are compensated. Adding a staff attorney would allow PLN to more aggressively challenge prison and jail censorship, pursue denials of public records requests, and seek reimbursement for time spent preparing litigation.

We are very pleased with the development of our website to date, and will continue improving and expanding both its content and functionality. PLN's site has become a definitive source of news and legal research for prisoner rights advocates, policy makers, academics, researchers, journalists, family members, attorneys and others. We continue to add content and will expand into multimedia and photo content over the next year. Our website traffic and content needs have progressed to the point where they require a full-time web editor to handle our online operations.

With the expected increase in PLN staff there will be a need for larger office space, and we hope to move into a new office in the Seattle area.

It will require significant outreach efforts for PLN's magazine to meet our circulation goal of 10,000. To date, direct mail samples have been the best means of reaching potential new subscribers. We expanded in size to 56 pages with the October 2008 issue, which will give our readers even more value for their subscription dollars. We also plan to modernize our mailing list program, and incorporate design changes to better assist in our mailing operations.

On the book front, we plan to expand the number of titles we distribute and enter into the book publishing field by producing reference books aimed at prisoners that are not commercially viable for other publishers.

Expanding and diversifying PLN's funding base is essential to our long-term growth and success. We are attempting to do this by increasing grant income sources, expanding our circulation and advertising income, and developing individual donors.

We see a continuing need for advocacy on behalf of prisoners, sentencing reform, and activism against our nation's policy of mass imprisonment, and plan to continue our efforts in that regard so as to further PLN's mission statement.

 **PRISON LEGAL NEWS**