



HUMAN RIGHTS DEFENSE CENTER 2013 ANNUAL REPORT

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Notable Developments

The Human Rights Defense Center, a non-profit 501(c)(3) organization founded in 1990, is the parent organization of Prison Legal News (PLN).

Throughout 2013, in cooperation with the Center for Media Justice and Working Narratives, HRDC co-coordinated and led the national Campaign for Prison Phone Justice, which seeks just and equitable rates for telephone calls made by prisoners. The Campaign successfully urged the Federal Communications Commission (FCC) to take action on the “Wright Petition” to reduce the cost of exorbitant interstate prison and jail phone calls; in a landmark decision, the FCC voted on August 9, 2013 to cap interstate prison phone rates nationwide. The order was released in September 2013 and will go into effect in early 2014.

On April 24, 2013, a federal district court in Oregon entered judgment in PLN’s favor in a suit challenging censorship due to a postcard-only policy at the Columbia County Jail. This was the first time a court had struck down as unconstitutional a jail’s postcard-only policy following a trial on the merits.

HRDC received a substantial award of *cy pres* funds in a class-action lawsuit in Washington State against prison phone companies; as a result of the award, HRDC will be launching its first statewide prison phone justice campaign in Washington.

Additionally, HRDC relocated its office from Vermont to Lake Worth, Florida, and received the Society of Professional Journalists’ First Amendment Award in 2013.

PLN – The Magazine

HRDC’s monthly publication, *Prison Legal News*, reports on corrections and criminal justice-related issues. PLN celebrated its 23rd anniversary on May 1, 2013, continuing its distinction of being the longest-running independent magazine produced by and for prisoners.

PLN published the following cover stories in 2013:

- Sharon Dolovich’s insightful examination of the deference that judges give corrections officials, “Forms of Judicial Deference in Prison Law”
- A profile of for-profit prison company LaSalle Corrections, which operates facilities in Louisiana and Texas, by Matt Clarke
- Systemic abuses in Los Angeles County’s jail system that resulted in lawsuits, a federal investigation and eventual reforms, by Mike Brodheim and Alex Friedmann
- Derek Gilna’s examination of U.S. immigration policy, including privately-operated immigration detention facilities

- A survey of prison visitation programs in all 50 states by Chesa Boudin, Trevor Stutz and Aaron Littman
- “Slowly Closing the Gates: A State-by-State Assessment of Recent Prison Closures,” by Christopher Petrella and Alex Friedmann
- Joe Watson’s in-depth look at Arizona’s prison system, including prisoner deaths, pardons and prison privatization
- “An Innocent Man Speaks” – PLN editor Paul Wright’s interview with Jeff Deskovic, who was wrongfully convicted of murder and eventually exonerated
- An examination of the history of the Prison Rape Elimination Act and the long-delayed implementation of PREA standards, by Alex Friedmann
- Prisoner deaths in San Diego County’s jail system, by Dave Maass and Kelly Davis with *San Diego CityBeat*
- An argument for more mainstream media coverage of criminal justice-related issues, by Dan Froomkin
- PLN’s second comprehensive examination of the prison phone industry, with updated state-by-state prison phone rates and commission data, by John Dannenberg and Alex Friedmann

Due to an increase in PLN’s advertising revenue in 2013, *Prison Legal News* expanded to 64 pages. PLN works hard to maintain first-rate advertisers that offer quality services and products of interest to prisoners and their families. We have a target of 25% ad content to 75% news, editorial and legal content.

PLN distributed over 25,000 free sample issues in 2013 via direct mail and at conferences and other events. PLN has approximately 9,000 subscribers in all 50 states; an estimated 70% of our subscribers are incarcerated. PLN’s print readership is around 90,000 based on reader surveys that indicate 10 people read each copy of PLN.

PLN continued to receive a large volume of mail throughout 2013. The majority of this correspondence was from prisoners, with many requesting legal assistance or sending news clippings, court decisions and other items of interest. Due to this large amount of mail, PLN is unable to respond to everyone who contacts us.

Book Distribution

BOOK SALES

HRDC offers a wide variety of books of interest to prisoners, including hard-to-find works on criminal justice topics as well as self-help legal resources designed to help prisoners who are litigating their own cases.

HRDC added several new legal reference and self-help titles to our book list in 2013, including *Nolo's Plain-English Law Dictionary* and *Complete GED Preparation*.

BOOK PUBLISHING

PLN Publishing seeks to publish quality nonfiction reference books that provide prisoners and their advocates with reliable, timely and accurate information they can use to help themselves and improve their lives. We offer the highest author royalties in publishing: 10% of the sales price of each book sold.

Our goal is to produce a new title every year; previous books published by PLN include *The Habeas Citebook: Ineffective Assistance of Counsel* by Brandon Sample, and the *Prisoners' Guerrilla Handbook to Correspondence Programs in the United States and Canada* (3rd Ed.), by Jon Marc Taylor and edited by Susan Schwartzkopf. PLN did not publish any new book titles in 2013.

PLN and HRDC Websites

During 2013 we further developed and expanded PLN's website by increasing its content and usability. The website is a continuing work in progress as we strive to improve the user interface, search functionality and other features. PLN's site (www.prisonlegalnews.org) receives over 100,000 visitors per month and has become a significant resource for media and community outreach and public education on criminal justice issues.

PLN's website currently has over 17,300 news and law articles in its searchable database. The publications section has more than 5,200 reports, audits and other documents related to criminal justice topics, and our brief bank contains almost 7,000 assorted legal pleadings – including complaints, motions, appeal briefs, verdicts, judgments and settlements in prison and jail cases.

Due to the proliferation of websites that offer free access to published court rulings, we have stopped loading new published court decisions into our site and instead are only loading unpublished rulings that are otherwise not available or difficult to find elsewhere.

HRDC's website (www.humanrightsdefensecenter.org) also was expanded and improved in 2013. We began preparing in 2013 to transition the websites for both PLN and HRDC to new and updated sites – a process that is expected to be complete in mid-2014.

HRDC Staff

HRDC's executive team includes Paul Wright, executive director and editor of PLN; Alex Friedmann, associate director and managing editor of PLN; chief financial officer and PLN advertising director Susan Schwartzkopf; and litigation project director and general counsel Lance Weber.

In June 2013, the Human Rights Defense Center moved its office from Brattleboro, Vermont to Lake Worth, Florida. While HRDC's executive team remained the same, new full-time office staff were hired – including Robert E. Jack, staff attorney; Judith Cohen, office manager; Jeff Antoniewicz, paralegal; David Ganim, prison phone justice director; Maricela Garcia, research and office assistant; and Frances Saucedo, office assistant. Carrie Wilkinson was hired in late 2013 as HRDC's prison phone justice director for Washington State.

HRDC Board of Directors

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

Rick Best – Rick Best is a not-for-profit consultant working primarily in financial management. He also practices law and was part of the legal team that litigated civil rights violations arising out of mass arrests during the 2004 Republican National Convention in New York City. He served two years in federal prison for draft resistance during the Vietnam War and was Executive Director of the National Lawyers Guild from 1992 to 1995.

Bell Chevigny – Bell Chevigny is professor emerita of literature at Purchase College, SUNY. She has served on the PEN Prison Writing Program for over twenty years, three of them as chair. The Prison Writing Program offers an annual literary competition to incarcerated men and women nationwide. With the support of a Soros Senior Justice Fellowship, she compiled *Doing Time: 25 Years of Prison Writing*, a PEN American Center Prize anthology. She has written extensively about incarcerated authors and their literary works.

Howard Friedman – Howard Friedman is the principal in the Law Offices of Howard Friedman P.C., a civil litigation firm in Boston, Massachusetts. Howard's practice emphasizes representing plaintiffs in civil rights cases, particularly cases involving law enforcement, including police misconduct and prisoners' rights litigation. Howard began his career in 1977 as a staff attorney at the Prisoners' Rights Project in Boston. He is the past President of the National Police Accountability Project of the National Lawyers Guild and served as chair of the Civil Rights Section of the Association of Trial Lawyers of America (now the American Association for Justice). He is a graduate of Northeastern University School of Law and Goddard College.

Mike Godwin – Mike Godwin is an attorney and author specializing in free speech and intellectual property issues.

Judy Greene – Judith Greene is a criminal justice policy analyst and the founding director of Justice Strategies. Previously she was the recipient of a Soros Senior Justice Fellowship. She has served as a research associate for the RAND Corporation, as a senior research fellow at the University of Minnesota Law School and as director of the State-Centered Program for the Edna McConnell Clark Foundation. From 1985 to 1993 she was Director of Court Programs at the Vera Institute of Justice.

Sheila Rule – Sheila Rule is co-founder of the Think Outside the Cell Foundation (www.thinkoutsidethecell.org). The foundation works to end the stigma of incarceration and offers programs for those who live in the long shadow of prison. She began working with this population in 2001 when she joined the Riverside Church Prison Ministry in New York City and was asked to correspond with incarcerated men and women. Inspired by their rich potential, she started the publishing company Resilience Multimedia to publish books that present a fairer image of those who have spent time behind bars. She is also on the board of Good Shepherd Services, a leading New York social services agency serving vulnerable children and families. She was a journalist at *The New York Times* for more than 30 years, including seven as a foreign correspondent in Africa and Europe, before retiring so she could embrace her current work.

Peter Sussman – Peter Sussman is an author and freelance journalist, and was a longtime editor at the *San Francisco Chronicle*. He has received numerous awards for his advocacy of media access to prisoners. He is the co-author, with prison writer Dannie M. Martin, of *Committing Journalism: The Prison Writings of Red Hog*, and wrote a chapter on the media and prisons in *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, edited by Marc Mauer and Meda Chesney-Lind.

Bill Trine – Bill Trine has been a trial lawyer for the people for 50 years, and a past president and founder of Trial Lawyers for Public Justice (TLPJ), past president of the Colorado Trial Lawyers Association and on the board of other trial lawyer groups. Bill has been the senior partner in his own law firm for many years and presently is 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 plaintiff's counsel in prison cases for several years, including numerous lawsuits arising out of a riot at a privately-operated prison in Crowley County, Colorado. Bill helped start the Gerry Spence Trial Lawyers College in 1994 and has been on the faculty and a member of the College's board since its beginning.

Paul Wright – Paul Wright is the editor of *Prison Legal News* and founder of the Human Rights Defense Center and its predecessor organization, Prisoners' Legal News. He is responsible for PLN's editorial content and HRDC's public advocacy and outreach efforts and fundraising. Mr. Wright was incarcerated for 17 years in Washington State's prison system; he was released in 2003.

Funding in 2013

HRDC received foundation support from the Open Society Institute, Funding Exchange, Irvin Stern Foundation and Sonya Staff Foundation in 2013. Foundation support and individual donations made up approximately 35% of HRDC's annual revenue, with the remainder coming from PLN subscriptions, book sales and advertising income, plus HRDC's litigation project.

PLN subscription revenue in 2013 was over \$105,000, and advertising income increased to approximately \$125,000. HRDC's book sales generated around \$85,000 in revenue.

Additionally, HRDC was awarded a total of \$1 million in *cy pres* funds in a Washington State class-action suit related to state law violations by prison phone companies between 1996 and 2000. The lawsuit, *Judd v. AT&T*, resulted in a \$46 million settlement in January 2013, which included millions of dollars in unclaimed funds for class members who had died while the case was pending or who could otherwise not be located. Dozens of non-profit organizations applied for these *cy pres* funds, and the state court granted HRDC two awards of \$500,000 each in April and August 2013.

This was HRDC's first request for *cy pres* funds in a class-action lawsuit. The original plaintiffs in the *Judd* case included HRDC executive director Paul Wright's then-wife and former HRDC board member Sandra Judd, former HRDC board member and attorney Tara Herivel (who co-edited two of PLN's mass incarceration anthologies) and Paul's mother, Zuraya Wright – whose claims in the suit were dismissed because they related to long distance rather than in-state prison phone calls.

HRDC will use the *cy pres* awards to establish its first statewide prison phone justice campaign in Washington State, with the goal of eliminating prison phone “commission” kickbacks and reducing in-state prison and jail telephone rates. HRDC began developing the campaign and making arrangements to re-open its Seattle office in late 2013.

Activism & Advocacy

HRDC staff engaged in a number of activism and advocacy efforts in 2013, to effect reform in our nation's criminal justice system and to educate the public, policymakers and mainstream media about criminal justice and prison-related issues. These efforts included:

- A three-book series, *Prison Privatization: The Many Facets of a Controversial Industry*, published in late 2012, included information from interviews with HRDC executive director Paul Wright and associate director Alex Friedmann. Prison Legal News was profiled in a chapter titled “Grassroots Efforts Against Private Prisons.”
- Millionaire media magnate and former federal prisoner Conrad Black's latest book, *A Matter of Principle*, published in late 2012, was dedicated to Paul Wright as a “loyal American friend.” PLN had published an exclusive interview with Conrad Black in September 2012.

- On January 5, 2013, former HRDC prison phone justice coordinator Mel Motel was interviewed on “Reel Talk Radio” on KJCB 770 AM in Lafayette, Louisiana about the Campaign for Prison Phone Justice.
- Mel Motel and Paul Wright were guests on “The 9 O’Clock Show with Bill Newman” on WHMP 96.9 FM in Northampton, MA on January 9, 2013 and discussed the Campaign for Prison Phone Justice. Mel also was a guest on the “Crossroads Radio Show,” WPFW 89.3 FM in Washington, DC on January 15, 2013, and discussed the Campaign.
- Paul Wright participated in a video interview on Huffington Post Live on January 15, 2013, regarding private prisons.
- On January 16, 2013, Alex Friedmann and Amalia Deloney, associate director of the Center for Media Justice, co-accepted the Digital Pioneer for Social Justice Award from the Minority Media and Telecommunications Council, on behalf of the Campaign for Prison Phone Justice. FCC Commissioner Mignon Clyburn and Martha Wright – the lead petitioner in the Wright Petition – attended the awards ceremony.
- HRDC submitted comments on January 20, 2013 to the U.S. Commission on Civil Rights regarding the Equal Employment Opportunity Commission’s enforcement guidance for criminal background checks by employers.
- HRDC signed on to a January 24, 2013 joint letter coordinated by Grassroots Leadership calling for the closure of the CCA-operated Dawson State Jail in Texas.
- On January 28, 2013, Alex Friedmann submitted comments to the Tennessee Advisory Committee to the U.S. Commission on Civil Rights on issues related to disenfranchisement and voting rights for ex-prisoners in Tennessee.
- HRDC submitted comments to the New Hampshire House Criminal Justice and Public Safety Committee on January 31, 2013, in support of legislation (HB 443-FN) to prohibit the state from housing prisoners in privately-operated facilities.
- HRDC contributed to a Prison Policy Initiative report on postcard-only mail policies being implemented at jails across the U.S., titled “Return to Sender.” The report, released on February 7, 2013, referenced several PLN lawsuits related to jail censorship issues.
- On February 7, 2013, Mel Motel testified before the New Hampshire House Criminal Justice and Public Safety Committee in support of HB 443-FN, a bill to prohibit prison privatization in that state.
- Paul Wright attended the Students United for Reform and Justice’s Culture Week, held from February 11-14, 2013 at UC Davis Law School in California, and co-presented with Professor Holly Cooper on prison phone-related issues.

- HRDC submitted comments to the Vermont House Committee on Corrections and Institutions on February 13, 2014 in support of H.28 – a bill that, among other provisions, would prohibit the state from housing prisoners in privately-operated facilities.
- On February 14, 2013, HRDC, along with over 200 other organizations, signed on to a joint letter coordinated by the Prison Policy Initiative asking the U.S. Census Bureau to end prison gerrymandering by not counting incarcerated people as residents of the facilities where they are held for census purposes.
- Paul Wright and Mel Motel attended the Rebellious Lawyering Conference (RebLaw) at Yale University on February 23, 2013, and spoke on a panel about the Campaign for Prison Phone Justice.
- HRDC and 25 other organizations signed on to comments submitted by Just Detention International to the U.S. Department of Homeland Security on February 26, 2013 concerning Prison Rape Elimination Act (PREA) standards for immigration detention facilities.
- On February 28, 2013, Alex Friedmann and U.C. Berkeley doctoral student Chris Petrella spoke on Break Thru Radio's "Third Eye Weekly" about their efforts to have the Private Prison Information Act reintroduced in Congress.
- Paul Wright, HRDC general counsel Lance Weber and former HRDC staff attorney Alissa Hull gave a presentation titled "Defending the First Amendment Against Prison and Jail Censors" at the Benjamin N. Cardozo School of Law in New York on March 11, 2013.
- Alex Friedmann participated in a panel presentation at the First Amendment Center in Nashville, Tennessee on March 15, 2013 as part of the Society of Professional Journalists' Sunshine Week, on open government issues. Other panelists included Steve Cavendish, editor of the *Nashville City Paper*, and Maria De Varenne, editor of the *Tennessean*. Alex discussed PLN's public records lawsuit against CCA.
- HRDC signed on to a March 19, 2013 letter submitted to the U.S. House and Senate Judiciary Committees, in support of releasing immigration detainees who do not need to be incarcerated and eliminating ICE's "bed mandate" to maintain 34,000 detention beds. The joint letter was coordinated by Detention Watch Network.
- Alex Friedmann spoke on March 22, 2013 to the Christian Ethics Society at Belmont University in Nashville, about the private prison industry and divestment campaigns.
- HRDC filed an extensive comment with the Federal Communications Commission (FCC) on March 25, 2013 in support of the Wright Petition, caps on prison phone rates and reform of the prison phone industry.

- HRDC signed on to an April 4, 2013 letter to U.S. Department of Homeland Security Secretary Janet Napolitano, calling for the closure of the Polk County Detention Center, an immigration detention facility in Texas. The joint letter was coordinated by Grassroots Leadership.
- On April 6, 2013, Alex Friedmann and other panelists, including Lee Petro, the attorney representing the petitioners in the Wright Petition, presented at the National Conference on Media Reform in Denver, Colorado about the Campaign for Prison Phone Justice.
- Mel Motel testified at a New Hampshire Senate Finance Committee hearing on April 9, 2013 in support of HB 443-FN – legislation to ban private prisons in the state.
- Paul Wright and Lance Weber gave a presentation on “The Constitutional Right to Communicate with Prisoners” for the Center on the Administration of Criminal Law and The Prisoners’ Rights and Education Project at New York University Law School on April 9, 2013.
- On April 14, 2013, Alex Friedmann spoke about prison privatization at the Brookmeade Congregational Church in Nashville, as part of the church’s Criminal Injustice series.
- Paul Wright participated in an April 17, 2013 Huffington Post video panel on “Jim Crow Prison,” concerning racism in California’s prison system.
- Mel Motel was a guest on the Kansas City, Missouri KKFI 90.1 FM radio show “Jaws for Justice” on April 22, 2013, and discussed the Campaign for Prison Phone Justice.
- Alex Friedmann participated in a video interview for the Public Safety and Justice Campaign on CCA’s 30-year anniversary; the interview was posted on the Campaign’s Nation Inside website on April 24, 2013.
- On April 25, 2013, Alex Friedmann spoke about private prisons on the Flaming Sword of Justice, a progressive radio show (www.flamingswordofjustice.com).
- Alex Friedmann was a guest on KBOO community radio in Portland, Oregon on April 26, 2013, and spoke about PLN’s victory in a censorship lawsuit against the Columbus County Jail.
- Mel Motel spoke on the Crossroads Radio Show, WPFW 89.3 FM in Washington, DC, about the Campaign for Prison Phone Justice; other speakers included attorney Lee Petro and Congresswoman Eleanor Holmes Norton. The show aired on April 30, 2013.
- On May 3, 2013, HRDC staff spoke to nearly thirty-five Vermont 10th graders about the Freedom of Information Act.

- Alex Friedmann presented on “The Political and Societal Impact of the Private Prison Industry” at the *Rethinking Prisons* conference at Vanderbilt University on May 5, 2013. Other panelists included Sheila Van Ness with the University of Chattanooga and Matt Whitt with Warren Wilson College.
- On May 7, 2013, Alex Friedmann and Chris Petrella were guests on the 4 Justice Now radio show, “Women Behind the Wall,” and spoke about the Private Prison Information Act.
- PLN assisted with a Prison Policy Initiative report titled “Please Deposit All of Your Money: Kickbacks, Rates, and Hidden Fees in the Jail Phone Industry,” released on May 7, 2013. Alex Friedmann was included in the report’s acknowledgements.
- On May 15, 2013, Alex Friedmann spoke at a community forum in Nashville regarding prison privatization. The event was coordinated by the Tennessee Immigrant and Refugee Rights Coalition (TIRRC), and other speakers included Carl Takei with the ACLU’s National Prison Project, Bob Libal with Grassroots Leadership, Judy Greene with Justice Strategies and representatives from TIRRC.
- HRDC signed on to a May 15, 2013 joint letter to the U.S. Senate Judiciary Committee in opposition to an amendment to a bill that would increase penalties for certain marijuana offenses committed on federal land. The letter was coordinated by the U.S. Advocacy Program of Human Rights Watch.
- Alex Friedmann attended CCA’s annual shareholder meeting in Nashville on May 16, 2013, and participated in a protest outside the meeting. He asked questions of CCA’s board members and requested a moment of silence in memory of a guard who was murdered during a riot at CCA’s Adams County Correctional Center in May 2012. CCA board chairman John Ferguson refused the request.
- Film producer Mark Faulk interviewed Alex Friedmann on May 16, 2013 for an upcoming documentary about the private prison industry.
- On May 18 and 19, 2013, Alex Friedmann spoke on two panels at the National Lawyers Guild’s Southern Conference in Nashville. He discussed prison privatization and felon disenfranchisement; other panelists included Chris Petrella, Azadeh Shahshahani with the ACLU, Desmond Meade with the Florida Rights Restoration Coalition and Sandra Enos with AID Atlanta. Alex also provided an introduction for George Barrett, a celebrated Nashville civil rights attorney.

- Alex Friedmann was interviewed by Brave New Films on June 4, 2013 on issues related to the private prison industry, for the Prison Profiteers video series – a joint project of Beyond Bars, the ACLU and *The Nation* (www.prisonprofiteers.org). He was featured in a video about CCA, Mel Motel appeared in a video on prison phone company Global Tel*Link, and PLN was credited for providing research help for the videos.
- On June 13, 2013, HRDC signed on to a joint letter to the Assistant Secretary of State for International Organization Affairs, urging the U.S. government to extend an invitation to UN Special Rapporteur on Torture Juan Mendez to undertake a fact finding visit to examine, among other things, solitary confinement practices in U.S. prisons. The sign-on letter was coordinated by the ACLU.
- HRDC joined a sign-on letter coordinated by the ACLU on June 14, 2013, asking U.S. Senators to oppose a proposed amendment to the Border Security, Economic Opportunity and Immigration Modernization Act of 2013, which would allow immigrant detainees to be incarcerated indefinitely with no time limit or opportunity for a bond hearing.
- Paul Wright was one of eight signatories to a joint statement released by the Prisoners Revolutionary Literature Fund on June 16, 2013, against censorship of the *Revolution* newspaper at California's Pelican Bay State Prison.
- From June 19-22, 2013, Paul Wright attended the Allied Media Conference in Detroit, Michigan, which included a network gathering of Nation Inside – one of HRDC's partners in the Campaign for Prison Phone Justice. He gave an update on the Campaign, announced the launch of HRDC's Washington Prison Phone Justice Campaign, participated in a strategic communications workshop with Spitfire Strategies, and presented at a workshop titled "Fighting for Prisoner Communication."
- On June 20, 2013, Alex Friedmann was one of four speakers on a teleconference call to announce the release of a report by Grassroots Leadership titled "The Dirty 30: Nothing to Celebrate About 30 Years of Corrections Corporation of America." The other speakers included Dr. Niaz Kasravi, director of the NAACP's Criminal Justice Program; Grassroots Leadership executive director Bob Libal; and Joshua Miller with AFSCME. Alex assisted with the report and was mentioned in the acknowledgements.
- Alex Friedmann and HRDC prison phone justice director David Ganim attended an FCC workshop on prison phone rates at the agency's headquarters in Washington, DC on July 10, 2013. Alex participated in a panel discussion with National CURE co-director Charlie Sullivan, Virginia Delegate Patrick Hope and several other panelists. Other speakers at the workshop included FCC Commissioner Mignon Clyburn, U.S. Rep. Bobby Rush and Congresswoman Eleanor Holmes Norton.

- PLN sent letters to Tennessee Department of Correction Commissioner Derrick Schofield on July 16, 2013 and September 19, 2013 regarding racial disparities in honor units at the Northeast Correctional Complex. PLN had filed public records requests to obtain statistical data regarding the racial breakdown of the population in the units, which indicated that black prisoners were disproportionately underrepresented.
- HRDC signed on to a July 22, 2013 joint letter to members of Congress in support of the creation of a task force to review the unprecedented growth of the federal prison system. The letter was coordinated by the U.S. Advocacy Program of Human Rights Watch.
- Film producer Stephen Newton interviewed Alex Friedmann on July 25, 2013 for an upcoming film titled “Outcasts: Surviving the Culture of Rejection.” The film addresses the issue of recidivism in Tennessee and is expected to be released in early 2014 (www.cultureofrejection.org).
- Alex Friedmann spoke and answered questions at a forum on criminal justice topics at the Christ United Methodist Church on July 28, 2013 in Franklin, Tennessee.
- On July 29, 2013, Alex Friedmann participated in a protest at CCA’s headquarters in Nashville in support of the Dream 9, a group of immigration reform activists who were incarcerated at CCA’s Eloy facility in Arizona. The protest action included delivering a letter to CCA vice president Steve Owen.
- On August 5, 2013, HRDC signed on to a joint letter to Immigration and Customs Enforcement to protest ICE’s suspension of community-based visitation programs at three detention facilities in Southern California due to public criticism of mistreatment of LGBT detainees. The letter was coordinated by the ACLU of Southern California.
- HRDC and 50 other organizations signed on to an August 15, 2013 letter opposing the construction of a for-profit prison in McAllen, Texas. The joint letter was coordinated by Grassroots Leadership.
- On August 16, 2013, David Ganim attended the 2013 Florida Rights Restoration Coalition convening in Orlando, and networked with other Florida-based organizations working on criminal justice-related issues.
- HRDC submitted a letter to the California Assembly Appropriations Committee on August 26, 2013 in support of Senate Bill 716, to require jails and other detention facilities in California to adopt policies consistent with the national Prison Rape Elimination Act (PREA) standards.

- On August 28, 2013, HRDC submitted a letter to U.S. Senator Patrick Leahy, Chairman of the Senate Judiciary Committee, regarding the federal Bureau of Prisons' plan to transfer female prisoners from a facility in Danbury, Connecticut to a newly-opened prison in Aliceville, Alabama. HRDC expressed concerns about the impact the transfer would have on prisoners' ability to receive visits from their family members.
- Alex Friedmann was a speaker on a September 19, 2013 media call announcing the release of a report by In The Public Interest (ITPI) on private prison bed guarantees. Other speakers included former Oklahoma DOC director Justin Jones, ITPI staffer Shar Habibi, and Michael McBride with Urban Strategies and Lifelines to Healing.
- HRDC and 25 other organizations submitted a joint letter on September 24, 2013 to the U.S. House Subcommittee on Commerce, Justice and Science in support of funding for the Charles Colson Task Force on Federal Corrections, to conduct a review of the rapidly growing federal prison system. The letter was coordinated by Justice Fellowship.
- On October 3, 2013, Paul Wright presented at the Media Justice Criminal Justice Workshop at the Nathan Cummings Foundation in New York City. The event, on media justice and prison phone-related issues, was sponsored by the Center for Media Justice, HRDC, Working Narratives and Alternate ROOTS.
- Paul Wright presented at the Cleveland State University College of Law on October 16, 2013 on "Prisons, Power and Policy in the Twenty-First Century."
- On October 17, 2013, after receiving letters from nine prisoners at the Tennessee Prison for Women, PLN contacted the Tennessee Department of Correction to express concerns about issues raised in the letters, including allegations of sexual misconduct and verbal abuse by prison staff, insufficient toilet paper and sanitary napkins, inadequate medical and dental care, and a lack of comparable programs offered in men's prisons.
- Paul Wright presented at the University of Illinois at Urbana-Champaign on October 18, 2013, on issues related to mass incarceration and socioeconomic disparities in our nation's criminal justice system.
- On October 28, 2013, HRDC and eleven other organizations signed on to a letter submitted to Attorney General Eric Holder regarding efforts by the Department of Justice to remove restrictions that prevent Victims of Crime Act (VOCA) grantees from providing services to victims of violence who are incarcerated. The joint letter was coordinated by the Raising the Bar Coalition, of which HRDC is a member.
- Alex Friedmann attended the National Commission on Correctional Health Care (NCCHC) conference in Nashville from October 28-30, 2013; he attended several panels on prison medical care and took a tour of the Deberry Special Needs Facility. Following the conference, he wrote an article about the use of telemedicine in prisons.

- On November 14, 2013, Alex Friedmann attended a Tennessee Department of Correction Family and Friends Forum in Nashville, questioned state prison officials and spoke with TDOC Commissioner Derrick Schofield about issues of concern in Tennessee's prison system. He also wrote a debrief regarding the event, which was distributed to prisoners and prisoners' family members.
- Grassroots Leadership released a report on prisoners held in out-of-state private prisons, titled "Locked Up & Shipped Away," on November 20, 2013. Alex Friedmann contributed to the report and was mentioned in the credits; the report also referenced two PLN articles.
- PLN sent a letter to the Tennessee Department of Correction on November 26, 2013 to express concern about changes in the prison system's formulary; i.e., the removal of certain medications from the formulary and requiring prisoners to purchase those medications from the prison commissary. PLN noted that 10 of the 14 members of the TDOC committee responsible for the formulary change were employed by private, for-profit contractors, including CCA and Corizon.
- Alex Friedmann was interviewed for the radio program "Making Contact" (www.radioproject.org). The show aired on December 3, 2013 as "2013: The Year the Prison System Changed?"
- On December 5, 2013, Alex Friedmann was a panelist on a live radio program, "Your Call," on KALW public radio in San Francisco. Other panelists included *Palm Beach Post* reporter Pat Beall, *Huffington Post* writer Chris Kirkham and a spokesman for California's prison system. The topic was prison privatization and California's transfer of more than 8,000 prisoners to out-of-state private prisons.
- PLN sent a letter to Tennessee Department of Correction Commissioner Derrick Schofield on December 7, 2013 in reference to the TDOC rebidding its prison phone contract. The letter requested that the TDOC forgo prison phone commissions and base its new prison phone contract on the lowest cost to prisoners and their families.
- Alex Friedmann gave three presentations on private prison-related issues at the Public Safety and Justice Campaign's annual strategy session on December 12, 2013 in Washington, DC. HRDC is a member of the Campaign.

Media Outreach

HRDC continued to make the news in 2013, including articles that mentioned PLN or quoted PLN staff. This media coverage included daily newspapers, magazines, radio programs and TV shows. Further, HRDC issued 13 press releases in 2013. The following compilation of news reports does not include articles about HRDC's litigation and is not a complete list, but is illustrative of media coverage that PLN and HRDC received during the past year:

- A PLN article on prison closures was cited in a *Voice of Detroit* article about Michigan's prison and parole reforms on January 9, 2013.
- On January 23, 2013, HRDC and UC Berkeley doctoral student Chris Petrella were mentioned in a *Huffington Post* article about the Private Prison Information Act.
- HRDC was mentioned in a January 24, 2013 news report on CBS 11-Dallas as one of several organizations calling for the closure of the Dawson State Jail in Dallas, Texas.
- PLN's prison phone survey data was mentioned in a January 25, 2013 McClatchy article about the FCC taking action on prison phone rates.
- PLN was mentioned in a January 30, 2013 article in the *A&T Register* regarding the FCC's action to lower prison phone rates.
- In a February 3, 2013 article about a \$45 million class-action settlement against AT&T involving prison phone services, the *Seattle Times* mentioned the lawsuit had been filed by family and friends of HRDC executive director Paul Wright.
- A February 7, 2013 *Forbes* article mentioned PLN managing editor Alex Friedmann and Chris Petrella in reference to their efforts to have the Private Prison Information Act reintroduced by U.S. Rep. Sheila Jackson Lee.
- RT (Russian Television) quoted from a PLN article on elderly prisoners in a February 14, 2013 news report about a 73-year-old ex-offender who robbed a bank so he could return to prison.
- Alex Friedmann's editorial on prison privatization in Michigan was published on www.mlive.com on February 15, 2013.
- On March 19, 2013, Paul Wright was quoted by the BBC in an article about the most daring prison escapes.
- Alex Friedmann was quoted in the *Nashville Post* on March 21, 2013 about CCA excluding his shareholder resolution related to the company's restructuring as a real estate investment trust (REIT). "Should CCA's REIT conversion turn out badly, as did the company's first attempt to become a REIT, the company and its board cannot claim they were unaware that they should have fully informed shareholders about CCA's history with respect to REITs," he stated.
- Courthouse News Service (CNS) cited PLN in an article about the U.S. criminal justice system on April 12, 2013, after CNS webpage editor Robert Kahn visited PLN's office in Vermont.

- On April 12, 2013, Alex Friedmann was quoted in an article in *Barron's* regarding falsified staffing records at a CCA-operated prison in Idaho. "Based on the findings by the Idaho Department of Correction and CCA's own admissions, every single jurisdiction that contracts with CCA should conduct an audit to ensure contractual compliance and adequate staffing at facilities operated by the company," he said.
- In May 2013, *The American Reader* profiled PLN in an article on censorship by prison officials; the article was also posted on www.salon.com.
- Alex Friedmann was quoted in the *Clarion Ledger* on May 13, 2013 regarding a riot and the murder of a prison guard at the CCA-operated Adams County Correctional Center in Mississippi.
- On May 16, 2013, Alex Friedmann was quoted on Channel 5 News (Nashville) about a protest with other activists outside CCA's headquarters during the company's 2013 annual shareholder meeting.
- Alex Friedmann was quoted in a May 16, 2013 *Associated Press* article regarding the resignation of the warden at a scandal-plagued CCA prison in Idaho.
- Paul Wright was quoted in a May 17, 2013 article on www.mashable.com about a federal prisoner being placed in segregation for using social media.
- A May 17, 2013 article in the *Clarion Ledger* quoted Alex Friedmann regarding the death of a CCA guard during a riot and CCA's refusal to honor a 30-second moment of silence at the company's annual shareholder meeting. "In that one meeting CCA would not give 30 seconds of respect," he noted. "It speaks volumes how the company thinks of its employees and how it treats them."
- Alex Friedmann was cited in a May 23, 2013 *Nashville Post* article about his criticism of a private prison study conducted by professors at Temple University; he contended the study did not adequately disclose it was funded by private prison companies.
- On May 30, 2013, Alex Friedmann was interviewed by WSMV Channel 4 in Nashville for a news report on Tennessee prisoners using contraband cell phones to post photos and videos on Facebook.
- Alex Friedmann was quoted in a *Nashville Post* article on June 19, 2013 about CCA losing its contract to operate the Idaho Correctional Center.
- A June 21, 2013 article in the *Houston Press* quoted Alex Friedmann in regard to a report released by Grassroots Leadership titled "The Dirty Thirty: Nothing to Celebrate About 30 Years of Corrections Corporation of America."

- Paul Wright and Alex Friedmann were quoted in a July 4, 2013 *Tennessean* article about JPay, a for-profit company that charges a fee for prisoners' families and friends to deposit money in prison accounts, with the state receiving a cut of the fee revenue.
- In a July 10, 2013 *Legal Times* article, Alex Friedmann was quoted in regard to the FCC's vote to cap interstate prison phone rates.
- On July 16, 2013, Alex Friedmann was quoted in the *Atlanta Daily World* concerning CCA's increasing profits while a growing number of blacks and Hispanics are being sent to prison.
- Alex Friedmann was interviewed for an August 5, 2013 news report by WSMV Channel 4 in Nashville on the sale of e-cigarettes in jails.
- An August 8, 2013 article in the *Washington Post* mentioned PLN's prison phone research and its relevance to the FCC decision to lower prison phone rates.
- On August 9, 2013, Alex Friedmann was interviewed by WSMV Channel 4 in Nashville regarding prison phone-related issues and the FCC's vote to cap the cost of interstate prison phone calls.
- The *U-T San Diego* paper quoted Paul Wright in an August 10, 2013 article about postcard-only policies being implemented at county jails.
- An August 14, 2013 article in the *Phoenix New Times* highlighted PLN's cover story on the Arizona Department of Corrections by PLN contributing writer Joe Watson, and quoted Alex Friedmann.
- Alex Friedmann was quoted in an August 19, 2013 *Rolling Stone* article about the FCC's long-awaited vote to lower prison phone rates. "Rather than being the end of a very lengthy decade-long campaign," he said, "it's the beginning of a longer struggle to ensure additional reforms of the prison phone industry."
- On September 8, 2013, Alex Friedmann was quoted in a *StarNews* article about the high cost of prison phone calls and the FCC's vote to cap interstate phone rates.
- An article in the *Intelligencer Journal* on September 14, 2013 mentioned PLN and HRDC in reference to the FCC's decision to lower interstate phone rates.
- Paul Wright was quoted in *Neiman Reports* (Harvard University) on September 18, 2013 regarding the need for journalists to cover more criminal justice stories. "Normally well-intentioned or hard-nosed journalists, they tend to take statements by prison officials or government officials at face value, with no type of critical disbelief," he stated.

- On September 19, 2013, Alex Friedmann was quoted in *The Daily Advertiser* regarding private prison bed guarantees in Louisiana.
- Alex Friedmann was quoted in an article on private prison bed guarantees by PR Watch on September 20, 2013.
- An October 1, 2013 article in *The Nation* quoted Alex Friedmann in reference to prisons being big business. “It’s like the hotel industry,” he said. “The hotel industry wants to keep their beds full as much as possible, because it means more revenue. Same thing for the private prison companies.”
- The *Tampa Bay Times* quoted Paul Wright in an October 4, 2013 article about privatized prison medical care.
- On October 18, 2013, *Courthouse News Service* quoted Paul Wright in an article about the lack of air conditioning and brutal heat that killed 14 prisoners in Texas.
- Alex Friedmann was quoted by WSMV Channel 4 in Nashville on October 18, 2013, concerning high levels of violence in Tennessee prisons.
- The *Orlando Sentinel* quoted Alex Friedmann on October 19, 2013 about two Florida prisoners who had escaped using forged court documents.
- On October 22, 2013, Alex Friedmann was quoted by WCPO in Cincinnati about the lack of inspections to ensure that Ohio jails meet state standards. “Who’s guarding the guards or who’s watching the watchers?” he asked. “When there is no oversight, conditions tend to deteriorate.”
- The *Lewiston Tribune* quoted Alex Friedmann on October 25, 2013 concerning the violence-prone CCA-operated Idaho Correctional Center.
- In the October 25-27, 2013 weekend edition of *Counterpunch*, PLN’s cover story on the Prison Rape Elimination Act was mentioned in regard to sexual abuse of juvenile offenders.
- A rebuttal editorial by Alex Friedmann, in response to an earlier editorial by CCA vice president Harley Lappin, was published by the *Tennessean* on October 26, 2013. Alex’s editorial was also cited by *In These Times*, which identified him as being affiliated with “the ruthless and indispensable newsletter and website, Prison Legal News.”
- Alex Friedmann was quoted in an October 26, 2013 article in the *Palm Beach Post* about dubious cost savings by privately-operated prisons in Florida.
- Paul Wright and PLN contributing writers David Reutter and Chris Zoukis were quoted in an October 31, 2013 article in *The American Reader* on misconceptions about life in prison.

- PLN was mentioned and Paul Wright was quoted in a November 4, 2013 article in *The Militant* on prison censorship issues.
- On November 6, 2013, Alex Friedmann was quoted in a lengthy *Worcester Telegram* article about the evils of prison privatization.
- Alex Friedmann was interviewed by WSMV Channel 4 in Nashville for a November 12, 2013 news report on a violent cell extraction at a Tennessee state prison.
- A November 12, 2013 article on www.takepart.com cited a PLN cover story about prison food.
- RT (Russian Television) interviewed Alex Friedmann on November 15, 2013 for a news report on private prison companies.
- *Linke Zeitung*, a German publication, quoted Alex Friedmann in a November 29, 2013 article about the private prison industry.
- The *Palm Beach Post* quoted Paul Wright in a December 1, 2013 article about prisoners used on community work crews in Florida. “That sounds like plain old exploitative slavery to me,” he said. “I don’t think exploiting people makes any kind of work ethic.”
- HRDC was mentioned in a brief December 3, 2013 *Nashville Post* article about Alex Friedmann’s shareholder resolution filed with CCA to reduce prison phone rates at the company’s for-profit facilities.
- On December 12, 2013, Alex Friedmann was quoted in the *Tennessean* about the high costs of phone calls in Tennessee’s prison system.
- Alex Friedmann’s letter to the editor on housing Vermont prisoners in out-of-state private prisons, in response to a previous letter by CCA spokesman Steve Owen, was published by the *Valley News* on December 14, 2013.
- PLN was cited in a *City Paper* (Pennsylvania) article on December 19, 2013, regarding prisoners’ access to public records.
- The *Daily Business Review* profiled PLN on December 20, 2013 in an article about a censorship suit filed by HRDC against the St. Lucie County Jail in Florida.
- On December 26, 2013, the *Broward/Palm Beach New Times* published a profile of PLN and PLN editor Paul Wright.

Litigation Project

Attorneys with HRDC's Litigation Project provide co-counsel in all censorship and public records lawsuits involving Prison Legal News. HRDC general counsel Lance Weber also co-counsels select cases involving prisons and jails with other civil rights attorneys across the country. All of HRDC's litigation has a public education and media component that furthers our advocacy efforts with respect to criminal justice reform and prisoners' rights.

HRDC continues to be heavily involved in litigation, primarily due to censorship issues related to PLN the magazine and PLN book distribution efforts, as well as denials of our public records requests. PLN litigation continued to generate media coverage in 2013, including articles in the *Washington Post*, *Associated Press*, *Dallas Morning News*, ABC News, *Valley News* (NH), *Corrections.com*, *Times News* (TN), *Gilmer Mirror* (TX), *Longview News-Journal* (TX), *Las Vegas Review-Journal*, *Courthouse News Service*, *Journal Sentinel* (WI), New England First Amendment Coalition, *VT Digger*, *Burlington Free Press*, *Nashville City Paper* and *News Journal* (TX).

HRDC's 2013 litigation docket included the following cases; cases that were both filed and resolved during the year are listed in the "Cases Resolved" section.

NEW CASES FILED IN 2013

CCA Public Records Case in Texas: PLN filed suit in the District Court of Travis County, Texas in May 2013, alleging that Corrections Corporation of America had failed to respond to public records requests. PLN had requested a number of records from CCA, including contracts between the company and state and local government agencies, as well as settlements, verdicts and judgments entered against CCA in Texas. PLN contended that CCA was the functional equivalent of a government agency performing the inherently public service of operating prisons and jails, and thus must comply with Texas' public records statute. CCA operates nine facilities in Texas, including four that house state prisoners. PLN is represented by attorneys Cindy Saiter Connolly with Scott, Douglass & McConnico, LLP and Brian McGiverin with the Texas Civil Rights Project. The case is *Prison Legal News v. CCA*.

Kenosha County, Wisconsin Jail Censorship Suit: PLN filed suit against Kenosha County, Wisconsin and the Kenosha County Sheriff's Office on June 27, 2013; the complaint alleges that the county jail censored PLN's books and magazine. In conjunction with the suit, PLN filed a motion for a preliminary injunction. PLN is represented by the Chicago law firm of Loevy & Loevy and HRDC general counsel Lance Weber. The case is *Prison Legal News v. Beth*.

Nevada Department of Corrections Censorship Case: PLN filed a federal lawsuit against the Nevada Department of Corrections on June 27, 2013. The complaint accuses state prison officials of

censoring PLN's books, magazines and correspondence pursuant to their "approved vendors" and "unauthorized correspondence" policies, as well as policies that prohibit the use of address labels and require books to be sent to prisoners via first class mail. In 2000, the Nevada Department of Corrections had settled a censorship suit filed by PLN over similar issues, and agreed that prisoners "shall be permitted to subscribe to the publications of their choice." PLN is now seeking declaratory and permanent injunctive relief, as well as damages and payment of attorneys' fees and costs, and has moved to hold the Nevada Department of Corrections in contempt for violating the prior settlement agreement. PLN is represented by Staci Pratt and Allen Lichtenstein, attorneys with the Nevada ACLU; Ernest Galvan with the San Francisco law firm of Rosen Bien Galvan & Grunfeld; and HRDC general counsel Lance Weber. The case is *Prison Legal News v. Cox*.

CCA Public Records Case in Vermont: PLN filed suit in Superior Court in Vermont on June 7, 2013, alleging that by housing and overseeing Vermont prisoners, CCA is a "public agency" as defined by the state's public records law and thus is required to comply with public records requests. The lawsuit was filed after CCA failed to respond to PLN's records request related to its incarceration of Vermont prisoners in out-of-state facilities. PLN has asked the court to declare that CCA is a "public agency" for purposes of Vermont's public records law; the suit also seeks reimbursement of costs and attorneys' fees. CCA filed a motion to dismiss, which remained pending at the end of 2013. PLN is represented by ACLU of Vermont staff attorney Dan Barrett. The case is *Prison Legal News v. CCA*.

Comal County, Texas Jail Censorship Suit: PLN filed suit in federal court against Comal County, Texas on July 8, 2013. The lawsuit alleges that the county jail censored PLN's books, magazines and correspondence without adequate due process; a motion for a preliminary injunction was filed, but was mooted in September 2013 after the jail changed its mail policy. PLN is represented by attorneys James Harrington and Brian McGiverin with the Texas Civil Rights Project and HRDC general counsel Lance Weber. The case is *Prison Legal News v. Holder*.

St. Lucie County, Florida Jail Censorship Case: PLN filed a federal lawsuit against Sheriff Ken J. Mascara and the St. Lucie County Jail in Florida on December 17, 2013. The complaint alleges that the jail has a policy which prohibits prisoners from receiving any mail except postcards, including a prohibition on magazines and books. The suit seeks declaratory and injunctive relief as well as nominal and compensatory damages. PLN is represented by attorneys Randall Berg and Dante Trevisani with the Florida Justice Institute, and HRDC general counsel Lance Weber and staff attorney Robert Jack. The case is *Prison Legal News v. Mascara*.

Virginia Beach Correctional Center Censorship Suit: On July 30, 2013, PLN filed suit in federal court against Sheriff Kenneth Stolle and the Virginia Beach Correctional Center – the largest jail in the Commonwealth of Virginia. The lawsuit alleges that the jail censored PLN's books, magazine and correspondence without adequate due process, in violation of the First and Fourteenth

Amendments. “Government officials, including those in the Virginia Beach Sheriff’s Office, should not be in the business of unconstitutionally censoring the publications citizens can read, even if those citizens are incarcerated – including those who have not been convicted and are ‘presumed innocent,’” said HRDC executive director Paul Wright. PLN is represented by Charlottesville attorneys Jeffrey E. Fogel and Steven D. Rosenfield, plus HRDC general counsel Lance Weber. The case is *Prison Legal News v. Stolle*.

Sullivan County, Tennessee Jail Censorship Case: PLN filed suit in federal court against Sheriff Wayne Anderson and the Sullivan County Jail on October 10, 2013. The lawsuit alleges that prisoners can only send and receive postcards, which prevents them from receiving PLN’s magazines and books in violation of the First and Fourteenth Amendments. In addition to the complaint, PLN filed a motion for a preliminary injunction to prohibit enforcement of the jail’s restrictive mail policy. PLN is represented by Tricia Herzfeld with the Nashville firm of Ozment Law, and by HRDC general counsel Lance Weber. The case is *Prison Legal News v. Anderson*.

Wrongful Death Case in Washington State: HRDC co-counseled with a Seattle law firm to represent the estate and minor children of Ricardo Mejia, a 26-year-old Washington State prisoner who died as a result of the deliberate indifference of prison medical staff. Mr. Mejia suffered a horrible, painful death in January 2011 due to sepsis, septic shock and untreated necrotizing fasciitis (commonly known as flesh-eating bacteria). After pre-litigation settlement discussions with the state, a wrongful death suit was filed in December 20, 2013 in Thurston County Superior Court alleging systemic failures by prison medical staff. The case is expected to settle in early 2014 pursuant to the pre-litigation discussions. Mejia’s estate and two minor children are represented by Jesse Wing with the law firm of MacDonald Hoague & Bayless, and HRDC general counsel Lance Weber. The case is *Soria v. Washington State Department of Corrections*.

PRIOR CASES STILL PENDING IN 2013

Columbia County, Oregon Jail Censorship Case: PLN filed suit in federal court against Columbia County, Oregon on January 13, 2012. The lawsuit alleges that the jail censored PLN’s magazines and correspondence pursuant to a postcard-only policy and ban on magazines, and failed to provide adequate due process notice when publications were censored in violation of the First and Fourteenth Amendments. The court issued a preliminary injunction against the jail in May 2012, suspending its postcard-only policy and ordering jail officials to deliver magazines to prisoners. On April 24, 2013, following a bench trial, the district court found that the postcard-only policy at the Columbia County jail was unconstitutional and entered a permanent injunction. This was the first time in American history that a court had struck down a jail’s postcard-only policy following a trial on the merits. The county and PLN subsequently settled the damages claims still at issue in the

lawsuit. The county filed a notice of appeal which remained pending at the end of 2013, and PLN's motion for attorneys' fees and costs also remained pending. PLN is represented by attorneys Jesse Wing and Katherine Chamberlain of MacDonald Hoague and Bayless, Marc D. Blackman with the Portland law firm of Ransom Blackman, LLP and HRDC attorney Lance Weber. The case is *Prison Legal News v. Columbia County*.

CCA Wrongful Death Suits in Hawaii: HRDC filed separate lawsuits against Corrections Corporation of America over the deaths of two Hawaiian prisoners at CCA's Saguaro Correctional Center in Arizona. Because the State of Hawaii contracts with CCA to house prisoners in Saguaro, the State of Hawaii and the Hawaii Department of Public Safety were also named as defendants. The family of Bronson Nunuha sued CCA on February 15, 2012; Nunuha had been placed in a controversial behavior modification program at the CCA-run prison, where he was brutally murdered by two members of a rival gang. Clifford Medina's family sued CCA on May 23, 2012; Medina was housed in a segregation cell with another prisoner who threatened to kill him and eventually strangled him to death. The lawsuits claim that the deaths were due to understaffing, deliberate indifference to prisoners' safety and CCA's negligence in running the Saguaro facility. The Nunuha and Medina families are represented by HRDC, the San Francisco law firm of Rosen Bien Galvan & Grunfeld, LLP and the Hawaii ACLU. The cases are *Estate of Nunuha v. State of Hawaii* and *Estate of Medina v. State of Hawaii*.

Walton County, Georgia Jail Censorship Case: PLN filed a federal lawsuit against Walton County, Georgia on September 21, 2012. The complaint accuses the Walton County jail of censoring PLN's books, magazines and correspondence due to a postcard-only policy and a ban on books and magazines. The district court granted in part and denied in part PLN's motion for a preliminary injunction on March 26, 2013, and a trial is scheduled in February 2014. PLN is represented by attorneys Brian Spears, Gerry Weber, Jeff Filipovits and Andrew Wan, as well as HRDC general counsel Lance Weber. The case is *Prison Legal News v. Chapman*.

Livingston County, Michigan Jail Censorship Suit: PLN filed suit against Livingston County, Michigan and Sheriff Bob Bezotte on August 9, 2011. The federal lawsuit alleges that the county jail "adopted and implemented written mail policies and practices that unconstitutionally restrict correspondence to prisoners via postcards only..." and raises claims under the First and Fourteenth Amendments. The defendants filed a motion for summary judgment on December 5, 2013, which remains pending. PLN is represented by attorneys Thomas M. Loeb, Brian J. Prain and Daniel E. Manville, plus HRDC general counsel Lance Weber. The case is *Prison Legal News v. Bezotte*.

Pinal County, Arizona Jail Censorship Suit: On September 7, 2011, PLN filed suit against Pinal County, Arizona and Sheriff Paul Babeu challenging the county jail's ban on all books, magazines and non-postcard mail, and the denial of due process when such mail is censored. After the lawsuit

was filed, the county claimed that the censorship was a “mistake.” On March 20, 2013, the district court granted in part and denied in part the parties’ cross motions for partial summary judgment. In May 2013, PLN filed an interlocutory appeal to the Ninth Circuit Court of Appeals. PLN is represented by Dan Pochoda with the Arizona ACLU, the San Francisco law firm of Rosen Bien Galvan & Grunfeld, LLP, and HRDC general counsel Lance Weber. The case is *Prison Legal News v. Babeu*.

Florida Statewide Ban on *Prison Legal News*: On November 17, 2011, PLN filed suit challenging a statewide ban on *Prison Legal News* by the Florida Department of Corrections (FDOC); the ban is purportedly based on PLN’s advertising content, including pen pal ads. PLN previously sued the FDOC over a similar policy in 2003, but that case was dismissed as moot after the defendants changed their policy just before trial and assured the court that PLN would not be banned based on its advertisements. Private prison companies GEO Group and Corrections Corporation of America are also named as defendants in this case, as they also censor *PLN* at their Florida facilities. Although set for trial in August 2013, the trial was postponed by the court and the case remained pending at the end of 2013. PLN is represented by Randall Berg, Josh Glickman and Dante Trevisani with the Florida Justice Institute, Randall Marshall with the Florida ACLU, and HRDC general counsel Lance Weber. The case is *Prison Legal News v. Crews*.

CCA Infant Wrongful Death Suit in Tennessee: On November 17, 2011, HRDC and attorneys Andrew Clarke and Luther Sutter filed lawsuits in federal and state court in Tennessee on behalf of former prisoner Countess Clemons and the estate of Roland Clemons, her deceased infant child. The suits claim that Corrections Corporation of America was deliberately indifferent to Ms. Clemons’ serious medical needs when CCA employees at the Silverdale Detention Facility in Chattanooga, where Ms. Clemons was incarcerated, did not timely take her to a hospital when she began experiencing preterm labor. Upon arrival at the hospital over five hours after she first requested assistance from CCA staff, her son Roland was born but died shortly afterward. The state court cases were dropped in 2013 and the federal lawsuits remain pending; the latter cases are *Clemons v. CCA* and *Luhowiak v. Smith*.

BOP FOIA Suit: In September 2005, PLN filed a Freedom of Information Act (FOIA) suit in the District of Columbia against the federal Bureau of Prisons, seeking records related to all cases over a multi-year period in which the BOP paid any funds to resolve claims or lawsuits. The BOP responded to PLN’s FOIA request by trying to charge a ridiculous amount of money to search for and copy the requested records. The district court ruled in PLN’s favor on June 26, 2006 and ordered the BOP to provide the records at no charge. The BOP produced some of the requested records but most were redacted or incomplete. In March 2009, the court ordered the BOP to “conduct anew its searches for the records sought by plaintiff,” or to demonstrate the adequacy of its search. PLN filed five motions for summary judgment in this case; on July 23, 2013 the district court granted summa-

ry judgment to the defendants. PLN appealed to the DC Circuit Court of Appeals in August 2013, and also has moved for attorneys' fees and costs as the prevailing party, because the suit resulted in the BOP producing the requested records. PLN was represented before the district court by Washington, DC attorney Ed Elder, the Partnership for Civil Justice and HRDC general counsel Lance Weber. On appeal, PLN is represented by the Washington, DC law firm of Davis Wright Tremaine, LLP and HRDC general counsel Lance Weber. The case is *Prison Legal News v. Samuels* (previously *Prison Legal News v. Lappin*).

Orleans Parish, Louisiana Jail Censorship Case: On September 9, 2011, PLN filed suit against the Orleans Parish Jail in New Orleans, Louisiana, challenging the jail's ban on books and magazines and the denial of due process notice when such reading materials are censored. The Orleans Parish Jail entered into a consent judgment and changed its mail policies in December 2011, and settled the case by paying damages in September 2012. The issue of attorneys' fees and costs remained pending as of the end of 2013. PLN is represented by New Orleans attorneys Mary Howell, Elizabeth Cumming and John Adcock, and HRDC general counsel Lance Weber. The case is *Prison Legal News v. Gusman*.

CASES RESOLVED IN 2013

CCA Public Records Case in Tennessee: In May 2008, PLN managing editor Alex Friedmann sued Corrections Corporation of America in state court under Tennessee's public records act, seeking disclosure of certain records related to CCA's operation of prisons and jails in Tennessee. The trial court held, for the first time, that a private prison company was subject to the state's public records statute, and CCA appealed. In August 2009 the Court of Appeals found that CCA was the functional equivalent of a state agency and therefore subject to the public records law; in a revised ruling on September 16, 2009, the appellate court clarified that the records requested by PLN were subject to disclosure for all but one CCA-operated state prison in Tennessee. On remand, the trial court held on December 1, 2011 that CCA must disclose the remaining records at issue in the case, including verdicts and settlements in lawsuits against the company. CCA again appealed and the Court of Appeals affirmed on February 28, 2013, holding the company must produce the requested records. Following remand, CCA settled the case in May 2013 by producing the records and paying attorney's fees. Alex was represented by Memphis attorney Andrew Clarke; the case was *Friedmann v. CCA*.

Umatilla County, Oregon Jail Censorship Case: PLN filed suit in federal court against Sheriff John Trumbo and the Umatilla County Jail in Oregon in June 2012. The jail had adopted and implemented a policy that restricted correspondence to and from prisoners to postcards only. The policy also prohibited the delivery of books, catalogs, newspapers and magazines that had not been pre-approved by the jail, and did not afford due process when publications and correspondence were rejected. PLN accepted an offer of judgment by the county to resolve PLN's damages claims in

August 2012, after the jail had changed its mail policy. On May 16, 2013, the district court awarded attorneys' fees and costs to PLN. PLN was represented by HRDC general counsel Lance Weber and former staff attorney Alissa Hull, Jesse Wing and Katherine Chamberlain with the Seattle law firm of MacDonald Hoague & Bayless, and Marc D. Blackman with the Portland firm of Ransom Blackman, LLP. The case was *Prison Legal News v. Umatilla County*.

Upshur County, Texas Jail Censorship Suit: In November 2012, PLN filed suit seeking injunctive and declaratory relief, damages and attorneys' fees and costs against the Upshur County Jail in Texas for censoring magazines, periodicals and mail addressed to prisoners, in violation of the First and Fourteenth Amendments. PLN simultaneously filed a motion for a preliminary injunction, asking the court to prohibit the jail from continuing to censor publications sent to prisoners. On September 30, 2013, the district court granted PLN's motion for a preliminary injunction, finding: "The evidence suggests that at least some of PLN's correspondence with prisoners has been withheld from its intended recipients, depriving Plaintiff of its First Amendment rights without due process of law." The case settled in December 2013 with the county agreeing to pay damages, attorneys' fees and costs. PLN was represented by attorneys Thomas S. Leatherbury, Sean W. Kelly, Kimberly R. McCoy and Marissa A. Wilson with the Dallas law firm of Vinson & Elkins, LLP, Scott Medlock and Brian McGiverin with the Texas Civil Rights Project, and HRDC general counsel Lance Weber. The case was *Prison Legal News v. Betterton*.

Wrongful Death Suit in Pennsylvania: HRDC attorneys co-counseled with Jonathan Feinberg at the Philadelphia firm of Kairys Rudovsky Messing Feinberg in a case involving the suicide of a prisoner at a privately-operated jail facility. The case resolved pre-litigation pursuant to a confidential settlement that was finalized in October 2013.

AMICUS BRIEFS

HRDC joined in an amicus brief submitted to the New Hampshire Supreme Court of Appeals on December 23, 2013 in *John Doe v. State of New Hampshire*. This case involves the issue of sex offender registries, and how such registries constitute a form of punishment applied to offenders who already have low recidivism rates. Other amici partners in this case included Citizens for Criminal Justice Reform (CCJR), Citizens United for Rehabilitation of Errants (CURE), Women Against Registry, and Reform Sex Offender Laws, Inc.

HRDC also joined in an amicus brief submitted to the U.S. Supreme Court on July 19, 2013 in support of a petition for writ of certiorari in *Matkin v. Barrett*. HRDC and other amici partners, which included the Florida Justice Institute, National Police Accountability Project and Southern Center for Human Rights, asked the Supreme Court to review an Eleventh Circuit decision that upheld strip search policies at a jail in Fulton County, Georgia. The certiorari petition was denied in November 2013.

Other Activities & Achievements

CAMPAIGN FOR PRISON PHONE JUSTICE

HRDC co-founded the national Campaign for Prison Phone Justice in 2011, with Media Action Grassroots Network (MAG-Net) – a project of the Center for Media Justice – and Working Narratives/Nation Inside. The campaign's website is www.phonejustice.org, while HRDC maintains a site for prison phone-related data at www.prisonphonejustice.org.

In 2013, HRDC continued to pressure the FCC to reduce the cost of prison phone calls and filed a comprehensive comment on March 25, 2013 in support of the Wright Petition – the proceeding before the FCC to cap interstate prison phone rates. HRDC also submitted a reply comment in April 2013, and encouraged individual and organizational members of the Campaign for Prison Phone Justice to contact the FCC. Further, in June, HRDC hired David Ganim as our national prison phone justice director.

On July 10, 2013, HRDC associate director Alex Friedmann and David Ganim attended an FCC workshop on prison phone issues held at the agency's headquarters in Washington, DC. Alex testified on a panel at the workshop; he noted that by lowering prison phone rates, prisoners will stay better connected with their families while incarcerated and have increased chances of success after they are released, resulting in lower recidivism rates.

One month after the workshop, on August 9, 2013, the FCC voted 2 to 1 to enact a number of prison phone industry reforms, including capping interstate phone rates at \$.21 per minute for debit and pre-paid calls and \$.25 per minute for collect calls. Following this historic vote, PLN and HRDC were quoted or cited nearly 20 times in newspapers, magazines, blogs and TV news reports, including the *Arkansas Democrat-Gazette*, *Washington Post*, *Colorlines.com*, *Free Press*, *Los Angeles Times*, *Rolling Stone*, *Sun Sentinel*, *The Crime Report*, www.thehill.com, the *Tennessean*, *USA Today* and WSMV-TV Channel 4 in Nashville.

The FCC's order was issued in September 2013 and published in the Federal Register in November; it will go into effect in early 2014.

In December 2013, PLN published a comprehensive cover story on the prison phone industry, including updated state-by-state prison phone rates and commission-related data.

On December 20, 2013, HRDC submitted comments on the FCC's Further Notice of Proposed Rulemaking in the Wright Petition, encouraging the FCC to extend to intrastate prison phone rates the rate caps and other reforms related to interstate phone calls. HRDC also urged the FCC to address issues related to quality of prison phone services and ancillary fees charged by prison phone companies.

WASHINGTON PRISON PHONE JUSTICE CAMPAIGN

Following the success of the national Campaign for Prison Phone Justice, and after receiving *cy pres* funds from a prison phone-related class-action lawsuit in Washington State, HRDC began to organize its first statewide prison phone justice campaign in Washington in late 2013.

HRDC prison phone justice director David Ganim submitted public records requests to all 39 Washington county jails for copies of their phone contracts, phone rates and commission data. He is currently preparing a comprehensive report and analysis on the cost of prison and jail phone calls in Washington State; the report should be finalized by mid-2014.

In December 2013, HRDC hired Carrie Wilkinson to direct the Washington Prison Phone Justice Campaign, with the goal of ending prison and jail phone commissions and reducing the cost of intrastate phone rates in Washington State.

By the end of 2013, HRDC had partnered with Working Narratives to develop the website for the Washington Prison Phone Justice Campaign (www.wappj.org), and Carrie had started reaching out to campaign allies in Washington, including Columbia Legal Services. The statewide campaign is also being promoted through notices in PLN.

CCA AND GEO SHAREHOLDER RESOLUTIONS

In November 2012, HRDC associate director Alex Friedmann, who owns a small amount of stock in Corrections Corporation of America, filed a shareholder resolution with CCA related to the company's then-pending conversion to a real estate investment trust (REIT). The resolution would have required CCA to disclose certain information about its REIT conversion to shareholders; specifically, CCA would have to inform shareholders about its prior conversion to a REIT in 1999, which resulted in a drastic drop in the company's stock price, a reverse stock split and shareholder lawsuits.

CCA filed a no-action request with the Securities and Exchange Commission (SEC) seeking to exclude the resolution, and the SEC ruled in the company's favor in March 2013. CCA subsequently completed its conversion to a REIT.

In November 2013, Alex filed shareholder resolutions with both CCA and GEO Group that would require the companies to reduce the rates charged for inmate telephone services (ITS) at their facilities. The resolutions noted that "prisoners who maintain close connections with their families have a lesser chance of reoffending after release, thereby reducing recidivism. However, high ITS rates impose a financial burden that impedes such connections. Lower ITS rates would facilitate more communication between prisoners and their families and children."

Specifically, the resolutions would require CCA and GEO to forgo prison phone "commission" kickbacks and give the greatest consideration to the overall lowest phone charges among the factors they consider when evaluating and entering into prison phone contracts. GEO Group filed a no-action request with the SEC in late December 2013, and CCA is expected to file a similar request. The shareholder resolutions remained pending at the end of 2013.

Attorneys Jeffrey Lowenthal and Jonathan Burke with the law firm of Stroock & Stroock & Lavan, LLP represent Alex pro bono before the SEC.

PRIVATE PRISON INFORMATION ACT

On December 18, 2012, HRDC and UC Berkeley doctoral student Christopher Petrella co-authored a letter to U.S. Representative Sheila Jackson Lee, urging her to reintroduce the Private Prison Information Act (PPIA) during the 113th Congress. The PPIA would require private prison companies that contract with federal agencies to comply with the Freedom of Information Act (FOIA) to the same extent as public correctional facilities, which would result in increased transparency and accountability at private prisons that house federal prisoners.

Throughout 2013, HRDC and Chris worked with Congressional staff to draft the PPIA legislation, though it was not introduced by the end of the year. Over 30 organizations have signed on to a letter urging the reintroduction of the PPIA. Joining the campaign in 2013 were the Ella Baker Center for Human Rights, Texas Jail Project, CCPOA, Prison Watch Network, Prison Reform Movement, National Prison Divestment Campaign and Harvard Law School Professor Charles Ogletree. See: www.privateprisoninformationactof2013.com.

TEMPLE UNIVERSITY ETHICS COMPLAINT

On June 25, 2013, PLN managing editor Alex Friedmann filed an ethics complaint with Temple University against Professors Simon Hakim and Erwin Blackstone, who had published a research study lauding the benefits of prison privatization in April 2013.

The complaint alleges that the study as initially released did not disclose that it had been funded by private prison companies, including industry leaders CCA, GEO Group and MTC. The ethics complaint further notes that Hakim and Blackstone submitted editorials to newspapers in at least five states regarding their research findings, and failed to disclose in all but one of the editorials that they had received funding from private prison companies.

In response, Alex submitted rebuttal editorials to the same newspapers that published the editorials by Professors Hakim and Blackstone. Four of the counter-editorials were published, in the *Detroit Free Press*, *Morning Sentinel* (ME), *Sun Sentinel* (FL) and *Oklahoman* between May and June 2013. The ethics complaint filed with Temple University remains pending.

FIRST AMENDMENT AWARD

On July 25, 2013, the Society of Professional Journalists (SPJ), which is dedicated to encouraging the free practice of journalism, upholding high standards of ethics in that field and protecting First Amendment guarantees of freedom of speech and the press, announced that HRDC was the recipient of the SPJ's annual First Amendment Award.

"The organization's advocacy and legal action has resulted in court victories for publishers and hundreds of thousands of prisoners all over the U.S.," the SPJ noted.

HRDC was nominated for the First Amendment Award by Ian Urbina, Washington correspondent for *The New York Times*. Prior recipients of the award have included Supreme Court Justices William Brennan and William Douglas.

HRDC executive director Paul Wright accepted the award at the SPJ's Excellence in Journalism conference on August 26, 2013.

COLLABORATIONS AND AFFILIATIONS

HRDC collaborated with other organizations in 2013 on a variety of advocacy efforts, reports, campaigns and other projects – including MAG-Net and Working Narratives (Campaign for Prison Phone Justice), the Prison Policy Initiative, Private Corrections Institute, In the Public Interest and Grassroots Leadership. Additionally, HRDC and its staff maintained the following affiliations with other groups:

- **HRDC executive director Paul Wright** is a member of the National Lawyers Guild and serves on the board of the NLG's National Police Accountability Project. He is also a member of the American Correctional Association and American Jail Association.
- **HRDC associate director Alex Friedmann** serves in a volunteer, non-compensated capacity as president of the Private Corrections Institute, a non-profit watchdog group that opposes prison privatization. He also volunteers as a consultant to the Presbyterian Criminal Justice Network and works with the Tennessee Consultation on Criminal Justice, serves on the advisory board of the Prison Policy Initiative and is a member of the National Lawyers Guild and National CURE. At the end of 2013 he completed a three-year term as a board member for Reconciliation, a Nashville-based non-profit organization that advocates and provides services for families of Tennessee prisoners.
- **HRDC general counsel Lance Weber** is a member of the National Lawyers Guild's National Police Accountability Project, the First Amendment Lawyers Association, the American Bar Association's Civil Rights Litigation Committee, and the American Bar Association's First Amendment and Media Litigation Committee.
- **HRDC staff attorney Robert Jack** is a member of the National Lawyers Guild and the NLG's National Police Accountability Project.
- **HRDC prison phone justice director David Ganim** is a member of the Broward County Bar Association, paralegal section and is on the stewardship committee of the United Church of Christ-Fort Lauderdale.
- **HRDC** maintained organizational memberships with the Raising the Bar Coalition and the Public Safety and Justice Campaign.

Looking Forward: Goals for 2014

We are pleased with HRDC's progress during 2013 in terms of our media outreach, litigation project and advocacy efforts, among other activities. PLN's website continues to be an important source of news and legal research for prisoners' rights advocates, policy makers, academics, researchers, journalists, prisoners' family members, attorneys and other people involved in criminal justice and corrections-related issues.

Our litigation project continued to be busy throughout 2013 due to ongoing censorship of *Prison Legal News* and the books we distribute by prison and jail officials. We anticipate filing additional legal challenges in 2014, specifically concerning postcard-only policies enacted by a growing number of county jails.

Further, HRDC will continue to co-coordinate the Campaign for Prison Phone Justice and advocate for lower in-state prison and jail phone rates nationally. One of our top goals for 2014 includes reopening our Seattle office and launching the Washington Prison Phone Justice Campaign, with the objective of ending commission kickbacks and lowering costs for prison and jail phone calls in Washington State.

Our book publishing plans include publishing an updated edition of *The Habeas Citebook: Ineffective Assistance of Counsel* plus one new self-help litigation title. We continue to seek new books to distribute that are of interest to our prisoner readership, and encourage book ideas and submissions from qualified authors.

Another major goal for 2014 is to revamp and modernize HRDC's three websites, which include the HRDC, Prison Legal News and Prison Phone Justice sites. Other ongoing goals include building HRDC's organizational capacity, expanding our fundraising efforts and funding sources, and continuing to advocate for criminal justice reforms that are critical but largely ignored, including issues related to the federal Bureau of Prisons and the environmental impact of correctional facilities.