

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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September 12, 2012

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Chairman Genachowski:

We write in regard to a matter that has been pending at the Federal Communications Commission (FCC) for close to a decade: the exorbitant rates that the families of prisoners pay to communicate with an incarcerated family member. Although this issue has been the subject of several rounds of notice and comment, as well as legislation introduced by Rep. Rush during the 110<sup>th</sup> Congress, the FCC has yet to take final action. We urge you to do so as soon as possible.

Research shows that regular contact between prisoners and family members during incarceration reduces recidivism.<sup>1</sup> Phone calls are the primary means for families to maintain contact with incarcerated relatives. Experts across the political spectrum have recommended minimizing the cost of prison phone calls as a way to support strong family relationships with inmates.<sup>2</sup> Yet under current policies and practices, prisoners and their families pay unusually high rates for phone service that discourage regular contact. In fact, a one hour call from prison often costs as much as a month of unlimited home phone service.

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<sup>1</sup> House Oversight and Government Reform Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, Testimony of Nancy G. La Vigne, Director, Justice Policy Center, the Urban Institute, *Hearing on Housing D.C. Code Felons Far Away From Home: Effects on Crime, Recidivism, and Reentry*, 111<sup>th</sup> Cong. (May 5, 2010).

<sup>2</sup> The Commission on Safety and Abuse in America's Prisons, *Confronting Confinement* (June 2006).

When inmates and families lose contact, society ultimately pays the price. Over 67% of released prisoners are rearrested within three years. At a time when the United States has the highest *per capita* incarceration rate in the world and spends nearly \$58 billion per year to manage its prison population, we should be doing more to reduce recidivism.<sup>3</sup>

The extremely high cost of phone calls for prisoners and their families led a group of affected individuals to seek relief from the FCC. That request, known as the Wright Petition, has been before the Commission since 2003. Over five years ago, the Wright petitioners proposed rates that would ensure reasonable and affordable phone service for inmates and their families without short-changing states, prisons, and telephone service providers.

Recently, a coalition of civil rights groups and conservative leaders wrote the FCC asking the agency to cap the rates charged for interstate prison phone calls.<sup>4</sup> This diverse coalition of advocates came together to urge FCC action because of their common view that exorbitant prison phone rates do nothing to further the safety of our society or help rehabilitate prisoners.<sup>5</sup> In fact, they conclude that allowing current practices to continue is not sound public policy.<sup>6</sup> The coalition also notes that its proposed policy change will not undermine prison security.<sup>7</sup>

Earlier this week, the Prison Policy Initiative released a new report on the prison phone system titled *The Price to Call Home: State-Sanctioned Monopolization in the Prison Phone Industry*.<sup>8</sup> This study also concludes that high prison phone rates harm society both economically and socially and recommends that the FCC approve the Wright Petition and cap

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<sup>3</sup> Department of Justice, *Federal Prison System FY 2012 Budget Request* (online at <http://www.justice.gov/jmd/2012summary/pdf/fy12-bop-bud-summary.pdf>) and National Association of State Budget Officers, *State Expenditure Report: Examining Fiscal 2009-2011 State Spending* (online at <http://www.nasbo.org/sites/default/files/2010%20State%20Expenditure%20Report.pdf>).

<sup>4</sup> Letter from the Leadership Conference on Civil and Human Rights et al. to Federal Communications Commission Chairman Julius Genachowski (May 18, 2012).

<sup>5</sup> As David Keene, former chair of the American Conservative Union stated: “This makes no sense. This does nothing to further the safety of civil society. It does nothing to help rehabilitate those people who have been removed from that society as a result of criminal convictions. And in fact, it makes it less likely that these people will even be able to reintegrate themselves as useful citizens.” See The Leadership Conference on Civil and Human Rights, *In Joint Letter, Left, Right, and Center Urge FCC to End Practice of Predatory Prison Phone Rates* (May 18, 2012).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Prison Policy Initiative, *The Price to Call Home: State-Sanctioned Monopolization in the Prison Phone Industry* (Sept. 11, 2012).

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prison phone rates.<sup>9</sup> Notably, the study asserts that lower prison telephone rates would lessen the ongoing security problem of contraband cell phones in prisons. Accordingly, lowering prison telephone rates “would improve safety by providing less incentive for incarcerated people to acquire contraband cell phones.”<sup>10</sup>

We encourage the FCC to move expeditiously to resolve this issue. Thank you for your attention to this matter.

Sincerely,



Henry A. Waxman



Bobby L. Rush

cc: The Honorable Fred Upton  
Chairman

The Honorable Robert M. McDowell  
Commissioner  
Federal Communications Commission

The Honorable Mignon Clyburn  
Commissioner  
Federal Communications Commission

The Honorable Jessica Rosenworcel  
Commissioner  
Federal Communications Commission

The Honorable Ajit Pai  
Commissioner  
Federal Communications Commission

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*