

# **PRISON LEGAL NEWS-ANNUAL REPORT**

## **FISCAL YEAR**

**AUGUST 1, 2006 - July 31, 2007**

### **PLN – The Magazine**

Prison Legal News completed its 17<sup>th</sup> consecutive year of publication, continuing our trend of being the longest lasting independent magazine published by and on behalf of prisoners. During fiscal year 2006-07, PLN ran cover articles on the impact of Hurricane Katrina on the prisons and jails of Louisiana; continuing abuses in the Maryland prison system; on the prison and jail phone industry; the use of control units to house mentally ill prisoners; the ongoing failure of privatized prison health care; the political economy of prison and jail litigation; health hazards in the Bureau of Prisons computer recycling industries program; corruption and brutality in the Florida Department of Corrections; the abuse of Tasers in prisons and jails; the sexual assault of prisoners by staff and for profit prisoner transport companies.

The depth and breadth of PLN's coverage continues to improve and expand. Each issue of PLN contains between 35-45 news and law articles. The bulk of which are original articles (about 97%) by PLN, as opposed to reprints, and also written by current or former prisoners.

PLN has greatly increased its distribution of free sample issues to prisoners and non-prisoners, to both expand awareness about PLN and to increase our exposure to potential subscribers. PLN distributed approximately 90,000 sample copies in the entire year of 2006 and 40,000 during this period in 2007.

Over the same time period, PLN's number of registered print subscribers increased from 5,552 at the beginning of 2006 to 6,732 in 2007. Our experience with sample mailings indicated 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 it begins to generate results. We are still getting subscriptions from mailings sent out over 12 months previously. Our subscriber numbers continue to grow; PLN has subscribers in all 50 states as well as France, Sweden and Japan. PLN has changed its focus on distribution to instead provide bulk free copies of PLN to 15 Books to Prisoners projects around the country which in turn send the copies to prisoners who write and request books from them. PLN is distributing approximately 2,000 copies of PLN each month via this method. We expect it to expand as we encourage BTP projects to include PLN copies in all book parcels they mail, not just those to prisoners who request legal materials.

PLN also distributed 3,000 copies of the magazine at various events such as the National Lawyers Guild convention, Hempfest, Punishment Conference, and a variety of events and gatherings around the country. PLN also makes copies of PLN available to the organizers of criminal justice events.

Identifying women prisoners as being under represented in PLN's subscriber base we are offering women prisoners with over two years remaining on their sentence a free one year subscription to PLN. To date, 326 women prisoners have requested free one year subscriptions as part of this program.

PLN also distributes several hundred copies of PLN in the Washington DC area via kiosks maintained by the Prisons Foundation.

PLN's book sales showed an increase during fiscal year 2006-2007, with a total of 2,665 books distributed during this reporting period. This is despite censorship efforts by officials in some states to ban books distributed by PLN distributes a wide variety of hard-to-find works on criminal justice issues, as well as self-help legal resources useful to prisoners who are litigating their own cases. We are planning to expand our book list in the coming year.

PLN board member Tara Herivel and editor Paul Wright, with research assistance from Alex Friedmann, completed PLN's next book, *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 series 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 the prior books) reviewing the state of mass imprisonment in America, features contributions by some of the top experts in the field, including a number of OSI fellows, such as Judy Greene, Kevin Pranis, et al. The book is slated for publication by The New Press in December, 2007.

PLN received approximately 800 pieces of mail per week throughout this period. The majority of it from prisoners, many requesting information and assistance as well as sending news, clippings, court rulings and other information of interest.

### **PLN – The Website**

During the past fiscal year we developed PLN's website by putting all of our back issues into a comprehensive database, posting all of our issues online in PDF format, developing an online brief bank and publications section for use by members, adding an online bookstore, and much more. The website has been a work in progress and we are in the process of revamping it to make it more user friendly by simplifying and improving the search and user menus, adding more features, and improving functionality. PLN's website is now receiving over

80,000 visitors per month and has become a significant means of doing media and community outreach and education.

The website currently has over 11,000 news articles and 7,000 court rulings in its searchable database. The publications section has almost 900 reports, audits and other publications related to criminal justice issues and the brief bank has almost 1,400 assorted legal pleadings available. All sections of the database are growing daily.

PLN also operates a free prison and jail news list serv which has approximately 1,300 subscribers and sends out roughly 1,200 messages per year.

The next few months will see the addition of audio, video and photo gallery capabilities to the website.

### **Book Publishing**

PLN is also 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 in Maine. The publisher is retiring and rather than see the book go out of print, they have given the rights to PLN. PLN is now undertaking the printing and distribution of the book and we are in the process of updating it to a third edition. The subject of the book: where prisoners can obtain an education through correspondence from accredited schools is extremely important and the only one of its kind. PLN has distributed the book successfully for several years now. Susan Schwartzkopf is editing the new third edition with Jon Marc and the new edition should be available for distribution by April, 2008.

### **PLN – Staff**

In January, 2007, PLN hired Susan Schwartzkopf as our outreach coordinator. She is based in PLN's Vermont office. Susan is responsible for expanding PLN's circulation by working with other groups to distribute PLN samples, identify mailing lists to use, etc. Susan is responsible for developing new advertisers and has aggressively pursued new ad accounts, obtaining 16 new advertisers since being hired. Ten of whom are still advertising.

Susan also responds to editorial mail inquiries that require responses and assists in litigation preparation. Susan is also co-editing a third edition of *Prisoners' Guerrilla Handbook to Correspondence Programs in the US and Canada* with Missouri prisoner Jon Marc Taylor. Susan has an MA in teaching and prior to coming to work for PLN had 12 years experience teaching recent immigrants English as a Second Language (ESL) while employed by the Center for New Americans based in Northampton, Massachusetts.

PLN's other full time staff during the past fiscal year included Paul Wright, Editor, and Don Miniken, Executive Director, Alex Friedmann, Associate Editor. PLN's full-time office staff included Barbara Belen, office assistant, and Kristin Herman, circulation manager, who were assisted by community 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 the website.

### **PLN – Board of Directors**

There was no change in PLN's board of directors this year.

### **PLN - Advocacy**

During fiscal year 2006-2007, PLN continued its long-standing practice of advocating for prisoners' rights and criminal justice reform through staff attendance and speaking engagements at public discussions, meetings and educational/academic conferences, including the following highlights:

Associate Editor Alex Friedman participated as a panelist in an ACLU panel discussion on ex prisoner voting rights which was held in Memphis, Tennessee on August 15, 2006.

Alex Friedman organized the Private Corrections Institute's Immigration Conference in Nashville, Tennessee on August 19-20, 2006. This conference focused on the connection between immigration issues and for-profit prison privatization. Alex's co-organizer for the event was the late Harmon Wray.

Editor Paul Wright gave a presentation on prison issues to the staff of the Southern Poverty Law Center in August, 2006 in Montgomery, Alabama.

In September, 2006, Alex Friedman contributed as a panel member in another ACLU discussion on former prisoner voting rights and felon disenfranchisement held in Murfreesboro, Tennessee.

Paul Wright attended the National Police Accountability Project's Conference on prisoner's rights and police misconduct on October 19, 2006 in Austin, Texas and their board meeting on October 20, 2007.

Paul Wright presented a seminar at the National Lawyers Guild Convention in October 2006 on the rights of disabled prisoners. He also

organized and moderated a panel discussion on sexual assault in prisons. Panelists included Nicole Porter from the Texas ACLU Prison and Jail Project, Roderick Johnson from Dallas, Texas, Meredith Martin Rountree, Attorney, and Cynthia Totten from Stop Prisoner Rape.

Paul Wright attended the Open Society Institute's *After Prison Initiative Retreat* on November 13-15, 2006 in New Mexico.

Paul Wright and Susan Schwartzkopf attended the conference *Punishment: The U.S. Record* at [The New School](#) in New York which took place on Thursday, November 30 and Friday, December 1, 2006. "The conference examined the foundations of our ideas of punishment, explored the social effects of current practices and searched for viable alternatives to our carceral state."

Paul Wright and Susan Schwartzkopf attended the 18<sup>th</sup> annual Petra Foundation National Gathering in Washington, DC, December 1-3, 2006. Paul Wright is a Fellow and 2005 Honoree with the Petra Foundation.

Alex Friedmann attended an invitation-only seminar on the death penalty on January 26, 2007, hosted by Vanderbilt University's First Amendment Center. Speakers included Kenneth Starr and Sixth Circuit Judge Gilbert Merritt.

In February 2007, PLN signed on to a letter calling on Congress to reinstate college financial aid to students with drug convictions. The Removing Impediments to Students' Education (RISE) Act was sponsored by Representative Barney Frank (D-MA). The bill proposed reinstating aid to aspiring students by removing the confusing drug conviction question from the Free Application for Federal Student Aid, as recommended by Congress's own Advisory Committee on Student Financial Assistance. 170 organizations signed the letter.

Paul Wright and Susan Schwartzkopf attended a production presented by the Performance Project in February and distributed copies of *Prison Legal News* at the event. This group of ex prisoners based in Western Massachusetts present theatrical productions and performance art related to incarceration and prisoner issues throughout the region.

PLN began working with the Stop Abuse and Violence Everywhere (SAVE) Coalition concerning the Prison Litigation Reform Act (PLRA) changes in March 2007.

In March, 2007, Paul Wright and Alex Friedmann gave a presentation to intake staff and volunteers of the Washington ACLU in Seattle on prison issues, prisoner rights and dealing with prisoner mail and inquiries.

In March Alex Friedmann met with the Tennessee Department of Corrections Commissioner, George Little and the Assistant Commissioner, with a local non-profit group called Reconciliation concerning proposed changes to prison visitation rules. One of the group's recommendations was implemented in the new visitation policy.

In April, 2007, Paul Wright presented at the 11th Annual Barbara Jordan National Forum on Public Policy, "The Path to Social Change: Activating your Community" in April which was organized by the Lyndon B. Johnson School of Public Affairs. He presented at a thematic panel entitled *Finding Respect in Our Justice System* with Nicole Porter, ACLU, Dr. Michele Deitch, LBJ School of Public Affairs, and Dr. Stephen Hartnett, University of Illinois.

In April, 2007, Paul Wright and Susan Schwartzkopf met with members of Vermont Protection and Advocacy and the Vermont Defenders Office to discuss sentencing reform, medical and mental health care for Vermont prisoners and various prison reform efforts. This includes efforts, which were successful, to defeat medical co pays legislation and defeating proposals by Governor Jim Douglas to civilly commit sex offenders after the expiration of their criminal sentences. Articles of PLN were used by legislators to oppose the medical co-pay legislation.

Also in April, Paul Wright and Susan Schwartzkopf met with Will Hunter, Publisher of *Vermont Lawyer*, and the Alliance for Prison Justice group in Vermont to share and inform about the work each group is doing. Primary discussion was joint strategies on combating the privatization of prison health care in Vermont, excessive telephone rates and the shipping of 500 Vermont prisoners to private prisons in Kentucky.

In May, PLN signed on to a special Mother's Day card from The Rebecca Project for Human Rights urging for the end of shackling women prisoners during birth.

Alex Friedmann attended the Detention Watch Network's annual conference in Washington DC, on April 26-28 at Georgetown University's Law School, on behalf of Prison Legal News and Private Corrections Institute.

Alex Friedmann presented at the ACLU-TN Right to Vote Campaign's conference "Breaking the Chains: From Jail Cell to Voting Booth" on May 3<sup>rd</sup>. Alex co-presented with Denver Schimming, a civil rights activist from Nashville, Kenneth Alberitton with Lasting Improvements For Excellence. Friedmann also agreed to be a named plaintiff in an ACLU suit (to be filed at a future date) challenging Tennessee's new disenfranchisement law.

On May 9 Alex Friedmann attended an execution vigil after Philip Workman received a lethal injection in Tennessee. Friedmann was permitted on the prison

grounds and then spoke with the Tennessee Department of Corrections Media representative.

Alex Friedmann and Harmon Wray, a fellow board member at the Private Corrections Institute, attended the Corrections Corporation of America's Annual Shareholder's Meeting on May 10. Alex Friedman questioned CCA CEO John Ferguson on the company's plans to expand its practice of incarcerating women and children who have committed no crimes at the company's T. Don Hutto immigration detention facility in Texas.

Paul Wright and Susan Schwartzkopf attended *Celebrate The Children of Resistance* produced by The Rosenberg Fund for Children on June 19, 2007 in Boston, Massachusetts. This was a special event "to commemorate the 54<sup>th</sup> anniversary of the execution of Ethel and Julius Rosenberg and to celebrate families and communities who struggle for peace and social justice." Paul Wright's children are beneficiaries of the RFC which supports the children of political prisoners and activists targeted for repression by the government due to their political activities.

### **PLN - Media**

Prison Legal News and PLN staff continued to receive notable attention in the media during the past year, which ranged from articles about PLN itself to the growing use of PLN as an expert source for information related to prisons, jails and the criminal justice system by both print and radio media:

Paul Wright was quoted in the August 13, 2006 *New York Times* article *Panel Suggests Using Inmates in Drug Trials* by Ian Urbina. Paul Wright spoke against the recommendation to resume using prisoners in medical experimentation after more than thirty years. "It strikes me as pretty ridiculous to start talking about prisoners getting access to cutting-edge research and medications when they can't even get penicillin and high-blood-pressure pills," stated Paul Wright in the article.

Paul Wright wrote an editorial for the August 21, 2006 edition of *USA Today* entitled *Look elsewhere for subjects* again speaking out against the use of prisoners for medical experiments. "Prisoners are still being used for privately funded medical research. Investigative reports have found that these experiments are shrouded in secrecy, and the prisoners are unlikely to have given meaningful consent. They often have "volunteered" in a desperate attempt to get what they perceive to be better medical care than they otherwise would. The door that was mostly shut 30 years ago on prisoner medical testing should remain firmly closed."

Associate Editor Alex Friedmann was quoted about conditions in the Tennessee prison system in an article on October 16, 2006 in the *Tennessean*.

A Maine newspaper quoted from the January 2007 issue of *PLN* in an article entitled *Group presses for phone reform*. The article relays how people who are working to get reduced rates for friends and families of prisoners must pay much higher prices for phone calls than non prison phone customers.

On February 16, 2007, Paul Wright was quoted in the *Raw Story* in an article by Jennifer Van Bergen, entitled "Documents show new secretive US prison program isolating Muslim, Middle Eastern prisoners". The story was about a federal prison program that isolates prisoners, mostly non English speaking Muslims, imprisoned for political offenses.

Paul Wright wrote an article for *The National Police Accountability Project Newsletter* for the Spring, 2007 issue entitled "Working (with) the Media" directed specifically to attorneys. "Lawyers who are trying to bring about social change or institutional reform through litigation have an obligation to educate the public about the realities of police misconduct and civil and human rights abuses within American prisons and jails. You need to work with the media to achieve this goal."

In March 2007 Paul Wright was quoted in an *LA Times* article about pay-to-stay jails noting the inequality of justice for those cannot afford to stay in a jail with better living conditions.

*PLN* was featured in "From the Stacks" from the March 2<sup>nd</sup> edition in the *UTNE Reader*. Michael Rigby, a longtime writer for *PLN*, was noted in the piece and it stated that "Firsthand perspectives such as his are what make *PLN* an important and informed publication about the taboo world of life behind bars."

Karen Grigsby Bates of National Public Radio's *Day to Day* news program interviewed Paul Wright on March 8 concerning the inequities of pay-to-stay jails. At the Fullerton City Jail in California, nonviolent offenders with sentences less than one year may choose to stay at a jail where they are charged daily for better services than those who cannot afford to pay such costs.

In March 2007 Vermont's Alternative Newspaper *Seven Days* did a feature story on Paul Wright and the history of *PLN*. "Over the years, *PLN* has broken dozens of stories whose legal and political reverberations were felt on both sides of the razor wire". The article details the start, growth, and impact of *PLN* since its inception.

On March 22, the *Dallas Observer* reported about *PLN*'s federal lawsuit against the Dallas County Jail for its ban on all publications in the article entitled *What First Amendment? Go to Prison, Lose your Rights* by Patrick Williams.



Paul Wright was also quoted in the Spring 2007 issue of *Yes! Magazine* in an article by Jesse Wegman entitled *Mere Justice* about the problems and complications concerning Habeus Corpus and the changes effected by the AEDPA.

On April 13, 2007 *PLN* was noted in the Associated Press: *California settles First Amendment lawsuit with Prison Legal News*. "The lawsuit by Seattle-based Prison Legal News alleges that the California Department of Corrections and Rehabilitation violated inmates' free speech and due process rights by blocking inmates from receiving their paid subscriptions to the monthly publication... The department agreed to pay the publisher \$65,100, most of which will go for five-year subscriptions to the newsletter for each of the 157 prison legal libraries at its 33 adult prisons. The department also agreed to update its mail policy to eliminate several restrictions it had placed on publications." The story was carried by most of the daily newspapers in California.

The *LA Times* quoted Paul Wright on April 21, 2007 and noted *PLN's* work against bans or restrictions on publications in prisons and jails. The article *Book policy upsets O.C. inmate's family* details "a long-standing policy at an Orange County jail that puts tighter restrictions on book deliveries to inmates than those imposed in prisons..."

Paul Wright was quoted in the *Seattle Weekly* article on April 25 about the continuing and sometimes horrific incidents of gross medical misconduct within the Department of Corrections in the article *This Prison Dentist Yanked More Than a Molar* by Rick Anderson.

Paul Wright was quoted in the *Counter Currents* article *The Long Ordeal Of Sami Al-Arian - Civil And Human Rights Advocate And Political Prisoner* by Stephen Lendman in the April 2007 issue. In the article he stated that "segregating prisoners based on their race, national origin or language directly contradicts the recent US Supreme Court ruling in *Johnson v. California* which held that the racial segregation of prisoners was illegal."

On Wednesday May 2, 2007 Paul Wright appeared on radio station KPFA out of San Francisco on the *Morning Show*. Paul was interviewed for the segment entitled *Instant Prison Expansion Legislation hits the California Assembly*. Paul was interviewed with Rose Braz, Campaign Director of Critical Resistance which seeks to build an international movement to end the Prison Industrial Complex.

Paul Wright was quoted in the May 10<sup>th</sup> *Phoenix New Times* article about Sheriff Joe Arpaio's decision to ban all mail to prisoners in the Maricopa County Jails. Paul stated, "Beyond the legality of it, it seems to be just another mean thing that Arpaio's come out with to further alienate and isolate the prisoners in his captivity," said Wright. "For many people in jail, the mail is an essential

means of communicating with their families, and everyone else. I don't think this policy will pass constitutional muster."

On May 23, 2007 Paul Wright was quoted in the *Star Banner* article *DOC looks to cut back recidivism* by Joe Follick. The article talks about the Florida Department of Correction's Secretary James McDonough's emphasis on reducing recidivism by increasing education, vocational training, and treatment for substance abuse. Paul Wright stressed the fact that the situation will not change if money isn't spent to support new programs. "So far this is just rhetoric. They don't put the money there," Wright said.

*Prison Legal News* was featured in the May 24<sup>th</sup> edition of the *UTNE Reader Online* in *Writing from the Inside, Prisoners share their stories* by Julie Dolan. She writes, "The erosion of the freedom of speech is a common current in the US legal system, but a few publications remain committed to showcasing prisoners' stories. *Prison Legal News*, a magazine "dedicated to protecting human rights," has been covering the prisons beat for 17 years."

*The Seattle Times* and various other Washington media reported on June 9 about the public records case filed in 2000 by Paul Wright. "The state Department of Corrections will pay a Seattle-based prisoner-rights newspaper \$541,000 for withholding public records -- the largest public-records-related settlement in state history." The story was carried by every daily newspaper in Washington state and also evoked several favorable editorials.

The *Tennessean* published an editorial by Alex Friedmann on June 22, 2007 regarding inequities in the criminal justice system and commenting on that in relation to the Paris Hilton jail case.

In July, 2007, Paul Wright was interviewed for the Drug Truth Network radio program hosted by Dean Becker.

Paul Wright is quoted in the Denver *Westword* News article *The Caged Life* by Alan Pendergast on August 16 about the effects of long term isolation on prisoner Thomas Silverstein.

On August 20, Paul Wright was interviewed for the program *Law and Disorder* on WBAI in New York. Paul discussed PLN's public records litigation as well as prison privatization and the lack of accountability and transparency within the prison system.

Paul Wright is quoted in the September 3<sup>rd</sup> *Denver Post* article *TV usage plays starring role in jails* by Michael Booth Denver about the changes in policy and ongoing debate of entertainment availability in prisons and jails.

In addition to the above stories, articles and radio interviews PLN fielded dozens of calls and e mails from print and broadcast journalists seeking background

information and details on prison and jail issues and stories they were reporting or investigating. PLN's website is becoming a leading source of news and information for researchers and reporters alike. The *Congressional Quarterly* did two reports, one on prison medical care, the other on prison reform and PLN was cited repeatedly in both. Pennsylvania academic Marie Gottschalk's recent book *The Prison and The Gallows* also cited PLN extensively in her work.

### **Joint Projects**

In addition to its own media, advocacy, litigation and publishing work, PLN continues to work with other organizations to expand its impact in the field of prisoner and human rights. This includes: Society of Professional Journalists (access to prisoners for the media); Stop Prisoner Rape (Paul Wright serves on their advisory board); organizing lawyers to represent prisoners (Paul Wright continues as the National Jailhouse Lawyer Vice President of the National Lawyers Guild); Private Corrections Institute (Alex Friedmann continues as the PCI 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 the private prison industry where top notch counsel and resources can have a significant impact on the industry. Ultimate goal is to bankrupt the industry.); publishing and distributing a legal resource guide for prisoners in conjunctions with the Prison Policy Institute; advocacy and research organizations such as Human Rights Watch, the Southern Poverty Law Center and Stop Prisoner Rape used PLN to reach prisoners for information as well as to disseminate information about their projects and services; the National ACLU advertised the availability of legal counsel for women prisoners denied access to abortion services; Paul Wright is serving on the interim board of the AFSC StopMax Committee (opposing super max prisons); PLN continues working closely with the National Police Accountability Project on issues relating to prison and jail litigation; PLN continues working with Detention Watch on the subject of immigration detainees; with the Partnership for Safety and Justice on advocacy and organizing strategies; with over a dozen Book to Prisoner Projects around the country on disseminating PLN to prisoners and assisting them in resolving their censorship problems; with the Prisons Foundation on distributing publications jointly and the SAVE Coalition to reform the Prison Litigation Reform Act.

PLN fields dozens of calls each month from attorneys, journalists, legislative aides, researchers, prisoner family members and lawyers requesting information, referrals and other services in addition to the above.

### **PLN Litigation**

**California Censorship Suit:** In 2006 the California Department of Rehabilitation and Correction agreed to settle PLN's claims that numerous

aspects of the prison system's mail procedures violated the state and federal rights of PLN. As part of the settlement the Department agreed to substantially its revamp its mail rules and processes. See: *PLN v. Schwarzenegger*. That case is settled but still in the enforcement stage.

**Utah Bulk Mail Suit:** In 1997 the Utah DOC attempted to ban third class mail. *PLN* sued and the ban was quickly rescinded with an agreement to settle. The case was dismissed by the court in 2004, holding that *PLN* had failed to state a claim on the issue it has won in five published opinions elsewhere. The case is on appeal to the 10<sup>th</sup> circuit. *PLN* is represented by Brian Barnard. See: *PLN v. Haun*.

**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, a policy limiting such expenses to \$30 per month, a ban on publications being sent to certain levels of prisoners and the fact that Kansas DOC policy did not provide for notice to be sent to the publisher when mail was censored. The district court dismissed the suit, after consolidating it with the complaints filed by two Kansas prisoners, see: *Zimmerman v. Simons*, 260 F. Supp. 2d 1077 (D KS, 2003). On appeal, the Tenth circuit reversed and remanded, holding *PLN* had produced sufficient evidence entitling it to a trial on the matter. As a matter of law, the appeals court held *PLN* was entitled to judgment on its due process claims and ordered the lower court to enter an injunction on the matter. See: *Jacklovich v. Simmons*, 392 F.3d 420 (10<sup>th</sup> Cir. 2004). The case went to trial in Wichita, Kansas in February, 2007. We are awaiting a verdict from the court. *PLN* is represented by Kansas attorneys Bruce Plenk and Max Kautsch.

**Washington Public Records Case III:** In 2000 *PLN* filed a public records request seeking extensive information on the discipline of medical staff for the maiming and murder of prisoners through medical neglect as well as how many medical staff had suspended medical licenses or had been subjected to medical discipline. The DOC refused to provide the materials claiming that doing so would hinder its law enforcement functions. *PLN* filed suit and lost at the trial and appeals court levels. The case resulted in a very favorable ruling by the Washington supreme court that the records could not be concealed and had to be disclosed. Eventually in 2007 the case settled and all the documents were released to *PLN*. The resulting penalty and fee award were the largest in Washington state history. *PLN* editor Paul Wright received the James Madison award from the Washington Coalition for Open Government for bringing this suit on behalf of *PLN*. *PLN* was represented by Davis, Wright and Tremaine. See: *PLN v. Washington DOC*.

**Utah Jail Publications Ban:** In 2004 *PLN* sued the Cache County Jail in Utah over its policy banning all publications from being received by jail prisoners as well as catalogs. The court ruled against *PLN* in this case, holding that the jail

subscribing to PLN was an adequate alternative to individual subscriptions. PLN opted not to appeal the decision as there was a significant risk an appeals court might hold this was an adequate alternative. PLN is represented by Brian Barnard. See: *PLN v. Cheshire*.

**Geo Records Suit:** PLN has filed suit in state court in Florida seeking details on the amount of money Geo Corrections has paid out in litigation and penalties over the operation of its prisons in Florida. The case is *PLN v. Geo Corporation*. PLN is represented by Frank Kreidler.

**BOP FOIA Suit:** In 2005 PLN filed a Freedom of Information Act 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 against it. The BOP responded by attempting to charge a ridiculous amount of money to search for and copy the requested records, a common tactic by the Bush administration to keep small non profits from accessing information to which they are entitled. The court ruled in PLN's favor and ordered the BOP to provide all the requested records at no charge. The BOP has begun providing the records but some are redacted. We are now litigating the redactions. PLN is represented by Ed Elder. The case is *PLN v. Lappin*.

**Dallas Jail Publication Ban Suit:** In 2007 PLN sued the Dallas jail in Texas over its policy banning all publications from entering the jail as ostensible "fire hazards." Since the suit was filed the jail has changed its policy several times. PLN is currently awaiting a court ruling on the legality of the ban. The case is *PLN v. Lindsey*. PLN is represented by Scott Medlock of the Texas Civil Rights Project.

**FCC Petition to Cap Prison Phone Rates:** On April 19, Alex Friedmann wrote to Marlene Dortch, Secretary of the Federal Communications Commission in reference to the *Wright* petition, which 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 contracting agencies. The petition further requests the imposition of rate caps and/or benchmark rates, and fewer restrictions on prison phone calling options. The FCC has the authority to implement such rules pursuant to 47 U.S.C. § 201(b). Alex Friedmann filed a formal comment with the FCC concerning the *Wright* petition, as well as a follow-up letter after they requested additional information.

In addition to the above cases PLN continues to be censored and has various censorship suits in the pre filing stages. These include challenges to a ban on books distributed by PLN in Massachusetts, a policy that allows Utah prisoners to only order and receive books from Barnes and Noble and more. Bans on publications by jails in Colorado and Georgia, and more. Investigating and litigating these censorship cases continues to consume extensive PLN staff time and resources. For example, in February, 2007, PLN director Don Miniken and

Paul Wright had to spend five days in Wichita, Kansas to attend the bench trial in *PLN v. Simmons*, which is a lawsuit challenging a ban on gift subscriptions, among other issues.

PLN associate editor Alex Friedmann has signed a retainer agreement to be the lead plaintiff in a lawsuit by the ACLU challenging felon disenfranchisement in Tennessee. Paul Wright is being represented by the Washington ACLU in an effort to get his voting rights in Washington state restored, something the Department of Corrections should have, but failed to do upon his release from prison in 2003.

In addition to the above cases carried out by PLN on its own behalf and of its readers, PLN also filed friend of the court briefs in the following cases during this period:

**Georgia DOC Ban on Internet Materials:** PLN filed a friend of the court brief in the US District Court of Georgia on behalf of Georgia state prisoner Danny Williams challenging a DOC policy that bans downloads from the internet being mailed to prisoners. A magistrate recommended the policy be struck down, we are awaiting a ruling from the district court judge. PLN is represented by the Electronic Frontier Foundation. The case is *Williams v. Donald*.

**Administrative Exhaustion under the PLRA:** PLN filed a friend of the court brief in the United States Supreme Court on behalf of Michigan prisoners challenging the Sixth Circuits narrow rule on administrative exhaustion under the Prison Litigation Reform Act. In it's 2006-2007 term the US supreme court ruled in favor of the prisoners. PLN was represented by the ACLU National Prison Project. The case is *Jones v. Bock*.

### **Financial Information:**

During this period, August 1, 2006-July 31, 2007, PLN received a grant for \$50,000.00 from the Public Welfare Foundation. PLN's other income was \$139,001.03 in subscriptions and donations; \$47,251.82 in advertising income; \$42,112.34 in gross book sales income and \$2,453.02 in interest income from the 2005 OSI grant. Total income for this reporting period: \$280,818.21.

PLN's primary expenses in this period were \$217,002.23 for payroll; \$32,661.51 for postage; \$23,912.30 for printing; \$12,831.74 for website development; \$28,625.26 for contract labor; \$10,276.15 for internet service; \$40,187.92 for office overhead and supplies; \$20,716.22 for books. Total expenses of approximately \$386,213.33 over this period.

### **Looking Forward: Goals for the Next 1-2 Years**

PLN's goals for the next two years including adding a full time book keeper, a staff attorney and a staff writer. A staff writer would allow us to do more investigative stories which tend to be time consuming and labor intensive which is why the mainstream media rarely does them on criminal justice issues. Censorship and public records litigation also continues to consume an inordinate amount of PLN staff time. Time which is not reimbursable even when we win the lawsuits and our attorneys are compensated. Adding a staff attorney would allow PLN to more aggressively challenge prison and jail censorship as it arises as well as pursue public records requests which are denied as well as seek reimbursement for the time spent preparing the litigation.

With the staff increase there will be a need for larger office space and we hope to move into a new office by early 2008.

We are very pleased with the development of our website to date and will continue improving and expanding both its content and functionality. It is rapidly becoming a primary source of both news and legal and research information for prisoner rights advocates, family members, lawyers and others. We continue to add content and will expand into audio visual and photo content within the next six months. Our website readership continues to grow and be relied upon as the definitive source of prison and jail related news and litigation information.

For the print magazine we expect our circulation to reach the 10,000 mark within the next three years as we continue our significant outreach efforts. We also expect to expand in size to 56 pages in the near future.

We also plan to change our mailing list program to a more modern program and incorporate design changes to better assist in the mailings we are now doing.

On the book front we plan to expand the number of titles we distribute and explore the possibility of publishing reference books aimed at prisoners that may not be commercially viable for other publishers.

Expanding and diversifying PLN's funding base is essential to the organization's long term growth and well being. We are attempting to do this by expanding grant income; expanding circulation and advertising income and developing individual donors.

We see a need for continued advocacy on behalf of prisoners, for sentencing reform and against mass imprisonment and plan to continue our efforts in that regard.