



HUMAN RIGHTS DEFENSE CENTER

2011 ANNUAL REPORT

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Notable Developments

The Human Rights Defense Center is a non-profit 501(c)(3) organization. HRDC is the parent organization of Prison Legal News (PLN), which continues to operate as an HRDC publishing project.

In April 2011, Prison Legal News published an exclusive, extensive report on the prison phone industry, titled “Nationwide PLN Survey Examines Prison Phone Contracts, Kickbacks.” The report, based on two years of research and public records requests, was written by John Dannenberg. PLN contributing writer Mike Rigby conducted the initial survey, with further research by PLN associate editor Alex Friedmann.

Following the release of the report, HRDC, Working Narratives and the Center for Media Justice launched a national campaign challenging prison phone kickbacks (“commissions”) and other exploitive practices of the prison telephone industry. The goal of the Prison Phone Justice Campaign is to end excessive rates for phone calls made by prisoners, who are exercising the basic human right of communication. The campaign launched the www.prisonphonejustice.org and www.phonejustice.org websites, and is tracking data on the cost of prison phone calls as well as news reports and court rulings related to this topic.

Also, in 2011 the Human Rights Defense Center received foundation support from the Open Society Institute, the Sonya Staff Foundation, the Irvin Stern Foundation and numerous individuals around the country. Foundation support and individual donations constitute 15-20% of HRDC’s annual income and budget, with the remainder being earned income.

PLN – The Magazine

2011 was another notable year for Prison Legal News. PLN celebrated its 21st anniversary in May, continuing its distinction of being the longest-running independent magazine produced by current and former prisoners. Magazine subscription sales increased to over \$100,000. PLN published cover stories on the following topics in 2011:

- The problem of unqualified medical examiners, their use of unreliable “junk science” and the often damaging consequences these deficiencies have on defendants
- An exposé on mass torture in supermax prisons across the country
- U.S. Senator Marco Rubio’s history of close ties to private prison operator GEO Group and a federal investigation into Florida’s private prison giveaway of more than \$120 million
- A groundbreaking report on the prison telephone industry, including a state-by-state comparison of prison phone rates and kickback “commissions” paid by prison phone service companies
- An examination of private prison firm GEO Group, which continues to receive contracts in Texas despite its history of abuse and appalling conditions

- The growing shortage of lethal injection drugs in the U.S. and the increasingly desperate efforts of states that are scrambling to obtain them
- The U.S. Supreme Court's landmark ruling in the *Plata* litigation, ordering California to reduce its overcrowded prison system
- PLN editor Paul Wright's interview with former prisoner and famous actor Danny Trejo
- A history of the prisoner rebellion at Attica, on its 40th anniversary
- An in-depth study on the failures of private prisons to date, including an examination of the economics of the private prison industry, by Richard Culp, Ph.D.
- New York's costly and troubled sex offender civil commitment program
- The story of Scott Howard, a former prisoner who was repeatedly sexually assaulted while incarcerated in Colorado, which is representative of the ongoing, pervasive problem of prison rape and sexual abuse

PLN distributed over 50,000 free sample issues in 2011 via direct mail and at conferences and other events. *PLN* had approximately 7,000 subscribers as of the end of 2011, located in all 50 states; approximately 70% of our subscribers are incarcerated. Our print readership is around 100,000, based on reader surveys that indicate 10 people read each copy of *PLN*.

Advertising sales increased in 2011 to nearly \$100,000, allowing *PLN* to continue publishing 56-page issues for the third year in a row. *PLN* works hard to maintain first-rate advertisers that offer quality services, products and resources for prisoners.

PLN received around 1,000 pieces of mail per week throughout 2011. The majority of this correspondence was from prisoners; many requested legal assistance while others sent news clippings, court decisions and other items of interest. Due to this large volume of mail, *PLN* is unable to respond to everyone who contacts us.

Book Distribution

BOOK SALES

HRDC's book sales increased during 2011 to almost \$115,000. HRDC continues to offer a wide variety of books useful to prisoners, including hard-to-find works on the criminal justice system and self-help resources designed to help prisoners who are litigating their own cases.

A new addition to HRDC's bookstore in 2011 was *Our Bodies, Ourselves* by The Boston Women's Health Collective. This book is a highly-praised classic and vital resource for women that contains important information about every aspect of their well-being, including everything they need for making key decisions concerning their health.

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 improve their lives. We offer the highest author royalties in the publishing industry: 10% of the sales price of each book sold. Previous book titles published by PLN include *The Habeas Citebook: Ineffective Assistance of Counsel* and the *Prisoners' Guerrilla Handbook to Correspondence Programs in the United States and Canada*, 3rd Edition. PLN did not publish any new titles in 2011.

PLN and HRDC Websites

During 2011 we further developed and expanded PLN's website by significantly 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 a month and is an important resource for media and community outreach and education. PLN's website has the largest online content related to prison and jail issues in the world; in Google searches for the word "prison," it usually scores in the top 20. For the combined search terms "prison" and "legal" it is the first Google result.

PLN's website currently has over 28,000 news articles and more than 12,000 court rulings in its searchable database. The publications section contains over 5,000 reports, audits, research papers and other documents related to criminal justice issues, while the brief bank has almost 6,500 assorted legal pleadings – including complaints, motions, appeal briefs, verdicts and settlements in prison and jail-related cases.

Due to the proliferation of sites that offer free access to published court rulings, we have stopped uploading new published court decisions to our website and instead are only adding unpublished rulings that are not available elsewhere or are difficult to find.

Also, HRDC's website (www.humanrightsdefensecenter.org) was substantially updated in 2011 and has been populated with content, although it is not complete. While the PLN site remains our primary online presence, we plan to significantly expand the HRDC website.

HRDC Staff

HRDC's full-time staff members in 2011 included Paul Wright, Executive Director and Editor; Alex Friedmann, Associate Director and Associate Editor; Susan Schwartzkopf, Finance and Advertising Director; Lance Weber, Litigation Project Director and Chief Counsel; and Dennis Curran, Office Manager.

Also part of PLN's team in 2011 were Zach Phillips, law clerk; Ryan Barrett, web content manager; and Mel Motel, research assistant. Julie Etter joined HRDC in August 2011 as our research and office assistant.

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 is part of the legal team litigating civil rights violations arising out of the 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 emeritus of literature at Purchase College, SUNY. She has served on the PEN Prison Writing Program for nearly 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 anthology. She has written extensively about incarcerated writers and their literary accomplishments.

Judy Greene – Judy 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 imprisonment and offers programs for those impacted by incarceration. She began working with prisoners 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 prison walls. She is also on the board of Good Shepherd Services, a leading New York social services agency serving vulnerable children and families. Prior to her retirement she was a journalist at the *New York Times* for more than 30 years, including seven as a foreign correspondent in Africa and Europe.

Ellen Spertus – Ellen Spertus is an associate professor of computer science at Mills College and a senior research scientist at Google. She has served on the boards of Stop Prisoner Rape (now Just Detention International) and Computer Professionals for Social Responsibility.

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 for 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 media and prisons for *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 49 years; he is a past president and founder of Trial Lawyers for Public Justice, past president of the Colorado Trial Lawyers Association and a board member of other trial lawyer groups. He has been the senior partner in his own law firm for many years and 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 class-actions arising out of a riot at a CCA-operated prison in Colorado. He helped start the Gerry Spence Trial Lawyers College in 1994, and has been a member of the school's faculty and 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. He was incarcerated for 17 years in Washington State and was released in 2003.

Rollin Wright – Mr. Wright is *PLN's* publisher emeritus. He has been a board member since *PLN's* inception and was a volunteer officer manager from 1990 to 1996.

Advocacy Work

Throughout 2011 HRDC continued its long-standing practice of advocating for prisoners' rights and criminal justice reform through participation in conferences, panels, workshops and other events, as well as working in collaboration with allied organizations. HRDC staff testified before state legislative committees, submitted and signed on to letters sent to policymakers concerning criminal justice-related issues, and engaged in public education efforts. HRDC's advocacy work during 2011 included the following:

- On February 16, 2011, *PLN* editor Paul Wright testified before the Vermont House Government Operations Committee on the need to have a provision in the state public records law requiring attorney fee awards for people who are denied records from public agencies and then successfully challenge such denials through litigation. HRDC was a member of a coalition of numerous organizations, including all major daily newspapers in Vermont and the ACLU, which sought this important change in state law to ensure greater government transparency.

The effort was successful and the law was changed to require the award of attorney fees to prevailing public records litigants in Vermont.

- Paul Wright presented on an anti-death penalty panel held at the University of Southern California in Los Angeles on March 9, 2011. The panel discussed the effectiveness of the prison system, the issue of prison overcrowding and the fact that the United States is one of only two remaining capitalist countries that use capital punishment.
- Paul Wright was a speaker at classes at Yale Law School and presented at a seminar at the Law School's Liman Workshop on March 21, 2011. He co-presented on a panel titled "Access to Justice for People in Prisons: Internal Grievances, Jailhouse Lawyers, and Public Records."
- On March 25, 2011, HRDC chief counsel Lance Weber presented a webinar on prisoner outreach and written communications with prisoners, as part of the Agora I/O online free liberty conference.
- In April 2011, HRDC signed on to a letter from the Campaign for Youth Justice, calling on the U.S. Department of Justice to ban the placement of youth (under 18) in adult jails and prisons. The letter was in response to the Department's proposed regulations on the implementation of the Prison Rape Elimination Act (PREA) standards.
- In April 2011, HRDC also signed on in support of a letter from The Justice Roundtable's Sentencing Reform Working Group that called for the revision of costly, ineffective federal criminal justice policies.
- On April 4, 2011, HRDC submitted extensive comments to the U.S. Department of Justice regarding the proposed Prison Rape Elimination Act (PREA) standards being considered by the Department, with the goal of reducing rape and sexual abuse in detention facilities.
- PLN and a number of other organizations – including Solitary Watch, the California Coalition for Women Prisoners, the ACLU of Northern California and the National Lawyers Guild – co-sponsored a panel discussion on isolation units in U.S. prisons on April 5, 2011 in San Francisco. The event, which included five panelists and a moderator from the Prison Law Office, was organized by the Center for Constitutional Rights.
- Paul Wright gave a presentation at the National Conference for Media Reform on April 8, 2011 in Boston, Massachusetts. He co-presented on a panel about prison telephone rates, and introduced PLN's extensive report on the prison phone industry (PLN's April 2011 cover story) and the launch of the Prison Phone Justice Campaign.
- On May 5, 2011, Paul Wright presented at a workshop in Brattleboro, VT sponsored by Vermont Action for Political Prisoners, on the "school to prison pipeline."

- PLN associate editor Alex Friedmann, who owns a small amount of stock in Corrections Corporation of America, attended CCA's annual shareholder meeting in Nashville, Tennessee on May 12, 2011. He attempted to question CCA corporate officials about the company's lack of transparency, but they (ironically) declined to answer his questions. He also participated in and spoke at a protest outside CCA's office before the meeting; the protest was organized by ENLACE and the Tennessee Immigrant and Refugee Rights Coalition, primarily related to CCA's involvement in immigration detention.
- Paul Wright was honored by the graduating law students and faculty at the City of New York Law School on May 13, 2011. He spoke at the commencement ceremony and was presented with the Distinguished Public Interest Service Award. Well-known musician and activist Steve Earle also received an award and spoke and performed at the event.
- PLN contributed to a Justice Policy Institute report on prison privatization released in June 2011. The report included a section on a successful campaign coordinated by PLN associate editor Alex Friedmann in 2008-09 that quashed the federal judicial nomination of then-CCA general counsel Gus A. Puryear IV.
- Alex Friedmann attended and presented at the Beyond the Walls: Prison Health Care & Reentry Summit in Philadelphia, Pennsylvania on June 21, 2011. The summit was hosted by Philadelphia FIGHT, and was part of the 17th annual AIDS Education Month. He gave a presentation on the prison telephone industry and its impact on phone communication between prisoners and their families.
- HRDC and seven other organizations, including Amnesty International USA, The Constitution Project and Human Rights First, were signatories to a June 24, 2011 letter addressed to U.S. Senators Patrick Leahy and Charles Grassley, urging them to support the Consular Notification Compliance Act (S.1184). The Act would require review of capital cases involving foreign nationals who did not receive consular access while in custody, as required by the Vienna Convention on Consular Relations.
- Paul Wright attended and presented at the Allied Media Conference from June 24-26, 2011 in Detroit, Michigan. He presented on a prison telephone justice panel and at a separate panel on prison organizing.
- On July 1, 2011, Alex Friedmann participated in a protest outside the Wells Fargo bank in downtown Nashville, organized by ENLACE and the Tennessee Immigrant and Refugee Rights Coalition, that called on people to withdraw their money from Wells Fargo due to the bank's ties to the private prison industry.

- Along with numerous other organizations, HRDC signed on to a July 6, 2011 letter submitted to Congress in support of full funding for the Second Chance Act in fiscal year 2012. The Second Chance Act provides funding for reentry programs; the joint letter was coordinated by the Council of State Governments Justice Center.
- On July 30, 2011, HRDC submitted formal comments to the Equal Employment Opportunity Commission (EEOC) on the topic of hiring practices by employers that result in reentry barriers for ex-offenders. The letter noted that “Often a former prisoner’s criminal record has no relation to the type of job he or she is seeking, but because ex-offenders do not constitute a protected class, employers are free to discriminate against them and deny them employment based on their criminal record alone.”
- From July 31 to August 2, 2011, Alex Friedmann participated in the National Criminal Justice Association conference in New Jersey as an elected representative to the NCJA’s Advisory Council (Southern Region). The NCJA works on criminal justice policy issues.
- On September 21, 2011, Alex Friedmann testified before a joint Tennessee House/Senate Judiciary Committee hearing on issues related to the Court of the Judiciary. He spoke in support of removing private sanctions imposed on judges, to ensure that the results of all disciplinary actions against members of the judiciary are made public.
- In October 2011, at the request of the chief counsel of a U.S. Senator, HRDC staff prepared a four-page report on waste, fraud and abuse in the federal Bureau of Prisons. The information was requested for an amendment to a bill that would cut \$50 million from the BOP’s budget; ultimately, however, the amendment was not introduced.
- Paul Wright presented on a panel discussion on prison phone rates at the National Lawyers Guild’s convention in Philadelphia from October 12-16, 2011. HRDC chief counsel Lance Weber also attended the convention.
- On November 2, 2011, the ACLU’s National Prison Project posted a podcast of Alex Friedmann speaking about private prisons, as part of the NPP’s “Prison Voices” series. The podcast coincided with the same-day release of an NPP report on the private prison industry, titled “Banking on Bondage: Private Prisons and Mass Incarceration.”
- Alex Friedmann participated in a panel discussion on private prisons at a November 3, 2011 event held in Washington, D.C., sponsored by the Justice Policy Institute. Other panelists included Gail Tyree, a Soros Fellow with Grassroots Leadership; Joshua Miller with AFSCME; Emily Tucker with Detention Watch Network; David Shapiro with the ACLU National Prison Project; Sheila Bedi with the Southern Poverty Law Center; and Paul Ashton with the Justice Policy Institute.

- On November 13, 2011, Alex Friedmann gave a two-hour teach-in at Occupy Nashville on the issue of prison privatization. He also participated in an Occupy Nashville protest at CCA's corporate office the following day, and was a co-speaker on private prison issues at a teach-in with Occupy Murfreesboro (Tennessee) on December 17, 2011.
- Alex Friedmann and Donna Red Wing, executive director of Grassroots Leadership, were co-presenters on a December 8, 2011 conference call with the Women Donors Network; they addressed the issue of prison privatization.

Media Coverage

HRDC continued to make the news in 2011, including articles that mentioned PLN or quoted PLN staff. This media coverage included daily newspapers, magazines, radio shows, online content and TV programs. HRDC is frequently contacted by members of the media seeking background, contacts or information regarding criminal justice-related topics. Additionally, HRDC issued 11 press releases in 2011.

The news articles listed below are available on both the Prison Legal News and Human Rights Defense Center websites. This compilation of 2011 media coverage is not all-inclusive, and does not include articles related to HRDC's litigation:

- Associate editor Alex Friedmann was quoted in a January 4, 2011 article in *The Final Call* regarding the Georgia prison work strike – an eight-day peaceful protest that highlighted inhumane conditions in the state's prison system and the beatings that some prisoners received after participating in the strike.
- On January 16, 2011, Alex Friedmann was quoted in an article about criminal registries in *The Crime Report*, calling registries the “scarlet letter of our time.” He noted, “If you're going to put animal abusers on a registry why not everybody? Every offense is important to somebody.... Should we have a litterbug registry?”
- PLN editor Paul Wright was quoted in articles in the *Burlington Free Press* on February 5, 2011 and March 28, 2011, concerning Vermont's public records law. This was part of a successful effort by a number of organizations, including HRDC, to reform Vermont's public records statute and increase government transparency.
- Paul Wright was quoted in an article in the *Riverfront Times* on March 9, 2011 regarding restricted access to visiting prisoners at the downtown jail in St. Louis, Missouri. ACLU representatives were denied access to prisoners after they had filed two lawsuits against the jail over substandard medical care.

- Alex Friedmann was quoted in an *Associated Press* article on March 23, 2011 concerning prisoner pen pal services.
- On March 25, 2011, Alex Friedmann and HRDC board member Judy Greene were quoted in a *Bloomberg Businessweek* exposé on Corrections Corporation of America, in an article titled “A boom behind bars.” Referring to privately-operated prisons, Greene said, “Labor is cheap, wages are lower, and benefits are few. And across the board you see the impact of that.”
- Prison Legal News was profiled in an April 7, 2011 article in *The American Prospect*, “Books behind bars,” that discussed censorship of magazines and books by corrections officials.
- On April 16, 2011, Paul Wright appeared on the Peter Collins show on KGO Radio in San Francisco, California, speaking mainly about prison phone issues.
- Alex Friedmann spoke on two live radio shows regarding private prisons on May 23, 2011. He was interviewed on WKBN in Youngstown, Ohio and on The Craig Fahle Show on WDET Michigan Public Radio.
- On May 24, 2011, Paul Wright was interviewed on Columbian TV, via Skype, about the *Brown v. Plata* ruling involving California’s prison system, which was decided by the U.S. Supreme Court the day before.
- Alex Friedmann participated in radio interviews on May 24, 2011 on KGNU in Boulder, Colorado and WVON in Chicago, Illinois regarding prison privatization. The Illinois interview was conducted by Santita Jackson, daughter of Rev. Jesse Jackson.
- Paul Wright was interviewed on the Russian TV news program *RT* about private prisons, particularly the “kids-for-cash” scandal involving two Pennsylvania judges who received over \$2 million in bribes in exchange for sending thousands of teens to private, for-profit juvenile detention centers. Many of the youths were sentenced for minor and/or first time offenses; one committed suicide after being incarcerated. The *RT* report, “U.S. justice goes commercial,” aired on May 26, 2011.
- On May 30, 2011, Paul Wright was interviewed by Free Radio Olympia and spoke about founding and publishing PLN, the economics of prison slave labor, and how the prison system is used to manage poor people.
- Alex Friedmann was quoted in an article in *The Root*, “Inmate health care another kind of prison,” which discussed reports of prisoners who had died due to neglect by private prison medical contractors. “You have companies that are trying to earn a profit by providing as few services as they can because they want to make money,” he said. “They are not there out of altruism.” The article was published by NPR on June 8, 2011.

- Paul Wright appeared on the Bill Newman Show on WHMP in Massachusetts on June 14, 2011 to discuss and oppose a pending three-strikes law being considered by that state's legislature.
- On July 1, 2011, Alex Friedmann was quoted in articles in the *Tennessean* and the *Nashville Business Journal* about a protest against Wells Fargo in downtown Nashville, Tennessee due to the bank's ties to private prison companies.
- Alex Friedmann was quoted in a July 1, 2011 article on *TruthOut*, titled "The corrupt corporate incarceration complex." He stated, "The most harmful effect of private prison companies is that they have made imprisonment-for-profit politically and socially acceptable, thereby creating an insidious industry that benefits from incarceration while instilling the notion that justice literally is for sale and crime does in fact pay."
- Paul Wright appeared on the Bill Newman Show on WHMP in Massachusetts on July 25, 2011 and discussed the use of Tasers by police, prison and jail officers.
- On August 1, 2011, Alex Friedmann was quoted in an article in *The Nation*, "The hidden history of ALEC and prison labor," concerning the influence of the American Legislative Exchange Council on the prison industrial complex.
- Alex Friedmann was extensively quoted in "Private prisons: A good idea or a dangerous one?" published by the University of Phoenix Writer Network on August 2, 2011. The article discussed the corruption and consequences of the private prison model and how purported savings to taxpayers don't live up to the industry's propaganda. He noted, "Any savings that these companies wring out of a dollar – they're keeping that for themselves as profit. The taxpayer is not benefiting at all."
- On August 5, 2011, Alex Friedmann participated in an interview on "Last Call" on WMNF Community Radio in Tampa, Florida and discussed prison privatization. Also participating was Ken Kopczynski, director of the Private Corrections Institute.
- Paul Wright was quoted in the French publication *Le Ben Franklin Post* on August 13, 2011 in an article titled "Les prisonniers Californiens privés de Facebook," regarding prisoners' access to Facebook.
- On August 24, 2011, Alex Friedmann participated in a discussion on private prisons on radio station KXXT in Arizona. Other speakers included Joshua Miller with AFSCME and Caroline Isaacs with the American Friends Service Committee.
- Paul Wright was interviewed on KPFA in Berkeley, California on September 1, 2011, and discussed prison conditions and the use of correspondence to validate prisoners as gang members.

- Alex Friedmann was interviewed on the Russian TV news program *RT* about the private prison industry, via Skype. The show, “Profit from punishment,” aired on September 13, 2011.
- *USA Today* quoted Paul Wright in a September 13, 2011 article about prison work crews being cut due to budget constraints. He was also interviewed by *CBS News* on the same topic. He noted that prison work programs often harm local economies, saying, “When a prisoner gets a job, they’re taking a job from someone else in the community.”
- Following his testimony before a joint Tennessee House/Senate Judiciary Committee hearing, Alex Friedmann was quoted in articles in the *Tennessean* on September 22 and the *Knoxville News Sentinel* on October 1, 2011 about judicial discipline. Specifically, he took issue with private sanctions imposed on judges found guilty of misconduct, asking, “Why, then, should judges who commit misconduct receive private discipline that is hidden from the very members of the public who elected them?”
- Alex Friedmann appeared on the Gary Null radio show on October 3, 2011 to discuss issues related to the U.S. prison system, and spoke about private prisons. Another speaker on the show was prison industry expert Bob Sloan.
- On October 18, 2011, Alex Friedmann appeared in a CNBC documentary, “Billions Behind Bars,” that examined the private prison industry. He was also quoted in a companion CNBC article, posted the same day, titled “Private prison industry grows despite critics.” CCA responded by calling him a “violent, convicted felon” and “a professional critic waging a union-funded campaign against [private] prisons.”
- Alex Friedmann and Randall Berg, director of the Florida Justice Institute (who represents PLN in a pending censorship lawsuit), were quoted in an October 19, 2011 article in the *American Independent* on privatized prison health care.
- Paul Wright was quoted in an *Atlanta Journal-Constitution* article, “Georgia inmates’ ‘free’ work has a price,” on October 20, 2011. He noted that while audits indicate prison industries prove to be money losers, education programs are more effective at curbing recidivism. He also noted that most prison systems have cut educational programs.
- On November 2, 2011, Paul Wright was quoted in a McClatchy Newspapers article regarding prison labor in the state of Washington, titled, “With too few workers at harvest, Washington state hires inmates.”

- A *Prison Legal News* article written by Matt Clarke was used in the popular NPR radio show “Wait Wait ... Don’t Tell Me.” Information from the article, “Celebrity justice: Prison lifestyles of the rich and famous,” was used as the basis for the quiz segment of the show on November 12, 2011, with questions being answered by contestant Seth MacFarlane, creator of the popular TV program “Family Guy.”
- Alex Friedmann appeared on a Nashville Channel 5 News report on November 14, 2011 that covered a protest and mock human auction organized by Occupy Nashville outside the corporate office of Corrections Corporation of America.
- On November 29, 2011, Alex Friedmann was quoted in an article in the *Christian Post Reporter*, titled “Controversial for-profit prison corp. using prison labor and a Christian group for PR boost?” The article discussed CCA’s donation of prison labor to a Christian organization that provides prosthetic limbs to amputees in developing countries. “It’s always good to see prisoners who are contributing back to society while they’re still incarcerated,” he said. However, he noted it is important that “the credit goes to the prisoners participating in the program – not the corporate executives. The prisoners are the ones doing the work. They deserve to get the credit.”
- Paul Wright was quoted in a Honolulu *Civil Beat* article on December 29, 2011, titled “Hawaii pot minister’s bail denial called ‘rare.’” He disagreed that denials of bail are rare, stating, “Something like 40 percent of federal defendants are held pretrial without bail. Some people spend years in jail awaiting trial without bail. So that is pretty normal. The presumption of innocence isn’t what it used to be apparently.”

Litigation

HRDC’s Litigation Project provides co-counsel in all censorship and public records lawsuits involving *Prison Legal News*. HRDC chief counsel Lance Weber also co-counsels select cases involving prisons and jails with other civil rights attorneys across the country. Due to HRDC’s limited resources, however, we have a small docket. All HRDC litigation has a public education and media component that furthers our advocacy efforts in conjunction with our legal actions. Most of the complaints, settlements and orders in the cases described below are available on PLN’s website and/or the HRDC website.

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 generated extensive media coverage in 2011, including articles in the *Houston Chronicle*, *Courthouse News*, *Associated Press*, *Spokesman-Review*, *Pacific Northwest Inlander*, *First Amendment Center*, *News Review*, *Post and Courier*, *Houston Press*, *Huffington Post*,

Westword (Colorado), *Burlington Free Press*, *Chicago Tribune*, *National Law Journal*, *Daily Press & Argus*, *Topeka Capital-Journal*, *Phoenix New Times*, *Michigan Radio*, *The Lens* (Louisiana), *Miami New Times* and *Miami Herald*, plus interviews on Florida Public Radio and CNN affiliate KSRO radio in California.

HRDC chief counsel Lance Weber coordinates all litigation involving PLN and HRDC. Cases that were both filed and resolved in 2011 are listed in the “Cases Resolved” section below. HRDC’s 2011 litigation docket included the following cases:

NEW CASES FILED IN 2011

Sacramento County, California Jail Censorship Case: On April 5, 2011, PLN sued the Sheriff of Sacramento County, California over the county jail’s ban on *Prison Legal News*, purportedly because the magazine contains staples, and over the denial of due process when *PLN* is censored. PLN is represented by the San Francisco law firm of Rosen, Bien and Galvan, and HRDC chief counsel Lance Weber. The case is *Prison Legal News v. County of Sacramento*.

Livingston County, Michigan Jail Censorship Suit: PLN filed suit against Livingston County, Michigan and county sheriff Bob Bezotte on August 9, 2011. The federal lawsuit alleges that the county has “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. PLN is represented by attorneys Thomas M. Loeb, Brian J. Prain and Daniel E. Manville, plus HRDC chief counsel Lance Weber. The case is *Prison Legal News v. Livingston County Sheriff Bob Bezotte*.

Shawnee County, Kansas Jail Censorship Case: On August 31, 2011, PLN sued the Director of Corrections at the Shawnee County jail in Topeka, Kansas, challenging the jail’s ban on books and magazines and the lack of due process when such materials are censored. PLN is represented by Doug Bonney of the Western Missouri and Kansas ACLU, attorneys Fred Slough and James Jenkins, and HRDC chief counsel Lance Weber. The case is *Prison Legal News v. Board of Commissioners of Shawnee County, Kansas*.

Pinal County, Arizona Jail Censorship Suit: On September 7, 2011, PLN filed suit against the Pinal County jail in Arizona, challenging the jail’s ban on all books, magazines and mail that is not a postcard, and the denial of due process when such mail is censored. After the suit was filed, the county claimed the censorship was a “mistake.” PLN is represented by Dan Pochoda with the Arizona ACLU, the San Francisco law firm of Rosen, Bien and Galvan, and HRDC chief counsel Lance Weber. The case is *Prison Legal News v. Babeu*.

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 those materials are censored. PLN is represented by attorneys Mary Howell, Elizabeth Cumming, John Adcock and HRDC chief counsel Lance Weber. The case is *Prison Legal News v. Gusman*.

New York State Ban on Prison Legal News: On October 11, 2011, PLN filed suit against the New York Department of Correctional Services, challenging its ban on *Prison Legal News* and books distributed by PLN, as well as other correspondence from PLN, including legal mail. PLN also challenged the lack of due process when its materials are censored. PLN is represented by attorneys Elmer R. Keach, Jessica Gorman and HRDC chief counsel Lance Weber. The case is *Prison Legal News v. Lee*.

Florida State Ban on Prison Legal News: On November 17, 2011, PLN filed suit challenging the Florida Department of Corrections' (FDOC) ban on *Prison Legal News*, which is purportedly due to the magazine's advertising content, and the denial of due process when *PLN* is censored. PLN previously sued the FDOC over an identical policy in 2003, but that case was dismissed as moot after the defendants changed their policy on the eve of trial. Private prison companies GEO Group and Corrections Corporation of America are also named as defendants in this case, as they also censor *PLN* in their Florida facilities. PLN is represented by Randall Berg, Josh Glickman and Dante Trevisani with the Florida Justice Institute, Randall Marshall with the Florida ACLU and HRDC chief counsel Lance Weber. The case is *Prison Legal News v. Tucker*.

CCA Infant Wrongful Death Suit in Tennessee: On November 17, 2011, the Human Rights Defense Center and attorneys Andrew Clarke and Luther Sutter filed lawsuits in federal 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 staff at the Silverdale Detention Facility in Chattanooga, where Ms. Clemons was incarcerated, did not immediately take her to a hospital when she began preterm labor. Upon arrival at the hospital over five hours after she first requested medical assistance from CCA, her son Roland was born but died soon afterward. Ms. Clemons seeks to hold CCA accountable for its mistreatment of pregnant prisoners. The cases are *Clemons v. Corrections Corporation of America* and *Luhowiak v. Smith*.

PRIOR CASES STILL PENDING IN 2011

Berkeley County, South Carolina Jail Censorship Suit: On October 6, 2010, PLN sued the Berkeley County Jail in Moncks Corner, South Carolina, challenging the jail's policy of barring prisoners from receiving any reading material except the Bible. In May 2011 the Department of Justice intervened in the lawsuit, against the county. PLN is represented by the ACLU of South Carolina, the ACLU National Prison Project and HRDC chief counsel Lance Weber. This case has generated extensive media coverage. The case is *Prison Legal News v. DeWitt*.

PHS Vermont Public Records Case: On August 26, 2010, PLN filed suit in Washington County Superior Court in Vermont under the state's public records statute, seeking litigation-related records and other information from Prison Health Services – a private medical care contractor implicated in the deaths of several Vermont prisoners. PLN is represented by the Vermont ACLU. The case is *Prison Legal News v. Prison Health Services*.

Tennessee Jail Death Suit: On May 23, 2010, HRDC and Nashville-based co-counsel David Randolph Smith filed suit on behalf of the estate of Roy Glenn Hall, Jr., a 52-year-old prisoner who died due to medical neglect while held at a jail in Davidson County, Tennessee. Among the defendants named in the lawsuit are Correct Care Solutions, a private medical contractor, and the Davidson County Sheriff's Office. The case is *Mathes v. Metropolitan Government of Nashville and Davidson County*.

TDCJ Book Censorship Suit: On November 4, 2009, PLN filed suit challenging censorship by the Texas Department of Criminal Justice (TDCJ) of several books distributed by PLN. During discovery it was learned that the TDCJ actively censors approximately 12,000 books. PLN also challenged the lack of due process notification to senders of censored books. The district court granted summary judgment to the TDCJ, and PLN appealed. On May 27, 2011, a number of organizations joined an amicus brief in support of PLN, including the Southern Poverty Law Center, ACLU of Texas, American Booksellers Foundation for Free Expression, National Coalition Against Censorship, Texas Council of Teachers of English Language Arts, and individual authors Terry A. Kupers, Don Sabo, Christian Parenti and H. Bruce Franklin. The Fifth Circuit had not ruled on PLN's appeal by the end of 2011. PLN is represented by Scott Medlock and Jim Harrington with the Texas Civil Rights Project, and HRDC chief counsel Lance Weber. The case is *Prison Legal News v. Livingston*.

CCA Public Records Case in Tennessee: On May 19, 2008, PLN associate editor Alex Friedmann sued Corrections Corporation of America in state court under Tennessee's public records law, seeking disclosure of certain records related to CCA's operation of prisons and jails in Tennessee. On July 29, 2008 the trial court issued a landmark ruling, holding for the first time that a private prison company was subject to Tennessee's public records statute. CCA appealed. On August 5, 2009 the

Court of Appeals found that CCA was the functional equivalent of a state agency and thus subject to the public records law; in a revised ruling on September 16, 2009 following a motion to rehear, the appellate court held that the records requested by PLN were subject to disclosure by CCA for all but one of the company's Tennessee facilities. Tennessee's Supreme Court denied review on March 1, 2010. 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 has indicated it will file another appeal. PLN is represented by Memphis attorney Andrew Clarke; the case is *Friedmann v. CCA*.

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 has filed five motions for summary judgment in this case, which remains pending. PLN is represented by Washington, D.C. attorney Ed Elder, the Partnership for Civil Justice and HRDC chief counsel Lance Weber. The case is *Prison Legal News v. Lappin*.

CASES RESOLVED IN 2011

Galveston County, Texas Jail Censorship Suit: On June 28, 2010, Prison Legal News sued the Galveston County jail in Texas over its policy of banning books, magazines and newspapers. The case settled in February 2011, with the entry of a consent decree governing mail policies at the jail and payment of damages and attorney fees. PLN was represented by Scott Medlock, Lauren Izzo and Brian McGiverin with the Texas Civil Rights Project. The case, filed in federal court, was *Prison Legal News v. Poor*.

Connecticut FOIA Appeal: When PLN requested records related to a settlement involving a prisoners' death at a jail in Hartford, Connecticut, the city denied PLN's request for a fee waiver and demanded \$27.50 in copying fees. PLN appealed to the state's FOIA Commission, which held on September 23, 2009 that PLN was entitled to a fee waiver. The city was ordered to provide the records at no cost. On November 12, 2009, the city appealed the Commission's ruling to Superior Court, paying a \$300 court filing fee to contest the waiver of \$27.50 in copy costs. The Superior Court ruled in favor of the city. PLN appealed, whereupon the defendants stated in a June 16, 2011 letter that they were waiving the copying fees. PLN was represented in Superior Court by attorney

Brett Dignam at Yale Law School and law students Robyn Gallagher and Megan Quattlebaum. PLN was represented on appeal by Bridgeport, Connecticut attorney Sean McElligott and HRDC chief counsel Lance Weber. The FOIA Commission appeal was *In the Matter of a Complaint by Paul Wright v. Office of the Corporation Counsel*; the Superior Court case was *Office of City Corporation v. FOIA Commission*.

Spokane, Washington Jail Censorship Case: On January 21, 2011, PLN filed suit challenging a ban on all mail except postcards at the Spokane County jail in Washington State, and the lack of due process when mail was censored. The case settled on August 3, 2011 with a consent decree that ended the jail's ban on books, magazines and non-postcard mail. The defendants also agreed to pay attorney fees, costs and damages. PLN was represented by attorneys Jesse Wing and Katherine Chamberlain with MacDonald Hoague & Bayless, and HRDC chief counsel Lance Weber. The case was *Prison Legal News v. Spokane County*.

Executive Office for U.S. Attorneys FOIA Suit: On May 20, 2008, PLN filed a FOIA suit against the Executive Office for U.S. Attorneys, seeking disclosure of video footage and photos of the murder of a prisoner at the U.S. Penitentiary in Florence, Colorado. The video and photos were shown in open court during the murder trials of the victim's assailants and were not sealed; however, the government refused to release them to PLN. On September 16, 2009, the district court granted in part and denied in part summary judgment motions filed by both parties, and ordered the defendants to produce a portion of the video. PLN appealed to the Tenth Circuit and numerous organizations joined an amicus brief on PLN's behalf – including *60 Minutes*, the *Associated Press*, *Westword*, the American Society of News Editors, the Association of Capitol Reporters and Editors, the Society of Professional Journalists and the ACLU of Colorado. The Tenth Circuit affirmed the district court on January 11, 2011 and, despite strong amici support, the U.S. Supreme Court denied review on October 17, 2011. PLN was represented by Boulder, Colorado attorney Gail K. Johnson at the district court and appellate court levels. The certiorari petition was prepared and filed by attorneys Paul Clement (U.S. Solicitor General during the George W. Bush administration), Zachary Tripp, Neil Siegel and HRDC chief counsel Lance Weber. The case was *Prison Legal News v. EOUSA*.

District of Columbia Public Records Case: In June 2008, PLN filed a public records lawsuit against the District of Columbia, seeking records concerning litigation against the D.C. Dept. of Corrections. The suit challenged the District's refusal to provide records in electronic format as required by District law, and its refusal to waive copying fees when doing so was in the public interest. The court ordered the District to produce the requested records in July 2009. The case concluded on December 1, 2011 with the disclosure of all the requested records and the court awarding attorney fees and costs to PLN. PLN was represented by the Partnership for Civil Justice; the case was *Prison Legal News v. District of Columbia*.

Chelan County, Washington Jail Censorship Suit: On September 9, 2011, PLN filed suit against the Chelan County jail in Washington State, challenging the jail's ban on all books and magazines and the denial of due process when reading material is censored. The county settled the case on December 1, 2011, entering into a consent decree governing mail policies at the jail and agreeing to pay damages and attorney fees. PLN was represented by attorneys Jesse Wing and Katherine Chamberlain with MacDonald Hoague & Bayless, and HRDC chief counsel Lance Weber. The case was *Prison Legal News v. Chelan County*.

AMICUS BRIEFS

HRDC continued to join with other organizations in filing amicus briefs in the appellate courts to advocate on behalf of prisoners and other civil rights litigants.

On June 16, 2011, HRDC and the National Police Accountability Project filed an amicus brief in the Ninth Circuit on behalf of the plaintiffs in *Mattos v. Agarano* and *Brooks v. City of Seattle*. In both cases the plaintiffs asked the court to deny qualified immunity to police officers who had Tasered citizens without reasonable cause, in cases that involved disputed facts. The appeals were consolidated and decided *en banc* on October 17, 2011. See: *Mattos v. City of Seattle*, 661 F.3d 433 (9th Cir. 2011)(*en banc*).

Other Activities

PRISON PHONE JUSTICE CAMPAIGN

Since 1992, Prison Legal News has been in the forefront of advocacy and reporting on the issue of exorbitant rates charged for phone calls made by prisoners.

In April 2011, PLN published the most comprehensive report to date regarding this topic, based on two years of research and public records requests. In collaboration with the Center for Media Justice and Working Narratives, HRDC is using the report as the basis for a national campaign to eliminate prison phone kickbacks, in an effort to lower prison phone rates and thus increase telephone communication between prisoners and their families. In 2011, the campaign launched the www.prisonphonejustice.org and www.phonejustice.org websites.

PLN's report on the prison phone industry resulted in media coverage by the *Associated Press*, *Seattle Weekly*, *Seven Days* (Vermont), *Liberation*, *The Advocate* (Louisiana) and *Boulder Weekly*, and generated a great deal of interest in this issue, with PLN staff speaking about prison phone rates and the Prison Phone Justice Campaign at conferences and other events.

On April 25, 2011, HRDC submitted a copy of PLN's report to the FCC as a formal comment in support of the Wright Petition, which requests that the FCC impose rate caps on interstate prison phone calls.

CCA SHAREHOLDER RESOLUTION

In late November 2011, PLN associate editor Alex Friedmann, who owns a small amount of stock in Corrections Corporation of America, filed a shareholder resolution with the company as a form of shareholder activism. His resolution would require CCA to produce reports every six months on its Board of Directors' "oversight of the company's efforts to reduce incidents of rape and sexual abuse of prisoners housed in facilities operated by the company."

The resolution's supporting statement notes that "In a 2008 report, the [U.S.] Justice Department found that the Torrance County Detention Facility, operated by the Company, had the highest rate of sexual victimization among those surveyed. In October 2011 the ACLU of Texas filed a class-action lawsuit against the Company, alleging that immigrant detainees were sexually assaulted by a CCA employee at the Company's T. Don. Hutto facility." Further, "Two states, Kentucky and Hawaii, removed their female prisoners from the Company's Otter Creek facility following a sex scandal involving Company employees."

On December 23, 2011, CCA filed a formal objection with the Securities and Exchange Commission (SEC) seeking to have the resolution excluded from the company's proxy materials distributed to shareholders. As one of the justifications cited for excluding the resolution, CCA claimed it was a "personal grievance" and Friedmann had "published stories, press releases and op-eds and given interviews highly critical of [CCA] and its management through Prison Legal News and other venues...."

Attorneys Jeffrey Lowenthal and Jonathan Burke with the law firm of Stroock & Stroock & Lavan LLP graciously agreed to provide pro bono assistance to file a response to CCA's objection. If successful, the resolution would then be submitted to CCA shareholders.

Looking Forward: Goals for 2012

HRDC's goals and objectives for 2012 include hiring a second attorney for the Litigation Project so that HRDC can more effectively litigate First Amendment cases, public records cases and select civil rights cases involving detention facilities.

Our Litigation Project has been unusually busy and we have seen a dramatic increase in efforts around the country to censor Prison Legal News and the books we distribute. HRDC chief counsel Lance Weber has done an excellent job managing and coordinating HRDC's litigation in conjunction with co-counsel in our cases, and we intend to maintain a full litigation docket in 2012.

We are pleased with HRDC's progress during 2011 in terms of media outreach, advocacy efforts, litigation and other projects. PLN's website continues to be a definitive source for news and research for prisoners' rights advocates, policymakers, academics, researchers, journalists, family members, attorneys and other people interested in criminal justice and corrections-related issues.

We would like to expand the scope of our reporting by developing an online presence around the issues of police, prosecutorial and judicial misconduct, where all such news stories could be

compiled in one location. This would complement PLN's news coverage of prisons and jails, and would offer a complete overview of corruption and abuse within the criminal justice system from beginning to end. We are also interested in developing multi-media capability and expanding our existing staff so that we can produce and disseminate multi-media content across diverse platforms.

In terms of book publishing, we are actively seeking interesting new titles to publish in 2012, and will work to broaden our selection of self-help books for prisoners.

Increasing and diversifying HRDC's funding base remains essential to our long-term success. We will continue to seek additional grant sources, expand PLN's magazine subscription and advertising income, and reach out to individual donors.

HRDC will also seek funding for the establishment and development of projects that 1) document the negative impact of mass incarceration on the environment; 2) report the views of well-known Americans on the criminal justice system; and 3) increase our investigative reporting on criminal justice issues of national impact and significance. Additionally, we plan to expand the Prison Phone Justice Campaign initiated in 2011 by networking with other organizations to challenge excessive prison phone rates on a national level.

Due to the economic crisis in the United States since 2008, we have seen a number of states make dramatic departures from their typical "lock 'em up" criminal justice policies – including prison closures, early release programs and changes in parole practices. This is a time of strategic opportunity to advocate for significant change in our justice system. HRDC will seek to advance this trend through our news reporting, advocacy work, litigation and partnerships with other organizations, by informing the public and policymakers about deficiencies in our criminal justice system and the need for practical, equitable reforms.