



HUMAN RIGHTS DEFENSE CENTER

2012 ANNUAL REPORT

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Notable Developments

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

Throughout 2012, in cooperation with Media Action Grassroots Network (MAG-Net) and Working Narratives, HRDC co-coordinated the national Campaign for Prison Phone Justice, which seeks just and equitable rates for phone calls made by prisoners. The Campaign focused on pressuring the Federal Communications Commission (FCC) to take action on the “Wright Petition,” which would cap the cost of exorbitant interstate prison and jail phone calls. The Wright Petition has languished before the FCC since 2003; however, the Campaign’s extensive advocacy efforts led the FCC to issue a Notice of Proposed Rulemaking in December 2012.

HRDC received financial support from the Open Society Institute, the Sonya Staff Foundation and the Irvin Stern Foundation in 2012. Foundation support and individual donations make up approximately 15-20% of HRDC’s annual budget, with the remainder coming from PLN subscriptions, book sales and advertising revenue, plus HRDC’s litigation project.

Nine lawsuits filed by HRDC or PLN were resolved in 2012, with HRDC/PLN prevailing in eight of those cases.

PLN – The Magazine

HRDC’s monthly publication, *Prison Legal News*, covers corrections and criminal justice-related issues. PLN celebrated its 22nd anniversary in May 2012, continuing its distinction of being the longest-running independent magazine produced by and for prisoners. Magazine subscription revenue in 2012 was over \$100,000.

PLN published cover stories on the following topics in 2012:

- Marie Gottschalk’s in-depth article, “Days Without End: Life Sentences and Penal Reform”
- Private prison legislation in the Sunshine State, in “Florida Provides Lesson in How Not to Privatize State Prisons,” by David Reutter
- Alan Pendergast’s article on the effects of restorative justice programs in Colorado
- An examination of the continued problem of rape and sexual abuse of prisoners across the country, by PLN writer Matt Clarke and associate editor Alex Friedmann
- David Reutter’s coverage of prison slave labor being used to replace freeworld workers during the economic downturn
- “God’s Own Warden,” a profile of the Angola prison in Louisiana and Angola warden Burl Cain, by James Ridgeway

- “Racial Critiques of Mass Incarceration: Beyond the New Jim Crow” – an appraisal of Michelle Alexander’s well-known book, by James Forman, Jr.
- An in-depth look at the federal government’s civil commitment process for sex offenders, by Derek Gilna
- PLN editor Paul Wright’s interview with Conrad Black, a former federal prisoner and millionaire media mogul
- A detailed examination of solitary confinement in the context of an unprecedented Congressional hearing on that topic, by PLN associate editor Alex Friedmann
- “Bailing on Justice: The Dysfunctional System of Using Money to Buy Pretrial Freedom,” by Tracy Velázquez, Melissa Neal and Spike Bradford with the Justice Policy Institute
- An exposé on prison-based gerrymandering and the building momentum to end that practice, by Prison Policy Initiative director Peter Wagner

PLN’s advertising revenue increased in 2012 to over \$120,000, allowing PLN to continue publishing a 56-page issue for four years in a row. PLN works hard to maintain first-rate advertisers that offer quality services and products of interest to prisoners. We have a target 25% ad content to 75% news and legal content.

PLN distributed over 70,000 free sample issues in 2012 via direct mail and at conferences and events. PLN has approximately 7,000 subscribers in all 50 states; an estimated 70% of our subscribers are incarcerated. PLN’s print readership is around 70,000 based on reader surveys that indicate 10 people read each copy of PLN.

PLN received about 1,000 pieces of mail each week throughout 2012. The majority of this correspondence was from prisoners, with many requesting legal assistance or sending us 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 in 2012 generated over \$80,000 in revenue. HRDC continues to offer a wide variety of books of interest to prisoners, including hard-to-find works on criminal justice topics as well as self-help legal resources designed to help prisoners who litigate their own cases.

HRDC added several new legal reference books in 2012, including the *Dictionary of Criminal Law Terms* (Black’s Law Dictionary Series), *Advanced Criminal Procedure in a Nutshell*, *Arrest-Proof Yourself* and *The Redbook: A Manual of Legal Style*.

BOOK PUBLISHING

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

Our goal is to produce 1-2 new titles each year; previous book titles published by PLN include *The Habeas Citebook: Ineffective Assistance of Counsel* by Brandon Sample, and the *Prisoners' Guerrilla Handbook to Correspondence Programs in the United States and Canada*, 3rd Edition, by Jon Marc Taylor and edited by Susan Schwartzkopf. PLN did not publish any new titles in 2012.

PLN and HRDC Websites

During 2012 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 per month and has become a significant resource for media and community outreach and education. Our website has the largest online content related to prison and jail issues in the world.

PLN's website currently has over 16,600 news articles in its searchable database. The publications section has more than 5,300 reports, audits and other documents related to criminal justice issues, and our brief bank contains over 7,100 assorted legal pleadings – including complaints, motions, appeal briefs, verdicts, judgments and settlements in prison and jail cases.

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

HRDC's website (www.humanrightsdefensecenter.org) was expanded and improved in 2012, with all pages now being functional. We intend to continue refining the site and adding additional features and content.

HRDC Staff

HRDC's full-time staff members during 2012 included executive director and PLN editor Paul Wright, associate director and PLN associate editor Alex Friedmann, finance and advertising director Susan Schwartzkopf, litigation project director and general counsel Lance Weber, staff attorney Alissa R. Hull and office manager Dennis Curran.

Also part of PLN's team in 2012 were Zach Philips, paralegal; Ryan Barrett, web content manager; Mel Motel, director for the Campaign for Prison Phone Justice; and Julie Etter, research and editorial 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 Viet Nam war and was Executive Director of the National Lawyers Guild from 1992-1995.

Bell Chevigny – Bell Chevigny is professor emerita 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 Prize anthology. She has written extensively about writers in prison and their literary works.

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

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

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

Sheila Rule – Sheila Rule is co-founder of the Think Outside the Cell Foundation (www.thinkoutsidethecell.org). The foundation works to end the stigma of incarceration and offers programs for those who live in the long shadow of prison. She began working with this population in 2001

when she joined the Riverside Church Prison Ministry in New York City and was asked to correspond with incarcerated men and women. Inspired by their rich potential, she started the publishing company Resilience Multimedia to publish books that present a fairer image of those who have spent time behind bars. She is also on the board of Good Shepherd Services, a leading New York social services agency serving vulnerable children and families. She was a journalist at the *New York Times* for more than 30 years, including seven as a foreign correspondent in Africa and Europe, before retiring so she could embrace her current work.

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

Bill Trine – Bill Trine has been a trial lawyer for the people for 50 years and a past president and founder of Trial Lawyers for Public Justice (TLPJ), past president of the Colorado Trial Lawyers Association, and on the board of other trial lawyer groups. Bill has been the senior partner in his own trial firm for many years and presently is in the process of trying to retire to do more writing and teaching. He started a national prison project through TLPJ in 2005 and has been plaintiff's counsel in prison cases for several years, including numerous lawsuits arising out of a riot at a privately-operated prison in Crowley County, Colorado. Bill helped start the Gerry Spence Trial Lawyers College in 1994 and has been on the faculty and a member of the College's board since its beginning.

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

Rollin Wright – Mr. Wright, PLN's publisher emeritus, has been a board member since PLN's inception and served as PLN's volunteer office manager from 1990 to 1996. He passed away on December 10, 2012.

Advocacy Work

HRDC staff engaged in a number of advocacy efforts and initiatives in 2012, to effect reform in our nation's criminal justice system and to educate the public and policymakers about criminal justice and prison-related issues. These advocacy efforts included:

- HRDC associate director Alex Friedmann attended a meeting of the anti-private prison Public Safety and Justice Campaign in Washington, DC on January 5, 2012, and HRDC/PLN joined the Coalition's advisory committee.
- On January 10, 2012, HRDC signed on to a joint letter from a coalition of more than 65 national, state and local immigration, civil rights and faith-based organizations calling on Immigration and Customs Enforcement (ICE) to end the practice of detaining immigrant families. The sign-on letter was coordinated by Grassroots Leadership.
- Alex Friedmann participated in a Day of Action protest against Wells Fargo bank in downtown Nashville, Tennessee on January 24, 2012. The protest, which included members of Occupy Nashville, urged people to withdraw their money and close their accounts due to Wells Fargo's ties to the private prison industry, particularly private prison firm GEO Group.
- On January 31, 2012, HRDC signed on to a joint letter submitted to the Florida Senate in opposition to legislation that would significantly expand prison privatization in that state. The letter, signed by 17 criminal justice and faith-based organizations, was coordinated by the Sentencing Project.
- Alex Friedmann gave a presentation on the private prison industry at the Criminal Justice Network Convocation of the Presbyterian Health, Education and Welfare Association, held in Stony Point, New York from February 17-19, 2012.
- HRDC executive director Paul Wright presented at the Western New England School of Law in Springfield, Massachusetts on February 23, 2012 on issues related to prisoners' access to the courts.
- On February 27, 2012, HRDC submitted a letter to Michigan Department of Corrections Director Daniel H. Heyns, expressing concerns about the MDOC's deployment of Taser electronic control devices (ECDs) in state prisons. The letter noted that "HRDC, through its monthly publication, *Prison Legal News*, has reported on the use of ECDs in the correctional setting for over two decades. We have, for example, reported cases in which pregnant prisoners miscarried after being shocked; where prisoners were shocked while they were restrained in handcuffs or restraint chairs; and where ECDs were used sadistically for the purpose of inflicting pain rather than being used to regain control or respond to incidents involving violence or the credible threat of violence."

- Alex Friedmann assisted with a report by In the Public Interest, released in March 2012, titled “Floodlights Instead of Flashlights: Sunshine Laws out of Step with Government Contracting Leave Public and Lawmakers in the Dark.” He was acknowledged in the report’s credits.
- On March 1, 2012, the Presbyterian Health, Education and Welfare Association (PHEWA) and Presbyterian Criminal Justice Network submitted letters to 48 governors in opposition to prison privatization, in response to letters sent by Corrections Corp. of America (CCA) the previous month offering to purchase state prisons. “We believe that privatizing prisons, and thereby incarcerating people for the purpose of generating corporate profit, is immoral and contrary to the faith teachings of the Presbyterian Church,” said PHEWA executive director Rev. Trina Zelle. HRDC associate director Alex Friedmann served as a consultant to the Presbyterian Criminal Justice Network, assisted in drafting the letter and hand-delivered a copy of the letter to the office of Tennessee governor Bill Haslam.
- On March 1, 2012, HRDC signed on to a letter sent to 48 governors opposing CCA’s offer to spend up to \$250 million to buy state prisons and then manage them for 20 years with a 90% occupancy requirement. The sign-on letter was coordinated by the ACLU National Prison Project.
- Alex Friedmann submitted a letter to the Tennessee Department of Correction (TDOC) on March 8, 2012 regarding TDOC policy changes and the adverse impact those changes were having on levels of violence in the state prison system. The letter was initiated by HRDC with three other organizations signing on: Reconciliation, TN CURE and the TN Alliance for Reform. The letter included a statistical analysis of violent incidents in Tennessee prisons from 2010-2011, based on data HRDC obtained from the TDOC through public records requests.
- Paul Wright co-presented at the Leadership Conference in Washington, DC on March 20, 2012. The panelists discussed previous work that has been done with respect to prison phone rates and efforts to lower the cost of calls made by prisoners.
- HRDC signed on to a March 23, 2012 letter submitted to members of the Senate and House Subcommittees on Homeland Security Appropriations, asking them to adopt immigration detention reforms, including a reduction in funding for detention and curtailing the Secure Communities program. The sign-on letter was coordinated by Detention Watch Network and Rights Working Group.
- Lance Weber, HRDC’s general counsel, presented during a seminar on “Prison Privatization: Optimizing Our Use of a Privatized Resource,” at the Vermont Law Review Spring Symposium at the Vermont Law School on March 23, 2012.

- On April 2, 2012, HRDC signed on to a letter to White House Domestic Policy Council Cecilia Muñoz in opposition to the exclusion of immigration detention facilities from the Department of Justice's proposed Prison Rape Elimination Act (PREA) standards. The letter strongly urged full implementation of PREA in immigration detention facilities. The letter, with 105 signatories, was coordinated by the National Council of La Raza.
- On April 12, 2012, Alex Friedmann spoke at a convocation at Belmont University in Nashville on the topic of prison privatization from a moral perspective.
- Paul Wright spoke at Columbia Law School in New York about solitary confinement on April 13, 2012.
- Alex Friedmann attended CCA's annual shareholder meeting on May 10, 2012. By owning a small amount of stock, he can pose questions to CCA's board and file shareholder resolutions. He formally presented his shareholder resolution to require CCA to issue reports on its efforts to reduce incidents of prisoner rape and sexual abuse in CCA-operated facilities. The resolution failed to pass; for more information, see the "Other Activities" section below.
- HRDC, along with 164 immigration, faith, labor, civil rights, human rights and community organizations, signed on to a May 17, 2012 letter in opposition to the Violence Against Women Reauthorization Act of 2012 (H.R. 4970). The legislation was widely opposed because it eliminated protections for battered immigrants and crime victims; the bill passed in the House but not in the Senate.
- On May 19, 2012, Paul Wright co-presented on a panel about mass incarceration at the National Lawyers Guild conference in Miami, Florida. He discussed issues related to prison privatization and prison labor as well as legal barriers to prison conditions lawsuits due to the Prison Litigation Reform Act.
- Alex Friedmann attended the National Sheriff's Association conference held in Nashville, Tennessee on June 19, 2012. Unfortunately, the conference was cut short on the second day due to an explosion at the hotel where the event was being held.
- On June 25, 2012, Alex Friedmann spoke on a panel and co-conducted a workshop on private prisons at the Communications Workers of America (CWA) conference in New Brunswick, New Jersey. Other panelists included Gail Tyree with Grassroots Leadership, Shar Habibi with In the Public Interest and Paul Ashton with Justice Policy Institute.
- Paul Wright and HRDC campaign director Mel Motel attended the Allied Media Conference in Detroit from June 28 to July 1, 2012. On June 29, Paul spoke on a panel about the prison phone industry and the Campaign for Prison Phone Justice.

- On July 2, 2012, Alex Friedmann began attending meetings of the Tennessee Consultation on Criminal Justice at Trinity Presbyterian Church in Nashville. He participated in meetings throughout 2012 and collaborated with other members of the Consultation on a proposal to reduce recidivism rates in Tennessee, primarily by adopting reentry initiatives and parole reforms that have proven effective in other states.
- Alex Friedmann contributed a book chapter, titled “The Societal Impact of the Prison Industrial Complex, or Incarceration for Fun and Profit ... Mostly Profit,” to *And the Criminals with Him: Essays in Honor of Will D. Campbell and All the Reconciled*, edited by Will D. Campbell and Richard C. Goode, which was published by Cascade Books on July 20, 2012.
- Alex Friedmann presented on a panel about prison privatization – specifically privately-operated juvenile facilities – at the Children’s Defense Fund national conference in Cincinnati on July 24, 2012. Other panelists included Justice Policy Institute director Tracy Velázquez and Zach Schiller with Policy Matters Ohio.
- On July 30, 2012, HRDC and 10 other organizations submitted a joint letter to Virginia Governor Robert F. McDonnell in opposition to a proposed privately-operated civil commitment facility. Other signatories to the letter, which was coordinated by Justice Policy Institute, included the Sentencing Project, Justice Strategies, Grassroots Leadership, Private Corrections Institute, Progressive States Action and the United Methodist Church’s General Board of Church and Society.
- On August 13, 2012, Paul Wright, Susan Schwartzkopf and Mel Motel spoke to prisoners at the Author’s Read Aloud program at the Hampshire County Jail in Northampton, Massachusetts. Paul spoke about the process of becoming an author and his experiences as a writer and editor of *Prison Legal News*.
- HRDC signed on to an August 27, 2012 letter opposing plans for 2,000 more private prison beds in Arizona. The letter, which was sent to Arizona Governor Jan Brewer and Arizona Department of Corrections Director Charles Ryan, noted that the proposed private prison contract was unnecessary (due to a decreasing state prison population) and costly (estimated at \$17 million), and that the companies bidding for the contract had histories of mismanagement, abuse and safety problems. The letter was coordinated by the American Friends Service Committee.
- The Juvenile Justice Information Exchange conducted a video interview of Alex Friedmann on August 31, 2012 concerning the increased use of private prisons by local, state and federal government agencies.

- On September 8, 2012, Alex Friedmann spoke at a meeting of Project: New Beginning, a prisoner organization at the Riverbend Maximum Security Facility in Nashville.
- Alex Friedmann gave a presentation to students at Vanderbilt University's Appellate Litigation Clinic concerning prison litigation and jailhouse lawyers. The September 19, 2012 event was arranged by Assistant Clinical Professor of Law Alistair E. Newbern.
- Paul Wright and Ernest Galvan of Rosen Bien Galvan & Grunfeld LLP co-presented a workshop at the University of California Davis Law School regarding HRDC's censorship lawsuit, *PLN v. Sacramento County*, on September 21, 2012.
- On October 8, 2012, Alex Friedmann participated in a Huffington Post video roundtable on the Campaign for Prison Phone Justice and the release of the movie "Middle of Nowhere." Other participants included Steven Renderos from the Center for Media Justice; Ava DuVernay, director of "Middle of Nowhere"; actress Emayatzy Corinealdi; Bethany Fraser, whose husband is incarcerated; and former prisoner and social activist Amir Varick Amma.
- HRDC joined 36 organizations, representing more than 14 million individuals, in a letter opposing New Hampshire's legislative attempt to privatize its entire state prison system. The letter was delivered to New Hampshire's five-member Executive Council and Governor John Lynch on October 23, 2012.
- Alex Friedmann contributed to a report released by In the Public Interest on October 30, 2012, titled "Essential Public Interest Protections for Prison Privatization Contracts," which describes best practices and issues that should be considered with respect to private prison contracts. He was acknowledged in the report's credits.
- Mel Motel presented at the Facing Race Conference in Baltimore, Maryland on November 12, 2012, on a panel titled "Campaign Weaving and Movement Building: Challenging the Incarceration Nation through Creative Action." She discussed the Campaign for Prison Phone Justice, specifically the involvement of prisoners as activists.
- HRDC general counsel Lance Weber presented during a seminar on "First Amendment Challenges to Prison and Jail Censorship in the 21st Century" at the Criminal Justice Action Network Speaker Series at Columbia Law School in New York City on November 13, 2012. HRDC staff attorney Alissa Hull and Paul Wright also presented at the event.

- On November 26, 2012, Paul Wright spoke at a screening of the CNBC documentary “Billions Behind Bars” in Keene, New Hampshire. The event was sponsored by the Criminal Justice Studies program and the New Hampshire Prison Watch Project; HRDC associate director Alex Friedmann was featured in the documentary.
- PLN collaborated with journalist Beau Hodai on an article about CCA’s involvement in high school drug sweeps in Arizona, which was simultaneously published on November 27, 2012 by DBA Press and the Center for Media and Democracy’s PR Watch. PLN ran an edited version of the article in its December 2012 issue.
- Paul Wright participated on a panel discussion at a screening of the CNBC documentary “Billions Behind Bars” in Concord, New Hampshire on November 28, 2012.
- On November 28, 2012, HRDC joined 300 national and local organizations in sending a joint letter to the White House, calling on President Obama to close ten of the worst immigration detention centers in the nation and to implement immediate changes to ensure the safety, dignity and well-being of immigrants held in detention.
- HRDC signed on to a December 7, 2012 letter to Secretary of State Hillary Clinton, urging the U.S. delegation to the United Nation’s Inter-Governmental Expert Meeting in Buenos Aires, Argentina to constructively engage in the UN’s review process for the Standard Minimum Rules for the Treatment of Prisoners. The sign-on letter was coordinated by the ACLU.
- On December 12, 2012, HRDC submitted written testimony to the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, for a hearing on the school-to-prison pipeline.

Media Coverage

HRDC continued to make the news in 2012, including articles that mentioned PLN or quoted PLN staff. This media coverage included daily newspapers, magazines, radio programs and TV shows. Further, HRDC issued 13 press releases in 2012. The following compilation of media coverage does not include articles about HRDC’s litigation and is not an exhaustive list, but is illustrative of our media activity during the past year:

- On January 6, 2012, HRDC associate director Alex Friedmann was quoted in an article in the *Tennessean* about new tough-on-crime bills being introduced in Tennessee.

- Alex Friedmann was quoted in *Sunshine State News* on January 17, 2012 about prison privatization efforts in Florida. He stated, “The renewed legislative effort to privatize 29 state prison facilities reeks of special interest peddling and a giveaway of taxpayer funds to the private prison industry.”
- On January 26, 2012, the MIT Center for Civic Media published an in-depth profile of *Prison Legal News*, which it described as “the longest-running publication put together with the help of people who are incarcerated ... [and] a critical resource for discussing issues facing these populations.” HRDC executive director Paul Wright was interviewed for the profile.
- Alex Friedmann was quoted in a January 26, 2012 *Nashville Scene* article about CCA’s refusal to produce records pursuant to PLN’s public records request, and the lack of transparency and accountability in the private prison industry.
- On February 13, 2012, *Westword*, a Colorado alternative weekly publication, ran an article about GEO Group executive Thomas Wierdsma, who was accused of harassing and intimidating his daughter-in-law and threatening to report her to federal immigration officials. PLN broke the story and *Westword* credited PLN’s reporting.
- Alex Friedmann was quoted in a February 19, 2012 article in *The Crime Report* about divestment campaigns targeting private prison companies.
- *The Guardian* (UK) profiled Alex Friedmann in a March 1, 2012 article about his CCA shareholder resolution, which would have required CCA to issue reports on its efforts to reduce rape and sexual abuse in the company’s facilities. The resolution was also covered by the *Nashville Post* (April 3, 2012), *Seven Days* (April 24, 2012), *Truthout* (May 3, 2012), *Mother Jones* (May 10, 2012), the *Tennessean* (May 10, 2012) and *Nashville Scene* (May 10 and 17, 2012).
- On March 15, 2012, Alex Friedmann participated in a Hawaii Public Radio “Town Square” discussion with Hawaii ACLU senior staff attorney Dan Gluck, Kat Brady from the Community Alliance on Prisons, Andrew Sprenger from the Native Hawaiian Legal Corporation and Robert Coombs from the Council on State Governments. The program addressed prison privatization, the death of a Hawaii prisoner at a CCA-operated facility in Arizona and the state’s Justice Reinvestment Initiative.
- Paul Wright was quoted in a March 18, 2012 article in the *Pittsburgh Post-Gazette* about rape and sexual assault in prisons.
- Alex Friedmann was quoted in an April 24, 2012 *Associated Press* article about the closure of a CCA prison in Kentucky, stating, “The only thing interesting to CCA is can they generate a profit because they are a for-profit company. There’s a social cost ... when you have communities dependent on incarceration as a business model. That’s a very dangerous thing.”

- PLN and Alex Friedmann were mentioned in an April 25, 2012 article in the *News Observer* (NC) about outsourcing prison medical care.
- Alex Friedmann was quoted in a May 3, 2012 *Nashville Scene* article about CCA's corporate restructuring as a real estate investment trust (REIT).
- A May 10, 2012 article in *Truthout*, "Breathing While Latino' Laws Boom for Private Prison Profits," quoted from a PLN cover story on the private prison industry's involvement in SB1070, Arizona's draconian immigration enforcement bill.
- Paul Wright was quoted in a May 22, 2012 *Latitude News* article about Norway's justice system. He remarked, "The USA has opted for a police-state model of social control. No lip service is being paid to the idea that prisons are here to help people. We are hugely different from Norway, Finland or Holland, even Germany, where there is less social inequality."
- Alex Friedmann participated in a discussion on Hawaii Public Radio on May 24, 2012 concerning the death of a prisoner incarcerated at a CCA prison in Arizona, and HRDC's representation of the prisoner's family in a wrongful death suit.
- The Spanish-language publication *Progreso Semanal* quoted Alex Friedmann in a May 25, 2012 article about the prison industrial complex and the use of prison labor in Cuba.
- On May 28, 2012, Alex Friedmann gave a live interview on the Canadian Broadcasting Corporation's "Q with Jian Ghomeshi" radio show, concerning Alex's anti-prison rape shareholder resolution filed with Corrections Corporation of America.
- Alex Friedmann spoke about the private prison industry on the "Jaws of Justice" show on Kansas City's KKFI 90.1 FM community radio on June 21, 2012.
- A June 28, 2012 *Truthout* article quoted from an "exhaustive investigation" by PLN on legislative efforts to privatize dozens of state prisons in Florida.
- Paul Wright was profiled in a feature story in the July/August 2012 issue of *Columbia Journalism Review*. The article detailed the history of PLN, the censorship issues that HRDC is fighting and other advocacy efforts, including issues related to private prisons and prisoner labor.
- On August 7, 2012, Alex Friedmann was interviewed by the National Radio Project in regard to private prisons and prison guard unions.
- An August 22, 2012 *Portland Phoenix* article about ending solitary confinement for chimpanzees quoted Paul Wright on the human implications of solitary confinement. Paul noted, "there are existing laws saying how much living space primates should have in captivity. By contrast, no such laws apply to humans in captivity."

- Alex Friedmann was interviewed by Channel 4 WSMV in Nashville for a September 17, 2012 news story on rising levels of violence in Tennessee state prisons, based on statistical research by HRDC. With respect to a 20% increase in violence during the tenure of the newly-appointed Tennessee DOC commissioner, Alex said, “If you look at it from a business perspective, if the commissioner were running a company, and ... things got 20 percent worse across the board, he would be out of a job.”
- On October 25, 2012, WBIR 10 News reported on inadequate medical care in a Tennessee jail. Alex Friedmann, who was interviewed for the story, said, “The for-profit nature of our medical care system in prisons and jails means that medical decisions are not always being made based on what a doctor thinks is needed or required.”
- Alex Friedmann was interviewed by Channel 4 WSMV in Nashville for a news story that aired on October 26, 2012 which questioned whether levels of violence in Tennessee state prisons were being accurately reported by the Department of Correction.
- A November 7, 2012 *Colorado Springs Independent* cover story quoted from a PLN article on corruption and misconduct in police crime labs.
- On November 9, 2012, Alex Friedmann was interviewed by Channel 4 WSMV in Nashville about high levels of violence in Tennessee prisons. “It seems to indicate that there are systemic problems in the prison system that are not being adequately addressed,” he stated.
- *IT World* and other publications reported on November 9, 2012 about the high cost of prison phone calls and a joint letter that HRDC submitted to the FCC urging fair phone rates for prisoners, including detained immigrants. Paul Wright was quoted in the article.
- On November 20, 2012, Paul Wright and Alex Friedmann appeared on the Bill Newman Show on WHMP radio in Massachusetts, and spoke about criminal justice issues and spending holidays in prison.
- HRDC campaign director Mel Motel was quoted in a November 20, 2012 *Colorlines* article about the high cost of prison phone calls. She noted, “It’s not just an issue that affects prisoners, it’s an issue that affects families of prisoners and the communities they come from.”
- Alex Friedmann was quoted in a November 25, 2012 article in *The Record* about escapes from privately-operated New Jersey halfway houses.
- On December 5, 2012, Paul Wright was quoted in a *Seven Days* article about publications that are banned in Vermont’s prison system.

- *The Guardian* (UK) quoted Alex Friedmann in a December 13, 2012 article about CCA's participation in drug sweeps in high schools in Arizona and the connection between private prisons and the school-to-prison pipeline.
- On December 31, 2012, Alex Friedmann was interviewed for a CNN radio story about the high costs of prison phone calls, stating, "New York has I think the lowest prison phone rates in the nation after they did away with their commission kickback ... and the rates have since dropped to under 5 cents a minute."

Litigation

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

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's litigation generated extensive media coverage in 2012, including articles in the *Post and Courier* (SC), *Wall Street Journal*, First Amendment Center, *Nashville Scene*, *Capital-Journal* (KS), *Livingston Daily* (MI), *Civil Beat* (HI), *Sacramento Bee*, *Maui Now* (HI), *Daily Journal* (CA), *Associated Press*, *Courthouse News*, *Statesman Journal* (WA), *Times Union* (NY), *Gazette-Times* (OR), *Portland Tribune* and WWLTV (LA).

HRDC's 2012 litigation docket included the following cases; cases that were both filed and resolved during the year are listed in the "New Cases Filed" section.

NEW CASES FILED IN 2012

Columbia County, Oregon Jail Censorship Case: PLN filed suit in federal court against Columbia County, Oregon on January 13, 2012. The lawsuit alleges that the jail censored PLN's magazines and correspondence pursuant to its postcard-only policy and a ban on magazines, and failed to provide adequate due process notice when publications were censored, in violation of the First and Fourteenth Amendments. The court issued a preliminary injunction against the jail in May 2012, suspending its postcard-only policy and ordering the jail to deliver magazines to prisoners. The case is scheduled to go to a bench trial on liability on February 5, 2013. PLN is represented by attorneys Jesse Wing and Katherine Chamberlain of MacDonald Hoague and Bayless, plus HRDC attorneys Lance Weber and Alissa R. Hull. The case is *Prison Legal News v. Columbia County*.

East Baton Rouge, Louisiana Jail Censorship Case: PLN filed suit against East Baton Rouge, Louisiana on February 29, 2012, alleging that the parish jail censored PLN's books and magazines and failed to provide senders with adequate due process notice. The case quickly settled and a consent judgment was entered on April 9, 2012, with the parish agreeing to pay damages and PLN's attorney fees. PLN was represented by attorneys Elizabeth Cummings and John Adcock, and HRDC attorneys Lance Weber and Alissa R. Hull. The case was *Prison Legal News v. Geatreaux*.

Umatilla County, Oregon Jail Censorship Case: PLN filed suit against Umatilla County, Oregon on June 19, 2012 for censoring PLN's books and magazine at the county jail without adequate due process in violation of the First and Fourteenth Amendments. A motion for a preliminary injunction was also filed. The case settled and judgment was entered on October 17, 2012, with the county agreeing to policy changes to allow books and magazines in the jail. A motion for attorney fees and costs remained pending at the end of 2012. PLN is represented by attorneys Jesse Wing, Katherine Chamberlain and Marc Blackman, and HRDC attorneys Lance Weber and Alissa R. Hull. The case is *Prison Legal News v. Umatilla County*.

Walton County, Georgia Jail Censorship Case: PLN filed a federal lawsuit against Walton County, Georgia on September 21, 2012. The complaint accuses the Walton County jail of censoring PLN's books, magazines and correspondence due to its postcard-only policy and a ban on books and magazines. A motion for a preliminary injunction was filed. PLN is represented by attorneys Brian Spears, Gerry Weber, Jeff Filipovits and Andrew Wan, plus HRDC attorneys Lance Weber and Alissa R. Hull. The case is *Prison Legal News v. Chapman*.

Upshur County, Texas Jail Censorship Case: PLN filed suit in federal court against Upshur County, Texas on November 1, 2012. The lawsuit alleges that the county jail censored PLN's books, magazines and correspondence without adequate due process. A motion for a preliminary injunction was pending as of the end of 2012. PLN is represented by Scott Medlock and Brian McGiverin with the Texas Civil Rights Project, and HRDC attorneys Lance Weber and Alissa R. Hull. The case is *Prison Legal News v. Betterton*.

CCA Wrongful Death Suits in Hawaii: HRDC filed separate lawsuits against Corrections Corporation of America (CCA) over the deaths of two Hawaiian prisoners at CCA's Saguaro Correctional Center in Arizona. Because the State of Hawaii contracts with CCA to house prisoners in Saguaro, the State of Hawaii and the Hawaii Department of Public Safety are also named as defendants. The family of Bronson Nunuha sued CCA on February 15, 2012; Nunuha had been placed in a controversial behavior modification program at the CCA-run prison, where he was brutally murdered by two members of a rival gang. Clifford Medina's family sued CCA on May 23, 2012; Medina was housed in a segregation cell with another prisoner who threatened to kill him and eventually strangled him to death. The lawsuits claim that the deaths were due to understaffing, deliberate indiffer-

ence to the prisoners' safety and CCA's negligence in running Saguaro. The Nunuha and Medina families are represented by HRDC, the San Francisco law firm of Rosen Bien Galvan & Grunfeld LLP and the Hawaii ACLU. The cases are *Estate of Bronson Nunuha v. State of Hawaii* and *Estate of Clifford Medina v. State of Hawaii*.

PRIOR CASES STILL PENDING IN 2012

Livingston County, Michigan Jail Censorship Suit: PLN filed suit against Livingston County, Michigan and Sheriff Bob Bezotte on August 9, 2011. The federal lawsuit alleges that the county jail 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 attorneys Lance Weber and Alissa R. Hull. The case is *Prison Legal News v. Bezotte*.

Pinal County, Arizona Jail Censorship Suit: On September 7, 2011, PLN filed suit against Pinal County, Arizona and Sheriff Paul Babeu challenging the county jail's ban on all books, magazines and non-postcard mail, and the denial of due process when such mail is censored. After the lawsuit was filed, the county claimed that the censorship was a "mistake." PLN is represented by Dan Pochoda with the Arizona ACLU, the San Francisco law firm of Rosen Bien Galvan & Grunfeld LLP, and HRDC attorneys Lance Weber and Alissa R. Hull. The case is *Prison Legal News v. Babeu*.

Florida Statewide Ban on *Prison Legal News*: On November 17, 2011, PLN filed suit challenging the Florida Department of Corrections' (FDOC) statewide ban on *Prison Legal News*, which is purportedly based on its 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 just before 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. The case is set for trial in August 2013. PLN is represented by Randall Berg, Josh Glickman and Dante Trevisani with the Florida Justice Institute, Randall Marshall with the Florida ACLU, and HRDC attorneys Lance Weber and Alissa R. Hull. The case is *Prison Legal News v. Cruz*.

CCA Infant Wrongful Death Suit in Tennessee: On November 17, 2011, HRDC and attorneys Andrew Clarke and Luther Sutter filed lawsuits in federal and state court in Tennessee on behalf of former prisoner Countess Clemons and the estate of Roland Clemons, her deceased infant child. The suits claim that Corrections Corporation of America was deliberately indifferent to Ms. Clemons' serious medical needs when CCA employees at the Silverdale Detention Facility in Chattanooga,

where Ms. Clemons was incarcerated, did not timely take her to a hospital when she began experiencing preterm labor. Upon arrival at the hospital over five hours after she first requested assistance from CCA staff, her son Roland was born but died shortly afterward. The cases are *Clemons v. CCA* and *Luhowiak v. Smith*.

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 act, 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 which held, 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 therefore subject to the public records law; in a revised ruling on September 16, 2009 following a motion to rehear, the appellate court clarified that the records requested by PLN were subject to disclosure by CCA for all but one of the company's Tennessee facilities. 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 appealed in early 2012. The trial court awarded attorney fees and costs against CCA in May 2012, and the Tennessee Court of Appeals heard oral testimony on CCA's second appeal in November 2012. The case is *Friedmann v. CCA*.

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. The Orleans Parish Jail entered into a consent judgment and changed its mail policies in December 2011, and settled the case by paying damages in September 2012. The issue of attorney fees and costs remained pending as of the end of 2012. PLN is represented by attorneys Mary Howell, Elizabeth Cumming and John Adcock, and HRDC attorneys Lance Weber and Alissa R. Hull. The case is *Prison Legal News v. Gusman*.

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, DC attorney Ed Elder, the Partnership for Civil Justice, and HRDC attorneys Lance Weber and Alissa R. Hull. The case is *Prison Legal News v. Lappin*.

CASES RESOLVED IN 2012

Sacramento County, California Jail Censorship Case: On April 5, 2011, PLN filed suit against 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* was censored. The court entered a preliminary injunction against the jail on March 7, 2012, requiring it to deliver *PLN* to prisoners after removing staples or labels. The case settled on July 16, 2012 with the entry of a consent decree governing mail policies at the jail and the payment of damages and attorney fees. *PLN* was represented by the San Francisco law firm of Rosen Bien Galvan & Grunfeld LLP, and HRDC attorneys Lance Weber and Alissa R. Hull. The case was *Prison Legal News v. County of Sacramento*.

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 were censored. The case settled with the entry of a stipulated judgment on March 5, 2012 that included changes in the jail's mail policies and payment of damages and attorney fees. *PLN* was represented by Doug Bonney of the Western Missouri and Kansas ACLU, attorneys Fred Slough and James Jenkins, and HRDC general counsel Lance Weber. The case was *Prison Legal News v. Board of Commissioners of Shawnee County, Kansas*.

New York Statewide Ban on *Prison Legal News*: On October 11, 2011, PLN filed suit against the New York State Department of Correctional Services, challenging its ban on *Prison Legal News*, books distributed by *PLN* and other correspondence from *PLN*, including legal mail. *PLN* also challenged the lack of due process when its materials were censored. The case settled in November 2012, resulting in a complete reversal of the censorship of *PLN* and the payment of damages and attorney fees by the defendants. *PLN* was represented by Elmer R. Keach, Jessica Gorman, and HRDC attorneys Lance Weber and Alissa R. Hull. The case was *Prison Legal News v. Lee*.

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. The case settled on January 11, 2012 with the entry of a consent injunction governing mail policies, and the county agreeing to pay damages and attorney fees. *PLN* was represented by the ACLU of South Carolina, the ACLU National Prison Project and HRDC general counsel Lance Weber. This case generated extensive media coverage, and the U.S. Department of Justice intervened in the case on *PLN*'s side. The case was *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. PHS settled the case in February 2012 by providing the requested documents and paying PLN's attorney fees. PLN was represented by Dan Barrett with the Vermont ACLU. The case was *Prison Legal News v. Prison Health Services*.

Tennessee Jail Wrongful 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. The defendants named in the lawsuit included Correct Care Solutions, a private medical contractor, and the Davidson County Sheriff's Office. The case settled under confidential terms in August 2012. The case was *Mathes v. Metropolitan Government of Nashville and Davidson County*.

TDCJ Book Censorship Suit: On November 4, 2009, PLN filed a federal lawsuit against the Texas Department of Criminal Justice (TDCJ) for censoring several books distributed by PLN; PLN also challenged the lack of due process notification to senders of censored books. During discovery it was learned that the TDCJ censors approximately 12,000 books statewide. The district court granted summary judgment to the TDCJ, and PLN appealed to the Fifth Circuit. Although the appellate court found that PLN had standing to litigate its claims, the Fifth Circuit held on June 1, 2012 that the notice provided to senders of censored books was constitutionally adequate, dismissing the case. PLN was represented by Scott Medlock and Jim Harrington with the Texas Civil Rights Project, as well as HRDC attorneys Lance Weber and Alissa R. Hull. The case was *Prison Legal News v. Livingston*.

AMICUS BRIEFS

HRDC joined in an amicus brief submitted to the Sixth Circuit Court of Appeals on May 9, 2012 in *Villegas v. Metropolitan Government of Davidson County/Nashville*. The case involved the shackling of a jail detainee while she was in labor and after giving birth.

Other amici partners in this case included the National Women's Law Center; National Immigration Law Center; National Crittenton Foundation; Yale Law School Allard K. Lowenstein International Human Rights Law Clinic; University of California, Hastings College of the Law Center for Gender & Refugee Studies; Human Rights Advocates; National Association of Women Lawyers; Law Students for Reproductive Justice; Justice Now; National Latina Institute for Reproductive Health; Legal Voice; WORTH; Woodhull Sexual Freedom Alliance; Healthy Teen Network; and individual amici Prof. Margaret B. Drew. Oral argument in the case was held on October 12, 2012.

Other Activities

CAMPAIGN FOR PRISON PHONE JUSTICE

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

In April 2011, PLN published the most comprehensive report to date on the prison phone industry, based on two years of research and public records requests. In collaboration with Media Action Grassroots Network (MAG-Net, a project of the Center for Media Justice) and Working Narratives, HRDC co-founded the national Campaign for Prison Phone Justice in 2011 to advocate for just and equitable prison and jail phone rates. The Campaign maintains two websites: www.prisonphonejustice.org and www.phonejustice.org.

Throughout 2012, the Campaign engaged in extensive advocacy work and national initiatives to urge the Federal Communications Commission (FCC) to take action on the Wright Petition, a rulemaking proposal to cap interstate prison and jail phone rates.

In March 2012, HRDC executive director Paul Wright met with representatives from the Center for Constitutional Rights, CURE, DC Prisoners' Project, MAG-Net and other organizations at a meeting hosted by the Prison Phone Rates Collaborative in Washington, DC. FCC Commissioner Mignon Clyburn and her Wireline Legal Advisor, Angela Kronenberg, attended the meeting.

On May 11, 2012, the Campaign for Prison Phone Justice hosted a "Mother's Day of Action," noting the impact that the high cost of prison phone calls has on incarcerated parents and their children. The action generated 639 online postcards to the FCC. On June 20, 2012, the Campaign hosted a "Father's Day of Action" that resulted in 550 phone calls to the FCC.

Beginning in June 2012, *Prison Legal News* began running a full-page notice asking prisoners and their families to contact the FCC directly to demand action on lowering unfair prison phone rates. From June to December 2012, over 700 prisoners and their family member and supporters submitted comments to the FCC.

In August 2012, a representative from MAG-Net and the Campaign for Prison Phone Justice met with staff from FCC Commissioner Mignon Clyburn's office, highlighting the hundreds of letters and comments entered on the docket for the Wright Petition.

HRDC submitted an ex parte comment to the FCC on October 8, 2012 to address issues included in a previous comment submitted by Global Tel*Link, the nation's largest for-profit prison phone company. This was HRDC's seventh comment submitted to the FCC since 2007.

Additionally, HRDC coordinated a sign-on letter from 60 organizations on October 23, 2012 that asked the FCC to take action on the Wright Petition. On November 5, 2012 the Center for Media Justice submitted another joint letter to the FCC asking for action on the Wright Petition, signed by 96 media and social justice organizations. Three days later, HRDC assisted the University of California Davis School of Law in submitting a sign-on letter to the FCC from 110 organizations and academic and legal professions with an interest in immigrants' rights, addressing the high cost of phone calls from immigration detention facilities.

Over 150 people rallied outside the FCC's office in Washington, DC on November 15, 2012 in support of the Wright Petition; HRDC campaign director Mel Motel attended the rally, where FCC Commissioner Mignon Clyburn spoke in favor of lowering prison phone rates. A petition in support of the Wright Petition with around 40,000 signatures was submitted to the FCC during the rally.

HRDC issued three press releases on prison phone-related issues in 2012 and this issue generated extensive media attention, largely due to the Campaign's relentless advocacy efforts.

Finally, on December 28, 2012, after a decade of inaction, the FCC issued a "Further Notice of Proposed Rulemaking" on the Wright Petition, which opened a public comment period as the initial step for the FCC to take action on reducing prison and jail phone rates.

Without the pressure applied by the Campaign for Prison Phone Justice, it is likely the FCC would not have taken action on the Wright Petition. HRDC intends to submit comments for the Notice of Proposed Rulemaking and will continue its leadership role with the Campaign for Prison Phone Justice in 2013.

CCA SHAREHOLDER RESOLUTIONS

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 have required CCA to produce twice-a-year reports on its "efforts to reduce incidents of rape and sexual abuse of prisoners housed in facilities operated by the company."

CCA filed a no-action letter 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 Alex 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. The SEC rejected CCA's no-action letter in February 2012, which led to the resolution being included in the company's proxy materials – along with a lengthy opposition statement from CCA.

Alex drafted a formal solicitation statement in favor of the resolution, and, under SEC rules, required CCA to distribute it to approximately 4,600 shareholders at his expense. He also contacted a number of CCA's institutional stockholders directly, asking them to support the resolution.

ISS Governance, one of the nation's leading proxy advisory services, recommended that shareholders vote for the resolution, as did another proxy advisory firm, ProxyTell. The CCA shareholder resolution generated extensive media coverage, with major articles in *Mother Jones* and the *Guardian* (UK).

Alex attended CCA's annual shareholder meeting on May 10, 2012 and formally presented the resolution. The resolution failed to pass, obtaining 18.5% of the voting shares. The SEC considers 3%

sufficient to reintroduce a resolution the following year. However, one week after CCA's shareholder meeting, the U.S. Department of Justice released final standards under the Prison Rape Elimination Act (PREA), which requires reporting on PREA incidents, including by private prison companies. This preempted future resolutions on this issue.

A number of national groups had expressed support for the CCA shareholder resolution, including Just Detention International, the nation's leading organization working to stop prison rape and sexual assault. Other supporting organizations included the National Center on Domestic and Sexual Violence, National Organization for Women, Justice Policy Institute, National Council of Women's Organizations, National Center for Transgender Equality, Citizens United for the Rehabilitation of Errants (CURE), Justice Fellowship, National Lawyers Guild, Detention Watch Network, Partnership for Safety and Justice, and Enlace – an alliance of worker centers, unions and community organizations that works against corporate abuses.

In November 2012, Alex introduced another shareholder resolution with CCA concerning the company's conversion to a real estate investment trust (REIT). The resolution, which remained pending at the end of 2012, would require CCA to disclose certain information about its REIT conversion to shareholders, to make the process more open and transparent.

PRIVATE PRISON INFORMATION ACT

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

Concurrently with the letter, which included 31 sign-on organizations, HRDC and Chris issued a press release and launched a campaign to encourage Representative Jackson Lee to reintroduce the PPIA. See: www.privateprisoninformationactof2013.com.

COLLABORATION AND AFFILIATIONS

HRDC collaborated with a number of other organizations in 2012 on various advocacy efforts, reports, campaigns and other projects, including: MAG-Net and Working Narratives (Campaign for Prison Phone Justice), the Prison Policy Initiative, Private Corrections Institute, In the Public Interest, Grassroots Leadership and the Justice Policy Institute. Additionally, HRDC staff maintained the following affiliations and positions with other organizations:

- **HRDC executive director Paul Wright** is a member of the National Lawyers Guild and serves on the board of the NLG's National Police Accountability Project.

- **HRDC associate director Alex Friedmann** serves in a volunteer, non-compensated capacity as president of the Private Corrections Institute, a non-profit watchdog group that opposes prison privatization. He is also a board member of Reconciliation, a Nashville-based non-profit that advocates for family members and children of Tennessee prisoners, and volunteers as a consultant to the Presbyterian Criminal Justice Network. Additionally, he represents HRDC on the advisory committee of the Public Safety and Justice Campaign, serves as a member of the Tennessee Consultation on Criminal Justice and is a member of the National Lawyers Guild.
- **HRDC general counsel Lance Weber** is a member of the National Lawyers Guild's National Police Accountability Project, the First Amendment Lawyers Association, the American Bar Association's Civil Rights Litigation Committee, and the American Bar Association's First Amendment and Media Litigation Committee.
- **HRDC staff attorney Alissa Hull** is a member of the National Lawyers Guild, the NLG's National Police Accountability Project and the First Amendment Lawyers Association, and serves on the board of the Young Women's Empowerment Project in Chicago.
- **Campaign for Prison Phone Justice Director Mel Motel** is a member of the Criminal Justice Initiative, Vermont Action for Political Prisoners and Southern Vermont Undoing Racism.

Looking Forward: Goals for 2013

We are pleased with HRDC's progress during 2012 in terms of media outreach, advocacy efforts, litigation and other projects. PLN's website continues to be a definitive source of news and legal research for prisoners' rights advocates, policy makers, academics, researchers, journalists, family members, attorneys and other people involved in criminal justice and corrections-related issues. Our litigation project was extremely busy throughout the year due to continued efforts by prison and jail officials to censor *Prison Legal News* and the books we distribute.

Our goals and objectives for 2013 include relocating HRDC's main office from Vermont to Florida, which will expand our ability to network with local criminal justice organizations and other allied groups. In terms of book publishing, we will actively seek new titles to publish.

Further, HRDC will continue to co-coordinate the Campaign for Prison Phone Justice and advocate for lower prison and jail phone rates, including pressuring the FCC to take action on this issue and working on state-level prison phone justice campaigns in 2013.

Increasing and diversifying HRDC's funding base remains essential to our long-term success. We will continue to seek additional foundation grants, expand PLN's magazine subscribers and advertising income, and develop individual donors. Increased funding will help us expand our

organizational capacity, increase our advocacy efforts against mass imprisonment and press for much-needed reforms in our criminal justice system.

Due to the ongoing economic crisis in the United States, 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 continue to take advantage of this opportunity through our news reporting, advocacy work, litigation and partnerships with other organizations, by informing policymakers, the public and people directly impacted by mass incarceration about deficiencies in our criminal justice system and the need for practical, equitable reforms.