



November 24, 2012

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Joint Ex-Parte Comment for CC Docket No. 96-128 (“Wright Petition”)

Dear Secretary Dortch:

On November 15, 2012, the Campaign for Prison Phone Justice-- a national effort challenging prison phone kickbacks jointly led by: Media Action Grassroots Network, Working Narratives, and Prison Legal News—hosted a rally for “Strong Families and Safe Communities,” which brought more than 150 people to the Federal Communications Commission to call for an end to the high cost of calls from prison.

The program included testimony and prayers from civil rights leaders, prisoner families, elected officials and prison chaplains. Attached please find the statements of the following rally spokespeople, which we submit to the docket:

- Father Michael Bryant-Welcome Home Re-Entry Program
- Keith DeBlasio-Director of AdvoCare
- Lillie Branch Kennedy-Director of Resource Information Help for the Disadvantaged
- Pastor Mark Erlichmann-Director of Embracing Lambs Ministries
- Rev. Geoffrey Blackwell-President, United Church of Christ

In addition to the attached testimony, more than 40,000 petitions were delivered to the FCC. Echoing the rally statements, the petitions called for an end to predatory prison phone rates and asked the FCC to pass the Wright Petition. Together these voices, numbering in the thousands, demonstrate that every minute counts as families are forced to choose between maintaining family connectivity and paying exorbitant phone rates.

On behalf of the families and communities we represent, we urge the FCC to move forward with finalizing the rulemaking process, and establishing an affordable rate for prison phone calls.

Sincerely

amalia deloney
Associate Director

**Prayer Invocation at the
Federal Communications Commission
November 15, 2012 @ 12:00 Noon**

Mender of the breach, restorer of broken homesteads we seek your help and implore your intercession, that when the mighty and wealthy take advantage of the poor and the vulnerable that you be the guardian of the needy; come to their aid and ease their plight. For you are a God who defends the needy and the lowly, raising them up and bringing down the sleek and the powerful. We ask dear God for an end to practices of huge corporations that provide communication to the citizenry of this great nation, but prevent families of the incarcerated from speaking to their loved ones because of excessive costs of telephone calls. For we know that when the “ties that bind” are broken; families grow weaker, the distance becomes greater and the glue that keeps them together dries up. We know also dear God that when families collapse the community is made less safe as those released from prison now have no home, nowhere to go. We, therefore, ask those who oversee fairness of these vast systems of communication in our nation, that they create policies and regulations that mediate fair and reasonable fees for families who have loved ones in prison. In the words of the biblical prophet Isaiah help us to “learn to do right, to seek justice, encourage the oppressed, defend the cause of the fatherless and to plead the cause of the widow” (Isaiah 1:17). Amen.

Testimony of Keith Wm. DeBlasio

My name is Keith DeBlasio

Historically, the purpose behind incarceration was to serve to protect the general public from those who present a real public safety risk. Yet, over the years, the nation has begun to increase spending on incarceration as a form of punishment and state sanctioned revenge, all at the taxpayer's expense.

As a fiscal conservative, I strongly support the idea that we must be tough on crime in our nation, but at the same time we must adhere to principals that protect our families, the families of those whom we incarcerate, and the health and economic stability of our own communities.

Imposing predatory telephone costs to families of prisoners, families that often include at-risk youth, does nothing to accomplish any of these goals. Instead, the exorbitant rates and commissions paid back to states and localities by prison phone contracts only serve to further stress the fragile economy in areas where the majority of our prisoners are taken from. These rates that are often designed to offer the highest commissions for state and local budgets act as an unfair tax to those who are the least able to bare such a burden.

We have a long held principal that taxes should be 1.) applied fairly; 2.) enacted by a legislative body that acts as representatives of the people; and 3.) collected in a manner outline and regulated by the executive branch of government. The Supreme Court has recently reiterated these requirements, particularly in regard the fact that Congress (or a state legislature) must create the tax by majority vote and the IRS (or state tax department) must receive those taxes according to properly promulgated regulations.

In the case of prison telephone systems, which charge families (not the prisoners) increased rates in order to return commissions to state or local budgets without the authorization of a legislative body and without regulated collections, governments are effectively collecting arbitrary and unauthorized taxes from a class of citizens that should be protected.

It is these commissions themselves that are leading to the high cost of these phone calls. I live in West Virginia and it cost me \$10 for a 15 minute phone call from a prison right next door in Virginia.

This unfettered taxation should never be permitted in our country.

The purpose for lowering and regulating prison telephone costs include promoting stronger family and community ties prior to the full release of the offenders, decreasing the likelihood of recidivism, and reducing the impact of incarceration of a parent on our nation's children. If we are to be a society that truly believes in fiscal responsibility, as well as moral responsibility, we must end the predatory practice of gouging prisoners' families with outrageous telephone rates.

We must be smart on crime, as well as being tough on crime, and we must assure that individuals who truly do need to spend time in our criminal justice system come back into our communities better than they were when they went in. That means we need reasonable rates for families to stay in touch, for

community members to assist in success rehabilitation and reentry, and for members of our faith-based organizations to provide support.

We must support the Wright Petition and demand that the FCC take a major step forward in regulating these unfair taxes on families.

My name is Lillie Branch-Kennedy, and I'm here to talk about the high cost of prison phone calls and what they've meant for my family.

January 18, 2002 the Prison telephone nightmare began for my family and self.

My son, at age 24, while attending college was convicted and sentenced of accessory to robbery, and was shipped off to Wallens Ridge, a high security prison located over 200 miles from home.

My son comes from a working middle class family, with no prior history with the criminal justice or the prison system. His incarceration began an un-ending nightmare for our family. My son was a first time offender, someone who had never been in trouble before, but even he was shipped hundreds of miles away from his family and friends, and was put on lock down 23 hours a day. With no access to rehabilitation programs, we made a promise to him to be there for him through this difficult stage in his life.

Telephone calls became the only way to stay connected to our son. It was one of the only ways for him to keep his sanity, and mine as well. These phone calls were all I had because visitation was limited due to how far the prison was and a lack of accessible transportation.

So, began the daily calls from our son to us, all within the state of Virginia, I thought that these were normal collect calls that would cost 25 cents to approximately \$1.99. Imagine our shock when we received our first bill from MCI, the prison telephone company – a bill for \$226.50. During the first four years we spent over \$10,000 to stay in touch with my son.

\$10,872 for 4 years of calls from our son, for him to hear a friendly and loving voice and for me as a mother to know that my child is in the best of health, best of spirits and safe.

It's tragic that that's how much you have to pay to stay in touch with someone in prison 200 miles away, when it costs my husband far less to stay in touch with his family 3,000 miles away in Panama.

My son's been incarcerated now for over ten years and my husband estimates that in that time we've spent over \$25,000 on prison phone calls. This cost does not include calls to other family members residing in/out of state.

I am outraged at prison phone companies like MCI and Global Tel link for victimizing the other victim – the families of prisoners. The cost of prison telephone system is an unfair burden on the children, families and loved ones whom are trying to stay connected, and trying to support the prisoner through self-help initiatives. These prison phone calls should exist for the purpose of prisoner rehabilitation and successful reentry NOT to making companies like Global Tel Link richer.

FCC, we need your leadership now. Your action at the national level will make a difference to what happens in Virginia. Pass the Wright Petition and level the playing field for families like mine that are just trying to keep our families strong. Thank you.

My name is Pastor Mark Erlichman

When someone in the family has a hearing loss, the entire family has a hearing problem.

This is true of the prison system and is important for the FCC to recognize particularly regarding telecommunication access for Deaf and Hard of Hearing individuals in the prison system. I would like to quote Supreme Court Justice Thurgood Marshall who wrote in his opinion on a case in 1974:

“When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-realization concluded. If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment.”

There can be a no worse dehumanizing environment than to be denied equal access to the services that are offered to everyone in the prison system's care. It is a travesty that the equal access is railroaded in such a way that the “equal” part is tyrannically monopolized for personal gain by those in charge. Deaf and Hard of Hearing individuals are being forced to pay up to 3 times as much for both telecommunication connections and the phone call itself. Deaf and Hard of Hearing prisoners tell me that they refuse to make the TTY calls because of those charges. It is understandable when the fee is \$9.00 JUST to connect to the TTY Relay Operator and almost \$30 for a 15 minute phone call. In fact their access is more restrictive time-wise because of the amount of time it takes to type a conversation. Fact: the average typing speed for a human is 33 words per minute. The average speaking speed for a human is 120 words per minute. (Wikipedia). For the average Deaf individual, they may be able to type around 10-20 words per minute provided they have good English comprehension. Many prisoners who are deaf and hard of hearing are also parents. Imagine them trying to have a conversation with their son or daughter, telling them how much they love them...how they look forward to being with them soon...providing the warmth and affection that only a parent can provide...imagine them trying to do this at 10 words a minute.

The FCC has already weighed in to say that prisoners have a right to equal access to communicate regardless of their disability. What good is equal access when these phone calls are so expensive? It is imperative that the FCC asserts the protections in the prison telephone system to make these phone calls more affordable and more accessible.

Bill Gates once said: “I'm a great believer that any tool that enhances communication has profound effects in terms of how people can learn from each other, and how they can achieve the kind of freedoms that they're interested in.” For Deaf prisoners, the tool that can enhance their ability to communicate and improve their ability to rebuild their lives is the videophone. It is technology that is widely used, most cost effective, and most equally accessible. But it is not acknowledged or accepted in the prison system.

I cannot emphasize enough the enlightenment that I witness in my ministry to my Deaf Brothers in prison because they have someone who can communicate with them. But I also empathize with them on the isolation of not being able to communicate with their families and friends because of how expensive the communications system is in the prisons.

Passing the Wright Petition will help to remove the economic barriers that my deaf brothers are experiencing to stay in touch with their families. I call on the FCC to press forward in asserting the policies necessary to correct this dehumanizing telecommunication system and restore the self-respect and humanity to Deaf and Hard of Hearing individuals in prison.

REV. GEOFFREY BLACK
GENERAL MINISTER AND PRESIDENT, UNITED CHURCH OF CHRIST
Prison Phone Justice Rally – Strong Families, Safe Communities
Federal Communications Commission

November 15, 2012

Gracious God hear our prayer today.

Today we have heard stories of hardship. Stories of families from many walks of life. Each of them trying to maintain relationships with people behind prison bars. These family members are trying to use their God-given voices, combined with the telephone, to give hope and strength to our family members, friends, loved-ones in prison who endure separation and isolation. We extend our hands to help them while they are inside and to prepare them for a new life when they come out.

But, gracious god, as we reach out our hands, we are slapped down by exorbitant costs. Exorbitant costs that are unnecessary. Exorbitant costs that do nothing but harm the very people doing God's work. Exorbitant costs that take money out of the pockets of grandmothers, pastors and children to put it in the pockets of jailors. These costs can exceed two hundred dollars per month for a weekly call. While many of us who are fortunate shake our heads at spending forty or sixty dollars per month on a cell phone, or more than that on cable television or Internet at home, our brothers and sisters are enduring double or triple those costs on top of everything else to maintain their families through hard times.

When so many issues divide us, I am grateful that this is a matter that joins together conservative thinkers and progressive thinkers. My friends at the Prison Justice Fellowship, the National Association of Evangelicals, and the U.S. Conference of Catholic Bishops are strong allies—recognizing how important lowering phone rates are to bring down recidivism and heed Jesus' call. Not only Christians, but all people, whether they are following Jesus' teaching, or the dictates of their own conscience, know that our society is judged by how we treat the "least of these" among us.

God, the time has now come. The petitions and letters have been filed. The Federal Communications Commission has been working on this for ten years. The time for waiting is over. The time for action is now. We are looking forward to seeing the FCC not only to put out a proposal this month, but to take final action to

end predatory long distance prison phone rates shortly after that. A victory here at the FCC will be a signpost to all the other policy makers in the states to fix their own rules at home.

God, we are praying for the Commissioners. We are praying that they will see past gridlock and empty arguments, and look into their hearts to hear the call of the lowly. We are looking forward to a decision in the next few months that will bring us another step closer toward justice for those who suffer so greatly. We look forward to coming back here to celebrate with our leaders who have, at long last, heard the call of justice. We look forward to bringing down the barriers, one by one, that separate us from the people who need us. We have our eyes forward, our hearts lifted. We look forward to strong families, safe communities. We have our eyes on the prize.

Let us all say together, Amen.

The United Church of Christ is a faith community rooted in justice. It established the Office of Communication, Inc. in 1959 as its ministry working to replace the media we have with the media we need to create a just society. Learn more about UCC OC Inc. at www.uccmediajustice.org

Press contact:

Cheryl A. Leanza, Policy Advisor, UCC OC Inc., cleanza@ALHmail.com, 202-904-2168