

The History of *Prison Legal News*: The Samizdat of the American Gulag

Paul Wright

In May, 1990, the first issue of Prisoners' Legal News (PLN) was published. It was hand-typed, photocopied and ten pages long. The first issue was mailed to 75 potential subscribers. The magazine's budget was \$50. The first three issues were banned in all Washington State prisons; the first 18 in all Texas prisons. Since then PLN has published over 110 issues, grown to offset printing of 28 and 32 page issues and has around 3,000 subscribers in all 50 states. This is how it happened.

In 1987, I entered the Washington State prison system with a 304 month prison sentence and a marxist political ideology. An oppressive and brutal state in theory was now a concrete reality.

In 1988, I met political prisoner and veteran prison activist Ed Mead while at the Washington State Reformatory (WSR) in Monroe. Ed was serving two life sentences for shooting at police during a failed bank expropriation. The bank expropriation was being carried out by members of the George Jackson Brigade (GJB), of which Ed was a member. The GJB was an anti-imperialist group composed mainly of former prisoners which carried out armed struggle in the Pacific Northwest in the middle to late 1970's. The GJB's first action had been to bomb the Washington Department of Corrections headquarters in 1975 to support striking prisoners at the Washington State Penitentiary in Walla Walla.

Ed had been imprisoned since 1976. During that period he had been involved in organizing and litigating around prison conditions. He had also published several newsletters and magazines, including: *The Chill Factor*, *The Abolitionist*, and *The Red Dragon*. In 1988-1989, Ed and I were jointly involved in class action prison conditions litigation and other political work. Ed's last newsletter project, *The Abolitionist*, had fallen apart over political differences he had with the other members of the editorial board.

As the 1980's ended it was readily apparent that, collectively, things were in a downhill spiral for prisoners. We were suffering serious setbacks on the legislative, judicial, political and media fronts. Prisoners and their families were the people most affected by criminal justice policies but we were also the ones with the smallest voice, if any, in

deciding these policies. There was also the lack of political consciousness and awareness among the vast majority of American prisoners, like the public outside prisons.

Ed and I decided to republish *The Red Dragon* primarily as a means of raising political consciousness among social prisoners in the United States. We would model the new *Red Dragon* on the old one: a 50-60 page, quarterly magazine that was explicitly marxist in its politics and outlook. One issue we were trying to decide was how big the hammer and sickle on the cover should be.

While a draft copy of *The Red Dragon* was put together, we never published it for distribution. The main reason was a lack of political and financial support on the outside. We lacked the money to print a big quarterly magazine and we were unable to find the volunteers outside prison willing to commit the time involved in laying out, printing and mailing a large magazine. In early 1989, I was also subjected to a retaliatory transfer to the Penitentiary at Walla Walla due to successes in the WSR overcrowding litigation and because Washington prison officials wanted to stop publication of the new *Red Dragon*. The transfer meant that Ed and I were relegated to communicating by censored mail, which made lengthy political discussions much more difficult.

We scaled back our ambitions and instead decided to publish a small, monthly newsletter. One that could grow if political support existed. Originally named *Prisoners' Legal News*, we set out with the goal of targeting activist prisoners around the country with real, timely news they could use. Our blueprint and role model was Vladimir Lenin's *What is to be Done*. Lenin advocated that revolutionaries organize around a journal or newspaper, the flow of ideas and information being crucial. All things considered, the Czarist dictatorship of the turn of the century has much in common with the American gulag at the end of the century.

With the social movements that had traditionally supported the prisoner rights struggle at a low ebb and facing setbacks of their own (i.e., the civil rights, women's liberation and anti-war movements), we saw PLN's objective as one which would emphasize prisoner organizing and self reliance. Like previous political journalists who had continued publishing, carrying the torch for the next generation during the dark times of the 1920's and 1950's, we saw PLN's role as being similar.

From the outset, PLN has been an organizing tool as much as it has been an information medium. When we started we did not know things would get as bad as they have.

In 1990, I was transferred to the Clallam Day Corrections Center, a new Washington prison. At that point Ed and I had our plan of publication and had found a volunteer, Richard Mote, in Seattle to print and mail each issue. Ed and I each typed up five pages of PLN in our respective cells. Columns were carefully laid out using blue pencils, graphics were applied with a glue stick. We then sent our respective pages to Richard who copied and mailed it. Ed contributed PLN's start up budget of \$50.

The first three issues of PLN were banned from all Washington prisons on spurious grounds. Ed was charged by WSR officials for allegedly violating copyright laws by writing law articles. Officials at Clallam Day ransacked my cell and confiscated my background article materials and anything that was PLN related. Eventually Ed's infraction was dismissed and I received my materials back. As we were on the verge of filing a federal civil rights lawsuit to challenge the censorship, the Washington DOC capitulated and allowed PLN into its prisons. Jim Blodgett, then the warden at the Penitentiary in Walla Walla, told me that PLN would never last because its politics were outmoded and prisoners too young and immature to be influenced by our ideas. The reprisals were fully expected, given prison officials historic hostility to the concept of free speech.

The biggest disaster in PLN's history then struck. Richard Mote was mentally unstable. He refused to print and mail PLN's second issue because he took offense to an article Ed had written calling for an end to ostracization of sex offenders. Mote took all of PLN's money that contributors had sent us after receiving the first issue (about \$50), the master copy for the second issue and our mailing list. For several weeks it looked like there would be no second issue of PLN. Fortunately, we located a second volunteer, Janie Pulsifer, who was willing to help PLN. Ed and I retyped the second issue of PLN and sent it to Janie to print and mail. We were back on track.

THE PRESSES KEEP ROLLING

Ed's partner, Carrie Catherine, had agreed to handle PLN's finances and accounting, such as they were, after Mote jumped ship. This was short-lived because by August, 1990, Carrie was preparing to go to China to study. The only person we knew who had a post office box and who might be able to handle PLN's mail, primarily to process donations, was my father Rollin Wright. He lives in Florida and generously agreed to handle PLN's mail for what Ed and I thought would be a few months at most, until we found someone in Seattle to do it.

PLN's support and circulation slowly began to grow. By January, 1991, PLN had switched to desktop publishing. Ed and I would send our typed articles to volunteers in Seattle, Judy Bass and Carrie Roth, who retyped them and laid out each issue. Ed and I would then proof the final version before it was printed. In 1991 we obtained non profit status from the IRS in order to mail PLN at lower non profit postage rates. PLN's circulation stabilized at around 300 subscribers. We purposely did not want to expand beyond that at that time because we lacked the infrastructure to sustain more growth. Once PLN had finalized its non profit status with the IRS and its mailing permits with the post office we were ready to grow.

In the summer of 1992 we did our first sample mailing to almost 1,000 prison law libraries. Since PLN's reader base had grown we decided to reflect this change by changing the magazine's name to Prison Legal News, PLN was not just for prisoners anymore. We also made the editorial decision to stop calling prison officials "pigs" since we were going to solicit them for subscriptions. PLN was now being photocopied and mailed each month by a group of volunteers in Seattle who would meet once a month for a mailing party.

When PLN started out in 1990, Ed and I had decided PLN would be a magazine of struggle, whether in the courts or the prison yard, all would be chronicled. At a time when the prisoner movement was overcome by defeatism and demoralization we thought it important to report the struggles and victories as they occurred, to let activists know their's was not a solitary struggle. Our local, Washington specific issue was abuses by the Indeterminate Sentencing Review Board (ISRB) a remnant from Washington's transition to determinate sentencing in the

1980's. The first several years saw PLN give heavy coverage to ISRB issues. Despite grumbling by prisoners affected by the ISRB, struggle around this issue failed to materialize.

Another mainstay of PLN'S coverage from the beginning, which has met with a better fate, is the issue of prison slave labour. This is where the interests of prisoners and free world workers intersect. If people outside prison do not think criminal justice policies affect them, by showing how prison slave labour takes their jobs and undermines their wages, PLN would make prisons relevant. This was helped by the fact that Washington State was, and remains, a national leader in the employment of prisoner slave workers by private business. PLN has reported how corporations like Microsoft, Boeing, Planet Hollywood and U.S. Congressman Jack Metcalf, among others, have exploited prison slave labour. These stories were frequently picked up by other media outlets, increasing PLN'S exposure.

In June, 1992, I was transferred back to WSR where Ed and I could collaborate on PLN in person for the first time since we started. In 1991 I had been infractioned for reporting in the PLN the racist beatings of black prisoners by white prison guards at Clallam Day. Unable to generate attention to the beatings themselves, my punishment for writing about it generated front page news in the *Seattle Times*. Eventually, the disciplinary charges were dropped, but not until after I had spent a month in a control unit for reporting the abuses. The presses kept rolling.

PLN BECOMES A MAGAZINE

On PLN's third anniversary in May, 1993, we made the big jump. We switched to offset printing and permanently expanded our size to 16 pages. PLN was no longer a newsletter, now we were a magazine, bound and everything! PLN's circulation was at 600 subscribers.

In October, 1993, Ed was finally paroled after spending almost 18 years locked up. The ISRB, no doubt unhappy at PLN's critical coverage of their activities, imposed a "no contact" order on Ed. This meant Ed could have no contact, by any means, with any prisoners. The ISRB was clear that this specifically included me and was for the purpose of preventing the publication of PLN. If Ed were in anyway

involved in publishing PLN his parole would be revoked and he would be thrown back in prison, perhaps for the rest of his life.

The American Civil Liberties Union of Washington filed suit on our behalf to challenge this rule as violating our First Amendment rights to free speech. In an unpublished ruling, federal judge Bryan of Tacoma, dismissed our lawsuit, holding that it was permissible for the state to imprison someone for publishing a magazine if they were on parole. The Ninth Circuit Court of Appeals would eventually dismiss our appeal as moot when, after three years on state parole, Ed was finally discharged from ISRB custody.

In early 1994, Dan Pens became PLN's new co-editor, replacing Ed. Dan had been a PLN supporter from the beginning, contributing articles, typing and maintaining PLN's mailing list on a computer program he had custom designed for PLN. (This was at a time when Washington prisoners were allowed to have computers in their cells.) PLN also switched to an East coast printer that offered significant savings over PLN's Seattle printer. This allowed PLN to expand in size to 20 pages. Within a year, PLN was no longer being mailed by volunteers but by our printer.

In January, 1996, PLN hired its first staff person, Sandy Judd. PLN's needs and circulation had grown to the point that volunteers were simply unable to do all the work that needed to be done. With some 1,600 subscribers, data entry, lay out, accounting and other tasks all required full time attention. Dan had been moved to a different prison in the summer of 1995 and could no longer maintain the mailing list as he had before. For security reasons, we were never comfortable having the mailing list inside prison where prisoncrats could get their hands on it. The downside is that data entry takes a lot of time. By 1999 Fred Markham was PLN's overworked and underpaid office slave.

By May, 1999, PLN was celebrating its ninth anniversary of continuous publishing, having published 109 issues and with approximately 3,000 subscribers in all 50 states.

PLN goes into every medium and maximum security prison in the United States as well as many of the nation's jails and minimum security prisons. PLN's subscribers include judges, lawyers, prison and jail officials, journalists, concerned citizens and activists on both sides of the walls. The bulk of each issue of PLN is still written by prisoners. In addition to Dan and myself, we have added a number of contributing

writers across the country who contribute articles and reporting to PLN. This includes Willie Wisely, James Quigley, Matt Clarke, Ronald Young, Darcy Matlock, Julia Lutsky, Alex Friedman, Mark Wilson, Daniel Burton Rose and Mark Cook. We have three quarterly columnists, attorney John Midgley who writes about procedural legal issues for jailhouse lawyers, political prisoner Laura Whitehorn and death row activist Mumia Abu-Jamal. For stories that require further investigation than PLN's imprisoned writers can do, (e.g., phone interviews, internet searches) we can count on the support of journalists such as Jennifer Vogel, Ken Silverstein, Micah Holmquist, Daniel Burton Rose and Tara Herivel. This has allowed PLN to provide a wider spectrum of voices and helped us expand in size while maintaining a consistently professional magazine. One which has developed a following even among journalists for the corporate media.

In 1998 Common Courage Press published our first book, *The Ceiling of America: An Inside Look at the U.S. Prison Industry*. Edited by Dan, Daniel Burton Rose and myself, the book was a PLN anthology. The text lays out in one place the reality and politics of the prison industrial complex. The book has received critical acclaim and helped boost PLN's profile. In 1998 I also started doing a radio show on KPFA in San Francisco called "This Week Behind Bars". The show airs as part of "Flashpoints" and consists of news reports, mostly from PLN, about news involving the criminal justice system.

PLN does not have a hammer and sickle on its cover, but we are unique in several respects. First, PLN is the only uncensored, independent national magazine edited and produced by prisoners, and the longest lived. Second, we offer a class based analysis of the criminal justice system. We continue to focus on prison slave labour and the plight of class struggle political prisoners in the U.S. and around the world. Private prisons and the companies profiting from incarceration policies are frequently highlighted in PLN.

To date, PLN has remained self reliant. Despite a lot of effort on our part, PLN has never been able to attract much in the way of grants from foundations or other sources. PLN is largely funded by its subscribers with some additional funds coming from advertisers whose products/services do not conflict with our editorial mission. Book sales by PLN also contribute to our income.

The battles against censorship have been constant. Most censorship problems are resolved administratively. In recent years PLN has sued the Box Elder County jail in Utah which banned all publications; the San Juan County jail in Utah which banned publications sent via third class mail; entire State prison systems in Utah, Oregon and Washington which banned PLN because we were sent via third class non-profit mail; the Alabama prison system which required that prisoners purchase subscriptions from their prison trust account, and the Washington DOC which banned PLN from sending prisoners in that State photocopies PLN clippings or subscriptions to prisoners in control units. PLN also sued the Michigan prison system after they decided to ban our book, *The Celling of America*, claiming the book incited riots. To date, PLN has won all the censorship suits it has filed.

PLN IN THE NEXT CENTURY

A question I have been asked is whether PLN has been successful. Success is a relative term. When a French journalist asked Mao Tse-Tung in the 1960's if he thought the French revolution had been successful, Mao replied that it was too soon to tell. So too with PLN. The prison and jail population has almost doubled, to 1.9 million just in the time PLN has been publishing. By any objective standard, prison conditions and overcrowding are now worse than at any time in the past 20 years. Draconian laws criminalize more behaviour, impose harsher punishment in worse conditions of confinement than at any time in modern American history. The legal rights of prisoners are increasingly restricted by the courts. The corporate media and politicians alike thrive on a steady diet of sensationalized crime and prisoner bashing, all the while jails and prisons consume ever larger portions of government budgets.

PLN has chronicled each spiral in this downward cycle of repression and violence. We have provided a critique and analysis of the growth of the prison industrial complex and exposed the human rights abuses which are a daily reality in the American gulag at the end of the century. In that sense, I believe that PLN is successful. Even if we have not stopped the evils of our time, at least we struggled against them. That we have managed to publish at all under our circumstances is a remarkable success.

PLN has helped stop some of the abuses that are legion in the American gulag. We have also borne witness to what is happening and duly documented it. Recent years have seen an increase of interest and support for the prisoner rights movement and more attention being paid to prison issues by outside activists and the general public. Many of PLN's criticisms of prison slave labour and other issues have even been picked up and adopted by labour groups and some elements of the corporate media.

We believe that PLN's success will be measured by its usefulness to activists, journalists, citizens and lawyers who, in our day, tried to make a difference. We also hope to be useful to historians at a later date who chronicle what is hopefully a relatively brief and dark period of modern American history.

The main obstacles that PLN faces are those faced by all alternative media in the U.S., under funding and the corresponding inability to reach large numbers of people with our message. Without relatively large-scale funding from outside sources to do outreach work, this will continue to be a problem for the foreseeable future. The other primary obstacles PLN faces are prisoner illiteracy (depending on the State, between 40 percent to 80 percent of the prisoner population is functionally illiterate and thus unable to read PLN), and political apathy. That said, PLN has survived longer and published more issues than any other prisoner produced magazine in U.S. history. The need that led to PLN's creation has only grown.

Despite recent changes in mail censorship policies by the Washington prison system, changes that seem designed to shut down PLN, we continue to publish under adverse circumstances. The mail policy changes include a ban on prisoner to prisoner correspondence, so Dan and I can no longer write each other or other prisoners, and a ban on all book and magazine clippings, limiting newspaper articles to one per envelope.

Corporate media coverage of prison issues and news tends to be abysmal, with reporters largely content to parrot press releases from prison officials. Rarely is input from prisoners sought, or if obtained, used. Since its inception PLN has ensured the voice of class conscious and politically aware prisoners is heard. We are heartened by the fact that prisoners in other States are starting similar publications focussed on struggle in their States. This includes *Florida Prison Legal*

Perspectives and Voices Behind the Walls in Florida and Pennsylvania, respectively.

After almost a decade of publishing, it has to be emphasized that PLN has always been a collective effort. Dan, Ed and I have been the editors, and the ones to bear the brunt of our captors displeasure at having truth spoken to power, but the reality is that PLN would have never been possible were it not for the many volunteers and supporters who have so generously donated their time, labour, skills, advice and money to PLN. The cause of prisoner rights has never been popular. In today's political climate, with radical chic a distant memory, it takes extraordinary courage and commitment to support PLN.

The volunteers without whose support PLN would not be here today include: Dan Axtell, Dan Tenenbaum, Allan Parmelee, Janie Pulsifer, Jim Smith, Scott Dione, Matt Esget, Cathy Wiley, Ellen Spertus, Jim McMahon, the late Michael Misrok, Sandy Judd, Rollin Wright, Bill Witherup, Fred Markham and Wesley Duran, among many others.

The lawyers that have advised PLN on matters as diverse as taxes and internet licensing, as well as representing PLN in court in censorship litigation around the country, include: Bob Cumbow, Mickey Gendler, Bob Kaplan, Joe Bringman, Dan Manville, Rhonda Brownstein and the Southern Poverty Law Center, the Washington ACLU, Alison Hardy, Marc Blackman, Brian Barnard, Mike Kipling, Frank Cuthbertson and Peter Schmidt.

The organizations that have provided financial support to PLN over the years, often at critical points of PLN's existence, are; the Southern Poverty Law Center, the Open Society Institute, the Solidago Foundation, and Resist.

Ultimately, the people who have contributed articles and who have subscribed have made PLN possible today. Without all these people contributing to PLN, far too many to name, we would have met the fate of the vast majority of alternative, non corporate publications, we would have folded within a year.

Going into the 21st century, PLN will still be around for a while. Underfunded and understaffed, but still scooping the corporate media, giving a voice to the voiceless, and still going.