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FREE

Prison Families Win Demands Against Unjust Telephone Contract

By Lauren Melodia

Families of those locked up by New York State finally won some justice this past month in their fight against a prison telephone contract that charges families of prisoners 630 percent more for collect calls than regular consumer long-distance rates.

As one of the first things he did in office, Governor Spitzer eliminated the State's huge backdoor tax on the prison telephone contract because family activists helped make it a priority for his administration. In another victory for families with incarcerated loved ones, the New York State Court of Appeals – the highest court in the state – also agreed to let proceed a lawsuit seeking a ruling that the kickback contract was unconstitutional and refunds for families paying the 630 percent markup on collect calls from state prisons.

For Ms. Walton, a grandmother in East New York and lead plaintiff in the lawsuit, making the three-hour trip to see her loved one can be cost-prohibitive and hard on her health, yet she has to limit the amount of time she can spend on the phone because she can't afford the high costs. Every expert agrees on how important it is for prisoners to stay in contact with family and community, yet high rates make that impossible for many.

The Elimination of the Backdoor Tax

On January 8, 2007, Governor Spitzer announced that he would eliminate the state commission provision of the New York State Department of Correctional Services (NYSDOCS) prison telephone contract. Since 1996, the contract has required MCI/Verizon to pass 57.5 percent of its profits on to the State, resulting in the exorbitant rates. Much of the commission was used to provide programs at NYSDOCS facilities for which families should not be financially responsible.

More than \$175 million has been put in the State's coffers since the contract began in 1996. That's \$175 million illegally taken from many poor families of color who often have to choose between keeping in touch with a loved one and putting food on the table.

Governor Spitzer's decision, which will go into effect on April 1, 2007, will immediately reduce the surcharge and per-minute rate of the contract by at least 50 percent – families will see their phone bills cut in half beginning in April. Governor Spitzer has also guaranteed that the programs previously funded through the contract will

remain fully funded through general state funds.

Update on the Lawsuit

On February 20, 2007, the Center for Constitutional Rights (CCR) received word from the state's highest court that its case, *Walton v. NYSDOCS*, will move forward. The case challenges the constitutionality of the NYSDOCS prison telephone contract, specifically its unjust high rates and its illegal and unlegislated tax on prison families.

CCR will move to have the case certified as a class-action suit, and if the suit succeeds, all New York State residents who paid for collect calls from state prisons between October 2003 and March 2007 will have the opportunity to join the case and seek refunds for bills paid during that time.

Get Involved!

These successes are the result of the actions and organizing of prison families who, often anonymously, have participated in the New York Campaign for Telephone Justice. The campaign members have organized actions at MCI shareholder meetings, boycotts and letter-writing campaigns. Family members have done much of the outreach, spreading the word about the campaign to folks going upstate on buses, in waiting rooms at prisons, and in online support groups.

While the recent successes are significant, there is still work that must be done to ensure that any new contract meets the needs of families. Currently, NYCTJ is pressuring the state legislature to pass the Family Connections Bill (S.705/A.3397). This bill would put a permanent end to the contract and replace it instead with fair rates and calling options, including a debit calling system.

For ten years, families of New York State prisoners have been grossly exploited through this unjust contract between NYSDOCS and MCI/Verizon. Families are charged 6 times more to receive collect calls from prisons than the average MCI collect-call consumer. The average prison phone call is billed at 19 minutes, costing over \$6.00.

Get involved with the NYCTJ to find out how you can support and participate in this grassroots effort and to receive updates on Spitzer's decision and *Walton v. NYSDOCS*. Check out www.telephonejustice.org for more information, and call 212.614.6481 or e-mail lmelodia@ccr-ny.org to join the fight!