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FOR THE MIDDLE DISTRICT OF ALABAMA

2000 MAR 27 P 6:36

PRISON LEGAL NEWS, INC., and
AVEN H. COTTON,

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT

CLERK
U.S. DISTRICT COURT

Case No. 00 D 486 N

MICHAEL HALEY, Commissioner
of the Alabama Department of Corrections

Defendant.

STIPULATION

1 The Plaintiffs challenge the Alabama Department of Corrections'

policy of prohibiting inmates from receiving books, magazines, or newspapers unless they have been paid for with funds from inmates' Prisoner

Money on Deposit ("PMOD") accounts as violative of the First Amendment to

the United States Constitution. Under the policy, inmates may not receive free

publications or gift publications published for or by any religious, literary,

or charitable organizations. The plaintiffs also challenge the failure of the

Defendant to accept donations of books, magazines, newspapers, or other

publications as violative of the Fourteenth Amendment to the United States

Constitution. Defendant Haley denies that the challenged policies violate the

Constitution.

2 In order to resolve this lawsuit, the Defendant, on behalf of himself,

his agents and successors, agrees to permit inmates to receive free and gift

publications. The Defendant agrees to place the following language in the

DOC's Administrative Regulation #303 ("AR 303"):

XIII. PUBLICATIONS

A. Inmates may receive a limited number of publications -- books, magazines, newspapers, book catalogues, and government pamphlets -- so long as the publications are received directly from the publisher. Inmates may receive free and gift publications so long as they are intended for the inmate and are not for sale. If an inmate purchases a publication, it must be pre-paid from the inmate's Prisoners Money on Deposit Account (PMOD). Each Institutional Head will establish a specific limit on the number of publications each inmate may receive. This limit will be based upon space, security, fire, and operational considerations and on capacity and size of each institution's mail handling facility. Different institutional limits may be established for different inmates based upon custody, living space and other security or maintenance of order. However, an inmate will not be allowed to own safety stores or personal books along with other personal possessions.

2. The Defendant also agrees to provide publishers with notice and an

opportunity to be heard if their publications are rejected by the DOC. The

Defendant agrees to place the following language in AR 303:

H. The Facility Warden or his/her designee shall provide the

working days after the receipt of the publication by the mail clerk.

The written notice must clearly state the reasons for the

rejection by sending its objections to the Facility Warden or Deputy Warden within twenty (20) days of the receipt of the rejection letter.

If the publisher appeals in accordance with this provision, an independent reviewer consisting of the Warden or Deputy Warden

shall review the contested publication and the reasons for its rejection

and notify the publisher of his or her decision within business days.

days.

4. In the event of a rejected publication, the DOC will provide the

reasons for the rejection of the publication and their rights to appeal the rejection.

A copy of the form is attached to this Stipulation as Attachment A.

5. The Defendant agrees to explain the new provisions of AR 303 described in paragraphs 2 and 3 above to all Wardens, correctional officers and mauroom personnel at all Alabama correctional facilities.

6. The Plaintiffs agree to waive their right to seek fees and costs incurred in pursuing this lawsuit.

7. In light of the Defendant's agreement to this Stipulation, the parties agree that the Plaintiffs' challenge to the Defendant's

publications policy should be dismissed without prejudice. In the event that the

Defendant breaches this stipulation the Plaintiff may sue to enforce or

enforce the Stipulation as a contract between the parties in State court.

Stipulated and agreed to this 27th day of March, 2000.

For the Plaintiffs:

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Montgomery, AL 36102-2087
(334) 264-0286

For the Defendant:

...
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Montgomery, AL 36130-
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Approved by the Court on 29th day of March 2000.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE

NOTIFICATION OF REJECTED MAIL

INSTITUTION: _____

FROM: _____
 Institutional Address _____

TO: INMATE
 AIS # _____ CELL / DORM _____ BED # _____

CORRESPONDENCE / PUBLICATION _____

Date received at this institution: _____ This correspondence/publication is being returned to the sender due to the following reason(s): _____

-Inmate has the option to return mail to sender at his/her own expense within 30 days or property will be destroyed.

-Inmate has 72 hours from above date of this notice to protest this action by stating the reasons below and returning this form to the Warden.

-Publisher has 20 days from receipt of this notice to appeal this decision and obtain an independent review of this rejection by sending its objections to the warden.

Inmate Signature _____ AIS # _____

Date _____

PUBLISHER PROTEST DENIED _____

Date Returned to Sender _____

Date Returned to Inmate _____