



October 5, 2021

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Wade Henderson

The Honorable Frank Pallone, Jr.
Chairman
House Committee on Energy and Commerce
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Ranking Member
House Committee on Energy and Commerce
Washington, DC 20515

Dear Chairman Pallone and Ranking Member McMorris Rodgers:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national advocacy organizations charged by its diverse membership to promote and protect the rights of all persons in the United States, we write to voice our support for H.R. 2489, the Martha Wright Prison Phone Justice Act, and ask that this letter be entered into the record of the subcommittee hearing entitled "Hearing on Strengthening Our Communications Networks to Meet the Needs of Consumers" on October 6, 2021.

The rates paid by incarcerated people and their loved ones are predatory, damage human relationships, place undue and unjust burdens on families, and harm efforts to decrease incarceration. For years, The Leadership Conference has urged Congress to reform the exploitive prison phone rates charged to incarcerated people and their loved ones and advocated for legislation to end this predatory practice. The Federal Communications Commission possesses the capacity and expertise to ensure just and reasonable rates for all telephone calls and fees. Congress had delegated that authority to the commission, until a 2017 court decision sharply constricted the commission's previous reform efforts.¹

H.R. 2489, introduced by Representative Bobby Rush, would clarify Congress' intent that the FCC protect all consumers and prevent these outrageous rates that negatively impact the safety of all people in the United States. The bill would ensure just and reasonable rates and FCC authority. It would also immediately adopt interim rates of \$0.04 for prepaid calls and \$0.05 per for collect calls and require regular FCC proceedings to address predatory rates.

The costs of telephone calls from incarcerated people are often well beyond what most people in our country pay for telephone service. In some cities in the United States, it could

¹ *Global Tel*Link v. Federal Communications Commission*, 866 F.3d 397 (D.C. Cir. 2017).



cost a grandmother or a pastor \$25 for a 15-minute phone call to jail.² The Marshall Project's report demonstrated that families can pay up to \$1 per minute for video visitation.³ Families in West Virginia were charged \$0.25 per minute for video visitations and \$0.05 per minute to read books on tablets.⁴ A pastor seeking to deposit money into a prepaid account could be forced to pay \$10 or as much as \$12.95 to deposit funds into an account.⁵

The strain on families is extreme. The Prison Policy Initiative estimated in 2013 that families are spending as much as \$386 million per year on fees — fees imposed over the costs of the calls themselves.⁶ An Ella Baker Center report found 1 in 3 families of incarcerated people went into debt to cover phone and prison costs.⁷ A recent survey by the City of Philadelphia found that 84 percent of families could not afford to communicate with incarcerated loved ones.⁸

The elimination of this predatory practice is long overdue. We urge Congress to pass this commonsense legislation and put an end to years of harmful practices. If you have any questions about this matter, please contact Media/Telecommunications Task Force Co-Chair Cheryl Leanza, United Church of Christ, Office of Communication, Inc., at cleanza@alhmail.com; Kate Ruane, American Civil Liberties Union, at kruane@aclu.org; or Bertram Lee, Jr., Leadership Conference media/tech counsel, at lee@civilrights.org.

Sincerely,

Wade Henderson
Interim President and CEO

Jesselyn McCurdy
Executive Vice President of Government Affairs

² A 15-minute in-state phone call from jail in Arkansas would cost \$24.92 and in Michigan \$22.56. Peter Wagner and Alexi Jones, "State of Phone Justice: Local jails, state prisons and private phone providers," Prison Policy Initiative (February 2019), https://www.prisonpolicy.org/phones/state_of_phone_justice.html

³ Nicole Lewis and Beatrix Lockwood, "Can You Hear Me Now?" The Marshall Project (Dec. 2019), <https://www.themarshallproject.org/2019/12/19/can-you-hear-me-now>. The report also documents the inability for consumers to obtain refunds when calls are interrupted or dropped.

⁴ C.J. Ciaramella, "West Virginia Inmates Will Be Charged by the Minute to Read E-Books on Tablets," Reason (Nov. 22, 2019), <https://reason.com/2019/11/22/west-virginia-inmates-will-be-charged-by-the-minute-to-read-e-books-on-tablets/>.

⁵ Letter from Andrea Fenster to Marlene Dortch, Secretary, Federal Communications Commission, Docket No. 12-375 (filed Feb. 25, 2021), <https://www.fcc.gov/ecfs/filing/10225233345757>.

⁶ Kukorowski, Peter, et al., Please Deposit All of Your Money at 10 (Prison Policy Initiative 2013).

⁷ Ella Baker Center, True Cost of Incarceration at 9 (2015).

⁸ Philadelphia's Office of Community Empowerment and Opportunity (CEO), "The Impact of Criminal Court and Prison Fines and Fees in Philadelphia," (May 5, 2021), <https://www.phila.gov/media/20210505004207/FinesandFees-final.pdf>.