

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PRISON LEGAL NEWS, DANIEL DENVIR,
PHILADELPHIA CITY PAPER,
CHRISTOPHER MORAFF,
PENNSYLVANIA PRISON SOCIETY,
SOLITARY WATCH, PROFESSOR REGINA
AUSTIN, STEVEN BLACKBURN, WAYNE
JACOBS, EDWIN DESAMOUR, AND
WILLIAM COBB,

Plaintiffs,

v.

KATHLEEN KANE, in her capacity as
Attorney General of Pennsylvania, and R.
SETH WILLIAMS, in his capacity as District
Attorney of Philadelphia County,

Defendants.

Civil Action No. 1:15-
CV-0045

(Chief Judge Conner)

BRIEF OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE
PRESS AND 3 OTHERS IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

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2. American Booksellers for Free Expression
3. Freedom to Read Foundation
4. Pennsylvania NewsMedia Association

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IDENTITY AND INTEREST OF *AMICI CURIAE*

Amici curiae are The Reporters Committee for Freedom of the Press and 3 media organizations, including: The American Booksellers for Free Expression, The Freedom to Read Foundation, and The Pennsylvania NewsMedia Association.

Media organizations have an interest in ensuring access to personal injury offenders' speech and promoting free expression under the First Amendment. Having access to willing speakers is an important component of reporting, storytelling, and otherwise engaging the public. Amici oppose restraints on public access to and receipt of information through news and other media. It is from this perspective that *amici* write to emphasize to this Court the public interests at stake in this case.

CORPORATE DISCLOSURE STATEMENT

The Reporters Committee for Freedom of the Press is an unincorporated association of reporters and editors with no parent corporation and no stock.

The American Booksellers Association is a not-for-profit corporation with no parent corporation and no stock.

The Freedom to Read Foundation is a non-profit organization that does not have any parent corporations or issue stock and consequently there exists no publicly held corporation which owns 10% or more of its stock.

The Pennsylvania NewsMedia Association is a Pennsylvania non-profit member corporation with its headquarters located in Harrisburg, Pennsylvania.

SUMMARY OF THE ARGUMENT

This case concerns the validity of Pennsylvania’s Revictimization Relief Act, 18 Pa.C.S. § 11.1304 (2014). The Act addresses the emotional harm suffered by a police officer’s widow as a result of a college commencement speech delivered in October 2014 by Mumia Abu-Jamal, who was convicted of murdering the officer in Philadelphia in 1981. The Act permits “a victim of a personal injury crime,” the Attorney General, or the District Attorney to bring a civil action against “an offender” to “obtain injunctive and other appropriate relief” for “conduct which perpetuates the continuing effect of the crime on the victim.” *Id.* The Act defines “conduct which perpetuates the continuing effect of the crime on the victim” as “conduct which causes a temporary or permanent state of mental anguish” in the mind of the victim, without reference to whether the conduct is related to the crime. *Id.*

By authorizing broad injunctive relief, the Act targets not only offenders but the public. Indeed, advocates of this Act took pride in saying the Act would allow crime victims to seek injunctions that would prevent the media – either indirectly through an injunction on the offender, or according to some supporters, directly through an injunction on reporters, documentarians, and other publishers – from disseminating interviews with prisoners to the community at large. The Act’s restriction on speech is an unconstitutionally vague prior restraint on a limitless

range of speech, including matters of public interest, such as deterring crime, rehabilitation of prisoners, prison conditions, and fundamental issues of justice. This cuts to the core of the First Amendment, which creates a strong presumption against prior restraints that may only be overcome by a justification of the highest order. *See Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976); *N.Y. Times Co. v. United States*, 403 U.S. 713 (1971); *Org. for a Better Austin v. Keefe*, 402 U.S. 415 (1971). The Act's interest in preventing emotional pain cannot sustain such censorship; the offensive effect of particular speech is insufficient justification for restricting it. *See Snyder v. Phelps*, 131 S. Ct. 1207 (2011). The appropriate remedy for victims is a tort action brought *after* the speech has occurred (if they can demonstrate the speech caused actual injury and was not constitutionally protected), not an injunction to prevent it from being uttered in the first instance.

In addition, this Act harms the press and the public by interfering with the First Amendment right to receive information from "willing speakers." When a speaker wishes to communicate with the public, the public and media have a heightened constitutional interest in receiving that information. *See Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976). The Act blocks access to this information and fails to respect the principle of editorial

independence that is a central aspect of press freedom. *See Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 258 (1974).

The Revictimization Relief Act will freeze speech, and the public will lose valuable contributions to discourse and culture as a result. These would include media accounts of convicts, their life journeys, and the justice system, as well as speech that contends wrongful conviction or cautions others against leading a life of crime. This Court should recognize the value of this speech and importance of First Amendment protections by refusing to condone prior restraints and restrictions on the public's right to receive information.

ARGUMENT

I. The Revictimization Relief Act violates the First Amendment rights of prisoners and deprives the public of important information.

This case concerns Pennsylvania’s newly enacted Revictimization Relief Act, 18 Pa.C.S. § 11.1304 (2014). The Act allows the victim of a personal injury crime to bring civil suit over any conduct by the crime’s perpetrator which causes mental anguish, so as not to be “revictimized.” Courts in these suits may issue injunctions, preventing the dissemination of offenders’ speech. There is no requirement in the statute that limits the restrictions to speech related to the crime committed or to the victim; a speech by an offender on any topic, such as his remorse, a spiritual awakening, or thoughts on anything from prison conditions to the *Times*’ bestsellers, can apparently be enjoined if the mere presence of the offender’s voice upsets the victim. In fact, the act that prompted the legislation – the graduation address given by Mumia Abu Jamal – was not about his crime at all.

As injunctions that directly affect the distribution and receipt of information on matters of public interest are of particular concern to the news media, *amici* ask this Court to consider the First Amendment interests of the news media and the general public when reviewing the Act. The statute authorizes injunctions that serve as a direct prior restraint on communications, in addition to being a content-based restriction on speech. But it hardly matters whether this court views the

statute as a restraint or a punishment, or whether it focuses on the rights of the offender, the news media, or the general public; under any scenario, the First Amendment requires rigorous examination of the government's justification for such a law. As the U.S. Supreme Court has held:

Whether we view the statute as a prior restraint or as a penal sanction for publishing lawfully obtained, truthful information is not dispositive because even the latter action requires the highest form of state interest to sustain its validity. Prior restraints have been accorded the most exacting scrutiny in previous cases. However, even when a state attempts to punish publication after the event it must nevertheless demonstrate that its punitive action was necessary to further the state interests asserted.

Smith v. Daily Mail Publ'g Co., 443 U.S. 97, 101-02 (1979) (*internal cites omitted*).

Pennsylvania's interest in protecting the emotional impact of speech on victims of personal injury crimes cannot satisfy such heightened review.

A. The statute's restrictions on speech cannot survive constitutional scrutiny.

1. The act restricts the flow of information to the people.

The legislative history of the Revictimization Relief Act, 18 Pa.C.S. § 11.1304, reveals the legislature's intention to prevent the news media from disseminating speech by offenders to the public. The Act was signed into law within weeks of its proposal. *See* Daniel Kelley, *Pennsylvania legislature passes bill to limit inmate public statements*, Reuters (Oct. 16, 2014, 6:01 P.M.),

<http://www.reuters.com/article/2014/10/16/us-usa-crime-abujamal-idUSKCN0I52UN20141016>, *archived at* <https://perma.cc/R4TJ-T4XE>. Though the Act targets the conduct of offenders, it provides for an injunction as the primary civil remedy — a remedy which its proponents believe will allow victims to silence offenders’ speech, particularly speech through third parties such as reporters, publishers, and documentary filmmakers. *See id.*

On October 6, 2014, the House Judiciary Committee’s session featured a hearing on H.R. 2533, the parallel bill to S.B. 508 which was eventually signed into law as the Revictimization Relief Act. After explaining the bill, in response to a question about its scope, the House Judiciary Committee counsel stated that “the court would have broad power to stop a third party who is the vessel of that conduct or speech from delivering it or publishing that information.”

Revictimization Relief: Hearing on H.R. 2533 Before the H. Comm. on the Judiciary, 2014 Pa. Leg. 4224, *recording available at*

<http://www.prisonradio.org/media/audio/mumia/pa-house-judiciary-committee-hearing-bills-hr2533-sb-508-audio>, *archived at* <http://perma.cc/29DL-HRVF>.

The press conference on the Revictimization Relief Act later that afternoon reaffirmed the motivation to silence offenders by restricting media access and publication. Jennifer Storm, the Victim Advocate for the Commonwealth of

Pennsylvania, argued that the Act prevents offenders' voices from being heard over victims' voices. Storm, reflecting on this alleged imbalance in the case that inspired the enactment of the statute, commented: "Mumia's conviction for violently murdering a wounded and unarmed law enforcement officer has stood the test of innumerable appeals that have been reviewed by dozens of judges over several decades. Yet despite his violent act, his voice has always been heard in one form or another, either in books, countless live and recorded interviews, on the radio and in supportive documentaries, and most recently as an honored commencement speaker at a tiny college in Vermont." Recording of October 6, 2014, Press Conference by Rep. Mike Vereb & Jennifer Storm, <http://media2.pahousegop.com/Generator.asp?videoname=402857958.wmv>. In addition, the bill's sponsor in the House, Representative Mike Vereb noted: "There is nowhere in the Constitution that says we should be setting up TV production studios in our prisons. And essentially that's what we are doing. A 25-minute phone call after spending all these years in jail, I'm not sure what more speech a person needs." *See id.* These statements reflect an intention to keep information out of the hands of the news media.

Under the Act, courts are given broad discretion to issue injunctions for speech that may cause "mental anguish" to crime victims. This provision

authorizes courts to impose prior restraints in violation of the First Amendment. Whether by misapplication of the statute to enjoin the media directly or just by preventing those convicted of personal injury crimes from reaching the news media, injunctions under the Act will restrict the information that the news media and ultimately the general public is entitled to receive.

2. Pennsylvania’s interest in protecting personal injury victims from emotional duress cannot justify issuing broad injunctions against speech.

The Revictimization Relief Act effectively encourages censorship by authorizing prior restraints as the appropriate remedy to protect personal injury victims, even if the speech is unrelated to the crime committed.

It is well-established by Supreme Court doctrine that “prior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights.” *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976). While the restraint here is on an offender, it is nonetheless a restriction barring speech and is directly aimed at keeping that speech from the public. In defending a prior restraint, the government must overcome “a heavy presumption against its constitutional validity.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963); *see also Nebraska Press Ass’n*, 427 U.S. at 592; *Heller v. New York*, 413 U.S. 483, 491 (1973); *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971);

Org. for a Better Austin v. Keefe, 402 U.S. 415, 419 (1971); *Freedman v. Maryland*, 380 U.S. 51, 57 (1965). Prior restraints may only be sustained when justified by an interest of the highest order, in extraordinary circumstances. *See CBS Inc. v. Davis*, 510 U.S. 1315 (1994); *Org. for a Better Austin v. Keefe*, 402 U.S. 415, 419 (1971).

The Revictimization Relief Act was motivated by an interest to protect victims of personal injury crimes from continued emotional distress by their offenders. However, emotional impact and offensiveness cannot justify a prior restraint on speech. Indeed, such interests cannot justify lesser restrictions on First Amendment activity, let alone meet the high threshold required for prior restraints.

At heart of the First Amendment is the principle that “the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” *Simon & Schuster, Inc. v. Members of the N.Y. State Crime Victims Bd.*, 502 U.S. 105, 118 (1991); *see also Texas v. Johnson*, 491 U.S. 397, 414 (1989). The First Amendment protects even distasteful speech in order to preserve open, free discourse and the marketplace of ideas. “[T]he point of all speech protection . . . is to shield just those choices of content that in someone's eyes are misguided, or even hurtful.” *Snyder v. Phelps*, 131 S. Ct. 1207, 1219

(2011) (quoting *Hurley v. Irish-American Gay, Lesbian & Bisexual Grp. of Boston*, 515 U.S. 557, 574 (1995)).

Speech in public forums on matters of public concern “cannot be restricted simply because it is upsetting or arouses contempt.” *Snyder* at 1219. In *Snyder*, the Supreme Court addressed the hate speech used in the Westboro Baptist Church’s anti-gay protest at a Marine’s funeral. Despite the emotional pain suffered by the soldier’s family, the Court asserted: “Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and — as it did here — inflict great pain. On the facts before us, we cannot react to that pain by punishing the speaker.” *Snyder*, 131 S. Ct. at 1220. Though personal injury offenders may hurt their victims with their speech, the legislature cannot “react” to that pain by imposing an injunction against speech. Speech may not be restricted based on its “adverse emotional impact on the audience.” *Hustler Magazine v. Falwell*, 485 U.S. 46, 55 (1988).

If a victim is injured by this speech and seeks a legal remedy, Pennsylvania already provides for civil redress to address specific harms through actions such as intentional infliction of emotional distress and false light. *See Hoy v. Angelone*, 720 A.2d 745, 754 (Pa. 1998) (intentional infliction of emotional distress); *Motheral v. Burkhart*, 583 A.2d 1180 (Pa. Super. 1990) (intentional infliction of

emotional distress); *Larsen v. Philadelphia Newspapers, Inc.*, 543 A.2d 1181, 1188 (Pa. Super. Ct. 1988) (false light). Courts may also issue protective orders following a criminal hearing when the victim is likely to be intimidated. *See* 18 Pa.C.S. § 4954. If the communication targets the victim, Pennsylvania’s statute for criminal retaliation against victims and witnesses or its criminal harassment law may even be applicable. *See* 18 Pa. Const. Stat. §§ 2709, 4953. While these post-speech remedies for specific harms are constitutionally permissible, blanket bans on speech on matters of public concern are not.

3. The Act effectively allows a “heckler’s veto.”

Originally associated with the decision to silence a speaker out of fear that critics of the speaker would react with disorder or violence, *see Brown v. Louisiana*, 383 U.S. 131 (1966), the “heckler’s veto” problem concerns otherwise protected First Amendment speech that is silenced because of the anticipated audience reaction. The Supreme Court has recognized the danger of such a restriction on speech, describing “regulations [that] allowed a single, private actor to unilaterally silence a speaker even as to willing listeners” as “constitutionally problematic.” *Hill v. Colorado*, 530 U.S. 703, 734 n. 43 (2000). In *Hill*, the Court criticized regulations that confer “censorial power on the pedestrian” — effectively what the Revictimization Relief Act sets forth to accomplish. *Id.*; *see also Reno v.*

American Civil Liberties Union, 521 U. S. 844, 880 (1997) (striking down anti-indecency provisions of the Communications Decency Act that in effect empowered individual citizens to require those communicating indecent material to remove it by alleging that their child would be present; the Court held this “would confer broad powers of censorship, in the form of a ‘heckler’s veto,’ upon any opponent of indecent speech. . .”). By authorizing victims to bring civil suits and courts to issue injunctions, the Act enables individuals to ban the speech of convicts and those who disseminate it. This censorship would not even be limited to incarceration; it would apply to rehabilitated convicts until the grandchild of the original victim passed away – likely the remainder of the offender's life.

Permitting a heckler’s veto runs contrary to our founding democratic principles. In protecting free speech, the First Amendment requires government toleration of disagreement and discomfort. In *Terminiello v. City of Chicago*, the Supreme Court reflected:

Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest. There is no room under our Constitution for a more restrictive view.

Terminiello v. City of Chicago, 337 U.S. 1, 4 (1949). The Act aims to protect against public unrest and emotional injury. The emotional injuries it contemplates can hardly be considered a “serious substantive evil” of the type considered by the clear and present danger standard. To permit silencing by a “heckler,” the speech must be of a nature likely to incite the listener — here the personal injury victim — to imminent violent action. *See Brandenburg v. Ohio*, 395 U.S. 444 (1969). The First Amendment does not permit a heckler’s veto in any less dangerous a circumstance.

B. The public has the right to receive information from willing speakers.

The “willing speaker” doctrine illustrates the harmful effects the Act has on the media and the public at large. The foundation of the doctrine is the public’s right to receive information from willing speakers. It is usually invoked to establish that reporters have standing to assert claims protesting the silencing of those who otherwise would speak to the press. *See, e.g., Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 777 (3d Cir. 1994); *United States v. Wecht*, 484 F.3d 194, 202-03 (3d Cir. 2007). Here, it is useful to demonstrate the connection between the First Amendment rights of speakers and the public which functions as their audience. The harm in this case is clear — the Act’s “offenders” are

prevented from engaging in an impossibly wide range of speech because it might offend a victim, and the public is prevented from receiving that information.

The Supreme Court has found that where there is a willing speaker, the public has a heightened and independent First Amendment right to receive that information. “[W]here a speaker exists, as is the case here, the protection afforded is to the communication, to its source and to its recipients both.” *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 756 (1976). *Virginia Pharmacy* recognized that this precept was “clear from the decided cases,” *id.*, such as *Klendienst v. Mandel*, 408 U.S. 753, 762-63 (1972), where again the Court referred to a broadly accepted right to “receive information and ideas,” and *Martin v. City of Struthers*, 319 U.S. 141 (1943), where the Court wrote:

The authors of the First Amendment knew that novel and unconventional ideas might disturb the complacent, but they chose to encourage a freedom which they believed essential if vigorous enlightenment was ever to triumph over slothful ignorance. This freedom embraces the right to distribute literature, and necessarily protects the right to receive it.

319 U.S. at 143 (internal citations omitted). As the “offenders” in the Act have a constitutionally protected interest in communicating with the public, the media and the public have a corresponding constitutional interest in receiving the communications in order to fully realize their own political freedoms. *See*

Garrison v. State of La., 379 U.S. 64, 74-75 (1964) (“[S]peech concerning public affairs is more than self-expression; it is the essence of self-government.”).

The Third Circuit has also embraced the constitutional right to receive information from a willing speaker. “It is now well established that the Constitution protects the right to receive information and ideas.” *Whiteland Woods, LP v. Twp. of West Whiteland*, 193 F.3d 177, 180 (3d Cir. 1999), quoting *Stanley v. Georgia*, 394 U.S. 557, 564 (1969). “[W]here one enjoys a right to speak, others hold a reciprocal right to receive that speech, which may be asserted in court.” *Pa. Family Inst., Inc. v. Black*, 489 F.3d 156, 166 (3d Cir. 2007) (internal quotations omitted). The Third Circuit has held that third parties such as the media have standing to challenge laws or orders that silence willing speakers. *See, e.g., Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 777 (3d Cir. 1994) (“We have routinely found, as have other courts, that third parties have standing to challenge protective orders and confidentiality orders in an effort to obtain access to information or judicial proceedings.”). The third party must show that they have been deprived of information and are therefore injured: “[M]edia outlets have ‘standing to challenge protective orders and confidentiality orders’ as long as they can demonstrate that the order is an obstacle to their attempt to obtain access.” *United States v. Wecht*, 484 F.3d 194, 202-03 (3d Cir. 2007).

Here, there are clearly willing speakers who are being silenced. The Act itself was drafted and passed to address the specific situation of Mumia Abu-Jamal's commencement address, only one example of how an "offender" might wish to speak to a larger audience. The lengthy history of works of literature, films, and other media that draw from the experiences of convicted criminals, as discussed below, is a testament to the existence of willing speakers. When the Act operates to enjoin such speech, it will be a clear obstacle to news media access to this information.

The Act thus violates both the fundamental right to gather news and the principle of editorial independence that lie at the foundation of the freedom of the press. The First Amendment protects the right to gather news. *See Branzburg v. Hayes*, 408 U.S. 665, 728 (1972). The Act's silencing of willing speakers directly infringes on the media's ability to gather information from them. Furthermore, news editors have discretion when determining what material to publish and how to treat matters of public concern; the government cannot take over this editorial function without offending the First Amendment.

The choice of material to go into a newspaper ... and treatment of public issues and public officials — whether fair or unfair — constitute the exercise of editorial control and judgment. It has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press as they have evolved to this time.

Miami Herald Pub. Co. v. Tornillo, 418 U.S. 241, 258 (1974). By allowing courts to police the news media with regard to content that is constitutionally protected but may offend a “victim’s” subjective sensibilities, the Act interferes with the press’s ability to receive this information and determine whether to publish it. That editorial decision does not belong to the courts.

The prohibition on this impermissibly broad category of conduct and speech by former “offenders” exercises a great harm on the flow of information to the public. The Act’s silencing of willing speakers is a clear constitutional violation that must be enjoined.

II. Many important social and cultural contributions would have been banned by this Act.

The severity of a restraint on speech should not be underestimated. As Supreme Court Chief Justice Warren Burger wrote for the majority in *Nebraska Press Association v. Stuart*, “A prior restraint, by contrast and by definition, has an immediate and irreversible sanction. If it can be said that a threat of criminal or civil sanctions after publication ‘chills’ speech, prior restraint ‘freezes’ it at least for the time.” *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976). The Revictimization Relief Act will freeze speech, limiting many contributions to contemporary culture and society. This harm is not merely hypothetical. In fact, there are countless instances of broadcasts, books, documentaries, and other media

that bring convicted offenders into a public light and thus (at least under the broad parameters of this statute) could cause “mental anguish” to victims or their families.

The Act greatly limits media accounts that provide information about crime and its perpetrators: interviews, articles, books, and other media that speak to prison conditions and criminals’ life journeys, not to mention true crime stories. For example, 60 Minutes broadcasted an interview with Oklahoma City Bomber Timothy McVeigh that discussed the social and political influences in his life. *See* McVeigh Talks from Death Row, CBS (Mar. 08, 2000), <http://www.cbsnews.com/news/mcveigh-talks-from-death-row/>, *archived at* <http://perma.cc/WGK8-WUUN>. The Act would also interfere with investigative reporting about death row executions, criminal policy, the prison system, and juvenile justice. *See, e.g.,* Ann W. O’Neill, *Killer Counts Down Days to the Death He Welcomes*, L.A. Times (Aug. 6, 1998) <http://articles.latimes.com/1998/aug/06/news/mn-10604>, *archived at* <http://perma.cc/QZY3-MUNN>. Memoirs such as Eldridge Cleaver’s *Soul on Ice* dealing with crime and race, and Shon Hopwood’s *Law Man* on the journey from robber to lawyer, similarly provide insight on the motivations of criminals and life in prison. Though not focused on their crimes, notable autobiographies such as

The Autobiography of Malcolm X and *The Sixteenth Round* by Rubin “Hurricane” Carter also include statements on the authors’ prior criminal activity. True crime stories, like Truman Capote’s *In Cold Blood* and Norman Mailer’s *The Executioner’s Song*, could also be limited under this Act, as these are often written using interviews with the convicted offender.

The Act would also reach speech alleging wrongful conviction, such as *Getting Life: An Innocent Man’s 25-Year Journey from Prison to Peace* by Michael Morton, and the documentaries *The Thin Blue Line* and *Paradise Lost*. WBEZ’s popular *Serial* podcast and subsequent interviews about Adnan Syed’s 2000 murder conviction could also fall within the scope of the Act – even though the radio show may have influenced the Maryland Court of Special Appeals to grant Syed’s request for appeal. See Scott Neuman, *Adnan Syed, Subject Of ‘Serial’ Podcast, Granted Appeal*, NPR (Feb. 7, 2015, 1:48 P.M.), <http://www.npr.org/blogs/thetwo-way/2015/02/07/384533562/adnan-syed-subject-of-serial-podcast-granted-appeal>, *archived at* <http://perma.cc/S8NF-GJ8R>. Investigative interviews have even led to exonerations of innocent men. See, e.g., Laura Sullivan, *Three students track down killers*, Baltimore Sun (June 27, 1999), http://articles.baltimoresun.com/1999-06-27/topic/9906290297_1_wrongfully-convicted-ira-johnson-double-murder/, *archived at* <http://perma.cc/269L-T4X9>.

With its broad language, the Act would even affect speech intended to warn others of the dangers of a life of crime. For example, former gang leader Stanley “Tookie” Williams wrote nine books warning children and adolescents about the dangers of gang life. See Bryan Robinson, *Tookie Williams: Gang Founder Versus Nobel-Nominated Peacemaker*, ABC News (Dec. 8, 2005), <http://abcnews.go.com/US/LegalCenter/story?id=1377890>, *archived at* <http://perma.cc/H6S7-NNPG>. R. Dwayne Betts – who wrote about his journey from a good student to felon in *Question of Freedom: A Memoir of Learning, Survival and Coming of Age in Prison* – became the Campaign for Youth Justice’s national spokesman, advocating for juvenile justice reform. See Craig Wilson, *R. Dwayne Betts: A mind unconfined by jail*, USA Today (Aug. 12, 2009), http://usatoday30.usatoday.com/life/books/news/2009-08-12-betts-freedom_N.htm, *archived at* <http://perma.cc/7LUR-NRVZ>.

The experiences of these former offenders informs public debate and helps educate all citizens about the criminal justice system, regardless of whether that leads people to push for more lenient or more strict enforcement of the law. These voices should not be silenced by the Revictimization Relief Act.

CONCLUSION

For the reasons stated above, this Court should grant the Plaintiffs' motion for a preliminary injunction against the enforcement of the Act.

Respectfully submitted,

s/ Craig J. Staudenmaier, Esquire

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CERTIFICATE OF COMPLIANCE

I, Craig J. Staudenmaier, do hereby certify: (1) Brief of *Amici Curiae* complies with the type-volume limitation Local Rule 7.8(b) because it contains 4,691 words (excluding the Caption, Table of Contents, Table of Authorities, and Appendices), according to the word count of Microsoft Office Word 2010; (2) Brief of *Amici Curiae* complies with the typeface requirements of Local Rule 5.1(c) because it has been prepared in a proportionally spaced typeface using Microsoft Office Word 2010 in 14-point Times New Roman; and (3) Brief of *Amici Curiae* has been scanned for viruses and is virus free.

/s/ Craig J. Staudenmaier

APPENDIX A

Descriptions of *amici*:

The Reporters Committee for Freedom of the Press (“Reporters Committee”) is a voluntary, unincorporated association of reporters and editors that works to defend the First Amendment rights and freedom of information interests of the news media. The Reporters Committee has provided representation, guidance and research in First Amendment and Freedom of Information Act litigation since 1970.

The American Booksellers for Free Expression (“ABFE”), a division of the American Booksellers Association (“ABA”), is the bookseller's voice in the fight against censorship. ABFE's mission is to inform and educate booksellers, other members of the book industry, and the public about the dangers of censorship and to promote and protect the free expression of ideas, particularly freedom in the choice of reading materials. ABA is a not-for-profit trade association comprised of more than 1,600 locally owned and operated independent bookstores nationwide.

The Freedom to Read Foundation is an organization established by the American Library Association to promote and defend First Amendment rights, foster libraries as institutions that fulfill the promise of the First Amendment, support the right of libraries to include in their collections and make available to

the public any work they may legally acquire, and establish legal precedent for the freedom to read of all citizens.

The Pennsylvania NewsMedia Association (“PNA”) represents the interests of more than three hundred (300) daily and weekly newspapers and other media-related organizations across the Commonwealth in ensuring that the press can gather information and report to the public. A significant part of PNA’s mission is to defend and advocate for the news media’s statutory and constitutional rights.

APPENDIX B

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Killer Counts Down Days to the Death He Welcomes

Interview: Bill Bradford, convicted in strangulations, criticizes legal system but shuns last-minute appeals.

August 06, 1998 | ANN W. O'NEILL | TIMES STAFF WRITER

SAN QUENTIN — For more than nine years, Bill Bradford's days have been so empty, he slept through most of them. He prefers the night, when a condemned man can be alone with his poetry, his television set, or his demons.

Now a calendar hangs on the wall of Bradford's "house," Cell No. 9 on the 34-man, windowless tier that is part of the nation's most populous death row.

The man whose long history of violence toward women culminated in his conviction for the 1984 strangulation murders of two young Venice-area acquaintances has marked a large, dark "X" over Tuesday, Aug. 18, his chosen execution date. He is volunteering to die, literally numbering the days.

"If anybody deserves the death penalty, it's Bill Bradford," said former prosecutor David P. Conn, who described Bradford as a "scary" thrill killer who kept body parts for souvenirs.

Today marks Day 13 on Bradford's countdown toward oblivion. Suddenly, his hours are filled with strange new rituals and unexpected reunions. His dance card, empty for so long, is full.

Consider Monday, Day 16: He was reunited with the longtime friend who will handle his final affairs. He was asked to decide what is to be done with his tired, 52-year-old body--deciding to accept the state's free offer to cremate his remains and scatter them at sea. He received an emotional visit from a striking young woman who has his eyes, the daughter he last saw when she was 10.

And, he spent four hours with a Times reporter.

In a rare and wide-ranging death row conversation, Bradford explained why he has abandoned his appeals.

If he can't be free, Bradford says, he'd rather be dead.

He also provided a glimpse of the numbing routines of death row, where society's most feared outcasts spend years without receiving a visitor.

As for the outside world, "I don't know what grass is anymore. I don't know what dirt is. It's stuff like that," Bradford said, that makes his life in prison intolerable.

Complaint Is With the Legal System

The condemned men at San Quentin fill their days with domestic routines: tending to their "houses," resting on the buckets they use as chairs, creasing their prison-issued jeans by hand, using soap or sugar water as starch.

Bradford used to lift weights on the roof with fellow inmate Tommy Thompson, he said. Then, prison officials took the weights away. As for Thompson--he was executed last month.

"I am tired of it," Bradford said. "There isn't a standing chance under today's laws for me to have freedom. The best I can do is life without [parole]. That's not acceptable to me. It has nothing to do with my living conditions.

"I'm sure not beat up," he said with a grin. "I'm not uncomfortable with the people I'm living with. I've been living with the same 34 men for the last nine years."

Instead, his beef is with the legal system. "What gets to me is the not knowing. The waiting."

He is wiry and pale, and wears his hair in a flattop. Above a droopy mustache, his eyes are intensely blue, and the light flooding into the cell from a window shrinks the pupils to pinprick size. His arms are decorated with tattoos, including the names of three of the seven women he says have been his wives.

Sipping from a can of Coca-Cola, he seemed relaxed as he leaned against a sticky wooden table and talked in a 7-by-12-foot cell covered with clear plexiglass for soundproofing.

Because he is next in line for execution, the biggest and best visiting room cell belongs to Bradford. Also present was Jack Leavitt, the attorney Bradford says now represents him.

'It Doesn't Matter, Guilt or Innocence'

With his hands cuffed behind his back, Bradford walked in shortly before 9 a.m. He backed into the cell door and placed his hands through a slot, where a guard unlocked the handcuffs. He wore no shackles during the visit, and his hands remained free. At one point, discussing a knife police found during a search of his car, he turned to his visitor, made a stabbing motion, and said, "I could do more damage to you right now with that pen."

His manner was more joking than menacing, but the point was not lost.

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Killer Counts Down Days to the Death He Welcomes - Los Angeles Times

Other condemned inmates conferred with their lawyers in nearby cells. A couple of condemned men slept on sofas in the family visiting area as cartoons blared on the television set. A crib stood to one side. In the background, banners depicted "The Little Mermaid" and Sesame Street characters.

When asked, Bradford maintained that he is innocent of the crimes that brought him here. He denies that he is a serial killer, although police believe he may be responsible for at least eight other murders, and perhaps more.

Bradford was convicted of strangling 21-year-old Shari Miller and 15-year-old Tracey Campbell. According to testimony at his trial, he lured the women to the desert near Lancaster by offering to photograph them so they could begin modeling portfolios.

Miller, a some-time barmaid, lived out of her car. Campbell lived with her family in a one-bedroom apartment in a building adjacent to Bradford's. They had just moved there from Missoula, Mont.

The slayings were linked by a distinctive rock formation in photographs seized during a search in connection with a separate rape case against Bradford. He pleaded guilty to that rape charge after his arrest for the murders.

Whether or not he killed these women seems of little consequence to Bradford. "It doesn't matter, guilt or innocence. It's beyond that. It's about how to end this," he said.

As the date of his execution draws near, Bradford has brought a new twist to California's capital punishment debate. He is volunteering for death not out of despair or depression, remorse or religious zeal, but because he has grown weary of waiting.

There are plenty of other condemned inmates who feel the same way, he said. "We're the new generation of the condemned."

Bradford said that when he arrived at San Quentin in 1988 there were 185 men on death row. Now, there are 509. Two of them are in their 70s. A dozen are in their 60s, according to the most recent monthly report from the state Department of Corrections.

The report also contains other revealing facts about the state of capital punishment in California: 13 people have committed suicide on death row since 1978, when California's death penalty was reinstated after a short hiatus. Another 13 have died of natural causes.

If Bradford goes through with his execution, his would be the sixth. His anger toward the legal system is chillingly apparent when he focuses his rage toward his court-appointed appellate lawyer.

He believes he should have the right to drop his appeals without having his mental state questioned. And, he believes he should be represented by a lawyer of his choosing. The courts have declined to appoint Leavitt.

Poem Expresses Wish for Death

Bradford is refusing visits from the California Appellate Project, which opposes capital punishment and provides legal assistance to death row inmates. And, when other groups opposed to capital punishment write, urging him to reconsider, Bradford writes back, enclosing an original poem:

"Many nights I have dreamed of death

Greeting me with welcome comfort

Tempered with a searing seduction.

Within these dreams I have discovered a

Private

Serene, extreme place

Which dissolves the last drop of fear . . . "

From the inception of his murder case, Bradford has chosen death over a defense based on family history or mental health evidence.

"So what if I raced motorcycles and fell off and hit my head? I was wearing a helmet," he scoffed.

At his trial, attorneys Charles Lindner and Dale Rubin tried to call Bradford's mother to the witness stand during the death penalty phase. Rather than subject her to a prosecutor's "badgering," Bradford said, he fired the lawyers and delivered a closing argument certain to draw a death sentence.

His attorneys, Bradford said, would have considered life without the possibility of parole to be a victory. "I feared life without, and no appellate action," he said. The death sentence offered a plus—an automatic appeal to the state Supreme Court.

That appeal was rejected a year ago, launching Bradford's legal death march.

With 22 days left on his calendar, he held out his arms so prison officials could inspect the veins to make sure they hadn't collapsed from drug use. Officials confirmed that his veins are, indeed, healthy enough to perform their final task—carrying the poisons that sedate the brain, then shut down the lungs and stop the heart.

He's giving away his property—legal files and photographs, mostly. His lawyer, Leavitt, gets the cameras police seized during their murder investigation 14 years

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Killer Counts Down Days to the Death He Welcomes - Los Angeles Times

ago.

With 20 days to go, Bradford spoke with a Los Angeles police detective who believes he is a serial killer.

"Who's that girl?" Det. Chuck Worthen asked time and again, showing Bradford photographs he had taken years ago. The photographs, found in Bradford's apartment, depict young women in tortured or sexually suggestive positions.

"He told me, 'You're probably better than [serial killer] Ted Bundy.' I thanked him and compared him with Mark Fuhrman," Bradford said. Worthen, who was accompanied by retired LAPD Det. Brad McGrath, said Bradford wasn't in a confessing mood.

"He talked in circles. He was in total denial and stated he committed zero murders," Worthen said. When the detective compared Bradford to Bundy, "All he did was smile and get a little gleam in his eye and five seconds later, he changed the subject."

Only time will tell us whether Bradford is a dead man walking or a con man bluffing.

He appears to be sane and sincere, if not entirely focused on the concept that dying is an extreme way to make a point about one's legal representation.

"I'm totally relaxed because I know what's going to happen. I know I have the power to stop it. I'm not walking into this blindly. I'm scared. It doesn't matter what religion you are, we're all geared to the idea of life and death and heaven and hell. Am I going to be floating around purgatory like the Catholics say? Who knows? Who knows what's out there?"



Tookie Williams: Gang Founder Versus Nobel-Nominated Peacemaker

Crips Co-Founder's Clemency Quest Is a Battle Between His Dueling Legacies

By BRYAN ROBINSON

Dec. 8, 2005 —

Stanley "Tookie" Williams' fight for clemency is a battle between his polar opposite legacies: the co-founder of the notorious Crips gang versus the Nobel Prize-nominated children's book author who warns against the dangers of gang life.

Time is running out for Williams, who is scheduled to be executed Dec. 13 for the 1979 slayings of four people in two separate robberies. California's Ninth Circuit Court of Appeals and the U.S. Supreme Court both have rejected bids to overturn his conviction. His last hope lies with Gov. Arnold Schwarzenegger, met with Williams' lawyers and prosecutors in a closed-door clemency hearing today. If clemency is granted, Williams' death sentence would be commuted to life in prison without parole.

Williams' case has become a cause celebre because his quest for clemency has been championed by Hollywood and recording industry notables such as former "M*A*S*H" actor and longtime death penalty opponent Mike Farrell, rap superstar and former Crip Snoop Dogg, and Academy Award-winning actor Jamie Foxx -- who portrayed the condemned inmate in the 2004 FX television movie "Redemption." Various activists and the National Association for the Advancement of Colored People have held rallies on his behalf.

Williams and his lawyers continue to insist on his innocence. They say his efforts to steer others away from gang violence show that he deserves to be spared the death penalty.

"This is a life ... whose message has resonated with children, particularly with the people of California," said Peter Fleming Jr., one of Williams' lead attorneys, in a telephone news conference Wednesday. "This is a man who has not only redeemed himself, but he has sent his message of redemption and nonviolence to the people of California and all over the country."

But victims' rights advocates argue that Williams does not deserve mercy because he has not entirely renounced his legacy as a Crips co-founder and has never taken responsibility for the slayings.

"There are some people out there who speak of Mr. Williams like he was a deity, like Jesus Christ," said Jared Lewis, a former police officer and founder of Know Gangs, which offers seminars and expertise on gangs and gang culture. "They prop him up as if he was some sort of hero and he's really not. He's a murderer."

To Save a Life to Save Others

Williams has been on death row at San Quentin State Prison since 1981, when he was convicted and sentenced to death by lethal injection for the slaying of store clerk Albert Owens during the robbery of a 7-Eleven store and the shooting deaths of three members of the Yang family -- Yen-I Yang, Tsai-Shai Chen Yang and Yu-Chin Yang Lin -- who operated a Los Angeles motel.

Since his conviction, Williams has written nine books warning children and teenagers about the dangers of gang life. He's been nominated for the Nobel Peace Prize five times and for the Nobel Prize for literature once. In 1993, he videotaped a message at San Quentin that was shown to 400 gang members, and he helped broker a truce between the rival Crips and Bloods gangs during the first-ever gang summit in Los Angeles. He also has written a "peace protocol" to help rival gangs work out disagreements.

Williams, his supporters say, is a living example of the perils of gang life and can be much more valuable to enforcement officials -- and to impressionable youth -- if he is spared.

"We would make a huge mistake to take such a valuable asset, such a brilliant source of expertise and throw that life away," said Bruce Gordon, president and chief executive of the NAACP. "It'll cause the lives of others to be lost and that makes absolutely no sense to me."

"He is our secret weapon to help young African-Americans avoid gangs," Gordon continued. "We want to save his life so he can save the lives of others."

Other supporters indicate that Williams' execution would extinguish the hopes of imprisoned gang members considering reform, telling them that no one, no matter what they do to change their ways, is worth saving -- that there is no mercy for the reformed.

"It would send a terrible message if Stan is executed," said Cameron Sturdevant, an organizer of the "Save Tookie" campaign in California and anti-death penalty activist. "It would not only send out a message of vengeance, avenging violence with violence. But also, if someone like Stan can't get clemency, then who can?"

Opportunistic -- and Unrepentant -- Gang Icon?

Williams' detractors say he is not a model of a convict deserving of clemency and that some of his supporters are using him -- as they have other condemned inmates -- to further their own cause. And while Williams has gained notoriety -- and some nationwide sympathy -- his alleged victims and their families have almost been forgotten.

"What's troubling is that you have these celebrities who take up this cause and they don't know anything about the case and they don't know the victims' names or have never met any of the victims' families," said Jared Lewis. "The bottom line is that we still have relatives of his victims who live with what he did every single day. The wounds for them today are as fresh as they were more than 25 years ago."

Lewis also suggests that Williams is opportunistic, taking credit for his good deeds while in prison but not his legacy as a Crips co-founder.

"His supporters say he is reformed, but Mr. Williams has never admitted responsibility [for the slayings] -- he hasn't taken that final step to full reform. And what I find interesting, that he takes credit for saving 1,500 lives but he doesn't mention anything about the lives lost because of the Crips," Lewis said.

Williams' lawyers say he has repeatedly apologized for his past in his children's books and messages to gang members. However, he believes that becoming a police informant would ruin his credibility with

the children he is trying to help. They would see him as a snitch and not trust him.

"These children are listening to Stanley because of who he is and what he stands for," said Williams' attorney, Jonathan Harris.

No physical evidence tied Williams to the slayings. Shell casings connected a gun Williams owned to the crime scenes, but his attorneys have challenged the efficiency of the ballistics tests used at the time of his trial. Key prosecution witnesses said that they heard Williams admit to and brag about the slayings.

However, Williams' lawyers have argued that these witnesses had reason to lie: one was an alleged accomplice who was granted immunity while the other was a career criminal. In addition, Williams' attorneys have argued that the prosecution unfairly dismissed all potential black jurors, making the jury that ultimately convicted him racially biased.

In the Governor's Hands

All these appellate arguments have failed. Williams' best chance at life now lies with Schwarzenegger.

A California governor has not granted clemency since Ronald Reagan spared a prisoner in 1967. Since the United States reinstated capital punishment in 1976, 1,002 inmates have been executed while 230 have been granted clemency. But most of those came when former Illinois Gov. George Ryan commuted the sentences of 167 death row inmates, citing an "arbitrary and capricious and therefore immoral" process.

California is a state that favors the death sentence, with 648 condemned inmates on death row. Eleven inmates have been executed since 1977, when the Legislature reinstated capital punishment. During his two years in office, Schwarzenegger has denied clemency twice despite the inmates' claims of mental illness, innocence and good behavior behind bars. Though some pundits have speculated that Schwarzenegger -- who's reeling from the defeat of four ballot measures he backed in a November special election, and has seen his popularity drop in the polls -- could grant Williams clemency to win favor with liberal voters, it would outrage his conservative Republican base.

While his supporters and opponents have loudly voiced their opinions about whether he deserves clemency, Williams has remained subdued in what may be the last days of his life. Over the phone, he has thanked his supporters at rallies and in interviews for their efforts, but is reluctant to talk about the execution. Gray-haired and bespectacled, Williams today appears to be a less menacing figure than the hulking gang founder of the 1970s. He also insists his heart has changed.

"There is no part of me that existed then that exists now," Williams told The Associated Press in a recent interview. "The majority of the detractors and naysayers ... it's difficult for them to recognize the redemption. They've been unable to stop smoking or drinking or lose weight and they're looking at me being in San Quentin and they say, 'This man is on death row convicted of killing four people, how can he be redeemed?' They can't believe that. They don't want to believe that. They would feel lesser about themselves."

Some believe that if Williams is executed, violence will break out in black communities. One Los Angeles-based advocate for the homeless would favor Schwarzenegger postponing Williams' execution in return for a peace treaty to stop violence in the black community.

"I'm willing to stay Tookie's execution for, let's say, 30 days, whatever. You guys decide, provided you stop the young black men from killing each other, in your community," said Ted Hayes. "You do that,

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[the legacy of] Tookie lives. You don't do that, Tookie dies. Make the blacks -- African-American leadership -- responsible."

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R. Dwayne Betts: A mind unconfined by jail

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Enlarge

By H. Darr Beiser, USA TODAY

R. Dwayne Betts served nine years in prison for his role in a carjacking. During that time, he became a voracious reader and writer. His first book, *A Question of Freedom*, is drawing critical praise.

By Craig Wilson, USA TODAY

WASHINGTON — R. Dwayne Betts is having coffee at Busboys and Poets, a coffeehouse/bookstore/neighborhood hangout here in the trendy U Street area. He's talking about his wife, his 20-month-old baby boy, his freshly minted degree from the University of Maryland and his new book, *A Question of Freedom: A Memoir of Learning, Survival and Coming of Age in Prison* (Avery, \$23).

At 16, Betts was sent to prison for nine years. Now 28, he is living such a radically different life even he is astonished by how far he has traveled.

"I still remember my mom crying in the courtroom when I was sentenced," he says. "I didn't want that image to be the only thing I remembered the rest of my life."

VIDEO: See Betts read some of his poetry

A good student raised by a single mother, he started running with the wrong crowd. Betts' crime was hijacking a car at gunpoint with a friend, six felonies in all. He was prosecuted as an adult in Virginia, where the crime occurred.

His memoir takes the reader from the day he made that 30-minute "egregious error" to his life in five prisons and eventual freedom.

Betts wouldn't call his life in prison a gift, but he quotes what the judge told him at his sentencing. "I'm under no illusion that sending you to prison will help you, but you can get something out of it."

He did. It was there — often in solitary confinement because of his "sassiness" — that he read voraciously, wrote journals and fell in love with poetry. A collection of his poems, *Shahid Reads His Own Palm*, is due next year.

He was introduced to poetry when someone, he still does not know who, slid *The Black Poets* by Dudley Randall under his cell door.

Poetry "came to me at a time I needed to express myself, and I needed to do it in a way people would listen to the whole thing," he says. "A poem can say everything you say in a novel in much less space. They're musical. People hear the music in poetry." (He is working on his MFA in poetry, which he expects to finish next July.)

AN INMATE'S 'PLEA FOR REFORM'

Another writer is out with a prison memoir that carries a message of hope.

Jarvis Jay Masters' *That Bird Has My Wings* (HarperOne, \$24.99) will be published in October. Masters, 47, has been in San Quentin since he was 19. He is now on death row. Archbishop Desmond Tutu calls Masters' story "a plea for reform, for a common humanity."

Masters is also a poet. In 1992, he won a PEN Award for *Recipe for Prison Pruno*.

Betts is drawing attention for more than just his writing, however.

"We see this as a searing literary debut," says Megan Newman, publisher of Avery which bought Betts' memoir. "Dwayne has an unexpectedly strong and mature voice.

"But I was also taken with his sense of mission and dedication to juvenile-justice issues. And since I'm in publishing, I adore being involved in publishing a book by a young man who saved his own life through reading."

Betts is the national spokesman for the Campaign for Youth Justice, speaking out for juvenile-justice reform. He also visits detention centers and inner-city schools, talking to at-risk young people.

"It's not a Scared Straight kind of thing," he says. "It's just me having a conversation with them about the importance of writing and poetry and how it can change their lives.

"I'm the voice of someone who has been there."

In the same vein, he began YoungMenRead, a book club in the Washington, D.C., area where he introduces young men to his favorite writers: John Edgar Wideman, James Baldwin, Toni Morrison, John Steinbeck.

As for his memoir, Betts says it's really about going from "one unexpected thing (his arrest) to another unexpected thing (his life as a writer/poet)."

"If all this hadn't happened," he says, "I'd have played point guard at Georgia Tech and studied to be an electrical engineer."

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Pennsylvania legislature passes bill to limit inmate public statements

Thu, Oct 16 2014

By Daniel Kelley

PHILADELPHIA (Reuters) - The Pennsylvania Senate on Thursday sent to Governor Tom Corbett a bill that allows crime victims to sue to prevent inmates from making public statements that cause "mental anguish."

The Senate voted 37-11 to pass the "Revictimization Relief Act" after convicted cop killer and political activist inmate Mumia Abu-Jamal delivered the graduation address last week at Vermont's Goddard College in a speech recorded over prison telephone lines.

Corbett, a Republican, has said he would sign the bill, which allows the state's attorney general, local district attorneys and crime victims to go to court to stop the release of prisoner statements that perpetuate "the continuing affect of crime on the victim."

It passed the House earlier this week.

Abu-Jamal, 60, a former black nationalist, was convicted of first-degree murder in the 1981 killing of Officer Daniel Faulkner after a trial that was criticized by Amnesty International and others as unfair.

He was initially sentenced to death, but that sentence was later commuted to life without parole in 2011. While in prison, he has become a well-known commentator on the U.S. justice system.

Proponents of the bill say Abu-Jamal's continued popularity has "revictimized" Faulkner's widow, Maureen, who has been forced into the public light numerous times over the years to respond to critics of Abu-Jamal's trial.

The bill is opposed by the American Civil Liberties Union, which says it violates the right to free speech and would stop former inmates from speaking on public policy concerns.

"This bill is written so broadly that it is unclear what is prohibited," Reggie Shuford, executive director of the ACLU-Pennsylvania, said in a statement.

Supporters of the bill said Abu-Jamal's speech was an exaggeration of his First Amendment rights.

"There's nowhere in the Constitution that says we should be setting up TV production studios in our prisons, and essentially that's what we are doing," said state Representative Mike Vereb, the bill's Republican sponsor, of suburban Philadelphia.

Abu-Jamal has served as a speaker at the graduation ceremonies of other schools in the past, and not without controversy.

His recorded voice was played at the 1999 commencement address at Evergreen State College in Olympia, Washington. Some students walked out in protest, while others turned their back. His address the following year at Ohio's Antioch College drew widespread protest.

(Reporting by Daniel Kelley; Editing by Barbara Goldberg and Eric Beech)

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MCVEIGH TALKS FROM DEATH ROW

60 Minutes' Ed Bradley Interviews Bomber

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This Sunday, March 12, **60 Minutes** features interviews with two of the people the whole world has talked about but has never heard from until now: Oklahoma City bomber Timothy McVeigh, now on death row, and Princess Diana's bodyguard Trevor Rees-Jones, the only survivor of the crash that killed her.

Wearing shackles and under heavy guard, McVeigh, in his first interview since he was sentenced to death for the Oklahoma City bombing, speaks to **Ed Bradley** about the children who died in the blast, his anger toward the U.S. government and his appeal for a new trial.

That story will be followed by the first American interview with Trevor Rees-Jones, the bodyguard who survived the car crash that took the life of Princess Diana and her boyfriend, Dodi Al Fayed. Rees-Jones shares with **Mike Wallace** what he remembers about that fateful night in Paris and what he thought of the courtship he was more familiar with than anyone outside of their immediate families.

McVeigh was convicted of first-degree murder, conspiracy and weapons-related charges in the April 19, 1995, bombing of the Alfred P. Murrah Federal Building. The worst such attack on U.S. soil ever, the bombing killed 168 people and injured hundreds more.

McVeigh is now awaiting execution. The Supreme Court without comment rejected an appeal in which McVeigh argued that his trial was tainted by jury misconduct and news reports that he confessed to his lawyers.

Rees-Jones was left in a coma by the 1997 crash and had to undergo extensive surgery to rebuild his face.

In London, Harrods department store owner Mohamed al Fayed recently failed to win a court injunction to stop a newspaper publishing more extracts from a book written by Rees-Jones. In the first extract published in the *Daily Telegraph*, Rees-Jones poured cold water on Fayed's comments that the two intended to marry.

Fayed has repeatedly accused the British establishment of instituting a vast cover-up to hide what he says is its involvement in the deaths of the couple. Now, he accuses Rees-Jones of being part of the plot.

Background

Fayed Fails To Block Diana Book

Court Rejects McVeigh Appeal

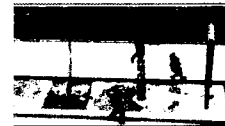
KWTV's site on the bombing

Trevor Rees-Jones, left, and Kez Wingfield talk with Mike Wallace in London. Both were bodyguards for Dodi Al Fayed at the time of his relationship with Princess

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Bradley & McVeigh
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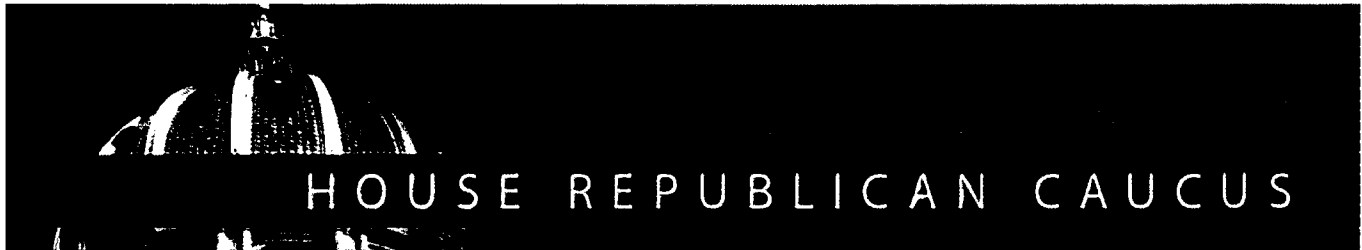
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Revictimization Relief: Allowing a Convicted Murderer to Speak at Commencement is Wrong and Further Traumatizes Victims



10/3/2014

WHAT: Members of the Pennsylvania General Assembly and other officials will show their support for victims of crime and for legislation to allow victims a continued voice.

WHO: Gov. Tom Corbett, Pennsylvania Victim Advocate Jennifer Storm, Rep. Mike Vereb (R-Montgomery County), members of the House and Senate, victim advocates and members of law enforcement.

WHEN: Monday, Oct. 6, at 3:30 p.m.

WHERE: Rotunda, Main Capitol Building, Harrisburg. (podium and mult box will be set up). *Watch it live! A live Web stream of this press conference can be viewed at PAHouseGOP.com starting at 3:30 p.m.*

###

[Read the co-sponsor memo from Rep. Mike Vereb for House Bill 2533, the Revictimization Relief Act.](#)

The bill is expected to be voted out of the House Judiciary Committee on Monday at 11:30 a.m.

News Advisory
Office of Rep. Mike Vereb
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PA House Judiciary Committee Hearing on Bills HR2533 SB 508 AUDIO

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**Frankenstein's
Monster**

(2:25) by

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Upcoming Actions

**A Valentine from Lynne
Stewart to all Political
Prisoners -- In and Out**
(/take-action-event/valentine-lynne-stewart-all-political-prisoners-and-out)
Feb 20th 2015, 6:00pm
New York City
Event Website
(<http://lynnestewart.org/>)

**Remember The Government
Bombing Of MOVE** (/take-action-event/remember-government-bombing-move)
May 13th 2015, 12:00pm to
9:00pm
America/Philadelphia, PA.

**MX Fest 2015 - GVLSC
Remembers MOVE Massacre**
(/take-action-event/mx-fest-2015-gvlsc-remembers-move-massacre)
May 17th 2015, 8:00am to
8:00pm

Cleveland Park, Greenville, SC
Event Website
(http://www.wmwp955.webs.com)

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**Petition: No To Slow
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(/petition/petition-no-slow-
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Mumia is now sentenced to "slow death row." He
imprisonment without parole. The state wants to
silence and entomb for life this man who is known as
a "long distance revolutionary." Free Mumia Now!

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E-mail *

Comment

Street Address

City

State

Zip

Yes, Put Me On The Record

Read more
(/petition/petition-no-slow-
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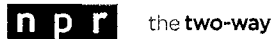
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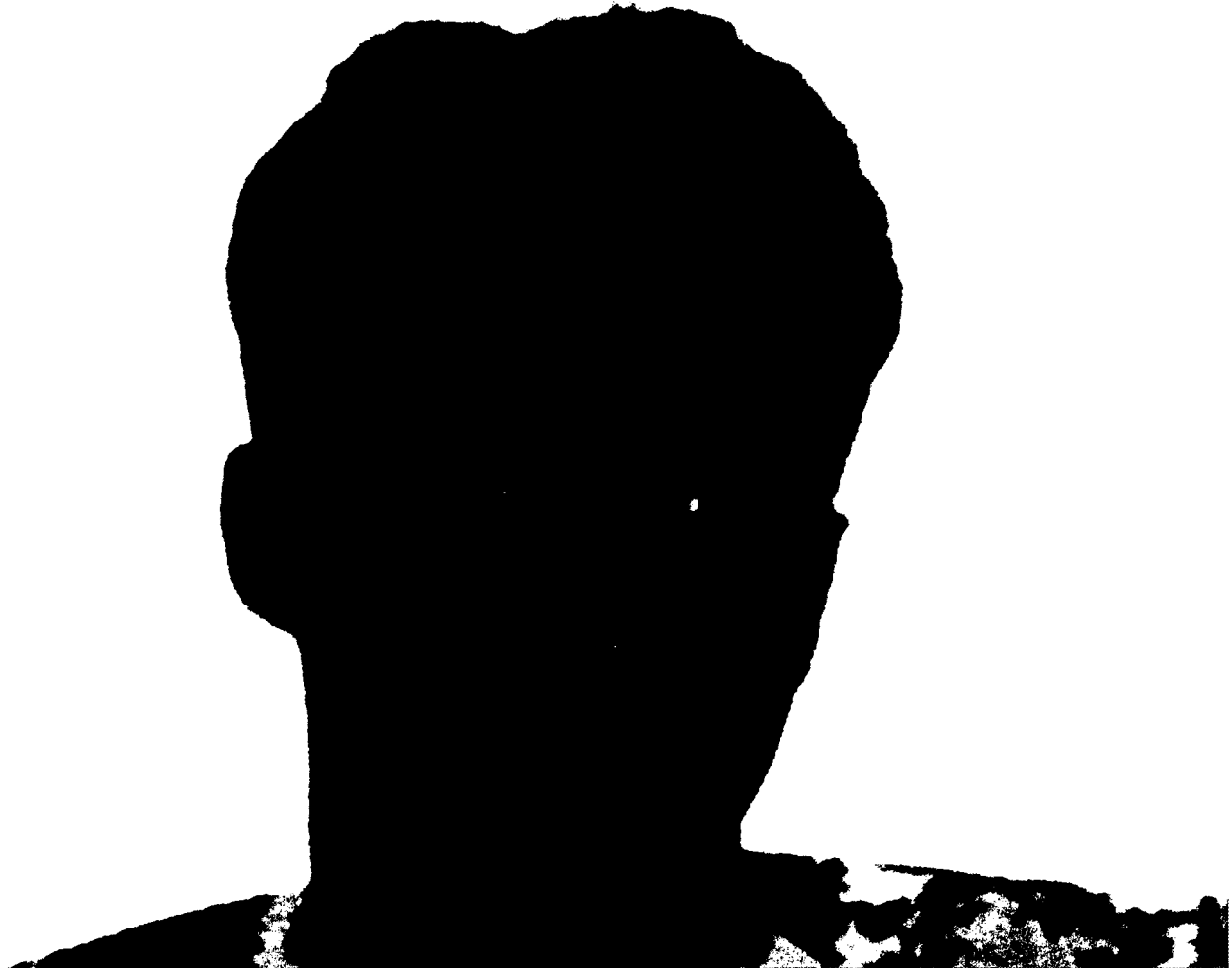
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Adnan Syed, Subject Of 'Serial' Podcast, Granted Appeal

FEBRUARY 07, 2015 1:48 PM ET

SCOTT NEUMAN



An undated photo provided by Yusuf Syed shows his brother, Adnan Syed. Adnan Syed, now 33, was the subject of a popular public radio podcast that raised questions about his guilt. A Maryland court on Saturday granted his request for an appeal.

Uncredited/AP

The subject of the popular public radio "Serial" podcast, who was convicted as a teenager 15 years ago in the murder of his ex-girlfriend, has been granted an appeal.

The Maryland Court of Special Appeals has granted the request for review from Adnan Syed, whose case has been examined in-depth in the podcasts, which raised questions about his guilt.



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MD Court of Special Appeals rules it will hear arguments in Adnan Syed case in June session. bit.ly/1DqbUHF

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"It's the first step in a pretty long process but we're extremely happy," C. Justin Brown, Syed's attorney, told The Baltimore Sun.

The *Sun* reports that his appeal is scheduled to be heard in June. The newspaper says:

"Syed, now 33, is serving a life sentence in a Western Maryland state prison after being convicted in 2000 of killing his Woodlawn High School classmate and ex-girlfriend, Hae Min Lee, in January 1999. He appealed but his request was denied in Baltimore Circuit Court a few years ago.

"Last year, Brown filed an application to get that denial vacated with the Maryland Court of Special Appeals. He argued that Syed had received ineffective counsel during trial from a lawyer who did not check out an alibi he had or listened to his pre-trial requests including seeing whether the state was offering him a plea deal."

The Washington Post adds that the appeals court's decision "allows Syed's lawyers to move forward with the appeals process. It overturns a Baltimore circuit court's decision in January to deny Syed's motion to appeal his conviction on the grounds that his attorney at the time, Christina Gutierrez, had been ineffective.

"Now new evidence could be brought to the surface, thanks in part to the popularity of the radio show," the *Post* adds.

Serial, a co-production of Chicago Public Radio's WBEZ and This American Life, launched in October and quickly attracted a cult-like following before wrapping up in December.

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2/17/2015

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CERTIFICATE OF SERVICE

I, Craig J. Staudenmaier, do hereby certify that I have filed the foregoing Brief of *Amici Curiae* electronically with the Court's CM/ECF system with a resulting electronic notice to all counsel of record on February 17, 2015. Upon approval and filing of this Brief, a true and correct paper copy of the Brief with updated Certificate of Service will be sent via first-class mail, postage pre-paid to counsel of record.

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February 17, 2015