

H A R L A N   R I C H A R D S

May 11, 2012

Bring Back the Wisconsin Open Access  
To Records Law For Prisoners

I was listening to an interview on National Public Radio with Tina Brown, editor of The Daily Beast and Newsweek, where she was discussing a recently published book - Word of Mouth. It was yet another book about Hitler (jeez, haven't we had enough of those?). It is unique in that it explores the effect Hitler had on individuals and how word of mouth contributed to his popularity. I haven't read the book so I don't know exactly what it says, but the interview was about the methods the authors used to collect their data.

During the interview, Ms. Brown commented on a survey taken at a U.S. college campus recently where students were asked how Watergate would have played out in a post-internet world. Presumably, these students were not alive during the Watergate controversy and didn't understand what it was like before the internet. They described how they would have done internet research to uncover the facts and do the expose' Woodward and Bernstein did. What they failed to realize was that Watergate was exposed through investigative journalism which uncovered facts people were trying to keep hidden. None of the information upon which the Watergate scandal was based would have been available online. These would-be investigative reporters would have missed the story because they didn't know where to look.

Once upon a time, Wisconsin's prisons were teeming with investigative reporters whose tireless research and steadfast commitment to hold the Department of Corrections (DOC) accountable for its actions revealed and/or prevented numerous scandals. Prisoners were lawfully entitled to request any public record from any government agency. Time after time, prison officials were embarrassed publicly by documents obtained by prisoners exposing their malfeasance.

For instance, I obtained a memo about the Waupun Fire Inspector revealing that Waupun prison officials requested that the local fire inspector "tailor make" a finding of a fire hazard by the storage of legal papers in prisoners' cells. They would then be able to confiscate legal papers to prevent litigation while claiming to be addressing a legitimate risk of fire in the cell halls. Exposing the memo caused the prison officials to back off because their scam was exposed. I should point out that after all these years I don't remember exactly how I got the memo - probably from prison officials.

And then there was the time I obtained a memo showing that the Department of Industry, Labor and Human Relations - abolished by Governor Thompson - granted Waupun prison a variance on their codes in the northwest cell hall with the stipulation that the cell hall never be double-celled. At that time it had already been double-celled in violation of the variance and I exposed what they were doing. Of course the other state agency waived the stipulation since the double-celling was already in effect but it still exposed malfeasance.

Another time I obtained a purchase order showing that Waupun prison officials were going to pay a transvestite exhibition softball team \$600 to come in and play a game for the prisoners' entertainment. This was the first scheduled entertainment they were going to provide to the prisoners to compensate for the abolition of annual prisoner/family picnics. The ensuing public outcry when the media picked up the story caused them to pay the "California Cuties" \$300 not to play. But we still lost our family picnics.

Prison officials got fed up with getting egg on their faces by prisoners obtaining incriminating documents so they launched a propaganda campaign that portrayed prisoners as frivolous requestors costing taxpayers tens of thousands of dollars in administrative and legal costs. The news media hopped on board and before you knew it the legislature exempted prisoners from the open records law.

In the years since then the DOC has become a \$1.3 a year behemoth that acts as a law unto itself. Free-world people lack the time, expertise and motivation to hold them accountable. Prisoners lack the legal access to records which would expose the malfeasance.

The 11 X 14 initiative (to reduce the prison population) would have a much better chance of shrinking the DOC if prisoners could lend their time and expertise to the effort. Prisoners know what documents to request and what to do with them when they get them. All they lack is the legal right to act.

It is time to stop treating prisoners as some subspecies of human not capable of acting responsibly. It is time to bring the cleansing light of openness to Wisconsin's prisons by restoring the open records law to prisoners. Let those whose lives are most affected by the DOC dig into their dark secrets and expose them to the public.