

THE
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FOR
**FREEDOM
OF THE
PRESS**

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December 11, 2003

Carl Reynolds
General Counsel
Texas Department of Criminal Justice
P.O. Box 13084
Capital Station
Austin, Texas 78711

BY FACSIMILE AND U.S. MAIL

Dear Mr. Reynolds:

We are writing to urge you to reconsider the Texas Department of Criminal Justice (TDCJ) policy regarding offender interview requests by book authors. Non-fiction book authors should be accorded the same privileges as members of the news media and we encourage the TDJC to reexamine its decision to deny offender interviews to book authors.

The Reporters Committee for Freedom of the Press 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 provides representation, guidance and research in First Amendment and Freedom of Information Act litigation.

According to your Dec. 2 letter to State Rep. Terry Keel, the decision to exclude book authors from access to prisoners rests on the proposition that "they do not fit the criterion of media working on a daily, weekly, or monthly deadline."

This criterion is arbitrary and unfair to non-fiction book authors. The criterion does not take into account the fact that authors, like other members of the news media, are actively engaged in investigative newsgathering and reporting with the intent to disseminate information to the public. Indeed, many authors begin their writing careers as authors and segue into journalism careers, and many authors publish their work both in book form and for publication by newspapers, magazines and broadcasters. We find it ironic that you would seek to limit access to the very journalists who have the ability to provide the most thorough and detailed accounts of criminal cases.

Suzy Spencer, the author of several true crime books, has written articles for magazines based on the investigative work she did while writing her books.

Reporters Committee letter to Carl Reynolds
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Another Texas author, Gary M. Lavergne, has written several true crime books and subsequently appeared in such news outlets as: C-SPAN, MSNBC, and the *Today Show* and assisted in the production of shows for such news outlets as *Dateline* NBC and *American Justice* on the A&E Television Network.

Television producers often rely on the investigative work of non-fiction book authors to produce quality journalism programs. Bert Rudman, a producer at ABC, told us recently in an e-mail exchange that:

Book authors often dig more deeply into the editorial side of stories than we in the television business have time to do. Often, we put authors on retainer as “editorial advisors” to stay true to the minutia of the narrative. Most recently, ABC Primetime has used Suzy Spencer to help cover a trial in Texas.

These examples show that the arbitrary exclusion of non-fiction book authors from interviews with offenders presents two problems: (1) authors use the same investigative techniques as news gatherers to create work that is of great interest and value to the public and (2) authors frequently write books and subsequently become members of the news media through the attention gained by their books and the quality of their investigative skills.

We request that you reconsider the TDCJ policy as it applies to non-fiction book authors and expand the policy to allow such authors to interview offenders.

Sincerely,



Lucy Dalglish

Executive Director

The Reporters Committee for Freedom of the Press

cc: Gary Johnson, TDCJ Executive Director
Mike Viesca, TDCJ Public Information Officer
John Moriarty, Director, TDCJ Office of the Inspector General