

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOHN JOHNSON, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	CV 97-C-1301-S
)	
BILLY MITCHEM,)	
)	
Defendant.)	

STIPULATION

1. The Plaintiffs have alleged that the Defendant's publications policy violates the First Amendment to the United States Constitution. The policy prohibits inmates at Donaldson Correctional Facility from receiving (a) books from publishers, books clubs, or book distributors; (b) magazines that are not on the Defendant's list of sixteen approved publications; (c) newspapers that are not from inmates' hometowns; and (d) book catalogs. Defendant Billy Mitchem denies that the challenged policy violates the Constitution.

2. In order to resolve this lawsuit, the Defendant, on behalf of himself and his agents and successors, agrees to withdraw the challenged policy in its entirety. The Defendant agrees to follow the publications policy embodied in the Department of Corrections Administrative Regulation 303 ("AR 303") in its current form. As set forth in AR 303, Donaldson inmates may receive any publication that could not be reasonably expected to threaten, undermine, or damage prison security, prison order, or prison rehabilitation goals. Generally, AR 303 requires that the Warden or his designee conduct an individualized inspection of each issue of a publication before that issue may be rejected. The Defendant agrees that no publication will be excluded based on a list of permitted publications.

3. The term "publishers" that is included in AR 303 is defined to include the following: (1) reputable book, magazine, newspaper, and book catalog publishers and (2) the following book distributors:

1. Barnes & Nobles
2. Edward R. Hamilton, Bookseller
3. Soda Creek Press
4. Publishers Book & Audio
5. The Book Resource

The Warden or his designee shall have the discretion to permit the receipt of books from book distributors that are not on this list and shall periodically update the list.

4. The Defendant agrees to notify prison mailroom personnel of this Stipulation and to notify inmates by maintaining a copy of the Stipulation in the prison law library.

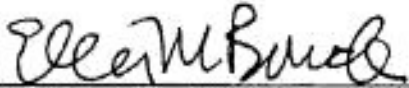
5. The Plaintiffs agree to waive their right to seek fees and costs incurred in pursuing this lawsuit.

6. For purposes of this Stipulation, the Defendant consents to class certification.

7. In light of the Defendant's agreement to the provisions outlined in 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 Plaintiffs may reinstate their suit and/or enforce the Stipulation as a contract between the parties in State court.

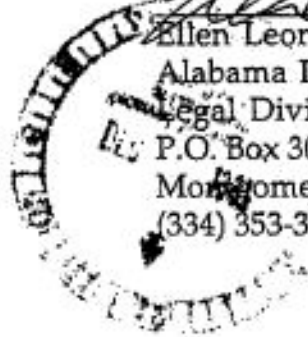
Stipulated and agreed to this 8th day of December, 1997.

For the Plaintiffs:



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For the Defendant:



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Approved by the Court on this _____ day of _____, 199__.

UNITED STATES DISTRICT JUDGE