

NEWS RELEASE

Human Rights Defense Center
For Immediate Release

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First Amendment Censorship Suit Filed Against Marshall County, Sheriff Billy Lamb

Lewisburg, TN – On March 7, the [Human Rights Defense Center](http://www.HumanRightsDefenseCenter.org), a non-profit organization that publishes monthly publications [Prison Legal News](#) and [Criminal Legal News](#), filed suit in federal court against Marshall County, Sheriff Billy Lamb, Jail Administrator Sabrina Patterson and other defendants, raising claims of unconstitutional censorship at the local jail.

According to HRDC’s complaint, since March 2018 the Marshall County jail has rejected “at least” 100 pieces of mail sent to prisoners, including 54 issues of *PLN* and 46 issues of *CLN*. “Most of these items were returned to HRDC with no explanation,” while some sample issues were returned “with the handwritten notation: ‘No Staples Allowed.’”

HRDC did not receive notice of the rejection of its publications nor was it afforded an opportunity to challenge that censorship in violation of its due process rights under the Fourteenth Amendment. HRDC states in its complaint that the “Defendants’ policies, practices, and customs are unconstitutional both facially and as applied to HRDC,” and that their “actions and inactions were and are motivated by ill motive and intent, and were and are all committed under color of law and with reckless indifference to HRDC’s rights.”

This is not HRDC’s first encounter with Marshall County and its Sheriff’s Department. In February 2014, HRDC associate director Alex Friedmann, who resides in Tennessee, submitted a public records request to then-Sheriff Norman Dalton for records related to the county jail. When that request was repeatedly denied, with the sheriff demanding that Friedmann appear in person to submit the records request contrary to state law, Friedmann filed suit. The sheriff testified that he drove to Nashville in an attempt to visit Friedmann’s residence and [reported him to the Dept. of Homeland Security](#). A trial court [ruled in Friedmann’s favor](#), the Tennessee Court of Appeals [ordered the county to pay attorney fees](#) and \$8,982.50 in fees was awarded in January 2016.

“Based on our prior experience with Marshall County, it comes as no surprise that the Sheriff’s Department is enforcing unconstitutional policies that result in the censorship of our publications sent to prisoners at the county jail,” Friedmann stated. “Once again we have filed suit to protect our rights, and once again we expect to prevail, with county taxpayers having to pick up the tab for the sheriff’s actions. The blatant and unjustified censorship of mail sent to prisoners is both unconstitutional and un-American.”

For violating its rights under the First and Fourteenth Amendments, HRDC is seeking declaratory and injunctive relief as well as nominal, compensatory and punitive damages, plus attorneys’ fees and costs.

“HRDC’s magazines educate prisoners about their constitutional rights,” said Sabarish Neelakanta, HRDC’s General Counsel and Litigation Director. “Banning such protected speech from reaching this vulnerable population is an affront to the First Amendment and contrary to well-established constitutional principles afforded to publishers seeking to communicate with prisoners.”

Vanderbilt Law School's Stanton Foundation First Amendment Clinic is serving as co-counsel.

“We’re pleased to be working with HRDC in defending the important First Amendment rights at issue in this case,” said G.S. Hans, Assistant Clinical Professor of Law and the director of the Clinic. “Ensuring that prisoners have access to information – and that publishers have the ability to reach those who are incarcerated – is critical to protecting the free speech rights of this vulnerable population.”

The case is *Human Rights Defense Center v. Marshall County*, filed in the U.S. District Court for the Middle District of Tennessee. HRDC is represented by G.S. Hans with the Vanderbilt Law School Stanton Foundation First Amendment Clinic in Nashville, by attorney Bruce E.H. Johnson with Davis Wright Tremaine LLP, and by HRDC general counsel Sabarish Neelakanta and staff attorneys Masimba Mutamba and Daniel Marshall.

A copy of the complaint is posted [here](#).

The Human Rights Defense Center, founded in 1990 and based in Lake Worth, Florida, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. In addition to advocating on behalf prisoners and publishing books and magazines concerning the criminal justice system, HRDC engages in state and federal court litigation on prisoner rights issues, including wrongful death, public records, class actions and Section 1983 civil rights cases.

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