

PRESS RELEASE

Human Rights Defense Center
For Immediate Release



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Publisher Files Censorship Suit Against Indiana Department of Correction

Indianapolis, IN – On Friday, the non-profit organization Human Rights Defense Center (HRDC) filed suit in the U.S. District Court for the Southern District of Indiana to challenge censorship by the Indiana Department of Correction (IDOC), in Indianapolis, Indiana. The complaint names the Robert E. Carter, Jr, Commissioner of the IDOC and various IDOC employees as defendants.

HRDC publishes two monthly educational publications, *Prison Legal News* and *Criminal Legal News*, which were mailed to IDOC prisoners along with legal books and other educational materials. According to the complaint, IDOC maintains mail policies and practices that prohibit mailed books and magazines, and has failed to provide HRDC notice and an opportunity to appeal the broad and unconstitutional censorship.

Since 2018, PLN has mailed many publications and other mail items to prisoners at various IDOC prisons that were censored by prison officials; sometimes the issues were sent back marked “Return to Sender” or “Refused” with no explanation provided. HRDC was not afforded an opportunity to appeal the censorship decisions.

In the complaint, HRDC alleges violations of its constitutional rights under the free speech clause of the First Amendment and under the Fourteenth Amendment’s right to due process. As a result of these rejections, HRDC claims that it has suffered damages including “the suppression of HRDC’s speech; the impediment of HRDC’s ability to disseminate its political message;” and “frustration of HRDC’s non-profit organizational mission.”

“HRDC’s books and magazines inform prisoners about educational opportunities, their constitutional rights, and means for self-improvement while incarcerated,” noted HRDC General Counsel Daniel Marshall. “Banning these publications from reaching those who are in jail is an affront to the First Amendment, as well as counterproductive to the goals of security and rehabilitation.”

The lawsuit seeks injunctive relief, declaratory relief and damages against the defendants, as well as attorney fees and costs.

HRDC is represented by attorney Richard Waples of Waples & Hanger in Indianapolis; attorneys Kenneth G. Schuler, Marc N. Zubick, Sarah W. Wang, Kirsten C. Lee, and Greer M. Gaddie with the global law firm of Latham & Watkins LLP; and by HRDC General Counsel Daniel Marshall. The case is *Human Rights Defense Center v. Robert E. Carter, Jr., et al*, Case No. 1:20-cv-02979.

The Human Rights Defense Center, founded in 1990 and based in Lake Worth Beach, Florida, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. HRDC publishes *Prison Legal News* and *Criminal Legal News*, two monthly magazines that includes reports, reviews and analysis of court rulings and news related to prisoners' rights and criminal justice issues. *Prison Legal News* has thousands of subscribers nationwide and operates a website (www.prisonlegalnews.org) that includes a comprehensive database of prison and jail-related articles, news reports, court rulings, verdicts, settlements and related documents.

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