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Publisher Files Censorship Suit Against Illinois Dept. of Corrections

Prisoners denied newsletter providing vital legal information

Chicago, IL – Today, the Human Rights Defense Center (HRDC), a non-profit organization based in Lake Worth, Florida, will file a federal lawsuit against the Illinois Department of Corrections (IDOC) that alleges constitutional violations related to censorship of HRDC's publications mailed to Illinois state prisoners.

HRDC publishes *Prison Legal News* (PLN), a 72-page monthly publication that covers news and court rulings related to the criminal justice system. PLN has been published for over 27 years and received the First Amendment Award from the Society of Professional Journalists. HRDC also distributes around 50 self-help and legal books of interest to prisoners.

Over 200 Illinois state prisoners subscribed to PLN as of January 2018.

According to the complaint filed in U.S. District Court for the Northern District of Illinois, "certain prisons within the state of Illinois have withheld all or part of issues of *Prison Legal News*, as well as books published and/or distributed by HRDC" in violation of the First Amendment to the U.S. Constitution. Further, the IDOC has failed to provide notice of such censorship, or has provided inadequate notice, in violation of the due process clause of the Fourteenth Amendment.

The lawsuit cites specific examples where PLN was censored by prison officials, including multiple issues of the publication not being delivered to subscribers at the Big Muddy River Correctional Center between June 2016 and October 2017. The suit also claims that the Decatur Correctional Center "imposed a blanket ban against the receipt and distribution of *Prison Legal News*." Additional incidents of censorship were cited at the Hill, Menard, Stateville and Pontiac Correctional Centers, among other IDOC facilities.

"In adopting and implementing the above censorship policies and practices," the complaint states, "Defendants have knowingly violated, continue to violate, and are reasonably expected

to violate in the future, HRDC's constitutional rights, and have caused HRDC serious and irreparable harm including, but not limited to: suppression of its political message, frustration of its organizational mission, loss of its ability to recruit new supporters, subscribers, and writers, loss of subscriptions, loss of opportunities for purchases and sales of its publications, loss of opportunities for book sales, and diversion of its resources.”

The lawsuit seeks 1) a declaration that the IDOC's censorship of PLN and other publications violates HRDC's constitutional rights, 2) a preliminary and permanent injunction against such censorship; 3) compensatory, punitive and nominal damages; 4) and attorneys' fees and costs.

HRDC is represented in its suit against the Illinois IDOC by Chicago attorneys Marc Zubick, Jason Greenhut and Sarah Wang with the law firm of Latham & Watkins LLP; attorneys Alan Mills and Nicole Schult with the Uptown People's Law Center; and HRDC general counsel Sabarish Neelakanta and staff attorneys Masimba Mutamba and Dan Marshall.

“Prison Legal News is one of the only sources available to prisoners regarding the law and legal developments,” said Alan Mills, Executive Director of Uptown People's Law Center. “Depriving prisoners of this important information is an affront to the Constitution.”

“The hostility of IDOC towards publishers who report on legal and human rights abuses of the prisoners in their care is contrary to the norms of a free press and free speech alike,” added Paul Wright, the executive director and founder of HRDC.

HRDC has previously filed successful censorship cases against 10 other state Departments of Corrections, resulting in settlement agreements and consent decrees. The organization has also sued more than a dozen local jails nationwide, including a lawsuit filed against the Cook County Jail on June 30, 2016, which remains pending.

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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. HRDC's advocacy efforts include publishing two monthly publications, *Prison Legal News* (PLN), which covers news and litigation concerning prisons, jails and other detention facilities, as well as *Criminal Legal News* (CLN), which focuses on criminal law and procedure and policing issues. HRDC also publishes and distributes self-help reference books for prisoners, and engages in state and federal court litigation on prisoners' rights issues, including wrongful death, public records, class actions and Section 1983 civil rights litigation concerning the First Amendment rights of prisoners and their correspondents.

[Uptown People's Law Center](#) (UPLC) is a nonprofit legal services organization specializing in prisoners' rights, Social Security disability, and tenants' rights and eviction defense. UPLC currently has seven pending class-action lawsuits regarding jail and prison conditions.

[Latham & Watkins](#) is a global law firm with a Chicago office.