

## PRESS RELEASE

Human Rights Defense Center  
For Immediate Release



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### **Publisher Files First Amendment Censorship Suit Against St. Lucie County Sheriff**

Fort Pierce, FL – On December 17, a lawsuit was filed in U.S. District Court against the St. Lucie County Sheriff, alleging unconstitutional censorship based on a policy at the county jail that prohibits prisoners from receiving personal letters, books and magazines. Aside from legal mail, the policy dictates that nothing but postcards will be delivered to prisoners, without providing notice to the senders about their right to appeal such censorship.

*Prison Legal News* (PLN), a monthly publication that reports on criminal justice-related issues and a project of the Lake Worth-based Human Rights Defense Center, filed suit after dozens of issues of its monthly publication, as well as subscription brochures and books, including a paperback book entitled “Protecting Your Health and Safety,” were rejected by St. Lucie jail officials, who failed to provide PLN any opportunity to appeal the rejections.

According to PLN’s complaint, pursuant to the jail’s mail policy adopted in 2010, “Magazines, paperback or hardcover books (i.e. novels) cannot be received through the mail.” Some of the publications, brochures and books sent to prisoners by PLN and rejected by jail staff were marked “Postcards Only” and “Return to Sender.”

“Most people held in jail are awaiting trial and thus are presumed innocent,” observed Paul Wright, editor of *Prison Legal News* and executive director of the Human Rights Defense Center (HRDC). “Government officials cannot constitutionally prohibit prisoners from receiving letters, books and other publications, and cannot constitutionally prevent people outside jail, including publishers, from communicating with those who are incarcerated.”

“Being able to receive letters, books and magazines is critical to someone who is incarcerated,” said Dante Trevisani, an attorney with the Florida Justice Institute, which represents PLN in the lawsuit. “Just because someone is in jail doesn’t mean they can be denied access to the free flow of information.”

PLN is seeking declaratory and injunctive relief, as well as nominal and compensatory damages “for the violation of PLN’s First and Fourteenth Amendment rights, the failure to deliver PLN’s materials, the failure to provide PLN with constitutionally required notice and an opportunity to be heard, the impediment of PLN’s ability to disseminate its political message, the frustration of PLN’s organizational mission, the diversion of PLN’s resources, PLN’s loss of potential subscribers and customers, PLN’s inability to recruit new subscribers and supporters, PLN’s loss of reputation, PLN’s costs of printing, handling and mailing costs, costs of staff time, and other damages to be proven at trial,” plus costs and attorneys’ fees.

*Prison Legal News* has successfully challenged postcard-only policies and other forms of censorship at jails in other jurisdictions, including in Berkeley County, South Carolina; Fulton County, Georgia and Shawnee County, Kansas. As recently as September 30, 2013, a federal court entered a preliminary injunction in a similar censorship lawsuit filed by PLN against the Upshur County Jail in Texas, and on April 24, 2013 a federal court in Oregon entered judgment in favor of PLN in a suit challenging a postcard-only policy at the Columbia County Jail.

The Florida Justice Institute has successfully challenged postcard-only policies in Florida at the Santa Rosa and Flagler County jails, and prevailed in a number of other First Amendment cases against other county jails and the Florida Department of Corrections.

PLN is represented by attorneys Randall C. Berg, Jr. and Dante P. Trevisani with the Florida Justice Institute, and HRDC attorneys Lance Weber and Robert Jack. The case is *Prison Legal News v. Mascara*, U.S. District Court for the Southern District of Florida, Case No. 2:13-cv-14481.

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The Human Rights Defense Center, founded in 1990 and based in Lake Worth, Florida, is a not-for-profit organization dedicated to protecting the human rights of people held in U.S. detention facilities. HRDC publishes *Prison Legal News* (PLN), a monthly magazine that includes reports, reviews and analysis of court rulings and news related to prisoners' rights and criminal justice issues. PLN has a monthly average of 9,000 subscribers nationwide and operates a website ([www.prisonlegalnews.org](http://www.prisonlegalnews.org)) that includes a comprehensive database of prison and jail-related articles, news reports, court rulings, verdicts, settlements and related documents.

The Florida Justice Institute, founded in 1978 by leaders of the private bar, is a nonprofit public interest law firm that conducts civil rights litigation and advocacy in the areas of prisoners' rights, housing discrimination, disability discrimination and other areas that impact the lives of Florida's poor and disenfranchised. For further information: [www.floridajusticeinstitute.org](http://www.floridajusticeinstitute.org).

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