



Amicus Briefs Flood Supreme Court in Prison-Censorship Case

Eva Fedderly

October 24, 2018

ATLANTA (CN) – Urging the Supreme Court to lift a ban it faces in Florida correctional facilities, Prison Legal News found support for its censorship appeal this month from more than 100 groups across the political spectrum.

A monthly magazine put out by the Human Rights Defense Center, Prison Legal News brought its petition for certiorari last month after the 11th Circuit found that security concerns justified a blanket ban on the publication across Florida jails and prisons.

In the last two weeks leading up to an Oct. 19 deadline for friend-of-the-court briefs, more than 100 groups and individuals argued that Supreme Court intervention is needed to correct arbitrary government suppression of the First Amendment.

“There is no evidence that ads in its magazine have ever caused a security breach,” 18 media groups argued in the first brief, filed on Oct. 11 by attorneys at the Miami firm Gunster Yoakley & Stewart. “As amici are all too aware, this approach is a censor’s dream. With enough time and ingenuity, prison officials and their lawyers can usually imagine some way in which some aspect of a particular written work might conceivably have some marginal effect on prison order or security.”

Supporters of Prison Legal News filed eight briefs in total, and editor Paul Wright noted in an email that the support it has received “is unprecedented in criminal-justice circles at the cert stage.

R Street, a center-right, libertarian-leaning think tank, led one of the five briefs filed Friday.

“It’s not just a First Amendment case about encroaching on our constitutional liberties, but also it can be a case about re-entry and ensuring [that] when individuals are released ... they are prepared with literacy [and] education ... to be a part of society,” Nila Bala, associate director of criminal-justice policy at R Street, said in a phone interview. “So when individuals have access to a publication like PLN, which reports on prison abuse among other things, that kind of information can be vital and they may not have access to it other ways.”

Bala noted that Florida is unique in finding it necessary to achieve its security interests with a blanket ban on Prison Legal News. “They think this is the only way to stop this, but no other facility has found a blanket ban to be necessary,” Bala said.

The Cato Group, the Rutherford Institute, the American Society of News Editors, The Authors Guild Inc., National Coalition Against Censorship, the Asian American Writers' Workshop, and the Prison Book Program are several of the groups represented in the amicus briefs.

Former prison guards, religious groups and law professors have chimed in in support of Prison Legal News as well.

Bala added in a follow-up email that this case is bipartisan because having prisoners who are educated and literate helps the country.

“This is a bipartisan issue because having prisoners who are educated and have access to reading materials is beneficial to us all,” Bala wrote. “Allowing publications like PLN behind bars improves literacy and learning, which directly leads to better outcomes for prisoners when they reenter society.”

She said that promoting education to incarcerated people is one of the lowest cost ways to reduce recidivism rates.

Prison Legal News was founded in 1990 by its editor, Paul Wright, while he was imprisoned for 17 years in Washington. Wright also serves as director of the nonprofit Human Rights Defense Center.