

PRESS RELEASE

Human Rights Defense Center
For Immediate Release

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Publisher Files First Amendment Censorship Suit Against Mecklenburg County Sheriff

Charlotte, NC – Yesterday, the Human Rights Defense Center (HRDC), a non-profit organization dedicated to protecting the human rights of people held in U.S. detention facilities, filed suit in federal court against Mecklenburg County Sheriff Irwin Carmichael and other employees of the sheriff’s office, alleging unlawful censorship of HRDC’s publications sent to prisoners at the Mecklenburg County Jail.

HRDC publishes two monthly publications, *Prison Legal News* and *Criminal Legal News*, which were mailed to prisoners at the jail along with legal books and educational materials. However, according to the complaint, the sheriff’s “policies and practices prohibit delivery of mail from [HRDC], fail to provide notice of and an opportunity to challenge each instance of censorship, and deny [HRDC] equal protection under the law as required under the United States Constitution.”

The Mecklenburg County Jail’s mail policy, which is posted on the sheriff’s website, includes a [list of banned publications](#) that prisoners are not allowed to receive. That list includes *Prison Legal News*. HRDC alleges that this blanket ban on its flagship publication violates the First Amendment.

According to the complaint, “Since May 2016, Defendants have censored the following mailed materials from HRDC: (1) individually addressed issues of the monthly journal *Prison Legal News*; (2) individually addressed sample issues of *Prison Legal News*; (3) individually addressed issues of the monthly journal *Criminal Legal News*; (4) individually addressed copies of the softcover book *The Habeas Citebook*; (5) individually addressed copies of the softcover book *Prisoners’ Handbook*; (6) informational packets; and (7) court opinions.”

HRDC claims that a total of 144 items of mail sent to prisoners at the county jail were censored. Some were returned stamped “Against Jail Policy,” or with notations that indicated the books or publications were “banned,” “not allowed,” “on banned list” or “refused.”

The complaint accuses Sheriff Carmichael and the other defendants of failing to provide a legitimate justification for their censorship decisions, and alleges that, in fact, there is no legitimate interest served by censoring HRDC’s publications and correspondence to prisoners. Further, the complaint alleges that the jail failed to “give meaningful notice,” or any explanation of the censorship, in violation of HRDC’s due process rights under the Fourteenth Amendment. The lack of notice prevented HRDC from challenging or appealing the censorship decisions.

Along with the federal complaint, HRDC also filed a motion for a preliminary injunction seeking to prohibit the sheriff from “(1) continuing to censor [HRDC’s] publications and enveloped correspondence; and (2) continuing to deprive HRDC of due process for any censorship decision.”

“Jail officials cannot impose a blanket ban on HRDC’s publications without violating the First Amendment,” said HRDC executive director Paul Wright. “That is particularly true where the jail allows prisoners to receive other publications but not ours. Fortunately, we live in a nation where the rule of law and the courts are available to redress such unconstitutional actions.”

HRDC is seeking declaratory relief, compensatory and punitive damages, and attorneys’ fees and costs. HRDC is represented by Raleigh attorneys Paul Cox and Jon Sasser with Ellis & Winters LLP; attorney Bruce Johnson with the Seattle, Washington law firm of Davis Wright Tremaine LLP; and HRDC general counsel Sabarish Neelakanta and staff attorneys Masimba Mutamba and Daniel Marshall. The case is *Human Rights Defense Center v. Carmichael*, U.S. District Court for the Western District of North Carolina, Case No. 3:18-cv-00218, and a copy of the complaint is available [here](#).

In addition to litigation, advocacy and policy work, HRDC publishes *Prison Legal News* and *Criminal Legal News*, monthly magazines that include reports, reviews and analysis of court rulings and news related to prisoners’ rights and criminal justice issues. *PLN* and *CLN* have thousands of subscribers nationwide and operate websites (www.prisonlegalnews.org and www.criminallegalnews.org) that include a comprehensive database of prison, jail and policing-related articles, news reports, court rulings, verdicts, settlements and related documents.

For further information, please contact:

Paul Wright, Executive Director
Human Rights Defense Center
(802) 275-8594
pwright@prisonlegalnews.org

Alex Friedmann, Associate Director
Human Rights Defense Center
(615) 495-6568
afriedmann@prisonlegalnews.org

Sabarish Neelakanta, General Counsel
Human Rights Defense Center
(802) 275-8594
sneelakanta@humanrightsdefensecenter.org