

PRESS RELEASE

Human Rights Defense Center
For Immediate Release

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Federal Court Grants a Permanent Injunction Against Book and Magazine Censorship at the Southwest Virginia Regional Jail Authority

Abingdon, VA – On March 25, 2020, U.S. District Court Judge James P. Jones held the Southwest Virginia Regional Jail Authority (SVJRA) had violated the First Amendment rights of the Human Rights Defense Center (HRDC), a non-profit organization that mails books and magazines to prisoners. The court, which had previously found that the organization’s publications provided “valuable and time-sensitive legal, health-related, and educational information to inmates,” issued an order for a permanent injunction to protect access to HRDC’s publications.

HRDC, which advocates for the human and civil rights of prisoners and publishes and distributes books and two monthly print publications, filed suit against the SVJRA and its superintendent, Stephen Clear, in March 2018. The complaint said jail staff had “refused to deliver hundreds of HRDC’s mailings to incarcerated persons, directly violating HRDC’s First Amendment right to free speech and communication,” and failed to provide notice of such censorship. Censored materials included at least 146 issues of *Prison Legal News* and 44 copies of the *Prisoners’ Guerrilla Handbook to Correspondence Programs in the United States and Canada*, as well as annual reports, letters, informational brochures and court opinions mailed to prisoners.

The 2018 complaint further stated: “Without the ability to send its publications to incarcerated persons at the Jail Authority’s facilities via mail, HRDC has no alternative means of exercising its right to communicate with these persons. Further, persons incarcerated in the Jail Authority’s facilities have no alternative means of acquiring the type of information that HRDC is attempting to communicate – information regarding their legal and civil rights and access to education while incarcerated.”

The district court granted HRDC’s motion for a preliminary injunction in July 2018. The permanent injunction granted by Wednesday’s order follows a declaration by SVRJA that it had initiated negotiations with a third-party vendor to process mail, an anticipated procedural and policy change that the Jail Authority argued should protect it from further action.

In Wednesday’s order, Judge Jones denied the SVRJA’s reasoning on the basis that such changes neither had been already implemented nor were such changes guaranteed to be permanent. Instead, Jones declared, “a clear directive is needed to ensure that HRDC’s rights are not violated again in the future.” In this order, Judge Jones also reiterated his previous statement that “[P]roviding adequate reading material to inmates serves the interest of rehabilitating inmates and of preventing security problems by avoiding idleness, boredom, and disruptive behavior.”

“The jail’s stubborn insistence on refusing to obey the Constitution and wanting to continue banning publications is a public health menace given the COVID-19 pandemic when prisoners need access to information more than ever,” said Paul Wright, HRDC Executive Director. “We

are pleased that the court is protecting the constitutional rights of prisoners, publishers and the media alike,” he added.

HRDC is represented by attorneys Thomas S. Chapman, Thomas G. Hentoff and Sean M. Douglass with the Washington, D.C. law firm of Williams & Connolly LLP; by Bruce E. H. Johnson with Davis Wright Tremaine LLP; and by HRDC General Counsel Dan Marshall.

The case is *Human Rights Defense Center v. Southwest Virginia Regional Jail Authority*, U.S.D.C. (W.D. Vir.), Case No. 1:18-cv-00013-JPJ-PMS. The opinion and order is posted [here](#).

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 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.

For further information, please contact:

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

Daniel Marshall, General Counsel
Human Rights Defense Center
dmarshall@humanrightsdefensecenter.org