

NEWS RELEASE

Human Rights Defense Center
For Immediate Release



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Lawsuit: Kentucky Department of Corrections Guilty of Censorship, Due Process, Equal Protection Violations

Frankfort, KY – A national human rights organization has filed a federal lawsuit against the Kentucky Department of Corrections (KDOC) for violating its free speech, due process and equal protection rights.

The Human Rights Defense Center (HRDC), a Florida-based non-profit organization that has spent nearly thirty years protecting the rights of people in U.S. detention facilities, argues the KDOC is guilty of censoring books sent to prisoners in violation of the First Amendment. HRDC also says the KDOC has violated equal protection laws by selectively blocking some materials and not others, and has violated the organization’s due process rights by not allowing HRDC to appeal censorship decisions.

HRDC publishes Prison Legal News (PLN), a monthly publication that reports on criminal justice issues and prison and jail-related civil litigation. PLN, recipient of the First Amendment Award from the Society of Professional Journalists, is delivered to correctional facilities in all fifty states, including a dozen facilities in Kentucky. In addition, HRDC publishes and distributes approximately 50 different books that provide information on topics that range from prisoners’ rights and health care to self-help legal guides.

In federal district court (*HRDC v. Ballard*, U.S.D.C. (E.D. Ken.), Case No 3:17-cv-00057-GFVT), HRDC states the KDOC has unconstitutionally blocked the delivery of numerous books mailed to Kentucky state prisoners; those books have included the *Prisoner Diabetes Handbook*, the *Merriam-Webster Dictionary of Law* and the *Prisoners’ Self-Help Litigation Manual*, among others. Over the past twelve months HRDC has sent 158 books to prisoners held by the KDOC and dozens were censored. On several occasions, HRDC received notices indicating the books were rejected for a variety of reasons, such as having “Colored paper/envelope/ink,” “stickers,” being a “free book” or “not directly [sent] from publisher or authorized distributor....”

KDOC policies ban books not directly purchased by prisoners; the agency also ban books from vendors and publishers not included on a pre-approved vendor list. These practices violate HRDC’s First Amendment right to free speech as well as the Fourteenth Amendment right to equal protection. Further, by failing to notify senders each time a book is censored, the KDOC is violating due process rights under the Fourteenth Amendment.

“The actions taken by the Kentucky Department of Corrections violate the free speech rights of not only the Human Rights Defense Center, but all other constitutionally-protected publishers that have an absolute right to communicate with prisoners held by the department. While it seems preposterous that a book offering information about diabetes would be banned, the fact is that the content of the books doesn’t matter. The KDOC’s disregard for free speech and due process rights is reckless and intentional,” said HRDC executive director Paul Wright.

HRDC contacted Kentucky corrections officials on three separate occasions before filing suit but never received a response. Those efforts included two letters sent directly to the General Counsel for the Department of Corrections.

“Prisoners have already been stripped of many of their freedoms, but the KDOC isn’t stopping there. It is illegally denying prisoners constitutionally-protected, free speech materials that might actually teach them about their rights while behind bars,” added Wright.

HRDC is demanding a jury trial in the case, and has successfully litigated dozens of other First Amendment censorship cases nationwide.

For additional information, please contact:

Paul Wright, Executive Director
Human Rights Defense Center
(802) 275-8594 or (561) 360-2523
pwright@prisonlegalnews.org

Greg Belzley
Belzley Bathurst
P.O. Box 278
Prospect, KY 40059
502.292.2452
gbelzley@aol.com