

**Unit 2**  
**Prisoners' Rights Mock Trial:**  
***Prison Legal News v. Redwood County***

**Unit Questions**

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To what degree do our jails and prisons reflect the values and principles of American constitutional democracy? How are incarcerated people's rights protected and limited? How should they be?

**Overview**

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For much of U.S. history, prisoners were considered to have lost the protection of the Constitution and other laws; they were sometimes described as “slaves of the state.” American prisoners suffered through deplorable living conditions, non-existent or poor medical care, brutal labor requirements, and arbitrary punishment. The tide began to turn in the 1960s and ‘70s, when, in the midst of the civil rights movements, prison conditions came under greater public scrutiny and activists began to advocate for the rights of incarcerated people. The 1964 case of *Cooper v. Pate*—in which an Illinois state prisoner had been held in solitary confinement because of his religion, and was denied access to the Koran—was the first time the Supreme Court held that a prisoner could file a civil rights lawsuit. Then, in a 1974 case regarding unfair disciplinary charges in the prison system, *Wolff v. McDonnell*, the Supreme Court famously declared that “there is no iron curtain between the Constitution and the prisons of this country.”

Despite such strides in court-enforceable protections for prisoners, concerns over practices within the system remain today. Over the past four decades, civil rights litigation concerning [prison conditions](#) has given the judiciary a critical role in determining whether the iron curtain between the Constitution and U.S. prisons has indeed lifted, and in providing injunctive relief for prisoners where it has not.

This unit asks you to consider civil rights inside prison, as you conduct a mock trial in the case of *Prison Legal News v. Redwood County*. This case is closely modeled after [Prison Legal News v. Columbia County](#), a case that concerned prisoners' free speech/association rights. By participating in a mock trial, you will not only learn about the litigation process, but will also learn about how democratic values and principles can be applied to specific situations, why people disagree on when and how they should be applied, and how the courts are important in providing a forum for contestation and resolution of such disputes and in ensuring that our commonly held values and principles are protected.

## Unit 2: Student Overview

### Prisoners' Rights

Here are the mock-trial's facts: On January 13, 2012, the [Prison Legal News](#) (PLN) filed a class-action lawsuit in the U.S. District Court for Oregon against Redwood County. The plaintiff, PLN, is a project of the non-profit Human Rights Defense Center and publishes a monthly magazine on criminal justice issues and prison and jail-related civil litigation, with an emphasis on prisoners' rights. In its court filings, PLN claimed that the defendant County was violating the First Amendment to the U.S. Constitution by censoring and excluding PLN books and magazines sent to individual subscribers in custody at the Redwood County Jail. PLN asked the federal trial court for declaration that the county had violated its First Amendment rights, an order requiring the County to change its policy, and money damages. PLN specifically alleged that the defendants' "postcard only" and "no magazine" policies for inmate mail violated its free speech rights, as well as the free speech rights of inmates and their correspondents.

For this exercise, you will consider the case on their own. In this mock trial, you will be able to play roles on both the plaintiff and defendant sides of this case, exploring both the trial process and questions of prisoners' rights in American constitutional government. You will engage in the authentic tasks of examining and weighing evidence, and using facts and evidence to formulate and present claims.

### **Unit Objectives and Standards**

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By the end of this unit, you will be able to:

- Explain some issues related to prisoners' rights in the United States, including disagreements regarding prisoners' rights.
- Analyze and weigh evidence in the case of *PLN v. Redwood County*.
- Use evidence to formulate and deliver an argument in the case of *PLN v. Redwood County*.
- Evaluate the trial process as well as the decision in *PLN v. Redwood County* to determine the degree to which justice was served in the case.

### **Unit Assessment**

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You will participate in a mock trial.