

**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?

**Length of Unit**

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This unit can be completed in six lessons of about one hour each.

**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 students to consider civil rights inside prison, as they 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, students 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.

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.

In real life, the judge in this trial ruled in favor of the PLN; the judge found that PLN's free speech rights prevailed because the evidence did not support the County's rationale that the "postcard only" policy prevented the introduction of contraband and saved time during mail inspection. But for this exercise, students are encouraged to consider the case on their own. This mock trial allows students 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. Students 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, students will be able to:

- Explain some issues related to prisoners' rights in the United States, including disagreements regarding prisoners' rights.
  - [NSCG II.D.3](#), [NSCG II.D.4](#), [NSCG II.D.5](#);
  - [MI-HSCE 2.2.3](#), [MI-HSCE 2.2.5](#)
- Analyze and weigh evidence in the case of *PLN v. Redwood County*.
  - [MI-HSCE 6.1.3](#)
- Use evidence to formulate and deliver an argument in the case of *PLN v. Redwood County*.
  - [MI-HSCE 6.1.5](#)
- 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.
  - [NSCG III.D.1](#), [NSCG III.D.2](#), [NSCG V.B.1](#), [NSCG V.B.5](#);
  - [MI-HSCE 2.2.2](#)

### **Anticipated Student Understanding/Challenges to Understanding**

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For students to participate a mock trial, they should have some background on court procedures. These are addressed most fully in Unit 1 on this website.

## Unit 2: Overview Prisoners' Rights

This unit of instruction assumes that students have already studied fundamental values and principles of America's constitutional republic (including justice/desert, due process, equal protection, and the rule of law), and that they have some understanding of the various levels and responsibilities of courts in the federal and state judicial system.

### Materials Needed

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*What we provide:*

- Unit readings and handouts
- Teacher's guides and answer keys
- Access to documents from *PLN v. Columbia County*

*What you provide:*

- Physical copies of suggested documents from the case, plus any additional documents you'd like to include

### Unit Assessment

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Students will participate in a mock trial.

### References

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- Alexandra M. Ashbrook, *StreetLaw's Classroom Guide to Mock Trials and Moot Courts* (Glencoe/McGraw-Hill, 2004).
- Amy E. Lerman & Vesla M. Weaver, *Arresting Citizenship: The Democratic Consequences of American Crime Control* (University of Chicago Press, 2014).
- Michael E. Tigar, *Huck Finn, The River and Trying Your Case* (Kentucky Bar Association, 2014), [http://c.ymcdn.com/sites/kybar.site-ym.com/resource/resmgr/2014\\_Convention\\_Images/11\\_ac2014.pdf](http://c.ymcdn.com/sites/kybar.site-ym.com/resource/resmgr/2014_Convention_Images/11_ac2014.pdf).
- Michael E. Tigar, *Nine Principles of Litigation and Life* (American Bar Association, 2014).

### Lessons

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#### Lesson 1: What is this case about?

Students will learn about the background of the mock trial case and understand the relevant legal standards.

Students will be able to:

- Provide a brief explanation of recent prisoner rights issues.
- Explain the nature, facts, and issues of *PLN v. Redwood County*.

#### Lesson 2: Understanding the Evidence

Unit 2: Overview  
Prisoners' Rights

Students will conduct a close reading of the evidence and analyze witness declarations.  
Students will be able to:

- Analyze trial court documents, including a complaint and an answer.
- Analyze and make connections between pieces of evidence for a trial.

**Lesson 3: Developing an Outline for the Case**

Students will work in groups to organize the facts of the case and develop an outline of their arguments.

Students will be able to:

- Analyze the evidence for the case of *PLN v. Redwood County*.
- Develop a clear outline and theory of the case.

**Lesson 4: Preparing for Trial**

Students will be prepare for the mock trial.

Students will be able to:

- Understand the fundamental rules of evidence.
- Prepare questions and documents for a mock trial.

**Lesson 5: The Trial**

Students will participate in the mock trial.

**Lesson 6: Debrief and Reflection**

Students will reflect on the mock trial through written responses and class discussion.

Students will be able to:

- Evaluate their performance in the mock trial and reflect on the mock trial experience.