

"We begin, as did the courts below, with our decision in *Procunier v. Martinez*, which described the principles that necessarily frame our analysis of prisoners' Constitutional claims. The first of these principles is that the Federal courts must take cognizance of the valid constitutional claims of prison inmates. Prison walls do not form a barrier separating prison inmates from the protection of the Constitution. Hence, for example, prisoners retain the Constitutional right to petition the government for the redress of grievances, *Johnson v. Avery*, 393 U.S. 483., they are protected against racial discrimination by the equal protection clause of the United States Constitution, *Lee v. Washington*, 390 u.S. 333., and they enjoy the protections of due process, *Wolfe v. McDonnell*, 418 U.S. 539. Because prisoners retain these rights 'when a prison regulation or practice offends a fundamental Constitutional guarantee, Federal courts will discharge their duty to protect Constitutional rights', *Procunier v. Martinez*, 416. U.S. 396."

- U.S. Supreme Court in *Turner v. Safely*, 482 U.S. 78

Date: _____

To: Tom Clements
Director, Missouri Department of Corrections
P.O. Box 236
Jefferson City, MO 65101

Re: Violation of Prisoners' First and Fourteenth Amendment Rights

Dear Director,

This letter is written to you in the hopes that you, as the Director of Adult Institutions for the state of Missouri, will open and conduct a fair and impartial investigation into practices by corrections staff - mailroom officers, censorship committees, and deputy wardens - to violate prisoners' rights guaranteed them under the 1st and 14th Amendments to the United States Constitution.

The Constitutional violations in question revolve around (1) prisoners receiving mail of a socio-political nature, some of which is critical of governmental and corrections policies; (2) the blanket ban on all recordings that carry a "Parental Advisory" label; and (3) reprisals taken against prisoners who exercise their right to grieve these issues.

According to IS 13-1.2 Censorship Procedure, "a publication or item may not be rejected because its content is religious, philosophical, social, sexual or is unpopular or repugnant. Publications will be reviewed on a case-by-case basis." However, prison authorities have continued to deny several of our publications claiming they are a threat to institutional safety with no other proof or evidence in documentation other than they told us so.

Section B, #4C of the same procedure states, "... all recordings with a 'Parental Advisory' warning or similar designation shall be censored." This blanked ban is both unreasonable and uncalled for in that there no legitimate penological interest in banning all musical recordings that carry this label. It is also discriminatory in nature in that most recordings that carry this label are R&B , hip hop/rap, and some rock recordings which are listened to by a majority of the Black prisoner population and some young white prisoners.

We find that mailroom staff and institutional censorship committees have continuously and deliberately denied our publications based on their own personal preferences, and not legitimate governmental interests. When we have used the grievance system, our complaints are then reviewed and denied by the very same officials who originally censored them. This negates the entire idea of a fair hearing and procedural due process guaranteed us by the Federal Constitution.

In addition to these, we have also been retaliated against when we attempt to resolve complaints through the grievance procedure. We contend that all reprisals do not come in the form of a false conduct violation report, but also with our mail being lost or destroyed, denial of recreational and phone privileges, punitive and harassing body and cell searches, and loss of job/work assignments, etc.; all of which are against departmental policy and U.S. Constitution.

Sir, you have it within your power to authorize and investigation into this complaint and to order these illegal practices to stop. To avoid the lengthy cost of multiple legal complaints and litigation, and a further strain on government funds, we trust that you will take the necessary steps to remedy these injustices.

Respectfully submitted,

CC: Personal file
Office of Inspector General, Missouri DOC
Director of Offender Rehabilitative Services, Missouri DOC
Missouri CURE
U.S. Department of Justice, Civil Rights Division