

No Internet Access for LCF Prisoners

James Ray Howard

Colorado Department of Corrections (DOC) Limon Correctional Facility (LCF) has begun implementing a rule against prisoners having access to members of the public via publication on the Internet. This rule infringes on prisoners' rights to free speech. Under the U.S. Constitution, prisoners maintain the First Amendment right to communicate with members of the public. There is also the right of free citizens to communicate with prisoners to consider.

With Internet services catering to prisoners' needs to communicate with news media, legal services, and members of the public, many prisoners are now using the Internet to secure public support. Most notable are the Pen-Pal services dedicated to connecting prisoners with non-prisoners for sustainable social relationships. Prison administrations receive an influx of correspondence for prisoners. This is one reason for the "No Internet Access" rule. LCF's administration claims that the rule is being implemented because prisoners have placed factually inaccurate information on the Internet – factually unflattering information is probably more accurate.

Many prisoners are receiving notices informing them that they must write the service provider publishing their information on the Internet; that they must tell such providers to remove the prisoner's information or they will face DOC charges under the Code of Penal Discipline. One issue here is that some of the prisoners in question never received any correspondence through their Internet postings, nor did they receive rejected mail receipts. Prison administration would have had no other way to know about the Internet information except by intercepting correspondence. Under such circumstances it is obvious that the objective is to violate the free speech rights of prisoners and non-prisoners alike, through haphazard, illegitimate censorship.

"The test to determine whether a rule infringing on a prisoner's First Amendment rights" is constitutionally sound "is whether the rule is reasonably related to legitimate penological objectives and neutral government interests" (U.S. Supreme Court Justice Blackun in *Thornburg v. Abbott*, 109 S. CT 1874). Censorship may be permitted, however, to ensure "the preservation of internal order and discipline, the maintenance of institutional security against escape or unauthorized entry and the rehabilitation of the prisoner" (U.S. Supreme Court Justice Powell in *Procunier v. Martinez*, 94 S.CT. 1800).

The "No Internet Access" rule is not constitutionally sound since it does not pertain to neutral government interests concerning "internal order" (i.e.,

riots), "security" (i.e., escape), or "rehabilitation" (i.e., criminal activity). In fact, the only justification LCF administrators have offered for the rule is that prisoners have placed untruthful information on the Internet. United States Supreme Court Justice Powell stressed that "prison officials may not censor inmate correspondence simply to eliminate unflattering or unwelcome opinions or factually inaccurate statements" (*Procunier v. Martinez*, 94 S. CT. 1800).

LCF's "No Internet Access" rule infringes on the First Amendment rights of prisoners and members of the public, depriving prisoners of the ability to utilize Internet services in order to reach out to those non-prisoners who seek the views and correspondence of those in prison.

If you feel that Colorado DOC and/or LCF prisoners should be allowed to exercise their right to free speech by using the Internet to publish letters, articles, or personal information, and you wish to protest the "No Internet Access" rule, please write to:

Governor Bill Owens
State Capitol, Room 136
200 E. Colfax Ave.
Denver, Co. 80203
John W. Suthers
Executive Director
Dept. of Corrections
2862 S. Circle Dr.
Colorado Springs, CO 80906
Telephone: (719) 574-9580
Fax: (719) 226-4755

To write the author to support or critique, send to:

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For Change!