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# U.S. Department Of Justice Says Jail Policy Banning All Books And Magazines Except Bible Is Unconstitutional

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## DOJ Files Motion To Intervene In ACLU Lawsuit Challenging Policy At Berkeley County Detention Center In South Carolina

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CONTACT: (212) 549-2666; [media@aclu.org](mailto:media@aclu.org)

CHARLESTON, S.C. – The U.S. Department of Justice today said that a policy at the Berkeley County Detention Center in Moncks Corner, S.C. barring all books, magazines and newspapers – except for the Bible – from being sent to prisoners is unconstitutional.

In a motion filed today in U.S. District Court for the District of South Carolina, Justice Department officials indicated their intention to stand alongside Prison Legal News as a plaintiff in an American Civil Liberties Union lawsuit filed in October challenging the policy. Prison Legal News is a monthly journal on prison law distributed across the nation to prisoners, attorneys, judges, law libraries and other subscribers.

The Justice Department says that the Detention Center's policy violates the First Amendment as well as the Religious Land Use and Institutionalized Persons Act (RLUIPA), a law passed by Congress in 2000 to protect the religious rights of prisoners and other institutionalized persons.

The ACLU lawsuit charges that since 2008, copies of Prison Legal News and books sent to prisoners at the detention center have been returned to sender, or simply discarded. The books rejected by the jail's officials include "Protecting Your Health and Safety," which is designed to help prisoners not represented by an attorney and explains the legal rights inmates have regarding health and safety – including the right to medical care and to be free from inhumane treatment.

Prison Legal News has also been prohibited from sending to detainees copies of the "Prisoners' Self-Help Litigation Manual," which is published by Oxford University Press and serves as a guide for prisoners and prisoner advocates seeking to understand the rights guaranteed to prisoners by law and how to protect those rights.

*The following can be attributed to David Fathi, Director of the ACLU National Prison Project:*

“The fact that the Justice Department has chosen to intervene in this case should send a clear signal to jail officials that systematically denying detainees access to books, magazines and newspapers is unconstitutional. The policy in place at the Berkeley County Detention Center is nothing short of censorship, and there is no justification for shutting detainees off from the outside world in such a draconian way.”

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