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**Can Access Be Meaningful Again? :**

**An Exploration of the Changing Landscape of**

 **Prison Law Libraries**

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Abstract

The prison library is a complex institution; its roles and responsibilities are privy to decisions made by its parent institution and outside governing bodies. This paper focuses on the role of the prison library in providing legal collections to inmates. This role has evolved over the past 35 years as a result of the two landmark U. S. Supreme Court cases, *Bounds v. Smith* and *Lewis v. Casey*. It is argued that though these decisions have significantly altered the landscape of the prison law library and the prison library, access can continue to be meaningful for prisoners. Prison libraries now have the opportunity to shift focus back to roles previously abandoned to continue to provide essential services to prisoners.

***Introduction***

The prison library is a unique and challenging environment that provides highly specialized and invisible service to the incarcerated populations of the United States. The number of people in prisons today is higher than it was ever before and continues to grow (Dixen & Thorson, 2001), yet many states are cutting back on their prison library services if not getting eliminating them altogether. The prison library is an institution which exists almost in opposition to the higher function of the prison as institution (Singer, 2000). The prison as institution serves as a place of punishment that functions on a deprivational model that takes away the physical freedoms and many of the rights of prisoners (Singer, 2000). In contrast, the prison library has a positive mission that entails “improving the daily life of inmates and providing them with long-term skills, training, and treatment” (Singer, 2000, p.12). In this unique landscape, the prison library is responsible for a multitude of roles. Though each prison library differs in what its main focus is, scholars generally acknowledge that the three primary roles of the prison library is to meet the recreational reading needs of inmates (popular reading materials), to support the educational pursuits of inmates, and to provide law and legal collections (Dixen & Thorson, 2001; Lehmann, 2000; Singer, 2000; Stearns, 2004, Wilhelmus, 1999a).

In this paper, I will explore one of the main functions of the prison library, the legal services aspect, and how it has been shaped by two landmark United States Supreme Court cases. From 1977 through 1996, the primary function of most prison libraries was to provide legal collections to prisoners because it was mandated by law. I will discuss the historic Supreme Court case *Bounds v. Smith*, which mandated that prisons had the responsibility of providing legal access for prisoners to the justice system (*Bounds v. Smith*, 1977). The Court, basing its ruling on the realities of prison life and on past rulings in lower courts (Gerken, 2003), held that meaningful access to the courts could be best provided through legal collections in prison law libraries or by individuals trained in providing legal assistance. Since many prisons already had working libraries, most decided to use them to comply with the Court’s decision (Vogel, 2009). This system worked for a long time, and prisoners used the legal materials provided in prison law libraries as a primary source on obtaining legal information to file lawsuits in a variety of cases.

 As a result of the *Bounds* decision, prisoners who believed that prison law libraries did not provide meaningful access to the courts due to insufficient collections or insufficient legal assistance filed lawsuits against prisons demanding better prison law libraries. One such case filed by prisoners in Arizona, *Lewis v. Casey*, made its way up to the Supreme Court in 1996. The conservative Court, ruling in favor of the Arizona prison system, effectively reversed the *Bounds* decision.The Courts changed the course of history when it ruled that prisons did not have the responsibility to provide inmates with meaningful access to the courts via prison law libraries. I will examine the *Lewis* decision in detail, focusing on its impact on prisoner’s access to legal information; the roles of the prison library; and the role of the prison law library.

 Lastly, I will provide an overview of some problems prison libraries face with some ideas and solutions given by scholars in both the library and law fields to these problems. I will discuss some suggestions by scholars to counteract the *Lewis* decision, and some of the steps prison libraries and prison law libraries can take in wake of the *Lewis* decision to ensure that prisoner’s information needs can continue to be met.

***Literature Review***

Much of the existing literature about prison libraries and prison law libraries come from both the library and information science and the legal realms. During my research, I noticed some trends among works produced by scholars from the field of Library and Information Science. Many of the works broadly focus upon the roles and duties of the prison library (Dixen & Thorson, 2001; Lehmann, 2000; Sullivan, 2001; Singer, 2000). As the roles of prison libraries and prison law libraries can differ from institution to institution, many works examine very specifically the programs and tactics employed in the day-to-day operations of a prison law library (Dixen & Thorson, 2001; Tillman-Davis, 2007; Vogel, 2009). These works are often authored by former prison librarians, are frequently written anecdotally in a first person perspective, and are specific to both time and location. While these works provide valuable insider perspectives, this format will be difficult for future scholars to build upon in the subject areas of this topic. Key works from the field, such as Brenda Vogel’s (2009) guide to prison libraries, *The Prison Library Primer,* provide a plethora of information ranging from scholarly discussions of topics that impact the prison library, to real life and practical information for prison librarians about the day-to-day operations and realities of working in prison libraries along with lists of resources for these individuals.

As previously noted, many of the works about this topic have also been produced in the legal realm. These works (Darby, 2004; Feierman, 2006; Gerken, 2003; Schouten, 2003; Steinberger, 1997; Trammell, 1997) discuss the landmark Supreme Court cases, *Bounds v. Smith* and *Lewis v. Casey*, and provide scholarly discussions about the merits for and against these cases from a legal perspective. These works provide a groundwork of understanding about the legal ramifications that have had very real impacts on shaping the roles and duties of the prison law library. The main difference between the works coming from this field and the works from the Library and Information Science field are that they are all written from a scholarly perspective and do not include a background about many of the realities of the prison law library. These works serve as a dissection of the events leading up to the Supreme Court rulings and their impacts on the roles of the prison law library all within their complicated legal framework.

This varied mix of works that I have drawn upon from both the Library and Information Science and the Legal fields provide both a comprehensive understanding about the realities of prison libraries and prison law libraries, and theoretically and scholarly sound perspectives of the legal underpinnings that have very real effects on the roles of the prison library. With this term paper, I seek to meld the significant perspectives from both of these fields to produce a work that takes into account both the realties and roles of the prison library along with a discussion of the legal foundations that impact those same realities. In closing this section I wanted to mention a last troubling trait that I noticed while researching this topic; a lack of recent works produced from both fields. Only a handful of works have been published within the last ten years; the majority of works seem to have been published in the wake of the 1996 *Lewis v. Casey* ruling. Many of the works published around this time took a wait-and-see approach to their findings, yet it has been over a decade since the *Lewis* decision and there have been virtually no new works about what has transpired in prison law libraries since that time. It is my hope that new works by emerging scholars will soon be published in this topic. Without such works the highly complicated and highly invisible service provided by prison libraries to the incarcerated populations in the United States will only become more invisible and not subject to scrutiny, which has been the main vehicle of improvement of these services in the past.

***The Roles of the Prison Library***

The prison library is a unique and challenging environment because it is embedded within the larger institution of the prison, making it privy to decisions and conditions defined by its parent institution (Singer, 2000). The prison library and the librarians in charge of the activities and services of the prison library often do not have a say about the decisions that can impact the library (Vogel, 1997). The prison library “does not function independently but operates within the larger prison environment, whose mission and security policies often conflict with the library profession’s code of ethics and its belief in free access to information” (Lehmann, 2000, p. 8). There are a multitude of roles that a prison library can be responsible for. Scholar, Vibeke Lehmann (2000) lists some of the possible roles for the prison library:

“(a) Popular reading materials center (i.e. circulation of recreational reading materials)

(b) Independent learning centers (e.g. assistance in self-directed reading for lifelong learning and personal needs, information on careers and vocational skills, reference services, and assistance with correspondence courses)

(c) Formal education support center (i.e. information on educational opportunities, and materials and services supporting adult basic education, English for non-native speakers, vocational education, and post secondary education courses)

(d) Leisure and recreation activities center (e.g. book discussions, film showings, cultural programs, and chess club)

(e) Legal information center (e.g. legal research tools, case materials, legal forms)

(f) Treatment program support center (e.g. resources to support substance abuses and anger control programs)

(g) Information center on outside community (e.g. re-entry information, contact information, social service agency referrals)

(h) Personal retreat center (i.e. place for patrons to find privacy, quiet, and independent choice)

(i) Staff research center (i.e. resource provider or clearinghouse for work-related materials and information)

(j) School curriculum support center (in juvenile facilities, provide materials that supplement textbooks and enhance classroom activities and study)” (p. 7)

These are the many roles that prison libraries can serve though they do not necessarily serve all of these roles.

The prison library will usually concentrate on services that will have the most impact and serve the largest number of patrons (Lehmann, 2000). Due to limited space, funding, and staff, no prison library is able to accommodate all of these roles (Lehmann, 2000). Other factors such as size and security level of the prison, the demographics of the prison population, and the length of prisoner sentences can also influence the decision on which roles a prison library will emphasize (Lehmann, 2000). Scholars (Dixen & Thorson, 2001; Lehmann, 2000; Singer, 2000; Stearns, 2004, Wilhelmus, 1999a) agree that prison libraries in the United States primarily choose to emphasize three roles: popular reading materials center, educational support center and legal information center.

Prison libraries operate on a model quite different than that of public libraries because “restrictions imposed by prison administration prevent these libraries from adopting the Library Bill of Rights” (Darby, 2004, p.13). Citizens in the free world can often take the institution of the public library for granted (Darby, 2004), but statistics show that prison libraries are often utilized “up to ten times as much” (Lehmann, 2000, p. 8) as outside libraries with a circulation per capita and collection turnover rate “ten to fifteen times that of a comparable public library” (Lehmann, 2000, p8). Prison libraries can serve as means of self-improvement for inmates (Dixen & Thorson, 2001; Darby, 2004; Stearns, 2004). What many free citizens today do not realize is that “95 percent of inmates…will someday come out again and return to our communities” (Dixen & Thorson, 2001, p. 49). Scholars, such as Rebecca Dixen and Stephanie Thorson (2001), believe that “educating inmates in preparation for their release can only benefit all of us” (p. 49). Prisoner patron’s need for information is the same as those who are outside of prison, but they are even more dependent on the prison library because “they have limited access to other sources of information” (Dixen & Thorson, 2001, p. 51). Author, Robert Sterns (2004), highlights the fact that “67% of inmates released from state prisons” (p. 56) were arrested again; this high rate of recidivism rate is due in part to the shift in “emphasis on rehabilitation in the 1980s to punishment in the 1990s” (p. 57). Sterns (2004) also believes that one of the most successful ways to “correct the behaviors of inmates” (p. 61) is when “professionals are brought in from outside the field of corrections itself” (p. 61) and can serve as an aid to crime reduction. Other scholars, such as Brenda Vogel (1997) and Larry Sullivan (2001), believe that it is to the advantage of society to not solely focus on punishment of prisoners but to use the prison library as an aid to rehabilitation for the good of all society.

Prior to 1996, the role of the prison library as “legal information center” ranked highly because of a constitutional mandate that required prisons to provide prisoners with access to the courts (Lehmann, 2000). In the proceeding sections, I will closely examine how the legal system has impacted the role of the prison library.

***Bounds v. Smith*: *Mandating Meaningful Access***

All citizens of the United States are entitled to due process of law under the Constitution, and this applies to the incarcerated populations of the United States as well (Dixen & Thorson, 2001; Lee, 1996). The Fifth Amendment “guarantees access to the courts for everyone, although what that specifically means for prisoners has changed according to various courts’ interpretations of prisoners’ rights.” (Dixen & Thorson, 2001, p. 50) Author, Robert Lee Jr. (1996), distinguishes the way in which prisoners with different legal statuses (either pre-trial or convicted) litigate and under what provisions they use to do so depending on the nature of their grievance. When pre-trial prisoners challenge their conditions, the “constitutional provisions used are the due process clauses of the Fifth Amendment” (Lee, 1996, p.168) in federal government and the “Fourteenth Amendment” (Lee, 1996, p. 168) in state and local governments. Prisoners who have been convicted of crimes however, “largely have been barred from using the due process provisions” (Lee, 1996, p.168) and “have turned to the cruel and unusual punishment clause of the Eighth Amendment” (Lee, 1996, p. 168) for federal cases and the “Eighth and Fourteenth Amendments” (Lee, 1996, p. 168) in state and local cases that challenge their conditions. Historically cruel and unusual punishment referred to concerns about torture, but the Court broadened their classification to of the clause to “reflect contemporary standards of humane treatment” (Lee, 1996, p. 168).

Prior to 1996, there were a number of Supreme Court decisions that significantly transformed the landscape of the prison library and the prison law library. These cases include: *Johnson v. Avery* (1969), *Wolf v. McDonnell* (1974), *Stone v.* *Boone* (1974), and *Bounds v. Smith* (1977). In the 1969 Supreme Court case, *Johnson v. Avery*, the fundamental right of prisoners access to the courts was established (Wilhelmus, 1999b). In this case, Johnson, an inmate from Tennessee, “was disciplined by the correctional authorities of his state for violating a prison regulation that prohibited inmates from assisting other inmates in the preparation of writs” (Darby, 2004, p. 14). The Supreme Court ruled that this regulation of the Tennessee Department of Corrections was invalid because it effectively “barred illiterate prisoners from receiving access to federal habeas corpus” (Wilhelmus, 1999b, p. 122) while also recognizing “adequate legal assistance as an indispensable element of meaningful access to the system” (Schouten, 2004, p. 4). In 1974, two cases involving prison libraries were decided upon by the Supreme Court. In *Wolf v. McDonnell*, an inmate housed in a Nebraska prison filed a complaint that alleged “disciplinary proceedings at the prison violated due process and that the inmate legal assistance program did not meet constitutional standards” (Wilhelmus, 1999b, p. 122). The Supreme Court’s ruling of this case broadened the *Johnson* ruling to include civil rights claims (Darby, 2004). In *Stone v. Boone*, “on-site law libraries were established by Massachusetts within correctional facilities housing a minimum of 250 offenders” (Wilhelmus, 1999b, p.122).

The 1977 *Bounds v. Smith* ruling had the most significant impact in altering the role of the prison library by mandating meaningful legal access to prisoners. In this case, the court ruled that “the fundamental constitutional right of access to the courts…require[d] prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance form person trained in the law” (*Bounds v. Smith*, 1977). The Supreme Court established that a “state has an affirmative duty to assist prisoners in their access to the judicial system” (Schouten, 2004, p.4). The decision also established that not only are prisoners “entitled to information of a legal nature to assist them in following up on their individual cases and to ensure their rights” (Dixen & Thorson, 2001, p.50) but that it was the responsibility of prisons to provide prisoners with either prison law libraries to access this legal information or a meaningful alternative (Steinberger, 1998). Joseph Gerken explores (2003) how this affirmative obligation of prisons to provide meaningful access to the courts through prison law libraries or through legal assistance is notable for its “pragmatic approach” (p. 492) to the notion of access to the court.

***After Bounds: Changing the Landscape of Prison Libraries***

 The Courts ruling left each state with the responsibility of devising a plan to comply with the mandate (Vogel, 2009). There was no uniform model in place for how states were to best go about providing legal assistance to prisoners (Dixen & Thorson, 2001; Vogel, 2009). Following the *Bounds v. Smith* decision, the majority of correctional agencies across the country chose to abide by the new mandate by installing prison law libraries or transforming previously existing prison libraries into prison law libraries (Vogel, 2009). This remedy was seen as the least complex way of providing access to the courts for prisoners. Collections for these new prison law libraries were often based on recommended lists created by professional organizations such as the American Association of Law Libraries (AALL) (Vogel, 2009). Brenda Vogel (2009) argues that while the use of such lists were well intentioned, taken alone they did not provide enough to really help prisoners in their legal exploits. Heavy reliance on print based law texts did not take into account the realities of prisoner demographics, such as the fact that many populations of illiterate, do not speak or understand English, or are unable to leave their cells to visit the prison law library (Feierman, 2006; Schouten, 2004; Steinberger, 1998; Vogel, 1997). Another unintended consequence of the *Bounds* mandate was that prison libraries used most of their resources to focus their energies on the sole function of providing access to legal materials, neglecting their other previous services and roles such as providing recreational and educational reading materials (Vogel, 1997; Wilhelmus, 1999a).

***Lewis v. Casey: Reversing the Course of Prison Law Libraries***

In the years following *Bounds*, prisoners across the country filed many lawsuits in regard to a “denial of access to court” (Gerken, 2003, p. 494), and in many of these cases the district courts based their decisions about “adequacy of law library access on a careful analysis of the ways in which prisoners require law books in order to secure access to the courts” (Gerken, 2003, p.494). *Lewis v. Casey* originated in the District Court of Arizona, where in 1990 a group of inmates presented a class action suit against the Arizona Department of Corrections (*Lewis v. Casey*, 1996). The inmates argued that they were deprived of their right to access to the courts due to an inadequate law library (*Lewis v. Casey*, 1996). Following a three month bench trial, the District Court of Arizona ruled in favor of the inmates, using the previous *Bounds* mandate to guide their decision (*Lewis v. Casey*, 1996). The case was then appealed by the defendants and it was then heard by the Ninth Circuit Court of Appeals in 1994. The Court again sided with the plaintiffs of the suit, also basing its decision on the *Bounds* mandate. The Arizona Department of Corrections, displeased with this ruling, appealed the case once again and the Supreme Court granted certiorari, agreeing to hear the case on appeal from the lower court (*Lewis v. Casey*, 1996).

 With its decision of *Lewis v. Casey,* the Supreme Court again significantly altered the role of the prison law library. The conservative leaning Supreme Court used *Lewis v. Casey* to clarify the scope of the previous *Bounds* decision and ruled that a prison must have standing or show actual injury in order to file a denial of access claim (Schouten, 2003, Steinberger, 1998; Vogel, 2009; Westwood, 1998 ). The Court ruled that the inmates failed to demonstrate actual harm (*Lewis v. Casey*, 1996; Gerken, 2003; Wilhelmus, 1999b) and stated that the previous *Bounds* decision did not establish the rights of inmates to a law library or to legal assistance (*Lewis v. Casey*, 1996). The Court held that *Bounds* did not create an abstract, freestanding right to a law library or legal assistance; it merely reiterated the long standing idea of a prisoners right of access to the court (Wilhelmus, 1999b). Additionally, the Court held that the right of access to the court is only for inmates to attack their sentences or to challenge the conditions of their confinement (Westwood, 1998).

***Anti-Prisoner Rights Legislation: A Reflection of Public and Political Sentiment***

The political climate of the mid-1990s was not one sympathetic to the rights of prisoners. The National Association of Attorney Generals (NAAG) launched a negative media campaign to convince the public that prisoners abused their constitutional right of access to the courts by filing frivolous suits (Feierman, 2006; Smith, 2010; Vogel 2009). An op-ed letter appeared in the *New York Times* around this period, “citing three prisoner’s suits that the authors…contended where typical and frivolous prisoner suits. The three suits mentioned in the letter became the fodder for jokes by television comedians…and were used as filler for local TV news and newspapers” (Vogel, 2009, p. 69). The portrayal of prisoners as burdening the justice system in these negative media campaigns further enraged “a public already opposed to prisoners’ rights” and created a climate “anxious for legislation to upend the litigation ‘folly’” (Vogel, 2009, p.68). In 1996, the Prison Litigation and Reform Act (PRLA) was passed by a Republican Congress. PRLA was seen by Congress as a way to “control prisoner litigation and finally curtail the involvement of the federal courts in the operations of state prisons” (Vogel, 2009, p. 68). PRLA requires prisoners to “exhaust the facility grievance route prior to filing a lawsuit” (Vogel, 2009, p.69) and also bars “future filing of a lawsuit by a prisoner who fails to meet federal standards three times” (Vogel, 2009, p. 69). Congress again limited prisoners’ rights with the passing of the 1996 Antiterrorism and Effective Death Penalty Act (AEDPA) which places “a one-year time limit between a final state conviction and the deadline to file a federal habeas corpus petition” (Vogel, 2009, p. 69), further adding “another layer to the complexity of requirements already facing an inmate’s attempt to have a claim of innocence reviewed” (Vogel, 2009, p. 69).

*A****fter Lewis and Anti-Prisoner Rights Legislation: A New Direction for Prison Libraries***

The Supreme Court’s decision in *Lewis v. Casey* along with the passage of PRLA and AEDPA not only present significant barriers for prisoner litigation, they also transformed the roles, responsibilities and purpose of the prison law library. Opponents of the anti-prisoner’s rights legislation, such as scholar Jessica Feierman (2006), note that “litigation is one of the few means by which prisoners can bring public attention to serious health and safety risks” (p. 370) of prison conditions and that it is also “generally the only avenue available to a prisoner seeking to overturn a wrongful sentence of incarceration or even death” (p. 370). Feierman (2006) contends that these laws create, “barriers to prisoner court access” (p. 369) and they produce “a variety of procedural obstacles to prisoner lawsuits” (p.370). The most troubling aspect of both PLRA and AEDPA are that they enable cases with meritorious grounds to be dismissed on strict procedural grounds (Feierman, 2006). The reality of inmate demographics are that many prisoners have limited or no literacy skills (Feierman, 2006; Schouten, 2004; Steinberger, 1998; Vogel, 1997), making it difficult for prisoners to properly file writs on their own and within the limited timeframe.

 Prison library advocates and scholars across the board agree that *Lewis v. Casey* altered the roles of the prison library. Joseph Gerken (2003) states that the redefinition of prisoner access to court specifically only to litigation for which inmates can “attack their sentences…or to challenge the conditions of their confinement” (p.498) are “inconsistent with the real life requirements of inmates’ access to court” (p.498). Joseph Schouten (2003) argues that the “*Lewis* characterization of right to access is essentially a mandate for keeping prisoners out of court” (p.5). Schouten (2003) also discusses the concept of standing, which “derives from the constitutional mandate that court may hear only cases and controversies” (p.5) to ensure “that there is an actual dispute…and that the court is not being asked for an advisory position” (p.5). Schouten (2003) argues that the *Lewis* ruling was made on “unsound footing” (p. 14), ignoring the long line of past court decisions made in the context of prisoner’ rights and other similar groups seeking a right to access and that “without a law library or meaningful alternative, prisoners without the means to hire attorneys are essentially barred from accessing the courts” (p. 14). Rebecca Trammell (1997) argues that the redefinition of rights in *Lewis* seriously undermines prison law libraries and the ability of inmates to seek justice. The catch-22 situation prisoners are in after the *Lewis* ruling has also been noted by scholars. As the *Lewis* ruling requires a need to show actual harm due to an inadequate library, “the paradox that ability to litigate a denial of access claim is evidence that the plaintiff has no denial of access claim” (Gerken, 2003, p. 500). Inmates “who are stymied by an inadequate law library and unable to pursue their claims…arguably suffer actual harm; however they are effectively invisible, since they are not able to apprise the court of their claims” (Gerken, 2003, pp.499-500) The question that is raised by this requirement is how will an inmate “be able to file a complaint alleging an inadequate law library if it must be grounded in the inability to file a complaint in the first place” (Trammell, 1997, p. 11).

***Can Access be Meaningful Again? : Counteracting Lewis v. Casey***

Some of the biggest questions arising from the Supreme Court ruling in *Lewis v. Casey* are what will be the impact on prison libraries and prison law libraries and how can prison libraries continue to provide prisoners with access to legal information to ensure their meaningful access to the courts. Following the *Lewis* decision, the services of prison law libraries were significantly affected. In states such as Arizona, Idaho, Iowa, Michigan, Mississippi, New Mexico, and North Carolina prison law libraries were significantly downgraded, outsourced to outside paralegals and attorneys, and in the worst case scenarios shut down altogether (Vogel, 2009).

There is no doubt that the *Lewis* decision forever altered the landscape of prison law libraries, but there have been suggestions and solutions offered by prison library advocates and scholars on how to continue to provide quality services to prisoner patrons who so greatly rely upon them. Perhaps the biggest downfall of the previous model of the prison law library was the heavy reliance on printed legal texts (Vogel, 2009; Wilhelmus, 1999a). In the age of the information and Internet boom, many law firms today rely upon digitized legal collections provided through databases that are not only more up to date and accurate but also make searching easier and more effective (Singer, 2000; Sullivan, 2001; Vogel, 2009; Wilhelmus, 1999a). The largest set-back prison libraries face today is the lack of electronic technologies provided directly to prisoners. Singer (2000) argues that “prison libraries demonstrably lag behind their counterparts in academia and the public and private sectors” (p. 16). Sullivan (2001) believes that this lack of access to information available to prisoners creates a dilemma in the “midst of an information explosion” (p.58) at a time that “online access is primary, essential, and paramount” (p.58) and “fundamental to the well-being of Americans everywhere” (p.58). Vogel (2009) argues that the “fear of prisoner direct use of computers has proven groundless” (p. 67) and that with “proper training…direct use provides a meaningful approach to access to the courts” (p. 67). Scholars (Vogel, 2009, Wilhelmus, 1999a) have argued that use of online legal databases and CD-ROM and DVD technology can provide better resources for prisoners for court access, and even in many cases can save money from not having to maintain a costly print collection. Keeping up in today’s “information-loaded world requires practice on computers, searching strategies, and increasingly, Internet savvy” (Dixen & Thorson, 2001, p. 52). Sullivan (2001) argues that this limit on access to information “greatly impedes reentry into the free world” (p.58) and that “until we come to terms with the normative tenets of punishment…our prisoner population will remain in the information bind of the impoverished” (p.58).

Other scholars believe that while the *Lewis* ruling was a blow to prison law libraries, it does not have to spell the end of the prison library altogether. David Wilhelmus (1999a) discusses the “tripartite role”(p.114) mission of prison libraries to serve the academic needs of the prison population, to meet the recreational function, and to provide legal materials for inmates in order to meet the need of access to the courts. Wilhelmus (1999a) believes that the “development of academic collections may be the emerging role of the prison library” (p.119) and that the change of court interpretation of the role of the prison law library in providing prisoners access to the courts “seems to indicate a shift in direction and importance among the three roles that the prison library has to play” (p. 119). While this is a different argument from those who believe the prison law library is essential to providing meaningful access to the courts, this shift could be an important way in which prison libraries can continue their services in the future without being completely removed from their prison institutions; a fear held by many scholars and prison library advocates after the *Lewis* ruling.

***Conclusion: The Future of the Prison Library***

The prison library is responsible for a multitude of roles and these roles are constantly being defined and redefined. The prison library is a “minefield of legislation, rules and codes” (Darby, 2004, p. 17). Over the past thirty-five years, the prison library has been transformed numerous times by rulings made by the Supreme Court and through legislation passed by Congress. Library and information professionals must be continually cognizant of the ever-shifting political climates that give rise to such influencing factors. This constant awareness must be honed by librarians and information professionals, not only to provide accurate and effective services to patrons, but to also ensure that the basic tenets of our profession are being upheld.

 In this paper I have discussed some of the most significant laws and Supreme Court decisions that have had very real effects on prisoners and prison law libraries. The prison library provides services that are largely invisible to most people but the importance of which cannot be ignored. Inmates with the same information needs as everyone else are highly dependent on the services of prison libraries. Public sentiment has also had a great influence on the roles of the prison library. The shift between a prison’s emphasis on punishment and rehabilitation sways like a pendulum, slowly moving back in forth in time with the public’s feelings.

Prison library and prison law library advocates raised the alarm after the 1996 *Lewis v. Casey* Supreme Court decision, justifiably worried about the future of the prison library. Though the court ruling did have a negative impact upon the legal research role of the prison library, it does not spell the end of the prison library. The focus upon this particular role was due in part to the *Bounds* mandate decided upon by the Supreme Court thirty-five years ago. Prisoners will undoubtedly be negatively affected by the *Lewis* decision which has stripped away many of the rights originally afforded to them in the *Bounds* decision. Prison libraries are at a crossroad and it is up to resilient and resourceful librarians and information professional to continue to advocate for the future of the prison library.

The *Lewis* ruling should been seen as the turning of a new leaf; prison librarians have now been freed from solely focusing on the legal research aspect of the prison library and can now use this as an opportunity to strengthen some of the other roles of the prison library. Programs and services that had been neglected when legal services were pushed to the forefront of the prison library can now be revisited and revitalized. Improvements on the past practices of the prison law library must also be taken, especially the utilization of technologies of legal services that continue to be offered to prisoner patrons. Use of these technologies not only provides more effective means of searching and usage by prisoner patrons, but they also reduce the costs of upkeep associated with maintaining outdated legal texts.

In closing, I would like to stress the importance of the prison library on the lives of inmates. “Many reports demonstrate that prisoners feel that the library is valuable place” (Darby, 2004, p. 9). A notable impact of the prison library and the prison law library upon inmates can be seen in the aftermath of the deadliest and most destructive prison riot in history. In 1980, convicts of the New Mexico State Penitentiary in Santa Fe took ahold of the prison. After thirty-six hours, thirty-three were left dead and the rioting prisoners had destroyed most of the prison, but the library and its legal collections remained almost completely untouched (Darby, 2004; Dixen & Thorson, 2001; Stearns, 2004; Tillman-Davis, 2007). This occurrence was seen by many as “a symbolic act to preserve the prison library and thus ensure continued access to the law collection” (Dixen & Thorson, 2001, p.53) and as a demonstration of the respect and appreciation prisoners have for this valuable service.

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