

the courts for purposes of presenting their complaints,¹²⁰⁵ and to bring actions in federal courts to recover for damages wrongfully done them by prison administrators.¹²⁰⁶ And they have a right, circumscribed by legitimate prison administration considerations, to fair and regular treatment during their incarceration. Prisoners have a right to be free of racial segregation in prisons, except for the necessities of prison security and discipline.¹²⁰⁷

In *Turner v. Safley*,¹²⁰⁸ the Court announced a general standard for measuring prisoners' claims of deprivation of constitutional rights: "[W]hen a prison regulation impinges on inmates' constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interests."¹²⁰⁹ Several considerations, the Court indicated, are appropriate in determining reasonableness of a prison regulation. First, there must be a rational relation to a legitimate, content-neutral objective, such as prison security, broadly defined. Availability of other avenues for exercise of the inmate right suggests reasonableness.¹²¹⁰ A further indicium of reasonableness is present if accommodation would have a negative effect on the liberty or safety of guards, other inmates,¹²¹¹ or visitors.¹²¹² On the other hand, "if an inmate claimant can point to an alternative that

¹²⁰⁵ *Ex parte* Hull, 312 U.S. 546 (1941); *White v. Ragen*, 324 U.S. 760 (1945). Prisoners must have reasonable access to a law library or to persons trained in the law. *Younger v. Gilmore*, 404 U.S. 15 (1971); *Bounds v. Smith*, 430 U.S. 817 (1978). Establishing a right of access to law materials, however, requires an individualized demonstration of an inmate having been hindered in efforts to pursue a legal claim. See *Lewis v. Casey*, 518 U.S. 343 (1996) (no requirement that the state "enable [a] prisoner to discover grievances, and to litigate effectively").

¹²⁰⁶ *Haines v. Kerner*, 404 U.S. 519 (1972); *Preiser v. Rodriguez*, 411 U.S. 475 (1973).

¹²⁰⁷ *Lee v. Washington*, 390 U.S. 333 (1968). There was some question as to the standard to be applied to racial discrimination in prisons after *Turner v. Safley*, 482 U.S. 78 (1987) (prison regulations upheld if "reasonably related to legitimate penological interests"). In *Johnson v. California*, 543 U.S. 499 (2005), however, the Court held that discriminatory prison regulations would continue to be evaluated under a "strict scrutiny" standard, which requires that regulations be narrowly tailored to further compelling governmental interests. *Id.* at 509–13 (striking down a requirement that new or transferred prisoners at the reception area of a correctional facility be assigned a cellmate of the same race for up to 60 days before they are given a regular housing assignment).

¹²⁰⁸ 482 U.S. 78 (1987).

¹²⁰⁹ 482 U.S. at 89 (upholding a Missouri rule barring inmate-to-inmate correspondence, but striking down a prohibition on inmate marriages absent compelling reason such as pregnancy or birth of a child). See *Overton v. Bazzetta*, 539 U.S. 126 (2003) (upholding restrictions on prison visitation by unrelated children or children over which a prisoner's parental rights have been terminated and visitation where a prisoner has violated rules against substance abuse).

¹²¹⁰ For instance, limiting who may visit prisoners is ameliorated by the ability of prisoners to communicate through other visitors, by letter, or by phone. 539 U.S. at 135.

¹²¹¹ 482 U.S. at 90, 92.

¹²¹² *Hudson v. Palmer*, 468 U.S. 517, 526 (1984).