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## SUPREME COURT UPHOLDS KEY SECTION OF PRISON LITIGATION REFORM ACT

(*Miller v. French*)

The U.S. Supreme Court today handed down a decision that should eventually end federal judicial supervision of state prisons in all but the most outrageous cases.

With only a few narrow exceptions, the Prison Litigation Reform Act (PLRA) automatically stays any prospective judicial order 30 days after a state or local government files a motion requesting the court to modify or terminate its supervision of state or local prisons. The Court held that Congress intended this automatic stay provision to operate as a mandatory limit on the time in which a federal court must respond to a state's motion to modify or terminate federal judicial supervision of local prisons. Construed this way, the Court held that the automatic stay provision does not offend the separation of powers.

The Court's decision in *Miller v. French* was a complete victory for the Washington Legal Foundation (WLF), which had filed a brief on behalf of itself, U.S. Senator Spencer Abraham, U.S. Representative Tom DeLay, and the Allied Educational Foundation. WLF opposed the U.S. Department of Justice's reading of the statute, which had asked the Court to interpret the statute in a manner that would let federal district courts continue supervising state prisons. Instead, WLF urged the Court to give the automatic stay provision its clear meaning and reject the government's invitation to transform a mandatory directive by Congress into a permissive one.

The case before the Court arose from litigation that has occupied the federal judicial system for a quarter century. In 1975, a group of prisoners filed a lawsuit charging that conditions in the Indiana prison system were unconstitutional. In 1982, a federal district court ruled in favor of the prisoners. Since that time, the state has been laboring under a broadly worded injunction that sets a cap on prison population and regulates medical care, food preparation, the use of physical restraints, recreation, and the non-punitive segregation of prisoners. Moreover, the court laid down due process guidelines for prison discipline; required Indiana to provide substance abuse counseling and treatment and mental health care; and established policies governing the inmates' education, vocational training, and prison jobs. In 1997, following passage of the PLRA, Indiana filed a motion in federal district court seeking to terminate this injunction. The court entered a

preliminary injunction preventing the automatic stay from operating as written. On appeal the U.S. Court of Appeals for the Seventh Circuit affirmed the district court's decision, concluding that the automatic stay violates the separation of powers by allowing Congress to intrude into judicial procedures. Indiana then filed a petition in the Supreme Court, which agreed to review the Seventh Circuit's decision.

In its brief, WLF argued that the automatic stay provision must be read according to its plain meaning. Contrary to the government's assertions, WLF maintained that the language of the statute leaves no equitable discretion with federal district courts to prevent an evaluation of current prison conditions by blocking the automatic stay. Moreover, read according to its plain meaning, the automatic stay poses no violation of the separation of powers. Long-settled Supreme Court precedent establishes that Congress may place limits on the operation of forward-looking judicial orders. And, as WLF emphasized, nothing in the Court's decisions prevents Congress from making it more difficult to supervise state and local prisons. On the contrary. Given the constitutional difficulties of allowing a federal court to supervise a state prison in perpetuity, enacting the PLRA lies well within Congress's authority.

Reversing the Seventh Circuit, the Court adopted much of WLF's reasoning and (at certain points) even its language. First, the Court ruled that the language of the automatic stay had to be read as a mandatory instruction by Congress to federal courts to act (except for unusual circumstances) within 30 days on motions to modify or terminate judicial orders authorizing a federal court to supervise local prisons. Second, the court found that, so interpreted, the automatic stay provision does not infringe on the separation of powers, because it changes only prospective relief and does not reopen final judgments.

"Federal courts ought to get out of the business of running state prisons," said WLF's Senior Counsel for Litigation Affairs, Shawn Gunnarson. "Congress has made it clear that federal courts must find current violations of federal law, or return control of state and local prisons where it belongs—to state and local governments. The U.S. Supreme Court has declared that federal law requires courts to give that power back promptly, and we agree," Gunnarson said.

The Washington Legal Foundation is a nonprofit public interest law and policy center with supporters nationwide. It devotes a significant portion of its resources to defending and promoting the principles of free enterprise and individual rights.

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For further information, contact WLF Senior Counsel for Litigation Affairs Shawn Gunnarson at (202) 588-0302.