

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ILLINOIS

ANTHONY MCNEAL)	
)	
Plaintiff)	
)	No. 3:24-cv-619
v.)	
)	
Nathan Tucker,)	
in his individual capacity, and)	
Warden Daniel Monti,)	
in his official and individual capacities,)	
)	
)	
Defendant.)	JURY TRIAL DEMANDED
)	

COMPLAINT

Anthony McNeal, through his counsel, Uptown People’s Law Center, complains against Defendants Nathan Tucker and Daniel Monti as follows:

JURISDICTION AND VENUE

1. This is an action brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Mr. McNeal’s rights as secured by the First Amendment to the United States Constitution.

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367.

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the events giving rise to the claims asserted in this complaint occurred in this judicial district.

PARTIES

4. Plaintiff Anthony McNeal was transferred from Pinckneyville Correctional Center to Centralia Correctional Center in Centralia, Illinois, a medium-security state prison for men operated by the Illinois Department of Corrections (“IDOC”).

5. Mr. McNeal at all times relevant hereto has been imprisoned at Centralia Correctional Center.

6. From approximately April 2022 to March 1, 2023, Mr. McNeal taught the Civics class for prisoners at Centralia Correctional Center.

7. Defendant Nathan Tucker is a counselor employed by the Illinois Department of Corrections. During the times relevant to this complaint, he was assigned to work at Centralia Correctional Center. He is sued in his individual capacity.

8. At all times relevant to this complaint, Defendant Tucker was acting within the scope of his employment with the Illinois Department of Corrections and under color of state law.

9. Daniel Monti at all times relevant hereto was employed by the Illinois Department of Corrections and was the warden at Centralia Correctional Center. He is sued in his individual capacity for damages and in his official capacity for injunctive relief.

10. At all times relevant to this complaint, Defendant Monti was acting within the scope of his employment with the Illinois Department of Corrections and under color of state law.

FACTS

Re-Entering Citizens Civics Education Act

11. The Re-Entering Citizens Civics Education Act (“the Act”), 730 ILCS 200/1, et seq., requires the IDOC to provide programs led by peer educators to educate other incarcerated individuals about their voting rights within 12 months of their projected release date.

12. The primary goals of the Act are to inform incarcerated individuals leaving IDOC about their voter eligibility during their release process and how voting is vital to successful re-entry.

13. The Act requires the workshops to broadly focus on teaching incarcerated individuals why voting matters; about elections, forms of government and various elected positions; instructions on how to register to vote and how to fill out standard sample ballots; and on the history and importance of voting.

14. The Act requires that the curriculum is peer-led by an incarcerated individual who undergoes specialized training to teach the class.

15. The specialized training is done by either an experienced peer educator or an established nonpartisan civic organization that provides adequate training on matters

including, but not limited to, voting rights, governmental institutions, current affairs, and simulations of voter registration, election, and democratic processes.

16. The Civics class curriculum, based on the Act, specifically highlights topics such as a brief history of voting rights in the U.S., felony disenfranchisement, voting in midterm elections, the Jim Crow era, no taxation without representation, political parties, election day, branches & levels of government, and the elections calendar.

17. Mr. McNeal volunteered to teach the civics class as a peer educator shortly after the law went into effect. He first taught the class at Pontiac Correctional Center beginning in 2019 after completing the appropriate required training in accordance with the Act.

18. When Mr. McNeal was transferred to Centralia Correctional Center in February 2022, Mr. McNeal discovered that Centralia did not offer a civics class as required by law. He volunteered to teach the class, and began teaching at Centralia in April 2022 as the peer educator.

The March 1, 2023 Civics Class

19. On March 1, 2023, Mr. McNeal was performing his assignment as peer educator at Centralia Correctional Center.

20. That day's curriculum included discussion of poll taxes, literacy tests and other Jim Crow laws.

21. During class, one of the student-inmates asked Mr. McNeal a question about the Jim Crow laws.

22. Mr. McNeal described the use of poll taxes and literacy tests as a means to suppress the Black vote.

23. Literacy tests¹ and poll taxes were tools used by many southern states to suppress the Black vote. Aside from the fact, evidenced from the face of the tests, that they have no relationship to any legitimate purpose, the States that used these tests regularly exempted from the testing requirement any prospective voter who was a veteran, or who was the descendent of a veteran.

24. Despite these well-established facts, defendant Tucker, who was assigned to monitor the class, cut off Mr. McNeal and instructed him not to discuss racism in the class. Defendant Tucker insisted that Mr. McNeal present literacy test as having a legitimate nondiscriminatory purpose of ensuring that voters "knew what they were voting for."

25. Mr. McNeal responded to Defendant Tucker's interruption that the racial intent of these laws was part of the curriculum and was part of what he was supposed to be teaching according to the Act.

¹ Copies of the Alabama and Louisiana tests are attached to this complaint as Exhibits One and Two.

26. At the end of class, Defendant Tucker demanded the notes Mr. McNeal had prepared for himself to teach the class, and when Mr. McNeal refused, the counselor had an officer confiscate the notes.

27. Mr. McNeal was issued the following disciplinary report:

Offenses: 304 Insolence, 313 Disobey Direct Order, 308 u/a (unauthorized) Property. On the above date and approx time I was in Civics Class with my Peer Educator McNeal #B34835. One of the IIC who was in class had a question about some material. The peer educator used his views and u/a property to say it was all about racism to black people. As I saw the class start engaging with the racist direction McNeal was leading them down, I intervened and using our curriculum. McNeal started to argue with me. He continued to argue with me and I said we would discuss it after class. I was worried that the class would get out of order and become an issue if we kept in that direction. After the class I said I needed his notes. He refused. I called for officer Berry #9862 for assistance. Berry retrieved the notes for me. McNeal disobeyed a Direct Order, brought/taught unapproved material, and argued against me in front of my class. McNeal was warned multiple times to not teach or bring u/a material. McNeal ID'd by State ID.

Harm Resulting from Defendant's Misconduct

28. On March 8, 2023, Mr. McNeal was found guilty of all charges contained in this disciplinary report by the Centralia Program Committee. The Committee recommended that he be reassigned and no longer permitted to teach the civics class.

29. On March 23, 2023, Defendant Monti approved the Committee's recommendation, and Mr. McNeal was no longer allowed to teach the class.

30. Mr. McNeal was dismissed from his position as peer educator, leaving Centralia Correctional Center without a peer educator to teach the civics class as required by the Act.

31. On March 7, 2023, Mr. McNeal wrote a personal letter to Defendant Monti, describing what had happened to him. Mr. Monti never responded.

32. On March 10, 2023, Mr. McNeal filed a grievance against Counselor Tucker which was denied by Defendant Monti on May 9, 2023.

33. Defendant Monti's decision denying the grievance was affirmed by the Director on December 1, 2023.

34. As of today, Mr. McNeal has not been permitted to resume teaching the civics class, nor has he been assigned to any other prison job.

35. For many months after firing Mr. McNeal, Centralia Correctional Center had no peer educator to teach the Civics Class and was thus in violation of state law.

Injuries Suffered by Plaintiff

36. As a result of the wrongful conduct by defendants described in this complaint, Mr. McNeal suffered injuries, including but not limited to:

- a. He lost his job teaching the Civics Class.
- b. He was not able to be assigned to any other job at Centralia.
- c. He has lost the ability to collect pay for any job assignment which included extra pay.

- d. He suffered humiliation and mental and emotional damage as a result of being the target of racist actions.
- e. He suffered injury to his reputation.

Count One
42 U.S.C. § 1983 – First Amendment

37. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

38. As described in further detail above, Defendants Tucker and Monti violated Plaintiff's rights under the First Amendment of the U.S. Constitution by restricting Plaintiff's class from engaging in protected First Amendment activity for no legitimate penological purpose.

39. The misconduct described in this count was undertaken intentionally, with malice, and/or with reckless disregard to Plaintiff's rights.

40. As a result of the misconduct described in this count, Plaintiff's rights were violated and he suffered harm.

Count Two
42 U.S.C. § 1983 – First Amendment Retaliation

41. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

42. As described in further detail above, Plaintiff and the students of the class engaged in protected First Amendment activity, Defendants caused him to suffer a

deprivation likely to deter further First Amendment activity, and this First Amendment activity was the motivating factor in Defendants' decision-making.

43. The misconduct described in this count was undertaken intentionally, with malice, and/or with reckless disregard to Plaintiff's rights.

44. As a result of the misconduct described in this count, Plaintiff's rights were violated and he suffered harm.

Count Three

42 U.S.C. § 1983 – Fourteenth Amendment Racial Discrimination

45. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

46. Plaintiff states this cause of action against Defendant Monti in his official capacity for purposes of seeking declaratory and injunctive relief and against both defendants in their individual capacities for purposes of seeking compensatory and punitive damages.

47. The Fourteenth Amendment to the United States Constitution provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1.

48. The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution requires that all people be treated equally under the law without regard for their race or ethnicity.

49. Defendants' insistence that Plaintiff, a Black person, lie to the class and tell them that the literacy tests and poll taxes imposed by southern states prior to the Civil Rights Acts were race neutral, and punishing him for telling the truth that these laws were intended to (and did in fact) suppress the number of Black people able to vote created a hostile work environment and constitutes intentional or at least callous and reckless discrimination against Plaintiff on the basis of race, in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

50. As a result of the misconduct described in this count, Plaintiff's rights were violated and he suffered harm.

Count Four
Violation of Title VI of the Civil Rights Act

51. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) provides:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

52. Regulations adopted by the United States Department of Justice provide that programs funded by the Department of Justice cannot engage in activities which have a racially discriminatory impact.

53. The Illinois Civil Rights Remedies Restoration Act (775 ILCS 60, et seq) provides a remedy under state law for (among other things) violations of Title VI of the Civil Rights Act.

54. Defendants' insistence that Plaintiff, a Black person, lie to the class and tell them that the literacy tests and poll taxes imposed by southern states prior to the Civil Rights Acts were race neutral, and punishing him for telling the truth that these laws were intended to (and did in fact) suppress the number of Black people able to vote had a discriminatory impact on Black people, including both the students in the class and Mr. McNeal.

REQUEST FOR RELIEF (All Counts)

WHEREFORE, Plaintiff Anthony McNeal respectfully requests that the Court enter judgment in his favor and:

- A. A declaration that Defendants Monti and Tucker were wrong for claiming that literacy tests were not racist and for preventing the teaching of this approved curriculum;
- B. Preliminary and permanent injunctive and equitable relief against Defendant Monti in his official capacity including but not limited to reinstatement of Plaintiff's teaching position at Centralia Correctional Center; and
- C. Monetary relief against both Defendants Monti and Tucker in their individual capacities including compensatory damages, punitive damages, and attorneys' fees and costs, and for any other relief that this Court deems just and proper.

Jury Demand

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a jury trial on all issues so triable.

Respectfully Submitted,

ANTHONY MCNEAL

/s/ Alan Mills
One of Plaintiff's attorneys

Alan Mills
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1965 Alabama Literacy Test

1. Which of the following is a right guaranteed by the Bill of Rights?
 Public Education
 Employment
 Trial by Jury
 Voting
2. The federal census of population is taken every five years.
 True False
3. If a person is indicted for a crime, name two rights which he has.

4. A U.S. senator elected at the general election in November takes office the following year on what date?

5. A President elected at the general election in November takes office the following year on what date?

6. Which definition applies to the word "amendment?"
 Proposed change, as in a Constitution
 Make of peace between nationals at war
 A part of the government
7. A person appointed to the U.S. Supreme Court is appointed for a term of _____
8. When the Constitution was approved by the original colonies, how many states had to ratify it in order for it to be in effect? _____
9. Does enumeration affect the income tax levied on citizens in various states? _____
10. Person opposed to swearing in an oath may say, instead:
(solemnly) _____
11. To serve as President of the United States, a person must have attained:
 25 years of age
 35 years of age
 40 years of age
 45 years of age
12. What words are required by law to be on all coins and paper currency of the U.S.?

13. The Supreme Court is the chief lawmaking body of the state.
 True False
14. If a law passed by a state is contrary to provisions of the U.S. Constitution, which law prevails?

15. If a vacancy occurs in the U.S. Senate, the state must hold an election, but meanwhile the place may be filled by a temporary appointment made by _____

16. A U.S. senator is elected for a term of _____ years.
17. Appropriation of money for the armed services can be only for a period limited to _____ years.
18. The chief executive and the administrative offices make up the _____ branch of government.
19. Who passes laws dealing with piracy? _____

20. The number of representatives which a state is entitled to have in the House of Representatives is based on _____
21. The Constitution protects an individual against punishments which are _____ and _____.
22. When a jury has heard and rendered a verdict in a case, and the judgment on the verdict has become final, the defendant cannot again be brought to trial for the same cause.
 True False
23. Name two levels of government which can levy taxes: _____

24. Communism was the type of government in:
 U.S.
 Russia
 England
25. Cases tried before a court of law are two types, civil and _____.
26. By a majority vote of the members of Congress, the Congress can change provisions of the Constitution of the U.S.
 True False

27. For security, each state has a right to form a _____.
28. The electoral vote for President is counted in the presence of two bodies. Name them:

29. If no candidate for President receives a majority of the electoral vote, who decides who will become President? _____
30. Of the original 13 states, the one with the largest representation in the first Congress was _____.
31. Of which branch of government is the Speaker of the House a part?
 Executive
 Legislative
 Judicial
32. Capital punishment is the giving of a death sentence.
 True False
33. In case the President is unable to perform the duties of his office, who assumes them?

34. “Involuntary servitude” is permitted in the U.S. upon conviction of a crime.
 True False
35. If a state is a party to a case, the Constitution provides that original jurisdiction shall be in _____.
36. Congress passes laws regulating cases which are included in those over which the U.S. Supreme Court has _____ jurisdiction.
37. Which of the following is a right guaranteed by the Bill of Rights of the U.S. Constitution.
 Public Housing
 Education
 Voting
 Trial by Jury
38. The Legislatures of the states decide how presidential electors may be chosen.
 True False
39. If it were proposed to join Alabama and Mississippi to form one state, what groups would have to vote approval in order for this to be done? _____

40. The Vice President presides over _____.
41. The Constitution limits the size of the District of Columbia to _____
_____.
42. The only laws which can be passed to apply to an area in a federal arsenal are those passed by _____ provided consent for the purchase of the land is given by the _____.
43. In which document or writing is the “Bill of Rights” found? _____.
44. Of which branch of government is a Supreme Court justice a part?
____ Executive
____ Legislative
____ Judicial
45. If no person receives a majority of the electoral votes, the Vice President is chosen by the Senate.
____ True ____ False
46. Name two things which the states are forbidden to do by the U.S. Constitution.

47. If election of the President becomes the duty of the U.S. House of Representatives and it fails to act, who becomes President and when? _____

48. How many votes must a person receive in order to become President if the election is decided by the U.S. House of Representatives? _____
49. How many states were required to approve the original Constitution in order for it to be in effect? _____
50. Check the offenses which, if you are convicted of them, disqualify you for voting:
____ Murder
____ Issuing worthless checks
____ Petty larceny
____ Manufacturing whiskey
51. The Congress decides in what manner states elect presidential electors.
____ True ____ False
52. Name two of the purposes of the U.S. Constitution. _____

53. Congress is composed of _____.
54. All legislative powers granted in the U.S. Constitution may legally be used only by _____.
55. The population census is required to be made every _____ years.
56. Impeachments of U.S. officials are tried by _____.
57. If an effort to impeach the President of the U.S. is made, who presides at the trial?

58. On the impeachment of the chief justice of the Supreme Court of the U.S., who tries the case?

59. Money is coined by order of:
____ U.S. Congress
____ The President's Cabinet
____ State Legislatures
60. Persons elected to cast a state's vote for U.S. President and Vice President are called presidential _____.
61. Name one power which is exclusively legislative and is mentioned in one of the parts of the U.S. Constitution above _____.
62. If a person flees from justice into another state, who has authority to ask for his return?

63. Whose duty is it to keep Congress informed of the state of the union? _____

64. If the two houses of Congress cannot agree on adjournment, who sets the time?

65. When presidential electors meet to cast ballots for President, must all electors in a state vote for the same person for President or can they vote for different persons if they so choose?

66. After the presidential electors have voted, to whom do they send the count of their votes?

67. The power to declare war is vested in _____.

68. Any power and rights not given to the U.S. or prohibited to the states by the U.S. Constitution are specified as belonging to whom? _____

Answers to Alabama Literacy Test

1. Trial by Jury only
2. False (every 10 years)
3. Habeas Corpus (immediate presentation of charges); lawyer; speedy trial.
4. January 3
5. January 20
6. Proposed change, as in a Constitution
7. Life (with good behavior)
8. Nine
9. Yes
10. Affirm
11. 35
12. In God We Trust
13. False
14. U.S. Constitution
15. The governor
16. Six
17. Two
18. Executive
19. Congress
20. Population (as determined by census) *less untaxed Indians*
21. Cruel and unusual
22. True
23. State and local
24. Russia
25. Criminal
26. False
27. Militia
28. House of Representatives, Senate
29. House of Representatives
30. Virginia
31. Legislative
32. True
33. The Vice President
34. True
35. The Supreme Court
36. Co-appellate
37. Trial by Jury
38. True
- 39> Congress and the legislatures of both states
40. The Senate
41. 10 miles square
42. Congress; state legislatures
43. Constitution
44. Judicial

45. True
46. Coin money; make treaties
47. The Vice President, until the House acts
48. 26
49. 9
50. Murder
51. False
52. (Preamble statements) “to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.”
53. House of Representatives and Senate
54. Congress
55. 10
56. The Senate
57. The Chief Justice of the Supreme Court
58. The Senate
59. The U.S. Congress
60. Electors
61. Pass laws, coin money, declare war
62. The Governor
63. The President
64. The President
65. They can vote for different people
66. Vice President (President of the Senate)
67. Congress
68. The states; the people

The State of Louisiana
Literacy Test (This test is to be given to anyone who cannot prove a fifth grade education.)

Do what you are told to do in each statement, nothing more, nothing less. Be careful as one wrong answer denotes failure of the test. You have 10 minutes to complete the test.

1. Draw a line around the number or letter of this sentence.
2. Draw a line under the last word in this line.
3. Cross out the longest word in this line.
4. Draw a line around the shortest word in this line.
5. Circle the first, first letter of the alphabet in this line.
6. In the space below draw three circles, one inside (engulfed by) the other.

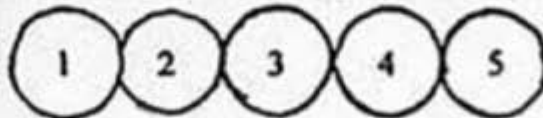
7. Above the letter X make a small cross.
8. Draw a line through the letter below that comes earliest in the alphabet.

Z V S B D M K I T P H C

9. Draw a line through the two letters below that come last in the alphabet.

Z V B D M K T P H S Y C

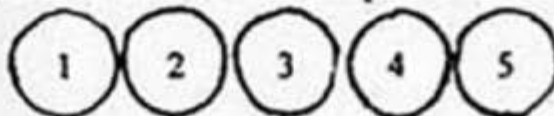
10. In the first circle below write the last letter of the first word beginning with "L".



11. Cross out the number necessary, when making the number below one million.

1000000000

12. Draw a line from circle 2 to circle 5 that will pass below circle 2 and above circle 4.



13. In the line below cross out each number that is more than 20 but less than 30.

31 16 48 29 53 47 22 37 98 26 20 25

14. Draw a line under the first letter after "h" and draw a line through the second letter after "j".

a b c d e f g h i j k l m n o p q

15. In the space below, write the word "noise" backwards and place a dot over what would be its second letter should it have been written forward.

16. Draw a triangle with a blackened circle that overlaps only its left corner.

17. Look at the line of numbers below, and place on the blank, the number that should come next.

2 4 8 16 ____

18. Look at the line of numbers below, and place on the blank, the number that should come next.

3 6 9 ____ 15

19. Draw in the space below, a square with a triangle in it, and within that same triangle draw a circle with a black dot in it.

20. Spell backwards, forwards.

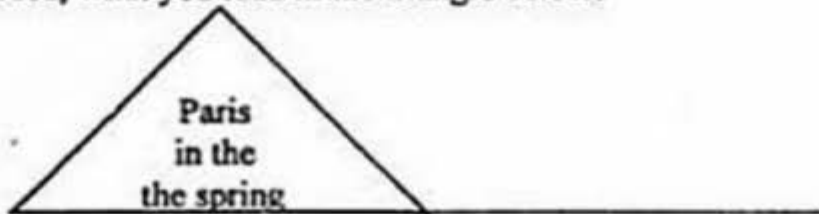
21. Print the word vote upside down, but in the correct order.

22. Place a cross over the tenth letter in this line, a line under the first space in this sentence, and circle around the last the in the second line of this sentence.

23. Draw a figure that is square in shape. Divide it in half by drawing a straight line from its northeast corner to its southwest corner, and then divide it once more by drawing a broken line from the middle of its western side to the middle of its eastern side.

24. Print a word that looks the same whether it is printed frontwards or backwards.

25. Write down on the line provided, what you read in the triangle below:



26. In the third square below, write the second letter of the fourth word.



27. Write right from the left to the right as you see it spelled here.

28. Divide a vertical line in two equal parts by bisecting it with a curved horizontal line that is only straight at its spot bisection of the vertical.

29. Write every other word in this first line and print every third word in same line, (original type smaller and first line ended at comma) but capitalize the fifth word that you write.

30. Draw five circles that one common inter-locking part.