

PRESS RELEASE

Human Rights Defense Center
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Federal Court Orders Lewis County Jail to Stop Widespread Censorship

“First Amendment rights are too important to be subject to such arbitrariness.” – Judge Creatura

TACOMA, WA – On Wednesday, a federal judge entered a preliminary injunction against Lewis County in a lawsuit challenging a postcards-only mail policy at the county jail.

The lawsuit was filed on April 11, 2014 by *Prison Legal News* (PLN), a non-profit monthly publication that covers criminal justice-related issues and a project of the Human Rights Defense Center. PLN alleged that the jail’s policy of restricting incoming and outgoing correspondence at the jail to postcards violated its rights under the First Amendment. Further, the complaint argued that the jail’s failure to provide notice to the sender when mail was censored or rejected violated the due process clause of the Fourteenth Amendment.

While county officials claimed the jail had changed its mail policy after the suit was filed, “and is now allowing news sources to distribute both publications and other forms of correspondence to prisoners,” U.S. Magistrate Judge J. Richard Creatura wrote there was “substantial evidence to believe that this policy has not yet been adopted.” Further, “First Amendment rights are too important to be subject to such arbitrariness,” he added.

Between September and October 2013, pursuant to the jail’s postcard-only policy, jailers had rejected dozens of letters sent by PLN to prisoners, including subscription brochures, book catalogs and copies of court rulings.

“The postcard-only policy drastically reduces prisoners’ and other correspondents’ ability to communicate. It is more than a mere inconvenience and becomes a substantial barrier to First Amendment rights,” Judge Creatura stated, noting that the Washington Dept. of Corrections and other jail systems, including those in King, Pierce and Spokane counties, do not have postcard-only policies.

The district court enjoined county officials from “restricting incoming and outgoing prisoner mail to postcards only,” from “rejecting mail to or from prisoners without providing notice to the prisoner” and from “rejecting mail from non-prisoner correspondents without providing notice to the non-prisoner correspondent.” The court also required appeals of rejected mail to be referred to a jail official “other than the person who originally rejected the correspondence.”

“We are pleased that the court found the constitutional violations at the jail warranted the entry of an injunction against Lewis County,” said PLN editor Paul Wright. “No one is above the law or the constitution – and sometimes it takes a federal judge to make that clear.”

PLN’s attorney, Jesse Wing of MacDonald Hoague & Bayless, noted that the jail’s censorship harmed many people who communicate with prisoners but who are not themselves incarcerated,

as well as prisoners who have been charged but not convicted of anything. And, Wing explained that communicating with the outside world is “essential to maintaining family, employment, educational, and other important relationships critical for a person to productively return to society after time in jail.” As a result, he said, “The court’s order has a huge positive effect, helping many people.”

PLN is represented by attorneys Jesse A. Wing and Katherine Chamberlain of the Seattle law firm of MacDonald Hoague & Bayless, and by Human Rights Defense Center general counsel Lance Weber. The case is *Prison Legal News v. Lewis County*, U.S. District Court for the Western District of Washington, Case No. 3:14-cv-05304-JRC.

The Human Rights Defense Center, founded in 1990 and based in Lake Worth, Florida, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. HRDC publishes *Prison Legal News* (PLN), a monthly magazine that includes reports, reviews and analysis of court rulings and news related to prisoners’ rights and criminal justice issues. PLN has around 9,000 subscribers nationwide and operates a website (www.prisonlegalnews.org) that includes a comprehensive database of prison and jail-related articles, news reports, court rulings, verdicts, settlements and related documents.

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