

PRESS RELEASE

Human Rights Defense Center
For Immediate Release

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Federal Court Orders Milwaukee County Jail to Stop Widespread Censorship

Milwaukee, WI – On Monday, a federal judge entered a preliminary injunction against Milwaukee County in a lawsuit challenging the jail’s censorship of books, magazines, and correspondence mailed to prisoners.

The lawsuit was filed on August 2, 2024 by the non-profit organization Human Rights Defense Center (HRDC)¹ in the U.S. District Court for the Eastern District of Wisconsin. HRDC alleged that the jail’s policy restricting publications to those purchased from a single source – Penguin Random House - violated its rights under the First Amendment. The complaint also alleged that the jail’s failure to provide notice to the sender when mail was censored violated the due process clause of the Fourteenth Amendment.

While county officials claimed the jail changed its mail policy after the suit was filed, and “soft-cover books and periodicals published by HRDC are now accepted into the Milwaukee County Jail,” U.S. Magistrate Judge Nancy Joseph found “the Jail’s revised policy restricting materials from all commercial sources is overbroad.” Further, “the public’s interest in the safety of jails does not outweigh its interest in protecting inmates’ First Amendment rights,” she added.

Between May 14, 2022 and April 9, 2024, pursuant to the jail’s Penguin Random House-only publication policy, jailers had rejected scores of publications sent by HRDC to prisoners. “While the Jail has an interest in preventing contraband from entering the facility, the Jail’s revised policy restricting materials from all commercial sources is overbroad,” Judge Joseph held, noting that the Wisconsin Department of Corrections has implemented a constitutional mail policy “that allows inmates to receive publications directly from the publisher or other recognized commercial sources in their packages.”

The district court enjoined county officials “from preventing inmates at the Milwaukee County Jail from receiving publications directly from the publisher or other recognized commercial sources in their packages.” The court also required “notice to both the intended recipient and the publisher or recognized commercial source, whichever is applicable” when jail employees decide to censor a publication, as well as “the right to appeal the rejection.”

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

“The jail’s censorship has harmed many publishers and businesses who wish to provide publications to individuals confined within the jail” noted HRDC Litigation Director Jonathan Picard. And, Picard explained that “HRDC’s books and magazines inform prisoners about educational opportunities, their constitutional rights, and provide a means for self-improvement while incarcerated. Banning those publications from reaching those who are in jail is an affront to the First Amendment, as well as counterproductive to the goals of security and rehabilitation.” As a result, he said, “The court’s order will have an enormously positive effect on the lives of many people.”

HRDC is represented by attorneys Brian C. Spahn and Theresa M. Correa McMichen of the Milwaukee, Wisconsin law firm Godfrey & Kahn, S.C.,ⁱⁱ and by Human Rights Defense Center Litigation Director Jonathan Picard. The case is *Human Rights Defense Center v. Milwaukee County, et al.*, U.S. District Court for the Eastern District of Wisconsin, Case No. 2:24-cv-00981-NJ.

For further information, please contact:

Paul Wright, Executive Director
Human Rights Defense Center
(802) 275-8594
pwright@prisonlegalnews.org

Brian C. Spahn
Theresa M. Correa McMichen
GODFREY & KAHN, S.C.
833 E. Michigan St., Suite 1800
Milwaukee, WI 53202
Telephone: (414) 273-3500
bspahn@gklaw.com
tcorreamcmichen@gklaw.com

ⁱ The Human Rights Defense Center, founded in 1990 and based in Boynton Beach, Florida, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. HRDC publishes Prison Legal News (PLN) and Criminal Legal News (CLN), two monthly magazines that include reports, reviews and analysis of court rulings and news related to prisoners’ rights and criminal justice issues. PLN has thousands of 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.

ⁱⁱ For over 65 years Godfrey Kahn has provided high-level service and creative legal solutions to its clients. The firm’s vision is “to be the most respected business law firm in Wisconsin, recognized for our excellent work product and service, our talent, our integrity, and our client base.” To learn more visit <https://www.gklaw.com/>