



January 27, 2016

VIA FACSIMILE at [REDACTED] and U.S. MAIL

Sheriff Melvin Bond  
Haywood County Sheriff's Department  
100 S. Dupree St.  
Brownsville, TN 38012

Dear Sheriff Bond:

American Civil Liberties Union of Tennessee (ACLU-TN) has serious concerns regarding practices or policies severely limiting inmates' access to reading material in the Haywood County Jail that have come to our attention. Specifically, the jail is enforcing either formal or informal policies that restrict reading materials available to inmates with the sole exception of the Bible. Such a policy violates the free speech and establishment clauses of the First amendment to the Constitution of the United States and Article I, §§ 3, 19 of the Constitution of the State of Tennessee.

Restrictions on prisoners' access to reading materials and publications cannot be arbitrary and the restrictions must be "reasonably related to legitimate penological interests." Turner v. Safley, 482 U.S. 78, 89 (1987). To determine if a restriction is reasonably related to penological interests the Turner Court in outlined four factors:

- whether there is a "valid, rational connection" between the regulation and the government interest;
- whether there are alternate means of exercising the right;
- the ripple effect an accommodation might have on guards or other inmates, and
- the absence of ready alternatives to the regulation

*Id.* at 89-90. Under these factors, the jail's regulations on speech must be "operated in a neutral fashion, without regard to the content of the expression." *Id.* at 90.

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION  
OF TENNESSEE  
P.O. BOX 120160  
NASHVILLE, TN 37212  
T/ (615) 320-7142  
F/ (615) 691-7219  
WWW.ACLU-TN.ORG

A regulation of reading material in a jail is a regulation an inmate's free speech right guaranteed by the First Amendment. "Freedom of speech is not merely freedom to speak; it is also freedom to read." King v. Fed. Bureau of Prisons, 415 F.3d 634, 638 (7th Cir. 2005). Therefore, any restriction on the access to reading materials must comply with the Turner factors. While a jail may ban some reading material, such as hard cover books that may be used as a weapon or material detailing how to escape prison, a categorical ban on all reading material does not meet the Turner standard. See Wolf v. Ashcroft, 297 F.3d 305, 309 (3d Cir. 2002).

When a jail in Texas banned inmates from receiving or possessing all newspapers and magazines the court ruled that the ban violated the First Amendment and that it represented "an exaggerated response by jail officials to the legitimate need to preserve internal order and discipline and to maintain institutional security." Mann v. Smith, 796 F.2d 79, 82 (4th Cir. 1986) (internal quotation marks omitted).

Similarly in Parnell v. Waldrep, the court found that refusing "to allow inmates to receive paperback books, magazines and newspapers [was] unconstitutional" and that "[t]he prohibition of virtually all reading materials deprives the inmates of their First Amendment right to receive information and ideas." 511 F. Supp. 764, 767, 768 (W.D. NC 1981). In addition to prohibiting most reading materials, the jail in Parnell established an exception for Bibles. The court found that such a practice "constitutes governmental encouragement or establishment of a particular religious doctrine." Id. While the Bible should certainly be among reading materials allowed to inmates, exclusion of all other materials but a Bible violates the establishment clause of the First Amendment.

If the Haywood County Jail has a written policy, orders or procedures governing the access to reading materials by inmates, this letter serves as a request for these records under the Tennessee Public Records Act, T.C.A. § § 10-7-503(a). Please feel free to forward an electronic copy to the email address below or fax a copy of the records to 615-691-7219.

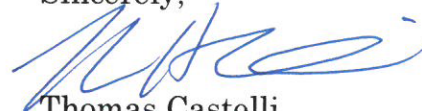
We request that any policies or practices restricting prisoners' access to reading materials, whether written or not, be revised so that they conform to the constitution. Inmates should be allowed reading materials without regard to content, unless there exists a legitimate penological concern.

Sheriff Melvin Bond  
January 27, 2016  
Page 3 of 3

ACLU-TN asks that you respond to this letter and acknowledge in writing that the Haywood County Jail will no longer prohibit inmates from receiving and possessing reading materials other than a Bible. If you have any questions, please feel free to contact me directly at [REDACTED]. If the County would like to enlist our assistance in drafting a constitutional book policy, we would be happy to consult with you. The courtesy of a response is requested by February 7, 2016.

Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas Castelli', is written over the printed name.

Thomas Castelli  
Legal Director