



## Banning Self-Empowerment

A Case Study on Distribution of a Creative Writing Guide to Incarcerated Persons in the US

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*The Sentences that Create Us: Crafting a Writer's Life in Prison is a creative writing published by Haymarket Books in early 2022 and through a grant from the Mellon Foundation, 75,000 free copies will be distributed to incarcerated people and prison-based writing programs. By mailing Sentences directly and without cost to incarcerated folx that request it, PEN America's Prison and Justice Writing Program hoped to provide current information on publishing, best practices on developing a writing practice and support and encouragement to either initiate writing as a practice or to refine and try to publish writing. However, the distribution of the book has also highlighted the ways in which state Department of Corrections (DOC) or the Federal Bureau of Prisons (BOP) actively seek to suppress the dissemination of self-empowering knowledge. Due to these myriad and diverse methods of censorship, delivery of The Sentences that Create Us has been hampered and many people who have requested the book have been denied the ability to read it and therefore cultivate a writer's life inside. This article details the most major challenges to distribution of the book, which have been a statewide ban based on the book's contents in Florida as well as a ban on distribution in Michigan because Haymarket Books was not included in the state Department of Correction's approved list of vendors. These instances demonstrate the numerous ways carceral systems infringe on free expression, first amendment rights, and due process rights of incarcerated people. The article ends with suggestions for a multi-tiered strategy to combat the underlying logic that justifies these practices including empowering incarcerated people to challenge censorship, public awareness campaigns as well as litigation.*

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**T**he *Sentences that Create Us: Crafting a Writer's Life in Prison* is a creative writing anthology written by currently and formerly incarcerated writers, prison-based educators and other justice-impacted authors (Meissner 2022). It was published by Haymarket Books in early 2022 and through a grant from the Mellon Foundation, more than 47,000 free copies have been distributed to incarcerated writers and prison-based writing programs. To date, more than 40,000 copies have been distributed.



The publication of this work was an effort to provide incarcerated people with a resource that can empower them to tell their stories, share their ideas, and recount events they experience inside. By mailing *Sentences* directly and without cost to incarcerated people that request it, PEN America's Prison and Justice Writing Program (PJW) hoped to provide writers inside with current information on publishing, best practices on developing writing praxis and encouragement to either start writing or refine their work. The book's chapters offer advice on how to write in specific genres, how to tackle many of the issues that come with writing while inside, both pragmatically and emotionally, as well as concrete information on how to get fellowships and be published.

In the course of distributing this book, PJW has encountered the ways in which state Department of Corrections (DOC) and the Federal Bureau of Prisons (BOP) actively seek to suppress the dissemination of self-empowering knowledge. Carceral book bans represent the most pervasive and legal censorship in the United States (Marquis and Luna 2023). Some states, such as Florida and North Carolina, have committees comprised of experts, including college professors, who review literature and determine whether the content should be permissible in prisons and jails. There are documented procedures and once determinations are made that a book's contents are not permissible for people inside, the book is officially banned in these states. Florida's list of these content-based banned books grows each year and is currently around 20,000 titles long (Marquis and Luna 2023). Other states, such as Michigan, ban books also through content-neutral policies such as delivery methods or format. For example, Michigan has an "approved vendor" policy that limits the delivery of books to five distributors who are unilaterally approved by the state. Books ordered from all other sources are subject to rejection by mailroom staff (Austin et al. 2020). Many states also empower individual Wardens to determine whether content is permissible in their facilities or not. This can lead to the banning of all books unless approved by a facility staff member. One facility employing this strategy is Northpoint Training Center in Kentucky. The warden of the institution, Kevin Mazza, has required each book sent to be mailed to the Programs Caseworker who inspects each book and determines whether the incarcerated person it is addressed to should be allowed to have it (McKinney 2022). When PJW spoke with Assistant Warden Stephanie Hughes, she said: "What could be done in order to make that information and those items quote legal or legit and there's not any way to do that. It will have to be mailed to the Programs Caseworker. It will have to be reviewed by him and then distributed if it's approved" (personal communication, October 9, 2022). Due to these myriad and diverse

methods of censorship, delivery of *The Sentences that Create Us* has been hampered and many people who have requested the book have been denied the ability to read it and therefore cultivate a writer's life inside prison.

While this article details the most major challenges to distribution of the book, it is noteworthy that there are likely many, many more instances of the book being denied than are catalogued here. Prison mailroom staff have near unilateral power in determining which books make it to which incarcerated people. Decisions can be made on the basis of personal attitudes towards the recipient, whether a person is currently being disciplined, and many other decisions that are not represented in any official policy (Marquis 2022). One pervasive rationale is whether a book is Christian (Harris 2022). In 2017 Mississippi institutions began denying all books except Christian ones (Orlansky and McDuff 2024). Big House Books, a prison books program based in Jackson, along with the Mississippi Center for Social Justice, sued the state who settled rather than go to court. Although resolved quickly, these attempts indicate that the culture of correctional institutions in Mississippi, like other places, is one which is threatened by non-Christian ideas. The evidence for this practice is largely obscured but becomes apparent when all official decisions grant permission to the literature and then, the books become "lost" or suffer similar mishaps that continue to prevent incarcerated people from obtaining them (Adler-Bolton 2022). While we cannot document the true number of copies lost to these unofficial practices, the quantity of books censored by official practices is high enough to indicate that carceral censorship represents a consistent and widespread limiting of knowledge and skills to incarcerated people which denies their freedom of expression.

### Statewide Content-Specific Banning

A librarian with the Florida Department of Corrections first informed PEN America's Prison and Justice Writing Program that *The Sentences that Create Us* book was initially banned three months earlier on April 14, 2022. The initial ban was submitted by mailroom staff at Madison Correctional Institution and cited pages 121–28 for "showing how to write prison journals." The cited chapter is titled "The Prison Journalism's Project Quick Journalism Reference Guide" and includes guidelines for ethical journalistic practices as well as explanation of the genre and methods for interviewing and writing news articles. The Notice of Impoundment criteria selected to support this was (15)(p): "Otherwise presents a threat to the security, order, or rehabilitative objectives of the correctional system or the safety of any person" (Florida Department of Corrections 2020b). Neither Haymarket



Books nor PEN America were notified at the time of this ban, which is required by the state policy (Florida Department of Corrections 2020a).<sup>1</sup> This means that copies of the book which were mailed to incarcerated people in Florida between April and August 2022 were likely destroyed—e.g., thrown in the trash—by mailroom staff, if the staff consulted the banned book list and followed policy. Mailroom staff in Florida prisons are required to have a high school diploma. There is training for mailroom staff, as a part of the hiring process, in identifying what literature to flag. In practice, we know little of what this looks like since the official mail policies and procedures are not detailed in the Employee Handbook (“Employee Handbook” 2018). This lack of transparency likely masks inconsistency in this process. The original notation for the concern was noted as: “Pages 121–128 the book is: ‘Showing how to Write Prison Journals’ and this information leads to teaching inmates how to make money (by publishing and selling) while still incarcerated.” However, this differed from the Notice of Impoundment when it was reported. In the subsequent review, no additional clarification was forthcoming about the cause for either concern.

Under legal advice, PEN America and Haymarket Books mailed a demand letter and a copy of *Sentences* to Saritza Legault, who is the head of library services, as directed by Florida state policy in order to appeal the decision. Legault explained that the Florida Literature Review Committee meets once every two weeks. At the time the book was banned, the committee was staffed by three members: Dr. Melvin Herring, Timothy Hooten and Clifford Neel. Dr. Herring has a PhD in Social Work from the University of North Carolina Greensboro and currently directs the Masters of Social Work program at Johnson C. Smith University, an HBCU in North Carolina. Timothy Hooten was previously a colonel correctional officer and, as of 2019, serves as the correctional service administrator for Region III. Clifford Neel is the designee for the Bureau Chief of Inmate Grievance and Appeals (Perry 2018). These three people convene every two weeks and review the literature that has been identified by mailroom staff as potentially problematic. Policy dictates that each member of the committee read each piece of literature they are evaluating in its entirety.

After initiated, the appeal process was delayed for three iterations of the committee meeting, delaying the decision for six weeks after all materials had been received. The first time the committee didn’t review the decision PEN America was informed it was due to too many other items on the agenda. The second time, Legault left a message that

the representative from security operations was not present so no decision would be forthcoming until that person voted. On the third meeting, Legault said that one committee member upheld the ban, one overturned it and the third left their publisher reviews blank, which means they did not register their vote. Legault said the tie-breaking committee member was a first-time participant in publishers’ challenge for the FLRC. He did not realize he had to read the whole book so, they gave him another day to make a decision. That information was conveyed on Friday. On Monday, November 28, 2022, Legault confirmed that the book ban on *Sentences*, based on criteria (15)(p), has been upheld by a committee vote of 2:1. PEN America was issued a letter signed by Dr. Herring that restated the state policies and the criteria under which the book was censored. State policy indicates that content bans, once appealed, cannot be reevaluated for five years.

On January 10, 2023, Haymarket Books received another Florida rejection, dated November 3, 2022. This time (15)(o) was cited as an additional rationale to 15(p). (15)(o) prohibits books that: “contain[s] an advertisement promoting any of the following: (1) Three-way calling services; (2) Pen pal services; (3) The purchase of products or services with postage stamps; or (4) Conducting a business or profession while incarcerated” (Florida Department of Corrections 2020b). The mailroom person completing the form cited pages 167–70 as “slader [sic] of the justice system, info on making money from publishing which incarcerated”; pages 175–79, “on publishing in prison”; and pages 180–84, “info on copyrights and conducting business.” It’s unclear how a copy of *Sentences* even made it to this mailroom since neither PEN America nor Haymarket Books were mailing copies to Florida institutions since we learned of the initial ban in August 2022. However, the submission of this second round of paperwork highlights several issues within the already problematic system of carceral censorship. First is the fact that the book was already listed on the banned list. This means that overzealous FDOC employees, from the mailroom staff who filed redundant paperwork, to the bureaucrats who mailed Haymarket Press the notification, are not even examining existing lists or appeals. The discrepancy in the censorship criteria is indicative of the arbitrariness of these mailroom staff content scans. Lastly, the stated rationale is not supported by the writing and reflects the lack of critical reading or potentially low literacy level of the mailroom staff making these judgments.

The first page cites an essay by incarcerated author Thomas Bartlett Whitaker, “The Price of Remaining Human,” who has won first place three times for fiction and essay in the PEN Prison Writing Contest, and his writing

1. Florida DOC established these policies in June 2020 during the height of the initial pandemic lockdown.



has been published in the Solitary Watch anthology, *Hell Is a Very Small Place*. More than 150 pieces of his writing have been published on Minutes Before Six, the nonprofit website project he founded in 2007 upon his arrival in prison. He spent 11 years on Texas Death Row before being granted clemency in February 2018. In his short chapter Whitaker writes,

You may think that this [writing] is a hustle that will pave the way to prison riches. It won't. We've all met guys that claim to be banking off book royalties and movie options. A guy in the next section professes to have sold more than forty thousand copies of his urban novel. This is, to put it simply, a lie . . . you will never be adequately remunerated for your trouble. (169)

As a successful and prolific writer Whitaker's caution that writing is not an undertaking to be done for the purposes of gaining wealth seems obvious and reveals the FDOC's paranoia. Additionally, while people inside may not be able to accept the modest payments they could potentially receive for their writing, the income could assist their families in supporting their incarceration which is incredibly costly. Phone calls, travel to visit and money for additional food, clothing and toiletries from the prison commissary—which is exorbitantly priced—all deplete incarcerated people's families. Additionally, the rationale that people inside cannot create because they cannot receive compensation could be challenged. Writing does not guarantee publication.

While established procedures for review committees of carceral censorship assert these processes ensure transparency and equity, the capriciousness and inconsistency of censorship can be easily seen in the case of *The Sentences that Create Us*.<sup>2</sup> Careful reading is not prioritized at any point, from the initial review which is hastily done in a mailroom that likely has thousands of pieces of mail to examine and sort by a person without adequate qualifications for judging content, to review committees that may have three to four books to read and adjudicate every two weeks in addition to other

full time jobs. The stated rationales can be contradictory and when “security concerns” are cited there is little to no explanation for what these concerns are or documentation on the validity of such concerns.

It is challenging to contest all the misinformation—including the conflicting rationales for banning—within the letter appeal process. The system in Florida seems deliberately set-up to enable justification of censorship based on claims that are not required to be supported with evidence. Combined with the fact that the state did not submit the paperwork to Haymarket which is required by their own policy and yet there were no consequences, means the DOC is easily able to make and uphold unsubstantiable claims and is solely able to dismiss appeals for procedural violations.

This rubber stamp censorship means there is little left to do but litigate. The assertion that a creative writing guide represents a threat to the security of the prison may seem easily challenged in courts of law. However, content-based ban challenges only have a fifty percent success rate, according to Paul Wright, Executive Director of the Human Rights Defense Center (HRDC), who has led the legal fight against both content based and content neutral bans in prisons for the last thirty years (Wright 2022). For example, the Seventh Circuit federal court upheld a Wisconsin Department of Corrections ban on all *Dungeons and Dragons* books, arguing that role playing games constitute a threat to the security of carceral facilities because they encourage the formation of bonds between incarcerated people, which could then be used to challenge carceral authority (Sample 2010). These role-playing books are highly requested by incarcerated people. They offer ideas for how to create characters that feature in this game that can be played without any other materials and in ways that don't demand people share the same space. They're also complete fantasy—with people taking on roles of magicians and monsters. This ruling demonstrates how carceral censorship relies on specious claims and evidence is not required when these bans are upheld. There is no documented attempt of a role-playing fantasy game fomenting prison rebellion. But it does beg a larger question as well: If the security of carceral institutions is threatened through human interaction then what is carceral order?

Mariame Kaba and others argue that incarceration is itself censorship (2021). Isolating someone in a cage or dorm forecloses community deliberately through the limiting of potential interactions with both other incarcerated people as well as those outside prison walls. Incarcerated people's voices are silenced through isolation which is widely perceived of as necessary to maintain safety (Kaba 2021). Recently, there have been a wave of book bans targeting schools and libraries. While many are justly outraged, the

2. While Florida has banned *The Sentences that Create Us* based on content, Texas, the other state with a similarly extensive content-specific banned book list—numbering around 8,500 titles as of 2021—has ordered 700 copies of *Sentences* and staff at PEN America's Prison and Justice Writing Program have met with state level administrators of both libraries and the Wynnham School District, which runs educational programs at all state-level facilities in Texas (“Banned Books Lists” 2015). This disparity highlights the arbitrary nature of content-specific bans even within similar ideological contexts.



foundational logic that validates this information control has its basis in carceral culture. That is: Ideas are dangerous and the free circulation of ideas threatens security and order. So at home in carceral spaces, it is unsurprising that this concept has seeped out the prison walls to justify the censorship of books in schools and libraries and more broadly the censure of ideas, such as the condemnation of “wokeness” as threatening the social order. The belief that free expression is justly curtailed in the name of safety enables the extension of carceral protectionism to all people under a paternalistic claim of concern that is actually foreclosing self-determination, self-empowerment and autonomy.

Wright (2022) indicated that challenging the content-based ban on *Sentences* in Florida courts would likely be ineffective since Florida judges are unlikely to pass a judgment that would undermine the DOCs ability to limit the content of books inside. This is partly due to the political orientation of Florida judges, and partly due to the widespread appointment of Federal judges by the Trump administration which filled many vacant posts throughout the country creating a legacy that will make adjudicating checks on prison authorities challenging nationwide. However, even prior to Trump appointments and in other states with less widespread support for carceral practices content-based legal challenges only had a 50 percent success rate. According to Wright (2022), court arguments can get bogged down on one sentence in a two hundred page book. While it could be helpful to accumulate evidence through empirical research that literature does not have a demonstrable impact on the security of prisons and jails, the United States legal system is largely reliant on precedent and carceral censorship has a long legacy.

### Statewide Content-Neutral Bans

*The Sentences that Create Us* has not only been censored due to content but was also rejected by two prisons in Michigan because the publisher, Haymarket Books, was not listed on the Michigan DOC’s website as an approved vendor (Michigan Department of Corrections n.d.). Michigan DOC sent official notice of package/mail rejections (PD 05.03.118) dated September 28 and 22, 2022 to Haymarket through the mail which were received and conveyed to PEN America on October 5, 2022. The Michigan DOC website lists only six distributors: Amazon, Barnes and Noble, Hamilton Books (a Michigan bookstore), The Michigan DOC website, Schuler Books (a local bookstore) and Walmart. Prison Legal News also states that “Prisoners also may receive publications ordered by members of the public from a publisher provided the publication is not used, was sent directly to the prisoner by the publisher, and does not otherwise violate this policy.”

This begs the question why there is an approved vendor policy at all and why the two facilities that rejected *The Sentences that Create Us*, Handlon Correctional and Oaks Correctional, did so by stating that Haymarket Books was not an approved vendor. Haymarket Books distributes through Ingram Distribution, which distributes hundreds of publishers. The distribution warehouse that mails each copy of *Sentences* wraps each book in cardboard covering, complete with barcode mailing label and invoice. It is unlikely that this package would be perceived as being mailed by an individual or non-business, which is what this policy purports to target.

After being informed of these rejections, PEN America’s Prison and Justice Writing Program attempted to contact the Michigan DOC in order to inquire about the policy and how to become an approved vendor. However, the website did not identify personnel who could be a resource for this inquiry. PJW called the Michigan DOC (517.899.5497) and left a message asking for an application to become an approved vendor. No acknowledgement of the phone message was received and so, PJW reached out to a contact familiar with the Michigan DOC who recommended Kyle Kaminski. On October 18, 2022 Mr. Kaminski was called and emailed a demand letter, which was also mailed through certified mail, asking for information on who to contact regarding the rejections. We also noted that PEN America, as a free speech organization, opposes policies that would limit peoples’ access to information and literature on principle.

Kaminski replied on October 19, 2022, stating it wasn’t his jurisdiction but cc’d two people, Tammy West and Norma Killough, who work for Corrections Facilities Administration as the responsible staff. West is not listed in the DOC information online while Killough is but the number listed has been disconnected. Therefore both were unable to be reached through phone. When there was no follow-up, PJW called Andy Phelps on October 25, 2022, because he is listed on the DOC website as the resource for “policy questions.” He confirmed that Killough was the person to speak with but the number provided to reach her was the general MDOC number which rang until it hung up. This call was made at 9:50 a.m. eastern standard time on October 25, 2022. PJW also called the general number for the Michigan DOC Correctional Facilities Administration. The voice-mail message was delivered with no mention of name or department but we left a message, at 10:08 a.m., and again, no call was returned. On November 21, 2022, PEN America received an email from Norma Killough that included an attachment detailing the state mail policy. She wrote:

Please be advised that the rejection of the book at these two facilities was done in error as the facilities failed to recognize





that Haymarket Press was both the publisher of the book as well as the sender of the book. The book has since been delivered to the prisoners it was addressed to. With relation to your request for information regarding becoming an authorized vendor for the Michigan Department of Corrections, please be advised that the Department is not currently seeking to expand the number of vendors authorized to sell books to persons confined to our facilities. However, as a book publisher, our policy on Prisoner Mail PD 05.03.118, permits prisoners to purchase and receive directly from your company books that you publish. I have attached a copy of our policy to this message as a reference.

This response articulates the contradiction in the policy clearly as Killough both states that the mail is being assessed based on whether it has been sent by an approved vendor as well as denying the addition of book distributors and publishers to the list of approved vendors, indicating that all distributors and vendors are already approved. This obfuscation seems as intentional as the lack of transparency regarding employees overseeing this system on the Michigan DOC website and the failure to both answer the phone and provide correct phone numbers. While PJW was able to follow-up on these rejections most independent publishers and small bookstores do not have the capacity to devote the necessary time and attention to prison impoundments.

Unlike content-specific bans, all content-neutral bans HRDC has litigated have been overturned. This means that content-neutral bans are ripe for legal intervention. Prison book bans that limit used books, free books and other content-neutral criteria that are embedded in the Michigan DOC policy have been overturned elsewhere as an unjustifiable limit to publisher's free speech ("Litigation" n.d.). However, DOCs such as Michigan have become savvy to the court's inability to justify content-neutral bans and therefore preemptively moot cases by granting approval when pushed. This is what happened in the case with *Sentences*. Because Killough stated the rejections were made in error and asserted Haymarket Books already had approved status due to their role as the publisher of the book, there are no grounds for litigation moving forward on the rejection of *Sentences* by these facilities.

As in Florida, after this resolution, Haymarket Books received another notification of impoundment and rejection from Michigan DOC citing unapproved vendor status again on March 15, 2023. Additionally, the form was submitted by the same DOC official, P. Dickson, at the same facility, Handlon Correctional, as submitted the first time. This means that the state did not inform the mailroom staff responsible for the initial bans about the overturning of

their banning, nor inform them that the approved vendor policy includes all publishers. Once again, overzealous identification of books as impermissible is widespread and there is more effort devoted to banning than adhering to policy—even though DOCs set their own policies. Like Florida's procedure, the burden is entirely placed on the distributors and publishers of books and is not followed by the DOC.

Even when content-neutral bans are legally struck down, enforcing compliance is challenging. HRDC has had to send letters and in some instances threaten litigation again when they learn their publication, Prison Legal News, is being rejected by a facility even in places where they have successfully struck down content-neutral bans (Wright 2022). Content-neutral bans could theoretically be litigated in multiple states at once for due process violations since, as the case from Michigan highlights, there are no policies in place to approve vendors in most instances. The risk of this tactic is that if conflicting judgements were levelled by different judges, it would be disadvantageous to further litigation.

### Next Steps

The lack of clearly efficacious legal strategy means challenging prison censorship demands other strategies and tactics that rely less on established precedent. As critical race theory has shown, the law is not a neutral tool but reflects cultural attitudes (Crenshaw et al. 1995). In contemporary American culture, the supposition that it is legitimate to deny civil rights in the name of safety creates a climate where books can be banned simply by implying a security threat. For example, claiming that hardcover books cannot be brought into facilities because they can be used as a weapon is as pervasive as it is unfounded. Rather than demanding a burden of proof, this specious understanding enables the easy acceptance of denying other civil rights, such as the first amendment and due process. Challenging prison book bans therefore demands a shift in cultural understanding about incarceration and this consciousness raising and education should be accomplished both inside and outside.

Educating people who are not incarcerated or justice-impacted on the realities of incarceration is necessary for undercutting the logic that some ideas threaten the safety of incarcerated people or make people inside a threat to others. A model for this could be the Banned Books Week that happens each September. This public awareness campaign is widely featured in schools, libraries and other public arenas. Banned Books Week tackles the foundational logic for banning books in schools and libraries, which shares with prison censorship a common assumption: that some books' content will corrupt people. Traditionally, books that were banned



sought to expose the oppressiveness of colonially-inherited culture like *Fahrenheit 451* or *Brave New World* (“Top 100 Banned/Challenged Books” 2013). However, recently book bans have focused more on so-called deviant social identities: queer or non-white (Friedman and Farid Johnson 2022). Like their predecessors, these bans seek to silence critique of American culture as oppressive and demanding conformity to colonially-imposed hierarchies of worth. Censorship in schools and libraries aims to conceptually foreclose the possibility of the full array of social models.

A similar logic is at play in the banning of books inside. The purported rehabilitative aim of incarceration means that incarcerated people are already presumed to be corrupted or lacking in some way that non-incarcerated people are not. Ideas are therefore supposed to guide incarcerated people towards “improvement.” Literature that contains ideas critical of America or the criminal justice system are therefore understood as suspect, as are books that acknowledge diverse sexual and gender identities. Framing a public awareness campaign against prison book bans that links carceral censorship to school censorship as an attempt to impose conformity, as opposed to rehabilitation, could create more public investment in rejecting the practice and cultivate less acceptance of rulings that enforce banning inside.

With these goals in mind, PEN America inaugurated Prison Banned Books Week in October 2023 (Prison Banned Books Week). Taking place during the final week of October and in collaboration with twenty-nine partner organizations, including many prison book programs, the week offered a robust campaign of engagement specifically focused on carceral censorship. PEN America released the report “Reading Between the Bars: An In-Depth Look at Prison Censorship,” worked with incarcerated authors to publish nine articles detailing their experiences with censorship in major media outlets, and produced a series of op-eds focused on the proposed solutions. This week serve to raise the visibility of prison censorship and highlight some of the more egregious examples of content bans and help educate the public on content-neutral censorship, which is unheard of outside of carceral spaces. Public awareness campaigns such as this are essential in building public pressure to halt censorship.

In addition to shifting public opinion, censorship can also be challenged by empowering people inside to use the established procedures to push back against banning. While shrouded in legalese and rife with bureaucratic burdens, state DOCs have various procedures for incarcerated people to appeal censored literature. Helping people inside become aware of the ways in which they can challenge these bans and encouraging people to do so through mutual aid could flood the bureaucratic apparatuses of state-level DOCs.

For example, Florida’s rules for incarcerated people challenging book bans are:

1. Only one impounded or rejected publication can be addressed in each grievance;
2. A copy of Form DC5-101, Notice of Rejection or Impoundment of Publications, that documents the impoundment or rejection must be attached to the grievance; and
3. The grievance must be filed within 15 days from the date of the impoundment or rejection being appealed (Florida Department of Corrections 2020a).

Many people inside do not know the correct forms to request and they are not empowered to challenge these practices. Disseminating this information and encouraging people to complete this paperwork has had an efficacious effect on prison censorship in the past. Jailhouse lawyer Martin Sostre, in the 1960s and 70s, used these tactics and it was thanks to his pioneering work that the pervasive books bans existing in US carceral institutions up to that point were declared unlawful (Wilson 2023). While imprisoned in Attica, Sostre filed a number of lawsuits against New York state prison officials citing due process violations which prohibited, for example, Nation of Islam religious materials but allowed Bibles (Martin SOSTRE, Plaintiff, v. Nelson H. OTIS, Acting Superintendent of New York State Prisons 1971). According to Lorenzo Kom’boa Ervin who was incarcerated with Sostre in New York, even the Constitution was considered contraband (Kom’Boa Ervin 2024). It was thanks to Sostre and the many other people he empowered to do similar work that book bans were lifted and literature became more freely available inside. While there are numerous barriers to filing paperwork, helping incarcerated people complete these filings is essential in order to document the number of bans at different facilities in the state, how many appeals were made and how many appeals were overturned or upheld. Documentation of the pervasiveness of censorship inside is essential in delegitimizing the practice. This information can be publicized as a part of public awareness campaigns in addition to burdening the DOCs and federal BOP systems with their own procedures and thus disincentivizing the mailroom practice of identifying books to be censored. Without such challenges, prison mailroom staff are not unduly burdened by the practice and bureaucratic exhaustion extends only to incarcerated people and publishers and distributors of literature. Empowering incarcerated people to challenge carceral censorship through already established procedure creates a paperwork burden, which is a natural consequence of mailroom staff’s impounding of reading



materials and could check extensive banning and impoundment because of the quantity of work it would create.

Methods of mutual aid can include disseminating information and assistance on how to file paperwork according to state-level policies, and advocacy such as calling facilities and talking with DOC staff in order to ensure that paperwork is delivered on time, and questioning when it is not. Of course, engaging in these practices opens incarcerated people up to retribution from staff and must not be forced on someone. Additionally, direct support such as calling facilities needs to be respectful of the incarcerated person as capable of managing the relationships between themselves and DOC in the most effective manner. Calling to check is simply making DOC staff aware that incarcerated people have allies outside that care about their conditions, not forcefully advocating for any one outcome.

Filing a grievance, even if a ban is overturned, does not mean that the books will necessarily be delivered. The unofficial and undocumented strategies used by mailroom staff, including ‘losing’ books can result in people not receiving literature even when it is deemed officially permissible (Adler-Bolton 2022). However, agitating through bureaucratic burden, documenting a fact pattern that can be used in litigation and making prison staff aware that not all people unilaterally support any policy in the name of safety are all actions that whittle away at carceral censorship as well.

While none of these strategies are sufficient alone it is possible that when used in tandem and across state and federal facilities, in conjunction with a public awareness campaign and litigation in federal courts, the prevalence of these policies could be diminished. A recent example of the efficacy of such a multi-pronged tactic can be found in the refusal of the New York City Board of Corrections (NYBOC) to approve a request by the New York Department of Corrections (NYDOC) to stop all paper mail and limit books

to only digital ones, accessible on tablets, or mailed directly from a publisher to people incarcerated in New York City’s jails. The NYDOC followed a national trend in prisons and jails in claiming drugs entered prisons through the mail (Dholakia 2022). Despite evidence that staff are the primary conduit of drugs into prisons (Joseph and Blau 2022), this rationale has been seized on as a justification for denying incarcerated people even the meager respite of reading letters from their family or a fantasy novel mailed to them from local non-profits such as Books Through Bars. They asked the NYBOC to stop this mail and the item was on the agenda for NYBOC meetings for several months. During this time, October 2022 through March 2023, various local non-profits waged an extensive publicity campaign, writing op-eds in local newspapers, holding symposia, writing articles and speaking publicly at the NYBOC hearings. Thanks to this pressure, the NYBOC declined to vote on the request and did not implement a ban on paper sent inside from home. A similar campaign against carceral book bans within state facilities and the federal BOP could prove equally efficacious.

Even if such a national campaign could be organized it would remain essential to counter the foundational logic that ideas threaten safety. The free circulation of ideas and the freedom to express them is a necessary freedom in order to ensure a just society. The widespread acceptance of censorship as necessary for safety in carceral spaces is a baseline assumption that enables a foothold where repression of ideas outside of carceral spaces can more easily take hold. Any organizing against censorship should consider this theoretical underpinning and not solely focus on addressing logistics or policy. While litigation, creating bureaucratic burden and raising public awareness to encourage pushback are all essential they should be framed under the recognition that the limiting of freedom of expression does not make anyone safer. For that matter, neither do prisons.

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