

Journal of

# Intellectual Freedom & Privacy

---

ISSN 2474-7459

**ACCESS TO INFORMATION IN  
CARCERAL INSTITUTIONS**

Office for Intellectual Freedom,  
an office of the American Library Association

Summer 2023

Volume 8, Number 2

# CONTENTS \_ SUMMER 2023

## EDITORIAL

---

### 2 \_ Denormalizing Censorship Inside Carceral Facilities

Jeanie Austin, Guest Editor

## COMMENTARY

---

### 3 \_ Censorship, Surveillance, and Higher Education in Prisons

Kurtis Tanaka and Ess Pokornowski

### 6 \_ Prison Book Programs and Content-Neutral Censorship

Michelle Dillon

### 9 \_ Rewriting the American Library Association *Standards for Library Services for the Incarcerated or Detained*

Victoria Van Hying, Sharaya Olmeda, Ray James, Erin Boyington, and Britney Bibeault

### 13 \_ archiving the absences: tracing censorship as a productive force of racial-capitalist empire

aems emswiler

### 18 \_ Librarians' Experiences of Censorship in Carceral Facilities

Jeanie Austin, Chelsea Jordan-Makely, Charissa Brammer, and Nili Ness

## FEATURE

---

### 21 \_ Banning Self-Empowerment

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

## Journal of Intellectual Freedom and Privacy (ISSN 2474-7459)

vol. 8, no. 2 \_ Summer 2023

#### Guest Editor

Jeanie Austin, Jail and Reentry Services Librarian,  
San Francisco Public Library

#### Editor

Emily J. M. Knox, University of Illinois at Urbana-Champaign

#### News Editor

Jennifer Nippert, Associate Director, Bullitt County  
Public Library

#### Editorial Board

John T. F. Burgess, University of Alabama, Tuscaloosa, AL  
Roseanne Cordell, Northern Illinois University, DeKalb, IL  
Martin Garnar, University of Colorado, Colorado Springs, CO  
Harvey J. Graff, The Ohio State University, Columbus, OH  
Clem Guthro, University of Hawai'i at Ma-noa  
Shannon M. Oltmann, University of Kentucky, Lexington, KY  
Jennifer E. Steele, The University of Southern Mississippi,  
Hattiesburg, MS  
Sophia Sotilleo, Lincoln University of Pennsylvania, Lincoln  
University, PA  
Michael Wright, Dubuque County Library, Asbury, IA

#### Publisher

Deborah Caldwell-Stone, Director, Office for Intellectual  
Freedom, an office of the American Library Association

#### Editorial Assistant

Stacy Marie Scott, University of Kentucky, Lexington, KY

#### Production

ALA Production Services: Tim Clifford and Lauren Ehle

*Journal of Intellectual Freedom and Privacy* is published  
quarterly (Spring, Summer, Fall, Winter) by the Office for  
Intellectual Freedom, an office of the American Library  
Association.

Office for Intellectual Freedom  
225 N. Michigan Ave.  
Ste. 1300  
Chicago, IL 60601.



## Denormalizing Censorship Inside Carceral Facilities

**Author** \_ Jeanie Austin ([jeanie.austin@sfpl.org](mailto:jeanie.austin@sfpl.org)), Jail and Reentry Services Librarian, San Francisco Public Library, and Guest Editor of this issue.

**T**he control of access to information is an intrinsic feature of American incarceration, established in the earliest models for contemporary juvenile detention centers, jails, and prisons. From claims to spiritual salvation to fears of disruption, censorship inside of carceral facilities has been implemented under assumptions of threat to social order—including through white supremacist ideas that the cultural, social, and political traditions and ideas of Black, Indigenous, and people of color must be suppressed. The arbitrary and convoluted nature of censorship inside, as illustrated in the commentaries and article in this issue, are part and parcel of the labyrinthine and opaque functions of carceral facilities.

Censorship within carceral facilities can be active or passive. Materials in this issue detail the active curtailment of access through book bans and content-neutral censorship, as well as censorship practices of Correctional Officers working in mail rooms and of carceral administrators. Beyond this, there is a passive censorship that takes place through limited attention to library services for people who are incarcerated. Lack of staff, books, access to library spaces, or even a physical space for books and information inside facilities is a passive and pervasive form of censorship. To underline this point: prison librarians may be dependent on donations of approved materials to stock their libraries . . . some are hoping for donations of books published within the last twenty years to create more current library collections. This passive lack is heavily compounded as information is born digital and incarcerated people have almost no access to the internet.

As this issue illustrates, access to information and books serves myriad functions: it recognizes people who are

incarcerated for their individual interests and aspirations (within a system that forecloses this recognition), supports the friends and families of people who are incarcerated, provides opportunities of reprieve from the trauma of incarceration and to dream of other futures, and provides opportunities to create multi-dimensional community through the sharing of information and ideas.

Despite dire conditions and the overarching power that carceral institutions have to control information access, recent campaigns highlight that resisting censorship and advocating alongside incarcerated people is an effective strategy for creating change. Marquis' feature article details many ways to raise public awareness and to resist further restrictions. In addition to the methods Marquis outlines, there are attempts to better fund prison libraries and implement increased public transparency and oversight in how materials are banned from entire prison systems. The Prison Libraries Act, introduced by Congressman Emanuel Cleaver II, proposed a new line of federal funding to support library services inside of carceral facilities. More recently, AB 1986 (Bryan) was introduced in California. This legislation is supported by Initiate Justice, an inside-outside political organizing nonprofit that creates informed change by responding to demands from currently incarcerated people and supporting their efforts to change the nature of incarceration. If passed, this first of its kind legislation will create mechanisms for political and public oversight of censorship in all California prisons. These and similar efforts denormalize censorship inside, inviting all of us to take part in the effort to increase information access for incarcerated people.



## Censorship, Surveillance, and Higher Education in Prisons

**Authors** \_ Kurtis Tanaka ([ithakasr@ithaka.org](mailto:ithakasr@ithaka.org)) is formerly the Senior Program Manager for Justice Initiatives at Ithaka S+R. Ess Pokornowski ([ess.pokornowski@ithaka.org](mailto:ess.pokornowski@ithaka.org)) is Senior Analyst, Justice Initiatives, Ithaka S+R.

---

*Since the launch of the Department of Education's Second Chance Pell experimental sites initiative in 2016, there has been a massive growth in the number of higher education in prison (HEP) programs. With the full restoration of Pell grant eligibility for students in prison having taken place on July 1, 2023, we will likely see college programming continue to grow in the coming years. However, colleges that operate within prisons are subject to oversight by the relevant Department of Corrections (DOC), and, in many cases, undergo the same or similar media review procedures as people receiving mail or books from outside their facility. With reading lists and syllabi subject to review and approval by DOC staff, it is of paramount importance to understand how prison censorship policies intersect with the intellectual freedom that is required for a true, high quality college education. Based on research conducted by Ithaka S+R, we offer here some key observations on the policy landscape in which HEP programs operate and how instructors navigate this censorious learning environment.*

---

### Policy

Policies and procedures vary widely across, and in some cases within, departments of corrections (DOC) at the state level (Pokornowski, Tanaka, and Epps 2023). This puts higher education in prison (HEP) programs, and their students, in a uniquely tenuous position. While mandated programming—such as high school education, GED classes, and vocational training—is directly integrated into institutional policies and procedures, HEP programs face novel challenges across institutions (both the DOC and their own college or university) and within each given system and at each facility. DOCs often have the final say on what educational materials are allowed into a facility and an active role in determining when, where, and how HEP students access educational materials and technology. This raises a variety of censorship concerns and suggests that ensuring equitable education between students who are incarcerated and their peers outside the carceral system will require novel interventions.

Restrictions on the material construction of publications—such as bans on oversized books, hardcover books, and publications with metal bindings—and the vendors they can be purchased from disproportionately impact educational materials, especially in STEM and the social sciences, where workbooks, textbooks, and lab manuals may only be available in formats that do not meet institutional guidelines (Alabama 2008).<sup>1</sup> Moreover, restrictive policies around specialized equipment, software, and technology make consistently providing STEM education particularly challenging, given the lab, equipment, and software such classes often require. While several policies restrict and limit access to

---

1. Our analysis found 42 of 51 DOC policies have a clause limiting the purchase or receipt of publications to some combination of publishers or verified distributors, for an example, see State of Alabama Department of Corrections 2008.



publications, media review policies do not include provisions protecting rights to privacy or intellectual freedom.

Publications are also subject to censorship based on their content (PEN America 2019). Existing media review directives provide DOCs with wide censorship latitude—a necessity, given that these policies must serve systems of facilities with different local sizes, staffing, security levels, populations, architectures, and available programs.

However, this wide latitude can lead to both arbitrary enforcement and systematic misuses of censorship guidelines, in some cases banning entire academic subdisciplines (Hricko 2018; Onyenacho 2020). Policies prohibiting content that might upset the “security, discipline, and good order” of a facility, as well as those mandating a rehabilitative purpose to materials, can be especially problematic for instructors wishing to cover a wide range of issues. For example, Critical Race Theory and scholarship grappling with structural racism are frequently subject to censorship, as are texts that address or portray violence, military strategy, sex, sexuality, drug or alcohol use (Nickeas 2019; Illinois Department of Corrections 2019, 4).<sup>2</sup> This suggests that students subject to such censorship may receive a limited view of history, culture, and scholarship, one that obscures major social issues, historical moments, and political debates. This makes prison censorship an educational equity issue and a reentry issue, as well.

## Practice

For practitioners, i.e., those teaching college courses within prisons and jails, navigating these policies can be extremely fraught as they seek to provide students with an equitable and high-quality education while staying on the right side of the DOC’s good graces. From our conversations with dozens of practitioners and program directors, it is clear that maintaining good relationships with the facility is critical for program success, but this can also mean making uncomfortable compromises.<sup>3</sup> Changing syllabi, switching out readings, avoiding or skipping specific chapters or subjects may be necessary to gain DOC approval, and college programs are rarely in positions to object. The overall effect of teaching college courses in such a surveilled and censored

environment can mean that students on the inside are not receiving an education that is equivalent to those in the free world.

Over the lifetime of an HEP program, years of slowly building trust may minimize these issues, indeed, some college programs undergo little to no scrutiny of their course content at all. However, with the growth of college in prison programs expected from the restoration of Pell grants, we cannot wait years, or even decades, for new programs to build this trust, especially when it means students will be spending down their lifetime allotment of Pell funds in the interim. While Ithaca S+R has undertaken research to document the effect of DOC media review policies on instructor practice and educational quality, much more work must be done to understand the actual impact of prison censorship on educational outcomes.

## Concerns Over Technology

Even long running HEP programs are grappling with the fast-evolving role of technology in prisons (Tanaka and Cooper 2020). While access to technology is critical to teach digital and information literacies, the ability for staff to monitor and track instructor and student activity through technology—search histories, site visits, etc.—raise additional concerns about the potential for surveillance and self-censorship (Pokornowski 2023). Indeed, whereas analog delivery modes mostly constrained DOC surveillance to syllabi and reading assignments, new technologies can make in class discussions and communications between instructors and their students similarly visible. Again, the field is only at the beginning of trying to document the effects of this new means of surveillance on students’ and instructors’ intellectual freedom.

## Conclusion

Because HEP programs exist at the will of the Department of Corrections, their ability to resist DOC censorship and surveillance is heavily constrained. Many choose to prioritize their relationship with the DOC to continue serving their students. It is then incumbent on the wider community to document the effects of censorship and surveillance and advocate for better policy and oversight. It is often stated, anecdotally, that HEP programs increase safety and security, and positively change the overall culture of a given facility. Research that backs up these claims is, however, limited (Pompcio et al. 2017). One important place to start, therefore, may be to show that intellectual freedom is not a threat to security but a critical component of it.

2. One of the most visible controversies surrounding this was an Illinois prison that paused educational programming and banned over 200 books, especially relating to Black History and Critical Race Theory, from a prison library because of their connections to race, for more see Nickeas 2019.

3. The full findings of our research will be published in a report forthcoming from Ithaca S+R in 2024.



## References

- Hricko, Kimberly. 2018. "This Prison Won't Let Me Read 'Game of Thrones.'" The Marshall Project, June 28. <https://www.themarshallproject.org/2018/06/28/this-prison-won-t-let-me-read-game-of-thrones>.
- Illinois Department of Corrections. 2019. "Publications Review." Administrative Directive Number 04.01.108, November 1.
- Nickeas, Peter. 2019. "'It's the Racial Stuff': Illinois Prison Banned, Removed Books on Black History and Empowerment from Inmate Education Program." *Chicago Tribune*, August 15. <https://www.chicagotribune.com/news/ct-illinois-prison-books-removed-inmate-education-20190815-6xlrnfmwvmdxnbc3ohvsx6edgu-story.html>.
- Onyenacho, Tracey. 2020. "Prisons are Banning Black History Books, and the Law has Made It Possible." *Prism*, February 28. <https://prismreports.org/2020/02/28/prisons-are-banning-black-history-books-and-the-law-has-made-it-possible/>.
- PEN America. 2019. *Literature Locked Up: How Prison Book Restriction Policies Constitute the Nation's Largest Book Ban*. September. <https://pen.org/wp-content/uploads/2019/09/literature-locked-up-report-9.24.19.pdf>.
- Pokornowski, Ess. 2023. "Technology in Higher Education in Prison Programs: A Report on Survey Findings." Ithaca S+R, September 7. <https://doi.org/10.18665/sr.319583>.
- Pokornowski, Ess, Kurtis Tanaka, and Darnell Epps. 2023. "Security and Censorship: A Comparative Analysis of State Department of Corrections Media Review Policies." Ithaca S+R, April 20. <https://doi.org/10.18665/sr.318751>.
- Pompoco, Amanda, John Woolledge, Melissa Lugo, Carrie Sullivan, and Edward J. Latessa. 2017. "Reducing Inmate Misconduct and Prison Returns with Facility Education Programs." *Criminology & Public Policy* 16, no. 2: 515–47, <https://onlinelibrary.wiley.com/doi/abs/10.1111/1745-9133.12290>.
- State of Alabama Department of Corrections. 2008. "Inmate Mail." Administrative Regulation Number 448, October 20.
- Tanaka, Kurtis, and Danielle Cooper. "Advancing Technological Equity for Incarcerated College Students: Examining the Opportunities and Risks." Ithaca S+R, May 7, 2020. <https://doi.org/10.18665/sr.313202>.



## Prison Book Programs and Content-Neutral Censorship

**Author** \_ Michelle Dillon ([michelle.dillon@gmail.com](mailto:michelle.dillon@gmail.com)) received a Master of Library and Information Science from the University of Washington. She has worked with Books to Prisoners in Seattle since 2012 and has served as a Program Coordinator and board member at various points during that time.

---

*As prison censorship on the basis of the content of books commands more public attention, attention should also be given to policies restricting sources of books within prisons, also termed “content-neutral censorship.” Content-neutral censorship limits options for book access by people who are incarcerated, who already have few avenues for access due to suppressed autonomy and lack of disposable income. One of the most impacted categories of book providers has been prison book programs, which share a mission to provide free books to incarcerated individuals. In recent years, public outcry has successfully reversed content-neutral censorship and restored access to prison book programs. This commentary outlines these issues for readers and suggests a stronger call to action to identify and reverse content-neutral censorship in the future to sustain the irreplaceable benefits of prison book programs.*

---

Increasingly, public attention has been drawn to prison censorship triggered by the content of books. Content-based censorship is a bellwether of broader issues. For example, advocates have revealed that mailrooms in carceral facilities disproportionately reject books written by—and written for audiences of—Black, Indigenous, and People of Color (Chan and Dillon 2022), an extension of other oppressions in prison systems (Austin et al. 2020). Pushback on content-based censorship is important, but alarms must be raised about a second, equally detrimental form of censorship in prisons and jails: content-neutral censorship (Tager 2019). Content-neutral censorship targets selected book providers. It severely constricts reading materials by prohibiting small publishers and distributors from providing free and/or used books. Prison book programs, which distribute free books, are particularly vulnerable to these prohibitions and have been left without sufficient remedies to restore access.





Prison book programs are independent community groups sharing a mission to provide free reading materials to incarcerated individuals upon request. These programs supplement unreliable or costly book access, such as prison libraries (which may have limited inventory and access) or policies otherwise limiting books received by an incarcerated reader to items purchased directly by the reader and shipped brand-new to the mailroom. Prison book programs, the first of which began operating in 1972, are typically volunteer led and decentralized. As independent groups, prison book programs communicate with networked prison book programs, but operate with autonomous branding, leadership, and jurisdictions. A list on the website for Prison Book Program in Massachusetts (“Books to Prisoners Programs—Prison Book Program” n.d.) indicates operational prison book programs within 32 states and the District of Columbia. Some prison book programs serve small geographic areas while others send books nationally. Some groups focus on specific demographics, such as LGBTQ individuals. By responding directly to request letters, programs can provide tailored books for each person’s background and goals. Prison book programs typically form when a group of community members recognizes, and commits to mitigating through direct action, the precariousness of access to books within carceral facilities.

Access to books may be precarious due to poorly conceived mailroom policies. Prison mailrooms monitor incoming letters, periodicals, and books addressed to incarcerated individuals. Because mailrooms are perceived by facility operators as contraband entry points (Shukla, Peterson, and Kim 2021), strict and frequently altered policies are created. One increasingly common policy prohibits incarcerated individuals from receiving original copies of personal letters and instead substitutes poor quality photocopies (Wang 2022) on the basis of fears about drug-soaked papers. Policies governing books and magazines are often vague, leaving room for bias and individual misinterpretation under the guise of “facility safety.” For example, Georgia Department of Corrections Policy 227.06 indicates that books can be banned if “the material is of a type that depicts, describes, encourages, or has caused . . . disruption of facility security” without any elaboration on those terms (Georgia Department of Corrections 2018).

Concerningly, many facilities have attempted to make policies to limit sources of books, which impacts the ability of prison book programs to provide free books. In 2018, the Pennsylvania Department of Corrections banned all book donations. If outcry had not rescinded the policy, people in

prisons would have lost access to thousands of free books each year provided by prison book programs; volunteers from one targeted prison book program noted that they could offer wider variety and more consistent access than small on-site prison libraries and banning prison book programs would have resulted in incalculable losses (Hughes 2018). Also in 2018, the New York State Department of Correctional and Community Services attempted to pilot a new policy which could have restricted sources of books to just five vendors offering a grand total of 77 books for purchase (Baird 2018). Expressing dismay with the policy, representatives of the prison book program Books Through Bars wrote, “Directive 4911A limits incarcerated people to a few dozen books and magazines, purchased at a premium from a handful of favored businesses. . . . Relying on these vendors is another financial burden placed on prisoners, their friends, their loved ones, and their communities” (Books Through Bars 2018). In 2019, the Washington State Department of Corrections tried to ban all used books from entering prisons, again citing a rise in contraband (later proven to be unfounded). This change effectively banned prison book programs in Washington prisons until—once again—public outcry reversed the policy (O’Sullivan 2019). Other recent policy changes have included restriction of procurement of all books to a single vendor, not only severing access to free programs but raising serious questions about the procurement process for selecting that book seller (Tomasek 2022). In all cases, reversals of content-neutral censorship only happened when public pressure mounted.

Prisons should not create undue barriers to book access. Such policies are demonstrably ill-conceived and publicly unpopular given the myriad known benefits of reading for eager and invested readers. If reliable access to books is to be maintained, content-neutral censorship must be treated as seriously as content-based censorship. Like content-based censorship, content-neutral censorship is often rooted in vagaries about security, and a lack of oversight means that draconian and unregulated policies continue to be implemented. The outcome is a paucity of reading materials and increased financial stress on already impoverished incarcerated individuals (Sarai 2022). Prison book programs, which provide irreplaceable access to thousands of free, used books across the country, must be recognized as legitimate and protected sources. Access to free prison book programs specifically needs to be encouraged and cultivated within prisons. Books cannot be treated as dangerous until proven otherwise, and neither can long-standing community groups like prison book programs.





## References

- Austin, Jeanie, Melissa Charenko, Michelle Dillon, and Jodi Lincoln. 2020. "Systemic Oppression and the Contested Ground of Information Access for Incarcerated People." *Open Information Science* 4, no. 1: 169–85. <https://doi.org/10.1515/opis-2020-0013>.
- Baird, Addy. 2018. "A new program in New York is severely restricting the books available to people in prison." Think Progress. January 8, 2018. <https://thinkprogress.org/new-york-book-policy-83efeb676bc/>.
- "Books to Prisoners Programs—Prison Book Program." n.d. <https://prisonbookprogram.org/prisonbooknetwork>.
- Books Through Bars. 2018. Letter to The Honorable Andrew M. Cuomo. January 3, 2018. <https://booksthroughbarsnyc.org/wp/wp-content/uploads/2018/01/Statement-against-4911A.pdf>.
- Chan, Andy, and Michelle Dillon. 2022. "Prison Systems Insist on Banning Books by Black Authors. It's Time to End the Censorship." *Washington Post*. January 12, 2022. <https://www.washingtonpost.com/opinions/2022/01/12/end-prisons-ban-books-black-authors-censorship-malcom-x-toni-morrison>.
- Georgia Department of Corrections. 2018. "Offender Receipt of Mail." <https://public.powerdms.com/GADOC/documents/105727>.
- Hughes, Sarah A. 2018. "Pennsylvania prisons terminating book donations amid 'drug crisis.'" Billy Penn. September 12, 2018. <https://billypenn.com/2018/09/12/pennsylvania-prisons-terminating-book-donations-after-drug-scare/>.
- O'Sullivan, Joseph. 2019. "Washington corrections officials reverse ban, will allow prisoners to get used books in the mail." *The Seattle Times*. April 10, 2019. <https://www.seattletimes.com/seattle-news/politics/washington-corrections-officials-reverse-ban-will-allow-prisoners-to-get-used-books-in-the-mail/>.
- Shukla, Rochisa, Bryce Peterson, and KiDeuk Kim. 2021. "Contraband and Interdiction Strategies in Correctional Facilities." Urban Institute. [https://www.urban.org/sites/default/files/publication/103619/contraband-and-interdiction-strategies-in-correctional-facilities\\_0.pdf](https://www.urban.org/sites/default/files/publication/103619/contraband-and-interdiction-strategies-in-correctional-facilities_0.pdf).
- Sarai, Tamar. 2022. "Incarcerated People Have Few Ways to Fight Back Against Censorship in Prisons." Prism. March 23, 2022. <https://prismreports.org/2022/03/23/incarcerated-people-book-censorship/>.
- Tager, James. 2019. "Literature Locked Up: How Prison Book Restriction Policies Constitute the Nation's Largest Book Ban." PEN America, September 24, 2019. <https://pen.org/wp-content/uploads/2019/09/literature-locked-up-report-9.24.19.pdf>.
- Tomasek, Peter. 2022. "BOP Book Deal at FCI McCreary Just The Tip Of The Iceberg." Interrogating Justice. June 13, 2022. <https://interrogatingjustice.org/prisons/bop-book-deal-at-fci-mccreary-just-the-tip-of-the-iceberg/>.
- Wang, Leah. 2022. "Mail Scanning: A Harsh and Exploitative New Trend in Prisons." Prison Policy Initiative. Accessed December 1, 2022. <https://www.prisonpolicy.org/blog/2022/11/17/mail-scanning/>.



## Rewriting the American Library Association Standards for Library Services for the Incarcerated or Detained

**Authors** \_ **Victoria Van Hying** (vvh@umd.edu) is an Assistant Professor of Library Innovation at the University of Maryland College of Information Studies (iSchool) at College Park. **Sharaya Olmeda** (sharaya\_olmeda@cuesta.edu) is a reference librarian at Allan Hancock College in Santa Maria, California, and previously served as a librarian at the California Men’s Colony Prison in San Luis Obispo, CA. **Ray James** (erayjames@gmail.com) a retired librarian/researcher and formerly incarcerated person. **Erin Boyington** (erin.boyington@state.co.us) is with the Institutional Library Development unit in the Colorado State Library, and works with Colorado Department of Corrections. **Britney Bibeault** (bbibeaul@umd.edu) is a doctoral student at the University of Maryland, College of Information Studies.

---

*Libraries can be a lifeline for people who are incarcerated or detained, their families and communities, yet library and information provision in American carceral settings varies wildly from state to state, and institution type to institution type. In this Commentary piece we describe how the ALA (with support from the Mellon Foundation) supported the work of writing a new standard for carceral library provision in the United States that better meets the needs of a justice-impacted people and their families. The new Standards for Library Services for the Incarcerated or Detained provides concise recommendations and longer “Where it Worked” (WIW) narratives, showcasing how carceral librarians can partner with a broad range of stakeholders to meet the literacy, learning, legal, and recreational needs of individuals held in jails, prisons, detention facilities, juvenile facilities, immigration facilities, or prison work camps, whether public or private, military or civilian, in the United States and its territories. The new Standards explicitly address the needs of women, LGBTQIA+ people, the aged, people with dementia, people with a range of disabilities, and people who speak primary languages other than English. Library funding is often at the discretion of administrators who are not trained librarians, and who may not be aware of the extensive literature and evidence that demonstrates the importance of privacy of information access for incarcerated people (Austin 2021; Finlay and Bates 2019; Vogel 1995). The effects of restricted access to libraries and information have life-long implications for people who are incarcerated or detained, both inside carceral facilities and after release.*

---



In 2021, Co-PIs Jeanie Austin and Rachel Kinnon of San Francisco Public Library (SFPL) were awarded \$2,000,000 from the Mellon foundation for “Expanding Information Access for Incarcerated People,” a collaboration with the American Library Association (ALA). This grant-funded effort supports numerous initiatives, including a long-overdue update of ALA’s 1992 *Library Standards for Adult Correctional Institutions*. In 2021, ALA’s Executive Director, Tracie Hall, and colleagues in the Office for Diversity, Literacy and Outreach Services, convened a group of around 40 people with varied experiences using, working in or partnering with carceral libraries. The group met virtually in late 2021 to discuss their experiences and insights about what new standards should include. Five project managers were selected by ALA to lead this effort, and each member of the larger working group selected two committees on which to serve: Research, Drafting, Review, Convening, and General. These subgroups determined their own schedules for meeting and collaboration, and full working group meetings were held ad hoc.

The document that emerged from this large collaborative effort is the *Standards for Library Services for the Incarcerated or Detained*. It provides concise recommendations and longer “Where it Worked” (WIW) narratives, showcasing how carceral librarians can partner with a broad range of stakeholders to meet the literacy, learning, legal, and recreational needs of individuals held in jails, prisons, detention facilities, juvenile facilities, immigration facilities, or prison work camps, whether public or private, military or civilian, in the United States and its territories. The new *Standards* explicitly address the needs of women, LGBTQIA+ people, the aged, people with dementia, people with a range of disabilities, and people who speak primary languages other than English.

### Drafting Process

The Drafting subgroup for the new *Standards* include people who were formerly incarcerated, carceral facility librarians, academics, and non-profit leaders, representing a wide spectrum of identities mirroring those the new *Standards* seek to address. The Drafting group met weekly from March to December 2022, and elected Sharaya Olmeda as chair. Under her leadership, we began a careful clause-by-clause comparison of the 1992 ALA *Library Standards for Adult Correctional Institutions* with a working draft of the fourth edition of the International Federation of Library Associations and Institutions (IFLA) *Guidelines for Library Services to Prisoners*—the third edition was published in 2005. We also shared our own diverse experiences with American carceral library services,

and Victoria Van Hying and her students Samantha Tejada and Britney Bibeault, at the University of Maryland, conducted a literature review, which is freely available (for anyone with internet access) via a Zotero library.

Drafting group member Ray James was one of the original authors of *The Prisoner’s Right to Read (PRR)* and served on the IFLA *Guidelines* writing group in 2021. He provided invaluable insight into how *PRR*, the IFLA *Guidelines*, and our new ALA *Standards* could be complementary, yet distinct. *The PRR* is a short document that was commissioned and published by ALA in 2010 and amended in 2014 and 2019. Its authors argue that information access is a human right and that “the denial of intellectual freedom—the right to read, to write, and to think—diminishes the human spirit of those segregated from society” (2019). *The PRR* speaks out against censorship, and in favor of privacy and the dignity of all who are incarcerated or detained, no matter their age, race, ethnicity, or other intersecting identities. The IFLA *Guidelines* provide greater detail about carceral library provision around the world, while the new ALA *Standards* provide detailed guidance for the American context, supplemented with WIW examples to encourage adoption of best practices.

The new ALA *Standards* are designed to push against the status quo of minimal, censorious, and restrictive information access in American carceral facilities. Our goal is to raise the bar for information access for people who are incarcerated or detained by providing librarians with the language and tools they need to advocate for appropriate



staffing, resourcing, materials, space, and programming, and especially greater accessibility, privacy, representation, and technology provision. The section titles are:

1. Access
2. Administration
3. Staffing
4. Budget
5. Facilities
6. Programs and Services
7. Library Materials
8. Performance Assessment

Library standards with the potential to impact 2.3 million people (Sawyer and Wagner 2020, 4) in the US carceral system should be written and carefully reviewed by those who are most impacted. Therefore, in addition to convening a diverse working group in 2021, Hall and ALA leadership convened a public hearing about library services for incarcerated people at ALA's annual conference in Washington, DC, in June 2022. Attendees included formerly incarcerated and detained people, current public and carceral facility librarians, authors, politicians, educational non-profit leaders, and academics, who shared their knowledge and experience of carceral libraries and information access. Participants spoke on panels, took part in listening sessions, and were provided a complete draft table of contents (TOC) and draft language for several subsections of the new ALA *Standards*. They were asked to provide feedback on this TOC, and submit WIW stories about their own experiences of providing or using carceral library services.

Being innovative in carceral settings can be high-risk, and low-reward, but when implemented successfully, may greatly improve the lives of people who are incarcerated or detained. The WIW stories are vital to the new *Standards* because they

broaden the number of institutions and voices represented in the work and provide examples of positive efforts and outcomes that will hopefully facilitate adoption of good practice. These examples are vital because carceral facilities are such closed environments, so it can be difficult to hear about the good work others are doing, much less emulate it.

From June to September 2022, around 30 stakeholders offered feedback on the TOC. This feedback informed the Drafting committee's full draft of the 8 sections, which was edited by the Review group (October 2022) and shared with roughly 30 additional external experts in carceral issues at a convening at the University of Chicago's Center for Race, Politics, and Culture at the Logan Center. In total, more than 60 readers commented on the *Standards* before their publication in 2024.

## Conclusion

The *Standards* will be published as print and e-books by ALA press in 2024. Two thousand printed copies will be distributed to carceral facilities around the US, through the "Expanding Information Access for Incarcerated People" Mellon grant. This will mark the true beginning of the work. *Standards* and manifestos are insufficient in themselves: we need to raise awareness and incentivize adoption of the *Standards*. This means getting them into the hands of incarcerated users, and the librarians, carceral staff, and those who serve—or may stand as barriers to—people's information needs. We must also ensure that policy makers and educators understand the value of library and information access, and train future generations of librarians who can work effectively in or with carceral facilities. The urgent societal needs that sparked this effort remain and our efforts to meet the challenges of serving information needs for all members of our society must persist, because information access is a fundamental human right.

## References

- Austin, Jeanie. 2021. *Library Services and Incarceration: Recognizing Barriers, Strengthening Access*. Chicago: ALA Neal-Schuman.
- Austin, Jeanie, Melissa Charenko, Michelle Dillon, and Jodi Lincoln. 2020. "Systemic Oppression and the Contested Ground of Information Access for Incarcerated People." *Open Information Science* 4, no. 1: 169–85. <https://doi.org/10.1515/opis-2020-0013>.
- Austin, Jeanie, and Rachel Kinnon. 2022. "Expanding Information Access for Incarcerated People." Accessed February 6, 2024. <https://sfpl.org/services/jail-and-reentry-services/expanding-information-access-incarcerated-people-initiative>.
- Finlay, Jayne, and Jessica Bates. 2019. "What Is the Role of the Prison Library? The Development of a Theoretical Foundation." *Journal of Prison Education Reentry* 5, no. 2. <https://doi.org/10.25771/RKC8-8Q64>.
- "Prisoners' Right to Read: An Interpretation of the Library Bill of Rights," American Library Association, August 20, 2010. <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/prisonersrightoread>.
- "Prison Libraries and Education." 2021. Zotero Library, compiled by Victoria Van Hynning et al. [https://www.zotero.org/groups/4304381/prison\\_libraries\\_and\\_education](https://www.zotero.org/groups/4304381/prison_libraries_and_education).



Rabina, Debbie, Emily Drabinski, and Laurin Paradise. 2016. "Information Needs in Prisons and Jails: A Discourse Analytic Approach." *Libri* 66, no. 4: 291–302. <https://doi.org/10.1515/libri-2016-0098>.

ALA Editions. n.d. "Revisioning Standards for Library Services for the Incarcerated and Detained." n.d. Accessed December 1, 2022. <https://alaeditions.org/standards/>.

Vogel, Brenda. *Down for the Count: A Prison Library Handbook*. Metuchen, NJ: Scarecrow Press, 1995.



## archiving the absences

tracing censorship as a productive force  
of racial-capitalist empire

**Author** [\\_aems emswiler](#) ([aems@texasafterviolence.org](mailto:aems@texasafterviolence.org)) is a PhD Archives student at the University of Arizona, with an MSIS and MA from the University of Texas at Austin in Information Sciences and Gender studies. [aems](#) is the founder and project coordinator of the Inside Books Project Archive.

---

*Censorship denotes the suppression of knowledge; black boxes over text, archival absences, administrative denials and dead ends. However, through my work as a collective member and archivist for a books-to-prisons project over the last ten years, I have come to understand censorship as much a production of knowledge as its repression. It generates knowledge not only of the content being censored (e.g., that it is immoral, threatening, or abnormal), but of the incarcerated patron requesting the item, the sender, the prison system, and, perhaps most significantly, the nation-state itself. Carceral epistemology attests to the material power of discourse in manufacturing violent realities out of statist imaginations. This power relies on the abstraction of words like “rights, justice and freedom” that we so often appeal to within a juridical framework that ultimately serves racial-capitalist accumulation. Instead, I wonder how we might radically revise the scope and potentiality of our demands for the present and future. How might an archive of censorship fragment what we have come to consider reality, so that we might imagine otherwise?*

---

**C**ensorship evokes archival absences, black boxes, bureaucratic dead ends, and other forms of knowledge suppression. Yet, through the process of archiving “denial notifications” issued by Texas prisons to incarcerated patrons of the Inside Books Project (IBP), I have come to understand censorship even more as a *production* of knowledge than its suppression. This knowledge, a carceral epistemology, is generated through racialized, gendered, and colonialist discourse and practices that course through prison policy. These practices are often opaque, arbitrary, and undocumented, making them difficult to combat. Therefore, the *Inside Books Project Archive (IBPA)* works to collect, preserve, provide access to these records, and in turn exposing the power relations at play.





The records I collect, arrange, preserve, and digitize are carbon copies, one for the incarcerated recipient of the mail, one for the sender (the books-to-prisons collective, IBP), and one for the prison, with the information and addresses of each. The notifications include whether the decision is appealable or not (if it was appealed once and denied, it can never be appealed again), and the book's "disposition," or whether the mail will be returned "at the offender's expense" or "destroyed." The incarcerated recipient, most of whom do not have funds to return mail, are generally compelled to check the latter.

In *Giving Offense: Essays on Censorship*, J. M. Coetzee (2003, 6) says "state censorship presents itself as a bulwark between society and forces of subversion or moral corruption." TDCJ censorship practices starkly demonstrate this statist rationale. Employees must identify the categorical "reasons for denial," page numbers of the "objectionable material," and provide their "remarks." These comments are usually abstract, ambiguous statements like "sexual," "racial," or "risk," with no corresponding page numbers. These generic rationalizations demonstrate the tendency for employees to make subjective moralizations that can be provoked by the title, cover page, author, and back summary, before the book's contents itself are even examined.<sup>1</sup>

Furthermore, the evolution of the denial notification's language provides a genealogy of carceral discourse. For instance, a notification in 2013 lists "detrimental to offenders' rehabilitation, because it would encourage *homosexual* or deviant criminal sexual behavior"<sup>2</sup> while later versions remove "homosexual,"

Figure 1. A Texas Department of Criminal Justice publication review/denial notification for *Auto Repair for Dummies* by Deanna Sclar.

leaving "deviant criminal sexual behavior" (figures 2–3). The discursive conflation of queerness with "criminal deviancy" (which they otherwise apply to books that contain rape and incest) points to logics undergirding censorship even while these logics are redacted in the official discourse.

1. e.g., *Dante's Inferno* is banned because a cover of one edition features "sexually explicit images." Even editions that do not have this cover or "explicit images" are denied.

2. Publication Review/Denial Notification for *The Best of the Group of Seven* by Joan Murray, TDCJ Censorship Collection, Series C, 27 August 2013, *Inside Books Project Archive*, [https://](https://www.permanent.org/p/archive/08he-0000/08he-0039/871797/record/08he-003t)

[www.permanent.org/p/archive/08he-0000/08he-0039/871797/record/08he-003t](https://www.permanent.org/p/archive/08he-0000/08he-0039/871797/record/08he-003t).





These archival traces illuminate not only what content the prison considers objectionable, immoral, or threatening, but it simultaneously ascribes these criminalizing moralizations onto the identities of the incarcerated patrons requesting LGBTQIA+ literature. These criminalizing ascriptions are particularly applied to Black, Indigenous, and People of color (BIPOC) narratives, histories, and authors. Therefore, many notifications will check-mark “deviant criminal sexual behavior” and vaguely remark, “racial,” such as the denial of *Black-Eyed Susans; Classic Stories By and About Black Women*.<sup>3</sup> Also common is the intersection of “racial remarks” with the category C: “contains information a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through offender strikes, riots, or security threat group activity,” applied to *Narrative of the Life of Frederick Douglass* (figure 4).<sup>4</sup> That the narrative of an enslaved person pursuing liberation through, among other techniques, the practices of reading and self-education, is considered a security risk by the prison today, reveals how carceral epistemologies are rooted in the racial-capitalist genealogies of the state. Speaking on the

3. Publication Review/Denial Notification for *Black-Eyed Susans; Classic Stories By and About Black Women*, ed. Mary Helen Washington, TDCJ Censorship Collection, *Inside Books Project Archive*, 20 March 2013, <https://ibparchive.texasafterviolence.org/files/original/e7d1731b75579b43355745b814021aa8.jpg>.

4. Publication Review/Denial Notification for, TDCJ Censorship Collection, *Narrative of the life of Frederick Douglass, an American Slave*, by Frederick Douglass, *Inside Books Project Archive*, 19 August 2012, <https://ibparchive.texasafterviolence.org/files/original/1201dfc25ae2faf7cd0e5f6e8ac6cf75.jpg>.

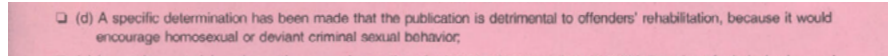


Figure 2. Category D in a form from 2013.

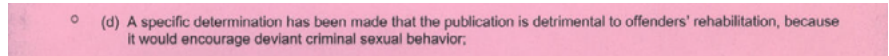


Figure 3. Category D in a form from 2014.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
PUBLICATION REVIEW / DENIAL NOTIFICATION

NAME \_\_\_\_\_ TDC# \_\_\_\_\_ UNIT Cy

TITLE OF PUBLICATION Narrative of the Life of Frederick Douglass, an American Slave MSCP 8-29-12 DATE OFFENDER NOTIFIED 8-29-12

AUTHOR Robert O'Meally DRC DATE \_\_\_\_\_

The above listed publication has been reviewed and denied in accordance with Board Policy 03.91, Uniform Offender Correspondence Rules and Regulations. This decision may be appealed to the Director's Review Committee (DRC), PO Box 99, Huntsville, Texas 77342-0099 WITHIN TWO (2) WEEKS of the date of offender notification.

Check one or more reasons for denial and cite page number of objectionable material.

(a) It contains contraband that cannot be removed;

(b) It contains information regarding the manufacture of explosives, weapons or drugs;

(c) It contains material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through offender disruption such as strikes, riots or security threat group activity;

(d) A specific determination has been made that the publication is detrimental to offenders' rehabilitation, because it would encourage deviant criminal sexual behavior;

(e) It contains material on the setting up and operation of criminal schemes or how to avoid detection of criminal schemes by lawful authorities charged with the responsibility for detecting such illegal activity; or

(f) It contains sexually explicit images.

Remarks: page 35, 41, 87 racial remarks

Does offender wish to appeal the denial?  Yes  No Appealable Offender Signature \_\_\_\_\_ Date 8-29-12

Disposition: Offender should check the desired disposition.

Destroy

Send to the following person at the offender's expense: \_\_\_\_\_ Name and Address \_\_\_\_\_

Offender Signature & Date 8-29-12 M. Hogue Mailroom Representative Signature & Date 8-29-12

IF A DISPOSITION CHOICE IS NOT EXPRESSED AND EXECUTED, OR LITIGATION HAS NOT BEGUN ON THE PUBLICATION BEING HELD FOR LITIGATION, WITHIN SIXTY (60) DAYS OF THE INITIAL DENIAL, THE PUBLICATION WILL BE DESTROYED.

UNIT DISPOSITION: Indefinite Denial Date \_\_\_\_\_ Employee's Signature \_\_\_\_\_

Publisher / Sender Inside Books Project

Address 827 W. 13th Str. Austin 78701

DISTRIBUTION:  
Original - Unit Copy or SEND WITH AUTHORED BOOK OR MAGAZINE IF APPEALED TO THE DRC.  
Gold - Unit Copy  
Yellow - Offender Copy  
Pink - Sender of Authored Book (Previously I-193)  
I-154

Figure 4. A Texas Department of Criminal Justice publication review/denial notification for *Narrative of the Life of Frederick Douglass, an American Slave* by Robert O'Meally.



de-radicalization and de-Africanization required to produce “Good Americanized blacks,” Mumia Abu Jamal says:

Censorship is a tool utilized to preserve the status quo, and to “protect” people from what are deemed uncomfortable social realities. Censorship, in a white supremacist state, creates an abnormal norm, and disappears that which does not conform. (Abu-Jamal, Hanrahan, and Walker 2001, 111)

In this sense, the censorship not only disappears the content but the people who “do not conform” (those who are “criminally queer,” “racial,” and threatening to the nation-state) through incarceration, solitary confinement, and state-sanctioned death. Abu Jamal himself is serving life without parole.

Over the years, I have experimented with methods for archiving and providing access to these censorship records that do not replicate carceral logics and the compulsory visibility incarcerated people experience (non-consensual production and distribution of images, personal information, state assessments and judicial convictions). If the prison utilizes archival power of description, records management, and access to generate knowledge about its populations, how might we disrupt this power through counter-archival tactics? How can digitization, description, online access, and geolocation (mapping) practices be abolitionist, liberatory, and even insurrectionist? If, as Coetzee claims, “the power of the powerful to defend themselves against representations of them is surprisingly limited; and the more accurate the representation, the more limited this power” (6), can an accessible, well-described, and mapped out archive of prison censorship practices disrupt their unexamined, criminalizing mechanisms?

Benedict Anderson has famously traced the concept of the nation as an “imagined community” produced through techniques and tools like the census, map, and museum (Anderson 1991). Each of these leverages archival forms of

power: the production of categories, typologies, descriptions and access (or compulsory visibility) that generate notions of belonging, normalcy, and worth. As Katherine McKittrick tells us, “Description is not liberation. Description is empire” (McKittrick 2021). Racial-capitalist empire seeks to instill carceral epistemology into our own understandings of the imprisoned, of justice, and the role of the state, so that we cannot imagine a world otherwise. In the same sense “it is easier to imagine the end of the world than the end of

Figure 5. A Texas Department of Criminal Justice publication review/denial notification for *Black Eye’s Susans*, edited by Mary Helen Washington.





capitalism” (Fisher 2009, 1). However, I am fortified by Ursula K LeGuin’s (2014) words:

Hard times are coming, when we’ll be wanting the voices of [those] who can see alternatives to how we live now, can see through our fear-stricken society and its obsessive technologies to other ways of being, and even imagine real grounds for hope. . . . We live in capitalism. Its power seems inescapable. So did the divine right of kings. Any human power can be resisted and changed by human beings. Resistance and change often begin in art, and very often in our art, the art of words.

The digital archive of these records is in a process of migration between platforms, and the records await more

rich description. In the next years, I hope to have hundreds of them available online, where others can trace their logics and discourse, use them to combat censorship practices, and better understand how carceral epistemologies operate across and outside of prisons to criminalize and dispose of “non-normative” bodies. Prison censorship practices attest to the power of discourse in manufacturing violent realities and deprivations. This power relies on the abstractions that serve racial-capitalism, white supremacy, compulsory cis-heteronormativity, ableism, and xenophobia. I wonder how grassroots archives informed by abolitionist praxis might radically revise the scope and potentiality of our demands for the present and future; to fragment what we have come to consider reality, so that we might imagine otherwise.

---

## References

- Abu-Jamal, Mumia, Noelle Hanrahan, and Alice Walker. *All Things Censored*. 1st. trade paperback ed. New York: Seven Stories, 2001.
- Anderson, Benedict R. O’G. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Rev. and Extended ed., 2nd ed. London; New York: Verso.
- Coetzee, J. M. 2003. *Giving Offense: Essays on Censorship*. Chicago: University of Chicago Press.
- Fisher, Mark. 2009. *Capitalist Realism: Is There No Alternative?* Winchester, Hampshire, UK: John Hunt.
- McKittrick, Katherine. 2021. *Dear Science and Other Stories*. Errantries. Durham; London: Duke University Press.
- Le Guin, Ursula K. 2014. “Ursula K Le Guin’s Speech at National Book Awards: ‘Books Aren’t Just Commodities.’” *The Guardian*, November 20. Sec. Books. <https://www.theguardian.com/books/2014/nov/20/ursula-k-le-guin-national-book-awards-speech>.



## Librarians' Experiences of Censorship in Carceral Facilities

**Authors** \_ **Jeanie Austin** ([jeanie.austin@sfpl.org](mailto:jeanie.austin@sfpl.org)) is Jail and Reentry Services Librarian and co-PI, Expanding Information Access for Incarcerated People, San Francisco Public Library. **Chelsea Jordan-Makely** ([jordan.makely@gmail.com](mailto:jordan.makely@gmail.com)) is Director at Griswold Memorial Library in Colrain, Massachusetts, and Principal Consultant for Renewed Libraries, LLC. **Charissa Brammer** ([Brammer\\_c@cde.state.co.us](mailto:Brammer_c@cde.state.co.us)) is Director, Library Research Service, Colorado State Library. **Nili Ness** ([nili.ness@sfpl.org](mailto:nili.ness@sfpl.org)) is Jail and Reentry Services Librarian, San Francisco Public Library.

---

*This commentary reviews responses about censorship in a nationwide survey of academic, public, and similar librarians and library staff who provide information to incarcerated people.*

---

**F**or librarians who work with incarcerated people, censorship is often inherent in maintaining any kind of library services, whether the need to censor is communicated directly by carceral staff, invoked in policy, or shaped by a library worker's interpretation of their role in the institution (Conrad 2017). While at times censorship seems to shape the entire library collection in a carceral facility, librarians have found many ways to build professional rapport with facility staff, subvert demands for censorship, and build robust collections despite prohibitions on certain types of materials (Arford 2016).

Regardless of formal and informal censorship practices, people who are incarcerated *do* gain access to information, books, and established library services. Our ongoing research on library services and incarceration, first presented in a series of articles in *Library Journal* (see Jordan-Makely and Austin 2021; Jordan-Makely, Austin, and Brammer 2022), invited librarians in the field to share their experiences with censorship and self-censorship, among other factors that shape or limit the services their libraries provide. Almost two-thirds of those who responded to this 2021 survey said

they had encountered censorship in their work, and other, open-ended comments serve to describe the nature of the challenges that library workers are facing in carceral settings. A follow-up survey launched the following year added to this picture of censorship as an enduring and menacing obstacle without clear demarcations.

In some instances, respondents to our surveys mentioned that incarcerated patrons' lack of access to technology was a major driver of censorship, noting that some prisons are allowing access to electronic sources such as offline versions



of JSTOR. One information worker described this as an issue of “technological infrastructure,” and another noted that access was “extremely restricted by [the] lack of Internet access in the prison,” suggesting a fundamental shortcoming across the entire facility rather than a lack of specific resources.

The content review process was also frequently mentioned. In some instances, book reviews were conducted by facility staff. Reviews varied from requiring facility staff approval of proposed titles to purchase, to surveillance and removal of items from existing library collections, to formal review committees for challenged materials that included a librarian. A respondent required to submit proposed titles for review noted that “many titles were canceled through this process.” In the instance of a review committee, the director of library services for the state was included as a reviewer of challenged materials. This is one of the more ideal scenarios described, as review has been recognized as a means by which facilities forestall access to materials (Gaines 2019).

In attempting to comply with facility restrictions, information workers themselves sometimes engage in censorship, in turn shaping and limiting the collections available to people who are incarcerated. “Censorship is an unfortunate necessity in this environment,” one respondent opined. “We are required to deliberately filter out materials that include depictions of violence, nudity (incl. medical), pornography, detailed maps, weaponry, hate speech and the like.”

Indeed, the list of reasons for prohibiting materials is purposefully broad and arbitrary in many instances, and interpretations of restrictions can change according to who is making the decision. “They have rejected materials because of the content, i.e., calling things pornographic or violent that we would not have,” seems to be a common experience.

Security, or the concern that materials might somehow incite violence—or be used as weapons themselves, in the case of hardcover books and staples—was a recurring theme. Nudity and sexuality were also highlighted as justifications that were used to prohibit specific materials, a particular concern because this could include LGBTQ+ materials. Researchers who focus on information access for incarcerated people have noted that criteria for refusing materials, including that materials constitute a threat to the facility, have been used to prohibit incarcerated people’s access to books about their own identities, including materials about racial belonging and racism, and have even classified accessing relevant medical information as self-endangerment (Austin et al. 2020; PEN America 2019).

Languages other than those that could be read by staff were also mentioned several times, including text in

Hebrew. This echoes a larger trend to ban materials in languages other than English, as occurred across the entire Michigan prison system. While this ban has been somewhat lifted, the ACLU believes that ongoing censorship of materials in languages other than English constitutes a violation of first amendment rights (Polo 2022). We also collected evidence of censorship that infringed on religious freedoms, and where information workers pushed back against facility staff to defend their patrons’ Constitutional rights.

As librarians working with incarcerated people and researchers focused on the role of library services within carceral facilities, we routinely hear that access to books and information is a lifeline, a survival mechanism, a way to plan for a future, maintain a sense of self and connection to the outside world, and more. Lack of access to books and information inside is widespread; we’ve heard of prison systems with one (or less, when the position is unfilled) librarian consulting for the entire state, of hostile prison librarians, and have read about prison systems that control information to the extent that they forbid journaling (Sweeney 2010). Despite all of this, incarcerated people, and the information workers who advocate alongside them, do create robust networks for sharing information and books.

Despite the instances of censorship in this commentary, it is important to note that restrictions are not ubiquitous and vary from facility to facility or even between areas in a single prison. A handful of respondents denied any direct instances of censorship on the part of the carceral facilities where they worked. This may have been shaped by careful selection policies. As one respondent stated, “I’ve heard stories of library and educational materials being rejected, but it hasn’t happened to me yet. We do second-guess some of our choices (of materials to bring in) though.” These instances remind us that formal policies and actual practices can differ, that materials determined to be a threat (such as hardcover books) are often available inside of facilities (with little instances of actual threat), and that, when it comes to information, the barriers to access are more porous than they may be in the public imagination.

More information about censorship in prisons, including banned books lists, is available through The Marshall Project (2023). More information on prison media review policies and practices is available in an ITHAKA S+R report (Pokornowski, Tanaka, and Epps 2023). Additional resources on library services for incarcerated people are available through the San Francisco Public Library’s “Expanding Information Access for Incarcerated People” grant project, which is graciously made possible by the Mellon Foundation (2023).



## References

- Arford, T. 2016. "Prisons as Sites of Power/Resistance." In D. Courpasson and S. Vallas, eds., *The SAGE Handbook of Resistance*, pp. 224–43. London: Sage.
- Austin, J., M. Charenko, M. Dillon, and J. Lincoln. 2020. "Systemic Oppression and the Contested Ground of Information Access for Incarcerated People." *Open Information Science* 4, no. 1: 169–85.
- Conrad, S. 2017. *Prison Librarianship: Policy and Practice*. Jefferson, NC: McFarland.
- Gaines, L. V. 2019. "Lawmakers to Question Officials about Removing Hundreds of Books from Prison Library." NPR Illinois. <https://news.stlpublicradio.org/2019-06-26/lawmakers-to-question-officials-about-removing-hundreds-of-books-from-a-prison-library>.
- Jordan-Makely, C., and J. Austin. 2021. "Outside and In: Services for People Impacted by Incarceration." *Library Journal* 146, no. 9: 21–25.
- Jordan-Makely, C., J. Austin, and C. Brammer. 2022. "Growing Services: How Libraries Outside of Prison Create Access for Incarcerated People." *Library Journal* 147, no. 8: 24–29.
- PEN America. 2019. "Literature Locked Up: How Prison Book Restriction Policies Constitute the Nation's Largest Book Ban." <https://pen.org/wp-content/uploads/2019/09/literature-locked-up-report-9.24.19.pdf>.
- Pokornowski, S., K. Tanaka, and D. Epps. 2023. "Security and Censorship: A Comparative Analysis of State Department of Corrections Media Review Policies." Ithaca S+R, April 20. <https://sr.ithaca.org/wp-content/uploads/2023/04/SR-Report-Security-and-Censorship-DOC-Media-Review-Policies-04202023.pdf>.
- Polo, M. J. 2022. "ACLU to Michigan Prisons: Banning Non-English Language Books is Discriminatory." NPR/Michigan Radio, September 22. <https://www.michiganradio.org/criminal-justice-legal-system/2022-09-22/aclu-to-michigan-prisons-banning-non-english-language-books-is-discriminatory>.
- San Francisco Public Library. 2023. "Expanding Information Access for Incarcerated People." <https://sfpl.org/services/jail-and-reentry-services/expanding-information-access-incarcerated-people-initiative>.
- Sweeney, M. 2010. *Reading is My Window: Books and the Art of Reading in Women's Prisons*. Chapel Hill: The University of North Carolina Press.
- The Marshall Project. 2023. "What Books are Banned in Your State's Prisons." <https://www.themarshallproject.org/2022/12/21/prison-banned-books-list-find-your-state>.



## Banning Self-Empowerment

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

**Author** \_ **Moira Marquis** ([mmarquis@pen.org](mailto:mmarquis@pen.org)), Senior Manager, Freewrite Project, Prison and Justice Writing Program, PEN America.

---

*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.*

---

**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

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 Wyntham 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.

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



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.

## References

- “2022 Banned Books Week,” 2022. *PEN America* (blog). [https://pen.org/pen\\_tags/2022-banned-books-week](https://pen.org/pen_tags/2022-banned-books-week).
- Adler-Bolton, Beatrice, 2022. “Press and the Prison w/ Jessica Phoenix Sylvia.” Death Panel, SoundCloud post, November 11. <https://soundcloud.com/deathpanel/press-and-the-prison-w-jessica-phoenix-sylvia-111022>.
- Austin, Jeanie, et al. “Systemic Oppression and the Contested Ground of Information Access for Incarcerated People.” *Open Information Science* 4, no. 1 (January): 169–85. <https://doi.org/10.1515/opis-2020-0013>.
- “Banned Books Lists.” 2015. *Books to Prisoners* (blog). June 11, 2015. <https://www.bookstoprisoners.net/banned-book-lists/>.
- Blakinger, Keri, and Jolie McCullough. “Texas Prisons Stopped In-Person Visits and Limited Mail. Drugs Got in Anyway.” *The Marshall Project*, 29 Mar. 2021, <https://www.themarshallproject.org/2021/03/29/texas-prisons-stopped-in-person-visits-and-limited-mail-drugs-got-in-anyway>.
- Crenshaw, Kimberlé, et al. 1995. *Critical Race Theory: The Key Writings That Formed the Movement*. New York: The New Press.





- Dholakia, Nazish. 2022. "More and More Prisons are Banning Mail" Vera Institute, March 1. <https://www.vera.org/news/more-and-more-prisons-are-banning-mail>.
- "Employee Handbook." 2018. Florida Department of Corrections. <http://www.dc.state.fl.us/business/FoodService/Procedures/Procedure%20Number%20208.064%20-%20Employee%20Handbook.pdf>.
- Florida Department of Corrections. 2020a. "Admissible Reading Material: Rule No. 33-501.401." March 20. <http://www.dc.state.fl.us/legal/ch33/notices/x33-501.401%20NPR.pdf>.
- Florida Department of Corrections. 2020b. "DC5-101 Notice of Rejection or Impoundment of Publications." <https://www.flrules.org/gateway/readRefFile.asp?refId=11985&filename=DC5-101%20-%20Notice%20of%20Rejection%20or%20Impoundment%20of%20Publications.pdf>.
- Friedman, Jonathan, and Nadine Farid Johnson. 2022. "Banned in the USA: The Growing Movement to Censor Books in Schools." PEN America. <https://pen.org/report/banned-usa-growing-movement-to-censor-books-in-schools/>.
- Harris, Kwaneta. 2022. "Forbidden Knowledge." *PEN America* (blog). September 15, 2022. <https://pen.org/forbidden-knowledge/>
- Herring, Melvin, Timothy Hooten, and Clifford Neel. n.d. "Literature Review Committee Minutes 04-21-2022." Accessed November 30, 2022. [https://docs.google.com/document/d/17Y\\_43Jji1teTwXWMnCDwxLcJQeS6oXsE/edit?usp=sharing&ouid=101919545278643152106&rtfpof=true&sd=true&usp=embed\\_facebook](https://docs.google.com/document/d/17Y_43Jji1teTwXWMnCDwxLcJQeS6oXsE/edit?usp=sharing&ouid=101919545278643152106&rtfpof=true&sd=true&usp=embed_facebook).
- Joest, Mick. "Why The Game Of Thrones Books Are Banned From Some Prisons." *CINEMABLEND*, 2018, <https://www.cinemablend.com/television/2446549/why-the-game-of-thrones-books-are-banned-from-some-prisons>.
- Joseph, George, and Reuven Blau. 2022. "When Visitors Were Banned From Rikers Island, Even More Drugs Showed Up." *The City*, February 9. <https://www.thecity.nyc/2022/2/9/22926241/when-visitors-were-banned-from-rikers-island-even-more-drugs-showed-up>.
- Kaba, Mariame. 2021. *We Do This Till We Free Us: Abolitionist Organizing and Transforming Justice*. Chicago: Haymarket Press.
- Kom'Boa Ervin, Lorenzo. 2024. Lorenzo Kom'Boa Ervin and the Movement's Beginnings Interview by David Marquis. *Books Through Bars: Stories from the Prison Books Movement*. University of Georgia Press.
- "Litigation." n.d. Human Rights Defense Center. <https://www.humanrightsdefensecenter.org/action/litigation/>.
- Marquis, Moira. 2022. "Refused: 15 Years as a Books to Prison Program Volunteer." *PEN America* (blog), September 15. <https://pen.org/refused-15-years-as-a-books-to-prison-program-volunteer/>.
- Marquis, Moira, and Juliana Luna. 2023. "Reading Between the Bars: An In-Depth Look at Prison Censorship." PEN America, <https://pen.org/report/reading-between-the-bars/>.
- Martin SOSTRE, Plaintiff, v. Nelson H. OTIS, Acting Superintendent of New York State Prisons. 1971. United States District Court, 2nd Circuit S.D. New York.
- McKinney, Carey L. 2022. *Pen America Distribution of Books*. October 14. Personal communication.
- Meissner, Caitis, ed. 2022. *The Sentences That Create Us: Crafting A Writer's Life in Prison*. Chicago: Haymarket Books.
- Michigan Department of Corrections. n.d. "Books & Publications— Sending Books and/or Publications to a Prisoner." Accessed November 30, 2022. <https://www.michigan.gov/corrections/services/family-information/books-publications-sending-books-and-or-publications-to-a-prisoner>.
- Orlansky, Beth, and Robert McDuff. 2024. "Big House Books vs Hall." In *Books Through Bars: Stories from the Prison Books Movement*. Athens: University of Georgia Press.
- PEN America. 2020. "Letter: Organizations Demand Prison E-Book Readers Drop Access Fees During COVID-19." *PEN America*, April 16. <https://pen.org/letter-e-reader-ceos/>.
- Perry, Mitch. 2018. "The Strange World of Banned Books in Florida Prisons." *Prison Legal News*, December 4. <https://www.prisonlegalnews.org/in-the-news/2018/hrdc-director-quoted-censorship-florida-doc/>.
- "Prison Banned Books Week," 2023. *PEN America* (blog). <https://pen.org/campaign/prison-banned-books-week-2023/>.
- Renaud, Jorge. *Who's Really Bringing Contraband into Jails? Our 2018 Survey Confirms It's Staff, Not Visitors*. 2018, <https://www.prisonpolicy.org/blog/2018/12/06/jail-contraband/>.
- Sample, Brandon. 2010. "Seventh Circuit Upholds Ban on Dungeons and Dragons." *Prison Legal News*, October 15. <https://www.prisonlegalnews.org/news/2010/oct/15/seventh-circuit-upholds-ban-on-dungeons-amp-dragons/>.
- Tager, James. 2019. "Literature Locked Up: How Prison Books Restriction Policies Constitute the Nation's Largest Book Ban." *PEN America* <https://pen.org/literature-locked-up-prison-book-bans-report/>.
- "These Are the Books Banned in Florida Prison." n.d. *The News-Press*. Accessed December 2, 2022. <https://data.news-press.com/banned-books-in-florida-prison/?page=3>.
- "Top 100 Banned/Challenged Books: 2000-2009." 2013. Banned and Challenged Books, ALA Office for Intellectual Freedom. <https://www.ala.org/advocacy/bbooks/frequentlychallengedbooks/decade2009>.
- Weiser, Benjamin. 2021. "Guards Smuggled Drugs and Razors Into N.Y.C. Jails, Prosecutors Say." *The New York Times*, May 26. <https://www.nytimes.com/2021/05/26/nyregion/nyc-jails-guards-smuggling.html>.
- Wilson, Stephen. 2023. Answering to Martin Sostre's Ghost. *Black Agenda Report*. February 1. <https://www.blackagendareport.com/answering-martin-sostres-ghost>.
- Wright, Paul. 2022. PEN America and Human Rights Defense Center Interview by Moira Marquis. Personal communication.