



December 19, 2022

**VIA EMAIL ONLY**

Mr. Ricky D. Dixon, Secretary ([Ricky.Dixon@fdc.myflorida.com](mailto:Ricky.Dixon@fdc.myflorida.com))  
Mr. Lance Neff, General Counsel ([Lance.Neff@fdc.myflorida.com](mailto:Lance.Neff@fdc.myflorida.com))  
Ms. Saritza Legault, Library Services Administrator  
([Saritza.Legault@fdc.myflorida.com](mailto:Saritza.Legault@fdc.myflorida.com))  
Florida Department of Corrections  
501 South Calhoun St.  
Tallahassee, FL 32399

**RE: *Corrections in Ink*, by Keri Blakinger**

Dear Secretary Dixon, Mr. Neff, and Ms. Legault:

We have learned that the Florida Department of Corrections (FDC) and its Literature Review Committee (LRC) recently affirmed the Okaloosa Correctional Institution's impoundment of Keri Blakinger's autobiography, *Corrections in Ink*, but will be reconsidering that decision on December 22, 2022, after LRC members have had the opportunity to read the entire book.<sup>1</sup> We urge the FDC and LRC to reverse the impoundment at the meeting, and reinstate Florida prisoners' access to *Corrections in Ink*, as required by the First Amendment.<sup>2</sup>

Any ban on *Corrections in Ink* violates the First Amendment and does nothing to protect the "safe and secure operation" of Florida's correctional facilities. *Thornburgh v. Abbott*, 490 U.S. 401, 407 (1989) (holding that "[p]rison walls do not form a barrier separating prison inmates from the protections of the Constitution.") (quoting *Turner v. Safley*, 482 U.S. 78, 84 (1987)). "Prisoners have a First Amendment right to receive information while incarcerated." *Jones v. Slade*, 23 F.4th 1124, 1134 (9th Cir. 2022).

While it is permissible under certain narrow circumstances to prevent incarcerated people from reading books of their own choosing, it would be unconstitutional to censor

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<sup>1</sup> The LRC, which is staffed by three FDC employees, normally only reviews the pages of an impounded publication that contain the ostensibly offensive content of the publication. See *Prison Legal News v. Jones*, No. 18-355, Petition for Writ of Certiorari, Sept. 14, 2018) at 7-8.

<sup>2</sup> This letter is written on behalf of the ACLU, and is not an appeal under Fla. Admin. Code R. 33-501.401 for the author, publisher, or any other third party; nor is it an appeal on behalf of an incarcerated person pursuant to Rule 33-501.401.

this book, written by a formerly incarcerated person who is describing her life's journey from the depths of drug addiction, to her experiences while in jail and prison, and her current life as a reporter and an advocate for rehabilitation.

The First Amendment protects the “flow of information to prisoners,” including the independent rights of publishers, authors, friends, and other third parties to communicate with incarcerated audiences. *Crofton v. Roe*, 170 F.3d 957, 959 (9th Cir. 1999) (categorical ban on orders of books and publications violates the senders’ First Amendment rights). Because *Corrections in Ink* addresses the criminal justice system and related social and political issues of public concern, it “occupies the highest rung of the hierarchy of First Amendment values and is entitled to special protection.” *Connick v. Myers*, 461 U.S. 138, 145 (1983) (internal quotation marks omitted).

The banning of a particular book represents content-based censorship, and is lawful only upon a showing that the prohibition is “reasonably related to legitimate penological interests” and that the censored material in fact implicates legitimate security concerns. *Thornburgh*, 490 U.S. at 409; *Turner*, 482 U.S. at 89. “A regulation cannot be sustained where the logical connection between the regulation and the asserted goal is so remote as to render the policy arbitrary or irrational,” *Turner*, 482 U.S. at 89-90, or is an “exaggerated response” to prison concerns in light of available alternatives. *Id.* at 89-91, *Thornburgh*, 490 U.S. at 414-19.

Ms. Blakinger’s best-selling memoir has been described as “brave, brutal ... a riveting story about suffering, recovery and redemption” (New York Times); “a gorgeously written, page-turning memoir about addiction, prison, and privilege” (Kirkus Reviews); an “incisive rendition of the author’s fall-and-redemption journey” (Texas Observer); and “brutally honest.” (PBS NewsHour). She describes the inequalities and injustices that plague the criminal justice system. Nothing in her book threatens to disrupt FDC’s ability to maintain security and order.

The September 30, 2022 impoundment notice from the Okaloosa CI states that six pages of Ms. Blakinger’s book violate Section 15 of Rule 33-501.401, on the ground that it “is dangerously inflammatory in that it advocates or encourages riot, insurrection, rebellion, organized prison protest, disruption of the institution, or the violation of the federal law, state law, or Department rules,” (§15(i)); and “otherwise presents a threat to the security, order, or rehabilitative objectives of the correctional system or the safety of any person.” (§15(p)). These vague justifications are so broad and arbitrary as to be standardless. *See Reno v. ACLU*, 521 U.S. 844, 871-72 (1997) (holding that the vagueness of a content-based regulation of speech “raises special First Amendment concerns because of its obvious chilling effect.”).

Moreover, these reasons further are unsupported when one looks at the two ostensibly offensive sections of the book identified by the reviewer at the prison. This includes a four-page passage where Ms. Blakinger details how another detained woman invented an imaginary pet chicken so that others would think that she was mentally ill, and a two-page passage describing how a jail officer tormented an incarcerated woman with an April Fool's "joke" search of her cell, destroying her property.

The impoundment notice does not explain why the passages would cause a riot, and common sense suggests that any possibility is extremely farfetched. Rather than encouraging riot, insurrection, rebellion, or disruption, these passages poignantly detail the challenges often faced by incarcerated people. These passages describe facts that are essential for non-incarcerated readers to understand the reality of prison life; and for incarcerated readers, to see and hear about other people experiencing similar challenges in prison.

In sum, the very people who are experiencing incarceration should not be prohibited from reading a book whose purpose is to examine and educate readers about the author's experience of being incarcerated, and how she was able to recover from addiction and rebuild her life. In light of the foregoing, we request that FDC and the LRC permit incarcerated people access to Ms. Blakinger's book. If the LRC affirms the impoundment and prohibits Ms. Blakinger's book, we request that it detail with specificity its reasons for doing so, in line with your constitutional duty to detail the reason(s) for the denial. *Goldberg v. Kelly*, 397 U.S. 254 (1970).

Sincerely yours,



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cc: Ms. Keri Blakinger, The Marshall Project  
Ms. Katie Bassel, St. Martin's Publishing Group  
Ms. Kelly Brotzman, Prison Book Program