

Nov. 29, 2018

Dean Peterson
Library Services Administrator
Florida Department of Corrections
501 South Calhoun St.
Tallahassee, FL 32399-2500

Re: **THE MILITANT**



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Florida

3 West Garden St., Suite 712
Pensacola, FL 32502
(786) 363-2738 (Direct)
bstevenson@aclufl.org
aclufl.org

Benjamin Stevenson
Staff Attorney

Dear Mr. Peterson,

State and federal prisons across the United States consistently deliver THE MILITANT, which has been published for more than 80 years, to its incarcerated subscribers. However, Florida prisons too often refuse to deliver THE MILITANT. Nearly two dozen issues of the paper have been impounded by Florida prisons over the last two years without sufficient explanation. This is four times as many attempts to block THE MILITANT as occurred in all the other prisons in the country over the last 10 years. Although the Florida Literature Review Committee reversed all but six of these impoundments, subscribers must still wait until THE MILITANT appeals and the Committee corrects the improper impoundment before they may read the current issue. We urge you to end the growing number of cases in which THE MILITANT has been impounded without any apparent justifiable cause.

The recently overturned ban on issue No. 34 of THE MILITANT is an example of how prison officials have abused their power to censor. The issue included an article about opponents of solitary confinement in California and another about the hunger strike by Oleg Sentsov, a Crimean movie director who was imprisoned in Siberia by the Putin regime. Prison wardens claimed the articles could encourage “riot” or “insurrection” without explaining how. The Committee ultimately overturned the impoundment, but the timely delivery was delayed and its newsworthiness diminished.

Federal courts have repeatedly affirmed that prisoners have a First Amendment right to read and publishers and others have a right to send them reading materials. *Thornburgh v. Abbott*, 490 U.S. 401, 407-08 (1989); *King v. Federal Bureau of Prisons*, 415 F.3d 634, 638

(7th Cir. 2005) (“Freedom of speech is not merely freedom to speak; it is also freedom to read. ... Forbid a person to read and you shut him out of the marketplace of ideas and opinions that it is the purpose of the free-speech clause to protect”).

Furthermore, prison wardens and the Literature Review Committee have a constitutional duty to detail the reason(s) for denying a prisoner’s access to THE MILITANT. *Goldberg v. Kelly*, 397 U.S. 254 (1970). However, far too often, the warden simply checks the may-cause-a-riot box or the catch-all box that the issue “otherwise presents a threat to security.” Neither the warden nor the Committee explain why it may cause a riot or another specified threat. This is insufficient for THE MILITANT to understand the basis for the Department’s decision, especially when no specific news article is mentioned. This is unconstitutional.



Florida

We urge you to halt the frequent and unjustified efforts to disrupt the distribution of THE MILITANT and demand prison wardens detail the article that justified censorship, what specific threat it poses, and why an inmate reading it will pose this threat.

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin Stevenson", with a long horizontal line extending to the right.

Benjamin Stevenson