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NEW YORK

LOS ANGELES

WASHINGTON, D.C.

August 27, 2020

Literature Review Committee c/o Dean Peterson
Library Services Administrator
Florida Department of Corrections
Allen.Peterson@fdc.myflorida.com
501 South Calhoun Street
Tallahassee, FL 32399-2500

Re: Impoundment of *The Militant*, Vol. 84, Issue No. 30

To the Literature Review Committee of the Florida Department of Corrections,

I am writing on behalf of PEN America, the U.S. branch of the world's leading international literary and human rights organization, to call upon the Florida Literature Review Committee to reverse the decision to impound Vol. 84, Issue No. 30 of *The Militant*. As a part of our work defending writers and readers, PEN America advocates for the rights of incarcerated people, [analyzing](#) the issue of their access to literature and [amplifying](#) the voices of writers in prison.

The Florida Department of Corrections notice states that the Vol. 84, Issue No. 30 of *The Militant* was impounded pending review because the publication allegedly “advocates or encourages...organized prison protest” and is “dangerously inflammatory.” Citing page three of *The Militant*, the notice of impoundment suggests that the article *Prisons demand release from overcrowded jails* will encourage an organized prison protest. Upon review of the article, we believe the impoundment's claim is unfounded and infringes upon *The Militant* and its readers' First Amendment rights.

The article describes a peaceful, public protest driving past California Governor Gavin Newsom's home urging safer living conditions for prisoners following several COVID-19 deaths in state jails and prisons. It also references squalid conditions in prisons and subsequent actions by a rightfully concerned public in a manner no different from other new outlets. Given this, we believe that the Warden is mistaken in labeling this article as “dangerous.”

The Militant has a right to publish factual information, and Florida prisoners have a right to access it. While we respect the FLDOC's imperative to maintain safety, it is clear to us that this decision goes too far, infringing unjustifiably on the First Amendment rights of both *The Militant* and its incarcerated readers. We urge the Literature Review Committee to reverse the decision to impound Vol. 84, Issue No. 30 of *The Militant*.

Sincerely,

James Tager
Deputy Director of Free Expression Research and Policy
PEN America