



Dean Peterson, Library Services Administrator
Florida Department of Corrections
Literature Review Committee
501 South Calhoun Street
Tallahassee, FL 32399-2500

26 August 2020

Re: Appeal of Literature Review Committee's upholding of the impoundment by Florida State Prison, *The Militant*, 3 August 2020 (Vol. 84, No. 30)

To the Literature Review Committee:

In August 2020, Florida State Prison authorities impounded a copy of the Vol. 84, No. 30, 3 August 2020 issue of the publication, *The Militant*. That decision was upheld by the Literature Review Committee on 13 August. Officials from Florida DOC institutions have repeatedly attempted to censor issues of this publication over the past three years. Amnesty International USA is calling on the Literature Review Committee to overturn its decision to uphold the impoundment of the Vol. 84, No. 30 issue of *The Militant*. Furthermore, we urge Florida State Prison authorities to cease the arbitrary impoundment of the publication by Florida DOC institutions in the future without sufficient evidence that these publications are a threat to security.

The exclusion of this issue and future issues of the publication without sufficient demonstration of security risks infringes upon prisoners' rights to freedom of expression and violates the UN Standard Minimum Rules on the Treatment of Prisoners, otherwise known as the Mandela Rules, (Rule 63). Under the International Covenant on Civil and Political Rights, Article 19(2), "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." Furthermore, Under the *Mandela Rules*, Rule 63, "Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless

transmissions, by lectures or by any similar means as authorized or controlled by the prison administration.” The maintenance of awareness of developments in the outside world is important for those who will one day be reintegrated into society upon release.

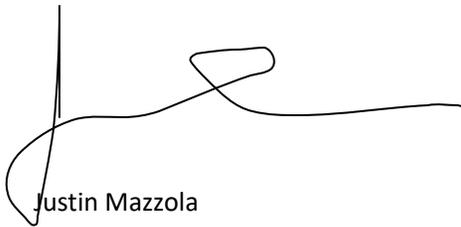
According to the Notice regarding impoundment for this issue, authorities at Florida State Prison identified an article on page 3 (“Prisoners demand release from overcrowded jails”) as the reason for the impoundment for the 3 August edition. The Notice for impoundment cites Rule 33-501.401(15)(1) (“is dangerously inflammatory in that it advocates or encourages riot, insurrection, rebellion, organized prison protest, the of the institution, or the violation of federal law, state law or Department rules”), as the criteria for the impoundment. While prison authorities have a responsibility to maintain security and order, which can restrict access to certain materials such as those actually calling for violence, rioting or insurrection, there is nothing contained in the specific article from the banned issue of this publication that would amount to such a call.

The article in question in the issue of *The Militant* published on 3 August 2020 documents issues within the California prison system related to the spread of COVID-19 and the limited government action to address issues caused by the pandemic and the overcrowding of the state’s facilities. The article merely mentions a hunger strike and protests undertaken by persons incarcerated in California’s prisons regarding these issues. However, reading the plain language of the article, in no place is there any statement that “advocates” or “encourages” others to take similar actions. In fact, information about the pandemic and prisons is critical for those who are currently incarcerated. People living in confined spaces with inadequate access to healthcare and hygiene make prisons and jails high risk environments for the transmission of COVID-19. Amnesty International and other civil society organizations have called on state and local authorities to urgently take steps to drastically decrease the population of their prisons and jails and put in place measures to prevent the spread of COVID-19 within these facilities, such as providing all people held there with adequate access to soap, sanitizer, disinfecting materials and to provide mass testing of all staff and incarcerated people, at no cost. The act of informing subscribers about events of the outside world in and of itself and without more should not be means to violate prisoners’ freedom of expression.

We urge the Literature Review Committee to overturn the decision to uphold the impoundment of the Vol. 84, No. 30 issue of the Militant without demonstrating specifically how the article cited violates the protocols cited so that subscribers may maintain their connection to the outside world during their incarceration.

Thank you for your time and assistance in this matter.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Mazzola', with a long horizontal stroke extending to the right.

Justin Mazzola
Deputy Director, Research
Amnesty International USA