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April 3, 2026

Literature Review Committee

c/o Saritza Legault, Library Services Administrator

Florida Department of Corrections

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Re: Impoundment of *The Militant*, Vol. 90, Issues No. 4, 5, 6, and 10 at Taylor Correctional Institution

VIA E-MAIL

Dear Literature Review Committee,

The Reporters Committee for Freedom of the Press (the “Reporters Committee”) is an unincorporated nonprofit association of reporters and editors that works to defend the First Amendment rights and freedom of information interests of the news media. The Reporters Committee writes in support of *The Militant*’s efforts to overturn the recent impoundment of the newspaper’s February 2, 2026, February 9, 2026, February 16, 2026, and March 16, 2026 editions, Vol. 90 Issues No. 4, 5, 6, and 10, by the Taylor Correctional Institution. *The Militant* appealed the impoundment of Issues 4, 5, and 6, but its appeal was rejected on March 26, 2026 without explanation.

The impoundment and confiscation of *The Militant* infringes upon the First Amendment rights of both *The Militant*’s publisher and its incarcerated subscribers. Accordingly, the Reporters Committee urges the Literature Review Committee (“Committee”) to overturn the impoundment of Vol. 90 Issues No. 4, 5, 6, and 10 (the “Issues”) of *The Militant* and to direct Taylor Correctional Institution, and any other facility that may be withholding this publication, to cease confiscating the issues.

The Militant, which has been in publication since 1928, describes itself as “a socialist newsweekly published in the interests of working people” that reflects the programs, perspectives, and activities of the Socialist Workers Party in the United States. The Militant Home Page, <http://themilitant.com> (last visited Apr. 3, 2026). *The Militant* publishes articles relating to the labor movement and to discrimination, racism, and oppression.

Publications like *The Militant* have a First Amendment right to communicate with their incarcerated subscribers. *Thornburgh v. Abbott*, 490 U.S. 401, 408 (1989) (“[T]here is no question that publishers who wish to communicate with those who, through subscription, willingly seek their point of view have a legitimate First Amendment interest in access to prisoners”).

Incarcerated individuals also have a First Amendment right to receive publications like *The Militant* through the mail. *See id.*; *see also Kleindienst v. Mandel*, 408 U.S. 753, 762–63 (1972) (“It is now well established that the Constitution protects the right to receive information and ideas. This freedom (of speech and press) . . . necessarily protects the right to receive [this information].” (internal citations omitted)). “Prison walls do not form a barrier separating prison inmates from the protections of the Constitution.” *Turner v. Safley*, 482 U.S. 78, 84 (1987); *see also Hamilton v. Hall*, 790 F. Supp. 2d 1368, 1370 (N.D. Fla. 2011) (holding lawsuit that challenged policy limiting prisoners’ outgoing mail stated a First Amendment claim and survived government’s motion to dismiss) (citing *Turner*, 482 U.S. at 84).

Under the framework set forth by the Supreme Court in *Turner* and *Thornburgh*, a prison regulation may validly censor incoming mail only when the regulation “is reasonably related to legitimate penological interests.” *Turner*, 482 U.S. at 89; *Thornburgh*, 490 U.S. at 414 (adopting *Turner* standard for incoming prison mail First Amendment challenges). To make such a showing, the government must demonstrate the existence of a “valid, rational connection” between the ban and the claimed penological interest so that the ban is not “arbitrary or irrational.” *Turner*, 482 U.S. at 89–90. Further, the Court in *Turner* instructed that it is “important to inquire whether prison regulations restricting inmates’ First Amendment rights operated in a neutral fashion, without regard to the content of the expression.” *Id.* at 90. That is because government censorship of speech based on the viewpoints expressed is presumptively unconstitutional. *See Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 806 (1985) (“[T]he government violates the First Amendment when it denies access to a speaker solely to suppress the point of view he espouses on an otherwise includible subject.”).

According to the notices of impoundment sent to subscribers at Taylor Correctional Institution (the “Notices”), officials within the Florida Department of Corrections (“the Department”) impounded Vol. 90 Issues No. 4, 5, 6, and 10 “because the Warden or designee believes the publication contains subject matter that is inadmissible per Section (15) of Rule 33-501.401, F.A.C.” Each of the Notices lists two provisions of this rule purportedly implicated by articles in the Issues: subsection (15)(i) (“is dangerously inflammatory in that it advocates or encourages riot, insurrection, rebellion, organized prison protest, disruption of the institution, or violation of the federal law, state law, or Department rules”), and (15)(p) (“otherwise presents a threat to the security, order, or rehabilitative objectives of the correctional system or the safety of any person”).

The Notices reference articles advocating for amnesty for all immigrants and reporting on prior impoundments of *The Militant* in Florida prisons. The impounded Issues cannot reasonably be construed as a threat to the safety of those incarcerated at any Florida carceral facility. This is so because the Issues contain discussions of current events incorporating political and historical analyses. Further, the Notices fail to articulate what specific safety concern the Issues allegedly facilitate, or what prompted Taylor Correctional Institution to first censor this material. Outside of the incarcerated individuals who provided *The Militant* with the Notices, the newspaper has no information regarding if, or

how many, of their other subscribers in Florida prisons may have been deprived of copies of the Issues.

For the Committee to single out such publications with no analysis of the content and context of the articles at issue, no specification of the alleged safety concerns, nor a recognition of *The Militant's* and the greater media's consistent coverage of matters of public concern, is arbitrary, capricious, and lacking a sufficiently compelling governmental interest articulated in the Notice. See *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 169 (2015) (observing that a prohibition against "public discussion of an entire topic" is a content-based, viewpoint-based restriction on speech (quoting *Consolidated Edison Co. of N.Y. v. Pub. Serv. Comm'n of N.Y.*, 447 U.S. 530, 537 (1980))).

The potential constitutional infringement inherent in the Committee's impoundment of the Issues is even more difficult to justify as it violates the publication's First Amendment right to cover and condemn newsworthy matters of public concern, including prejudice, violence, and the economic and political interests exploiting such suffering. See *Snyder v. Phelps*, 562 U.S. 443, 452 (2011) ("[S]peech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection." (quoting *Connick v. Myers*, 461 U.S. 138, 145 (1983))); see also *Fed. Elec. Comm'n v. Wisconsin Right To Life, Inc.*, 551 U.S. 449, 457 (2007) ("[T]he First Amendment requires us to err on the side of protecting political speech rather than suppressing it.").

For the foregoing reasons, the Reporters Committee urges the Committee to overturn the impoundment of all four Issues of *The Militant*, and to deliver all impounded copies to *The Militant's* subscribers at Taylor Correctional Institutions and any other such facility where the newspaper's subscribers may be housed.

Respectfully,

The Reporters Committee for Freedom of the Press