

LIS 570 D - A6

Prison Libraries: Access and Censorship

Adrian Applin, Emily Fix, Anna Price, Lauren Shade

Research Question: How do librarians and outreach programs work to get inmates access to diverse literature despite the mass censorship that takes place in American prisons?

Why we refined our research question: After feedback on one of our previous assignment, we decided to narrow the focus of research question. Likewise there was too little data on our previous research question, and the question was too broad to gather our own research within the given timeframe.

Introduction:

It is well known that fighting censorship and promoting access to information are central tenets of librarianship. Little thought is regularly given, however, to those issues in the context of prisons, where inmates have been stripped of many of their liberties, including what they can read. Within prison walls, censorship of materials is strict and one could understand why. In a prison, safety is paramount and it may be understandable why some extremely violent, sexual, or otherwise graphic materials may face censorship. But sometimes censorship, which is subjective and can be differently applied from prison to prison, can keep inmates away from materials that can provide enrichment, rehabilitation, and comfort. In our research, we will explore the nature of censorship in prisons, how the standards apply to prison libraries, and how librarians and outreach programs work within these guidelines to give inmates the information they need.

Our research question has been modified throughout this process. While we originally wanted to analyze whether and how censorship issues differently affect women's and men's prison populations, our initial review revealed that there is a significant research gap in this area and finding sufficient information would be difficult.

I. Legal Standards for Censorship in Prison Libraries

A. Federal regulations guide the procedures for censoring prison reading materials

Prison administrators are charged with ensuring the health, safety, and welfare of inmates in their facilities; in exchange for taking away inmates' liberties, wardens must provide for inmates' basic needs, including housing, food, healthcare, and recreation. Federal regulations

establish a framework that prison administrators must follow when censoring reading materials (28 CFR 540.71). Generally, these regulations are more restrictive toward inmates and deferential to the warden in higher security facilities (28 CFR 540.71(a)).

But per these regulations, a warden does not have absolute censorship rights. “The Warden may reject a publication only if it is determined detrimental to the security, good order, or discipline of the institution, or if it might facilitate criminal activity...not...solely because its content is religious, philosophical, social or sexual, or because its content is unpopular or repugnant” (28 CFR 54071(b)). While this regulation reads as disfavoring censorship, in practice it is administered arbitrarily, and Supreme Court precedent has grown increasingly deferential to wardens censoring media (Bianco, 2016, pp. 12-14).

B. Supreme Court opinions have increased opportunities for wardens to censor reading materials

a. Supreme Court creation of a framework to evaluate prison censorship policies

In the seminal case of *Turner v. Safley*, the Supreme Court created a four-part test for evaluating restrictions on inmates’ constitutional rights, including their First Amendment right to access information. Those factors are: (1) whether there is a “valid, rational connection” between the regulation and the legitimate governmental interest used to justify it; (2) whether there are alternative means for the prisoner to exercise the right at issue; (3) the impact that the desired accommodation will have on guards, other inmates, and prison resources (so-called "ripple effects"); and (4) the absence of “ready alternatives” (*Turner v. Safley*, 1987, pp. 89-91).

b. Turner’s aftermath and related criticism among researchers

Commentators generally agree that “the *Turner* test emphasizes deference to prison officials and the relative technical and administrative expertise of corrections authorities” (Calvert & Hayes, 2012, p. 44, internal quotations omitted). Some have gone so far as to argue that “the level of deference afforded to prison administrators has bordered on the edge of absurdity” (Bianco, 2016, p. 19).

One example of this “absurdity” includes a case where the warden restricted certain inmates from accessing books with the aim of improving their behavior (*Beard v. Banks*, 2006). These inmates “were already placed in solitary confinement for 23 out of 24 hours a day, denied television and radio, and were prevented from earning their GED or taking special education classes” (Burns, 2007, p. 1262). These and other rulings “effectively [cut] prisoners off from the outside world” (Meixner, 2008, p. 817) and are “leaving room for the great

possibility that any fundamental right could be acceptably denied if justified by Rehabilitation” (Burns, 2007, p. 1269).

The current legal scheme has created inconsistency impacting constitutional rights across prisons. Shapiro (2016) analyzed censorship anomalies that have appeared at prisons across the country. Some of the more interesting censorship decisions by prison administrators include: banning Barack Obama's memoir, citing “national security concerns” (p. 997); censoring cat pictures (p. 998); prohibiting John Updike but allowing porn (p. 1003); complete newspaper and magazine bans (p. 999); and a publication being censored for containing certain pages, then censored for not containing those same pages (p. 1000). This legal precedent has created significant policy issues in administering prison libraries.

II. Policy and Practices for Censorship in American Prisons Libraries

A. Why certain books get banned in American prison libraries.

The literature around the exact policies used to ban books and other sources of readership such as magazines or studies in American prisons, and by whom those books get banned, is scarce. There is a debate around whether prison librarians themselves or correction administrators have the ultimate authority to censor certain types of works based off of varying pre-set procedures (such as whether or not the book contains nudity) and how prison libraries operate (Conrad, 2016). Individual states are not required to publicize a comprehensive list of the books they have banned prisoners from accessing. To date, there are very little databases in which researchers can use to locate a comprehensive list of all books inaccessible to inmates. Despite prisons not having a tangible policy on how books are banned and why, there do exist certain commonalities in censored literature, so that researchers can determine, based on logical observation, if one book is more likely to be banned in a prison library than another.

Books containing the following are often frequently censored “Threat to Security, pornography, social activism, theories of revolution, books which glamorize crime, hate speech/violence toward [a] certain group” (Bullinger, & Scott, 2017). Though there isn't an exact reason we can reference as to why certain books get banned and others do not, we can narrow it down to two categories: those books are considered a risk to the institution and its personnel and/or the books are lascivious in nature, contain unethical or rebellious themes (such a protest/riots, murder, or rape) and are ‘counter to prisoner rehabilitation’ (Arford, 2013). Because there is a lack of standardization and regulation in the policy for book curation in prison libraries, there is no way of measuring the impact banning certain books have on prison inmates.

B. Why policies on censorship in prison libraries are dangerous: Prison libraries violate many tenets of librarianship.

a. *The relationship between library staff and prison administration*

As we have discovered, there is little research in the particular area regarding how books come to be banned in prison libraries. What research has been done is rightfully critical of the practice of censorship - censoring certain types books being only one of them - within this space. In reference to how the Texas prison system bans books from inmates, there are examples of how application is valued over intent.

“One book, Texas Tough: The Rise and Fall of America’s Prison Empire, a history of TDCJ, was censored for containing a passage about “sex with a minor.” In fact, the single paragraph is a non-explicit description of how one female prisoner was sexually assaulted as a young girl by her uncle, leading her to a lifetime of drugs, crime, and incarceration.” (Pogue, 2011)

The example above could be said to measure the impact of childhood criminality onto adulthood, which may benefit some prisoners. There is no way of knowing, as this book remains banned in the Texas state prison system. Despite prison librarians valuing rehabilitation and being extremely wary of the practice of banning books, many prison libraries are at the mercy of prison administrators and the prison warden. This can often place prison staff and library personnel at extreme odds as the value of what a prison library can offer inmates differs between both groups - one favoring social control (the exercise of power over prisoners) and the other favoring education and rehabilitation (Arford, 2013). Asking a librarian or library staff member to go against the basic tenets of librarianship does not only cause distrust between groups but has the potential to upset the relationship between inmates, librarians, and prison administrators, etc. We have no way of measuring the impact of this disruption on inmates and how it may affect prisoner rehabilitation if at all. The complex relationships between all these groups outlines the disruption of power in the state prison ecosystem.

b. *Standardizing censorship*

Censorship is so important in America that it is written into our constitution. Our founding fathers recognized the inherent danger of censorship, a danger that is doubled in prisons, where inmates in extreme circumstances are disconnected from society and whose rehabilitation normally has a direct correlation between future success and reimprisonment. Prisoners use books to stay connected to society, to pass time, and often to increase literacy and reading comprehension. Without access to diverse literature or by censoring books that contain “themes” that may be of a violent nature, how can we expect prisoners to leave prepared to confront an inherently violent world. The truth is simply that there is no definitive answer for

keeping prisoners safe or even if the true reason behind censorship is safety. However, with the rising increase of violence and assaults in prisons (Grierson, 2018), we can make a logical assumption that banning books is not the answer. Books have led many prisoners to reform, and stripping prisoners of their First Amendment rights is an unnecessary exercise of power over those who likely already feel abused by the systems that placed them in prison to begin with.

Censorship has become standardized in prison libraries and rehabilitation and reintegration into a civilized and law-abiding society second-place. Instead of seeking to control prisoners or to exercise something that would be considered a crime outside of prison walls for the sake of “safety”, states should work with human rights organizations and states to enact transparent and fully and publicly accessible policies that limit “undue censorship” and encourage a less restrictive and more open prison environment (Arford, 2013).

III. Recidivism, Literacy, and Prison Library Programming

A. Recidivism rates and prison library services

Although 95% of incarcerated people will eventually re-enter society, approximately two-thirds are rearrested within three years and over three-quarters are rearrested within five years (Durose et al., 2014). For the majority of people, the prison system is not a place for rehabilitation; it’s nothing but a revolving door.

The high rate of recidivism has many causes, but lack of education is a major factor. Incarcerated adults tend to come from disadvantaged backgrounds and only about half of them have a high school diploma or GED. (Harlow, 2003). When the National Assessment of Adult Literacy (NAAL) did a study on the literacy of incarcerated adults in 2003, they found that “in every age group examined (16 to 24, 25 to 39, and 40 or older), incarcerated adults had lower average prose, document, and quantitative literacy than adults in the same age group living in households” (Greenberg et al., 2003, p. vi).

Though they often have limited resources, prison libraries are working hard to address these issues and intervene where they can. All across the country, prison libraries have been developing valuable programs that center on maintaining familial relationships, the promotion of literacy, and connections to resources through partnerships with public libraries. These programs help reduce recidivism and give people a better chance of reintegrating into society once they’re released.

B. The role of prison libraries in rehabilitation

The idea that prison libraries have a responsibility to aid in the rehabilitation of incarcerated people is not a new one. In the early prisons of the 19th century, clergy members served as librarians of sorts, providing prisoners with religious books. As conceptions of rehabilitation moved from a religious focus to a scientific focus, professional librarians became involved and new methods and frameworks were developed (Lehmann 2011). Over the past several decades, there has been much discussion about the best ways for prison libraries to get involved and aid rehabilitation. This is, of course, complicated by the reality of limited resources and lack of funding.

Collection development and the acquisition of materials is an ongoing concern, especially as prison populations become more diverse (Glinner 2003). Collection development is important, but libraries are more than just static resources. It can be argued that prison libraries (and their patrons) might be better served by shifting more focus onto programming (Albert 1989). Through programming, inmates can see and experience libraries as community spaces that can have a positive, tangible impact on their lives.

C. Prison library programming

Prison libraries offer a variety of programming, everything from book clubs, to legal services, to help with job training. In recent years, however, there has been increasing growth in two main areas: family-oriented programs and public library partnership programs.

a. Family-oriented programs

Currently, approximately 54% of incarcerated people are parents of minor children (The Pew Charitable Trusts, 2010). This means that “there are now 2.7 million minor children (under age 18) with a parent behind bars” (The Pew Charitable Trusts, 2010, p. 18). Through programming, prison libraries have been able to find points of intervention, using book sharing to promote closer familial bonds between incarcerated parents and their children.

The first family literacy program piloted in a prison was Dr. Margaret Genisio’s Breaking Barriers with Books (BBWB) at Oshkosh Correctional Institution in the mid-1990s. Focused on incarcerated fathers, the program had three components: weekly classes, family visits, and weekly parent support meetings. In the classes, fathers learned how to “personally craft book-sharing experiences, creating the sense of intimacy commonly experienced at home during family reading time” (Genisio, p. 93). Literacy was used as a means to forge positive bonds and memories between fathers and their children.

These types of programs have only grown in popularity over the years. While the BBWB program focused on in-person interactions, newer programs have been incorporating technology into the process. This development helps ensure that barriers to visitation (such as transportation issues or visitation hours being cut) are not an impediment to accessing the benefits of these programs. The most common are programs where prisoners select children's books, read them aloud, and then send the recordings and the books to their kids at home.

Colorado's Read to the Children (RTC) is one example of this. In a recent survey of participants, 92% of inmates said the program was a helpful way to connect with their child and 99% said they would recommend the program to others (Doran-Myers, 2016). In 2014, the Brooklyn Public Library launched their TeleStory initiative. TeleStory allows incarcerated parents and their children to read together over live video, using the same video conferencing software that allows inmates to meet with their attorneys (Dwyer 2016). This innovative program is a strong example of the power of family-oriented programming *and* public library partnerships.

b. Public library partnerships

Partnerships are a boon for both prisons and public libraries. They allow prisons to access more resources and they show inmates the value of public libraries, encouraging them to continue using libraries once they're released back into society (Shirley, 2003). One such example is Colorado's Choose Freedom Read program, which stems from the partnership between the Arapahoe Library District (ALD) and the Sheriff's Office. The program involves local public librarians giving book talks to prisoners, describing 20 titles to each group. The benefits are threefold: correctional and public librarians can make connections with each other, readers' advisors have the opportunity refine their skills with a new audience, and prisoners can get engaged and interested in reading (Clark and Patrick, 1999).

Another example is the Alameda County Library's "Reading for Life" tutoring program, which was created in response to the low rate of literacy among incarcerated people. "Reading for Life" helps inmates develop literacy skills by pairing them up for one-on-one sessions with community volunteers. The use of community volunteers adds another point of connection to the outside world for the incarcerated person, as well as allowing them to receive focused, personal instruction (Klick, 2011).

IV. Prison Librarians: Balancing Censorship & Safety with Equitable Access & Collection Development

A. Balancing being both a prison employee and a librarian

If someone chooses to become a prison librarian, they might know that they will not be leading the more “traditional day-to-day life” of a public or academic librarian. For example, a prison librarian can be just as responsible for inmate safety and prison security as a correctional officer. In Washington State, the librarians have to complete the same trainings a correctional officer does to be able to work in the prison. These trainings include communication and teamwork skills, defense training, first aid, and learning about prison culture (Friederick, 2014). However, it seems like the biggest issue prison librarians face is the issue of censorship, which can vary between prisons, and a lack of access to information in general (Bullinger & Scott, 2017).

As mentioned above, librarians are often at odds with the basic tenets of librarianship and the private and government agencies that are in control of the individual prisons. The ALA’s “Prisoner’s Right to Read: An Interpretation of the Library Bill of Rights” states that “Censorship is a process of exclusion by which authority rejects specific points of view. That material contains unpopular views or even repugnant content does not provide justification for censorship. Unlike censorship, selection is a process of inclusion that involves the search for materials, regardless of format, that represent diversity and a broad spectrum of ideas. The correctional library collection should reflect the needs of its community.” (American Library Association, 2014). However, that is simply not the reality of many prison libraries and prison librarians have to deal with the fact that censorship of certain materials is deemed necessary for safety reasons (Hart, 2017). In addition to dealing with censorship and strict prison rules, many prison libraries only have one librarian on staff to perform a variety of tasks. Legal research, tutoring and teaching, notarizing documents, hiring and training workers, and dealing with inmate disputes can all be expected of a prison librarian on top of the traditional library duties (Hart, 2018).

B. Collection development and advocacy: Working within boundaries to give inmates access to quality books and information.

However, there are libraries who have found ways to work within boundaries and develop more robust collections. Often, this takes a willingness for the prison librarians to work with the prison and state libraries to find an opportunity to collaborate. For example, the Washington State Department of Corrections has nine institutional libraries that work in collaboration with the Washington State Libraries. This allows for an interlibrary loans service, which is not possible without this type of collaboration (Friederick, 2014). On a grander scale, New York Public Library (NYPL) opened a public library within the women’s unit on Rikers Island. This was after years of advocacy by the librarians of NYPL Correctional Services Team that spent decades pushing book carts around the prison, doing their best to fulfill inmates’

requests (Peet, 2016). Prison librarians also solicit donations through Amazon wishlists and nonprofit organizations like Books To Prisoners, who work with prison libraries to collect donated books as well. What is important is that in both cases, they are not asking for just any books. The books requested are often what are requested by inmates that work within the boundaries of prison censorship. It's important for enrichment, education, and rehabilitation for inmates to have access to quality and contemporary books and materials just like any other library patron in the United States.

Conclusion

Access to information is a human right not limited to the unincarcerated. The level of subjectiveness used in book circulation within prison libraries means that many who are incarcerated are less likely to be exposed to information and literature that could educate, empower, and help sustain a sense of hope. Connection to the outside world and information equity are key pieces of rehabilitation and recovery, in addition to providing a pastime and tempering boredom and anxiety. However, these needs can be in direct conflict with the censorship guidelines prison staff believe they need to maintain a safe environment. Prison librarians and other outreach organizations work hard to find ways to work within and around these boundaries through tireless advocacy and passion for their work.

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