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Reading Behind Bars: How Prisons Restrict Inmate Access to Information

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Introduction

While the Supreme Court affirmed in their 1974 ruling on *Wolff v. McDonnell* that “[t]here is no iron curtain drawn between the Constitution and prisons of this country” (Zoukis, 2018), and the American Library Association (ALA) has asserted that “free communication is essential to the preservation of a free society and a creative culture” (2019a), the reality of prisoners’ access to information stands in stark contrast to these lofty phrases. There is a clear consensus among authors that prisoners’ right to read is extremely—even excessively—curtailed. Alarming, case studies, Supreme Court decision analyses, and journalistic discoveries point towards a trend of increased, rather than relaxed, prison censorship over the past half a century. To state the problem more succinctly: through legal rollbacks of prisoners’ Constitutional rights, preponderance of “banned book” lists, shady and unclear prison library administration, and exploitative relationships with private contractors, prisoners’ right to read is increasingly curtailed in varying ways in carceral institutions all across the country.

Unfortunately, there are serious gaps in knowledge (and in quantitative research) to paint a complete picture of censorship in the United States prison system. To further

complicate matters, carceral institutions have substantial liberty (and secrecy) in developing and enforcing policies, meaning while there are some trends (e.g. preponderance of banned book lists), there are no universals (e.g. specific books on banned book lists), and much missing data. All of the varying trends on prisoner access to information, however, have not been adequately synthesized, and is the focus of this paper is to weave together some of these inexorably linked strands.

This issue is a nontrivial one because the United States incarcerates more people—both overall and per capita—than any other nation on Earth. According to the World Prison Brief, the United States has a prison population of roughly 2.1 million individuals, over 400,000 more than China, whose total population is roughly four times larger than that of the United States. The U.S. accounts for roughly one quarter of the global prison population, and its rate of 655 prisoners per 100,000 is substantially higher than that of El Salvador, whose rate of 590 prisoners per 100,000 ranks second globally (World Prison Brief, n.d.). Clearly, United States prisoners comprise a substantial population, and how these individuals are treated speaks not only to the country's morals and values, but also to the extent to which authority can be used to infringe upon basic human rights.

Raw data on this matter is hard to find: because there is so much variance in local, state, and federal jails and prisons, and because these institutions employ a number of non-professional librarians (I am using “professional” to refer to librarians with a Master's degree in Library/Information Science from an ALA-accredited institution), the majority of reports and analyses on this topic are case studies. Furthermore, librarians

are not the strongest statisticians, and, according to Van Epps (2012), they lack confidence in using statistics.

The perceived problem was surveyed by Powell, Baker, and Mika (2002) who found that 58.6% of library and information science practitioners felt they were not adequately prepared by their library and information science (LIS) programs to conduct research. The same study showed that 36.9% of the librarian practitioner-researcher population also feels unprepared to read and understand research publications. The level of discomfort discovered by Powell et al. (2002) supports Wallace's (1985) findings showing that 74% of the literature published in library and information science does not include any statistics (p.2).

All of this to say, librarians and researchers doing work in this field rarely use statistics, and even when they do, their figures (thus, potentially conclusions drawn from them as well) may be flawed.

Still, there is a handful of numerical data that can be consulted and analyzed, for instance: lists of banned books, details of exploitative pricing structures, and a survey and interviews conducted with willing participants by Suzanna Conrad on prison library practices. Yet, because of the prior-stated factors, the research presented here is mostly qualitative, simply because sufficient quantitative data is not available to make major statements about prisoners' ability to access information throughout the country. However, the available qualitative resources are sufficiently varied across disciplines and areas of focus. This makes it possible at least to provide robust and nuanced analysis.

Review of the Literature

First, the coordinates of the argument must be delineated by official organizational documentation. To this end, the ALA is a trove of policies, goals, and reports, concerning both libraries for the free populace and libraries for the incarcerated, including the *Right to Read*, the *Prisoners' Right to Read*, and the *Newsletter on Intellectual Freedom*. The ALA is of course a foremost source on library policy and vision, and it is important that they have recognized the precarious dance between rights of free citizens, and the abridged rights of incarcerated peoples. The *Prisoners' Right to Read* declaration reaffirms the importance of the preservation of intellectual freedom for all individuals, incarcerated or otherwise. The ALA's statement acknowledges the existence of rules and court decisions that prohibit access to certain types of materials for prisoners, but argues that these prohibitions should be minimized by adherence to the *Library Bill of Rights*. Most importantly, this statement lays forth twelve principles to guide library services for those who are detained or incarcerated.

The *Newsletter* is a point-by-point list and description of specific issues concerning censorship, with subheadings for "libraries," "schools," "foreign," and "prison." Highlights include X-rated films and indecent exposure in a Colorado public library; removal of *Slaughterhouse V* from a Missouri high school's curriculum; web-filtering on LGBT educational sites; and prohibition of R-rated film viewings in California prisons. This serves to provide a snapshot of the intersection between freedom to read and censorship across multiple domains of society, and provides a jumping off point for comparison and contrast in issues and solutions when it comes to library censorship.

Because the issue at hand is a legal one, it is pertinent to consult analyses of Supreme Court decisions that affect prisoners' rights, in particular as they pertain to

what they are allowed to do and what they are prohibited from doing. Legal journals provide analytic discussions of cases, their decisions, and potential consequences. Cases such as *Bounds v. Smith*, *Turner v. Safley*, and *Wilson v. Seiter* are among the rulings that infringe upon prisoners' rights, and legal journals dissect them in a straightforward and helpful manner.

Berger (1992) attacks the decision on a 1991 Supreme Court case, which erodes prisoner protection under the Eighth Amendment, which prohibits "cruel and unusual" punishment. In this decision, the Court objected to any objective measurement of a prison's living conditions, and left it to a prison's "subjective intent" (p. 566). Although this decision does not deal particularly with libraries and censorship, by placing greater control in the hands of carceral institutions themselves, and removing objective guarantees, its far-reaching effects call under threat prisoners' freedom to read. As long as a prison can provide some subjective reasoning to deny prisoners' rights, it is substantially more difficult to hold them accountable and force them to make concessions, as a result of this decision. Legal cases like these are important to be aware of when searching for the limits of prisoners' rights.

Giles analyzes the progression of the Supreme Court's views on prisoners' rights, from a position next to slavery, to a "hands off" doctrine allowing a greater affirmation of basic rights and restrictions on prisons from limiting them, to the demise of said doctrine, reaffirming greater power to prisons to treat inmates as they see fit. More specifically, this decision was responsible for the creation of a four-pronged "Turner Test" to determine the justification for prison restrictions. The result of this is a spiky, complicated, and subjective loophole through which prisons can suffocate the

incarcerated and deny them their just constitutional rights. Giles echoes what was written previously by Potuto (1977) in his analysis of *Bounds v. Smith*, where he cites the earlier *Johnson v. Avery* as “the most important decision with respect to weakening the hands-off doctrine of federal courts considering prisoner claims” (p. 208). Clearly, the hands-off doctrine had not been sufficiently weakened for the Court.

Finally, there is the plethora of books and serial articles (both commercial and academic) that address information access for prisoners. These range from news reports of acquired lists of books that have been banned from carceral institutions, to peer-reviewed research articles, to sources written by former prisoners themselves. Loera et al. (2019) note the alarming figure that three out of five prisoners are illiterate, and place this in contrast to rampant regulation and banning of books in prisons. They posit that a course of action to fight this is to support human rights organizations like the Human Rights Defense Center “in spreading awareness of these restrictive policies, and the importance of setting clear criteria and explanations for their creation” (p. 21).

Profiles and personal accounts from prison libraries across the country such as those provided by Lilienthal and Hughes point out specific efforts undertaken to provide services to inmates. There is a small pocket of initiatives where prison libraries (or other libraries partnering with prisons) attempt to enrich and rehabilitate prisoners. These include job training initiatives as well as group sessions, where inmates read books and discuss them with a correctional librarian. Theological libraries as well have written about partnerships with inmates. Calvin College, for instance, has students pursuing bachelor’s degrees at the Handlon Correctional Facility in Ionia, Michigan. Malone notes that contrary to what stereotypes or expectations may suggest, the students perform

well: “in the 2016-17 academic year, there was a cohort-wide GPA of 3.6 with 20% of the students enrolled earning a perfect 4.0 grade point average” (Malone, 2018, p. 15). Thus, a wealth of literature points to a number of successful programs in spite of legal and institutional barriers to prisoners’ access to read and consume information.

Findings and Analysis

The Supreme Court has significantly rolled back Constitutional protections for prisoners, giving increasing authority at state and local levels for institutions to act as they see fit. The *Turner v. Safley* decision was responsible for the creation of a four-pronged “Turner Test” to determine the justification for prison restrictions. Giles (1993) analyzes subsequent cases invoking the decision, showing that “the Turner test is unduly deferential to prison officials’ judgment” (p. 232). This gives prison libraries sufficient leeway in banning literature deemed to be subversive or dangerous. This is often done out of view of the public eye, and is only uncovered by investigative research.

For one such instance: in the Education Justice Project library at the Danville Correctional Center in Illinois, “between November 2018 and late January 2019, more than 200 books were removed, censored, or banned...most of which deal with topics like ‘critical pedagogy and learning, race, African American history, slave narratives, human struggle and suffering, the Holocaust, and gay culture and gender identity’” (Harvey, 2019, p.18). This is a disturbing and racist revelation, particularly given the disproportionate targeting of non-whites by law enforcement, coupled with the disproportionately higher and harsher sentences given to non-whites than to whites by the legal system. The prison system not only targets people of color more intensely, but they seek to disenfranchise them further once they are behind bars. Conrad (2012) cites

other limitations, such as “‘anti-social’ westerns, detective novels, newspapers with reports of violent crime, political works, medical literature, books with graphic sex scenes, and sometimes even martial arts, ‘introspection’ works, and information on psychology” (p. 415). The arbitrary nature of what is and is not banned borders on absurdity. It is also worth considering the ethical dilemma this poses to correctional librarians, should an inmate request a book that falls into one of these broad categories: Should one breach their ethics and their commitment to the Library Bill of Rights and deny the request? Or should they attempt to fulfill the request, and risk disciplinary retaliation? In these cases, it is not only the prisoner who perceives injustice, but the librarian as well.

In another matter, collaboration with private contractors has initiated pay-to-read efforts in prisons, even for books in the public domain. In West Virginia, for instance, inmates must pay 3 to 5 cents per minute to read public domain e-books. This fee also applies to listening to music or playing games, while a 25 cent fee must be paid per written message as well as per minute for video visitations. Most egregiously, a fee of 50 cents is required to send a photograph with a message. Meanwhile, West Virginia inmates earn from 4 cents to 58 cents per hour. “The APBP [Appalachian Prison Book Project], a nonprofit that offers free books and education to prisoners, reviewed the contract and called the fee structure ‘exploitative’” (Malalia, 2019). This commodification of everyday activities such as reading and communicating is a linchpin of neoliberal capitalism, with private ventures infiltrating and consuming even the structural hallmarks of public infrastructure, such as carceral institutions. The prisoner is thus stripped of even more of whatever remains of his humanity, he is rendered a mere element in a

transaction. As the APBP's founder Katy Ryan aptly and succinctly notes: "If you pause to think or reflect, that will cost you." The "cost" here is both monetary and mental.

Prison policy is largely a secretive affair, and as such discourages significant inquiry. For this, it can be harder to protest injustices (and easier for institutions to enforce them), when these injustices are kept under lock and key. Suzanna Conrad (2017) undertook an effort to survey prison libraries on number of details: from development policies and practices, to the library's place in the institution's hierarchy, to demographics. She was unable to procure statistically significant results, stating: "The most significant of these challenges is the barrier that many prison administrators or central department of corrections may be initiating to prevent their staff from participating as research subjects," and concludes that "without sponsorship from a major funding agency such as the U.S. Department of Education...it is unlikely that any researcher embarking on this type of research would be able to produce statistically significant results at high confidence intervals" (p. 121). The smoke and mirrors created by these institutions give them freer rein to operate as they see fit, which, as shown by Harvey above, clearly includes widespread censorship of materials.

Perhaps the most disturbing conclusion in all of this is that case studies indicate that access to literature for prisoners is enriching, and helps them better reintegrate into society upon release. Rather than posing a threat leading to destruction and violence, free and ready access to information decreases recidivism and enables prisoners to learn skills that will prepare them for their return to freedom. Hughes (2013), for instance, outlines efforts of the Free Library of Philadelphia (FLP), stating: "The FLP Prison Library plays an important role by supporting all the PPS programs by helping

reading levels and, thus, a more successful attempt at reintegration for the inmates. Some of the programs that the library supports are GED classes, vocational training, and religious programs inside the [Philadelphia Prison System]" (p. 20). These measures are strictly educative, and if a prison were to be a place for rehabilitation of its inhabitants rather than a place simply for cold punishment, these types of programs would be the norm, not the exception.

Lilienthal notices similar benefits in library programming for prisoners in varying locations around the country: New York, Connecticut, Minnesota, California, and Colorado. Daniel Marcou, a correctional librarian in Hennepin County, Minnesota, makes an apt and important point: "Most folks who have hustled on street corners have strong transferable skills in terms of legitimate work and self-employment." (Lilienthal, 2013, p. 28). Library programs for prisoners have the potential to build and shape these practical skills, treating inmates as human beings capable of redemption rather than irredeemable sub-humans. This does not only apply to job training: consuming other types of media discussing them in group sessions can build character. Ally Dowds, a correctional librarian in Massachusetts, assigns works with seriously flawed characters, or "events and decisions likely to provoke discussion," such as *Hoop Dreams*, *To Kill a Mockingbird*, and *A Streetcar Named Desire*. "This often ends in the group taking sides, but it also encourages inmates to demonstrate empathy,' explains Dowds" (p. 31). Training or entertainment, fiction or non-fiction, all sorts of materials and services provided by libraries aid in the mental and emotional growth of incarcerated persons.

Conclusion

While the right to read and access information is more or less a given for free persons in this country, prisoners are not so lucky. Through legal rollbacks that give sufficient rein to prisoners to operate as they wish, the Prison Industrial Complex's ties to private contractors, poorly funded and managed libraries, and other shady tactics, prisoners face a barrage of limits on their freedom to read. This is in spite of the evidence showing that such freedom has a positive effect on inmate rehabilitation.

This issue is difficult to address, as in this country in general, there is little collective advocacy for incarcerated individuals. Groups that do stand up for prisoners' rights must have their voices echoed and elevated to increase awareness. Former prisoners can be powerful advocates, and their experiences must be amplified and shared. Addressing prisoners' right to read enhances the struggle for prisoners' rights overall, and vice versa.

Given the uniquely massive and oppressive prison system in the United States, it would be beneficial moving forward to look at carceral institutions in other sufficiently developed and democratic countries. Countries with strong social safety nets like the Netherlands, Norway, and Sweden may provide blueprints for actions that can be proposed here at home. Additionally, greater mind could be paid to enforce standards developed by international organizations, such as the International Federation of Library Associations and Institutions, the UNESCO International Book Committee, and the International Publishers association (Lehmann, 2000, p. 7). A separate avenue to pursue, though it is sufficiently removed from librarianship and information access, is to look towards decriminalization and legalization of recreational use of a number of drugs. Nonviolent offenders occupy a substantial amount of prison space, and if substance

abuse were treated as a health issue rather than a criminal one, that would keep innumerable bodies out of the system's gaping maw in advance. Ending cash bail and providing more funding for public defenders would go a long way towards fixing the current system as well, as a number of innocent people accept plea deals simply because they cannot afford bail or a lawyer, and the deal offered is substantially lighter than the potential sentence on a guilty verdict in the courtroom. Similarly, movements to close down private prisons and prison contractors would be beneficial, as the profiteering motive of private corporations in the rapacious pursuit of endless wealth leads to the desire to build (and fill) more prisons, and extract the most surplus value from the prisoners as possible, through exploitative labor and price-gouging services. Carceral institutions' crackdown on prisoner freedom to access information is only one of a hoard of symptoms; the all-enveloping plague is the United States prison system itself.

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