Testimony of Jennifer Vollen-Katz  
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Removal and Censorship of Books in Prison  
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The John Howard Association (JHA) was founded in 1901 to provide critical citizen oversight of the state’s correctional facilities. As Illinois’ only independent, non-partisan prison watchdog organization, JHA functions as the eyes and ears of the public inside of the prison system. JHA goes into prisons to observe conditions, and to talk with people who are incarcerated as well as correctional staff and administrators in order to create system transparency, inform stakeholders and the public about the realities of prison, and to promote government accountability. JHA fights for a correctional system that is fair, humane and effective.

We believe that Illinois must reduce its reliance on incarceration and divert people to community-based services and resources, instead of criminalizing the many public health problems and social infrastructure failures that send people into prison. Rehabilitation, skill acquisition and planning for successful reintegration into society should be the focus and goal of the system from the beginning of a person’s justice system contact through incarceration.

Prisoners’ Fundamental Rights Are Denied Based on Use of Authority That Is Unchecked and Lacks Transparency.

In Illinois prisons, people are denied access to reading material under the authority exercised by the Illinois Department of Corrections (IDOC). While a review process exists to determine whether or not a publication is allowed into a prison, information about how this process works, the reasons for censorship of a particular writing, and reporting on review committee outcomes is nonexistent.

It is well established law that being in prison does not deprive a person of his or her first amendment rights and that the wholesale banning of books and other reading materials is illegal. However, courts have also consistently upheld prison rules and regulations that impinge on a prisoner’s constitutional rights as long as they are “reasonably related to legitimate penological interests.” The federal courts have outlined an assessment process that essentially balances the restriction placed on a prisoner’s rights against the legitimacy of the governmental interest, with enormous deference accorded to prison administrators to make decisions about policies and rules in order to secure and maintain the safety and security of the institutions.

It is this sweeping prerogative that leads to unnecessary and unfair restrictions on prisoner’s rights. It also allows for decision and policy making that is arbitrary, opaque, inconsistent and without meaningful recourse, as well as detrimental to people who are incarcerated.

Without making public the process by which a publication is reviewed, the reason a particular publication is banned, and providing the opportunity for public scrutiny of both the process and decision, IDOC is improperly and unfairly using the Department’s broad power to limit prisoner access to information.

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1 Turner v. Safley, 482 U.S. 78 (1987)
Importance of Books in Prisons:
Books provide prisoners a window into other ways of thinking, living, and behaving. Books can stimulate new outlooks and ideas for the future, as well as provide guidance on concrete skills that can improve people’s outcomes by increasing employability and providing other productive future pathways. Often cited research conducted by the Rand Corporation shows that prisoners who participate in educational programs have as much as a 43 percent lower recidivism rate than those who do not. Tied to educational programming is the underlying importance of literacy, a skill that not only makes educational attainment possible but increases individual engagement and enfranchisement and promotes pro-social behavior.

As Supreme Court Justice Thurgood Marshall wrote in 1974,

When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-realization concluded. If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment.²

Similarly, The American Library Association in upholding their “Library Bill of Rights” stated that,

“[p]articipation in a democratic society requires unfettered access to current social, political, legal, economic, cultural, scientific, and religious information. Information and ideas available outside the prison are essential to people who are incarcerated for a successful transition to freedom. Learning to thrive in a free society requires access to a wide range of knowledge. Suppression of ideas does not prepare people of any age who are incarcerated for life in a free society. Even those individuals who are incarcerated for life require access to information, to literature, and to a window on the world.”³

Books and other publications also provide an antidote for chronic idleness, which is a problem in Illinois due to lack of both programming and available jobs inside the prisons. In a report authored by the Vera Institute’s Commission on Safety and Abuse in America’s Prisons, the authors noted that few conditions compromise safety more than idleness.⁴ Given the lack of structured rehabilitation, education and work programs provided to people inside of Illinois’ prisons, being able to read provides an essential outlet to fill time productively. Put simply, the more constructive opportunities that people in prison have to escape boredom and idleness, the fewer behavioral and safety issues occur. Reading helps to expand the mind and creativity and to mitigate feelings of loneliness and isolation, thereby reducing antisocial and problematic conduct to the benefit of all.

A recent editorial from a former prison librarian in Ohio, Andrew Hart, recognized that there is a practical need to restrict access to certain kinds of information in carceral settings, such as books that instruct on the making of weapons, drugs and alcohol. However, these restrictions aside, he makes clear there is a vast need for greater access to books and information inside prisons because this has a critical impact on prisoners. Along the same lines, the American Library Association posits that, [p]articipation in a democratic society requires unfettered access to current social, political, legal, economic, cultural, scientific, and religious information. Information and ideas available outside the prison are essential to people who are incarcerated for a successful transition to freedom. Learning to thrive in a free society

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³ [http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/prisonersrightoread](http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/prisonersrightoread)  
requires access to a wide range of knowledge. Suppression of ideas does not prepare people of any age who are incarcerated for life in a free society."  

From his firsthand experience as a prison librarian, Hart observed, however, that the key problem in prison censorship is the manner in which censorship is conducted – which in most cases is done arbitrarily and without information being made public so that prison administrators’ censorship decisions can be reviewed, questioned and challenged.  

The Problem in Illinois:  
The recent removal of over 200 books from a prison educational program has prompted public outcry as well as an opportunity to expose the larger issue of lack of access to reading materials in prisons and the lack of a reasonable, consistent and transparent review process regarding the exclusion of books and other reading materials in Illinois prisons. Concerningly, from 2003 until the adoption of IDOC’s Fiscal Year 20 budget, no money was designated for library materials, making the general availability of books woefully scarce, irrespective of recent IDOC censorship decisions.

IDOC has a list of approved reading materials, and when new publications are sent to the prison, either to the library or to an individual prisoner, they are reviewed to determine whether they are obscene or constitute a danger to safety and security of the institution. Each facility has an institutional Publication Review Committee which reviews all publications sent to prisoners that are not already listed on the pre-approved list, and will disapprove materials that do not meet criteria that is contained in agency administrative directives (which are not readily accessible to the public). The make-up of these committees is inconsistent across facilities, but all are comprised solely of correctional staff and administrators. There are no civilian members from outside the prison system, such as educators or librarians, on the committees; nor do the committees include input from former prisoners. Additionally, the list of approved and disapproved books is not made available to people who are incarcerated, leaving them uninformed and justifiably frustrated.

The guidelines provided by IDOC to direct the individual facilities’ Publication Review Committees’ decision making are overly broad and often are interpreted differently at each prison. The guidelines contain few specific definitions, inviting disparity, inconsistency and abuse of discretion across various facilities. To illustrate, some of the articulated reasons a publication may be banned from an Illinois prison include: the material is obscene, depicts, describes, or encourages activities that may lead to violence of group disruption, encourages hatred or commission of a crime, material is “detrimental to security, good order of the facility, rehabilitation or discipline”. These restrictions are phrased in language that is so vague, subjective, and lacking in specificity that consistency in interpretation and enforcement is simply an impossibility.

Policies that restrict prisoners’ first amendment freedoms must be clear, consistent, narrowly tailored, fair, and applied uniformly across all facilities. IDOC must be transparent with both the criteria and the processes used to approve or disapprove of publications, and should be accountable to the public by making their process and censorship decisions available for public review. Further, the criteria used to assess whether publications can come into a prison must be defined with far greater specificity and narrowly

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http://www.ala.org/aboutala/sites/ala.org/aboutala/files/content/governance/council/council_documents/2019_ms_council_docs/ALA%20CD%202019_3%20IFC%20Prisoner%20Right%20to%20Read%20Library%20Bill%20of%20Rights.pdf  
tailored to allow prisoners the greatest access possible to information without compromising facility security. Recognition that there are widely diverse modes of cultural expression and opinion must also be taken into account in formulating any regulations. It is also imperative that IDOC censorship standards, and the specific title and identity of materials that IDOC determines violate these standards, be made publicly available so that citizens are informed, allowed to scrutinize the list of banned materials, and provide meaningful input and feedback.

Denying people access to materials that are both within their rights to have and important to rehabilitation, self-improvement and future success is illegal, unproductive and unjust and offends our most cherished democratic principles. As the Supreme Court has noted, ‘The State may not invade the sphere of intellect and spirit which it is the purpose of the First Amendment of our Constitution to reserve from all official control.’\(^7\) Prison censorship that prevents prisoners from receiving suitable access to social, political, esthetic, moral, and other ideas, which are central to the development and preservation of individual identity, clearly violates the First Amendment.\(^8\)

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