

BANNED BOOKS IN THE TEXAS PRISON SYSTEM

HOW THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
CENSORS BOOKS SENT TO PRISONERS



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A TEXAS CIVIL RIGHTS PROJECT 2011 HUMAN RIGHTS REPORT

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Executive Summary

What do William Shakespeare, Jenna Bush, Sister Helen Prejean, Sojourner Truth, Juan Williams, 50 Cent, John Grisham, Noam Chomsky, Stephen King, John Updike, Kurt Vonnegut, Jack Kerouac, George Carlin, Gore Vidal, George Orwell, Gustave Flaubert, and Jon Stewart have in common?

They have each written at least one book banned in Texas prisons.

The Texas Department of Criminal Justice (TDCJ) arbitrarily censors books and magazines sent to Texas prisoners. Though cultivating literacy has obvious rehabilitative benefits, TDCJ prevents prisoners from reading many books, including works by award-winning authors, literary classics, and books about civil rights and prison conditions. In violation of prisoners' First Amendment rights, TDCJ prohibits the simple pleasure of reading important books.

Many of TDCJ's censorship decisions are bizarre. While it seems reasonable to censor *Guns and Ammo*, for example, it's hard to understand why issues of *Guns Illustrated* would be allowed. Though TDCJ could likely constitutionally censor both, this is a prime example of the arbitrary nature of TDCJ's censorship decisions.

Other censorship is far more insidious. TDCJ has censored several books critical of prison conditions and TDCJ itself. All of these censorship decisions rest on very flimsy, unconstitutional justifications.

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.

Finally, many censorship decisions seem to be made simply because TDCJ officers want to deny prisoners the books they choose to read. In one instance, TDCJ censored *Fried Green Tomatoes at the Whistle Stop Café*, allegedly because its content is racially inflammatory. Anyone who has seen the Academy Award-nominated movie based on the book would have a hard time understanding how this book could cause a prison race riot.

Though the Constitution allows TDCJ to censor books that could legitimately threaten prison security, TDCJ is censoring even extremely innocuous material. This censorship violates long-established constitutional law.

Note on Sources

This report is an examination of the guidelines for publications sent to TDCJ prisoners, including policies regarding censorable content and their application. TDCJ's specific policies for mail and publications sent to prisoners can be found in TDCJ's Board Policy 03.91, and in the appendix to this report.

All information about specific censorship decisions comes from documents and databases produced in litigation. TCRP represents Prison Legal News, a non-profit prison reform organization that distributes five banned books, in *Prison Legal News v. Livingston*, No. 2:09-cv-00296 (S.D. Tex. – Corpus Christi 2009). The case is currently on appeal before the Fifth Circuit. The complete list of banned and allowed books is on TCRP's website,

www.texascivilrightsproject.org/go/prisonbooks

During the *Prison Legal News* litigation, TCRP conducted depositions of TDCJ employees. These depositions were helpful in writing this report, and transcripts are available on TCRP's website.

Though this report focuses on books, it more generally discusses "publications," which can include books, magazines, and other reading material.

The Benefits of Reading for Prisoners

If there is any activity prisons should encourage during incarceration, it is reading. Reading has many educational and rehabilitative benefits for prisoners. To encourage reading, prisons should allow inmates to choose the materials they find most engaging (with reasonable limits). By banning non-controversial books that prisoners want to read, prisons discourage inmates from picking up any book.

Reading keeps prisoners occupied. “Idle minds are the devil’s workshop,” especially in prison. If prisoners are busy reading, they are less likely to violate prison rules.

Reading also has obvious educational benefits. Reading helps to build knowledge and vocabulary. Aside from the value of enhancing knowledge by reading, readers of adult-level books are exposed to a higher number of uncommon words than people watching prime-time television (by more than a two-to-one margin), which leads to the development of a larger vocabulary. Furthering attributes like these can benefit prisoners by better preparing them for employment following their incarceration.

Reading also makes prisoners better writers. Prisoners rely on the mail to keep in touch with family and support organizations in the “free world.” Improving the quality of their writing strengthens these relationships, which are critical for a successful return to free society. Thus, it is not surprising reading positively correlates with lower recidivism rates, benefitting both the public and the prisoner.

Reading also generally improves the mental acuity of prisoners. For example, reading is more demanding on a prisoner’s brain than watching television. Such mental activity enhances the ability to learn new skills, improves memory, and diminishes the effects of age on the brain. Consequently, reading while incarcerated allows the prisoner to return to society in the best possible mental state. These benefits are further enhanced by the fact that, once good reading habits are developed, these benefits are enjoyed beyond one’s prison term.

Moreover, according to a recent project at Cornell University, reading habits correlate with being an active participant in one’s community, a skill that is critical to both social and individual well-being. Reading can enhance a prisoner’s ability

for internal reflection, a skill prisoners commonly lack. While reading, a prisoner becomes engaged in the story, causing personal reflection. As prisoners read about fictional characters, they consider the situation the characters find themselves in. When a reader personally relates to a character, this self-relation can lead to beneficial introspection of who the reader is and a reflection on their previous actions. Furthermore, social interaction is benefitted through reading because the reader analyzes and engages in the social interactions of the characters in the story. When prisoners can select the books they read, they are more likely to find their reading engaging and to relate to the characters.

Finally, allowing prisoners to read books of their choosing provides them with the benefits of rehabilitation while prison rehabilitation programming is likely to be slashed by the legislature. A prisoner can read in his or her own cell—even while a prison is “locked down” and other programming is cancelled, a prisoner’s mind remains engaged.

Prisoners' Constitutional Right to Read

“Prison walls do not form a barrier separating prison inmates from the protections of the Constitution.”¹ When prisons censor incoming mail, they potentially violate the First Amendment rights of both the prisoner and the person who sent the correspondence. “Both parties to the correspondence have an interest in [having the correspondence read], and censorship of the communication between them necessarily impinges on the interest of each.”² In 1989, the Supreme Court confirmed publishers have a free speech right to “communicate with [prisoners] who ... willing[ly] seek their point of view.”³

Prisons officials can only censor publications when “reasonably related to a legitimate penological interest.”⁴ This standard allows prisons to keep out books that, for example, show prisoners how to escape or make weapons. The prison must show the objective of the censorship is “legitimate and neutral” and that regulations are “rationally related to that objective.”⁵ The Supreme Court has held prisons cannot censor materials that express even “inflammatory political, racial, religious or other views” or are “defamatory” or “otherwise inappropriate.”⁶ Prisons cannot censor books based on the “whims of administrators”⁷ or “apply their own personal prejudices and opinions as standards for prisoner mail censorship.”⁸

Most prisons and jails, including TDCJ, follow the “publishers only rule.” Individuals cannot be send books to prisoners. All books, pamphlets, magazines and periodicals must come directly from a publisher, bookstore, or other distributor. Upheld by the courts, this rule ensures incoming books are not used to smuggle contraband.

Generally, however, First Amendment law allows prisoners to read a wide variety of books and magazines.

How Does TDCJ Censor Books?

When TDCJ censors a book, prisoners are completely banned from reading it. If TDCJ objects to a single word, the entire book is banned—pages cannot be removed or words blacked out.

Three different TDCJ bodies make censorship decisions, depending upon the stage of review and the type of publication. The first reviewer is the individual prison unit mail room that receives the publication. The publication is checked against a master list of publications already deemed acceptable. If the publication is on the list, the prisoner receives it. If not on the list, the mailroom officer decides if the book has “objectionable” content.

TDCJ policy bans books if they:

- 1) Contain contraband;
- 2) Contain information about manufacturing explosives, drugs or weapons;
- 3) Are written “solely for the purpose of” “achiev[ing] the breakdown of prisons” through strikes, riots, or gang activity;
- 4) The prison makes “a specific determination ... that the publication is detrimental to offenders’ rehabilitation because it would encourage deviant criminal sexual behavior”;
- 5) Have instructions on how to set up “criminal schemes”; or,
- 6) Contain “sexually explicit images.”⁹

No further written guidelines describe when to censor books,¹⁰ and TDCJ does not provide any training to its employees on the constitutional rights of those who send books to prisoners.¹¹ TDCJ “do[es] not attempt to determine whether the remainder of the book contains other content, which is not in violation of policy or which would ‘outweigh’ [a single] reference.”¹²

If a prisoner decides to appeal a mailroom officer’s decision to censor a publication, the appeal will go to a central TDCJ office in Huntsville. Periodicals go to the Mail System Coordinators Panel (MSCP). Any items other than periodicals, including books, go to the Directors Review Committee (DRC). All appeals are decided by these two bodies. Their decisions are final, unless the

prisoner files a lawsuit. As most prisoners cannot find a lawyer to bring these cases, MSCP/DRC decisions are essentially final.

The MSCP is “the body designated to assist in the maintenance and coordination of the Uniform Offender Mail System.” Its responsibility is “to bring uniformity to the decisions of the various units by providing technical assistance and rule interpretation; serve[] as the centralized authority for the review of publications for initial unit acceptance or denial; provide[] training for mailroom staff; conduct[] in-depth monitoring of all unit mailrooms; and submit[] periodic reports pertaining to the offender mail system.”¹³ The MSCP employs three people who work in Huntsville.

The DRC is “the body of appointed agency administrators with authority to hear all appeals related to rejected correspondence, publications and placements (of individuals or organizations) on negative mailing lists.”¹⁴ In practice, however, the DRC has delegated its book review powers to the MSCP, and very rarely hears book appeals. Thus, the MSCP reviews the vast majority of appeals.

TDCJ Censorship Abbreviations

ALC BVG – manufacture of alcoholic beverage

BRK WPN – breakdown of a weapon

BRO - brother

BST - beastiality

CHM FRM – chemical formula

DTR - daughter

EXP – how to manufacture explosives

FTR - father

INC - incest

IND CHL – indecency with a child

M/H – men engaging in homosexual activity

MAR ART – martial arts

MTR - mother

NCE - niece

NEC – necrophilia

NEP - nephew

NUD CHL – nude child

RCL - racial

S/M – sadomasochism (bondage)

SECURITY – could cause security concerns

SEI – sexually explicit image

SEX MNR – sex with a minor

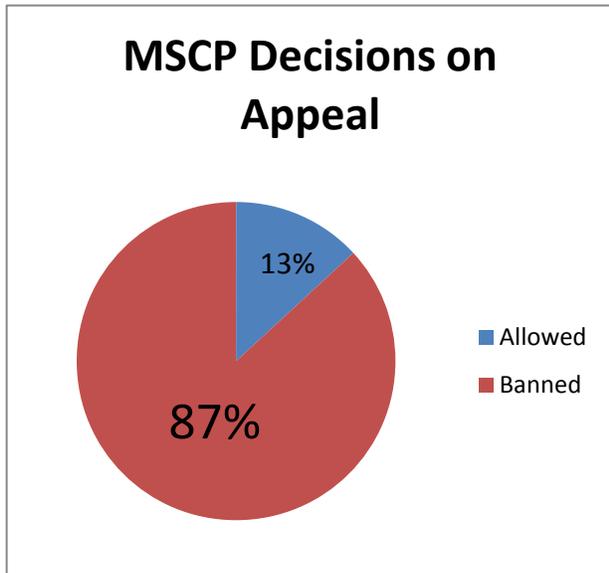
SIS - sister

STG – security threat group (gang)

SYM TRN – symbols and translations

UNA GRP – unauthorized group/organization related

W/H – women engaging in homosexual activity

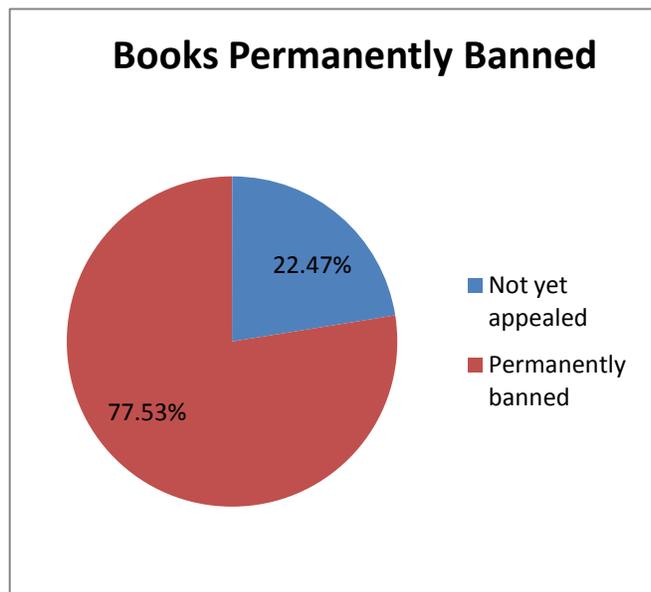


If the book is censored, a mailroom official is responsible for notifying the prisoners of the rejection and informing them of the appeals process. The books' "sender" is also notified, *if* the book has not previously been appealed. This latter point has critical impact, as this report shows.

The notice provides very little information about why the publication has been censored. Usually the explanation is just a few words and a

page number. TDCJ usually only provides an abbreviation to explain why the book is being censored. Sample rejection notices appear in the appendix.

A prisoner or sender who wants to appeal fills out a form and gives it to the unit mailroom to be submitted with the publication in question. If the MSCP or DRC feels the publication does not violate the proscribed criteria, it reverses the ban and forwards the publication to the prisoner. The MSCP and DRC must render final decisions within two weeks after receiving the appeal and shall issue written notification of the decision to the prisoner and publisher within 48 hours.



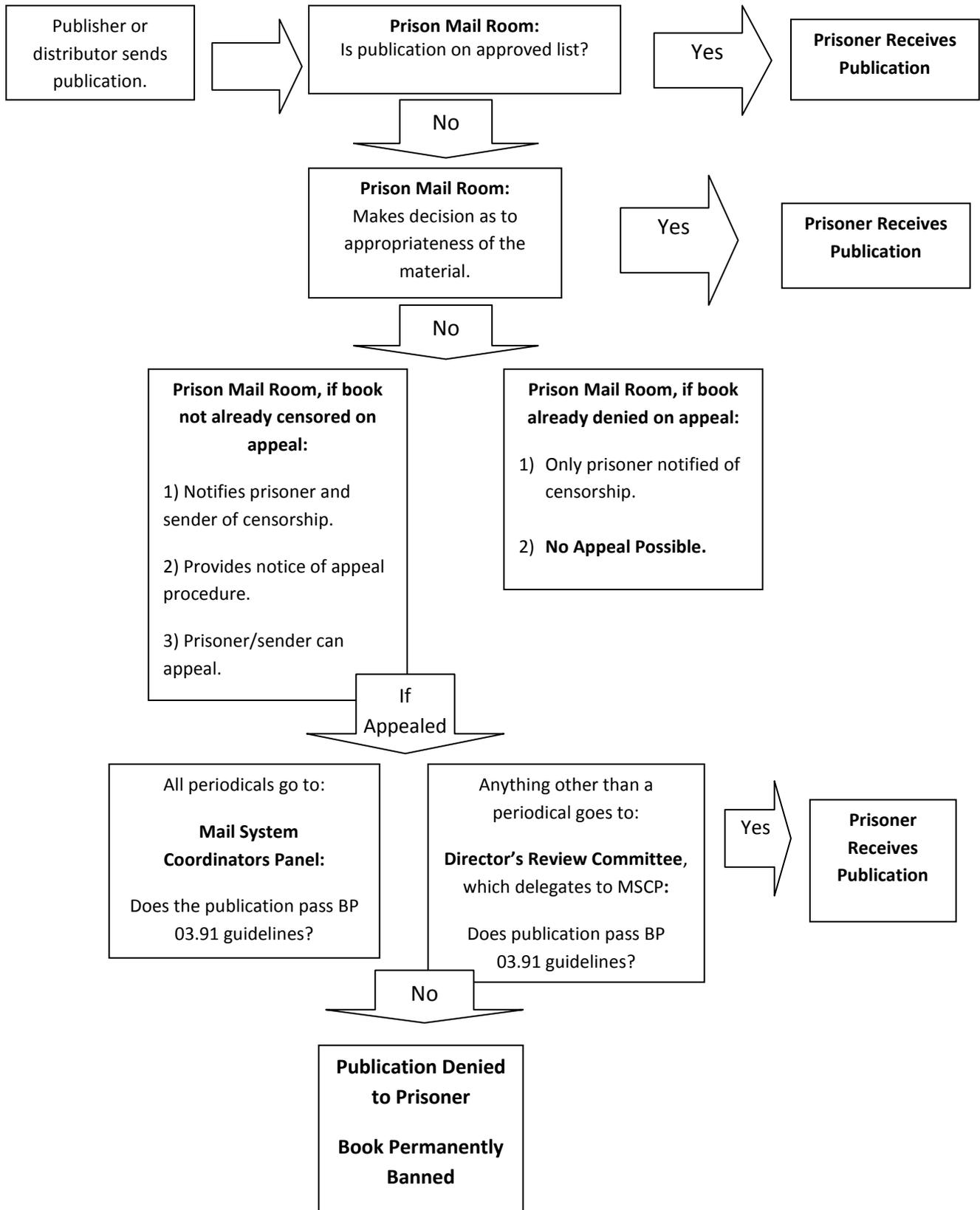
A book can only be appealed once. After the MSCP/DRC rules on an appeal, its decision is final. After a book has been denied on appeal, the prisoners will still be provided notice the book was censored, but the "sender" will not receive any notice at all. If a book has been censored in the mailroom, but not appealed to the MSCP/DRC, the book will remain on the banned list until someone successfully appeals.

Serious problems prevent the appeals system from working effectively. When prisoners appeal, they never have an opportunity to see the book. They are in a classic Catch-22 having to articulate an appeal about a book they have never been able to even look at. If a prisoner appeals unsuccessfully, a sender (who would be able to read the book in the free world) cannot appeal because, at that point, the book is already under a permanent ban.

Over 86% of all appeals are denied. Of the total number of books on the banned list, almost 78% are permanently banned, with no further possibility of appeal.

Until now, the complete list of banned books has never been publicly available. This creates real problems for those who want to send books to prisoners. A sender must pay for a book and for the postage to mail it to a prisoner, with no way to know if the book is already on the banned book list. And if the book is already permanently banned, senders will never even receive notice that the book they sent was censored. TDCJ's failure to make the list publicly available also limits prisoners' and senders' ability to argue on appeal that a book should not be censored. Without knowing what books are acceptable and which are censored, articulating an intelligent argument becomes much more difficult, if not impossible.

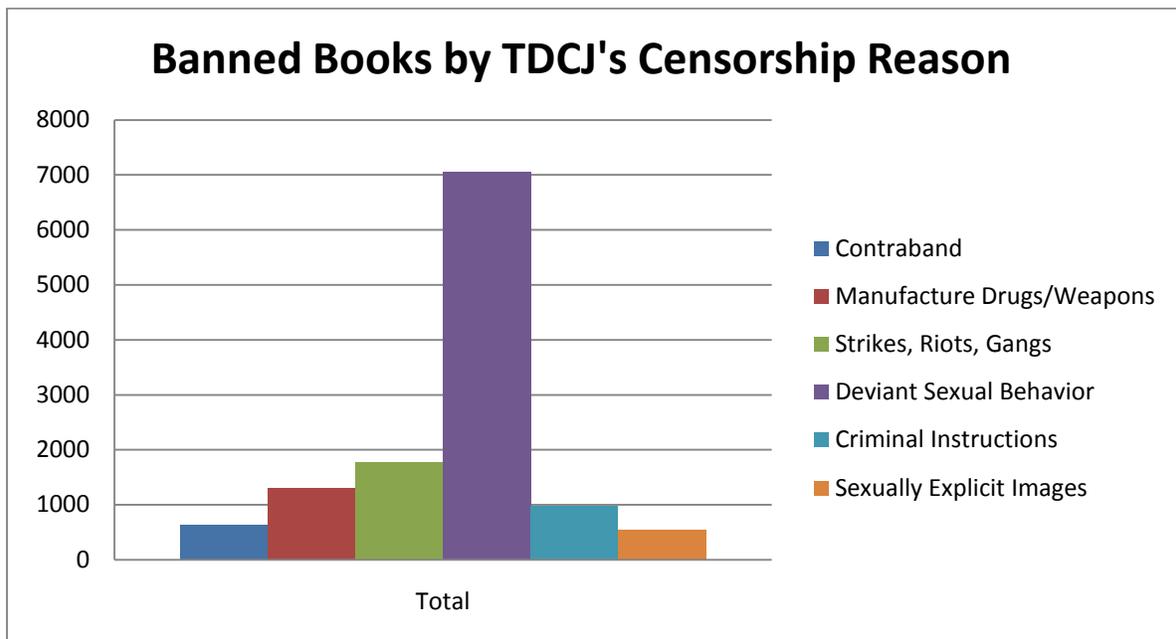
Figure 1: Process Map for Publications in the Texas Prison Mail System.



The Numbers: How Many Books Does TDCJ Censor?

In 2008, TDCJ did not allow prisoners to receive 11,544 books that were sent to them. Prisoners attempted to appeal 2,472 times, but the MSCP/DRC actually reviewed only 1,210. (Approximately 1,200 books were already permanently banned, preventing the prisoners from appealing.) Only three TDCJ employees review appeals, requiring them to consider between two and three books each day.¹⁵

The complete banned books list has 11,851 titles.¹⁶ Of these books, 8,002 books are permanently banned—no further appeal is possible. The remaining titles have not been appealed yet to the DRC/MSCP.



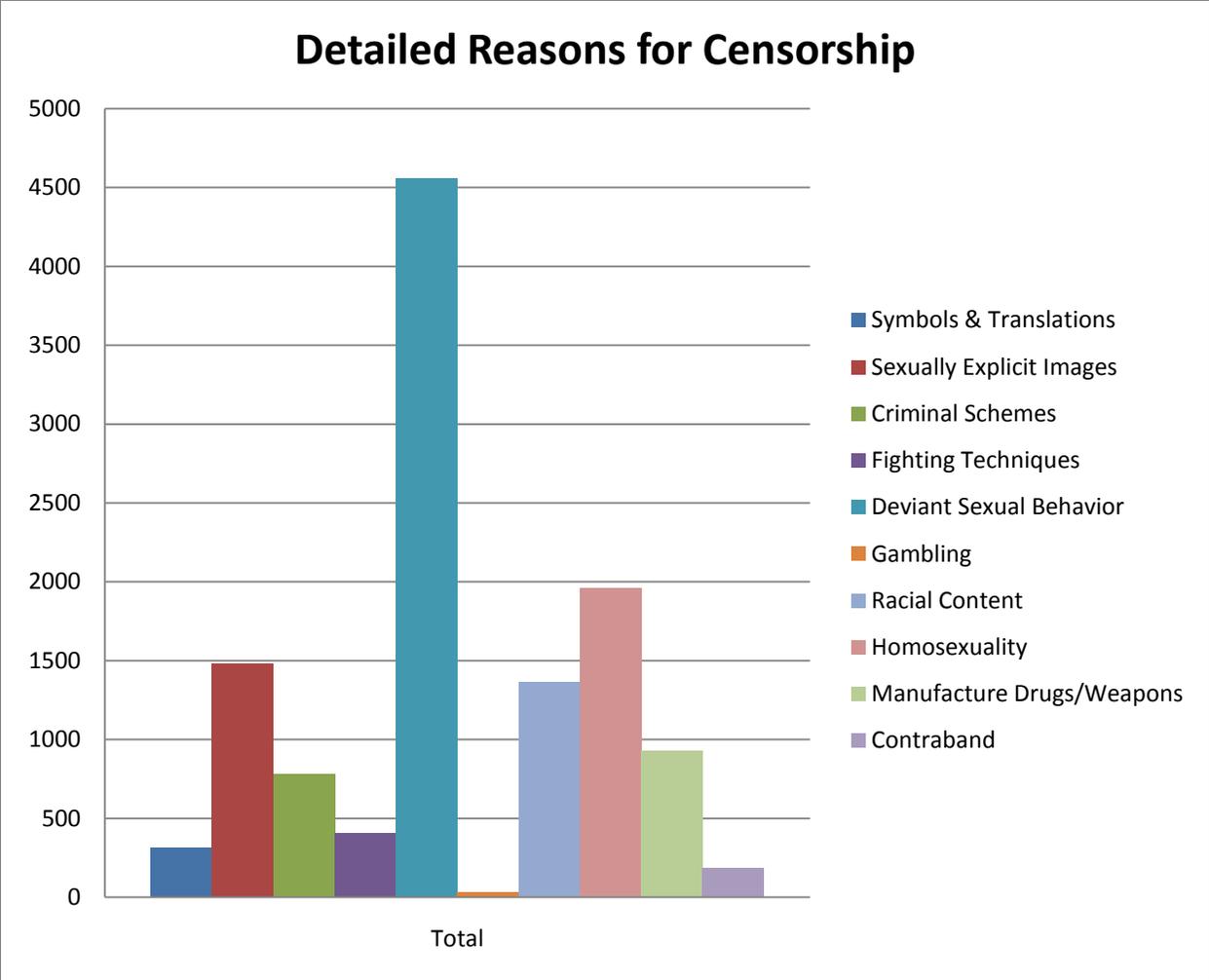
Of the banned titles, over 7,000 are censored because they allegedly “encourage deviant criminal sexual behavior,” by far, the largest category set out in the TDCJ policy. As discussed below, this expansive category is not just pornography—it includes many literary classics and works by respected authors.

The second largest category, books allegedly written “solely for the purpose of” “achiev[ing] the breakdown of prisons” through strikes, riots or gang activity. Many of these titles actually discuss prison conditions, race relations, and civil rights and are only “dangerous” because they inform prisoners about their constitutional rights.

Books that include instructions on manufacturing drugs or weapons or otherwise have “criminal instructions” are banned for obvious reasons. (“Criminal instructions” includes prison escape information.) Most of these censorship decisions appear legitimate, because the books could be used for these illicit purposes, even if the title was otherwise meritorious. (For example, *Picking Cotton*, by Ronald Cotton and Jennifer Thompson, is a joint memoir by a prisoner exonerated by DNA evidence and the woman who wrongfully accused him of rape. Though former U.S. Attorney General Janet Reno said the book “put[s] a human face on issues involving wrongful convictions,” in the text the prisoner does explicitly describe how he brewed homemade alcohol in his cell during his eleven years in prison.) Many of the titles banned for “criminal schemes” are titles discussing topics like preventing identity theft that TDCJ presumes could be used to commit identity theft or other crimes.

Banned Books by Category	
Contraband	637
Manufacture Drugs/Weapons	1,307
Strikes, Gangs and Riots	1,774
“Deviant” Sexual Behavior	7,061
Criminal Instructions	976
Sexually Explicit Images	543
Total	12,298 ¹⁷

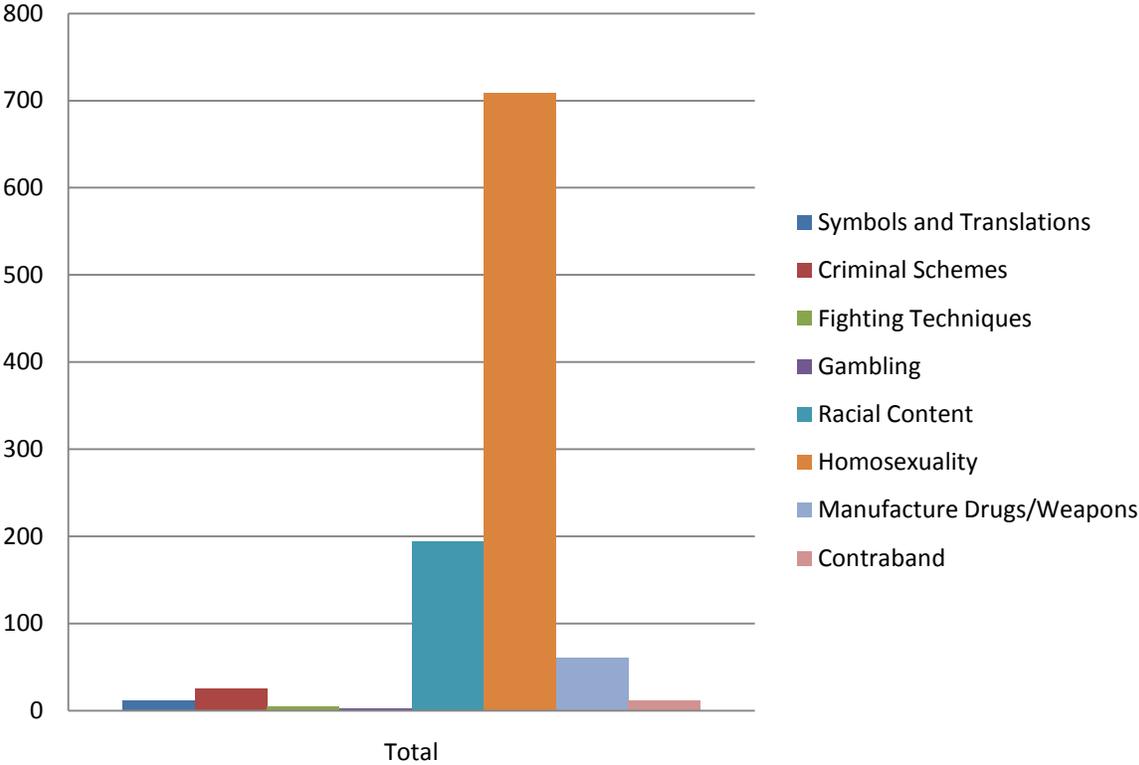
When they censor a book, TDCJ officials are supposed to provide additional information about why they are banning it. This information effectively creates sub-categories of banned books—such as books with “racial” content that could (theoretically) cause riots in prison facilities. Here, TCRP sorted TDCJ’s data into these smaller categories.



This chart shows the number of books that could legitimately be censored based on prison security concerns. For example, the number of books describing how to manufacture drugs and weapons, while significant, remains fairly small. Likewise, very few books are censored for demonstrating fighting techniques, containing contraband, and promoting gambling. The largest categories remain: books that “encourage deviant criminal sexual behavior,” books that discuss race, and books that contain “sexually explicit” images.

Some books are banned for more than one reason. Because of the large number of titles censored for “encouraging deviant criminal sexual activity,” TCRP determined which books within that category were censored for more than one reason:

Secondary Censorship Reasons



Most Censored Publishers

TDCJ employees are also required to record the publisher of each censored book. (Almost 500 titles have no publisher listed, however, likely due to TDCJ officials failing to complete this line on the forms.)

Top Ten Publishers	No. of Titles
Greenleaf Classics	681
None recorded	499
Star Distributors	288
Holloway House	152
Pocket Books	152
Warner Books	147
Harper Collins	114
Simon & Schuster	107
Avon Books	99
Ballantine Books	96
Total	2,335

Greenleaf Classics and Star Distributors publish “adult” books—primarily erotica. Holloway House primarily publishes “true crime” thrillers. Avon Books largely distributes romance novels. Pocket, Warner, Harper Collins, Ballantine, and Simon & Schuster are some of the largest publishing houses in the world, and publish an astonishing variety of titles. Assuming all the titles published by Greenleaf and Star were pornography that could be legitimately censored, thousands of other titles still remain questionable.

Most Censored Authors

The ten most censored authors are equally interesting.¹⁸ Many mainstream, respected authors are frequently censored by TDCJ.

Author	No. of Titles
Rand McNally	39
Donald Goines	28
James Patterson	25
William Johnstone	23
Readers' Digest	21
Luis Royo	21
John Grisham	16
Clive Barker	15
Susie Bright	15
Editors of Penthouse	15

TDCJ censors Rand McNally's atlases on the presumption they could assist prisoners in escape attempts. Most of Readers' Digests' censored titles are also books of maps.

John Grisham and James Patterson are among the most popular mainstream authors in the United States. Their books fill airport bookshops, high school libraries, and grocery store magazine racks. Grisham, a former lawyer, primarily authors "legal thrillers," which frequently revolve around wrongfully convicted peoples' quests for justice. (*The Chamber*, which TDCJ has banned, involves a young lawyer's crusade to save his grandfather from execution for a crime he did not commit.) Patterson primarily writes detective thrillers, which frequently top the *New York Times* bestsellers list.

Donald Goines is one of the foremost authors of “urban fiction.” Urban fiction is primarily written by African American authors and touches on themes of race, culture, and poverty. Goines was one of the pioneers of the genre, and his work has influenced many authors that followed him. The North Carolina Department of Corrections recently agreed to pay \$10,000 to a prisoner after censoring urban fiction novels he had written.¹⁹

William Johnstone is the author of more than 200 western, horror, and survivalist novels. Like the other authors whose works TDCJ frequently censors, TDCJ bans the vast majority of his books because they discuss race and sex.

Luis Royo is a Spanish fantasy artist. Each of his books, collections of his work, are banned for “sexually explicit images.” Royo frequently paints “barbarian women” and other sword and sorcery characters.



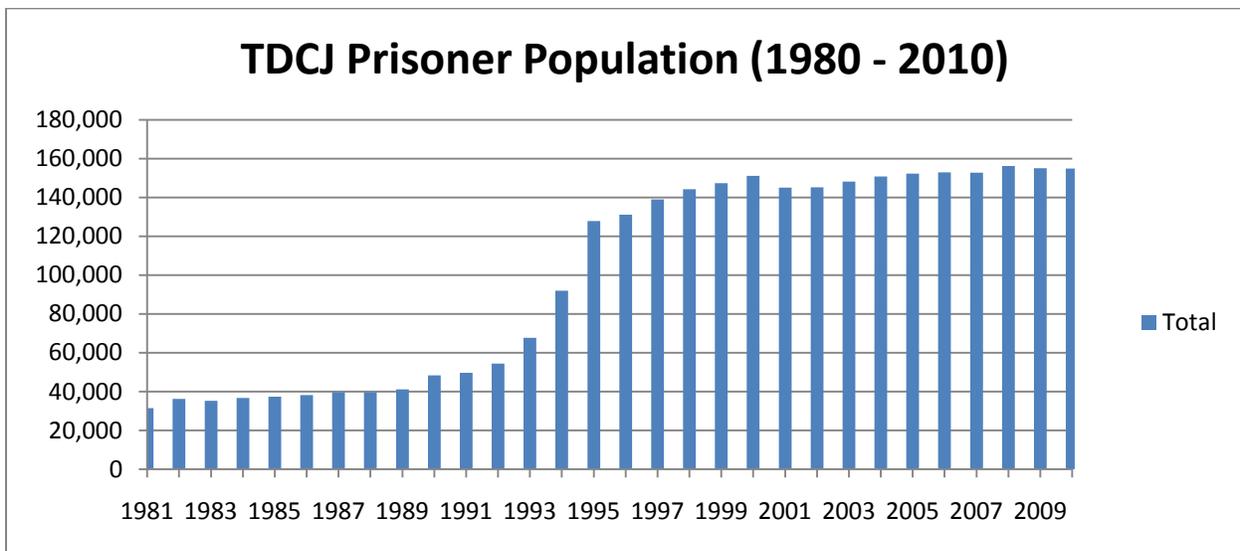
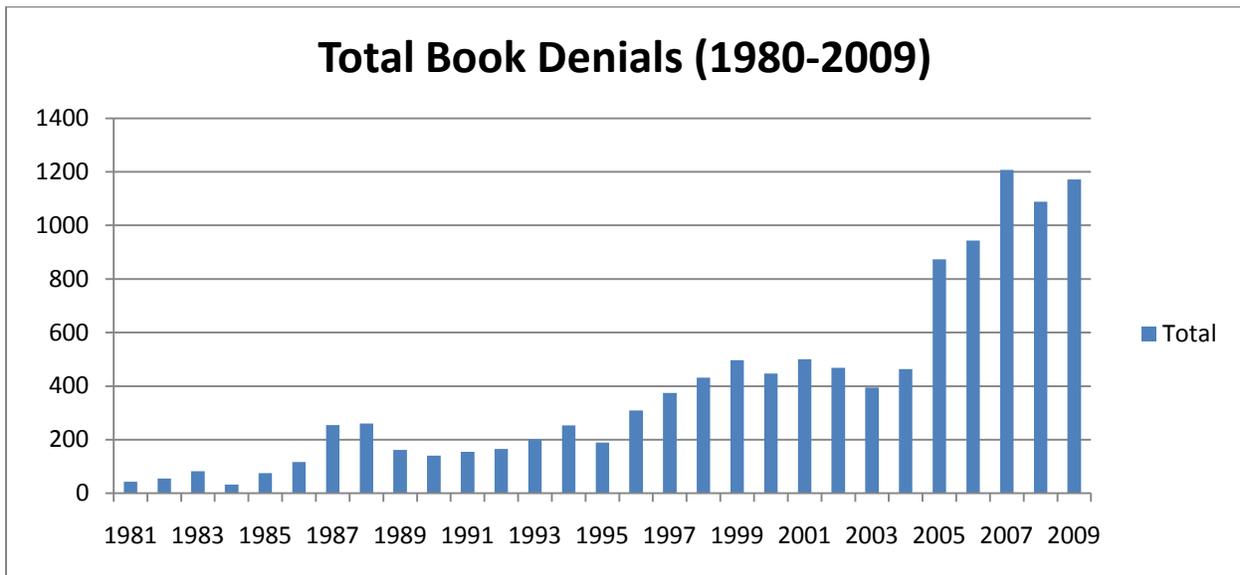
Luis Royo painting, typical of his work banned by TDCJ.

Susie Bright is a “sex positive feminist” whose collections of erotica are banned by TDCJ. Bright is a podcast host and author who frequently discusses social concerns, free speech, and sexuality.

Censorship of these authors’ books is questionable, at best. None of these books encourage criminal activity, promote violence, or trench upon any other legitimate reason for censorship.

Annual Censorship Decisions

In recent years, the number of instances of censorship has outstripped growth in the number of TDCJ prisoners. The TDCJ population saw rapid increases in the 1990s, as Texas built additional prisons and made changes to parole laws that kept prisoners incarcerated longer periods of time. Though the chart below shows an increase in book denials in the mid-1990s coinciding with the TDCJ population boom, a much larger spike occurred in 2005. Thus, the increase in censorship moves independently of the increase in prison population.



What Books is TDCJ Censoring?

Methodology

Looking at the spreadsheet containing around 12,000 books TDCJ has banned, TCRP wanted to see what types of books were censored. Were they mostly fiction books? Geography? Reference encyclopedias?

TCRP began by separating all of the books for which TDCJ had entered an International Standard Book Number (ISBN), which is a unique numeric commercial book identifier. TDCJ had entered an ISBN for approximately 7,400 of the approximately 12,000 banned titles. (Many of the books without ISBN numbers were published by the major pornography publishers, Greenleaf and Star.)

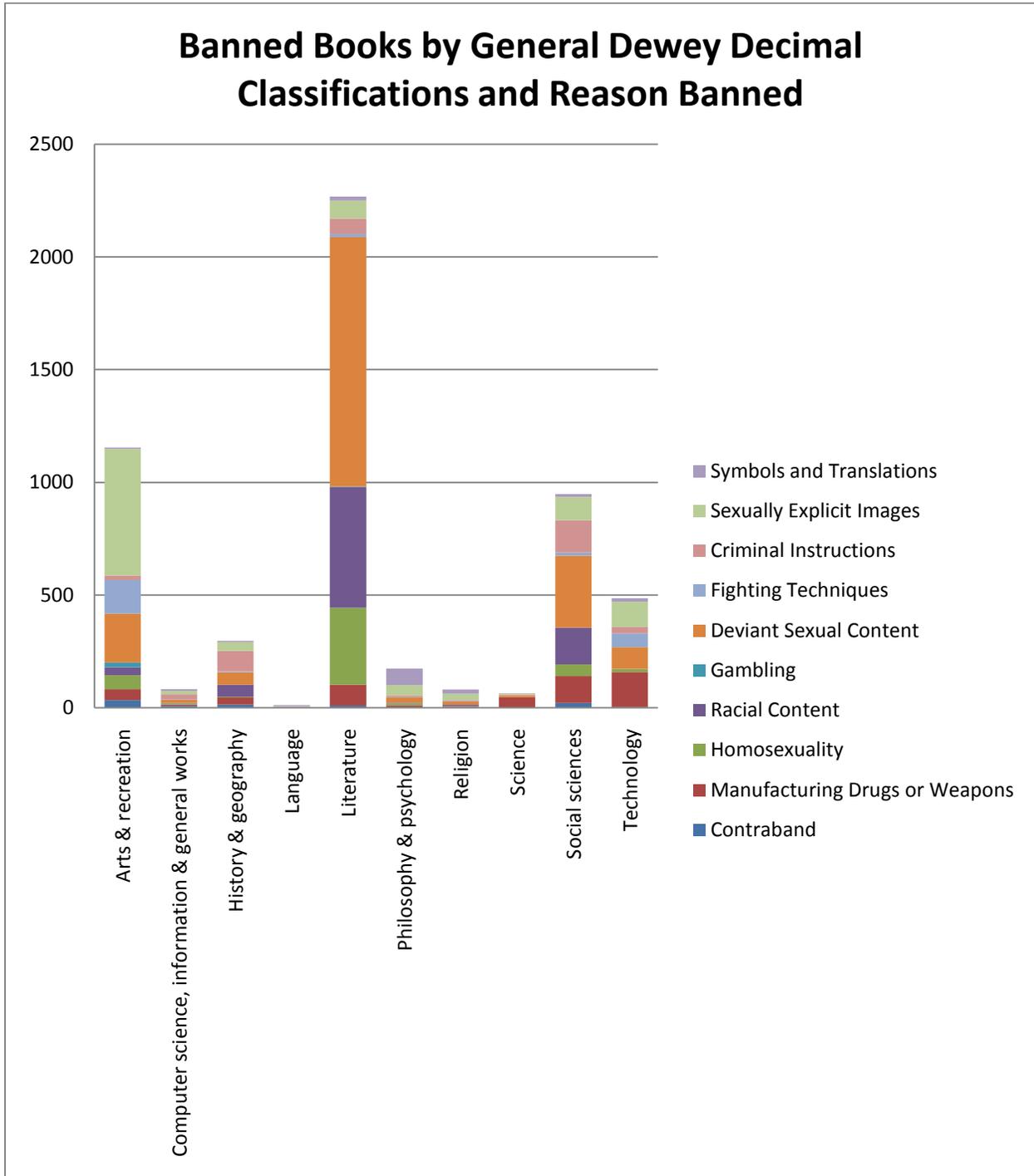
TCRP processed these 7,400 numbers through online tools, including ISBN Search, LibraryThing and Lookup Multiple Books Software. These tools checked the ISBN provided against an online database and returned the books' Dewey Decimal Classification numbers.

Volunteers worked to locate Dewey Decimal Classifications for additional books which these tools were not able to locate. In total, TCRP was able to classify nearly 6,000 titles. The majority of the remaining books were not classified by the Dewey Decimal Classification system.

The Dewey Decimal system divides titles into general subject areas, and then divides those general subjects into more specific topics. Using the Dewey Decimal Classifications, TCRP was able to determine into which categories the banned books fall. Each category was then subdivided into smaller "intermediate" sub-groups, again using Dewey Decimal Classifications.

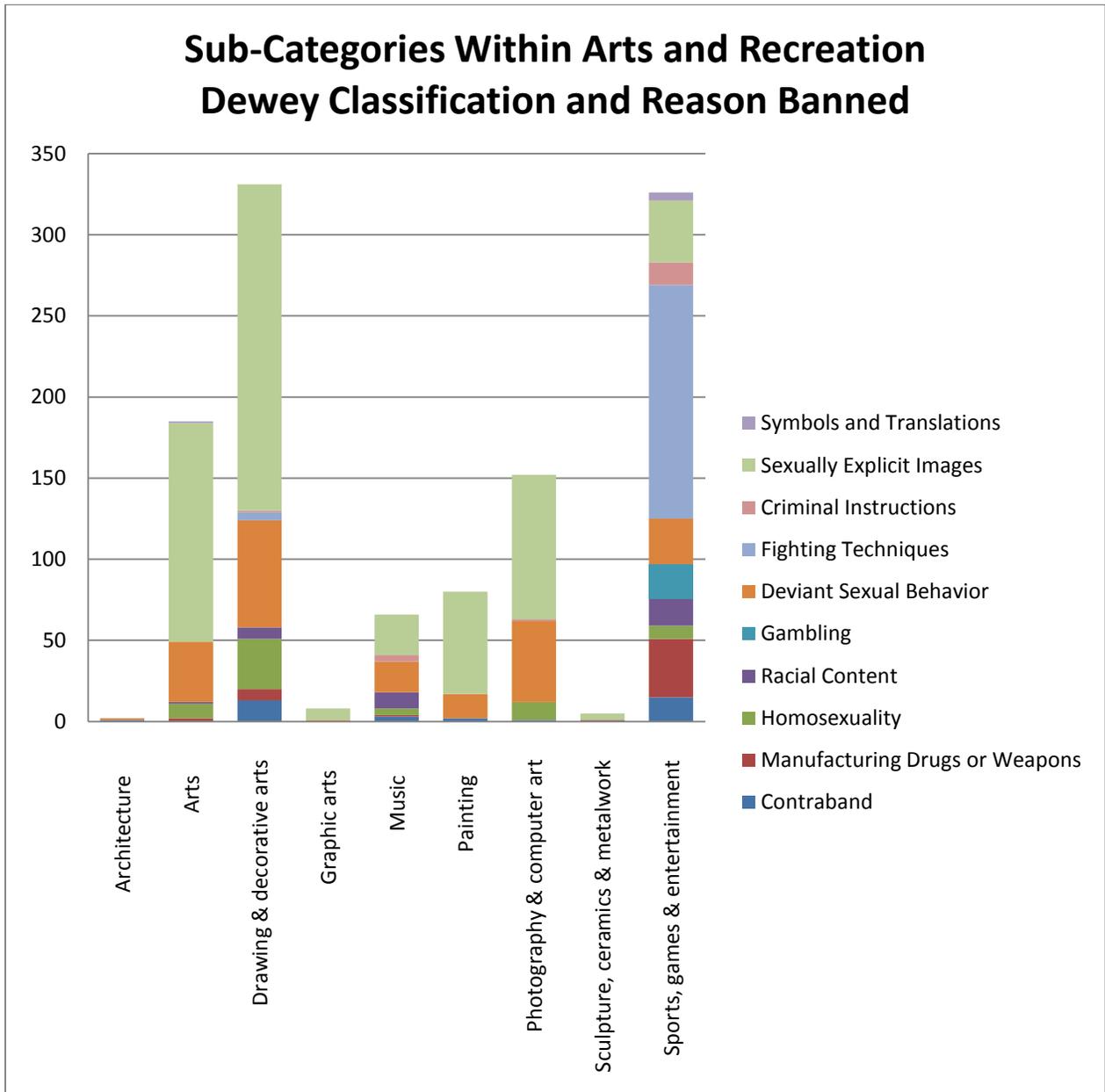
When TDCJ censors a book, they record both a general category for denial and a specific reason justifying censorship of a particular title. In order to better understand the reasons TDCJ supplied for censoring books, TCRP developed a more comprehensive set of censorship categories by analyzing this "specific reason" data. This was facilitated by a combination of keyword-matching software and human review to categorize censored books as accurately as possible. The censorship reasons utilized throughout this report are based on these comprehensive categories.

Lastly, the statistical data presented in this report is based on the full list of banned books (rather than the list of only those books for which a final decision on appeal has been made), as books on this list will not be received by prisoners.



The largest category, “literature,” is not meaningfully subdivided by the Dewey Decimal system. (The category is principally broken down by the language the

book is written in, and the vast majority of titles are English language books. Though, in theory, the classification system further subdivides books into other categories like poetry, drama, satire, etc., in practice these more specific classifications are rarely utilized because most libraries organize fiction titles by author’s last name, and not the title’s Dewey classification.) As shown above, most “literature” titles are censored either for sexual or racial content, while very few are censored for “manufacturing drugs or weapons” or “criminal information.”

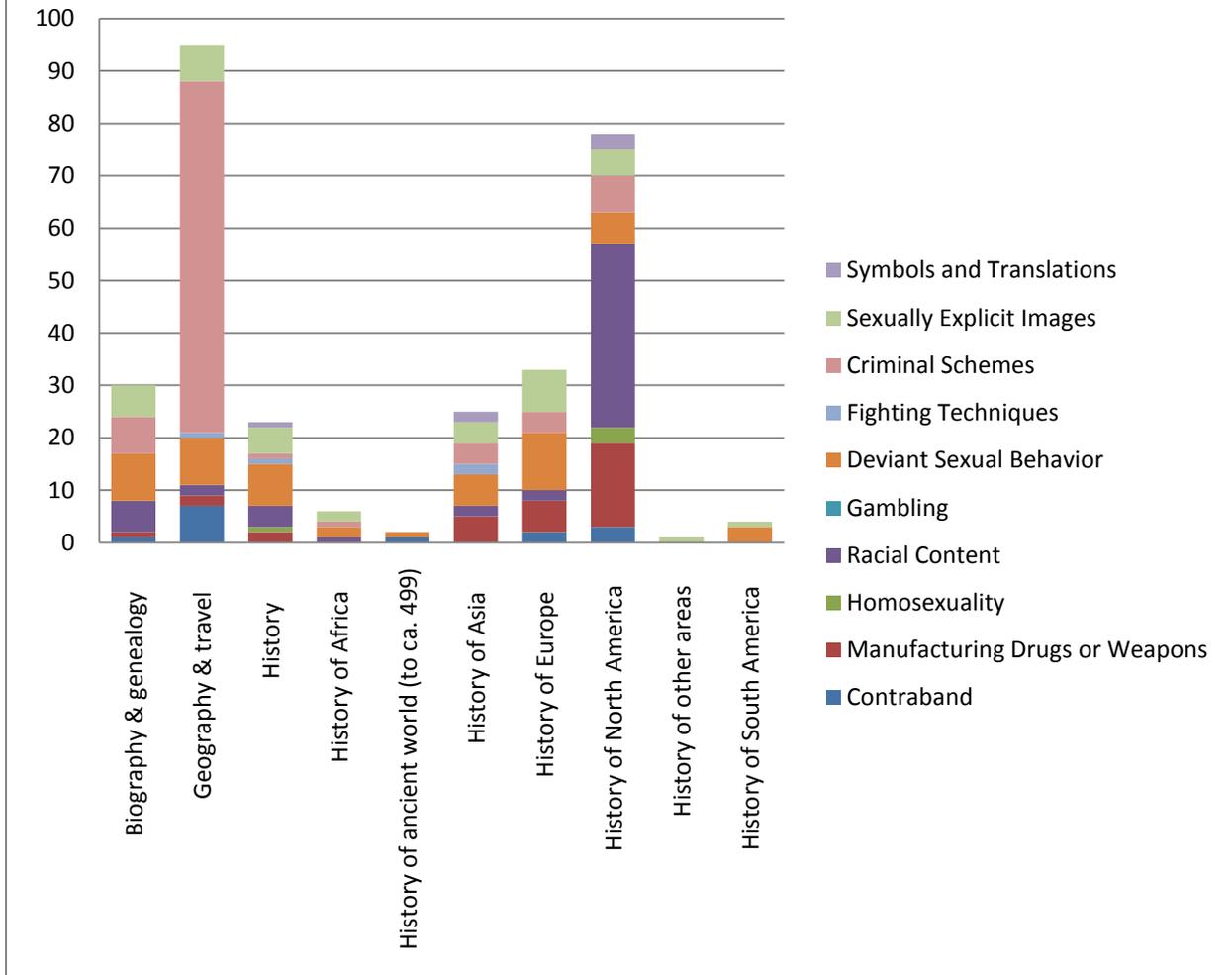


The majority of books in the “arts and recreation” category are titles falling into the “arts,” “drawing and decorative arts” and “sports and entertainment” sub-categories. The majority of the “arts,” “drawing and decorative arts,” “painting” and “photography and computer art” titles are banned for “sexually explicit images,” but in reality are “how to” books—titles like *Art Class: A Complete Guide to Painting*, *Drawing the Head and Figure*, and *Practical Guide to Painting*. These books are not pornographic, but instructional materials that could improve prisoners’ skills as artists.

Though TDCJ’s policy *prohibits* censorship of “educational ... [or] artistic materials” and “artistic reference material,” the chart above shows TDCJ does not follow its own policy and these books are routinely banned.

Conversely, many of the “sports, games and entertainment” titles are legitimately denied to prisoners. Many of these titles, such as *Kick Boxing: The Essential Guide to Mastering the Art*, and *The Canon of Judo* are martial arts instructional materials, which could be a legitimate threat to prison security.

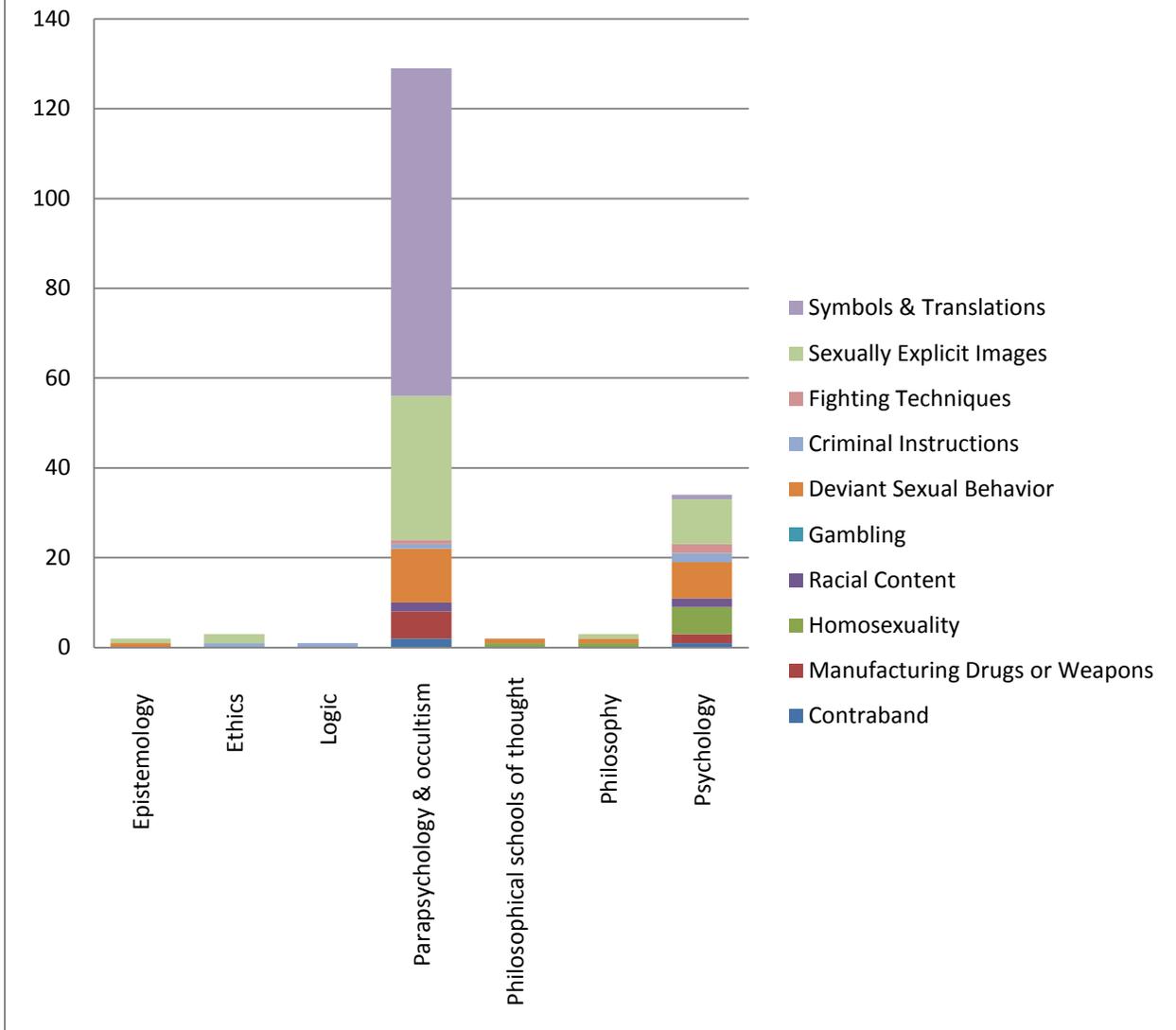
Sub-Categories Within History and Geography Dewey Classification and Reason Banned



Within the “history and geography” classification, the most-banned sub-category is “geography and travel.” Most of the “geography and travel” titles are atlases or other books containing maps that could theoretically aid in an escape (a “criminal scheme”).

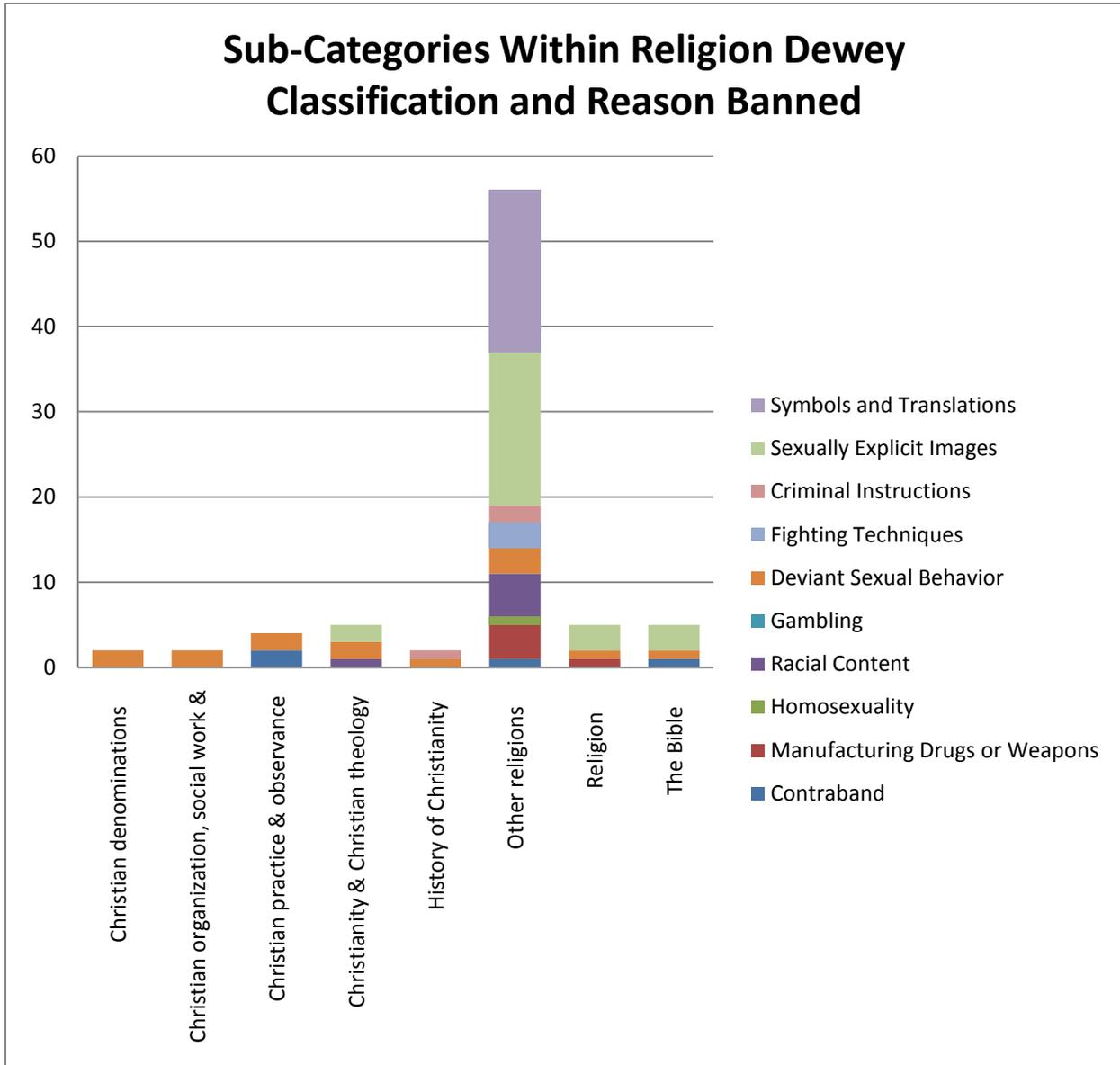
Conversely, the titles in the “history of North America” category are most often banned for containing “racial material.” These titles almost exclusively discuss the history of race relations in the United States, and use racial slurs in a historical context. Censorship of these titles, including Richard Wright’s *12 Million Black Voices*, is highly suspect, as discussed in more detail below.

Sub-Categories Within Philosophy and Psychology Dewey Classification and Reason Banned



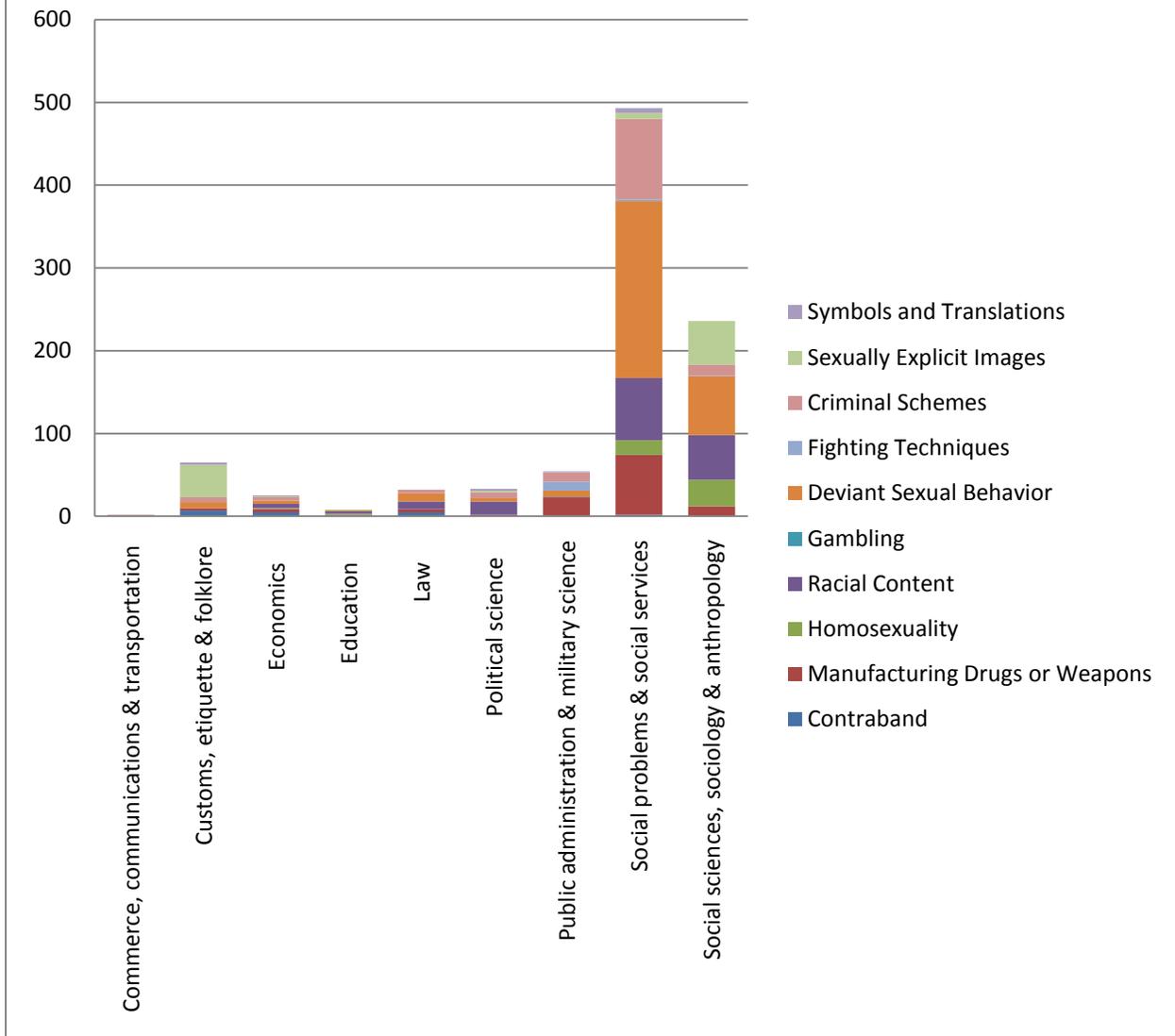
Over 120 titles in the “parapsychology and occultism” sub-category of the “philosophy and psychology” classification are censored. These titles are most frequently banned for “symbols and translations,” and most discuss Wicca religious practices and magick. TDCJ’s theory is prisoners could use these religious symbols as code to “breakdown prisons.” (In the case *Mayfield v. TDCJ*, however, a federal appellate court prohibited TDCJ from denying a Norse prisoner access to “rune-related literature” though TDCJ argued runestones could facilitate

“secret communication.”)²⁰ These religious books are also less often censored for “sexually explicit” images. These images are typically non-pornographic line-drawings found on tarot cards.



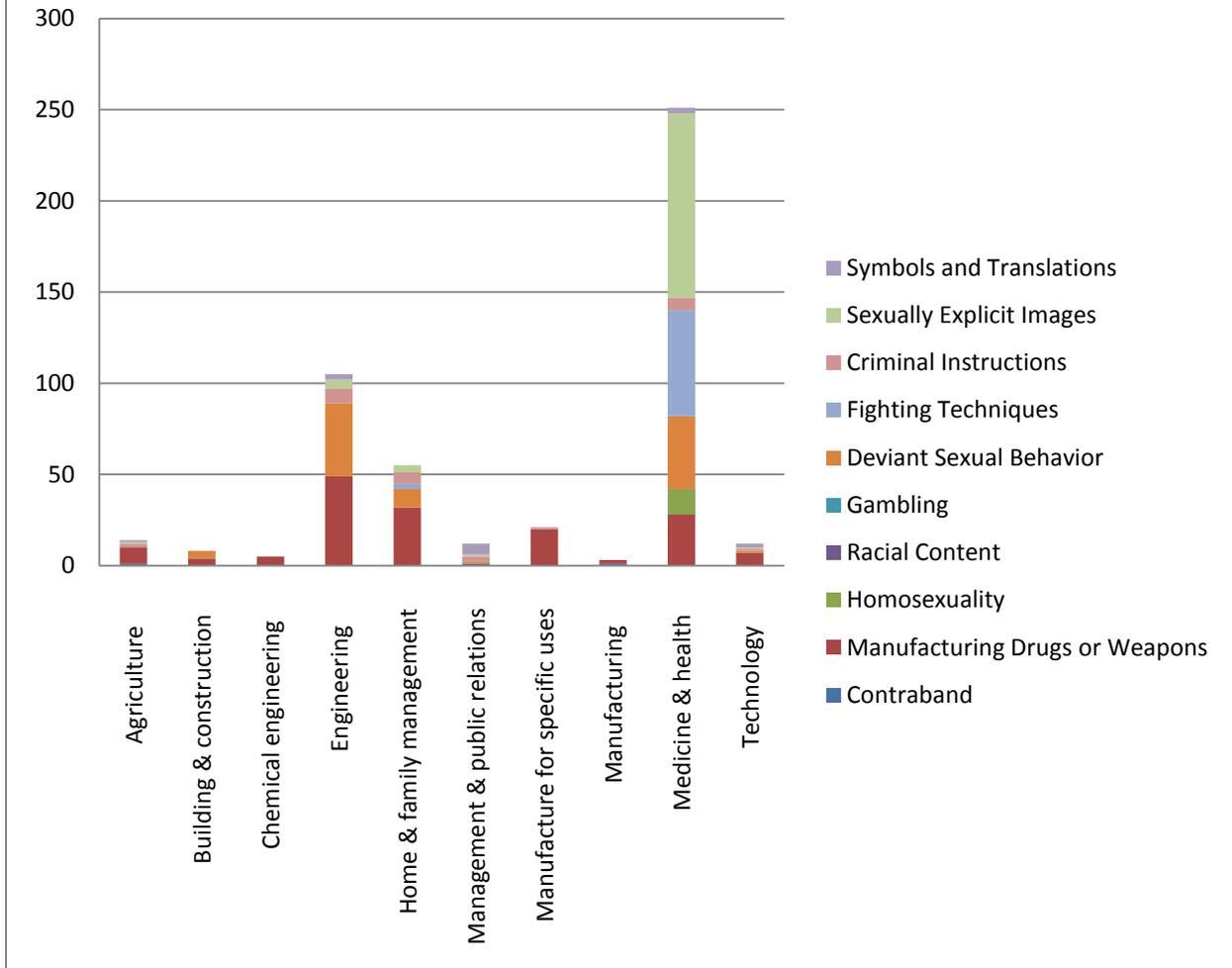
As in the “philosophy and psychology” classification, many Wicca and other minority religions texts classified in the “religion” Dewey classification are censored. “Symbols and translations” are again a popular justification, as are “deviant sexual behavior” and “sexually Explicit” Images. Very few Christian religious titles are banned.

Sub-Categories Within Social Science Dewey Classification and Reason Banned



Almost 450 titles in the “Social Problems And Social Services” sub-category are banned. Many of these books describe the problems that lead to incarceration, such as drugs, sexual abuse, and crime. Of the 418 titles in this sub-category, 345 fall in the specific “criminology” classification, including books about wrongful convictions like Tom Wells’ *The Wrong Guys: Murder, False Confessions, and the Norfolk Four*.

Sub-Categories Within Technology Dewey Classification and Reason Banned



Within the “technology” Dewey classification, most censored titles call into the “Medicine And Health” sub-category. The most frequent justification is “Sexually Explicit Images.” Like the art books discussed above, these titles are frequently censored erroneously. Titles like *Johns Hopkins Family Health Book* and *Structure and Function of the Body* are “medical/scientific or artistic materials, including, but not limited to, anatomy medical reference books,” that TDCJ policy exempts from censorship. In deposition, the MSCP head specifically testified TDCJ does not censor “medical reference books.”²¹ This is plainly not true.

TDCJ’s book banning is clearly far more extensive in practice than its policy indicates. This raises the question of whether TDCJ really has a coherent policy or

pretty much allows its employees to ban books on their whims, which the Courts have specifically condemned.

Individual Titles

Books Critical of the Prison System

TDCJ guidelines state a publication will not be censored because it “advocates the legitimate use of the Offender Grievance Procedure, urges offenders to contact public representatives about prison conditions or contains criticism of prison authorities.” TDCJ, however, contrary to what it says, has banned many publications critical of the prison system.

The justifications TDCJ uses to censor most books critical of prison institutions are either because they discuss illegal sexual behavior, or because they discuss race relations. This appears to be pretextual censorship.

One such book is *Women Behind Bars: The Crisis of Women in The U.S. Prison System* by journalist and award-winning author Silja J.A. Talvi. In her book, she interviews several female inmates serving long sentences and attempts to shed light on why there are a growing number of women doing hard time. Many of these women are current TDCJ prisoners and criticize the conditions in TDCJ facilities. These women told Mr. Talvi about being forced to clean up “fecal matter” without gloves, and how officers refused to let them eat because of a minor disciplinary infraction.²² In the book, women incarcerated by TDCJ describe being forced to drink unsanitary water,²³ suffering inadequate medical care,²⁴ and eating the equivalent of dog food.²⁵

Banned Books About Prisoners Rights

Black Voices from Prison by Etheridge Knight

Prison Life in America by Anna Kosof

Stateville: The Penitentiary in Mass Society by James Jacobs

Life in Prison by Stanley Williams

Doing Time by Amos Brooke

Police Brutality by Jill Nelson

Texas Tough: The Rise of America's Prison Empire by Robert Perkinson

Life Sentences: Rage and Survival Behind Bars by Wilbert Rideau

Icepick: Life and Death in Maximum Security Prison by Bruce Dobler

In the Belly of the Beast: Letters from Prison by J.H. Abbott

Death of Innocents: An Eyewitness Account of Wrongful Executions by Sister Helen Prejean

Soul Knows No Bars: Inmates Reflect on Life, Death and Hope by Drew Leder

From Lynch Mobs to the Killing State: Race and the Death Penalty in America by Charles Ogletree

I am a Fugitive from a Georgia Chain Gang, Robert Burns

Our Enemies in Blue: Police and Power in America by Kristian Williams

No Escape: Male Rape in U.S. Prisons by Human Rights Watch

White House Boys: An American Tragedy by Roger Kiser

TDCJ censored the book because one page contains the following paragraph:

What is even more remarkable about [Tina] Thomas [a medical doctor incarcerated in Oklahoma] is that she had overcome the kind of childhood trauma that might have completely derailed her adult life. It might have been precisely that background that first propelled her to become an overachiever and attain a high level of professional success, but then came back to haunt her just as she had gotten to where she wanted to go. The dark secret of her life was that she had been forced to perform fellatio on her uncle when she was just four years old. Thomas explains that this unresolved trauma became “the template for a lifetime of distrust, fear, uncertainty, and a spirit of self-negation.”

The TDCJ prisoners whom Ms. Talvi interviewed for her book could not actually read their own stories. After the book was published, the prisoners ordered copies, but TDCJ banned the book because of the “sex with a minor” Ms. Thomas described above.

When she learned about the censorship, Ms. Talvi said, “I personally find it shocking and disheartening that a woman’s bravery in the re-telling of her own trauma—something she intended to be able to help other readers connect with and thereby recognize the very factors that may have led them to a path of criminality—has resulted in wholesale censorship of my book.”

Banned Books About Prisoners’ Rights
(cont.)

Women Behind Bars: The Crisis of Women in the U.S. Prison System by Silja J.A. Talvi

Lockdown America: Police and Prisons in the Age of Crisis by Christian Parenti

Perpetual Prisoner Machine: How America Profits from Crime by Joel Dyer

Prison Masculinities ed. Terry Kupers, Don Sabo, Willie London

The Wrong Guys: Murder, False Confessions and the Norfolk Four by Tom Wells

Texas Death Row by Ken Light

Surviving in Prison by Harold Long

State Boys’ Rebellion by Michael D’Antonio

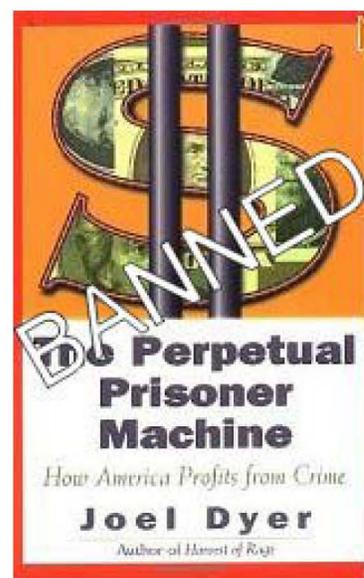
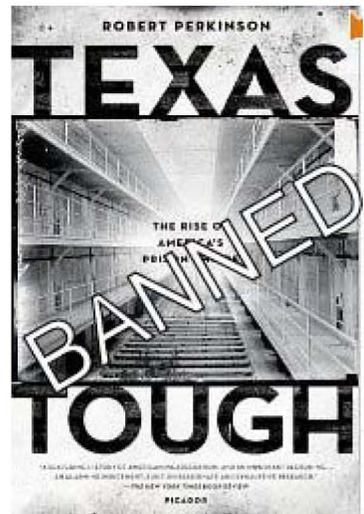
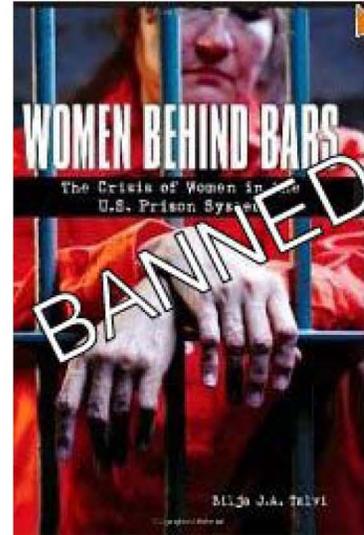
Professor Robert Perkinson’s history of TDCJ, *Texas Tough: The Rise of America’s Prison Empire*, is censored for a virtually identical passage. Prof. Perkinson interviews a woman who was recently paroled, and is struggling with life on the “outside.” During the interview, the woman reveals she was also sexually assaulted by her uncle when she was four years old. He uncle forced her to stand naked on a stool in front of a window and

[T]old “his special little girl not to cry.” Then he raped her. “I clung to those curtains with little white knuckles,” she says. “I looked down and I remember that blood was on my legs and my pretty white socks and on my shoes.” Afterward, she explains, she became just like those curtains: “ugly, no feeling, just hanging there.”²⁶

Prof. Perkinson goes on to note women prisoners “are more than three times as likely to have been violently victimized as children or adults.”²⁷

TDCJ censors a number of titles that discuss prison rape. Joel Dyer’s *Perpetual Prisoner Machine* is banned because it quotes a 1968 report of the Philadelphia District Attorney’s Office discussing the prevalence of prison rape in the local jails. The book explains the report found “virtually every slightly built young man committed to jail by the courts ... is sexually approached within hours of his admission to prison. Many young men are overwhelmed and repeatedly ‘raped’ [sic] by gangs of inmate aggressors.”

Likewise, *Prison Masculinities*, edited by Dr. Terry Kupers, M.D., Don Sabo, and Willie London, is banned because passages on pages 128-131 discuss prisoner

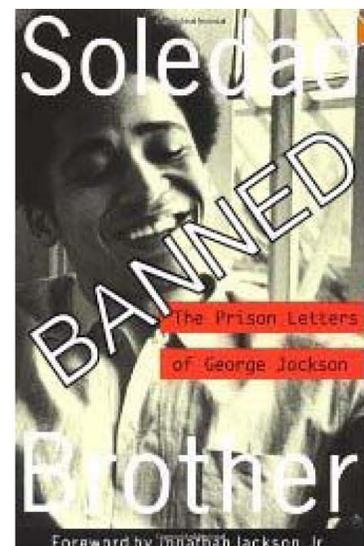
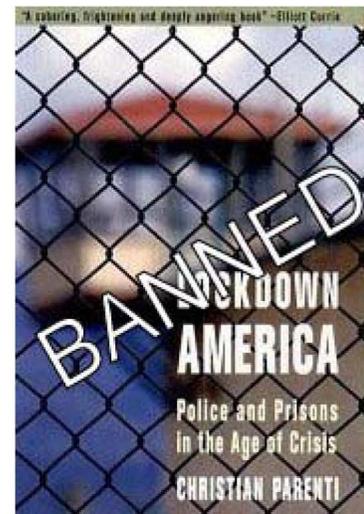
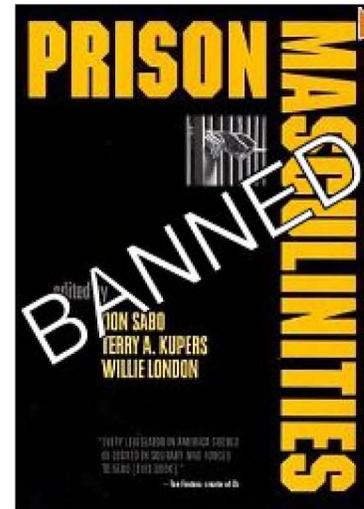


rape. A prisoner describes how he was “humiliated telling anyone about” being sexually assaulted, and how he underwent “torture scenes” at the hands of fellow prisoners.²⁸ The book’s editor, Dr. Kupers, an expert in prison mental health care, included the passage as an “illustrat[ion of] the kind of prisoner orientation and education that is mandated by federal law – i.e. the Prison Rape Elimination Act signed into law by President [George W.] Bush in 2003.” According to Dr. Kupers, “the material in *Prison Masculinities* is designed to facilitate peaceful, smooth operations of the prisons and contribute to the rehabilitation of prisoners.”

TDCJ officials have testified they would even censor government documents that discuss prison rape.²⁹

Though TDCJ censors these books for relatively mild descriptions of child sexual abuse, TDCJ does not censor classic literature like Vladimir Nabokov’s *Lolita*³⁰ and Thomas Mann’s *Death in Venice*,³¹ which vividly describe the narrators’ sexual attraction to children. Similarly, TDCJ also does not censor perhaps the best-known prison rape scene in popular literature, Stephen King’s *Rita Hayworth and the Shawshank Redemption*.³² This clearly calls into question TDCJ’s motivation for banning books critical of prisons.

TDCJ censors Christian Parenti’s *Lockdown America: Police and Prisons in the Age of Crisis* because page 206 is “racial,” and allegedly “contributes to the breakdown of prisons.” The sentence to which TDCJ objects reads: “Another group of screws [guards] at the California Institution for Men at Chino called itself SPONGE, a disgusting acronym for the equally disgusting name, ‘Society for the Prevention of Niggers Getting Everything.’”³³ Though the book clearly does not

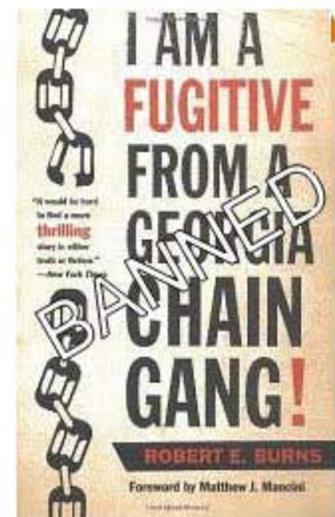
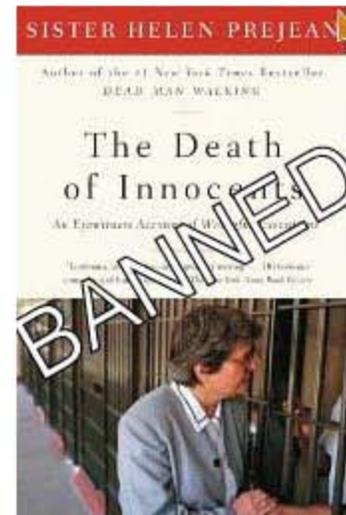


encourage or advocate racial violence, TDCJ bans it because it was allegedly “written solely for the purpose of communicating information designed to achieve the breakdown of prisons through offender disruption such as strikes [or] riots.”

Mr. Parenti disagrees that anyone, much less the “reasonable person” required by TDCJ’s policy, could think his book encourages racial violence. “There is absolutely nothing in the book that could even be construed as posing a threat to security in prison. I did not write the book to cause a ‘breakdown of prisons,’ and that is certainly not the ‘sole’ intent of my book. My goal was to examine prison institutions critically, and to discuss the problems associated with incarceration in America.”

Many books about prison conditions containing racial slurs, even when the slurs are used in an anti-racist context, are censored. For example, George Jackson’s *Soledad Brother* was banned because the author, a member of the Black Panthers, argued “I’m always telling the brothers some of those whites are willing to work with us against the pigs. All they got to do is stop talking honky. When the races start fighting, all you have is one maniac group against another.” Because Jackson uses the invidious racial slur “honky” TDCJ banned the book.

Other examples of prison criticism censored by TDCJ includes books by two Nobel Peace Prize nominees (*The Death of Innocents: An Eyewitness Account of Wrongful Executions* by Sister Helen Prejean, and *Prison Life* by Stanley Williams), and a Harvard law professor (*From Lynch Mobs to the Killing State: Race and the Death Penalty in America* by Charles Ogletree). TDCJ also bans one of the most influential prison reform books ever written, *I am a Fugitive from a Georgia Chain Gang*, by Robert Burns.



Books About Civil Rights

Like books about prison conditions, books discussing civil rights and the civil rights movement are frequent targets for TDCJ censorship. As in *Lockdown America* and *Soledad Brother*, isolated use of racial slurs in a historical context is enough pretext for TDCJ to ban a book.

For years, TCRP has given Kevin Boyle's *The Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age* to volunteers to thank them for their service. The book, the story of Clarence Darrow's defense of an African American doctor accused of murdering a person in a mob which attacked his home, is banned for "racial content" on pages 40-41. Boyle describes a mob gathering outside the doctor's home: "Someone spotted three colored men trapped in traffic at Charlevoix and St. Clair Avenue, a block east of the bungalow. 'There goes some niggers now,' came the cries. 'Lynch them! Kill them!' A gang of white men surged toward the car..."

Boyle is a history professor at the Ohio State University, and a fellow of the National Endowment for the Humanities, the Guggenheim Foundation, and the American Council of Learned Societies. An author's note on the first page of the book states he often uses "the now antiquated terms 'Negro' and 'colored'" in the book because these "terms [were] common in the 1920s." "By that choice, I mean no disrespect to the subjects of the book or to present-day

Banned Books About Civil Rights

History of Black America by Howard Lindsey

Politics of Rage: George Wallace and the Origins of New Conservatism by Dan T. Carter

Race: How Blacks and Whites Feel About the American Obsession by Studs Terkel

Arc of Justice by Kevin Boyle

Klanwatch: Bringing the Ku Klux Klan to Justice by Bill Staton

Eldridge Cleaver: Ice and Fire by Otis George

Black Eyed Susans: Midnight Bird Stories by and About Black Women by Mary Helen Washington

Gathering Storm: America's Militia Threat by Morris Dees

Selma, 1965: The March that Changed the South by Charles Fager

Narrative of Sojourner Truth by Sojourner Truth

Our Kind of People: Inside America's Black Upper Class by Lawrence Otis Graham

Fires of Jubilee: Nat Turner's Fierce Rebellion by Stephen Oates

Finding Oprah's Roots, Finding Your Own by Henry Louis Gates, Jr.

An Original Man: The Life and Times of Elijah Muhammad by Claude Andrew Clegg

Go Tell Pharoah: The Autobiography of the Rev. Al Sharpton by Al Sharpton

Chomsky on Anarchism by Noam Chomsky

readers.” In fact, he used the term “African Americans” in early drafts of the book, but changed the text because editors told him “African American” did not fit the context. *Arc of Justice* won the National Book Award in 2005, the Chicago Tribune’s Heartland Prize, the Simon Weisenthal Center’s Tolerance Book Award, and was a finalist for the Pulitzer Prize. No “reasonable person” could possibly think the book was written to promote racial hatred.

Noam Chomsky is a noted cultural critic, professor at the Massachusetts Institute of Technology, and father of modern linguistics. TDCJ bans his book, *Chomsky on Anarchism*, because a passage discusses free speech rights. “[V]ictories for freedom of speech are often won in defense of the most depraved and horrendous views. The 1969 Supreme Court decision was in defense of the Ku Klux Klan from prosecution after meeting with hooded figures, guns, and a burning cross, calling for ‘burying the nigger,’ and ‘sending the Jews back to Israel.’ With regard to freedom of speech there are basically two positions: you defend it vigorously for views you hate, or you reject it ...” Though Prof. Chomsky decries racial slurs as “depraved and horrendous,” TDCJ inexplicably bans his book.

If TDCJ could censor a book for a single use of the word “nigger,” there are 25 opinions of the U.S. Supreme Court and 92 opinions of the U.S. Fifth Circuit Court of Appeals prisoners could not read.

Banned Books About Civil Rights (cont.)

Never Too Late: A Prosecutor's Story of Justice in the Medger Evers Case by Bobby DeLaughter

Getting Away with Murder: The True Story of the Emmitt Till Case by Chris Crowe

A Death in Texas by Dina Temple Raston

Thurgood Marshall: American Revolutionary by Juan Williams

New Perspectives on Race and Slavery in America by Robert Abzug

Slavery and the Making of America by James Oliver Horton

We Shall Overcome: The History of the Civil Rights Movement as it Happened by Herb Boyd

My Soul Looks Back in Wonder: Voices of the Civil Rights Experience by Juan Williams

We Are Not Afraid: The Story of Goodman, Schwerner and Chaney and the Civil Rights Campaign for Mississippi by Seth Cagin

Unforgivable Blackness: The Rise and Fall of Jack Johnson by Geoffrey Ward

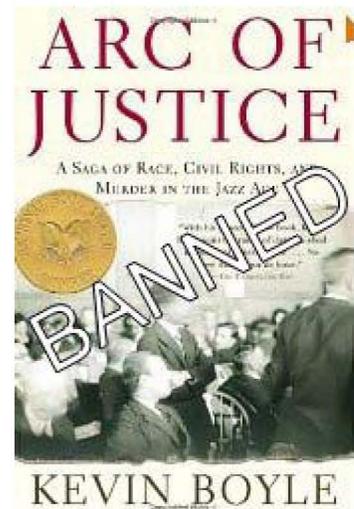
Invented Lives: Narratives of Black Women 1860-1960 by Mary Helen Washington

Our Town: A Heartland Lynching, A Haunted Town, and the Hidden History of White America by Cynthia Carr

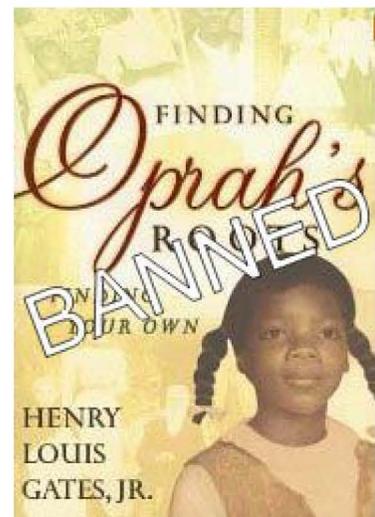
Huey: Spirit of the Panther by David Hilliard

Hate Crime: The Story of a Dragging in Jasper, Texas by Joyce King

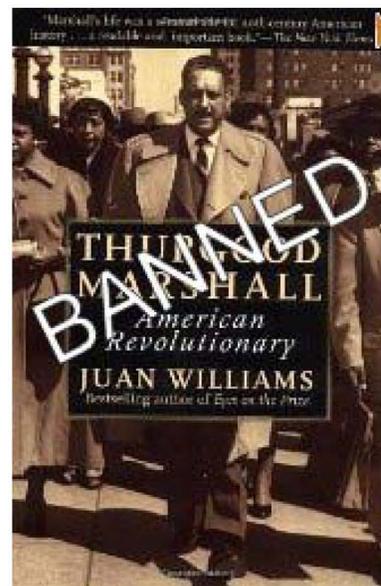
TDCJ censors books by current and former National Public Radio correspondents (Juan Williams' *Thurgood Marshall: American Revolutionary* and *My Soul Looks Back in Wonder: Voices of the Civil Rights Experience*, and Dina Temple Raston's *A Death in Texas: A Story of Race, Murder and a Small Town's Struggle for Redemption*), a prominent Harvard professor (Henry Louis Gates, Jr.'s *Finding Oprah's Roots, Finding Your Own*), famous abolitionists (Harriet Beecher Stowe and Sojourner Truth), Pulitzer Prize winners (Studs Terkel's



Race: How Blacks and Whites Feel About the American Obsession), the founder of the Southern Poverty Law Center (Morris Dees' *Gathering Storm: America's Militia Threat*), and current civil rights leaders (Al Sharpton's autobiography, *Go Tell Pharoah*). Even acclaimed titles about sports, like H.G. Bissinger's Texas high school football classic, *Friday Night Lights*, and Roger Kahn's history of Jackie Robinson's Brooklyn Dodgers, *The Boys of Summer*, are censored for discussing race.



Of course, the bizarre irony of censoring so many books about the history of civil rights in the United States is TDCJ allows prisoners to read many of the most vile, racist books ever written. If a prisoner ordered Adolph Hitler's *Mein Kampf* or *National Socialism and World Relations*, or David Duke's *Jewish Supremacism* or *My Awakening*, or the anti-semitic "classic" *Protocols of the Elders of Zion*, or the Nazi *Aryan Youth Primer: Official Handbook for Schooling the Hitler Youth*, or *The Hitler We Loved and Why*, they would receive it.



When reviewing these books, TDCJ employees appear to be looking for "magic words" rather than examining the context the words appear in. In *Soledad Brother*, for

example, the words “honky” and “whitey” appear on page xxiii of the introduction. When mailroom workers find a reason to censor a book, they need not read the rest of the text. Therefore, TDCJ’s system encourages its employees to quickly identify a reason to censor a book to avoid reading the rest of the book. TDCJ denies using “magic words” or censoring books solely based on the use of racial slurs, but it is difficult to imagine why else it prohibits *Arc of Justice* and *Chomsky on Anarchism*.

Similarly, TDCJ encourages mailroom employees to ban a book if they are unsure about allowing a prisoner to read it.³⁴ TDCJ thus presumes a book should be censored. Because of the wholly ineffective appeals system, once a book has been initially denied, it is extremely difficult to get the book off the banned list.

As with the books about prison conditions, however, the true failure is TDCJ’s inability to take isolated passages in context. Though Juan Williams might use a racial slur to show the tyranny of the Jim Crow system against which Thurgood Marshall fought, it hardly means the prominent African American commentator for Fox News sought to sow racial hatred in his biography of the first African American Supreme Court Justice.

Classic Literature

TDCJ prohibits dozens of books by literary giants. Authors whose names appear on the banned books list could comprise an English major's syllabus.

TDCJ censors a collection of plays and sonnets by the most famous English writer, William Shakespeare.

Pulitzer Prize winners with a censored book include Jeffrey Eugenides, Philip Roth, Annie Proulx, John Updike, Alice Walker, Norman Mailer, Wallace Stegner, Robert Penn Warren, Art Spiegelman, and Sinclair Lewis. TDCJ also bans Pulitzer finalists Joyce Carol Oates, and Tim O'Brien.

TDCJ prohibits books by two winners of the Nobel Prize for Literature, Mario Vargas Llosa and Sinclair Lewis.

Important sociological works like Marshall McLuhan's *The Medium is the Message*, Jacob Riis' *How the Other Half Lives* and Alex Kotlowitz's *There Are No Children Here* and *The Other Side of the River* are disallowed.

TDCJ even censors *Burmese Days*, a book by one of the world's best known critics of censorship and totalitarian government, George Orwell.

The vast majority of these books are censored because they address serious, recurring sociological themes like race and sex. For example, in Philip Roth's *The Human Stain*, the main character works to hide his African

Banned Literary Classics

Shakespeare and Love Sonnets ed. O.B. Duane

The Inferno by Dante Aligheri

Vintage Hughes by Langston Hughes

The Color Purple by Alice Walker

American Psycho by Bret Easton Ellis

Tropic of Cancer by Henry Miller

Couples by John Updike

Big Sur by Jack Kerouac

Satanic Verses by Salman Rushdie

Deadeye Dick by Kurt Vonnegut

Myra Breckinridge by Gore Vidal

Portnoy's Complaint by Philip Roth

Live from Golgotha by Gore Vidal

Great American Novel by Philip Roth

Deer Park by Norman Mailer

There Are No Children Here by Alex Kotlowitz

War and Peace in the Global Village by Marshall McLuhan

The Medium is the Message by Marshall McLuhan

Segregation: The Inner Conflict by Robert Penn Warren

Burmese Days by George Orwell

Three Great Tales: Heart of Darkness, Typhoon, Nigger of the Narcissus by Joseph Conrad

Vagina Monologues by Eve Ensler

Notebooks of Don Rigoberto by Mario Vargas Llosa

American ancestry to “pass” in white society. TDCJ bans the book because Roth’s character opines “in the segregated South there were no separate identities ... No such subtleties allowed, and the impact was devastating. Nigger—and it meant *him*.” Roth’s novel is a serious work, addressing intractable American dilemmas, not a racist polemic. The works of some of the finest African American authors, like Richard Wright and Langston Hughes, are banned for frank discussions of race. The context of these works, however, is irrelevant to TDCJ censors.

Like the theocratic government of Iran, TDCJ censors Salmon Rushdie’s *Satanic Verse*. Page 461 is censored for the passage “Low-cost high-rise housing enfolds him. *Nigger eat white man’s shit*, suggest the unoriginal walls. The buildings have names: ‘Isandhlwana’, ‘Rork’s drift’. But a revisionist enterprise is underway, for two of the four towers have been renamed, and bear, now, the names ‘Mandela’ and ‘Toussaint l’Ouverture’. ... He stands motionless while small groups of residents rush past in different directions. Some (not all) are carrying weapons. Clubs, bottles, knives. All of the groups contain white youngsters as well as black. He raises his trumpet to his lips and begins to play.” Rushdie’s work hardly encourages racial violence.

Alice Walker’s Pulitzer Prize winner, *The Color Purple*, is censored for describing the pain a child feels after an actual incestuous encounter. “He start to choke me, saying You better shut up

Literary Classics (cont.)

First Love by Joyce Carol Oates

Eight Men by Richard Wright

Villagers by John Updike

Fugitives and Refugees: A Walk in Portland, Oregon by Chuck Palahniuk

Twelve Million Black Voices by Richard Wright

*Breakdowns: Portrait of the Artist as a Young %@#** by Art Spiegelman

Big Rock Candy Mountain by Wallace Stenger

Salammbô by Gustave Flaubert

Delta of Venis by Anais Nin

Utopia by Thomas Moore

Middlesex by Jeffrey Eugenides

The Way to Paradise by Mario Vargas Llosa

White Oleander by Janet Fitch

Hooking Up by Tom Wolfe

Everything that Rises Must Converge by Flannery O'Connor

The Human Stain by Philip Roth

A Contract with God by Will Eisner

Fanny Hill by John Cleland

Ancient Evenings by Norman Mailer

It Can't Happen Here by Sinclair Lewis

How the Other Half Lives by Jacob Riis

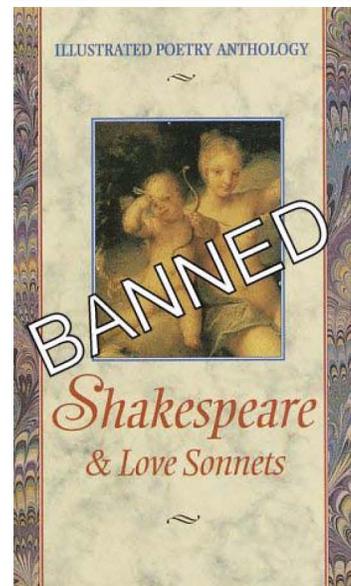
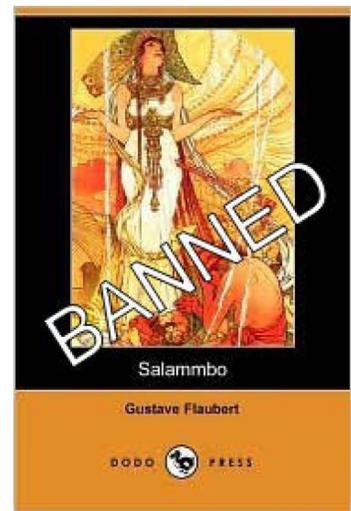
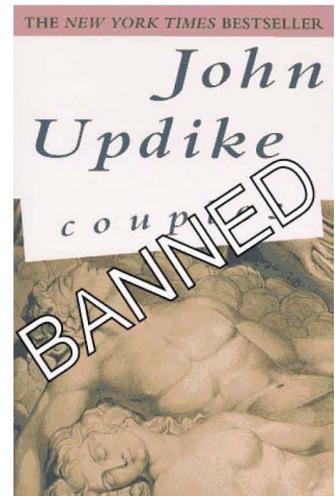
The Autobiography of Miss Jane Pittman by Ernest Gaines, Jr.

The Essential Gore Vidal by Gore Vidal

and git used to it. But I don't never git used to it. And now I feels sick every time I be the one to cook. My mama she fuss at me an look at me. She happy, cause he good to her now. But too sick to last long." After its publication, the book was adapted into an Oscar-nominated film by Steven Spielberg, starring Oprah Winfrey, Whoopi Goldberg, and Danny Glover. Oprah, a victim of child sexual abuse herself, described the book as "a powerful force in my life" and said she was "blessed ... to know [*The Color Purple*] will reach a whole new generation and an even wider audience" when she produced the Broadway play based on the novel.³⁵

Flannery O'Connor, the Southern Gothic novelist, has a banned book on this list: her short story collection *Everything that Rises Must Converge*. Mysteriously, the complete collection of her short stories, *The Complete Stories*, which includes *every story* in *Everything that Rises Must Converge*, is *not* banned.

Several classics are banned not because of their text, but because of the images on their covers. TDCJ censors Shakespeare, Updike, Vargas Llosa, Gustave Flaubert, and Norman Mailer because of cover art. O.B. Duane's collection of Shakespearean sonnets has a Renaissance-era painting of a nude Cupid sitting in a woman's lap. The cover of Updike's *Couples* is a line drawing of a nude man and woman that resembles classical Greek statuary. Vargas Llosa's *The Notebooks of Don Rigoberto* has an impressionist painting of a nude woman on the cover. Flaubert's *Salammba*, a historical novel set in Carthage after the First Punic War, uses Czech painter Alphonse Mucha's painting of the title heroine as the cover. None of these images are pornographic "sexually explicit images" TDCJ's policy is designed to exclude.



Popular Authors

The banned books list is filled with names of some of the most popular authors writing today. John Grisham, Stephen King, James Patterson, Dean Koontz, Dan Brown, Anne Rice, Tom Clancy, and Jodi Picoult have all had books censored by TDCJ.

Like the classic literature TDCJ censors, the vast majority of the books by popular authors are prohibited because of sexual or racial content. Pop culture critic Chuck Klosterman's novel, *Downtown Owl*, is a semi-autobiographical account of growing up in rural North Dakota. In the novel, the high school football coach is forced to resign for getting a student pregnant. “[Coach] Laidlaw was lying completely. The reason John, Sarah, and four-year-old Lawrence Laidlaw were about to leave Williston was because a seventeen-year-old girl named Doris Stahl was—at that very moment—driving to Montana to abort the child he had planted in her gut, a detail everyone in Williston (except Sarah) seemed to suspect. The Williston High superintendent had made Laidlaw's career options very clear; John selected option C, which was the only one that did not involve contacting a lawyer.” The passage is non-graphic, and certainly does not glorify or endorse Coach Laidlaw's behavior.

Leon Uris' *The Haj*, a historical account of the partition of Palestine, is banned for “indecent with a child.” The book's narrator recounts how, when he was a small child, his father “took as his second wife Ramiza, who as the youngest

Banned Books by Popular Authors

A Time to Kill by John Grisham

Prince of Tides by Pat Conroy

Pillars of the Earth by Ken Follett

Silence of the Lambs by Thomas Harris

Exit to Eden by Anne Rice

Without Remorse by Tom Clancy

Firefly by Piers Anthony

Lords of Discipline by Pat Conroy

For Love of Evil by Piers Anthony

Macroscope by Piers Anthony

Four Past Midnight by Stephen King

The Funhouse by Dean Koontz

Gerald's Game by Stephen King

The Haj by Leon Uris

In The Heat of The Night by John Ball

When the Women Come Out to Dance
by Elmore Leonard

The Big Bounce by Elmore Leonard

The Last Hero by Terry Pratchett

Running from the Law by Lisa Scottoline

*Fried Green Tomatoes at the
Whistlestop Café* by Fannie Flagg

The Last Juror by John Grisham

The Day America Told the Truth by
James Patterson

Running with Scissors by Augusten
Burroughs

Digital Fortress by Dan Brown

daughter of Sheik Walid Azziz, chief of the Palestinian Wahhabi Bedouin tribe. The great sheik was my father's uncle, so his new wife was also his first cousin. She was sixteen and my father was almost fifty. ... I slept with my mother, folded up in her arms, my head between her breasts. When my father and Ramiza made love every night, my mother lay awake, only a few feet from them, forced to listen to them have sex." The narrator goes on to describe how pained his mother was to know his father had taken a much younger second wife. Like *Downtown Owl*, this account is hardly pornographic or titillating.

All these titles are available in most every airport book store, and most high school libraries. They are far from incendiary, and are part of mainstream American culture.

Banned Books by Popular Authors (cont.)

Violets are Blue by James Patterson

Second Chance by James Patterson

Enchantment by Orson Scott Card

The Chamber by John Grisham

Valdez is Coming by Elmore Leonard

Pagan Babies by Elmore Leonard

Witching Hour by Anne Rice

Phthor by Piers Anthony

Midnight Graffiti by Stephen King

It by Stephen King

M. Butterfly by David Henry Hwang

Beauty Release by Anne Rice

Villa Incognito by Tom Robbins

Bag of Bones by Stephen King

Memoirs of a Geisha by Arthur Golden

The Pact by Jodi Picoult

Pure by Anne Geddes

Salem Falls by Jodi Picoult

World Without End by Ken Follett

Perfect Match by Jodi Picoult

Downtown Owl by Chuck Klosterman

Friday Night Lights, H.G. Bissinger

Prayer for the City, H.B. Bissinger

Death Before Dishonor, 50 Cent

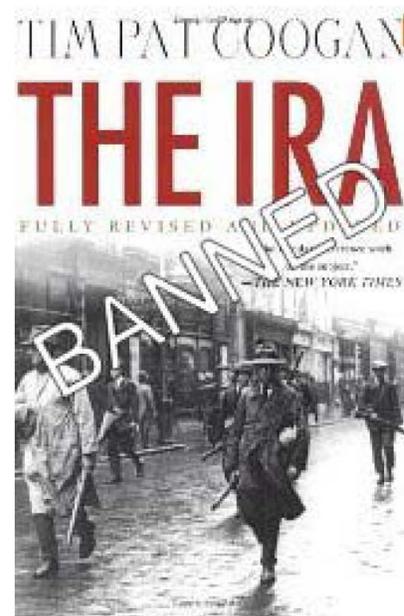
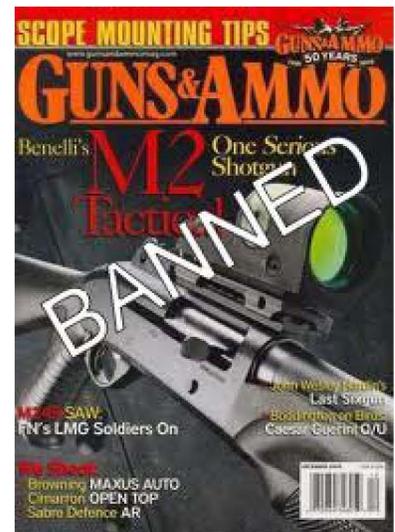
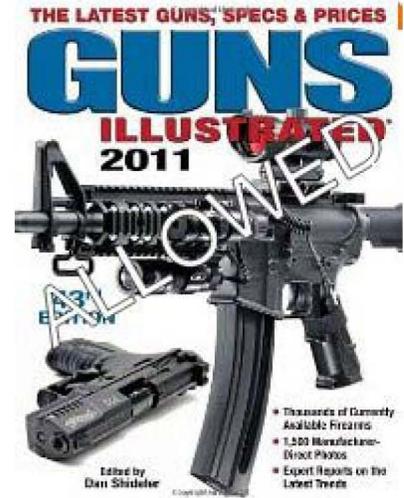
Denial for security reasons

There are certainly some books TDCJ can constitutionally censor. TDCJ censors a large number of books about electrical systems, for example, which could be used to facilitate an escape. Similarly, some issues of *National Geographic* and atlases are censored for containing maps of Texas. According to the DRC, geographical and political maps constitute a security threat, presumably because they could help an escaped prisoner navigate to safety.

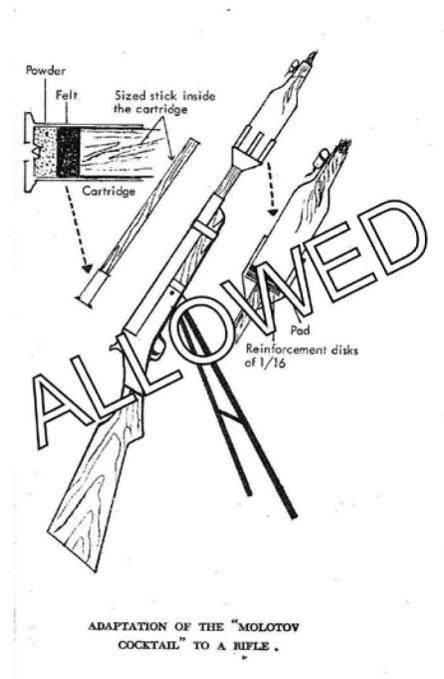
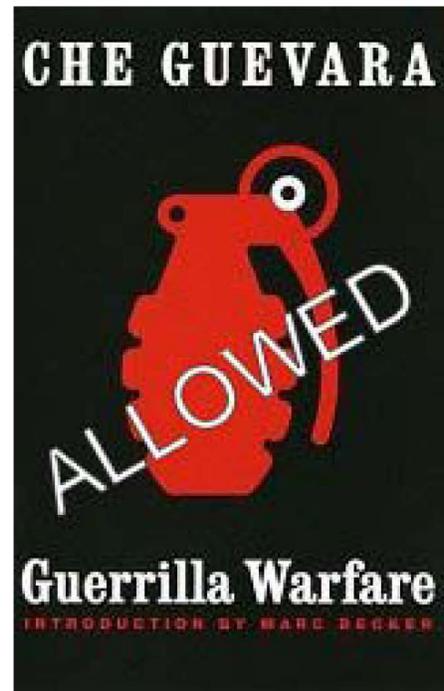
However, even when dealing with books that it could legitimately censor, TDCJ makes bizarre decisions. For example, official U.S. Army manuals published by the Department of Defense on counter-guerrilla and counter-insurgency, which, among other things, contain combat strategy and tactics for fighting small, loosely organized groups were *approved*. Likewise, famed communist insurgent Che Guevara's detailed description of how to carry out hit-and-run tactics, *Guerrilla Warfare* is *approved* for prisoners to read. Guevara's instruction manual, even includes instructions about how to make a Molotov cocktail and a diagram showing how to create a mortar.

Guns Illustrated, a publication that gives information on the latest guns, including specs and prices for thousands of revolvers, rifles and shotguns, was also *approved*. But other publications such as *Guns and Ammo*, *Hunting*, *Shooting Times*, and *Handguns* were disallowed in the very same month.

TDCJ's censorship exuberance also excludes books where no reasonable person could actually believe the text would contribute to a breakdown in prison



security. Tim Pat Coogan's book on the Irish Republican Army, *The IRA*, is one of the leading accounts of "The Troubles" in Ireland. One chapter discusses the conditions IRA prisoners faced in British jails. TDCJ bans the book because page 403 discusses "escape." Two famous IRA escape attempts are described on the page: one where prisoners "[got] away using knotted blankets and sheets," and another where prisoners aboard a British prison boat escaped by "following the example of a seal" and swimming through a gap in the barb wire that surrounded the boat. Neither scenario could facilitate an escape from TDCJ facilities, as TDCJ does not utilize prison ships. Similarly, using bedsheets to make a rope ladder is hardly novel—popular cartoon characters like Daffy Duck, Tom and Jerry, and Mickey Mouse have also used the technique.



Guerrilla Warfare (1998, Univ. Nebraska Press Ed.), p. 61

Denials of “sexually explicit images”

TDCJ may prohibit a publication if “it contains sexually explicit images.” TDCJ’s policy specifically excludes “educational, medical/scientific or artistic materials, including, but not limited to, anatomy medical reference books, general practitioner reference, books and/or guides, *National Geographic* or artistic reference material depicting historical, modern and/or post modern era art.”

Despite this exclusion, TDCJ prohibits numerous non-pornographic texts for containing allegedly “sexually explicit images.” Dozens of “how to draw” books are censored, as are numerous art history texts, including the works of Michelangelo, Leonardo Da Vinci, Rembrandt, Toulouse-Lautrec, Salvador Dali, Frida Kahlo, Vincent Van Gogh, Henri Matisse, and Andy Warhol.

History books with pictures of refugees escaping conflict are deemed “sexually explicit.” Lt. Gen. Harold G. Moore’s Vietnam memoir, *We Were Soldiers Once ... And Young*, includes several photographs from his wartime experience. One shows an American army medic treating a nude, injured Vietnamese child. Due to the nature and quality of the photograph, it is very difficult to describe it as “sexually explicit.” TDCJ also bans history books by former Senator Bob Dole and a collection prepared for the United States Holocaust Memorial Museum for re-printing “sexually explicit images.”



[We Were Soldiers Once And Young p. 234D](#)

TDCJ also censors political satire. In Jon Stewart’s lampoon of civics textbooks, *America (The Book): A Citizen’s Guide to Democracy Inaction*, the comedian includes “nude photos” of Supreme Court justices in a “Dress the Supreme Court” section. Each “nude photo” shows a headshot of the justices interposed on another

person's nude body. The adjacent page invites readers to cut out robes and "restore their dignity by matching each justice with his or her respective robe." The book's publisher told *USA Today*, "One reviewer called it 'the most profound part of the book.' I don't know about that, but it makes some kind of comment: Who are these justices when they're stripped of their robes? They're just like all these other saggy people. ... A robe doesn't the man make — or the woman."



America: The Book p. 98-99

An excellent example of the TDCJ censor's zeal is Hunter S. Thompson's *Fear and Loathing in Las Vegas*—the book is banned for a sexually explicit image, reproduced to the right. If this sketch is the type of image TDCJ needs to ban to enhance prison security, it will need to confiscate pens and paper from every inmate as most kindergartners could re-create a similarly crude drawing.



America: The Book p. 98-99

Fear and Loathing in Las Vegas, p. 198

TDCJ's policy does recognize some photos of naked people



Fear and Loathing in Las Vegas, p. 198

Dog's Best Friend, p. 87

are not to titillate. Issues of *National Geographic*, for example, are not banned because, according to the MSCP chair, “tribal women who do not wear clothes and that’s their culture.”³⁶ Despite the *National Geographic* exclusion, many actual *National Geographic* publications, such as *National Geographic: 100 Days in Photographs*, *Pivotal Events that Changed the World* and *National Geographic Photographs* are on the permanently banned list. Other anthropology texts, such as Ursula Birr’s *Dog’s Best Friend*, a history of the domestication of dogs, and Jared Diamond’s Pulitzer Prize-winning

Guns, Germs and Steel: The Fates of Human Societies, are prohibited solely because of a partially nude picture of a “tribal woman.” Though the MSCP chair testified TDCJ would not censor “medical reference books,” the Johns Hopkins Family Health Book is permanently banned.

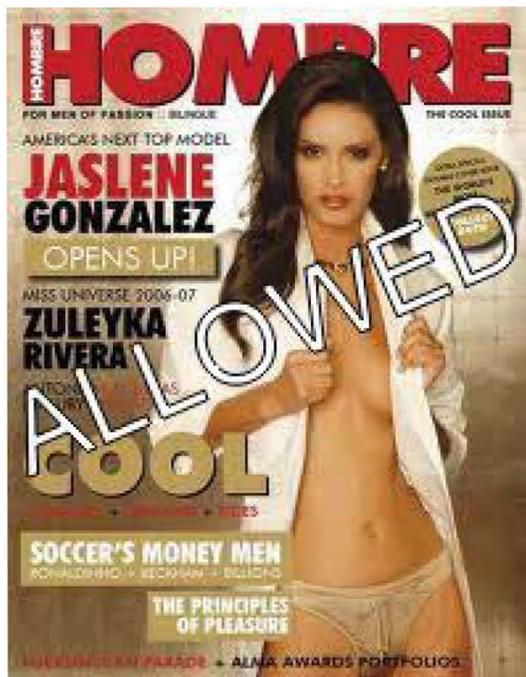
Though TDCJ censors these works of art, history, satire and journalism, it still allows prisoners to read magazines with semi-nude pictures of women, like *FHM 100 Sexiest Women in the World*, *Swimsuit International*, *Swimwear Illustrated*, *Bachelor’s Beat*, *Bikini*, *Bikini Girls*, and *Hombre*.

Like many other parts of the censorship policy, TDCJ employees fail to apply the “sexually explicit image” requirement with even a modicum of common sense or logic.



Plate 28 A group of pygmies from the Ituri forest of equatorial Africa.

[Guns, Germs and Steel, plate 28](#)



[Hombre magazine](#)

Self-Help/Rehabilitation Titles

TDCJ censors a number of books that do not *encourage* “deviant, criminal sexual behavior,” but, in fact, in the most explicit way possible, *discourage* illegal sexual conduct. These titles are self-help books designed to help victims of sexual abuse overcome the trauma in their lives that may have led them to victimize others.

Rus Ervin Funk is the founder of Men Can Stop Rape, a Washington-based non-profit organization that “mobilizes male youth to prevent men’s violence against women.” His book, *Stopping Rape: A Challenge for Men*, is the first book written by a man for men about rape prevention. Despite its strong anti-rape message, TDCJ has banned it for a description of “rape.”

Sandra Butler’s *Conspiracy of Silence: The Trauma of Incest* is prohibited because it discusses statistics about incest: “In a study conducted in Minneapolis, 75 percent of women working as prostitutes were found to have been victims of incestuous assault.” In another censored passage, an incest survivor remembers how her stepfather “forced me to have intercourse with him.”

Like the titles that discuss prison rape, these books frankly confront a problem many prisoners are familiar with and victims of. The books either encourage prisoners to end their violent sexual behavior, or help heal from the abuse they suffered.

Banned Rehabilitation Titles

Stopping Rape: A Challenge for Men
by Rus Ervin Frank

Why Me? Help for Victims of Child Sexual Abuse Even if They Are Adults Now
by Lynn Daugherty

Men Who Rape by A. Nicholas Groth

Handbook of Clinical Intervention in Child Abuse by Suzanne Sgroi, M.D.

Refusing to be a Man: Essays on Sex and Justice by John Stoltenberg

Too Scared to Cry: Psychic Trauma in Childhood by Lenore Terr

Conspiracy of Silence: The Trauma of Incest by Sandra Butler

Male on Male Rape: The Hidden Toll of Stigma and Shame by Michael Scarce

Startling Beauty: My Journey From Rape to Restoration by Heather Gemmen

Confronting Rape and Sexual Assault
by Mary Oden

Child Sexual Abuse: Hope for the Healing by Maxine Hancock

Healing Victims of Sexual Abuse by Paula Sandford

I Never Told Anyone: Writing by Women Survivors of Sexual Abuse by Ellen Bass

Conclusion

As a whole, while the TDCJ rules are reasonable, the problems lay in the application of these rules. TDCJ policies allow for review of individual publications on the basis of stated criteria. The spirit of the rules is to allow state officials the flexibility to allow prisoners access to literary and educational material, while maintaining the ability to censor materials that would pose a genuine threat to prison security. However, a consequence of this discretion is many arbitrary, unreasonable, and astonishing decisions, as well as regular inconsistencies, largely because material is twisted entirely out of context.

The inconsistencies in DRC and MSCP rulings indicate a lack of the contextual consideration that state procedure is obviously attempting to promote by providing rules for review of individual cases. Prisoners are often denied popular publications that few (if any) people in the general public or typical jail and prison administrators would find objectionable.

There are severe problems with the appeals process as well. Prisoners surveyed in 2008-2009 by the Inside Books Project almost universally expressed ignorance as to how the appeals process worked, despite unit mailroom officials' obligation to explain the process to them. Any appeals process that is inscrutable by the people that it is intended to serve does not protect their right of access.

Moreover, TDCJ's practice of only allowing one appeal per title makes the process virtually useless. Prisoners bring the vast majority of appeals. The prisoner has never seen the publication, and thus cannot formulate an intelligent appeal. The prisoner doesn't know what context any potentially "objectionable" content appears in, or, given the paucity of explanation on the form given them by the mailroom, what the content *is*.

Similarly, a publisher or large bookseller (like Amazon.com) has little interest in making sure prisoners have access to their books and magazines—prisoners are a relatively small market and it is not in the publishers' economic interests to pursue the appeals.

The sender of the book, however, has a strong interest in making sure the prisoner gets the publication, and the ability to review the publication to write an intelligent

appeal. Unless this sender is the first person to mail the book to TDCJ, however, the sender is barred from appealing because of previous rulings by TDCJ.

TDCJ certainly has the need to censor some books—there is no legitimate reason to allow prisoners to read *The Anarchist Cookbook*, for example.³⁷ The actual censorship decisions TDCJ makes, however, are extremely arbitrary. There is no legitimate reason prisoners should not be able to read books about prison conditions, books critical of racism that incidentally use slurs, or books so acclaimed by the public they have topped best-sellers lists or been recognized with the highest honors available to literature.

Prisoners do not shed all their constitutional rights at the prison gates. Rather than unlawfully censor books, TDCJ should encourage prisoners to read. There is perhaps no better way to ensure they will become productive citizens on their release.



About the Texas Civil Rights Project

The Texas Civil Rights Project (TCRP) promotes racial, social, and economic justice through education and litigation. TCRP strives to foster equality, secure justice, ensure diversity, and strengthen communities. Since its beginning, TCRP has achieved substantial system gains in ensuring justice for all Texans. TCRP uses education and litigation to make structural change in areas such as voting rights, police and border patrol misconduct, sex discrimination, employment bias, privacy, disability rights, grand jury discrimination, traditional civil liberties (i.e. free speech), and Title IX in secondary education.

TCRP was founded in 1990 as part of Oficina Legal del Pueblo Unido, a non-profit community-based foundation in South Texas. Oficina Legal del Pueblo Unido, Inc., started in 1978 as a community, grassroots foundation to provide legal assistance and education, without cost, to low-income people, particularly minority persons and individuals victimized by discrimination.

TCRP began with an unpaid staff of two in the Austin Peace Building (an attorney and an office manager). Within a few months, TCRP was able to hire an attorney for its South Texas office. TCRP now has offices in Austin, San Juan, Odessa, and El Paso, and a staff of more than 35 people.

For 20 years, the Texas Civil Rights Project has been a tireless advocate for racial, social and economic equality in Texas, through its education and litigation programs.

Some of the achievements we are most proud of:

- * Handled more than 2000 cases
- * Published eight Human Rights reports on issues such as hate crimes and the death penalty

- * Compiled five “self-help” manuals
- * Published 300 opinion editorials in Texas newspapers
- * Given 250 speeches and talks on civil rights
- * Conducted community and lawyer trainings for more than 22,000 persons.

The South Texas Project has worked steadfastly to extend equal rights to farm laborers and colonia residents in the Rio Grande Valley, and improve their living and working conditions.

We have sued over every kind of misconduct in every part of Texas — city police, sheriff deputies, Department of Public Safety officers, and Border Patrol agents. Because of our work, jails in Hidalgo, El Paso, Henderson, Tom Green, Williamson, Travis, Bexar, Dallas, and Brown Counties do much more now in preventing inmate suicide, providing interpreters for deaf prisoners, protecting vulnerable inmates from sexual assault, administering HIV medications, and making them accessible for inmates with disabilities.

TCRP set the national model in ballot accessibility for blind voters and has led more than two dozen regional compliance campaigns in Texas under the Americans with Disabilities Act (“ADA”). Thanks to the efforts of our staff, churches and courthouses in Texas are much more accessible to elderly and disabled people – and government more accountable.

We have pioneered a unique “circuit-rider” outreach program in west and south rural Texas for abused and undocumented spouses under the Violence against Women Act (VAWA).

And we have prodded the Texas Supreme Court to improve pro bono services for poor and low-income families in the state, 90% of whom have unmet legal needs each year.

Our Title IX educational and litigation programs on sexual harassment, bullying, and equal sports opportunities have helped make rural middle schools and high

schools more hospitable for young women. Our work has also opened up the prospect of athletic scholarships to college for them.

Our “Equality under the Law” campaign has addressed “benign” discrimination against African Americans and Hispanic Americans in banks, restaurants, motels, and other places of public accommodation.

Our efforts to help South Asian, Muslim, and Arab citizens, permanent residents, and students who fell victim to post September 11 discrimination have included filing a suit against a major airline, and enlisting Texas attorneys to represent, on a pro bono basis, individuals who were questioned by the FBI.

We worked with the Mexican American Legal Defense and Education Fund (MALDEF) to help create single-member school board districts in Del Valle ISD and assisted in redistricting the Texas Legislature and Texas Congressional so as to protect the voting and representational rights of minority citizens.

We assisted the NAACP in bringing the U.S. Department of Justice to review Austin Police Department policies and make changes to APD’s use of force practices in minority communities.

We joined with the American Jewish Congress in one of the first court cases in the country to challenge the constitutionality of government funding of a religiously orientated job-training program that used the Bible as a text and proselytized among its trainees.

We are a leading voice in raising questions about the fairness of Texas' death penalty scheme, and the possibilities of executing innocent people. So, too, are we an intrepid advocate of traditional civil liberties, such as free speech and assembly, due process, and equal protection under the United States and Texas Constitutions.

History of Oficina Legal del Pueblo Unido, Inc. and The Texas Civil Rights Project, available at <http://www.texascivilrightsproject.org/about/history.htm>

Endnotes

¹ *Turner v. Safley*, 482 U.S. 78, 77 (1987).

² *Procunier v. Martinez*, 416 U.S. 396, 408 (1974).

³ *Thornburgh v. Abbott*, 490 U.S. 401, 408 (1989).

⁴ *Id.* at 409.

⁵ *Id.* at 414.

⁶ *Procunier v. Martinez*, 416 U.S. 396, 415 (1974).

⁷ *Guajardo v. Estelle*, 580 F.2d 748, 762 (5th Cir. 1978).

⁸ *Id.*

⁹ TDCJ Board Policy 03.91.

¹⁰ Deposition of Jennifer Smith in *Prison Legal News v. Livingston*, No. 2:09-cv-00296 (S.D. Tex. – Corpus Christi 2009), pp. 34:2-15 (no criteria for material related to “offender disruption”); 37:4-12 (no definition of “deviant criminal sexual behavior”); 38:12-17 (no definition of “criminal scheme”). As discussed above in the text, there is additional material defining “sexually explicit image.”

The MSCP applies some informal criteria about when to censor books. For example, the MSCP will permit prisoners to read an art book that includes a painting of a naked cherub showing the cherub’s genitals, but not a similar painting of a naked child. *Id.*, p. 54:1-18.

¹¹ Deposition of Evelyn Brown, in *Prison Legal News v. Livingston*, No. 2:09-cv-00296 (S.D. Tex. – Corpus Christi 2009), p. 10:12-21; Deposition of Michayel Smith, in *Prison Legal News v. Livingston*, No. 2:09-cv-00296 (S.D. Tex. – Corpus Christi 2009), p. 25:1-3; Deposition of Irma Sue Weeks, in *Prison Legal News v. Livingston*, No. 2:09-cv-00296 (S.D. Tex. – Corpus Christi 2009), p. 13:16-20.

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- ¹² Livingston's and Smith's Responses to Plaintiff's Second Requests for Admission, Requests for Production, and Interrogatories, in *Prison Legal News v. Livingston*, No. 2:09-cv-00296 (S.D. Tex. – Corpus Christi 2009), p. 4.
- ¹³ TDCJ Board Policy 03.91.
- ¹⁴ *Id.*
- ¹⁵ Deposition of Jennifer Smith, p. 116:24-117:16.
- ¹⁶ This is the number of books censored through the end of 2009, when the data was provided to TCRP. Additional books have likely been censored since that time.
- ¹⁷ The total number of books censored is less than the number of banned books by category because some books are censored for more than one reason, and thus are counted in multiple categories.
- ¹⁸ In this list, TCRP excluded the “authors” publishing through Greenleaf and Star, as these publishers top “authors” appear to write under pseudonyms. (“Donna Allen,” “Nick Eastwood,” and “Kathy Andrews,” for example, have combined written over 100 pornographic titles banned by TDCJ.)
- ¹⁹ *See Martin v. Keller*, No. 5:09-CV-0044 (E.D. N.C. 2009).
- ²⁰ *Mayfield v. TDCJ*, 529 F.3d 599 (2008).
- ²¹ Deposition of Jennifer Smith, 55:20.
- ²² Silja J.A. Talvi, *Women Behind Bars: The Crisis of Women in the U.S. Prison System* (Emeryville, CA: Seal Press 2007), p. 110.
- ²³ *Id.*, p. 110.
- ²⁴ *Id.*, pp. 80-86.
- ²⁵ *Id.*, p. 111.

²⁶ Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (Henry Holt and Co. 2010), p. 25.

²⁷ *Id.*, p. 26.

²⁸ Don Sabo, Terry A. Kupers, and Willie London. eds. *Prison Masculinities*. (New York: Temple University Press, 2001), p. 129.

²⁹ Deposition of Jennifer Smith, Ex. 9, National Prison Rape Elimination Commission, Public Proceedings, March 26-27, 2007, Austin, TX.

The National Prison Rape Elimination Commission was created by the Prison Rape Elimination Act, and tasked with gathering data and making recommendations to prevent sexual abuse in U.S. detention facilities. See 42 U.S.C. § 15601, et seq. A complete transcript of the proceedings is available at http://nprec.us/home/public_proceedings/proceedings_austintx.php.

³⁰ Pages 58-59 of the Second Vintage International Edition, June 1997 of *Lolita* contain a graphic, vivid description of Humbert Humbert's sexual encounter with young Lolita.

³¹ Pages 35-36 of the Vintage International Edition, March 1989 of *Death in Venice* describe the aging Aschenbach's obsession with the boy, Tadzio.

³² The novella, on which the Oscar-nominated movie is based, was originally published in King's *Different Seasons*, and then again in the collection *The Shawshank Redemption*. TDCJ does not censor either book.

From *Rita Hayworth and the Shawshank Redemption*, (*Different Seasons* ed.), p. 32:

And then there are the sisters. They are to prison society what the rapist is to the society outside the walls. ... Their prey is the young, the weak, and the inexperienced ... Their hunting grounds are the showers, the cramped, tunnel-like areaway behind the industrial washers in the laundry, sometimes the infirmary. ... Most often the sisters take by force what they could have had for free, if they wanted it that way ... But for

the sisters, the joy has always been in taking it by force ... and I guess it always will be.”

From page 33:

I guess the phrase gang-rape is one that doesn't change much from one generation to the next. That's what they did to him, those four sisters. They bent him over a gear-box and one of them held a Phillips screwdriver to his temple while they gave him the business. It rips you up some, but not bad—and I speaking from personal experience, you ask?—I only wish I weren't. You bleed awhile. If you don't want some clown asking if you just started your period, you wad up a bunch of toilet paper and keep it down the back of your underwear until it stops.

From p. 34:

They took him, all three of them. When it was done, Rooster and the other egg ... forced Andy down to his knees. Bogs stepped in front of him. He had a pearl-handled razor ... He opened it and said 'I'm gonna open my fly now, mister man, and you're going to swallow what I give you to swallow. And when you done swallowed mine, you're gonna swallow Rooster's.'”

³³ *Lockdown America*, p. 206.

³⁴ Deposition of Jennifer Smith, p. 36:12-37:3.

³⁵ Camp Broadway, LLC, *Stage Notes: The Color Purple*, p. 4, available at http://www.campbroadway.com/stagenotes/TheColorPurple_StageNotes.pdf

³⁶ Deposition of Jennifer Smith, p. 55:8-9.

³⁷ Notably, *The Anarchist Cookbook* appears to never have been reviewed by TDCJ—it does not appear on the banned or allowed lists.

APPENDIX



TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

NUMBER: BP-03.91 (rev. 1)
DATE: July 13, 2007
PAGE: 1 of 13
SUPERSEDES: BP-03.91
June 1, 2004

BOARD POLICY

SUBJECT: UNIFORM OFFENDER CORRESPONDENCE RULES

AUTHORITY: 18 U.S.C. Section 1716; Sections 498.0042, 492.013(a) and 499.102(a)(12), Texas Government Code; Section 38.111, Texas Penal Code

Reference: American Correctional Association (ACA) Standards 4-4487, 4-4488, 4-4489, 4-4490, 4-4491, 4-4492, 4-4493, 4-4494, 4-4495 and 4-4496; AD-04.82, "Forfeiture of Good Conduct Time for Contacting a Victim without Authorization," and AD-07.90, "Correspondence Supplies and Postage for Offenders"

APPLICABILITY: Texas Department of Criminal Justice (TDCJ or Agency)

POLICY:

The TDCJ shall facilitate offenders keeping in touch with families and friends. All incoming and outgoing correspondence, except as otherwise provided here, is subject to delivery, inspection and rejection in accordance with the following rules.

DEFINITIONS:

"Contraband," in relation to correspondence, is any physical item that presents a threat to the safety or security of the staff, offenders, institution or public, and does not include any written material disapproved for its content.

"Director's Review Committee" (DRC) is the body of appointed Agency administrators with the authority to hear all appeals related to rejected correspondence, publications and placements on negative mailing lists.

"General Correspondence" is any mail sent to or from a General Correspondent or not otherwise included in the definitions of Legal, Media or Special Correspondence.

"General Correspondent" is any person corresponding with an offender who is not included within the definitions for Legal, Media or Special Correspondents.

OPEN RECORDS
EXECUTIVE SERVICES

"Indigent Status" is when a TDCJ offender: (1) has less than a \$5.00 balance in their Offender Trust Fund account for 60 days or less; (2) has a damaged or misplaced identification (ID) card; or (3) is on week one of lockdown status for more than seven (7) consecutive days.

"Legal Correspondence" is any mail sent to or from a Legal Correspondent.

"Legal Correspondent" is any attorney licensed in the United States or a legal aid society (an organization providing legal services to offenders or other persons) contacting an offender in order to provide legal services.

"Mail System Coordinators Panel" (MSCP) is the body designated to assist in the maintenance and coordination of the Uniform Offender Mail System. The MSCP serves to bring uniformity to the decisions of the various units by providing technical assistance and rule interpretation; serves as the centralized authority for the review of publications for initial unit acceptance or denial; provides training for mailroom staff; conducts in-depth monitoring of all unit mailrooms; and submits periodic reports pertaining to the offender mail system.

"Media Correspondence" is any mail sent to or from a Media Correspondent.

"Media Correspondent" is any member of the editorial and reporting staff of any newspaper or magazine listed in the *Gale Directory of Publications* or the *Editor & Publisher Year Book* or the editorial and reporting staff of any radio or television station. Other members of the media, including free-lance members, may petition to the DRC to be included within the definition of "media correspondent."

"Sexually Explicit Image" is material that shows the frontal nudity of either gender, including the exposed female breast(s) with nipple(s) or areola(s), or the genitalia or anus of either gender. The chests of infants and pre-pubescent children are not considered breasts.

"Special Correspondence" is any mail sent to or from a Special Correspondent.

"Special Correspondent" is any member of the Texas Board of Criminal Justice (TBCJ); the Executive Director; the Deputy Executive Director; any Directors, Deputy Directors and Wardens of the TDCJ Correctional Institutions Division (CID); any court or district or county clerk of the United States or any of the States of the United States; any member of the Legislature of the States or the United States; the President of the United States or the Governor of any State of the United States; the Attorney General of the United States or any attorney in the United States Department of Justice; the Director or any agent of the Federal Bureau of Investigation or any official of any federal, state or local law enforcement agency, including offices of inspector general, the directors of state departments of corrections, the Bureau of Prisons and parole commissioners from other States; the Attorney General or any Assistant Attorney General of any state; any member or commissioner of the Texas Board of Pardons and Paroles; any foreign consulate (Consul General, Vice Consul or Honorary Consul) of any country of which the offender is a citizen; the Texas State Law Library or any county law library in the State of Texas.

- a. Minors whose parents or guardians object in writing to the correspondence, except an offender's own child or stepchild (unless the child or stepchild is the offender's victim as described in Section I.B.3);
- b. Individuals who request in writing not to receive further correspondence from the offender; and
- c. Individuals who have attempted to send contraband into the institution or otherwise committed a serious violation of the correspondence rules, as determined by the Warden. A person who commits a serious violation of the Uniform Offender Correspondence Rules may be prohibited from any further correspondence with a particular offender and may be placed on a negative mailing list of persons with whom that particular offender may not correspond. Within 72 hours of such addition to a negative mailing list, a notice, accompanied by a statement of the reason therefore, shall be sent to the disallowed person and to the offender. Within the same time period, the disallowed person and the offender shall also be notified of how to appeal and the procedure for appeal.

3. Victims

Pursuant to AD-04.82, "Forfeiture of Good Conduct Time for Contacting a Victim without Authorization," Section 38.111 of the Texas Penal Code and Section 498.0042 of the Texas Government Code, the TDCJ prohibits unauthorized contact with a victim or a member of a victim's family by offenders who are confined in the TDCJ CID if the following criteria are met:

- a. The offender is currently serving time for committing a crime against that victim;
- b. The victim was younger than 17 years of age at the time of the offense; and
- c. Written authorization for the contact was not obtained prior to the initiation of the contact.

Offenders making unauthorized contact with victims shall be charged with a major disciplinary offense and, if the charge is sustained, may forfeit all or any part of accrued good conduct time credit if the offender is not a state jail offender. A state jail offender shall be assessed a major

“Stationery” is white, undecorated paper, not to exceed the size of 8½” x 11,” or unstamped white envelopes, including carbon paper and white envelopes with the offender’s commitment name and TDCJ number preprinted in the return address portion of the envelope, but excluding any paper with names, addresses or letterhead, and excluding tablets or writing pads with stapled binding. (NOTE: Ruled white paper is not considered decorated and is permitted.)

“Watch List” is a TDCJ Mainframe generated list of offenders on special correspondence restriction, negative mailing lists and names submitted by the Security Threat Group (STG) Officer, Unit Safe Prisons Coordinator (USPC), the Office of the Inspector General (OIG) and/or unit administration.

PROCEDURES:

I. General Rules and Instructions Regarding Correspondence

A. Permissible Correspondents

An offender may correspond with as many persons as the offender chooses, except as restricted by this policy (Uniform Offender Correspondence Rules).

B. Restricted Correspondents

1. Other Offenders

Offenders may not correspond with other offenders unless:

- a. The offenders are immediate family members (parents, step-parents, grandparents, children, stepchildren, spouses, common law spouses and siblings);
- b. The offenders have a child together, as proven through a birth certificate and the parental rights have not been terminated;
- c. The offenders are co-parties in a currently active legal matter; or
- d. The offender is providing a relevant witness affidavit in a currently active legal matter.

2. Negative Mailing List

Offenders shall be denied permission to correspond with persons on the offender’s negative mailing list. Persons on that list may be:

disciplinary penalty if the charge is sustained. An offender may also be subject to criminal charges for improper contact with a victim.

C. How to Correspond

There is no restriction placed upon the length of incoming or outgoing correspondence. All offender mail shall be sent and received through duly authorized channels. Offenders shall not smuggle letters in or out of the institution.

1. Authorized Channels

Offenders may only send First Class, Certified or Priority United States mail through the offender mail system.

2. C.O.D. Mail

No Cash on Delivery (C.O.D.) mail shall be accepted for any offender, and no offender shall be authorized to send C.O.D. mail. Unauthorized items arriving by mail shall be returned to the sender at the expense of the offender if ordered by said offender, unless the offender is without funds, in which case the mail shall be returned at the sender's expense. Offenders shall be notified when C.O.D. mail is returned to the sender.

3. Packages

All outgoing packages shall not be sealed for mailing until inspected by TDCJ. Packages shall be free of contraband or material which constitutes a threat to security or which cannot be lawfully sent through the mail. Inspection of this mail shall be done in the presence of the offender; if cleared for mailing, the item shall be sealed and placed in the mail by the sender in the presence of the inspector. Outgoing packages may be mailed at a "media mail" rate if the contents of the package meet the "media mail" rate guidelines outlined by the United States Postal Service. These rules shall not apply to outgoing packages to special, legal and media correspondents, which shall be governed by the rules relating to such correspondence.

Packages shall not be sent to offenders by individuals. TDCJ shall permit the delivery of packages of stationery from legitimate stationery vendors (a stationery vendor need not register in advance with the TDCJ in order to be a "legitimate" vendor), subject to its right of inspection. Packages of publications may be sent to offenders by publishers or publication suppliers, including bookstores. TDCJ shall accept delivery of packages from public carriers only (e.g., USPS, UPS, Fed-Ex, DHL) Special

provisions are made for packages to be received from suppliers for craft shop operations. All incoming packages shall be subject to inspection. Offenders shall be notified when unauthorized packages are denied.

4. Return Address and Outgoing Correspondence

Each outgoing envelope or package shall include the sending offender's commitment name, TDCJ number, unit name and current address. Offenders having a legal name other than the offender's commitment name may also place that name in the return address. No other information shall be made part of the return address.

Offenders may not embellish outgoing envelopes with illustrations or written messages other than the return address, the name and address of the intended recipient and a notation that the envelope contains legal, special or media mail; photos do not bend; or fragile.

Mailroom officials shall refuse for mailing, after consultation with the MSCP, any outgoing correspondence from an offender that they reasonably believe will be deemed nonmailable by the United States Postal Service pursuant to 18 U.S.C. Section 1716. This includes envelopes or packages having obnoxious odors or containing liquids or powders.

5. Stationery

Any type of stationery, whether bought at the commissary, mailed from approved sources as described in these Rules or stationery authorized for issuance to indigent offenders may be used in correspondence. Offenders may not use homemade envelopes to correspond.

6. Indigent Postage

Postage and stationery for mail from indigent offenders may be secured through the Warden's representative. Postage and stationery shall be made available to indigent offenders, including those in administrative segregation, at regular intervals. Postage and stationery shall be furnished to an indigent offender for correspondence to any special correspondent listed in these Rules and to any attorney or legal aid society. An indigent offender may use indigent postage to send five (5) one-ounce domestic letters per week to general correspondents and five (5) items to legal or special correspondents. Upon request to the Warden's representative and for good cause shown, an offender may send extra letters to general, legal or special correspondents using indigent postage.

Funds expended by the TDCJ for postage and stationery within the first 60 days that an offender is indigent shall be recouped by the TDCJ from funds later deposited in the offender's Trust Fund Account.

D. Publications

An offender may receive publications in the mail only from the publisher or publication supplier, including bookstores. Offenders ordering publications shall forward payments for subscription to individual publications with the order. Offenders shall not receive publications of any kind on a trial basis with payment postponed. Persons desiring to give publications directly to individual offenders may have the publication mailed directly to the offender only from the publisher or publications supplier, including bookstores. Publications received by offenders may be in languages other than English.

II. Special and Media Correspondence

A. Permissible Correspondence

Offenders may write sealed and uninspected letters directly to special and media correspondents. All incoming correspondence from any special or media correspondent may be opened and inspected only for contraband, except under the special circumstances noted in these Rules. The inspection shall be in the offender's presence. All incoming special correspondence envelopes shall be prominently stamped as received by the TDCJ or cancelled so that franked government envelopes cannot be reused.

B. Exceptions

In individual cases, where reasonable suspicion exists to believe these correspondence rules or the law is being violated, incoming or outgoing special or media correspondence may be opened and inspected for contraband and content upon obtaining written permission of the CID Director or designee.

III. Legal Correspondence

A. Permissible Correspondence

In order to facilitate the attorney-client privilege, an offender may write sealed and uninspected letters directly to legal correspondents. No correspondence from an offender to any legal correspondent may be opened or read. All incoming correspondence from any legal correspondent may be opened and inspected for contraband only. The inspection shall be in the offender's presence. No correspondence to an offender from any legal correspondent may be read.

B. Exceptions

When an offender consistently violates the law or the correspondence rules through legal correspondence, the offender may have legal mail privileges suspended except to the offender's attorney of record, upon obtaining written permission of the CID Director or designee. The attorney of record shall submit a written statement naming them as the attorney of record for the offender. The CID Director shall approve the restriction of legal correspondence privileges.

IV. Handling Offender Correspondence

A. Content Inspection of General Correspondence

All general correspondence shall be subject to the right of inspection and rejection by unit mailroom staff. All outgoing or incoming letters to and from offenders and enclosures such as clippings, photographs or the like shall be disapproved for mailing or receipt only if the content falls as a whole or in significant part into any of the categories listed below:

1. Contains threats of physical harm against any person or place or threats of criminal activity;
2. Threatens blackmail or extortion;
3. Concerns sending contraband in or out of the institutions;
4. Concerns plans to escape or unauthorized entry;
5. Concerns plans for activities in violation of institutional rules;
6. Concerns plans for future criminal activity;
7. Uses code and its contents are not understood by the person inspecting the correspondence;
8. Solicits gifts of goods or money under false pretenses or for payment to other offenders;
9. Contains a graphic presentation of sexual behavior that is in violation of the law;
10. Contains a sexually explicit image;
11. Contains information, which if communicated would create a clear and present danger of violence or physical harm to a human being; or

12. Contains records or documentation held by TDCJ which are not listed in the attachment to the TDCJ *Open Records Act Manual* Chapter 2.

The offender and the sender or addressee shall be provided a written statement of the disapproval and a statement of the reason within 72 hours of the receipt of said correspondence. This notice shall be given on Correspondence Denial Forms. The offender shall be given a sufficiently detailed description of the rejected correspondence to permit effective use of the appeal procedures. The offender, sender or addressee may appeal the mailroom officer's decision through the procedures outlined in these Rules.

B. Contraband in General Correspondence

If contraband is found in an incoming letter or publication, the contraband should be removed from the letter or publication, if possible. If the contraband cannot be removed from the letter or publication, the letter or publication shall not be delivered to the offender. A rejection as contraband is subject to the appeal procedures outlined in these Rules.

C. Contraband in Legal, Media or Special Correspondence

If an enclosure constituting contraband is found, the contraband shall not be delivered to the offender. A written notice of the rejection and a statement of the reasons shall be sent to the offender and the correspondent within 72 hours of the rejection. The offender shall be given a sufficiently detailed description of the rejected contraband to permit effective use of the appeal procedures. At the same time the correspondent and the offender shall be notified of the procedure for appeal.

D. Record of Legal, Special and Media Correspondence

The mailroom shall keep a record showing the source and destination of all incoming and outgoing legal, special and media correspondence.

E. Content Inspection of Publications

All publications are subject to inspection by the MSCP in Huntsville and by unit staff. The MSCP has the authority to accept or reject a publication for content, subject to review by the DRC. Publications shall not be rejected solely because the publication advocates the legitimate use of the Offender Grievance Procedure, urges offenders to contact public representatives about prison conditions or contains criticism of prison authorities.

1. Rejection Due to Content

A publication may be rejected if:

- a. It contains contraband that cannot be removed;
- b. It contains information regarding the manufacture of explosives, weapons or drugs;
- c. It contains material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through offender disruption such as strikes, riots or security threat group activity;
- d. A specific determination has been made that the publication is detrimental to offenders' rehabilitation because it would encourage deviant criminal sexual behavior;
- e. It contains material on the setting up and operation of criminal schemes or how to avoid detection of criminal schemes by lawful authorities charged with the responsibility for detecting such illegal activity; or
- f. It contains sexually explicit images. Publications shall not be prohibited solely because the publication displays naked or partially covered buttocks. Subject to review by the MSCP and on a case-by-case basis, publications constituting educational, medical/scientific or artistic materials, including, but not limited to, anatomy medical reference books, general practitioner reference books and/or guides, *National Geographic* or artistic reference material depicting historical, modern and/or post modern era art, may be permitted.

2. Notice

If a publication is rejected, the offender, the editor and/or the publisher shall be provided a written notice of the disapproval and a statement of the reason within 72 hours of receipt of said publication on a Publication Denial Form. Within the same time period, the offender, the editor and/or the publisher shall be notified of the procedure for appeal. The offender shall be given a sufficiently detailed description of the rejected publication to permit effective use of the appeal procedures. The offender, the editor or the publisher may appeal the rejection of the publication through procedures provided by these Rules.

3. List of Disapproved Publications

A list of publications disapproved for receipt by offenders during the last two (2) months shall be noted on the Law Library Holdings List on each institution. The list shall be updated every month.

F. Processing Incoming and Outgoing Offender Mail

All mail shall be processed, including delivery, pick-up or notifications, by TDCJ employees or private facility staff only and during waking hours whenever possible. No offender is to handle another offender's mail, either incoming or outgoing.

All incoming mail, except packages, shall be delivered within 24 hours of receipt, except on weekends or holidays. Incoming packages shall be delivered within 48 hours of receipt, except on weekends or holidays. The hours of weekends and holidays shall not be used in computing the 24 or 48 hour period.

All outgoing mail, except packages, shall be delivered to a United States Postal Service employee within 24 hours, except on weekends or holidays. Outgoing packages shall be delivered to a United States Postal Service employee within 48 hours, except on weekends or holidays. The hours of weekends and holidays shall not be used in computing the 24 or 48 hour period.

Exception: Incoming and outgoing mail for offenders whose mail is being monitored may be processed within 48 hours of receipt, if necessary, to allow unit staff to properly examine the correspondence.

G. Forwarding of Mail

Mail received shall be forwarded to an offender immediately in the event the offender has left the unit and a forwarding address is available. Newspapers shall be forwarded by truck mail for seven (7) days and other subscriptions shall be forwarded by truck mail for 45 days after an offender is transferred between TDCJ institutions if truck mail is available between the two (2) institutions. Should an offender leave the unit of assignment for temporary medical treatment, correspondence, newspapers and magazines shall be held by the unit mailroom until the offender returns to the unit.

H. Mailrooms

All unit mailrooms shall be open and provide mail service Monday through Friday, except on holidays recognized by the United States Postal Service.

I. Treatment Programs

The Substance Abuse Treatment Program (SATP), the Sex Offender Treatment Program (SOTP) and other treatment programs or therapeutic communities, as approved by the CID Director and the Rehabilitation and Reentry Programs Division (RRPD) Director and maintained by the MSCP, may have more restrictive content-based requirements for general correspondence and publications, as long as those more restrictive requirements are directed at the treatment goals and needs of the treatment program or therapeutic community.

V. Review Procedures for Denied Items

A. Handling of Denied Items

Any incoming or outgoing correspondence or publications that are rejected shall not be destroyed, but shall remain with the mailroom officer subject to examination and review by those involved in the administration of appeal procedures outlined herein. Upon completion of the appeal procedures, if the correspondence or publication is denied, the offender may request that it continue to be held in the custody of the mailroom officer for use in any legal proceeding contemplated by the offender, or that it be disposed of in one (1) of the following manners unless security concerns mandate the offender not have a choice in the disposition:

1. Mail the publication or correspondence to any person at the offender's expense;
2. Destroy the publication or correspondence, only with the offender's written permission; or
3. Any item (i.e., free gifts) received as a result of a subscription purchase or renewal shall be disposed of in accordance with AD-03.72, "Offender Property."

B. Correspondence Appeal Procedure

Any offender or other correspondent, or editor or publisher of a publication may appeal the rejection of any correspondence or publication. An offender or a correspondent may appeal the placement of the correspondent on the offender's negative mailing list. An offender or a correspondent may apply to the DRC for reconsideration of the negative mailing list placement after the passage of six (6) months.

How to Appeal

A written notice of appeal shall be sent to the DRC within two (2) weeks of notification of rejection. Upon receipt of notification, the correspondence or publication in question shall be sent to the DRC.

Final Decision

The DRC shall render its decision within two (2) weeks after receiving the appeal, and shall issue written notification of the decision to the parties involved within 48 hours.

Delegation

The DRC Chairman may delegate decisions regarding correspondence and publication denials to the MSCP, which will be bound to the guidelines applicable to the DRC regarding appeals.

OPEN RECORDS
EXECUTIVE SERVICES



Christina Melton Crain, Chairman
Texas Board of Criminal Justice

AD-03.93 (rev. 2)
Attachment A
Page 5 of 5

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
CORRESPONDENCE/CONTRABAND DENIAL FORM**

NAME: _____ TDCJ NUMBER: _____

UNIT: _____ DATE CORR./CONT. RECEIVED: _____ DATE OFFENDER NOTIFIED: _____

CORRESPONDENCE: (Circle One) TO or FROM _____

The above correspondence has been denied to you in accordance with BP-03.91, "Uniform Offender Correspondence Rules."

CHECK APPROPRIATE CAUSE OR CAUSES FOR DENIAL AND STATE APPROPRIATE REASON

- Content
- Contraband
- Enclosure
- Package / Publication
- Sealed Correspondence

APPEAL:

Should the offender decide to appeal the rejection of said correspondence/contraband, the offender shall notify the Unit Mailroom WITHIN TWO (2) WEEKS of offender notification requesting that this correspondence/contraband and the rejection form be forwarded to the Director's Review Committee (DRC). Should persons outside the institution desire to appeal, submit by first class mail to the Director's Review Committee, P.O. Box 99, Huntsville, Texas 77343-0033. The appeal must reach the DRC WITHIN TWO (2) WEEKS of the notification listed above.

Does the offender wish to appeal? Yes No

Offender Signature Date

DISPOSITION: Offender should check the desired disposition.

- Destroy
- Send to the following person at the offender's expense: _____

Name and Address

Offender Signature and Date

Mailroom Representative Signature and Date

UNIT DISPOSITION:

Employee Signature Date

IF A DISPOSITION CHOICE IS NOT EXPRESSED AND EXECUTED OR LITIGATION HAS NOT BEGUN ON ITEMS BEING HELD FOR LITIGATION WITHIN 60 DAYS OF THE INITIAL DENIAL OR FROM THE DRC DECISION DATE (IF APPEALED), THE ITEMS SHALL BE DESTROYED.

DISTRIBUTION:

- Original - Send to the DRC IF THE OFFENDER WISHES TO APPEAL. If not, keep on unit.
- Gold - Unit Copy
- Yellow - Offender Copy
- Pink - Mail to sender/addressee of correspondence
- I-153 (Updated Date)

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PUBLICATION REVIEW / DENIAL NOTIFICATION

2-1 Mem: Books Through Bars
112 Allen St
New York NY 1002

NAME Ernest Harris TDCJ# 332811 UNIT P2
TITLE OF PUBLICATION Narrative of Jojoanne Truck MSCP 7/17/09 DATE OFFENDER NOTIFIED 9-10-09
AUTHOR Jojoanne Truck DRC DATE _____

The above listed publication has been reviewed and denied in accordance with Board Policy 03.91, Uniform Offender Correspondence Rules and Regulations. This decision may be appealed to the Director's Review Committee (DRC), PO Box 99, Huntsville, Texas 77342-0099 **WITHIN TWO (2) WEEKS** of the date of offender notification.

Check one or more reasons for denial and cite page number of objectionable material.

- (a) It contains contraband that cannot be removed;
- (b) It contains information regarding the manufacture of explosives, weapons or drugs;
- (c) It contains material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through offender disruption such as strikes, riots or security threat group activity;
- (d) A specific determination has been made that the publication is detrimental to offenders' rehabilitation, because it would encourage deviant criminal sexual behavior;
- (e) It contains material on the setting up and operation of criminal schemes or how to avoid detection of criminal schemes by lawful authorities charged with the responsibility for detecting such illegal activity; or
- (f) It contains sexually explicit images.

Remarks: Page 22 Racial

Does offender wish to appeal the denial? Yes No Mr. Ernest D. Harris 9/10/09
Offender Signature Date

Disposition: Offender should check the desired disposition.

Destroy

Send to the following person at the offender's expense: Dr. Helen Y. Harris 9620 Mohawk Dr. King George, VA 22485
Name and Address

Mr. Ernest D. Harris 9/10/09 De Weckman 9/10/09
Offender Signature & Date Mailroom Representative Signature & Date

IF A DISPOSITION CHOICE IS NOT EXPRESSED AND EXECUTED, OR LITIGATION HAS NOT BEGUN ON THE PUBLICATION BEING HELD FOR LITIGATION, WITHIN SIXTY (60) DAYS OF THE INITIAL DENIAL, THE PUBLICATION WILL BE DESTROYED.

UNIT DISPOSITION: _____
Date Employee's Signature

Publisher / Sender _____
Address _____

DISTRIBUTION:
Original - Unit Copy or **SEND WITH AUTHORED BOOK OR MAGAZINE IF APPEALED TO THE DRC.**
Gold - Unit Copy
Yellow - Offender Copy
Pink - Sender of Authored Book (Previously I-193)
I-154

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PUBLICATION REVIEW / DENIAL NOTIFICATION

NAME Cates, James TDCJ [REDACTED] UNIT JA
TITLE OF PUBLICATION The Perpetual Prisoner Machine MSOP [REDACTED] DATE 2-28-00
AUTHOR Bel Wier DRO DATE 2-28-00

The above listed publication has been reviewed and denied in accordance with Board Policy 03.91, Uniform Offender Correspondence Rules and Regulations. This decision may be appealed to the Director's Review Committee (DRC), PO Box 99, Huntsville, Texas 77342-0099 WITHIN TWO (2) WEEKS of the date of offender notification.

Check one or more reasons for denial and cite page number of objectionable material.

- (a) It contains contraband that cannot be removed;
- (b) It contains information regarding the manufacture of explosives, weapons or drugs;
- (c) It contains material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through offender disruption such as strikes, riots or security threat group activity;
- (d) A specific determination has been made that the publication is detrimental to offenders' rehabilitation, because it would encourage deviant criminal sexual behavior;
- (e) It contains material on the setting up and operation of criminal schemes or how to avoid detection of criminal schemes by lawful authorities charged with the responsibility for detecting such illegal activity; or
- (f) It contains sexually explicit images.

Remarks: pg 45 rape

Does offender wish to appeal the denial? Yes No James Cates 2/25/09
Offender Signature Date

Disposition: Offender should check the desired disposition.

Destroy

Send to the following person at the offender's expense: Prison Legal News

2400 N.W. 80th St. Seattle WA 98117
Name and Address

James E. Cates Choderick 2-25-09
Offender Signature & Date Mailroom Representative Signature & Date

IF A DISPOSITION CHOICE IS NOT EXPRESSED AND EXECUTED, OR LITIGATION HAS NOT BEGUN ON THE PUBLICATION BEING HELD FOR LITIGATION, WITHIN SIXTY (60) DAYS OF THE INITIAL DENIAL, THE PUBLICATION WILL BE DESTROYED.

UNIT DISPOSITION: Sent to above address 3-5-09 BO
Date Employee's Signature

Publisher / Sender _____

Address _____

DISTRIBUTION:

- Original - Unit Copy or SEND WITH AUTHORED BOOK OR MAGAZINE IF APPEALED TO THE DRC.
- Gold - Unit Copy
- Yellow - Offender Copy
- Pink - Sender of Authored Book (Previously I-103)
- I-154

CR

7-38

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PUBLICATION REVIEW / DENIAL NOTIFICATION

NAME Swell, Michael TDCJ [Redacted] UNIT Powledge
TITLE OF PUBLICATION Prison masculinities MSCP 5-24-2001 DATE OFFENDER NOTIFIED 12-9-09
AUTHOR Don Sabo DRC DATE 6-7-2001

The above listed publication has been reviewed and denied in accordance with Board Policy 03.91, Uniform Offender Correspondence Rules and Regulations. This decision may be appealed to the Director's Review Committee (DRC), PO Box 99, Huntsville, Texas 77342-0099 WITHIN TWO (2) WEEKS of the date of offender notification.

- Check one or more reasons for denial and cite page number of objectionable material.
- (a) It contains contraband;
 - (b) It contains information regarding the manufacture of explosives, weapons or drugs;
 - (c) It contains material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through offender disruption such as strikes or riots;
 - (d) A specific determination has been made that the publication is detrimental to offenders' rehabilitation, because it would encourage homosexual or deviant criminal sexual behavior;
 - (e) It contains material on the setting up and operation of criminal schemes or how to avoid detection of criminal schemes by lawful authorities charged with the responsibility for detecting such illegal activity; or
 - (f) It contains sexually explicit images.

Remarks: Pages: 128-131 - contain rape Pages 194 & 222 - contain racial material

Does offender wish to appeal the denial? Yes No MW Jewell 12-10-09
Offender Signature Date

Disposition: Offender should check the desired disposition.

Destroy

Send to the following person at the offender's expense: Attorney Scott Medlock
1505 Montopolis Dr
Austin, TX 78741
Name and Address

MW Jewell 12-10-09 [Signature] 12-10-09
Offender's Signature & Date Medlock Representative Signature & Date

IF A DISPOSITION CHOICE IS NOT EXPRESSED AND EXECUTED, OR LITIGATION HAS NOT BEGUN ON THE PUBLICATION BEING HELD FOR LITIGATION, WITHIN SIXTY (60) DAYS OF THE INITIAL DENIAL, THE PUBLICATION WILL BE DESTROYED.

UNIT DISPOSITION: Mailed as legal 12/17/09 [Signature]
Date Employee's Signature

Publisher / Sender _____
Address _____

DISTRIBUTION:

- Original - Unit Copy or SEND WITH AUTHORED BOOK OR MAGAZINE IF APPEALED TO THE DRC.
- Gold - Unit Copy
- Yellow - Offender Copy
- Pink - Sender of Authored Book (Previously 1-193)

35/31

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
CORRESPONDENCE / CONTRABAND DENIAL FORM

NAME Martinez, Rudy TDCJ-CID# 399607
UNIT 02 DATE CORRESPONDENCE RECEIVED 6-1-09 DATE OFFENDER NOTIFIED 6/2/09

CORRESPONDENCE: TO OR FROM (Circle one) FROM Prison Legal News
2400 NW 80th Street #148
Seattle, WA 98117

The above correspondence has been denied to you in accordance with BP-03.91, Uniform Offender Correspondence Rules

CHECK APPROPRIATE CAUSE OR CAUSES FOR DENIAL AND STATE APPROPRIATE REASON
 Content Contraband Enclosure Package / Publication Sealed Correspondence

violation of SOTF 02-06

APPEAL:
Should the offender decide to appeal the rejection of said correspondence/contraband, he/she must notify the Unit Mailroom **WITHIN TWO (2) WEEKS** of offender notification requesting that this correspondence/contraband and the rejection form be forwarded to the Director's Review Committee (DRC). Should persons outside the institution desire to appeal, submit by mail to the Director's Review Committee, PO Box 99, Huntsville, TX 77342-0099. The appeal must reach the DRC **WITHIN TWO (2) WEEKS** of the notification date listed above.

Does offender wish to appeal the denial? Yes No Rudy Martinez 6-2-09
Offender Signature Date

DISPOSITION: Offender should check the desired disposition.
 Destroy
 Send to the following person at the offender's expense: Prison Legal News
Name and Address

Rudy Martinez 6-2-09 Wendy Cheate 6/2/09
Offender Signature & Date Mailroom Representative Signature & Date

UNIT DISPOSITION: _____
Date Employee's Signature

IF A DISPOSITION CHOICE IS NOT EXPRESSED AND EXECUTED OR LITIGATION HAS NOT BEGUN ON ITEMS BEING HELD FOR LITIGATION WITHIN SIXTY (60) DAYS OF THE INITIAL DENIAL OR FROM THE DRC DECISION DATE (IF APPEALED), THE ITEMS WILL BE DESTROYED.

DISTRIBUTION:
Original - Send to the DRC IF THE OFFENDER WISHES TO APPEAL. If not, keep on unit.
Gold - Unit Copy
Yellow - Offender Copy
Pink - Mail to sender/addressee of correspondence

RECEIVED
JUN 10 2009
Prison Legal News

RECEIVED

A446

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PUBLICATION REVIEW / DENIAL NOTIFICATION

SEP 30 2009

Prison Legal News

NAME Miller, Woodrow
TITLE OF PUBLICATION Women Behind Bars
AUTHOR Silja J.A. Talvi

TDCJ# 1535217 UNIT N1
MSCP DATE OFFENDER NOTIFIED 9-22-09
IOC DATE _____
DRC DATE 12/3/08

The above listed publication has been reviewed and denied in accordance with Board Policy 03.91, Uniform Offender Correspondence Rules and Regulations. This decision may be appealed to the Director's Review Committee (DRC), PO Box 99, Huntsville, Texas 77342-0099 **WITHIN TWO (2) WEEKS** of the date of offender notification.

Check one or more reasons for denial and cite page number of objectionable material.

- (a) It contains contraband;
- (b) It contains information regarding the manufacture of explosives, weapons or drugs;
- (c) It contains material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through offender disruption such as strikes or riots;
- (d) A specific determination has been made that the publication is detrimental to offenders' rehabilitation, because it would encourage homosexual or deviant criminal sexual behavior;
- (e) It contains material on the setting up and operation of criminal schemes or how to avoid detection of criminal schemes by lawful authorities charged with the responsibility for detecting such illegal activity; or
- (f) It contains sexually explicit images.

Remarks: PG 38 sex with a minor

Does offender wish to appeal the denial? Yes No Woodrow Miller 9-22-09
Offender Signature Date

Disposition: Offender should check the desired disposition.

- Destroy
- Send to the following person at the offender's expense: _____
Woodrow Miller Name and Address

_____9-22-09 _____9-22-09
Offender's Signature & Date Mailroom Representative Signature & Date

IF A DISPOSITION CHOICE IS NOT EXPRESSED AND EXECUTED, OR LITIGATION HAS NOT BEGUN ON THE PUBLICATION BEING HELD FOR LITIGATION, WITHIN SIXTY (60) DAYS OF THE INITIAL DENIAL, THE PUBLICATION WILL BE DESTROYED.

UNIT DISPOSITION: _____
Date Employee's Signature
Publisher / Sender Prison Legal News
Address 2400 NW 80th St. #148 Seattle WA 98117-4449

DISTRIBUTION:
Original - Unit Copy or **SEND WITH AUTHORED BOOK OR MAGAZINE IF APPEALED TO THE DRC.**
Gold - Unit Copy
Yellow - Offender Copy
Pink - Sender of Authored Book (Previously I-193)

