

For release October 12, 2013

for more information,
contact John Studer, 212-244-4899

'The Militant' newsweekly announces victory in fight against censorship in Florida prisons

Militant editor Doug Nelson: "We will continue to fight to beat back efforts by prison authorities to impose political censorship and deny inmates from getting the news they want"

The *Militant* newspaper received word Oct. 10 that it has been successful in beating back a decision by prison officials at Santa Rosa Correctional Institution in Milton, Fla., to impound one of its issues sent to inmates who subscribe to the socialist newsweekly.

On Sept. 9 the paper received a letter from the prison saying its July 22 issue was impounded on the grounds that a news article reporting on the initiation of a hunger strike by prisoners in California "presents a threat to the security, good order, or discipline of the correctional system." The impoundment, moreover, the notice said, will be enforced throughout the Florida state prison system — "in all major institutions, work camps, road prisons, and forestry camps" — where 32 workers behind bars receive the *Militant* each week. Three additional inmate subscribers in Florida are locked up in federal prisons.

The American Civil Liberties Union of Florida, which represented the *Militant*, filed an appeal of the unconstitutional move to Florida's Department of Corrections Literature Review Committee Sept. 23. On Oct. 2, the committee informed Benjamin Stevenson, staff attorney for the Florida ACLU, that they rejected the appeal and their written decision would be forthcoming.

However, on Oct. 10, LaDawna Fleckenstein, Assistant General Counsel for the Florida Department of Corrections, wrote Stevenson informing him that they had convened a "rehearing," and decided to overturn their previous decision. "The issue of *The Militant* will be allowed in," she wrote.

"Impoundment of *The Militant* violates the free speech rights of both *The Militant* and its subscribing inmates," said the appeal, filed by Stevenson. The *Militant* "requests the impoundment be reversed... and that all impounded issues be immediately delivered to their subscribers."

"First Amendment free speech rights mean both the right to say and to hear, to publish and to receive news," Stevenson said in a Sept. 27 phone interview.

Prison officials claim the July 22 issue's front page article — "Calif. Prisoners Launch Hunger Strike Against Solitary Confinement, Abuses" — "encourages hunger strikes." The short news item reported basic facts on the protest and quoted a family member of a hunger striker.

"The article is written for a general audience and for wide distribution and nowhere does the writer 'encourage' anyone to do anything, including inmates to engage in hunger strikes," the appeal stated. The hunger strikes in California, as well as those at the U.S. prison in Guantánamo Bay, Cuba, the appeal said, "were matters of public interest and general conversation over the past summer."

The hunger strike protests "were widely reported by national and local television networks, cable news providers, and by major news magazines and

newspapers, including *Miami Herald*, *Pensacola News Journal*, *Tallahassee Democrat*, *Tampa Bay Times*, *New York Times*, *Time*, *U.S. News & World Report* and *USA Today*,” it said. Copies of the coverage of the California prison hunger strike from many of these news media, including two Op Ed pieces from the *New York Times* urging support for the hunger strikers, were attached to the appeal.

There is no evidence, the appeal said, that the Florida Department of Corrections censored any of these publications because of their coverage of the same topic.

“Moreover, this edition of *The Militant* was sent to subscribers in forty-four other prisons,” the appeal says, “including subscribers in several Florida prisons, the California prison Pelican Bay SHU (which was one subject of the article) and the federal prison in Florence, Colorado.” None of these other prisons rejected or impounded the issue.

The impoundment “violates not only free speech guarantees, but also due process and equal protection safeguards,” which amounts to an unconstitutional act of political censorship, the appeal said.

The fact that the paper, whose masthead describes it as “a socialist newsweekly published in the interests of working people,” was singled out, the appeal said, is “explicable only by Santa Rosa CI’s hostility to the proclaimed or perceived political viewpoint of *The Militant*.”

The appeal includes two declarations from *Militant* editor Doug Nelson documenting the more than 80 subscribers in prisons around the country and the fact that the paper has received no other notice of the issue being impounded or rejected at any of them. Among the paper’s subscribers in U.S. prisons are 15 in California where the hunger strike took place.

Since the appeal was filed, however, the *Militant* has received notice from

two additional inmates – another in Florida and one in Washington state – reporting that they have been denied their subscription copies of the paper. The Florida inmate reports that he has not received the last six issues. The prisoner in Washington writes that prison authorities came to his cell and seized three issues of the Militant with reporting on the California prisoners' hunger strike.

“We will seek to continue to fight these denials of prisoners' rights and the right of freedom of the press. This is a fight for the rights of working people, those inside and outside prison walls,” Nelson said. “We're proud of our growing subscriber base among workers behind bars and we have been getting a good response to our Prisoners' Fund, which raises money from readers that helps ensure anyone in prison who wants to receive the paper can do so, regardless of their financial situation. We hope to beat back these new instances of prison authorities' political censorship and efforts to deny inmates getting the news they want.”

The paper has gotten support from other organizations and individuals concerned about censorship of the media and defense of prisoners' rights.

“Journalists have not only a right but an obligation to report on matters of public concern and political significance,” the Reporters Committee for Freedom of the Press said in a statement issued Oct. 9. “Recent articles by the Militant and other news outlets about a hunger strike and conditions in California prisons exemplify this duty. Just as the First Amendment protects journalists' right to truthfully report on matters of public concern it protects prisoners' rights to receive that information so long as the material does not interfere with safety and security. The article in question, a routine report about important events in a California prison appeared to pose no such threat.”

“News from the outside is important for prisoners, especially those in

solitary,” Araceli Guizer in San Pablo, Calif., who has a friend in solitary at Pelican Bay in California and who participated in actions in support of the hunger strike, told the *Militant*. “After two or three weeks of the hunger strike, the guards told my friend there was almost no support for the strike outside the prison. But with newspapers coming from the outside, the prisoners have a better chance to learn the truth.”

“The prisoners have a right to receive newspapers with different points of view,” Guizar said. “To get news in the *Militant* about the five Cubans and other struggles.”

In addition to the cited front-page article, the impounded issue included a full-page interview with René González reprinted from *Escambray*, a weekly paper published in Cuba, entitled “In U.S. Prison System, Just Going to Trial Earns You Respect.” González, who won his fight to return to Cuba in May, is one of five revolutionaries — known internationally as the Cuban Five — who were framed up and imprisoned in the U.S. for their communist views and activities in defense of the Cuban Revolution. Among the paper’s subscribers behind bars today are the other four — Gerardo Hernández, Antonio Guerrero, Ramón Labañino and Fernando González.

Stevenson told the *Militant* that the Florida ACLU has been involved in other efforts to defend the rights of inmates. “We successfully sued the Santa Rosa County sheriff to end a ‘post-card only’ mail policy that denied prisoners the right to mail or receive letters,” he said. “And we are working to end a similar policy in another county.”

The paper is appealing for support and funds from readers to pursue these fights, said Nelson. Statements of support for the effort as well as checks or money orders earmarked “prisoners’ rights fight” can be sent to 306 W. 37th St., 10th

Floor, New York, N.Y., 10018.