

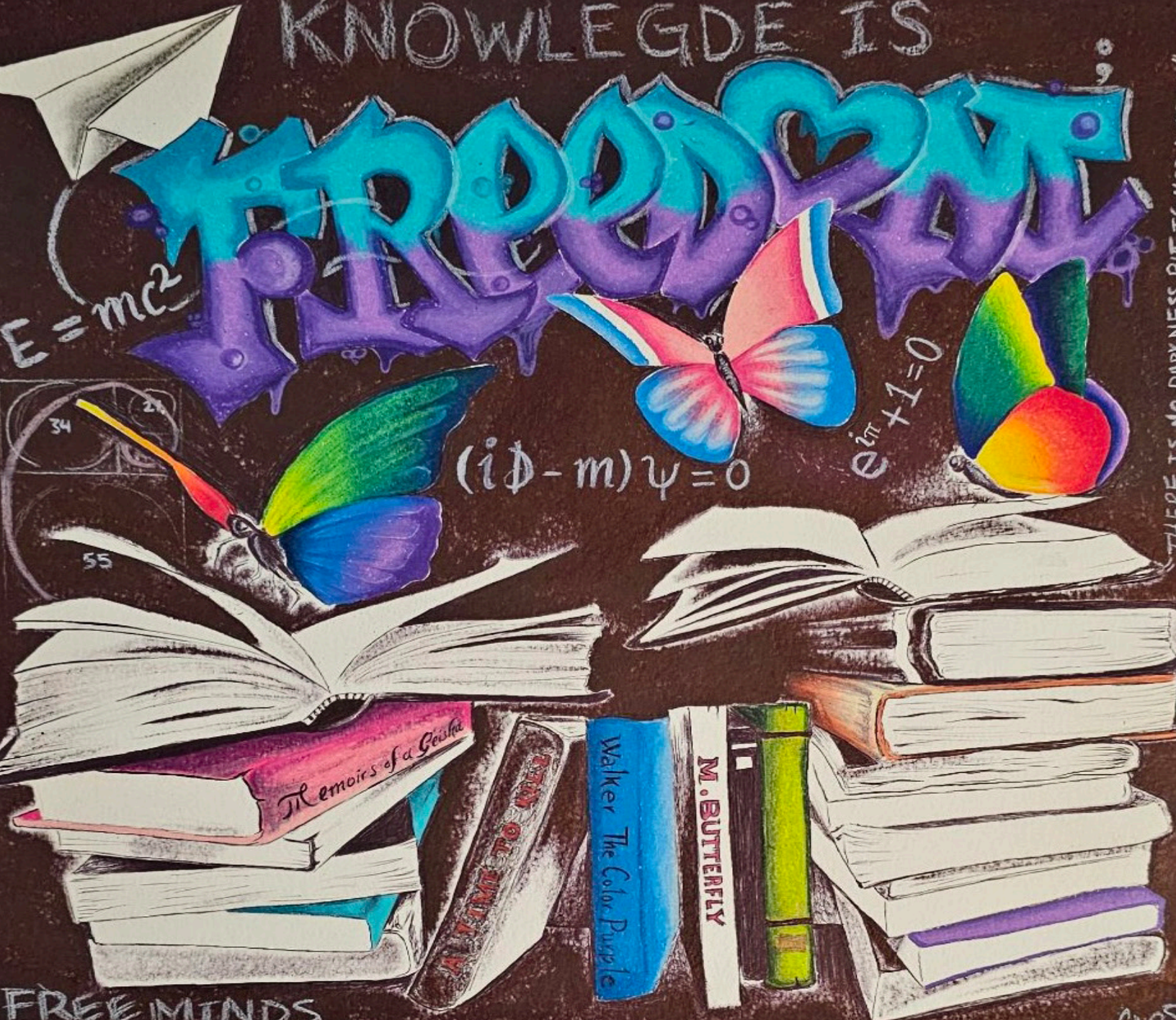
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$E=mc^2$

$(i\hbar - m)\psi = 0$

$e^{i\pi} + 1 = 0$







**BOUND KNOWLEDGE:**  
**THE IMPACT OF BOOK**  
**BANS ON INCARCERATED**  
**WOMEN AND LGBTQIA+**  
**PEOPLE IN TEXAS**



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#### Disclaimer

The opinions and conclusions expressed do not represent the opinion or policy of the Civil Rights Clinic, Texas A&M University, The University of Texas School of Law, The University of Texas at Austin, or Dallas Women Lawyers Association Foundation.

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**Bound Knowledge: The Impact of Book Bans on Incarcerated Women and LGBTQIA+ People In Texas © 2024**

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## PROLOGUE

The freedom to read and access information is widely recognized as a cornerstone of education and personal development. In Texas, a concerning trend particularly impacting women who are incarcerated has emerged within the Texas Department of Criminal Justice (TDCJ)—a systemic banning of books, magazines, newspapers, and other reading material. This practice not only curtails personal expression but also impedes the rehabilitative journey of those incarcerated. As the report delves into the depths of this issue, it is imperative to recognize the broader implications of such bans, which serve as barriers to education, personal development, and ultimately, societal reintegration.

The issue of book bans in prisons is not merely an isolated phenomenon but a reflection of broader societal attitudes towards incarcerated individuals. For women who are incarcerated, the impact is doubly severe. Literature and educational materials in prisons are not just tools for passing time; they are lifelines to the outside world, gateways to educational attainment, and crucial aids in the development of critical life skills.



**“Reading helped me stay connected to who I was. It was an escape.”**

**- Formerly Incarcerated Woman in Texas**

Research underscores the transformative power of reading during incarceration. Access to a wide range of books can significantly improve literacy rates among people who are incarcerated, a crucial factor considering that many incarcerated women may have previously had limited educational opportunities.



## PROLOGUE

Furthermore, reading fosters empathy, reduces recidivism, and provides a healthy escape from the trauma of prison life. By restricting access to these essential resources, book bans deny women who are incarcerated the chance for personal growth.

The power of reading as a tool for education, self-help, diversion, identity formation, and navigating past trauma is especially important for women in TDCJ facilities. Women have far fewer formal opportunities for education than men in TDCJ facilities, with recent reports noting that men have access to triple the higher education degrees<sup>1</sup> and double the number of technical education courses than incarcerated women.<sup>2</sup> Over sixty percent of women incarcerated in TDCJ prisons are between ages 30-49,<sup>3</sup> a crucial period where they need education and resources to help understand changes to their bodies, including how to check for breast cancer and understanding symptoms of menopause.<sup>4</sup> And the majority of incarcerated women have experienced sexual and physical violence,<sup>5</sup> making their access to reading materials that help them heal from this trauma critical.

This report seeks to shed light on the pressing issue of access to books in prison, advocating for policy changes that seek to reshape how books are reviewed in TDCJ facilities. By examining the specific impacts of these book bans on women who are incarcerated in Texas, the report aims to engage the public in a dialogue that champions access to a broad range of books in prisons. Through awareness and action, we can begin to dismantle barriers that hinder the transformation of women who are incarcerated and society as a whole.



## CHAPTER 1

# CONTROLLING BOOKS



“I love books! I had quit reading before being incarcerated but then ordered as many books as possible during lock up because they meant so much to me.”

- Kristina Humphrey

**W**omen who are incarcerated can seek out books and other reading material in several ways. They may look for them in the prison library or they may request them from organizations like Inside Books Project, which sends books to people who are incarcerated free of charge. Still, other women may belong to book clubs, subscribe to periodicals, or may have books mailed to them from friends or family. The various ways in which women may access books means that there are also various ways in which books can be restricted.

### Mailed Reading Material

Mailed books and periodicals are subject to review and censorship by mailroom employees under TDCJ’s current policies.<sup>6</sup> These rules restrict access to reading material both based on content and based on the sender.

#### *Sender Restrictions*

In addition to content restrictions, Texas prisons also allow books to be sent only by “publishers or publication suppliers,” including bookstores.<sup>7</sup> Individuals cannot send books directly to incarcerated persons, but must send publications directly from a bookstore or publisher. Additionally, the rules allow volunteer organizations that operate literacy and education, life skills, rehabilitation, or other programs designed to aid individuals transitioning out of prison to send “reference books and other educational materials.”<sup>8</sup>



## CONTROLLING BOOKS

In September 2023, Texas prisons began refusing books mailed from bookstores and other book projects that had been sending books to individuals inside Texas prisons for years.<sup>9</sup> They informed each of these vendors that they would have to go through a process to become an “approved vendor,” with little explanation about what this process would entail. A month later, TDCJ rolled back this policy but with no assurances that some version of the policy or additional limitations on those who send books would not reappear in the future.<sup>10</sup>



**“My aunt purchased and sent books to me but because they did not come from the ‘book store’ they were denied. She was very upset about that. My family did not understand that they can’t just send books. They had to buy books through a specific outlet and it cost more money.”**

- Chanel Jones

### *Content Restrictions*

TDCJ instructs mailroom employees, overseen by the “Mail System Coordinators Panel” (MSCP), to reject any publication that fits the following criteria:

- a It contains content that could facilitate an escape;
- b It contains information regarding the manufacture of explosives, weapons, or drugs;





## CONTROLLING BOOKS

- 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 inmate disruption, including strikes and riots;
- d It contains graphic presentations of sexual behavior that is in violation of the law, such as rape, incest, sex with a minor, bestiality, or necrophilia;
- e It contains material on setting up, operating, or avoiding detection of criminal schemes; or
- f It contains sexually explicit images.<sup>11</sup>

These six categories together have resulted in a list of over 10,000 books that are currently banned in Texas prisons, as documented in TDCJ's list of banned books.<sup>12</sup> TDCJ also maintains lists of approved publications, including magazines and books.

### *Intake Process*

Each publication properly sent by an authorized vendor undergoes a review and inspection process involving mailroom staff at the prison facility; the Mail System Coordinators Panel (MSCP), which oversees all correspondence to those incarcerated;<sup>13</sup> and the Director's Review Committee (DRC), which has authority to hear all correspondence appeals.<sup>14</sup> There are four ways this process can go for books:<sup>15</sup>

1. If the book is found on TDCJ's approved publications list, it is inspected for physical contraband. If none is found, the book is approved and the incarcerated person receives it.
2. If the book is on the banned list but is pending DRC review on an appeal, it is placed in the DRC file until the DRC renders the appeal decision. The book will be denied or delivered depending on the outcome of the DRC appeal.
3. If the book is on the banned list and the DRC has already reviewed and denied the appeal, the mailroom staff will prepare a Publication Denial Form.



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4. If the author or book is not found within either list, the mailroom employee performs a review. The mailroom employee sends a copy of the decision both to the MSCP and the individual, along with the book if it is approved.

### *Appeals Process*

Once a mailroom employee denies access to mailed books or magazines, the rules provide for an automatic appeal to the TDCJ Director's Review Committee (DRC). However, existing policies allow the Director's Review Committee to re-assign these appeals to the MSCP, the entity that made the initial decision to ban.<sup>16</sup> The appeal process lacks transparency, as the membership and qualifications of both of these reviewing bodies are not publicly available. Furthermore, the incarcerated person is unable to see the material in order to advocate for access on appeal.

### *A Short History of Censorship and the Correspondence Rules in Texas Prisons*

Censorship has been a longstanding issue in Texas prisons. In 1971, Guadalupe Guajardo, a man incarcerated in Texas, filed a class action lawsuit challenging the constitutionality of the current correspondence rules and practices. After a decade of litigation and multiple rules finding parts of the rules unconstitutional, the parties agreed to settle the case. In 1983, the parties agreed on a settlement and consent decree that revised various correspondence rules, appointed an independent monitor to review compliance with the rules and settlement, and granted the court continuing jurisdiction to enforce the settlement.<sup>17</sup>

Congress's enactment of the Prison Litigation Reform Act (PLRA) in the 1990s provided new restrictions to limit the type of ongoing settlement relief obtained in Guajardo. The district court terminated the consent decree in 2002, and the decision was affirmed by the Fifth Circuit Court of Appeals in 2004.<sup>18</sup>

Shortly thereafter, TDCJ enacted the first version of the current correspondence rules, which have been modified multiple times since 2004. Some of the rules mirrored language from court rulings and the previous rules, but others expanded the scope of censorship. The largest changes to those rules since the earlier consent decree involve banning



## CONTROLLING BOOKS

materials that include descriptions or depictions of sexual content and banning sexually explicit images. Additionally, mailroom staff and the review committees make censorship decisions without the review of the independent monitor that was in place during the two-decade-long settlement agreement. The settlement agreement also allowed individuals to receive publications with less than five pages of banned material if they opted to receive the book with those pages removed or clipped.<sup>19</sup> Now, books are banned over a word or sentence that conflicts with TDCJ policy. Moreover, the practice of clipping no longer makes sense now that the bans themselves target the heart of the material that individuals are trying to receive, such as medical drawings.

Censorship has been on the rise over the years under these policies. The numbers of banned books added to the list has more than doubled in recent years, with more than 1500 publications added to the banned publication list in 2021.

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## CONTROLLING BOOKS



“Walking to the mailroom and then being denied was horrible. It is your connection to the world, you see what is being sent to you and then they take it from you. They are taking something else from you that is yours. That is your connection to the world.”

- Mandi Zapata

### Facility Libraries

Libraries within state prison facilities are run by the Windham School District (Windham). Windham is a school district that serves all prisons in Texas and is headquartered in Huntsville, TX. The goal of Windham is to provide people who are incarcerated with the academic, career, and technical education needed to help them gain skills for employment upon reentry. Prison libraries are meant to offer individuals within the facilities a wide variety of books, periodicals, reference collections, materials in support of educational programs, and recreational reading.<sup>21</sup>

Windham exerts significant control over which books are in its libraries, which in turn has important implications for the access that individuals in prison, specifically women, have to books. This power to select and remove reading material is wielded by Windham employees, both those who oversee the system and those who are staffed at individual libraries. As a result, even if a certain book is approved by the TDJC, it can still be denied by Windham. This system results in two levels of censorship on which books make it to prisons in Texas, with the second layer of censorship exercised by Windham being relatively unknown to the wider public. Windham is given broad discretion and accepts or deny books based on what content is viewed to be suitable for incarcerated people.<sup>22</sup> They require libraries to restrict access to any reading material already rejected through the mail process, and further to apply the same broad categories of restrictions applied to publications by mail. The standards also allow discretion in choosing which books will





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be selected for (or deleted from) a library collection also include subjective evaluation criteria. One woman who worked in her unit's library reported hearing that Windham administrators directed unit library staff to remove the "smut" from the shelves at one point, and librarians at each unit are given broad discretion under the rules to "delete" or "weed" books from the collection.<sup>23</sup> With little to no oversight of how effectively these policies are being implemented, the subjective discretion of jail librarians results in books being denied even if the content of the books is not inappropriate or unsuitable for people who are incarcerated.

Women who are incarcerated suffer from this structure of control because it allows for restrictions to be implemented at various points. Women's reproductive health, self-help, and LGBTQ+ content are often denied by Windham or may be confiscated unnecessarily by TDCJ staff.



**"TDCJ is trying to set women up to fail by not giving them knowledge. It is so frustrating because they have no other way to grow and get ahead in prison."**

- Lisa Stevens



## CHAPTER 2

# BOOKS CONTAINING DESCRIPTIONS OF SEXUAL ASSAULT

**T**DCJ policies ban books and periodicals that contain “graphic presentations of sexual behavior that is in violation of the law, such as rape, incest, sex with a minor, bestiality, or necrophilia.” In practice, this results in TDCJ denying reading material ranging from memoirs from survivors of rape; books that seek to help women recover from sexual trauma; literary classics involving rape and incest; and other similar material.

Incarcerated women and LGBTQ+ individuals are especially impacted by this ban on reading material discussing sexual assault. A survey of women incarcerated in Texas showed that 82 percent of women incarcerated reported experiencing domestic violence or dating abuse and 58 percent reported having been sexually abused or assaulted as a child.<sup>24</sup> Researchers have also found links between the long-term effects of exposure to violence and the reasons women were incarcerated.<sup>25</sup> A number of studies also show that members of the LGBTQ community suffer disproportionate rates of sexual victimization and childhood sexual assault,<sup>26</sup> and the federal government’s research shows that nearly forty percent of incarcerated transgender people have been sexually assaulted in prison—a rate ten times higher than the overall prison population.<sup>27</sup>

This overinclusive ban restricts access to a large number of books in prison. On the most recent list of banned books obtained from TDCJ in 2024,<sup>28</sup> discussions of “rape” in the text were part of the rationale for denying almost 1500 books, and approximately 400 additional books were banned because of indecency with a child. This includes classics like *The Color Purple* and *Roots*, where central characters experience a traumatic rape as part of the plot. It includes Rev. Dr. Iyanla Vanzant’s book *Yesterday I Cried*, where she seeks to tell her story—including sexual assault—because “there are places and pieces that other people can tap into so that they may somehow find the courage to revisit their own experiences, bring forth the tears, and grow into their greatness.”<sup>29</sup> As Rev. Dr. Vanzant notes, “If I am truly to heal myself and help others in the process, I must tell the parts I am uncomfortable about telling.”<sup>30</sup> As other survivors have recounted, reading memoirs and books written by others who have survived sexual assault can help them combat isolation, see how others have responded to the trauma, and help lift feelings of guilt about the experience.<sup>31</sup>



## BOOKS CONTAINING DESCRIPTIONS OF SEXUAL ASSAULT

Many similar books that seek to help survivors find their voice and cope with past sexual trauma are banned solely because of discussions of rape or child sexual abuse, including:

- Jeannie Vanasco’s memoir, *Things We Didn’t Talk About When I Was a Girl*, where she confronts her closest friend growing up who raped her as a teenager;<sup>32</sup>
- Sandra Butler’s *Conspiracy of Silence, The Trauma of Incest*, which became part of the movement to end sexual assault after its publication in 1978;<sup>33</sup>
- Suzanne Somer’s *Wednesday’s Child*, where she interviews celebrities and extraordinary people who experienced child abuse, including sexual abuse, and demonstrates how they were “eventually able to look back in total honesty in order to let go and move forward with hope”;<sup>34</sup> and
- Nicole Braddock Bromley’s *Hush: Moving from Silence to Healing after Childhood Sexual Abuse*, which “exposes the harsh realities of childhood abuse, explains the pain it causes, examines the false beliefs it creates, and empowers survivors to begin a personal journey toward healing by breaking the silence.”<sup>35</sup>

TDCJ relies on vague assertions of “safety risks” in banning this category of books. But it does not require any reasoning about why a particular book poses a security risk to incarcerated individuals, publishers, or the general public. Instead, books are banned upon a finding that certain pages of the book contains “rape” or “indecent with a child.”<sup>36</sup> In previous litigation, TDJC has justified bans under this category by noting that passages recounting the sexual assault of a young child could impair the rehabilitation of sex offenders or cause disruptive outbursts by other incarcerated survivors of sexual assault.<sup>37</sup>

They have also claimed that descriptions of rape could inspire incarcerated individuals to commit similar crimes.<sup>38</sup> Courts have deferred to these assertions of safety risk from TDCJ officials. However, TDCJ has not produced any evidence or data to back up these assertions, and it is not clear which individuals are making decisions about the safety risks posed by each banned book.



## CHAPTER 3

### BOOKS WITH EXPLICIT IMAGES

**A**cross states, the most common rationale for banning books is because of “sexually explicit” content. In 2022 alone, Texas banned 770 new titles for sexually explicit images—over half of the books it placed on the banned book list that year.<sup>39</sup>

The rules allow a case-by-case review of publications containing sexually explicit images that “constitute[e] educational, medical, scientific, or artistic materials, including anatomy medical reference books,<sup>40</sup> general practitioner reference books or guides, National Geographic, or artistic reference material depicting historical, modern, or post-modern era art.”<sup>41</sup> However, they do not grant the incarcerated person the ability to see the material in order to advocate for access, and no publicly-available data about the book review process make clear how many individuals are in practice able to access this exception. Instead, many books and magazines are banned because of material that appears to fit this exception and is educational, medical, scientific, or artistic. This includes dozens of anatomy, health, and medical books; least twelve National Geographic books;<sup>42</sup> and dozens of books containing reprints of Renaissance, religious, and other artwork.<sup>43</sup> Women report that this ban in particular limits their ability to identify health problems or changes in their bodies and advocate for themselves medically, especially with issues like gynecological concerns, menopause, and self-breast exams.<sup>44</sup>



**“I had a lump in my breast. And I thought, man, I have never even given myself a self-examination and I didn’t really know how to go about doing that. So, I had my mom send in some books...I get a pass one evening to go to the mail room to pick up my books and I go, and of course, I get that denial. And it was for nudity.”**

**- Marci Marie Simmons**





## CHAPTER 4

# BANNED CONTENT AND IDENTITY—LGBTQ+ AND RACIAL THEMES AND STORIES FROM OTHERS INCARCERATED

One important function of books is in the way they impact the way readers see themselves and the world around them, especially on issues of identity, culture, and shared experiences. LGBTQ+ women are overrepresented in prison.<sup>45</sup> Black women are also materials.” overrepresented in TDCJ custody.<sup>46</sup> Yet, their experiences are often not represented because of the current book bans. As one formerly incarcerated woman noted, “It felt like, if I can’t see myself reflected in the things and material I’m reading, it’s almost like . . . I don’t exist, or my experiences don’t exist.”

Books containing same-sex content are repeatedly deemed to be sexually explicit or discuss rape or other illicit sexual activity. For example, TDCJ has banned:

- *A Little Gay History: Desire and Diversity Across the World* because of the reproduction of an early 16th century painting depicting a nude Apollo and a reproduction of a funerary papyrus featuring mythical scenes determined to be from Egypt in 950 BC.
- *Born to Be Gay: A History of Homosexuality* because the book relayed half a sentence about “scandalous reports” about Emperor Tiberius’s pedophilia.<sup>47</sup>
- *Completely Queer: the Gay and Lesbian Encyclopedia* because of two paintings: one of a nude David triumphing over Goliath and a painting of Greek poet Sappho jumping off a cliff that shows an exposed breast.
- Issues of *Curve* magazine, which is a magazine for LGBTQ women and non-binary people that covers news, politics, social issues, and pop culture issues.<sup>48</sup> In one denial documented online, the issue was denied because of a painting of Sappho from a late nineteenth century French painter.<sup>49</sup>
- Issues of *Lesbian Connection* magazine, including eight issues between 2019-2021. Most were banned because of cartoon depictions of naked bodies—especially childbirth—and consensual sex, and one image of an artistically painted human face that contains no sexually explicit imagery at all.<sup>50</sup>



## BANNED CONTENT AND IDENTITY—LGBTQ+ AND RACIAL THEMES AND STORIES FROM OTHERS INCARCERATED

Through at least the 1990s, TDCJ policy explicitly stated, “Publications that contain graphic depictions of homosexuality . . . will ordinarily be denied.”<sup>51</sup> Although TDCJ policy no longer explicitly highlights “homosexuality” as a reason for banning material, incarcerated women feel that books with LGBTQ+ themes and storylines are given extra scrutiny by mailroom and library staff, making very few available inside the facilities.



**“[Book denials make me think] I don’t matter. I don’t exist. And to me, it always felt like it was a very covert, subtle way to eliminate us. To eliminate our stories is to eliminate our identity.”**

**- Jennifer Toon**

Additionally, books containing depictions of racism have also been banned for “racial” content. This includes:

- *Roll of Thunder, Hear My Cry*, a Newberry Medal winner in 1977, that tells the story of a Black family navigating racist attacks and other trauma in the 1930s Deep South. The book is banned for “racial slurs” on one page.
- Ida B. Wells-Barnett’s collected publications and reporting about racial violence titled *On Lynchings*, which is banned because of “racial” content.

Racial content is not a reason contained within the rule for denying access to books. Prison officials have previously testified that books describing racial tensions present a threat of violence because of racial discord and race-based prison gangs.<sup>52</sup> However,



## BANNED CONTENT AND IDENTITY—LGBTQ+ AND RACIAL THEMES AND STORIES FROM OTHERS INCARCERATED

as with the other content bans, prison officials are not required to show any connection between the book’s language and safety concerns. It is especially concerning to see books banned solely because they use racial slurs, even if used to show how racism impacts the characters of the book.

Finally, books featuring stories from other incarcerated individuals are often banned. *Texas Letters Volumes 1 and 2*, an anthology of personal writing from individuals who spent time in solitary confinement, have both been banned. While the initial MSCP decision highlighted certain pages that contained “photos of other inmates” or “photos of the perimeter” of Texas prisons as the reasons for the ban, the DRC banned both books by noting only:

**“ENTIRE BOOK CONTAINS SECURITY CONCERNS.”**

These bans appear to serve no real security needs and instead prevent women from reading stories that resonate with them and exploring aspects of their identity and experience through literature.



## CHAPTER 5

# MAKING CHANGE

TDJC should implement changes to its book review policies in order to expand the amount of educational material women who are incarcerated may receive. These proposed changes provide an approach that makes more room for the expression of ideas, while still allowing for TDJC to maintain its oversight of books coming into TDCJ facilities.

### **1. Require prison officials to regularly publish updated banned and approved book and other publication lists on a public-facing website.**

Texas requires that banned book lists be updated on a monthly basis and made available to incarcerated individuals in the law library, but the lists are not publicized to people outside of TDCJ facilities. Similarly, TDCJ maintains a list of approved publications<sup>53</sup> that mailroom staff utilize to determine that some books may immediately be delivered to the recipient.<sup>54</sup> The burdens of this failure fall heavily on incarcerated individuals and community members trying to get books to them—including their friends, family, and volunteer book projects.

Because TDCJ does not publish these lists, volunteer book projects and other community members must piece together which books are denied by using information from the incarcerated person who was the intended recipient or information it may have received during previous denials. Furthermore, banned books are either destroyed or are sent back at the expense of the incarcerated person, resulting in additional burdens for those with limited resources.

### **2. Establish a committee comprised of experts in library administration, prison administration, and prison reform to review book banning policies and decisions.**

This committee would review all book censorship policies, including mailroom and library policies, and all book banning decisions before they become final across TDCJ facilities. The committee should include voices from experts in library administration, prison administration, and prison reform in the deliberation process which would balance the interests of incarcerated people with prison safety and security.<sup>55</sup>





## MAKING CHANGE

### **3. Reset the banned book list every 1-3 years.**

Three states expunge their prison banned book list periodically.<sup>56</sup> Pennsylvania and North Carolina expunge their lists every year and Oregon clears the list every three years. Implementing this recommendation does not prevent TDCJ officials from excessively or arbitrarily banning books, but it allows for the possibility that even if a book is banned on one review, it could pass on a subsequent review and would be removed from the banned list.

### **4. Codify due process protections for incarcerated people appealing banned literature.**

Four out of seven respondents from Texas told PEN American that there is no process to appeal banned literature, despite Texas's policy of automatically forwarding all mailroom censorship to a central committee for review.<sup>57</sup> Any appeals process that is inscrutable by the people that it is intended to serve does not protect their right of access.<sup>58</sup>

Furthermore, an incarcerated person cannot see the publication proposed to be banned during the appeal, and thus cannot formulate a comprehensive appeal without knowing the context of the potentially "objectionable" content, or, given how brief the explanation on the notice is, what the content even is.<sup>59</sup>

There is also inconsistency in how the appeals process is applied. An incarcerated person wrote to PEN America that he was told by a mailroom staffer that although he could appeal the decision to censor an art history book, the staffer told the inmate that "they're not going to let you have this."<sup>60</sup> There is also no clear guidance about whether or how to appeal any library decision to censor a publication, including whether library staff themselves can appeal those decisions.<sup>61</sup>

Procedures for appealing library decisions should be created, and the procedures for both mailroom and library appeals should be distributed to those incarcerated and made public.<sup>62</sup> The appeal process should allow incarcerated individuals limited access to the content in order to formulate an argument on appeal and access to resources that would allow them to seek help from outside the prison in pursuing an appeal.



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### **5. Protecting vendor policies against possible limits on incarcerated persons' access to books.**

Many incarcerated individuals cannot afford to buy new books and thus rely on donated books from organizations like Inside Books Project (or elsewhere), which can provide them with services that support their rehabilitation.<sup>63</sup>

In 2023, PEN America identified a substantial increase in the number of prisons that practice so-called “content-neutral banning,” in the form of “approved-vendor policies,” which limits the kinds of entities and booksellers from which incarcerated people can purchase literature or receive donated literature.<sup>64</sup> TDCJ’s actions in September 2023 that temporarily halted the ability of many groups to send publications also raised concerns about the possibility of future sender-based restrictions. Such restrictions would especially impact lower-resource families that could afford to send buy publications directly from publishers or major booksellers. Although notice must be provided to the person who is incarcerated for a book denial, this requirement is not extended to nonprofits and community organizations. Sometimes, nonprofits and community organizations receive rejection letters on the part of TDCJ for book denials, and other times they do not know until the intended recipient writes to the organization notifying them that they never received a certain book. Frequent rejections can discourage people from continuing to send books to prison.<sup>65</sup>

In an attempt to remedy these issues, TDCJ should be required to create more transparent guidelines regarding the process by which community members, community groups, publishers, vendors, or nonprofits can become approved vendors to send reference and educational materials to people incarcerated in TDCJ facilities. These policies should not restrict the ability of these groups to provide low-cost or free publications to incarcerated individuals.



## MAKING CHANGE

### **6. Train prison officials, particularly mailroom monitors, about the First Amendment rights of incarcerated persons, as well as how to comply with prison book censorship policies.**

Mailroom monitors who intercept and inspect each piece of literature mailed to a prison are at the frontline of prison book censorship. Therefore, it is critical that mailroom monitors receive consistent, proper training in understanding their role in safeguarding the First Amendment rights of incarcerated people in accessing books. Training would also reduce the likelihood that these staff members would mistakenly deny a book because they feel that it is controversial, repugnant, or critical of authority that does not pose a threat to the safety and security of the facility and fall within the established guidelines.<sup>66</sup> Mailroom monitors also play a key role in protecting the First Amendment rights of incarcerated people, which emphasize the need for these prison employees to have sufficient knowledge of such rights and a general understanding of the institution's prison book censorship policies.<sup>67</sup>

### **Conclusion:**

Individuals who are incarcerated in Texas have their access to books unnecessarily restricted by TDCJ's punitive policies. The burdens of these policies are felt by incarcerated women in ways that are unique and often underestimated. These books can be crucial, even life changing. Despite that, TDCJ's lack of transparency has created an unnecessary culture of uncertainty. There are many feasible changes to the current policies that would create a more just and transparent system, at minimal expense. Reform is crucial to ensure women and others incarcerated have access to the books that connect them to the world, fulfill them, teach them, and keep them safe.

## Endnotes

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