



August 23, 2023

VIA EMAIL ONLY

Saritza Legault, Library Services Administrator (Saritza.Legault@fdc.myflorida.com)
Melvin Herring (Melvin.Herring@fdc.myflorida.com)
Literature Review Committee
Florida Department of Corrections
501 South Calhoun St.
Tallahassee, FL 32399-2500

RE: Improper Impoundment and Confiscation of Issues of *The Key West Citizen*

Dear Ms. Legault, Mr. Herring, and the Literature Review Committee:

This is the third time in less than a year that the ACLU Foundation and the ACLU of Florida have contacted you regarding the improper impoundment and confiscation of publications. (*See* 3/7/23 Letter Re: *The Militant*; 12/19/22 Letter Re: *Corrections in Ink*).

We write, this time, on behalf of the *Key West Citizen*, a daily newspaper that has been published for and served residents of Key West and Monroe County since 1905. Florida Department of Corrections (FDC) officials at the Avon Park Correctional Institution recently impounded the July 1-2, 2023 (weekend) (Vol. 147, no. 130), and July 6, 2023 (Thursday) (Vol. 147, No. 133) editions of the newspaper. Our understanding is that the Committee will be meeting on August 31, 2023, to review the impoundment of the newspaper.

The impoundment notices indicated that the reason for impounding the newspaper is that the "Celebrity Cipher" syndicated word puzzle game in the comics section "may be used to create coded messages indecipherable by staff," and therefore violates FDC Rule 33-501.401 (15)(f), which prohibits "publication[s] ... written in code." While it is permissible under certain narrow circumstances to prevent incarcerated people from reading publications of their own choosing, this is far from such a circumstance. The puzzle at issue within the community newspaper will not disrupt FDC's ability to maintain security and order.

¹ This letter is written on behalf of the ACLU and the ACLU of Florida, and is not an appeal under Fla. Admin. Code R. 33-501.401 on behalf of the author, publisher, or any other third party; nor is it an appeal on behalf of an incarcerated person pursuant to Rule 33-501.401.

The Celebrity Cipher is a puzzle created from quotations from well-known people, living or dead, that the reader has to decipher. It is a puzzle game syndicated by Andrews McNeel Syndication and is carried in newspapers across the country, usually printed near comic strips or crossword puzzles.² The *Key West Times* normally publishes the cipher on the same pages as a Sudoku puzzle, crossword, Dear Abby column, and the horoscopes. (*See attached* PDFs from the July 1-2 and July 6, 2023 issues of the paper). This game is for entertainment, and it does not contain hidden messages for incarcerated people. The game is not "written in code;" nor is it apparent how the game could "be used to create coded messages indecipherable by staff."

July 1-2, 2023 Issue:

CELEBRITY CIPHER by Luis Campos

Celebrity Cipher cryptograms are created from quotations by famous people, past and present.

Each letter in the cipher stands for another.

"ORNGGOCFG AGXAFG ONG MONZ OPT

BNJGPTFK. SLGK'NG PJVG; SLGK'NG

AXFJSG. KXI BJPT O FXS XB SLGZ JP

VOPOTO." — OTOZ RNOPS

Previous Solution: "Let me be a prime example of how I've been through the storm and the rain, and I made it over." — Fantasia Barrino

TODAY'S CLUE: M SIENDO W

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July 6, 2023 Issue:

CELEBRITY CIPHER by Luis Campos

Celebrity Cipher cryptograms are created from quotations by famous people, past and present. Each letter in the cipher stands for another.

"OCS BWIZWOM YV OCS EXOWNO RWSN

WZ CWN BFOM YV PSSTWZI EGEPS OCS

NSZNS YV GYZBSX WZ OCS GYXRB."

- DEXA ACEIERR

Previous Solution: "Whether it's in the right way or sometimes the wrong way, you learn about life and its lessons." — Tennis player Amelie Mauresmo

TODAY'S CLUE: 2 SIRNDƏ V

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Moreover, the decision to ban the entire issue of the newspaper due to this one puzzle game is so overly broad and arbitrary as to be standardless. This ban on the Key West *Citizen* violates the First Amendment and does nothing to protect the "safe and secure operation" of Florida's correctional facilities. *Thornburgh v. Abbott*, 490 U.S. 401, 407 (1989) (holding that "[p]rison walls do not form a barrier separating prison inmates from the protections of the Constitution") (quoting *Turner v. Safley*, 482 U.S. 78, 84 (1987)). "Prisoners have a First Amendment right to receive information while incarcerated." *Jones v. Slade*, 23 F.4th 1124, 1134 (9th Cir. 2022).

The First Amendment protects the "flow of information to prisoners," including the independent rights of publishers, authors, friends, and other third parties to communicate with incarcerated audiences. *Crofton v. Roe*, 170 F.3d 957, 959 (9th Cir. 1999) (categorical ban on orders of books and publications violates the senders' First Amendment rights). The banning of a particular publication represents content-based censorship, and it is unlawful without a showing that the prohibition is "reasonably

² See http://syndication.andrewsmcmeel.com/puzzles/celebritycipher.

Literature Review Committee RE: *Key West Citizen* August 23, 2023 Page 3

related to legitimate penological interests" and that the censored material in fact implicates legitimate security concerns. *Thornburgh*, 490 U.S. at 409; *Turner*, 482 U.S. at 89. "A regulation cannot be sustained where the logical connection between the regulation and the asserted goal is so remote as to render the policy arbitrary or irrational," *Turner*, 482 U.S. at 89-90, or where the restriction is an "exaggerated response" to prison concerns in light of available alternatives. *Id.* at 89-91, *Thornburgh*, 490 U.S. at 414-19.

In sum, the impoundment and confiscation of these issues of the Key West *Citizen* is unconstitutional. We strongly urge the Literature Review Committee (LRC) to reverse this impoundment decision. We also urge the FDC to ensure against any arbitrary confiscation of issues of this newspaper, or any other newspaper that prints the syndicated puzzle, in the future. If the LRC instead affirms the impoundment and prohibits these or other issues of newspapers carrying the Celebrity Cipher puzzle, please detail with specificity its reasons for doing so.

Sincerely yours,

Clevalick

Corene T. Kendrick, Deputy Director David C. Fathi, Director ACLU National Prison Project <u>ckendrick@aclu.org</u> dfathi@aclu.org

Vera Eidelman, Staff Attorney ACLU Speech, Privacy, and Technology Project veidelman@aclu.org

Daniel Tilley, Legal Director ACLU of Florida dtilley@aclufl.org

Kevin Downey, Publisher, *Key West Citizen* Samuel J. Morley, Florida Press Association

cc:



Plan your actions, leave no room for error and use your intelligence to outmaneuver anyone competing with you. Turn your attention to what's possible, and you'll gain ground and make good connections.

CANCER (June 21-July 22) -- Reach out to experts and express your concerns. The input you receive will help clear up any misconception you have regarding your next

LEO (July 23-Aug. 22) Change only what's necessary. Stay focused on what's essential and makes you happy. Embrace what is best for everyone. Pay more attention to your needs.

within your means.

LIBRA (Sept. 23-Oct. 23) --Let your actions be your voice. Show compassion when dealing with others; you'll gain respect and the backup you

SCORPIO (Oct. 24-Nov. 22) -Tidy up loose ends, and you'll feel better about yourself and

21) -- Share your true feelings, and the response you receive will be enlightening.

CAPRICORN (Dec. 22-Jan. 19) -- Deception is apparent. Before you put someone else first, consider the ramifications.do things moving forward. Speak your mind.

AQUARIUS (Jan. 20-Feb. 19) -- Simplify your life, reduce VIRGO (Aug. 23-Sept. 22) spending and pay attention -- Engage in changes that to doing and being your best. help you learn, expand your Walk away from confusion, horizons and help you live chaos and people trying to conducive to concentration steal what's yours.

PISCES (Feb. 20-March 20) -- When in doubt, take a pass. The time you give yourself to evaluate your options will lead to success. Ask tough questions

and prepare to make decisions

that map out what's to come.

DIVERSIONS

ARIES (March 21-April 19) -your future. Reach out to those Keep the momentum flowing. who spark your imagination Don't let trivial matters stand and excite you about the between you and what you want to achieve. Search for **SAGITTARIUS** (Nov. 23-Dec. the right opportunity and take advantage of it before it's too

TAURUS (April 20-May 20) - A mix-up will cost you if you don't leave yourself enough wiggle room. Stick to simple, Make suggestions, call for doable plans that won't cause backup and change how you insurmountable debt and stress. Control the outcome.

> **GEMINI** (May 21-June 20) --You can turn an idea into a profit if you put in the time and cultivate the possibilities. workspace Prepare a and getting things done.

Instructions: Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

DIFFICULTY RATING: 含含含含含

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3	2	4	1	6	7	5	9	8
5	1	7	3	9	8	4	2	6
6	8	9	2	4	5	7	3	1

PREVIOUS SOLUTION

SATURDAY, JULY 1, 2023

ACROSS
1 Sitter's bane
5 Garment
10 Dough
12 Nonstick coating
13 Showy shrub
14 Unruffled
15 Major- —
16 Agt.
18 Not many
19 Begins a task (2
wds.)
23 Antenna type
26 Sun. speech
27 Names
30 Uses a crane
32 Fiesta target
34 Shoot
35 Keepsake holder
36 Straphanger's lack
37 Bubble maker
38 Lamb's mom
39 Opposite
42 Daisy — Scraggs
45 Miscellany
46 Sighs of relief
50 Victoria's husband
53 Lumberjack
55 Rope loops
50 D '

40 Wine casks

41 Birdie beater

42 Tailless cat

43 — vera

DOWN

1 — the Clown 2 Gallivant 3 Let 4 — kwon do 5 Lab charge 6 P.O. service 7 Viking name 8 Dove shelter 9 Recognized

56 Drawing rooms

58 Toga-party supply

57 Inert gas

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44 Poet's black 47 Highly excited 48 Some layers 49 Almost-grads

51 Paul Anka's "-Beso" 52 Cartoon Chihuahua

54 Paneling wood

Lunch group's driver is reckless

SATURDAY, JULY 1, 2023

DEAR ABBY

Abigail Van Buren

DEAR ABBY: My co-workers and I go out to lunch once a week. We used to take turns driving, but one co-worker is so genuinely thrilled to drive that over the last year we let her do all of it. Abby, she's NOT a good driver. She hits the curbs making turns, and one time she hit another car in the parking lot because she wasn't able to turn into

the adjacent parking space correctly. Until recently, these incidents have been more embarrassing than worrisome, but yesterday she pulled out into traffic without checking for oncoming cars and we were nearly T-boned by a van that had the rightof-way. Her response? "Well! He didn't brake for me at ALL!"

She's a nice lady; none of us wants to hurt her feelings, but we no longer feel safe with her behind the wheel. Her biggest problem seems to be that she wants to chat with everyone while she's driving. She gets distracted by the conversation and doesn't focus on the task at hand.

How can we nicely tell her that she needs to focus on driving or let someone else drive the team to lunch? — UNEASY IN CANADA **DEAR UNEASY:** I am frankly shocked that you all are still riding with this person. Tell her that not only does she need to focus on driving while she is behind the wheel, which is something she should have realized by now, but also that from now on the rest of you will provide the transportation on these outings. Do not take no for an answer. Your lives could depend on it.

DEAR ABBY: While I work 12-hour night shifts at a hospital, my husband sometimes invites his co-workers and friends over. He likes to hang out with a crowd. (I prefer to keep my circle of friends tight.) I don't usually mind. It's a weekday, and my husband has to work the next day (six days a week usually), and he gets our three kids to bed on time. Recently, my 10-year-old daughter told me that while I was working, she saw them with a tube on the counter and they were sniffing things. She also said the wife of one of my husband's friends came over and that they were making out on the couch and then moved to her bedroom, where they made out. She said she was afraid to tell me sooner

> because she didn't want her dad to yell at her.

I am livid. Words cannot express how furious this makes me. I don't understand how he could put our kids in this situation. I can't help but wonder what else has transpired while I'm at work. How do I discuss this with him without losing it completely and throwing him out? — LIVID IN CALIFORNIA

DEAR LIVID: Your husband appears to have some growing up to do. His judgment was awful. You have every right to read him the riot act, but a speech like that is more effective served ice cold. Because you can't be sure if this was a one-time thing, consider installing security cameras in your home so you can check on your children's safety while you're working. Depending on what the images reveal, it may be better for him to live elsewhere.

DEAR ABBY: Please remind your readers how important it is for people to make provisions for their beloved pets in the event that the owner dies first. It is not enough for a suitable home to be listed in the legal papers. Money for food and vet bills should also be included. It is so sad when seniors' pets are placed in shelters because no provisions had been left in their wills for the care of their beloved furry family members.

— PLANNING AHEAD IN TEXAS **DEAR PLANNING AHEAD:** That's excellent advice, and I know many devoted pet guardians will thank you for the reminder. I know I do. Thank you for an important letter.

CELEBRITY CIPHER

by Luis Campos

Celebrity Cipher cryptograms are created from quotations by famous people, past and present. Each letter in the cipher stands for another.

"ORNGGOCFG AGXAFG ONG MONZ OPT BNJGPTFK. SLGK'NG PJVG; SLGK'NG

AXFJSG. KXI BJPT O FXS XB SLGZ JP

VOPOTO." — OTOZ RNOPS

Previous Solution: "Let me be a prime example of how I've been through the storm and the rain, and I made it over." — Fantasia Barrino

TODAY'S CLUE: M SIENDO W

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MONDAY, JULY 3, 2023 ACROSS

1 Dull pain 5 — tai 8 — Francisco 11 Swing around 12 Bear in the night sky 18 14 Rush off 15 Appalled 17 Citrus drink 18 Quick flash 19 Called forth 21 Writer - Bagnold 23 Lands in "la mer" 24 Wildlife refuges 27 Comfort 29 Billboards 30 Lineage 34 Driver 37 Sonnet kin 38 Field mouse 39 Yawning gulf 41 Friendly thump 43 Crafty move 45 String instrument 47 Marsh ducks

10 Require 13 Counsel 16 Taverns 20 Flamenco shouts 55 Wound a matador 22 Thicker, as fog 24 Flee hastily 25 Turmoil 26 Is, to Fritz 28 Emulate Hanks

39 Perplexed

40 Razor targets

41 About that time

DOWN 1 Embers, finally 2 Folk-dance shoe

50 Moon or sun

54 Rink surface

51 Fuzzless peach

56 Lectern's place

57 "- Rheingold"

59 Baja Ms.

58 Neither's partner

3 Let fly 4 More uncanny 5 Civvies 6 "Exodus" hero

7 Shrink's reply (2 wds.)

38 55 **ANSWER GRID FOR 7/1/23 CROSSWORD** 8 Fountain treat B|R|A|T|9 Staff members

30 Feel crummy 31 Monkey with 32 Map lines (abbr.) 33 "Be my guest!" 35 Ellipse 36 Cowboy skill

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42 Brain parts 44 Unmitigated 45 Empty

46 Gas for a sign

48 Yarn spinner 49 Tizzy 52 — -Magnon 53 NASA counterpart

CONTENT FROM ©UNIVERSAL UCLICK BBS



Discover all you need to know to reach your goal. Live with and learn from your mistakes, and find unique ways to do what you love most. Don't give up on the ones you love, but don't let them bring you

CANCER (June 21-July 22) --Pay attention to what others do and figure out how to protect yourself from toxic people and situations. Take the road less traveled and align yourself with like-minded people.

LEO (July 23-Aug. 22) --Regulate your spending. Don't feel obligated to keep up with others when you need only to compete with yourself.

VIRGO (Aug. 23-Sept. 22) --Work behind the scenes and pay attention to detail, and you'll devise the perfect plan. A reunion will connect you to someone who can help you excel.

LIBRA (Sept. 23-Oct. 23) --Go where the action is and energizing. Do your part, and the returns will surprise you.

SCORPIO (Oct. 24-Nov. 22) -- Make headway at home by digging in and handling your to-do list. You'll discover that to peace of mind and more fun. Practice makes perfect.

SAGITTARIUS (Nov. 23-Dec. 21) -- Take precautions, verify information and put yourself first. Boost your qualifications through educational pursuits.

CAPRICORN (Dec. 22-Jan. 19) -- Don't feel pressured. Call desired lifestyle.

19) -- Keep an open mind, 20) -- Rethink your strategy, but don't fill your head verify information and stick to with nonsense. Don't risk damaging your reputation, self-improvement and a better good relationships or physical routine. Don't ignore a change well-being for someone else's in yourself or in someone close benefit or love.

PISCES (Feb. 20-March 20) -- Organize your plans before participate in something you begin. Having a strong idea about how you want things to play out will help you be productive. Communication is vital. A romantic gesture will bring change.

DIVERSIONS

ARIES (March 21-April 19) -finishing what you start leads Rely on the people who love you, not on someone filling your head with nonsense. Express yourself through actions and kindness, and you'll gain respect and gratitude.

TAURUS (April 20-May 20) -- Discuss your plans with someone close to you. Call on the shots, stay in control and experts to ensure you haven't make things happen. A change missed an important detail. at home will play in your favor Take a break from people you and bring you closer to your can't count on. Live by the

AQUARIUS (Jan. 20-Feb. GEMINI (May 21-June simple guidelines that lead to to you.

Instructions: Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

DIFFICULTY RATING: 含含含公公

	7	5	1			
		8	9	4	6	
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	6	3	4	9		
			8	5	7	

PREVIOUS SOLUTION									
4	8	5	2	7	1	9	3	6	
6	9	1	8	4	3	5	2	7	
3	2	7	6	5	9	8	1	4	
8	4	2	5	9	6	3	7	1	
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DIFFICULTY RATING:食食食食☆

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2	6	7	3	4	9	5	8	1
9	3	1	2	8	5	6	7	4

THURSDAY, JULY 6, 2023

ACROSS

11011000
1 Sign of spring
6 Dough raiser
11 Heifer
12 Upholstery fabric
13 Thin pancake
14 "Me" devotee
15 Papyrus, for one
16 Sweeping, as a story
17 Authorizes
19 Coil of hair
23 Rapper Tone —
26 Claw or talon
28 Shad's eggs
29 Revved the engine
31 Fuming
33 Steed steerers
34 Ski run
35 Back when
36 Lenient
39 Film director Spike

40 "— Lisa" 42 Warm-up 44 Tubular pasta 46 Be evasive 51 Galvanize 54 Cheery 55 Simply awful 56 Vim and vigor

57 Inca territory

58 Camp shelters

DOWN

1 Audition goal 2 Exiled Roman poet 3 Bob's road buddy 4 Computer-chip maker 5 Monsieur's nose 6 Hindu mystic 7 Period

8 "Rope-a-dope" boxer

10 Explosive letters

9 Mom's girl

11 Small shot

12 Coke rival 16 Depot info 18 Conclude 20 Bicker 21 Like Thor 22 West and Largo 23 "Hasta —!" 24 Pizza topping 25 Anderson Cooper's channel

27 Fond du —, Wis. 29 Chemist's weight 30 Winding curve 32 Blackhawks org. 34 Sault — Marie 37 Chose 38 Thurs. follower 41 Sky blue 43 Call

45 Osiris' beloved

47 Deadlocked



48 The skinny 49 Comedian's stock 50 Famous cathedral town

51 Gleeful cry 52 L. — Hubbard 53 California fort 54 Deep black

Widower is afraid of intimacy

THURSDAY, JULY 6, 2023

DEAR ABBY: I am a proud 42-year-old gay man. I was legally married to a man for four years, but we were together for 12. In 2011, I had to make the decision to remove him from life support after a sudden traumatic illness. I remained single for six years, and then I met who I thought was a wonderful

man who was 16 years younger. After the first year, he became controlling and emotionally abusive. When I ended the relationship, I felt so much freedom.

I have met someone my age who **DEAR ABBY** Abigail Van Buren reminds me of my late husband, and we have bonded and are forming a relationship. So far, it has only been dating and spending a lot of time together. I'm scared to start something so soon, but it feels right.

When is a good time to move forward? When is a proper time to become intimate? We have both had bad relationships and respect each other's boundaries at the moment. I will never remarry, as I was entitled to survivor benefits from my late husband, and we both agree there are ways to protect each other and our financial needs other than marriage. Please help. — IN-BETWEEN IN

COLORADO

DEAR IN-BETWEEN: It seems to me that you and this new man in your life are doing everything right. You are getting to know each other and taking your time before becoming intimately involved. The proper time to advance to the next stage would be when both of you are comfortable with the idea. Communication is key in every aspect of your relationship, and it appears you are doing that already.

DEAR ABBY: I'm 36 years old and married with three children. I have two siblings I have a good relationship with. The problem is we have a half-sister two years younger than I am who doesn't know we exist. When my parents were married, my father had an

> affair with a married woman, and they conceived my half-sister.

My parents ultimately divorced. My father's mistress went back to her husband, and they remain married to this day. My half-sister was never told who her biological father is or that she has three half-siblings.

I have struggled my entire life with sharing this information with my

half-sister because I don't want to ruin her life. My father passed away 20 years ago, so she will never have a relationship with him. My siblings also haven't been able to bring themselves to share this information with her, and I remain torn because we are close in age, look alike and have gone into similar fields of work.

I'd love to have a relationship with her. I understand she may not want to have a relationship with us and may have a lot of questions about why we waited so long to tell her. Is sharing the truth worth potentially ruining her life? — LONGING TO SHARE

DEAR LONGING: How do you think your half-sister is going to react after finding out she has been raised with a lie? Is a potential relationship with you worth the damage it may cause between her, her mother and her stepfather? If she were in need of an organ transplant, I might feel differently. Unless the reason is something equally urgent, do not intrude.

CELEBRITY CIPHER by Luis Campos

Celebrity Cipher cryptograms are created from quotations by famous people, past and present. Each letter in the cipher stands for another.

"OCS BWIZWOM YV OCS EXOWNO RWSN

WZ CWN BFOM YV PSSTWZI EGEPS OCS

NSZNS YV GYZBSX WZ OCS GYXRB."

— DEXA ACEIERR

Previous Solution: "Whether it's in the right way or sometimes the wrong way, you learn about life and its lessons." — Tennis player Amelie Mauresmo TODAY'S CLUE: O signbə Y

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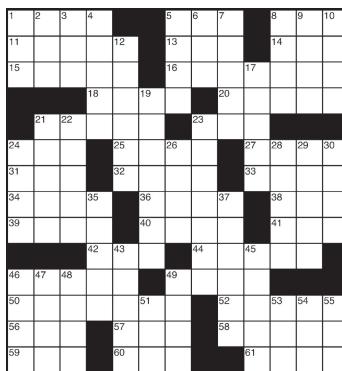
FRIDAY, JULY 7, 2023

ACROSS 1 Rope fiber 5 Belittle 8 Newman role 11 Blazing 13 Mork's planet 14 Sun Devils sch. 15 Type style 16 Percolated 18 ASAP 20 Export or import 21 Pay homage 23 Help-wanted abbr. 24 Taro product 25 Globetrot 27 Bay Area valley 31 Took off 32 Part of a pump 33 Round dwelling 34 Knighted Guinness 36 Cab charge 38 Sticky substance 39 Reduce to pulp 40 Roster 41 Psychic's letters 42 Non-creepy creeper 44 Busy airport 46 Batman's alias 49 Clingy fabric 50 Bill

52 Insert mark 56 Woodland creature 57 Like Capp's Abner 58 Slug's trail 59 Naval off. 60 Just a taste 61 Commend

DOWN 1 Jostle

2 Foreign visitor? 3 Young Cratchit 4 Delete 5 Pinhead 6 Eur. country



7 Glide on ice 8 Merry sound (hyph.) 9 Car dealer's sign 10 Flashy dresser 12 Comes in 17 Sidekick 19 In a cool manner 21 Furry tree-dweller 22 Dressed to the — 23 Thoreau's friend 24 Tot's wheels 26 Iai -28 Boring tool 29 Plain writing 30 Perched on 35 Slacks material 37 Rules of conduct 43 Conceals 45 In the least (2 wds.)

46 Broad

47 Erelong

ANSWER GRID FOR 7/6/23 CROSSWORD ROBIN Y|E|A|S|TBOVINE POPL BLINTZ EGOIST SEDGEEPIC LETS LOC NAIL ROE GUNNED ANGRY SCHUSS R E I N S AGOSOFTELEE M|O|N|A P|R|E|P Ζ $I \mid T \mid I \mid$ HEDGE AROUSE JOVIA HORRID ENERGY ANDES T|E|N|T

48 First name in fashion 49 Brown seaweed 51 LI doubled

53 Narrow inlet 54 Down Under bird 55 Koppel or Knight