



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

February 11, 2016

Commandant USDB
Directorate of Inmate Administration
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To Whom It May Concern:

I am the President and Executive Director of the Electronic Frontier Foundation (EFF), a non-profit, member-supported organization that defends civil liberties and access to knowledge in the increasingly digital world. EFF has been in existence for over 25 years and one of its key roles in making digital rights information available to the public through its website.

I am writing today regarding the ability of Chelsea Manning (89289) to receive written materials that were reprinted from our website, EFF.org.

This week, we were informed that an associate of Ms. Manning's attempted to send the prisoner a packet of informational material, much of which was printed from our website, EFF.org. This included several articles regarding the free speech rights of inmates, as well as the text of our formal comments to the Federal Communications Commission on proposed regulation of inmate telecommunications service providers. The packet also included a slideshow from the U.S. Bureau of Prisons, a Bureau of Prisons handbook, and a news article from a media website called BuzzFeed about inmate rights that was based on public records compiled by our organization.

Except for the BOP materials, which were public records, the material was rejected. Ms. Manning instead received a rejected mail notification indicating the materials were withheld, among other possible reasons, due to concerns of copyright infringement.

Allow me to allay these concerns. All original content produced by EFF can be provided to Ms. Manning or any other prisoner under your jurisdiction without fear of copyright concerns from EFF. Indeed, EFF strongly urges the public to print, share and reuse the information we publish under what is known as a Creative Commons license. As we write on our website:

Any and all original material on the EFF website may be freely distributed at will under the Creative Commons Attribution License, unless otherwise noted...

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EFF ensures that our copyright position is clear to readers of our website by having each page of our website carry statement confirming that the content is licensed under a Creative Commons Attribution 3.0 United States license (CC BY 3.0 US). The marker is on the bottom left side of each page of the website. In addition, I have attached a copy of the license for your review. The CC BY license we use requires only that licensees cite our organization, which is not an issue with the webpages sent to Ms. Manning. No further permission is required.

The CC BY 3.0 US license applies to all of EFF's original content.

EFF's comments to the FCC are public record. On its site, the FCC makes clear that when you submit files through its commenting submission system these materials will become available to the public. Nevertheless, EFF hereby disclaims any copyright interest it might have had in such public documents.

We ask that you provide these materials to Ms. Manning without delay. In addition, we request that in the future you do not withhold any materials created by EFF from being mailed or provided to any other detainee under copyright or any other claim. We strongly support access to our materials by all members of the public, including detainees in your custody.

We ask that you confirm that you have received this letter, and that the materials will be delivered to Ms. Manning by end of business Thursday, February 25, 2016. Because we are concerned that other prisoners may be denied access to our materials due to unfounded copyright concerns, we do expect to write publicly about this situation. We would be most happy to report that, in response to this written clarification, the situation was quickly resolved and Ms. Manning received the materials.

Thank you for your prompt attention to this matter. Please do not hesitate to contact with me with any further questions or concerns. I can be reached at 415-436-9333 x108 or via email at cindy@eff.org.

Sincerely,

Cindy Cohn
President/Executive
Director