

PROTECTING KIDS: COMBATING GRAPHIC, EXPLICIT CONTENT IN SCHOOL LIBRARIES

HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD,
ELEMENTARY, SECONDARY EDUCATION

OF THE

COMMITTEE ON EDUCATION AND THE
WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

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PROTECTING KIDS: COMBATING GRAPHIC, EXPLICIT CONTENT IN SCHOOL LIBRARIES

Thursday, October 19, 2023

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY,
AND SECONDARY EDUCATION
COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:18, a.m., 2175 Rayburn House Office Building, Hon. Aaron Bean [Chairman of the Subcommittee] presiding.

Present: Representatives Bean, Owens, Miller, Foxx, Bonamici, Grijalva, DeSaulnier, and Norcross.

Staff present: Cyrus Artz, Staff Director; Nick Barley, Deputy Communications Director; Mindy Barry, General Counsel; Isabel Foster, Press Assistant; Daniel Fuenzalida, Staff Assistant; Sheila Havenner, Director of Information Technology, Paxton Henderson, Intern, Amy Raaf Jones, Director of Education and Human Services Policy; Andrew Kuzy, Press Assistant; Georgie Littlefair, Clerk; RJ Martin, Professional Staff Member; Hannah Matesic, Deputy Staff Director; Eli Mitchell, Legislative Assistant; Rebecca Powell, Staff Assistant; Brad Thomas, Senior Education Policy Advisor; Maura Williams, Director of Operations; Jonah Berthelsen, Minority Legal Intern; Nekea Brown, Minority Director of Operations; Ilana Brunner, Minority General Counsel; Rashage Green, Minority Director of Education Policy & Counsel; Christian Haines, Minority General Counsel; Stephanie Lalle, Minority Communications Director; Raiyana Malone, Minority Press Secretary; Shyann McDonald, Minority Staff Assistant; Kota Mizutani, Minority Deputy Communications Director; Veronique Pluviose, Minority Staff Director; Banyon Vassar, Minority IT Administrator; Joan Hoyte, Minority NLRB Detailee; Jay Palmer, Minority GAO Detailee.

Chairman BEAN. Ladies and gentlemen, a very good morning. Welcome to Washington, DC. The House of Representatives and the Subcommittee on Early Childhood, Elementary and Secondary Education, we are glad to have you here. This meeting is hereby called to order, and without objection, the Chair is authorized to call a recess at any time.

That recess is going to come really close to probably 11 o'clock. The Subcommittee hearing today is to hear testimony to examine the prevalence of inappropriate content in libraries in schools. The Biden administration's troubling response, and State and local level solutions.

Before I get started, I need to make a disclaimer. If you are watching at home or if you are in the Committee room, we are going to be handling some very sensitive mature issues today. We will be discussing widely inappropriate books that are accessible in school libraries. This content is uncomfortable for Members of Congress, and it is certainly inappropriate for young children.

As such, the Committee recommends anyone with small children in the audience, or if you are watching on C-SPAN, or if this is a tape recording and you are watching it, you just want to reconsider young people watching this meeting. Additionally, children should not watch at home.

We are holding this hearing to make sure that young children are never exposed to this type of graphic content, not to further expose them to it. With that warning out of the way, welcome. We are glad to have you here. We have got some great witnesses. I have met with some of you this morning. I think we are going to have a great chat, a great discussion as we go forward on this hearing.

Like every flashpoint in the America's culture war, the media has distorted the truth, and fueled public outrage, and discontent. Today, this Committee will set the record straight with the American people. Inappropriate books in school libraries, and local communities are within their right to remove them.

Some of my colleagues on the other side of the aisle will inevitably accuse Republicans of engaging on widespread campaign to ban books. You will hear that term today, ban books. What does that mean? What are we doing to ban books because of animus or prejudice against LGBT students, however the evidence suggests books are being removed for no other reason than it is just inappropriate.

It is explicit content. In fact, 7 of the 10 most frequently removed books feature explicit heterosexual content. Additionally, the LGBT books are being challenged by parents, such as Lawn Boy and Gender Queer. They are so sexually explicit that their respective authors have advised that nobody below a teenager is ready for these books.

I do not recommend this book to kids, that is what the author has said. These books are so obscene that reciting the passages, these passages, mere passages has gotten adults censored in adult forums. School board officials in Clay County, Florida had to cut a microphone. A father who was talking about reading from the book that his daughter had access to for reading Lucky, for fear the explicit passages would violate the FCC laws regarding, since the school board meeting was being televised.

Late night television refused to air an ad featuring language from Gender Queer. If these books are too inappropriate for adults, then they are certainly inappropriate for children. The Committee will ask ourselves today do communities have the right to remove inappropriate content from library shelves? Of course they do.

School boards, communities and parents constantly set standards of decency, but removing a book from a library shelf is not akin to pouring gasoline on it and setting it ablaze. It is not criminalizing the ownership of the book it is not even making them less accessible.

If you can check out a book from a public library, it is not banned. If you can order a book from Amazon and have it delivered to your home the next day, it is not banned. In fact, the most removed books are still wildly popular on Amazon. Age-appropriate content, moderation by local school officials and the districts is a right deeply engrained in the principles of localism and federalism.

Federalizing the book review process by putting it in the hands of D.C. bureaucrats that are taking parents out of the equation would be the worst possible solution, yet that is exactly what the Biden administration is doing. President Biden appointed a book review czar to monitor the actions of local school boards and potentially penalize them for simply reviewing books.

I see this as a dangerous step, and a violation of Federal principles. Today's hearing should not be about creating more bureaucrats or more laws, or scoring cheap political points, but how to best empower parents to be the greatest possible advocate for their child's education.

My final appeal goes to parents. Keep demanding that your school board reflect the values of your communities. Keep involving yourself in your children's education, and most importantly keep doing what is best for your kids. With that, I yield to the Ranking Member for her opening statement.

[The prepared statement of Chairman Bean follows:]



**COMMITTEE
STATEMENT**

**Opening Statement of Rep. Aaron Bean (R-FL), Chairman
Subcommittee on Early Childhood, Elementary, and Secondary Education
Hearing: “Protecting Kids: Combatting Graphic, Explicit Content in School
Libraries”
October 19, 2023**

(As prepared for delivery)

Before getting started, I would like to make a disclaimer that we are going to be handling some very sensitive, mature issues today. We will be discussing wildly inappropriate books that are accessible in school libraries. This kind of content is uncomfortable for Members of Congress, and it’s certainly inappropriate for young children.

As such, the Committee recommends that anyone with small children in the audience may want to reconsider their attendance here today. Additionally, children should not watch at home. We’re holding this hearing to help ensure that young children are never exposed to this kind of graphic content, not to further expose them to it.

With that warning out of the way, I’d like to extend a warm good morning to everyone here. Thank you for joining me for this timely and important Committee hearing.

Like every flashpoint in America’s culture war, the media has distorted the truth and fueled public outrage and discontent.

Today, the Committee will set the record straight for the American people: inappropriate books are in school libraries, and local communities are within their rights to remove them.

Now some of my Democrat colleagues will inevitably accuse Republicans of engaging in a widespread campaign to “ban” books because of racial animus or prejudice against LGBT students. However, none of the evidence suggests books are being removed for any reason other than inappropriate, explicit content.

In fact, seven of the 10 most frequently removed books feature explicit heterosexual content.

Additionally, the LGBT books being challenged by parents, such as *Lawn Boy* and *Gender Queer*, are so sexually explicit that their respective authors have advised that “nobody below a teenager is ready for that book,” and “I don’t recommend that book to kids.”

These books are so obscene that reciting mere passages has gotten adults censored in adult forums. School board officials in Clay County, Florida had to cut a father’s microphone for reading *Lucky* for fear that the explicit passages would violate FCC laws and regulations since the school board meeting was being televised. Late-night television refused to air an ad featuring language from *Gender Queer*.

If these books are too inappropriate for adults, they are certainly too inappropriate for children.

Then, the Committee must ask ourselves today, do communities have the right to remove inappropriate content from library shelves? Of course, they do. School boards, communities, and parents constantly set standards of decency.

But removing a book from a library shelf is not akin to pouring gasoline on it and setting it ablaze. It’s not criminalizing the ownership of the book. It’s not even making them less accessible.

If you can check out a book from a public library, it is not banned. If you can order a book from Amazon and have it delivered to your home the next day, it is not banned. In fact, the most-removed books are still wildly popular on Amazon.

Age-appropriate content moderation by local school districts is a right deeply engrained in the principles of localism and federalism. Federalizing the book review

process by putting it in the hands of DC bureaucrats, thereby taking parents out of the equation, would be the worst possible solution.

Yet, that is exactly what the Biden administration is doing. President Biden appointed a book review czar to monitor the actions of local school boards and potentially penalize them for simply reviewing books. I see this as a dangerous step and a violation of federalist principles.

Today's hearing should not be about creating more bureaucrats or more laws or scoring cheap political points, but about how to best empower parents to be the greatest possible advocate for their child's education.

My final appeal goes to parents. Keep demanding that your school board reflects the values of your communities. Keep involving yourself in your children's education. Most importantly, keep doing what's best for your kids.

Ms. BONAMICI. Thank you, Chair Bean, and thank you to our witnesses. More than 7 months ago our Republican colleagues sat in this hearing room and vehemently denied any interest in addressing the banning of books. Then House Republicans passed a bill they said was about parental rights, but in fact should be called the Politics Over Parents Act because it is essentially a blueprint for book banning.

Now, today the majority is holding a hearing specifically about what books should or should not be allowed in school libraries. I will note that this, the U.S. Congress, is not a school board meeting. Sadly, this far right conservative movement is having a profound real-life effect on children, educators, and importantly on school librarians.

Research shows that as of 2021, more than 4 million students had their freedom to read curtailed because of book bans. That includes students across more than 5,000 schools, 138 school districts and 32 states. Specifically, PEN America found that 41 percent of banned content focuses on LGBTQI+ themes, protagonists, or characters.

40 percent focuses on characters of color. Rates of teachers citing burnout and what they feel are unsafe working conditions as a reason for leaving the profession have skyrocketed. At least seven states have passed draconian laws in the past 2 years, subjecting school librarians to years of imprisonment and fines for providing books deemed to be explicit, obscene, or harmful. That is incarceration.

These censorship laws are being enacted by extreme MAGA politicians under the pretext of parental rights, while in reality it is a coordinated and apparently well-funded vocal minority of parents and conservative organizations pushing their personal agenda on others.

We can all agree that books in school libraries should be age appropriate, and we all use to agree that the Federal Government should not dictate school curricula, or what books are in school libraries. Regrettably, it seems that my Republican colleagues have

abandoned these previously shared values, although I do note that Superintendent Degenfelder expressly says in her testimony, “so how do we solve this issue? It certainly should not be up to the Federal Government.”

A book’s age appropriateness and its ability to tell challenging, culturally significant stories representing diverse perspectives—those are not mutually exclusive. For example, *The Hate You Give* is a powerful novel taught in middle and high schools about a young, black girl who finds her voice and stands up for racial justice as she grapples with the trauma of witnessing her friend being murdered by police officers.

This important book elevates black voices, and centers a historic civil rights struggle, but it has been challenged by Republican officials and parents in at least four states. I want to remind my colleagues that it is students who are most affected by these policies.

In 1982 a group of students stood up for their rights, and they challenged the constitutionality of book bans. The case, the *Board of Education Island Tree Union Free School District Number 26 vs. PICO*, went to the U.S. Supreme Court, which considered whether a local school board’s decision to prohibit certain books from its junior high and high school libraries because of their content violated the First Amendment free speech safeguards.

The Court decided that local school boards may not remove books from school library shelves simply because they dislike the idea contained in those books. I am concerned that my colleagues are waging these cultural wars in part to undermine our public education system, and to try to justify defunding public schools and libraries, preferring instead to funnel public dollars into low-quality private voucher programs. We have seen that before.

Thankfully, under President Biden’s leadership the Department of Education is using its legal authority under the Civil Rights Act to fight book bans in schools, including in Texas and Georgia, and is working to protect the civil rights of students. Well, we do not have students testifying today, Mr. Chairman, but their voices should be heard.

I am just going to share just a few, and these are students from across the country. This is from a New York Times article last year titled, *What Students Are Saying About Banning Books from School Libraries*. Deeya, who is from Arkansas said, “Hiding away things that make us uncomfortable doesn’t make them go away, even if we don’t talk about it. Racism, sexual assault, genocide and many other complex issues will still exist. We have to face the discomfort to keep it from happening again. While those supporting the book banning movement claim that it is an issue of parental rights, it’s really an issue of people trying to ban things that make them uncomfortable.”

Jason, a student from Maine said, “As a teenager, I’m still trying to find my way into this world, and I want to know as many other viewpoints as possible, so I know my thoughts are my own, and not just a product of a limited amount of information. Trying to force a community to get rid of a book is a way of forcing one’s beliefs on the entire community.”

Jordan, from Norwood High School said, “Reading the article about book banning and these comments just makes me think,

geez, the fact that these books are being challenged shows how much some people need education on the subjects in them.”

Finally, the Democrats on this Subcommittee will continue to reiterate our focus during each hearing this Congress. Let us work together on important issues that will help our students succeed. According to the American Library Association, 2 and a half million students nationwide are enrolled in school districts where there are no school libraries.

At a time when many students are not proficient in reading and still struggling with literacy, we should focus on supporting librarians and educators, and their work to help every student read and feel safe and welcome in their school. Thank you, Mr. Chairman, and I look forward to the discussion.

[The prepared statement of Ranking Member Bonamici follows:]



OPENING STATEMENT

House Committee on Education and the Workforce
Ranking Member Robert C. "Bobby" Scott

Opening Statement of Ranking Member Bonamici (OR-01)
Subcommittee on Early Childhood, Elementary, and Secondary Education
"Protecting Kids: Combating Graphic, Explicit Content in School Libraries"
Thursday, October 19, 2023 | 10:15 a.m.

Thank you, Chair Bean. And thank you to our witnesses.

More than seven months ago, our Republican colleagues sat in this hearing room and vehemently denied any interest in addressing the banning of books.

Then House Republicans passed a bill they said was about parental rights but in fact should be called the *Politics Over Parents Act* (H.R. 5), because it is essentially a blueprint for book banning. Now, today, the majority is holding a hearing specifically about what books should or should not be allowed in school libraries. And I'll note that this is the U.S. Congress, not a school board meeting.

Sadly, this far-right conservative movement is having profound real-life effect on children, on educators, and importantly on school librarians. Research shows that as of 2021, more than 4 million students had their freedom to read curtailed because of book bans. That includes students across more than 5,000 schools, 138 school districts, in 32 states. Specifically, PEN America found that 41 percent of banned content focuses on LGBTQI+ themes, protagonists, or characters, 40 percent focuses on characters of color. Rates of teachers citing burnout and what they feel are unsafe working conditions as a reason for leaving the profession have skyrocketed, at least seven states have passed draconian laws in the past two years subjecting school librarians to years of imprisonment and fines for providing books deemed to be explicit, obscene, or harmful.

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A book's age appropriateness and its ability to tell challenging, culturally significant stories representing diverse perspectives, those are not mutually exclusive. For example, *The Hate U Give* is a powerful novel taught in middle and high schools about a young Black girl who finds her voice and stands up for racial justice as she grapples with the trauma of witnessing her friend being murdered by police officers. This important book elevates Black voices and centers a historic civil rights struggle, but it has been challenged by Republican officials and parents in at least four states.

I want to remind my colleagues that it is students who are most affected by these policies. In 1982, a group of students stood up for their rights and they challenged the constitutionality of book bans. The case, *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, went to the U.S. Supreme Court, which considered whether a local school board's decision to prohibit certain books from its junior high and high school libraries because of their content violated the First Amendment's free speech safeguards. The Court decided that "local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books."

I'm concerned that my colleagues are waging these culture wars in part to undermine our public education system and try to justify defunding public schools and libraries; preferring instead to funnel public dollars into low-quality, private voucher programs.

And we've seen that before.

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Well, we don't have students testifying today, Mr. Chairman, but their voices should be heard. And so, I'm just going to share just a few, and these are students from across the country. This is from a New York Times article last year titled *What Students Are Saying About Banning Books From School Libraries*:

— Deeya from Arkansas [said](#): "*Hiding away things that make us uncomfortable doesn't make them go away. Even if we don't talk about it, racism, sexual assault, genocide, and many other complex issues will still exist. We have to face the discomfort to keep it from happening again. While those supporting the book-banning movement claim that it's an issue of parental rights, it's really an issue of people trying to ban things that make them uncomfortable.*"

Jason from Maine said: "*As a teenager I am still trying to find my way in this world; I want to know as many other viewpoints as possible so that I know my thoughts are my own and not just a product of a limited amount of information. trying to force a community to get rid of a book is a way of forcing one's beliefs on an entire community.*"

And — Jordan, from Norwood High school [said](#): "*Reading the article [about book banning] and these comments just makes me think - Jeez, the fact these books are being challenged shows how much some people need education on the subjects of them.*"

Finally, Democrats on this Subcommittee will continue to reiterate our focus during each hearing this Congress: let's work together on important issues that will help our students succeed. According to the American Library Association, 2.5 million students nationwide are enrolled in school districts where there are no school libraries. At a time when many students are not proficient in reading and still struggling with literacy, we should focus on supporting librarians and educators and their work to help every student read and feel safe and welcome in their school.

Thank you, again, Mr. Chairman. And I look forward to the discussion.

Chairman BEAN. Thank you, Ranking Member Bonamici. Pursuant to Committee Rule 8-C, all Committee members who wish to insert written comments into the file may do so by submitting them to the Committee Clerk electronically in Word format by 5 p.m., 14 days after the hearing, which is November 2, 2023. Without objection, the hearing record will remain open for 14 days after this hearing to allow such statements and other extraneous materials referenced during the hearing to be submitted for the official hearing record.

I note for the record that the Subcommittee from my colleague from Pennsylvania, Mr. Smucker, waives on to the Subcommittee for the purposes of today's hearing. Ladies and gentlemen, we have got an all-star panel. We went across the Nation to find some minds and opinions that could bring light on this subject.

To help me introduce our all-star panel, I first will yield to the gentleman from Utah, Mr. Owens. Ms. Miller from Illinois, Ms. Miller, Mary Miller.

Ms. MILLER. Thank you. It is my honor to introduce Mrs. Lindsey Smith. Mrs. Smith is a Montgomery County, Maryland, Chapter Chair for Moms for Liberty. She worked as a nurse for 15 years until 2 years ago when she became a full-time at home mom. She is a mother of four, author of two books, 45 Days of Prayer and Daughter of the King, and she is usually found on a sporting field supporting her kids.

Thank you so much for the work you are doing and for being our witness.

Chair BEAN. Ranking Member Bonamici also would like to introduce an all-star panelist.

Ms. BONAMICI. Dr. Johnathan Friedman is a Director of Free Expression and Education Programs at PEN America. He oversees research, advocacy, and education related to academic freedom, educational gag orders, book bans, and general free expression in schools, colleges, and universities.

Dr. Friedman was a 2019–2020 fellow of the University of California's National Center for Free Speech and Civic Engagement. He holds an M.A. and Ph.D. in international education from NYU.

Chairman BEAN. Thank you so much. Our third panelist is Mr. Max Eden, he is a Research Fellow at the American Enterprise Institute right here in Washington, DC. Mr. Eden is a research fellow at the American Enterprise Institute where he focuses on education reforms, specifically K through 12 and early childhood education.

Before joining AEI, he was a Senior Fellow at the Manhattan Institute, in addition to a number of reports and studies on education. Mr. Eden is the co-author, there he goes, there is so many Wall Street Journal, U.S. Today bestseller, Why Meadow Died, the People and Policies that Created the Parkland Shooter and Endanger American Students. He has been publishing policy journals and the popular press including the Hill, The Washington Post, and USA Today. Welcome Mr. Max Eden.

Finally, our final witness. We will now go to Mr. Burgess Owens, the gentleman from Utah. Got it. Let me do this if it is okay, and I am sorry I did not coordinate with you, but our final panelist is Megan. She is the Superintendent from the Wyoming, and I met with her earlier. She has the State that is rocking in Wyoming.

Yes. Burgess Owens, you have got the full story. Let us go back to the gentleman from Utah.

Mr. OWENS. Sorry about that guys. Ms. Megan Degenfelder, Superintendent, Wyoming Department of Education in Cheyenne, Wyoming. Ms. Megan, Megan is elected to the Wyoming State Superintendent of the Public Instruction. In November 2022, Megan was one of the youngest elected statewide officials in Wyoming history.

Megan grew up in a six generation ranching family in Casper and graduated from the University of Wyoming. Megan serves as the Chief Policy Officer at the Wyoming Department of Education under Superintendent Jillian Balow. She oversaw multiple divisions, including standards and assessments, accountability and a halfway scholarship, as well as 30-million-dollar budget, and a 25 person staff.

Megan also comes from years of private sector experience in the field of coal and gas, oil and gas where she worked to lessen regulation burdens, and government overreach. Welcome Megan.

Chair BEAN. Welcome, Ms. Smith and Mr. Owens. I talked to some of you about the 5-minute rule. There will be a clock. Five minutes is if you hear this try to wrap it up. Dr. Friedman, welcome, I did not get a chance to talk to you, but you are familiar with our 5-minute rule. Let us go ahead and get to testimony. Ms. Smith, first of all welcome to the Committee. You are recognized for 5 minutes.

**THE STATEMENT OF MS. LINDSEY SMITH, PARENT,
MONTGOMERY COUNTY, MARYLAND**

Mrs. SMITH. Thanks. Chairman Bean, Ranking Member Bonamici and members of the Subcommittee. Thank you for having me today. Today I sit in front of you wondering how in the world did we get here. How did we get from protecting our children to the argument of stop book banning?

This is not a case of heterosexual verses LGBT Plus, nor is this the political issue as many would call it, book banning. This is about the innocence and protection of our children. I would not expect my child to walk into one of your homes and be able to easily access Playboys or pornographic photos, yet here we are today discussing the argument of these kinds of books being accessible in our public school's library, all in the name of education.

I sit here in front of you as a mother of four, three of them were students of the public school system, and what I have witnessed in the last 18 months being allowed access into our schools is appalling. Instead of education being the focus, we have completely lost our focus, and now have an issue of sexually explicit books being accessible to children 3 years and older.

Books easily available to children within their own school media centers. One example is an innocent looking book with bright colors and a puppy dog on the front. To three-and 4-year-olds this book is appealing to them, yet the language of this book is far from appropriate.

In the hide and find glossary, three-to 4-year-olds are encouraged to find images of leather, drag queen and underwear. I want you to imagine very briefly with me that your 3-year-old son with a

speech delay, who is in the school for a language delay comes home with this book, and also read it out loud in class.

This was my story, and one of the reasons why I am here before you today. When I found that this was available to my youngest son, and would be used as curriculum, this mom began to speak up. In speaking up in front of my Board of Education and asking questions about the appropriateness, and age appropriateness, I found out that not only did parents not know this existed, but they had been approved by committees not even known to the lay public.

One book brought to my attention during this was *Gender Queer*, and the purchase of eight copies at one high school alone by adults. Adults I do not even know will not even look at this book. Let me tell you why. On the pages of this graphic novel we see a sexual fantasy play out.

If you need help imagining this book, in one portion of the book a strapped-on penis on the partner, with oral sex being performed graphically. The nexus of a sexual position of two sexual adults with both parties private parts all being displaced. This is just one of the 70 plus books in my county's media libraries available to kids 18 and younger.

One schoolteacher alone requested eight copies for his class and media center. Keep in mind policy states that any book can also be used for resources in classrooms in my county. I would like to address too, the lie that parental groups and Mom's for Liberty are book banning. If removing a sexually explicit book from school library is what you see as book banning, then we need to re-evaluate our language.

These books are available to anyone who wishes to purchase them, they are available at my local library, my Amazon account, Barnes and Noble, or anywhere else that you wish to purchase the book. The books that are being addressed are sexually explicit books, like the one example above, and go against the very laws and policies that State representatives of the people created.

We call these laws in most states minor indecency and obscenity laws. According to my State, Maryland Code Criminal Law Title 11 Indecency and Obscenities, Subtitle II, obscene matter section, "Sale or display of obscene item to a minor states that obscenity is the act of human genitals, sexual intercourse, sodomy, fondling of/or eroded touching of human genitals."

This law goes on to State that it is prohibited to show any minor willingly, or unwillingly, display or exhibit to a minor, and person may willingly or knowingly, engage in the business of displaying, exhibiting, showing or distributing to a minor, an item with obscenity.

Gender Queer is just one of the many examples that parent groups and so-called book banners are actually speaking up against. The sexually explicit and detailed content does not belong in our schools, and we are here asking you to hold the very laws and policies that were created on the very local level. We do not show porn in the name of education to children, and children as young as 3, like my son, were exposed to these books.

What will start as library books will flow into the classrooms. Montgomery County is a perfect example of this, as it became the pilot across the Nation for the next phase of anything new. It has

been since the 70's from the research I have heard and seen, and it already is spilling into the classrooms of elementary kids in my county.

It is time for us to actually be the adults and leave the sexually explicit books out of the schools, and refocus our attention on the failing of our schools to our children in regards to reading, writing and mathematics. A generation of kids needs to stop being divided over sexuality, and actually start to stand up for the innocence of their minds.

How do we start? Parent representatives from all different walks of life should be a part of committees that review these books, one of the things that we have seen since we started to speak to the Board of Education at the local level is the ability for parents to actually begin to review these books and have a 30 day window for them to sit in the library before they are put onto a library shelf.

The parents are advocates for their kids. We should not be silencing them, but rather refocusing on the innocence of children. Thank you, and I look forward to your questions.

[The prepared statement of Ms. Lindsey Smith follows:]

Chairman Bean, Ranking Member Bonamici, and members of the subcommittee: Thank you for having me today.

Today I sit here in front of you, wondering how in the world did we get here? How did we get from protecting our children to the argument of "stop book banning"? This is not a case of heterosexual vs LGBT+, nor is this a political issue or as many would call it "book banning." This is about the innocence and protection of our children.

I would not expect my child to walk into one of your homes and be able to easily access playboys or pornographic photos, yet here we are today discussing the argument of these kind of books being accessible in our public school libraries all in the name of "education."

I sit here in front of you as a mother of four. Three of whom were students of the public school system. What I have witnessed in the last 18 months being allowed access into our schools is appalling. Instead of education being the focus, we have completely lost our focus and now we have an issue of sexually explicit books being accessible to children 3 years old and older. Books easily available to children within their own school media centers.

One example is an innocent looking book with bright colors and a puppy dog on the front. To a 3-4 year old this book is appealing to them, yet the language of the book is far from appropriate. In the *Hide and Find* glossary, 3-4 year olds are encouraged to find images of "leather," "drag queen," and "underwear." I want you to imagine very briefly with me that your 3 year old son, with a speech delay, who is in the school for a language delay, comes home with this book and also reads it in class. This was my story and one of the reasons I am before you today. When I found out this was available to my youngest son and would also be used as a curriculum, this mom began to speak up.

In my speaking up in front of my board of education, and asking questions of the appropriateness of these books and how they were not "age appropriate," I found out that not only did parents not know they existed, but they had been approved by committees not even known to the lay public.

One book brought to my attention was *Gender Queer*, and the purchase of eight copies at one of our local high schools. Adults I know won't even look at this book, so let me tell you why. In the pages of this graphic novel, we see a sexual fantasy play out. If you need help imaging this book, in one portion of the book a strapped on penis is visible on the partner with oral sex being performed graphically. The next is of a sexual position of two young adults with both parties' private parts all being displayed. This is just one of 70+ books in my county's media libraries available to students 18 and younger. One school teacher alone requested eight copies of this book alone for the media center. Keep in mind policy states that any book can be also used as resources in classrooms.

I would like to address the lie that parental groups and Moms for Liberty are "book banning." If removing a sexual explicit book from school libraries is what you see as book banning, then you

need to re-evaluate your language. These books are available to anyone who wishes to purchase them; all one has to do is go to your local public library, pull up your Amazon account, or go down to Barnes and Noble to buy these books or borrow them. The books that are being addressed are sexually explicit books, like the one example above, and go against the very laws and policies that state representatives of the people created. We call these laws in most states "Minor Indecency and Obscenity laws." According to my state,

Maryland Code CRIMINAL LAW § TITLE 11 - INDECENCY AND OBSCENITY Subtitle 2 - Obscene Matter Section 11-203 – Sale or display of obscene item to minor. States that "obscenity" is the act of human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; or fondling or other erotic touching of human genitals. This same law goes on to then state that it is Prohibited that any person may not willfully or knowingly display or exhibit to a minor. A person may not willfully or knowingly engage in the business of displaying, exhibiting, showing, or distributing to a minor an item with obscenity.

Gender Queer is one among many that parents groups and so-called "book banners" actually are speaking up against. Sexually detailed and explicit content does not belong in our schools. We are here asking you to actually uphold the very laws and policies that government officials have put in place to protect our children. We don't show "porn" in the name of education to children, so don't make this about the sexual orientation of one group versus the other. These are children, as young as 3 being exposed to these books. What will start as library (media) books will flow into the classrooms. Montgomery County is the perfect example, as they have become the pilot across the nation for the next phase of anything new, and it has been since the 70's from the research I have heard and seen. It already is spilling into the classrooms of elementary kids in my county.

It is time for us to be adults and leave the sexually explicit books out of schools and refocus our attention on the failing of our schools to our children in regards to reading, writing and mathematics. A generation of kids needs us to stop being divided over sexuality and stand up for the innocence of their minds.

How to start:

Parent representatives from all different walks of life should be a part of committees that review books. One of the things we have seen since we started to speak up at the board of education at our local level is the ability for parents to review and leave comments on all books in que for the library for 30 days. This gives them a voice in the material, and lets parents be a check and balance on what is coming into schools. The parents are advocates for their kids; we shouldn't be silencing them but rather refocusing on the innocence of children.

Thank you, and I look forward to your questions.

Chairman BEAN. Well done. Thank you so much. Right on time, and a powerful story that you told. Up next is Dr. Jonathan Friedman. Dr. Friedman, welcome to the Committee, you are recognized for 5 minutes.

STATEMENT OF DR. JONATHAN FRIEDMAN, DIRECTOR OF FREE EXPRESSION AND EDUCATION PROGRAMS, PEN AMERICA, NEW YORK, NEW YORK

Mr. FRIEDMAN. Thank you, Chairman Bean, Ranking Member Bonamici, and distinguished members of the Subcommittee. Thank you for the opportunity to testify today. My name is Jonathan Friedman, and I serve as Director of Free Expression and Education Programs at PEN America.

PEN America stands at the intersection of literature and human rights to protect free expression in the United States and worldwide. We are a nonprofit, nonpartisan organization with an unwavering commitment to free speech—a principle that we view as an underpinning of democracy and a cause above politics.

Today we face an alarming attack on free expression on the freedom to read, learn, and teach. Organized groups of activists and some politicians have launched a campaign to exert ideological control over public education, unprecedented in its scope, scale, and size.

In 2021, after speaking with authors about rising efforts to ban their books, first in Texas, but soon after in Florida, PEN America launched a research project to track and record book bans nationwide. Our most recent report on the 22–23 school year recorded over 3,000 instances of books banned, an increase of 33 percent over the year prior, and these bans occurred in 33 states across 153 public school districts.

Since we started our research, we have maintained a clear, consistent, and transparent methodology with one guiding principle: student access. If on Monday a student has access to a book, and on Tuesday she does not as a result of a challenge over that book's content, ideas, or themes, then that book has been banned.

For that student, ready access to the book has been diminished, or entirely restricted, whether that book is now locked in an administrator's office, moved to an upper-grade library or permanently removed from circulation, or whether that book eventually gets returned to the shelf after some indeterminate period of review.

For the duration, that student can no longer access that book. It is banned. Why? Because the circumstances surrounding such decisions are rooted in efforts to restrict access to information and ideas implicating students' First Amendment rights. In our society, the loss of First Amendment rights, even minimally, is injurious.

Let me be clear. Parents play a primary role when it comes to their own children's education. That is why schools have Parent Teacher Associations, parent teacher conferences, public school board meetings. I am a parent of three school age children. I check my kid's homework, read books to them, and advocate for them when the need arises.

We can, and we must, distinguish between a single parent raising a concern with a school, and the current campaign to disrupt

public education writ large. Between a parent who wants to accommodate a kid's learning needs, and one who grabs the list of books online they have not read, and then demands that no other family should be able to access them in public institutions.

Our students deserve to be able to access high-quality educational resources, to access works of literature that reflect their identities and the complexities of their lives. Not every book is for every kid. Not every book is for every family. The unifying principle is that a wide variety of choice means kids and families can determine what is relevant to them.

That is the purpose and the power of a public library. That is freedom. Around the country that freedom, that liberty is being turned on its head, remaking school's librarians from educators into censors. Again and again, we see targeted, organized, and replicated efforts to ban books with protagonists of color, books about African American history, books about LGBTQ identifies.

Efforts to take away the very books that many students, families, and educators say they want to access. Books that they say save lives. Over the past 2 years I have spoken to teachers, librarians, parents, and students across the country. The stories I have heard are dire. Some have experienced direct threats. Others have been told that if they teach certain subjects, order certain books, or fail to ban certain books it will put their career in jeopardy, or worse, will lead them to being charged with a crime.

I have spoken with authors whose works have been mischaracterized and attacked, over 1,200 offers were affected by the bans in the past school year alone. Ask any of them why they write. Over and over, they say the same reasons: to help kids see themselves, and allow others to be seen, to provide kids the books they wish they had when they were growing up.

As Poet Nicky Grime says, "to plant seeds of empathy and compassion." That is what is at stake in today's movement to ban books. Whether we can live in a diverse society that upholds our traditions of freedom and democracy for us all, or whether we want to allow a vocal minority, with a discriminatory intent to narrow our students' educational horizons. Thank you.

[The prepared statement of Dr. Friedman follows:]

**House Committee on Education and the Workforce
Subcommittee on Early Childhood, Elementary, and Secondary Education
Hearing on “Protecting Kids: Combatting Graphic, Explicit Content in School
Libraries”**

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**Written Statement of Jonathan Friedman
Director, Free Expression and Education Programs, PEN America
October 19, 2023**

Chairman Bean, Ranking Member Bonamici, and distinguished members of the Subcommittee, thank you for the opportunity to testify today.

I am here today because the freedoms to read, learn, and think are in increasing jeopardy. State laws are being passed to restrict what can be taught and learned. Professionals who have committed their careers to public education are self-censoring, operating in a climate of intimidation and fear. Books are being banned with little concern for the students and families being affected.

These developments are of great concern to me and the organization I represent, the literary and free expression non-profit, PEN America. As the director of education programs at PEN America, my portfolio seeks to advance a society where people are free to express their opinions, free to seek and receive information, and free to be who they want to be.

About PEN America

PEN America stands at the intersection of literature and human rights to protect free expression in the United States and around the globe. We are proud to be in our 101st year. Our staying power as an organization is rooted in our nationwide membership and our solidarity with PEN writers’ organizations worldwide, but above all, in our mission, which centers on the freedom to write. The PEN Charter, adopted in 1948, calls us to uphold “the principle of unhampered transmission of thought within each nation and between all nations.” Alongside steadfast devotion to free expression, the Charter commits us to do our “utmost to dispel all hatreds and to champion the ideal of one humanity living in peace and equality in one world.” Like the framers of the United States Constitution, the authors of the PEN Charter were prescient about the threats to freedom when speech and expression are curtailed by government action.

We are a nonprofit, nonpartisan organization with an unwavering commitment to free speech, a principle that we view as an underpinning of democracy and a cause above politics. Over its century of history, PEN America has tackled a wide gamut of free expression issues, demonstrating the depth of our commitment to this principle. We have addressed situations as varied as the impact of China’s restrictions on free speech in the mainland and Hong Kong and its rising global influence, including in Hollywood;

threats to dissent in Turkey, Russia, and Myanmar; the crisis in local journalism across the United States; a culture of hostility to free expression at colleges and universities; online harassment; attacks on press freedom; and digital transnational repression of writers, artists, journalists, and dissidents. We championed Liu Xiaobo and launched the campaign that led to his receiving the 2010 Nobel Peace Prize and our 2023 PEN/Barbey Freedom to Write Awardee, Narges Mohammadi, was just awarded the Nobel Peace Prize as well.

The thrust of our work is to protect and defend writers. We follow a principled approach when it comes to this work, defending free speech across the literary, cultural, and educational spheres. We have defended the right of figures of all political ideologies to speak and be heard on college campuses, such as Ann Coulter, Dorian Abbot, Angela Davis, and Milo Yiannopoulos. We have spoken out against the cancellation of book contracts and cultural festivals.

At PEN America, in my role as the Director of Free Expression and Education programs, my team works to ensure robust protections for free speech and academic freedom in schools, colleges, and universities, with a significant focus on education, offering programs to help the rising generation understand and defend the freedom of expression, as well as partnering with college campuses to help students, faculty, and administrators with practical, principled advice to improve the climate for free speech and open exchange for all. I have a broad, interdisciplinary training as a social scientist and a doctorate in international education. I believe in the inalienable human right to free expression, of which the right to education is an inextricable part.

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Fear & The Movement to Ban Books

Our most recent report highlights the growing effort to remove books from public school classrooms and libraries. In the 2022–23 school year, PEN America recorded 3,362 instances of books banned, an increase of 33 percent from the 2021–22 school year, in 33 states and 153 public school districts.

Over the past two years, I have spoken to teachers, librarians, professors, parents, and students from around the country, folks on the frontlines of today's education censorship crisis. The stories I've heard are dire. Some have experienced direct threats. Others have been told that if they teach certain subjects, or order certain books, or fail to remove certain books, it will put their professional careers in jeopardy -- or worse, could lead to them being charged with a crime. Still others are simply watching the passage of laws, or seeing controversies erupt in school districts in other states and communities, and feeling scared.

This is not, most teachers and librarians say, business as usual. A school librarian in Virginia recently told me that before last year, in her 20-plus year career, she had only had two parents, on separate occasions, raise any concerns about particular books their

kids were reading in school. Now, she's dealing with people who want to ban a list of a hundred books, and growing. Previous conversations with parents were rooted in mutual respect, she said, and concerns about how to best accommodate specific student learners. Now, she faces demands to remove books for all students, or face uncertain consequences.

It's a story I've heard, in one way or another, more times than I can count.

Let me be clear: Parents have always had rights when it comes to their own children. Kids obviously benefit from parental involvement in their education and upbringing. That's why schools have Parent Teacher Associations, parent-teacher conferences, parent liaisons, family engagement plans, and public school board meetings. That's why school districts publish curricula or have open hearings as they adopt new instructional materials. Parents check their kids' homework, help with assignments, read their kids books, and advocate for their kids when the need arises.

Every teacher, librarian, principal, or superintendent I have spoken to believes in this. Parental involvement is part and parcel of public schooling.

Now, I understand that some calls for censorship may come from parents seeking what they genuinely believe is best for their children. In a time of rapidly changing demographics, expectations, and norms in our evolving and pluralistic society, perhaps that's to be expected.

But we can -- and we must -- distinguish between a parent raising a particular concern to a school official, and a well-organized campaign to mobilize people to disrupt public education writ large.

All this is having a detrimental impact on kids, families, education professionals, the fight for equality, and the state of our democracy.

Free Speech

We've been here before. This is not the first time in American history that we've seen organized efforts to control the circulation of information and ideas. In the past century alone, we've seen the Comstock laws restricting the possession or dissemination of material deemed "obscene, lewd or lascivious," "immoral," or "indecent"; laws in the 1920s to ban the teaching of science and evolution; the rise of Jim Crow laws and McCarthyism, both defined by efforts to purge "controversial" books on race or Communism; the widespread efforts to ban books in the late 1970s and early 1980s. In that most recent period, less than fifty years ago, TIME Magazine recorded efforts to ban books in public schools and libraries doubling in five years, affecting "every region in the country, and nearly every state," and resulting in at least two notorious book burnings. The storm of book bans swept up such titles as Fahrenheit 451, The Wizard of Oz, and Huckleberry Finn. Even The American Heritage Dictionary was banned, "for the words it contain[ed]."

Time and again when these tensions have arisen, both the American constitutional framework and popular traditions have pushed the institutions of this country to side with freedom over suppression, with inclusion over exclusion, with democracy over authoritarianism.

Supreme Court justices have been some of our most ardent and articulate defenders of this principle, particularly when it comes to students, schools, intellectual freedom, and the First Amendment. *Minors are entitled to a significant measure of First Amendment protection. Students do not shed their constitutional rights at the schoolhouse gates. The state may not contract the spectrum of available knowledge. Our constitution does not permit the official suppression of ideas.*

In fact on more than one occasion, the justices have put particular emphasis on the special and unique role of public schools as nurseries for our democracy, that as incubators for future citizens, they have a unique responsibility to be run, in the words of Justice William J. Brennan, in accordance with the transcendent imperatives of the First Amendment. "That they are educating the young for citizenship," Justice Robert Jackson wrote about public schools, "is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes."

Educational Censorship Spreading

Unfortunately, these directives and warnings are not being heeded. Around the country, we are seeing the chilled climate for public education settle in more and more. Officials are advancing state censorship, or appeasing those who demand it, or initiating it out of fear.

The effect is the same: a narrowing of our students' educational horizons; a violation of their constitutional rights.

In Florida, the state board of education has prohibited or restricted any discussion of gender identity or sexual orientation in all grades, K through 12. This follows a blanket prohibition on teaching critical race theory or using materials from the New York Times's 1619 Project, issued in 2021. The state has also passed a law that if anyone challenges a book for sexual content, no matter how frivolous the complaint, that book must be removed and suspended for an indefinite period of time while it's evaluated.

In Iowa, a new law in effect this fall outlaws books with any descriptions or visual depictions of a sex act from being in schools whatsoever. The state board of education has refused to issue guidance clarifying the meaning of the law.

Similar developments happened last year in Utah and Missouri; now, they're also unfolding in Virginia, where a superintendent recently took it upon himself to ban 23 books unilaterally. In Tennessee a law has granted a state commission the power to

ban books state-wide, regardless of local community members' wishes. Laws in Indiana, North Dakota, and Louisiana have presented similar complications -- not for schools, but for the administration of public libraries.

"Censorship is the child of fear," author Laurie Halse Anderson has said, "and the father of ignorance."

When you look at what's happening in schools around the country, that couldn't be more accurate. These laws are -- quite patently -- proving to be a recipe for censorship and suppression.

We've seen field trips canceled, school plays postponed, authors disinvited from school visits, and books banned in the thousands. Teachers have suspended lessons on art, history, and literature. Even school districts with reasonable policies on the books for receiving and processing book challenges feel squeezed, pressured into removing books in this uncertain political environment.

Writers and Readers

As I reflect on two years of these stories, it is increasingly clear to me that at its core, there is a fundamental misrepresentation going on about why people write, why people read, and why libraries and schools facilitate their interconnection.

Authors of literature for children and young people are special. Ask any one of them why they write. Over and over they name the same reason: to see and allow others to be seen.

Master poet Nikki Grimes says she writes "to help readers understand they are not all alone in the world. To plant seeds of empathy and compassion."

Award-winning author Ashley Hope Pérez has reflected that "when we want to write about human experience honestly and completely, we have to include the pain of being a person."

Memoirist George M. Johnson has said they wrote *All Boys Aren't Blue* because it is the book they would have wanted to read, but was missing from the shelf in their adolescence. The purpose of writing, they've said, is simple: "wanting our story to be told about us, for us, by us."

This is also what young readers say when students and parents tell authors in droves what their books mean to them. Just listen to the young people attending school board meetings who talk about how books have saved their lives, opened their hearts and minds, and taught them to imagine a better world.

Just listen to authors who have spoken out because they know how alarming book censorship is. Like Jason Tharp, who was barred from reading his book *It's Okay to Be*

a *Unicorn!* from a school visit in Ohio last year. "I think a book can save people," Tharp said, "cause it saved me when I was a kid. I got lost in books, and it taught me that it was okay to be creative, and it was okay to think different, and so that was what my mission... to write something that helped kids understand it is good that you're different than me, and it is good because we can learn something from each other."

This is what's being put in jeopardy around the country, what's being squandered when we take away students' opportunities to thumb through the shelves of a library and pick out a book that's meaningful to them. When we take away young people's chance to see themselves, or to imagine their futures.

"Reading is an opportunity for you to know you are not alone," Jason Reynolds, the National Ambassador for Children's Literature, has said. "You don't have to feel ashamed about who you are and if you're reading a book outside of yourself, you also know that you don't have to be afraid of who you're not." AAs National Ambassador, he visited with students across the country - in the middle of the COVID-19 pandemic and afterwards. He said, "My goal is to get them to see the value in their own narratives - that they, too, have a story, and there's power not just in telling it, but in the opportunity to do so."

That freedom - that right - to tell your own story and see your story and find your story - that is what is in perilous danger at this moment in time. Young people's right to speak, to read, to simply be.

Librarians know this, and they take seriously their ethical commitments to intellectual freedom. That's why librarianship is a profession, with standards of review, training, and sensible systems to develop and maintain library collections. Most school librarians confront a staggering variety of students, with different interests, identities, and reading abilities. They consult professional reviews to consider the quality and character of books written for young children or young adult audiences. And above all, they try to facilitate a system that allows students to access high-quality materials, that supports diverse needs of their communities, and that allows students, parents and families to determine what is relevant for them.

A lifelong librarian recently recounted to me that she'd shelve thousands of books in her decades-long career, boasting that a great many of them were books she didn't like, books with which she personally disagreed.

Despite what some might say, the freedoms to read, learn, and think belong to us all. Students are entitled to the right to seek and receive information in schools, especially to engage in voluntary inquiry in their libraries. This is a fundamental pillar of our democracy.

The disagreements about policy, law, or culture that have brought us here today are not actually over this fundamental vision of freedom. They're about who holds the power to define the limits of these freedoms for the rising generation.

If we are to honor our traditions of freedom and liberty, the efforts to censor schools and suppress libraries must stop.

I will close with an excerpt from the 1978 decision of the U.S. District Court for the District of Massachusetts in *Right to Read Defense Committee of Chelsea v. School Committee of the City of Chelsea*:

“The library is ‘a mighty resource in the marketplace of ideas’ ... There a student can literally explore the unknown, and discover areas of interest and thought not covered by the prescribed curriculum. The student who discovers the magic of the library is on the way to a life-long experience of self-education and enrichment. That student learns that a library is a place to test or expand upon ideas presented to [them], in or out of the classroom... The most effective antidote to the poison of mindless orthodoxy is ready access to a broad sweep of ideas and philosophies. There is no danger in such exposure.

Chairman BEAN. Dr. Friedman, well done. Right on the money. Thank you so much for sharing your thoughts and ideas. There will be questions for you in just a minute. Let us go to Mr. Max Eden, welcome to the Committee. You are recognized for 5 minutes.

**STATEMENT OF MR. MAX EDEN, RESEARCH FELLOW,
AMERICAN ENTERPRISE INSTITUTE, WASHINGTON, D.C.**

Mr. EDEN. Thank you. Chairman Bean, Ranking Member Bonamici, members of the Subcommittee, thank you for inviting me to testify. My name is Max Eden, and I am a Research Fellow at the American Enterprise Institutes. For years now, American parents have been slandered by left wing advocacy organizations and the media as book banners.

My testimony today is simple. Books are not being banned, but many parents prefer that school libraries not stock pornographic materials, and some school board members agree that this is reasonable. Now citizens who hear the word book ban can be forgiven for being alarmed, unfortunately, their alarm is not rooted in reality, but rather in the twisted abuse of the English language.

The media keeps using the word banned, but that word does not mean what you think it means. In common usage, banned means made unavailable, and of course the most banned book, Gender Queer, is still available on Amazon. The conversation, rather centers on school library availability. If ban means made unavailable, then virtually every book ever published has been banned, but that is not even what that word means here.

Indeed, a book can be both banned and freely available to students. The media has run with the twisted definition of ban offered by PEN America. As Dr. Friedman said, if a book is present on Monday, pulled for review on Tuesday, and then back on the shelves on Wednesday, that book has, according to them, been banned.

If a parental permission requirement is placed on a book, that book has allegedly been banned. If a book is moved to a guidance counselor's office, that book has been banned. It is a good thing that Orwell is still an author. To provide an account that is not utterly linguistically dishonest, the Heritage Foundation Jay Green, Madison Marino and I, set out to assess how many of the 2,532

books that PEN's 2022 report labeled as banned, were actually removed from school libraries.

We did this with one simple trick. We checked the card catalogues. As it turns out, nearly three-quarters of the books that PEN labeled as banned, were still in the school libraries. You may have heard that books are being banned because of race or LGBT issues, but that is not really true.

PEN America labeled the Black Lives Matter inspired *The Hate You Give*, as the fifth most banned book. A book that Ms. Bonamici referenced in her opening statements. She will be relieved to hear that we found that book in every single school library present. You have also heard that this is about LGBT issues, but when the Washington Post examined over 1,000 review requests made by parents, less than 7 percent said LGBT, without also using the word sexual, although those book requests may have contained words like pornographic or obscene.

That is what this issue is really about. The provision of sexually explicit material to children by public employees. Now this is a question of adult judgment. Hustler has close-up genital photos, and most believe this is not appropriate for school libraries. *Romeo and Juliet* have lyrical illusions to sex, and most believe this is fine for school libraries.

A line must be drawn somewhere between those two points, but where exactly? Take the previously mentioned *Gender Queer*, that graphic novel famously includes a picture of oral sex being performed on a wearable sex toy. Is this okay for kids? I have lost count of the number of times that parents have tried to read these passages at school board meetings, only to be cutoff because school board members insist it is too obscene to be read out loud, because you know, kids could be listening.

If you examine the top ten most actually removed books here is what you find. *Gender Queer*, orally inserting a wearable sex toy. This book is gay. A how to guide for meeting strangers for sex-on-sex apps. *Out of Darkness*, Rape. *Later Gator*, a discussion of the finer points of oral sex. *All Boys aren't Blue*, *Underage Incest*, *It's Perfectly Normal*, *Drawings of kids masturbating*. *Lawn Boy*, 10-year-olds performing sodomy on each other. *Jack of Hearts*, disposing of a condom soiled from anal sex. *Prank*, a meth fueled rape. *Lucky*, rape, no meth involved. *A Court of Mist and Fury*, which contains comparatively tame sexual intercourse.

The Biden Department of Education's Office of Civil Rights is investigating and threatening to withdraw Federal funding from school districts that even think about removing these books. For example, the Forsyth School District in Georgia reevaluated *Me, Earl and the Dying Girl*. Why? Well in one passage, which maybe I should not read verbatim, one character asks another if he knows how to perform oral sex on a woman.

The other character replies no, but that he has been taught by Papa Gaines how to perform oral sex on an anus. Now if you are a school board member who thinks that maybe schools do not—libraries do not need reference to oral sex being performed on anuses, you will be investigated by the Biden Department of Education.

If you are a mom who believes that maybe a reference to oral sex and anuses is inappropriate material for a school library, you may be accused of being basically akin to a Nazi by an organization like PEN America.

Why is it exactly that leftwing nonprofits, the media, and the Biden administration are so keen to enforce stocking school libraries with this material? I am not quite sure, but what I do know is it is perfectly reasonable for parents to not want this material, and it is perfectly reasonable for school board members to meet their preferences.

[The prepared statement of Mr. Max Eden follows:]



Statement before the House Committee on Education and the Workforce
On: "Protecting Kids: Combating Graphic, Explicit Content in School Libraries."

The Book Ban Hoax

Parents Just Don't Want Public Employees to Provide their
Children with Sexually Explicit Material

Max Eden
Research Fellow

October 19, 2023

The American Enterprise Institute (AEI) is a nonpartisan, nonprofit, 501(c)(3) educational organization and does not take institutional positions on any issues. The views expressed in this testimony are those of the author.

Chairman Bean, Ranking Member Bonamici, members of the Committee on Education and the Workforce's subcommittee on Early Childhood, Elementary, and Secondary Education, thank you for inviting me to testify.

My name is Max Eden, and I am a research fellow at the American Enterprise Institute.

For years, now, American parents have been slandered by leftwing advocacy organizations and the media as "book banners."

My testimony today is simple: Books aren't being banned. But many parents prefer that school libraries not carry pornographic materials, and some school boards agree that this is reasonable.

Citizens who hear the word "book ban" can be forgiven for being alarmed. But their alarm is not rooted in reality, but rather in the abuse of the English language.

The media keeps using the word "banned." But that word doesn't mean what you think it means. In common usage, "banned" means "made unavailable." Of course, the "most-banned" book *Gender Queer* is still available on Amazon.

The conversation, rather, centers on school libraries. If "ban" means "made unavailable," then virtually every book ever published has been banned. But that's not even what the word means here. A book can be both "banned" and freely available for students.

The media has run with the twisted definition of "ban" proffered by

PEN America. According to PEN, if a book has been taken off the shelves, reviewed, and then put back on the shelves it has been “banned.” If a school adds a parental permission requirement to a book it has been “banned.” If a book is moved to the guidance counselor’s office, it has been “banned.”

It’s a good thing that Orwell is still on offer. To provide an account that isn’t utterly linguistically dishonest, the Heritage Foundation’s Jay Greene, Madison Marino, and I set out to assess how many of the 2,532 books PEN’s 2022 report labeled as banned were actually removed from school libraries.¹ We did this with one simple trick: we checked the card catalogues. As it turns out, nearly three quarters of books that PEN labeled as “banned” were still in school libraries.

You may have heard that books are being banned because of race or LGBT issues. But that’s not really true. PEN America labeled the Black Lives Matter inspired *The Hate U Give* as the fifth most banned book. But we found it available in every school library in question. And when *the Washington Post* examined over a thousand review requests made by parents, less than 7 percent mentioned LGBT without also containing the word “sexual.”² (Although those requests may have contained words like pornographic or obscene.)

That’s what this issue is really about: the provision of sexually explicit material to children by public employees. This is a question of adult judgement. *Hustler* has closeup genital photos; most

¹ Jay Greene, Max Eden, and Madison Marino. “The Book Ban Mirage,” Education Freedom Institute, July 20, 2023, <https://www.aei.org/research-products/report/the-book-ban-mirage/>.

² Hannah Natanson, “Objection to Sexual, LGBTQ Content Propels Spike in Book Challenges,” *The Washington Post*, May 23, 2023, <https://www.washingtonpost.com/education/2023/05/23/lgbtq-book-ban-challengers/>.

believe this is not appropriate for school libraries. *Romeo and Juliet* has lyrical allusions to sex; most believe this is fine for school libraries. A line must be drawn somewhere between those two points. But where exactly?

Take the previously mentioned *Gender Queer*. That graphic novel famously includes a picture of oral sex being performed on a wearable sex toy. Is this okay for kids?

I've lost count of the number of times that parents have tried to read these passages at school board meetings, only to be cut off because the school board members insist that it's too obscene to be read out loud – because, you know, kids could be listening.

If you examine the top 10 most actually-removed books, here's what you find. *Gender Queer* – orally inserting a wearable sex toy. *This Book is Gay* – a how to guide to meeting strangers on sex apps. *Out of Darkness* – rape. *l8r g8r* – a discussion of the finer points of oral sex. *All Boys Aren't Blue* – underage incest. *It's Perfectly Normal* – drawings of kids masturbating. *Lawn Boy* – 10-year-olds performing sodomy on each other. *Jack of Hearts* – disposing of a condom soiled from anal sex. *Crank* – a meth-fueled rape. *Lucky* – rape, meth-free. And *A Court of Mist and Fury* – comparatively tame sexual intercourse.

The Biden Education Department's Office for Civil Rights is investigating and threatening to withdraw federal funding from school districts that even think about removing these books.

For example, the Forsyth school district in Georgia re-evaluated *Me, Earl and the Dying Girl*. Why? In one passage, which I maybe

shouldn't read verbatim, one character asks another if he knows how to perform oral sex on a woman. The other character replies no, but that he has been taught by "Papa Gaines" how to perform oral sex on an anus.

If you're a school board member that thinks that maybe school libraries don't need reference to performing oral sex on anuses, then be prepared for the Biden administration to come down hard on your district. And if you're a mom who thinks that performing oral sex on anuses is inappropriate material for school library, then be prepared for some leftwing organization like PEN America to suggest that you are kind of akin to a Nazi.

Why is it, exactly, that leftwing non-profits, the media, and the Biden administration are so keen to enforce stocking school libraries with pornographic material? They each have their reasons, I'm sure.

But one thing is certain: it's perfectly natural, normal, and responsible for parents to prefer that school districts not stock their libraries with pornographic material. And it's good for school board members to meet the moral preferences of parents.

Chairman BEAN. Mr. Eden, thank you very much. There will be questions for you in just a moment too. Let us go to Superintendent Degenfelder. We are glad to have you here, welcome. You are recognized for 5 minutes.

STATEMENT OF MS. MEGAN DEGENFELDER, SUPERINTENDENT, WYOMING DEPARTMENT OF EDUCATION, CHEYENNE, WYOMING

Ms. DEGENFELDER. Good morning. Thank you, Chairman Bean, Ranking Member and Committee for the opportunity to speak with you today. My name is Megan Degenfelder, and I am the elected State Superintendent of Public Instruction for the State of Wyoming.

I ran for this position because I am passionate about public education as one of the most important tools of lifting people out of poverty and fulfilling the American dream. The fundamental purpose of public education is to prepare students for jobs, and to be good American citizens. This purpose becomes compromised when our parents lose trust and confidence in our public schools.

During the campaign, I spoke with voters all across the State regarding their concerns on public education. At the top of the list, among all varying communities, was fear of inappropriate and sex-

ually explicit materials in schools. This issue is destroying trust and confidence in our public education. I met a mother whose teenage daughter approached her with a book she was uncomfortable with at school.

The mother, rather than having a knee jerk reaction, and storming a school board meeting, read the book herself. What she found was appalling. Sexually depicted, graphic acts. As a survivor of childhood sexual abuse, this mother was not only triggered by the book, but also fearful that other minors reading this book may become conditioned to the material, and not speak up as victims themselves.

When they asked the teacher to opt out of the book, several other students spoke up almost immediately. They too felt uncomfortable. What came of standing up against this book? The teacher became their bully, asking the child what the big deal was, and why she was pushing this?

This child now fears going to school and begs to attend virtual education. Her younger siblings will now be home schooled because this parent has lost trust in public education. Is this happening with every teacher in every school? Of course not. We have many incredible teachers and librarians, but there are books available, paid for by taxpayer dollars, with graphic depictions of sexual acts that are made available to minor children under the age of sexual consent.

I have included in your materials, Excerpts from Wyoming, one of the most conservative states in the country. Mentioning details of this book feels wildly inappropriate in a congressional hearing. Why then is it available to our children? Graphic and erotic images of any sexual orientation are not suitable for minor children and are a complete misuse of taxpayer dollars.

It is common sense that a child should not have access to pornography while at school. When did protecting our children become so controversial? Why do parents have to opt in for field trips and medical care, but not sexually explicit materials?

We must understand that schools are temporary custodians. They do not have free reign. Our parents do not cede their rights and responsibilities at the schoolhouse door. There is absolutely no room for distractions or inappropriate influences when ACT scores are at a record low, and the national average of students proficient or above on NAPE are only 26 to 35 percent.

How do we solve this issue? It certainly should not be left up to the Federal Government. I respect local control in government, including authority of books and curriculum by locally elected school boards. However, through our research we found that many districts do not have a robust system, or policies in place for appropriate library materials, and they need support from the State level.

My approach at the State level has become working with stakeholder groups to create statewide library guidance, to be released in the coming weeks with sample definitions, model policy, and allowing for a transparent public process. Our committee includes parents, librarians, school administrators, school board members, all of varying backgrounds and viewpoints.

This issue of sexually explicit material in schools must be addressed, so that we can return our focus to the fundamental purpose of education and regain trust in public education. I will never stop fighting for the safety of Wyoming children. Thank you.

[The prepared statement of Ms. Megal Degenfelder follows:]



Opportunity Through Education

Megan Degenfelder – Superintendent of Public Instruction

Wyoming Department of Education
122 W. 25th St., Ste. E200
Cheyenne, WY 82002
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Subcommittee on Early Childhood, Elementary, and Secondary Education
Committee on Education and the Workforce
U.S. House of Representatives

Chairman Bean and Ranking Member Bonamici:

My name is Megan Degenfelder and I am the elected State Superintendent of Public Instruction for the state of Wyoming. I was sworn into office in January of this year. I ran for this position because I view public education as one of the most important tools in lifting people out of poverty and fulfilling the American dream. The power of public education, when it meets its fundamental purpose, is to prepare students for jobs and to be good American citizens so our communities and our country continue to grow stronger than they were before. However, this fundamental purpose becomes compromised if parents lose trust and confidence in their public schools. And that is exactly what is happening right now - due in no small part to the introduction of inappropriate, sexually explicit materials in school libraries.

I had the opportunity to campaign extensively over the course of a year to every corner of my state. Through this experience, I spoke with thousands of voters about their concerns regarding public education. At the top of this list - across all varying types of communities was fear of inappropriate curriculum and materials in schools. This trend is destroying trust and confidence in our public schools across the country.

Many Wyoming parents are working full-time jobs, sometimes multiple jobs, while also full-time parenting. Single parents are doing everything they can just to keep their heads above water. But all parents should feel peace when their child gets on that school bus or leaves the car at their public school drop off. They should trust that their child's school is going to be a productive and safe place to learn, free from undue influence.

But when I heard the stories from families and learned the source of some parents' concerns, I was alarmed. I want to share just one such story with you. I recently met a mother trying to raise her family of eight children. She was approached by her teenage daughter about a book she was assigned to read in school that was making her uncomfortable. This mother didn't want to have a knee jerk reaction and storm a school board meeting - so she decided to read the entire book for herself. What she found was startling to her. The book contained graphic sexual depictions, including oral sex and profanity. This mother is a survivor of child sexual abuse, and the book was not only triggering for her, but also made her fearful that the minors reading it could become desensitized and conditioned to think that some of the depictions they were reading were acceptable and not speak up if they were victims themselves.

She approached the teacher, asking if her daughter could skip this particular book and choose something that made her more comfortable. Almost immediately several additional students spoke up - saying they too were uncomfortable and wanted a different book to read. So, what resulted from this child and mother speaking up? The teacher became her bully - making remarks to her in front of her fellow classmates, calling her daughter a "tattle tale" and asking her "what the big deal was." Her

daughter now begs to switch to remote learning and fears going to school, even after eventually transferring to another class. Her younger siblings will now be homeschooled, because this parent has lost trust in her public school system. All because of a book containing sexually explicit content.

Is this happening with every teacher or in every school? Of course not. We have many great teachers and leaders in public education. But there are books currently available to minor aged K-12 students and paid for by taxpayer dollars that include graphic depictions of sexually explicit acts - including drawings. I know, I didn't believe it at first either. But unfortunately, I have seen these books firsthand with my own eyes. Even mentioning the details of these books feels wildly inappropriate. However, if they are too inappropriate to discuss with you today, then I ask why they are available to our children? I have included excerpts from books that were identified in two different school districts in Wyoming, one of the most conservative states in the country, for your review. These books were made available to children below the age of sexual consent. And what is most insidious about this effort to subject them to this sexualized content at younger and younger ages - is that the titles and covers of the books are designed to appear innocent making it all the more difficult to identify age appropriateness.

Graphic imagery and erotic images - of any sexual orientation - are not only beyond the scope of the sexual education state standards, but they are also not suitable for minor children and are a complete misuse of taxpayer dollars. There are many places for such material to exist as resources for adult individuals, but a K-12 public taxpayer funded library created specifically for minors to advance their education is not the place.

It is common sense that children should not be able to access pornographic material while at school. When did protecting our children become so controversial? Why are parents required to opt-in to field trips and emergency medical care for a child but not sexually explicit materials? We need parents and families to be involved in their student's education and brought into transparent school curriculums. If parents are concerned that their child is being inappropriately influenced while they should be safe at school, then nothing else matters and we lose sight of the fundamental purpose of education.

Our schools are where we build community and foster qualities essential to an orderly, rules-based society. It doesn't matter if you are poor or rich, or what color your skin is, or any other differences - in the classroom everyone is there to learn a common set of skills and knowledge. Through extracurricular school activities like sports, we develop a sense of leadership, teamwork, fairness, and community spirit. We carry these important attributes with us into the workplace and into civic life, and we are all the better for it. Or at least that's how it's supposed to work, and how it has worked, until very recently. Too often today our public schools are places for social experimentation that serve to divide rather than unite us.

It is our goal in Wyoming to raise a new generation of leaders to preserve, protect, defend and improve upon what has made America the greatest nation on the planet. With this goal in mind, I laid out a strategic plan for my department. This included, among others, a key initiative on empowering parents around curriculum and library materials. There is absolutely no room in classrooms for distractions and

inappropriate influences when ACT scores are at a record low and the national average of students proficient or above on the national comparator exam known as NAEP are between 26% to 35%.

So how do we solve this issue? It certainly should not be up to the federal government. I respect local control in government. Education is no exception, so I respect the duly elected school board authority over books and curriculum. In fact, in Wyoming, the authority over textbooks is specifically granted by the state constitution to local school districts. Growing up with a parent who served on our local school board, I have seen firsthand that these volunteer board members need help from their constituents to deliver on the campaign promises they make. It is a serious and critical job that takes an enormous amount of time and due diligence. However, through our research we have found that many districts do not have a robust system or policy in place for library materials, therefore we need to support them from the state level.

My approach at the state level has been working with a stakeholder group to create statewide library material guidance, including sample definitions and model policy, expressly prohibiting sexually explicit material, and allowing for a transparent public process for selecting and reconsidering material. Our stakeholder committee includes voices of parents, librarians, school administrators and school board members of varying backgrounds and viewpoints. In addition to the creation of this committee, I have attended and testified at local school board meetings on this very issue, because I believe it is important for those of us in leadership positions to lend our voice to protect our children.

In closing, thank you again for this opportunity. Our public schools are under more scrutiny than ever before - and for good reason. Declining academic performance, deteriorating student discipline, political influences, and inappropriate sexualization are all real and serious problems. Again, are they happening in every school? Of course not. There are wonderful teachers and school leaders across the country doing incredible things. But are they happening enough to cause concern among parents across the country? Yes, they are, and they must be addressed so we can return our focus on the fundamental purpose of public education. But for today-we can focus on this issue at hand and hopefully start to find solutions to it. I, for one, will never stop fighting for the safety of Wyoming's children.

Thank you,



Megan Degenfelder
Wyoming State Superintendent of Public Instruction



Chairman BEAN. Well done. All of our panelists are all-star panelists, get an A plus for coming in on time. If you are watching at home, we are talking adult material here, so a warning to all that are watching or are here present. I will yield myself 5 minutes for questions. Dr. Foxx, get ready. I will yield extra time to you. Let us go with Ms. Smith.

In Montgomery County, Maryland when you have said this is wrong to school board officials, and other elected officials there, how have they received you? Have you found them being welcoming and say we are going to fix this problem, or have they rebuffed you?

Ms. SMITH. To be honest, they do not like when I speak up because then other parents start getting involved. What we have seen since then has been thousands of parents coming to the Board of Education, Muslims, Ethiopians, you name it, and parents are just shocked and honestly appalled that we are even having these discussions at Board of Education.

Montgomery County is the richest county in the U.S.

Chairman BEAN. Are we making progress in Montgomery County, Maryland?

Ms. SMITH. No, sir.

Chairman BEAN. I am sorry to hear that. Let me go to the Superintendent from Wyoming. What do we want to take away? What does the rest of the Nation need to take away? You are having success in Wyoming. What do other states need to do?

Ms. DEGENFELDER. Mr. Chairman, I believe wholeheartedly in local control and decisionmaking as close to the people as possible. As I mentioned, knowing that school board members are made up of volunteers, and have a heavy task ahead of them. My father served on our local school board. We need to make sure that we provide support to them, model policy and guidance from the State level.

At the local level, I think it is incredibly important to have transparency, to have processes in place, and to have public input. Those things are important, and for our local schools and leaders to remember that again, they cannot step beyond the bounds of the rights of parents.

Chairman BEAN. Thank you very much, and Mr. Eden, what is a better definition? You have already said others have wild definitions of what ban means. What is a real definition of ban that you want to put forth that we should consider?

Mr. EDEN. Yes. I mean a book could be considered banned when you are no longer able to access it.

Chairman BEAN. That is simply not the case. We are just talking about what is appropriate for children?

Mr. EDEN. Correct. As I mentioned, about three-quarters of the books that are allegedly banned are actually still in school libraries.

Chairman BEAN. Amen. Amen. Thank you very much. I yield the remaining 3 minutes to our Chairman Dr. Foxx. You are recognized.

Mrs. FOXX. Thank you, Mr. Chairman, and I want to thank all of our witnesses for being here today to discuss this very timely subject. It is something very, very important to the American peo-

ple. Mr. Friedman. I have a quick question for you. Do you condemn Hamas?

Mr. FRIEDMAN. Yes, I do.

Mrs. FOXX. Thank you very much. I am glad we agree on that. Mr. Chairman, I will yield back to you. I appreciate that. Thank you very much.

Chairman BEAN. Thank you very much. The Committee will now yield time to Ranking Member Bonamici for questions. You are recognized.

Ms. BONAMICI. Thank you, Mr. Chairman. Before I begin, I want to enter these into the record, two letters. One from the American Library Association pointing out, among other things that a parent does not have a right to restrict through government action what another parent's child may choose to read, which would intrude on the other parent's right to decide for their own child.

Chairman BEAN. Without objection.

[The letter of Ms. Bonamici follows:]

ALA American Library Association

October 19, 2023

The Honorable Aaron Bean
Chair
Subcommittee on Early Childhood,
Elementary, and Secondary Education
Committee on Education and the Workforce
U.S. House of Representatives

The Honorable Suzanne Bonamici
Ranking Member
Subcommittee on Early Childhood,
Elementary, and Secondary Education
Committee on Education and the Workforce
U.S. House of Representatives

Re: "Protecting Kids: Combating Graphic, Explicit Content in School Libraries"

Dear Chair Bean and Ranking Member Bonamici,

On behalf of the American Library Association (ALA), I am writing to provide our views for the record of the Subcommittee's hearing on "Protecting Kids: Combating Graphic, Explicit Content in School Libraries."

Every day, more than 360,000 library professionals in every community across America work to promote literacy, provide access to information, and introduce children to the joy of reading. Rooted in the promises of the First Amendment and the Founders' vision of individual liberties, the freedom to read is central to libraries. The Constitution prohibits public bodies, such as public schools and libraries, from censoring reading choices based on their viewpoint, or from enacting censorship motivated by a discriminatory purpose. Libraries uphold these Constitutional principles by enabling readers to choose materials representing a variety of opinions and views.

ALA is alarmed by an increasing trend of efforts to censor reading choices in libraries around the country. In 2022, ALA's Office for Intellectual Freedom tracked the highest number of demands to ban books reported since we began compiling data. In addition to attempts to censor individual books, recently several state and local governments have enacted or proposed policies that would undermine the freedom to read. ALA strongly opposes book bans for the following reasons:

Book bans are unconstitutional and an affront to the Founders' vision of individual liberties and the reader's right to receive information.

The First Amendment protects an individual's right to receive information, including a student's right of access to information in a school library. As public institutions governed by the First Amendment, libraries may not restrict or remove books or other resources because of a dislike or disapproval of the viewpoints expressed in the work. As Justice Brennan wrote, "Our Constitution does not permit the official suppression of ideas." *Island Trees School District v. Pico*, 457 U.S. 853, 870 (1982). Furthermore, the equal protection clause of the Fourteenth

Amendment prohibits censorship that is motivated by a discriminatory purpose. *See Arce v. Douglas*, 793 F. 3d 968, 977 (9th Cir., 2015).

Book bans are unnecessary under libraries' existing professional standards for acquiring a variety of materials to meet users' age-appropriate information needs and interests.

School library collections are typically overseen by librarians who hold a Master's in Library Science or comparable graduate degree, and who in many states are required to hold a state certification. Library collections are developed in accordance with professional standards, the school's collection development and reconsideration policies, and applicable law, including the U.S. Constitution. Research shows that the opportunity to select from a wide range of age-appropriate materials for voluntary reading positively impacts children's reading abilities.

Parents are best suited to determine which books are appropriate for their own children, free from government censorship.

Librarians respect a parent's right to guide their child's reading, and encourage parents and children to talk together about the materials that they are reading. A child's own parents are best equipped to understand the child's intellectual and emotional development. However, a parent does not have a right to restrict through government action what *another* parent's child may choose to read, which would intrude on the other parent's right to decide for their own child. Furthermore, it is false and unsupported by law to claim that books are obscene or harmful to minors because they present accurate medical information, depict human anatomy, contain content addressing LGBTQ+ issues, or include excerpts describing sexual behavior; obscenity is narrowly construed under law and excludes materials that a reasonable person would view as having serious literary, artistic, political, or scientific value.

In summation, we believe it is the school library's job to make a variety of age-appropriate reading choices available, and the parent's job to guide their individual child's reading. If we can provide additional information, please contact Gavin Baker (gbaker@alawash.org).

Sincerely,



Deborah Caldwell-Stone, J.D.
Director, Office for Intellectual Freedom
American Library Association

The American Library Association ("ALA") is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, the ALA has been the trusted voice for academic, public, school, government, and special libraries, advocating for the profession and the library's role in enhancing learning and ensuring access to information for all.

Ms. BONAMICI. Another letter from the Penguin Random House
opposing censorship.
Chairman BEAN. Without objection.
[The letter of Ms. Bonamici follows:]



October 17, 2023

Dear Honorable Members of the Subcommittee,

We are reaching out to register our alarm over the increase in book bans in public schools and libraries across our country.

The foundation of an open society is the free exchange of ideas. Book bans are unconstitutional and prejudicial, and they have implications that reach far beyond the classroom. They inhibit our children's growth, understanding, and readiness to participate in our democracy.

From restrictions to removals and rating systems, book bans take a variety of forms. Even if a student is theoretically able to obtain a book independently, bans communicate powerful stigmas that lead to fear and self-censorship.

Book ban legislation is often premised on parental rights. Yet these laws fail to respect the rights of parents who want their children to have access to a variety of perspectives. They also fail to account for the rights of other stakeholders: educators, authors, and—most critically—students. Every American student has a constitutional right to access information that is relevant to them.

Age appropriateness—the pretext these discriminatory laws are based on—is a false construct. There is no one-size-fits-all, binary approach to matching books with readers. Students of the same age vary in their capacity for understanding based on cognitive development and life experience. Educators and librarians are trained professionals who curate books based on reading comprehension level, maturity, and their unique understanding of students' needs.

Politically charged, subjective definitions of "appropriateness" tear at the fabric of our democracy. They replace free thinking and independent exploration with orthodoxy. We must trust and empower trained educators and librarians to act in the best interest of students and communities.

At Penguin Random House, our mission is to connect authors with readers. We are proud to publish a vast range of ideas and stories from across the spectrum of identities, as well as scientific, political, and religious perspectives. Every book deserves the opportunity to find its reader. If a state or local government disagrees with an author's message, it can offer its own competing vision. Banning a book is the resort of a government whose message cannot win the hearts and minds of a community. As Supreme Court Justice John Brennan wrote, "The dissemination of ideas can accomplish nothing if otherwise willing addressees are not free to receive and consider them. It would be a barren marketplace of ideas that had only sellers and no buyers."

We respectfully urge the Subcommittee to consider the long-term consequences of book ban laws on education and within our society, and to prioritize policies that empower educators, respect and enrich students, and uphold the First Amendment and the democratic ideals we cherish as Americans.

Thank you for your time and consideration. We hope for a collaborative approach to ensure every child has the opportunity to learn, grow, and thrive.

Penguin Random House

Ms. BONAMICI. Mr. Chairman, we are 9 months into this Congress, and many of our colleagues on your side of the aisle continue to focus on culture war issues, rather than working together on bipartisan solutions that support public schools, students, parents, and educators, by uplifting extremist efforts to ban books, rewrite curriculums, and silence diverse perspectives.

That denies students and their families an inclusive representative education that allows students to become critical thinkers in the next generation of problem solvers, who will lead our Nation. We do not need more efforts that turn parents against educators, or transfer taxpayer dollars to private schools, or attempt to extinguish the rights of LGBTQ students.

Dr. Friedman, I want to start by setting the record straight. There have been some allegations that PEN America's statistics on book bans are inaccurate or inflated, so please clarify the accuracy of your organization's information, data, and research methods.

Mr. FRIEDMAN. Sure. I would be happy to. You know I do a lot of work on education, trying to help people understand freedom of speech. I think one of the aspects that is so troubling about this moment is that a fundamental freedom that belongs to us all is being misunderstood, misrepresented, and twisted.

Our definitions with regard to the banning of books and the restrictions in schools is tethered very tightly to clear, First Amendment jurisprudence, numerous decisions in the history of this country that honestly, they have not been up for debate in half a century.

The idea that schools have to conduct themselves in accordance with the transcendent imperatives of the First Amendment, that you know, no official high or petty should be prescribing what should be orthodox in public institutions. With regard to our data, it is based on news reports. It is based on scanning board minutes.

Our data is completely transparent, and critically our data is a snapshot in time. If we are saying these books were banned in 21–22 school year, we are tracking the range of prohibitions. The reason we are doing that is because the range of prohibitions is wildly unprecedented.

PEN America has been doing work on book bans for on and off 100 years as these issues have flared up, and I can tell you that 3 years ago, 4 years ago, there was nothing like this on the scene. When a story would come out about a book ban somewhere in the country, it really commanded this attention, but something changed.

A movement to encourage people to try to censor information and ideas, and so—

Ms. BONAMICI. Okay. I am going to try to get another question in too, Dr. Friedman.

Mr. FRIEDMAN. Sure.

Ms. BONAMICI. I just think that thing was in the mid 1960's when Justice Potter Stewart said I know it when I see it for, you know, what is pornography. I mean there is so many different definitions, and who is defining I think is part of the problem. Republicans talk about the danger of exposing students to books they deem inappropriate because of their personal values or preferences, but we really need to highlight the danger of ignoring, or worse,

erasing history by removing school library books that portray representations of marginalized people, culture, experiences.

Books like *Home Going*, and *The Kite Runner*. Those are outstanding or modern day works of historical fiction. Books like *All Boys Aren't Blue*, a captivating memoir. It is affirming for young LGBTQ readers, especially those who are black, as they establish their identity and grow up in a world that can be unforgiving and discriminatory.

I think about the Spanish American philosopher George Santayana, who wrote back in 1905 in *The Life of Reason*, "those who cannot remember the past are condemned to repeat it." Dr. Friedman, how important is it for students to have access to a wide variety of books from which they can learn about the world before them, and the world around them?

Mr. FRIEDMAN. Oh, it is absolutely critical, and those are the kinds of works that we have seen under attack sometimes directly through challenges. Other times almost carelessly, you know, somebody gets a list of books and is not even checking it, and just issues a prohibition on everything on the list, and does not even realize that that book, that that list of 400 books contains picture books for children, biographies of historical figures of color in American history. I mean that is what we are facing right now, and it is critical that we stand up to it.

Ms. BONAMICI. Thank you, and just for each witness, just yes or no please because I'm about out of time. Is it important for students to have access to a school library that includes books from authors and on topics spanning different cultures, backgrounds, identities, and perspectives?

Ms. SMITH. Yes, ma'am.

Ms. BONAMICI. Dr. Friedman, is that important?

Mr. FRIEDMAN. Yes, absolutely.

Mr. EDEN. Yes.

Ms. DEGENFELDER. Yes.

Ms. BONAMICI. Thank you very much. I yield back the balance of my time.

Chairman BEAN. Thank you very much Ranking Member Bonamici. Let us go to Utah where Mr. Owens, Burgess Owens, you are recognized for questions.

Mr. OWENS. Thank you. Thank you so much Mr. Chairman, and your guests and our witnesses. Some say that we are here today to talk about so-called book burning in K through 12 school libraries. Our nation's most consequential book banning was done by Supreme Court in 1963, when officially mandated Bible reading, this book, is banned from all of us, anything to deal with Federal it's no longer you can see it, can no longer read it.

I think that some that are listening today, they probably think this is totally unconstitutional, and I can even hold it up. Due to the banning of this book, generations of Americans today have no knowledge of the tenants upon which this country has been founded.

It is based on a belief that with God and time we can truly become a more perfect union. To ban the knowledge of basic truths of happiness, like the Judeo Christian concepts of the Golden Rule, which says we should treat others the way we want to be treated,

or abandon the knowledge of the Ten Commandments, among these, Thou shall not steal, Thou shall not kill, Thou shall not commit adultery, Thou shall honor their father and their mother.

We instead find the greatest disdain for these laws wherever Democrats rule. We find the banning of parents for school board meetings. We find where Democrats rule, we find the banning of parents from knowledge of the mental State of their children. Wherever Democrats rule, we find the banning of knowledge what other adults, strangers, are doing to sexualize our kids.

These are samples of books that Democrats, the National Library of Association, demand that we do not ban. *Gender Queer*, features pictures of oral sex performed on sex toys. *This Book is Gay*, provides a how to guide for strangers for sex on gay sex apps. *Out of the Darkness* contains rape. *Lucky* contains rape. *All Boys are Blue* contains underage incest. *Lawn Boy* contains a passage with 10-year-old boys performing oral sex on each other.

These books are available to school age children, and there is no shame from those who say this is not right. I am very proud of the engagement of parents who now recognize that rot and filth is being pushed on innocence of vulnerable children.

There is a reason why the two words, too young, are never spoken by those who have no respect for parents, their children, or the family unit defined by God to raise and protect them. Last year, Utah passed H.B. 374, a bill that prohibits child access to pornography in our school systems, because in Utah we get it right. We care more about our kids than our ideology.

Bills have been passed to protect children from internet pornography at schools, but students need the same protection from books. Our Republican majority this year passed H.R. 5, the Parents Bill of Rights, that protects students, and ensures parents of their rights to know what books are in school libraries.

Not one of my Democratic friends voted yes. Not one.

Moving forward, our Republican majority will work to stop the entrapment of children in institutions who prioritize sexual indoctrination, instead of reading, writing, and thinking and succeeding.

Every child, regardless of city, State, zip code, should have the right to educational freedom, as released in the power of the free market and our democracy, parents will have the civil rights to access a quality education for their child.

Mrs. Smith, one of the things you mentioned—the library books do not stay in the library, essentially on the shelves, they can be used directly for school curriculum. Is this correct? What is the implication of how this might be used inappropriate content?

Mrs. SMITH. Yes, sir. Actually, my second grader last year was read one of these books off the shelf, and he was very uncomfortable, and actually had to leave the library and asked to go to the bathroom because he was uncomfortable. I do not think we should ever put a 7 year old in that predicament.

I think that we need to start thinking that these books should not be available to these kids in the first place. For a 7 year old to be bold enough to actually walk out, that we should not even put our kid in that situation in the first place.

Mr. OWENS. Thank you. Mr. Eden, we have talked a lot about book removal. What do you know—what I would like to know is how do these books get into school's libraries in the first place?

Mr. EDEN. Yes. They get in, in large part, innocently enough on the behalf of school librarians, who look at a list, and see that certain titles are recommended as being LGBT inclusive, and so they purchase the books. They are looking at lists from organizations such as the American Library Association, which at this point, is a wholly ideological organization run by a self-proclaimed Marxist, who has said that school libraries need to be sites of socialist organizing.

There is an agenda, in terms of what is presented to school librarians. School librarians take that agenda, possibly innocently at first, and then are surprised and defensive when they find that they are being objected to, and that is kind of how we are here today.

Mr. OWENS. Thank you. I am running out of time. I will just say, Dr. Friedman, that you have made the strongest case I could think of, of why we need to have educational choice and freedom because people like yourself who will look at facts, and studies and try to convince all of us that parents will know better for their own children.

This is a fundamental concept in our country. Parents have the rights to make sure their kids are educated, not the way other people want, particularly when it comes to sexual content, but the way we want. Thank you, and I yield back.

Chairman BEAN. Thank you, Mr. Owens. Thank you very much. Let us go to Arizona where Mr. Grijalva is recognized for 5 minutes of questions.

Mr. GRIJALVA. Thank you very much, Mr. Chairman. As a former school board member that spent 12 years on a school board with Tucson Unified, back home, the importance of public schools, and in particular, the value of libraries, and the value of a diverse opportunity for all students to be able to access information, and to be able to learn.

That is the environment and the values that I learned being a school board member. They represent the values of this country. I think access is the most important thing. The other important thing is we are protecting the children that attend those schools. Treating those children with the importance that they deserve and the teachers.

One of the things that I see is that erosion of that public institution, and part of it is trying to control what people read and do not read, and one of the things I was going to ask you, Dr. Friedman, and I think that is a huge threat to public education. Part of this whole dismantling agenda that goes around about our public schools.

I wanted to ask you a question, Dr. Friedman, and thank you for your testimony. I represented that school district, and much of the traditional because it was predominantly of color, the community that I represent now, and the school district then was very significant of color. Traditional academic cannons did not reach those students.

The curriculum did not reflect them. The books did not reflect them. The subjects and characters did not look like the students that were going to those schools. Can you just expand briefly upon the potential impacts of banning books in Florida, Roberto Clemente. I mean he is a God, and that was put aside for a while.

Certain poetry. Our superintendent of public education in Arizona, Tom Horn, feels that we should not talk about race at all because it offends some, and that way we do not have to talk about history because it is a part of the story. My question is: tell us how it impacts students and communities.

Mr. FRIEDMAN. Yes. Our schools are becoming more diverse, and research shows that young people are going to be more engaged in learning in schools when their libraries and the books that they have ready access to reflects their identifies, reflect their families, reflect a range of their life experiences, deal with the complexities of the lives that they are living.

The purpose of a library is in fact to be that kind of well spring of information. That is what school librarians are charged with doing. They are not charged with exercising a kind of censorious mindset about how different people in the community might feel about one content or other, they are charged with producing a robust, diverse collection, and that is what is critical.

Mr. GRIJALVA. Yes. I think—and I asked that question because the efforts at least in my home State, and led by the superintendent then, and now again, superintendent, has to do more with the discussion today is about protecting children, the title, from explicit sexual content. Content is also the issue.

Could you talk about examples where banning has to do with the content about what you disagree with an idea, a point of view, versus trying to twist ourselves into a pretzel to try to fit the people's decision in terms of a definition of banning.

Mr. FRIEDMAN. Yes. I think it is just quite clear, and you really cannot separate the facts of what is been going on around the country the past years in terms of how many stories there are of people who are trying to remove books and being successful at removing books that are about black stories by black authors, about LGBTQ lives.

You cannot pretend that is not happening. There are stories in the news. There was a story just this week in Iowa about hundreds of books being removed under one of these laws, and that is been the theme for the past 2 years.

Mr. GRIJALVA. I yield back, Mr. Chairman.

Chairman BEAN. Thank you very much. Sadly, we are out of time. I want to thank each of our panelists for our all-star panelists. You did not disappoint, how about that? Each of you has added to this conversation. I want to say that for any member who wishes to submit questions for the record please submit them to the Committee Clerk electronically by November 2, 2023.

I will yield time to Ranking Member Bonamici. Any final thoughts before we adjourn?

Ms. BONAMICI. Thank you, Mr. Chairman. I think this is an important discussion, but I want to also share some words from the award-winning children's author, Judy Bloom. She said, "I believe that censorship grows out of fear, and because fear is contagious,

some parents are easily swayed. Book banning satisfies their need to feel in control of their children's lives. This fear is often disguised as moral outrage. They want to believe that if their children don't read about it, their children won't know about it, and if they don't know about it, it won't happen."

Mr. Chairman, this is an important issue. We have freedom of speech in this country, but we also have freedom of religion. My colleague with the Bible, I am not sure where he was going with that, but we need to continue this conversation, but we also need to get back to doing what is best for children. Let us talk about the schools where they do not even have a library. Let us focus on that and work together.

Finally, Mr. Chairman, I just want to point out what I mentioned about how people have different definitions. There is a school I believe in Florida, where a teacher was sanctioned for showing students pictures of Michaelangelo's famous statue of David.

That is bordering on the absurd, Mr. Chairman.

I just want to thank the witnesses, and we can all agree that we need to do what is best for our students. Let us continue the conversations about how we get there, and I yield back.

Chairman BEAN. Thank you very much. Here are our takeaways. Inappropriate content is a real problem. All of our witnesses really testified, I know we have different angles of how we come to the solution. Wyoming should be one of our leaders to let local control, I believe, local control is one of the answers.

The Biden administration's book banning czar is a real threat, and hopefully will still allow local control for school boards. Each of you traveled a long way, and you have added to the conversation to Ranking member, thank you for a great Committee today, and with that there being no further business before us, this Committee is adjourned.



**Written Statement Before the U.S. House Committee on Education and
the Workforce
Hearing: Combatting Graphic, Explicit Books in School Libraries**

**Nicole Solas
Senior Fellow, Education Freedom Center
Independent Women's Forum
October 19, 2023**

I appreciate the opportunity to submit a written statement to the House Committee on Education and the Workforce regarding graphic and explicit content in school libraries.

My name is Nicole Solas and I am the mother of two school-aged children and a Senior Fellow with the Education Freedom Center at Independent Women's Forum. IWF is a non-profit organization that advances policies that enhance people's freedom, opportunities, and well-being. The IWF Education Freedom Center informs the public about education policies that harm students and disempower parents and encourages the creation of educational options that focus on academic achievement and create safe environments for students to learn and thrive.

First, it's important to identify the nature and scope of graphic and sexually explicit books in school libraries. This is not an occasional problem. On the contrary, **the amount of sexually explicit books in school libraries is extensive and vast. You can see excerpts from many books¹ and verify the school districts with the books.² This is not an exhaustive list.³** These books do not simply provide clinical sex education describing anatomy and reproduction. They contain numerous pornographic passages and pictures meant to instruct children on sexual pleasure,⁴ sexually excite children, or push a radical, ideological viewpoint of sex and sexuality.⁵ In many cases, these books are unequivocally erotica with both homosexual and

¹ BookLooks.org, Accessed 10/17/2023.

² Nicole Solas, "IWF Pornographic or Ideological Books in Public School." https://docs.google.com/spreadsheets/d/1Pq_UmE5x6xawTADkDQHsEFckOty--SUQlZze7AjJzmq/dj#gid=0, Accessed 10/17/2023.

³ "Sexually Explicit Books in School." Michigan Liberty Leaders. <https://michiganlibertyleaders.com/sexually-explicit-books-in-schools/>.

⁴ BookLooks.org, Book Report: "Sex Plus: Learning, Loving and Enjoying Your Body" <http://www.booklooks.org/data/files/Book%20Looks%20Reports/S/Sex%20Plus.pdf>.

⁵ BookLooks.org, Book Report: "Sex: The All You Need to Know Guide to Get You Through Your Teens and Twenties, 2nd Edition," <http://www.booklooks.org/data/files/Book%20Looks%20Reports/S/sex%20second%20edition.pdf>.

heterosexual storylines framed against the youthful backdrops of high school, family, and friends. In one reported incident, hardcore pornography for adults was removed from a high school library⁶ and you can read an excerpt.⁷ Please take some time to review the listed excerpts and graphics list provided above. You will be astonished.

Pornography harms children and leads to negative mental health and social effects.

The American College of Pediatricians warns that “[c]hildren suffer many negative effects due to modern society’s exposure to and acceptance of pornography. These negative effects include mental disturbance and unrest for the young school age child, including acting out and violent behavior. Because of its harmfulness to children, pornography must never be used as a tool to teach children human sexuality.”⁸

Nevertheless, woke leftists argue that sexually explicit content in school library books is permissible because the sexual content is intended to “educate” them about human sexuality, including sexual pleasure, as part of comprehensive sex education.⁹ This rhetoric is a grooming tactic¹⁰ that desensitizes children to sexual content and makes them vulnerable to sexual harassment and sexual assault at school.

During the 2017-18 academic year, there were 13,799 reported incidents of sexual violence in public schools—a 43% increase from the year prior.¹¹ This influx of pornographic school library books further sexualizes an already fraught school environment for children.¹² There is also the risk that older children will take graphic or sexually explicit content home to younger

⁶ Tommy Wiita, “Adult Romance Novel Removed From Sartell High School Book Collection,” Bring Me The News, January 26, 2023, <https://bringmethenews.com/minnesota-news/adult-romance-book-removed-from-sartell-high-school>.

⁷ BookLooks.org, Book Report, *Him* by Sarina Bowen and Elle Kennedy, <http://booklooks.org/data/files/Book%20Looks%20Reports/H/Him%20slick%20sheet.pdf>, Accessed 10/17/23.

⁸ American College of Pediatricians, Position Statement, “The Impact of Pornography on Children,” June 2016, <https://acpeds.org/position-statements/the-impact-of-pornography-on-children>.

⁹ American College of Pediatricians, Position Statement, “School-Based Sex Education in the United States,” September 2018, <https://acpeds.org/position-statements/school-based-sex-education-in-the-united-states>.

¹⁰ RAINN, *Grooming: Know the Warning Signs*, July 10, 2020, <https://www.rainn.org/news/grooming-know-warning-signs>.

¹¹ U.S. Department of Education, “Sexual Violence in K-12 School Issue Brief,” December, 2022, https://ocrdata.ed.gov/assets/downloads/sexual-violence_updated-December-2022.pdf

¹² Lary Sand, “Red Flags in the Classroom,” *City Journal*, June 21, 2023, <https://www.city-journal.org/article/sexual-abuse-in-public-schools>.

children who are even less emotionally prepared to view graphic and explicit content.

Supporters of these materials in school libraries argue that sexually explicit content should be viewed in the context of the whole book.¹³ This minimizes the impact of pornography on children and falsely assumes children can contextualize graphic content. One page depicting children engaged in sex acts is not justified by a thousand other pages without sexual content. Other media rating systems such as the MPAA and FCC also do not consider context when tracking explicit content for children.

School Library Books Need Parental Advisory Labels

Parents across America catalog and expose explicit school library content on their own websites¹⁴ and Facebook groups¹⁵ because there is no universal, codified system to inform parents of graphic or explicit content in school library books. Other media such as movies, radio, music, and the internet have long-standing rating systems or restrictions that recognize the importance of protecting children from inappropriate content. MPAA ratings on movies have informed parents of inappropriate content since 1968,¹⁶ the **FCC** has regulated radio, TV, wire, satellite, and cable media since 1934,¹⁷ parental advisory labels have been placed on audio recordings since 1985,¹⁸ and school internet restricts access to pornographic websites under the The Children's Internet Protection Act.¹⁹ Accordingly, school library books must also be systematically rated to provide parents with the information needed to determine if a school library book is appropriate for their children.

¹³ Zachary Rogers, The National Desk, "Parents Livid Over Explicit Books in Ga. Schools, One Mom Banned From Board Meetings," March 30, 2022, <https://fox23maine.com/news/nation-world/parents-livid-over-explicit-books-in-ga-schools-one-mom-banned-from-board-meetings-georgia-forsyth-lindsay-henderson>.

¹⁴ Linda Stein, "New Website for Parents to See Ratings, Excerpts from Explicit School Library Books, Delaware Valley Journal, June 10, 2022, <https://delawarevalleyjournal.com/new-website-for-parents-to-see-ratings-excerpts-from-explicit-school-library-books/>.

¹⁵ LaVerna in the Library - Utah's Mary in the Library Facebook Group, <https://www.facebook.com/groups/353057099906284/>, Accessed 10/17/2023.

¹⁶ Motion Picture Association, Film Ratings, <https://www.motionpictures.org/film-ratings/>, Accessed 10/17/2023.

¹⁷ Federal Communications Commission, Consumer Guide: Obscene, Indecent, and Profane Broadcasts, December 30, 2019, https://www.fcc.gov/sites/default/files/obscene_indecent_and_profane_broadcasts.pdf, Accessed 10/17/23

¹⁸ Ashawnta Jackson, "Parental Advisory: The Story of a Warning Label," *JSTOR Daily*, September 19, 2020, <https://daily.istor.org/parental-advisory-the-story-of-a-warning-label/>.

¹⁹ Legal Information Institute, Cornell Law School, [https://www.law.cornell.edu/cfr/text/47/54.520#:~:text=\(i\)%20The%20Internet%20safety%20policy,by%20minors%2C%20harmful%20to%20minors](https://www.law.cornell.edu/cfr/text/47/54.520#:~:text=(i)%20The%20Internet%20safety%20policy,by%20minors%2C%20harmful%20to%20minors), Accessed 10/17/23.

Both the MPAA movie rating system and Parental Advisory music labels were pioneered by concerned parents. A similar advisory committee of parents can organize to implement a rating system for their school library collection. A school district in Iowa used **artificial intelligence** to speedily identify sexual content in school books so there are tools to assist parents and school districts.

School Libraries Should Provide Parent “View Only” Patron Accounts with Parental Restriction Capabilities

Even with a book rating system in place, parents have little control over their children’s unfettered access to inappropriate school library materials. Usually, parents discover graphic or explicit content only after their concerned child brings the inappropriate material to them. Parents are unsupported by school boards that ban²⁰ them from campus, cut off²¹ their public comment at school board meetings, and label them “book banners”²² for their legitimate concerns about graphic and explicit material in school libraries. Most parents still have not seen firsthand the graphic and explicit content in school libraries, and the retaliation against parents who have seen the graphic content obfuscates the solution—transparency and parental control.

One website²³ allows parents to search school library catalogs from home, but without every page of every book published online, it is difficult to know whether a book contains explicit or graphic content. Further, even if parents could read every page of every book, there is no easy or immediate way to restrict their child’s access to graphic or explicit books at school. School libraries should provide parent “view only” patron school library accounts that allow parents to instantly restrict²⁴ their children’s access to inappropriate books. Used in conjunction with parental advisory labels, parent patron school library accounts with restriction capabilities protect the rights of parents to direct the education and upbringing of their own children.

²⁰ Elizabeth Troutman, “Parent Who Exposed Pornographic Library Book Sues After School Bans Him From Property,” *The Washington Free Beacon*, July 15, 2022, <https://freebeacon.com/campus/parent-who-exposed-pornographic-library-books-sues-after-school-bans-him-from-property/>.

²¹ Emma Colton, “Georgia Parent Reading Sexual Content from Library at School Board meeting is Cut Off: ‘Inappropriate,’” *Fox News*, March 24, 2022, <https://www.foxnews.com/us/parent-reading-sexual-content-school-cut-off-board-member-irony>.

²² Max Eden and Jay Greene, “Parents Who Object to Pornographic Material in School Libraries Aren’t Book Banners,” *The Daily Signal*, October 6, 2023, <https://www.dailysignal.com/2023/10/06/parents-who-object-to-pornographic-material-in-school-libraries-arent-book-banners/>.

²³ Destiny Discover, <https://www.gofollett.com/aasp/ui/pick/pick>, Accessed 10/17/23.

²⁴ Piper Hutchinson, “St. Tammany Libraries to Red Flag Certain Graphic Novels,” *Fox8Live*, March 1, 2023, <https://www.fox8live.com/2023/03/01/st-tammany-libraries-red-flag-certain-graphic-novels/>.

“Classroom Libraries” Must Be Inventoried and Treated As School Library Materials

Children also gain access to graphic or explicit books from a teacher's personal collection of books kept in the classroom (“classroom libraries”) which is separate from the school's official library collection. In some cases, a teacher gifts²⁵ or personally selects inappropriate books to give to specific students without the knowledge or approval of the school because it is not approved instructional material or cataloged library material. In the spirit of transparency, teachers should inventory their classroom library²⁶ and include this inventory in the school's broader academic transparency policy.²⁷

The First Amendment allows schools to remove materials that are “pervasively vulgar” or not “educationally unsuitable” under *Board of Education v. Pico*.²⁸

Finally, parents should feel empowered knowing that the First Amendment is on their side. Curating an age-appropriate school library collection is part of the American Library Association's Selection Criteria for School Libraries.²⁹ These criteria recommend that books “[b]e appropriate for the subject area and for the age, emotional development, ability level, learning styles, and social, emotional, and intellectual development of the students for whom the materials are selected.”³⁰ The American Library Association (ALA) even **trained** its member libraries to understand that “school boards have greater discretion over school library materials. If the board can demonstrate that the

²⁵ Christina Watrobski, “Michigan Parents Outraged After Teacher Gifts Middle School Students ‘Pornographic’ Book,” *Crisis in The Classroom, ABC15News*, January 13, 2023, <https://wpde.com/news/nation-world/michigan-parents-outraged-after-teacher-gifts-middle-school-students-pornographic-book>.

²⁶ Alia Wong and Nirvi Shah, “Judge Sides with Florida in Challenge to Rules About Books In Schools,” *USA Today*, July 7, 2023, <https://www.usatoday.com/story/news/education/2023/07/07/florida-judge-tosses-teachers-challenge-on-school-book-rules/70391726007/>.

²⁷ The Goldwater Institute, *Academic Transparency Act Model Legislation*, Revised 6/8/22, <https://www.goldwaterinstitute.org/wp-content/uploads/2021/11/Academic-Transparency-Act-2022-Model-Legislation.pdf>, Accessed 10/17/23.

²⁸ *Board of Education v. Pico*, 457 U.S. 853 (1982) <https://caselaw.findlaw.com/court/us-supreme-court/457/853.html>.

²⁹ American Library Association, *Selection Criteria*, Updated 2018 by ALA Office for Intellectual Freedom, <https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/criteria>, Accessed 10/17/23.

³⁰ American Library Association, *Selection Criteria*, Updated 2018 by ALA Office for Intellectual Freedom, <https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/criteria>, Accessed 10/17/23.

materials are 'educationally unsuitable' or 'pervasively vulgar,' the removal may be upheld by the courts."³¹

Recently, however, the American Library Association reframed sexually explicit content as "diverse materials" to label parents as "book banners" removing "diverse materials" instead of honestly characterizing the books as containing sexually explicit content which can be removed.³² No amount of diversity sanitizes sexually explicit content for children's eyes and the American Library Association should be held accountable for deceiving the public at the expense of children. Parents should encourage schools to disassociate from ALA and join organizations that respect parents' rights.

I hope this written statement provides at least a starting point for parents to take real action steps either as individuals or organized groups to combat the graphic and explicit books in school libraries.

Thank you.

³¹ Dan Kleinman, Right to Read Act Ethics Complaint, Safe Libraries, October 27, 2002, <https://safelibraries.blogspot.com/2022/10/right-to-read-act-ethics-complaint.html>.

³² Dan Kleinman, Right to Read Act Ethics Complaint, Safe Libraries, October 27, 2002, <https://safelibraries.blogspot.com/2022/10/right-to-read-act-ethics-complaint.html>.



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Mr. Max Eden
Research Fellow
American Enterprise Institute
1789 Massachusetts Avenue, NW
Washington, D.C. 20036

Dear Mr. Eden:

Thank you, again, for testifying at the October 19 House Committee on Education and the Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education hearing titled "Protecting Kids: Combatting Graphic, Explicit Content in School Libraries."

Enclosed is an additional question submitted by a Committee member following the hearing. Please provide a written response no later than November 14, 2023, for inclusion in the hearing record. Responses should be sent to Eli Mitchell of the Committee Staff, and he can be contacted at (202) 225-6558.

We appreciate your contribution to the work of the Committee.

Sincerely,

Virginia Foxx
Chairwoman

Enclosed

Representative Virginia Foxx (R-NC):

1. Mr. Eden, as you mentioned in your testimony, Republicans are not “banning” books. I completely agree. Are you aware of a single book that has been outlawed, pulled from Amazon.com, or is otherwise inaccessible for people who want to read it?

I am aware of one single book that has been pulled from [Amazon.com](#): *When Harry Became Sally* by Ryan T. Anderson. Mr. Anderson is a conservative scholar who is currently the president of the Ethics in Public Policy Center, and his book addressed the theory and history of transgender ideology. Abigail Shrier's *Irreversible Damage*, which addresses the same issue from similar perspective but a different angle, is still available on [Amazon.com](#) but was pulled from Target. However, I have been following this issue carefully for years and am unaware of a single book written from a liberal perspective that has been outlawed, pulled from Amazon, or made otherwise inaccessible.

2. Mr. Eden, in your testimony you mentioned that the Biden administration is weaponizing the Department of Education’s Office for Civil Rights. Can you talk more about how the Biden administration is targeting school districts who simply want to keep inappropriate content out?

The Biden administration's Office for Civil Rights has come up with a novel interpretive application of Title VI and Title IX. Regulations for both titles are aimed at curbing hostile environments on the basis of race and sex. According to Title VI, racial harassment must be "sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or benefit from a[n educational] program." According to Title IX, sexual harassment must be so "severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the recipient's education program." The Biden administration is implemented the interpretation that a school district reviewing and considering removing books on the sole and exclusive basis that they contain sexually obscene content creates racially and/or sexually harassing environments. That is to say, they are arguing that adults even temporarily removing pornographic content from school libraries effectively limits or denies students equal access to the recipient's educational program.

That's actually their legal argument. On those legal grounds, the Office for Civil Rights investigated the Forsyth County School District in Georgia and compelled it to agree to a "voluntary" resolution agreement stipulating, among other things, that it would publicly insist that none of its decisions around removing books for sexual content were motivated by racism. OCR actually conceded that there was no evidence that the school district was motivated by anything other than a desire to remove sexually explicit books. The only evidence it had that students were upset was that two spoke at a school board meeting. It conducted no other investigation or interviews to assess whether the removal of pornographic materials upset any other students to any degree.

The resolution letter and agreement were widely publicized by the Biden Department of Education in a clear effort to send a message to other school districts that this investigation will become standard operating procedure for its Office for Civil Rights. It thus signalled that any school district that even considers removing a pornographic book from its school library is liable to face a civil rights investigation with its attendant threat of loss of all federal funding. It has, in effect, transformed the Office for Civil Rights into the Office for Porn Enforcement.

Questions for the Record for Dr. Jonathan Friedman

**Committee on Education and the Workforce
Early Childhood, Elementary, and Secondary Education Subcommittee
Hearing:
“Protecting Kids: Combating Graphic, Explicit Content in School Libraries”
Thursday, October 19, 2023
10:15 a.m.**

Representative Robert C. “Bobby” Scott (D-VA)

1. The Bible can be found in many school libraries. While it is a foundational religious text, it may also be read for its literary merit, historical significance, and role in comparative religious studies. And yet, it contains numerous sexually explicit passages.
 - a. Are the same individuals or groups that are leading the charge in the recent resurgence of book bans including the Bible on their lists of books to ban based on content?
 - b. What happened in the instances when the Bible has been challenged?
 - c. What lessons about context can we learn from the continued presence of the Bible in school library collections?

Representative Gregorio Kili Camacho Sablan (D-Northern Mariana Islands)

1. **School Climate-Impact of Book Bans on Fostering Positive Diversity:** Today, elementary and secondary schools are comprised of diverse students, teachers, and staff, and a positive school climate is critical for student success. To support this diversity, schools and districts are increasingly working to improve school climate to create a positive learning environment that benefits all students.
 - a. Mr. Friedman, how do book bans impact this effort?
 - b. Is there a benefit to students having a broad range of books that reflect the diversity that is seen in our nation today?

Representative Frederica Wilson (D-FL)

1. According to PEN America’s reports, the number of book bans has grown significantly in the last couple of years.
 - a. In your research, have you found that this can be attributed to a specific reason or phenomenon? Are more individual parents simply speaking out today than before or are new groups, such as Moms for Liberty, playing a role in this?

Representative Mark DeSaulnier (D-CA)

1. The books that are appropriate for kindergartners will understandably not be the same as those appropriate for fifth graders, for example, and yet both age groups are found in most elementary schools. And the books appropriate for fifth graders differ from those appropriate for eighth graders, which differ from those appropriate for twelfth graders, etc.
 - a. What role, if any, does age appropriateness play in determining what books should be available in school libraries?

Representative Jamaal Bowman (D-NY)
Questions for Dr. Jonathan Friedman

1. **Actual Content of the Books Being Banned:** The title of today's hearing is "Protecting Kids: Combating Graphic, Explicit Content in School Libraries." At the same time, some of the books being challenged and banned for containing graphic and/or explicit content are intended for very young children or are books that do not contain graphic or explicit content at all.
 - a. Can you provide examples of the books being banned and what is the actual content of these books?
2. **School Climate-Impact of Book Bans on Marginalized Students:** Research shows that it is more difficult to learn when students feel scared, alienated, or misunderstood.
 - a. Can book bans create or exacerbate a hostile school climate for LGBTQ+ students, Black and brown students, and other marginalized students? How so?



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“Protecting Kids: Combating Graphic, Explicit Content in School Libraries” Hearing Questions for the Record Responses

Jonathan Friedman, Director of Free Expression and Education Programs,
PEN America

November 21, 2023

Rep. Mark DeSaulnier (D-CA)

1. *The books that are appropriate for kindergartners will understandably not be the same as those appropriate for fifth graders, for example, and yet both age groups are found in most elementary schools. And the books appropriate for fifth graders differ from those appropriate for eighth graders, which differ from those appropriate for twelfth graders, etc.*
 - a. *What role, if any, does age appropriateness play in determining what books should be available in school libraries?*

Answer: Most school librarians confront a staggering diversity of readers, whether they serve elementary, middle, or high schools. The task they confront is to stock a library, consistent with a collections development policy, that serves that diversity. That means carrying a range of books on a range of topics, and being able to offer both advanced and remedial readers texts that engage their interests. It also means recognizing, from the outset, that what is appropriate for one student and one family may be different from that which is appropriate for another, but being committed to stocking a library that has materials that are appropriate for all student readers. Librarians must be supported in defining this notion of appropriateness broadly, for efforts to narrow it often serve to cater to one interest rather than the breadth of interests that public schools must serve. At the same time, librarians and media specialists obtain training, expertise, and professional certificates that familiarize them with the worlds of children’s and young adult literature. This helps them to determine what materials might be relevant for readers at different ages and allows them to serve the needs of their communities. School libraries serve the educational process by making knowledge and ideas available, and ensuring that books remain available regardless of the personal or political ideologies of any specific groups or policymakers.

Rep. Gregorio Kilili Camacho Sablan (D-Northern Mariana Islands)

1. *School Climate-Impact of Book Bans on Fostering Positive Diversity: Today, elementary and secondary schools are comprised of diverse students, teachers, and staff, and a positive school climate is critical for student success. To support this diversity, schools and districts are increasingly working to improve school climate to create a positive learning environment that benefits all students.*
 - a. *Mr. Friedman, how do book bans impact this effort?*
 - b. *Is there a benefit to students having a broad range of books that reflect the diversity that is seen in our nation today?*

Answer A. When we examine the scope of the last two years, books that include diverse characters, primarily characters of color and LGBTQ+ characters, have overwhelmingly been targeted by efforts at censorship. While recent [efforts](#) to diversify books for children and teens has led to [greater visibility in libraries and classrooms](#), ongoing efforts to ban books with historically marginalized identities push against progress, as countless books that include characters with diverse racial, sexual, and gender identities are pulled from school and library shelves.

The impact of these bans on the positive learning for students is immediate and significant.

Answer B. We know that diversity in representation in our stories matters. Students that see themselves on the pages of literature are validated and affirmed. Students that see diversity of identities and experiences build critical empathy skills.

Classrooms and libraries are meant to be places of discussion and inquiry, with cultivated collections that help students learn to grapple with varied, and even controversial, ideas. At its core, today's movement to ban books does not just endanger individual libraries and classrooms; it is putting the very notion of a public education system that prioritizes information sharing, knowledge building, and acceptance and inclusion of all students at risk. It is a threat to the spirit of pluralism that must necessarily underpin our diverse democracy.

Most of all, it is important to remember the books on these lists, the books that are frequently targeted for removal, are often [literary](#)

[classics](#) or [award-winners](#) for their [composition](#) and [representation](#). These are authors with creative, complex and compelling storylines and characters that kids love. As author Grace Lin has [stated](#): "Diverse books are for everyone ... a good story is a good story, multicultural or not."

Rep. Robert C. "Bobby" Scott (D-VA)

1. *The Bible can be found in many school libraries. While it is a foundational religious text, it may also be read for its literary merit, historical significance, and role in comparative religious studies. And yet, it contains numerous sexually explicit passages.*
 - a. *Are the same individuals or groups that are leading the charge in the recent resurgence of book bans including the Bible on their lists of books to ban based on content?*
 - b. *What happened in the instances when the Bible has been challenged?*
 - c. *What lessons about context can we learn from the continued presence of the Bible in school library collections?*

Answer A: Our research at PEN America suggests that the Bible has been challenged in some districts not by those individuals who have been challenging the great majority of book restrictions, but rather by those opposing the restrictions on literature, who challenge the Bible as a political statement or a form of reprisal. The challenge documentation in these situations usually points out that the Bible is in violation of certain laws and policies, particularly because of its sexually explicit passages.

Answer B: In Florida, the Bible has been challenged repeatedly and the result is the same each time: The school district in which the challenge is filed retains the book, noting that Florida law and Florida Department of Education policies indicate it has significance and value. In the Davis School District in Utah, the King James version of the Bible was [removed](#) from elementary and middle school libraries after a challenge because the review committee found that it violated the "sensitive materials" prohibitions of HB 374. After community outcry, an appeal to the decision, and a discussion by state lawmakers, the district officials decided to retain the Bible after an appeal committee stated that it had significant serious value for minors, which, therefore, outweighed the sexual content in question. Similar decisions have not

been made when it comes to other literary classics which have been removed and prohibited in some school districts because of their sexual content, such as *The Handmaid's Tale* by Margaret Atwood and *The Bluest Eye* by Toni Morrison.

Answer C: Literature in school libraries cannot be removed based on political grounds or due to an official's disagreement with the viewpoints or other content therein. Further, sexual content in a book does not, in and of itself, make a book 'pornographic' or otherwise without significant value, as the situation in the Davis School District illustrates.

Rep. Frederica Wilson (D-FL)

1. *According to PEN America's reports, the number of book bans has grown significantly in the last couple of years.*
 - a. *In your research, have you found that this can be attributed to a specific reason or phenomenon? Are more individual parents simply speaking out today than before or are new groups, such as Moms for Liberty, playing a role in this?*

Answer: PEN America's ongoing research and analysis point to two influential drivers behind the growth of book bans since 2021: 1) advocacy groups; and 2) state legislation. More and more districts, board members, school administrators, educators, and librarians are facing both community pressure and state legislation that forces their hand when it comes to making books available to students or facing the possibility of adverse consequences. This has left many educators and administrators feeling they have no choice but to remove books because of intimidation or fear of penalty.

In a [September 2022](#) report, PEN America detailed the influence of parent- and community-led advocacy groups in shaping the tone, tenor, and frequency of book bans. At the time, we identified at least 50 groups involved in pushing for book bans at the national, state, and local levels. This included eight groups with national, state, or local chapters. Members of these advocacy groups push for book bans by directly [advocating](#) for book removals through [challenge forms](#) and at [school board meetings](#), sometimes [using](#) provocative rhetoric about "porn in schools" and "indoctrination." These advocacy groups have stoked public anxiety regarding the types of books students can access in classrooms and school libraries.

Three national advocacy groups have been particularly prominent in pushing for book bans: Moms for Liberty, Citizens Defending Freedom, and Parents' Rights in Education. As of the 2022–23 school year, one or more of these three groups operate in 32 of the 33 states represented in the PEN America 22-23 [Index of School Book Bans](#), the only exception being Utah, where another advocacy group, Utah Parents United, plays a similar role in publicly calling on districts to remove certain books from schools.

More granularly, among the 153 districts across the United States that banned a book during the school year, 124, or 81 percent, either are in or adjoin a county that has a chapter or local affiliate of one or more of the three prominent national groups. These districts are where 2,912 book ban cases, or 87 percent of all book bans recorded, occurred in the past school year.

Examining the five states with the highest number of book bans this 2022–23 school year, all have the presence of national advocacy groups, and all but one have passed legislation likely to affect book access in schools. These pressures work in tandem: school leaders, educators, librarians, and school boards report that fear has propelled their efforts to comply with vaguely worded legislation, and this is in part because these bills also strengthen the tools that local advocacy groups can use to challenge books and pressure compliance with their censorious demands.

There is a difference between an individual concerned parent raising a particular issue about their own child, and the nationwide movement that sees challenges to books *en masse*, sometimes by people without children or in situations where neither children nor challengers read the books in challenge. Such is the work of a coordinated campaign to foment outrage about books in schools, which has been mimicked across state lines, at school board meetings and statehouses.

The unfortunate result from this mounting, multifaceted pressure is that the very stories and voices that have been traditionally underrepresented on school shelves are continuing to be removed at ever-increasing rates. Meanwhile, teachers and librarians report being fearful about what books they buy for their libraries, what topics they

teach students about, and what questions from students they answer. All of this is producing a profound chilling effect on public education in some states.



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Mrs. Lindsey Smith
23505 Puritan Place
Damascus, MD 20872

Dear Mrs. Smith:

Thank you, again, for testifying at the October 19 House Committee on Education and the Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education hearing titled "Protecting Kids: Combatting Graphic, Explicit Content in School Libraries."

Enclosed is an additional question submitted by a Committee member following the hearing. Please provide a written response no later than November 14, 2023, for inclusion in the hearing record. Responses should be sent to Eli Mitchell of the Committee Staff, and he can be contacted at (202) 225-6558.

We appreciate your contribution to the work of the Committee.

Sincerely,

Virginia Foxx
Chairwoman

Enclosed

Representative Virginia Foxx (R-NC):

1. Mrs. Smith, what kind of reaction did you get from your school board when you started speaking up against inappropriate content?

The reaction of our school board was actually disappointing. Instead of agreeing with the hundreds of parents and staff that had spoken up, instead, they began to talk about the importance of every child seeing themselves in the books. Yet when Gender Queer was read by a parent, the staff immediately asked the father who read to come into the hallway, they told him they didn't realize this was in the libraries and would take care of it, but of course 8 months later and copies of it still are available to this day. Jack of Hearts, which was read by a mother at an April meeting, was recently removed by the "reading" committee which is made up of the same people who approved many of the books on the shelf, as stated in their re-review, they realized the content was not age appropriate.

2. Mrs. Smith, I think it's terrible what your children have been exposed to. What would you recommend that other parents do to keep their children from stumbling into explicit content?

I think it's important to encourage parents to begin to ask questions. Questions, that we never thought we would have to ask teachers, principals, or schools, we now have to be vigilant in speaking up and doing our research. We as parents need to look at the content available to our kids, these books are not just in the media center for the schools but in the virtual libraries available to the kids as well through sites such as "epic" and other programs. The more you know, the more you can begin to prepare your kids for what to be aware of and on alert for.

3. Mrs. Smith, thank you so much for sharing your personal story. Can you talk about the emotional impact of having your kids potentially exposed to explicit content, against your wishes, at such a young age?

I think the emotional impact is that I lost trust in my local school system. To be clear though, many of the teachers I spoke with and two of my sons teachers were amazing. They stood up for many of these kids even though they faced opposition from administration, they deserve medals if I'm honest. But I am one of thousands of parents who have lost trust in the public school education system. They have lost their true foundation of what they are there to do and that is to educate kids, not introduce content outside of academia.

[Whereupon, at 11:16 a.m., the Subcommittee was adjourned.]

