

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.