

**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
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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.