

118TH CONGRESS
2D SESSION

S. RES. 857

Expressing concern about the spreading problem of book banning and the proliferation of threats to freedom of expression in the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. SCHATZ (for himself, Mr. FETTERMAN, Ms. HIRONO, Mr. BLUMENTHAL, Mr. DURBIN, Mr. MERKLEY, Mr. VAN HOLLEN, Mr. WARNOCK, Mr. WELCH, Mr. CARDIN, Ms. BUTLER, Mr. REED, Mr. PADILLA, Mr. SANDERS, Mr. KING, Mr. HEINRICH, Mr. WYDEN, Mr. WHITEHOUSE, Mr. BOOKER, Mr. MURPHY, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Expressing concern about the spreading problem of book banning and the proliferation of threats to freedom of expression in the United States.

Whereas the overwhelming majority of adults in the United States oppose book bans;

Whereas an overwhelming majority of adults in the United States support educators teaching about the civil rights movement, the history and experiences of Native Americans, enslaved Africans, immigrants facing discrimination, and the ongoing effects of racism;

Whereas, according to a survey by the Knight Foundation, an overwhelming majority of adults are confident that their

community’s public schools select appropriate books for students to read;

Whereas, in 1969, the Supreme Court of the United States held in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate”;

Whereas, in 1982, a plurality of the Supreme Court of the United States wrote in *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982), that schools may not remove library books “in a narrowly partisan or political manner”, as this kind of censorship will result in “official suppression of ideas”;

Whereas the First Amendment to the Constitution of the United States protects freedom of speech and the freedom to read and write;

Whereas Article 19 of the Universal Declaration of Human Rights states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”;

Whereas PEN America identified over 10,000 instances of individual books banned between July 2023 and June 2024, which is over double the instances of recorded book bans in public schools between July 2022 and June 2023 when PEN America counted nearly 3,400 instances of individual books banned;

Whereas PEN America identified 5,894 instances of books banned between July 2021 and June 2023, affecting

2,823 unique titles and censoring the works of 2,598 authors, illustrators, and translators;

Whereas the overwhelming majority of recent book bans were enacted without following the best practice guidelines for book challenges outlined by the American Library Association, the National Coalition Against Censorship, and the National Council of Teachers of English;

Whereas the unimpeded sharing of ideas and the freedom to read are essential to a strong democracy;

Whereas books do not require readers to agree with topics, themes, or viewpoints but instead allow readers to explore and engage with differing perspectives to form and inform their own views;

Whereas suppressing the freedom to read and denying access to literature, history, and knowledge are repressive and antidemocratic tactics used by authoritarian regimes against their people;

Whereas book bans violate the rights of students, families, residents, and citizens based on the political, ideological, and cultural preferences of the specific individuals imposing the bans;

Whereas book bans have multifaceted, harmful consequences on—

(1) students, who have a right to access a diverse range of stories and perspectives, especially students from historically marginalized backgrounds whose communities are often targeted by thought control measures;

(2) educators and librarians, who are operating in some States in an increasingly punitive and surveillance-oriented environment and are experiencing a chilling effect in their work;

(3) authors whose works are targeted and suppressed;

(4) parents who want their children to attend public schools that remain open to curiosity, discovery, and the freedom to read; and

(5) community members who want free access to a range of uncensored information and knowledge from their public libraries;

Whereas classic and award-winning literature and books that have been part of school curricula for decades have been challenged, removed from libraries pending review, or outright banned from schools, including—

(1) “Brave New World” by Aldous Huxley;

(2) “The Handmaid’s Tale” by Margaret Atwood;

(3) “Anne Frank’s Diary: The Graphic Adaptation” adapted by Ari Folman;

(4) “Their Eyes Were Watching God” by Zora Neal Hurston; and

(5) “To Kill a Mockingbird” by Harper Lee;

Whereas books, particularly those written by and about outsiders, newcomers, and individuals from marginalized backgrounds, are facing a heightened risk of being banned;

Whereas a substantial number of the instances of books banned or otherwise restricted in the United States have LGBTQ+ characters or themes that recognize the equal humanity and dignity of all individuals despite differences, including—

(1) “And Tango Makes Three” by Justin Richardson and Peter Parnell; and

(2) “This Book Is Gay” by Juno Dawson;

Whereas a significant proportion of the instances of books, both fiction and nonfiction, that have been banned or otherwise restricted in the United States are books about race, racism, or feature characters of color, including—

- (1) “The Story of Ruby Bridges” by Robert Coles and illustrated by George Ford;
- (2) “Letter from Birmingham Jail” by Martin Luther King, Jr.;
- (3) “Thank You, Jackie Robinson” by Barbara Cohen;
- (4) “Malala: A Hero For All” by Shana Corey;
- (5) “Fry Bread: A Native American Family Story” by Kevin Noble Maillard;
- (6) “Hair Love” by Matthew A. Cherry;
- (7) “Good Trouble: Lessons From the Civil Rights Playbook” by Christopher Noxon; and
- (8) “We Are All Born Free: The Universal Declaration of Human Rights in Pictures”;

Whereas the Comic Book Legal Defense Fund has reported a dramatic surge in challenges at libraries and schools to the inclusion of graphic novels that depict the diversity of civic life in the United States and the painful and complex history of the human experience, including—

- (1) “New Kid” by Jerry Craft;
 - (2) “Drama” by Raina Telgemeier;
 - (3) “American Born Chinese” by Gene Luen Yang;
- and
- (4) “Maus” by Art Spiegelman;

Whereas books addressing death, grief, mental illness, and suicide are targeted alongside nonfiction books that discuss feelings and emotions written for teenage and young adult audiences that frequently confront these topics;

Whereas, during congressional hearings on April 7, 2022, May 19, 2022, September 12, 2023, and October 19, 2023, students, parents, teachers, librarians, and school administrators testified to the chilling and fear-spreading effects that book bans have on education and the school environment; and

Whereas, according to PEN America, from July 2021 to June 2023, over 40 States across the country limited access to certain books for limited or indefinite periods of time, including—

(1) Florida, where at least 1,972 books in total have been banned or restricted in 37 school districts;

(2) Texas, where at least 1,426 books in total have been banned or restricted in 28 school districts;

(3) Pennsylvania, where at least 644 books in total have been banned or restricted in 16 school districts;

(4) Missouri, where at least 360 books in total have been banned or restricted in 16 school districts;

(5) Tennessee, where at least 360 books in total have been banned or restricted in 9 school districts;

(6) Utah, where at least 293 books in total have been banned or restricted in 10 school districts;

(7) South Carolina, where at least 128 books in total have been banned or restricted in 7 school districts;

(8) Virginia, where at least 94 books in total have been banned or restricted in at least 6 school districts;

(9) Michigan, where at least 80 books in total have been banned or restricted in at least 6 school districts;

(10) North Carolina, where at least 74 books in total have been banned or restricted in at least 5 school districts;

(11) Wisconsin, where at least 72 books in total have been banned or restricted in at least 12 school districts;

(12) Idaho where at least 51 books in total have been banned or restricted in at least 1 school district; and

(13) Oklahoma, where at least 45 books in total have been banned or restricted in at least 3 school districts: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) supports the designation of the week of Sep-
3 tember 22 through September 28, 2024, as “Banned
4 Books Week”;

5 (2) expresses concern about the spreading prob-
6 lem of book banning and the proliferating threats to
7 freedom of expression in the United States;

8 (3) reaffirms the commitment of the United
9 States to supporting the freedom of expression of
10 writers that is protected under the First Amendment
11 to the Constitution and the freedom of all individ-
12 uals in the United States to read books without gov-
13 ernment censorship;

14 (4) calls on local governments and school dis-
15 tricts to follow best practice guidelines when ad-
16 dressing challenges to books; and

17 (5) calls on local governments and school dis-
18 tricts to protect the rights of students to learn and

1 the ability of educators and librarians to teach, in-
2 cluding by providing students with the opportunity
3 to read a wide array of books reflecting the full
4 breadth and diversity of viewpoints and perspectives.

