

117TH CONGRESS
2D SESSION

S. RES. 838

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

NOVEMBER 17, 2022

Mr. SCHATZ (for himself, Mr. MARKEY, Mr. MENENDEZ, Mr. CASEY, Ms. HIRONO, Mr. WYDEN, Mr. PADILLA, Mr. MERKLEY, Mr. SANDERS, Mr. BOOKER, Mr. REED, Mrs. FEINSTEIN, and Mr. HEINRICH) 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 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 “[e]veryone 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 has identified more than 1,600 unique books by 1,261 different authors, 290 illustrators, and 18 translators that have been banned in the United States during the 2021–2022 school year;

Whereas an increasing number of books bans have departed from best practice guidelines outlined by the National Coalition Against Censorship, the National Council of Teachers of English, and the American Library Association for responding to demands to censor books;

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

Whereas books do not require readers to agree with topics or themes 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 inherently illiberal and anti-democratic tactics used by authoritarian regimes against their people;

Whereas book bans often seek to impose restrictions on all students and families based on the political, ideological, or cultural preferences of the individuals calling for book bans;

Whereas book bans have multifaceted, harmful consequences on—

- (1) students, who have a right to access a diverse range of stories and perspectives, including students from historically marginalized backgrounds whose communities are often underrepresented in literature;

- (2) educators and librarians, who are operating in some States in an increasingly punitive and surveillance-

oriented environment with a chilling effect on teaching and learning;

(3) authors whose works are targeted; and

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

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;

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

(6) “Adventures of Huckleberry Finn” by Mark Twain;

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

Whereas 674 books referring to LGBTQ+ themes or with LGBTQ+ characters, including books that recognize the equal humanity and dignity of all individuals despite differences, have been banned or otherwise restricted in the United States this year, including—

(1) “Families, Families, Families!” by Suzanne Lang; and

(2) “All Are Welcome” by Alexandria Penfold;

Whereas 659 books, both fiction and nonfiction, with protagonists of color or prominent secondary characters of color

have been banned or otherwise restricted in the United States this year, including—

- (1) “Ruby Bridges Goes to School: My True Story” by Ruby Bridges;
- (2) “Martin Luther King, Jr. and the March on Washington” by Francis E. Ruffin;
- (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 vital diversity of civic life in the United States and the painful historical realities 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 the Secretary of Education of Oklahoma is seeking to revoke the teaching certificate of an educator who

merely provided to her students a link to the Books Unbanned initiative of the Brooklyn Public Library, which provides young people across the country access to books that may be banned or otherwise restricted in schools;

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

Whereas, according to PEN America, during the 2021–2022 school year, approximately 140 school districts in 32 States issued more than 2,500 book bans or other restrictions, including repeated titles, affecting more than 5,000 individual schools and approximately 4,000,000 students, limiting access to certain books for limited or indefinite periods of time, including—

(1) Florida, where at least 566 books in total have been banned or otherwise restricted in 21 school districts;

(2) Georgia, where at least 23 books in total have been banned or otherwise restricted in 2 school districts;

(3) Indiana, where at least 18 books in total have been banned or otherwise restricted in 3 school districts;

(4) Kansas, where at least 30 books in total have been banned or otherwise restricted in 2 school districts;

(5) Michigan, where at least 41 books in total have been banned or otherwise restricted in 4 school districts;

(6) Missouri, where at least 27 books in total have been banned or otherwise restricted in 8 school districts;

(7) New York, where at least 123 books in total have been banned or otherwise restricted in 34 school districts;

(8) Oklahoma, where at least 43 books in total have been banned or otherwise restricted in 3 school districts;

(9) Pennsylvania, where at least 457 books in total have been banned or otherwise restricted in 11 school districts;

(10) Tennessee, where at least 349 books in total have been banned or otherwise restricted in 6 school districts;

(11) Texas, where at least 801 books in total have been banned or otherwise restricted in 22 school districts;

(12) Utah, where at least 1,211 books in total have been banned or otherwise restricted in 3 school districts; and

(13) Virginia, where at least 169 books in total have been banned or otherwise restricted in 79 school districts;

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

Whereas an overwhelming majority of voters 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, 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”; and

Whereas, while library collections may be curated based on a variety of factors, including pedagogical value, student interest, and the age-appropriateness of the material, in 1982, a plurality of the Supreme Court of the United States held in *Board of Education, Island Trees Union*

Free School District No. 26 v. Pico, 457 U.S. 853 (1982), that schools may not remove books based on “narrowly partisan or political grounds”, as this kind of censorship will result in “official suppression of ideas”: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) expresses concern about the spreading prob-
3 lem of book banning and the proliferation of threats
4 to freedom of expression in the United States;

5 (2) reaffirms the commitment of the United
6 States to supporting the freedom of expression of
7 writers and the freedom of all individuals in the
8 United States to read books without government
9 censorship;

10 (3) calls on local governments and educational
11 institutions to follow best practice guidelines when
12 addressing challenges to books; and

13 (4) calls on local governments and educational
14 institutions to protect the rights of students to learn
15 and the ability of educators and librarians to teach
16 students, including by providing students with the
17 opportunity to read a wide array of books reflecting
18 a multitude of viewpoints and perspectives.

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