

ADVOCACY TOOLKIT:

Censorship and Banned Books





Dear Activists,

Thank you for volunteering for the ACLU of Virginia! We look forward to working with you. We hope that this will be a great experience for you!

Parents, school officials, and politicians often have tried to get rid of books from schools and libraries. This practice, called book banning, is the taking of books and materials from a classroom or library, making it more difficult for students to read these materials which frequently are important works of literature. This is censorship and it restricts intellectual freedom. The American Library Association defines intellectual freedom as “the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement can be explored.”

Parents, school officials, and politicians have complained about certain books and other materials being in the library or classroom at all. Others have claimed it is a parent’s right to be told that certain materials will be in the library or classroom in advance so that parents can “opt out” if they don’t want their kids reading them. Some in Virginia have even attempted to get rid of books such as Toni Morrison’s Pulitzer Prize winning novel, *Beloved*, and Harper Lee’s celebrated classic, *To Kill a Mockingbird*.

The First Amendment does not allow the government, including public school officials, to make books or ideas unavailable based on their content or viewpoint. Also, the government cannot decide to take books out of schools because they are controversial, unpopular or even offensive. In a case called *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, U.S. Supreme Court Justice William Brennan once said: **“Local school boards may not remove books from school libraries simply because they dislike the ideas contained in those books ...”**

We need your help to stop the government from taking books out of schools! Enclosures outline more detail about this issue and provide action items for you if you take on the challenge to help! In order to keep track of all of the amazing work of our volunteers, we ask that you report back to us with your name, the action taken, date of action, and any other feedback you may have once you have completed an action item.

We look forward to safeguarding the First Amendment together with you.



THE ISSUE: CENSORSHIP

CATCH-22

BRAVE NEW WORLD

The Color Purple

Death of a Salesman

The CATCHER in the RYE

Harry Potter and the Goblet of Fire

Howl

A Light in the Attic

The Adventures of Huckleberry Finn

James and the Giant PEACH

THE JOY OF SEX

LORD of the FLIES

NATIVE SON

OF MICE AND MEN

PORTNOY'S COMPLAINT

THE SUN ALSO RISES

THE Pentagon Papers

Sophie's Choice

Slaughterhouse-Five

TO KILL A Mockingbird

Ulysses

Gene with the Wind

AS I LAY DYING

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Parents, school officials, and politicians often attempt to get rid of books they don't like from schools and libraries. Others complain that parents should have the "right" to know certain materials are at the school so they can decide if their children should read them (this practice is often called prior parental notification). Book banning is getting rid of books from the school or library so that students don't have access to them there.

The ACLU of Virginia repeatedly has fought censorship with success in the past [1]. But school officials, politicians, and even some parents continue to press this issue so we must continue to fight for students' First Amendment rights!

Those who want to ban books often say that they only want to protect parents' rights; they assume, without proof, that all parents share their beliefs [2] and that public schools should agree as well. That is not the law. Those who want books banned try to have the government illegally "judge a book by its cover."

Parents' Rights:

Bans seek to have the government give everyone a specific set of values about certain educational materials. But parents in Virginia – and everywhere – have many different beliefs on many different topics [3]. Some parents don't like sexual content, others may not like violence, and still others may not like mention of religion or race. For every parent who objects to an assigned book, there will be others who favor it. In practice, the attempt to alter school curricula in response to individual objections means privileging the moral or religious beliefs of some individuals over others. It is precisely this form of viewpoint discrimination by government that our constitutional system is designed to prevent.

Under the law, though parents have a general right to control their children's upbringing, they do not have a right to control what they are taught in the public schools. Therefore, school officials have a great deal of leeway to determine what is taught in schools. Also, the law does not require schools to notify parents in advance the specific types of information to be taught in order to allow for a different assignment.

The law is clear that school administrators get to choose their own books and materials even if parents don't like them. Of course, parents who don't like what is taught in the public schools have the right to send their children to private or religious schools or educate them at home. They can review their children's assignments, talk to teachers or other school officials about getting rid of the book, and they can request a different assignment for their own children. But they do not have the right to demand that schools tell them in advance about specific types of materials used in the classroom or get in the way of education for all of the students.



THE ISSUE: CENSORSHIP

First Amendment:

When the government decides that certain books shouldn't be allowed in schools based on the information they contain or the point-of-view the author takes that is content or viewpoint discrimination. The First Amendment does not allow the government to get rid of or limit the use of books or ideas because they are controversial, unpopular, or offensive.

Not all parents have the same views on all issues. So to get rid of certain books because some parents don't like them is favoring the opinion of *some* parents over others.

Another problem with requiring schools to let parents know about these materials before assignments are given out is that *some students are adults over 18 years old*.

In addition, in order for the government to get rid of books, under the law there must be an actual problem in need of solving. There is no problem because parents already have other options. Parents can already review their children's homework, request a different assignment for their child or move their child to a different class.

Lastly, students have a right to be assigned books to read that can help them further their education. Some books that have been banned from schools are designed to provide college credit for advanced students. If Virginia schools get rid of those books, we could be behind other states in teaching what students need to know in the future.

We appreciate your help to keep books in our schools!



WHAT YOU CAN DO:

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Write a letter to _____ (e.g., governor/legislator/board of education/ superintendent) explaining that this is a censorship/ First Amendment violation issue. See model letter attached.

Attend a public meeting (e.g., school board/ school-wide) when this topic is on the agenda and make a comment about why you reject book censorship. See suggested comment attached.

Write a letter to the editor on why you reject book censorship when you learn that a school district or legislators attempt to outright ban books or seek prior parental notification. See model letter to editor attached.

Stay informed and take action! "Like" us on Facebook (facebook.com/acluofvirginia), follow us on Twitter (@acluva), sign up for the ACLU of Virginia's Action Alerts at acluva.org (click "sign up"), and sign up to be a volunteer (<https://acluva.org/get-involved/volunteer-intern/>).

Participate in ACLU of Virginia's Banned Books Week events each September.



OUR RIGHT TO READ
SEPTEMBER 24 - 30, 2017



WHAT YOU CAN DO:

Draft Public Comment

My name is _____. I am a resident of _____
[school district/town/city/county]. I am writing to comment on
_____ [briefly describe the regulation/proposal/
ban].

First, this _____ [proposal/ban] singles out _____ [books/materials]
with _____ [sexual content/violence, etc.] to be banned or
otherwise treated differently. _____ books/materials may not be
banned just because they are controversial, unpopular or even
offensive. In other words, the government cannot tell parents what
they ought to value, including whether parents should not allow their
children to read materials that contain _____ [sexual content/violence,
etc].

[If applicable] Second, the requirement that parents should be
told in advance about materials and give their approval not only
could risk teachers deciding not to teach important material. Also,
this requirement is a problem because students should be able to
read and study books that are educational and may prepare them for
college; that's what school is all about! [If there is a particular book in
question, in a sentence describe the importance of that work].

Moreover, there is no actual problem in need of solving. According
to the Virginia Department of Education's 2013 study, out of more
than 80 percent of school divisions that responded, nearly half (48.1
percent) already require parents to receive advance notice prior
to the use of potentially sensitive or controversial materials in the
classroom and over two-thirds (68.9 percent) of the schools require
alternate materials or assignments to be given if students are
permitted to opt out.

It simply does not make sense to move forward with a _____
[proposal/ban/bill/regulation] to censor works with high educational
value to "fix" a problem that does not exist. Therefore, I strongly urge
you to _____ [reject this proposal/reconsider this ban].

WHAT YOU CAN DO:

Draft Letter to Legislator

I am a resident of _____ [school district/
town/city/county]. I write to express my concern about
_____ [briefly describe the regulation/proposal/
ban/bill].

First, this _____ [regulation/proposal/ban/bill] singles out
_____ [books/materials] with _____ [sexual content/violence,
etc.] to be banned or otherwise treated differently. _____ Books/
materials may not be banned just because they are controversial,
unpopular or even offensive. In other words, the government cannot
tell parents what they ought to value, including whether parents
should not allow their children to read materials that contain _____
[sexual content/violence, etc.].

[If applicable] Second, the requirement that parents be told in
advance of the material and that the parents must give their approval
of the material could risk teachers deciding that the process is
too difficult and they decide not to teach certain information. Also,
another problem is that students should be able to read and study
books that are educational; that's what school is all about! [If there is
a particular book in question, in a sentence describe the importance
of that work].

Moreover, there is no actual problem in need of solving. According
to the Virginia Department of Education's 2013 study, out of more
than 80 percent of school divisions that responded, nearly half (48.1
percent) already require parents to receive advance notice prior
to the use of potentially sensitive or controversial materials in the
classroom and over two-thirds (68.9 percent) of the schools require
alternate materials or assignments to be given if students are
permitted to opt out.

It simply does not make sense to move forward with a _____
[proposal/ban/bill/regulation] to censor works with high educational
value to "fix" a problem that does not exist.

Therefore, I strongly urge you to _____ [reject/reconsider this
proposal/ ban/bill/regulation].

WHAT YOU CAN DO:

Draft Letter to the Editor

I am a resident of _____ [school district/town/city/county]. I am concerned about _____ [briefly describe the regulation/proposal/ban/bill].

First, this _____ [regulation/proposal/ban/bill] singles out _____ [books/materials] with _____ [sexual content/violence, etc.] to be banned or otherwise treated differently.

[If applicable] Second, the requirement the school tell parents in advance and require that the parents approve of the materials could lead to teachers deciding it isn't "worth" the difficult process. Another problem is that students should be able to read and study books that are educational; that's what school is all about! [If there is a particular book in question, in a sentence describe the importance of that work].

Moreover, there is no actual problem in need of solving. According to the Virginia Department of Education's 2013 study, out of more than 80 percent of school divisions that responded, nearly half (48.1 percent) already require parents to receive advance notice prior to the use of potentially sensitive or controversial materials in the classroom and over two-thirds (68.9 percent) of the schools require alternate materials or assignments to be given if students are permitted to opt out.

It simply does not make sense to move forward with a _____ [proposal/ban/bill/regulation] to censor works with high educational value to "fix" a problem that does not exist.

Therefore, I urge the _____ [entity] to _____ [reject/reconsider this proposal/ ban/bill/regulation]. Therefore, I strongly urge you to _____ [reject/reconsider this proposal/ ban/bill/ regulation].

FACT SHEET:

CENSORSHIP: BOOK BANNING

The Problem: Politicians and school districts have attempted to get rid of books in schools around the Commonwealth. Some books are taken off bookshelves even before a school decides whether the book should be banned. The ACLU of Virginia has been outspoken against book banning and censorship. Recent examples include:

1.

In 2016, House Bill 516 attempted unsuccessfully to require that parents be notified before the use of “sexually explicit” instructional material, allow parents to review the material upon request, and provide another assignment to any student whose parent requests it.

2.

After a panel review, Chesterfield County Public Schools Superintendent James F. Lane determined that “Tyrell” by Coe Booth (the story of an African-American teenager growing up homeless); “Dope Sick” by Walter Dean Myers (a story about a young drug dealer vowing to change his life); and “Eleanor & Park” by Rainbow Rowell (a story about young love) should no longer be banned from use in Chesterfield County schools.

3.

A parent sent a complaint to Accomack County Public Schools for teaching “The Adventures of Huckleberry Finn” and “To Kill a Mockingbird” in schools because of their use of racial slurs. So the school district temporarily got rid of the use of both novels in classrooms and libraries. But the school board voted to bring back the two novels to classrooms and school libraries in the district.

4.

A proposal that would require schools to alert parents to “sexually explicit” materials in advance of teaching it (Proposed Amendments to the Regulations Governing Local School Boards and School Divisions (8VAC 20-720) Regarding Use of Sexually Explicit Instructional Materials). The proposal was rejected by the Virginia Board of Education in January 2017.

5.

In 2017, House Bill 2191 also sought to require schools to inform parent of use of “sexually explicit” instructional materials before they are used in schools. Gov. Terry McAuliffe vetoed this bill.

While all of the above attempts to ban books have been unsuccessful to date, it is on us to continue to fight for students’ First Amendment rights to read great works of literature!

FAQs:

1. What is a book challenge?

A book challenge is when someone attempts to remove or restrict books or materials from use in the classroom or library. This could be done through a formal complaint process with the school district or informally. The challenge could be by one person or a group of people.

2. What is banning?

Banning is when a book or instructional material has been removed from the curriculum, classroom or library.

3. What is censorship?

Censorship is the restriction or removal of books or instructional materials based on the content of the information in the book or material.

4. What is intellectual freedom?

The American Library Association defines intellectual freedom as “the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement can be explored.”

5. When should I contact the ACLU of Virginia if I believe a book or instructional material may be or has been banned/censored?

Anytime. Contact us using our online intake form at acluva.org/get-help/ if you learn of attempts to challenge or outright ban books or other instructional materials in schools or if you have a question or concern about a current school policy on banning or challenging books (including a policy that allows for books to be banned prior to a hearing process of the challenged book or material).



FAQs:

6. What if the school isn't banning the book or instructional material outright but only seeking that schools tell parents before they use certain materials and ask parents if it is okay to do so?

Parents who do not like what is taught in the public schools have the right to send their children to private or religious schools or educate them at home. However, they have no right to demand that schools tell parents in advance the specific types of content they will teach or to demand any special treatment that would interfere with the education of other students.

The requirement makes it difficult for teachers to teach important material. It also completely disregards the First Amendment rights of students to be taught books that are educational. Furthermore, any requirement that parents "OK" the materials in advance for students over the age of eighteen plainly violates their rights, and even younger students have a right to important educational materials.

7. In the past, have school districts attempted to ban books?

Just in 2016-17, we know of five attempts and proposals to ban certain books and instructional materials (two bills, a proposal to regulations with the Virginia Department of Education, and two school districts: Chesterfield and Accomack counties).

8. How can I help?

Write a letter to _____ (e.g., governor/legislator/board of education/ superintendent) explaining that this is a censorship/First Amendment violation issue. See model letter on page 6.

Attend a public meeting (e.g., school board/ school-wide) when this topic is on the agenda and make a public comment about why you reject book censorship. See suggested comment on page 5.

Write a letter to the editor on why you reject book censorship when you learn that a school district or legislators attempt to outright ban books or seek prior parental notification. See letter to the editor template on page 7.

Stay informed and take action! "Like" us on Facebook ([facebook.com/acluofvirginia](https://www.facebook.com/acluofvirginia)), follow us on Twitter ([@acluva](https://twitter.com/acluva)), sign up for the ACLU of Virginia's Action Alerts at acluva.org (click "sign up"), and sign up to be a volunteer (<https://acluva.org/get-involved/volunteer-intern/>).

Participate in ACLU of Virginia's Banned Books Week event in September.



MODEL POLICY:



Here are two policies to consider suggesting to your local school board, particularly as they do not call for the removal of challenged books while they remain under review.

Virginia Beach policy, www.vbschools.com/policies/6-61_2r.asp ("Material may not be withdrawn from use with other students unless the decision is made to do so after following the process in this regulation.")

Chesterfield County policy, # 3031-R, Consideration of Controversial Materials, www.boarddocs.com/vsba/chesterfield/Board.nsf/Public# ("Challenged materials will continue to be used until the challenge has been resolved or the appeals process has been completed.")

If you are interested in providing suggestions to your local school district on a model policy, take a look at ours below!

[Name of School District] POLICY Review and Challenge of Instructional Materials

Review:

A parent or legal guardian may review any instructional material used as part of the educational curriculum. The parent or legal guardian must make a written request to the principal. Upon written request, the principal or school designee shall make such material available within five (5) business days. If the instructional material is not provided within such time, the parent or legal guardian may appeal the denial to the School Board.

An appeal by a parent or legal guardian to the School Board must be in writing within five (5) business days of the failure to provide the materials. After the written request is made, the School Board or school designee will review the request and respond within fifteen (15) business days.

Challenge:

Instructional materials (whether in the classroom, part of the curriculum, or in the library) may be challenged by a student, parent, or legal guardian ("complainant"). Material shall not be withdrawn from use at the school or in the library unless the principal decides to do so after adhering to this process. Challenged materials will continue to be used until the challenge has been resolved or the appeals process has been completed.

Written complaints should be sent to the school principal.

Within five (5) business days of the written complaint, the principal shall establish a review committee to include at least one administrator, two teachers (if appropriate, one of whom is the teacher using the curriculum material), a librarian, and two parents. Within ten (10) business days of the establishment of the committee, the Review Committee shall:

MODEL POLICY:

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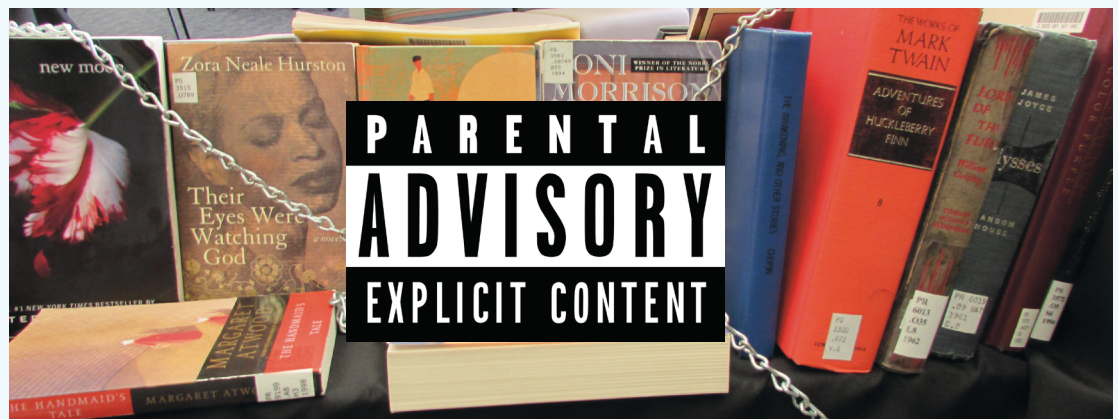
OF MICE AND MEN

- (1) Review Complainant's Complaint;
- (2) Study the material in question and any relevant reviews or sources;
- (3) Provide complainant an opportunity to appear before the committee to explain complainant's position;
- (4) Write recommendations concerning the continued use or non-use of the material and provide those recommendations to the principal and complainant in writing;
- (5) Inform relevant personnel of the recommendations; and
- (6) Have the principal write a letter of response to the parent reflecting the committee's recommendations within three (3) business days of the recommendation by the committee.

If the complainant desires a different result than the decision rendered, complainant may submit an appeal to the School Board within five (5) business days of the decision. The School Board shall convene a committee consisting of one principal, two teachers, one librarian, and three parents to assess the materials, establish a standing committee to review the appeal, and the committee shall convene a hearing on the matter. Within fifteen (15) business days of the hearing, the School Board will submit a written decision concerning the challenged material.




The Review Committee shall:

- (1) Review Complainant's Complaint, written recommendations from the principal's Review Committee, and examine all other relevant materials;
- (2) Study the material in question and any relevant reviews or other sources;
- (3) Provide complainant and appropriate instructional staff to appear before the committee to discuss their positions;
- (4) Write recommendations concerning the continued use or non-use of the material and provide those recommendations to Superintendent in writing;
- (5) The Superintendent shall prepare a letter of response to the complainant and any relevant personnel within three (3) business days of the decision; and
- (6) Inform relevant personnel of the recommendations;









SAMPLE SOCIAL MEDIA POSTS

For Twitter:

-  Banning books violates students' 1st Amendment rights. School is for learning, not censorship: bit.ly/LetPeopleRead #LetPeopleRead
-  Censorship is the opposite of education. Schools cannot tell students what they ought to value: bit.ly/LetPeopleRead #LetPeopleRead
-  Schools cannot censor books with high educational values just because s/o finds it offensive: bit.ly/LetPeopleRead #LetPeopleRead
-  It's on us to fight for students' 1st Amendment rights to read great literature and think freely: bit.ly/LetPeopleRead #LetPeopleRead
-  Teachers should be encouraged to teach important materials. Parents who disapprove can opt out: bit.ly/LetPeopleRead #LetPeopleRead
-  Books/materials may not be banned just because they are controversial, unpopular or even offensive: bit.ly/LetPeopleRead #LetPeopleRead

For Facebook:

-  School is for learning, not censorship. Books, music, or films may not be banned just because they are controversial, unpopular, or even offensive. Stand up and fight back against the government's attempt to stifle speech and control what we should read, think, and value: bit.ly/LetPeopleRead
-  Restricting intellectual freedom is the opposite of education and a violation of students' First Amendment rights. Schools cannot outright ban a book just because someone finds it offensive: bit.ly/LetPeopleRead
-  Banning books, music, or films stifles the wealth of creative expression and restricts intellectual freedom. Advances against censorship can only be accomplished when we are vigilant and speak out to protect our First Amendment rights: [link]
-  It's on us to fight for our students' First Amendment rights to read great works of literature. Here's how you can push back efforts to restrict freedom of thought and expression in public schools: bit.ly/LetPeopleRead
-  Demanding that schools tell parents in advance the specific types of content they will teach makes it difficult for teachers to teach important materials and completely disregards the First Amendment rights of students to be taught educational books. Those who do not like what is taught in public schools have the right to send their children to private or religious schools or educate them at home: bit.ly/LetPeopleRead
-  It simply doesn't make sense to censor materials with high educational values. Students have the First Amendment rights to read and study great literature, without the government telling them what they should value: bit.ly/LetPeopleRead

REFERENCES

1. See, e.g.,
 - [HB516](#), bill to require parental notification prior to use of “sexually explicit” instructional material in schools, allow parents to review the instructional material upon request, and allow students whose parents so request an alternate assignment and [ACLU of Virginia letter to Governor McAuliffe requesting that he veto the bill](#);
 - [ACLU of Virginia letter to Chesterfield County Superintendent requesting that books labeled “sexually explicit” be returned to the schools](#) and [unsuccessful attempt to ban three books in Chesterfield County](#);
[attempt at the Accomack School District to ban books](#) and ACLU of Virginia and coalition partner [letter to Accomack School Board](#) to return challenged books to the school district;
 - Virginia Board of Education [proposed regulation to require parental notification](#) prior to using instructional materials in schools containing “sexually explicit” materials and ACLU of Virginia and coalition partner [letter requesting that the proposal not become a finalized regulation](#);
 - [HB2191](#), bill for parental notification prior to using instructional materials containing “sexually explicit” content), ACLU of Virginia and coalition partner [letter opposing the bill to require parental notification of “sexually explicit” material](#), and [Governor McAuliffe plans to veto the bill](#).
2. For example, a spokesperson for Concerned Parents and Educators of Fairfax County stated in hearings before the Virginia Board of Education that the warning about sexual content affects “materials that people of any socio-economic level, or any political party or persuasion, would find objectionable.” (Emphasis added). In fact, as statements from both parents and teachers to the Virginia Board of Education have revealed, not everyone agrees. Indeed, there are many who think that books like *Beloved* are not objectionable and should be taught without restriction because they have educational value and prepare students for college.
3. In *Brown v. Entertainment Merchants Association*, 564 U.S. ___, 131 S. Ct. 2729, 2741 (2011), the Supreme Court explicitly rejected the notion that the sensitivities of some parents are shared by all, and held that a parental consent requirement reflects only “what the State thinks parents *ought* to want.”