

BANNED BOOKS



SPIENDID SHALE







Preface

America's most sacred right to speak is also about the ability to hear: to receive ideas by word of mouth and on the written page. Controlling what people read — no matter how well-intentioned — ultimately harms us as a society, impoverishing our minds and imaginations. It deprives people of their ability to think for themselves. It limits the boundaries of their creativity, and it shrinks their compassion for others. Above all it empowers the worst in us: fear, ignorance, and hatred.

The excuse of many who support book bans is that titles being removed from schools, libraries, and prisons are obscene, inappropriate, or laced with "false" ideas. This, however, is a gross misrepresentation of what is coming off shelves in Florida. They include literary classics, poetry, history, religious texts, and celebrated stories of the human experience. Books have been challenged by author as well as subject and title. Sometimes the rationale for challenging these seems based on little more than the color of the author's skin, their sex, or their sexuality.

Books written to help adolescents make sense of the world around them are the most vulnerable of all, targeted by adults who either have never read them or who have forgotten how confusing the world is for a teenager. What should be individual parental decisions are now being foisted on society at large by a vocal minority.

Many who oppose the tearing down of Civil War monuments as an affront to history think nothing of banning other views of history from libraries and school curricula because it might make them or their children "feel bad" about themselves. But nothing is more un-American than depriving people of ideas, no matter how unpalatable or discomforting.

The desire to control how people view the world isn't new. It has been attempted from the days of Leonardo Da Vinci to 1930s Germany, and now, sadly, in 21st-century Florida. It must stop. That is why it's important to resist, to push back against all those who try to force their speech upon you while limiting yours. At stake is nothing less than the vision of our Founding Fathers and the rights of all Americans to speak, to hear, and to know. These are worth fighting for.

Bobby Block
Executive Director First Amendment Foundation
December 2023



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ABOUT THIS GUIDE

Over the last few years, Floridians have seen a chilling erosion of their First Amendment Freedoms on several fronts. One of the most prominent and egregious examples is the ongoing efforts by politicians and a few parent groups to remove books from school libraries.

Florida schools lead the country in the number of banned and challenged books reported over the last year, according to PEN America. These books include religious titles, literary classics, and historical texts. Under Florida law, any book available in a public institution may be challenged by a citizen, school official, or government official. This has led to the removal of hundreds of books from the shelf, regardless of the opinion or expertise of parents and educators as to the educational value of these titles.

In response to this literacy crisis, the **First Amendment Foundation**, in partnership with **Foundation 451** and the **Florida Freedom to Read Project**, has put together the Florida Book Ban Guide – the go-to manual for parents and citizens navigating the legality of book bans; the rights of parents, students, and educators; and ways to push back against efforts to remove books in your district. But this isn't just a guide; it's a call to action. We hope that this guide will be both informative and inspiring for citizens, and serve as a reminder that, in the face of unlawful censorship, we can stand tall.

So join us in this literary fight. Together, we can flip the script on book bans, fight back against oppressive practices, and stand up for our First Amendment rights.

Navigating the Legality of Book Bans



What follows is a brief explanation of how the First Amendment applies to book bans and how Florida school boards are making decisions. It's presented in plain language to give you an understanding of how the law is supposed to work, and how what is going on in FL schools could be challenged on IA grounds.

- Freedom of speech is the right to speak, write, share, and receive ideas and opinions without facing government-sanctioned retaliation. Speech is the expression of or the ability to express thoughts, opinions, and ideas.
 - Books are a written form of speech. They are an avenue to share opinions, ideas, and stories in a written format.
- Some forms of speech are not protected by the First Amendment, such as incitement, "fighting words", libel, child pornography, and obscenity.
 - The Supreme Court has provided guidance for local leaders to determine what media may be deemed obscene in their communities but has rejected the idea of a national standard for obscenity.
 - Under case law, obscenity is limited to sexually explicit speech or expression.
- Miller v. California, 413 U.S. 15 (1973) lays out the standard for how a reasonable person (a person with ordinary sense) can determine if a material has socially redeeming value, but Reno v. ACLU, 521 U.S. 844 (1997) rejected the idea of nationally accepted standards for obscenity.
 - These rulings gave local law enforcement, judges, and citizens the ultimate say in what is considered obscene for a specific community.
- It's important to understand that when materials are deemed obscene, depending on the context, a state could restrict minors' access to the materials.

Navigating the Legality of Book Bans



Books can be removed from schools if their content is deemed inappropriate for certain ages. However, the First Amendment doesn't allow for blanket bans. Restrictions must be agreed upon by local communities, which is why books can only be removed from schools after public district school board meetings.

According to *Bd. of Educ. v. Pico*, 457 U.S. 853 (1982), school officials must use their discretion to determine what is ageappropriate for school libraries, but they may not remove books based on "narrowly partisan or political" grounds, because doing so would amount to an "official suppression of ideas."

Content Discrimination

Content discrimination is based on subject matter (e.g., "We don't talk about cars.") Books may be removed from public schools for reasons of religion, race, profanity, politics, or violence. This is usually done when a school district, educators, and/or parents and community members deem that these topics and their discussion inappropriate for school-age children. However, it asserts that books with controversial topics are protected under the First Amendment for adults.

Viewpoint Discrimination

Viewpoint discrimination is based on perspective or opinion (e.g., "We will only talk about Toyota cars because they're the best.")

Governmental entities may only impose restrictions on speech that are reasonable and viewpoint-neutral (done in an even-handed way.) This means that public schools should not remove titles simply for containing subjects or information some people may not agree with.

Where have all the books gone?



How books are challenged and banned in Florida

HB1069 established several rules and practices for public school libraries – training for librarians and media specialists; creation of websites for listing and reporting materials available in each school district; public identification of materials removed from school libraries; and a means for parents or citizens to file objections to school materials. These rules and practices went into effect on July 1, 2023. Though the process for challenging and banning books varies by school district, there is a general format for the entire state, which is as follows:

 Librarians and media specialists are required to submit a list of materials available to their students annually for review by the district school board. The school board, librarian, or media specialist may decide to remove any materials they deem age-inappropriate for students.

OR

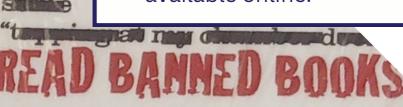
- A parent of a public school student or a resident of the county must petition the school board within 30 days of the adoption of instructional material. Here is an example of a petition form provided by the <u>Pinellas County School</u> Board.
 - The petition must be signed by the parent or resident and must list the objection to the material.
 - An open public hearing must be offered to allow each petitioner to be heard and present their evidence.
 - These meetings are usually open for public comment.

Empowering Communities, Educators, and Authors in the Face of Book Bans



HOW TO MONITOR YOUR DISTRICT SCHOOL BOARD MEETINGS

- Public notices for school district board meetings must be posted on the school board's website at least one week before the meeting.
 - The agenda for the meeting must be posted at least 48 hours beforehand.
 - If a book is being challenged during a school board meeting, it must be listed in the agenda with the reasoning for its removal.
- It is important to make your voice heard at school board meetings, especially when a book has been challenged. If you believe that a challenged book belongs on school bookshelves, you must show up to defend its educational and/or social value.
 - Remember, the criteria for "ageinappropriateness" is a community standard. If enough parents and citizens speak out in defense of a challenged book, it will be hard for the school board to argue that the community has agreed to its removal.
 - Most districts allow time for in-person, oral public comments during meetings. However, some only allow for virtual or written public comment. Be familiar with your school board's policies and practices before attending a meeting.
- Video recordings of school board meetings are available online.

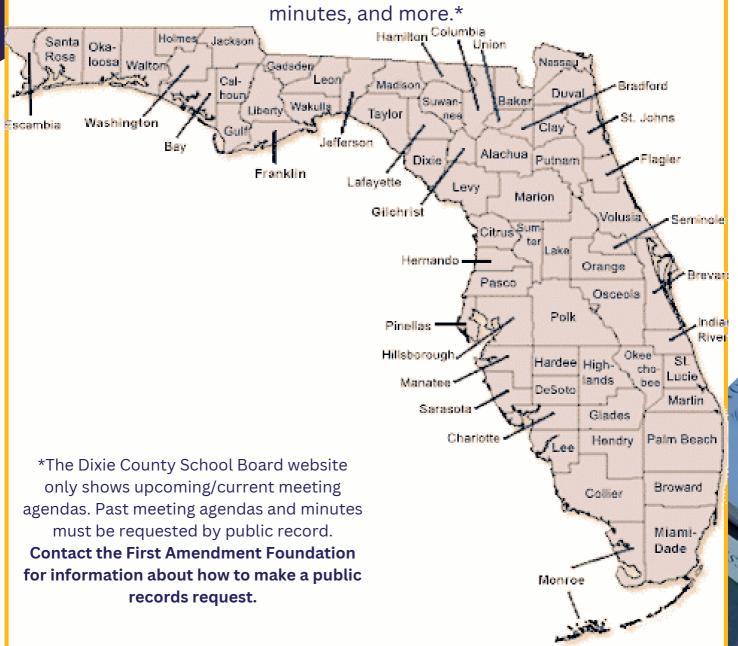


Empowering Communities, Educators, and Authors in the Face of Book Bans



HOW TO MONITOR YOUR DISTRICT SCHOOL BOARD MEETINGS

Refer to the "Important Links" section at the end of this guide to find your district school board's website. There you will find access to board meeting schedules, upcoming and past meeting agendas, past meeting



Empowering Communities, Educators, and Authors in the Face of Book Bans



Become an Advocate

- Join local coalitions and movements to speak out against book bans.
- Contact your local and state government representatives to voice your opposition.
- Report a book ban to The <u>Kids' Right to Read</u> Project.
- Make Noise! Write to local broadcasters and newspapers about ongoing book bans.
 Sample Op-Ed from NCAC
- Join or form a 1A defense group on your campus.
- Volunteer with the First Amendment Foundation

Book bans are a form of censorship usually targeting disfavored voices. They create fear and misunderstanding, and they're usually not effective. Banning books deprives people of access to important information and can harm the development of critical thinking skills. There are better ways to protect the minds of young people.

-Ed Birk, Chair of the Board for the First Amendment Foundation

Empowering Communities, Educators, and Authors in the Face of Book Bans



Parents have the right and duty to make decisions for their own children but not to impose their decisions on other parents.

Students should be able to see themselves and their concerns reflected in the books on library shelves.

Talking points

Individuals have the right to make their own decisions about what they believe and what they want to read free from government interference.

Books help young people prepare for the real world. Limiting their choices does not serve their interests.

Removing books from schools, prisons, and public libraries is a slide toward government censorship and violates America's constitutional right to freedom of expression.



PUSH BACK:

Create Free "Banned/Challenged Book" Libraries



HERE'S HOW with help from Foundation 451



In March 2023, Adam Tritt and Lisa Harrington, an author and Brevard County high school teacher and his partner, established the first free book giveaway of titles that were removed from local school libraries. They have since expanded to books challenged in other counties around the state and the country.

Their Melbourne-based nonprofit, **Foundation 451,** currently operates a full-time banned book depository that stocks more than 200 titles of at least four copies of each, meant to be given away to age-appropriate children in the company of their families. The approach is designed to demonstrate that these are works that many parents and guardians want their kids to read. It counters the allegations and narratives spun by groups and politicians seeking to remove these titles from schools and libraries in the name of parental rights.





Tritt and Harrington also maintain free-standing cabinets around Brevard, and even one in St. Petersburg, that are all full of the most popular challenged titles. Known as "Little Free Libraries," or LFLs, unattended books, much like free weekly newspaper bins, are available at no charge by anybody who wants to read and/or share them. These can be located here. People often contact **Foundation 451** to ask if Tritt and Harrington can help them set up an LFL on their property.

Foundation 451 has also set up larger libraries in businesses and churches around Brevard County. Inclusive of these are Teen Safe Spaces and Reading Areas. They are stocked with challenged books and have space for kids to meet, read, and discuss. There is one in a Ben and Jerry's ice cream shop and another in a craft bead shop.

To date, Tritt and Harrington have handed out 5,200 books. The project is billed as the only known of its kind in Florida. Luckily, what Tritt and Harrington created can be replicated elsewhere to push back against unconstitutional efforts by the government and misguided parental rights groups to limit what young people can read.

Here is what Tritt and Harrington did to establish their book giveaways so that others can benefit from the lessons they've learned along the way:

1) Start locally with the books that have been removed from schools in the area where you live. Identify them by title so you can hunt them down from publishers, wholesalers, and secondhand depositories. (More on that later.) Tritt has found that these are the books that will be most in demand. Once you have those covered you might want to expand to books banned elsewhere in the state, titles that are not banned by name, but banned by content (containing gender discussion or supposed CRT – Critical Race Theory), or titles you fear might be restricted in the future. Tritt and Harrington say they also look for good examples that illustrate why books shouldn't be banned as well as outrageous examples of book removals to help explain the issue to parents who might not understand.

2) Next prepare to gather books. For this, you are absolutely going to need some cash. Solicit donations from like-minded individuals as a first step or try to use platforms that help people raise money. Tritt and Harrington started with a GoFundMe page and spread the word via social media. That campaign raised \$35,000 to kick off their effort. (Note: Over 25k, GoFundMe will require a <u>business account</u>. Over a certain amount, without a business, the donations, coming into a personal account, will count as income and will be taxed.) That said, you might not need to raise as much to get started given that many books are available for free or close to free if you know where to look.

*Penguin Random House *Oni Press *Lakeside Press



3) Reach out to publishers* and second-hand book shops, but also do some Google searches to find discounts for volume purchases. These are often available on websites such as half.com books (which is hosted on eBay), thriftbooks.com, and fbmarketplace.com (which requires one to be an educator or have a nonprofit), where cases of children's books are priced very low. Because they run a nonprofit, Tritt and Harrington were able to open a wholesale account with ingramcontent.com. Some places like the Kurt Vonnegut Museum and Library in Indiana, the home of the late author Kurt Vonnegut, will provide copies of Slaughterhouse-Five — one the most banned books in America — for

free.





30 titles and four or five copies of each — it's time to start handing out books. Get a portable table at first and see what businesses might be willing to let you hold a book giveaway in their establishment. Tritt and Harrington's first event was in a local flower store. Some bookshops might also be willing to accommodate the free handouts in their store. It's a win-win, Tritt says, because people will often use the opportunity to buy books from the store while they are there picking up free titles for their children. Promote the giveaway on social media and ask the business to promote it too. Churches are also often willing to help and will promote the event. Also, look to tie a book giveaway to events like Juneteenth or Pride Week to reach audiences hungry for books they might not know exist or be able to find elsewhere.

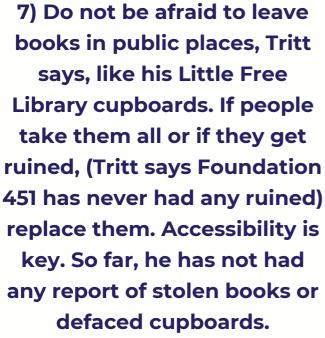




5) Put a jar on your table for donations or if an adult without children wants a copy of a book. Books should be free for kids, but adults should give something. Somewhere between \$3 to \$5 would be a fair donation. Tritt and Harrington say books cost an average of between \$5.00 used and \$8.25 new. Tritt and Harrington have also printed "Read Banned Books" tshirts as well as stickers and car/fridge magnets that help them cover costs and spread the word. All the while you are doing that, keep fundraising and soliciting donations from supportive community groups. Be visible and active. Tell the local paper and radio and TV stations about what you are doing. Some TV stations and most public radio stations have free community calendars where you can post about where you will be. Facebook Events and Instagram can help

6) Be prepared to sweat. There is a lot of backbreaking work moving boxes of books around and transporting them. Storage is key but so is trying to set up a place where you can store as well as give away books. If you can't partner with a church or local community center for permanent space, Tritt and Harrington suggest operating out of a storage facility. Find affordable shelving on second-hand marketplaces and start to inventory what you have. Tritt and Harrington use spreadsheets so they can not only keep track of what they have but also know which books are popular and which are not. Keep expanding those titles that people want while being attentive to trends in book challenges.







8) Be brave and prepared for the possibility of hate and intolerance from closed-minded individuals. Tritt has been called pornographer, pedophile, and "groomer," and has reported at least one threat to the FBI. But remember, the First Amendment is on your side.





"It does not matter if the books are available elsewhere, outside of the educational system. When a government or other institution reduces access to information and replaces it with only what it wants you to know, that is indoctrination. It reduces the ability to inquire. It reduces the ability to think for oneself. That a book may be available online, or at a bookstore 10 miles away, is irrelevant. The very removal is the message, 'You don't belong.' At that point, education has ceased, and indoctrination has begun.

"It is imperative we send the message, 'This is unacceptable.' That message must go not only to those in power but to the powerless. They must know there are those who care about them and who they are. There are those who may not be like them, but care enough to assure they are seen, heard, accepted, and understood. We need their stories, and they need their stories to be told.

For all our sakes, we all do."

-Adam Tritt



If you have questions or are interested in being part of Foundation 451, you can reach out to Adam Tritt at adam@foundation451.org



The First Amendment Foundation was created in 1985 to defend Floridians' right to know. Over the past four decades, we have been the watchdogs, defenders, and advocates of the Sunshine State. Today, we have seen many new attacks not only hindering Floridians' access to information but also their rights to hear and read diverse thoughts, speak out in grievance, learn various perspectives, and even hold their leaders accountable. Now is the time for Floridians to reclaim their power. We at the First Amendment Foundation aim to provide the tools and education for them to do so. Will you join us in this noble fight?

EDUCATION:

We empower members of the community by giving them strategies to protect their rights, providing updates on unconstitutional governmental actions, publishing an initiative for policing open government, and launching public awareness campaigns about 1A rights.

ADVOCACY:

As a 501(c)3, we consider ourselves a watchdog of the Florida government and legislature. We track, analyze, and educate the public on all 1A rights and open government violations.

TRAINING:

We provide manuals on Florida Sunshine Laws and online specialized training to journalists, state agency organizations, and citizens to give them the knowledge and tools to navigate public records and open meeting laws effectively.

LEGAL ADVICE AND REFERRALS:

We aim to support legal aid for newsrooms and citizens facing challenges related to accessing public records or encountering roadblocks in open government efforts. We also aim to offer referral services for citizens experiencing civil rights violations outside of our mission to provide other avenues of accountability.



Protecting Your Right to Know Since 1985

PHONE (850) 224-4555

EMAIL info@floridafaf.org

SITE www.floridafaf.org

MAILING ADDRESS 317 E. Park Ave, Lower Level Tallahassee, FL 32301





HB1069:

https://www.flsenate.gov/Session/Bill/2023/1069/BillText/er/PDF

Pinellas County School Board Petition:

https://www.pcsb.org/cms/lib/FL01903687/Centricity/domain/176/pcs%20forms/2-3185.pdf

Kid's Right to Read Project:

https://ncac.org/project/the-kids-right-to-read-project

Op-ed from NCAC:

https://floridafaf-

my.sharepoint.com/:w:/g/personal/legalfellow_floridafaf_org/ETzVnA4 e08hDs_MD0BjytYwBjyWw009xlChdjBfr7dY2GA?e=cAR1ZJ

Map of LFLs:

https://app.littlefreelibrary.org/ourmap

GoFundMe Business Accounts:

https://support.gofundme.com/hc/en-us/articles/204532398-How-to-transfer-funds-to-a-business-

account#:~:text=To%20send%20funds%20to%20a,connected%20to% 20this%20GoFundMe%20account.

Penguin Random House:

https://www.penguinrandomhouse.com/about-us/contact-us

Oni Press:

https://oni-press.myshopify.com/pages/contactus#:~:text=For%20sales%20%26%20marketing%20questions%2C%20 please,email%20publicity%40onipress.com.

Lakeside Press:

https://lakesidecreates.com/contact

ALA Unite Against Book Bans Toolkit:

https://uniteagainstbookbans.org/toolkit/

DISTRICT WEBSITES



Alachua: https://go.boarddocs.com/fl/alaco/Board.nsf/goto?

open&id=CLWLRD5670C3

Baker: https://www.bakerk12.org/Page/915

Bay: https://go.boarddocs.com/fl/bcsdfl/Board.nsf/vpublic?open

Bradford: https://www.bradfordschools.org/domain/70

Brevard: https://agenda.brevardschools.org/publishing/ap-

agendas.html

Broward: https://www.browardschools.com/meetingagendas **Calhoun**: https://go.boarddocs.com/fl/ccsdfl/Board.nsf/Public **Charlotte**: https://go.boarddocs.com/fla/ccpsfl/Board.nsf/Public

Citrus: https://go.boarddocs.com/fl/citrus/Board.nsf/Public **Clay**: https://agenda.oneclay.net/publishing/ap-agendas.html **Collier**: https://go.boarddocs.com/fl/collier/Board.nsf/Public **Columbia**: https://www.columbiak12.com/en-US/school-board-

e662b7dc/school-board-meeting-information-ba7adbbb

DeSoto: https://www.desotoschools.com/apps/events/?id=8

Dixie: http://dixieschools.dixie.k12.fl.us/admin/board/

Duval: https://dcps.duvalschools.org/Page/9567

Escambia: https://go.boarddocs.com/fl/escambia/Board.nsf/vpublic?

open

Flagler: https://go.boarddocs.com/fla/flcsd/Board.nsf/Public

Franklin: https://go.boarddocs.com/fl/franklin/Board.nsf/Public

Gadsen: https://www.gadsdenschools.org/boardagendasandminutes

Gilchrist: https://www.gilchristschools.org/o/district/page/meeting-

information

Glades: https://go.boarddocs.com/fl/glad/Board.nsf/Public

Gulf: https://gulfcoschools.com/school-board/district-calendar/

Hamilton: https://www.hamiltonfl.com/board-meetings

Hardee: https://go.boarddocs.com/fl/hardee/Board.nsf/Public Hendry: https://go.boarddocs.com/fl/hendry/Board.nsf/Public Hernando: https://hernandoschools.legistar.com/Calendar.aspx Highlands: https://go.boarddocs.com/fl/highlfl/Board.nsf/Public Hillsborough: https://go.boarddocs.com/fl/sdhc/Board.nsf/Public

Holmes: https://go.boarddocs.com/fl/hdsb/Board.nsf/Public

DISTRICT WEBSITES



Indian River: https://go.boarddocs.com/fl/ircs/Board.nsf/Public Jackson: https://go.boarddocs.com/wv/jac/Board.nsf/Public Jefferson: https://go.boarddocs.com/fl/jcsd/Board.nsf/Public Lafayette: https://www.lafayette.k12.fl.us/BoardAgendas

Lake: https://www.lake.k12.fl.us/school-board/board-meetings

Lee: https://go.boarddocs.com/fl/lee/board.nsf/Public
Leon: https://go.boarddocs.com/fla/leon/Board.nsf/Public
Levy: https://go.boarddocs.com/fl/levyk12/Board.nsf/public
Liberty: https://go.boarddocs.com/fl/lcsbfl/Board.nsf/Public
Madison: https://go.boarddocs.com/fl/madcofl/Board.nsf/Public

Manatee: https://www.manateeschools.net/Page/11444

Marion: https://go.boarddocs.com/fl/marion/Board.nsf/Public **Martin**: https://go.boarddocs.com/fl/martin/Board.nsf/Public

Miami-Dade: https://www3.dadeschools.net/SchoolBoard/schedule **Monroe**: https://monroe-k12.granicus.com/ViewPublisher.php?view_id=1

Nassau: https://go.boarddocs.com/fl/nassau/Board.nsf/Public Okaloosa: https://go.boarddocs.com/fl/okaloosa/Board.nsf/Public Okeechobee: https://go.boarddocs.com/fl/okee/Board.nsf/Public Orange: https://go.boarddocs.com/fla/orcpsfl/Board.nsf/Public Osceola: https://go.boarddocs.com/fl/osceola/Board.nsf/Public Pasco: https://go.boarddocs.com/fl/pasco/Board.nsf/Public

Palm Beach: https://go.boarddocs.com/fl/palmbeach/Board.nsf/Public

Pinellas: https://go.boarddocs.com/fl/pcsfl/Board.nsf/Public **Polk**: https://go.boarddocs.com/fl/polk/Board.nsf/Public?open **Putnam**: https://go.boarddocs.com/fl/putnam/Board.nsf/Public **Santa Rosa**: https://santarosaschools.org/en-US/board-meetings **Sarasota**:

https://www.sarasotacountyschools.net/Page/2677#calendar1/20231205/month

Seminole: https://seminolecountyschoolfl.iqm2.com/Citizens/Default.aspx

St. Lucie: https://go.boarddocs.com/fl/stlucie/Board.nsf/public St. John's: https://go.boarddocs.com/fl/stjohns/Board.nsf/Public Sumter: https://go.boarddocs.com/fla/scsfl/Board.nsf/Public Suwannee: https://www.suwannee.k12.fl.us/schoolboard Taylor: https://go.boarddocs.com/fl/taylor/Board.nsf/Public Union: https://go.boarddocs.com/ny/fufsd/Board.nsf/Public Volusia: https://go.boarddocs.com/fla/vcsfl/Board.nsf/Public Walton: https://go.boarddocs.com/fl/waltonsd/Board.nsf/Public

Wakulla: https://go.boarddocs.com/fl/wcsb/Board.nsf/goto

Washington: https://go.boarddocs.com/fl/wcsdschools/Board.nsf/Public