



Written by [David Kelly](#) on May 19, 2023

Banned Books: Jail Time for School Librarians?

A recent movement by advocacy groups and state politicians to ban books or impose restrictions on certain reading materials in schools and libraries is sparking controversy across the nation. This has led to several states passing new laws that allow criminal prosecution and steep fines of school and library personnel for providing sexually explicit, obscene, or harmful books to children.

“Book banning” has a long history in the United States, especially when it comes to children’s literature, and recently school boards and public libraries have been the main focus of parents and advocacy groups seeking to have certain books removed. Most of the target books feature LGBTQ+ themes or LGBTQ+ characters, teen pregnancy, abortion, sexual assault, violence, and racism.



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PEN America, a group that champions the freedom to write, [stated](#):

During the first half of the 2022-2023 school year, PEN America recorded 1,477 instances of individual books banned, an increase of 28 percent compared to the prior six months, January - June 2022. That is more instances of book banning than recorded in either the first or second half of the 2021-22 school year. Over this six-month timeline, the total instances of book bans affected is over 800 titles; this equates to over 100 titles removed from student access each month.

Most books on the shelves of school libraries are curriculum-driven and subject to review processes by parents. In recent years, though, a number of new books at school libraries have contained material that most adults would agree is not suitable for children to read. This has led concerned parents nationwide to have books pulled from shelves and reviewed, with many being banned.

Now some lawmakers, mostly in Republican-led states, are updating their [obscenity laws](#), which typically prohibit the distribution of obscene material to minors. Those laws are affecting not only schools, but also public libraries.

[The Washington Post](#) reported:

At least seven states have passed such laws in the last two years, according to a Washington Post analysis, six of them in the past two months — although governors of Idaho and North Dakota vetoed the legislation. Another dozen states considered more than 20 similar bills this year, half of which are likely to come up again in 2024.



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In Arkansas, an obscene-material [bill](#) scheduled to take effect in August could lead to school and public librarians, including teachers, being imprisoned for up to six years or fined \$10,000 if they distribute obscene or harmful texts.

According to the [Indiana Daily Student](#), Governor Eric Holcomb signed [Indiana House Bill 1447](#) into law earlier this month. Under the new law, schools will no longer be able to claim legal protection by using “educational purposes” as a reason for sharing books deemed “obscene” or “harmful to minors.”

These new and updated obscenity laws are concerning to some, who say the guidelines are vague for determining which materials are harmful or obscene, as well as who makes that determination. Many school and public librarians are worried about the new restrictions and potential consequences they could face.

The *Post* [shared](#):

In Arkansas, a dozen librarians have sought help from Nate Coulter, executive director of the Central Arkansas Library System, worried they will be prosecuted once their state’s law takes effect this summer. Coulter said he promised legal support. In Indiana, school librarians have begun removing books that deal with LGBTQ issues, sex, race and violence — sometimes of their own volition, sometimes at the direction of their principals — according to Chad Heck of the Indiana Library Federation, which advocates for libraries in the state.

These laws may face serious court challenges, as opponents will contend that they violate the First Amendment. Legal precedent was set in 1982, when the Supreme Court ruled 5-4 in [Board of Education, Island Trees Union Free School District v. Pico](#) that public schools can bar books that are “pervasively vulgar” or not right for the curriculum, but they cannot remove books “simply because they dislike the ideas contained in those books.” The court’s decision was limited, however, applying only to the removal of books from school library shelves.





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