

Book Censorship in the United States

A Government Documents Story

Claudia Davidson

In recent years, book bans and censorship have been serious topics of conversation in the United States. The American Library Association has been compiling data regarding censorship in libraries for more than twenty years. An announcement on March 22nd, 2023, reported 1,269 book censorship demands in 2022, the highest number yet recorded.¹

According to the announcement, this data is compiled through reports given to ALA's Office for Intellectual Freedom and challenges covered in the press. However, many censorship attempts are not reported, so this annual data is an incomplete overview of yearly trends. "Challenge" is defined as a complaint or attempt at removal; some challenges are resolved without removing the item from collections, while others do result in restriction or removal. Despite continual reports of challenges, ALA finds that most Americans are against book censorship and believe librarians make good decisions when building collections.²

2022 and 2023 featured an onslaught of federal and state attempts to censor materials. One of these is *H.R.5, The Parents Bill of Rights Act*, which passed the House of Representatives in March of 2023. This act would make it federally mandatory for elementary and secondary schools to notify parents of their rights to "inspect the books and other reading materials in the library of their child's school."³ Many criticize this act as an effort to ban more books in school libraries and to censor teachers.⁴

Book censorship has a vast international history beyond the last few years. This paper will highlight common historical and present-day reasons for book censorship across the United States. I will track the evolution of obscenity laws, a main player in book censorship for decades. I will discuss other common reasons for censorship, including LGBTQ+ themes, religious values, race, and political ideology.

On its web page "About Banned and Challenged Books," the American Library Association quotes Supreme Court Justice

William J. Brennan, Jr. in *Texas v. Johnson* (1989): "If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."⁵ Historically, however, "obscenity laws" have blurred the boundaries between what is dangerous and what is merely disagreeable to some.

Obscenity Laws

Central to the issue of book censorship is the question of obscenity. The definition of "obscenity" is often subjective. It is important to address what or who has historically decided whether material is inappropriate enough to be removed, censored, or restricted.

Anthony Comstock is an influential figure in developing United States obscenity laws. With the help of the Young Men's Christian Association (YMCA) in 1872, Comstock formed the New York Society for the Suppression of Vice. His slogan was "Morals, Not Art or Literature" (pp 294).⁶

In 1873, Comstock successfully urged Congress to pass a bill that would be known as the Comstock Act.⁷ It mandates that no "obscene, lewd, or lascivious book, pamphlet, picture, paper, print, or other publication of an indecent character [. . .] shall be carried in the mail." Any person who sends such materials in the mail would face fines or imprisonment. The Comstock Act specifically bans the mailing of contraceptives and any medical information on abortion and birth control but does not otherwise define "obscene, lewd, and lascivious"⁸

Despite its passage, the Comstock Act was far from universal acceptance. The National Defense Association, formed in response to the act, wrote a petition to repeal the law. It received over 70,000 signatures and was sent to Congress, but Comstock successfully alleged that many of the signatures were forgeries.⁹

Immediately following the passage of the Comstock Act, Anthony Comstock was appointed Special Agent of the Post Office Department, which gave him the power to enforce his namesake law.¹⁰ The United States Postal Inspection Service has a timeline on its website, which features a photo of Comstock for 1873. The caption reads, “The Postal Obscenity Statute is enacted by Congress, based on the urging of Special Agent Anthony Comstock.”¹¹

The Comstock Act was used to arrest Deboigne Bennett in 1879 for mailing a copy of *Cupid’s Yokes* (1876) by Ezra Heywood.¹² The case *United States v. Bennett* is notable because it set an official definition of obscenity in the United States by adopting the “Hicklin Test,” the British test of obscenity established in *Regina v. Hicklin* (1868). *United States v. Bennett* quotes Lord Chief Justice Cockburn as concluding in *Regina v. Hicklin*:

I think the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall. (pp 33)

The judge in *Bennett* agrees that this is a reasonable measure of obscenity. This case references a case against the author of the book in question, Ezra Heywood:

In the trial of the Heywood Case, Judge Clark, in charging the jury, said: A book is obscene, which is offensive to decency. A book, to be obscene, need not be obscene throughout the whole of its contents, but, if the book is obscene, lewd, or lascivious or indecent in whole or in part, it is an obscene book, within the meaning of the law, a lewd and lascivious and indecent book. (p. 34)

The judge confirms that the present case holds the same views (p. 66). These cases mandate that a book is obscene and thus banned from distribution through the postal service if merely one part of the whole provokes impure thoughts.¹³ This set a more specific definition of obscenity than the 1873 Comstock Law but still did not address the central issues of interpretation, subjective experience, and varying personal belief systems.

The 1933 district court case *United States v. One Book Called Ulysses* is a landmark case in which the United States federal government attempted a ban.¹⁴ The government claimed that the 1922 James Joyce novel *Ulysses* was obscene and thus banned from international importation under 19 U.S.C.S. § 1305.¹⁵ Judge John M. Woolsey found that the novel was not written

with pornographic intent and instead attempted to describe the realistic thoughts and actions of everyday people living in Dublin in 1904. The novel’s “obscene” words would have been known by most people at the time, and “under an objective, reasonable man standard,” the sexual content was not found to be out of the ordinary. Because it was not found to provoke impure thoughts beyond the average, *Ulysses* was not banned from importation. Judge Woolsey considered the book’s literary intent as a whole, a stark difference from the judge in *United States v. Bennett*, who refused to provide the jury with any passages of *Cupid’s Yokes* other than the few flagged as potentially obscene (pp 2).¹⁶ This act of viewing the questionable passages in context set the precedent to permit the importation of future works of literature containing sexual themes and coarse language.

The 1957 case *Roth v. United States* established a new test of obscenity.¹⁷ Samuel Roth, a New York City publisher and author, was previously tried for mailing a magazine containing erotic stories and pornographic photos. He was found guilty of violating 18 US Code § 1461, which bars the mailing of obscene materials.¹⁸ David Alberts, a Californian mail-order business owner, was convicted under California Penal Code §311 for mailing pornographic photos.¹⁹ Both appealed on grounds of First Amendment violations. The cases were consolidated before the Supreme Court in *Roth v. United States*. The judge determined that obscene materials were not covered by freedom of speech or press:

All ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guaranties . . . but implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance. (pp. 484–85).

This was a change from the Hicklin standard adopted in *United States v. Bennett*, which asserted that only one part of a material must cause impure thoughts to be banned from the postal system.²⁰ *Roth* clarifies that, to be considered obscene and thus not covered by the First Amendment, the material’s sole purpose must be to incite lustful thoughts.

In 1959, Reader’s Subscription, Inc mailed copies of an uncensored Grove Press version of D.H. Lawrence’s *Lady Chatterley’s Lover* to book club subscribers. The post office seized these copies and barred the Reader’s Subscription from mailing on grounds of *Lady Chatterley’s Lover*’s obscenity. Reader’s Subscription brought the post office to trial for unduly causing great harm to their business. The entire case file can be

found on Archives.gov, and the transcripts provide insight into the legal conversation around what constitutes obscenity.²¹ The transcript clarifies that D.H. Lawrence himself “did not believe in promiscuity, nor in homosexuality” (pp 43). It cites cases from the prior two years in which the Supreme Court judged materials to be against average community standards and thus obscene. These include magazines showing nude men and women, a magazine containing a story about a lesbian and a poem about a gay man, and a film containing a pedophilic scene (pp 48-49). Because *Lady Chatterley’s Lover* contains neither nude photos, homosexuality, or pedophilia, the court decided it was not considered obscene. The newly adopted definition of obscenity from the *Roth* case most likely played a role in this verdict, as it required that a material as a whole be inappropriate, not just small parts of it.²²

The definition of obscenity changed again in 1973 with the *Miller v. California* decision. Miller sent out advertisements for the sale of “adult” materials, and some people received them unwillingly. The court again held that the First Amendment does not protect obscenity, then adjusted the definition as established in *Roth*. Now, obscene material must, as a whole, lack “serious literary, artistic, political, or scientific value.”²³ This is the same test in use today, and it is listed on The United States Department of Justice’s “Citizen’s Guide to U.S. Federal Law on Obscenity” web page.²⁴ Crucially, the Miller standard focuses on applying “community standards” rather than one national standard for determining obscenity:

The jury may measure the essentially factual issues of prurient appeal and patent offensiveness by the standard that prevails in the forum community and need not employ a “national standard” (30-34).²⁵

This officially grants state and local levels the authority to determine obscenity, making it possible for a material to be considered obscene in one community and acceptable in another.

Obscenity is a common reason for book challenges today. HB 1205 of North Dakota passed a second reading in the House as of April 2023. This bill adopts language from the Miller Test to ban sexually explicit materials in public libraries. It focuses on children’s collections and leaves the determination of what constitutes “sexually explicit” to the “prevailing standards in the adult community in North Dakota as a whole with respect to what is suitable material for minors” (Section 1.a(3)).²⁶

Virginia is an example of a state that has instituted its own obscenity law. § 18.2-384: “Proceeding against book alleged to be obscene,” gives citizens of any Virginia county the power to institute a court proceeding against any person or company

that sells or distributes a book they deem obscene.²⁷ Similar to the Miller standard, this statute dictates that obscenity is determined through local community standards and artistic value. Section E of this statute allows the court to issue a temporary sale ban on the offensive material before obscenity is legally determined. Section K mandates that during the temporary restraining order period, any person who sells or distributes the material is presumed to know it is considered obscene, meaning the seller could be charged even if they are unfamiliar with the content.

In an August 30, 2022, press release, the American Civil Liberties Union announced that the Circuit Court of Virginia Beach declined to label two books obscene after two petitions were filed. The books in question were *Gender Queer* (2019) by Maia Kobabe and *A Court of Mist and Fury* (2016) by Sarah J. K. Maas.²⁸ In a final order issued by Judge Pamela S. Baskerville, Virginia Code § 18.2-384 is declared unconstitutional for authorizing a prior restraint, presuming culpability of distributors who may not know a book’s obscenity status, and for violating due process.²⁹

Book Censorship Based on Ideas

Obscenity is far from the only reason for book censorship in the United States. Censorship of specific ideologies, beliefs, scientific theories, and identities is a historical and present theme.

Evolution

One idea that was historically censored in text is evolution. One of the longest-lasting bans was in Tennessee from 1925–1967. The 1925 Butler Act, “To prohibit the teaching of evolution in all schools in the State,” made it illegal for any partially or fully state-funded school or university to teach any theory that undermines biblical Creationism or claims humans are descended from a lower species (Section 1).³⁰ This extended to using Charles Darwin’s *On the Origin of Species* in schools and universities. The Butler Act was not overturned until 1967 in Tennessee House Bill No. 48.³¹

Communism

Book censorship based on political ideology was prevalent during the “Red Scare” period between roughly 1917–1957. There were rumors that the United States government burned books associated with communism, as evidenced in a 1953 Memorandum from the Director of the Psychological Strategy Board to the Under Secretary of State, found in volume 2, part 2 of the Foreign Relations of the United States (FRUS), National Security Affairs.³² It expresses concern for world opinion due to reports of book burnings in overseas libraries. The

memorandum recommends that the State Department manage overseas libraries with the same dedication to freedom of reading as stateside libraries. In the same FRUS volume is “Infoguide Bulletin 303,” which discusses how the State Department will manage Communist materials. Point three of the plan demands that periodic issues containing “any material detrimental to US objectives” be removed from United States Information Service (USIS) overseas libraries. Number four declares that all works from Communist authors are banned from such libraries (pp. 1686–87).³³

The Communist Control Act of 1954, with a stated aim to “outlaw the Communist Party,” advocates for censoring materials with ideas related to Communism.³⁴ Section 5 specifically outlines evidence that might suggest someone is a member of the Party. Points 9 and 10 condemn those who have “prepared documents, pamphlets, leaflets, books, or any other type of publication in behalf of the objectives and purposes of the organization,” and those who have “mailed, shipped, circulated, distributed, delivered, or in any other way sent or delivered to others material or propaganda of any kind in behalf of the organization” (pp. 775–77).

Sexuality, Gender, and Race Theory

Across present-day lists of challenged books, certain trends are apparent. The American Library Association compiles yearly book challenge reports. Each year, “sexually explicit” subject matter is one of the most common reasons for challenges. Many of these books are also LGBTQIA+ inclusive.³⁵

In October of 2021, Texas Senator Matt Krause issued an inquiry to the Texas Education Agency regarding the possession of certain books.³⁶ The letter commands that each Texas school district report how many copies of each book on an attached list they possess, how much funding was spent on them, and to list any other books they possess on the following topics:

Human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS), sexually explicit images, graphic presentations of sexual behavior that is in violation of the law, or contain material that might make students feel discomfort, guilt, anguish, or any other form of psychological distress because of their race or sex or convey that a student, by virtue of their race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.³⁷

The attached list targets 850 titles, many of which focus on LGBTQ+ identities and struggles, race and racism, abortion,

and gender. The *Texas Tribune* has [combined a full list of challenged titles](#).³⁸

Florida’s 2022 House Bill 1467 requires the review of every book in all K-12 libraries by a media specialist who has undergone mandatory Florida Department of Education materials review training. This includes classroom libraries previously developed by teachers. HB 1467 requires that each school library have a searchable database of its materials, and it mandates that, beginning June 30, 2023, each district school board submit a report to the Commissioner of Education listing every material that received a complaint and actions taken in response.³⁹

Two other Florida bills passed in 2022 supplement HB 1467. These are House Bill 1557, called the “Don’t Say Gay” law by critics, and HB 7, the “Stop the Wrongs to Our Kids and Employees (W.O.K.E.) Act.” Section 3 of HB 1557 prohibits instruction on sexual orientation or gender identity by school employees or third parties in grades K-12.⁴⁰ In March of 2023, Governor Ron DeSantis proposed expanding this Act to include restrictions on teaching about sexual orientation and gender identity up to the 12th grade.⁴¹ Florida’s House Bill 7 prohibits “instructional materials reviewers from recommending instructional materials that contain any matter that contradicts certain principles” (48-50).⁴² One of these principles is that “a person’s moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex” (233–35).

Due to these new laws, Florida media specialists, teachers, and school board members have begun to exercise great caution to avoid risking their careers. A fact sheet on Duval County’s website describes the steps the school board is taking to comply with these recent laws.⁴³ They have reviewed about 10,000 books so far using the state-mandated review process, but there is a total of about 1.6 million titles that 54 media specialists across the county must review. The web page states, “Based on state training on multiple laws dealing with gender and racial ideology in books,” Duval County is looking for material that might be considered pornographic, instruction on sexual and gender orientation, or might describe someone as “inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.” These descriptions encompass materials targeted by HB 1557 and HB 7. Full guidelines for reviewers can be found in Florida Statute 1006.31(2)(d): Duties of the Department of Education and school district instructional materials reviewer.⁴⁴

Conclusion

Book censorship attempts are pervasive across the nation. For all the people who advocate for censorship of ideas, identities,

Top Ten Government Documents

Year	Document	Description
1873	The Comstock Act (1873). <i>Statutes at Large</i> , 42nd Congress, 3rd Session, Sec. 148. <i>A century of lawmaking for a new nation: U.S. Congressional documents and debates, 1774-1874</i> . The Library of Congress: American Memory. https://memory.loc.gov/cgi-bin/ampage?collId=llsl&file Name=017/llsl017.db&recNum=640	The Act that enabled the United States Post Office to censor the distribution of materials deemed obscene, lewd, or lascivious.
1925	HB 185: Tennessee Evolution Statutes (1925). http://law2.umkc.edu/faculty/projects/ftrials/scopes/tennstat.htm	The law that banned the teaching of any theory that contradicts Creationism in Tennessee schools and Universities. Effectively banned <i>On the Origin of Species</i> by Charles Darwin. Was not overturned until 1967.
1953	Morgan, George A “Memorandum by the Acting Director of the Psychological Strategy Board (Morgan) to the Under Secretary of State (Smith).” 6 July 1953. In <i>Foreign Relations of the United States, 1952-1954, Volume II, Part 2, National Security Affairs</i> . Office of the Historian. https://history.state.gov/historicaldocuments/frus1952-54v02p2/d343	A memorandum to the Department of State advising that overseas libraries be treated with the same intellectual freedom as stateside libraries. This memorandum was in response to word that the United States burned communist materials.
1959-60	Reader’s Subscription, Inc. v. Robert K. Christenberry, Postmaster of New York City, June 10 1959- July 27 1960 [Electronic Resource]; Records of District Courts of the United States 1685-2009, Record Group 21; Civil Case Files 1938-1995; National Archives at New York [online version available through the Archival Research Catalog (ARC identifier 7595378) at https://catalog.archives.gov/id/7595378	An entire case file regarding the censorship of <i>Lady Chatterley’s Lover</i> under Comstock Laws. Shows legal discussion on the merits of the text. Determined it was not obscene because it aligned with common community values.
1973	Miller v. California, 413 U.S. 15 (Supreme Court of the United States, 1973). Retrieved from Nexis Uni database.	The case that adopted the definition of obscenity that is still in use today.
2021	Krause, Matt. <i>Re: School District Content Inquiry</i> (25 October 2021). Texas House of Representatives, Committee on General Investigating. https://static.texastribune.org/media/files/965725d7f01b8a25ca44b6fde2f5519b/krauseletter.pdf?_ga=2.167958177.1655224844.1635425114-1180900626.1635425114	An email from a Texas senator asking that all Texas school boards review their library collections for 850 specific titles. The list was originally attached to the email and can be found in the references page of this paper.
2022	U.S. House. Hearing of the Subcommittee of Civil Rights and Civil Liberties of the Committee on Oversight and Reform. <i>Free Speech Under Attack: Book Bans and Censorship</i> . 7 April 2022. https://www.govinfo.gov/content/pkg/CHRG-117hhr47266/html/CHRG-117hhr47266.htm	A House of Representatives hearing expressing concern about the growing problem of book banning and censorship. Teachers, librarians, and students testified for their rights to intellectual freedom.
2023	Pierce, T. and Ricks, L. (17 February 2023). <i>Facts about library books in Duval County public schools</i> . Duval County Public Schools. https://www.teamduval.org/2023/02/17/facts-about-library-books-in-duval-county-public-school	Duval County’s official webpage regarding their processes for reviewing library materials under new Florida laws.
2023	H.R.5—118th Congress (2023-2024): Parents Bill of Rights Act. (2023, March 27). https://www.congress.gov/bill/118th-congress/house-bill/5	A federal Bill in process which would make it mandatory to notify parents of their right to receive a comprehensive school library material list, as well as their right to inspect said books and materials.

and experiences through the written word, many people also fight for intellectual freedom and the freedom to read. In a 2022 hearing before the House of Representatives Subcommittee on Civil Rights and Civil Liberties titled “Free Speech Under Attack: Book Bans and Academic Censorship,” many of these voices were heard.⁴⁵ Teachers, librarians, students, and American Civil Rights Activist Ruby Bridges advocated for freedom of speech and thought in schools and universities. Jamie Raskin, Chairman of the Committee, opened with some insight:

The First Amendment, I used to tell my constitution law students, is like Abraham Lincoln’s golden apple of liberty . . . Everybody wants to take just one or two bites out of the apple. But if we allow all those bites,

there is no apple left. The freedom of speech disappears. The way to save the apple for all of us is to learn to tolerate the speech you will bore as well as the speech you agree with. It is not always easy, but this is incumbent upon people living in a free democratic society. If we cancel or censor everything that people find offensive, nothing will be left (p. 2).

In the words of Shreya Mehta, a Richland, Washington student who spoke at the hearing, “I believe that words have a lot of power and that they can teach us empathy and strengthen our democracy” (p. 7). Despite attempts to censor materials based on individual opinion, fear, and offensiveness, this is the essence of living under the United States’ First Amendment.

Claudia Davidson (crd16@fsu.edu) is a Master of Library and Information Studies student at the School of Information at Florida State University. This paper was written for (e.g.) Z525 Government Information, Spring 2023, Professor Mohamed Berray.

Notes

1. “American Library Association Reports Record Number of Demands to Censor Library Books and Materials in 2022,” ALA News, <https://www.ala.org/news/press-releases/2023/03/record-book-bans-2022>.
2. “Voters Oppose Book Bans in Libraries,” American Library Association, <https://www.ala.org/advocacy/voters-oppose-book-bans-libraries>.
3. Parents Bill of Rights Act, H.R. 5, 118th Cong. (2023), <https://www.congress.gov/bill/118th-congress/house-bill/5>.
4. Marc Egan, “NEA Urges NO Vote on Parents Bill of Rights Act, H.R. 5,” National Education Association (letter to US House of Representatives, March 23, 2023), <https://www.nea.org/advocating-for-change/action-center/letters-testimony/nea-urges-no-vote-parents-bill-rights-act-hr-5>.
5. “Banned and Challenged Books: About Banned and Challenged Books,” American Library Association, <https://www.ala.org/advocacy/bbooks/about/bannedbooks>.
6. Frank W. Smith Jr., “Obscenity: From Hicklin to Hicklin,” *University of Richmond Law Notes* 2, no. 5 (Spring 1967), 289–343, <https://heinonline.org/HOL/P?h=hein.journals/urich2&i=307>.
7. Brandon Burnette, “Comstock Act of 1873,” *The First Amendment Encyclopedia, Middle Tennessee State University*, <https://www.mtsu.edu/first-amendment/article/1038/comstock-act-of-1873#:~:text=The%20Comstock%20Act%20of%201873,picture%2C%20drawing%2C%20or%20advertisement>.
8. Act of 1873, Ch. 258, Sec. 148, 17 Stat. 599, <https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=017/llsl017.db&recNum=640>.
9. Committee on Post Office and Post Roads, “Letter against the Comstock Act” (March 18, 1879), <https://history.house.gov/HouseRecord/Detail/15032436135>.
10. Burnette, “Comstock Act of 1873.”
11. “History of the U.S. Postal Inspection Service,” United States Postal Inspection Service, <https://www.uspis.gov/about/history-of-uspis#1873>.
12. Burnette, “Comstock Act of 1873.”
13. *United States v. Bennett*, 16 Blatchf. 338, 8 Reporter 38 (Circuit Court, S. D. New York, 1879). <https://law.resource.org/pub/us/case/reporter/F.Cas/0024.f.cas/0024.f.cas.1093.pdf>
14. *United States v. One Book Called Ulysses*, 5 F. Supp. 182 (S.D.N.Y. 1933). Retrieved from Nexis Uni database.
15. *Immoral Articles; Importation Prohibited*, 19 U.S.C. § 1305, <https://www.govinfo.gov/content/pkg/USCODE-2021-title19/pdf/USCODE-2021-title19-chap4-subtitle-II-partI-sec1305.pdf>.
16. *United States v. Bennett*.
17. *Roth v. United States*, 354 U.S. 476 (1957). Retrieved from Nexis Uni database.
18. *Mailing Obscene or Crime-Inciting Matter*, 18 U.S.C. § 1461, <https://www.govinfo.gov/content/pkg/USCODE-2021-title18/pdf/USCODE-2021-title18-partI-chap71-sec1461.pdf>.
19. California Penal Code §311, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=311.
20. *United States v. Bennett*.
21. *Reader’s Subscription, Inc. v. Robert K. Christenberry, Postmaster of New York City*, June 10 1959–July 27 1960 [Electronic Resource]; Records of District Courts of the United States 1685–2009, Record Group 21; Civil Case Files 1938–1995; National Archives at New York [online version available through the Archival Research Catalog], <https://catalog.archives.gov/id/7595378>.
22. *Roth v. United States*.
23. *Miller v. California*, 413 U.S. 15 (1973). Retrieved from Nexis Uni database.
24. “Citizen’s Guide to U.S. Federal Law on Obscenity,” The United States Department of Justice, <https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-obscurity#:~:text=Federal%20law%20prohibits%20the%20possession,borders%20for%20purposes%20of%20distribution>.
25. *Miller v. California*.
26. A Bill for an Act to create and enact a new section to chapter 12.1–27.1 of the North Dakota Century Code, relating to prohibiting public libraries from maintaining explicit sexual material; to provide for a legislative

- management report; and to provide for application, H.B. 1205, (North Dakota 2023), <https://www.ndlegis.gov/assembly/68-2023/regular/documents/23-0407-04000.pdf>.
27. Proceeding Against Book Alleged to be Obscene, § 18.2-384, Code of Virginia, <https://law.lis.virginia.gov/vacode/title18.2/chapter8/section18.2-384/>.
 28. American Civil Liberties Union (ACLU), “Virginia Judge Rejects Obscenity Proceedings Against Gender Queer and A Court of Mist and Fury,” press release, August 30, 2022, <https://www.aclu.org/press-releases/virginia-judge-rejects-obscenity-proceedings-against-gender-queer-and-court-mist-and>.
 29. Pamela S. Baskervil, “Final Order Dismissing Proceedings & Declaring Section 18.2-384 Unconstitutional, In re: A Court of Mist and Fury” (August 30, 2022), <https://www.aclu.org/cases/virginia-obscenity-proceedings-against-two-books?document=final-order-dismissing-proceedings-declaring-section-182-384-unconstitutional>.
 30. “An Act prohibiting the teaching of the Evolution Theory in all the Universities, Normals, and all other public schools of Tennessee, which are supported in whole or in part by the public school funds of the State, and to provide penalties for the violations thereof,” H.B. 185, Ch. 27, Sixty-Fourth General Assembly (Tennessee 1925), <http://law2.umkc.edu/faculty/projects/ftrials/scopes/tennstat.htm>.
 31. An act to repeal Section 49-1922, Tennessee Code Annotated, prohibiting the teaching of evolution, H.B. 48 (Tennessee 1967), <https://teva.contentdm.oclc.org/digital/collection/scopes/id/175/>.
 32. “Memorandum by the Acting Director of the Psychological Strategy Board (Morgan) to the Under Secretary of State (Smith),” *Foreign Relations of the United States, 1952-1954, National Security Affairs, Volume II, Part 2*, <https://history.state.gov/historicaldocuments/frus1952-54v02p2/d343>.
 33. “Infoguide Bulletin 303,” *Foreign Relations of the United States, 1952-1954, National Security Affairs, Volume II, Part 2, 1686-1687*, https://history.state.gov/historicaldocuments/frus1952-54v02p2/pg_1686.
 34. An Act to outlaw the Communist Party, Pub. L. 637, 68 Stat. 775 (1954), <https://www.govinfo.gov/content/pkg/STATUTE-68/pdf/STATUTE-68-Pg775.pdf#page=1>.
 35. “Banned and Challenged Books: Infographics” American Library Association, accessed August 17, 2023, <https://www.ala.org/advocacy/bbooks/frequently-challengedbooks/statistics>.
 36. Richard Dahl, “Book Banning Efforts are on the Rise. What Does the Law Say?,” *FindLaw* (blog), January 6, 2022, <https://www.findlaw.com/legalblogs/law-and-life/book-banning-efforts-are-on-the-rise-what-does-the-law-say/>.
 37. Matt Krause, email message to Lily Laux and Superintendents, “Re: School District Content Inquiry” (October 25, 2021), https://static.texastribune.org/media/files/965725d7f01b8a25ca44b6fde2f5519b/krauseleter.pdf?_ga=2.167958177.1655224844.1635425114-1180900626.1635425114.
 38. Matt Krause Book List [PDF Document], Texas Tribune, 2022, [krausebooklist.pdf, https://static.texastribune.org/media/files/94fee7ff93eff9609f141433e41f8ae1/krausebooklist.pdf](https://static.texastribune.org/media/files/94fee7ff93eff9609f141433e41f8ae1/krausebooklist.pdf).
 39. An Act Relating to K-12 Education, H.B. 1467 (Florida 2022), <https://www.flsenate.gov/Session/Bill/2022/1467>.
 40. An Act Relating to Parental Rights in Education, H.B. 1557 (Florida 2022), <https://www.flsenate.gov/Session/Bill/2022/1557>.
 41. Fla. Admin. Reg. Vol. 49, p. 931, (March 16, 2023), https://flrules.org/Faw/FAWDocuments/FAWVOLU_MEFOLDERS2023/4952/4952doc.pdf.
 42. An Act Relating to Individual Freedom, H.B. 7 (Florida 2022), <https://www.flsenate.gov/Session/Bill/2022/7>.
 43. Tracy Pierce and Lauren Ricks, “Facts about Library Books in Duval County Public Schools,” Duval County Public Schools (February 17, 2023), <https://www.teamduval.org/2023/02/17/facts-about-library-books-in-duval-county-public-school>
 44. Fla. Sta 1006.31: Duties of the Department of Education and school district instructional materials reviewer (Florida 2022), http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1006/Sections/1006.31.html.
 45. House of Representatives Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties, *Free Speech Under Attack: Book Bans and Censorship, Hearings*, 117th Cong., 2nd sess. (April 7, 2022), <https://www.congress.gov/117/meeting/house/114616/documents/HHRG-117-GO02-Transcript-20220407.pdf>.