

National Groups Condemn Missouri Library Censorship Bill

The National Coalition Against Censorship and the other national groups signed below call upon the Missouri legislature to reject [Missouri House Bill 2044](#), a recently introduced library censorship bill. The bill poses urgent dangers to the constitutional rights of Missouri's citizens, including librarians, parents, and children. It is also redundant in light of existing Missouri law that already makes it a crime to provide minors with the material described in the bill.

The bill poses serious constitutional dangers by threatening to punish librarians for allowing minors to read constitutionally protected material that offends the personal morals of some individuals in the community. The bill proposes to restrict the freedom of librarians to exercise professional judgment in selecting books for their value to young people, which will result in a chilling effect and a grave violation of the First Amendment rights guaranteed to parents and children in the community.

The bill requires each library to create a committee of untrained local adults with no qualifications to make decisions regarding what books local children can and cannot read. The committee is given power to decide, among other things, whether a particular book, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors. It is dangerous and constitutionally impermissible to allow a group of otherwise unqualified individuals to determine whether a book has serious value. To make matters worse, library and school employees, who are trained to help children learn from books and other material, are banned from being members of the committee.

Parents and special interest groups have denounced many classic works as "obscene" or "pornographic," despite their nationally recognized literary and educational value. For example, community members have sought to ban, as obscene, books like *The Kite Runner* by Khaled Hosseini; *Beloved*, a Pulitzer Prize winning novel by Nobel Prize winner Toni Morrison; and Ken Kesey's *One Flew Over the Cuckoo's Nest*, named by *Time* magazine as one of the "100 Best English-language Novels from 1923 to 2005".

By existing law, when someone is charged with distributing obscene material or material harmful to minors, a jury hears testimony from experts regarding whether the work has value. In contrast, HB 2044 includes no requirement that oversight committees consult experts; instead, it allows an unqualified minority of five people to use their own subjective judgment regarding whether a work has value, without requiring that those people have any knowledge of literature, art, or science. The First Amendment protects the intellectual sovereignty of all citizens, and permits parents to make their own decisions about the intellectual development of their children. This law proposes to cede that parental right to a small minority deploying their own personal and subjective values.

Courts have recognized that any effort to protect minors from ostensibly inappropriate material must be carefully designed in order to ensure that access to constitutionally protected materials

is not restricted, and to ensure that the rights of individuals are not otherwise infringed. Missouri House Bill 2044 falls woefully short in that regard. The National Coalition Against Censorship and the undersigned organizations strongly urge the Missouri legislature to reject HB 2044.

Co-signed by

National Coalition Against Censorship
Comic Book Legal Defense Fund
American Booksellers for Free Expression
American Library Association Office for Intellectual Freedom
The Authors Guild
Freedom to Read Foundation
Kurt Vonnegut Museum & Library
National Council of Teachers of English
PEN America
PEN America Children and Youth Adults Book Committee
Society of Children's Books Writers and Illustrators