



September 11, 2023

Dear Chair Durbin, Ranking Member Graham, and members of the committee:

On behalf of the American Booksellers for Free Expression, the free speech initiative of the American Booksellers Association—the not-for-profit trade association representing over 2,500 independent bookstores across the country—we respectfully submit this testimony in regard to tomorrow’s Senate Judiciary hearing, “Book Bans: Examining How Censorship Limits Liberty and Literature.”

ABFE was founded in 1990, but at no time in its 33-year history has access to books been more profoundly threatened.

The precipitous increase in book bans over the past two years represents a clear danger to the prosperity, safety, and growth of our members and their communities. Over the past year, we’ve seen a proliferation of bills in state legislatures that would censor books and limit access to lawful materials in schools and libraries, attempting to codify censorship into law in direct violation of the First Amendment.

These bans clearly threaten free expression, equal representation in society, and free enterprise.

In the past year, our members in Arkansas, with the passage of Act 372, have faced threats of prosecution based on highly subjective questions of age-appropriateness in book displays and marketing. Our members in Texas, with the passage of the so-called READER Act, face state mandates to rate the “sexual content” of books that they sell to school libraries, requiring every book vendor to know every passage of every book they sell to schools—both impossible and unconstitutional. And our members nationwide have faced disruptions, violent protests, and worse based on misinformation about the content of books and the intent of booksellers.

It is likely no coincidence that recent attempts to ban books, either at the local level or via state legislation, disproportionately limit access to books written by or for marginalized people. Under some of these laws, booksellers and librarians could face criminal prosecution for merely representing the diversity of their communities on their shelves.

Book challenges especially limit speech on topics related to people of color and the LGBTQ+ community. According to PEN America, 30 - 41 percent of books challenged since 2021 contain characters of color or discussion of race. In the same period, a quarter to a third of banned books contain LGBTQ+ characters or themes. A *Washington Post* study showed that 75 percent of challenged picture books contained LGBTQ+ characters or themes, while 25 percent contained characters of color or mentioned race. In short, most recent book challenges target books by and about minority communities.

These books are banned or challenged under the guise of not being “age appropriate,” but this ignores the fact that the books are written and published to help children navigate complex topics and are selected by trained professionals following set policy guidelines. Of course it is important to ensure that children are reading age-appropriate material. Nobody is better equipped to make these judgments than booksellers and librarians, who draw on years of experience and in-depth knowledge of literature to curate their shelves for their communities.

We have no qualms with parental input, either, and believe a parent should be involved in their child’s education. That does not mean parents should be allowed to dictate what other people’s children are allowed to read. Yet in many instances across the country, a small group of would-be book banners would force their own preferences on the majority of parents who value a diverse selection of books to choose from. Book challengers often not only lack comparable expertise, but in some cases have not even read the book beyond the cover and a few pages. In many cases, they are misled by groups such as Moms for Liberty, who falsely claim that young children are being forced to read material inappropriate for their age.

Government book bans have no place in American society. The First Amendment exists to protect us from state censorship. It was written for instances such as the aforementioned laws in Texas or Arkansas, where lawmakers think they can dictate what citizens can and cannot read. A majority of judges appointed by Democrats and Republicans have ruled against book bans. A strong majority of parents oppose book bans—over 70 percent according to the American Library Association. The Constitution and the will of the majority are clearly on our side.

Thank you for holding this important hearing on the escalation of book bans across the country. The American Booksellers Association and our members call for an end to these attacks on the right to read.

Thank you for your consideration.  
Sincerely,

Allison K Hill, CEO  
American Booksellers Association