

Free Expression Work
Q4 Update
FY 2023 (July 1, 2023–September 30, 2023)
Last updated 10/10/2023

ABFE’s Free Expression Work (based on Ends Policy 1(a)¹ and [as of 12/31/2022] Ends Policy 4.²)

Q4 Update

- In September, ABFE created the Right to Read Toolkit, a comprehensive guide to what booksellers can do to support the right to read in their stores. It combines information about book bans, interviews with booksellers, ABFE’s work to protect the right to read, and in-depth how-tos on everything from book ban displays to security in-store and online. The Toolkit was featured in *Shelf Awareness*, *The Independent Bookseller*, and *Publishers Weekly*, and has received praise from booksellers and leadership across the regional associations.
- ABFE submitted written testimony for the Senate Judiciary Committee’s hearing “Book Bans: Examining How Censorship Limits Liberty and Literature,” outlining the ways book bans endanger booksellers and their communities. Excerpts from this testimony were featured as *Shelf Awareness*’s Quotation of the Day.
- Invested in CURATE, a new software from FiscalNote that will allow the advocacy team to better track potential book challenges at a more local level. Curate provides minutes of Board of Education meetings for communities with populations of 5,000+ across the country, and its search algorithm notifies the team of potential bans or challenges. Curate has allowed us to keep an updated list of active book challenges we can share with our members and coalition partners.
- ABFE began soliciting tips from members, regional Executive Directors, and other allies about ongoing challenges to the right to read in school districts and libraries. In response to member outreach, we have connected member stores with local advocacy groups formed to save threatened library districts. Along with Curate, this growing network increases the scope of our monitoring and intervention capabilities.
- ABFE staff attended fall shows, where they discussed the Banned Books petition and Banned Books Week. ABFE staff built relationships with booksellers and regional association staff in different regions that can be used to organize against book challenges.
- Also in September, ABFE launched a petition drive in Florida. The petition was launched in response to a Florida school district banning books that have LGBTQ+ characters and

¹ “1(a). Core members have the resources in support of their right to freedom of expression.”

² “4. Legal and regulatory policies reflect the interests of independent bookstores in such areas as antitrust action and small business assistance.”

themes, ABFE launched the petition drive to express our strong opposition to this ban. ABFE will send the petition to the Charlotte County school district as well as the Florida Department of Education and state congressional leadership.

- On July 25, ABA was among a number of plaintiffs to challenge Texas HB 900 with a lawsuit and injunction. This bill would require book vendors to rate books as “sexually explicit” or “sexually relevant” in order to sell them to school libraries. Initially, the judge issued a preliminary injunction, meaning the state could not begin the process of implementing the law, but the 5th circuit appeals court overruled the stay. The state’s motion for a stay of the injunction will go with the case, which means it will be decided by the merits panel that hears oral argument. That panel can rule on the motion to stay at any time, so it could be initially when they get the case or any time up to when they decide the case on the merits. This means the law remains in effect despite the decision by the judge to issue a preliminary injunction because he ruled that the law was unconstitutional.
- In early September, distributed over 750 Banned Book Weeks kits to bookseller members and displayed the kits at regional fall shows.
- ABA was among a number of plaintiffs challenging Arkansas Act 372, a law that would likely limit the availability of books to bookstore customers. The bill makes it a felony to “make available” any books that may be considered harmful to minors. The judge issued a preliminary injunction.
- Significant portions of late June and July were spent interviewing candidates for the new Advocacy Associate Manager position. The team ultimately hired Philomena Polefrone in July. This new position will primarily be focused on free expression work, though it will entail general advocacy work as needed.
- Met monthly as part of the Unite Against Book Bans coalition, which includes the National Coalition Against Censorship and the American Library Association, among other organizations. [UABB’s website](#) provides a toolkit and other resources to help librarians, booksellers, and others organize in opposition to bans and challenges.
- Over the second quarter, the Kids’ Right to Read Project sent eight letters to various school districts and libraries in opposition to book bans and challenges. [The letters can be viewed on BookWeb](#).

Q3 Update

- ABFE’s ongoing advocacy for booksellers in Texas started in April, with the launch of an extensive campaign urging the Texas legislature to vote No on HB 900, which would require book vendors to rate books in order to sell them to school libraries, among other unconstitutional provisions. The campaign, which lasted until mid-June, resulted in thousands of emails being sent to the Texas state legislature and the governor, all told. Despite this opposition, Governor Abbott signed the bill into law in June. During this

time, ABFE met several times with the Texas Library Association to coordinate efforts in opposition to Texas HB 900.

- In June, at ABA's Children's Institute in Milwaukee, held a panel on free expression, "A Child's Freedom to Read." A panel of children's librarians and booksellers discussed the current state of banned books, how it affects the book industry, and what bookstores can do to support children's freedom to read, particularly in places where that access is being limited.
- Advocated against three censorship bills in Maine. Booksellers won as all three bills failed.
- ABA lobbied in Arizona and booksellers scored a victory when SB 1698, which would have criminalized drag performances (among other things) was amended to remove this provision.
- In Iowa, ABFE campaigned against SF 348, which would criminalize drag performances. The bill did not receive a vote and the legislative session adjourned.
- In South Dakota, ABFE's advocacy campaign in opposition to HB 1125, which would have criminalized drag performances, worked. The bill failed.
- ABFE's advocacy campaign helped defeat North Dakota SB 2360, which would have made it a Class B misdemeanor if a bookstore displayed a book that "contains depictions or written descriptions of nude or partially denuded human figures posed or presented in a manner to exploit sex, lust, or perversion." The governor vetoed the bill.
- In Oklahoma, ABFE provided guidance to a bookseller who received a cease-and-desist order from a local group in Oklahoma that wanted the bookstore to stop selling "Read Banned Books" T-shirts that had a QR code linking to a list of banned books. ABFE also connected the bookseller with a local contact at the ACLU.
- In Indiana, ABFE provided guidance to a bookstore regarding several banning attempts in the local community, including at the local library.
- Launched a total of seven advocacy campaigns as many state sessions ended with censorship bills unconsidered.
- Attended regular monthly meetings with free speech coalitions: The Banned Books Week Coalition, Media Coalition, and Unite Against Book Bans.
- In April, booksellers, librarians, and free speech proponents scored a big victory in Idaho. A week after ABA mobilized Idaho booksellers to urge Governor Brad Little to veto the censorship bill, HB 314, the governor did just that. HB 314 would have made a school or library subject to a civil penalty of \$2,500 if it provided materials "harmful to minors."
- In June, ABA was among a number of plaintiffs challenging Arkansas Act 372, a law that would likely limit the availability of books to bookstore customers. The bill makes it a felony to "make available" any books that may be considered harmful to minors.

- On April 24, ABFE held a webinar that focused on how to organize at the local level against the onslaught of book bans.
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Q2 Update

- Met monthly as part of the Unite Against Book Bans coalition, which includes the National Coalition Against Censorship and the American Library Association, among other organizations. Discussed ways to help local stakeholders organize against the escalation of book bannings across the country. [UABB's website](#) provides a toolkit and other resources to help librarians, booksellers, and others organize in opposition to bans and challenges. .
- Legislatively, ABFE had 20 actions during the second quarter related to bills attempting to criminalize bookselling or ban drag performances such as Drag Story Hour. Actions include emails to key state lawmakers, written testimony, as well as advocacy campaigns in opposition to censorship bills.
- All told, between January 1 and March 31, ABFE testified in opposition to state censorship bills nine times; launched six advocacy campaigns; and sent out five email blasts to state lawmakers. These actions were in response to 10 bills that sought to criminalize booksellers who displayed books that might have photos or descriptions that might be considered “harmful to minors”; and 10 bills that sought to ban drag performances.
- In March, ABFE submitted testimony in opposition to Idaho HB 314, a bill that amends Section 18-1514 of Idaho code with the addition of a new section (18-1517B, the Children’s School and Library Protection Act) to prohibit certain materials from being promoted, given, or made available to a minor by a school or public library. The fine for breaking this law is \$2,500. The bill passed the Senate on March 30.
- In March, ABFE submitted testimony to the Idaho Senate State Affairs Committee in opposition to two bills: ID S 1187 and ID S 1188, bills where anyone found guilty of distributing materials harmful to minors faces a fine of \$1,000, up to a year in jail, or both. They allow the Attorney General to file an injunction against any entity distributing “harmful materials” that receives public funds, including the booksellers, streaming, and digital service providers that libraries use to build their collections. They also require the creation of parental advisory boards, which must include a sex crime law enforcement officer and a religious leader, to decide what materials are harmful to minors. These Senate Bills apply not only to school and public libraries, but universities, colleges, and museums (including private institutions). The bills are still under consideration in the Idaho State Senate.
- In March, ABFE submitted testimony to North Dakota’s Senate Judiciary Committee in opposition to North Dakota House Bill 1333, a bill that criminalizes drag performances. The bill is still under consideration in the Senate. The bill stipulates that “male or female

impersonators who provide entertainment appealing to a prurient interest,” in a location where the performance is in the presence of a minor, would be guilty of a Class A misdemeanor for a first offense. Subsequent offenses would be a class C felony. The bill also fails to define “prurient interest,” as this term could have different meanings for different people. The Bill is currently under consideration in the Senate.

- In March, ABFE submitted testimony in opposition to North Dakota SB 2360, a bill that incorporated Senate Bill 2123 into the bill. The bill is currently in the House but was amended so as to no longer be problematic.
- In February, ABFE submitted testimony to the Tennessee House Criminal Justice Committee in opposition to HB 9, a bill that creates a criminal offense for a male or female impersonator to give a performance in a location where the performance could be viewed by a minor. If a bookstore hosted such a performance, the store owner or employees could be prosecuted under Tennessee’s aiding and abetting law. The bill was enacted.
- In February and again in March, ABFE submitted testimony in opposition to Arizona SB 1698, a bill that deems any business that hosts a “drag show” to be an “adult oriented” business and makes it a crime to admit a minor to the premises of an adult-oriented business. This would be the case even if no drag show is being held as the business is permanently deemed to be an adult oriented business by virtue of hosting more than one drag event. The bill was amended to remove drag performances, but the vague language could be constitutionally problematic. The bill passed the House Majority Caucus on March 28.
- In February, ABFE submitted testimony in opposition to Iowa SF 348, a bill that bars allowing minors to view or be present at a drag show in a place of business. The bill is in the Senate and there has been no action on the bill since February 21, when it was referred to the Judiciary. The Iowa session ends at the end of April.
- In February, ABFE submitted testimony to South Dakota’s House Committee on State Affairs in opposition to South Dakota House Bill 1125, a bill deeming any business that hosts a “drag performance” as being potentially guilty of disseminating material harmful to minors. The bill did not pass the Committee.
- In January, ABFE submitted testimony in opposition to Missouri House Bill 498, which deems any business that hosts a “drag performance” to be a sexually-oriented business and as such subject to the same regulations as any sexually-oriented business. Drag performance is defined as any time a person performs before an audience dressed or using makeup to appear to be a gender other than as the one on their birth certificate. There was a public hearing on the bill in January, but no movement after that.
- In January, ABFE submitted testimony in opposition to North Dakota Senate Bill 2123, a bill that would make it a misdemeanor to sell a book with nudity where minors might be present. The bill failed but the language was added to SB 2360.

- Over the second quarter, the Kids' Right to Read Project sent 11 letters to various school districts and libraries in opposition to book bans and challenges. [The letters can be viewed on BookWeb.](#)
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Q1 update

- Beginning in the fall, ABFE designed and sold "I Read Dangerously" tattoos to bookstores. ABFE is also selling "I Read Dangerously" T-shirts. The sales of both are ongoing. Net profits of the sales will support ABFE's work.
- In November, ABFE launched a [resource page](#) where booksellers can view the many letters that ABFE has signed in opposition to book bans and challenges in school classrooms and libraries. ABFE signed the letters as part of the Kids' Right to Read Project.
- In October, David Grogan moderated a New Voices New Rooms (NVNR) session to allow booksellers to share with each other their strategies for dealing with uncomfortable and confrontational situations, their de-escalation techniques, and the safety plans they have developed for their staff and customers. New Voices New Rooms is created and hosted jointly by the New Atlantic Booksellers Association (NAIBA) and the Southern Independent Booksellers Alliance (SIBA).
- In October, ABFE closed its petition opposing the escalating book bans and challenges continuing across the country. All told, the petition garnered over 1,600 signatures. The petition will be sent to key lawmakers and officials in the new year.
- During Banned Books Week, Rep. Jamie Raskin (D-MD), Chairman of the House Oversight and Reform Committee's Subcommittee on Civil Rights and Civil Liberties, and Sen. Brian Schatz (D-HI) introduced a resolution recognizing Banned Books Week and condemning the "profound attacks" on books and freedom of expression in the United States. In a press release, the lawmakers noted that the resolution comes amid a disturbing rise in book bans, and the resolution acknowledges the central role books play in democratic and civil discourse. Raskin and Schatz urged Congress to "denounce the illegitimate processes being used to ban books in K-12 classrooms, universities, prisons, and libraries." The Banned Books Week Coalition, which includes ABFE, endorsed the resolution.
- In the fall, ABFE partnered with ACLU to help amplify its "[Right to Learn](#)" campaign. Since 2021, dozens of states have moved to introduce and pass classroom censorship bills that restrict students and educators from discussing race, gender, and sexual orientation in public schools and universities. The ACLU's Right to Learn campaign looked to empower students, parents and teachers to advocate for inclusive education.
- Throughout the quarter, David Grogan attended monthly [Media Coalition](#) coalition meetings to discuss current free speech challenges and the ways in which the coalition can fight them.