

## Free Expression Work

FY 2022 (October 1, 2021 – September 30, 2022)

*Last updated 10/1/2022*

*The below document previously differentiated between the [American Booksellers for Free Expression's](#) (ABFE) and the [American Booksellers Association's](#) (ABA) recent free expression work through March 30, 2022. As of April 1, 2022, all of ABA's new free expression work will be undertaken by ABFE. This is the result of ABA's ongoing re-evaluation of how to most effectively implement ABA's [current Ends Policies](#). The free expression work is listed newest to oldest.*

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### **ABFE's Free Expression Work** (based on Ends Policy 1(a)<sup>1</sup> and [as of 10/1/2022] Ends Policy 4.<sup>2</sup>)

- In late September, ABFE responded to a bookseller who was threatened with legal action for selling T-shirts with a QR code that links to a list of banned books.
- In early September, the Virginia Beach judge tossed a complaint claiming that two books were obscene. In July, ABFE and four bookseller members signed on as an amici in support of Barnes & Noble in its case in opposition to a case brought by Thomas Altman, a Republican politician, arguing that *Gender Queer* and *A Court of Mist and Fury* are obscene. The amici was written and submitted by the Media Coalition, of which ABFE is a member. As part of Media Coalition, ABFE also worked alongside groups such as the American Library Association, Authors Guild, and the Association of American Publishers, among other groups, to fight the attempted ban in Virginia Beach. Altman may appeal the judge's decision. [ABFE also issued a comment](#) regarding the challenge to the books in late May.
- In late July, ABA staff met with B&N CEO James Daunt and General Counsel Brad Feuer to discuss the ways in which ABA and B&N might partner to protect the freedom to read.
- Since July, ABFE co-signed a National Coalition Against Censorship (NCAC) letter in opposition to 12 schools seeking to restrict access to books for students, either directly or via changes to policy. Letters were written in regards to:
  - The Pennsylvania Fairview School District Superintendent's removal of *Gender Queer* from the high school library;

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<sup>1</sup> "1(a). Core members have the resources in support of their right to freedom of expression."

<sup>2</sup> "4. Legal and regulatory policies reflect the interests of independent bookstores in such areas as antitrust action and small business assistance."

- the Pennsylvania Central Bucks School District's proposed library material removal policy;
  - the New York Auburn Enlarged City School District's proposed library policy;
  - Conroe ISD in Texas and their new policies under Texas law;
  - Tulsa Public Schools pulling two graphic novels from their libraries and possibly ignoring district policy;
  - a decision to add advisory notices to school library books in Collier County, Florida;
  - Keller Independent School District in Keller, Texas, removing numerous books from school libraries;
  - the Pinellas County, Florida, school board recommending a list of LGBTQ+ and race and ethnicity books for removal;
  - Madison County Schools in Ridgeland, Mississippi, restricting a selection of library books to require parental access;
  - a Norman High School in Oklahoma who was reprimanded for sharing a library resource with students;
  - four library books that were improperly removed from Spotsylvania school libraries; and
  - a new policy in Frisco ISD in Texas that may be improperly removing books for alleged "obscenity".
- In August, ABFE condemned the attack on famed author Salman Rushdie was stabbed repeatedly and bookseller Henry Reese at an event in Chautauqua, New York, on Friday, August 12. Rushdie is the author of *The Satanic Verses*, a novel which prompted the leader of Iran to call for Rushdie's death in 1989. ABFE said: "The violent attack on Rushdie was shocking. Throughout his career, Rushdie has been a courageous defender of free speech. We believe in the right to protest or critique books, but we absolutely condemn violence as a response."
  - In September, the banned books petition that ABFE launched was announced during Banned Books Week, and had over 1,200 signatures. The petition asked for independent booksellers to collectively condemn the growing partisan attacks on books. The petition was released during Banned Books Week with over 1200 signatures, though signatures will be collected until the end of October.

- ABFE released [new digital assets](#) for this year's Banned Books Week, which was celebrated from September 18 through September 24. It includes a new Banned Books Checklist and a Banned Books BINGO game.
- In August, David Grogan, Director of ABFE, Advocacy and Public Policy, moderated a New Voices New Rooms (NVNR) virtual panel session, Banned Books, which focused on the fight to keep literature accessible to all — especially children.
- In July, Banned Books Week kits were delivered to over 625 bookstore members, marking the largest number of kits sent out for the annual event.
- In June, ABFE launched an advocacy campaign urging booksellers to demand accountability from their state and local leaders that they will defend everyone's constitutional right to read. ABFE created a letter that booksellers can adopt to write, email, or call your state legislator, local officials, and members of the Board of Education, asking them to pledge their support for free expression.
- In June, ABFE and four bookseller members agreed to sign on as amici in support of Barnes & Noble in its case in opposition to a case brought by a Republican politician arguing that *Gender Queer* and *A Court of Mist and Fury* are obscene. The amici is being written and submitted by the Media Coalition, of which ABFE is a member. As part of Media Coalition, ABFE is also working alongside groups such as the American Library Association, Authors Guild, and the Association of American Publishers, among other groups, to fight the attempted ban in Virginia Beach.
- In the wake of book bannings across the country, ABFE created an "I Read Dangerously" T-shirt which is now being sold on Bonfire [<https://www.bonfire.com/store/abfe/>]. All sales go to support ABFE, ABA's free speech initiative.
- In May, ABFE began meeting monthly with the European and International Booksellers Federation with members representing Belgium, UK, France, and Germany, to discuss free expression in the U.S. and in Europe.
- In late May, ABFE issued a comment in response to a Virginia judge's tentative opinion that the books *Gender Queer* and *A Court of Mist and Fury* were "obscene for unrestricted viewing by minors." The judge ordered the authors and publishers of the books to present more evidence so that she can make a final decision regarding whether the books may be sold or possessed in Virginia, by either minors or adults. The case was initiated under a state law by two Republican politicians, including a candidate for Congress, that allows any Virginia citizen to file a complaint against any book sold in the state. The petitioners have also asked for a preliminary injunction against Barnes & Noble and other booksellers to prevent sales of the books. ABFE also joined with a number of free speech groups in condemning the civil action by the two politicians.
- In May, in the interest of re-evaluating how ABFE can best serve bookstores' free expression needs, ABFE crafted an FAQ to answer booksellers free expression and ABFE questions.

- In May, ABFE and over 25 organizations joined the American Library Association's (ALA) Unite Against Book Bans campaign. The campaign's goal is to raise awareness about the recent rise in book challenges in public libraries and schools and to empower readers everywhere to push back against censorship.
- In mid-April, ABFE co-signed a National Coalition Against Censorship (NCAC) letter to the School Board of Palm Beach County in Florida after Kyle Lukoff's *Call Me Max* and Jazz Jennings' *I am Jazz* were removed from classrooms and libraries in compliance with Florida House Bill 1557, recently signed into law. The letter urged the Board to return the books to district libraries, noting the law only covers classroom instruction and not library materials.
- In mid-April, ABFE joined the Missouri ACLU amicus on behalf of two school children and two NAACP affiliates (on behalf of their members, including students and parents of students in the Wentzville R-IV School District) to challenge the removal of eight critically acclaimed books from the school library — *The Bluest Eye*, by Toni Morrison; *Fun Home: A Family Tragicomic Paperback*, by Alison Bechdel; *All Boys Aren't Blue*, by George M. Johnson; *Heavy: An American Memoir*, by Kiese Laymon; *Lawn Boy*, by Jonathan Evison; *Gabi, A Girl in Pieces*, by Isabel Quintero; *Modern Romance*, by Aziz Ansari; and *Invisible Girl*, by Lisa Jewell.
- In early April, ABFE signed onto a Reporters Committee amicus brief in *NetChoice vs. Paxton*, in Texas. The amicus is a challenge to the Texas anti-deplatforming law that was enjoined by a federal judge last December. The amicus brief makes three main points: content moderation is an editorial function that is protected by the First Amendment; the transparency and notice provision are an unconstitutional burden on speech; and it is constitutionally suspect to single out a small group of publishers for regulation. In a worst-case scenario, the anti-deplatforming law could keep someone who has a social media page or website from moderating the comments on their website — meaning they'd have to leave up comments they find offensive. Since booksellers have a First Amendment right to curate the speech on their platforms as they see fit, ABFE felt it was important to join the amicus challenging the law.
- In early April, ABFE co-signed a National Coalition Against Censorship (NCAC) letter to officials at Fredericksburg Independent School District in Texas after numerous books were removed from district libraries without a formal review. The letter urged the District to return books to library shelves and to make clear to all district personnel that compliance with board regulations is not optional. [Read the full letter.](#)
- ABFE created a new free expression resource, [Handling a Records Request About School District Orders](#). The resource is meant to help bookstores respond to requests for information they may receive due to the growing partisan attacks on books in schools and libraries.
- ABFE launched a banned books petition in early March at ABA's Snow Days for independent booksellers to collectively condemn the growing partisan attacks on books. The petition will collect signatures through June 30, 2022. The results will be used to (1) show the press that booksellers condemn these book challenges, (2) show elected

officials in states with bills proposing book censorship/school boards considering removing books that there is bookseller opposition, and (3) get publishers more involved in sponsoring Banned Books Week materials.

- In its continued efforts to call attention to the plight of Hong Kong bookseller Gui Minhai, ABFE met with his daughter Angela Gui and PEN America to discuss next steps. ABFE continues to seek ways to bring Mr. Gui's unjust incarceration to light.
- David Grogan, ABA's Director of ABFE, Advocacy & Public Policy, completed his tenure as chair of the Media Coalition after three years of service. Dave was chair of the Media Coalition from 2019 through 2021. Since ABFE's work with the Media Coalition may, in some cases, be narrowed due to ABA's current Ends Policies, this change allows ABFE to remain a member of the Media Coalition while also honoring its commitment to only sign statements/memos, lawsuits, or amicus briefs that are directly related to bookstores' needs.
- ABFE continues its partnership with the Free Expression Network (FEN). FEN is an alliance of free expression organizations formed by the National Coalition Against Censorship. FEN is first and foremost an information-sharing group with members digitally sharing information and outreach between quarterly meetings. ABFE utilizes its membership in FEN to stay informed about future free expression issues that may affect bookstores.
- ABFE officially renewed its partnerships with the Media Coalition, the Kids' Right to Read Project, and the Banned Books Week Coalition.
- In response to a growing attack on books in local libraries and schools, ABFE created [new resources](#) to help booksellers facing book bans in their communities. The new resources feature talking points and a variety of template letters focused on free expression, procedural violations, anti-racism, or LGBTQIA+. In addition, ABFE added an asset to help booksellers educate customers about banned books.
- ABFE refreshed its Bookweb page to allow for more transparency by listing current coalition partners and supporters. [On the new page](#), booksellers can find updated sample freedom of expression privacy statements for stores, tips on preparing for controversial author events, and information on the ABFE hotline for booksellers.

**ABA's Free Expression Work** (*based on Ends Policy 4<sup>3</sup>; [as of 4/1/2022] no more work will be added to this section.*)

- ABA created a new resource, [9 Tips for Handling Trolls on Social Media](#). As the politically motivated attack on books continues, booksellers may encounter more trolls on their social media outlets. This resource provides concrete steps booksellers can take to mitigate disruptive social media engagement.

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<sup>3</sup> "4. Legal and regulatory policies reflect the interests of independent bookstores in such areas as antitrust action and small business assistance."

- ABA signed onto a National Coalition Against Censorship letter opposing the organized political attack on books in schools, which, the letter states, “threatens the education of America’s children.” The letter had over 400 signatories.
- ABA signed a Reporter’s Committee amicus brief in support of Netchoice in Netchoice v. Moody. The brief makes two important points: First, that websites have a First Amendment right to maintain editorial control of the content that is posted on the site. Second, websites retain this right even though they may primarily provide a platform to allow others to speak. They still engage in content moderation of speech, and this law strikes directly at that important function. The state argues that only “unified speech products,” or media that has a single message or theme, has a First Amendment right to editorial control. The case is important because if the law is upheld, it would give the government wide latitude to interfere with the rights of a website owner to moderate or limit the content that can be posted on their site.