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

- ABFE is planning a webinar that focuses on how to organize at the local level against the onslaught of book bans, which will be held on April 24, at 3:00 pm
- 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

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.”
creation of parental advisory 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.

- 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.