

## Condemning and Prohibiting the Discriminatory Book Bans

Sponsored by Sen. Teresa Ruiz (NJ)

**WHEREAS**, in recent years there has been an increasing trend of banning or attempting to ban books from public schools and libraries by claiming contain what are termed “divisive concepts”<sup>1</sup> but, in truth, are, according to the American Library Association, “the censorship of books and resources that mirror the lives of those who are gay, queer, or transgender, or that tell the stories of persons who are Black, Indigenous or persons of color [by] falsely claiming that these works are subversive, immoral, or worse;”<sup>2</sup> and,

**WHEREAS**, the American Library Association strongly condemned the book bans, and the violence their increasing adoption fosters, as “acts of censorship and intimidation,” underscoring that “Libraries manifest the promises of the First Amendment by making available the widest possible range of viewpoints, opinions, and ideas, so that every person has the opportunity to freely read and consider information and ideas regardless of their content or the viewpoint of the author. This requires the professional expertise of librarians who work in partnership with their communities to curate collections that serve the information needs of all their users;”<sup>3</sup> and,

**WHEREAS**, these censorious efforts have been so encompassing and pervasive, and the presumption of subversiveness, immorality or divisiveness so strong, that even books about the lives of Roberto Clemente, Celia Cruz and Justice Sonia Sotomayor were “‘among the more than 1 million titles... covered or stored and paused for student use’ at the Duval County Public Schools District”<sup>4</sup> in Florida for over a year, until they reinstated earlier this year following righteous public outcry;<sup>5</sup> and,

**WHEREAS**, the book bans are part of a broader effort to limit how race and gender are addressed in schools. A study by the RAND Corporation found that “teachers perceived that limitations placed on how they can address race- or gender-related topics negatively affected their working conditions, and they worried about limitations’ consequences for

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<sup>1</sup> American Historical Association (AHA), American Association of University Professors, and Association of American Colleges & Universities, et al, *Joint Statement on Legislative Efforts to Restrict Education about Racism in American History* (June 2021). Available at <https://www.historians.org/divisive-concepts-statement>

<sup>2</sup> American Library Association (ALA), *ALA Statement on Book Censorship* (Nov. 29, 2021). Available at <https://www.ala.org/advocacy/statement-regarding-censorship>

<sup>3</sup> American Library Association (ALA), *ALA Statement on Book Censorship* (Nov. 29, 2021). Available at <https://www.ala.org/advocacy/statement-regarding-censorship>

<sup>4</sup> Nicole Acevedo, *Roberto Clemente book removed from Florida public schools pending review over discrimination references* (NBC News, Feb. 10, 2023). Available at <https://www.nbcnews.com/news/latino/roberto-clemente-book-removed-florida-public-schools-rcna70081>

<sup>5</sup> Russell Contreras, *Florida school district reinstates Roberto Clemente book* (Axios, Feb. 23, 2023). Available at <https://www.axios.com/2023/02/23/roberto-clemente-book-reinstated-florida-crt>

student learning,” and recommended engaging families in productive conversations about race and gender emphasizing their educational benefits for students;<sup>6</sup> and,

**WHEREAS**, as to the racial component of the bans, the American Historical Association, the American Association of University Professors, and the Association of American Colleges & Universities issued a joint statement with 152 other organizations explaining that “the clear goal of these efforts is to suppress teaching and learning about the role of racism in the history of the United States, [and] seek to substitute political mandates for the considered judgment of professional educators, hindering students’ ability to learn and engage in critical thinking across differences and disagreements. . . . Americans of all ages deserve nothing less than a free and open exchange about history and the forces that shape our world today;”<sup>7</sup> and,

**WHEREAS**, as to the sexual orientation and gender identity components of the restrictions, the American Historical Association, the American Association of University Professors and 50 other organizations issued a joint statement explaining that, “this erasure flattens the story of America’s long Civil Rights Movement...[and] bars students from examining cultures, religions, and societies—including Indigenous nations ... that have embraced traditions of gender fluidity and homosexuality as meaningful categories of social identity and organization,” and called for the “teaching of accurate and inclusive histories of the United States and the world;”<sup>8</sup> and,

**WHEREAS**, this Caucus has strongly advocated protecting all children and workers from the noxious effects of racism, homophobia and transphobia:

1. In Resolution No. 2017-02, Calling for the Enactment of Protections Against LGBTQ Workplace and Service Discrimination,<sup>9</sup> this Caucus recognized “the importance of protecting the LGBTQ community from discrimination, the benefits it brings to all Americans in all areas, including social, intellectual and economic, and the importance of promoting non-discriminatory rhetoric;” and,
2. More specifically, in Resolution No. 2018-27, Improved Universal Sex Education Including Consent,<sup>10</sup> this Caucus noted that “many LGBTQ youth currently lack meaningful sex education; especially those living [in states where] laws prohibit

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<sup>6</sup> Ashley Woo, et al, *Walking on Eggshells—Teachers’ Responses to Classroom Limitations on Race- or Gender-Related Topics: Findings from the 2022 American Instructional Resources Survey*. (RAND Corporation, 2023). [https://www.rand.org/pubs/research\\_reports/RRA134-16.html](https://www.rand.org/pubs/research_reports/RRA134-16.html).

<sup>7</sup> American Historical Association (AHA), American Association of University Professors, and Association of American Colleges & Universities, et al, *Joint Statement on Legislative Efforts to Restrict Education about Racism in American History* (June 2021). Available at <https://www.historians.org/divisive-concepts-statement>

<sup>8</sup> American Historical Association (AHA), American Association of University Professors, et al, *AHA Releases Statement Opposing Exclusion of LGBTQ+ History in Florida* (May 2023). Available at [https://www.historians.org/news-and-advocacy/aha-advocacy/aha-statement-opposing-exclusion-of-lgbtq-history-in-florida-\(may-2023\)](https://www.historians.org/news-and-advocacy/aha-advocacy/aha-statement-opposing-exclusion-of-lgbtq-history-in-florida-(may-2023))

<sup>9</sup> Resolution 2017-02, [Calling for the Enactment of Protections Against LGBTQ Workplace and Service Discrimination](#)

<sup>10</sup> NHCSL Resolution 2018-27, [Improved Universal Sex Education Including Consent](#).

discussion of LGBTQ people in a positive light, if at all, and in some cases mandate inaccurate teaching regarding LGBTQ people” and recommended that “states adopt required sex education curricula that includes all the topics recommended by the CDC at the middle and high school levels respectively” ensuring it be “inclusive and respectful of diverse sexual orientation and gender identity” and including “the age-appropriate teaching of sexual consent... in middle school and above;” and,

3. In Resolution, No. 2019-13, Integrating Ethnic Studies into K-12 Education,<sup>11</sup> this Caucus addressed part of the discriminatory foundations of the racism-related educational achievement gap and called for further investigations in our Resolution No. 2019-11, Addressing Chronic Absenteeism in Schools;<sup>12</sup> and,
4. In Resolutions No. 2005-01, Student Disciplinary Alternative Education Programs,<sup>13</sup> and No. 2019-13, Calling for the Creation and Improvement of Restorative Justice Programs to Reduce Contacts Between Youth and the Justice System<sup>14</sup> this Caucus further addressed the racially and ethnically disproportionate effects of the school-to-prison pipeline; and,
5. In Resolution 2020-03, Declaring Institutional Racism a Public Health Crisis,<sup>15</sup> this Caucus underscored that “communities of color are disproportionately impacted by social determinants of health, such as... inadequate health education” and that a “growing body of literature highlights the destructive consequences of discrimination perceived at different time points throughout the life course, the linkage between parents and child perceptions, and the accumulative stressor and traumatic effect on mental health,” and called “on state legislatures to develop work plans that include educational efforts to address and dismantle racism, expand state personnel’s understanding of racism and how racism affects individual and population health and provide tools to assist personnel to engage actively and authentically with communities of color;” and,

**WHEREAS**, some state legislatures are moving to counteract racist, homophobic and transphobic book bans. Illinois already adopted legislation and New Jersey and Pennsylvania have introduced bills tying state funding to requiring public libraries and school libraries “either adopt: 1) the American Library Association’s Library Bill of Rights, which provides that books and materials ‘should not be excluded because of the origin, background, or views of those contributing to their creation,’ or “because of partisan or doctrinal disapproval’; or 2) a policy prohibiting the banning or restricting access to a book or resource because of partisan or doctrinal disapproval.”<sup>16</sup>

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<sup>11</sup> Available at <https://nhcsl.org/resources/resolutions/2019/2019-13/>

<sup>12</sup> Available at <https://nhcsl.org/resources/resolutions/2019/2019-11/>

<sup>13</sup> Available at <https://nhcsl.org/resources/resolutions/2005/2005-1/>

<sup>14</sup> Available at <https://nhcsl.org/resources/resolutions/2019/2019-03/>

<sup>15</sup> NHCSSL Resolution 2020-03, Declaring Institutional Racism a Public Health Crisis.

<sup>16</sup> New Jersey Senate, S3893 – Statement (May 22, 2023). Available at [https://njleg.gov/bill-search/2022/S3893/bill-text?f=S4000&n=3893\\_11](https://njleg.gov/bill-search/2022/S3893/bill-text?f=S4000&n=3893_11). See also, Illinois HB2789 - Public Act 103-0100 <https://ilga.gov/legislation/103/HB/PDF/10300HB2789lv.pdf> or [www.banbookbans.com](http://www.banbookbans.com). And see New York

**WHEREAS**, the bill proposed in New York orders the commissioner of education to essentially empower librarians to “curate and develop collections that provide students with access to the widest array of developmentally appropriate materials available to school districts” <sup>17</sup>

**THEREFORE, BE IT RESOLVED**, that the National Hispanic Caucus of State Legislators recommits to protecting all children and workers from the noxious effects of racism, homophobia and transphobia; rejects the banning or removal or decision to not acquire of books from or for school or public libraries solely based on the origin, background, or views of those contributing to their creation, or because of partisan or doctrinal disapproval; and supports legislation which forces public and school libraries to adopt the American Library Association's Library Bill of Rights or equivalent language; and,

**BE IT FURTHER RESOLVED**, that the National Hispanic Caucus of State Legislators specifically also calls on state legislatures to ensure that school libraries provide access to materials on sex education that include all the topics recommended by the CDC at the middle and high school levels, respectively, ensuring they be inclusive and respectful of diverse sexual orientation and gender identity; and,

**BE IT FINALLY RESOLVED**, that the National Hispanic Caucus of State Legislators specifically also calls on state legislatures to ensure that school and public libraries provide access to materials that contribute to the understanding of racism and its role in the history of the United States and to materials which help all Americans engage actively and authentically with diverse communities of color.

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<sup>17</sup> New York State Senate, 2023-S6350B. Available at <https://www.nysenate.gov/legislation/bills/2023/S6350/amendment/B>