

the defender

BANNED BOOKS **IN IOWA**

The true story of
shutting down the freedom
to read, erasing LGBTQ people,
and harming thousands of
students along the way.



SUPPORT IOWA STUDENTS CHALLENGING CENSORSHIP



YOUNG PEOPLE WILL FIND A WAY TO SPEAK UP ABOUT THE ISSUES THAT CONCERN THEM, EVEN CONTROVERSIAL ONES. Some adults will try to stop them, while others believe that youth need freedom of speech and thought. My parents were the latter, but it wasn't easy.

Back in 1965, I was a 13-year-old student upset about the Vietnam War. In December, a small group of us were suspended for wearing black armbands to school to mourn the dead and support a Christmas truce. The ACLU of Iowa and its lawyer, Dan Johnston, challenged the suspensions of me, my brother John, and Chris Eckhardt. In a landmark victory for students' rights, the U.S. Supreme Court ruled in *Tinker v Des Moines* [1969] that schools are not "enclaves of totalitarianism" and that neither "students or teachers shed their constitutional rights to freedom of speech at the schoolhouse gate."

We had no idea that the case would still be taught today in schools and featured in museums celebrating youth, the First Amendment, and the Constitution.

Now, Iowa history is repeating itself. The ACLU of Iowa and Lambda Legal have filed a lawsuit against SF 496, the Iowa law forbidding instruction, promotion, or materials through sixth grade with LGBTQ content or characters. It bans books, except religious texts, that depict sex acts for all grades. Nearly 500 books have been removed from schools.

I see myself in students like Puck Carlson, Percy Batista-Pedro, and Berry Stevens, some of the students represented in this lawsuit. Some are being accused of being unpatriotic, like we were, for exercising their Constitutional rights.

And I see myself for another reason. As

a teenager, I knew I was gay. The lawsuit against SF 496 is especially poignant because I don't want students today to go through the censorship that I did. They need the freedom to express and accept themselves.

My father was a Methodist minister but we also became involved with the Quakers. My parents felt that speaking up about controversial issues like peace and racial justice were part of their spiritual ministry.

In the mid '60s, as the Vietnam War escalated, my parents' spirituality guided us. Sunday evenings in December found us gathered around yuletide candles as Dad read the Christmas story to us from the Bible, with its message of hope for love and peace.

When we took that message to heart by wearing black armbands to school, at first Dad didn't think that we should. However, with the persuasiveness of youth, we successfully argued that our parents had been our role models.

Dad died at a young age after becoming a target of death threats and vitriol. I never had the chance to talk with him about being gay, but I want something better for today's youth.

Thankfully, the ACLU is still here. I care about my home state, and its students. As Justice Abe Fortas stated in *Tinker*, students must not be "confined to the expression of those sentiments that are officially approved."

Let's support students by challenging censorship and SF 496.



Mary Beth Tinker is a retired nurse and student free speech advocate living in Washington, D.C. with her wife.

ACLU AMERICAN CIVIL LIBERTIES UNION Iowa

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IMMIGRANTS RIGHTS

COMPROMISED IN COURT

Report finds Iowa and Nebraska immigrants given lightning fast hearings, no interpreters

A new report from the ACLU of Nebraska paints a stark picture of people's experiences in the Omaha immigration court, a court that encompasses both Iowa and Nebraska and is known as one of the nation's toughest for asylum seekers.

The report is based on in-person observations from more than 500 hearings and describes how Omaha immigration court judges are routinely compromising people's due process rights during these important hearings.

THOUSANDS AFFECTED

About 40 percent of the removal proceedings in the court involve people living in Iowa, with more than 2,600 new deportation proceedings filed in the Omaha court against individuals living in Iowa this fiscal year.

The report outlines four specific areas of concern: the short duration of hearings, judges' failure to consistently advise

people of their rights, deficient interpretation services, and the high number of cases without attorney representation.

4-MINUTE HEARINGS

The project focused on crucial pretrial hearings that have various required steps. They might be required to encompass pleadings, scheduling, and other technical matters. Yet the average observed hearing ran under four minutes, a rapid-fire pace for this process.

- Although the court is required to provide an interpreter, the court frequently failed to do so for the 4 out of 5 people appearing who speak only or prefer a Central American indigenous language.

- In about one in five of the observed hearings the person was not represented by a lawyer.

- Judges advised people of their rights in only 18 percent of the observed hearings.



Why I Give

As a retired librarian, I very much appreciate the ACLU's efforts in Iowa and other states to stop book banning. School and community libraries should provide materials that present all points of view on historical and current issues.

MARY ANN EMERICK
Waukee

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BANNED

Few things compromise a democracy more than the banning of books.

But here in Iowa, a new law attempts just that. SF 496, signed into law by Gov. Kim Reynolds last year, has prompted at least 37 school districts to remove 1,820 books representing 615 different titles, according to an ongoing Des Moines Register investigation.

Even before that law passed, community members and “parents rights” advocacy groups were clamoring for districts to remove books they found offensive, many of them youth literature

award winners, including a number of graphic novels done in the artistically respected comic book style. Others were classic literature taught for generations.

SF 496 gave them the law they wanted to block their children from these books—and everyone else’s children, too.

SHORT HISTORY OF A LONG TRADITION OF BANNING BOOKS

Of course, book banning is as old as books themselves. From the Puritans in colonial America to the infamous Nazi book burnings right up to our current culture wars, removing books has been an attempt to block information and discussion about some of the most important issues of the times.

For decades, the Iowa Library Association recorded book “challenges”—requests for removal in school and public libraries. They were generally unsuccessful and limited to a few dozen.

There were many unreported challenges as well. A now-retired Nevada, Iowa, elementary school librarian, for example, recalls the relative of one of her students coming in and asking that a book that depicted an interracial couple be removed “because kids just don’t need to see that stuff.” The book remained.

A few years ago, book banning efforts heated up. Groups like Moms for Liberty cropped up, demanding “parental rights” that included removing books not just for their children but all children.

This so-called parental rights approach neglected the fact that many other

parents wished to keep the books, especially those with children who were reflected in the very books the other parents were clamoring to remove.

SHUTTING DOWN NEW VOICES

Some of the most commonly attacked books include “Gender Queer: A Memoir” by a non-binary author; “All Boys Aren’t Blue,” a memoir of growing up black and gay; “Speak,” a novel by based on the author’s experience as a teen of being ostracized by her peers after being sexually assaulted.

The Des Moines Register reported that from August 2020 to May 2023:

- There were 100 complaints involving 60 books and one film.
- 55 percent of challenges were for books about people of color.
- 47 percent were for books featuring LGBTQ people
- 25 percent of challenges were for books about people who survived sexual violence.
- In 23 percent of those challenges, districts removed the book or applied restrictions, such as requiring parental permission or making it optional reading.

SF 496: THE BOOK BANNING LAW

Then in May 2023 Gov. Kim Reynolds signed SF 496, a wide-ranging education bill that contains two provisions that have prompted schools to remove hundreds of books:

- 1) A book ban for grades K-12 that requires schools to remove all books containing “descriptions or visual depictions of a sex act,” with the explicit exception of the Bible and other religious texts.

CONTINUED ON PAGE 6

Many of the books removed focus on people of color or LGBTQ characters.

BOOKS IN IOWA

From graphic novels to 19th century classics, books are being banned from Iowa schools in record numbers.

These courageous Iowa students and parents are part of our lawsuit to SF 496, the law that would ban hundreds of books and prevent discussions and materials relating to LGBTQ people and issues.



BERRY STEVENS



PERCY BATISTA-PEDRO
with his mom, Belinda



PUCK CARLSON

"I've known since I was in third grade that I am a part of the LGBTQIA+ community. In sixth grade, I first changed my name and started using they/them pronouns because I knew I wasn't a boy or a girl. I'm just a person. This is a concept that a lot of adults have trouble understanding.

"This law hurts all kinds of kids and it hurts many of my friends. We deserve to be able to express ourselves safely at school. We deserve to see ourselves in media, especially in books. This law is trying to shut us down and not openly discuss our lives, who we like, or who we truly are."

Berry said the part of SF 496 that shuts down discussion of LGBTQ issues is having a chilling effect on kids like them being able to defend themselves.

"Because of this law, I feel like the school is too worried about getting in trouble with the state if they try to speak out and defend kids."

"SF496 shuts down open, healthy discussion of LGBTQ issues. Its silencing of transgender students like me make me fear for my happiness and safety more than ever before.

"I am scared of being harassed if I wear Pride items or talk about my identity in class. This fear is shared by my transgender friends.

"Two years ago, I was in a play and a student in the crowd threatened to kill me. Now, after SF 496 and the climate it has created to shame and invite violence against transgender people, I would be terrified of organizing another protest like I have in the past.

"Transgender youth should not have to live in fear at their schools. We should not have to take unnecessary steps to gain the respect of being called by the correct name and pronouns that no cisgender kid ever has to ask for. It is blatant discrimination."

"Reading has always been a fundamental part of how I learn to understand the world around me.

"Removing books that discuss queer topics or people from our schools tells our queer students that they do not belong there, that their existence is shameful. I am not shameful.

"I have an LGBTQ little sister, who I love more than anything in this world. She is not shameful. She deserves to be herself and know that she belongs.

"When I was in seventh grade, I read 'Melissa.' It was the first time I had read about a trans kid. While that might not seem like a lot, being able to find and identify yourself with things is an important part of being a child.

"School is one of the main places that children read. Being able to access literature in which you can see yourself is instrumental to a student's discovery of themselves. It certainly was to me."

BANNED BOOKS IN IOWA

CONTINUED FROM PAGE 4

Below are some of the more than 600 titles that have been pulled in 37 school districts



2) A “don’t-say-LGBTQ” provision for grades K-6 that forbids programs, “promotion,” curriculum, instruction, test and more relating to gender identity or sexual orientation.

While it isn’t directly related to book banning, there is also a third provision, “forced outing” that requires a report to parents or guardians anytime a student asks for a gender-affirming accommodation, including a request to be addressed by names or pronouns different from school records. The ACLU is contesting this also.

The broad and badly written law went into effect in July and immediately created chaos.

CONFUSED RESULTS

A few dozen districts decided to attempt to comply with mixed results, according to the Des Moines Register’s investigation.

A sampling:

- Urbandale came up with a list of 374 books to remove from shelves. After student and parent protest, it was reduced to 64.
- Norwalk banned 64 books.
- Mason City banned 20 books.
- Iowa City removed 68 books.

Ironically, some of the books are classics about dystopian societies that shut down free speech and thought, such as “The Handmaid’s Tale,” “1984,” “Brave New World,” and “The Giver.”

Another common characteristic of the books removed is that they are by LGBTQ authors and authors of color, writing about their communities and histories, including Toni Morrison’s “Beloved,” which won the Pulitzer Prize, and “The Color Purple” by Alice Walker, winner of the National Book Award.

The remainder of Iowa’s 300-plus school districts consulted with attorneys and decided to do nothing until they had more clarity about how to enact the law. The law was almost impossible to comply with and would remove a seemingly

endless number of books, including those on Advanced Placement reading lists, like “1984” and “Ulysses.”

SO WE SUED

In November 2023, the ACLU of Iowa and Lambda Legal filed a federal lawsuit to block the law on behalf of eight Iowa families and Iowa Safe Schools, the LGBTQ youth advocacy non-profit.

“SF 496 is a clear violation of public school students’ right to speak, read, and learn freely,” says Thomas Story, ACLU of Iowa staff attorney. “The First Amendment does not allow our state or our schools to remove books or issue blanket bans on discussion and materials simply because a group of politicians or parents find them offensive.”

Just days later, another lawsuit was filed by Penguin Random House and the Iowa State Education Association, along with several bestselling authors, teachers, and students.

In December, the court issued a temporary block on most of the parts of the law we’re contesting. The presiding judge called it “one of the most bizarre laws” he’d ever read.

Since then, a few districts like Iowa City and Bondurant-Farrar have put back the removed books. But most others have not. Meanwhile, our litigation proceeds. The state has appealed the temporary block, but as Story says, “We will continue to defend this ruling and continue our fight against this egregious attack on student rights.”

“Iowa’s SF 496 is one of the most bizarre laws I’ve ever read in my life.”

- Federal Judge Stephen Locher

Sexual content does not equal pornography

TEENS SHOULD BE ALLOWED TO READ BOOKS CONTAINING SEX AND HUMAN SEXUALITY

Iowa first-graders are not being given books about masturbation. Sixth-graders aren't being forced to read graphic descriptions of sexual assault.

But politicians and others would have us believe that Iowa school libraries and curriculums are rife with age-inappropriate materials, with evil classroom teachers and school librarians somehow carrying out a "sinister agenda" to corrupt our youth with "pornography."

This is simply not the case.

The fact of the matter is that with younger students, teachers, librarians, and school administrators are careful to select materials that are grade-level appropriate.

With older students, teens need access to books that they can relate to in language they understand. They also need books that address what they are experiencing personally and seeing around them. That includes books that address important issues like sexual assault and sexual orientation.

It's important to note that at every grade level, teachers have been bound for decades by Iowa's existing obscenity laws.

If a parent has concerns for their individual student, school districts are required by law to have processes in place so that the student won't have access to certain books or can opt out of particular classroom assignments that a parent or guardian might find offensive for their individual child.

There are ~~pornographic~~ books in our school libraries!



GOV. KIM REYNOLDS



Where is a book about a kid like me?

WHY SCHOOL ACCESS MATTERS

In an era when a young person can find out anything about everything online, why does it matter if a book is removed from a school library or curriculum? For that matter, can't a child just get the book at the public library or buy it online?

Some can, but books available at school play a crucial role:

- For a student searching for information on sexuality, the Internet is not the best place. There are dark and dangerous, as well as predatory sites that young people should not visit.
- Banning books that contain LGBTQ characters, references, or history suggest that somehow LGBTQ people are shameful. Populating bookshelves with modern-day leaders like Harvey Milk or gay coming-of-age biographies celebrates what it means to be LGBTQ and helps all students understand this community better.
- When a book is part of a classroom curriculum and classroom discussion, it helps students think more deeply about the important topics it addresses.
- Not all students have the time, money, and transportation to get to a public library or family environments to ensure that they can return books.

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ACLU MOMENT

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1971

**Davenport
 women required
 to list a parent
 or husband to
 register to vote**

In June 1971, the federal voting age dropped from 21 to 18 after years of protest that young men who were old enough to be drafted and die for their country were not considered old enough to vote. Shortly after that, in Davenport and Scott County, election officials decided that women wanting to register to vote must list a parent or husband. Men did not have the same requirement.

Local ACLU supporters brought this to the ACLU statewide board's attention. The ACLU worked with election officials to get the discriminatory requirement eliminated.



A YOUNG WOMAN
 CASTS HER VOTE
 AROUND 1970 UNDER
 THE WATCHFUL EYE OF A
 POLLWORKER.

IOWA CIVIL LIBERTIES UNION
 An Affiliate of the American Civil Liberties Union
 1101 Walnut Street, Des Moines, Iowa 50309
 Telephone 282-0923

H. D. Kelly
Quod Aetio

iclu

July 26, 1971

Dear Jack:
 I mentioned to you when you were in the office last week that some of the women in the ICJU think that there is an issue of sex discrimination in registration of voters in Davenport and Scott county. Enclosed are some application forms used in Davenport and Scott county that seem to require women to give information that men are not required to supply when registering as a voter.

This question has not been researched by any ICJU lawyers so I cannot say whether they regard this as a civil liberties issue.

Glad to have had the chance to visit you last week...hope you will find it possible to come to an occasional board meeting in Iowa.

Sincerely,
 Herbert D. Kelly,
 Executive Secretary