

February 27, 2023

PORNOGRAPHY IN PUBLIC SCHOOLS AND LIBRARIES: A STATEWIDE PROBLEM

Blaine Conzatti

It wouldn't be a stretch to say that not too long ago, many parents considered Idaho public schools and community libraries to be “safe places” for children. For a long time, parents blissfully assumed that schools and libraries worked to teach critical thinking, robust civic engagement, and traditional community values. But this perception has been eroding in recent years, largely due to heated debates over the place that critical social justice and radical gender ideologies should hold in public school instruction and materials.

The increased scrutiny of schools and libraries has revealed other problems as well, most notably the availability of obscene books and materials to minor children. Across the country, parents are now raising their voices, demanding that their local schools and libraries remove or restrict children's access to these harmful books.

KEY POINTS:

- *More than 50 public schools and community libraries across the state of Idaho currently make obscene materials available to minor children*
- *Legislative reform like the Children's School and Library Protection Act is necessary to protect children from accessing obscene materials at taxpayer-funded public schools and community libraries*

This parent-led movement has gained steam in Idaho, where isolated reports of sexually explicit materials in school and community libraries have generated the formation of local community groups dedicated to shedding light on the issue. Some of these parents have sought to remove objectionable books through library materials reconsideration policies, with varying degrees of success.

A WIDESPREAD, STATEWIDE PROBLEM

Local anecdotes about sexually explicit materials in school and community libraries have caused parents and policymakers alike to wonder whether the problem is truly widespread. Could this simply be a localized issue, the fault of a few rogue schoolteachers or librarians?

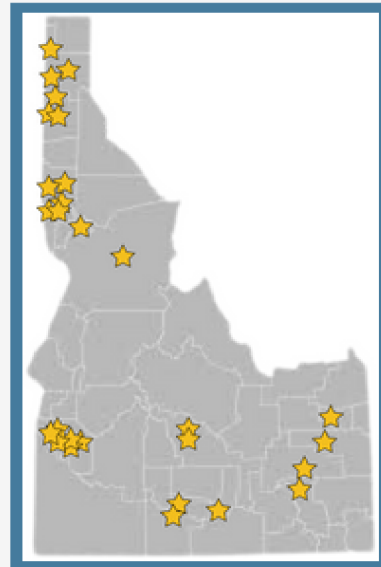
To answer this question, Idaho Family Policy Center researchers scoured dozens of school and public library catalogues, looking for five commonly available titles that courts would consider “obscene” for children and teenagers.

The results were shocking: Public schools and/or community libraries in nearly thirty cities across the Gem State are currently making one or more of these pornographic books accessible to children. See "appendix A" for more information.

To make matters worse, many of these libraries even stock obscene books in their children’s or young adult sections. The few libraries that keep the obscene books in their adult sections made no effort to restrict the access of children.

WHICH OBSCENE BOOKS?

For the purposes of our investigation, we searched library catalogues for five



Public schools or community libraries in nearly thirty Idaho communities make obscene books available to children.

specific titles, detailed below:

Gender Queer: A Memoir — Maia Kobabe.

This graphic novel details the main character’s journey to discover and define her own nonbinary, asexual self-identity. It includes obscene images of both gay and straight sexual encounters.

Though initially marketed to adults, Gender Queer was introduced to high school and middle school libraries after it received an award from the American Library Association designating it as having "special appeal to young adults."

Fun Home: A Family Tragicomic — Alison Bechdel.

This best-selling graphic memoir recounts the main character's turbulent upbringing as she finds herself drawn to a lesbian identity. It includes obscene depictions of homosexual encounters and masturbation.

All Boys Aren't Blue — George M. Johnson.

This memoir chronicles the author's journey growing up as a queer black boy. It discusses consent and sexual abuse, and includes explicit descriptions of sexual encounters, including statutory rape and incest presented as pleasurable for the victim.

It's Perfectly Normal: Changing Bodies, Growing Up, Sex, and Sexual Health — Robie Harris.

Specifically marketed to prepubescent children, this age-inappropriate sexual education book contains obscene depictions of nudity, sex, masturbation, homosexuality, and abortion.

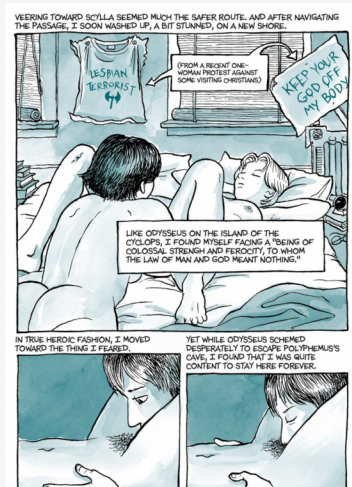
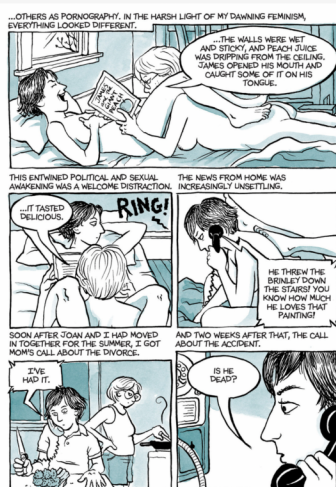


Images from *Gender Queer: A Memoir*

Dreaming In Cuban: A Novel — Cristina García.

This novel follows three generations of a highly dysfunctional family, and includes graphic descriptions of obscene sexual conduct, including bondage.

Images from *Fun Home: A Family Tragicomic*



WHOSE STANDARD IS USED TO DETERMINE WHETHER A BOOK IS OBSCENE?

All five of these titles would likely satisfy the requirements of the obscenity standard that was promulgated by the U.S. Supreme Court in its *Miller v. California* (1973) decision and subsequent cases.

The so-called “modified Miller test” includes three criteria for determining whether speech can be classified as obscenity or harmful for minors:

- 1. The average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest of minors;*
- 2. The work depicts or describes, in a manner patently offensive with respect to minors, sexual conduct specifically defined by applicable state law; and*
- 3. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.*

Although federal courts have ruled that children have the right to receive information under the First Amendment

to the U.S. Constitution, children do not have a First Amendment right to access or receive material that is harmful to minors according to the modified Miller test.

Therefore, any legislation or policy that restricts obscene material would need to rely upon the Miller test in determining which materials should be kept away from children.

HOW THE CHILDREN'S SCHOOL AND LIBRARY PROTECTION ACT IS THE SOLUTION

Current state law prohibits the promotion, distribution, or dissemination of material harmful to minors under section 18-1513, Idaho Code. Violators could be charged with a misdemeanor and face a \$1,000 fine and jail sentence not exceeding one year.

However, schools, libraries, and their employees are exempted from criminal prosecution for disseminating material harmful to minors. This loophole is now regularly exploited, with dozens of schools and community libraries throughout the state distributing obscene material to children.

The “Children’s School and Library Protection Act” – which was drafted by Idaho Family Policy Center – would close

that loophole.

Importantly, the Children's School and Library Protection Act would create a statewide policy prohibiting schools and community libraries from distributing obscene and harmful materials to minors that satisfy the three prongs of the modified Miller test.

And contrary to the false claims of critics, the bill would not ban any books. Schools and public libraries would still have the prerogative to make all of these books available to adults, so long as they take reasonable steps to restrict children's access to obscene and harmful titles.

A PATHWAY FORWARD

Idaho parents should reasonably expect that their children will not encounter material harmful to minors while making use of taxpayer-funded school and community library services.

Sadly, such is not the case in Idaho—at least for now. Schools and community libraries must be held accountable. Without legislative reform like the Children's School and Library Protection Act, parental and public distrust toward schools and public libraries will only continue to intensify.

*Blaine Conzatti serves as president of
Idaho Family Policy Center.*



ADA COUNTY

- Ada Community Library - Lake Hazel^{1,3}
- Ada Community Library - Star⁴
- Ada Community Library - Victory^{1,2}
- Boise High School^{1,2,3}
- Boise Public Library - Bown Crossing^{1,2,4,5}
- Boise Public Library - Cole and Ustick^{1,2,5}
- Boise Public Library - Collister^{1,2,5}
- Boise Public Library - Hillcrest^{2,5}
- Boise Public Library - Main^{1,2,3,4,5}
- Borah High School^{2,3,5}
- Capital High School^{3,4}
- Eagle Public Library³
- East Junior High School³
- Frank Church High School^{2,3}
- Garden City Public Library²
- Hillside Junior High School⁵
- Kuna Library²
- Les Bois Junior High School²
- Meridian Library District - Cherry Lane^{1,2,3}
- North Junior High School^{1,3}
- Timberline High School^{2,3}
- West Junior High School²

BANNOCK COUNTY

- Marshall Public Library (Pocatello)^{1,2,3,5}

BINGHAM COUNTY

- Blackfoot Public Library⁵

BLAINE COUNTY

- Community Library (Ketchum)^{1,2,3,5}
- Hailey Public Library⁵
- Wood River High School³
- Wood River Middle School⁵

BONNER COUNTY

- East Bonner Library - Sandpoint^{1,2,5}
- Priest Lake Public Library^{1,3}
- West Bonner Library - Priest River⁵

BONNEVILLE COUNTY

- Idaho Falls Public Library^{1,2,3,4,5}

CANYON COUNTY

- Caldwell Public Library^{2,3,5}
- Middleton High School³
- Nampa Public Library^{1,5}

CASSIA COUNTY

- Burley Public Library⁵

CARIBOU COUNTY

- Soda Springs Public Library⁵

IDAHO COUNTY

- Elk City School⁴

JEROME COUNTY

- Jerome Public Library⁵

KOOTENAI COUNTY

- Coeur d'Alene Public Library^{2,3,5}
- Post Falls Community Library²
- Spirit Lake Community Library⁴

LATAH COUNTY

- Deary Community Library^{1,4}
- Juliaetta Community Library⁵
- Moscow Public Library^{2,3}

LEWIS COUNTY

- Nezperce Community Library³

MADISON COUNTY

- Madison Library District - Rexburg^{2,3}

NEZ PERCE COUNTY

- Lapwai Community Library¹

TWIN FALLS COUNTY

- Canyon Ridge High School⁴
- Twin Falls Public Library^{1,2,3,4,5}

KEY: (1) Gender Queer; (2) Fun Home; (3) All Boys Aren't Blue; (4) Dreaming in Cuban; (5) It's Perfectly Normal.

NOTE: This list only contains titles that are part of print collections, not ebook collections. In a minority of these libraries, obscene books are stocked in adult sections, but the library makes no effort to restrict children's access.