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Don't Ban This Project

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DON'T BAN THIS PROJECT

A Study of Book Removals, Book Bans, and Education

Senior Project Submitted to
The Division of Languages and Literature and The Division of Social Studies
of Bard College

by
TRISTAN H. TIMPONE

Annandale-on-Hudson, New York

May 2024

I dedicate this project to my Aunt Kris.

May she live on forever in memory.

Acknowledgments

To begin, I thank my parents, who have always pushed me to be my best. I thank my mom and dad for always being there even when I was stubborn and emotionally all over the place. They are greatest influences on my life and will continue to be in my adulthood.

I extend my thanks to my two younger brothers, who will probably not see this piece because of their shared hatred of reading, politics, literature, and anything that does not involve video games or sports.

To my Nana, I thank you for being a kind and loving figure who always knew how to talk sense into me whenever I faltered. You will always be in my heart.

I thank all of my friends, especially Hannah, Claire and Brody. I never knew what true friendship felt like before Bard and experiencing it has been the trip of a lifetime. I will love you all until the day I die.

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INTRODUCTION

When I attended the Eleanor Roosevelt Banned Book Awards in late February, security met me at the door of the Fisher Center of Performing Arts. I found it quite odd that an event of literary achievement had metal detectors and armed guards. A few years ago, an event like this would be viewed as banal. Today, I can see some parents perceiving the Banned Book Awards Ceremony as controversial. I can also imagine some of those people characterizing the recipients of these awards as groomers, a frequent accusation from Republican policy makers and influencers.¹ That is not to say that these liberal leaning writers at the event were kind to the conservative parents and school board members who have demanded the removal of certain materials from a curriculum or a library selection. At the event, Alex Gino, writer of *Melissa and Rick*, and Judy Blume, writer of *Are You There God? It's Me, Margaret*, described these parents and school board members as authoritarians or in the former's case, fascists.

Both characterizations spawn from a hotly contested disagreement over the availability of books in the classroom or libraries. The issue has become so intense that Democrats and Republicans plan to campaign on it in 2024. In his State of the Union address in early 2024, Joe Biden, the frontrunner for the Democratic primary, exclaimed that “banning books is wrong” and took a strong stance against rogue parents and activists who aim to strip libraries and school curriculum bare.² A year before that, Donald Trump, the presumptive Republican nominee, laid out an education agenda that would eliminate “critical race theory, gender ideology, or other inappropriate racial, sexual, or political content onto our children.”³ While Trump's platform for

¹ Rogers, Kaliegh. *Why So Many Conservatives Are Talking About 'Grooming' All Of A Sudden*. FiveThirtyEight. ABC News. April 13, 2022. <https://fivethirtyeight.com/why-so-many-conservatives-are-talking-about-grooming>, claims of widespread child abuse in schooling goes hand in hand with conservative narratives about education and generally politics in general. Grooming accusations are a milder version of accusations against specific politicians of molestation.

² Biden, Joe. *Remarks by President Biden in the State of the Union Address*. The White House. Washington D.C, March 7, 2024. <https://www.whitehouse.gov/2024/03/08/remarks-by-president-biden-in-state-of-the-union-address>

³ Trump, Donald. *Trump Unveils 2024 Education Plan*. Trump Campaign. Politico. January 26, 2023. <https://www.politico.com/video/2023/01/26/trump-unveils-culture-war-education-policy-821873>

education is far less direct about book removals, the ex-president calls for the censorship of divisive ideas in the classroom including books that espouse such ideas. Florida Governor Ron DeSantis, who ran against Trump in a failed bid for the presidency, supports the same type censorship in rhetoric and policy, becoming the face of the book removal phenomenon in Florida. Oppositely, congressmen Jamie Raskin and Brian Schatz recently reintroduced a resolution to recognize Banned Book Week and called out censorious Republicans for violating the freedom of expression of writers. Some of these attacks between Democrats and Republicans are rhetorical. Some of them come in the form of public policy. Yet, are any of these attacks legitimate? If this is to be a political issue going into the 2024 election, we must examine and critique how people discuss book removals.

Whether one is for or against censorship of books in schools, there are flaws to both perspectives that have manifested in confusion over terms, United States law and the content of the most challenged literature. What's the difference between a book ban and a book removal? Is this an educational issue or a First Amendment issue? Are states prohibiting books for everyone or solely grade school children? Is there really pornography in the school libraries? Are educators indoctrinating children with these anti-Christian books? The lack of specificity and the abundance of inaccuracies frame this issue as muddled and not entirely fleshed out by politicians and media from both sides of the political spectrum. The argument of this piece aims to unveil misconceptions and assumptions circling the book removal phenomenon and to add specificity to an overly confused political issue. To accomplish such a task, I will begin by differentiating a book removal from a book ban, a common mistake made by media organizations and non-profit organizations. A book removal is a common practice in schools and libraries that is rarely regulated by Federal and Local Governments. Often, parents and school board members decide what books to remove

through a democratic process. A book ban is a similar, but a different entity from a book removal. State and court sanctioned banned materials are rare, except in cases of child pornography. A ban is a policy of broad limitations on creative freedom, a factor that does not encompass a book removal as I will discuss. I will end this chapter with a discussion of the book removal phenomenon as a culture war issue that seemingly benefits book challengers and anti-book challengers, encouraging the continued existence of this confused conflict.

The second chapter examines two of the most removed books and the assumptions made by proponents and opponents of these works. To rationalize my choices of literature, I will begin by laying out numerous different cases and data from Pen America and the American Library Association that finds *Gender Queer* as the most frequently challenged book from 2021 to 2022. Parents, who challenged the availability of the book, frequently characterize the book as pornography, while those who supported keeping the book on shelves described it as an inspiration for LGBTQ+ youth. As I will describe, these assertions have very little evidence to them, relying on the assumption that literature has the ability to reshape one's moral education. A similar assumption was present in one of the most frequently removed books of the late 1970s, *Slaughterhouse-Five*. The efforts to remove this book center on its religious commentary and profanity, which parents and school boards feared would lead to normalization of swearing and the abandonment of community standards. In contrast, those who supported the inclusion of the *Slaughterhouse-Five* in the curriculum and library selection stressed the book's anti war message as integral to shaping a student's values. Like *Gender Queer*, the parents and school boards that challenged and supported *Slaughterhouse-Five* lean on an assumption that literature can reshape a student's moral education and value sets.

In my conclusion, I will contemplate this assumption of literature's deleterious effects on one's morality, a theme that binds book bans and book removals together. From there, I will lay out my opinion on what the future holds for book removals. Is this just a stint? Or is this culture war issue here to stay? I hope to answer such questions by the end of this project.

LITERATURE REVIEW

To situate my proposed project in contemporary scholarship, I must break down the scholarship centering on the book removal trend. Journalists, non-profits organizations, and academics have written the bulk of materials discussing this book removal trend. Journalism on the issue either examines book removals as an assault on the First Amendment or a general positive change in education from "woke" ideology. For instance, Fox News wrote a series of articles framing the Parental Rights in Education Bill, a bill that led to book removals in Florida, as dismantling the sexual topics that were "injected" into kids' curricula."⁴ Opposingly, MSNBC has the Ali Velshi Banned Book Club, a fixture on the podcast circuit, and consistent commentary through special reports and articles about what they call "book bans."^{5 6 7} These two approaches, while coherent and based in some truth, are flawed. With Fox News, the articles understate the trend of book removals, often making it a miniscule issue. MSNBC's approach is the exact opposite, exaggerating these removals as though they are a sign of a greater dismantling of the

⁴ Leneki, Maria, *DeSantis calls out media's 'Mischaracterization' of 'Don't Say Gay' legislation: 'Not a good hill to die on.'* Fox News. January 24th, 2023, <https://www.foxnews.com/desantis-calls-out-media-mischaracterization-dont-say-gay-legislation>: Fox News frames sexual topics being injected into a classroom like a syringe with poison in it.

⁵ Velshi, Ali, *The Constitution shows how powerful a piece of writing can be.* MSNBC. August 24th, 2023. <https://www.msnbc.com/ali-velshi/constitution-ali-velshi-banned-book-club-rcna101636>

⁶ Jones, Ja'han. *Banned Books Week serves as a reminder about GOP censorship.* MSNBC. October 4th, 2023. <https://www.msnbc.com/the-reidout/reidout-blog/book-bans-censorship-critical-race-theory-woke>: Levar Burton still has it. Yet, this article is a little misleading as it connects it to a free speech issue primarily.

⁷ Aleem, Zeeshan. *The right's censorship campaign is growing more ambitious — and threatening.* MSNBC. August 22nd, 2023. <https://www.msnbc.com/opinion/msnbc-opinion/book-ban-censorship-library>

First Amendment. Further, changing the name of a book removal to a book ban makes these challenges scarier than they are. Both pieces of commentary create these good versus evil narratives to please their viewers. When framing the issue as a fight between pro- censorship and anti-censorship rather than an education issue, there is little room for nuance. For my project, there will be an effort to avoid arguments like those displayed in these articles.

Founded in 1922, the non profit organization Pen America advocates human rights and free expression, focusing primarily on book removals. Each month, the non profit releases reports that provide data on book challenges in each state. With each report, there is a consistent formula. It starts with the data, then an analysis, and ends with commentary. An issue with this approach is how Pen America frames book removals. The organization claims that book removals “continue to spread through coordinated campaigns by a vocal minority of groups and individual actors and, increasingly, as a result of pressure from state legislation.”⁸ This rhetoric mirrors that of MSNBC in their portrayal of book challengers attacking literature and, thus, plays into the many limitations associated with viewing this phenomena as a battle between pro censorship and anti censorship advocates. To combat the pro censorship advocates in prisons and schools, the organization with a coalition of authors filed “a federal lawsuit challenging removals and restrictions of books from school libraries that violate their rights to free speech and equal protection under the law.”⁹ As I will argue across this piece, there is very little evidence in this claim that book removals violate the free speech of authors or publishers. Authors and publishers have a wide range of freedoms in circulating their work, a right that courts previously did not guarantee to them. One may argue that book removals violate the right to read of students, yet that right conflicts with the authority of the

⁸ Meehan, Kasey. Friedman, Jonathan. Baêta, Sabrina. Magnusson, Tasslyn. *Banned in the USA: The Mounting Pressure to Censor*. Pen America. June 31, 2023. <https://pen.org/report/book-bans-pressure-to-censor/>

⁹ Trimel, Suzanne. Levenfeld, Jonny. *Pen America Files Lawsuit Against Florida School District Over Unconstitutional Book Bans*. Pen America. May 17, 2023. <https://pen.org/issue/book-bans/>

community over educational matters. Framing book removals as a free speech issue distracts from discussing it as an educational one. However, in its recent reports, Pen America has leaned into the educational policies around these removals, specifically with its commentary on the Parental Rights in Education Act and the broader educational reform bills sweeping the nation.¹⁰ While Pen America only subtly acknowledges book removals as an educational issue in their commentary, the American Library Association, the biggest library association in America, fails to clarify that connection between education and book removals. Like Pen America's reports, the ALA's resources detail the data of book removals with a narrative suggesting book challengers violated the First Amendment rights of writers and publishers.¹¹ For the ALA, stopping this free speech violation requires one to buy a tote bag plastered with Banned Book Week in an obtuse font. These resources, thus, seem to serve as advertisements for merchandise. Ultimately, these two approaches by PEN America and the ALA have merit in their data, yet frame the issue inaccurately.

In Emily Knox's *Book Banning of the 21st Century*, the professor concludes that parents or teachers challenge books as a symbolic gesture of their dissatisfaction and anxieties about society and their community.¹² These parents or teachers rarely read the books they challenge, making them unable to complain about the book in its context. These challengers are only able to critique the books under the context of the materials seemingly supporting new perspectives they find threatening to their community's standards. This approach to spotlighting the challenger's complaints influences my discussion of the most frequently removed books. However, in focusing

¹⁰ Meahan, Kasey. Friedman Jonathon. *Banned in the USA: State Laws Supercharge Book Suppression in Schools*. Pen America. April 20th, 2023. <https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>

¹¹ ALA. *Censorship By the Numbers*. American Library Association. January 1st, 2023. <https://www.ala.org/advocacy/bbooks/by-the-numbers>

¹² Knox, Emily. *Book Banning in 21st-Century America*. Rowman & Littlefield, 2015. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=cat03691a&AN=bard.b2674493&site=eds-live&scope=site.

solely on the complaints, Knox lacks an analysis on the most challenged books. For my approach, I look to incorporate many of the perspectives alluded to in the book, while also exploring the books in a literary analysis framework. To Knox's credit, she does not frame book removals as a free speech issue. Like Knox, professor Rita Koganzon, University of Virginia, approaches the subject of book removals solely as an education issue, a struggle for authority between parents and educators on what should be taught in a literature curriculum. Koganzon does not come to the same conclusion as Knox and instead, views this trend of book removals as parents taking back power from educators. Under a constitutional lens, Koganzon argues that the American educational system with its semi democratic norms is all about the rights of parents in their children's education.¹³ While Koganzon is certainly right about how book removals are constitutional, she avoids critiquing these systems of education. Parents who have not studied to be a teacher do not have the knowledge educators have, leading to abuse of power when it comes to educational decisions.

The literature about book removals range from morning shows on MSNBC to analysis by Knox, yet these sources avoid critiquing both sides of this phenomenon. The closest to a critique about the book removal discourse is Koganzon, yet she fails to challenge pervasive misconceptions propagated by parent groups like Mom's For Liberty which contributed to this rise in book removals. Ultimately, this piece will challenge key narratives about the sharp rise of book removals from its false characterization as a book ban to assumptions of pornography and anti religious material in school libraries and classrooms. Hopefully, I will provide a fresh analysis to an already talked to death political issue.

■

¹³ Koganzon, Rita. *There Is No Such Thing as a Banned Book: Censorship, Authority, and the School Book Controversies of the 1970s*. American Political Thought, vol. 12, no. 1, Jan. 2023, pp. 1–26.

BOOK REMOVALS OR BOOK BANS?

Jimmy Kimmel invited famous television actor Levar Burton to appear in a segment, spoofing his show from the 1980s, *Reading Rainbow*. In this spoof entitled *Banned Book Rainbow*, Burton sits down with a group of middle school students and tells them that some conservatively minded parents and teachers “do not want kids to learn, grow, change and totally have lost their sense of wonder.”¹⁴ Burton transports these students to a school board meeting where a parent pleads for the removal of certain books containing mild violence or subtle LGBTQ+ themes. Like Jimmy Kimmel Live as a whole, the skit is unfunny and tired. Besides cliché satire tropes, Burton characterizes the phenomenon of school boards removing certain materials not as a free speech issue, but an educational one. This is a departure from dominant narratives made by Pen America and the American Library Association and is a refreshing perspective. Thankfully, there is not a moment where Burton looks at the camera and argues that these book challengers infringed on the free expression of writers. Further, Burton does not parallel this phenomenon with previous fights for free expression at the tail end of the twentieth century. With Burton’s intentions in mind, why does he call the act of removing a certain book from library shelves a book ban?

The noun ban originates from the Medieval Latin verb *bannum*, which means to curse or to invoke damnation on someone. It was in the nineteenth century when the word ban became synonymous with prohibition, and thus became defined as a legal or official prevention of a material.¹⁵ The skit does not display the parents and teachers as legally barring all individuals from reading certain books, nor does it show them stopping students from obtaining the removed

¹⁴“Banned Book Rainbow.” *Jimmy Kimmel Live*. created by Jimmy Kimmel, performance by Levar Burton, season 22, episode 58, Jackhole Productions, February 1st, 2024. <https://www.youtube.com/watch?v=o9ta46bf8Kw>

¹⁵“Ban” *Merriam-Webster.com*. Merriam-Webster, 2011. Web. 8 May 2011. <https://www.merriam-webster.com/dictionary/ban#word-history>

materials elsewhere. Characterizing this phenomenon as a ban or a prohibition masks it as a fight for free speech rights that arguably the courts and the government have secured already. I find this distortion of the phenomenon problematic not only for its misleading nature, but also for equating book removals in school settings to legal prohibitions against certain literature. When defining these two acts under one term, it either overemphasizes book removals as a civil liberties issue or understates the political persecution many authors and publishers experienced during the height of obscenity charges. There is a substantive difference between a ban and a removal that student groups, librarians, teachers unions, non profits, congressmen, senators and even the President of the United States do not acknowledge. I will not lambast these entities for this inaccuracy nor support their framing of the phenomenon. My goal for this chapter is to differentiate a book ban and a book removal by detailing the history of the two.

Out of a historical and legal analysis, a book ban is a legal prohibition of material that states and courts deem obscene. A rarely used mechanism of censorship today, book bans were rampant from the late nineteenth to the early twentieth centuries, closely paralleling the evolution of obscenity standards in favor of civil liberties and free expression. In protecting free expression, book bans became a relic. Obscenity convictions were a looming threat for writers, artists and publishers that showcased a struggle for literary freedom. That struggle emerged from a disorganized Republican congress passing the dreaded Comstock Laws. It continued when the Supreme adopted the Hicklin Test, defining obscenity in the broadest terms and granting more authority to the Anti Vice Society to censor what they deemed as lewd. After a New York court lifted the ban of *Ulysses*, the abandonment of the Hicklin Standard commenced and climaxed with *Roth V. United States* and *Miller V. California*. By the end of the 1970s, obscenity's role in the American legal system reduced in authority. Contrarily, a book removal refers to the withdrawal

of certain materials from public libraries and schools, usually in response to public pressure or those materials violating state or local standards. For this portion of the analysis, I will focus on high school libraries and curricula exclusively due to its connection with *Pico V Island Trees*. Parents, teachers, school board members, superintendents and school librarians across the country challenge and remove books every year for many reasons. School Librarians may have to throw out old, worn out books and mistakenly forget to purchase new copies. The content of a certain book may insult some members of the community and lead to its dismissal. Either way, book removals do not constitute a free speech violation as expressed by Pen America and the American Library Association. I argue that book removals are a form of parental and general communal involvement in education supported by State and Federal laws. How parents and communities use that authority can lead to abuse as demonstrated in *Pico V. Island Trees*. Yet, the framing of book removals as a violation of a student's right to read conflicts with the standards and systems established by the Elementary and Secondary Education Act and years of educational precedent supporting parental rights.



(Original Drawing of Anthony Comstock Censoring The Female Body)

A CRUSADE TO CIVILIZE A NATION

In 1915, journalist Mary Alden Hopkins sat down to interview Anthony Comstock, an anti-vice activist who spent a career banning obscenity from circulation. Among the aggressive raids

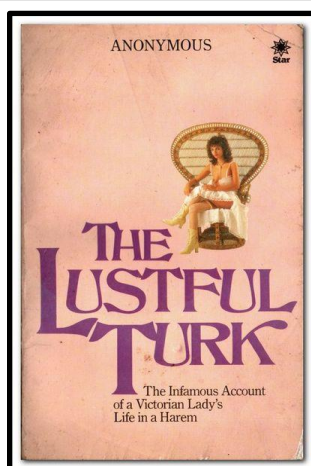
on publishing houses and the successful prosecution of writers, the Comstock Acts of 1873 stood as Comstock's most distinguished accomplishment in his war against vice. A nationwide ban on the circulation of obscene materials and contraceptives in the United States through the mail, the Republican-controlled congress unanimously passed these acts in 1873, and they remained in effect by the time Hopkins spoke with Comstock. When asked about the motivations behind these laws, Comstock answered "There was in existence at that time a kind of circulating library where my fellow clerks went, made a deposit, and received the vilest literature, and after reading it, received back the deposit or took other books. I saw young men being debauched by this pernicious influence."¹⁶ The circulation of erotica like *The Lustful Turk*, *The Memoirs of A Woman of Pleasure* and *The Romance of Lust* outraged Comstock as a stock clerk in 1867.¹⁷ At the heart of this outrage was the belief that the erotica had the power to "debauch" the reader. Debauchery is the excessive indulgence of pleasure, the very pleasure that arouses sexual and anti-social behaviors. Comstock, a man of faith and righteousness, saw erotica as reshaping the moral education of young men in particular. Comstock states to Hopkins that "If you open the door to anything, the filth will all pour in and the degradation of youth will follow."¹⁸ What was this degradation? In Comstock's book *Traps For Young*, he describes a cycle of young men persuaded by dirty literature and finally overcome with sin and debauchery. He writes, "inherited appetites and passions are secretly fed by artificial means, until they exert a well-nigh irresistible mastery over their victim. The weeds of sin, thus planted in weak human nature, are forced to a rapid

¹⁶ Hopkins, Mary Alden. *Birth Control and Public Morals: An Interview with Anthony Comstock*. Harper's Weekly. May 22, 1915. <http://www.expo98.msu.edu/people/comstock>: This was the last interview of Anthony Comstock, who died in November of that year.

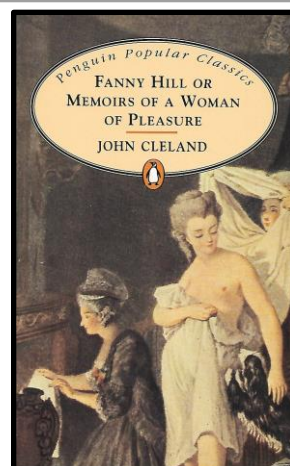
¹⁷ Leech, Margaret. Broun, Heywood. *Anthony Comstock, Roudsman of the Lord*. A. & C. Boni. 1927: Leech and Heywood mention *The Lustful Turk*, *The Memoirs of A Woman of Pleasure* and *The Romance of Lust* as some of the erotica that Comstock would frequently burn or destroy during his career as a stock clerk.

¹⁸ Hopkins, 3.

growth, choking virtue and truth, and stunting all the higher and holier instincts.”¹⁹ There are external forces haunting each individual, waiting to attack and drain all “virtue and truth.”²⁰ The only way to stop such evil and save the souls of all men and women is to ban erotica. Evident in this reasoning was Comstock’s reliance on protestant Christianity to justify censorship and that often led him to ignore the poor material conditions of the young men and women he tried to save. Poor working conditions in factories combined with massive wealth inequalities and corruption were not Comstock’s primary focus. Nevertheless, that ignorance of the underbelly of an industrializing America may have made him more tolerable to aristocrats and businesses when he made a name for himself working for the Young Men’s Christian Association (YMCA) and other church groups as a community organizer.



(*The Lustful Turk* by Anonymous- reprint 1985)



(*Memoirs of a Woman of Pleasure* by John Cleland- reprint, 1986)

By the end of the Civil War, the old aristocratic families of American society saw their influence in north eastern cities wane as streets flooded with crime and poverty. In New York City, an increase in immigration and lack of assistance to these new residents manifested in a rise in

¹⁹ Comstock, Anthony and Bremner, Robert. *Traps for the Young*, Cambridge, MA and London, England: Harvard University Press, 1967. <https://doi.org/10.4159/harvard.9780674497689>

²⁰ Ibid, 247.

vagrancy and pauperism. Tensions began to inflame between the city's nativist aristocrats and these new unskilled laborers.²¹ Gambling and prostitution congested the slums of Boston, an eye sore for the Boston elites who were often nostalgic for manners and decorum associated with the early nineteenth century.²² Boston and New York are two of many instances where new developments in mass urbanization and immigration generated upper class anxiety and Comstock fed off of it by pushing for Victorian manners in American society. Joining Comstock's crusade for good manners was an avenue for these aristocrats to claw back power and replace the diminished authority of the nation's clergy, who had shaped the social and behavioral standards of Americans during the first and second Great Awakenings.²³

While Comstock's crusade primarily gained support from north-eastern aristocrats initially, corporations soon funded his movement as a way to squash labor unions. From the late 1860s to early 1870s, the Knights of Labor and their labor strikes spooked business leaders. The assumption that socialist and anarchist literature inspired these labor movements was prevalent among these so called captains of industry. As Margaret A. Blanchard writes in the *American Urge to Censor: Freedom of Expression Versus The Desire to Sanitize Society*, businesses across the country "had a stake in protecting the workforce from corrupting influences that may have been

²¹ Hirota, Hidetaka. *The Great Entrepot for Mendicants: Foreign Poverty and Immigration Control in New York State to 1882*. Journal of American Ethnic History, vol. 33, no. 2, 2014, pp. 5–32. JSTOR, <https://doi.org/10.5406/jamerethnhist.33.2.0005>: While the essay primarily focuses on New York City's immigration policy in the years after the Civil War, Hirota paints the phenomenon of pauperism and poverty as universal between all laborers. He writes, "the harsh realities of industrialization and the devastating effects of the war created a class of paupers who were temporarily unemployed despite their willingness to work or were disabled because of uncontrollable misfortune"(18).

²² Streiff, Meg. *Boston's settlement housing: social reform in an industrial city*. LSU Doctoral Dissertations. 218, 2005. https://repository.lsu.edu/gradschool_dissertations/218: Stereiff primarily examines settlement housing, but also illuminates the social situation for poor laborers post Civil War.

²³ Rossel, Robert D. *The Great Awakening: An Historical Analysis*. American Journal of Sociology, vol. 75, no. 6, 1970, pp. 907–25. JSTOR, <http://www.jstor.org/stable/2776151>: Rossel writes of the clergy intentions for the first Great Awakening as a way "to destroy the old order, thus making it possible for a sectarian and denominational pattern more commensurate with democratic pluralism to emerge"(908). These intentions created a social order of Protestantism that was friendly to the emerging ideals of individualism and private property. The Second Great Awakening would serve to reinforce that social order in the early nineteenth century.

far different from Comstock's concern for the workers' immortal souls. Together they launched a campaign against obscenity, pornography, and information on birth control and abortion that set an unprecedented standard for the repression of sexually related ideas.”²⁴ These businesses and northern aristocrats formed Comstock’s coalition, which conducted many raids on publishing houses in New York and Massachusetts.²⁵ While these raids were largely successful, Comstock’s intention was to enact national legislation, bringing him to Washington in 1870. A Republican congress, who were more than willing to take bribes from businesses, agreed to bring the first version of the Comstock Acts up to a vote. Comstock’s rigor and rhetoric was enough for lawmakers to pass the first version of the Comstock Acts in 1870.

Three years later, Congress expanded on the initial Comstock Acts of 1873 after Congressman C.L Merriam pleaded for more action regarding the proliferation of filthy literature. He spoke on the floor of the House, “The history of nations admonishes us that even our fair Republic will be of but short duration unless the vigor and purity of our youth be preserved.”²⁶ Merriam suggested that erotica or filthy literature would end the American republic due to its ability to strip “vigor and purity” of young men and women. Again, we see an assumption in Merriam’s speech about literature morally deteriorating youth by replacing their moral education with debauchery. Merriam had no evidence to back up this assumption, yet the speech convinced an unorganized Republican congress to support further legislation to combat obscenity. D.M Bennett wrote in 1878 that “the house was in the wildest state of confusion, and numbers of the

²⁴ Margaret A. Blanchard, *The American Urge to Censor: Freedom of Expression Versus the Desire to Sanitize Society - From Anthony Comstock to 2 Live Crew*, 33 Wm. & Mary L. Rev. 741 (1992), <https://scholarship.law.wm.edu/wmlr/vol33/iss3/4>

²⁵ Geoffrey R. Stone, *Sex and the First Amendment: The Long and Winding History of Obscenity Law*, 17 FIRST AMEND. L. REV. 134, 2022.

²⁶ CONG. GLOBE, 42d Cong., 3d Sess. app. 168 (1873) (statement of Rep. Merriam introducing a letter from Anthony Comstock).

members were under the influence of ardent spirits, some two hundred and sixty acts were hurried through without inquiry or consideration”²⁷ Even President Grant, who won the 1872 election handily by this point, signed the law “in the same hurried, reckless manner.”²⁸ In this quick and hurried environment, the Act for the Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use or the Parent Act or the Comstock Acts of 1873 passed unanimously.

Enacted by the Comstock Acts of 1873, section 217 of the United Penal Code stated: “Every obscene, lewd, or lascivious and every filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designated...for any indecent or immoral use...is hereby declared to be non-mailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier. Whosoever shall knowingly deposit or cause to be deposited for mailing or delivery, anything declared by this section to be non-mailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition of the same, shall be fined not more than \$5000, or imprisoned not more than five years, or both.”²⁹ From the first word of the law, the act introduced the concept of obscenity into mainstream American politics. While there were federal obscenity statutes dating back to the 1840s and state obscenity laws before that, the Comstock Acts of 1873 led to more prosecutions and bans than all other obscenity laws before them. The vague definition of obscenity granted Postal Offices and Custom Services broad discretion to ban any material. To enforce this new obscenity law, President Grant appointed

²⁷Bennett, De Robigne Mortimer. *Anthony Comstock: His Career Of Cruelty And Crime; A Chapter From The Champions of the Church*. Liberal and Scientific Publishing House, New York. 1878.

²⁸ Ibid, 1017.

²⁹ An Act for the Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use, ch. 258, S 217 Stat. 598, 599 (1873)

Anthony Comstock to be head Postal Inspector of the United States. Books that Comstock and his underlings considered to be lewd” or filthy were essentially barred from distribution such as Nathaniel Hawthorne's *The Scarlet Letter* and Walt Whitman’s *Leaves of Grass*. Additionally, a wave of prosecutions followed after the law’s passing, targeting activists like Ezra Heywood and De Robigne Mortimer Bennett. All of these actions by a new authoritarian Postal Office were a part of a much larger plan to condition the American people to respect institutions and businesses as a way to stifle resistance.

At the time, Congress and the presidents after Grant were happy to impose civility and order. This instinct may have manifested from the collective trauma of the Civil War. It is, though, clear that business leaders supported these laws to clamp down on resistance from workers. Comstock aimed to protect youth from becoming immoral heathens and transform society into one of good manners and civility. Nevertheless, all three motivations that generated the Comstock laws led to extensive government overreach and persecution of writers, scholars and publishers. Did the banning of specific literature stop labor strikes? Did they end crime and poverty? And more importantly, did they save society from cultural degradation and preserve the purity of youth? By 1915, the answer to all these questions was a resounding no. Labor strikes worsened after the enforcement of the Comstock Acts of 1873.³⁰ Crime and poverty remained a problem going into 1915.³¹ Finally, the Comstock Laws may have blocked children from reading erotica or filthy literature, yet they failed to end the grueling conditions children faced at work and on the streets homeless and famished. As Blanchard puts it, “many of Comstock's efforts to purify America

³⁰ The Comstock Acts of 1873 did not lead to the rise in labor strikes and walkouts. Rather, worker hostilities from the 1870s to the 1910s inflamed for a variety of reasons other than the censorship of pornography such as bipartisan favoritism toward big businesses, economic depressions, and general unfair labor standards.

³¹ Ellwood, Charles A. *Has Crime Increased in the United States Since 1880*, 1 J. Am. Inst. Crim. L. & Criminology 378, March 1911, Ellwood explains that there was a rise in crime from 1880 to 1895, which then slightly decreased at the turn of the century.

failed, largely because his campaigns attacked only surface problems in American society.”³² To make matters worse, the Federal Government’s use of the Comstock Acts of 1873 was unorganized. The United States Customs Service, made up of workers who had little knowledge of literature and art, excluded books in certain areas and allowed these same books in others. Due to the subjectivity of obscenity, federal and state workers often restricted books based on their covers or the first page. This ineffectiveness and abuse led to waning support of Comstock and his newly founded New York Society for The Suppression Of Vice from these same aristocrats and businesses.³³ While Comstock’s followers dwindled, the Comstock Acts of 1873 informed a majority of state obscenity laws in the country and gave the Supreme Court the task to define obscenity for the twentieth century.

One of the first legal standards of obscenity originated from British law with the creation of the Hicklin test. Similar to the passing of the Comstock Acts of 1873, *Regina V. Hicklin* of 1859 was a response to the growing pornography industry in the London streets. Initially, the British Parliament passed a law to target publishers of books like the *Lustful Turk* and *The Amorous Quaker* called the Obscene Publication Act.³⁴ The definition of obscenity, though, was far from concrete. Confusion over the term arose when the Wolverhampton Authorities ordered one of the residents, Henry Scott, to destroy anti-Catholic pamphlets deemed obscene. Immediately upon Scott’s refusal to destroy the pamphlets, the Wolverhampton authorities convicted him. At trial, the town recorder and judge Benjamin Hicklin reversed that order, reasoning that Scott’s intentions

³² Blanchard, 758.

³³ Comstock founded the New York Society for The Suppression of Vice immediately after the Comstock Laws of 1873 passed to act as a monitor for New York state to comply with the new obscenity law. Comstock was the organization’s secretary from 1873 to his death in 1915, yet he delegated much of his work to others due to his obligations as head postal inspector.

³⁴ Mullin, KE (2018) Unmasking The Confessional Unmasked: The 1868 Hicklin Test and the Toleration of Obscenity. *ELH: English Literary History*, 85 (2). pp. 471-499. ISSN 0013-8304

were not to distort public morality. Persistent to convict Scott, the authorities appealed the prosecution to the Court of the Queen's Bench. To the dismay of the Wolfhampton Authorities, Chief Justice James Edmund Cockburn and the other justices ended up siding with Hicklin and Scott in this case. In addition, Cockburn wrote a far more clearer definition of obscenity in his opinion, explaining that "the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave or corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall."³⁵ Cockburn's definition relied on an assumption that "immoral" material could corrupt one's morality. Although evidence of obscenity having the power to debauch individuals was lacking, the United States Supreme Court adopted the Hicklin test in response to the case of *Rosen V. United States*.

It was 1896 and Lew Rosen deposited the underground magazine *Tenderloin, Number, Broadway* into the New York City post office. One of the postal workers, disturbed by the magazine's content, reported the incident to authorities, leading to a conviction under the Comstock Acts of 1873. The Second Circuit for The Southern District of New York took up the case in 1895 and Rosen defended himself to a juryless court, stating that he had no knowledge that the magazine was obscene under the Comstock Acts of 1873. The court, though, convicted Rosen for the circulation of obscenity. Rosen then appealed the case to the highly conservative Supreme Court. In his determination, associate justice John Marshall Harlan upheld the conviction of the Second Circuit, yet argued that the court made a slight error in their determination. The Second Circuit had not explicitly defined the term obscenity legally, and in correcting that determination, Harlan implemented the Hicklin Test in his opinion.³⁶

³⁵ Regina v. Hicklin (1868), Law Reports 3: Queen's Bench Division 1867-68, 371.

³⁶ Harlan, John Marshall, and Supreme Court Of The United States. U.S. Reports: Rosen v. United States, 161 U.S. 29. 1895. Periodical. Retrieved from the Library of Congress, <www.loc.gov/item/usrep161029/>

One of the first applications of the Hicklin Test came just a few years after Joseph R. Dunlop sent copies of the *Chicago Dispatch* to a number of people. Dunlop, the editor and chief of the publication, grew up in Canada in a very religious community before moving to Chicago where he gained a reputation for telling entertaining stories. The Canadian trailblazer worked at a variety of newspapers as a columnist and then after, an editor. Sick of the lagging authenticity in establishment papers, Dunlop created the *Chicago Dispatch*, which “eagerly boasted about its independence and fearless reporting.”³⁷ In reality, advertisements for prostitution and sensationalist articles plastered each edition of the newspapers. Members of the Christian Catholic Church at Chicago’s Zion Tabernacle with the help of U.S. Postmaster General campaigned for Dunlop’s arrest for obscenity. Their wishes manifested into a reality when the Postal inspector of St Louis, Missouri Robert McAfee led a crackdown of Dunlop’s operations after a post office found one of his newspapers sent to R.M Williams and Mr. Montgomery. Dunlop received an indictment for violating the Comstock Laws and went to trial in late 1895. At the trial, a jury found Dunlop guilty and sentenced him to two years of imprisonment. Immediately after the trial, Dunlop claimed that there were numerous errors in the decision and contested that the judge under political pressure had rigged the trial against him by mischaracterizing the content of his newspaper. Dunlop then appealed the conviction to the Supreme Court.³⁸ The Supreme Court, though, found his defense to be weak after a thorough review of Dunlop’s newspaper. Justice Henry Billings Brown wrote in his opinion that “There was no question as to depraving the morals in any other direction than that of impure sexual relations.”³⁹ The Hicklin Test’s focus on the act of depraving the reader plays a prominent role in Brown’s conclusion of Dunlop’s newspaper, an assumption with very

³⁷ Loerzel, Robert. *On Joseph R. Dunlop’s Chicago Dispatch*. Chicago Magazine. February 18, 2010. <https://www.chicagomag.com/chicago-magazine/february-2010/on-joseph-r-dunlops-chicago-dispatch/>

³⁸ *Dunlop v. United States*, 165 U.S. 486 (1897)

³⁹ *Ibid*, 490.

little evidence. Another assumption in this case is that the presence of a single lewd quote or picture in a material like Dunlop's paper means that the whole piece is automatically obscene. Both assumptions were indicative of Comstock's crusade against vice and his goals to control American culture. His initial supporters of business leaders, lawmakers, pastors and aristocrats wanted civility and order at the cost of free expression, yet that tradeoff may have not mattered to them. Memories of the Civil War, crime, immigration and poverty motivated these supporters to fight for a cause that manifested into bureaucratic censorship and the persecution of publishers and writers for decades. Support for the Comstock Acts of 1873 may have diminished, yet the Supreme Court's adoption of the Hicklin Standard made overturning it an uphill battle for a burgeoning movement of free speech libertarians and anarchists.

THE SAGA OF *ULYSSES* BANS

The influence of the Hicklin Standard on obscenity statutes across the country naturally led to an influx of book bans. Massachusetts's Watch and Ward Society barred several books by famous authors like John Gunther, Upton Sinclair, Sherwood Anderson, William Faulkner, H. G. Wells, Percy Marks, and Ernest Hemingway. Boston was so infamous for book censorship that "Banned in Boston" became the city's slogan for much of the 1920s.⁴⁰ While Boston was infamous for squashing the free expression of authors and publishers, New York City was equally as aggressive as Boston when it came to obscenity laws. Look at the string of cases between 1919 to 1922 that prohibited the publishing of James Joyce's classic novel *Ulysses* for a clear example.⁴¹ The New York publishers of the *Little Review*, Margaret Caroline Anderson and Jane Heap,

⁴⁰ Boyer, Paul S. *Boston Book Censorship in the Twenties*. *American Quarterly*, vol. 15, no. 1, 1963, pp. 3–24. *JSTOR*, <https://doi.org/10.2307/2710264>.

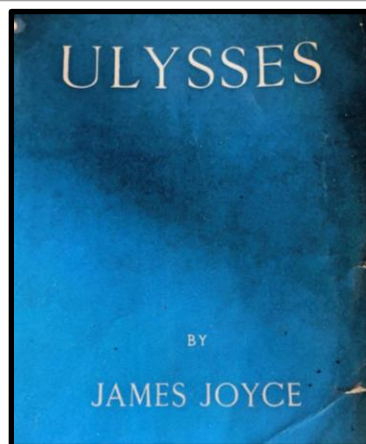
⁴¹ Weir, David. *What Did He Know, and When Did He Know It: The Little Review, Joyce, and Ulysses*. *James Joyce Quarterly*, vol. 37, no. 3/4, 2000, pp. 389–412. *JSTOR*, <http://www.jstor.org/stable/25477749>.

purchased the publishing rights to *Ulysses* in 1916 and circulated the book in separate installments beginning in 1917 with *Telemachus*. Anderson, an admirer of anarchist Emma Goldman, had been on the New York Postal Service's radar since the first edition of *Little Review*. Distaste for Anderson's views played a role in the partial censorship of the episode *Lestrygonians*. Postal Authorities found that the episode of Mr. Bloom going on a mid afternoon jaunt violated the recently passed Espionage Act of 1917 for expressing pacifist rhetoric. Due to seismic leaps in technology and infrastructure, the censorship during World War I of literature like *Ulysses* was swifter than the bans of the late 1800s. This initial censorship of *Ulysses* was not to be the last and would begin a decade-long legal battle to get James Joyce's epic published in America.

On June 16th 1919, solicitor of the United State Post Office Judge W. H. Lamar ordered the suppression of the January edition of the *Little Review* containing the episode *Scylla and Charybdis* due to it violating section 480 of the Postal Laws and Regulation. Lamar wrote that "this judgment is not based solely upon the passage from Mr Joyce's article.. but is based upon the magazine as a whole."⁴² Lamar's judgment displayed a gradual escalation in banning *Ulysses* instead of a blanket ban of the book from the start with the *Telemachus* installment. One could argue that the authorities wanted to convict Anderson and Heap for their political beliefs and, thus, waited for the right moment to rationalize an arrest. Another interpretation could be that censoring obscenity became a learned behavior among postal workers and the authorities in New York, and from that, any book or magazine with a hint of sex or profanity was on the chopping block. Either way, there seemed to be an organized effort to suppress the *Little Review* and by extension, *Ulysses*.

⁴² Lamar, W.H. , "W.H. Lamar, Solicitor, to John Quinn," *Digital Exhibits - UWM Libraries Special Collections*, accessed April 10, 2024, <https://web.uwm.edu/lib-omeka-spc2/items/show/188>.

Even though there was pushback for the January edition, Anderson and Heap continued publishing *Ulysses* into 1920. For several months, the publication avoided controversy until the release of the July-August edition of the *Little Review* spotlighting the infamous *Nausicaa* episode of the *Ulysses*. Secretary of the New York Society for the Suppression of Vice John S. Summer filed a complaint against the Little Review for publishing *Nausicaa* in violation of section 1141 of the Penal Code of New York. In an odd twist, the State Attorney General of New York at the time pressured Summers and his Christian organization into filing the complaint instead of the other way around. Why? The New York Society for the Suppression of Vice led by Anthony Comstock were more effective in banning materials and filing lawsuits against publishers and writers than the State Postal Offices. While the New York Society for the Suppression of Vice under John S. Summer by this point had lost popular support, they still had the legal legitimacy and political prowess to prosecute Anderson and Heap for obscenity swiftly without much opposition.



(*Ulysses* by James Joyce - first edition, 1922)

Before investigating this case against Anderson and Heap, I will examine the passage in the *Nausicaa* episode that riled up Summer and the Attorney General of New York into filing legal action against *Little Review*. The passage begins with the protagonist Leopold Bloom watching housewife Gerty from afar at a park in Dublin. Sitting by the sea, Gerty's thoughts circle around

Bloom, who she fantasizes about. Bloom, who feels similarly too, masturbates in the park as fireworks sparkle in the night sky. Joyce writes, “And then a rocket sprang and bang shot blind blank and O! Then the Roman candle burst and it was like a sigh of O! and everyone cried O! O! in raptures and it gushed out of it a stream of rain gold hair threads and they shed and ah! they were all greeny dewy stars falling with golden, O so lovely, O, soft, sweet, soft.”⁴³ A rocket flying up and shooting “blind blank” may at first allude to the fireworks show, yet the repetition of the “O!” signals to the reader that this bursting and banging is happening to Bloom internally. The words “sweet” and “soft” are descriptors for Gerty used previously in the chapter, which Bloom focuses on as he finishes on the bench behind her. While Joyce cloaks this sequence in metaphors, the repetition of the “O” clearly signals that Bloom is masturbating in this sequence. Yet, the function of this sequence is not to be lewd but to describe the loneliness and lust bubbling up in Gerty and Bloom. Joyce uses sexual explicitness to dig deep into his character, yet also to offend the audience. For Joyce, the duty of a writer was “to insult rather than to flatter national vanity.”⁴⁴ Joyce’s style in *Ulysses* did not intend to be an inoffensive read. Its intentions were to challenge the cliches of literary work at the time and, by extension, the sensibilities of early twentieth-century readers. With this goal in mind, the pushback to *Ulysses* seemed almost inevitable. At the trial, the publishers argued that the supposed obscenities in the text had a literary value. Nevertheless, their defense fell on deaf ears, and the judge banned the continued serialization of *Ulysses* using the Hicklin Test. Pressured by the Attorney General and Summers, the judge had decided the fate of *Ulysses* before the trial even began. Out of this trial, there is this tension between censoring the whole material or censoring specific sections of one. Should the whole of *Ulysses* be banned for a single passage, or should the passage be banned only? Justice Crain of the Court of General

⁴³ Joyce, James. *Ulysses*. Wordsworth Editions, 2010. Pg 670

⁴⁴ Declan Kiberd, Introduction to *Ulysses*. Harmondsworth: Penguin 1992, pp. ix-lxxxx.

Sessions and the jury called for the former, yet this question would remain prominent a decade later. For the remainder of the 1920s, *Ulysses* remained illegal to publish but was available to purchase from foreign countries.

Some tried to publish *Ulysses* in America during the 1920s in lieu of the first edition's release in Paris. Samuel Roth, a Ukrainian born bookstore owner in New York, circulated a new magazine entitled *Two Worlds* as a successor to the dissolved *Little Review*. Roth gained permission from Joyce's lawyer Arthur Garfield Hays to publish *Ulysses* in his magazine even though he did not formally receive the publication rights from Joyce. For Joyce, the Ukrainian publisher valued sexual explicitness over literary value and was worst of all characterizations, a common booklegger. Without any consent from Joyce personally, Roth released a few excerpts of *Ulysses* in *Two Worlds* for the first year. There was backlash from the literary community against the *Two Worlds* release, mostly due to the lack of formal permission from Joyce and Roth's reputation as a "scoundrel and thief."⁴⁵ In a time when Joyce was financially destitute after years of lawsuits from all over the world, Roth's *Two Worlds* was a success at first as Joyce's work was wildly popular in America. Yet, with pressure from the literary community headed up by Ezra Pound and the Anti-Vice Societies across America, Roth had to rescind all copies of the *Two Worlds* publication. This, though, would not be the last of Roth in his crusade for free expression.

Ulysses's status as legally obscene killed any chances of the book being published in the United States. Its status grew more restrictive when Herbert Hoover signed into law the Smoot-Hawley Tariff Act in 1930, which banned all obscene literature from foreign publications.⁴⁶ This law banned any form of *Ulysses* until *United States V One Book Entitled Ulysses* on August 7th,

⁴⁵ Gertzman, Jay A.. *Samuel Roth, Infamous Modernist*, University Press of Florida, 2013. *ProQuest Ebook Central*, <http://ebookcentral.proquest.com/lib/bard/detail.action?docID=1135937>.

⁴⁶ House of Representatives, Congress. 19 U.S.C. 4 - TARIFF ACT OF 1930. U.S. Government Publishing Office, <https://www.govinfo.gov/app/details/USCODE-2010-title19/USCODE-2010-title19-chap4>

1934. Prior to the trial, the publishing rights of *Ulysses* passed onto Random House, who were eager to lift the ban. To rid the prohibition of *Ulysses*, the Random House ordered a copy of *Ulysses* from Paris, so the material could be confiscated by Customs to trigger a trial that could theoretically lead to the overturning of the *Ulysses* ban as a legal precedent. This strategy worked in Random House's Morris Ernst's favor after the Assistant Attorney of the Southern District of New York Martin Conboy filed a suit against the publisher for violating the obscenity statute of the Smoot Hawley Tariff. Similar to the Anderson and Heap prosecution, Ernst on behalf of Random House argued that the book was not obscene and the book's confiscation by Conboy was unjust. Conboy's argument against Ernst consisted of a reading of specific passages that previous courts deemed obscene. Circuit Judge for the Southern District of New York Augustus N. Hand delivered the opinion of the court, writing that "numerous long passages in *Ulysses* contain matter that is obscene under any fair definition of the word cannot be gainsaid; yet they are relevant to the purpose of depicting the thoughts of the characters and are introduced to give meaning to the whole, rather than to promote lust or portray filth for its own sake."⁴⁷ Hand affirms Conboy's characterizations of these passages as obscene, yet the judge made an innovative distinction between obscenity with a purpose and obscenity without a purpose. The obscene elements are tools to understand character rather than to promote lust. This marks a subtle transition from the ideals espoused by the Anti-Vice societies of prohibiting all obscene materials even when those obscenities have value. Hand still centers his determination on a book's effect on a reader and in extension, plays into the Anti-Vice concerns about sexual explicitness and profanity debauching the soul of America. Nonetheless, the decision struck down the ban of *Ulysses* and began a general loosening of the obscenity laws. When examining the publication of *Ulysses*, one has to admire

⁴⁷ Court of Appeals for the Second Circuit. *United States v. One Book entitled Ulysses*. Docket No. 459, 7 August 1934. scholar.google.com/scholar_case?case=18349167283709104733.

the perseverance and risk associated with the Little Review, Samuel Roth, Random House and James Joyce in this effort. Prosecutions, fines and political pressure served to create an uphill battle for these entities, a factor that is gratefully absent in publishing today. How that occurred can directly be linked to Samuel Roth and the great change in the obscenity standards that transpired in 1956.

THE DECLINE OF BOOK BANS

At the height of communist paranoia in Los Angeles, the judge of the Municipal Court of the Beverly Hills Judicial District sent a warrant for the arrest of David Alberts.⁴⁸ Though, this man was not a communist nor a socialist. Instead, Alberts was the owner of an underground publishing house specializing in pornographic magazines that violated the obscenity statute of the California Penal Code. While Alberts appealed the decision to the Appellate Department of the Superior Court of the State of California, the judge slapped it down and affirmed the conviction. Similarly, Samuel Roth, years after his stint trying to publish *Ulysses*, received a twenty-six count indictment in New York City, charging him for the mailing of lewd novels to his monthly subscribers. The Postal Inspectors snatched up works like *Wallet Nudes*, *Stereoscopic Nude Show*, *Two Undraped Stars*, and *American Aphrodite* featuring Beardsley's *Venus and Tannhauser*.⁴⁹ Under the New York Statute of Obscenity, these works were contraband, and the two men never denied willingly selling them to their customers across the country. Unlike Alberts who appealed the decision, Roth filed a countersuit against New York state for violating the First Amendment in

⁴⁸ Heale, M. J. *Red Scare Politics: California's Campaign against Un-American Activities, 1940-1970*. *Journal of American Studies*, vol. 20, no. 1, 1986, pp. 5–32. *JSTOR*, <http://www.jstor.org/stable/27554703>, Heale writes that California “was unusual in the intensity and duration of its red scare”(Heale, 6). Initiatives such as removals of supposed Anti-American textbooks in schools and investigating communist professors were a part of this larger crackdown against communist activity.

⁴⁹ Gertzman, 226.

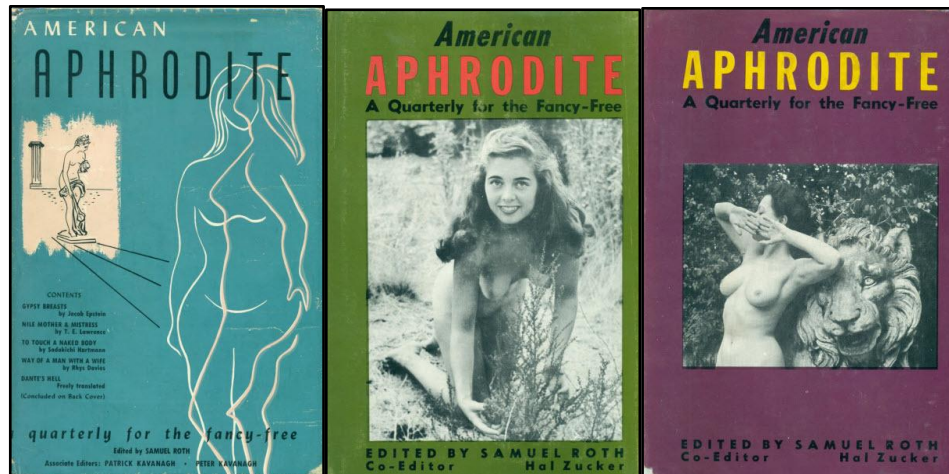
enforcing this statute. Seeing an opportunity to resolve Alberts' appeal and Roth's countersuit, the Supreme Court combined these cases to answer whether the California and New York statutes on obscenity violated the First Amendment.

In the Court Opinion written by William J Brennan, he remarked that "obscenity is not protected by the First Amendment."⁵⁰ To reiterate, obscenity laws existed before Comstock arrived and courts had excluded obscenity from the protections of the First Amendment since the early nineteenth century. In a departure from the Hicklin Standard, Brennan defined obscenity as "utterly without redeeming social importance."⁵¹ Brennan's definition on obscenity centered on the material rather than the supposed effect of the material. In another rejection of the Hicklin Test, Brennan argued that "the portrayal of sex, e.g., in art, literature, and scientific works, is not itself sufficient reason to deny material the constitutional protection of freedom of speech and press."⁵² Similar to Wooley's determination in *United States V One Book Entitled Ulysses*, the portrayal of sex does not constitute obscenity by itself. How a writer or an artist portrays sex determines whether the material as a whole is obscene. Under the Hicklin Standard, all work that featured sex in any form.

⁵⁰ Brennan, William J., Jr, and Supreme Court Of The United States. U.S. Reports: Roth v. United States, 354 U.S. 476. 1956. Periodical. Retrieved from the Library of Congress, <www.loc.gov/item/usrep354476/>.

⁵¹ Ibid, 488.

⁵² Ibid, 486.



(Covers of American Aphrodite, edited by Samuel Roth and Hal Zucker)⁵³

Brennan finally states that “The Hicklin test, judging obscenity by the effect of isolated passages upon the most susceptible persons, might well encompass material legitimately treating with sex, and so it must be rejected as unconstitutionally restrictive of the freedoms of speech and press. On the other hand, the substituted standard provides safeguards adequate to withstand the charge of constitutional infirmity.”⁵⁴ By admitting to the unconstitutionality of the Hicklin Test, Brennan unveils the mistakes made by local and state courts in dealing with obscenity. From the cases discussed from *Dunlop V. United States* to the slew of cases involving *Ulysses*, judges used the Hicklin Test too broadly to justify mass censorship of materials. With the removal of the Hicklin Test, Brennan admits that there needs to be a new standard to characterize obscenity. The new standard, the Roth Test, is as follows:

"The test in each case is the effect of the book, picture or publication considered as a whole, not upon any particular class, but upon all those whom it is likely to reach. In other words, you determine its impact upon the average person in the community. The books, pictures and circulars

⁵³ Piepenbring, Dan, *Smuthound*. The Paris Review. June 24th, 2014.
<https://www.theparisreview.org/blog/smuthound/>,

⁵⁴ Brennan, 488.

must be judged as a whole, in their entire context, and you are not to consider detached or separate portions in reaching a conclusion. You judge the circulars, pictures and publications which have been put in evidence by present-day standards of the community. You may ask yourselves does it offend the common conscience of the community by present-day standards.”⁵⁵ In this new standard, a judgment of an entire piece supersedes any judgment of a specific passage. The Roth Standard also left room for interpretation to judge obscenities based on the ever-changing standards of a given community. Those standards of the 1950s, though, were not kind to Roth and Alberts as the Supreme Court affirmed their convictions of circulating obscene materials. While the court took many steps forward to change the standard of obscenity, they took several steps back for many First Amendment literalists who supported Alberts and Roth. In the dissenting opinion of William O Douglas, he echoed the complaints of these First Amendment literalists by writing that “the absence of dependable information on the effect of obscene literature on human conduct should make us wary. It should put us on the side of protecting society's interest in literature, except, and unless it can be said that the particular publication has an impact on action that the government can control.”⁵⁶ Douglas poked holes into the idea that literature affects one's morality and values. As stated, the correlation between literature and societal woes is tenuous. All censorship legislation from the Comstock Acts of 1873 and onwards did not solve the economic and social insecurities that Comstock and his crusaders supposedly saw as an enemy to progress. Douglas viewed this test as a small step toward progress yet heavily criticized the overall judgment of the case. It seems clear that the decision kicked the can down the road in loosening the obscenity standard. Just a decade after Roth, another obscenity case would come to the Supreme Court over the availability of a classic erotic novel and threw out many of the provisions of the Roth Test.

⁵⁵ Brennan, 489.

⁵⁶ Douglas, 521.

During the decade between *Roth V. United States* and *Memoirs V. Massachusetts*, the Supreme Court updated the Roth Test to narrow the standard of obscenity further as a response to *Ginzburg V. United States*, which centered on the circulation of adverts for pornographic magazines.⁵⁷ Thus, Justice Brennan and Justice Fortas restated this test in the court opinion of *Memoirs V. Massachusetts*, writing that “each of three elements must independently be satisfied before a book can be held obscene: (a) the dominant theme of the material taken as a whole appeal to a prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and (c) the material is utterly without redeeming social value.”⁵⁸ The court breaks down the characteristics of obscene materials into three parts: its function, its reactions, and its content. To function as obscene material, it must appeal to a anti-social interest in sex. With that function, the material’s audience must find it offensive and against contemporary community standards, which is never stagnant. As we will see in *Memoirs V. Massachusetts*, the court can ignore these two factors if the material’s content has any social, literary, or political value.

The prohibitions of the infamous eighteenth-century classic *Memoirs of a Woman of Pleasure* by John Cleland were numerous in England and the United States, yet underground publishers kept the book alive during the eighteenth and nineteenth centuries. The rights for publication ping-ponged for two centuries until G.P. Putnam’s Sons received them in the early 1960s and began circulating chapters in the *Boston Daily* newspaper. G.P. Putnam’s Sons did not merely want to publish the material but to overturn the past prohibitions of the book in Massachusetts and New York. The book, which chronicles the life of an English prostitute, was

⁵⁷ Brennan, William J., Jr, and Supreme Court Of The United States. U.S. Reports: *Ginzburg v. United States*, 383 U.S. 463. 1965. Periodical. Retrieved from the Library of Congress, <www.loc.gov/item/usrep383463/>.

⁵⁸ Brennan, William J., Jr, and Supreme Court Of The United States. U.S. Reports: *Memoirs v. Massachusetts*, 383 U.S. 413. 1965. Periodical. Retrieved from the Library of Congress, <www.loc.gov/item/usrep383413/>.

infamous for its detailed sex scenes and explicit pictures in later editions. It was so infamous that the Attorney General of Massachusetts at the time brought a civil equity suit against G.P. Putnam's sons for the spread of obscenity. Massachusetts courts deemed the work obscene due to the piece's ability to excite the sexual wiles of the reader. In response, G.P. Putnam's Sons appealed the case in 1963, and the case proceeded to the Supreme Court on December 7th, 1965. The Attorney General of Massachusetts Edward W. Brooke restated the opinions expressed in lower court decisions while those representing G.P. Putnam's Sons argued that the material had literary and social value that those lower courts ignored. In a six-to-three decision, G.P. Putnam's sons received permission to publish *Fanny Hill*. The majority viewed the book as having literary value even with many obscene elements. Brennan writes for the court opinion that "*Memoirs of a Woman of Pleasure* has the requisite prurient appeal and is patently offensive, but has only a minimum of social value."⁵⁹ Brennan emphasized the concerns of the Massachusetts Lower Courts of *Memoirs of a Woman of Pleasure* being lewd and used by bookstores to entice one's sexual appetite, yet that "minimum of social value" redeems it from being wholly obscenity. Brennan later wrote that "*Memoirs of a Woman of Pleasure* has a modicum of literary and historical value... the book will have redeeming social importance in the hands of those who publish or distribute it based on that value"(421). Leaving it up to the publisher to decide whether to publish *Memoirs of a Woman of Pleasure* or not marked the end of book bans as a viable way for states to censor material. With this and *Miller V California* a decade later, a far more narrow standard caused obscenity charges to become less frequent in the latter half of the twentieth century. That determination held that "at a minimum, prurient, patently offensive depiction or description of sexual conduct must have

⁵⁹ Ibid, 420.

serious literary, artistic, political, or scientific value to merit First Amendment protection.”⁶⁰ The adoption of this standard signaled a complete shift from the Hicklin Test and the Comstock Acts of 1873. Once seen as anything lewd and sexually explicit, obscenity transfigured and altered into materials that lacked any social or political merit. The effect of such a change was the immense amount of free expression that the new standard granted to publishers and artists. What followed from this case was a decline of obscenity legal disputes and, in extension, book bans.

From this investigation, I have laid out a book ban as a phenomenon connected to the rise in obscenity statutes from the nineteenth to twentieth centuries. As of now, state-prohibited book bans are a rare practice and largely a byproduct of morally righteous elites who viewed mass censorship as a way to form a new culture after the Civil War. This period is a reminder of when free expression and speech were not in the American vocabulary, and convictions on writers and publishers were rampant. When discussing book removals as a book ban, one can easily equate the two phenomena as the same and then exaggerate book removals as a form of political persecution. At the height of obscenity charges, a book ban could put someone in prison. A book removal only leads to the absence of a book or, at worst, the firing of a teacher or a librarian. To illustrate this, I will investigate book removals from the formation of modern school libraries and literature curriculums to *Island Trees School District V. Pico*.

DEFINING BOOK REMOVALS

To differentiate book removals from book bans, I define the former as a withdrawal of a book from a school library or curriculum ordered by a school board, community organization, or parents. Studying laws on education and the history of school libraries will be the natural first step

⁶⁰ Burger, Warren Earl, and Supreme Court Of The United States. U.S. Reports: Miller v. California, 413 U.S. 15. 1972. Periodical. Retrieved from the Library of Congress, <www.loc.gov/item/usrep413015/>.

to illustrate the beginnings of this phenomenon. Since the United States was a series of colonies, communities, and parents determined all curricula for students.⁶¹ Students had little freedom to choose what to read, and the school board regularly curated the materials for all classes. When school libraries began springing up across the country in the early nineteenth century, school boards and parents primarily decided the selection of materials. In January 1828, New York Governor De Witt Clinton pressured the state legislature to install libraries in each schoolhouse.⁶² At first, the legislature ignored Clinton's request, yet after his death a month later, there was a large appropriation of funds to add libraries in each New York schoolhouse. Nevertheless, the number of school libraries for each schoolhouse was inconsistent. Federal intervention later expanded the number of school libraries from 1958 to 1965. The intentions of the National Defense Education Act of 1958 may have been to foster a new generation of scientists to counter Soviet scientific accomplishments, but the act ended up universalizing public education further. Greater access to education required vast funds to be divided between state legislatures, leading to the construction of thousands of schools. School libraries, in particular, received a small portion of funding to boost literacy rates, which lagged behind European standards for a century.⁶³ In the hysteria of the Second Red Scare, limitations and regulations on school library selections and course materials were numerous to discourage Communist activity in schools. A majority of schools followed these directives from the government, while universities protested against the anti communist prohibitions imposed in their classrooms. Nevertheless, school libraries were often

⁶¹ Neem, Johann N. *Democracy's Schools : The Rise of Public Education in America*. Johns Hopkins University Press, 2017. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=cat03691a&AN=bard.b2540714&site=eds-live&scope=site, Neem writes that "local control reflected the scale and tempo of small town and rural American life. It allowed schooling to be cheap and offered the curriculum most Americans wanted"(70).

⁶² Cole, Tom J. *The Origin and Development of School Libraries*. Peabody Journal of Education, vol. 37, no. 2, 1959, pp. 87–92. *JSTOR*, <http://www.jstor.org/stable/1490648>.

⁶³ U.S. Congress. United States Code: National Defense Education Program, 20 U.S.C. §§ 401-589. 1958. Periodical. Retrieved from the Library of Congress, <www.loc.gov/item/uscode1958-004020017/>.

small in the 1950s with around fifty books available for students. Arguments over the book selections in these burgeoning school libraries were prominent. High School libraries gained the most attention even when school libraries were not largely common.⁶⁴ Groups like the American Library Association and National Council of Teacher of English encouraged wider coverage of school libraries across the country and with that, a far more diverse selection of materials.

While NDEA expanded wider coverage of school libraries and literature curriculums, a more dramatic shift initiated in 1965 as a part of Lyndon B Johnson's ambitious Great Society programs with the Elementary and Secondary Education Act. The architect of the act, Frank Kepel, transformed the Bureau of Education from a "place to collect statistics and crank out a few formulas" to an energized division that made way for its transformation into the Department of Education in 1979.⁶⁵ Title One states that "The purpose of this title is to provide all children a significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps."⁶⁶ Echoing the rhetoric at the time by Lyndon B Johnson, this law's aims are as high as its price tag. Nevertheless, the act defined the modern educational system of the United States. To receive funding, each state had to meet most of the requirements of the act. One of these requirements was to allocate the received funds to "assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement."⁶⁷ One hundred millions dollars would be put to the expansion of school libraries specifically, yet the school districts had the authority to choose the

⁶⁴Michie, J. S., and Holton, B.A. *America's Public School Libraries: 1953–2000* (NCES 2005–324). U.S. Department of Education. National Center for Education Statistics. Washington, DC: U.S. Government Printing Office, 2005.

⁶⁵ Hanna, Julia. *The Elementary and Secondary Education Act: 40 Years Later*. Harvard Graduate School of Education. August 18th, 2005. <https://www.gse.harvard.edu/ideas/news/05/08/elementary-and-secondary-education-act-40-years-later>

⁶⁶ United States. *Elementary and Secondary Education Act of 1965* : H. R. 2362, 89th Cong., 1st Sess., Public Law 89-10. Reports, Bills, Debate and Act. [Washington] :[U.S. Govt. Print. Off.], 1965.

⁶⁷ Ibid, 51.

selection of materials. Teachers and librarians ideally would curate the selection, yet key to this process would be parent and community involvement. The act states that “Each local educational agency that receives funds under this part shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall be incorporated into the local educational agency’s plan developed under section 1112, establish the agency’s expectations and objectives for meaningful parent and family involvement.”⁶⁸ The choice to require a vague parental involvement policy instead of a specific requirement allows states to decide how involved parents should be in education. Some states like Florida and Texas give parents substantial authority over curriculums and library selections granted by The Parental Rights in Education Act and The Parental Bill of Rights. Other states do not grant that same amount of power to parents over education, relying primarily on teachers and librarians to curate literary materials for curriculums and library selections.

Even though each state has different approaches, parent involvement in education is universal. The law even recommends the establishment of “a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section” and the development of “appropriate roles for community-based organizations and businesses in parent involvement activities.”⁶⁹ The first recommendation for a parental advisory council falls in line with previous parts of the law enforcing parental involvement. Examining the second recommendation, though, finds that community involvement from organizations and local businesses is also key to the American education system. The ESEA of 1965 did not wholly nationalize the educational system, but supported the United States’s already decentralized educational system with vast funds. Thus, the act stresses localism and education standards to be

⁶⁸ Ibid, 61.

⁶⁹ Ibid, 72.

in line with community standards. For the relevance of this project, the authority granted by this law and the additional authority from certain states allow parents and community members to challenge the availability of any book in curriculums and library selections. Because students and the Federal government cannot curate books, that authority will always be left up to parents, teachers, librarians and the community. Book removals, thus, are a form of parental and community involvement that is legal and encouraged by the United States government. Like all freedoms granted by the United States, abuse from community members and parents in removing a book is as common today as it was back in 1965.

While data may be scant on the phenomenon from 1965 to *Pico V. Island Trees* in 1982, articles during this period highlight similar trends of book removals. In 1972, a school board in Strongsville, Ohio, removed the famed war novel *Catch 22* from school libraries due to the profanity littered throughout the book.⁷⁰ A year later, a school in Asheville, North Carolina, threw out all copies of *Catcher in the Rye* for vulgarity and sanctioned all instruction of the book.⁷¹ By the late 1970s and into the early 1980s, the number of books reached a thousand each year according to the American Library Association. A famous book removal incident occurred in early 1982 when the school board of a school in Saint David, Arizona, confiscated all of the materials assigned to students as required reading for a high school literature class.⁷² The board eliminated books by Joseph Conrad, Mark Twain, and Ernest Hemingway from the curriculum. These cases displayed involvement from a democratically elected school board and not an authoritarian court system as described in book bans. While abuse may be present in some of these cases, oversight

⁷⁰ *Minarcini v. Strongsville City School Dist*, 541 F.2d 577 (6th Cir. 1976)

⁷¹ Whitfield, Stephen J. "Cherished and Cursed: Toward a Social History of The Catcher in the Rye." *The New England Quarterly*, vol. 70, no. 4, 1997, pp. 567–600. *JSTOR*, <https://doi.org/10.2307/366646>.

⁷² Babcock, Charles R. *Book Banning Spreads*. The Washington Post. May 9th, 1982.

of these removals remained limited even when a group of students from Island Trees High School filed a lawsuit against their school board over the removal of supposed un-American literature.

INVESTIGATING ISLAND TREES SCHOOL DISTRICT V. PICO

An investigation into *Island Trees School District V. Pico* requires legal context on student rights, specifically the freedom of speech protections granted by the Supreme Court in the 1969 case *Tinker V. Des Moines*. In protest of the Vietnam War, five students of Des Moines Independent Community School wore black armbands in violation of school policy. The school claimed the armbands disrupted the learning environment and suspended the five students for three months. After those three months, the school demanded the returning five students to follow school policy or face further penalty. In response, two of the five students, Mary Beth and John F. Tinker, filed a lawsuit with the Anti-Defamation League against the school district for violating their First Amendment rights. After a lower court upheld the school policy of restricting these armbands, the Tinker family appealed the case to the Supreme Court in 1967. The Tinker Family and the school board stated their arguments to the court in late 1968, and by early 1969, the Supreme Court struck down the school policy on armbands. In the court opinion, Justice Abraham Fortas clarified a student's First Amendment rights, writing that "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."⁷³ Fortas's famous quote goes hand in hand with other Supreme Court decisions discussed previously. Nevertheless, granting free speech protections to students has limitations in a school environment. Fortas admits this by writing that "the need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional

⁷³ Fortas, Abe, and Supreme Court Of The United States. U.S. Reports: *Tinker v. Des Moines School Dist.*, 393 U.S. 503. 1968. Periodical. Retrieved from the Library of Congress, <www.loc.gov/item/usrep393503/>.

safeguards, to prescribe and control conduct in the schools.”⁷⁴ As discussed, schools and by extension parents and community members have the ultimate authority when it comes to student conduct. Although the court ruled in favor of the Tinker Family to protect the political speech of students, how a school handles disruptions is up to the community and the school board that represents it. Those limitations of student protected speech found in *Tinker V. Des Moines* inflamed as the concept of a right to read became central to *Island Trees School District V. Pico*.

In late 1975, three Island Tree School board members attended a conference hosted by conservative nonprofit Parents of New York United. There, a representative of the Heritage Foundation and a legal assistant to Arizona Representative George Archibald led a talk where they discussed the proliferation of filthy books in school libraries. Afterward, the organizers gave out a list of books that the organization deemed inappropriate for high schoolers. When the board found objectionable materials in its literature curriculums and libraries, the board members convened to review them. At the start of 1976, these members ordered the removal of *The Naked Ape*, *Down These Mean Streets*, *Go Ask Alice*, *Black Boy*, *Laughing Boy*, *A Hero Ain't Nothin But a Sandwich*, *Soul On Ice*, *A Reader for Writers*, and *Slaughterhouse-Five* from the district. In a press conference, the board members stated that the books were “anti-American, anti-Christian, and anti-Semetic [sic], and just plain filthy.”⁷⁵ In response to this obstacle, a group of Island Tree students filed a lawsuit against the school to reinstate the availability of these books without restriction. With support from the New York Civil Liberties Union, the students argued in front of the State Supreme Court in Mineola that removing these materials violated their academic freedoms. As established by *Tinker V Des Moines*, students have freedom of speech rights that teachers or faculty

⁷⁴ Ibid, 507.

⁷⁵ The New York Times Archive, *L.I. Students File Suit to Overturn School Book Ban*. New York Times. January 5, 1977. <https://www.nytimes.com/1977/01/05/archives/li-students-file-suit-to-overturn-school-book-ban.html>

cannot obstruct. This right, though, is far different than the right to information, which the Supreme Court did not expressly guarantee in their determination of *Tinker V Des Moines*. From *Thomas V Collins* to *Lamont V Postmaster*, the Supreme Court upheld the right to receive information for students, and the Island Tree students used those past determinations in their lawsuits. Even though the Mineola Circuit Court believed the actions of the Island Tree School Board to be reckless and careless when it comes to free speech concerns. Justin Sifton described the case as "an unusual and irregular intervention in the school libraries' operations by persons not routinely concerned with such matters." Nevertheless, the court did not rule in favor of the Island Tree students, finding the removal of these books constitutional. Unsatisfied with this decision, the students appealed the case to the Supreme Court. The determination in *Island Trees School District V. Pico* in 1983 was not as definitive as they expected. In the beginning of the court's opinion, Brennan wrote that "the principal question presented is whether the First Amendment imposes limitations upon the exercise by a local school board of its discretion to remove library books from high school and junior high school libraries."⁷⁶ In this question, we can see the differences between book removals and book bans. For one, Brennan did not mention obscenity in connection with removals of "library books from high school and junior high school libraries."⁷⁷ Absent of obscenity, this question does not ask whether a book should be published but interrogates the library selection process and how that relates to the student's right to read. Additionally, the role of the First Amendment in book removals is far less straightforward than in book bans. The Hicklin Standard conflicted with the First Amendment, as expressed by Brennan in *Roth V. United States*. The tension between obscenity and free expression colored the book-banning phenomenon, resulting in the latter

⁷⁶ Brennan, William J., Jr, and Supreme Court Of The United States. U.S. Reports: Board of Education v. Pico, 457 U.S. 853. 1981. Periodical. Retrieved from the Library of Congress, <www.loc.gov/item/usrep457853/>.

⁷⁷ Ibid, 465.

eventually superseding the other in *Miller V. California*. A very different tension arose in *Island Trees School District V. Pico*. As established in the Elementary and Secondary Education Act of 1965, localism is a key aspect of the American education system that differentiates it from other educational systems. As representatives of the community and parents, the Island Trees school board received discretion to select materials in libraries and curriculums. Naturally, there would be friction between this discretion and the First Amendment rights of a student. Brennan evoked this tension, stating that the “Local school boards have broad discretion in the management of school affairs, but such discretion must be exercised in a manner that comports with the transcendent imperatives of the First Amendment.”⁷⁸ While the court supported the free speech protections of the Pico students in principle, Brennan admitted that they could not alter the authority of the Island Trees school boards. The decision, thus, imposed little restriction on school boards and their discretion yet pressured these boards to emphasize a student’s right to read. Additionally, the court barred the school boards from removing books on political grounds and ordered the reinstatement of the nine removed books. Nevertheless, the clunkiness of this determination highlights the limitations of federal action on book removals. If book removals are to be a form of community and parental involvement, it seems almost impossible to regulate them without drastically altering the American education system. To critique book removals, one must also critique American education, its favoritism of the community over teachers and librarians, and the systems that encourage book removals. Those opinions are rare and far from popular in the media and academia.

After *Island Trees School District V. Pico*, book challenges and removals continued into the 1990s unaffected by the Supreme Court’s determination. There was not a sharp decrease or

⁷⁸ Ibid, 466.

increase in the number of book challenges during this decade. Instead, the number of challenges were as consistent as before Pico. According to the American Library Association, the decade featured 4100 book challenges from school curriculums and libraries. Parents across the decade initiated 3421 of these challenges and they predominantly cite profanity and sexual explicitness as key reasons for why they aimed to remove certain materials.⁷⁹ Books withdrawn from libraries and curriculum over the political viewpoint espoused were rare in this decade at 112 removals. From this decade, a majority of parents, school boards and administrators followed the framework established by the Pico determination and continued to do so into the 2000s.

Data from 2000 to 2009 describes parents initiating 2535 out of 3450 book challenges in school libraries and curriculums.⁸⁰ Again, a majority of initiators challenged materials that were either too sexually explicit or profane. Further, challenges based on the political viewpoints of a book were not common, yet again showing schools and parents as following the Pico determination. Book challenges from 2010 to 2019 decreased significantly compared to previous decades discussed. The average number of books challenged each year in this decade reached 138 books, while the 1990s and the 2000s saw annual averages of 404 and 343 books challenged respectively.⁸¹ It is hard to know why this decrease occurred, yet I theorize that school boards abstained from cultural war issues during this period and thus, political organizations did not pay much attention to school library selections or curriculum. When the COVID-19 pandemic took students out of school and online instruction at home became the norm, parents started to play a far more active role in school curriculum than before. A Harris Poll conducted in early 2022

⁷⁹ American Library Association, *Number of challenges by Reasons, Initiator, & Institution*, 1990-99, ALA, September 6, 2013. <http://www.ala.org/advocacy/bbooks/frequentlychallengedbooks/statistics/1990-99>

⁸⁰ American Library Association, *Number of challenges by Reasons, Initiator, & Institution*, 2000-09, ALA, September 6, 2013. <http://www.ala.org/advocacy/bbooks/frequentlychallengedbooks/statistics/2000-09>

⁸¹ Curcic, Dimitrije. Banned Books Statistics. WORDS RATED. May 10, 2023

describes 74% of parents becoming more interested in their children's education. This rise in parental involvement in education correlates with a massive increase in book challenges. While some like Pen America and the American Library Association frame these book challenges as unconstitutional, their own data suggests that these challenges come from a concern of profanity and sexually explicit content in school literature. Challenges on the political viewpoint of certain books still are rare compared , yet there has been an increase in such challenges orchestrated by conservative non profit organizations such as Mom's For Liberty. Thus, most school boards follow the framework established by the Pico determination and those that ignore this framework have popular democratic support from their communities.

The legality and the illegality of book removals exists in a state of flux. The constitution and legal precedents prescribe students with the right to read, yet with numerous limitations. A school board or a librarian has the authority to select materials for a curriculum or library and that authority is unquestioned by the courts. Parents play a role in deciding the materials, but as advocates to push school boards a certain way. From the data, a book removal occurs to bring the curriculum and the school library in line with community standards. In *Island Trees School District V. Pico*, the Supreme Court was concerned with the suppression of political viewpoints in school, which is only a small minority of book removal cases. Thus, it is difficult to connect the rise of book removals across the country to a supposed stripping of a student's right to read if the school board believes the removed materials are truly disruptive to a school environment. Pen America and the American Library Association may argue that book removals violate the First Amendment rights of authors, but that reasoning too has holes when examining the data. The most challenged and removed books often are bestsellers. Considered to be the most challenged book in 2021,

Gender Queer has sold more than ninety-six thousand copies and has gained large public support.⁸² While widely challenged in the early 2000s, the Bluest Eye received acclaim from Oprah Winfrey as sales for the book skyrocketed.⁸³ In most cases, authors benefit from their books getting challenged. Their voices become amplified and their pockets grow full. Parents too benefit from challenging and removing these books. Shaping the curriculums and library selection grants these parents authority over their children's education that they have not had before to the same degree. With this dynamic in mind, the book removal phenomenon plays less like a conflict and more like a self-serving relationship with added theatrics.

II

BOOK REMOVALS CASE STUDIES

"Schools should not be providing sexually explicit content to students."⁸⁴ When parent Jennifer Pippin stated this to TCPalm in 2023, she evoked the mission statement of her local chapter of the conservative non-profit Moms For Liberty. Founded by Tiffany Justice and Tina Descovitch in early 2021, Moms For Liberty has been infamous for removing materials from schools that they deem as sexually explicit or profane.⁸⁵ Much of their accomplishments have occurred in Florida, partly due to their influence in the Florida Republican Party as advocates against woke indoctrination. In Leon County, Florida, a formal challenge and a pressure campaign

⁸² Fleishman, Jeffery. *How 'Gender Queer: A Memoir' became America's most banned book*. Los Angeles Times. December 21, 2022.

⁸³ Nicolaou, Elana. *Oprah and Jenna Bush Hager Bond Over Choosing The Bluest Eye For Their Book Clubs*. Oprah Daily. December 21, 2020.

⁸⁴ Wixon, Colleen. *Moms for Liberty banks on new state law; Indian River School Board to remove 20 books*. TC Palm. August 29, 2023.

⁸⁵ Gilbert, David. *A Far-Right Moms Group Is Terrorizing Schools in the Name of Protecting Kids*. Vice. April 26, 2023. <https://www.vice.com/en/article/dy3gnq/what-is-moms-for-liberty>

from the organization led to the removal of six books from many of the libraries and curriculums in the county based on sexually explicit material.⁸⁶ South of Leon County, Indian River County schools received a request to remove 156 objectionable materials from the school library by the conservative non-profit.⁸⁷ At the school board meeting to decide the fate of these materials, only five books left the shelves that day including *The Absolutely True Diary of a Part-Time Indian* by Sherman Alexie, *Speak* by Laurie H. Anderson, *Me Earl and the Dying Girl* by Jesse Andrews, *The Hate You Give* by Angie Thomas and *The Color Purple* by Alice Walker. Although Moms For Liberty plays a prominent role in the removal of explicit books, a lot of these book challenges come from parents or school board members not affiliated with any political advocacy groups. Staying in Florida, there was an uproar between teachers, parents, and students in Bay District High School over the book *Ace of Spades* by Faridah Àbíké-Íyímídé.⁸⁸ It was the first book removed in this district since the 1980s. Bay District School board member Steve Moss stated that the book's LGBTQ+ content offended his conservative sensibilities. All these instances and others discussed later in the case studies paint Florida as a hub for book removals and in general, a testing ground for conservative education. Nevertheless, Florida only ranks second in the number of book removals each year. In 2022 alone, Texas school districts across the state received 93 requests to remove 2349 books and graphic novels.⁸⁹ In comparison, Florida only received 35 requests to remove 991 books.⁹⁰ Outside of Austin, Texas, Fredericksburg Independent School District

⁸⁶ Hatter, Lynn. *Leon schools removed 5 books after Moms for Liberty raised concern. More could follow*. WFSU Public Media. July 12, 2023. <https://news.wfsu.org/wfsu-local-news/2023-07-12/leon-schools-removed-5-books-after-moms-for-liberty-raised-concern-more-could-follow>

⁸⁷ Susskind, Stephanie. *Dozens of books removed from Indian River County schools, but are students even reading them?* WPTV West Palm Beach. September 12, 2023. <https://www.wptv.com/news/education/dozens-of-books-removed-from-indian-river-county-schools-but-are-students-even-reading-them>

⁸⁸ Schely, Alex. *Bay District Schools bans a book for the first time since the 80s*. MYPANHANDLE. May 9, 2023.

⁸⁹ American Library Association. *Censorship by the Numbers*, ALA, April 20, 2023. <http://www.ala.org/advocacy/bbooks/by-the-numbers>

⁹⁰ Ibid.

received a request in early 2022 from local community members to remove 40 titles claimed to be pornographic.⁹¹ At the school board meeting the month after, the district investigated the forty books. After the investigation, the board only removed ten. Out of this determination, the board unanimously created new methods to vet books for inappropriate content in the school library and curriculum. Just north of San Antonio, state representative Matt Krause sent a letter to North East Independent School District requesting the removal of 431 books from the High School Library and Literature curriculum.⁹² Krause explained that these books had connections to Critical Race Theory and gender ideology, buzz words for conservative culture warriors. After a review of all 431 books, the school board decided to remove only 131 titles under Texas Penal Code 43.22.⁹³ These instances only constitute a sliver of the book removal cases, yet illustrate a wide range of challenges conducted by parents, legislators and community members.

Many materials chosen to be axed by these book challengers are usually the same. For instance, *The Bluest Eye* by Toni Morrison has been the target of many book challengers since its availability in school libraries. From July 2021 to December 2022, there were 22 removals across the country.⁹⁴ Another consistently challenged book is *The Hate U Give* by Angie Thomas, a book subjected to 17 removals from the same period.⁹⁵ Nevertheless, none of these materials can compare to Maia Kobabe's graphic novel, *Gender Queer*. Removed 41 times from 2021 to 2022, *Gender Queer* is a semi-autobiographical piece that examines gender and sexuality in a personal

⁹¹ Borders, Gary. *Books removed after public concern*. Fredericksburg Standard Radio-Post. March 23, 2022.

⁹² Nowlin, Sanford. *Texas GOP lawmaker starts probe into schools' 'objectionable' books dealing with race, gender*. San Antonio Current. May 9, 2021.

⁹³ Nowlin, Sanford. *San Antonio's North East ISD banned more books than any other Texas school district, report shows*. August 12, 2022.

⁹⁴ Friedman, Jonathan. Johnson, Nadine Farid. *Banned in the USA: The Growing Movement to Censor Books in Schools*. Pen America. September 19th, 2022.

<https://pen.org/report/banned-usa-growing-movement-to-censor-books-in-schools/>

⁹⁵ Ibid

way.⁹⁶ Critics of the book emphasize the book's explicit imagery, while supporters cite its honest portrayal of sexuality. I will decipher these critiques and praises to investigate if the book's content warranted its number of removals. Additionally, I will discuss *Slaughterhouse-Five* by Kurt Vonnegut, a book that sparked court cases, book burnings, and angry articles. The choice to examine *Slaughterhouse-Five* is to display a frequently removed book from the past in contrast to a frequently removed book from the present, which for this analysis will be *Gender Queer*. Thus, for this chapter, I will showcase the misconceptions and assumptions surrounding the numerous removals of *Gender Queer* and *Slaughterhouse-Five* in High Schools. For the former, I will debunk the characterization that *Gender Queer* is pornography while laying out common assumptions levied at the material. From there, my investigation into *Slaughterhouse-Five* will delve into interpretations that suggest the book is anti-religious and profane. With both case studies, there are pervasive misconceptions and assumptions surrounding the removals of these two books. Out of these misconceptions and assumptions, I hope to show that there is very little evidence to suggest that literature reshapes the moral education of high school students.

IS GENDER QUEER PORNOGRAPHIC?

Maia Kobabe's *Gender Queer* sparks more controversy than universal praise from American parents and teachers. The complaints of *Gender Queer*'s availability in schools range from broad to specific. Some cite passages, while others summarize the content. In many cases, these challengers do not cite anything in the book, often fashioning broad generalizations as tools for their complaints. To confirm this assertion, I will take statements from opponents and proponents of the book's availability for a thorough review that will display the debate around the

⁹⁶ Ibid

material as reliant on assumptions. These assumptions circle around a greater idea about literature providing a moral education that reshapes the reader's values and beliefs. While empathy can manifest in a reader from literature, there is little evidence that connects these assumptions to reality.

On October 17th 2022, the school board of Spring Lake High School in Michigan deliberated on whether or not to remove *Gender Queer* from its library, sparked by a complaint from an unnamed parent. The unnamed parent initially filed the complaint in May of that year and in response, the district's assigned review committee examined the book and decided to keep it in their selection.⁹⁷ Outrage occurred from numerous parents about the report from the review committee and, in response, the unnamed parent appealed the decision. The school board acted swiftly by holding a public meeting with statements from a number of parents concerned about the book's availability in the school library. While the complaint is not publicly available, the unnamed parent explained his concerns about the book at the meeting, stating that his "objection to some of the content in this book has nothing to do with the LGBTQ+ theme....My request to remove the book is due to the mature sexual content of the graphic novel and its images of nude individuals engaged in sexual acts."⁹⁸ Instead of directing his critiques to the "LGBTQ+ theme", this parent worried about the book's "mature sexual content" and "images of nude individuals engaged in sexual acts."⁹⁹ This complaint is a disagreement over how graphic a book should be if that material is in school library selection. Katie Pigott, a board member of the Spring Lake

⁹⁷ Bunchman, Meghan. *Parents Object to About Sexuality in Spring Lake school library*. Woodtv. October 11, 2022. <https://www.woodtv.com/news/ottawa-county/parents-object-to-book-about-sexuality-in-spring-lake-school-library/>

⁹⁸ Tollefson, Bryon. *Spring Lake board Votes to Remove Book on Sexuality from High School Library*. Woodtv. October 17, 2022. <https://www.woodtv.com/news/ottawa-county/spring-lake-board-votes-to-remove-book-on-sexuality-from-high-school-library/>, this article describes the parent as a man, which is why I used "he" and "his" in reference to this parent.

⁹⁹ Ibid

District, emphasized the LGBTQ+ aspect of the book in her plea to keep it in the high school library. Pigott states, “The truth is our LGBTQ+ students may be fighting and struggling for much of their lives. They need these books like they need oxygen. Especially given the notable scarcity of role models in this community. Look around. But more than that, they need our affirmation, especially right now.”¹⁰⁰ Pigott paints a dire picture for the LGBTQ+ students at Spring Lake, using “fighting” and “struggling” to reinforce this point. Her vote to keep the book rests on it being inspirational for LGBTQ+ students. In this claim, Pigott assumes that this book will help these particular students as though this material has the power to influence others based on its message. Another perspective to mention is that of the School Board President, who ended up voting to remove the book. Yet, her opinion is far more complex than that of the unnamed parent. She exclaimed, “The pictures were uncomfortable. I did not like them. I do understand people’s concern as to what those pictures are. I also understand the importance of the book itself. I’m torn. I see good, and I see reservations.”¹⁰¹ While Niscles voted to remove the book from library shelves, the process of narrowing down her decision was far from simple. The book may contain uncomfortable imagery, yet its importance should not be understated. However, due to the explicitness of *Gender Queer*, Niscles determined that its placement in the school library was inappropriate. Niscles and the initial parent challenger cite the explicit imagery and nudity as concerning for a high school library. In defense of the book, Pigott portrayed *Gender Queer* as a device for LGBTQ+ students to rise above bigotry and discrimination. Although Pigott’s argument was persuasive to the students at the meeting, the Spring Lakes Public School voted to remove the

¹⁰⁰ Ibid

¹⁰¹ Ibid

book by a narrow majority of four to three. It still remains available for students from the school counselor's office with parental consent.¹⁰²

A year before the heated school board meeting in Spring Lake, Rockwood Public High School received a similar complaint from Ralph Gianino, a parent of a student at the school¹⁰³. In the document, Gianino explains that four images from the book “are a depiction of pornography and are offensive.”¹⁰⁴ Gianino defines pornography in his complaint as “material, such as books or photographs, that depicts erotic behavior and is intended to cause sexual relief or excitement.”¹⁰⁵ This mirrors the school district's definition, absent the line: “material that lacks serious literary, artistic, political or scientific value for minors.”¹⁰⁶ Thus, citing those four images as pornography portrays them as lacking value in a classroom or library setting. These four images are unnamed in the report, making it difficult to know what makes them pornographic. Further, another parent by the name of Amy Krebs stated that the book “contains illustrations that show how to perform sex acts.”¹⁰⁷ Krebs's claim of the book showing the viewer how to perform sex acts echoes Gianino's assertion of the book as overtly explicit. In both of their assertions, there is this

¹⁰² Martin, Michael. 'We have to be very conscious moving forward': Spring Lake pulls graphic novel from high school library. FOX17. October 18, 2022. <https://www.fox17online.com/news/local-news/we-have-to-be-very-conscious-moving-forward-spring-lake-pulls-graphic-novel-from-high-school-library>

¹⁰³ Mondl, Lorelee. Miller, Randy. Rhomberg, Tammy. *Board of Education Appeal Process Reporting Form*. Rockwood School District. December 6, 2021. <https://www.rsdm.org/cms/lib/MO50010803/Centricity/Domain/78/Gender%20Queer%20Appeal%20Process%20Report.pdf>

¹⁰⁴ Mondl, Lorelee. Miller, Randy. Rhomberg, Tammy. *Final Challenge Committee Report for Gender Queer by Maia Kobabe*. Rockwood School District. December 6, 2021. <https://www.rsdm.org/cms/lib/MO50010803/Centricity/Domain/78/Final%20Challenge%20Committee%20Report%20for%20Gender%20Queer%20by%20Maia%20Kobabe.pdf>

¹⁰⁵ Ibid

¹⁰⁶ Altman, Andrew. Watson Lori, *Debating Pornography*, Oxford University Press, 2019, There is a debate in this book discussing the legal definition of pornography in terms of what it is intended to do to the viewer. The legal definition is murky, yet it centers around the sexually explicit content fostering sexual stimulation in the viewer. That effect on the viewer is what separates pornography from just sexually explicit elements.

¹⁰⁷ Skaggs, KateyIn Mary. *Parents question material available to Rockwood students*. Leader Publications, November 1, 2023. <https://www.myleaderpaper.com/news/parents-question-material-available-to-rockwood-students/article>

interpretation that the book promotes sex. Even Gianino says this when he states, “The book contains cartoons that sexually encourage children and is grooming. Subject matter being introduced gives 14 year olds the right to look at pornography. Students become more curious and they become more sexually active when exposed to this type of material. Rockwood and parents teach children abstinence and this book promotes teenage sex and risk of STIs. The book baits children into high risk sex. Remove the book.”¹⁰⁸ While their intentions are different, Gianino and Krebs’s complaints are similar to Pigott’s claim discussed earlier in one aspect and it is this assumption that literature can influence the reader to feel or act a certain way. How one acts or feels is dependent on the message or intention of the book. For Gianino and Krebs, *Gender Queer*’s status as “pornography” influences students into having sex. On the other hand, Piggot claims that Maia’s story about coming to terms with their gender creates this feeling of empowerment in the reader, specifically students who are a part of the LGBTQ+ community. The Rockwood School Review Committee may agree with Piggot’s sentiment, with them writing in their second report of *Gender Queer*, “The book was an encouraging and uplifting account on what it means to not understand who you are or your place in the area of LGBTQ. It offers important information on diversity. It is difficult to find these types of books. It is extremely well done, literary, intelligent and honest. It is meant to be a guide for people trying to find themselves.”¹⁰⁹ Focusing on the last line, the committee assumes that *Gender Queer* will guide LGBTQ+ reader “to find themselves” like how the parents assume that the material will influence children into having underage sex. In this debate, there is this central assumption that *Gender Queer* will deeply affect a reader. Yet, in these two cases, the parents and the school board members do not show how this book shapes a student’s values or beliefs.

¹⁰⁸ Ibid

¹⁰⁹ Ibid

Another key factor in both cases is how sexually explicit content is interpreted. Both the Rockwood and Spring Lake challengers expressed their disapproval of the sexually explicit imagery and subject, yet the former uses the presence of that content to characterize the whole book as pornography. At first glance, this seems like a meaningless difference as pornography and sexual explicitness can be synonymous. Pornography cannot exist without explicitness, but explicitness can exist outside of the realm of pornography. To use Gianino's definition of pornography, the medium is solely "intended to cause sexual relief or excitement." Sexual explicitness does not have to cause the reaction stated by Gianino. In addition, describing *Gender Queer* as pornography has legal connotations. In chapter 110 of the federal United States Criminal Code, it is illegal to distribute pornography to minors and punishments for such a crime range from prison time to heavy fines.¹¹⁰ The characterization of *Gender Queer* as pornography implies that the librarians and teachers have committed crimes in making this book available. This very same assertion is echoed in another Midwestern State.

In the small village of Antioch in Illinois, the organization Parents of Antioch Community Committee filed a complaint about the presence of *Gender Queer* in the high schools of Antioch School District. Like the case in Spring Lake High School, the superintendent tasked the district's Book Review Committee to review *Gender Queer* in early 2021. This committee also decided to keep the book because of its value in "supporting the lesbian, gay, bisexual, transgender... population."¹¹¹ The committee's opinion on the book being a "valuable resource" to support members of the LGBTQ+ mirrors that of the other assertions from proponents that see the material as uplifting those students. However, evidence of the book being a valuable resource for the

¹¹⁰ Reno v. American Civil Liberties Union, 521 U.S. 844 (1997) Supreme Court of the United States, <https://tile.loc.gov/storage-services/service/ll/usrep/usrep521/usrep521844/usrep521844.pdf>

¹¹¹ Strohane, Eric. *Success Stories*. Office of Intellectual Freedom. Journal of Intellectual Freedom and Privacy. Vol 2. August, 2022. <https://journals.ala.org/index.php/jifp/article/view/7969/11105>

Antioch LGBTQ+ community has not been provided by the review committee or the school district.

The Parents of Antioch Community Committee reacted to the decision by protesting for its removal on March 24th, 2022. These parents described the book as “pornographic,”¹¹² sharing similar sentiments to Gianino’s complaint in Rockwood High School. One parent from the committee by the name of Kate Gilman claimed that the book depicted “masturbation, oral sex, sex toys, having sex with someone after knowing them for 45 minutes and meeting them on a dating app.”¹¹³ While Gilman does not cite any pages to back up her claim, there are a lot of clues that point to certain parts of the text. Further, Gilman’s claim plays into the interpretation of *Gender Queer* as pornography. Another parent by the name of Chris Diullo also claimed that the book “violates any number of state statutes and Antioch village statutes regarding the presentation of obscene material to minors, but for some reason it's all about being inclusive and being equitable to certain communities.”¹¹⁴ As stated earlier, characterizing *Gender Queer* as pornography verges on accusing the teachers and librarians of distributing obscene materials to minors. If these characterizations of the book are true, one could sue the Antioch School District over these state statutes and jeopardize the careers and livelihoods of these teachers and librarians who made the book available to students. Absent evidence or reasoning for this characterization, Dilullo’s claim jumps to assumptions about the author’s intentions of *Gender Queer*, a mistake seen in the challenger’s critiques as I will demonstrate in a thorough review of the book.

¹¹² Bomke, Natalie. ‘*Gender Queer*’ book causes controversy in suburban Chicago high schools. Fox 32. April 11, 2022. <https://www.fox32chicago.com/news/gender-queer-book-causes-controversy-in-suburban-chicago-high-schools>

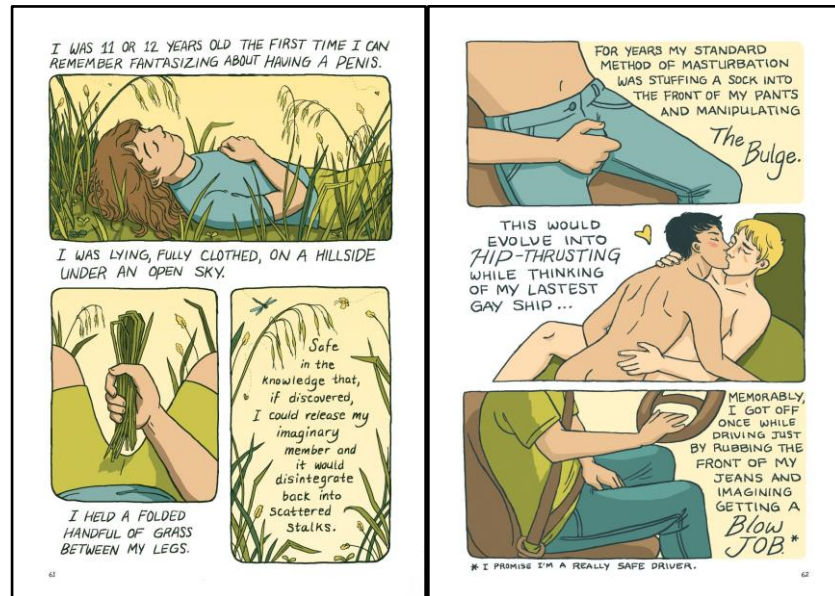
¹¹³ Ibid

¹¹⁴ Ibid

With each case presented, there has been a progression from complaints of *Gender Queer* being sexually explicit to the material being labeled as pornography. Thus, when summing up the complaints from parents to community organizations, *Gender Queer* is a sexually explicit book that has many pornographic elements, which may conflict with state or federal guidelines regarding school library materials. When looking at the book, the analysis will confirm or deny whether the book has these sexually explicit or pornographic elements. For the definition of pornography, I will use the one Gianino used in his complaint: “material, such as books or photographs, that depicts erotic behavior and is intended to cause sexual relief or excitement.” For *Gender Queer* to be defined as pornography, the book must only be intended to cause sexual relief by using portrayals of erotic behavior. To frame this analysis, I will go through the book linearly, examining specific passages referenced by these challengers. While the passages that were cited in the challenge are largely unknown, Kate Gilman’s claim, discussed before, hints at different moments in the book. “Masturbation, oral sex, sex toys and having sex with someone after knowing them for 45 minutes and meeting them on a dating app” all reference specific plot points and scenes that will be used in this analysis. In addition to Gilman’s complaint, I will incorporate the complaints of Amy Krebs and Ralph Gianino, who both claim that the book teaches high risk sex to the reader. Their input will inform the analysis of *Gender Queer*’s one sex scene. Ultimately analyzing these complaints with an examination of the book uncovers whether *Gender Queer* is pornography or not based on Gianino’s definition above.

To begin, *Gender Queer* is cartoonist Maia Kobabe’s memoir and examines their journey of interrogating their sexuality and gender. Kobabe portrays their early years in Northern California as confusing, as they navigate through gender norms uncomfortable to them. They have relationships and crushes in Middle School, attracted to both boys and girls in their grade. When

attending High School, Maia begins to describe themselves as queer, joining the Queer-Straight Alliance at their school. During this period, Maia starts masturbating, which manifests in fantasies about having a penis and receiving oral sex. Both aspects of this part were mentioned by Kate Gilman above. Maia writes, “For years my standard method of masturbation was stuffing a sock into the front of my pants and manipulating.”¹¹⁵



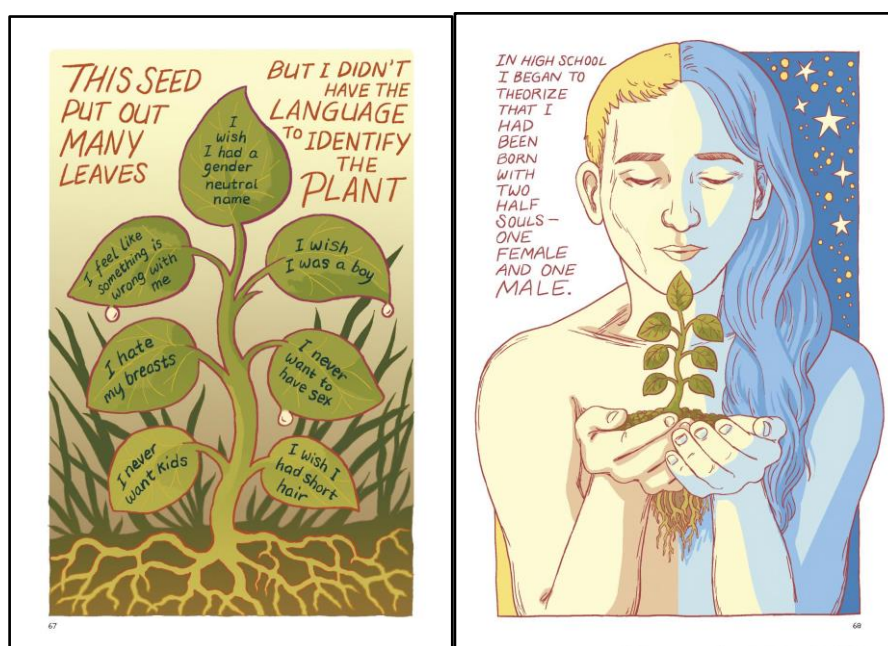
(Pg 61-62)

The image is of Maia touching themselves with their pants on. The following image portrays sex between two men without the depiction of genitals. From there, Maia, who sits in their car, states, “Got off once while driving just by rubbing the front of my jeans and imagining getting a blowjob.”¹¹⁶ This page about Maia fantasizing about receiving “blowjobs” depicts erotic behavior in these three panels. The opponents could use the passage to claim that the book is pornographic as there is an attempt to show what sexually stimulates Maia. However, if the opponents cited this as a reason why the book is pornographic, they would, in turn, rely on an assumption that what stimulates Maia would stimulate the reader without clear evidence that this

¹¹⁵ Kobabe, Maia, and Phoebe Kobabe. *Gender Queer: A Memoir*. Portland, OR, Oni Press, 2020. Pg 67.

¹¹⁶ Kobabe, 62.

occurs. The assumption also would lack context of what the author is trying to convey with these sexually explicit moments. As we move along through the book, some elements counter these challengers' assertions. The resolution to Maia's discussion of masturbation is far from intentionally erotic. On the following page, Maia describes their gradual disinterest in the idea of sex. From this disinterest, Kobabe sifts through complex feelings about their gender and sexuality, framing all those emotions as leaves of a plant.



(Pg 67-68)

They write, “This seed put out many leaves. But I didn’t have the language to identify the plant. I wish I had a gender-neutral name, I wish I was a boy, I feel like something is wrong with me, I hate my breasts, I never want to have sex, I never want kids, I wish I had short hair, in High school, I began to theorize that I had been born with two half-souls- one female and one male.”¹¹⁷ Experiencing masturbation for the first time brings out questions and realizations about themselves displayed on this page. The plant rising from the ground represents Maia, and its leaves are tightly

¹¹⁷ Kobabe, 67.

bound, complex emotions that are hard to decipher. Some of these emotions are contradictory, such as wanting a gender-neutral name and desiring to be more masculine simultaneously. If intended, this contradiction paints Maia's feelings about their identity as not always straightforward. To bring the analysis back to page sixty-two for a moment, the fantasy served to illustrate Maia's initial feelings about their sexuality that were transformed into these chaotic, sputtering emotions. For the opponents of the book, they would characterize these initial erotic moments as pornography and as pornography, they assume that the book will influence readers to desire high risk sex and that the author's intention in writing this was to spur on sexual stimulation. However, this characterization misses that these erotic moments are a part of Maia's journey to understand themselves. Out of these fantasies, Maia realizes they have "two half-souls-one female and one male."¹¹⁸ As a whole person, they are not exclusively male or female. Contrarily, the proponents of the book cite Maia's journey to understanding themselves as empowering LGBTQ+ students. For that claim to work, there needs to be evidence to suggest that these students understand the author's intention with these erotic moments. What is clear, though, in the text is the author's intention, which is to show how they came to terms with their gender and sexuality that is beyond being straight, gay, a man or a woman.

¹¹⁸ Kobabe, 68.



(Pg 71)

This is reinforced when they examine magazines about transgender celebrities and they think back to a journal entry written years ago stating, “I don’t want to be a girl. I don’t want to be a boy either. I just want to be myself.”¹¹⁹ From fantasizing about being a boy to believing that they are beyond gender norms, this reflection of an old journal entry reflects their call to adventure. The adventure, in this case, is finding out who they are, if not exclusively male or female. Maia’s journey throughout college in the middle chunk of the book examines their burgeoning friendships and further contemplation of who they want to be. Sex does not play a major part in their college years. Maia goes out on dates, but these moments never materialize into sexual activity or romance. For instance, while working at their work-study at the library, Maia gets asked out by a fellow student named Autumn, leading to a personal crisis on whether or not to date her.

¹¹⁹ Kobabe, 71.

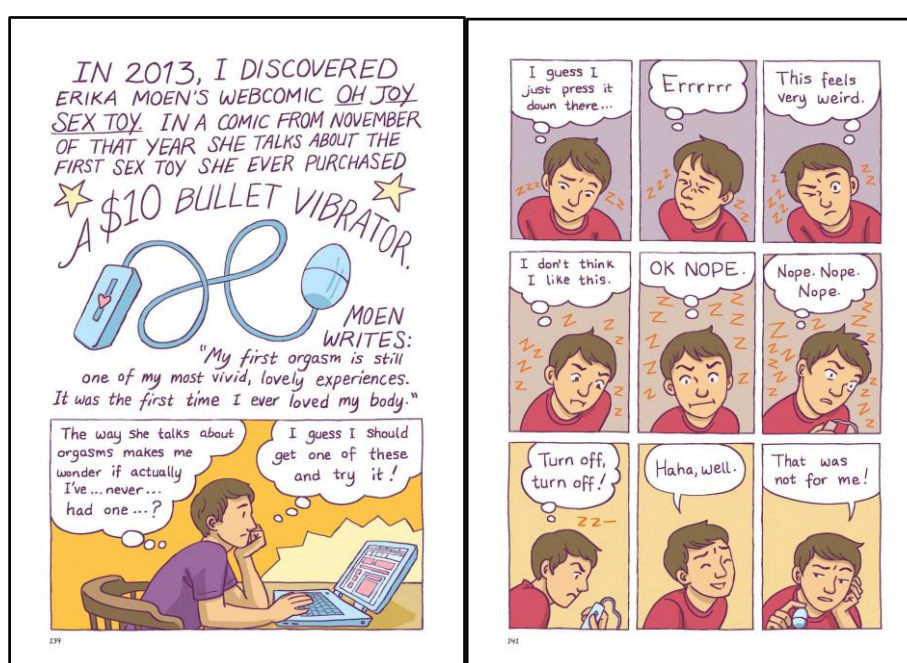


(Pg 113)

In a grand panel, Maia sits in a hollow, cracked-open egg and says, “I found the concepts of dating and relationships deeply confusing. What, exactly, did people get out of them?”¹²⁰ Maia’s confusion about relationships connects to their deeper uncertainty about what gender they are, if any. The question above implies that Maia views a relationship as transactional. What can Maia get out of a relationship, rather than what they can give to a relationship? However, the latter requires one to know who they are, and Maia, at this point, does not. Thus, Maia decides not to date Autumn and continue with their life. Much of Maia’s experience with romance ends up like this. Maia’s lack of understanding about themselves causes them to avoid romance or even sex. To this point, the “teen sex” mentioned by Gianino and implied by Krebs does not appear in her college or high school years. While masturbation is discussed, this assertion that the book “baits children into high-risk sex” has no evidence backing it up thus far. For Gianino and Krebs’s claims to be true, Maia would have to be an entirely different character than what is portrayed in the book.

¹²⁰ Kobabe, 113.

Instead of the erotic moments being Maia's fantasies, they would have to be real moments during their time in High School or College. For instance, in Maia's encounter with Autumn, they would have had to act on their sexual fantasies with her, which they do not. The central idea underlying Gender Queer is trying to understand oneself through friendships, family, gender and sex. The intention by the author is not to sexually stimulate the reader when using these explicit moments. This can be displayed when the sex toy is introduced in this middle chunk of the book, a passage mentioned by Gilman in her complaint.



(Pg 139, 141)

When questioning their own asexuality after not feeling aroused for a long period of time, Maia decides to buy a sex toy from a web comic store.¹²¹ In a series of panels, the artist draws Maia's reactions when using the sex toy from joy to complete disgust. Maia says in the last panel, "That was not for me," before giving the toy to their sister.¹²² There is no nudity shown nor any erotic behaviors displayed. Instead, the toy was used to further illustrate Maia's disinterest of sex.

¹²¹ Kobabe, 139.

¹²² Kobabe, 141.

Thus, the presence of the sex toy does not make this moment pornographic as it is not intended to create sexual excitement in the reader, nor does it actively promote sexual activity. After the scene with the sex toy, Maia becomes interested in science fiction and fantasy literature. Their interests stray away from figuring out their sexuality as they begin to define themselves by their work and friendships.

In the last act of the book, Maia finally goes on a date. In her quote, Gilman describes this moment as promoting “having sex with someone after knowing them for 45 minutes and meeting them on a dating app.” While this claim references a passage in the book, Gilman is being misleading about what occurs in this sequence.



(Pg 161, 163)

To begin, Maia uses Tinder to go on a date with “Candidate Z.”¹²³ Their first date begins on a beach, where Maia says to Candidate Z, “So, unfortunately, I probably wouldn't feel comfortable going down on you.”¹²⁴ Maia clarifies this as a way to express their feelings. They are

¹²³ Kobabe, 161.

¹²⁴ Kobabe, 163.

uncomfortable with the concept of sex, and in response, they set boundaries. This contradicts Gilman's notion that the book promotes excessive promiscuity. Furthermore, Kobabe writes Maia as not wholly enjoying sex when it does occur after two months of dating. In three panels, the artist draws Candidate Z simulating oral sex using a dildo strapped onto Maia. These panels harken back to Maia's fantasy of getting oral sex in the beginning of the book. It is not used to stimulate sexual excitement, but instead creates a call back to previous moments to show Maia has changed after understanding themselves as more than their sexuality and gender. Thus, Maia's natural discomfort of their fantasy turning into reality is demonstrated when they ask to do something else, specifically have sex.



(Pg 168- 169)

The artist does not show the act, rather fast forwards to its aftermath when Maia laments that “Everything we did today was a good experience. But now that I’ve had sex a few times, I’m not sure I’ll really need anymore? Trying to get off in front of someone is kind of weird.”¹²⁵ Maia

¹²⁵ Kobabe, 169.

begins by acknowledging that they had fun, but it's a short lived fun exemplified when they ask themselves whether they want to do it again. For Maia, they are not made to be in a relationship or in a romantic entanglement, rather they are defined by their career, their interests and their family. While *Gender Queer* has sexually explicit elements, those parts serve to show Maia's journey into self acceptance and adulthood and not for the purpose of arousing sexual excitement in the reader. After college and the numerous trips to the doctors and psychiatrists for advice, Maia accepts themselves, becoming a teacher and later a successful cartoonist.

From reviewing *Gender Queer*, it is hard to characterize the material as pornography, as it neither aims to promote sexual activity nor arouse the reader into sexual excitement. The book's primary function is to showcase the life of the author through the graphic novel medium. How one is influenced by the material depends on the person and thus, the interpretation of it as a "guide" or a "tool" is dependent on how one is influenced by it. There is no evidence given by the library committees from Rockwood, Spring Lake, and Antioch that show how *Gender Queer* has empowered LGBTQ+ students. Thus, their argument is an assumption rather than a fact. This is also the case with the opponents of the book's availability when they describe it as pornography. It seems as though they looked at a few pages and decided from those pages that the book influences the reader into promiscuity. Both assumptions prescribe to the belief that literature has the power to form a reader's beliefs, values and emotions. For the proponents of the book, *Gender Queer* inspires LGBTQ+ youth into accepting themselves and their identity, and, in turn, reshaping their lives. It's a new form of education beyond the barriers of brightly lit classrooms and neatly organized desk arrangements. The opponents, also, view the book as a form of education, but one that shapes the students into solely valuing sex and pleasure. The proponents and opponents of *Gender Queer* suppose that the reader will connect with Maia, empathize with them, and finally

mimic them in their lives. The fatal flaw in this reasoning is that there is no evidence that literature like *Gender Queer* can change the values and ideals of the reader. As William O Douglas explained in *Roth V. United States*, the evidence of literature promoting anti-social behaviors is thin and is in need of further research and scientific understanding. Besides those assumptions from the proponents and opponents of *Gender Queer*, this discourse is separate from the merits of the material. Is the story coherent? What literary devices does the author use? Does Maia have a satisfying arc? None of these questions are asked or answered by the parents or teachers in this case, revealing that the content of *Gender Queer* is divorced from the debate around its removal. To come back to the beginning of this case study, the complaint of *Gender Queer* at Spring Lake High School transcends much of the discourse around the material. The unnamed parent relied on no assumptions that the book influences its readers in a certain way. He strayed away from characterizing the material as pornography like much of the parents discussed. This parent's complaint solely centered on the book's explicitness and how it was out of place in a high school library setting. Out of all the arguments discussed, this is the strongest in this debate.

In concluding this case study, I would like to leave on a political note. Recently, in a debate between California Governor Gavin Newsom and Florida Governor Ron DeSantis, the latter took some time to rationalize his Parental Rights in Education by bringing *Gender Queer* to the stage. He described the book as “pornography. It's cartoons aimed at children, and it's wrong. This should not be in schools”¹²⁶. DeSantis echoes the parent's complaints, using it to justify a controversial educational policy that he supported and signed into law. Yet, his misinterpretation of the book makes that justification dubious. It displays how conservative politicians are utilizing

¹²⁶ Lim, Naomi. *DeSantis brandishes Gender Queer book at Newsom debate: 'It's pornography.'* Washington Examiner. November 30, 2023. <https://www.washingtonexaminer.com/news/campaigns/desantis-gender-queer-newsom-debate>

generalizations of specific pieces of literature for political and social gain. This moment of DeSantis bringing the book to the debate and showing it to an audience of hundreds encapsulates how book removals have turned into a major talking point in American political discourse.

IS SLAUGHTERHOUSE-FIVE ANTI-RELIGIOUS AND PROFANE?

The history of *Slaughterhouse-Five*'s removals from libraries and literature curriculums is almost as infamous as the book itself. Like the analysis for *Gender Queer*, this case study will spotlight the removals of Vonnegut's semi-autobiographical book and display the debates around them from proponents and opponents of the book's availability. Unlike *Gender Queer*, the removals of *Slaughterhouse-Five* span five decades, yet much of the critiques from parents center around the book's supposed inflammatory religious commentary, profanity and sexual inexplicability. In reaction to these critiques, school boards have ordered purges of *Slaughterhouse-Five* from literature curriculums and, in one case I will discuss, have burned copies of the book. These opponents of the book's availability claim its influence to sway readers away from values these particular school districts uphold. Contrarily, proponents of the book's availability cite the anti-war message as valuable to reshape students to disparage human violence in all forms. Similar to *Gender Queer*, the debate around *Slaughterhouse Five* emphasizes how the material affects the reader rather than examining its merits.

Rochester, located in Michigan, sits north of the Motor City of Detroit. The suburban town has a large population of Roman Catholics and Methodists, who have influenced local politics for years. Christianity is a central figure in this small town of 12,751 people.¹²⁷ In this cozy Michigan

¹²⁷ Wilson, Brian. *The Spirit of the Motor City: Three Hundred Years of Religious History in Detroit*. Michigan Historical Review, vol. 27, no. 1, 2001, pp. 21–56. JSTOR, <https://doi.org/10.2307/20173893>. Accessed 28 Nov. 2023.

town, Bruce L. Todd, a Rochester native, filed a lawsuit in late 1970 against the Rochester Community School district for using *Slaughterhouse-Five* in the Advanced Literature Class. Todd stated that the book contains religious commentary, which violated the First and Fourteenth Amendments. In addition, Todd characterized *Slaughterhouse-Five* as “insulting to the person of Christ.”¹²⁸ Based on the demographics of Rochester, the supposed inflammatory content of the book would conflict with community values while violating the First and Fourteenth Amendments. In early 1971, Oakland Circuit Judge Arthur E. Moore responded to the lawsuit by setting up a review committee to determine whether *Slaughterhouse-Five* violated the First and Fourteenth Amendments. After two months in the scorching heat of May, Moore ordered the school district to remove *Slaughterhouse-Five* from the literature curriculum. In the opinion from the court, Moore argued that “the separation of church and state goes two ways. You cannot teach Christianity or the antithesis of it.”¹²⁹ An assumption underlying this case was that the sole purpose of this material is to be the antithesis of religion. Teaching the antithesis of religion would shape students into opposing their community standards.

Contrarily, superintendent Richard H. Efcott stressed the anti-war themes of the book as valuable information for students. Efcott exclaimed that the material was “a good book about the evils of war and bombing. I cannot find the book anti-religious.”¹³⁰ Efcott describes the book’s message of the horrors of war as being neither religious nor anti-religious. His opinion, though, seemed to be ignored by Moore as he agreed with the complaint and its characterization of the book pretty vehemently. However, by characterizing the book as anti-religious, Moore downplays

¹²⁸ *Todd v. Rochester Comm Schools*, 41 Mich. App. 320, 200 N.W.2d 90 (Mich. Ct. App. 1972)

¹²⁹ *Ibid*

¹³⁰ The New York Times Archive, ‘*Slaughter-House Five*’ Barred From School List in Michigan. The New York Times. May 23, 1971. <https://www.nytimes.com/1971/05/23/archives/-slaughterhouse-five-barred-from-school-list-in-michigan.html>

the message on the degradation of humanity from the horrors of war. In an article by the Protestant magazine *The Christian Century*, the author highlights the ignorance from the verdict of the themes woven throughout the book. The author writes, "Certainly there are obscenities in *Slaughterhouse-Five* but none so great that it can begin to match the obscenity of the Dresden raid itself or the self-righteousness of Moore's judicial interference."¹³¹ The critique that Moore's decisions center on an urge to maintain moral authority distracts from any discussion of the book's supposed anti-religious themes that were central to this case. Efcott and the author of the *Christian Century* article both focus on the anti-war message as valuable but often avoid disproving the claim that *Slaughterhouse-Five* is anti-religious. Efcott denies the presence of anti-religious sentiments, but he never backs either of these claims up with textual evidence. On the other hand, Moore does not illustrate the main themes of the book that the author of the *Christian Century* article and Efcott find valuable for a literature curriculum. Thus, both sides of this case do take into consideration their opponent's opinions of the book, making it difficult to discern whether the book is anti-religious or not from this case.

The edition of *Slaughterhouse-Five* in the 1970s had a black cover with the title written in an abrasive font, the five enlarged to fill up the most space. I frequently speculate that this was the edition used in Rochester and the one burned by a custodian at Drake High School in 1973. The black cover turned into white ash, almost symbolizing the duality of the debate, which occurred in the rural North Dakota town of Drake. Drake is situated a hundred miles from Bismarck, the capital of North Dakota, and began as a switching point for the Soo Line Railroad. As settlers moved west, this railway stop became a small town with its economy centered on farming wheat. Much of the residents of Drake in 1973 were predominantly conservative and religious. These

¹³¹ Cargas, Harry James. *The Banning of Billy Pilgrim*, *Christian Century*, 88. June 2, 1971, p. 681

predominant ideologies of the residents played a role in the decision by the school to remove *Slaughterhouse-Five* in early 1973. After receiving complaints from parents about the amount of profane language in *Slaughterhouse-Five*, the school board unanimously deemed the book “unsuitable for fifteen-year-old minds” and ordered the destruction of all its copies.¹³² What makes a book “unsuitable” is subjective and not wholly objective. Thus, this determination from the school board is far from absolute, rooted in the values the Drake community wanted to uphold in 1973. The Pastor of the local Lutheran Church stated to the New York Times that the decision “comes down to is the official sanctioning of profanity. And the school board does reflect the values of the community.”¹³³ The opposite of the sanctioning of profanity is the normalization of it. The idea of high schoolers, whom the community wants to continue their values, reading *Slaughterhouse Five* would have normalized the profane language. This reasoning relies on two assumptions. For one, Vonnegut intended *Slaughterhouse-Five* to be obscene. For the other, *Slaughterhouse-Five* has the power to rewrite the moral education of a student. The normalization of naughty words threatened community norms and, importantly, the innocence of these students. Both assumptions converge on the notion that students were not ready for the profanity in *Slaughterhouse-Five*. The students partially disproved that notion, with one of them stating that the book was not “all that bad. I thought it would be one of those little-bit-on-every-page books. But it wasn't. These kids here can handle that.”¹³⁴ This student suggests that the parents and school board members overstated the amount of profanity. There is no evidence from the determination to imply that these students started swearing like foul-mouthed sailors. The profanity may be

¹³² Stevens, William K, *Dakota Town Dumbfounded at Criticism of Book Burning by Order of the School Board*. New York Times. November 16, 1973. <https://www.nytimes.com/1973/11/16/archives/dakota-town-dumbfounded-at-criticism-of-book-burning>

¹³³ Ibid

¹³⁴ Ibid

against the community values of Drake, yet the supposed effects on the reader from that profanity are solely an assumption. Outside of Drake, much of the discourse on the removal focused on how the school board destroyed it rather than its removal. Critics of the Drake School Board such as Jerome Weidman of the Authors League, the American Civil Liberties Union, and Kurt Vonnegut compared the burning of *Slaughterhouse Five* to Nazis Germany. However, this comparison does not substantively address the initial concern about the profanity present in the book.¹³⁵ Back to the black cover of *Slaughterhouse-Five* shifting into hot white ash, the image represents how both sides viewed the removal as a black-and-white case. For Drake, *Slaughterhouse-Five* was a profane novel, and Kurt Vonnegut aimed to normalize filthy language for young high school students. For Vonnegut and his supporters, the Drake Community acted like Nazis and were opponents to freedom of speech. Drake failed to engage with the book, and Vonnegut failed to engage with Drake.

To not reiterate my examination of *Island Trees School District V. Pico*, I will focus primarily on *Slaughterhouse-Five*'s role in the case. To begin, the list of objectionable materials received by the Island Tree School board did not mention quotes and lacks editorial comments for *Slaughterhouse-Five*. However, the lack of detail and articulation in the list did not sway these board members from using it in their review of library materials. Their review of the book led the board to characterizing it as "anti-American, anti-Christian, and anti-Semetic [sic], and just plain filthy."¹³⁶ This sentiment mirrors that of the Rochester case. From interpreting the book as anti-Christian to calling it plain filthy, the opponents to the availability of *Slaughterhouse-Five* frame the book as lacking value, and Vonnegut only intended it to be "plain filthy." Later, the board

¹³⁵ Wilson, Carol. *Book Burning in Drake*. Prairie Public Newsroom. September 18th, 2009. <https://news.prairiepublic.org/show/dakota-datebook-archive/2022-05-21/book-burning-in-drake>

¹³⁶The New York Times Archive, *L.I. Students File Suit to Overturn School Book Ban*. New York Times. January 5, 1977. <https://www.nytimes.com/1977/01/05/archives/li-students-file-suit-to-overturn-school-book-ban.html>

reversed its decision, changing its status from available without restriction to available with parental approval. Although *Slaughterhouse-Five* was technically available in the school library, there was still the obstacle of parental permission, which mostly barred students from reading it. Additionally, it is unknown whether the student group led by Steven Pico read *Slaughterhouse-Five* or the other books in question, making it difficult to discern the motivation for this lawsuit except protecting the right to receive information, which conflicted with America's localist educational system. Again, this tension was why the Burger Court partially concurred with the State Court's decision on the constitutionality of book removals. Nevertheless, the court ordered the school board to allow the nine books to be available to students without restriction.¹³⁷ Either way, the school board's initial characterization of the book echoes that of Moore and Todd's complaints from characterizing it as Anti-Christian to the concern over its profanity. It is quite surprising then that this view of the book remained consistent by challengers of the book into the early 2010s when economics professor Wesley Scroggins wrote a scathing editorial about its usage in a Missouri high school English course.

Writing for Springfield News-Leader, Scroggins targets three books in particular for being unsuitable in Missouri's Republic School District literature courses: *Speak*, *Twenty Boy Summer*, and of course, *Slaughterhouse-Five*. When discussing *Slaughterhouse-Five*, Scroggins describes it as "a book that contains so much profane language, it would make a sailor blush with shame. The f-word is plastered on almost every other page. The content ranges from naked men and women in cages together so that others can watch them having sex to God telling people that they better not mess with his loser, bum of a son, named Jesus Christ."¹³⁸ Scroggins claims that

¹³⁷ Bowers, Kelly. *Banning Books in Public Schools: Board of Education v. Pico*, 10 PEPP. L. REV. ISS. 3 (1983)

¹³⁸ Scroggins, Wesley. *Filthy Books Demeaning to Republic Education*. Springfield News-Leader. September 18, 2010. <https://www.news-leader.com/story/opinion/2010/09/18/scroggins-filthy-books-demeaning-to-republic-education>

Vonnegut uses the “f word” repeatedly throughout the story as a reason for its removal from the literature curriculum, establishing his misgivings of the word.¹³⁹ It seems that Scroggins wanted to remove the book to limit the normalization of the word. From Drake to Republic, there has been a fear from opponents of the book that the youth will take these swears in the text and say them. This reasoning, though, relies on the assumption that the book encourages the practical use of this profanity. In addition, Scroggins mentions the sexually explicit content of the book, specifically about the relationship between Billy Pilgrim and fictional pornstar Montana Wildhack in the otherworldly zoo constructed by the alien species, the Tralfamadorians. Speaking of pulp science fiction, Scroggins complains about the character Kilgore Trout imagining Jesus as a nobody to reflect his lack of self-worth. Scroggins references that sequence to call out the supposed anti-Christian bias in the book discussed previously in the two court cases. Referencing this bias as a reason to call for its removal indicates that the underlying intention of Scroggins is to censor anything critical of religion in schools. To limit dissent to a particular ideology or faith in any circumstance is to be guided by fear or anxiety of what that dissent may bring to any community or society. The three critiques Scroggins levied at Slaughterhouse Five persuaded the board to order its removal.¹⁴⁰ While a highly insular case, many of these critiques from Scroggins would soon reappear as the non-profit organization Moms for Liberty rose into prominence.

When the Brevard County School district, located outside the Orlando area in Florida, received the complaint of Slaughterhouse-Five’s presence in a Senior literature class, it was the first ever literary classic to be disputed by the local chapter of Moms for Liberty.¹⁴¹ The

¹³⁹ Ibid

¹⁴⁰ Kavner, Lucas. *Missouri School District Bans 'Slaughterhouse-Five' And 'Twenty Boy Summer.'* Huffington Post. July 29, 2011. https://www.huffpost.com/entry/slaughterhouse-five-banned-missouri_n_913078

¹⁴¹ Gallion, Bailey. *Next on Moms for Liberty library challenge list: The Kite Runner, Slaughterhouse-Five.* Florida Today, May 11, 2022. <https://www.floridatoday.com/story/news/education/2022/05/11/brevard-moms-liberty-challenges-kite-runner-slaughterhouse-five-list-4-book-bans>

organization had filed a number of requests to remove contemporary books such as the *Kite Runner* and *Not All Boys Are Blue*. In an article by the *Florida Today*, members of Moms for Liberty claimed that the book contains “graphic violence (including animal abuse), explicit sexual content and a passage termed “inflammatory religious commentary” that mocked the New Testament in a satirical manner.”¹⁴² From first glance, the quote seems like Moms for Liberty wrote it after a long process of deliberation and review. However, their determination of *Slaughterhouse Five* is almost identical to that of Book Looks’ review of the material. Book Looks, a website that rates materials based on its obscenity, has been used by numerous chapters from Florida to Maine. According to *USA Today*, many of these parents have not read the books they want removed.¹⁴³ While I wish to not make assumptions about these challengers in Brevard County, their determination spoken at the school board to remove *Slaughterhouse Five* resembles the Book Looks’ review, which states “This book contains explicit violence including animal cruelty; inexplicit sexual activities including bestiality; sexual nudity; profanity; and inflammatory religious commentary.”¹⁴⁴ Even though the parents group changed the word from animal cruelty to animal abuse and inexplicit sexual activities to explicit sexual content, the order of these words from the parents group resembles that of the Book Looks review. Further, the Book Looks review echoes Scroggins’ article and the other cases discussed when citing the profanity and inflammatory religious content as a reason for the removal of *Slaughterhouse Five*. Unlike the Gender Queer analysis, this discussion of *Slaughterhouse Five* centers around numerous complaints instead of a single one.

¹⁴² Ibid

¹⁴³ Wong, Alia. Ullery, Chris. Carless, Will. *What’s behind the national surge in book bans? A low-tech website tied to Moms for Liberty*. *USA Today*. October 5, 2023.
<https://www.usatoday.com/story/news/investigations/2023/10/05/website-driving-banned-books-surge-moms-for-liberty/70922213007/>

¹⁴⁴ Booklooks. *Slaughterhouse-Five Book Report*. BookLooks.Org. 2022.
<https://booklooks.org/data/files/Book%20Looks%20Reports/S/Slaughterhouse%20Five.pdf>

Yet, a similarity between both materials reveal assumptions on how the books impact the reader. For *Slaughterhouse Five*, these challengers claim that Vonnegut wrote it intentionally to be profane and more interesting, anti-religious. With that claim, there is an assumption that the book is dangerous to the youthful minds of high schoolers and thus will mimic the profanity or even adopt some of the anti religious beliefs of the main character, Billy Pilgrim. When reviewing *Slaughterhouse Five*, I will take the cited quotes from Book Looks of profanity that often center around the character of Roland Weary. Then, I will examine the passage about Kilgore Trout mentioned by Scroggins in his opinion piece. Adding context to these quotes will determine whether the book is solely profane and anti-religious as expressed by its critics or just “a good book about the evils of war” as stated by Effcott and other supporters of the book.

In the beginning of the book, Billy Pilgrim is a man unstuck in time. Like a frog leaping on lily pads, Billy jumps from one point of time to another. The time traveler begins in his home in Ilium, New York. There, Vonnegut introduces his daughter, who takes care of Billy in his old age. As an argument ensues between the two, Billy is transported to the day he enlisted in army reserves during the height of World War Two. Assigned to an infamous regiment in Luxemburg, Billy Pilgrim feels like an outsider in this band of hardened and armed soldiers. Vonnegut describes Billy Pilgrim as “empty-handed, bleakly ready to die.”¹⁴⁵ The leader of the regiment, Roland Weary, is a beast in figure and temper. In a shootout with Nazi foot soldiers on the roads outside Luxemburg, Billy Pilgrim hides and hopes that the bullets will pass him by. Luckily, Billy comes out of the shootout unharmed but continues to stand on the road as more Nazi soldiers arrive. Roland yells, "Get out of the road, you dumb motherfucker." The last word was still a novelty in the speech of white people in 1944. It was fresh and astonishing to Billy, who had never fucked

¹⁴⁵ Vonnegut, Kurt. *Slaughterhouse- Five*. Bantam Doubleday Dell Publishing Group, 1998. Pg 41

anybody- and it did its job.”¹⁴⁶ Booklooks and Moms for Liberty flag this quote as displaying unsuitable language for a high school literature class, and in their view, its presence has the potential to normalize this profanity. As said, that reasoning relies on the assumption that Vonnegut used these words to be profane. Even though the quote uses “fuck” and confirms claims made by Scroggins, the profanity is a tool to describe Weary and Billy. Weary saying “motherfucker” paints him as loose with words, often saying things for shock value or to express anger and annoyance. This trait may have originated from where he came from or out of combat. Either way, Weary saying “motherfucker” in a brazen way is not meant to normalize the use of the word due to Vonnegut not portraying Weary as a person to look up to or even a virtuous war hero. Vonnegut writes, “It was a crazy, sexy, murderous relationship Weary entered into with people he eventually beat up.”¹⁴⁷ Weary forms toxic relationships with everyone he encounters, and Vonnegut does not encourage those behaviors. The other appearance of “fuck” in the quote positions Billy as a newcomer to war. With how new “fuck” was to the American vocabulary back then, Billy is startled by it. All of the so-called decorum and civility in America has disappeared in the scourge of war, and the abrasive usage of it symbolizes that. The “fuck” in the quote symbolizes Billy’s transition from being a good-mannered American youth to a cynical soldier. “fuck” and “motherfucker” in this quote may be profane, yet both contribute to painting war as a destruction of one’s civility. As stated, a concern from Drake High School and Scroggins is the amount of profanity, and both maintain an assumption that the reader will normalize the language. To mimic or be influenced by a character in a book, one has to sympathize with them. How Vonnegut constructed Weary in the story is to be unsympathetic. Weary represents the cynical, angry soldier that Vonnegut often portrays as an antagonist, a thorn in Billy Pilgrim’s journey

¹⁴⁶ Vonnegut, 42.

¹⁴⁷ Vonnegut, 45.

through time and space. Vonnegut did not create Weary for the audience to admire him. Vonnegut also did not write Weary to be solely profane but wanted to illustrate some of the unsavory character traits of the soldiers who fought in World War Two. Complaints of profanity levied by these parents and nonprofit organizations mirror those made about the book's sexual content.

Vonnegut describes a poster hung near Weary's bunk, writing, "He had a dirty picture of a woman attempting sexual intercourse with a Shetland pony. He had made Billy Pilgrim admire that picture several times. The picture that Weary had was a print of the first dirty photograph in history."¹⁴⁸ Weary is cruel and toxic, yet he has an appreciation for the history of photography. Its appearance unmasks Weary and his soldiers as filled with desire sexually or personally. It contrasts the World War Two propaganda that often highlighted soldiers as dutiful paragons of traditional American values. Duty beyond everything else characterized the soldiers in the work of Frank Capra and Lewis Milestone during World War Two. Part of that propaganda was to sanitize and glorify the American soldier. Contrary to this image is Weary who keeps a taboo photo that the general American public would have frowned upon. World War Two or even Vietnam War propaganda films never shined a light on the Pin Up Girls and the porno magazines scattered around the quarters of some soldiers. Weary's poster is authentic to his personality and character development. Authenticity, though, does not excuse the sexually explicit description in the scene. While Vonnegut is scant on details about the photo, he describes a pornographic image that verges on animal abuse. This, too, puts into question the appropriateness of Vonnegut's portrayal of war. From Billy to Weary, the American soldiers in *Slaughterhouse-Five* are far from virtuous or squeaky clean. Vonnegut spotlights the differences between the propaganda and the reality when Billy transports to Ilium to watch a movie with his wife before her death. Billy remarks, "It was a

¹⁴⁸ Vonnegut, 51.

movie about American bombers in the Second World War and gallant men who flew them... the American fliers turned in their uniforms and became high school kids. And Hitler turned into a baby, Billy Pilgrim supposed. That wasn't in the movie."¹⁴⁹ The transition from "gallant men" to "high school kids" evokes the absurdity of these films, even if Billy only imagines this transformation. The absurdity reaches a fever pitch when Vonnegut introduces baby Hitler. In this moment, Billy knows the moral grays of war, and the propaganda shown plays like a cartoon. Booklooks and Mom's for Liberty may take offense to the crude, lustful, and angry traits of Weary. His presence creates a contrast between the "gallant soldiers" in propaganda and the soldiers on the battlefield. Vonnegut does not encourage the reader to be profane or collect dirty photos. The character of Weary showcases the disconnect between the soldiers in the propaganda films and the soldiers in real life. Out of Weary, Vonnegut asks the viewer to examine these soldiers as people and not as valiant heroes, and the profanity and the dirty pictures adds to that intention. Drake High School and Brevard County noted *Slaughterhouse-Five* as concerning for its obscene language. While there is profanity, Vonnegut uses it to characterize Weary as an antagonist for Billy and a corrupted soldier trying to survive the battlefield. Idolization of a character or person sometimes leads to mimicking and, later, a normalization of those individual's behaviors. As stated, Vonnegut writes Weary to be pitied and not idolized. There is very little evidence from the opponents of the book to suggest that reading about Weary led to students idolizing or mimicking him. Thus, the assumption that *Slaughterhouse-Five* will influence students to become profane has very little evidence to support it.

In their complaints, Booklooks, Moms for Liberty and Scroggins lasered in on one passage that centers on Billy Pilgrim's friend at the Veterans Hospital, Rosewater. Rosewater has a keen

¹⁴⁹ Vonnegut, 93-95.

interest in the science fiction author Kilgore Trout. Vonnegut describes him as having a large collection of his books. At the Veterans hospital, Rosewater reads Trout's magnum opus *The Gospel from Outer Space* when Billy's wife arrives to visit the out of time protagonist. In a long brief narration of the plot, Rosewater explains that "it was about a visitor from outer space.... The visitor from outer space made a serious study of Christianity, to learn, if he could, why Christians found it so easy to be cruel."¹⁵⁰ Instead of invading earth, the alien visitor studied it for the purpose of obtaining knowledge about the universe. That action paints the alien as far more enlightened than the war hungry humans shown in the book thus far. As an enlightened alien with its advanced technology and years of experience, its determination on all aspects of life, cultures and morality are far more accurate than anything humanity can muster. Trout casts the alien as a true godlike figure and uses its status in the narrative to express a message that Christianity manifests cruelty. Rosewater later explains that the alien "supposed that the intent of the Gospels was to teach people, among other things, to be merciful, even to the lowest of the low. But the Gospels actually taught this: Before you kill somebody, make absolutely sure he isn't well connected."¹⁵¹ The alien establishes two sides of the Christian gospels. Outwardly, these gospels speak about the importance of being "merciful" and kind to your community. This outward appearance, though, is a mask to hide their true intentions. These gospels wish to condemn the murders of anyone "well connected." The term, "well connected," describes an individual with power or authority. The gospels, thus, aim to maintain an order of "well connected" people in Trout's view. Trout then characterizes Jesus Christ as one of these well connected people, writing "that Christ, who didn't look like much, was actually the Son of the Most Powerful Being in the Universe. Readers understood that, so, when they came to the crucifixion, they naturally thought, and Rosewater read

¹⁵⁰ Vonnegut, 138.

¹⁵¹ Ibid

out loud again: Oh, boy—they sure picked the wrong guy to lynch that time! And that thought had a brother: ‘There are right people to lynch.’ Who? People not well connected.”¹⁵² Like the gospels, Christ has two sides to him. His external self is a lowly carpenter and his internal self is the “Son of the Most Powerful Being In the Universe.” Trout and the alien as his mouthpiece deduces that the Christ story is a contradiction. To untangle this contradiction, Trout and the alien revise the Christ story with Rosewater explaining that “The visitor from outer space made a gift to Earth of a new Gospel. In it, Jesus really was a nobody, and a pain in the neck to a lot of people with better connections than he had.”¹⁵³ In this revised story, Trout and the alien strip Christ of his status as the son of god. Even though this fixes the supposed contradiction in the story, Trout inadvertently transforms Christ into a character similar to himself. Before Billy meets Trout for the first time, Vonnegut writes, “With regard to the whereabouts of Kilgore Trout: he actually lived in Ilium, Billy's hometown, friendless and despised.”¹⁵⁴ Trout is a “nobody” like his revised version of Christ. A panned and disgraced science fiction author, Trout writes as a reaction to his life. If Trout uses this story of Christ to react to his personal troubles, his criticisms are naturally self centered. As a self centered criticism, the religious commentary says more about Trout than it does about religion. This is exemplified when Vonnegut writes, “And then, just before nobody died, the heavens opened up, and there was thunder and lightning. The voice of God came crashing down. He told the people that he was adopting the bum as his son, giving him the full powers and privileges of The Son of the Creator of the Universe throughout all eternity. God said this: From this moment on, He will punish horribly anyone who torments a bum who has no connections!”¹⁵⁵ Scroggins complained in his opinion piece about the characterization of Christ as “a bum,” yet that

¹⁵² Ibid

¹⁵³ Ibid

¹⁵⁴ Vonnegut, 155.

¹⁵⁵ Vonnegut, 138.

is not what Vonnegut says in the text. It is a hypothetical revision of the Christ that Trout intertwines with his own problems. Further, his revised narrative of the Christ attracts Billy and Rosewater, who too feel like nobodies, leftovers of World War 2. Trout, Billy and Rosewater reshape existing narratives to navigate emotional traumas and general dissatisfaction. Calling this inflammatory religious commentary is misleading as the passage fulfills character development beside anything else. Vonnegut presents how war, trauma and alienation shape one's world view. Thus, the passage can be understood by young readers as not an endorsement for so-called Christian bigotry, but a depiction of how veterans and outcasts navigate through parts of society like religion. There is no evidence from the opponents of the book that says students misinterpreted the meaning of this passage and later became atheists.

With no evidence in sight for this claim, the opponents of the book can only critique the profanity which Vonnegut uses more as a tool to describe character than be controversial or provocative. Yet, these opponents fail to attack the book on its themes or literary merits. Like the *Gender Queer* case study, opponents of *Slaughterhouse-Five* can only critique the profanity or the sexual explicitness because its low hanging fruit. When these opponents try to critique the commentary on religion, they must ignore the greater context of the narrative. As Donald B. Veix states in *Teaching a Censored Book: Slaughterhouse-Five*, "Perhaps censors sense subtle criticisms but find the dirty words and explicit sexual references easier targets toward which to rally the book burners. Attacking the subtleties might be an admission that flaws really exist."¹⁵⁶ When examining these opponents of *Slaughterhouse-Five*, there is an aversion to understanding the book as they rely on assumptions of what it is about. Another assumption is that the amount of profanity in a high school book will automatically lead to a normalization of those words and

¹⁵⁶ Veix, Donald B. *Teaching a Censored Novel: Slaughterhouse Five*. *The English Journal*, vol. 64, no. 7, 1975, pp. 25–33. *JSTOR*, <https://doi.org/10.2307/815302>.

phrases. As explained, that assumption does not have any evidence. What then must be done to combat such assumptions as seen in *Gender Queer* or *Slaughterhouse-Five*?

CONCLUSION

After a year of research on book bans and book removals, I am underwhelmed about what I found. Initially, I thought book removals and book bans were the same as most people. History, data, and analysis told me otherwise. As this project has laid out, book bans are a relic of an era of mass censorship committed by an overly unorganized government and a coalition of moral crusaders. Connected to the rise and fall of book bans was the changing standard of obscenity from the very British Hicklin test to the Miller Test in the early 1970s. Book removals, while a form of censorship, only occur in schools, prisons, and public libraries. These removals are not national, yet heavily localized like much of the American Education system. Removals with the most media and legal attention manifest in schools, where parents and community members exercise authority over curriculums and library selections. Yet, these entities abuse such authority, relying on misconceptions, false interpretations, and assumptions in their book removal requests as seen with *Gender Queer* and *Slaughterhouse-Five*. What binds book bans and book removals together is this central assumption that literature has the power to manipulate or alter one's moral education. From Roth and Dunlop's Dirty Magazines to Maia Kobabe's explicitly personal story of gender identity,

there is little evidence to suggest that this manipulation occurs in children or adults. Nonetheless, I foresee this assumption not dying anytime soon. The trajectory of political discourse leads me to believe that partisanship will dominate American politics and encourage more book removals in the next ten years.

As a cultural issue, I view book removals to be in the same category as diverse castings in blockbuster movies. For much of the American public, an African American actor as the leading man of a hypothetical big action movie is inoffensive. Nevertheless, conservatives will chirp like birds about how Diversity, Equity, and Inclusion ruined modern American blockbusters. Then, liberals will interject and say that this new hypothetical action movie inspires the African American community. In this infighting, these two overtly partisan groups ignore issues concerning the material concerns of the African American community to discuss action movies. For book removals, a similar dynamic occurs. A book releases that represents a certain minority group, and librarians or school board members purchase it for a literature curriculum or as a part of the library selection. A conservative-leaning parent finds the book and its contents offend him or her so much that he or she files a complaint. In response, a liberal-leaning administrator or librarian defends the selection, bubbling up into a conflict at a school board meeting. Whether the book stays or leaves the shelves, the minority group represented by this book still faces social and economic discrimination that the school board meeting will not solve in any scenario.

To keep this short, the book removal phenomenon is a small, inconsequential issue in the 2024 election. Greedflation, the Israeli offensive on Gaza, immense monopolies, abortion, protest rights, the policing systems, Trump's 91 indictments, foreign aid to Taiwan and Ukraine, rising healthcare costs, and importantly educational reform are far more likely to be on the minds of the American people than book removals. Consequently, I believe that the up-close attention to these

removals from the media diverts attention from discussing substantial educational reform as seen in 1965, and creates further partisan divides in the future. I ask the readers of this piece to please quiet down about book removals. Thank you and good day.



(Original Drawing. Billy Pilgrim speaking to the Tralfamadorians)

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