



**Testimony of Nicole Neily  
President, Parents Defending Education  
Before the Senate Committee on Judiciary  
September 12, 2023**

**“Book Bans: Examining How Censorship Limits Liberty and Literature”**

Chairman Durbin, Ranking Member Graham, and distinguished members of the Committee on the Judiciary, thank you for inviting me to testify today.

My name is Nicole Neily, and I am the president and founder of Parents Defending Education – a membership association that gives parents the knowledge and tools they need to be effective advocates for their children’s education. I’m also the executive director of PDE Action, a 501(c)4 advocacy organization, and the founder of Speech First – a campus free speech organization – so “censorship,” properly understood, is a topic of great interest to me.

Without a doubt, books have become a flashpoint in schools over the past few years. Yet headlines and “research papers” by activist organizations have intentionally muddied the waters between “pre-World War 2 book burning in Berlin” and what’s really happening in America’s K-12 schools in 2023.

If you take away one thing from this hearing, know this: families’ concerns about books in schools is not “book banning”.

**First, the “book issue” is a CURATION issue.**

It should be obvious that a book that is part of a lesson plan in a second-grade classroom<sup>12</sup> is more concerning than a book that can be voluntarily checked out from a public library; and

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<sup>1</sup> Chrissy Clark, “Second-Graders To Learn About Genitals, Gender Identity As New Jersey’s New Sex Ed Standards Begin,” Daily Caller, September 1, 2022 <https://dailycaller.com/2022/09/01/second-graders-learn-about-gender-identity-genitals-new-jersey/>

<sup>2</sup> Parents Defending Education, “Illinois governor passes bill that updates state’s education standards to ensure that second graders learn to ‘define gender, gender identity, and gender-role stereotypes,’” March 22, 2022 <https://defendinged.org/incidents/illinois-governor-passes-bill-that-updates-states-education-standards-to-ensure-that-second-graders-learn-to-define-gender-gender-identity-and-gender-role-stereotypes/>

also, that sensitive topics read to children at very young ages<sup>34</sup> is more concerning than high schoolers learning about human physiology in health class.

But today, merely suggesting that graphic novels which detail sexual poses not be made available to elementary-aged students is tantamount to endorsing a totalitarian regime. In February 2023, The Guardian<sup>5</sup> asserted “Banning ideas and authors is not a ‘culture war’ – it’s fascism.” And in a June 2023 interview on MSNBC, Maryland governor Wes Moore claimed that “book bans” are equivalent to “castrating” children.<sup>6</sup>

It's not.

When we do hear from parents about books, the phrase that we hear the most frequently is “age appropriate.” Radical, indeed.

As the Heritage Foundation’s Dr. Jay Greene has documented, statistics about “book bans” are, simply, incorrect. In nearly all instances of a so-called “ban,” books are still available in the districts in question – although they may have been moved from younger grades to older ones.<sup>7</sup>

As a society, we don’t put Playboy in kindergartens; this isn’t considered a “book ban,” but merely common sense.

On a recent podcast episode of “Velshi Banned Books Club,” MSNBC host Ali Velshi interviewed Margaret Atwood, author of “The Handmaid’s Tale,” who stated:

“Well, first of all, not teaching a book in a high school is not the same as totally and completely banning it. It was banned for years in a couple of dictatorships – the one in Spain and the one in Portugal. It could not be published there at all. So the Portuguese and Spanish editions were published in the New World – so Brazil and Argentina. That’s totally banning. You can’t get ahold of it at all.

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<sup>3</sup> Parents Defending Education, “Seattle Public Schools utilize K-5 gender lessons that teach kindergartners about transitioning and pronouns,” April 21, 2022 <https://defendinged.org/incidents/seattle-public-schools-utilize-k-5-gender-lessons-that-teach-kindergartners-about-transitioning-and-pronouns/>

<sup>4</sup> Parents Defending Education, “Denver Elementary School announces plans to instruct kindergartners and 1st graders about why it’s important to disrupt the nuclear family and be trans and queer affirming; they host racially segregated playground nights too,” January 19, 2022 <https://defendinged.org/incidents/denver-elementary-school-announces-plans-to-instruct-kindergartners-and-1st-graders-about-why-its-important-to-disrupt-the-nuclear-family-and-be-trans-and-queer-affirming/>

<sup>5</sup> Jason Stanley, “Banning ideas and authors is not a ‘culture war’ – it’s fascism,” The Guardian, February 14, 2023 <https://www.theguardian.com/us-news/2023/feb/13/african-american-studies-republican-ban-florida>

<sup>6</sup> Inside with Jen Psaki, “Gov. Wes Moore to DeSantis: ‘Come spend some time in Baltimore’,” June 18, 2023, [https://www.youtube.com/watch?v=Ll\\_ZTlStavA](https://www.youtube.com/watch?v=Ll_ZTlStavA) (5:05)

<sup>7</sup> Jay Greene and Madison Marino, “Are School Libraries Banning Thousands of Books? Here’s Why You Shouldn’t Trust the Left’s Narrative,” Heritage Foundation, May 15, 2023, <https://www.heritage.org/education/commentary/are-school-libraries-banning-thousands-books-heres-why-you-shouldnt-trust-the>

“And I’m sure the none of us would say that parents should not have any input at all to what their kids read in school. We would all agree with that.

“And we would probably also agree that there are age considerations. For example, ‘War and Peace’ is not for seven-year-olds, not because of the sex, blasphemy, and violence, but because of the big words. So, it’s always going to be in negotiation and there has never been a time when you can publish absolutely anything. So that time has never existed. So the goal posts have moved. And I think we all probably draw the line at child pornography using real children, or even child pornography. So it’s going to be a discussion.”<sup>8</sup>

Strangely, media coverage over this issue frames any discussion at all as tyranny. It is disingenuous at best and deceptive at worst.

Classrooms, schools, and even libraries have finite space, and must select which materials are on display at any given time. In addition, they do not have unlimited budgets, and must prioritize certain book purchases over others.

This is a manufactured crisis that distracts from families’ valid concerns about the quality of their children’s education and whether students are safe from drugs, assaults, and bullying in schools today.

As Ms. Atwood has alluded to, however, true censorship efforts do, indeed, continue outside of schools, which I hope some of the other panelists will be able to address and condemn. A few recent examples that come to mind include the open letter signed by over 700 publishing industry employees<sup>9</sup> demanding the cancellation of Supreme Court Justice Amy Coney Barrett’s book deal;<sup>10</sup> Amazon employees’ efforts to remove Abigail Shrier’s book “Irreversible Damage” from the platform;<sup>11</sup> and Amazon’s continued refusal to sell Ryan Anderson’s book “When Harry Became Sally.”<sup>12</sup> These fights center around whether certain materials will be available – for adults – in the public square, and they should deeply concern all Americans who believe in the marketplace of ideas.

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<sup>8</sup> MSNBC, “Velshi Banned Books Club: Margaret Atwood,” August 31, 2023 <https://podcasts.apple.com/us/podcast/id1702778436> [7:17-8:39]

<sup>9</sup> “We Dissent,” [https://docs.google.com/document/d/e/2PACX-1vToh2N4z\\_Q509Beuyw3oMR9nZCk5PI84TqIR4-sw9lXicS3v4pXzSM8RCf0La0WSBFwnwbinDJ-Tr3L/pub](https://docs.google.com/document/d/e/2PACX-1vToh2N4z_Q509Beuyw3oMR9nZCk5PI84TqIR4-sw9lXicS3v4pXzSM8RCf0La0WSBFwnwbinDJ-Tr3L/pub) [last accessed September 9, 2023]

<sup>10</sup> Brittany Bernstein, “Hundreds of Publishing Staffers Call for Cancellation of Amy Coney Barrett’s Book Deal,” National Review, October 28, 2022, <https://www.nationalreview.com/news/hundreds-of-publishing-staffers-call-for-cancellation-of-amy-coney-barretts-book-deal/>

<sup>11</sup> Katherine Anne Long, Amazon overrules employees’ calls to stop selling book questioning mainstream treatment for transgender youth,” Seattle Times, May 3, 2021, <https://www.seattletimes.com/business/amazon/amazon-overrules-employees-calls-to-stop-selling-book-questioning-controversial-treatment-for-transgender-youth/>

<sup>12</sup> Sam Dorman, “Amazon says it ‘won’t sell books that frame LGBTQ+ identity as a mental illness,’” Fox Business, March 11, 2021 <https://www.foxbusiness.com/politics/amazon-books-lgbtq-mental-illness-anderson>

## **Second, the “book issue” is a parental awareness issue.**

It should not be a partisan issue to assert that children do better when their families know what is going on in their lives. This isn't rocket science: the more information parents have, the better they can support their kids, both emotionally and academically.

It is widely acknowledged that America faces a youth mental health crisis,<sup>13</sup> which is manifesting in the form of drug overdoses, suicides, and violent outbursts both in and out of schools. Yet while school officials lobby for increased mental health support – which the federal government has funded<sup>14</sup> through hundreds of millions of dollars in grants – they are exacerbating the problem. When students are given assignments beyond their comprehension level that even reasonable adults find challenging – violence, war crimes, rape, incest, and more – it should come as no surprise when children become depressed or hopeless.

Books from school should be discussed with loved ones, perhaps to provide historical context or different perspectives. Parents know their young learners' quirks and preferences, and whether certain material might resonate with – or would be appropriate for – their loved ones. These decisions may differ between children in the same family at the same age based on factors like maturity level or sensitivity. Children are individuals and deserve an education that meets their specific needs.

Yet now when families ask to simply know what their children have access to – or may wish to put guard rails on accessing specific material for children of certain ages – they are pilloried in the public square. Such public flagellation is intended to not only extract a pound of flesh from the perpetrator but to send a message to any other parent with similar reservations: speak up, and the mob will come for you too.

Far too many schools keep families at arm's length, which could not come at a worse time. Struggling students would benefit if the authority figures in their lives worked together in their best interest.

But families from coast to coast are now considered adversaries, not even entitled to basic information about their children. In Eau Claire, Wisconsin, a school district gave teachers a training session which stated “parents are not entitled to know their kids' identities. That

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<sup>13</sup> U.S. Department of Health and Human Services Office of the U.S. Surgeon General, Current Priorities of the U.S. Surgeon General: Youth Mental Health,” <https://www.hhs.gov/surgeongeneral/priorities/youth-mental-health/index.html>

<sup>14</sup> U.S. Department of Education, “U.S. Department of Education Announces More Than \$188 Million from the Bipartisan Safer Communities Act to Support Mental Health and Student Wellness,” February 16, 2023 <https://www.ed.gov/news/press-releases/us-department-education-announces-more-188-million-bipartisan-safer-communities-act-support-mental-health-and-student-wellness>

knowledge must be earned.”<sup>15</sup> My organization, Parents Defending Education, has documented 1042 districts across the country – and counting – that maintain “parental exclusion policies” which state that families don’t even have a right to know their child’s gender identity in their taxpayer-funded public school.<sup>16</sup>

**And finally: It is not evil to want to be involved in your child’s education.**

Every time a parent is falsely accused of wanting to “ban” a book because of a reasonable concern about subject matter availability, neighbors are pitted against each other based on dishonest premises. More likely than not, the person wearing an “I read banned books” shirt would sympathize with the father who doesn’t want his young child seeing detailed cartoons of private parts, and respect his concerns if they chatted over coffee.

But hearings like this aren’t designed to bring those two perspectives together. Hearings like this are used to burn mothers like me at the stake, and to chill the speech and activism of parents who simply want to protect their minor children.

Please stop mocking parents. Please stop name-calling. Please listen to the concerns of families who want their children to learn basic grammar, rather than be policed on pronouns. Who want their children to learn to read at grade level, and not taken out of class to participate in political rallies that they do not fully understand.<sup>17</sup> Who want their young children’s innocence to be preserved for a few years longer than an activist academic might insist.

We are your constituents too.

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<sup>15</sup> Wisconsin Institute for Law & Liberty, “Parents Sue Eau Claire School District over policy that hides gender transitions,” September 7, 2022 <https://will-law.org/parents-sue-eau-claire-school-district-over-policy-that-hides-gender-transitions/>

<sup>16</sup> Parents Defending Education, “List of School District Transgender – Gender Nonconforming Student Policies,” last updated August 31, 2023 <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/>

<sup>17</sup> Hank Berrien, “WATCH: Kindergartners March Chanting ‘Black Lives Matter’ At Posh Private D.C. School,” Daily Wire, February 7, 2022 <https://www.dailywire.com/news/watch-kindergartners-march-chanting-black-lives-matter-at-posh-private-d-c-school>