



February 5, 2024

House Committee on Rules
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of Senate Bill SB 1583

Dear Chair Fahey, Vice-Chair Helfric, Vice-Chair Kropf and members of the committee,

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 supporters statewide. **We strongly support Senate Bill 1583, which would prohibit discrimination when making decisions about textbooks, instructional materials, program materials and library books that are used in the Oregon public schools.**

Since the founding of the ACLU, we have opposed censorship in all forms. From books and radio to film, television and the internet, we have consistently fought to make sure Americans have the right to say, think, read and write whatever they want without fear of government reprisal. We believe in an educated citizenry and a society where ideas are openly disseminated, discussed and debated. Throughout our history, we have worked to protect people's right to access information and make up their own minds.

In the last two years, we have seen an influx of attempts to ban books in Oregon schools and libraries on discriminatory grounds.¹ In 2022, 2,571 titles were targeted, with a majority being written by or about LGBTQIA+ people, Black people, Indigenous people and other people of color. This is an alarming national trend from a vocal, ultra-conservative minority that is pressuring government bodies and officials who oversee our public schools and public libraries to ban books about people of color, racism, slavery, the LGBTQIA+ community and sex education. While current laws require inclusive selection of instructional materials and generally prohibit discrimination in education, there is no law making it explicit that banning materials because of the identities involved in the material's content or creation violates these laws. SB 1583 will strengthen our anti-discrimination values and laws by making it explicit that viewpoint-based decisions about who is represented in school materials qualify as discrimination that Oregon students are protected from.

We know that the majority of parents, community members and voters do not support book bans, and those who do are a fringe minority. In fact, a Washington Post analysis determined

¹ https://libguides.osl.state.or.us/ld.php?content_id=73171120

that 60% of all book challenges across the United States in the 2021-2022 school year were initiated by the same 11 people.²

Book bans and classroom censorship efforts work to effectively erase the history and lived experiences of women, people of color and the LGBTQIA+ community by censoring discussions about race, gender and sexuality that impact people's daily lives. These bans limit our ability to view diverse perspectives, expand our world view and connect with others.

Indeed, this is an important First Amendment and democracy issue. The U.S. Supreme Court ruled in 1969 that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."³ In 1982, the Court also made it explicit that these rights include the freedom to access information in school libraries.⁴ According to the High Court, freedom of speech includes not just the right to speak but also the right to learn. All students have a First Amendment right to read and learn about the history and viewpoints of all communities — including their own identity — inside and outside of the classroom.

Censorship of books and information is anti-democratic. Our communities and democracy are strengthened when all people, especially young people, have access to stories and materials that reflect their lives and experiences. Students deserve to see themselves and the issues that impact them reflected in their classrooms and in the books they're reading. They also deserve to hear stories about people who have different experiences.

Local school boards and school staff will continue to be free to make decisions about their educational curriculum. SB 1583 will not prevent them from considering age, vulgarity, and educational value as they make their selection decisions.

But by passing SB 1583, you will protect students' rights to read, learn and share ideas free from discriminatory censorship and enable them to see themselves reflected in their school's library books, textbooks and instructional materials. **The ACLU of Oregon urges your support for Senate Bill 1583 and asks you to pass it out of committee.**

Respectfully,

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<https://www.washingtonpost.com/education/2023/09/28/virginia-frequent-school-book-challenger-spotsylvania/>

³ *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969). (1982).

⁴ *Island Trees Union Free School Dist. No. 26 v. Pico*, 457 U.S. 853 (1982).