

Book Banning: An Infringement of the First Amendment

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Book banning is not a new concept, as it has been prevalent in society for thousands of years. The first known banned book in the United States was *The New English Canaan* by Thomas Morton, published in 1637, which contained harsh criticism of the Puritan government (Whitacre, 2022). Throughout American history, book bans have changed in frequency and nature; but in recent years, there has been a dramatic increase in the number of books being challenged in libraries. The First Amendment is crucial to living in a democratic society. It is the first revision to the Constitution as the founding fathers knew that freedom of speech and expression is key for true democracy. Banning books is an infringement upon the First Amendment, as it suppresses freedom of speech and limits the diversity of ideas in society.

Historical Context of Book Banning

Book banning takes place when private individuals, government authorities, or organizations remove books from libraries, school reading lists, or bookstore shelves (Webb, 2023). There have been numerous historical instances of book banning in the United States, according to the American Library Association:

- A. The first instance of *The Catcher in the Rye* by JD Salinger being banned was in a school in Tulsa, Oklahoma, in 1960, after an eleventh-grade English teacher was fired for assigning the book. There have been 30 recorded incidents of this book being challenged due to its content.
- B. *To Kill a Mockingbird* by Harper Lee has been banned or challenged due to the racial themes since 1977 and continues to be banned in some schools or libraries.

C. *The Color Purple* by Alice Walker has been banned in numerous school districts due to its “explicit language and sexual content,” first being banned in 1984.

According to Free Speech Center at Middle Tennessee State University, those who advocate for the removal of book typically complain that the book contains “graphic violence, expresses disrespect for parents and family, is sexually explicit, exalts evil, lacks literary merit, is unsuitable for a particular age group, or includes offensive language” (Webb, 2023). The article “Common Reasons for Banning Books” from Fort Lewis College supports this description by including books that are often banned contain offensive content, racial or cultural issues, religious affiliation or political bias, and sexual orientation or gender identity. These listed reasons revolve around a common driving force: the fear that the books will present ideas or raise questions about topics that those advocating for removal are not ready to address or find inappropriate (Webb, 2023).

No matter how justified the reasons are to ban books from libraries, school lists, or bookstores, it fundamentally defies the First Amendment of the U.S. Constitution.

The First Amendment and Freedom of Speech

The First Amendment of the U.S., passed by Congress on September 25, 1789, is as follows: “*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*” This amendment grants all individuals residing in the United States the right to express and hear all points of view without government interference (Jacobson, 2023). This is crucial for maintaining

a free society. It protects individuals from government suppression of ideas and information, which is essential for freedom of thought and the ability to come to one's own conclusions.

The Supreme Court and other federal courts have held that the First Amendment applies to the right to receive information, and that is comparable to the right to speak. In the court case *Lamont v. Postmaster General*, 381 U.S. 301 (1965), it was found that the Postal Service and Federal Employees Act of 1962, which required the postal service to detain and deliver letters after confirming it was not “communist political propaganda”, was unconstitutional and violated the First Amendment. Justice William Brennan elaborates this point by stating his opinion, “I think the right to receive publications is such a fundamental right... [The dissemination of ideas] would be a barren marketplace of ideas that had only sellers and no buyers.”

In the court case *Board of Education, Island Trees Union Free School District No. 26 v. Pico by Pico*, 853 U.S., the Board ordered that certain books be removed from the district's junior high and high school libraries due to their content. A 5-to-4 decision ruled that the removal of books violated the First Amendment. The Board's “discretionary power is secondary to the transcendent imperatives of the First Amendment” (*Board of Education, Island Trees Union Free School District No. 26 v. Pico by Pico*). Therefore, the Board could not restrict books in its libraries on the grounds that its members disagreed with the content.

Suppression of Ideas and Perspectives

Diverse books allow people to be introduced to new ideas, theories, people, and cultures, according to Knox (2019). They also allow people to see themselves reflected in literature, while offering others a perspective that is entirely different from what they might be familiar with.

In the article “Silencing Stories: Challenges to Diverse Books” by Emily J.M. Knox (2019), she provides the example of *The Hate U Give* by Angie Thomas. *The Hate U Give* centers around a Black female protagonist whose best friend was unjustly killed by a White police officer. Deeply affected by the death of her best friend, she joins the movement to fight against injustice in the U.S. This book skyrocketed in popularity during the Black Lives Matter movement in 2020, when the very premise of *The Hate U Give* reflected current events at the time — most notably the murder of George Floyd.

The Hate U Give has been banned in multiple school districts for reasons of “promoting negative views of police”, “being pervasively vulgar,” and the use of drugs and alcohol, according to the American Library Association’s Office for Intellectual Freedom. The book was one of the 10 most challenged books in 2017 (ALA OIF, 2017).

Banning books limits the exploration of different perspectives. Diverse books offer a window into another life, teaching empathy and understanding of others, especially in young minds (Castro, 2020). For society to function properly, people must respect one another. Books that discuss different points of view can promote an understanding of others, ultimately leading to a more inclusive and harmonious society.

Challenges to the First Amendment in the Modern Context

PEN America, a nonprofit organization, maintains a registry of banned books in the United States. According to their latest research, it was found that during the first semester of the 2022-2023 school year, approximately 1,477 cases of book bans occurred, affecting 874 titles (Meehan & Friedman, 2023). There was a 28% increase in book bans compared to the prior six months. According to PEN America, the top 10 most banned books of the 2022-2023 school year

were: *Tricks* By Ellen Hopkins (33 bans), *The Bluest Eye* by Toni Morrison (29 bans), *Looking for Alaska* by John Green (27 bans), *A Court of Mist and Fury* by Sarah J. Maas (27 bans), *Gender Queer: A Memoir* by Maia Kobabe (26 bans), *The Perks of Being a Wallflower* by Stephen Chbosky (25 bans), *Thirteen Reasons Why* by Jay Asher (24 bans), *Sold* by Patricia McCormick (24 bans), *Crank (Crank Series)* by Ellen Hopkins (23 bans), and *Empire of Storms* by Sarah J. Maas (22 bans). Common themes among these books include sexually explicit content, language use, depictions of suicide and death, racial and gender identities, etc.

Restricted access to books extends past classroom walls and into prison walls. In the article “Prisoners’ Right to Read: An Interpretation of the Library Bill of Rights” by the American Library Association, they assert the interest in preserving intellectual freedom for individuals of any age held in jails, prisons, detention facilities, juvenile facilities, immigration facilities, or prison work camps, whether public or private (ALA, 2010).

During the court case *Procunier v. Martinez*, 416 U.S. 428 (1974), Supreme Court Justice Thurgood Marshall wrote, “When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas... the needs for identity and self-respect are more compelling in the dehumanizing prison environment.” Access to information and ideas outside the prison is essential for a successful transition back into a free society for individuals who are incarcerated (ALA, 2010). There are federal, state, or local laws that prohibit correctional libraries from containing materials that instruct, incite, or advocate criminal action, but only those materials that present an immediate and compelling risk should be restricted (ALA, 2010). The freedom to choose what to read is crucial, and limiting certain ideas is harmful for a democratic society. Restricting intellectual freedom harms those who are marginalized from society, as well as those who are active participants in it.

In the digital age, it is incredibly difficult to remove a book from the Internet. There are many applications that offer digital formats of books, like Libby and Overdrive, and all a person needs is a free library card to access thousands of titles. Not to mention companies like Amazon and Barnes & Noble having their own respective platforms to access digital books, such as Kindle and Nook, and the illegal copies of books circulating on the Internet. One can never truly remove something from the Internet. Access to information is easier than ever, so attempting to remove a digital book is an effort made in vain. However, there are controls put in place to limit the amount of access one's family member has.

Counterarguments and Rebuttals

Banning books is typically done in the best interest of those who would have access to the books, especially children. Common arguments in favor for banning books can include: that the parent has the right to choose what kind of material is being exposed to their child, that children should not be exposed to sex, violence, or other inappropriate topics in schools or public libraries, and that keeping inappropriate materials out of libraries protects children, but does not prohibit authors from writing those books or others from reading the books from somewhere else (*Banned Books - Top 3 Pros and Cons*, 2020).

Children could be exposed to books that their parents would not approve of, and they would have no idea what their child is reading, and could not prevent it. Exposure to graphic material can lead to negative psychological effects (Huesmann, 2007) and could cause children to engage in sexual or violent acts at an earlier age due to exposure. According to the Family Research Center, removing books from libraries is a matter of discretion and respecting the community's values, and does not prohibit people from accessing books from other locations.

However, no matter how noble the intentions may be, these reasons do not justify violating freedom of speech and access to information. Parents have the right to restrict what their children consume, but they do not have the right to restrict access for others. The First Amendment applies to people of all ages and does not stop within school walls. Books that contain explicit content reflect the reality of the world — violence, sex, profanity, sexual and gender identity are common concepts, and books allow people to gain a better understanding of the world around them. People may not have the means or ability to travel to another location to access books due to financial or geographical constraints.

The Constitution is “the law of the land” and shall not be infringed upon; this includes the freedom of speech and access to information. For a democracy to thrive, people must have access to current information and ideas to form their own opinions and contribute to society.

Conclusion

Banning books has been a part of society for thousands of years worldwide, and there is no indication that it will cease. The reasons for banning books always stem from protecting individuals from potentially harmful topics, but no reason is above the Constitution in the eyes of the law.

Banning books is a violation of the First Amendment, as it suppresses freedom of speech and limits the diversity of ideas in society. As a society that prioritizes democracy and individual rights, and freedoms, book bans only prohibit the potential of the individual.

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