

NATIONAL COALITION AGAINST CENSORSHIP

March 29, 2022

Hon. Jared Patterson
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768

Dear Representative Patterson,

On March 2, you and 21 other members of the Texas House of Representatives wrote a letter asking the superintendents of every school district in the state to sign a pledge that they will not “partner with, purchase from or associate with in any way” a vendor who has supplied “pornographic” material or “child pornography” to public schools. The pledge also commits the signer “to root out and remove explicit and obscene books” from school libraries.

As a member of the Texas legislature, you know that “obscenity” and “child pornography” are legal terms, with very specific definitions. A book is not legally obscene unless it meets the three-part test established by the U.S. Supreme Court. The Texas obscenity statute provides that nothing is obscene unless: 1) that the average person, applying contemporary community standards, would find it appeals to the prurient interest in sex; 2) that it depicts or describes specified sexual acts, and 3) “taken as a whole, lacks serious literary, artistic, political, and scientific value.”

The Texas child pornography statute is even narrower. It bans the production or sale of any “motion picture, photograph or other visual representation” of a child under the age of 18 engaged in sexual conduct. The Supreme Court has declared that only depictions of actual children being sexually abused can be punished.

It is immediately clear that no school district in Texas has ever purchased obscenity or child pornography. The signers of your letter know that it will not help a single child, even if every school district adopts your pledge.

What, then, is the point? Is it simply to intimidate school officials so they will stop buying books that provide important information about sex, gender identity and sexual abuse? Are you trying to bully school librarians into removing life saving books from their collections? Or is this a political attempt to exploit and perpetuate the cultural hysteria that has led some extremists to call teachers, librarians and other educational professionals “pedophiles”?

NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
AICA-USA
American Association of
School Administrators
American Association of
University Professors
American Association of
University Women
American Booksellers for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Jewish Committee
American Library Association
American Literary Translators Association
American Society of Journalists & Authors
Americans United for Separation of Church
& State
Association of American Publishers
Authors Guild
Catholics for Choice
Children's Literature Association
College Art Association
Comic Book Legal Defense Fund
The Creative Coalition
Directors Guild of America
The Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
Freedom to Read Foundation
Global Alliance for Behavioral Health and
Social Justice
International Literacy Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of the Churches
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The NewsGuild-CWA
PEN America
People For the American Way
Planned Parenthood Federation
of America
Project Censored
SAG-AFTRA
Sexuality Information & Education Council
of the U.S.
Society of Children's Book Writers
& Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church,
United Methodist Communications
Women's American ORT
Woodhull Sexual Freedom Alliance
Writers Guild of America, East
Writers Guild of America, West

Let's be honest. You are not protecting students from obscene and explicit content. You are censoring books and denying students the well-rounded education that is essential to preserving a healthy democracy.

Sincerely yours,

A handwritten signature in black ink that reads "Chris Finan". The signature is written in a cursive, flowing style.

Christopher Finan
Executive Director

Additional signatories:

American Society of Journalists and Authors
Comic Book Legal Defense Fund
Defending Rights and Dissent
Woodhull Freedom Foundation

cc: Additional signatories of the March 2 letter