

My name is Emily O’Neal, and I am the past-Chair of the Intellectual Freedom Committee (IFC) with the Oregon Library Association (2020-2023), Oregon’s Law 4 Librarians trainer through the American Library Association, and Oregon’s Librarian of the Year for 2024. I am writing today with strong support for SB 1098.

As someone who has helped guide libraries through their challenge situations over the past several years, I can speak with clarity and objective evidence that discrimination in schools is indeed happening at an extraordinary level, and that much of that discrimination is coming in the form of silencing lived experiences that are outside of the majority demographic. ALL, every single one, of the 32 different book censorship instances that have occurred across Oregon over the past 18 months have involved books with characters that are either LGBTQ or BIPOC. Every, single, one of them. If the concern were actually about sexual content, the concerns would be balanced across both homosexual and heterosexual content, which is just statistically not what is happening. This is discrimination, and this is silencing of minority lived experience.

Here are some examples of the instances the IFC has been aware of this past year:

- There was a situation last year in a school district on the coast where a parent aggressively shouted in a school setting against the LGBTQ+ lifestyle; later, she submitted a reconsideration request about a book with an LGBTQ+ character. In that case, the district did not move forward with the request because it was blatantly discrimination against a protected class. Had the library and district staff not been as aware as they were, that request might have moved forward.
- There was a situation in Central Oregon last year, where the request for reconsideration blatantly called out removal of LGBTQ materials.
- The appendix of the [2024 OIFC report](#) lists all titles that were challenged in Oregon between July 1, 2023 and June 30, 2024. You can see there are several for which the only objection listed is “2SLGBTQIA+.” No objections mentioned race. However, we know that in some cases, people hide their true or full objections behind other objections.
- I’d like to re-share some of the written testimony from the State Library, which is part of the 2024 OIFC report, too: “A clear pattern has emerged in recent OIFC reports: incidents and challenged materials are disproportionately about, by, or center the stories of individuals who belong to an underrepresented protected class under ORS 659.850. In 2023-24, 87% of the items challenged told the stories of one or more underrepresented groups. 66% of challenged materials focused on 2SLGBTQIA+ people, while 22% centered Black, Indigenous, or people of color.”

- There was an issue last year with the OBOB book that students were told they could not read because it was "inappropriate" for merely featuring (not as main characters) a LGBTQ married couple.
- All in there have been 8 separate schools that have removed content from their libraries this last year – all of them with characters that identify as either LGBTQ or BIPOC.

Additionally, in reading the letters of opposition, I feel it pertinent to explain many of the miss information being shared.

First, there is an assumption that this bill means that libraries will carry “age inappropriate” materials, which is foundationally not true. Book are written and reviewed with that is professionally referred to as the “intended audience of the work”. This intended audience first comes from the author, as to the audience created their work for. This is then handed to their publisher, who reviews and confirms. This is then given to professional reviewers nationwide, who review the book and part of that process, includes these individuals also assigning the intended audience. With all of that data together, this finally becomes the assigned “intended audience” which is what school libraries use to determine if a material fits the needs of their student. Let me be very clear – there are NO age-inappropriate materials in school libraries.

Additionally, there have been claims that the materials are “pornographic” in some way. The legal test that is used to determine if materials are ‘obscene’ is called the Miller Test, which would need to be applied to all claims of obscene materials in schools. To start, the Miller Test is performed by a judge in a court of law, so a layman or community member does not get to determine the passing of the Miller Test, only a judge can do that. The Miller Test is a three-point test that requires ALL of the points to be true (so “and” statement, not “or”), which are the following:

1. Whether "the average person, applying contemporary community standards", would find that the work, taken as a whole, appeals to the prurient interest,
2. Whether the work depicts or describes, in a patently offensive way, sexual conduct or excretory functions specifically defined by applicable state law,
3. Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

This means that materials must be judged as a whole, not parts taken out of context and that a work cannot be deemed obscene if it has ANY literary, artistic, political or scientific value. Because all schools have selection criteria for library materials that includes a criteria for

materials to uphold the school's educational values, we can be pretty certain that every book in the library has at least one of those values.

Lastly, the opposition is saying that the rights of parents and school boards are being diminished. In reality, to remove something for everyone based off the world views of one is where rights are diminished. Additionally, all schools have processes in place to allow for parental involvement in their own child's education, including alternative texts when requested. At no point are materials in classrooms or the library required to be read by a student without the right of a parent to request an alternative title.

Furthermore, I'd like to point out the Oregon Department of Education provides the following [Guidance to School Districts: Addressing Challenged Materials in K-12 Education](#). It would benefit you greatly to read or reread this guidance. In the effort of saving you some time, I would like to point you to the following two paragraphs:

ODE affirms a parent's right to determine content that is not appropriate for their child and to exempt their child from those activities. However, a parent's judgment or preference may not be extended to other students or their families. It is the role of the schools, as government bodies, to ensure that all students have equal access and opportunity to consume educational materials. Censorship in the form of challenges to books or other instructional materials seeks to restrict knowledge available to students based on individual sensitivities and concerns. ODE strives to ensure that all students graduate college and career ready, having been exposed to a wide range of materials and schools of thought. OAR 581-021-0045, entitled Discrimination Prohibited, is designed to protect all students and keep their learning environment free from discrimination based on age, disability, national origin, race, color, marital status, religion, sex, or sexual orientation. In a 1982 U.S. Supreme Court case, Board of Education, Island Trees Union Free School District v. Pico, the Court held that school officials cannot remove books from a school library simply because they find the ideas in the book objectionable. Later, in Hazelwood School District v. Kuhlmeier (1988), the Court ruled that any regulation of student free speech needs to be "reasonably related to legitimate pedagogical concerns." According to the Court, the First Amendment protects the rights of students to receive information and ideas.

The U.S. Constitution restricts what a government may do; therefore, public schools, public school libraries and school officials are bound by obligations to uphold and protect the rights guaranteed to all students under the Constitution. A democracy relies

on an informed citizenry capable of self-governance. According to the Supreme Court in *Keyishian v. Board of Education* (1967), “The Nation’s future depends on leaders trained through wide exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues, [rather] than through any kind of authoritative selection.”

I hope that you see that these challenges are coming from a place of discrimination, and are not about the health and well-being of our children. With the IFC made up of Masters level librarians, not one of us have ever found any peer reviewed research that can be shared that proves that reading materials is harmful to minors. On the contrary, we can easily provide you with peer reviewed research that shows that access to diverse materials benefits our youth and creates empathy, cultural understanding, and broadens their world views.

I hope that you see that this bill isn’t about taking away parental choice in what their own minor children read, and in actuality, this bill supports that choice. Schools across Oregon already have in place policies and procedures to ensure a parent can set parameters in school to align with their family values. Parents can ask for exceptions to reading and classroom materials, and parents can and should be involved in the personal reading choices of their children. But what is not suitable for one family may be exactly right for another, and to allow for the universal removal of materials, specifically materials that support emotional intelligence and empathy development, and materials that bring light to lesser represented voices in our communities would indeed be considered both censorship and discrimination.

Please vote to support this bill, please support Oregon communities in our clear request to protect access to materials in our schools.

I’m happy to answer any questions.