

Most States Have Exempted School Libraries From Obscenity Laws

By Alice Giordano, Epoch Times

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As more states launch criminal investigations into public school libraries for carrying sexually graphic books, top advocates against child exploitation said the investigations will likely be stymied by little known exemptions that specifically exclude schools from criminal obscenity laws.

Mary McAlister, an attorney for the Child and Parental Rights Campaign, said the exemptions were allowing school librarians, and other staff, to expose children to material that would be otherwise criminal.

"If I walked across the street and handed these same books to my neighbor's children I would probably be arrested," McAlister told The Epoch Times, "but, with the exemption, the schools can peddle whatever they want."

McAlister is also the president of the Reisman Institute. The Reisman Institute was founded by Judith Reisman, who worked as an FBI consultant on child pornography under the Reagan Administration. Reisman passed away unexpectedly in April.

Before her death, Reisman was working alongside several other organizations—including Pornography Is Not Education—with lawmakers in several states to pass new anti-obscenity laws for children and repeal what is commonly known as OES (Obscenity Exemption Statutes).

States adopted the statutes in the 1960s—as part of a drive to create a sex education curriculum based on Dr. Albert Kinsey's teachings that children are sexual from birth.

All but seven states—Alaska, Arizona, Colorado, Missouri, Oklahoma, New Jersey and Rhode Island—adopted an OES that specifically exempted schools and/or public school libraries, from state criminal laws against exposing children to obscene material.

There is pending legislation in Nebraska, Minnesota, Iowa, and Indiana, calling for the repeal of obscenity law exemptions for school libraries.

Minnesota, North Carolina, Florida, and Pennsylvania, are among many states with pending criminal investigations—prompted by parental complaints that their school libraries were carrying books containing pornography.

In Texas, Gov. Gregory Abbott and other Republican lawmakers have called for a statewide investigation into the availability of what they called "pornographic books."

Iowa Senator Brad Zaun, in spearheading repeal measures of the state's OES, threatened school officials with jail for having the books in their libraries.

"My warning to all the teachers, and the administrators, is you're going to be in jail. Because this is distributing pornography. And I will work my tail end off and it will become law," threatened Zaun, at a November school meeting.

So far, Maine is the only state to have successfully repealed the exemption in recent times.

Bills introduced in Oregon, Georgia, and Florida, were defeated following opposition led by the ACLU and the American Library Association's Office for Intellectual Freedom.

Deborah Caldwell-Stone, director of the ALA's Office for Intellectual Freedom, did not return repeated requests by The Epoch Times for comments on this article.

The ALA has given special appeal awards for young adults—ages 12 through 18—to some of the most controversial books including *Gender Queer: A Memoir*, *Lawn Boy*, and *All Boys Aren't Blue*.

A parent from the Fairfax County Public School (FCPS) district in Virginia recently made headline news when she read out loud from the book *Gender Queer: A Memoir* and *Lawn Boy* at a school board meeting. With some twist of irony, board members asked Stacy Langton to discontinue reading from the books, because they were inappropriate for children that may be in the audience.

One of the excerpts includes a story about a man who recounts a sexual encounter he had when he was 10 years old with another boy his age.

Many of the parents, and school staff, also defended the books in the library saying they had read them and they felt they met underserved literary, cultural, and emotional needs of gay students.

Robert Rigby, a high school Latin teacher and co-president of FCPS Pride, has been especially vocal in denouncing the complaints about the book as a backlash against LGBTQ inclusion in the school district and nothing to do with obscene material.

"LGBTQ students—and their peaceful existence in classes and schools—have become collateral damage, with uncaring people exploiting their existence for other purposes," Rigby said in November.

Rigby declined request for comment about the protection of the books under the state's obscenity exemption laws, stating in an email to The Epoch Times he didn't have "expertise" on the subject.

Julie Quist, chairwoman of the Children Protection League (CPL), told The Epoch Times the problem she sees with the obscenity exemptions is that they are being used to turn public schools into "petri dishes" for personal agendas.

Quist's organization is working with parents in the small rural town of Alden, Minnesota, to get a 9th grade teacher fired for distributing two sexually explicit poems—and then requiring her students to write essays and have classroom discussions about them.

McAlister said if the schools really believed such content is legal and appropriate, then they should not be objecting to the repeal of obscenity exemption laws.

"The reality is many of the people, who are now the librarians and teachers, were educated in the universities where these things were fully indoctrinated for quite a while and now they are the indoctrinators," she said.