



AMERICAN ATHEISTS

April 3, 2025

The Honorable Rep. Evan Shanley
Chair, House State and Government Elections Committee
82 Smith St.
Providence, Rhode Island 02903

Re: SUPPORT H 5726, Establishing the Freedom to Read as a Human Right

Dear Chairperson Shanley and Members of the House State and Government Elections Committee:

American Atheists, on behalf of its constituents in Rhode Island, thanks you for considering H 5726, the "Freedom to Read Act." Throughout the country, states have enacted restrictive censorship laws that prohibit Americans' access to library books and resources. These laws prevent students from receiving a well-rounded education and hinder their development of crucial life skills. When applied to publicly funded community libraries, censorship laws eliminate librarians' ability to tailor services to meet the needs of patrons and instead force them to conform with the religious beliefs of a few. H 5726 will ensure that Rhode Island's libraries are protected from political whims and can use their expertise to benefit their communities without fear of retaliation. We strongly urge you to protect the First Amendment rights of all Rhode Islanders by supporting this bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheists are accepted as members of our nation's communities and where bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building, and work to end the stigma associated with being an atheist in America. American Atheists believes no person should be denied educational opportunities or information based on the religious beliefs of others.

Libraries are a critical source of education for our society – and especially for young people – because they provide the public with unrestricted access to information. Libraries provide unique opportunities for students to develop necessary media literacy skills and engage with new ideas. They are one of the few remaining public goods that exist solely for the benefit of the communities they serve, and must be protected from political agendas.

The First Amendment provides: "Congress shall make no law . . . abridging the freedom of speech."¹ This clause reflects one of our nation's most foundational principles – people have the right to freely express themselves without fear of government interference or retaliation. Although the right to

¹ U.S. Const., amend. I.

AMERICAN ATHEISTS

225 Cristiani Street • Cranford, NJ 07016-3214
(908) 276-7300 • www.atheists.org

access or disseminate ideas is not explicitly contained within the Free Speech Clause of the First Amendment, the Supreme Court has routinely held that these are fundamental rights corollary to the guarantee of free speech.² More specifically, “the Constitution protects the right to receive information and ideas” as part of Americans’ right to freedom of speech.³

The right to be exposed to new ways of thinking and new information is an essential part of our democracy. This is because “the right to receive ideas is a necessary predicate to the recipient’s meaningful exercise of [their] own rights of speech, press, and political freedom.”⁴ In other words, students must be allowed to engage with ideas, perspectives, and beliefs that do not necessarily align with their own so that they can effectively exercise the full spectrum of their constitutionally-protected rights as adults within a pluralistic society. Encouraging engagement with the marketplace of ideas while still in school empowers young people and gives them the tools they need for their future.

School and public libraries are one of the few places available with the commitment and ability to provide this service. When young people visit libraries, they “can literally explore the unknown, and discover areas of interest and thought” that they would otherwise not be exposed to as part of their school curriculum.⁵

Unfortunately, many states have enacted extremely punitive restrictions on any materials that a member of the public may find objectionable. This subjective standard is most often used to remove materials relating to the LGBTQ+ community, sexuality, race, religion, and any other topics deemed by a few to be contentious.⁶ As a result, underfunded libraries are forced to adapt to hyperpartisan political agendas rather than use their considerable expertise to meet the ever-changing needs of their communities.

Many libraries across the country must use their limited resources to preemptively remove books from shelves in anticipation of legislation, to avoid expensive litigation, or even prevent criminal charges from being brought against library employees. For example, school libraries in Collierville, Tennessee, removed over 300 books discussing gender identity to avoid running afoul of censorship legislation that, ultimately, was not enacted.⁷ In other states, libraries have removed books containing topics their state legislature indicated were targets for future censorship – before legislation was even introduced.⁸

² See, *Lamont v. Postmaster Gen.*, 381 U.S. 301, 308 (1965).

³ *Stanley v. Georgia*, 394 U.S. 557, 564 (1969).

⁴ *Board of Education v. Pico*, 457 U.S. 853 (1982).

⁵ *Right to Read Defense Committee v. School Committee*, 454 F.Supp. 703, 715 (Mass. 1978).

⁶ Over 40% of titles banned in libraries contain LGBTQ themes, with another 40% containing prominent characters of color, and a further 21% containing titles focused on race or racism. Gracie Roper, *Constitutional Law Librarians Are Not Babysitters: Enacting Legislation to Curtail Unconstitutional Books Bans*, 47 U. Ark. Little Rock L. Rev. 83, 91 (Fall 2024).

⁷ Removal of 327 Books with LGBTQ+ Themes by TN District is “Heartbreaking” Censorship, PEN AM. (Aug. 25, 2022), <https://pen.org/press-release/removal-of-327-books-with-lgbtq-themes-by-tn-school-district-is-heartbreaking-censorship/>.

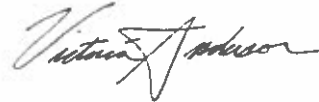
⁸ Eesha Pendharkar, *State Laws Are Behind Many Book Bans, Even Indirectly*, Report Finds. Educ. Week (May 19, 2023), <https://www.edweek.org/teaching-learning/state-laws-are-behind-many-book-bans-even-indirectly-report-finds/2023/05>.

These removals are not merely proactive adherence to potential laws. Libraries and their staff have every reason to fear censorship laws long before they are enacted because these laws often contain criminal sanctions for failing to comply. Tennessee, Oklahoma, Arkansas, Missouri, and Indiana explicitly allow criminal charges to be brought against librarians or anyone who provides “obscene” books to minors.⁹ It is imperative that Rhode Island enact measures like H 5726 so that professionals across the state are not forced to choose between their own freedom and their patrons’ freedom to read.

H 5726 will protect young people’s First Amendment rights; shield libraries and library workers throughout the state from government censorship by affirming that the freedom to read is a fundamental human right; and safeguard that liberty from erratic electoral politics and reactionary policies. Public and school libraries are essential for young people’s development and for the overall well-being of the entire community. They should be allowed to operate without fear of unwelcome and unnecessary scrutiny by bad actors seeking to impose their narrow religious beliefs onto all. We urge you to support this vital and timely bill.

Should you have any questions regarding American Atheists’ support for H 5726, please contact me at vanderson@atheists.org.

Sincerely,



Victoria Anderson
State Policy Specialist
American Atheists

⁹ Hannah Natanson, *School Librarians Face a New Penalty in the Banned-Book Wars: Prison*, Wash. Post (May 18, 2023), <https://www.washingtonpost.com/education/2023/05/18/school-librarians-jailed-banned-books/>.