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”?
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,

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