

## Cover up the art and shutter the library!

The Senate Judiciary Committee has approved a bill that will purge literature from our schools, censor art classes, and stop field trips.

Senate Bill 401 does two things:

Under current law, one can defend the display of art in an art history class because of the importance of a particular work of art. For example, works that include nudes - Michelangelo's statue of *David*, Peter Paul Rubens' painting *The Fall of Man* - are important in the history of art. Students can see them as part of instruction and, if a parent objects and accuses the school of promoting obscenity, the "affirmative defense" allows the school to argue the artistic merit of the piece in question.

Senate Bill 401 removes from public, private and parochial schools the defense of literary or artistic merit or significance when someone accuses the school of exposing students to "offensive" materials.

The same applies to literature. For years people have tried to get books pulled from literature classes and school libraries. Huckleberry Finn, I Know Why the Caged Bird Sings, Are You There God? It's Me, Margaret are three examples of books that have been challenged over the years. But the defense of literary merit has been allowed. Senate Bill 401 removes that defense from public, private, and parochial schools.

If you think this only has to do with "obscenity," you are wrong. While the bill does address obscene materials, its provisions also apply if "a reasonable person would find that the material or performance lacks serious literary, scientific, educational, artistic or political value for minors." This language is so broad as to include almost anything. Could someone challenge Sinclair Lewis' Elmer Gantry as lacking "political value?"

The second thing the bill does thanks to a committee amendment is to lower the standard under which an educator can be sent to court from "knowingly" exposing a minor to such materials to "recklessly." Under current law, a person would have to know he/she was showing offensive materials. Under the amendment, if a teacher has an art history book on his/her desk and a student flips through it and sees a nude, the teacher

can be accused of recklessly exposing the student to that image. A teacher who takes a field trip to the state capitol and suddenly notes the bare breasted woman in the artwork in the rotunda can be accused of recklessly exposing students to nudity.

Think it's far-fetched? The lead proponent of this legislation is the American Family Association in Kansas which has been leading an effort to force the removal of a sculpture of a bare-breasted woman from a public arboretum in Johnson County, going so far as to successfully petition to impanel a grand jury on the issue.

If this bill were to pass, it would provide more ammunition for anyone to petition to bring a teacher, librarian, or principal before a grand jury.

This bill will be considered by the full Senate. We urge everyone to contact their state senator and ask that SB 401 be rejected.

Click here to contact your Senator!<sup>[1]</sup>

OR: If you know your Senator, use this protocol for email:  
firstname.lastname@senate.ks.gov.

1. <http://click.email.nea.org/>?

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