



Request for Reconsideration of Library Materials

Professional librarians are responsible for the selection and evaluation of library resources for the Bentonville Public Library. Procedures to address concerns about those resources have been established. Completion of this form is the first step in those procedures.

If you wish to request reconsideration of Library resources, please return the completed, signed form to the Library Director of the Bentonville Public Library, 405 South Main, Bentonville, AR 72712.

Important Notice: This request form may become public information immediately upon submission, in accordance with the Freedom of Information Act. This request, including your name/contact information, is open to public disclosure.

Name	Date HHS 1/13/22
Address	City Bentonville
State AR	Zip
Phone	
Do you represent self? yes	Organization? NA

Signature: _____

Please describe the item in question:

Title Gender Queer
Author(s) Maia Kobabe
Publisher Oni Press
Format (book, recording, etc) book
Call number or location in the library ANF 306.7608 K03

Please state the action you wish taken on this item.

Shelf it elsewhere Remove it from the library Other (Please specify)

What brought this resource to your attention?

Other parents expressing concern. Issues with similar books being placed in public school libraries.

What do you believe is the objective of this resource?

Tell the tale of a person's discovery of sex/sexual/gender identity.

Have you examined the entire resource? [yes] [no] If not, then which parts?

I have ^{viewed} the pictures. I object to the pictures in the book. Hence, I did not read the entirety of the book. It goes against my conscience due to the vulgar content. I will not allow it in my home due to minors present. Also, it is currently removed from circulation for review.

What concerns you about the resource? Please be very specific, providing precise passages and page numbers.

Graphic, detailed, explicit pictures showing minors having oral sex & lying in a sexual position. Nudity. Conversation between a brother & a sister about vaginal slime which is inappropriate for a sibling relationship. Depiction of masturbation. Although it is in the adult section, anyone can view it & check it out.

What age group/audience is this material best suited for? [] Children's [] Young Adult [] Adult

None. This is pornographic & depicts minors in illicit sexual acts.

Do you believe this item serves any of the following purposes?

- Promotes understanding of other cultures/lifestyles [yes] [no]
- Promotes discussion of societal issues [yes] [no]
- Provides information about a subject unavailable from other resource [yes] [no]

This would only be appropriate in a restricted, adult-only library

Are there resources you suggest to provide additional information and/or other viewpoints on this topic?

See attachment.

Have you read Bentonville Public Library's Collection Development Policy? [yes] [no]

The Bentonville Public Library appreciates your interest in the library's collection. You will receive written notification of the decision.

From Justice.Gov

The U.S. Supreme Court established the test that judges and juries use to determine whether matter is obscene in three major cases: *Miller v. California*, 413 U.S. 15, 24-25 (1973); *Smith v. United States*, 431 U.S. 291, 300-02, 309 (1977); and *Pope v. Illinois*, 481 U.S. 497, 500-01 (1987). The three-pronged *Miller* test is as follows:

1. Whether the average person, applying contemporary adult community standards, finds that the matter, taken as a whole, appeals to prurient interests (*i.e.*, an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion);
2. Whether the average person, applying contemporary adult community standards, finds that the matter depicts or describes sexual conduct in a patently offensive way (*i.e.*, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, lewd exhibition of the genitals, or sado-masochistic sexual abuse); and
3. Whether a reasonable person finds that the matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Any material that satisfies this three-pronged test may be found obscene.

Federal statutes specifically prohibit obscenity involving minors. In addition, Section 1466A of Title 18, United State Code, makes it illegal for any person to knowingly produce, distribute, receive, or possess with intent to transfer or distribute visual representations, such as drawings, cartoons, or paintings that appear to depict minors engaged in sexually explicit conduct and are deemed obscene. This statute offers an alternative 2-pronged test for obscenity with a lower threshold than the *Miller* test. The matter involving minors can be deemed obscene if it (i) depicts an image that is, or appears to be a minor engaged in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse and (ii) if the image lacks serious literary, artistic, political, or scientific value.

Child pornography includes not only images of real children, but also computer images that are indistinguishable from real children engaging in sexually explicit conduct. This means that an ordinary person viewing the image would conclude that it is of an actual minor engaged in sexually explicit conduct.

Child Pornography Laws

Arkansas law also prohibits distributing, possessing, or viewing by any means an image, video, or computer file that shows a child (younger than 17) engaged in sexually explicit conduct. At a federal level child pornography is defined by federal law as "any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture ... of sexually explicit conduct" involving a person under the age of 18. Sexually explicit conduct is defined as "actual or simulated" sexual intercourse, bestiality, masturbation, sadistic or masochistic abuse, or lascivious exhibition of the genitals or pubic area which means to be illegal, the image does not need to involve a sexual act.

