



**Palmer Mayor and
Palmer City Council**
City of Palmer
231 W. Evergreen Ave.
Palmer, Alaska 99645-6952

March 21, 2024

To: Attorney General for the State of Alaska, Treg Taylor

Re: Follow up to the November 16, 2023, letter and a request for a Legal Opinion from the Office of the Attorney General determining whether the attached list of challenged books meet the legal definition of materials that are 'harmful to minor' under Alaska's criminal code.

Dear Attorney General Treg Taylor,

The Mayor and the Palmer City Council are requesting a legal opinion from the Office of the Attorney General as to *Whether the attached list of challenged/controversial books meet the legal definition of obscene materials or materials that are 'harmful to minors' under Alaska's criminal code?*

This concern arose when The Palmer Police Department had members of the public asking for the police to arrest the Palmer Public Librarians. These requests were made under AS 11.61.128 Distributions of Indecent Materials to Minors.

The City of Palmer is asking for this guidance as a follow up to your November 16, 2023, letter to Alaska School and Public Libraries. We have been in the process of evaluating and confirming our compliance with Alaskan law. The City of Palmer appreciates the information of the three criminal laws which are most relevant to the circumstances of minors having access to books or similar materials that have graphic depictions of sexual content (whether in sketched or written format).

However, the November 16th letter has spurred much public debate regarding what books are legally considered obscene materials as well as members of the public requesting for librarians to be arrested and prosecuted for checking out certain public library materials to minors, particularly those materials on the challenged book list, (See Attached List).

As a result of these circumstances the City of Palmer is being asked to answer the question as to, "Whether under Alaska criminal statutes, can any of the Palmer Public Librarian(s) be arrested and prosecuted for distributing obscene materials to minors, when a minor check out a controversial or challenged book from the Palmer Public Library?" The City of Palmer cannot answer this question without clarification if the books in the attached list are legally considered to be material(s) that are "harmful to minors" as defined by Alaska Criminal Statutes.

There is a substantial and urgent need for further clarification as it pertains to defining any potential criminal liability of public librarians. As the head of all District Attorneys responsible for prosecuting criminal activity- we, the elected officials of the City of Palmer are seeking a legal opinion determining if the materials listed in the attachment to this letter rise to the legal definition of harmful to minors, as defined in AS 11.61.128(c).

It is our understanding that while case law has historically evolved regarding defining what is legally considered obscene, it is the Supreme Court Case *Miller v. California* which established the Miller's test in 1973 and then further refined by *Pope v. Illinois* in 1987, that were then codified into Alaskan law. The type and content of published books and materials for minors has significantly changed since these laws and rulings were created.

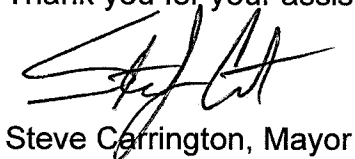
As such, the City of Palmer is seeking further clarification determining if any of the attached list of 56 challenged library materials meet the definition of obscene materials under Alaska Criminal Statutes from your Office; this determination will answer the question regarding the possibility of criminal charges against Palmer Public Librarians.

This issue has occurred in other jurisdictions around the United States where the local Prosecutor or Sheriff's Office (s) offered further guidance on whether the distribution of certain library materials meet the elements of the criminal code. It would be helpful for Alaska's Department of Law through the Office of the Attorney General to offer guidance as to whether the challenged materials are harmful to minors and if consequently the librarians would be subject to criminal charges.

The City of Palmer understands that this is a case specific situation and as such is requesting guidance on the attached list of challenged books on the basis that community members allege these books have graphic sexual content that is not just inappropriate for the viewing of minors but has risen to the level of criminal conduct committed by the Palmer Public Librarians. The City of Palmer is currently navigating our policies and conduct of our organization to ensure compliance with the law and as such are seeking the support and guidance from the Department of Law.

A legal determination by the Office of the Attorney General will be used to ensure that the City's policies, including our material collection development policy, are in alignment with Alaskan law.

Thank you for your assistance in resolving this urgent issue.



Steve Carrington, Mayor

List of Challenged Books (56):

- 1) *The Lovely Bones* authored by Alice Sebold
- 2) *Lucky* authored by Alice Sebold
- 3) *Call Me by Your Name* authored by Andre Aciman
- 4) *You a Novel* authored by Caroline Kepnes
- 5) *Red, White, and Royal Blue* authored by Casey McQuiston
- 6) *It Ends with US* authored by Colleen Hoover
- 7) *Ugly Love* authored by Colleen Hoover
- 8) *Verity* authored by Colleen Hoover
- 9) *Red Hood* authored by Elena Arnold
- 10) *Living Dead Girl* authored by Elizabeth Scott
- 11) *Crank* authored by Ellen Hopkins
- 12) *Identical* authored by Ellen Hopkins
- 13) *Perfect* authored by Ellen Hopkins
- 14) *Tilt* authored by Ellen Hopkins
- 15) *Tricks* authored by Ellen Hopkins
- 16) *The Freedom Writers Diary* authored by Erin Gruwell
- 17) *Wicked: The Life and times of the Wicked Witch of the West* authored by Gregory Maguire
- 18) *Exit Here* authored by Jason Myers
- 19) *Breathless* authored by Jennifer Niven
- 20) *The Haters* authored by Jesse Andrews
- 21) *The Carnival at Bray* authored by Jessi Ann Foley
- 22) *Nineteen Minutes* authored by Jodi Picoult
- 23) *Extremely Loud and Incredibly Close* authored by Jonathan Safran Foer
- 24) *Forever* authored by Judy Blume
- 25) *Kite Runner: Graphic Novel* authored by Khaled Hosseini
- 26) *Kite Runner* by Khaled Hosseini
- 27) *The Duff* authored by Kody Keplinger
- 28) *Slaughterhouse Five* authored by Kurt Vonnegut
- 29) *I Never* authored by Laura Hopper
- 30) *L8r,G8r* authored by Lauren Myracle
- 31) *Shine* authored by Lauren Myracle

- 32) *YOLO* authored by Lauren Myracle
- 33) *Last night at the Telegraph Club* authored by Malinda Lo
- 34) *The Handmaid's Tale* authored by Margaret Atwood
- 35) *This One Summer* authored by Mariko Tamaki
- 36) *Persepolis* authored by Marjane Satrapi
- 37) *Persepolis 2* authored by Marjane Satrapi
- 38) *How Beautiful the Ordinary* authored by Michael Cart
- 39) *Flamer* authored by Mike Curato
- 40) *Sex: an uncensored guide* authored by Nikol Hasler
- 41) *Sold* authored by Patricia McCormick
- 42) *Drama: A Graphic Novel* authored by Raina Telgemeier
- 43) *The Handmaid's Tale: A Graphic Novel* authored Margaret
Atwood
- 44) *Its Perfectly Normal, 1st edition* authored by Robie Harris
- 45) *Water for Elephants* authored by Sara Gruen
- 46) *A Court of Thorns and Roses* authored by Sarah J. Maas
- 47) *A Court of Frost and Starlight* authored by Sarah J. Maas
- 48) *A Court of Mist and Fury* authored by Sarah J. Maas
- 49) *A Court of Silver Flames* authored by Sarah J. Maas
- 50) *A Court of Wings and Ruin* authored by Sarah J. Maas
- 51) *Empire of Storms* authored by Sarah J. Maas
- 52) *Kingdom of Ash* authored by Sarah J. Maas
- 53) *The Perks of Being a Wallflower* authored by Stephen
Chbosky
- 54) *Monday's Not Coming* authored by Tiffany D. Jackson
- 55) *The Bluest Eye* authored by Toni Morrison
- 56) *Homegoing* authored by Yaa Gyasi