

March 6, 2023

Dr. Scott Rocco, Superintendent of
Hamilton Township School District
90 Park Avenue
Hamilton, NJ 08690

Dear Dr. Rocco:

This complaint is being submitted pursuant to *District Policy 9130 Public Complaints and Grievances* for the removal of the book entitled *This Book Is Gay*, by Juno Dawson and published by Sourcebooks Fire from all school libraries as well as district e-book availability to students. Currently, this book is available in Steinert High School's library (maybe others in the district as well). This book's content is not suitable for the maturation level of the children it is available to and contains adult content, sexual situations, vulgarity and may lead children into dangerous situations. It also conflicts with standards in the district's own policies. **Explanation and details of these concerns, along with a sincere request for your attention to the Hamilton Township Board of Education policies and NJ Law are found in this letter. We ask that you read the examples taken directly from the book which are listed below.**

Reference is made to *District Policy 2530 Resource Materials* that states "[t]he Board of Education shall provide resource materials to implement district and school educational goals and objectives..." (emphasis added). *District Policy 2530* further states that "[t]he Superintendent shall be responsible for the selection and maintenance of all resource materials...."

Reference is made to *District Policy 5610 Suspension* which states that a student who is guilty of "habitual use of profanity or of obscene language...shall be liable to punishment and to suspension or expulsion from school."

Reference is made to *District Policy 2361 Acceptable Use of Computer Network/Computers and Resources* that notes:

Internet Safety Protection

As a condition for receipt of certain Federal funding, the school district shall be in compliance with the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and has installed technology protection measures for all computers in the school district, including computers in media centers/libraries. The technology protection must block and/or filter material and visual depictions that are obscene as defined in Section 1460 of Title 18, United States Code; child pornography, as defined in Section 2256 of Title 18, United

States Code; are harmful to minors including any pictures, images, graphic image file or other material or visual depiction that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or depicts, describes, or represents in a patently offensive way, with respect to what is suitable for minors, sexual acts or conduct; or taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors. (emphasis added)

This Policy also establishes Internet safety policy and procedures in the district as required in the Neighborhood Children's Internet Protection Act. Policy 2361 addresses access by minors to inappropriate matter on the Internet and World Wide Web; the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; unauthorized access, including "hacking" and other unlawful activities by minors online; unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and measures designed to restrict minors' access to materials harmful to minors.

It is highly recommended that you read the entire book and ask yourself what are the educational goals and objectives of the school district that This Book is Gay is serving, given the examples highlighted below, and whether this book is suitable to the maturation levels of the children in the district who have access to it.

Examples of Content in This Book Is Gay

This Book is Gay is a self-professed instruction manual "from **sex** to politics, **hooking up** to stereotypes, coming out and more" and provides an "**uncensored exploration of sexuality**" (emphasis added). See the back cover of This Book is Gay.

Below are several references to sections/excerpts contained in This Book Is Gay that underscore the need to remove this book from access to the children in the district's schools. Please note that these are just a few examples to highlight the extremely concerning nature of this book for children.

- On page 47, it states: "The amygdala of gay men is more responsive to porn than those of straight men. So we have bigger dicks and we're hornier. Jus'sayin'."
- On page 74, under a section "Join Us", it states: "This is so ridiculous it hardly warrants airtime, but pornography (more on that later) has led some young heterosexual men to think that scantily clad gay women will coquettishly beckon them into a soft-focus three-way."
- On page 174, under a section entitled "Bars and Night" it states that people go to bars and nightclubs for sex, among other things.
- On page 175, there is a section "How to Flirt."
- Beginning on page 182, there is a section on "Apps" with a subsection entitled "How Sex Apps Work." On page 182, it states: "The smartphone revolution understood that, like anything in the twenty-first century, we'd eventually want to be able to download sex." It also states: "Gay and bi men have taken to app sex

like ducks to sexy water.” Under “How Sex Apps Work,” it provides information on how they work.

- On page 184, there begins a section "The Great Sex App Debate" including a subsection "Some Sex App Tips" (p. 187) which states: "If you're THAT HORNY that you want to do a "sex meet," meet the "trick" in a public place for a drink first. That way you can assess if you fancy them in the flesh/they are not twitchy-eyed freakazoid before letting them into your house."
- Chapter 9, beginning on page 193, is dedicated to "The Ins and Outs of Gay Sex."
 - On page 200 in a discussion under “Part One: Boy-on-Boy Sex” there is a picture of a naked male with the following commentary:
 - "Nipples: A lot of guys like having their nipples played with. They are mega sensitive."
 - "Testicles: Also to be treated with loving care."
 - "Bum: Up your bum you have a prostate gland which feels nice when massaged. The anus is also sensitive and responds to being played with."
 - In this chapter, it goes on to discuss "handies" or hand job. On page 201, it states "[s]omething they don't teach you in school is that, in order to be able to cum at all, you or your partner may need to finish off with a handie." Further it goes on to explain how to do a "good handie" which is "all about the wrist action. Rub the head of his cock back and forth with your hand." On page 202, it states about blowjobs: "It's more about sliding your mouth up and down the shaft of his cock."
 - This chapter then moves into "Bumming" or anal sex on page 202. On page 203, it states: "Straight men like stuff up their bums just as much as gay ones. Why? As mentioned before, the prostate gland (located just up your bum) feels amazing when massaged." Further, on page 203 it states "[t]o have anal sex will need to dedicate a portion of time to ensuring poo doesn't creep into your sexyfuntime."
 - On page 208 it moves on to “Part Two: Girl-on-Girl Sex.” Again, there is a picture of a naked girl and of a vagina. Under the subsection “Doing the Sex”, it discusses:
 - fingers - “Far more effective than a penis in many ways, a hand can do the job of five penises....Lesbians can stimulate the clitoris and vagina and bring their partner to orgasm with their fingers; sometimes both partners can do this simultaneously.”;
 - oral - “That clitoris really does like being licked and kissed.”;
 - toys (discusses dildos); and
 - strap-ons and role play.
 - On page 212, under subsection “Don't take It From Me”, it states: “3. Something in your arse, withdrawn shortly before a clitoral orgasm can feel AMAZING for some people.”

- On page 213, it states “Many straight couples will experiment with power play as well, with one partner being more submissive to the other.”
- On page 215, it states: “Any hole’s a goal (just kidding!) and everywhere feels nice.”
- Under a section called “Why are Gay Men So Slutty?”, on page 220, it states “You can choose to be promiscuous or you can choose not to be.”
- There is a section on “Saunas and Sex Parties” beginning on page 234. On page 235, it states: “Saunas, or “bath houses,” are dotted all over the country, and they are perfectly legal. People (many saunas run lesbian nights) pay some money to enter and then have a bit of a sauna and some random sex.” On page 235, it further states: “The advent of the sex app has also removed the need to pay an entry fee. In big cities, people often use the apps to invite a load of people round for a ‘party’ or a ‘chill out.’ These are code words for an orgy, simple as that. Very often, there are drugs involved (which is silly because nothing makes a cock go floppy like many drugs-therefore, guys also have to take a load of Viagra. How EXHAUSTING.).”
- It also contains a section on “Promiscuity VS. Monogamy” listing pros and cons beginning on page 242.
- On page 245, it discusses rules for open relationships that “allow each other the freedom to act on their desires.”

Content in This Book Is Gay is Not Suitable for Maturation Level of Children and Can Be Harmful

The foregoing examples illustrate that This Book is Gay is NOT suited to the maturation levels of the children who have access to it in your schools. As stated, this book is currently available in Steinert High School (maybe others). Students attending high school typically range in age from 14-18 years old. This book is not of suitable maturation level as it contains adult content, sexual situations and vulgarity. There are sections in this book dedicated to things that are available only to individuals 18 and older or, in some cases, 21 and older. For instance, the discussion on the Grindr app (page 182) and gay bars (page 172). Introducing these adult topics to children can be harmful to children.

The brain of a child is not fully developed. According to the National Institute of Mental Health, the brain is not fully developed until mid to late 20s and teens, therefore, engage in more risky behavior. On its website, it states:

Though the brain may be done growing in size, it does not finish developing and maturing until the mid- to late 20s. The front part of the brain, called the prefrontal cortex, is one of the last brain regions to mature. This area is responsible for skills like planning, prioritizing, and controlling impulses. *Because these skills are still developing, teens are more likely to engage in*

risky behaviors without considering the potential results of their decisions.(emphasis added)

See <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know>.

Accordingly, children are more susceptible to engaging in risky behavior that results in harm.

Pornography is harmful to children. The Merriam-Webster dictionary defines pornography as follows:

“1: the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement

2: material (such as books or a photograph) that depicts erotic behavior and is intended to cause sexual excitement

3: the depiction of acts in a sensational manner so as to arouse a quick intense emotional reaction”

See <https://www.merriam-webster.com/dictionary/pornography>. Because a child’s brain is still developing, subjecting children to books containing adult content, pornography, depiction of pedophilia, sexual situations and vulgarity is harmful to them. “Studies show that porn can damage a developing prefrontal cortex. The area of your brain is critical for decision-making and impulse control—when damaged, children are more likely to act impulsive and make rash decisions. Porn can also damage the dopamine reward system, making it more difficult to find excitement or fulfillment in healthy relationships.” See <https://www.bark.us/blog/porn-dangers-damages/#:~:text=Studies%20show%20that%20porn%20can,impulsive%20and%20make%20rash%20decisions>. Again, according to UNICEF, “[e]xposure to pornography at a young age may lead to poor mental health, sexism and objectification, sexual violence, and other negative outcomes. Among other risks, when children view pornography that portrays abusive and misogynistic acts, they may come to view such behaviour as normal and acceptable.” See <https://www.unicef.org/harmful-content-online#:~:text=Exposure%20to%20pornography%20at%20a,behaviour%20as%20normal%20and%20acceptable>. In the article, “How Pornography Harms Children: The Advocate’s Role” by Allison Baxter posted on the American Bar Association’s website, it is detailed how pornography normalizes sexual harm, promotes aggression towards women, shapes negative attitudes and behaviors towards women, affects healthy intimate relationships and can lead to addiction.

https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-33/may-2014/how-pornography-harms-children--the-advocate-s-role/. In this article it is noted that, “[y]outh are more likely than adults to be diagnosed with more than one mental health issue, including sexual acting out, substance abuse, and other disorders.” Id.

Not only is a book with this type of content harmful but contains content that in other settings is recognized as not appropriate for children. If this book were a movie,

would the district approve for it to be shown to the children in the district? There is a rating system for movies “provides parents with the information needed to determine if a film is appropriate for their children.” See [www. https://www.motionpictures.org/film-ratings/](https://www.motionpictures.org/film-ratings/). Schools in this district seek parental consent for showing movies in elementary school that are PG or PG-13. Under the movie rating system, a movie is prescribed a R rating as follows:

An R-rated motion picture, in the view of the Rating Board, contains some adult material. An R-rated motion picture may include adult themes, adult activity, hard language, intense or persistent violence, sexually-oriented nudity, drug abuse or other elements, so that parents are counseled to take this rating very seriously. Children under 17 are not allowed to attend R-rated motion pictures unaccompanied by a parent or adult guardian. Parents are strongly urged to find out more about R-rated motion pictures in determining their suitability for their children. Generally, it is not appropriate for parents to bring their young children with them to R-rated motion pictures.

See CLASSIFICATION AND RATING RULES of Motion Picture Association, Inc. and the National Association of Theatre Owners, Inc., Effective as revised July 24, 2020, https://www.filmratings.com/Content/Downloads/rating_rules.pdf.

Under the movie rating system, a movie is prescribed a NC-17 rating as follows:

An NC-17 rated motion picture is one that, in the view of the Rating Board, most parents would consider patently too adult for their children 17 and under. No children will be admitted. NC-17 does not mean "obscene" or "pornographic" in the common or legal meaning of those words, and should not be construed as a negative judgment in any sense. The rating simply signals that the content is appropriate only for an adult audience. An NC-17 rating can be based on violence, sex, aberrational behavior, drug abuse or any other element that most parents would consider too strong and therefore off-limits for viewing by their children.

See CLASSIFICATION AND RATING RULES of Motion Picture Association, Inc. and the National Association of Theatre Owners, Inc., Effective as revised July 24, 2020, https://www.filmratings.com/Content/Downloads/rating_rules.pdf.

Further, in the television and radio world, the Federal Communications Commission prohibits indecent and profane content from being on broadcast TV and radio between 6 a.m. and 10 p.m., when there is a reasonable risk that children may be in the audience.

This Book is Gay contains adult content or themes, adult activity, pornography, language and other sexually oriented elements. Why is the school district making a book available to children that nonchalantly discusses risky behavior such as multiple sex partners, three-somes, anal sex and sex apps, just to name a few, when such children are more likely to engage in risky behavior because their brain is not fully

developed? This book is a how-to engage in risky behavior. Teens generally believe that nothing bad is going to happen to them. By providing access to This Book Is Gay, the district is reinforcing this how-to leading children to potentially dangerous situations. This book is NOT suitable for the maturation level of the children in your schools and, by viewing and reading it, children can be harmed.

Does This Book is Gay Does Not Serve the Education Goals and Objectives of the District with its Adult Content, Sexual Situations and Vulgarity that May Lead Children Into Dangerous Situations.

This Book is Gay is wrought with adult content, sexual situations, pornography and vulgarity which leads one to the question what educational goals and objectives of the district is this book is serving. Is it the goal of the district to teach children how to give a good hand job? How to prepare a “bum” for anal sex? How to sign up for sex on a sex app? Informing children that people like having their nipples played with? This book discusses adult and sexual content in a nonchalant and light-hearted way. It is also pornographic.

This book gives instruction to the reader on how-to use sex apps and meet up with people for sex. This can put children, who attend the schools you are responsible for, in a bad situation. The internet is used for sex trafficking and pedophilia. Meeting up with strangers can put you in a vulnerable situation to be harmed. As stated, this book discusses topics in a nonchalant and lighthearted way. Anything you want to do is okay as long as you are safe. If a child cannot fully understand the risks (noting again that the brain is not fully developed), how can a child make sure he or she is going to be safe? No book in a public-school library should provide instructions on how to use a sex app and discuss other adult content, i.e. bars, saunas, sex parties.

This book also desensitizes minor children to sexual content and sexual situations. It does so, for example, in giving instructions on how to give a hand job, discussions of strap-ons, referencing threesomes, etc. By desensitizing minor children to sexual content and sexual situations, it could potentially put such minor children in situations they do not recognize as harmful. They then can be taken advantage of or be harmed.

The District Providing Access to This Book is Gay Conflicts with Standards Set Out in District Policies and May Break the Law

By providing access to This Book Is Gay the district is endorsing language and behavior prohibited by certain district policies. Note that not every policy that is conflicting is sited in this letter. These district policies were adopted to protect the children in the district's schools. For example, if a student discussed that a clitoris likes being licked and kissed or that you need to rub the head of a cock to give a good hand job in the hallway or classroom at school, this student could be suspended under District Policy 5610. If using the school network a student looks up sex parties or blow jobs, it likely would be blocked from coming up under District Policy 2361. So why is it

any different when in book format? Why is it okay for the district to provide access to language and situations that a student talking about in school can get that student suspended? Is the district not then endorsing such behavior? The Children's Internet Protection Act was adopted to protect children yet the district is providing access to a book that highlights the use of sex apps. What could possibly go wrong? These are just a few examples that by providing access to This Book is Gay the district is undermining and conflicting with other district policies.

This district should also consider whether by having This Book is Gay available to children and other books with similar content is in violation of the New Jersey Code of Criminal Justice, Section 2C:34-3 Obscenity for persons under 18 or New Jersey Revised Statute Section 9:6-1. Abuse, Abandonment, Cruelty and Neglect of Child; What Constitutes. See Exhibits A and B to this complaint.

Conclusion

This Book is Gay must be removed from all school libraries as well as district e-book availability to students. This book's content is not suitable for the maturation level of the children it is available to and, unless the goal is to instruct students on how to meet people for sex, how to commit intimate sexual acts and provide explicit sexual content among other things, it does not serve the educational goals and objectives of the district. This book contains adult content, sexual situations, pornography and vulgarity in an often nonchalant and lighthearted way that may lead children into dangerous risky situations. Further, it potentially opens the district up to liability if a child who reads this book, whether it be in school, by taking the book out of the school library or by access to it by any means provided by the district, is harmed as a result of it. By providing access to This Book is Gay, the district is undermining and conflicting with existing district policies. The district may also be in violation of New Jersey law. Please immediately remove This Book is Gay from access to the children in the district.

Regards,

Monica Quaste

John Muka

Claire Burns

Patricia Staley

Joseph Jesson

Jeff Hewitson

Rosemary Griegel

CC: Susan Lombardo

Dina Thornton

Stacy Byrne

Anthony Celetano

Liam Z. Gonzales

Susan Ferrara

Christina Vassiliou Harvey

Richard Kanka

Jason McSheen

Exhibit A

2022 New Jersey Revised Statutes\Title 2C - The New Jersey Code of Criminal Justice

Section 2C:34-3 - Obscenity for persons under 18

Universal Citation: NJ Rev Stat § 2C:34-3 (2022)

2C:34-3. Obscenity For Persons Under 18.

a. Definitions for purposes of this section:

(1) "Obscene material" means any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

(2) "Obscene film" means any motion picture film or preview or trailer to a film, not including newsreels portraying actual current events or pictorial news of the day, in which a scene, taken by itself:

(a) Depicts a specified anatomical area or specified sexual activity, or the simulation of a specified sexual activity, or verbalization concerning a specified sexual activity; and

(b) Emits sensuality sufficient, in terms of the duration and impact of the depiction, to appeal to prurient interest.

(3) "Specified anatomical area" means:

(a) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if covered.

(4) "Specified sexual activity" means:

(a) Human genitals in a state of sexual stimulation or arousal; or

(b) Any act of human masturbation, sexual intercourse or deviate sexual intercourse; or

(c) Fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast.

(5) "Knowingly" means:

(a) Having knowledge of the character and content of the material or film described herein; or

(b) Having failed to exercise reasonable inspection which would disclose its character and content.

(6) "Exhibit" means the sale of admission to view obscene material.

(7) "Show" means cause or allow to be seen.

b. Promoting obscene material.

(1) A person who knowingly sells, distributes, rents or exhibits to a person under 18 years of age obscene material is guilty of a crime of the third degree.

(2) A person who knowingly shows obscene material to a person under 18 years of age with the knowledge or purpose to arouse, gratify or stimulate himself or another is guilty of a crime of the third degree if the person showing the obscene material is at least four years older than the person under 18 years of age viewing the material.

c. Admitting to exhibition of obscene film.

(1) Any person who knowingly admits a person under 18 years of age to a theatre then exhibiting an obscene film is guilty of a crime of the third degree.

(2) A person who knowingly shows an obscene film to a person under 18 years of age with the knowledge or purpose to arouse, gratify or stimulate himself or another is guilty of a crime of the third degree if the person showing the obscene film is at least four years older than the person under 18 years of age viewing the film.

d. Presumption of knowledge and age.

The requisite knowledge with regard to the character and content of the film or material and of the age of the person is presumed in the case of an actor who sells, distributes, rents, exhibits or shows obscene material to a person under 18 years of age or admits to a film obscene for a person under 18 years of age a person who is under 18 years of age.

e. Defenses.

(1) It is an affirmative defense to a prosecution under subsections b. and c. which the defendant must prove by a preponderance of evidence that:

(a) The person under age 18 falsely represented in or by writing that he was age 18 or over;

(b) The person's appearance was such that an individual of ordinary prudence would believe him to be age 18 or over; and

(c) The sale, distribution, rental, showing or exhibition to or admission of the person was made in good faith relying upon such written representation and appearance and in the reasonable belief that he was actually age 18 or over.

(2) It is an affirmative defense to a prosecution under subsection c. that the defendant is an employee in a motion picture theatre who has no financial interest in that motion picture theatre other than his wages and has no decision-making authority or responsibility with respect to the selection of the motion picture show which is exhibited.

L.1978, c.95; amended 1989, c.54, s.2; 1999, c.227.

Exhibit B

9:6-1. ABUSE, ABANDONMENT, CRUELTY AND NEGLECT OF CHILD; WHAT CONSTITUTES

Abuse of a child shall consist in any of the following acts: (a) disposing of the custody of a child contrary to law; (b) employing or permitting a child to be employed in any vocation or employment injurious to its health or dangerous to its life or limb, or contrary to the laws of this State; (c) employing or permitting a child to be employed in any occupation, employment or vocation dangerous to the morals of such child; (d) the habitual use by the parent or by a person having the custody and control of a child, in the hearing of such child, of profane, indecent or obscene language; (e) the performing of any indecent, immoral or unlawful act or deed, in the presence of a child, that may tend to debauch or endanger or degrade the morals of the child; (f) permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child; (g) using excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or (h) in an institution as defined in section 1 of P.L.1974, c. 119 (C. 9:6-8.21), willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation.

Abandonment of a child shall consist in any of the following acts by anyone having the custody or control of the child: (a) willfully forsaking a child; (b) failing to care for and keep the control and custody of a child so that the child shall be exposed to physical or moral risk without proper and sufficient protection; (c) failing to care for and keep the control and custody of a child so that the child shall be liable to be supported and maintained at the expense of the public, or by child caring societies or private persons not legally chargeable with its or their care, custody and control.

Cruelty to a child shall consist in any of the following acts: (a) inflicting unnecessarily severe corporal punishment upon a child; (b) inflicting upon a child unnecessary suffering or pain, either mental or physical; (c) habitually tormenting, vexing or afflicting a child; (d) any willful act of omission or commission whereby unnecessary pain and suffering, whether mental or physical, is caused or permitted to be inflicted on a child; (e) or exposing a child to unnecessary hardship, fatigue or mental or physical strains that may tend to injure the health or physical or moral well-being of such child.

Neglect of a child shall consist in any of the following acts, by anyone having the custody or control of the child: (a) willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home, or (b) failure to do or permit to be done any act necessary for the child's physical or moral well-being. Neglect also means the continued inappropriate placement of a child in an institution, as defined in section 1

of P.L.1974, c. 119 (C. 9:6-8.21), with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being.