

## *Keeping Books Safe*

A Bad Law Threatens Our Past

All that Mankind has done, thought, gained or been: it is lying as in magic preservation in the pages of Books.

—Thomas Carlyle

**B**ooks convey and preserve voices. Reading books from a time not our own is our most direct access to that time. Works of literature, like other art, have gone in and out of

fashion, but once published, a writer's work should remain for all generations to read. In the words of Joseph Addison, "Books are the legacies that a great genius leaves to mankind, which are delivered down from generation to generation, as presents to the posterity of those who are yet unborn."

Imagine, then, a dystopian horror tale in which virtually all books from the past were destroyed. Unlike the

censored society in Ray Bradbury's *Fahrenheit 451*, old books owned by scattered eccentric individuals would be left alone, but only books from a narrow strip of the present would be publicly available for sale or lending. Present-day publishers could select some classics to be among these, and they could select other classics to revise "for today's readers," but *which* books were available and *in what form* would be entirely dependent on these publishers. Books that did not meet the ideologies of the publishers, the demands of the mass market, the trends of the day, would be destroyed. Even worse than censorship in which books are burned for content some deem objectionable, these books would be destroyed *en masse*, without individual consideration, only because they were not current.

That incredible scenario is actually playing out in terms of children's books under a law meant to protect toddlers from lead contaminants in toys. Called the Consumer Product Safety Improvement Act (CPSIA), the law was passed in August 2008—quickly, without scrutiny, and nearly unanimously—in response to the Chinese lead toy scare of 2007. The act defines its mission so broadly as to cover all "children's products," including children's books. The Consumer Product Safety Commission (CPSC), the agency charged with enforcement, issued guidelines days before CPSIA was to take effect in February 2009 specifying that *all* children's books published before 1985 would become illegal to sell unless they passed a lead-content

test: less than 600 parts per million, dropping down to 300 ppm in August 2009 and 90 ppm in 2011. Prior to 1985, lead in miniscule amounts was a common ingredient in ink (useful for its plasticity and softness). But lead is hazardous only when ingested. As Jay Dempsey of the Centers for Disease Control and Prevention told the Associated Press, "on a scale of one to ten, this is like a 0.5 level of concern." Eight-year-olds do not eat their books, there is no evidence that any child has ever been harmed by spending vast amounts of time with nineteenth- and twentieth-century books (certainly not the diminished intelligence associated with lead poisoning!), and the loss we'd suffer by following this directive would be enormous.

Booksellers face a \$100,000 fine for passing on these books, even giving them away. Meanwhile, CPSIA's implications for library books are unclear, but the outlook is not good: the CPSC has asked for the offending books to be "sequestered until we get more information." According to the American Library Association (ALA), the cost to test each book would be between \$300 and \$600. This burden of proof is already causing severe hardship for used booksellers and owners of thrift stores and similar small businesses, not to mention the people who depend on these places to purchase affordable products for their families. A cursory Google search reveals tales of businesses having to close their doors. Many others have been forced to throw out huge quantities of their

inventory. A broken-hearted Houston shopper recounts:

I just came back from my local thrift store with tears in my eyes! I watched as boxes and boxes of children's books were thrown into the garbage! Today was the deadline and I just can't believe it! Every book they had on the shelves prior to 1985 was destroyed! I managed to grab a 1967 edition of *The Outsiders* from the top of the box, but so many!

These boxes of books are headed to landfills—an ironic consequence of what was intended to be an environmentally pious law. One peeved store owner complained to the *Milwaukee Journal-Sentinel*, “This law was written one night in Washington when everyone was drunk.” Emily Sheketoff, executive director of the ALA, lamented to the *St. Petersburg Times*, “We’re talking about tens of millions of copies of children’s books that are perfectly safe....I wish a reasonable, rational person would just say, ‘This is stupid. What are we doing?’”

If we were merely to wipe out shelves full of books from our libraries under an arbitrary grouping—say, all those on the lower two shelves, or all those written by authors in the second half of the alphabet—that would be a travesty. But worse still is to wipe out books that, as a group, have certain desirable characteristics. Children’s books of yore tend to use more sophisticated, literary language than their more recent counterparts. The qual-

ity of their paper, bindings, and illustrations are often superior. Vintage children’s books assume and encourage the readers’ fascination with adventure, their eagerness to learn about the world, their respect for great men and women. Arthur Burrell’s *Selections from the Faerie Queene* (1913) invites children to enjoy the adventures of Una and her Red Cross Knight long before they are ready to study Spenser’s classic in college. Glanville Downey selected and translated *Stories from Herodotus* (1965) in the belief that the “father of history” wrote in a manner that “absorbs the attention of the reader” and of subjects “as timeless as a man’s interest in his fellow man and in the ever-recurring struggle for human liberty.” In *A Bridle for Pegasus* (1953), Katherine B. Shippen treats children to “the story of the dream of flying” through captivating tales of those who pursued that dream, from the Greeks who told of Daedalus and Icarus, to Brother Orlando who fashioned great feathered wings for himself, to balloons and parachutes and gliders and airplanes, to Sam Clark who shot a steel rocket into space in 1949. There is much to tell of the story of flight in the decades since 1949, and other books to tell that tale, but none better to tell children these early foundational stories. To wit:

In the sky above New Mexico that night while Sam was writing his story of the rocket’s take-off, the planets went swinging in their accustomed courses round the sun. The lonely craters of

the moon gave back the gleaming earth light and the sun light. Mercury, moving close to the sun, blazed with its reflected shining. Venus glowed with its pale steady brilliance, and red Mars, and Saturn encircled with its rings, and Pluto, the outermost planet—all moved in their age-old ways. No man from Earth had ever yet come near them. And no one knew for sure what they were like, or what the silent space was like through which they moved. The rocket from New Mexico had merely dipped into the edge of that vast universe. It was as if a little boy had dipped his feet into the edge of a great ocean, making no motion in its waters, no change in its moving tides. Yet men were beginning to dream that some day they would cross that ocean—that they would fly through the empty spaces that lie between the stars.

The children's departments of my local bookstores include no biographies of Jane Addams, but from used book sales I've gotten *Jane Addams, Little Lane Girl* by Jean Brown Wagoner (Childhood of Famous Americans, 1944) and *Jane Addams: Pioneer for Social Justice* by Cornelia Meigs (1970). I have seen several books for introducing chess, but none so charming as *Chess for Children* (1958, 1966) by Raymond Bott and Stanley Morrison. And it's a large hard-bound book that easily lies open while a child alternates attention between the

book and a wooden chessboard. Some books from the 1950s and 60s are back in print, but with updated illustrations so the characters appear to be from our time; if that's what it takes to lure readers who are wary of anyone who doesn't look like them to pick up the books, it's probably fine, but there is also value in presenting books with a style of illustration and characters with a style of dress from a different time, and that's what we get with old copies. Some books, such as the Hardy Boys and Nancy Drew series, are thoroughly "updated" for today's readers—simplified, abbreviated, substituting familiar words for those no longer commonly used—so if a child is going to read the originals he needs to read old copies.

The mid-twentieth century produced a wealth of history writing for children. In *Boyhood Adventures of Our Presidents* (1938), Frances Cavanah describes an incident in the childhood of each president, from Washington through FDR, which was telling of a trait that would characterize him throughout his life—a strength that would lead him to the White House, or a weakness that he would constantly struggle against—and through these incidents connects him to the wider national story in which he would play a part. Thus we see Matt Van Buren working in his father's tavern, hearing men argue and joke about Federalists versus Democratic Republicans, or Zach Taylor's father telling of when he had served in the army with General Washington. Among Nina Brown Baker's international biographies are *He Wouldn't Be*

*King: The Story of Simon Bolivar* (1941) and *Juarez: Hero of Mexico* (1942). *Vast Horizons* (1943) by Mary Seymour Lucas and *They Put Out to Sea* (1944) by Roger Duvoisin tell adventurous tales of world exploration, of man's glorious achievements, and of the woeful clashes of civilizations. Shakuntala Masani tells *Gandhi's Story* (1950) through the perspective of a devoted follower. "Gandhiji believed very sincerely that the only victory that was worth having was when one won the heart of one's enemy through love and self-sacrifice." "To Gandhiji handspun cloth represented lasting human values like goodness, truth, and simplicity, while mill-made cloth stood for worldly things like wealth and selfishness." Pearl Buck wrote *The Man Who Changed China: The Story of Sun Yat-sen* (1953); Harold Lamb wrote *Chief of the Cossacks* (1959); Wilma Pitchford Hayes wrote *George Washington's Birthdays* (1963); Thelma Campbell Nason wrote *Under the Wide Sky: Tales of New Mexico and the Spanish Southwest* (1965); M. J. Pearson wrote *Ride the Red-Eyed Wind* (1978), historical fiction about the Sioux in 1862.

Books that were published in the midst of historic events have a unique ability to recall those times for us. *The Picture-Book History of the Jews* (1942) by Howard and Bette Fast tells a story of suffering and resilience; with what awe we respond to that book now, given our post-Holocaust vantage. *A War-Time Handbook for Young Americans* (also 1942) by Munro Leaf is "a guide to many ways in which we can help and do our duty as the Young Citizens of

the United States." "Our first duties to our country," Leaf tells his young readers, "start right here in our own homes. It is to defend them that our soldiers and sailors are fighting. If we don't help to make those homes pleasant, happy, and comfortable places to live in, why should they bother to fight for us?" After advising on being a friend; getting the right food, exercise, and sleep; doing chores; preparing for air raids; and growing gardens, Leaf also reminds children that "What has made this country so wonderful and strong is that we have come here from all over the world bringing with us so many great and different ideas, talents, and skills," and that we should value our differences and be friends with people who are different from us. For my seven-year-old, who had read everything age-appropriate we could find about the home front during World War II, to hold in his hands and read a book that had been in the hands of children his age then was an awe-inspiring and tangible connection to that traumatic point in history. And most of the lessons of the book apply equally to his life today.

Some old books, it is true, express ideas and attitudes of which we would disapprove, prejudices and errors that make modern readers wince. But learning about such sentiments firsthand is at the heart of what it means to learn our history. Moreover, while correcting some of these past problems, our present age has its own objectionable attitudes. In too many of today's children's books, for instance, do we read of children who are *bored*

(that dreadful word) with museums and rebellious about being made to visit them, even as the books attempt to draw the reader into what museums might teach. Too often a defiant attitude is exalted. Faced with a choice between objectionable attitudes in old books or in new, arguably the old are preferable: not being part of our current culture, they are easier to recognize and thus less seductive. In an old book about the Vikings, for example, we read that they were the first people to reach America—this in the very chapter that describes their encounters with the native people already here. Yes, this is a gross error, but it glares at us, we recognize and correct it, and we continue to read the historic adventures otherwise so well told.

The CPSC has provided an exception for books sold as collectors' items, not intended for children to be reading. But the availability of these books to children is the very purpose and value of preserving them. We want them in children's hands, being read, not only preserved on the dusty back shelves of research libraries. Quantities are important—quantities of titles, and quantities of each title, so they are readily available for loan from public libraries and for purchase through used booksellers. Families have been able to build home libraries through priced-for-reading book sales and thrift stores. Some have sought diligently for highly recommended out-of-print volumes, and the Internet has been valuable in connecting prospective purchasers with desired books. We are suddenly facing the pros-

pect that many of these books will be destroyed, making those that remain all the more rare and inaccessible.

Some used booksellers, trying valiantly to continue selling books for children, are re-labeling their children's books as collectors' editions. But this obscures the books from searches by those looking for ordinary children's books, it clutters the market for real collectibles, it makes the bookseller look ignorant of his trade, and it is prohibited under CPSIA, which stipulates that a book "commonly recognized" as being meant for children's use will be regulated as such. Nevertheless, some sellers feel they have no acceptable alternative. Says Valerie Jacobsen, a store owner in Wisconsin:

I was willing to resist the censorship of *1984* and the Fire Department of *Fahrenheit 451* long before I became a bookseller, so I'd love to run a black market in quality children's books—but at the same time it's not like the CPSC has never destroyed a small, harmless company before. It's a scary thing to know that what you are doing is a positive good for the community—and yet possibly, strangely illegal.

Black market or no, it is unlikely that such an arrangement would last very long. Already, with the many restrictions on the sale of baby equipment—restrictions that are also overbearing, but at least have some more valid basis than the book ban—many thrift stores and charities choose not to deal



in baby equipment at all rather than to sort through what can and cannot be passed on. A donor could offer one of these places a crib that meets all current safety guidelines, but it would be rejected because the organization could not handle the liability. If this is true for an item as costly as a crib, how much more true will it be of used children's books that are of so little cash value? And many people who are clearing kids' stuff from their homes will not go to great lengths to route each item to where it will be most valued. If they hear thrift shops are not accepting donations of children's books, or if they hear the federal government has deemed these books hazardous to children's health, they will pitch them without further ado.

We can be grateful for publishers that are bringing back into print some bygone treasures, books that may be valued by many or may be considered too quaint for interest from the mass market. Beautiful Feet Books offers Genevieve Foster's series on world history (*Augustus Caesar's World*, *The World of Columbus and Sons*, and more) and Zeezok Publishing offers Opal Wheeler's biographies of great composers. But we will never have all the great books from the past currently in print, and certainly not all of them with the quality and affordability we find in the used book market. If the previous generation had banned out-of-print books for children, Beautiful Feet and Zeezok may never have been able to reprint these volumes; they might not be around to *be* reprinted today.

At least a few activists and commentators have begun to decry the impact of CPSIA. Valerie Jacobsen, the bookseller in Wisconsin who has been lobbying vigorously for its repeal or amendment, reports on a conversation she had with a Senate Commerce Committee staffer: he told her the committee "had been unaware that pre-1985 children's books...would still have commercial importance and ongoing value for children's use." Unaware indeed. The litigation reform advocate Walter Olson details the manifold insanities of CPSIA at his blog "Overlawyered." There was a largely unremarked-upon protest in Washington, D.C. a few weeks after the law took effect, while a congressional hearing scheduled for the public to air its complaints was canceled without explanation. It seems deeply unlikely that Congress will move quickly to amend this act—and even if it does, there is no way to undo the damage wrought thus far. Thousands of copies of these treasurable books are already lost forever.

In a rousing message to the American Booksellers Association in 1942, Franklin D. Roosevelt said:

We all know that books burn—yet we have the greater knowledge that books cannot be killed by fire. People die, but books never die. No man and no force can abolish memory.... In this war, we know, books are weapons.

Nine years after the Nazi book-burning, these words had a special import. And it is because of just such historical

remembrance that the federal government's banning of a single book for content today would provoke a coast-to-coast outcry. But mass annihilation—in effect, though not intent—is going more or less unnoticed. Unless and until a credible health threat is demonstrated, Congress needs to come to its senses and protect the use and distribution of children's books of all eras; otherwise the “memory” (as FDR so

eloquently put it) in these books' trust really will die out. CPSIA was aimed at protecting the health of children—and who can argue with “safety”?—but if a conspiracy *were* bent on controlling ideas, this would be a nefariously clever approach.

—*Elizabeth Mullaney Nicol, a home-schooling mother since 1990, shares old books with children in Urbana, Illinois.*