



March 16, 2025

Board of Directors
Rutherford County Library System
1127B Dow Street
Murfreesboro, Tennessee 37130

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Dear Board Members:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit that defends free speech nationwide, is concerned the Rutherford County Library System (RCLS) is considering removing books from the library system based on their perceived promotion of “gender confusion.”¹ Neither state nor federal law requires such removal, and removing books based on disagreement with their message would violate the First Amendment.

Background

In September and October of last year, Tennessee Secretary of State Tre Hargett wrote letters to the state’s libraries to request they “undertake an immediate age-appropriateness review” of all materials in their “juvenile children’s section[s]” within 60 days.² Secretary Hargett asked libraries to “identify any materials that may be inconsistent with Tennessee age-appropriateness laws” or President Trump’s executive order 14168, titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”³ The letters did not contain any substantive requirements beyond requests to reconsider any materials believed to violate the law and to provide a final report of the review to the Secretary’s office.

¹ The factual narrative in this letter represents our understanding of the pertinent facts, but we invite you to share any additional information.

² Tre Hargett, Tenn. Sec’y of State, *Letters to Rutherford Cnty. Libr. Sys.* (Sept.–Oct. 2025), <https://mtsusidelines.com/wp-content/uploads/2025/11/RCLS-Sec-of-State-Letters-Sept-and-Oct-2025.pdf>.

³ *Id.*

During its February 2, 2026, meeting, the Board discussed Library Director Luanne James’s recommendations for children’s and juvenile materials after her 60-day review of 60,000 titles.⁴ Her recommendations covered over 1,500 books.⁵ Of these, she suggested 444 titles be moved from the juvenile collection to the young adult section and six from the juvenile collection to the adult section; she did not recommend removing any titles from the library entirely.⁶ Ultimately, the Board approved a motion to adopt her recommendations with a caveat that any subsequent Board actions that are more restrictive would supersede her recommendations.⁷ Although Board Chair Cody York said the caveat applied only to Board actions taken that night,⁸ the motion did not explicitly contain that limitation.⁹ The motion is also substantively similar to his proposal earlier in the meeting—which was also not clearly limited to Board actions that night—that when there is a conflict between lists of books with recommended dispositions, the most restrictive would control.¹⁰ The Board then decided to consider other lists at a subsequent meeting.¹¹

One of these other lists, which is in the March agenda packet, was compiled by Chair York.¹² His list contains over a hundred books, all but two of which are described as promoting “gender confusion.”¹³ When asked to define “gender confusion” during the February 2 meeting, York said it included “anything that says a boy can be a girl or a girl can become a boy,” “anything that talks about pronoun usage,” and books with nonbinary characters or characters whose gender identity changes depending on the day of the week.¹⁴ Chair York’s list contains three separate columns listing suggested actions.¹⁵ The first column, labeled “State Action: age appropriateness [sic],” recommends that all books described as promoting “gender confusion” be moved to the adult section. The second column, labeled “Presidential Executive Orders,” recommends those same books be removed from the library entirely. The third column reproduces Library Director James’s recommendations. It is not clear from the agenda packet which column, if any, would control if the Board approves Chair York’s list. Library Director James’s recommendations are unlikely to be controlling, however, because the Board already adopted them during the February 2 meeting.

⁴ RUTHERFORD CNTY. LIBR. SYS., *2026 March Board Packet*, at 7 (including minutes of Feb. 2, 2026 meeting), <https://drive.google.com/file/d/1qpUVnGDWqjag1ToHuXb9stsgCK1UkbF2/view>; Audio recording: Rutherford County Library Board Audio-February 2, 2026, at 1:50:45, https://drive.google.com/file/d/1EPAma9rxMeOfIyiDSuQXety_7tYMydjw/view.

⁵ RUTHERFORD CNTY. LIBR. SYS., *2026 February Board Packet*, at 73–242, https://drive.google.com/file/d/18seYVKOhJQjQ4-1GI3Bg-ev_gAipLRYf/view.

⁶ RUTHERFORD CNTY. LIBR. SYS., *2026 March Board Packet*, *supra* note 4, at 7.

⁷ *Id.* at 8. Less restrictive proposals would not supersede her recommendations.

⁸ Audio recording: Rutherford County Library Board Audio-February 2, 2026, *supra* note 4, at 3:04:20.

⁹ RUTHERFORD CNTY. LIBR. SYS., *2026 March Board Packet*, *supra* note 4, at 8.

¹⁰ Audio recording: Rutherford County Library Board Audio-February 2, 2026, *supra* note 4, at 1:58:24.

¹¹ RUTHERFORD CNTY. LIBR. SYS., *2026 March Board Packet*, *supra* note 4, at 9.

¹² RUTHERFORD CNTY. LIBR. SYS., *2026 March Board Packet*, *supra* note 4, at 77–109.

¹³ *Id.*

¹⁴ Audio recording: Rutherford County Library Board Audio-February 2, 2026, *supra* note 4, at 2:54:48.

¹⁵ RUTHERFORD CNTY. LIBR. SYS., *2026 March Board Packet*, *supra* note 4, at 77–109.

Between the remaining two columns, it appears that the recommendation for removal from the library is intended to control. Removal is the more restrictive action, so treating it as controlling would be consistent with both the motion passed at the last meeting and Chair York’s proposal that the most restrictive recommendation should govern when lists conflict.

Chair York’s statements at the February 2 meeting also suggest the removal recommendation is intended to control. He said the Board is “trying to follow what the [Tennessee] Secretary of State said” in his letter, which York described as stating that “not following the federal guidance jeopardizes federal funding for the entire state’s library system.”¹⁶ A Board member later asked York if he was suggesting they remove nearly all the books on his list, and he responded, “Yes, on this list.”¹⁷ Another Board member characterized his approach as a “go-along, get-along [with] President Trump’s executive order,” and York responded, “Yes—it’s ‘follow the letter from the Secretary of State that said we have to follow the executive order whether we like it or not.’”¹⁸ That Board member said if the executive order required removal, “there isn’t anything to debate. These [books] have to go.”¹⁹ York replied, “Yes, I agree.”²⁰

Legal Analysis

Removing library books that promote “gender confusion” is not required by either state or federal law. Even if it were, doing so specifically because of the books’ message on gender, sexuality, or any other issue would violate the First Amendment.

While the Tennessee Secretary of State’s letters instruct libraries to identify and initiate their reconsideration process for materials they believe violate state or federal law, including the President’s executive order, the letters do not require removal of any specific book nor do they attempt to resolve the legal question of whether continued presence of certain books in a library’s collection would violate the order. Instead, they leave it to library boards to make these determinations. Even where they single out a specific book—*Fred Gets Dressed* by Peter Brown—the letters merely note the Secretary’s opinion that the book “is worthy of review both for age-appropriateness and to determine whether the book and its purchase comply with President Trump’s Executive Order.”²¹ As explained below, the executive order does not make it unlawful for books touching on gender identity to simply remain in a library’s collection. Accordingly, Secretary Hargett’s directive does not provide a basis for removing books based on the executive order.

¹⁶ Audio recording: Rutherford County Library Board Audio-February 2, 2026, *supra* note 4, at 2:40:37.

¹⁷ *Id.* at 2:52:28.

¹⁸ *Id.* at 2:52:39.

¹⁹ *Id.* at 2:52:50. (“If that is really what he meant, he would have just said, ‘Remove these books from all libraries because our funding is in jeopardy.’ He would not have asked for a review if that’s what [he] wanted. He would have said, ‘Here’s the list. It’s the executive order. We’re gonna not get funded. . . . There’s nothing to review—you have to take these out, or we’re not gonna be funded.’ . . . You can’t say this is a legitimate review. If you’re saying that [he] told us we had to follow the executive order, then there isn’t anything to debate. These have to go.”).

²⁰ *Id.* at 2:53:39.

²¹ Tre Hargett, Tenn. Sec’y of State, *Letters to Rutherford Cnty. Libr. Sys.* (Sept.–Oct. 2025), *supra* note 2.

President Trump’s executive order, in fact, does not impose *any* requirements on local public libraries. As an executive order, its directives apply to the federal executive branch. While Section 3(g) instructs that “[f]ederal funds shall not be used to promote gender ideology,”²² this provision regulates how *federal agencies* administer federal funds. The same section instructs that “[e]ach agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.”²³ It thus imposes compliance obligations on federal agencies, not state governments, and certainly not local libraries.

For local libraries, any practical effect of the executive order can arise only through conditions attached to federal grants administered by those agencies. But neither the Tennessee Secretary of State nor the Rutherford County Library Board has identified any grant condition requiring the library system to remove books promoting “gender confusion”—presumably because none exists. If the federal government were imposing such grant conditions, libraries across the country—including in states such as California and Massachusetts—presumably would have to remove books that “promote gender ideology.” Yet there is no indication libraries in other states have faced threats of lost federal funding for leaving such books on their shelves.

Even assuming for the sake of argument that RCLS’s federal grants contain language that bars using funds to *purchase* books based on their messaging around gender and sexuality, there is no reason to think that would require removal of books *that have already been purchased or donated*. Federal funding restrictions generally apply to how the funds themselves are used, not to the entire operations of the recipient.²⁴ Simply put, the executive order does not require the removal of books perceived to promote “gender confusion,” and neither that order nor the Secretary of State’s letter establish that these books’ continued presence on library shelves will jeopardize RCLS’s federal funding.

Moreover, even if the executive order or the Secretary’s letter *did* require removing books on that basis—which they do not—the First Amendment would still prohibit RCLS from doing so. No state or federal directive can override the Constitution.²⁵ If the Board votes to remove books for promoting “gender confusion,” it will violate the First Amendment’s “bedrock principle” that officials cannot restrict speech simply because some find it “offensive or disagreeable.”²⁶

²² Exec. Order No. 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, 90 Fed. Reg. 8615 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal>.

²³ *Id.*

²⁴ *See Agency for Int’l Dev. v. Alliance for Open Soc’y Int’l, Inc.*, 570 U.S. 205, 215–17 (2013) (“[T]he Court struck down a condition on federal financial assistance to noncommercial broadcast television and radio stations that prohibited all editorializing, including with private funds. . . . The prohibition thus went beyond ensuring that federal funds not be used to subsidize ‘public broadcasting station editorials,’ and instead leveraged the federal funding to regulate the stations’ speech outside the scope of the program.”).

²⁵ U.S. CONST. ART. VI, CL. 2 (“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.”).

²⁶ *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

As FIRE explained in our letter to the Board last April when it considered removing material that promotes “transgenderism” or “gender confusion” in minors,²⁷ the U.S. Court of Appeals for the Sixth Circuit—whose decisions bind the Rutherford County Library Board—held that a school board violated the First Amendment by removing three novels from libraries “because it found them objectionable in content and . . . felt that it had the power, unfettered by the First Amendment, to censor the school library for subject matter which the Board members found distasteful.”²⁸ While neither the state nor the school board had a constitutional obligation to create a library, once they have done so, “neither body could place conditions on the use of the library which were related solely to the social or political tastes of school board members.”²⁹

These First Amendment standards are even more stringent “when applied to public libraries” serving the whole community, which “do not serve the same inculcative functions” as school libraries but are instead “designed for freewheeling inquiry.”³⁰ Removing books from a public library would be even more extreme than a policy which required library branches to remove LGBTQ-themed books from their children’s sections, affix a color label to those books, and place them in a separate “social section”—a policy that was invalidated by a federal court as violating the First Amendment.³¹ By removing books from the library, the Board would directly violate the rights of adults to access information.

None of this is to say public libraries lack discretion in managing their collections. They may add or remove materials based on a variety of factors, such as accuracy, currentness, relevance, physical condition, and patron interest. But this discretion is not a license to censor—it “may not be exercised in a narrowly partisan or political manner,” as the “Constitution does not permit the official suppression of ideas.”³² Libraries cannot take books off the shelves simply because government officials or employees “dislike the ideas contained in those books and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’”³³

²⁷ Enclosed.

²⁸ *Minarcini v. Strongsville City Sch. Dist.*, 541 F.2d 577, 582 (6th Cir. 1976).

²⁹ *Id.*

³⁰ *Sund v. City of Wichita Falls*, 121 F. Supp. 2d 530, 548 (N.D. Tex. 2000) (quoting *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 915 (1982) (Rehnquist, J., dissenting)).

³¹ *Viriden v. Crawford Cnty.*, No. 2:23-CV-2071, 2024 WL 4360495 (W.D. Ark. Sept. 30, 2024).

³² *Pico*, 457 U.S. at 870–71 (plurality op.); see also *id.* at 879–80 (School authorities “may not remove books [from libraries] for the purpose of restricting access to the political ideas or social perspectives discussed in them, when that action is motivated simply by the officials’ disapproval of the ideas involved.”) (Blackmun, J., concurring in part and concurring in the judgment).

³³ *Id.* at 871–72 (plurality op.) (quoting *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943)). Courts have repeatedly rejected arguments that decisions about the content of libraries are “government speech” beyond the First Amendment’s reach. See, e.g., *GLBT Youth in Iowa Schools Task Force v. Reynolds*, 114 F.4th 660, 668 (8th Cir. 2024) (“[I]t is doubtful that the public would view the placement and removal of books in public school libraries as the government speaking.”); *Crookshanks v. Elizabeth Sch. Dist.*, No. 1:24-CV-03512-CNS-STV, 2025 WL 863544, at *7–8 (D. Colo. Mar. 19, 2025) (“Take, for example, a high school library that includes Hitler’s manifesto *Mein Kampf*. No one would seriously argue that placing this book in a school library constitutes government speech.”); *PEN Am. Ctr., Inc. v. Escambia Cnty. Sch. Bd.*, 711 F. Supp. 3d 1325, 1331 (N.D. Fla. 2024) (“[B]ased on . . . the fact that the traditional purpose of a library is to provide information on a broad range of subjects and viewpoints, the Court simply fails to see how any reasonable person would

Conclusion

FIRE calls on the Board to reject any motion to remove books or otherwise impede access to library materials based on their subject matter or message. Neither state nor federal law require the Board to remove such books, and the First Amendment forbids it. If the Board moves forward by violating well-established First Amendment law, it places its members—and library staff tasked with carrying out Board directives—at risk of personal liability for violating clearly established constitutional rights.

We respectfully request a substantive response to this letter no later than March 30, 2026.

Sincerely,



M. Brennen VanderVeen, Esq.
Program Counsel, Public Advocacy

Encl.

view the contents of the school library (or any library for that matter) as the government’s endorsement of the views expressed in the books on the library’s shelves.”); *Virden*, No. 2:23-CV-2071, 2024 WL 4360495, at *5 (W.D. Ark. Sept. 30, 2024) (“[T]he Supreme Court has not extended [the government speech] doctrine to the placement and removal of books in libraries.”).



April 3, 2025

Board of Directors
Rutherford County Library System
1127B Dow Street
Murfreesboro, Tennessee 37130

Sent via U.S. Mail and Electronic Mail (pking@rclstn.org; rholden@rclstn.org; kwells@rclstn.org; mwoodward@rclstn.org; shuddleston@rclstn.org; cyork@rclstn.org; dpiazza@rclstn.org; lbrewer@rclstn.org; bgroce@rclstn.org; squesenberry@rclstn.org)

Dear Board Members:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit that defends free speech, is concerned by the Rutherford County Library System (RCLS) Board of Directors' recent decision to remove certain transgender-related materials from RCLS libraries. The Board's action violates both RCLS policy and the First Amendment.

At its March 17 meeting, the Board voted 5-3 to approve an "action item" to "[r]emove material that promotes, encourages, advocates for or normalizes transgenderism or 'gender confusion' in minors."¹ As a result, it appears such materials will be completely unavailable in RCLS libraries.

Our concerns with this decision are twofold. First, the decision is contrary to RCLS policy, which states: "Individual censorship may be exercised within the scope of the individual choosing materials for check out, but censorship or withholding of library materials for others within the community is not accepted within the institution of the public library."² While the policy authorizes the Collection Development Coordinator to accept and evaluate requests for reconsideration of specific books based on established criteria,³ nothing in RCLS policy

¹ RUTHERFORD CNTY. LIBR. SYS., BOARD MEETING AGENDA (Mar. 17, 2025), <https://rclstn.org/wp-content/uploads/2025/03/Agenda-20250317.pdf>; Audio recording: Meeting of the Rutherford County Library System Board of Directors (Mar. 17, 2025), <https://rclstn.org/wp-content/uploads/2025/03/BoardAudio-20250317.mp3>. The factual narrative in this letter represents our understanding of the pertinent facts, but we invite you to share any additional information.

² *Request for Reconsideration of Library Materials*, RUTHERFORD CNTY. LIBR. SYS., <https://rclstn.org/request-for-reconsideration-of-library-materials>.

³ *Id.*

appears to permit proactive removal of an entire category of materials, let alone proactive removal based on opposition to a particular viewpoint.

More importantly, the Board’s decision constitutes viewpoint-based censorship in violation of the First Amendment. It is a “bedrock principle underlying the First Amendment” that officials cannot restrict speech simply because some find it “offensive or disagreeable.”⁴ The “recognition that viewpoint discrimination is uniquely harmful to a free and democratic society” lies at “the heart of the First Amendment’s Free Speech Clause.”⁵ The government “must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.”⁶

These principles apply to restrictions on both self-expression and access to information. The Supreme Court has long recognized that the First Amendment protects not only the right to speak, but also the “right to receive information and ideas.”⁷ This right includes access to information in public libraries, the “quintessential locus of the receipt of information.”⁸

That is not to say public libraries lack discretion in managing their collections. They may add or remove materials based on a variety of factors, such as accuracy, currentness, relevance, physical condition, and patron interest. But this discretion is not a license to censor—it “may not be exercised in a narrowly partisan or political manner,” as “[o]ur Constitution does not permit the official suppression of ideas.”⁹ Books cannot be taken off library shelves simply because government officials or employees “dislike the ideas contained in those books and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’”¹⁰

⁴ *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

⁵ *NRA of Am. v. Vullo*, 602 U.S. 175, 187 (2024).

⁶ *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995).

⁷ *Stanley v. Georgia*, 394 U.S. 557, 564 (1969).

⁸ *Neinast v. Bd. of Trs. of Columbus Metro. Libr.*, 346 F.3d 585, 591 (6th Cir. 2003) (citation omitted); *see also Minarcini v. Strongsville City Sch. Dist.*, 541 F.2d 577, 582–83 (6th Cir. 1976) (“A library is a mighty resource in the free marketplace of ideas. It is specially dedicated to broad dissemination of ideas.”) (internal citation omitted).

⁹ *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 870–71 (1982) (plurality op.); *see also id.* at 879–80 (School authorities “may not remove books [from libraries] for the purpose of restricting access to the political ideas or social perspectives discussed in them, when that action is motivated simply by the officials’ disapproval of the ideas involved.”) (Blackmun, J., concurring in part and concurring in the judgment).

¹⁰ *Id.* at 871–72 (plurality op.) (quoting *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943)). Courts have consistently rejected arguments that decisions about the content of libraries are “government speech” beyond the First Amendment’s reach. *See, e.g., GLBT Youth in Iowa Schools Task Force v. Reynolds*, 114 F.4th 660, 668 (8th Cir. 2024) (“[I]t is doubtful that the public would view the placement and removal of books in public school libraries as the government speaking.”); *Crookshanks v. Elizabeth Sch. Dist.*, No. 1:24-CV-03512-CNS-STV, 2025 WL 863544, at *7–8 (D. Colo. Mar. 19, 2025) (“Take, for example, a high school library that includes Hitler’s manifesto *Mein Kampf*. No one would seriously argue that placing this book in a school library constitutes government speech.”); *PEN Am. Ctr., Inc. v. Escambia Cnty. Sch. Bd.*, 711 F. Supp. 3d 1325, 1331 (N.D. Fla. 2024) (“[B]ased on ... the fact that the traditional purpose of a library is to provide information on a broad range of subjects and viewpoints, the Court simply fails to see how any reasonable person would

If “a Democratic school board, motivated by party affiliation, ordered the removal of all [library] books written by or in favor of Republicans, few would doubt that the order violated the constitutional rights of the students denied access to those books.”¹¹ In *Minarcini v. Strongsville City School District*, the U.S. Court of Appeals for the Sixth Circuit—the decisions of which bind RCLS—held that a school board violated the First Amendment by removing three novels from libraries “because it found them objectionable in content and because it felt that it had the power, unfettered by the First Amendment, to censor the school library for subject matter which the Board members found distasteful.”¹² While neither the state nor the school board had a constitutional obligation to create a library, once having done so, “neither body could place conditions on the use of the library which were related solely to the social or political tastes of school board members.”¹³

These principles “have even greater force when applied to public libraries” serving the whole community like those in Rutherford County, as they “do not serve the same inculcative functions” as school libraries and instead are “designed for freewheeling inquiry.”¹⁴ Recently, in *Viriden v. Crawford County*, a federal court held that a public library system violated the First Amendment by adopting a policy requiring branches to remove LGBTQ-themed books from their children’s sections, affix a color label to those books, and place them in a separate “social section.”¹⁵ The court determined this policy was “motivated in substantial part by a desire to impede users’ access to books containing viewpoints that are unpopular or controversial,” citing, among other evidence, a library board member’s comment that such books were inappropriate for children’s sections because they “normaliz[ed] homosexual relationships.”¹⁶

view the contents of the school library (or any library for that matter) as the government’s endorsement of the views expressed in the books on the library’s shelves.”); *Viriden v. Crawford Cnty.*, No. 2:23-CV-2071, 2024 WL 4360495, at *5 (W.D. Ark. Sept. 30, 2024) (“[T]he Supreme Court has not extended [the government speech] doctrine to the placement and removal of books in libraries.”).

¹¹ *Pico*, 457 U.S. at 870–71.

¹² 541 F.2d 577, 582 (6th Cir. 1976).

¹³ *Id.*

¹⁴ *Sund v. City of Wichita Falls*, 121 F. Supp. 2d 530, 548 (N.D. Tex. 2000) (quoting *Pico*, 457 U.S. at 915 (Rehnquist, J., dissenting)).

¹⁵ No. 2:23-CV-2071, 2024 WL 4360495 (W.D. Ark. Sept. 30, 2024).

¹⁶ *Id.* at *3. *Viriden* is consistent with numerous other court decisions holding that viewpoint-based library book removals violate the First Amendment. *See, e.g., Crookshanks*, 2025 WL 863544, at *16 (ordering school district to immediately return to library shelves books removed “based on the authors’ and books’ content and viewpoints on issues such as race, sexual orientation, gender identity, [and] LGBTQ content,” and declaring that “[s]uch ideological justifications for removal fail under all the potentially relevant First Amendment standards”); *Little v. Llano Cnty.*, No. 1:22-CV-424-RP, 2023 WL 2731089 (W.D. Tex. Mar. 30, 2023) (ordering public library system to return to its collection books removed because they promoted ideas with which local officials disagreed), *aff’d as modified*, 103 F.4th 1140 (5th Cir. 2024), *reh’g en banc granted*, 106 F.4th 426 (5th Cir. 2024); *Sund v. City of Wichita Falls*, 121 F. Supp. 2d 530, 552 (N.D. Tex. 2000) (holding unconstitutional a resolution that required removal of books from children’s to adult area of public library if 300 library cardholders signed petition supporting removal—and which was used to remove two books portraying same-sex parents: “There simply is no interest, *let alone a compelling one*, in restricting access to non-obscene, fully-protected library books solely on the basis of the majority’s disagreement with their perceived message.”).

The RCLS Board’s decision is even more extreme than the policy struck down in *Virden*. Rather than merely relocating books, the Board is categorically removing all material that, in library officials’ view, “promotes, encourages, advocates for or normalizes transgenderism or ‘gender confusion’ in minors.” This sweeping ban is unconstitutional because it explicitly targets materials based on their perceived message about gender. By banning these materials outright, the policy denies access not only to minors but also to adults simply because some find the content objectionable. But the government “may not ‘reduce the adult population ... to reading only what is fit for children,’”¹⁷ nor may it wield a “free-floating power to restrict the ideas to which children may be exposed.”¹⁸

Even books intended for adult readers could be entirely banned under the new policy, such as Zeyn Joukhadar’s novel *The Thirty Names of Night*, which tells the story of a “Syrian American trans boy,” or the memoir *Redefining Realness: My Path to Womanhood, Identity, Love & So Much More*, which chronicles Janet Mock’s journey as a transgender individual from childhood to adulthood. Meanwhile, the policy places no restrictions on books that express different views on transgender issues, such as Abigail Shrier’s *Irreversible Damage: The Transgender Craze Seducing Our Daughters*, which criticizes “hip trans YouTube stars and ‘gender-affirming’ educators and therapists who push life-changing interventions on young girls—including medically unnecessary double mastectomies and puberty blockers that can cause permanent infertility.”¹⁹ This is classic viewpoint discrimination.

The specific viewpoint targeted is not the issue. No book addressing transgender issues can or should come off library shelves based purely on opposition to its actual or perceived message—whatever that message. Last year, the Blue Hill Public Library in Maine faced backlash for carrying *Irreversible Damage*—and it, too, would have violated the First Amendment had it buckled under pressure and removed the book.²⁰ Instead, despite intense criticism and his own disagreement with the book’s message, library director Rich Boulet defended the library’s decision to retain the book, putting principle above his personal political views. “I want the library to be there for everybody, not just people who share my voting record,” he explained. “The presence of an item in the library is not an endorsement of the ideas contained therein.”²¹

Boulet’s handling of the Blue Hill Public Library controversy serves as a model for library officials nationwide, including this Board. Public libraries exist to provide access to books

¹⁷ *Bolger v. Youngs Drug Prods. Corp.*, 463 U.S. 60, 73–74 (1983) (quoting *Butler v. Michigan*, 352 U.S. 380, 383 (1957))

¹⁸ *Brown*, 564 U.S. at 794.

¹⁹ *Irreversible Damage: The Transgender Craze Seducing Our Daughters*, AMAZON, <https://www.amazon.com/Irreversible-Damage-Transgender-Seducing-Daughters/dp/168451228X>.

²⁰ Elizabeth Williamson, ‘My Heart Sank’: In Maine, a Challenge to a Book, and to a Town’s Self-Image (Feb. 3, 2024), N.Y. TIMES, <https://www.nytimes.com/2024/02/03/us/libraries-book-bans.html>.

²¹ *Id.*; see also Aaron Terr, *America’s public libraries must not take up arms in the culture war*, FIRE (June 30, 2023), <https://www.thefire.org/news/americas-public-libraries-must-not-take-arms-culture-war> (criticizing attempts to deny public library meeting room space to those seeking to “pray, sing, and read Brave Books and other books of virtue” as part of initiative organized by actor Kirk Cameron and conservative publisher Brave Books).

covering a broad range of subjects and perspectives. As the Sixth Circuit proclaimed, a “library is a storehouse of knowledge,”²² not a storehouse of government-approved ideas.

FIRE calls on the Board to rescind its unconstitutional decision to “[r]emove material that promotes, encourages, advocates for or normalizes transgenderism or ‘gender confusion’ in minors.” We respectfully request a substantive response to this letter no later than April 17, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Terr", with a long horizontal flourish extending to the right.

Aaron Terr
Director of Public Advocacy

²² *Minarcini*, 541 F.2d at 581.