

The Freedom to Read Foundation, the Texas Library Association and the American Library Association File Amicus Brief Supporting Public Library Users' Freedom to Read Ahead of En Banc Hearing Before the Fifth Circuit Court of Appeals

Chicago, IL

September 11, 2024

On September 10, 2024, the Freedom to Read Foundation (FTRF) joined by the Texas Library Association (TLA) and the American Library Association (ALA), filed an amicus curae brief in *Leila Green Little v. Llano County*, an important case seeking to defend and protect library users' freedom to read.

The Freedom to Read Foundation and the amici library organizations' brief argues in support of a group of several citizens of Llano County, Texas, who initiated a lawsuit to challenge the Llano County government's decision to remove a large number of books from the Llano County Library shelves. The books, representing a diversity of views and ideas, were removed because certain county residents and county officials complained that the books' contents were objectionable.

Llano County officials have asked the appellate court to rule that the First Amendment does not apply to censorship of library materials because they allege that a public library's collection is "government speech," thus allowing government officials to engage in unfettered censorship if they disagree with the viewpoints expressed in those books. The brief filed by FTRF and the amici library associations strongly disagrees with that position, arguing that application of the "government speech" doctrine to the collection of a library would "contradict the centuries-old role of libraries in America, professional library practice, and decades of First Amendment jurisprudence."

"Arguing that public libraries should become centers for government indoctrination is a fundamental denial of the First Amendment's promise that each and every person has the freedom and the right to read, inquire, and receive information," said Deborah Caldwell-Stone, Executive Director of the Freedom to Read Foundation. "The public library is the symbol and the embodiment of that promise, and we are proud to join the citizens of Llano County in not only defending their freedom to read but defending the public library's role as an essential democratic institution."

"The First Amendment protects the freedom of expression, including the right to read and access information without government interference. Public libraries play a vital role in ensuring citizens have access to diverse viewpoints so that they may form their own opinions," stated Shirley Robinson, TLA Executive Director. "Restricting access to books in a library because some government officials do not agree with the viewpoints expressed is a threat not only to our right to free inquiry, but to the foundation of our democracy."

The en banc hearing is scheduled for Tuesday, September 24, 2024.

Attorneys Thomas F. Allen, Kevin Shook, Ryan Goellner, and Benjamin West of Frost Brown Todd LLP submitted the brief on behalf of FTRF, ALA, and TLA.

About the American Library Association

The American Library Association (ALA) is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, the ALA has been the trusted voice for academic, public, school, government and special libraries, advocating

for the profession and the library's role in enhancing learning and ensuring access to information for all.

About the Freedom to Read Foundation

Founded in 1969, the Freedom to Read Foundation (FTRF) is a non-profit legal and educational organization affiliated with the American Library Association. FTRF protects and defends the First Amendment to the Constitution and supports the right of libraries to collect—and individuals to access—information.

About the Texas Library Association

The Texas Library Association is the largest state library association in the country, representing over 5,000 librarians with a mission to embrace, unite, and amplify the voices of the library community through advocacy and education to ensure library excellence for all Texans.

You can read the brief [here](#).