No. 25-__

IN THE
Supreme Court of the United States

LEILA GREEN LITTLE, ET AL.,
Petitioners,

v.

LLANO COUNTY, ET AL.,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

At the urging of a handful of private citizens, government officials in Llano County, Texas, removed seventeen books from the county library's shelves. A district court found that those book-removal decisions were motivated by a desire to censor particular viewpoints. The question presented is:

Whether those book-removal decisions are subject to scrutiny under the Free Speech Clause of the First Amendment.

PARTIES TO THE PROCEEDINGS

Petitioners were the plaintiffs in the district court and appellees in the court of appeals. They are Leila Green Little; Jeanne Puryear; Kathy Kennedy; Rebecca Jones; Richard Day; Cynthia Waring; and Diane Moster.

Respondents were the defendants in the district court and appellants in the court of appeals. They are Llano County; Ron Cunningham, in his official capacity as Llano County Judge; Jerry Don Moss, in his official capacity as Llano County Commissioner; Peter Jones, in his official capacity as Llano County Commissioner; Mike Sandoval, in his official capacity as Llano County Commissioner; Linda Raschke, in her official capacity as Llano County Commissioner; and Amber Milum, in her official capacity as Llano County Library System Director.

STATEMENT OF RELATED PROCEEDINGS

United States District Court (W.D. Tex.):

Little, et al. v. Llano County, et al., No. 1:22-cv-424-RP (Mar. 30, 2023) (granting preliminary injunction).

United States Court of Appeals (5th Cir.):

Little, et al. v. Llano County, et al., No. 23-50224 (June 6, 2024) (affirming in part and modifying in part preliminary injunction).

Little, et al. v. Llano County, et al., No. 23-50224 (May 23, 2025) (en banc) (reversing preliminary injunction and dismissing Free Speech claims).

TABLE OF CONTENTS

Page

TABLE OF CONTENTS—Continued

Page

TABLE OF AUTHORITIES

Page

Cases

TABLE OF AUTHORITIES—Continued

Page

TABLE OF AUTHORITIES—Continued

Page

TABLE OF AUTHORITIES—Continued

Page

TABLE OF AUTHORITIES—Continued

Page

Statutes

Other Authorities

TABLE OF AUTHORITIES—Continued

Page

TABLE OF AUTHORITIES—Continued

Page

OPINIONS BELOW

The opinion of the en banc court of appeals (Pet. App. 1a-110a) is reported at 138 F.4th 834. The opinion of the court of appeals panel (Pet. App. 111a-199a) is reported at 103 F.4th 1140. The order of the district court (Pet. App. 200a-232a) is unreported.

JURISDICTION

The judgment of the en banc court of appeals was entered on May 23, 2025. On July 28, 2025, Justice Alito extended the time within which to file a petition for a writ of certiorari to and including September 22, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISION INVOLVED

The First Amendment to the United States Constitution provides, in relevant part, that "Congress shall make no law … abridging the freedom of speech."

INTRODUCTION

This case presents a critically important First Amendment question that has divided the circuits. In recent years, state and local governments have increasingly removed books from public libraries because they disagree with the ideas those books promote. Here, for instance, the public library in Llano County, Texas, removed books—including publicly acclaimed nonfiction works and memoirs—because they espoused ideas about racial justice and gender identity that government officials deemed "inappropriate." Such a viewpoint-based book ban violates the "bedrock principle underlying the First Amendment": "the government may not prohibit the expression of an idea simply because society finds the

idea itself offensive or disagreeable." *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

The issue in this case is whether the First Amendment has any application to such censorship. For more than forty years, dating back to this Court's decision in *Board of Education v. Pico*, 457 U.S. 853 (1982), the answer was yes. In *Pico*, no opinion garnered a majority of the Court, but eight Justices agreed that First Amendment scrutiny applies to a school library's removal of books for the purpose of suppressing particular viewpoints. *See id.* at 871 (plurality opinion); *id.* at 907 (Rehnquist, J., dissenting). Following *Pico*, lower courts coalesced around the position that school and public libraries had substantial discretion to remove books but were barred from doing so to pursue viewpoint-discriminatory aims.

In this case, the en banc Fifth Circuit broke from that precedent. A majority of the court held that patrons of the Llano County Public Library had no First Amendment right to challenge the library's removal of books—even for openly viewpoint-discriminatory reasons. And a plurality deemed the library's book-removal decisions to be government speech. Under both rationales, the consequence is the same: public libraries' book-removal decisions are entirely immune from Free Speech Clause scrutiny. Indeed, respondents' counsel conceded that respondents' position has no "limiting principle" and would allow a public library to, for instance, remove all books touting "the benefits of firearms ownership" or "the dangers of communism." Pet. App. 102a-103a & n.16 (Higginson, J., dissenting).

The Fifth Circuit's decision contravenes *Pico* and conflicts with decisions from multiple other circuits that would have allowed petitioners to challenge a public library's viewpoint-based book-removal decisions. A citizen's right to be free from government censorship should not depend on the jurisdiction in which she resides. Only this Court can resolve the disagreement between the circuits, reverse the Fifth Circuit's outlier decision, and restore the stable post-*Pico* status quo. This Court should grant certiorari and reverse.

STATEMENT OF THE CASE

A. Factual Background

1. In 1901, a group of Llano County women formed a literary society called the "Woman's Culture Club." *Club History*, WOMAN'S CULTURE CLUB OF LLANO (last visited Aug. 20, 2025), https://perma.cc/TZ4F-MCMM. The Club established a library in a member's home and eventually launched an effort to build an official county library. *Id.* In 1939, Llano County authorized the Club to build the library on county-owned property. *Id.*

For decades, the Llano County Public Library followed the American Library Association's (ALA) Library Bill of Rights. D. Ct. Doc. 22-10, at 35 (May 9, 2022). Under that framework, "[t]here should be the fullest practicable provision of material presenting all points of view concerning the problem[s] and issues of our times," with the goal of "maintain[ing] a well-balanced and broad collection of materials for information, reference, research, and enjoyment." *Id.* The guidelines specify that libraries should "not promulgate particular beliefs or views" or "remove[]" books of "sound factual authority" from "the library

shelves because of partisan or doctrinal disapproval." *Id.* And the guidelines make clear that a library's "selection" of books is not "equivalent to endorsement of the viewpoint of the author expressed therein." *Id.*

The Llano County Public Library has also long used the established "Continuous Review, Evaluation and Weeding" (CREW) method to keep its collection up to date. Pet. App. 112a-113a, 201a-202a. Under that method, librarians may remove books to make room for new acquisitions if the books are: "(1) 'Misleading and/or factually inaccurate,' (2) 'Ugly (worn out beyond mending or rebinding),' (3) 'Superseded by a new edition or a better source,' (4) 'Trivial (of no discernable literary or scientific merit),' (5) 'Irrelevant to the needs and interests of the community,' or (6) 'Elsewhere (the material may be easily borrowed from another source).'" *Id.* at 113a (citation omitted). But the CREW method does not permit librarians to remove books based on disagreement with the views they promote.

2. In July 2021, a small group of Llano County residents began advocating for the Llano County Public Library to remove certain children's books. *Id.* at 202a. Specifically, the group objected to "several books about 'butts and farts,'" *id.* at 114a, "which depict bodily functions in a humorous manner in cartoon format," *id.* at 202a. The County Library System Director had originally ordered the books because, based on her training, "she thought they would be appropriate and entertaining for children." *Id.* at 70a. She shared the complaints with the Commissioners Court, an entity within the municipal government. *Id.* at 202a & n.1. While several Commissioners and librarians saw no problem with the books, the County Judge and one Commissioner

directed that the books be removed. *Id.* at 202a-203a. In the following months, certain books depicting cartoon nudity were removed through a similar process. *Id.* at 72a, 203a.

In the fall of 2021, a member of the Texas House of Representatives circulated to Texas school districts a list of 850 disfavored books, most of which espoused ideas about race or sexuality. *See id.* at 72a-73a. A small group of Llano County residents notified a County Commissioner of the listed books that the County Library offered. *Id.* at 73a-74a. That Commissioner then directed the Library System Director to remove those books "immediately," which the Director promptly did. *Id.* at 74a-75a. When one County librarian objected to removing the books because doing so would be "censorship," she was fired for "insubordination." *Id.* at 75a. In December 2021, the County Library closed all branches for three days so that library staff could check the shelves for "inappropriate" books. *Id.* at 205a.

By the end of the year, seventeen books—all targeted by the small group of County residents—had been removed from the Llano County Public Library. *Id.* at 114a. The removed books include: a work examining the history of racism in the United States, which the *New York Times Book Review* lauded as "an instant American classic and almost certainly the keynote nonfiction book of the American century thus far," Dwight Garner, *Isabel Wilkerson's 'Caste' Is an 'Instant American Classic' About Our Abiding Sin*, N.Y. TIMES (Jan. 21, 2021), https://perma.cc/KL68-WFUC; a work chronicling the Ku Klux Klan, its origins, and its growth in the United States, which has been called "an exemplar of history writing and a must for libraries," *They Called Themselves the K.K.K: The*

Birth of an American Terrorist Group, KIRKUS (May 31, 2010), https://perma.cc/7S5U-7JBP; several award-winning, coming-of-age novels or memoirs, Pet. App. 221a; and a classic, Caldecott-Medal-winning children's picture book, *id.* at 73a (*In the Night Kitchen*, by Maurice Sendak).

In January 2022, the Commissioners Court dissolved the existing Library Board and replaced it with a new one composed mainly of County residents who had advocated for book removals. *Id.* at 205a-206a. The new Library Board closed its meetings to the public, including the County librarians. *Id.* at 206a.

B. Procedural History

1. Petitioners are Llano County residents who regularly use the public library and wish to check out the books that were removed from the shelves. *Id.* at 201a, 211a. In April 2022, they filed this suit against respondents, who are certain County Commissioners and Library Board members, as well as the Library System Director—all of whom were directly involved in removing books from the Llano County Public Library. *Id.* at 201a. Petitioners contended that respondents violated their "First Amendment right to access and receive ideas by restricting access to certain books based on their messages." *Id.* Respondents moved to dismiss petitioners' First Amendment claim. *Id.* at 210a.

After extensive briefing and a two-day evidentiary hearing, the district court denied respondents' motion to dismiss and granted petitioners a preliminary injunction. *Id.* at 200a, 206a. The district court explained that "First Amendment protections apply to the removal of

materials in public libraries." *Id.* at 215a n.4. The court emphasized that "courts have almost uniformly held that public libraries are subject to First Amendment limitations, even as limited public forums." *Id.*

Applying Fifth Circuit precedent adopting the plurality decision in *Pico*, the district court explained that the First Amendment "prevents libraries from 'remov[ing] books from … library shelves simply because they dislike the ideas contained in the[] books.'" *Id.* at 216a (quoting *Pico*, 457 U.S. at 872); *see Campbell v. St. Tammany Par. Sch. Bd.*, 64 F.3d 184, 189 (5th Cir. 1995). While *Pico* arose in the context of a "public school librar[y]," the court reasoned that its logic "has 'even greater force when applied to public libraries,' since public libraries are 'designed for freewheeling inquiry,' and the type of discretion afforded to school boards is not implicated." Pet. App. 217a-218a (citations omitted). The court thus rejected respondents' argument that book-removal decisions constitute "government speech to which the First Amendment does not apply." *Id.* at 216a.

The district court observed that the "key inquiry" under the First Amendment is "whether the government's 'substantial motivation' was to deny library users access to ideas with which [the government] disagreed." *Id.* (citation omitted). The court explained that within a "span of two months," respondents removed books that a small group of private citizens had identified as "inappropriate," including by labeling them "CRT and LGBTQ books." *Id.* at 221a-222a. Because respondents acted "so quickly and uncritically" upon those citizens' urging, the court found that respondents "were likely

motivated by a desire to limit access to the viewpoints to which [the citizens] objected." *Id.* at 222a.

The district court rejected respondents' contention that the book removals were "simply part of the library system's routine weeding process." *Id.* at 222a-223a. The court emphasized the Library System Director's testimony that she only removed books for further review that certain respondents "identified as 'inappropriate.'" *Id.* at 222a. And the court noted that the County Commissioners "instructed" the Director "to review the books—and even to remove some of them—based on [their] perception of the[] content or viewpoints" of the books. *Id.* at 223a. Thus, while acknowledging that public libraries have "discretion to weed books" based on "professional criteria," the court concluded that respondents aimed "to prevent access to particular views." *Id.* at 226a.

2. a. A panel of the Fifth Circuit affirmed in part. A two-judge majority, composed of Judges Wiener and Southwick, agreed on the essential First Amendment "rules" applicable to this case. *Id.* at 123a; *see id.* at 142a (Southwick, J., concurring in part and concurring in the judgment). Applying *Pico* and the Fifth Circuit's decision in *Campbell*, the majority explained that while "[l]ibrarians may consider books' contents in making curation decisions," book removals trigger First Amendment scrutiny if a public official "does not wish patrons to be able to access the book's viewpoint or message." *Id.* at 123a.

Applying those rules, the majority recognized that "a librarian who removes the 7th Edition of a Merriam-Webster dictionary in favor of the 8th Edition does not act unconstitutionally simply

because he or she considers the books' content and prefers the new edition." *Id.* And the majority emphasized that "[i]f a librarian exercises his or her discretion in removing a book promoting Holocaust denial, … it does not necessarily follow that 'the book is being removed because the library dislikes the ideas in it'" but instead could be "based on other constitutional considerations, such as the accuracy of the content." *Id.* at 126a. But when book-removal decisions are based on "unconstitutional motivations—*i.e.*, a desire to 'prescribe what shall be orthodox'"—the majority recognized that "the protections of the First Amendment necessarily come into play." *Id.* at 126a-127a.

The majority also rejected the argument that "selecting books for library shelves constitute[s] government speech, to which the Free Speech Clause does not apply." *Id.* at 127a-128a. The majority observed that this Court "has nowhere held" that the government may decide what speech to facilitate "based solely on the intent to deprive the public of access to ideas with which it disagrees." *Id.* at 129a. Such a rule, the majority emphasized, would "entirely shield all collection decisions from challenge," even when based on brazen viewpoint discrimination. *Id.* at 129a-130a.

Applying those principles, the majority agreed that respondents likely violated the First Amendment by removing eight of the books at issue—those concerning race, sexual orientation, and gender identity—in order to "deny access to particular ideas."

Id. at 131a; *see id.* at 142a (Southwick, J., concurring in part and concurring in the judgment.).[1]

b. Judge Duncan dissented. In his view, "[a] public library's choice of some books for its collection, and its rejection of others, is government speech" immune from Free Speech Clause scrutiny. *Id.* at 146a.

3. a. The Fifth Circuit granted en banc review, reversed the preliminary injunction, and dismissed petitioners' First Amendment claims. *Id.* at 6a. A majority held that "a public library's removal of books" can never be challenged "as violating the Free Speech Clause." *Id.* at 2a. Although the majority acknowledged that "Supreme Court precedent sometimes protects one's right to receive someone else's speech," *id.*, it concluded that public "libraries must have discretion to keep certain ideas—certain viewpoints—off the shelves," *id.* at 26a. In the majority's view, adjudicating viewpoint-discrimination challenges to book removals "would tie courts in endless knots." *Id.* at 23a.

The majority thus "overrule[d]" the Fifth Circuit's 1995 decision in *Campbell*, which held that "students could challenge the removal of a book from public

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[1] Judge Wiener believed the evidence showed that all seventeen removals were based on viewpoint discrimination. Pet. App. 130a-136a. Judge Southwick disagreed with respect to nine books that he found were removed not due to "dislike for the ideas within them" but instead "as part of the library's efforts to respond to objections that certain books promoted grooming and contained sexually explicit material." *Id.* at 142a-144a. But the majority was united on the legal rule that "[g]overnment actors may not remove books from a public library with the intent to deprive patrons of access to ideas with which they disagree." *Id.* at 140a.

school libraries." *Id.* at 3a. Although *Campbell* had relied on *Pico*, the majority determined that "*Pico* lacks precedential value." *Id.* at 27a. The majority also stated that even though its decision would deprive library patrons of any ability to challenge viewpoint-discriminatory book removals in public libraries, they should "[t]ake a deep breath" because they can still "order [the book] online, buy it from a bookstore, or borrow it from a friend." *Id.* at 5a.

In addition, a seven-judge plurality concluded that "a library's collection decisions are government speech and therefore not subject to Free Speech challenge." *Id.* at 3a. The plurality determined that the factors set forth in *Shurtleff v. City of Boston*, 596 U.S. 243 (2022), supported a government-speech finding. Pet. App. 51a-61a. The plurality stated that public libraries have long had an "avowed educational mission," and that the public knows that government "librarians, not patrons, select library materials." *Id.* at 53a, 58a. The plurality expressly "disagree[d]" with an Eighth Circuit decision holding that book-removal decisions are not government speech and thus are subject to First Amendment scrutiny. *Id.* at 58a-59a (disagreeing with *GLBT Youth in Iowa Schools Task Force v. Reynolds*, 114 F.4th 660, 668 (8th Cir. 2024)).

b. Judge Higginson dissented, joined by six other judges. The dissent criticized the majority for "overturn[ing] decades of settled First Amendment law" and "forsak[ing] … controlling Supreme Court law," Pet. App. 70a, emphasizing that "[f]or more than forty years," the principles announced in the *Pico* opinions "have guided courts around the country," including in the Fifth Circuit. *Id.* at 82a. The dissent observed that *Pico* "reflects the broad consensus that, while some—likely most—motivations for removing

library books may be constitutional, some are not." *Id.* at 89a. The majority "nullifie[d]" that principle, the dissent reasoned, by holding "that library patrons cannot possibly enjoy First Amendment protections in the context of book removals because trying to enforce such protection 'would be a nightmare.'" *Id.* at 83a (citation omitted). And the dissent observed that the majority's conclusion that book-removal decisions are wholly immune from First Amendment scrutiny "collapses into its 'government speech' position, creating a circuit split with the Eighth Circuit." *Id.* at 94a n.14 (quoting respondents' counsel's concession that "'there's no way to overrule [the Fifth Circuit's prior decision in] *Campbell* without creating a circuit split with the Eighth Circuit'").

The dissent also criticized the majority for "misapprehend[ing] the right" that petitioners assert. *Id.* at 96a. "It is not an affirmative right to demand access to particular materials," the dissent explained, but "a negative right against government censorship that is targeted at denying them access to disfavored, even outcast, information and ideas." *Id.* Thus, the dissent maintained that while "[t]he First Amendment does not require Llano County" to keep books "in its collection in perpetuity," it "does prohibit Llano County from removing" books "because it seeks to 'prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.'" *Id.* (citation omitted).

Finally, the dissent emphasized that, under the majority opinion, "across Texas, Louisiana, and Mississippi, it simply does not matter legally if public officials, motivated by political hostility, target and remove books they deem inappropriate or offensive, in order to deny the public access to the information and

ideas therein." *Id.* at 93a. "[T]here is nothing," the dissent observed, "to stop government officials from removing from a public library every book referencing women's suffrage, our country's civil rights triumphs, the benefits of firearms ownership, the dangers of communism, or, indeed, the protections of the First Amendment" in order to suppress those viewpoints. *Id.* at 102a-103a. The majority had thus "sanction[ed] government censorship in every section of every public library in [the Fifth Circuit]." *Id.* at 102a.

REASONS FOR GRANTING THE PETITION

The Fifth Circuit relied on a radical and erroneous understanding of the Free Speech Clause to hold that the Llano County Public Library has unfettered discretion to remove books for the purpose of suppressing disfavored views. That holding upsets the longstanding, workable standard that has governed for decades following *Pico* and conflicts with decisions of other circuits. The conclusion that the First Amendment has no application to book-removal decisions in public libraries is particularly alarming given the recent uptick in governmental censorship across libraries nationwide. This Court's intervention is warranted.

I. The Decision Below Contravenes This Court's First Amendment Precedents

This Court has repeatedly held that the First Amendment prohibits the government from suppressing speech based on the viewpoint it promotes. Here, the district court found that the Llano County Public Library removed books on viewpoint-discriminatory grounds, and the Fifth Circuit took no issue with that finding. Instead, the Fifth Circuit held that a public library's book-removal

decisions are immune from First Amendment scrutiny. That holding contradicts this Court's precedents and foundational First Amendment principles.

A. Respondents' Viewpoint-Discriminatory Book Removals Are Subject to First Amendment Scrutiny

When the government funds or facilitates expression, it cannot take actions "calculated to drive 'certain ideas or viewpoints from the marketplace.'" *Nat'l Endowment for the Arts v. Finley*, 524 U.S. 569, 587 (1998) (citation omitted). Like public libraries across the country, the Llano County Public Library facilitates expression and learning by giving residents access to a wide range of books. Thus, the Llano County Public Library's removal of certain books based on the viewpoint they promote is subject to scrutiny under the First Amendment.

1. This Court has repeatedly "found common ground in a core postulate of free speech law: The government may not discriminate against speech based on the ideas or opinions it conveys." *Iancu v. Brunetti*, 588 U.S. 388, 393 (2019). Under that principle, the government is barred from punishing disfavored expression. And it is also barred from establishing a program to facilitate private learning and expression and then excluding only certain disfavored views from that program.

In *Rosenberger v. Rector & Visitors of the University of Virginia*, 515 U.S. 819 (1995), for instance, the Court held that a state university violated the First Amendment by paying "for the printing costs of a variety of student publications" but withholding such payments from religious student

publications. *Id.* at 822-823. The Court reasoned that when the government "expends funds to encourage a diversity of views from private speakers," it "may not discriminate based on the viewpoint of private persons whose speech it facilitates." *Id.* at 834. That rule applied even though the university's program was "one of its own creation." *Id.* at 829.

Similarly, in *Legal Services Corp. v. Velazquez*, 531 U.S. 533 (2001), the Court concluded that a federal law violated the First Amendment because it barred legal-services organizations receiving federal funds from "challeng[ing] existing welfare law" in court. *Id.* at 537. The Court explained that by restricting attorneys "in presenting arguments and analyses to the courts," the law "exclude[d] certain vital theories and ideas" from the legal system and "distort[ed] [the system's] usual functioning." *Id.* at 543-544, 548. While "Congress was not required to fund" attorneys "to represent indigent clients," the Court reasoned, it could not bar them from presenting particular arguments once it did so. *Id.* at 548.

Most recently, the Court has held that aspects of the U.S. Patent and Trademark Office's trademark registration program discriminate based on viewpoint. In *Matal v. Tam*, 582 U.S. 218 (2017), the Court invalidated a statutory provision barring registration of marks that "disparage" any "persons, living or dead." *Id.* at 223. And in *Brunetti*, the Court invalidated a provision "prohibiting the registration of 'immoral[] or scandalous' trademarks." 588 U.S. at 388. The Court explained that both provisions discriminated based on viewpoint by "allow[ing] registration of marks when their messages accord with, but not when their messages defy, society's sense of decency or propriety." *Id.* at 394.

2. In *Pico*, this Court applied established viewpoint-discrimination principles to a public-school library's removal of books that the school board deemed "anti-American, anti-Christian, anti-Sem[i]tic, and just plain filthy." 457 U.S. at 857. The books included classic works by Kurt Vonnegut and Langston Hughes. *Id.* at 856 n.3.

A four-judge plurality authored by Justice Brennan rejected the school board's "claim of absolute discretion to remove books from the[] school libraries." *Id.* at 869. While schools "rightly possess significant discretion to determine the content of their school libraries," the plurality explained, "that discretion may not be exercised in a narrowly partisan or political manner," and "school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books." *Id.* at 870, 872. Thus, where a school board "*intend[s]* by [its] removal decision to deny [students] access to ideas with which [the school board] disagree[s]," that decision triggers First Amendment scrutiny. *Id.* at 871; *see id.* at 879 (Blackmun, J., concurring) ("[O]ur precedents command the conclusion that the State may not act to deny access to an idea simply because state officials disapprove of that idea for partisan or political reasons.").

Justice White concurred in the judgment. He agreed that the case should be remanded for adjudication of the "reasons underlying the school board's removal of the books." *Id.* at 883. Accordingly, he necessarily rejected the premise that the school board's removal decisions were completely immune from First Amendment scrutiny.

Justice Rehnquist issued a dissent, joined by Chief Justice Burger and Justice Powell, in which he "cheerfully concede[d]" the plurality's conclusion that school boards may not exercise discretion to remove books "in a narrowly partisan or political manner" or a manner that amounts to "the official suppression of *ideas*." *Id.* at 907. Justice Rehnquist simply thought that "the facts" suggested "that nothing of this sort happened" and instead the school board removed the books because they "contained demonstrable amounts of vulgarity and profanity." *Id.* Justice Rehnquist stressed that "actions by the government as educator do not raise the same First Amendment concerns as actions by the government as sovereign," *id.* at 910, and he observed that "[t]he government as educator" had not sought "to reach beyond the confines of the school" because the books at issue remained available at "the local public library," *id.* at 915. He also specifically distinguished school libraries, which "serve as supplements to [the school's] inculcative role," from "public libraries," which are "designed for freewheeling inquiry." *Id.*

Accordingly, eight Justices in *Pico* agreed that the First Amendment constrains a school library from removing books to suppress disfavored views. And the dissent implied that this principle would apply with even greater force in a public library.

3. Applying the foregoing principles, the County's book removals here were subject to First Amendment scrutiny. Public libraries seek to "facilitat[e] learning and cultural enrichment" by "provid[ing] a wide array of information." *United States v. Am. Libr. Ass'n*, 539 U.S. 194, 203-204 (2003) (plurality opinion). As the County Library's governing principles explained, "[t]here should be the fullest

practicable provision of material presenting all points of view concerning the problem[s] and issues of our times," with the goal of "maintain[ing] a well-balanced and broad collection of materials for information, reference, research, and enjoyment." D. Ct. Doc. 22-10, at 35.

Given the County Library's status as a government-run "medium" for public learning and "expression," *Velazquez*, 531 U.S. at 543, it may not "ai[m] at the suppression of dangerous ideas" or "to drive 'certain ideas or viewpoints from the marketplace,'" *Finley*, 524 U.S. at 587 (citations omitted). Indeed, establishing a public library for the traditional purpose of providing a wide range of ideas to educate the public, but then removing books expressing disfavored views, would "distort [the] usual functioning" of a public library "in an unconventional" and impermissible manner. *Velazquez*, 531 U.S. at 543. And even if public libraries are conceived of as "nonpublic forum[s]"—because they have some discretion to "limit[] access"—the same rule of "viewpoint neutral[ity]" would apply. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 806 (1985).

The "key question" here, then, should have been whether respondents' book-removal decisions were "viewpoint-neutral or viewpoint-based." *Brunetti*, 588 U.S. at 394. The district court thus correctly asked whether respondents removed books in order "to deny library users access to viewpoints with which [respondents] disagreed." Pet. App. 221a (citation omitted). And applying that proper framework, the court concluded that respondents violated the First Amendment by "target[ing] and remov[ing] books, including well-regarded, prize-winning books," based

on "a desire to limit access to the viewpoints" those books contained. *Id.* at 221a-222a.

B. The Fifth Circuit's Contrary Decision Is Flawed

The decision below gives the green light to such censorship. Under that decision, the First Amendment has no application to public libraries' viewpoint discrimination. The Fifth Circuit's holding and reasoning do not withstand scrutiny.

1. The decision below would immunize flagrant viewpoint discrimination

The en banc majority held that citizens have no "right to receive information" from a public library free from viewpoint discrimination, Pet. App. 2a, and the plurality held that a public library's "collection decisions are government speech," *id.* at 3a. Both rationales are incorrect on their own terms, as explained below. But they also "collapse[] into" one another because their "functional" effect is the same: the government may "remov[e] library books for any reason, without First Amendment restraint." *Id.* at 94a-96a & n.14 (Higginson, J., dissenting). Thus, respondents conceded that under their view, the First Amendment would not constrain government officials from using book removals in public libraries to suppress certain viewpoints—for example, "the benefits of firearms ownership" or "the dangers of communism." *Id.* at 102a-103a. That result contradicts the "fixed star in our constitutional constellation"—"that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

The Fifth Circuit reassured citizens that they can still "speak out against (and vote against)" government officials whose book-removal decisions "they disagree with." Pet. App. 33a. But under the decision below, government officials could remove library books in secret—meaning that citizens would not even know when the officials were suppressing ideas. Indeed, respondents here disbanded the prior Library Board, created a new one, and denied public access to its meetings. *See supra* at 6. In this context, political remedies are illusory.

In any event, the "very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts." *Barnette*, 319 U.S. at 638. No legal principle is more sacred than the bar against governmental suppression of "speech based on the ideas or opinions it conveys." *Brunetti*, 588 U.S. at 393. And that principle applies equally to "unpopular ideas." *Mahanoy Area Sch. Dist. v. B.L. by & through Levy*, 594 U.S. 180, 190 (2021).

To be sure, public libraries "rightly possess significant discretion to determine the content" of their collections of books. *Pico*, 457 U.S. at 870 (plurality opinion); *accord Am. Libr. Ass'n*, 539 U.S. at 205 (plurality opinion). For example, public libraries have long applied the CREW method, which requires librarians to sometimes consider the content of books when deciding whether to remove and replace them. *See supra* at 4. But those sorts of "content-based distinctions" are intrinsic to ordinary library maintenance and have long "coexisted with the First Amendment." *Vidal v. Elster*, 602 U.S. 286, 295

(2024). By contrast, viewpoint discrimination—which targets "particular views taken by speakers on a subject"—is far more invidious. *Id.* at 293 (citation omitted); *see Finley*, 524 U.S. at 587; *Ark. Educ. Television Comm'n v. Forbes*, 523 U.S. 666, 682 (1998). And such discrimination is antithetical to the longstanding values and practices of public libraries. *See supra* at 3-4 (discussing the ALA Bill of Rights).

2. Llano County's viewpoint discrimination violates petitioners' First Amendment rights

As noted, the en banc majority held that petitioners have no "right to receive information" and thus cannot "challenge the library's removal of" books based on viewpoint discrimination. Pet. App. 20a. That holding is misconceived.

The First Amendment not only "foster[s] individual self-expression" but also "afford[s] the public access to discussion, debate, and the dissemination of information and ideas." *First Nat'l Bank of Bos. v. Bellotti*, 435 U.S. 765, 783 (1978). It is thus "well established" that the First Amendment "protects the right to receive information and ideas." *Stanley v. Georgia*, 394 U.S. 557, 564 (1969); *see, e.g.*, *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 757 (1976); *Martin v. City of Struthers*, 319 U.S. 141, 143 (1943).

The majority acknowledged that the "First Amendment limits the government's power to prevent one person from receiving another's speech." Pet. App. 16a. But it maintained that a person has no "right to receive information from the *government*." *Id.* That framing misses the point. Petitioners do not claim that the County must establish a public library; they

claim that once the County chooses to establish such a library, County residents have a right to access the books there free from governmental viewpoint discrimination.

That principle follows directly from this Court's precedents. In *Velazquez*, for instance, "Congress was not required to fund" organizations "to represent indigent clients," but once it did so, it could not "define the scope of the litigation it funds to exclude certain vital theories and ideas." 531 U.S. at 548. And in *Rosenberger*, the university was not required to fund student publications, but once it did so, it could not "discriminate" against certain publications "on the basis of [their] viewpoint[s]." 515 U.S. at 829. Similarly, here, the County was not required to open a public library, but once it did so, it could not use that library as a vehicle to suppress certain viewpoints.

The majority also emphasized that "[i]f a disappointed patron can't find a book in the library, he can order it online, buy it from a bookstore, or borrow it from a friend." Pet. App. 5a. But "libraries provide critical access to books and other materials for many Americans who cannot afford to buy every book that draws their interest." *Id.* at 103a (Higginson, J., dissenting). In any event, the relevant question is not whether a library has an "affirmative obligation" to provide access to particular books, but "whether government officials may restrict—abridge—the spectrum of ideas available to the public by culling books from public library shelves, simply because those officials find the books' ideas inappropriate." *Id.* at 104a-105a.

3. A public library's collection decisions are not government speech

The en banc plurality also concluded that "a library's collection decisions are government speech and therefore not subject to Free Speech challenge." Pet. App. 3a. Not a single Justice in *Pico* suggested that the library's collection decisions there were government speech. For good reason.

The government-speech doctrine "is susceptible to dangerous misuse" because by "pass[ing] off" regulation of private speech as government speech, the government can "silence or muffle the expression of disfavored viewpoints." *Tam*, 582 U.S. at 235. This Court thus "exercise[s] great caution before extending [its] government-speech precedents." *Id.* To determine "whether the government intends to speak for itself or to regulate private expression," this Court looks to "the history of the expression at issue; the public's likely perception as to who (the government or a private person) is speaking; and the extent to which the government has actively shaped or controlled the expression." *Shurtleff*, 596 U.S. at 252. Here, those factors show that a library's collection decisions are not government speech.

First, public libraries have not historically been used to express the government's views. Public libraries, which emerged in the mid-1800s, were established through grassroots citizen movements—not top-down government dictates. The first such library, the Peterborough, New Hampshire, Town Library, was founded in 1833 by "a group of farmers and small manufacturers" "without the permission of state legislation" and obtained its initial funding through subscriptions. *The Peterborough Town*

Library, LIBRARY HISTORY BUFF (Dec. 7, 2008), https://perma.cc/S96Y-7WSN.

Taxpayer-funded libraries proliferated in the late 1800s—not because of government action but because of citizen-led groups. For instance, wealthy philanthropists offered grants, Abigail A. van Slyck, "*The Utmost Amount of Effectiv [sic] Accommodation": Andrew Carnegie and the Reform of the American Library*, 50:4 J. Soc. Arch. Hist. 359-383 (Dec. 1991), and women's literary clubs led fundraising efforts, J.D. Sherman, *The Women's Clubs in the Middle Western States*, Annals of the Am. Acad. of Political & Soc. Sci. 227, 246-247 (1906). In turn, many of these citizen-led public libraries unified their missions through the ALA. In 1939, the ALA published the "Library Bill of Rights," declaring that public libraries are "forums for information and ideas," serving "all people of the community." D. Ct. Doc. 22-8, at 23 (May 9, 2022).

The Llano County Public Library was founded in 1939—the same year the ALA published its Bill of Rights—through grassroots efforts by a Llano County women's literary club seeking to give citizens the opportunity and means for self-education. *See supra* at 3. And from 1939 until the events in this case, the library adhered to the principles in the ALA Bill of Rights by committing to "the fullest practicable provision of material presenting all points of view concerning the problem[s] and issues of our time." D. Ct. Doc. 22-10, at 35. Thus, the history of public libraries generally, and of the Llano County Public Library specifically, shows that "the expression at issue" is not a governmental message, *Shurtleff*, 596 U.S. at 252, but instead "a diversity of views from

private speakers" designed to inform the local community, *Rosenberger*, 515 U.S. at 833-834.

Second, the public is not likely to perceive the books on the shelves of a public library as a curated government "message." *Shurtleff*, 596 U.S. at 252. In *American Library Association*, a plurality explained that public libraries make "*private* speech … available to the public." 539 U.S. at 204 (emphasis added). And the Llano County Public Library was founded by a women's literary club to give citizens access to a wide variety of books on different topics—not to convey a governmental message through its curation of books. Indeed, its "Materials Selection Policy" states: "The Library does not promulgate particular beliefs or views, nor is the selection of any given media equivalent to endorsement of the viewpoint of the author expressed therein." D. Ct. Doc. 22-10, at 35.

The en banc plurality deemed it significant that "librarians, not patrons" have ultimate control over the collection of library books on the shelves. Pet. App. 57a-58a (citation omitted). But in *Shurtleff*, the City of Boston "maintained control" over flag raisings on the city plaza and yet the Court held that they did not constitute government speech. 596 U.S. at 256. What matters is not whether the government has final decision-making authority; it is "whether the public would tend to view the speech at issue" as conveying the government's own message. *Id.* at 255.

Finally, until the events in this case, nothing suggests that the government "actively … shaped the messages" conveyed by the Llano County Public Library's book collection. *Id.* at 256. Rather, the library has long employed the CREW method, which aims to remove books to make room for new ones

based on viewpoint-neutral criteria such as poor physical condition, obsolescence, and triviality. *See supra* at 4. And the library has expressly disavowed the "promulgat[ion of] *particular* beliefs or views," while seeking to "present[] *all* points of view concerning the problem[s] and issues of our time." D. Ct. Doc. 22-10, at 35 (emphasis added). The library's policy thus resembles the policies in cases like *Shurtleff* and *Tam*, where government officials generally "did not consider the[] viewpoint" of flags and trademarks in providing access to the programs at issue—confirming those programs were not government speech. *Shurtleff*, 596 U.S. at 257; *Tam*, 582 U.S. at 235. The same is true here.

In these respects, the Llano County Public Library is fundamentally different from the social-media platforms in *Moody v. NetChoice, LLC*, 603 U.S. 707 (2024). *See* Pet. App. 38a (relying on *NetChoice*). There, the Court recognized that social-media platforms have long exercised editorial judgment by "prefer[ring]" certain content and "suppress[ing]" other "disfavor[ed]" content, *NetChoice*, 603 U.S. at 734-735, and the Court reaffirmed that the First Amendment protects platforms in "offering the expressive product that most reflects [their] own views and priorities," *id.* at 718. In contrast, the Llano County Public Library is not a private entity offering an expressive product, and it has not previously sought to curate its collection by preferring certain viewpoints and suppressing others. Extending the government-speech doctrine to this context would turn the First Amendment on its head by immunizing viewpoint-discriminatory public library book-removal decisions, even though the "fundamental aim of the First Amendment" is to ensure "the public has access

to a wide range of views" by "preventing the government from 'tilt[ing] public debate in a preferred direction.'" *Id.* at 741 (citation omitted).

II. The Decision Below Warrants This Court's Review

The Fifth Circuit's decision not only disregards *Pico* and fundamental First Amendment principles, but it also conflicts with decisions from multiple other circuits and threatens to exacerbate a disturbing national surge of governmental censorship in public libraries. This Court should intervene now.

A. The Decision Below Conflicts with Decisions from Other Circuits

In every other circuit to have considered the issue, petitioners could have challenged public officials' book-removal decisions as viewpoint discriminatory under the Free Speech Clause. But because petitioners reside in the Fifth Circuit, their Free Speech Clause claims were dismissed. Pet. App. 61a. A person's First Amendment rights should not depend on the jurisdiction in which she resides.

1. Both before and after *Pico*, lower courts have recognized that the First Amendment applies when public officials remove books from libraries to suppress access to viewpoints. *See GLBT Youth*, 114 F.4th at 666-667; *ACLU v. Miami-Dade Cnty. Sch. Bd.*, 557 F.3d 1177, 1194 (11th Cir. 2009); *Bicknell v. Vergennes Union High Sch. Bd. of Dirs.*, 638 F.2d 438, 441 (2d Cir. 1980); *Minarcini v. Strongsville City Sch. Dist.*, 541 F.2d 577, 582 (6th Cir. 1976).[2] The Fifth

[2] *See also Crookshanks as next friend of C.C. v. Elizabeth Sch. Dist.*, 775 F. Supp. 3d 1160, 1179-1181 (D. Colo. 2025); *PEN Am. Ctr., Inc. v. Escambia Cnty. Sch. Bd.*, 711 F. Supp. 3d 1325,

Circuit's decision here conflicts with that precedent and advances a position no other court of appeals has embraced—that government officials' book-removal decisions are entirely immune from Free Speech Clause scrutiny.

2. Similarly, before this case no court had deemed a public library's book-removal decisions to be government speech. In *GLBT Youth*, the Eighth Circuit allowed Iowa students and a non-profit organization to challenge an Iowa law "requir[ing] the removal of books from school libraries that are not age-appropriate." 114 F.4th at 666. The court rejected the State's argument that "the removal of books from public school libraries constitutes government speech." *Id.* at 667. As the court explained, "it is doubtful that the public would view the placement and removal of books in public school libraries as the government speaking" because the diversity of books on the shelves would mean that "the State 'is babbling prodigiously and incoherently.'" *Id.* at 668 (quoting *Tam*, 582 U.S. at 236). And the court emphasized that "historically the government of Iowa has not asserted extensive control over removing books from public school libraries." *Id.*

The en banc plurality here expressly acknowledged that the Eighth Circuit "reached a

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1331 (N.D. Fla. 2024); *Virden v. Crawford Cnty.*, 2023 WL 5944154, at *6 (W.D. Ark. Sep. 12, 2023); *Counts v. Cedarville Sch. Dist.*, 295 F. Supp. 2d 996, 998-999 (W.D. Ark. 2003); *Sund v. City of Wichita Falls*, 121 F. Supp. 2d 530, 547 (N.D. Tex. 2000); *Case v. Unified Sch. Dist. No. 233, Johnson Cnty.*, 895 F. Supp. 1463, 1470 (D. Kan. 1995); *Sheck v. Baileyville Sch. Comm.*, 530 F. Supp. 679, 692 (D. Me. 1982); *Salvail v. Nashua Bd. of Ed.*, 469 F. Supp. 1269, 1275-1276 (D.N.H. 1979); *Right to Read Def. Comm. of Chelsea v. Sch. Comm. of Chelsea*, 454 F. Supp. 703, 711-712 (D. Mass. 1978).

different conclusion" on government speech and "disagree[d]" with its reasoning. Pet. App. 58a-59a; *see id.* at 60a n.58 (arguing that "[t]he Eighth Circuit went astray" in applying *Shurtleff*). And the en banc majority opinion likewise conflicts with *GLBT Youth* because it holds that petitioners "cannot challenge the library's decision to remove the 17 books," *id.* at 31a, whereas *GLBT Youth* allows plaintiffs "to pursue [such a] First Amendment claim," 114 F.4th at 668. As the dissent explained and respondents' counsel "acknowledged," the majority's conclusion that book-removal decisions are wholly immune from First Amendment scrutiny "collapses into its 'government speech' position, creating a circuit split with the Eighth Circuit." Pet. App. 94a n.14.

For its part, the D.C. Circuit, in a case involving a government-sponsored art exhibit, stated in dicta that public libraries "speak[] through [their] selection of which books to put on the shelves and which books to exclude." *People for the Ethical Treatment of Animals v. Gittens*, 414 F.3d 23, 28 (D.C. Cir. 2005). The en banc plurality relied on that dicta, Pet. App. 41a, and yet it runs counter to the Eight Circuit's decision in *GLBT Youth*. Only this Court can resolve the circuits' confusion over the government-speech doctrine's application to libraries.

3. In addition, the Third, Sixth, and Tenth Circuits have all "specifically recognized" a First Amendment "right to receive information in the context of restrictions involving public libraries." *Doe v. City of Albuquerque*, 667 F.3d 1111, 1119 (10th Cir. 2012); *see Neinast v. Bd. of Trs. of Columbus Metro. Libr.*, 346 F.3d 585, 591 (6th Cir. 2003) (concluding that the First Amendment "right to receive information" applies to the public library, "the

quintessential locus of the receipt of information" (citation omitted)); *Kreimer v. Bureau of Police*, 958 F.2d 1242, 1255 (3d Cir. 1992) (same). By contrast, the en banc majority held that petitioners have no First Amendment "right to receive information" that would allow them "to challenge a library's removal of books" on viewpoint-discrimination grounds. Pet. App. 2a; *see id.* at 83a (Higginson, J., dissenting) (explaining that the majority decision is inconsistent with *Kreimer*).

The en banc majority sought to distinguish these decisions from other circuits on the ground that they involved libraries denying certain patrons access to their premises. *Id.* at 19a-20a. But the reasoning in those decisions shows that the courts there would have agreed with the Fifth Circuit dissent, not the majority. The Third Circuit explained that the First Amendment protects citizens against "laws that censor information"—like Llano County's policy here—and "*additionally* encompasses the positive right of public access to information and ideas." *Kreimer*, 958 F.2d at 1255 (emphasis added); *see City of Albuquerque*, 667 F.3d at 1118 (similar). And the Sixth Circuit analyzed the public library as "a limited public forum," *Neinast*, 346 F.3d at 591—a context in which viewpoint-based restrictions like Llano County's are prohibited, *see Rosenberger*, 515 U.S. at 829. Thus, there is little question that the Third, Sixth, and Tenth Circuits would have decided this case differently than the Fifth Circuit here.

B. The Question Presented Is Exceptionally Important

The question presented in this case is also exceptionally important. This Court frequently

grants certiorari in Free Speech Clause cases even in the absence of a square circuit conflict. *See, e.g.*, *Free Speech Coal., Inc. v. Paxton*, 145 S. Ct. 2291 (2025); *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175 (2024); *City of Austin v. Reagan Nat'l Advert. of Aus., LLC*, 596 U.S. 61 (2022). Review is especially warranted where, as here, courts of appeals have expressly diverged over fundamental free speech principles.

The destabilizing consequences of the Fifth Circuit's ruling also necessitate this Court's intervention. For decades since *Pico*, lower courts have coalesced around a workable standard for First Amendment challenges to libraries' book removals. Specifically, plaintiffs have a First Amendment right to bring such challenges and can succeed if they show viewpoint discrimination. But absent such a showing, courts afford libraries significant deference. *See, e.g.*, *Miami-Dade Cnty. Sch. Bd.*, 557 F.3d at 1225 (allowing challenge but deferring to school's decision that book was "educationally unsuitable"); *Campbell*, 64 F.3d at 191 (allowing challenge but acknowledging the "discretion of public school officials to set and administer educational policy"); *Virden*, 2023 WL 5944154, at *6 (allowing challenge but explaining that plaintiffs would need to prove "political or partisan motives"); *Case*, 895 F. Supp. at 1470 (allowing challenge but noting that plaintiffs needed to present evidence about "the intent of the defendants in removing the book").

The decision below upends that status quo. Under the Fifth Circuit's holding, libraries' book-removal decisions are subject to no First Amendment scrutiny at all. As respondents' counsel admitted at oral argument, respondents' position contains no "limiting principle." Pet. App. 103a n.16 (Higginson,

J., dissenting). Thus, a government could remove books extolling "the benefits of firearm ownership" or warning about "the dangers of communism" in order to suppress access to those views—with "political constraints" supplying the only ostensible remedy. *Id.* at 102a-103a & n.16.

Such governmental censorship is not simply hypothetical. In fact, attempts to restrict library books have reached record levels in recent years. In 2023, 1,247 such attempts were reported to the ALA—an all-time high since the ALA began documenting library censorship in 1990. Deborah Caldwell-Stone, *Freedom to Read Continues to Come Under Fire, in* THE STATE OF AMERICA'S LIBRARIES: A SNAPSHOT OF 2024, 6 (Am. Lib. Ass'n Apr. 2025), https://perma.cc/39JQ-FPYW. Thousands of separate titles were targeted for censorship in 2023 and 2024, even though only 46 titles were targeted annually from 2001-2020. *Id.*; *see, e.g.*, Hannah Allam, *Culture War in the Stacks: Librarians Marshal Against Rising Book Bans*, WASH. POST (Mar. 4, 2023), https://perma.cc/PV77-BE2M (explaining that in recent years, "the number of book challenges has skyrocketed, going from sporadic individual complaints to organized campaigns"). And a "number of states" have recently "passed laws seeking to protect children from harmful and inappropriate reading materials that public libraries allegedly make available to the public." *Fayetteville Pub. Libr. v. Crawford Cnty.*, 684 F. Supp. 3d 879, 887 (W.D. Ark. 2023).

The viewpoints expressed by banned books vary across jurisdictions. Like Llano County, some jurisdictions have removed books promoting racial justice and LGBTQ pride on the ground that they

promote inappropriate ideas. Rachel Spacek, *Boise-Area Library System Quietly Removed 'Challenged' Books from Its Collection*, IDAHO STATESMAN (Apr. 23, 2023), https://perma.cc/2APL-BRS6. Others have removed books by Dr. Seuss on the ground that they contain racially insensitive imagery. *Dr. Seuss Controversy Reaches Local Shelves as Chicago Public Library Pulls 6 Books over Racist, Insensitive Imagery*, ABC7 (Mar. 10, 2021), https://perma.cc/KY5G-T995. And still others have removed books critiquing gender-affirming care for transgender individuals. *See* Letter from William H. Harmer, Executive Director, Westport Library, to Alessandra Gordonos, *Response to Request for Reconsideration*, at 2 (July 20, 2022), https://perma.cc/KB7B-7UFP (noting that *Irreversible Damage: The Transgender Craze Seducing Our Daughters*, was "withdrawn" from the public library, then reacquired a year later).

The "First Amendment's purpose" is "to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail." *McCullen v. Coakley*, 573 U.S. 464, 476 (2014) (citation omitted). Viewpoint-based book bans in public libraries are antithetical to that purpose. Yet the Fifth Circuit's decision would entirely immunize such bans from First Amendment scrutiny—thus giving state and local governments carte blanche authority to deploy public libraries as instruments of "[n]aked censorship." *Shurtleff*, 596 U.S. at 269 (Alito, J., concurring). This Court should grant certiorari and reverse that radical result.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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