

No. 25-284

IN THE
Supreme Court of the United States

LEILA GREEN LITTLE, *et al.*,

Petitioners,

v.

LLANO COUNTY, TEXAS, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

**BRIEF FOR *AMICI CURIAE*
LOUISIANA CITIZENS AGAINST
CENSORSHIP AND THE LOUISIANA
LIBRARY ASSOCIATION
IN SUPPORT OF PETITIONERS**

BRUCE HAMILTON
Counsel of Record
ANNIE CLEVELAND
TULANE FIRST AMENDMENT
LAW CLINIC
6329 Freret Street,
Suite 130
New Orleans, LA 70118
(504) 862-8813
bhamilton1@tulane.edu

Attorneys for Amici Curiae



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INTERESTS OF AMICI CURIAE¹

Louisiana Citizens Against Censorship (“LA-CAC”) is a volunteer-run organization of Louisiana residents committed to protecting the right to receive information through books and other library materials. LA-CAC includes members across the State who oppose arbitrary restrictions on access to knowledge. Its mission is to ensure that every library remains a place where all people—regardless of race, religion, sexual orientation, socioeconomic background, disability status, or creed—can explore the world, learn from diverse histories and experiences, and engage in meaningful self-education. LA-CAC has a direct and urgent interest in preventing censorship and preserving libraries’ essential function as free and open institutions of learning.

The Louisiana Library Association (“LLA”) is a professional association of librarians and other library professionals. Established in 1925, the LLA has a critical interest in continuing to provide high quality library services, collections, and facilities, which are fully adequate to support instruction, research, self-education, and pleasure reading in order that the citizens of Louisiana may be well-informed and able to achieve full self-development.

1. Pursuant to Supreme Court Rule 37.2, counsel of record for all parties received timely notice of the intent to file this brief. Pursuant to Rule 37.6, no counsel for a party authored this brief in whole or in part, or made a monetary contribution intended to fund the preparation or submission of this brief. No person or entity other than *amici curiae*, their members, or their counsel made a monetary contribution to the preparation or submission of the brief.

SUMMARY OF THE ARGUMENT

*“ . . . deeds and not words will provide an opportunity for librarians to work together toward the goal of freedom and opportunity to read for all the people.”*² Essae M. Culver

Our country has long understood that public libraries serve as “the people’s universities.”³ This is especially true in rural states like Louisiana, where many communities facing high poverty and illiteracy rates rely on libraries for educational resources.⁴ Amici submit this brief to underscore the vital role of public libraries as pluralistic institutions that provide access to knowledge, culture, and civic engagement. The Fifth Circuit held that book collections of public libraries constitute government speech, and thus the First Amendment is not applicable to book-removal decisions.⁵ This holding overturns well-established precedent and eviscerates constitutional protections that have long ensured free community access to a diversity of ideas and information.

2. Florence M. Jumonville, Spreading the Gospel of Books: Essae M. Culver and the Genesis of Louisiana Parish Libraries 70 (2019).

3. Bruton R. Sisco and Donna L. Whitson, *Libraries: The People’s University*, 47 NEW DIRECTIONS FOR ADULT AND CONTINUED EDUCATION 21, 21 (1990).

4. State Library of Louisiana Department of Culture, Recreation & Tourism, *Louisiana Libraries. A Report on the Economic and Service Impact of Louisiana Libraries*, 4 (1996).

5. *Little v. Llano Cnty.*, 138 F.4th 834, 865 (5th Cir. 2025).

Public libraries, and the collections of books they contain, are fundamentally different from traditional forums of government speech. Unlike official flags or license plates, library collections do not communicate a singular viewpoint.⁶ Libraries are inclusive institutions whose mission is to facilitate the exploration of ideas, meet the informational needs of their communities, and preserve local traditions.⁷ Louisiana’s history demonstrates that libraries are, and are intended to be, community institutions, entrenched in cultural heritage, built through community investment, and designed to serve all. The State Library of Louisiana actively promotes “equal access to information for all citizens,” preserves “the literary and cultural heritage of Louisiana,” and defends “intellectual freedom.”⁸ Libraries across Louisiana’s parishes already have policies in place for book challenges, wherein members of the community work with librarians

6. Caroline Mala Corbin, *Essay: Government Speech and First Amendment Capture*, 107 VA. L. REV. 224, 225-9 (2021).

7. *Library Bill of Rights*, AMERICAN LIBRARY ASSOCIATION, <https://www.ala.org/advocacy/intfreedom/librarybill>, <https://perma.cc/EYC7-6CVT> (last visited Oct 1, 2025); *Evaluating Library Collections: An Interpretation of the Library Bill of Rights*, AMERICAN LIBRARY ASSOCIATION (rev. 2014), <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/evaluatinglibrary>, <https://perma.cc/V4HW-BMDD> (recognizing collection decisions should turn on literary, artistic, or informational merit, accuracy and authority, and significance of subject matter, not partisan or doctrinal disapproval).

8. *Mission and Values*, STATE LIBR. OF LA., (last visited Sept. 26, 2025), <https://library.la.gov/about-us/mission-and-values/>, <https://perma.cc/GC38-VZ2U>.

and library boards to evaluate challenged texts.⁹ The Fifth Circuit’s decision undermines this democratic process by granting the government carte blanche to censor books.

The consequences of book removals are tangible. Youth, low-income patrons, and marginalized communities are particularly affected. Titles by and about minorities are disproportionately targeted, resulting in reduced circulation and eventual erasure.¹⁰ The removal of books based on viewpoint and content-based discrimination transforms libraries into agencies of exclusion.

All citizens have a right to access a diversity of ideas and information free from government overreach. This Court should grant review and reverse the decision below.

ARGUMENT

I. Library Book Collections Do Not Constitute Government Speech.

Designating library collections as government speech gives government officials unchecked authority to remove books because of disfavored ideas, eroding the long-established principle that “[i]f there is any fixed star in

9. See LIVINGSTON PARISH LIBRARY, *Collection Development*, in POLICY MANUAL 81, §5 (on file with Livingston Parish Library, 2025) (“Suggestions from the public regarding the selection and retention of materials shall be reviewed for consideration by appropriate professional staff. Decisions based thereon shall be in accordance with all necessary guidelines and mandates.”).

10. Ishena Robinson, *Anti-CRT Mania and Book Bans Are the Latest Tactics to Halt Racial Justice*, LEGAL DEF. FUND, <https://www.naacpldf.org/critical-race-theory-banned-books/>.

our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.”¹¹ This Court has extended First Amendment protections against viewpoint and content-based discrimination to libraries. In *Board of Education v. Pico*, this Court held school officials could not remove books from school libraries because they disagreed with the ideas they contained, affirming libraries as spaces for inquiry and access.¹² The Fifth Circuit’s opinion cursorily discards this precedent, claiming that First Amendment protections do not apply because a public library’s book collections constitute government speech.

But the government-speech doctrine is a narrow exception to broad First Amendment protections, and it applies only when three criteria are met: (1) the government is clearly the speaker; (2) the public reasonably understands the message as emanating from the state; and (3) the expression functions as the government’s own proclamation rather than as a platform for private use.¹³ Louisiana public libraries meet none of these criteria.

Two recent incidents from Lafayette, Louisiana illustrate the ill-fitting and pernicious application of this

11. *W. Va. State Bd. Of Educ. V. Barnette*, 319 U.S. 624 (1943).

12. 457 U.S. 853, 875 (1982).

13. *Walker v. Texas Div., Sons of Confederate Veterans*, 576 U.S. 200, 207-08 (2025); *see also Pleasant Grove City v. Sumnum*, 555 U.S. 460, 464 (2009) (holding that the placement of permanent monuments in a public park constituted government speech because the government selects the monuments and controls the message).

doctrine to public libraries. In 2021, the Lafayette Library Board rejected a grant from the Louisiana Endowment for the Humanities intended to fund a program titled “Who Gets to Vote?”¹⁴ The initiative focused on addressing the historical disenfranchisement of Black voters and local civil rights struggles of racial minorities in Louisiana. Concerned about appearing neutral on the “divisive” issue of voting rights, the Parish Council’s appointed Library Board rejected the grant, stating that the program lacked balance because it did not include conservative viewpoints on the right to vote.¹⁵ This decision caused outrage in the community and sparked criticism from civil-rights organizations condemning the board’s action as a denial of access to essential historical narratives and infringement on intellectual freedom.¹⁶ The Library Board faced similar scrutiny after passing a policy that banned “controversial” displays, including exhibits highlighting Cajun and local culture.¹⁷

Treating library displays, activities, or book collections as government speech enables government overreach and

14. Lisa Peet, *Lafayette Public Library Board Declines Grant for Voting Rights Discussion, Community Speaks Out in Aftermath*, Library Journal (Mar. 4, 2021), <https://www.libraryjournal.com/story/Lafayette-Public-Library-Board-Declines-Grant-for-Voting-Rights-Discussion-Community-Speaks-Out-in-Aftermath>.

15. *Id.*

16. *Id.*

17. Rodrick Taylor, *Supporters of Threatened Lafayette Librarian Speak Up at Parish Council Meeting*, KLFY.com (Aug. 3, 2022), <https://www.klfy.com/local/lafayette-parish/supporters-lafayette-librarian-parish-council/>.

encourages censorship. Libraries are dynamic forums in which patrons explore debated ideas. Throughout history, collection development policies have been rooted in professional standards and public service, not discrimination.¹⁸ This Court has repeatedly recognized that “the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge.”¹⁹ This Fifth Circuit’s recasting of library book collections as government speech does just that.

A. The Grassroots Establishment and History of Louisiana Libraries Demonstrate That They Are Civic Hubs Responsive to Local Needs.

Louisiana history illustrates the emergence of public libraries as civic institutions rooted in and shaped by community participation and cultural responsiveness. Early in Louisiana’s history, low literacy rates and insufficient access to books motivated communities to act when the state did not.²⁰ Rural parishes, home to Spaniards, French Cajuns, African Americans, and English settlers, reflected a diversity of culture and

18. *See, e.g.*, LIVINGSTON PARISH LIBRARY, *supra* note 9, at 81, §2 (“Selection and retention of books and other materials shall be made according to the value that material has to the interest, information, recreation and enlightenment for all the people of Livingston Parish.”); Louisiana Library Association, *Legislative Policy Statement* (2025), <https://llaonline.org/Legislative-Policy-Statement> (affirming adherence to the ALA’s Library Bill of Rights and opposing ideological censorship in library collections).

19. *Bd. of Educ. v. Pico*, 457 U.S. 853, 866 (1982) (quoting *Griswold v. Connecticut*, 381 U.S. 479, 482 (1965)).

20. Jumonville, *supra* note 2, at xi-4.

ideas.²¹ That diversity fueled a shared desire for access to knowledge and literature representing multiple viewpoints.²²

In the early 1900's, Essae M. Culver, the first state librarian of Louisiana and former president of the American Library Association (ALA), led Louisiana's library plan, which "became the exemplar for the nation and for foreign countries."²³ Culver viewed librarians as champions of freedom, tasked with bringing books to all people.²⁴ The foundation she laid ensured that Louisiana libraries would preserve cultural heritage, guarantee free access to information, and serve community needs. The state's libraries grew through grassroots activism.²⁵ Women's book clubs developed into various library associations, with objectives focused on personal development, civic responsibility, and educational participation.²⁶ Members lobbied for the furthering of women's and children's rights, supported scholarship programs, and undertook the task of collecting and curating collections.²⁷

Community support continued to fuel exponential growth for libraries across the state. Louisiana's library

21. *Id.* at 18.

22. *Id.* at 63-67.

23. *Id.* at xi.

24. *Id.* at 68-70.

25. *Id.*

26. *Id.* at 1-2.

27. *Id.*

law of 1910 granted the state authority to organize and support libraries, but it provided little funding, rendering the law largely ineffectual on its own.²⁸ Local civic organizations, such as the Louisiana Federation of Women's Clubs, stepped up when the government fell short.²⁹ These community organizations lobbied and operated traveling libraries, ensuring that communities had access to books.³⁰ In 1920, the state responded by creating the Louisiana Library Commission (LLC), whose role was to coordinate library development across parishes, distribute resources, and provide training to librarians – supporting local initiatives rather than dictating content or messaging.³¹ The first phase of this initiative provided any citizen of the state with the ability to borrow a book by mail, covering the cost of shipping.³² The second phase of the Louisiana library plan was bookmobiles, enabling the library to bring books to many of whom lived too far to access the building.³³ The library demonstration program, which involved temporary branches set up in post offices, doctors' offices, and private homes, was tailored to local needs, offering books on farming in rural parishes, religious texts in towns with

28. *Id.* at 5.

29. *Id.*

30. *Id.*

31. *Id.*

32. Wilbur C. Holtman, *The Second Twenty-Five Years of the Louisiana State Library: 1950-75* 6 (Louisiana State Library, Mar. 1976), available at https://www.state.lib.la.us/files/Publications/LSL_50th_Anniversary-rev.pdf.

33. Jumonville, *supra* note 2, at 59.

strong church communities, or children's literature where young families were concentrated.³⁴ In 1925, the Carnegie Corporation awarded Louisiana a \$50,000 grant to support a statewide library system that enhanced already existing local enthusiasm and community efforts.³⁵

The civic function of libraries is especially evident during times of crises. During the Great Flood of 1927, heavy rainstorms caused the Mississippi River to overflow its banks, flooding twenty parishes and displacing countless residents.³⁶ In Rayville, a librarian walked and paddled through flooded streets to her library, saving books.³⁷ In the days after the flood, the library and the pharmacy were the only two establishments that remained operational, with residents travelling by boat to the library to borrow books amid the disaster.³⁸ This tradition of libraries as vital community anchors has continued—when Louisiana again experienced devastating flooding in 2016, local libraries sent librarians out into the community shelters to provide mobile Wi-Fi hotspots, story times, and puppet shows.³⁹ Similarly, in the immediate aftermath

34. *Id.* at 65-67.

35. *Id.* at 8.

36. Jim Bradshaw, *Great Flood of 1917*, 64 Parishes (Feb 14, 2024), <https://64parishes.org/entry/great-flood-of-1927-adaptation>, <https://perma.cc/B95L-BNCH>.

37. Jumonville, *supra* note 2, at 34-35.

38. *Id.* at 35.

39. Lisa Peet, *Louisiana Libraries Emerge from Flooding Largely Intact, Anticipate Later Losses*, Library Journal (Sep. 8, 2016), <https://www.libraryjournal.com/story/louisiana-libraries-emerge-from-flooding-largely-intact-anticipate-later-losses>.

of Hurricane Katrina, librarians were among the first to step in and help rebuild their parishes.⁴⁰

Modern Louisiana libraries continue to serve as community hubs. Bookmobiles still travel through rural towns to provide books to schoolchildren.⁴¹ Local libraries continue to reflect and amplify local culture. Louisiana’s libraries persist as vital spaces where citizens go to connect to their culture, encounter new ideas, and participate in their community.

B. *Shurtleff* Instructs Library Book Collections Cannot Be Government Speech.

This Court’s jurisprudence regarding the government speech doctrine underscores how inapplicable it is to book collections. In *Shurtleff v. City of Boston*, this Court held that government expression occurs only when: (1) the government has historically spoken on the subject, (2) the public reasonably perceives the expression as the government’s own message, and (3) the government exercises direct and meaningful control over content and its dissemination.⁴² The decision underscored that the First Amendment presumes robust public discourse—

40. Alma Dawson and Kathleen de la Peña McCook, *Rebuilding Community in Louisiana after the Hurricanes of 2005*, 45 *American Library Association Reference & User Services Quarterly* 292, 292 (2006).

41. See *Far from the Library, a Special Set of Challenges*, 5 *Am. Libraries* 51 (May 2000).

42. 596 U.S. 243, 252 (2022).

especially in civic spaces designed for community use.⁴³ Expressions intended to facilitate public dialogue, even if government-funded or curated, do not necessarily become government speech.⁴⁴ The Court cautioned that, when the government opens a space for private expression, it cannot later invoke government speech to evade constitutional scrutiny.⁴⁵ Such is precisely the case here.

i. Library Collections Have Not Historically Been Used to Proclaim Official Government Messages.

The first *Shurtleff* factor concerns whether the government has historically used libraries to proclaim official messages.⁴⁶ Louisiana’s history demonstrates the opposite; local libraries evolved as grassroots expressions of community ethos, *see* §I(A) *supra*. Although the State’s history includes acts of censorship, they arose from local pressures and do not reflect the expression of government views. This is supported by the historical record. During

43. *Id.* at. 249; *see also Cornelius v. NAACP Legal Defense & Educ. Fund, Inc.*, 473 U.S. 788, 802 (1985) (noting that when examination of the government’s “policy and practice” indicates that the government has “intentionally open[ed] a nontraditional forum for public discourse,” a court may immediately infer that private-party expression in the forum is not government speech).

44. *See Shurtleff*, 596 U.S. at 257; *see also Summum*, 555 U.S. at 472–73 (2009) (emphasizing that Pleasant Grove City always selected which monuments it placed in its park, whether or not the government funded them, and typically took ownership over them).

45. *Shurtleff*, 596 U.S. at 258–59.

46. *Shurtleff*, 596 U.S. at 252 (citing *Walker*, 576 U.S. at 209–14).

the 1930s, rural libraries reflected Jim Crow policies, excluding “books that describe the emancipated Negro.”⁴⁷ This abhorrent policy was motivated by local attempts to conform to segregationist sentiment.⁴⁸ In 1956, Bossier and Claiborne parish libraries removed *Life*, *Time*, and *Look* from shelves, condemning coverage of the Emmett Till case and Supreme Court rulings as “distorted views” meant to “prejudice and inflame the American people against the South.”⁴⁹ Similarly, in 1956, the *Shreveport Journal* labeled a children’s picture book *Black and White* as “insidious interracial propaganda.”⁵⁰

From the 1950s through the 1980s, Louisiana libraries often resisted such censorship. By the Civil Rights era, libraries shelved “contentious” material on race, sexuality, and social change. A Plaquemines Parish librarian faced direct pressure from the Democratic president of the parish council to censor materials supportive of Black advancement in defiance of *Brown v. Board of Education*

47. CHERYL KNOTT, *NOT FREE, NOT FOR ALL: PUBLIC LIBRARIES IN THE AGE OF JIM CROW* 202 (Univ. of Mass. Press, 2015).

48. See generally Janelle Zetty, *A Historical Analysis of Book Challenges and Banning in Louisiana*, CODEX: THE J. OF THE LA. CHAPTER OF THE ACRL (2025), https://scholarshub.louisiana.edu/cgi/viewcontent.cgi?article=1010&context=ul_fac_scholarship.

49. Paul Bixler, *Magazines Banned in Louisiana and Mississippi*, 4 NEWSL. ON INTELL. FREEDOM 1, 1 (July 1956), <https://alair.ala.org/server/api/core/bitstreams/fb938757-2f62-4cba-91e1-c223a85433c6/content>.

50. *Library Board to Meet—Censorship of Children’s Books to Be Discussed*, THE SHREVEPORT J., July 29, 1959, at 1, <https://www.newspapers.com/article/the-shreveport-journal/168433063/>

*and the Civil Rights Acts.*⁵¹ The parish president even told the librarian to deny services to African Americans.⁵² The librarian resigned, publicly rejecting censorship and demonstrating that professional ethics trumped political coercion.⁵³

Library controversy persisted into the late Twentieth Century. City officials, school administrators, church leaders, and organizers of youth programs in Lafayette, Donaldsonville, Baton Rouge, New Orleans, and Monroe debated banning comic books for allegedly contributing to juvenile delinquency. Librarians presented lists of the challenged materials at parent-teacher association meetings and noted that they had been “condemned by specialists in child education.”⁵⁴ Meanwhile, other parishes

51. American Library Association, *Louisiana Librarian Resigns in Censorship Row*, 11 NEWSL. ON INTELL. FREEDOM 1, 6 (Donald V. Black ed., 1962) <https://alair.ala.org/server/api/core/bitstreams/43c32217-b521-4dc1-98c0-e9da66883846/content>.

52. Jeansonne, G. (2023, June 28). Leander Perez. 64 Parishes. <https://64parishes.org/entry/leander-perez-adaptation>

53. American Library Association, *Louisiana Librarian Resigns in Censorship Row*, 11 NEWSL. ON INTELL. FREEDOM 1, 6 (Donald V. Black ed., July 1962), <https://alair.ala.org/server/api/core/bitstreams/43c32217-b521-4dc1-98c0-e9da66883846/content>

54. *Comic Book Ban List Discussed at V-Platte P-TA Meet*, DAILY WORLD, Jan. 28, 1995, at 24, <https://www.newspapers.com/article/daily-world/118696814/>; *N.O to Launch Comic Book Ban*, DAILY WORLD, Feb. 2, 1949, at 16, <https://www.newspapers.com/article/daily-world/118695426/>; *Objectionable Comic Book Ban Studied*, THE TIMES, Sept. 30, 1954, at 2, <https://www.newspapers.com/article/the-times/132997406/>; *On Certain ‘Comic Book’ Ban Finds Study by Council Committee*, THE DAILY REVIEW, Apr. 15, 1955, at 1, <https://www.newspapers.com/article/the-daily-review/134337037/>.

retained scientific works deemed morally provocative, such as Masters and Johnson’s *Human Sexual Response* (1966).⁵⁵ Conservative groups targeted “problem novels” as others defended them on pedagogical grounds.⁵⁶

This history—contested and locally varied—is the opposite of the continuous tradition the Court deems a basis for government speech (compared with license plates or permanent monuments). The inconsistency of censorship attempts, historical resistance, and retention of groundbreaking works all demonstrate that Louisiana libraries were never used to communicate a coherent government message.

ii. The Public Does Not Perceive Library Books to Communicate a Government Message.

The second *Shurtleff* factor tests whether a reasonable member of the public would perceive an expression as the government’s message.⁵⁷ When “the government invites the people to participate in a program” and the public has not traditionally associated the medium with government speech, the expression cannot be treated as the government’s own.⁵⁸ Louisiana’s history overwhelmingly

55. William H. Masters & Virginia E. Johnson, *Human Sexual Response* (Little, Brown and Co. ed., 1966) (cataloged at Orleans Parish Public Library, New Orleans, La., 1970s, according to library records).

56. Zetty, *supra* note 48.

57. *Shurtleff*, 596 U.S. at 252.

58. *Id.*

demonstrates that patrons and officials understand library collections to be instruments of access and inquiry.

The Louisiana library system has widely adopted the ALA’s *Library Bill of Rights*, which explicitly provides that libraries should “provide materials and information presenting all points of view on current and historical issues” and that “materials should not be proscribed or removed because of partisan or doctrinal disapproval.”⁵⁹ These principles shape both institutional conduct and public expectations: library curation is guided by expertise, not political bias. Libraries can house contradictory and “controversial” works because they are not state speech, which patrons implicitly understand from book collections’ multivalent views. As *Shurtleff* emphasized, when a forum lacks history of government endorsement and invites a multiplicity of private views, reasonable observers will not attribute the expression to the government.⁶⁰ Publicly contested book challenges, open board meetings, editorial debates, and professional standards all demonstrate that the public doesn’t view library holdings as government orthodoxy.

Louisiana is no stranger to concerns regarding “contentious” books. From controversies over *Huckleberry Finn* and *I Know Why the Caged Bird Sings* in the 1990s, to recent intra parish campaigns challenging titles such as *All Boys Aren’t Blue*, Louisiana’s library disputes historically unfolded as community conflicts rather than

59. *Library Bill of Rights*, AMERICAN LIBRARY ASSOCIATION, <https://www.ala.org/advocacy/intfreedom/librarybill> (last visited Oct 1, 2025).

60. *Shurtleff*, 596 U.S. at 255-56.

contests over state policy.⁶¹ In Bossier and Claiborne Parishes, for instance, parents, ministers, and advocacy groups voiced objections to particular works, often through petitions, PTA meetings, or letters to the editor.⁶² But these protests consistently attribute challenged ideas to authors or social movements, not to the state or federal government. When *Slaughterhouse-Five* was challenged in Baton Rouge, local editorials debated whether the book was appropriate for young readers, but no one suggested it expressed a government message.⁶³ These recurring public controversies reflect that Louisiana residents have long understood library materials as community resources subject to local debate.

Both societal norms and the practical everyday experiences of library patrons confirm that reasonable members of the public do not recognize library collections as a government message.

iii. The Government Does Not Control Library Book Collections to Convey a Message.

The third *Shurtleff* factor examines whether the government maintains direct and meaningful control over the message conveyed.⁶⁴ In Louisiana, public librarians adhere to collection-development policies

61. Zetty, *supra* note 48.

62. *Id.*

63. *Parents, Teachers Fight Book Ban*, THE DAILY ADVERTISER, Mar. 2, 1988, at 9, <https://www.newspapers.com/article/the-daily-advertiser/132996089/>.

64. *Shurtleff*, 596 U.S. at 252.

that emphasize access to a variety of opinions, assist the individual's intellectual and cultural growth, and stimulate thoughtful participation in the affairs of the community.⁶⁵ Such policies are implemented through staff committees or department heads, incorporating objective criteria—literary merit, educational value, and community interest.⁶⁶ Collection-development policies emphasize that librarians should consider the needs of patrons.⁶⁷ Public input comes through advisory boards, comment periods, and surveys, but final acquisition decisions rest with trained professionals who are bound by ethical codes emphasizing intellectual freedom, neutrality, and access to information.⁶⁸

As in *Shurtleff*, when the Court observed that Boston exercised no meaningful involvement in selecting flags or crafting their messages, Louisiana parishes authorize budgets and establish library governance structures, but they do not directly oversee or approve individual

65. See, e.g., LIVINGSTON PARISH LIBRARY, *Objectives*, in *POLICY MANUAL* 82, https://www.mylpl.info/sites/default/files/2025-09/LPL_Policy_Manual_09162025.pdf (last updated Sept. 16, 2025); *Collection Development Policy*, NEW ORLEANS PUBLIC LIBRARY (rev. Nov. 2023), <https://nolalibrary.org/policies/collection-development-policy/> (last visited Oct. 2, 2025); *Policy Statement on Collection Development*, EAST BATON ROUGE PARISH LIBRARY (rev. Nov. 16, 2023), <https://www.ebrpl.com/wp-content/uploads/2024/04/Policy-Statement-on-Collection-Development.11.16.2023.pdf> (last visited Oct. 2, 2025).

66. LIVINGSTON PARISH LIBRARY, *supra* note 65.

67. *Id.*

68. *Id.*

acquisitions.⁶⁹ As this Court explained, “control” must involve the kind of “direct editorial oversight” that characterizes government-authored speech.⁷⁰ This is in stark contrast to library acquisitions, which are decentralized, policy-driven, and mediated by professional ethics.⁷¹

Government-funded purchase of books likewise does not equate to meaningful editorial control. Indeed, this Court has squarely rejected the notion that mere public ownership or funding transforms a venue for expression into one of state messaging.⁷² As this Court wisely cautioned in *Shurtleff*, when applied bluntly, it is difficult to determine whether the government speech doctrine is “a subterfuge for favoring certain private speakers over others based on viewpoint.”⁷³ The Court has repeatedly warned that extending the doctrine too broadly would allow the State to suppress dissent simply by invoking its property interest or administrative oversight.⁷⁴

69. *Id.*; *Shurtleff*, 596 U.S. at 258.

70. *Walker*, 576 U.S. at 213.

71. *LIBRARY BILL OF RIGHTS*, *supra* note 59.

72. *See Shurtleff*, 596 U.S. at 252–53 (emphasizing that the City’s control—not mere ownership—determined whether the speech was governmental); *see also Walker*, 576 U.S. at 208 (distinguishing between government messages and private speech facilitated by the state).

73. *See Shurtleff*, 596 U.S. 243 at 262 (Alito, J., concurring in judgment) (noting government-speech doctrine becomes “susceptible to dangerous misuse”); *see also Matal v. Tam*, 582 U.S. 218, 235 (2017) (noting the same).

74. *Id.*

Nor can the government rely on its physical ownership of library buildings to claim expressive control of their content.⁷⁵ This Court has consistently drawn a line between government speech, which is inherently communicative, and government-managed spaces, such as parks, campuses, and libraries, that exist precisely to accommodate a diversity of viewpoints.⁷⁶ In *Pleasant Grove City v. Summum*, the Court recognized monuments in a park as government speech because the city selected and installed them as expressions of civic identity.⁷⁷ This Court has similarly held that specialty license plates were government speech because the state controlled their design, content, and issuance, signaling official endorsement.⁷⁸ Louisiana's libraries bear none of these indicia. A shelf containing books is not comparable to a license plate or a monument. Libraries are intended to contain contradictory materials—religious and secular, conservative and progressive, canonical and subversive. To suggest that each book, or a collection of books, represents a government message renders the state simultaneously atheist and devout, pacifist and militarist, abolitionist and segregationist.

Library collections are not curated to communicate a unitary message but to furnish citizens with access to knowledge, exposure to differing perspectives, and

75. See *Shurtleff*, 596 U.S. at 257 (reasoning ownership alone does not create government speech).

76. See e.g., *Summum*, 555 U.S. at 464; *Walker*, 576 U.S. at 203-04.

77. 555 U.S. at 470-73.

78. *Walker*, 576 U.S. at 213.

the freedom to form one's own opinions. Public funding sustains that mission; it does not render it propaganda. Under *Shurtleff*, Louisiana libraries exemplify the type of forum the Court recognizes as open and accommodating to diverse expressions and ideas.⁷⁹

II. Censorship Disproportionately Harms Young Readers, and Members of Low Income and Marginalized Communities.

As explained above, the historical mission of Louisiana's public libraries has been to expand access to ideas. Discriminatory book removals disproportionately harm young readers, those who are economically disadvantaged, and members of marginalized communities. This constricts the marketplace of ideas for those least able to seek alternatives.

As evidenced by recent history, book restrictions disproportionately impact minors. Libraries ignite curiosity in young readers and often introduce them to perspectives beyond their immediate communities.⁸⁰ Book challenges have increased sharply in recent years and often result in the removal or placement of materials

79. See *Shurtleff*, 596 U.S. at 249.

80. See generally Caroline Puryear, *Books for Me but Not for Thee: How Modern Book Banning in Public Libraries Will Broadly Disenfranchise First Amendment Liberties*, 62 HOUS. L. REV. 211 (2024), <https://houstonlawreview.org/article/126277-books-for-me-but-not-for-thee-how-modern-book-banning-in-public-libraries-will-broadly-disenfranchise-first-amendment-liberties> (emphasizing that public libraries serve as essential spaces for youth to access diverse perspectives, especially in communities with limited resources).

in restricted sections.⁸¹ These measures chill access practically and psychologically, as minors are less likely to seek materials that require parental intervention or confront controversy.⁸² Voluntary reading is linked to higher academic achievement, improved cognitive skills, and increased civic engagement.⁸³ With fewer books on the shelves reflecting the lived experiences of young readers, they are less likely to see themselves as valued members of their communities, diminishing their sense of belonging and their motivation to read.

Low-income families depend more on public libraries and face the greatest barriers to access. A 2019 poll found that low-income households visited their local libraries more than any income group.⁸⁴ These barriers extend beyond lack of financial resources and include

81. *Top 10 Most Challenged Books of 2024*, AM. LIBR. ASS'N, <https://www.ala.org/bbooks/frequentlychallengedbooks/top10>.

82. See generally J. Whittingham, *Book Insecurity: More Than Lack of Access*, 27 *LANGUAGE & LITERACY* 2 (2025), <https://journals.library.ualberta.ca/langandlit/index.php/langandlit/article/download/29723/21608> (introducing the concept of “book insecurity,” describing it as a state in which individuals lack access to books and experience anxiety related to book acquisition, retention, or loss, highlighting the psychological impact of restricted access to reading materials).

83. See generally SARAH SULLIVAN ET AL., *TO READ OR NOT TO READ: A QUESTION OF NATIONAL CONSEQUENCE* (Nat'l Endowment for the Arts 2007), <https://www.arts.gov/sites/default/files/ToRead.pdf>.

84. Georgia Jensen, *We Need Our Public Libraries, and Now They Need Us Too*, INEQUALITY.ORG (July 3, 2024), <https://inequality.org/article/public-libraries-need-us-too/>.

limited access to civil and political resources, leaving low-income families at a disadvantage in civic engagement and informed decision-making.⁸⁵ For families who cannot afford to purchase a book, the removal of a book from the public library is a complete denial. Everyone cannot purchase books from Amazon or travel to distant libraries. This Court has recognized the principle that the government may not impose financial and logistical hurdles that effectively exclude the poor from exercising fundamental rights.⁸⁶ The removal of books from public library shelves creates precisely such a financial and logistical hurdle for low-income readers, by restricting the marketplace of ideas for those who cannot afford alternatives.

Children from lower-income backgrounds are particularly at risk because education inequities compound these harms.⁸⁷ In underfunded school districts, students face high student-to-teacher ratios, limited or outdated facilities and materials, and reduced access to enrichment programs.⁸⁸ School-based educational opportunities may be further impaired by decreased attendance, inadequate

85. Jennifer Shore, *How Social Policy Impacts Inequalities in Political Efficacy*, 14 Socio. Compass, 1, 3, <https://compass.onlinelibrary.wiley.com/doi/epdf/10.1111/soc4.12784>.

86. *Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 666-68 (1966) (striking down a poll tax as an unconstitutional burden on the right to vote and noting that financial requirements could disenfranchise the poor).

87. *Education and Socioeconomic Status*, AM. PSYCH. ASS'N (2017), <https://www.apa.org/pi/ses/resources/publications/education>.

88. Puryear, *supra* note 80.

healthcare, or poor nutrition.⁸⁹ Students with limited or no access to school libraries may rely on public libraries for reading and research materials, making access essential. By providing access to a wide range of free educational resources, public libraries can mitigate disparities by enabling students to pursue further learning regardless of financial circumstances.⁹⁰ Many libraries offer programs tailored to underserved communities, such as homework help, literacy programs, and computer skills workshops, which help bridge educational gaps.⁹¹ Summer reading programs, for instance, encourage students to read regularly and build literacy skills before and during the school year.⁹² When books are banned or restricted, these essential resources are diminished, leading students to feel ostracized and discouraged from attending the library at all.

Library censorship also has a heightened impact on marginalized communities, including racial minorities and members of the LGBTQ+ community.⁹³ Books by and about racial minorities are often targeted because they challenge dominant narratives.⁹⁴ A 2024 PEN America analysis of the 2023-2024 school year found that 36% of all banned titles in school libraries featured characters or people of color and 26% of all banned

89. *Id.*

90. *Id.*

91. *Id.*

92. Bonnie Terry, *6 Benefits of Summer Reading Programs*, SCHOLAR WITHIN (June 5, 2024), <https://perma.cc/3CVX-K6GN>.

93. Puryear, *supra* note 80.

94. Robinson, *supra* note 10.

historical and biographical titles feature Black people.⁹⁵ By denying individuals from under-represented groups the opportunity to engage with these narratives, censorship reinforces systemic oppression and undermines efforts toward equality.⁹⁶ It sends a clear message that the perspectives and stories of minorities are not valued, further marginalizing these communities.⁹⁷

Book challenges have increasingly targeted works featuring LGBTQ+ characters or themes.⁹⁸ Out of the Louisiana parishes that reported book challenges, the vast majority involved youth and young adult titles featuring gay characters.⁹⁹ In St. Tammany Parish, over 150 titles were challenged in 2023, two-thirds centering on LGBTQ+ experiences.¹⁰⁰ Books depicting heterosexual relationships

95. *Cover to Cover: An Analysis of Titles Banned in the 23-24 School Year*, Pen Am. (Feb. 27, 2025), <https://pen.org/report/cover-to-cover/>.

96. Robinson, *supra* note 10.

97. *Id.*

98. *See Banned in the USA: State Laws Supercharge Book Suppression in Schools*, PEN AM. (Apr. 20, 2023), <https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>. (finding that approximately one-quarter of banned titles include LGBTQ+ characters or themes).

99. *See* Piper Hutchinson, *These Books and Authors Were Challenged the Most at Louisiana Libraries*, LOUISIANA ILLUMINATOR (Jan. 17, 2023), <https://lailluminator.com/2023/01/17/these-books-and-authors-were-challenged-the-most-at-louisiana-libraries/>.

100. *See* Roby Chavez, *As LGBTQ Book Challenges Rise, Some Louisiana Librarians Are Scared to Go to Work*, PBS NEWSHOUR (Feb. 27, 2023), <https://www.pbs.org/newshour/nation/>

or comparable levels of romantic content rarely garner the same scrutiny.¹⁰¹ This pattern of objections demonstrates that queer-affirming titles are more likely to be removed.

Censorship in all forms perpetuates stigma, erases marginalized voices from public discourse, and can negatively impact mental health, especially for those who rely on literature for validation and support.

as-lgbtq-book-challenges-rise-some-louisiana-librarians-are-scared-to-go-to-work.

101. *Id.* (noting that non-LGBTQ titles with similar themes are rarely targeted).

CONCLUSION

The Fifth Circuit's holding is a dangerous departure from precedent that permits unfettered government censorship, threatening intellectual freedom and harming already vulnerable populations. This Court should intervene to preserve First Amendment freedoms and reaffirm that libraries exist to serve the people, not the government. Based on the foregoing, amici ask this Court to grant the petition for certiorari, vacate the decision below, and remand for further proceedings.

Respectfully submitted,

BRUCE HAMILTON

Counsel of Record

ANNIE CLEVELAND

TULANE FIRST AMENDMENT

LAW CLINIC

6329 Freret Street,

Suite 130

New Orleans, LA 70118

(504) 862-8813

bhamilton1@tulane.edu

Attorneys for Amici Curiae