

No. 25-284

IN THE
Supreme Court of the United States

LEILA GREEN LITTLE, ET AL.,

Petitioners,

v.

LLANO COUNTY, *et al.*,

Respondents.

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

**BRIEF OF PEN AMERICAN CENTER, INC. AS
AMICUS CURIAE
IN SUPPORT OF PETITIONERS**

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TABLE OF CONTENTS

INTEREST OF <i>AMICUS CURIAE</i>	1
INTRODUCTION AND SUMMARY OF ARGUMENT	2
ARGUMENT.....	4
I. THE FIFTH CIRCUIT’S DECISION ENABLES PUBLIC OFFICIALS TO VIOLATE AUTHORS’ FIRST AMENDMENT RIGHTS WITHOUT ANY JUDICIAL REVIEW AND WILL CHILL AUTHORS’ SPEECH.	4
A. Removing library books because of their viewpoints violates the authors’ First Amendment rights.....	5
B. The decision below is especially dangerous given current trends.....	7
C. Removing books from libraries causes authors serious material harm.	9
D. Permitting book removals without judicial recourse will allow state administrators to act arbitrarily.....	14
II. PUBLIC LIBRARIES PLAY AN ESSENTIAL ROLE IN DISSEMINATING SPEECH TO THE PUBLIC.	17
A. Public libraries provide an essential platform for authors and readers regardless of commercial popularity.	17
B. Libraries provide an essential service to the public, and the Fifth Circuit’s decision threatens them.....	18
CONCLUSION.....	22

TABLE OF AUTHORITIES

	Page(s)
 Cases	
<i>Abrams v. United States</i> , 250 U.S. 616 (1919)	8
<i>Arkansas Educ. Television Comm’n v. Forbes</i> , 523 U.S. 666 (1998)	7
<i>Bantam Books, Inc. v. Sullivan</i> , 372 U.S. 58 (1963)	14
<i>Board of Education v. Pico</i> , 457 U.S. 853 (1982)	5, 10, 14, 16, 17, 20
<i>Brown v. Louisiana</i> , 383 U.S. 131 (1966)	20
<i>Campbell v. St. Tammany Parish School Bd.</i> , 64 F.3d 184 (5th Cir. 1995)	14
<i>Elrod v. Burns</i> , 427 U.S. 347 (1976)	9
<i>Iancu v. Brunetti</i> , 588 U.S. 388 (2019)	6, 7
<i>Keyishian v. Bd. of Regents</i> , 385 U.S. 589 (1967)	11

<i>Lamont v. Postmaster General</i> , 381 U.S. 301 (1965)	5
<i>Little v. Llano County</i> , 2023 WL 2731089 (W.D. Tex. Mar. 30, 2023)	6, 10, 15
<i>Little v. Llano County</i> , 138 F.4th 834 (5th Cir. 2025)	4, 6, 10, 14, 15, 16, 17
<i>Loper Bright Enterprises v. Raimondo</i> , 603 U.S. 369 (2024)	15
<i>Martin v. City of Struthers</i> , 319 U.S. 141 (1943)	5
<i>Matal v. Tam</i> , 582 U.S. 218 (2017)	6
<i>Montiero v. Tempe Union High School Dist.</i> , 158 F.3d 1022 (9th Cir. 1998)	16
<i>Nat’l Endowment of the Arts v. Finley</i> , 524 U.S. 569 (1998)	11
<i>Oregon Bookmark Corp. v. Schrunk</i> , 321 F. Supp. 639 (D. Or. 1970)	16
<i>Penguin Random House LLC v. Robbins</i> , 774 F. Supp. 3d 1001 (S.D. Iowa 2025).....	10

<i>Reno v. ACLU</i> , 521 U.S. 844 (1997)	9
<i>Rosenberger v. Rector & Visitors of Univ. of Virginia</i> , 515 U.S. 819 (1995)	7
<i>Secretary of Maryland v. Joseph H. Munson Co.</i> , 467 U.S. 947	11
<i>Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.</i> , 502 U.S. 105 (1991)	11
<i>Texas v. Johnson</i> , 491 U.S. 397 (1989)	5
<i>Thornhill v. Alabama</i> , 310 U.S. 88 (1940)	11, 15, 16
<i>Turkish Coalition of America, Inc. v. Bruininks</i> , 678 F.3d 617 (8th Cir. 2012)	10
<i>United States v. American Library Ass’n</i> , 539 U.S. 194 (2003)	17, 20, 21
<i>United States v. Nat’l Treasury Employees Union</i> , 513 U.S. 454 (1995)	12
<i>Village of Skokie v. National Socialist Party of America</i> , 373 N.E.2d 21 (Ill. 1978)	20, 21

West Virginia State Bd. of Educ. v. Barnette,
319 U.S. 624 (1943) 11, 22

Whitney v. California,
274 U.S. 357 (1927) 22

Other Authorities

A Guide to Getting Your Self-Published Book Into Libraries, N.Y. Book Editors (Feb. 2022), bit.ly/47YNTNs 13

Am. Library Ass'n, *American Library Association kicks off National Library Week with the Top 10 Most Challenged Books of 2024 and the State of America's Libraries Report*, (Apr. 7 2025), <http://bit.ly/4mO3fIp>8

Carrie McBride, *If Not for Libraries: Authors on the Importance of Public Libraries*, New York Public Library (Apr. 26, 2023), <https://bit.ly/4ps3nj6> 19

Clarence Thomas, *My Grandfather's Son* (2007)..... 19

Dwight D. Eisenhower, *Remarks at the Dartmouth College Commencement Exercises* (June 14, 1953), transcript available at <http://bit.ly/4gz20eo> 21

Every Library Institute, *Review of Recent Book Bans and Voter Surveys* (Jan. 27, 2023), <http://bit.ly/4nD9j7A>;8

Fred Backus & Anthony Salvanto, <i>Big majorities reject book bans</i> , CBS News (Feb. 22, 2022), http://bit.ly/4pWZsv3	8
George Washington, <i>Address to Officers of the Army</i> (Mar. 15, 1783), transcript available at http://bit.ly/4nmUo1o	21
Ketanji Brown Jackson, <i>Lovely One</i> (2024)	19
Letter from Thomas Jefferson to Richard Price (Jan. 8, 1789), available at http://bit.ly/47YnD5O	20
PEN America, <i>Banned in the USA</i> (Sept. 19, 2022), http://bit.ly/46LJtsk	16
PEN America, <i>The Normalization of Book Banning</i> (Oct. 1, 2025), http://bit.ly/3Wvo9RE	16
Rachel Brooke, <i>Library Lending, Author Incomes, and Controlled Digital Lending</i> , <i>Authors All.</i> (Aug. 17, 2021), http://bit.ly/3VA11kD	13
Rachel Kramer Bussel, <i>How Libraries Help Authors Boost Book Sales</i> , <i>Forbes</i> (Apr. 12, 2019), http://bit.ly/3Ix0zke	17, 18
Sonia Sotomayor, <i>My Beloved World</i> (2016)	19

The Takeaway, <i>The Incomparable Nikki Giovanni</i> , WNYC Studios (Oct. 7, 2022), http://bit.ly/46zMDho	19
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INTEREST OF *AMICUS CURIAE* ¹

PEN American Center, Inc. (“PEN America”) is a nonpartisan, nonprofit organization working at the intersection of literature and human rights. Founded in 1922, PEN America advocates for free expression and the interests of writers and readers in the United States and abroad. Through advocacy on issues ranging from campus free speech to book removals affecting public libraries, and from online abuse to educational censorship, it works to protect not only the freedom to create literature, but also the freedoms to convey information and ideas and to access the views, ideas, and literature of others. Its membership includes more than 5,000 writers, literary professionals, and readers nationwide.

¹ This brief was not authored in any part by counsel for any party, and no person or entity other than *amicus* or its counsel made a monetary contribution intended to fund the preparation or submission of this brief. Counsel of record for the parties received timely notice of, and consented to, the filing of this *amicus* brief.

INTRODUCTION AND SUMMARY OF ARGUMENT

When state officials pull books off library shelves because they disapprove of the speech within them, they engage in viewpoint-based discrimination that is flatly prohibited by the First Amendment. This Court has long recognized that authors have a First Amendment right to speak through their work. And it is beyond dispute that the First Amendment prohibits the state from censoring work whose viewpoint it dislikes. In this case, the district court made factual findings on the record that state officials removed books from circulation because private individuals complained about the viewpoints those books advanced—for instance, that a book contained “critical race theory,” a discernible set of viewpoints and ideas. That is textbook viewpoint discrimination and the Constitution forbids it.

As with any First Amendment violation, Respondents’ conduct imposes serious costs simply by abridging free-speech rights. Authors have told PEN America in interviews that the book removals at issue here also inflict considerable tangible harm on authors in particular. When a library pulls books from shelves based on the views expressed therein, it stigmatizes them and their authors, risks chilling speech through author self-censorship, and harms authors financially by limiting their capacity to expand their audiences among library borrowers. PEN America’s interviews with current authors reflect this reality: Authors are actively worried that their books may be removed because their books express certain viewpoints, and are choosing either to

shy away from those viewpoints, or forgo writing altogether.

There is a simple solution: When libraries engage in viewpoint-based discrimination, courts should be permitted to scrutinize and reverse those actions on First Amendment grounds the way they have done for decades since this Court's decision in *Board of Education v. Pico*, 457 U.S. 853 (1982). The decision below instead would allow public libraries to remove books in closed-door meetings with no judicial review at all—no matter how obvious the discriminatory intent in the record—simply because some vocal private citizens and current administrators disagree with the viewpoints expressed in those books. That approach upends the judicial and administrative scheme that protects First Amendment freedoms. First, it empowers small but determined interest groups to stifle speech. Second, it usurps the courts' role as arbiters of constitutional violations. And third, it incentivizes politically motivated and arbitrary decision making. Simply put, the decision below will allow every local election or transition of local administrators to cause wholesale turnover of library shelves.

Public libraries are essential resources for communities and authors—and distinctive, invaluable components in the apparatus of free expression and free thought in America. Rather than being viewed as mouthpieces for the government, public libraries have long been understood to disseminate diverse views from private speakers without discrimination, encourage intellectual exploration, and expose readers to new ideas that they otherwise may never encounter. They stock authors

across the ideological spectrum, even housing books that may not be commercially successful, popular, or consonant with mainstream ideologies. These services are indispensable to communities across the nation. And they are indispensable for free expression to flourish.

The Fifth Circuit’s decision to insulate public libraries from judicial review, if allowed to stand, will authorize widespread First Amendment harm, damage authors, chill expression, and dilute the value that libraries provide to their communities without providing adequate recourse to any of those affected. This Court should grant certiorari and reverse.

ARGUMENT

I. The Fifth Circuit’s Decision Enables Public Officials to Violate Authors’ First Amendment Rights Without Any Judicial Review and Will Chill Authors’ Speech.

Removing books from a public library because of the ideas expressed in their pages is presumptively unconstitutional viewpoint discrimination. The affirmative choice to remove these books—based on, for example, the allegation that they constitute “pornographic filth,” see *Little v. Llano County*, 138 F.4th 834, 840 (5th Cir. 2025)—causes serious harm to the books’ authors. Removing authors’ works on these unlawfully discriminatory grounds creates stigma towards these authors’ current and future works, makes it more difficult for those authors to be featured in libraries in the future, and imposes significant financial harm on the authors affected. Permitting book removals like those in this case without some measure of judicial review enables

administrators to act arbitrarily, without constitutional checks or recourse for aggrieved authors. This Court should grant certiorari to correct the Fifth Circuit’s distortion of the First Amendment.

A. Removing library books because of their viewpoints violates the authors’ First Amendment rights.

The First Amendment “embraces the right to distribute literature, and necessarily protects the right to receive it.” *Martin v. City of Struthers*, 319 U.S. 141, 143 (1943) (internal citation omitted). That is because “[t]he dissemination of ideas can accomplish nothing if otherwise willing addressees are not free to receive and consider them.” *Lamont v. Postmaster General*, 381 U.S. 301, 308 (1965) (Brennan, J., concurring); see also *Pico*, 457 U.S. at 867 (1982) (“[T]he right to receive ideas is a necessary predicate to the *recipient’s* meaningful exercise of his own rights of speech, press, and political freedom.” (emphasis in original)). This principle applies with special force to literature advancing ideas and viewpoints that provoke controversy; for “[i]f there is a bedrock principle underlying the First Amendment, it is that 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). Here, Respondents violated that bedrock principle by removing books from public-library circulation—not for viewpoint-neutral reasons like damage or shelf space—but expressly because they disagree with, and disapprove of, the viewpoints those books express. In so doing, Respondents both infringed the library patrons’ right to receive those views and also

“discriminat[ed] against” the speech in those books “based on the ideas or opinions [they] convey[.]” *Iancu v. Brunetti*, 588 U.S. 388, 393 (2019).

Upon searching the record, the district court found—and the court below did not dispute—that “the evidence shows [Respondents] targeted and removed books, including well-regarded, prize-winning books, based on complaints that the books were inappropriate.” *Little v. Llano County*, 2023 WL 2731089, at *9 (W.D. Tex. Mar. 30, 2023). As the record shows, the complaints on which Respondents relied denigrated the books as “pornographic filth” and objected to them because they were perceived as “CRT and LGBTQ books,” expressly disapproving of the ideas those books expressed. *Id.* at *10; see also *Little*, 138 F.4th at 852–855.² And while Respondents sought to evade review of their decisions by offering alleged viewpoint-neutral criteria for managing the library’s collection, the district court saw through those purported rationales and found that the removal decisions were premised on the viewpoints expressed in the challenged books. That is a

² Respondents cannot evade the Constitution’s prohibitions by wrongly reframing this dispute as an unreviewable question of government speech. Although the Fifth Circuit reasoned that the Llano County Public Library engaged in “government speech” by “choosing some books and presenting them as worthwhile literature,” *Little*, 138 F.4th at 865, the Petition persuasively explains why that conclusion is incorrect and ignores the history and tradition underlying the development of public libraries (including the Llano County Public Library here). Pet. Br. at 23–27. Respondents are “pass[ing] off regulation of private speech as government speech,” in order to “silence or muffle the expression of disfavored viewpoints.” Pet. Br. at 23, citing *Matal v. Tam*, 582 U.S. 218, 235 (2017).

paradigmatic example of viewpoint discrimination, which this Court has explained is “presumed to be unconstitutional.” *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995); *see also id.* at 829 (“The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.”).

Nor does it matter what kind of forum is at issue. Respondents violated the authors’ First Amendment rights regardless of the forum. “To be consistent with the First Amendment, the exclusion of a speaker from [even] a *nonpublic* forum must not be based on the speaker’s viewpoint.” *Arkansas Educ. Television Comm’n v. Forbes*, 523 U.S. 666, 682 (1998) (emphasis added). By singling out only a small, politically controversial subset of books for removal from the Llano County Public Library, Respondents discriminated against those books “based on the ideas or opinions” their authors sought to convey. *Brunetti*, 588 U.S. at 393. Such viewpoint discrimination is impermissible in any forum and demands judicial review.

B. The decision below is especially dangerous given current trends.

The Fifth Circuit’s decision misinterprets the Constitution. It also poses serious real-world risks. In recent years, highly vocal groups from different ends of the political spectrum have tried to suppress books and other speech espousing viewpoints they oppose, particularly targeting viewpoints concerning race and sexuality. And this ongoing pattern of efforts to exclude certain viewpoints from public discussion

makes the prospect of book-removal decisions like those at issue here even more worrisome—and more injurious.

Polls show that the overwhelming majority of Americans oppose efforts to remove access to books.³ Nevertheless, efforts to remove books from public library collections continue to grow more common.⁴ Simply put, the efforts to cull books from public libraries is a nationwide issue at every level of government. These efforts are causing serious First Amendment harms to authors, leaving many people without access to those authors' speech, and seriously impairing the marketplace of ideas that the First Amendment is designed to protect. See *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting).

Against that backdrop, the Fifth Circuit's grant of an unlimited license to local library administrators to remove books from their collections for any reason—even based expressly on viewpoint discrimination—poses a profound threat to free expression. This context is all the more reason why it is vital to allow judicial review of book-removal decisions: Without judicial review, there is no safeguard for these significant First Amendment interests.

³ Every Library Institute, *Review of Recent Book Bans and Voter Surveys* (Jan. 27, 2023), <http://bit.ly/4nD9j7A>; Fred Backus & Anthony Salvanto, *Big majorities reject book bans*, CBS News (Feb. 22, 2022), <http://bit.ly/4pWZsv3>.

⁴ Am. Library Ass'n, *American Library Association kicks off National Library Week with the Top 10 Most Challenged Books of 2024 and the State of America's Libraries Report*, (Apr. 7 2025), <http://bit.ly/4mO3fIp>.

C. Removing books from libraries causes authors serious material harm.

Removing books based on the viewpoints they advance does not just violate the First Amendment, it also irreparably and independently harms the speech rights of readers and authors alike. See generally *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (“The loss of First Amendment Freedoms, even for minimal periods of time, unquestionably constitutes irreparable injury.”). It also inflicts unique material injuries on authors. Contrary to the Fifth Circuit’s misinterpretation of the First Amendment, it matters little that authors may have *other* avenues to distribute their literature. See *Reno v. ACLU*, 521 U.S. 844, 880 (1997) (“[O]ne is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place.” (citation omitted)). The existence of other distribution channels neither neutralizes the First Amendment harm nor compensates authors for the concrete injuries they incur from this constitutional violation, which include stigma to the authors whose books have been removed, self-censorship by authors of viewpoints that may lead to their books being removed, and substantial financial harm because of book removal.

First, the removal of books stigmatizes the authors whose books have been removed. When an author’s book is accepted into a public library’s collection, the author has access to new audiences today and in the future—new readers who may take up the author’s

future work, explore their past writings, and follow their career. When that author's books are subsequently removed—because, for example, they are categorized as having “sexual” themes, *Little*, 138 F.4th at 838–839, or because of complaints labelling them “pornographic filth,” *Little*, 2023 WL 2731089, at *10—they retain the stigma of that label, rather than being known for their “important literary purpose[s].” *Penguin Random House LLC v. Robbins*, 774 F. Supp. 3d 1001, 1014 (S.D. Iowa 2025); see also *Turkish Coalition of America, Inc. v. Bruininks*, 678 F.3d 617, 622–623 (8th Cir. 2012) (organization had First Amendment standing because of stigma associated with its website being labeled “unreliable” and included on the same list as websites denying the Holocaust).

For example, children's author Maggie Tokuda-Hall observes that “educators and librarians often pull back from inviting those of us whose books have had even the mildest controversy for visits, which is a huge source of income for authors. . . . [W]e are less likely to be invited to . . . book festivals, or literary events, for fear of bringing that controversy with us.” Notably, that stigma attending a removal decision is one reason (among others) why removing a book from circulation is categorically different from the initial decision of whether to *accept* it into a library's collection. For practical reasons, libraries will inevitably decide not to carry the vast majority of books in publication—yet, whether one particular book is among the millions of books a library does *not* purchase says nothing specific about the library's judgment of that book, its viewpoint, or its author.

But labeling a book as “sexual” in a way that warrants removing it from the collection brands that book and its author permanently as controversial and inappropriate because of the viewpoint expressed. The First Amendment does not permit state officials to wield state power to apply such a label.

Second, if authors know they risk such follow-on injuries by being stigmatized as writing books advancing controversial viewpoints, they will inevitably begin censoring themselves to avoid those harms. Removing a book will thus drive the “ideas or viewpoints” it articulates “from the marketplace” more generally. *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 116 (1991); see also *Nat’l Endowment of the Arts v. Finley*, 524 U.S. 569, 586 (1998). Especially in light of the nationwide rise in book removals, *supra* Section I.B, the Fifth Circuit’s decision threatens to “cast a pall of orthodoxy” over the literary landscape, pressuring authors to limit themselves to safe and unchallenging topics. *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967); see also *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943) (under the First Amendment, the government cannot “prescribe what shall be orthodox”). In effect, by “placing discretion in the hands of an [administrator]” to remove a book from a library, that discretion “creates a threat of censorship that by its very existence chills free speech.” *Secretary of Maryland v. Joseph H. Munson Co.*, 467 U.S. 947, 964 n.12 (citing, *inter alia*, *Thornhill v. Alabama*, 310 U.S. 88, 97 (1940)); see also *Simon & Schuster*, 502 U.S. at 117–118 (creating a financial disincentive to create or publish works with a particular content can violate the First Amendment

by chilling speech). And that chilling effect in turn “imposes a significant burden on the public’s right to read . . . what the [authors] would otherwise have written,” potentially “depriv[ing] us of the work of a future Melville or Hawthorne.” *United States v. Nat’l Treasury Employees Union*, 513 U.S. 454, 470 (1995).

Consistent with these precedents, award-winning children’s author Robin Stevenson asserts that “self-censorship is the huge invisible iceberg beneath the bans we read about.” Author and illustrator Sarah S. Brannen recalls that being the target of book removals was exhausting, and that it infected her free expression in conceiving of future projects: “I can’t help thinking, ‘Is this book going to be banned?’ [I]t kills creativity to think about that.” Author Katryn Bury says she has “stopped writing kid’s books altogether.” And author Sarah Gailey observes, “Every author and publishing professional I know—myself included—takes book challenges and book banning into account now. Fear of prosecution and retribution against ourselves, and against the librarians and booksellers who champion our work, is a constant presence as we discuss how to create the literature we feel the world needs right now.”

In short, when books are removed because of the viewpoints expressed on their pages, authors become afraid of theorizing or speaking freely through their words, and the public loses the benefit of freewheeling inquiry and a diversity of thought in community libraries. This impoverishment poses profound risks to free-thinking society as a whole: Authors are muted, and society is left without the authors’ speech.

Third, book removals create significant financial harms for authors. Libraries are book buyers on an enormous scale; once a book is removed and labeled as inappropriate, it is less likely to be bought by other libraries in the future. Being in a library's collection burnishes an author's reputation. Author Claire P. Houck notes that although the income bump could be modest, placement of a book in a library "plays a role in professional reputation," because it "adds legitimacy." And a book in a library collection has a multiplier effect for its author—each time it is borrowed, the author gains a new reader who might buy the author's other books, promote the author to friends and family through word of mouth, and expand the author's overall reach.⁵ In other words, a single book held in a library collection leads to other purchasers later.⁶ As author Kyle Lukoff explains,

Libraries are a hugely important market for my books. From reaching readers to participating in local and national conferences, librarians are a major support for any author's career. They are best suited to recommend books matching an individual's needs, as well as creating opportunities for readers to find my work on their own through passive displays. If my books aren't in public

⁵ *A Guide to Getting Your Self-Published Book Into Libraries*, N.Y. Book Editors (Feb. 2022), bit.ly/47YNTNs; see also Rachel Brooke, *Library Lending, Author Incomes, and Controlled Digital Lending*, Authors All. (Aug. 17, 2021), <http://bit.ly/3VA11kD>.

⁶ *A Guide to Getting Your Self-Published Book Into Libraries*, N.Y. Book Editors (Feb. 2022), bit.ly/47YNTNs.

libraries, they may as well not be published at all.

D. Permitting book removals without judicial recourse will allow state administrators to act arbitrarily.

In a radical departure from decades-old precedent and the current approach of its sister courts, the Fifth Circuit’s decision insulates book-removal decisions wholesale from judicial review. See, e.g., *Little*, 138 F.4th at 874–876, 881 n.14 (Higginson, J., dissenting). For decades, the “key inquiry in a book removal case” in the Fifth Circuit was whether the “government’s substantial motivation” was to deny library users access to ideas with which the decision-makers disagreed. *Campbell v. St. Tammany Parish School Bd.*, 64 F.3d 184, 190 (5th Cir. 1995). Indeed, even in the “fractured” *Pico* decision, *Little*, 138 F.4th at 843–844, 843 n.11, there was clear unanimity across seven justices: Books should not be removed from library shelves based on political whims. *Pico*, 457 U.S. at 907 (Rehnquist, J., joined by Burger, C.J., and Powell, J., dissenting); *id.* at 870–871 (plurality opinion). A scheme for “judicial superintendence” that includes “notice and hearing,” is a saving restraint for state action that attempts to regulate the distribution or consumption of First Amendment-protected literature. See *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70–71 (1963). And trial courts are best positioned to provide that judicial superintendence, for good reason.

First, trial courts are well-positioned to review administrators’ decisions for compliance with federal law. The trial court decision in this litigation is the

best evidence: The district court weighed the facts before it and found that censorship—not impartial adherence to library weeding procedure—likely drove the removal decisions. *Little*, 2023 WL 2731089 at *9–12. District courts can execute the same analysis in future similar disputes just as competently as the district court did here.

Second, as this Court has explained, judicial review plays a critical role in cabining government discretion, particularly when sensitive constitutional issues are at stake. Without review, library shelves will turn over every time new library officials remove books whose views they don’t like. See, e.g., *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 411 (2024) (noting that too much discretion allows agency decision-makers to “change positions as much as [they] like[,] foster[ing] unwarranted instability[,] [and] leaving those attempting to plan around agency action in an eternal fog of uncertainty”); accord *id.* at 434 (Gorsuch, J., concurring) (explaining that deference to bureaucrats on legal matters leads to unpredictability “year-to-year and election-to-election”). Without any constraints on their discretion, state officials can pursue “harsh and discriminatory” removal of books “deemed to merit their displeasure,” and, in doing so, create a “continuous and pervasive restraint on all freedom of discussion that might reasonably be regarded as within its purview.” See *Thornhill*, 310 U.S. at 97–98.

Third, precluding judicial review risks allowing vocal private individuals or organizations to disempower communities and authors. That’s exactly what happened here: Complaints from a vocal group of individuals led to these book removals. *Little*, 138

F.4th at 839.⁷ And while here some of the administrators agreed with the complaints, *ibid.*, see also *id.* at 869–873 (Higginson, J., dissenting), a library may “buy [its] peace” even if it disagrees with a removal campaign “by avoiding the use of books or other materials that express messages—or simply use terms—that could be argued to cause harm.” *Montiero v. Tempe Union High School Dist.*, 158 F.3d 1022, 1029 (9th Cir. 1998). For example, PEN America’s data shows that school libraries are exhibiting anticipatory obedience because “[a]dministrators find it safer to remove a book in the face of pressure than fight for its belonging on library shelves.”⁸ This threat also could cascade: Removals in one library may trigger removals in other libraries to avoid similar local controversies. See *Oregon Bookmark Corp. v. Schrunk*, 321 F. Supp. 639, 640–641 (D. Or. 1970) (citing, *inter alia*, *Thornhill*, 310 U.S. at 97).

Given the obvious viewpoint-based decisions made here, the Fifth Circuit should have allowed the district court to develop final findings of fact and conclusions of law at trial. Determining what motivated the government to remove books is a “fact-bound issue” that may require “factual refinement which can occur only as a result of trial.” *Pico*, 457 U.S. at 884 (White, J., concurring) (cleaned up). The same “factual refinement” is necessary here, and this Court should

⁷ See also PEN America, *Banned in the USA* (Sept. 19, 2022), <http://bit.ly/46LJtsk> (noting the role of organized and special interest groups in attempting to remove or ban books).

⁸ PEN America, *The Normalization of Book Banning* (Oct. 1, 2025), <http://bit.ly/3Wvo9RE>.

reverse the court below and allow the district court to conduct it.

II. Public Libraries Play an Essential Role in Disseminating Speech to the Public.

Public libraries are “designed for freewheeling inquiry,” *Pico*, 457 U.S. at 915 (Rehnquist, J. dissenting), and pursue “the worthy missions of facilitating learning and cultural enrichment.” *United States v. American Library Ass’n*, 539 U.S. 194, 203 (2003). The Fifth Circuit incorrectly trivialized the value of public libraries and their unique role in facilitating speech and access to speech. See *Little*, 138 F.4th at 838 (“If 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.”). But public libraries are critical infrastructure for the marketplace of ideas. Granting certiorari here is also warranted to vindicate the unique importance of libraries in American life.

A. Public libraries provide an essential platform for authors and readers regardless of commercial popularity.

Libraries are “key members of any community’s reading ecosystem.”⁹ Libraries provide “not only sales, through the copies [they] buy to make available to [community members], but also discoverability, exposure, and access to a wider audience than any one

⁹ Rachel Kramer Bussel, *How Libraries Help Authors Boost Book Sales*, *Forbes* (Apr. 12, 2019), <http://bit.ly/3Ix0zke> (quoting Andrew Medlar, Director of BookOps, New York Public Library).

publisher could reach on their own.”¹⁰ For instance, in fiscal year 2018, the New York Public Library added nearly 500,000 books, 75,000 e-books, and 18,000 audiobooks to its collection.¹¹ These collections further the important goals of the First Amendment: They create public hubs for the dissemination and consumption of speech. And they democratize the availability of new and different ideas—they may preserve access, for instance, to political, religious, cultural, or artistic views that are in the minority within a particular community. Author Rachel Elliott recalls that her small-town librarian would find books answering Elliott’s questions, and would introduce her to books “way past my reading level,” or books about perspectives that she’d never considered.

Of course, these effects also benefit authors. Authors of commercial bestsellers and small-publisher literary fiction alike reach more readers, and achieve greater commercial success, when libraries carry their books.

B. Libraries provide an essential service to the public, and the Fifth Circuit’s decision threatens them.

Public libraries are open to everyone, regardless of wealth or status, and provide space for education and community. Acclaimed writers credit public libraries as safe havens for creativity, respect, and

¹⁰ *Ibid.* (quoting Andrew Medlar, Director of BookOps, New York Public Library).

¹¹ *Ibid.*

inspiration.¹² As author, poet, and educator Nikki Giovanni put it, “books help people to think It’s not a question of thinking in one way or the other, it’s a question of thinking.”¹³ Award-winning author, Ursula K. Le Guin, who wrote *A Wizard of Earthsea* (among many other books), said “[a] library is a focal point, a sacred place to a community; and its sacredness is its accessibility, its publicness. It’s everybody’s place.”¹⁴ Many members of this Court, authors themselves, have emphasized the importance of public libraries.¹⁵

¹² Carrie McBride, *If Not for Libraries: Authors on the Importance of Public Libraries*, New York Public Library (Apr. 26, 2023), <https://bit.ly/4ps3nj6>.

¹³ The Takeaway, *The Incomparable Nikki Giovanni*, WNYC Studios (Oct. 7, 2022), <http://bit.ly/46zMDho> (transcript).

¹⁴ McBride, *supra* note 12.

¹⁵ See, e.g., Clarence Thomas, *My Grandfather’s Son* 17 (2007) (“I spent countless hours [at the Carnegie Library] immersed in the seafaring adventures of Captain Horatio Hornblower, the gridiron exploits of Crazy Legs McBain, and the real-life triumphs of Bob Hayes, the world’s fastest man; I also read about the civil-rights movement, of which I still knew next to nothing. I was never prouder than when I got my first library card, though the day when I’d checked out enough books to fill it up came close.”); Sonia Sotomayor, *My Beloved World* 47 (2016) (“My solace and only distraction that summer was reading. I discovered the pleasure of chapter books and devoured a big stack of them. The Parkchester Library was my haven. To thumb through the card catalog was to touch an infinite bounty, more books than I could ever possibly exhaust. My choices were more or less random.”); Ketanji Brown Jackson, *Lovely One* 37–38 (2024) (describing participation in “Library Week performances,” during which her class “act[ed] out passages from books [they] had read together,” as well as performances of The

The Founders emphasized that unrestricted access to a wide range of information reinforces the individuality and freedom that is integral to a democratic society.¹⁶ Access to a diversity of information—regardless of whether particular state officials find it agreeable—“put[s] the decision as to what views shall be voiced largely into the hands of each of us, in the hope that use of such freedom will ultimately produce a more capable citizenry and more perfect polity.” *Village of Skokie v. National Socialist Party of America*, 373 N.E.2d 21, 23 (Ill. 1978) (per curiam). Libraries offer free, unfettered access to a wide range of information and ideas. See *American Library Ass’n Inc.*, 539 U.S. at 203–204; see also *Pico*, 457 U.S. at 868 (“[A]ccess to ideas makes it possible for citizens generally to exercise their rights of free speech and press in a meaningful manner”); *Brown v. Louisiana*, 383 U.S. 131, 142 (1966) (“[A] public library [is] a place dedicated to quiet, to knowledge, and to beauty.”); *Pico* 457 U.S. at 915 (“[P]ublic libraries . . . [are] designed for freewheeling inquiry”) (Rehnquist, J., dissenting).

And, just as libraries affirm the rights of individuals to form their own opinions about resources they choose to read, view, listen to, or otherwise access, they also affirm the right of authors to express and share their views. This access empowers people to be exposed to ideas they disagree

Wizard of Oz and Charlotte’s Web, two books that reportedly have been subject to book removals).

¹⁶ Letter from Thomas Jefferson to Richard Price (Jan. 8, 1789), available at <http://bit.ly/47YnD5O> (“[W]herever the people are well informed they can be trusted with their own government”).

with; such disagreement and perhaps even “verbal cacophony” are “in truth necessary side effects of the broader enduring values which the process of open debate permits us to achieve.” See *Village of Skokie*, 373 N.E.2d at 24.

Public libraries reach much wider audiences than any private bookstore, hold a uniquely trusted place among wide swaths of the public precisely because they are not viewed as merely arms of the government, and provide no-cost access on equal terms to books and a huge array of other materials for entire communities. For all those reasons, public libraries enable authors to share their views with wider audiences than most could ever afford to reach otherwise. See *American Library Ass’n*, 539 U.S. at 203–204 (“ALA’s Library Bill of Rights states that libraries should provide ‘[b]ooks and other . . . resources . . . for the interest, information, and enlightenment of all people of the community the library serves.’” (alterations in original)). Without that critical service, the only writers to whom the public would have access are writers who write books that will sell in commercial bookstores. That narrowing would result in a serious diminishment of our intellectual and cultural life.

As Founders and Presidents alike have written, it has long been a treasured and safeguarded tenet of American culture that people may explore all ideas and come to their own conclusions.¹⁷ Doing so

¹⁷ See George Washington, *Address to Officers of the Army* (Mar. 15, 1783), transcript available at <http://bit.ly/4nmUo1o> (“[T]he freedom of Speech may be taken away—and, dumb & silent we may be led, like sheep, to the Slaughter.”); see also Dwight D.

requires “individual freedom of mind in preference to officially disciplined uniformity,” *Barnette*, 319 U.S. at 637, which ultimately leads to “the discovery and spread of political truth.” *Whitney v. California*, 274 U.S. 357, 375 (1927), *overruled on other grounds by Brandenburg v. Ohio*, 395 U.S. 444 (1969) (per curiam).

Library doors are open to all without regard to wealth, status, education, profession, or identity, and their collections run the gamut of expression. That extraordinary public service demands safeguards against official orthodoxy. Fortunately, the First Amendment has long offered such protection. This Court should reaffirm as much here.

CONCLUSION

This Court should grant the petition for certiorari and reverse the Fifth Circuit’s decision.

Eisenhower, *Remarks at the Dartmouth College Commencement Exercises* (June 14, 1953), transcript available at <http://bit.ly/4gz20eo> (“Don’t be afraid to go in your library and read every book. . . . And even if they think ideas that are contrary to ours, their right to say them, their right to record them, and their right to have them at places where they are accessible to others is unquestioned, or it isn’t America.”)

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