NATIONAL COALITION AGAINST CENSORSHIP

KIDS' RIGHT TO READ

May 14, 2024

School Board
Rutherford County Schools
2240 Southpark Drive
Murfreesboro, TN 37128

Dear Members of the School Board,

The National Coalition Against Censorship is an alliance of national nonprofit groups dedicated to protecting freedom of expression, including the rights of K-12 students, teachers, and staff. We are writing out of concern about the district's removal of over 18 books from its school libraries, which appear to have been removed in violation of the district's existing policies. We urge you to return these books to the shelves and to submit them to your standard library materials review process.

According to media reports, Rutherford County Schools Director James Sullivan ordered district library staff to immediately remove over 18 books from all district libraries after receiving a complaint that the books were "sexually explicit."[1] These books were apparently removed because Director Sullivan and other administrators considered the books to be obscene or harmful to minors under Tennessee law.[2]

This is problematic because under Tennessee law, a book cannot be "obscene" unless "taken as a whole, [it] lacks serious literary, artistic, political, or scientific value." Similarly, a book cannot be "harmful to minors" unless it lacks those criteria as to minors.[3] Obviously, books that have passed the rigorous selection process for inclusion in school libraries have value for students, and by default should be considered valuable to the student community. It is deeply unlikely that the District's professional educators have purchased books which meet the definition of "obscenity," or harmful to minors. Moreover, labeling these books as such does not obviate or eliminate the District's obligation to follow its own procedures for book challenges, nor to follow its constitutional duties under the First Amendment.

All book challenges — including any to the over 18 titles removed here — should be addressed pursuant to existing district regulations, which are crafted to ensure

[1]Cameron, Stacey. "Rutherford Co.. Schools, Board Member Criticized for Lack of Transparency after 18 Books Pulled from School Libraries." WSMV4, April 5, 2024. https://www.wsmv.com/2024/04/06/rutherford-co-schools-board-member-criticized-lack-transparency-after-18-books-pulled-school-libraries/.

[2]"Rutherford County Schools Director James 'Jimmy' Sullivan Explains Removal of Books." The Daily News Journal, April 24, 2024. https://www.dnj.com/videos/news/2024/04/24/rutherford-county-schools-director-sullivan-explains-removal-of-books/73431550007/.

[3] TN Code § 39-17-901 (2021)

community involvement and adherence to the First Amendment. For example, your policy provides that an eleven member committee of education professionals and community members review the challenged work; that the work be considered in its entirety; and that the review committee consider suitability, appropriateness, and educational value when determining whether to retain or remove the book.[4] Book challenges are often highly contentious and emotional; and your regulations are well crafted to ensure that all community members affected by book challenges are heard. This process also ensures that decisions are made based on objective criteria which focus on the needs of students in your community.

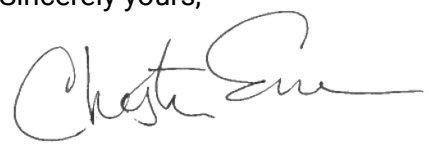
Instead of following this standard policy for these select books, a handful of administrators have substituted their own opinion for the deliberations of a committee that represents all members of the school community. In doing so, the district has deprived itself, and its students, of the advantages of this very sound policy. Furthermore, the district has opened itself to suspicion that these book removals violate the First Amendment. An inclusive book challenge procedure ensures that the government does not remove book titles out of mere disagreement with their viewpoints - which the Supreme Court has held is an unconstitutional act of censorship. *Board of Education v. Pico*, 457 U.S. 853, 871 (1982). By violating its own book challenge procedure, the district has deprived its students of reading material that could have lasting value, and raised the specter of unconstitutional censorship.

Therefore, we urge you to return the books to the shelves and keep them there unless and until a committee of professionals and community members determines that they should be removed from the shelves pursuant to a proper challenge procedure.

Please let us know if you have any questions or need any further support in this matter.

Thank you for your time and attention to this matter.

Sincerely yours,



Christine Emeran
Youth Free Expression Program Director
National Coalition Against Censorship

Co-signed by: American Booksellers for Free Expression
The Authors Guild
Children's and Young Adult Books Committee, PEN America
The Foundation for Individual Rights and Expression
National Council of Teachers of English

[4] Rutherford County Board of Education *Library Materials 4.403*