

# NATIONAL COALITION AGAINST CENSORSHIP

# KIDS' RIGHT TO READ

March 28, 2025

Board of Directors  
Rutherford County Library System  
1127B Dow Street,  
Murfreesboro, TN 37130

Dear Members of the Rutherford Library Board,

The National Coalition Against Censorship is an alliance of national nonprofit groups dedicated to protecting freedom of expression. We are writing to share our concerns about the Board's recent decision to remove transgender-themed books from Rutherford libraries.

According to media reports,<sup>1</sup> at a recent meeting, Board Member Cody York introduced an agenda item to "[r]emove [library] material that promotes, encourages, advocates for or normalizes transgenderism or 'gender confusion' in minors."<sup>2</sup> The board voted 5-3 to approve this new measure, which would remove access to these books in your library collection.

Our concern is that Board Member York circumvented board policy by introducing a new measure to remove transgender-themed books on his own authority. His action contradicts the Library System's Reconsideration Policy which states that, "Individual censorship may be exercised within the scope of the individual choosing materials for check out, but censorship or withholding of library materials for others within the community is not accepted within the institution of the public library."<sup>3</sup>

Targeting a particular viewpoint on gender is constitutionally impermissible. Viewpoint-based discrimination violates the principles of the First Amendment. As the Supreme Court has repeatedly stated, "the First Amendment does not tolerate viewpoint discrimination." *Iancu v. Brunetti*, 139 S. Ct. 2294, 2303 (2019). Thus, American courts have struck down the attempt of "any special interest group to suppress library materials on the basis of their content," observing that such a system "actually facilitates an infinite number of content- and viewpoint-based speech restrictions." *Sund v. City of Wichita Falls, Texas*, 121 F. Supp. 2d 530, 549 (N.D. Tex. 2000).

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<sup>1</sup>Broden, Scott. "Divided Rutherford County Library System Board Bans Transgender Books 'to Protect Children.'" Yahoo News, 18 Mar. 2025,

[www.yahoo.com/news/divided-rutherford-county-library-system-183009741.html](http://www.yahoo.com/news/divided-rutherford-county-library-system-183009741.html)

<sup>2</sup>Rutherford County Library System. Agenda. 17 Mar. 2025, [rclstn.org/wp-content/uploads/2025/03/Agenda-20250317.pdf](http://rclstn.org/wp-content/uploads/2025/03/Agenda-20250317.pdf).

<sup>3</sup>Rutherford County Library System. Request for Reconsideration of Library Materials. [rclstn.org/request-for-reconsideration-of-library-materials/](http://rclstn.org/request-for-reconsideration-of-library-materials/).

It is obviously highly problematic for board members to decide when and if they must comply with district policies, regardless of their intentions. It is particularly problematic for them to ignore reconsideration procedures, because doing so exposes the board to potential legal liability. The Supreme Court has limited the ability of public libraries to remove books. In particular, the Court has said that books cannot be removed because of disagreement with the views expressed therein. Well-crafted reconsideration policies ensure that those illicit concerns do not infect the adjudication process. When a library board ignores those policies, it creates suspicion that it has acted improperly.

We understand issues around what library materials should be available are often emotionally charged. As a result, it is important that library boards make decisions about library collections in a manner which ensures that all parties, including educational professionals, young people, parents and other members of the library community, feel that their views have been considered and that decisions about materials are made in an objective, nonpolitical manner. NCAC has created a resource to help administrators address the problem of reconsiderations, *Material Review and Policy Guidelines and Examples*. It is attached.

We urge you to revoke your measure and allow for a review committee to adjudicate reconsideration requests that weigh the value of these books ensuring that important books remain available on library shelves.

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

Thank you for your attention and consideration to this matter.

Sincerely,



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  
PEN America  
Society of Children's Book Writers and Illustrators

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