Beyond Book Bans: Legislative and Legal Efforts to Restrict Library Collections and Services

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Outline

- Introduction:
  - What are the issues?
  - Contours of constitutional law pertaining to libraries
- Legislative Actions
  - Recent legislative activity pertaining to library collections
  - Protecting libraries and professional librarians
  - Punishing or restricting libraries and librarians
- Current Litigation
- Questions that remain for libraries

Introduction

- OIF documented **4,240 unique book titles targeted for censorship**, as well as **1,247 demands to censor library books, materials, and resources in 2023**.
    - Pressure groups in 2023 focused on public libraries in addition to targeting school libraries. **The number of titles targeted for censorship at public libraries increased by 92% over the previous year, accounting for about 46% of all book challenges in 2023**; school libraries saw an 11% increase over 2022 numbers.

What does constitutional law have to say about how libraries choose material?

- Collection Development: The process of choosing materials to add to the library collection
- Weeding and removal of materials
- Other library services implicated?
  - Reference services
  - Community service programs offered by public libraries
  - Information literacy education offered by school libraries

Is there a recognized constitutional right to access information?

If so, what kind of scrutiny should be given to library/government decisions that may infringe on this right? What limits are placed on this right?

Major Foundational Cases

Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853 (1982).

- “The principal question presented is whether the First Amendment imposes limitations upon the exercise by a local school board of its discretion to remove library books from high school and junior high libraries.”

Pico Facts:

- Members of the school board attended a conference sponsored by a conservative organization.
- There, they obtained a list of books that organizers viewed as “objectionable” and “improper fare for school students.”
- After determining high school and junior high library held those books, Board gave directive to remove the books and give them to School Board.
    - Called books “anti-American, anti-Christian, anti-Semitic, and just plain filthy.”
- Formed book review committee that recommended at least two books be permanently removed and the rest returned to shelves (but School Board rejected their report and decided only one book should be returned to the shelves of high school).

Plaintiff's Argument

- Plaintiffs (respondents) – students at the schools affected
- Argued the Board's actions denied their rights under the First Amendment
- Asked for preliminary and permanent injunctive relief and for the nine books to be returned to the school libraries

Lower Courts

- District Court – granted summary judgment to the defendants (school board)
  - Local school boards have broad discretion to formulate educational policy and there was no constitutional violation of requisite magnitude to upset that.
- 2nd Circuit – reversed district court ruling and remanded for a trial

Supreme Court Holding

- School boards may not remove books from library shelves simply because they dislike the ideas contained in those books.
- School boards possess significant discretion to determine the content of libraries, but it cannot be exercised in a narrowly partisan or political manner.
  - Motivation behind removal matters
  - Offers examples of when can remove – based on “educational suitability” or books that are “pervasively vulgar”
  - Also does not affect “the discretion of a local school board to choose books to add to the libraries of their schools”

(There were still issues of fact as to whether the school board exceeded constitutional limitations in exercising its discretion to remove the books because the case was decided on summary judgment at the district court level.)

Campbell v. St. Tammany Par. Sch. Bd., 64 F.3d 184 (5th. Cir. 1995)

- Identified that *Pico* had recognized a "First Amendment right to receive information."
  - Libraries cannot remove books simply because they dislike the ideas contained in those books.

US v. American Library Ass'n, Inc., 539 U.S. 194 (2003)

- The ALA brought a challenge to the Children's Internet Protection Act
- CIPA: required public libraries to use Internet filters as a condition for receipt of federal subsidies
- Held: CIPA did not violate the 1st Amendment free speech clause and CIPA did not impose unconstitutional conditions on public libraries
  - "Public libraries are neither a traditional or designated public forum."
  - "Public library staffs necessarily consider content in making collection decisions and enjoy broad discretion in making them."

ALA case holding cont.:

- No majority - Rehnquist wrote for plurality; Kennedy concurred and wrote separately; Breyer concurred and wrote separately; Justice Stevens dissented; Souter dissented & Ginsburg joined.
- Rehnquist: Congress has wide latitude to attach conditions on receipt of funding; no constitutional violation because "public libraries must have broad discretion to decide what material to provide their patrons."
- Kennedy: No burden on adult users, because you can request an unblock.
- Breyer: Balancing the burden the law placed on library patrons vs. the government's legitimate interest in protecting young patrons from inappropriate material

ALA Dissents

- From Justice Stevens dissent:
  - Given our Nation's deep commitment “to safeguarding academic freedom” and to the “robust exchange of ideas,” *Keyishian v. Board of Regents of Univ. of State of N. Y.*, 385 U.S. 589, 603, 87 S.Ct. 675, 17 L.Ed.2d 629 (1967), a library's exercise of judgment with respect to its collection is entitled to First Amendment protection.
  - But the restraint required by CIPA is too great, because much of the information it covers is constitutionally protected speech.
  - Both Stevens and Rehnquist talk about libraries’ freedoms to develop collections, but the analysis leads them to different conclusions. (Rehnquist – “government speech”; Stevens, right of individual libraries)
- Justice Souter dissent: The law violates the 1st Amendment’s guarantee of free speech if libraries took this action individually.
  - Statute libraries “may” unblock (not must) and only for “bonafide research or other lawful purposes.”
  - Does not believe that internet blocking is comparable to library acquisition.
  - It is just censorship.

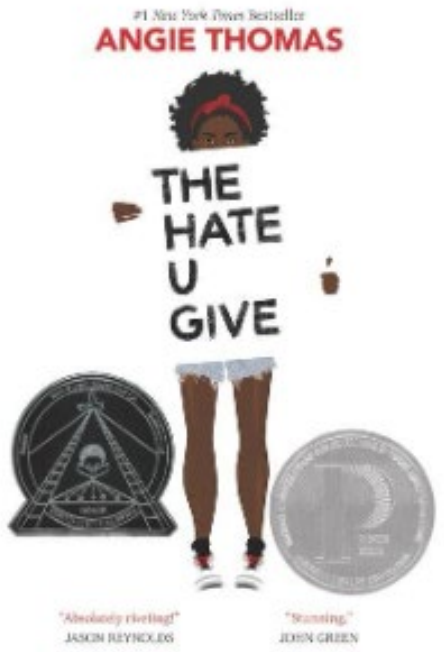
Collection Development

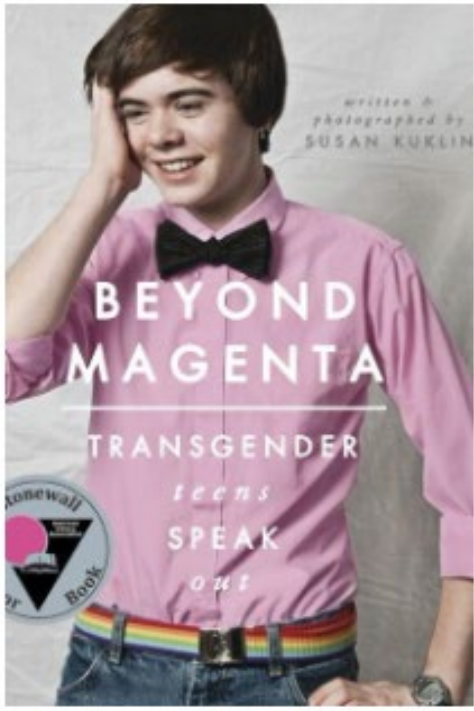
- All of these courts have recognized that libraries have discretion in collection development policy and decisions.
- Does this mean governments can impose restrictive collection development policies on libraries (we will come back to this)? Are there “government speech” protections for the government in collection development policies?

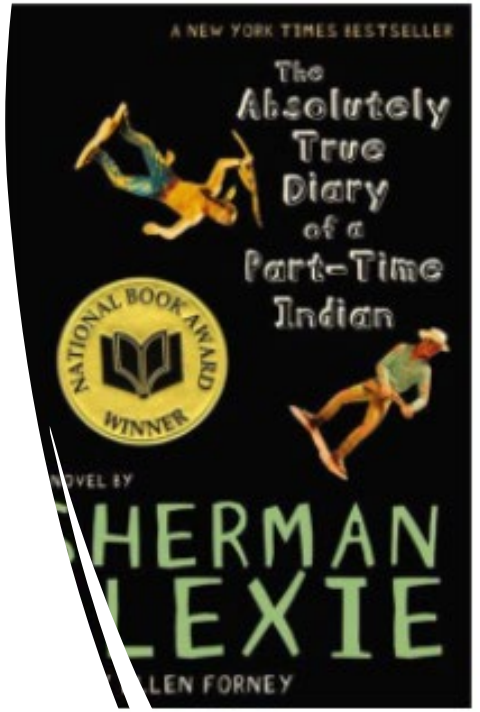
The New Legislative Agenda – Protecting or Punishing Libraries?

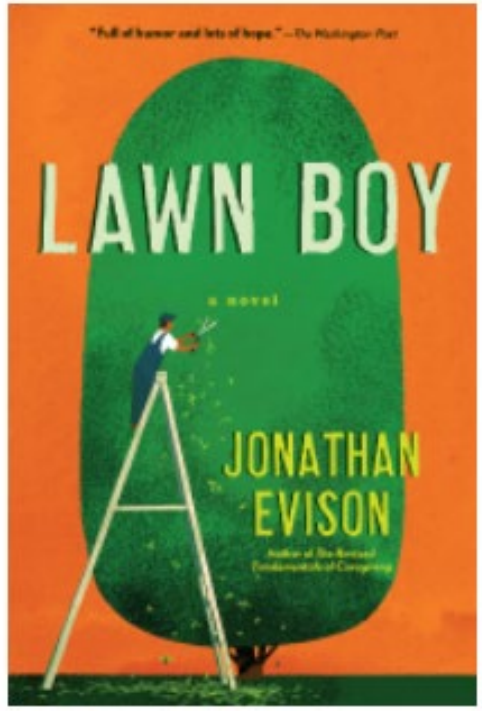
States that have taken legislative action to protect books/libraries:

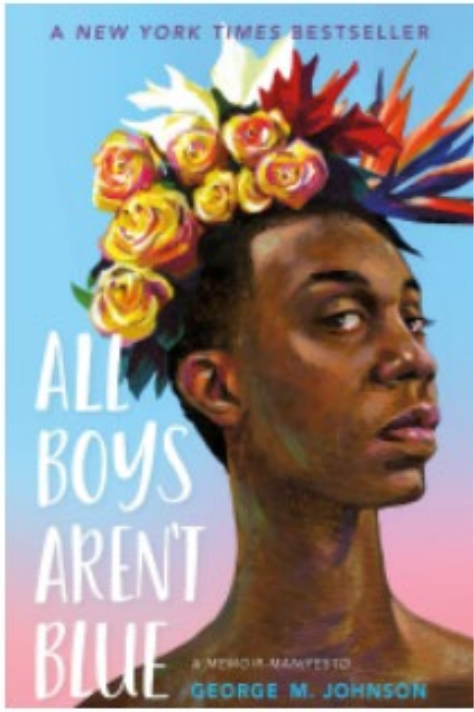
- Maryland (passed April 2024)
- Illinois
- Minnesota (passed May 2024)











Features of Protective Legislation

- **Offer legal criteria for how to address book challenges**
  - Protective of librarians and media specialists making these decisions.
- **Parents still have right to challenge books**
  - But uniform process for trained and licensed librarians to be a part of the process.
- **Ban challenges based on viewpoints, messages, ideas, or opinions.**

Legislative Language to Protect Libraries

- Minnesota Session Laws – 2024, Chapter 109, Article 7
- Emphasis on professional librarians making collection decisions
- Emphasis on no viewpoint discrimination

Subd. 5. **Library materials policy.** (a) A governing body of a public library must adopt a policy that establishes procedures for selection of, challenges to, and reconsideration of library materials in accordance with this section.

(b) The policy must not impair or limit the rights of a parent, guardian, or adult student under section 120B.20.

(c) The policy must establish that the procedures for selection and reconsideration will be administered by:

(1) a licensed library media specialist under Minnesota Rules, part 8710.4550;

(2) an individual with a master's degree in library science or library and information science; or

(3) a professional librarian or a person trained in library collection management.

(d) Upon the completion of a content challenge or reconsideration process in accordance with the governing body's adopted policy, the governing body must submit a report of the challenge to the commissioner of education that includes:

(1) the title, author, and other relevant identifying information about the material being challenged;

(2) the date, time, and location of any public hearing held on the challenge in question, including minutes or transcripts;

(3) the result of the challenge or reconsideration request; and

(4) accurate and timely information on who from the governing body the Department of Education may contact with questions or follow-up.

Sec. 2. **[134.51] ACCESS TO LIBRARY MATERIALS AND RIGHTS PROTECTED.**

Subdivision 1. **Book banning prohibited.** A public library must not ban, remove, or otherwise restrict access to a book or other material based solely on its viewpoint or the messages, ideas, or opinions it conveys.

Punishing Libraries and Librarians

At least 7 states have passed laws to criminalize librarians for providing sexually explicit, obscene or “harmful” books to minors. Such laws would allow for prosecutions of librarians. (Until now were exempted in almost every state from prosecution over obscene material)

MANY other states have introduced such legislation.

States that have passed these laws criminalizing librarians and mandating fines, imprisonment, or both:

- Idaho
- Arkansas
- Indiana
- Missouri
- North Dakota
- Oklahoma
- Tennessee

Characteristics of Restrictive/Punishment Legislation

Eliminate existing protections for "dissemination of harmful materials" to minors

- Formerly, protections for educational or scientific purposes with broad protections for employees of schools, museums, and public libraries acting within the scope of their employment
- Revised laws may:
  - Leave out K-12 and public libraries (leaving university libraries exempt)
  - Or eliminate the exemption altogether

Define "obscene material" broadly, ambiguously

- Supporters of legislation often claim it is about preventing young children from accessing pornography
- But often, interpreted much more broadly
  - Ex: *How to be an Antiracist* by Ibram X. Kendi offered as an example by a bill supporter in Indiana

Characteristics cont.

Impose a variety of potential serious criminal sanctions librarians could face

- Aggravated misdemeanors through felonies
- Each incident treated separately
- Fines up to $10,000 or up to 10 years in prison

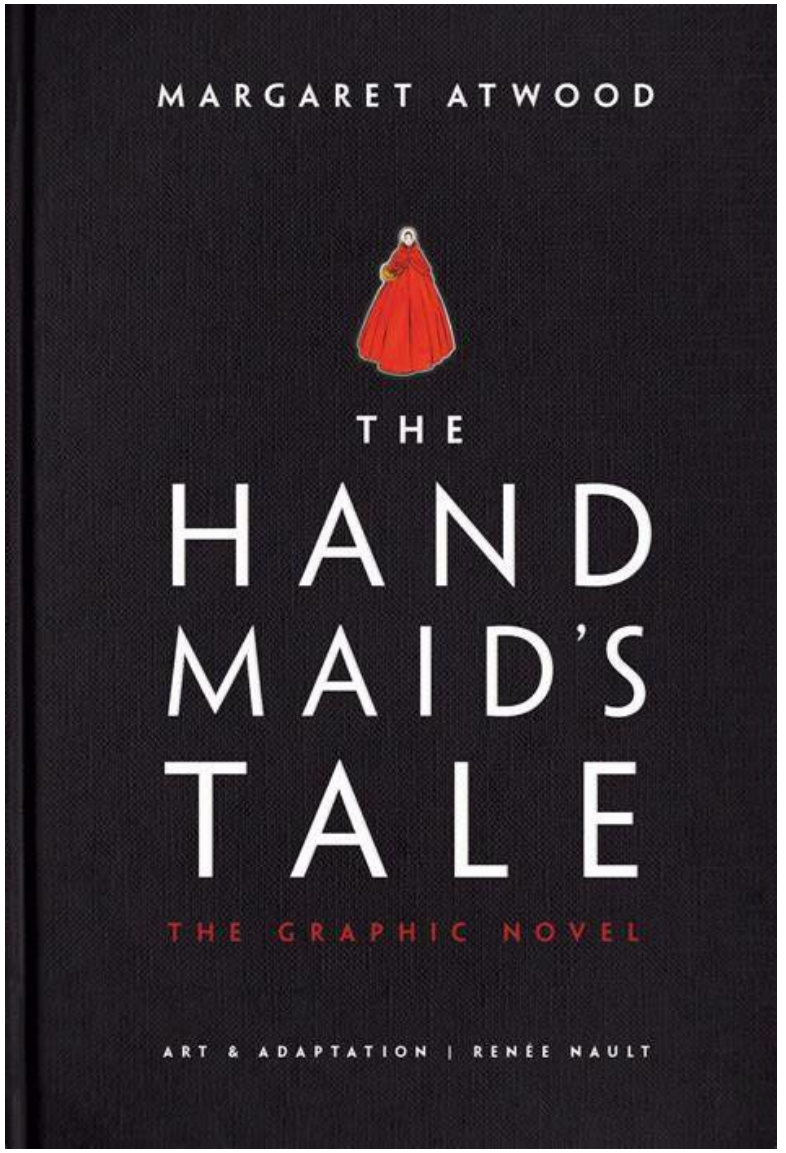
Affirm a parent's right to bring a civil suit against a librarian, library or school

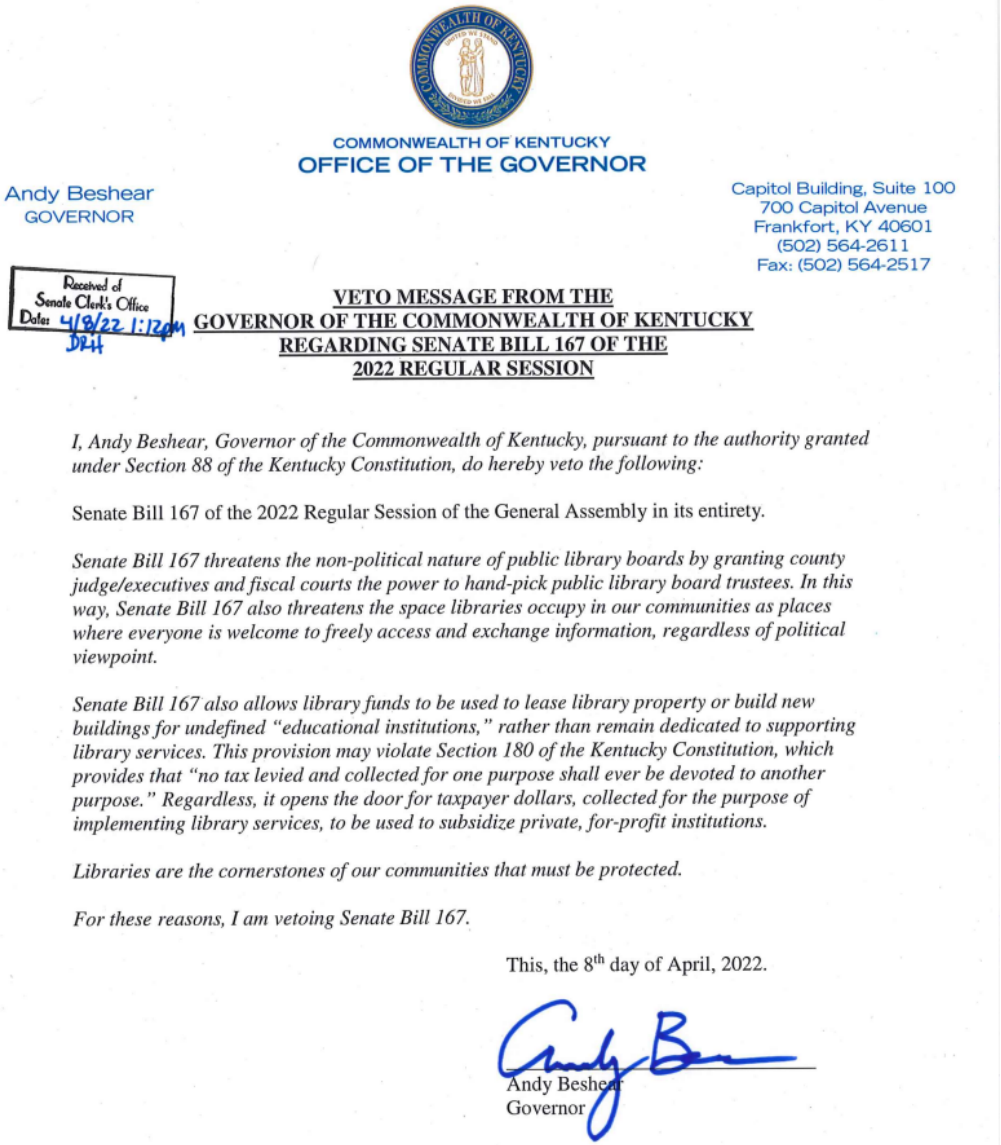
- Gives parents the right to tie up schools, libraries with their own individual determinations of what they view as obscene

Ignore existing processes in place to allow parents to raise concerns about resources available to their child.

Examples:

- Missouri: subjects librarians to fines and possible imprisonment for allowing sexually explicit materials on bookshelves.
- Utah: allows Attorney General to enforce a new system challenging and removing “sensitive” books from school settings.
- Idaho: Local prosecutors can bring charges against public & school libraries if they don’t move “harmful” materials away from children.





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Senate Clerk's Office
Date: 4/8/22 1:12pm
DRH

VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY
REGARDING SENATE BILL 167 OF THE
2022 REGULAR SESSION

I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky Constitution, do hereby veto the following:

Senate Bill 167 of the 2022 Regular Session of the General Assembly in its entirety.

Senate Bill 167 threatens the non-political nature of public library boards by granting county judge/executives and fiscal courts the power to hand-pick public library board trustees. In this way, Senate Bill 167 also threatens the space libraries occupy in our communities as places where everyone is welcome to freely access and exchange information, regardless of political viewpoint.

Senate Bill 167 also allows library funds to be used to lease library property or build new buildings for undefined "educational institutions," rather than remain dedicated to supporting library services. This provision may violate Section 180 of the Kentucky Constitution, which provides that "no tax levied and collected for one purpose shall ever be devoted to another purpose." Regardless, it opens the door for taxpayer dollars, collected for the purpose of implementing library services, to be used to subsidize private, for-profit institutions.

Libraries are the cornerstones of our communities that must be protected.

For these reasons, I am vetoing Senate Bill 167.

This, the 8th day of April, 2022.

Andy Beshear
Governor

Other examples:

- Kentucky: SB167, passed in 2022 requires local library boards to be appointed by partisan county officials
  - Bill also allows library funds for infrastructure to be used for undefined "educational institutions"

New and Emerging Cases and Controversies from Recent Legislation

Three different types of litigation I will mention:

1. Litigation emerging from local action (library boards, local government action)
2. Litigation emerging from state legislation
3. Litigation extending from laws that affect libraries but filed by the publisher, content-producer community

4. Potential: civil suits against libraries/ librarians from individuals; criminal prosecution of librarians

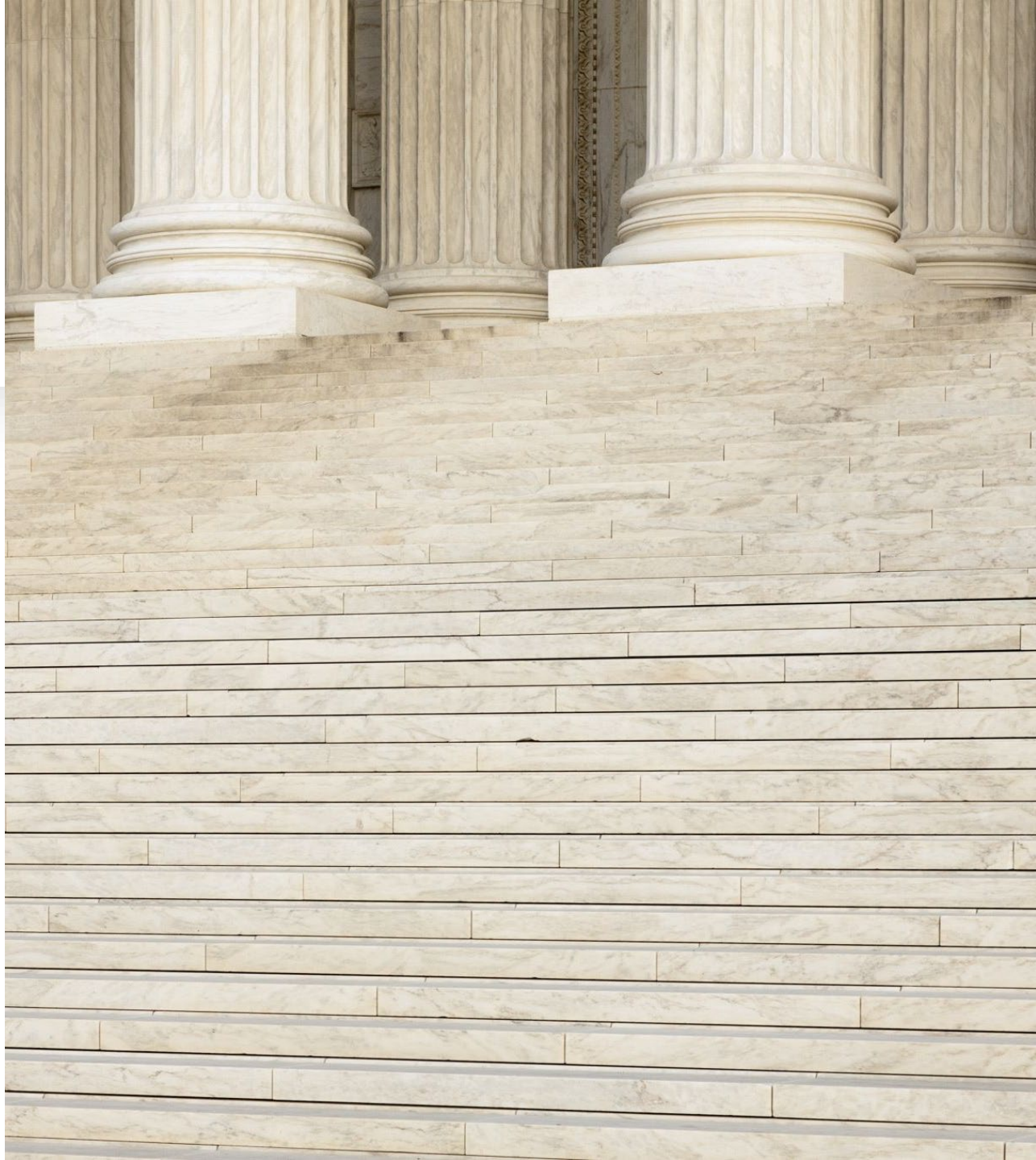
Not all litigation is the result of state legislative action

Individual school board decisions for school libraries

Local action (local library boards) *Little v. Llano County*

Little v. Llano County, W.D. Texas

- Plaintiffs: Patrons of Llano County Library System
- Defendants: Llano County Commissioners Court, Llano County Library Board & System, Library Director
- Suit: Violation of Plaintiff's 1st Amendment rights to access and receive ideas by restricting access to books based on messages and content; removal done with no notice and no opportunity for appeal, so also violation of 14th Amendment due process rights.
- Preliminary injunction: return books to shelves (granted); reinstate access to Overdrive (denied)



Facts:

- Four members of a community group pushing for removal of children's books they deemed "inappropriate" contacted library director and demanded that they remove them from the shelves.
  - She did, and a series of books were removed after that.
  - No recourse for Plaintiffs or anyone else to appeal these removals.
  - Library director shared requests for removal with Commissioners Court.
- Commissioners Court voted to approve three days of library closures to "review the library catalog" and to suspend Overdrive access.
  - The court then dissolved the existing library board, created a new "Library Advisory Board" and appointed the four community members advocating book removals to it.

Policies of the New Board

All new books must be presented to and approved by the board before purchasing them.

Since November 2021, no new book purchases.

Staff librarians were banned from attending the Board meetings. The meetings were closed to the public.

District Court Ruling

- Plaintiffs have standing that they are suffering an actual, ongoing injury.
  - Overdrive complaint: Moot because library adopted Bibliotheca, but not for physical books.
- 1st Amendment Claim:
  - “Public Libraries should be afforded broad discretion in their collection selection process” (recognized by Supreme Court in ALA case).
    - Not absolute, and only applies to selection.
    - 5th circuit: 1st Amendment right to receive information, prevents libraries from “removing books from school library shelves simply because they dislike the ideas contained in the books.”

“The key inquiry in a book removal case is whether the government’s substantial motivation was to deny library users access to ideas with which [the government] disagreed.”

Court quoting *Campbell v. St. Tammany Par. Sch. Bd.*, 64 F.3d 184, 190 (5th. Cir. 1995)

“The Fifth Circuit recognizes a First Amendment Right to access information in libraries, a right that applies to book removal decisions. Plaintiffs have clearly stated a claim that falls squarely within this right: the Defendants removed the books at issue to prevent access to viewpoints and content to which they objected.”

- W.D. Texas in *Little v. Llano Co.*

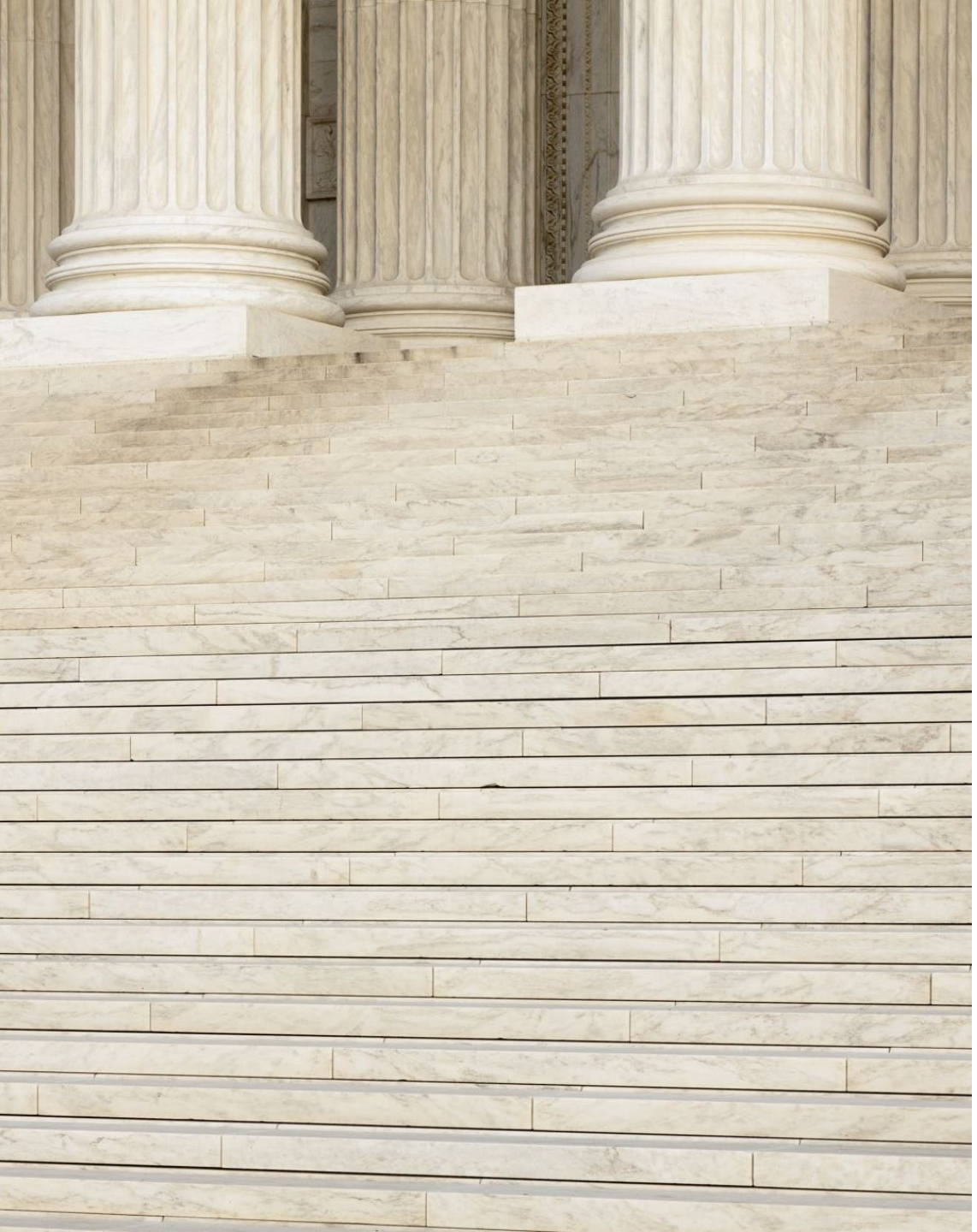
Little v. Llano Holding cont. Due Process Claim:

Many courts have held that access to public library books is a protected liberty interest created by the 1st Amendment. (Case quotes several.)

Protected liberty interest creates a due process claim if books are removed without hearing or review process.

Preliminary Injunction:

- GRANTED
- Plaintiffs have shown a likelihood of success on the merits.
  - “In the context of weeding…‘the key inquiry is the [library] officials’ substantial motivation in arriving at the removal decision.’”
- Irreparable harm: “The loss of First Amendment freedoms for even minimal periods of time constitutes irreparable injury.”



Little v. Llano County: 5th Circuit decision – June 6, 2024

- 5th Circuit entered an administrative stay on the District Court's ruling on May 16, 2023, but has not actually ruled on the motion for a stay pending appeal; heard oral arguments on June 7, 2023
- Finally, issued a decision on June 6, 2023
- Upheld preliminary injunction, limited its scope; but also required as a condition before any new removals, that the library give the plaintiffs "documentation of the individual who decided to remove or conceal the books, and the reason(s) for that removal or concealment."

5th Circuit Holding:

- They affirmed the preliminary injunction issued on behalf of the plaintiffs, but they limited the scope of its applicability
- “From these three cases, we glean the following rules. Librarians may consider books' contents in making curation decisions. *Id.* at 205, 123 S.Ct. 2297 (plurality opinion). Their discretion, however, must be balanced against patrons' First Amendment rights. *Pico*, 457 U.S. at 865, 102 S.Ct. 2799 (plurality opinion). One of these rights is “the right to receive information and ideas.” *Stanley*, 394 U.S. at 564, 89 S.Ct. 1243. This right is violated when an official who removes a book is “substantially motivated” by the desire to deny “access to ideas with which [they] disagree[ ].” ”
- There is one dissent that would have denied the injunction and allowed the removals. (The opinion should be read in full.)

Cautionary Takeaway from *Little*:

- Removal decisions are going to be afforded greater decision than collection development purchasing policy.
- Will the full 5th Circuit hear this case? Will it immediately be appealed to the US Supreme Court?

Litigation Based on State Legislative Action: *Fayetteville Public Library v. Crawford County*, WD Ark.

- Facts: The Fayetteville Public Library and others (including other libraries, booksellers, and individuals) filed suit against the state and other government entities regarding Act 372, which became law in 2023.
  - Sought preliminary and permanent injunction against enforcement of Sections 1 and 5 of the Act.
  - Grounds: Violation of the 1st and 14th Amendments

What does Act 372 do?

- Section 1: makes it a criminal offense to “make available, provide, or show” to a minor an item that meets the definition of “harmful to minors.” (Furnishing a Harmful Item to a Minor)
  - Requires segregation of items to an “adults only” area.
- Section 5: Requires that Public Libraries Establish a Process through which “any person affected by [a] material” can challenge the “appropriateness” of that material’s inclusion in the library’s main collection.
  - Also forces segregation of challenged material to “adults only” area.
  - This is about removal and restriction NOT collection development.

Plaintiffs' Argument

- This is a content-based restriction, similar to the 2003 law, which was found to be unconstitutional in 2004.
- The 2003 law outlawed "displaying" materials in a way minors could see them. The 2023 law criminalizes "making available, providing, or showing" in a retail establishment or library materials harmful to minors of any age.
- This is an overbroad prior restraint, not narrowly drawn to further a legitimate government purpose.
    - Includes materials that would be constitutionally protected as non-obscene.

Plaintiffs' Argument cont.

- Section 5 is unconstitutional.
  - It does not define "appropriateness" or set forth criteria for libraries to consider for determining if they should relocate challenged items.
  - The administrative process only allows for the challenger to present their case and there is no provision permitting those who believe the material should remain to present a case.
  - There is no appeal process for anyone who believes the material should remain in the main collection. However, if the library committee decides to not relocate the material, the challenger can appeal to the city board, or the court of the city/county primarily supporting the public library.
  - Prior restraint on the availability of constitutionally protected non-obscene material.
  - Unconstitutionally vague.

Other background

- Crawford County's Library Director resigned after residents who wrote letter claiming that library was "normalizing and equating homosexual and transexual lifestyles with heterosexual families" were appointed to the CCL Board of Directors creating a majority on the board.
- After their appointment, they announced that all branches of the CCL "moved their LGBTQ books out of the children's section into the adult section."
- Despite demands from some residents to stop this practice, they continued to do so.
- When Act 372 was passed, the county indicated they will make more changes to challenge and collection policies.

Fayetteville Public Library v. Crawford County, WD Ark Docket No. 5:23-cv-05086

- Where the case stands currently:
  - Motion to dismiss by defendants denied in July 2023
  - Summary Judgment motions made by all parties
  - No response yet

Important Issues Worth Tracking in This Case:

Criminalizing librarianship and the work of libraries: Will this case have a ripple effect on how other states adopt/interpret criminal statutes regarding librarians?

- Chilling effect on libraries (see declaration of Judy Calhoun, director of the Southeast Arkansas Regional Library, serving a largely rural population)

What kind of say do libraries/librarians have over collections?

- According to plaintiffs, the law "restrains public libraries and booksellers in Arkansas from making available constitutionally protected books and other materials to their patrons and customers, which burdens the rights of those individuals to read and to receive information."
- This is another case about the removal of materials and potential viewpoint discrimination.

Publisher Lawsuit: *Book People, Inc. v. Wong* (most recent action at the 5th Cir.)

- Bookstores, trade associations, and legal defense organization brought action against chair of Texas State Library & Archives Commission, chair of Texas State Board of Ed., & Commissioner of Texas Education Agency.
- Following legislation requiring school book vendors who wanted to do business with Texas public schools to issue “sexual-content ratings” for all library materials they sell.

READER Act

- Restricting Explicit and Adult-Designated Educational Resources Act
- Required publishers who do business with school boards to issue sexual-content ratings for all library materials they have ever sold or will sell.
  - “Sexually explicit” or “sexually relevant”
- Act also created library-collection standards imposed on school districts.

Library Collection Standards under READER

Requires the Texas State Library and Archives Commission, with approval by majority vote of the Texas State Board of Education to "adopt standards for school library collection development."

Prohibits purchasing "harmful material" (defined by Penal Code 43.24)	Library material "rated sexually explicit by the vendor"	Library material that is "pervasively vulgar or educationally unsuitable" as referenced in *Pico*

This PART IS NOT ADDRESSED, ENJOINED, or UNDER APPEAL

Vendor-Rating System (this is the part of the law challenged)

- Requires vendors to give a rating of “sexually explicit,” “sexually relevant,” or “no rating.”
- Sexually explicit: any communication…including a written description…that describes, depicts, or portrays sexual conduct as defined by section 43.25, Penal Code, in a way patently offensive.
- Once rated, vendors must submit to Texas Education Agency (TEA) list of material rated as sexually explicit or sexually relevant material.
  - Sexually explicit may not be sold to schools and must be removed from bookshelves.
  - Sexually relevant may not be “reserved, check out, or otherwise used outside the school library” without parental consent.
- List requires annual review by publisher.

Vendor Rating System continued:

- Three factors must be considered by vendor in performing contextual analysis and assigning ratings:
  - Explicitness or graphic nature of a description or depiction
  - Whether the material consists predominately of or contains multiple repetitions of depictions of sexual or excretory organs or activities
  - Whether a reasonable person would find that the material intentionally panders to, titillates, or shocks the reader
- TEA can then review the rating, and provide notice to the vendor; Vendor has 60 days to use agency's corrected rating and notify agency of action.
  - Failure to do so means school districts cannot purchase any library materials from vendors on the noncompliance list.

Arguments by Plaintiffs

- Alleged violation of 1st and 14th Amendments
  - 1st Amendment arguments: READER compels private speech, unconstitutionally vague and overbroad, is a prior restraint, and an unconstitutional delegation of government authority

District Court

- Granted Plaintiffs' motion for a preliminary injunction on enforcing Part II of the Act against vendors and publishers
- Did nothing regarding enforcement of the library-standards provision
- Question Presented for 5th Circuit: Are Plaintiffs likely to succeed on their claims that READER violates First Amendment rights?

5th Circuit:

- Standing exists for the plaintiffs – they have injury in fact, traceable to the Defendant (State enforcement of READER)
- Actual Injury Exists:
  - Selling books is "arguably affected with a 1st Amendment interest."
  - "Plaintiffs have interest in selling books without being coerced to speak to the State's preferred message – the ratings."
- Claim is ripe.
- Affirmed the District Court's grant of preliminary injunction against Commissioner Morath (head of the Commissioner of the Texas Education Agency), but vacate it against Chairs Wong and Ellis, and Remand to district court with instructions to dismiss the Plaintiff's suit against those two defendants (conduct is only traceable to the Commissioner of the TEA).
- Denied as moot the state's motion for a stay pending appeal.

5th Circuit Ruling continued: Merits of Preliminary Injunction

- Merits of Preliminary Injunction
  - Court isn't persuaded that READER Act ratings are government speech:
    - Other rating systems and warnings (movies, videos) are not comparable because those are voluntary and not required by the state to submit ratings before sale.
    - Other warnings are "factual and uncontroversial" (cigarettes, etc.), unlike the READER ratings.
    - Ratings attributed to the vendor on the TEA website, not TEA.
  - This is compelled speech
    - Coerces them to review library materials and issue ratings as a condition of sale.
    - If TEA disagrees, the law requires the vendor to adopt TEA's "corrected" rating.
    - Not commercial speech because ratings are neither factual nor uncontroversial.
  - Likely Plaintiffs would suffer an irreparable injury (loss of 1st Amendment freedoms for even minimal periods of time).

Issues to Consider Emerging from *Wong*

For private publishers, this is a win

But for libraries, this may do little –

- The collection development portion of READER is unchanged
  - Who has standing to sue? Would anyone sue?
  - Is there any 1st Amendment argument here?

Threat of Private Action or Criminal Action against Librarians

Several states where police were called and/or an investigation was launched:

Wyoming*	Missouri	Texas	South Carolina

Threat of criminal prosecution has a chilling effect on libraries and librarians

Final Thoughts

- Cases deal with removals, but what about mandated restrictive collection development policies?
  - What about the mandated involvement of conservative activists in drafting collection development policies?
  - Permissive viewpoint discrimination?
  - Will those writing these laws draft to avoid litigation?
- What will the chilling effect be on libraries even without examples of criminal prosecution?
- Are publishers better positioned to sue and challenge laws than libraries and librarians?

Optimistic Note from the 5th Circuit:

- "As discussed above, we agree that library personnel must necessarily consider content in curating a collection. However, the Court has nowhere held that the government may make these decisions based solely on the intent to deprive the public of access to ideas with which it disagrees. That would violate the First Amendment and entirely shield all collection decisions from challenge. *See* *Pico*, 457 U.S. at 871, 102 S.Ct. 2799 (plurality opinion); *Campbell*, 64 F.3d at 190."
    - *Llano v. Little County*, 5th. Cir. (June 6, 2024)

- “The dissent accuses us of becoming the “Library Police,” citing a story by author Stephen King. But King, a well-known free speech activist, would surely be horrified to see how his words are being twisted in service of censorship. Per King: “As a nation, we've been through too many fights to preserve our rights of free thought to let them go just because some prude with a highlighter doesn't approve of them.”[14] Defendants and their highlighters are the true library police.”