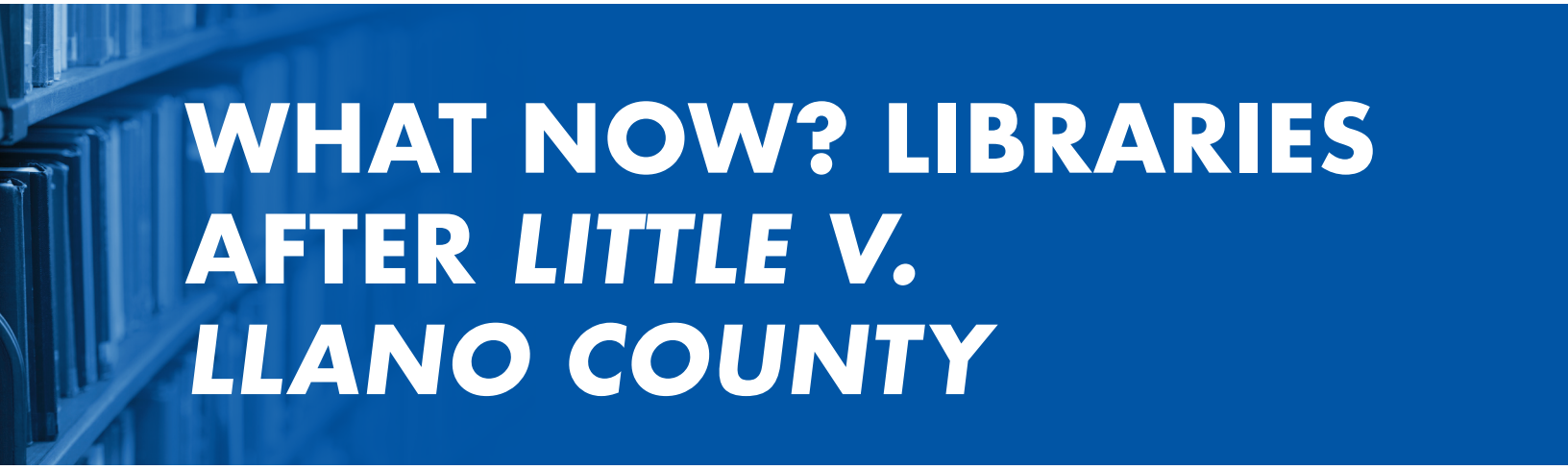

WHAT NOW? LIBRARIES AFTER *LITTLE V. LLANO COUNTY*

In December 2025, the Supreme Court declined to review a Fifth Circuit Court case about whether the government can remove books from a public library's shelves. This guide provides an overview of the case and explains what it says about the right to read in libraries.

What was *Little v. Llano County* about?

In 2021, government officials in Llano County, Texas, removed 17 books from its public library. Community members sued, claiming that the book removal violated their constitutional rights. The district court agreed with the plaintiffs, and in 2024, a three-judge panel at the Fifth Circuit Court of Appeals affirmed that decision. In 2025, the same court heard the case again, en banc, and reversed the lower court's decision, dismissing the plaintiffs' claims. (An en banc hearing includes all the judges on the court.)

The Supreme Court's decision not to review the case left the Fifth Circuit's en banc decision in place, legally binding the Fifth Circuit, which includes three states: Texas, Louisiana, and Mississippi.

The Fifth Circuit's decision DOES NOT empower government officials to take over library collections. The court did not hold that library collections are "government speech." Only seven of the seventeen Fifth Circuit judges said that library collections should be considered government speech. The majority heeded Supreme Court Justice Alito's warning that the government speech doctrine is a tenuous legal argument "susceptible to dangerous misuse."

What does the Fifth Circuit get wrong?

The court's decision diverges from well-settled law and ignores fundamental rights.

- **The Fifth Circuit misunderstands what libraries do.** It implies that removing library books for subjective reasons doesn't violate readers' rights because people can buy the books on their own. This assertion ignores reality: not everyone can buy books. Public libraries provide universal, free access to information. The freedom to read regardless

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of socioeconomic status is a basic right. The Supreme Court has long recognized[1] that the right to receive information[2] is fundamental[3] to a free society.[4]

- **The Fifth Circuit ignores the Supreme Court's prohibition on viewpoint discrimination in libraries.** The Supreme Court has said[5] that it is illegal to remove books from libraries in order to suppress views that the government doesn't like. Everyone has a right to read in their libraries, a right that cannot be restricted by government officials.

What happens now that the Supreme Court isn't hearing Llano?

Without a Supreme Court decision to settle the issue, U.S. courts are split, which means there are different rules for different states. In most states, it is unconstitutional for the government to remove books from people's libraries, but library workers in Texas, Louisiana, and Mississippi must contend with an unprecedented inability to use their expertise to ensure that their libraries' collections meet the needs of their communities.

Moreover, book banners are claiming that the Supreme Court's choice is a victory, that they "won" the issue, and that people can be deprived of reading material they don't like. This is not true. Nobody knows why the Supreme Court declined to prioritize the case this term. The justices did not provide their rationale. The Supreme Court is only able to accept a very small number of petitions to hear cases in each term. In the meantime, there are plenty of cases that disagree with the Fifth Circuit's en banc opinion—the Supreme Court's decision not to hear the Llano case is not an affirmation of the Fifth Circuit en banc opinion.

What should you do if you are a library worker in Texas, Louisiana, or Mississippi?

The most important thing to do is to remember your library's mission and the role it serves in your community. The Fifth Circuit's decision does not change those things. It does not limit your ability to continue your usual collection development and community support activities.

However, if a government body or official, such as a library board, county commissioner, or school board, decides to remove books from your library, the removal may not be treated as censorship. Like the plaintiffs in Llano County, efforts to challenge the removals in court may not succeed. If your library is subject to book removals by government boards and officials, be sure to document everything. Library workers can observe and monitor the censorship impacts of book removals, which is important for spreading awareness and for challenging the book banning activities. You can also reach out for support. There are library organizations and First Amendment groups eager to help libraries in need of assistance.

What can you do to help impacted library workers?

If you are concerned about the Fifth Circuit decision and its impact, there are a number of ways you can help public libraries:

- Be vigilant. Keep an eye on the court decisions in your state. The Llano decision is empowering people who want to ban books, and they are fighting for similar outcomes in their own jurisdictions. Support your libraries by being aware of political and litigation tactics that could harm them. You can track relevant cases with OIF's Censorship Cases Bot[6] and keep up with library news through ALA, PEN America, BookRiot, the Well Sourced newsletter,[7] and other sources.
- Join (or start) a local friends of the library group, show up for local government meetings, run for a library or school board, and donate to ALA[8] and other organizations working to support libraries across the nation.
- Reach out to library workers in the states[9] affected[10] by the Fifth Circuit decision and states where similar situations are unfolding, including Florida[11], Utah, and Idaho.
- Support right-to-read legislation in your state. This legislation has the potential to protect library collections and the people who work to maintain them.

If you are a library worker, there's even more you can do to help:

- Educate your community about what collection development and weeding practices are, and ensure that your library has clear, viewpoint-neutral policies that are consistent with the First Amendment.
- Don't comply in advance. If censorship efforts reach your library, contact ALA OIF, PEN America, and the freedom to read groups in your state. Report censorship[12] so that we can all stand up for the right to read.

Notes

1. https://www.oyez.org/cases/1940-1955/319us141
2. https://www.oyez.org/cases/1964/491
3. https://www.oyez.org/cases/1977/76-1172
4. https://www.oyez.org/cases/1968/293
5. https://www.oyez.org/cases/1981/80-2043
6. https://bots.law/little-cases/censorship-cases-bot/
7. https://buttondown.com/wellsourced
8. https://ala150.org/
9. https://www.txftrp.org/
10. https://www.studentsengaged.org/
11. https://www.fftrp.org/
12. https://www.ala.org/tools/challengesupport/report

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Document last updated January 30, 2026