

NEWS RELEASE

FOR IMMEDIATE RELEASE

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LA-CAC Condemns Attorney General Opinion 25-0069

Baton Rouge, LA — Louisiana Citizens Against Censorship (LA-CAC) strongly disagrees with the Attorney General's expansive interpretation of the term "access" in La. R.S. 25:225 as including a minor's mere ability to "physically encounter" library materials. This interpretation risks transforming Louisiana's public libraries from centers of voluntary inquiry into restricted zones governed by viewpoint-based suppression.

While parents unquestionably hold fundamental rights in directing the upbringing of their children, those rights do not extend to restricting the constitutional rights of other families or to removing lawful materials from public access. The U.S. Supreme Court has made clear that the First Amendment protects the right to receive information and ideas, particularly in the context of libraries.

In **Board of Education v. Pico, 457 U.S. 853 (1982)**, the Court held that school boards may not remove books from libraries simply because they dislike the ideas contained within them. The plurality recognized that the right to receive ideas is a necessary predicate to meaningful exercise of First Amendment rights. While Pico concerned school libraries, its reasoning applies even more strongly to public libraries, which serve citizens of all ages and viewpoints.

In **Stanley v. Georgia, 394 U.S. 557 (1969)**, the Court affirmed that the Constitution protects the right to receive information and ideas, regardless of their social worth. Public libraries are among the primary institutions through which that right is exercised.

Further, in **Sund v. City of Wichita Falls, 121 F. Supp. 2d 530 (N.D. Tex. 2000)**, a federal court struck down a city resolution allowing the removal of children's books based on majority vote, finding it violated the First Amendment. The court emphasized that libraries cannot permit majoritarian suppression of disfavored viewpoints under the guise of community standards.

The Attorney General's opinion effectively equates "access" with passive exposure and opens the door to segregating or cordoning off lawful materials based on subjective determinations of "sexually explicit" content. Such an approach raises serious constitutional concerns:

- It risks **viewpoint discrimination**, which is presumptively unconstitutional.
- It substitutes political pressure for professional library standards.
- It chills the freedom of minors—who do possess First Amendment rights—to explore ideas.
- It burdens families who do not wish to have government gatekeepers substitute their judgment for parental discretion.

Louisiana Citizens Against Censorship maintains:

1. **Parents have the right to guide their own children's reading — not everyone else's.** Public libraries should empower parental choice through opt-in tools, not impose blanket restrictions that affect all families.
2. **Public libraries serve the entire community.** They are not instruments of ideological enforcement but institutions committed to intellectual freedom and diverse viewpoints.
3. **Professional librarians, not political bodies, are trained to curate collections.** Decisions about acquisitions should rely on established professional standards, not fluctuating political pressures or vague community standards.
4. **Book restriction policies disproportionately target marginalized voices.** Across the country, books challenged as "sexually explicit" frequently include works by or about LGBTQ+ individuals, people of color, and survivors of abuse.
5. **There is a constitutional difference between obscenity and content some find uncomfortable.** The Supreme Court's obscenity standard in **Miller v. California, 413 U.S. 15 (1973)** is narrow. Most materials targeted in library disputes do not meet this definition and are fully protected speech.
6. **Libraries are spaces of voluntary engagement.** Simply being able to "physically encounter" a book on a shelf does not compel reading it. Families remain free to supervise, restrict, or guide their children's selections.
7. **Overbroad restrictions invite litigation and waste taxpayer resources.** Policies that chill access to constitutionally protected materials are likely to face costly legal challenges.

Louisiana Citizens Against Censorship urges lawmakers and library boards to interpret La. R.S. 25:225 narrowly and in harmony with constitutional protections. Protecting parental rights should not come at the expense of other parents' rights, minors' First Amendment freedoms, or the long-standing role of public libraries as bastions of intellectual freedom.

We call for policies that:

- Respect constitutional limits,
- Preserve professional collection standards, and
- Protect the freedom to read for all Louisiana families.

Ultimately, the freedom to read is not a partisan issue — it is a fundamental constitutional right.

Louisiana Citizens Against Censorship is an all-volunteer, grassroots 501(c)(4) organization dedicated to fighting attempts to ban or restrict books based on subjective standards of inappropriate content. We believe that informed citizens are good citizens, and access to information is the cornerstone of a functioning democracy. To that end, we oppose any legislation aimed at restricting citizens' First Amendment Rights, as well as the right to read freely. To donate visit LA-CAC.org and click the donate button.