

DATE: 26 September 2022  
TO: [REDACTED]  
FROM: Adam Webb  
RE: LGBTQ materials labeling request

Dear [REDACTED],

My apologies for the delay. We have received your emails and reviewed your request to label all materials with LGBTQ characters or themes in the children's department. I wanted to make sure that we discussed and reviewed this issue thoroughly before we responded. After reviewing and researching the matter, the Garland County Library is unable to fulfill your request. I know that isn't what you wanted to hear, but as a governmental agency, we have to consider all citizens and how our actions might affect them.

Federal Courts have ruled that government actions that stigmatize certain people is a form of discrimination and that actions such as those suggested are unconstitutional. The Garland County Personnel Handbook explicitly disallows library staff from engaging in unconstitutional practices and we would risk losing our jobs over it. To quote Supreme Court Justice Robert Jackson, *"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion."* While that specific case was in regards to compelled speech, the standard of not prescribing "what shall be orthodox" is one the courts have made a number of times regarding libraries. Labeling LGBTQ materials as a means to help others avoid certain viewpoints would certainly be prescribing what is orthodox. This amounts to what the courts have called a "stigmatizing effect" and we are prohibited from engaging in that practice.

We also reviewed your request from a collection development and librarianship standpoint. As a practical matter, it would require a page-by-page and scene-by-scene review of everything in the children's library to ensure compliance. It would also require library staff to make judgment calls that may or may not align with what you have in mind. What one person considers "sexual by nature" might not be by someone else. This would open the door for all sorts of labeling based on one opinion over another. If we did this for you, there is nothing to stop someone from requesting any other subjective labeling, as we would have to treat all requests equally.

Ultimately, the courts have determined that the onus is on the individual to screen materials they wish to avoid, not the other way around. In the US District Court case *Sund v City of Wichita Falls*, Justice Buchmeyer stated *"those seeking to restrict access to information should be forced to take affirmative steps to shield themselves from unwanted materials; the onus should not be on the general public to overcome barriers to their access to fully-protected information."* I know this doesn't seem like a restriction, but the courts have ruled otherwise. As a civil servant, I am compelled to do what the courts have determined is constitutional in my line of work. "Shall not prescribe" is mandatory language, not a suggestion.

Regarding your question about the book *Angryman*, I am unaware of how that labeling was placed on the item and I asked my staff to remove it. We do not have a policy of labeling items on a case-by-case basis and it is not a practice my staff should be doing outside of our board approved policies.

I know my response is not what you want to hear, but I'm happy to talk with you or any other interested parties about possible solutions or compromises. We want everyone to feel welcome in the library, but in doing so, we must create an atmosphere where everyone feels welcomed.

Yours in service,

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Adam Webb | MLS  
Library Director