

FIRST AMENDMENT LAW CLINIC

February 10, 2026

Livingston Parish Library Board of Control
20355 Government Blvd Suite B
Livingston, LA, 70754

RE: Livingston Parish library collection, *This One Summer*
Via: U.S. mail and email to Library Board of Control Members

To the Board of Control Members:

We write on behalf of community members to express concerns about the proposed reclassification of the graphic novel *This One Summer* from the teen section to the adult section in Livingston Parish Libraries, scheduled to be discussed at the upcoming Library Board of Control Special meeting.¹

This One Summer is currently shelved in the teen collection, consistent with professional library standards and the book's recognition as a Caldecott Medal-winning work for teen readers.² Reclassifying the book based on content would restrict access and raise serious constitutional concerns.

Livingston Parish has already adopted a policy with a tiered system of access for minors, pursuant to La. R.S. 25:225. The purpose of this statute is to ensure that minors' access to sexually explicit materials, as defined in the statute, is limited. "Sexually explicit material" is defined in the statute as "textual, visual, or audio material, produced in any medium, that depicts or describes sexual conduct." "Sexual conduct" is then further specifically defined in the statute.³

¹ Special Board Meeting Agenda Item 6(a): "Discussion and Decision: Whether "This One Summer" by Mariko Tamaki & Jillian Tamaki meets the criteria outlined in LA RS 25:225(C)(2)(d)(ii) and the definition provided in LA RS 25:225(B)(4) as claimed by a complainant who submitted a Citizen's Request for Reconsideration of Library Material Form (3-309a) and whether to move this material to another collection based on this challenge."

² <https://us.macmillan.com/books/9781596437746/thisonesummer/>

³ "(a) Masturbation or lewd exhibition, actual, simulated, or animated, of the genitals, pubic hair, anus, vulva, or female breast nipples. (b) Sadomasochistic abuse, meaning actual, simulated, or animated, flagellation, or torture by or upon a person who is nude or clad in undergarments or in a costume that reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or in the condition of being fettered, bound, or otherwise physically restrained, on the part of one so clothed. (c) Actual, simulated, or animated touching, caressing, or fondling of, or other similar physical contact with, a pubic area, anus, female breast nipple, covered or exposed, whether alone or between humans, animals, or a human and an animal, of the same or opposite sex, in an act of apparent sexual stimulation or gratification. (d)

The content of *This One Summer* plainly does not meet the statutory definition of “sexually explicit” material. Although the graphic novel does discuss sexuality, it contains no graphic depictions of sexual acts. Exploration of sexual themes alone does not make a book harmful to minors or dangerous. Further, the attorney general has explained that references to sexual conduct do not automatically make a text “sexually explicit,” as that definition applies only to material that *depicts or describes* sexual conduct.⁴ Moreover, even if the Board *does* find that the book contains “sexually explicit” material, the Board is **not required to relocate the book** because “[w]hether a book is appropriate for a particular collection is controlled by the collection policy of the library.”⁵

For decades, courts have recognized that stigmatizing controversial books by relocating or removing them from circulation is unconstitutional.⁶ Reclassifying *This One Summer*, an award-winning book that is not sexually explicit, because some readers find it offensive or controversial would explicitly violate long-held protections against First Amendment viewpoint and content-based discrimination. This action would deny teen readers access to a work intended for them and would violate the Free Speech Clause of the First Amendment and the Due Process Clause of the Fourteenth Amendment.⁷ Discomfort with the themes explored in the book does not merit its removal or reclassification, and the tiered Library Card Policy already in place in Livingston libraries obviates any further action by this Board. This book should remain in the teen section.

The public process surrounding the Board’s consideration of this book is also problematic. A Board member has publicly, on numerous occasions, mischaracterized the content of *This One Summer*, later acknowledging that those misinterpretations were due to the fact that she “read through [the] book really fast.” The Board member also publicly disparaged community members who disagreed with her viewpoint, stating “those defending [the book] and calling [the book] beautiful need psychiatric help[...] I am disgusted with so many of you.” These remarks, stated publicly, raise significant concerns about whether the Board has or is capable of conducting its deliberations in a neutral, informed, and respectful manner. Material cannot be removed because it is unpopular or a minority viewpoint, and a Board member should respect viewpoints with which he or she disagrees.⁸

Public confidence in library governance depends on accurate representations of challenged works and on decision-making processes that respect public participation and professional standards.

Actual, simulated, or animated stimulation of a human genital organ by any device whether or not the device is designed, manufactured, or marketed for that purpose. (e) Actual, simulated, or animated ultimate sexual acts, whether between human beings, animals, or a human being and an animal.” *La. R.S. 25:225(B)(3)*

⁴ See La. Att’y. Gen. Ltr., “Guidance for libraries implementing 2023 La. Acts No. 436.” September 13, 2023.

⁵ *Id.*

⁶ *Board of Education v. Pico*, 457 U.S. 853, 872 (1982) (holding that “school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’”) (quoting *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642 (1943)).

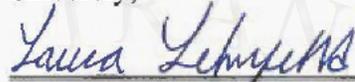
⁷ *Freedman v. Maryland*, 380 U.S. 51 (1965) (requiring book challenge schemes to comport with Due Process).

⁸ *E. g.*, *Reno v. American Civil Liberties Union*, 521 U. S. 844, 880 (1997) (“It would confer broad powers of censorship, in the form of a ‘heckler’s veto,’ upon any opponent of indecent speech [to invoke the presence of a minor online in order to activate criminal liability for other persons online]”); see also *Hill v. Colorado*, 530 U.S. 703, 734-35 (2000) (“Private citizens have always retained the power to decide for themselves what they wish to read”).

When public officials precede or accompany deliberations with mischaracterizations and hostile interactions, they undermine the integrity of the Board's process regardless of intent.

We ask the Board to reject the proposed reclassification of *This One Summer* as it is not sexually explicit as defined under Louisiana statute. We appreciate the political pressures the Board faces and thank you for your careful attention to this matter. We lend our voices in support of Livingston Parish residents who rely on the library as a place of free and open inquiry. We remain available to discuss these concerns further with the Board or its counsel at your convenience.

Sincerely,



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