



October 10, 2025

Vanessa Carr  
Executive Secretary  
Alabama Public Library Service  
6030 Monticello Drive  
Montgomery, AL 36117

*Re: Center for Constitutional Rights Comment in Opposition to Proposed Rule 520-2-2.03*

Dear Executive Secretary Carr:

On behalf of the Center for Constitutional Rights (“CCR”), we write to express our deep concern regarding the Alabama Public Library Service (“APLS”), Library Development Division’s proposed amendment to Rule 520-2-2-.03 (hereinafter the “proposed rule” or “rule”) of the Alabama Administrative Code, which hinges library boards’ state funding on the promulgation of regulations that require the exclusion of any material that “promotes, encourages, or positively depicts transgender procedures, gender ideology, or the concept of more than two biological genders” in library sections designated for minors under 18.<sup>1</sup>

The Center for Constitutional Rights is a national, not-for-profit legal, educational, and advocacy organization dedicated to protecting and advancing rights guaranteed by the United States Constitution, federal statutes, and local and international law. Since our founding in 1966, we have litigated landmark civil rights and human rights cases before the Supreme Court and other tribunals concerning government overreach and discriminatory state and federal laws and policies, including those that disproportionately affect lesbian, gay, bisexual, trans, nonbinary, queer, and intersex (“LGBTQIA+”) communities, including in the Southern region of the United States and internationally. CCR’s Southern team includes six attorneys based in the Deep South, including two in Alabama—all of whom partner with Southern grassroots movements, human rights defenders, and community organizations fighting to transform material conditions, dismantle systems of oppression, and advance visions of collective liberation. Given our mission and experience advocating alongside and on behalf of LGBTQIA+ individuals and Alabama communities, CCR is strongly opposed to this rule and urges the APLS to reject it.

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<sup>1</sup> Notice of Intended Action to Amend Ala. Admin. Code r. 520-2-2-.03 (Aug. 19, 2025), *available at* <https://admincode.legislature.state.al.us/api/filing/68890519e0fad25dc8402fad/filing>.

Laws, rules, and policies like this one have recently been defeated across the country on First Amendment free speech, Fourteenth Amendment due process, and policy grounds.<sup>2</sup> For these same legal and policy reasons, this rule must not be sanctioned here.

First, the proposed rule likely runs afoul of substantive safeguards of the Alabama Code, the Alabama Constitution, and the U.S. Constitution, among other laws. Specifically, the rule, if enacted, will violate the First Amendment by engaging in viewpoint discrimination and infringing individuals' right to receive information. It also likely violates the Equal Protection Clause of the Fourteenth Amendment by classifying restricted library content according to sex-based stereotypes. Finally, it violates the Due Process Clause of the Fourteenth Amendment by censoring protected speech based on vague, overbroad standards.

Second, the proposed rule would be deeply harmful to Alabama's already vulnerable youth—both transgender and cisgender—by censoring diverse representations of gender and accurate scientific literature. In so doing, this rule sends a harmful, inaccurate, politicized message: that recognizing the full richness of human gender identity and expression is inappropriate for children. Public libraries exist to serve a diverse population, and it is the role of parents and caregivers to guide children's book selections and impart values—and not for the State of Alabama, or any state, for that matter, to make these decisions.

Given these legal and policy deficiencies of the rule, as further detailed below, we request that the APLS give full consideration to the comments below and reject the proposed amendment in its entirety.

### **I. By Approving the Proposed Rule, the APLS Will Undermine Its Own Bill of Rights.**

The APLS, created by Code of Alabama 1975, §§ 41-8-1, *et seq.*, has as its chief objective the development of a cooperative system of providing books and library services for the various municipalities and counties of the state.<sup>3</sup> According to APLS regulations promulgated in 2019, freedom to read includes “a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.”<sup>4</sup> The Library Bill of Rights, enacted in 2019, states, “[b]ooks and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, *or views* of those contributing to their creation.”<sup>5</sup> And further, “[l]ibraries should not provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of *partisan or doctrinal disapproval*.”<sup>6</sup>

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<sup>2</sup> Angele Latham, *Controversial Sumner County policy banning transgender books fails for third time*, The Tennessean (Aug. 15, 2025), <https://www.tennessean.com/story/news/2025/08/15/tennessee-book-bans-lgbtq-policy-fail/85658953007/>; *Fayetteville Pub. Libr. v. Crawford Cnty.*, 760 F. Supp. 3d 811, 835 (W.D. Ark. 2024).

<sup>3</sup> Ala. Admin. Code r. 520-1-1-.01 (2019).

<sup>4</sup> *Id.* at r. 520-3-1 App. B (2019).

<sup>5</sup> *Id.* at r. 520-3-1 App. A (2019) (emphasis added).

<sup>6</sup> *Id.* (emphasis added)

Accordingly, the APLS Library Bill of Rights and 2019 regulations are in direct opposition to the proposed rule, which prioritizes partisan anti-LGBTQIA+ agendas over freedom of information. Just because certain APLS board members disagree with the positive depiction of transgender people and accurate, scientific descriptions of gender, does not mean that they can lawfully prevent youth from accessing information about these topics. Thus, by censoring library content according to “positive” versus “negative” depictions of a topic, the proposed rule weakens these current APLS rules that exist to *prevent* partisan or doctrinal censorship.

## **II. The Proposed Rule is Likely Unconstitutional.**

### **A. The Proposed Rule Likely Violates the First Amendment of the U.S. Constitution.**

#### **1. The Proposed Rule Likely Violates the Right to Receive Information.**

The proposed rule intends to prevent youth from receiving ideas in books that depict transgender people positively or feature diverse conceptions of gender, violating the First Amendment.

The First Amendment provides the public with freedom of speech, press, assembly, and petition—rights that are interconnected with the First Amendment right to receive information. Therefore, as the Supreme Court observed in *Keyishian v. Board of Regents*, “students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding.”<sup>7</sup> As it later noted in *Board of Education v. Pico*, “[t]he school library is the principal locus of such freedom.”<sup>8</sup> Thus, students’ selection of “books from these libraries is entirely a matter of free choice; the libraries afford them an opportunity at self-education and individual enrichment that is wholly optional.”<sup>9</sup> Accordingly, the right to receive information prohibits government entities from blanketly censoring youth’s access to publications in places like public schools and libraries. Youth must have freedom to access information for enrichment purposes.

In *Board of Education v. Pico*, for example, the U.S. Supreme Court decided that a school board’s removal of books from a school library that the school board deemed ““anti-American, anti-Christian, anti-Semitic, and just plain filthy”” violated the First Amendment of the U.S. Constitution, reasoning that “the right to receive ideas is a necessary predicate to the recipient’s meaningful exercise of his own rights of speech, press, and political freedom.”<sup>10</sup> Therefore, the idea that it is the duty of a school board to transmit community values with absolute discretion—a longstanding defense of those who aim to censor speech—indisputably contravenes the constitutional standard.<sup>11</sup>

Moreover, while local school boards have a substantial legitimate role to play in the determination of library content, ultimately the First Amendment disallows that discretion from

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<sup>7</sup> *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (internal quotations omitted).

<sup>8</sup> *Bd. of Educ. v. Pico*, 457 U.S. 853, 868–69 (1982).

<sup>9</sup> *Id.* at 869.

<sup>10</sup> *Pico*, 457 U.S. at 857, 887 (internal quotations omitted). *See also Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 507 (1969); *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 637 (1943).

<sup>11</sup> *Id.* at 869.

being exercised in a “narrowly partisan or political manner.”<sup>12</sup> In *Pico*, the Supreme Court provided the following example: if a Democratic school board, motivated by party affiliation, ordered the removal of all books written by or in favor of Republicans, few would doubt that the order violated the constitutional rights of the students denied access to those books.<sup>13</sup> The sole exception is if a book’s contents are “pervasively vulgar”—a standard far beyond a school board’s dislike of a book’s ideas and a desire to “prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.”<sup>14</sup>

These same principles that counsel public schools against government censorship of children’s access to information apply to public libraries here. Alabama libraries are empowered by the First Amendment to have books about gender and positive depictions of transgender people. Students have the right to access information about these real world issues—regardless of community feelings about them—so that students are able to self-educate and formulate their own opinions as members of a democratic society, as outlined in *Pico* and *Keyishian*. Thus, by enacting the proposed rule, the APLS will likely violate the right to receive information because it censors youth’s ability to receive “positive” information about transgender procedures, gender diversity, or transgender persons. Instead of giving youth—under the guidance of their parent or guardian—discretion in what they are able to read, the APLS is deciding what information youth may not receive, in violation of the Constitution.

Students are not compelled to read or check out any book that they are not interested in or disagree with, highlighting the “optional” nature of the enrichment as *Pico* described. The proposed rule thus aims to prescribe what shall be orthodox in matters of opinion, which contradicts the purpose of libraries, and violates the First Amendment.

## **2. The Proposed Rule Likely Constitutes Viewpoint Discrimination.**

The proposed rule attempts to censor the opinion of authors who have positive—or even scientifically accurate—views of transgender people, and gender variance among humans and other species, and thus violates the First Amendment’s prohibition against discrimination based on viewpoint. Viewpoint discrimination has historically been very disfavored by courts. In *Rosenberger v. University of Virginia*, the University of Virginia refused to fund a religious student publication on the basis of its religiosity, but it funded other similar student publications which did not possess a religious ideology.<sup>15</sup> The U.S. Supreme Court stated:

When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. Viewpoint discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.<sup>16</sup>

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<sup>12</sup> *Pico*, 457 U.S. at 870.

<sup>13</sup> *Id.* at 870–71.

<sup>14</sup> *Barnette*, 319 U.S. at 642.

<sup>15</sup> *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995).

<sup>16</sup> *Id.* at 829 (internal quotations and citations omitted).

*Rosenberger* therefore established that government entities cannot discriminate against private speech based on its viewpoint.

Here, the main rationale behind a “positive depiction” restriction is that proponents of the proposed rule disagree with said positive depictions, exemplifying the proposed rule’s inherent bias and viewpoint discrimination. The APLS has not stated that “negative depictions” of trans identity and diverse conceptions of gender are banned, which shows that it is not the content that is the purported problem (transgender identity or other diverse representations of gender), but the lens in which the content is depicted: that is, “positively.” A positive depiction of transgender identity or other diverse representations of gender would reflect the author’s positive opinion about these issues, just as a negative depiction would suggest transphobic or queerphobic ideology. Therefore, if the board only decides to ban “positive” depictions, it is discriminating on the viewpoint of those who view transgender identity or other diverse representations of gender positively, and subsequently censoring public library content to fit its discriminatory agenda, which is illegal under the First Amendment of the U.S. Constitution.

## **B. The Proposed Rule Likely Violates the Equal Protection Clause of the Fourteenth Amendment.**

The Equal Protection Clause of the Fourteenth Amendment states that no state shall “deny to any person within its jurisdiction the equal protection of the laws.”<sup>17</sup> Discrimination on the basis of sex includes, but is not limited to, discrimination based on gender, gender nonconformity, transgender status, gender expression, and gender identity. Under the Equal Protection Clause, government classifications based on sex are presumptively unconstitutional and subject to heightened scrutiny.<sup>18</sup> Government action that discriminates on the basis of sex must be substantially related to a sufficiently important government interest.<sup>19</sup> That interest must be genuine, neither hypothesized, invented in response to litigation, nor grounded in fixed notions concerning the roles of males and females.<sup>20</sup> All people, regardless of gender identity, are protected from discrimination on the basis of sex stereotypes.

Here, the proposed rule discriminates on the basis of sex by allowing in youth library sections the promotion of information about traditional sex and gender stereotypes, while proscribing the presentation of information that challenges such stereotyping, i.e., diverse gender identity and gender expression that do not conform to traditional sex stereotypes. For example, per this proposed rule, it would be appropriate for a library to have a book featuring a cisgender female princess wearing a pink tutu, but it would be inappropriate to have a book featuring an intelligent transgender child who won their school Spelling Bee. The Rule—somewhat contradictingly—would also allow a library book that features a murderous nonbinary villain who is driven by self-loathing or that graphically describes a botched gender affirming surgery operation, because neither constitutes a depiction that “promotes, encourages, or positively depicts

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<sup>17</sup> U.S. Const. amend. XIV, § 1.158.

<sup>18</sup> *United States v. Virginia*, 518 U.S. 515, 533 (1996).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

transgender procedures, gender ideology, or the concept of more than two biological genders” in violation of the rule.

Accordingly, the rule’s association between transgender identity or expansive gender diversity and what “inappropriate” material is to be excluded from youth areas of libraries is based on nothing but discriminatory sex and gender stereotypes. The rule disparately treats the promotion, display, or representation of positive depictions of *transgender and other gender diverse people*—which is prohibited—from the promotion, display, or representation of depictions of *cisgender people*—which is allowed.

There is no sufficiently important government interest in prohibiting children from accessing information and knowledge “positive[ly] depicti[ng]” transgender people and “gender ideology,” while allowing their access to any depictions of cisgendered persons (or negative depictions of transgender people). Indeed, as the final section of this comment shows, it would be quite harmful and—as the above sections establish—unconstitutional, for the State to prohibit access to material related to diverse gender identities, and there can be no substantial government interest in unconstitutional conduct. And even if there were a sufficiently important interest in the rule’s ban against this material—i.e., the protection of children, the ban would not substantially promote that interest, given the rule’s harmful, unconstitutional nature, as detailed throughout these comments. In sum, therefore, classifying positive depictions of transgender people as “inappropriate” and requiring their exclusion from youth areas in libraries, while permitting similar depictions of cisgender persons, is presumptively unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.

### **C. The Proposed Rule Likely Violates the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution and Article I, Section 13 of the Alabama Constitution.**

The proposed rule also likely violates library users’ due process rights under the Fourteenth Amendment of the U.S. Constitution and Article I, Section 13 of the Alabama Constitution. First Amendment speech is a fundamental individual liberty that cannot be withheld without due process of law.<sup>21</sup> The Constitution forbids arbitrary government interference with the free flow of information and ideas; officials cannot use overbroad restrictions to censor speech.<sup>22</sup> Accordingly, regulations on speech must be precise in order to avoid chilling legitimate speech or conduct.<sup>23</sup>

The proposed rule is anything but precise. It proposes to ban “any material that promotes, encourages, or positively depicts transgender procedures, diverse conceptions of gender, or the concept of more than two biological genders” for minors. This language, especially nebulous terms like “positively depicts,” “gender ideology,” and “concept,” is vague and overbroad. The law must sufficiently define terms so that ordinary people are able to understand what conduct is prohibited. And extra specificity is required when the regulation risks curtailing conduct protected by the First

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<sup>21</sup> *Lovell v. City of Griffin*, 303 U.S. 444, 450 (1938).

<sup>22</sup> *Smith v. Goguen*, 415 U.S. 566, 573 (1974).

<sup>23</sup> *Keyishian*, 385 U.S. at 603–04.

Amendment.<sup>24</sup> Library boards facing this vague wording will be forced to guess at its meaning; any that read it differently than those enforcing the law will risk arbitrary loss of access to state funds.

Moreover, the Supreme Court has made it clear that when a state tries to restrict access to reading material, the people impacted by the restriction must be given adequate procedures to protect their First Amendment rights. For example, in *Bantam Books v. Sullivan*, the Supreme Court found unconstitutional a state commission that reviewed publications for their appropriateness for youth, because the law did not provide sufficient process to review or challenge the commission's determinations. 372 U.S. 58, 64 (1963).

This rule provides no such process. Besides its vague and discriminatory criteria, it affords affected youth, parents, community members, and libraries themselves no opportunity to challenge the restriction of any piece of material deemed inappropriate.

### **III. The Proposed Rule Will Harm All Youth, Including Transgender Youth.**

It is well-established by medical and social science experts that access to positive depictions of LGBTQIA+ people and issues is crucial for the health and safety of LGBTQIA+ youth. This is particularly true in Alabama, where LGBTQIA+ youth are at especially high risk for bullying, violence, harm to mental health, and suicide.<sup>25</sup>

In direct contravention of this reality, the proposed rule tells transgender people and gender minorities—and the people who know them and love them—that they are not welcome members of society. A transgender child grappling with questions about their gender who finds their local library empty of positive stories about people like them might understandably feel that there is something wrong with them. In addition, the rule impoverishes the social development of people who are not trans. A cisgender child in that same library will be deprived of the chance to engage with narratives about people who are different from them, leaving them with a diminished understanding of their community and world.

LGBTQIA+ youth nationwide are disproportionately subject to harassment, discrimination, and victimization from both peers and adults.<sup>26</sup> These experiences contribute to LGBTQIA+ youth's frequent struggles with depression, anxiety, substance use, and risky sexual behavior, and have been linked to the increased prevalence of self-harm, suicidal ideation, and suicide attempts among queer youth.<sup>27</sup> Seventy-seven percent of transgender and nonbinary youth

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<sup>24</sup> *Reno v. ACLU*, 521 U.S. 844, 871–72 (1997).

<sup>25</sup> The Trevor Project, 2024 Survey on the Mental Health of LGBTQ+ Young People in Alabama 2, 5–6 (2024), <https://storage.googleapis.com/trevor-web-public/2025/02/2024-50-State-Report-Alabama.pdf> [hereinafter Trevor Project Alabama Survey].

<sup>26</sup> Soc'y for Adolescent Health & Med., *Recommendations for promoting the health and well-being of lesbian, gay, bisexual, and transgender adolescents: A position paper of the Society for Adolescent Health and Medicine*, 52 J. Adolescent Health 506, 507 (2013), [https://www.jahonline.org/article/S1054-139X\(13\)00057-8/fulltext](https://www.jahonline.org/article/S1054-139X(13)00057-8/fulltext).

<sup>27</sup> Mark Hatzenbuehler, *The social environment and suicide attempts in lesbian, gay, and bisexual youth*, 127 Pediatrics 896, 896 (2011), <https://pmc.ncbi.nlm.nih.gov/articles/PMC3081186/>; Elizabeth Saewyc, *Research on adolescent sexual orientation: Development, health disparities, stigma, and resilience*, 21 J. Rsch. Adolescence, 256, 265 (2011), <https://pmc.ncbi.nlm.nih.gov/articles/PMC4835230/>.

in Alabama have experienced recent symptoms of anxiety and 60% have experienced depression, compared to 71% and 59% respectively nationwide.<sup>28</sup> Trans, nonbinary, and gender questioning youth are at greater risk than other LGBQIA+ youth, and are significantly more likely to have considered or attempted suicide in the past year.<sup>29</sup>

This risk is not inherent to trans or nonbinary people. It is caused by mistreatment and stigmatization in society.<sup>30</sup> Research shows that gender identity acceptance from adults and peers is associated with a lower risk of suicide attempts.<sup>31</sup> LGBTQIA+ young people who report living in very accepting communities attempt suicide at less than half the rate of those who report living in very unaccepting communities.<sup>32</sup>

Exposure to positive media representations of LGBTQIA+ people has been proven to help LGBTQIA+ youth develop resilience, deal with daily discrimination, and build community.<sup>33</sup> Media containing LGBTQIA+ role models provide a source of comfort and pride, positively influencing identity formation and self-perception.<sup>34</sup>

LGBTQIA+-themed materials in libraries can provide support to LGBTQIA+ youth struggling with feelings of isolation, and can also help non-LGBTQIA+ people better understand sexual orientation and gender identity, contributing to an environment of respect.<sup>35</sup> Sixty-six percent of young LGBTQIA+ people in Alabama say that one of the best ways people in their life can show support and acceptance is by looking up things about LGBTQIA+ identities on their own to better understand them.<sup>36</sup> Seventy percent of LGBTQIA+ youth with access to many inclusive resources through their school library report feeling accepted by their peers, compared to only 39% of LGBTQIA+ youth with access to only a few inclusive resources.<sup>37</sup> Adding diverse books to

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<sup>28</sup> Trevor Project Alabama Survey at 2, *supra* note 26; The Trevor Project, 2024 U.S. National Survey on the Mental Health of LGBTQ+ Young People 6 (2024), [https://www.thetrevorproject.org/survey-2024/assets/static/TTP\\_2024\\_National\\_Survey.pdf](https://www.thetrevorproject.org/survey-2024/assets/static/TTP_2024_National_Survey.pdf) [hereinafter Trevor Project National Survey].

<sup>29</sup> Trevor Project National Survey at 4, *supra* note 29.

<sup>30</sup> *Id.* at 3.

<sup>31</sup> Myeshia Price & Amy Green, *Association of Gender Identity Acceptance with Fewer Suicide Attempts Among Transgender and Nonbinary Youth*, 8 *Transgender Health* 56, 61 (2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9991447/>.

<sup>32</sup> Trevor Project National Survey at 25, *supra* note 29.

<sup>33</sup> Shelley Craig et al., *Media: A Catalyst for Resilience in Lesbian, Gay, Bisexual, Transgender, and Queer Youth*, 12 *J. LGBT Youth* 254, 263, 267 (2015), [https://www.researchgate.net/publication/280628186\\_Media\\_A\\_Catalyst\\_for\\_Resilience\\_in\\_Lesbian\\_Gay\\_Bisexual\\_Transgender\\_and\\_Queer\\_Youth](https://www.researchgate.net/publication/280628186_Media_A_Catalyst_for_Resilience_in_Lesbian_Gay_Bisexual_Transgender_and_Queer_Youth).

<sup>34</sup> Sarah Gomillion & Traci Giuliano, *The influence of media role models on gay, lesbian, and bisexual identity*, 58 *J. Homosexuality* 330, 330 (2011), <https://www.tandfonline.com/doi/full/10.1080/00918369.2011.546729#d1e294>.

<sup>35</sup> Lambda Legal, *Preventing Censorship of LGBT Information in Public School Libraries* 2, [https://legacy.lambdalegal.org/sites/default/files/publications/downloads/fs\\_preventing-censorship-of-lgbt-information-in-pubilc-school-libraries\\_1.pdf](https://legacy.lambdalegal.org/sites/default/files/publications/downloads/fs_preventing-censorship-of-lgbt-information-in-pubilc-school-libraries_1.pdf) (last visited Sept. 26, 2025).

<sup>36</sup> Trevor Project Alabama Survey at 8, *supra* note 26.

<sup>37</sup> GLSEN, *Inclusive Learning: A Synthesis of 20+ years of Research on the Education and Wellbeing Impacts of Inclusive Curriculum, Instruction, and School Books* 28 (2024), <https://www.glsen.org/sites/default/files/2024-05/Inclusive%20Learning%20Research%20Brief.pdf>.

classroom libraries has been shown to increase reading scores and time spent reading, and the greatest improvements were seen in classrooms that added LGBTQIA+ titles.<sup>38</sup>

The American Library Association “stringently and unequivocally maintains” that librarians have a duty to include LGBTQIA+ materials in collections and should resist efforts to systematically exclude such materials.<sup>39</sup> And the Alabama Public Library Service itself recognizes that the absence of this rule would not significantly harm or endanger the public health, welfare, or safety.<sup>40</sup> Libraries already have policies in place to protect students from age-inappropriate materials. There is no reason to restrict access to otherwise age-appropriate materials.

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In conclusion, the proposed amendment to Rule 520-2-2-.03 would be unconstitutional, unlawful, and deeply harmful to the children and youth of Alabama and their friends, family, and supporters. Accordingly, the Center for Constitutional Rights calls upon APLS to reject the proposed rule.

Sincerely,

/s/ Emily Early

**The Center for Constitutional Rights**

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<sup>38</sup> Kyle Zimmer, *New First Book research reveals the positive academic impact of diverse books*, Unite Against Book Bans, <https://uniteagainstbookbans.org/new-first-book-research-reveals-the-positive-academic-impact-of-diverse-books> (last accessed Sept. 26, 2025).

<sup>39</sup> Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation: An Interpretation of the Library Bill of Rights § B.2.1.16 (Am. Libr. Ass’n 2010), <https://www.ala.org/aboutala/governance/policymanual/updatedpolicymanual/section2/53intellfreedom#B.2.1.16> (last visited Sept. 26, 2025).

<sup>40</sup> Notice of Intended Action to Amend Ala. Admin. Code r. 520-2-2-.03, *supra* note 1.