

## LOCAL NEWS

# ACLU sues Tennessee's 4th-largest school district, challenging its book removal practices as unconstitutional

The lawsuit argued Rutherford Co. Schools' broad book removal policies and use of a website linked to Moms for Liberty were a violation of the First Amendment.



Credit: WBIR

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Published: 11:19 PM EDT April 16, 2025

Updated: 4:03 PM EDT April 17, 2025



KNOXVILLE, Tenn. — Tennessee's fourth-largest school district, Rutherford County Schools, is facing a lawsuit challenging its book removal policies and practices as violating the First Amendment of the United States Constitution.

The [lawsuit was filed](#) by the American Civil Liberties Union on behalf of three Rutherford County families and PEN America, a national free expression organization that has followed book ban efforts across the country. It argues that Rutherford County Schools' use of a website linked to the far-right organization Moms for Liberty, paired with its sweeping book removal policies, amounted to violations of the First Amendment.

The lawsuit said the school board began banning books in the spring of 2024 without a public meeting or vote. It said books were removed from school libraries through informal requests from board members and the director of schools, James Sullivan. It said they were removed because board members and leaders believed they violated the state's Age Appropriate Materials Act, a law which has been criticized as too vague to be applied uniformly.

Titles removed in the spring of 2024 included "Life is Funny" by E.R. Frank and "One Last Stop" by Casey McQuiston.

In August 2024, the lawsuit said the board later changed its policies to increase its authority to immediately remove books from school libraries and make final decisions on complaints about different materials.

The policies give two ways for a book to be banned in Rutherford County Schools: either by a complaint from a parent followed by review by a committee of librarians, teachers and parents; or "summarily by the Board."

The lawsuit said the board's policies do not include a typical three-prong definition of obscenity, allowing materials to be removed for broadly "appealing to the prurient interest" or simply being "patently offensive," according to the board. The policies also did not specifically require Rutherford County Schools to consider whether materials have literary, artistic, political or scientific value, according to the lawsuit.

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

RACHEL ROE, *a minor, by and through her parent and next friend*, ROBERT ROE; DAVID DOE, *a minor, by and through his parent and next friend*, DANA DOE; CLAIRE COE, *a minor, by and through her parent and next friend*, CHARLES COE; and PEN AMERICAN CENTER, INC.,

Plaintiffs,

v.

RUTHERFORD COUNTY BOARD OF EDUCATION; JAMES SULLIVAN, *in his official capacity as Director of Rutherford County Schools*,

Defendants.

Case No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

JURY DEMAND

**COMPLAINT**

Come now, Plaintiffs, RACHEL ROE, by and through her parent and next friend, ROBERT ROE; DAVID DOE, by and through his parents, DANA DOE; CLAIRE COE, by and through her parent and next friend CHARLES COE ("individual plaintiffs"); and PEN AMERICAN CENTER, INC., who file this Complaint against Defendants, the RUTHERFORD

In September 2024, the lawsuit said Caleb Tidwell, a board member, had endorsed the "Book Reviews Rutherford County" website, which lists books being considered for removal and ranks them based on how obscene the website believes they are. It would take snippets of the materials out of context as justification for its rankings.

According to the lawsuit, Tidwell said it was created by someone "who asked Mr. Tidwell 'how he could help.'" Tidwell said he asked for the website to be created because "not everybody has the ability to read all of the books. But if you see the content that's in question, then you can make a decision based on that."

The lawsuit said the website's reviews were taken from another website created by a former Moms for Liberty member. The organization is described by the Southern Poverty Law Center as "a far-right organization that engages in anti-student inclusion activities and self-identifies as part of the modern parental rights movement."

"Books containing ideas, themes or stories about LGBTQ+ people are ranked on the same level as books that contain drug or alcohol use, 'moderate hate,' and 'moderate violence,'" the lawsuit said.

In September 2024, the lawsuit said board members tried to have any book with a rating of "3 or 4" on the website be removed, but the motion failed. The lawsuit said it "illustrates the Board's overt reliance on [the website's] partisan, biased reviews when deciding to remove or restrict books at Rutherford County Schools' libraries."

In November, another board member emailed Sullivan a list of 150 books flagged for "sexually explicit content." The lawsuit said she confirmed to local media that she relied on the website to determine whether the books should be removed. That list was given to library and materials specialists to be reviewed, the lawsuit said.

A meeting revealed that the board had removed books that could be given out as assignments. The lawsuit said confusion broke out among Rutherford County Schools leaders, and the school district's attorney said "what may be viewed by Board members as 'patently offensive' is not 'patently offensive' ... as defined in the law."

The lawsuit said the board continues discussing book bans at most meetings, and has removed more than 140 titles so far. The lawsuit gave specific examples of removed books that it argues contain literary, artistic, political or scientific value for students.

It argued that Rutherford County Schools removed books in a "narrowly partisan or political manner, or because Defendants disagree with the ideas or views contained in those books," a violation of the First Amendment's protection to access information and ideas.

It also said the book bans violated freedom of expression rules because books by an author with PEN America were removed based on "their distaste for the viewpoints and topics expressed therein."

It asked for some of the books listed in the lawsuit to be restored to school library shelves and asked the court to intervene in Rutherford County Schools' book removal policies.

Rutherford County Schools said it could not comment on pending litigation, but plans to respond throughout the judicial process.