

**United States District Court  
Western District of Texas  
Austin Division**

**Leila Green Little, *et al.*,**  
**Plaintiffs,**  
**v.**  
**Llano County, *et al.*,**  
**Defendants,**  
**and**  
**The State of Texas,**  
**Intervenor-Defendant.**

**Case No. 1:22-cv-424-RP**

**DECLARATION OF AMBER MILUM**

My name is Amber Milum, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge of the matters herein stated.

1. I serve as Director of the Llano County Library System, a position I have held since February 2021. I manage Llano County's three library branches: the Llano Library, the Kingsland Library, and the Lakeshore Library. Library staff at each of the three branches report to me, and I report to the Llano County Judge. As Director, I ensure all aspects of the Llano County Library System run smoothly. In addition to other responsibilities, I am responsible for ensuring sufficient staffing at the libraries, ordering supplies and books, and resolving any maintenance and IT issues. I have worked in the Llano County libraries since 2013. Prior to becoming Director of the Llano County Library System, I served as the library director for the Kingsland library.

2. As Director, I am in charge of ordering books for each of the three libraries and making sure there is room on the shelves for the new additions. We typically buy around 60 books per library per month. To determine what books to buy, I consider books and authors that are popular at the time and also acquire new books that are popular. I typically look at online lists such as the New York Times Best Sellers list. I also look at the statistics from our libraries to see which

authors and topics are in high demand. I also consider feedback from our patrons about which books they would like to see in the libraries. Our patrons have a list of authors they like and can fill out a form to request that the library purchase any given book. In my selection of books, I try to make sure that our libraries have a diverse collection so that all citizens of Llano County are able to check out books that appeal to them.

3. The Llano County libraries have a limited amount of shelf space. To make room for the new books we purchase, we must take other books off the shelves. This is a process called “weeding,” which is a practice libraries use to ensure their collections remain up-to-date. Weeding involves removing books from our collection that, among other reasons, have declined in popularity, have not been checked out often, or are in poor condition. Books that have been weeded from the Llano County libraries are most often either placed in a “free bin” so that patrons can take them if they would like to, or they are made available for purchase in book sales. The proceeds from the book sales go to the Friends of the Library. There is one Friends of the Library organization associated with each of the three libraries in the Llano County Library System, and each Friends of the Library organization donates money to its associated library branch.

4. At the Llano County Library System, we use the “CREW” method to determine which books to weed. The “CREW” method is an established weeding guide for modern libraries that was established in 1976. It is the method taught by the Texas State Library and Archives Commission, which we look to for guidance. “CREW” is an acronym that stands for “Continuous Review, Evaluation, and Weeding.” To identify prime candidates for weeding, the CREW method suggests using the “MUSTIE” factors. “MUSTIE” is an acronym that stands for:

- **M**isleading (and/or factually inaccurate)
- **U**gly (in poor physical condition)
- **S**uperseded (by a new editions or better book on the subject)
- **T**rivial (of no discernible literary or scientific merit)
- **I**rrelevant to the needs and interests of the community

- Elsewhere (information can be obtained expeditiously elsewhere or at no cost)

I use the MUSTIE factors in determining which books I weed from the libraries.

5. As the “CREW” acronym suggests, weeding is a continual process that is done throughout the year. At the Llano County libraries, there is a big weed that normally happens around August of each year. But I, along with the other branch librarians, am constantly on the lookout for books to be weeded so that our libraries have a current collection for our patrons. A total of 8,143 books/DVDs were weeded from the Llano County libraries from January 1, 2021, through March 31, 2022. This is a typical number of books/DVDs to be weeded from our libraries in a 15-month period.

6. In the summer of 2021, a number of patrons became concerned about two books that were on the shelves of the children’s section: “*I Broke My Butt*” and “*My Butt is So Noisy*.” These are illustrated books that show a child’s naked buttocks. The same concerned patrons began to check these books out repeatedly. As a result, no one else was able to check out the books, although I am unaware of anyone else who actually wanted to check out these books. I weeded these two books because they were not being circulated sufficiently to warrant keeping them on the shelves, not because of the viewpoints or content expressed in either of those books.

7. Also in the summer of 2021, the library purchased some books that had not yet been put on the shelves: “*I Need a New Butt*,” (which I originally discussed with patrons at the same time of the discussions referenced in the previous paragraph), “*Larry the Farting Leprechaun*,” “*Harvey the Heart Had Too Many Farts*,” “*Gary the Goose and His Gas on the Loose*,” and “*Freddie the Farting Snowman*.” I decided to weed these books in July and August of 2021 because I felt they would have the same fate as the “*I Broke My Butt*” and “*My Butt is So Noisy*” books, and that they would not circulate sufficiently if added to the system.

8. In the fall of 2021, some members of the community became concerned that there were books in the children's section that depicted nude children and sexual acts. I was asked by Commissioner Jerry Don Moss to identify books in the children's section of the library that depicted naked children and sexual acts. Two of the books identified were "*It's Perfectly Normal*" and "*In the Night Kitchen*." "*It's Perfectly Normal*" contains graphic illustrations of naked persons at various ages, including infants and adolescents. The book also contains illustrations of adults engaging in sexual intercourse. "*In the Night Kitchen*" contains illustrations of a naked toddler whose genitals are depicted throughout the book. In reviewing these two books, I noted they had been checked out too infrequently to remain on the shelves. "*In the Night Kitchen*" had been checked out only a little over once per year since it was purchased in 1999. "*It's Perfectly Normal*" had only been checked out seven times in the fifteen years it had been on the shelves. It had not been checked out at all since 2018. Since neither book appeared to be in high demand, they were weeded consistent with my normal weeding procedures. I would have weeded each of these books regardless of the viewpoints or content expressed in those books, and I would have done so even if no one in the community had ever complained about them.

9. In October 2021, members of the community became concerned that children were able to access books that depict sexual acts through its online database of books at the time: OverDrive. I was tasked by Judge Ron Cunningham and the Llano County Commissioners to find a way to implement parental controls on OverDrive. After going back and forth with representatives from OverDrive, I learned that even if parental controls were implemented, a child using OverDrive could still easily change the settings to remove any filters. The County Judge and the Commissioners ultimately decided to terminate access to OverDrive. In January 2022, the Llano County Library System began the approval and contractual process required to partner with another online database for books, namely Bibliotheca. That process was completed on March 14,

2022. Bibliotheca (via its CloudLibrary App) significantly more content than OverDrive and is much more user-friendly. After the switch to Bibliotheca, the library was able to block minors from accessing the online server through our Apollo ILS (Integrated Library System). This had the effect of allowing a parent to permit their minor child to access any content the parent thought was appropriate via the parent's Bibliotheca/CloudLibrary account. Community feedback in response to the switch from OverDrive to Bibliotheca has been overwhelmingly positive.

10. Each of the seven plaintiffs is able to access books and library materials on Bibliotheca through the Llano County Library System, and they have been able to do so since May 9, 2022, when the Bibliotheca/CloudLibrary system went live for library patrons. Each of the following books is currently available to the plaintiffs in at least one of the following three ways: (1) On Bibliotheca/CloudLibrary; (2) For check out from the Llano County library system through Inter Library loan; or (3) For check out directly from the Llano County library system through its "in-house checkout" system, in which a personal or donated book is made available to library patrons for check out. The following chart explains the extent to which each of the disputed books remains available to the plaintiffs for online reading or physical check out:

<b>Title</b>	<b>Author</b>	<b>Availability</b>
<i>Caste: The Origins of Our Discontents</i>	Wilkerson, Isabel	Bibliotheca/CloudLibrary
<i>They Called Themselves the K.K.K.: The Birth of an American Terrorist Group</i>	Bartoletti, Susan Campbell	Inter Library loan
<i>Spinning</i>	Walden, Tillie	Inter Library loan
<i>In the Night Kitchen</i>	Sendak, Maurice	Inter Library loan
<i>It's Perfectly Normal: Changing Bodies, Growing Up, Sex and Sexual Health</i>	Harris, Robie	Bibliotheca/CloudLibrary
<i>My Butt is So Noisy!, I Broke My Butt!, I Need a New Butt</i>	McMillan, Dawn	Inter Library loan, Physical copies available for in-house checkout

<i>Larry the Farting Leprechaun, Gary the Goose and His Gas on the Loose, Freddie the Farting Snowman, Harvey the Heart Has Too Many Farts</i>	Bexley, Jane	Inter Library loan, Physical copies available for in-house checkout
<i>Being Jazz: My Life as a (Transgender) Teen</i>	Jennings, Jazz	Bibliotheca/CloudLibrary and one physical copy (Currently checked out and overdue)
<i>Shine</i>	Myracle, Lauren	Inter Library loan
<i>Gabi, a Girl in Pieces</i>	Quintero, Isabel	Inter Library loan, and Bibliotheca/CloudLibrary
<i>Freakboy</i>	Clark, Kristin Elizabeth	Inter Library loan

The Inter Library loan system allows the Llano Library System to order many books that are not directly available from the Llano libraries. Patrons ask that a librarian process the loan request, which the librarian orders using the NRE Gateway website. Most patrons are already aware of the ability to request a book via the loan process, and those patrons that request a book not currently in the library catalog are informed that a loan is an option. The loan system involves numerous libraries located in Texas and other states. Loaned books are usually subject to a nominal postage fee and on average arrive in the Llano library within a few days to several weeks.

11. In addition to the current availability of these books described in the chart in paragraph 10, a donor who wishes to remain anonymous has pledged to me that he will donate physical copies of each of the books listed in the chart for inclusion in Llano County's "in-house checkout" if those books are not already available for checkout through that in-house checkout system. I have promised that donor that I will accept his gift and add each of those books to our collection of titles available for in-house checkout. This will ensure that each of the plaintiffs can check out physical copies of each of the disputed books from the Llano County library system without having to use Inter Library loan or Bibliotheca if they find those alternatives inconvenient.

I will notify the Court immediately when the donor's gift arrives and the books are added to our in-house checkout collection.

12. In November 2021, I was forwarded an email from Judge Cunningham that he had received from Bonnie Wallace. I was not familiar with Bonnie Wallace at the time. The list attached to the Judge's November 2021 email contained a list of 59 books that were either on the library shelves or available on OverDrive. 12 books were on OverDrive and 47 books were in the physical libraries. I was not instructed to do anything with respect to the books on the list, but I decided to review them out of curiosity. I reviewed each of the 47 physical books and in the process, I discovered that 6 of the books should be weeded: "*Freakboy*," "*Shine*," "*Caste: The Origins of our Discontents*," "*Gabi, a Girl in Pieces*," and "*They Called Themselves the K.K.K.: The Birth of an American Terrorist Group*." The remaining 41 books did not meet the criteria for weeding and seemed to be relatively popular with our patrons. I therefore decided to leave those 41 books on the shelves so our patrons could continue to check them out. My decision to weed the six books had nothing to do with the viewpoints or content expressed in any of those books. I would have weeded each of those six books regardless of the viewpoints or content expressed in those books, and I would have done so even if no one in the community had ever complained about them. These books were either put into our book sale shelf and sold to patrons or donated to a local book resale shop.

13. "*Freakboy*" was weeded because it had been checked out only once since it was added to the library's collection in 2015. The last and only time it was checked out was June 13, 2016. "*Spinning*" was weeded because it had been checked out only four times since it was added to the library's collection in 2018 and had not been checked out at all in the last two years. "*Gabi, a Girl in Pieces*" was weeded because it had been checked out only three times since it was added to the library's collection in 2016, and it also had not been checked out at all in over two years.

“*They Called Themselves the K.K.K.: The Birth of an American Terrorist Group*” was weeded because it had only been checked out twice since it was added to the library’s collection in 2011, and it had not been checked out at all since 2011. It is expected that books be checked out multiple times per month to avoid being weeded. I weeded these books so that we could make room for other books that would be more popular with our patrons.

14. “*Shine*” was weeded because it had only been checked out nine times over a ten-year period. I do not recall exactly why “*Caste: The Origins of Our Discontents*” was weeded. However, given it was only in the library system for a year, it is most likely that the book was weeded due to physical damage. Furthermore, as of May 9, 2022, this book is available for checkout via the Bibliotheca/CloudLibrary system.

15. I did not consider the content of any of the books I weeded when I made the decision to weed them. I also did not consider any of the viewpoints expressed in any of the books I weeded. I weeded the books based on the objective criteria I always use in determining which books to weed.

16. I was never instructed or pressured by the County Judge or any of the County Commissioners to weed or otherwise permanently remove any books from the Llano County libraries. I was also never instructed to remove any books from the libraries by the Llano County Advisory Board. The advisory board has no authority to direct me to perform any acts. The advisory board also does not have authority to pre-approve any book purchases. Those decisions are made by me only. I am aware that the Judge referenced “pulling” books with nudity or sexual content in at least one email to me. My understanding of “pulling” in that context was that the books were to be pulled from the shelves and reviewed to determine the appropriate section of the library in which they should be shelved, such as the adult, young adult, or children’s sections.



17. In December, the libraries were closed to the public for three days to organize the books in the libraries and re-label some of the books. As part of the organization process, my staff and I ensured that any books depicting nudity or sexual acts were properly labeled and placed in appropriate sections of the library. No book was removed based on its content or viewpoint during this process.

18. Each of the plaintiffs claims that they “cannot check out” the books listed in the chart in paragraph 10 “because they are no longer on library shelves.” Day Decl., ECF No. 22-2, at ¶ 4; Jones Decl., ECF No. 22-3, at ¶ 3; Kennedy Decl., ECF No. 22-4, at ¶ 3; Little Decl., ECF No. 22-5, at ¶ 3; Moster Decl., ECF No. 22-7, at ¶ 3; Puryear Decl., ECF No. 22-9, at ¶ 3; Waring Decl., ECF No. 22-11, at ¶ 3. Those statements are false. Each of the plaintiffs can check out physical copies of the following books through Inter Library loan: *They Called Themselves the K.K.K.: The Birth of an American Terrorist Group* by Susan Campbell Bartoletti; (2) *Spinning* by Tillie Walden; (3) *In the Night Kitchen* by Robie Harris; (4) *My Butt is So Noisy!, I Broke My Butt!*, and *I Need a New Butt* by Dawn McMillan; (5) *Larry the Farting Leprechaun, Gary the Goose and His Gas on the Loose, Freddie the Farting Snowman* by Dawn McMillian; (6) *Shine* by Lauren Myracle; (7) *Gabi, a Girl in Pieces* by Isabel Quintero; and (8) *Freakboy* by Kristin Elizabeth Clark. Each of the plaintiffs can also check out physical copies of the following books directly from the Llano County libraries: (1) *My Butt is So Noisy!, I Broke My Butt!*, and *I Need a New Butt* by Dawn McMillan; (2) *Larry the Farting Leprechaun, Gary the Goose and His Gas on the Loose, Freddie the Farting Snowman* by Dawn McMillian.

19. In addition, each of the plaintiffs will be able to check out physical copies of every book listed in in paragraph 10 as soon as we receive the promised gift from the anonymous donor mentioned in paragraph 11.

20. All the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/15/2022 in Llano, Texas.

DocuSigned by:  
*Amber Milum*  
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AMBER MILUM