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FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

FEB 03 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

TAMMY H. DOWNS, CLERK
By: _____
DEP CLERK
Plaintiff

PATTY HECTOR

v. Case No. 4:25-cv-91-JM

Jury Trial Demanded

MATTHEW BRUMLEY, Saline County Judge, in his official capacity,
and SALINE COUNTY, ARKANSAS

Defendants

COMPLAINT

1. Patty Hector has been a professional librarian for most of her life. While pursuing her Master of Library Science degree, she began working in corporate libraries. After receiving her degree in 1985, she worked as a librarian for a corporation in Dallas. In 1988, she accepted a job at the Fort Smith Public Library and worked there for fifteen years, ascending the ranks to become the library's assistant director. She then moved to California, where she worked as director, assistant director, and branch manager of several libraries. After moving back to Arkansas, she became Director of the Saline County Library in 2016.

2. Hector strove to run the Saline County Library by following professional standards that all librarians adhere to. She did so without incident until early 2023, when a contingent of dissatisfied citizens began attacking the content of library materials and demanding that access to those materials be restricted.

3. The Saline County Quorum Court supported these censorious efforts by passing a non-binding resolution calling for books to be made inaccessible to

This case assigned to District Judge Moody
and to Magistrate Judge Hearn 1

children. County Judge Matthew Brumley likewise called for book restrictions and personally challenged a book that he objected to.

4. As the county library director, Hector responded by following the library's established policies for dealing with objections to specific materials.

5. As a citizen, Hector spoke out strongly against those who wished to censor books.

6. Brumley attacked Hector's public stance in multiple venues. These included a special press conference and an appearance before the Saline County Library Board, which held the authority to fire Hector. The Library Board refused to exercise its firing authority and continued to stand by her.

7. Fed up with Hector's public opposition to censorship and with the Saline County Library Board's unwillingness to remove her, the Quorum Court passed an ordinance shifting final decision-making authority over her continued employment to the County Judge.

8. Brumley duly fired Hector, in retaliation for exercise of her First Amendment speech rights.

9. The Quorum Court's ordinance giving Brumley the power to fire Hector is an unconstitutional bill of attainder.

10. Hector demands damages and a declaratory judgment that Defendants violated her constitutional rights.

JURISDICTION AND VENUE

11. This Court has jurisdiction under 28 U.S.C. § 1331 because Plaintiff's claims arise under the Constitution of the United States.

12. Venue is proper under 28 U.S.C. § 1391 because Defendants reside in this judicial district and because this is the judicial district in which the events giving rise to Plaintiff's claims occurred.

PARTIES

13. Plaintiff Patty Hector was the Saline County Librarian from July 5, 2016, to October 9, 2023. In that role, she was the executive director of the Saline County Library system.

14. Defendant Saline County, Arkansas, is governed by a County Judge and a thirteen-member Quorum Court. In August 2023, acting through the Quorum Court, Saline County transferred authority to fire library personnel from the Saline County Library Board to the County Judge.

15. Defendant Matthew Brumley has been the Saline County Judge since January 2023. Pursuant to the authority specifically granted to him by the Saline County Quorum Court, he has final decision-making authority over whether to fire library personnel, which he exercised to fire Hector on October 9, 2023.

FACTS

16. The conflict between Plaintiff and Defendants arose from increased calls for censorship of library materials across the state of Arkansas beginning around 2022.

17. In November 2022, voters in Craighead County approved an initiative to slash the county library's budget by half. That initiative was sponsored by people upset that the library had erected a book display in the children's section in recognition of LGBTQ Pride Month.

18. Around the same time, the Crawford County Library responded to citizen complaints by creating a "social section" that segregated LGBTQ-themed books previously found in the children's section. On September 30, 2024, the United States District Court for the Western District of Arkansas found that the "social section" violates the First Amendment and ordered that the segregated books be returned to general circulation. *See Virden v. Crawford Cnty., Ark.*, No. 23-cv-2071, 2024 WL 4360495 (W.D. Ark.).

19. The censorship movement found statewide expression in Act 372 of 2023, which the Governor signed into law on March 31, 2023. Among other things, the Act makes it a misdemeanor to make "available" materials that are "harmful to minors." To comply, libraries would have to create special adults-only sections walled off from minors, if not remove materials altogether. Federal courts in Arkansas have previously found such restrictions unconstitutional. *See Shipley, Inc. v. Long*, 454 F. Supp. 2d 819 (E.D. Ark. 2004); *Counts v. Cedarville Sch. Dist.*, 295 F. Supp. 2d 996 (W.D. Ark. 2003). The United States District Court for the Western District of Arkansas preliminarily enjoined the relevant parts of Act 372 on July 29, 2023. *See Fayetteville Public Library v. Crawford Cnty., Ark.*, 684 F. Supp. 3d 879

(W.D. Ark. 2023). On December 23, 2024, the court converted the preliminary injunction to a permanent injunction. 2024 WL 5202774.

20. In Saline County, in early 2023 a group called Saline County Republican Women (“SCRW”) began calling for censorship of certain books touching on themes of race and sexuality, particularly those involving LGBTQ characters. Their appeals found a receptive ear in County Judge Brumley, who took office in January 2023.

21. In early March 2023, Brumley met with Hector to discuss the book complaints. At this meeting, Hector described the library’s policies and principles on book selection, book challenges, and censorship.

22. The library’s relevant policies include the following:

- a. The Saline County Library has adopted the Library Bill of Rights, a statement of principles prepared by the American Library Association (“ALA”). Among the tenets therein, librarians should not exclude materials “because of the origin, background, or views of those contributing to their creation,” and materials “should not be proscribed or removed because of partisan or doctrinal disapproval.”
- b. The Saline County Library has also adopted the ALA’s Freedom to Read Statement, which states that it is “in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority,” and that it “is the responsibility of publishers and librarians, as guardians of the people’s freedom to read, to contest encroachments upon

that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.”

- c. The Saline County Library has its own policy for considering objections to items in its collection. The policy relevant to this case was in existence from March 27, 2023, to February 2024. That policy required an objector to first meet with the library director. The policy permitted an objector to appeal an unsatisfactory meeting by submitting a form. The library director would then appoint a committee of library personnel to determine whether the book met the library’s selection criteria. Per the policy, “[m]aterial being challenged shall not be withdrawn solely for the viewpoints expressed within the materials and shall be reviewed in its entirety and shall not have selected portions taken out of context.” The objector could meet with the committee, and the committee would provide a written explanation of its decision to the objector.

23. Despite having been informed of the library’s policies and procedures governing book removal, Brumley told Hector at the March 2023 meeting to be “proactive” about censoring books that SCRW was complaining about, “regardless of legislation, regardless of law and ordinances.”

24. At this time, Brumley had no formal authority over Hector. Hector answered to the Library Board, which set the library’s policies in conjunction with library staff.

25. At its meeting on April 17, 2023, the Quorum Court passed a resolution that the “Library should enact policies to relocate materials that are not subject matter or age appropriate for children, due to their sexual content or imagery, to an area that is not accessible to children.” Brumley stated that he “wholeheartedly” supported the resolution.

26. The resolution was non-binding and imposed no obligation on Hector or the Library Board, a point that Brumley has admitted.

27. Hector’s only prior notice of the resolution came from JP Pat Bisbee, the Quorum Court’s liaison to the library, who told her in advance that the Quorum Court intended to pass it. JPs Keith Keck and Rick Bellinger came to the library to review the layout of books. The Quorum Court did not consult with Hector or the Library Board about the resolution before passing it.

28. Before the April Quorum Court meeting, JP Keith Keck told Hector that he thought she should be permitted to speak to the Quorum Court about the library’s position on the resolution. Most other members disagreed, however. At the end of the April meeting, during the Quorum Court’s discussion of the resolution, Keck asked whether they could hear from “the library,” meaning Hector, who was present. JP Carlton Billingsley then asked whether the Quorum Court should delay a vote on the resolution so they could hear the library’s perspective at the next committee meeting on May 3. Other members rejected these suggestions and immediately moved to pass the resolution.

29. In the days after the Quorum Court passed the resolution, Hector made several statements to the press opining that the resolution was about hurting marginalized groups, not about removing inappropriate materials. As she told KATV, “I don’t believe that their endgame has anything to do with books, especially not sexual content. I think that’s the wedge that they used to get to libraries. I think they want to erase people of color and marginalize LGBTQ people.” As she told KARK, “There is nothing wrong with those books. We buy books for everyone in this community. And every child should be heard, and seen, and supported. And not marginalized because they’re not white, or straight, or Christian.”

30. Before these interviews, Hector rarely, if ever, spoke to the media. Speaking to the media was not a part of her formal job description.

31. Hector’s comments to the media were just like comments that other citizens—on both sides of the controversy over the resolution—made to the media and in other arenas (such as at Quorum Court meetings).

32. Because the Quorum Court had made clear at its April meeting that it did not care to hear from Hector or any other librarian in an official capacity, Hector signed up to speak during the public-comment section of the May Quorum Court meeting for the same three minutes afforded to every other citizen of Saline County.

33. Hector made the following statement during the comment period:

I am the director of the library, but I’m not going to waste my three-minute opportunity to speak as a citizen of Saline County talking about a resolution that concerns my job as an employee of the county. If you want to talk about that, then come see me at the library. Only three JPs have even talked to me, and no one has talked to my library board.

I'm going to share with you what it feels like to be constantly dehumanized and criticized by a group of fanatics who post on social media every day about the library. How their hateful rhetoric and the words thrown at us by our own JPs has hurt the library staff. How calling library staff "pedophiles" demeans us and hurts people who have been assaulted by real pedophiles. How we fear walking out to our cars at night because we're worried that their name-calling will resonate with someone who owns a gun.

They twist every word from emails and texts and they mislead people about the excerpts of books that they post. They put up a billboard that's so salacious and sensationalized that we have patrons calling who are furious that the library is being attacked.

The library has yet to get a reconsideration of material form turned into us, but based on the books that they posted on their Facebook pages, and comments at previous quorum court meetings, they are targeting books with gay characters and "anti-white" books. There is nothing wrong with those books. It's not illegal to be gay or trans; same sex couples aren't living a deviant lifestyle and there is nothing sexually explicit in a picture book.

We are the public library, it is our job to make sure every child [interruption].

We are the public library, it is our job to make sure every child is seen, heard, and supported, not marginalized and targeted because they are not straight, white, and Christian. I know it's difficult to stand up against people who call you a pornographer, a pedophile, a pervert, but hate will only win if people stand by and let it happen.

34. Brumley directly addressed Hector's statement at a meeting of the Saline County Library Board on May 22, 2023. During his remarks, Brumley raised concerns about the operation of the library and reminded board members that he, the County Judge, appoints them. He wanted to know whether the board had approved Hector's public comments, specifying her remarks that "this marginalizes groups including LGBTQ and people of color" and that "there is nothing wrong with those books, it is not illegal to be gay or trans." Brumley continued: "I'm not trying

to form up messaging, but what I am trying to do is hope that we do what is necessary and helpful. Saying that there is nothing wrong with those books after being asked if you've read those books—it's tough for me to put together, and I hope wouldn't be the message of this board." He iterated that he had a "high, high, high degree of concern in regards to the leadership and the operations of the Saline County Library."

35. During his remarks, Brumley revealed that, earlier that day, he had asked for reconsideration of a book with "more than four instances of explicit and graphic sexual encounters." He urged: "This issue of books that have already been turned in for reconsideration, I need to know how that plays out, and quickly." A board member responded that the reconsideration form had just been submitted and that it would take some time for the process to play out. Brumley replied that the process should involve an "objective view" and returned to Hector's comment: "My major concern, let me just kind of refine it down to this. 'There's nothing wrong with those books, it is not illegal to be gay or trans.' To say there's nothing wrong with the book that has been now submitted for reconsideration, it can defeat the competence of somebody in putting forth a policy."

36. Brumley's challenge was one of three written requests for reconsideration submitted by patrons during 2023:

- a. On May 17, 2023, a patron objected in writing to *The Hate U Give* by Angie Thomas. The patron complained that the book was "produced to incite hatred and intolerance," specifically "hatred towards law

enforcement.” He requested that the book be replaced with items that show “support for law enforcement.” On July 14, 2023, Hector notified the patron that the committee had rejected his request.

- b. On May 22, 2023, Brumley objected in writing to *All Boys Aren't Blue* by George M. Johnson, for its “very dangerous efforts to ‘prepare’ ‘queer teens’ and provide explicitly sexual content to potentially provide a handbook.” On July 12, 2023, a librarian informed Brumley that the “committee members found that the book should stay in the collection because it provides a valid perspective on a young black queer male’s experience.” The librarian wrote that the book would stay in the Young Adult section but that the library was exploring the creation of a “New Adult” section “featuring protagonists ages 18–24.” The librarian further informed Brumley that the library was “exploring the creation of a more restrictive card for children that would allow parents to choose if they want their child to be able to check out certain materials.”
- c. On July 10, 2023, Keith Keck objected in writing to *Let's Talk About It* by Erika Moen and Matthew Nolan. Keck objected that this book contains “explicit graphics” and that its “content, storylines, and graphics are heavily slanted toward LGBTQ sexual activity events versus heterosexual events.” He asked that the book be moved from the Young Adult Section “as well as being reclassified as a primarily LGBTQ related book.” On September 14, 2023, a librarian responded that the book would be moved

to the “New Adult” section once that section was created. As for Keck’s request for reclassification, the librarian wrote that “the library cannot label books in such a way that would stigmatize certain people.”

37. In responding to complaints about specific books, Hector and other library staff followed the library’s written reconsideration policy.

38. Around the time of the May Quorum Court meeting, JP Everette Hatcher engaged in a text exchange in which his interlocutor, believed to be another JP, exhibited personal animus toward Hector. The interlocutor wrote to Hatcher: “We are obviously dealing with a mentally unstable individual. Everything she has said is absolutely untrue and unhinged. I have been the director of 3 psychiatric facilities and can tell you that she is not in touch with reality. She really needs professional help. Persecutorial personality disorder and quite possibly sckizzo affective [sic].”

39. Hector also faced vitriol from segments of the public. People called for her to be fired in social-media posts and in public comments to the Quorum Court. In May 2023, SCRW sponsored a billboard stating, “Stop X-rated library books.” In June, SCRW sponsored another billboard declaring that “Director Hector Must Go”:



And in July, the Saline County Republican Committee passed a resolution that “urges the County Judge and SCQC to remove Director Hector at the earliest possible time.”

40. Despite Brumley’s arm-twisting at the May meeting of the Library Board, and despite public pressure for Hector to be terminated, members of the Library Board informed Brumley that they would not fire Hector.

41. On June 5, 2023, at a meeting of the Quorum Court’s Finance Committee, an ordinance was introduced to give the County Judge authority to hire and fire library staff and to exert other forms of control over the library.

42. Specifically, the ordinance amended Saline County Ordinance 1978-01, the ordinance governing the Saline County Library, by striking the following sentence from Article 5: “The Saline County Library Board shall have the power and duty to employ or remove all employees of the Saline County Public Library and to fix, regulate and pay their salaries.”

43. The ordinance also added language to clarify that the Library Board may not enter into employment contracts.

44. In effect, the amended ordinance reverted authority to hire and fire library personnel from the Library Board to the County Judge under Ark. Code. Ann. § 14-14-1102(b)(5).

45. The amended ordinance reads, in relevant part, as follows:

Article 5. The Saline County Library Board created by this ordinance shall have authority, subject to oversight by the Saline County Judge, to manage, operate, maintain and keep in a good state of repair any and all buildings, equipment or installations of any kind used and devoted to the purpose of

the Saline County Public Library as the same exists at the time the said Board receives them or as may be added or changed hereafter. The Board shall have the right and power, subject to the Saline County Judge's oversight, to make purchases of all supplies and equipment and other property and things requisite and necessary for the operation and management of the Saline County Public Library. This power includes contracting for or purchasing new construction and equipment as needed it being the intention of this Ordinance to vest in said Board the authority to operate, manage, maintain equipment and control the Saline County Public Library all subject to all statutory and constitutional laws of Arkansas.

Article 6. The Saline County Library Board shall have authority to enter into contracts, other than for the purposes of employment, with persons, firms, corporations or organizations including all levels of government and municipal corporations for any legitimate purpose in furtherance of the operation of the Saline County Public Library, subject to all applicable state and local laws.

46. At the June 5 Finance Committee meeting at which the ordinance was introduced, Brumley told the Quorum Court that he had lost confidence in Hector because of her stance on censorship and because of her statements. Brumley told the Quorum Court, "It has been stated that there is nothing wrong with those books. These are books that Ms. Hector has told me time and time again she has not read. I believe that flies in the face of the process. It has been said time and time again, three times at the board meeting, that moving books is the same as banning books. That is false. . . . There's a fundamental difference in the comprehension, I believe, in what this body is asking, requesting for, and what's being received and communicated outward by the Director of the Saline County Library." Brumley stated that the April resolution was not about marginalizing people but rather about sexually explicit material. He said that he'd personally asked for such materials to be reconsidered but had been met with "resistance."

47. JP Jim Whitley then commended Brumley for saying that he had lost confidence in Hector and said, “I would ask each one of you before the next Quorum Court meeting, do you personally, have you also, lost confidence in the Director and the leadership of the Saline County Library?”

48. The ordinance was read for the first time at the Quorum Court’s meeting on June 19, 2023. Standard procedure required the ordinance to be read three times before enactment, meaning that it could not be passed until the August meeting.

49. On June 26, a week after the first reading of the ordinance, Brumley called a 45-minute press conference about the library. Among other things, Brumley criticized “multiple statements to the media”—unattributed but obviously Hector’s—that “categorized the feelings of those that sat on the Quorum Court” and that flagged “motivations to marginalize people groups.” He complained about books with “explicit sexual content,” reiterating that he had challenged a specific book and was looking “for the responsible response and conversation so that we can have success.” He asserted that “we need to get some leadership in here and assure that something that may have slipped by us has now been assessed.” In response to a question about whether someone will “lose their job” if there’s disagreement about challenges, Brumley responded, “I am looking for the findings. And I think once we get the findings of one, we might be able to answer your question a lot more accurately.”

50. On August 21, 2023, the Quorum Court passed the ordinance granting Brumley authority to fire library employees after its third reading.

51. Under Ark. Code Ann. § 14-14-905, after an ordinance is passed, the county judge must sign it or veto it within seven days. Then, if approved, it must be published by the county clerk. The ordinance becomes effective thirty days after publication. The library ordinance thus became effective in late September 2023.

52. From the time the ordinance was passed to October 9, 2023, Hector and Brumley did not speak.

53. Rather than using his new authority to impose directives or corrective action on Hector, Brumley fired her almost immediately after the ordinance went into effect.

54. Specifically, two days after the ordinance's effective date, Brumley began consulting with the Association of Arkansas Counties ("AAC") about firing Hector, which he characterized as his top priority. In their discussions, AAC and Brumley focused on two separate reasons for firing Hector. First, Brumley claimed that at an April 2023 legislative subcommittee meeting Hector had been "misleading," "dishonest," and told a "lie" about the county's support for the possible merger of the Garland County and Saline County Libraries. The second reason was Hector's speech about the book issue.

55. Brumley then sent AAC additional information about these points, including videos of and articles about Hector's comments to the Quorum Court and the media.

56. On the merger issue, Brumley sent AAC the video of the legislative subcommittee meeting, which shows that Hector attended the meeting but did not

speak. Rather, Garland County Library Director Adam Webb spoke to the subcommittee and represented that the counties supported the merger.

57. AAC advised that the merger issue was an invalid reason for firing Hector because “she was just present [at the subcommittee meeting] and raised her hand when her name and title were called out. The Garland County Library Director was doing all of the speaking in that meeting” However, AAC advised that Brumley could fire Hector for her public comments about the book issue.

58. On October 9, 2023, Brumley came to Hector’s office and fired her by saying that her “services are no longer needed.” He did not otherwise state a reason for firing her.

59. In the time since Brumley received authority to fire library employees, Hector is the only library employee that he has fired.

60. Before she was fired, Hector’s pay as a salaried employee equated to \$44.43 per hour. After she was fired, Hector found work at the Hot Springs Village library for \$11.50 an hour. She worked in that job from November 2023 to the end of January 2024.

61. Hector is not currently employed.

62. Hector has required therapy to cope with emotional distress caused by the retaliation against her for her stance on censorship of library books.

CAUSES OF ACTION

COUNT ONE: First Amendment Retaliation (42 U.S.C. § 1983)

63. Plaintiff incorporates the previous paragraphs as if fully stated herein.

64. Hector engaged in protected speech under the First Amendment when, in her comments to the media and to the Saline County Quorum Court at its May 2023 meeting, she said there was nothing wrong with the books in the children's section and criticized those seeking censorship as attacking marginalized groups.

- a. Restriction of library materials was a matter of public concern, as evidenced by the activism and press attention about the issue.
- b. Hector's comments described above were made as a citizen rather than as a public official.
- c. Hector's interest in commenting on matters of public concern outweighed the county's interest in suppressing her speech.

65. Brumley's decision to fire Hector was motivated at least in part, if not entirely, by Hector's protected speech.

66. Brumley had the final decision-making authority to fire Hector. His action is thus attributable to Saline County for the purposes of liability under the First Amendment and 42 U.S.C. § 1983.

67. Hector's retaliatory firing caused her to be harmed in the form of lost pay, lost benefits, and emotional distress.

COUNT TWO: Bill of Attainder (42 U.S.C. § 1983)

68. Plaintiff incorporates the previous paragraphs as if fully stated herein.

69. In light of all the facts, the August 21, 2023, ordinance is an unconstitutional bill of attainder under Article I, Section 10 of the United States Constitution.

70. The ordinance specifically targeted Hector. The Quorum Court introduced the ordinance in response to Hector's speech about efforts to censor books, her refusal to follow the non-binding April resolution, and the Library Board's refusal to fire her. Transferring firing authority from the Library Board to Brumley was meant to ensure Hector's termination. Indeed, at the meeting at which the ordinance was introduced, JP Jim Whitley explicitly invited his colleagues to base their vote for the ordinance on whether they thought Hector should be fired.

71. Hector's termination, and the ordinance ensuring it, was punishment for her opposition to censorship.

72. Saline County's punishment of Hector through the ordinance caused her to be harmed in the form of lost pay, lost benefits, and emotional distress.

RELIEF REQUESTED

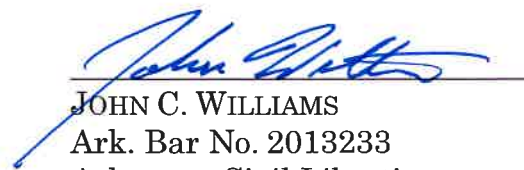
73. Plaintiff requests the following relief:

- a. A declaratory judgment finding that Defendants violated Plaintiff's rights under the First Amendment;
- b. A declaratory judgment finding that the August 21, 2023, ordinance is an unconstitutional bill of attainder under Article I, Section 10 of the United States Constitution;
- c. Recovery of lost pay and benefits from the date of Plaintiff's firing to the date of judgment (*i.e.*, back pay);
- d. Compensatory damages for emotional distress;
- e. Pre-judgment interest;

- f. Front pay in lieu of reinstatement;
- g. Plaintiff's costs and attorney's fees; and
- h. Any other necessary and proper relief.

Dated: February 3, 2025

Respectfully submitted,



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