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PUBLISHERS AND AUTHORS GUILD FILE LAWSUIT AGAINST STATE OF IDAHO FOR DISCRIMINATORY BOOK-BANNING PROVISIONS WITH HOUSE BILL 710

Libraries, librarians and educators are punished by HB710 for having award-winning books and classics on public and school library shelves

Lawsuit follows recent legal action in Florida by Penguin Random House, Hachette Book Group, HarperCollins Publishers, Macmillan Publishers, Simon & Schuster, and Sourcebooks

(New York, February 4, 2025)—Penguin Random House, alongside Hachette Book Group, HarperCollins Publishers, Macmillan Publishers, Simon & Schuster, and Sourcebooks, have filed a lawsuit challenging the book removal provisions of HB 710, a law that restricts books in both public and school libraries in Idaho and was enacted into law on July 1, 2024. The additional plaintiffs joining the publishers are the Authors Guild, bestselling authors Malinda Lo, David Levithan, and Dashka Slater, the Donnelly Public Library District, a teacher, two students, and two parent plaintiffs.

HB 710 forbids anyone under age 18 from accessing library books that contain "sexual content," regardless of the work's literary or educational merit. HB710's definition of sexual content is exceptionally broad, vague, and overtly discriminatory.

The ban extends to classics such as Kurt Vonnegut's *Slaughterhouse-Five,* Toni Morrison's *The Bluest Eye*, Margaret Atwood's *The Handmaid's Tale*, and Maya *Angelou's I Know Why the Caged Bird Sings*; and bestsellers including *Game of Thrones* by George R.R. Martin, *I'll Give You the Sun* by Jandy Nelson, *The Perks of Being a Wallflower* by Stephen Chbosky, and *Forever. . .* by Judy Blume. HB 710 impacts nonfiction as well, imperiling access to factual resources such as *The "What's Happening to My Body?" Book for Girls* by Lynda Madaras, and erasing history by removing books about the Holocaust and other historical events. The law makes no distinction between infants and 17-year-olds—books are classified as harmful regardless of the age and maturity level of the child.

Under the law, picture books such as Alexandra Penfold and Suzanne Kaufman's *All Are Welcome*—which celebrates students from diverse backgrounds and depicts two dads walking down the street arm in arm as they take their young child to school—would be deemed "harmful for minors" and removed from shelves.

The law not only allows county prosecuting attorneys and the state attorney general to bring claims against any school or public library—it also uniquely incentivizes private citizens to file legal complaints against public libraries or schools through a bounty system. Many libraries, including those in rural areas that are the sole book providers in their communities, cannot afford to be sued because they cannot cover the cost of a defense.

This legal threat has resulted in a chilling effect across the state, with libraries preemptively removing hundreds of books from their shelves. Some libraries have been forced to ban minors from their premises entirely because they are too small to segregate "adult" books. One such case is the Donnelly Public Library, a plaintiff in the lawsuit, which has restricted access to its building for anyone under 18 unless they are accompanied by a parent or guardian.

"Libraries should be for everyone. We foster learning, provide resources, inspire creativity, and support our patrons," said Sherry Scheline, Director, Donnelly Public Library. "As a result of HB 710, our programming—which includes the only option for after-school care in Donnelly—has been severely impacted, with children unable to step inside the building to use the bathroom or keep warm without a complex waiver. Our circulation has also declined significantly. In essence, it has become impossible to fulfill our purpose of serving the Donnelly community."

"Idaho 710 goes even further than previous laws by removing classic books from public libraries in addition to schools," said Dan Novack, VP, Associate General Counsel at Penguin Random House. "Make no mistake, book bans are real and their damage is profound. We are honored to support the brave Idahoans challenging this dangerous law. This is the third state-level challenge our publisher-led coalition has filed, demonstrating our shared commitment to protecting the First Amendment rights of authors, educators, readers, and all Americans."

According to Michael Grygiel, an adjunct faculty member with Cornell Law School's First Amendment Clinic, "HB 710 has resulted in the removal of classic works of literature from library shelves across Idaho as libraries attempt to protect themselves from liability under the law's vague and overbroad provisions. This type of self-censorship is inimical to First Amendment liberties and has suffocated the right of Idaho students to read books deemed appropriate for their age and maturity level by their parents. In short, the law is an affront to the Constitution. It is a privilege to represent the publishers, authors, libraries, parents, and students who have joined this lawsuit to challenge HB 710 and stand up for the First Amendment rights of all Idaho citizens."

The plaintiffs are represented by the Cornell Law School First Amendment Clinic, with support from affiliated attorney Michael Grygiel, Stanton Fellow Daniela del Rosario Wertheimer, and Deborah Ferguson of Ferguson Durham PLLC.

The lawsuit follows recent legal actions by Penguin Random House, Hachette Book Group, HarperCollins Publishers, Macmillan Publishers, Simon & Schuster, and Sourcebooks against Iowa and Florida public officials, challenging the book-banning provisions of Senate File 496 (SF496) and House Bill 1069 (HB 1069) respectively. Penguin Random House is also a plaintiff in a lawsuit filed with PEN America against the Escambia County (Florida) School District over books that have been unconstitutionally removed.

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The Authors Guild is the nation's oldest and largest professional organization for published writers in the United States with nearly 15,000 members. It is dedicated to advocating for authors' rights, fair pay, and free expression. It protects writers against challenges such as censorship, book bans, the misuse of AI, and nonpayment. It offers resources, legal support, and a professional community to help authors sustain their careers and thrive in an evolving literary landscape.

The Authors Guild Foundation is the charitable arm that supports the Guild's work. It strengthens the Guild's efforts to combat book bans, advocate for free expression, and champion writers' rights. Additionally, the Foundation expands access to educational programs and literary events, connecting writers and readers through initiatives like the WIT Literary Festival and public talks. Together, they safeguard writers, defend free expression, and make literature accessible for everyone.

Malinda Lo is a *New York Times* bestselling author. She has written seven novels featuring queer female characters. Her works have appeared on many best-of lists, including the ALA's Best Fiction for Young Adults, the ALA's Rainbow Book List, Bank Street College's Best Children's Books of the Year, the Locus Recommended Reading List, and the James Tiptree Jr. Longlist. Lo's novel *Last Night at the Telegraph Club*, about a Chinese American girl in 1950s San Francisco who discovers her identity as a lesbian, won multiple awards, including the National Book Award and a Stonewall Book Award. Malinda resides in Massachusetts.

David Levithan is the author of many bestselling YA novels featuring LGBTQ+ characters, including *Boy Meets Boy*, *Two Boys Kissing*, and *Every Day*. His work has won several prestigious awards, including the Indies Choice Book Awards Honor Award, three Lambda Literary Awards, two Stonewall Book Awards Honors, the National Council of Teachers of English's Assembly on Literature for Adolescents Award, and the ALA's Margaret A. Edwards Award for lasting contribution to young adult literature. David resides in New Jersey.

Dashka Slater is an author and journalist who has received numerous prestigious awards, including the ALA's Stonewall Book Award, the Boston Globe-Horn Book Honor Award for Nonfiction, the California Library Association's John and Patricia Beatty Award, and the Wanda Gág Read Aloud Book Award. Her writing aims to spark important conversations and provide young people with the tools to engage with complex social issues, such as transgender identity, racism, and criminal justice. Dashka resides in California.