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PENGUIN RANDOM HOUSE, FIVE ADDITIONAL PUBLISHERS AND AUTHORS GUILD FILE LANDMARK LAWSUIT AGAINST STATE OF FLORIDA FOR UNCONSTITUTIONAL BOOK-BANNING PROVISIONS WITH HOUSE BILL 1069

The lawsuit follows recent legal action by Penguin Random House, Hachette Book Group, HarperCollins Publishers, Macmillan Publishers, Simon & Schuster, and Sourcebooks in Iowa as publishers continue to challenge book bans across the country

(New York, August 29, 2024)—Penguin Random House, Hachette Book Group, HarperCollins Publishers, Macmillan Publishers, Simon & Schuster, and Sourcebooks have filed a lawsuit against Florida public officials, challenging sweeping book removal provisions of HB 1069, an education law that restricts books in school libraries. The additional plaintiffs joining the publishers are the Authors Guild, bestselling authors Julia Alvarez, Laurie Halse Anderson, John Green, Jodi Picoult, and Angie Thomas, two students, and two parents.

As a result of HB 1069, hundreds of titles have been banned across the state since the bill went into effect in July 2023. The list of banned books includes classics such as *Brave New World* by Aldous Huxley, *A Tale of Two Cities* by Charles Dickens, *For Whom the Bell Tolls* by Ernest Hemingway, and *The Adventures of Tom Sawyer* by Mark Twain, as well as contemporary novels by bestselling authors such as Margaret Atwood, Judy Blume, and Stephen King. Among nonfiction titles, accounts of the Holocaust such as *The Diary of a Young Girl* by Anne Frank have been removed.

HB 1069 requires school librarians to remove books that contain anything that can be construed as “sexual conduct,” with no consideration of the educational value of the work as a whole. If “a parent or a resident of the county” objects to a book, the book must be removed within five days and remain unavailable until the objection is resolved. There is no requirement to review a book within a reasonable time frame—or even to return it if it has been found not to violate the statute. If a book is returned to the library, an objector may request a review by a state-appointed special magistrate at the expense of the school district.

Penguin Random House, Hachette Book Group, HarperCollins Publishers, Macmillan Publishers, Simon & Schuster, and Sourcebooks issued a joint statement: “As publishers dedicated to protecting freedom of expression and the right to read, the rise in book bans across the country continues to demand our collective action. Fighting unconstitutional legislation in Florida and across the country is an urgent priority. We are unwavering in our support for educators, librarians, students, authors, readers—everyone deserves access to books and stories that show different perspectives and viewpoints.”

Dan Novack, VP, Associate General Counsel, PRH, said: “Florida HB 1069’s complex and overbroad provisions have created chaos and turmoil across the state, resulting in thousands of historic and modern classics—works we are proud to publish—being unlawfully labeled obscene and removed from shelves. Students need access to books that reflect a wide range of human experiences to learn and grow. It’s imperative for the education of our young people that teachers and librarians be allowed to use their professional expertise to match our authors’ books to the right reader at the right time in their life.”

“There is no greater gift than hearing that your words have deeply impacted someone’s life. We share our stories in hopes that they will resonate with readers, help them feel understood, and introduce them to new perspectives. Laws like HB 1069 in Florida deprive students of this opportunity and must be stopped,” said the author plaintiffs in a joint statement.

"Book bans censor authors’ voices, negating and silencing their lived experience and stories,” said Mary Rasenberger, CEO of the Authors Guild. “These bans have a chilling effect on what authors write about, and they damage authors’ reputations by creating the false notion that there is something unseemly about their books. Yet, these same books have edified young people for decades, expanding worlds and fostering self-esteem and empathy for others. We all lose out when authors’ truths are censored."

HB 1069’s book removal provisions violate the Supreme Court test, articulated in *Miller v. California*, 413 U.S. 15 (1973), evaluating media content for obscenity by reviewing works as a whole for their literary, artistic, political, and scientific value, and extended to minors in *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975). The lawsuit focuses on restoring the discretion of trained educators to evaluate books holistically to avoid harm to students who will otherwise lose access to a wide range of viewpoints.

The plaintiffs are represented in the lawsuit by Fred Sperling, Adam Diederich, Kirstie Brenson, Meera Gorjala, and Devin Ross of ArentFox Schiff LLP and David Karp of Carlton Fields.

The lawsuit follows recent legal action by Penguin Random House, Hachette Book Group, HarperCollins Publishers, Macmillan Publishers, Simon & Schuster, and Sourcebooks against Iowa public officials, challenging the book-banning provisions of Senate File 496 (SF496). Penguin Random House first filed the Iowa lawsuit in November 2023, and is also a plaintiff in a lawsuit filed with PEN America against the Escambia County (Florida) School Board over books that have been unconstitutionally removed.

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