

No. 25-284

IN THE
Supreme Court of the United States

LEILA GREEN LITTLE, ET AL.,
Petitioners,
v.

LLANO COUNTY, TEXAS, ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

**BRIEF OF *AMICI CURIAE* PENGUIN RANDOM
HOUSE LLC; HACHETTE BOOK GROUP, INC.;
HARPERCOLLINS PUBLISHERS LLC;
MACMILLAN PUBLISHING GROUP, LLC; SIMON &
SCHUSTER, LLC; SOURCEBOOKS, LLC; AND THE
AUTHORS GUILD IN SUPPORT OF PETITIONERS**

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INTERESTS OF THE *AMICI CURIAE*

This brief is filed on behalf of Penguin Random House LLC; Hachette Book Group, Inc.; HarperCollins Publishers LLC; Macmillan Publishing Group, LLC; Simon & Schuster, LLC; Sourcebooks, LLC; and the Authors Guild.¹

Penguin Random House LLC (“PRH”) is the U.S. arm of Penguin Random House, the world’s largest trade publisher, which comprises more than 300 editorially and creatively independent publishing imprints globally. PRH’s mission is to ignite a universal passion for reading by creating books for everyone and creating a world where independent thinking, free expression, and creativity flourish. PRH aims to publish books that provide children with a gateway to the whole world, promoting literacy, fostering empathy, and inspiring free and open debate. Continued inclusion of its books in public libraries is critical to PRH’s mission.

Hachette Book Group, Inc. (“Hachette”) is a U.S. general-interest book publisher headquartered in New York City. Hachette’s publishing groups include prominent imprints such as Little, Brown and Company; Little, Brown Books for Young Readers; Grand Central Publishing; Basic Books; Orbit Books; Running Press; Algonquin Books; and Workman Publishing. Hachette is part of Hachette Livre, the world’s third-largest trade and educational publisher.

¹ No counsel for any party authored this brief in whole or in part, and no person or entity other than amici made a monetary contribution to its preparation or submission. Pursuant to Rule 37.2, counsel for the parties received notice of amici’s intention to file an amicus brief at least 10 days prior to the deadline to file the brief.

Hachette's books and authors have garnered major awards, including the Pulitzer Prize, National Book Award, Caldecott Medal, Newbery Medal, Booker Prize, and Nobel Peace Prize. Hachette's publishing programs aim to reflect the broad range of backgrounds, experiences, and viewpoints that shape our society. Its mission is to make it easy for everyone to discover new worlds of ideas, learning, entertainment, and opportunity, and it is fundamental to Hachette's mission that its books remain accessible in public libraries.

HarperCollins Publishers LLC (**"HarperCollins"**), a subsidiary of News Corp, is the second-largest consumer book publisher in the world, with operations in fifteen countries. With 200 years of history and more than 120 branded imprints around the world, HarperCollins publishes approximately 10,000 new books every year in sixteen languages and has a print and digital catalog of more than 250,000 titles. HarperCollins seeks to deliver content that presents a diversity of voices and speaks to the global community. Writing across dozens of genres, its authors include winners of the Nobel Prize, the Pulitzer Prize, the National Book Award, the Newbery and Caldecott Medals, and the Man Booker Prize.

Macmillan Publishing Group, LLC (**"Macmillan"**) is a New York-based group of U.S. publishers that includes Celadon Books, Farrar, Straus and Giroux, Flatiron Books, Henry Holt & Company, Macmillan Audio, Macmillan Children's Publishing Group, St. Martin's Publishing Group, and Tor Publishing Group. The U.S. publishing group is part of Macmillan Publishers, a global trade book publishing company with prominent imprints around

the world. Macmillan publishes a broad range of award-winning books for children and adults in all categories and formats. Macmillan strongly advocates for the right to read, uniting a broad community of authors, educators, librarians, and readers. Macmillan strives to ensure access to diverse literary works, highlighting the critical role of literacy in democracy, championing the transformative power of books in fostering understanding, and working to build an inclusive future.

Simon & Schuster, LLC (“S&S”), a global leader in general interest publishing, is dedicated to providing the best in fiction and nonfiction for readers of all ages, and in all printed, digital, and audio formats. Its distinguished roster of authors includes many of the world’s most popular and widely recognized writers, and winners of the most prestigious literary honors and awards. It is home to numerous well-known imprints and divisions such as Simon & Schuster, Scribner, Atria Books, Gallery Books, Adams Media, Avid Reader Press, Simon & Schuster Children’s Publishing, and Simon & Schuster Audio, and international companies in Australia, Canada, India, and the United Kingdom, and VBK in the Netherlands and Belgium. It proudly brings the works of its authors to readers in more than 200 countries and territories.

Sourcebooks, LLC (“Sourcebooks”) was founded and is headquartered in the Midwest, with offices in Illinois and New York. Publishing both fiction and non-fiction for children, young adults, and adults across nineteen imprints and growing, Sourcebooks is committed to reaching readers with books that will illuminate, inspire, and enlighten lives and believes that “books change lives.”

The Authors Guild (the “Guild”) was founded in 1912 and is a national non-profit association of more than 16,000 professional, published writers of all genres. The Guild counts historians, biographers, academicians, journalists, and other writers of nonfiction and fiction as members. The Guild works to promote the rights and professional interest of authors in various areas, including copyright, freedom of expression, and taxation. Many Guild members earn their livelihoods through their writing. Their work covers important issues in history, biography, science, politics, medicine, business, and other areas; they are frequent contributors to the most influential and well-respected publications in every field. The ability to write on topics of their choosing and to have their work available through bookstores and public libraries is vital to their ability to make a living in their chosen profession.

Books written and published by amici and their members have been targeted for removal or removed from public libraries throughout the nation as a result of growing censorship efforts. Amici have defended their First Amendment right to communicate through their books to readers in public libraries in litigation across the country.

SUMMARY OF THE ARGUMENT

Libraries serve a critical purpose in democratic societies. They are places of voluntary learning in which participation is self-driven. As this Court has recognized, a library is a place where readers “can literally explore the unknown, and discover areas of interest and thought not covered by the prescribed curriculum.” *Bd. of Educ., Island Trees Union Free*

Sch. Dist. No. 26 v. Pico, 457 U.S. 853, 868-69 (1982) (plurality) (concerning a public-school library and explaining that “students must always remain free to inquire” and the “school library is the principal locus of such freedom”). A library is meant to be a “regime of voluntary inquiry,” affording readers “an opportunity at self-education and individual enrichment that is wholly optional.” *Id.* at 869. Libraries “pursue the worthy missions of facilitating learning and cultural enrichment” and are necessary for a “well-functioning democracy.” *Fayetteville Public Library v. Crawford County, Arkansas*, 684 F. Supp. 3d 879, 889, 891 (W.D. Ark. 2023) (quoting *United States v. Am. Library Ass’n, Inc.*, 539 U.S. 194, 203 (2003) (“ALA”)).

Partisan politics are corrosive to the purpose of public libraries. Critical to the functioning of libraries are the First Amendment right of publishers and authors to speak through books and the First Amendment right of readers to receive those messages. Without those First Amendment safeguards in place, public libraries will become mere political tools, subject to the partisan whims of whichever party is in power. The Fifth Circuit’s en banc decision in *Little* threatens to completely eliminate publishers’ and authors’ First Amendment rights: it renounces any right to receive information in public libraries, which would deprive publishers and authors of their reciprocal right to communicate through their books. The government-speech doctrine, also adopted by a plurality by the Fifth Circuit, would similarly mean that the First Amendment does not apply to public libraries, nullifying the rights of publishers, authors, and readers.

Prior to the Fifth Circuit's decision, the First Amendment rights of publishers, authors, and readers in public libraries were routinely upheld by circuit and district courts. Now, in a post-*Little* world, the rights of publishers, authors, and readers would be jurisdiction-specific. Amici urge the Court to grant certiorari and reverse the Fifth Circuit's decision.

ARGUMENT

I. The Fifth Circuit's Decision Threatens The First Amendment Rights Of Publishers And Authors.

The removal of library books to deny access to particular ideas violates more than just the First Amendment right of readers to receive information. It also imperils the First Amendment right of publishers and authors to communicate through their books—a right that is well-established in this Court's precedent.

Publishers and authors have First Amendment rights in public libraries. The First Amendment “embraces the circulation of books as well as their publication.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 64 n.6 (1963). That First Amendment right permits publishers and authors to speak through their books without the government censoring those books through impermissible content-based restrictions. *See id.* at 71 (rejecting as unconstitutional a content-based restriction on publishers' right to distribute books).²

² Like Petitioners, amici do not claim an affirmative right to require public libraries to include their books on shelves. *See* Pet. at 21–22 (“Petitioners do not claim that the County must

This Court’s precedent establishes that the publishers’ and authors’ right to communicate through books (the right to speak) exists alongside the right to receive information (the right to listen), because the First Amendment rights of speakers and listeners are generally coextensive and reciprocal. *See, e.g., Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 757 (1976). The right to receive information has been well established nationwide, as evidenced by the fact that every court to have considered the question held that the First Amendment applies to public library books.³ That is,

establish a public library; they claim that once the County chooses to establish such a library, County residents have a right to access the books there free from governmental discrimination.”). Rather, once a library has decided to include a book in its collection, the government cannot require the removal of that book for unconstitutional reasons, such as to deny readers access to an idea or to discriminate based on viewpoint.

³ *See, e.g., GLBT Youth in Iowa Schools Task Force v. Reynolds*, 114 F.4th 660, 667–68 (8th Cir. 2024) (affirming rejection of the government-speech doctrine); *Campbell v. St. Tammany Parish Sch. Bd.*, 64 F.3d 184, 188–190 (5th Cir. 1995); *Minarcini v. Strongsville City Sch. Dist.*, 541 F.2d 577, 582–83 (6th Cir. 1976); *PEN American Center, Inc. v. Escambia County School Board*, 711 F. Supp. 3d 1325, 1331 (N.D. Fla. 2024); *Penguin Random House v. Gibson*, 6:24-CV-1573-CEM-RMN, 2025 WL 2408178, at *8–10 (M.D. Fla. Aug. 13, 2025); *Fayetteville*, 684 F. Supp. 3d at 909–910; *Counts v. Cedarville Sch. Dist.*, 295 F. Supp. 2d 996, 1004 (W.D. Ark. 2003); *Sund v. City of Wichita Falls, Tex.*, 121 F. Supp. 2d 530, 547–48 (N.D. Tex. 2000); *Case v. Unified Sch. Dist. No. 233*, 908 F. Supp. 864, 874–76 (D. Kan. 1995); *Sheck v. Baileyville Sch. Comm.*, 530 F. Supp. 679, 686–89 (D. Me. 1982); *Salvail v. Nashua Bd. of Ed.*, 469 F. Supp. 1269, 1272–73 (D.N.H. 1979); *Right To Read Def. Comm. of Chelsea v. Sch. Comm. of City of Chelsea*, 454 F. Supp. 703, 710–11 (D. Mass. 1978); Order On Motion For Preliminary Injunction at 14, *Adams v.*

every court until the Fifth Circuit issued its en banc decision in this case.

Moreover, at least two circuits—the Sixth Circuit and the Eighth Circuit—have explicitly recognized the right of publishers and authors to communicate through public-library books and the reciprocal right of readers to receive information in public libraries. See *Minarcini v. Strongsville City Sch. Dist.*, 541 F.2d 577, 583 (6th Cir. 1976) (holding that the removal of public school-library books was unconstitutional because “[f]reedom of speech presupposes a willing speaker [but] where a speaker exists” the “protection afforded is to the communication, to its source and to its recipients both”); *GLBT Youth in Iowa Schools Task Force v. Reynolds*, 114 F.4th 660, 667-68 (8th Cir. 2024) (affirming rejection of the government-speech doctrine and finding that publishers, authors, and student readers had standing to pursue their First Amendment claims).

Now those rights may no longer exist following the Fifth Circuit’s radical ruling in *Little*. That holding—namely that there is no First Amendment right to receive information in public libraries (Pet. App. 26a)—means that not only do readers’ First Amendment rights depend on the jurisdiction in which they reside, but that—post-*Little*—publishers’ and authors’ First Amendment rights could be jurisdiction-specific, too.

The implications of the Fifth Circuit’s decision run broad and deep. If the First Amendment does not apply to public-library books, then the government is

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free to transform public libraries into partisan tools, to banish whichever viewpoints or ideas are disfavored or out of vogue at that time, and to use libraries to impose a “pall of orthodoxy.” *Pico*, 457 U.S. at 877. This power could be wielded regardless of who governs, meaning that the books that are accessible in public libraries may vary wildly depending on cultural and political views and control. In certain locations where political control changes frequently, the books in the local public library may change drastically every few years.

In Llano County, the government removed books that concern race, gender, and sexual orientation; books that explore themes of coming-of-age; a health book; and “butt and fart” children’s books. Under the ruling in *Little*, the government could suppress other kinds of speech based on the prevailing views of those in power. For instance, elected officials could mandate the removal from libraries of religious books, books that advocate Second Amendment rights, or books by conservative authors or about conservative public figures. The government could also mandate the removal of books by certain authors—prohibiting, for example, books written by supporters of Israel, or books written by Catholics, or books written by pro-life authors—regardless of the subject matter of the book in question.

Amici are the largest trade publishers in America, publishing a wide range of authors and perspectives across the political spectrum. Government censorship could therefore preclude readers from accessing in public libraries—purely on the basis of political disagreement—the following examples of books published by imprints of

amici: *Scalia Speaks*, written by Antonin Scalia and published by Forum, an imprint of PRH; *Hands Off My Gun: Defeating the Plot to Disarm America*, written by Dana Loesch and published by Center Street, an imprint of Hachette; and *In Defense of Christian Patriotism*, written by Daniel Darling and published by Broadside Books, an imprint of HarperCollins.

Llano County’s government-speech argument would produce the same results: the selective removal of books by whichever group is in power. There is a reason that this Court has warned that the government-speech doctrine “is susceptible to dangerous misuse” and that the Court has counseled that courts “must exercise great caution” when considering whether to “extend[] government-speech precedents.” See *Matal v. Tam*, 582 U.S. 218, 235 (2017) (Alito, J.). If the government speaks through public-library books, then the First Amendment rights of publishers, authors, and readers are meaningless. The government would be free to “silence or muffle the expression of disfavored viewpoints” in public-library books without limitation. *Id.* That censorship would be contrary to libraries’ historical purpose of providing access to a wide range of viewpoints and ideas and contrary to the First Amendment.

II. The Fifth Circuit’s Decision Legitimizes The Removal Of Valuable Books Published And Written By Amici And Their Members.

Amici create books for everyone and publish a vast range of ideas and stories from across the spectrum of viewpoints and perspectives. The

removal of public-library books to deny readers access to disfavored ideas suppresses and chills the protected speech of publishers and authors.

As the district court and the initial Fifth Circuit panel found, Llano County removed certain library books to deny readers access to particular ideas. Pet. App. 131a, 142a, 222a. Those books include well-regarded non-fiction history books, award-winning works, health books, and children’s picture books. Pet. App. 114a. Each of the books had been deemed worthy and valuable for readers by librarians, as demonstrated by their initial inclusion on the Llano County public library shelves.

The books at issue in this lawsuit include the following:

- *Caste: The Origins of Our Discontents*, written by Isabel Wilkerson and published by PRH, examines the links and similarities between the United States’ history of racism and the caste systems of India and Nazi Germany.⁴ It was named to the National Book Awards’ Longlist, featured in the Texas Book Festival, named the No. 1 Nonfiction Book of the Year by *Time*, and chosen by Oprah Winfrey as her Summer 2020 pick for Oprah’s Book Club.⁵ Wilkerson

⁴ *The Origins of Our Discontents: Isabel Wilkerson in Conversation with Saeed Jones*, TEXAS BOOK FESTIVAL (last visited Sept. 25, 2025), <https://www.texasbookfestival.org/events/the-origins-of-our-discontents-isabel-wilkerson-in-conversation-with-saeed-jones/>; *Caste: The Origins of Our Discontents*, NATIONAL BOOK FOUNDATION (last visited Sept. 25, 2025), <https://www.nationalbook.org/books/caste-the-origins-of-our-discontents/>.

⁵ See *id.* See also Andrew R. Chow, Lucy Feldman, Annabel Gutterman, & Lucas Wittmann, *The 10 Best Nonfiction Books of*

was the first Black Woman to win the Pulitzer Prize in journalism and has won the National Humanities Medal and the Stephen Ambrose Oral History Prize.⁶

- *They Called Themselves the K.K.K.: The Birth of an American Terrorist Group*, written by Susan Campbell Bartoletti and published by HarperCollins, is a thorough examination of the origins and growth of the Ku Klux Klan. The book “makes extensive use of congressional testimony, interviews, journals, diaries and slave narratives[.]”⁷ It was a finalist for the ALA’s Excellence in Non Fiction for Young Adults award. Bartoletti has won the Newbery Honor and the Washington Post/Children’s Book Guild Nonfiction Award.

- *In the Night Kitchen*, written by Maurice Sendak and published by HarperCollins, is a classic children’s picture book that follows a young boy as he explores and floats through a dream world. Sendak, who also authored and illustrated *Where the Wild Things Are*, creates a “celebration of the primal, sensory world of childhood and an affirmation of its

2020, TIME (Nov. 21, 2020), <https://time.com/5913865/best-nonfiction-books-2020/>; *Oprah says she cried when she called author of “Caste,” her latest book club pick: ‘All of humanity needs this book’*, CBS (Aug. 4, 2020), <https://www.cbsnews.com/news/oprah-winfrey-caste-book-club-pick-isabel-wilkerson/>.

⁶ *From the bestselling author of The Warmth of Other Suns: Caste the Origins of Our Discontents*, ISABEL WILKERSON (last visited Sept. 25, 2025), <https://www.isabelwilkerson.com/>.

⁷ *They Called Themselves the K.K.K.: The Birth of an American Terrorist Group*, KIRKUS REVIEWS (last visited September 25, 2025), <https://www.kirkusreviews.com/book-reviews/susan-campbell-bartoletti/they-called-themselves-the-kkk/>.

imaginative potency.”⁸ The book won a Caldecott Honor, which is awarded annually by the Association for Library Service to Children to the most distinguished picture book for children.⁹

Efforts across the country to remove books from public libraries to deny access to particular ideas, viewpoints, or messages have increased in recent years. Those efforts affect readers, publishers, and authors even beyond those with an interest in the Llano County public library. For example, the following books have been removed from public libraries across the nation as a result of increased efforts to deny readers access to various ideas¹⁰:

- *1984*, written by George Orwell and published by PRH, is a dystopian novel that explores a totalitarian state ruled by the “Party” in which history is rewritten to align with the Party’s ever-

⁸ *In the Night Kitchen*, BOOKSHOP (last visited Sept. 25, 2025), <https://bookshop.org/p/books/in-the-night-kitchen-maurice-sendak/286853>.

⁹ *Caldecott Winners and Honor Books*, MADISON PUBLIC LIBRARY (last visited Sept. 25, 2025), <https://www.madisonpubliclibrary.org/reading-and-viewing/book-lists/kids/caldecott-winners-and-honor-books>; *Randolph Caldecott Medal*, ASSOCIATION FOR LIBRARY SERVICE TO CHILDREN (last visited Sept. 25, 2025), <https://www.ala.org/alsc/awardsgrants/bookmedia/caldecott>.

¹⁰ See, e.g., Tim Webber & Samantha Hernandez, *Library books removed in Iowa school districts*, DES MOINES REGISTER (last visited October 1, 2025), <https://databases.desmoinesregister.com/database-books-removed-from-libraries-in-iowa-school-districts/>; Danielle Prieur, *Florida Department of Education releases list of over 700 banned books in K-12 schools*, CENTRAL FLORIDA PUBLIC MEDIA (Nov. 11, 2024), <https://www.cfpublish.org/education/2024-11-11/florida-list-banned-books-schools>.

changing narrative. The Party exercises complete control over every aspect of life, including thought, through constant surveillance, propaganda, and the manipulation of language.¹¹ *1984* explores themes such as totalitarianism, censorship, individualism vs. collectivism, the manipulation of truth, and the dangers of state surveillance. It remains a powerful warning against the dangers of unchecked political power. *1984* is one of TIME Magazine's Best 100 English-Language Novels,¹² one of Modern Library's 100 Best Novels,¹³ and a winner of the Prometheus Hall of Fame Award.¹⁴

- *Brave New World*, written by Aldous Huxley and published by HarperCollins, is a dystopian novel that offers a chilling depiction of a future society driven by technological advancements and extreme

¹¹ *Nineteen Eighty-Four*, KIRKUS REVIEWS (last visited October 1, 2025), <https://www.kirkusreviews.com/book-reviews/george-orwell/nineteen-eighty-four/>.

¹² *All-TIME 100 Novels*, TIME (last visited October 1, 2025), <https://entertainment.time.com/2005/10/16/all-time-100-novels/slide/all/>.

¹³ *100 Best Novels*, THE MODERN LIBRARY (last visited October 1, 2025), <https://sites.prh.com/modern-library-top-100/>.

¹⁴ *Big Brother, doublethink, thoughtcrime & memory holes: George Orwell's Nineteen Eighty-Four, a 1984 Prometheus Hall of Fame winner for Best Classic Fiction*, LIBERTARIAN FUTURIST SOCIETY (last visited October 1, 2025), <https://www.lfs.org/blog/big-brother-truth-doublethink-thoughtcrime-newspeak-memory-holes-socialism-liberalism-liberty-and-tyranny-an-appreciation-of-george-orwells-nineteen-eighty-four-a-1984-prometheus-ha/#:~:text=Libertarian%20Futurist%20Society.-,Big%20Brother%2C%20doublethink%2C%20thoughtcrime%20&%20memory%20holes:%20George%20Orwell's,memory%20hole%E2%80%9D%20of%20popular%20culture.>

social engineering. *Brave New World* explores the consequences of sacrificing individuality and freedom for the sake of stability and order and themes such as the loss of individuality, the dehumanizing effects of technology, and the dangers of an all-powerful state.¹⁵ *Brave New World* is ranked fifth on Modern Library's 100 Best English-Language Novels of the 20th Century.¹⁶

- *As I Lay Dying*, written by William Faulkner and published by PRH, is a saga narrated by many characters centered around the death of Addie Bundren and her poor, rural family's quest to honor her wish to be buried in her hometown of Jefferson, Mississippi.¹⁷ The novel reflects on themes of existentialism, mortality, the fight between self-interest and duty, and familial relationships.¹⁸ It is consistently ranked among the best novels of the

¹⁵ *Brave New World*, HARPERCOLLINS (last visited October 1, 2025), <https://www.harpercollins.com/products/brave-new-world-aldous-huxley?variant=43869840932898>.

¹⁶ *100 Best Novels*, THE MODERN LIBRARY (last visited October 1, 2025), <https://sites.prh.com/modern-library-top-100/>.

¹⁷ *As I Lay Dying*, PENGUIN RANDOM HOUSE (last visited October 1, 2025), https://www.penguinrandomhouse.com/books/237285/as-i-lay-dying-by-william-faulkner/?_gl=1*15o0e4a*_gcl_au*NTU5Mjc1NDQwLjE3NTkzMzEzNzM.

¹⁸ *As I Lay Dying Reader's Guide*, PENGUIN RANDOM HOUSE (last visited October 1, 2025), <https://www.penguinrandomhouse.com/books/48374/as-i-lay-dying-by-william-faulkner-introduction-by-jesmyn-ward/readers-guide/>.

twentieth century.¹⁹ Faulkner was awarded the Nobel Prize in Literature in 1949.²⁰

- *Change of Heart*, written by Jodi Picoult and published by S&S, tells the story of a death row prisoner who seeks to redeem himself by donating his heart post-execution to the sister of his victim, who needs a heart transplant.²¹ *Change of Heart* focuses on organized religion and belief and explores themes of loss, redemption, religion, spirituality, and punishment.²² Picoult is a recipient of the Sarah Josepha Hale Award, given in recognition of her distinguished body of work in the field of literature and letters.²³

- *Speak*, written by Laurie Halse Anderson and published by Macmillan, is a young adult fiction novel based on Anderson's personal experience with sexual assault and the resulting trauma.²⁴ *Speak* explores themes of identity, trauma, and healing. *Speak* won a Michael Printz Honor and was named as

¹⁹ See, e.g., *100 Best Novels*, THE MODERN LIBRARY (last visited October 1, 2025), <https://sites.prh.com/modern-library-top-100/>;

²⁰ *Nobel Prize in Literature 1949*, THE NOBEL PRIZE (last visited October 1, 2025), <https://www.nobelprize.org/prizes/literature/1949/summary/>.

²¹ *Change of Heart*, KIRKUS REVIEWS (last visited October 1, 2025), <https://www.kirkusreviews.com/book-reviews/jodi-picoult/change-of-heart-2/>.

²² *Change of Heart*, JODI PICOULT (last visited October 1, 2025), <https://www.jodipicoult.com/change-of-heart.html#more>.

²³ *Jodi Picoult*, JODI PICOULT (last visited October 1, 2025), <https://jodipicoult.com/JodiPicoult.html>.

²⁴ *Speak*, KIRKUS REVIEWS (last visited October 1, 2025), <https://www.kirkusreviews.com/book-reviews/laurie-halse-anderson/speak/>.

a finalist for the Edgar Allen Poe Award, the *Los Angeles Times* Book Prize, and the National Book Award for Young People's Literature.²⁵ *Speak* was also named an ALA Best Book for Young Adults.²⁶

- *The Rape of Nanking: The Forgotten Holocaust of World War II*, written by Iris Chang and published by Hachette, is a meticulously researched account of one of the most brutal atrocities of World War II: the massacre and systematic sexual violence committed by Japanese soldiers in the Chinese city of Nanking (now Nanjing) in 1937-1938.²⁷ Chang's book weaves together survivors' testimonies, diaries of Western missionaries who remained in the city, and official reports to vividly detail the horrors inflicted on the people of Nanking. By shedding light on this often-overlooked chapter of history, *The Rape of Nanking* preserves the memory of the victims, underscores the importance of historical accountability, and addresses the lingering tensions between China and Japan. *The Rape of Nanking* is a *New York Times* Bestseller and a *New York Times* Notable Book and was identified by Bookman Review Syndicate as one of the best books of 1997.²⁸ Iris Chang won the John D. and Catherine T. MacArthur Foundation's Program on Peace and International

²⁵ *Speak*, MACMILLAN (last visited October 1, 2025), <https://us.macmillan.com/books/9780312674397/speak/>.

²⁶ *Speak*, AMERICAN LIBRARY ASSOCIATION (last visited October 1, 2025), <https://www.ala.org/winner/speak>.

²⁷ *The Rape of Nanking*, HACHETTE BOOK GROUP (last visited October 1, 2025), <https://www.hachettebookgroup.com/titles/iris-chang/the-rape-of-nanking/9780465068364/>.

²⁸ *About Iris Chang*, IRIS CHANG (last visited October 1, 2025), <https://www.irischang.net/about/>.

Cooperation Award and Woman of the Year award from the Organization of Chinese Americans.²⁹

- *I Know Why the Caged Bird Sings*, written by Maya Angelou and published by PRH, is a nonfiction autobiographical coming-of-age story about the writer and poet's early years that illustrates how strength of character and love of literature helped her overcome racism and trauma.³⁰ It recounts Angelou's experience with sexual assault. *I Know Why the Caged Bird Sings* was a National Book Award Finalist,³¹ and Angelou was a Pulitzer Prize nominee, a National Medal of Arts awardee, and a Presidential Medal of Freedom recipient.³²

These books are only a few examples of books that have been removed from public libraries as a result of increased efforts to limit reader access to ideas or to impose a "pall of orthodoxy." *Pico*, 457 U.S. at 877. The literary acclaim and commercial appeal of these books are without equal, and many of these books have great literary, educational, or scientific value. Many of these books have been in libraries for

²⁹ *Id.*

³⁰ *I Know Why the Caged Bird Sings*, PENGUIN RANDOM HOUSE (last visited October 1, 2025), <https://www.penguinrandomhouse.com/books/3924/i-know-why-the-caged-bird-sings-by-maya-angelou/>.

³¹ Veronica Chambers, *Published More Than 50 Years Ago, 'I Know Why the Caged Bird Sings' Launched a Revolution*, SMITHSONIAN MAGAZINE (Jan. 2020), <https://www.smithsonianmag.com/arts-culture/published-50-years-ago-i-know-why-caged-bird-sings-launched-revolution-180973719/>.

³² *Maya Angelou*, POETS.ORG (last visited October 1, 2025), <https://poets.org/poet/maya-angelou>.

decades and are commonly tested on Advanced Placement exams. Even books about historical events are not immune from government censorship, as demonstrated by the removal of books such as *The Rape of Nanking*.

Publishers and authors disseminate information and ideas of interest and value to readers. Public libraries are an important channel through which publishers and authors like amici speak to readers through their books. For the many people whose families cannot afford to purchase books, public libraries are the primary if not sole means to access books and the ideas in them.

The removal of library books also causes economic injury to publishers and authors like amici and their members. Public library purchases of print books, e-books, and audiobooks represent hundreds of millions of dollars of annual revenue for publishers and authors. The economic and social effects of improper book removals sweep even more broadly than merely reduced revenue from public library purchases. Particular books appeal to readers at particular times in their lives, so the opportunity to speak to those readers may be lost if amici's books cannot be found in public libraries. Library censorship of books reduces readership for not only the specific books being removed, but also publishers' and authors' other works because someone who reads one of their books is more likely to then read another. Moreover, children who cannot access library books that interest them are less likely to purchase books as adults.

CONCLUSION

Amici urge the Court to grant certiorari and reverse the Fifth Circuit's decision.

Respectfully submitted,

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