

FREE + FAIR CHALLENGES FIRST-OF-ITS-KIND BOOK-BANNING LAW THAT CENSORS PRIVATE SCHOOLS AND PRIVATE LIBRARIES

Schools, Libraries, Parents, Students Seek To Strike Down Law Before New School Year Begins

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NEW YORK – FREE + FAIR LITIGATION GROUP, a nonprofit law firm countering rising authoritarianism in America, today with co-counsel filed a major federal [lawsuit](#) to strike down the most extreme book ban in the nation. Idaho House Bill 710, which became effective this month, is the first statewide book banning law in the U.S. that applies not only to public schools and public libraries, but to private schools and private libraries as well.

“Idaho lawmakers are engaged in an unprecedented and wildly unconstitutional attempt to control speech in private institutions,” said CAREY DUNNE of FREE AND FAIR LITIGATION GROUP. “Our coalition of schools, libraries, parents and students is asking the court to stop this government overreach before the first bell rings on the new school year – and before other states even think about following suit. A healthy democracy depends on vibrant, independent, private institutions. This new, dark turn for state censorship in America cannot stand.”

The plaintiffs in the case include the Northwest Association of Independent Schools; private schools, parents, and students; a community library, and a

United Methodist Church. The plaintiffs are represented pro bono by Free + Fair, Ballard Spahr, Stoel Rives, Latonia Haney Keith, and McKay Cunningham.

In a joint statement, the PLAINTIFFS said: “In addition to censoring materials in public schools and public libraries, Idaho’s book banning law is the first in the nation to reach into nongovernmental institutions — like private schools, and even church libraries. Our coalition of independent schools, libraries, parents, students, and patrons is challenging this unprecedented government interference because it threatens the independence and core missions of our beloved community institutions across the state.”

Idaho HB 710 became effective on July 1. The law empowers the state Attorney General, county prosecutors, and private “vigilante” citizens to take legal action against schools and libraries if they find material which they say is “harmful to minors” – based on an overly broad and vague definition that sweeps in material long protected by the First Amendment under well-settled law. HB 710 does not distinguish between older minors and younger minors – meaning teenagers can only be provided with material appropriate for five-year-olds. The law offers a financial incentive – a \$250 cash bounty, plus “actual damages” – to encourage vigilantes to initiate complaints. Under the law’s definitions, health and science textbooks, depictions of Michelangelo’s David, and even the Bible are subject to challenge. HB 710 also prohibits materials that include “any act of homosexuality” – including brief references to cohabitation or holding hands.

In 2023, Idaho Gov. Brad Little vetoed an earlier, similar version of the law, citing “ambiguity,” and the “unintended consequences” it would have on minors’ access to information. After enacting HB 710 into law in April 2024, Governor Little [said](#), “I signed that stinkin’ library bill.”

In the [complaint](#), private schools and privately funded libraries – including a church with a lending library – allege that the law violates their First Amendment free speech rights as private entities. Parents of students and minor library patrons argue that the law is a violation of their Fourteenth Amendment right to direct the education and development of their children, independent of State-

controlled institutions. Finally, students and minor patrons of the privately funded libraries allege that the law violates their First Amendment right to read books their schools, libraries, and parents have determined are appropriate for their educational, social, and emotional development.

The plaintiffs are seeking a preliminary injunction to suspend the law before the new school year begins in August 2024, and a permanent injunction to strike down the law as unconstitutional. The case, filed in Boise federal court, is *NWAIS v. Labrador*.