

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

RACHEL ROE, *a minor, by and through her parent and next friend*, ROBERT ROE; DAVID DOE, *a minor, by and through his parent and next friend*, DANA DOE; CLAIRE COE, *a minor, by and through her parent and next friend*, CHARLES COE; and PEN AMERICAN CENTER, INC.,

Plaintiffs,

v.

RUTHERFORD COUNTY BOARD OF EDUCATION; JAMES SULLIVAN, *in his official capacity as Director of Rutherford County Schools*,

Defendants.

Case No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

JURY DEMAND

COMPLAINT

Come now, Plaintiffs, RACHEL ROE, by and through her parent and next friend, ROBERT ROE; DAVID DOE, by and through his parents, DANA DOE; CLAIRE COE, by and through her parent and next friend CHARLES COE (“individual plaintiffs”); and PEN AMERICAN CENTER, INC., who file this Complaint against Defendants, the RUTHERFORD COUNTY, TENNESSEE, BOARD OF EDUCATION, and JAMES SULLIVAN, in his official capacity as Director of Rutherford County Schools, showing this honorable Court as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over Plaintiffs’ federal claims pursuant 28 U.S.C. §§ 1331 and 1343 because they arise under the First Amendment to the United States Constitution and 42 U.S.C. § 1983.
2. This Court has jurisdiction to grant declaratory relief under 28 U.S.C. §§ 2201,

2202.

3. The acts and omissions giving rise to this action occurred in Rutherford County, Tennessee, within this judicial district, and individual plaintiffs and Defendants reside or operate in Rutherford County, Tennessee. Accordingly, this Court is the proper venue pursuant to 28 U.S.C. § 1391(b).

PARTIES

4. Plaintiff Rachel Roe is a current eighth grade student and rising ninth grade student at Central Magnet School. Plaintiff David Doe is a current eleventh grade student and rising senior at Stewarts Creek High School. Plaintiff David Doe is enrolled to take AP English Literature in the 2025-26 school year. Plaintiff Claire Coe is a current eighth grade student at Blackman Middle School, and she will attend Blackman High School in the fall.

5. Central Magnet School has grades 6-12 in a single building with one library.

6. The individual plaintiffs are enthusiastic readers and wish to have access to a diverse array of books in their school libraries to learn about a diverse array of topics and viewpoints, which rights and wishes have been affected by Defendants, who have systematically and enthusiastically banned books from the libraries of their schools based on disapproval of the content contained therein.

7. PEN American Center, Inc. (“PEN America”) is a nonprofit membership organization headquartered in New York. PEN America’s membership is made up of nearly 5,000 novelists, journalists, nonfiction writers, editors, poets, essayists, playwrights, publishers, translators, agents, other writing professionals, and readers. PEN America works to promote the rights and professional interests of its author members; in particular, PEN America seeks to

protect its author members' right to share their books and viewpoints without undue government censorship and to promote the circulation of its author members' books. For each PEN America author member, public school libraries are a critical means of reaching their intended audiences and obtaining the broadest possible readership. Removing and restricting access to author members' books in public school libraries therefore injures authors' right to share their books.

8. Several of PEN's author members have authored books that have been removed or restricted by the actions of Defendants and have standing to sue in their own right. However, neither the claims asserted nor the relief requested require the participation of individual PEN America author members in this lawsuit because individual proof is not required to demonstrate that Defendants violated—and continue to violate—the constitutional rights of its author members or to obtain the requested relief.

9. PEN America's affected author members and their removed or restricted works include: *Shout: A Memoir* by Laurie Halse Anderson; *Speak* by Laurie Halse Anderson; *Speak: The Graphic Novel* by Laurie Halse Anderson; *Wintergirls* by Laurie Halse Anderson; *The Haters* by Jesse Andrews, *Me and Earl and the Dying Girl* by Jesse Andrews, *Damsel* by Elana K. Arnold; *Infamous* by Elana K. Arnold; *What Girls Are Made Of* by Elana K. Arnold; *Thirteen Reasons Why* by Jay Asher; *The Testaments* by Margaret Atwood; *Forever...* by Judy Blume; *Plan A* by Deb Caletti; *Emergency Contact* by Mary H. K. Choi; *Yolk* by Mary H.K. Choi; *Flamer* by Mike Curato¹; *The Carnival at Bray* by Jessie Ann Foley; *Life is Funny* by E.R. Frank;

¹ *Flamer* was removed pursuant to the City of Murfreesboro's "Decency Ordinance" (Ordinance 23-O-22). This ordinance was enjoined by court order, see *Tennessee Equality Project v. City of Murfreesboro, et al.*, Case No. 3:23-cv-01044 (M.D. Tenn. Oct. 23, 2023), and subsequently repealed by the City Council. Like all other removed or restricted books listed *infra* in paragraph 51, *Flamer* was removed because of Defendants' disagreement with its content.

Melissa by Alex Gino; *Looking for Alaska* by John Green; *Burned* by Ellen Hopkins; *Crank* by Ellen Hopkins; *Fallout* by Ellen Hopkins; *Glass* by Ellen Hopkins; *Identical* by Ellen Hopkins; *Impulse* by Ellen Hopkins; *Perfect* by Ellen Hopkins; *People Kill People* by Ellen Hopkins; *Rumble* by Ellen Hopkins; *Smoke* by Ellen Hopkins; *Tilt* by Ellen Hopkins; *Traffick* by Ellen Hopkins; *The Kite Runner (Graphic Novel)* by Khaled Hosseini; *All Boys Aren't Blue* by George M. Johnson; *Almost Perfect* by Brian Katcher, *home body* by Rupi Kaur; *milk and honey* by Rupi Kaur; *the sun and her flowers* by Rupi Kaur; *Ask the Passengers* by A.S. King; *Girl in Translation* by Jean Kwok; *Last Night at the Telegraph Club* by Malinda Lo; *Wicked: The Life and Times of the Wicked Witch of the West* by Gregory Maguire; *Heroine* by Mindy McGinnis; *The Female of the Species* by Mindy McGinnis; *One Last Stop* by Casey McQuiston; *Red, White and Royal Blue* by Casey McQuiston; *Neanderthal Opens the Door to the Universe* by Preston Norton; *Out of Darkness* by Ashley Hope Pérez; *Nineteen Minutes* by Jodi Picoult; *Beautiful* by Amy Reed; *Eleanor & Park* by Rainbow Rowell; *You Know, Sex: Bodies, Gender, Puberty, and Other Things!* by Cory Silverberg and Fiona Smyth; and *Concrete Rose* by Angie Thomas.

10. Defendant, Rutherford County Schools Board of Education (the “Board”), is an entity, which operates all Rutherford County public schools, including the schools attended by the individual plaintiffs. Defendants operate over fifty schools. Rutherford County Schools is the fourth largest school district in the State. The Board of Education has seven members: Caleb Tidwell, Frances Rosales, Katie Darby, Butch Vaughn, Tammy Sharp, Claire Maxwell, and Stan Vaught.² The Rutherford County Schools Board of Education is a person within the meaning of 42 U.S.C. § 1983 and acts under color of state law as to the allegations in this complaint.

² On September 1, 2024, members Stan Vaught and Butch Vaughn assumed positions previously held by Coy Young and Shelia Bratton.

11. Defendant Dr. James Sullivan is the Director of Rutherford County Schools, appointed by the Rutherford County Schools Board of Education. Director Sullivan serves as the chief executive officer for Rutherford County Schools Board of Education and is responsible for carrying out the policies of Rutherford County Schools Board of Education. Director Sullivan is a person within the meaning of 42 U.S.C. § 1983 and acts under color of state law as to the allegations in this complaint. Director Sullivan resides in Tennessee. He is sued in his official capacity.

FACTS

12. Pursuant to Tenn. Code Ann. §49-1-102(c), local public school systems are administered by the local board of education and a director of schools. School boards are vested with the authority to promulgate policies concerning the administration and maintenance of their school districts. *See* Tenn. Code. Ann. §49-2-203. The “Age Appropriate Materials Act,” Tenn. Code. Ann. §49-6-3803, specifically instructs local education agencies, such as a school board, to pass policies as to how their schools will ensure their library collections contain materials that are “age appropriate.”

13. RCS’s policy concerning “age appropriate” library materials is Policy 4.403. [Attached as Ex.1].

Board Begins Banning Books

14. Defendants’ book banning began in the spring of 2024 without any public meeting or vote of the Rutherford County Schools Board of Education. At that time, books were summarily removed from the shelves of Defendants’ libraries through informal requests by Board members and Director of Schools, Dr. James Sullivan. The books were removed because

Defendants believed their content met the definition of Tenn. Code Ann. §§ 39-17-901, 911 and the books were therefore *criminally* obscene. The titles removed in the spring of 2024 include, among others: *Traffick* by Ellen Hopkins; *Impulse* by Ellen Hopkins; *Tilt* by Ellen Hopkins; *People Kill People* by Ellen Hopkins; *Fallout* by Ellen Hopkins; *Identical* by Ellen Hopkins; *One Last Stop* by Casey McQuiston; *Red, White and Royal Blue* by Casey McQuiston; *Life is Funny* by E.R. Frank; *Melissa* by Alex Gino; *Red Hood* by Elana K. Arnold; *What Girls Are Made Of* by Elana K. Arnold; *Beautiful* by Amy Reed; *Infandous* by Elana K. Arnold; and *Damsel* by Elana K. Arnold.³

15. On August 8, 2024, the Board revised Board Policy 4.403, increasing the Board’s authority to immediately remove books from school libraries and to make final decisions as to complaints about materials. Pursuant to the policy, books can be removed either (1) through a complaint process where materials challenged by a student, parent or school employee are reviewed by a committee that includes librarians, teachers and parents, or (2) summarily by the Board if:

- a. “As defined in TCA §39-17-901, any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body, in whole or in part, which depicts nudity, sexual conduct, sexual excitement, excess violence, or sado-masochistic abuse, is patently offensive, or appeals to the prurient interest shall be immediately removed from all libraries within the school district and then reviewed for final decision by the Board;” or
- b. “As defined in TCA §39-17-901, any book, pamphlet, magazine, printed matter, however reproduced, or sound recording, which, in whole or in part, contains nudity, sexual excitement, sexual conduct, excess violence, or sado-masochistic abuse, is patently offensive, or appeals to the prurient interest, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, excess violence, or sado-masochistic abuse, is patently offensive,

³ A list of all books removed from RCS libraries can be found on the RCS library website: *Removed Library Materials (as per Policy 4.403)*, https://www.rcschools.net/apps/pages/index.jsp?uREC_ID=525032&type=d&pREC_ID=2636708 (last visited April 15, 2025).

or appeals to the prurient interest, shall be immediately removed from all libraries within the school district and then reviewed for final decision by the Board.”

16. Notably, these provisions of Policy 4.403 that allow for immediate removal (“immediate removal provisions”) do not incorporate or reference the three-prong definition of “obscene” or “harmful to minors,” meaning that materials can be removed for being “patently offensive” or “appeal[ing] to the prurient interest” (instead of both) and without regard to whether the material “taken as a whole, lacks serious literary, artistic, political, or scientific value (for minors).” Tenn. Code. Ann. §39-17-901 (6) and (10).

17. With the revised Policy 4.403 in place, the Board met on September 17 and 19, 2024, to address the removal of seven books, including *Beloved* by Toni Morrison; *Wicked: The Life and Times of the Wicked Witch of the West* by Gregory Macguire; *Homegoing* by Yaa Gyasi; and *The Perks of Being a Wallflower* by Stephen Chbosky.

18. At the Board “work session” on September 17, 2024, Board member Caleb Tidwell publicly endorsed a website, Book Reviews Rutherford County, available at bookreviewrc.com, that contains “reviews” of the books being considered for removal (as well as other books yet to be removed).⁴ Bookreviewrc.com was registered on GoDaddy on September 11, 2024. At the September 19, 2024 meeting, Board member Tidwell revealed that the website was created by someone who asked Mr. Tidwell “how he could help.” Mr. Tidwell asked him to create the website because “not everybody has the ability to read all of the books. But if you see the content that’s in question, then you can make a decision based on that.”⁵

⁴ RCTV, *Board of Education Work Session - September 17, 2024*, YouTube (Sept. 17, 2024), https://www.youtube.com/watch?v=h_GCZZ80SE&list=PL7CB325821E536E8D&index=31; see also <https://bookreviewrc.com/>.

⁵ RCTV, *Board of Education Meeting - September 19, 2024*, YouTube (Sept. 19, 2024), <https://www.youtube.com/watch?v=RMzsrDQ6Lrs&list=PL7CB325821E536E8D&index=29> at 1:26:20.

19. The Book Reviews Rutherford County website has a sub-page, “Rutherford County Board Members,” where every RCS Board member is pictured with their contact information directly below. [Attached as Ex.2].

20. The “reviews” on bookreviewrc.com (accessed by clicking on a picture of the cover of each book) were taken directly from BookLooks.org, an ultra-conservative website founded by a former member of Moms for Liberty, a group described by the Southern Poverty Law Center as “a far-right organization that engages in anti-student inclusion activities and self-identifies as part of the modern parental rights movement.” According to SPLC, “The group grew out of opposition to public health regulations for COVID-19, opposes LGBTQ+ and racially inclusive school curriculum, and has advocated for book bans.”⁶

21. Indeed, the rating system BookLooks uses to rate books was developed by Moms for Liberty members using the same rating system that the Brevard County chapter shared on its Facebook page shortly before the website’s launch.⁷ The BookLooks reviews offer a one sentence synopsis of the plot of the book and then list several pages of out-of-context quotes from the books—quotes that may contain references to sex, body parts, or LGBTQ+ characters.

22. For example, the BookLooks “synopsis” for the Pulitzer Prize winning novel, *Beloved*, is simply “A former slave woman recalls her life in slavery.” [Attached as Ex. 3]. The review then lists the “summary of concerns”: “sexual activities; bestiality commentary; violence;

⁶ Southern Poverty Law Center, *Moms for Liberty*, <https://www.splcenter.org/resources/extremist-files/moms-liberty/> (last visited April 15, 2025).

⁷ Kelly Jensen, *BookLooks, Framed as ‘Objective’ Book Rating Resource, a Moms for Liberty Joint*, BOOK RIOT (May 16, 2022), <https://bookriot.com/moms-for-liberty-booklooks/>; see also Will Carless, Chris Ullery, and Alia Wong, *What’s Behind the National Surge in Book Bans? A Low-tech Website Tied to Moms for Liberty*, USA TODAY (Oct. 11, 2023), <https://www.usatoday.com/story/news/investigations/2023/10/05/website-driving-banned-books-surge-moms-for-liberty/70922213007/>

racial commentary; profanity; and derogatory terms.” The review then gives four pages of flagged, out-of-context passages from the novel. One of the flagged passages is Toni Morrison’s foreword to the novel where Ms. Morrison writes, “In the eighties, the debate was still roiling: equal pay, equal treatment, access to professions, schools... and choice without stigma. To marry or not. To have children or not. Inevitably these thoughts led me to the different history of black women in this country—a history in which marriage was discouraged, impossible, or illegal; in which birthing children was required, but ‘having’ them, being responsible for them—being, in other words, their parent—was as out of the question as freedom.” [Ex. 3]. It is unclear why this passage is flagged as concerning content.

23. All BookLooks reviews assign the book a rating from 0-5, with “5” being the most explicit. [Attached as Ex. 4]. Content that includes “sexuality/gender ideology”, “non-sexual” nudity, and “references to sexual activity” increase the book’s number rating. “Sexuality/Gender ideology” is defined by the rating system as “descriptive references to one’s sexuality or gender identity, e.g., ‘Jake thinks he’s bisexual because he gets equally as excited by the thoughts of having sex with Jane as with John’ or ‘John takes hormones to transition his body to a female.’” Thus, books containing ideas, themes or stories about LGTBTQ+ people are ranked on the same level as books that contain drug or alcohol use, “moderate hate,” and “moderate violence.”

24. “Profanity” also increases the book’s rating. Each review has a profanity word count and simply lists, without context, the number of times words like “piss” or “tit” appear in the book. The words “queer” and “negro” are considered to be profane *per se*, regardless of context. [See, e.g., Ex. 3].

25. Books containing references to sexual assault or battery are automatically ranked a

“5”—the highest level—and are labeled “aberrant content” and “adult only.” [Ex. 4].

26. Books containing “controversial racial, social or religious commentary” are also assigned higher scores but those terms are undefined. The BookLooks review for *Ready Player One* by Ernest Cline, for example, flags characters discussing beliefs that heaven and god are not real as “controversial,” assigning the book a rating of 3. [Attached Ex. 5].

27. At the September 19, 2024 Rutherford County Schools Board meeting, Board member Stan Vaught moved, and Board member Butch Vaughn seconded, a motion for any book contained in the high school library that had a rating of “3 or 4” on BookLooks.org to be contained in a section behind the library desk that would require parent approval for access and any book with a rating of “5” to be immediately and permanently removed. The motion failed but illustrates the Boards’ overt reliance on BookLooks’s partisan, biased reviews when deciding to remove or restrict books at Rutherford County Schools’ libraries.

28. Indeed, at the September 17 and 19 meetings, it appeared that Board members had not read the books under consideration for removal but were almost exclusively relying on the reviews and ratings provided by BookLooks.org. One Board member, Mr. Stan Vaught, even said of the books at the September 19 meeting: “It’s obvious that this crowd [members of the public in support of banning books] is upset. They just don’t want *carte blanche* accessibility to some of these titles. Can’t blame them. I don’t like them. I wouldn’t read them. I’ll be honest I’ve read the reviews on some of them...”⁸

29. Ultimately, towards the end of the September 19, 2024 meeting, Board members clarified, with the input of their board attorney, Jeff Reed, that they were considering the removal

⁸ RCTV, *Board of Education Meeting - September 19, 2024*, YouTube (Sept. 19, 2024), <https://www.youtube.com/watch?v=RMzsrDQ6Lrs&list=PL7CB325821E536E8D&index=29> at 1:30:00.

of these seven books under the immediate removal provisions of Policy 4.403.⁹ Board member Caleb Tidwell deemed the phrase “sexually explicit” to be coterminous with materials that meet any of the statutory definitions of Tenn. Code Ann. §39-17-901 listed in Policy 4.403.¹⁰

30. The Board voted to remove six of the seven books, including *Beloved* by Toni Morrison, for being books that “in whole or in part, contain[n] nudity, sexual excitement, sexual conduct, excess violence, or sado-masochistic abuse, [are] patently offensive, or appeal[l] to the prurient interest, or which contain[n] explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, excess violence, or sado-masochistic abuse, [are] patently offensive, or appeal[l] to the prurient interest...” according to Policy 4.403.

Systematic Book Banning Continues

31. Over the rest of the school year, Defendants continued to systematically remove or restrict access to books in accordance with Policy 4.403.

32. On November 12, 2024, Board member Frances Rosales emailed Director Sullivan a list of 150 books flagged for “sexually explicit content.”

33. Board member Rosales confirmed to local media that she relied on BookLooks reviews in determining whether the books should be removed.¹¹

34. Because Policy 4.403 requires immediate removal of materials, librarians across the school district scrambled to remove hundreds of books from their shelves immediately. Some libraries had to close their circulation desks due to the sudden demand for removals, preventing

⁹ *Id.* at 1:35:47.

¹⁰ RCTV, *Board of Education Meeting - September 19, 2024*, YouTube (Sept. 19, 2024), <https://www.youtube.com/watch?v=RMzsrDQ6Lrs&list=PL7CB325821E536E8D&index=29> at 1:27:12.

¹¹ Kelly Hargett, *Librarians with Rutherford County Schools Set to Review More than 150 Potentially Explicit Books*, WKRN (Nov. 15, 2024), <https://www.wkrn.com/news/local-news/librarians-rcs-title-review/>.

students from checking out books at their school libraries for at least a day. Students who had checked out books that were on the immediate removal list were told to surrender their books immediately.¹²

35. Given the enormous task of considering over 150 books for removal, on November 14, 2024, the Board voted to have Rutherford County Schools library materials specialists, who they recognized to be experts in their field, review the challenged books and to create reports on whether the books should be kept for all students, restricted to students of certain ages, or removed.¹³ The Board even voted to pay the materials specialists, who are employees of the school district, additional compensation for the book reviews. The Board did not reach this decision easily, however.

36. At the November 14, 2024 Board meeting, a heated discussion revealed significant confusion among Board members, librarians, and the Director of Rutherford County Schools as to the standards by which the 150 books were being evaluated.

37. Despite having submitted the removal requests for 150 books herself, Board member Rosales explained that she was moving for the library materials specialists to review the content of the already-removed titles, admitting that they had not all been reviewed, and that some materials that “should not have been removed” at the September 19, 2024 meeting. Specifically, Ms. Rosales stated, “one of the books we voted, *Beloved*, technically should not have been removed...because it can still be assigned to students as an assignment.” She continued, “There

¹² Shauna Reynolds, *Books Dwindle on Rutherford County Schools Library Shelves as 150 Titles Flagged for Immediate Removal*, MTSU SIDELINES (Nov. 15, 2024), <https://mtsusidelines.com/2024/11/15/books-dwindle-on-rutherford-county-schools-library-shelves-as-150-titles-flagged-for-immediate-removal/>.

¹³ RCTV, *Board of Education Meeting – November 14, 2024*, YouTube (Nov. 14, 2024), <https://www.youtube.com/watch?v=Tafld674no&list=PL7CB325821E536E8D&index=23>, at 1:29:00.

were things we did that day, that couldn't necessarily, shouldn't [sic] have been removed."¹⁴

38. Board member Katie Darby questioned whether Ms. Rosales had even read "the reviews" for all 150 books because some of the books on the list seemingly did not meet removal criteria, saying, if so, the removal effort was "wasting people's time."¹⁵ In response, Ms. Rosales heatedly stated several times, "Do we want to get rid of sexual explicit [sic], yes or no!" Visibly frustrated, Ms. Darby summarized, "We have now placed a task of 150 books, [sic] that they are now asking the librarians to review, when the person that submitted them, from all accounts, didn't even look at all 150 reviews. That's disrespectful to the time of our librarians. I'm not sure of what the point of all that was [...] Throwing, just randomly doing things without specific purpose...It's like a round robin game of insanity."¹⁶

39. Other Board members also revealed confusion about what was even at issue in the debate and what points were being made. Board member Tammy Sharp suggested slowing down the removal process, noting "I think the [pulled 150 books] should have stayed on the shelf [and submitted in increments]."¹⁷ Board member Vaught said, "Well, I'm confused then...you're saying get them off the shelf or don't?" Ms. Sharp replied, "Look everybody wants them off the shelf...but there's no way that anyone looked at those 150 books before they were submitted to say that they were sexually explicit."¹⁸ Board member Rosales defended her action in seeking the immediate removal of the books stating that she feared that librarians would be criminally charged for having the books on the shelves. "I thought we wanted to get rid of all the material," she said.¹⁹

¹⁴ *Id.* at 1:35:45.

¹⁵ *Id.* at 1:45:00.

¹⁶ *Id.* at 1:46:50.

¹⁷ *Id.* at 1:52:41.

¹⁸ *Id.* at 1:53:48

¹⁹ *Id.* at 1:55:29.

40. Once there was ostensible clarity on what standards were being used—attorney Jeff Reed clarified that the Board was operating under the immediate removal provisions of Policy 4.403²⁰ and Board member Tidwell again stated that “sexually explicit” meant, collectively, all the phrases in Policy 4.403’s immediate removal provisions²¹—Dr. Sullivan admitted that there was still an issue because “what may be viewed by Board members as ‘patently offensive’ is not ‘patently offensive’...as defined in the law.”²²

41. Despite the confusion and heated debate, a majority of the Board still approved Ms. Rosales’ plan (with the exception of Board member Darby).²³ Board members repeatedly expressed their trust in the librarians’ guidance and authority.

42. After appointing the library materials specialists to this task, the Board members were provided with the specialists’ book reviews on the books being considered for removal and restriction at subsequent Board meetings.

43. Consistently, however, the Board ignored the specialists’ recommendations (largely to retain the books) and instead voted to remove or restrict books at nearly every subsequent meeting for the remainder of the school year. The Board failed to follow the specialists’ recommendations for more than 70% of their votes, repeatedly voting to remove materials that librarians found not be meet any of the definitions in Tenn. Code Ann. §39-17-901.

44. The Board voted to remove books at nearly every school board meeting from September 19, 2024 to April 9, 2025. All told, over 140 titles have been permanently removed or

²⁰ *Id.* at 1:49:20.

²¹ *Id.* at 2:00:50.

²² *Id.* at 2:02:30.

²³ ²³ Board Meeting Minutes, November 14, 2024, pg. 17, available at <https://4.files.edl.io/7283/12/05/24/025118-a88715cc-6044-4002-a55b-3c6377a80234.pdf>.

restricted from RCS libraries because Defendants disagreed with their content.²⁴ Indeed, discussions of book banning take up much of the time of Board meetings now.

45. There are still books on bookreviewrc.com that are listed as “under review” but have not yet been removed. Defendants’ book banning efforts are thus not likely to end.

Removed and Restricted Books Are Not Obscene

46. Many of the removed and restricted books have been in school libraries, including Rutherford County Schools’ libraries, for years. They frequently appear on traditional school curricula and are often published with a teen/young adult audience in mind. They are educationally valuable and nondisruptive. Most importantly, they should not have been summarily removed from RCS library shelves simply because Board members objected to their content, labeling their content with terms reserved for criminal obscenity.

47. Plaintiff Rachel Roe is interested in reading many of the books that have been removed from her school’s library. She recently saw the movie *Wicked* and now wants to read the book. She also wants to read *To All the Boys I’ve Loved Before* by Jenny Han. But, this book is only available to high school students with parental permission. She would like to read *Forever* by Judy Blume, *Ready Player One* by Ernest Cline, *Speak* by Laurie Halse Anderson, *Speak: The Graphic Novel* by Laurie Halse Anderson, and *Looking for Alaska* by John Green.

48. Plaintiff David Doe is interested in reading many of the books that have been removed from his school’s library, including books that may appear on the AP English Literature test like *Catch 22* by Joseph Heller and *Beloved* by Toni Morrison. As a member of the Diverse

²⁴ A list of all books removed from RCS libraries can be found on the RCS library website: *Removed Library Materials (as per Policy 4.403)*, https://www.rcschools.net/apps/pages/index.jsp?uREC_ID=525032&type=d&pREC_ID=2636708 (last visited April 15, 2025).

Student Union (a club at his school), Doe is interested in reading books by people of color like *Homegoing* by Yaa Gyasi and books by Rupi Kaur like *home body*, *milk and honey*, and *the sun and her flowers*. Doe is also interested in works of fiction like *Ready Player One* by Ernest Cline, *Wicked: The Life and Times of the Wicked Witch of the West* by Gregory Macguire, and *Looking for Alaska* by John Green.

49. Plaintiff Claire Coe is interested in reading books with LGBTQ+ characters and themes like *The Perks of Being a Wallflower* by Stephen Chbosky.

50. PEN America's affected author members and their removed or restricted works include: *Shout: A Memoir* by Laurie Halse Anderson; *Speak* by Laurie Halse Anderson; *Speak: The Graphic Novel* by Laurie Halse Anderson; *Wintergirls* by Laurie Halse Anderson; *The Haters* by Jesse Andrews, *Me and Earl and the Dying Girl* by Jesse Andrews, *Damsel* by Elana K. Arnold; *Infandous* by Elana K. Arnold; *Red Hood* by Elana K. Arnold; *What Girls Are Made Of* by Elana K. Arnold; *Thirteen Reasons Why* by Jay Asher; *The Testaments* by Margaret Atwood; *Forever...* by Judy Blume; *Plan A* by Deb Caletti; *Emergency Contact* by Mary H. K. Choi; *Yolk* by Mary H.K. Choi; *Flamer* by Mike Curato; *The Carnival at Bray* by Jessie Ann Foley; *Life is Funny* by E.R. Frank; *Melissa* by Alex Gino; *Looking for Alaska* by John Green; *Burned* by Ellen Hopkins; *Crank* by Ellen Hopkins; *Fallout* by Ellen Hopkins; *Glass* by Ellen Hopkins; *Identical* by Ellen Hopkins; *Impulse* by Ellen Hopkins; *Perfect* by Ellen Hopkins; *People Kill People* by Ellen Hopkins; *Rumble* by Ellen Hopkins; *Smoke* by Ellen Hopkins; *Tilt* by Ellen Hopkins; *Traffick* by Ellen Hopkins; *The Kite Runner (Graphic Novel)* by Khaled Hosseini; *All Boys Aren't Blue* by George M. Johnson; *Almost Perfect* by Brian Katcher, *home body* by Rupi Kaur; *milk and honey* by Rupi Kaur; *the sun and her flowers* by Rupi Kaur; *Ask the*

Passengers by A.S. King; *Girl in Translation* by Jean Kwok; *Last Night at the Telegraph Club* by Malinda Lo; *Wicked: The Life and Times of the Wicked Witch of the West* by Gregory Maguire; *Heroine* by Mindy McGinnis; *The Female of the Species* by Mindy McGinnis; *One Last Stop* by Casey McQuiston; *Red, White and Royal Blue* by Casey McQuiston; *Neanderthal Opens the Door to the Universe* by Preston Norton; *Out of Darkness* by Ashley Hope Pérez; *Nineteen Minutes* by Jodi Picoult; *Beautiful* by Amy Reed; *Eleanor & Park* by Rainbow Rowell; *You Know, Sex: Bodies, Gender, Puberty, and Other Things!* by Cory Silverberg and Fiona Smyth; and *Concrete Rose* by Angie Thomas.

51. Collectively, Plaintiffs challenge the removal and restriction of the following books:

<i>Shout</i>	Laurie Halse Anderson
<i>Speak*</i>	Laurie Halse Anderson
<i>Speak: The Graphic Novel</i>	Laurie Halse Anderson
<i>Wintergirls*</i>	Laurie Halse Anderson
<i>Damsel</i>	Elana K. Arnold
<i>Infamous</i>	Elana K. Arnold
<i>Red Hood</i>	Elana K. Arnold
<i>The Haters</i>	Jesse Andrews
<i>Me and Earl and the Dying Girl</i>	Jesse Andrews
<i>What Girls Are Made Of</i>	Elana K. Arnold
<i>Thirteen Reasons Why</i>	Jay Asher
<i>The Testaments</i>	Margaret Atwood
<i>Forever...</i>	Judy Blume

<i>Plan A</i>	Deb Caletti
<i>The Perks of Being a Wallflower</i>	Stephen Chbosky
<i>Emergency Contact*</i>	Mary H.K. Choi
<i>Yolk</i>	Mary H.K. Choi
<i>Ready Player One</i>	Ernest Cline
<i>Flamer^</i>	Mike Curato
<i>The Carnival at Bray</i>	Jessie Ann Foley
<i>Life Is Funny</i>	E.R. Frank
<i>Melissa</i>	Alex Gino
<i>Looking for Alaska</i>	John Green
<i>Homegoing</i>	Yaa Gyasi
<i>To All the Boys I've Loved Before*</i>	Jenny Han
<i>Catch 22</i>	Joseph Heller
<i>Burned</i>	Ellen Hopkins
<i>Crank</i>	Ellen Hopkins
<i>Fallout</i>	Ellen Hopkins
<i>Glass</i>	Ellen Hopkins
<i>Identical</i>	Ellen Hopkins
<i>Impulse</i>	Ellen Hopkins
<i>People Kill People</i>	Ellen Hopkins
<i>Perfect</i>	Ellen Hopkins
<i>Rumble</i>	Ellen Hopkins
<i>Smoke*</i>	Ellen Hopkins

<i>Tilt</i>	Ellen Hopkins
<i>Traffick</i>	Ellen Hopkins
<i>The Kite Runner (Graphic Novel)</i>	Khaled Hosseini
<i>All Boys Aren't Blue</i>	George M. Johnson
<i>Almost Perfect</i>	Brian Katcher
<i>home body</i>	Rupi Kaur
<i>milk and honey</i>	Rupi Kaur
<i>the sun and her flowers</i>	Rupi Kaur
<i>Ask the Passengers</i>	A.S. King
<i>Girl in Translation</i>	Jean Kwok
<i>Last Night at the Telegraph Club</i>	Malinda Lo
<i>Wicked: The Life and Times of the Wicked Witch of the West</i>	Gregory Maguire
<i>Heroine*</i>	Mindy McGinnis
<i>The Female of the Species</i>	Mindy McGinnis
<i>One Last Stop</i>	Casey McQuiston
<i>Red, White and Royal Blue</i>	Casey McQuiston
<i>Beloved</i>	Toni Morrison
<i>Neanderthal Opens the Door to the Universe</i>	Preston Norton
<i>Out of Darkness</i>	Ashley Hope Pérez
<i>Nineteen Minutes</i>	Jodi Picoult
<i>Beautiful</i>	Amy Reed
<i>Eleanor and Park</i>	Rainbow Rowell
<i>You Know, Sex: Bodies, Gender, Puberty, and Other</i>	Cory Silverberg and Fiona

<i>Things!</i>	Smyth
<i>Concrete Rose</i>	Angie Thomas

* Restricted with parental consent.

^Removed pursuant to repealed City Ordinance 23-O-22.

52. The above-listed removed or restricted books are serious works of literature that contain literary, artistic, political, and/or scientific value for high school students.

- Jesse Andrews is the author of *The Haters* and *Me and Earl and the Dying Girl*. *Me and Earl and the Dying Girl* is the critically-acclaimed story of a teenage boy’s friendship with a classmate diagnosed with leukemia; it won the Cybils Award for Young Adult Fiction and was adapted into a successful film. *The Haters* is the story of three teenagers who form a band and go on an impromptu tour. It received a starred review from *BookList* and was well-received by *The New York Times* and other mainstream publications.
- Elana K. Arnold, author of *Damsel*, *What Girls Are Made Of*, and *Infamous*, has been described as a “master of writing the struggles of young women and the violence they endure.”²⁵ Her novel, *Damsel*, covers topics like sexual abuse from a teenage perspective and was recognized as a 2019 Michael L. Printz Honor Book—an acknowledgment by the American Library Association of achievement in young adult literature.
- The novel *Thirteen Reasons Why* by Jay Asher addresses the topics of teenage depression, bullying and suicide. It was the winner of the 2013 Abraham Lincoln Award and the 2010 South Carolina Young Adult Book Award. It was featured on

²⁵ Book review by Jeff Zentner, William C. Morris Award–winning author of *The Serpent King*.

the 2009 International Reading Association Young Adults’ Choice list—a curated list of high-quality books recommended by and for young adults.²⁶ RCS’s library media specialist recommended that this book be retained at the high-school level, noting that the book provides crucial “resources dedicated to suicide prevention for young people” and is recommended for high school readers by *Publishers Weekly* and the *School Library Journal*. The review notes that this book had been checked out by RCS students 434 times.²⁷

- Margaret Atwood’s *The Testaments* is the sequel to her classic novel, *The Handmaid’s Tale*. It won the prestigious Booker Prize for literature in 2019. RCS library materials specialists recommended that the book be retained at the high-school level because the book did not meet any removal criteria and was the sequel to a book frequently featured on AP English Literature exams.²⁸
- *Forever...* by Judy Blume is a coming-of-age story of a teenage girl. It won the 1996 Margaret A. Edwards Award, which is awarded by the American Library Association to honor an author’s contribution to young adult literature. It was also included in *Time’s* “Best YA Books of All Time” list (2021). The RCS library specialist recommended its removal, however, largely because of the outdated references contained in the book that may not appeal to a teenager today.²⁹

²⁶International Literary Association, *Choices Reading Lists*, <https://www.literacyworldwide.org/get-resources/reading-lists> (last visited April 15, 2024).

²⁷ RCS Board Meeting Agenda, Jan. 23, 2025, <https://4.files.edl.io/4d10/01/23/25/204942-ba9c8738-ac0c-43de-a528-35c6c25edf1e.pdf> at pg. 80-81.

²⁸ RCS Board Meeting Agenda, April 9, 2025, <https://4.files.edl.io/4d10/01/23/25/204942-ba9c8738-ac0c-43de-a528-35c6c25edf1e.pdf> at pg. 148.

²⁹ RCS Board Meeting Agenda, January 23, 2025, <https://4.files.edl.io/4d10/01/23/25/204942-ba9c8738-ac0c-43de-a528-35c6c25edf1e.pdf> at pg. 67.

- *Plan A* by Deb Caletti tells the story of a teenage girl who becomes pregnant after being sexually assaulted. The *School Library Journal* recommends this book for readers in grades 9-12. RCS library materials specialists noted that while some of the content of the book may meet some definitions contained in Tenn. Code. Ann. §39-17-901, “removing a book that discusses teen pregnancy is not going to end teen pregnancy but would rather remove an element of support and understanding for teenagers who may face overwhelming shame and stigmatism associated with teen pregnancy and sexual assault.”³⁰
- Stephen Chbosky’s *The Perks of Being a Wallflower* tells the story of an introverted teen navigating his sexuality as he grows older. It was a #1 *New York Times* best-seller for over a year when released. It was named to the American Library Association’s “Best Book for Young Adults” in 2000 and was named the American Library Association’s “Best Book for Reluctant Readers” (2000). It was adapted into an award-winning film in 2012.
- Mary H.K. Choi, an American author born in South Korea, authored *Yolk* and *Emergency Contact*. Both novels tell stories about Korean-American teenagers. The RCS library materials specialists recommended retaining both titles, noting in their review of *Yolk* “our libraries have limited number of books on the Korean/Asian experience, so this text is highly valued when considering maintaining a variety of viewpoints that represent our students.”³¹

³⁰ RCS Board Meeting Agenda, April 9, 2025, <https://4.files.edl.io/945b/04/09/25/215329-223296f3-576d-4152-8069-c0095a070af7.pdf> at pg. 145,

³¹ RCS Board Meeting Agenda, March 6, 2025, <https://4.files.edl.io/be44/03/06/25/162010-5283fbc9-c9e8-480d-99fb-7afd0495d04a.pdf> at pg. 98,

- *Ready Player One*, by Ernest Cline, was a best-seller when released in 2018 and has since been adapted into a movie directed by Steven Spielberg. The RCS library materials specialists recommended retaining this book given its popularity (checked out 320 times) and the highly favorable recommendations by *Library Journal*, *School Library Journal*, *Publishers Weekly* and *BookList*.³²
- *Flamer* by Mike Curato tells the story of a 14-year-old Filipino American teenager who is bullied for being gay; it explores the toxic effects of homophobia. *Flamer* won the 2021 Lambda Literary Award for Children’s and Young Adult Literature. Curato has stated that he wrote the book in part to “give strength” to kids struggling with bullying and homophobia, citing the high rates of suicide among LGBTQ youth, describing the book as “me encouraging people to find a way to live” and to send the message, “You’re enough, kid. You are enough.”
- *The Carnival at Bray*, by Jessie Ann Foley, is the story of an American girl who struggles to adjust to life in Ireland. The novel was shortlisted for the Michael L. Printz book award. RCS library materials specialists noted that while the novel contained some references to sex, these experiences are not explicit and are necessary to the plot and character development.³³
- *Life Is Funny*, by E.R. Frank, is a character study of eleven teenagers over seven years, who all live in the same city. It was highly praised by *Kirkus Reviews* and *Publisher’s Weekly* and received the Teen People Book Club NEXT Award for Young Adult Fiction.

³² Agenda, *supra* note 21 at pg. 71.

³³ Agenda, *supra* note 21, at pg. 139.

- *Melissa*, by Alex Gino, is about a fourth-grade student who most people think is a boy, but she knows she is a girl. She uses the name Melissa for herself, rather than the name George, which she was given at birth. The novel won the Lambda Literary Award and the Stonewall Award.
- *Looking for Alaska* is written by John Green. The book is about a teenage boy who goes to boarding school and suffers the unexpected death of his first love. It was awarded the Michael L. Printz award and was a *Los Angeles Times* Book Prize finalist. *NPR* selected it as one of the “Top Ten Best-Ever Teen Novels.” The RCS library materials specialists called this novel a “modern classic” and recommended it be retained, especially because not many teenage books are written by a male author and in the male perspective.³⁴
- *Homegoing* is written by Yaa Gyasi, a Ghanaian American author. It tells the story of the generations of the descendants of two sisters—one taken to America, one remaining in Ghana—both deeply affected by the trans-Atlantic slave trade. When the book was released in 2016, Gyasi’s novel won the National Book Critics Circle’s John Leonard Prize for Best First Book and the American Book Award.
- *To All the Boys I’ve Loved Before* is a popular novel written by Jenny Han. It was adapted into a Netflix movie for teens and was a *New York Times* bestseller. The RCS library materials specialists recommended this book be retained at RCS middle and high schools, noting: “Reviewers assert that this text is an important reflection of Asian American teens as well as an Asian American author and reflects

³⁴ RCS Board Meeting Agenda, January 9, 2025, <https://4.files.edl.io/82a0/01/08/25/172339-bb4c7426-6aa3-4a63-8b5c-8f4c626cb57b.pdf> at pg. 67.

a variety of viewpoints, as required of school libraries in libraries in Tennessee (Rule 0520-01-02-.07) and listed in board policy.”³⁵

- Laurie Halse Anderson is the author of *Speak, Speak: The Graphic Novel, Shout, and Wintergirls*. *Speak* is a ground-breaking novel about the trauma a teenage girl experiences after she is sexually assaulted at a party and then ostracized by her peers for reporting the assault to the police. *Speak* has won numerous awards, including the Volunteer State Book Award in 2001-2002 for Best Young Adult novel. The Volunteer State Book Award is awarded by the Tennessee Library Association and the Tennessee Association of School Librarians. *Speak* has been checked out almost 1,000 times by RCS students.³⁶
- *Catch 22* is Joseph Heller’s classic novel about the pressures of war a soldier faces during his deployment in World War II. It is frequently listed as one of the greatest American novels of all time and often appears on the AP English Literature exam, as well as high school English curricula across the country.
- Ellen Hopkins authored several books that have been banned by Defendants: *Burned, Crank, Fallout, Glass, Identical, Impulse, People Kill People, Perfect, Rumble, Smoke, Tilt, and Traffic*. These are all young adult novels written in verse. They address teenage struggles including addiction, sexual desires, religious faith, abuse, as well as LGBTQ+ topics and themes. Her books are recommended for teenage readers by both the *School Library Journal* and *Publishers Weekly*.

³⁵ Agenda, *supra* note 25, at pg. 70.

³⁶ Agenda, *supra* note 21, at pg. 75.

- *The Kite Runner (Graphic Novel)* is an illustrated adaptation of the award-winning novel, *The Kite Runner* by Khaled Hosseini. The novel tells the story of Amir, a young boy from the Wazir Akbar Khan district of Kabul and his friendship with a boy named Hassan that is eventually torn apart by a sexual assault. *Kite Runner* won the Alex Award when it was released—an award given to ten young adult books each year. RCS library materials specialists recommended that the graphic novel be retained because *Kite Runner* has appeared on the AP English Literature exam at least six times and the easy-to-read, illustrated version would help RCS students prepare for the exam.³⁷
- *All Boys Aren't Blue* is a collection of personal essays by George M. Johnson. The essays detail Johnson's experiences growing up as a Black, queer boy and address themes like bullies, family, gender identity, sexual experiences, structural marginalization, and Black joy. The book is an American Library Association "Rainbow List" pick. The RCS library materials specialists note that while the book may have references to "nudity," "this book holds strong literary merit, and within the realm of publications for young adults, there are very few narratives from the perspective of a young man of color."³⁸
- *Almost Perfect* by Brian Katcher is the story about a teenage boy who falls in love with a girl named Sage, who he later discovers is transgender. The novel won the Stonewall Award in 2011 and is recommended by *BookList* and *School Library*

³⁷ Agenda, *supra* note 21, at pg. 79.

³⁸ RCS Board Meeting Agenda, February 10, 2025, <https://4.files.edl.io/945b/04/09/25/215329-223296f3-576d-4152-8069-c0095a070af7.pdf> at pg. 132.

Journal for teenage readers. According to *Kirkus Reviews*, the novel “tackles issues of homophobia, hate crimes and stereotyping with humor and grace in an accessible tone that will resonate with teens.” RCS library materials specialists emphasized that the book did not meet any of the definitions in Tenn. Code Ann. §39-17-901 (“there are no descriptions of sex”) and likely was being removed “based on disagreement or personal beliefs.”³⁹

- Author Rupi Kaur wrote *home body*, *milk and honey*, *the sun and her flowers*—three collections of poems. Kaur immigrated to Canada from India as a child—an experience that informs her writings. Kaur’s poems cover a range of topics including growth, healing, connecting with one’s ancestors, light and dark, and the feminine experiences of violence, abuse, love, and loss. Kaur’s poems have been checked out over 200 times by RCS students.⁴⁰
- A.S. King’s novel, *Ask the Passengers*, won the *Los Angeles Times* Book Prize when it was published in 2012. It tells the story of a teenage girl coming to terms with her sexuality and possibly falling in love with a girl. *Kirkus Reviews* called it “[q]uite possibly the best teen novel featuring a girl questioning her sexuality written in years.” RCS library materials specialists noted: “There is no nudity, no ultimate sex acts, no sexual excitement – just kissing” and recommended that the book be retained.⁴¹

³⁹ RCS Board Meeting Agenda, February 6, 2025, <https://4.files.edl.io/5019/02/05/25/205033-ece323b2-9d65-457a-9123-bb51b4b4fbcd.pdf> at pg. 107.

⁴⁰ *Id.* at 120, 124.

⁴¹ *Id.* at 105.

- Jean Kwok authored *Girl in Translation*, the story of a young, immigrant girl struggling with the pressures to honor family traditions while acclimating to life in 1980s New York. The novel won the Chinese American Library Association’s Best Book Award for young adult fiction in 2010 and the Alex Award in 2011. RCS library materials specialists recommended the book be retained as it did not contain any material that would meet the definitions of Tenn. Code Ann. §39-17-901.
- *The Last Night at the Telegraph Club* is by Malinda Lo. Set in 1954 during the Red Scare, the novel tells the story of a Chinese American girl and her girlfriend who discover a queer community at lesbian bar in San Francisco. It won the Asian/Pacific American Award for Literature Award, Stonewall Book Award, Michael J. Printz Award, and was a National Book Award finalist. RCS library materials specialists encouraged retention of the book as the book is “heavily tied to curriculum.”⁴²
- *Wicked: The Life and Times of the Wicked Witch of the West*, by Gregory Maguire, is a sympathetic retelling of the life of Elphaba Thropp, the misunderstood girl who grows up to be the Wicked Witch of the West. Since its publication, the book has been adapted into a record-breaking Broadway musical and successful movie.
- Mindy McGinnis wrote both *Heroine* and *The Female of the Species*. *Heroine* tells the story of a young softball player who struggles with opiate addiction after she suffers a painful injury. The American Library Association described it as “a realistic portrayal of how easy it is to develop an opiate addiction and the very real

⁴² *Id.* at 122.

consequences of addiction. A timely and important message for teens everywhere.” *The Female of the Species* weaves a gripping story about a girl who avenges crimes against girls in her community, including her sister. RCS library materials specialist recommended its retention as there was no sexual content in the book that could meet the definitions in Tenn. Code Ann. §39-17-901.

- Casey McQuiston wrote bestsellers, *Red, White and Royal Blue* and *One Last Stop*. *Red, White and Royal Blue* tells the story of two young men falling in love—and the young men happen to be the Prince of Wales and the son of the President of the United States. It was named one of the 20 Best LGBTQ Books in 2019 by *Harper’s Bizarre*. It has been adapted into a 2023 movie, too. *Red, White & Royal Blue* premiered at the BFI IMAX in London on July 22, 2023, and was released on Amazon Prime Video on August 11. It received positive reviews from critics, and was nominated for Outstanding Television Movie at the 76th Primetime Emmy Awards. *One Last Stop* focuses on the lives of queer roommates living in New York City. It was a 2021 best-selling LGBTQ romance.
- *Beloved* is a ground-breaking novel by Nobel Prize-winning author Toni Morrison. The non-linear story takes place before and after the Civil War and is based on the real-life story of Margaret Garner, who escaped slavery in 1856 and fled to Ohio where she was forced to make an impossible choice when discovered by her former owner. The novel won the Pulitzer Prize for Fiction in 1998 and appears frequently on the AP English Literature exam.

- *Neanderthal Opens the Door to the Universe* is a young adult novel by Preston Norton. It tells the story of a tall, bullied teenage boy nicknamed “Neanderthal” for his size and how he teams up with a popular football player to make his high school a better place. *BookList* and the *School Library Journal* both recommend this book for readers in grades 9-12.
- *Out of Darkness* is a novel by Ashley Hope Perez. The 1937 New London, Texas school explosion—the worst school disaster in American history—serves as a backdrop for this novel about racial segregation, teenage friendship, love, and family. It won the Michael L. Printz Book Award in 2016. RCS library materials specialists recommended retaining the book as the novel did not meet any removal criteria and “supports several specific curriculum standards, including those found in Contemporary Issues, African American History, Psychology, and Sociology classes.”⁴³
- *Nineteen Minutes* is an award-winning novel by Jodi Picoult. It is a 2007 bestseller about a school shooting told from multiple perspectives, including that of a young man who is bullied and called names like “homo” and “fag.” It addresses bullying and violence teenagers often face in school. RCS library materials specialists recommended retaining this novel because it did not meet any removal criteria and addressed important topics for teenagers in school.
- *Beautiful*, by Amy Reed, is the story of a young girl named Carrie who moves to a new town and is desperate to fit into her new social scene; she soon finds herself

⁴³ *Id.* at 128.

embracing partying, sex, and drug use. The novel was selected for the American Library Association's "Quick Picks for Reluctant Young Adult Readers." It addresses topics relevant to teenage readers and the pressures they can feel to change themselves to meet their peer's expectations.

- *Eleanor and Park* is Rainbow Rowell's first novel. It tells the story of two young misfit teens falling in love and navigating difficult home lives. RCS library materials specialists recommended retaining the book as "there is no content whatsoever that falls within the definitions from 39-17-901."⁴⁴
- *You Know, Sex: Bodies, Gender, Puberty, and Other Things!* is a non-fiction, sexual-health education book by Cory Silverberg and Fiona Smyth. It uses humorous and approachable tone and illustrations to addresses sexual reproduction, changing bodies and body parts, and other topics teens may be curious about but embarrassed to ask adults about. RCS library materials specialist recommended retention of this book as it is helpful for teens wanting to know more about their bodies.⁴⁵
- *Concrete Rose* is a young adult novel by critically acclaimed author, Angie Thomas—who also wrote the bestselling novel *The Hate U Give*. The novel follows the story of a seventeen-year-old Black teenager navigating school, having a child, and the pressing demands of "manhood." This novel received the Michael L. Printz Honor Award. RCS library materials specialists recommended retaining the novel because it "is a great platform for discussing themes such as the consequences of

⁴⁴ Agenda, *supra* note 26, at pg. 64.

⁴⁵ RCS Board Meeting Agenda, April 9, 2025, <https://4.files.edl.io/945b/04/09/25/215329-223296f3-576d-4152-8069-c0095a070af7.pdf> at pg. 150.

our actions, the power of resilience, the importance of support systems, and race/poverty issues. It reflects real conflicts and situations that students face.”⁴⁶

53. Despite the accolades and awards these books received, despite their topical and instructive content for teenage readers, despite the repeated recommendations of RCS’s own experts to retain them, Defendants removed or restricted each and every one of these books for containing “sexually explicit” content that met, in their judgment, the definitions of Tenn. Code Ann. §39-17-901—effectively deeming them criminal obscenity.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF 42 U.S.C. § 1983 - First Amendment Right to Receive Information

On Behalf of the Individual Plaintiffs

54. The allegations of the foregoing paragraphs are incorporated by reference as though fully set forth herein.

55. The First Amendment binds Defendants pursuant to the incorporation doctrine of the Fourteenth Amendment. In all of the following paragraphs, references to the First Amendment include the First Amendment as applied to the states through the Fourteenth Amendment.

56. The First Amendment protects the right to access information and ideas. School boards are not permitted to remove books from school libraries in a narrowly partisan or political manner, or because of board members’ disagreement with the ideas contained in the books.

⁴⁶ RCS Board Meeting Agenda, Jan. 9, 2025, <https://4.files.edl.io/82a0/01/08/25/172339-bb4c7426-6aa3-4a63-8b5c-8f4c626cb57b.pdf> at pg. 63.

57. Defendants removed books listed in paragraph 48 from Rutherford County Schools' libraries in a narrowly partisan or political manner, or because Defendants disagree with the ideas or views contained in those books.

58. Defendants continue to determine whether additional books should be removed from Rutherford County Schools libraries in order to deny students access to ideas and content that Defendants dislike, particularly any content relating to sex, sexuality, or nudity in any form, regardless of the serious literary, historical and/or artistic value of the work as a whole.

59. Defendants' decision to remove books from Rutherford County Schools' libraries was—and continues to be—motivated by their desire to suppress ideas that were not in keeping with Defendant's political values and ideas, and to prescribe their partisan, political orthodoxy in Rutherford County Schools.

60. Defendants have no substantial or legitimate pedagogical interest in banning the removed books from Rutherford County Schools' libraries.

61. None of the removed books in paragraph 51 are obscene.

62. The removed books in paragraph 51 were not interfering with order and discipline in Rutherford County Schools.

63. The removed books in paragraph 51 contain educational value and are educationally suitable for students in Rutherford County Schools.

64. Defendants' removal of books from Rutherford County Schools libraries interferes with the ability of the individual Plaintiffs to learn about a diversity of information and viewpoints.

65. Plaintiffs are entitled to declaratory and injunctive relief for the Board's violation of their First Amendment rights.

SECOND CLAIM FOR RELIEF
42 U.S.C. § 1983 – First Amendment
Freedom of Expression
Plaintiff PEN America Against Defendants

66. The allegations of the foregoing paragraphs are incorporated by reference as though fully set forth herein.

67. The First Amendment protects authors' ability to communicate their ideas to students without undue government interference based on the government's disagreement with those ideas.

68. Defendants removed and restricted PEN America author members' books because of their distaste for the viewpoints and topics expressed therein.

69. The Board's removal and restriction of PEN America author members' books from Rutherford County Schools libraries violates the First Amendment because it interferes with author members' ability to share their constitutionally protected books free from viewpoint-based discrimination.

PRAYER FOR RELIEF

WHEREFORE, in light of the foregoing facts, Plaintiffs respectfully request the following relief against Defendants:

1. A preliminary and permanent injunction requiring the Defendants and their agents, attorneys, servants, employees, and other representatives in office to restore the removed books in paragraph 51 to Rutherford County Schools' libraries.

2. A preliminary and permanent injunction requiring Defendants and their agents, attorneys, servants, employees, and other representatives to restore any restricted-access books listed in paragraph 51 to their previous status.

3. A preliminary and permanent injunction enjoining Defendants and their agents, attorneys, servants, employees, and other representatives from removing and restricting books from Rutherford County Schools libraries pursuant to the immediate removal provisions of Board Policy 4.403.

4. A declaratory judgment that Defendants removal and restriction of books listed in paragraphs 47-49 violated individual Plaintiffs' First Amendment rights.

5. A declaratory judgment that Defendants' removal and restriction of books listed in paragraph 50 violated PEN America's author members' First Amendment rights.

6. A declaratory judgment that the immediate removal provisions of Board Policy 4.403 are unconstitutional under the First Amendment.

7. Reasonable attorney's fees and costs under 42 U.S.C. §1988.

8. Such further relief as justice requires.

PLAINTIFFS DEMAND A JURY TO TRY THIS CAUSE OF ACTION.

Respectfully submitted,

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**Admission to the Middle District pending*