



FOR IMMEDIATE RELEASE

MEDIA ADVISORY

TODAY: Opening Arguments Delivered in Federal Appeals Case Challenging Constitutionality of Texas' Book Rating Law

A federal judge previously blocked HB 900 from going into effect. The State of Texas ultimately appealed the decision.

Media Contact:

John Henry, JHenry@childrensdefense.org, CDF Media Relations Manager, 708-646-7679

New Orleans, LA—On Wednesday, a federal appeals panel heard oral arguments in *Book People v. Martha Wong*, which could ultimately decide the constitutionality of Texas' misguided House Bill 900.

Governor Greg Abbott signed [House Bill 900](#) in June to go into effect September 1, 2023. However, a U.S. District Court judge temporarily blocked House Bill 900 from going into effect, before the State of Texas ultimately decided to appeal the decision. The legislation would force bookstores and publishers to label certain books as "sexual content". According to [CNN](#), the language defining "sexual content" in the bill is vague and confusing. The new law also requires students to get parental consent to read certain books in schools.

This morning, U.S. Judges Jacque Wiener, Jr., Don Willett, and Dana Douglas of the Fifth Circuit Court of Appeals heard oral arguments provided by attorneys for Book People, Inc., an Austin-based bookstore that, along with several other bookstores and publishers, sued the state to stop House Bill 900 from going into effect.

"The booksellers here are not asserting the right to have books reach library shelves. They're asserting the right to be free from compelled speech and the right to offer and distribute books without being forced to decipher incomprehensible and vague standards, which themselves render the statute unconstitutional," Attorney Laura Prather said.

Listen to oral arguments [in their entirety here](#).

Despite uncertainty over the legality of House Bill 900, some Texas school districts have already responded to the chilling effect of this vague and overbroad law by [stopping book purchases](#), restricting student access to books, and even [closing libraries altogether](#).

Children's Defense Fund-Texas strongly opposes the censorship of literature in any public setting.

"Students have the right to read books that reflect their own lives, teach them about others' lives, and inspire them to lead," said **Maggie Stern, CDF-Texas Youth Engagement and Civic Education Manager**. "HB 900 has emboldened a small group of book banners to strip these lifesaving resources from hundreds of thousands of Texas students. We stand with the students who are leading the fight for the freedom to read, and urge school districts, elected officials, and the courts to do the same."

CDF-Texas is joined by PEN America, Students Engaged in Advancing Texas, ACLU of Texas, Texas Freedom Network, and Intercultural Development Research Association in supporting Texas students' freedom to read.

[Click here to view a statement from the entire coalition.](#)

***Children's Defense Fund-Texas staff can be made available for interviews on this court case today.**

Instagram- @childdefender1973
@cdf texas
TikTok- @childrensdefensefund
X/Twitter- @ChildDefender
@cdf texas

###

About Children's Defense Fund

Celebrating 50 years in 2023, Children's Defense Fund envisions a nation where marginalized children flourish, leaders prioritize their well-being, and communities wield the power to ensure they thrive. The only national, multi-issue advocacy organization working at the intersection of child well-being and racial justice, CDF advances the well-being of America's most diverse generation, the 74 million children and youth under the age of 18 and 30 million young adults under the age of 25. CDF's grassroots movements in marginalized communities build power for child-centered public policy, informed by racial equity and the lived experience of children and youth. Its renowned CDF Freedom Schools® program is conducted in nearly 100 cities across 30 states and territories. Learn more at www.childrensdefense.org.