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## Freedom to Read Advocates Cheer Decision in ‘PRH v. Gibson’

By Nathalie op de Beeck | Aug 15, 2025

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Photo: Orange County Public Schools

Orange County Public Schools in Orlando, Fla.

Right to read advocates hailed a Florida court’s ringing defense of First Amendment rights this week. On August 13, U.S. District Court Judge Carlos E. Mendoza of the Middle District of Florida ruled in favor of plaintiffs in *Penguin Random House v. Gibson*, a lawsuit challenging Florida House Bill 1069. The decision came in a state besieged by school library book removals after threats of legal action by the state attorney general and education commissioner.

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Obscene material, which is not protected by the First Amendment, has long been prohibited from school library shelves by the Supreme Court’s decision in *Miller v. California* (1972), and libraries may apply the “*Miller* test” or “*Miller-for-minors* test” to evaluate material. “What 1069 added is

HB 1069, in effect as a law since May 2023, has enabled Florida parents to challenge K–12 public school library materials by filing objection forms. The forms compel the immediate removal for review of any material that purportedly is “pornographic” or “depicts or describes sexual content.”

In the court order, Judge Mendoza found that “plaintiffs have established multiple unconstitutional applications of the statutory provisions” and noted “evidence that the statute has swept up more non-obscene books than just the ones referenced here.” After listing 23 examples of books taken from public school library collections, from Alice Walker’s *The Color Purple* and Richard Wright’s *Native Son* to Khaled Hosseini’s *The Kite Runner* and Yaa Gyasi’s *Homegoing*, he wrote, “None of these books are obscene.”

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additional procedures like this ‘challenge form’ idea” that made it easy to rescind access to any title, said Dan Novack, VP and general counsel at PRH. “We’re taking the status quo back to where it was pre-HB 1069, and now it has the appropriate constitutional standard embedded in it.”

Judge Mendoza’s decision means “schools can’t merely acquiesce to the parents’ whims” and libraries must restore library materials, Novack said. “If a school drags its heels, they’re risking a lawsuit from a parent, student, author, publisher, or educator. They can’t hide behind the rationale that ‘my hands are tied’” by HB 1069 or the state. Further, media specialists won’t disappear books out of an abundance of caution. “We don’t want people guessing at what the standards are,” Novack added.

The Authors Guild, which joined *PRH v. Gibson* with all of the Big Five companies, Sourcebooks, five authors, and two Florida parents, applauded the court’s decision. Guild CEO Mary Rasenberger said the order requires courts in all jurisdictions “to demand precise standards, respect professional expertise, and reject the cherry-picking of passages or speculation to justify censorship.”

“We are delighted by the decisive victory in the case, recognizing that it is an unconstitutional violation of authors’ free speech rights to remove books from school libraries that have literary, artistic, political, or scientific value when considered as a whole,” Rasenberger shared in a statement. “States cannot allow members of the community to demand books be removed and claim it is protected government speech.”

The Guild also is a plaintiff in a case against Iowa Senate File 496, *PRH v. Robbins*, which Judge Mendoza cited favorably in his order. SF 496 demands removals of Iowa public school materials that contain a “description” of a “sex act,” and has twice been deemed unconstitutional in district court. It is once again under appeal with the Eighth Circuit.

### “Not a silver bullet,” but progress nonetheless

Sam Helmick, president of the American Library Association, gives credit to librarians, students, and allies in Florida for keeping up the fight for intellectual freedom. “We are glad to see the court uphold their constitutional rights,” Helmick told *PW* in an email. “ALA encourages advocates in Florida to multiply their support for libraries by giving to the Florida Freedom to Read Project, Florida Library Association, and Florida Association for Media in Education.”

In Florida proper, Stephana Ferrell of the FFTRP took a measured stance. “While we welcome this important affirmation of young people’s First Amendment rights, we recognize that much work remains to undo the harm caused by this unconstitutional law and the ways state leaders have sought to enforce it,” Ferrell told *PW*. As for the restoration of censored library books, action could be slow. Ferrell says at least one media specialist team is waiting to hear from the Florida Department of Education before reshelving anything.

“It would surprise me if the books were immediately put back,” agreed Allison Grubbs, president of the Florida Library Association and the director of the Broward County Library Division in Fort Lauderdale. Grubbs suspects “schools are waiting to hear if there’s going to be an appeal and see how it’s going to shake out at the highest levels.” Defendants must file an appeal within 30 days of the order, according to PRH’s Novack.

Grubbs said that she and fellow FLA members “are happy to see the reaffirmation of the right to read. Parents have always had a right to guide their children in what media they consume, but the effort to dictate what other children consume is not a right.” She commended the court’s “respect for library professionals who are trained to carefully select books for age appropriateness, literary quality, and educational value.”

Censorship battles and scrutiny of state libraries’ use of funding have taken their toll on FLA, Grubbs said. The association has a membership of about 700, up from a Covid-era low point of 500 but significantly down from a pre-Covid 1,000 dues-paying members. “There’s been a lot of fear, so some of our organizational members have not resumed,” Grubbs said, “and some librarians in deeply conservative areas of Florida” have chosen not to renew. Yet FLA engages in grassroots advocacy and collaborates with organizations including PEN America and FAME for the freedom to read.

PRH’s Novack said Judge Mendoza’s order “is not a silver bullet for censorship in Florida.” He’s looking ahead to a decision in a lawsuit in Escambia County, Fla., filed by PRH, PEN America, and a group of authors and parents, alleging that county administrators and school board members violated the First and 14th Amendments by removing public school library books. Yet he’s gratified to see “a growing body of law that’s being written by, say, the Eighth Circuit” and other often conservative-leaning courts that protect constitutional rights, including the freedom to read.

PRH makes strategic decisions to take on intellectual freedom cases, Novack emphasized. “Yes, we have the resources to do it,” he said. But “we also feel Penguin is the best vehicle, because we publish broadly,” with PRH authors and titles representing a wide ideological breadth. By standing up for inalienable rights while publishing diverse perspectives, “we are sounding the alarm and saying this [censorship] is bad for everybody.”



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