



EDITOR'S NOTE: This is only a small sampling of the many recent challenges to "drag queen storytimes," where the controversy usually focuses at least as much on who is reading the books as on the books themselves. As with traditional library storytimes, picture books are read aloud to children, but the readers are performers dressed in drag (usually men dressed in theatrically feminine costumes). Their goal is to encourage both a love of reading and acceptance of diversity. Some of these events are officially sponsored by Drag Queen Story Hour, a network of local organizations that began in San Francisco; others are independent.

LIBRARIES

Lexington Park, Maryland

If libraries cancel drag queen storytimes due to worries about protests and the costs of security, this may violate the First Amendment, according to Kathryn M. Rowe, assistant attorney in the Office of the Attorney General of Maryland.

She issued this legal opinion after the Lexington Park Library in St. Mary's County, Maryland, held a drag queen story event where so many protestors were expected that the local sheriff decided (without being asked by the library) to send sixteen deputies to provide security. The county's Board of Commissioners—which funds both the sheriff's office and the library—in a board meeting held on July 16, 2019, voted to take funds from the library budget to cover the sheriff's extra expenses.

As Rowe summarized when giving her legal opinion, "At the same meeting, at least one Commissioner suggested to representatives of the library that they should avoid having such controversial events and that their funding may be affected if they continued to have controversial events."

This prompted Delegate Brian M. Crosby, a Democrat who represents

St. Mary's County in the Maryland legislature, to ask the attorney general's office about the First Amendment implications of such actions.

In her letter to Crosby, Rowe noted, "The pressure to avoid controversial events at the library did not come from the Board as a whole and was not voted on by the Board, and thus cannot be said to be an official action." Yet she stated,

If, however, the library were to refuse controversial events in order to avoid having their budget reduced, that action would most likely violate the First Amendment. As a public institution, the library is subject to the restrictions of the First Amendment. . . . Libraries are generally considered designated, or limited, public forums.

Citing a range of court cases and law review articles, she said that in such a forum, limitations on speech may not be based on viewpoint. Further, she wrote, "Nor is the avoidance of controversy a valid ground for limiting speech in a limited public forum. . . . Limits on those rights can be upheld only if they are narrowly tailored to serve a significant governmental interest, and . . . leave open ample alternative channels for communication of information."

This led Rowe to conclude, "In short, it is clear that the library cannot constitutionally deny meeting space to organizations solely because the organization or the subject matter of the meeting is controversial."

On the question of the cost of providing security for controversial events, she found no cases specifically dealing with public libraries, but said the issue has come up on college and university campuses. Judgments in such cases, she said, indicate that "charging the library for the police

presence they did not request, and which was deemed necessary only because of the anticipated reaction of others, is also constitutionally problematic. . . . In light of these cases, it is my view that charging the library for security added based on the Sheriff's conclusion about the likelihood of opposition raises serious constitutional questions." Reported in: *Southern Maryland News Net*, October 8, 2019.

Floyd, Virginia

Officials of the Montgomery-Floyd Regional Library withdrew their sponsorship of a story hour featuring drag queen Dreama Bell, scheduled for December 20, 2019, at Jessie Peterman Memorial Library in Floyd, Virginia.

Originally, the event was supposed to be co-sponsored by the library and PFLAG, an organization for LGBTQ families and allies. (The acronym comes from the national group's original name, Parents and Friends of Lesbians and Gays.)

On Monday, December 9, the event listing was submitted to the *Floyd Press* by local PFLAG Chapter President Jim Best and Jessie Peterman Branch Manager Lori Kaluska. The event listing did not mention the story hour program being co-sponsored by the library. However, on Wednesday morning, Kaluska called the *Press* to request that the event listing be removed from the newspaper's community calendar and any online editions or digital versions of the same, saying the event had not been properly approved.

According to Best and PFLAG treasurer Christina Alba, PFLAG's impression at that point was that the event had been entirely cancelled.

After the *Floyd Press* inquired via email into the reason behind the cancellation, Kaluska clarified that PFLAG would still be allowed to hold the story hour in the community room of the



library, but it could not be advertised as a library-sponsored event. According to Kaluska, the library's sponsorship of the event was cancelled after she spoke with the regional director of the library system, Karim Khan, who told Kaluska she hadn't followed the proper procedure for event approval.

Khan outlined a fear of political fallout from hosting such an event at the library and described how funding for the regional library system is approved by the Floyd and Montgomery County Boards of Supervisors. He said, "The elected officials in the two counties are duly elected by the people . . . some of whom have publicly stated positions that may not always be in sympathy with what PFLAG has proposed."

Khan emphasized the distinction between an event held in a library community room and one sponsored by the library. Community rooms can be reserved for any not-for-profit group or event, and "permission to use the community rooms does not constitute an endorsement by the Board of Trustees of the group's beliefs or policies."

Events such as a drag queen storytime, Khan said, "have been very controversial" and "because it can affect your funding, you should really check with the board before you authorize it."

Thus Floyd PFLAG could hold its story hour event on December 20 in the library, but without the library's sponsorship. According to Best, PFLAG is glad to have the space in the library's community room, but continues to question why Kaluska could not decide to co-host the event on behalf of the library. Reported in: *swvatoday.com*, December 19, 2019.

Morgantown, West Virginia
Violent threats prompted the Morgantown (West Virginia) Public Library

System to cancel a Drag Queen Story Time event that was scheduled for Saturday, November 16, 2019.

The cancellation was announced in a Facebook post the day before the scheduled event. The library's statement said it "remains committed to fostering a love of reading for all ages" and will have its staffers (instead of a drag queen) read for the event Saturday morning.

That Saturday, more than one hundred people filled the sidewalk in front of the Morgantown Public Library for the Drag Queen Storytime Support Rally.

Morgantown Third Ward councilman Zack Cruze attended the event and expressed disappointment that protests from groups outside Morgantown made participants feel unsafe.

Cruze told WAJR Radio News the rally had been planned well in advance of the cancellation.

"There was already a plan to have a rally and help people get into the library," Cruze said. "Because the protesters were threatening violence and saying they were going to bring pepper spray and bullhorns." Reported in: Associated Press, November 16, 2019; *wvmetronews.com*, November 16.

CITY FACILITIES New Port Richey, Florida

The city council of New Port Richey in Pasco County, Florida, blocked a request to move monthly Drag Queen Story Hour events from a bookstore in Port Richey to a city-owned meeting space.

Supporters of Pasco Pride and the Drag Queen Story Hour organizers asked to hold the event in Peace Hall in Sims Park. The city's website, in its section on city parks and facilities, describes Peace Hall as "a perfect venue for your events," with a capacity to hold 102 people, available for

rent by the half day or full day. The historic building is a former church, adjacent to a city park.

Organizers were informed that they would need to apply for a special event permit, even though the children's reading events attract small crowds of ten to fifteen people each month.

Because of protestors who gather outside to condemn the event and the people attending it, city staff deemed that a police presence would be necessary. Therefore, they asked the event organizers to apply for a special event permit.

Nina Borders, president of Pasco Pride, said,

Making us issue a special permit for an event that houses ten to fifteen people—it's one of the smallest events housed at Peace Hall—making us do that is discriminatory in itself because you're judging us based on actions of other individuals. We do not protest, we do not cause violence, we do not destroy property. All we're asking is to be equal. Just allow us to rent it out and if the protesters come, they come. That has nothing to do with us. That's in the police chief's hands and I fully have my faith in him and I believe he'll do the right thing.

Mayor Rob Marlowe said, "The policy of the city, as we expressed in the resolution we passed last month, is that all city services and facilities are available to everyone regardless of faith, creed, color, sex, national origin, gender identity, gender expression . . . basically we don't discriminate." Marlowe added,

Regardless of the size of the event itself, as a publicly promoted event it was very clear we were going to pick up protesters and were going to have to deal with the police and other security concerns that normally we



only have to deal with much larger events. Nonetheless, the safety of the participants, particularly the children, is first and foremost. And if that requires that our staff makes arrangements to have the proper number of police officers on duty in the park

during the event, that's part and parcel of the planning that goes into a special event that's not normally part of the planning if you're just having a private party in one of the pavilions or even Peace Hall.

The mayor and city council members said they were not taking any stand on the content or agenda of the event. "It's a staff decision," Councilman Jeff Starkey said. Reported in: cityofnewportrichey.org, n.d.; *Suncoast News*, August 14, 2019.