



COLLEGES AND UNIVERSITIES Milwaukee, Wisconsin

On February 13, 2020, The University of Wisconsin-Milwaukee's (UW-Milwaukee) Division of University Relations and Communications (University Relations) rejected a poster for a talk titled "Academic Freedom in the Age of Trump" because of its "partisan tone," according to professors sponsoring the event. However, the university reversed its decision after the incident caused controversy on Twitter. A university spokesperson later stated that UW-Milwaukee never rejected the poster.

In a blog post about the incident, UW-Milwaukee professor Joel Berkowitz stated that the university initially disputed the promotional poster due to its "combination of the word 'Trump,' the red color, and the imagery of books in chains."

Berkowitz, who is also president of the UW-Milwaukee chapter of the American Association of University Professors (AAUP), had invited national AAUP officer Joerg Tiede to campus to speak on the topic of academic freedom. It was Tiede who chose the title of his presentation but a UW-Milwaukee graphic designer created the poster.

Berkowitz and UW-Milwaukee AAUP officer Rachel Buff planned to promote Tiede's talk by sharing the poster on social media and displaying it on electronic screens across campus. According to Buff and Berkowitz, University Relations notified Buff it had rejected the ad on February 13.

Buff and Berkowitz reported the university gave them options regarding the poster, including submitting a different design, emailing senior staff members in University Relations, or appealing the rejection in a meeting that would take place the day before the talk.

However, according to UW-Milwaukee Vice Chancellor of University Relations and Communications Tom Luljak, University Relations never told the professors they couldn't use the poster to promote the event.

A new approval policy for posters and fliers, which followed an August 2019 incident involving a poster for a criminal justice class featuring a Black student wearing police tape as a scarf, requires a rotating team of three University Relations specialists to review promotions. The debate over the poster originated from that policy, Luljak said in an email.

After one of the specialists raised concerns that the academic freedom talk poster was "political," a marketing manager notified the poster's creators. Notification was "the beginning of a conversation" about how to proceed with the poster, and the university hadn't made a decision yet, Luljak said.

Buff and Berkowitz both shared news of the poster's apparent rejection on Twitter, tagging the national AAUP account. AAUP made its own five-Tweet thread on the incident, asking "Irony aside, what message is @UWM sending in the Age of Trump?"

Following Tweets about the apparent rejection, Luljak approved the poster for use around campus.

"When Rachel Buff sent her tweet, the matter was escalated directly to me, bypassing the brand standards committee," Luljak said. "I quickly reviewed the ad in question and determined it was not a problem and gave the green light for it to be used."

After UW-Milwaukee approved use of the poster, Buff tweeted to thank everyone for speaking up and said "this is what we call a win."

Reported in: *Daily Cardinal*, February 20, 2020.

LIBRARIES Pocatello, Idaho

After overwhelming public support on social media for Reading Time with the Queens at Marshall Public Library, the founder of the group Citizen Patriots United, Ted King, has ended his campaign to shut down the program. King's Change.org petition, which garnered 453 signatures, was created February 4, 2020.

However, the following week King told the *Idaho State Journal* that, although his beliefs had not changed, social media exchanges with other library users made it clear that the reading program had garnered more widespread support than he initially believed and that it made the most sense for him to end his opposition.

"After I announced my opposition, supporters started a petition of their own and within twenty or thirty minutes they had 100 percent more signatures than we did," King said.

On February 6, Pocatello resident Cassie Ashdown created the petition asking for signatures of people in favor of Reading Time with the Queens, and by February 8, it had attracted more than 1,000 signatures. As of the afternoon of the February 10, the petition in support of the reading program, also created on Change.org, had reached nearly 1,400 signatures.

"I never, ever imagined that my opposition would lead to the hatred and vitriol that followed," King said. "I should have known more about the program before I tried to silence it because I had no idea they had this level of community support."

"I am not some crusader who was trying to silence something that our community stands so strongly behind," King told the *Journal*. "I am nowhere arrogant enough to speak against the majority of the community saying something like, 'Well, I don't like the program so it can't happen.'"



The community overwhelmingly supports the program and I believe in a constitutional republic. I don't believe in silencing the voices of the many based on the opposition of a few."

Joseph Crupper, known locally as Cali Je, is the Pocatello resident who started Reading Time with the Queens in 2017. Crupper attended the February 6 City Council meeting, though he did not make a formal statement. Crupper told the *Journal* last month that in addition to reading stories to children while dressed in drag, the program involves craft making, sing-along sessions, and rewarding children for reading with dollar store prizes.

"The petition and planned opposition is not going to stop us from hosting Reading Time with the Queens. As a group, we will not let this deter us from spreading our message of positivity, community-building, self-acceptance, and the importance of literacy for children," said Crupper.

King told the *Journal* last week it's his belief that because the library is a publicly funded Pocatello department, groups with political affiliations or associations should be prohibited from using the library to further their agendas. King stated that he believes that a program involving drag queens reading stories to children promotes LGBTQ ideals, and he associates those values with liberal political ideology.

King also stated that his four-year-old son is impressionable and that he believes that drag queens reading to children will make them more likely to experience gender dysphoria, which involves a conflict between a person's physical or assigned gender and the gender with which he/she/they identify, according to the American Psychiatric Association.

"These drag queens are talking to kids that are just learning gender structures and barriers between boys

and girls, and when they see somebody who just bucks that structure, how confusing is that to them?" King said. "They haven't even learned one plus one is two yet. If it's really about promoting a love of literacy in children, then why the drag? Why the controversy? Mr. Rogers did a fantastic job to promote literacy and self-love wearing a red cardigan sweater and Keds."

King had sought out the Pocatello City Council on February 6 to consider "legislation that is non-discriminate but prevents political, ideological or religious groups from presenting at a public library."

In the meantime, the Marshall Public Library cannot and will not make decisions about who can use the venue based on the content of their usage or event, Marshall Public Library Director Eric Suess told the *Journal*. Moreover, Suess said he must operate within the legal framework of Pocatello code and cannot prevent an oppositional attendance to the planned program on February 15.

"Their speech and rights are protected as much as the people presenting," Suess said. "If they plan to attend the event, it should be done in a way that the children can still enjoy the event, sing songs, make crafts and be read to. I am not going to tolerate any activity that prevents [children] from being able to do that."

Reported in: *Idaho State Journal*, February 13, 2020.

Brownsville, Texas

A petition to end a virtual drag queen story time presented to children at the Brownsville Public Library did not change the city's plan to move forward with the event. Jose Colon-Uvalles, also known as Kween Beatrix, a drag performer and LGBTQ+ activist, worked with the library to present the story time.

The petition, started by Deborah Bell, stated that "We, the undersigned, are appalled that the Brownsville Public Library is, in part, behind the orchestration of the dangerous 'Drag Queen Story Hour' phenomenon which is responsible for corrupting children with perverse notions of human nature.

"And, unwary parents, trusting that the library system would never be used to corrupt their children, are taken by surprise. This is both spiritually and morally dangerous.

"Mindful of all of the above, we are calling on the Brownsville Public Library to STOP all promotion of Drag Queen Story Hours with immediate effect in addition to canceling the story hour scheduled for June 26, 2020."

In a statement, Mayor Trey Mendez stated, "As mayor, I feel it is important to celebrate diversity among all of our citizens, including the LGBTQ community. The City of Brownsville was the first city in the Rio Grande Valley to have an LGBTQ task force, which is a symbol of the commission's goals of being inclusive for all of our citizens. Nobody should be discriminated against and every resident of Brownsville deserves to have an equal voice."

Reported in: KVEO, June 23, 2020/updated June 24, 2020; *Brownsville Herald*, June 23, 2020.

ONLINE RETAILER Seattle, Washington

As a part of its accelerating efforts to remove Nazi and other hate-filled material from its bookstore, Amazon quietly banned Adolf Hitler's manifesto *Mein Kampf* (1925) on March 13, 2020, and then quickly reversed the move. *Mein Kampf* is the foundational text of Nazism. The Houghton Mifflin edition of *Mein Kampf* has been continuously available in the United States since 1943.



According to emails reviewed by the *New York Times*, the retailer told booksellers that had been selling the title, “We cannot offer this book for sale.”

The retailer, which controls the majority of the book market in the United States, is caught between two demands that cannot be reconciled. Amazon is under pressure to keep hate literature off its vast platform at a moment when extremist impulses seem on the rise. But the company does not want to be seen as the arbiter of what people are allowed to read, which is traditionally the hallmark of repressive regimes.

Booksellers that sell on Amazon say the retailer has no coherent philosophy about what it decides to prohibit, and seems largely guided by public complaints. Over the last eighteen months, it has dropped books by Nazis, the Nation of Islam, and the American neo-Nazi David Duke and George Lincoln Rockwell. But it has also allowed many equally offensive books to continue to be sold.

An Amazon spokesperson said in a March 17 statement that the platform provides “customers with access to a variety of viewpoints” and noted that “all retailers make decisions about what selection they choose to offer.”

Reported in: *New York Times*, March 17, 2020.

PRIVATE INDUSTRY National

Thanks to the Comic Book Legal Defense Fund (CBLDF) and their coalition partners, the online marketplace Redbubble reinstated a cartoon by Pulitzer Prize-winning editorial cartoonist Nick Anderson that was previously removed after an unwarranted objection by President Donald Trump’s reelection campaign. CBLDF applauded Redbubble for reinstating the cartoon and urged them to reject

any other attempts by political campaigns to suppress protected speech.

Redbubble restored the cartoon on the morning of May 27, acknowledging that its removal was a mistake in a Tweet: “We’re pleased to say that your artwork has been reinstated. We strive to respect IP rights and freedom of speech, but we sometimes make mistakes, as we did here. We’re sorry for any inconvenience this has caused.”

In a statement to CBLDF, Nick Anderson said,

I am pleased that Redbubble reversed their decision. I applaud them for this and for recognizing that it was an error.

Still, there are some troubling issues raised. The cartoon was removed less than twenty-four hours after I posted it. I hadn’t gotten a single order for it. I doubt anyone had even seen it yet on the Redbubble site. This reveals that the Trump campaign has a system in place, trawling for material they find objectionable. If it happened to me so quickly, it likely has happened to others. How much other content has been removed this way on Redbubble and other sites?

Also, when I received the first notice of the take down, I followed Redbubble’s instructions to protest the decision. I honestly thought the original decision was probably made by some underling, with little knowledge of copyright or trademark law, or perhaps it was even made by a bot without human eyes evaluating it. It took more than a week before Redbubble responded (in contrast to the quick response for removal). I was quite surprised that Redbubble didn’t reverse the decision. In fact, they doubled down and refused to reinstate the work.

It was only after the Comic Book Legal Defense Fund intervened on

my behalf—and the letter written by CBLDF started getting viral attention on social media—that Redbubble reversed their decision. In the end, I recognize that Redbubble did the right thing. But it must be pointed out; the President of the United States is a hypocrite who complains about the “violation” of his free speech on Twitter, then tries to actively suppress the free speech of others. These are actions of an adolescent, wannabe-authoritarian.

“We’re sensitive to the issues companies like Redbubble face in balancing competing rights owner issues, and were alarmed to see the president’s reelection campaign exploiting those issues to suppress protected speech,” said then-CBLDF Executive Director Charles Brownstein. “Our letter articulates the case law in clear terms to help prevent future censorship of this nature. We’re pleased that Redbubble has done the right thing in this case. We hope that they will continue to assert the First Amendment rights they and their sellers are guaranteed by rejecting any similar censorship attempts.”

Reported by: Comic Book Legal Defense Fund, May 27, 2020.

PUBLISHING Washington, DC

On Saturday, June 14, 2020, federal judge Royce Lamberth of the Washington, DC, District Court rejected the Trump administration’s request to block the publication of former national security adviser John Bolton’s new book, *The Room Where It Happened*. However, Bolton may still be facing legal trouble and because of a rush to print, it is possible that his book contains classified information.

In preparation for publishing, Bolton undertook a months-long review of his manuscript with an



official on the National Security Council (NSC). According to the government's complaint against Bolton, in late April, that official, Ellen Knight, concluded "that the manuscript draft did not contain classified information." The government says Bolton abandoned the process after the launch of "an additional review" by another member of the NSC, Michael Ellis. Bolton's attorneys denied that claim, saying he "has fully discharged all duties that the Federal Government may lawfully require of him."

At the time of the Trump administration's attempt to block the release, hundreds of thousands of copies of the book were already out for sale, according to its publisher, and the judge ruled that the administration's efforts had come too late. "The damage is done," he wrote in a ten-page opinion.

"Defendant Bolton has gambled with the national security of the United States. He has exposed his country to harm and himself to civil (and potentially criminal) liability," Judge Lamberth concluded. "But these facts do not control the motion before the Court. The government has failed to establish that an injunction will prevent irreparable harm."

The judge made his distaste for Bolton's conduct clear in his order. He noted that, in opting out of the government's review process, the former national security adviser was likely to run afoul of his nondisclosure agreements with the government.

"Unilateral fast-tracking carried the benefit of publicity and sales, and the cost of substantial risk exposure," Lamberth said.

Bolton still faces the possibility of prosecution and the government's attempts to take back his profits from the book.

The Justice Department had sought a temporary restraining order against

Bolton and his publisher, Simon and Schuster, citing what it called the presence of classified information in Bolton's manuscript. But the book already had been widely reported and was scheduled to be released on June 23.

In a statement shared with NPR on June 14, Simon and Schuster stated, "We are grateful that the Court has vindicated the strong First Amendment protections against censorship and prior restraint of publication [and] we are very pleased that the public will now have the opportunity to read Ambassador Bolton's account of his time as National Security Advisor."

Simon and Schuster previously said the injunction "would accomplish nothing."

The president and other deputies have denied the allegations made in the book and dismissed them as "lies and fake stories."

On June 14, Bolton's legal team said that it welcomed the decision—but took issue with the judge's preliminary finding that Bolton didn't comply with the government's pre-publication review.

Reported in: *Forbes*, June 16, 2020; National Public Radio, June 20, 2020

SCHOOLS Cheyenne, Wyoming

The District Reconsideration Committee of Laramie County School District 1 voted unanimously on January 30, 2020, to retain *Drama* (2012) by Raina Telgemeier, despite a parent's complaint that the inclusion of LGBTQ characters and content made the graphic novel inappropriate for elementary school. In November 2019, a parent at Saddle Ridge Elementary School had argued that the book "takes away parents' rights to teach morals and values [and] praises normalization of the LGBTQ community."

At the original school-level meeting, Saddle Ridge officials decided the book would not be removed from the school library. The parents were told that their own child could be restricted from checking out books with LGBTQ themes. However, the parents were unsatisfied and appealed the decision.

A public hearing was held at the Laramie County Community College on January 30. About seventy-five people attended, with a majority of the speakers in support of keeping the book in school libraries. The District Reconsideration Committee then voted to keep *Drama* in school libraries without restrictions. Committee members stated that this is in accordance with school district policy, the book isn't required reading, and the materials in school libraries should be diverse.

The book follows the character Callie and her middle school production of "Moon Over Mississippi," according to the book description. It contains some sections where a boy expresses his feelings for another boy. *Drama* made the list of the American Library Association's Top Ten Most Challenged Books from 2016 to 2019.

The parent who objected to the book, Josh Covill, said his eight-year-old came to him because *Drama* was confusing and upsetting to her. Covill's daughter picked the book out independently in her classroom library. The book is also available in the school's library. Covill stated that the book "is accessible at an inappropriate time for elementary students, from kindergarten through sixth grade, who have not gone through puberty or who are not yet beginning to identify themselves among their friends, families and peers."

Speaking in favor of the book, Ashlynn Kercher, age fourteen, said, "As students, we live through books."



Even now, as a freshman in high school, anytime I read a book, I think ‘What if that was me, what if I was able to do this.’ In fifth grade, I started to notice I have feelings for other girls. In my head, it didn’t seem right because, in all honesty, I’m a book kid, and every book I read ended up with the prince and the princess.”

She continued, “I saw that there was another gay character, and I thought, ‘Wow, this isn’t abnormal to have. That other people feel this way, too. I’m not just the lone person in the crowd that feels this way only,” she said. “This book gives students an option to see that this isn’t something that’s bad. It shows students that other people experience this, and have to go through coming out, realizing themselves that they are gay, bi, or anyone in the LGBTQ community. It helped me a lot because it helped me realize that I’m not alone in this. I’m not attempting to figure out my own sexuality in a sea of straight people.”

Laramie County Librarian Carey Hartmann told the *Wyoming Tribune Eagle* prior to the meeting that a key element of any library is defending a person’s right to have access to any information that they would like to access. As a librarian developing a collection of materials for the community, they need to know their community very well. The librarian needs to pick materials that represent the perspective of everyone who lives in the community, Hartmann said.

Reported in: *Wyoming Tribune Eagle*, January 31, 2020.

Palmer, Alaska

On Wednesday, May 20, 2020, the Matanuska-Susitna (Mat-Su) Borough School District in Palmer, Alaska rescinded April’s contentious decision to pull five literary classics from English elective reading lists and tabled further discussion until next

year to develop better policies for controversial materials. The original decision in April garnered immediate claims of censorship from parents and community members and was criticized by national media outlets.

The 6-1 vote to rescind the Mat-Su board’s April decision followed a lengthy, emotionally charged discussion. The books in question were:

- *The Great Gatsby* (1925), by F. Scott Fitzgerald
- *Invisible Man* (1952), by Ralph Ellison
- *Catch-22* (1961), by Joseph Heller;
- *The Things They Carried* (1990), by Tim O’Brien
- *I Know Why the Caged Bird Sings* (1969), by Maya Angelou

According to the district’s Office of Instruction, the books were deemed controversial because of content related to sexual references, rape, racial slurs, scenes of violence, and profanity; Angelou’s book, the office said, includes “sexually explicit material such as the sexual abuse the author suffered as a child” as well as “‘anti-white’ messaging.”

The board also removed a learning resource from the *New York Times* from creative writing classes; that was part of the decision overturned on May 20.

According to CNN, Palmer City Council member Sabrena Combs stated that she was pleased with the “small victory” but said she recognized “we have a long road ahead of us to ensure curriculum for our students is to the standard we desire as parents and community members.”

“At this point, I feel the access to important works of literature for students and teachers is being threatened as the majority of the school board wishes to revisit this topic within the next year,” she added. “Our school

board shouldn’t be making curriculum decisions. They should follow public process.”

Residents of the community have said the May vote was no different than banning the books, but board members doubled down on the fact that the books would still be accessible and could still be read by students on their own time. The school board rescinded the decision so members would have time to align their policies with state statute when it comes to parental authority to remove students from school activities—including which books they read. The board won’t address the issue again until May 2021, after policies for parental involvement are retooled.

“The school board did not ban the books, did not preclude their use by teachers and did not remove the books from school libraries,” said member Ryan Ponder, who was the only member to vote against rescinding. “The narrative that has been put out there is not the accurate narrative.”

Seventy-six people, almost entirely parents and guardians, supported the reading materials, according to documents obtained in a records request by the Alaska chapter of the American Civil Liberties Union. Some said they thought the list was too limited and not diverse enough.

Reported in: *Anchorage Daily News*, May 20, 2020; Updated May 21, 2020; CNN, May 21, 2020.

Kirkwood, Missouri

A book that tackles tough topics and contains explicit language will continue to be available to Kirkwood middle school students despite the objection of several parents.

Dashka Slater’s *The 57 Bus* (2017) will remain in the North Kirkwood Middle School library, available for voluntary checkout. The district’s decision follows a parent’s request



to Kirkwood administrators and the board of education for a review and reconsideration of the book in February 2020. The book was then reviewed by a district committee.

The *New York Times* bestseller is the true story of two teenagers and a crime that changed their lives. An incident on a school bus left one of them severely burned and the other charged with two hate crimes, facing life in prison. The book explores gender identity, race, social justice, hope, and healing.

The 57 Bus was one of several books offered to students as an option for a reading assignment in an eighth grade English class at North Kirkwood Middle School. Although the book has received acclaim in young adult literature and won several awards, some parents felt that its mature themes and use of explicit language was inappropriate for middle school students.

Kirkwood parent Courtney Rawlins, who read the book after learning it was an option for an eighth grade English language arts assignment, said she was shocked by the “mature topics, the extensive description of transgenderism and the extremely profane and sexually explicit language.”

“I shared portions of the book with many, many parents and community members (of differing viewpoints) and the resounding consensus was extreme shock and fury that the school would knowingly expose students to this without parental consent,” she said.

The book has been available for checkout at the North Kirkwood Middle School library for the past three years. It is also available in the libraries at Nipher Middle School and Kirkwood High School.

Kirkwood parent Trish Harrison said she believes fear—not explicit language—is driving the push to ban the book.

“Let’s be honest—this book is not being challenged due to language,” Harrison said at the March 9 Kirkwood School Board meeting. “It is a nonfiction story of an African American teen who sets a nonbinary teen’s skirt on fire while riding on the bus,” she continued. “The book deals with heavy issues, but the topic of social justice is a heavy issue. Our kids are dealing with heavy issues every day. What better way to learn to think critically and to deal with those issues than to read about them?”

“Some people are trying to make this about gender identity and LGBTQIA, but it’s not about that,” Natalie Brauch said, another parent who feels that this kind of content is inappropriate for middle school students. “It’s about parents who don’t want a book made available to students who are not old enough to understand or process the content.”

But Harrison believes *The 57 Bus* has many valuable lessons.

“This book is about two families living in the same community who are very, very different from each other . . . but they find a way to forgive, to heal, to have their stories teach each other about inclusivity, empathy, redemption and accountability,” she said. “It would be an injustice to all students and all families who want to have access to this book if it was banned.”

Though Rawlins said the story is compelling and has some positive messages, she said that does not mean the book is appropriate for middle school students.

Kirkwood High School student Lily Frick, however, made the case that middle school is a very appropriate age for the book, telling school board members how much it helped her.

“I read *The 57 Bus* in eighth grade, which was one of the hardest years in

my entire school experience,” Frick said, identifying herself as transgender. “I felt so trapped in my identity . . . I felt completely and totally alone in that struggle for a long time, and books like *The 57 Bus* are incredibly important for that reason.

“It’s a reminder for kids like me that there are other people in your situation that you can relate to, other people that are in just as much pain as you, and that what we experience isn’t something we should be ashamed of,” Frick continued. “I’m here to stand up for what I believe and to defend a kid [such as Sasha in the book] who was like me to make sure that their story is one that can live on in our library so that people who are like I am feel like it’s OK.”

Reported in: *Webster-Kirkwood Times*, March 20, 2020.

COMMUNICATION RECEIVED

The *Journal of Intellectual Freedom and Privacy* has received the following communication from Natale McAneney, the executive director of Fight the New Drug, offered in rebuttal to statements made in “The New Censorship,” first published in vol. 4, no. 4:

“Fight the New Drug is unequivocally pro-sex, non-religious, and research-based. As a nonprofit organization, everything we do aligns with our clear mission.

Mission: *Fight the New Drug is a non-religious and non-legislative organization that exists to provide individuals the opportunity to make an informed decision regarding pornography by raising awareness on its harmful effects using only science, facts, and personal accounts. Source:* <https://fightthenewdrug.org/about/>”