



Nationwide

On June 3, CatholicVote launched a censorship campaign targeting Pride Month displays at public libraries. They called it “Hide the Pride” and instructed those concerned about seeing “rainbow-trans-BLM flags everywhere” to check out all of the titles from their local library’s Pride displays.

CatholicVote also provided a letter template that could be used to protest the representation of lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) individuals in library books.

The template reads, “To protect our children and the community, we have checked out the books in the Pride display. We plan to keep these books checked out until the library agrees to remove the inappropriate content from the shelves. Flags, signs, and book displays based on how adults experience sexual attraction and gender identity have no place in an open and public space for children.”

LGBTQIA+ youth are at significantly disproportionate risk for suicide and homelessness. Libraries create safe spaces where they can see themselves represented in books and media. Targeted censorship campaigns against LGBTQIA+ materials send damaging messages to those who identify as LGBTQIA+.

According to The Trevor Project, the recent wave of anti-LGBTQIA+ legislation and censorship are having a deleterious effect. They said their volume of crisis line calls has continued to increase since the fall of 2021.

CatholicVote is a conservative Catholic organization based in Madison, Wisconsin. They consist of an advocacy group, a 501(c)(3), and a political action committee (PAC) that funneled over \$875,000 into supporting conservative candidates in the 2020 election cycle.

The instructions and the letter template CatholicVote distributed in their “Hide the Pride” campaign were employed nationwide in efforts to limit readers’ access to LGBTQIA+ titles.

The campaign resonated with a larger movement opposed to LGBTQIA+ representation in school and public libraries led by organizations like Moms for Liberty and No Left Turn in Education. It is within this context that the reference to Black Lives Matter as part of an anti-Pride campaign makes sense, as those organizations are also working to target books on race, racism, and the lived experiences of those who identify as Black, indigenous, or persons of color.

Reported in: CatholicVote, June 3, 2022; INTO, June 8, 2022; Los Angeles Blade, June 8, 2022.

On July 1, ten laws targeting lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) individuals in schools went into effect in six states.

The laws include restrictions on the sports teams that transgender athletes can compete on in Indiana, South Dakota, Tennessee, and Utah. Florida and Alabama banned classroom discussions of gender and sexuality. Alabama’s new legal landscape also prohibits transgender students from using bathrooms, locker rooms, and other such facilities that do not align with the gender they were assigned at birth.

Sam Ames, director of advocacy and governmental affairs at the Trevor Project, said these bills only serve to harm a vulnerable population of the student body that is prone to discrimination and was already disadvantaged by a lack of institutional and familial support.

LGBTQIA+ students have higher rates of depression and suicide and civil rights advocates are concerned these laws will have a devastating impact on their mental health. There is also

confusion among school administrators around how most of the laws will be enforced.

South Dakota’s law will be enforced through the actions of private citizens, whom it empowers to sue schools and school districts they believe are not complying with the law. This approach helps shield the state from potential litigation involving Equal Rights Amendment and Title IX violations. This peculiar style of vigilante-enforced state law was pioneered by the state of Texas in 2021 with their six-week abortion ban.

Reported in: The Washington Post, July 8, 2022.

On July 15, Moms for Liberty held their first national conference, drawing around 500 people to a waterfront hotel in Tampa, Florida. The conservative activist group which was started in 2021 by two former school board members has grown to roughly 100,000 members and has chapters in 43 states.

Membership in Moms for Liberty grants access to monthly training sessions with organizational leadership and private webinars with GOP lawmakers and conservative activists.

While Moms for Liberty initially focused on protesting school mask policies and COVID-19 mitigation efforts, they soon shifted to organizing efforts to challenge and ban books from school libraries and oppose the teaching of critical race theory (*see: Journal of Intellectual Freedom and Privacy, v.6 iss.3: For the Record: Nationwide*).

The group has primarily targeted books with characters who identify as lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) and those that deal with race and racism. These include memoirs by members of marginalized communities and picture books about pivotal historical figures like Martin Luther King, Jr., and Ruby Bridges.



Critics of Moms for Liberty have said they are rolling back social progress, sowing division, and driving educators and librarians from the profession. “They’ve turned our schools into political battlegrounds,” said Angela Wynn, co-founder of Support Our Schools.

Exhibitors at the conference included Turning Point USA, The Leadership Institute, Heritage Action for America, and Liberty University, in addition to stalls selling Moms for Liberty apparel.

Sessions included a panel on how to lobby state lawmakers for legislation similar to Florida’s Parental Rights in Education Act, commonly known as the “Don’t Say Gay” law (*see: Journal of Intellectual Freedom and Privacy, v.7 iss.2: For the Record: Florida*).

Speakers included former President Donald Trump’s cabinet members Betsy DeVos and Ben Carson, Florida Governor Ron DeSantis, and state senator Rick Scott. Many spoke disparagingly of social-emotional learning, anti-bullying efforts, and school mental health programs, referring to them as communist ideas and forms of indoctrination.

Before his speech, Moms for Liberty founders Tiffany Justice and Tina Descovich presented DeSantis with the “liberty sword.”

DeSantis said the most important elections to focus on were school board elections. He said that “these positions have a significant impact on families’ lives in a way that some other offices may not be able to. . . And I know that this group has gotten it.”

Moms for Liberty has endorsed roughly 270 school board candidates nationwide. Executive director of program development Marie Rogerson said, “They’re coming to us for our endorsement . . . They know the moms are out talking to people and making an impact and they want that on their side.”

Paulina Testerman, another co-founder of Support Our Schools, said that school board candidates with opposing values are frightened of participating in the sorts of hostile board confrontations that are Moms for Liberty members’ forte. “They’re chasing off great candidates because of the chaos they are creating,” said Testerman.

Jonathan Collins, a public affairs professor at Brown University, said that there hasn’t been this much conflict affecting school districts since racial desegregation.

Florida political analyst Susan McManus said, “Every radio and television station is talking about school board races. We’ve never seen that.”

Justice said that “hundreds and hundreds” of their members were running for school board positions nationwide.

Reported in: NBC News, July 17, 2022; Business Insider, July 18, 2022; WFTS, July 20, 2022; Newsweek, November 3, 2022.

Connecticut

On May 10, Governor Ned Lamont signed SB 6 into law, making Connecticut the fifth state with an omnibus data privacy law. It is scheduled to go into effect on July 1, 2023.

Following the mold of those who came before it, Connecticut’s law applies to those who control or process personal data of at least either 100,000 consumers (excluding data processed solely for purposes of transacting payments) or 25,000 consumers if they derived more than 25% of their gross revenue from selling personal data.

The act protects both personally identifiable information and sensitive data, including race, ethnicity, religion, mental or physical health, sexual orientation, citizenship, immigration status, identifying biometric or genetic data, and precise geolocation data.

The law grants consumers the right to correct inaccuracies in their personal data, delete their personal data, and obtain a copy of their personal data in a form that is portable and easily transferable. The law also grants consumers the right to opt out of the use of their personal data for targeting advertising, sale, or “profiling in furtherance of solely automated decisions that produce legal or similarly significant effects” for the consumer.

The law also places a number of restrictions on data controllers, including minimizing data collected, avoiding secondary use without the consumer’s consent, taking reasonable measures to maintain data security and protect consumer confidentiality, processing sensitive data without consent, and providing “reasonably accessible, clear, and meaningful privacy notices” to consumers.

The Connecticut attorney general has the exclusive authority to enforce violations of the privacy act.

Reported in: JD Supra, May 5, 2022.

Florida

The Florida Department of Education’s rejection of 54 math textbooks under recently passed legislation restricting instructional material and school library books, inspired activist Chaz Stevens to target the Bible using the same law.

As of April 27, Stevens had filed requests for the reconsideration of the Bible in 63 school districts, citing HB 1467 as grounds for its removal.

On the request forms, he highlighted its depictions of bestiality, cannibalism, “eye-popping passages of babies being smashed against the rocks,” and its “strong pro-slavery position.” The requests also include the question, “Do we really want to teach our youth about drunken orgies?”

While many will view Stevens’ efforts as amounting to nothing more



than a political prank, legal scholars believe they may have real world impact.

“This stunt is going to illuminate,” said University of Dayton Law School professor Erica Goldberg. “Many of our First Amendment rights get meted out by edge cases or by people looking to make statements.”

HB 1467 bans texts that are “pornographic,” “not suited to student needs,” or which are not age-appropriate from school libraries, classrooms, and reading lists.

Goldberg said that the Bible is rife with murder, torture, rape, incest, dismemberment, and is at least as sexually explicit as books which have been challenged and removed from school libraries.

Catherine Ross, a law professor at George Washington University, said the law as it applies to curriculum is on solid footing. However, its constitutionality with regards to school libraries is far more dubious.

Ross points to the plurality decision in the Supreme Court case *Island Trees Board of Education v. Pico*, 457 U.S. 853 (1982), “that local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’”

In Florida and across the nation, book challenges and bans have disproportionately been targeting works about the lived experiences of individuals who identify as lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+), and/or as Black, indigenous, or people of color.

According to Goldberg, Stevens’s requests may result in school boards engaging in “viewpoint discrimination” if they remove some materials meeting certain criteria and not others.

Stevens said that he has received notification from two of the districts he petitioned to remove the Bible that his requests were rejected because he did not reside within the district. Stevens is recruiting people throughout the state to aid him on his quest.

(See: Journal of Intellectual Freedom and Privacy, v.7 iss.2: *For the Record: Florida*)

Reported in: *The Washington Post*, April 28, 2022.

On May 16, governor Ron DeSantis signed a bill making it a second-degree misdemeanor to picket or protest outside of a private residence. Those who violate the law may face up to 60 days in jail and a \$500 fine.

DeSantis said the law was intended to prevent protests in Florida like those that took place outside of US Supreme Court justices’ homes in Washington, DC, after an opinion draft indicating the Court would overturn *Roe v. Wade* was published.

Those opposed to the law argued that it violates First Amendment rights to assemble and speak freely.

Francesca Menes, co-founder of the Black Collective, a Florida-based social justice organization, said in a statement that “The right to peaceful protest is a bedrock American principle that should never be undermined.”

Menes said that Black communities have used the freedom to assemble “to bring about meaningful change for generations.” She added that the new law “builds on the unconstitutional foundations of the anti-protest bill last year and only reaffirms our will to make sure our voices are heard in order to create a brighter future for the people of our state.”

Reported in: *The Washington Post*, May 17, 2022.

Missouri

On June 30, Governor Michael Parson signed SB 775 into law with an effective date of August 28, 2022. The new law makes it a class A misdemeanor for someone affiliated with a public or private school to provide sexually explicit material to students while acting in their official capacity. Violating it is punishable by up to a year in jail and/or a \$2,000 fine.

The Comic Book Legal Defense Fund (CBLDF), stated that “the main issue [with the law] is that it criminalizes protected speech. In this case, graphic novels that would otherwise be protected.

Explicit sexual material is defined in the bill as “any pictorial, three-dimensional, or visual depiction, including any photography, film, video, picture, or computer-generated image, showing human masturbation, deviant sexual intercourse . . . sexual intercourse, direct physical stimulation of genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals.”

The bill includes the proviso “that works of art, when taken as a whole, that have serious artistic significance, or works of anthropological significance, or materials used in science courses, including but not limited to materials used in biology, anatomy, physiology, and sexual education classes shall not be deemed to be within the foregoing definition.”

Nonetheless, in the wake of the bills passing, schools across the state began removing graphic novels from the shelves and withdrawing them from their collections to avoid potential criminal prosecution.

In their analysis of the bill, CBLDF determined that “it is in place solely to intimidate and control the material in the school system. It is unlikely legislators believe this will ever be tested in court. It diminishes our freedoms, cuts



off access to materials for those who need it, and sows fear among school districts.”

State senator Rick Brattin, one of the state senators who authored the bill, implied that this sort of fear-driven censorship was its intent.

“Every single person in the school district is potentially liable,” said state senator Rick Brattin, who helped author the bill. “It will be school boards. It’ll be teachers. It’ll be everyone having to comb through to make sure that they’re not presenting this to kids.”

He cited three books as examples of those he considers “pornographic” and in need of removal: *Gender Queer: A Memoir* by Maia Kobabe, *Fun Home: A Family Tragicomic* by Alison Bechdel, and *Dead End* by Jason Myers.

CBLDF expressed concerns that the bill would be used to target materials representing the lived experiences of those who identify as lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+). Two of the three titles mentioned by Brattin are memoirs by LGBTQIA+ authors.

Brattin also said he’d initially wanted the bill to be more encompassing and target written as well as pictorial depictions, but legislators ultimately formed consensus on targeting visual material.

The impact of that decision was almost immediately evident. Even before the bill went into effect, schools began withdrawing graphic novel adaptations of novels such as *The Handmaid’s Tale*, *American Gods*, and *1984* while retaining the original versions.

On August 9, the Missouri Association of School Librarians (MASL) released a statement encouraging all school librarians to become familiar with the language of SB 775 and reaffirming their commitment to the American Library Association’s (ALA) Freedom to Read statement and the Library Bill of Rights.

MASL urged any school librarian who faces a book challenge to contact their Intellectual Freedom Committee and ALA’s Office for Intellectual Freedom. Their statement also stressed the importance of thoughtfully-crafted and board-approved selection and reconsideration policies in place.

Reported in: Missouri Association of School Librarians, August 9, 2022; KSDK, August 15, 2022; Comic Book Legal Defense Fund, September 30, 2022, and October 7, 2022.

Texas

When Texas A&M University reorganized its library system this spring, 28 librarians lost their tenure or tenure-track status. The change came as state legislators were threatening tenure generally and libraries specifically (see: *Journal of Intellectual Freedom and Privacy, v.7 iss.2: For the Record: Texas, and v.6 iss.4: For the Record: Texas*).

The official change followed meetings between university administrators and librarians from January through April. Associate vice president Kelly Brown said, “This effort is meant to streamline and merge the libraries to update and simplify operations.”

Librarians who wanted to maintain their tenure/tenure-track status were required to find new departments to work in. According to interim dean of university libraries Julie Mosbo Ballastro, not all faculty were accepted into new departments.

Going forwards, faculty librarians will work at most 70% of their time in university libraries.

Of the 77 library staff who held tenure or tenure-track positions, 24 found new departments; 28 gave up their tenure status so they could continue to work in university libraries full-time.

Reported in: *Houston Chronicle*, May 24, 2022.

Osprey, Florida

Zander Moricz, the openly gay president of his graduating class at Pine View School, is a plaintiff against the state of Florida over the Parental Rights in Education Act commonly known as the “Don’t Say Gay” law. (See: *Journal of Intellectual Freedom and Privacy, v.7 iss.2: For the Record: Florida*).

Two weeks before he delivered his graduation speech, Moricz was instructed by his principal not to refer to “my activism or role as a plaintiff in the lawsuit, school administration had a signal to cut off my microphone.”

Moricz said it was dehumanizing to be stripped of the words and language he identifies with, but he was undeterred. “I had to find a way to be clever to discuss who I was.” In a moment of inspiration, he landed on the idea of referring to his curly hair instead of his sexual identity.

“As you know, I have curly hair,” said Moricz. “There are going to be so many kids with curly hair who need a community like Pine View and they will not have one. Instead, they’ll try to fix themselves so that they can exist in Florida’s humid climate.”

Pine View School approved Moricz’s use of euphemism prior to the delivery of his speech.

Moricz began studying government at Harvard University in the fall.

Reported in: ABC News, May 23, 2022.

Seminole County, Florida

On May 9, students of the Lyman High School were supposed to receive their yearbooks, but the school canceled their distribution because they included photos of students protesting the Parental Rights in Education Act commonly known as the “Don’t Say Gay” law. (See: *Journal of Intellectual Freedom and Privacy, v.7 iss.2: For the Record: Florida*).

Principal Michael Hunter issued a statement indicating that “the pictures



and descriptions that depicted this event did not meet school board policy.” Hunter explained, “we have elected to cover the material that is out of compliance . . . so that yearbooks can be distributed as soon as possible.”

The photos that needed to be covered included students holding rainbow flags and a “love is love” sign.

Students almost immediately began a social media campaign called “stop the stickers” to protest the censorship.

On May 10, the school board voted unanimously not to cover over the yearbook images, and students celebrated this as a victory.

When the yearbooks were distributed on May 13, they included stickers bearing this disclaimer: “The events of the student walkout on March 3, 2022, as depicted on this page, were not school or SCPS District initiated, endorsed, or sponsored. The captions, voiced by students, documents the student-led protest in response to HB 1557, Parental Rights in Education.”

Additionally, quotation marks were added around a photo caption that read “showing love is love and being gay is okay,” and a teacher’s name was removed from another caption.

Reported in: WESH, May 9, 2022, and May 13, 2022.

Forest Hills, Ohio

On June 21, the Forest Hills school board voted 3-2 to pass a resolution banning critical race theory, intersectionality, gender identity, sexuality, and anti-racism curriculum from student instruction and staff training.

The resolution was a late addition to the meeting agenda. During the public comments section of the meeting, 23 people spoke in opposition to the resolution and only 1 spoke in support of it. Those who opposed it said it would silence students of color and foster intolerance.

Social studies teacher Stacey Bailey said the resolution “will sweep vulnerable students into the shadows” and “it will make some of those who are starting to like themselves, like themselves a little bit less.”

Sophomore C.J. Hastings put it more bluntly, stating “What is the opposite of anti-racism curriculum? Racism curriculum.”

Others expressed concerns that the resolution gave the board too much control over curriculum and classroom discussion.

On June 24, two lawyers sent a letter to the board threatening legal action if they did not rescind the resolution. Nicole and Kelly Lundrigan are both parents in the district. In their letter, they wrote, “We will not sit idly by while you trample the Constitutional rights of students and teachers and destroy this school system.”

They held the resolution is “vague and overbroad” and that it is “race-conscious and race-based on its face, subjecting it to strict scrutiny under the Fourteenth Amendment, which it will not pass.”

The Lundrigans also wrote that the resolution “promotes racism by prohibiting curriculum which teaches that racism is illegal as well as morally wrong, and has no legitimate place in any public school classroom in the United States.”

On June 29, seven parents and six students of the Forest Hills School District filed a federal lawsuit against the district’s board of education. One of the parents is also a district teacher.

The lawsuit alleges that the resolution is an “unconstitutional race-based and content-based restriction which violates the First and Fourteenth Amendments.” It also holds that the resolution’s “vague, overbroad, race-based and viewpoint discriminatory provisions impermissibly invade upon, among other things, students’ First

Amendment right to receive information and free speech, educators’ First Amendment right of free speech and academic freedom, and the Equal Protection clause.”

The plaintiffs request that the court declare the resolution is unconstitutional and bar it from being enforced.

Reported in: Cincinnati Enquirer, June 22, 2022, and June 27, 2022; WVXU, June 29, 2022.

Oklahoma City, Oklahoma

On July 18, staff of the Metropolitan Library System were told by administrators that they cannot help patrons seeking information about abortion services or face jail time and a \$10,000 fine.

Staff were also informed that the library’s internet filtering software would be used to prevent patrons from using library computers to access information about abortion.

A copy of the email that was sent to staff was shared on July 19 in a now-deleted Reddit post.

This rollout of this policy followed the passage of Oklahoma SB 1503, a near total abortion ban, “enforced exclusively through a private civil action.” Both SB 1503 and HB 4327, another near-total abortion ban, were signed by Governor J. Kevin Stitt in May.

They were allowed to go into effect when the June 24 decision in *Dobbs v. Jackson Women’s Health Organization* overturned *Roe v. Wade*.

(See: this issue: *From the Bench: Supreme Court*).

Reported in: Office for Intellectual Freedom Challenge Reports.

Bedford County, Virginia

On July 20, in the wake of a recent spate of book challenges from members of Moms for Liberty, Bedford County Public Schools (BCPS) announced that parents will receive automatic



notifications of every book their children check out from school libraries starting in the fall semester.

Such incursions on readers' privacy run contrary to the principles of intellectual freedom. The American Library Association (ALA) affirms that library users of all ages have a right to privacy and that students should be able to read and borrow library materials free from scrutiny.

ALA's website states that "Privacy is essential for free inquiry because it

enables library users to select, access, and consider information and ideas without fear of embarrassment, judgment, punishment, or ostracism." It notes that the possibility of surveillance undermines a democratic society.

BCPS also announced that lists of secondary classroom texts will now be included as part of teachers' syllabi. Finally, the district's form to request reconsideration of instructional material was updated to make it "more user-friendly."

All of the books that were challenged at BCPS in 2021 and 2022 were retained. This prompted veiled threats and accusations of bias from state representative Marcus Hill.

(See: *Journal of Intellectual Freedom and Privacy*, v.7 iss.1: *Success Stories: Schools: Bedford, Virginia*).

Reported in: Office for Intellectual Freedom challenge report; *The Lynchburg News & Advance*, July 20, 2022.