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An audience waits
for a theater
production to begin.

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ONLY WITH THIS STRONG SENSE OF PROFESSIONAL ETHICS AND PURPOSE CAN SCHOOL LIBRARIANS NAVIGATE THEIR COMPLEX ENVIRONMENTS, CONTINUALLY AND UNAPOLOGETICALLY ADVOCATING FOR STUDENTS’ RIGHT TO READ AND INTELLECTUAL FREEDOM.”

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FALL 2021 _ ABOUT THE COVER



Cover credit: Adobe Stock / Andrey Lapshin

 Our feature peer-reviewed article focuses on the perspectives of school librarians regarding the book *Drama* by Raina Telgemeier. This book, written for ages ten and up, features middle schoolers trying to produce a play; some people feel that a brief kiss between two boys makes this book controversial. Indeed, in this issue's article, most respondents display some hesitancy toward selecting the book for their school.

On the front cover, we see an audience waiting for a dramatic production to begin on stage. This symbolizes both the play that is the center of *Drama* and the anticipation students might feel about being able to read this book.

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Should Public Libraries be “Safe Spaces”?

Author _ Adam Szetela (as4222@cornell.edu), Cornell University

This article looks at debates about meeting room spaces and related issues. It argues that public libraries should not deny services to patrons based on their political viewpoints.

For years, the Foundation for Individuals Rights in Education (FIRE) has kept a database of disinvitation attempts at colleges and universities in the United States. A disinvitation attempt occurs when members of a campus community demand that an invited speaker not be allowed to speak. It also occurs when members prevent a speaker from speaking. Crucially, the database does not include protests against speakers. For example, if students stood outside of their auditorium with an “Erik Prince is a Murderer” sign, they would not be included. If these same students piled chairs onto the stage where Prince was supposed to speak, they would be included. From Prince to Mike Pence and Ben Shapiro, the number of disinvitation attempts has increased in the past few years.

At the same time, right wing pundits and politicians draw attention to these attempts. For example, *Tucker Carlson Tonight*, *Hannity*, and other television shows devote segments to liberals who try to prevent conservatives from speaking and teaching on campus. Likewise, former President Trump and other politicians want to discontinue funding for higher education. As Trump explains, “if [institutions of higher education] want our dollars and we give them by the billions, they’ve got to allow people to speak” (quoted in Moses 2019). At the state level, a number of legislators, especially those associated with the Goldwater Institute, threaten to cut funding to colleges and universities that violate the First Amendment. In short, the right has used the disinvitation era to further

a decades-long project to defund higher education in the United States.

The effects of this outrage industrial complex—in which the right uses liberal outrage against individuals to fuel conservative outrage against public institutions—is apparent in a recent report published by the Pew Research Center (2019). According to the report, Republicans’ views of colleges and universities were consistent from 2012 to 2015. Yet their views declined from 2015 on. During this period, the share of Republicans and independents who lean Republican who feel colleges and universities have a negative effect on the country rose from 37 percent to 59 percent. Three-quarters of these respondents said a major reason higher education is going in the wrong



direction is because there is “too much concern about protecting students from views they might find offensive.” Even if one retains an argument for protecting individuals from the purported harm of hearing viewpoints they dislike, there seems to be no argument if the goal is to build bipartisan support for higher education.

In this context, it is disheartening to see librarians follow the lead of liberals on campus. As public institutions, public libraries depend on public funds. They also have to adhere to the First Amendment. Yet many librarians want to turn public libraries into “safe spaces.” That is, spaces safe from the conservative viewpoints they dislike. For example, *American Libraries*—the flagship magazine of the American Library Association (ALA)—recently published an article titled “When Speech Isn’t Free.” In the article, librarian Meredith Farkas (2020) argues that “hate speech inhibits free speech because it effectively prevents others from speaking.” According to Farkas, librarians must create environments where everyone has “psychological safety.” In other words, these should be environments where organizations such as the Women’s Liberation Front (WoLF), an organization that denies the existence of transgender people, are not allowed to meet. Indeed, Farkas disagrees with the librarians at Seattle Public Library who allowed this organization to use one of their public meeting rooms in 2020.

The *American Libraries* article is just one of many shots fired in the ongoing battle to redefine the role of public libraries in the United States. Of note, the ALA came under fire in 2018 when it explained to its members that libraries “cannot exclude religious, social, civic, partisan political, or hate groups from discussing their activities in the same facilities.” This provoked a liberal backlash, in which their statement was described as “milquetoast hands-off garbage centrism” (Vachoff quoted in Schaub 2018). In response to this criticism, James LaRue, director of ALA’s Office for Intellectual Freedom, had to remind librarians of the laws that circumscribe their profession. “A publicly funded library is not obligated to provide meeting room space to the public, but, if it chooses to do so, under law cannot discriminate or deny access based upon the viewpoint of speakers or the content of their speech.” The librarians at Seattle Public Library took the same position after they consulted legal experts.

Some of the liberals who want to restrict access to public libraries are right. For starters, trans people, people of color, and other people with historically marginalized identities have faced and continue to face intolerance and discrimination within public institutions. At a moment when outreach remains a central project within public

libraries, it will be harder to reach out to those individuals who do not feel welcome. Certainly, it is easier to present the library as a place for everyone when WoLF, the Proud Boys, or Klansmen are not holding a meeting down the hall. In plain English, the free speech absolutist position stands to disproportionately marginalize library patrons who are already marginalized in other areas of public life.

However, all patrons have a legal right to be wrong. More to the point, much of what Farkas and other librarians call “hate speech” is speech shared by mainstream conservatives, liberals, and moderates. For example, when *New York Times* bestselling author Ben Shapiro (2017) says “the idea that sex or gender are malleable is not true,” his views are right in line with WoLF and a significant portion of the American public. In the same vein, *New York Times* bestselling author Chimamanda Ngozi Adichi and other liberals have their own controversial viewpoints about trans people. Like Nadine Strossen (2020), the former president of the American Civil Liberties Union, I think that the best response to bad speech is better speech—not censorship. At a moment when the coronavirus pandemic continues to push through some of the most regressive public budgets in decades, and widespread polarization continues to erode support for public institutions, I also think that it is the response best suited to secure the broad, bipartisan support that public libraries depend upon.

These points aside, if librarians are able to restrict the rights of Americans who share the views of everyone from Shapiro to Adichi and former President Trump—whose repugnant views of LGBTQ people could not be clearer—out of concerns for “psychological safety,” it is not irrational to believe that some librarians will then want to restrict access to their books. As Keith E. Whittington (2018) reflects in *Speak Freely: Why Universities Must Defend Free Speech*, “if students should not be exposed to Ann Coulter or Charles Murray in a campus auditorium, there seems to be no more reason why they should be exposed to their books in the [campus] library” (92). Likewise, if public librarians do not believe their patrons should be exposed to these people in a library meeting room, there seems to be no more reason why they should be exposed to their books in a public library. In fact, one [public library employee](#) was recently fired for removing and then burning books by conservative authors, including Ann Coulter (Associated Press 2020). Allegedly, he was just “weeding.” But, as a general rule, libraries do not weed recent *New York Times* bestsellers.

Ultimately, if librarians want to create more inclusive spaces, they should not exclude the patrons with whom they disagree. They certainly should not remove books



that they dislike. As an alternative to censorship, they should stand behind the Library Bill of Rights. Adopted in 1939, this bill affirms that meeting rooms should be available “regardless of the beliefs or affiliations of individuals or groups requesting their use,” at the same time “materials should not be proscribed or removed because of partisan or doctrinal disapproval” (American Library Association 2021).

That said, librarians should also promote programs that support those who face discrimination. For example, some librarians invite drag queens to their libraries to lead Drag Queen Story Hour (2020). These events provide “glamorous, positive, and unabashedly queer role models” to children. To be sure, these story times often provoke calls for censorship from conservative patrons and legislators. For example, a recent Minnesota bill proposed to defund libraries by 100 percent if they allowed Drag Queen Story Hour (Gruenhagen et al. 2020). Another [bill](#) in Missouri proposed to jail librarians for allowing minors to access “[age-inappropriate](#)” material dealing with sexuality (Baker 2020; Kaur 2020). Last month, Indiana senator Jim Tomes promoted his own bill to jail public librarians who circulate “[harmful](#)” material (Shrum 2021).

The failure of all three bills illustrates the effectiveness of petitions, letter writing campaigns, and other forms of counter speech. It also reiterates the need to oppose all forms of censorship in public libraries. To put the matter bluntly, if progressive librarians promote a culture where patrons can be denied services because of their beliefs, it is not improbable that this will have a backfire effect. Just as many campus speech policies, social media speech policies, and European “hate speech” laws were instituted to protect historically marginalized people, many of these policies and laws were then used to target these

same people. The targeted include antiracists, feminists, and LGBTQIA+ activists. In a culture of censorship, the power to censor belongs to whoever happens to be in power at any given moment.

Bills, policies, and laws aside, we have already seen versions of this in the de facto decisions of individual libraries. Earlier this year, the Seymour branch of the Jackson County Public Library in Indiana permanently banned a sixty-eight-year-old patron, who cannot afford internet access, because he left an anti-Trump poem in a basket on the circulation desk. The poem was meant for one of his friends who is an employee. Apparently, another employee found it. When asked about the decision to ban this senior citizen for life, the circulation manager responded, “we don’t do politics at the library” (quoted in Caplan 2021). Whereas some public librarians have little tolerance for the political views of WoLF, other librarians have little tolerance for the political views of liberals. In both cases, people might rightfully wonder why their tax dollars support what looks like just another partisan institution.

As a library patron who has lived in red states, the last thing I want to do is promote a culture where patrons can be denied public services because of their views. As a library patron who now lives in a blue state, my position has not changed. I hope that those who value both intellectual freedom and the rights of patrons will agree. Given the failed attempts to censor German Nazis in the 1920s and 1930s (Strossen 2020, 136), and the publicity that these attempts gave their ascendant movement, I really hope that librarians, activists, and other people committed to a more just world will agree. To reiterate the argument one last time, the best way to resist bad speech is with better speech—not censorship.

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Nominations Invited for Annual Downs Intellectual Freedom Award

The School of Information Sciences at the University of Illinois Urbana-Champaign seeks nominations for the 2021 Robert B. Downs Intellectual Freedom Award. The deadline for nominations is March 15, 2022. The award is [cosponsored by SAGE Publishing](#).

Given annually, the award acknowledges individuals or groups who have furthered the cause of intellectual freedom, particularly as it impacts libraries and information centers and the dissemination of ideas. Granted to those who have resisted censorship or efforts to abridge the freedom of individuals to read or view materials of their choice or to hear or express ideas, the award may be in recognition of a particular action or a long-term interest in and dedication to the cause of intellectual freedom.

The [Downs Award](#) was established in 1969 by the iSchool's faculty to honor Dean Emeritus Robert B. Downs, a champion of intellectual freedom, on the occasion of his twenty-fifth anniversary as director of the School.

Previous winners have included Amy Dodson (2020), former director of the Douglas County Public Library, Nevada, for supporting equity, diversity, and inclusion as part of the library's mission and service; the Education Justice Project (2019) for its defense of the First

Amendment rights of incarcerated individuals; the Iowa Library Association (2018) for taking a leadership role in several highly visible challenges to intellectual freedom; and the Kansas City Public Library (2017) for its defense of a library patron's First Amendment rights.

SAGE Publishing provides an honorarium to the Downs Intellectual Freedom Award recipient and cohosts the reception held in honor of the recipient. The reception and award ceremony for the 2021 recipient will take place in June 2022 at the American Library Association Annual Conference.

Letters of nomination and documentation about the nominee should be sent by March 15, 2022, to Associate Professor Terry Weech, chair of the Nominations Selection Committee, either by email at weech@illinois.edu with a copy to ischool-dean@illinois.edu, or in paper form to:

Terry Weech, Downs Award Chair
 School of Information Sciences
 University of Illinois Urbana-Champaign
 501 East Daniel Street
 Champaign, IL 61820

Please email any questions to Associate Professor Terry Weech.



“Stepping on Eggshells” and Dodging that “Can of Worms”

Discussions of *Drama* Illuminate Selection Practices of North Carolina School Librarians

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Researchers conducted in-depth interviews with three elementary and two middle school librarians in North Carolina about their perception of and experiences with Raina Telgemeier’s graphic novel Drama, including whether or not they had decided to add this popular but controversial novel to their collections. Drama, appropriate for children ages ten and up, tells the story of a group of friends putting on a school play while navigating the world of friendships and romantic crushes. The friends discuss sexual orientation, and the novel includes a scene in which two boys share a brief kiss on stage in the production. Because of this LGBTQIA+ content, the novel has become a favorite target of censors, with many libraries reporting complaints and challenges to the content of this volume. As librarians discussed their experiences with Drama, researchers discovered that, to some degree, each of the interviewees attempted to create “safe” collections, though what was meant was different in each case. These efforts can be partly attributed to the pervasive narratives of anxiety and loss that they associate with the procurement of potentially controversial items.

Raina Telgemeier’s graphic novel *Drama* (2012) was published to much critical fanfare; the book received starred reviews from professional review publications such as *Publishers Weekly*, *Kirkus*, *Booklist*, and *School Library Journal*, was nominated for a Harvey Award, selected as a Stonewall Honor book for exceptional merit relating to the LGBTQIA+ experience, and featured on numerous “best of” and suggested reading lists (Comic Book Legal Defense Fund n.d.). Unsurprisingly, readers—particularly fans of Telgemeier’s 2010 graphic novel *Smile*—quickly flocked to this new title.



Drama was followed by *Sisters* (2014), with all three graphic novels addressing interpersonal issues and relationships relevant to upper elementary school children and middle school students. According to Telgemeier's publisher Scholastic, as well as most professional review sources, *Smile* and *Sisters* are appropriate for a slightly younger audience than *Drama*. Writing for *Library Media Connection*, Wendorf (2013) explained that what separates *Drama* from the other titles is its "unrequited crushes, complex relationships, kissing scenes, and resulting social drama" (Wendorf 2013, 83). The review of *Drama* in *Booklist* locates the more mature content not in the relationship complications, but specifically in the fact that *Drama* "address[es] issues such as homosexuality," stating that this makes the novel more "teen oriented than Telgemeier's elementary-school-friendly *Smile*" (Wildsmith 2012).

Drama revolves around middle schooler Callie, who is the set designer for her school's dramatic production of *Moon over Mississippi*. According to Scholastic's blurb, Callie is "determined to create a set worthy of Broadway on a middle-school budget," but she "doesn't know much about carpentry, ticket sales are down, and the crew members are having trouble working together." As they work on the production, characters are experiencing romantic crushes, and several are thinking and talking about whether they are gay. In one scene, two boys share a brief kiss on stage. In sum, *Drama* presents a world in which middle schoolers are working out big questions about identity in a supportive peer group.

As perhaps foreshadowed by the review in *Booklist*, the novel's engagement with LGBTQIA+ themes has landed it on multiple banned and challenged lists. Writing a spotlight piece on *Drama* for the Banned Books Week website, Betsy Gomez (2018) observed, "*Drama* has been on the hit lists of a number of would-be censors, who claim the book is offensive because it includes LGBTQ characters. *Drama* held the #3 spot on ALA's [American Library Association's] top ten challenged books list in 2017, and it also had the dubious honor of appearing on the 2016 list for offensive political viewpoint and the 2014 list for being sexually explicit." Complaints have continued to flow into schools and libraries, most frequently expressing opposition to the "LGBTQ+ content" and "concerns [that] it goes against family values/morals" (Comic Book Legal Defense Fund 2020). In fact, 2019 marked the fifth year that *Drama* made the American Library Association's Office for Intellectual Freedom's annual challenged and banned book list (Comic Book Legal Defense Fund 2020).

With professional sources in agreement that *Drama*'s target audience is children ages ten years old or in grade

five and up, the title is appropriate not only for a middle school audience, but for upper-level elementary school students as well. Because librarians need to serve a group of learners diverse in reading ability as well as gender and ethnicity (Kimmel 2014), they must collect material appropriate for a slightly wider age range than that of their student body, and this is further justification for elementary schools to purchase the title. However, the book's consistent presence on banned and challenged book lists and its resulting reputation for controversy can complicate what would otherwise be an easy collection decision based on the popularity of Telgemeier's other, similar titles. Therefore, using this controversial title as an entry point for conversation, a great deal about the priorities, perspectives, and working environments of school librarians in the United States can be learned.

Literature Review

Collection of LGBTQIA+ Resources in Libraries

Peltz (2005) discussed the dual origins and functions of public school libraries in the United States; they exist as both extensions of the curriculum and as a place for "extracurricular learning based upon the principle of voluntary inquiry." He explained,

If the library is to continue as a place for students to engage in the sort of self-fulfillment or self-discovery that is the very objective of free expression as a natural-law right, then the freedom of thought and expression afforded students in the library in this extracurricular capacity must be of a different order than that afforded students in the curricular classroom, or in the library in its curricular capacity. It thus becomes essential, to preserve the intellectual freedom of public school students and librarians, and in turn the intellectual freedom of all citizens educated in public schools, that the curricular and extracurricular capacities of the school library remain distinct. (107)

The American Library Association's "Access to Resources and Services in the School Library Media Program: An Interpretation of the Library Bill of Rights" agrees that school librarians should "resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access regardless of technology, formats or method of delivery." It further declares that "major barriers between students and resources include but are not limited to imposing age, grade-level, or reading-level restrictions on the use of resources," "requiring permission from parents or teachers," "establishing restricted shelves or closed collections;



and labeling” (ALA 2014). Further, according to AASL Common Belief 5, “Intellectual freedom is every learner’s right. Learners should have the freedom to speak and hear what others have to say, rather than allowing others to control their access to ideas and information” (AASL 2018).

Despite these professional standards, school libraries across the nation choose to implement restrictions and labels of various types in the belief that their efforts help children and teachers quickly locate materials suited to particular educational goals (Parrott 2017). Another prevalent practice that works against intellectual freedom is self-censorship, in which librarians exclude items from a collection expressly to avoid potential objections from their communities. Rickman (2010) described the dangers of self-censorship as “remov[ing] the supportive voice of both author and reader of the ideas found within the [censored] book from the public.” In so doing, the practice destroys “any chance of a fair discussion between a community, the author, and the reader to defend or promote the vessel of ideas bound in a book” (7). Whelan (2009) writes that librarians who have previously faced a censorship incident in their libraries experience more anxiety over collecting potentially controversial materials. According to Dawkins (2018), librarians are also likely to avoid collecting potentially controversial materials of all types if “they perceive their community as rural, conservative, or likely to challenge such choices,” “if a principal or school administrator expresses concern about a topic,” or “if they even think a principal might be unwilling to back them in a challenge” (12).

In addition to profanity and violence, LGBTQIA+ themes are a major area targeted by censors. The Comic Book Legal Defense Fund (CBLDF) identifies what it terms “identity censorship” as a specific type of censorship and a growing problem. “Identity censorship” is defined as censorship based not on content but on characters with a particular identity, specifically those who identify as LGBTQIA+. In a 2019 webinar, CBLDF reports having “participated in defending challenges and bans of books solely because they contain LGBTQIA+ characters, curriculum rejected because it focused on LGBTQIA+ titles, and community programs canceled solely because program participants identify as LGBTQIA+” (Comic Book Legal Defense Fund Webinar 2019).

Given the prevalence and high visibility of such challenges, perhaps it is not surprising that access to LGBTQIA+ materials varies widely in school libraries across the county. Hughes-Hassell, Overberg, and Harris (2013) found that the school libraries in one southern

state severely under-collected both fiction and nonfiction LGBTQ-themed titles. In addition to geographic distinctions, Oltmann (2015) and Garry (2015) found that the number of LGBTQIA+ titles a library has is impacted by school enrollment size, demographic diversity, and political leaning of the community. According to Garry, the most salient variable impacting whether librarians collect these potentially controversial titles is their perception of administrative and community support. All of the librarians interviewed by Garry understood “their community’s collective values, although some were willing to challenge the status quo, either overtly or subversively, while others acquiesced” (Garry 2015, 84–85). The presence of a selection and reconsideration policy was found to be important to librarians for different reasons: “While more restrictive librarians seemed to view it as a mandate to exclude certain titles, the librarians with more inclusive collections tended to regard the selection policy as a safeguard against censorship, knowing that a procedure is in place to protect controversial books from arbitrary removal” (84–85). Pekoll (2020) reminds readers that library policies and procedures should be current and clear, and that they should cover not only collection development, but other elements such as displays. She notes materials in LGBTQIA+ displays often prompt informal complaints and formal challenges and that “when there are no policies to guide the school librarian in responding to concerns about displays, the display often will be dismantled” (32).

The Question of Drama

In “Just Another Day in an LGBTQ Comic” (2017), Alverson wrote that “the romance in Telgemeier’s *Drama* (Scholastic 2012) goes no further than a kiss, but the book still drew negative one-star reviews on Amazon from adults who objected to any mention of homosexuality in a children’s book.” She explains that some “adults believe that sexual identity, and any discussion of homosexuality, is automatically mature content” (Alverson 2015).

Alverson provided the perspective on this from author Raina Telgemeier:

Sexuality is a part of your identity that doesn’t necessarily apply to what you are doing with other people when you are eight or nine years old, but it’s still a part of you. . . . The identity and the actions are not necessarily one and the same. If a chaste heterosexual kiss had happened in *Drama*, no one would have batted an eye. But because it was two boys, suddenly I was “pushing my liberal agenda on people.” I don’t even have an agenda. My agenda is love and friendship.



For Berland (2017), Telgemeier’s “deliberate creative choices show young adolescents contemplating their queer identities unscathed by the distant specter of prejudice or homophobia. Coming out in *Drama* provides opportunities to find a community of supportive allies and personal self-actualization” (215). This portrayal reflects current understanding of early adolescent identity, particularly the understanding that young adults “with same-sex desire are healthy, life-affirming individuals capable of effectively coping with the stresses of life, including those related to their sexuality” (Savin-Williams 2006, 183).

In the recent blog post “Victory in WY for *Drama* and Free Expression” (2020), Masticolo reported on a case in an elementary school in the state of Wyoming that is particularly illustrative of the conflicts that can erupt when stakeholders’ values diverge. In this example, *Drama* was challenged because it “takes away parents’ rights to teach morals and values” and “praises normalization of the LGBTQ community.” The situation was resolved with the decision to leave the book on the shelves, with officials citing the need for choice and diversity. In addition, the committee recommended steps to educate parents on the library’s selection process and collection. According to Masticolo, this decision takes into account the concerns of parents while keeping material available for other families. Though this is framed as a “win,” and in many ways it is, the committee reported that “the parent who issued the challenge has accepted the school’s offer to flag the account of the child so that he or she cannot check out material with themes of which the parent does not approve.” It is hard to see this as a resounding “victory” for free expression, when it will require librarians to look for potentially controversial themes in their items and label them as such to prevent certain students from checking them out. Aside from the principles involved, it is simply impractical—and ultimately impossible—to extend similar privileges to all families, each of whom might have their own themes they deem off-limits for their children.

For school librarians to be able to provide materials to fit the informational and interest reading needs of all of their students, librarians must be able to recognize and acknowledge identity censorship for what it is and whose stories it attempts to silence. While many school librarians generally rely on library policies and procedures to address formal attempts at censorship, informal or perceived potential pressures from school stakeholders can place school librarians in the difficult position of having to decide to defend the intellectual freedom rights of their students or affirm their professional position within their school community.

Research Questions

This study builds on research into school librarians’ self-censorship of materials with LGBTQIA+ content and the factors that can be shown to impact this behavior. Here, rather than trying to ascertain the causes and determine the frequency of self-censorship by collecting large data sets to isolate variables or asking librarians to choose responses in a series of survey questions, the researchers seek to center the librarian’s perspective on collection decisions. Thus this study focuses on five librarians’ responses to and experiences with one particular, often-challenged novel, *Drama*, to facilitate deeper investigation into the contexts, personal experiences, and priorities that shape individual librarians’ behaviors and decisions. Our research questions are the following:

- When school librarians are given open-ended questions to discuss their experiences with *Drama*, what will come to the surface as important to them about this title and its potential place in the collections they manage?
- What do school librarians’ remarks about *Drama* tell us about the elements, including emotional and psychological factors, that impact their collection development decisions?

Methods

The researchers used an ethnographic interviewing approach to collect richly detailed data for this study (Luborsky and Rubinstein 1995). Ethnographic methods have been and continue to be employed by library science researchers when their aim is to gain a deep understanding of subjects’ experiences and perspectives, as we wish to do here (Khoo, Rozaklis, and Hall 2012). This approach can also aid in counteracting participants’ tendency to provide answers crafted to please the researchers. In the case of this study, this is a real risk because of the controversy surrounding the topic—*Drama*—and the sensitive issues it brings up, primarily self-censorship, which is a practice that is railed against in LIS programs. It is to be expected that practicing librarians might be reticent to discuss behaviors and decisions that might be characterized this way with the researchers, who are LIS professors. Thus we began our conversations by making it clear to the participants that our goal was not to solicit specific answers or look for mistakes in their professional decisions, but rather to understand their experiences connected with the novel *Drama* from their perspective. In this way, we sought to “takes on the subordinate role of pupil to the respondent’s role of expert,” encouraging them to “provide dense



descriptive data,” as they have expert insight into their environments and their decision-making processes, which we, as researchers, lack (Bauman and Adair 1992, 13).

To develop questions for our semi-structured interviews, the researchers followed guidance provided in Westby’s “Ethnographic Interviewing: Asking the Right Questions to the Right People in the Right Ways,” avoiding “why” queries that “presume knowledge of cause-effect relationships,” and an “ordered world,” “that there are reasons why things occur and that those reasons are knowable,” and that “a person has an explanation for the behavior” (Westby 1990, 106). Instead, we asked participants to describe, recall, or imagine various scenarios and allowed them ample time and space to tell the stories that came to mind for them. If a participant mentioned an interaction or event, we followed up by asking, “Can you tell me more about that? Or, can you tell me what happened next?” Finally, considering that open-ended questions designed to spur storytelling tend to generate rich data, the sample size in this study is small by design (Ogden and Cornwell 2010;4 Sandelowski 1996).

The researchers solicited volunteers throughout the state of North Carolina via email lists and social media. Five librarians (three elementary school librarians and two middle school librarians), all professional librarians with master’s degrees in library science and seven to ten years of experience, volunteered to participate. We began with a brief survey conducted in Qualtrics to collect basic information about the librarian and school, followed by interviews conducted online via Zoom with each of our study participants. The interviews varied considerably in length, from fifteen to forty-five minutes, depending on how much each participant elected to share. The basic questions used in the semi-structured interviews appear in appendix A. Next, we transcribed the interviews, assigning pseudonyms to each participant and school, which have been maintained here to assure anonymity. Applying grounded theory, each researcher coded the data inductively, using constant comparison techniques, to identify the main categories into which the data could be grouped. After discussion, the researchers agreed that the data could best be classified into two main categories: parents/parental functions and narratives of fear and loss. We then returned to the interview data, performing another round of individual coding followed by discussion, to identify significant themes and patterns within these categories (Glaser and Strauss 1967; Strauss and Corbin 1990). Post-analysis, participants were given the opportunity to read the researchers’ presentation/analysis of their interview to confirm its accuracy.

Portraits of the Practitioners Kendall–Venice Elementary School

Public Elementary School Media Specialist Kendall has worked at Venice Elementary for five and a half years. The library at Venice has a collection policy with a reconsideration section, a collection of 7,000 items, and an annual budget of \$4,000. Kendall, who describes herself and her community as liberal, explained that she did not initially purchase *Drama* for her collection because after reading it, she noted that the characters are older than her students, and she perceived the title as a better fit for middle school. However, students requested *Drama* once they had read Telgemeier’s other graphic novels, so Kendall purchased the title and added it to a restricted “fifth grade section” that she had created, which included titles that had received parent complaints when checked out by younger students, such *Donner Dinner Party* and *Roller Girl*, as well as some graphic novels aimed at grades five and up.

Lee–Allen and Zephyr Elementary

Lee describes her political viewpoint as green and her community as extremely conservative. She explained that her school librarian position is split between two public elementary schools, about ten miles apart, identified for the purposes of this study as Allen Elementary and Zephyr Elementary. Both schools are in poor, rural areas, and Zephyr has what Lee describes as an extremely Evangelical Christian culture. In fact, both schools have devotions every week, which students are encouraged to attend. Neither school has a dedicated library budget. Lee has not purchased *Drama* for either collection. She has not read the title, but is aware of it and the controversy surrounding it. Her decision not to collect it does not sit easy with her: “I’ve always considered myself liberal minded. To be as liberal-minded as I am, not to have that book on the shelf. It hurts.”

Deidre–Keller Elementary

Deidre has worked in her current role for eight years. Located in what Deidre describes as a conservative, low-income area, Keller Elementary’s library has a budget of \$2.75 per student but lacks a collection development policy. Deidre has not read *Drama*, and when thinking about what she knew about the title, immediately referenced a “problem” with the book, reporting that there is some “different sexual orientation in it.” “That’s what I heard was the root of the problem.” Deidre explained that she makes acquisition decisions based on booklists, book awards, recommended state lists, and requests from teachers and students made through Google forms. She



stated that there is not much interest in graphic novels at her library, aside from Holmes’ *Baby Mouse* series. The library owns two of Telgemeier’s other novels, *Sisters* and *Smile*, but they are not often borrowed. Deidre recalled that though *Drama* was available at the latest book fair she hosted, no one purchased it or commented on it. Thus, she says, she has not had to consider purchasing the title because of lack of interest of her student body.

Helen—Carver Middle School

New to both the profession and her current position, Helen works in what she describes as a moderately liberal area in a library with 9,000-10,000 items, a \$4,000 annual budget, and no collection development or reconsideration policy. Self-described as liberal, Helen remarked that she personally liked *Drama*, finding it honest, realistic, and age appropriate. When Helen began working at her current school, *Drama* was already in the collection, and she added more copies. Along with Telgemeier’s other titles, it remains checked out constantly.

Kyra—Elmore Middle School

Kyra’s middle school library has a collection of 11,000-12,000 items and a budget of \$5,000 annually. There is no collection or reconsideration policy. Kyra, who describes both herself and her community as liberal, has been in her current role for six years. Though Kyra has not read *Drama*, she knows that it is about students working on a play and the interpersonal relationships among them. She recalled that there is a girl who likes a boy and discovers he is gay. He and another “have a little kiss” on stage. She described the book as a popular item and seems to view having the item in her collection as a given. She mentioned that graphic novels with middle schoolers as the main characters are typically appropriate for her middle school audience.

Results Overview

Because *Drama* is appropriate for ages ten and up, it is not surprising that both middle school librarians had *Drama* in their collections. It is also significant that both middle school libraries are located in areas characterized by participants as liberal. Of the elementary schools, only the one in a community described by the librarian as liberal has the title, and it is located in a collection restricted to fifth graders. The two librarians at elementary schools in conservative areas have not added *Drama* to their collections, confirming results of prior research suggesting that self-censorship may occur to a greater extent in conservative areas (Dawkins 2018; Garry 2015; Oltmann 2015).

In the interviews, the librarians spent the most time talking about their reactions to parent input or how their own or their administrators’ desire to parent their students shapes their decision making. In sum, their stories and comments signal that they do not see as a goal the creation of a wide, rich, diverse collection of developmentally appropriate resources that children can roam, intellectual freedom intact. Instead, they feel responsible for ensuring that children take home items that are appropriate and “safe.” As the “parental supervision required” section below will illustrate, some librarians try to make these determinations themselves, some rely on teachers and outspoken parents, some have rules imposed upon them by administrators, and some engage children directly in making these determinations on a case-by-case basis. This sense of responsibility and the behaviors it spurs result in an unfortunate loss of access to valuable resources for students in the state.

Looking at the second most predominant category of interview responses might provide insight into the reasons librarians feel this need to create safe collections. In the section titled “Narratives of Anxiety and Loss Internalized,” we hear librarians recounting stories of teachers and librarians who lost jobs because of clashes with parents and/or administrators, expressing fear that they could suffer the same fate, and bearing witness as librarians and administrators in their local networks take action to drastically restrict access to potentially controversial resources.

Parental Supervision Required “These are Babies”: Protection at All Costs

Speaking about making decisions for the library, middle school librarian Helen declared, “I’m a mom. So a lot of my decisions are based on, these are babies and what would I want my child reading?” Using the book *13 Reasons Why* as an example, she explains that she pulled it from her library: “I personally have read that book and felt like I would prefer students read it with somebody that’s going to be providing them with a conversation about the book and so I guess I’ve done some censoring there.” At another point in the conversation, she mentions, “I saw *Handmaid’s Tale* [the television series] and pulled it [the book]” because she did not feel it was appropriate after viewing the television show based on the book. Though many of her decisions seem to be based on her own gut reaction, Helen reported testing her decisions against other librarians at a monthly meeting and by using Common Sense Media. Of this latter source, Helen stated it “tells what words are used, how often they are used, what kind of sex is in the book.”



While Helen imagines herself as the mother of her patrons, elementary school librarian Deidre relies on the teachers to fill that role. If she is uncertain about whether to add or where to place a particular title, she asks teachers in several grade levels “to read it and go through it and see what they think and if they have said I don’t think I would let my kids check this out or I think my kids’ parents in my class would have an issue with this, but an upper grade teacher said good, then I know where to put that in my collection.” Not only do teachers help with collection development and item placement, but they also help make sure that students are checking out items that their families would approve. Deidre noted that teachers are aware of what students are checking out: “Is it too hard? Is it something that they probably don’t need to know about quite yet?”

While both Helen and Deidre wish to protect students from content they deem inappropriate or harmful, the nature of that content differs. Though Helen disallows content she deems too mature for her students, she explains, “I really try to show diversity through religion and sexuality” as well as culture throughout the entire collection. Helen noted that if parents were to complain about an item based on these elements, she would explain, “If there’s something not appropriate for your child or your family, turn it back in. We have to make sure we have resources available for all students.” For Deidre, anything outside of the heteronormative is inappropriate, with a few exceptions: “We do have a couple [of students] that have said that they think that they don’t know [their] orientation, or which way, which team they want to bat for I guess. . . . So reading that might be OK for them and those parents because the parents know. But there’s only two of those cases.”

“They Don’t Need to Be Reading This”: When the Parent is the Principal

Elementary school librarian Lee expresses a desire to broaden the perspective of the entire community and introduce more socially progressive ways of thinking: “I just wish I could change the way they think. And I don’t know how. I want to open their minds. I want to open these parents’ minds. And I guess the best way to do that is through their children and get them to look beyond here.” This suggests that Lee would collect items that might provoke considerable parental objections. However, Lee has not added any items with LGBTQIA+ content, including *Drama*, because of one particular parent, who happens to be the principal at her school and her supervisor. Lee confided that the principal at Zephyr had purchased *Drama* for

her own daughter and returned it. Lee recounted the principal’s explanation: “They don’t need to be reading this. It’s a sin.” Lee interpreted the language here—the principal’s use of “they”—to mean that the principal is standing in as the parent for the student body and that this content is not permitted.

“That’s for Older Kids”: Compromising (for) Access

The only elementary library of the three explored here to have *Drama* is Kendall’s library, where it is shelved in a restricted, fifth grade–only collection. Describing her collection development style, elementary librarian Kendall states that she tries to mirror the diverse student population at her school with the collection, noting that “it’s really important to reflect our readers and make all kids feel included.” While she describes feeling free to purchase a wide variety of material, Kendall maintains this freedom by placating parents who complain about an item by placing it in this fifth-grade only collection. Thus the section includes not only items recommended for upper elementary students by reviewers and publishers, but also items flagged by concerned parents, including *Roller Girl* (recommended for grades 4–6) and *Donner Dinner Party* (recommended for grades 3–6) as too mature for children below fifth grade. In the same vein, when “second graders who read *Smile* want to read [*Drama*],” she tells them that it’s “for older kids,” and is located in the fifth-grade section. While this arrangement enables Kendall to purchase items that other librarians might not, it also means that there are some items not available to all children at the school, whether or not these children’s parents would wish to restrict their access. It is important to remember, as well, that some items restricted to fifth graders are recommended for younger grades by publishers and professionals.

Helen’s middle school library also employs a restricted collection, including items only eighth graders can check out. In an explanation similar to Kendall’s, Helen described this collection as housing items aimed at students in eighth grade or above, but, like Kendall’s restricted collection, it includes more than that description would suggest. Her eighth-grade collection includes items recommended for grades eight and above, as well as items including sexual content and/or profanity, regardless of reviewer or publishers’ recommendations regarding recommended age ranges. Helen added that she is thinking about creating a letter by which parents can opt out of access to this area on behalf of their eighth-grade children so that part of the collection would be forever inaccessible to a certain element of the student population.



“Finding the Right Fit”: Mediation through Readers’ Advisory

Middle school librarian Kyra explained that her library includes a young adult section where items with “tougher, more adult, more serious topics” are located. As examples, she mentioned *The Hate U Give*, *Speak*, and *The Hunger Games*. The section is not age- or grade-restricted, but is used as a way to signal mature content to both students and their families. Kyra described orienting sixth graders to the section with a conversation about content. She tells them that they can access the section if they are interested and provided their choices are acceptable to their parents, though she does not require permission forms. Kyra tells the sixth graders, “Everyone has different parents and different rules.”

Kyra said that the books in the young adult section are checked out often, usually by seventh and eighth graders. When a younger child chooses a title like, for example, *The Kite Runner*, Kyra explained to the child that “there are things that happen in this book that might be difficult or uncomfortable,” adding that the child can opt not to finish the book and simply return it if they decide they are not comfortable with the content. Kyra sums up her decision making as “about trying to find the best fit more than anything.”

Elementary school librarian Kendall also reported trying to find good fits through conversation, though her motivation, as she expresses it, is to try “to head off any concerns from families.” She explained:

Occasionally somehow a first grader ends up going home with a book about war and I think I got a note from a parent saying this is not appropriate so I try and be maybe more thoughtful now than I was when I first started as far as when a first grader picks up Harry Potter and wants to take it and I’m like hold on, what is your family going to say when you come [home] with this. Is this really a good choice? Sometimes they are like yeah, we read it together. Sometimes they are like no, maybe I better put it back.

Narratives of Anxiety and Loss Internalized

“You Better Watch It”: Fear for Livelihood

Lee described the advice she got from teachers when she began working at Zephyr, which was to be careful not to rock the boat. She recalled comments like “ooh you better watch it. You don’t want to get yourself in hot water, you don’t want to open a can of worms.” Lee also revealed that before her tenure, but in the recent past, there was a book

removed from Allen Elementary because of an allusion to a same-sex relationship. She explained, “I’m just afraid. If it hadn’t been for this other librarian who was forced out, she was involved in a same-sex relationship. She was very open about it, and I think the deck was stacked against her from the beginning.” Lee’s sense of anxiety and fear came through at several points in the interview, including when she lamented her position being shared between two schools. She sighed: “At least I have a job.”

Middle school librarian Helen also told a story from before her tenure about a teacher who read *King and King*, a picture book that features a homosexual relationship, to her class. After parental uproar, the teacher ended up resigning her position.

Elementary librarian Deidre reported the advice of her media supervisor: that purchasing *Drama* is “probably not a good idea for the county that we live in.” Deidre herself concurred, explaining that “it wouldn’t be best” for her mostly rural community school, whereas “in a public library setting, it would be a whole lot easier to be like this is a great book, it shows how the world is today, but you’ve gotta step more on eggshells in a public school.” She paused and added, “Unfortunately. *If you wanna keep your job!*”

“Books Like That”: Culture of Prevention and Restricted Access

Recalling when *Drama* was first published, Deidre reported that one of the librarians in her county bought it without reading it. When a student checked it out, it was returned with a parent complaint, at which point the librarian read the title and decided to keep it behind the desk and require parent permission for other students to check it out. Similarly, Helen recounted a complaint by an elementary school teacher in her county who requested *Drama* for a literature circle. Once she realized the storyline of the book, she requested it be removed from the library. In the end, the principal ordered the book to be kept behind the circulation desk and available only to students who requested it. Helen also explained that based on incidents such as the teacher reading *King and King*, the elementary schools in her area “tend to be preventative.” They now contact parents if “they’re going to be reading books like that aloud to the whole class.”

Discussion

What is clear and troubling in this data is the power differential that exists in the perceptions of most of the librarians interviewed. Principals and parents appear to exert more control over the process of collection



development than do librarians—who are professionally trained for this task—and students, whom the collection exists to serve. In this context, students lose their right to intellectual freedom because librarians are not empowered to uphold the values, standards, and ethics of their profession. Stories of librarians who have suffered consequences for prioritizing students’ right to access a diverse collection of materials serve to both explain the powerlessness that librarians feel and to continually reinscribe it in the minds of new librarians. The moral of these stories seems to be that parents have the ear of administration, and administration has the ability to censure or fire a librarian whose collection decisions spark complaints. The way to avoid this, for some librarians, is to engage in self-censorship for self-preservation.

A librarian who is not empowered to perform the duties of her profession in good faith cannot protect students’ right to freely pursue a diverse collection of materials deemed suitable for their age range by the professional community. The substantial danger here is compounded by the fact that librarians who engage in self-censorship are not simply capitulating to demands of parents or administration; they are imagining or trying to predict possible complaints to be “proactive.” Therefore librarians may be reacting to objections that do not, or do not any longer, actually exist. As an example, asked whether the school library had any items with LGBTQIA+ content (fiction or nonfiction), Deidre replied that it did not and that she probably could not add any because in “the type of community that we’re in I don’t think it would be well received. Just hearing that we’ve had issues in surrounding schools makes me think. . . maybe not.” However, when Deidre checked her district’s online catalog to verify that no other elementary libraries in the county have *Drama* in their collections, she was surprised to discover that three of them do. She offered as an explanation that those particular schools are in the more urban areas of the district. This surprise suggests that Deidre’s understanding of what is acceptable in her area may not be entirely accurate or current, as perceptions of LGBTQIA+ issues have evolved rapidly since the 2012 publication of *Drama*, when discussions of the novel took place among librarians in her county.

The tendency to focus on negative stories and use related, potentially false assumptions to make collection decisions, as happened in Deidre’s case, has real consequences for the student body. While *Drama* and other titles may be available elsewhere in the district, at Deidre’s school, students—whether they identify as LGBTQIA+ or not—are unable to explore or better understand related

issues through literature found in the library. Further, though Deidre says that there are only a “couple” of students who identify as LGBTQIA+ at her school, there are almost certainly more. Two students make up only .5 percent of her school’s student body, while an “estimated 4.5 percent of U.S. adults identify as lesbian, gay, bisexual or transgender” (Trotta 2019). The library has no material that reflects or represents students who identify as LGBTQIA+ or have family members or friends who do, thus rendering an entire population invisible and silent.

One factor that contributes to the pressure to self-censor is a lack of clear collection management policy. Three of the five librarians interviewed for this study had no policy detailing selection criteria or providing a process for handling concerns about materials. It is important to recognize that establishing a thorough collection management policy with the input of administration, teachers, and families, can not only make selection criteria transparent but also normalize the healthy discussion of intellectual freedom and community values. In fact, strong policies endorsed by diverse stakeholders can simultaneously aid in holding librarians accountable for adhering to the professional standards identified in the document and protecting them from becoming a scapegoat in a community dispute. The more robust discussions and shared responsibility for decision-making are embraced, the likelier it is that counter-narratives of acceptance and growth will start to gain purchase where stories of fear and isolation once held sway.

Limitations and Future Study

While the elementary school librarians who participated in the study came from both liberal and conservative communities, the middle school librarians classified the areas in which they live and work as moderately liberal to liberal. We put out a specific call for a middle school participant from a more rural/conservative area to create a more balanced sample, but were unable to secure an additional subject. This is not surprising, and it highlights a particular difficulty in a study of this sort. Research subjects can feel pressured to provide responses that will please the interviewers, and it is likely that the interviewers here, as library science professors, are presumed to prize intellectual freedom and to oppose censorship. Therefore librarians, particularly those in conservative areas facing community pressure to censor, might feel uncomfortable engaging in this type of interview.

On a related note, this study focused on a small number of school librarians in North Carolina. Thus, though the results are revealing, it is unclear how generalizable



they might be. Similar research with school librarians in other states throughout the country would be illuminating. It would also be helpful for more research to be done on strategies that work to dismantle identity censorship so that library schools could better prepare students for handling community resistance to the collection of LGBTQIA+ resources.

Conclusion

The study makes clear how critical it is that school librarians understand the school library as a place for “extra-curricular learning based upon the principle of voluntary inquiry” where “the intellectual freedom of public school students and librarians” is to be preserved (Peltz 2005, 107). Only with this strong sense of professional ethics and purpose can school librarians navigate their complex environments, continually and unapologetically advocating for students’ right to read and intellectual freedom. If students graduate from library science graduate programs with this sense of purpose firmly in place, they can begin to educate their communities and, as Adams (2011) has written, they can recruit allies in the fight to “[protect] students’ First Amendment right to access library resources” (34). In other words, instead of being buffeted around and silenced by whispers of complaints or stories of reprisals, librarians should be prepared to initiate tough conversations in the complex contexts of their schools and communities. Some suggestions for creating a professional culture that supports librarians in their efforts to protect intellectual freedom and children’s access to information follow.

- Establishing trusting, collaborative relationships with teacher colleagues, administrators, parents, and students can provide librarians with the assurance that starting critical discussions will not necessarily lead to being transferred or terminated from their position.

- Developing policies and procedures collaboratively with their community may also provide librarians with the confidence to encourage concerned stakeholders to engage in a formal reconsideration process, rather than the librarian putting herself in the position as the sole gatekeeper of the collection.
- In addition to building relationships and implementing policies, librarians can advocate for daily free check-out periods so that if students are not pleased with “the books they’ve checked out, then they may return them immediately—within 30 seconds or sometime that day.” If students select something that they are not interested in or that their families object to, they simply exchange it for something else. As Kerby suggests, “This is how they learn, by making ‘mistakes’ in their selections” (Kerby 2019, 53).
- Given the prevalence of censorship of LGBTQIA+ materials in particular, LIS programs should be sure that students are aware of identity censorship and that they are provided with opportunities to explore strategies that can work to counter it.
- LIS students would also benefit from practice leading conversations with audiences of diverse backgrounds and perspectives. They should be encouraged to reflect on when compromises might be inevitable and when they are unacceptable, and they should know where and to whom to go when they are faced with demands they cannot ethically meet.
- Because LIS students often don’t have first-hand encounters with censorship until they are practicing librarians, LIS programs may consider extending their educational offerings beyond students’ graduation by developing alumni cohorts that meet periodically to discuss issues of practice, thereby providing new school librarians with a ready-made network of professionals with whom they can continue to share and learn.

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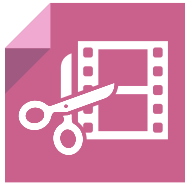


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Appendix A: *Drama* Interview Questions

- Have you read *Drama*?
 - If so, what do you think about it?
 - If not, what have you heard about it?
- Tell me about your experiences with *Drama*.
- Have you heard from other librarians about their experiences with *Drama*?
- Let's imagine that you had *Drama* on the shelf. How do you think that would be?
 - Or, can you describe the response to having *Drama* on your shelf (if any)?
- Tell me about any [other] graphic novels that you have decided not to include in your collection.
- Have you had any experiences with censorship?
- Tell me how you typically handle concerns you have about certain library materials.
- Tell me how you typically handle concerns from others about certain library materials.
- How do you feel your decisions are supported (or not) by the school community?
- How does support from the school community look like to you?
- Are there instances when you feel your collection development choices are not supported? If yes, what do those instances look like?
- Ideally, what support would you like to have from your community? What do you feel is preventing those support mechanisms?



SCHOOLS, LIBRARIES, AND UNIVERSITIES Nationwide

In the wake of George Floyd's murder and the protests that followed nationwide, a movement galvanized around racism's insidious permeation of innumerable American institutions.

This movement denies the existence of systemic racism and seeks to ban education around current and historic racism from schools, libraries, museums, and institutions of higher learning.

Prominent conservative organizations fund and support this movement. Common language and tactics unite it. They have been demonstrated at school board meetings, library board meetings, local elections, and in the formulation of policy statements and legislation.

Engagement happens from behind a smokescreen, misdirecting those who would oppose it. The movement set up "critical race theory" (CRT) as a boogeyman stand-in for their actual agenda.

Analysis done by NBC News found at least 165 local and national groups working to oppose lessons on CRT.

By its actual definition, CRT is a critical framework examining the intersection of race and US law that originated in the mid-1970s. It is used in law schools to explore social, cultural, and legal issues related to race and racism.

It is important to recognize that the proper meaning of CRT is never what is actually referred to by the bills, policies, and demonstrations opposing its teaching. Administrators who research the real CRT as preparation for a meeting with one of these groups will be armed for the wrong battle.

The deliberate misappropriation of the term originated with Christopher Rufo, who has worked with

conservative think tanks including the Heritage Foundation, the Manhattan Institute, and the Discovery Institute.

The novel vocabulary of the anti-CRT movement does not end there, however. Their evocation of Marxism is another act of verbal misdirection. Its basis is groundless, but it serves as both a callback to the McCarthy era, which waned as the Civil Rights movement began, and as a sidelong dismissal of liberal social movements.

This, too, can be credited to Rufo. After weaponizing CRT on Fox News, Rufo sought to profit from it by publishing a book on winning the "language war" in CRT debates through the use of terms like "race-based Marxism."

The language utilized is significant and clearly differentiates those individually objecting to displays, materials, programming, and curricula, from those participating in the broad astro-turf campaign.

Anti-racist books, trainings, and educational frameworks are being cast as "racist" by adherents of the conservative movement working to outlaw them.

Another term widely employed by the movement is "divisive concepts." As used, it encompasses topics such as systemic racism; White privilege; gender identity; and diversity, equity, and inclusion.

Leah Cohen, an organizer with Granite State Progress, told *The Atlantic* that the terms utilized are intentionally ill-defined. "The vagueness of the language is really the point," she said. They're using "this really broad brushstroke, [and] we anticipate that that will be used more to censor conversations about race and equity."

Policies and legislation prohibiting widely interpretable speech invariably have a chilling effect.

The anti-CRT movement was brought to the national stage by

Rufo's August 13, 2020, appearance on Tucker Carlson's Fox News show.

Rufo took the opportunity to "call on President Trump to immediately issue an executive order." White House Chief of Staff Mark Meadows called Rufo the following morning.

Donald Trump heard Rufo's dog whistle and replayed it through a megaphone. Trump issued Executive memorandum M-20-34 on September 4, 2020, forbidding both training about racism for Federal employees and the funding of such training with federal dollars.

Trump's memorandum specifically addressed anything grounded in "critical race theory" or mentioning "White privilege."

Rufo continued shaping the culture war and fanning the flames of outrage through appearances on Fox News. *The Washington Post* noted Rufo's allegations "are not supported by the evidence he produces and others are stretched beyond the facts."

On September 22, 2020, Trump advanced the national agenda further when he issued Executive Order 13950. This EO utilized the phrase "divisive concepts" and was drafted by Russel Vought, then director of the White House Office of Management and Budget.

Vought now heads the Center for Renewing America, an organization whose primary mission is helping state legislators draft and promote bills fighting CRT.

In an explicit expansion of what the anti-CRT movement was targeting, the EO also forbade gender inequality as a topic of federally-funded training. CRT would soon come to encompass gender identity, sexuality, reproductive rights, mask mandates, and vaccination against COVID-19.

In a March 15, 2021, tweet, Rufo said "The goal is to have the public



read something crazy in the newspaper and immediately think ‘critical race theory.’ We have decodified the term and will recodify it to annex the entire range of cultural constructions that are unpopular with Americans.”

School board meetings have become a particularly heated battleground, inspired perhaps in part by Steve Bannon’s proclamation that “the path to save the nation is very simple—it’s going to go through the school boards.”

Adherents to this movement take a hostile and unruly approach to debate. Tyler Kingkade, investigative reporter for NBC News, said, “School board members . . . have told me that they’ve had to ask for police escorts to their vehicle when they leave the building.”

Jeff Porter, a besieged school superintendent in Maine, told NBC News, “I didn’t understand until recently, but these were tactics from national organizations to discredit the entire district.”

Truthout reported that “most of these opposition groups purport to be homegrown and grassroots, [but] all have access to the support and resources (including model legislation) of numerous national right-wing organizations. These include the Alliance Defending Freedom, the American Legislative Exchange Council, the Family Research Council, Family Watch International, the Heritage Foundation, and Project Blitz, as well as right-wing media outlets such as Breitbart, Fox News, the Daily Wire, Newsmax, and the Washington Free Beacon.”

In addition to protests against policy and curricula, many specific book titles are being targeted. On July 19, a group of parents complaining of Marxism and CRT coerced the Northampton Area School District to reconsider dozens of titles, including

biographies of Rosa Parks and Coretta Scott King (see: “Censorship Deadline: Northampton, Pennsylvania”).

When overt censorship efforts fail, it is increasingly commonplace to attempt to recall local elected officials.

Ballotpedia has documented a record high number of school board recall attempts so far this year. The average from 2006 through 2020 was 23 recall efforts against 52 board members. January through September of 2021 has seen 70 recall efforts against 182 officials. The most previously documented were 38 recalls targeting 91 board members in 2010.

Kingkade told NPR’s Terry Gross: “I’ve heard from school board members that they’re getting people coming in from out of their district that have no children in their district and no connection to the schools but are still showing up to speak about critical race theory.”

National organizations and politicians are supporting efforts to recall school board members. According to AP News, “In Loudoun County, Virginia, a Justice Department spokesperson from the Trump Administration rallied parents in a recall effort sparked by opposition to a district racial equity program.”

In May, a group called the Southlake Families Political Action Committee (PAC) worked to oust two incumbents from a school board, two from the city council, and the town’s mayor in order to prevent the Carroll Independent School District from adopting an anti-bullying policy. After the election, Southlake Families PAC tweeted “Critical Race Theory ain’t coming here” (see: “For the Record: Southlake, Texas”).

In suburban Milwaukee, a law firm heavily financed by a conservative foundation that has fought climate change mitigation and which has ties to Trump’s efforts to overturn the

2020 election, helped parents seeking to recall Mequon-Thiensville school board members in response to the board hiring a diversity consultant.

Parents Defending Education, a new national advocacy group “fighting indoctrination in the classroom,” cites the Mequon-Thiensville recall as a model. They provide FOIA request templates, talking points, organizing strategies, and engagement tools for those eager to oppose anti-racism.

Combative disruptions have also been taking place at public library board meetings over books, displays, and programs. Just as with school boards, public library board elections are seeing heavy conservative political influence opposed to promoting racial equity and gender inclusivity.

A candidate who opposed reflecting the increasingly diverse community in the collection of the Maine Public Library in Niles, Illinois, and instead argued “if we got people to assimilate and learn English better, I think we would do more good,” was elected to the board.

The Kootenai County Republican Central Committee successfully reshaped the Community Library Network’s board in Idaho. They unseated two incumbents and browbeat another candidate into withdrawing from the race.

In their stead, they shepherded candidates onto the board who verbally committed to removing lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) materials from the library (see: [Journal of Intellectual Freedom and Privacy 6, no. 2: “Is It Legal?: Libraries”](#)).

Similarly, universities have faced increasing pressures to undermine academic freedom, particularly as it pertains to discussions around race, racism, and gender identity.



University of Nebraska Regent Jim Pillen introduced a resolution opposing CRT throughout the university.

Florida Governor Ron DeSantis signed a bill requiring students and faculty of the state's public universities to be surveyed regarding "viewpoint diversity" and "intellectual freedom" and allowing college students to record lectures without their professor's consent.

In announcing the bill, DeSantis threatened to defund universities found to be "indoctrinating" students (see: "Is it Legal: Universities").

State legislatures are another prominent battleground. Amplifying Rufo's efforts, the Heritage Foundation and the American Legislative Exchange Council started providing webinars on opposing CRT. They have also created draft legislation.

Chalkbeat has been tracking state legislative attempts to restrict teaching about racism and the history of racism in this country.

Arizona, Arkansas, Idaho, Iowa, New Hampshire, Oklahoma, Tennessee, Texas, and Utah have passed laws prohibiting the teaching of CRT and/or "divisive concepts."

Bills to ban teaching CRT, "divisive concepts," anti-racism, anti-sexism, and/or the 1619 Project have been introduced in the Alabama, Arizona, Georgia, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, and Wisconsin state legislatures.

Legislation is also being considered in Maine.

Anti-CRT bills failed to pass in Mississippi, Rhode Island, and West Virginia.

In Florida, the State Board of Education voted unanimously to ban teaching of CRT and the 1619 Project.

Georgia's Board of Education passed a resolution opposing lessons about systemic racism or related to the 1619 Project and stating that no policy should "compel" educators to "discuss current events."

In Indiana, Attorney General Todd Rokita issued a 16-page "Parents Bill of Rights" urging parents to oppose use of the 1619 Project and any teaching using a lens of historic racism to examine US history and government.

Montana's Attorney General Austin Knudsen issued a binding opinion banning CRT and antiracism training in schools.

Reported in: *New Yorker*, June 18, 2021; *NBC News*, May 10, 2021, June 15, 2021, and July 23, 2021; *Washington Post*, May 29, 2021, June 2, 2021, June 19, 2021, July 7, 2021, and July 24, 2021; *Truthout*, July 13, 2021; *NPR*, June 24, 2021, July 25, 2021; *AP News*, September 1, 2021; *The Hill*, May 5, 2021, June 19, 2021, June 22, 2021, June 23, 2021; *Daily Nebraskan*, July 21, 2021; *Daily Nonpareil*, July 14, 2021; *Newsweek*, June 11, 2021, and June 29, 2021; *Tampa Bay Times*, July 23, 2021; *CBS 42*, July 13, 2021; *Colorado Newline*, June 12, 2021; *New York Times*, June 17, 2021; *Atlantic*, May 7, 2021; *School Library Journal*, June 12, 2021; *Advance Local*, June 10, 2021, and June 11, 2021; *Iowa Capital Dispatch*, May 23, 2021; *WRAL*, May 21, 2021; *CBS 46*, May 21, 2021; *Columbus Dispatch*, May 25, 2021; *Read Cultured*, May 15, 2021; *Tennessean*, May 5, 2021; *Dallas Morning News*, May 4, 2021; *Des Moines Register*, April 28, 2021; *Brookings*, July 2, 2021; *Bowling Green Daily News*, July 6, 2021; *Portsmouth Herald*, July 9, 2021; and *American Historical Association*, June 16, 2021.

SCHOOLS Sewickley, Pennsylvania

Five administrators and a teacher at Sewickley Academy were fired after a group called the Sewickley Parents Organization (SPO) complained about "politics and activism" in the classroom.

The SPO placed ads in local publications demanding the removal of activism from the classroom and sent a letter to all members of the school community.

In the letter, the SPO asserted individual families should determine what their children learn, not Sewickley Academy. The letter referred to the school's diversity, equity, inclusion, and social justice initiatives program as "Critical Race Theory [CRT] dressed in sheep's clothing."

LaVern Burton, the director of diversity, equity, inclusion, and social justice, was among those terminated.

Under the Academy's former head of school, Kolia O'Connor, the school had adopted diversity, equity, inclusion, and social justice initiatives as part of its strategic plan.

The plan creating the school's diversity, equity, inclusion, and social justice initiatives was adopted in April. The parent organization sent its letter about the plan to school families and the board of trustees on June 1.

The board met with the SPO to learn more about their concerns. Afterwards, they announced O'Connor's departure.

O'Connor had served as head of school since 2003. Ashley Birtwell, a member of the board, was immediately installed as interim head of school. Birtwell expressed her commitment to "restore the school to what it used to be."

Birtwell then fired Burton; Douglas Leek, head of admissions and financial aid; the head of the senior school; the head of the lower school;



the director of teaching and learning; and Brandi Lawrence, a fifth grade teacher.

Burton was replaced on an interim basis by Derek Chimner, a gym teacher who also coaches track and field and basketball. Chimner does not have previous experience doing diversity, equity, and inclusion work. Birtwell said he was qualified because he was an alumnus.

Leek sued the school on counts of race discrimination and breach of contract. Leek, Burton, and Lawrence are Black. Leek's suit claims the academy discharged him because of his race and was part of a "pattern and practice of discrimination on the basis of race with the goal of restoring the school 'to what it used to be.'"

Before he was fired, Leek met with Birtwell to talk about the differences between the school's diversity, equity, and inclusion initiatives and CRT. Leek was well acquainted with CRT as he had discussed it in his doctoral dissertation. He assured Birtwell the theory was not part of the school's initiatives.

Leek had recently been commended in a performance evaluation. In his first full year as director of admissions and financial aid, he enrolled more students than anyone during the past three years. Two of the previous admissions directors who had enrolled fewer students were promoted.

Birtwell said enrollment issues were the driving force behind the extensive changes.

Gary Niels, executive director of the Pennsylvania Association of Independent Schools (PAIS), expressed concern over the "turmoil" at Sewickley Academy. PAIS accredits more than 115 schools across the state.

"When there is a tenured 18-year head suddenly let go, we wonder what happened," said Niels. "Where was

the communication? Why did this result in such a sudden end? That's where our concern is, coupled on the heels of his departure suddenly to have so many administrators let go."

Niels said he did not believe anything that happened recently would jeopardize Sewickley Academy's accreditation, but indicated that he and the PAIS board would take a closer look at the situation and discuss it with the academy's leadership.

A group of parents has also raised objections to what they view as the academy's efforts to suppress diversity and inclusion initiatives. They expressed concerns that the board made the personnel moves in response to demands from the SPO.

Dominic Odom, a Black Sewickley Academy parent, said the letter the SPO sent left many parents in the community feeling unsafe due to its racial overtones.

"The anonymous letter that was sent had the impact on many members of the parent body that they are now concerned for not only the physical safety but the socioemotional safety of the children," said Odom.

The SPO has "amassed a mailing list from the school directory and created what is now a permanent distribution list of their own, which attaches children's pictures from the directory to addresses of their homes inside and outside of Sewickley," said Odom. "That has left many people feeling uneasy about returning to the campus."

Reported in: *Pittsburgh Post-Gazette*, July 21, 2021; July 26, 2021; July 28, 2021; and July 30, 2021.

Southlake, Texas

When a video of teenage students chanting a racial slur went viral, the Carroll Independent School District (ISD) adopted a Cultural

Competence Action Plan (CCAP) aiming to address racism among students through programs and assembly speakers. The plan also requires diversity training for staff.

The 34-page CCAP references racism only once and does not address systemic or institutional issues. It focuses primarily on preventing bullying and raising "cultural awareness."

A group called the Southlake Families political action committee (PAC) staunchly opposes the passing of the CCAP, which they characterized as "some of the most extreme liberal positions in the history of Texas public education," which would "indoctrinate children according to extreme liberal beliefs."

Five candidates endorsed by the Southlake Families PAC and opposed to the CCAP were elected in May: two to the school board, two to city council, and one as mayor. After the election, Southlake Families PAC tweeted "Critical Race Theory ain't coming here."

Southlake, a suburb of Dallas-Fort Worth, is 79% White with a median income of \$240,000.

There is more to Southlake than conservative White political action groups opposed to the prevention of bullying, however. One group of past and present students from Carroll ISD called Southlake Anti-Racism Coalition (SARC), holds a very different view of the community's issues and needs.

Members of SARC characterized the behavior in the viral video as unsurprising. "That happens all the time at Carroll schools," said Raven Rolle, a 2019 graduate.

Rolle, who is Black, recalled multiple experiences when White peers used racial slurs. She reported them to school officials and said that the offending students were never penalized.



Rolle recounted one incident in which a student repeatedly said a racial epithet. She reported the student to the principal's office. When that student denied the incident, the principal told her, "Just don't let them dim your light, you'll be fine."

Another former student said they were referred to by a slur during class every day for two years. "No one asked me if I was OK, no one did anything to show that they cared about me. I didn't know what to do. I was like, 14."

A classmate corroborated this account. "It definitely happened."

Maddy Heymann, who graduated in 2017, referred to the class in which they were required to read *To Kill a Mockingbird*.

"Someone in class will say the n-word when reading the book," said Heymann. "Teachers think it's an important part about reading the book, [but] it just proliferates the idea that it's an acceptable word to say."

Anya Kushwaha, a SARC member who graduated in 2016, said the proposed CCAP fell short of what she hoped to see.

Even though the plan was lacking, she felt it was at least a starting point. "At the bare, bare minimum, any semblance of a plan like this is necessary just because of how far off we are." As a result of the efforts of the Southlake Families PAC, now even that small step won't be taken by the ISD.

Reported in: CNN, May 5, 2021.

LEGISLATURE Colorado

On June 8, the Colorado legislature passed landmark privacy legislation called the Colorado Privacy Act (CPA).

The CPA creates several data privacy rights for Colorado consumers and sets new boundaries on the

practices of those who control the processing of Colorado residents' personal information and the third-party service providers performing data processing activities.

When it goes into effect on July 1, 2023, the CPA will bestow the following rights to Colorado consumers:

- The right to confirm whether a company is processing their personal data
- The right to access personal data in a portable and readily usable format (to the extent that it is technically feasible to do so)
- The right to correct inaccurate personal data
- The right to delete personal data
- The right to opt-out of the processing of their personal data where it relates to targeted advertising, the sale of personal data, or certain types of profiling

Companies will be prohibited from processing certain personal data without consent. This includes specified biometric and genetic data; personal data from a "known child"; and any data revealing a consumer's racial or ethnic origin, religious beliefs, health diagnosis, sex life, sexual orientation, or immigration status.

Additionally, the law will require controllers to provide consumers with "reasonably accessible, clear, and meaningful" privacy notices describing the types of personal data collected, the purposes for processing it, and the types of data shared with third parties.

While the CPA does not provide avenue for personal lawsuits, it does empower Colorado's Attorney General and local district attorneys to investigate and impose civil penalties against non-compliant businesses.

Reported in: Lexology, June 21, 2021.

Maine

The state of Maine passed a law prohibiting state, county, and municipal government use of facial recognition technology (FRT) in virtually all situations.

Going forwards, Maine police will not have direct access to FRT.

Police can request the FBI or Maine Bureau of Motor Vehicles (BMV) conduct a facial recognition search on their behalf, however. Such requests are limited to cases where they have probable cause and an image of an unidentified person committing a serious crime, and for "proactive fraud prevention."

All FRT searches performed by the BMV must be logged and designated as public records. The law also stipulates that an FRT match alone does not constitute probable cause for arrest.

"Maine is showing the rest of the country what it looks like when we the people are in control of our civil rights and civil liberties," proclaimed a press release from the American Civil Liberties Union.

Maine's law gives citizens the right to sue the state if they are unlawfully targeted with FRT. It also requires that the results of illegally performed FRT searches get deleted and provides that such search results cannot be used as evidence.

Currently, Washington has the only other statewide facial recognition law, but it has been widely criticized for allowing police surveillance with FRT and for FRT to be used to deny access to housing, education enrollment, and other services.

While there is currently no regulation of federal law enforcement agencies' use of FRT, on June 15, 2021, the Facial Recognition and Biometric Technology Moratorium Act of 2021 was introduced by Edward Markey in the Senate



(S. 2052) and Pramila Jayapal in the House (H.R. 3907).

Reported in: *CPO Magazine*, July 8, 2021; *The Verge*, June 30, 2021.

King County, Washington

On June 1, the Metropolitan King County Council voted to ban the use of Facial Recognition Technology (FRT) by all county departments, including the county Sheriff's Office.

The ordinance passed unanimously and prohibits county departments from acquiring or using FRT or any

information derived therefrom. It also prohibits entering into any contract or agreement authorizing a third party to do so on behalf of a county department.

There are two carve-outs. The Sheriff's Office can use FRT evidence in an investigation as long as they did not produce or request it. Additionally, county administrative and executive departments can use FRT to comply with the National Child Search Assistance Act.

The law requires any facial recognition information illegally collected

or derived to be deleted upon discovery. It also allows individuals to sue if FRT is used in violation of the ordinance.

The scope of the ordinance is limited to county personnel, including contractors, subcontractors, and vendors. While it has no bearing on municipal governments within the county, Seattle city agencies have been required to get City Council approval before acquiring or using surveillance technologies since 2018.

Reported in: *Seattle Times*, June 2, 2021.



SCHOOLS Coral Springs, Florida

In a May 6 letter, Paul Kempinski, district director for Florida State Fraternal Order of Police District 5, raised concerns with the Broward County School Board regarding the teaching of *Ghost Boys* by Jewell Parker Rhodes in a fifth-grade classroom.

“Our members feel that this book is propagandized that pushes an inaccurate and absurd stereotype of police officers in America,” wrote Kempinski. “This book convinces its reader—the children of our community—that police officers regularly lie as they routinely murder children, while painting police officers as racists.”

Ghost Boys tells the tale of Jerome, a 12-year-old Black boy killed by a police officer who mistook his toy gun for a real one. As a ghost, Jerome observes the devastation felt by his family and community in the wake of his killing. He also meets other ghosts who suffered similarly unjust fates, including Emmett Till.

Ghost Boys was a *New York Times* bestseller, the 2018 New Atlantic Independent Booksellers’ Association (NAIBA) Book of the Year and won the 2019 Walter Dean Myers Award for Outstanding Children’s Literature award, among other distinctions.

Broward County Commissioner Dale Holness took a different view from Kempinski on the book and the issues it addresses. “You have to be from another planet not to see the differences between how Black people are treated compared to White people.”

Holness suggested that books like *Ghost Boys* could help build understanding on complex social issues contributing to racism and the disproportionately high rate at which Black people are fatally shot by police officers.

Ghost Boys had not gone through the district’s regular vetting process, so the school board put teaching of the book on “pause,” pending further review.

Broward County School Board Chair Rosalind Osgood said that they had not heard any complaints prior to receiving the letter from the police union. Since news of the letter broke, one parent wrote in expressing criticism and another wrote to them supporting the district’s teaching of the book.

Alaina Lavoie, a spokesperson for the nonprofit organization We Need Diverse Books, said that questioning a book’s “age appropriateness” is one of the most common ways books are challenged.

“The argument is always, ‘isn’t it too early to talk about race, or gender, or religious discrimination, or sexual orientation?’” said Lavoie. “Even though research indicates kids form biases at a young age.”

She opposed the idea of waiting to talk about such topics until kids are grown, as that can render the subjects taboo. “There are age-appropriate ways to talk about these topics,” said Lavoie.

Rhodes said kids are “far more sophisticated and knowledgeable about inequities in the world” than adults generally give them credit for. She added that, “Though I write about tough subjects, kids know that my stories are also infused with kindness, hope, and ultimately, it empowers them.”

Reported in: *Washington Post*, May 10, 2021; *South Florida Sun Sentinel*, May 9, 2021.

Putnam County, Florida

In response to parent complaints of “indoctrination,” three books by foreign authors were removed from the

Putnam County School District’s summer reading list.

The titles removed were *Born a Crime* by Trevor Noah, *The Kite Runner* by Khaled Hosseini, and *Atonement* by Ian McEwan. The only thread connecting them is that their authors were born in countries other than the US.

Born a Crime is the autobiography of award-winning comedian and late-night talk show host Trevor Noah. It documents his life growing up mixed-race in apartheid-era South Africa. The book was named one of the best books of 2016 by *The New York Times*, *Newsday*, *Esquire*, *NPR*, and *Booklist*.

The Kite Runner is the first novel by Afghan-American author Khaled Hosseini. The critically-acclaimed bestselling book portrays life in Afghanistan before the Soviet-Afghan War and during the subsequent ascendancy of the Taliban.

Atonement is a British novel set primarily in England before and during WWII. In it, McEwan chronicles the tragic consequences stemming from one character’s false accusations, as well as her lifelong attempts to make amends through writing fiction.

Atonement won the 2002 *Los Angeles Times* Book Prize for fiction, the 2002 National Book Critics Circle Award for fiction, the 2002 WH Smith Literary Award, the 2002 Boeke Prize, the 2004 Santiago Prize for the European Novel, and was included in numerous “100 best” novel lists.

Putnam County School District community relations director Ashley McCool said that in response to the concerns raised, these titles were removed from the list and “all parents were given alternate book options for the students.”

McCool indicated that the original summer reading list was created by “the English Department



teachers . . . with the support of school administrators.”

No insight was provided into what reconsideration process was followed in removing the books from the reading list, nor was any explanation provided as to why alternative assignments were not provided solely to those who requested them.

Florida governor Ron DeSantis has recently focused his efforts on banning materials from Florida classrooms in what critics have called an “attempt to whitewash history and keep conversations about race out of schools.”

The three books removed from the summer reading list remain available to students through the school district’s libraries.

Reported in: News4Jax, June 28, 2021.

Louisiana

St. Tammany Parish School Board rejected two health textbooks after community members complained that they addressed gender identity and sexual orientation. The books were *Invitation to Health* published by Cengage and *Comprehensive Health Skills* published by Goodheart-Wilcox.

Michael Nation, board member for District 6, said “Our kids don’t have to be faced with that, and our teachers don’t have to teach that, and I certainly understand the public’s anger.”

The school board adopted a textbook published by Pearson Health, instead. The selected book was recommended by five members of the textbook committee composed of eight high school health teachers and two parents.

St. Tammany Parish includes schools in Abita Springs, Bush, Covington, Folsom, Lacombe, Mandeville, Madisonville, Pearl River, and Slidell, Louisiana.

Reported in: NOLA.com, May 7, 2021.

Scarborough, Maine

A mother and daughter opposed the use of *Freak the Mighty* by Rodman Philbrick in the Scarborough schools seventh-grade curriculum.

In response, school district administrators removed the book without following their policy for challenged materials. The teachers’ union pushed back, calling it a violation of academic integrity and intellectual freedom.

Superintendent Sanford Prince sent a letter to the community in which he stated, “At no time was the book banned for student access or permanently removed from the curriculum. In retrospect, it is clear that not continuing with the book was a mistake by the involved administrators.”

Philbrick’s novel centers on the friendship between the characters Maxwell Kane, who is developmentally disabled, and Kevin Avery, who is physically disabled from Morquio syndrome. Philbrick said his novel was written to be supportive of people who are different.

Erin Rowan and her daughter Carrigain, who has Down syndrome, opposed the use of the book because it contains the word “retard.” They also said that its themes perpetuate stereotypes about disabled people.

Philbrick said in one scene, Max is called a “retard” for struggling to read. “I don’t use swear words or anything like that, but to try and clean up the language that is used on the streets and in the playgrounds?” Philbrick said, “I can’t do that and have an edited world. It becomes fantasy rather than reality.”

Carrigain’s teacher reached out to Rowan to ask if they would be comfortable with it being taught. Rowan shared her concerns. School administrators held a meeting with the seventh-grade English teachers and assured her the book would not be taught in a way that would cause harm.

Rowan said she still did not want to see the book being taught to any students. “It’s not just about Carrigain’s personal feelings, but also about the fact that her peers will learn inaccurate lessons about disability that will impact their future interactions with her and other students and community members.”

“I’m sorry the parents feel this way,” Philbrick said. “If they want to have their daughter exempted so she doesn’t have to read it, that’s in their rights. But to deny the ability of other students to read it, that’s almost censorship.”

Carrigain emailed other students in her class about her experiences with ableism and protested by boycotting English class. In response, the district’s curriculum director, Monique Culbertson, held a meeting with Rowan and informed her the book would no longer be used.

Krystal Ash-Cuthbert, president of the Scarborough Education Association, said that the teachers’ union opposes the administration’s decision.

Ash-Cuthbert said that, “The district failed to follow its own policy” regarding challenges to materials from the curriculum. “That procedure creates a neutral evaluation process that requires deep consideration before such a severe decision is made. All educators have valid and solid reasons why the books they choose for a class are chosen.”

According to Ash-Cuthbert, the seventh-grade English teachers felt the book was about two children proving that they’re stronger through friendship and that disabled kids are capable and powerful. “Academic integrity and intellectual freedom are at stake here.”

Prince said the district is in the process of forming the committee called for by the policy. They will determine whether the book will be used going forward.



Rowan said the issue is not about her daughter, but about a culture that does not understand the history and struggles of the disabled community.

“I don’t expect to change all the systemic problems, but when something like this that is so obviously egregious comes up I do expect to be listened to without putting in 40 hours of work on my own time to convince them,” said Rowan.

Reported in: *Portland Press Herald*, May 20, 2021.

Needham, Massachusetts

In a July 2, 2021, letter to students and parents, Needham High School Principal Aaron Sicotte announced that the school district was canceling their 2021-2022 One School, One Book summer reading assignment. Trevor Noah’s *Born a Crime* is the book that had been assigned.

Born a Crime is the autobiography of award-winning comedian and late-night talk show host Trevor Noah. It documents his life growing up mixed-race in apartheid-era South Africa. The book was named one of the best books of 2016 by *The New York Times*, *Newsday*, *Esquire*, *NPR*, and *Booklist*.

According to Sicotte, Noah’s book had been selected “to provide us with an opportunity to learn about Noah’s life in Africa and to see some of the parallels with aspects of life in America.”

Sicotte said his decision to revoke the reading assignment came in response to a monologue on *The Daily Show* in which Noah suggested Israel should take the lead in de-escalating violence with Palestine as the power imbalance profoundly favored them.

Sicotte also said that Noah had also tweeted some jokes in 2010 which he did not view as “positive models for the students in our community.”

As a stand-in for the canceled One School, One Book community read,

school staff and librarians created a list of 79 recommended books for district students. The list includes Noah’s *Born a Crime*.

Reported in: *Wicked Local*, July 7, 2021.

Huntington and Smithtown, New York

Persepolis is an award-winning autobiographical graphic novel by Marjane Satrapi set during and after the 1979 Islamic Revolution in Iran. On June 8, Commack High School removed it from the 11th grade required reading list.

Satrapi’s book criticizing authoritarianism has received numerous accolades, including a 2004 Alex Award from the American Library Association (ALA) and an Angoulême Coup de Coeur Award. *Persepolis* was ranked number 47 on *The Guardian*’s list of the 100 best books of the 21st century.

In her essay “Graphics and Global Dissent,” Marie Ostby called *Persepolis* “a watershed moment in the global history of the graphic novel” and observed that Satrapi “draws on a global history of graphics as dissent by challenging preconceived notions about . . . Iranian women as silenced victims of an oppressive fundamentalist state.”

Despite, or perhaps because of its global accessibility, *Persepolis* also ranked as number 2 on the ALA’s “Top 10 Most Challenged Books List” for 2014, as documented by the Office for Intellectual Freedom.

Reasons ALA has noted for challenges to the book include its portrayal of a man being tortured by the SAVAK secret police before Shah Mohammad Reza Pahlavi was overthrown, its “political viewpoint,” and for being “politically, racially, and socially offensive.”

The Comic Book Legal Defense Fund documented a thread of Islamophobia running through the challenges to the book.

Commack Superintendent Donald James said in an email that district officials decided to remove the book from the curriculum during an annual review for “age-appropriate suitability.” Satrapi was the age of a junior high school student during the events depicted in *Persepolis*.

James’s email stated that the book “will not be required reading for future classes but will still be available on our reading lists and available for electives.”

Charles Schulz, secondary school English director for the district, said in an interview that he argued *Persepolis* should remain in the curriculum.

“We know how much the students respond to it, we know how much meaning they take from it, especially when it comes to learning about the world outside Commack and Long Island,” Schulz said.

The decision to remove Satrapi’s book from the curriculum came as the district faced pressure from parents regarding the teaching of “critical race theory” (CRT) at the school.

While the district denied any connection between the two strands, they were interwoven during the June 10 Board of Education meeting, where students and alumni spoke out in defense of the book and local residents spoke out against CRT.

At the meeting, board member Susan Hermer said those opposing teaching *Persepolis* seemed to be conflating critical thinking with what they were calling CRT. “We’re not going to discriminate against White people to achieve equity. We’re not dividing people . . . We’re not teaching socialism or Marxism—this is all stuff I’m reading on Facebook.”



Over frequent interruptions, sixteen-year-old Lakshanna Raveendran argued that every English class should read at least one book related to issues faced by people of color, as this would address “blind spots in our curriculum.”

Raveendran said she had been “starved of representation” for most of her school life and that she and her friends were greatly looking forward to reading *Persepolis* as “it was something we could actually connect to.”

An angry White woman shouted, “Children don’t see that they’re different unless they’re taught that they’re different. Stop pushing diversity on innocent babies.”

Some parents in attendance called *Persepolis* “pornographic.” No complaints were made about other books in the curriculum.

Another student of color was heckled for observing that “if this book is removed from the curriculum, every book that we read will be coming from the same perspective of old White men.”

After 16 years of teaching high school English and working as a secondary school administrator, Schulz was reassigned to the elementary level on June 16. The district did not comment on whether the reassignment was related to his defense of *Persepolis*.

Reported in: *Newsday*, June 17, 2021; *CNN*, June 11, 2021.

Upper Saint Clair, Pennsylvania

The Upper Saint Clair school district board was scheduled to vote on whether or not to add *Just Mercy* by Bryan Stevenson to the 9th grade honors English curriculum at their June 28, 2021, meeting.

Stevenson is a lawyer and a New York University School of Law professor. His memoir focuses on his battles fighting injustices in the legal

system, including his efforts to overturn the wrongful conviction of Walter McMillian, his work to ban life sentences for juveniles, and his numerous efforts supporting marginalized clients.

That vote never happened because residents Barbara Austin and Lucinda Cafaro derailed the meeting by submitting statements opposing masking, vaccination, Critical Race Theory, and *Just Mercy*. Austin also went on record in opposition to “spending and taxes.”

Just Mercy received numerous awards and honors, including the Dayton Literary Peace Prize for Non-fiction, the NAACP Image Award for Outstanding Literary Work in Non-fiction, and the Stowe Prize for Writing to Advance Social Justice.

“This book is very racially motivated and teaches our children to judge people based on the color of a person’s skin instead of their character,” said Cafaro.

Stevenson founded the Equal Justice Initiative. Throughout his career, he challenged bias against the poor and minorities in the criminal justice system, especially children.

Neither Cafaro nor Austin is the parent of an Upper Saint Clair school district student. Despite this, Superintendent of Schools John Rozzo recommended that the board table voting on the 9th grade English honors curriculum until January, 2022, based solely upon their objections. The board obliged.

Nobel Peace Prize laureate Archbishop Desmond Tutu said *Just Mercy* “should be read by people of conscience in every civilized country” and called Stevenson “America’s Nelson Mandela.”

The school board provided no indication of what book would be taught in place of *Just Mercy*.

Reported in: *WTAE*, July 27, 2021.

Brookfield, Wisconsin

In response to a request from the Wisconsin Institute for Law and Liberty (WILL), a conservative law firm, the Elmbrook School District suspended middle school students’ access through both the Sora e-book app and their school libraries to *Queer: A Graphic History* by Meg-John Barker and *This Book is Gay* by Juno Dawson.

In a statement signed by Scott Wheeler, School Board President, and Jean Lambert, School Board Vice President, the district indicated they would review their library material selection and controversial issues policies at a future Teaching and Learning Committee meeting.

The challenge from WILL asserted that the books contain graphic instructions on sex acts and the use of online sex apps. WILL claimed the books were available in elementary school libraries, an allegation the school district refuted.

WILL complained that materials available through the school district’s e-book app, Sora, were not subject to the school’s Internet filtering software. WILL also requested that the Elmbrook School District publicly identify all sexually explicit materials currently available through the Sora app and the district’s libraries.

Wheeler and Lambert indicated the district’s library department relies on professional review sources for guidance on book selection to ensure accuracy and age appropriateness. They encouraged concerned parents to contact district Director of Library Services Kay Koepsel-Benning if they wanted access to their children’s circulation records.

Reported in: *Milwaukee Journal Sentinel*, July 15, 2021.



Northampton, Pennsylvania

The board of the Northampton Area School District (NASD) unanimously voted to table a donation of dozens of books from The Conscious Kid after parents complained during their July 19 meeting.

Kim Bretzik was the first of roughly ten parents and grandparents to object to the donation. “The Conscious Kid uses Marxist critical race theory,” Bretzik said, “Just like the ‘No Place for Hate’ program, Conscious Kid is not an ally for all.” (No Place for Hate, an initiative of the Anti-Defamation League, provides anti-bias and anti-bullying resources to more than 1,600 schools).

Bretzik urged the school board to refuse the donations and organize a team of parents to inspect the curriculum for the school year.

The Conscious Kid is a 501(c)(3) non-profit. According to their website, they are “an education, research, and policy organization dedicated to equity and promoting healthy racial identity development.”

The donation to NASD is part of a project to donate 120,000 books to 3,000 elementary and middle schools nationwide in order to “foster anti-racist conversations.”

Their past projects include a partnership with Nickelodeon to support conversations around race and racism with kids and a team-up with Google to curate reading materials and lesson plans supporting inclusive K-12 classrooms.

The Conscious Kid was also the victim of a smear campaign by Project Veritas, a far-right activist group that uses entrapment, disinformation, conspiracy theories, and deceptively edited videos to generate bad publicity for the organizations it targets.

Grandparent Shirley Arnold said she opposed the book donation even

though she had not read any of the books. She said, “Those books will not help our children. There’s no reason to be segregating the world anymore.”

Superintendent of Schools Joseph S. Kovalchik explained that the books were not being added to the curriculum, but rather to school libraries and guidance offices where they could be used as a resource to support staff.

Kovalchik noted they have seen a significant uptick in teachers fielding questions from students about the environment, race, immigration, bullying, and historical figures with diverse backgrounds.

“The staff really is struggling with having those conversations and providing the resources for those students of a diverse background, to assist them with their concerns,” said Kovalchik.

Kovalchik also stressed the impact these books would make on the lives of students. “It’s important to expose students on the diverse background of our country and our community, and I think having those resources for those of different race and different backgrounds is important.”

Board member Robert Mentzell bluntly agreed. “We’re running a public school. We have a legal obligation and a moral obligation to teach all students.”

Nonetheless, Vice President Chuck Frantz voted to table the donation in response to the concerns raised, so that he would have time to research the matter.

After speaking with the district teachers who vetted the books, Frantz recognized that these books belonged in the school district.

Frantz said the parents at the meeting had characterized the donated materials as “something that was divisive.” However, “when I got more information about it, I thought, ‘You know what? This is wrong. We can’t

be like that.’ Let’s say there’s another book in the library they don’t like. Are they going to complain and make us pull those books? This is ridiculous.”

Kelly Woodward, whose children are mixed race and attend Northampton Borough Elementary, said, “I was disappointed to hear that parents in our district are taking buzzwords that are really spread in order to promote fear-mongering.”

Woodward continued, “It really disappointed me [that] the school district tabled this instead of saying ‘We’re not teaching critical race theory, we’re not teaching racism, they’re storybooks and stories we’re shelving in our classroom.’”

Jessica Quinones, the kindergarten teacher who applied for the book donation from The Conscious Kid, said she already had several of the books in her classroom, but wanted to apply so the books could be added to the school library. She stressed how important it was, especially after a summer of racial unrest, for teachers to incorporate diverse books into their classrooms.

Quinones said that representation matters in children’s books, and relayed a story about a Black student she had who felt anxiety around being different from the other kids in the classroom (the district is 84% White). She found a book addressing this issue and shared it with him and his parents. “He was seen,” she said, and he felt much better for it.

“I just feel like being able to see yourself really matters to kids,” she said.

When the issue was taken up again at their August 9 meeting, school board president David Gogel stated that the book donations complied with their Instructional Materials policy, which states: “Resource materials shall be chosen based upon the interest



and learning value for students, . . . shall not be discriminatory in nature [and] shall be provided which present all points of views.”

Gogel also highlighted a section of their Gifts, Grants, Donations, and Scholarships policy indicating that any gift or donation accepted by the school board is not an endorsement of a product, business, institution, or ideology.

Nicholas Woodward spoke out in support of the donations, observing that “just as silence condones bullying, ignoring differences in our community makes people feel overlooked and pushed away.”

Woodward said, “Books expose students to a wider range of cultures and people, and are one simple way to build an understanding of others. These books presented for donation help diversify the district’s collection and open a window into other people’s lives.”

Many other parents continued to object to the donated books, calling them “divisive,” “racist,” and “socialist.”

Doug Vaughn spoke against the donation because of what he called The Conscious Kid’s “Marxist agenda.” He said, “I wouldn’t accept a gift from Stalin, Hitler, I don’t care what it was, because of who they are and the motivation for why they might be giving us a gift.”

Board member Mentzell said he researched The Conscious Kid and found nothing along the lines of what Vaughn, Bretzik, Arnold, and others alleged. “I took it upon myself to read everything about The Conscious Kid organization,” he said. “I didn’t find any reference to Marxism.”

Mentzell characterized the language being used by those objecting to the donation as “an empty vessel with which to rile up the troops,” adding, “I don’t put any credibility in that.”

Mentzell also noted that copies of 30 of the titles that The Conscious Kid donated were already on the shelves of district school libraries. He said access to diverse books like these is vital, because “I want our kids to have the necessary resources in their education.”

Mentzell made a motion for “the administration to pursue those resources, which include the books mentioned on the July 19 agenda, plus other similar resources.”

The board unanimously approved the motion. Superintendent Kovalchik then parsed the board’s action this way: “We’re not accepting the books, but are to go out and address diversity.”

After the meeting, Board President Gogel, who earlier read a statement delineating the books’ compliance with the district’s Instructional Materials policy, indicated he no longer wanted to accept the donation. “We don’t need more problems,” he said.

The titles the school district received from The Conscious Kid are:

- *All Because You Matter* by Tami Charles and Bryan Collier
- *Alma and How She Got Her Name* by Juana Martinez-Neal
- *The Boy Who Thought Outside the Box* by Marcie Wessels and Beatriz Castro
- *Brave Girl: Clara and the Shirtwaist Makers’ Strike of 1909* by Michelle Markel and Melissa Sweet
- *Coretta Scott* by Ntozake Shange and Kadir Nelson
- *Crown: An Ode to the Fresh Cut* by Derrick Barnes and Gordon C. James
- *The Day You Begin* by Jacqueline Woodson and Rafael López
- *A Different Pond* by Bao Phi and Thi Bui
- *Drawn Together* by Minh Lê and Dan Santiat
- *Dream Builder: The Story of Architect Philip Freelon* by Kelly Starling Lyons and Laura Freeman
- *Dreamers* by Yuri Morales
- *Eyes that Kiss in the Corners* by Joanna Ho and Dung Ho
- *Fry Bread: A Native American Family Story* by Kevin Noble Maillard and Juana Martinez-Neal
- *Gordon Parks: How the Photographer Captured Black and White America* by Carole Boston Weatherford and Jamey Christoph
- *Hair Love* by Matthew A. Cherry and Vashti Harrison
- *Hidden Figures: The True Story of Four Black Women and the Space Race* by Margot Lee Shetterly and Laura Freeman
- *Hold On to Your Music* by Mona Golabek and Lee Cohen
- *I Am Enough* by Grace Byers
- *I Am Every Good Thing* by Derrick Barnes and Gordon C. James
- *I Can Write the World* by Joshunda Sanders and Charly Palmer
- *I Dissent: Ruth Bader Ginsburg Makes Her Mark* by Debbie Levy and Elizabeth Baddeley
- *It Began with a Page: How Gyo Fujikawa Drew the Way* by Kyo Maclear and Julie Morstad
- *Kamala and Maya’s Big Idea* by Meena Harris and Ana Ramirez González
- *Lailah’s Lunchbox: A Ramadan Story* by Reem Faruqi and Lea Lyon
- *Little Leaders: Bold Women in Black History* by Vashti Harrison
- *Little Legends: Exceptional Men in Black History* by Vashti Harrison
- *Mae Among the Stars* by Roda Ahmed and Stasia Burrington
- *Malcolm Little: The Boy Who Grew Up To Become Malcolm X* by Ilyasah Shabazz and AG Ford
- *Mama’s Nightingale: A Story of Immigration and Separation* by Edwidge Danticat and Leslie Staub
- *Missing Daddy* by Mariame Kaba



- *My Papi Has a Motorcycle* by Isabel Quintero and Zeke Peña
- *The Name Jar* by Yangsook Choi
- *Planting Stories: The Life of Librarian and Storyteller Pura Belpré* by Anika Aldamuy Denise and Paolo Escobar
- *The Proudest Blue: A Story of Hijab and Family* by Ibtihaj Muhammad
- *Rosa* by Nikki Giovanni and Bryan Collier
- *Ruth and the Green Book* by Calvin Alexander Ramsey and Floyd Cooper
- *Schomburg: The Man Who Built a Library* by Carole Boston Weatherford and Eric Velasquez
- *Separate is Never Equal* by Duncan Tonatiuh
- *Sing a Song* by Kelly Starling Lyons and Keith Mallett
- *Sulwe* by Lupita Nyong'o and Vashti Harrison
- *The Undeclared* by Kwame Alexander and Kadir Nelson
- *We Are Grateful* by Traci Sorell and Frané Lessac
- *We Are Still Here! Native American Truths Everyone Should Know* by Traci Sorell and Frané Lessac
- *We Are Water Protectors* by Carole Lindstrom and Michaela Goade
- *When Aiden Became a Brother* by Kyle Lukoff and Kaylani Juanita
- *When Lola Visits* by Michelle Sterling and Aaron Asis
- *When We Were Alone* by David A. Robertson and Julie Flett
- *Where Are You From?* by Yamile Saied Méndez and Jaime Kim
- *The Whispering Town* by Jennifer Elvgren and Fabio Santomauro
- *Your Name is a Song* by Jamilah Thompkins-Bigelow and Luisa Uribe

Reported in: *Times News Online*, July 21, 2021 and *August 11, 2021*; *Morning Call*, July 28,

2021 and August 10, 2021; Home News, August 10, 2021.

LIBRARIES Jonesboro, Arkansas

Stephanie Nichols spoke out after her 11-year-old daughter told her about a Pride Month display in the children's section of the Craighead County Jonesboro Public Library.

Nichols found one book particularly objectionable: *The GayBCs* by M.L. Webb, an abecedarium in which each letter refers to some facet of the lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) community.

The GayBCs won a Red Tricycle Best Kids Book award. Its publisher, Quirk Books, says it is appropriate for grades pre-K through 3.

Nichols expressed concerns that by displaying books, the library was taking control away from parents. "I know we have to be careful how much we censor adults, but children are different."

David Eckert, director of the Craighead County Jonesboro Public Library, said the library always puts out materials for Pride Month and that he does not recall ever receiving complaints about it before. He noted he has received 35 emails in favor of the Pride displays and three people who wrote to complain. He said he has also received two complaints over the phone.

Jolene Mullett, a teen services librarian, said there were no objections until Senator Dan Sullivan shared a post on June 21 or 22 declaring the displays inappropriate. The original post was made by Cathy Davis Tarver in the Northeast Arkansas Tea Party Facebook Group.

Teen services librarian Malorie McDermott said books in the displays reflect what home is like for a

lot of kids, including books about "single-parent homes, or books about being raised by grandparents, or books about being raised by gay or lesbian couples."

Assistant Director Tonya Ryals said that the library has a material reconsideration policy, but no one had filled out a reconsideration request form for any of the displayed materials.

Eckert said people have asked him what his agenda is. He answered succinctly: "We just want people to check out books."

Reported in: *Jonesboro Sun*, June 25, 2021.

MUSEUMS Lincoln, Nebraska

A private Drag Queen Story Hour (DQSH) event scheduled after hours at the Lincoln Children's Museum by OutNebraska was canceled when the organizations received "an overwhelming number of threats of violence," including death threats. The threats were posted online, on Facebook, made over the phone, and left on voicemail.

The event was not museum-sponsored and the decision to cancel it was made by event organizer Waylon Werner-Bassen. After extensive conversation with the police, Werner-Bassen said "it was better to be safe and to not have it," due to the credibility of some of the threats.

Abbi Swatsworth, OutNebraska's executive director, said that the "decision to cancel our event was not made lightly. It involved a frank conversation about the safety of our families" and that of event attendees.

The story hour was intended to celebrate lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) families. Swatsworth said they rented the facility for "LGBTQ+ families to enjoy



the museum together and to hear stories of inclusion, empathy, and kindness.”

In their announcement regarding the cancellation, OutNebraska observed that it is “so sad when hate threatens families with children.”

In an Instagram post, the Lincoln Children’s Museum said “cancelling this event and not having the children in our building to create, discover, and learn through the power of play breaks our heart.” They shared a link to OutNebraska’s resources page and recommended four LGBTQIA+ inclusive children’s books.

Mayor Gaylor Baird issued a statement proclaiming that “playing politics with people’s lives is never acceptable. Misinformation spread about a private event at the Lincoln Children’s Museum inspired threats and fueled hatred and fear. All threats are being investigated by the Lincoln Police Department, and, to our LGBTQ friends and neighbors, know you are loved and welcome in our city.”

OutNebraska indicated the event would be rescheduled without any public invitation. They have been holding DQSH events for four years and while there has been pushback in the past, they never previously received credible death threats.

Reported in: *Lincoln Journal Star*, July 27, 2021; *The Hill*, July 28, 2021; *Newsweek*, July 27, 2021.

Derry, New Hampshire

The Taylor Library canceled a scheduled drag queen story hour called “Drag Story Time with Clara” after people protested and contacted library trustees.

Library director Jen Thielker said on Facebook that she had scheduled the program without consulting library staff or the trustees. She was also the sole decision-maker regarding the event’s cancellation.

Michael McMahon, who was to host the story hour as Clara Divine, told WMUR-TV that, “It was a really sad moment for me to look at all these messages and see all the hate, but there was also a lot of support which made me really happy.”

The event was held at a private venue instead.

Reported in: *Associated Press*, June 9, 2021.

Austin, Texas

On July 1, the Bob Bullock Texas State History Museum pulled out of their role co-hosting a virtual discussion of the book *Forget the Alamo: The Rise and Fall of an American Myth* hours before it was scheduled to take place.

The Writers’ League of Texas offered to move forward with the event on another platform, but the authors decided it was too short of notice to set this up, update the 198 pre-registered participants, and advertise the change.

The book by Bryan Burrough, Chris Tomlinson, and Jason Stanford places The Battle of the Alamo within its historic context as a fight to preserve slavery. Since the 180 Texan rebels who died for this cause are celebrated as state heroes, publicly acknowledging this fact made politicians invested in their legacy uncomfortable.

Concerns raised by the museum’s board of directors were the official reason given for canceling the event. Conservative lawmakers Governor Greg Abbott, Lieutenant Governor Dan Patrick, and House Speaker Dade Phelan all serve on the board and were all cited as contributing to the decision.

Patrick tweeted that, “As a member of the Preservation Board, I told staff to cancel this event as soon as I found out about it.”

An individual using the Twitter handle @MimCoyote responded that “Bob Bullock would be ashamed [that] the board of his namesake museum is too chickenshit to come to terms with the truth.”

Tomlinson stated that Patrick “thinks he has the right to force his myths on others and can’t handle the truth. Historians have been teaching these facts for a decade.”

In an interview, Stanford said, “If the state history museum isn’t the right place to talk about state history, then I don’t know what to do.”

Tomlinson said, “I think we’re being censored, which is a shame, because the mission of the Texas [State] History Museum is to promote examining our past. We’ve done more than a dozen events and this is the first time we’ve been shut down like this.”

The National Coalition Against Censorship (NCAC) agreed with Tomlinson’s assessment. Their letter to the museum board states, “It is clear from the public statements of Texas government officials that the event was canceled because those officials disagreed with the views expressed by the authors of the book. Such viewpoint discrimination is unconstitutional.”

“I think it is politics,” explained Tomlinson, when asked what may have motivated the event’s cancellation. “I think they’re distorting what critical race theory (CRT) means the same way they distorted political correctness and multiculturalism in the past. It’s just another piece of propaganda.”

Tomlinson was referring to the recent passage of House Bill 3979 by the Texas legislature banning schools from teaching CRT and barring teachers from discussing “polarizing current events or social issues” in class.

Abbott said, “House Bill 3979 is a strong move to abolish critical race



theory in Texas, but more must be done. The issue will be added to a special session agenda.”

Stanford called the State Museum’s withdrawal from the event an illustration of what the state means by “patriotic education.” He said, “They’re insisting so vehemently on a version of the past that never existed.”

NCAC observed that, “With increasing frequency, elected officials are using their power to pressure cultural institutions to censor ideas with which they disagree. This trend is directly connected to efforts to control how history is taught in schools.”

“There’s no reason conservatives can’t accept the past with open arms and say, that’s where we started, here’s where we’re going,” said Stanford. “There’s no reason they can’t tell the story of Texas as a redemption story and that we’re still an imperfect union ever becoming more perfect.”

It wasn’t until 2019 that Texas textbooks acknowledged slavery played a “central role” in the Civil War.

Admitting that Davy Crockett and William Travis were slave-owners and Mexico’s abolition of slavery in Texas precipitated the Battle of the Alamo remains challenging for some Texans.

“If they want to bring up that it was about slavery,” said Brandon Burkhart, president of the This is Freedom Texas Force, “They need to take their rear ends over the state border and get the hell out of Texas.”

Burkhart’s group led an armed protest last year in Alamo Plaza and opposes any acknowledgment that the desire to maintain the institution of slavery was a major cause of the Texas Revolution.

Burrough tweeted that “I’ve worked all over the world for 35-plus years and I had to return to Texas to get my first government censorship and actual death threats.”

The controversy translated into book sales, as *Forget the Alamo* was catapulted from a triple-digit ranking to the 28th best-selling book on Amazon.

Reported in: *San Antonio Express-News*, July 1, 2021, and July 2, 2021; *KXAN*, May 22, 2021, and July 2, 2021; *The Texas Tribune*, May 10, 2021, and July 2, 2021; **National Coalition Against Censorship, July 14, 2021; *The Eagle*, July 20, 2021; *San Antonio Report*, July 28, 2021.**

Irving, Texas

Vicki Norman, a school nurse with Irving Public Schools, sent a lengthy email to the mayor and city council on June 30, 2021, informing them that “there is a systemic pornographic problem in the library.”

Norman has been speaking out against lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) materials in the Irving Public Library’s collection since their 2019 observation of Pride Month.

Her initial protest was against Drag Queen Story Hour, an event the library had neither held nor even planned at the time of Norman’s complaints.

In September of 2019, Norman wrote to the library board and Irving City Council members requesting the removal of all LGBTQIA+ materials from the library’s teen collection.

In her email, Norman cautions that “the library and city are promoting gender dysphoria and transgenderism. This is extremely irresponsible.”

The crux of Norman’s current “pornographic problem,” as presented in her June 30, 2021, email is L. C. Rosen’s young adult (YA) romance novel *Jack of Hearts (and Other Parts)*. The plot revolves around a gay

seventeen-year old who writes a sex advice column and has a stalker.

School Library Journal’s starred review for Rosen’s novel proclaimed that “The dearth of sex-positive YA literature—particularly sex-positive queer literature—makes this book an essential addition to library collections that serve teens.”

Norman asks whether the library and city are prepared to “spend more money on the resultant diseases due to promoting sexual promiscuity to its youth” by circulating this book. Her email also notes that the library “has zero items in its collection under homosexual disease.”

According to Norman, the American Library Association (ALA) is complicit and “using tax payer money and abusing its trusted position in the community to enable promotion of dangerous sexual behavior, normalizing gender fluidity and anal sex.”

While Norman also complained about *Teen Vogue* (all of it) and Michele Tea’s books *Check Please, My Brother’s Husband*, and *Midnighter* volumes 1 and 2, she focused on *Jack of Hearts* including photocopies of 35 pages from it with the juicy bits dutifully underlined.

Norman states that she “emailed the information about this book to our library director in January, 2020, and it is still in the collection and was not reviewed by she or her staff.”

Norman’s Request for Reconsideration form regarding *Jack of Hearts* was submitted on June 28, 2021, and not in January of 2020.

The form notes that the book demonstrates “hatred of monogamy, women, self, heterosexuality” and should be replaced with “materials on STDs, HIV, sexual abstinence, waiting to date, saying ‘NO,’ dangers of Transgender Identity, faithful life long marriage, healthy relationships,



that children are a result of sexual relationships.”

Irving Public Library Director Cary Siegfried responded to Norman’s June 30 email the following day.

“I understand from your many emails that materials regarding LGBTQ sexual behavior and gender roles departing from strict male and female roles or from heterosexual behavior are not ones that you would like to see in our collection,” wrote Siegfried. “However, there are members of the Irving community who DO want to have these materials in the collection and have specifically requested them.”

Siegfried continued, “We certainly respect and support a parent’s right to set limits for their child. We always encourage parents to be interested and engaged with what their children are reading; however, those limits should not impede other families from accessing the information and reading material that they wish to use.”

According to the library’s reconsideration process, materials requested for reconsideration will be reviewed by library staff who participate in collection development to determine if the material falls within their collection policy. If the customer is unsatisfied with the decision made, they can appeal it by asking in writing that it be referred to the Library Director within 30 days from the date of the response.

Reported in: *Book Riot*, July 20, 2021.

Campbell County, Wyoming

When the Campbell County Public Library System (CCPL) made a Facebook post highlighting items in their collection for Pride Month, community members pushed back during the July 7 Campbell County Commissioners meeting. Among those

objecting was County Commissioner Del Shelstad.

Some residents suggested minors should not have access to any lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) books. Some proposed removing all LGBTQIA+ materials from the library collections, including those for adults. Demands for removal of the library’s board members were also made.

The Facebook post which generated this controversy read simply: “June is Pride Month and Rainbow Book Month. For this month’s Teen Room blog, Sarah writes about a few titles you can check out from your library that will connect you with the [LGBTQIA+ collection at CCPL](#).”

At the meeting, Commissioner Shelstad said, “This is exactly the type of thing that I think is harmful in our community. I’m not asking you to have a straight Pride Month, I’m just asking you not to have a gay Pride month.”

CCPL Executive Director Terri Lesley said the spotlight during Pride Month in June was to highlight diverse perspectives, the same way they would highlight books for seniors, books in Spanish, or books for Christmas.

Resident Susan Sisti said of the library board, “They’ve betrayed the children in our community. My solution is that they all need to be removed, we can no longer trust them. I will never trust them again. There are already parents boycotting the library.”

County Commissioner Rusty Bell provided guarded support for the library, “I hope it doesn’t keep us from promoting things. Also, I hope it doesn’t keep us from keeping books in the library in the fiction section. I think we can promote things, but I think we got to be really careful when we start censoring things.”

The books linked to from the Facebook post are:

- *A Quick & Easy Guide to Queer & Trans Identities* by Mady G.
- *Let’s Talk About Love* by Claire Kann
- *None of the Above* by I.W. Gregorio
- *Carry On* by Rainbow Rowell
- *All Out: The No-Longer-Secret Stories of Queer Teens Throughout the Ages* by Sandra Mitchell
- *I’m a Wild Seed* by Sharon Lee De La Cruz
- *Music from Another World* by Robin Talley

On August 12th, a special meeting between the library board and the Campbell County commissioners was held. During this meeting, the commissioners announced that it was not their job to censor materials, but rather to appoint library board members.

“If the county begins to censor books that have anything to do with LGBTQ+, where does that censorship end?” asked Commissioner DG Reardon.

Reardon then said “We need to take responsibility for our actions, for our kids’ actions, and our grandkids’ actions, and stop talking about censoring, taking books out, burning books, and going back to the days of the Nazis.”

Kevin Bennett, who earlier led a protest in front of the library against “books that indoctrinate kids into the LGBTQ community . . . using taxpayer dollars,” responded heatedly.

“Nobody’s saying that! No one said censorship,” Bennett yelled. “You’re a liar!” He was then escorted from the meeting by a Campbell County Sheriff’s deputy.

Library director Lesley provided a step-by-step walkthrough of the library’s material reconsideration



process and noted that no one had followed the process for challenging any of the books that were being objected to at the County Commission meetings.

Commissioner Shelstad then asked each library board member to answer whether they thought *This Book is Gay* was appropriate for Campbell County youth. All but one declined to answer, indicating they had not reviewed the book. Mandy Steward said she did not feel it was appropriate.

Shelstad then said, “It seems to me, the formal process has been started because of the public comments from the community. I would say that we need to take a look at this book, whether this [request for reconsideration] form has been filled out or not.”

CCPL Board Chair Hollie Stewart disagreed. “If you want to get divorced in the State of Wyoming, you don’t get to just go stand on the courthouse steps and say ‘divorce me now,’ you have to file the paperwork. You have to make the claim. You have to allow the other side to also collect their thoughts and make their claims as well.”

Before August 2021, only one request for reconsideration of library materials form was ever filled out, and submitted to CCPL and that was done several years ago.

The conversation continued during the regularly scheduled August 17 Campbell County Commission meeting.

Bennett returned to this meeting to suggest that the county could save hundreds of thousands of dollars on social services for at-risk youth if the commission would take “sexually perverted materials . . . from the children and teen sections and put [them] in the adult section.”

Citizen Edie Reno also had interesting ideas to share. “It’s already been proven and documented that when

a child looks at porn—and don’t be telling me there is not porn in that library, you’ll find it—it changes their DNA.” Reno did not cite any studies supporting this outlandish claim.

Scott Clem declared that “It is reasonable and responsible and good judgment not to put smut magazines in the children and teen section.” Prior to Clem’s comment, no official consideration had been given to this idea.

Chelsie Clem [relation to Scott unknown] said that years ago she was the one who had previously challenged a book at the library because it mentioned “souls being harvested.” She said that after she turned in her form, the library let her know that the book had been vetted and was being retained. This did not impress Clem.

“You’re going to see me and folks like me come up and we’re going to be up here because this problem isn’t going to go away until we see someone exercise good judgment,” she said.

Sisti also returned, this time suggesting the county create a parental review board “so parents can review what’s in our library and censor books.”

Numerous citizens defending the library and their decision to make age-appropriate LGBTQIA+ materials available to all audiences also spoke out at this meeting.

Jordan Engdahl said it is difficult for children who are struggling with their sexual identity to be who they are when they see adults in the community acting this way.

“I find it astonishing that a special meeting was called for a book which had not even had a formal complaint filed against it,” said Doug McGee.

“It seems a very small but very vocal part of the community wishes to bypass the established procedures and claim authority over disposition

of individual items in the collection, which I think would set a very dangerous precedent.”

“We can’t just censor books and throw them out of the library because you don’t like them,” said Mike Clymer. “We can’t just pull up and say, ‘I don’t like that book because it mentions the ‘V’ word,’” Clymer continued. “We’ve got to use some common sense.”

Between the August 12 special meeting and the August 17 meeting of the Campbell County Commission, four forms requesting reconsideration of library materials were filed. By September 3, 22 formal book challenges had been filed regarding twelve titles.

No decisions regarding the challenged materials has been made at the time of this writing.

The formally challenged titles are:

- *This Book is Gay* by Juno Dawson
- *Trans Mission: My Quest to a Beard* by Alex Bertie
- *The Babysitters’ Coven* by Kate Williams
- *Music from Another World* by Robin Talley
- *The V-Word: True Stories About First-Time Sex* by Amber Keyser
- *Quick & Easy Guide to Queer & Trans Identities* by Mady G.
- *Mary Wears What She Wants* by Keith Negley
- *Meena* by Ine Van Mol
- *My Body My Choice* by Robin Stevenson
- *The Black Flamingo* by Dean Atta
- *Heartstopper* by Alice Oserman
- *Jane Against the World* by Karen Blumenthal

Reported in: Wyoming Public Radio, July 13, 2021; County 17, July 18, 2021; August 16, 2021; and September 3, 2021; Wyoming News Exchange, August 23, 2021.



SCHOOLS Lehigh County, Pennsylvania

Maureen and Christopher Brophy's lawsuit claims that topics such as "systemic racism," "religion," "White privilege," "police brutality," and "Black Lives Matter" are anti-Christian and discriminate against their religion.

The lawsuit also claims their son's advanced-placement physics teacher refused to teach him unless he wore a mask. The Brophys said their son suffers from a medical condition that makes it painful to view a computer screen for hours at a time or to wear a mask.

Superintendent Campbell, Emmaus High School Principal Kate Kieres, school district Humanities Supervisor Erin Murphy, AP Physics teacher Carole Wilson, District Director of Special Education Linda Pekarik, and the school district itself are all named as defendants in the suit.

The Brophys' complaints began after the book *White Fragility: Why It's So Hard for White People to Talk About Racism* by Robin DiAngelo was assigned at Emmaus High School to both their children.

DiAngelo's 2018 book describes "White fragility" as a defensive response by a White person when their race is highlighted or mentioned, or when their racial worldview is challenged. She argues White people are used to viewing themselves as the "default" race and are subsequently insulated from feelings of racial discomfort.

On February 19, 2021, Superintendent Kristen Campbell denied the Brophys' request to exempt their children from these lessons.

Reported in: *Pittsburgh Post-Gazette*, June 16, 2021.

Loudoun County, Virginia

During the May 11 board meeting of the Loudoun County Public Schools (LCPS), residents loudly complained about COVID restrictions, equity initiatives, and critical race theory before shifting focus to book banning.

The forty-five minute public comment period was monopolized by speakers reading sentences from *Monday's Not Coming* by Tiffany D. Jackson and *#MurderTrending* by Gretchen McNeil. Parents argued that the concept of diversity was a "trojan horse" to sneak inappropriate materials into schools.

Monday's Not Coming was named a best book of 2018 by *School Library Journal* and received a starred review from *Publishers Weekly*. The protagonist is a girl whose best friend mysteriously disappears. The book was inspired by numerous disappearances of black girls across the US.

Among other accolades, *#MurderTrending* topped the Young Adult Library Services Association's "2019 Teens' Top Ten Titles" list. It is a dystopian novel set in a near future where the penal system has been privatized for use as a form of online entertainment. The plot revolves around Dee Guerrero, a Latina teen wrongly convicted of her stepsister's murder.

These books were included in middle and high schools throughout the district as part of their Diverse Classroom Libraries collections.

According to the district's website, these collections "reflect and honor our student population and those around them" in order to "contribute to developing student identities." The materials in them are curated by trained teams of LCPS teachers, librarians, administrators.

A formal reconsideration process following the school's policy was initiated after the meeting. Separate committees reviewed each challenged

book and submitted recommendations to Superintendent Scott Ziegler.

Ziegler announced that he would follow the committees' recommendations. *Monday's Not Coming* was removed from classroom collections at the six middle schools that held it, but retained in all high school library collections. It also remains an option for book clubs and independent reading.

#MurderTrending will be retained in middle and high school collections and as an option for book club study units.

Ziegler reminded parents that they may request alternate texts for any books they believe are inappropriate for their children.

The editors of the *Loudoun Times-Mirror* applauded the decision not to ban the books, writing that "Offering literature that teens actually want to read is the only hope we have of sparking a love for reading and then kindling it to a blaze."

Their editors note that "it's a teacher's job to help a student understand the sometimes-nuanced life lessons woven throughout the literature that is either assigned or made available to them."

Jack Lechelt, parent of an LCPS middle school student, said "There will always be people who try to sow division in our community, but we don't have to listen to them. Thanks to our school board for making *Monday's Not Coming* available to our students."

Upon learning the school board would not ban the books, the group that challenged them initiated efforts to recall six of the nine school board members, including the board's Chair and Vice Chair.

Reported in: *Loudoun Now*, May 13, 2021, and July 7, 2021; *Loudoun Times-Mirror*, May 27, 2021, and July 7, 2021.



Carlisle, Pennsylvania

On June 17, the Carlisle Area School District board voted against a policy revision that would have barred teachers from expressing support for any political or social movement, platform, or campaign on school time and using district property.

This proposed policy concerned teacher Dorene Wilbur, who is frequently approached by Carlisle High School students during the day with questions about current events.

“They know me,” Wilbur said. “I’m one of the few Black educators in the system. They come to me because they want information so they can make up their own minds.”

She said that she always prefaced her opinion with the words, “I am speaking as an individual, not as a representative of the Carlisle Area School District.”

Wilbur was one of many who spoke out against the policy revision during the meeting. School board members also received emails and comments prior to the meeting from residents concerned that the proposed policy would have a chilling effect on teachers and staff, preventing them from engaging students in teachable moments.

Assistant Superintendent Colleen Friend explained the thinking behind the proposed revision. “Public schools have always been expected to walk a very fine line between educating students on relative and important topics and maintaining a school environment that is free from polarization, politics, or students that have become politicized.”

“If I understand the policy correctly, this puts a tape across my mouth,” said Wilbur during the board meeting.

Tatum Robinson-Covert, a 2020 graduate from Carlisle High School, said she was active in an effort on

campus to promote diversity and a more inclusive climate.

“Why the interest to shut down these important discussions?” Robinson-Covert asked board members. “There is a difference between trying to influence students one way or another and facilitating meaningful conversations when a polarizing event occurs.”

“This policy will not resolve or even alleviate the political divide that is present. It will only heighten it,” said Robinson-Covert. “If a politicized event occurs and no one is allowed to talk about it, that would leave students to their own echo chamber environment.”

Carlisle alumna TaWanda Stallworth said, “After all that we have been through in the past year, we owe it to ourselves, and more importantly to our students, to ensure that . . . we are encouraging our students to be critical thinkers committed to analysis.”

“If teachers are not allowed to deconstruct and analyze current politicized events, then how will students learn to formulate their own beliefs?” asked Robinson-Covert.

Board President Paula Busard made the motion to reject the revision.

“It was never the intent of the board to squelch free speech and robust discussion,” said board member Anne Lauritzen.

District board member Rick Coplen added, “We have confidence in our teachers to do the right thing.”

Reported in: *The Sentinel*, June 20, 2021.

LIBRARIES Norwalk, Connecticut

Norwalk resident Mohinder Kalsi, a Sikh, requested that Norwalk Public Library reconsider the graphic novel *Guru Gobind Singh*, because in it “the

last guru is shown in the form of a cartoon and that’s very objectionable.”

He requested that the book be replaced by more appropriate materials on Sikhism.

In *Sikh Art from the Kapany Collection*, Paul M. Taylor and Sonia Dhami note that while there are acceptable visual representations of the Sikh gurus, there are also “limits aiming to separate these portraits from contexts where the images might become objects of worship.”

Vice President Patsy Brescia said during their April 8 board meeting, “This is not an easily resolved issue. To take the position of removing books from the library that other people might object to for one reason or another, that is a very serious question to be asked.”

Wishing to remain both ethical and respectful, at their May 13th board meeting, Board President Alex Knopp tasked Executive Director Sherelle Harris with researching how libraries deal with graphic depictions of religious figures.

Samantha Lee, on behalf of the Connecticut Library Consortium’s Intellectual Freedom Committee, said: “If the library were to make a decision on removing or keeping this book to accommodate a religious perspective, then it could be seen as being a proponent, and therefore in violation of the establishment cause” of the First Amendment.

Prior to the board’s September meeting, Harris provided the board with her recommendation not to remove the book. Her recommendation included the option of relocating the item to a special collection so it would only be available upon request.

At their September 9 meeting, Board President Knopp made the following recommendation: “My advice to the board is we do not remove the book from the catalogue, but also that



we do not segregate the book in a separate shelf or collection.”

Board member Ralph Bloom said “It starts with one book and can lead to another. It’s hard on the board, it’s hard on the staff when you have a segregated book. I think it’s important we give all books an equal value and not establish a precedent.”

Board members Knopp, Brescia, Ralph Bloom, Moina Noor, and Mary Mann voted in support of retaining the book; Janine Williams voted against; Sharon Baanante abstained; Thomas Cullen was not present.

Knopp said segregating a book “invites us to go down a slippery slope of having other groups or individuals that object to content in the library seeking to put that book or that media or that DVD into a special collection that has to be requested by an individual.”

Reported in: *The Hour*, July 17, 2021; September 14, 2021.

Harlem, Georgia

After her daughter brought home the book *Drama* by Raina Telgemeier from the Harlem Middle School library, Katie Allen brought concerns to the Columbia County Board of Education regarding the reading materials available at her children’s schools.

Telgemeier’s graphic novel was inspired by events in her own life and tells the tale of various middle school crushes throughout a production of the musical *Moon Over Mississippi*.

Drama won a 2013 Stonewall Book Award in Children’s and Young Adult Literature and a 2013 Harvey Award for excellence in comics. *Publishers Weekly* and *The Washington Post* ranked *Drama* as one of the Best Books of 2012. It was declared a Notable Children’s Book and a Teen Top Ten by the Association of Library Services to Children (ALSC) and the

Young Adult Library Services Association (YALSA).

Drama was also the seventh most banned book between 2010 and 2019 and appeared on the American Library Association’s (ALA) “Top 10 Most Challenged Books” Lists for 2014, 2016, 2017, 2018, and 2019.

The main reasons it has been challenged historically include a depiction of an on-stage kiss between two male characters, and its inclusion of lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) characters.

Common Sense Media, an organization which promotes “safe technology and media for children” assessed *Drama* as suitable for readers over 10 years of age.

Allen submitted a reconsideration application for the book in February, but the book was deemed appropriate. When Allen learned the book was also held at the Euchee Creek Elementary school, she challenged it there, and the school opted to limit its availability to fifth-graders.

While the book challenge was defeated, other policy questions remain resulting from a petition started by Allen. It requests that all “items containing themes on sexuality, homosexuality, and/or transgender ideology be removed from Media Centers and Teacher Libraries” throughout the Columbia County School District.

Barring the books’ removal, the petition requests that the school district add the following text to their media policy: “The Columbia County School District hereby informs parents that Media Centers and Teacher Libraries may provide material containing sensitive topics such as sexuality, homosexuality, and/or transgender ideology.”

Bolstered by 31 signatories to her petition, Allen addressed the board

at their June 8 meeting asking for the removal of all “sexually explicit materials” or for the placement of warning labels on books with “homosexual and transgender issues.”

Another parent, Ayman Fadel, spoke out against such labels. “Adding a ‘warning label’ to the media policy isn’t transparency, it’s an attempt to use county resources to spread unfounded . . . panic and recruit more parents to future censorship efforts.”

Fadel continued, “Adding this language into the media policy is an endorsement against gays, lesbians, bisexuals, and nonbinary people. Removing books from the library because some adults find [them] threatening to their ideology harms all students.”

Superintendent Steven Flynt responded to Allen in writing on June 17, postponing any decision on the petition.

“The mission of the Columbia County School District is to empower and inspire all learners to excel in a global society. To that end we seek to provide our students with the best education possible in a safe, positive environment,” wrote Allen. “We review our policies annually and will consider your suggestions at that time.”

Reported in: *Augusta Chronicle*, June 8, 2021, and July 14, 2021.

Haddonfield, New Jersey

Pushback against an upcoming Drag Queen Story Time (DQST) event hosted by the Haddonfield Friends of the Library (FOL) led to an emergency meeting of the Haddonfield Public Library board.

DQST was scheduled as an online Zoom event limited to FOL members. It was being held as a fundraiser during the pandemic in lieu of their traditional book sale.



Library Director Eric Zino said he had been asked to confirm whether the event “would be a live sex show, or simply a reading of children’s books, with no sex acts being performed, discussed, simulated, or referenced in any way.”

Zino continued, “When we get questions, we respond in a way that we hope creates interest or support, or at the very least, understanding.” He said the emergency meeting was held “so that we can make clear affirmations [about] being a place for everybody.”

Library Board President Amy Goodworth said the board wanted to make a public statement ensuring “the board and library are for the inclusion, diversity, and equity of all community members.”

The library also created a subcommittee of FOL members focused on diversity.

At the time the emergency meeting was held, around 30 families had registered for DQST, including new members who joined FOL just to see it.

Audrey Adams, FOL co-president, said the DQST event “is a wonderful program, that it’s been vetted, that it’s been used at many other libraries as well as synagogues and schools.”

Regarding the books to be read at the event, Adams said, “The trustees picked some favorites that we’ve read in our own families.”

Miss Brittany Lynn is the drag queen persona cultivated by Ian Morrison, who operates DQST as an offshoot of the Drag Queen Story Hour program created by Michelle Tea in 2015.

Morrison said that it’s not the first time he has encountered pushback and protests.

“Any time someone hears Drag Queen Story Time is happening, people don’t even bother to do research.

It’s aggravating. People complain before they experience it, and that’s the worst,” said Morrison.

Morrison completed extensive background checks in order to offer DQST to Philadelphia libraries, schools, parks, and museums. The program was recognized by Philadelphia Family Magazine as the “best community builder of 2019.”

Morrison said “We’re not trying to push an agenda. We read books for all communities and all cultures” to children at an age when they are “open to learning about new cultures [and] new lifestyles.”

“Kids need to know that they’re all original people; that they’re their own person,” said Morrison. “Kids are open to love, diversity, and acceptance. Any kind of hatred is taught, and we’re the exact opposite of that.”

Melissa Gira Grant identified the knee-jerk protests to events like DQST as part of a cable news-driven propaganda machine that also builds support for anti-trans legislation.

“The horrifying and almost immobilizing reality is that none of this had to be true to work. . . . There is no drag queen conspiracy,” wrote Grant. “Trans kids, however, are at risk of being denied life-saving care, losing their families, and facing systematic exclusion from education and athletics, under the cover of law and ‘child protection.’”

In contrast to this, Zino, Goodworth, and Adams are working to position the public library as a space of affirmation, openness, and light.

Despite the complaints, the FOL’s DQST event went on as scheduled.

“We hope but we cannot promise that experiences [in the public library] are going to be positive and that people can and do have a way to access what they want or need, free from judgment, or bias, or stereotypes,

and absolutely with their dignity affirmed,” said Zino.

Reported in: *Los Angeles Blade*, May 19, 2021; *New Republic*, May 4, 2021.

Williamsport, Pennsylvania

On June 2, Lycoming County Commissioners Tony Mussare and Scott Metzger reproached the James V. Brown Library for having a “Celebrate Pride Month” sign and display in the children’s area.

Mussare said he asked Barbara McGary, Library Executive Director, to remove the displayed books from the children’s section. “Our children are confused enough,” Mussare said.

“Why are these books on display?” asked Metzger. “I’m asking them to be taken off display.”

The books were on display to celebrate Pride Month, held every June in commemoration of the 1969 Stonewall uprising in Greenwich Village. Pride Month promotes the dignity, equality, and increased visibility of lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) people.

Both Mussare and Metzger insisted their actions were not made in opposition to the LGBTQIA+ community nor were they an attempt at censorship.

The fact that they sought to leverage their power as elected officials to prevent children from seeing or accessing LGBTQIA+ materials at their local public library is at odds with their claim.

Lycoming County’s third commissioner, Rick Mirabito, took a more inclusive stance. He said sharing books like *Julian is a Mermaid* and *Jack (Not Jackie)* with children was not an attempt to indoctrinate them, but to create a community of tolerance.



“We are elected to represent everybody. Our personal beliefs can’t get in the way of upholding the law,” said Mirabito. “When we hide books, we are saying, ‘You folks are second-class citizens.’ Intolerance often escalates into violence, even death.”

In response to the verbal objections by Mussare and Metzger, McGary said that the library has a core value of welcoming and valuing everyone and showing them respect.

McGary stood firm, refusing to remove materials or displays without

following the established process for doing so. She shared the library’s policy and procedures regarding challenges to materials and displays with all three county commissioners. No formal written complaint was ever filed.

In an opinion letter to the *Williamsport Sun-Gazette*, McGary said “The Library celebrates Pride Month to welcome and honor our LGBTQ+ community of all ages in Lycoming County. Community members, in order to feel welcome, must see themselves reflected in the award-winning

books, materials, and displays we offer.”

McGary indicated she had received overwhelmingly positive support from the community after the story broke about the two commissioners’ objection to the library’s pride display.

Reported in: *Williamsport Sun-Gazette*, June 9, 2021, and June 15, 2021.



SUPREME COURT

In *Mahanoy Area School District v. B.L. (20-255)* the Supreme Court sanctioned the right of students to flip the bird and drop f-bombs off campus. At the end of her freshman year, after not making the varsity cheerleading squad, Brandi Levy vented her spleen in a Snapchat post. It consisted of a photo of her and a friend raising their middle fingers with the caption: “Fuck school fuck softball fuck cheer fuck everything.” She then sent another post with an upside-down smiley-face emoji.

The post was made on a Saturday afternoon in a convenience store parking lot and was sent from a personal cell phone to a private circle of friends. When a screen capture of Levy’s post was shared with school administrators, they suspended her from junior varsity cheerleading for a year. Levy and her parents then filed a lawsuit against the school.

Both a federal district court and the Third Circuit Court of Appeals court ruled in Levy’s favor. The school district appealed the decision to the Supreme Court. On June 23, 2021, the court ruled 8-1 that public school officials lacked the authority to discipline Levy for her off-campus post and violated her First Amendment rights by doing so.

Justice Stephen Breyer wrote the majority opinion, finding that: schools generally do not act “in loco parentis” with regards to off-campus speech. He added that “the school itself has an interest in protecting a student’s unpopular expression, especially when the expression takes place off campus,” because “America’s public schools are the nurseries of democracy.”

The decision also protected parents’ right to discipline their children for their off-campus speech. Breyer wrote that “there is no reason to believe B.L.’s parents had delegated to school

officials their own control of B.L.’s behavior at the Cocoa Hut.”

The Supreme Court concluded there was nothing that would place B.L.’s speech outside the protections of the First Amendment. Her post was not obscene and did not contain fighting words, by the Court’s own definitions.

The opinion affirmed that even flippant speech is protected under the First Amendment as “sometimes it is necessary to protect the superfluous in order to preserve the necessary.”

Notably, this opinion extended the protections the Supreme Court established in the 1969 case *Tinker V. Des Moines School District* (393 U.S. 503) to off-campus speech.

In *Tinker*, the court ruled that school officials can discipline student speech only if they can show it was likely to cause a substantial disruption of school activities or impair the rights of others. Such disruption must exist in fact and not rely on “undifferentiated fear or apprehension of disturbance.”

Justice Alito stated in his concurring opinion that, “If today’s decision teaches any lesson, it must be that the regulation of many types of off-premises student speech raises serious First Amendment concerns, and school officials should proceed cautiously before venturing into this territory.”

Justice Clarence Thomas was the lone dissenter, standing by his belief that public school students do not have free-speech rights inside schools and that First Amendment rights held by students do not limit schools from disciplining them. In his dissent, he suggested he would reverse *Tinker* if he could.

Thomas argued that the “authority of schools over off-campus speech may be greater when students participate in extracurricular programs, [because] students like B.L. who are

active in extracurricular programs have a greater potential, by virtue of their participation, to harm those programs.”

Thomas also argued that location was a fluid concept when applied to social media, since social media posts made off-campus could be read at school. Subsequently, he posits schools “often will have *more* authority, not less, to discipline students who transmit speech through social media.”

Justice Samuel Alito wrote separately, addressing Justice Thomas’s dissent. In his opinion, he wrote that “courts should be ‘skeptical’ about the constitutionality of the regulation of off-premises speech.”

Alito affirmed that “public school students, like all other Americans, have the right to express ‘unpopular’ ideas on public issues, even when those ideas are expressed in language that some find ‘inappropriate’ or ‘hurtful.’”

Justice Breyer noted that schools have an interest in preventing “substantial disruption of learning-related activities [and in] the protection of those who make up [the] school community.” However, the legality of disciplining students for off-campus cyberbullying and harassment fell outside of the scope of this case, so those areas of student free-speech remain ambiguous.

Reported in: NPR, June 24, 2021; New York Times, June 23, 2021; JD Supra, June 30, 2021, and June 24, 2021; Freedom Forum, June 30, 2021.

On June 28, the Supreme Court left the 4th US Circuit Court of Appeal’s decision in place, allowing transgender students to use the bathroom corresponding to their gender identity throughout the court’s jurisdiction of Maryland, North Carolina, South Carolina, and West Virginia.



In 2015, Gavin Grimm, a transgender male who was then a high school student, sued the Gloucester County School Board arguing their policy violated Title IX and the Equal Protection Clause.

As part of Grimm's medical treatment for severe gender dysphoria, Grimm and his mother notified school administrators of his male gender identity. They received permission for Grimm to use the boys' restroom, but the school board withdrew that permission less than two months later.

In a statement, Grimm said, "I am glad that my years-long fight to have my school see me for who I am is over. Being forced to use the nurse's room, a private bathroom, and the girl's room was humiliating for me, and having to go to out-of-the-way bathrooms severely interfered with my education. Trans youth deserve to use the bathroom in peace without being humiliated and stigmatized by their own school boards and elected officials."

When Gavin sued in 2015, the Obama Justice Department filed a "statement of interest" accusing the school board of violating Title IX, which prohibits schools from discriminating on the basis of sex.

The board appealed the decision to the Supreme Court. In 2017, before they could hear the case, the Trump administration withdrew the Obama-era guidance and the Supreme Court wiped away the decision by the 4th Circuit.

In 2019, Judge Arenda Wright Allen of the District Court for Eastern Virginia ruled in Grimm's favor, instructing the school board to pay his court costs and update his records to indicate he is male.

"The perpetuation of harm to a child stemming from unconstitutional conduct cannot be allowed to stand," said Judge Allen. "These

acknowledgments are made in the hopes of making a positive difference to Mr. Grimm and to the everyday lives of our children who rely upon us to protect them compassionately and in ways that more perfectly respect the dignity of every person."

The school board appealed this decision and the case returned to the 4th Circuit Court of Appeals as **Grimm v. Gloucester County School Board (no. 19-1952)**.

The 4th Circuit again ruled in Grimm's favor, this time citing the Supreme Court's 2020 decision that Title VII of the Civil Rights Act bars discrimination based on sex, including claims of gender identity and sexual orientation.

The Supreme Court's decision not to review the lower court's opinion means public school students in states covered by the 4th Circuit, the 7th Circuit, and the 11th Circuit can use the bathroom corresponding to their gender identity.

The issue is unsettled in other states and could potentially make its way back to the Supreme Court.

On July 9, US District Court Judge Aleta Trauger granted a preliminary injunction against a Tennessee bathroom law, in a case that seems destined for the 6th Circuit Court of Appeals. Had the law gone into effect, it would have required businesses to post signs if they allow transgender people to use the bathrooms corresponding to their gender identity.

Reported in: ACLU, June 28, 2021; CNN, June 28, 2021; August 26, 2020; and August 9, 2019; NBC News, July 9, 2021.

The US Supreme Court declined an appeal from Berronelle Stutzman, a Washington-based florist who refused to sell flowers to a same-sex couple for their wedding. The Court did not issue an opinion.

The Washington Supreme Court ruled against Ms. Stutzman in 2017, finding that she had violated a state anti-discrimination law through her refusal to sell goods to the couple.

Their ruling amplified statements from the couple, Robert Ingersoll and Curt Freed, that the "case [was] no more about access to flowers than civil rights cases in the 1960s were about access to sandwiches."

After the Supreme Court decided the case **Masterpiece Cakeshop v. Colorado Civil Rights Commission (16-111)** in 2018, Stutzman's case was remanded back to Washington for review.

In *Masterpiece Cakeshop*, the Supreme Court ruled narrowly in favor of a cakeshop whose owner refused to bake a cake for a same-sex couple. Their ruling did not address concerns of discrimination against the same-sex couple, but was adjudicated based on "religious hostility on the part of the State itself" towards the cakeshop owner.

Upon reviewing the case, the Washington Supreme Court found that no religious bias had factored into their prior decision and again ruled for Ingersoll and Freed in 2019.

In their ruling, they stated Stutzman had no constitutional right to ignore state law prohibiting public businesses from discriminating based on sexual orientation. Stutzman once again appealed the case.

In response to the US Supreme Court rejecting the appeal, the American Civil Liberties Union released a statement saying, "No one should walk into a store and have to wonder whether they will be turned away because of who they are. Preventing that kind of humiliation and hurt is exactly why we have nondiscrimination laws."

Reported in: Jurist, July 5, 2021, and June 4, 2018.



CIVIL RIGHTS Arkansas

On May 25, the American Civil Liberties Union (ACLU) sued the state of Arkansas to block a law banning doctors from providing gender reassignment surgeries, puberty blockers, or cross-hormone therapy to transgender youth.

In April, Arkansas lawmakers overrode Governor Asa Hutchinson's veto of the law by meeting the required simple majority in both the House and Senate. On vetoing the bill, Hutchinson said if it "becomes law, we are creating new standards of legislative interference with physicians and parents as they deal with some of the most complex and sensitive matters dealing with young people."

The ACLU is representing four transgender adolescents and their families and two doctors in the lawsuit. The injunction prevents the law from going into force until the case is adjudicated.

"Transgender children in crisis shouldn't have to turn to the courts to ensure that they can get the health care that their doctors and parents agree they need. But that's the reality that anti-LGBTQ [lesbian, gay, bisexual, transgender, and queer/ questioning] forces have created as part of their campaign of attacks on transgender youth," said the ACLU in a statement.

US District Judge Jay Moody, who granted the injunction, said "To pull this care midstream from these patients, or minors, would cause irreparable harm."

The lawsuit asserts that the law would violate the Equal Protection Clause and the Due Process Clause of the 14th Amendment and strip families of the power to make healthcare decisions for those under 18 years old.

Holly Dickson, executive director of the ACLU of Arkansas, said "This ruling sends a clear message to states

across the country that gender-affirming care is life-saving care and that we won't let politicians in Arkansas—or anywhere else—take it away."

Reported in: *The Hill*, May 25, 2021, and April 6, 2021; *Independent*, July 21, 2021.

West Virginia

On May 26, West Virginia's law prohibiting transgender girls and women from competing on sports teams for public secondary schools or state institutions of higher education was challenged in a federal lawsuit alleging it unconstitutionally "discriminates on the basis of sex and transgender status."

The American Civil Liberties Union (ACLU) of West Virginia, Lambda Legal, and Cooley LLP filed the suit on behalf of 11-year-old Becky Pepper-Jackson.

"I just want to run. I come from a family of runners," said Pepper-Jackson. "I know how hurtful a law like this is to all kids like me who just want to play sports with their classmates and I'm doing this for them. Trans kids deserve better."

The lawsuit seeks declaratory and injunctive relief to allow Pepper-Jackson "to experience the benefits of athletic participation consistent with her gender identity and without being singled out from other girls for different treatment simply because she is transgender."

West Virginia Governor Jim Justice signed the bill into law on April 28. Mississippi, Arkansas, Tennessee, and Florida have enacted similar sports bans this year.

In South Dakota, Governor Kristi Noem issued executive orders directing the Department of Education and the Board of Regents to restrict participation in girls' and women's sports to athletes who can prove their sex assigned at birth was female.

A lawsuit brought by The Human Rights Campaign is challenging Florida's law and plans to challenge those in Arkansas, Mississippi, and Tennessee in the near future. Another injunction is currently blocking a law passed in Idaho last year while another ACLU lawsuit moves through the courts.

Human Rights Campaign President Alphonso David said in a statement that "Transgender children are children. They deserve the ability to play organized sports and be part of a team, just like all children."

Reported in: *CNN*, May 27, 2021, and April 28, 2021; *Time*, June 30, 2021.

FREE SPEECH Richmond, Virginia

In *United States v. Bartow* (2021 WL 1877821), the US 4th Circuit Court of Appeals ruled on May 11th that retired Air Force officer Lieutenant Colonel Jules Bartow's use of a racial slur toward a Black store clerk did not fall under the "fighting words" exception to free speech protection.

The incident precipitating the case was a bizarre and belligerent tirade by Bartow against a Black sales associate at the Quantico Marine Corps Exchange who wished him "good morning" and another Black man who tried to intervene.

"If I had indigestion, diarrhea, or a headache, would you still address me as 'good morning'?" Bartow responded in a raised voice. Cathay Johnson-Felder, the associate, then asked "Can I help you, sir?"

Bartow replied, "I'm not a sir—I'm not a male, I'm not a female, if I had a vagina, would you still call me sir?"

An unidentified Black civilian then explained to Bartow that Johnson-Felder's use of "sir" was the standard mode of addressing customers purchasing products at military installations.



Bartow's coherence and civility continued to decline until base security personnel removed him from the store and placed him under arrest.

A US magistrate judge found Bartow had violated Virginia's abusive language statute, making him guilty of a class 3 misdemeanor, and fined him \$500. Bartow appealed his conviction.

"The ugly racial epithet used by Bartow undoubtedly constituted extremely 'abusive language,'" wrote US Circuit Judge Diana Gribbon Motz in the 14-page opinion.

Motz noted, however, that the First Amendment allows criminalization of abusive language only if the government proves the language had a "direct dependency to cause immediate acts of violence by the person to whom, individually, it was addressed."

The First Amendment allows restrictions on obscenity, defamation, "fighting words," fraud, incitement, and speech integral to criminal conduct.

The "fighting words" exception to the First Amendment was established by the 1942 Supreme Court case *Chaplinsky v. New Hampshire* (315 U.S. 568). Justice Frank Murphy wrote the decision establishing "fighting words" as "those which by their very utterance inflict injury or tend to incite an immediate breach of the peace."

The "fighting words" provision has been progressively narrowed by subsequent Supreme Court cases. The 1969 case *Brandenburg v. Ohio* (395 U.S. 444) determined that even vile epithets made by a Ku Klux Klan leader after burning a cross did not constitute fighting words as they did not

incite lawless action when they were broadcast on TV news.

"Fighting words" are now narrowly tailored to direct in-person insults "shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest."

Motz noted that "Over the decades, the Court has repeatedly determined that the First Amendment places considerable limits on the criminalization of speech. We must abide those limits, even if that means, as it does here, that shameful speech escapes criminal sanction."

Reported in: *Courthouse News Service*, May 11, 2021; *JD Supra*, May 14, 2021.



FREEDOM OF THE PRESS

Can a free press operate while a Presidential administration aggressively pursues journalists' communications in secret?

On June 9, 2021, CNN revealed they had battled against the Trump administration for half a year over access to the email records of CNN Pentagon correspondent Barbara Starr.

The battle began in July 2020 under then-Attorney General William Barr and it took place in secrecy, with CNN general counsel David Vigilante operating under a gag order precluding him from revealing the existence of the investigation to CNN or Starr.

The Justice Department requested more than 30,000 of Starr's email records from 2017 as part of a leak investigation.

According to CNN, "a Justice Department official previously confirmed that Starr was never the target of any investigation. There was never an indication that Starr violated any laws."

The Justice Department refused to narrow their request and never disclosed the target of the probe nor what reporting by Starr was under investigation.

CNN reported that the legal battle continued even after a federal judge told the Justice Department that "its argument for access to Starr's internal emails was 'speculative' and 'unanchored in any facts.'"

The court proceedings were unorthodox as they took place behind closed doors and prosecutors shared an affidavit confidentially with federal Magistrate Judge Theresa Buchanan. CNN's legal representation was precluded from viewing the affidavit. Buchanan permitted the order to move forwards, but CNN appealed the decision.

On December 16, US District Judge Anthony Trenga sided with

CNN, finding that "The requested information by its nature is too attenuated and not sufficiently connected to any evidence relevant, material, or useful to the government's ascribed investigation, particularly when considered in light of the First Amendment activities that it relates to."

The Justice Department asked Trenga to reconsider on January 15, five days before the Biden administration took over. The same day, Zachary Terwilliger, the US attorney overseeing the investigation, left his post.

The Justice Department seized Starr's phone records as well as records from her personal email account. As these were not under CNN's purview, Vigilante could not intercede on Starr's behalf.

In a separate investigation, three reporters for *The Washington Post* were notified in letters dated May 3, 2021, that the Trump Justice Department had obtained records for their work, home, and cell phones for the period April 15, 2017, through July 31, 2017.

In addition to secretly obtaining the journalists' phone records, the Justice Department also attempted to obtain their email records pertaining to reporting they did during the early months of the Trump administration regarding Russia's role in the 2016 election.

The Justice Department indicated that the journalists were not the targets of the investigation, but rather it targeted "those with access to the national defense information who provided it to the media."

The phone records included the numbers of all calls made to and from their work, home, and cell phones and the length of each call. The metadata sought for the reporters' work email accounts included timestamps and details about senders and recipients of messages.

While the purpose of the phone records seizure was not specified, toward the end of the time period the records request covers, the reporters in question wrote a story about classified US intelligence intercepts indicating that in 2016, Senator Jeff Sessions had discussed the Trump campaign with Russian ambassador Sergey Kislyak.

Sessions would become Trump's first Attorney General. He was at the Justice Department when the article was published.

Days after the time period covered by the records' request, Sessions held a news conference announcing that "this culture of leaking must stop" and noting that the number of leak investigations had tripled since the end of the Obama administration.

Also during the time period covered by the records request, the same three journalists wrote a story about the Obama administration's efforts to counter Russian interference in the 2016 election.

Cameron Barr, acting executive editor for *The Washington Post*, said: "We are deeply troubled by this use of government power to seek access to communications of journalists. The Department of Justice should immediately make clear its reasons for this intrusion into the activities of reporters doing their jobs, an activity protected under the First Amendment."

The last such high-profile seizure of reporters' communications records also pertained to the investigation into Russian election interference. In that instance, the Justice Department sought the source for a reporter working for *BuzzFeed*, *Politico*, and the *New York Times*.

Reported in: CNN, June 9, 2021; *Washington Post*, May 7, 2021.



PRIVACY

Can anything short of legislation rein in federal agencies' rampant use of facial recognition technology?

A report released by the Government Accountability Office (GAO) on June 29 revealed that of 42 surveyed federal agencies, 20 of them use facial recognition technology (FRT). It found that those agencies have few safeguards in place and most do not even know which FRT systems are being accessed by their employees or for what purpose.

Agencies the GAO found to be using FRT included NASA, the US Postal Inspection Service, US Fish and Wildlife Service, and the IRS. The systems used are a hodgepodge of government-owned and privately-contracted systems.

The GAO report said that “13 of 14 agencies that reported using non-federal systems do not have complete, up-to-date information on what non-federal systems are used” and had “not fully assessed the potential risks . . . to privacy and accuracy.”

One agency reported that its employees did not use non-federal FRT, but a poll revealed that its employees had used a non-federal system to conduct more than 1,000 facial recognition searches.

According to the report, “Six agencies reported using the technology on images of the unrest, riots, and protests following the death of George Floyd in May 2020.”

A related report released by the GAO on August 24 focused solely on 24 federal agencies, 18 of which report using FRT in 2020. Twenty-seven different federal FRT systems were identified in that report.

Ten of the agencies indicated plans to expand their use of FRT by 2023, despite concerns over accuracy and

privacy. Agencies are planning to develop or purchase 13 additional FRT systems.

“Even with all the privacy issues and accuracy problems, the government is pretty much saying, ‘Damn the torpedoes, full speed ahead,’” said Jack Laperruque, senior counsel at the Project on Government Oversight.

Numerous agencies reported requesting officials in state and local government to run queries on their software and report the results. Just three departments utilized FRT systems “owned by 29 states and seven localities.”

Several agencies, including the Justice Department, US Customs and Border Protection (CBP), and Immigration and Customs Enforcement, reported using FRT from Clearview AI. CBP alone has scanned more than 88 million travelers since 2018. Two additional agencies intend to contract with Clearview AI by 2023.

Clearview is facing a litany of legal battles for copying billions of facial images from social media without approval and for violating the Illinois Biometric Information Privacy Act. They are one of eight commercial FRT systems identified in the GAO's August report.

Reported in: Reason, July 16, 2021; Washington Post, August 25, 2021; EFF, September 15, 2021.

Is it legal for a company to work with police departments to sell and distribute home surveillance systems and then partner with them to provide warrantless access to the footage?

For years, including during Amazon's ownership, Ring gave Los Angeles Police Department (LAPD) officers free devices and discount codes worth tens of thousands of dollars as a means of promoting their home security surveillance cameras.

Their relationship with the LAPD was not unique. Ring supplied law enforcement agencies devices and discounts nationwide until their officer/influencer program was discontinued in 2019.

Police officers served as brand ambassadors for Ring's “crime reducing” doorbells through press releases, giveaways, and by providing Ring cameras as rewards for information leading to the arrest of suspects.

Ring also provided law enforcement officers with scripts for promoting their devices on social media and orchestrated the timing of press releases. As an example, Ring delayed the Boca Raton Police Department's announcement about partnering with Ring for portal access so as not to jeopardize a subsidy program through which the city of Boca Raton incentivized private purchases of Ring doorbells.

Police departments also supported Ring through the release of joint press releases containing dubious claims regarding their doorbells' effectiveness at reducing crime.

In a joint press release with the LAPD, Ring claimed that a pilot project where 40 cameras were installed in the Wilshire Park neighborhood reduced burglaries by 55% six months later. Their data was not peer-reviewed and they refused to release their data, methodology, or analysis.

MIT Technology Review examined the raw crime data made public by the LAPD for the areas the Wilshire Park Association identified as having Ring cameras installed. They found year-on-year increases in burglaries starting with the time period Ring reported for their pilot program. Burglaries continued to climb afterwards, reaching a seven-year high in 2017.

Apart from the problems with accuracy, Maria Cuellar, statistician



and assistant professor of criminology at the University of Pennsylvania, pointed out another problem with the pilot program data referenced in the joint LAPD press release: the sample size was too small “to say whether the effect is something you see in the data, or just some random variation.”

“Ring and its relationship with police departments, including the LAPD, is but one example of a burgeoning problem in which there is a lack of clarity as to where the public sector ends and private surveillance capitalism begins,” said Mohammad Tajsar, senior staff attorney for the ACLU of Southern California.

The ethical quandaries around creating a massive surveillance network for profit and without oversight are legion.

According to *The Guardian*, “Since Amazon bought Ring in 2018, it has brokered more than 1,800 partnerships with local law enforcement agencies, who can request recorded video content from Ring users without a warrant.”

Through these partnerships, law enforcement gain access to an online portal that can be used to acquire footage captured by Ring’s surveillance cameras.

Currently, roughly one in ten police departments across the US have access to hundreds of millions of privately owned home security cameras.

Ring provides law enforcement two broad means of requesting video footage without a warrant. By providing a case number to Ring, they can request video footage from every user in an area Ring has defined as a “neighborhood.” In addition to this, law enforcement can contact users directly through Neighbors, Ring’s affiliated crime reporting app.

Neighbors allows uploads from both Ring and non-Ring devices and has millions of users. Law

enforcement can not only access videos uploaded to Neighbors without a warrant, they can also request additional footage directly from users. While the app allows users to opt out of receiving law enforcement requests, the default setting is to allow them.

Reporter Lauren Bridges compiled data from Ring’s quarterly reports and found over 22,000 law enforcement requests were made to individuals through the Neighbors app for content recorded on Ring cameras from April, 2020, through March 2021.

In addition to providing warrantless access to private surveillance footage, Amazon also provides law enforcement with coaching and scripts to help them around the Fourth Amendment’s prohibitions.

In 2019, *Vice* obtained documents from the Topeka, Kansas, Police Department including a spreadsheet of 46 suggested ways to request footage through the Neighbors app. The spreadsheet was provided by Ring.

Since Ring cameras are civilian-owned, law enforcement are being given a back door to private video recordings of people in both residential and public space that would otherwise be protected under the Fourth Amendment.

According to Rahim Kurwa, criminology professor at the University of Illinois, this expansive always-on surveillance of residential space also serves to exacerbate inequities, as neighborhood surveillance platforms perpetuate the long history of policing race in residential space.

While Ring doesn’t currently utilize facial recognition technology (FRT), Amazon has sold FRT to police departments. On June 10, 2020, Amazon placed a one-year moratorium on this practice following pressure from civil rights groups. They announced the indefinite

extension of this moratorium on May 18, 2021.

Reported in: *Guardian*, May 18, 2021; *ArsTechnica* June 18, 2021; *MIT Technology Review*, October 19, 2018; *California Law Review*, June 2020; *Vice*, August 6, 2019; *Gizmodo*, July 30, 2019.

CIVIL RIGHTS

Is it legal to segregate broadband access based on race?

Currently 120.4 million people—more than a third of the US population—lack broadband Internet access. Studies show that the 20 cities with the least access to broadband all had poverty rates of at least 10% and all but two had high percentages of people of color.

Greenlining Institute mapped out Internet accessibility throughout California and discovered that areas which had been redlined by banks are being digitally redlined by internet service providers (ISPs) today.

Redlining originated in the 1930s when banks and insurers drew maps restricting loans to “undesirable inhabitant types” (almost always poor people of color) in certain neighborhoods.

The redlined maps resulted in segregated low-income neighborhoods in which people were denied health care and where investments in infrastructure and the building of supermarkets and other essentials was eschewed.

The original form of redlining was outlawed in 1968 but the results remain entrenched, and a new form of redlining has emerged in the digital era.

Studies done of Baltimore, Cleveland, Dallas, Detroit, Los Angeles, Oakland, and other parts of California found that the same areas banks redlined almost a century ago are the ones struggling to get high-speed internet service today.



Poorer communities often have no internet. Those that do are predominantly stuck paying exorbitant rates for digital subscriber lines (DSL) incapable of meeting today's demands. Studies revealed comparable rates being charged for DSL service in low-income communities as for fiber connections in affluent ones. Fiber connections are roughly 400 times faster than DSL.

The Electronic Frontier Foundation (EFF) examined Frontier Communications' bankruptcy filing in 2020 and found that it hadn't upgraded its DSL network to fiber because it was making money from customers who had no choice but to pay for those slow speeds.

Digital redlining is not illegal. There are no regulations governing where broadband providers can build their networks. The companies doing it claim they are not intentionally restricting access based on race.

However, by focusing network development in affluent neighborhoods and ignoring lower income ones, ISP's decisions recreate the overtly racially-motivated redlined maps defining economic inequality and inequitable infrastructure investment. As a result, high-speed internet is primarily available in predominantly White neighborhoods.

According to the EFF, deploying fiber has significant upfront costs. It might be years before it exceeds the profitability of DSL, especially in areas where there is little to no competition.

Lack of high-speed home internet access disproportionately affects Black, Indigenous, and People of Color (BIPOC). 34% of American Indian/Alaska Native families and 31% of Black and Latino families lack access to high-speed home internet, versus 21% of White families.

There is no disparity in the need for access, and digital redlining has many of the same social and economic impacts of traditional redlining. Kids who cannot take classes from home may never catch up to their more affluent peers, get into good colleges, or find high-paying work.

Adults without broadband cannot pay bills online, utilize telehealth services, search and apply for jobs, or telecommute.

Reported in: CNET, June 28, 2021.

COPYRIGHT

Is it legal for police officers to exploit copyright provisions to prevent sharing of videos of their malfeasance?

While the right to record police officers performing their duty is protected under the First Amendment, officers have begun employing a novel approach to preventing the sharing of those videos: playing copyrighted music.

"You can record all you want. I just know it can't be posted to YouTube," said an Alameda County sheriff's deputy to an activist. "I am playing my music so that you can't post on YouTube." The tactic did not work in this case and the video remains accessible on YouTube.

According to the Electronic Frontier Foundation (EFF), "it's still a shocking attempt to thwart activists' First Amendment right to record the police—and a practical demonstration that cops understand what too many policymakers do not: copyright can offer an easy way to shut down lawful expression."

The Digital Millennium Copyright Act (DMCA) is ostensibly a tool minimizing copyright infringement online. In practice, it is also frequently used as a means of removing lawful speech from the internet.

Copyright filters, such as YouTube's Content ID, are designed to detect if sound in an uploaded video matches a copyrighted recording.

Some companies who own the rights have set YouTube's filter to automatically remove matching content. Others opt to have videos with infringing material demonetized.

Challenging a DMCA takedown requires the uploader to share their name and contact information, which many activists filming the police are reluctant to do. Many others find the challenge of navigating YouTube's labyrinthine appeal system too daunting and simply give up.

Reported in: EFF, July 16, 2021.

FREE SPEECH Nationwide

Is it legal for a presidential administration to exert influence over social media companies' moderation methods?

On July 16, President Biden articulated his dismay over the proliferation of disinformation related to the COVID-19 pandemic through social media platforms. He said that the platforms' failure to curb the distribution of disinformation was "killing people."

At the time President Biden made this comment, fewer than 50% of Americans were fully vaccinated and public health officials were already warning about the Delta variant's spread.

The day before Biden's remarks, Surgeon General Dr. Vivek Murthy declared that disinformation spreading through social media posed "an urgent threat to public health."

"Modern technology companies have enabled misinformation to poison our information environment with little accountability to their users," Murthy said.



The Center for Countering Digital Hate found that 65% of COVID-19 disinformation shared online originates from 12 people, who were subsequently dubbed the “disinformation dozen.”

The most popular post on Facebook from January through March of 2021 contained disinformation that vaccination against COVID-19 leads to death.

On July 15, White House Press Secretary Jen Psaki said the Biden administration was flagging “problematic posts for Facebook that spread disinformation.”

Psaki said the administration recommended that social media platforms form an enforcement strategy against those promoting false statements about the pandemic, adding that the “disinformation dozen” remained active on Facebook.

While the public health concerns are legitimate and the costs of a pandemic protracted by the unvaccinated are profound, the White House’s efforts to curb the spread of false information raised First Amendment concerns.

Henry Olsen wrote that, “The overwhelming weight of scientific evidence supports that [vaccinations] are safe, that side effects are extremely rare, and that they are highly effective against preventing death and serious illness.” However, “there is no exception to [the First Amendment] for speech that the government believes is untrue.”

The First Amendment protects the rights of Facebook, Twitter, and other social media platforms to moderate speech and remove both speech and speakers from their platforms in accordance with their policies.

Government efforts to coerce technology companies to moderate speech and speakers are another matter entirely, however. Even the threat of

government monitoring or restriction of speech can have a chilling effect on what users may post and share.

David Greene, senior staff attorney and civil liberties director at the Electronic Frontier Foundation, said that when users know there’s a risk of censorship, they “change behavior or abstain from communicating freely.”

Reported in: *New York Times*, July 15, 2021, and July 19, 2021; *Business Insider*, July 18, 2021; *Washington Post*, July 21, 2021; *ABC News*, July 18, 2021.

New Jersey

Should faculty at Rutgers Law School bar racial epithets from being spoken during class, even when directly quoting court decisions?

A group of Black students is circulating a petition demanding such a policy be put in place.

The debate and activism were prompted when a White student quoted a racial slur from a 1993 New Jersey Supreme Court case during a Zoom meeting with Professor Vera Bergelson and two other students.

David Lopez, co-dean of Rutgers, issued a statement saying “I share the views of several of our faculty members who understand and express to their students that such language is hateful and can be triggering, even in the context of a case, and ask that it not be used.”

Contrary to Lopez’s stance, numerous prominent professors signed a statement in support of Bergelson, including former deans and a former New Jersey attorney general.

Law professor and statement signee Gary L. Francione said, “Although we all deplore the use of racial epithets, the idea that a faculty member or law student cannot quote a published court decision that itself quotes a racial or other otherwise objectionable word as part of the record of the case

is problematic and implicates matters of academic freedom and free speech.”

Samantha Harris, the lawyer representing the student that quoted the epithet, said, “When you’re an attorney, you hear all kinds of horrible things. You represent people who have said horrible things, who have done horrible things. You can’t guarantee a world free from offensive language.”

Adam Scales, a Black professor who signed the statement in support of Bergelson, commented that “There is something extremely antiseptic about the term ‘N-word’” that serves to obscure the slur’s repugnant history and “softens the impact.”

Professor Dennis M. Patterson said, “I don’t think the law school should have rules that are stricter than the Constitution of the United States.”

Lopez and co-dean Kimberly Mutcherson said in a statement that faculty discussions in response to this event were about “how best to create classroom environments in which all of our students feel seen, heard, valued, and respected” and that they had no intention of “stifling academic freedom, ignoring the First Amendment, or banning words.”

Bergelson’s grandmother was a journalist executed by the Stalin regime for associating with the Jewish Anti-Fascist committee. Another of her relatives was executed two years later. She stated, “I am very sensitive to how a word can trigger painful episodes.”

Bergelson said that while she avoids using slurs rooted in racism, bigotry, or misogyny, other professors and students should be free to make their own choices.

Reported in: *New York Times*, May 3, 2021; *Washington Post*, May 13, 2021.



LIBRARIES Lafayette, Louisiana

Is it legal for the vice president of a library board to privately encourage a prospective library director to censor Pride displays?

On June 21, Lafayette Parish Library System (LPLS) Board of Control's vice president Hilda Edmond requested the board enter an unannounced executive session to discuss an undisclosed topic with interim library director Danny Gillane.

Edmond said she was concerned about how Gillane would handle "controversial political issues."

LPLS's prior director, Teresa Elberson, did not see eye-to-eye with Edmond on such issues and retired abruptly in January when the board rejected a grant, awarded by the Louisiana Endowment for the Humanities (LEH), to fund a facilitated book discussion on voter suppression.

The board rejected the grant based on their belief that it would only present "one side" of voter suppression, leaving out the views of those seeking to intimidate and disenfranchise voters (see: *Journal of Intellectual Freedom & Privacy* 6, no. 2: "Is it Legal?: Libraries").

Attorney Mike Hebert persuaded the board not to go into a closed session, as it would have violated the state's open meetings law.

As her comments had to be made during open session Edmond addressed their interim director in an indirect fashion.

"I would like to make mention of recent displays in the libraries that I feel are controversial things that I would like to be able to discuss with them and you in the future. Those things that need to be given serious consideration. It's stuff that has been interfering with our progress with more serious matters," said Edmond.

Despite not speaking its name, the focus of Edmond's scorn was clear, as the only recent display controversy related to the observance of Pride month.

Earlier this year, President of the board, Mayor Josh Guillory, refused a lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) group's request to proclaim June Pride Month. Previously, Stephanie Armbruster and Robert Judge, two other members of the library board, protested the library's 2018 Drag Queen Story Time event.

Gillane said Edmond had raised concerns about library Pride Month displays with him. He said they had discussed the group that requested the Pride Month proclamation. Gillane said he told Edmond "this is not a political issue," and that he did not remove or relocate any of the displays.

Board member Landon Boudreaux, who voted with Edmond and Armbruster to reject the LEH grant, said he shares Edmond's concerns.

Cara Chance, who manages the North Regional Library, one of LPLS's nine locations, informed the board that, "There is no professional librarian who would bow to censorship. None. It is in the librarian's code of ethics not to bow to censorship, not to allow one person or group to dictate all of the information and to impose their view on the entire community."

Chance said that if Gillane had told her to remove her branch's Pride Month book display, she would have refused. If the display were removed anyway, she said "I would have erected a 'censored' display. It would have had lights. It would have had sound. It would have smelled like smoke. It would not have gone unnoticed."

Gillane was unanimously approved by the board to be the library's new director.

Reported in: *The Advocate*, June 21, 2021.

Anoka County, Minnesota

Can a county stop librarians from using the words "Pride" and "Black Lives Matter"?

In a memo sent to all Anoka County Library employees on May 26, communications manager Erin Straszewski informed them of "general county administration guidance" forbidding "public messaging around Pride and Black Lives Matter month."

The memo instead recommended messaging and displays around June being Great Outdoors Month, National Camping Month, and Audiobook Appreciation Month.

Josiah Cox, a county library employee, shared the memo on Facebook on June 14 with the statement, "The choice to exclude these groups amounts to targeted disenfranchisement."

Cox is a member of the lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) community and he said their representation clearly is not valued by the county he serves.

Cox decried the county's efforts to use the library as a communications platform for their interests and beliefs. He said the library is "about sharing ideas with the community and having them available, no matter what the topic is."

"Our display spaces have been used to highlight topics that are of interest to our patrons and the communities," said library associate Liza Shafto. "When I am told that I can't make these displays it's as if I am not allowed to do an important part of my job."



After the memo was released, the county issued another statement saying they want to promote diversity in a more general, wide-ranging sense rather than promoting Black and LGBTQIA+ communities specifically.

Cox said removing messaging and displays about two specific groups is neither neutral nor welcoming. He also said the Anoka County Library System has a history of censoring messages supporting marginalized groups.

Another example he provided was when library staff were told to replace the phrase “stop Asian hate” with “diversity is beautiful.”

Library employee Mai Houa Thao provided another example. After the murder of George Floyd in Minneapolis, the library had a display of books by Black authors with the message “Black stories matter.”

Even though her branch manager had approved the display, she was ordered to remove the wording “Black stories matter” from the display the very same day she put it up.

Thao said representation of marginalized groups matters because libraries should welcome and inform. Such displays are “a good way to educate those who aren’t familiar with these groups, just to shine light on these groups and give others the opportunity to learn a little bit more about their neighbors, their communities, and this world we live in that is so diverse.”

Another employee who preferred to remain anonymous said the library made a social media post about *Land of 10,000 Loves: A History of Queer Minnesota* by Stewart Van Cleve and the post was deleted shortly after publication. She was told the post was removed because it upset a library board member.

Another library board member resigned in protest after a county

library employee gave a TV interview at the Metropolitan Library Service Agency booth during a 2019 Pride festival.

In response to pushback following the release of the May 26 memo, the library system received approval from the county to have displays focusing on LGBTQIA+ topics and the Black community. The words “Pride” and “Black Lives Matter” are still prohibited from use in displays and messages, however.

Reported in: *ABC Newspapers*, June 18, 2021; *Minneapolis Star Tribune*, June 25, 2021; *KARE 11*, June 28, 2021.

UNIVERSITIES Florida

Can public university funding be withheld based on student perceptions of professors’ political viewpoints?

Florida Governor Ron DeSantis signed a bill requiring students and faculty of the state’s public universities to be surveyed regarding “viewpoint diversity” and “intellectual freedom.”

The law defines these terms as the exposure to and exploration of “a variety of ideological and political perspectives.” It also allows college students to record lectures without their professor’s consent.

In announcing the bill, DeSantis threatened to defund universities found to be “indoctrinating” students with “state ideology.” The bill, and DeSantis’s portrayal of it, raised concerns that the GOP seeks to control discourse on college campuses.

Faculty groups described the bill as unnecessary and chilling.

The American Association of University Professors (AAUP) released a statement opposing the bill. They questioned whether the provision explicitly safeguarding unwelcome and offensive speech would bar professors “from enforcing respectful

and appropriate classroom conduct by students.”

State Representative Omari Hardy said that the law’s language robs administrators and faculty members of their discretion to control the academic environment.

The definition of what is and is not acceptable discourse on campuses now falls to the state’s Board of Education. Board chair Tom Grady has previously argued that evolution should not be taught as factual.

Clay Calvert, director of the University of Florida’s Marion B. Brechner First Amendment Project, said that he thinks the surveys will give the “conservative state legislative body a tool to withhold funding from a university that, based upon the survey results, seems to discriminate against conservative viewpoints.”

A federation of unions serving teachers in Florida said universities are prohibited from discriminating against viewpoints by the First Amendment, so the purported justification of the bill was moot on its face. They characterized the bill as potentially dangerous.

“Such a survey creates opportunities for political manipulation and could have a chilling effect on intellectual and academic freedom,” said the Florida Education Association.

Anita Levy, a senior program officer for the AAUP, said that if faculty members think the legislature is looking over their shoulder, they will have to think “twice and thrice” about what they teach and how they teach it.

Calvert noted that while the law requires distribution of the survey, there is no obligation for students to take it. Such situations precipitate participation bias in which those who feel their viewpoints are being discriminated against are more likely to take part.



He said professors will likely start second-guessing what they say in class and not address controversial viewpoints out of fear they'll be accused of holding them.

The legality of the “intellectual diversity” law remains questionable.

Howard Wasserman, a law professor at Florida International University said the law likely runs afoul of the First Amendment and could open the door for schools to dictate who is granted admission based on their political beliefs.

On the same day that DeSantis signed the “intellectual diversity” law, he also signed a law requiring that schools teach students communism is “evil.”

DeSantis also recently banned public schools from “culturally responsive teaching” and any teaching of “critical race theory” or *The 1619 Project*.

Reported in: *Rolling Stone*, June 29, 2021; *The Washington Post*, June 24, 2021; *Slate*, June 24, 2021; *Savannah Now*, July 2, 2021; *The Chronicle of Higher Education*, June 23, 2021.

SCHOOLS Voorhees, New Jersey

Can a principal stop a valedictorian from affirming his queer identity?

When valedictorian Bryce Dershem began delivering his commencement speech on June 17, Principal Robert M. Tull cut his microphone and snatched his prepared remarks from the podium.

Dershem wore a pride flag over his robe. He had meticulously bedazzled his mortarboard in lesbian, gay, bisexual, transgender, queer/ questioning, intersex, and asexual (LGBTQIA+) pride colors. A school administrator asked him to remove the flag before he spoke. He refused.

Principal Tull's attempt to silence him happened immediately after

Dershem told the audience he came out as queer during his freshman year.

Dershem, however, had committed his speech to memory. He would not be silenced. Once he was given a new mic, he shared struggles from his own life in order to emphasize the validity of every student's identity.

“Beginning September of senior year, I spent six months in treatment for anorexia,” Dershem said. “For so long, I tried to bend and break and shrink to society's expectations.”

Dershem said that as a “formerly suicidal, formerly anorexic queer” he wanted his fellow students to know that one person could save another's life.

Dershem said that upon learning he was valedictorian, “I knew I really wanted to talk about my story and ending the silence on mental health struggles. And really giving queer people a voice, too, and letting people know no matter who you are, you're not alone.”

Tull fought against Dershem's speech for weeks, requesting revisions. After submitting three drafts, Tull gave Dershem an ultimatum days before the ceremony: revise the speech again or lose the opportunity to speak. Dershem did as he was asked, yet Tull remained disapproving.

“I felt like I was faced with this choice where I could either honor all the belief systems and virtues that I cultivated or I could just follow the administration,” said Dershem.

When his speech was over, the audience gave him a standing ovation.

Afterwards, a woman told Dershem that “her son hadn't survived the pandemic due to mental health struggles and she started to cry,” he said. “I thought, this was the one person I made feel less alone. And I knew I did the right thing.”

Michael Dershem, Bryce's father, said he could not be more proud of his

son for regaining his composure and continuing his speech after the principal's flagrant attempt at censorship. He said he'd lost count of the number of times he'd watched his son's speech on YouTube. “I'm a pretty tough guy, but, you know, I break down every time I watch it.”

New Jersey Governor Phil Murphy tweeted that he was proud of Dershem for “speaking truth to power, and for your resilience and courage.”

Dershem is moving to Massachusetts to attend Tufts University where he plans to promote the rights of women and LGBTQIA+ people.

“I'm so happy to know that people are watching this speech,” said Dershem. “I hope they believe in themselves more and feel less alone in their fight.”

Reported in: *The New York Times*, June 27, 2021; *CBS News*, June 28, 2021.

Columbus County, North Carolina

Are Facebook comments by school board members vested with the authority to ban books and videos from the classroom?

In a partnership with the Columbus County Schools, students from the University of North Carolina Wilmington's (UNCW) school of communications created storytime videos of notable children's books.

Some parents complained when UNCW's video for *One of a Kind, Like Me/ Único Como Yo* by Laurin Mayeno was shown in an elementary school classroom.

One of a Kind, Like Me is a bilingual picture book which tells the tale of a boy who wants to dress as a princess for the school parade. The main character, Danny, is based on Mayeno's son. It also includes children who dress up as pineapples, butterflies, and octopi.



Robert Liu-Trujillo, who illustrated *One of a Kind Like Me*, said “When a child sees a reflection of themselves, they can feel seen in what sometimes feels like a world of invisibility. And for a child who has never met someone like the main character in *One of a Kind, Like Me*, it’s a safe way for them to get to know them and understand that there are kids like Danny, and not only is that ok, it is awesome.”

On Facebook, County Board of Education member Ronnie Strickland shared his belief that “this college student went rogue on this and had absolutely no concept of what is appropriate to ‘share’ with 1-5 graders. Gender Identity politics is in no way appropriate for students at this age level . . . We are appalled, and please accept our apology.”

According to the publisher, *One of a Kind, Like Me* is “a unique book that lifts up children who don’t fit gender stereotypes, and reflects the power of a loving and supportive community.” It is intended for grades K-2.

The National Coalition Against Censorship (NCAC) wrote, “the book is a reaffirmation of the importance and dignity of each individual.” On the last page, the costumed characters each proclaim themselves to be “one of a kind.”

County Board of Education Member Randy Coleman said he was shocked. “As a conservative and a Christian, I cannot believe this was allowed in our schools.”

Superintendent Deanna Meadows said, “It’s our policy to review supplemental materials for age appropriateness.” She added, “Trying to promote transgender [ideas...] was obviously nowhere near our intent.”

NCAC noted this misrepresents the board’s actual policy, which states “Principals shall establish rules concerning what materials may be brought in by teachers without review.” LitHub referred to this misrepresentation as “a smokescreen for anti-trans political views, which raises First Amendment concerns.”

Mayeno said, “Growing up, there were no books to help me understand mixed-race identity. When I became a mother, my child Danny had no books to affirm who they were. Danny dealt with loneliness, isolation, and mistreatment from both children and adults. . . . My ‘agenda’ is to make the world better for children like mine and their families.”

Coleman said “Pushing things like this on little children cannot be allowed,” he said. “I am going to work diligently to get this type of material removed from our schools.”

He added that the story will be discussed at the next school board meeting.

Strickland said “I feel this content was very inappropriate for first through fifth graders and it will not occur again.”

NCAC observed that “the public comments by district officials appear to ban the use of *One of a Kind, Like Me* in district classrooms.” They called on the district to follow their own procedures regarding parental challenges to classroom materials if such a challenge arises, in order to prevent viewpoint discrimination.

“Transgender, nonbinary, queer, and gender-nonconforming kids exist. They have always been part of our schools, communities, and families,” said Mayeno. “They’re here to stay and trying to make them invisible or legislate away their existence won’t change that fact. Now, more than ever, they need and deserve schools that affirm and celebrate them.”

Reported in: National Coalition Against Censorship, May 26, 2021; Columbus County News, April 1, 2021; The News Reporter, April 1, 2021; Literary Hub, May 27, 2021; Huffington Post, May 14, 2021.



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