



Via Email

May 29, 2019

Re: **Highland Park Public Library's Cancellation of May 19 Event**

Dear President Tucker and Members of the Board of Trustees:

We write on behalf of Central New Jersey Jewish Voice for Peace (JVP) with respect to the Highland Park Public Library's cancellation of a May 19 event titled *P is for Palestine: Story Reading and Author Signing* after some community members complained. Such censorship violates the First Amendment of the United States Constitution and Article I, Paragraph 6 of the New Jersey Constitution, by which the Highland Park Public Library is bound. Accordingly, we ask that you allow JVP's event to be rescheduled, apologize, and reaffirm the Highland Park Public Library's commitment to free speech.

I. Facts

The following is our understanding of the facts. Please let us know if you believe anything to be incorrect.

A. Background on *P is for Palestine*

In November 2018, Marion Munk, an 82-year old JVP member, asked children's author Golbarg Bashi if she might be interested in doing a reading of her popular alphabet book, *P is for Palestine*, in central New Jersey. The picture book features a Palestinian girl with black curly hair who takes a diverse group of children through an "alphabetic adventure to Palestine" with phrases such as "B is for Bethlehem," "F is for Falafel" and "J is for Jesus." The illustrations capture common Palestinian scenery, symbols, and themes including olive trees, keys, and the importance of extended family.

Ms. Munk had recently received the book from another JVP member and found it to be charming. She had also read a story of how, in December 2017, uniformed members of the Jewish Defense League, a violent right-wing group, threatened children attending a Hanukkah

reading of the book in Manhattan.¹ Ms. Munk also learned that an Upper West Side synagogue threatened to ban a book store, Book Culture, from a book fair for hosting a reading with the author. Only after the bookstore issued a statement that it did not endorse boycott, divestment and sanctions (BDS) campaigns for Palestinian rights (which the author has publicly endorsed) and that it supported Israel's right to exist, was it allowed to participate in the book fair.²

Ms. Munk found it upsetting that a peaceful reading was threatened in such a manner. She also believed that bookstores should not have to apologize for the views of authors whose books they carry. To Ms. Munk, a Jewish woman who has been active on a range of social justice issues, including the civil rights movement, since the 1940s, *P is for Palestine* painted a positive picture of Palestinians at a time when Palestinians were being unfairly portrayed as violent by the U.S. government.

Ms. Munk discussed the book with other JVP members, and the chapter agreed that the book beautifully portrayed the richness of Palestinian society. Most importantly, it depicted Palestinian children and adults as human beings. JVP agreed to extend an invitation to Ms. Bashi so that their local community could hear and learn from the book.

B. The Library Approved the JVP Event for May 19

In January 2019, Ms. Munk asked the children's book editor at the Highland Park Public Library ("Library") if JVP could hold a reading and book signing of *P is for Palestine*. Ms. Munk left a copy of the book with the children's librarian and another librarian and returned a few days later. The event, *P is for Palestine: Story Reading and Author Signing*, was approved for May 19, 2019 at 2 p.m., and advertised on the Library's website. Flyers listed the Library and JVP as co-sponsors and included a link to the library's website where the event was advertised. Ms. Bashi was to be paid a \$250 honorarium by JVP.

¹ Emmaia Gelman, *We Had a P is for Palestine Party and the JDL Showed Up*, FORWARD (Dec. 27, 2017), <https://forward.com/opinion/390530/we-had-a-p-is-for-palestine-party-for-kids-and-the-jdl-showed-up/>.

² In 2005, a diverse coalition of over 170 Palestinian civil society organizations located in Israel, the occupied Palestinian territory, and the diaspora—including unions, academic institutions, cultural and arts groups, and non-governmental organizations—issued a call to “international civil society organizations and people of conscience all over the world to impose broad boycotts,” “implement divestment initiatives,” and pressure “states to impose embargoes and sanctions” against the state of Israel. *Palestinian Civil Society Call for BDS*, BDSMOVEMENT.NET (July 9, 2005), <https://bdsmovement.net/call>.

Anchored in the Universal Declaration of Human Rights, the call for BDS espouses equal rights for all and categorically opposes all forms of racism, including antisemitism. The call urges nonviolent pressure on Israel until it “meets its obligation to recognize the Palestinian People’s inalienable right to self-determination and fully complies with the precepts of international law.” *Id.* Specifically, it includes several demands: an end to the discrimination and second-class status that Palestinian citizens of Israel experience; the right of Palestinian refugees to return to their lands; and an end to Israel’s military occupation, settlements, checkpoints, and “apartheid Wall.

C. Library Cancels Events After Some Community Members Complain

On May 5, Rochelle Kipnis, a resident of Somerset, New Jersey, posted a message on Facebook calling on people who disliked *P is for Palestine* to “make their voices heard and stop the program before it occurs.”³ According to news reports, the library removed the post announcing the event within an hour of Kipnis’ Facebook post.⁴ The next morning, the library issued the following statement:

Due to extraordinary public response about the *P is for Palestine* author talk, we would like our patrons to know what we are doing. In line with the Highland Park Public Library’s policy dealing with patrons’ objections to library materials, the matter has been referred to the Highland Park Public Library Board of Trustees. The Board will take it up at its next regularly scheduled meeting, as required by the policy. The next meeting is scheduled for Monday, May 20, 2019 at 7:30 p.m. in the Library conference room and is open to the public. In the meantime, the program has been removed from the schedule, pending the Board’s final decision.

On the morning of May 7, Ms. Munk received a call from the children’s librarian informing her the Library was cancelling the May 19 event. No reason was given.

According to news reports, those calling for the event to be cancelled disagreed with an image in the book depicting a Palestinian girl on her father’s shoulders raising peace signs behind barbed wire. The text on those pages states: “I is for Intifada. Intifada is Arabic for rising up for what’s right, if you are a kid or a grown up!”

“Intifada” means “to shake off” in Arabic.⁵ Bashi said she used the word “intifada” to describe daily acts of nonviolent resistance, from “carrying a Palestinian flag” to “wearing a Palestinian dress” and “protecting a Palestinian olive tree from being bulldozed.”⁶

The word Intifada is also used to describe Palestinian uprisings against decades of Israeli military occupation. There have been two such “intifadas,” the first and most iconic of which utilized a wide array of nonviolent tactics of resistance, including mass protests and strikes, boycotts, and a self-sufficiency movement. Palestinians also began the second intifada nonviolently, and some Palestinian factions turned to violence after hundreds of Palestinian civilians were killed by the Israeli army.

³ Rochelle Kipnis, Facebook (May 5, 2019), *on file with Palestine Legal*.

⁴ Debra Rubin, *In Highland Park, P is for Protest*, N.J. JEWISH NEWS (May 13, 2019), <https://njewishnews.timesofisrael.com/in-highland-park-p-is-for-protest/>.

⁵ Intifada, *Oxford Dictionary*, <https://en.oxforddictionaries.com/definition/intifada>.

⁶ Dr. Bashi, *Author Statement: P is for Palestine and I is for Intifada*, Facebook (Nov. 27, 2017), <https://www.facebook.com/notes/dr-bashi/authors-statement-p-is-for-palestine-and-i-is-for-intifada/1925080590865472/>.

Those calling for the event's cancellation disagreed with the author's statement in the book that Intifada is "Arabic for rising up for what's right," instead arguing that this text is a violent call against Jews.⁷

Kipnis also stated that she believed the book "indoctrinate[s] toddlers against Israel." Another resident stated that the book, which he described as "propaganda," had no place in the children's section of the library.⁸

Highland Park Councilman Josh Fine, the liaison to the library board, applauded the library's decision to cancel the event, citing Bashi's support for boycotts for Palestinian rights as a reason for censorship.⁹ "Personally, I do not believe this picture book program with its BDS-supporting author should have been scheduled at our library in the first place," he said in an interview with *New Jersey Jewish News*.¹⁰

On May 13, 2019 JVP wrote the library trustees, expressing concern with the Library's decision to cancel their event. In their letter, JVP asked the Library to provide reasons as to why it cancelled their event. The group received no response.

On May 16, 2019, the Library unilaterally postponed the Board of Trustees meeting on this matter from May 20 to June 5. JVP learned of this change only after reviewing the Library's homepage.¹¹ On May 21, the Library sent an email communication to newsletter subscribers explaining that the May 20 meeting was rescheduled "to accommodate the expected turnout." The email also stated that the Library "received numerous objections to [the event]," and whereas Library policy is to allow Library materials to which patrons object to remain on the shelf until the Board makes a determination, JVP's event did not fall under this policy due to "time constraints."

II. Highland Public Library's Cancellation of JVP's Event Violates the First Amendment

The Library's decision to cancel JVP's May 19 event featuring Golbarg Bashi violates the First Amendment of the United States Constitution and Article I, Paragraph 6 of the New Jersey Constitution.

While recognizing that free speech can invite controversy, "[t]he authors of the First Amendment...chose to encourage a freedom which they believed essential if vigorous

⁷ Cheryl Makin, *P is for Palestine Storytime Highland Park NJ Shelved for Now*, MY CENTRAL JERSEY (May 20, 2019), <https://www.mycentraljersey.com/story/news/local/2019/05/20/p-palestine-storytime-highland-park-nj-shelved-now/3744018002/>.

⁸ Rubin, *supra* note 4.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Board Response to Program*, HIGHLAND PARK PUBLIC LIBRARY, <https://www.hpplnj.org/>.

enlightenment was ever to triumph over slothful ignorance.”¹² The Supreme Court has recognized that the freedoms enshrined in the First Amendment have a broad scope.¹³

[T]he State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge. The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read . . . and freedom of inquiry, freedom of thought, and freedom to teach Without those peripheral rights the specific rights would be less secure.¹⁴

Libraries in particular should be a safe haven for these rights and freedoms.¹⁵ Public libraries are the “quintessential locus for the exercise of the right to receive information and ideas.”¹⁶ As a branch of the state, a public library “may not invoke regulations as to use—whether they are *ad hoc* or general—as a pretext for pursuing those engaged in lawful, constitutionally protected exercise of their fundamental rights.”¹⁷

Given the unique role that public libraries play in our society, courts have recognized that they are limited public forums under the First Amendment.¹⁸ While the government was not required to establish libraries, once it has done so and opened them up to public use, the State’s power to restrict access to them is subject to “the same limitations as exist in the traditional public forum context.” The First Amendment prohibits public libraries from regulating the use of public forums on the basis of viewpoint.¹⁹ To do so violates a “fundamental principle of the First Amendment that the government may not punish or suppress speech based on disapproval of the ideas or perspectives the speech conveys.”²⁰

The New Jersey Constitution offers even broader protections for speech and its corollary provisions regarding speech are even “more sweeping in scope than the language of the First

¹² *Martin v. City of Struthers*, 319 US 141, 143 (1943).

¹³ *Id.*

¹⁴ *Griswold v. Connecticut*, 381 U.S. 479, 82-83 (1965).

¹⁵ This is further underscored by the Library Bill of Rights, which the Highland Park Public Library Board of Trustees has endorsed. Highland Park Public Library, Materials Selection Policy, <https://www.hpplnj.org/policies/materials-selection-policy/> (adopted Oct. 27, 2014). The Library Bill of Rights states that libraries “should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval” and that “[l]ibraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.” Library Bill of Rights, American Library Association, www.ala.org/advocacy/intfreedom/librarybill (last amended Jan. 29, 2019).

¹⁶ *Kreimer v. Bureau of Police*, 958 F.2d 1242, 1256 (3d Cir. 1992).

¹⁷ *Brown v. Louisiana*, 383 US 131, 143 (1966) (plurality opinion of Fortas, J.).

¹⁸ *Kreimer*, 958 F.2d at 1259.

¹⁹ *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819 (1995).

²⁰ *Matal v. Tam*, 137 S. Ct. 1744, 1766 (2017).

Amendment.”²¹ The New Jersey Constitution’s “free speech provision is an affirmative right, broader than practically all others in the nation”²²

It is clear, as reflected by the Library’s statement, that the May 19 event was cancelled due to pressure the Library received from community members who disagreed with Golbarg Bashi’s portrayal of Palestinians, their heritage and history. However, the Library, as a limited public forum subject to the First Amendment, may not cancel a book event because some people disagree with an author’s positive interpretation of a liberation struggle – or view a word describing that struggle as a personal attack on their identity.²³ To do so evinces unconstitutional viewpoint-based discrimination.

Moreover, *P is for Palestine* fits in the canon of dozens of other children’s books, including picture books, that address political causes and feature marginalized communities. This includes freedom movements that have used a diversity of tactics to end perceived injustices. The illustrated alphabet book *A is for Activist* by Innosanto Nagara, for example, includes the statements “Z is for Zapatista” and “X is for Malcom X.” Zapatista is a shorthand for the National Zapatista Army of National Liberation, which, in seeking rights for indigenous Mexicans, has used both armed and nonviolent tactics against the State of Mexico. Malcom X believed Black Americans should achieve equal rights “by any means necessary.” Other children’s books supporting human rights through tactics people both historically and currently find controversial include: *Rad American Women A-Z*, *Separate is Never Equal* and *She Persisted*. This is not to mention that children’s literature is filled with actual explicit violence – from *Grimm’s Fairytales* to Maurice Sendak’s *I Don’t Care* to *The Hunger Games*.

To be clear, a plain reading of *P is for Palestine* – as well as comments from the author – show that the book in no way advocates violence. Indeed, the book was meant to rebut the stereotype advanced by supporters of Israel’s policies that Palestinians are inherently violent. The text and its surrounding images – a girl behind barbed wire flashing peace signs – sends a clear message that only by rising up can justice and peace be attained.

By explicitly targeting a particular viewpoint being expressed—one humanizing Palestinians and their struggle for freedom—the Highland Park Public Library’s decision to cancel JVP’s event strikes at the heart of the First Amendment.²⁴

²¹ *State v. Schmid*, 84 N.J. 535, 557 (1980), *appeal dismissed sub nom., Princeton Univ. v. Schmid*, 455 U.S. 100 (1982); *see also, N.J. Coal. Against War in the Middle E. v. J.M.B. Realty Corp.*, 138 N.J. 326, 353 (1994), cert. denied, 516 U.S. 812 (1995).

²² *Green Party of New Jersey v. Hartz Mountain Indus., Inc.*, 164 N.J. 127, 145 (2000).

²³ It appears that many complaints conflate political criticism of Israel with antisemitism. However, support for freedom, justice, and equality for Palestinians or discussions that vigorously criticize Israeli policies, are simply not comparable to anti-Jewish hate, and are in fact based on its opposite: principles of universal human rights and dignity.

²⁴ *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 828 (1995) (“It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys.”).

The Library's justification for cancelling JVP's May 19 event evinces unconstitutional viewpoint-based discrimination. The decision must be reversed, and JVP must be permitted to proceed with the event at a reasonable date of its choosing.

III. Conclusion

The State's scrutiny and censorship of speech humanizing Palestinians harms all community members. Though *P is for Palestine* is simply a picture book that introduces toddlers to Palestinian words and experiences, the motivation behind the attacks on the book are part of a broader campaign to silence speech that is seen as supportive of the movement for Palestinian rights. The First Amendment does not permit this type of viewpoint discrimination.

There is no constitutionally sound justification for the cancellation of JVP's May 19 event, and we expect that the Highland Park Public Library will live up to its obligations under the U.S. Constitution.

To ameliorate the harm done, we request that you take the following immediate steps:

1. Allow JVP's event, *P is for Palestine: Story Reading and Author Signing*, featuring Golbarg Bashi, to proceed at a nearby date requested by JVP and the author.
2. Apologize, in writing, to JVP and Golbarg Bashi.
3. Commit in writing that the Library will comply with the First Amendment.

We respectfully request a response by Thursday, June 6, 2019.

Sincerely,



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