



PRISONS Pittsburgh, Pennsylvania

On November 16, 2020, Allegheny County Jail initiated a policy banning inmates from purchasing books from the two retailers that were previously allowed: Barnes and Noble and Christian Book Store. Instead of utilizing these sources, inmates were informed they could read a selection of 49 religious books and 214 other books through the jail's tablet program.

While a full list of titles available was not provided, the ones known, such as the works of Shakespeare and Dickens, are all in the public domain. Complicating this further, inmates are charged three-to-five cents per minute to use the tablets, and their usage of them is restricted to 90 minutes per day. Through the jail's contracted arrangement with Global Tel*Link for this tablet service, Allegheny County receives more than \$4 million in kickbacks, an amount that scales with inmates' usage of the tablets.

Amie Downs, a spokesperson for Allegheny County, issued a statement that inmates could read books on the tablets for free if they logged off and on again at least once an hour to avoid getting charged. Inmates contacted by the *Pittsburgh Current* indicated this was never explained to them. Christopher West said, "What makes this situation worse is that because of Coronavirus, we spend 23 hours a day in our cell. Books at least made that somewhat bearable and they've taken that away."

As a result of the pandemic, in-person visits to the jail were also eliminated. Inmates are now charged \$7.50 for each video visit they have with their families using their tablets. Inmates also expressed frustration with getting a signal on the tablets, indicating they have to stand at their cell doors to use them.

On December 1, 2020, the ACLU of Pennsylvania, Abolitionist Law Center, and PA Institutional Law Project sent a joint letter to jail officials asking that the policy be rescinded and asserting that the restrictions they had imposed violated the First Amendment.

The letter read, in part, "The new policy barring people incarcerated at the Jail from purchasing books effectively denies more than 1,500 people in the Jail from access to the overwhelming majority of books in existence. . . . As explained by the U.S. Court of Appeals for the Seventh Circuit: Freedom of speech is not merely the freedom to speak; it is also the freedom to read. Forbid a person to read and you shut him out of the marketplace of ideas and opinions that it is the purpose of the free-speech clause to protect."

On December 2, 2020, Allegheny County Jail announced they were lifting the purchasing ban. They also announced a new partnership with Carnegie Library of Pittsburgh, making more than 160,000 e-books, magazines, audiobooks, and videos available on their tablets through OverDrive. It was not clear if the per-minute tablet usage rate would apply when inmates read OverDrive titles.

Reported in: *Pittsburgh Current*, November 18, 2020; WESA, December 2, 2020; ACLU Pennsylvania, December 2, 2020; *Jurist*, December 6, 2020.

BOOKSTORES Portland, Oregon

Protesters demonstrated outside Powell's Books flagship store in Portland, Oregon, in opposition to their carrying Andy Ngo's book *Unmasked: Inside Antifa's Radical Plan to Destroy Democracy*. Ngo is a Portland native, a controversial conservative commentator,

and the editor-at-large of *The Post Millennial* news site.

According to one protester, "Andy Ngo goes out of his way to dox the Black Lives Matter community which he considers 'antifa'" and has endangered the lives of protesters through his online activity. Ngo has been criticized for selectively editing videos and sharing misleading and inaccurate information about antifa activists.

Ngo's book was characterized by a review in *Los Angeles Times* as "supremely dishonest"; the review asserted Ngo was "churning out the very kind [of] propaganda that keeps authoritarians in power." While much of Powell's inventory is selected by staff, other titles, including Ngo's book, come to them through automatic feeds, in this case from the Hachette Book Group.

Powell's issued a statement that the book would not be promoted or placed on their shelves, though it will remain available for purchase online. "We carry a lot of books we find abhorrent, as well as those that we treasure. We believe it is the work of bookselling to do so."

Reported in: *The Oregonian*, January 11, 2021; *Los Angeles Times*, February 8, 2021.

COLLEGES AND UNIVERSITIES Nationwide

As classes moved online due to the global pandemic, American universities faced a novel challenge: how to preserve academic freedom for international students attending online classes from countries with draconian censorship, surveillance, and local security laws, such as China, Russia, Turkey, and Saudi Arabia.

Emory University reported an instance where all students from China dropped off a live online class on Chinese society as soon as politics



came up. Students attending from China simply could not risk remaining in the virtual classroom if their governments were monitoring the discussion. While the subject of modern Chinese history presents an obvious hurdle, other topics are also laden with risk, including gender, LGBTQ rights, international relations, and economic theory.

Sarah McLaughlin of the Foundation for Individual Rights in Education urged professors not to adjust curriculum or shy away from sensitive topics during class discussions: “The worst thing we could do is to make Chinese laws applicable around the world.” The *Chronicle of Higher Education* reported that in the 2018–19 academic year, 370,000 Chinese students were enrolled in American colleges, comprising one-third of international students. An estimated 10 percent of current international students returned home during the pandemic and attended classes from abroad.

While speech critical of the Chinese government has long been restricted, in June 2020 those restrictions became vastly more encompassing, when a new national security law was passed making speech deemed critical of the Hong Kong or Chinese governments unlawful, regardless of the citizenship or location of the speaker.

The chilling effects of such a broad and ambiguous law are profound. Videoconferencing platforms like Zoom subject Chinese students to even greater risk, as they are vulnerable to government surveillance.

Zoom notoriously failed to provide end-to-end encryption across its platform until late October 2020 and was discovered in April 2020 to be routing all traffic through servers in mainland China. While Zoom has subsequently stated that users outside of China will no longer have their data routed

through servers in China, Citizen Lab has warned the company remains highly susceptible to pressures from the government, as much of Zoom’s research and development takes place in China.

Allowing the recording of sessions in which students could be identified and requiring downloads of any materials that could be deemed critical of the Chinese government also put students at risk. Professors are exploring options to protect Chinese students, including offering small-group lessons and giving them the option to opt out of potentially risky discussions without penalty.

Meg Rithmire, associate professor at Harvard Business School, said “the responsibility of the instructor is to communicate risk and to, as much as possible, provide a safe environment. It’s not to *not* teach certain things.”

Reported in: *Chronicle of Higher Education*, September 30, 2020.

San Francisco, California

As classes moved online and universities grew reliant on private technology platforms to facilitate instruction during the pandemic, a novel vector for curtailing academic freedom emerged: terms of service violations.

On September 22 and 23, 2020, Zoom, Facebook, and YouTube shut down what would have been a live-streamed seminar on gender and resistance narratives from San Francisco State University (SFSU). The reason for the cancellation was the participation of Palestinian activist Leila Khaled, a Palestinian refugee and member of the Popular Front for the Liberation of Palestine, who became the first woman to hijack a plane in 1969.

Zoom argued that the seminar might have violated federal laws by providing “material support” for terrorism and canceled the event on

September 22, the day before it was scheduled. Following Zoom’s lead, Facebook removed the livestream link and a page advertising the event and threatened to shut down the pages of the event’s sponsors. YouTube shut down the livestream twenty-three minutes after it began.

Andrew Ross, a professor at New York University (NYU), said, “It’s very dangerous for a third-party private vendor to be in the position of deciding what is legitimate academic speech and what is not—it violates all of the customs and norms of the academic culture.”

Faiza Patel, co-director of the Brennan Center’s Liberty and National Security Program explained that Zoom’s understanding of what constitutes “material support” for terrorism was flawed. “The fact that Khaled is associated with a group that is on the FTO [Foreign Terrorist Organization] list does not mean that laws prohibiting material support for terrorism kick in.” Rather, according to the Supreme Court case *Holder v. Humanitarian Law Project*, it is solely material support “coordinated with or under the direction of” an FTO that is prohibited. The Popular Front for the Liberation of Palestine did not have anything to do with Khaled’s planned participation in the seminar.

In other words, Zoom failed to properly distinguish between an act of terrorism and an act of speech in the justification they provided for the cancellation of the event. Brian Hauss, an attorney for the American Civil Liberties Union, stated that “any attempt by the government to restrict academic freedom in this manner would undoubtedly violate the First Amendment.” However, as Zoom Video Communications is a publicly traded company and not a governmental entity, it has leeway to regulate speech on its platform.



On October 23, faculty and students at a dozen different universities planned to hold a series of events on Zoom in solidarity with SFSU. The events were to feature pre-recorded videos of Khaled speaking as well as discussions of academic freedom and censorship on Zoom.

Zoom shut down three of them: the events at NYU, the University of Hawai'i at Mānoa, and the University of Leeds. In protest of this fresh ban, students and faculty at the University of Hawai'i posted a YouTube video of themselves reading Khaled's words.

NYU President Andrew Hamilton wrote, "I am troubled whenever there is interference with academic programming organized by our faculty, and we have expressed our consternation to Zoom about their intervention in the event, which came without notice and explanation." Without a live link to utilize, they elected to hold their event privately and post a recording of it.

Faculty expressed disappointment at the absence of substantive pushback from the university: "Surely, this was an opportunity for NYU to review its contractual relationship with Zoom,

and to reassure faculty and students that their further speech censorship would not be tolerated."

Reported in: *New York Post*, November 5, 2020; *The Intercept*, November 14, 2020.

INTERNATIONAL Tamil Nadu, India

The Manonmaniam Sundaranar University in Tamil Nadu's Tirunelveli city withdrew *Walking with the Comrades* by Arundhati Roy from its syllabus following a complaint from the Akhil Bharatiya Vidyarthi Parishad (ABVP), a student organization.

"A committee comprising academic deans and board of studies members had considered the complaint and decided to withdraw the book as it may be inappropriate to teach a controversial book for students," Vice Chancellor K. Pitchumani told the *Indian Express*.

Walking with the Comrades is based on Roy's visit to Maoist camps, and it had been a part of the university's syllabus since 2017. The ABVP accused the book of "openly supporting the killing fields and riots by the anti-national Maoists." "It is highly

regrettable that this book has been in the syllabus for the past three years. All these years Maoists thoughts and ideologies have been taught to the young students," the ABVP wrote in the complaint letter, according to Organiser.org. The organization's Dakshin Tamil Nadu Joint Secretary C. Vignesh threatened to launch protests and bring the matter to the central government's notice if there was a delay in the decision.

Roy said she was "not in least bit shocked or surprised by the decision."

"It is not my duty to fight for its place on a university curriculum," Roy said in a statement. "That is for others to do or not do. Either way it has been widely read and as we know bans and purges do not prevent writers from being read. This narrow, shallow, insecure attitude towards literature displayed by our current regime is not just detrimental to its critics. It is detrimental to millions of its own supporters."

The book was replaced by *My Native Land: Essays on Nature* by M. Krishnan.

Reported in: *Scroll.in*, November 12, 2020.