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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

DAWN ADAMS & SCOTT ADAMS on)
behalf of H.A.; JESSICA CLARKSON)
& URIAH CLARKSON on behalf of)
W.C.; JOY HEASLEY and A. ROBERT)
HEASLEY on behalf of K.M-H. &)
M.M-H.; GANNON CLARKSON; and)
MITCHELL CLARKSON)

Plaintiffs,)

vs.)

MATANUSKA-SUSITNA BOROUGH)
SCHOOL DISTRICT,)

Defendant.)

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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, AND NOMINAL DAMAGES

COME NOW Plaintiffs, Dawn Adams and Scott Adams on behalf of their minor child, H.A., Jessica Clarkson and Uriah Clarkson on behalf of their minor child W.C., Joy Heasley and A. Robert Heasley on behalf of their minor children K.M-H. and M.M-H., Gannon Clarkson, and Mitchell Clarkson, by and through counsel, the Northern Justice Project, LLC, and alleging and requesting relief as follows:

PRELIMINARY STATEMENT

1. “Students do not ‘shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.’ ”¹ And “the Constitution protects the right to receive information and ideas.”²

2. The Matanuska-Susitna Borough School District (“District”) violated these critical constitutional rights of its students when it ordered the removal of 56 books from all of its school libraries, because of the ideas within those books and the Board’s desire to suppress those ideas.

3. “[L]ocal school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and see by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters

¹ *Board of Education v. Pico*, 457 U.S. 853, 865 (1982) (quoting *Tinker v. Des Moines Indep. Community School District*, 393 U.S. 503, 506 (1969)).

² *Id.* at 867 (quoting *Stanley v. Georgia*, 394 U.S. 557, 564 (1969)).

of opinion.’ ”³

4. The plaintiff students seek an injunction, declaratory relief, and nominal damages against the Board’s unconstitutional removal of books, to protect their right and freedom to explore a wide range of ideas.

PARTIES

1. The Matanuska-Susitna Borough School District is a government created and authorized under Matanuska-Susitna Borough Code and Alaska law.

2. Dawn Adams and Scott Adams are the parents of minor child H.A., a student attending Colony Middle School, which is part of the Matanuska-Susitna Borough School District.

3. Jessica Clarkson and Uriah Clarkson are the parents of minor child W.C., a student attending Birchtree Charter School, which is part of the Matanuska-Susitna Borough School District.

4. Joy Heasley and A. Robert Heasley are the parents of minor children K.M-H. and M.M-H., two students attending Colony High School, which is part of the Matanuska-Susitna Borough School District.

5. Gannon Clarkson is a student attending Palmer High School, which is part of the Matanuska-Susitna Borough School District.

6. Mitchell Clarkson is a student attending Palmer High School, which is part of the Matanuska-Susitna Borough School District.

³ *Id.* at 872 (quoting *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642 (1943)).

JURISDICTION AND VENUE

7. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.

8. This Court has jurisdiction to issue declaratory and injunctive relief and nominal damages under 28 U.S.C. §§ 2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure.

9. Venue in this district is proper under 28 U.S.C. 1391(b) and divisional venue is appropriate in the Anchorage Division under Local Civil Rule 3-2 because the claims arise in this district.

GENERAL ALLEGATIONS

10. On April 21, 2023, the School Board ordered the Matanuska-Susitna Borough School District to remove 56 books from all of its school libraries because the books contained ideas or concepts that either the Board or some members of the public did not like. The District carried out this removal of books.

11. The removed books include classics and award winners, including Toni Morrison's *The Bluest Eye*, Kurt Vonnegut's *Slaughterhouse Five*, and Khaled Hosseini's *The Kite Runner*. The removed books also include ones discussing health, such as *It's Perfectly Normal 1st Edition* and *Sex: an uncensored guide*. Other removed books are those with protagonists of color or LGBTQ+ protagonists, such as *Homegoing* by Yaa Gyasi and *Call Me By Your Name* by Andre Aciman. The complete list of the

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banned books is set forth below.⁴

12. Plaintiff Students are now unable to check out these books from their libraries.

CAUSES OF ACTION

FIRST CAUSE OF ACTION VIOLATION OF FIRST AND FOURTEENTH AMENDMENT RIGHTS OF THE U.S. CONSTITUTION 42 USC §1983

13. The foregoing paragraphs of this Complaint are incorporated herein as though fully set forth.

⁴ *The Lovely Bones*, Alice Sebold; *Lucky*, Alice Sebold; *Call Me By Your Name*, Andre Aciman; *You A Novel*, Caroline Kepnes; *Red White and Royal Blue*, Casey McQuiston; *It Ends with Us*, Colleen Hoover; *Ugly Love*, Colleen Hoover; *Verity*, Colleen Hoover; *Red Hood*, Elena Arnold; *Living Dead Girl*, Elizabeth Scott; *Crank*, Ellen Hopkins; *Identical*, Ellen Hopkins; *Perfect*, Ellen Hopkins; *Tilt*, Ellen Hopkins; *Tricks*, Ellen Hopkins; *The Freedom Writers Diary*, Erin Gruwell; *Wicked: The Life and Times of the Wicked Witch of the West*, Gregory Maguire; *Exit Here*, Jason Myers; *Breathless*, Jennifer Niven; *The Haters*, Jesse Andrews; *The Carnival at Bray*, Jessie Ann Foley; *Nineteen Minutes*, Jodi Picoult; *Extremely Loud and Incredibly Close*, Jonathan Safran Foer; *Forever*, Judy Blume; *The Kite Runner Graphic Novel*, Khaled Hosseini; *The Kite Runner*, Khaled Hosseini; *The Duff*, Kody Keplinger; *Slaughterhouse Five*, Kurt Vonnegut; *I Never*, Laura Hopper; *18r, g8r*, Lauren Myracle; *Shine*, Lauren Myracle; *YOLO*, Lauren Myracle; *Last Night at the Telegraph Club*, Malinda Lo; *The Handmaids Tale*, Margaret Atwood; *This One Summer*, Mariko Tamaki; *Persepolis*, Marjane Satrapi; *Persepolis 2*, Marjane Satrapi; *How Beautiful the Ordinary*, Michael Cart; *Flamer*, Mike Curato; *Sex: an Uncensored Guide*, Nikol Hasler; *Sold*, Patrician McCormick; *Drama* (Graphic Novel), Raina Telgemeier; *The Handmaid's Tale* (Graphic Novel), Renee Nault; *It's Perfectly Normal*, Robie Harris; *Water for Elephants*, Sara Gruen; *A Court of Thorns and Roses*, Sarah Maas; *A Court of Frost and Starlight*, Sarah Maas; *A Court of Mist and Fury*, Sarah Maas; *A Court of Silver Flames*, Sarah Maas; *A Court of Wings and Ruin*, Sarah Maas; *Empire of Storms*, Sarah Maas; *Kingdom of Ash*, Sarah Maas; *The Perks of Being a Wallflower*, Stephan Chbosky; *Monday's Not Coming*, Tiffany Jackson; *The Bluest Eye*, Toni Morrison; *Homegoing*, Yaa Gyasi.

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14. In this complaint, references to the First Amendment include the First Amendment as applied to the state and its subdivisions through the Fourteenth Amendment.

15. School districts have broad discretion in the management of school affairs, especially in the setting of curricula. But the U.S. Supreme Court has been clear that such broad discretion is still bounded by the protections of the U.S. Constitution and must comport with the First Amendment.⁵

16. “The right to receive ideas is a necessary predicate to the *recipient’s* meaningful exercise of his own rights of speech, press, and political freedom.”⁶ And the school library is the locus of such freedom.⁷

17. In acting in the aforesaid fashion, the District violated the Plaintiff Students’ First Amendment right to receive ideas and information as a necessary predicate to their meaningful exercise of the rights of speech, press, and political freedom.⁸

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that this Court:

1. Pursuant to Rule 57 of the Federal Rules of Civil Procedure, declare unconstitutional and unlawful the District’s violation of Plaintiff Students’ First Amendment right to receive ideas and information as a necessary predicate to their

⁵ *Board of Education v. Pico*, 457 U.S. 853, 864-65 (1982).

⁶ *Id.* at 867.

⁷ *Id.* at 868-69.

⁸ U.S. Const. amend. I; *Board of Education v. Pico*, 457 U.S. 853, 867 (1982).

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meaningful exercise of the rights of speech, press, and political freedom.

2. Temporarily and permanently enjoin the District from subjecting Plaintiff Students to practices that violate their First Amendment rights, including the removal of books from school libraries based on a disagreement with the ideas presented in those books and an order returning the 56 banned books to their former places in the libraries;

3. Award Plaintiff Students nominal damages, their reasonable costs and expenses incurred to litigate this action, including reasonable attorneys' fees, pursuant to 28 U.S.C. § 1920 and 42 U.S.C. § 1988, and the Federal Rules of Civil Procedure 23(e) and (h).

4. All other relief as the Court deems just, necessary, and proper to protect Plaintiff Students from further violation of their rights by the District.

DATED this 17th day of November, 2023

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