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Attorneys for Plaintiff Bobbie McDow

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

	)	
BOBBIE MCDOW,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LORA REINBOLD,	)	
	)	
Defendant.	)	
_____	)	Case No. 3AN-21-_____ CI

**COMPLAINT**

COMES NOW the plaintiff, Ms. Bobbie McDow, by and through counsel, the Northern Justice Project, LLC, and alleges and requests relief as follows:

**INTRODUCTION**

1. Alaska State Senator Lora Reinbold is suppressing free speech. She has banned her constituent, Bobbie McDow, from the “Senator Lora Reinbold” Facebook page, and has removed McDow’s comments – all because McDow posted critiques of State Senator Reinbold’s position against wearing masks during a pandemic.

2. State Senator Reinbold's mindlessness is not surprising: she has accused Alaska Airlines of "mask tyranny," been banned from Alaska Airlines for violating its mask policy, publicly criticized Governor Dunleavy's vaccination efforts in Alaska, and been banned from parts of the Capitol for violating basic COVID-19 guidelines.

3. Now, State Senator Reinbold is violating the Alaska constitution by discriminating against Ms. McDow based on her viewpoint. Because of her viewpoint, Ms. McDow is banned from commenting on posts on the public and interactive "Senator Lora Reinbold" Facebook page. She is also banned from liking or otherwise reacting to State Senator Reinbold's posts, from replying to or liking the comments of other users, from conversating with other users, and from messaging State Senator Reinbold.

4. Our democracy is founded on the notion of a full and fair exchange of ideas and on the premise that all citizens can petition their government about their concerns and their complaints. State Senator Reinbold wants to eliminate from this conversation anyone who disagrees with her positions, something more akin to Communist China than to the United States of America. State Senator Reinbold's actions are not only anti-democratic, they are also unconstitutional.

### **PARTIES**

5. The plaintiff, Bobbie McDow, is a resident of Eagle River, Alaska.

6. The defendant, Lora Reinbold, is the Alaska State Senator for District G.

### **JURISDICTION AND VENUE**

7. This Court has jurisdiction under AS § 22.10.020(c) and (g).

8. The plaintiff is a resident of the Third Judicial District.

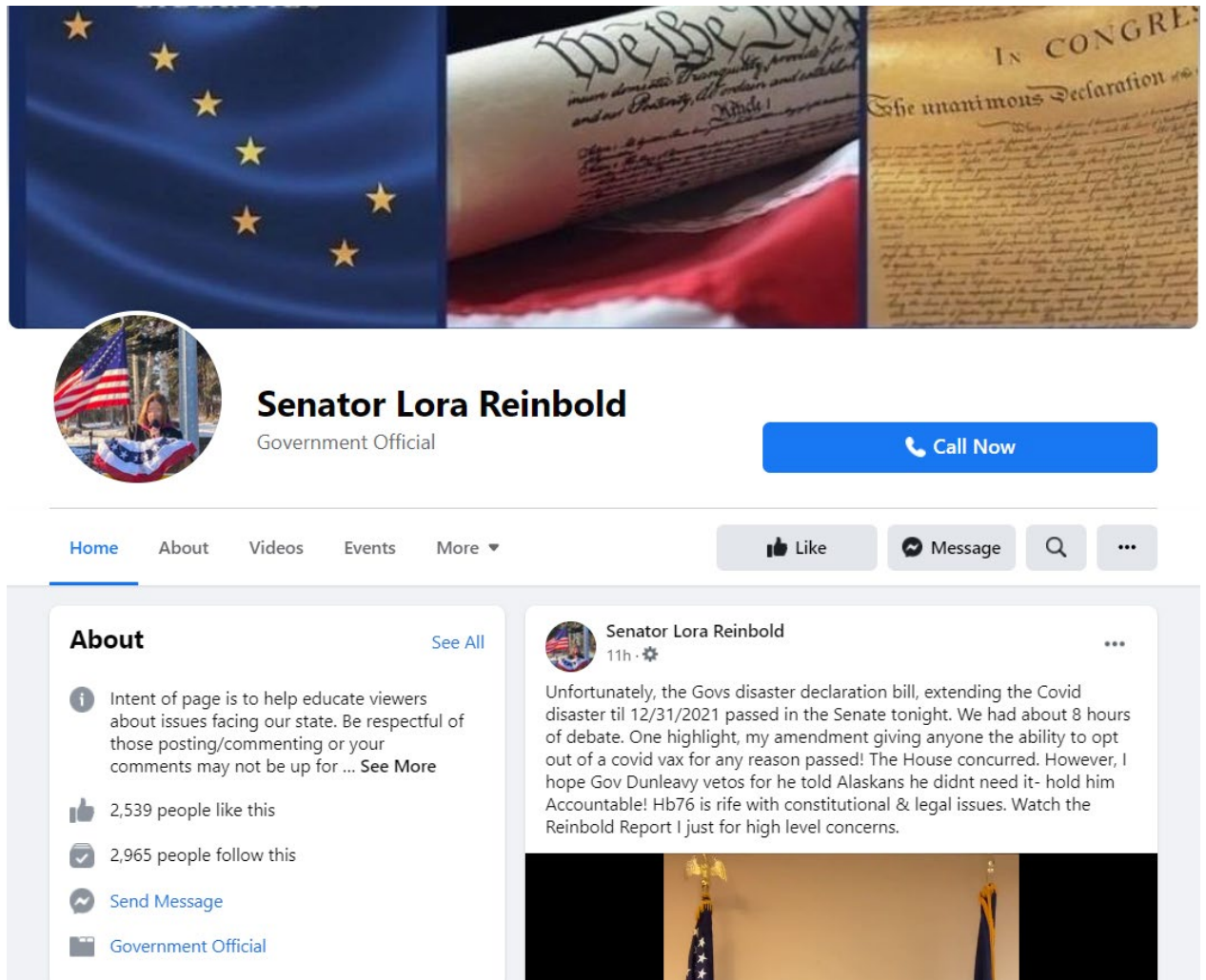
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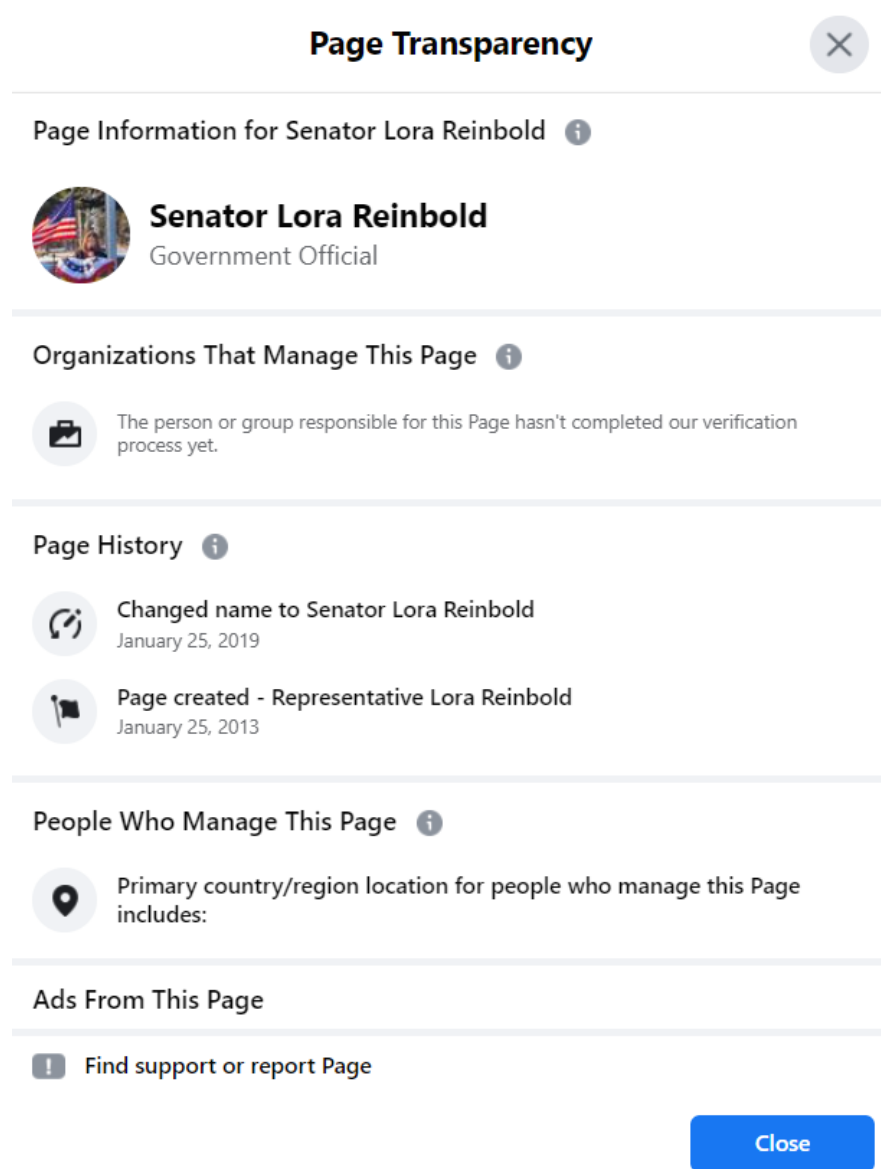
## GENERAL ALLEGATIONS

9. The Facebook page at issue is titled “Senator Lora Reinbold” and names her as a “Government Official.” The page displays the Declaration of Independence, U.S. Constitution, and Alaska flag. The page’s “About” section says it is intended “to help educate viewers about issues facing our state.” The page is “liked” and “followed” by thousands of people. A screenshot is below:<sup>1</sup>

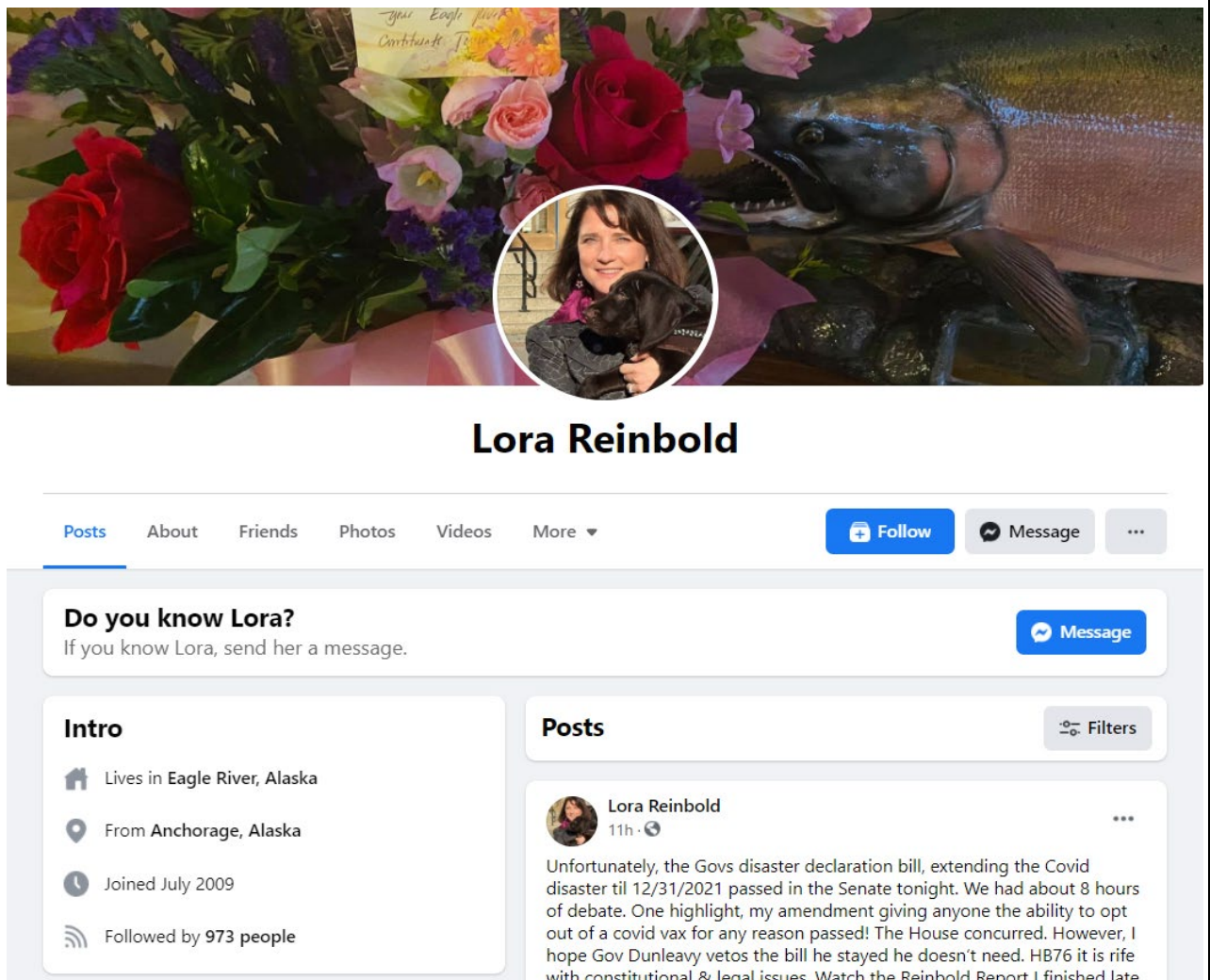


<sup>1</sup> The “Senator Lora Reinbold” Facebook page can be viewed at <https://www.facebook.com/Senator-Lora-Reinbold-283917281734146> (last accessed April 29, 2021).

10. The Facebook page at issue was created on January 25, 2013, when Ms. Reinbold was first elected to the Alaska legislature. In 2013, the page was initially named “Representative Lora Reinbold,” corresponding with her service in the Alaska House of Representatives from 2013-2019. Then, on January 25, 2019, the page was renamed “Senator Lora Reinbold,” corresponding with her 2019 election to the Alaska Senate. This is confirmed by the below screenshot of the page’s “Transparency” section:



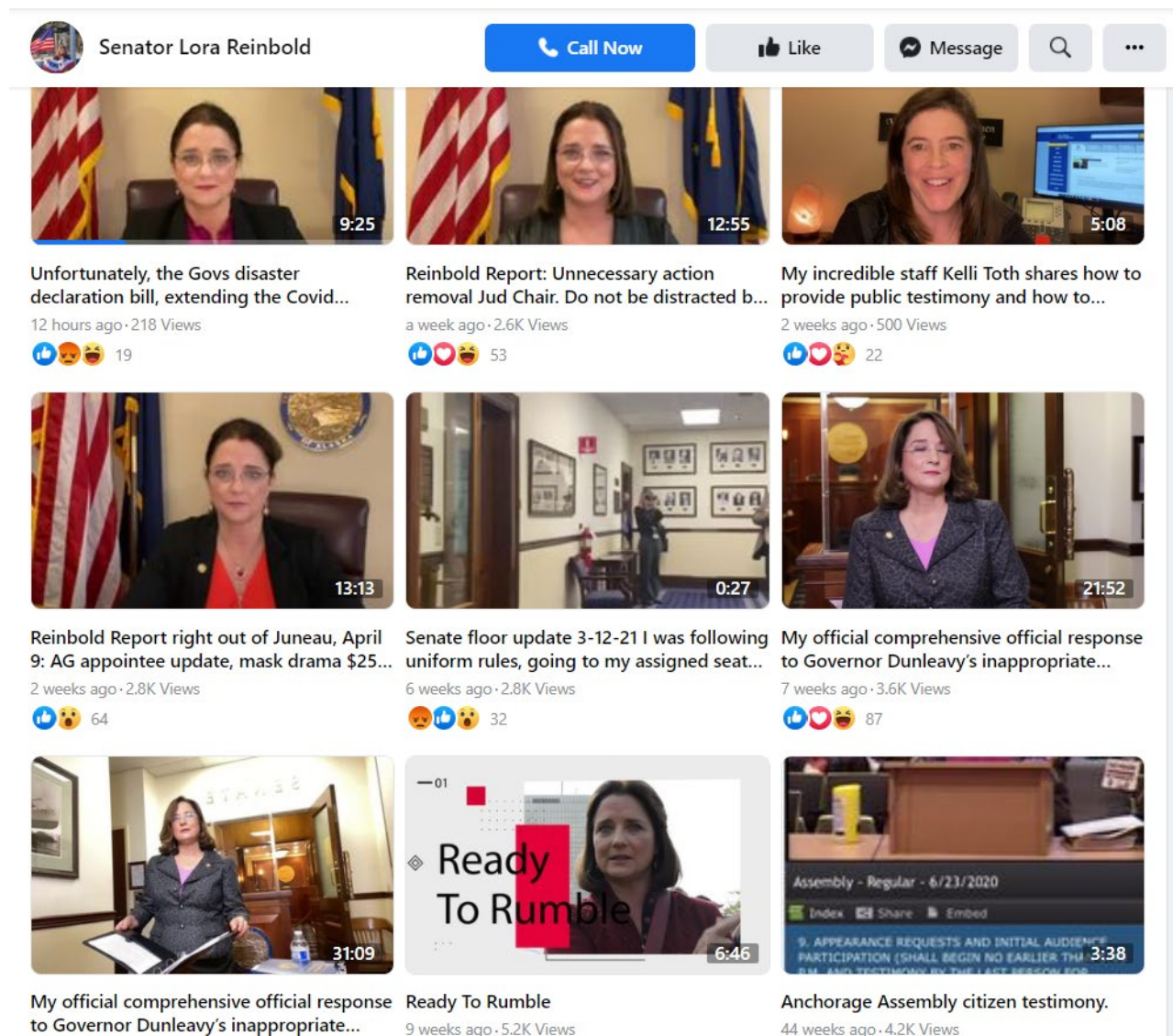
11. The “Senator Lora Reinbold” Facebook page is *not* Ms. Reinbold’s personal Facebook page. These two pages are distinct. Instead, Ms. Reinbold’s personal page was created around July 2009, years before she was elected to the Alaska legislature, and years before the “Senator Lora Reinbold” Facebook page was made. Her personal page has many fewer “followers” than the “Senator Lora Reinbold” Facebook page. This is confirmed by the below screenshot of the “Lora Reinbold” Facebook page:<sup>2</sup>



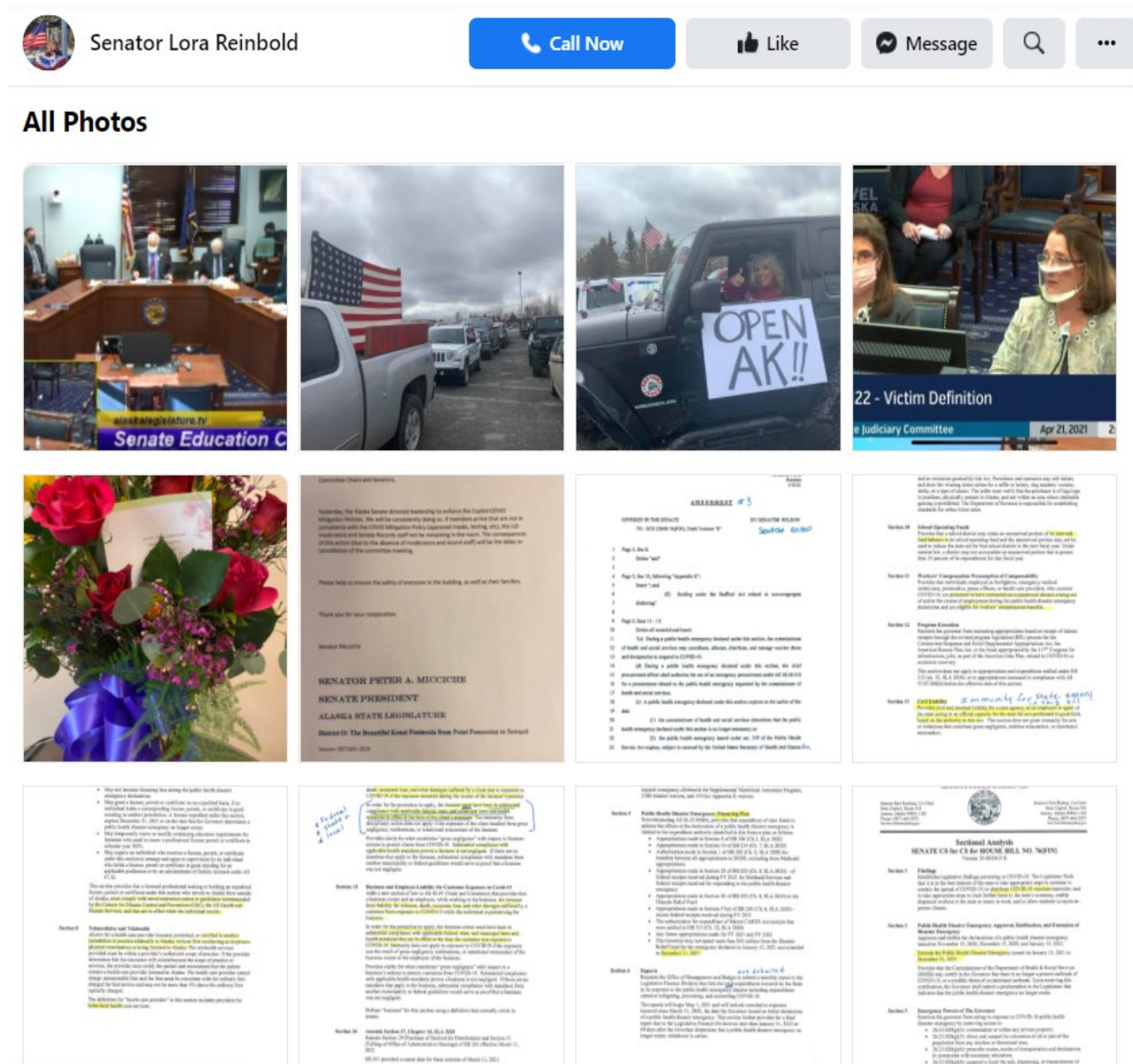
<sup>2</sup> The “Lora Reinbold” Facebook page can be viewed at <https://www.facebook.com/lora.reinbold> (last accessed April 29, 2021).



12. The “Senator Lora Reinbold” Facebook page includes many videos about political matters. For instance, it shows video of Ms. Reinbold’s “official comprehensive response” to a letter from Governor Dunleavy. As another example, it shows video from inside the House finance committee. It shows a video where Ms. Reinbold is “Ready to Rumble” with Governor Dunleavy. It also shows video of “The Reinbold Report,” where Ms. Reinbold provides updates about house matters and bills. This is confirmed by the below screenshot, which shows just some of the many videos on the page:



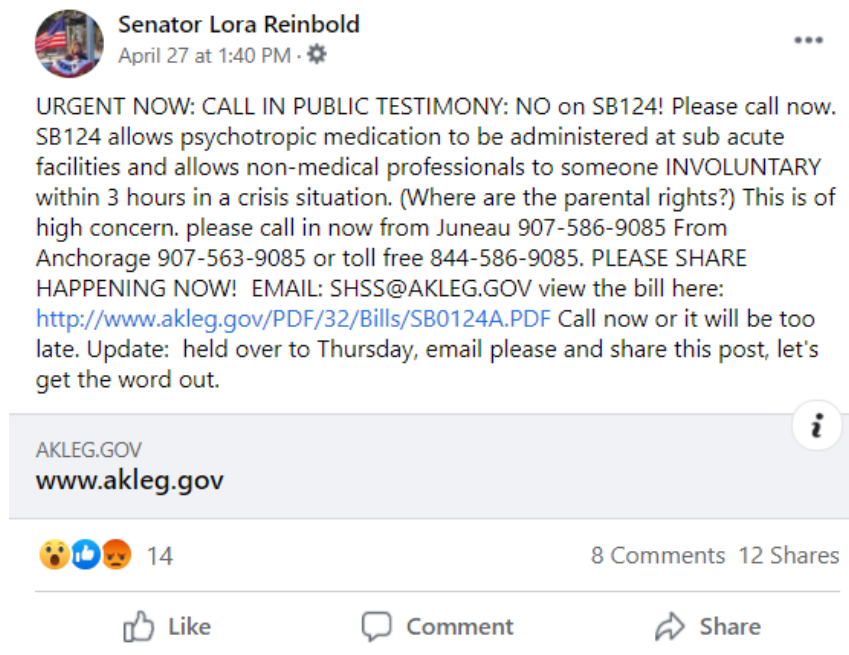
13. Beyond videos, the “Senator Lora Reinbold” Facebook page includes hundreds of photographs about political matters. These include photographs of official legislative proceedings, photographs of political rallies, photographs of Ms. Reinbold speaking on legislative matters, and even photographs of her highlights and notes on various legislative and/or political documents. This is confirmed by the below screenshot, which show just some of the many photographs on the page:



14. The “Senator Lora Reinbold” Facebook page also includes hundreds of posts and comments about political matters. It routinely features Ms. Reinbold making announcements about legislation or political matters, providing links to news articles, giving responses to current political events, and more.

15. Sometimes, the “Senator Lora Reinbold” Facebook page makes multiple posts in the same day. It is frequently updated with new information.

16. For instance, on April 27, 2021 at 1:40 PM, the page published a post leading with “URGENT NOW: CALL IN PUBLIC TESTIMONY: NO on SB 124!...” A screenshot of this post, which is just one of many examples of posts, is below:



17. Then, also on April 27, 2021, at 7:11 PM, the page published an update about the state’s DMVA budget and the finance subcommittee.

18. Then, again on April 27, 2021, at 11:35 PM, the page published a video of Ms. Reinbold talking about HB 76 concerning the state’s Disaster Declaration.



19. Typically, people can interact with the “Senator Lora Reinbold” Facebook page by “liking” the posts on the page, or by responding to the posts with various emojis. For instance, in the post below, Senator Reinbold is criticizing mask wearing and advocating for an “Open Alaska.” A user can respond with a thumbs up “like” emoji, a heart emoji, an anger emoji, and more. This is confirmed by the below screenshot.



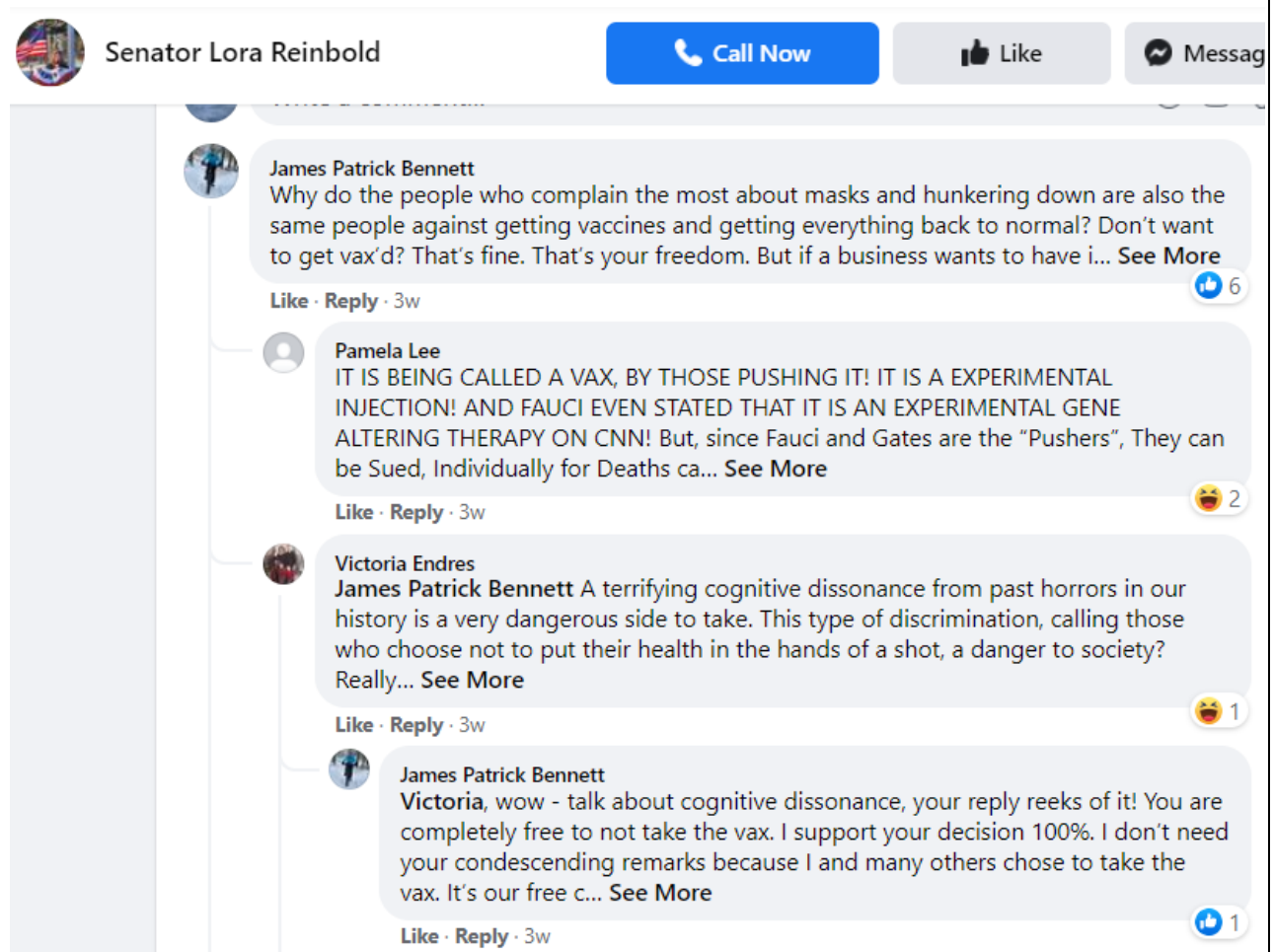
20. A single post by the “Senator Lora Reinbold” Facebook page can generate dozens of the aforementioned reactions. For instance, on April 26, 2021, Ms. Reinbold posted a link to a YouTube video about her driving through Canada to get to the Capitol after she was banned from Alaska Airlines. In response, at least 57 people responded with “Haha” emojis, while others “liked” or even “loved” the video in question. This is confirmed by the below screenshot:



21. Typically, people can also interact with the “Senator Lora Reinbold” Facebook page by commenting on the page’s various posts, by reading the comments of others, by responding to the comments of others, and by reading those responses.

22. Posts on the page have generated thousands of comments and replies.

23. As just one of many examples, on April 6, 2021, the “Senator Lora Reinbold” Facebook page posted an article about Texas restricting “vaccine passports.” In response, some people commented by critiquing the thrust of the article, while others responding by defending it. Meanwhile, some commenters directly engaged with one another about the issue in replies. This is confirmed by the below screenshot:



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24. Sometimes, State Senator Reinbold directly responds to commenters who ask questions on her posts on the “Senator Lora Reinbold” Facebook page. For instance, in the screenshot below, Ms. Reinbold makes a post about Alaska’s Legislative Council, one commenter asks a question about governing rules, and Ms. Reinbold responds.

The screenshot shows a Facebook post by Senator Lora Reinbold, dated March 16. The post text discusses an upcoming Legislative Council meeting at 5pm, mentioning a ~\$4 million contract and various policies like PCR testing, daily check-ins, and facial screenings. It also mentions Rep Merrick as the Leg Council Chair and expresses concern about the House being under Democrat control. The post has 31 reactions (likes, loves, etc.) and 24 comments and 2 shares.

Below the post, there are three visible comments:

- Ak Buick:** "I personally met Senator Lora Reinbold some years ago when she spent her own personal resources to travel around the state giving symposiums to educate parents on changes to the states education system. I found her to be incredibly thoughtful and carin... See More" (7 likes)
- Shannon Wileman:** "NO to medical tyranny!" (7 likes)
- Suzanne Hunter:** "How do we get Leg. Council to change these rules??" (2 likes)

Below the comments, there is an author response from Senator Lora Reinbold:

**Author: Senator Lora Reinbold**  
 Suzanne Hunter many votes are controlled by leadership  
 I am vice chair but have little control on agenda. Rep Hannan ran meeting with a sword not a gavel and cut me off which was unfair and unbecoming  
 I tried to address concern but wasn't allowed ton... See More" (2 likes)



25. Typically, people can also interact with the “Senator Lora Reinbold” Facebook page by directly messaging Ms. Reinbold. This is confirmed by the below screenshot, which has been annotated with two red circles to show the message option:



26. As the United States Supreme Court held in *Packingham v. North Carolina* 137 S. Ct. 1730 (2017), social media platforms, like Facebook, provide “perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard.” Indeed, these platforms allow ordinary citizens to speak directly to public officials, and also to listen to and debate with one another about public issues.

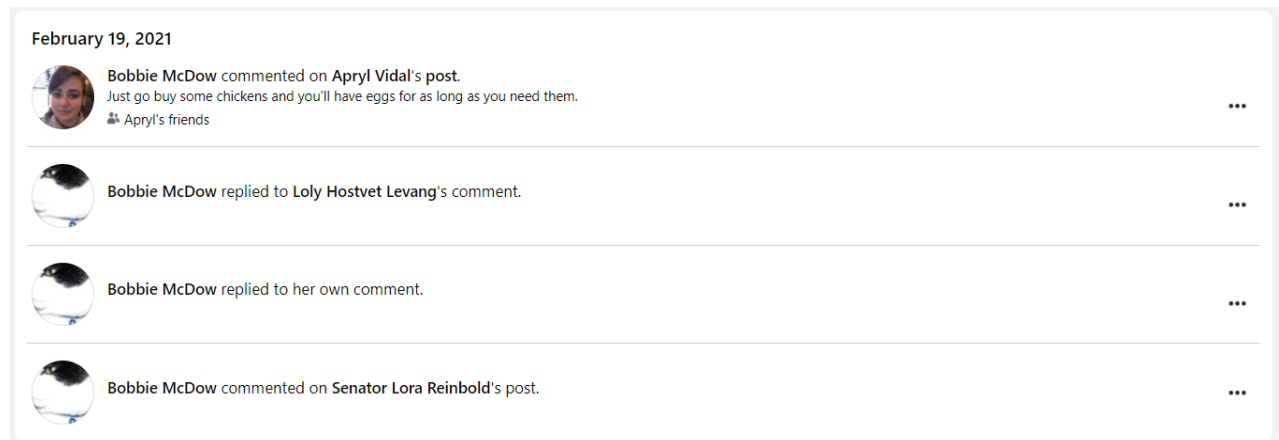
27. The “Senator Lora Reinbold” Facebook page is a source of news and information for Ms. Reinbold’s constituents, and others, about the government and the representation (or lack thereof) of their interests. The page is a public forum for speech by Ms. Reinbold, to Ms. Reinbold, about Ms. Reinbold, and for speech in general.

28. Bobbie McDow is a constituent of Ms. Reinbold.

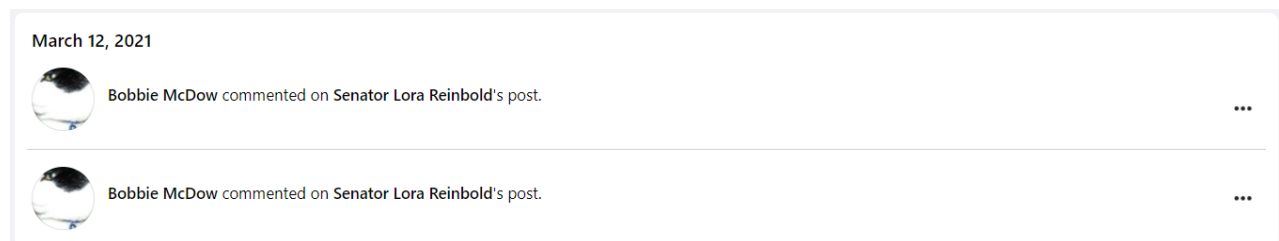
29. Ms. McDow has used the “Senator Lora Reinbold” Facebook page.

30. In the past, Ms. McDow has commented on Ms. Reinbold’s posts on the “Senator Lora Reinbold” Facebook page.

31. For instance, Ms. McDow commented on a post on the “Senator Lora Reinbold” page on February 19, 2021, which is confirmed by the screenshot below:



32. As another example, Ms. McDow commented on a post on the “Senator Lora Reinbold” page on March 12, 2021, which is confirmed by the screenshot below:

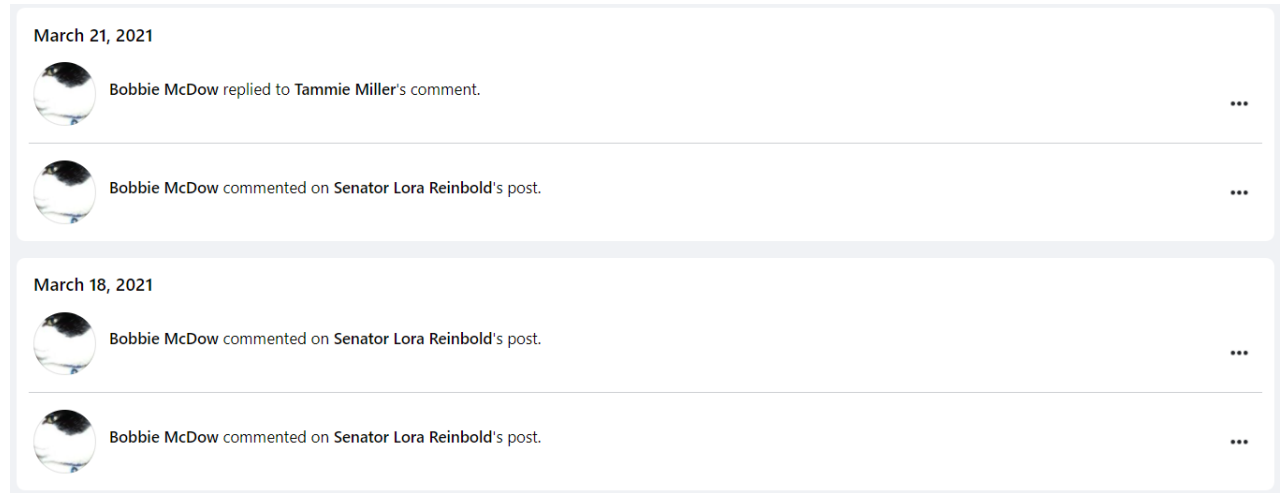


Complaint

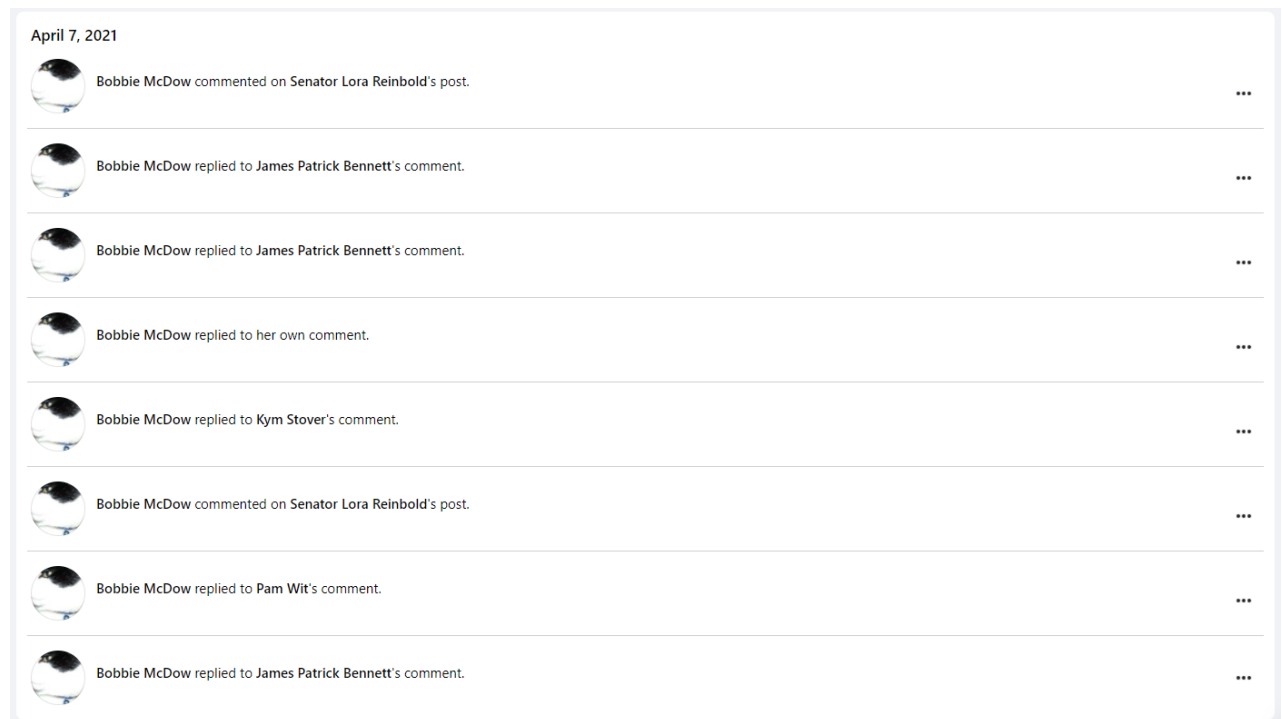
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33. Ms. McDow also commented on posts on the “Senator Lora Reinbold” page on March 18, 2021, and March 21, 2021 which is confirmed by the screenshot below:

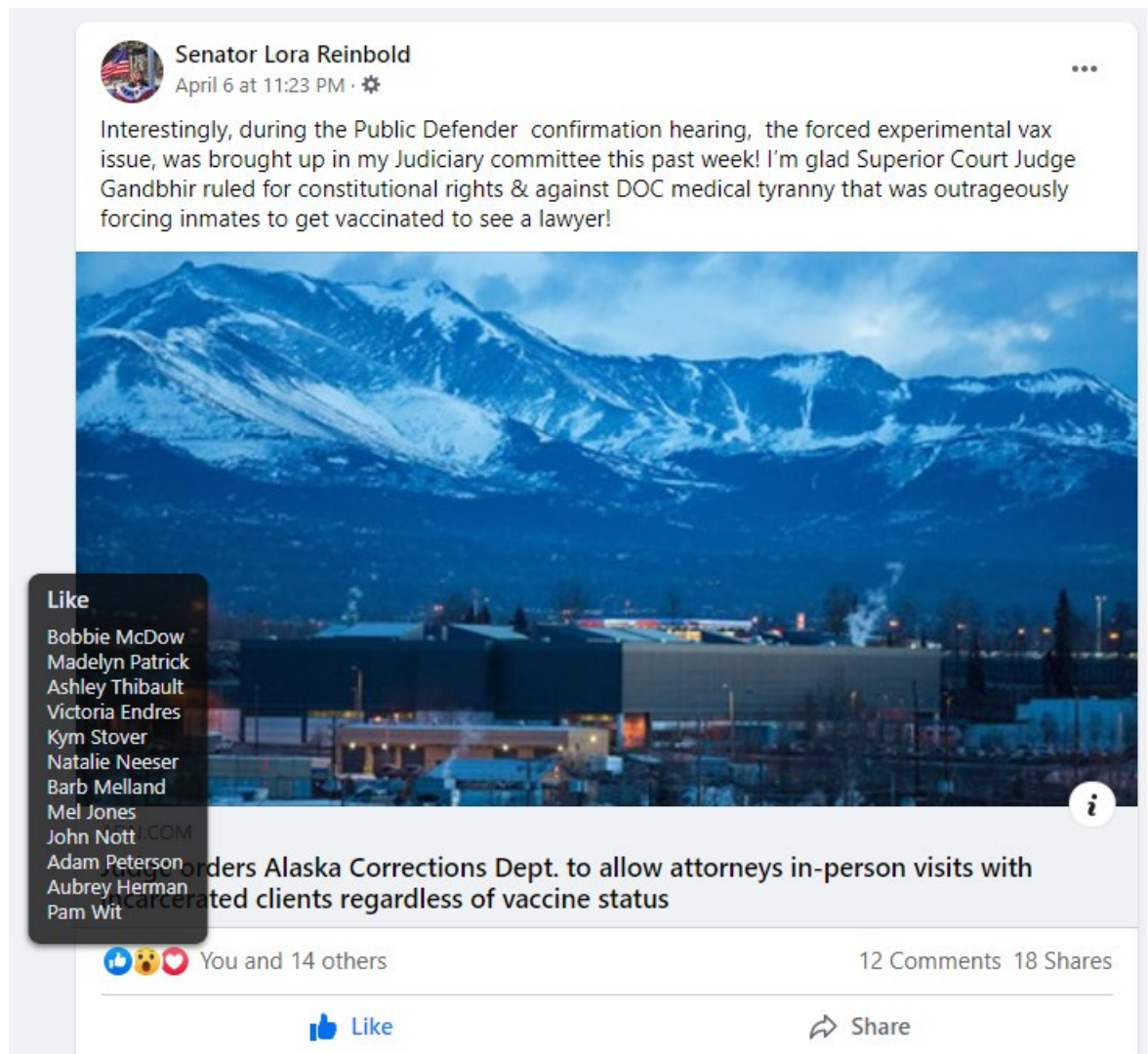


34. Furthermore, Ms. McDow has responded and replied to various comments made by others on posts on the “Senator Lora Reinbold” page, which is confirmed by the screenshot below, which documents such activity on April 7, 2021.



35. In the past, Ms. McDow has also responded to posts made by Ms. Reinbold on the “Senator Lora Reinbold” Facebook page through “liking” the posts.

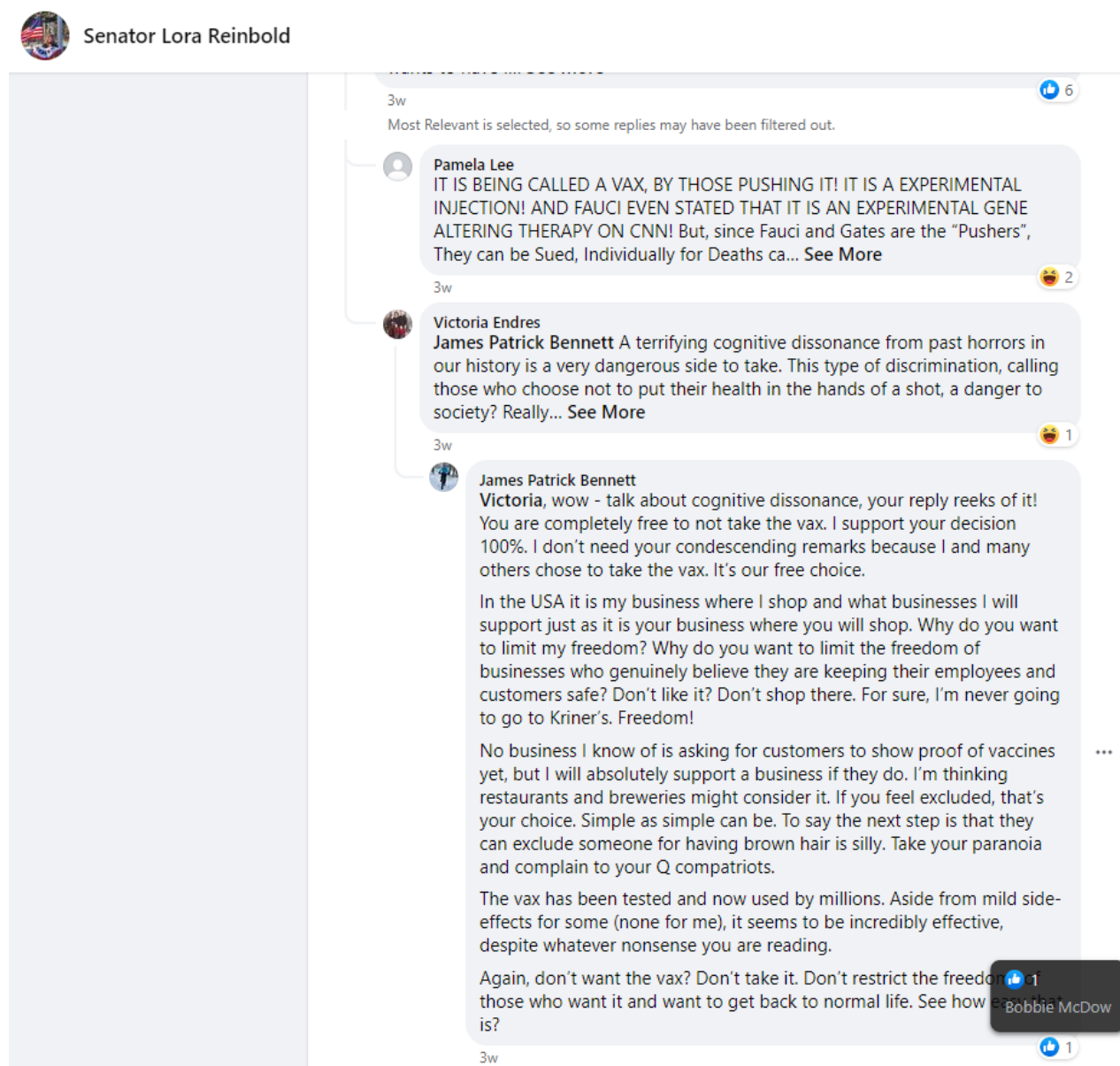
36. For instance, on April 6, 2021, Ms. Reinbold posted an article about prison visitation during the COVID-19 pandemic and praised an Alaska superior court judge for a related ruling on the matter. Ms. McDow responded to this post “by liking” it, which is confirmed by the screenshot below, which lists “Bobbie McDow” as one of the people who “like” the post.





37. Furthermore, in the past, Ms. McDow has also responded to comments by other people, besides Ms. Reinbold, on posts on the “Senator Lora Reinbold” Facebook page through “liking” those comments.

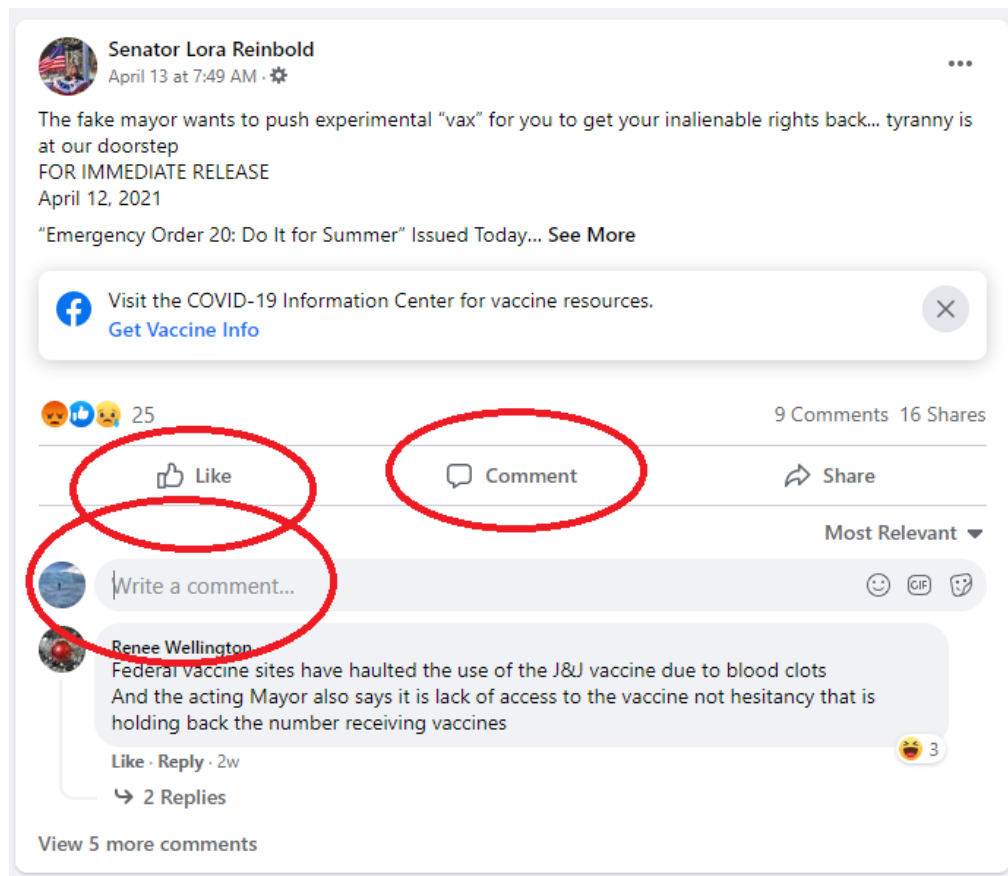
38. For instance, when some people were conversating and debating about an April 6, 2021 post on the “Senator Lora Reinbold” Facebook page, Ms. McDow “liked” one person’s reply to a comment. This is confirmed by the screenshot below:



39. However, as of April 29, 2021, Ms. McDow has been banned from the “Senator Lora Reinbold” Facebook page.

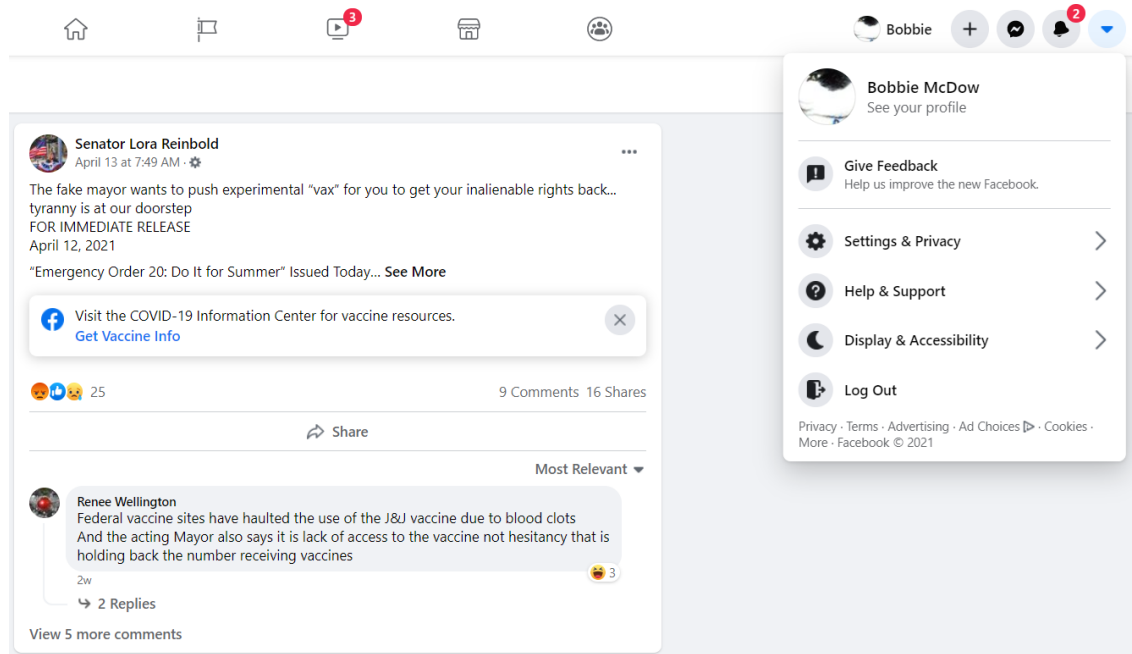
40. According to Facebook, “[w]hen you ban someone from your Page, they’ll still be able to share content from your Page to other places on Facebook, but they’ll no longer be able to publish to your Page, like or comment on your Page’s posts, message your Page or like your Page.”<sup>3</sup> This is what has happened to Ms. McDow.

41. Again, people are generally allowed to “like” or comment on the posts by the “Senator Lora Reinbold” Facebook page. See screenshot below.



<sup>3</sup> See Facebook “Help Center,” which can be viewed at <https://www.facebook.com/help/185897171460026> (last accessed April 29, 2021).

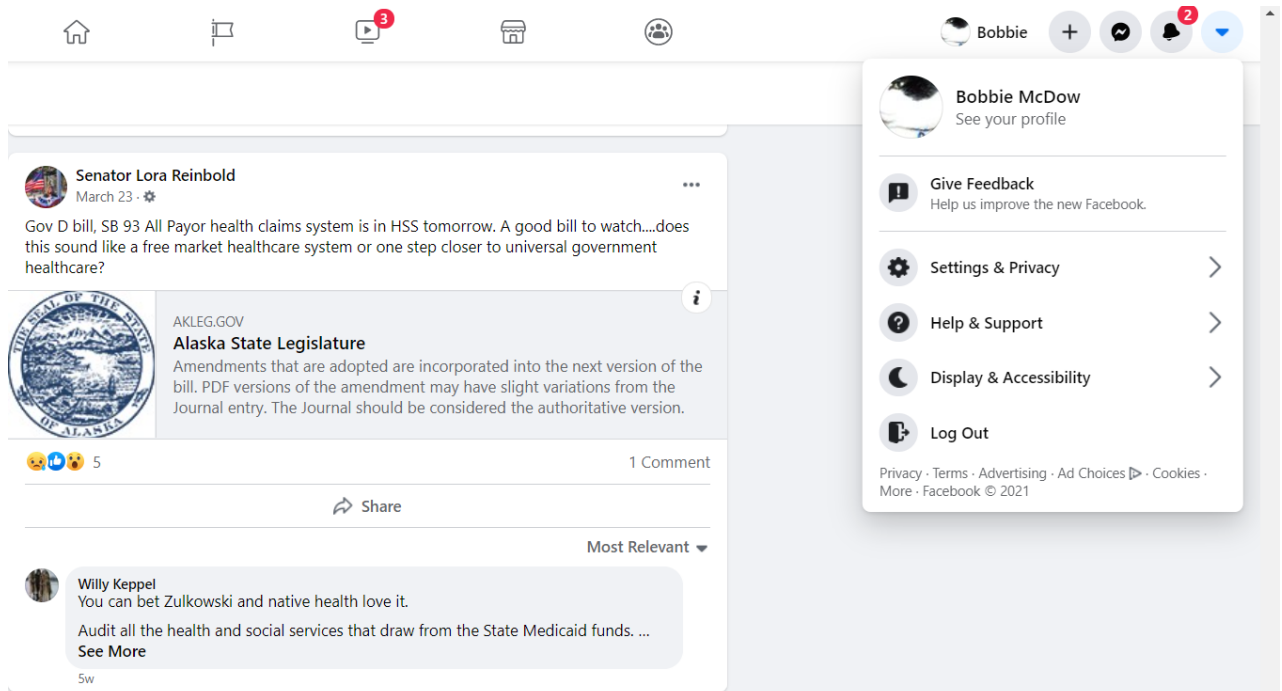
42. Yet Ms. McDow can no longer do this. The screenshot below, from her account, shows no option for her to like or comment on the same post as above:



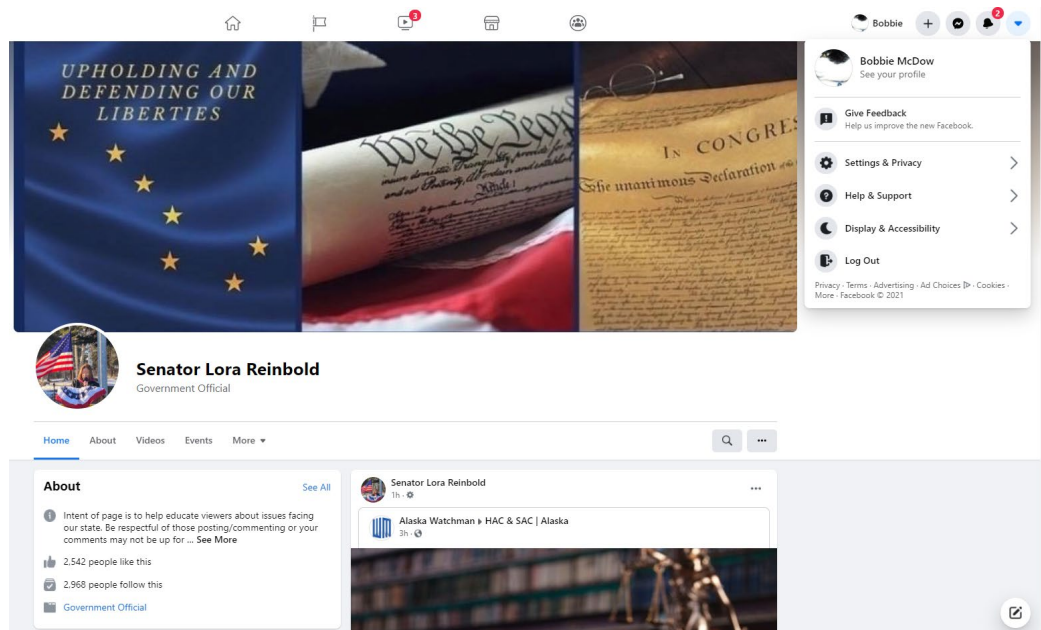
43. The same goes for replying to or liking the comments that others post on the “Senator Lora Reinbold” Facebook page. Again, people are generally able to do this:



44. Ms. McDow can no longer do this. The screenshot below, from her account, shows no option for her to like or reply to comments of others on the same post as above.



45. Ms. McDow also does not have access to the “message” option on the “Senator Lora Reinbold” page. This is confirmed by the screenshot below:







46. Again, however, people are generally allowed to “message” Ms. Reinbold via the “Senator Lora Reinbold” Facebook page, as shown by the screenshot below:





47. It even appears that Ms. McDow’s past comments and replies have been removed or hidden from the “Senator Lora Reinbold” Facebook page. For instance, in Reinbold’s March 27, 2021 post on COVID-19 pseudoscience, there are many comments where people are conversating with Ms. McDow, mention her by name, and directly respond to her comments and replies. However, Ms. McDow’s comments and replies no longer appear in the thread. This is shown on the following two pages of screenshots:


All Comments ▾


 Pam Wit  
Wow, great information. Senator, I appreciate so much your passion for serving us We the People of Alaska. There are ways to combat the tyranny we are experiencing today. Many people are in fear when they should not be, and through the fear mongerin... See More  
4w 3


 Francine Reuter  
Pam Wit Trading liberty for the illusion of safety is how all communist countries begin and how all tyrannical regimes begin. I would think this is a easy research topic. America is based on liberty and individual freedoms and this IS the purpose of ... See More  
3w 1


 Francine Reuter  
Sorry that was meant for Bobbie McDow and unfortunately I can't figure out how to take it off while I'm on my phone. Sorry!!  
3w

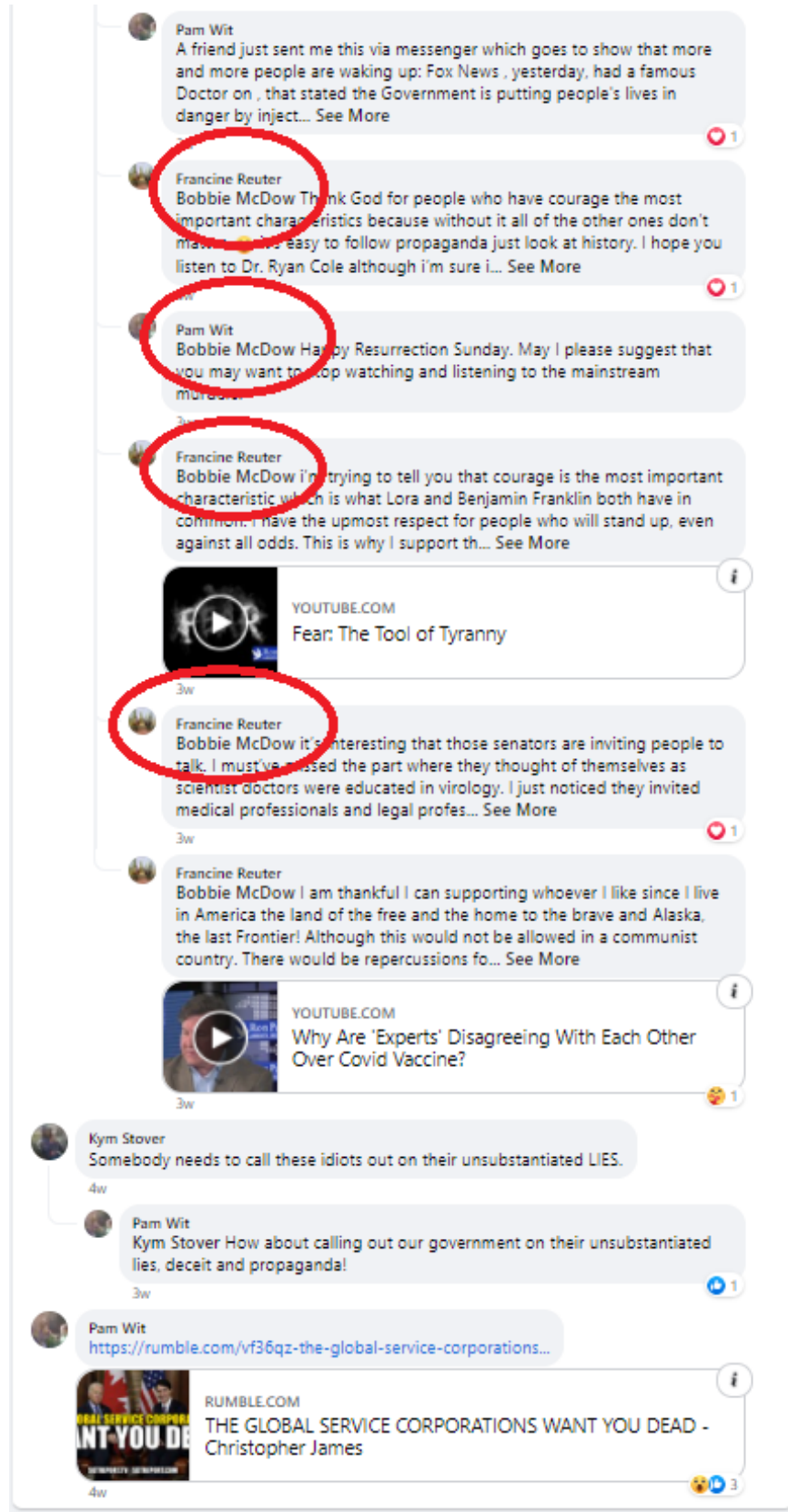
 Pam Wit  
Francine Reuter Worth reading more than twice. Thank you Francine  
3w 1

 Pam Wit  
<https://thephaser.com/.../talk-about-covid-19-mrna.../>

 THEPHASER.COM  
DR. RYAN COLE: COVID-19, MRNA BIOWEAPON, IVERMECTIN, & VITAMIN D – The Phaser  
3w 1

 Francine Reuter  
Pam Wit i'm so thankful for people like this doctor. It takes such courage to stand up to a tidal wave. They're often repercussions that are devastating-at least in this culture where expressing opinions which do not follow main stream is not allowed. ... See More  
3w 1

 Pam Wit  
I wish there were more representatives like Senator Lora Reinbold and Mike Showers, as we need all the help we can get and a lot more common sense people. The Bill of Rights is sacred, yet being violated!  
3w · Edited 1



48. Ms. McDow was restricted from accessing the “Senator Lora Reinbold” Facebook page because she commented critiques of Ms. Reinbold. For instance, Ms. McDow commented a critique of Ms. Reinbold’s position against wearing masks during the COVID-19 pandemic. Ms. McDow also commented urging Ms. Reinbold to devote her efforts to funding domestic violence shelters and solving Alaska’s budget crisis.

49. Regardless, this viewpoint discrimination against Ms. McDow has inhibited Ms. McDow’s participation in and access to a public forum. It has also imposed an unconstitutional restriction on Ms. McDow’s right to petition the government for the redress of grievances.

#### **CLAIMS FOR RELIEF:**

#### **FIRST CAUSE OF ACTION – VIOLATION OF THE RIGHT OF FREEDOM OF SPEECH AND ASSOCIATION UNDER ALASKA CONSTITUTION ARTICLE I**

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

51. The Alaska Constitution is more highly protective of free speech and association rights than the United States Constitution. *See Club Sinrock, LLC v. Municipality of Anchorage*, 445 P.3d 1031, 1037 (Alaska 2019) (“[W]e are free, and we are under a duty, to develop additional constitutional rights and privileges under our Alaska Constitution if we find such fundamental rights and privileges to be within the intention and spirit of our local constitutional language and to be necessary for the kind of civilized life and ordered liberty which is at the core of our constitutional heritage.” (quoting *Baker v. City of Fairbanks*, 471 P.2d 386, 402 (Alaska 1970))).



52. In the area of free speech and association, the Alaska Supreme Court has repeatedly recognized that protections under the Alaska Constitution are broader than those recognized under the federal constitution. *See e.g., Club Sinrock, LLC v. Municipality of Anchorage*, 445 P.3d 1031, 1037 (Alaska 2019); *Vogler v. Miller*, 651 P.2d 1, 3-6 (Alaska 1982); *Breese v. Smith*, 501 P.2d 159, 166-72 (Alaska 1972); *Wickwire v. State*, 725 P.2d 695, 703 (Alaska 1986); *Alaskans for a Common Language v. Kritz*, 170 P.3d 183, 198 (Alaska 2007).

53. State Senator Reinbold’s banning of Ms. McDow and the removal of her comments from the “Senator Lora Reinbold” Facebook page violates Article I of the Alaska Constitution because it imposes a viewpoint-based restriction on Ms. McDow’s participation in a public forum; because it imposes a viewpoint-based restriction on Ms. McDow’s access to official statements and news that Ms. Reinbold otherwise makes available to others; and because it imposes a viewpoint-based restriction on Ms. McDow’s ability to petition the government for redress of grievances.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Ms. McDow respectfully requests that the Court grant:

- (1) Declaratory and injunctive relief against the defendant;
- (2) The costs and expenses of litigation, including full attorney fees;
- (3) All other relief as the Court deems necessary.

DATED this 30<sup>th</sup> day of April, 2021

NORTHERN JUSTICE PROJECT, LLC  
Attorneys for Plaintiff

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