



January 14, 2026

Sent via Email to: slewis@law-rll.com

Attorney Shana Lewis
Renning, Lewis & Lacy
205 Doty Street
Green Bay, WI 54301

Re: Cease and Desist Letter to Ms. Amanda Vogel

Dear Attorney Lewis:

We represent Amanda Vogel. She has sent us your letter dated December 19, 2025, which you sent on behalf of the School District of Pittsville. We are sending you this letter as a rejection of your unlawful demand that Ms. Vogel cease and desist from exercising her rights under the First Amendment.

First, we find your letter odd as coming from an attorney. You claim in the letter that Ms. Vogel defamed someone, although you don't say who. You say that words in a post she made on TikTok were defamatory, but you never identify the words. Finally, you do not cite any cases that would show that anything that she said was defamatory under Wisconsin law.

Your reticence and ambiguities make your letter hard to respond to, perhaps intentionally so, but we will do our best.

First, let's deal with the lack of an actual plaintiff. In your letter, you say that you represent the School District of Pittsville. We assume you know that under the First Amendment, the school district, as a governmental body, cannot make a claim for defamation. It was recognized in *New York Times Co. v. Sullivan*, 376 U.S. 254, 299, 84 S.Ct. 710, 11 L. Ed. 2d 686 (1964) that "prosecutions for libel on government have (no) place in the American system of jurisprudence."

In fact, the First Amendment is not only a shield here for Ms. Vogel's opinions about how the school district treated her daughter (which will be discussed below) but can also be a sword to defend her right of free speech. As a governmental body, the School District of Pittsville violated her First Amendment rights by sending the police to her door to tell her to stop speaking in public about the district (which will also be discussed further below) and by hiring you to send a letter intended to intimidate her.

Second, you have not identified anything that she said in her post that was defamatory under Wisconsin law. In her TikTok post, she has a short video of her daughter sitting in her wheelchair separately from the other children in her class during a music program, and then she says as follows:

We did not plan to homeschool.

We tried our best to set up a good foundation for her to be successful and included at school. Unfortunately, there is only so much parents can do on their end.

Watching her be placed off to the side while her peers stood together, and realizing no one noticed before the concert, was it for us.

If something this visible was going unnoticed, what else was being missed when we weren't around?

#inclusionmatters #inclusiveeducation #homeschooljourney
#parentingmoment

Her post was quite simple. She believes her daughter was excluded from a school program because her daughter is disabled. In her opinion, that was mean and perhaps indicative of other instances of exclusion of which she was unaware. As a result, she was going to consider homeschooling her daughter.

Can you please tell us which of the words in that post you claim to be defamatory under Wisconsin law? If you do not, we will assume that you cannot because none of the words are actually defamatory.

In that regard, Wisconsin courts have consistently articulated the basic elements required for defamation claims. The Court of Appeals in *Wagner v. Allen Media Broad.* stated that "[a]s a starting point for all defamation claims, the plaintiff must allege a false statement that was communicated to a third person that is unprivileged and capable of defamatory meaning." *Wagner v. Allen Media Broad.*, 2024 WI App 9, ¶ 21, 410 Wis. 2d 666, 3 N.W.3d 758, 768.

Let's examine Ms. Vogel's TikTok post from that standpoint. There was nothing false in the video. It showed what Ms. Vogel saw on the stage. The written post was not false. It simply sets forth Ms. Vogel's thoughts and opinions about what she saw. She was not lying about what she thought at the time. She did think her daughter was being excluded and she did consider homeschooling as a result. In fact, she ultimately made the decision to home-school her daughter.

Her statement is also not capable of defamatory meaning. That issue was decided recently in *MacCudden v. Johnson*, No. 2024AP876, 2025 WL 3012390, at *3 (Wis. Ct. App. Oct. 28, 2025). In that case, the Court of Appeals concluded that opinions and subjective assessments about the performance of others are not capable of being defamatory as a matter of law.

Let us say this as clearly as we can. Ms. Vogel had and has a First Amendment right to state her opinions about how the school district treated her daughter. Perhaps the board members of the School District of Pittsville do not like to see the school district criticized. That may be so, but as government officials, they do not have the right to silence her, and that includes not having the right to send the police to silence her and not having the right to send you to silence her.

Third, as an attorney, we would have expected you to set forth the relevant facts in your letter and, more importantly, explain why you thought your client had a legal right to demand that Ms. Vogel cease and desist her criticism of the government. But you cite nothing in your letter that gives the School District of Pittsville that right. Your omission in this regard is glaring.

At this point, we want to specifically address the School District of Pittsville's action of having the Pittsville Police Department come to Ms. Vogel's door and ask that she remove her TikTok video or else she would face legal action. We are copying the Chief of Police on this letter to obtain his additional response to this part of our letter.

The First Amendment prohibits government officials from "subjecting an individual to retaliatory actions for engaging in protected speech." *Hartman v. Moore*, 547 U.S. 250, 256, 126 S.Ct. 1695, 164 L.Ed.2d 441 (2006); *Nieves v. Bartlett*, 587 U.S. 391, 398, 139 S. Ct. 1715, 1722, 204 L.Ed. 2d 1 (2019). "Penalties for speech protected under the First Amendment are forbidden." *Surita v. Hyde*, 665 F.3d 860, 871 (7th Cir. 2011). The School District's decision to ask the police to call on Ms. Vogel is precisely such a retaliatory action.

Ms. Vogel does want us to say that when the Chief of Police came to her house, he was polite and professional in speaking with her. But even though Ms. Vogel acknowledges that the Chief was polite and professional, he should not have been at her door in the first place. The School District of Pittsville should not have involved the Police Department in this matter, and when asked, the Police Department should have declined.

We surmise that your main (and perhaps only) concern with the TikTok video was the reaction to the post, and that this concern led to the request for its removal. The reactions of third parties, however, are not attributable to Ms. Vogel and do not diminish her right to express her views. See, e.g., *Terminiello v. City of Chicago*, 337 U.S. 1, 4 (1949). To the extent that the School District wanted to explain to Ms. Vogel

that it had concerns about her criticism of the School District in her TikTok video, the Superintendent, or the principal, or some other school official could have discussed that with her. There was no reason for the School District to send police to her doorstep.

Based upon the above, Ms. Vogel rejects your demand that she cease and desist in her speech critical of the School District of Pittsville. After the visits from the Police Department, Ms. Vogel changed her post from public to private because she did not want to get in trouble with the police. However, she has now changed the post back to public.

Ms. Vogel is also notifying both the School District of Pittsville and the Pittsville Police Department that she is considering her next steps in defending her right to free speech and to prevent future conduct by the School District of Pittsville to interfere with the free speech of others.

Ms. Vogel hopes the School District will reflect on this situation and consider how it engages with parents who raise concerns about their children, particularly ensuring that parents are free to express their views without being threatened or silenced.

We would ask for a response prior to January 26, 2026.

Very Truly Yours,
WISCONSIN INSTITUTE FOR LAW & LIBERTY



Cory Brewer
Deputy Counsel



Daniel P. Lennington
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