



## ALA INTELLECTUAL FREEDOM TO READ FOUNDATION REPORT TO COUNCIL: 2017 ALA ANNUAL MEETING, CHICAGO

The following is the text of the Freedom to Read Foundation's report, delivered by FTRF President Martin Garner June 26 at the ALA Annual Conference in Chicago.

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities.

As President of the Freedom to Read Foundation, it is my privilege to report on the Foundation's activities since the 2017 Midwinter Meeting:

### The 20<sup>th</sup> Anniversary of the Internet's "Legal Birth Certificate"

Today, June 26, 2017, marks the twentieth anniversary of one of the signal legal achievements of the Freedom to Read Foundation and the American Library Association: the unanimous Supreme Court decision striking down the Communications Decency Act (CDA). The court's opinion in *Reno v. ACLU* established two principles: first, that speech on the internet is entitled to the highest level of First Amendment protection, identical to the First Amendment protections provided to books and newspapers; and second, that the government could not suppress speech that adults have a constitutional right to receive and speak to one another in order to deny minors access to speech that might possibly be harmful to minors. As Bruce Ennis, the legal counsel for FTRF and the ALA observed, the court's opinion was nothing less than "the legal birth certificate for the internet." The Court's conclusion that "the vast democratic fora of the internet" merits full constitutional protection has meant that libraries can make content available on the internet

knowing that their digital materials enjoy the same constitutional protections that apply to the books on their shelves, and that their patrons have a right to freely and fully access online content.

### Current Litigation

It is my distinct pleasure to report that FTRF's litigation efforts have resulted in a series of legal victories that vindicate an array of First Amendment rights, including the right to speak, the right to publish, and the right to receive information.

The first of these victories is the Supreme Court's decision in *Packingham v. North Carolina*, handed down just last week on June 19, 2017. The lawsuit challenged a North Carolina law that makes it a felony for any person on the State's registry of former sex offenders to access a wide array of websites, including Facebook, YouTube, and the *New York Times*, simply because those sites also permit minors under the age of 18 to have accounts on those sites. Under the law, the government need not prove that the accused had contact with, or gathered information about, a minor; the accused can be punished for simply engaging in an activity fully protected by the First Amendment—accessing a website. The plaintiff, Lester Packingham, a registered sex offender, was arrested and convicted for posting on Facebook to thank God for having a traffic ticket dismissed.

Concluding that the statute swept too broadly, FTRF joined over 30 other individuals and civil liberties organizations in filing an *amicus curiae* brief in support of fundamental First Amendment principles. The brief argued that the North Carolina statute violated the First Amendment by severely restricting the right to read and access information that is constitutionally protected.

The Supreme Court agreed. Justice Anthony Kennedy, writing on behalf of a unanimous court, held that "to foreclose access to social media altogether is to prevent the user from engaging in the legitimate exercise of First Amendment rights." Expressing concern that the law barred sex offenders from accessing the principal online resources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring human thought and knowledge, Kennedy held that North Carolina's law must be overturned because it stifles "lawful speech as the means to suppress unlawful speech."

A second lawsuit, *Tobinick v. Novella*, also ended successfully this past February. In that case, Tobinick, a dermatologist, sought damages from Dr. Steven Novella, a Yale professor of neurology, after Novella published a blog post criticizing Tobinick's off-label use of a drug to treat Alzheimer's Disease. Tobinick argued that because Novella's blog includes advertising, Novella's blog post is a form of commercial speech subject to federal and state unfair competition claims under the Lanham Act. But if a blog post with advertising is "commercial speech," then every book, newspaper and magazine that contains advertising or is offered for purchase would be subject to a threat of litigation, effectively chilling the commercial publication of both news and opinion.

FTRF joined an *amicus* brief in support of Dr. Novella that argues that the Lanham Act only applies to commercial speech and that Novella's blog post is no more commercial speech than articles in the *New York Times* (which are for-profit but nevertheless not commercial speech). On February 15, 2017, the Eleventh Circuit Court of Appeals ruled in favor of Dr. Novella, holding that Dr.



Novella’s critique was clearly educational discourse on a matter of public concern entitled to the full protection of the First Amendment.

A third victory was achieved in the case of *Noah Gonzalez, et al., v. Diane Douglas, et al.* (formerly *Arce v. Douglas*). The lawsuit, filed by students in the Tucson Unified School District (TUSD) to challenge the constitutionality of the Arizona statute that forced TUSD to cease its Mexican-American Studies program and remove certain books from its classrooms, is back in the trial court after the Ninth Circuit Court of Appeals remanded the case for a new trial on the plaintiffs’ equal protection and First Amendment claims. Earlier this year, the defendant state and its officials asked the trial court to dismiss the students’ First Amendment claim, arguing that because the state’s justification for the statute was to eliminate racism, a legitimate pedagogical objective, the state could require TUSD to halt the program and remove books from the classroom. The students argued that the statute was actually enacted for narrowly political, partisan, and racist reasons, and that the state’s claimed justification was false, and offered to cover up its true motives. Relying on the Supreme Court’s decision in *Board of Education v. Pico*, the court agreed with the students that such pretext can support a First Amendment claim and ruled that the students had the right to have a trial to establish that the Arizona statute was enacted with impermissible motivations. The trial is scheduled to start on June 26, 2017. [For an update, see page 58.]

### New Litigation

FTRF has joined an *amicus curiae* brief filed in the case of *Higginbotham v. City of New York*, a lawsuit filed by Doug Higginbotham, a photojournalist who was arrested while shooting

video of a 2011 Occupy demonstration in New York City from his vantage point on top of a phone booth. He was arrested and charged with disorderly conduct, and the charges were later dismissed. Higginbotham subsequently filed his lawsuit, alleging that he was arrested in retaliation for exercising his First Amendment right to record police activity in a public space.

The defendant police officers moved to dismiss Higginbotham’s First Amendment claim, arguing, in part, that Higginbotham’s action of recording their activity was not “expressive conduct.” The trial court disagreed, holding that the First Amendment protects the right to record police officers performing their duties in a public space, subject to reasonable time, place and manner restrictions. Nonetheless, the judge granted the defendants’ motion for summary judgment on other grounds, and dismissed Higginbotham’s claims. Higginbotham has appealed that decision to the Second Circuit Court of Appeals.

The Second Circuit Court of Appeals is the only circuit court of appeals that has not ruled that the public has a First Amendment right to record the actions of police and other government employees when they are at work and in public. FTRF has joined an *amicus curiae* brief written by attorneys for the National Press Photographers Association urging the Second Circuit to expressly recognize that journalists have a First Amendment right to record police activity in public. The brief does not take a position on the facts of the case.

### Developing Issues

Members of the Foundation’s Developing Issues committee reported on several important developing issues

that raise significant Constitutional issues for libraries. These include:

- the disappearance of online government information and publications under the new administration;
- the new administration’s repeal of the FCC broadband privacy rules and its effort to repeal net neutrality;
- the privatization of essential government functions;
- “fake news” displacing facts and truthful reporting;
- open carry and guns in libraries;
- efforts in the states to criminalize and punish public protest.

### Strategic Planning

Since 2012, the trustees of the Freedom to Read Foundation have engaged in a deliberative process to develop and advance a strategic plan for FTRF that would allow FTRF to achieve its goal of enlarging its role as a national leader in the defense of the freedom to read, speak, and publish. The plan requires the Board of Trustees to evaluate and revise the plan on a periodic basis. During our meeting here in Chicago, the trustees began that process of review and evaluation, examining the plan’s objectives to confirm that they are the goals the Foundation should pursue for the next few years. The trustees plan to complete the review process in Denver during the next ALA Midwinter Meeting.

### The Judith F. Krug Memorial Fund

Established by the family, friends, and colleagues of Judith F. Krug, the Judith F. Krug Memorial Fund supports projects and programs that carry on Judith’s mission to educate both librarians and the public about the First Amendment and the importance of defending the right to read and speak freely.



## Banned Books Week Grants

On June 20, FTRF announced the recipients of the 2017 Krug Fund Banned Books Week grants, which provide financial support and guidance to libraries, schools, and community organizations planning Banned Books Week celebrations. The seven grantees for 2017 are:

- Tolowa Dee-ni' Nation, Smith River, California
- Rutgers University Libraries, New Brunswick, New Jersey
- Carrol County Library, Huntingdon, Tennessee
- The University of Northern Florida's Thomas G. Carpenter Library, Jacksonville, Florida
- Alhambra Civic Center Library, Alhambra, California.
- Thorntown Public Library, Thorntown, Indiana
- City Lit Theater Company, Chicago, Illinois

Each of the grantees are planning unique observances for Banned Books Week. The proposals include a collaboration with a local school of visual arts that will provide students with an opportunity to explore the ideas of intellectual freedom, censorship and banned books through the creation of original art; a town square event featuring local citizens portraying characters from popular banned books; a Banned Books Story Hour and parade float that will be featured during the community's annual festival; and month-long series of events focused on graphic novel censorship. We look forward to sharing the grantees' photos, videos, and written reports with the FTRF community. To learn more about the grantees and their events, please visit [www.ftrf.org/?Krug\\_BBW](http://www.ftrf.org/?Krug_BBW).

## LIS and Professional Education

I want to recognize and thank Professor Emily Knox of the University of Illinois' School of Information Sciences, who continues to ably teach "Intellectual Freedom and Censorship," under the auspices of the Krug Fund's joint education initiative with the School of Information Sciences. Her online, graduate-level course on intellectual freedom and privacy is highly rated and well-received by her students, and the leadership of the School of Information Sciences is interested in renewing our agreement for another three years. Drawing on Prof. Knox' success, we are now seeking to expand the reach of this initiative to other Library Information Science programs.

Under the auspices of the Krug Fund, FTRF has also co-hosted continuing education webinars for library professionals. Two webinars were presented during the last six months. "Libraries in the Jim Crow South and A Conversation with One of the Tougaloo Nine," with speakers Cheryl Knott, Geraldine Hollis, Michael Crowell and Susan Brown took place on February 23, 2017, and "Do They Still Teach That in School? Ethics in LIS Curricula," with speaker Martin Garnar, was presented on May 25, 2017. These webinars are offered at no charge to members of the Foundation as a perk of FTRF membership.

None of these educational initiatives would have been possible without the dedication of FTRF's education consultant Joyce Hagen-McIntosh. Her thoughtful and caring work in support of FTRF's education programs assures that these intellectual freedom trainings remain available to LIS students and professionals.

## 2017 Roll of Honor Award Recipients Joan Bertin, Robert Holley and Martha Spear

It is my pleasure and privilege to introduce this year's recipients of the 2016 Freedom to Read Foundation Roll of Honor Award, Joan Bertin, Robert (Bob) Holley, and Martha Spear.

Joan Bertin, who is retiring this year as the executive director of the National Coalition Against Censorship (NCAC), has advocated on behalf of First Amendment rights since 1997. During her tenure at NCAC, she launched the Kids' Right to Read Project (KRRP), which offers support, education, and direct advocacy to people facing book challenges or bans in schools and libraries.

Robert (Bob) Holley is a recently retired professor of library science at Wayne State University and an active leader in the ALA's intellectual freedom community. His spouse, Martha Spear, is also a longtime intellectual freedom fighter, working in the Michigan Association for Media in Education. In their wills, Holley and Spear have designated FTRF as a recipient of a several million-dollar bequest from their estates to support student memberships and FTRF's litigation efforts. Bob is also a newly elected trustee of the FTRF. The foundation deeply appreciates the work Holley and Spear have already accomplished on behalf of intellectual freedom as well as their commitment to the future of the Freedom to Read Foundation.

We are delighted to celebrate their accomplishments and their steadfast devotion to intellectual freedom.

## 2017 Conable Conference Scholarship

I am also pleased to announce that FTRF has named Kate Davis as the



2017 recipient of the Conable Conference Scholarship. Davis recently received her Master of Library and Information Science from the University of Denver, and received a Master of Education from the University of Florida after completing a Bachelor of Arts in English and History at Rutgers University. She looks forward to working as a solo librarian at a school in Nigeria after teaching in Denver, Colorado and the United Arab Emirates.

The scholarship committee was particularly impressed with Davis' graduate studies and internship work that demonstrated Davis's commitment to intellectual freedom, teaching, and international librarianship and her enthusiasm for advancing key areas of the Foundation's work in advocacy and education.

The Conable Scholarship honors the memory of Gordon Conable, a past president of the Freedom to Read Foundation, an ALA Councilor, and a tireless champion of intellectual freedom. The Conable Scholarship provides financial assistance to a new librarian or library student who shows a particular interest in intellectual freedom and wishes to attend the ALA Annual Conference. Mentoring was an important undertaking for Gordon, and the board is pleased to be able to honor his memory in this way. If you would like to donate to the Conable Scholarship, please contact FTRF at [ftrf@ala.org](mailto:ftrf@ala.org) or 800-545-2433 ext. 4226.

### FTRF Membership

Membership in the Freedom to Read Foundation is the critical foundation for FTRF's work defending First Amendment freedoms in the library and in the larger world. Your support for intellectual freedom is amplified when you join with FTRF's members to advocate for free expression and

the freedom to read freely. I strongly encourage all ALA Councilors to join me in becoming a personal member of the Freedom to Read Foundation, and ask that you please consider inviting your organization or your institution to join FTRF as an organizational member. Please send a check (\$50+ for personal members, \$100+ for organizations, \$35+ for new professionals, and \$10+ for students) to:

Freedom to Read Foundation  
50 E. Huron Street  
Chicago, IL 60611

Alternatively, you can join or renew your membership by calling 800-545-2433, ext. 4226, or online at [www.ftrf.org](http://www.ftrf.org).

Respectfully submitted,  
Martin Garnar  
President, Freedom to Read Foundation

### ALA INTELLECTUAL FREEDOM COMMITTEE REPORT TO COUNCIL: 2017 ALA ANNUAL MEETING, CHICAGO

*The following is the text of the Intellectual Freedom Committee's report, delivered by IFC Chair Pam Klipsch June 27 at the ALA Annual Conference in Chicago. Appended to the end of this report are two "Interpretations of the Library Bill of Rights" that were proposed by the committee and adopted by the ALA at the Annual Meeting: one on "Politics in American Libraries," [see page 45] and the other on "Equity, Diversity, Inclusion" [see page 45].*

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities.

### Information

#### ONLINE LEARNING

This winter and spring, the Office for Intellectual Freedom partnered with intellectual freedom organizations, offices and committees to offer engaging, monthly webinars. In "Libraries in the Jim Crow South and a Conversation with One of the Tougaloo Nine," sponsored by the Freedom to Read Foundation, one of the Tougaloo Nine students, Geraldine Hollis, discussed her part in the protest that sparked the civil rights movement in Mississippi. She was joined by Chapel Hill Library Director Susan Brown and artist Michael Crowell.

IFC Privacy Subcommittee Chair Michael Robinson, Library Technology Guides Editor Marshall Breeding, and Library Freedom Project Founder Alison Macrina discussed practical tactics libraries can use to install free HTTPS certificates and provide anonymous web browsing in the webinar "Practical Privacy Practices."

In "Do They Still Teach That in School? Ethics in LIS Curricula," Freedom to Read Foundation President Martin Garnar outlined the results of the Committee on Professional Ethics survey about how, and if, intellectual freedom is being discussed in library courses.

#### JOURNAL OF INTELLECTUAL FREEDOM AND PRIVACY

Publication of the redesigned and repurposed *Journal of Intellectual Freedom and Privacy* continues under the able leadership of editor Michael Zimmer. In addition to the latest censorship news and book reviews, the Winter 2017 issue features Sylvia Turchyn's account of Gordon Conable's steadfast defense of Madonna's *Sex*, when he served as the director of the Monroe County (Michigan) Public Library, and the consequences that followed from his decision to stand up for a



controversial book in accordance with library policy and federal law. A second feature offers original research by L. Bryan Cooper and A.D. Beaman-Cavallaro that analyzes a shifting landscape of intellectual freedom in and outside Florida for children, adolescents, teens, and adults.

Currently in press is a special privacy issue of the *Journal of Intellectual Freedom and Privacy* edited by Michael Zimmer. It will be published in July 2017.

#### OIF'S 50<sup>TH</sup> ANNIVERSARY

OIF celebrated its 50<sup>th</sup> anniversary at the Intellectual Freedom 101 session on Saturday, June 24. The office's mission remains the same since its 1967 founding: defending intellectual freedom in libraries as embodied in the Library Bill of Rights. But its tactics are ever-evolving. The office continues to found new initiatives (Our Voices); inform a diverse range of readers on IF issues with a variety of platforms (*Journal of Intellectual Freedom and Privacy*, Intellectual Freedom News, Intellectual Freedom Blog); collaborate with ALA offices (Advocacy Boot Camps and monthly co-sponsored webinars); and support the Intellectual Freedom Committee in creating library resources.

At the celebratory session, the outgoing Intellectual Freedom Committee Chair Pam Klipsch reviewed committee opportunities, stating that once you're a part of the Intellectual Freedom Committee, "we have you for life." The Intellectual Freedom Committee will be featured in an *American Libraries* piece about the history of OIF.

#### PRIVACY SUBCOMMITTEE AND CHOOSE PRIVACY WEEK

This year's Choose Privacy Week (May 1-7) featured the theme "Practical Privacy Practices," and focused on

practical, achievable steps libraries can take to protect library users' privacy. The Privacy Subcommittee organized a number of events to observe Choose Privacy Week (CPW) that included an April 13 webinar on encryption, ILS security, and Tor browsers and a week-long series of blog posts on protecting patron privacy.

For this year's observance of the week, the CPW website received a substantial redesign featuring updated graphics. The new graphics are also featured on CPW's Twitter and Facebook accounts, and a new line of buttons and bookmarks are available through the ALA store. The subcommittee also completed a substantial reorganization of the website's content and resources that includes a new weekly privacy news roundup.

At its meeting, the subcommittee agreed to co-sponsor and plan a privacy-themed program for next year's Annual Conference with the Intellectual Freedom Round Table. The subcommittee will also begin work on a series of new library privacy guidelines that will outline steps libraries can take to protect patron privacy when employing mobile applications, assistive technologies, RFIDs, biometrics, and data mining analytics.

Michael Robinson is stepping down as Chair of the Privacy Subcommittee after ably leading the subcommittee over the last three years. We thank him for his dedication, insight, and thoughtful service.

#### RECOGNITION OF INTELLECTUAL FREEDOM COMMITTEE MEMBERS

IFC Chair Pam Klipsch and members Doug Archer, Danita Barber-Owusu, Mack Freeman and Jean McFarren are concluding their terms on the Intellectual Freedom Committee. We would like to thank Pam Klipsch for championing intellectual freedom through crafting accessible, effective

resources for all librarians and partnering with other divisions and offices to strengthen ties within the intellectual freedom community. We would also like to thank the outgoing Intellectual Freedom Committee members for their dedication, perspectives, and advocacy.

#### Issues

##### HATE CRIMES AND CHALLENGES TO LIBRARY MATERIALS

Since offering its updated challenge reporting form, which includes permission to publicly discuss the challenge, the Office for Intellectual Freedom has noted a significant increase in public cases. From March 20-June 1, there have been 68 challenge reports documented in the office database. The office estimates that 82-97 percent of challenges remain unreported.

Since OIF began documenting library hate crime incidents in November 2017, the office has logged 30 reports. The office partnered with the ALA Office for Diversity, Literacy, and Outreach Services to ensure those who request help with these hate crime challenges find the support they need.

All reports submitted to the Office for Intellectual Freedom are kept confidential unless the challenge is reported in the media or if the person reporting the challenge has given permission to share information about the challenge. The following are a few notable cases of public challenges OIF has documented since Jan. 24, 2017.

##### MATERIAL CHALLENGES

The Charlotte-Mecklenburg Schools (N.C.) system planned to use *Jacob's New Dress* as part of an anti-bullying lesson for first graders during Child Abuse Prevention Month. It was replaced with *Red: A Crayon's Story* because of complaints about LGBT content.



This year Netflix released a TV series based on the 2007 young adult (YA) novel, *Thirteen Reasons Why*. While many schools sent home letters of warning to parents about the TV series, a few schools pulled the book preemptively to avoid any controversy. In Colorado, a school district official ordered librarians to temporarily stop circulating the novel, which some critics say romanticizes suicide. The book has been returned to the library collections after librarians expressed their concern about censorship. In Utah, two superintendents removed the book from the school libraries even though the librarians have shared their district selection policy and reconsideration forms. In Indiana, the book has been retained in the school library following a parental concern in the local newspaper. In February, a high school teacher from Wisconsin reported that teachers are no longer able to teach or recommend books that mention suicide.

A first-year Florida teacher contacted OIF requesting help after a number of parents expressed concern over their children reading Neil Gaiman's *Coraline*, citing the book was too "demonic" and "scary" for seventh graders.

An Arizona school district removed Khaled Hosseini's *The Kite Runner* from the English curriculum. Students were confused when they found out about the book ban, and even more confused when the book was planned to be replaced by another banned and challenged book, *Of Mice and Men*. Since then, the student newspaper that first reported the book's removal has been disbanded. No full novels will be taught in the Advanced English classes; the curriculum will now be wholly dependent on a Houghton Mifflin Harcourt database of literature excerpts.

Sherman Alexie's award-winning novel *The Absolutely True Diary of a Part-Time Indian* has been the subject of two very public challenges in Wisconsin and Minnesota. In Sauk Prairie (Wisconsin), the request to remove the book from the curriculum was initiated by a vocal religious group. While the reconsideration committee and superintendent have formally approved the book, their decision is currently being appealed to the school board. In New London-Spicer School District (Minnesota), the request from parents was to remove the book from the curriculum and replace it with material that "does not contain passages that conflict with the traditional family values held by many in this community." Earlier this month, the school board voted 4 to 2 in favor of allowing *The Absolutely True Diary of a Part-Time Indian* to be used in the curriculum as an option.

A proposed Arkansas bill would have banned all books or articles by Howard Zinn between 1959-2010 from public schools, which would have included the bestseller *A People's History of the United States*. In response, the Zinn Education Project offered to send copies of *A People's History* to Arkansas teachers and received more than 700 requests. The bill was not adopted by the Arkansas legislature.

**HATE CRIMES**

Twenty-one hate crimes have been reported since our last Report to Council at Midwinter. These reports include defacing *Driving While Black* with handwritten subtitle "in a stolen car" in a Colorado public library; swastikas etched into a table at a Colorado public library; the flushing of two Korans in the toilet at the University of Texas at Dallas; and racist graffiti in the men's bathroom of a New York school library lobby.

**DISPLAYS**

OIF received many LGBT display challenges, including a display featuring *Two Boys Kissing* in Montana and a patron removing the book *Being Jazz: My Life as a (Transgender) Teen* from a display and hiding it in the stacks of a Michigan public library.

A Connecticut public librarian was told to take down a "#BlackLivesMatter" display sign that was next to a collection of books culled from various Black Lives Matter reading lists.

**PROGRAMS**

In a Massachusetts public library, a resident complained about the appropriateness of a theatrical program that encouraged children to explore gender stereotypes. The program was developed by QueerSoup Theater. In response to the challenges to library programs that spotlight drag queens, OIF Director James LaRue published a piece on the Intellectual Freedom Blog about the history of drag shows.

County commissioners ordered a Maryland public library to cancel a program called "Straight-Talk Sex Ed for Teens" after receiving complaints from residents. Bianca Palmisano, the scheduled speaker, reported to *The Enterprise*, "I'm no stranger to a little bit of disagreement around sex ed because people have very strong feelings about it. Most of the pushback is in regard to me being a lesbian, and a stranger teaching sex education to kids in the community."

**Trends and IFC Response**

Several issues are emerging in the IF landscape that will likely spur the development of future interpretations, guidelines, and Q&A documents. Among these issues are the following:

- Speakers invited to universities, schools and public libraries, who are then disinvited after protests



- Self-censorship, both within schools (driven by the still-falling numbers of school librarians) and by public and university administrators intervening in controversial displays
- Public school textbooks and curricular challenges, extending the idea of parental notification (in Virginia) to curricular selection by outside pressure groups (Florida)
- A raft of new issues related to social media: What public comments must be accepted in library Facebook and Twitter feeds? What are the limits of employee free speech on their own Facebook page, or on the library's?
- Increased restrictions on government information, both on government websites (which IFC has addressed in previous Council resolutions) and in the relocation of government deposits to less accessible library spaces
- Legislative trends in the states include efforts to incorporate prayer and religious expression into the curriculum and life of public schools; mandatory filtering initiatives; proposals to suppress public protests; and state privacy legislation. Net Neutrality

## Projects

### NATIONAL LIBRARY WEEK—TOP TEN CHALLENGED BOOKS OF 2016

Every year during National Library Week, the Office for Intellectual Freedom publishes its list of the Top Ten Most Challenged Books, tabulated from public media articles of challenges and censorship reports submitted through the office's reporting form. The annual list is published in the State of America's Libraries report, along with a shareable infographic.

Out of the 323 challenges reported to OIF—which includes book, filtering, display and speaker challenges—the Top Ten Challenged Books of 2016 are:

1. *This One Summer* written by Mariko Tamaki and illustrated by Jillian Tamaki
2. *Drama* written and illustrated by Raina Telgemeier
3. *George* written by Alex Gino
4. *I Am Jazz* written by Jessica Herthel and Jazz Jennings, and illustrated by Shelagh McNicholas
5. *Two Boys Kissing* written by David Levithan
6. *Looking for Alaska* written by John Green
7. *Big Hard Sex Criminals* written by Matt Fraction and illustrated by Chip Zdarsky
8. *Make Something Up: Stories You Can't Unread* written by Chuck Palahniuk
9. *Little Bill* (series) written by Bill Cosby and illustrated by Varnette P. Honeywood
10. *Eleanor & Park* written by Rainbow Rowell

Five of the ten titles were removed from the location where the challenge took place. On average, OIF finds that 10 percent of challenges result in the removal of the book. Also notably, in the first time in Top Ten history, a book was challenged solely because of its author: Bill Cosby's *Little Bill* series was challenged because of sexual allegations against the author.

During National Library Week, the office also unveiled its 2017 Banned Books Week theme: "Words have power." The goal of this year's Banned Books Week is to reinforce the message of the power of words in banned books, as well as the power of the words of readers who voice their opposition to censorship. Banned Books Week products, such as the Field Report, buttons and totes, are offered on the ALA Store.

## OUR VOICES

Our Voices, founded in 2016 by OIF and ALA Office for Diversity, Literacy, and Outreach Services, continues to build a foundation of publishers, authors, and partnerships to bring diverse, quality content to library shelves. The goal of Our Voices is to provide librarians with "diverse content with one click." It will connect libraries with electronic and in-print content from small, independent publisher and authors. The Our Voices Council will use BiblioLabs as the platform to submit, review, and gather metadata on diverse literature. The books will be distributed through Independent Publisher's Group. Our Voices is now recruiting librarians to review small, independent publisher and author content.

## INTELLECTUAL FREEDOM ADVOCACY BOOT CAMP

First piloted in the fall of 2016, the Office for Intellectual Freedom and the Office for Library Advocacy continue to offer Intellectual Freedom and Advocacy Boot Camp at pre-conferences around the country in cooperation with library chapters. Four Advocacy Boot Camps have taken place in 2017, and five are slotted for the fall of 2017. Led by OIF Director James LaRue and OLA Director Marci Merola, the training sessions present the four new, key messages of ALA:

1. Libraries transform lives.
2. Libraries transform communities.
3. Librarians are passionate advocates for lifelong learning.
4. Libraries are a smart investment.

Attendees craft the beginning of an advocacy plan and are given practical tips on messaging, networking, community engagement, and



Intellectual Freedom as the core value and brand of librarianship.

**NEW IFC CONFERENCE PROGRAMMING WORKING GROUP**

The Intellectual Freedom Committee organized a three-person working group that will research and propose program ideas to submit to the 2018 ALA Annual Conference in New Orleans. The committee discussed possible formats for programs and decided to pursue a debate format on a relevant intellectual freedom issue, such as hate speech vs. free speech, and social justice vs. intellectual freedom.

**VISUAL AND PERFORMING ARTS**

The IFC continues to work on a draft interpretation on Visual and Performing Arts in libraries. It anticipates bringing the final draft before Council at the 2018 Midwinter Meeting.

**SELECTION POLICY WORKING GROUP**

The working group is very pleased with the progress of the new “Selection & Reconsideration Policy Tool Kit for Public, School, & Academic Libraries” over the last few months. At conference, they met and decided to provide an online version of the toolkit, a PDF version, and the option of purchasing bound copies on demand. A program proposal will be submitted for ALA’s Annual Conference in 2018 that will include a panel of the working group members. The group will provide print copies of the tool kit with a creative, professionally designed cover. The working group has an outside volunteer who will edit the document before final publication.

**A TRIBUTE CELEBRATING THE 20TH ANNIVERSARY OF VICTORY IN THE CDA CASE**

Twenty-one years ago, the American Library Association and the Freedom

to Read Foundation joined together to file a lawsuit challenging the constitutionality of the Communications Decency Act (CDA). This week marks the 20th anniversary of the Supreme Court’s decision to strike down the CDA as an unconstitutional infringement on the right to read and access the internet. To mark this occasion, the IFC has submitted a Tribute Resolution marking the decision and recognizing Bruce J. Ennis, Jr., our attorney who persuaded the Supreme Court to apply the First Amendment without restriction to the internet. We encourage you to read and share the Tribute Resolution in remembrance of this significant legal victory.

**POLITICS IN AMERICAN LIBRARIES: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS**

The “Politics in American Libraries” interpretation to the Library Bill of Rights touches on balanced collections, designated public spaces and unfettered access to ideas. Drafts and revisions have been distributed to the library community and posted on the Council’s ALA Connect page for feedback. The working group has taken each comment into consideration. [See page 45.]

**EQUITY, DIVERSITY, INCLUSION: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS**

The “Equity, Diversity, Inclusion” interpretation to the Library Bill of Rights reinforces core values that are crucial to the promotion of intellectual freedom; identifies policy approaches that may exclude some community members; and encourages libraries to foster an “inclusive environment where all voices have the opportunity to be heard” by challenging censorship. The document uses the terms “origin,” “age,” “background,” and “views” as defined by the IFC, and

definitions “equity,” “diversity,” and “inclusion,” authored by the Diversity Task Force, as its foundation. Drafts and their revisions have been posted to ALA Connect and distributed to ALA Council for comment. The working group has taken each comment into consideration. [See page 45.]

**Action Item**

The Intellectual Freedom Committee moves the adoption of the following action items:

- CD # 19.12, “Politics in American Libraries: An Interpretation of the Library Bill of Rights”
- CD # 19.13, “Equity, Diversity, Inclusion: An Interpretation of the Library Bill of Rights”

In closing, the Intellectual Freedom Committee thanks the division and chapter intellectual freedom committees, the Intellectual Freedom Round Table, the unit liaisons, and the OIF staff for their commitment, assistance, and hard work.

Respectfully Submitted,  
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## Politics in American Librarians: An Interpretation of the Library Bill Of Rights

[Presented by the Intellectual Freedom Committee, and adopted by the American Library Association at its 2017 Annual Conference.]

The First Amendment to the United States Constitution states that “Congress shall make no law . . . abridging the freedom of speech, or of the press . . .” The Library Bill of Rights specifically states that “all people” and “all points of view” should be included in library materials and information. There are no limiting qualifiers for viewpoint, origin, or politics. Thus there is no justification for the exclusion of opinions deemed to be unpopular or offensive by some segments of society no matter how vocal or influential their opponents may be at any particular time in any particular place.

Associate Justice William J. Brennan, Jr. observed in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), “[There exists a] profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” Therefore, libraries should collect, maintain, and provide access to as wide a selection of materials, reflecting as wide a diversity of views on political topics as possible, within their budgetary constraints and local community needs. A balanced collection need not and cannot contain an equal number of resources representing every possible viewpoint on every issue. A balanced collection should include the variety of views that surround any given issue.<sup>1</sup>

If a library has designated a space for community use, it must make that

space available to all community organizations and groups regardless of their views or affiliations.<sup>2</sup> Libraries should rely on appropriate time, place, and manner regulations to guarantee equitable access and to avoid misuse of library space. These may include regulations governing the frequency and length of meetings and penalties on disruptive behavior.<sup>3</sup> Libraries should establish similar regulations if they make library space available for public exhibits or the public distribution of literature.<sup>4</sup>

The robust exchange of ideas and opinions is fundamental to a healthy democracy. Providing free, unfettered access to those ideas and opinions is an essential characteristic of American libraries. Therefore, libraries should encourage political discourse as part of civic engagement in forums designated for that purpose. Libraries should not ignore or avoid political discourse for fear of causing offense or provoking controversy.

Special limitations may apply to workplace speech (including political advocacy) by library employees.<sup>5</sup> When libraries are used as polling places, state statute or local ordinance may mandate temporary time, place, and manner restrictions on the political expression of members of the public, poll workers, and library employees while polling places are open.

This interpretation is most clearly applicable to public libraries. School, academic, and private libraries, including those associated with religious institutions, should apply these guidelines as befits or conforms to their institutional mission.

Endorsed by the ACRL Professional Values Committee.

1. “Diversity in Collection Development: An Interpretation of the Library Bill of Rights,” Adopted

July 14, 1982, by the ALA Council; amended January 10, 1990; amended July 2, 2008; amended July 1, 2014.

2. “Meeting Rooms: An Interpretation of the Library Bill of Rights,” Adopted July 2, 1991, by the ALA Council.
3. “Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage,” Adopted January 24, 1993, by the Intellectual Freedom Committee; revised November 17, 2000; revised January 19, 2005.
4. “Exhibit Spaces and Bulletin Boards: An Interpretation of the Library Bill of Rights,” Adopted July 2, 1991, by the ALA Council; amended June 30, 2004.
5. “Questions & Answers on Speech in the Workplace: An Explanatory Statement of the ALA Code of Ethics,” Adopted by the Committee on Professional Ethics, July 2001; amended January 2004; amended June 26, 2006; amended January 24, 2007; amended July 1, 2014.

## Equity, Diversity, Inclusion: An Interpretation of the Library Bill of Rights

[Presented by the Intellectual Freedom Committee, and adopted by the American Library Association at its 2017 Annual Conference.]

The American Library Association affirms that equity, diversity, and inclusion are central to the promotion and practice of intellectual freedom. Libraries are essential to democracy and self-government, to personal development and social progress, and to every individual’s inalienable right to life, liberty, and the pursuit of happiness. To that end, libraries and library workers should embrace equity,



diversity, and inclusion in everything that they do.

“Equity” takes difference into account to ensure a fair process and, ultimately, a fair outcome. Equity recognizes that some groups were (and are) disadvantaged in accessing educational and employment opportunities and are, therefore, underrepresented or marginalized in many organizations and institutions. Equity, therefore, means increasing diversity by ameliorating conditions of disadvantaged groups.

“Diversity” can be defined as the sum of the ways that people are both alike and different. When we recognize, value, and embrace diversity, we are recognizing, valuing, and embracing the uniqueness of each individual.

“Inclusion” means an environment in which all individuals are treated fairly and respectfully; are valued for their distinctive skills, experiences, and perspectives; have equal access to resources and opportunities; and can contribute fully to the organization’s success.

To ensure that every individual will feel truly welcomed and included, library staff and administrators should reflect the origins, age, background, and views of their community. Governing bodies should also reflect the community. Library spaces, programs, and collections should accommodate the needs of every user.

**I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, age, background, or views of those contributing to their creation.**

Library collections, in a variety of material formats, should include a full range of viewpoints and experiences,

servicing the needs of all members of the community. Historically, diverse authors and viewpoints have not been equitably represented in the output of many mainstream publishers and other producers. It may require extra effort to locate, review, and acquire those materials. Therefore, libraries should seek out alternative, small press, independent, and self-published content in a variety of formats. Libraries may benefit from cooperative arrangements and other partnerships to share in the work of locating and acquiring diverse materials. Interlibrary loan may complement but not substitute for the development of diverse local collections.

All materials, including databases and other electronic content, should be made accessible for people who use adaptive or assistive technology. To provide equitable and inclusive access, libraries must work closely with diverse communities to understand their needs and aspirations, so that the library can respond appropriately with collections and services to meet those needs. All community members will feel truly welcomed and included when they see themselves reflected in collections that speak to their cultures and life experiences.

**II. 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.**

Beyond merely avoiding the exclusion of materials representing unorthodox or unpopular ideas, libraries should proactively seek to include an abundance of resources and programming representing the greatest possible diversity of genres, ideas, and expressions. A full commitment to equity, diversity, and inclusion requires that

library collections and programming reflect the broad range of viewpoints and cultures that exist in our world. Socially excluded, marginalized, and underrepresented people, not just the mainstream majority, should be able to see themselves reflected in the resources and programs that libraries offer.<sup>1</sup>

**III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.**

By challenging censorship, libraries foster an inclusive environment where all voices have the opportunity to be heard. Inclusive materials, programs, and services may not be universally popular, but it is the library’s responsibility to provide access to all points of view, not just prevailing opinions. Libraries should prepare themselves to deal with challenges by adopting appropriate policies and procedures. Libraries should respectfully consider community objections and complaints, but should not allow controversy alone to dictate policy. Governing bodies, administrators, and library workers must discourage self-censorship. Fears and biases may suppress diverse voices in collections, programming, and all aspects of library services.<sup>2</sup> Libraries should counter censorship by practicing inclusion.

**IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.**

American society has always encompassed people of diverse origin, age, background, and views. The constitutional principles of free expression and free access to ideas recognize and affirm this diversity. Any attempt to limit free expression or restrict access



to ideas threatens the core American values of equity, diversity, and inclusion.

Libraries should establish and maintain strong ties to organizations that advocate for the rights of socially excluded, marginalized, and underrepresented people. Libraries should act in solidarity with all groups or individuals resisting attempts to abridge the rights of free expression and free access to ideas.

**V. A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.**

In the Library Bill of Rights and all of its Interpretations and supporting documents, the principle of inclusion is clear and unambiguous.

“Origin” encompasses all of the characteristics of individuals that are inherent in the circumstances of their birth.

“Age” encompasses all of the characteristics of individuals that are inherent in their levels of development and maturity.

“Background” encompasses all of the characteristics of individuals that are a result of their life experiences.

“Views” encompass all of the opinions and beliefs held and expressed by individuals.

Libraries should regularly review their policies with the goal of advancing equity of access to the library’s collections and services. Identification requirements, overdue charges and fees, or deposits for service are examples of traditional approaches that may exclude some members of the community.<sup>3</sup>

**VI. Libraries 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.**

Libraries should not merely be neutral places for people to share information, but should actively encourage socially excluded, marginalized, and underrepresented people to fully participate in community debates and discussions.

Libraries should welcome diverse content in their exhibit spaces and diverse ideas, individuals, and groups in their meeting rooms, even if some

members of the community may object or be offended.<sup>4</sup>

**Conclusion**

To uphold the Library Bill of Rights and serve the entire community, governing bodies, administrators, and library workers should embrace equity, diversity, and inclusion.

1. “Library-Initiated Programs as a Resource: An Interpretation of the Library Bill of Rights,” Adopted January 27, 1982, by the ALA Council; amended June 26, 1990; July 12, 2000
2. “Diversity in Collection Development: An Interpretation of the Library Bill of Rights,” Adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; July 1, 2014
3. “Economic Barriers to Information Access: An Interpretation to the Library Bill of Rights,” Adopted June 30, 1993, by the ALA Council
4. “Meeting Rooms: An Interpretation of the Library Bill of Rights,” Adopted July 2, 1991, by the ALA Council