

FREEDOM TO READ FOUNDATION REPORT TO COUNCIL

EDITOR'S NOTE: This report was presented by Barbara Stripling, president of the Freedom to Read Foundation, on January 25, 2021, to ALA Council at the American Library Association's 2021 Midwinter Meeting & Exhibits Virtual.

As President of the Freedom to Read Foundation, it is my privilege to report on the Foundation's activities since the 2020 Virtual Annual Conference:

New Litigation

This fall, the Freedom to Read Foundation joined an amicus curiae brief filed in an important appeal pending before the U.S. Supreme Court. The lawsuit, ***Federal Communications Commission v. Prometheus Radio Project***, raises important issues concerning broadcast media ownership by women and persons of color. The brief signed by FTRF urges the U.S. Supreme Court to expand and support media ownership by members of historically disadvantaged groups, particularly people of color and women. We believe that this lawsuit, if successful, will help advance FTRF's strategy for supporting and enabling access to information and materials that reflect diverse voices.

The controversy arises from a number of regulatory decisions by the Federal Communications Commission that relaxed cross-ownership rules in a manner that created barriers to broadcast media ownership by traditionally marginalized groups. The amicus brief asks the Supreme Court to uphold a decision by the Third Circuit Court of Appeals that found that the FCC acted in an arbitrary and capricious manner in 2017 and 2018 when it revised its ownership rules without considering the likely impact

of the revised rules on women or people of color. The brief was authored by the Leadership Conference on Civil and Human Rights and joined by 16 other civil liberties groups. The Supreme Court is scheduled to hear the case on January 19, 2021.

The Freedom to Read Foundation has also agreed to serve as *amicus curiae* in the case of ***Christopher Porco v. Lifetime Entertainment***, a lawsuit that threatens to impair the right of authors, artists, and publishers to fashion creative works from real-life events. In this case, a man convicted of killing his father has sued Lifetime Entertainment, claiming that a dramatized version of those events violated his right of publicity under New York law.

The statute, NYS Civil Rights Law section 51, prohibits the use of a person's name, portrait, picture, or voice if the use is nonconsensual and for "advertising purposes or for the purpose of trade." The plaintiff claims that Lifetime Entertainment used his name without his consent and that the film is not protected under the defense of "newsworthiness" defense because he claims the film is "substantially fictionalized."

The trial court ruled in favor of the plaintiff, holding that a creative work violates the rights of a person depicted in the creative work if it is "materially and substantially fictitious," even if the work is identified and presented as a fictionalization. If the court's ruling is upheld, it would significantly expand application of New York's limited right of publicity and could chill the creation of much First Amendment protected expression, including literary nonfiction such as Truman Capote's *In Cold Blood*, graphic novels like John Lewis' *MARCH*, and photographs and visual works of art depicting real people. It would also chill the First Amendment

rights of those who distribute those works to the public and those who read, listen to, and watch such creative works.

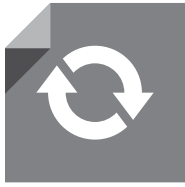
The *amicus curiae* brief signed by FTRF was authored by the Media Coalition. It explains the First Amendment and free expression harms that would result if the trial court's decision is upheld by the New York appellate court. The appellate court is currently reviewing the briefs filed in the case.

Current Litigation

Since our last report, the courts have decided two of FTRF's pending cases.

The first case, ***United States v. Moalin***, challenged the U.S. government's practice of seizing individuals' phone metadata without a warrant under the PATRIOT Act. The defendant in the case, Basaaly Moalin, was convicted of financing terrorism related organizations but learned that his prosecution was a product of the NSA's phone metadata surveillance program under Section 215 of the PATRIOT Act, a fact that was not disclosed to Moalin or his defense attorneys.

FTRF joined an *amicus curiae* brief that argued that the U.S. government should not be permitted to conduct warrantless searches and seizures of individuals' phone metadata because that metadata reveals sensitive and private information about an individual's expressive and associational activities that should be protected by both the First and Fourth Amendments of the Constitution. The brief also challenged the existing "third party rule" precedents holding that the voluntary sharing of personal data with phone companies forfeits any Fourth Amendment expectation of privacy in that data. It urged adoption of a rule requiring the government to obtain a warrant whenever it seeks to access



metadata that reveals information about a user's associations and expressive activities.

On September 2, 2020, the Ninth Circuit Court of Appeals decided the case in a manner favorable to the position supported by FTRF, holding that the NSA's metadata program was illegal and likely unconstitutional. But sadly, the court upheld Moalin's conviction, ruling that the lack of notice concerning the phone metadata collection did not significantly prejudice his case.

In a second case, the Supreme Court, unfortunately, declined to review *Austin v. State of Illinois*, leaving in place an Illinois Supreme Court decision upholding the Illinois' statute criminalizing the non-consensual dissemination of private sexual images, which does not require a showing of malicious intent. That decision holds that the statute is a content-neutral time, place, and manner speech restriction that is only subject to intermediate scrutiny, rather than strict scrutiny, the higher standard of review that is traditionally used to evaluate any law criminalizing or restricting an individual's expressive activities.

Austin was charged and tried after she shared texts and photos sent to her phone by her ex-fiancé with family members in an effort to contradict her ex-fiancé's account of their breakup. The messages included nude photos. The brief signed by FTRF took no position on the facts of the case but argued that the Illinois Supreme Court erroneously held that the law is not a content-based restriction on speech subject to strict scrutiny.

While FTRF, without question, supports laws that punish individuals who deliberately harass or intimidate another person by publishing their intimate photos without consent, it opposes those laws that are written so

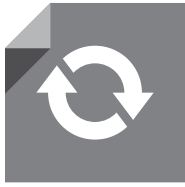
broadly that they can be used to prosecute librarians, booksellers, publishers, and others for the distribution of images that are newsworthy or educational, such as the image of "Napalm Girl," from the Vietnam War.

Free Expression and Civil Liberties Advocacy

The Freedom to Read Foundation regularly advocates on behalf of fundamental rights and civil liberties through correspondence and statements directed to legislatures, organizations, and government bodies. Our recent advocacy efforts include:

- Joining with the American Booksellers Association to send a letter of support of an incarcerated individual who says that Missouri prison authorities have denied him permission to publish a book unrelated to the crime he is accused of committing, on the grounds that he has forfeited his First Amendment rights.
- Joining members of the National Coalition Against Censorship to send a letter protesting a decision by the officials of the Wylie (TX) Independent School District to remove an editorial cartoon about the history of violence against Black people in the United States from the school website that was part of an assignment for the school's "Celebrate Freedom Week!" The cartoon was removed after complaints filed by the National Federation of Police.
- Signing a letter authored by the Center for Democracy and Technology (CDT) opposing S. 4632, federal legislation that would discourage social media companies from combating and removing disinformation and other content aimed at achieving voter suppression. The letter emphasized the threat the bill poses to the ongoing efforts to fight against voter suppression and urged senators to oppose the bill.

- Joining members of the National Coalition Against Censorship to send a letter opposing a proposal to remove several classic works from the curriculum in Burbank Unified School District in Burbank, CA. The books, which include *The Adventures of Huckleberry Finn*, *To Kill A Mockingbird*, *The Cay*, and *Roll of Thunder, Hear My Cry*, were removed from the curriculum after parents complained about the books' use of racial epithets.
- Signing a letter of dissent written by the ACLU of Washington State opposing implementation of facial recognition surveillance systems at Sea-Tac and other airports operated by the Port of Seattle. The letter of dissent urges the Port of Seattle to reject collaboration with Customs and Border Patrol; withdraw funding for CBP's surveillance systems; prohibit use of facial recognition technology; and ensure that the Port of Seattle's interpretation of and compliance with its principles align with the concerns of marginalized communities.
- Joining the ACLU to submit comments opposing the Department of Homeland Security's proposed regulations that would require all non-U.S. citizens entering and exiting the United States to submit to the collection of facial recognition data and ask U.S. citizens to voluntarily submit their facial recognition data for use by DHS. The proposed regulations would permit DHS to store the information in a database for 75 years and to share it broadly with other foreign governments, agencies, and



contractors, allowing for ongoing and systematic surveillance of individuals who might participate in various First Amendment protected activities such as protests, religious services, and other meetings.

FTRF Task Force on Intellectual Freedom and Social Justice

I am pleased to report that the FTRF Board of Trustees has approved the formation of a task force to explore the complexities involved in the intersection between intellectual freedom and social justice.

Chaired by trustees Loida Garcia-Febo and Jim Neal, the task force is charged with developing an action plan to advance intellectual freedom and social justice initiatives. Some of the programs under consideration are those that would promote books and materials that reflect diverse voices and social justice; support libraries, publishers and bookstores that are threatened by community attacks and legal actions on matters of diversity, equity, and inclusion; and support libraries providing social justice programming and training.

Developing Issues

At each meeting of the FTRF Board of Trustees, members of the Developing Issues Committee choose topics of current and developing interest to inform members of the Board about potential future challenges and legal issues. Among the topics for discussion and consideration during the 2020-2021 term:

- Social Justice Requires Broadband Access
- Librarianship at the Intersection of Intellectual Freedom and Social Justice
- Facial Recognition in the Covid-19 Era

- Academic Censorship from the Left
- Is Replacing the Classics in K-12 a Form of Censorship?

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 and advocating for the right to read and speak freely.

BANNED BOOKS WEEK GRANTS

A major initiative of the Krug Fund is its support for local Banned Books Week celebrations in schools and libraries across the country. Each year the Krug Fund supports a wide range of read-outs, displays, discussions, performances, and other educational initiatives that will engage communities in dialogues about censorship and the freedom to read.

This past summer, the following institutions were awarded grants of \$1,000 to support their 2020 Banned Books Week events:

- **Cambria County Library (Johnstown, Pennsylvania)** for events that will center on the history of the Beat Generation and banned books and commemorate the 65th anniversary of the Six Gallery reading in San Francisco, where one of the most infamous banned books—*Howl* by Allen Ginsberg—was read for the first time.
- **The Center for Transformative Action/Ithaca City of Asylum (Ithaca, New York)** to support a live-streamed presentation and conversation by two internationally acclaimed cartoonists whose works were censored. The featured cartoonists are Pedro X. Molina, who fled Nicaragua in 2018 and is now ICOA's writer-in-residence, and Rob Rogers, who was fired that same year by the Pittsburgh Post-Gazette for his cartoons critical of the president. Both will work virtually with children in library summer programs, judge a cartooning contest, and curate an online exhibit in addition to presenting their work and taking questions in a free online event.
- **Central Washington University Libraries (Ellensburg, Washington)** for Banned Books Week events to raise up LGBTQIA+ voices and stories in literature. The libraries will be working with campus and community partners to create and offer programming around LGBTQIA+ literature, including a moderated panel discussion featuring librarians, students, and community members; an author talk; a book club discussion; and book giveaways.
- **The Kurt Vonnegut Museum and Library (Indianapolis, Indiana)** in support of Banned Books Week events focused on civic engagement and youth writing, including writing workshops, a reading of the original play "Kurt Vonnegut: WordPlay," a reception for the installation of an exhibit celebrating the 100th anniversary of women's suffrage and discussions about censorship and freedom of expression.
- **Manor High School Library (Manor, Texas)** for a Banned Books Week exhibit showing how social taboos change over time and how book banning events reflect the tensions that existed in society at a given moment in time. The exhibit will utilize a self-guided living timeline featuring one banned book in each decade



NEWS UPDATES

from 1930 to 2020, for a total of 10 stops in all. In addition to the main exhibit, there will be games, contests, and a book walk similar to a cake walk.

- **The Maricopa Public Library (Maricopa, Arizona)** for a community celebration of Banned Books Week utilizing the 2020 theme, “Censorship is a Dead End.” The event will include a “Mystery Hint Search” in collaboration with local businesses and a “Murder Mystery of Banned Book Characters Party” for those who complete the puzzles. In addition to the event, the Maricopa Public Library will create educational and informative multimedia displays that will initially focus on Banned Books Week and will grow to become a Maricopa Public Library staple.

To learn about the 2020 grantees, please visit the FTRF website at www.ftrf.org/Krug_BBW.

LIS AND PROFESSIONAL EDUCATION

The Krug Fund continues to successfully partner with the University of Illinois’ School of Information Science and the San Jose State University School of Information to support dedicated coursework on intellectual freedom in libraries. Professor Emily Knox teaches “Intellectual Freedom and Censorship” at the University of Illinois while Professors Beth Wrenn-Estes and Carrie Gardner teach courses on Intellectual Freedom for San Jose State. We thank the University of Illinois and San Jose State University for partnering with the Freedom to Read Foundation to assure that high-quality intellectual freedom curricula and training remain available to LIS students preparing for their professional careers. We also thank FTRF educational consultant Joyce Hagen-McIntosh for

her dedicated support for the course instructors and the students enrolled in these classes.

This fall, the Krug Fund awarded six scholarships to students wishing to attend the courses provided by the University of Illinois and San Jose State. Those recipients included Whitney Beville (Anderson, SC), Daniel Davis (Camas, WA), Samantha (Sam) Kennefick (Lakewood, CO) and Allison Michel (Salt Lake City, UT) who are attending the Fall, 2020 intellectual freedom course offered by Professor Carrie Gardner through the SJSU iSchool. Katie Krumeich (Washington, DC) and Kristina Acosta (Tulsa, OK) will receive scholarships in the Spring of 2021 to attend the seminar led by instructor Beth Wrenn-Estes through SJSU that will focus on intellectual freedom issues for youth, including material on how to defend materials for youth from censorship.

The Krug Fund Education Committee also organized and presented two intellectual freedom webinars for library workers:

- **Collecting and Protecting LGBTQ+ Materials and Programs (August 5, 2020)** featuring speakers Rae-Anne Montague, Sukrit Goswami, and Tom Taylor discussing collection development tools for LGBTQ+ materials and digital resources and how each navigated challenges to LGBTQIA+ themed library programs and materials. Co-sponsors included the American Library Association’s Office for Intellectual Freedom (OIF), the Rainbow Round Table (RTT) and the Intellectual Freedom Round Table (IFRT).
- **Legal and Legislative Update Webinar (September 15, 2020)** FTRF General Counsel Theresa

Chmara and FTRF Director Deborah Caldwell-Stone shared insights about current legal cases and legislation from throughout the country.

FTRF Membership

The foundation’s mission to advocate on behalf of free expression, privacy, and civil liberties is essential in this time of civil unrest and social change. Membership in the Freedom to Read Foundation not only supports the important work of defending our First Amendment freedoms, but it also builds our organizational capacity so that we can advocate on behalf of diverse voices and ensure the rights of marginalized persons.

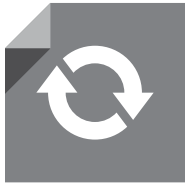
I encourage all ALA Councilors and all ALA members to join me in becoming a personal member of the Freedom to Read Foundation. I also ask that you invite your institution or organization to join FTRF as an organizational member. You are invited to include a donation in addition to your membership dues. Please send a check (\$50+ for personal members, \$100+ for organizations, \$35+ for new professionals, \$10+ for students, \$0 for furloughed/unemployed, and \$10 for retirees) to:

Freedom to Read Foundation
225 N. Michigan Ave., Suite 1300
Chicago, Illinois 60601

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

I hope you will strengthen the voice and impact of the Freedom to Read Foundation by becoming a member.

Respectfully submitted,
Barbara Stripling, President
The Freedom to Read Foundation



INTELLECTUAL FREEDOM COMMITTEE REPORT TO COUNCIL

EDITOR'S NOTE: This two-part report was presented by Martin Garnar, chair of the American Library Association's Intellectual Freedom Committee, on January 26, 2021, to ALA Council at the American Library Association's 2021 Midwinter Meeting & Exhibits Virtual. The resolved clauses of the "Resolution in Opposition to Facial Recognition Software in Libraries" is published in this issue as amended and voted on by ALA Council.

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

Information PUBLICATIONS

The Intellectual Freedom Committee and the Office for Intellectual Freedom work together to keep ALA and the library community apprised of evolving intellectual freedom issues through an ongoing publications program that features both print and online resources. Foremost among these is the 10th edition of the *Intellectual Freedom Manual*, now available from the ALA Store. Edited by IFC Chair Martin Garnar with Assistant Editor Trina Magi, the manual is a living document that serves as the authoritative reference for day-to-day guidance on maintaining free and equal access to information for all people. The new edition of the manual features eight new interpretations of the *Library Bill of Rights*—which address urgent issues such as internet filtering, public performances, political activity, religion, and equity, diversity, and inclusion—as well as an expanded glossary and updated content about developing library policies. The editors and contributors to the manual will discuss its revised content at this Midwinter's *News You Can Use*

session "Practical Answers for Evolving Issues: Introducing the 10th Edition of the Intellectual Freedom Manual." Co-sponsored by the Office for Intellectual Freedom and ALA Editions, the session will also review the IFC's process for crafting resources. ALA Midwinter attendees viewing the session will receive a code to purchase the manual at a discounted price. A follow-up virtual Q&A session is scheduled in February as an opportunity for ALA members to ask contributors questions.

Online, the Intellectual Freedom Blog offers perspectives and updates about intellectual freedom topics. Recently, it has also reported on IFC activities, including the committee's revision of "Access to Digital Resources and Services Q&A," [reported on](#) by IFRT liaison to IFC Steph Barnaby. The [Choose Privacy Every Day](#) blog provides perspectives and resources for protecting and advocating for users' privacy. This fall, the IFC Privacy Subcommittee recruited its first team of bloggers to offer guidance and share experiences about privacy topics. Recently, the blog has provided perspectives on the California Consumer Privacy Act, the Right to Be Forgotten in digital archives, and the balance of privacy and usability. Both the Intellectual Freedom Blog and the Choose Privacy Every Day blog publish a roundup of news items every Friday.

The *Journal of Intellectual Freedom & Privacy* continues to update readers with peer-reviewed articles, book reviews, legal briefs, and opinion pieces, as well as serving as the publication of record detailing the latest incidents of censorship, court rulings, legal controversies, and success stories. Reports to Council from IFC, COPE, and FTRF are also included. The latest issue of the journal covered stories on social media and COVID-19

misinformation, as well as a history of censorship in the United States. More information about personal and institutional subscriptions can be found at journals.ala.org/index.php/jifp/index.

MERRITT FUND

The LeRoy C. Merritt Humanitarian Fund was established in 1970 as a special trust in memory of Dr. LeRoy C. Merritt. It is devoted to the support, maintenance, medical care, and welfare of librarians who, in the trustees' opinion, are denied employment rights or discriminated against on the basis of gender, sexual orientation, race, color, creed, religion, age, disability, or place of national origin, or denied employment rights because of defense of intellectual freedom. The Fund is wholly supported by individual donations from concerned members of the wider library community and is administered by a Board of Trustees elected from those contributing to the fund. This year's trustee election will take place in January 2021.

The trustees meet regularly to consider requests for assistance. Applications for assistance are available at www.merrittfund.org, or applicants can call 312-280-4226 for assistance. Trustees keep all requests in strict confidence.

To learn more about the history and work of the Merritt Fund, or to make a donation, please visit www.merrittfund.org.

Censorship and Recent Challenges

TRENDS

Since 1990, the ALA Office for Intellectual Freedom (OIF) has been collecting data about banned and challenged library materials and services. ALA collects information from two sources: media reports culled from news outlets and social platforms;



NEWS UPDATES

and reports submitted by individuals through the [online form](#). The office presents Censorship Reports to inform members of trends and activities. From June 1, 2020 to Dec. 29, 2020, OIF has tracked 75 unique cases. OIF provided support and consultation on 53 cases. The office has noted the following censorship trends:

- Challenges to anti-racist materials
- Challenges that involve Black Lives Matter
- Challenges publicly shared on social media

Books	50
Graphic Novels	5
Films & Magazines	3
Programs	4
Displays	3
Social Media	4
Other (Databases, Filtering, Hate Crime, & Online Resources)	6

SNAPSHOT OF RECENT PUBLIC CHALLENGES AND BANS

Lake Norman Charter School (North Carolina): Parents of a Lake Norman Charter School ninth grader have [filed a federal lawsuit](#) to remove *Poet X* by Elizabeth Acevedo from the classroom. They claim the book is overtly anti-Christian and that the school’s use of the book is a violation of their freedom of religion.

Burbank Unified School District (California): Continuing from a challenge that was initiated in September at the Burbank Unified School District, OIF sent a [letter of support](#) to the superintendent to retain *Roll of Thunder, Hear My Cry* by Mildred D. Taylor, *To Kill a Mockingbird* by Harper Lee, *The Adventures of Huckleberry Finn*

by Mark Twain, *Of Mice and Men* by John Steinbeck, and *The Cay* by Theodore Taylor in the curriculum. The letter stated that “we respectfully suggest that rather than removal of these books from the curriculum, the actual need is for improved teaching and discussion of these works of literature that places their use of racial epithets in context and highlights the harms of racist actions both in the past and in current society.”

Despite feedback from the teachers, petitions from the students, and advice from national organizations, the five books were [removed from the curriculum](#). In addition, BUSD has banned the use of, and reading of the n-word in all classes, regardless of context.

Sullivan County Schools (Pennsylvania): During a live-streamed school board meeting, [a heated debate arose](#) about an LGBTQIA+ display in the school library, where a school board member criticized the subject and stated that it should be dismantled.

OIF provided support to the school librarian and a letter of support to the superintendent and school board expressing support for the display and her commitment to creating an open, inclusive, and collaborative learning environment.

Lincoln Parish Public Library (Louisiana): After temporarily removing children’s books with LGBTQIA+ content from the general shelves of the Lincoln Parish Public Library to satisfy a small group of complaining patrons, the library board [voted to affirmatively reinstate](#) the books for everyone to access.

Allegheny County Jail (Pennsylvania): The Allegheny County Jail in Pittsburgh [reversed](#) a recently implemented policy to prohibit incarcerated

people from purchasing physical copies of books or having physical books purchased on their behalf from pre-approved third parties.

Kent State University (Ohio):

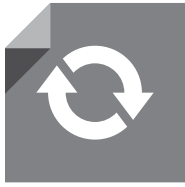
Two Ohio state representatives [admonished Kent State University](#) for assigning the book *Anime from Akira to Howl’s Moving Castle: Experiencing Contemporary Japanese Animation* by Dr. Susan Napier in the school’s College Writing I classes.

MEMBER SUPPORT—DOUGLAS COUNTY PUBLIC LIBRARY (NEVADA)

In addition to providing support to libraries and library workers addressing censorship and violations of users’ privacy, OIF and ALA’s intellectual freedom groups frequently provide support to library workers defending the profession’s core values. This past fall, Library Director Amy Dodson and staff of the Douglas County Public Library faced enormous public criticism after proposing adoption of a diversity statement to its library board via the library’s Facebook page.

Public criticism of the post began after the Douglas County Sheriff published a letter stating that library staff should no longer call 911 for help with disturbances because he viewed the library’s diversity proposal and its statement of support for the Black Lives Matter movement as a lack of support for the Sheriff’s Office. Dodson was ordered to take down the diversity statement.

After the sheriff’s letter spurred national media coverage and a number of protests in Douglas County, the library board met to review the situation. OIF provided support to Dodson and her staff, working with ALA President Julius C. Jefferson Jr., the Nevada Library Association, and United for Libraries to [send a letter to the library board](#) outlining the



NEWS UPDATES

profession's commitment to equity, diversity, and inclusion and backing the proposal of the diversity statement.

Despite the support provided by national and state library associations, the Nevada Attorney General, the ACLU, and local residents, the library board voted to initiate an investigation of Dodson's actions, using \$30,000 of the library's budget to pay for the third-party investigation. Throughout the investigation, OIF staff continued to monitor developments and support Dodson and her staff. This past December, the law firm conducting the investigation filed a report concluding that neither the library, its director, or its staff had violated any laws or policies in introducing the diversity statement for the board's consideration.

Initiatives

BANNED BOOKS WEEK

Despite restrictions imposed by the ongoing pandemic, this year's Banned Books Week (Sept. 27—Oct. 3) highlighted activism, embraced creativity, explored technology and virtual outlets, and recognized the voices that others attempted to silence through censorship.

Before the celebration, OIF staff ensured that library workers and readers had the resources needed to participate in Banned Books Week. In September, the Intellectual Freedom Blog published [a detailed list of 40 virtual program ideas](#). Physical and digital products designed by ALA Production Services were available in the ALA Store and ALA Gift Shop. The ALA Connect Live session on intellectual freedom promoted ALA members' access to [thousands of searchable public challenge entries](#). OIF's "Free Downloads" webpage was stocked with activities and shareable statistics and attracted 30,720 pageviews during

September. IFRT also created [Zoom backgrounds](#).

To kick-off Banned Books Week, OIF released the list of the [top 100 most banned and challenged books of the past decade](#), as well as an accompanying BuzzFeed quiz. The list was covered by major news outlets, including the Associated Press, CNN, The Guardian, and NBC News.

During the week, there was an array of online opportunities for libraries and readers, including the Dear Banned Author letter-writing campaign, a themed week of #BannedBooksWeek in Action, and videos of [read-outs](#), [watch parties](#), and livestreams with banned author [Alex Gino](#) (organized by the Banned Books Week Coalition) and documentary director [Cody Meirick](#). GNCRT, IFRT, and Image Comics also produced [a week-long webinar series](#) featuring conversations with creators and librarians.

Libraries celebrated throughout the week online by creating powerful videos, hosting virtual programs such as bingo and trivia, showcasing fiery displays, posting on social media, creating [virtual Bitmoji libraries](#), and streaming webinars. This year's theme—"Censorship is a Dead End. Find Your Freedom to Read"—inspired creative activities, such as digital escape rooms, scavenger hunts, and even outdoor physical mazes.

ALA extended the reach of Banned Books Week by collaborating with other organizations, including Little Free Libraries, American Booksellers Association, SAGE Publishing, Kouvenda Media, City Lit Theater, and Amnesty International USA. The office continually works closely with members of the Banned Books Week Coalition—an international alliance of diverse organizations joined by a commitment to increase awareness of the annual celebration of the freedom

to read—to support one another's work.

This engagement continues to highlight the work of libraries and the association, and makes Banned Books Week an ever-present staple in critical First Amendment discussions. Planning for Banned Books Week 2021 is underway, and the IFC provides helpful feedback on artwork and messaging.

IFC Resolutions, Guidelines, Q&As, Statements, and Working Groups

The Intellectual Freedom Committee continues to respond to new and ongoing threats to intellectual freedom and user privacy by updating and revising resources offering guidance to library workers.

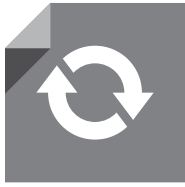
LIBRARY PRIVACY GUIDELINES AND CHECKLISTS

The IFC Privacy Subcommittee is reviewing its series of privacy guidelines and checklists. The subcommittee plans to update all of these resources by ALA Annual Conference 2021.

The Privacy Subcommittee recently revised and the IFC approved "[Library Privacy Guidelines for Students in K-12 Schools](#)" and "[Library Privacy Checklist for Vendors](#)." These resources are included in this report as information items.

PRIVACY TOWN HALL

The Privacy Subcommittee hosted a privacy town hall, "[Surveillance in Academic Libraries?! A Search for Better Ideas](#)," on December 1. The town hall provided a forum to discuss recent proposals to surveil library users for security purposes and to broker patron data to secure lower prices on subscription resources. Privacy Subcommittee member Michelle Gibeault moderated the program,



NEWS UPDATES

which featured information security engineer Roy Hatcher. Hatcher provided an analysis of the proposal and discussed how libraries can work with information security to protect user privacy.

ACCESS TO DIGITAL RESOURCES AND SERVICES Q&A

The IFC created this set of questions and answers to clarify the implications and applications of “Access to Digital Resources and Services: An Interpretation of the *Library Bill of Rights*,” last revised on June 25, 2019. This Q&A was created in 1997 by the IFC, and it was last revised in 2010. This newest revised resource is divided into four sections: Rationale for Digital Access, Rights of Users, Equity of Access for Users, and Selection and Management Issues. It answers questions such as “What is the library’s role in facilitating freedom of expression through digital resources and services?” and “Does my library have to provide digital material on all subjects, for all users, even if those users are not part of the library or the material does not meet the library’s collection development policies?”

The IFC voted to approve the revised “Access to Digital Resources and Services Q&A” on November 16, 2020. The Q&A is available on the [ALA website](#) and is included in this report as an information item.

EXECUTIVE ORDER ON COMBATING RACE AND SEX STEREOTYPING

On September 22, the White House issued its Executive Order On Combating Race And Sex Stereotyping, prohibiting federal employees, contractors, and grant recipients from discussing or considering concepts such as critical race theory and white privilege and discouraging diversity education and training.

In response, the IFC created a statement for the ALA Executive Board’s consideration that opposes the order and rejects the patently false and malicious claim that diversity training—which is aimed at fostering a more equitable and just workplace and dismantling systemic racism and sexism—reflects a “Marxist doctrine” that is itself racist and sexist.

“ALA Statement on Executive Order on Combating Race and Sex Stereotyping” [was released](#) by the Executive Board on October 29, 2020, and in part states, “We are painfully aware that libraries and the profession of librarianship have been—and still are—complicit in systems that oppress, exclude, and harm Black people, indigenous people, and people of color, and deny equal opportunity to women. We assert that a commitment to learn from the painful and brutal legacies of our history is essential to the fulfillment of our promise as a country of equal rights and opportunities.”

RESOLUTION ON FORMING A WORKING GROUP TO ALIGN VENDOR PRIVACY POLICIES WITH ALA POLICIES AND ETHICS

In compliance with the mandate contained in the Resolution on Forming a Working Group to Align Vendor Privacy Policies with ALA Policies and Ethics (CD#19.5) adopted by the ALA Council during Midwinter 2020, the Intellectual Freedom Committee and its Privacy Subcommittee has formed the Working Group to Align Vendor Privacy Policies with ALA Policies and Ethics. The working group includes library workers, as well as representatives from OverDrive, Ex Libris, Cengage, EBSCO, and OCLC. The original timeline outlined in the resolution was to complete a study of current vendor privacy policies and identify key issues within

twelve months of the passing of the resolution. The pandemic has delayed this goal.

The working group held its first meeting on January 4. It reviewed the working group’s charge and goals, and began to define privacy, study privacy policies, and identify key issues. The working group plans to complete the task of completing a study of current vendor privacy policies and identifying key issues within the next twelve months.

SOCIAL JUSTICE AND INTELLECTUAL FREEDOM

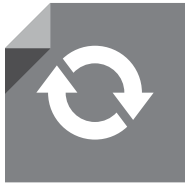
During its monthly meetings, the IFC has discussed the intersection of social justice and intellectual freedom. The committee is forming a working group with confirmed representatives from the IFC and COPE and is identifying potential representatives from groups connected to ODLOS. The purpose of the working group is to develop messaging and a framework that proactively demonstrates the interdependence of intellectual freedom and social justice.

IFC PROGRAMMING WORKING GROUP

The IFC Programming Working Group has submitted three proposals for consideration at the 2021 ALA Annual Conference. The proposed programs cover topics such as social justice, broadband access, free speech in the workplace, and the First Amendment.

“RESOLUTION CONDEMNING U.S. MEDIA CORPORATIONS’ ABRIDGEMENT OF FREE SPEECH” WORKING GROUP

At ALA Virtual 2020—Community Through Connection, ALA Council referred “Resolution Condemning U.S. Media Corporations’ Abridgement of Free Speech” (ALA CD#46)



NEWS UPDATES

to IFC and IRC “to form a working group that shall include members from both committees as well as the original mover and seconder of the resolution with a report due back at Midwinter 2021.” A working group was created and has met several times to review the resolution and suggest revisions.

The working group’s discussions about the resolution’s scope and implications continue. Recent events such as the insurrection at the Capitol on January 6, 2021, the subsequent decision by Amazon and other platforms to deny services to the Parler chat platform, and social media platforms suspending specific individuals and groups have brought comments and discussions about broadening a statement on corporate speech and free expression in both domestic and international context.

The working group would like to continue discussing the scope and potential revisions of the resolution. The working group requests a continuance of its charge to provide an updated report at ALA Annual Conference 2021.

“RESOLUTION IN OPPOSITION TO FACIAL RECOGNITION SOFTWARE IN LIBRARIES”

The use of facial recognition technology is inherently inconsistent with the *Library Bill of Rights* and other ALA policies that advocate for user privacy, oppose user surveillance, and promote anti-racism, equity, diversity, and inclusion. In early 2020, the IFC Facial Recognition Working Group distributed a survey to determine the library community’s level of knowledge and concern about facial recognition software. This survey was distributed on social media, as well as through ALA Connect and several mailing lists; it was open from February 14 through March 14 and received

628 responses. The working group reviewed and coded these responses, and used them to inform the language used in “Resolution in Opposition to Facial Recognition Software in Libraries.” A summary of the comments from Facial Recognition Survey (404 comments out of 628 total responses) is included in this report as an information item.

The resolution was posted on ALA Connect to invite member feedback, and was taken to ALA Council Forum. The working group discussed the comments received. “Resolution in Opposition to Facial Recognition Software in Libraries” is included in this report as an action item. The Committee on Library Advocacy voted to endorse the resolution, and the resolution is endorsed in principle by the Intellectual Freedom Round Table.

SURVEILLANCE WORKING GROUP & “RESOLUTION ON THE MISUSE OF BEHAVIORAL DATA SURVEILLANCE IN LIBRARIES”

A recent keynote given at the virtual security summit of The Scholarly Networks Security Initiative (SNSI) caused concern among library workers and other privacy and intellectual freedom advocates. Prompted by the article “[Proposal to install spyware in university libraries to protect copy-rights shocks academics](#),” the IFC Privacy Subcommittee created a working group that included Privacy Subcommittee members, those working in academia (including representation from the ACRL Professional Values Committee), and members from the Library Freedom Institute and Digital Library Federation. The three groups sponsored a town hall titled “Surveillance in Academic Libraries?! A Search for Better Ideas” on December 1. Moderated by IFC Privacy Subcommittee member Michelle Gibeault

and featuring guest speaker and security engineer Roy Hatcher, the town hall reviewed how libraries can work with information security to protect patron privacy. Attendees also asked questions.

This working group also crafted a resolution to address the concerns raised during the SNSI presentation. The group acknowledged the issue of behavioral data surveillance was larger than academic libraries and wrote a resolution to address the core issues that impact libraries of all types.

The resolution was taken to ALA Council Forum, and a working group discussed the comments received. “Resolution on the Misuse of Behavioral Data Surveillance in Libraries” is included in this report as an action item. It is endorsed in principle by the Intellectual Freedom Round Table.

Action Items

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

CD # 19.2 Resolution in Opposition to Facial Recognition Software in Libraries

CD # 19.3 Resolution on the Misuse of Behavioral Data Surveillance in Libraries

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,
ALA Intellectual Freedom Committee
Martin L. Garnar, Chair
Glen J. Benedict
Peter D. Coyl
Jim DelRosso



NEWS UPDATES

M. Teresa Doherty
Holly Melissa Eberle
Steven Greechie

Dana Hettich
Lesliediana Jones
Sophia Sotilleo

Julia M. Warga
Lisa Mandina, Committee Associate

SUMMARY OF COMMENTS FROM FACIAL RECOGNITION SURVEY

In early 2020, the IFC Facial Recognition Working Group distributed a survey to determine the library community’s level of knowledge and concern about facial recognition software. This survey was distributed on social media, as well as through ALA Connect and several mailing lists; it was open from February 14 through March 14.

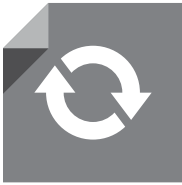
This summary is focused entirely on the response to the final question: **“What other comments would you like to share about libraries and facial recognition software?”**

Of the 628 respondents to the survey, only 404 left additional comments. Members of the working group worked through all responses, counting comments with similar

content. (Note, since commenters often made multiple points, a single comment may have been counted several times, once under each of the themes it contained.)

The responses can be found in the table below, with “no comment” removed. If you have questions or concerns, please contact [Jim DelRosso](#).

Comment Summary	Similar Responses (cumulative)	% of Total	% of Actual Responses
General negative opinion	285	45.38	70.54
Threat to privacy (patron, user, worker)	61	9.71	15.10
No need for it in libraries	22	3.50	5.45
Racial bias	16	2.55	3.96
How would this be useful? How would this committee work?	15	2.39	3.71
ALA should take an official stance against FRT	13	2.07	3.22
Timely Topic / Thank you	13	2.07	3.22
Weighing pros and cons	12	1.91	2.97
General positive opinion	12	1.91	2.97
How can we prevent abuse?	11	1.75	2.72
Technology ineffective	10	1.59	2.48
Information unprotected/security concerns	10	1.59	2.48
Less welcoming environment	8	1.27	1.98
Gender bias	7	1.11	1.73
Negative outcomes	6	0.96	1.49
Uses the word ban	5	0.80	1.24
Curious about alternatives to FRT	5	0.80	1.24
Patron safety	4	0.64	0.99
General neutral comment	4	0.64	0.99
Connection to other systems unclear	3	0.48	0.74
What information is being provided?	3	0.48	0.74



Comment Summary	Similar Responses (cumulative)	% of Total	% of Actual Responses
ALA should lobby for legislation banning FRT	2	0.32	0.50
Canadian Concerns	2	0.32	0.50
Are Facial Recognition Solutions being marketed to libraries?	2	0.32	0.50
Already in use	2	0.32	0.50
Facial recognition used in other areas, like FB	2	0.32	0.50
Cost	2	0.32	0.50
Will not be in use at my library	2	0.32	0.50
Libraries should teach people how to fool it	2	0.32	0.50
Unrelated comment to ALA in general	1	0.16	0.25
What if facial features change	1	0.16	0.25
Would family members be able to pickup materials	1	0.16	0.25
Can FRT be used without revealing identities?	1	0.16	0.25
Nothing invasive about FRT but needs to think more	1	0.16	0.25
Know of libraries being pressured into this	1	0.16	0.25
Survey is bad	1	0.16	0.25
Government overreach	1	0.16	0.25
Off topic	1	0.16	0.25
Not in use	1	0.16	0.25
Help prevent fraud on the part of patrons	1	0.16	0.25
Comment on survey	1	0.16	0.25
Don't panic	1	0.16	0.25
It's inevitable	1	0.16	0.25

RESOLUTION IN OPPOSITION TO FACIAL RECOGNITION SOFTWARE IN LIBRARIES

Whereas facial recognition is defined as computer programs that analyze images of human faces for the purpose of identifying them¹;

Whereas the American Library Association (ALA) Policy B.2.1.17 (Privacy) states that “Protecting user

privacy and confidentiality is necessary for intellectual freedom and fundamental to the ethics and practice of librarianship”;

Whereas the *Library Bill of Rights* states, “All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people’s

privacy, safeguarding all library use data, including personally identifiable information”;

Whereas ALA’s *Library Bill of Rights* and its interpretations maintain that all library users have the right to be free from unreasonable intrusion into, or surveillance of, their lawful library use;

Whereas there have been efforts in Congress—including those by Senator

1. “[Facial Recognition Technology](#),” ACLU.



Edward J. Markey (D-MA), along with Senator Jeff Merkley (D-OR), Congresswoman Pramila Jayapal (D-WA) and Congresswoman Ayanna Pressley (D-MA)—to regulate and restrict facial recognition and biometric technology²;

Whereas ALA advocates for users to have the right to access library materials and spaces without having their privacy invaded;

Whereas facial recognition data is often collected without the informed consent of the individual, creating opportunities for the unauthorized surveillance and monitoring of library users³;

Whereas the use of facial recognition technology has expanded without sufficient oversight standards being put in place, especially for law enforcement⁴;

Whereas the mechanisms of facial recognition software are rarely

revealed because of proprietary status and intellectual property law;

Whereas current studies⁵ on facial recognition software show extreme gender and racial bias, a shocking prevalence of racist misidentification⁶, and the use of prejudicial algorithms and harmful stereotypes that can lead to consequences for those misidentified⁷;

Whereas the use of facial recognition technology is inherently inconsistent with the *Library Bill of Rights* and other ALA policies that advocate for user privacy, oppose user surveillance, and promote anti-racism, equity, diversity, and inclusion;

Whereas current federal law would not prevent library use data from being shared with third parties⁸, thus opening it up to mining, monetization, and malicious misuse;

Whereas 70% of the 404 respondents who offered comment in an ALA Intellectual Freedom Committee survey distributed on February 24, 2020 on facial recognition software expressed a negative opinion of the use of such software in libraries⁹;

Whereas the implementation of facial recognition software also impairs the privacy of the library workers through compelled consent to the submission and use of their biometric data;

Whereas ALA Policy B.1.2 (Code of Professional Ethics for Librarians) states in Article V that as a profession we “. . . advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions”; and

Whereas use of facial recognition systems is invasive and outweighs any benefit for library use; now, therefore, be it

Resolved, that the American Library Association (ALA):

1. opposes the use of facial recognition software in libraries of all types on the grounds that its implementation breaches users’ and library workers’ privacy and user confidentiality, thereby having a chilling effect on the use of library resources;

2. “[Senators Markey and Merkley, and Reps. Jayapal, Pressley to introduce legislation to ban government use of facial recognition, other biometric technology](#),” markey.senate.gov, June 25, 2020.

3. Kashmir Hill, “[The Secretive Company That Might End Privacy as We Know It](#),” *New York Times*, February 10, 2020.

4. Clare Garvie, Alvaro Bedoya, and Jonathan Frankle, “[The Perpetual Line-Up: Unregulated Police Face Recognition in America](#),” *Georgetown Law*, 2016; ACLU, “[ACLU of Louisiana Obtains E-mails that Confirm NOPD’s Use of Racially Biased Facial Recognition Technology](#),” December 14, 2020; ACLU, “[ACLU of Washington Calls on Mayor Jenny Durkan to Ban Face Recognition Technology after the Seattle Police Department’s Apparent Violation of the City’s Surveillance Ordinance](#),” December 2, 2020; Kevin Rector, “[Police Commission to review LAPD’s facial recognition use after Times report](#),” *Los Angeles Times*, September 22, 2020.

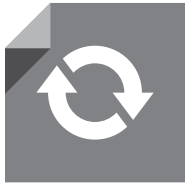
5. “[NIST Study Evaluates Effects of Race, Age, Sex on Face Recognition Software](#),” National Institute of Standards and Technology, May 18, 2020; Larry Hardesty, “[Study finds gender and skin-type bias in commercial artificial-intelligence systems](#),” *MIT News*, February 11, 2018; Erik Learned-Miller, Vicente Ordóñez, Jamie Morgenstern, and Joy Buolamwini, “[Facial Recognition Technologies in the Wild: A Call for a Federal Office](#),” *Algorithmic Justice League*, May 29, 2020; Nicolás Rivero, “[The Influential Project That Sparked the End of IBM’s Facial Recognition Program](#),” *Quartz*, June 10, 2020.

6. Alex Najibi, “[Racial Discrimination in Face Recognition Technology](#),” *Harvard University*, October 24, 2020; Steve Lohr, “[Facial Recognition Is Accurate, if You’re a White Guy](#),” *New York Times*, February 9, 2018; James Vincent, “[Google ‘fixed’ its racist algorithm by removing gorillas from its image-labeling tech](#),” *The Verge*, January 12, 2018.

7. Bobby Allyn, “[‘The Computer Got It Wrong’: How Facial Recognition Led to False Arrest of Black Man](#),” *NPR*, June 24, 2020; Paul Lewis, “[‘I Was Shocked It Was So Easy’: Meet the Professor Who Says Facial Recognition Can Tell If You’re Gay](#),” *The Guardian*, July 7, 2018.

8. Alicia Puente Cackley, “[Facial Recognition Technology: Privacy and Accuracy Issues Related to Commercial Uses](#),” *GAO Reports*, August 11, 2020.

9. “[Summary of Comments from Facial Recognition Survey](#),” *Intellectual Freedom Committee’s Facial Recognition Working Group*, November 16, 2020.



2. recommends that libraries, partners, and affiliate organizations engage in activities to educate staff, users, trustees, administrators, community organizations, and legislators about facial recognition technologies, their potential for bias and error, and the accompanying threat to individual privacy;
3. strongly urges libraries, partners, and affiliate organizations that use facial recognition software to immediately cease doing so based on its demonstrated potential for bias and harm and the lack of research demonstrating any safe and effective use; and
4. encourages legislators to adopt legislation that will place a

moratorium on facial recognition software in libraries.

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Marshall Breeding, "[Smarter Libraries through Technology: Privacy and Security in Times of Crisis](#)," *Smart Libraries Newsletter* 40, no. 7 (July 2020): 1-3.

EPIC, "[Coalition Letter to House and Senate Committees Requesting Oversight Hearing on FBI's Biometric Database](#)," June 23, 2016.

Chris Gilliard, Emily Dreyfuss, and Ben Ewen-Campen, "[The Fight To Ban Facial Recognition Technology](#)," WGBH Educational Foundation, July 31, 2020.

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Troy Lambert, "[Facing Privacy Issues: Your Face as Big Data](#)," *Public Libraries Online*, May 19, 2016.

Steve Neavling, "[Detroit police arrest wrong Black man based on facial recognition technology error](#), *ACLU says*," *Detroit Metro Times*, June 24, 2020.

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RESOLUTION ON THE MISUSE OF BEHAVIORAL DATA SURVEILLANCE IN LIBRARIES

Whereas the *Library Bill of Rights* states, "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.";

Whereas the American Library Association's (ALA) "Privacy: An Interpretation of the *Library Bill of Rights*" states, "All users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.";

Whereas the ALA's "Privacy: An Interpretation of the *Library Bill of Rights*" states, "Libraries should not monitor, track, or profile an individual's library use beyond operational needs. Data collected for analytical use should be limited to anonymous

or aggregated data and not tied to individuals' personal data.";

Whereas ALA Policy Manual B1.2 (Code of Professional Ethics for Librarians) states, "We do not advance private interests at the expense of library users, colleagues, or our employing institutions.";

Whereas ALA has long affirmed that the protection of library users' privacy and confidentiality rights is necessary for intellectual freedom and is fundamental to the ethical practice of librarianship;

Whereas behavioral data surveillance is defined as the collection of data about an individual's engagement with the library that, alone or with other data, can identify the user, for purposes of monitoring, tracking, or profiling an individual's library use beyond operational needs;

Whereas some vendor products require behavioral data surveillance as a condition of use;

Whereas libraries face financial pressure to monetize user data to secure discounts from vendors;

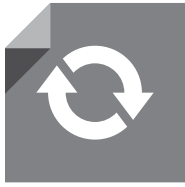
Whereas inequities exist within libraries that may limit those with less scale, money, or power to resist the monetization of user data;

Whereas behavioral data surveillance disproportionately impacts minority and marginalized populations who may be identified or misidentified when utilizing these technologies;

Whereas it is now technologically feasible to use behavioral data surveillance as a mechanism to deny access to library resources; now, therefore, be it

Resolved, that the American Library Association, on behalf of its members

1. stands firmly against behavioral data surveillance of library use and users;



NEWS UPDATES

2. urges libraries and vendors to never exchange user data for financial discounts, payments, or incentives;
3. calls on libraries and vendors to apply the strictest privacy settings by default, without any manual input from the end-user;
4. urges libraries, vendors, and institutions to not implement behavioral data surveillance or use that data to deny services;
5. calls on libraries to employ contract language that does not allow for vendors to implement behavioral data surveillance or use that data to deny access to services;
6. calls on libraries to oversee vendor compliance with contractual obligations;
7. calls on library workers to advocate for and educate themselves about library users' privacy and confidentiality rights; and
8. strongly urges libraries to act as information fiduciaries,¹⁰ assuring that in every circumstance the library user's information is protected from misuse and unauthorized disclosure, and ensuring that the library itself does not misuse or exploit the library user's information.

COMMITTEE ON PROFESSIONAL ETHICS REPORT TO COUNCIL

EDITOR'S NOTE: This report was submitted by Stephen Matthews, chair of the American Library Association's Committee on Professional Ethics, to ALA Council at the American Library Association's 2021 Midwinter Meeting & Exhibits Virtual.

As chair of the Committee on Professional Ethics (COPE), I am pleased

to report on the committee's activities since the virtual event in June 2020.

Charge

The council committee on professional ethics shall augment the *Code of Ethics* (ala.org/tools/ethics) by explanatory interpretations and additional statements, prepared by this committee or elicited from other units of ALA. When units of the association develop statements dealing with ethical issues, a copy will be sent to the committee on professional ethics for review so that it may be compared to the existing ALA *Code of Ethics* in order to determine whether or not conflicts occur.

COPE Working Group on Social and Racial Justice

At the PLA Conference in February, COPE, under the leadership of Past-Chair, Andrew Harant, presented a program entitled, "What Would You Do? Ethical Issues in Public Libraries." One of the goals of this program was to demonstrate how ALA's Code of Ethics encompasses and supports Equity, Diversity, and Inclusion along with Intellectual Freedom.

In reviewing the responses to the program, it became clear that the *ALA Code of Ethics* does not address specifically the profession's responsibility to support and advance social justice, especially in regard to racial justice and the professional obligation to ensure equity, diversity, and inclusion.

At its July 6th meeting, the ALA Committee on Professional Ethics voted to establish a working group to explore the creation of a new article of the *ALA Code of Ethics* to address social and racial justice.

In collaboration with member groups of the Office for Diversity, Literacy and Outreach, a working group was created. Current members include

Nicole Cooke, Alexandra Gomez, Sarah Houghton, Nancy Kirkpatrick, Liladhar Pendse, Jennifer Shimada, and is co-chaired by Andrew Harant and Sheri Edwards.

ALA Reorganization

COPE continues to review proposed changes outlined in the Forward Together documents and is monitoring the new developments in overall ALA reorganization as they emerge.

Professional Ethics Liaisons

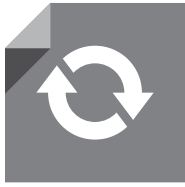
Stephen Matthews serves as COPE's liaison to the ALA Intellectual Freedom Committee. This is a pivotal year for ALA given the reorganization and the need for the IFC and COPE to visibly act and work together. He has actively raised ethical issues and concerns in email conversations, in comments on documents, and in IFC meetings.

During its monthly meetings, the IFC has begun to discuss the intersection of social justice and intellectual freedom. The committee is forming a working group including COPE representative Sarah Houghton and representatives from groups connected to ODLOS. The purpose of the working group is to develop messaging and a framework that proactively demonstrates the interdependence of intellectual freedom and social justice.

The opening line of the *Code of Ethics of the American Library Association* states,

"As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs."

10. Martin Garnar and Trina Magi, eds., *Intellectual Freedom Manual*, 10th ed. (Chicago: ALA Editions, 2021), 217.



NEWS UPDATES

To this end, COPE relies on the time and energy devoted by liaisons of divisions, round tables, and affiliates. Thank you to Nancy Bolt (RMRT Liaison); Ben Hall (RUSA Liaison); DaNae Leu (ALSC Liaison); Annice Sevett (NMRT Liaison); Jill Sodr (ACRL Liaison); Kelvin Watson (PLA Liaison); and Eboni Henry (ALA Executive Board Liaison).

COPE is seeking additional liaisons to assist in crafting resources, developing and presenting programs, providing feedback on documents and professional ethics concerns, and sharing

updates from their particular group. Please see the COPE roster to view the list of representatives (ala.org/groups/committees/ala/ala-profethic). Those interested can contact COPE Staff Liaison Kristin Pekoll at kpe-koll@ala.org.

Thank You

The Committee on Professional Ethics thanks the OIF staff for their commitment, assistance, and hard work. COPE thanks President Julius Jefferson Jr. and the Executive Board for

their confidence in the committee and for allowing them to serve ALA.

Respectfully Submitted,
ALA Committee on Professional Ethics
Stephen Matthews (Chair)
Natasha Harper
Sarah Houghton
Alexia Hudson-Ward
Nancy Kirkpatrick
Rory Patterson
Catherine Smith
Sheri Edwards (Committee Associate)
Ellen Spring (Committee Associate)

COMMITTEE INFORMATION UPDATE (CIU)

Committee on Professional Ethics Annual Report

Committee Name: Committee on Professional Ethics

Conference Year: 2020-2021

Committee Chair: Stephen Matthews

Staff Liaison: Kristin Pekoll

Committee Members:
Stephen Matthews (Chair)
Natasha Harper
Sarah Houghton
Alexia Hudson-Ward Nancy Kirkpatrick
Rory Patterson
Catherine Smith
Sheri Edwards (Committee Associate)
Ellen Spring (Committee Associate)

Committee Charge: The council committee on professional ethics shall augment the Code of Ethics by

explanatory interpretations and additional statements, prepared by this committee or elicited from other units of ALA. When units of the association develop statements dealing with ethical issues, a copy will be sent to the committee on professional ethics for review so that it may be compared to the existing ALA code of ethics in order to determine whether or not conflicts occur.

Objectives of the committee for this conference year, including any planned activities:

1. Draft an additional article for the ALA Code of Ethics that states our profession's responsibility to support and advance racial and social justice and its obligation to ensure equity, diversity, and inclusion.

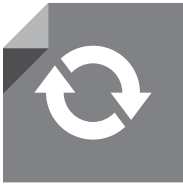
Describe interactions with other units within ALA:

Annual conference program proposals with ALA's Intellectual Freedom Committee

Synthesis of activities (summarize discussions, decision(s) or motion(s) reached, and note follow-up action(s) required:

1. Working group formed to draft the new article.
2. Discussion of COPE's future in ALA and the reorganizing of the internal governance structure.

If unable to achieve desired committee outcomes, what hampered the ability to achieve stated goals (lack of resources, member participation, communication issues, procedural delays, etc.?)
Objectives are in progress.



NEWS UPDATES

Date of Meeting(s)	Meeting Format (in-person or virtual)	Number of Members Present	Guest Presenters, Speakers
July 6, 2020	Virtual	5	0
January 23, 2021	Virtual		0

Priorities/recommendations for the upcoming year:

Reaffirm the profession’s and the association’s commitment to equity, diversity, and inclusion with a new article to the ALA Code of Ethics.

Other comments/information you believe will help the Association in its work:

Submitted by: Kristin Pekoll

Date Submitted: January 8, 2021

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- Vote for and are eligible to run for trustee positions in the annual board elections

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