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In all types of libraries and schools, librarians must analyze technology trade-offs to protect patron privacy.

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LIBRARIANS MUST BE ABLE TO WIELD PPT EFFECTIVELY IN THEIR OWN PERSONAL AND PROFESSIONAL LIVES, AND THEY MUST ALSO BE ABLE TO ACCURATELY EXPLAIN AND ADVOCATE FOR THESE TECHNOLOGIES TO THEIR PATRONS, COMMUNITIES, AND COLLEAGUES.”

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 In this issue of *JIFP*, we include several commentaries from Choose Privacy Week 2018 and a feature article by Monica Maceli that addresses librarians' conceptualizations of the internet and privacy-protecting technologies. As these writings make clear, privacy is a central concern of librarianship—it is part of our code of ethics, our core values, and is now incorporated in the *Library Bill of Rights*.

In addition to the standard concerns about patron privacy, such as circulation records and computer usage logs, librarians now must consider third-party vendors and services, companies that track users across different platforms and websites, and the aggregation of vast amounts of user data.

Many patrons rely on the library for access to computers, but is that access compromised through a lack of privacy? It can be difficult to discern this, particularly when librarians themselves may not fully understand what is happening to data or how it can be protected (as Maceli illustrates). Nonetheless, precisely because patrons do rely on us as trusted intermediaries and experts, librarians must develop and hone privacy-protecting skills. We need to become familiar and practiced with privacy-protecting technologies and resources, then implement them in our libraries, as much as possible.



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Choose Privacy Week 2018

Big Data Is Watching You

Author _ William Marden (williammarden@nypl.org), Chair,
ALA Intellectual Freedom Committee's Privacy Subcommittee

[EDITOR'S NOTE: This introduction and the six articles that follow are from the American Library Association's 2018 online symposium for Choose Privacy Week, which began on April 16, 2018.]

Five months ago, when the members of ALA's Privacy Subcommittee met to decide on this year's [2018] "Choose Privacy Week" (CPW) theme, it's a fair bet to say that only a tiny percentage of the general public had ever heard of Cambridge Analytica, Aleksandr Kogan, the SCL Group, or of a fairly obscure app called "thisisyourdigitallife."

And yet, there were warnings about Cambridge Analytica's program as early as December 2015, when the London Guardian first reported on this data-collection program and its integration with Facebook as part of Ted Cruz's 2016 bid for the US presidency. Michael Zimmer, a University of Wisconsin-Milwaukee associate professor and a member of ALA's Privacy Subcommittee, was quoted by the *Guardian* about why the use of such data was highly problematic. "It's one thing for a marketer to try to predict if people like Coke or Pepsi," said Zimmer, "but it's another thing for them to predict things that are much more central to our identity, and what's more personal in how I interact with the world in terms of social and cultural issues?"

In the wake of Mark Zuckerberg's Congressional testimony last week [in April 2018] and the related explosion of public interest in how online personal data is collected, stored, shared, used, and sometimes misused, this year's CPW theme—"Big Data is Watching You"—could not be more perfectly timed.



In the library community especially, the right of library users to keep private their use of library resources has traditionally long been a hallmark of the ALA's principles, embedded in its "Library Bill of Rights" and actively promoted by ALA's Intellectual Freedom Committee and its Privacy Subcommittee.

But those rights and protections are increasingly being challenged by the use of "big data": library patron information that is bundled up, aggregated and usually (but not always) anonymized for varied purposes including trend analyses, grant funding, and reporting to local governments.

Has this new era of data collection become another form of surveillance? Is the aggregated data of library users truly anonymous? Can we collect such data and still guarantee the minimum standards of privacy for our library users?

This is the theme explored by the authors featured in the 2018 online symposium for Choose Privacy Week. Each writer explores the issues around Big Data, and promotes methods and technologies to help guide librarians in knowing how to responsibly use these data-gathering techniques.

Libraries as Private Spaces

Author _ Jason Griffey (griffey@gmail.com), affiliate fellow, [Berkman Klein Center for Internet and Society](#)

The modern world is largely driven by what has been termed "surveillance capitalism" by Shoshana Zuboff. Surveillance capitalism is the monetization of data that is gathered through the observation of individual or group behavior. This data can be gathered voluntarily (by asking users for it), involuntarily (one company gathering information about an individual by taking it from another data source), or via some combination of the two (data that was given freely by the individual, but is later leaked or stolen from the recipient). Almost the entirety of the modern web is predicated on surveillance capitalism, with targeted advertising being the driving force behind many of the largest companies in the world. Nearly every social network (Facebook, Snapchat, Instagram, and the like) are in this category, as are the largest web retailers like Amazon. Google is, famously, not really a search company, nor is it driven by a desire to organize the world's information. It is an advertising company, with 90 percent of its revenue coming from some form of advertising based on the things it knows about you.

Consider, just as an exercise, how much Google can know about you. If you use the Google search engine, it knows everything you've searched for, every result, and every link you've clicked to get information. If you use the Chrome browser, then Google has the capacity to know nearly everything. In theory, they can know everything you've typed into the address bar, everything you've typed into a non-secure form, and more. If you use Gmail, Google scans your email (sent and received) to better target you. Use Google Drive or Google Docs/Sheets/Slides, and those are scanned as well. If you or your ISP use Google's DNS service, they gather information

about what site is requested, what geographic area you are in, and more.

The last few months have brought to light the cost to society of surveillance capitalism, in the form of Facebook and the potential influencing of the US elections through automated targeted advertising. There is beginning to be a backlash against this type of data collection, and it's possible that the near future may see the rise of regulation and policy to prevent this sort of data from being used in advertising. This isn't out of the realm of possibility, as the US has a history of federally regulating types of advertising allowed, from type (subliminal advertising) to content (cigarette ads, alcohol ads).

This is likely to be necessary as future hardware developments allow for near-zero-cost low power data collection systems to be implemented ubiquitously throughout our world. Consider the development of a camera module that powers itself, because the sensor is also a solar cell that produces the power necessary to run itself. Due to Moore's Law and Koomey's Law we will soon have the capacity to spread cameras and microphones with cellular and Wi-Fi radios attached to them across our environment at incredibly low costs. It is very easy to imagine a future where companies like Google give away packages of these "ubiquity sensors" and use them to harvest data about movement and behavior in the same kind of way that they "give away" Google Maps by harvesting movement information from Android phones.

Once we head further down this road, it is highly possible that we are approaching the end of public spaces being anonymous or private spaces where one can be reasonably certain they aren't being surveilled. Right now,



this is already the case in many cities like London, and we have seen omnipresent surveillance spread across entire counties in the case of somewhere like China. As these chips get smaller and more energy efficient, we approach a sort of sci-fi “smart sand” which can be sprinkled across spaces in order to gather data of nearly any sort, and the cost of which will be a rounding error in the budgets of major cities. The combination of private commercial interests and government surveillance will quickly render every available square foot of populated areas a target of surveillance.

This world of smart sand is, make no mistake, a dystopia. Regardless of the good that is possible in such a world (no one would ever collapse on the sidewalk without an ambulance being called, because the sidewalk itself would call . . .), the ultimate state is not a good one. The removal of the expectation of private actions and speech is the strongest possible type of prior restraint for democratic action. I believe that not only are privacy and security fundamental to the operation of libraries in the United States, but soon, libraries may be the last public space that doesn’t surveil you for the purposes of increasing the bottom line of a corporation. This is a space and effort that libraries should embrace, advertise, and focus on. . . privacy and freedom from surveillance is necessary for a functional democracy, in the same way that the ALA’s Democracy Statement says:

“Democracies need libraries. An informed public constitutes the very foundation of a democracy; after all, democracies

are about discourse—discourse among the people. If a free society is to survive, it must ensure the preservation of its records and provide free and open access to this information to all its citizens.”ⁱ

The power and strength of the library to protect and enable democracy and equity go farther than the preservation and access to information. Libraries have a duty to the privacy of their patrons, but moreover we have a duty to defend the foundations of democracy itself. In this future world of ubiquitous surveillance, the library has a duty to say no, and to draw a hard line against the rise of ubiquitous technological surveillance. Libraries are spaces where people should be safe, as safety is a prerequisite for information seeking and understanding. Ubiquitous surveillance is fundamentally unsafe for vulnerable populations of patrons, and libraries have a duty to those patrons to resist the collection and retention of data about individuals.

As a result, the next five to ten years are going to be incredibly dangerous. Libraries can step up at every level to protect the privacy and security of their community. In order to protect and support the fundamental tenets of our democratic society, libraries must double-down on privacy now by protecting their patron’s data and information seeking and must also be ready to protect their communities by resisting the rise of ubiquitous surveillance in the world.

i. “Democracy Statement,” <http://www.ala.org/aboutala/governance/officers/past/kranich/demo/statement> (accessed on December 10, 2018).

Big Brother Is Watching You

The ethical role of libraries and big data

Author _ Erin Berman, (erinberman@aclibrary.org), innovations manager for the San Jose Public Library

The Ethics of Privacy in Librarianship

Libraries are one of the most trusted institutions in our country. People place librarians in the same class as doctors, nurses, firefighters, and teachers. Communities bemoan the possibility of their local libraries closing, with two-thirds saying it would have a major impact on their lives if the library doors were shuttered.ⁱⁱ

ii. “Americans’ attitudes toward public libraries,” John B. Horrigan, Pew Research Center: Internet and Technology, <http://www.pewinternet.org/2016/09/09/americans-attitudes-toward-public-libraries/> (accessed on December 10, 2018).

One of the key reasons libraries are held in such high regard is because we operate under a code of ethics; a code that is driven by intellectual freedom and ensures the public has freedom of access to information.

Although that code of ethics may not be at the forefront of your mind day-to-day, it is the backbone of our institutions. Our code of ethics is the foundation upon which our libraries were built and the reason that we are such a trusted part of every community. It is our responsibility as library professionals to use this code as a guide to drive institutional operations and as a “north star” for ethical dilemmas.



We find ourselves at a precipice, faced with a huge ethical decision about how libraries will interface with the privacy of our patrons. The current code of ethics states that we will, “Protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.”ⁱⁱⁱ Libraries committed themselves to this ethical charge nearly eighty years ago, becoming known around the world for our privacy advocacy, championing patrons’ rights to access information without scrutiny.

Our New, Happy life

The world is very different today than it was eighty years ago. Today, the wealth of human knowledge is available in our pockets. The media mourns the lost age of privacy, telling us it is an outdated concept; dead and buried. People freely part with their personally identifiable information, giving companies the ability to create detailed profiles of their lives to sell to the highest bidder. Our information has become a commodity, bought and sold to provide us customized services and sell us more things.

We have entered the age of big data; it is virtually impossible to move through this world without being tracked, labeled, and categorized. Algorithms sort us into consumer categories that are used to sell targeted advertising and provide different levels of services based on who they think we are. If you would like a glimpse into how you are labeled and categorized, take a look at your [Facebook ad profile](#).

Big data analytics are all about gathering as much information as possible in order to predict the future. By gathering data about how you use a company’s product, companies can make adjustments to services on an individual level. This has led to some amazing online experiences! I love my tailored suggestions on Netflix and if I have to see advertising I would much rather it be for something I might actually purchase. Most people have no concept of the amount of information they are giving away but do reap the rewards of personalized internet experiences.

Big Data in Libraries

So, where does that leave libraries? Never wanting to be left behind, libraries are finding themselves pushed to participate in the world of big data analytics. Companies offer libraries an unprecedented glimpse into how our patrons use library services. These products allow libraries to track

an individual patron’s interaction with all aspects of the library. Collected data sets may include:

- All ILS [Integrated Library System] data (e.g., name, age, address, email, phone, driver’s license, gender)
- Borrowing history
- Program attendance
- Website interactions

In some instances, library data is then paired with data from credit reporting agencies. Libraries can see maps that give household level information about patrons based on the category in which the company’s algorithm has placed them. This includes:

- Income
- Number of children in the house
- How long they have lived at their residence
- Spending habits
- Hobbies
- Device usage
- Media consumption preferences
- And much more!

These companies are telling libraries that our patrons are demanding personalized services, that we are facing a future of irrelevance. Luckily for us, they say, their products have all the answers. By tracking patron behavior, we can give them the experience they have come to expect from this new digital world. Libraries can segment out our patrons, sending targeted marketing based on their behaviors, customizing our services based on what they read and what programs they attend. We will finally be able to use real data to tell our stakeholders why we are of value, so they won’t withdraw our funding. This messaging is a classic anxiety stick, followed by a marketing carrot.^{iv}

For a more detailed look at the data you can access by using these companies’ products, take a look at some of the big ones on the market right now:

- [OrangeBoy’s Savannah](#)
- [Gale’s Analytics on Demand](#)
- [OCLC’s Wise](#)

iii. ALA Code of Ethics, American Library Association, <http://www.ala.org/tools/ethics> (accessed on December 10, 2018).

iv. “Lessons from the Facebook Fiasco,” Barbara Fister, *Inside Higher Education*, April 15, 2018, <https://www.insidehighered.com/blogs/library-babel-fish/lessons-facebook-fiasco> (accessed December 10, 2018).



Our Ethical Responsibility

Libraries are often the only access point to information for the most vulnerable members of our communities. We welcome our undocumented citizens, those living unhoused, mentally ill, and minorities of all kinds. We have a responsibility to all of our patrons to protect and fight for their privacy. Our patrons trust us because they know that when they walk through our doors, we are there to help them access information needed to become their best possible selves. We don't judge them based on who they are or why they are there. Our doors are open to all.

How many years have libraries been told that they are on the brink of destruction? Adapt or die. Libraries have made amazing changes in our service models by shifting our concept of literacy and extending its reach into technology and providing hands-on programming. Those changes have remained rooted in the core fundamentals of librarianship. On the other hand, the adoption of big data analytics that allows us access to patron-level data about their use of library services goes against one of our most valued core ethics.

It is our ethical responsibility to ensure that all of our patrons have the "right to open inquiry without having the subject of one's interest examined or scrutinized by others."^v This includes us as library workers. We do not have the right to examine or scrutinize what our patrons do in the library, making decisions on how to treat them based on those behaviors. Even something as seemingly harmless as sending targeted marketing emails means that you are judging who a patron is and what their future behaviors may be based on their reading habits and library usage.

If the recent news surrounding Facebook can be any kind of lesson to us, it is that privacy is not dead in the minds of our patrons. People are seeking control over their information, as evidenced by the sweeping [new privacy regulations](#) that went into effect in the European Union in May 2018. Consumers want to use services they trust. We already have that trust; why take steps to erode our standing in regards to the protection of our patrons' privacy?

Moving Forward

Let us flip the narrative we are being sold by the big data analytics companies. Now is the time for us to tout the

virtues of the library as a privacy haven to our patrons. We are not Amazon, Barnes and Noble, or Google, and we should never strive to be. Our patrons are not our products. That is a huge difference between public institutions like libraries and private industries like social networks and tech conglomerates who derive their earnings from advertising.

Libraries are the cornerstone of democracy. We have a democratic duty to uphold the privacy ethics of librarianship and not track and allow third-party access to our patrons' information. Remember, once those datasets are created anyone can gain access to them. Do you want our government having these detailed reports on our patrons? If not, then it is time to rethink how we move forward in doing business with these companies.

Do not jump into big data without being intentional, transparent, and having a comprehensive understanding of how the products work. Utilizing different datasets to drive decision making and analyze the work done in libraries is extremely important, but it must be done with careful attention paid towards protecting our patrons' privacy. When moving forward with a big data contract, consider these guidelines for use:

- Only collect data in the aggregate or anonymously. Do not collect personally identifiable information (name, email, address). Do not track any reading or library usage data on specific patrons.
- Transaction-level data that uniquely identifies both a patron and an item should be avoided unless required for a specific and limited purpose.
- Patron consent must be gained to collect any transaction-level data that links a patron to an activity (e.g., books read, programs attended, e-resources used).
- Vendors must have a public privacy policy on their website that adheres to [industry standards](#).

It is up to us as library professionals to shape the future of our institutions. Will we continue to uphold the ethics of our profession, ensuring that we remain a trusted source of information for our citizens? Now is the time to act! Let's explain to our patrons what sets us apart and remind them that we will continue to be their privacy advocates and champions.

v. "Privacy: An Interpretation of the Library Bill of Rights," American Library Association, <http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/privacy> (accessed on December 10, 2018).



The Challenge of Balancing Customer Service with Privacy

Author _ Sarah Houghton (librarianinblack@gmail.com), director of the San Rafael Public Library

The third principle of the American Library Association Code of Ethics is that “We protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.” That sentence leaves no room for misunderstanding.

On the whole, the history of libraries is one of service and safeguards against censorship, inequity, and privacy violations. Despite librarians’ long-held professional ethics, the reality is that the advent of the digital data brought privacy concerns from day one—for the few who were paying attention. The one-on-one inviolable relationship between library worker and library customer fundamentally changed with digital data. What used to be a sacrosanct, trust-based bond between two parties turned into a cloudy series of agreements and contracts that, frankly, were not fully understood by the libraries that entered into them or the customers who clicked the “I agree to the terms of service” button. Suddenly, third parties such as integrated library systems, scholarly databases, and eBook vendors had access to library patron databases and all they held—personally identifiable information including social security numbers, birth dates, and driver’s license numbers, along with the standard name, address, and other contact information.

Libraries then entered a race to catch up to the technology with our policies and practices, but the tech moved faster than we did. Inconsistently, but steadily, libraries started removing non-essential data from our patron databases and reevaluating contracts with digital providers. Concurrently, companies that libraries did and do business with used cookies to track the activities of library users within their products, then used that information to market services to those people. Companies made arrangements with fourth parties to connect library customer activity in a product with their personal, non-library use. Companies sold aggregate data about library customer activities. And all the while libraries and librarians have been unaware or unwilling to confront the violations of one of our core values. The sad truth is that most libraries have no idea what data vendors are collecting on our customers or simply do not care enough to prioritize customer privacy over concepts like ease of access, provision of digital content, and user demand.

People have developed an intensely complicated relationship with technology and privacy. On one hand, technology and digital data have made it easier to provide personalized online experiences. On the other hand, people are often surprised to discover how much of their privacy they have traded for those personalized experiences. How do we, as libraries, find that balance between customer service and privacy?

Enter the world of big data. Companies read the library marketplace and saw a space for data analytics in library services with a noble goal in mind—to create enough trend data to lead to data-based decision-making. With the tools at our disposal we can now, with a few clicks and search terms, bring up a map that will, in essence, show you or me that someone at a particular address checked out a particular book in the last week. I don’t want that level of information to be available to me, to a third party vendor, or to anyone else. We should all be disturbed by the level of specificity and personally identifiable information used by the big data companies in the library marketplace.

I wither as I see more and more libraries increasingly using data collection (that would have been unheard of in past decades) for tracking customer usage, analyzing trends in use, creating fancy looking reports for their parent agencies, and storing and sharing data in ways that are increasingly hackable and shareable.

This is not a problem that is solely ours. Every organization or individual that collects data about the activities and profiles of people is facing this same conundrum. This seems like a natural place for libraries to take the lead in big data and user privacy. To draw a line in the sand and say no further. To date, we have not done that collectively or individually (for the most part). One of my greatest professional regrets is prioritizing what my customers and stakeholders say they want over my own understanding of the stringent privacy and confidentiality practices that I should be honoring as a librarian. I, like most of my peers, give the community what they want at the expense of their ability to control their personal data in an informed and conscious way.

Just because technology makes something possible doesn’t mean it’s something we should do. In most cases,



decision makers and customers alike are unaware of the potential privacy issues with their data until that data is exploited by others. We are one big library data breach away from this issue becoming nationwide kitchen table conversation.

So how do we balance the potential of big data and privacy and confidentiality? A “scorch the earth” policy seems the most logical in my mind—for libraries to cease keeping any non-essential data and refusing to do business with any company that does otherwise. But I am also a realist and know that the thousands of libraries in the United States alone are not going to be able to come to agreement on that level of stringency.

I do think, however, there are things that all libraries can do to better uphold our values. Make data policies and practices transparent. Any collected data should have a clear purpose. Ensure data quality and deletion when no longer necessary. Renegotiate contracts to ensure greater transparency, authentication, back-up, replication protections, and security protocols. Provide clear information on how customer data is going to be used. Provide a mechanism for an individual to review their personal data on our systems.

And above all, keep repeating that mantra—the third principle of the American Library Association Code of Ethics—and remember that privacy protection is part and parcel of what we signed up to do as librarians.

Practical Privacy

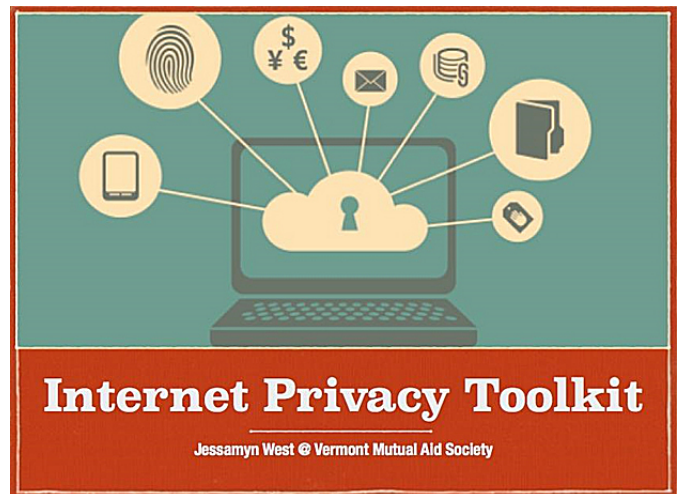
Helping People Make Realistic Privacy Choices for Their Real Lives

Author _ **Jessamyn West** (jessamyn@gmail.com), community technologist and librarian, Vermont Mutual Aid Society

Getting good information about how to secure your privacy online can be challenging. This is doubly true if you are a technology novice, struggling to keep track of your own passwords, devices, and secret questions. You have the dual-pronged concerns of needing to learn this stuff from someone, but also not being sure whom you should trust. And many people are telling you the situation is urgent but then leaving you on your own to fix it. I’ve worked on an approach I feel is useful.

I run a Drop-In Time for the people in my rural Vermont community. For thirteen years people have come in with their technology questions and we’ve muddled through figuring technology stuff out together. Originally there were a lot of people needing mouse skills, email accounts, and assistance setting up Facebook. Now, there are more people with general questions about privacy, learning about the cloud, how material gets shared and re-shared, and, again, Facebook.

The Pew Center for Internet and Society, one of the few larger non-academic organizations continuing to do research into the digital divide, has been talking about digital literacy and the corresponding digital readiness gap. Whereas the digital divide used to refer to a lack of actual computers or sufficient broadband, now we’re seeing more people struggling with their inability to engage in self-directed learning online, while gaps in technology and broadband access still remain.



This challenge—coming at a time when more and more learning opportunities are provided via technology and not an in-person human facilitator—risks leaving the most vulnerable people further behind. Pew’s research indicates that to be able to be digitally ready, users must not only have basic technology access and skills, but also an ability to evaluate and discern trustworthiness of content online, and to trust their own judgment in the absence of someone to ask. Here’s a slide I made for a talk I frequently give about how libraries can bridge the digital divide.



Digital readiness



*digital readiness: whether people have the **skills** to use information technology, as well as the **digital literacy tools** to help people determine whether the online information they access is trustworthy.*

So part of the new role of librarians is helping people work on evaluating online information and learning what to trust and what not to trust. This helps our patrons be better prepared for online learning, so they can teach themselves the things they would like to learn. I figured it would be useful to help bring a privacy-oriented version of Drop-In Time to libraries. Starting with a talk at my own local library, I created [a very simple slide deck with a few basic privacy topics](#), intended more as a set of conversation starters than an all-inclusive list. I added a list of links, also [available as a Google document](#), where people could go for more information on the specific topics we mentioned. A short list of topics with some sample sub-topics is here:

- **Threat modeling** - Before you decide what to do about online privacy, it's important to look at your own personal situation and think, "How at-risk am I? Where's my personal line between convenience and privacy?"
- **Passwords** - How to choose a good one. Why the passwords that websites make us choose are so complicated. Sensible talk about whether to write them down or not.
- **Internet Traffic** - What to know about using public WiFi. How much does your browser know about you? What are some more secure options for browsing? What browser plug-ins are helpful?
- **Listening/Recording** - What is the Internet of Things all about? Should you cover your laptop's camera? What about all those "intelligent personal assistants" people use nowadays?
- **Tracking** - What are cookies? How do these advertisers seem to know so much about me? What are strategies for not being tracked online?
- **More information** - Who are good people to listen to? Who should I not listen to?

I learned a lot by giving this talk in many public libraries around the state of Vermont. Even people who were

fairly sophisticated about technology still had gaps in their knowledge. This is not surprising, considering that the business model of many popular online services is, essentially, privacy violation, and they spend millions of dollars to obscure the fact that this is what they are doing. Many people also had different ideas of what "best practices" were, and enjoyed sharing what they knew with other patrons in a guided conversation. It was helpful for people who were anxious about their own technology usage to know that it fell within "normal" boundaries, and that many other people also had questions about the same topics.

Why to not reuse passwords (too much)

"Here's what I do."

Refer back to threat models



I eventually adapted this talk to be a talk *about* the talk, which I presented at the New England Library Association conference last year. It was intended for librarians who wanted to give similar talks at their own libraries. It included interstitial slides with specific advice for librarians about how to present the topics, as well as strategies for how to set up technology in their own libraries. I encourage you to use it if it solves a problem for you.

My general point is this: you don't have to be a privacy expert in order to help people learn to protect their privacy online, and sometimes it helps if you aren't. People are currently getting a lot of bad information from businesses that are trying to either sell something to them or encourage their online oversharing so that they can sell their data. Some people may not mind this, but many others certainly do. People are eager for straight talk from trusted people, presented in a non-judgmental fashion; so much tech advice online nowadays takes the form of "You are an idiot if you aren't doing things like I do." If we want to give people information in a way that they will



understand it and take it to heart, we need to have conversations with them, not give them a list of rigid rules.

The librarians’ position in society as a trusted purveyor of solid information puts us in a fairly unique role as

people who can and should be front and center of online privacy discussions. Helping people understand privacy helps them make better choices more tailored to their own lives and the information needs they encounter.

Your Library Organization Is Watching You

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We commonly hear that “Big Brother” is watching you in the context of digital and analog surveillance such as Facebook advertising, street cameras, E-Z pass highway tracking, or content sniffing by internet service providers. But it’s not only Big Brother; there are a lot of smaller, less obvious “Little Brothers” as well, that wittingly or unwittingly funnel data, including personal identifiable information (PII), to massive databases. Unfortunately, libraries (and related organizations) are a part of this surveillance environment. In the following article, we’ll break down two example library organization websites. We’ll be focusing on two American Library Association (ALA) websites: ALA’s Office for Intellectual Freedom’s *Choose Privacy Week* website (ChoosePrivacyWeek.org) and ALA’s umbrella site (ala.org).

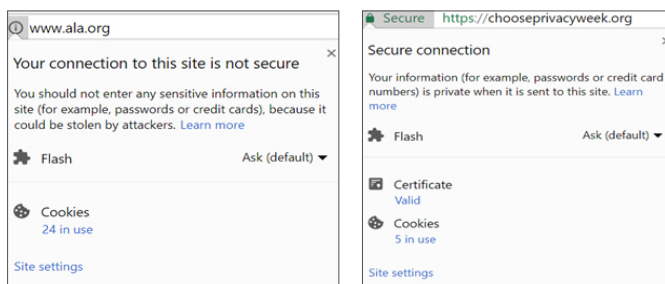
Before we dive too deeply, let’s review some basics about the data streams generated by a visit to a website. When you visit a website, your browser software—Chrome, Firefox, Safari, etc.—sends a request containing your IP address, the address of the web page you want, and a whole bunch of other information. If the website supports “SSL,” most of that information is encrypted. If it does not support “SSL,” it is not encrypted, and network providers are free to see everything sent or received.

Without SSL, bad actors who share the networks can insert code or other content into the web page you receive. The easiest way to see if a site has a valid SSL certificate is to look at the protocol identifier of a URL. If it’s ‘HTTPS’, that traffic is encrypted; if it’s ‘HTTP,’ DO NOT SEND any personally identifiable information (PII), as there is no guarantee that traffic is being protected. If you’re curious about the quality of a site’s encryption, you can check its “Qualys report,” offered by SSL Labs, which checks the website’s configuration, and assigns a letter grade. ala.org gets a B; [ChoosePrivacyWeek](http://ChoosePrivacyWeek.org) gets an A. The good news is that even ala.org’s B is an acceptable grade. The bad news is that the B grade is for “<https://>

www.ala.org/”, whose response is reproduced here in its entirety:



Unfortunately, the ALA website is mostly available only without SSL encryption. You don’t have to check the SSL Labs to see the difference. You can recognize ChoosePrivacyWeek.org as a “secure” connection by looking for the lock badge in your browser; click on that badge for more info. Here’s what this looks like in Chrome:

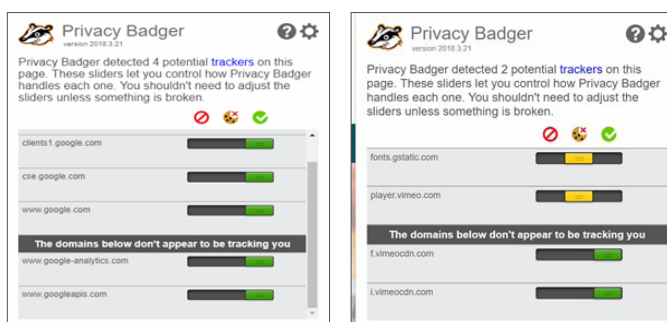


Don’t assume that your privacy is protected just because a site has a lock badge, because the web is designed to spew data about you in many ways. Remember that “whole bunch of other information” we glossed over above? Included in that “other information” are “cookies” which allow web servers to keep track of your browsing session. It’s almost impossible to use the web these days without sending these cookies. But many websites include third party services that track your session as well. These are more insidious, because they give you an identifier that joins your activity across multiple websites. The



combination of data from thousands of websites often gives away your identity, which then can be used in ways you have no control over.

Privacy Badger is a browser extension created by the Electronic Frontier Foundation (EFF) which monitors the embedded code in websites that may be tracking your web traffic. You can see a side-by-side comparison of ALA.org on the left and ChoosePrivacyWeek.org on the right:



The 2 potential trackers identified by Privacy Badger on ChoosePrivacyWeek.org are third party services: fonts from Google and an embedded video player from Vimeo. These are possibly tracking users but are not optimized to do so. The 4 trackers on ALA.org merit a closer look. They're all from Google; the ones of concern are placed by Google Analytics. One of us has written about [how Google analytics can be configured](#) to respect user privacy, if you trust Google's assurances. To its credit ALA.org has turned on the "anonymize IP setting," which in theory obscures user's identity. But it also has "demographics" turned on, which causes an advertising (cross-domain) cookie to be set for users of ALA.org, and Google's advertising arm is free to use ALA.org user data to target advertising (which is how Google makes money). PrivacyBadger allows you to disable any or all of these trackers and potential trackers (though doing so can break some websites).

Apart from controlling the giving of data to third parties, any organization must have internal policies and protocols for handling the reams of data generated by website users. It's easy to forget that server logs may grow to contain hundreds of gigabytes or more of data that can be traced back to individual users. We asked ALA about their log retention policies with privacy in mind. ALA was kind enough to respond:

"We always support privacy, so internal meetings are occurring to determine how to make sure that we comply with all applicable laws while always protecting member/customer data from exposure. Currently, ALA is taking a serious look at collection and retention considering

the General Data Protection Regulation (GDPR) *EU 2016/679*, a European Union law on data protection and privacy for all individuals within the EU. It applies to all sites/businesses that collect personal data regardless of location."

Reading in between the lines, it sounds like ALA does not yet have log retention policies or protocols. It's encouraging that these items are on the agenda, but disappointing that it's 2018 [at the time of writing] and these items are on the agenda. ALA.org has a 4-year-old privacy policy on its website that talks about the data it collects, but has no mention of a retention policy or of third party service use.

The ChoosePrivacyWeek.org website has a privacy statement that's more emphatic: "We will collect no personal information about you when you visit our website unless you choose to provide that information to us."

The lack of tracking on the site is aligned with this statement, but we'd still like to see a statement about log retention. ChoosePrivacyWeek.org is hosted on a Dreamhost WordPress server, and usage log files at Dreamhost were recently sought by the Department of Justice in the [Disruptj20.org case](#).

Organizations express their priorities and values in their actions. ALA's stance toward implementing HTTPS will be familiar to many librarians; limited IT resources get deployed according competing priorities. In the case of ALA, a sorely needed website redesign was deemed more important to the organization than providing incremental security and privacy to website users by implementing HTTPS. Similarly, the demographic information provided by Google's advertising tracker was valued more than member privacy (assuming ALA is aware of the trade-off). The ChoosePrivacyWeek.org website has a different set of values and objectives, and thus has made some different choices.^{vi}

In implementing their websites and services, libraries make many choices that impact on user privacy. We want librarians, library administrators, library technology staff, and library vendors to be aware of the choices they are making and aware of the values they are expressing on behalf of an organization or of a library. We hope that they will CHOOSE PRIVACY.

vi. "SSL Report: ala.org," Qualys SSL Labs, April 10, 2019, <https://www.ssllabs.com/ssltest/analyze.html?d=ala.org>; "SSL Report: chooseprivacyeveryday.org," Qualys SSL Labs, April 10, 2019, <https://www.ssllabs.com/ssltest/analyze.html?d=chooseprivacyeveryday.org>.



Patron Privacy and Data Storage

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With all the concerns we have recently regarding privacy and patron information, we sometimes forget about the data we collect and how we store it. This is especially important as we consider all the different ways our data is used. Let us first take a few minutes to look at data storage: what we are storing, where we are storing it, who has access to it, and how long we are keeping it.

During a library privacy audit, it is a good idea to reevaluate what information we are storing. There are many places where we collect information that we may not always think about. Take, for example, our websites. Many web servers by default collect logs containing a lot of information about our users. Not all of it is useful or necessary. It is common to collect information about our visitors' browsers in order to make our websites more efficient—things like browser type and version, operating system, and location. Most of this information is not personally identifiable information and is therefore relatively safe to collect and store, but it is possible to collect too much information. Take a few minutes to verify what information your web analytics is storing, and decide what is the minimum that you need. Many websites will use cookies to track user behavior. If you are using cookies in your website, make sure, if you can, that there is a notice that your website uses cookies. It would be a good idea to provide information to your users on how to block cookies if they do not want to provide this information.

Let us also look at other types of data storage inside the library. For example, we might consider computer usage records or other types of in-house use. Most of us offer computers or other technology for patrons to use, and we need to consider what types of information we store and how long we store it. At my library, we purge patron identifiable information every day. We still keep a record of computer usage, but there is no identifiable information stored with it. For other types of in-house use, like faxes, scanning, or microfilm, we do not store any information about their usage. My ILS does not store a history of patron checkouts beyond two renewals. We purge older financial transactions as well. We keep the number of transactions and the amounts, but we remove any identifiable information from them.

It becomes difficult when we consider third-party companies. There are many systems that connect to our patron databases. For example, downloadable media services connect to our databases using sip2 or APIs in order to authenticate our patrons. During these connections, it is possible that much of our patron information is also being exchanged. When signing up for these services, review their privacy policies. They should cover what types of information they collect, whether it is personally identifiable or non-personally identifiable information, what they use it for, and how long they retain it. For example, the Overdrive privacy policy explains the difference between personal information and non-personal information, and that they only collect non-personal information. It also states that any information they collect is protected and encrypted and is only obtainable by specific employees. They also say that the information is stored for as long as they deem necessary to provide the services they provide, or for as long as is permitted by law. It is also useful to know of any services that your third-party vendors are using. Some companies use other companies for their services. Overdrive, for example, uses Google Analytics and applications like CrazyEgg and Google AdWords. Each of these companies have their own separate privacy policies.

While we may not always have control over the privacy policies of our third-party vendors, we can minimize their access to our information. When they request access to our databases, restrict their access to the smallest amount they need. Purge patron identifiable information before it is provided to third-party vendors or is stored. When possible, negotiate contracts with third-party vendors to minimize the amount of information they collect and how long they store it.

Once we understand all the places where patron information is stored, who has access to it, and how long it is retained, we must provide this to our patrons. We should update our policies to reflect data storage and third-party access to it. In the situation where third-party companies have access to our patron data, we should supply links to their privacy policies. Make it easy for our patrons to know how we use their information, and what they can do to have more control over it. Teach them to understand how to control their information by using privacy protection in their browsers or by reading privacy policies.



Hate Speech on Campus

Reframing the Discourse

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College campuses have long grappled with the question of allowing controversial speakers on campus. In the half-century since the Free Speech Movement at Berkeley, such events have become a fairly typical aspect of campus life. In recent years, however, increasingly divisive public figures have been invited—and, on occasion, disinvited. Being “deplatformed” has become a badge of honor for public figures like Ben Shapiro, Ann Coulter, and Milo Yiannapolous.

At the same time, there have been increasing incidents of overt hate speech on campus. Swastikas are painted, drawn, carved, or otherwise emblazoned on public spaces (Kimmelman 2018; Rothberg 2018). Signs abruptly appear around campus declaring that “It’s okay to be white” and imploring students to “prevent white minority” (Ross 2017; Stoiber 2018). And of course, white supremacists gathered in a “Unite the Right” rally on the University of Virginia campus in Charlottesville. These explicitly hateful events dovetail with the rhetoric of deliberately provocative alt-right speakers like Yiannapolous (Thornberry 2016) and Coulter (Bear 2018). Moderate and left-leaning advocates of free speech—not to mention college administrators—have thus been confronted with a dilemma. Should hateful speech be banned from college campuses? If so, under what circumstances?

As with any contentious topic, much depends on how one defines the terms. The primary term in this case, “hate speech,” is notoriously difficult to pin down. It has been defined a number of different ways, but most commonly as “that which offends or insults a group along

racial, ethnic, national, religious, gender, or sexual identity lines” (Lawrence 2017, 16). Robert Labaree (1994, 372) defines it similarly, as “anti-minority or sexist speech, or expressions containing racial, ethnic, religious, or



sexually oriented words intended to insult or demean an individual or group.”

Advocates often correctly point out that individuals’ right to free speech should not be restricted simply because it “offends or insults.” Nadine Strossen (1990, 488) argues forcefully that “educational institutions should be bastions of equal opportunity and unrestricted exchange.” On public college campuses, in particular, the First Amendment is typically invoked in defense of the individual’s right to speak. Labaree (1994, 374) claims that “most university hate speech policies, to one degree or another, violate the First Amendment right to freedom of speech.” Erwin Chemerinsky (2009, 770) puts the issue even more starkly, stating that

speakers generally have the right to go on to any public university campus and proclaim the most vile racist or homophobic or anti-Semitic ideas. Any attempt to silence or punish them based on the content of their message would infringe upon the First Amendment.

The principled stance, even for individual members of those segments of the population targeted by hate speech, has been defined as support for greater individual freedom to speak. Civil libertarians such as Strossen regard virtually unlimited free speech as fundamental to the promotion of other rights and liberties, which in their view is inextricable from the struggle against social inequality. “Combating . . . discrimination and protecting free speech should be viewed as mutually reinforcing, rather than antagonistic, goals” (Strossen 1990, 489). Strossen’s bastion of “unrestricted exchange,” typically referred to as the marketplace of ideas, is meant to guide each participant to the truth, to true freedom of thought and action.

Such a thorough focus on individual rights and individual development, however, overlooks the effect that such contentious speech has on the campus community as a whole. As advocates of restricting hate speech often point out, many European countries legally forbid or severely restrict such discourse. Germany, whose history exemplifies the broad danger of such language, is a common reference point. German law defines hate speech as that which,

in a manner liable to disturb the public peace, (a) incites hatred against parts of the population or invites violence or arbitrary acts against them, or (b) attacks the human dignity of others by insulting, maliciously degrading or defaming parts of the population (Kübler 1998, 344-345).

As Friedrich Kübler (1998, 343) points out, one of the most significant aspects of this definition is that its purpose is “the protection not of individual rights, but of a public good.” This element is often missing in American discussions of hate speech, and it is particularly relevant in discussions concerning college campuses. An unhindered flow of derisive, insulting speech does indeed disturb the public peace.

Continuing the marketplace metaphor, Lipinski and Henderson (2014, 223) describe hate speech as “a form of market failure.” Specifically, they describe it as a negative externality to the market: hate speech “negatively affects another person or even a whole group without cost to the speaker or benefit to society” (Lipinski and Henderson 2014, 225). As such, it disrupts the nature of intellectual exchange on campus, the maintenance of which must always be a prime concern for administrations. College students face a constant stream of new information, and to absorb it they must feel comfortable enough to be open to it.

That said, as Mark Alfino (2014, 447) reminds us, the education which takes place on campus “is not just the conveyance of information but a matter of modeling inquiry.” Such a position, to some degree, presupposes ideas which require interrogation. Some ideas trigger inquiry because they are novel and complex, such as advanced mathematics or research in the hard sciences. But others stimulate further examination because they directly challenge long-held beliefs, or because, if accepted as premises, they indicate conclusions which we find unacceptable.

Controversial, confrontational, provocative speech is typically of this latter type. Such discourse, then, is not simply permissible but welcome on the college campus. Disagreeable ideas are the most effective starting points for modeling moral and philosophical inquiry.

Often, unfortunately, this is the extent of the hate speech debate. It remains abstract, between the apparently opposite poles of “free speech” and “eliminating oppression.” This is a dangerous way to frame the debate, as Charles Lawrence III (1990, 436) points out, because it provides a principled frame for oppressive speech, and “place[s] the bigot on the moral high ground.” Graver still, it elides or erases the actual, tangible harm of hate speech on campus.

Lawrence describes racism as both speech and action. While it does express ideas, in a more immediate sense it acts upon individual members of targeted communities in ways that successfully diminish their ability to speak and to be heard. It is important to reframe the conversation



about hate speech in a way that will re-center these individuals and the harm done to them. Given historical precedents and broad cultural trends, marginalized community members often reasonably perceive actual, physical threats implicit in hate speech. It “is experienced as a blow, not a proffered idea” (Lawrence 1990, 452). This alone should be a greater concern than the abstract principles discussed above.

Aside from the immediate pain caused by such language, it also quite clearly does not serve to further dialogue—the ostensible reason for a First Amendment, marketplace-of-ideas defense. Lawrence (1990, 452) describes such hate speech as “a preemptive strike,” which naturally “produces an instinctive, defensive psychological reaction. Fear, rage, shock, and flight all interfere with any reasoned response.” The typical dichotomy between free speech and protection of minority groups simply offers no way to consider this reality. The very definitions we have been using—based on concepts such as offense and insult—are wholly inadequate. As Lawrence explains,

There is a great difference between the offensiveness of words that you would rather not hear—because they are labeled dirty, impolite, or personally demeaning—and the *injury* inflicted by words that remind the world that you are fair game for physical attack, evoke in you all of the millions of cultural lessons regarding your inferiority that you have so painstakingly repressed, and imprint upon you a badge of

servitude and subservience for all the world to see (Lawrence 1990, 461; emphasis in original).

For just such reasons, Citron and Norton (2011, 1459) recommend a new approach to defining hate speech, an approach which would “expressly turn on the harms to be targeted and prevented.” They note several specific possibilities: speech that threatens or incites violence, that intentionally inflicts emotional distress, that harasses, that silences disagreement, and that exacerbates hatred and prejudice. Some of these are easily defensible, even on First Amendment grounds. Others may be more challenging to defend, but provide guidelines for campus responses that would allow for expansive protections of oppressed communities, rather than expansive protection for bigotry cloaked in the First Amendment. If it is not the role of higher educational institutions to provide intellectual leadership on this issue, whose can it be?

College campuses, confined by outdated ways of approaching the question of hate speech, have allowed themselves to be held captive by agents of intolerance and hate. It is imperative that educational institutions begin to rethink the debate and to take the initiative in changing how it is framed. This will require creativity on the part of campus administrations, but if they can begin to think of the debate in such a new framework, it may remove them from the uncomfortable bind of defending hateful, damaging speech against challenges by members of oppressed communities.

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Librarians' Mental Models and Use of Privacy-Protection Technologies

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Libraries of all kinds are uniquely positioned to educate and advocate for the use of privacy-protection technologies (PPT) by our patrons and in our communities; this naturally extends our decades-long mission to protect our patrons' privacy in both digital and physical library environments. In pursuit of building an understanding of the challenges to expanding such work, this research study assesses librarians' existing technical knowledge of the internet's function, and their current use and understanding of a series of popular PPT. This research study begins to close the gap in research by building our knowledge of practicing librarians' underlying assumptions about the function of the internet and how these internal models are employed in their understanding and use of PPT. Research study participants were asked to draw and explain their perception of the functioning of the internet, to use several PPT, and to explain the protections afforded by each technology. The findings indicate that participants maintained inaccurate mental models of the internet and PPT, leading to difficulties in understanding function, and that they struggled with organizational and technical barriers to integrating such technologies into their daily lives.

Protecting patron privacy has been a long-standing core value of librarians and libraries, one which has received growing attention as new digital tools are introduced and novel privacy threats revealed. Widely publicized privacy-related current events and large-scale data breaches have created a climate in which the average internet user is highly concerned with privacy and loss of control over the collection and use of their information (Madden 2014; Madden and Rainie 2015). Within the field of library and information science (LIS), through a variety of workshops, guides, and handbooks, the library community has disseminated information on privacy-protection technologies (PPT), both within their peer group and to their patrons.



Prior research highlights the difficulty of this task, finding that most internet users take little action to protect their privacy, either by making behavioral changes or through use of privacy-enhancing technologies, despite their privacy concerns (Malandrino et al. 2013). Though librarians are highly interested in and motivated to participate in such educational activities, there exists little research exploring librarians' needs and deeper knowledge in the area of PPT specifically. These technologies extend beyond the boundaries of the physical library and digital library systems, intended for broad use throughout one's online life.

The rapidly changing technological landscape has posed myriad challenges to librarianship, such as providing appropriate technology education, keeping pace with job requirements, and in posing new privacy-related threats and concerns. Though library-focused resources provide many specific privacy recommendations, they may assume preexisting knowledge or simply lack the time/space to cover the underlying technological concepts, many of which may have drastically changed since the practitioners received their library science degree.

Librarians' required knowledge in the realm of PPT go beyond that of the average information technology user. Librarians must be able to wield PPT effectively in their own personal and professional lives, and they must also be able to accurately explain and advocate for these technologies to their patrons, communities, and colleagues. Taken together, these responsibilities require a deeper understanding of such technologies than the casual user may naturally acquire.

As explored in prior research detailing the role of technology in librarianship, a significant percentage of practitioners may be engaging with technology in the workplace largely in the realm of office productivity and cataloging technologies (e.g., Maceli and Burke 2016). These offer little, if any, opportunity to deeply engage with fundamental technological concepts underlying current or potential privacy threats (such as networking, firewalls, server configuration, encryption, and many others). Knowledge of such concepts endows the individual with the necessary technical context to evaluate, explain, and assess new threats and PPT.

This research study begins to close the gap in research by building our knowledge of practicing librarians' underlying assumptions about the function of the internet and how these internal models are employed in their understanding and use of PPT. A common research technique employed in assessing pre-existing internalized knowledge of a concept is eliciting mental models (Norman 1983)

of a particular topic through sketching or by asking users to think aloud. Mental models yield another dimension of understanding of an individual's technical knowledge, which can complement their self-reported skills, which have been studied in ongoing large-scale surveys of library staff and librarians (such as Burke 2016). Many privacy researchers have explored the role of technical knowledge in the privacy choices and actions that users take. This research study applies a similar approach to the librarian population by describing participants' mental models of the internet, as well as several common PPT.

This research study explores librarians' mental models, or internalized understanding, of the internet and how such knowledge is applied in their use and perception of PPT. This research study pursues the following research questions:

1. How accurate are the mental models of the internet held by librarians?
2. How do these internet mental models inform the use and understanding of PPT?
3. What implications do these findings have for PPT education within library science?

Literature Review

Within the field of library and information science (LIS), handbooks, articles, toolkits, and guides focused on supporting the needs of current practitioners have covered topical privacy concerns going back several decades. These cover a wide range of topics, including: library record privacy (e.g., Bielefield and Cheeseman 1994), patron privacy (e.g., Murray 2003), assessments of novel threats or tools (Fortier and Burkell 2015), behavioral tracking and the Tor Browser (Macrina 2015), and general guides to privacy in the digital era (e.g., Woodward 2007). The Intellectual Freedom Committee of the American Library Association (ALA) maintains a significant set of website resources in its Privacy Tool Kit (American Library Association 2014) aimed at understanding existing law, crafting a privacy policy, and explaining related technology concepts (such as encryption, HTTPS, and Tor). Another influential organization, the Library Freedom Project, seeks to "create a privacy-centric paradigm shift in libraries and the communities they serve" through educating librarians about privacy and surveillance threats and suggests numerous PPT, through both its website and in-person workshops (Library Freedom Project 2018). PPT recommended to librarians and library staff in existing literature typically provide functionalities such as: encrypting data (either in storage or in transit across the



internet) to securely protect one's information, avoiding behavioral tracking of one's online activities through web browser plug-ins, creating and storing strong passwords, and employing virtual private networks (VPNs) to safely navigate insecure networks (e.g., Library Freedom Project 2018; Maceli 2018).

Taken as a whole, these publications and organizations tend to provide specific guidance and recommendations in putting privacy-related policy, procedures, and technologies immediately in practice, with an emphasis on protecting the patrons' data as it intersects with the library's physical space and digital services. On a deeper, conceptual level, understanding the function of the internet is critical to understanding electronic privacy choices and potential threats. However, little work has directly assessed practicing librarians' underlying assumptions about the function of the internet, and how these internal "mental models" are employed in their understanding and use of the suggested PPT. Originating within the field of human-computer interaction, the concept of a mental model refers to a user's internalized understanding of a system; this representation is employed when interacting with a system and informs the user's assumptions and actions (Norman 1983). Library and information science research has extensively studied mental models to understand use and perception of a variety of LIS-related systems going back several decades, including: information retrieval systems, online catalogs, and search engines (for example, Borgman 1986; Makri et al. 2007; Zhang 2008a; Holman 2011; among many others). A variety of methods have been used to elicit and describe users' mental models, the most common being verbal explanation (i.e., the think-aloud protocol) and sketching of concepts, often observed simultaneously.

In an early study of users' mental models of the internet, Thatcher and Greyling (1998) employed sketching to evaluate participants' concepts of the internet, organizing their drawings into six categories and finding that those categories demonstrating greater detail and completeness were associated with higher frequency of internet use in participants. These drawings fell into the categories of "simple modularity" or "modularity and networking" in which modular networks, including many users, transmission media, transmission methods, and both local and wide area networks were drawn. Though at the time, the world wide web was still in its nascent phase, the authors noted that graphical user interfaces failed to facilitate "the development of a broader understanding of the internet's structure" (304). Other research studying mental models of the internet reinforced the role that technical expertise

plays, finding that experienced, expert internet users maintained mental models that were more flexible and elaborate (Levin et al. 1999) and allowed them to overcome errors encountered when web browsing (Sheeran et al. 2000). Papastergiou (2005), in a study on Greek high school students' mental models of the internet, found that their mental models were overly simplistic, included many misconceptions, and generally failed to provide a sufficient explanation of the internet and its function. Papastergiou noted the participants' "difficulty in conceiving the existence and necessity of an—invisible to them—underlying physical infrastructure [of the internet]" (356).

Within privacy-related research, the users' baseline technical knowledge has been assessed through similar research means, including eliciting mental models of technical concepts, such as the internet (Kang et al. 2015) or home computer security (Wash 2010). Kang et al. (2015) conducted a study of mental models of the internet and their relationship to privacy and security-related knowledge and actions, finding that those with more articulated internet mental models had a greater awareness of privacy threats. Malandrino et al. (2013) found that users with greater levels of technology knowledge had a better understanding of privacy-related threats; however all users generally expressed a concern for privacy but little effort to take any protective actions. Less technology-savvy users reported greater concerns about their privacy but were generally unwilling to modify settings, change their behaviors, or install PPT (Malandrino et al. 2013). Kang et al. (2015) found no clear relationship between users' technical background and knowledge, and their privacy-protection actions. This "privacy paradox" noted by Bashir et al. (2015) in which users profess to care a great deal about protecting their privacy, yet in practice take little action, is a widespread, paradoxical finding throughout much privacy and security research.

Furthermore, though privacy concern is noted to be widespread for both the public and librarians (e.g., Zimmer 2014), concern alone would appear to have little impact on users' underlying understanding of what data might be collected, why, and through what technical means (e.g., Bergmann 2009; Schaub et al. 2016). Bashir et al. (2015) described several key knowledge gaps, demonstrating a problem of information asymmetry between users and internet service providers, in particular around users' understanding of cloud computing, online security, and the ability of companies to monetize and resell their users' personal data.

These knowledge gaps are of great relevance to LIS educational efforts in the context of digital literacy and the



more recently proposed concept of *privacy literacy*. In 2009, Rotman presented a privacy literacy framework consisting of: *understanding* how personal information is used online, *recognizing* where information may be shared, *realizing* the consequences of sharing, *evaluating* the benefits or drawbacks to sharing online, and *deciding* when it is appropriate to share information. Wissinger (2017) defined privacy literacy as focused on the “understanding of the responsibilities and risks associated with sharing information online” and thus distinct from digital literacy which focuses on one’s ability to conduct information tasks in a digital environment. In relation to protective actions such as use of PPT, Trepte et al. (2015) suggest that a lack of privacy literacy prevents users from effectively taking action to assuage their privacy-related concerns. Framed in this way, privacy literacy becomes a deeply personal and challenging critical thinking activity (Wissinger 2017) and one that is closely linked to privacy-protection actions (e.g., Trepte et al. 2015).

Several of the suggested privacy literacy dimensions, in particular understanding how personal information may be used and shared (Rotman 2009), are necessarily entwined with one’s technical knowledge and conception of the internet’s function, as the underlying technological infrastructure enables privacy threats and protection possibilities. Recent initiatives have begun to directly address the need for privacy literacy and deeper technical understanding in librarians and library staff, as a precursor to educating our patrons on such topics, complementing long-standing efforts (notably those of the Library Freedom Project mentioned earlier). An edited guide on protecting patron privacy (Newman and Tijerina 2017) highlighted two ongoing projects in this realm—the Data Privacy Project at Brooklyn Public Library and privacy training at the City University of New York (CUNY). Both projects emphasize widescale privacy literacy education for librarians, library staff, and patrons, as do the efforts of the ALA’s “Choose Privacy” resources website and annual week of related events.

Zimmer and Tijerina (2018) produced a report detailing their community-driven research to put forward a “national roadmap for a digital privacy strategy for libraries,” funded by a grant received from the Institute of Museum and Library Services (IMLS). Their findings emphasized that digital privacy themes are increasingly prominent in library events and conferences, and that librarians and library staff commonly engage in privacy-related outreach and education of their communities, but many knowledge and skill gaps exist. Zimmer’s (2014) survey research indicated that over 75 percent of librarians feel that libraries should

educate the public around privacy issues, though only 56 percent had participated in a privacy-themed training or information session in the past year. Zimmer and Tijerina’s (2018) culminating event—the “Library Values & Privacy Summit”—recommended future steps, notably: an increase in technical training and data literacy, enhanced focus on data privacy in LIS education, and the need to overcome the disconnect between perceptions and reality of systems’ functions. These findings, and those presented earlier, have direct connection to the outcomes of this research study and will be discussed further in later sections.

Method

The research study design consisted of a descriptive lab session, including: (1) a short initial survey, (2) a web browsing and sketching activity, and (3) the use of several PPT. This research study sought to evaluate the librarian participants’ understanding of the function of the internet, as well as their knowledge of the role and purpose of PPT. Librarians in the New York City area, working in a variety of types of libraries, were the focus of the research study. Participants were recruited from email solicitations sent to library-focused user groups in the region and received a gift card for their participation. An initial pilot study with six participants was completed; the subsequent research study included twenty-two librarian participants.

During each individual’s session, participants were first asked to read and sign the consent form, then complete a brief survey about their current use of PPT and understanding of related technical concepts (using a survey adapted from Kang et al. 2015). Participants were then asked to sketch “how the internet works” and explain their initial drawing to the researcher. Next, the researcher directed the participants to browse the web, visiting the websites of their choice, while using a series of PPT: (1) the DuckDuckGo search engine, (2) the Ghostery web browser extension, and 3) the web browser’s incognito mode.

The first technology studied, DuckDuckGo (DDG), is a privacy-protection search engine that emphasizes protecting searchers’ privacy by not collecting user’s personal information and not storing and tracking users’ searches (DuckDuckGo 2018). The second technology studied is the Ghostery web browser extension, available for all major browsers, which blocks tracking scripts that may be used to collect data on user behavior for a variety of purposes, such as advertising or marketing (Ghostery 2018). The last technology studied is incognito mode, a privacy feature in most web browsers which disables the storage of a user’s browsing history, copies of webpages visited, and cookies, which provides protection against later users



of the same computer being able to view the prior users' information. All of the technologies selected for use in the research study are freely available, popular within librarian communities (and often recommended to their patrons), require no technical expertise to activate, and need little customization before use, while providing a range of different types of privacy protection.

Participants were encouraged to explore the technologies' interfaces and documentation to further their understanding of the technologies' purpose, while browsing the web and using the think-aloud protocol to explain their findings to the observing researcher. At the conclusion of the web browsing sessions, participants expanded their original sketch to indicate how and where they perceived the technology to provide privacy protection(s), if any. All sessions were audio-recorded and the researcher took notes and observed.

Survey results were analyzed through both quantitative and qualitative methods, to explore the closed and open-ended questions presented. The recordings of participant explanations were transcribed and analyzed using inductive qualitative analysis to code the transcripts and associated sketches, in pursuit of identifying themes and concepts of interest to the stated research questions. Sessions were conducted concurrent with data analysis until a saturation point was reached. A final coding scheme for the sketches and participants' explanations was developed, then the session data was coded and evaluated by two raters independently in an iterative fashion, until sufficient inter-rater agreement was measured (Cohen's kappa value of .77). A rubric was developed to rate each participant's sketches and associated transcript in their: (1) use of technical terminology, (2) technical accuracy, and (3) overall understanding of the technology. This three-dimension rubric was applied four times per participant—first to assess their understanding of each of the three PPT explored and lastly to assess their understanding of the internet's function more generally, based on assessing their diagram and associated think-aloud transcript. Participants' diagrams and verbal transcripts were rated on a 4-point ordinal scale ranging from "poor" to "excellent" against these measures, with the intention of yielding a dichotomous rating to group sketches as generally technically strong or weak. The researcher and a second information technology domain expert (both of whom regularly teach information technology courses within an ALA-accredited Master of Science in Library and Information Science program) assessed and rated each participant's response against the rubric, with an agreement level of .75, measured by Cohen's quadratic weighted kappa.

In the cases where there was rater disagreement, the researcher re-assessed the participant's response and ultimately assigned a final rating.

Results

A total of twenty-two librarian participants from New York City-area libraries completed the research study, which concluded in the spring of 2018. All participants worked in public, academic, or special libraries, with the exception of one museum librarian and one participant employed in an archive. Every participant had earned a Master's degree, such as the MSLIS or MLS, with approximately half having earned a related dual Master's degree. Librarian job titles were wide-ranging with many areas represented, including: serials, reference and instruction, cataloging, and young adult librarian. Participants are identified by number (i.e., [P1]) to protect their confidentiality.

Initial Survey Results

Most participants were mid to late-career with 64 percent having worked as a librarian for eleven or more years, with half falling into the 18–40 age range (Table 1 and 2).

Participants were asked how frequently they currently use PPT, with 55 percent reporting that they regularly or always used such technologies (Table 3).

Of the participants who reported using PPT, the self-reported technologies used included: incognito mode (13 participants); browser plugins, such as Ad-blocker, Privacy Badger, or Ghostery (9 participants); privacy setting changes to web browser and/or social media (3

Table 1. Participants' Age Demographics (N = 22)

Age Range	Participants	%
18–40	11	50
41–60	7	32
60+	4	18

Table 2. Participants' Career Stage (N = 22)

Years as Librarian	Participants	%
0–2 years	4	18
3–5 years	0	0
6–10 years	4	18
11–15 years	7	32
16 or more years	7	32



participants); encryption (3 participants); virtual private network (VPN) usage (2 participants), and DuckDuckGo usage (2 participants). One participant reported using Tor and the Signal messaging app.

Of the participants who did not use PPT or used them very infrequently, common reasons cited included: perceived difficulty of learning curve or lack of understanding (3 participants) and no underlying concerns of privacy-threats (2 participants). Participants with lengthier

careers in librarianship were no more likely to use PPT than those at an earlier stage in their careers. Participants noted several barriers to their use of PPT, including perceived dependency on information technology (IT) departments—“I’ll have to see if I can actually add that kind of stuff to my work computer without getting IT involved” [P1]—and lack of regular reminders to try out such technologies—“People talk about it in presentations and I always think I should use it, but then forget about it. So, I don’t use it” [P4].

Table 3. Participants’ Frequency of PPT Usage (N = 22)

Frequency of Use	Participants	%
Always (e.g., daily)	7	32
Regularly (e.g., a few times a week)	5	23
Occasionally (e.g., a few times a month)	4	18
Rarely (e.g., tried one once or twice)	4	18
Never	2	9

Lastly, within the initial survey, participants were asked to rate their familiarity with a series of technology terms and concepts, relating to privacy-protection (Figure 1, below) using a survey adapted from Kang et al. (2015). Participants professed to be most familiar with the concepts of: privacy settings, IP address, web browser plugins to block ads/trackers, incognito mode, and cookies. Less well understood, listed in order of decreasing familiarity, were: encryption, proxy server, privacy-protection search engine, virtual private network (VPN), Tor and SSL (secure sockets layer).

However, an exception to this linear relationship became apparent within a group of four participants who reported always using PPT yet rated their own knowledge of the technical concepts quite low. As will be detailed later on in this Results section, some of the most commonly used PPT, such as incognito browsing mode, were revealed to be quite poorly understood by many participants. This may have created a scenario where less technically-knowledgeable participants felt that they were protecting their privacy to a greater extent than they actually were in practice.

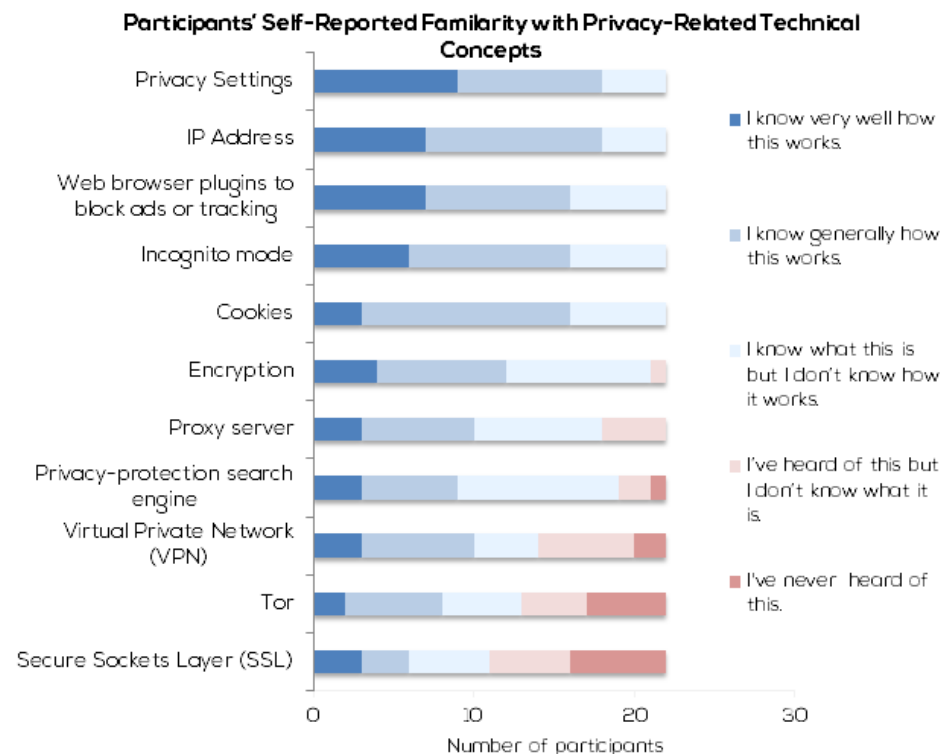


Figure 1. Participant responses to “How would you rate your familiarity with the following concepts or technologies?” on a five-point scale (N = 22). A general trend was noted in that the more frequently participants reported using PPT, the higher they rated their own knowledge of the technical concepts in the initial survey (Figure 2).

Sketching Exercise Results

Each participant then completed one baseline sketch of the function of the internet, responding



to the prompt of “sketch a diagram explaining how the internet works.” This diagram was subsequently modified to include the functions of the technologies studied: the DuckDuckGo search engine, the Ghostery browser plugin, and the web browser’s incognito mode. The initial diagram was created in black pen, with the subsequent additions (to explain DuckDuckGo, Ghostery, and incognito mode) sketched in red for clear differentiation. A sample participant diagram is included in Figure 3.

The coding scheme developed is shown below in Figure 4, organized into categories in a tree diagram. The most frequent technology terms used by participants in their sketches and think-aloud transcripts were: *information, computer, browser, server, data, IP address, and search history.*

The sketches and associated transcripts were then rated on the participant’s (1) amount of technical terminology used, (2) technical accuracy, and (3) overall understanding of the concept, across the four systems (1) the internet, (2) the DuckDuckGo search engine, (3) the Ghostery web browser plugin, and (4) incognito mode. Both the transcript and associated sketch were assessed as one for each participant, to ensure that participants’ scores were not influenced by their drawing abilities, but rather focused on the underlying ideas and concepts being expressed.

Function of the Internet

The initial sketch explaining the participant’s perception of the function of the internet demonstrated the highest ratings of all the systems across all three dimensions—knowledge and use of technical terms, as well as overall understanding. However, though this was the highest rated concept, the majority of participants were still scored poorly on their ability to accurately describe the function of the internet, as detailed in Figure 5. The participants who could accurately describe the internet’s function illustrated the inter-connected nature of the internet, consisting of many computer and network devices, and described the request and resulting response needed to transmit a webpage from a user’s client computer to a web server across the internet. Several detailed the TCP/IP set of network protocols allowing for addressing and routing

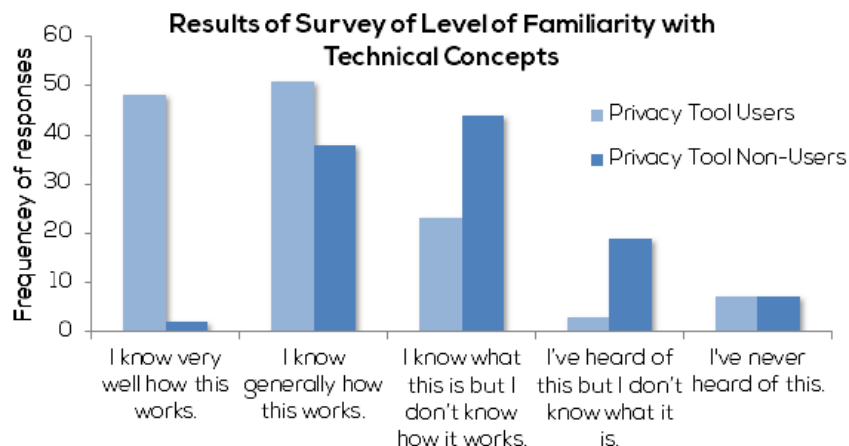


Figure 2. Participants’ professed familiarity with internet and privacy-related technical terms and concepts (listed in Figure 1 on page 23), across frequent and infrequent users of PPT (N = 22, 11 terms rated by each participant, for a total of 242 ratings).



Figure 3. Sample participant diagram detailing the function of the internet (black pen), plus DuckDuckGo, Ghostery, and incognito mode (all labeled and in red pen).

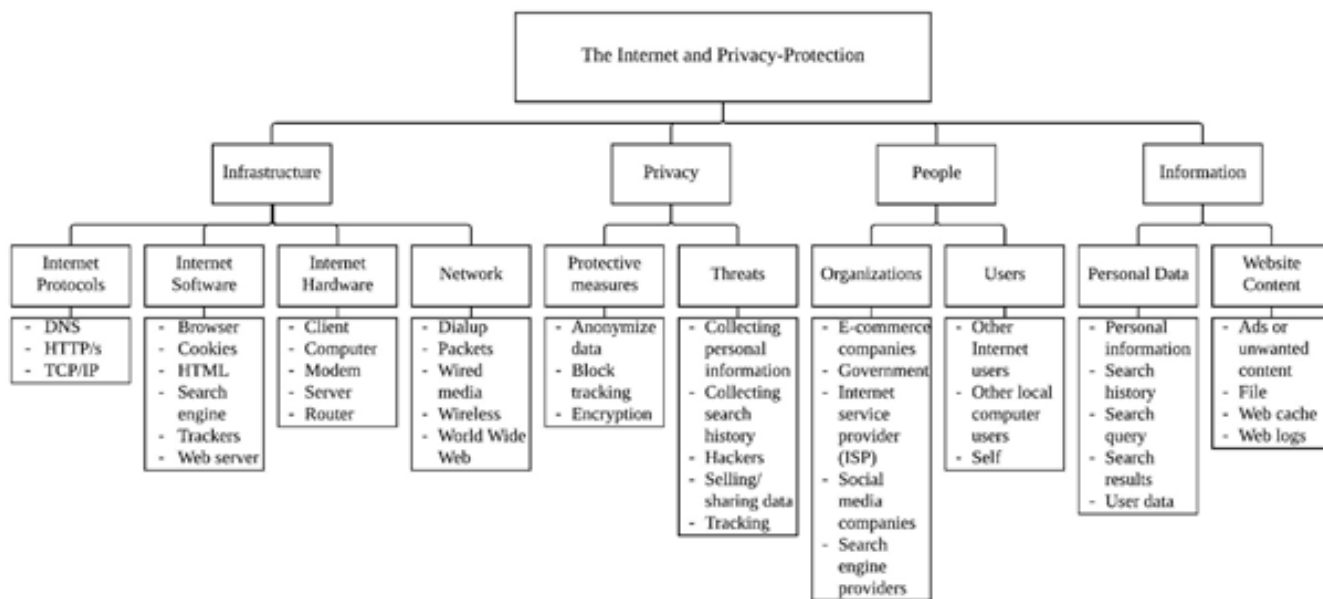


Figure 4. Librarian participants' collective mental model of the internet and privacy-related concepts, expressed as a tree diagram based on coded data.

Rating of participants' understanding of the internet

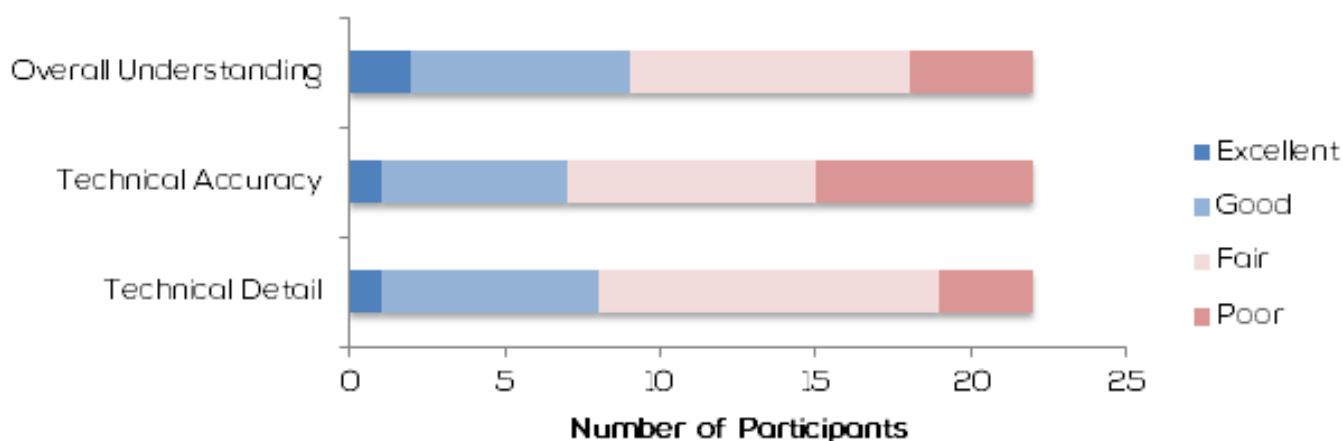


Figure 5. Ratings of participants' sketches demonstrating their understanding of the function of the internet (N = 22).

online, including the need to structure data into packets for transmission.

Reflecting these dichotomous results, some participants were able to easily and accurately explain the technical functions of the internet, for example:

So as a user I'm on the client—I make a request and it's a host name and there are all these DNS servers that understand

that that host name is equal to a certain IP. . . . So once the request knows where it's going the TCP/IP packet is broken down and if it's encrypted as HTTPS, it's encrypted in one way, otherwise the packet is just sent down into bytes that the internet is able to handle. That these devices are able to handle until it gets to the target website where the information is reconstructed and the packets sent back and there's a lot of communication back and forth. And packets from here



[client] . . . could go different routes until it gets to the ISP. [P5]

Whereas other participants struggled to explain on a deeper technical level and used vague or magical adjectives: “It’s [the internet] a wonderful, wonderful mystery and how it happens we don’t know” [P16]. Though frequent PPT users generally self-assessed their technical skills higher than non-users, as detailed earlier in this Results section, their internet mental model diagrams were rated with similar proportions of excellent/good to fair/poor rated diagrams (Figure 6).

Function of DuckDuckGo Search Engine

As a privacy-protection search engine, DuckDuckGo appeared to have achieved a fair amount of name recognition within the library community and many participants related that they had heard of the technology before, either within formal trainings or from colleagues. Relatively few participants were aware of DuckDuckGo’s functionality on a deeper level and the concept of a “privacy-protection search engine” was unclear to several participants and prompted further questions. As the diagram ratings in Figure 7 illustrate, approximately one third of participants could articulate an accurate overall understanding of DuckDuckGo’s privacy-related functions (namely, the fact that DuckDuckGo does not store users’ search history) but few were able to explain in deeply technical terms.

During the think-aloud portion while using DuckDuckGo, many participants expressed confusion around how such a service would be monetized via inclusion of ad-networks and how that would impact their privacy policies (despite each participant exploring DuckDuckGo’s documentation and mission statement) and their descriptions of the service’s benefits were inconsistent. One participant stated “I was actually surprised that there were advertisements appearing at the top because I didn’t know that there were paid ads in DuckDuckGo in a way that there are in Google” [P2], while another hypothesized that “It’s [DuckDuckGo] selling my information to advertisers in a really limited way, but not in a way that tracks me across the entire internet”

Internet Function Diagram Ratings

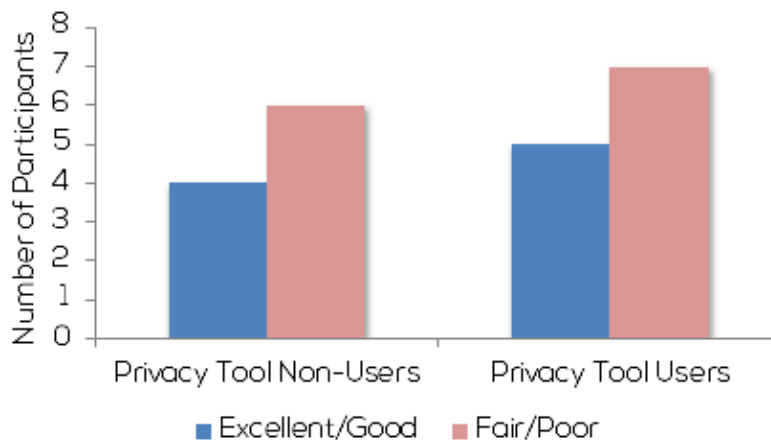


Figure 6. Ratings of participants’ overall understanding of the function of the internet, across frequent and infrequent users of PPT (N = 22).

Rating of participants’ understanding of DuckDuckGo

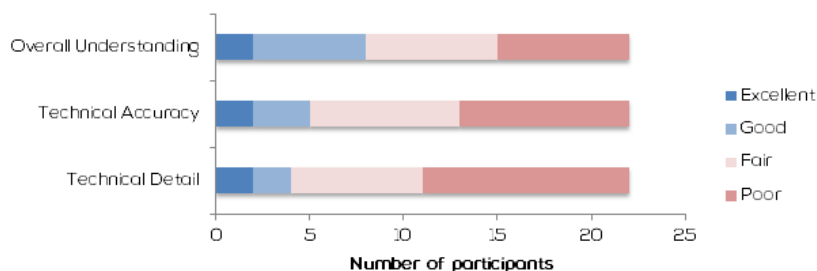


Figure 7. Ratings of participants’ sketches demonstrating their understanding of the function of the DuckDuckGo search engine (N = 22).

[P3]. A participant succinctly summed up the difficulty in demonstrating DuckDuckGo’s unique functionality, saying: “I guess it works by not doing things that everybody else does” [P1].

Function of Ghostery Web Browser Plugin

Many participants had heard of Ghostery, through training sessions or from colleagues, though few were regular users. After using and exploring Ghostery, few participants were able to convey the technical functionality it provided (Figure 8), though many could infer from Ghostery’s visual interface that a form of “blocking” of tracking was taking place.



Participants praised Ghostery's visual interface as a distinct advantage over the other technologies studied, describing it as "an awareness tool... to let you know when you're being tracked and what information is being tracked about it" [P14] as well as a technology that "educates you at the same time" [P20]. Even with these perceived advantages though, few participants could express an accurate and detailed understanding of the technological function of Ghostery, as evidenced by the bulk of them rating "poor" for technical accuracy and detail in Figure 8.

Rating of participants' understanding of Ghostery

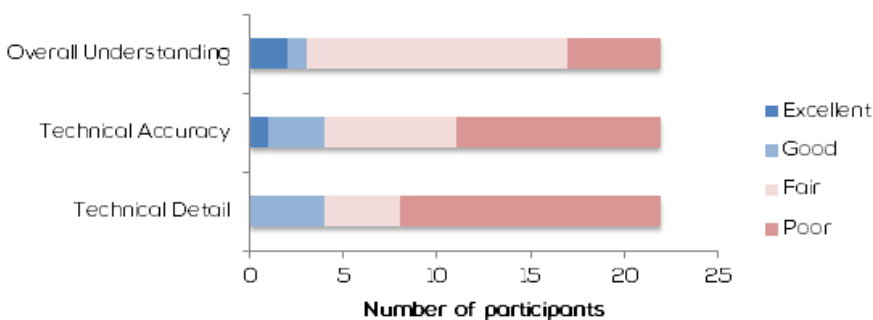


Figure 8. Ratings of participants' sketches demonstrating their understanding of the function of the Ghostery web browser plugin (N = 22).

Function of Incognito Mode

In the initial survey, incognito mode was the most common self-reported PPT used by research study participants. Incognito mode serves to protect against later users of the same local computer viewing one's stored history and data, but does not prevent internet service providers or websites from tracking or collecting data from the user. Despite the widespread use of this tool, participants' understanding of incognito mode was quite polarized with some participants able to accurately articulate its functions, while many others struggled to do so (Figure 9).

The participants who clearly demonstrated their understanding of this technology and the inherent limitations of incognito mode, were able to articulate this well, even though for some they may just have made the connection during the session:

I actually thought this was a more significant privacy service that it actually prevented information from being passed.

That it was anonymizing, but it seems like from this it's not actually anonymizing anything, it's just preventing stuff from being deposited locally. [P20]

Other participants had difficulty explaining the exact functionality, interpreting how the functionality was described within the browser, or had formed an inaccurate understanding. In many cases this had led participants

Rating of participants' understanding of incognito mode

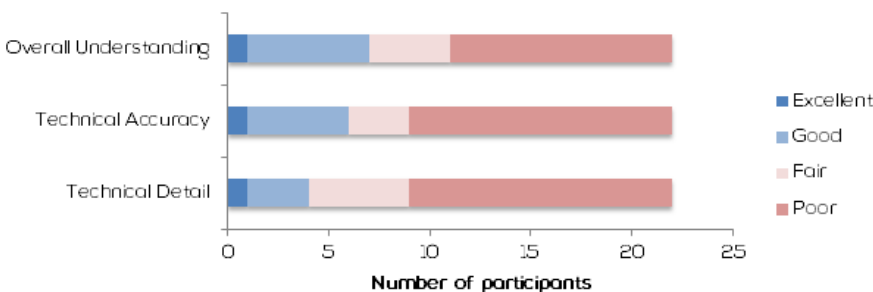


Figure 9. Ratings of participants' sketches demonstrating their understanding of the function of the web browser's incognito mode (N = 22).

to regularly use incognito mode with the assumption that it was providing a much greater level of anonymity than it in fact did. Participant comments illustrated some of the confusion surrounding incognito mode's benefits and were inaccurate as to the privacy benefits provided, for example: "I think I would still show up as an entity that visited the site so the analytics would still be there, but maybe they wouldn't know from where" [P6].

Overall Understanding of All Concepts Studied

Looking at the overall understanding rating across each of the concepts studied shows that the general function of the internet and the DuckDuckGo search engine were best understood overall (Figure 10), followed by incognito mode and, lastly, Ghostery. However, across all the technologies and concepts studied, the majority of participant responses were rated fair or poor in their ability to



accurately describe the technical functionality, with incognito mode having the most extreme variations in understanding. One librarian participant nicely illustrated these gaps in understanding:

I can't see what parts of my information are coming and going so it's hard for me to tell what I need or what these do in terms of [privacy] . . . it's hard for me to wrap my mind around the privacy part of that. [P9]

Other general themes of interest to these topics emerged during the participants' unstructured think-aloud discussion with the researcher. These included: difficulty in raising privacy awareness in their peers and the physical library as the main site of privacy concerns. One participant mentioned that "I've taught some privacy workshops in my library before, but without a whole lot of success in getting people to them; and I mean people come, but those are the people who are already interested" [P3]. Another participant stated that "a lot of the privacy talk I hear around libraries is about protecting the patron privacy, which is great, but I'm not as concerned about my own" [P14].

Discussion

This research study first sought to understand: *How accurate are the mental models of the internet held by librarians?* Mental models are typically somewhat incomplete and potentially inaccurate, while constantly changing in response to new information; this is expected and only becomes an issue when the existing mental model impedes the efficient use of a system (Norman 1983). Thus, one would *not* expect a large portion of the librarian participants to express a highly accurate and detailed mental model of any of the technical concepts studied, and that was in fact the case. Collectively, as a group, the technical terms and concepts the participants expressed (as detailed in the coding scheme presented in Figure 4) covered important aspects—including technical, human, and organizational dimensions—of the modern internet and related privacy concerns. In contrast to prior research exploring mental models of the internet, the coding scheme representing the participants' holistic view of the internet and privacy-related technologies and threats had similarities to prior work (e.g., Zhang 2008b), particularly around aspects of

Rating of participants' overall understanding of all four technologies studied

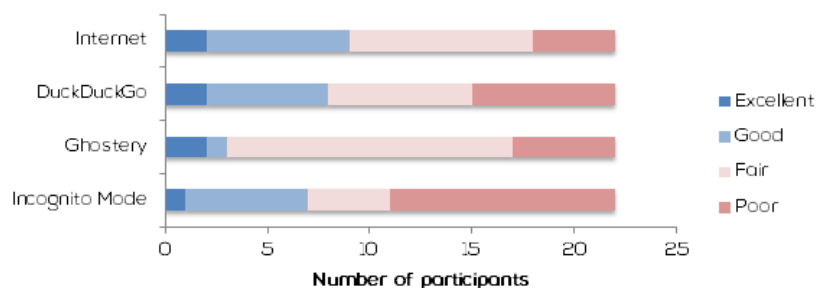


Figure 10. Ratings of participant sketches demonstrating their overall understanding of the function of the internet, DuckDuckGo search engine, Ghostery web browser plugin, and the web browser's incognito mode (N = 22).

internet infrastructure, which have remained largely consistent since the early days of the web.

On an individual participant basis, though, the expert raters found the number of technical terms used, the accuracy in use of such terms, and the overall ability to describe participants' technical understanding to be weak in many responses. Of the total of 22 participants' mental models studied, 41 percent were rated good or excellent in their overall understanding of the internet's technical function, while 59 percent were rated poor or fair by the expert raters. As in prior work (e.g., Kang et al. 2015), surveying participants on their prior experiences with technologies and techniques was used to assess baseline technical knowledge and relate this to their subsequent mental models. A similar survey was used in this research study (adapted from Kang et al. 2015), finding that simple recognition of many privacy-related technical concepts existed, but deeper understanding was missing across more technical concepts, such as: Tor, virtual private networks, or SSL as used in encrypted web browsing (Figure 1). The level of existing technical knowledge was tied to the ability to articulate a more detailed and accurate mental model of the internet, and this relationship was mirrored in the presented results with a larger portion of excellent/good rated diagrams associated with higher self-assessment of technical concept knowledge. One noticeable difference in self-professed technology knowledge was observed between participants who did and did not use PPT frequently, with frequent users citing greater technical familiarity across all concepts surveyed (Figure 2).



Though frequent PPT users generally self-assessed their technical skills higher than non-users, the resulting internet mental model diagrams were rated with similar proportions of excellent/good to fair/poor rated diagrams (Figure 6), which was unexpected. This suggests that frequent users of PPT have better recognition and understanding of related technical terms but may not have integrated this understanding into their conception of the function of the internet in a deeper fashion.

Though the survey focused on privacy-related technical terms, broader surveys of technology-related skills and usage of librarians and library staff have been conducted regularly within LIS research work, with recent findings indicating that most practitioners primarily utilize office productivity and cataloging technologies, with relatively small numbers engaging in deeply technical systems-related work (e.g., Maceli and Burke 2016). Library practitioners who are motivated to seek out additional information about PPT may have increased familiarity with more technical terms and concepts, but still lack the opportunity to build deeper understanding through hands-on work.

The internet mental model results were then considered in relation to the PPT studied, questioning: *How do these internet mental models inform the use and understanding of PPT?* A handful of participants were able to confidently express and demonstrate their technical knowledge in the area of PPT, but the majority of participants struggled with the activities and received low diagram ratings across all technologies. The small number of participants who had internet understanding diagram ratings of “excellent” continued to demonstrate their technical understanding, with high understanding ratings for each of the PPT studied, but ratings across the remaining participants were otherwise low.

However, participants of all levels of technical knowledge were able to articulate the general privacy threats they may be vulnerable to (as expressed collectively in the coding scheme in Figure 4) around the storing and collecting of personal data and search history, and the possibility for that data to be resold to other parties. Two participants (9 percent of the total research study participants) noted that they were not unduly concerned with privacy threats and thus did not use PPT. This small percentage is generally in line with the findings of larger-scale studies such as in Zimmer (2014), which surveyed librarians' concerns around privacy and personal information collection, finding that 3 percent were relatively unconcerned about data collection from companies and 7 percent were unconcerned about government data collection.

The gap between the relatively abstract knowledge of privacy threats and tangible technical knowledge,

nevertheless, meant that most participants could not express how PPT might intervene in the privacy-threatening processes of browsing a website or conducting a search. There was no clear relationship observed between the participants' technical knowledge and their length of time in the field or their area of focus within librarianship. Their technical knowledge appeared to be motivated much more by a particular individual's interest in this area and willingness to pursue the topic further, often in their leisure time.

The intention of this research study is not to emphasize the specific feedback generated by each tool; PPT will no doubt change in the future in response to new threats. Rather, the aim is to understand the deeper dimensions that improve or impair user understanding in the librarian population. In the case of technologies such as incognito mode, participants had a hard time reconciling what the technology said it did (when exploring the interface and documentation) with their pre-existing assumptions, even if they were regular users. A particular issue seemed to be the visual feedback offered by the tool, or the lack thereof, combined with the challenge of indicating that a technology or service is protecting users' privacy by “not doing things that everybody else does” [P1].

Lastly, the research study considered: *What implications do these findings have for PPT education within library science?* Though not the explicit focus of the research study, many participants volunteered details of an initiating event that sparked their interest in privacy and protection technologies, such as the Snowden revelations. Most participants reported attending at least one privacy-related technology training either within the workplace or at professional development events, such as offered at conferences. This is higher than Zimmer's (2014) findings, which reported that 56 percent of respondents had participated in a privacy educational event within the past year. It is likely that participants in this research study self-selected for having a pre-existing interest in privacy and thus were more likely to seek out such opportunities. Few of the participants, however, had attended multiple trainings.

A resounding theme in participant responses was the challenge encountered in carrying over what was learned into their daily lives, despite clear recognition of the importance of such technologies. Though interest and awareness of privacy were generally high in participants, many described significant barriers to their own use of PPT, as well as their effectiveness in conveying their importance to patrons. Many felt disempowered to use such technologies in the workplace without support from their IT departments, or to employ what they learned in daily practice. These findings suggest that many librarians



may demonstrate the privacy paradox, evident in prior research results (Bashir et al. 2015), of experiencing privacy concerns but taking relatively little action, similar to challenges in encouraging patron adoption in this area (e.g., Maceli 2018).

Those who had taken action, and integrated the PPT into their lives and workplaces, reported a lack of deeper understanding of the technical functionality and struggled with the many tradeoffs in convenience. Those that actively worked towards awareness and use of PPT, either in other staff members or their patrons, were often met with less enthusiasm than they would have liked.

Many participants discussed the current privacy and security initiatives within their libraries that *were* receiving significant attention. These largely addressed the long-standing concerns of protecting patron privacy in the physical library space (such as patrons' information on public access computers) and records-keeping policies of the library itself. There was general agreement that the patron privacy focus was largely bounded by the physical library and the library's technology services (e.g., electronic resources), but little about privacy concerns in other aspects of the patrons' lives or for the librarians and library staff themselves.

Clearly, despite the proliferation of one-time workshops and conference presentations to disseminate privacy information, the results suggest that this information tends not to have lasting behavioral impact on librarians, who may be constrained by organizational factors or their technical knowledge. Furthermore, many PPT work invisibly, without obvious educational benefit to users as to what protections are employed and how they fit into the larger internet infrastructure. This barrier to deeper learning of systems and infrastructure was noticed decades ago in prior research (such as Thatcher and Greyling 1998; Papastergiou 2005), where it was suggested that graphical user interfaces prevented users from naturally learning the deeper technical concepts at work during use.

The themes emerging from participant responses during this research study suggest struggles with conceptualizing the baseline technical activities that take place as their data traverses the internet, as well as difficulty in "seeing" what changes or differs when utilizing PPT. This aligns with the findings of Zimmer and Tijerina (2018) who emphasized the need to overcome the disconnect between perceptions of systems' function and actual system function. Not only does this potentially impact librarian use of such technologies, but also their ability to effectively explain and advocate for the use of such technologies by our patrons.

Zimmer and Tijerina's (2018) report also advocates for additional focus on data privacy in MLS graduate programs. It appears that most library practitioners are receiving the bulk of their privacy literacy education in the workplace and thus continuing education programs may be most effective in reaching active librarians with the most current technical information. To complement educational efforts both within and after the MLS program, these issues may potentially be tackled with further attention to the design of educational PPT interfaces, perhaps in intentionally reducing the invisibility of systems design, that has been a long-time pursuit of good design, in order to expose more of the underlying functionality at work and encourage deeper engagement.

Conclusions and Future Work

Though many library science-focused educational initiatives have increased privacy awareness and concerns, largely in the continuing education realm, the privacy-protection actions of librarians have lagged behind. A great deal of focus still remains on privacy within the physical library and our own library records, as was described by the participants in this research study. Less emphasis appeared to be placed on educating patrons (and librarians themselves) to protect their privacy as they browse the web more generally. Nearly every research study participant had exposure to privacy training of some kind in the workplace or other professional development opportunities, but this approach failed to create lasting behavioral change. This research study indicates that the information science field is in need of educational and teaching technologies with greater impact on one's privacy choices and behaviors. Specifically, the findings presented suggest future work in building educational technologies that can assist users in making the connection between underlying internet infrastructure and their own information as it traverses the network. And as new educational technologies are introduced, regularly-conducted and large-scale library survey research (such as Burke 2016) investigating the technologies commonly employed by librarians and library staff can be expanded to question the use of PPT, such that changes over time and effectiveness of educational initiatives in this area can be assessed.

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Counterproductive: Time Management in the Knowledge Economy

Author _ Melissa Gregg

Publisher _ Duke University Press 2018. 216 p. Cloth. \$89.95. ISBN: 9781478000907

Reviewer _ Clem Guthro, independent librarian.

Gregg, the Principal Engineer and Research Director for Client Computing at Intel, has written an interesting and perhaps controversial book that attempts to recast the narrative on productivity away from the individual to the group. In four chapters, using both a feminist perspective as well as the work of German political philosopher Peter Sloterdijk, Gregg elucidates the problems that an obsession with time management and productivity have created for the modern worker. Her intent is to cause readers to rethink the advice being offered in such titles as Alex Genadinik's *20 Principles of Productivity: Focus, Motivation, Organization, Habit Building, Time Management, Apps, Psychology, Goal Setting, Procrastination and More* (2017), and David Allen's *Getting Things Done: The Art of Stress-Free Productivity* (2015).

Gregg sets out to review the established narrative of time management and productivity in US culture. She explores how the concept of productivity emerged and shaped how management and individual thought about the workplace. Using feminist, race, and class-sensitive histories, she helps the reader to rethink the history of time management as well as the theoretical underpinnings. Her ultimate intent is to challenge the role and value of "productivity" as a relevant concept for the modern workplace, especially a workplace world that is dominated by mobile and digital technologies. While her arguments against "productivity" as the defining category of American workplace culture have some merit, the new ideas she proposes appear only to have significant import for the gig economy and not the American workplace as a whole.

Historically, any review of the history of time management would begin with the timekeeping studies of Frederick Winslow Taylor. Gregg rightly unseats Taylor by reviewing the history of time management that began with women in the home prior to industrialization. Guidebooks for 19th-century housewives addressed many time-management problems, similar to those that entered the factory. Christine Frederick (*Household Engineering*, 1915) and Lillian Gilbreath, wife of Frank Gilbreath of

time and motion studies fame, showed that domestic engineering required the same time management skills that came to be the focus of the factory and the corporation. As part of forefronting the role of women in time management, Gregg also correctly exposes the male bias as well as the racial and cultural superiority that were implicit in these guidebooks and ideas.

Gregg notes that from 1910 forward, there was a gradual shift away from a communal and religious perspective to self-improvement and individual accomplishment that became firmly ensconced in future ideas of productivity. Taylor, whose work is certainly influential in the time management arena, also championed this idea of the individual through his "ideal man" against which the work of others is judged. The flawed Hawthorne study conducted by Elton Mayo infantilized workers and silenced those who were powerless. As part of his study, Mayo incorporated ideas of athleticism, which Gregg traces through current time management approaches, especially those inculcated by apps and digital platforms.

While Gregg argues that the concept and history of productivity is owned by the individual and not the Organization, this is not a widely held view. She explores productivity through the lens of the genre of self-help books, noting that in some ways they have been succeeded by apps, TED talks, webinars, and influencer blogs. The self-help genre imparts the wisdom of the teacher to an audience seeking answers on being more efficient. Self-help embraces the terminology and ethos of individual athleticism with the teacher as the coach, and the learner as getting in shape. The self-help genre came into its own in an era of white male executives, and Gregg notes that it still maintains an air of white male privilege.

Gregg makes two arguments about the self-help system that should be questioned. She argues that a predominant role of self-help is to help in avoiding procrastination, rather than the more likely need to manage an overwhelming workload. She also states that self-help techniques separate the individual from the needs of others,



without providing convincing evidence as to why this might be true. Calling on the German philosopher and cultural theorist, Peter Sloterdijk, Gregg argues that the language of athletics provides a language for celebrating the competitiveness that is seen in self-help's emphasis on training and self-enhancement. It is perhaps this athleticism that Gregg sees as pitting the individual against the group, though it could be equally argued that athleticism is also a group or shared activity.

Gregg notes that in the rise of the digital economy and personal productivity tools, there is a new and intentional focus on aesthetics. Productivity apps and digital platforms offer personal help with the *how* (schedules, workloads, tasks) as opposed to the *where* work happens. The designers intend to translate methods of productivity into the daily practice of the individual. In order to be effective, Gregg argues, the aesthetics of the app is related to the appeal of downloading one productivity tool over another; the apps aim for a "clutter-free feeling." The simplicity of design and colors is intended to encourage the users to move from worry to productivity. These apps create an aesthetics of activity which Gregg argues should mean that getting work done looks and feels beautiful and evokes a sense of pleasure in leading an efficient and productive lifestyle. These apps are at the core of today's privileged knowledge worker.

Gregg shows that productivity apps lead to a lifestyle and regimen that is "always on"; work is constantly being performed. It abandons the concept of work-life balance as the apps facilitate a blurring of lines between work, home, and leisure. Gregg, I believe, is overreaching in laying blame for the abandonment of work-life balance on productivity apps, rather than work requirements, personal and family obligations, that became blurred in the dot com era. Because the apps notify and prod, and at times exhort, Gregg sees a religious or ascetic aspect to time management. She also notes an external asceticism that comes from overuse of the apps, and like mindfulness practice, requires a stepping back, a switching off to allow a time of reflection and rejuvenation. Gregg sees this as a "productivity orthodoxy" which allows some freedom to take time off but does not liberate from work obligations. She notes that this religious dimension isolates individuals from the concerns of others even while sanctifying the actions of the individual. Gregg sees this ongoing

elevation of the individual over the concerns of others as calling for a "different vocabulary for time and self-management." Again, Gregg's analysis here seems simplistic in laying blame for the emphasis on the individual over the concerns of others on time and self-management, rather than the historic American culture of individualism.

Over time there has been a move to focus on work-life balance and to see mindfulness as one tool that can be helpful. Gregg posits a concept of mindful labor that relieves "the burden of stress that productivity places on individuals." She argues for a move towards a shared professional survival that is outside of the Organization. Based on mindfulness, predominantly from the Zen Buddhist tradition, Gregg argues against the regime of self-assessment that is common in the productivity world, thus negating technology evangelists who invoke mindfulness which emphasizes non-action while at the same time requiring repeated training. She sees the technology of productivity/mindfulness robbing workers of the experience that meditation is intended to create. Mindful labor, Gregg insists, mitigates the damage done by productivity by times of withdrawal and rejuvenation through non-doing. While Gregg's idea of mindful labor has merit and could have significant personal health benefits, she does not address how mindful labor actually works in the corporate workplace, outside of some progressive organizations like Google.

Gregg ends her book with eight principles for post-work productivity, her advice for building a work culture that is shared, mindful, holistic, and focused on the worker and not on the Organization. While this could be seen as Marxist rhetoric, Gregg's intent is not a socialist collective but a work culture that does not destroy its workers in favor of the Organization. Although Gregg sees the principles as providing a framework for future work, I remain skeptical whether the principles hold outside of the gig economy and a small sector of upper level knowledge workers. Nevertheless, Gregg's analysis provides productive insights in the ways that productivity has framed the work narrative, at times in less than beneficial ways.

This book is appropriate for the general public, sociologists, business professionals, freelance workers, and librarians, concerned with the understanding the unhealthy impact that the focus on time management and productivity may have on the workplace and their own lives.



The Politics of Theory and the Practice of Critical Librarianship

Editors _ Karen P. Nicholson and Maura Seale

Publisher _ Library Juice Press 2018. 274 p. Paperback. \$35.00. ISBN: 978-1-63400-030-7

Reviewer _ Stew Wilson, research librarian, Hagen Ranch Road Branch,
Palm Beach County (FL) Library System

The Politics of Theory and the Practice of Critical Librarianship from Library Juice Press (<http://libraryjuicepress.com>) comes as part of a new generation of critical librarianship. Once the domain of a few librarian-scholars, critical conversations are becoming more prominent in librarianship as part of larger conversations of identity politics and intersectionality and through forums such as #critlib on Twitter.

Critical theory, which has its roots in Marxist critiques of capitalism, is a site of tension within librarianship. Librarians, some argue, must accept that we are part of neoliberal institutions and need to prove our worth to stakeholders through economic metrics. Critical theory, which aims to reveal the systems of dominance and oppression inherent within neoliberalism, has been criticized in LIS literature as overly philosophical and disconnected from practice. Worse, for the solitary practitioner seeking change within their institution, critical approaches are often shut down and discouraged. The question for today's critical librarian is: How is one to connect theory with practice to bring about meaningful institutional change? This question is at the heart of this book, and is examined in the context of a critical reflection on the progress (or lack of it) made in the application of critical theory to librarianship.

The first part of the book, *Librarianship and the Practicality Imperative*, examines the privileging of practicality over theory in librarianship and the false dichotomy of theory and practice. Far from a new trend, Lua and Gregory describe the history of American librarianship as one of constant tension between its capitalist roots and its democratic ideals. Popowich draws on examples in library automation to describe theory and practice as part of a “dialectically unified whole,” in which theory and practice mutually inform each other. These chapters explore the tension between the neoliberal bottom-line and the democratic principles of librarianship.

Theory at Work: Rethinking Our Practice offers examples of the interaction between theory and practice and will be of interest to librarians interested in practical examples of connecting theory to practice. Hicks argues for a sociocultural perspective on information literacy. In the following chapter, Barron and Preater propose the field of “critical systems librarianship,” which examines the power

of Big Software and LIS providers, and asks critical questions about the privacy, neutrality, and openness in these systems. Coysh, Denton, and Sloniowski, in “Ordering Things,” describe how an after-hours Foucault reading group inspired positive change in their professional work, while Loyer describes the indigenous idea of *nehiyaw*, and describes ways that this idea of self-care can benefit librarianship. What is striking about this section is the variety of critical conversations; while Barron and Preater offer a more formal description of a new field of critical study, Schomberg offers a personal narrative of her own disability through the lens of critical disability studies, and Coysh, Denton, and Sloniowski describe critical conversation in an informal setting. The value of this section is to demonstrate how critical conversations are situated in both personal reflection and formal scholarship.

The third part of the book, *Theory and the iSchool*, offers perspectives on critical librarianship in MLIS programs. Caswell describes a pedagogical approach to critical archive studies which encourages students to critique issues of provenance; Penny Andrews, et al., describe their experience participating in a critical LIS reading group within an iSchool (of particular interest is the comment from one student that participation in critical conversation does not presume identity as a critical theorist). In these accounts, theory within the iSchool is more aspirational than realized; Nicola Andrew's account of working as a New Zealand Maori with indigenous collections in the United States is particularly poignant in describing the experiences of marginalized LIS students within iSchool programs slow to acknowledge non-traditional perspectives.

Critlib and the Community considers the role of community in critical librarianship. Beilin's “Critical Librarianship as an Academic Pursuit” is a highlight. While it's intended as a discussion of the extent to which critical librarianship is embedded within academic discourse, it is just as effective a precis of the current state of critical librarianship as the editors' introduction. The theme of academic discourse continues with Berg, who makes a case for collaboration with “quantitative criticalists”—quantitative researchers who might provide insight to a field that often relies heavily on qualitative data. Almeida's theory-heavy analysis of the tensions of #critlib as a space



of community, activism, and contestation is the only analysis of the #critlib community in the book, despite the publisher's description on the back cover.

While *The Politics of Theory and the Practice of Critical Librarianship* is a book of theory, the theory here is consistently *about* practice. The librarian more familiar with critical theory than critical practice will find useful examples of connecting theory to practice; for total beginners,

this book will serve as a good introduction to theory in librarianship. Librarians already engaged in critical practice will find that this book captures a moment of reflection in critical librarianship in questions of how theory itself is communicated in the profession, and questions of the extent to which power, exclusion, and dominance exist within a field which aspires to transcend cultural hegemony.

Open Divide: Critical Studies on Open Access

Editors _ Ulrich Herb and Joachim Schöpfel

Publisher _ Litwin Books. 2018. 196 p. Paper. \$35.00. ISBN: 978-1-63400-029-1

Reviewer _ Samuel Edge, graduate student, School of Library and Information Studies, University of Alabama

Open access is frequently a topic of conversation in library and information studies courses. Usually imbued with hints of social justice, progressivism, and equality, professors and students alike often point to open access as something that librarianship “got right.” On a personal level, while working with document delivery in a large biomedical library, I became an enthusiastic supporter of open access articles and journals that allowed me to save staff time and deliver content to our patrons more expeditiously. After reading *Open Divide: Critical Studies on Open Access*, my relationship with open access is no longer quite so simple. *Open Divide* lays the concept of open access bare, making note of its benefits, but also clearly exposing its flaws, faults, and corruptions.

Open Divide: Critical Studies on Open Access is composed of seventeen short, critical studies that explore the current situation and varied history of open access in detail, challenging conventional wisdom on the topic and advancing avenues for future growth, modification, and change. Divided into two distinct parts, the text covers both the general background of open access (history, methods, opportunities and challenges, critiques, possible future paths) and the impact open access has had on the Global South, which was originally intended to be one of the main beneficiaries of open access initiatives.

The first part of the book, which explores the overall concept of open access, presents many points that lie in stark contrast to the progressive, egalitarian view of open access that is commonly advanced. The contributors note that the original goal of open access—to level the field of knowledge production and dissemination, thereby creating a global knowledge “community”—has been corrupted by large commercial publishers. These commercial publishers discovered that article processing charges

(APCs) levied for processing open access journal content are a viable replacement for the current subscription-based scholarly communication system. In the APC model, instead of being charged to access published work, individuals and institutions are charged to publish the work itself.

This shift towards the commercialization of open access—a drastic change from the concept's original grassroots beginnings—has other serious consequences as well. Namely, as the prestige and acceptability of open access grows, it runs the risk of becoming steeped with a sense of elitism and superiority, essentially morphing into a dysfunctional replacement for the already broken scholarly communication system. The contributors note that both the exclusivity of and the high registration fees for open access conferences already demonstrate this trend. If the voices that were supposed to benefit most from open access initiatives—such as those in the Global South—cannot afford to participate in the movement, the point is seemingly defeated.

The second part of the book critically examines the effect of open access on the Global South and provides ideas for future development and refinement of the open access paradigm. Although the Global South has benefited from increased access to scholarly literature, the text also points out that audiences in the Global South often face many barriers in accessing any kind of electronic resource. These barriers include a lack of internet connectivity (or lack of consistent internet connectivity), a lack of other necessary equipment, and a lack of the technological skills needed in order to operate the equipment.

The point is also made that in terms of publishing research, the current open access system greatly favors the Global North, whose scholarly work gains even further



attention in open access vis-à-vis increased downloads and citations. Such favoring of the Global North leads to a seeming colonization of the knowledge production and dissemination processes, which forces the Global South to accept knowledge from the Global North as the “standard” and as the only knowledge worth knowing. This, of course, comes at the expense of much practical and useful local knowledge and research, which is then pushed to the outermost fringes of knowledge production and dissemination.

Another important distinction discussed in the book is that those in the Global South are not just passive “takers” of information and knowledge. Instead, they are actually very interested in taking open access content—much of which originates in the Global North—and adapting it to fit their local culture. However, as mentioned previously, many barriers are encountered while trying to access this kind of content, which limits the amount of modification in which individuals from the Global South can partake. This kind of modification activity, of course, differs greatly from passive knowledge consumption.

The book also offers some general ideas about reworking open access in order to create something closer to the global knowledge community imagined in the early days of the movement. To this end, it is suggested that other forms of scholarly work become available in open access, such as original research data (open science). The text also stresses that local relevance and importance must be maintained, and that open access must be reworked with the idea of engaging and valuing all, not just those from the Global North.

As a comprehensive introduction to the complex field of open access, *Open Divide: Critical Studies on Open Access* would be an excellent text for library and information science (studies) students, practitioners, and educators. Its individual sections could also be utilized in many different educational contexts, and as a whole, it would be a useful textbook or reading assignment for scholarly publishing, open science, or open access themed classes. Although the writing style and grammar can be a bit jarring at times, most of the text is clear and easy to follow and understand. If the concept of open access has ever crossed your mind, *Open Divide: Critical Studies on Open Access* is worth a look.

The Librarian’s Guide to Homelessness: An Empathy-Driven Approach to Solving Problems, Preventing Conflict, and Serving Everyone

Author _ Ryan J. Dowd

Publisher _ American Library Association. 2018. 264 p. Softcover. \$57.00 ISBN: 978-0-8389-1626-1

Reviewer _ Megan Young, teen services advisor, Arlington Heights (IL) Memorial Library

Every public librarian, or library staff member, has interacted with a patron suffering from homelessness. Some of the interactions are favorable, while others are less than savory, and some might even be down-right dangerous and involve the police. Dowd, as a lawyer and director of Hesed House, a shelter for the homeless, takes his experience and presents the reader with tools and suggestions to build a more amiable relationship with the homeless population who attend the library. The style of this book is more storytime-esque rather than being a dry how-to guide. At the beginning of each section Dowd gives the reader personal experience, or a story about a coworker, which shows his investment and dedication, making the book a more enjoyable, and credible, read.

The book is divided into four major sections, the first being *Homelessness and Empathy*. This section takes an in-depth look at what it means to be suffering from homelessness. Dowd takes a couple opportunities to put the

reader in the shoes of homeless patrons. While it is hard to imagine some of the instances he is asking, such as not having any space that is truly the readers’, the reader is able to quickly understand this demographic’s behavior. From their loud lifestyle to their dangerous living conditions, patrons suffering from homelessness are more likely to have been abused, have a mental disability, and/or have a drug abuse problem, all correlating into different behavior from someone who does not reside in a shelter.

After building up the readers’ empathy for those suffering from homelessness, as well as giving several definitions and instances of homelessness, we are opened up to part two: *Empathy-Driven Enforcement*. Before describing empathy-driven enforcement, Dowd explains punishment-driven enforcement and why this method is not effective when dealing with patrons, especially patrons suffering from homelessness. After having a firm grasp on this concept, the reader is given a mountain of different



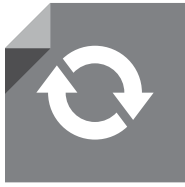
tools and how to use them. This section is filled with techniques to use while still being firm in manner. Techniques with cutesy names, like the “Barack Obama” and the “Bad Cop,” personalize both the library worker and the patron, while still being able to assert certain rules. Each tool gives an explanation of what the tool is and how it works with your patron. Dowd makes a disclaimer about following the procedures and policies of the reader’s library before diving right in to these techniques.

Now that the reader has an understanding of the similarities and differences they possess with patrons suffering from homelessness, as well as having empathy-driven techniques in the back pocket, Dowd lays out situations followed by suggestions of techniques to use. Part three, *Special Situations*, features specific situations library workers encounter every day. What should the reader do when a patron suffering from homelessness is taking up more than one table, or has their bags in the way, or is bathing in the bathroom? Dowd asks the reader, after each problematic situation, what they would do before going on to recommend which type of empathy-driven enforcement works best. After each situation, with a resolution, Dowd also gives a couple of extra techniques that would also work. Because there are so many tools, chances are the

reader will not remember them all by name, so Dowd has provided page numbers to reference back.

Part four, *Beyond Problem Solving*, is more geared toward those in management or policy-making positions, whereas the former sections are applicable for any front-line staff. In fact, chapter 16 is titled “Advice for Managers and Leaders” and has suggestions for how things can change to welcome patrons suffering from homelessness a little more. The final chapter goes beyond libraries and focuses on homelessness in general, and what people can do to help as well as the hope that one day homelessness will be eliminated and be a non-issue.

In conclusion, this book is a great start to welcoming and serving patrons who suffer from homelessness. Reading these tools is not enough; it is encouraged that these techniques be put into practice. Many of the tips and tricks Dowd presents can also be applied to a wide range of demographics, not solely to those suffering from homelessness. Dowd’s book is ideal for front-line staff, security officers, and managerial staff. It is also appropriate for anyone who is interested in how to appropriately reach the homeless population, and can also be appreciated among information science classes for those interested in being more inclusive, specifically with this population.



FREEDOM TO READ FOUNDATION REPORT TO COUNCIL

EDITOR'S NOTE: This report was presented by Charles Brownstein to the American Library Association's 2019 Midwinter Meeting in Seattle, Washington.

As president of the Freedom to Read Foundation, it is my privilege to report on the Foundation's activities since the 2018 Annual Conference.

Litigation

This fall, the Freedom to Read Foundation (FTRF) agreed to participate as an *amicus curiae* in two new lawsuits raising important First Amendment issues.

The first lawsuit, *Ex Parte Jones*, challenges a criminal statute enacted by the Texas legislature that purports to address "revenge porn." The statute bars disclosure of nude images without the consent of the person depicted in the image. However, the law is written so broadly that it could be used to prosecute the distribution of images that are artistic, newsworthy, or educational, such as the image of Phan Thi Kim Phuc, the "Napalm Girl" from the Vietnam War. Under the current version of the law, a librarian who loans out a book containing the image of Ms. Phuc without obtaining her written permission could be arrested and prosecuted in criminal court.

The plaintiffs in the lawsuit have challenged the law on the grounds that it is overly broad and would ban First Amendment-protected materials. The Texas intermediate appellate court ruling on the case agreed with the plaintiffs, and issued a decision finding the law unconstitutional.

That decision is now on appeal before the Texas Court of Criminal Appeals. FTRF has joined an *amicus* brief with the Media Coalition,

American Booksellers Association, Association of Alternative Newsmedia, Association of American Publishers, and the National Press Photographers Association to argue that the statute does not meet the strict scrutiny standard established by the Supreme Court, because it makes no exception for materials that are newsworthy, historic, artistic, or educational and does not have an intent or knowledge requirement. The case was submitted to the appeals court on November 28, 2018, and a decision is pending.

The second lawsuit restarts FTRF's effort to establish a new legal standard that will allow reporters and citizens to pursue First Amendment civil rights claims against police and government bodies when they are arrested while exercising their First Amendment rights to speak, observe, and report at public events, demonstrations, and crime scenes. As you may recall, FTRF filed *amicus curiae* briefs in two earlier cases that urged the courts to adopt this standard. Both cases—*Lozman v. the City of Riviera Beach* and *Higginbotham v. City of New York*—were resolved by the courts on different grounds than the plaintiffs' First Amendment claims and did not reach this important question.

Nieves v. Bartlett represents another opportunity to raise this issue before the Supreme Court. The plaintiff, Russell Bartlett, was arrested at an outdoor festival by Alaska State Troopers and charged with disorderly conduct and resisting arrest. He filed a lawsuit against the Troopers, alleging that he was arrested because he had earlier refused to speak to one of the Troopers and because he challenged their attempt to question a minor about possible public drunkenness without the presence of the minor's parents.

The Supreme Court has granted *certiorari* to address the question of whether the existence of probable cause precludes a First Amendment retaliatory arrest claim or whether the existence of probable cause should be a factor to be considered at trial. FTRF has joined an *amicus* brief with over thirty other organizations and media companies urging the Supreme Court to adopt a balancing test that would allow individuals and journalists to pursue a claim for retaliatory arrest even if probable cause for arrest is alleged by law enforcement. Oral arguments were heard on November 26, 2018. [See *JIFP Fall-Winter 2018*, page 41.]

Developing Issues

The Foundation's Developing Issues Committee has identified several emerging issues that could prompt litigation to preserve the right to free speech, privacy, or access to information. The committee discussed the following issues:

- Big data and librarianship
- First Amendment and the press, focusing on news photographers
- Censorship of library research databases
- K-12 students' rights to freedom of expression, especially with social media
- Increasing infringement on prisoners' right of access to information by state and federal governments
- Content moderation at scale—algorithms and artificial intelligence

The Judith F. Krug Memorial Fund

The Judith F. Krug Memorial Fund supports projects and programs that carry on Judith Krug's lifelong mission to educate librarians and the public about the importance of defending the right to read and speak freely. Its



programs include grants that support and underwrite Banned Books Week activities in libraries, schools, and community institutions across the country, as well as an educational initiative dedicated to supporting and improving intellectual freedom education for LIS professionals and students.

BANNED BOOKS WEEK

This past fall, the Krug Memorial Fund awarded grants to support Banned Books Week observances held by six different libraries and community organizations. The grantees and a description of their events are listed below:

- **Handley Regional Library, Winchester, Virginia:** Library staff hosted an “Edible Banned Books Festival,” where professional and amateur bakers created banned book cake masterpieces. Local patrons and community partners voted for noteworthy banned book delicacies and bid on their favorite cakes to then take home. All money raised was donated to Literacy Volunteers of the Winchester Area.
- **Independence Public Library, Independence, Kansas:** The library sponsored three local events: a community-wide mural competition with a concept of the freedom to read; a debate between the local community college and high school debate teams about censorship; and “Rock the Block: I’m with the Banned,” a community-wide street celebration celebrating the freedom to read.
- **James F. Byrnes High School, Duncan, South Carolina:** The school sponsored a program, “Some Rights Reserved: South Carolina Speaks Out,” with students and staff highlighting book challenges that have occurred in South Carolina

and censorship issues that have arisen in the fields of science, technology, engineering, and mathematics.

- **Moreno Valley High School Book Club, Moreno Valley, California:** The high school sponsored several Banned Books Week activities, including a banned book “cartmobile,” a jailbird photo booth app, a hands-on trivia game, Banned Book Week crafts, and an informal book discussion. This was their first Banned Book Week/Freedom to Read event.
- **Suffolk Public Library, Suffolk, Virginia:** Through the library’s “Banning Books Silencing Stories: Alt Rebels” program, library staff, patrons, and community members of all ages were given the opportunity to explore and focus on banned books as seen through the lens of an alternative universe scenario where books are banned and ideas are dangerous.
- **Winston-Salem State University, Winston-Salem, North Carolina:** The university highlighted books banned across the state of North Carolina in libraries and in prison systems. Interactive week-long activities focused on the 2018 Banned Books Week theme “Banning Books Silences Stories.”

LIS AND PROFESSIONAL EDUCATION

The Krug Fund continues to support FTRF’s successful LIS professional education collaborations with the University of Illinois’ School of Information Science and the San Jose State University School of Information. FTRF Educational Consultant Joyce Hagen-McIntosh provides direct assistance to professors Emily Knox, Beth Wrenn-Estes, and Carrie Gardner as they teach courses on intellectual freedom and censorship, while the Krug Fund provides scholarships to students who wish to attend these classes.

This year, Georgia Westbrook, a library and information science student at the Syracuse University iSchool, is the recipient of the spring 2019 Freedom to Read Foundation scholarship. Westbrook will receive half the tuition for the San Jose State University School of Information (SJSU iSchool) course “Intellectual Freedom and Young Adults.” The course, led by instructor Beth Wrenn-Estes, will focus on intellectual freedom issues with youth, the value of youth literature to enhance individuals’ lives, the ethics of intellectual freedom, the psychology of censorship and how to combat it, and how to defend materials for youth.

We thank the University of Illinois and San Jose State University for partnering with FTRF to assure that high-quality intellectual freedom curricula and training remains available to LIS students preparing for their professional careers.

Fiftieth Anniversary Celebration

READING DANGEROUSLY: FIFTY YEARS OF THE FREEDOM TO READ FOUNDATION

This year the Freedom to Read Foundation celebrates its fiftieth anniversary with two signature initiatives. First, FTRF will publish a retrospective book that will include the organization’s oral history, excerpts from challenged books, interviews with challenged authors, and testimonials. The book will be offered through a crowdfunding campaign this spring. The second initiative is a reception and celebration to be held at ALA’s Annual Conference on Saturday, June 22, 2019, from 6-8 p.m. The event will feature authors and activists offering readings and reflections on intellectual freedom. Tickets are available now through the ALA Annual Conference website, and we



will be offering many opportunities to support the book and the event. We hope many of you will join us celebrating the foundation, its work, and its future.

FTRF Membership

Membership in the Freedom to Read Foundation supports the important work of defending our First Amendment freedoms and helps to build our organizational capacity so that we can continue to pursue our litigation, education, and public awareness programs. By joining the Freedom to Read Foundation, you amplify your support for intellectual freedom and your advocacy on behalf of free expression and the freedom to read freely. Your organizations can also join the Freedom to Read Foundation as organizational members.

Please send a check (\$50 or more for personal members, \$100 or more for organizations, and \$10 or more 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 <https://www.ftrf.org/>.

INTELLECTUAL FREEDOM COMMITTEE REPORT TO COUNCIL

EDITOR'S NOTE: This report was presented by Julia Warga, chair of the American Library Association's Intellectual Freedom Committee, at the American Library Association's 2019 Midwinter Meeting on January 29 in Seattle, Washington.

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

Information

JOURNAL OF INTELLECTUAL FREEDOM & PRIVACY

The Journal of Intellectual Freedom & Privacy continues to serve as the publication of record for censorship issues, while providing a venue for literature reviews, professional commentary, and peer-reviewed research addressing intellectual freedom and privacy in libraries. Volume 3, Number 2-3, features commentary on neutrality and algorithms in libraries; an intellectual freedom journey; book reviews; and comprehensive news coverage featuring reports on material and resource challenges, and updates on lawsuits.

INTELLECTUAL FREEDOM MANUAL

The 10th edition of the *Intellectual Freedom Manual*, edited by Martin Garnar and Trina Magi, is planned to be published in the spring of 2020 by ALA Editions. In February 2018, an IFC working group began reviewing each intellectual freedom Q&A, guideline, and interpretation to determine whether they needed revisions, to ensure the resources printed in the manual are up to date. The committee continues to revise documents and form working groups that meet frequently to discuss changes to the documents. The committee is proposing three interpretation revisions and one article for Council consideration at this Midwinter Meeting. The committee plans to present nine additional documents to ALA Council for potential adoption at ALA Annual Conference 2019.

IFC SPRING MEETING

Prior to the publication of new editions of the *Intellectual Freedom Manual*, ALA's Office for Intellectual Freedom (OIF) schedules a weekend workshop known as the Intellectual Freedom Committee Spring Meeting. The Spring Meeting brings together

committee members and intellectual freedom advocates who dedicate a weekend at the ALA Chicago headquarters crafting and revising *Library Bill of Rights* interpretations, Q&As, and policies. Many of these document drafts will be presented to ALA Council for consideration and, if adopted, included in the next edition of the *Intellectual Freedom Manual*. With the upcoming publication of the 10th edition of the manual, OIF will host the IFC Spring Meeting on March 22-24, 2019.

RESOLUTIONS

The committee voted to endorse "Resolution Proposing a Task Force on Online Deliberation and Voting for ALA Council" in principle. The committee voted to endorse "A Resolution in Support of Civil Rights Protections for People of Diverse Gender Identities" in principle.

ADDRESSING HATEFUL CONDUCT IN LIBRARIES

"Hateful Conduct in Libraries: Supporting Library Workers and Patrons," a new resource collaboratively created by OIF and ALA's Office for Diversity, Literacy and Outreach Services (ODLOS), was launched at this Midwinter Meeting. The resource provides guidance for librarians struggling with issues of hate and intolerance while striving to preserve equal access. The document offers proactive strategies to respond to and discourage hate speech and to grow a mindful culture that prioritizes inclusiveness and equity, while assuring access to all viewpoints. The guide is available online (ala.org/advocacy/hatefulconduct) and can be used to initiate conversations among staff members and within communities.



MERRITT FUND

The Merritt Humanitarian Fund is celebrating its fiftieth anniversary in 2020.

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.

During this Midwinter Meeting, the Merritt Fund Board of Trustees met to discuss new outreach strategies that will encourage ALA members to donate to the cause. Those who donate are also considered a member of the fund and may vote in the annual trustee election. ALA members may easily donate what they can when renewing their ALA membership.

PRIVACY AND CONFIDENTIALITY

The Office for Intellectual Freedom continues to work with libraries and member leaders to support and defend patrons’ right to privacy in what they read and access in libraries. These initiatives have taken on greater urgency in the wake of the disclosures about the unauthorized collection and misuse of individuals’ personal information by social media platforms and providers of internet-capable devices.

These privacy challenges, enabled, in part, by the United States’ hands-off approach to regulating the use of individuals’ data, have spurred a popular, non-partisan movement to adopt new federal privacy laws to supplement or replace the myriad of state laws protecting privacy and personal data. State legislatures, following California’s example, are looking at

proposals to adopt laws comparable to the European Union’s General Data Protection Regulation (GDPR). As a professional membership organization whose Code of Ethics calls librarians to protect patron privacy and confidentiality, and as a leading advocate for library users’ rights, ALA needs to be prepared to support initiatives to protect individual privacy and advocate for the right to privacy in library use.

To that end, the Intellectual Freedom Committee is preparing to advance the first major change to the *Library Bill of Rights* since 1980 by recommending the adoption of a seventh article addressing the privacy rights of library users. OIF staff members are working with the ALA Washington Office, discussing possible strategies for addressing proposed federal privacy legislation and identifying several proactive strategies to advocate for library users’ privacy.

PRIVACY SUBCOMMITTEE AND CHOOSE PRIVACY WEEK

Concurrent with the recommendation that ALA Council adopt the proposed Article VII addressing library users’ privacy rights, the IFC Privacy Subcommittee has launched a comprehensive review of all ALA policy documents related to user privacy and library records, including the Privacy Interpretation of the *Library Bill of Rights*. The subcommittee anticipates completing their review and revisions in time for ALA Annual 2019. Working groups within the subcommittee are also drafting new library privacy guidelines addressing vendor relations, data analytics, and assistive technologies.

The IFC Privacy Subcommittee also voted to adopt “Inclusive Privacy: Closing the Gap” as the theme for Choose Privacy Week 2019, in support of ALA’s EDI [Equity, Diversity,

Inclusion, and Social Justice] initiatives. The activities for this year’s observance will encourage libraries to adopt policies and create programs that make privacy equal, open, and inclusive. The focus will be on helping librarians understand the privacy inequities imposed on vulnerable and historically underrepresented populations, and what they can do to address those inequities through programming, instruction, and advocacy.

eLEARNING: LAW FOR LIBRARIANS

This spring, OIF will co-sponsor two multi-week online learning opportunities with ALA’s eLearning unit. The first course, “The First Amendment and Library Services,” will be taught by Freedom to Read Foundation general counsel Theresa Chmara and will introduce students to the legal principles behind the First Amendment, their practical implications in daily life, and how those principles affect library work. The second course, “Privacy, Libraries, Patrons and the Law,” will be taught by Interim OIF Director Deborah Caldwell-Stone and will provide students information about the legal frameworks for upholding patrons’ right to privacy in the library.

NEWS YOU CAN USE

More than 100 people attended OIF’s News You Can Use program “Intellectual Freedom and the Law: Issues and Updates for Meeting Rooms, Drag Queen Storytimes, and Library Lawsuits.” The session—presented by general counsel of the Freedom to Read Foundation Theresa Chmara and moderated by Interim OIF Director Deborah Caldwell-Stone—reviewed legal precedents applicable to libraries’ provision of meeting rooms and drag queen storytimes, and offered guidance on crafting policies. During the Q&A portion, many



attendees discussed their own policies and experiences, and Chmara and Caldwell-Stone made themselves available to answer follow-up questions.

PRIVACY TRAINING CURRICULUM

OIF has reached an agreement in principle to host an online privacy literacy training curriculum for librarians developed by the Digital Privacy Project with the sponsorship of Data & Society. The curriculum consists of four learning modules and online resources that teach about the importance of digital privacy and data literacy; provide an overview of how information travels and is shared online; and instruct librarians about common privacy risks encountered online by users, and how to help users address those risks.

NEW CENSORSHIP PUBLICATION

OIF Assistant Director Kristin Pekoll wrote *Beyond Banned Books: Defending Intellectual Freedom throughout Your Library*. Scheduled to be published by ALA Editions in spring 2019, the book provides specific case studies to offer practical guidance on safeguarding intellectual freedom related to library displays, programming, databases, artwork, and other librarian-created content. It provides questions to consider when strengthening a library's defenses against censorship and includes key intellectual freedom policies as appendices. Pekoll will review its information and guidance during her program "Censorship Beyond Books" at ALA Annual Conference 2019.

Public Challenges and Support

OIF provides confidential support to anyone undergoing a material or service challenge. Challenges are reported via an online form, email,

phone call, or social media. OIF can answer questions and address concerns for libraries undergoing a challenge or implementing vital intellectual freedom best practices. OIF has helped libraries edit policies, navigate social media, and defend materials and services. The office has also worked with many organizations, librarians, and administrators to provide support in the form of letters, public statements, and guidance on next steps.

To increase reporting of intellectual freedom challenges, OIF launched a "Report Censorship" campaign, which coordinated outreach efforts on social media, in ALA publications, and within state intellectual freedom committees. The campaign encouraged library workers and educators to report censorship incidents that occurred in 2018. These numbers not only assist OIF in providing challenge support, but they also help the office identify censorship trends, publish the Top 10 Most Challenged Books, and create resources.

This campaign contributed to an increase in reporting of public challenges. From May 24, 2018 to December 21, 2018, OIF entered 179 public reports. This is nearly three times the amount of public challenges included in the last report. The reports range from materials, programs, and exhibits, to EBSCO databases, meeting rooms, and hate crimes. The full report of public challenges can be viewed on the Intellectual Freedom Blog: <https://bit.ly/2GaHhhM>.

Initiatives

BANNED BOOKS WEEK

With the theme "Banning Books Silences Stories. Speak Out," Banned Books Week 2018 (September 23-29) engaged readers in conversations about advocacy, censorship, and speaking out for banned books.

Students, readers, and library workers participated in the annual Stand for the Banned read-out, including ALA President Loida Garcia-Febo. The activity invites participants to read from banned/challenged books or discuss censorship on camera. OIF partnered with Little Free Library to send packages of challenged books to 80 randomly selected Little Free Library stewards across the country. The Dear Banned Author letter-writing initiative invited readers to write to (or tweet with the hashtag #DearBannedAuthor) banned/challenged authors, sharing how their stories made a difference. OIF partnered with the American Writers Museum to host a dedicated letter-writing station, as well as coordinated with ALA division leaders and ALA publications to publicize and participate in the event. Teachers, students, organizations, and readers tweeted messages to writers with the hashtag #DearBannedAuthor, which some authors replied to. Below are a few letters:

- "The Perks of Being a Wallflower gave me the bravery to face trauma and the power to reclaim my identity. This book helped me to heal and redefined what I now know to be love."—Grace, to Stephen Chbosky
- "It really helped me to understand that we don't always know what people are going through. Also that we shouldn't be afraid and we should speak up and tell someone about our situation. It teaches us that we shouldn't stay around people who are going to hurt us."—Breanna, to Jay Asher
- "I read it shortly after it was published at 14, and it shook me. You probably saved me more than once. I am forever grateful for your work and your courage."—to Laurie Halse Anderson
- "As a young kid, reading wasn't my



favorite, but your books changed everything.”—aron, to Dav Pilkey

The 2019 Banned Books Week campaign (September 22–28) is planning to explore the benefits of unrestricted reading. The committee was presented initial concepts of Banned Books Week themes and gave feedback on designs and taglines. The office plans to host the Dear Banned Author letter-writing campaign again, strengthening outreach with authors, publishers, and readers. The Top 10 Most Challenged Books and the Banned Books Week theme will be revealed during National Library Week (April 7–13, 2019).

IFC Projects and Working Groups

IFC CONFERENCE PROGRAMMING WORKING GROUP

At ALA Annual Conference 2018, the IFC Programming Working Group was formed to submit proposals for consideration for ALA Annual Conference 2019. The committee is pleased to report that three proposals were accepted:

- “Controversial Speaker Planned for your Library Event? Things to Consider”
- “When You Can’t Go Home Again: Refugee and Exile Authors in the US”
- “Are You Going to Tell My Parents?: The Minor’s Right to Privacy in the Library”

LIBRARY BILL OF RIGHTS, ARTICLE VII

The IFC voted at ALA Annual Conference 2018 to establish a working group to propose a *Library Bill of Rights* amendment that focused on the concept of ensuring privacy and confidentiality for library users. The working group was composed of three IFC members and three Privacy

Subcommittee members. After being reviewed by the committee, the draft was sent to the library community on December 7, 2018. The working group reviewed all comments and made changes, including adding the word “safeguarding” and extending “personal information” to “personally identifiable information.” In response to many comments asking for more detailed guidance, the working group issued a responsive statement. It read:

The *Library Bill of Rights* is a short visionary statement; therefore, we do not want to overload the text in the article with details traditionally addressed in Interpretations and other policy documents. The valuable ideas we received during the input process will be considered for incorporation into the upcoming revision of ‘Privacy: An Interpretation of the *Library Bill of Rights*’ and other ALA privacy-related statements.

Library Bill of Rights, Article VII, is included in this report as an action item (see page 46).

“MEETING ROOMS: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS”

In July 2018, the IFC formed a working group that brought multiple voices and a broad range of perspectives to the table from throughout the association to revise “Meeting Rooms: An Interpretation of the *Library Bill of Rights*,” adopted by ALA Council at the 1991 ALA Annual Conference in New Orleans. The working group was united in providing a document that will uphold core values, is responsive to the concerns raised by library workers, and supports the communities of America’s libraries. ODLOS Director Jody Gray and OIF Director James LaRue served as staff liaisons to the committee. In

August, Council voted to rescind the June 2018 interpretation, restoring the 1991 version; however, work on a more up-to-date revision continued. The working group distributed a Google Form to the library community requesting suggestions for language and resources to include in the revised draft. A draft revision was sent to the public for feedback in September. Each comment was taken into consideration. In October, the committee requested an extension of time to complete work on the draft, so that all comments could be considered. The committee voted to bring the interpretation to Council for feedback, and it was sent to Council on October 15.

The revised interpretation is included in this report as an action item (see page 46).

“MEETING ROOMS Q&A”

An IFC working group is compiling a Q&A on questions that have been brought up during the revision of the meeting rooms interpretation. Headed by IFC Chair Julia Warga, the working group began its work by compiling a spreadsheet of questions about meeting rooms from social media, blog posts, and surveys. Questions range from policy and public forum to commercial sales and fees. The committee plans to have a draft ready by the IFC Spring Meeting in March.

“PRISONERS’ RIGHT TO READ: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS”

An IFC working group was formed to revise the “Prisoners’ Right to Read” interpretation, adopted in 2010 by the ALA Council, and amended in 2014. A revision draft was sent to the library community for feedback on December 10, and the working group discussed each comment. After much discussion, the working group decided



to retain the word “prisoners” in the title because it’s concise, but other references were changed to “people who are incarcerated,” “people who are incarcerated or detained” and “incarcerated people.” The revisions also include an expanded citation section and a statement on services provided to people who are incarcerated or detained, regardless of citizenship status or conviction status.

The interpretation revision is included in this report as an action item (*see page 47*).

“DIVERSITY IN COLLECTION DEVELOPMENT: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS”

A revision of the Diversity in Collection Development interpretation—adopted by ALA Council in 1982, and amended in 1990, 2008, and 2014—was distributed to the library community for feedback on December 10. During the IFC meetings at Midwinter, the committee decided that the difference between a diversity of viewpoints and a diverse collection should be clarified. The committee also discussed creating a Q&A to elaborate on these ideas. The working group will continue revising the document.

“RELIGION IN AMERICAN LIBRARIES: QUESTIONS AND ANSWERS”

An IFC working group was formed to revise “Religion in American Libraries: Questions and Answers,” approved by the IFC in 2010. During its first four meetings, the working group made a number of changes, including omitting a list of considerations for exhibit space policies and adding a section on religious programming. The working group will continue revising the document.

“EDUCATION AND INFORMATION LITERACY: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS”

A working group was formed to revise “Advocating for Intellectual Freedom: An Interpretation of the *Library Bill of Rights*,” adopted by ALA Council in 2009 and amended in 2014. The working group began the revision process by comparing the 2009 version (titled “The Importance of Education to Intellectual Freedom”) to the 2014 version (titled “Advocating for Intellectual Freedom”) The original version was about how libraries provide education, and in doing so, facilitate intellectual freedom. The most recent version focused on how libraries educate people about intellectual freedom. After extensive conversations, the group came to a consensus about returning to the 2009 intent, especially since it has a direct connection to the *Library Bill of Rights*. The document’s revisions also include updated language addressing inclusivity and the definition of “access.” Because of its alignment with the ALA *Code of Ethics*, the Committee on Professional Ethics and the Intellectual Freedom Committee are discussing the possibility of creating a joint policy statement or interpretation of ALA’s *Code of Ethics* that focuses on the 2014 version’s goal of promoting intellectual freedom education in libraries.

The working group plans to send a draft of “Education and Information Literacy” to the library community for feedback after Midwinter.

“CHALLENGED RESOURCES: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS”

This interpretation was adopted by ALA Council in 1971 and amended in 1981, 1990, 2009, and 2014. A working group was formed to revise the interpretation, which started with the

reorganization of the paragraphs. A draft was sent to the library community for feedback, and each comment was reviewed. The changes made to the draft include adding a quote from “Diversity in Collection Development: An Interpretation of the *Library Bill of Rights*,” and *Library Bill of Rights* articles, incorporating the footnote on the distinction between legal and extralegal actions within the text, and including a statement on library services for students and minors.

The interpretation draft is included in this report as an action item (*see page 48*).

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
 Julia Warga, IFC chair
 Helen Adams
 Emily Clasper
 Peter Coyl
 Eldon Ray James
 Shenise McGhee
 Johana Orellana-Cabrera
 Cecelia Parks
 Kimberly Patton
 John Spears
 Sarah Thornbery
 Paul Flagg, Committee Associate
 Audrey Robinson-Nkongola, Committee Associate

Action Items

ALA Council adopted the following Intellectual Freedom Committee action items:



**LIBRARY BILL OF RIGHTS,
ARTICLE VII, ADOPTED WITHOUT
AMENDMENT BY THE ALA COUNCIL
AT ITS 2019 MIDWINTER MEETING**

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.

Endorsed by the Committee on Professional Ethics and the Intellectual Freedom Round Table.

**MEETING ROOMS: AN
INTERPRETATION OF THE LIBRARY
BILL OF RIGHTS, AS AMENDED AND
ADOPTED BY THE ALA COUNCIL AT
ITS 2019 MIDWINTER MEETING**

Many libraries provide meeting rooms and other spaces designated for use by the public for meetings and other events as a service to their communities. Article VI of the *Library Bill of Rights* states, “Libraries which make ... 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 do not advocate for or endorse the viewpoints expressed in meetings by meeting room users, just as they do not endorse the viewpoints of works in their collections. The presence and activities of some groups in public spaces, while constitutionally protected, can cause fear and discomfort in some library users and staff. Libraries should adopt and enforce user behavior policies that protect library users and staff from harassment while maintaining their historic support for the freedom of speech.¹ This interpretation provides general guidelines regarding meeting rooms and other spaces for public

gatherings, and it does not constitute legal advice.

Publicly funded libraries are not obligated to provide meeting room space to the public. If libraries choose to do so, such spaces are considered designated public forums,² and legal precedent holds that libraries may not exclude any group based on the subject matter to be discussed or the ideas for which the group advocates.^{3,4} However, if a group’s actions during a meeting disrupt or harass others in the library, library policies regarding acceptable behavior may apply. If libraries adopt policies that are perceived to restrict potentially controversial groups’ access to meeting rooms, they may face legal and financial consequences. Allowing religious groups to use library meeting rooms and spaces does not constitute a breach of the First Amendment’s Establishment Clause.⁵

Libraries offering meeting rooms and spaces should develop and publish policies governing use after consultation with legal counsel. These policies should properly define time, place, or manner of use; such restrictions should not pertain to the content of a meeting or to the beliefs or affiliations of the sponsors. Policies should be regularly reviewed with staff and made available to the public in all of the commonly used languages within the community served.

Libraries should write policies in inclusive rather than exclusive terms. A policy that the library’s facilities are open “to organizations engaged in educational, cultural, intellectual, charitable, advocacy, civic, religious, or political activities” is an inclusive statement of the limited uses of the facilities. For example, if a library allows charities and sports clubs to discuss their activities in library meeting rooms, then the library should not exclude partisan political or religious

groups from discussing their activities in the same facilities. If a library opens its meeting rooms to a wide variety of civic organizations, then the library may not deny access to a religious organization.

Written policies may also include limitations on frequency of use and require adherence to the library’s behavior policy.⁶ The meeting room policy should also state whether meetings held in library spaces must be open to the public or if the library allows private events. Libraries may choose to offer space for public or private events unless restricted by state or local laws. The same standards and policies should apply to all meeting room uses. Library users should have a process through which they may appeal the denial of meeting room use.

If meeting rooms and spaces are open to the public, libraries should include a section in their policy that addresses fees. Charging fees does not change the status of meeting rooms and spaces as designated public forums. Library governing bodies that decide to charge fees for use of library spaces should consider local and state laws, the ALA’s Code of Ethics, and the *Library Bill of Rights*. Charging fees for the use of library meeting rooms or facilities may abridge or deny access for some community members.⁷

Article V of the *Library Bill of Rights* states, “A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.” This applies with equal force to the library’s meeting rooms and spaces designated for public use as it does to the library’s collections and services.

1. “Resolution on Libraries as Responsible Spaces,” Committee on Diversity, adopted June 26, 2017 by the ALA Council.



2. *Concerned Women for America v. Lafayette County*, 883 F.2d 32 (5th Cir. 1989).
3. *Hale v. Schaumburg Township District Library, et al.*, 01-cv-2220 (N.D. Ill. 2001); *Hale, et al., v. Schell and the Martin Library Board of Directors*, 1:02-cv-1156 (M.D. Pa. 2002).
4. “White Supremacist Wins Library Venue in Schaumburg,” *American Libraries Magazine*, August 20, 2001; “White Supremacists to Meet after Library Changes Policy,” Library Journal staff, *Library Journal*, November 25, 2002.
5. *Concerned Women for America v. Lafayette County*, 883 F.2d 32 (5th Cir. 1989).
6. “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; January 19, 2005; and March 29, 2014.
7. “Economic Barriers to Information Access: An Interpretation of the *Library Bill of Rights*,” adopted June 30, 1993, by the ALA Council.

Adopted July 2, 1991, by the ALA Council; amended June 26, 2018; amended version rescinded August 16, 2018; amended January 29, 2019.

PRISONERS’ RIGHT TO READ: AN INTERPRETATION OF THE *LIBRARY BILL OF RIGHTS*, AS AMENDED AND ADOPTED BY THE ALA COUNCIL AT ITS 2019 MIDWINTER MEETING

The American Library Association asserts a compelling public interest in the preservation of intellectual freedom for individuals of any age held in jails, prisons, detention facilities, juvenile facilities, immigration facilities,

prison work camps, and segregated units within any facility, whether public or private. As Supreme Court Justice Thurgood Marshall wrote:

When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-realization concluded. If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment.¹

Participation in a democratic society requires unfettered access to current social, political, legal, economic, cultural, scientific, and religious information. Information and ideas available outside the prison are essential to people who are incarcerated for a successful transition to freedom. Learning to thrive in a free society requires access to a wide range of knowledge. Suppression of ideas does not prepare people of any age who are incarcerated for life in a free society. Even those individuals who are incarcerated for life require access to information, to literature, and to a window on the world.

That material contains unpopular views or even what may be considered repugnant content does not justify its censorship.² Censorship is a process of exclusion by which authority rejects specific viewpoints. Unlike censorship, selection is a process of inclusion that involves the search for materials, regardless of format, that represent diversity and a broad spectrum of ideas. The correctional library collection should reflect the needs of its community.

Correctional libraries, librarians, or library managers may be required

by federal, state, or local laws; administrative rules; or court decisions to prohibit material that instructs, incites, or advocates criminal action or bodily harm or is a violation of the law. Only those items that present an actual compelling and imminent risk to safety and security should be restricted. Although these limits restrict the range of material available, the extent of limitation should be minimized by adherence to the *Library Bill of Rights* and its interpretations.

These principles should guide all library services provided to people who are incarcerated or detained, regardless of citizenship status or conviction status:

- Collection management should be governed by written policy, mutually agreed upon by librarians and correctional agency administrators, in accordance with the *Library Bill of Rights* and its interpretations.
- Correctional libraries should have written procedures for addressing challenges to library materials, including a policy-based description of the disqualifying features.³
- Correctional librarians and managers should select materials that reflect the demographic composition, information needs, interests, and diverse cultural values of the confined communities they serve.
- Correctional librarians should be allowed to acquire materials that meet written selection criteria and provide for the multi-faceted needs of their populations without prior correctional agency review. They should be allowed to select from a wide range of sources in order to ensure a broad and diverse collection. Correctional librarians should not be limited to acquiring or purchasing from a list of approved materials or vendors.
- Correctional librarians should make



all reasonable efforts to provide sufficient materials to meet the information and recreational needs of incarcerated people who speak languages other than English.

- Correctional librarians should be given adequate support for making library resources discoverable.
- Age is not a sufficient reason for censorship. Incarcerated children and youth should have access to a wide range of fiction and nonfiction.⁴
- Equitable access to information should be provided for people with disabilities.⁵
- Media or materials with non-traditional bindings should not be prohibited unless they present an actual compelling and imminent risk to safety and security.
- Material with sexual content should not be banned unless it violates state and federal law.
- Correctional libraries should provide access to computers and internet content, permitted by the correctional facility's library policies.
- People who are incarcerated or detained should have the ability to obtain books and materials from outside the prison for their personal use.

When free people, through judicial procedure, segregate some of their own, they incur the responsibility to provide humane treatment and essential rights. Among these is the right to read and to access information. The right to choose what to read is deeply important, and the suppression of ideas is fatal to a democratic society. The denial of intellectual freedom—the right to read, to write, and to think—diminishes the human spirit of those segregated from society.

1. *Procunier v. Martinez*, 416 U.S. 428 (1974).

2. 28 CFR 540.71(b): “The Warden may not reject a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant.”
3. “Challenged Resources: An Interpretation of the *Library Bill of Rights*,” adopted June 25, 1971 by the ALA Council; amended July 1, 1981; January 10, 1990; January 28, 2009, and July 1, 2014.
4. “Access to Library Resources and Services for Minors: An Interpretation of the *Library Bill of Rights*,” adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 under previous name “Free Access to Libraries for Minors”; and July 1, 2014.
5. “Services to People with Disabilities: An Interpretation of the *Library Bill of Rights*,” adopted January 28, 2009, by the ALA Council under the title “Services to Persons with Disabilities”; amended June 26, 2018.

Adopted June 29, 2010, by the ALA Council; amended July 1, 2014; January 29, 2019.

CHALLENGED RESOURCES: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS, AS AMENDED AND ADOPTED BY THE ALA COUNCIL AT ITS 2019 MIDWINTER MEETING

“Libraries: An American Value” states, “We protect the rights of individuals to express their opinions about library resources and services.”¹ The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined written policy for collection development that includes a procedure for review of challenged resources. Collection development applies to library

materials and resources in all formats, programs, and services.

Article I of the American Library Association’s *Library Bill of Rights* states, “Materials should not be excluded because of the origin, background, or views of those contributing to their creation.” Article II further declares, “Materials should not be proscribed or removed because of partisan or doctrinal disapproval.”

Freedom of expression, although it can be offensive to some, is protected by the Constitution of the United States. The “Diversity in Collection Development: An Interpretation of the *Library Bill of Rights*” states:

Librarians have a professional responsibility to be fair, just, and equitable and to give all library users equal protection in guarding against violation of the library patron’s right to read, view, or listen to content protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of content based on personal bias or prejudice.²

This applies with equal force to library resources and services provided to students and minors.³

The Supreme Court has held that the Constitution requires a procedure designed to critically examine all challenged expression before it can be suppressed.⁴ Therefore, libraries should develop a procedure by which the governing body examines concerns and challenges about library resources. This procedure should be open, transparent, and conform to all applicable open meeting and public records laws. Challenged resources should remain in the collection, and access to the resources remain unrestricted during the review process. Resources that meet the criteria for



selection and inclusion within the collection as outlined in the institution's collections policy should not be removed. Procedures to review challenges to library resources should not be used to suppress constitutionally protected expression.

Any attempt, be it legal or extralegal, to regulate or suppress resources in libraries must be closely scrutinized to the end that protected expression is not abridged. Attempts to remove or suppress materials by library staff or members of the library's governing body that are not regulated or sanctioned by law are considered "extralegal." Examples include actions that circumvent library policy, or actions taken by elected officials or governing board members outside the established legal process for making legislative or board decisions. Actions taken by library governing bodies during official sessions or meetings pursuant to the library's collection development

policy, or litigation undertaken in courts of law with jurisdiction over the library and the library's governing body, and actions taken by legislative bodies are considered a "legal process."

Content filtering is not equivalent to collection development. Content filtering is exclusive, not inclusive, and cannot effectively curate content or mediate access to resources available on the internet. Filtering should be addressed in an institution's policy on acceptable use of the internet. Acceptable use policies should reflect the *Library Bill of Rights* and "Internet Filtering: An Interpretation of the *Library Bill of Rights*," and be approved by the appropriate governing authority.

1. "Libraries: An American Value," adopted February 3, 1999, by the ALA Council.

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; and July 1, 2014. Revisions proposed January 2019.
3. "Access to Library Resources and Services for Minors: An Interpretation of the *Library Bill of Rights*," adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 under previous name "Free Access to Libraries for Minors"; and July 1, 2014.
4. *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963).

Adopted June 25, 1971, by the ALA Council; amended July 1, 1981; January 10, 1990; January 28, 2009; July 1, 2014; January 29, 2019.



LIBRARIES Oregon

Sombra by Ruven Afanador was removed after review by a public library director in Oregon. *Sombra*, published in 2004, is a collection of artistic photographs composed largely of male nudes.

The patron complaint stated, “I’m in favor of artistic nudes, but perhaps in an art appreciation class and not accessible to the impressionable minds of children.” The library director consulted reviews and circulation statistics (the book had never been checked out), and learned through online catalogs that only academic and research libraries owned it. The director decided that the book was a good candidate for weeding, according to the library’s usual criteria. [EDITOR’S NOTE: *The Oregon Intellectual Freedom Clearing House (OIFCH) project of the State Library of Oregon reported on intellectual freedom challenges that occurred from July 1, 2017 through June 30, 2018. It does not release names of people, organizations, libraries, nor towns.*] Reported in: OIFHC, February 15, 2019.

SCHOOLS Springdale, Arkansas

Har-ber Herald, the student newspaper of Har-ber High School in northwest Arkansas, was suspended by the Springdale School Board. The board ordered students to take down an article in November investigating the transfer of six football players to a rival high school. The district allowed the months-long investigation to be re-published on the newspaper’s website in December. The article alleged that the students transferred for athletic, not academic reasons, which would violate district policy.

Students have complained that heavy-handed oversight of their now-suspended northwest Arkansas school newspaper could result in

censorship and jeopardize their journalistic integrity.

Students representing the newspaper told the Springdale School Board on December 11 that they worry the district will require all future work to be reviewed by an administrator before publication, the *Northwest Arkansas Democrat-Gazette* reported.

Springdale School District Superintendent Jim Rollins said a committee of journalism teachers is creating a policy to address how student publications are handled. Rollins had previously called the article “intentionally negative, demeaning, hurtful and potentially harmful” to students, but has since said that he understands the young journalists’ perspective. Reported in: *Texarkana Gazette*, December 13, 2018.

San Francisco, California

The “Life of George Washington Mural” at George Washington High School in San Francisco is being challenged for being culturally and historically offensive. At a school board meeting in December, some educators and Native American parents renewed a decades-long call to remove the 1932 mural, and also called for an overhaul of the district’s history curriculum and textbooks to reflect the achievements of Native American communities and to give a more accurate picture of history.

Amy Andersen, a teacher at Paul Revere Elementary School, said at a school board hearing, “The mural depicts Native Americans as slaves, as merciless killers who attack, while whites stand with arms up and surrender.”

Chief Academic Officer Brett Stephens said the district is aware of the need for a new history curriculum that will more accurately portray indigenous cultures, and is looking at ways to draw “resources from

multiple historians who can accurately present the perspectives of many communities.”

But curriculum changes are unlikely to come in the next few years, as the district is focused on implementing the Next Generation Science Standards over the next two years, and only has “the capacity to really support one curriculum area at a time.”

However, movement on the “Life of George Washington Mural” may be underway, the San Francisco school commissioners indicated.

“I think it’s something that is overdue, and it’s actually embarrassing that you all have to come back each year to remind us that this is something we need to address,” said Commissioner Matt Haney, who will leave the school board to serve on the city’s Board of Supervisors next year.

Stephens said a committee to address the potential removal of the mural has been formed, and it met for the first time earlier in December. Stephens said that he is currently collaborating with the California Indian Museum and Cultural Center on “designing a sequence of learning activities” and gathering community perspectives to inform next steps in regard to the mural, with recommendations expected to be presented to the board by April. Reported in: *San Francisco Examiner*, December 16, 2018.

Ocala, Florida

The Facts Speak for Themselves by Cole Brock was pulled from the school library in early 2018 by the principal of Fort King Middle School in Marion County, Florida, after parents complained about its allegedly “pornographic” language. The parents also protested to the state board of education about this 1997 YA novel, told from the point of view of a 13-year-old who has witnessed a murder.



There is no record of a formal challenge being initiated. According to the district, the book has been retained. Reported in: News 13 Florida, January 24, 2018.

Staten Island, New York

Manga books in the *Assassination Classroom* series, written and illustrated by Yūsei Matsu in Japanese and translated into English, were removed from the school library at Markham Intermediate School (I.S. 51) in the Graniteville neighborhood of Staten Island. The comic science fiction series follows an octopus-like creature—who is a junior high homeroom teacher—and his students, who are tasked with assassinating him to prevent Earth from being destroyed.

After a parent, whose daughter had borrowed some of the books from the library, objected to references to classroom violence, the school removed the series from the shelves.

The school's library had several volumes of the series. There are 20 volumes total in the *Assassination Classroom* series.

"We have policies in place to ensure that our school libraries stock high-quality, age-appropriate books," said Danielle Filson, a spokeswoman for the Department of Education. "I.S. 51 leadership met with this parent after she raised her concern, and decided to remove the book from the library." Reported in: *Staten Island Advance*, January 31, 2019.

King City, Oregon

George by Alex Gino is under review in the Tigard-Tualatin School District in King City. Some parents objected to the fictional story of a 10-year-old transgender girl whom the world sees as a boy named George.

The school district considered requiring a parental permission slip before allowing elementary

school-aged students to read it. Later news reports said the school planned to hold a meeting with staff and parents to review the book, then decide what, if any, actions to take. Reported in: KATU, February 22, 2018.

Oregon

[EDITOR'S NOTE: *The State Library of Oregon, through its Oregon Intellectual Freedom Clearing House (OIFHC), collects information on challenges to intellectual freedom at libraries, schools, and academic institutions in Oregon. OIFHC's 2018 report, updated on February 15, 2019, covers challenges from July 1, 2017 through June 30, 2018. It does not release names of people, organizations, libraries, nor towns.*]

Splatoon 2, a Japanese language graphic novel by Sankichi Hinodeya, was challenged in an Oregon school. A parent complained that it promotes bullying. The patron offered to preview books in Japanese to determine their appropriateness for the school. Four Japanese language teachers did not share the parent's concerns, and the librarian communicated this to the parent. A formal challenge process was initiated. The status of the graphic novel is not known. Reported in: OIFHC, February 15, 2019.

Gun: A Visual History by Chris McNabb was removed from an Oregon elementary school library but retained in the district's upper-level school libraries. The schools' library staff reviewed this adult, but largely pictorial, book about the history of guns after a parent complained to a teacher about it. Reported in: OIFHC, February 15, 2019.

Tomah, Wisconsin

The Confederate flag can no longer be worn or displayed on school property in Tomah, Wisconsin. The Tomah School Board voted

unanimously to approve the ban during a special meeting January 21.

Tomah School Superintendent Cindy Zahrte said the issue was brought before the school board after several incidents at the high school, including someone letting the air out of a student's tires in connection with the flag. Because the incidents involved student records, school officials did not provide more details.

School board member Jerry Fushianes said he was happy with the outcome. "The responsibility of our school board and any school board is to ensure that we create an opportunity for students to learn uninhibited by any distractions," Fushianes said. "We were able to appreciate that there were multiple opinions (on the ban), but the students are what we have to care for and that's who we took care of tonight."

A community member and a student of Tomah High School spoke against the ban during the meeting, saying the move would limit students' right to free speech.

But Zahrte said she believes the school district does respect students' rights. "We have a delicate balance here of how do we promote student freedom of expression but also maintain a safe school environment," Zahrte said. "Those two things in this particular situation are coming into conflict and we have to side on ensuring that the school is a safe place for every child."

Zahrte said Tomah joins seven other schools in the Mississippi Valley (Wisconsin) Conference to have banned the Confederate flag. Reported in: Wisconsin Public Radio, January 23, 2019.

PRISONS

Jefferson City, Missouri

Author Carmen Maria Machado reported that she is fighting



ensorship of her book, *Her Body and Other Parties*. On her Twitter account, she wrote, “My publisher, Graywolf Press, has received a letter from the Missouri Department of Corrections (DOC) informing them that an incarcerated woman was denied access... because it ‘contains inappropriate sexual behaviors, sexually explicit materials & pictures.’”

The publisher describes the short stories in the book as falling “between psychological realism and science fiction, comedy and horror, fantasy and fabulism,” with “startling narratives that map the realities of women’s lives and the violence visited upon their bodies.”

When Machado described the censorship as “homophobic and utterly outrageous,” the Missouri DOC replied, “The DOC does not discriminate on the basis of sexual orientation. Department policies regarding censorship apply generally to materials that include content found to be sexually explicit, regardless of the gender, gender expression or sexual orientation of the characters.”

Machado retweeted the DOC explanation, and said, “This makes no sense on its face. How else do you explain the designation ‘inappropriate sexual behaviors’? What else could that possibly mean?” She said that under DOC policy “materials depicting LGBTQ people & relationships without detailed descriptions of sex acts are allowed.”

She said Graywolf Press is appealing the decision. Reported in: carmen mariamachado.com, January 3, January 5, 2019; graywolfpress.org, n.d.

PUBLIC ART New York, New York

“Candy Nations,” a set of public sculptures by French artist Laurence Jenkell, was removed from a downtown Manhattan site near 1 World

Trade Center. Depicting the flags of each of the G20 countries as 9-foot-tall wrapped candies, it was installed in December next to one of the buildings that replaced the original World Trade Center destroyed in the 9/11 attack.

One of the G20 countries is Saudi Arabia, and some families of 9/11 victims are suing Saudi Arabia, claiming the country give support to the attackers. Saudi Arabia denies the charges, but some right-wing media expressed outrage in January that the Saudi flag was near the site.

The Port Authority of New York and New Jersey, which controls the site, announced on January 13 that in response to public comments it was moving the sculptures to JFK Airport, rather than leaving them at the World Trade Center through February 28 as originally planned. “We believe this solution respects the unique sensitivities of the site and preserves the artistic integrity of the exhibit,” the Port Authority said in a statement released to the *New York Daily News*. The statement said the Port Authority made the decision “in full collaboration with the artist.”

The artist told *Gothamist* by email, “I’ve been deeply disturbed and saddened by some of the reactions, especially given the reverence I have for this sacred site that embodies resilience even more than any other place in the world.”

In an earlier statement to the *Observer*, before the sculpture was moved, Jenkell said she had considered, but ultimately rejected pulling the Saudi flag from the site:

I first created flag candy sculptures to celebrate mankind on an international level and pay tribute to people of the entire world,” she told the *Observer*. “Given the unique and justified sensitivities surrounding

the World Trade Center, it came to my mind to propose to remove the sculpture showcasing the flag of Saudi Arabia, or relocate it to a less sensitive location.

But there is no way I can do such a thing as the flag of Saudi Arabia is entirely part of the G20 just like any other candy flag of this Candy Nations show.

The sculptures have been displayed around the world without arousing the level of controversy seen at the World Trade Center.

The National Coalition Against Censorship issued a statement opposing the move:

It is important for government agencies to be sensitive to their communities when they plan public events and displays. However, government cannot bend to the complaints of each and every member of the community. Aware from the outset that the sculpture’s location by the 9/11 Memorial might offend, the Port Authority still chose to display the work. Moving the installation to JFK Airport in response to complaints raises concerns about government censorship.

Ironically, the demand that the Port Authority remove or relocate this sculpture is at odds with the very American freedoms to which the rebuilding of the World Trade Center is dedicated.

Reported in www.jenkell.com, n.d.; *New York Daily News*, January 13; gothamist.com, January 16, 2019; ncac.org, January 17, 2019.

INTERNATIONAL Melbourne, Australia

An Australian newspaper, the *Herald Sun* in Melbourne, on December 12 published a front page that featured the word “CENSORED” in large



print on a black background, to draw attention to a gag order preventing news outlets in the country from publishing details of the trial of a former Vatican official accused of sexual abuse.

The censored story covered the case of Cardinal George Pell, a high-ranking Vatican official who was accused of sexual abuse and forced to stand trial in Australia. He has denied the allegations, but according to multiple reports was found guilty by a jury on December 10. The court said it imposed the gag order to maintain impartiality. The order remained in effect after the verdict because another case against Pell was pending in the court system, according to the *Washington Post*. Reported in: *The Hill*, December 12, 2018.

Mirimichi, New Brunswick, Canada

A Canadian school district has removed an illustrated children's book, *Bouh les amoureux!* by Genevieve Noël and Catherine Proteaux from classrooms after a First Nation student and her mother complained of derogatory content that perpetuates stereotypes about Indian peoples.

New Brunswick's education minister apologized to an Elsipogtog First Nation mother after her 10-year-old child brought home a book from an elementary school that included an illustration with a caption in French that says: "I am an Indian and I will scalp you!"

Sharona Levi said her daughter, Emma Ward-Levi, came home with the book *Bouh les amoureux!* on February 6 and showed her a page with an illustration showing one child pulling the braids of the other and the offending caption. Emma, who attends Rexton Elementary School, said she wanted to show her mom because she didn't think it was nice.

Lynn Levi said she felt the book, aimed at children six to seven years of age, perpetuates stereotypes about Indigenous people. She posted a photo of the passage on Facebook, which garnered hundreds of shares and comments.

Levi contacted the school and soon people reached out from the Anglophone North School District, the New Brunswick Department of Education, and the Minister of Education. Levi said she received a personal apology from Dominic Cardy, the

education minister, as well as from the principal of the school.

Cardy also apologized to Elispogtog First Nation Chief Arren Sock. In an interview, he said the department will try to do better and use the incident to talk about racism.

Anglophone North School District said staff at all district schools were alerted to the problematic book. Meredith Cassie, a spokesperson for the district, said the book was in a basket of books in a classroom and wasn't part of the curriculum. It's not clear if there are other copies of the books at other schools.

"Staff will be going through the remainder of the books that they have in their libraries and in their classrooms to see what's in their inventories and to vet and to remove anything that would be offensive in any way," Cassie said.

The school district posted on their website a statement a zero tolerance for racism. "Racist literature is unacceptable, and the book has been removed," said the statement. Reported in CBC News, February 8, 2019; APTN News, February 11, 2019.



SUPREME COURT

The US Supreme Court in January agreed to hear a case that could determine to what extent “scandalous” speech is protected under the First Amendment. In *Iancu v. Brunetti*, Erik Brunetti claims he has been unconstitutionally denied a federal trademark for his outlaw streetwear label, “Fuct.”

Brunetti says he has been attempting to trademark Fuct since the mid-1990s. A Truman-era statute called the Lanham Act gives the US Patent and Trademark Office (USPTO) the power to refuse “immoral” or “scandalous” trademark applications. Brunetti’s trademark application has been repeatedly denied through numerous appeals, but in 2017, the Supreme Court struck down a clause of the Lanham Act that denied federal trademark protection to disparaging marks, in a unanimous decision in *Matal V. Tam*.

This boosted Brunetti’s fight to get trademark protection against fake Fuct product that pops up across the internet.

Brunetti and attorney John Sommer won a 3-0 victory in the federal appeals court in Washington, DC, which ruled that though the Fuct trademark is indeed “scandalous,” the Scandalous Clause is unconstitutional. The appeals court stated, “The First Amendment... protects private expression, even private expression which is offensive to a substantial composite of the general public.”

Petitioner Andrei Iancu is the director of the USPTO.

Brunetti said, “Free speech is at stake, and all speech is free speech. It cannot be selective. The moment you start shutting people down because you disagree with them or it hurts your feelings, that’s when we start going down a very slippery slope.” Reported in: *GQ*, January 30, 2019.

LIBRARIES Centennial, Colorado

A parent group agreed to drop its lawsuit that had accused Colorado libraries of giving children easy access to pornography through EBSCO research databases. The case, *Pornography is Not Education v. EBSCO and Colorado Library Consortium* was dismissed “with prejudice” on February 27 in the **District Court of Arapahoe County, Colorado**, meaning the group can’t sue again based on the same claims.

The parent group, which had legal representation from the conservative Thomas More Society, had filed the suit in October. Previously, it had pressured some local school libraries to remove EBSCO, and one of them—the Cherry Creek School District in suburban Denver—cancelled its contract with EBSCO shortly before the lawsuit was filed.

Kathleen McEvoy, vice president of communications at EBSCO, said the company is pleased the lawsuit was dismissed. The databases don’t include pornography, she said, though they may allow access to information that some people deem sensitive.

A statement from the Thomas More Society said the parents still believe that EBSCO knowingly provided children access to pornography and that the Colorado Library Consortium (CLiC) aided the company, but they didn’t want to risk paying the defendants’ legal fees if a judge ruled against them. It also said EBSCO had modified its practices in response to the lawsuit.

CLiC was included in the lawsuit because it provides resources to libraries across the state, including access to EBSCO and other databases. Jim Duncan, CLiC’s executive director, said pressure by the parents resulted in Cherry Creek students losing access to “several thousand” magazines,

newspapers, and electronic resources they could use for school research.

Duncan also said the consortium spent about \$35,000 defending the lawsuit—enough to supply a small library with new materials for seven years. “Money and time spent on legal defense in this frivolous lawsuit could have been better used to support schools, libraries and our communities,” he said in a written statement.

EBSCO’s McEvoy said in a written statement, “We are always mindful of issues around censorship and always remain neutral on topics. Since viewpoints differ around the globe, EBSCO enables individual libraries and school districts to control the content they provide to students and makes it possible for customers to remove titles from their EBSCO databases.” Reported in: *Denver Post*, March 8, 2019.

Lafayette, Louisiana

A lawsuit filed to stop Lafayette Public Library’s Drag Queen Story Time event was formally dismissed in **US District Court for the Western District of Louisiana, Lafayette Division**, on January 31. In *Guidry v. Elbersson*, the court declared that the out-of-state Christian organizations that filed suit had no standing.

The ruling said named plaintiffs Chris Sevier and others failed to show “dollars-and-cents” injury from the library’s Drag Queen Story Time, as they live out of state and don’t pay local property taxes.

Sevier has filed dozens of suits on LGBTQ+ issues across the country, including same-sex marriage, transgender rights, etc. His cases typically argue the LGBTQ+ community is in effect a faith ideology. Thus, he claims, any government interaction like issuing marriage licenses or promoting a drag queen storytime is tantamount to state sponsorship of a



religion, and therefore a violation of the First Amendment's establishment clause.

He teamed up with Warriors for Christ, a West Virginia-based Christian ministry, to sue the Lafayette Public Library and Lafayette Consolidated Government, with Library Director Teresa Elberson and Mayor-President Joel Robideaux named as defendants.

After one of the early hearings in the case, the library had issued a temporary ban on room bookings for private, drag queen-related events. This prompted the American Civil Liberties Union (ACLU) to intervene in favor of drag queen storytimes in libraries. The ACLU argued that the ban was overly broad and infringed on First Amendment rights.

Magistrate Judge Patrick Hanna held an in-chambers conversation, seeking an out-of-court resolution on the ACLU's intervention. Prior to the dismissal of Sevier's lawsuit, the library and local government agreed to throw out the controversial room reservation form that included the ban. In effect, they agreed with the ACLU that the ban restricted free speech.

Yet Sevier sees himself as the one defending First Amendment rights. He sees libraries as violating the First Amendment's separation of church and state, but doesn't see drag queens as having a First Amendment right to free speech.

"By bringing this lawsuit, we are unapologetically and firmly defending the civil rights movement led by pastor Martin Luther King," Sevier told News 15 in 2018. Reported in: News 15, September 19; *The Current*, January 10, January 31, 2019.

Houston, Texas

On January 3, the **US District Court for the Southern District**

of Texas, Houston Division, dismissed the lawsuit filed by Chris Sevier and the Warriors for Christ organization that sought to halt the Houston Public Library's sponsorship or hosting of a Drag Queen Story Time. In *Christopher et al. v. Lawson*, the court based its decision on two grounds:

1. The court lacks subject-matter jurisdiction because the plaintiffs failed to establish legal standing to sue; the plaintiffs cannot show that they suffered an actual "injury in fact" caused by the defendants' conduct that can be redressed under the law. The plaintiffs failed to show that they saw the actual DQST event while using the library; and failed to demonstrate that they are resident taxpayers or that the Library spent more than a de minimis amount on the presentation of the "Drag Queen Storytime." Additionally, many of the injuries they allege ("libeled, harassed, targeted, and ostracized online and in person") are not traceable to the defendants' conduct.
2. Even if the court had subject-matter jurisdiction, the complaint fails to state an Establishment Clause claim under the First Amendment. Even accepting plaintiffs' allegation that secular humanism could be a religion for Establishment Clause purposes, the plaintiffs fail to allege any facts or basis showing that "Drag Queen Storytime" is a religious activity. There is no allegation that a reader discussed secular humanism at the event, or that any story the Library selected invoked secular humanism or any religion at all.

Plaintiffs will likely move for reconsideration or exercise their right to appeal to the Fifth Circuit Court of Appeals. Reported in: KHOU-TV, January 3; US Court SD Texas-Houston, January 3, 2019.

SCHOOLS Richmond, Virginia

A history lesson on "The Muslim World" at a public high school does not violate the Constitutional separation of church and state, a three-judge panel of the **US Court of Appeals for the Fourth Circuit** ruled on February 11 in *Wood v. Arnold*. Upholding an earlier District Court decision, Judge Barbara Milano Keenan, joined by Judges Pamela Harris and James A. Wynn Jr., wrote that school officials in southern Maryland had not violated a student's First Amendment rights, because the curriculum did not endorse a particular religion nor force her to profess any belief.

As a high school junior, Caleigh Wood refused to complete a lesson that she said forced her to embrace Islam in conflict with her Christian faith. Wood's attorney, Richard Thompson, argued that the lesson endorsed Islam, denigrated Christianity, and amounted to "forced speech of a young Christian girl." Thompson, president of the Thomas More Law Center, a national Christian nonprofit law firm, said "This is unequal treatment of Christianity by the school system."

The appellate court disagreed, writing, "School authorities, not the courts, are charged with the responsibility of deciding what speech is appropriate in the classroom. Academic freedom would not long survive in an environment in which courts micromanage school curricula and parse singular statements made by teachers."



Attorney Andrew Scott, who represents the defendant school officials from Charles County, Maryland, said the ruling sends an important message to school officials throughout the state affirming their discretion to teach about religion. “Religion is an integral part of history. You can’t ignore it,” he said. “The key is to teach it from a secular perspective—and not to proselytize.”

The disputed lesson lasted five days in a year-long course at La Plata High School. Wood and her parents objected to two aspects of the unit that touched on politics, geography, and culture.

In its ruling, the court considered the school’s broad world history curriculum rather than examining each potentially problematic statement. If judges found violations “every time that a student or parent thought that a single statement by a teacher either advanced or disapproved of a religion, instruction in our public schools ‘would be reduced to the lowest common denominator,’” Keenan wrote in her 18-page opinion.

Wood was also required to complete a worksheet on the growth of Islam, the “beliefs and practices,” and the links between Islam, Judaism, and Christianity. A fill-in-the-blank section included the statement: “There is no god but Allah and Muhammad is the messenger of Allah,” a portion of an Islamic declaration of faith known as the *shahada*.

The court found that the assignment involving the *shahada* was meant to assess whether students understood the “beliefs and practices” of Muslims. The task was factual, and students “were not required to memorize the *shahada*, to recite it, or even to write the complete statement of faith,” according to the ruling.

Charles County Schools Superintendent Kimberly A. Hill said after

the ruling, “We don’t teach religion. What we are teaching is world history. . . . It isn’t any kind of indoctrination for anyone.”

Thompson said he would seek review of the three-judge-panel ruling, either by the full appeals court or the Supreme Court. Reported in: *Washington Post*, February 13, 2019.

COLLEGES AND UNIVERSITIES Harrison, New York

The State University of New York [SUNY] and the Westchester County District Attorney may have violated a student’s First Amendment rights when they arrested him and charged him with a hate crime. The D.A.’s office announced on December 11 “Gunnar Hassard was arraigned in Harrison Town Court for Aggravated Harassment in the First Degree, a class E felony, for hanging posters with Nazi symbolism in areas of the campus” of SUNY’s Purchase College.

Hassard, a student at the college, hung multiple posters, which incorporated a swastika and symbols of Nazi Germany, on and near the Humanities Building. New York State University Police arrested Hassard.

The complaint states that the defendant posted multiple flyers on the campus “frequented and utilized by members of the Jewish community . . . causing alarm, fear and annoyance to the members of the campus community during the Jewish holiday of Hanukkah.”

The case raises numerous First Amendment issues, according to attorney Eugene Volokh, author of “The Volokh Conspiracy” blog on *reason.com*. Volokh wrote, “As readers might gather, I have only contempt for neo-Nazis. But the statutory provision to which the D.A.’s office is referring, NY Penal Law 240.31, is unconstitutional.”

The law covers anyone who “etches paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building . . . without express permission of the owner or operator of such building or real property.”

Volokh stated that this law “impermissibly singles out a particular message based on its content and even its viewpoint, which is unconstitutional under *R.A.V. v. City of St. Paul* (1992) (and *Virginia v. Black* (2003)).”

Volokh added:

Swastikas are constitutionally protected, just as are hammers and sickles or burning crosses or images of Chairman Mao or other symbols of murderous regimes and ideologies. Public speech intended to “harass, annoy . . . or alarm” groups of people (whether Jews or conservative Christians or blacks or whites) is constitutionally protected. Posting things on other people’s buildings isn’t protected, but the law can’t single out the posting of particular viewpoints for special punishment. And true threats of violence are unprotected, but the statute isn’t limited to them, and I’ve seen no evidence of a specific true threat here.

It is also possible that the student was not endorsing the Nazi ideology displayed on the posters. The message on the posters was “Don’t be stupid, be a smarty/Come and join the Nazi party,” a line from Mel Brooks’ comedy *The Producers*, which makes fun of Nazis. According to Volokh, “this suggests that this might have been a joke gone awry by Hassard, who is apparently involved in theater; but . . . the prosecution is unconstitutional in any event.” Reported in: *weschesterda.net*. December 11, 2018; *Reason.com*, December 12, 2018.



SOCIAL MEDIA Sacramento, California

The American Civil Liberties Union filed a lawsuit against Sacramento County Sheriff Scott Jones for blocking Black Lives Matter (BLM) Sacramento leaders from posting comments on the sheriff's official Facebook page, alleging he violated their First Amendment rights.

The suit, *Faison et al. v. Jones*, filed January 30 in **US District Court of the Eastern District of California** in Sacramento, alleges Jones deleted comments from BLM leaders Tanya Faison and Sonia Lewis on October 31 and November 5 when they responded to a post on the sheriff's page. His post expressed his opinion on the ongoing debate over the level of oversight the Office of the Inspector General should have over Jones' department.

Jones allegedly blocked Faison and Lewis from commenting on any future posts, the lawsuit said. Faison said she's still blocked from Jones' Facebook page.

"Facebook is one of the only places where we can engage with the sheriff and his supporters," she said. "Expressing our views is part of our role as residents of Sacramento."

Sean Riordan, a senior staff attorney for the ACLU, said Jones "censored" Faison and Lewis on his official Facebook page because of the "content of their speech."

"Sheriff Jones has attempted to stifle the voices of the leaders of Black Lives Matter Sacramento," Riordan said. "This is impermissible censorship that violates both the state and federal constitutions."

The suit is seeking an unspecified amount of damages and an injunction requiring Jones to unblock Faison and Lewis from his official social media accounts. Reported in: *Sacramento Bee*, January 30, 2019.

Frankfort, Kentucky

Kentucky Governor Matt Bevin's efforts to control his Facebook and Twitter accounts remain in court as the American Civil Liberties Union of Kentucky seeks to force him to stop blocking citizens who are critical of him.

A year ago, on March 30, 2018, in *Morgan et al. v. Bevin*, US District Judge Gregory F. Van Tatenhove of the **US District Court for the Eastern District of Kentucky, Central Division**, in Frankfort, denied the ACLU's request for a preliminary injunction, ruling the ACLU was not likely to win the case. (*See JIFP, Spring 2018, page 40.*)

As the case continues, another judge sided with the ACLU on one aspect of the case. On December 3, Federal Magistrate Edward B. Atkins granted the ACLU's request to compel Bevin to turn over screenshots of blocked users' comments. He also ordered Bevin to disclose text and email messages about his social media policy, and a list of keywords he uses to hide comments on Facebook. Judge Atkins denied the ACLU's request to have Bevin testify.

In another development, Kentucky Attorney General Andy Beshear said the governor's office violated state open records law by refusing to release the keywords it uses to filter comments from its Facebook page. Beshear, a Democrat, issued his opinion against Gov. Bevin, a Republican, on December 17.

The attorney general's opinion has the force of law unless it is overturned in court. The governor's office said it will challenge the opinion.

In the lawsuit, the ACLU is representing Mary Hargis of Morehead and Drew Morgan of Louisville, who say the administration's decision to block them violates their constitutional rights to free speech.

Bevin uses Facebook and Twitter frequently to communicate his views and news about his administration, which he says allows him to speak directly to Kentuckians. The *Louisville Courier-Journal* reported that Bevin has blocked hundreds of people from the social media accounts.

The ACLU's legal director, William Sharp, said in a news release about its lawsuit that the "First Amendment does not allow the government to exclude speakers from a public forum because it disagrees with their viewpoint."

The governor's lawyers have asked the court to treat the governor's presence on Facebook and Twitter not as a public forum but as personal accounts. The Bevin administration said it welcomes comments from all users on social media as long as they remain civil, but reserves the right to block people who post objectionable comments.

As for the keywords sought by the ACLU, Matthew F. Kuhn, a deputy general counsel for Bevin, argued that public disclosure of terms it used to filter comments would allow people to learn how to bypass them. Kuhn claimed the Facebook page would have to be constantly monitored "lest it be overrun with profane, obscene or clearly off-topic comments."

The attorney general's opinion said such reasons did not "constitute clear and convincing evidence to justify" keeping the keywords secret.

In a summary of several similar cases of public officials with social media accounts across the United States, *Quartz* wrote, "Facebook itself is a private company, and can censor speech as it pleases. But in the US, officials blocking constituents is a violation of their First Amendment right to freedom of expression, and deleting their public statements is a form of government censorship, lawyers



argue.” Reported in: *Courier-Journal*, December 4, December 18, 2018; *Quartz*, December 13, 2018.

Richmond, Virginia

A county official who blocked a critic from her Facebook page violated the First Amendment, the **US Court of Appeals for the Fourth Circuit** in Richmond affirmed in *Davison v. Randall*. According to the Knight First Amendment Institute, this January 7 decision is the first time an appellate court has addressed whether the First Amendment applies to social media accounts run by public officials.

The Knight Institute, based at Columbia University, argued the appeal on behalf of Brian Davison, a Virginia resident who had been temporarily banned from the Facebook page of the chair of the Loudoun County Board of Supervisors.

The ruling “confirms that the First Amendment prohibits government censorship on new communications platforms,” said Katie Fallow, senior staff attorney at the Knight Institute, who argued the case on appeal. “Public officials, who increasingly use social media accounts as public forums to foster speech and debate among their constituents, have no greater license to suppress dissent online than they do offline.”

Brian Davison filed a First Amendment lawsuit in 2016, after Board of Supervisors Chair Phyllis Randall blocked him for posting comments that criticized members of the county school board. Davison won that lawsuit, with the trial court ruling that Randall had unconstitutionally barred him from her Facebook page based on viewpoint. Randall appealed to the Fourth Circuit Court of Appeals, which heard oral arguments in the case in September 2018.

In its opinion, the court of appeals affirmed the trial court’s ruling

that aspects of Randall’s Facebook page “bear the hallmarks of a public forum” and that her decision to ban Davison constituted “black-letter viewpoint discrimination.”

Other cases on whether the First Amendment applies to social media accounts run by government officials have not yet been decided at the appellate level. In May 2018, a federal trial court in New York held in a case brought by the Knight Institute that President Trump violated the First Amendment by blocking critics from his Twitter account (*see JIFP, Spring 2018, page 40*). The Trump administration has appealed that decision, and the case is currently pending before the US Court of Appeals for the Second Circuit.

“The First Amendment forecloses government officials from suppressing speech on the basis of viewpoint,” said Jameel Jaffer, the Knight Institute’s executive director. “With so many public officials using social media as a means of communicating with their constituents, the Fourth Circuit’s thoughtful ruling will undoubtedly have broad impact.” Reported in: Knight First Amendment Institute, January 7, 2019.

PRIVACY New York, New York

The **US District Court** in Manhattan blocked the Commerce Department from adding a question on American citizenship to the 2020 census. In *State of New York et al. v. US Department of Commerce*, Judge Jesse M. Furman sided with groups arguing against a citizenship question on the census. The Census Bureau itself estimated in an analysis in January 2018 that at least 630,000 households would refuse to fill out the 2020 questionnaire if such a question were included.

The upcoming census count will determine which states gain or lose

seats in the House of Representatives when redistricting begins in 2021. When the Trump administration announced last year it was adding a citizenship question to the census, opponents argued the results would undercount noncitizens and legal immigrants—who tend to live in places that vote Democratic—and shift political power to Republican areas.

The ruling said that Wilbur L. Ross Jr., the commerce secretary, broke federal rules when he ordered the citizenship question added to the census. Judge Furman said Ross cherry-picked facts to support his views, ignored or twisted contrary evidence, and hid deliberations from Census Bureau experts.

The Trump administration’s next move is unclear. Government lawyers could appeal the ruling or seek a stay in the United States Court of Appeals for the Second Circuit—or go straight to the Supreme Court and ask justices to intervene. Reported in: *New York Times*, January 15, 2019.

SEXUAL HARRASSMENT ALLEGATIONS

Los Angeles, California

Jay Asher, author of the best-selling young adult novel *Thirteen Reasons Why*, suffered career setbacks after he was accused of sexual misconduct in 2018. His literary agency dropped him, speaking engagements and book signings evaporated, some bookstores removed his novels from their shelves, and the Society of Children’s Book Writers and Illustrators announced that he had violated the professional organization’s anti-harassment policy.

Asher, who denied the allegations, has filed a lawsuit against the Society of Children’s Book Writers and Illustrators and the group’s executive director, Lin Oliver, claiming that Ms. Oliver and the organization



made false and defamatory statements about him that torpedoed his career and caused financial harm and intentional emotional distress. The case, *Asher v. SCBWI*, filed in **California Superior Court** in Los Angeles, seeks a jury trial and unspecified financial damages.

In the lawsuit, Mr. Asher claims that Ms. Oliver and her organization never properly investigated the

complaints against him and ignored exonerating evidence.

Publishers, booksellers, and agents have wrestled with how to handle anonymous allegations against authors when the accusations are hard to confirm, and with whether it's appropriate to rehabilitate the careers of those accused. Children's book publishers in particular have reacted swiftly to harassment

allegations against authors, given their books' impressionable audiences and their reliance on teachers and librarians, who might be reluctant to support the work of authors accused of inappropriate behavior.

But so far, few accused authors have vigorously fought allegations publicly or sought financial damages for lost earnings. Reported in: *New York Times*, January 25, 2019.



SCHOOLS Augusta, Maine

Should it be against the law for teachers to assign materials that some parents might consider “obscene”? A bill that would criminalize the act of assigning violent or sexually explicit learning materials (in the form of literature, art, or film) to students in Maine classrooms has been introduced in the Maine legislature.

LD 94, proposed by Representative Amy Arata (R–New Gloucester) seeks to make it a felony for teachers and school administrators to knowingly allow students to be exposed such material without student or parental consent. This was to be considered a Class C crime—a felony that could have potentially brought a fine and jail time.

In an initial vote, the bill was unanimously rejected by members of a legislative committee on February 11. Rep. Arata said she intended to amend her bill to remove the felony portion. Lawmakers discussed further options and have agreed to take a new vote.

While Republicans on the committee spoke in favor of Arata’s intent, they shared Democrats’ concerns about the criminal component.

Rather than change the criminal code to bring punitive charges against teachers, committee members urged Arata to reach out to the state Board of Education with her concerns.

She plans to draft a new bill removing the criminal aspect, but requiring teachers get “informed consent” from a parent or guardian and the student before distributing “obscene” material.

“It was never my intent to have anybody go to jail,” Arata said. Instead, she wants to raise awareness around the issue so parents will know to “pay more attention and ask

questions.” Reported in: *Bangor Daily News*, February 11, 2019.

COLLEGES AND UNIVERSITIES Washington, D.C.

Would a presidential executive order regulating free speech on college campuses result in more free speech or more censorship?

Speaking at the Conservative Political Action Conference (CPAC) on March 2, President Trump said he wants universities’ federal funding to be at risk if they fail to protect conservatives’ right to express their viewpoints. Details of his proposed executive order still had not been released by mid-March.

As an example of why he feels such federal intervention is needed, the president cited conservative activist Hayden Williams of the Leadership Institute, who was physically assaulted in February at the University of California’s Berkeley campus.

But some professors are disputing the president’s argument that the incident justifies an executive order. Neither Williams nor his attacker, Zachary Greenberg, are students or employees of the university. A UC Berkeley spokesperson said that Williams “had every right to be on campus, and every right to express his view.”

Many educators are concerned that Trump’s executive order will regulate free speech on college campuses. Following the president’s announcement at CPAC, University of Chicago president Robert Zimmer wrote a letter calling the declaration “a grave error for the short and the long run.”

Zimmer warned, “It makes the government, with all its power and authority, a party to defining the very nature of discussion on campus. A committee in Washington passing judgment on the speech policies and

activities of educational institutions, judgments that may change according to who is in power and what policies they wish to promulgate, would be a profound threat to open discourse on campus.” Reported in: *The Observer*, March 2, March 6, 2019.

Minneapolis, Minnesota

Can a university professor be disciplined for using the n-word in class? What if he is reading a literary passage to his students that includes the n-word? Or does his academic freedom allow him to expose his students to the offensive word?

The American Association of University Professors’ (AAUP) Department of Academic Freedom, Tenure, and Governance has sent a letter to the president of Augsburg University after the university suspended Phillip Adamo over his use of a quoted passage from a book by James Baldwin which used the n-word.

AAUP raised the concern that Adamo’s suspension was a violation of his academic freedom, as it appears to have been primarily based on classroom speech that was clearly protected by principles of academic freedom. AAUP also raised concerns that his suspension violates Association-supported procedural standards that are explicitly incorporated into Augsburg University’s faculty handbook.

Adamo contacted the AAUP after receiving a letter from Dr. Karen Kaivola, Augsburg’s provost and chief academic officer, informing him of his temporary suspension from teaching in the current spring semester pending a “formal resolution process” concerning potential misconduct.

AAUP’s letter, signed by Hans-Joerg Tiede, AAUP’s associate secretary, said, “To the extent that the administration’s actions against Professor Adamo are based on his reading from *The Fire Next Time* in



his class, they violate his freedom in the classroom under principles of academic freedom long recognized by this Association and in Augsburg University's faculty handbook." Tiede added that "Professor Adamo's public suspension raises concerns about its impact on the climate for academic freedom at Augsburg University generally" and "is likely to have a chilling effect on others who teach at the institution." Reported in: *aaup.org*, February 1, 2019.

PRIVACY

Orange County, California; Eden Prairie, Minneapolis, Rochester, and St. Paul, Minnesota; Raleigh, North Carolina; Henrico, Virginia

How often are local police and federal investigators using "reverse location" search warrants? How many innocent cell phone users are being investigated simply because they were somewhere near the scene of a crime within a certain time frame?

Slate, *Forbes*, WRAL-TV in Raleigh, North Carolina, and Minnesota Public Radio (MPR) all have recently reported on police departments using search warrants that allow them to sweep up the coordinates and movements of every cellphone in a broad area, to see if any of the phones came close to the site of their investigation.

Police departments across the country have been knocking at Google's door for at least the last two years with warrants to tap into the company's extensive stores of cellphone location data, according to *Slate*.

Captain John Sherwin of the Rochester Police Department in Minnesota told *Forbes* it wasn't just Google that could furnish cops with a startling amount of detailed location data. Facebook and Snapchat also had proven useful, he said.

MPR described a warrant "so expansive in time and geography that it had the potential to gather data on tens of thousands of Minnesotans."

With such warrants, according to *Slate*, "the police can end up not only fishing for a suspect, but also gathering the location data of potentially hundreds (or thousands) of innocent people. There have only been anecdotal reports of reverse-location searches, so it's unclear how widespread the practice is, but privacy advocates worry that Google's data will eventually allow more and more departments to conduct indiscriminate searches."

Cases where reverse-location search warrants were used include:

- A suspicious fire, a murder, and sexual battery in Raleigh, North Carolina;
- Home invasions, theft, and a shooting in Minnesota;
- Unspecified searches by the State Bureau of Investigation in Orange County, California;
- An FBI investigation into a string of robberies in Virginia.

Law enforcement at all levels of government for years have used warrants to collect information on every phone connected to a cell tower at a certain time. But Google's location tracking is more precise, and Google tracks phones that aren't connected to cell towers, such as those using GPS satellites or Wi-Fi. Follow-up warrants involving devices using Google may ask for more personal information, such browsing history and past purchases.

Google issued a statement: "We have an established process for managing requests for data about our users, and in these particular instances, require a search warrant. We always

push back on overly broad requests, to protect our users' privacy."

Many privacy advocates argue that reverse-location search warrants are prohibited under the Fourth Amendment, which generally dictates that searches by law enforcement need to be specific and limited only to what's necessary.

Law enforcement "needs to suspect a particular person or criminal activity, not just go, for example, search every home in a given area," said Jennifer Lynch, who serves as the surveillance-litigation director for the Electronic Frontier Foundation.

One of the main concerns with these generalized searches is that the data of unsuspecting innocent people inevitably falls into the hands of police. Even though these people might not be breaking any laws, the information that such methods dredge up could still be revealing and sensitive. "What if this type of location-based collection is occurring in our red light district and you're finding out everyone who was there, or some sort of shady establishment? Or what if you're targeting at a medical facility or religious house of worship?" says Jake Laperruque, who serves as senior counsel at the Constitution Project. "It gets really bad really fast."

Privacy advocates are encouraging judges to be more discerning in approving warrant applications. Because this is a relatively new technique, some worry that the courts do not understand the true invasiveness of what police departments are requesting or how much precise location data Google has stored. Reported in: WRAL-TV, March 15, 2018 and July 13, 2018; *Forbes*, October 23, 2018; MPR, February 7, 2019; *Slate*, February 19, 2019.



Albany, New York

How much personal information is Facebook collecting? New York Governor Andrew Cuomo on February 22 ordered two state agencies to investigate a media report that Facebook Inc. may be accessing far more personal information from smartphone users than previously known, including health and other sensitive data.

The directive to New York's Department of Financial Services (DFS) came after the *Wall Street Journal* (WSJ) said testing showed that Facebook collected personal information within seconds of users entering it into other apps on their smartphones.

The WSJ reported that several apps share sensitive user data, including weight, blood pressure, and ovulation status with Facebook. The report said the company can access data in some cases even when the user is not signed into Facebook or does not have a Facebook account.

In a statement, Cuomo called the practice an "outrageous abuse of privacy." He also called on the relevant federal regulators to become involved.

Facebook said in a statement it would assist New York officials in their probe, but noted that the WSJ's report focused on how other apps use people's data to create ads.

"As (the WSJ) reported, we require the other app developers to be clear with their users about the information they are sharing with us, and we prohibit app developers from sending us sensitive data. We also take steps to detect and remove data that should not be shared with us," the company said.

In late January, Cuomo and New York Attorney General Letitia James announced an investigation into Apple Inc. about its failure to warn consumers about a FaceTime bug that

had let iPhones users listen to conversations of others who have not yet accepted a video call.

In March, New York's financial services department is slated to implement the country's first cybersecurity rules governing state-regulated financial institutions such as banks, insurers, and credit monitors.

In January, DFS said life insurers could use social media posts in underwriting policies, so long as they did not discriminate based on race, color, national origin, sexual orientation, or other protected classes. Reported in: Reuters, February 25, 2019.

INTERNATIONAL New Delhi, India

Should a national government censor online communications to limit the spread of "fake news"? In India, the government has proposed new rules that could have a profoundly chilling effect on free speech and privacy online.

Under the new rules, internet and social media platforms would be required to deploy automated tools to ensure that information or content deemed "unlawful" by government standards never appears online. The Indian government has yet to define what it considers unlawful, but critics warn that it could create incentives for internet companies to flag, and potentially remove, more content than necessary, to avoid publishing something illegal. The definition of "unlawful" likely would encompass everything prohibited under Indian law, which includes hate speech against certain protected groups, defamation, child abuse, depictions of rape, and many other types of communication.

Efforts to automatically flag content that could potentially fall under any of these categories will likely identify a lot of legal, and unobjectionable, material, *Wired* suggested.

The newly proposed rules also require secure messaging services like WhatsApp to decrypt encrypted data for government use, which could affect the security of users around the globe. The rules also would require internet companies to notify users of their privacy policies monthly.

The proposed changes involve Section 79 of the IT Act, a safe harbor protection for internet "intermediaries" that's akin to Section 230 of the Communications Decency Act in the United States. Current Indian law protects intermediaries such as internet service providers and social media platforms from liability for the actions of their users until they are made aware of a particular post; without the new rules intermediaries currently are only required to censor content when directed by a court.

Even before the rules go into effect, internet companies have begun self-censoring content in response to the proposed change. On January 17, Netflix and eight other streaming services voluntarily agreed to ban unlawful content from their platforms. According to BuzzFeed News, Netflix's decision to self-regulate was "an attempt to avoid official government censorship."

In a statement, India's Internet Freedom Foundation described the proposal as "a tremendous expansion in the power of the government over ordinary citizens eerily reminiscent of China's blocking and breaking of user encryption to surveil its citizens."

Mozilla policy adviser Amba Kak said much of the same in a January 2 post. The proposal "calls into play numerous fundamental rights and freedoms guaranteed by the Indian constitution," Kak wrote. "Whittling down intermediary liability protections and undermining end-to-end encryption are blunt and



disproportionate tools that fail to strike the right balance.”

According to reports by India’s *Economic Times*, government officials say the push to weaken encryption services is in response to recent criticism of secure messaging app WhatsApp, which is owned by

Facebook. Misinformation ran rampant across the massively popular platform last year, exacerbating tensions between castes and fanning violence.

Government officials elsewhere have used similar arguments to justify encryption-busting tactics.

Most recently, Australia’s Parliament passed sweeping legislation giving authorities the ability to demand companies create backdoors in secure messaging services. Reported in: *Wired*, January 18, 2019.



LIBRARIES Andover, Kansas

Three children's books with transgender characters—*George* by Alex Gino, *Lily and Duncan* by Donna Gephart, and *I Am Jazz* by Jazz Jennings and Jessica Herthel—will remain in the juvenile section of the Andover Public Library.

Andover community member Marci Laffen had filed a written challenge, asking for the books to be moved to the adult section because of what she called “sexual content.” At a meeting on February 13, the library board of directors voted 6-1 to keep the books in place. Laffen's challenge referred to the books as part of a “sexual revolution agenda, indoctrination of children.”

Board members said they received feedback on both sides of the issue from Andover residents and people from elsewhere.

Previously the board had postponed the vote for a month, in part to give its members time to read the three books.

At the January meeting, board member Cindy Pfeiffer, a former school librarian, said they needed to be careful about moving books from their recommended section. “What happens when you move books to different categories is they can get lost from their intended audience,” she said. “In my experience with middle school and high school kids, they will not read down. If you're in sixth grade, you do not want to read about fourth-graders.”

I Am Jazz, a picture book biography of a transgender child, is classified as juvenile nonfiction at the Andover Public Library. *George* and *Lily and Dunkin* are both classified as juvenile fiction at the library. Both are about transgender kids, one in fourth grade, and one in eighth grade.

People who said they were members of the transgender community told the January library board meeting that addressing LGBT issues in children's books can help some kids understand what they are experiencing. Reported in: *Wichita Eagle*, February 13, 2019.

Rumford, Maine

Books with lesbian and gay themes, including *My Lesbian Experience with Loneliness*, a manga graphic novel by Nagata Kabi; *Queer: A Graphic History* by Meg John-Barker and Julia Scheele, and *Two Boys Kissing*, a young adult novel by David Levithan, were challenged by three local church leaders but retained at the Rumford Public Library in Maine in September.

The church leaders saw the books in the library's Banned Books Week display. This prompted them to challenge Nagata Kabi's manga as “immodest and inappropriate for a public setting” on the basis of its cover alone. The letter challenging the display called out other books for “promoting homosexuality.” According to a Facebook post by local resident Katrina Ray-Saulis, one of the letter's signers “has verbally expressed that he would like to pursue the destruction of all books regarding homosexuality in the library.”

In addition to local citizens, several groups supported retention of the books in the library, including the American Library Association's Office for Intellectual Freedom, the Comic Book Legal Defense Fund, and the National Coalition Against Censorship. Reported in: cbdlf.org, December 31, 2018.

Big Rapids, Michigan

P.S. I Miss You, a 2017 novel for middle grade readers by Jen Petro-Roy, was challenged but retained at Big Rapids Community Library.

A patron gave a negative review on the library's online catalog and stated it should be removed or red-flagged “before an unsuspecting patron reads this book.” According to a summary in *Goodreads*, the book focuses on “a girl who's questioning her sexual orientation,” who “writes letters to her sister, who was sent away from their strict Catholic home after becoming pregnant.”

The patron submitted a reconsideration request to the library board. The board voted in May 2018 to retain the book, and the patron was notified. Reported in *Big Rapids Community Library Board Documents*, May 8, 2018; goodreads.com, n.d.

Oregon

[EDITOR'S NOTE: *The State Library of Oregon, through its Oregon Intellectual Freedom Clearing House (OIFCH), collects information on challenges to intellectual freedom at libraries, schools, and academic institutions in Oregon. OIFCH's 2018 report, updated on February 15, 2019, covers challenges from July 1, 2017 through June 30, 2018. It does not release names of people, organizations, libraries, nor towns.*]

Willy the Champ by Anthony Browne was retained in an Oregon public library after a patron challenged it. The 2008 children's book is about a chimp who struggles with sports, then accidentally defeats a bully and becomes a hero. A patron complained to an Oregon public library about “violence used to solve problems with bullies for early readers. Violence celebrated.” Reported in: OIFCH, February 15, 2019.

The True Adventures of Esther the Wonder Pig, a 2018 picture book by Steve Jenkins, Derek Walter, and Caprice Crane, was reinstated after a challenge at a combined elementary school and public library in Oregon. (The public



library operates libraries inside local schools.) The book tells of a so-called mini-pig who eventually topped 650 pounds, leading her “two dads” to move from their small apartment to a farm, now an animal rescue sanctuary. The picture book was originally removed by the principal as “inappropriate” for the school. After school administrators reviewed the library’s collection development policy and a request for reconsideration form, the title was retained. Reported in: OIFCH, February 15, 2019.

This One Summer, a 2014 graphic novel by Mariko and Jillian Tamaki, was retained in an Oregon public library after a challenge by a patron who objected to language (“slut”) and mention of condoms in the dialogue. Reported in: OIFCH, February 15, 2019.

A number of videos were challenged but retained in Oregon. The annual summary of challenges published by the State Library of Oregon gives a separate report for each title but keeps the names of people and organizations confidential, so it is unclear whether all of these challenges were at the same library or different public libraries across the state. The challenged videos were:

- *Founding Fathers: The Men Who Shaped Our Nation and Changed the World*. A patron expressed concern that the DVDs didn’t respect or show the spiritual beliefs of early US leaders, and instead discussed “their moral indiscretions or sexual lives.” In accordance with the Reconsideration Policy, the director reviewed both videos, their usage, their availability in other libraries, and the featured speakers. She found that the DVDs are available in many public libraries and the speakers are

considered reputable. The patron was informed and did not appeal the decision.

- *Layer Cake*. A patron challenged this 2004 crime film starring Daniel Craig as a cocaine dealer trying to get out of the business. The objections to the film included gratuitous sex, profanity, violence, and drug use. The library retained the DVD in its collection.
- *Tightrope*. Citing concerns about sexism, nudity, and voyeurism, a patron challenged this 1984 thriller about a serial murderer of prostitutes. Clint Eastwood plays the detective. The library retained the title.

Reported in: OIFCH, February 15, 2019.

Terrell, Texas

A Day in the Life of Marlon Bundo by Jill Twiss was challenged but retained at the public library of Terrell, Texas.

This 2018 parody of a children’s book about Vice President Mike Pence’s rabbit (*Marlon Bundo’s A Day in the Life of the Vice President*) was challenged by a patron who stopped reading the book to her 8-year-old granddaughter when they got to the part about two male bunnies getting married to each other. The patron objected on religious grounds, believing the book encouraged her granddaughter to accept a lifestyle the Bible called sinful. After a public presentation to the library’s advisory board, the board decided to retain the title, citing the Library Bill of Rights and the Freedom to Read statement. Reported in: *Riter C. Hulsey Public Library Board Documents*, June 13, 2018.

SCHOOLS Beaverton, Oregon

The Perks of Being a Wallflower by Stephen Chbosky was challenged but

retained at the Beaverton School District. A parent challenged the 1999 book during the 2017-18 school year, deeming it a “trash novel,” featuring characters who are bad role models for teenagers, plus drug use, smoking, underage sex, drinking, and attempts to be “sexual and arousing in its graphic descriptions.”

Following the library’s policies, a review committee found the title to be consistent with the district’s general education goals, and recommended its retention, which was upheld by the deputy superintendent. Reported in: *Beaverton School District Board Documents*, March 12, 2018.

Scappoose, Oregon

George by Alex Gino is one of the titles students in grades three through five may read in the Oregon Battle of the Books (OBOB), and its focus on a transgender protagonist has prompted some Oregon schools to curtail or limit their participation in the statewide reading program. At the Scappoose School District, the school board on January 14 voted down a resolution that sought to remove *George* from the local district’s OBOB reading list. The 5-2 vote means the school district will continue with the full catalog of OBOB reading this year.

Oregon Battle of the Books is a voluntary out-of-school reading competition where teams of students answer trivia questions about a set of preselected books. The students compete at the school and district level before moving on to regional and statewide competitions.

Had the book been removed, the school district would have competed only against other districts that also removed *George*.

George tells the story of a 10-year-old transgender student perceived as a male named George but who



identifies as a female with the name Melissa.

The book was announced as part of OBOB last spring and drew quick controversy. Two districts in Oregon chose not to take part in OBOB in 2018-19 because of *George*. Several parents in Scappoose approached the school board in December citing concerns about *George*, including children lying to parents and references to pornographic material.

At the January school board meeting, some parents, teachers, and OBOB coaches said many students have already read most of the OBOB books and have been preparing since October for the competition season, which was just starting. Jaime McHugh, an OBOB coach, said, "It's terrible to take this away and punish them."

Others said the book introduced an opportunity to discuss topics that might not otherwise come up with students, and ultimately parents should decide whether or not a student is allowed to read the book. One said "some transgender kids in this age range" were excited "about *George*

being included, because it's given them an avenue to talk about their experience."

Conversely, parents who favored removing *George* from the reading list said its inclusion in the school environment could prompt students to discuss topics or use words, such as "penis" or "sex," that could get them in trouble at school.

Others said they were not opposed to the content, but thought it was not age-appropriate for third-graders. Reported in: *Columbia County Spotlight*, January 18, 2019.

INTERNATIONAL Ottawa, Ontario, Canada

Drama, a 2012 graphic novel by American author and illustrator Raina Telgemeier, is returning to elementary school library shelves, after Ottawa's English Catholic school board changed its mind in January. Officials at the Ottawa Catholic School Board had said the book was being removed from elementary school libraries because it wasn't appropriate for students of that age, according to emails obtained by CBC News. However,

the book was still being allowed for intermediate and high school (grades 7-12).

The graphic novel, which has a side story about two boys who are attracted to each other, is about a student who wants to be part of her middle-school theater production. The side story includes the two boys sharing an onstage kiss.

The author, local politicians, and parents criticized the book's removal from elementary school libraries after the news was published. The next day, the school board said it will allow it back on elementary school library shelves.

"The Ottawa Catholic School Board has listened to educators, parents, stakeholders and ratepayers," said spokesperson Mardi de Kemp in an email. "We remain fully committed to having safe, inclusive, and accepting schools."

She pointed to the publisher's classification of the book as appropriate for children age 10 and up. Reported in: CBC, January 16, 2019.



EDITOR'S NOTE: Unlike many other forms of censorship, challenges to drag queen storytimes generally don't target authors, titles, or content, but rather the method in which stories are presented to children. This compilation is by no means an exhaustive list of recent library events with drag queen readers, but a look at some that generated a significant level of controversy.

Evansville, Indiana

A trustee on the board of the Evansville Vanderburgh Public Library (EVPL) lost her seat after supporting the library's plans for an event with drag queens and kings reading to children. The Vanderburgh County Council declined to re-appoint Barbara Williams to the EVPL board at a meeting on February 6.

However, another Vanderburgh County public body that also appoints some of the EVPL board members, the County Commission, resisted calls to remove a public library board member they had appointed. At a meeting on February 12, a group of citizens opposed to drag queen storytimes asked the commission to remove Sabrina Stewart Thomas. The commissioners unanimously agreed to let Thomas serve until the end of term, to avoid the precedent of removing library board members every time they disagreed with a decision.

The controversial story hour was held on February 23 at Evansville's North Park library. Approximately 275 children and guardians attended to hear one of four storybook reading sessions hosted by drag performer Owen Jackson, performing under the name Florintine Dawn. An additional 150 kids and their guardians were turned away due to capacity, but were able to participate in other activities around the venue.

About 25 protesters and counter-protesters (separated by police) gathered outside without incident.

Steve Ary, a local pastor who has spoken publicly against drag queen storytimes, said, "We are not here to reject the LGBTQ community. We are here simply to reject the program."

After the event, it remained a hot topic of discussion at the next library board meeting, on March 14. No decision was made at the meeting about whether the library will host additional drag queen storytimes. Reported in: WNIN-FM, February 6, 2019; WFIE 14 News, February 11, 2019; *LGBTQ Nation*, February 24, 2019; *tristatehomepage.com*, February 5, February 12, March 14, 2019.

Louisville, Kentucky

A Drag Queen Storytime event has been canceled without explanation by the Louisville Free Public Library.

The event, scheduled for March 30 at the Southwest branch, was supposed to feature members of the Derby City Sisters reading to children. The event would have been the first event of its kind for the Louisville library system, and sparked a social media firestorm, both before and after it was canceled.

Some people opposed to the event wrote hateful comments on Facebook about the LGBTQ community ahead of the cancellation, while others criticized the library system for backing down, suggesting it was because of the potential controversy.

Lee Burchfield, interim director of the Louisville Free Public Library system, told the *Courier-Journal* that the decision wasn't "because it was a Drag Queen Storytime," but he repeatedly declined to provide a reason.

"We had to cancel this one, but we're committed to hosting an event like this in the future," Burchfield said.

Louisville's library employee union, AFSCME Local 3425, said the library's decision "can be interpreted as folding to intolerant forces seeking to make the library a less welcoming place to LGBTQIA [lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual/allies] patrons and staff."

The union statement added, "Libraries are meant to be safe community spaces for everyone no matter their class, race, sexuality, gender or origin."

The Derby City Sisters are a Louisville group dedicated to empowering the LGBTQ community and the city through community service, outreach, advocacy, and education for safer sex awareness.

Shawn Woodside, who goes by Sister Wilma and is the president of the Derby City Sisters, said the group has received multiple offers to host a similar event and is in the process of deciding which opportunities to take.

Derby City Sisters has about 50 members in Louisville, but is part of a global organization called the Sisters of Perpetual Indulgence, he said. Many members of Derby City Sisters grew up with "little to no positive affirmation," Woodside said, and this motivates them to reach out to children.

"The simple act of a drag queen, or clown, or really anyone who chooses to present their art in an outward physical expression, reading a story book and making a craft affirms to kids that there is a place in the world for them. That they are important, and they are loved," Woodside said. Reported in: *Louisville Courier-Journal*, March 8, March 12, 2019.

Lafayette, Louisiana

After months of protests, cancellations, postponements, changes of venue, and a federal lawsuit, the



Lafayette Public Library (LPL) finally had a drag queen storytime in its South Regional Library on Sunday, February 2.

Three drag queens wearing vibrant garb and protected by a police escort read books to children, while protesters gathered on the lawn outside. Just days before, a lawsuit to stop the event was dismissed (*see page 54*).

Originally scheduled to take place in October in a different library building, LPL's Main Library, the event drew so much interest—both from people planning to attend and from people planning to protest—that the library cancelled the event. A college that offered its campus instead also cancelled plans for the drag queen storytime, citing security concerns.

While the event was still being debated in public and in court, Lafayette Mayor-President Joel Robideaux expressed his opposition. This led Joseph Gordon-Wiltz, the only member of the library board appointed by Robideaux, to resign from the LPL board.

For Dylan Pontiff, who becomes drag queen Santana Pilar Andrews when he dons a gown and wig, the event was a massive success and a way to teach children the importance of respecting others' differences.

Pontiff and two other drag queens—Roxie C. Black and Kenli Andrews—read three books about respecting differences: *The Boy with the Rainbow Heart*, *Love Is Love*, and *Jacob's New Dress*.

The three are not affiliated with the national Drag Queen Story Hour organization.

Protesters outside held signs reading “Don't drag children's innocence through the mud” and “Drag Queen Story Time = Childhood's End.”

Library Director Teresa Elberson said the event was in no way sponsored by the library, in part because

there is still time for an appeal to revive the federal lawsuit.

The library hired six Lafayette Police Department officers for security at the event and allowed the use of the public meeting room, because, Elberson said, “We had to let them use the room. They had the right to use the room.” Reported in: *Acadiana Advocate*, January 3, 2019; *Lafayette Daily Advertiser*, February 6, 2019.

Anne Arundel County, Maryland

After a Drag Queen Story Time program was held at the Glen Burnie Regional Library in the fall, the board of trustees of the Anne Arundel County Public Library voted in December to take approval power over controversial programs.

Previously, the programs were planned by the professional library staff under CEO Skip Auld.

In an editorial, the *Capital Gazette*, a local newspaper, said the board's vote “is a step toward rejecting titles on bookshelves and or in video collections because the ideas are unpopular or uncomfortable. Picking a CEO should be the board's only tool for influencing content.”

In addition to drag queen storytimes, the library board is holding up more than a dozen events centered on LGBTQ and women's health issues, according to Auld. Such programming is “in limbo,” he said. Reported in: *Capital Gazette*, March 13, March 18, 2019.

Astoria, Oregon

Messages before a Drag Queen Story Hour at the Astoria Library warned of possible violent protests, but the event proceeded calmly on February 9.

The event's primary critic, Miles Rudduck of Warrenton, announced on social media earlier in the week that he planned to peacefully protest,

but also indicated to library staff and Astoria police that violent protests could be possible from others, according to Police Chief Geoff Spalding.

At the event, Ruddick stood outside with three other men. Wearing a red “Make America Great Again” hat, he livestreamed videos for his Facebook page, proclaiming his view that the reading was harmful to children.

No violent protests erupted, and attendance surpassed a similar reading last summer.

More than 100 adults and children were in attendance this year as Marco Davis, a community volunteer performing in drag as “Miss Daylight,” read three picture books. Reported in: *Daily Astorian*, February 9, 2019.

Greenville County, South Carolina

A controversial Drag Queen Story Hour at the Five Forks branch of the Greenville County Library System was canceled by officials on Tuesday, February 12, then uncanceled on Wednesday, February 13, and held on Sunday, February 17.

An estimated 150 people, including dozens of children, attended the two-hour event, according to the *Greenville News*.

Meanwhile, a similar number of protesters and counter-protesters gathered outside of the library.

The story hour, with four drag queens reading to children in the library, was organized by a group called Mom's Liberal Happy Hour SC. The event was not sponsored by the library.

Greenville County Library System Executive Director Beverly James wrote in an email that the reason for the cancellation was that an online invitation advertising the event, posted on eventbrite.com, made it appear that public library space would



be used for a private event. Library policy prohibits ticketed events.

Rylee Huntly, one of the event organizers, said his group had created an online sign-up with free tickets to try to manage crowd size. They filed a separate application to use a room at the library for the story hour without the use of tickets, and the new application was approved.

Prior to the event, Greenville County Council chairman Butch Kirven released a statement about the drag queen storytime: “Speaking for myself, I believe that if it were in County Council’s power, the activity scheduled at the Five Forks Branch Library on Sunday afternoon, February 17th, would be shut down immediately.”

He said his criticism of the event was not over lifestyle choices, but that the event was an abuse of privilege by using the library to promote a narrow agenda.

GOP Politics of South Carolina planned a counter-event to be held at the same time outside the library, featuring pastor and political spokesperson Mark Burns and special guest Sen. Lee Bright. The organizers of the protest posted the following on Facebook: “We will not allow this type of evil, liberal agenda to come in and pollute our town and disrupt our community using a public platform to profit off of this publicity stunt being pulled by the left. Let’s stand together.”

Defending the drag queen storytime, Huntly said, “It’s simply going and existing as human beings in an environment to teach tolerance and acceptance of diversity.”

The controversy continued to resonate after the drag queen storytime was over, and it is one reason South Carolina lawmakers are proposing new legislation to require all libraries to report their finances

to the state. The bill would require libraries that receive state aid to send in quarterly reports with a list of the library’s activities. If they fail to report, the proposed legislation would take the money back and put it in the state’s general fund. Reported in: WYFF News 4, February 7, 2019; *Greenville News*, February 12, 2019; WYFF Channel 4, February 13, 2019; WVOC, February 14, 2019; FITS-news, February 18, 2019; Fox Carolina, February 20, 2019.

Houston, Texas

The Houston Public Library (HPL) has hosted monthly Drag Queen Storytimes at various library branches, mostly the Freed-Montrose Library, since September 2017. The events have generated an increasing amount of controversy. The storytime series was started by Trent Lira and Devin Will, who have been involved in most of the Houston Drag Queen Storytimes until they stepped down in March 2019.

At first, Drag Queen Storytime “flew under the radar,” according to *OutSmart*, which calls itself “Houston’s LGBTQ magazine.” The low profile changed in 2018, the magazine wrote, “when KHOU-TV highlighted a July 9 installment at the Heights Branch featuring drag queen Blackberri.”

After that, City Councilman Michael Kubosh complained about Drag Queen Storytime during the council’s July 2018 meeting. Protesters began standing outside, beginning with that month’s storytime at HPL’s Montrose Branch on July 28. At each of the following storytimes, protesters and counter-protesters positioned themselves outside of the library.

The storytimes drew national attention, and some right-wing Christian activists from outside of Houston filed a federal lawsuit in September

2018 to try to keep drag queen events out of Houston public libraries. The US District Court threw out the lawsuit on January 3 (*see page 55*).

The drag queen storytimes remained popular, and the Houston Public Library began hosting back-to-back storytimes to accommodate a growing number of attendees.

Organizers Lira and Will wrote an op-ed piece in the March 19 issue of *Houstonia* magazine to explain what happened next. After the lawsuit was filed in October, they wrote,

The protests intensified. At that time, we gave the HPL legal department a comprehensive list of every guest performer, every book read, and every song sung. From that point forward, if any performers wanted to be involved in our story time, or if previous performers wanted to read in the future, they needed to apply as volunteers and undergo background checks—an existing library policy that, until then, had not been enforced in this case, an oversight for which the library has apologized.

A national anti-LGBTQ group dug up some dirt on one drag queen who had been a reader at some storytimes before the library started background checks. Albert Garza, a 32-year-old registered sex offender, participated in the program under the name Tatiana Mala-Niña, according to the Massachusetts-based MassResistance.

In their op-ed, Lira and Will continued,

Everyone who has performed since October—including ourselves—has undergone a background check and has clean records. It is frustrating that the past conviction of a single performer now undermines the efforts of three dozen other drag kings and queens who have delighted



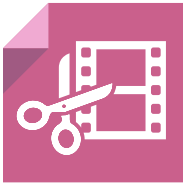
parents and children alike with songs, costumes, and most importantly, stories. . . .

Houston Public Library has not wavered in their support of Drag Queen Story Time, which we are extremely grateful for. But ourselves and our library team believe it is time to step away and not continue with the program in March or for the foreseeable future.... People are being threatened. People are being hurt. We believe in what we're doing,

but we don't believe in putting our friends, our families, or our children in danger. If another person or persons wants to continue our effort or host their own event at some point down the line, they have every right to do so, and it's likely somebody will. Drag Queen Story Time belongs to everyone, not just the two of us.

Library officials acknowledged Garza's 2009 conviction in a

statement. "We assure you that this participant will not be involved in any future HPL programs," the library's statement reads. "We deeply regret this oversight and the concern this may cause our customers. We realize this is a serious matter." Reported in: *Houston Chronicle*, January 27, 2019; March 17, 2019; *OutSmart*, March 19, 2019; *Houstonia*, March 19, 2019.



EDITOR'S NOTE: Some limits on expression and access to information may be due to editorial, business, or social decisions, rather than government action. Restrictions not covered by the First Amendment are reported in this new department of JIFP News, rather than the "Censorship Dateline" department.

BOOKS New York, New York

Twitter fans giveth, and Twitter fans taketh away. *Blood Heir*, a young adult (YA) fantasy novel by Amélie Wen Zhao, got its start from a Twitter pitching event for marginalized creators, which helped Zhao secure an agent and, eventually, a six-figure book deal.

On January 28, she announced that she asked her publisher, Delacorte Press (an imprint of Random House, based in New York City), "not to publish [the book] at this time."

Her announcement came after some YA "influencers" complained that the novel showed racial insensitivity. "Influencers" are YA authors and fans with many followers on Twitter, who sometimes receive "advanced readers copies," so they can preview books and create interest prior to publication.

The controversy surrounding *Blood Heir* has since spread beyond the YA Twitter community, with some supporting Zhao's decision, and others decrying it as the result of a "Twitter mob."

Blood Heir is set in the fictional Cyrilian Empire, where Princess Anastacya Mikhailov must live in secrecy because she shares the same blood and powers as the empire's enslaved population, called Affinites. One of the blurbs for the book said,

In a world where the princess is the monster, oppression is blind to skin color, and good and evil exist in shades of gray . . . comes a dark Anastasia retelling that explores love, loss, fear, and divisiveness and how ultimately it is our choices that define who we are.

Explaining the controversy on *Slate*, Aja Hoggatt wrote, "Influencers are saying that the book shows a black girl being rescued from the slave trade and subsequently dying so that the white protagonist can live."

The novel doesn't specify the princess's race, but Twitter critics say Zhao's story is a reflection of African American slavery and systemic racism in the United States, and the author should have shown more racial sensitivity.

In her apology, Zhao, who is ethnically Chinese, explained:

The issue around Affinite indenturement in the story represents a specific critique of the epidemic of indentured labor and human trafficking prevalent in many industries across Asia, including in my own home country. The narrative and history of slavery in the United States is not something I can, would, or intended to write, but I recognize that I am not writing in merely my own cultural context. I am so sorry for the pain this has caused.

Zhao put the novel—which had been planned as the first book in a trilogy—on an indefinite hold.

Random House Children's Books, Delacorte's parent company, said in a statement, "We respect Amélie's decision, and look forward to continuing

our publishing relationship with her." Reported in: slate.com, January 31.

RADIO Cleveland, Ohio

A radio station in Cleveland, Ohio has decided to stop playing the classic Christmas season song "Baby, It's Cold Outside" after at least one listener said the song has predatory undertones amid the current "Me Too" movement.

WDOK Star 102.1 pulled the song from its rotation after receiving a call from a listener who suggested it is inappropriate, and the radio station posted a poll about the song on its website.

The song, written in the 1940s, has a woman singing that she should leave a man's house, as he sings reasons to lure her to stay. It starts with, "I really can't stay," to which the man responds, "but baby, it's cold outside."

While some might view the song and its lyrics as a playful, coy back-and-forth from another time, Cleveland Rape Crisis Center President and CEO Sondra Miller said it may have a different meaning to a rape survivor. She said her organization supports the decision to stop playing the song.

The station said it posted a poll about the song on its web site and a clear majority of respondents supported the decision to remove the song from the station's lineup. However, a separate poll on the station's Facebook page showed over 90 percent of people say it's a classic. Reported in: katv.com, November 30, 2018; Fox8, November 30, 2018.



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