

TO: ALA Council

DATE: June 18, 2024

RE: (select one)

ACTION REQUESTED
INFORMATION

X REPORT

ACTION REQUESTED/INFORMATION/REPORT: (add below)

Report: Freedom to Read Foundation

Action requested from Councilors is to cast their vote to: (if applicable)

None.

ACTION REQUESTED BY: (add committee name)

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BACKGROUND: (add information)

constitutes government speech, the majority held that libraries can consider content in curating their collection but no court has held that "the government may make these decisions based solely on viewpoint with the intent to deprive the public of access to ideas with which it disagrees."

Unfortunately, nine of the books removed from library shelves will not be returned immediately to the library shelves because two judges for different reasons concluded that the books could be removed during the weeding process. While one judge fully endorsed the legal findings of the majority opinion, that judge held that the picture books that were labeled "butt" and "fart" books had no "idea" or "viewpoint" with which someone would agree or disagree and thus could be removed. The dissenting judge would have held that library collections constitute government speech and that decisions to acquire or remove books can be based on viewpoint.

Fortunately, Llano County's library will have another opportunity to make arguments about the

access school library books constitutional. Oral argument was heard by the Eighth Circuit Court of Appeals June 11, and we await their decision.

FTRF has also joined an amicus brief filed in the U.S. Supreme Court that urges the Supreme Court to take up and review the decision of the Fifth Circuit Court of Appeals in *Free Speech Coalition v. Paxton*. The lawsuit challenges a Texas verification statute that would restrict the access of minors to certain websites with sexual content and require each person of any age to provide personally identifiable information in order to access the FTRF. The brief argues that the statute restricts access to constitutionally protected material for adults and older minors unless the adults and older minors are willing to identify themselves through a verification process that may not be secure or private in accessing that constitutionally protected material. The brief provided examples of books and websites that are constitutionally protected for adults and older minors but might be deemed harmful to younger minors, thus necessitating a verification process if those books were accessible in a bookstore or library. The amicus brief urged the Supreme Court to accept the case for review because the Fifth Circuit decision is in direct conflict with the holdings of multiple Supreme Court precedents. On the amicus brief are the American Booksellers for Free Expression, Association of American Publishers, Inc., Authors Guild, Inc., and Comic Book Legal Defense Fund.

Lastly, FTRF has joined an amicus brief in *Netflix v. Guardian*, a lawsuit filed by an individual claiming that Netflix defamed them when it aired the documentary *Guardians*, which reported on potential financial abuses arising in the process of appointing adult guardians. The individual claiming that they were defamed was seen in the documentary but could not identify a single false statement in the documentary. Despite the inability to identify any defamatory material, the trial court denied the Motion to Dismiss the case and an intermediate appellate court upheld the decision, creating a potential legal threat that could chill this kind of documentary reporting.

Netflix has appealed this decision to the Supreme Court. FTRF Texas joined an amicus brief in support of Netflix that was authored by more than two dozen documentarists.

book *All Boys Aren't Blue* in the young adult collection in accordance with their policies rather than limit access by moving it to the adult collection.

FTRF also continues to work with Unite Against Book Bans, a national grassroots campaign to encourage and equip readers everywhere to stand together in the fight against book banning in libraries and schools across the country. Through the Unite Against Book Bans campaign, FTRF staff and volunteers provide strategic support and essential legal information to library workers and community activists fighting book censorship in their communities.

THE JUDITH F. KRUG MEMORIAL FUND

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

Krug Fund Banned Books Week Grants

The Judith F. Krug Fund provides grants to schools, libraries, and organizations across the country to support their local Banned Books Week celebrations that raise awareness of intellectual freedom and censorship issues during Banned Books Week 2024. The Judith F. Krug Fund awarded five grants to three public libraries, one academic library, and one Friends and Foundation organization. The recipients are:

- Lewes Public Library (DE)
- Frankfort Public Library (IN)
- Loutit District Library (MI)
- Hostos Community College
- Friends and Foundation of Albany Public Library (NY)

To learn more about the 2024 recipients and their projects, or to learn how your institution can apply for a Krug Fund Banned Book Week grant in the future, please visit the Freedom to Read Foundation's Judith F. Krug Memorial Fund online at <https://www.ftrf.org/page/krug-fund> or call Joyce McIntosh at jmcintosh@ala.org.

LIS and Professional Education

Through the Krug Fund, the Freedom to Read Foundation has partnered with two new institutions to support intellectual freedom education for students enrolled in library and information science programs. FTRF will collaborate with Emporia State University on Intellectual Freedom in Libraries, a semester-long course that will examine intellectual freedom as a core value of librarianship and a foundational principle for library professionals. Students will learn to articulate, promote, and

defend intellectual freedom practices and policies as a key component of professional practice

When it came time for the Hanover County Board of Supervisors to recognize Kate and the other Scouts who earned their Gold Awards, the Board of Supervisors refused to acknowledge Kate's Free to Read project. While other award winners received proclamations recognizing and detailing their Gold Award projects, Kate instead was given a proclamation that failed to include mention of censorship or banned books.

Kate bravely stood up to this censorship and refused to be silenced. When it came time to a proclamation from the Board of Supervisors, she announced, "My name is Kate Lindley and I am from the Ashland District. I would like to let you, the Board of Supervisors, know that you have bestowed upon me the greatest honor you could, greater than that of any proclamation, in your censoring my Gold Award project. You have shown the world that you are afraid to call something what it is, a banned book or a deselected one. Thank you for this recognition."

The Freedom to Read Foundation honored Kate Lindley on Friday, June 28, 2024 at the Rally for Right to Read during the American Library Association's Annual Conference in San Diego, California.

GORDON A. CONABLE CONFERENCE SCHOLARSHIPS

The Conable Conference Scholarship honors the memory of Gordon Conable, a past president of the Freedom to Read Foundation, an ALA Councilor, and a tireless champion of intellectual freedom. Mentoring those new to the profession was an important undertaking for Gordon, and the FTRF Board of Trustees is pleased to be able to honor his memory by creating mentoring opportunities for new librarians and new librarians. The Conable Scholarship does this by providing financial assistance to a new librarian or library student who shows a particular interest in intellectual freedom and wishes to attend the ALA Annual Conference.

This year we are pleased to sponsor the attendance of Etana Laing and Tif Sutherland at this year's ALA Annual Conference. Etana Laing is an MLIS student at the University of Maryland, College Park and a library associate at Bowie State University. She also has a book club for Black women and a lived experience of misogynoir called Revolutionarily Reading. Tif Sutherland is the Reference Supervisor at Calvert Library in Maryland and President of the Maryland Library Association, leading a team of seven librarians focused on instruction, access, and equity for a community of 100,000.

Financial support for the Conable Scholarship is essential for continuing this mentoring program. If you would like to donate to the Conable Scholarship, please visit the FTRF website at ehip.org, and

On April 30, 2024, the Freedom to Read Foundation (FTRF), concluded its annual election. Five persons were elected to the Board of Trustees for two terms that begin on June 27, 2024.

The elected trustees are:

Shauntee BurnsSimpson has been elected for a 2-year term. BurnsSimpson is the Director of Youth & Family Services at the District of Columbia Public Library. She served as President of the Black Caucus of the American Library Association (BCALA) from 2020 to 2022, and also chaired the ALA Committee on Diversity. BurnsSimpson is committed to advancing diversity, equity, and inclusion on a national scale within the profession.

Dorcas Hand has been elected for a 2-year term. She is a retired school librarian from Houston TX who is a co-chair of Students Need Libraries in HISD (Houston), a grass roots advocacy effort to return school librarians and libraries to all campuses in HISD. Hand served on the FTRF Board from 2019

