

**TO: ALA Executive Board**

**RE: Updates - Office for Intellectual Freedom**

**ACTION REQUESTED/INFORMATION/REPORT:**

**For information. No action is requested.**

**SUBMITTED BY / CONTACT PERSON:**

Deborah Caldwell Stone  
Interim Director  
Office for Intellectual Freedom

**DATE:**

**October 8, 2019**

**Office for Intellectual Freedom  
October 2019**

**Overview**

Established December 1, 1967, the Office for Intellectual Freedom (OIF) is charged with implementing ALA policies concerning the concept of intellectual freedom as embodied in the Library Bill of Rights, and the principles expressed in the ALA Code of Ethics. OIF accomplishes this mission by engaging in a comprehensive program that includes:

- Direct support for members, library workers, educators, and others addressing a challenge to library resources, programming, policies, or practices.
- Direct support for ALA's committees, member leaders and interest groups charged with overseeing and promoting ALA's policies and initiatives addressing intellectual freedom, privacy, and professional ethics.
- Advocacy initiatives promoting the association's core values and strategic initiatives related to intellectual freedom, privacy, and professional ethics.
- Educational initiatives aimed at developing knowledge and understanding of intellectual freedom, privacy, and professional ethics among library administrators, library workers, trustees, and the general public.
- Working cooperatively with other ALA units and allied outside organizations to advance the mission of the office and the association.

This document provides an update on the major activities undertaken by the Office for Intellectual Freedom since the 2019 ALA Annual Meeting and discusses emerging intellectual freedom issues.

**Emerging Issue: "First Amendment Audits"**

In the past few months, library directors, state chapters, and library workers have called the Office for Intellectual Freedom seeking guidance on addressing the social media phenomenon popularly identified as a "First Amendment audit." The individuals and groups undertaking these self-described "First Amendment audits" claim a right to film in any space accessible to the public, arguing that they're entitled to do so as taxpayers and citizen journalists. Based on their output, their goal is to create videos of their encounters with police, security officers, and public officials, potentially documenting an alleged violation of the cameraperson's First Amendment rights. The video is then posted to YouTube or other social media and used as evidence for a legal claim against the targeted agency or its officers and officials.

Public library workers are reporting that these individuals are visiting their buildings to film and photograph library staff and library users without their consent, on the grounds that libraries are “public spaces.” While some audits have been unobtrusive, many library workers are describing a pattern of behavior on the part of some First Amendment auditors that often rises to the level of harassment of staff and library users. This can include a claimed right to interrogate and demand answers from any individual inside the library or invading the privacy of library users by filming and recording their reading or browsing activity in the library.

To aid library workers, administrators, and trustees, the Office for Intellectual Freedom has published a blog post authored by OIF Interim Director Deborah Caldwell-Stone that outlines the legal issues and provides guidance on addressing potential auditors. The post discusses the library’s status as a limited public forum and then explains how libraries can prevent the harassment of library users by persons filming in the library:

*Given the possible chilling effect on individuals' library usage, the threat to the library user's right to privacy, and potential threat of harassment posed by third-party photography or recording, it is reasonable for the library to regulate that behavior in a manner that preserves the individual patron's right to receive information free from harassment, intimidation, or threats to their safety, well-being, and privacy rights, using policies and procedures developed in accordance with the Intellectual Freedom Committee's [Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage](#). Of course, the means of achieving this is determined by each library board, in light of the applicable local, state, and federal law and as appropriate to the library's and the community's needs and circumstances.*

The full blog post is available online at the OIF Blog at <https://www.oif.ala.org/oif/?p=18859>.

We are encouraging libraries to report such incidents using OIF’s [online reporting form](#) so that the office can track the frequency and location of any challenges or incidents related to filming in the library, and offer support to the library workers, library users, and communities affected by their activities.

We plan to ask the Intellectual Freedom Committee to draft and publish formal guidelines to aid libraries wishing to protect library users and staff from potential harassment and invasions of privacy that might result when persons choose to film inside public libraries.

### **Activity Update: Banned Books Week 2019**

From September 22 through September 28, 2019 the Office for Intellectual Freedom observed Banned Books Week, the annual event that celebrates the freedom to read and draws attention to the harms of censorship. This year, OIF promoted and celebrated Banned Books Week under the banner theme of “Censorship Leaves Us in the Dark. Keep the Light On.”

The Office for Intellectual Freedom organizes and publicizes Banned Books Week activities with the assistance and resources of many ALA offices and groups, including the Public Programs Office, Communications and Marketing Office, Social Media Working Group, Development Office, Office of Operations and Support, ALA Graphics, American Libraries Magazine, and Publishing.

Many readers and libraries chose to use the [ALA graphics created specifically for the campaign](#), including infographic shareables, coloring sheets, cover photos, word clouds, crosswords, and a downloadable list of titles banned or challenged in 2018. The OIF [Free Downloads](#) webpage received more than 18,000 pageviews during the week. Libraries also utilized materials offered on the ALA Store to initiate conversations, such as posters, bookmarks, Field Reports featuring descriptions of books banned and challenged in 2018, and glow-in-the-dark buttons. Due to popular demand, many items sold out, and OIF and ALA Graphics created digital downloads to offer on the ALA Store.

The American Library Association and the Freedom to Read Foundation are both part of the Banned Books Week coalition, which organizes and promoted Banned Book Week activities for its participants. The coalition is made up of 15 organizations that represent different audiences and constituencies in the book community. The primary sponsors of the coalition are the American Booksellers Association, the American Library Association, the Association of University Presses, the Comic Book Legal Defense Fund, the Dramatists Legal Defense Fund, the Foundation for Individual Rights In Education (FIRE), the Freedom to Read Foundation, the National Coalition Against Censorship, the National Council of Teachers of English, and People for the American Way. This year, in addition to its organizing activities, the coalition published a trivia kit to assist the book community in planning banned book trivia programs. Individual members of the coalition also co-sponsored Drag Queen Story Hour events in San Francisco and New York City.

Prior to Banned Books Week, OIF launched a “Celebrating Banned Books Week” Facebook group, a community where anyone can post ideas, questions, and highlights. The group has nearly 500 members, who have shared pictures of creative Banned Books Week programs and displays. As a countdown to the event, each day in September the Banned Books Week

Facebook page posted a cover of a banned book and reasons why it was challenged, prompting followers to share their favorite memories from the books.

To kick off Banned Books Week at ALA, OIF partnered with City Lit Theater to host a [Books on the Chopping Block](#) performance at ALA headquarters. ALA staff members could enter a drawing tied to OIF's Dear Banned Author initiative and peruse censorship materials while they watched City Lit Theater perform readings from frequently challenged books.

OIF also used this year's Banned Books Week campaign to ignite discussions on social media about popular banned books and about the defense of all books, including books that readers may not agree with. OIF's own Facebook page saw increases in likes, comments, and shares, as compared to the previous year's Banned Books Week campaign. The most engaging post on the Banned Books Week Facebook page was an image of the Top 11 Most Challenged Books infographic, designed by Becky Lomax from American Libraries.

Many social media posts directed readers to the resources on OIF's Banned Books pages (<http://www.ala.org/bbooks>.) Webpages with the most pageviews on the ALA website during the month of September and during Banned Books Week included the pages on the Top 10 Most Challenged Books, Frequently Challenged Books, and About Banned Books Week. During the month of September, OIF's Banned Books Week webpages made up more than 24% of all pageviews viewed on the ALA website during the month.

Deborah Caldwell-Stone, OIF's Interim Director, discussed [the history of Banned Books Week, the right to read, and challenged books](#) during her appearance on "Chicago Tonight," broadcast by Chicago's PBS station, WTTW. Facebook followers, high school students, library workers and the public also had the opportunity to ask the Office for Intellectual Freedom questions during two Zoom webinars that were also live streamed to Facebook. "Ask Me Anything About Censorship," led by OIF Assistant Director Kristin Pekoll, reviewed the history of Banned Books Week and current censorship trends. During "Banned Books 101," Caldwell-Stone and Pekoll explored popular banned books, stories of students who stood up for the freedom to read, and the different ways a book can be censored. Students and others viewing both events asked follow-up questions about how books are banned and un-banned, and who challenges books.

The Intellectual Freedom Round Table, Graphic Novels and Comics Round Table, and Image Comics produced a week of [Library Livestream webinars](#), featuring creators and librarians in conversation on a number of pressing topics such as post-colonial narratives, civil rights, and privatization. OIF also co-sponsored the webinar "Three Ways Librarians Can Combat Censorship" with SAGE Publishing and *Index on Censorship* magazine. During the webinar, librarians shared their experiences with censorship and tips for navigating these issues. The

webinar also highlighted how contested books can be used to engage readers in constructive conversations.

OIF's [Dear Banned Author letter-writing campaign](#) encouraged readers to reach out to banned and challenged authors during Banned Books Week, sharing what their words mean to them. Printable postcards, mailing addresses, Twitter handles, and tips on tweeting were made available on the ALA Banned Books Week website. Some educators and librarians posted pictures of piles of letters being sent to publishers from students and patrons.

OIF also partnered with the nonprofit organization "Every Child a Reader" to publish a list of 100 Frequently Challenged Children's Books, in celebration of the 100th anniversary of Children's Book Week. Titles include the *Junie B Jones* series, *The Watsons Go to Birmingham - 1963*, *Matilda*, and *Daddy's Roommate*. The list is available on the [Every Child A Reader website](#).

### **Activity Update: Challenges to Library Resources, Programs, and Services**

Since 1990, OIF has maintained a database tracking challenges to library resources, programs, and services, and identifying emerging issues and trends in intellectual freedom issues. ALA collects information from two sources: media reports culled from news outlets and social media platforms and reports submitted by individuals through the office's [online reporting form](#).

From June 1, 2019 to October 1, 2019 OIF has tracked 122 unique cases involving challenges, book bans and other intellectual freedom issues. These statistics are recorded in the tables below:

#### *Material and Resource Challenges*

<b>Books</b>	<b>74</b>
<b>Graphic Novels</b>	<b>6</b>
<b>Films &amp; TV</b>	<b>8</b>
<b>Programs &amp; Meeting Rooms</b>	<b>40</b>
<b>Displays &amp; Exhibits</b>	<b>4</b>
<b>Artwork</b>	<b>1</b>
<b>Total</b>	<b>133</b>

*Emerging Intellectual Freedom Trends and Issues*

<b>First Amendment Audits</b>
<b>Self-Serve Holds</b>
<b>Battle of the Books lists</b>
<b>Witchcraft</b>
<b>Prison Materials Censorship (<a href="#">PEN America Report</a>)</b>

One trend remains constant. In 2018, 6 of the Top 11 frequently challenged books were challenged for including LGBTQIA+ content. In 2019, there have been more than 30 challenges to Drag Queen Story Time events. Library displays and exhibits in honor of Pride month are challenged on grounds that the displays advocate for a lifestyle or political agenda that is offensive to the community as a whole. One challenge this past June was to the simple use of a rainbow heart on a bulletin board; there was no caption or display of books.

We are also recording a growing number of challenges to materials that candidly portray the injustices and inequality experienced by persons of color, Native Americans, Muslims, and immigrants.

Persons challenging these programs and resources are increasingly rejecting the concept of the public library as a shared, public community space that welcomes everyone in the community. They argue that, as taxpayers, they are entitled to exclude any materials from public libraries and public schools that do not support their moral or religious views. Challenging these claims and promoting the public library as a public good and community resource available to all remains an essential and important part of OIF's mission.

**Snapshots of Public Challenges:**

- **Wallace Jr./Sr. High School (Idaho):** A school staff member elevated his concern to WHS principal about the language, violence and sexually explicit content in the graphic novel series, *The Walking Dead* that was a part of the high school collection. Following policy the principal formed a committee to review the books. "The final vote resulted in a 7-4 decision in favor of keeping the books in the library. Due to parental push back to the vote though, the executive decision was made by WSD superintendent to remove the books from the shelves, as they did contain content that was less than desirable in a scholastic environment."  
[Shoshone News-Press 6/22/19](#)

- **Leander Public Library (Texas):** In May, the Leander Public Library cancelled a June drag queen story hour event which prompted a local church to rent a meeting room at the library to host a similar gathering. The meeting room event attracted hundreds of protestors and supporters and the city estimates it cost around \$20,000 to ensure security for the day. While the policies were still under review, the city canceled another event featuring author Lilah Sturges, who is transgender, in July, raising concerns about discrimination. In August, Leander City Council voted to limit the use of library meeting rooms to city-use only. The council also voted to adopt a programming policy that includes requiring background checks for guest presenters for programs involving children 17 and younger. [Community Impact 8/16/19](#)
- **Knox County Public Library (Tennessee):** YA author Julia Watts has been removed from the slate of authors participating in LitUp, a teen literary festival sponsored by the Knox County Public Library. Watts, a Knoxville resident, has written 10 books for YA readers that are set in the Appalachian region and feature LGBTQ characters. Her most recent novel, *Quiver* (Three Rooms, 2018), was named by *Voya* as one of the year's best books for YA readers and gave it a Perfect Tens Award. After Googling her name, a member of the organizing committee expressed concerns that Watts has also written erotica and she was disinvented from the festival. [Publishers Weekly 9/5/19](#)
- **Westwood Regional School District (New Jersey):** Parents argued that three books, *Thirteen Reasons Why*, *Can't Get There from Here*, and *Boot Camp*, have the potential to do "irrevocable harm and should be pulled from the school." Following an author visit from Todd Strasser, all three books were added to the Westwood Regional Middle School language arts classroom library by Principal Shelley LaForgia. In June, after committee evaluation she replied to parents' complaints: the two Strasser books would remain in the classroom collections and Asher's book would be relocated to the school library. The school board balked at accepting the report. [Pascack Press 7/22/19](#)

### **Issue Update: Legislation and Litigation Challenging Schools' and Libraries' Decisions to Collect, Teach, or Retain Constitutionally Protected Materials**

Over the course of the 2018 - 2019 state legislative season, legislators in Florida, Indiana, Maine, and Texas introduced bills that, if adopted, would make it possible to criminally prosecute librarians and educators for providing or lending constitutionally protected, mainstream materials to minors. In Colorado, a bill was introduced that would have allowed parents to sue local



libraries, schools, librarians, and content providers for damages, fines, and injunctive relief if the parent claimed that their minor child was able to access sexually themed materials via a platform or database provided by the school or library.

During the same period, advocacy groups filed lawsuits against public libraries in Lafayette, Louisiana, and Houston, Texas challenging the library's hosting or presentation of Drag Queen Story Hour (DQSH) programming, while a third advocacy group filed a lawsuit against EBSCO and the Colorado Library Consortium, alleging that the two organizations were engaged in a conspiracy to distribute obscene and pornographic materials to minors.

Due in no small part to effective advocacy on the part of ALA's state chapters, supported by the Office for Intellectual Freedom and State Advocacy office, none of the adverse legislation made it into law. Similarly, all of the lawsuits were dismissed at an early stage of litigation.

We remain watchful as the 2019-2020 legislative session begins this fall, as the advocacy groups that advanced these extreme tactics are stating that they will once again attempt to pass legislation that would impair the ability of local school and library boards to manage their curriculum materials and library collections and allow advocacy groups to threaten and intimidate library workers, educators, and board members.