TO: ALA Executive Board

RE: Update on the #eBooksForAll Campaign and the Joint Working Group on eBooks and Digital Content in Libraries

ACTION REQUESTED/INFORMATION/REPORT:
Advocacy on equitable access to eBooks continues as a top priority for ALA and our members. The attached report and oral remarks will provide an overview of the current state of this advocacy. Welcome this opportunity to explore questions on eBooks advocacy. No specific action is requested at this time.

ACTION REQUESTED BY:
Alan S. Inouye, Senior Director, Public Policy & Government Relations, ALA

CONTACT PERSON:
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DRAFT OF MOTION:
None

DATE: January 6, 2020

BACKGROUND:
ALA’s eBook advocacy, under the umbrella #eBooksForAll campaign, comprises 4 components: Communications and grassroots, direct engagement with industry, federal policy, and state & local policy. This report provides an update of this campaign and anticipated future directions. Additionally, the current state of the Association’s new member group, the Joint Working Group on eBooks and Digital Content will be discussed.

ATTACHMENTS:
Summary report
Report of the #eBooksForAll Campaign and the Joint Working Group on eBooks and Digital Content in Libraries

The #eBooksForAll campaign continues as a major activity of the Public Policy & Advocacy Office. This prioritization is required both because of its importance as a policy issue and demand by ALA members and the national library community. Accordingly, PPA has shifted resources and de-emphasized some other work.

With the implementation of the Macmillan embargo on November 1st, the campaign has broadened with an increasing emphasis on engaging political institutions and data-based work. The Joint Working Group on eBooks and Digital Content in Libraries was formally constituted this fall and will hold its first in-person meeting at the 2020 ALA Midwinter Meeting.

Congressional Submission

The Subcommittee on Antitrust, Commercial, and Administrative Law of the U.S. House Judiciary Committee is investigating competition in digital markets. On September 13, the Subcommittee sent a letter to ALA to request comments. On October 15, ALA submitted comments. ALA argued that there is market failure in key areas of digital services for libraries. The Macmillan Publishers embargo was discussed specifically as well as abusive market conditions more broadly, including the lack of availability of e-titles that Amazon produces itself. ALA also referenced challenges in the higher education market. ALA’s submission was initially made public via an article in Publishers Weekly.

In November, ALA began working with library advocates across the country to ramp up outreach to congressional offices of Members on this Subcommittee. We were able to identify one or more library constituents in each relevant district and initiated contact. In several districts, there has been notable interest and progress already, and some concrete action such as a letter from Rep. Pramila Jayapal, who represents the Seattle area, to Macmillan CEO John Sargent.

#eBooksForAll Advocacy Campaign

On October 30, ALA delivered our petition to Macmillan Publishers at its corporate headquarters on Wall Street. ALA representatives included Loida Garcia-Febo, Barb Macikas, Sari Feldman, Alan Inouye, Emily Wagner, and Stephanie Hlywak. Macikas, Feldman, and Inouye subsequently met with John Sargent and two other senior executives of the company. There have been further direct communications between PLA/ALA and Macmillan.
ALA continued to add and update materials on the #eBooksForAll website. Additional videos were produced, social media ads were placed, and talking points were updated. These materials provide resources for advocacy purposes as well as education and awareness of the issue.

As of January 6, the petition has 238,349 signatures.

The unprecedented grassroots engagement continued around the country. Here is a sampling (there are many more instances) since our last report to the Executive Board on October 26:

- **October 28** TV news segment on KATU-2 (ABC affiliate) in Portland, Oregon: Multnomah County Library in the fight with publishers over price of e-books. “Local libraries say they are being gouged by publishers.”
- **November 6** editorial in Tulsa World: Ebook publisher takes shortsighted approach to role libraries have in developing new book consumers. “Our goal is to provide equitable access to all materials out there in the world so customers don’t have to purchase every book,” Anderson said. “We want people to participate in public dialogue. By closing people out of the market, by not selling to libraries, it seems very unfair and un-American to me.”
- **December 2** article in the Journallinquirer: E-book limits irk libraries. “Librarians across the country are upset by a new policy on the sale of e-books, with the Connecticut state librarian calling it ‘repugnant’…”
- **December 9** article in the Los Angeles Times: L.A. is an e-book borrower’s paradise. A major publisher’s crackdown could hurt. “Rather than undermining sales, readers said, borrowing brought literature into their digital diets, displacing podcasts and Instagram with new authors and genres they otherwise never would have picked up.”
- **December 15** op-ed in the Indianapolis Star: Library books have never been easier to borrow. Publishers hate that. “In short, publishers might be restricting access to library books because they finally can.”

On December 17, PLA and ALA partnered to host a virtual town hall on eBooks, chaired by ALA President Wanda Brown and PLA President Ramiro Salazar.

**Joint Working Group on Ebooks and Digital Content in Libraries**

The Joint Working Group held its first meeting by Zoom on November 12. In addition to discussing organizational matters, the group received a briefing on eBook advocacy from Alan Inouye. Co-chairs Leah Dunn and Kelvin Watson led the group in a discussion of its priorities, recognizing that their efforts need to be narrowed. Group priorities will be further discussed at an in-person meeting at 2020 ALA Midwinter.
Updates from 2020 ALA Midwinter Meeting--to Be Discussed in Person

- Meeting of the Joint Working Group, Sunday, 8:30 – 10:00 a.m.
- Appearance by John Sargent, CEO, Macmillan Publishers, Saturday, 8:30 – 10:00 a.m.
- #eBooksForAll Campaign Update panel session featuring Ramiro Salazar, Sari Feldman, Pat Losinski, Larra Clark, and Alan Inouye, Sunday 4:00 – 5:00 p.m.
- Other updates

Future Directions

For the immediate term after Midwinter, ALA has four priority directions: 1. Continue to engage with the offices of the Congressional Subcommittee and develop definite follow-on activities. 2. Focus on communications that are based on data and specific stories. 3. Increase focus on state and local advocacy and aiding our colleagues around the country. 4. Clarify priorities for the Joint Working Group. There will be a panel session at the 2020 PLA National Conference on Friday morning.