

**ALA Intellectual Freedom Committee  
Report to Council  
2019 ALA Midwinter Meeting  
Seattle, Washington  
Tuesday, January 29, 2019**

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*, 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 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](http://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 50<sup>th</sup> 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 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 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 & 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 when 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, 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.” — Aaron, 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 comprised 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.

### “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 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. ODLIS 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.

### “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.

### “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 revised “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.

#### ACTION ITEMS

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

CD # 19.1 *Library Bill of Rights*, Article VII

CD # 19.2 "Meeting Rooms: An Interpretation of the *Library Bill of Rights*"

CD # 19.3 "Prisoners' Right to Read: An Interpretation of the *Library Bill of Rights*"

CD # 19.4 "Challenged Resources: An Interpretation of the *Library Bill of Rights*"

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

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