

Gay, Lesbian, Bisexual, and Transgendered Round Table
of the American Library Association
2011 ALA Midwinter Meeting, San Diego, California
Steering Committee II
Meeting Minutes

San Diego Convention Center (SDCC), Room 27-B
January 10, 2011
8:45 - 10:45 am

I. Call to order

Anne Moore called the meeting to order at 8:51.

II. Introductions

Attendees introduced themselves.

III. Approval of Agenda

- **Motion Number 1**
- **Motion to Approve Agenda**
- **Motion: K.R.**
- **Second: Peter**
- **Acclamation**

IV. Guest Address

Miguel Figueroa: Updates from OLOS, talked about press efforts on behalf of the Round Table. Question from Matt: Any thought in ALA offices to move GLBTRT from OLOS to Office of Diversity? Response: that is something that has been thought of – talked about transition of ethnic-affiliates to Office of Diversity. Decision will have to come from Executive Board, Steering Committee, and Round Table. Question from Larry: Moving By-Laws discussion forward – it's already at the top of the agenda. Dale thanked the work of the OLOS Office, K.R. concurred.

Julie Ann Winkelstein, PhD student from UT-Knoxville – spoke to Steering Committee about LGBTQ homeless youth and public libraries. Asked for contacts, literature.

Anne volunteered to post a message to the listserv – David suggested she could join the listserv. Julie Ann asked for leftover books from Rainbow Project and Over the Rainbow - Jason suggested she contact Lisa Johnston about soliciting book donations from book award committee.

Joseph Eagan: Discussed importance of Round Table, representation on Executive Board and Council – discussed 5 Year Plan for 2015, adding goals and strategies with that plan – new White Paper on the future of Midwinter Meetings: review its format and experiment with its format – Keep in contact with Linda Williams (our Executive Board rep). John asked about Leonard K leaving American Libraries, concern over who will be covering his position and transition from print to electronic - Joseph said Leonard will still have some involvement, no plans to end print edition.

V. Approval of Minutes from Previous Meetings

SC II from Annual Conference in Washington, D.C. – report from 40th Anniversary Committee was from Midwinter and needs to be removed.

- **Motion Number 2**
- **Motion to Motion to accept minutes as amended**
- **Motion: K.R.**
- **Second: David**
- **Passed by Acclamation**

VI. New Business

a) Bylaws and Procedure Manual

Peter discussed history of this committee’s work, thanked Matt for his efforts as well as other committee members. Peter suggested by-law changes may be broken up over multiple ballots. Most critical change would be name change from “Transgendered” to “Transgender” – name change has been approved by COO. Peter touched on concerns expressed over listserv – reiterated importance that these are recommendations for changes.

- **Motion Number 3**
- **Motion to Accept language change concerning Transgender**
- **Motion: Larry**
- **Seconded: K.R.**
- **No discussion**
- **Passed by Acclamation**

Change to Executive structure of the Round Table, how standing committees fit into the structure – Matt committee did an extensive environmental scan to see what

other groups are doing, took into consideration expressed opinions and concerns from membership. Chairs for standing committees may be unable to attend SC meetings at both conferences – a more stream-lined executive committee (5-9) same as comparable organizations. Larry: reiterated previous comments from listserv about concern of size and structure, would like more directors-at-large (5) – Matt suggested the change would take pressure off co-chairs by reducing size of executive board, elected board members would have responsibility for shepherding standing committees

- **Motion Number 4**
- **Motion to accept Executive Board, have 5 members-at-large**
- **Motion: Larry**
- **Seconded: Peter**
- **Discussion: Matt emphasized this was going on the ballot, not a decision being made today**
- **Passed by Acclamation**

Creation and dissolution of standing committees – Peter said that committee wanted Standing Committees to be creatures of the Executive Board, not general membership committee – wants appointing power to be in hands of Executive Board. Assurance wanted that standing committees are not dissolved arbitrarily, need justification – a threshold of 2/3 majority from Executive Board to dissolve a standing committee. Dale acknowledged concern, suggested super-majority or lengthy process when dissolving standing committee. Larry expressed concern with membership having to vote on everything.

- **Motion Number 5**
- **Accept change in responsibility from the membership to the new Executive Board, requires votes in two separate years, with 2/3 majority**
- **Motion: Larry**
- **Seconded: K.R.**
- **Discussion: Peter said 2/3 vote of Executive is analogous with present require of membership. Lewis suggested amending language to be more specific about time period – what about committees that are currently inactive? Peter responded by suggesting a transition committee with by-laws changes might also take-up this question. Dale discussed process of transition, suggested using similar structure when we went through from Task Force to Round Table. Jane – provision for evaluating (ad-hoc) committees. David responded that committees have a charge and reports demonstrate if they are meeting the charge they are tasked with. Matt also responded that this process also worked on a Procedures Manual that addresses what committees are supposed to do (procedurally), metrics of committees in meeting their goals. Nel would like to see “probation” added before dissolution – Peter interjected that probation is two years in Larry’s proposal – Nel**

said there should be some warning before Executive Board votes to dissolve a committee – Larry suggested that committee has a year to revise itself in proposed process. Dale also added he has observed committee dissolution in other organizations and that committee dissolution can serve a purpose – Executive Board should take into account feelings of committee. K.R. said that two meeting requirement implicitly allows for the committee to respond to dissolution action and justify its existence.

- **Passed by Acclamation**

- **Motion 6**
- **Motion to move information about individual committees from by-laws to procedures manual.**
- **Motion: Larry**
- **Larry withdrew the motion**

Peter unsure about the mechanism about putting information into ballot – Anne also suggested we need to add a date when this would go into effect – Manuel said we would go through another round of elections and then it would go into effect. Question about dues changes – no change.

Larry would like to see the Membership Promotion committee become just the Membership committee and the creation of a Legislation committee to deal with resolutions that come before Council – Matt suggested the supervising member could be the RT's Councilor. Larry also mentioned time spent hearing reports from committees – Jason iterated concern about tardiness of reports makes it necessary to hear brief reports in SC – Anne added that timing of present Midwinter added to difficulty this year – Lewis said that supervising board member could address that. Peter will take minutes to incorporate into by-laws changes – Anne asked for deadline for ballot, Miguel and Matt said Feb 7 or 17 is deadline. Jason reminded SC the need to discuss the gender issue – Peter reminded SC accepted changes to Executive Board – David asked how many e-mails and Jason responded 4-5 split on matter – Matt also suggested membership will vote it down if they disagree. Larry asked how this will be presented – one big change or will it be divided into pieces. David said that Sturgis requires granular votes (in-person) and also one vote for one document – granular changes calls for granular vote. Dale said that by-laws changes in other ALA areas were on one ballot. Peter suggested one sweeping ballot, also suggested consulting Parliamentarian (Ely Mina). Peter discussed e-mails sent about Resolutions. watering down of Resolution on Domestic Partnership Benefits, Censorship and Smithsonian.

Lewis said we need precise language with ballot that needs to be approved in this meeting. David suggested we could accept it in spirit – Lewis rebutted that we cannot accept an in spirit law. David said that we will conduct a vote on the e-mail

list on precise language – Dale said time prevents us from doing this now, use ALA Connect. Lewis expressed concern that time for discussion has gotten narrower and narrower. David said committee’s plan is for us to vote next week. Miguel discussed timing between when language of ballot is due and then when voting takes place.

VII. Reports of Ad hoc Committees

b) Bylaw & Procedure Manual Ad-Hoc Committee

See above discussion and motions.

c) LGBTQ Anti-Discrimination & Education Ad-Hoc Committee

David said that committee has been dissolved because its work was completed.

d) Local Arrangements Ad-Hoc Committee , 2011 Midwinter Meeting (San Diego, CA: Jan. 7-12, 2011)

Roland believes we took in \$725 at the door, spent expected amount at the bar – possibly made money on the social. Discussion about turn-out, success of having it earlier – Jason expressed concern over having it earlier and its time conflict with BAC

e) Local Arrangements Ad-Hoc Committee, 2011 Annual Conference (New Orleans, LA: June 23-29, 2011)

Dale said there is a committee hard at work and a potential location has been chosen. Anne mentioned concern about New Orleans location being in a court-yard and possibility of rain.

f) Local Arrangements Ad-Hoc Committee, 2012 Midwinter Meeting (Dallas, TX: Jan. 20-25, 2012)

Dale said a committee is forming and possibility of sharing location with another ALA entity and having it in the Central Library in Dallas because of close proximity to convention center – focus on location that we can walk to. Also touched on planning for Anaheim, difficulty in planning social, expense.

VIII. Reports from Coordinators, Councilors, and Liaisons

g) ALA Councilor

Peter Hepburn

h) ALA Executive Board

Joseph Eagan

i) American Association of School Librarians (AASL)

Vacant

j) Association for Library Service to Children (ALSC)

KT Horning

k) ASCLA Accessibility Assembly

Jerry Reynolds

Emerging Leaders performed a review of the ALA Web site using screen magnifiers and screen readers. Seven people participated in the study. The ALA Web site was said to be more accessible than any other sites that they used, but that's all relative. Cynthia reported that the biggest hurdle mentioned was in the information architecture of ALA Website, its organization. The group did not look at ALA Connect, as it was still in beta when they were performing evaluations. It was noted that the Senior Usability Officer for ALA is interested in working with Accessibility Assembly on other projects.

There still appears to be an ALA election ballot issue. People were told at Midwinter that people could request paper ballots if they need them. Some people got paper ballots, but some had difficulties obtaining them. No one should have an issue with getting them. Elizabeth Ridler asks to be alerted if there are still issues with people getting paper ballots.

There is a lack of posted transcripts for online audio recordings of council meetings. Simon mentioned that he will bring this issue up with the Web Advisory Committee (WAC).

Justin Swain inquired as to whether people can use recorders for meetings, to help with creating conference notes/minutes. Justin has heard of some people objecting to this. Valerie indicated that these meetings are public and that recordings for the purpose of note taking should not be an issue. Simon has not heard of an issue in this area and would like more information on this at the end of this meeting to possibly pursue as an issue to be resolved by ALA.

a) An "Inclusive resolution for digital access" was approved by Council, which covers equity of access and an infrastructure to include current and emerging technologies.

b) To be advocated by ALA on Tuesday 6/29 - Bills to Senate and House (3101) "21st century communication and video services act." This pertains to mobile accessible interfaces; video online and on TV must be closed-captioned; uses language directly taken from ADA.

l) Budget Analysis and Review Committee (BARC)

Norman Eriksen

I will have to follow up later on with a BARC report since I will not be attending midwinter this year.

m) Committee on Professional Ethics (COPE)

Vacant

n) Diversity Council

Nanci Milone Hill & John Sandstrom

Coordinating Diversity calendar to avoid different groups from stepping on one another's toes – possibility of co-sponsorship – asking for program times, descriptions to be in ASAP. Diversity Council is sponsoring a program at Annual with goal to have each panelist give a tool that can be used in handling diversity concerns in the work-place. K.R. volunteered to discuss transitioning. Diversity list for the election – Nanci will be handling list. Anne mentioned possibility of GLSEN safe zone training at REFORMA Conference, Lynn confirmed this. Dale mentioned we will put out a call for members to submit proposals for Joint Conference for Librarians of Color.

o) Library Education Assembly

Frank Cervone

p) Freedom to Read Foundation (FTRF) Todd Krueger & Jerry Reynolds

No cases involving GLBT issues.

1. Schwarzenegger, et al. v. Entertainment Merchants Association (formerly VSDA et al. v. Schwarzenegger): The VSDA (now known as the Entertainment Merchants Association (EMA) and the Entertainment Software Association challenged a California law that restricts the sale or rental of video games classified by the state as "violent video games" to those under the age of 18. Merchants also would be required to place "18" stickers on all games so designated. In August 2007, the district court granted a permanent injunction in favor of the plaintiffs, on the grounds that the statute violated the First Amendment. After the Ninth Circuit of Appeals upheld the district court's decision on First Amendment grounds, the state sought review of the Ninth Circuit's decision and the Supreme Court granted certiorari. On November 2, 2010, the Supreme Court heard oral arguments, and the parties are waiting for the Court's decision. FTRF is an amicus curiae in this case.

2. ABFFE, et al. v. Sullivan. This lawsuit challenges Alaska's new "harmful to minors" statute, AS 11.61.128 (a) which imposes severe content-based restrictions on the availability, display, and dissemination of constitutionally-protected visual 2 images depicting nudity or sexual conduct that are "harmful to minors." The law criminalizes the distribution of the identified material both on the Internet and in person, such as in a library or bookstores, and does not employ a national community standard. FTRF is a plaintiff in this lawsuit, joined by several other plaintiffs, including the American Booksellers Foundation for Free Expression (ABFFE), the American Association of Publishers, the ACLU of Alaska, several local booksellers, and the Alaska Library Association. On October 20, 2010, the Court granted plaintiffs' motion for a preliminary injunction without requiring oral argument. The State has filed a motion to "clarify" the order.

3. Powell's Books, Inc. v. Kroger (formerly Powell's Books, Inc. v. Hardy Myers). This lawsuit challenges the newly adopted "harmful to minors" law in the state of Oregon. The law relies on a nonstandard definition of "harmful to minors" that does not conform to the Miller/Ginsburg test and criminalizes the distribution of sexually explicit materials to persons under 13 under any circumstances and to those under

18 if the intent is to arouse or satisfy the sexual desires of the minor or the person providing the materials. FTRF and its co-plaintiffs, including seven Oregon bookstores, ABFFE, ABA, CBLDF, the Oregon ACLU, Candace Morgan, Planned Parenthood, and the Cascades AIDS Project, filed a complaint and motion for preliminary injunction challenging the constitutionality of the new law. In December 2008, the district court denied the motion, finding

that the statute, "as interpreted," was constitutional as a permissible limitation on speech and was not unconstitutionally vague. The plaintiffs appealed the decision to the Ninth Circuit Court of Appeals. On September 20, 2010, the Ninth Circuit overturned the District Court's decision. It held Oregon's two "harmful to minors" statutes unconstitutional, agreeing with the plaintiffs that "the statutes are facially overbroad and criminalize a substantial amount of constitutionally protected speech." FTRF is a plaintiff in this action.

4. *Florence v. Shurtleff* (formerly *The King's English v. Shurtleff*): This lawsuit challenges the constitutionality of a Utah statute that expands the state's "harmful to minors" statute to Internet content, creates an Adult Content Registry, requires content providers to evaluate and label content as "harmful to minors," and requires ISPs to block access to those websites. Last November, the court denied Utah's motion to dismiss for lack of standing, permitting most of the plaintiffs to proceed with the exception of two bookstores. The state has filed a motion to modify portions of the preliminary injunction, but the court has not yet ruled on that motion. Last April, the parties initiated discovery in preparation for trial, and the plaintiffs asked the Attorney General's office to agree to a consent decree. The Attorney General has rejected the proposal, and the plaintiffs will be moving for summary judgment. FTRF remains a plaintiff in this action.

5. *ABFFE v. Strickland* (formerly *Bookfriends, Inc. v. Taft*; *ABFFE v. Petro*; *ABFFE v. Strickland*; *ABFFE v. Dann*; and *ABFFE v. Cordray*): This is a challenge to the Ohio obscenity statute and "harmful to minors" law addressing both print materials and Internet content. On September 24, 2007, Judge Walter Rice issued his written opinion finding the Ohio harmful-to-minors statute to be unconstitutional as applied to the Internet. Both parties appealed the decision to the Sixth Circuit Court of Appeals. On March 19, 2009, the Sixth Circuit Court of Appeals certified several questions of law concerning the meaning of the statute to the Ohio Supreme Court. That court, by a vote of 4-3, decided to accept the questions certified by the Sixth Circuit and heard oral arguments on October 20, 2009. On January 27, 2010, the Ohio Supreme Court answered the questions in the affirmative, adopting a narrow construction of the statute. On April 15, the Sixth Circuit ruled that the Ohio Supreme Court's decision limited the statute's application to "personally-directed" communications such as email and instant messages, and that the statute did not apply to websites, listservs, and other publicly accessible communications. FTRF is a plaintiff in this action.

6. *Sarah Bradburn et al. v. North Central Regional Library District*: Three library users and the Second Amendment Foundation, represented by the ACLU of

Washington State, filed suit in federal district court to challenge a library system's policy of using an Internet filter to bar access to information on its computers and refusing to honor requests by adult patrons to temporarily disable the filter for sessions of uncensored reading and research. Last April, the district court granted in part and denied in part the library's motion to certify questions of state constitutional law to the Washington State Supreme Court, staying further decisions until the state supreme court could determine if the library's filtering policy violates the state constitution. The Washington State Supreme Court heard oral arguments on June 23, 2009, and on May 6, 2010, that court held that the NCRL filtering policy does not violate the state constitution of Washington. The court's decision leaves open the question of whether the NCRL filtering policy violates the federal constitution. The case will now return to the federal district court for a determination of the federal issues. FTRF is not currently involved in this action.

B. Other Business: T. Chmara

1. Fox Television Stations, et al. v. FCC: After the FCC imposed fines on the Fox Television Stations for the use of fleeting expletives on two broadcasts, Fox appealed the FCC's decision to the Second Circuit Court of Appeals and, with the support of other broadcast networks and numerous amici, challenged the FCC's indecency regime. In June 2007, the Second Circuit vacated the FCC's order and ruled that the FCC's new policy sanctioning fleeting expletives was arbitrary and capricious under the Administrative Procedure Act. The U.S. Supreme Court granted certiorari and ruled 5-4 that the FCC's policy was not arbitrary and capricious and returned the case to the Second Circuit for a decision on the constitutional issues not yet addressed by that court. On July 13, 2010, the Second Circuit struck down the FCC regulations on First Amendment grounds for being "unconstitutionally vague, creating a chilling effect." The FCC has asked the Second Circuit to reconsider its decision. FTRF previously joined with individuals, other free speech organizations, and broadcast corporations to file a petition urging the FCC to reverse its decision to adopt new rules that impose harsh punishment on broadcast communications; this lawsuit addresses those rules. FTRF is not a party to this lawsuit.

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| q) Government Documents Round Table (GODORT) | Jerry Reynolds |
| r) Intellectual Freedom Round Table (IFRT) | <i>Vacant</i> |
| s) Legislative Assembly | Jerry Reynolds |
| t) Literacy Assembly | William Holden |
| u) Membership Promotion Task Force | Matthew Cizek |
| This is no longer meeting – can be taken off list. | |
| v) New Members Round Table (NMRT) | Amy Elliot |

- w) OLOS Advisory Committee** **Matt Ciszek**
- Miguel mentioned sub-committee meetings were on Friday – family literacy theme, call for GLBT and their family literacy for Diversity Outreach Fair.
- x) Planning and Budget Assembly** **Dale McNeill**
- Can be removed from the list – Treasurer attends
- y) Public Library Association (PLA)** **Barbara Pickell**
- z) Research and Statistics Assembly** **Vacant**
- aa) Social Responsibilities Round Table (SRRT)** **Vacant**
- bb) Scholarships & Study Grants Committee** **Sara Rofofsky Marcus**
- cc) Young Adult Library Services Association (YALSA)** **Franklin L. Escobedo**
- dd) LLAMA** **Matt Ciszek**
- Forming a new diversity task force – looking to develop diversity leadership.

IX. Old Business

- ee) Old Business from Annual**
- No old business from Annual
- ff) Committee Structure and Process**
- Covered in by-laws discussion
- gg) External Collaboration - GLSEN, Lambda Literary, etc**
- Covered in Anne’s Co-Chairs report on Saturday
- hh) Liaisons**

Dale mentioned liaisons have a long history in the organization and helped RT gain more visibility – 2/3 of SC served as liaisons – what is the future role of liaisons? Lewis spoke as a past liaison and mentioned one stumbling block is reporting on activities that have not transpired, liaisons should issue a report a month after the conference, suggested liaisons be assigned to board members. Matt used example of New Members Round Table – board member who coordinates liaisons. Anne asked if we need to assign individuals as liaisons. Lewis likes idea of people having primary focus and responsibility, said Anne’s suggestion could be used to fill vacancy. K.R. questioned when the list has been updated, how long can someone

serve – David contacted liaisons and many said they weren't aware they were still liaisons – expectations of liaison to be included in procedures manual. Dale asked if we can't have two groups of liaisons – there are two different kinds of liaisons: ones we are mandated to have by ALA (Diversity Council) vs. liaison to PLA or YALSA – have different responsibilities – noting or dividing the list what the charge. Jason suggested liaisons announce if they are attending a conference a month before. Matt said that there is a difference between representative (ALA-mandated) and liaison. Anne articulated the following: 1) Separate two kinds of liaisons 2) Representatives/liaisons give one month's notice before a conference if they are going to attend 3) Representatives/liaisons give report one month after conference.

X. Announcements

ii) Stonewall CYA award at YMA Ceremony

Lisa discussed Stonewall CYA award at YMA Ceremony – ALA President announced award. Lewis becomes Chair after Annual, Amanda becomes Chair-Elect. Lewis added that honor books and award book were lustily cheered – “Will Grayson, Will Grayson” an honoree in audio book category.

jj) Retirement of ALA Libraries editor retiring (Leon K)

John discussed retirement of ALA Libraries editor retiring (Leon K) – asked we stop by American Libraries booth to express our warm wishes.

kk) Over the Rainbow's list being published in Booklist

Nel discussed Over the Rainbow's list being published in Booklist – owe thanks to Bill Ott. Round Table getting good recognition with this list. LA President announced award. Lewis becomes Chair after Annual, Amanda becomes Chair-Elect. Lewis added that honor books and award book were lustily cheered – “Will Grayson, Will Grayson” an honoree in audio book category.

XI. Adjournment

- **Motion Number 7**
- **Motion to Motion to extend the meeting and move to another location.**
- **Motion: K.R.**
- **Second: David**
- **Acclamation**

- **Motion Number 8**

- **Motion to to adjourn**
- **Motion: K.R.**
- **Seconded: David**
- **Passed by Acclamation**

Minutes submitted by: Jason D. Phillips, GLBTRT Secretary, 31 May, 2011

Minutes approved by GLBTRT Steering Committee: 2011 Annual Conference,
25 June, 2011, SC I Meeting.