

# FREEDOM TO READ FOUNDATION BOARD OF TRUSTEES

## AGENDA FOR THE VIRTUAL 2024 MIDWINTER MEETING OF THE 2023–2024 BOARD OF TRUSTEES OF THE FREEDOM TO READ FOUNDATION

Via Zoom - January 17, 2024

10:00 AM Central Time (US and Canada)

<https://ala-events.zoom.us/j/99281230772?pwd=TVhxZFVWZk54ZmJiNFBBOFFWSnFIUT09>

- I. **CALL TO ORDER**: S. Goswami
- II. **INTRODUCTIONS**: S. Goswami -
- III. **DETERMINATION OF A QUORUM**: D. Caldwell-Stone
- IV. **REVIEW AND APPROVAL OF AGENDA**: S. Goswami
- V. **REVIEW AND APPROVAL OF MINUTES** of the meeting held June 21, 2023
- VI. **BRIEF WORDS FROM INTERIM ALA EXECUTIVE DIRECTOR** – Leslie Burger
- VII. **MEET THE CANDIDATES FOR ALA PRESIDENT**
  - A. Sam Helmick
  - B. Ray Pun
- VIII. **OLD BUSINESS**
  - A. **Litigation**: T. Chmara
    1. *Coleman v. Grand*: The plaintiff, a prominent jazz musician, sued an aspiring musician in federal district court, claiming that comments she made in a November 2017 letter to friends and colleagues in the jazz music industry about their personal and professional relationship defamed him. FTRF joined an amicus curiae brief authored by counsel for the Reporters’ Committee for Freedom of the Press that supports providing additional protection for speakers making comments on matters of public concern, such as the comments made by the defendant about her views on sexism in the jazz music industry. The Second Circuit Court of Appeals heard oral argument on May 13, 2022, and the case remains pending before that court.
    2. *Leila Green Little, et al. v. Llano County et al*: Residents of Llano County, Texas, filed this lawsuit against Llano County, its county commissioners, the public library director, and the public library board,

alleging that the defendants removed a large number of books from the library's collection based upon their dislike for the ideas or topics addressed in the book, thereby violating the plaintiffs' First Amendment right to access those books in the library. Oral argument was heard on June 9, 2023.

3. *Netflix v. Babin*: Netflix filed this lawsuit after Lucas Babin, a Texas district attorney, indicted Netflix for violating Texas' child pornography law by making the film *Cuties* available through its streaming service. Babin has pursued the prosecution for two years despite Netflix demonstrating that the only nudity is seen in a very brief image of an adult woman. FTRF has joined an amicus curiae brief authored by the Motion Picture Association that argues the importance of timely addressing bad faith prosecutions and upholding First Amendment rights in federal court.
4. *Fayetteville Public Library, et al. v. Crawford County, Arkansas, et al.*: This lawsuit seeks to overturn Arkansas Act 372, a law that would restrict access to books in bookstores and libraries located within the state, and in the process violate the First Amendment and Fourteenth Amendment rights of the state's reading public. The Freedom to Read Foundation is a plaintiff, joining with the American Booksellers Association, the Authors Guild, the Comic Book Legal Defense Fund, the Association of American Publishers, a consortium of local libraries, librarians, and library advocates and two local bookstores to file a lawsuit challenging the constitutionality of Act 372.

## II. NEW BUSINESS

### A. New Litigation: T. Chmara

1. *Book People, Inc. v. Wong*: This lawsuit challenges a new Texas law, the READER Act (HB 900) that would require booksellers, publishers and other vendors to review and rate thousands of books and other library materials for sexual content if those books are sold to school libraries. On Sept. 18, 2023, the district court issued a preliminary injunction barring enforcement of the law, holding that the law likely violated the First Amendment. The State of Texas has appealed that decision to the Fifth Circuit Court of Appeals. FTRF has filed an amicus curiae brief in support of the plaintiffs urging the court to uphold the district court's decision. Oral arguments were heard on and the case remains pending before the Fifth Circuit Court of Appeals.
2. *Mae M. et al. v. Komrosky and Temecula Valley Unified School District et al.* (CA): A group of plaintiffs comprised of students, parents, and educators have filed this lawsuit to overturn policies adopted by the Temecula Valley USD that ban inclusive curriculum and forcibly out transgender and gender-

nonconforming students. FTRF has joined with Penguin Random House, The Authors Guild, the First Amendment Coalition, PEN American Center, Inc. and Freedom to Learn Advocates to file an amicus curiae brief in support of the plaintiffs' motion for preliminary injunction, arguing that the board's policies and actions aimed at censoring curriculum and library books threaten students' First Amendment rights.

3. Commonwealth of Pennsylvania v. Kurtz (PA): This appeal challenges the constitutionality of a keyword search warrant issued by the police to Google that sought the identities of all persons conducting a search on a particular keyword, after a Pennsylvania Superior Court concluded that an individual does not have a reasonable expectation of privacy in their private internet search queries. FTRF joined with the ACLU of Pennsylvania, the Association Of Research Libraries, Internet Archive, and the Library Freedom Project to file an amicus brief arguing that Superior Court erred in holding that search queries receive no constitutional protections.

#### **B. Other Litigation of Interest**

1. Pen American Center Inc et al. v. Escambia County School District (FL)
2. Cousins et al v. School Board Of Orange County et al.(FL)
3. Parnell et al v. School Board of Lake County, Florida (FL)
4. GLBT Youth in Iowa Schools Task Force et al. v. Reynolds et al. and Penguin Random House, et al. v. Robbins et al. (IA)
5. Dawn Adams et al v. Matanuska-Susitna Borough School District (AK)
6. Missouri Association Of School Librarians And Missouri Library Association v. Baker (MO)
7. Wheeler et al v. Sterling, Kansas, Free Public Library, Board of Directors et al.

#### **C. State, Federal, and Local Actions Impacting the Freedom to Read: D. Caldwell-Stone**

1. FTRF Advocacy
  - a. Letter to St. Joseph Missouri City Council
  - b. Letters to Huntington Beach, CA and Fresno County, CA
  - c. Open Letter on Book Banning
2. State and Federal Legislation Outlook

#### **D. Media Coalition Report and Update: D. Horowitz**

### **III. REPORTS OF OFFICERS**

**A. President's Report: S. Goswami**

1. Discussion of upcoming President's Program
2. Board Members' Commitment (\$500)

**B. Treasurer's Report and Finance Committee: J. Neal**

1. Review of FY22 Audit
2. Review of FY23 Budget vs. Actual
3. Review and Approval of FY24 Budget
4. Brief review of Investments with Mesirow

**C. Executive Director's Update: D. Caldwell-Stone**

**V. REPORTS FROM LIAISONS**

**VI. COMMITTEE REPORTS**

**A. Fundraising and Membership Committee: J. Griswold**

**B. Krug Fund**

1. **Banned Books Week Grants:** J. Ferris, J. McIntosh
2. **Education Committee:** D. Hand, J. McIntosh

**C. Intellectual Freedom - Equity, Diversity, Inclusion Committee: L. Jones**

**D. Developing Issues Committee: C. Adams**

**E. Nominating Committee: L. Garcia-Febo**

**F. Roll of Honor Committee: S. Sotilleo**

**G. Conable Scholarship Committee: J. Dapier**

**VII. ALA EXECUTIVE BOARD REPORT: S. Dallas**

**VIII. PROGRAMS AND EVENTS AT LLX CONFERENCE**

- Fighting Censorship in a Changing Landscape  
Saturday January 20, 2024  
1-2 PM  
Learning Format: Learning Lab  
Eric and Deborah

- Advocacy Remixed: ALA Groups and Members Collaborate to Support Librarians and the Communities they Serve  
Sunday January 21, 2024  
10:00 AM – 11:00 AM  
Learning Format: Learning Lab  
Joyce, Betsy, Kent
- Be Prepared: Program Challenges at Your Public Library  
Sunday January 21, 2024  
1:00 PM – 2:00 PM  
Learning Format: Learning Lab  
Betsy, Sukrit, and Amanda

**IX. UPCOMING MEETINGS**

The next meeting of the 2023–2024 Board of Trustees is tentatively scheduled to take place in person during ALA's 2024 Annual Meeting in San Diego, California on Wednesday June 26, 2024.

**XI. ANY OTHER BUSINESS THAT PROPERLY MAY COME BEFORE THE BOARD OF TRUSTEES**

**XII. CONFIRMATION OF GRANTS**

In accordance with Board procedure, the Trustees' last item of business is final approval of grants tentatively authorized during the meeting.

**XIII. ADJOURNMENT**