

TO: ALA Council

DATE: June 13, 2025

RE: (select one)

ACTION REQUESTED
INFORMATION

X REPORT

ACTION REQUESTED/INFORMATION/REPORT: (add below)

Report: Freedom to Read Foundation

Action requested from Councilors is to cast their vote to: (if applicable)

None.

ACTION REQUESTED BY: (add committee name)

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BACKGROUND: (add information)

**Freedom to Read Foundation
REPORT TO COUNCIL
2025 Annual Meeting
Philadelphia, Pennsylvania**

As President of the Freedom to Read Foundation, it is my privilege to report on the Foundation's activities since the 2025 LibLearnX Meeting in Phoenix, Arizona.

LITTLE V. LLANO COUNTY

On May 23, the Fifth Circuit Court of Appeals published its en banc (full panel) decision in *Leila Green Little v. Llano County*, the lawsuit filed by residents of Llano County to overturn the decision by the Llano County commissioners and its public library board to remove a large number of books from the Llano County library's collection, based upon the officials' dislike for the ideas or topics addressed in the books. The plaintiffs argued that the removal of the books violated their First Amendment right to access those books in the library.

The majority opinion, written by Judge Duncan, ruled against the plaintiffs, removing a preliminary injunction that required the county to return the books to the library's circulating collection. Nine of the seventeen judges on the panel joined with Judge Duncan to hold that there is no right to receive information in the public library. The opinion further rules that the Supreme Court's seminal decision in *Board of Education v. Pico* is not binding precedent in the Fifth Circuit, which includes Texas, Louisiana, and Mississippi. Seven judges dissented from the opinion, arguing that *Pico* is a strong precedent that should be applied in the Fifth Circuit and that the right to receive information should apply in the library setting.

In addition, seven of the judges – a minority – said that a library's collection of books and resources is a form of government speech not subject to the First Amendment. The opinion also argued that the removal of books from the library is not a "book ban" because patrons can buy the book they want online, buy it at a bookstore, or borrow it from a friend.

To say that we are deeply disappointed and saddened by the Fifth Circuit's decision is an understatement. It is a fundamental principle of the First Amendment that no government agency, including public libraries and public schools, may restrict or censor materials because of the or the topics addressed in the books or the viewpoint or ideas expressed by their author. The decision is in direct conflict with longstanding legal precedent and with recent rulings issued by the Eighth Circuit and other district courts that have considered these important First Amendment issues.

We are confident that when this case is heard by the Supreme Court common sense will prevail, and that the justices will uphold the freedom to read in our nation's libraries. FTRF will continue to support and stand by Leila Green Little and the other residents of Llano County as they seek to defend their right to read freely.

NEW LITIGATION

The Freedom to Read Foundation will file a friend of the court brief in **Crookshanks v. Elizabeth School District**, a lawsuit challenging a Colorado School District policy that allows a parental review committee to create a list of books on "sensitive topics," that include "racism/discrimination," "religious viewpoints," "sexual content," "profanity/obscenity," "graphic violence," and "self-harm or mental illness." Parents are notified if their student checks out a book on the list, and no teacher can include a "sensitive topic" book in their classroom library. In addition, the district has removed over a dozen books from the school library.

After the district court halted enforcement of the policy on First Amendment grounds and ordered the banned books to be returned to the library, the defendant school district appealed the court's decision to the 10th Circuit Court of Appeals, where FTRF will file its brief in support of the plaintiffs. Plaintiffs in the case include students and their parents, the NAACP's Colorado, Wyoming, and Montana Conference, and The Authors Guild, on behalf of its members.

FTRF has also joined amicus briefs in two lawsuits challenging social media age-verification laws that threaten to harm both adult and minors' rights to free expression, anonymity, and privacy in online venues. The first, **Netchoice v. Bonta**, challenges California's SB 976, the "Protecting Our Kids From Social Media Addiction Act." This law prohibits social media platforms from providing minors access to curated or personalized feeds and imposes age verification requirements that require users to provide identifying information to access social media platforms. FTRF has joined an amicus brief authored by the Electronic Freedom Foundation that argues that SB 976 should be overturned because it burdens minors' expression by making it much more difficult to speak to other users or access other users' speech, as well as threatening the First Amendment rights of adults and minors by requiring age verification.

The second lawsuit, **Netchoice v. Brown**, asks the court to overturn the Utah Minor Protection in Social Media Act, which requires social media companies to set up parental controls on minors' social media accounts and implement age verification systems for all internet users. A federal district court has enjoined enforcement of the law, and the state of Utah has appealed that order to the 10th Circuit Court of Appeals. FTRF once again joined with the Electronic Frontier Foundation to file a friend of the court brief that asks the court to affirm the district court's order enjoining enforcement of the law. The brief argues that the Utah law violates the First Amendment by significantly limiting both the reach of minors' protected speech and their access to the speech of others and by impairing the rights of adult and minor internet users by requiring invasive age verification checks.

CURRENT LITIGATION

I am pleased to report that a policy adopted by the Temecula Valley Unified School District that removed books with race or LGBTQ content from the district's libraries and curriculum has been overturned by a California appellate court. The lawsuit, *Mae M. et al. v. Komrosky and Temecula Valley Unified School District*, was filed by students, parents, and educators seeking to halt enforcement of a policy that banned all inclusive curriculum and materials as a means of halting the teaching of Critical Race Theory.

FTRF joined Penguin Random House, The Authors Guild, Freedom to Learn Advocates, American Booksellers for Free Expression, the National Council of Teachers of English, and The PEN American Center, Inc. to file an *amicus* brief in support of the plaintiffs. On May 19, 2025, the appellate court issued its ruling, stating that the students, parents, and faculty were entitled to an order enjoining enforcement of the policy. The court said the language of the policy was unconstitutionally vague and was based on board members' subjective views of Critical Race Theory as a "racist ideology."

At our last meeting in Phoenix, I reported that the Eighth Circuit Court of Appeals issued an opinion in *GLBT Youth in Iowa Schools Task Force v. Reynolds* and *Penguin Random House v. Robbins*. These are paired lawsuits filed by Iowa students, LGBTQ advocates, publishers, and authors to overturn the Iowa law known as SF496. That statute bans programs and materials relating to sexual orientation or gender identity for students in kindergarten through sixth grade and requires school districts to ban all books with descriptions of sex acts from school libraries, except for certain religious texts. A federal district court halted enforcement of the law on First Amendment grounds, and the state appealed that decision to the Eighth Circuit Court of Appeals. FTRF took the lead in preparing an *amicus* brief in support of the plaintiffs that was joined by the Iowa Library Association and the American Association of School Librarians.

As I reported in January, the Eighth Circuit overturned the preliminary injunction enjoining enforcement of SF 496 on procedural grounds and sent the case back to the district court for additional analysis of the case's legal and factual issues. I am happy to report that on March 25, 2025, the district court again granted a preliminary injunction enjoining the state from enforcing SF 496. The district court ruled that the statute is unconstitutional, holding that "it imposes a puritanical 'pall of orthodoxy' over school libraries by concluding that there is no redeeming value to any book that contains a 'description' of a 'sex act' even if the book is a work of history, self-help guide, award-winning novel, or other piece of serious literature." The district court also rejected the State's argument that the statute was constitutional because students can access books at a public library or bookstore. Finally, the district court held that the removed books do not undermine the state's central mission of educating Iowa children merely by being available on library shelves to students who wish to read them.

ONGOING LITIGATION SUPPORT

In addition to its direct participation in litigation challenging book bans and upholding the First Amendment, FTRF staff and legal counsel continue to offer guidance to library workers, students, and parents addressing book censorship in their communities. Our work in this area includes consulting with legal counsel on the growing number of lawsuits challenging book censorship and other legal actions

aimed at preserving students' and library users' right to read. In accordance with our mission, we will continue to support such litigation and file amicus briefs in these cases when appropriate and when needed.

Included in the lawsuits FTRF has consulted on or supported are *PEN American Center Inc v. Escambia County School District*, *Cousins v. School Board Of Orange County*, *Nancy Tray v. Florida State Board of Education* and *Parnell et al v. School Board of Lake County* in Florida; *Missouri Association Of School Librarians And Missouri Library Association v. Baker* in Missouri; *Wheeler v. Sterling, Kansas, Free Public Library Board of Directors* and *Spiehs v. Morgan* in Kansas, *E.K. v. Department of Defense Education Activity* in Virginia, and *South Carolina State Conference of the NAACP et al v. Weaver* in South Carolina; *Lesley v. Bennett* in Wyoming; *Northwest Association of Independent Schools et al. v. Labrador* and *Penguin Random House LLC. v. Labrador* in Idaho; and *Crookshanks, et al. v. Elizabeth School District* in Colorado.

FREE EXPRESSION AND CIVIL LIBERTIES ADVOCACY

FTRF continues to collaborate with our allies and state, local, and national partners to advocate for First Amendment freedoms, free and open access to libraries, and every person's freedom to read. In addition to providing strategic support and essential legal information to library workers and community activists fighting book censorship in their communities, FTRF writes to school and library boards and elected officials to urge them to defend the right to read and to defend and protect their librarians' ability to meet the information needs of everyone in their communities. As part of this work, FTRF participates in several coalitions defending free expression, including the Media Coalition, the Right to Read Working Group, and Unite Against Book Bans.

FTRF has responded to several requests for assistance since we last met in January. Letters of support urging school and library boards to refrain from censorship and to protect the right to read freely were sent to the Wentzville Board of Education in South Dakota; the Rutherford County Library and the Sumner County Library Board in Tennessee; the Lawrence Public Library in Kansas; and the Caledonia Community Schools in Michigan.

FTRF also signed on to a coalition letter authored by the North Dakota Library Association that urged North Dakota Governor Kelly Armstrong to veto a bill designed to impose greater restrictions on public library materials. I am pleased to report that Governor Armstrong did veto the legislation, saying that the bill "represents a misguided attempt to legislate morality through overreach and censorship."

FTRF also signed an open letter protesting the current administration's attacks on the rights and independence of non-profit organizations.

THE JUDITH F. KRUG MEMORIAL FUND

Established by the family, friends, and colleagues of Judith F. Krug, the Judith F. Krug Memorial Fund supports projects and programs that continue Judith's mission to educate both librarians and the public

about the First Amendment and the importance of defending and advocating for the right to read and speak freely.

Banned Book Week Grants

The Judith F. Krug Fund provides grants to schools, libraries, and non-profit organizations across the country to support their local Banned Books Week celebrations that raise awareness of intellectual freedom and censorship issues.

Members of the Judith F. Krug Memorial Fund Banned Books Week Committee met and chose five grant recipients out of the 60 applicants representing different types of organizations in the United States. The 2025 winners include one special library, one school library, one non-profit organization and two academic libraries.

The recipients are the Jones Memorial Library in Virginia; the Tom C. Clark High School in Texas; the Indigenous Idaho Alliance in Idaho; the University of Buffalo in New York; and the University of Delaware.

Educational Initiatives

The Krug Fund partners with the University of Illinois' iSchool, the San Jose State University School of Information, Emporia State University, and Longwood University to assure that foundational graduate coursework addressing the practice of intellectual freedom in libraries remains available to those preparing for careers in information science, librarianship, and education.

In addition to its work with FTRF's graduate education partners, the Krug Fund Education Committee has expanded its outreach, developing a poster highlighting the freedoms protected by the First Amendment for use in K-12 classrooms and public libraries. With the support of Penguin Random House, the poster was released at state library conferences and ALA's Annual Conference in San Diego, where the poster was well-received. A webpage, [First Amendment – Freedom to Read Foundation](https://www.ftrf.org/page/firstamendment) (<https://www.ftrf.org/page/firstamendment>) supplements the information. The posters have been in circulation for a year now and they remain extremely popular.

The committee has now developed 6 8.5" x 11" downloadable posters that further explain each of the six court cases included on the large poster to enhance the poster's outreach. It is also considering new posters that will include additional court cases supporting First Amendment rights as well as a series of short videos to accompany these small posters.

Program Proposals

The Education Committee has submitted programming proposals to a number of library conferences to present a panel discussing the First Amendment and its support for libraries and library services. The

proposed programs will use the committee's First Amendment posters as core content but will add materials to address current events and audience inquiries submitted via a pre-conference survey. Information about these presentations will be shared as they are confirmed.

Your financial support for the Judith F. Krug Fund enables the Freedom to Read Foundation to support these important educational opportunities for LIS students, k-12 students, and the public. Please visit https://www.ftrf.org/page/Krug_Fund to learn more about the Krug Fund's support for intellectual freedom education and Banned Book Week activities, please consider contributing to the Krug Fund to support this important work.

DEVELOPING ISSUES

The Developing Issues Committee of the Foundation explores emerging issues or other topics of heightened interest on the intellectual freedom landscape. This year, the Developing Issues Committee, led by Chair Barbara Stripling, has focused on four significant issues that have intellectual freedom implications:

- Artificial intelligence in terms of intellectual freedom, privacy, and ethics
- Intellectual freedom for youth on social media platforms
- Research initiatives and intellectual freedom in academia: Implications and perspectives from academic librarians and LIS-program faculty
- Impact of censorship policies, practices, and legislation on the profession of school librarianship

THE FREEDOM TO READ FOUNDATION ROLL OF HONOR

It gives me great pleasure to announce that the Freedom to Read Foundation's 2025 Roll of Honor Award has been given to Skip Dye and Owen Wolfe, both of whom are great champions of free speech and civil liberties.

Skip Dye is the Senior Vice President of Library Sales and Digital Strategy at Penguin Random House and Chair of the PRH Intellectual Freedom Task Force. He is a lifelong fan of libraries and an advocate for the freedom to read. He has contributed significantly to the mission of the Foundation, serving as a committee member, a tireless and vocal intellectual freedom advocate, and a champion of the organization's fundraising efforts.

Owen Wolfe's pro bono legal work on behalf of the Freedom to Read Foundation's First Amendment litigation has been central to FTRF's fight against censorship. He has drafted three important amicus briefs for the Freedom to Read Foundation in lawsuits challenging book bans in schools and libraries. Owen is a co-lead for the Seyfarth, Shaw law firm's appellate group and has worked on cases with clients ranging from individuals to large corporations at federal, state court trial, and the appellate court levels.

Wolfe and Dye will be recognized at the Opening General Session of the 2025 American Library Association (ALA) Annual and the Intellectual Freedom Awards Reception on Friday, June 27.

CONABLE CONFERENCE SCHOLARSHIP

I am also pleased to announce the 2025 recipients of the Gordon M. Conable Conference Scholarship.

Martin Solorio is an Electronics Resources Specialist at University of California Berkeley Library and a recent graduate of San Jose State University's MLIS program.

Cassandra Taylor is the Branch Manager of Smyrna Public Library in Murfreesboro, Tennessee. Taylor has dedicated her work as an academic and public librarian to ensuring equitable access and protecting the right to read.

The Conable Conference Scholarship was created in memory of Gordon Conable, a past president of the Freedom to Read Foundation (FTRF). Conable, who was also an American Library Association (ALA) Councilor, was a tireless champion of intellectual freedom and dedicated to mentoring future leaders of the library profession. The FTRF is pleased to honor Conable's memory by creating mentoring opportunities for students and new librarians. The Conable Scholarship provides financial assistance to a new librarian or library student who shows a particular interest in intellectual freedom and wishes to attend the ALA Annual Conference.

FTRF MEMBERSHIP

The Freedom to Read Foundation's core mission – participating in litigation to defend the freedom to read – stands as the library profession's bulwark against unconstitutional censorship. With our support, library users and organizations across the country are successfully challenging the removal of books and defending First Amendment freedoms. We are committed to developing the legal precedents that will end the censorship of diverse books and liberate the voices of LGBTQIA+ persons, Black and Indigenous persons, and persons of color.

Litigation is a costly endeavor. Your support is essential if FTRF is to continue its defense of the freedom to read and its advocacy on behalf of our civil liberties and our free expression rights.

I encourage all ALA Councilors and all ALA members to join me in becoming a personal member of the Freedom to Read Foundation. I also ask that you invite your institution, organization, or state chapter to join FTRF as an organizational member. You are invited to include a donation in addition to your membership dues. Please send a check (\$50+ for personal members, \$100+ for organizations, \$35+ for new professionals, \$10+ for students, \$0 for furloughed/unemployed, and \$0 for retirees) to:

Freedom to Read Foundation
225 N. Michigan Ave., Suite 1300
Chicago, Illinois 60601

Alternatively, you can join or renew your membership by calling (800) 545-2433, ext. 4226, or online at www.ftrf.org.

I hope you will strengthen the voice and impact of the Freedom to Read Foundation by becoming a member and encouraging your institutions and membership organizations to join FTRF.

Respectfully submitted,
Sophia Sotilleo, President
The Freedom to Read Foundation