As President of the Freedom to Read Foundation, it is my privilege to report on the Foundation’s activities since the 2015 Midwinter Meeting:

LITIGATION

*Prison Legal News v. Kane*: This spring the Freedom to Read Foundation joined with journalists, booksellers, publishers and others to successfully challenge a Pennsylvania law that allows a victim to sue a convicted offender to stop any conduct — including speech — that causes “mental anguish.” Under the law, a district attorney, the Attorney General, or a victim of a personal injury crime can ask a judge to prohibit an offender from engaging in any conduct, including speech, that would cause “a temporary or permanent state of mental anguish” to the victim or otherwise “perpetuate the continuing effect of the crime” on the victim or the victim’s family.

The legislative history of the law made it clear that the term “conduct” encompasses speech and that the statute could be used to stop speech by an offender or a third party publishing the speech of the offender or speech produced with the assistance or input from the offender. Statements by state officials also made it clear that the statute was passed directly in response to the outrage expressed by the widow of Philadelphia police officer Daniel Faulkner when she learned that the Mumia Abu-Jamal, who is serving a life sentence for the 1981 shooting of Faulkner, was invited to deliver a recorded commencement address to a Vermont college graduating class.

The Freedom to Read Foundation joined an *amicus curiae* brief drafted by the Reporters Committee for Freedom of the Press that argued that the statute violates the rights of offenders and deprives the public of information that it is willing to receive by allowing a court to issue an injunction barring the distribution of a broad variety of First Amendment-protected material. The brief also highlighted the types of works, in addition to news articles, that would fit within the broad language of the newly enacted statute, including Truman Capote’s *In Cold Blood*, Norman Mailer’s *The Executioner’s Song*, *The Autobiography of Malcolm X*, the documentary *The Thin Blue Line* or the movie *Goodfellas*, based on the book *Wiseguy*. The broad language of the statute could also apply to speeches or talks by offenders such as convicted drunk drivers who then speak to high school students to warn them of the dangers of drinking and driving.

On April 28, 2015, U.S. District Court Chief Judge Christopher Conner struck down the Pennsylvania law, finding the law “manifestly unconstitutional.” Conner ruled that the law is an impermissible content-based restriction and that it is vague and overbroad.

“A past criminal offense does not extinguish the offender’s constitutional right to free expression,” Conner wrote. “The First Amendment does not evanescence at the prison gate, and its enduring guarantee of freedom of speech subsumes the right to expressive conduct that some may find
offensive.” The court also held that “the government may not proscribe speech based exclusively on its potential to offend.”

**Antigone Books v. Horne:** In September, 2014, the Freedom to Read Foundation joined with booksellers, publishers, and photographers to challenge an Arizona statute that makes it a crime to publish, sell, loan or disclose images that include nudity without the depicted person’s consent for each distribution. Although intended to target "revenge porn," the law, as written, potentially makes criminal the dissemination of a large number of historic, artistic, educational and other newsworthy images.

While the Freedom to Read Foundation strongly condemns the malicious invasion of privacy resulting from "revenge porn," and supports using legal tools to stop it, the Arizona law goes far beyond criminalizing this reprehensible practice and potentially makes criminally liable anyone who provides access to any image that includes nudity, including newsworthy images such as the iconic image of the “Napalm Girl,” running unclothed from her village during the Vietnam War, or the images of nude prisoners held at Abu Ghraib. Under this law, distributing or otherwise providing access to such materials puts librarians at risk for prosecution for a serious crime punishable by almost four years in prison.

After FTRF and its fellow plaintiffs filed a motion for preliminary injunction asking the district court to block enforcement of the law, attorneys for the State of Arizona sought to stay enforcement of the law and stay the lawsuit itself to allow the Arizona legislature the opportunity to narrow the law in its next legislative session. The legislature failed to act, however, and on May 18, 2015, the plaintiffs renewed their motion for a preliminary injunction. Unless FTRF and its fellow plaintiffs reach a settlement with the state, oral argument on the motion will be heard on August 31.

**Arce v. Huppenthal:** We continue to await a decision by the Ninth Circuit Court of Appeals in this lawsuit filed by teachers and students in the Tucson Unified School District (TUSD) against the Arizona Superintendent of Public Instruction and other state officials. The lawsuit challenges the constitutionality of an Arizona statute prohibiting the use of class materials or books that encourage the overthrow of the government, “promote resentment toward a race or class of people,” are “designed primarily for pupils of a particular ethnic group,” or “advocate ethnic solidarity instead of the treatment of pupils as individuals.”

The plaintiffs sued the Superintendent of Public Instruction after TUSD was forced to cease its Mexican-American Studies program and remove books from its classrooms. After the district court upheld the statute, the students appealed to the Ninth Circuit Court of Appeals. FTRF then joined with the American Library Association, REFORMA, the Black Caucus of the ALA and the Asian/Pacific American Librarians Association to file an amicus brief in support of the students’ First Amendment claims.

The Ninth Circuit Court of Appeals heard the parties’ oral arguments on January 12, 2015. Constitutional scholar Erwin Chemerinsky, dean of the law school at the University of California, Irvine, argued the case on behalf of the students. Commenting on the case, he had high praise for the brief authored by FTRF’s legal counsel.

We now wait for the Ninth Circuit to hand down their decision. We thank ALA, REFORMA, BCALA, and APALA for their support of this effort.
THE JUDITH F. KRUG MEMORIAL FUND

Banned Books Week: FTRF’s Judith F. Krug Memorial Fund, created and supported by donations made in memory of FTRF’s founding executive director, funds projects and programs that assure that her passion to educate both librarians and the public about the First Amendment and the importance of defending the right to read and speak freely will continue far into the future.

On June 11, FTRF announced identified the recipients of this year’s grants to support their events celebrating Banned Books Week this fall. The five grantees for 2015 are:

- Chapel Hill Public Library, Chapel Hill, North Carolina
- Kurt Vonnegut Memorial Library, Indianapolis, Indiana
- Remembering for the Future Community Holocaust Initiative, Neptune Beach, Florida
- SA Youth, an organization that works with at-risk youth in San Antonio, Texas
- Virginia Beach Public Library, Virginia Beach, Virginia

The grantees’ proposals for 2015, the sixth year of Krug Fund grants, feature programs addressing the loss of intellectual freedom and the book burnings and bannings that took place during the Nazi regime; a "Blind Date with a Banned Book" for youth; a new series of Banned Books Trading Cards and the development of a curriculum for teachers to discuss banned books in schools; interactive displays in all ten libraries in the system featuring a "Selfie-Spot" where patrons will capture themselves with the one book they would not want to live without; and a week-long “lock-in” with banned books.

As with past years, recipients will provide FTRF with photos, videos, and written reports of their events. For more information, please visit www.ftrf.org/?Krug_BBW.

Intellectual Freedom Education: The Krug Fund also provides funding for various initiatives to provide intellectual freedom curricula and training for LIS students. I am very pleased to report that FTRF will continue to support its successful partnership with the Graduate School of Library and Information Science (GSLIS) at the University of Illinois at Urbana-Champaign (Illinois) to offer an online graduate-level course on intellectual freedom for LIS students around the country. Under the agreement, FTRF will continue to support the class for an additional three years. The course is taught by GSLIS professor Emily Knox, who earned her Ph.D. from Rutgers University School of Communication and Information. Knox’s scholarship, which encompasses intellectual freedom and censorship, print culture and reading practices, and information ethics and policy, has earned her the acclaim of other LIS academics.

“Intellectual Freedom and Censorship” is a 2-credit course and will be held August–October 2015. It is open to any student enrolled in an LIS degree program. As part of the collaboration, Freedom to Read Foundation staff and volunteers will lend their expertise as guest speakers, and FTRF and ALA Office for Intellectual Freedom archival materials will be made available to students. Those at Illinois and other institutions in the WISE consortium (wiseeducation.org) can enroll via the WISE system. Students at non-WISE institutions can enroll by calling Tonyia Tidline, GSLIS director of professional development, at (217) 244-2945 or tidline@illinois.edu. For details, visit www.ftrf.org/?Krug_Education.
STRATEGIC PLAN REVIEW

This spring, FTRF trustees and many liaisons met for half a day to review the progress of our 2012 strategic plan. As a result of those discussions, the trustees have identified eleven priority tasks to advance the implementation of the 2012 plan and to draft a new plan for 2016. At this meeting, we formed a committee to address the identified priorities and to begin the process of envisioning the future of the Freedom to Read Foundation.

2015 ROLL OF HONOR AWARD RECIPIENTS JONATHAN BLOOM AND JAMES NEAL

It is my pleasure and privilege to introduce this year’s co-recipients of the 2015 Freedom to Read Foundation Roll of Honor Award, James G. Neal and Jonathan Bloom. Neal is the recently retired vice president for information services and university librarian at Columbia University, an ALA Councillor, and member of the ALA Executive Board and the FTRF Board of Trustees. Bloom, a litigator who specializes in media, First Amendment, and intellectual property law, is counsel to Weil, Gotshal & Manges LLP and a former trustee of the Freedom to Read Foundation. We are delighted to have the opportunity to celebrate their accomplishments at this meeting.

2015 CONABLE CONFERENCE SCHOLARSHIP

I am also pleased to announce that FTRF has named Gretchen LeCheminant and Amy Steinbauer as co-recipients of Gordon M. Conable Conference Scholarship. This is the first time in the eight-year history of the Conable Scholarship that multiple awards have been given.

LeCheminant is a recent graduate of the University of Texas at Austin (UTA) School of Information. In her capacity as co-director of the UTA & Texas Library Association student group, she helped to organize a Banned Books Week photo booth. She also served as co-editor with Camille Callison and Loriene Roy of the forthcoming Indigenous Notions of Ownership & Libraries, Archives, & Museums, a book about the needs of indigenous peoples. She will be going into youth services, where she hopes to combine the love and understanding that teenagers have for new media with the fundamental and long-standing right to read as supported by libraries.

Steinbauer also was active with her student chapter of ALA while attending University of Hawaii. She continued her activism after graduating while volunteering in public school libraries, working to keep diverse books in school libraries. As a public librarian, she continues to support youngsters in their wide selection of choices and to help make diversity books remain on the shelves. Steinbauer currently works for the Beaumont Library District in California and resides in Riverside, where Gordon Conable lived for many years until his death.

The Conable Scholarship was created to honor the memory of former FTRF President Gordon Conable and to advance two principles that Conable held dear: intellectual freedom and mentorship. His unexpected death in 2005 inspired his wife, Irene Conable, and the FTRF Board to create the Conable Fund, which provided the means for LeCheminant and Steinbauer to attend this conference and attend intellectual freedom meetings and programs here. They will prepare a formal report about their activities and experiences after the conference concludes.
EXECUTIVE DIRECTOR BARBARA JONES

Executive Director Barbara Jones will retire at the end of the year. The Board of Trustees would like to thank Barbara for her unflagging commitment to moving the mission of the foundation forward for the last six years. A long-time member and former trustee of the foundation, she took on the difficult task of guiding FTRF following the death of founding Executive Director Judith Krug and handled the challenge with grace and aplomb. FTRF has thrived under her leadership, with the development of its first strategic plan, the formation of a successful partnership with the Graduate School of Library and Information Science (GSLIS) at the University of Illinois at Urbana-Champaign to offer an online graduate-level course on intellectual freedom for LIS students around the country, and the expansion of FTRF’s mission to encompass community activists and diverse books initiatives. We are grateful for her devoted service and wish her well as she continues her work for intellectual freedom on her own terms.

FTRF MEMBERSHIP

Membership in the Freedom to Read Foundation allows the Foundation to continue to building our organizational capacity in order to support our litigation, education, and awareness campaigns. It is the critical foundation for FTRF’s work defending First Amendment freedoms in the library and in the larger world. As always, I strongly encourage all ALA Councilors to join me in becoming a personal member of the Freedom to Read Foundation, and to have your libraries and other institutions become organizational members. Please send a check ($35.00+ for personal members, $100.00+ for organizations, and $10.00+ for students) to:

Freedom to Read Foundation
50 E. Huron Street
Chicago, IL  60611

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

Respectfully submitted,

Julius C. Jefferson, Jr.
President, Freedom to Read Foundation