



June 28, 2023

Mr. Crosby Kemper, Director
Institute of Museum and Library Services
955 L'Enfant Plaza, SW, Suite 4000
Washington, D.C. 20024-2135

Re: Request for Investigation of Religious Discrimination

Director Kemper:

First Liberty Institute is the nation's largest law firm dedicated exclusively to defending and restoring religious liberty for all Americans.

On behalf of our clients Brave Books and Kirk Cameron, I write to request that the Institute of Museum and Library Services ("IMLS") open an investigation into whether the American Library Association ("ALA") has violated federal law protecting religious liberty and failed to comply with the assurances of nondiscrimination required as a federal grant recipient.

Brave Books and Kirk Cameron partner with local communities to read books at libraries.

Our clients author and publish faith-based children's books. As many authors and publishers have done throughout the history of the United States, our clients partner with individuals at the local community level to read and discuss their books. The practice is quite simple: individual members of the local community request the use of rooms their local public libraries designate for community use to host a story hour. At that story hour, one of Brave Books' published works is read to those who choose to come to the library to hear the public reading of the book(s). On occasion, Mr. Cameron will join the local organizer and personally read the book he wrote and interact with those who attend the event. Typically, Brave Books then donates at least one copy of the book to the local library to expand their offerings to the local community.

These locally-organized story hours have grown in popularity. Responding to that popularity, Brave Books provides guidance to local community members on how to host

a Brave Books story hour effectively for everyone—including the local public library.¹ To encourage the public to go to the local public library, read books, and discuss the information contained in those books, Brave Books is encouraging its followers to host a “Brave Books Story Hour” on August 5, 2023. The campaign is called, “See You at the Library.” The stated hope is that “thousands of local public libraries [will be] filled by you, your friends, your pastors, your teachers and your local representatives on this date.” *Id.* Our clients hope “See You at the Library” will become an annual campaign to encourage literacy, foster discussion on the role of religion in public life, and promote the public’s participation in the local library.

Evidence of intentional religious discrimination by the American Library Association

Despite the effort of our clients to encourage thousands of Americans to visit America’s public libraries, the ALA strongly criticized our clients’ encouraging local community members to use libraries to read books. More concerning, ALA’s director for its Office for Intellectual Freedom, Deborah Caldwell-Stone, appears to base the ALA’s opposition to our clients upon their religious beliefs.

It should be noted that the ALA is familiar with the concept of local community members hosting various story hours. ALA maintains a page on its website with a lengthy list of resources to aid its members in hosting “Drag Queen Story Hour.”² ALA’s intention in providing such resources is in hopes of “creating a more equitable, diverse, and inclusive society.” *Id.* It is therefore confusing that ALA would dedicate significant resources to encouraging “Drag Queen Story Hour” while at the same time using the weight of its “Office for Intellectual Freedom” to publicly oppose Kirk Cameron, Brave Books, and members of thousands of local library communities. Such public opposition betrays ALA’s stated commitment to equity, diversity, and inclusivity—and should undermine IMLS’s confidence in granting ALA future federal funding.

Speaking to those gathered for the “Library 2023 Worldwide Virtual Conference,” Ms. Caldwell-Stone falsely and intentionally disparaged our clients and the thousands of would-be public library patrons who support our clients.³ She wrongly suggests that the aim of our clients is to, “censor LGBTQIA materials or disparage or silence LGBTQIA

¹ See https://bravebooks.us/pages/bb-story-hour?al_pg_id=76dfed06-24cc-40ef-b44a-e096d2a822d4

² See <https://www.ala.org/advocacy/libraries-respond-drag-queen-story-hour>

³ See <https://www.youtube.com/watch?v=jnDknzi8Mso&list=PLGvt9IyrGCa5-EtEPqWqkj9pynH4WSZrZ&index=5>

library users, exploit the open nature of a public library.” *Id.* As to our clients’ “See You at the Library” campaign, Ms. Caldwell-Stone irrationally suggests that our clients endeavor to “take over libraries on August 5th.” *Id.*

Our clients welcome all members of the community to utilize the local library. Our clients recognize the right of the local community to use public library meeting space to host “Drag Queen Story Hour” to the same extent that our clients are permitted to host “See You at the Library.” Our clients no more “take over libraries” than others—like those who host “Drag Queen Story Hour”—take over libraries on the days in which they are on campus. Indeed, our clients and their supporters only seek the appropriate use of a single room at the local public library. Yet, Ms. Caldwell-Stone openly questions the motives of our clients while the ALA applauds other story hours using the same space.

It is not enough to publicly scorn our clients and their religious beliefs. Ms. Caldwell-Stone, bearing the imprimatur of the ALA, went on to encourage the nation’s public libraries to “construct policies and procedures” to deny the use of *public* libraries to religious users like our clients in the name of “keep[ing] control of the library.” *Id.* While, she notes, “libraries are for the receipt of information” she reminds public librarians that they are “not obligated to offer public meeting spaces.” Ms. Caldwell-Stone explicitly linked this push to revoke public meeting spaces to “the Kirk Cameron thing.” *Id.*

Rather than permit local community members the freedom to utilize the public spaces for which they would otherwise have the right to access, Ms. Caldwell-Stone suggests that community rooms of the nation’s public libraries ought to be reserved for “community members and community groups who really need to use it.” *Id.* But, shockingly, Ms. Caldwell-Stone next encourages the nation’s public librarians to concoct a deception upon the public: “what if your library decided to offer a whole host of programs in its meeting rooms on August 5th, making it unavailable for the public? That’s another option for you.” *Id.*

Inarguably, Ms. Caldwell-Stone is calling for librarians nationwide to perpetuate a wide-ranging conspiracy, if not a fraud, upon the public, denying local taxpayers access to their public libraries under the guise of “a whole host of programs.” Ms. Caldwell-Stone and the ALA Office of Intellectual Freedom appear openly eager to discriminate against those in the local community who seek only the freedom to receive information from our clients, specifically, the religious information our clients intend to present.

Federal taxpayers should not be required to subsidize religious bigotry. While the ALA is free to expend its budget as its members will so tolerate, as grant recipients of the IMLS, the ALA may not utilize the more than \$250,000,000 in taxpayer funds to openly violate the First Amendment to the U.S. Constitution and federal regulations. One of the funding sources for the ALA states that part of its purpose is “to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry” 20 U.S.C.A. § 9121. ALA is conspiring to *deny* access to thousands of citizens based upon open intolerance of their religious beliefs, speech, and expression. Such action is not only inviting libraries around the country to engage in blatantly unconstitutional actions (placing local libraries in legal jeopardy) as discussed below, but also violates ALA’s own Library Bill of Rights, which states “[a] person’s right to use a library should not be denied or abridged because of . . . views,” including religious views.⁴

It is the unmistakable holding of the U.S. Supreme Court that “[t]he Free Exercise Clause ‘protect[s] religious observers against unequal treatment’ and subjects to the strictest scrutiny laws that target the religious for ‘special disabilities’ based on their ‘religious status.’” *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2019 (2017) (quoting *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993)). Accordingly, under this “basic principle,” the “Court repeatedly confirmed that denying a generally available benefit solely on account of religious identity imposes a penalty on the free exercise of religion that can be justified only by a state interest ‘of the highest order.’” *Id.* (quoting *McDaniel v. Paty*, 435 U.S. 618, 628 (1978)). Openly conspiring to deprive local citizens access to public meeting space to read religious books violates this core constitutional protection.

Denying people of faith the opportunity to read *books*—in a meeting room of a *public library*—because they are religious and the books present a religious perspective, is “odious to our Constitution.” *Id.* at 467. The ALA has invited libraries across the country to exclude our clients for expressly discriminatory, religiously hostile reasons. Such exclusions cannot be justified in the face of such open religious discrimination. *See, e.g., Masterpiece Cakeshop Ltd. v. Colo. Civil Rights Comm’n*, 138 S. Ct. 1719, 1729–30 (2018); *see also Am. Legion v. Am. Humanist Ass’n*, 139 S. Ct. 2067, 2074 (2019) (stating the exclusion of religion from the public exhibits a “hostility toward religion” that has “no place” in our constitutional order). Ms. Caldwell-Stone and the ALA may disagree with our clients and those who would host “See You at the Library”

⁴ <https://www.ala.org/advocacy/intfreedom/librarybill>.

locally, but whatever disputes they may have “must be resolved with tolerance, without undue disrespect to sincere religious beliefs . . .” *Id.* at 1732.

Rather than extend such tolerance and respect, ALA pronounced Mr. Cameron, Brave Books, and the thousands of community members—“your friends, your pastors, your teachers and your local representatives”—unsuitable for inclusion within its public libraries. For such religious discrimination, the IMLS should thoroughly investigate ALA for its religious discrimination. While nothing may require the nation’s public libraries to open its meeting spaces to local taxpayers, when a public library makes such spaces available to the public, it cannot pick and choose, as Ms. Caldwell-Stone suggests, who within the community may use such meeting rooms based upon the ALA’s ideological biases. Nor may public libraries preempt the use of such public spaces with invented programming for the express purpose of denying access to religious users. As a grant-recipient of millions of federal taxpayer dollars, ALA cannot scheme to deny the citizens of the United States their rights of free exercise of religion, free speech, and the right to assembly as Ms. Caldwell-Stone has done toward our clients and their readers.

The IMLS must investigate the ALA for religious discrimination.

ALA may face Suspension and Debarment

Regulations governing grant-recipients of the IMLS preclude discrimination by grant recipients on the basis of religion. *See* 2 C.F.R. § 3187.12 (requiring grant recipients to “comply with the relevant nondiscrimination statutes and public policy requirements” of federal law). Those who fail to comply with such nondiscrimination provisions, let alone respect the constitutional guarantees of American citizens, should be denied access to taxpayer dollars.

Further, should the ALA be found to have violated its duties under federal law and regulation, it should face debarment and be excluded from future grants. Ms. Caldwell-Stone’s comments are dishonest. In attempting to conspire to exclude citizens from availing themselves of community spaces at the nation’s public libraries, she demonstrates a woeful lack of integrity. ALA’s silence affirms its director’s lack of honesty and integrity. It cannot on one hand state in its Bill of Rights that all should have access to libraries regardless of viewpoint on one hand while simultaneously allowing its personnel to conspire to violate constitutional rights. Grant recipients may face debarment for, such a lack of honesty and integrity. *See* 2 C.F.R. §180.800(a)(4) (Institute for Museum and Library Services may debar a recipient convicted of, or

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receive a civil judgment for, “indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility.”)

The ALA’s stunning lack of tolerance and respect should call its future participation in federal funding into question.

Conclusion and call for investigation.

The ALA should be encouraged that Brave Books, Kirk Cameron, and others are driving thousands of Americans to the nation’s public libraries. Instead, it holds them in derision. Rather than model genuine tolerance and nondiscrimination, the ALA conspires to exclude viewpoints with which it disagrees—including especially the religious beliefs that motivate our clients.

Sufficient evidence exists to warrant a careful look into whether the ALA complies with the nation’s commitment to nondiscrimination, including respecting the religious liberty of its citizens in its use of IMLS funds. Should it be determined that the ALA engaged in religious discrimination, it should be required to repay grant monies and face debarment. Federal taxpayers should not be required to fund such bigotry and intolerance.

Please let me know within the next 30 days whether you intend to launch any investigation into ALA’s unlawful conduct. Should you have any questions related to this topic, you are welcome to contact me at any time.

Sincerely,

Jeremy Dys,
Senior Counsel
First Liberty Institute.

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