



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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April 12, 2023

BY EMAIL

Andrea Nicolay - Executive Director (nicolaya@albanypubliclibrary.org)
Thomas McCarthy Jr. - President, Board of Trustees (mccarthy@albanypubliclibrary.org)
Albany Public Library
161 Washington Avenue
Albany, NY 12210

Re: Albany Public Library's 2023 Touhey Library Equity Fellowship

To Whom It May Concern:

We write to follow up on our letter of March 20, 2023, in which we called your attention to the fact that the Albany Public Library's ("APL") Touhey Library Equity Fellowship ("TLEF") appears to violate constitutional equal protection guarantees as well as a number of federal, state and local anti-discrimination statutes. We have received no response to our letter.

In our letter, we asked that the APL immediately cease and desist from basing a candidate's eligibility for the TLIF on skin color and that it open the program to all otherwise eligible applicants without regard to race. Although we had hoped that, upon receipt of our letter, the APL would modify its program to comply with all applicable civil rights laws, it has not done

so. In fact, the description of the fellowship on the APL's website¹ and the online application for it² remain unchanged despite the fact that the application period is still open.

The description of the fellowship on the APL's website continues to explicitly limit eligibility to "recent Black graduates of library school programs." A screenshot of the relevant portion of the APL's website is reproduced below:

The screenshot shows the Albany Public Library website header with navigation links: 'View OUR CATALOG', 'Download OUR APP', 'USE THE LIBRARY', 'BOOKS & MEDIA', 'PROGRAMS', 'EVENT CALENDAR', 'LOCATIONS', and 'ABOUT'. Below the header is a breadcrumb trail: 'Home • Blog • Deadline Extended to April 15 to Apply for Paid Summer Equity Internship'. The main content area features the article title 'Deadline Extended to April 15 to Apply for Paid Summer Equity Internship' with a sub-header 'February 22, 2023 | Library News'. The article text includes: 'UPDATE: Deadline for application to this internship is now April 15, 2023.', 'Albany Public Library (APL) is seeking applicants for the 2023 Touhey Library Equity Fellowship. The paid internship gives recent Black graduates of library school programs the opportunity to gain valuable practical skills and proficiency in many aspects of public librarianship.', 'The aspirational goal is for fellows to continue their professional careers at APL after the program is complete. The program is administered through the Friends and Foundation of Albany Public Library (FFAPL). The fellowship is in its third year.', 'This year, the Touhey Fellowship takes the form of a summer internship. Two fellows will work up to 150 hours between June and August at APL's Washington Ave. and Arbor Hill/West Hill branches at a pay rate of \$19.59 per hour.', 'The internship is open to Black graduates of master of library and information science (MLIS) or master of science in information systems (MSIS) programs at American Library Association-accredited institutions who completed their degrees between 2020 and May 2023.', and 'Applications for the fellowship are now due by April 15. A cover letter, resume, and one reference are required and must be submitted online.'

Similarly, the application for the fellowship restricts participation in the program to "two Black recent Library and Information Science graduates," and provides that "[e]ligible applicants for this fellowship are Black students or new professionals who completed their MLIS/MSIS at an ALA-accredited program anywhere in the United States or Canada since May 2020, or who expect to graduate by May 30, 2023." A screenshot of the relevant portion of the application follows:

¹ See <https://www.albanypubliclibrary.org/blog/apl-seeks-applicants-for-paid-summer-equity-internship/> [https://archive.ph/hPmjb] (accessed on April 12, 2023).

² See <https://tinyurl.com/2hft5557> [https://archive.ph/BcIEn] (accessed on April 12, 2023).

Application for Summer 2023 Touhey Library Equity Fellowship at Albany Public Library

The Touhey Library Equity Fellowship is a paid internship at the Albany Public Library offered by the Friends & Foundation of APL thanks to a generous gift from the Carl E. Touhey Family Foundation. This program will offer library experience to two Black recent Library and Information Science graduates. Interns will work as Part-Time Library Assistants at the Central Branches (Washington Ave. Branch and Arbor Hill/West Hill Branch) of the Albany Public Library. Library staff work with fellows to design a mutually beneficial experience in the realm of public library service. Frontline public service as well as “behind-the-scenes” opportunities are available.

Two fellows will be selected for a paid summer internship.

Please use the form below to submit a statement of interest for the Touhey Library Equity Fellowship. Please send your statement by 11:59 pm on Saturday, April 15, 2023.

Finalists will be invited for an interview to take place between April 24 and April 28. Selected fellows will be notified in early May.

ELIGIBLE APPLICANTS:

Eligible applicants for this fellowship are Black students or new professionals who completed their MLIS/MSIS at an ALA-accredited program anywhere in the United States or Canada since May 2020, or who expect to graduate by May 30, 2023.

The Albany Times Union recently reported on the fellowship.³ In the article, the APL’s executive director, Andrea Nicolay, appears to defend the program. She is reported as stating that the blacks-only fellowship serves the purpose of “diversity,” and that “[t]he library programs and its collections benefit when an array of viewpoints are included in the decision-making.” As pointed out in our original letter, such justifications for racial discrimination are not legally sufficient.

We therefore again call upon the APL to immediately cease and desist from basing eligibility for the TLEF on unconstitutional and invidiously discriminatory criteria. The APL must open the TLEF to all otherwise eligible applicants without regard to race and identify the steps that it is taking to remedy the current application, evaluation and award process.

³ See <https://www.timesunion.com/news/article/albany-library-criticized-only-black-librarians-17878081.php> [<https://archive.ph/CZjBp#selection-2425.0-2425.84>] (accessed on April 12, 2023).

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Please let us know whether the APL will voluntarily come into compliance or if legal action will be needed to achieve that result.

Sincerely,



Ameer Benno, Esq.

Director of Litigation

The Equal Protection Project

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-And-

William A. Jacobson, Esq.

President

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