

THE EQUAL PROTECTION PROJECT A Project of the Legal Insurrection Foundation 18 MAPLE AVE. #280 BARRINGTON, RI 02806

www.EqualProtect.org

April 12, 2023

BY EMAIL

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

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

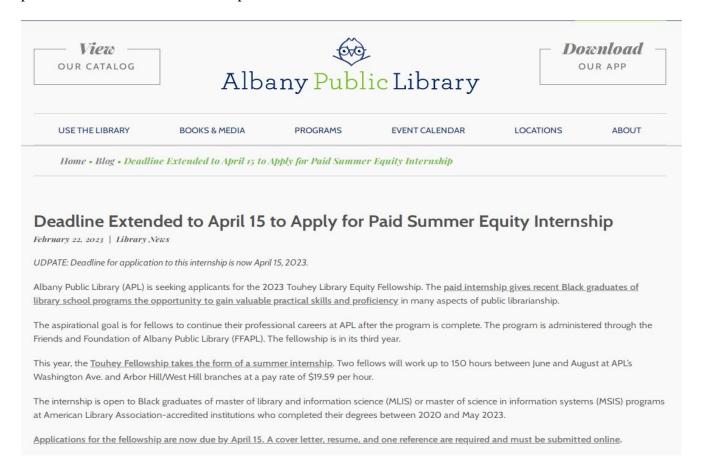
To Whom It May Concern:

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:



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

Ameer@legalinsurrection.com

-And-

William A. Jacobson, Esq. President
Legal Insurrection Foundation
Contact@legalinsurrection.com

Cc: Friends & Foundation of Albany Public Library 161 Washington Ave, 3rd Floor

Albany, NY 12210

(by email: hello@ffapl.org)

Civil Rights Bureau
New York State Office of the Attorney General
28 Liberty Street
New York, NY 10005
Attn: Jessica Clarke, Bureau Chief

Attn: Jessica Clarke, Bureau Chief (by email: Civil.Rights@ag.ny.gov)