



**Via Electronic Mail & Federal Express**

J. Douglas Baldrige, Esq.  
Venable, LLP  
500 Massachusetts Avenue, NW  
Washington, DC 20001  
JBaldrige@[REDACTED]

October 30, 2020

**RE: Sexually explicit and pornographic content in EBSCO's K-12 school products during this increased online learning environment**

Dear Mr. Baldrige,

I am in receipt of your letter (“The Letter”) dated October 14, 2020 demanding that the National Center on Sexual Exploitation (“NCOSE”) rescind various information about EBSCO in a blog posted on its website. Your contention is that this information is false and amounts to defamation against EBSCO. Please be advised that NCOSE rejects your demands and asserts that the information in the blog about EBSCO is appropriate and truthful. We respond to your contentions below point by point.

As you know, our work is to educate the public regarding how EBSCO Information Services (“EBSCO”) and companies like it, violate and betray the public’s trust by allowing sexually exploitive material to permeate its products marketed for youth. In EBSCO’s case, this has occurred even after EBSCO was made aware of this harmful flaw in its product nearly four years ago. NCOSE believes every human being deserves the opportunity to live life to its fullest potential: to pursue dreams and ambitions; express creativity and hone talents; seek beauty, truth, and faith; experience hope, joy, and love with family and friends—to thrive. Such a vision requires not only individuals and institutions that work toward its realization, but also a culture that embraces its responsibility to preserve and protect human flourishing. We aspire to create that culture.

To this end, in order to persuade institutions and corporations like EBSCO to stop facilitating and normalizing sexual abuse and exploitation, we believe it necessary to warn the public, school districts, and government officials who wrongly trust EBSCO’s judgement and its misleading statements that it provides safe learning tools.

Beginning in February 2017, when NCOSE formally contacted<sup>1</sup> EBSCO to alert it of its placement on the 2017 Dirty Dozen List, NCOSE has persistently called on EBSCO to proactively remove sexually explicit content, pornographic material, and live links to pornography and prostitution websites on its research databases, marketed and easily accessible to K-12 users. We have asked that if it is not possible to fully remove such content, that EBSCO at a minimum, adequately warn customers, users, and administrators that such content will continue to surface on its K-12 products. EBSCO has recognized to NCOSE that such content exists and has thanked us for bringing this to their attention by phone, in emails, and in letters.

NCOSE and other organizations have nearly four years of communication with EBSCO about its  
<sup>1</sup> NCOSE's letter is attached as an addendum.

product with clear examples of explicit content. There have been numerous complaints from parents and school districts across the United States and Canada (indeed entire school districts have removed EBSCO from their offerings upon seeing the explicit content themselves), proposed and passed state legislation relating to EBSCO, and many news articles detailing these problems. In light of this, one can only conclude that EBSCO's failure to cure the problem is knowing and willful. EBSCO has clearly failed to adequately improve its practices for curating content for K-12 products. EBSCO fails to adequately and proactively remove sexually exploitive and abusive content from its platforms designed for youth. And it places an undue and impossible burden to remove harmful content on overstretched school administrators who have inadequate warning from EBSCO that such content is available throughout the system.

NCOSE has acknowledged privately and publicly – including in the recent blog with which you take issue, titled “Corporations in the Classroom: What are Google and EBSCO teaching our kids?”,<sup>2</sup> (“the Blog”) – that in response to our persistent advocacy, EBSCO has made some changes throughout the years. We also clearly state that despite these small improvements, there is still much more EBSCO should do to rid its databases – geared toward minors – of sexually exploitive and potentially harmful material.

NCOSE, after assurances from EBSCO employees in 2017 and 2018, believed that EBSCO was attempting to correct its algorithms and curated content in its K-12 products to actually be age appropriate, and that product administrators of K-12 products would be provided adequate warning and training on how to ensure problematic content be prohibited from access by their students. To give EBSCO ample time to carry out these improvements, NCOSE decreased its public comments about the sexually explicit material in EBSCO products in 2019 and for most of 2020. Under the assumption that EBSCO was working to fix these problems, EBSCO was moved to the Dirty Dozen *Watchlist* in 2019 and 2020<sup>3</sup> (which included updated evidence of problematic content). The purpose of the Dirty Dozen List<sup>4</sup> is to equip the public with knowledge of mainstream corporations that facilitate sexual harm and to enable the public to join with others to demand companies like EBSCO change its practices and policies. The purpose of the Dirty Dozen Watchlist is to alert the public of these problematic policies, but also indicate that we believe change is happening. In light of the evidence collected below, it appears that EBSCO has little intention of effectively removing sexually explicit content from its primary and secondary school products. Indeed, given the reality of the sexually explicit content available on EBSCO's products, your letter is quite surprising.

Today, NCOSE researchers, other organizations, and concerned parents continue to find sexually explicit content (text and images), live links to hardcore pornography and prostitution/escort websites, detailed instructions for accessing pornography, content that functions as advertisement for sex toys, etc. on EBSCO primary and secondary school databases across the United States.

In our current Covid-19 crisis, children are forced to spend even more time online and the vast majority of US and Canadian students are attending school virtually for all or a portion of their time. This often occurs with decreased levels of supervision and inadequate filters and safeguards. In writing the Blog, we felt it was of critical importance and part of our core mission to educate

<sup>2</sup> The Blog is available at <https://endsexualexploitation.org/articles/corporations-in-the-classroom-what-are-google-and-EBSCO-teaching-our-kids/?s=09>.

<sup>3</sup> Clear explanations for listing EBSCO on the 2020 Dirty Dozen List Watchlist with examples of sexually explicit content can be found at <https://endsexualexploitation.org/EBSCO>.

<sup>4</sup> More information on the Dirty Dozen List can be found at <https://DirtyDozenList.com>.

parents, school administrators, and the general public about the increased risks of online learning - including even greater access to potentially harmful material. In this case, we highlighted corporations in our “Back to School(ing) 2020” blog series that have the most significant actual and potential impact on students. We believe it is all the more critical during the current pandemic that EBSCO significantly and proactively safeguard children who use its products. This is why the Blog at issue was published.

EBSCO unequivocally contains the type of material described in the Blog. For EBSCO to write or imply otherwise is simply false. Indeed, EBSCO’s marketing material to schools and libraries, in which EBSCO touts its product as “age and curriculum appropriate,” can only be characterized as deceptive and misleading.

Evidence of “sexually graphic material,” “extremely graphic sexual content,” “sexually explicit content (including sex toy ads),” and “pornography” in K-12 educational content was linked to throughout the Blog. We chose not to embed videos or screenshots precisely because they were so graphic (even when blurred) and we did not wish to expose the reader directly to the material, which is against NCOSE policy. However, we did include links within the Blog to another organization and our own Dirty Dozen List EBSCO page that contained evidence supporting the assertions made in the Blog. The end of the Blog also clearly links to a place where readers could see examples of such content for themselves: *with this text: “See for yourself what EBSCO and Gale databases believe is age-appropriate material on our EBSCO Watchlist page and Pornography is Not Education, a leading organization holding these databases accountable.”*

We reject EBSCO’s complaint in The Letter that we did not make the evidence as easily accessible as it should be. For the benefit of our readers we have in any event, included additional examples and samples of our evidence in an updated version of the Blog, as well as on the NCOSE webpage addressing EBSCO.

We have made an adjustment for clarity relating to content found in a Minnesota middle school database in the following update to the Story.

We replaced “a middle school search in MN for ‘city dwellers’ brings up pictures of group sex, language detailing violent acts against women, and links to a porn site” with the following text: “a middle school search in Minnesota for “city dwellers” brings up language detailing violent acts against women and links to a porn site where videos depicting incest, extreme violence, group sex, child sexual abuse material, non-consensual sex, and more are featured throughout the site.”

Here are several screenshots supporting the specific examples noted. Further details regarding the search, as well as additional screenshots, can be found in the addendum.

Minnesota  
Anthony Middle School  
Explora for Teens  
Search: *city dwellers*

*“Without Porn ... I Wouldn't Know Half the Things I Know Now”: A Qualitative Study of Pornography Use Among a Sample of Urban, Low-Income, Black and Hispanic Youth*

### What Are They Watching?

All adolescents in this sample reported watching pornography for free and online. Two had watched pornographic videos and/or cable television, but none described viewing pornographic books or magazines. Specific Web sites that were mentioned by numerous participants included YouPorn, RedTube, and Pornhub. Participants reported watching a number of different sub-genres of pornography, and most often reported that they watched pornography featuring heterosexual intercourse or women having sex with women, but they also reported having watched pornography that featured incest, rape, and bestiality. Several mentioned that they had seen pornography featuring bondage, bukkake (i.e., multiple men ejaculating onto one woman's face), group sex, choking, and public humiliation—and while a few females expressed distaste and surprise, the general reaction to these more extreme forms of pornography was indifference or acceptance. Five participants—two males and three females—mentioned that they or their partners always preferred to watch pornography that featured people of their same race or ethnicity (e.g., Black, Hispanic). Males generally provided less detail about the pornography they had viewed. The following exchange (with an 18-year-old male) was typical:

Interviewer: What Web sites do you go to?

Participant: I don't have any specific [one]. Just whatever I see on

(e.g., bondage/discipline/sadomasochism [BDSM]). Regardless of whether the pornography actors had consented, the images of violence were discomfiting to her. She described the video clip this way:

[I saw] men slap girls in their mouth, like in their faces, or like, open up their mouths when they're doing back shots... like slapping them on their boobs. Like, slapping, like that would hurt me. Yeah, they just do crazy things.

### Where Do They Find Pornography and How Are They Gaining Access?

Youth in this sample reported watching pornography online at home and at school on desktop computers and smartphones. They reported that they were able to access free pornography on the Internet easily even when they were younger than 18 years old. Surprisingly, several ( $n=3$ ) reported that visiting nonpornographic Web sites that featured particular celebrities led them to pornography sites in which that celebrity was featured. For example, a 17-year-old female reported:

[I am] only interested [in porn] when I know [the] people, like the celebrities. Like, there is so much celebrities out there that you think they're so good, and in reality, you type in their name and they have a porn site.

Similarly, an 18-year-old female described a time that she had intended to listen to the music of a recording

doi:10.1007/s10508-010-9544-x

Pfanz, J. G., Rippin, T. E., Costa-Avila, G. A., Gelez, H., Alonso, Y. M., Ismail, K., & Panada, M. (2010). Who, what, where, when (and maybe even why)? How the experience of sexual reward connects sexual desire, preference, and performance. *Archives of Sexual Behavior*, 41(1), 21–42. doi:10.1007/s10508-012-9939-9

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Roffman, E. F., Decker, M. R., Miller, E., Reed, E., Raj, A., & Silverman, J. G. (2012). Multi-person sex among a sample of adolescent female urban health clinic patients. *Journal of Urban Health—Bulletin of the New York Academy of Medicine*, 89(1), 129–137. doi:10.1007/s11524-011-9530-1

Roffman, E. F., Linden, J. A., Baughman, A. L., Kacmursky, C., & Thompson, M. (2013). "The alcohol just pissed me off": Views about how alcohol and marijuana influence adolescent dating violence perpetration: Results of a qualitative study. *Youth and Society: Advance online publication*. doi:10.1177/0044117612449197

Sakaluk, J. K., Todd, L. M., Milhausen, R., & Lachowsky, N. J. (2014). Dominant heterosexual sexual scripts in emerging adulthood: Conceptualization and measurement. *Journal of Sex Research*, 51(5), 619–637. doi:10.1080/00224499.2012.749472

Sandelowski, M. (1995). Qualitative analysis: What it is and how to begin. *Research in Nursing & Health*, 18(4), 371–375.

Sinkovic, M., Stulhofer, A., & Bozic, J. (2013). Revisiting the association between pornography use and risky sexual behaviors: The role of early exposure to pornography and sexual sensation seeking. *Journal of Sex Research*, 50(7), 633–647. doi:10.1080/00224499.2012.691403

Smith, M. (2013). Youth viewing sexually explicit material online: Addressing the elephant on the screen. *Sexuality Research and Social Policy*, 10(1), 62–75. doi:10.1007/s13178-012-0153-4

Stulhofer, A., Jelencova, V., & Bozic, J. (2008). Is early exposure to pornography a risk factor for sexual compulsivity? Findings from an online survey among young heterosexual adults. *International Journal of Sexual Health*, 20(4), 270–280. doi:10.1080/19217610802411870

Suero, G. (2013). Gay Mexican pornography at the intersection of ethnic and national identity in Jorge Director's *La Puta*. *Sexuality and Culture: An Interdisciplinary Quarterly*, 14(3), 217–233. doi:10.1007/s12718-010-9071-0

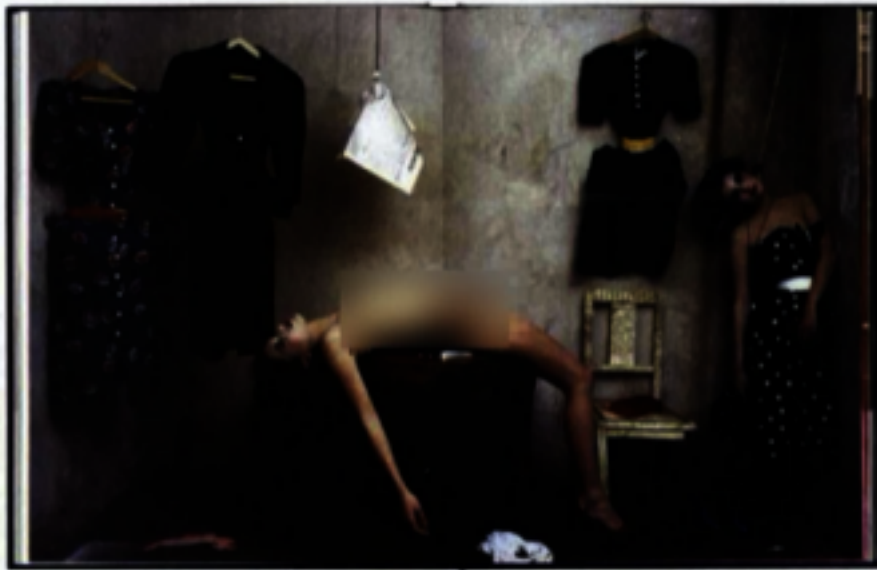
Trotter, L. C. (2003). Overcoming pornography as a source of sex information for university students: Additional consistent findings. *Psychological Reports*, 82(1), 149–150. doi:10.2466/prt.82.1.143-150

Tsibulka, A., Chisels, E., Kostas, G., Konstantoulaki, E., Constantinopoulos, A., & Kafetsios, D. (2008). Adolescent pornographic internet site use: A multivariate regression analysis of the predictive factors of use and psychosocial implications. *Cyberpsychology and Behavior*, 12(5), 545–550. doi:10.1089/cpb.2008.0346

Wolak, J., Mitchell, K., & Finkelhor, D. (2007). Unwanted and wanted exposure to online pornography in a national sample of youth internet users. *Pediatrics*, 119(2), 247–257. doi:10.1542/peds.2006-1891

Wright, P. J. (2013). US males and pornography, 1973–2010: Consumption, predictors, correlates. *Journal of Sex Research*, 50(1), 60–71. doi:10.1080/00224499.2011.626132

Virginia  
Woodbridge Middle School  
Explora Middle School  
Search: *fashion photography*  
SEX, SADISM + SNUFF led to these images:



**Above:** Undated photograph from Guy Bourdin's personal archives shown in *Exhibit A — Guy Bourdin*. **Opposite:** Photograph titled "Green Room Murder" (1975) shown in *White Women* (Thunder's Mouth Press). Photographer: Helmut Newton.

fashion photographers, but in 1970, Bourdin's obsessive vision—and the imagery that emerged from it—defined the tightrope that *Paris Vogue* editor Francine Crescent was willing to walk every month for her star photographer. During the 1970s, Bourdin became, in Lutens's estimation, "the master of *Paris Vogue*," and was assigned an average of 20 pages an issue. Under the auspices of a fashion spread or an ad for Charles Jourdan shoes (which retained Bourdin as its signature shooter for 22 years), Bourdin compiled an oeuvre populated by glamorous, nude, and apparently dead women. His shutterbug excursions into suicide, masturbation, foot fetishism, hanging, and the occasional female crucifixion made him, alongside fellow *Paris Vogue* titan Helmut Newton, arguably the most notorious photographer of the '70s.





**Above:** Photograph titled "Eiffel Tower" (1974) shown in *White Women*. Photographer: Helmut Newton. **Opposite:** Photograph titled "Nikki and Zoe" (1995) shown in the book *Fashion: Photography of the Nineties* (Scalo). Photographer: Terry Richardson.

phy. "I like to be subversive, to push images as far as I can and still get them run," he once told the online fashion magazine *Hintmag.com*. "It's a challenge to see what I can slip in." (Pun intended, naturally.) Richardson then proceeded—on the reporter's insistence—to discuss his father's morning hard-on, dismiss "the sleazy photographer thing" as a "cliché," and trail off with the thoughtful aphorism: "It's not who you know, it's who you blow. I don't have a hole in my jeans for nothing." Like his photos, which can make the most coiffed

**explora**  
An EBSCO Company

Detailed Record

PDF Full Text

Source: Print  
Date: July 1, 2004

**Create this work**

Full Text Contents

# 21 - 25 - 26 - 27

SCREAMDELICA 86

SEX, SNUFF + SADM. 94

SEXPLAYTHINGS 102

Strip Tease 106

www.explora.com 110

Illustrations

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Source: Print  
Date: July 1, 2004

Inside this work

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11 - 20 34 - 37

SCREAMAELICA 80

SEX, SNUFF + SADISM 94

SEXPLAYTHINGS 100

Strip Tease 106

www.xxx.net 110

Illustrations

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Inside this work

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11 - 20 34 - 37

SCREAMAELICA 80

SEX, SNUFF + SADISM 94

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Illustrations

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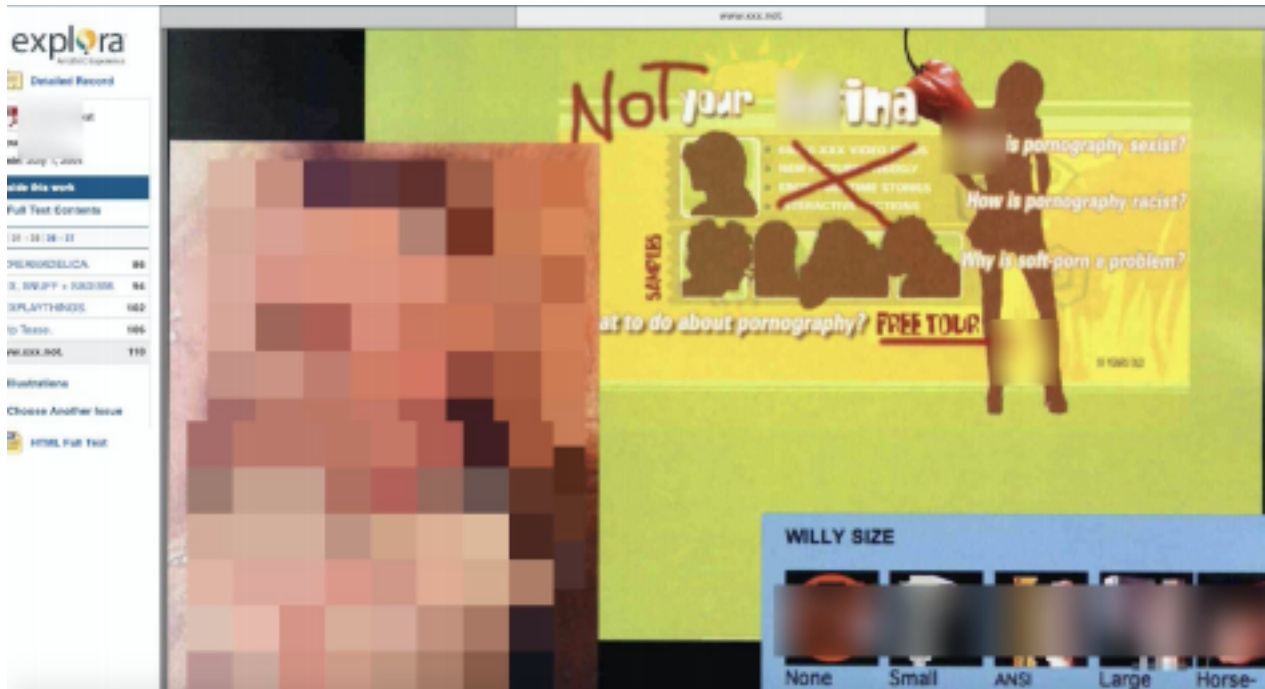
rendering it a sanitized, magazine-ready commodity.

Paris artist Kerouan, an LDC ally from the start, paints bright ghosts and goblins that seem equal parts Aztec glyph and modern-art distortion. Another French painter, Moulkinec, produces enigmatic canvases and collages; since 2000, his four-issue *Art Pute Carver* series has reproduced full-color works from his sketchbook images of musclemen, flags, military symbols, and other pop-culture detritus. Finnish artist Matti Hugelberg creates inscrutable images that fall somewhere between hallucinatory wood-block prints and cartoons; Berlin's Reinhard Scheibner draws characters composed of excrement. All of these books benefit from LDC's vibrant offset printing on cheap uncoated paper, which unmistakably brands the books and also offers an immediate, organic feel that has mostly vanished since the rise of four-color process printing.

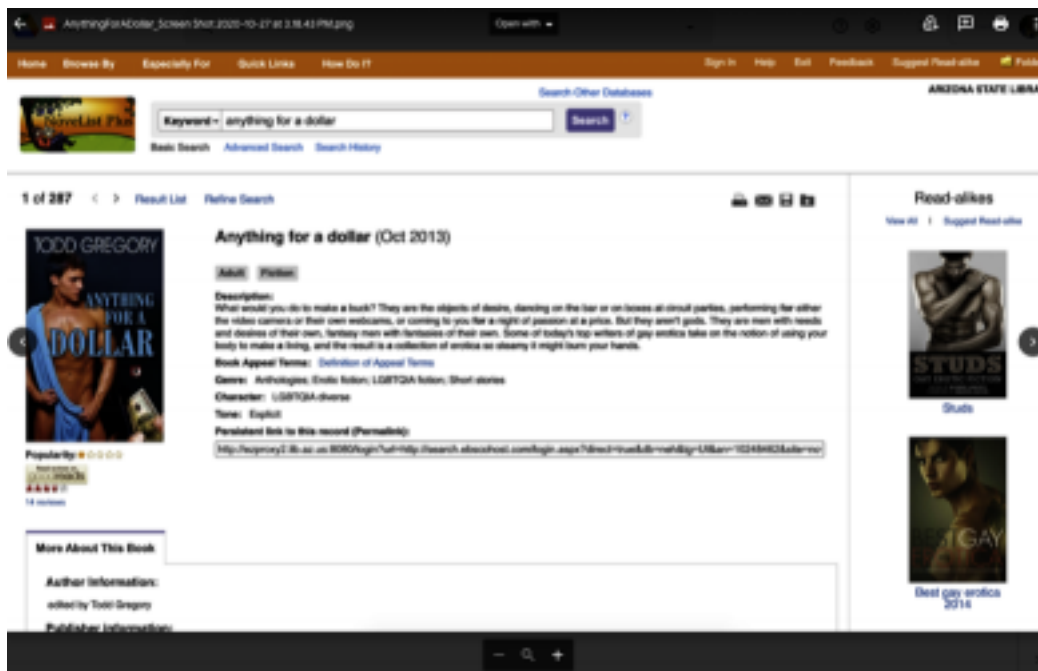
Bolino's own hyperkinetic line-work often places characters in trouble. His 2002 silk-screened *Margaloiz Pooostopie* addresses the manga craze with typically debased humor, depicting a cute cartoon girl, rendered in lurid Day-Glo colors, being sexually assaulted. Sury's work is a world of loopy drawings overflowing with local Marseille details—but it's no less explicit than that of her compatriots.

ink work that offsets the pain depicted. The disconcerting mix is both profane and cute.

As a publisher, Bolino grants complete freedom without editorial interference; as a printer, he takes an active role in the process. "He's not just a printer," Rosen says. "He's an artist, and it goes through his filter." Mercenaries says, "He



Arizona  
[Cesar Chavez](#) High School  
 EBSCO Novelist





He had walked over to me when I asked about jerking him off and had slid his hand into the jock strap and curled his fingers around my already very stiff cock. I had tried not to make a sound, but there was no question his hand felt strong and good, and all I really wanted was to grab it and pump it until I came all over his hand and that crisp pale-blue French cuff of his sleeve. (I could get into fetish sex pretty easily, too.) The whole thing was very E.M. Forster circa my junior year of high school, except this was 2013, not 1913, and I was a senior at a prestigious art college, not somebody's rough-trade gardener.

Still...hot.

I wasn't sure if he wanted me to hold back or give in, so I went with holding back, deciding that since I was the one wearing only a jock strap that he'd provided and he was wearing what had been a suit and tie until he'd taken off his jacket and folded it neatly over the back of a chair, I really was in the role of rent boy. In the porn video, it would be CMNM and I was the naked male.

Additionally, I am including extensive screenshot evidence supporting our statements in the Blog and further content we have found in EBSCO K-12 products both in the addendum, and on our website. The screenshots included here are blurred because we want to ensure that readers of this letter consent to whether they want to be exposed to such explicit material, a consideration EBSCO does not afford its youngest users. We will send the unblurred images in a zip file by email.

Specific searches, including of non-sexual terms like "rabbit," "spanking," "city dweller," as well as specific searches using terms associated with sex and the sex industry (e.g. "porn," "sugar daddy" and "BDSM,") on EBSCO's platforms do lead to graphic results in K-12 products (see evidence above). Despite your assurances to the contrary, we have found graphic material directly in primary school databases *this week*, including through one researcher's children's Chromebooks (one school-issued, one parent-purchased for virtual schooling). You can see screenshots of what was accessed below. We will include a video of the search on the school-issued Chromebook in the zip file.

NC: accessed through Elementary School Explora Database using school-issued Chromebook (3<sup>rd</sup> grade)

"Porno-Graphics and Porno-Tactics: Desire, Affect, and Representation in Pornography"



Fig 5.



Fig 6.



Fig. 3.



Fig. 4.



Fig 7.



Fig 8.

Minnesota  
Anthony Middle School  
Explora for Teens

*“10 Places to Get Actually Hot Audio Porn and Erotica: Close your eyes and enjoy”*



#### 4. Audible and Scribd

Okay, so Audible and Scribd are actually two popular places to buy audiobooks in general, but still definitely helpful for our purposes. One of the best things about audiobooks is how immersive they can feel, and this is doubly so for steamy erotica. It might not be as X-rated as some of the options on this list, but well-written and well-narrated erotica can be as hot as any **porn**. Try searching "erotica" on either Audible or Scribd and sort by highly rated to see what other listeners are loving. For more information, check out SELF's guide to finding truly sexy erotica.

#### 5. Audiodesires

Audiodesires is relatively new, so they don't have a robust library yet and are still growing with weekly releases. So far, they have stories designed for women and couples, with the couple stories leaving intermissions for you and your partner to get in on the action together. They also have a whole section dedicated to erotic ASMR—so if you want to get those sweet, sweet brain tingles as you listen to your **porn**, this is the app for you.

Try it: Free for limited access and \$4/month for premium, [audiodesires.com](http://audiodesires.com)

#### 6. Girl on the Net

Girl on the Net is a U.K.-based sex blogger who does a lot more than just produce audible **porn**, but it's certainly one of the things she's known for. On her site, you can enjoy a mix of erotic fiction and real-life sex stories, and BDSM lovers in particular will have a lot to choose from. As a bonus, she also links out to other sex bloggers, some who do audio erotica too (such as On Queer Street).

Try it: Free, [girlonthenet.com](http://girlonthenet.com) (but you can support her on Patreon!)

#### 7. Literotica

This free erotic fiction site may be best known for its user-written stories, but it has a pretty solid collection of adult audio too. Depending on what you're into, there's a mix of narrative-driven smut (such as an erotic murder mystery series, seriously) and pretty straightforward stories that lean hard on common fantasies (like boss/employee, BDSM, and infidelity).

Try it: Free, [literotica.com](http://literotica.com)

#### 8. Vibease Chat

So technically, Vibease Chat is an app companion to the Vibease vibrator (\$55, [vibease.com](http://vibease.com)). On top of being a remote control vibrator good for long-distance play with a partner, the Vibease vibrator can also sync with erotica from its app. Meaning, yep, it vibrates in time with the narration. That said, you don't actually need to use the vibrator to enjoy the app. The library has a mix of free and for-purchase stories that you can listen to without the vibe.

Try it: Free with per-story pricing, [vibease.com](http://vibease.com)

[See addendum: EBSCO Evidence Catalogue 2020 which includes more detailed information, including specific search terms]

Some EBSCO databases, such as Novelist Plus, also include searchable categories for "explicit" tones, for "erotic fiction," and "sadoomasochism," and more. This strongly suggests that EBSCO is aware of the written pornography (sometimes called erotica) in its system and even facilitates easy access to it—despite the fact that such content normalizes sexual violence and exploitation in relationships and is in no way legitimately educational in nature.

The image shows a screenshot of an EBSCO database search results page. On the left, there are search filters and metadata for a book titled "whipped".

**Genre:** Erotic fiction

**Tone:** Explicit

**Subject headings:** Sadoomasochism, Sexuality, Fetishism (Sexuality), Bondage (Sexual behavior), Sexual dominance and submission, Sexual attraction

**Other Contributors:** Cathoun, Anne, J. author

**ISBNs Associated with this Work:** 9780778314843

**Credits:** Library Services Centre, Novelist/EBSCO Publishing, Baker & Taylor, Added to Novelist: 20130111, TID: 10180646

**Search for More:** Genre:  Erotic fiction, Tone:  Explicit

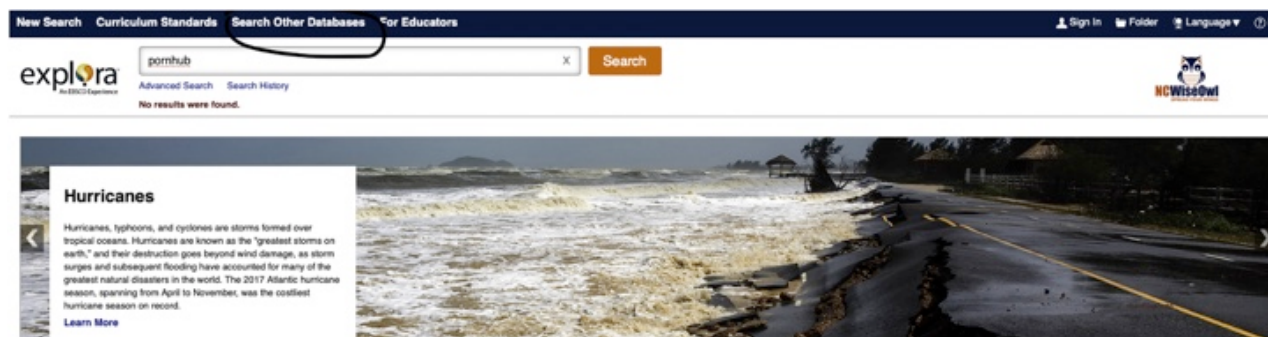
On the right, there are three book covers:

- whipped** by Tara Sue Me, cover image:
- dark secret love** by Tylee, Alison, cover image:
- CAPTRATED** (partially visible)

Arrows point from the "Subject headings" section to the book covers.

Furthermore, in the databases we have reviewed, if a search doesn't yield results, a student can easily click "Search Other Databases" and it will take them to other EBSCO databases. For example, one can be in an elementary school EBSCO Explora database, search "pornhub," receive no results, and simply click "Search Other Databases" within the EBSCO database itself (see screenshot below). With one click and without entering a password, the elementary school user is presented with several options of additional EBSCO databases. Our researchers clicked on "EBSCO databases," (the first option presented when clicking "Search Other Databases"), without entering a new password, we searched "pornhub," and the first article that came up "Wanna See Banned Footage? Try Pornhub," included a hotlink to Pornhub.

[See screenshot below and step-by-step example with screenshots of a researcher using her Kindergartener's EBSCO Explora database password to get to pornhub.com in less than 30 seconds: see addendum "Evidence Catalogue 2020."]



Database "hopping" within EBSCO products is extremely easy and it is irresponsible of EBSCO to not have more extensive controls within its products to ensure that minors are only using databases that were curated for their use (i.e. elementary school students should not be able to access a high school database). We found the "Search Other Databases" option in every database we reviewed. This database hopping is even easier when States, school districts, individual schools, or libraries include all available/purchased EBSCO and other databases on one central platform. EBSCO has failed to effectively warn its customers of the problems associated with allowing minors access to all EBSCO products.

Quoting from your Letter regarding a part of the Blog with which you take issue: "(3) EBSCO includes obscene material for profit and is "profiting from sexual exploitation"; and (4) EBSCO "pander[s] to the porn industry" by permitting the "commercial sex industry" to target children through its services". Our response is as follows:

Nowhere in the Blog or in other NCOSE material do we claim that EBSCO *specifically and intentionally* includes obscene material for profit. However, hardcore pornographic and sexually explicit material – certainly falling within the ambit of legal obscenity<sup>5</sup> – *is* included directly in the databases. This material *is* included in its products and EBSCO makes a profit from its products. EBSCO markets to primary and secondary schools that it delivers age-appropriate material, and profits when the schools contract for the product believing it will yield age appropriate learning environments for youth as promised. Links to the hardest-core pornography websites (e.g. Pornhub), prostitution websites (e.g. Seeking Arrangements), sex toy ads, and "how-to" articles detailing risky sexual behavior are not age or curriculum-appropriate for minors - certainly not for pre-adolescent students.

<sup>5</sup> To paraphrase the well-known Miller test for legal obscenity, the material appeals to a prurient interest in sex, is patently offensive under local community standards, and lacks serious literary, artistic, political, or scientific value. See *Miller v. California*, 413 U.S. 15 (1973).

Indeed, in marketing material, EBSCO boasts an increase in numbers of publishers, as well as an increase in number of full text titles. EBSCO also “offers various ways for publishers to gain exposure for their publications and explore options for supplemental revenue streams” such as royalties, a portion of which goes to EBSCO. EBSCO highlights the high and increasing volume of both publishers and titles. In short, it has a vested interest in keeping numbers high and growing and to include publishers with subscription-based business models. EBSCO has a vested interest in keeping as many publishers and titles as possible as it increases partnerships and sales. As a result – despite advocacy from NCOSE and others to remove material and live links that could be harmful to minors – EBSCO does not remove them. And even if EBSCO does remove specific articles from specific geographic locations after receiving complaints – which we publicly acknowledged that it has done in the Blog and in the 2020 Dirty Dozen Watchlist description – EBSCO does not make those changes throughout all databases, but only to the individual location from which the complaint was received.

At bottom, EBSCO is profiting from material on its databases, because curated databases are the product EBSCO sells. Its databases contain sexually graphic and pornographic material and links to such material.

Despite several years of advocacy from NCOSE and other concerned organizations, schools, elected officials, citizens, and parents, EBSCO continues to have live links to hardcore pornography and prostitution sites, pro-organized sexual exploitation industry articles, “erotica” books, and content that functions as ads for sex toys.

By leaving in live links to sites well known for prostitution or pornography – and given EBSCO’s disingenuous marketing of “rigorous quality control screening,” “that content is indexed by way of a meticulous editorial process,” and “diligently selected by subject-matter experts and is ‘age appropriate,’” – EBSCO is allowing its product to be used by the commercial sex industry to groom children. We simply do not see how this can be characterized any other way.

“*Panders*” means to **do** or provide what **someone** wants or demands even though it is not proper, good, or reasonable<sup>6</sup>. EBSCO is allowing sexually explicit material—some of which is produced and marketed by the sex industry (all of which normalizes the sex industry) -- in products specifically aimed at minors. It cannot be gainsaid that this allows the sex industry direct access to minors, including young children, who are exploited and monetized by that industry. Whether this symbiotic arrangement is characterized as pandering or simply a Faustian bargain with the devil, it allows both the sex industry and EBSCO to benefit. All while potentially victimizing children, which seem to be, at best, a secondary concern. If EBSCO wishes to take the position that the sexual exploitation industry does not benefit by inclusion in EBSCO’s product, we are happy to have that discussion.

Nevertheless, in an effort to be as precise as possible, we have updated the Blog with the following language:

Replacing “...panders to the porn industry” with “...normalizes the porn industry” Replacing “permitting the commercial sex industry to target children through its services” with “EBSCO allows news and articles normalizing, glamorizing, and linking to the commercial sexual exploitation industry into its products for minors and thereby must be held accountable for grooming impressionable youth to accept such messages.”

<sup>6</sup> Defined by Merriam-Webster Online at <https://www.merriam-webster.com/dictionary/pander>

Other updates have been made to the Blog for further clarity. See addendum with attachment or this link here: <https://endsexualexploitation.org/articles/corporations-in-the-classroom-what-are-google-and-ebSCO-teaching-our-kids/>

NCOSE reviewed EBSCO's sites extensively, quoted EBSCO promotional materials in the Blog, and also linked directly to EBSCO's website in the Blog if readers wish to examine EBSCO's business further.

Your statement in the Letter that EBSCO has had controls "in place for decades" is erroneous in our view. If EBSCO has controls, they are not working. As mentioned above, NCOSE publicly and privately raised concerns and brought evidence to EBSCO (through customer service inquiries in 2016 and a formal letter in February 2017) that their K-12 databases contained easily-found pornography and sexually explicit material – even when using non-sexual search terms.

As noted, EBSCO exposes children to sexually graphic (even hardcore) pornographic material, providing access to pornographic websites (including live links and domains). In our research, these links, if clicked on at school or on a school-assigned device frequently bypass school provided filters since EBSCO is listed as an appropriate website for students to be on. We are all the more concerned about this given that more kids are now using these databases at home where many families cannot provide filters.

NCOSE is not alone in raising awareness about and calling on EBSCO to create safer online learning environments for youth.

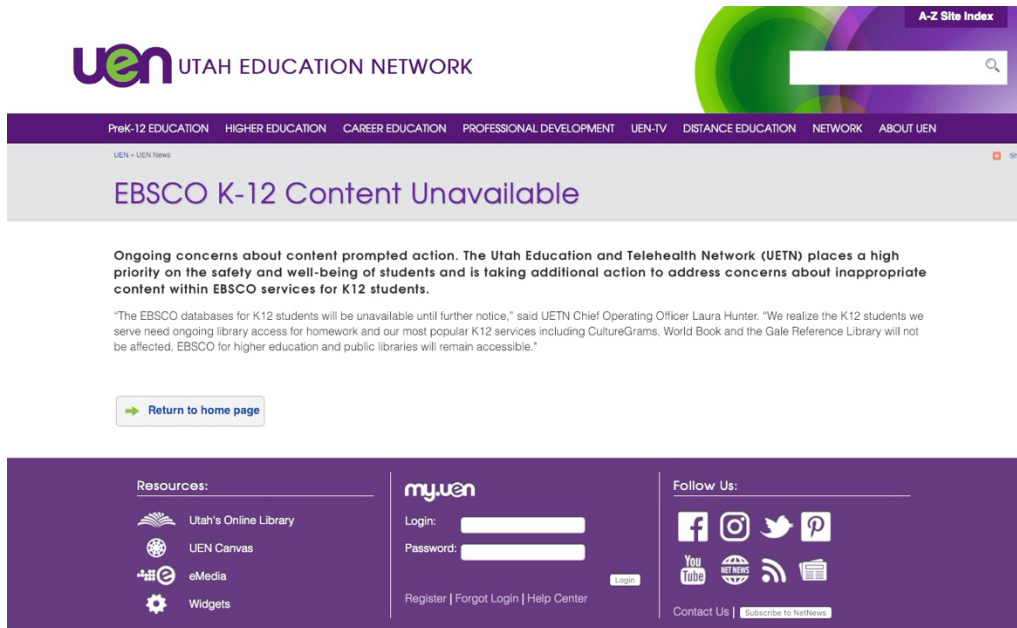
- In response to concerns brought by concerned citizens and elected representatives about sexually explicit and pornographic content in EBSCO K-12 products, Idaho passed ID House Bill 522 and the Governor signed it into law in 2020.<sup>7</sup> This legislation requires that vendor contracts for digital and online library resources for K-12 students contain a provision verifying that the resource will not contain material deemed harmful to minors as defined in Idaho code and providing that contracts may be suspended or terminated for violation of that provision. It also requires that the Idaho Commission for Libraries submit an annual report to the governor and the legislature outlining issues with vendor compliance.<sup>8</sup>
- A lawsuit against EBSCO was filed in Colorado over the sexually explicit content present in EBSCO's K-12 products.<sup>9</sup>
- In September 2018, "the Cherry Creek School District of Aurora, Colo., dropped EBSCO, saying the company didn't aggressively remove questionable materials. Spokeswoman Abbe Smith said the district worked with EBSCO for about 18 months, but "was not satisfied with their response."<sup>10</sup>
- Organization, Indiana Liberty Coalition, created a Facebook video garnering more than 80,000 views showing examples of sexually explicit content in EBSCO K-12 products.<sup>11</sup>
- The Utah Education Network disabled the use of EBSCO K-12 products in all public schools in Utah in 2018 and continues to prohibit access as of October 25, 2020 when this screenshot was taken.<sup>12</sup> Rich Finlinson, a spokesperson for the Utah network told the Boston Globe in 2018, "We've been working with them [EBSCO] on a daily basis to put more stringent filters in place."<sup>13</sup> It is clear that NCOSE is not the only stakeholder who has shared examples of sexually explicit material in EBSCO's K-12 products.

<sup>7</sup> Details about this Idaho bill can be found at <https://legislature.idaho.gov/sessioninfo/2020/legislation/H0522/>.

<sup>8</sup> Statement of purpose for HB522: <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0522SOP.pdf>

<sup>9</sup> A copy of the initial complaint can be found here <https://endsexualexploitation.org/wp-content/uploads/EBSCO-2018-10-10-Filed-Complaint.pdf>





NCOSE’s motive is and always has been to oppose sexual abuse and exploitation wherever it exists. In this case, we seek safe online learning spaces free from sexual exploitation for young people. From the onset of our interactions with EBSCO, we have desired only that EBSCO fix its flawed K-12 products, and its problematic accessibility and curation systems. We have encouraged EBSCO privately and publicly to take sufficient, proactive, necessary actions to safeguard children across all their databases geared toward minors, across all states and countries where it operates. NCOSE has spent considerable effort to bring these concerns to EBSCO’s attention and to offer advice on how EBSCO can fix these problems. NCOSE has shared screenshot examples and videos clearly depicting search terms and specific databases where sexually explicit content arises, but the burden of finding and removing such content should be on EBSCO.

<sup>10</sup> Comment included in this article: <https://www.bostonglobe.com/business/2018/10/19/ebSCO-accused-including-smut-school-databases/avTddB80Wp9mx8pNLCMpyM/story.html> . Further comments from Abbe Smith can be found here <https://sentinelcolorado.com/news/metro/education/cherry-creek-schools-ditches-ebSCO-student-database-after-prolonged-complaints-about-accessible-pornography/>

<sup>11</sup> Video found at <https://www.facebook.com/indianalibertycoalition/videos/506539843194698>

<sup>12</sup> Image taken at <https://www.uen.org/news/article.php?id=840> on 10/25/2020

<sup>13</sup> Comment included in this article: <https://www.bostonglobe.com/business/2018/10/19/ebSCO-accused-including-smut-school-databases/avTddB80Wp9mx8pNLCMpyM/story.html>

Reasonable repeated suggestions from NCOSE to EBSCO include:

1. Removing any sexually graphic material from *all* of its databases geared toward minors, not just removing potentially harmful material in one specific school, district, or state when a complaint is lodged.
2. Immediately deactivating all live links that bring minors to sites that have anything to do with the sex industry: especially prostitution and escort service sites, pornography websites, sex toy stores, or erotic reading. Note: it is especially perplexing that some live links are left in, while others have been removed.
3. Remove the “search other databases” feature at the primary school level.
4. EBSCO should make clear in marketing material and contracts geared toward education providers (be it the state, district, individual schools, or libraries) what EBSCO deems “age appropriate” and therefore what will or will not be included in databases purchased.
5. EBSCO should create and advise schools to create different logins and passwords based on the databases students should be allowed to access.

NCOSE has clearly supplied valuable information to EBSCO, as evidenced by EBSCO’s 2017 efforts to remove some sexually explicit material from K-12 products and by letters and emails from EBSCO to NCOSE thanking us for continuing to alert it to these concerns. EBSCO has stated to us that it also seeks a safe learning environment for kids and is working to correct these problems. Despite relatively small but well trumpeted improvement, we see little reason to accept EBSCO’s statement at face value. Nearly four years after initially bringing these concerns to EBSCO’s attention, sexually explicit content and live links to commercial sex websites continue to abound in K-12 products and EBSCO continues to engage in what can only be characterized as deceptive and misleading marketing. As noted above, precisely because so many children are accessing resources outside of school and therefore with less teacher (and often even parent) supervision during COVID-19, it is even more imperative that EBSCO proactively support already overburdened schools and parents in making sure the products children are accessing are as safe and appropriate as possible. For this reason, the NCOSE will increase its public awareness efforts of EBSCO’s poor practices and policies and will name EBSCO to the 2021 Dirty Dozen List. NCOSE sincerely hopes that EBSCO takes accountability for the harmful content it allows in its K-12 products.

NCOSE continues to be willing to work with EBSCO in the hopes that EBSCO will address the problems discussed in this letter in an effective way.

Sincerely,

Benjamin W. Bull  
General Counsel, National Center on Sexual Exploitation

Attachments:

2017 Letter to EBSCO

Edited 9/1/2020 blog with supporting screenshot evidence

EBSCO Evidence Catalogue 2020

Zip file of unblurred screenshot images and video evidence by email

October 14, 2020

J. Douglas Baldrige

T 202.344.4703  
F 202.344.8300  
JBaldrige@Venable.com

**Via Electronic Mail & Federal Express**

Benjamin W. Bull, Esq.  
National Center on Sexual Exploitation  
Senior Vice President, General Counsel  
440 1st Street NW, Suite 840  
Washington, DC 20001  
public@ncose.com

Re: ***Wrongful Circulation of Defamatory Statements about EBSCO***

Mr. Bull:

Please be advised that Venable LLP represents EBSCO Information Services (“EBSCO”). The purpose of this letter is to put you on notice that EBSCO will no longer tolerate the National Center on Sexual Exploitation’s (NCOSE) intentionally false and misleading rhetoric and attempts to denigrate EBSCO’s reputation and corporate standing. Specifically, I am writing on EBSCO’s behalf regarding a defamatory and inaccurate article on the NCOSE website, published on September 1, 2020, titled “Corporations in the Classroom: What are Google and EBSCO teaching our kids?” (the “Story”).<sup>1</sup> The Story is the most recent attack by NCOSE in its long-running campaign against EBSCO and advances knowingly false and misleading statements intended to harm EBSCO.

The Story is rife with false and intentionally misleading content. For example, the Story falsely claims that (1) EBSCO includes “sexually graphic material,” “extremely graphic sexual content,” “sexually explicit content (including sex toy ads),” and “pornography” in K-12 educational content; (2) specific searches in EBSCO’s platform lead to graphic results in its K-12 products; (3) EBSCO includes obscene material for profit and is “profiting from sexual exploitation”; and (4) EBSCO “pander[s] to the porn industry” by permitting the “commercial sex industry” to target children through its services.

To be clear, EBSCO does not “include” sexually graphic material or pornography in databases for K-12 children and certainly does not pander to the porn industry or profit from sexual exploitation. In fact, doing so would be contrary to EBSCO’s core values and controls that EBSCO

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<sup>1</sup> The story is available at <https://endsexualexploitation.org/articles/corporations-in-the-classroom-what-are-google-and-ebSCO-teaching-our-kids/?s=09> and appears to have been authored by Lina Nealon.

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has had in place for decades. Specifically, EBSCO has always focused on curating age-appropriate content and provides various options for such curated content to its customers. And while EBSCO strives to ensure content in its K-12 products is age appropriate, it understands that opinions may differ on certain topics. Therefore, EBSCO currently (and has for many years) provides schools the ability to curate that content further and to remove any publication from any individual database. EBSCO has also continued to invest in and develop further curation controls, which will allow customers to remove specific issues, or even specific articles, from a database. EBSCO strongly believes that its curation process and options that are given to schools to further curate any individual database strike the correct balance between providing age-appropriate content and censorship concerns.<sup>2</sup> EBSCO takes these safeguards extremely seriously and is appalled by NCOSE's false accusations to the contrary.

Rather than acknowledging the actual services and products that EBSCO provides, the Story continues NCOSE's deceptive pattern of making bold and inflammatory statements about alleged search results in EBSCO databases without providing any basis or support for EBSCO to definitively refute the allegations. For example, the Story claims that (1) a middle school search in Minnesota for "city dwellers" brings up pictures of group sex, language detailing violent acts against women, and links to a porn site; (2) a middle school search in Virginia for "fashion photography" brings up an objectionable article with graphic images; and (3) high school students in Arizona see ads for a book with excerpts that contain "extremely graphic language." The Story also states that examples like these "abound in schools everywhere."

It is undeniable that the statement that these types of search results "abound in schools everywhere" is untrue and completely unsupported. It is also beyond dispute that NCOSE purposely omits the information necessary for EBSCO to meaningfully investigate the claims and, if necessary, take corrective action. (Of course, EBSCO has investigated these claims to the best of its ability given the little information included in the Story and has been unable to replicate the claimed results). NCOSE's failure to provide even the most basic information shows NCOSE's true motive: NCOSE seeks to exaggerate and inflame users of EBSCO's products and services and pressure educational institutions to refrain from using them.

Moreover, contrary to the statements in the Story, EBSCO does not include obscene material for profit nor does it allow the commercial sex industry to target children through its services. NCOSE's suggestion otherwise is disgusting and entirely baseless. In fact, not only does EBSCO not profit from advertising (or otherwise) from the porn industry, EBSCO does not receive any revenue from advertising by any of the contributors to its products, period. A cursory

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<sup>2</sup> EBSCO is very considerate of issues pertaining to censorship and always remains neutral on topics.



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examination of EBSCO and its business makes this readily apparent.<sup>3</sup> Thus, the only logical conclusion is that you know that the claims made in the Story are not true and have acted, at best, with reckless disregard for the truth—the textbook threshold of defamation. Your continued conduct despite an “awareness of probable falsity” constitutes actionable blatant disregard for the truth. *See, e.g., Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 667 (1989); *Zimmerman v. Al Jazeera America, LLC*, 246 F. Supp. 3d 257, 280-81 (D.D.C. 2017).<sup>4</sup>

As you must know, there are certain topics, such as sexual exploitation and exposing children to pornography, that are universally identified by Courts and popular cultures as lightning rods for emotional and negative reaction. Quite simply, it is never appropriate to falsely suggest an affiliation between any entity and the sexual exploitation of children. *See, e.g., Weyrich v. New Republic, Inc.*, 235 F.3d 617, 627 (D.C. Cir. 2001) (a statement is defamatory if it “tends to injure [the] plaintiff in his trade, profession or community standing, or lower him in the estimation of the community”). NCOSE’s accusations are even more egregious given the ongoing global pandemic which has required extensive remote learning and has magnified the importance of e-learning tools like those EBSCO provides. NCOSE’s attempts to denigrate such an important e-learning platform during COVID-19 is shameful.

Venable LLP, on behalf of EBSCO, thus demands that NCOSE (i) submit an unequivocal retraction on NCOSE’s website that is of equal prominence and public distribution to the Story by no later than Friday, October 30, 2020; (ii) remove and/or refrain from posting the Story on the NCOSE website or elsewhere; and (iii) cease and desist from further publication of the Story. EBSCO also requests that going forward NCOSE refrain from publishing similar types of stories without first providing adequate information to, and an opportunity for, EBSCO to investigate NCOSE’s claims. This information includes, but is not limited to: (a) links or other information to specifically identify the content with which NCOSE takes issue; (b) the specific database used to search for the at-issue content; (c) the location from which the search was initiated (e.g. the specific school, public library, other private service, etc.); and (d) the date the information was accessed. Should NCOSE fail to comply with these demands, EBSCO will be forced to consider further legal action. EBSCO reserves all of its rights against NCOSE and all others participating in publication of this false information.

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<sup>3</sup> Moreover, EBSCO is straight forward and transparent about the publishers with whom it works. EBSCO’s website includes a list of all the publishers with whom it obtains content and title lists for its databases. *See* <https://www.ebsco.com/title-lists>.

<sup>4</sup> The absurdity of NCOSE’s defamatory statements in the Story is further bolstered by the fact that NCOSE also praises EBSCO for taking constructive steps to combat the very issue for which NCOSE complains. Indeed, NCOSE has repeatedly stated publicly that it appreciates the steps EBSCO has taken to address NCOSE’s concerns.

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Please provide written confirmation that you have complied with all of these demands by Friday, October 30, 2020. If you want to discuss this matter, please feel free to contact me at the above Washington, D.C. address or telephone number.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Douglas Baldrige". The signature is written in a cursive, flowing style.

J. Douglas Baldrige, Esq.