

newsletter on intellectual freedom



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Publisher: Deborah Caldwell-Stone
Office for Intellectual Freedom, American Library Association

ISSN 0028-9485

July 2009 □ Vol. LVIII □ No. 4 □ www.ala.org/nif

Tango tops challenged books list for third consecutive year

The ALA Office for Intellectual Freedom has released its list of the Top Ten Most Frequently Challenged Books of 2008. The list is available below and on the OIF website, and you can find more information in the ALA press release about the 2008 list.

The children's book, *And Tango Makes Three*, by Justin Richardson and Peter Parnell, remains at the top of the list for the third year in a row. *Tango* still faces frequent challenges for reasons that include religious viewpoint, homosexuality, and age appropriateness.

The Office received a total of 513 challenges in 2008, up from 420 total challenges in 2007. For every challenge reported to OIF, however, it is estimated that there are four or five challenges that go unreported.

The ALA's Top Ten Most Frequently Challenged Books of 2008 reflect a range of themes and consist of the following titles:

1. *And Tango Makes Three*, by Justin Richardson and Peter Parnell. Reasons: anti-ethnic, anti-family, homosexuality, religious viewpoint, unsuited to age group.
2. *His Dark Materials* trilogy, by Philip Pullman. Reasons: political viewpoint, religious viewpoint, violence.
3. *TTYL; TTFN; L8R, G8R* (series), by Lauren Myracle. Reasons: offensive language, sexually explicit, unsuited to age group.
4. *Scary Stories* (series), by Alvin Schwartz. Reasons: occult/satanism, religious viewpoint, violence.
5. *Bless Me, Ultima*, by Rudolfo Anaya. Reasons: occult/satanism, offensive language, religious viewpoint, sexually explicit, violence.
6. *The Perks of Being a Wallflower*, by Stephen Chbosky. Reasons: drugs, homosexuality, nudity, offensive language, sexually explicit, suicide, unsuited to age group.
7. *Gossip Girl* (series), by Cecily von Ziegesar. Reasons: offensive language, sexually explicit, unsuited to age group.
8. *Uncle Bobby's Wedding*, by Sarah S. Brannen. Reasons: homosexuality, unsuited to age group.
9. *The Kite Runner*, by Khaled Hosseini. Reasons: offensive language, sexually explicit, unsuited to age group.
10. *Flashcards of My Life*, by Charise Mericle Harper. Reasons: sexually explicit, unsuited to age group. □

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Views of contributors to the Newsletter on Intellectual Freedom are not necessarily those of the editors, the Intellectual Freedom Committee, or the American Library Association.

(ISSN 0028-9485)

Newsletter on Intellectual Freedom is published bimonthly (Jan., Mar., May, July, Sept., Nov.) by the American Library Association, 50 E. Huron St., Chicago, IL 60611. The newsletter is also available online at www.ala.org/nif. Subscriptions: \$70 per year (print), which includes annual index; \$50 per year (electronic); and \$85 per year (both print and electronic). For multiple subscriptions to the same address, and for back issues, please contact the Office for Intellectual Freedom at 800-545-2433, ext. 4223 or oif@ala.org. Editorial mail should be addressed to the Office of Intellectual Freedom, 50 E. Huron St., Chicago, Illinois 60611. Periodical postage paid at Chicago, IL at additional mailing offices. POSTMASTER: send address changes to Newsletter on Intellectual Freedom, 50 E. Huron St., Chicago, IL 60611.

commemorating the life and work of Judith Krug

As reported in our last issue, Judith Fingeret Krug, the long-time director of the American Library Association's Office for Intellectual Freedom, executive director of the Freedom to Read Foundation, and founding editor of the Newsletter, died April 11 after a lengthy illness at the age of 69. In our May issue we published statements honoring her life and work from ALA President Jim Rettig, ALA Executive Director Keith Michael Fiels, ALA Intellectual Freedom Committee Chair J. Douglas Archer, and FTRF President Judith Platt, as well as organizational statements from the Association of American Publishers and the Center for Democracy and Technology.

Below is a sampling of many other statements honoring Ms. Krug's memory and recalling her tireless fight for intellectual freedom, especially in libraries. Additional statements may be found on the ALA website at <http://www.ftrf.org/ala/aboutala/offices/oif/rememberingjudith.cfm>.

American Libraries has also produced an eight-minute memorial video with recollections of and tributes to Ms. Krug from John W. Berry, Candace Morgan, Lucille Thomas, Judith Platt, and June Pinnell-Stephens. It may be accessed at <http://alfocus.ala.org/videos/judy-krug-memorial> and on YouTube at <http://www.youtube.com/watch?v=OD6kfkAsRWQ>.

This past weekend an icon within our profession, Judith Krug, passed away from a battle with cancer. Judith's name was synonymous with intellectual freedom. As one mutual friend who is also a champion of intellectual freedom wrote:

"I feel like a part of me is gone never to return. She was my inspiration, my dear friend, and impetus to do much of what I did in the area of intellectual freedom. She was always there when I needed prodding and had questions She pushed me when I would become discouraged, always with a smile . . . I will forever be thankful for her helping me to build my philosophy of professionalism and First Amendment rights. She was indeed a godsend to the library world and to me personally. I sincerely mourn with her family in the loss of a fantastic lady."

As the director of ALA's Office of Intellectual Freedom, Judith had many protégés. She commanded the respect of friends and foes alike when it came to fighting for our First Amendment rights.

I remember the day that I called Judith while I was library dean at Colorado State University. This was before the passing of the PATRIOT Act; and a law enforcement officer was demanding some ILL records without the appropriate search warrant. I called her after our university coun-

sel advised me that we give the officer what he requested. Judith was not only patient and understanding, but she was also very supportive and walked me through the process to consider. Which I did!

I think there are probably hundreds of stories like mine. She will be sorely missed. However, I have all the faith in the ALA Intellectual Freedom staff to continue Judith's fight for First Amendment rights.

Goodbye, great colleague . . .

-Camilla Aire, ALA President-elect

The American Booksellers Association and the American Booksellers Foundation for Free Expression mourn the passing of our friend Judith F. Krug. Judith was one of the most important leaders of the free speech community in the second half of the 20th century. She was constantly on the road defending librarians, even when that meant injecting herself into local controversies where her physical safety was at risk. Her courage will always be an inspiration to defenders of free speech.

-Chris Finan, president of the American Booksellers Foundation for Free Expression

With the passing of our Vice-President Judith Krug, the Phi Beta Kappa Society and American society have lost a truly great champion of intellectual freedom, a cardinal ideal of both. During her years as an elected official of Phi Beta Kappa her integrity, dedication, and irrepressible optimism left an indelible imprint on all those she worked with, that will continue to inspire us to follow her example.

-Allison Blakely, president of the Phi Beta Kappa Society

PEN joins with the American Library Association and with readers, writers, and First Amendment defenders around the country in mourning the death of Judith Krug, Director of the ALA's Office of Intellectual Freedom and Executive Director for the ALA's Freedom to Read Foundation.

Judith Krug was one of our most knowledgeable, effective, and passionate allies in the fight against censorship at the local, state, and national level for more than forty years. From defending neighborhood library collections against would-be censors to protecting freedom of expression on the Internet, she leaves a free expression legacy that literally reaches into every community and household in the United States.

A true beacon in the free expression community, a tremendous champion of books and literature, and, for many of us, a wonderful and trusted friend, she will be deeply and dearly missed.

-Larry Siems, Director, Freedom to Write and International Programs, PEN American Center

The following is a portion of a letter that I recently submitted to ALA supporting Honorary Membership for Judith. I was privileged to work with her on a regular basis for a number of years. To say I will miss her really doesn't express my sense of loss on a personal level and for the association.

The work and dedication of Judith speaks for itself. I have known Judith as a friend and colleague since the early 1980's when she landed at a small airport in Columbia, Missouri, to present a program on Intellectual Freedom for the Missouri Library Association. The clear image of Judith I will always have in my mind from that day and on many others is of the excitement and smile on her face as she prepares to enlighten an audience on the issues surrounding IF. It doesn't matter if an audience numbers 25, 2500, one journalist or simply Judith and a television camera.

Recently it was my privilege to work with her as Chair of the Intellectual Freedom Committee for four years and now as a member of the Freedom to Read Foundation Board. Frankly, it is not an exaggeration to say that she is the voice and face of libraries across our nation in regard to protecting First Amendment Rights. The partnerships she has created for ALA with other associations sharing our common concerns is astounding. She is an encyclopedic resource and important mentor for untold numbers in our profession and out of it. Her contributions to librarianship and the cause of Intellectual Freedom are unprecedented. I am not aware of one existing award that can really do her justice. There is only one and will always be just one "Judy."

-Kent Oliver, Freedom to Read Foundation Board member; former chair, ALA Intellectual Freedom Committee

She was an articulate, irrepressible voice for the First Amendment, and certainly an unforgettable force within the library profession. And I would say that an entire generation of librarians committed to the First Amendment—what the library profession refers to as intellectual freedom—was really forged and shaped by Judith Krug.

-Robert Doyle, Executive Director, Illinois Library Association

Friends of intellectual freedom have lost a dynamic leader. Judith Krug, director of the American Library Association's Office of Intellectual Freedom since 1967, and one of the founders of the Freedom to Read Foundation, was my hero. When I saw her in Chicago last September, she said, "Don't worry about me. I'm too mean to die." That was her fierce warrior persona. That was her let's laugh about this and talk about something else way of dealing with her illness. She had had surgery and chemo for stomach cancer but there she was, cheering us on—a group of writers gathered to commemorate Banned Books Week,

an event started by Judith in 1982. There she was, fighting for the rights of young readers as enthusiastically as ever. I teased her for wearing what I called a "Sarah Palin" jacket (actually, a jacket I coveted and even tried on in NY before realizing that all the jackets in my favorite sportswear section of my favorite department store were the very jackets Sarah was sporting on the campaign trail). Judy begged forgiveness explaining that she really wanted that jacket and we laughed together.

We met in Atlanta in 1982 at a Fred Friendly Seminar moderated by Benno Schmidt, then a colleague of George's at Columbia Law School. I was nervous. Out of my element. I felt as if I were back in 4th grade praying the teacher wouldn't call on me. Benno did call on me and I stumbled through a couple of answers then watched in awe as the articulate speaker on the opposite side of the table said exactly what I was thinking, only so much better. I remember thinking, Wow, she's brilliant! She can speak on my behalf anytime. That was my introduction to Judy Krug, and the beginning of a long friendship, both professional and personal. It was hard to say "no" to Judy when she asked you to do something, even if you didn't want to fly to Chicago in September because you were trying to write a book. Because Judy would always be there for you if you needed her.

This is the woman who defended what we wrote, who defended the librarians who selected our books for their collections, and most importantly, who defended the rights of our young readers. For four decades she used her abundant energy and knowledge to protect the Constitutional rights of citizens granted under the First Amendment. She raced around the country speaking out wherever and whenever she was needed. Let's just call her amazing, because she was.

"We're the only country in the world where everybody has access to the library and everything in it," she told The Washington Post in 1994. "If you don't like something, okay, tell your kids you don't want them to read it. That works. It really works. Every once in a while, the kids are going to defy you. But so what?" That quote is so Judith! It's part of why I loved her. Like Madeline, my first literary heroine, Judy Krug showed no fear.

The loss to our community of writers, librarians, and readers everywhere is too great to contemplate. The loss to her husband, children, and grandchildren is even greater.

On Sunday, July 12, at the annual ALA convention in Chicago, Judy will be posthumously awarded the William J. Brennan Award during the 40th anniversary celebration of the Freedom to Read Foundation at the Chicago Museum of Art. Judy hoped she'd be there to accept her award in person. I hoped so, too, and not only because I'll be presenting that award to her. If you can, join us in this tribute to a true freedom fighter.

Goodbye, old friend. I'll miss you.

-Judy Blume, Young adult and children's author

THE WHITE HOUSE

WASHINGTON

May 1, 2009

The Family and Friends of Judith Krug

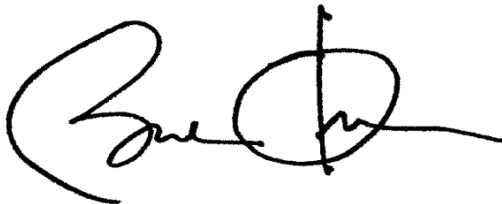
Dear Friends:

I was saddened to hear about the passing of Judith Krug. My thoughts and prayers are with you as you mourn her loss and celebrate her life.

She was a champion of free speech and a true steward of the marketplace of ideas. Although words cannot ease the pain of such a loss, I trust that her spirit and strength will continue to serve as a guiding force for everyone who benefited from her life and her life's work.

May Judith's memory continue to bring you great joy and pride.

Sincerely,

A handwritten signature in black ink, appearing to be Barack Obama's signature, written in a cursive style.

The history of librarianship will denote Judith Krug's contributions on par with Ranganathan and Dewey. Mrs. Krug's influence and passion have made an indelible impression on a half-century of library philosophy. Hers was an unwavering voice with a consistent message unbended by political or social trends. Her commitment to the First Amendment was without equal. The only match for Judy's intellect was her style and grace. Every library in America should be draped in black today.

-Charles Harmon, Vice-President and Director of Publishing, Neal-Schuman Publishers, Inc.

I can envision clearly in my mind's eye my first meeting with Judith Krug, when she interviewed me for the position of Assistant Director of OIF. In many respects we were quite different—she was the quintessential professional woman, and I a somewhat bedraggled academic, perennial student, and erstwhile radical activist, who didn't even own a suit—but we hit it off immediately. I had never met anyone quite like Judy, and I was instantly in her thrall. Judy offered me a job but she also offered much more—a model of engaged activism, a caring and eventually lifelong friendship, and, to be honest, a whole new way of looking at and being in the world.

To me and so many others, Judy was a role model. She was, as we all know, a tireless fighter for free expression—indeed, a tireless fighter for all she believed in. But she also showed how one can put principle before expedience, dedication before personal ambition, without falling into the dour and dull self-righteousness of the morally superior. In so many ways Judy was a model of how to live life to the fullest. She stood for important things, made important contributions, yet she also knew the importance of family and friendship, of dedication both to the broader community and to those individual members of that community with whom her personal life intersected.

As a “boss” she was a demanding taskmistress, but a caring and supportive friend as well. She always inspired tremendous loyalty from those who worked for and with her, because we knew that if and when we needed her she would be there. She was generous to a fault, not only with her resources and her time, but with her spirit.

-Henry Reichman, Editor, *Newsletter on Intellectual Freedom*

Judy was a steadfast fighter for liberty, a courageous partner in the struggle, and a key thought leader on the importance of First Amendment, Fourth Amendment, and other rights so much in jeopardy in recent years. She brought a historical sensibility that is all too rare these days, and it was an honor to have known her and stood beside her on platforms as we worked hard to recapture our vanishing rights. The world is a lot less bright in the wake of

her departure. My condolences and those of all of us at the BORDC go out to her friends, family, and colleagues.

-Chip Pitts, President, Bill of Rights Defense Committee

Judith Krug is the reason I became a librarian, and remained a librarian, and I know I'm not alone. She was role model, mentor, and cheerleader for so many of us. She was the inspiration for my professional engagement in First Amendment and freedom of expression issues for over thirty years. If she called and asked me to do something, I always answered, only half jokingly, “Anything for you, Judith.” Because I knew that whatever she was asking of me would be intellectually engaging, complex, and important to library professional ethics. I have many great memories. One was when Judith Krug and Andrea Dworkin debated the issue of pornography and feminism in the gorgeous New York Public Library Trustees Room in the 1980's. Judith was always so polished and articulate. She expressed her views in that forum with the passion she held for librarians and the freedom to read. Judith also took on the painful controversy of ALA policy on the embargo of books to South Africa during apartheid. As a young librarian at the time, what I took away from the experience was Judith's courage and commitment to the value of the freedom to read, despite unfair accusations of racism tossed at her. But she was funny, too, and loved children. When Judith would see our grown son, Zach, at ALA in recent years, she would laughingly recall when, as a five-year old, he would sit under the skirted tables at Intellectual Freedom Committee meetings and play with his Gameboy. Somehow the Intellectual Freedom Committee, Round Table, and the Freedom to Read Foundation discussions overshadowed the rest of the ALA conference content, and I got hooked, like so many. (How many of us remember walking into an IFC meeting at 8:03 am and hear her say, “You're late!”) Some of us who worked with Judith are getting ready to retire, and I hope that the new professionals will carry on with Judith Krug's energy and toughness and integrity.

-Barbara Jones, Freedom to Read Foundation Trustee, University Librarian, Wesleyan University (CT)

While I will always admire Judy's single-minded advocacy of intellectual freedom for library users, librarians, etc., the person I will miss is my irreverent romance-reading friend who loved getting fresh flowers weekly from her husband and suggested the perfect place in Chicago to entertain Nora Roberts when I invited her there for a PLA workshop. Her passion, contacts, political sense, and larger-than-life personality will be an inspiration always. She was a great librarian and a great person. She also loved dogs.

-Mary K Chelton, Ph.D., GSLIS/Queens College/ CUNY

The free expression community lost a giant with the passing last weekend of Judith Krug, longtime director of the American Library Association's Office for Intellectual Freedom. Dating back to the late 1960s, Judith was one of the nation's fiercest defenders of the First Amendment, often provoking the ire of those who sought to remove material they didn't like – for a variety of subjective (and usually narrow) reasons – from the shelves of our libraries.

Most of her work focused on the printed word, exemplified by her creation of Banned Books Week in 1982 to emphasize “the importance of ensuring the availability of . . . unorthodox or unpopular viewpoints to all who wish to read them.” But Judith was instrumental in bringing those values to the emerging medium of the Internet and was one of the early voices opposing the Communications Decency Act (CDA), in which Congress sought to criminalize the online dissemination of “indecent” material. Through her leadership, the American Library Association was one of the principal members of a broad-based coalition (which included EFF) that challenged the CDA in court, a case that resulted in the Supreme Court's landmark *Reno v. ACLU* decision extending the full protection of the First Amendment to the Internet.

Judith's contribution to online freedoms continued with her opposition to mandatory use of filtering software in public libraries. Although the Supreme Court ultimately upheld Congress' authority to require the use of “censorware” as a condition of federal library subsidies, Judith's work sensitized the library community to the issues that arise when filtering systems are installed and limited the potential negative impact in libraries throughout the country.

I had the privilege of working with Judith for many years on the steering committee of the Free Expression Network, and came to expect her passionate and feisty defense of intellectual freedom in the face of the censorship effort du jour. Her presence will be missed, but her influence and inspiration will stay with us always as we work to protect basic freedoms in whatever media they are challenged.

-David Sobel, Senior Counsel, Electronic Frontier Foundation

Judith Krug, director of the American Library Association (ALA) Office for Intellectual Freedom (OIF) since it was founded in 1967, died on April 11. A giant among librarians, she was ALA's best-known and strongest leader. Her service to the profession's primary core value, intellectual freedom, made intellectual freedom ALA's most important cause. Under Krug's assertive guidance, ALA became one of the nation's leading organizations in protecting the rights of Americans to free expression, freedom of inquiry, and privacy in their pursuit of information. ALA's work on intellectual freedom—including that of the sibling Freedom To Read Foundation (FTRF), also headed by Krug since its

founding—captured national attention and gave ALA and librarianship major prestige.

Krug made us proud to be librarians. As we honor her, we must remember that our work in intellectual freedom is never finished.

We cannot “replace” Judith Krug. She was unique. We won't find another equally tough, forceful battler for our cause. So we will miss her, knowing there is no obvious replacement waiting. She was “untouchable,” and only her death could vacate the crucial position she created and nourished for more than four decades.

-John W. Berry, III, Editor-at-Large, *Library Journal*

Like many of you, I became a librarian after the profession had been significantly shaped by Judith Krug. In fact, Krug, who died last month, had an influence on American librarianship that was so profound and far-reaching it was easy to take her contributions for granted, forgetting how much we owed this one woman.

Krug was director of the American Library Association's (ALA) Office for Intellectual Freedom since its founding in 1967 and executive director of the Freedom to Read Foundation since 1969. It was her leadership that established intellectual freedom as one of the defining principles of our work, and in the past 40 years, ALA has emerged as a champion in protecting citizens' rights to freedom of expression, freedom of inquiry, and privacy in seeking information.

It's especially appropriate to celebrate Krug's life in the pages of *School Library Journal*, since her work directly touched the lives of so many children and teens, school librarians and teachers, and children's and young adult librarians. From *Where the Wild Things Are* to the *Harry Potter* series to other highly contested books for children and teens, Krug provided the advice, information, and, yes, courage, that enabled countless librarians, teachers, and trustees to take on these challenges. Krug herself was involved in many First Amendment cases, some reaching the Supreme Court.

In 1982 she cofounded ALA's Banned Books Week, which has emerged as one of the great teachable moments in schools and libraries across the country. Banned Books Week is an opportunity for students to explore how the First Amendment is alive within their communities, and especially in their libraries—and for librarians to get some terrific books into circulation.

Much of Krug's last decade was spent battling Internet censorship. One of her most famous efforts was to convince ALA to oppose the 2003 Children's Internet Protection Act, which required public libraries to install computer filters in order to receive federal E-rate funds. When it came to children and filters, Krug sensibly argued that communities

should be free to develop their own, bottom-up solutions that reflect their values. Krug's words in her 2002 testimony on the Child Online Protection Act are as true today as they were then:

"Librarians are concerned about 'quick fixes' that fail to teach young people how to best use the Internet. Internet use policies combined with appropriate education are vital to the well-being of our nation's children.... They need to be taught the skills to cope in the virtual world just as they are taught skills to cope in the physical world.... Children who are not taught these skills are not only in danger as children in a virtual world, they also will grow into young adults, college students, and an American workforce who are not capable of avoiding online fraud, Internet addictions, and online stalking. Education is our best way to avoid raising a generation of victims."

Krug's arguments against filtering for children were highly controversial. They attracted many enemies for her—and by extension for ALA. But as the Internet has morphed from a tool just to find content to a means for social networking and collaboration, it's clearer than ever that Krug was right. Each school and library needs to find its own way online.

The real legacy of Judith Krug must live on in every librarian. We must continue to order that book that we suspect some parent might find offensive. We must deal forthrightly with a book challenge—instead of quietly withdrawing materials. Most important, we must share and celebrate this proud heritage with children and students, parents and colleagues, and with the librarians of tomorrow.

-Brian Kenney, Editor-in-Chief, *School Library Journal*

According to the *Merriam-Webster Dictionary*, a librarian is a person who specializes "in the care or management of a library." That definition is far too mechanical. It leaves out the larger role librarians play in our democracy, facilitating access to information and ideas and promoting and protecting a precious First Amendment right: the freedom to read.

No one took that role more seriously than Judith Krug, the trained librarian and director of the American Library Association's Office for Intellectual Freedom for more than four decades, who died Saturday at age 69. Defending the freedom to read from damaging assaults by censors in and out of government was her life's work.

In a 2002 talk, Ms. Krug explained that the role of librarians is to bring people and information together. "We do this by making sure libraries have information and ideas across the spectrum of social and political thought, so people can choose what they want to read or view or listen to. Some users find materials in their local library collection to be untrue, offensive, harmful, or even dangerous. But libraries serve the information needs of all of the people in the com-

munity—not just the loudest, not just the most powerful, not even just the majority. Libraries serve everyone."

Ms. Krug assisted countless local librarians and library trustees dealing with objections to library materials. She waged principled legal battles challenging both book and Internet censorship in libraries all the way to the Supreme Court. She stood up against an insidious portion of the 2001 Patriot Act that allowed government officials broad access to confidential library records and to secretly monitor what people read.

In 1982, during one of the nation's periodic censorship epidemics, Ms. Krug established Banned Books Week, an annual celebration of authors, their literature and the Constitution's system of free expression. She found reassurance in the perennial appearance of works like J. D. Salinger's *Catcher in the Rye* and John Steinbeck's *Of Mice and Men* on the American Library Association's list of the ten most frequently challenged library books. "That means that censors, real and would-be, are not making the headway they think they are," she said. "Books that matter are still in libraries."

-Dorothy Samuels, Editorial Board, *New York Times*

Those of us in Chicago—and across the nation—who share a fierce commitment to protecting freedom of expression lost a great champion this past weekend with the passing of Judith Krug. A librarian by training, Judith became a champion for the First Amendment whether it was confronting efforts to ban books in public libraries (including public school libraries), challenging efforts to force libraries to place clumsy, ineffective filters on public computers with internet access or critiquing the intrusive provisions of the USA PATRIOT Act, especially as those provisions affected library patrons.

She was a robust advocate, who relished the opportunity to advance her position—a position that always advanced fundamental constitutional principles. We appeared together on a number of panels in recent years discussing the USA PATRIOT Act, and it was easy to get "fired up" when Judith was on your side. She never backed away, never backed down, and always argued from a principled perspective that was deeply-held and well-articulated.

More than anything else, Judith reminded us never to be afraid of ideas. She saw clearly that the path to personal development and growth comes through knowledge and information, and that information comes through reading from a wide variety of sources. She loved books, loved reading and she shared that passion with young and old alike.

We are better off in Chicago for having her powerful and effective voice emanate from this City and we will miss her.

-Ed Yohnka, ACLU of Illinois

I remember when I was under a federal gag order, my case still in court, for refusing to provide library patron information without a warrant in response to a National Security Letter. Judith Krug called me. She never said that she knew I was the one holding out. I could not talk about it then anyway. She was just reassuring and calming at the time when I needed it most.

-Peter Chase, Director, Plainville Public Library

For over forty years Judith Krug protected the freedom to read for everyone and worked especially hard to protect that freedom for seniors, immigrants, the poor, kids, and anyone else who, in many instances, are less able to effectively protect their own rights. Hers was a lifelong determination to demonstrate that James Madison, with whom she shared a birthday, was correct: “knowledge will forever govern ignorance.” Hers was a lifelong commitment “to educate librarians and the general public about the nature and importance of intellectual freedom in libraries.” Judith once said: “We do have our work cut out for us. The world we live in leads me to believe that librarians and trustees must strongly and often reaffirm their role in the 21st century. We must continue to strive to provide to all of our users in the multitude of communities we serve the information they need and want regardless of format. Bringing people together with information is our reason for being.” It’s now up to each of us to continue protecting the freedom to read.

-Don Wood, program officer, ALA Chapter Relations Office

Judith Krug was a big help when the Oregon State Library established the Oregon Intellectual Freedom Clearinghouse in 1987. She supported us through challenges against *If Beale Street Could Talk* at a combined middle-high school library, through the dark days of the first round of the culture wars when the Oregon Citizens Alliance targeted books about homosexuality in statewide and local anti-gay initiatives (1992-1994), and when *Daddy’s Roommate* and *Heather has Two Mommies* were challenged in multiple public libraries. Intellectual freedom trainings sponsored by the Office for Intellectual Freedom, and well-presented by Judith and others had a ripple effect in Oregon as the content was shared and repeated in the state. Other substantial contributions developed with Judith’s leadership that continue to be well-used in Oregon are the interpretations of the *Library Bill of Rights* and the *Intellectual Freedom Manual*. Judith was always generous in agreeing to attend state conferences and we in Oregon had the pleasure of hosting her a number of years ago. After that conference I remember a sunny deck, a home-cooked meal, lively laughing discussion by the librarians and lawyer in attendance, and there one of Judy Krug’s secrets was revealed—she never went to the grocery store! All shopping for the family was done by her husband. Party talk or not—it was a fun revelation

about a goddess! To Judy’s colleagues in the Office for Intellectual Freedom and ALA, we are sorry for your loss.

-Mary Ginnane, President, Oregon Library Association

Judith Krug was the president of the Phi Beta Kappa Association of Chicago in the early 1990s for three years. Under her thoughtful and disciplined watch, our association developed guidelines and structures that form the foundation of our bylaws to this day. Her enthusiasm and dedication to the cause and ideals of Phi Beta Kappa in the Chicagoland area was ongoing, and she remained an active member of our association, supporting the Phi Beta Kappa Triennial in Chicago in 1997, our annual dinners and our scholarship initiative in the Chicago Public Schools. We on the executive board and others who knew her will miss her greatly.

-Judi Strauss-Lipkin, President, Phi Beta Kappa Association of the Chicago area

Judith Krug was the consummate indefatigable defender of intellectual freedom. In doing so, she set the bar high for those of us working in the school library media centers, public libraries and academic libraries across the country. As a school library media specialist, and, as a former member of ALA’s Intellectual Freedom Committee, I watched, listened and learned from a master who lived and breathed the concepts of the freedom to read, view, and listen to information in all formats, and of opposing viewpoints, and challenged those who would not honor those freedoms. Judith’s tenacity in promoting First Amendment rights created environments of free expression of thought and enabled hundreds of thousands of students and adults to become responsible citizens because of their access to ideas and ideals of a democratic society. Judith will be missed, but she has left us with an important legacy of intellectual freedoms.

-Harriet Selverstone, Past President of AASL

I learned so much from Judith Krug. I will dearly miss her knowledge, her dedication, her wit, her acumen, and her unmatched ability to command a room.

-David Greene, First Amendment Project, Oakland CA

I am one of the thousands of librarians who could say that Dr. Krug had always been the director of the Office for Intellectual Freedom, as her tenure in that position started before I was born. I am also one of the thousand of librarians who has been personally touched by her leadership, courage, and wisdom. As the new chair of the Colorado Association of Libraries’ Intellectual Freedom Committee, I quickly found that I could depend on Judith for advice and support on any question, whether it involved supporting a librarian through a book challenge to the latest informa-

tion on filtering or the USA PATRIOT Act. When I was selected to be an intern on the ALA Intellectual Freedom Committee, I found the same level of support and mentoring. Now that I've had the opportunity to work with her for a number of years, I truly appreciate how much she brought to the table in terms of knowledge, insight, and creative ideas. While Dr. Krug's mentoring of new librarians was a worthy accomplishment, it is her expertise and leadership in the field of intellectual freedom that stood out. One thing I learned from Judith through many rounds of editing policy documents is to be wary of sweeping statements. With that in mind, I still feel confident saying that there is simply no one else on this planet who has done more to promote free expression, free access to information, and freedom from interference when pursuing information. She will be sorely missed.

-Martin Garnar, Senior Trustee, LeRoy C. Merritt Humanitarian Fund

A few years ago, Judith Krug, Director of the ALA's Office for Intellectual Freedom and resident of Evanston, IL, invited me to lunch to discuss an idea she had. Over iced tea and fancy salads, she explained that she found the erosion of reader privacy in the digital age to be worrisome. That afternoon we hatched a plan to address information privacy.

Over a period of a few months we conjured a national strategy. We landed funding. And we embarked. That's how it worked with Judith Krug. Ever vigilant about protecting Americans' Constitutional rights, Krug liked to snuff out First Amendment powder kegs before they exploded in people's faces.

Judith was a study in paradoxes: elegant and gritty; eloquent and saucy; fierce and friendly; vehement and compassionate. Knowing her in the years we worked together at ALA, I watched her navigate the icy political waters that carried in Karl Rove's stealth agenda to get ultra-conservatives appointed as Library Trustees and build their resumes for public office. I watched her train high-powered volunteer lawyers to defend librarians in book banning cases. I watched as she built Banned Books Week into one of the most successful public awareness programs in American history.

A devoted mother and a beloved colleague, she will be sorely missed. Especially by all the librarians in America who came to rely on her protection from book banning and unauthorized searches of patron reading records.

Even in her last months, she was critiquing white papers on information privacy and commenting on strategy. In that way, she died with her boots on—just as she would have wanted it. It was a life well lived, full of purpose and progress toward a greater good.

-Patricia Martin, *Huffington Post*

Judith Krug appeared in panel discussions and programs with a number of First Amendment Center scholars and others. We recall her as a tough, resilient opponent of those who would attempt to censor voices or ideas they deemed unwelcome by attacking libraries, banning books or restricting free speech—but also as a person willing to listen and to respond to others' ideas and points of view.

-Gene Policinski, Vice-President/Executive Director, First Amendment Center

Twenty-six years ago, fresh out of library school and attending my first ever ALA Annual Conference, I discovered that I could sit in on any committee meeting as an observer, and so I found my way to the Intellectual Freedom Committee and met the already legendary Judith Krug. It was a life-changing experience, and set the course of my professional life as a librarian. It was not just her passion for intellectual freedom that made her significant, it is the way she nurtured a whole community of advocates that stretches the length and breadth of librarianship and publishing, media, lawyers, politicians, scholars, and people from all walks of life who shared her convictions. Judy was networking before the concept was invented. Because once you came within her orbit, she never ever let you go. She had a kind heart and a keen wit. She was a doting grandmother. She was a good friend, someone who never betrayed a confidence, someone who could be relied upon. She pushed hard but she pushed herself harder. She was a lot of fun. She had a wicked sense of humor—that deadpan look, followed by the throaty laugh that told you she was joking. She was tough and tenacious about the issues, she never pulled her punches, but it wasn't ever personal. It feels like the earth has shifted under our feet. It's hard to believe that Judy—so alive, so vital—is gone. It's like when my mother died, and I realized that my siblings and I were now the elders of the family. "Who, me?" you say incredulously. "Oh no, that's impossible. I'm not ready." But ready or not, we must go on because there isn't any alternative, there are things that must be done and it's now up to us to do them. We'll stumble around, making it up as we go, appalled at the effort it takes to do what Judy made look so effortless. And only then will we begin to understand the magnitude of her accomplishments, and our great good fortune to be able to call her colleague, mentor, and friend.

-Pam Klipsch, Director, Jefferson County Library □

**SUPPORT
THE FREEDOM
TO READ**

state and regional chapters honor Judith Krug

At least 35 ALA state and regional chapters have passed resolutions saluting “the life and legacy” of Judith F. Krug, founding director of the ALA Office for Intellectual Freedom. The resolutions detail her extensive accomplishments and multitude of awards, and make special note of the “practical assistance and unstinting support” Judith provided to librarians facing challenges to intellectual freedom in their communities.

Following is a list of those chapters which have passed such resolutions:

Alabama Library Association
Alaska Library Association
Arizona Library Association
Arkansas Library Association
California Library Association
Colorado Association of Libraries
Connecticut Library Association
Delaware Library Association
Florida Library Association
Georgia Library Association
Guam Library Association
Idaho Library Association
Iowa Library Association
Illinois Library Association
Kansas Library Association
Kentucky Library Association
Maine Library Association
Maryland Library Association
Mississippi Library Association
Missouri Library Association
Montana Library Association
Nebraska Library Association
New England Library Association
New Hampshire Library Association
New Jersey Library Association
New Mexico Library Association
New York Library Association
North Dakota Library Association
Ohio Library Association
Oklahoma Library Association
Pennsylvania Library Association
Rhode Island Library Association
South Carolina Library Association
South Dakota Library Association
Tennessee Library Association
Texas Library Association
Utah Library Association
Washington Library Association
West Virginia Library Association
Wisconsin Library Association

Following is the text of the resolution passed, sometimes with modifications, by most of the above chapters:

Whereas Judith F. Krug was the public face of our profession’s every effort to preserve, protect and defend the First Amendment right to freedom of expression and the corollary right to receive ideas, information and images so essential to the functioning of a free and democratic society throughout her long and distinguished tenure as director of the Office for Intellectual Freedom of the American Library Association since 1967 and as director of the Freedom to Read Foundation since 1969; and

Whereas Judith F. Krug also served as chair of the Board of Directors of the Center for Democracy and Technology, as chair of the Media Coalition, as vice-chair of the Advisory Board of GetNetWise, and also served on the Board of Directors of the Fund for Free Expression, the Board of Directors of the Illinois Division of the American Civil Liberties Union, as a member of the American Bar Association’s Commission on Public Understanding About the Law, and as a member of the Advisory Council of the Illinois State Justice Commission; and

Whereas Judith F. Krug’s efforts on behalf of librarianship and freedom of expression and the right to receive expression were recognized repeatedly throughout her career, including the Irita Van Doren Award from the American Booksellers Association, the Harry Kalvern Freedom of Expression Award from the American Civil Liberties Union, the Robert B. Downs Award from the Graduate School of Library and Information Science at the University of Illinois, the Carl Sandburg Freedom to Read Award presented by the Friends of the Chicago Public Library, the Open Book Award and the President’s Award from the Minnesota Civil Liberties Union, the Intellectual Freedom Award of the Illinois Library Association, the Ohio Educational Library Media Association/SIRS Award for Intellectual Freedom, the Freedom to Read Foundation Roll of Honor Award, the Joseph W. Lippincott Award of the American Library Association, an honorary doctorate from the University of Illinois at Urbana-Champaign, and, most recently, the William J. Brennan Jr. Award from the Thomas Jefferson Center for the Protection of Freedom of Expression; and

Whereas Judith F. Krug provided practical assistance and unstinting support to thousands of librarians, library workers and library trustees throughout the United States striving to fulfill their ethical obligation and public trust to preserve the complete record of human expression and to provide free and unbiased access for all to the full range of ideas, information and images; and

Whereas Judith F. Krug was an indefatigable champion of libraries and librarianship and a steadfast advocate for First Amendment rights for all people; and

Whereas Judith F. Krug was a trusted colleague and a cherished friend and mentor to so many in the library com-

munity and beyond who learned their principles and commitment from her example; therefore be it

Resolved: that [State Chapter] salutes the life and legacy of our champion, friend and mentor, Judith F. Krug; and be it further

Resolved: that the [State Chapter] extends its deepest sympathy to the family of Judith F. Krug on the loss of their beloved wife, mother, grandmother and sister; and be it further

Resolved: that the [State Chapter] bestows Honorary Membership in the [State Chapter] upon Judith F. Krug in gratitude and appreciation for her dedication and commitment to libraries, librarianship, and the First Amendment rights of all people. □

library trustees removed in censorship controversy

The West Bend, Wisconsin, Common Council, upset over the handling of a citizen call to restrict sexually-explicit books in the listing recommended for teenage readers, rejected reappointing four members of the city's Library Board April 21.

"They're all good people," said Alderman Terry Vrana, who voted against the four reappointments. "I disagree with them." He said the appointees were not serving the interests of the community "with their ideology."

The vote was 5-3 not to approve Mayor Kristine Deiss' recommendation to reappoint Library Board members Tom Fitz, Mary Reilly-Kliss, James Poulos, and Alderman Nick Dobberstein to three-year terms. Fitz is a 24-year member of the Library Board and a retired librarian from the University of Wisconsin-Washington County. Poulos is a well-regarded attorney. Reilly-Kliss is a retired school teacher, employee at Fireside Books & Gifts, and a master gardener. Dobberstein, besides being a West Bend alderman, teaches English at Hartford Union High School.

However, Deiss said after the meeting, the four will remain on the board until she can put together another slate of appointees the council would approve. "It might take me a while," the mayor said. "It's difficult to get good citizens out there who will take up this [volunteer work]."

Also on the Library Board are Chairwoman Kathryn Engelbrecht, Barbara Deters, Pattie Geidel, and John Aynesworth.

Joining Vrana in opposing the four reappointments were aldermen Tony Turner; Steve Hutchins, who was newly sworn into office a half hour earlier; Richard Lindbeck; and Allen Carter. Voting for the appointments were Dobberstein, Michael Schlotfeldt, and Roger Kist, also newly seated to the council.

The vote followed the previous week's demand by Jim and Ginny Maziarka from the town of West Bend and the

citizen group they formed, West Bend Citizens for Safe Libraries, that the appointments be postponed until their complaint about teen access to certain library books they call "pornographic" was addressed.

The controversy began in February when the Maziarkas complained that the library's young adult section includes both fiction and non-fiction about gay, lesbian, bisexual and transgender issues. They accused the library of promoting "the overt indoctrination of the gay agenda in our community" and demanded that the library add books "affirming traditional heterosexual perspectives." They also demanded the removal of all "pornographic" books from the young adults section, including Brent Hartinger's *Geography Club*, Stephan Chbosky's *The Perks of Being a Wallflower* and Esther Drill's *Deal With It! A Whole New Approach to Your Body, Brain and Life as a gURL*.

Deiss tried to keep the discussion focused on the appointments, but the aldermen found it hard to do so. Vrana compared the West Bend Community Memorial Library to a porn shop. A city ordinance bans the selling of pornographic material within 1,000 feet of a school. "I believe the library is within 1,000 feet of a school."

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groups launch new effort to amend PATRIOT Act

Organizations representing booksellers, librarians, publishers, and writers on April 7 launched the latest phase in a five-year campaign to restore the reader privacy safeguards that were stripped away by the USA PATRIOT Act. Since 2003, the Department of Justice has used its expanded power under the Act to issue more than 200 secret search orders under Section 215 and more than 190,000 National Security Letters (NSLs). Despite several efforts to reform the PATRIOT Act, the FBI can still search any records it believes are "relevant" to a terrorism investigation, including the records of people who are not suspected of criminal conduct.

Because PATRIOT Act orders bar recipients from revealing their existence, it is impossible to know how many have been served on bookstores and libraries. However, in a memo to Congress, the Campaign for Reader Privacy observed that there have been at least three significant and disturbing attempts to obtain records from libraries since 2003. In 2004, the FBI issued a subpoena to a library in rural Washington State demanding a list of patrons who had checked out a biography of Osama bin Laden. It sent NSLs to libraries seeking Internet records for two people in 2005 and 2007. All three of the orders were withdrawn after they were challenged by librarians.

The broad authority granted to the FBI by the PATRIOT

Act represents a serious threat to intellectual freedom. An essential part of the First Amendment's guarantee of freedom of speech is the freedom to explore ideas and seek information without fear of government scrutiny. But the PATRIOT Act weakened the confidentiality protections for these records and raised fears that the FBI could circumvent constitutional checks on searches.

This danger has been confirmed by the Inspector General of the Justice Department. In a 2008 report to Congress, the Inspector General said that in one case the FBI had done an end-run around the Foreign Intelligence Surveillance (FISA) Court after the court had denied approval for a search that threatened the First Amendment rights of the target. Twice refused a Section 215 order by the court, the FBI used its authority to issue an NSL without court approval for the same information, an action that was criticized by the Inspector General.

Section 215, which has already been extended once, is scheduled to expire at the end of the year. However, Republicans in the House of Representatives have introduced legislation extending it and two other PATRIOT Act provisions for another ten years. FBI Director Robert Mueller recently called on Congress to extend the three expiring provisions.

The Campaign for Reader Privacy does not oppose the extension of Section 215, per se, but seeks to exempt bookstore and library records from its provisions. Without Section 215, the government would be required to seek a grand jury subpoena for such records.

The Campaign also supports legislation that would restrict the use of Section 215 orders and NSLs to searches targeting suspected terrorists or people who are known to them. Senator Russ Feingold (D-WI) and Rep. Jerry Nadler (D-NY) introduced this legislation in the previous Congress. Nadler reintroduced the National Security Letters Reform Act (H.R. 1800) on March 30, and Feingold is expected to introduce a bill later.

The Campaign's Congressional memo, "Restoring the Safeguards for Reader Privacy," is available online at <http://readerprivacy.org/news.jsp?id=33>. Reported in: ABFE Press Release, April 7. □

FISA surveillance down, NSL requests up in 2008

During 2008, the Foreign Intelligence Surveillance Court approved 2,083 applications for authority to conduct electronic surveillance and physical search of suspected foreign intelligence and terrorist targets under the Foreign Intelligence Surveillance Act, according to a new annual report to Congress from the Justice Department. The Court made substantive modifications to two applications and denied one application.

This marked a decrease from calendar year 2007, when the Court approved 2,370 applications for electronic surveillance and physical search, modified 86 applications, and denied three (and one "in part").

The new report, transmitted on May 14, also stated that in 2008 the FBI made 24,744 "national security letter" (NSL) requests for information concerning 7,225 different United States persons. In 2007, according to newly revised figures included in the report, the FBI made 16,804 NSL requests pertaining to 4,327 different United States persons. National security letters are obligatory demands for information or records, comparable to subpoenas but without judicial oversight. The scope of such instruments was expanded by a provision of the USA PATRIOT Act. Reported in: Secrecy News, May 18. □

in review

Nation of Secrets: The Threat to Democracy and the American Way of Life. Ted Gup. Doubleday, 2007. 322 pp. \$24.95.

While some may think that the recent administration change in the White House has signaled a new era of transparency, Ted Gup's *Nation of Secrets* demonstrates that "the cult of secrecy" is far-reaching and pervades many aspect of American life. Originally published in 2007 and reprinted in paperback just weeks before the 2008 presidential election, the book shows that secrecy, while gaining momentum in the years since September 11, has long been a challenge for our nation.

Gup starts the book by noting the date of when he completed the first draft of his book (February 2, 2006) and discusses the day's headlines. The stories sound like the news from any other day in recent times, which makes the thread of secrecy connecting them all the more sinister. Additional examples of how secrecy affects actions and decisions by all levels of government help set the stage for Gup's examination of this serious threat to democratic principles.

Each chapter starts with a case study, giving the reader a name to connect with an example of secrecy gone wrong and a sense of the thousands of stories lost to the public. Early chapters focus on the expansion of secrecy in the federal government and how a proliferation of "secret" information ultimately weakens the value of the information actually deserving of such a classification. When everything is secret, it's hard to know what truly shouldn't be shared (i.e., government leaks) and what's truly worth the attention of those entrusted with our security (i.e., intelligence reports with important information but relatively "low" classification). Not only does Gup examine how the public's right to know about current problems like the prisoners at Guantanamo Bay, he also looks at the long term

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scholar rescue in today's world

A marine biologist in Ukraine was fired from his university position for studying mollusks in the bay near his institution, despite warnings from the government to focus his academic inquiries elsewhere.

An epidemiologist was prevented from publishing material about maternal mortality rates in his country because his findings were at odds with official statistics disseminated by the government, which insisted that the numbers offered no cause for alarm.

A prominent scholar from Belarus experienced a sequence of events that punctuated the unraveling of his academic career and left him in fear for his life. First, he realized he was no longer being quoted in scholarly publications or receiving invitations to academic conferences. Soon people stopped returning his calls and cooperating with him professionally, and he felt a “dead zone” begin to close around him. His teaching assignments and academic responsibilities at the university were scaled back, and he was eventually expelled from the institution. Certain that the next step would be his murder, he sought help from the Scholar Rescue Fund, based at the Institute of International Education in New York.

Those cases were among the tales of academic oppression and peril described by Henry G. Jarecki, chair of the Scholar Rescue Fund, on April 14 at the United Nations to mark the release of a new report, “Scholar Rescue in the Modern World.”

Dr. Jarecki, who is also a professor of psychiatry at Yale University School of Medicine, is a co-author of the report, which details the first five years of the fund's activity, from 2002 to 2007. The report did not cover the fund's more recent efforts over the past two years, which have focused on rescuing endangered scholars from Iraq.

During the period the report covers, 847 scholars in 101 countries applied for support from the fund, and 140 were awarded one- to two-year fellowships allowing them to work and study in safe havens. The number of countries whose academics felt compelled to seek assistance was a surprise, the authors wrote. “We were amazed that there were this many nations in the world that so oppressed their scholars that they applied to us for emergency assistance.”

The number of countries from which scholars applied—including two from Canada, neither of whom was awarded a grant—was large, but clear geographic trends emerged. A preponderance of the world's threatened scholars apparently are based in the Middle East, sub-Saharan Africa, and East Asia.

Countries with high levels of academic oppression tend to have other characteristics in common, Dr. Jarecki said, including low gross domestic products, high levels of political instability and violence, small academic populations, and high ratings on indexes of failed states, like one produced in 2007 by the Fund for Peace and *Foreign Policy* magazine.

The fund vets applicants as thoroughly as it can, Dr. Jarecki said, to ensure that they are genuine victims of academic oppression and not merely seeking to leave their countries for better opportunities abroad. “I don't think it's something you can discount as a possibility,” he said in an interview. “If a country is in a mess and very poor besides, and is a failed state with political violence—well, if you and I were there, we would want to escape.”

In many countries, threatened scholars are the victims of government oppression, but that is not always the case. Dr. Jarecki related the example of a Spanish scholar who had sought refuge from the violence of the Basque separatist group ETA, which he had criticized. The Spanish government asked the fund to help the academic find refuge abroad.

Iraq, Iran, and Ethiopia have the highest concentration of grant recipients, yet some countries are notable for their absence from the report. There have been no applicants from North Korea, Allan E. Goodman, president of the Institute of International Education, pointed out. Their absence, he said, is hardly evidence of a rosy prognosis for academic freedom in that repressive dictatorship, where endangered scholars are likely to put themselves at even more risk by applying for foreign fellowships than by simply staying put. “We're wrestling with the problem of how to reach out to scholars there,” Goodman said.

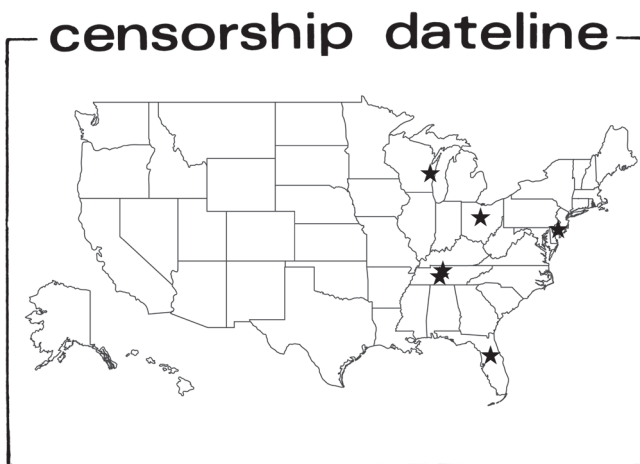
Even with the threat to academics in Iraq apparently subsiding, other crises loom. “We need to prepare for the next big emergency,” Dr. Jarecki said. He cited Iran,

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AAUP cautions colleges not to rescind speaker invitations

Gary Rhoades, general secretary of the American Association of University Professors, issued a statement urging colleges and universities not to rescind invitations to speakers in the face of controversy. In the statement, Rhoades applauded the University of Notre Dame for not withdrawing an invitation to President Obama to give the university's commencement address, despite pressure from Roman Catholic groups who oppose Obama's views on abortion and stem-cell research.

“The opportunity to be confronted with diverse opinions is at the core of academic freedom, which is vital to a free society and a quality education,” Rhoades wrote in the statement. He also criticized invoking security concerns and associated costs as a reason for canceling a speaker's visit, saying that they provide an “all-too-easy pretext for capitulating to outside pressure.” Reported in: *Chronicle of Higher Education* online, April 23. □



libraries

Leesburg, Florida

Dixie Fechtel said she was shocked when she read some parts of two young-adult books that her 13-year-old daughter had checked out of the Leesburg Public Library. Fechtel was so outraged that she brought a signed petition to library officials in the hopes of having those books, and others, removed. Library officials, including Leesburg Public Library Director Barbara Morse, however, said the books would stay.

Now Fechtel is taking her battle to the library's executive board.

"I don't care what they do with them as long as they're not in the [young-adult] section," she said. "It's not necessarily just for my kids, it's for the community."

Fechtel's battle began in August. Her family was going on a road trip and her daughter checked out books for the journey. During the trip, Fechtel read excerpts from two of the books—*The Bermudez Triangle*, by Maureen Johnson, and *Only in Your Dreams: A Gossip Girl Novel*, by Cecily von Ziegesar.

The Bermudez Triangle is a story about three girls, inseparable friends, who are entering their senior year in high school. Two of the girls start a romantic relationship with each other. *Only in Your Dreams: A Gossip Girl Novel* is one in a series of books about the misdeeds of wealthy teens in New York City.

Fechtel said she was horrified at what she read—sexual innuendo, drug references, and other adult topics. Since August, Fechtel said, she has had a series of back-and-forths with city and county leaders that led nowhere. She

put together a petition asking that the books be removed from the library's youth section and got 120 signatures from friends and like-minded community members. She gave that to Morse, but the library director said the books would stay.

In January, Fechtel finally decided to formally contest the books through the library's book-challenge process and bring it before the five-person Leesburg library advisory board. The library advisory board meets only four times a year and it's unclear when Fechtel's request will be heard.

For now, the two books remain in circulation. Morse said she has read both books in question and doesn't think they should be pulled from the young-adult room, which has materials geared to ages 12 to 18. She said they don't belong in the adult collection because that would encourage youths to "seek reading material among the items chosen for a much more mature audience."

Morse said she has never had someone challenge a book during her more than six years at the Leesburg Public Library. It's unclear whether any challenges were filed before that time. "As a librarian, I must attempt to meet the needs of this diverse community," she wrote to Fechtel. "There are any number of items that will offend this person or that. A book or video that you would consider perfect for your child may be the complete opposite for another parent."

According to ALA's records, *Bermudez Triangle* has been challenged twice, in 2007 and 2008 in Oklahoma. The *Gossip Girl* series has been challenged 13 times since 2004, in several states, including Florida, Texas, Arizona and Indiana. It is unclear how many times libraries have banned the books.

Fechtel said she's looking forward to her time to talk to the board. "I'm optimistic because it's such common sense," she said. "It's not a gray area. It is black and white. It's so distasteful for youths. It's so farfetched that we would allow this to happen in the first place." Reported in: *Orlando Sentinel*, April 6.

Vineland, New Jersey

Two pages of *Paint Me Like I Am*, a nationally recognized book of teen poetry, are missing from the copy standing on Landis Intermediate School's library shelf. Principal Don Kohaut removed the pages that included the poem "Diary of an Abusive Stepfather" after a 13-year-old Landis student's mother questioned its appropriateness. The 31-line poem is peppered with profanity and details a violent relationship between an adult and child.

After reading the poem, school district Superintendent Charles Ottinger said "in no way, shape or form" did the work belong in a school library and agreed it should be removed.

The book, published in 2004, won critical acclaim. It

was tapped as an American Library Association Quick Pick for Reluctant Young Adult Readers and has sold about 35,000 copies.

“It is quite a piece of literature,” said Kohaut, who said he opted to remove the offensive poem to allow students access to the other teen works in the anthology.

Alicia Harris said her son, Tre, got the book from a friend, who checked it out of the school library and was passing it around. Tre showed Harris the poem, which contained eleven instances of profanity, including five uses of the F-word.

It was not only the poem’s language, but its content, that Harris found disturbing. The poem is written from the viewpoint of a stepfather who is drinking and threatening a child with beatings and other abuse. “What are they teaching our kids?” Harris said, noting the material in the poem wasn’t suitable to be aired on TV or radio, and therefore not appropriate to be accessible to middle school students.

The book is not in any other library in the school district, but it is part of Vineland Public Library’s young adult collection. San Francisco-based WritersCorps, an arts organization linking writers with teens in urban areas to provide creative outlets for their experiences, produced the anthology, said Janet Heller, founder of the organization.

The poem, by Jayson Tirado of Bronx, N.Y., does not use profanity gratuitously, Heller said, noting WritersCorps stands behind “writers portraying their lives as they experience it.”

“There are a lot of kids who, unfortunately, have had these kinds of experiences,” she said. Reported in: *thedailyjournal.com*, May 18.

West Bend, Wisconsin

The Milwaukee branch of the Christian Civil Liberties Union (CCLU) has filed a legal claim that says a book that is available in the West Bend Community Memorial Library is offensive.

Robert C. Braun of West Allis, Joseph Kogelmann of Milwaukee, Robert Brough of West Bend and the Rev. Cleveland Eden of Milwaukee, representing the Milwaukee-based group, filed the claim with the city of West Bend clerk’s office. Named in the claim are the city of West Bend, Mayor Kristine Deiss, the West Bend Library Board and Library Director Michael Tyree. The group is seeking \$30,000 per plaintiff, Deiss’ resignation, and that an allegedly racist book be removed and publicly burned or destroyed as a deterrent to repeating the offensive conduct, the claim states.

Pursuant to section 893.80 of the Wisconsin state statutes, the claim says the Library is engaged in having books on display that the plaintiffs consider to be obscene or racial in content and promote violence. The plaintiffs question why a taxpayer funded library makes literature available that has damaged the plaintiffs, the claim states.

The book in question is *Baby Be-Bop*, by Francesca Lia Block, and the claim states that it should be removed from the Library, which is in the vicinity of a school. It describes the book as being “explicitly vulgar, racial (sic) and anti-Christian.”

The plaintiffs, all of whom are elderly, say their mental and emotional well-being were damaged by the book at the Library. In the claim, they cite Wisconsin’s sexual morality law. The claim states that specific words used in the book are derogatory and slanderous to all males, and dangerously offensive and disrespectful to all people. The claim says the words can permeate violence and put one’s life in possible jeopardy, adults and children alike.

The plaintiffs have also requested that West Bend City Attorney Mary Shanning commission a grand jury to investigate whether the book should be declared obscene and inappropriate since it uses racial language that offends the plaintiffs’ Christian beliefs.

The plaintiffs believe the book should be kept out of the Library and constitutes a hate crime, and they feel the book is inappropriate for the elderly and their minor grandchildren and degrades the community, the claim states.

“We don’t want it put in a section for adults,” said Braun, who is the president of the CCLU branch. “We’re saying its inappropriate to have it in the library, and we want it out or destroyed.”

Assistant City Attorney/Director of Human Resources Warren Kraft said the claim had been referred to Library Director Tyree and the Library Board for their review. Because the claim involves a financial request, Kraft said the city’s insurance carrier has received a copy of the claim. He said the carrier will evaluate the claim and conduct an investigation into its circumstances and then make a recommendation to the city whether to allow or disallow all or part of the claim. Reported in: *West Bend Daily News*, May 2.

schools

Franklin, Tennessee

A list of “best books for young adults” chosen by ALA’s Young Adult Library Services Association has been removed from Williamson County schools’ web sites for being too “salacious” for students.

Every year the district puts together a recommended summer reading list, and this year Ravenwood High and Brentwood High schools’ Web sites included links to the YALSA list.

But parent and school board member Terry Leve found some selections on the list, which includes titles like *Debbie Harry Sings in French*, in which the protagonist explores his interest in cross-dressing, and *Living Dead Girl*, in which a teen girl lives as an abductor’s live-in rape victim, inappropriate for students.

“YALSA’s list does not reflect the recommended reading list published by Williamson County Schools,” Leve wrote to his constituents via e-mail. “To be perfectly blunt, many of the selections were extraordinarily salacious, sensual, and sensationalistic.” As a result, the district has removed the suggestion that the books on the list are recommended, though school officials say the list still can be an additional source for students and their families. Reported in: *Nashville Tennessean*, May 20.

Nashville, Tennessee

A Knox County, Tennessee, high school librarian and one of her students, as well as two secondary-school students in the Metropolitan Nashville Public Schools, became the plaintiffs May 19 in a First Amendment lawsuit against the school districts for blocking access to information about gay, lesbian, bisexual, and transgendered issues on school computers while allowing access to anti-gay sites.

Franks v. Metropolitan Board of Public Education was filed in U.S. district court by attorneys from the American Civil Liberties Union and the ACLU of Tennessee on behalf of the four, all of whom are involved in their respective schools’ Gay-Straight Alliance Club but who cannot access the clubs’ parent website on campus workstations. However, students and faculty can access the sites of groups that condemn gay sexuality and promote therapy, including the National Association for Research and Therapy of Homosexuality and the Traditional Values Coalition.

“Allowing access to Web sites that present one side of an issue while blocking sites that present the other side is illegal viewpoint discrimination,” said Catherine Crump, a staff attorney with the ACLU First Amendment Working Group and lead attorney on the case. “This discriminatory censorship does nothing to make students safe from material that may actually be harmful, but only hurts them by making it impossible to access important educational material.”

The blocking of LGBT sites was discovered in December 2008 by Andrew Emmitt, a 17-year-old senior at Central High School in Knoxville. “I wasn’t looking for anything sexual or inappropriate,” Emmitt explained in an April 15 statement issued by the ACLU. “I was looking for information about scholarships for LGBT students, and I couldn’t get to it because of this software.” The ACLU wrote school officials cautioning that the civil-rights organization would take legal action if sites remained inaccessible after April 29. Metro Nashville’s Department of Law responded May 6, claiming that “[u]nblocking this particular category of websites is not a simple task [and] there are many issues to consider.”

The lawsuit contends that the two school systems blocked access through the Education Networks of America’s customizable Blue Coat filter to the blocking software’s LGBT category, defined by ENA as including “sites that

provide information regarding, support, promote, or cater to one’s sexual orientation or gender identity [which] may include adult content, chat capabilities, and personals.” Metro Nashville and Knox County school districts are two of more than a hundred Tennessee school districts sharing the networked filter through the Greenville City Schools Consortium, although the blacklist and whitelist settings are configurable “for as many exclusive locations as desired,” according to the firm’s website.

The filter “only allows students access to one side of information about topics that are part of the public debate right now, like marriage for same-sex couples,” asserted Karyn Storts-Brinks, librarian at Fulton High School in Knoxville and one of the four plaintiffs. The other three are Keila Franks and Emily Logan, who are enrolled in Metro Nashville’s Hume-Fogg High School, and Bryanna Shelton, who attends Fulton High School.

Acknowledging that the districts must, as recipients of the E-rate telecommunications discount under the Children’s Internet Protection Act, prohibit the display of online material that is considered harmful to minors, the complaint goes on to argue: “Because the defendants have already elected to block access to Adult/Mature, Pornography, Chat/Instant Message, and Personals, they do not need to block access to the LGBT category to block access to content in those areas,” adding that the mandate applies only to “visual depictions” anyway.

“Students need to be able to access information about their legal rights or what to do if they’re being harassed at school,” said plaintiff Keila Franks. “It’s completely unfair for schools to keep students in the dark about such important issues and treat Web sites that just offer information like they’re something dirty.”

The Tennessee Association of School Librarians supports suit. “Our organization upholds the American Library Association’s *Library Bill of Rights* which supports that students have a variety of points of views available to them,” said Bruce Hester, the organization’s president and a middle school librarian.

Tennessee students, teachers, or school librarians whose schools use the ENA Web filtering software and find that their access to LGBT sites are restricted are encouraged to contact the ACLU of Tennessee. Reported in: *American Libraries Online*, May 20; ACLU Press Release, May 19; *School Library Journal*, May 19.

student press

Delaware, Ohio

Another student newspaper saw an issue disappear in April, when an admissions official at Ohio Wesleyan University grabbed as many as two hundred copies of the paper from racks in a campus center and threw them in the trash.

The action was prompted by a front-page article in the April 2 issue of the student paper, *The Transcript*, about a campus drinking tradition, which was prominently illustrated by a bottle of beer. A university employee, described as a “junior Admissions Office staff member,” was concerned about how the article would look to prospective students and their parents who were visiting the campus. University officials have apologized to the student newspaper’s staff.

The incident marked the third time within just a few weeks that large numbers of a student newspaper were misappropriated. At the Massachusetts Institute of Technology, two campus police officers admitted trashing hundreds of copies of the student newspaper, *The Tech*. The issue featured an article about a fellow officer who had been arrested on drug charges. And in late March, nearly all copies of an issue of the Utah Valley University student paper went missing. Two women later came forward to say they had taken the papers for an art project. Reported in: *Chronicle of Higher Education* online, April 12. □

library trustees. . . from page 128)

Turner said the Library Board was stonewalling action on the Maziarkas’ complaint. “It’s been slow walking.”

In a public statement, ALA President Jim Rettig expressed “dismay” and “concern” about the move. The statement read:

“Last week, the West Bend, Wisconsin Common Council voted to deny reappointment to four Library Board members, based on objections to these members’ ‘ideology’ and their adherence to library policy concerning challenges to materials in the library collection. This move appears to be motivated largely in response to an ongoing campaign that seeks to restrict access to books in the West Bend Community Memorial Library’s young adult collection of Gay, Lesbian, Bisexual and Transgender fiction and nonfiction.

“We are dismayed by and deeply concerned about these developments. Libraries connect people and ideas, by providing access to a diverse array of information to meet the needs of everyone in the community. Whatever their

personal beliefs, library board members have an obligation to support this unique role of the public library. When individuals or groups attempt to block access to library materials in the name of their own particular beliefs, we must all oppose such efforts and we must preserve the intellectual freedom rights of the entire community.

“Fanning the flames of this controversy, opponents of open access in libraries have launched a campaign spreading fear and misinformation. Newspaper and radio ads call on the community to ‘protect our children,’ and have compared the removal of books from the library to buckling a child’s seat belt. A city Alderman has even gone so far as to compare the West Bend Community Memorial Library to a porn shop.

“The materials in question are not pornography. They include award-winning novels and acclaimed works of nonfiction. To advocate for the removal or restriction of these materials on the basis of partisan or doctrinal disapproval is censorship, pure and simple. Parents who believe a book is not appropriate for their own children are free to make that decision—for their children; they do not have the right nor the authority to make it for anyone else’s children.

“Because it supports intellectual freedom, the American Library Association (ALA) opposes book banning and censorship in any form, and supports librarians and library board members whenever they resist censorship in their libraries. Since our society is very diverse, libraries have a responsibility to provide materials that reflect the interests of all of their patrons.

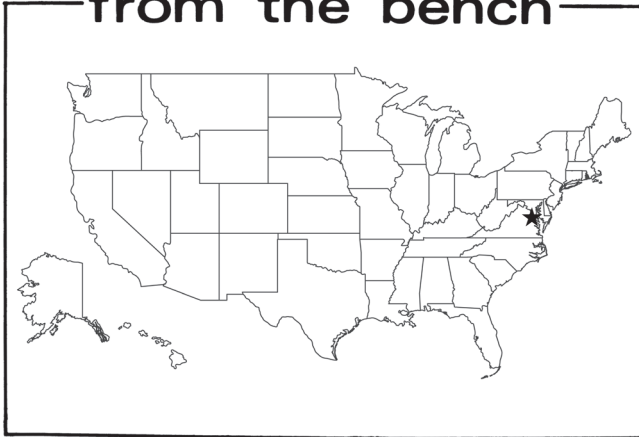
“We stand in support of the librarians and Library Board members of the West Bend Community Memorial Library and the community members who defend intellectual freedom and open access to ideas. By resisting calls to censor potentially controversial materials, they promote and protect true education and learning, and uphold the cherished freedoms that we, as Americans, hold most dear.”

The American Booksellers Foundation for Free Expression, the National Coalition Against Censorship, the Association of American Publishers and PEN American Center joined in criticizing the dismissals. In a letter to the West Bend Common Council, the groups said that the dismissals threatened free speech in two ways—by punishing the library board members for attempting to apply objective criteria in the selection of books and by pressuring the library to remove the controversial books.

“The role of a public library and its board members is to serve the entire community and to evaluate books and other library materials on the basis of objective criteria,” the letter said. “By removing half the members of the library board, the Common Council is imposing its opinions on the rest of the community.”

The removals were apparently not directly related to another controversy of the book *Baby Be-Bop*, which the Christian Civil Liberties Union has challenged in court (see page 00). Reported in: *West Bend Daily News*, April 22. □

from the bench



from the bench

U.S. Supreme Court

Splitting 5–4, the Supreme Court on April 28 upheld the government’s power under existing law to ban the use on radio and TV of even a single four-letter word that is considered indecent—but left open the question of whether the ban might violate the First Amendment, at least in some situations. The Court, in an opinion by Justice Antonin Scalia, said the Federal Communications Commission’s switch in policy to ban even a fleeting use of such a word was “entirely rational” under the law that governs federal administrative powers. The ruling came in *FCC v. Fox Television Stations, et al.*

The opinion referred to the banned words as the “F-word” and the “S-word” but did not go on to fill out their actual spelling. Justice Scalia also did not spell them out in his oral announcement of the decision.

His written opinion, in a case dealing with uses of those four-letter words during performance awards broadcasts involving celebrities, took a swipe at “foul-mouthed glitterati from Hollywood.”

Basically, the ruling means that the FCC provided a sufficient explanation of why it switched from a more relaxed policy on “dirty words” to a near-total ban on “fleeting expletives.” The ban applies on radio and TV from 6 a.m. to 10 p.m. only.

The main opinion stressed that it was dealing only with the question of whether the flat ban was “arbitrary and capricious” as a matter of law. The Court said it did not violate that standard, but that is as far as the ruling went.

The U.S. Court of Appeals for the Second Circuit, when the case returns there, will have a chance to pass upon broadcasters’ constitutional challenges to the ban. The lower court did not do so on the first review, but strongly hinted then that the ban would not survive a direct First Amendment challenge.

Broadcasters asked the Supreme Court to go ahead and decide that issue. Bypassing it for now, Justice Scalia wrote that the Court is “one of final review, not of first view.... It is conceivable that the Commission’s orders may cause some broadcasters to avoid certain language that is beyond the Commission’s reach under the Constitution. Whether that is so, and, if so, whether it is unconstitutional, will be determined soon enough, perhaps in this very case.... We see no reason to abandon our usual procedures in a rush to judgment without a lower court opinion.”

Justice Ruth Bader Ginsburg, in a dissenting opinion, said “there is no way to hide the long shadow the First Amendment casts over what the Commission has done. Today’s decision does nothing to diminish that shadow.”

And Justice Clarence Thomas, in a concurring opinion, said he would be open to reconsidering the Court’s two main precedents that allow the government to treat radio and TV differently for purposes of the First Amendment’s protection. He referred to the 1969 ruling in *Red Lion Broadcasting v. FCC* and the 1978 decision in *FCC v. Pacifica Foundation*.

“*Red Lion* and *Pacifica* were unconvincing when they were issued, and the passage of time has only increased doubt regarding their continued validity,” Thomas wrote. The rulings, he said, had made a “deep intrusion into the First Amendment rights of broadcasters.” In this case, Thomas agreed with the Scalia opinion that the FCC had adequately explained its switch in policy—an issue not involving a constitutional dimension.

The Scalia opinion was joined in full by Chief Justice John G. Roberts, Jr., and Justices Thomas and Samuel A. Alito, Jr. Justice Anthony M. Kennedy joined most of the Scalia opinion, and endorsed the result—overturning the Second Circuit ruling nullifying the FCC’s changed policy on “fleeting expletives.”

Justice Stephen G. Breyer wrote the main dissenting opinion, joined by Justices Ginsburg, David H. Souter and John Paul Stevens. Ginsburg and Stevens wrote separating dissenting opinions speaking for themselves. Reported in: SCOTUS Blog, April 28.

The case of Janet Jackson’s “wardrobe malfunction” on national television—and subsequent fines against CBS—will be re-examined at the order of the Supreme Court. The justices sent the case back May 4 to a federal appeals court in Philadelphia that had thrown out a \$550,000 govern-

ment fine against the broadcast network and its affiliates for airing the incident during halftime of the 2004 Super Bowl. The pop singer's breast was briefly exposed during a performance with singer Justin Timberlake.

After viewer complaints and national media attention, the Federal Communications Commission said the Jackson incident was obscene. In addition to CBS Inc., twenty of its affiliates also were fined.

Congress quickly reacted at the time to the visual shocker by increasing the limit on indecency fines tenfold, up to \$325,000 per violation per network. And it said each local affiliate that aired such incidents also could be punished by the same amount. But the U.S. Court of Appeals for the Third Circuit concluded that the communications commission had acted "arbitrarily and capriciously."

The government clampdown on obscene images and words began in 2003. Enforcement of the law, as well as fines and sanctions for the incidents, have been put on hold while the cases are being argued.

The television networks say their scripted shows no longer air nudity, racy images or expletives, even after 10 p.m., when some potentially vulgar words are permitted. They worry, however, about unplanned, often spontaneous indecent or profane incident at live events, such as awards shows and sporting events. Company officials say such programs are often on a five-second delay, and censors are on hand to bleep any offensive language. But some indecent words can slip through, they admit, and they want to be protected from heavy government fines.

Critics call that laughable. "This past summer, CBS edited into a show that had to go through multiple reviews, by multiple people in the organization, the F-word," said Tim Winter, who heads the Parents Television Council, and is supporting the FCC's efforts. His group advocates "responsible" programming, and warns parents about questionable program content. The show in question was "Big Brother 10," a taped series.

The Jackson incident was not on a five-second delay.

CBS issued a statement that it was confident that the appeals court "will again recognize that the Super Bowl incident, while inappropriate and regrettable, was not and could not have been anticipated by CBS."

The issue is an important one "for the entire broadcasting industry," it said, "because it recognizes that there are rare instances, particularly during live programming, when despite best efforts it may not be possible to block unfortunate fleeting material."

The "wardrobe malfunction" case is *FCC v. CBS Corp.* Reported in: CNN.com, May 4. □

**SUPPORT
THE FREEDOM
TO READ**

in review. . . from page 129)

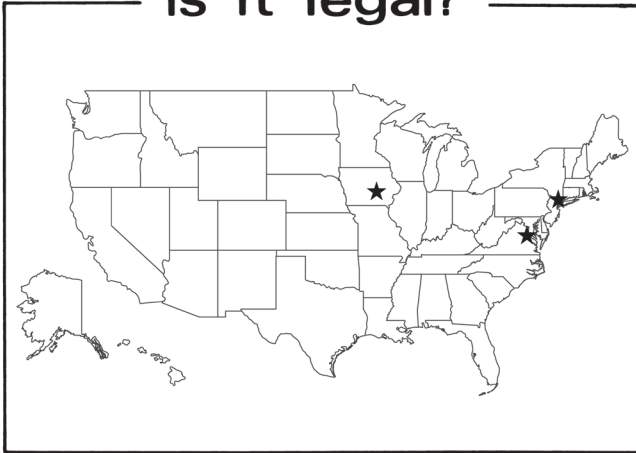
impact on the historical record when the classification of information prevents the accurate portrayal of events from 50 years ago. All too often, Gup's research showed that classified materials were being kept secret not for reasons of national security, but to prevent government agencies and officials from embarrassment for past mistakes. This reason for secrecy will crop up again.

Later chapters in the book explore how secrecy has impacted other areas of daily life in the U.S. A dependence on anonymous sources in news reporting, though understandable when so much government information is locked up, has destroyed a number of lives when incorrect and ultimately unsupported rumors were published as fact. At the other extreme, other stories that were later validated as true were withheld for days, weeks, and even up to a year because of concerns about the verification of secret sources. In the world of higher education, in-house judicial systems at universities prevent victims and offenders alike from truly receiving justice, while abuse of archival powers have kept hidden 80-year-old reports that could embarrass the university but restore damaged reputations. In the legal system, confidential settlements that keep cases from going to trial deprive the system of potentially important legal precedents and may allow a defendant to repeat crimes of negligence or malfeasance. The final chapter lays out how whistleblowers are losing the ability to signal the alarm when corporations and the government are in the wrong.

Gup, an investigative reporter who has written for the *Washington Post* and *Time*, is the Shirley Wormser Professor of Journalism at Case Western Reserve University. His journalistic background is apparent in his engaging and information writing style, and also includes a hesitation to clutter the page with footnotes. While extensive source notes are given at the end of the book, there's a certain irony in noting the number of anonymous sources used for parts of the book, leaving this reviewer to wonder if that may have been a motivation for compiling sources at the end.

Nation of Secrets garnered the Goldsmith Book Prize for Gup from Harvard University's Joan Shorenstein Center on the Press, Politics and Public Policy for being the best trade book "that seek[s] to improve the quality of government or politics through an examination of press and politics in the formation of public policy." As Harvard was one of the prestigious universities attacked in the book for its questionable use of secrecy, winning the Goldsmith must have been a particular triumph for the author. Given the importance of the subject matter and the persistence of the problems described within, this book should definitely not remain a secret. *Reviewed by: Martin Garner, Reference Librarian and Associate Professor of Library Science, Regis University, Denver, CO.* □

is it legal?



libraries

Pelham Manor, New York

Someone at the Pelham Public Library tattled on a teen researching gun carry and concealment laws, which led to the 11th-grader being called into the high school assistant principal's office and being interviewed by police, police said. The unidentified student was called to Assistant Principal Lynn Sabia's office May 5 after someone from the public library called the school, saying the teen had ordered a book on concealing a gun.

"It is not our procedure to notify somebody" about the books people order, library Director Patricia Perito said the day after the incident. But, she said, she had to look into it. Since then, Perito has declined to provide any explanation of the incident or information on the instructions the library has regarding notifying authorities about questionable book choices.

Pelham Manor police Detective Ken Campion said the teen was doing research on gun carry and concealment laws, not on how to conceal a gun. The name of the book could not be verified and neither the student nor his family would comment.

There was not anything to be worried about with regard to the teen, Campion said after interviewing him. He did not break any laws. The boy is nervous about college, Campion said, and has heard about shootings on college campuses and was doing the research.

Pelham Manor school's spokeswoman, Angela Cox,

said calling police was "a responsible step," but added that they were sure the student posed no threat and remained in school. Reported in: lohud.com, May 8.

Internet

Washington, D.C.

American bloggers have reacted angrily to proposals for a new law that could potentially make it illegal to criticize or make fun of somebody online.

Linda Sanchez (D-CA) has introduced a bill intended to combat cyberbullying – but opponents say the law's limits are vague and threaten freedom of speech.

The bill, which is being submitted to Congress for the second time, proposes that any electronic communication intended to "coerce, intimidate, harass or cause substantial emotional distress" could be punished with a fine or a prison sentence of up to two years. According to the proposals, the new rules would cover email, blogs, instant messaging, and texts.

Opponents are concerned that it could violate the US Constitution's First Amendment – which guarantees freedom of expression – and threatens valid online criticism, despite Sanchez's assertion that "ranting" would not become illegal.

But Eugene Volokh, a professor at the UCLA school of law and one of the most high-profile political bloggers in the US, attacked the proposal as "overbroad" and "constitutionally vague". Although serious cyberbullying is clearly an unwanted problem, Volokh said the definition of "severe" could easily lead to the censorship of campaigning blogs, political arguments, or even consumer boycotts.

"This cannot possibly be constitutionally permissible, it cannot possibly be a good idea, it cannot possibly be what the drafters intended, and yet that is what they wrote," he said. "If it is passed through Congress, I see it being struck down in courts."

The bill is named after Megan Meier, a Missouri teenager who killed herself after being bullied on MySpace by an adult neighbour, 49-year-old Lori Drew. Although Drew was not prosecuted by local authorities, a federal case was brought in California, where MySpace is based. Drew was eventually found guilty of three lesser misdemeanours for using a computer without authorization. Reported in: *Guardian*, May 6.

comics

Des Moines, Iowa

In an obscenity first, a U.S. comic book collector in Iowa has pleaded guilty to importing and possessing Japanese manga books depicting illustrations of child sex abuse and bestiality.

Christopher Handley, described by his lawyer as a “prolific collector” of manga, pleaded guilty in May to mailing obscene matter, and to “possession of obscene visual representations of the sexual abuse of children.” Three other counts were dropped in a plea deal with prosecutors.

The 39-year-old office worker was charged under the 2003 Protect Act, which outlaws cartoons, drawings, sculptures, or paintings depicting minors engaging in sexually explicit conduct, and which lack “serious literary, artistic, political, or scientific value.” Handley’s guilty plea made him the first to be convicted under that law for possessing cartoon art, without any evidence that he also collected or viewed genuine child pornography. He faces a maximum sentence of 15 years in prison.

Comics fans are alarmed by the case, saying that jailing someone over manga does nothing to protect children from sexual abuse.

“This art that this man possessed as part of a larger collection of manga ... is now the basis for [a sentence] designed to protect children from abuse,” says Charles Brownstein, executive director of the Comic Book Legal Defense Fund. “The drawings are not obscene and are not tantamount to pornography. They are lines on paper.”

Congress passed the Protect Act after the Supreme Court struck down a broader law prohibiting any visual depictions of minors engaged in sexual activity, including computer-generated imagery and other fakes. The high court ruled that the ban was overbroad, and could cover legitimate speech, including Hollywood productions.

In response, the Protect Act narrows the prohibition to cover only depictions that the defendant’s community would consider “obscene.”

“It’s probably the only law I’m aware of, if a client shows me a book or magazine or movie, and asks me if this image is illegal, I can’t tell them,” says Eric Chase, Handley’s attorney.

Chase said he recommended the plea agreement to his client because he didn’t think he could convince a jury to acquit him once they’d seen the images in question. The lawyer declined to describe the details. “If they can imagine it, they drew it,” he says. “Use your imagination. It was there.”

The case began in 2006, when customs officials intercepted and opened a package from Japan addressed to Handley. Seven books of manga inside contained cartoon drawings of minors engaged in sexually explicit acts. One book included depictions of bestiality, according to stipulations in Handley’s plea deal.

Frenchy Lunning, a manga expert at the Minneapolis College of Art and Design, was a consultant in the case. She said the books were from the widely available Lolicon variety—a Japanese word play on “Lolita.”

“This stuff is huge in Japan, in all of Asia,” Lunning said. Handley, she adds, “is not a pedophile. He had no photographs of child pornography.”

Handley remains free pending a yet-to-be scheduled sentencing date. Mike Bladel, a spokesman for the U.S. Attorney’s Office for the Southern District of Iowa, declined to state what kind of sentence the government would seek, but claimed there were hundreds of obscene panels in the seized manga.

Chase said he’s hoping the judge will take into account the circumstances. “He was a prolific collector,” said the lawyer. “He did not focus on this type of manga. He collected everything that was out there that he could get his hands on. I think this makes a huge difference.” Reported in: *wired.com*, May 28. □

scholar rescue. . . from page 130)

Pakistan, and Palestine, all of which have begun to produce an uptick in oppressed-scholar applications, as possible academic danger zones.

Several scholars who have been aided by the fund attended the event, but most were reluctant to give their names, fearful of continuing reprisal against them or their relatives back home in places like Gaza and Sudan. Some 20 or 30 of the scholars aided by the fund have returned to their home countries, Dr. Jarecki said in an interview, and many say they would eventually like to return to academic careers at home.

Wang Tiancheng, a former law lecturer at Peking University who was put on trial in 1994 for pro-democratic activity, had no such reluctance. He spent five years in jail, from 1992 to 1997, and knows full well what perils befall outspoken scholars. “I’m not afraid,” he said, insisting that he wanted his name used. “A dead pig is not afraid of hot water.” Wang is now a visiting scholar at Columbia University’s Center for the Study of Human Rights.

Another scholar, a 35-year-old microbiologist who fled Sudan and is now doing postdoctoral work in Maryland, said in an interview that she would love to return to her home country. “Home is home,” she said. “But I would want to go back in a situation where I can lead the life that I want, at least academically, freely.” Reported in: *Chronicle of Higher Education* online, April 15. □

success stories



libraries

Topeka, Kansas

The Topeka and Shawnee County Public Library Board of Trustees decided against turning the page April 16, opting instead to keep four sex-related books available to minors. The board voted 6-3 in favor of adopting a staff recommendation to keep the books where they are currently located—on the shelf in the library’s Health Information Neighborhood section.

But it took an amendment to that option to garner the seven votes. At a meeting in February, trustees directed Gina Millsap, the library’s executive director, and her staff to find a way to restrict minors’ access to four books: *Sex for Busy People*, *The Lesbian Kama Sutra*, *The Joy of Sex*, and *The Joy of Gay Sex*.

Kim Borchers, who represents a group called Kansans for Common Sense Policy, late last year submitted a statement of concern to the library about the books, writing that the materials were harmful to minors under Kansas statute 21-4103c. Borchers wasn’t present at April’s packed meeting.

On February 19, the board voted 5-3 in favor of restricting minors’ access to the four titles. The board then directed its staff and the library’s attorney, Chuck Engel, to recommend a procedure for putting restrictions in place.

Millsap said the staff understood from the board’s direction that any restriction should meet two criteria—compliance with the harmful to minor statute and the narrowest

restriction possible in order to avoid a lawsuit challenging the board’s decision. In a letter addressed to the board dated April 10, Millsap listed two possible options:

The first, which the staff endorsed, was to affirm the current policy and procedure by leaving the four titles on the shelf in the Health Information Neighborhood of the adult materials section. The four books would be accessible to anyone entering the library, and anyone with a library card could check them out.

The second option would have restricted the circulation of the four titles by age. The books would be accessible to anyone, but checkout would be restricted to people age 13 and older, Millsap said. Parents wouldn’t be able to give permission for children aged 12 and younger to checkout any of the four titles.

At the meeting, Millsap said she originally offered a third option, but Engel informed her it likely would trigger legal action. That option was to label each book with a sticker stating the material was harmful to minors.

Michele Henry, vice chair of the board, made a motion to accept the first option. Trustee Melissa Masoner seconded the motion. The motion was then up for discussion. Trustee Jim Rankin said he would accept the first option if it were amended to include a public service statement posted on the library Web site and a bulletin board informing patrons that the library has sex-related material in its collection. He also said the statement should include information about the controversy.

Henry made a motion to include the amendment. The motion to include the amendment in the first option passed unanimously. Next, the option was up for debate. Rankin said patrons had voiced their opinion and, by a ratio of two to one, wanted the books restricted.

“I disagree when you say this community is two to one,” Henry said, pointing out there were several duplicates when she counted the 1,500 names listed on a petition in favor of restricting minors’ access.

New trustee Bob Harder made his opinion known for the first time. The Methodist minister said he wouldn’t let his personal opinion enter into the picture. Harder said people have the right to find and seek out information at a public library. In order to make his decision, Harder said he visited the library nineteen times to observe if young children and teens visit the health neighborhood where the books are located.

“The kids are coming, and they aren’t going to the health neighborhood,” he said. Instead, Harder said he observed them going to the teen center and the children’s area. He also pointed out that the books are located on shelves that are at least 5 feet off the floor. “We should be thinking about how to balance the budget and how to continue the programs we have,” he said.

Trustees Terry Kimes, Suzanne Robb and Karen Nicolay voted not to adopt the first option. Reported in: *Topeka Capital-Journal*, April 17.

Wausau, Wisconsin

The Wausau School Board voted 7-2 April 13 to keep a book in the John Muir Middle School library after a parent asked that it be removed because of sexually explicit content. Board President Dale Lawson and member Pat Keefe voted to remove the book *TTYL*.

"After I read the book, I came to the conclusion that I don't think it belongs (in the library) for a sixth-grader," Keefe said.

Yolanta Soroko Baumann, 49, of Wausau asked district officials to remove the book after her sixth-grade daughter showed it to her. The book consists of fictional online and text-message conversations among three high-school sophomore girls who make references to sex acts and use sexual language.

A school district committee that reviewed Baumann's request cautioned the board not to limit access to all students by removing the book. The formal process that involves the committee had not been used for at least a decade, said Joel VerDuin, the school district's director of technology and media service.

A similar row over author Chris Crutcher's *Athletic Shorts* in 2006 did not reach the review process because it was removed by request from a classroom, not a library, at Horace Mann Middle School, VerDuin said. Keefe's wife, Michelle, had asked for the removal of Crutcher's book.

The author of *TTYL*, Lauren Myracle, who has a son in fifth grade, said she understands the objections to her book. She also said the book's dialogue about sex and alcohol is frank but that the characters criticize those who engage in those behaviors.

"It's about girls who make bad decisions and learn from them," Myracle said of her book. "That could be helpful to middle school kids or high schools kids as they navigate through life."

John Muir Principal Dean Hess was the only person on the six-member review committee who recommended the book be removed. Hess took issue with a story line in *TTYL* about a girl who believes an adult male youth group organizer wants to have sex with her. No sexual activity ever occurs between the two in the book, the other committee members said. Reported in: *Wausau Daily Herald*, April 14.

schools

Shelby, Michigan

The real action at the Shelby School Board meeting May 18 came after nearly half the large crowd left when the board voted to reinstate the controversial book *Song of Solomon*, by Toni Morrison.

On a motion by Jeremy Horton that was supported by Julie Springstead-Waltz, the board voted 4-3 to reinstate the book that was suspended from the curriculum the previous

week by Superintendent Dana McGrew. The book was not banned and remained in the school library. Horton said the controversy had gone on too long, and it was time to take action.

In addition to Horton and Springstead-Waltz, board President Doug Fris and member Leon Kay supported the book's reinstatement. Board members Dave Beckman, Steve Vinke and Craig Sawyer voted "no." The book has been used in the classroom for three years.

Horton's motion to reinstate the book required that parents of all students taking the Advanced Placement English class be informed in writing and at a meeting about the book's content. Students not wanting to read the book can choose an alternative without academic penalty.

The action came during the board comment portion of the meeting that arrived approximately 40 minutes after public comments ended. The move was not a listed agenda item.

Shelby Public Schools Superintendent Dana McGrew said he ordered *Song of Solomon* removed from the curriculum, though it is still available for students in the school library. "That was my decision," McGrew said. "It was based on the fact that I have a community divided over this."

He said a group of citizens around the end of March began handing out information at community and school activities protesting the use of the book at the high school. That prompted community debate about the appropriateness of the book, and the school board's curriculum committee met earlier this month to discuss it.

That's when McGrew decided to remove the book that has been taught for three years. He said the decision was awkward and difficult, but was made to quell the division in the community. "It's a very difficult topic to work with because people are very passionate on both sides of the issue," McGrew said.

Prior to the vote, Vinke said he recognized that his son is mature and intellectual enough to handle the book, but he still didn't want his son reading it. "It really has nothing to do with maturity," Vinke said. "Pornography is pornography."

Sawyer said the school board needs to look into how it got to this point and how to keep it from happening again. He said the district has policies that weren't followed, and that the book never went before the district citizens curriculum review committee. "The system broke down, and I don't know who's responsible for it," Sawyer said.

Book opponent Greg Herin said after the meeting he was disappointed with the board decision. "Shame on them," Herin said. "It's been an underhanded approach."

In opening public participation, Fris said the board had plenty of time to research the issue because not enough students enrolled for the class next year. Registration for the class must be made in February each year. Only twelve students enrolled for the class this past February, and the

district generally requires twenty. It's the first time in the four-year history the class will not be offered.

Herin was the first to speak and was listed on the agenda under public participation. He read graphic sexual and racial excerpts from the book and said the book content differs from excerpts sent to parents in a school informational bulletin. "I wonder if the school has a different book," Herin said. "It seems the "G" version was sent home to parents."

Herin's sentiments were echoed by community member Kim Beckman. She said Morrison is a gifted author, but sexual vulgarity is used as a backdrop for the story. She also said she doesn't believe high school seniors can make the choice for themselves to read the book. Beckman recognized the school offered alternative books, but *Song of Solomon* is the book teacher Jane Glerum would discuss in class.

Resident Andrew Near also wanted to see the book ousted. He said as a parent, it's his job, as well as the school's, to protect children while under his wing. He called the book "porn."

"This is unacceptable," Near said. "You get graphic images in your mind that's not going to leave you. Where do we stop here? Where do we draw the line?"

High school senior Joe McNeil said the excerpts don't show both sides of the story. The 18-year-old McNeil said the Bible also tells a great story, but pointed out after reading scripture that some excerpts could be interpreted as cannibalism. "I think if I can die for my country, I can read a book," McNeil said.

Student Bobby Hilliard also supported the book. "I read the book and I truly enjoyed it," Hilliard said, adding he was really able to connect with the book at the end. "I hate to say it, but there's nothing in the book that was new to me. It's for mature students."

Student Jodi Beckman disagreed. She wanted to see the book eliminated, saying the debate over it had gone out of the classroom and created a divide among friends. Resident Ruth Myers took exception with unnamed school board members. Myers said she didn't like the board members privately campaigning to have the book removed. If the book was removed, Myers said the board would create a "slippery slope" and questioned how long it will be before other books, such as *The Color Purple* or *Johnny Got His Gun* are removed.

Saying she was representing herself, The Rev. Bonnie Stagg of Shelby Congregational Church said the book represents a particular time, place and culture, and what it was like to be African-American in a 1930s rural community. She also said "discernment" needs to be used and that people should not get caught up in emotion.

McGrew said to the best of his knowledge the controversy arose after a parent brought the book to a board member's attention, and was passed on to other board members. It was later discussed at a district curriculum meeting. "The only comment I have at this time is I hope we can begin

to heal," McGrew said. "That's my only wish." Reported in: *Oceana Herald-Journal*, May 20; *Muskegon Chronicle*, May 17.

colleges and universities

Glen Ellyn, Illinois

With four newly elected members on board, the College of DuPage trustees voted, 4 to 3, May 4 to rescind several recently adopted policies that had been criticized by faculty organizations as threatening shared governance and academic freedom.

Among the policies that the board rescinded pending further discussion was one closely resembling the "academic bill of rights" advocated by the conservative activist David Horowitz. Students for Academic Freedom, a group founded by Horowitz, had called the board's adoption of that policy "a historic victory."

The board's vote came just weeks after the previous, lame-duck board adopted the policies over the objections of the College of DuPage Faculty Association, the Illinois Council of the American Association of University Professors, the Illinois Community College Faculty Association, and the Philadelphia-based Foundation for Individual Rights in Education.

The American Association of University Professors and the National Council for Higher Education, an advocacy group for college employees within the National Education Association, had sent a letter to the DuPage board urging the trustees to rescind the new policies. Three of the four board members who voted to do so were elected to the board the previous month. Reported in: *Chronicle of Higher Education Online*, May 4.

College Park, Maryland

A portion of a pornographic film was screened April 6 on the University of Maryland campus despite a threat from a state legislator to deny the school construction funds unless it develops an "acceptable" policy on pornography on campus. About two hundred students turned out to see sexually explicit excerpts of *Pirates II: Stagnetti's Revenge* and a discussion of free speech and pornography in a lecture hall at the College Park campus. The event was sponsored by a coalition of student leaders.

At times it felt more like a rally than a panel discussion, with loud applause for lawyers and professors as they spoke before a thicket of TV news cameras about the importance of free speech. Then the screen lit up, and the mood changed immediately. Music thundered through the room, and students began laughing at the pirates. After fifteen minutes of churning seas, thunder and pirates wielding giant cudgels, a man in the audience called out that he wanted to see (roughly translated) some skin.

About half an hour of the 2 1/2 -hour film was shown. The point was the principle, not the porn, several student leaders said. Besides, the NCAA championship game was starting about 9.

“That was crazy. I don’t know what they were thinking, to put that in a public viewing, especially on a college campus,” said Idara Inokon, 19. “It’s just not appropriate.” But Dmytro Berkout, a 19-year-old student from Ukraine, said the controversy was a lot of fuss—by both sides—over nothing.

State Sen. Andrew P. Harris (R-Baltimore County) had threatened to block the university’s \$424 million share of state operating funds over plans to show the film at a theater in the student union. “I know some students would like to portray this as a free speech issue,” Harris said in a statement. “It is not. This is about the use of taxpayer dollars, and the Maryland General Assembly acts every day on issues concerning the use of taxpayer dollars.”

Administrators canceled a screening of the movie at the student union theater when Harris protested. The university did not pay for the movie, and costs would have been covered by ticket sales. A representative from Planned Parenthood was invited to discuss safe sex.

But a coalition of students rescheduled a showing of excerpts in a lecture hall, taking the movie out from under the university’s auspices.

Senate President Thomas V. Mike Miller Jr. (D-Calvert) said that he cannot control the amendments Harris introduces but that he hopes the issue will be resolved by university regents, whom Miller called on to develop a policy on what movies may be shown on campus.

“The General Assembly is not going to go on record supporting pornography,” Miller said. “At the same time, the selection of movies on the College Park campus is not something the General Assembly should be debating in the last week of the legislative session.”

Harris said the university pornography policy should require that “you can’t have university-sponsored XXX entertainment on campus.” He said the public discussion,

which placed the film in a broader context, “is probably more appropriate for a college campus.”

Despite the maneuvering, it seemed unlikely that the Democrat-led Senate would adopt a measure that would pose a serious threat to the university’s funding. Even Harris said he would prefer an agreement with university leaders.

Students launched a letter-writing campaign to Harris, which they said would call for protection of their First Amendment rights.

Millree Williams, a university spokesman, released a statement saying that “on their own, student groups moved to create a discussion event during which they planned to screen excerpts from a pornographic film and to explore issues surrounding the place and implications of pornography and constitutionally protected free speech in our community. Although not condoning this movie or any excerpts from it that might be shown, the University of Maryland must allow this event, but has insisted that it include an educational component.”

Williams said discussion of sensitive topics such as the impact of pornography on society is “characteristic of a vibrant educational community.”

At Carnegie Mellon University, University of California campuses in Los Angeles and Davis and several other schools, a public screening of the same big-budget movie occurred with little outcry.

Several members of the Student Power Party, a coalition that is running a slate of candidates in student government elections, said the point of the screening was to protect the principle that they would not be bullied. “We believe that dialogue is always a good thing,” said Malcolm Harris, who is running for student body president and helped organize the screening. “You never help solve any problem by not talking about it. It’s a great opportunity to have more of a dialogue on free speech and the role of pornography in society.

“We invited Senator Harris,” he said, “but he declined the invitation.” Reported in: *Washington Post*, April 7. □

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