

IFRT REPORT

Publication of the Intellectual Freedom Round Table

No. 63 2006

Winter

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Happy New Year!

I wish everyone a joyful and abundant 2007.

Now, news from IFRT.

... Join us as we

welcome Felicia Smith and Janice Tsai, who have been accepted into ALA's "Emerging Leaders" program.

Congratulations! Also, IFRT looks forward to Midwinter in Seattle.

Times, dates, and locations of our meetings are in this issue. Please join us at our Board meetings! We'd love to meet you! Get involved!

Participate! Come see the IFRT Board in action. Hear our lively discussions as we passionately support and defend intellectual freedoms for all. If privacy issues and civic engagement is your callingthen join us in a National Discussion on Privacy.

~Lauren Christos,
Editor

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The Silent Librarian Syndrome: Perspective on SCECSAL Conference XVII
July 19, 2006

By Felicia A. Smith

"The library is not an institution which exists removed from our increasingly interdependent and politicized world. The professionals who control (America's) information institutions ... cannot retreat into those institutions and ignore the larger society. The result of this sort of myopic professionalism is to support intellectual freedom for those who have power while denying it to those who are powerless."

- -Jane Robbins³



Ms. Robbins' quote best summarizes my experience at the Standing Conference of Eastern, Central, and Southern African Library and Information Professionals (SCECSAL XVII). The conference was held in Tanzania July 10th – 14th. This was such a unique library conference— with birds flying around the stage during one speech and spontaneous traditional African dance performances during another — that I decided to share some of my observations.

(Continued on page 8)

IFRT Sponsors Two Librarians for ALA's "Emerging Leaders Initiative"

by Doug Archer, Vice-Chair of IFRT

Last summer, Leslie Burger, ALA's President-elect announced an "Emerging Leaders" initiative. Its purpose was to provide a leadership jump-start for 100 "new librarians." The criteria was that the applicants be under 35, or with less than 5 years in the profession. Burger also challenged ALA units to sponsor participants in this unique undertaking. A sponsor must first identify and nominate potential participants as well as providing a \$1000 subsidy for them to attend the 2007 Midwinter and Annual Meetings. In New Orleans, the IFRT Board stepped up to her challenge and voted unanimously to sponsor not one, but two "Emerging Leaders."

The Board nominated Janice Tsai and Felicia Smith – and they have been accepted for the program! As part of the "Emerging Leaders" initiative, Janice and Felicia will be working with the IFRT Board on special projects throughout the year. Their enthusiasm is most welcome. IFRT looks forward to encouraging their overall professional development and furthering their involvement in intellectual freedom issues.

Janice Tsai is a PhD student in Engineering and Public Policy at Carnegie Mellon University. Her interests include intellectual property rights, privacy issues, digital rights management, electronic voting, and technology policy. Tsai is currently researching ways to better communicate privacy information to people when they are shopping online. She became interested in public policy while receiving her MLIS from Rutgers University. At Rutgers, Tsai was a Fellow at the Eagleton Institute of Politics, where she studied the practice of politics, agenda-setting, lobbying, and communications in government. In addition, she completed her BA in Mathematical Methods in the Social Sciences and Political Science (MMSS) and political science at Northwestern University. For more information, visit her web site at <http://www.contrib.andrew.cmu.edu/~jytsai/>



Felicia A. Smith, Visiting Staff Librarian, is Notre Dame's third Librarian-In-Residence. Over the course of her residency, Ms. Smith has worked in Kresge Law Library and in the Chemistry Library teaching Chemistry Databases. Smith earned her B.A. in Communications from University of Illinois at Chicago in 1994, and her M.A. in Library and Information Science from Dominican University in 2004. Smith has six years of experience working in libraries (two of those years in professional positions). Interestingly, Smith has also worked as a criminal defense private investigator in Chicago, Illinois. While doing so, she carried a .357 Magnum, which some fellow librarians think may just come in handy in her new profession. Smith is already off to a fine start professionally having published several articles including "Spiritual Literacy: A New Concept for a New Reality" in the Christian Librarian Journal (January 2006), and an article in this IFRT Report. For more information, visit her web site at <http://www.nd.edu/~fsmith3/>



Welcome Janice and Felicia !!!

IFRT Meetings at Midwinter

The Intellectual Freedom Round Table Meetings are as follows:

IFRT I

Saturday, January 20, 2007

1:30 to 3:30 PM

Convention Center room 605

IFC/IFRT/Division IFC Meeting

Sunday, January 21, 2007

10:30 to 11:30 AM

Convention Center room 3A

IFRT II

Monday, January 22, 2007

8:00 AM to 10:00 AM

Convention Center room 605

We look forward to seeing you in Seattle!

Thanks to Nanette Perez, IFRT Liaison

Challenging Censorship in Miami-Dade County, Florida

By Lauren Christos, Chair IFC/FLA

On July 6, 2006 the Florida Library Association (FLA) issued a press release announcing that it had filed an *amicus* memorandum in support of the lawsuit filed by the American Civil Liberties Union of Florida and the Miami-Dade Student Government Association against the Miami-Dade School Board for its decision to remove the book *Vamos a Cuba* and other books in the series “*A Visit to...*” from the Miami-Dade Public School libraries and classrooms. FLA’s Intellectual Freedom Committee saw the School Board’s action as a clear violation of the First Amendment and recommended that FLA respond to the challenge. Acting quickly on the Committee’s recommendations, the FLA Executive Board voted to file an *amicus curiae* memorandum in the lawsuit.

Objections to the Book

The controversy began in mid-April when a parent whose child attended the Marjory Stoneman Douglas School declared that he had been a political prisoner in Cuba and complained to administrators about *Vamos a Cuba*, demanding that the “book be withdrawn, that it was biased and full of lies.”

Written for students aged five to seven, *Vamos a Cuba* is a thirty-two-page hardcover book written in Spanish and published by Heinemann Library. It is a part of a small series of books in Spanish about Latin American countries, which fits within a larger series of books, mostly in English, that introduce children to many countries throughout the world. The full-color photographs of contemporary Cuba, its landscapes and people are one of the highlights of the book. The book includes bibliographical references, a glossary, a list of basic facts, and an index. Admittedly, it contains images of “smiling children wearing uniforms of Cuba’s communist youth group at a carnival celebrating the 1959 Cuba revolution,” and states in one passage, “The people of Cuba eat, work and study like you.”

“Nothing could be further from the truth,” wrote school board member Frank Bolanos, citing food rations, proscribed employment and forced school chants about Castro’s greatness. In a later memo, Bolanos stated that the book “includes content and pictures that erroneously depict life in Cuba.” He continued “...that (book) is hurtful and insulting to both our Cuban-American community and those Cubans still living on the island under oppressive conditions.” Essentially, the complaint was that the book distorts the reality of life in Cuba, is inaccurate, and omits information about what life is really like in Cuba.

The Review Process

The book was subsequently reviewed by a committee at the Marjory Stoneman Douglas school with regard to the book’s suitability and age appropriateness. The review committee declined the parent’s request. Committee members determined that the book did not contain deceptive information or paint an idealistic view of life in Cuba. The committee applied the standards set forth by the school board for book acquisitions and agreed that the book should not be removed.

The parent appealed this decision, and the issue was brought to the District. *Vamos a Cuba* was reviewed at the District level by the District Materials Review Committee to once again determine the suitability and age appropriateness of the books as part of the school’s library collection. This committee voted fifteen to one in favor of keeping both the Spanish and English versions of the challenged book.

This decision was affirmed by Superintendent Rudy Crew. Furthermore, the school board’s attorney warned members “...that a broad move to ban books from district libraries would violate its own rules and numerous legal precedents.” Nonetheless, the school board ignored its committee’s review process, the superintendent’s decision and the advice of its own attorney. On June 14, the Miami-Dade School Board voted six to three to remove the entire series from school library collections, even though the only book reviewed was *Vamos a Cuba*.

FLA Response

The FLA Intellectual Freedom Committee (IFC) began a swift e-mail discussion pursuant to this challenge. The members were extremely concerned regarding this act of censorship. The timing of the American Library Association (ALA) Annual Conference in late June was fortunate since it allowed FLA Executive Director, Ruth O’Donnell, President-Elect Sol Hirsch, and the FLA IFC Chair to meet with Deborah Caldwell-Stone, Deputy Director of the ALA Office for Intellectual Freedom, at the conference in New Orleans. Ms. Caldwell-Stone graciously gave FLA her time, thoughts, and expertise.

As FLA's options began to take shape, and its strategy was formulated, FLA's representatives became committed participants in the process of defending intellectual freedom. Essentially, FLA could ask to file its own lawsuit as a plaintiff; it could be added to the list of other plaintiffs (ACLU and the Student Government Association) in the lawsuit; or could file as a friend of the court or *amicus curiae* for the hearing. At the very least, the IFC could write a resolution to the Miami-Dade School Board requesting that the books be returned to the shelves. In order for any action to be taken, however, it was necessary for the FLA Executive Board to pass a motion approving any action. That all of this needed to happen quickly was a certainty.

Following the meeting with Caldwell-Stone, FLA contacted Howard Simon, Executive Director of the ACLU of Florida, who was very pleased that FLA felt strongly about assisting and supporting the ACLU. After much further discussion with Simon, O'Donnell and Hirsch determined that the best course of action would be to make a motion to the FLA Board to file an *amicus* brief. In an e-mail, ACLU attorney Randall Marshall responded, "We deeply appreciate the interest of the Florida Library Association in this matter and believe that an *amicus* brief would be of immense help in this litigation." Dr. Laurence Miller, a former IFC Chair with extensive experience in dealing with intellectual freedom issues, offered his support and assistance in helping FLA understand and navigate this process.

Unfortunately, there was a strict timetable for filing. In order for the court to accept the brief, a July 7 deadline had to be met. This allowed for less than a full week to make the motion to the FLA Board, take the vote electronically (a two-day process), and pass the motion, all before the brief was even written and filed. Walter Forehand of the law firm Lewis, Longman & Walker, P.A. Tallahassee office, generously offered pro bono assistance, without which FLA could not have proceeded. The expertise, generosity, commitment, and willingness of Forehand and the Lewis, Longman, Walker law firm to represent FLA without a fee is testimony to that "network of individuals" passionate in their support of the First Amendment. On July 6, Forehand filed FLA's *amicus curiae* memorandum with the court. The memorandum supported the position of the ACLU requesting a temporary injunction to require the School Board to put the books back on library and classroom shelves. On July 27, the court granted FLA permission to appear as *amicus curiae*, accepting the *curiae* memorandum.

The news of FLA's filing traveled fast. The American Library Association's (ALA) online newsletter *ALA Direct* picked up the news, as did Matthew Pinzur, the *Miami Herald's* lead education writer, who covered it in his "Miami Education Blog." The American Civil Liberties Union announced FLA's participation in its news. In addition, REFORMA, the National Association to Promote Library and Information Services to Latinos and the Spanish Speaking and an ALA affiliate, announced its unanimous opposition to the removal of *Vamos a Cuba* and the other books in the series from the Miami-Dade Public Schools.

Court Action

On the overcast and rainy morning of Friday, July 21, the hearing before U.S. District Judge Gold began at 9:00 am sharp. Librarian Lucia Gonzalez, Associate Director of Youth Services at Broward Main Public Library and member of REFORMA and FLA, was one of two librarians who testified at the hearing. Librarian Pat Scales, a leading activist and defender of students' right to read for the past thirty years, author of *Teaching Banned Books: 12 Guides for Young Readers*, and member of the Intellectual Freedom Committee of ALA and the Freedom to Read Foundation also testified. Their testimony was candid, direct, and forceful. The position of the school board attorneys was that the book should be withdrawn due to its "inaccuracies and omissions" regarding what life is like in Cuba. Pat Scales stated that even though she had testified in numerous other hearings before, she had "never testified before that a book should not be withdrawn for what it didn't say!" The hearing lasted the entire day, adjourning at 4:00 pm, at which time the Honorable Judge Alan Gold stated that he would render his opinion early the following week.

On July 24, Judge Alan Gold in an eighty-nine-page order said that in banning twenty-four books, the School Board "abused its discretion in a manner that violated the transcendent imperatives of the First Amendment" and ordered all the books back on the shelves immediately. The books were back in the school library collections in time for Miami-Dade Public School's opening date of August 14, 2006.

Since then, the Miami-Dade School Board has filed an appeal at the 11th Circuit Court of Appeals in Atlanta. FLA will again file an *amicus* memorandum in this proceeding. Judith Krug of ALA's Office for Intellectual Freedom has indicated that ALA and other groups will also file a memorandum.

Lauren Christos is Chair of the FLA Intellectual Freedom Committee.

The Silent Librarian Syndrome *(Continued from page 3)*

I noticed a recurrent theme in our group discussions, surrounding the lack of involvement of librarians in African politics. Librarians appear to be an invisible, voiceless entity passively conducting routine duties inside the walls in a building called a library while the community outside the building is suffering. Participants discussed the responsibility of librarians to society. Some argued, *"It is not our 'business' to get involved in 'politics' as we are professional people, not politicians."* One of the speakers, Shiraz Durrani disputes the previous statement, *"Africa cannot be liberated without appropriate information vision, strategy and trained information activists. This is the lesson from the major revolutions in the world."*⁴

I also attended a workshop hosted by the International Federation of Library Association's Committee on Free Access to Information and Freedom of Expression (**IFLA FAIFE**). The two presenters were Sarah Webb and Paul Sturges. They explained the importance of Freedom of Information laws and more importantly the need to conduct civil campaigns for access to information. While I agree with the idealistic checklist of requirements these two presenters provided, I could not ignore the extenuating circumstances that are obstacles to African libraries. Participants complained that they face so many concrete problems, that more abstract ideals such as Intellectual Freedom are forced lower on the priority list. While I understand the reality of the situation, I contend there are some ideals that librarians should not devalue. Specifically, providing equal access for all. Our creed is for all publicly supported libraries to provide free and equal access to information for all patrons. Additionally, Intellectual Freedom is central to librarianship and should always be implemented.

Jorge Reina Schement wrote a relevant article discussing "Information Equality versus Information Equity."² His article contrasts the library concept of fairness, also called "*Uniform*



Distribution," whereby everyone is entitled to the same level of access to information, thereby promoting equality of access to information. His article continues by asking the age-old question: *"How can equal access for all exist if any group lacks the wherewithal necessary to achieve access?"* In other words, though equality of access promises a level playing field, the promise fails when some players lack the knowledge, income, equipment, or training necessary to play the game. This argument was debated during the SCESCAL conference.

I was pleasantly surprised to see librarians collaborating from different countries on problems that plague all libraries. I realized that libraries in Kenya, Uganda, Europe, and America all face similar challenges— budgets, outreach, technology infrastructure, professional versus paraprofessional staffing preferences and labels to describe ourselves, such as Information Communication Technologist (ICT) versus the "L" word — Librarian.

I learned about unique problems facing East, Central and South African libraries, such as oral-traditions which are harder to archive, and language barriers including colonial language versus native language. There were calls to discontinue usage of the colonist's language and return to native tongues. For instance, in Tanzania, there are approximately 147 different tribal languages which are not understood by other tribes. The main language is Swahili, some learn English, however this presents a problem when deciding which languages to use when collecting materials. Often there is not enough money to collect in multiple languages.

Another unique problem facing African libraries is an ongoing battle over which language should be used. Participants claim that language and the responses from libraries are themselves a legacy of colonial relations. Librarians in the audience seemed to suggest that dependence on Western systems of knowledge management in order to validate African forms of intellectual activity is self-deprecating.

Information technology is growing exponentially and so is the deepening economic gulf between industrialized and emerging countries. Another barrier is the "*One-Way Brain Drain*." This is a phenomenon wherein the educated or skilled workers in northern regions migrate toward South Africa in pursuit of a more prosperous existence.

A shocking admission by many librarians is that they are oftentimes the main obstacle to enhancing the appeal of the library. There are librarians who are condescending to those called the "*Information-Poor*." There are librarians who are resistant to providing outreach in some villages. However, some librarians gave concrete examples of going into communities when there are events seemingly unrelated to the library that showcase the latest materials on CDs or in print. Some librarians mentioned a modicum of success with outreach and certainly that is a step in the right direction.

As I listened to the myriad of concerns expressed by the participants, Abraham Maslow's Hierarchy of Needs theory came to mind. Maslow's pyramid illustrates the hierarchy of need theory. According to his theory, the bottom or most basic need is related to physiological survival - air to breathe, water to drink, food to eat. Next in order comes a set of needs for such things as safety and security. Once an individual has taken care of his or her basic physiological needs and feels safe and secure, then the need for love and belonging rises to the next level of their concerns.

The last level of the pyramid is different. Maslow used a variety of terms to refer to this level, such as *growth motivation* and *self-actualization*. Basically the theory is that concerns at the higher level of the pyramid are only possible after the more basic needs are satisfactorily met. Thus for people in societies subjected to starvation and preoccupied with warfare, one can see how library issues are far down on the priority list.

I firmly believe that librarianship is an activist profession. Surprisingly a large amount of presenters discussed the need for librarians to stop being what an audience member called "*Passive Observers*." A most interesting solution was proposed by Shiraz Durrani who has initiated the Progressive African Library & Information Activists' Group (**PALIAct**). This group aims to break the colonial and imperialist policies and practices in meeting the information needs of working people in Africa, and to make the profession more relevant to the needs of African librarians and information workers.⁴

Another librarian theorized that librarians are trained to be "*silent when in the library*."

"*Shhh!*"

This training in silence has transferred over into our political lives. A librarian proclaimed, "*On issues important to libraries and/or patrons, the (African) librarians tend to be silent*." I thought it was ironic when that same afternoon while touring the University of Dar es Salaam's Library the first object I noticed was a photo of a young girl with her finger up to her mouth and the word "**Silence**" underneath.

Speaking of money, I could not help but compare the incensed manner in which some American librarians battle over library funds. I have been in numerous meetings where librarians argued that a few thousand dollars are insufficient to meet their patrons' needs. However, after listening to the tales of utter desperation told by some of the African librarians, I made a mental note to be grateful for what our library does have. Even though my manager explained that regardless of where one is on Maslow's pyramid, one always seems to need or want more. In that context, then librarians all over the world share the desire for increased resources.

I would like to say that attending this conference helped put our profession in perspective for me. In terms of Maslow's pyramid, the African library system must first meet its basic needs: technology, training, and resources. Once the system's needs are secure, then librarians have the luxury of achieving the loftier goals of pursuing intellectual freedom, achieving information equity, and embracing library activism.

While African libraries work to meet their basic needs, other libraries around the world can assist them. I was pleased to share strategies and ideas with my African counterparts, and to see other librarians from different countries present practical information.

The world we live in is shrinking daily. I believe in librarians without borders! I was glad to see the cooperation between the American Library Association and the Tanzania Library Association. The problems facing libraries globally are not small issues. Consequently our problem-resolution approach should not be small, either. Librarians need to think on a larger scale as well. I think WorldCat is one of the greatest contributions to librarianship and would love to one day see the "World Library Association."

I work in an American Catholic library and Catholics have a missionary background. Therefore it is only natural for me to want to reach out to library patrons in other countries in a charitable manner. For example, I am working on finding donors to send textbooks to a new Muslim University librarian I met at the conference.

Abraham Maslow's Hierarchy of Needs theory was later adapted to include a thirst for knowledge prior to self-actualization and a "*Transcendence*" need beyond self-actualization where people would feel a need to help others to find fulfillment.¹ Working in the American library system allows me to reach Maslow's "*Transcendence*" level where I help others and find fulfillment myself.

As the introductory quote by Jane Robbins so eloquently states, "*We cannot retreat into our institutions and ignore the larger society. We must realize that the world community of libraries is only as strong as its weakest component. We must continue to combat this destructive force that I have labeled: "Silent Librarian Syndrome."*

The theme for the SCECSAL Conference was "*Libraries as a Bridge to an Information and Knowledge Society in Eastern, Central and Southern Africa.*" I plan is to be an African-American bridge between African and American libraries.

References:

1. Abraham H. Maslow: Books, Articles, Audio/Visual, & His Personal Papers. <http://www.maslow.com/> (Accessed July 19, 2006).
2. Jorge Reina Schement. Imagining Fairness: Equality and Equity of Access in Search of Democracy. <http://www.ala.org/ala/washoff/oitp/infocommons0204/schement.htm#info> (Accessed July 19, 2006).
3. Robbins, Jane. <http://libr.org/juice/quotes.html>. (Accessed July 19, 2006).
4. Shiraz Durrani. <http://www.londonmet.ac.uk/depts/dass/staff/shirazdurrani/> (Accessed July 19, 2006).

"Freedom of thought is the only guarantee of the feasibility of a scientific democratic approach to politics, economics and culture."



Andrei Dmitrievich Sakharov, 1921 - 1989

Awarded Nobel Peace Prize, 1975

Reflections on Progress, Peaceful Coexistence, and Intellectual Freedom, in The New York Times, July 22, 1968 [2]

2006 IFRT Survey: Points to Pride, Need for Publicity

By Melora Ranney Norman, Membership Chair IFRT

A recent Membership Committee survey of IFRT members indicates high confidence in our organization. The survey indicated that greater awareness could be generated around the Round Table's core activities—programming, awards, liaison activities, committees, and that new initiatives (especially online ones) would be most welcome.

People who join IFRT are highly motivated by our primary purpose and mission statement (see page 16). Of 378 members responding, 99% indicated that they believed membership in IFRT is a good way to support the cause of intellectual freedom in libraries.

Online services are highly regarded, with the IFRT E-mail list and the IFRT Report getting 65% and 73% positive response. However, there is clearly an opportunity to improve awareness of the 3 awards presented at Annual by IFRT. These awards are among the core and traditional activities of the IFRT. In fact, a fairly high percentage of respondents report being unaware of the Eli M. Oboler Memorial Award for a literary work (52%), the ProQuest/SIRS State and Regional Intellectual Freedom Award (44%), and the John Phillip Immroth Memorial Award for notable contributions to intellectual freedom (37%).

What will the future bring? Well, there are numerous opportunities for the IFRT. More than 80% of people responded favorably to potential IFRT offerings of online workshops, online programs, conference programs, opportunities for virtual participation, and 70% asserting that IFRT should offer preconferences. We look forward to these exciting possibilities.

Fortunately, with all of this important work to do, more than a hundred people who responded indicated they would like to help with an IFRT initiative. This is great news! The IFRT counts on enthusiastic participation and new ideas to stay vibrant and active. Our ALA round table is a wonderful place to get involved; the opportunities are boundless!

If you would like to have some fun while promoting one of the highest ideals of librarianship, activism, and social commitment, please go to our websiteand contact the appropriate chair of the committee that you would like to get involved with.

With thanks to everyone who took part in this survey!

Melora Ranney Norman is Chair of the Membership Committee

A National Discussion on Privacy

By Carolyn Caywood, IFRT

As the library profession protects privacy and confidentiality, we have found that the public does not always appreciate our principles. That is, although American citizens learn through daily news reports that government agencies and corporate entities are observing, monitoring, collecting, recording, and mining private and confidential information about them without their consent, many persons appear to be willing to trade their privacy for a greater sense of security or even convenience.

We want to educate the general public about “the eternal value of privacy,” as Schneier terms this essential freedom. <http://www.wired.com/news/columns/0,70886-0.html> And we need to understand how the public views privacy and related issues of security and transparency.

A special ad hoc IFRT task force, chaired by Carolyn Caywood, will organize to begin framing the issue for a national deliberation on privacy. This group will meet at the 2007 Midwinter Meeting in Seattle, WA, *tentatively* on Friday afternoon. Anyone with an interest in either privacy issues or civic engagement is invited to join! Contact Carolyn at ccaywood@vbgov.com for more information.

Framing the issue of privacy will be the most important and difficult step. How an issue is framed can illuminate or bias deliberation as well as make it boring or stimulating. It is critically important that all points of view, values, and concerns be brought to the table before framing begins. Typically, a fully framed issue will not meet the expectations of the people who began the process.

Framing begins, not with information, but with feelings. We need to ask, “What concerns you when you think of privacy? How do you feel about it? What values are affected by too much privacy or too little?” And we need to ask people with every imaginable point of view until we hear nothing new any more. Then the issues and concerns and feelings and values are grouped by similarity. The groups are consolidated until 3 to 5 choices appear. I am hoping that those who gather at Midwinter can then gather answers from the public for a meeting at Annual.

Once we have arrived at the choices that reflect what really matters to the public we have framed the issue. Then we will assemble a discussion guide and encourage libraries to hold forums. This process clearly will take a while, but it is important that at each step we really listen instead of assuming we know what is on people’s minds.

Here are some resources on deliberation and on privacy:

http://www.nifi.org/discussion_guides/nif_demchallenge_7.html

<http://www.previewforum.com/html/security/index.shtml>

http://www.lwv.org/AM/Template.cfm?Section=Home§ion=Local_Voices&template=/CM/ContentDisplay.cfm&ContentFileID=405

<http://www.publicagenda.org/specials/terrorism/terror.htm>

<http://www.independent.org/issues/search.asp?subID=57>

<http://www.bordc.org/resources/>

<http://www.ala.org/ala/oif/statementspols/statementsif/interpretations/questionsanswers.htm>

Resolution on National Discussion on Privacy

WHEREAS, *The American Library Association is committed to protecting library users' privacy and confidentiality (ALA Policy Manual, 40.2, ALA Code of Ethics, Article III) and connecting people with ideas (ALA Policy Manual, 53.8, Libraries: An American Value); and*

WHEREAS, *Government agencies and corporate entities are observing, monitoring, collecting, recording, and mining private and confidential information about individuals and organizations without consent; and*

WHEREAS, *There is a lack of public awareness of the necessity of privacy to civil liberties; and*

WHEREAS, *"Many wrongly characterize the debate as 'security versus privacy.' The real choice is liberty versus control. Tyranny, whether it arises under threat of foreign physical attack or under constant domestic authoritative scrutiny, is still tyranny. Liberty requires security without intrusion, security plus privacy. Widespread police surveillance is the very definition of a police state. And that's why we should champion privacy even when we have nothing to hide"; now, therefore, be it*

RESOLVED, *That the Intellectual Freedom Committee, Intellectual Freedom Round Table, and ALA Fostering Civic Engagement Member Interest Group collaborate with other ALA units toward a national conversation about privacy as an American value.*

Adopted by the Council of the American Library Association

Wednesday, June 28, 2006

New Orleans, Louisiana

Law for Librarians Training Seminar

By Carla Weiss, Chair IFC/RILA

As chair of the Rhode Island Library Association Intellectual Freedom Committee, I was invited to attend a Law for Librarians training seminar, an intensive three-day session covering the legal basis of libraries' intellectual freedom principles. The seminar, held in Chicago from April 4 to 6, was sponsored by the American Library Association's Office for Intellectual Freedom and funded in part by a grant from the Ford Foundation.

Attendees came from all 50 states, and were either chairs of state Intellectual Freedom Committees, regional library officials or presidents of state library associations. Rhode Island was represented by myself and Jim Teliha, Head of Access Services at University of Rhode Island and a member of ALA's Intellectual Freedom Committee.

Judith Krug, Director of ALA's Office for Intellectual Freedom, welcomed the participants and explained the sessions to be presented at the seminar. She also informed us that we would be expected to plan two workshops or programs on intellectual freedom issues in our home states within the next two years. Sharing what we learned was clearly an important goal of the seminar.

The sessions focused on the following topics as they relate to libraries: First Amendment principles, the public forum doctrine, religious issue, patron behavior policies, meeting rooms, display cases and literature distribution, use of the Internet, the Children's Information Protection Act, sexual harassment, labeling, challenges to library resources, privacy and confidentiality, the USA PATRIOT Act, and youth access.

The last few sessions focused on conducting our own workshops and becoming active resources and advocates for intellectual freedom. Participants were also grouped together by region to talk about programming for a wider library community. The New England group made preliminary plans to offer an intellectual freedom program at the NELA Annual Conference in late October. The program most likely will be about meeting room and display case policies.

In the first session, Theresa Chmara from the law firm Jenner & Block, explained that in the library context, the First Amendment ensures that people have the right to read and receive information. Using examples from key court cases, she also pointed out that an analysis of what this means must begin with an examination of the library as a public forum. The courts have held that the public library is a designated public forum for the receipt of information and therefore is prohibited from discriminating based on the content of information. The library, however, has the right to establish reasonable rules governing library use. What is most important is that there are written policies, tied to the library mission. These policies must be crafted so they can be applied objectively and must be related to library use. Policies should be posted for the public to read, and should be enforced consistently by every staff member. They should also provide an appeal mechanism so that the person or group, whose request has been denied, is allowed the right to due process.

The next session, presented by Dan Mach from the ACLU Program on Freedom of Religion and Belief, addressed religious issues and libraries. Libraries need to be aware that the policies they make for the use of their meeting rooms and display areas take into account the religious clause in the First Amendment. This clause ensures that a government body cannot make a law which advances exclude groups based on their religious character.

A session on the Internet, Children's Internet Protection Act (CIPA), and sexual harassment was presented by Theresa Chmara. Since the advent of the Internet and its widespread use in libraries, many laws have been proposed on the state and federal level to compel libraries to use blocking or filtering software as a means of protecting children from what is deemed "obscene" or "harmful to minors." The latest attempt by the federal government, CIPA, was upheld on appeal by the Supreme Court in 2003. Schools and libraries that apply for certain funds for Internet access may not receive these funds unless they use filtering software which protects against access to certain visual depictions that are considered obscene or contain child pornography. This software must be placed on all computers in the library, including those used by staff. An administrator may disable the software to enable access for "bona fide research or other lawful purposes." CIPA was declared unconstitutional in the district court but was then reversed by the Supreme Court. The district court argued that filters both underblock and overblock and that CIPA was invalid because it would require libraries to violate



First Amendment rights. The provision of Internet access in a public library created a designated public forum and therefore CIPA was content-based. The Supreme Court argued that the law was constitutional as long as there were disabling provisions, and furthermore that librarians could unblock filters for adults without any explanation or need to ascertain that the request was bona fide. June Pinnell -Stephens spoke at greater length about meeting rooms, exhibit cases, bulletin boards, and literature distribution. It is important that libraries create policies for these areas and determine whether an area is a public forum, a limited public forum, or a non-public forum. These policies must also define the eligibility for use, establish regulations for use, and provide a means of appeal.



Deborah Caldwell-Stone, Deputy Director of the Office for Intellectual Freedom, presented a session on privacy and confidentiality in the library and talked about the USA PATRIOT Act (USAPA) and the use of Foreign Intelligence Surveillance Act and National Security Letters within the law. The recent changes to the USAPA were discussed as well as the implications they have for libraries. A model USAPA policy will be issued at the annual ALA Conference this July in New Orleans.



These are the highlights from the Law for Librarians seminar and I will be happy to share notes and literature about any of these issues. A more detailed report on the seminar will be posted on the RILA website. Much of the information can be found on the Office for Intellectual Freedom website at <http://www.ala.org/ala/oif>. The RILA Intellectual Freedom Committee plans to follow up by preparing guidelines for CIPA and USAPA compliance while assuring the tenets of the *ALA Library Bill of Rights*!



Carla Weiss is the Reference Librarian/Collection Development Coordinator at Rhode Island College's James P. Adams Library.



A Bill of Rights
as provided in the Ten Original Amendments to
The Constitution of the United States
in force December 15, 1791.

Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Article IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty,

or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

Article VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.



In Celebration of Bill of Rights Day, December 15

Printed from Library of Congress, The American Memory Project., An American Time Capsule: Three Centuries of Broadsides and other Printed Ephemera



If you would like to contribute to the IFRT Report, please send your piece to:

lauren.christos@fiu.edu

Thought essays, opinions, book reviews, articles, and reports are all invited.

Thank you!

Publications Committee

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- ♣ Cindy A. Lombardo
- ♣ Camille McCutcheon
- ♣ Michael B. Wessells
- ♣ Lauren Christos, Chair

Founded in 1973, the Intellectual Freedom Round Table is the grass roots intellectual freedom organization within the American Library Association.

Mission Statement

The Intellectual Freedom Round Table provides a forum for the discussion of activities, programs and problems in intellectual freedom of libraries and librarians; serves as a channel of communications on intellectual freedom matters; promotes a greater opportunity for involvement among the members of the ALA in defense of intellectual freedom; promotes a greater feeling of responsibility in the implementation of ALA policies on intellectual freedom.

The IFRT

Provides broad opportunities for ALA members to become involved in the support of freedom of access and freedom of expression in libraries

Supports librarians involved in censorship controversies

Monitors intellectual freedom developments affecting library and information services

Provides a forum where ALA members involved in intellectual freedom activities on the state and local level can discuss programs, activities and problems