

IFRT REPORT

Publication of the Intellectual Freedom Round Table

No. 67 2008

Special Midwinter Conference Issue

Philadelphia

IFRT Report

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Anthony Lewis : *Freedom for the Thought That We Hate A Biography of the First Amendment*



On a cold and windy evening in Philadelphia, the American Library Association and the Freedom to Read Foundation partnered in presenting the first program of the calendar year at the 2008 National Constitution Center. Jane Eisner, Vice-President for National Programs and Initiatives at the Constitution Center welcomed the audience and expressed her pleasure in working with Judith Krug, Jonathan Kelley, and Judith Platt of the Freedom to Read Foundation. Eisner delivered an eloquent introduction of the evening's event discussing the relevance and timeliness of this crucial investigation into our nation's first amendment issues. She introduced the moderator of the evening, Chris Finan, President of the American Booksellers Foundation for Free Expression, trustee of the Freedom to Read Foundation, chair of the National Coalition Against Censorship—clearly a long time vocal opponent in the fight against censorship. In his introduction of Anthony Lewis, Finan

revealed a journalist who could “explain explosive decisions to a troubled nation.” A passionate man, Lewis believes in free speech, and that “public discourse in this country must be uninhibited, robust, and wide-open.” I urge you to listen to the audio recording of this outstanding conversation.

Thank you, Lauren Christos, IFRT Editor



**Judith Platt, President
of the Freedom To
Read Foundation**



**CHRIS FINAN AND
ANTHONY LEWIS**



**Jane Eisner, National
Constitution Center**

CLICK HERE TO LISTEN!

http://hancock.constitutioncenter.org/media/anthony_lewis_01_14_08/anthony_lewis_01_14_08%2864%29.mp3

For recordings of other NCC events, check out their audio archives featuring speakers including Valerie Plame Wilson, Ken Burns, Scott Turow, and many, many more <http://feeds.feedburner.com/NCCPrograms>

Many thanks to the National Constitution Center for their co-sponsorship and assistance with this event!

American Library Association – Intellectual Freedom Round Table Midwinter Meeting 2008 – IFRT Councilor's Report by Sylvia Turchyn

Being in Philadelphia always brings good vibrations to meetings where the principles of intellectual freedom are a driving force. A special Philly moment occurred when I paid homage to the Liberty Bell, where I witnessed a young woman, who was visually impaired, hesitantly yet reverently explore every aspect of that symbol of freedom with her fingertips. As the ten or so of us tourists witnessed this event in silence there was not a dry eye in the crowd.

ALA Council

Here is a concise review of the many actions taken by Council, usually presented with the primary resolve clauses or final motion, my vote and the outcome. In some cases, a description better served to clarify the result.

- On Member Access to Electronic Lists of the ALA – “Resolved that all electronic lists of the American Library Association shall henceforth be available for read-only access to all members of the Association. Closed lists may be established only for the discussion of matters affecting the privacy of individuals of institutions.” This resolution was referred to the Task Force on E-Member Participation.

Policy Monitoring Committee Action Items:

- Principles for Digital Content – That it be added to the ALA Policy Manual under its own header. Voted in favor; adopted.
- Membership Meetings – That the second sentence of policy 7.4.10 be replaced with “Agenda of membership meetings shall provide priority to discussion of membership resolutions during the second part of the meeting.” Voted in favor; adopted.
- Terminology – “That terminology denoting the profession in the ALA Policy Manual be regularized, to the extent possible to ‘Library and Information Studies.’” Voted in favor, adopted.
- Circumstances of Personal Membership – “That a recommendation that a single, comprehensive statement regarding the circumstances and positions that require personal membership be created added to the Bylaws be referred to Constitution and Bylaws.” Voted in favor; adopted.
- Guidelines for Campaigning by Candidates for ALA Office – That campaign guidelines and issues surrounding candidate endorsement be reviewed by the Executive Board with a report to be presented to Council. Voted in favor; adopted.
- Ending Council Meetings by Tuesday – This motion, which was proposed to make serving on Council a financial possibility for more librarians, was referred to BARC for financial considerations with a mandate to report back to Council. Voted in favor; adopted.

Committee on Accreditation Action Item:

- Updating the 1992 *Standards for Accreditation of Master's Programs in Library and Information Studies* – Five recommendations for updating the language were proposed “to improve the overall effectiveness of the *Standards* in communicating essential values, concerns, and commitments of the library and information professions.” Voted in favor; adopted.

Committee on Professional Ethics Action Item:

- Proposed Revisions to the ALA Code of Ethics –In addition to two minor changes, the revision contained a completely rewritten Article IV: “We respect intellectual property rights and advocate balance between the interests of information users and rights holders.” Voted in favor; adopted. I expect the development of “interpretations” to the Code of Ethics following the **adoption of this revision.**

Honorary Member Nominations Action Item:

- Pat Mora, Effie Lee Morris and Peggy Sullivan were all approved unanimously by Council for Honorary Membership in ALA.

Committee on Status on Women in Librarianship Action Item:

- In Support of Women as Caregivers in the Workforce –“That the ALA will form a task force to study and recommend to the Council...specific programs that libraries can use to support their employees who are family caregivers.” Voted in favor; adopted.

Committee on Organization Action Items:

- To Establish an Advocacy Committee – Voted in favor; adopted.
- To Report on Demographic Information for ALA Comm. Nominees and Appointees – Voted in favor; adopted.
- That any Candidate for an Elected or Appointed Position within ALA shall Refrain from any Committee or Board Activity that Could Advance, or Appear to Advance, his or her Candidacy – Voted to oppose; defeated.

Constitution & Bylaws Committee Action Items:

- Applications for ALA Affiliate Status – “That the ALA accept the Seminar on the Acquisition of Latin American Library Materials (SALALM) as an affiliate...” Voted in favor; adopted.
“That the American Library Association accept the On-Line Audiovisual Catalogers (OLAC) as an affiliate...” Voted in favor; adopted.
- Constitutional Amendments: Vacancies – Proposed amending Article VIII, Section 2. Vacancy to improve the process of filling vacancies for the positions of president-elect and treasurer. Voted in favor; adopted.
- Constitutional Amendments: Terms of Office – “That ALA Constitution Article VIII, Section 5 be revised to read: “The terms of Office: All officers and elected members of the Executive Board shall serve until the adjournment of the Annual Conference that follows the selection of their successors.” Voted in favor; adopted.

Committee on Legislation Action Items:

- On Government Printing Office FY2009 Appropriations – “That the ALA urge Congress to fully fund the United States Government Printing Office appropriation for FY 2009 at the level requested by the Public Printer.” Voted in favor; adopted.

- On Tribal College Library Membership in the Federal Depository Library Program – “That the ALA work with the GPO to assist all tribal colleges interested in joining the FDLP.” Voted in favor; adopted.
- On Safeguarding Electronic Government Information and E-Government – “That libraries are essential government service providers and should be given priority access to electrical and telecommunications connections during times of disaster to facilitate community and emergency aid response.” Voted in favor; adopted.
- Opposing Postal Rate Increases for Small Circulation Publications – “That the ALA call upon Congress to support the democratic value of promoting a wide diversity of speech by redressing the dramatic rate increases of 2007 and passing legislation to protect against future disproportionate rate increases.” Voted in favor; adopted.
- On Commending the FBI Whistleblower – “That the ALA continue to ask Congress to restore and maintain civil liberties, correct the abuse and misuse of National Security Letters and protect the rights of whistleblowers against retaliation.” Voted in favor; adopted.
- On Full Funding of the Federal Digital System – “That the ALA urge Congress to fully fund future GPO appropriations requests that are essential to the deployment of the Federal Digital System and to the GPO’s Title 44 obligations.” Voted in favor; adopted.
- On Providing Accessible Workstations at ALA Midwinter Meetings and Annual Conferences – “That the ALA Executive Director shall work with ASCLA to assess needs and define measures to facilitate access to computer workstations and other accommodations for persons with disabilities during annual conferences and midwinter meetings.” Voted in favor; adopted.

Social Responsibilities Round Table Action Item:

- On the Crisis in Kenya – “That the ALA calls for an end to the violence in Kenya, a return to press and broadcasting freedom, and the right to peacefully assemble for the people of Kenya.” Voted in favor; adopted.
- On the Confiscation of Iraqi Documents from the Iraq National Library Archives – “That ALA condemns the confiscation of documents from the Iraq National Library and Archive by the United States and British forces and strongly advocates the immediate return of all documents.” Voted in favor; adopted.
- To Remove Specific Dues Amounts from the ALA Bylaws – It was moved that the Constitution and Bylaws Committee, in consultation with the Membership Committee, be directed to develop a plan whereby specific dues amounts be removed from the ALA Bylaws. Voted in favor; adopted.

Report of the Nominating Committee

The following IFRT members are candidates for office for 2008-2009:

Vice chair/chair elect:

Lauren Christos
Fred Stielow

Secretary:

Steve Norman
Stephen Sweeney

2 Directors:

Carolyn Caywood
Carrie Gardner
Felicia Smith

We have a great crew, so watch for your ballot information and be sure to vote!

Thank you,

Rosanne M. Cordell, IFRT Nominating Committee Chair



<http://www.wicked sunshine.com/>

ALA Intellectual Freedom Committee
Report to Council
2008 Midwinter Meeting
Philadelphia, PA
Wednesday, January 16, 2008

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities.

INFORMATION

Resolution on the Use and Abuse of National Security Letters

At the 2007 ALA Annual Conference, Council unanimously passed a resolution condemning the use of National Security Letters to obtain library records and urged Congress to pursue immediate reforms of NSL procedures. In accordance with the resolution, ALA asked its members, state chapters, and all library advocates to ask Congress to restore civil liberties and correct the abuse and misuse of NSLs. As of January 8, 2008, 43 state library associations have endorsed the resolution, along with California Academic and Research Libraries (CARL) and the New England Library Association. IFC applauds those states and organizations who endorsed this resolution.

Censorship and Book Challenges

Alms for Jihad and "Libel Tourism"

Alms for Jihad: Charity and Terrorism in the Islamic World, an academic work about how terrorism can be funded by various charitable organizations, was the subject of a British libel lawsuit brought by Saudi banker Khalid bin Mahfouz, who has filed several similar lawsuits to contest claims that the Saudi government has used Islamic charities to fund terrorism. Cambridge University Press, the publisher of *Alms for Jihad*, chose to settle the suit rather than risk a large damage award at trial. Under the settlement, Cambridge University Press began to ask libraries to remove the book from their shelves and return the book to the publisher.

In response to several inquiries, OIF staff used the new OIF Blog to inform the library community that libraries were under no obligation to remove or destroy the book and that the settlement entered in the British courts was unenforceable in the United States. OIF recommended that U.S. libraries keep *Alms for Jihad* available for their users, given the controversy and readers' interest in the work.

Alms for Jihad is only one example of what is called "libel tourism," the practice of filing a libel lawsuit abroad under laws that favor the individual rather than the publisher or author, and then using the foreign court's order to censor the book in the United States and other countries. We are fortunate that such tactics do not work here in the United States, where the law recognizes First Amendment freedoms, and therefore requires plaintiffs to prove that the published statements about them are false. A libel lawsuit similar to the suit filed against the authors of *Alms for Jihad* was filed against Yale University Press regarding *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*. The Yale University Press refused to settle, filing motions to dismiss the lawsuit and to obtain legal fees for a frivolous suit. The charitable organization who filed the lawsuit withdrew the suit after Yale filed the motions.

The Golden Compass

As you are likely aware, the Catholic League initiated a boycott of the film version of *The Golden Compass*, Philip Pullman's award-winning fantasy for young adults. Subsequently, numerous media outlets reported challenges to the book, both here in the United States and in Canada. OIF received additional challenge reports concerning *The Golden Compass* as well.

ALA President Loriene Roy responded to these attempts to remove the book from libraries and schools by encouraging librarians, teachers, and parents to resist the call to censorship, thereby sending the message to young people that in this country they have the right to choose what they read, rather than allow others to do their thinking for them. We applaud President Roy for her strong and timely response.

Standardized Chapel Library Project

In September, in an article describing the Bureau of Prisons' Standardized Chapel Library Project (SCLP), the *New York Times* drew attention to what it called "a systematic purge of religious books and materials that were once available to prisoners in chapel libraries." According to the *Times*, the Bureau of Prisons (BOP) began the SCLP in response to concerns that prisons might become recruiting grounds for radical Islamic groups and other radical religious groups. The BOP hired a number of experts—whom the BOP refused to identify—to produce lists of up to 150 "approved" book titles and multimedia resources for each of 20 religions or religious categories. It then ordered prison chaplains to remove and dispose of any book in prison chapel libraries that did not appear on the lists.

As a result, hundreds of thousands of books that had been used for years without concern were removed from prison chapel libraries. Because no funds were allotted for new book purchases, many chapel libraries were emptied. According to inmates in an Otisville, NY, prison, only a Koran and two prayer books remained on the Islam shelf after the chapel library was emptied of books not on the "approved" lists.

After both librarians and members of various religious communities expressed outrage over the SCLP, including President Roy, the BOP decided to halt the project for the time being and return to chapel libraries all of the materials that were removed, with the exception of any publications that were deemed to be radicalizing or might incite violence. We continue to monitor the BOP's activities, as the BOP has not disclosed when books will be returned to the shelves, what books will be kept off the shelves, and what criteria will be used to make those decisions.

The Use of Obscenity Laws to Censor Literature

Censorship advocates are adopting a disturbing new tactic in their quest to remove books from schools and school libraries. Parents and censors alike are filing charges under existing criminal obscenity statutes, charging that the book is obscene under the law or that the teacher or librarian has violated the state's "harmful to minors" statute by providing a minor with allegedly "obscene materials" like Toni Morrison's *Beloved*. While the parent or censor may fail in the quest for a criminal conviction, the very act of bringing charges can intimidate and punish teachers for using or recommending books the parent or censor finds objectionable.

A would-be censor in Howell, Michigan, used these tactics to attempt to remove Toni Morrison's *Beloved* and *The Bluest Eye* from Howell High School's Advanced Placement curriculum. She filed criminal complaints with the local prosecutor, the Michigan attorney general, and the local U.S. attorney, claiming that Morrison's works were legally obscene. Fortunately, all three officials rejected her complaints, deciding that works of literature like *Beloved* were not obscene and did not merit prosecution under the law.

An English teacher in Tuscola, Texas was placed on paid leave after a student's parents complained to police that the teacher, Kaleb Tierce, allowed their daughter to select Cormac McCarthy's novel *Child of God* from the school-approved ninth-grade reading list. According to the news reports, the parents went to the police after the school authorities sympathized with their concerns but backed their teacher. Tierce now faces criminal charges that he distributed harmful material to a minor, even though Texas law provides an exemption for teachers who provide approved materials to a student. It is uncertain when Tierce's situation will be resolved, or if he will ever be allowed to return to the classroom.

Connecticut teacher Nate Fisher faced similar charges when the parents of one of Fisher's students filed a criminal complaint after Fisher gave the student Daniel Clowes' *Eightball #22* as a quick and easy reading assignment when she failed to complete her required summer reading list. The girl's parents objected to the novel's discussion of rape and murder and its inclusion of some sexual images. While police quickly closed their investigation without filing charges, Fisher has lost his employment as a result of the controversy.

Festschrift to Honor Gordon M. Conable

At the 2005 Midwinter Meeting, the Intellectual Freedom Round Table (IFRT), the Freedom to Read Foundation (FTRF), and IFC began work on a Festschrift to honor Gordon M. Conable. ALA Editions will publish it in 2008. All proceeds will be donated to the Gordon M. Conable Fund of the Freedom to Read Foundation.

PROJECTS

New Projects

The Many Faces of Privacy: A Conversation

At the 2006 Annual Conference, Council adopted the "Resolution on National Discussion on Privacy," which urged the Intellectual Freedom Committee to collaborate with other ALA units toward a national conversation about privacy as an American value. To implement this resolution, ALA will sponsor a national conference on privacy, tentatively entitled "The Many Faces of Privacy: A Conversation."

Planning began at the IFC's 2007 spring meeting and another planning meeting took place on September 6-7, 2007, in Chicago with privacy experts as attendees. At the conclusion of this discussion, each participant endorsed the idea of organizing a national event to raise awareness about privacy and to kindle a multitude of local conversations addressing the value of privacy as the foundation for civil liberties and intellectual freedom.

It is anticipated that it will take a year or more to organize the conference, focus on the issues, raise funds, secure nationally recognized speakers, and so forth. The tentative date for the conference, which likely will be held in Chicago, is fall of 2009.

Because of its scope, the conference should draw a great deal of media coverage, thereby encouraging a renewed interest in privacy among the American public. To help bolster this interest, ALA will develop tools and other resources for libraries to promote grassroots efforts to support ongoing discussions and actions to protect our right to privacy, including tool kits that will be used to educate the public on privacy issues.

Preparing for the Eight Edition of the Intellectual Freedom Manual

The first edition of *the Intellectual Freedom Manual* was published in 1973. It is—and continues to be—an attempt to bring together in one place all intellectual freedom-related policies and procedures. In the early editions of the Manual, there was not a great need to update constantly. Now, to keep up-to-date on such topics as media concentration, privacy, RFID, and online social networking, less time elapses between editions. Indeed, the fifth edition was published nine years ago, the sixth five-and-a-half years ago, and the seventh just 18 months ago. It is anticipated the eighth edition will be available in 2009.

In the preparation of each edition of the *Manual*, the IFC reviews all the intellectual freedom policies, guidelines, and statements. The review began during the 2007 Annual Conference and will continue throughout 2008 during the IFC's Spring Meeting and Annual Conference sessions.

The Intellectual Freedom Committee will be seeking comment from Council and from divisions, units, and ALA members as it proceeds with its work. We invite you to send any comments or concerns to the committee's attention via the Office for Intellectual Freedom.

Development of Policy Statement Responding to U.S. Attorney Proposal to Retain Library Records for Law Enforcement Purposes

The IFC Privacy Subcommittee has developed a policy statement responding to U.S. Attorney Troy Eid's proposal to retain library records for law enforcement purposes. Eid had asked Colorado libraries to consider preserving hard-drive information for 90 days and electronically marking library computers so it's possible to track down which terminal in a vast network was used to send child pornography.

Continuing Projects

Banned Books Week

Banned Books Week 2007, held September 26 through October 6, was a major success. As part of our efforts to incorporate newer "Web 2.0" technologies, OIF created a MySpace page, a Facebook group with nearly 1,000 members, and a Flickr group in which people from around the nation posted over 200 photos of Banned Books Week activities. An interactive map was placed on the "I Love Libraries" Web site featuring Banned Books Week activities posted by dozens of libraries, colleges and bookstores. We posted videos on YouTube to promote Banned Books Week. The first set of videos featured authors Chris Crutcher, Carolyn Mackler, and Robie Harris promoting the Banned Books Week Read-Out! A fifth video, highlighting the top ten banned or challenged books for 2006, has been viewed over 5000 times and we were invited to cross-post it on TeacherTube, a video sharing resource for school teachers.

For the first time, OIF coordinated several activities in Second Life and Teen Second Life with the help of the Alliance Library System and others. These included an opening pirate party, two programs on book censorship and how to respond to censorship, two book discussions on

frequently challenged books—*I Know Why the Caged Bird Sings* and *Of Mice and Men*—and even a couple of fireworks displays. Participation was healthy, and the Banned Books Week pirate ship display (with plenty of instructional posters, podcast listening stations, videos, free virtual t-shirts, and links to more resources) remained up well past Banned Books Week. There was even an article in Second Life News that can be read at <http://www.slenn.com/article/banned-books-week>.

The first annual Banned Books Week Read-Out!, held on Saturday, September 29, was co-sponsored by the ALA Office for Intellectual Freedom, the McCormick Tribune Freedom Museum and the Newberry Library. Hundreds of people joined ALA President Loriene Roy, ALA President-Elect Jim Rettig and local Chicago celebrities—Sara Paretsky, Dr. Haki Madhubuti, and Rick Kogan—who read passages from their favorite banned and challenged books. Also featured were several highly acclaimed authors of banned and challenged books—Chris Crutcher, Robie Harris, Carolyn Mackler, Peter Parnell, Marilyn Reynolds, Justin Richardson, and Sonya Sones—who discussed their experiences as targets of censors and also read from their books. In addition to the readings, we featured banned or censored music performed by musician Ben Porter of the Old Town School of Folk Music and dramatic readings of banned and challenged books by City Lit Theatre actors.

The event was a major success and we plan to host another Read-Out! next year on Saturday, September 27, 2008. Save the date!

2008 Banned Books Week begins September 27 and continues through October 4, 2008; it marks BBW's 27th year. All BBW merchandise, including posters, bookmarks, t-shirts, and tote bags, will be sold and marketed through ALA Graphics (<http://tinyurl.com/qrqb4>). More information on Banned Books Week can be found at <http://www.ala.org/bbooks>.

Contemporary Intellectual Freedom Series

The majority of printed works addressing intellectual freedom and privacy issues in the library tend to be academic or compilations of policies and articles like the Intellectual Freedom Manual. While these references make excellent resources for the academic, the professional librarian, or the student conducting in-depth research, few works provide practical, easy-to-access guidance on intellectual freedom and privacy issues to a broader audience that can include front-line librarians, library workers, LIS students, library volunteers, and members of the general public.

Three publications currently being written by Candace Morgan, Barbara Jones, and Pat Scales will comprise a series containing an introduction to intellectual freedom and more specific materials addressing the practical application of intellectual freedom principles in public, academic, and school libraries. Each publication will discuss intellectual freedom concepts via a series of case studies that will both illustrate and teach a particular intellectual freedom or privacy concept. The reader should be able to jump into the work at any point or find a case study to address a current problem or issue of concern.

Each case study will describe a set of facts, followed by a discussion of the applicable intellectual freedom principles. The overall discussion will employ text, Q&As, sidebars, hot tips, and other creative means to provide information useful to front-line library workers or LIS students seeking an introduction to intellectual freedom.

ALA Editions anticipates publishing the series in late 2008.

Lawyers for Libraries

Lawyers for Libraries, an ongoing OIF project, is creating a network of attorneys involved in, and concerned with, the defense of the freedom to read and the application of constitutional law to library policies, principles, and problems.

Twelve regional training institutes have been held since 2002, in Boston, Chicago, Dallas, San Francisco, Washington, D.C., Atlanta, Seattle, Columbus, Houston, Seattle, Philadelphia, and most recently in Denver, in conjunction with the Colorado Association of Libraries' 2007 Annual Conference. Previous to that, two grant-funded trainings were held in Chicago for representatives from each state chapter. To date, nearly 400 attorneys, trustees, and librarians have attended these trainings, and an e-list has been created to allow for ongoing communication on questions of policy and best practices. Those attending these trainings have proved invaluable to their institutions in terms of protecting them from liability and violations of intellectual freedom; they also have proved of great assistance to OIF when cases of local censorship or privacy violations have arisen.

Topics addressed at the trainings include the USA PATRIOT Act, Internet filtering, the library as a public forum, meeting room and display area policies, and how to defend against censorship of library materials.

For more information about Lawyers for Libraries, please contact Jonathan Kelley at jokelley@ala.org or 1-800-545-2433, ext. 4221.

LeRoy C. Merritt Humanitarian Fund

The LeRoy C. Merritt Humanitarian Fund is continuing to work to increase its awareness throughout the library world. Included in those efforts have been conversations at Midwinter cosponsored by IFRT; receptions at Annual Conference, hosted by ALA presidents; and outreach efforts via state chapters, various ALA publications and e-lists, and presentations at meetings.

For more information on the LeRoy C. Merritt Humanitarian Fund, visit <http://www.merrittfund.org>.

Finally, the Intellectual Freedom Committee would like to congratulate Barbara Jones on receiving the Robert B. Downs Intellectual Freedom Award from the University of Illinois Graduate School of Library and Information Science. Her contributions to the cause of intellectual freedom both here in the United States and abroad are indeed worthy of celebration, and her award is richly deserved.

In closing, the Intellectual Freedom Committee thanks the division and chapter Intellectual Freedom Committees, the Intellectual Freedom Round Table, the unit liaisons, and the OIF staff for their commitment, assistance, and hard work for 40 years.

**Respectfully Submitted,
ALA Intellectual Freedom Committee**

**Barbara Stripling (Chair Pro tem)
Kent Oliver (Chair)
Helen Ruth Adams
J. Douglas Archer
Carrie Gardner
Martin L. Garnar
Bowie Kotrla**

**Trina Magi
James K. Teliha
Gail A. Weymouth
Jerilynn A. Williams
Erin Rushton (intern)
Michael Sawyer**

Intellectual Freedom in Philly in a Nutshell

By Doug Archer

Here are a few highlights from Midwinter in Philadelphia based on personal observation, the usual flood of handouts and several official reports. For more details and links to those reports you can visit the OIF blog at [http://blogs.ala.org/oif.php?title=highlights from midwinter 2008&more=1&c=1&tb=1&pb=1](http://blogs.ala.org/oif.php?title=highlights+from+midwinter+2008&more=1&c=1&tb=1&pb=1)

The Freedom to Read Foundation met all day on Friday and heard reports on current cases including *American Civil Liberties Union of Florida v. Miami-Dade School Board* in which the Board removed *Vamos a Cuba / A Visit to Cuba* from all classrooms and libraries. This one is shaping up to be a landmark depending on the decision of the U.S. 11th Circuit Court of Appeals. It also heard a report on its *amicus curiae* challenge to the “perpetual” gag provisions of the U.S.A. PATRIOT Act and President Bush’s Executive Order No. 13233 severely restricting implementation of the Presidential Records Act of 1978. In new action it set up an ad hoc strategic planning group to look into new challenges to access such as removal of content from licensed databases, established a scholarship fund in honor of Gordon Conable to help new librarians or library school students interested in intellectual freedom to attend ALA Midwinter meetings (ftrf@ala.org or (800) 545-2433 x4226), and began planning for the Foundation’s 40th anniversary in 2009. Lastly, significant initial success was reported in recruiting organizational members with 100 new organizational members, including 45 academic libraries that agreed to provide support in the \$500 and \$1,000 range. Major public libraries will be this year’s emphasis.

The Intellectual Freedom Committee held three half day meetings. Some tidbits. As of the beginning of Midwinter 43 state associations had endorsed the NSL resolution. In addition, it discussed “libel tourism” (e.g. *Alms for Jihad: Charity and Terrorism in the Islamic World*; heard reports on the Standard Chapel Library Project, *The Golden Compass*; and the use of obscenity laws to challenge literature. It also worked on several projects including “The Many Faces of Privacy: A Conversation” planned for fall, 2009 in Chicago; the eight edition of the *Intellectual Freedom Manual*, Banned Books Week 2008, Lawyers for Libraries; a new publications effort, *Contemporary Intellectual Freedom Serie*; and expanded support for the LeRoy C. Merritt Humanitarian Fund.

After lengthy discussion ALA Council approved the Committee on Professional Ethics’ proposed text for Article IV of the Code of Ethics: “We respect intellectual property rights and advocate balance between the interests of information users and rights holders” on a close vote.

Deborah Caldwell Stone gave reports on federal and state legislation in several venues. Major themes in state legislature were patron privacy guarantees (some states expanded them while others limited them) and several attempts to pass an Academic Bill of Rights which would actually curtail academic freedom by introducing state oversight of classroom teaching (all have failed so far). Though much has been introduced little social networking or Internet legislation was moving at the moment (early January that is) at either the state or federal levels.

Last of all, the Philly cheese steaks were just as great as ever. If you get to the next conference in Philly, the Reading Terminal Market (right under the Convention Center) is the place to go for the real thing!

Notes from the MW 2008 meeting of the IFRT task force on the National Conversation on Privacy

By Carolyn Caywood

15 people attended the meeting on Saturday, 1/12/08.

1. Work to be done:

- a. Categories of people from whom we still need to hear. immigrants, seniors & retirees (have some), businesses, parents, law enforcement, people in shelters, medical & financial professionals & others who hold confidential records (have library workers), educators, military, non-library users.
- b. Wider geographical coverage. It was suggested to combine this with categories in table format. That is now on the privacyframing site.
- c. Monitor popular culture for beliefs & values around privacy. Post results to the privacyframing site
- d. Identify research on privacy beliefs, values, behavior. Post results to the privacyframing site

2. Script for interviewing people

<http://privacyframing.wetpaint.com/page/script+for+focus+groups>

As requested, I've added more instructions for conducting a focus group. A reoccurring question is whether a survey would be useful. In the experience of those who have held focus groups, individuals are much more forthcoming in a group. They hear someone else's concern and that stimulates their own thinking.

3. Wetpaint wiki

<http://privacyframing.wetpaint.com/>

Instructions for joining Discussion Forum - <http://privacyframing.wetpaint.com/page/Privacy+Forum/thread>

4. Timeline:

- a. gather concerns and post to Wetpaint site, before May 31.
- b. cluster concerns and frame question, at Anaheim?
- c. develop 3+ approaches,
- d. draft deliberation guide
- e. plan deliberation at IFRT pre-conference, Chicago. July 9–15, 2009? Barbara Jones is interested in doing something joint with the civic engagement MIG on deliberation as an IFRT pre-conference. If we can be ready, this would be the perfect opportunity. It would ensure that the pre-conference was a participatory experience for all.

5. How to publicize this project more widely in ALA?

It was suggested that I write to library schools suggesting this as a project. Our meeting was covered in the 1/13/08 *Cognotes* on page 8.

<http://www.ala.org/ala/eventsandconferencesb/midwinter/2008/Cognotes-Sun-Jan132008.pdf>

Privacy Issues Dominate Intellectual Freedom Discussion

By Stacy L. Voeller, Minnesota State University, Moorhead

Notes from the MW 2008 meeting of the IFRT task force on the National Conversation on Privacy (continued)

The National Conversation on Privacy is an ALA project established by resolution adopted by Council June 28, 2006.

The resolution states: That the Intellectual Freedom Committee, Intellectual Freedom Round Table (IFRT), and ALA Fostering Civic Engagement Member Interest Group collaborate with other ALA units toward a national conversation about privacy as an American value.

Nancy Kranich and Taylor Willingham, co-founders of the ALA Civic Engagement MIG and Carolyn Caywood, a member of IFRT are exploring the application of NIF style framing for a national deliberation on privacy.

ALA passed a resolution authorizing a National Conversation on Privacy and the IFRT is working on framing the issue. The goal is to create a guide, somewhat like the National Issues Forum, that will be available to libraries nationally to hold deliberations on public policy in the area of privacy.

IFRT is looking at the national conversation as a means of determining what is on the minds of real people. According to IFRT, "librarians often have one idea, but the general public has another, and that is what the IFRT is investigating." The categories of people they are hoping to receive re-sponses from include immigrants, seniors and retirees, businesses, parents, law enforcement, people in shelters, medical and financial professions and others who hold confidential records, educators, military and non-library users.

Members of the IFRT are beginning discussions with organized groups.

While they have not yet set a specific number of groups to meet with, they do want to feel confident they have spoken with all categories of people. Once they begin hearing the same responses over and over, they will stop gathering new information. They hope to have enough results to begin discussing how to proceed in Anaheim and to organize a conference session for a later date.

Results will be assessed to determine what the real question is regarding privacy for the general public. Based on the National Issues Forum model, IFRT also envisions writing a short guide for libraries to use for them to open up discussions in their own communities.

While the IFRT values the results they receive meeting directly with people, and particularly with groups, they do encourage the ALA membership to visit their Privacy Framing Wetpaint Website at <http://www.privacyframing.wetpaint.com> where visitors can respond. The Website addresses privacy and asks "What's at stake? What are the issues? What does it mean to me?"

From the Chair, *Doug Archer*

As many of you may know ALA Council has set up a group to explore electronic or virtual participation in the work of the association. At midwinter a Council resolution calling for all units to open up their lists to their membership (read only access) was referred to that group for their due consideration.

Subsequently your Executive Board decided to forge ahead, take the plunge, steal a march (insert your favorite cliché here) and open up our list without waiting around for the Council report. Hey, that's one of the reasons that round tables exist, to experiment.

This change will allow the Board to conduct business between Annual and Midwinter meetings as needed in full compliance with ALA's current open meetings policy. It will also allow us to model our commitment to transparency in governance.

Here are the details. Any ALA member may join the IFRT Executive Board list by going to <http://www.ala.org/ala/ifrt/ifrtinaction/elist/elist.htm> and following the instructions located there. Just as at Annual and Midwinter, anyone may join us and participate in our discussions. Since the list is in reality a continuous, working committee meeting not a discussion group, visitors may not vote. Also, the usual rules of decorum will be enforced.

Specifically, the chair may rule someone out of order if he or she becomes disruptive or hinders the work of the Board -- subject to an appeal to the Board as a whole. For instance, if a person were to inundate the list with posts thus swamping the list (regardless of their content), the chair might first ask them to desist. We've all probably seen this happen on discussions lists. If the warning were ignored, their list membership could be changed to "read only." They would still be able to listen in but no longer be able to post.

As for business, the Board has decided that any decisions will be by an absolute majority vote (7). We currently have 13 voting members, 5 officers (Chair, Vice Chair/Chair Elect, Secretary, Treasurer, and Councilor), 4 Directors at Large and the chairs of four committees (Bylaws and Organization, Membership Promotion, Program and Nominating). In addition, barring emergencies, 10 days will be allowed for voting. This will avoid questions of whether a quorum exists at any given time and should allay any fears of a rush to judgement. Finally, the Bylaws and Organization Committee will be asked to review these procedures and suggest improvements as needed.

We are trying to keep things simple while at the same time being completely above board -- all with the intent of furthering the work of the Round Table. So, feel free to sign up, listen in and offer your opinions on the work of IFRT.

Libel Tourism

By Doug Archer

The actions of Cambridge University Press (CUP) in the controversy surrounding *Alms for Jihad: Charity and Terrorism in the Islamic World* have raised awareness in the library world of a trend already familiar to publishers, "Libel Tourism." For those not yet in the loop, libel tourism occurs when an author brings a libel action in a jurisdiction known for its low standards for successful litigation and then tries to use that leverage to stop the distribution of the offending work in other jurisdictions.

A common venue for such shenanigans is Great Britain, where a very low standard prevails. Most folks have heard of some British jury finding for the plaintiff (usually an unpopular public figure) but awarding them only a penny. However, there are no guarantees and the expense of fighting such a libel action can be enormous.

In this case, Sheikh Khalid bin Mahfouz objected to portions of the book, *Alms for Jihad*, purportedly linking him to charitable support of terrorism. Apparently CUP didn't want to take the risk of losing while spending significant time and money defending its authors. According to *Library Journal's Academic Newswire* (August 21, 2007), CUP "pulped copies of the book, put the book out of print, asked libraries to pull the book from its shelves, agreed to pay damages, and issued a stunning public apology on its web site." The authors, Millard Burr and Robert Collins, on the other hand, stand by their work and intend to seek another publisher in the United States.

The aspect of this case which caught the special attention of librarians was a letter that CUP sent to libraries asking them to either return or destroy their copies of the book or, barring that, to insert a lengthy errata sheet in the volume. Needless to say, given the higher standards for libel actions in the United States, most American librarians who received the letter had never seen anything like it before.

In response to numerous inquiries ALA's Office for Intellectual Freedom quickly issued an advisory pointing out that 1) a libel judgment handed down outside of the United States is unenforceable here and that 2) libraries are under no legal obligation to return or destroy their copies or even to insert the requested errata sheet. In other words, rest easy! And, since this particular instance of libel tourism was successful in the United Kingdom, don't be surprised if you get another, similar letter in the future – but feel free to ignore it as the clever attempt at back door censorship that it is.

*Eli M. Oboler Memorial Award to be presented at Annual in Anaheim
2008*

The Eli M. Oboler Memorial Award, which consists of \$500 and a certificate, is presented for the best published work in the area of intellectual freedom.

The award was named for the extensively published Idaho University librarian known as a "champion of intellectual freedom who demanded the dismantling of all barriers to freedom of expression."

Works to be considered for the award may be single articles (including review pieces), a series of thematically connected articles, books, or manuals published on the local, state or national level in English or English translation.

Criteria for the award include: focus on one or more issues, events, questions or controversies in the area of intellectual freedom; demonstrable relevance to the concerns and needs of members of the library community; and, the work must have been published within the two-year period ending the December prior to the ALA Annual Conference at which it is granted. The 2008 award is for work published between 2006 and 2007.

The Eli M. Oboler Memorial Award is sponsored by the Intellectual Freedom Round Table (IFRT) of the American Library Association (ALA). For anyone interested in nominating next year, please find the full criteria and the Oboler nomination form from the Office for Intellectual Freedom, American Library Association, 50 E. Huron St., Chicago, IL 60611.

Nominations and supporting evidence should be sent to:

Nanette Perez, IFRT Staff Liaison, ALA, 50 E. Huron St., Chicago, IL 60611. Telephone: 312-280-4223 or 800-545-2433, ext. 4223. Fax: 312-280-4227. E-mail: nperez@ala.org.



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

- ♣ Lauren Christos, Chair
- ♣ Diane M. Fulkerson
- ♣ Cindy A. Lombardo
- ♣ Camille McCutcheon

~Special thanks to Marie Therese O'Connell for her contributions in creating this newsletter.

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