

IFRT REPORT

Intellectual Freedom Roundtable of the American Library Association

In Memorium: Judith Fingeret Krug

No single person has been more closely identified with the cause of intellectual freedom than Judith F. Krug.

Krug, who often said, "Censorship dies in the light of day," was the director of OIF and executive director of the Freedom to Read Foundation for more than 40 years, and the founder of ALA's Banned Books Week. She was admired and respected for her efforts to guarantee the rights of individuals to express ideas and read the ideas of others without governmental interference.

Through her unwavering support of writers, teachers, librarians and, above all, students, she has advised countless numbers of librarians and trustees in dealing with challenges to library material. She has been involved in multiple First Amendment cases that have gone all the way to the

United States Supreme Court.

"For more than four decades Judith Krug inspired librarians and educated government officials and others about everyone's inviolable right to read. Her leadership in defense of the First Amendment was always principled and unwavering. Judith's courage, intelligence, humor and passion will be much missed - but her spirit will inspire us always," said Jim Rettig, ALA president, and Keith Michael Fiels, ALA executive director.

"Often in the face of great personal criticism, Krug has never wavered in her defense of First Amendment freedoms, whether testifying before Congress, leading legal chal-



lenges to unconstitutional laws or intervening hundreds of times to support and advise librarians in their efforts to keep particular books," according to the center.

She died on April 11, 2009.

Amazon gets burned on filtering; lesson learned?

Amazon got a quick lesson in the problems that accompany filtering recently, as their attempt to make search results inoffensive offended and outraged thousands of people. Amazon hasn't yet made it clear whether they intend to

abandon filtering altogether, or simply try to fix their process.

In case you missed it, Amazon has been classifying certain books as 'adult products.' An Amazon customer service

rep explained via email to author Mark R. Probst that "[i]n consideration of our entire customer base, we exclude 'adult' material from appearing in some searches and best seller lists. Since these lists are generated using (Continued on page 2)

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- We want to hear from you! Comment on articles from the IFRT REPORT and other news at our Blog: <http://ifrt.blogspot.com/>
- Do you Twitter? Follow the ALA's Office of Intellectual Freedom tweets at <http://twitter.com/oif> and
- Coming mid-June: Special ALA-Annual Conference Preview Issue!

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Our Blog is Back!

As chair of the Publications and Communications Committee for the Intellectual Freedom Round Table I wanted to take this opportunity to let members know in addition to the IFRT Report we will be updating the [IFRT blog](#) with articles and other information related to intellectual freedom. The blog will provide members with a forum to comment and discuss intellectual freedom issues. Anyone who wishes to submit an article to either the blog or the IFRT report can contact me, Diane Fulkerson at diane.fulkerson@gmail.com or David

Hurley, editor of the IFRT Report at david@aihecvl.org

All the articles from the current issue of the IFRT report will be posted on the blog, so feel free to share your comments on anything you read here and subscribe for regular Intellectual Freedom updates.

The blog is at <http://ifrt.blogspot.com/>

-Diane Fulkerson



#AmazonFail: Filtering inadvertently block 50,000 books

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sales ranks, adult materials must also be excluded from that feature.”

In February, Craig Seymour noticed that his memoir of being a stripper in gay clubs in Washington, D.C. was no longer showing up in searches, and had its sales rank removed. While his title was eventually restored, by April 12th over 50,000 books had been impacted, including *Brokeback Mountain*, *Mayor of Castro Street: The Life and Times of Harvey Milk*, *Heather Has Two Mommies*, and *False Colors*. The fact that books of Play-boy centerfolds and memoirs of straight sex workers were not impacted led many to conclude that gay and lesbian titles were specifically targeted. In fact, the top results for searches on the keyword ‘homosexuality’ were titles on preventing and curing homosexuality. News spread like wildfire around the Internet over the weekend, most notably via hundreds of twitter messages a minute tagged #AmazonFail – now a synonym for the whole incident.

In a statement that was not at all reassuring for people concerned with filtering, Amazon spokesperson Drew Herdener asserted that it was not just homosexuality that was targeted, but also material in categories such as Health, Mind & Body, Reproductive & Sexual Medicine, and Erotica. Indeed books like *The Ultimate Guide to Sex and Disability* were also reportedly affected.

Ultimately, Amazon faulted employee error in conflating the concepts of ‘adult,’ ‘erotic,’ and ‘sexuality’ causing books to inappropriately be removed from rankings and search results.

While this explanation satisfies some who were worried about an anti-gay agenda at Amazon (and doesn’t satisfy others who see many unanswered questions), it still leaves open the idea that some books that Amazon sells are appropriately filtered from sales ranks and recommendation features.

Libraries learned long ago that attempts to narrowly filter a category of material that

someone finds offensive quickly winds up blocking access to materials that virtually everyone agrees should not be filtered. Obviously, Amazon does not have the ethical responsibilities of a library. That’s why libraries remain more interesting and more integral to democratic society than bookstores. But while Amazon certainly has the right to limit its selection, search results, and recommendations by any criteria it wishes, much of its appeal is that Amazon can carry everything, unlike a physical bookstore that is limited by space concerns. If Amazon sabotages its own search and recommendation systems, it loses much of that appeal.

It is unclear why Amazon would need to filter ‘adult’ products. Customers are required to be adults, and it seems that a truly explicit thumbnail image of product description would be rare enough to be handled on a case by case basis.

Amazon should, *in consideration of their entire customer base*, offer full search and discovery options for all the products they sell. -David Hurley

Sir John Clifford Mortimer, CBE, QC (21 April 1923 – 16 January 2009)

Though best known in the US for the PBS TV program *Rumpole of the Bailey*, John Mortimer was much more than a witty author of British crime stories. As an English barrister, Mortimer provided the defense in several major British free speech trials, cases that he said were "alleged to be testing the frontiers of tolerance." Both his parallel careers as author and as barrister served Mortimer's belief in law as protector of individual liberties.

Called to the Bar in 1948, Mortimer was made a Queen's Counsel in 1966, and retired in 1984. On "taking silk" (as becoming a Queen's Counsel is known, referring to the silk robes the QCs wear in court) he began defending criminal cases, including obscenity charges. In 1968, he successfully defended John Calder and Marion Boyars on appeal of their conviction under the Obscene Publications Act for publishing *Last Exit to Brooklyn* by Hubert Selby. This case is considered a turning point in British censorship law.

In the early 1970s, the Obscene Publications Squad, with covert blessing from conservative elements in government, went after radical underground publications to divert attention from the real pornography they'd been bribed to ignore. Mortimer was one of the few barristers willing to defend in such cases. He defended Richard Handyside who published an English edition of the Danish *Little Red Schoolbook* guide for students to sex, drugs and rebellion. Handyside lost and eventually appealed to the European Court of Human Rights which helped to define how free speech would be handled across national boundaries.

Oz, an underground magazine, produced one issue (#28) written and illustrated by students, but the crude humor of "Schoolkids Oz" provoked prosecution under an archaic law, "conspiracy to corrupt the public morals," that had no limit on the possible sentence. Mortimer defended the publishers in the 1971 "Oz conspiracy" trial, the longest obscenity trial in British legal history, and the harsh sentence was quashed on appeal. In his summing up for the jury, Mortimer said, "The case stands at the very cross roads of our liberties, at the boundaries of our freedom to think and draw and write about what we please."

In 1977, Mortimer defended *Gay News* editor Denis Lemon who was charged with Blasphemous libel in *Whitehouse v. Lemon* for publishing James Kirkup's poem "The Love that Dares to Speak its Name." The poem uses homoerotic imagery about Jesus to reconcile faith and same-sex love. The magazine was convicted and fined but Lemon's sentence was quashed on appeal.

The title of the 1977 Sex Pistols album *Never Mind The Bollocks*, uses a British vulgarity that brought Virgin Records and one of its' shops' window displays into court charged under the 1899 Indecent Advertising Act. Mortimer's defense included a professor of English who observed that "bollocks" appeared in English placenames without stirring any sensual desires in the residents. In his summing up, Mortimer asked, "do we live in a country where we are proud of our Anglo Saxon language? Do we wish our language to be verile and strong or watered down and weak?" The album title was acquitted of indecency.

Mortimer also used his character Horace Rumpole and the people he defends in London's Old Bailey, to illustrate his beliefs and promote his causes. He was against the death penalty as well as censorship, and a strong advocate for the right of all accused to a fair trial. Particularly in his second full length novel, *Rumpole and the Reign of Terror* published in 2006, Mortimer challenged the erosion of liberty in the name of national security. Despite criticism from his colleagues and his wife Hilda, Rumpole defends a Pakistani doctor accused of being an al Qaeda terrorist. The barrister condemns Britain's Anti-Terror Act as an assault on Magna Carta, aiding terrorism by undermining the rule of law. The fictional case also examines Britain's struggle with its new diversity.

After Labour's victory in 1997, Mortimer had been rewarded with a knighthood, but he became a persistent critic of the government's disregard of individual liberty. In both careers, he helped make criminal defense work respectable and police procedures more trustworthy. He always asserted that defense of individual liberties was the only justification for the profession of law, and its highest calling.

-Carolyn Caywood

