

**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 Eighth 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 Lorlene 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/qrgb4>). 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.

ALA Intellectual Freedom Committee

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