

# IFRT REPORT

Intellectual Freedom Roundtable of the American Library Association

## ALA meets Burning Man at Annual 2010

IFRT's program at ALA Annual 2010 features Burning Man Co-Founder Larry Harvey

By Lauren Christos

Whether you are a dedicated *Burner*, or totally new to the temporary, intentional community of radical self-expression that is the Burning Man Project, this year's IFRT program is one you won't want to miss.

The program, titled "Burning Man, Libraries, and the 21<sup>st</sup> Century: The Intersection of the Individual and Social Institutions" features Larry Harvey, executive director of the Burning Man Project and chairman of Burning Man's senior staff and Black Rock City LLC, its executive committee, as speaker. Among his many talents and services, he also co-chairs the organization's Art Department, scripts and co-curates Burning Man's annual art theme, and collaborates with artists in creating aspects of the art theme and the design of Black Rock City. Harvey produces Burning Man's an-



Photo of Sculpture at Burning Man, courtesy of Tom Pendergast.

nual newsletter and writes articles and essays for the Project's website. As spokesperson for Burning Man, he is frequently interviewed by reporters. He has lectured on subjects as diverse as art, religion, civic planning and civic responsibility, radical expression and radical self-reliance, culture, economics, the imme-

diacy of experience, and most frequently the idea of participation in all its forms. In addition, Larry is also a political planner. He supervises the organization's lobbying efforts and frequently attends meetings with state, county and federal agencies. A visionary, activist and prodigious thinker,

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## Barbara M. Jones Named Director of the OIF

By Doug Archer

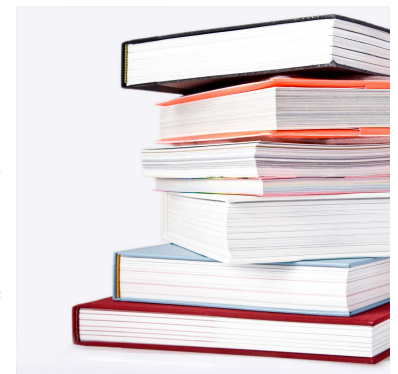
As many of you know, Barbara Jones has become the new Director of ALA's Office for Intellectual Freedom and Executive Secretary of the Freedom to Read Foundation. Barb is one of our own. In fact, she

is one of less than a handful of people to serve two terms as chair of IFRT. The official ALA announcement (available on the [IFRT Blog](#)) contains all of the usual details outlining Barb's illustrious career and lifelong commitment to intel-

lectual freedom.

What the announcement doesn't cover is the process by which a new Director was recruited and selected. Since I was on the search committee at least partially because of

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## Using the OIF database for “What’s so Scary about Tango”

By Carolyn Caywood

This 2009 GLBTRT program focused on picture books and primary grade books with LGBTQ themes like *And Tango Makes Three*. My role on the panel was to address why people censor LGBT themed books for children. This seemed like a good reason to use the kind of information OIF has been collecting. I hoped the OIF database of challenges would allow me to track the obvious titles over time to see patterns in frequency of complaints. Also the wording of complaints might reveal if there were other issues that were conflated with homosexuality. And the database might alert me to unfamiliar titles.

OIF provided me with a spreadsheet going back to just after the 1989 publication of *Heather Has Two Mommies*. Staff were able to limit it to complaints of homosexuality and also to someone’s assumption that the book was for young children. (Nevertheless, quite a few of the titles were not children’s books. The database could be improved if someone with strong literature knowledge were to correct title variants and tag them with the actual intended age.)

Since it was a spreadsheet, I did not have the actual complaint wording, just a check off under any of about twenty terms that crop up frequently in censorship attempts, e. g. “anti-family” and “religious viewpoint.” And, of course, there are many more complaints and reconsiderations that never make it into the OIF database, so no one should assume that the following numbers have statistical validity.

Over the almost 20 year period, 23 books for younger children were challenged on the grounds of homosexuality. When I looked at the checked terms, I found 227 complaints on the basis of homosexuality. Some of these complaints also had checked:

34 – unsuited to age

23 – anti-family (especially if “family” was in the title)

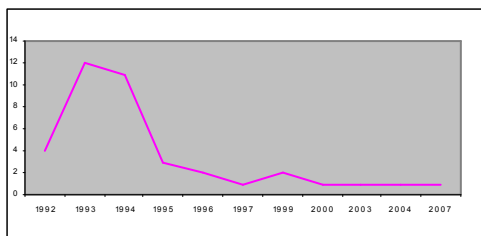
9 – religious viewpoint

5 – sexually explicit

And a scattering or other issues that didn’t reveal any pattern.

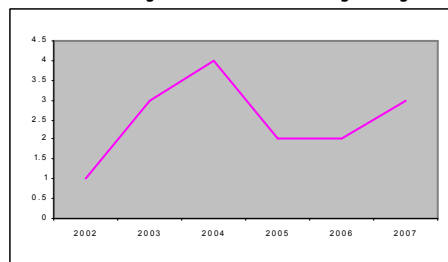
I found that the number of complaints partly reflects the age of the book. Thus, *Heather has Two Mommies* has had 39 challenges in 20 years. 1993-4 was the peak of awareness and opposition to the book, but censors do continue to discover it.

Challenges/Year 1993-2007: *Heather has Two Mommies*



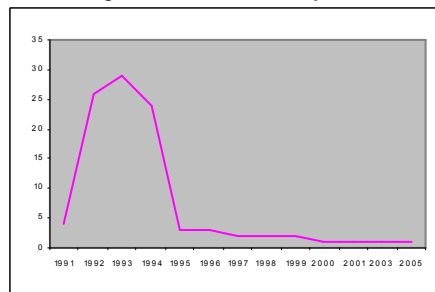
By contrast, *King & King* has had 15 challenges in 7 years:

Challenges/Year 2002-2007: *King & King*



The winner for all-time highest challenges is *Daddy’s Roommate* with 95:

Challenges/Year 1991-2005: *Daddy’s Roommate*



However, *And Tango Makes Three* is catching up with 26 complaints since March,

2006. The authors speculate that it was the popularity with social conservatives of the movie *March of the Penguins* that made *Tango* such an issue. The true story aspect of *Tango* also seems to be an irritant with some opponents of the book proclaiming that one of the penguins has given up his sinful ways and found a female. Whatever the motive, *Tango* is currently in OIF’s Top 10 for the third year. Joining it there this year was *Uncle Bobby’s Wedding* by Sarah S. Brannen, another picture book about a gay couple, only these are guinea pigs and the story is fiction.

See the chart on the next page for the full OIF database list of picture and primary grade books challenged on the grounds of homosexuality,

The last one included is Maurice Sendak’s *We Are All in the Dumps with Jack and Guy*. And there were a few titles in the list that had even less connection to gay issues than Sendak’s book, books that someone had misunderstood or possibly misnamed.

Over all, this was an interesting way to explore the potential of the OIF database. Certainly, without it I would have had little besides opinion to contribute to the panel. At the same time, the database could use a clean-up that first verified titles, which are not always reported accurately in the media, and secondly tagged titles according to their actual readership. We have all encountered the person that worries that children will get hold of a book that not only is not meant for children but would probably bore them to tears if they even understood it.

While challenges to books that are perceived to introduce homosexuality or gender variance to young children has remained a constant, this has clearly not prevented the publication of more of such titles. We can expect to see more titles in this area in the coming years, and more challenges to go with them.



## Challenged picture and primary grade books challenged on the grounds of homosexuality

Here is the full OIF database list of picture and primary grade books challenged on the grounds of homosexuality, with total challenges:

- Daddy's Roommate* by Michael Willhoite – 95
- Heather Has Two Mommies* by Leslea Newman – 39
- And Tango Makes Three* by Peter Parnell – 26
- King & King* by Linda de Haan – 15 (controversy over use in Massachusetts school)
- The Duke Who Outlawed Jelly Beans* by Johnny Valentine – 7
- Families: a Celebration of Diversity* by Aylette Jenness – 4
- Gloria Goes to Gay Pride* by Leslea Newman – 4
- Uncle What Is It Is Coming to Visit* by Michael Willhoite – 4 (gay stereotype questioned)
- How Would You Feel if Your Dad Was Gay* by Ann Heron – 3
- My Two Uncles* by Judith Vigna – 3 (includes realistic disapproving grandfather)
- The Sissy Duckling* by Harvey Fierstein – 3 (duck is rejected by father)
- Uncle Bobby's Wedding* by Sarah Brannen – 3 (new addition to the list)
- Who's in a Family* by Robert Skutch – 3
- Daddy's Wedding* by Michael Willhoite – 2
- Families* by Meredith Tax – 2
- Molly's Family* by Nancy Garden – 2 (very similar to *Heather Has Two Mommies*)
- Asha's Mums* by Rosamund Elwin – 1
- Buster's Sugartime* by Marc Brown - 1
- The Daddy Machine* by Michael Willhoite – 1
- One Dad, Two Dads, Brown Dad, Blue Dads* by Johnny Valentine – 1
- Pinky and Rex and the Bully* by James Howe – 1 (chapter book, questions gender roles)
- Saturday is Patty Day* by Leslea Newman – 1 (divorced lesbian parents of boy)
- We Are All in the Dumps with Jack and Guy* by Maurice Sendak – 1

Compiled and annotated by Carolyn Caywood

## The Pornography Panel

By Robert P. Holley

Champions of intellectual freedom should be pleased to learn that two respectable scholarly societies support the study of pornography at their joint professional conferences. To give some background, the Midwest Popular Culture Association and the Midwest American Culture Association held their annual conference in Detroit on October 30-November 1, 2009. Since I had presented my findings on library holdings of objectionable books several years ago, I took advantage of the

convenient hometown location to give a paper on pornography and intellectual freedom. While I had presented my earlier findings for the Libraries, Museums, and Collecting Area, I noticed that the conference panels also included a Pornography Area and sent the following proposal in to the chairs of both panels:

*Intellectual freedom concerns in today's society more often center on cultural values than illegal acts. Pornography by adults for adults, descriptions of sex at seventeen, a mouthy kid in underpants, and two male*

*penguins hatching an egg are completely legal acts but have occasioned multiple censorship attempts for violating cultural rules of importance to some. This presentation examines these concerns within the broader American culture with a focus on public libraries. The paper will also show that the oft quoted dictum that our culture and its libraries must present a balanced viewpoint on controversial issues is, upon close examination, an obvious falsehood.*

Continued on page 4.

## Report from the Chair

By Lauren Christos

Midwinter did not disappoint! The weather, almost balmy by Boston standards, and of course the exciting meetings, issues, and events surrounding intellectual freedom remind me once again why membership and participation in this aspect of librarianship remains a vital force and is a core value of our profession.

The IFRT Board was honored to pass a resolution sponsored by the IFC: "Resolution in Honor of the LeRoy C. Merritt Humanitarian Fund's Fortieth Anniversary." This fund provides direct financial assistance to librarians who are denied employment rights due to their stance in defense of intellectual freedom. Look for a wonderful anniversary gala at the Folger Shakespeare Library at Annual. Seats limited! (See registration information on page nine). I would especially like to thank Jim

Kuhn for his long-standing dedication to this important fund.

Attendance at the Freedom to Read author event co-sponsored with the GLBRT held at the Harvard Library Medical Library and the Choose Privacy Week kickoff event with social critic Hal Niedzviecki, author of "The Peep Diaries: How We're Learning to Love Watching Ourselves and Our Neighbors" were both excellent. It is gratifying to see such collaboration among the IF community. Continuing in this vein, IFRT will host a pre-conference at annual furthering our National Conversation on Privacy with two stalwart IF defenders, Nancy Kranich and Carolyn Caywood. This initiative is a collaborative endeavor with the Libraries Foster Civic Engagement Membership Initiative Group of ALA. I am grateful to our program chair, Sylvia Turchyn, who presented information about our program for Annual. Titled "Burning

Man, Libraries, and the 21<sup>st</sup> Century: The Intersection of the Individual and Social Institutions" (See full story on page one.) A visionary, activist and prodigious thinker, speaker Larry Harvey brings to our program a unique perspective on intellectual freedom and how it meshes or collides with individuals, institutions, and society in general. For those of you not familiar with Burning Man, may I recommend taking a look at the website <http://www.burningman.com>. More on this and other IF events in our next Report. Our IFRT meetings are open to all. I invite anyone interested to come and visit with us. Lastly, I would like to thank the IFRT Board for their passionate commitment to this round table and also for the many hats they wear in service to intellectual freedom, whether at conference, in their institutions, and in their communities.

## The Pornography Panel, Continued

*Continued from page 3.*

After a bit of negotiations between the two chairs, Laura Vazquez, Department of Communication, Northern Illinois University, let me know that she would be pleased if I would join her as the second speaker on the Pornography Panel.

The reason why I believe she was eager for me to speak requires a bit of background. Virtually all those attending were either presenting papers or had official duties at the conference. With the increased pressures for scholarly activities to get a job or earn tenure, regional conferences such as this one give students and non-tenured faculty a chance to present their research and get feedback on their papers. I suspect that I was one of the few full professors to attend.

Nonetheless, I believe that many unten-

ured faculty, newly minted PhD's, or job-seeking students might hesitate to include an entry about a "Pornography Panel" on their curriculum vitae. In a world of too many applicants for too few spots, review committees are looking for reasons to eliminate candidates and speaking on pornography might suffice. To test this hypothesis, I asked Dr. Vazquez, the panel organizer, if she ever hesitated about putting this professional position on her resume. She said yes. Even with her status as Associate Professor and most likely tenured, she worried about what her colleagues would think and had decided not to include this position in a recent document for her peers. As tenured full professor nearing retirement and already known for my strong stance on intellectual freedom, I found it more amusing than threatening to tell my colleagues about this

unique speaking opportunity.

The audience was quite small with only four people, but this number is not uncommon since this conference schedules such a large number of simultaneous sessions that the speakers sometime outnumber the listeners. I talked about the surveys that I use to help students investigate the depth of their commitment to intellectual freedom and about the challenge of Internet pornography where libraries can be sued if they filter or sued if they don't. Dr. Vazquez gave a more formal paper about a series on HBO that could be considered soft core pornography. We each answered a few questions, and the program was over. But I will always be able to tell the story about how I got to speak on the Pornography Panel.



## IFLA/ FAIFE Internet Manifesto workshops and its impact in the local populations: the case of Peru

By Loida Garcia-Febo

During 2009 IFLA's Free Access to Information and Freedom of Expression (FAIFE) conducted a series of workshops to promote access to information on the Internet in Peru, Russia and the Philippines. These workshops were part of a comprehensive project to bring Internet Manifesto workshops to all the regions of those countries. I'll describe the development of the project in Peru.

The concept behind the workshop was to train trainers at a national level and have them train others at town and village levels. One main goal was to promote the right of every individual to access information on the Internet by presenting and discussing why this is a right, the role of the librarian promoting it, barriers preventing individuals from accessing the Internet and the importance of information access policies including examples. The project included three phases. During the first one librarians from various regions of Peru were trained using IFLA/UNESCO Internet Manifesto Guidelines materials developed by FAIFE. The librarians represented the regions of Arequipa, Lambayeque, Cajamarca, Cusco, La Libertad, Junin, Tacna, Puno and Iquitos.

During the second phase, the librarians conducted trainings in their regions. These trainings were attended by other colleagues, library decision-makers, elected officials and owners of Internet cafes which are in many cases the main point of access to the Internet in many of the villages. A number of trainers organized more than one workshop. In some cases they trained their colleagues and these helped our trainers to present workshops for other

librarians, town mayors and businessmen. As a result a large group of library workers in Peru became familiar with computers and the World Wide Web. Also community members across Peru became aware of websites that could help them to better understand government procedures and educative alternatives. For some library workers and individuals from the commu-



nity it was the first time they had worked with a computer.

The third phase took place in Cusco. There all the trainers shared news and outcomes using Power Point presentations. Some of the most impressive results included community members becoming aware of government forms to fill out and monitoring health insurance forms online. Up to that point these people would get up at four in the morning to stand in line to fill out these forms and would repeat the same procedure to investigate the status of their insurances. A librarian who used to read entire books to catalog them, found out websites from other libraries and book records in Spanish. She then used the time saved on this process to perform other duties that up until that point she had pending due to the extraordinary amount of time spent reading books. A library worker, motivated by the workshops enrolled in library school and is currently pursuing an LIS degree.

The most striking news came from rural Peru where librarians partnered with the local police, regional engineers and nuns to install computers to conduct workshops for community members including youth

groups, students and parents. The students were ecstatic to discover websites about all kind of health conditions such as HIV/AIDS. The parents were excited to read education-related websites with different educative plans than those followed by local schools. Afterwards the parents met with local educators to discuss alternatives for their children's education.

The project still has a fourth phase to be completed by FAIFE trainers, local organizers and IFLA staff. A final report including impact of the workshops and recommendations for the future should be available on the FAIFE website by mid-2010.

*FAIFE is an initiative within IFLA to defend and promote the basic human rights defined in Article 19 of the United Nations Universal Declaration of Human Rights. FAIFE furthers free access to information and freedom of expression in all aspects, directly or indirectly, related to libraries and librarianship. It also monitors the state of intellectual freedom within the library community worldwide, and supports IFLA policy development and cooperation with other international human rights organizations.*

For more information about FAIFE, visit <http://www.ifla.org/en/about-faife>

Materials used on FAIFE workshops are available at <http://www.ifla.org/en/publications/30>

*IFLA Internet Manifesto Train the Trainers Workshop, Lima, Peru* <http://www.ifla.org/en/news/ifla-internet-manifesto-train-the-trainers-workshop-lima-peru>

*IFLA Internet Workshop in Cusco, Peru-- Assessing the Impact* <http://www.ifla.org/en/news/ifla-internet-workshop-in-cusco-peru-assessing-the-impact>

## New Director of Office of Intellectual Freedom

*Continued from page 1*

my role as Liaison from IFRT to the IFC, it seems appropriate for me to give you an account of what went on.

The search committee had 8 very active members. They were Mary Ghikas, convener of the committee (ALA's Senior Associate Director), Kent Oliver (President of the Freedom to Read Foundation), Martin Garnar (Chair of the Intellectual Freedom Committee and past Chair of IFRT), Mario Ascencio (Chair of the Committee on Legislation), Mary Taylor (Executive Director of LITA), Karen O'Brien (Director of ALA's Office for Accreditation), Cynthia Vivian (ALA Director of Human Resources) and myself (past Chair of the Intellectual Freedom Committee and of IFRT).

During ALA's annual meeting in Chicago newly appointed members of the Search

Committee met individually and in small groups with Mary Ghikas acting as committee convener. At that time we began the process of building a job description, listing qualifications and establishing a time line. Our hope was to have a decision before Thanksgiving and someone in place by Midwinter. Amazingly, that is exactly what happened!

During the rest of July and August we solicited input from all of the usual suspects including the IFC, the Freedom to Read Foundation, the general ALA membership, and, of course, IFRT by every forum and list we could think of. I hope you saw at least one if not several of these solicitations.

Once we had a pool of applicants, ALA staff vetted the applications for anyone meeting the minimums and then the committee

went over the list. Using email and the phone we settled on a shorter list for telephone interviews. These were then done by a consulting form. The next step was a review of the interview transcripts by conference call and a selection of finalists.

The finalists were brought to Chicago for a full day of interviews with the committee, ALA human resources people, OIF staff and other ALA personnel. At the end of the day the committee received input from all parties and, believe it or not, came to a consensus.

To close, I'd like to say a special thanks to all of the folks who applied for the position and encourage you to remain actively involved in ALA's defense of intellectual freedom and wish Barbara the warmest of welcomes to her new position, ALA's hottest of seats. Go get 'em Barb.

## IFRT Program at Annual 2010, Continued

*Continued from Page 1*

Larry brings to our program a unique perspective on intellectual freedom and how it meshes or collides with individuals, institutions, and society in general.

For those of you not familiar with Burning Man, I would recommend taking a look at the website <http://www.burningman.com> for more information. While it is a difficult event to describe – it is best experienced first-hand – I can attest to the remarkable confluence of a myriad of sights and sounds that pervade this week long event held in Black Rock City, Nevada. At the core of Burning Man lies their mission statement – “to produce the annual event known as “Burning Man” and to guide, nurture and protect the more permanent community created by its culture. Our intention is to generate society that connects each individual to his or her creative powers, to participation in community, to the larger realm of civic life, and to the even greater world of nature that exists beyond soci-

ety.” The concept of intellectual freedom, indeed both artistic and political freedoms as well, is organic to the citizenry of Black Rock City and is also inherent within the event known as Burning Man. This organization and the event bring together nearly 50,000 participants to an ancient lake-bed in Black Rock Desert, Nevada. Here a temporary community is built, part social experiment, part metropolis.” . . . Black Rock City's grid, with its plazas, promenades and public monuments, was once described by the London Observer as a, “beautifully zoned tentopolis designed with a precision of which the Renaissance city state idealists or Haussmann would approve.” I like this description of the city for it evokes a fair sense of how it feels to live there, to be a part of this ‘place.’ However, the activities, events, interactive theme camps, radio stations, newspaper, and countless art installations are created out of the idea of creating a shared experience.

I first attended Burning Man in 1997. In 2000, I became involved in this round table, serving on the program committee when David Brin was our speaker that same year. I imagined that one day it would be a remarkable opportunity to have some kind of Burning Man/IFRT program. It seemed like the perfect merge of my experiences at Burning Man with the ideals I found in the Intellectual Freedom Round Table board and its members. At the time back in 2000, I had little idea of the shape this program would take, and with the collaboration of our gracious and brilliant program chair Sylvia Turchyn, we are still ironing out this vision. However, both she and I believe this program will be exciting and extraordinary. I hope you will attend.

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## Midwinter 2010 Report On the Freedom to Read Foundation To the Intellectual Freedom Roundtable

### STATUS OF SIGNIFICANT LIBRARY-RELATED LITIGATION:

**U.S. v. Stevens:** A federal law, 18 USC 48, prohibits the knowing creation, sale or possession of “a depiction of animal cruelty” with “the intention of placing that depiction in interstate or foreign commerce for commercial gain.” The law provides an exception for “any depiction that has serious religious, political, scientific, educational, journalistic, historical, or artistic value.”

Robert J. Stevens, a Virginia man, was sentenced to 37 months in prison for selling videos of pit bull dogs fighting each other and attacking other animals. Stevens, an advocate for pit bull ownership, created documentaries about the breed that incorporate films of legal pit bull fights in other countries; the videos are sold online through Barnes and Noble and Amazon. The district court refused to dismiss his indictment on First Amendment grounds, finding it justified by a compelling government interest.

On appeal, the Third Circuit Court of Appeals overturned Stevens’ conviction, and ruled that 18 USC 48 was unconstitutional. It rejected the government’s argument that depictions of animal cruelty should be excluded from the First Amendment, as is obscenity and child pornography, and held that there is no compelling government interest in banning speech to compensate for under-enforcement of existing animal cruelty laws. It further ruled that the “serious value” exception did not render the law constitutional.

The government appealed the Third Circuit’s decision to the U.S. Supreme Court. FTRF joined in an *amicus curiae* brief that asks the Supreme Court to uphold the Third Circuit’s opinion. The Supreme Court heard oral argument on October 6, 2009; the parties are awaiting the court’s decision.

**Florence v. Shurtleff** (formerly *The King’s English v. Shurtleff*) and **ABFFE v. Cordray** (formerly *Bookfriends, Inc. v. Taft*; *ABFFE v. Strickland*; *ABFFE v. Dann*): These are mini-CDA cases. *Florence v. Shurtleff* challenges the constitutionality of a Utah statute that expands the state’s “harmful to minors” statute to Internet content, creates an Adult Content Registry, requires content providers to evaluate and label content as “harmful to minors,” and requires ISPs to block access to those websites. Last November, the court denied Utah’s motion to dismiss for lack of standing, permitting most of the plaintiffs to proceed with the exception of two bookstores. The state has filed a motion to modify portions of the preliminary injunction, and the parties are briefing that motion. On April 15, plaintiffs initiated discovery in anticipation of trial. FTRF remains a plaintiff in this action.

*ABFFE v. Cordray* is a challenge to the Ohio obscenity statute and “harmful to minors” law addressing both print materials and Internet content. On September 24, 2007, Judge Rice issued his written opinion finding the Ohio harmful-to-minors statute to be unconstitutional as applied to the Internet. Both parties appealed the decision to the Sixth Circuit Court of Appeals. On March 19, 2009, the Sixth Circuit Court of Appeals certified several questions of law concerning the meaning of the statute to the Ohio Supreme Court. That court, by a vote of 4-3, decided to accept the questions certified by the 6th Circuit and heard oral arguments on October 20, 2009. The parties are waiting for the court’s decision. FTRF is a plaintiff in this action.

**ACLU of Florida v. Miami-Dade School Board:** After the Miami-Dade School

Board voted to remove all copies of the book *Vamos a Cuba* and its English language companion book *A Visit to Cuba* from its schools, the ACLU of Florida joined with families of Miami-Dade students and the Miami-Dade County Student Government Association to challenge the decision on First Amendment grounds.

When the district court entered a preliminary injunction ordering the school district immediately to replace the entire series on library shelves, the Miami-Dade School Board appealed the decision to the Eleventh Circuit Court of Appeals, and FTRF filed an *amicus* brief urging the Eleventh Circuit to uphold the district court’s findings. The Eleventh Circuit held, 2-1, that the school board’s decision did not violate the First Amendment and the plaintiffs filed a petition for certiorari with the U.S. Supreme Court. On November 16, 2009, the Supreme Court denied the petition for certiorari. This decision concludes this litigation, leaving the books censored but Pico unchallenged.

**Sarah Bradburn et al. v. North Central Regional Library District:** Three library

users and the Second Amendment Foundation, represented by the ACLU of Washington State, filed suit in federal district court to challenge a library system’s policy of using an Internet filter to bar access to information on its computers and refusing to honor requests by adult patrons to temporarily disable the filter for sessions of uncensored reading and research. Last April, the district court granted in part and denied in part the library’s motion to certify questions of state constitutional law to the Washington State Supreme Court, staying further decisions until the state supreme court could determine if the library’s filtering policy violates the state constitution.

*Continued on next page.*

## Midwinter 2010 Report On the Freedom to Read Foundation To the Intellectual Freedom Roundtable

*Continued from previous page.*

Briefing on that question has been completed, and the Washington State Supreme Court heard oral arguments on June 23, 2009. FTRF is not yet involved in this action.

Faith Center Church Evangelistic Ministries v. Glover: A local religious group filed suit to challenge the policies of the Contra Costa County (California) Public Library, which barred the group from library meeting rooms because the group wanted to hold religious services there. The Ninth Circuit Court of Appeals upheld the library's policy on the grounds that the library's policy was reasonable in light of the library's desire to manage the use of the forum. After the Supreme Court denied Faith Center's petition for *certiorari*, the lawsuit was remanded to the district court. The plaintiffs sought additional discovery and renewed their motion for summary judgment and a permanent injunction. On June 19, 2009, the district court granted the plaintiffs' motions, permanently enjoining the Contra Costa County Public Library from enforcing its Religious Use restriction for its meeting rooms. The library did not file an appeal, and a final judgment has been entered by the district court. Costs have been assessed against the library. FTRF is not a participant in this lawsuit.

No new litigation was reported.

#### MEMBERSHIP:

FTRF is giving one year free memberships to new library school graduates, upon their completing and returning a web form. Their status as new graduates will be confirmed by OIF staff.

#### LEGISLATURE REPORTS:

**California:** A proposed bill would make public libraries mandatory child abuse reporters, requiring librarians to report anything they see on patrons' user screens related to child abuse.

**Missouri:** A proposed bill require any book challenged to be moved the adults shelves and require parental permission for a minor to check it out, or the library would be required to display a notice that it may contain material that is harmful to minors.

#### OTHER BUSINESS:

The FCC is putting out a notice of inquiry called "empowering parents and protecting children" soliciting comments on a proposal for the FCC to regulate content across platforms with filters, labels, etc.

#### REPORTING AT ANNUAL CONFERENCE 2010:

Carolyn Caywood has agreed to report on FTRF activities to IFRT at the 2010 annual conference in Washington, D.C.

Respectfully submitted,

Rosanne M. Cordell, 1/20/2010





# The Merritt Fund

## Merritt Fund 40th Anniversary Gala & Dinner

Monday, June 28, 2010 \* 6:30-9:30 p.m.

Folger Shakespeare Library, Washington, DC

Featuring a special address by ALA past president Carol Brey-Casiano

\$75.00/ticket

Visit <http://www.ala.org/ala/mgrps/affiliates/relatedgroups/merrittfund/merrittfundinaction/40thAnniversary.cfm> for details.

Tickets are now on sale via ALA's [Annual Conference](#) registration system (note that you do not have to register for the Annual Conference to attend this special event). **Buy now - tickets are limited!**

*Plus: Special "behind the scenes" tour of Folger Shakespeare Library from 5:30-6:30. Your \$50 ticket benefits the Merritt Fund.*

The [Leroy C. Merritt Humanitarian Fund](#), founded in 1970 to help librarians who have been denied employment rights because of their defense of intellectual freedom or because of discrimination, is 40 years old in 2010!

To celebrate this landmark anniversary, the Merritt Fund will be having a dinner on Monday, June 28, 2010 in conjunction with the ALA Annual Conference in Washington, DC. The event will be held at the world-famous Folger Shakespeare Library from 6:30-9:30 p.m. and will feature a special address by ALA past president Carol Brey-Casiano. Beer and wine are included with your dinner ticket.

The Merritt Fund 40th Anniversary Celebration is cosponsored by ALA's Intellectual Freedom Round Table and ALA President Camila Alire. Help the Merritt Fund help librarians in need by attending the 40th Anniversary Celebration or [making a donation](#) to

the Merritt Fund!

The LeRoy C. Merritt Humanitarian Fund was established in 1970 as a special trust in memory of Dr. LeRoy C. Merritt. It is devoted to the support, maintenance, medical care, and welfare of librarians who, in the Trustees' opinion, are:

- Denied employment rights or discriminated against on the basis of gender, sexual orientation, race, color, creed, religion, age, disability, or place of national origin; or

- Denied employment rights because of defense of intellectual freedom; that is, threatened with loss of employment or discharged because of their stand for the cause of intellectual freedom, including promotion of freedom of the press, freedom of speech, the freedom of librarians to select items for their collections from all the world's written and recorded information, and defense of privacy rights.

*The IFRT Report is published four times a year and contains information on upcoming events and meetings, IFRT activities, and other intellectual freedom news.*

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