

**ALA Intellectual Freedom Committee
Report to Council
2016 ALA Midwinter Meeting
Boston, M A
Tuesday, January 12, 2016**

I would like to take this time to welcome Jamie LaRue, the new director of ALA’s Office for Intellectual Freedom. Welcome, Jamie!

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

INFORMATION

A New Journal on Intellectual Freedom: *In Libris Libertas*

Since 1952, the *Newsletter on Intellectual Freedom* has been the “go-to” place for librarians, attorneys, and the general public to find the latest reliable news on court cases, censorship incidents, and other First Amendment news in the United States. In Spring 2016, NIF will relaunch as *In Libris Libertas: A Journal of Intellectual Freedom and Privacy*. *In Libris Libertas* will provide the same NIF news coverage, but in an expanded digital format. Included will be peer-reviewed articles, book reviews, opinion pieces, and other features. We want *In Libris Libertas* to be at the center of discourse on intellectual freedom and privacy issues in libraries. To that end, we invite all to participate and provide ideas, reviews, and articles. Please contact Deborah Caldwell-Stone of the ALA Office for Intellectual Freedom (dstone@ala.org) if you are interested.

Challenges to Library Materials Update

Since ALA Annual Conference in 2015, OIF has worked on many challenges to library materials. The following are a sample of some of the public cases:

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| <i>This Book is Gay by James Dawson</i> | <i>Wasilla Public Library, Alaska</i> |
| <i>Reason: Homosexuality</i> | <i>Complainant: Parent</i> |
| <i>Action: Collaboration with Alaska Library Association’s Intellectual Freedom Committee to provide support to director and city administration.</i> | <i>Resolution: Retained. Also, the young adult non-fiction collection will be interfiled with the adult non-fiction collection moving forward.</i> |
| <i>Just One Day by Gayle Forman</i> | <i>School District 196 in Rosemount, Minnesota</i> |
| <i>Reason: Parents want copies of the book removed from all the middle school and high school libraries in the district citing adult</i> | <i>Complainant: Parents of 6th grade student</i> |

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| <i>themes such as a graphic sexual encounter, underage drinking and date rape as reasons for the removal. Also, inappropriate language and “no life lessons”</i> | |
| <i>Action: Support of the librarians and school administration. OIF provided a letter from Barbara Jones to the reconsideration committee, defending the novel and the right to independent reading for students.</i> | <i>Resolution: Retained. Committee voted 7-4 to retain the book.</i> |
| <i>Death and the Maiden by Ariel Dorfman and Cal by Bernard MacLaverty</i> | <i>Rumson-Fair Haven Regional (RFH) High School, New Jersey</i> |
| <i>Reason: Not age appropriate</i> | <i>Complainant: Parent started a petition against two works being used in the English curriculum</i> |
| <i>Action: Support of the school administration. OIF provided a letter from Barbara Jones to the school board, defending the works and the professional judgement of teachers.</i> | <i>Resolution: Retained.</i> |
| <i>Bleach (series) by Tite Kubo</i> | <i>Highland School District, Arkansas</i> |
| <i>Reason: Graphic images</i> | <i>Complainant: Superintendent removed the series without following policy</i> |
| <i>Action: OIF provided resources to defend graphic novels and independent reading. Assistance in creating talking points for the librarian to speak at the school board meeting in defense of intellectual freedom. A letter was written by OIF but the superintendent denied circulation to the school board members.</i> | <i>Resolution: Reinstated</i> |

Online Learning

OIF coordinated webinars dealing with challenges to library materials and issues with meeting room policies. To view archived webinars, please visit

<http://www.ala.org/onlinelearning/unit/oif>.

Angry and Scared: Embracing the Concerned Parent - In August, ALA’s Office for Intellectual Freedom hosted acclaimed writers, educators, and librarians, Pat Scales and James LaRue to talk about library interactions with parents who are concerned about library materials and trying to protect their children. They shared valuable insights to guide a library’s response from defensive to embracing, empathetic, and educational.

Crafting Meeting Room Policies that Keep You in Charge and Out of Court - On November 4, OIF Deputy Director Deborah Caldwell-Stone and Freedom to Read Foundation (FTRF) General Counsel Theresa Chmara led a well-attended webinar addressing concerns raised by recent lawsuits filed against libraries whose meeting room policies excluded meetings with

religious activities. The webinar discussed the First Amendment principles and legal precedents that underlie these lawsuits, and provided practical guidance on crafting policies that allow the library to effectively manage its facilities while avoiding legal liability and preserving patrons' access and First Amendment rights.

Picture Books and Challenges: Dealing with Controversial Topics in Children's Collections

– On November 18, in the first of (hopefully) many, OIF collaborated with the Intellectual Freedom Round Table and the Gay Lesbian Bisexual Transgender Round Table to provide a free webinar that discussed the classification of picture books and the challenges that arise with controversial titles. The round tables' sponsorship increased enrollment and gave a great membership perk for the round tables. Presenters: Carolyn Caywood, member of IFRT and GLBTRT, and Peter Coyl, chair of GLBTRT.

Privacy Subcommittee

The IFC Privacy Subcommittee, chaired by Michael Robinson, met jointly with the LITA Patron Privacy Interest Group to discuss ongoing concerns and issues involving library user privacy.

At the meeting, the subcommittee finalized plans for Choose Privacy Week 2016 (see below) and began work on a set of patron privacy guidelines intended to provide guidance to library and information technology professionals on best practices and policies for protecting user privacy, in the same fashion as the recently published *Library Privacy Guidelines for E-book Lending and Digital Content Vendors*. The proposed guidelines will address Public Access Computers and Devices, WiFi and Networks, Integrated Library Systems, Websites and Discovery Layers, SIP, APIs, and Web Services, and Student Privacy. The subcommittee will seek input and advice from members and member groups as they work on these documents. The subcommittee hopes to complete the guidelines for review at the ALA Annual meeting in Orlando, Florida.

The subcommittee also discussed ALA-OIF's sponsorship of "Let's Encrypt," a service provided by the Internet Security Research Group (ISRG) operated for the public's benefit. It will allow anyone who owns a domain name – including libraries – to obtain a server certificate at zero cost, making it possible to encrypt data communications with the server and provide greater security for library users and others accessing the library's website and online services. The subcommittee is planning guidelines, webinars, and other documents to guide libraries seeking to encrypt their websites.

PROJECTS

Banned Books Week

OIF has partnered with SAGE again in 2015 and hosted a Banned Books Virtual Read-Out booth. Over 200 people participated in the Read-Out booth. The videos are available via the Banned Books Week channel on YouTube at www.youtube.com/bannedbooksweek.

In addition to the Banned Books Virtual Read-Out, OIF presented two webinars:

Before the Mud Flies: Conversations for Banned Books Week – In September, Millie Davis from the National Council of Teachers of English and Kristin Pekoll shared practical ways to prepare colleagues for Banned Books Week. The speakers focused on talking points and ideas to encourage chats with those in the workplace not familiar with the First Amendment, the Library Bill of Rights and the rights librarians defend. The webinar embraces the idea that Banned Books Week doesn't have to be controversial or negative if we plant the seed of excitement and being proactive in our defense of the freedom to read.

Advocating for Intellectual Freedom: Beyond “Banned Books Week” – In October, Susan Brown from Chapel Hill and Marci Merola, ALA's director of Library Advocacy, provided excellent tips about raising public awareness beyond “Banned Books Week” displays and events. It's important to have a strong foundation of intellectual freedom awareness, not just with librarians but also with support staff, boards, stakeholders, and most of all with your community or readers.

Banned Books Week 2016 will take place September 25–October 1. Banned Books Week merchandise, including posters, bookmarks, t-shirts, and tote bags, are sold and marketed through the ALA Store and will be available online in the late Spring. More information on Banned Books Week can be found at www.ala.org/bbooks and www.bannedbooksweek.org.

Choose Privacy Week

Choose Privacy Week, observed annually each May 1-7, is ALA's national public awareness campaign that seeks to deepen public awareness about personal privacy rights and the need to insure those rights in an era of pervasive surveillance. Choose Privacy Week is an opportunity for librarians to acquire the knowledge they need to insure patron privacy rights and for libraries to offer programming, online education and special events in order to give individuals opportunities to learn, think critically and make more informed choices about their privacy.

This year, Choose Privacy Week will promote respect for minors' and students' privacy rights. The theme will be “Respect me and respect my privacy.” In the works are a March 16 webinar on program planning and messaging for libraries and librarians planning Choose Privacy Week activities, as well as a series of online posts discussing various privacy topics, with an emphasis on minors' privacy rights. Among the invited bloggers are Dorothea Salo, Michael Zimmer, Galen Charlton, and Neil Richards, addressing such topics as protecting privacy in multitype consortial library systems, student data privacy legislation, privacy curricula, privacy from a vendor's perspective, and privacy as a form of respect.

ACTION ITEMS

The Intellectual Freedom Committee moves the adoption of the following action items:

CD # 19.1, Resolution for Restoring Civil Liberties and Opposing Mass Surveillance

CD # 19.2, User Generated Content in Library Online Systems

Surveillance Resolution: Representatives from IFC, COL, SRRT, and Council formed a Working Group to review the National Surveillance Resolution discussed during last year's

annual conference and to revise it consistent with the Council debate at that meeting. Over the course of three conference calls in August, September and October, the group discussed its charge and reviewed the resolution. Doug Archer, Aaron Dobbs and Laura Koltutsky formed a drafting party and created a first draft revision of the resolution. The Working Group reviewed the first draft, made additional changes, and finalized the work on the document during the third call in October. At that time, the proposed draft document was taken back to COL, IFC, and SRRT for further review. All three groups reported that they could support the document in principle. The proposed draft of the revised resolution was then posted to the Working Group's ALA Connect page at <http://connect.ala.org/node/246874> and also was sent to the Council listserv in mid-November for further comment and discussion. Comments received were very positive and no substantive changes were suggested. COL and IFC, with SRRT participation, discussed the final draft of the resolution at this midwinter meeting and jointly recommended its adoption to Council. As a result of this collaboration, The SRRT Action Council has accepted our invitation to appoint a SRRT liaison to the IFC and to the COL Legislative Assembly. We hope this process will serve as a model of how different groups within ALA can work together respectfully to resolve differences and advance the goals we share as an Association. We thank the members of the Working Group: Kent Oliver (COL), Doug Archer (IFC), Al Kagan and Laura Koltutsky (SRRT), Aaron Dobbs and Jim Neal (Council) for their participation, and we thank COL Chair Ann Ewbank, for co-managing the process.

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.

Respectfully Submitted,
ALA Intellectual Freedom Committee
Pam Klipsch (Chair)
Doug Archer
Danita Barber-Owusu
Teresa Doherty
Tiffany Arielle Duck
Clem Guthro

Charles Kratz
Jean McFarren
Dale McNeill
Michael Wright
Hannah Buckland (intern)
Johanna Orellana (intern)

This resolution was adopted by the ALA Council on Tuesday, January 12, 2016

RESOLUTION FOR RESTORING CIVIL LIBERTIES AND OPPOSING MASS SURVEILLANCE

Whereas the American Library Association (ALA) has always supported the fundamental principles of government transparency and public accountability that undergird the People's right to know about the workings of our government and to participate in our democracy;

Whereas the ALA Council adopted "Resolution Reaffirming the Principles of Intellectual Freedom in the Aftermath of Terrorist Attacks" (2002-2003 CD#19.1), "Resolution on the USA PATRIOT ACT and Libraries" (2004-2005 CD#20.6), "Resolution on the Use and Abuse of National Security Letters" (2006-2007 CD#19.3), and "Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability" (2012-2013 ALA CD#19.2 and CD#20.40), and other surveillance-related resolutions;

Whereas the ALA "values access to the documents disclosing the extent of public surveillance and government secrecy as access to these documents now enables the critical public discourse and debate needed to address the balance between our civil liberties and national security" (2012-2013 ALA CD#19.2 and CD#20.40);

Whereas the ALA reaffirms that "these disclosures enable libraries to support public discourse and debate by providing information and resources and for deliberative dialogue and community engagement" (2012-2013 ALA CD#19.2 and CD#20.40);

Whereas the nation's intelligence and law enforcement agencies conduct surveillance activities pursuant to multiple legal authorities, including Executive Order 12333, the Foreign Intelligence Surveillance Act (FISA) as amended, the USA PATRIOT Act, and the USA FREEDOM Act;

Whereas the ALA defends privacy rights and supports government transparency and accountability; and

Whereas passage of the USA FREEDOM Act meaningfully contributed to recalibration of the nation's privacy and surveillance laws, restoring civil liberties, but accomplished only a fraction of all such necessary change; now, therefore, be it

Resolved, that the American Library Association (ALA), on behalf of its members and the public interest:

1. urges the President and Congress to amend all germane surveillance-enabling authorities, such as Executive Order 12333, the Foreign Intelligence Surveillance Act (FISA) as amended, and the USA PATRIOT Act, to:
 - a. Require government agencies to obtain judicial warrants before collecting any individual's personal information from third parties and require court approval for National Security Letters;
 - b. Raise the standard for government collection of all records under FISA from "reasonable grounds" to "probable cause" and sunset Section 215 of the USA PATRIOT ACT (commonly known as the "library records" section);
 - c. Limit the government's ability to use information gathered under intelligence authorities in unrelated criminal cases, thereby making it easier to challenge the use of illegally obtained surveillance information in criminal proceedings; and
 - d. Prohibit the government from requiring hardware and software companies to deliberately design encryption and other security features to facilitate government access to information otherwise protected by such features;
2. recommits itself to leadership in the fight for restoration of the public's privacy and civil liberties through statutory and other legal reforms; and
3. commends and thanks all parties, both inside and outside of government, involved in developing and securing passage of the USA FREEDOM Act, resulting in movement away from overbroad surveillance laws and practices for the first time in more than a decade.

Adopted by the Council of the American Library Association
Tuesday, January 12, 2016, in Boston, Massachusetts



Keith Michael Fiels
Executive Director and Secretary of the ALA Council

User Generated Content in Library Discovery Systems An Interpretation of the Library Bill of Rights

Libraries offer a variety of discovery systems to provide access to the resources in their collections. Such systems can include online public access catalogs (OPAC), library discovery products, institutional repositories, and archival systems. With the widespread use of library technology that incorporates social media components, intelligent objects, and knowledge-sharing tools comes the ability of libraries to provide greater opportunities for patron engagement in those discovery systems through user-generated content. These features may include the ability of users to contribute commentary such as reviews, simple point-and-click rating systems (e.g. one star to five stars), or to engage in extensive discussions or other social interactions. This kind of content could transform authoritative files, alter information architecture, and change the flow of information within the library discovery system.

The library is not obligated to open its discovery system to user-generated content. A publicly funded library can choose by policy or practice to do so, and limit the contributions of user-generated content to a defined class of users or limit the subject matter of user-generated content, as long as the distinctions drawn are viewpoint neutral and reasonable in light of the mission and purpose of the library. For example, the library could require that users contributing content to the library's discovery system possess a valid library card or an online account with the library or limit the subject of their reviews to resources they have used.

If a publicly funded library by policy or practice chooses to invite everyone to contribute user-generated content to the library's discovery system, the library then may not limit or exclude a particular user's content based upon the content's subject or viewpoint. Publicly funded

libraries may define the time, place, or manner in which the user contributes the content to the library's discovery system. Such restrictions must be reasonable and cannot be based upon the beliefs or affiliations of the user or the views expressed in the user-generated content.

In any instance, libraries should develop and publish written policies addressing users' contributions to the discovery system. These policies should be made available in commonly used languages within the community served.

The library must clearly identify what is user-generated content and what is library-generated content in the library discovery system. Such a distinction serves to affirm both the users' First Amendment right to free expression and their responsibility for that expression.

Finally, the library must be scrupulous in protecting the confidentiality of personally identifiable information of users who contribute content to the library discovery system.¹

Adopted July 13, 1951, by the ALA Council; amended June 25, 1971; July 1, 1981; June 26, 1990; January 19, 2005; July 15, 2009; and July 1, 2014.

¹ See Privacy: An Interpretation of the Library Bill of Rights