



# FREEDOM TO READ FOUNDATION NEWS

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## Supreme Ct. overturns law banning animal cruelty depictions

In a major First Amendment decision, the U.S. Supreme Court on April 20 overturned a federal law banning depictions of animal cruelty, following Robert J. Stevens' appeal of his conviction under the statute for selling videos showing pit bulls fighting and training to hunt wild boar. In their 8–1 decision, the Court said the 1999 law “created a criminal prohibition of alarming breadth,” and was in violation of the First Amendment.

The Freedom to Read Foundation submitted an *amicus* brief in this case, *U.S. v. Steven*, in conjunction with other members of the Media Coalition. For additional details on the case, including the Supreme Court decision and FTRF's brief, visit <http://mediacoalition.org/U.S.-v.-Stevens>.

In striking down the law (which made it a crime to create, sell, or possess videos and other depictions of cruelty to animals), the Court declined to create a new category of speech exempt from free expression rights. The court noted that the law was broad enough to ban depictions of legal activities, such as hunting, or depictions of activities legal in the originating jurisdictions (such as dog fighting in some other countries). In his opinion, Chief Justice Roberts wrote, “Despite the government's assurance that it will apply [the law] to reach only ‘extreme’ cruelty, this Court will not uphold an unconstitutional statute merely because the Government promises to use it responsibly.”

### Come to the FTRF Member Reception @ ALA's Annual Conference!

Thursday, June 28, 2010 \* 5:00–6:30 pm  
Washington, DC Convention Center Room 149  
*See p. 3 for all FTRF events at the 2010 ALA  
Annual Conference*

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The Court rejected the government's argument that if speech is determined to have “low value,” its protection under the First Amendment should be weighed against its “societal costs.” “As a free-floating test for First Amendment coverage, that idea is startling and dangerous,” wrote Chief Justice Roberts.

Notable among the facts of the case are (1) that Mr. Stevens is an opponent of dog fighting, and (2) that he was not involved in any of the acts depicted in his videos, nor was he present. His was the first case under this law to go to trial.

The law was initially passed to combat sexual fetish “crush videos,” in which women step on small animals. Subsequent to the Court's decision, two Congressmen introduced bills to re-regulate “crush videos” and other depictions of animal cruelty—H.R. 5092 by Elton Gallegly (R-CA) and H.R. 5337 by Gary Peters (D-MI). A subcommittee of the House Judiciary Committee held a hearing in May to explore how such a bill might meet constitutional muster. FTRF will track this legislation.

## FTRF Vice President Burton Joseph dies

The Freedom to Read Foundation lost a great hero on March 31, when Burton Joseph, our vice president and a First Amendment legend, passed away.

Burt's legacy as defender of civil liberties is unmatched. Among the landmark cases he worked on as an attorney were the *Tropic of Cancer* censorship case; the right of the National Socialist Party of America to march in

Skokie, IL; defense of demonstrators at the 1968 Democratic National Convention in Chicago; and for the American Booksellers Association in *ABA v. Hudnut* (challenge to feminist inspired anti-pornography ordinance) and *ABA v. Virginia* (harmful to minors case).

Burt was a cornerstone of many non-profit organizations. In addition to his work with the Freedom to Read Foundation (serving as a trustee for several terms over four decades), he was a founding member of Lawyers for the Creative Arts, board member of the ACLU of Illinois (and chair of their Advisory Committee), founding member and former chair of the Media Coalition, executive director of the Playboy Foundation, and longtime legal counsel for the Comic Book Legal Defense Fund. Burt served as co-chair of FTRF's 40<sup>th</sup> Anniversary Gala, and helped make that event the amazing night that it was. In 2008, Burt was named the winner of the Freedom to Read Foundation Roll of Honor Award for his decades of service to the organization and to the First Amendment.

Burt died at age 79 of brain cancer. His last activity before his diagnosis was attending the FTRF Midwinter Meeting in Boston in January. He was a great believer in the power of libraries and librarians as defenders of liberty. His leadership, insight, and courage will be deeply missed by FTRF's members, trustees, and staff; even more than that, his warmth, humor, humanity, and friendship will be forever cherished.



*Burt Joseph, left, talks with FTRF President Kent Oliver at the FTRF 40<sup>th</sup> Anniversary Gala in Chicago. ©Matthew Hane, 2009*

Contributions in Burt's memory may be directed to the Roger Baldwin Foundation of the ACLU of Illinois, 180 N. Michigan Ave., Suite 2300, Chicago IL 60601.

## FTRF election results

In the April election, five trustees were elected to the Freedom to Read Foundation Board:

**Carol Brey-Casiano** (El Paso, Texas) is director of libraries at the El Paso, Texas, Public Library. She served as president of the American Library Association in 2004–2005 (and in that capacity, on the FTRF board as *ex officio*) and currently chairs ALA's Committee on Library Advocacy. She is an active member of REFORMA—the National Association to Promote Library & Information Services to Latinos & the Spanish Speaking—and the Texas Library Association.

**Mary Minow** (Cupertino, Calif.) is a library law consultant specializing in free speech, privacy, and copyright. She chairs the California Library Association's Intellectual Freedom Committee and is on the Electronic Privacy Information Center board. In April she was nominated by President Obama to be a member of the National Museum and Library Services Board.

**James G. Neal** (New York) is the vice president for information services and university librarian at Columbia University. He has served on the board of the Association of Research Libraries, is a past FTRF trustee and treasurer, and was just elected treasurer of the American Library Association this spring.

**Kenton Oliver** (re-elected) (Canton, Ohio) is the executive director of the Stark County, Ohio, District Library and current president of the Freedom to Read Foundation. Oliver served two terms as chair of the ALA Intellectual Freedom Committee and has served on the Executive Board of ALA.

**Judith Platt** (Washington, D.C.) is director, Freedom to Read & Communications and Public Affairs, at the Association of American Publishers (AAP). As such, she is responsible for articulating AAP's position on important free speech issues as laid down in the Freedom to Read Statement more than 50 years ago. She has previously served two terms as FTRF president.

The newly elected trustees joined the following members to form the FTRF Board for 2010–2011:

Bernadine Abbott Hoduski	Susan Hildreth
Jonathan Bloom	Christine Jenkins
Robert P. Doyle	Candace D. Morgan

*Ex-Officio members of the 2010–2011 FTRF Board*

Molly Raphael, ALA President-Elect

Julius Jefferson, ALA IFC Chair

Keith Michael Fiels, ALA Executive Director

Roberta Stevens, ALA President

Barbara M. Jones is the FTRF secretary and executive director. The officers for 2010–2011 will be selected at the Annual Meeting in Washington, DC in June 2010.

## O'Neil named recipient of Roll of Honor Award

Robert M. O'Neil, director of the Thomas Jefferson Center for the Protection of Free Expression at the University of Virginia (UVA), is the recipient of the 2010 Freedom to Read Foundation Roll of Honor Award.



O'Neil, who also serves on the law faculty at UVA, has a storied history as an advocate for the First Amendment. He began his legal career as a clerk for Supreme Court Justice William J. Brennan, Jr., in 1962, and from there held a number of positions in academia, including president of the University of Virginia. As founding director of the Thomas

Jefferson Center, he helped establish the "Jefferson Muzzles," which call attention to those who have abridged free speech and press. Over its 30 years, the Center has participated in dozens of legal briefs promoting the First Amendment. O'Neil has made academic freedom a hallmark of his career, particularly through his work with the American Association of University Professors. He is the author of several books, including "The Rights of Public Employees" (second edition, 1993), "Classrooms in the Crossfire" (1981), "Free Speech in the College Community" (1997), "The First Amendment and Civil Liability" (2001), and "Academic Freedom in the Wired World" (2008), as well as many articles in law reviews and other journals. He is also a member of the National Advisory Board of the American Civil Liberties Union.

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O'Neil was the keynote speaker at FTRF's 10<sup>th</sup> Anniversary Gala in 1979, and at the Foundation's 40<sup>th</sup> Anniversary Gala in 2009 he presented the Thomas Jefferson Center's William J. Brennan Award for free expression to FTRF Executive Director Judith Krug (posthumously). The video of his speech, and the entire event, can be found at [www.ftrf.org/ftrfgala](http://www.ftrf.org/ftrfgala).

"Robert O'Neil epitomizes the values of the Freedom to Read Foundation and the Roll of Honor Award," said Roll of Honor Committee Chair Jonathan Bloom. "His work with the Thomas Jefferson Center, with which FTRF has collaborated on several occasions, has long helped to bolster legal protections for free speech and to shine a light on those whose actions stray from First Amendment principles. He truly understands Justice Brandeis' dictate that the answer to bad speech is 'more speech, not enforced silence.'"

"Bob has been a great ally to the Freedom to Read Foundation for decades," said FTRF President Kent Oliver. "His career as a writer, speaker, thinker, and lawyer is remarkable. We are thrilled to be able to present the Foundation's Roll of Honor Award to such a legendary figure in the free speech community."

The award will be presented at the 2010 ALA Annual Conference during its Opening General Session from 5:30–7:00 p.m. on Saturday, June 26, at the Washington, DC, Convention Center.

The Roll of Honor was established in 1987 to recognize and honor those individuals who have contributed substantially to FTRF through adherence to its principles and/or substantial monetary support. A listing of Roll of Honor Award recipients can be found at [www.ftrf.org/rollofthonor](http://www.ftrf.org/rollofthonor).

## North Dakota librarian receives 2010 Conable Conference Scholarship

Aubrey Madler, an information specialist with the University of North Dakota's Center for Rural Health, is the third recipient of FTRF's Gordon M. Conable Conference Scholarship. The Conable Scholarship will



provide for Madler's expenses to attend the 2010 American Library Association Annual Conference in Washington, DC.

Madler will attend FTRF and other intellectual freedom meetings and programs at the conference, consult with a mentor, and present a report to the Board about her experiences. She also will write about her time at conference on the OIF Blog (<http://oif.ala.org/oif>). She will be recognized at the FTRF Member Reception, Thursday, June 24, 5:00–6:30 p.m. in the Washington Convention Center, Rm. 148.

Madler holds a B.S. in Elementary Education from Mayville State University and worked as a paraprofessional in libraries for several years prior to receiving her M.L.S. from Texas Women's University in 2008. In her capacity at the Center for Rural Health, she provides reference services and maintains databases, online information guides, and print collections for the Rural Assistance Center. She serves on the North Dakota Library Association's Intellectual Freedom Committee, and maintains a blog in that capacity.

"Aubrey's dedication to work with North Dakota's rural communities is very impressive, as is her demonstrated commitment to intellectual freedom," said Conable Scholarship committee chair Candace Morgan. "As she stated in her application, she views intellectual freedom as a 'great gift' that librarians provide to our communities. We look forward to helping Aubrey gain tools to continue and expand her intellectual freedom work."

*Gordon Conable was a California librarian and intellectual freedom champion who served several terms as FTRF President until his untimely death in 2005. Gordon's wife, Irene, and the FTRF Board created the Conable Scholarship to honor his deep commitment to mentoring and to the Foundation.*

## FTRF events at 2010 ALA Annual Conference

The 2010 American Library Association Annual Conference will take place June 24–29 in Washington, DC. Below is a listing of FTRF meetings and programs. For a listing of all intellectual freedom programs, visit the ALA Annual wiki at <http://annual.ala.org/2010>.



### FTRF Board of Trustees Meeting

Thursday, June 24

9:00 a.m.—5:00 p.m.

Washington Convention Center  
Room 149 A/B

### FTRF Member Reception

Thursday, June 24

5:00—6:30 p.m.

Washington Convention Center  
Room 148

Join the FTRF Board and staff at this reception for FTRF members. Learn about the goings on of the Foundation and meet Aubrey Madler, the 2010 Conable Scholarship recipient.

### IF 101

Friday, June 25

4:00—5:00 p.m.

Washington Convention Center, Room 147 B

Part of the ALA 101 Programs introducing new members and conference attendees to the various units of ALA and the exciting events going on during Conference. At IF 101 you'll learn about ALA's various intellectual freedom arms and activities (including FTRF, IFC, IFRT, the Merritt Fund, COPE, BBW, and more), and get a sneak preview of the nifty IF programs taking place at Annual Conference and beyond.

### IFC/FTRF Issues Briefing

Sunday, June 27

4:00—5:30 p.m.

Washington Convention Center, Room 204 B/C

Join us to learn what intellectual freedom hot topics are being discussed by the ALA Intellectual Freedom Committee and the Freedom to Read Foundation. Key topics will include the recent Washington State Supreme Court filtering decision and a New Jersey book removal. Following the presentations, there will be a Q&A.

Speakers: FTRF General Counsel Theresa Chmara; Dee Venuto, librarian at Rancocas Valley (NJ) High School.

## Carolyn Forsman Jewelry

If you'll be at the ALA Annual Conference in Washington, DC, please visit booth 2535 in the exhibit area to check out the designs of Carolyn Forsman, the New York-based jeweler who donates proceeds from her ALA booth to the Freedom to Read Foundation. Carolyn always has a terrific assortment of affordable gifts (top retail price of \$50) that will make you smile. Are you "perfect," "quirky," a "blogger," or a "drama queen"? If so, then she has the rubber band bracelet for you (only \$1)! She also will be featuring her standard assortment of flashing "spike" rings, glowing necklaces, newspaper headline pins, original "I Read Banned Books" bracelets (now featuring *The Adventures of Huckleberry Finn*), and peace symbol and bug jewelry for summer reading programs. Carolyn's jewelry is currently in MOMA San Francisco, MOMA Tokyo, the Victoria & Albert Museum in London, Guggenheim Berlin, and various other museums and book/gift/library shops worldwide.

Carolyn, a former librarian and ALA Councilor, has raised over \$100,000 through the years for FTRF, and was named to the Foundation's Roll of Honor in 2001.

## Updates

### Supreme Court accepts appeal of California violent video game decision

On April 25, in a surprising decision, the U.S. Supreme Court granted *certiorari* in *Schwarzenegger v. EMA*, California's violent video game case. The Freedom to Read Foundation submitted an *amicus* brief to the Ninth Circuit Court of Appeals, arguing against the law; the appellate court agreed with a lower court judge's ruling that the law was unconstitutional.

The questions the Supreme Court will consider are:

1. Does the First Amendment bar a state from restricting the sale of violent video games to minors?
2. If the First Amendment applies to violent video games that are sold to minors, and the standard of review is strict scrutiny, under *Turner Broadcasting System, Inc. v. F.C.C.*, 512 U.S. 622, 666 (1994), is

the state required to demonstrate a direct causal link between violent video games and physical and psychological harm to minors before the state can prohibit the sale of the games to minors?

The law in question, passed in 2005, prohibited the sale or rental to minors of any video game containing certain violent content. It also required video game manufacturers to include an "18 and older" warning label on the front of the package of those games. The Ninth Circuit found that the First Amendment prohibited the government from regulating violent speech, and that the labeling requirement was unconstitutional as compelled speech. This decision followed on the heels of a string of decisions in Louisiana, Michigan, and elsewhere, all of which struck down similar bills targeting violent video games, ruling that computer and video games are forms of artistic expression like movies, books, and music.

### Sixth Circuit narrows Ohio "harmful to minors" law

On April 15, the Sixth Circuit Court of Appeals upheld Ohio's internet "harmful to minors" law, but in doing so, they narrowed the scope of the law considerably. The ruling in *ABFFE v. Cordray* ends an eight-year legal battle, during which the statute (initially blocked by District Court Judge Walter Rice in 2002) was narrowed by the state legislature, and then narrowed again by the state's Attorney General, Richard Cordray, in oral arguments to the Ohio Supreme Court. The Freedom to Read Foundation was a plaintiff in this suit.

After Judge Rice issued a final ruling striking down the statute in 2007, the state appealed the ruling to the Sixth Circuit (which had remanded the case to the trial court in 2003, ordering the injunction to remain). The appellate court certified questions of law regarding the scope of the statute to the state Supreme Court. There, in order to defend the statute's legality, Cordray said it should be construed narrowly, so as not to threaten adult-to-adult online speech. He said the law should be limited to one-to-one communications such as emails, instant messages, and messages in private chat rooms; and not in generally accessible websites, public chat rooms, or email lists, in which there is no foolproof method to exclude minors. Both parties welcomed the ruling, with Media Coalition Executive Director David Horowitz calling it a "victory for free speech" and Cordray saying the law still provided "an important tool" for combating sexual predators.

## Ninth Circuit hears appeal of Oregon law

On June 8, oral argument began in the case of *Powell's Books, Inc. v. Kroger*, the suit challenging Oregon's new "harmful to minors" law. FTRF joined co-plaintiffs in filing a complaint against this law in 2008, asserting that it was unconstitutional in that it used a standard of "harmful to minors" that is different from the Supreme Court's *Miller/Ginsburg* definition of the term. The law criminalizes the furnishing of "sexually explicit" visual depictions to juveniles under 13, and additionally makes illegal the furnishing of text or pictures depicting sexual content to juveniles under 18 for the purpose of arousing or satisfying the sexual desires of the transmitter or the recipient.

On December 12, 2008, the trial court declined to issue an injunction and held the law was a constitutional limitation on speech and not unconstitutionally vague; that decision was appealed by plaintiffs in two groups. FTRF, the bookstores, and other Media Coalition plaintiffs challenged the decision based on its impact on bookstores; while Planned Parenthood, Cascade AIDS Project, Candace Morgan, and the Oregon ACLU challenged it based on its impact on distributors of sexual health information. FTRF's appeal notes with concern that the district court judge's opinion agreed that books such as *It's Perfectly Normal*, *Where Did I Come From*, and *Mommy Laid an Egg* all could be restricted.

## New graduates taking advantage of free FTRF membership offer

Over 200 new library school graduates have joined the Freedom to Read Foundation as part of a program instituted in August! These new members, representing 46 institutions, will help strengthen FTRF as we enter into our fifth decade of fighting for the First Amendment rights of library users and all Americans. Membership applications are now being accepted from spring 2010 graduates, and the program will continue throughout the year. For more information, visit [www.ftrf.org/graduates](http://www.ftrf.org/graduates).

## Other News

### Washington Supreme Court rules on filtering case

The following is a memorandum from Theresa Chmara, FTRF General Counsel, regarding the May 6 decision by the Washington State Supreme Court that the North Central Regional Library District's filtering policy was not in violation of the state constitution. The Freedom to Read Foundation has been closely monitoring this case, but is not a party to it.

#### MEMORANDUM

**FROM:** Theresa Chmara, General Counsel

**TO:** Freedom to Read Foundation

**DATE:** May 10, 2010

**SUBJECT:** *Bradburn v. NCLR* Filtering Suit:  
Washington State Court Opinion

In November 2006, the American Civil Liberties Union of Washington filed suit against the North Central Regional Library District (NCRL) on behalf of three library patrons and the Second Amendment Foundation in federal district court. The suit alleges that the library violated the plaintiffs' First Amendment rights by refusing to disable Internet filters at the request of adult patrons. NCRL filters all library computers. Patrons may request that particular sites be unblocked but NCRL will not permit adult patrons to disable the entire filter. Evidence presented to the court shows that NCRL response times to unblocking requests vary and can take several days.

The Bradburn plaintiffs alleged in filings before the federal district court that the library's filtering policy is unconstitutional—under both the federal and state constitutions—because the library will not disable filters for adult users of the library and the filters in use prevent adults from accessing constitutionally protected material. Plaintiffs argued that the library has the capability to unblock the filter for a single patron at a single computer but refuses to do so. Instead, if a patron requests unblocking of a site, the library will only do so if the library determines that the site would be appropriate for all patrons, including minors. At the time these briefs were filed, the library was using the Fortiguard filter. Both sides submitted expert reports on the error rate of the Fortiguard filter. Plaintiffs' expert estimated that the filter blocked approximately 12% of .com sites in error and

approximately 24% of .org sites. Plaintiffs interpreted the analysis provided by the expert for the library as demonstrating that between 5% and 10% of the sites were blocked in error.

The library opposed the summary judgment motion arguing that (1) the interpretation of the library expert's data was wrong and only showed an error rate of .0333%; (2) the library is not required to disable at the request of an adult patron; (3) disabling at a single computer would be costly and inefficient; and, (4) the analysis of the Washington state constitutional questions should be certified to the Washington Supreme Court and decided before the federal issues are considered. The different error rate calculations attributed to the defendants' expert occur because the plaintiffs calculate the errors as a percentage of web sites (the higher rate) and the defendants calculate the errors as a percentage of web pages (the lower rate).

The library defendants allege that the filtering system is constitutional for several reasons: (1) it is consistent with their collection policy; (2) it is consistent with their duty to work with schools; (3) it minimizes confrontations between staff and patrons; and (4) it minimizes the prospect of liability for hostile work environment claims. The library alleged that filtering is a form of content selection and they are entitled to filter out certain content consistent with their mission to provide "materials of requisite and appropriate quality" to "facilitate research, learning, and recreational pursuits." Finally, the library posits that its filtering system is not unconstitutionally overbroad because it does not filter out a "substantial" amount of speech.

After a hearing, the federal district court decided in April 2008 that the state law questions should be certified to the Washington Supreme Court and the federal case was stayed pending that court's determination of whether the filtering policy violates the state constitution. The trial date was postponed.

On May 6, 2010, the Washington State Supreme Court held, in a 6 to 3 decision, that the NCRL filtering policy does not violate the state constitution of Washington. The Washington State Supreme Court decision leaves open the question of whether the NCRL filtering policy violates the federal constitution. The case will now return to the federal district court for a determination of the federal issues.

A majority of five justices on the Washington State Supreme Court held that the NCRL filtering system does

not violate the state constitution because patrons can request that erroneously blocked sites be unblocked. One justice concurred in the decision on the basis that the Washington state constitution protects free speech but not the receipt of information. Three justices strongly dissented on the ground that the holding was inconsistent with the decision of the United States Supreme Court in *United States v. American Library Association*, 539 U.S. 194 (2003).

In the American Library Association case, the United States Supreme Court upheld the Children's Internet Protection Act's requirement that libraries receiving certain federal funds use filtering systems on Internet terminals. The CIPA statute was upheld because the justices concluded—based on the statements of the Solicitor General at oral argument—that filtering for adults would be disabled by request and without the need for adults to justify their request for access to particular sites. For example, in writing for the majority, Chief Justice Rehnquist explained:

When a patron encounters a blocked site, he need only ask a librarian to unblock it or (at least in the case of adults) disable the filter. As the District Court found, libraries have the capacity to permanently unblock any erroneously blocked site, *id.*, at 429, and the Solicitor General stated at oral argument that a "library may ... eliminate the filtering with respect to specific sites ... at the request of a patron." Tr. of Oral Arg. 4. With respect to adults, CIPA also expressly authorizes library officials to "disable" a filter altogether "to enable access for bona fide research or other lawful purposes." 20 U. S. C. §9134(f)(3) (disabling permitted for both adults and minors); 47 U. S. C. §254(h)(6)(D) (disabling permitted for adults). The Solicitor General confirmed that a "librarian can, in response to a request from a patron, unblock the filtering mechanism altogether," Tr. Of Oral Arg. 11, and further explained that a patron would not "have to explain ... why he was asking a site to be unblocked or the filtering to be disabled," *id.*, at 4.

*United States v. American Library Association*, 539 U.S. at 209. Justice Kennedy agreed, stating in his concurrence that

If, on the request of an adult user, a librarian will unblock filtered material or disable the Internet software filter without significant delay, there is little to this case. . . . If some libraries do not

have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as applied challenge, not the facial challenge made in this case.

*Id.* at 214. Justice Breyer concurred in upholding CIPA on the same basis:

the Act allows libraries to permit any adult patron access to an "overblocked" Web site; the adult patron need only ask a librarian to unblock the specific Web site or, alternatively, ask the librarian, "Please disable the entire filter."

*Id.* at 219. Justices Stevens, Souter, and Ginsburg dissented on the ground that any filtering requirement in the public library context is unconstitutional. In sum, the United States Supreme Court's decision upholding CIPA relied plainly on the assurance of the Solicitor General that adults' use of the Internet in the library would be unfettered by any need to justify their requests.

The federal district court in Washington will now determine whether the NCRL filtering system violates the First Amendment of the United States Constitution. In particular, the court will determine whether the refusal of NCRL to disable filters for adults is unconstitutional and whether the unblocking procedure used by NCRL burdens the First Amendment rights of library patrons.

**News & Notes: Sex offender library ban overturned:** A federal judge ruled in March that a 2008 ban on sex offenders using the Albuquerque Public Library was unconstitutional. Judge Christina Armijo said the policy "as currently written and in its present form" violated the fundamental First Amendment rights of the plaintiff, John Doe. The case was brought as a facial (rather than as-applied) challenge by the ACLU of New Mexico. The decision is available online at <http://aclu-nm.org/wp-content/uploads/2010/05/DOE-Decision.pdf>. They city said it planned to appeal the ruling, and in May, Albuquerque Mayor Richard Berry issued new rules barring sex offenders from all library branches, and allowing access to the Main Library only on Thursdays and Saturdays. An ACLU spokesman said the new restrictions were unconstitutional ...

**Alaska "harmful to minors" statute enacted:** On May 14, the governor of Alaska signed Senate Bill 222, which creates a new crime of "distribution of indecent material to minors." The law casts a wide shadow over Internet communication by making it a crime to "distribute to another," including by means of the Internet or other electronic means, any visual depictions of nudity or sexual conduct that are "harmful to minors." The law also applies to in-person interactions and does not exempt libraries or bookstores. The statute is set to become effective on July 1. The Freedom to Read Foundation Executive Committee voted to join other members of the Media Coalition, the Alaska Civil Liberties Union, and other Alaska plaintiffs in a suit challenging the law.

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The Freedom to Read Foundation is a First Amendment legal organization affiliated with the American Library Association.