



FREEDOM TO READ FOUNDATION NEWS

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Vol. 36, No. 2

June 2011

Chief Justice Roberts emerges as strong defender of the First Amendment

By Jonathan Bloom, FTRF Trustee

Among the notable aspects of the last two Supreme Court terms is the emergence of Chief Justice John Roberts as a strong and eloquent defender of the First Amendment. In cases involving dog fighting videos and homophobic funeral protests, the Chief Justice, writing for the Court, used attempts to punish unpopular speech as occasions to remind the nation that—with very few, limited exceptions—the First Amendment protects speech without regard to its social value or its capacity to inflict pain. In crisp, compelling prose, the Chief Justice voiced a deep commitment to fundamental First Amendment values that are central to the mission of the Freedom to Read Foundation.

In the first case, *United States v. Stevens* (2010), the Court addressed a First Amendment challenge to 18 U.S.C. § 48, a Clinton-era ban on depictions of animal cruelty. The Court struck the statute down as overly broad on the ground that, as drafted, it could be applied to mainstream materials such as hunting videos. But the Chief Justice began his opinion by squarely confronting—and demolishing—the Government’s argument that depictions of extreme animal cruelty fall outside the First Amendment because they lack expressive value.

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

Thursday, June 23, 2011 ♦ 5:00–6:30 pm

Ernest N. Morial Convention Center ♦ Room 353
New Orleans, LA

*See p. 4 for all Freedom to Read Foundation events at
the 2011 ALA Annual Conference*

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Congress renews Patriot Act for four more years

Deal ignores proposed reader privacy protections

On May 26, Congress voted to re-authorize the expiring provisions of the USA Patriot Act for four more years without adopting proposed amendments to protect the privacy of bookstore and library records. The Senate passed the extension by a vote of 72–23, and the House approved the legislation 250–153, supporting a deal reached by Senate Majority Leader Harry Reid (D-NV) and Rep. John Boehner (R-OH), Speaker of the House.

Passage of the legislation renews Section 215, the “library records provision,” until 2015. Section 215 permits the FBI to secretly seize business records, including library circulation records, without showing probable cause for the seizure. Also renewed through 2015 are two other controversial provisions of the USA Patriot Act: the “roving wiretap” provision that permits the government to monitor all of a person’s electronic communications without obtaining a separate court order for each wiretap, and the “lone wolf” provision that permits surveillance of an individual suspect under the Patriot Act even if there is no evidence of any ties to a terrorist organization.

In voting to extend the Patriot Act without any changes, Congress ignored bipartisan proposals to restore reader privacy safeguards eliminated by the Patriot Act, including proposed amendments introduced by Sen. Pat-

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Christopher M. Finan named recipient of 2011 FTRF Roll of Honor Award



Christopher M. Finan, president of the American Booksellers Foundation for Free Expression (ABFFE), longtime member of the Media Coalition, and member and chair of the board of the National

Coalition Against Censor-

ship, is the recipient of the 2011 Freedom to Read Foundation Roll of Honor Award.

Finan has a distinguished career in both the study of and activism on behalf of the freedom to read. His work for free speech began in 1982 when he joined the Media Coalition as coordinator. Finan joined ABFFE in 1998. As President of ABFFE and member of a number of free speech advocacy groups, he has worked on a host of First Amendment issues, including federal, state, and local legislation and litigation. He has been particularly active in fighting state “harmful to minors” statutes and advocating the role of the bookseller as a partner with libraries, users, publishers, and all who produce, distribute, or use First Amendment protected materials. Finan has been a leader in the efforts to amend the USA Patriot Act. Recently he has worked with ALA and brought in new partners to expand the influence and scope of Banned Books Week nationwide.

Finan’s book, *From the Palmer Raids to the Patriot Act: A History of the Fight for Free Speech in America* (Beacon, 2008), received the ALA Intellectual Freedom Round Table’s Eli M. Oboler Memorial Award.

Candace Morgan, chair of the Roll of Honor Selection Committee, was enthusiastic about Finan’s work: “As is clearly evident from his record as a free expression and reader privacy activist, Chris has supported and forwarded the mission and work of the Freedom to Read Foundation for decades. As he is rejoining the board the Roll of Honor Committee felt this was an obvious time to recognize his contributions.”

FTRF President Kent Oliver added: “It has been my pleasure to work with Chris for many years. His commitment to the First Amendment and the principles

which the Freedom to Read Foundation represents is unsurpassed.”

The award will be presented at the 2011 ALA Annual Conference during its Opening General Session from 4:00–5:30 p.m. on Friday, June 24, at the Ernest N. Morial Convention Center in New Orleans, LA.

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.

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Carolyn Forsman Jewelry

If you’ll be attending the ALA Annual Conference in New Orleans, please visit booth 1859 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. She’ll be located directly across from the Graphic Novel and Gaming Pavilion. (If you won’t be able to attend the conference, you can still find Carolyn’s jewelry at www.carolynforsman.com.)

Carolyn, a former librarian and ALA Councilor, has raised over \$150,000 through the years for FTRF, and was named to the Foundation’s Roll of Honor in 2001. Her work is currently available for sale in the Museum of Modern Art, Library of Congress, National Archives, and much more. In 2009 she won the Museum Store Association Service Award.

FTRF Board of Trustees election results

In the April election, six trustees were elected to two-year terms on the Freedom to Read Foundation Board:

Helen Adams (Fremont, Wisc.) is an online instructor at Mansfield University School Library and Information Technologies Department.

Jonathan Bloom (New York) is counsel at Weil, Gotshal & Manges, LLP.

Christopher Finan (New York) is president of the American Booksellers Foundation for Free Expression. (Finan will receive the 2011 FTRF Roll of Honor Award at the ALA Annual Meeting in New Orleans.)

Christine Jenkins (Champaign, Ill.) is an associate professor at the University of Illinois at Urbana-Champaign in the Graduate School of Library & Information Science

Herbert Krug (Evanston, Ill.) is a consultant at Herbert Krug and Associates.

Candace Morgan (Portland, Ore.) is a retired librarian.

Bloom, Jenkins and Morgan were re-elected to a second term. Adams and Krug are newly elected, and Finan, who was a trustee in 2006, is currently serving out the term of Susan Hildreth, who resigned to become director of the Institute of Museum and Library Services (IMLS).

The newly elected trustees joined the following members to form the FTRF Board for 2011–2012:

Carol Brey-Casiano
Mary Minow
James G. Neal
Kent Oliver
Judith Platt

Ex-Officio members of the 2011–2012 FTRF Board:

Molly Raphael, ALA President
Pat Scales, ALA IFC Chair, 2011–2012
Keith Michael Fiels, ALA Executive Director
Maureen Sullivan, ALA President-Elect

Barbara M. Jones is the FTRF secretary and executive director. The officers for 2011–2012 will be selected at the FTRF Annual Meeting in New Orleans, LA in June.

Milwaukee librarian awarded 2011 Conable Conference Scholarship

The Freedom to Read Foundation named Audrey Barbakoff, a reference librarian with the Milwaukee, WI, Public Library, as the fourth recipient of the Gordon M. Conable Conference Scholarship. The Conable Scholarship will provide for Barbakoff's expenses to attend the 2011 ALA Annual Conference in New Orleans, LA.



As part of the scholarship, Barbakoff will attend various FTRF and other intellectual freedom meetings and conference programs, consult with a mentor/board member, and present a report about her experiences and thoughts, to be reprinted in the *FTRF News*. She will be recognized at the FTRF Member Reception on Thursday, June 23, 5:00–6:30 p.m. in room 354 of the Morial Convention Center.

Barbakoff holds a B.F.A. from the University of Illinois at Urbana-Champaign and received an MLIS from the University of Washington in 2010. In her capacity at the Milwaukee Public Library, she provides reference and readers' advisory services; coordinates programs and displays; and blogs. She also coordinates the Teen Advisory Board and leads preschool story times. Barbakoff is a member of the Wisconsin Intellectual Freedom Round Table and recently had an article about the ethics of filtering computers in public libraries published on the peer-reviewed website *In the Library with the Lead Pipe*. This will be her first ALA Conference.

"Audrey's application stood out amongst a group of excellent applicants because of her eloquent and passionate advocacy for policies and practices that protect the intellectual freedom rights of all library users in today's digital environment. The committee also was impressed by her dedication to library services for young people, from preschool to teens," said Conable Scholarship committee chair Candace Morgan.

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 2011 ALA Annual Conference

The 2011 American Library Association Annual Conference will take place June 23–28 in New Orleans, LA. Below is a listing of FTRF meetings and programs. For a listing of all intellectual freedom programs, visit the Office for Intellectual Freedom homepage at www.ala.org/oif.

FTRF Board of Trustees Meeting

Thursday, June 23

9:00 a.m.—5:00 p.m.

Morial Convention
Center, Room 354
Conference attendees
are welcome to attend
the meeting of the FTRF Board.



FTRF Member Reception

Thursday, June 23

5:00—6:30 p.m.

Morial Convention Center, Room 353

Join the FTRF Board and staff at this reception for FTRF members. Learn about the goings on of the Foundation and meet Audrey Barbakoff, the 2011 Conable Scholarship recipient.

IF 101

Friday, June 24

1:00—2:00 p.m.

Morial Convention Center, Room 243

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, Banned Books Week, and more), and get a sneak preview of the IF programs taking place at Annual Conference and beyond.

IFC/FTRF Issues Briefing

Sunday, June 26

4:00—5:30 p.m.

Morial Convention Center, Room 354

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 issue of reader privacy and open shelf holds in public libraries.

Updates

Plaintiffs plan to seek summary judgment in lawsuit challenging Utah Internet censorship law

Since 2005, FTRF has participated in a legal challenge to a Utah statute that poses significant threats to the First Amendment right of free expression on the Internet. The law expands the existing Utah “harmful to minors” law to Internet content and Internet service providers (ISPs); requires the Utah Attorney General to create a public registry of Constitutionally protected websites that the Attorney General unilaterally declares to be “harmful to minors” without judicial review; requires ISPs to either to block access to websites included in the registry or provide filtering software to users; and requires Utah-connected content providers to self-evaluate and label the content of their speech, at the risk of criminal punishment.

In February 2007, in response to the lawsuit, the Utah legislature passed an amendment to the legislation that was intended to address the concerns raised by FTRF's legal challenge. Because the amendment did not adequately address the threats to free speech, FTRF and its co-plaintiffs elected to continue the lawsuit and filed an amended complaint. A preliminary injunction has prevented enforcement of the law until the legal challenge is resolved.

Since 2009, the plaintiffs have engaged in discovery and have attempted to negotiate a settlement with the Utah attorney general that would restrict application of the harmful-to-minors law to individuals who have one-on-one contact with a viewer and disseminate “harmful to minors” materials to the viewer when the individual knows or believes the viewer is a minor. These negotiations have failed, and the plaintiffs have decided to seek summary judgment and will be filing a motion for summary judgment in June 2011.

Banned Books Week

September 24–October 1, 2011

*Posters, t-shirts, bookmarks, and more available now
at www.ala.org/bbooks*

Federal Court asks Alaska Supreme Court to review censorship law

The FTRF lawsuit challenging the new Alaska law that criminalizes the electronic distribution of constitutionally protected material the law deems “harmful to minors” is currently pending before the Alaska Supreme Court, after an interesting turn of events.

In October 2010, the federal district court hearing the lawsuit issued a preliminary injunction forbidding enforcement of the Alaska statute during the pendency of the lawsuit. Subsequently, FTRF and its co-plaintiffs filed a motion for summary judgment that sought a final declaration that the law violated the First Amendment. The attorney general for the State of Alaska responded by filing both a cross-motion for summary judgment and a motion to certify particular questions of state law concerning the new “harmful to minors” statute to the Alaska Supreme Court.

“Certifying a question of law” is a procedure that permits a federal court judge to obtain the opinion of a state supreme court concerning the interpretation of a particular state statute or provision of common law. The procedure is used when the state law provision may determine the outcome of a pending case and there is no controlling legal precedent in the state.

On April 19, 2011, the federal district court granted the State of Alaska’s motion to certify the questions of law to the Alaska Supreme Court and dismissed both parties’ motions for summary judgment without prejudice, pending a decision by the Alaska Supreme Court on the certified questions of law. The parties met and agreed on the questions of law to be submitted to the Alaska Supreme Court.

The Alaska Supreme Court is now considering whether to accept or reject review of the certified questions. Chief Justice Walter Carpeneti of the Alaska Supreme Court has recused himself from the case, citing his spouse’s employment as an Alaska Deputy Attorney General in charge of Legislative Affairs.

Other News

Registration open for Miami IFLA/OIF conference

The ALA Office for Intellectual Freedom is joining with the International Federation of Library Associations and Institutions (IFLA) to present a conference in Miami, FL on international issues related to intellectual freedom.

“Intellectual Freedom in a Changing World” will bring together an impressive array of panelists from around the globe to discuss topics such as:

- Religion in libraries—collection development policies in Europe, meeting room policies in North America, and religious accommodation issues worldwide;
- Sexual and health information issues in libraries in West Africa and Latin America;
- Comic books, graphic novels and manga censorship issues in Japan, Sweden, the U.S., and Canada;
- Privacy and surveillance issues for libraries and governments worldwide.

Among the speakers are:

Past chair of the IFLA committee on Freedom of Access to Information and Freedom of Expression **Paul Sturges**, Comic Book Legal Defense Fund Executive Director **Charles Brownstein**, **Yasuyo Inouye** of the Japan Library Association, FTRF Executive Director **Barbara Jones**, Office for Intellectual Freedom Deputy Director **Deborah Caldwell-Stone**, and University of Miami School of Law Professor **JoNel Newman**, as well as speakers from Mexico, Norway, and elsewhere.

The conference will take place at the beautiful Newport Beachside Hotel & Resort; rates for attendees begin at \$99, plus tax and resort fees.

Early bird registration is \$120 (\$60 for students) through July 1; \$135/\$75 after that. For more information or to register, visit www.ala.org/faife2011 or contact Jonathan Kelley at jokelley@ala.org or (800) 545-2433 x4226.

We hope to see you in Miami!

IFRT announces Immroth Award winners

Mike Blasenstein and Mike Iacovone have been named recipients of the John Phillip Immroth Memorial Award, presented by the ALA Intellectual Freedom Round Table (IFRT). The Immroth Award honors intellectual freedom fighters in and outside the library profession who have demonstrated remarkable personal courage in resisting censorship. The award consists of \$500 and a citation.

The Immroth Award Committee recognizes the two for providing access to the banned video, David Wojnarowicz's "Fire in My Belly," in a high profile incident of censorship at the Smithsonian's National Portrait Gallery in Washington, D.C. After the Smithsonian Institution bowed to pressure to remove the artwork from the Hide/Seek exhibit, Blasenstein and Iacovone undertook their first act to preserve intellectual freedom by reintroducing the censored art into the gallery from which it was removed.

David Hurley, Chair of the Immroth Committee, reveals why Blasenstein and Iacovone were chosen: "What really impressed the committee about their actions was that it both restored access to the work that had been removed, for the duration of the National Portrait Gallery's exhibit, while also drawing attention to the larger problem of the way in which it was removed."

Attendees of ALA's Annual Conference in June are invited to join us for a reception in honor of the award winners. The reception is on Saturday, June 25th, at 11:30 a.m., in the Blaine Kern B room of the New Orleans Marriott at the Convention Center.

Kent Oliver on the sanitization of Mark Twain

This article by FTRF President Kent Oliver was initially printed in the May 2011 issue of Costco Connection, Costco's monthly newsletter, as part of a Point/Counterpoint. Visit <http://www.costcoconnection.com/connection/201105> to read the entire issue. Reprinted with permission.

Mark Twain's book *The Adventures of Huckleberry Finn*, first published in 1884, is one of America's literary masterpieces. A recent edition conceived by Alan

Gribben, professor of English at Auburn University and Twain scholar, has been edited to remove racially charged words. This edition clearly subverts the intent of the author: depicting life on the Mississippi River in the 1800s. It contributes to a disturbing trend in our society to dumb down controversial ideas, subjects and language in our literature. An exhaustive list of titles and topics demonstrating this practice may be found at www.ala.org/ala/issuesadvocacy.

Because of its language and surface racism, *Huck Finn* has often been the target of book challenges and bannings. Ironically, the book is highly regarded in part because of its undeniable anti-racism message. Any deviation from the original is a desecration of the author's work and original intent. Mr. Twain himself was very particular about the words he used and why. According to an oft-used quote by the author, "the difference between the almost right word and the right word is really a large matter—it's the difference between the lightning bug and the lightning." Possibly foreseeing a challenge to his "right words" such as Professor Gribben's, Twain was famously concerned over copyright laws and desired to control his works, including his autobiography, beyond the grave.

While there is certainly a place for comfortable literature that entertains, the appeal and great impact of *Huck Finn* today lies in the fact it does not always make us feel comfortable—not with late-1800s America or with that of 2011. Its power is in the use of uncomfortable words and an insight into a time period that gives us pause for serious reflection.

The American Library Association's Office for Intellectual Freedom and the Freedom to Read Foundation, along with thousands of librarians and information professionals, support the premise that the most dangerous idea is the suppressed idea. As a society we should be committed to the right of unrestricted access to information and ideas, regardless of the viewpoints of the author or the reader. Without this commitment we run the risk of rewriting history as well as great literature. Students have heard the words; let them read and understand the ideas that go with them.

News & Notes: A decision from the U.S. Supreme Court in the California video game case is expected this month. FTRF joined an *amicus* brief in this case, *Brown v. Entertainment Merchants Association* (formerly *Schwarzenegger v. Entertainment Merchants Association*). For the latest, follow @frf on Twitter.

Roberts Emerges as First Amendment Defender

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Whether a category of speech enjoys First Amendment protection, the Government argued, “depends upon a categorical balancing of the value of the speech against its societal costs.” Rejecting that proposition as “startling and dangerous,” the Chief Justice emphasized that the First Amendment

does not extend only to categories of speech that survive an ad hoc balancing of relative social costs and benefits. The First Amendment itself reflects a judgment by the American people that the benefits of its restrictions on the Government outweigh the costs. Our Constitution forecloses any attempt to revise that judgment simply on the basis that some speech is not worth it.

Instead, the Chief Justice pointed out (quoting *R.A.V. v. St. Paul* (1992)), the First Amendment has allowed restrictions upon the content of speech “in a few limited areas,” such as obscenity, child pornography, defamation, and fighting words, and has never “include[d] a freedom to disregard these traditional limitations.” Under the First Amendment, he wrote, the Government does not have “freewheeling authority to declare new categories of speech outside the scope of the First Amendment.”

Nor was the statute saved by exempting speech that could be shown to have “serious value.” A showing that speech has “serious value,” the Chief Justice wrote, cannot be a precondition of constitutional protection. “Most of what we say to one another lacks ‘religious, political, scientific, educational, journalistic, historical, or artistic value’ (let alone serious value), but it is still sheltered from government regulation.”

In the second case, *Snyder v. Phelps* (2011), the Court considered whether the First Amendment barred a claim for intentional infliction of emotion distress brought by the father of a dead marine against the Westboro Baptist Church based on a homophobic (“God Hates Fags”) protest the Church mounted outside (but out of sight of) his son’s funeral. Refusing to accord any constitutional weight to the merit (or lack thereof) of the Church’s speech, the Chief Justice emphasized that although the

Church’s speech might “fall short of refined social or political commentary,” it nevertheless addressed “matters of public import,” including homosexuality in the military, which lie “at the heart of the First Amendment’s protection.”

The Chief Justice further noted that the Church enjoyed the highest level of First Amendment protection because it was “picketing peacefully on matters of public concern at a public place adjacent to a public street” – i.e., engaging in political speech in a traditional public forum. Therefore, the Chief Justice observed, any liability would have to be based on the content of Church’s speech. But the First Amendment prevents the government from “prohibit[ing] the expression of an idea simply because society finds the idea itself offensive or disagreeable.” Therefore, even a showing that the Church’s speech was “outrageous,” as Mr. Snyder’s tort claim required, could not overcome the speech’s First Amendment protection. This was true, the Chief Justice concluded, despite the “anguish” the speech added to Mr. Snyder’s “already incalculable” grief:

On the facts before us, we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course—to protect even hurtful speech on public issues to ensure that we do not stifle public debate. That choice requires that we shield Westboro from tort liability for its picketing in this case.

Stevens and *Phelps* reflect a conservative/libertarian view of the First Amendment that respects the traditional categories of unprotected speech and rejects open-ended balancing tests and vague tort law standards as justifications for additional content-based restrictions. It is a view that, while recognizing the elevated constitutional status of speech on public issues, also recognizes that speech need not have any articulable value to merit constitutional protection. Indeed, even harmful speech is protected unless it falls into one of the narrow exceptions the Court has defined over the years.

(This is not to say that the rulings in *Stevens* and *Phelps* were exclusively conservative/libertarian—the Court’s liberal justices were in the majority in both cases. *Citizens United*, by contrast, which split the Court, exposed the more government-averse nature of the conservative members’ First Amendment philosophy, as well as their solicitude for corporate interests.)

On the evidence of *Stevens* and *Phelps*, the Chief Justice surely would agree with what another libertarian judge,

Chief Judge Alex Kozinski of the Ninth Circuit, wrote recently in a concurring opinion in *United States v. Alvarez*—a First Amendment challenge to the federal ban on lying about military honors that will likely be heard by the Supreme Court:

If the First Amendment is to mean anything at all, it must mean that people are free to speak about themselves and their country as they see fit without the heavy hand of government to keep them on the straight and narrow.

By assigning the *Stevens* and *Phelps* opinions to himself, the Chief Justice delivered the message that bolstering of this core First Amendment principle is to be part of the legacy of the Roberts Court. In putting his stamp on the Court in this manner, it should be noted, he has done a great deal to help advance the mission of the Freedom to Read Foundation: to ensure the right of free people to read freely.

Jonathan Bloom is counsel to Weil, Gotshal & Manges in its New York office, where he specializes in media and First Amendment, intellectual property, and art law.

Congress renews Patriot Act for four more years

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rick Leahy (D-VT). Leahy's proposed legislation would have limited FBI searches of library records to "agents of a foreign power," including suspected terrorists and people known to them, and would have required the Justice Department's Inspector General to perform audits to ensure that the Patriot Act is not being used to violate civil liberties.

Several other Senators also opposed the Reid-Boehner deal to renew the Patriot Act without adopting reforms to protect reader privacy and other civil liberties. Senator Rand Paul (R-KY) led an effort to filibuster the Reid-Boehner deal in order to force consideration of proposed amendments designed to protect civil liberties. Senators Mark Udall (D-CO) and Ron Wyden (D-OR), both members of the Senate Intelligence Committee, urged their Congressional colleagues to more carefully consider the proposals to reform the Patriot Act, warning that the Department of Justice was using a classified interpretation of the Patriot Act's provisions to authorize

domestic surveillance activities that did not pass Constitutional muster.

Advocates for reader privacy expressed disappointment with Congress' decision to renew the Patriot Act without changes. Speaking on behalf of the Campaign for Reader Privacy, a coalition of librarians, booksellers, publishers, and authors that includes the American Library Association, Oren Teicher of the American Booksellers Association said that the coalition's members were deeply disappointed by the Senate's failure to protect the privacy of bookstore and library records of people who are not suspected of terrorism. He also criticized the failure to approve amendments that would have ensured that the powers granted by the Patriot Act are being used properly. Lynne Bradley of the ALA's Washington Office said ALA was more than disappointed with Congress' decision to once again delay consideration of reasonable Patriot Act reforms to protect reader privacy.

Despite the disappointment, reader privacy advocates are encouraged by the growing number of senators and Congressional representatives who support reforming the Patriot Act to protect reader privacy and are continuing the fight to protect civil liberties. Senator Leahy, with the support of Senators Akaka (D-HI), Bingaman (D-NM), Boxer (D-CA), Cardin (D-MD), Coons (D-DE), Durbin (D-IL), Franken (D-MN), Gillibrand (D-NY), Harkin (D-IA), and Wyden, has already introduced the USA PATRIOT Act Improvements Bill, S. 1125, which would institute reader privacy reforms, impose a 2013 sunset on the use of NSLs, increase the oversight and transparency of FISA court orders, remove barriers to challenging NSLs and FISA orders in court, and institute new public reporting and auditing requirements. In addition, Senators Wyden and Udall, joined by Senator Jeff Merkley (D-OR), have won a promise from Diane Feinstein (D-CA), the chair of the Senate Intelligence Committee, that the committee will conduct hearings on the Justice Department's secret interpretation of the Patriot Act.

Freedom to Read Foundation News (ISSN 0046-5038) is issued quarterly to all members of the Freedom to Read Foundation. Regular FTRF membership begins at \$35.00 per year for individuals and \$100.00 for organizations. Student membership is \$10.00. Contributions to FTRF should be sent to: Freedom to Read Foundation, 50 E. Huron St., Chicago, IL 60611. You also can contribute by phone at (800) 545-2433 x4226 or at www.ftrf.org/joinftrf. FTRF is a 501(c)(3) organization and contributions are tax-deductible.