



FREEDOM TO READ FOUNDATION NEWS

50 EAST HURON STREET, CHICAGO, ILLINOIS 60611 PHONE (312) 280-4226

www.ftrf.org • ftrf@ala.org • www.ftrf.org/ftrfnews.html

Judith F. Krug, Executive Director

Judith Platt, President

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NSLs under the gun

Since last year's high-profile challenge to the National Security Letter (NSL) provision of the USA PATRIOT Act brought by the four Connecticut "John Doe" librarians, opposition to the use of the controversial administrative subpoena continues to grow.

In June, the American Library Association Council unanimously adopted a "Resolution on the Use and Abuse of National Security Letters." The resolution cited the lack of judicial oversight over the issuance of NSLs, reports from the Department of Justice's Office of the Inspector General concerning the FBI's widespread abuse of NSLs, the unconstitutional permanent gag order, and the experience of the four Connecticut librarians in condemning the use of NSLs to obtain library records. The resolution urges Congress to pass legislative reforms to provide protection for library users' rights to access information without unwarranted government surveillance.

As of publication of this newsletter, 40 state and regional library associations have endorsed the resolution. A complete list of ALA chapters endorsing the resolution can be found at <http://tinyurl.com/yohjav>.

After the passage of the resolution, Congressional representatives introduced several bills intended to rein in and limit the FBI's use of NSLs. Rep. Jane Harman (D-CA) introduced H.R. 1739, which, if passed, would require the approval of a judge for the issuance of an NSL. H.R. 3189, introduced by Rep. Jerrold Nadler (D-NY), would put in place procedural protections and raise the standard for issuing NSLs.

On September 6, Judge Victor Marrero of the Southern District of New York struck down the NSL statute for the second time, finding the use of NSLs and the imposition of the accompanying gag order unconstitutional despite passage of Congressional legislation intended to address his original 2004 criticisms of the NSL statute. FTRF twice submitted

FTRF sponsors "Evening with Anthony Lewis" program in Philadelphia

Event: Anthony Lewis on the First Amendment

Date: Monday, January 14, 2008

Time: 6:30 p.m.

Location: National Constitution Center, Grand Hall
Overlook, 525 Arch Street, Independence Mall,
Philadelphia, PA

Admission: \$12 Constitution Center and Freedom to
Read Foundation members, \$15 non-members,
\$6 K-12 students and teachers.

Reservations required.

To reserve tickets, call 215-409-6700

Questions? Email: programs@constitutioncenter.org

There will be a reception for Freedom to Read Foundation Members to meet Anthony Lewis and moderator Chris Finan beginning at 5:30. Call (800) 545-2433 x4226 or email ftrf@ala.org to RSVP for the reception.

amicus briefs in support of the plaintiff, a John Doe believed to be an Internet Service Provider. The government has appealed the decision to the Second Circuit Court of Appeals.

On September 25, Senators Russ Feingold (D-WI) and John Sununu (R-NH) introduced the National Security Letter Reform Act of 2007 (S. 2088). The bill would put a time limit on NSL gag orders, require an individualized determination that each record sought with an NSL relates to someone with a connection to terrorism or espionage, and prevent any future use of improper "exigent" letters identified by the Inspector General report, among other things. Other sponsors are Dick Durbin (D-IL), Lisa Murkowski (R-AK), Ken Salazar (D-CO) and Chuck Hagel (R-NE). The bill is still in committee.

FISA faces challenges in court, Congress

In September, a federal judge in Oregon ruled in a civil suit that two provisions of the Foreign Intelligence Surveillance Act (FISA), as amended by the USA PATRIOT Act, are unconstitutional. This case was brought by Brandon Mayfield, an Oregon attorney who was falsely suspected of involvement in the 2004 Madrid train bombing, based on a mistaken fingerprint identification.

The critical legal issue was Congress' insertion of new language into FISA when it passed the USA PATRIOT Act in 2002. Previously, FISA had a requirement that obtaining information about foreign intelligence or a foreign agent be "the purpose" of a FISA investigation; after the passage of the PATRIOT Act, FISA only required that obtaining information about foreign intelligence be "a significant purpose" of the search or surveillance. Judge Anne Aiken said the effect of this "seemingly minor change in wording" was to allow the government to avoid the constitutional probable cause requirement.

"In place of the Fourth Amendment," the Judge Aiken wrote, "the people are expected to defer to the Executive Branch and its representation that it will authorize such surveillance only when appropriate."

The government has filed notice that it will appeal the ruling to the Ninth Circuit Court of Appeals.

FISA reform legislation tabled

Most recently, FTRF, along with the American Library Association and several civil liberties organizations have been concerned about attempts in Congress to further erode privacy. Specifically, this month has seen a high-profile battle in the Senate over FISA reform legislation that would, among other things, grant retroactive immunity to telecommunication providers who cooperated with the Bush Administration's secret wiretapping program, conducted outside the auspices of FISA. Senator Chris Dodd (D-CT) led a successful effort to block consideration of the bill until January, due to his opposition of the retroactive immunity portion of the bill.

45 academic and research libraries become FTRF organizational members

As a result of the Freedom to Read Foundation's new organizational membership campaign, 45 academic and research libraries have joined FTRF at the \$500 or \$1,000 level. This show of support for the work of the Freedom to Read Foundation from America's major institutions of higher learning is a major boost for FTRF. The Board of Trustees of FTRF thank the libraries for their support, and treasurer Jim Neal, Columbia University librarian, for encouraging these institutions to join the Foundation. New FTRF members include:

University of Albany • Auburn University • Brown University • University of Buffalo • University of California at Berkeley • University of California at San Diego • Case Western Reserve University • University of Colorado at Boulder • Columbia University • University of Connecticut • Cornell University • Dartmouth College • University of Delaware • University of Florida • Georgetown University • Harvard University • University of Hawaii at Manoa • University of Houston • University of Illinois at Chicago • University of Illinois at Urbana-Champaign • Indiana University-Bloomington • Johns Hopkins University • University of Louisville • University of Maryland • MIT Libraries • University of Miami • University of Michigan • University of Minnesota • University of Nebraska-Lincoln • New York Public Library • North Carolina State University • University of Oklahoma • University of Oregon • University of Pennsylvania • Purdue University • Rutgers University • University of South Carolina • University Southern California • Stony Brook University • Syracuse University • University of Texas at Austin • University of Utah • Vanderbilt University • University of Wisconsin-Madison • Yale University

If you are connected with a library or other organization that would like to join the Freedom to Read Foundation, please call us at (800) 545-2433 x4226. Organizational membership starts at \$100.00.

FTRF Announces Nominating Committee

FTRF has announced the nominating committee for its April 2008 election. Committee members are: Robert P. Doyle, Chicago, Ill. (chair); Therese Bigelow, Chesapeake, Va.; and Candace Morgan, Portland, Ore.

Five positions on the 2008–2009 FTRF board of trustees will be filled in the election to be held April 1–May 1, 2008. The persons elected in the 2008 election will serve a two-year term on the board beginning at the close of the June 2008 Annual Meeting and continuing through the end of the June 2010 Annual Meeting. Trustees are required to attend two one-day meetings per year, which are held in conjunction with the ALA Annual Conference and Midwinter Meeting.

Only FTRF members are eligible to seek election to the board.

Nominations should be sent by January 15, 2008 to: Freedom to Read Foundation, Attn: Robert P. Doyle, 50 E. Huron St., Chicago, IL 60611. In addition, nominations may be e-mailed to ftrf@ala.org. FTRF members may also be slated for candidacy via petition by submitting 25 current FTRF member signatures in support of the candidate. The Executive Director of the Foundation must receive names of petition candidates and the required signatures to support each no later than February 29, 2008.

New Litigation

FTRF files *amicus* brief in U.S. v. Williams

On August 14, 2007, the Freedom to Read Foundation joined the American Booksellers Foundation for Free Expression (ABFFE), the Association of American Publishers (AAP), the Comic Book Legal Defense Fund and PMA, the Independent Book Publishers Association, in filing an *amicus curiae* brief before the U.S. Supreme Court in U.S. v. Williams. The case in-

volves the constitutionality of the pandering provision of the PROTECT ACT, which was passed in 2003 following the striking down of the pandering provision of the Child Pornography Prevention Act in Ashcroft v. Free Speech Coalition (a case in which FTRF participated).

In this case, the defendant, Michael Williams, was found guilty of “pandering child pornography” under the PROTECT ACT, which criminalizes knowingly advertising, promoting, presenting, distributing or soliciting material in a manner that reflects the belief, or is intended to cause another to believe, that the material is illegal child pornography. On appeal, the Eleventh Circuit Court of Appeals found the “pandering” provision to be unconstitutionally overbroad and vague. The Supreme Court subsequently granted the government’s petition for *certiorari*.

FTRF’s brief before the Supreme Court addresses the constitutionality of criminalizing the marketing of First Amendment protected materials in general, focusing on the type of materials published or sold by members of the *amici* group. Oral arguments were heard on October 30.

FTRF files *amicus* in New Jersey privacy case

On July 5, FTRF joined with the New Jersey Library Association, the ACLU of New Jersey, the Electronic Frontier Foundation, and the Privacy Rights Clearinghouse to file an *amicus* brief in New Jersey v. Reid, asking the New Jersey Supreme Court to uphold an appellate court decision regarding privacy and computer access. In this case, a state trial judge suppressed information subpoenaed from Comcast Corp. allowing police to identify and arrest the defendant, Shirley Reid, for allegedly breaking into and misusing her employer’s computer system. The court of appeals found that the state constitution confers a privacy interest in a person’s Internet Service Provider (ISP) account information, such that a police officer must obtain a valid subpoena in order to obtain that information from an ISP. The state appealed the decision to the New Jersey Supreme Court, and oral arguments were heard on October 12, 2007.

This is one in a series of three new advertisements for the Freedom to Read Foundation created by the Illinois Library Association. If your organization would like to run an ad, please contact Jonathan Kelley at (800) 545-2433, Ext. 4221. Thanks to FTRF Trustee and ILA Executive Director Bob Doyle for his help with these ads!

Updates

Utah, Ohio Internet harmful to minors cases continue

On November 29, a federal judge in Utah ruled against a motion to dismiss FTRF's challenge to the state's "harmful to minors" Internet statute. In allowing the case to continue, the judge dismissed two local bookstores as plaintiffs. This case is [The King's English v. Shurtleff](#).

After a three-year wait, Judge Walter Rice issued his written opinion in [ABFFE v. Strickland](#) on September 24, finding the Ohio "harmful to minors" statute unconstitutional as applied to the Internet. The state filed a notice of appeal and FTRF and other plaintiffs filed a notion of cross-appeal with the Sixth Circuit Court of Appeals. The state's brief is due January 25, 2008 and the plaintiffs' initial brief is due February 27.

COPA decision appealed

On October 29, the Freedom to Read Foundation joined with the Association of American Publishers, the Center for Democracy and Technology, the Comic Book Legal Defense Fund, and several other partners to file another *amicus* brief with the Third Circuit Court of Appeals in [Gonzales v. ACLU](#), also known as the Child Online Protection Act (COPA) case. This follows the U.S. Government's decision to appeal the ruling of U.S. District Judge Lowell Reed, reported in *FTRF News Vol. 32, No. 1-2*, striking down the 1998 law.

COPA already has been found unconstitutional twice by the Third Circuit Court of Appeals. The law would criminalize the publication on the Internet of material deemed "harmful to minors."

Presidential Records Act status up in air

Two developments have occurred in the ongoing saga of Executive Order No. 13233, President Bush's 2001 attempt to gut the Presidential Records Act.

On March 24, the U.S. House of Representatives approved by a veto-proof margin H.R. 1255, which would nullify the Bush order and restore the Presidential Records Act. However, on September 24, Sen. Jim Bunning (R-KY) put a hold on the Senate version of the bill, single-handedly holding up the bill from consideration, despite broad bipartisan support in that body.

On October 1, federal judge Colleen Kollar-Kotelly ruled that the U.S. Archivist's reliance on one section of the executive order to indefinitely delay release of former presidents' and vice-presidents' records violated the Administrative Procedures Act; she enjoined the Archivist from relying on that section of the order. However, Judge Kollar-Kotelly's ruling did not address the constitutionality of E.O. 13233, and she dismissed most of the suit for lack of standing. FTRF has participated as an *amicus* in this case, [American Historical Association v. National Archives and Records Administration](#).

Report to Council

2007 Annual Conference Washington, DC

The Freedom to Read Foundation reports to the ALA Council at each Annual Conference and Midwinter Meeting. The following is an edited version of the report presented at the 2007 Annual Conference in Washington, DC.

As President of the Freedom to Read Foundation, I am pleased to report on the Foundation's activities since the 2007 Midwinter Meeting:

YOUTH AND THE FIRST AMENDMENT

This spring, the trustees of the Freedom to Read Foundation were glad to have two different opportunities to advocate directly on behalf of the right of young persons to exercise their First Amendment freedoms.

The first of these opportunities came in February when FTRF joined with the Student Press Law Center, Feminists for Free Expression, the First Amendment Project, and the Thomas Jefferson Center for the Protection of Free Expression to file an *amicus* brief in the case of Morse v. Frederick. This case, better known as the "Bong Hits 4 Jesus" lawsuit, was filed by Joseph Frederick and his parents after Frederick was suspended from his high school for displaying a banner during the Olympic Torch relay that read "Bong Hits 4 Jesus." Frederick was not on school property and was not participating in a school activity at the time he raised the sign (although the school district argued it was a school-sanctioned event by virtue of the fact that the students were let out of school and accompanied by teachers).

While the circumstances of this case may amuse us, the stakes were very high. We are seeing more and more school administrators claim the right to regulate student speech—not only speech that takes place on campus, but speech that is unconnected with the student's attendance at or participation in school activities. This lawsuit was the first major case to consider student free speech rights in many years, and we were hopeful the Supreme Court would vindicate the right of young people to voice their ideas in the wider world, without fear of official retribution.

The Supreme Court heard oral arguments on March 19, and handed down a decision yesterday, June 25. The majority of the Court decided against Frederick, overturning the decision of the Ninth Circuit Court of Appeals. In writing the majority opinion, Chief Justice John Roberts considered the content of the banner, claiming that it "promoted illegal drug use and that "failing to act would send a powerful message to the students in [Principal Deborah Morse's] charge." In a dissent, Justice John Paul Stevens said the majority was "inventing out of whole cloth a special First Amendment rule permitting the censorship of any student speech that mentions drugs."

Our second opportunity to defend students' right to read freely came in ACLU of Florida v. Miami Dade School Board, when FTRF filed an *amicus curiae* brief urging the Eleventh Circuit Court of Appeals to uphold a district court's order requiring the school board to return the book *Vamos a Cuba* to school library shelves. The school board voted to remove *Vamos a Cuba* and its English language edition, *A Visit to Cuba*, from all Miami-Dade school libraries last summer after a group of parents objected to the book's portrayal of Cuban society as offensive to the Miami-Dade Cuban community. Subsequently, the district court ruled that the removal was unconstitutionally motivated and entered a preliminary injunction ordering the school district to immediately reinstate the entire "Visit to . . ." series on library shelves. After the Miami-Dade School Board appealed the decision to the Eleventh Circuit Court of Appeals, FTRF joined with the American Booksellers Foundation for Free Expression (ABFFE), the Association of Booksellers for Children, REFORMA, Peacefire, and the National Coalition Against Censorship to file its *amicus* brief supporting young peoples' First Amendment right to access and read books like *Vamos a Cuba* in the school library. On June 6, the Eleventh Circuit heard oral arguments, and we await the court's opinion.

THE FREEDOM TO READ FREELY

Of course, the Foundation remains committed to vindicating everyone's right to read and speak freely. I am very pleased to report to you that once again, a federal district court has struck down the Child Online Protection Act (COPA), a law that regulated and criminalized many kinds of Internet speech otherwise protected by the First Amendment. Following a four-week trial on the issues in Gonzales v. American Civil Liberties Union, Judge Lowell Reed of the U.S.

District Court in Philadelphia permanently enjoined enforcement of COPA on March 22, ruling the law facially violates both the First and Fifth Amendments of the Bill of Rights. In so doing, Judge Lowell concluded the regulations imposed by COPA on Constitutionally protected materials deemed “harmful to minors” were overly restrictive, given that parents can use Internet filtering software to block content in their homes. In overturning COPA, Judge Reed took pains to reiterate his view that “perhaps we do the minors of this country harm if First Amendment protections, which they will with age inherit fully, are chipped away in the name of their protection.”

We hope Judge Reed’s opinion will stand as the final word in this litigation, which has been ongoing since 1998 and has been before the Supreme Court twice. FTRF has participated as an *amicus* in all phases of the litigation and is committed to continuing its participation if the government appeals Judge Reed’s decision. [See p. 4 for an update.]

It is important to note that the court’s endorsement of Internet filters as a useful tool for parents to use in the home is not an endorsement of the use of mandatory filtering in other contexts, especially the public library. As Justice Kennedy noted in his opinion in the United States v. ALA lawsuit challenging the Children’s Internet Protection Act (CIPA), adult users retain the right to request access to the Internet free of any restrictions imposed by filtering software. We continue to watch with interest the lawsuit filed in Washington State, Sarah Bradburn et al. v. North Central Regional Library District, which challenges a library’s restrictive use of Internet filters and its policy of refusing to honor adults’ requests to temporarily disable the filter for research and reading.

Just as FTRF participates in challenges to federal laws like COPA that criminalize Internet content deemed “harmful to minors,” FTRF also participates in challenges to state laws that similarly criminalize Internet content. The most pressing lawsuit, The King’s English v. Shurtleff, challenges a Utah statute that extends the state’s “harmful to minors” provisions to the Internet and requires Internet service providers to block access to websites placed on a registry maintained by the state’s Attorney General, who is empowered to declare a website “harmful to minors” without judicial review.

For much of this past year, the Utah legislature attempted to amend the law to address the concerns

raised by FTRF and its partners, but the amendment adopted by the legislature did not offer sufficient protection for free expression on the Internet. Consequently, the plaintiffs, who include FTRF, ABFFE, AAP, the Comic Book Legal Defense Fund, the ACLU of Utah, and several Utah bookstores, Internet service providers (ISPs), and residents, filed an amended complaint on April 30. [See p. 4 for an update.]

FTRF also is participating as an *amicus* in Gorran v. Adkins Nutritionals, Inc., a consumer protection lawsuit that seeks to strip First Amendment protection from the claims made in the book. FTRF has joined with AAP and ABFFE to file an *amicus* brief supporting the right of persons like the late Dr. Adkins to promulgate their ideas without fear that they will be penalized for their speech. The case is pending before the Second Circuit Court of Appeals; we are waiting for the court to set a date for oral arguments.

The Eighth Circuit Court of Appeals heard oral arguments in Entertainment Software Association et al. v. Hatch, a lawsuit challenging Minnesota’s Restricted Video Games Act, which imposes civil penalties on minors who rent video games rated “AO” or “M” by the Entertainment Software Rating Board and requires retailers to post signs warning minors about the prohibition. After the District Court of Minnesota ruled the law unconstitutional in July 2006, FTRF joined with ABFFE, AAP, and others to file an *amicus* brief urging the Eighth Circuit to uphold the district court’s decision. We are now awaiting the decision.

PROTECTING PRIVACY AND ANONYMITY

Since 2001, the Foundation’s most urgent concerns have been the lawsuits challenging the FBI’s use of its expanded powers under the USA PATRIOT Act. In the last year, however, we have watched with dismay as these suits have concluded without vindicating our right to be free from government surveillance in the library and on the Internet.

We remain committed, however, to participating in lawsuits aimed at establishing a broader right to privacy in what we read and view, as well as the right to read anonymously. For this reason, FTRF has joined as an *amicus curiae* in New Jersey v. Reid, a criminal action filed against Shirley Reid after she was accused of unlawfully accessing her employer’s computer. [See p. 3 for more on this case.]

A similar action, Forensic Advisors, Inc. v. Matrixx Initiatives, Inc., has ended without a final determination. As you may recall, this lawsuit sought to quash a subpoena served on a financial advice newsletter. The subpoena, if upheld, would have required publisher Timothy Mulligan to turn over the names of the newsletter's subscribers. Early this year, Matrixx dismissed the underlying lawsuit and withdrew its subpoena, rendering moot Mulligan's challenge.

Finally, our sole remaining challenge to the USA PATRIOT Act, John Doe and ACLU v. Gonzales, remains pending before Judge Marrero of the Southern District of New York. In the original lawsuit, Judge Marrero ruled that the statute authorizing National Security Letters (NSLs), which permits the FBI to compel the production of information without judicial review, is unconstitutional. After the Second Circuit Court of Appeals remanded the case to the district court and the ACLU filed an amended complaint, the FBI withdrew the NSL but sustained the gag order that accompanied the NSL. Rather than abandon his claims, the plaintiff has chosen to contest the regime of silence surrounding the use of NSLs by continuing the constitutional challenge to the gag order. [See update on page 1.]

RELIGION AND THE PUBLIC LIBRARY

The issue of religion continues to bedevil libraries across the country. A library board in Colorado found itself defending its open display case policy after a library user objected to a conservative religious group's display about homosexuality; other libraries continue to grapple with religious groups' use of meeting rooms, or the use of labels to identify books with particular religious content. Libraries regularly call FTRF and ALA to obtain guidance on these issues.

For this reason, the FTRF Board was pleased to meet this week with Dan Mach, who previously served as one of FTRF's legal counsel and is now with the ACLU's Program on Freedom of Religion and Belief. Dan reviewed the current status of the law governing religion in public forums, and discussed particular cases in light of the Supreme Court's decisions in this area. Of particular interest was his review of Faith Center Church Evangelistic Ministries v. Glover, the lawsuit filed by a local religious group after the Contra Costa County (CA) Public Library refused to let it use the library's meeting rooms for a religious service. Although the district court ruled the group was likely to succeed on its First

Amendment claims, the Ninth Circuit Court of Appeals reversed the district court's finding, upholding the library's policy as a reasonable restriction in light of the library's intended use of its space.

As a result of the Ninth Circuit's decision, libraries across the country were left with questions about their meeting room policies and other policies addressing behavior. It appears these questions may be answered soon, as the plaintiffs have filed a petition asking the Supreme Court to review the Ninth Circuit's decision. While FTRF is not currently a participant in this lawsuit, it will continue to monitor this case due to its importance to the library community.

FREEDOM OF INFORMATION ACT REQUEST

A year ago, FTRF and ALA filed a Freedom of Information Act (FOIA) request on behalf of the organizations and over 50 members with the FBI. The request sought any records of criminal investigations or surveillance of the organizations and their members related to, or caused by, their opposition to the USA PATRIOT Act.

In February, the FBI informed our legal counsel, Theresa Chmara, that it did not have any records responsive to our request. After reviewing the circumstances surrounding the request, Theresa recommended that neither ALA nor FTRF pursue an appeal, as she believed that insufficient evidence existed to support an appeal of the FBI's determination. Keith Michael Fiels and Judith Krug accepted her recommendation, based both upon her expertise and a desire not to expend funds on legal actions where there appears to be little possibility of success.

Individuals still concerned about potential surveillance by the FBI or other federal agencies can still file their own personal requests for records with the FBI and the Department of Justice and ask that any responsive records be sent directly to them. ALA's Office for Intellectual Freedom will be happy to assist anyone who desires to file his or her own FOIA request.

FTRF PROGRAM AT ANNUAL CONFERENCE

It was my distinct pleasure to provide an introduction for Theresa Chmara at our Sunday afternoon program addressing recent litigation affecting libraries and library users. As is her custom, Theresa provided ALA members with a thorough and thoughtful update and

gave us much practical information about how the outcome of these lawsuits affects the day-to-day operation of libraries. [Note: the program is available online at <http://blip.tv/file/316018>.]

2007 ROLL OF HONOR RECIPIENT

It is my honor to report that on Saturday evening during the Opening General Session, we presented the 2007 FTRF Roll of Honor to Lucille C. Thomas, immediate past president of the Brooklyn (NY) Public Library's Board of Trustees and former assistant director of the New York City Department of Education, Office of Library, Media & Telecommunication. Lucille has been a stalwart member of FTRF during her many years of service to libraries and library users, standing fast behind the idea that libraries should be proactive in reaching out to underserved populations and committed to the principle that, when a person uses a library, his or her ability to learn should not be restricted by censorship. The FTRF Board of Trustees is privileged to add Lucille to the Freedom to Read Foundation Roll of Honor.



ALA President Leslie Burger congratulates Lucille Thomas (r.) on her FTRF Roll of Honor Award at the 2007 ALA Annual Conference in Washington, DC

STATE LEGISLATION

We continue to see state legislation limiting the freedom to read introduced in the states. In many instances, as in Illinois, concerted efforts by librarian and library users defeated state legislation tying library funding to the use of Internet filtering software. But in other states, like Virginia, state legislatures have adopted mini-CIPAs, which require public libraries to install filters or lose state funding.

Our concern over the USA PATRIOT Act has borne fruit in some states, such as Connecticut and Oregon, which have revised their state library statutes to extend further privacy rights to library users. In Illinois, where conservative organizations mounted an attack on the library confidentiality statute, librarians worked hard to halt or limit the changes sought by local police officers. Unfortunately, despite these efforts, local police in Illinois now can demand that libraries identify library users without presenting any court order.

END NOTES

This is my last report to you as the Freedom to Read Foundation president; my second two-year term concludes with this meeting. It has been a very distinct honor and privilege to participate in the work of the Foundation, and I will, of course, actively continue to support its work.

At its organizing meeting for 2008 last Thursday, the FTRF Board of Directors elected Judith Platt as president. Judith is the Director, Freedom to Read and Communications/Public Affairs at the Association of American Publishers. Judith shares our passion for the Foundation's work as ably demonstrated by her service as a Foundation Trustee for many years.

Respectfully submitted,

John W. Berry
President, Freedom to Read Foundation

Freedom to Read Foundation News (ISSN 0046-5038) is issued quarterly to all members of FTRF. Regular membership in the Freedom to Read Foundation 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.html. All contributions are tax-deductible.

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