

# AMERICAN LIBRARY ASSOCIATION

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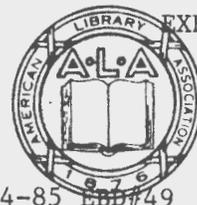


EXHIBIT 14

1984-85 EBB#49

## RESTRICTIONS ON THE IMPORTATION OF BOOKS AND PERIODICALS IN THE UNITED KINGDOM

- WHEREAS, Imported books and periodicals are subject to censorship by H.M. Customs and Excise Bureau; and
- WHEREAS, H.M. Customs and Excise Bureau have seized and detained hundreds of books, newspapers, and magazines sent by Giovanni's Room (an American distributor of lesbian, gay, and feminist literature) to Gay's the Word (England's only gay and lesbian bookstore) for the past year and a half; and
- WHEREAS, It has been reported that existing British laws and regulations inhibit the free dissemination of ideas; and
- WHEREAS, The American Library Association is committed to the free dissemination of books and periodicals as the surest and most effective way of preserving an informed, free and democratic society; NOW, THEREFORE, BE IT
- RESOLVED, That the American Library Association express concern to Her Majesty's Government through the British Embassy in Washington, D. C. about the restrictions on access to information in the United Kingdom through the seizure of imported books and periodicals, and be it Further
- RESOLVED, That the American Library Association Public Information Office issue a news release on the sense of this Resolution of the background of this case.



ADOPTED BY THE  
COUNCIL OF THE AMERICAN LIBRARY ASSOCIATION

July 10, 1985, in Chicago, Illinois

Transmitted by

*Robert Wedgeworth*

Robert Wedgeworth, Secretary of Council

COUNCIL  
MINUTES  
July, 1985

SPECIAL COMMITTEE ON PAY EQUITY (CD#37.4) - Exhibit 13. The Chair received no response from Council when time was provided to raise questions related to the written information report.

NATIONAL DIVISIONAL CONFERENCES (CD#44). Councilor Helen Lloyd Snoke, introduced the motion by pointing out that the sole effect of the Resolution on Policy 7.4.10 is the intent to enable divisions to call national conferences every two instead of three years, that none of the policy's other provisions and requirements are addressed for change. She stated that AASL considers national divisional conferences its top priority; the division wishes to hold national conferences biennially, but does not want special treatment. It was noted that ASCLA has also endorsed the Resolution, and that the councilors from the states indicated, without consultation with their chapter, endorsed the Resolution. President Elect Lynch reported that the Executive Board's recommendation is that Council be advised of the extent to which policy 7.4.10 is affected and that Council refer the Resolution to the Board for study and recommendation. Executive Board Member Arthur Curley pointed out that the wording of the resolution, regardless of the intent, could totally rescind the present policy. Treasurer Schuman suggested that COPES should have been consulted for financial implications, and with Barbara Markuson moved referral to the Executive Board. Discussion focussed on the need for more information on the financial impact on ALA, its divisions, and chapters; ALA, division and local personnel impact; exhibitor impact. It was felt that the study would benefit by the Chapter Relations Committee involvement. It was

VOTED, That Council Document #44 be referred to the Executive Board for study and recommendation.

COUNCIL ORIENTATION COMMITTEE. Duane Johnson, in the absence of Jan Keene, chair, and on behalf of the Council Orientation Committee, announced that the Committee plans to set up a contact network with new councilors who will be seated at Midwinter and asked for volunteers.

There being no other business ready for presentation, Council adjourned at 4:35 p.m.

Third Meeting

The third meeting of the ALA Council during the 1985 Annual Conference convened at 2:05 p.m., Wednesday, July 10, President E.J. Josey presiding.

INTELLECTUAL FREEDOM COMMITTEE (CD#49) - Exhibit 14. Before moving adoption, Councilor Eric Moon, chair, reported that the International Relations Committee, International Relations Round Table, Social Responsibilities Round Table Action Council, and the Feminist Task Force have endorsed the Resolution. In addition, the American Booksellers Association has adopted a similar resolution, and similar action has been asked of the Association of American Publishers. Without discussion it was

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Mr. Moon stated for information that IFC has made a formal request to the Executive Board for authorization for ALA to present testimony at the July 24-25 Chicago hearings of the Attorney General's Commission on Pornography. If one is needed, the Committee has also prepared a resolution on the CFEAI report; it is IRC's hope that precipitous action will be avoided at this meeting regarding the content, and/or publication of the Commission Report before membership has an opportunity to react. He considered that CD#52 which was adopted by Membership is in the spirit of the IFC's resolution.

MINORITY CONCERNS COMMITTEE (CD#50) - Exhibit 15. Councilor Mary Biblo, chair, moved adoption of the resolution. David Snider suggested that it is out of order to request the Executive Board to conduct an assessment of the extent to which the Resolution on Racism and Sexism Awareness has been implemented within ALA and its units since that task is within the responsibilities vested in the Committee. Joan Goddard pointed out the Committee lacks the resources to conduct such a survey. Ms. Biblo stated that since the Committee's functions do not give it authority over other units, the request was brought to Council, whereupon the President ruled the resolution in order. Treasurer Schuman pointed out that before presentation to Council this resolution should have been referred to COPES for consideration of the financial implications. Judith R. Farley informed Council that Margaret Myers, Director, Office for Library Personnel Resources, has volunteered to work with the Director of OLOS in updating OLPR's 1980 survey of the implementation of the Resolution on Racism and Sexism Awareness; Ms. Biblo accepted this suggestion as the mechanism for accomplishing the Committee's objective. In view of the discussion of the Committee's authority and charge, it was on motion by Regina U. Minudri/David Snider

VOTED, That the ALA Council request that the Committee on Organization clarify the charge to the Council Committee on Minority Concerns.

LEGISLATION COMMITTEE (CD#47-47.9). Councilor Ching-chih Chen, chair, read the resolved clauses of each resolution and on request of Councilor Pamela Bonnell, moved adoption of the 10 Resolutions seriatim:

1985 Annual Conference  
 ALA Council Actions  
 VOTE TALLY

Document Number		Yes	No	Abstain
39	APPROVED Policy Monitoring Committee Report.	130	2	1
42a	REJECTED amendment that would have included the Public Library Association with the COPES and ALA Management in exploring the establishment of an American Library Foundation.	33	93	6
42	VOTED that the Executive Board work with COPES and ALA Management to formulate a plan for a library foundation to generate philanthropic support for libraries and act as a clearinghouse to allocate contributions equitably.	129	1	2
45a	AMENDED Bylaw amendment proposed by the Constitution & Bylaws Committee.	126	12	13
45	AMENDED Bylaw Article I, Sec. 2, B, C, and D to insert footnote reference to Organization, Chapter and Special Membership dues location in Policy Manual.	138	9	5
46.1	APPROVED organization status for membership initiative groups and amended guidelines for their establishment permitting three instead of two years time to explore organizational permanence.	149	1	3
46.2	APPROVED establishment of the Independent Librarians Exchange Round Table and statement of responsibility recommended by the Committee on Organization.	152	--	--
46.3a	AMENDED the following motion to approve "subject to approval by the Society of American Archivists.	151	2	--
46.3	APPROVED the Committee on Organization's proposed structural and membership changes for the ALA-SAA Joint Committee subject to approval by SAA.	152	--	--
46.4	APPROVED increasing the size of the Professional Ethics Committee from five to seven members.	151	2	
46.5	APPROVED appointment by RASD and ACRL of a representative to the Board of Directors of Documentation Abstracts, Inc.	148	--	3

Document Number		Yes	No	Abstain
46.6	APPROVED establishment of a Joint Committee of ACRL and the Association for Educational Communications & Technology.	148	2	2
22s	DEFEATED motion to substitute the Minimum Salary Resolution by referral to to OLPR to develop a mechanism and plan for implementing a minimum salary for professional librarians and report back at Midwinter.	11	135	3
22a	AMENDED Minimum Salary Resolution to provide that chapters rather than ALA establish a minimum salary.	131	13	1
22	VOTED that ALA urge each state chapter to establish a recommended minimum starting salary for full time professional positions and that the Office for Library Personnel Resources be instructed to lend assistance to those states desiring such assistance.	127	14	7
41	ENDORSED the Report and Recommendations of the Bibliographic Data Bases Task Force.	140	1	6
44	REFERRED to the Executive Board for study and recommendation a resolution to amend ALA Policy to permit divisions to hold national conferences every two years instead of three under the policy's established procedures.	122	24	2
49	EXPRESSED ALA's CONCERN to Her Majesty's Government, through the British Embassy in Washington, DC, about the restrictions on access to information in the United Kingdom through the seizure of imported books and periodicals; directed PIO to issue a news release on the Resolution and its background.	138	3	4
50	REQUESTED that the Committee on Organization clarify the charge to the Council Committee on Minority Concerns	128	11	4
47	CALLED ON Congress to examine SALT-D, the Administration's proposed elimination of state-local tax deductibility from Federal income taxes as a matter which may have adverse effects on the provision of local educational efforts.	139	2	2

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RESTRICTIONS ON THE IMPORTATION OF BOOKS  
AND PERIODICALS IN THE  
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WHEREAS, H.M. Customs and Excise Bureau have seized and detained hundreds of books, newspapers, and magazines sent by Giovanni's Room (an American distributor of lesbian, gay, and feminist literature) to Gay's the Word (England's only gay and lesbian bookstore) for the past year-and-a-half; and

WHEREAS, It has been reported that existing British laws and regulations inhibit the free dissemination of ideas; and

WHEREAS, The American Library Association is committed to the free dissemination of books and periodicals as the surest and most effective way of preserving an informed, free and democratic society; NOW THEREFORE BE IT

RESOLVED, That the American Library Association express concern to Her Majesty's Government through the British Embassy in Washington, D.C. about the restrictions on access to information in the United Kingdom through the seizure of imported books and periodicals, and BE IT FURTHER

RESOLVED, That the American Library Association Public Information Office issue a news release on the sense of this resolution *AND* the background of this case.

Passed by Intellectual Freedom Committee

*& International Relations Com.*

July 6, 1985

*July 7, 1985*

RESOLUTION FOR CONSIDERATION AT THE AMERICAN LIBRARY ASSOCIATION  
CONFERENCE IN CHICAGO, JULY 1985

(1) Whereas, under current British law, HM Customs and Excise are permitted to search any home or place of business at any time and may seize anything they choose to view as "prohibited"--all without a search warrant; and

(2) Whereas, HM Customs and Excise may detain any item indefinitely without issuing a Notice of Seizure that can be challenged in the courts, and without notifying anyone or having to respond to inquiries; and

(3) Whereas, HM Customs and Excise can and do seize publications as "obscene and indecent" that are freely published and sold in the United Kingdom; and

(4) Whereas, HM Customs and Excise open and keep some letters entering or leaving the United Kingdom, without sanction of any court; and

(5) Whereas, publications ruled not obscene or indecent in court may continue to be detained and seized at the whim of individual customs inspectors, because the magistrate's court, in which customs trials are held, does not set precedent; and

(6) Whereas, HM Customs and Excise have detained every book, newspaper, and magazine--more than three thousand items, or 144 titles--sent by Giovanni's Room (an American distributor of lesbian, gay, and feminist literature) to Gay's the Word (England's only gay and lesbian bookstore) for the past year and a half; and

(7) Whereas, HM Customs and Excise have detained approximately another thousand gay and lesbian books sent by Giovanni's Room to general bookstores and a mail order company in England; and

(8) Whereas, HM Customs and Excise have detained said more than four thousand items for at least six months and in some cases for a year before issuing a Notice of Seizure; and

(9) Whereas, HM Customs and Excise, after having finally issued Notices of Seizure for these books, released half the titles as non-contentious a month later, thereby suggesting the irresponsible nature of the detention and seizure of the books; and

(10) Whereas, HM Customs and Excise continue to hold books that have been published in and now circulate freely in the United Kingdom; and

(11) Whereas, HM Customs and Excise continue to hold titles such as The Joy of Gay Sex and The Joy of Lesbian Sex although comparable heterosexual titles are not detained; and

(12) Whereas, HM Customs and Excise continue to prevent the sale of New York Native magazine in England, even though the Native is a primary source of up-to-date information about A.I.D.S.; and

(13) Whereas, the actions of HM Customs and Excise, focused as they are on England's only lesbian and gay bookstore and on the principal distributor of American gay, lesbian, and feminist publications to England, constitute a form of censorship antithetical to a free society; and

(14) Whereas, searches and seizures of imported goods and letters are now subject to regulations different from those governing searches and seizures of domestic goods and letters; and

(15) Whereas, Gay's the Word, as the principal importer of gay, lesbian, and feminist literature into England, is a major supplier of such materials to public and academic libraries in England; and

(16) Whereas, should the owners and managers of Gay's the Word be convicted of conspiracy to import obscene and indecent materials, they face prison terms of two years, as well as massive fines since the court can impose a fine for each single copy of a publication; and

(17) Whereas, the co-owner of Giovanni's Room, an American citizen, has been named in the conspiracy charges;

NOW THEREFORE, be it

RESOLVED, that the American Library Association is committed to the free dissemination of books and periodicals as the surest and most effective way of preserving a free and democratic society; and be it further

RESOLVED, that books and periodicals being formally and informally censored by the United Kingdom and regulations promulgated by agents thereof, be permitted to be freely exported into and disseminated within the United Kingdom; and be it further

RESOLVED, that all existing laws and regulations constituting an inhibition of the free dissemination of ideas, albeit controversial ideas, be revised or reinterpreted wherever necessary in order to insure a continued freedom of the press even for controversial books and periodicals; and be it further

RESOLVED, that the government and the appropriate agencies of the United Kingdom take all reasonable and necessary steps to remove the aforesaid restrictions on the dissemination and distribution of books and periodicals dealing with matters of interest to people in the gay, lesbian, and feminist communities; and be it further

RESOLVED, that the American Library Association communicate this resolution to Her Majesty's Government through the Chancellor of the Exchequer in London and through the British Embassy in Washington, D.C; and be it further

RESOLVED, that the American Library Association's Public Information Office issue a news release on the sense of this resolution and the background of this case.

June 17, 1985

Prepared by: Barbara Gittings  
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