

ALA Council III
Wednesday, June 30, 2004, 8:00 a.m.-12:00 noon
Orange County Convention Center, Valencia Ballroom 415A

Presiding: Carla D. Hayden, ALA president
Assisting: Carol A. Brey-Casiano, ALA president-elect
ALA Secretary of Council: Keith Michael Fiels, ALA executive director
ALA Parliamentarian: Eli Mina

Time Allowance

Order of Business

• **Call to Order**

- Introductions and Announcements, **Carla D. Hayden, president** 10 Mins.
 - Establishing the Quorum, **Carla D. Hayden, president** *(75 Councilors constitute quorum)*
 - Agenda Review, **Carla D. Hayden, president, ALA CD#8.8 Revised**
- (New Items May be Introduced Here)*
- Memorials, Tributes and Testimonials, **Carla D. Hayden, president** 5 Mins.

Memorials:

- MR-8 Cynthia J. Johanson
- MR-9 Thomas J. Galvin
- MR-10 Joyce C. Parks
- MR-11 Charles E. Beard
- MR-12 June Kahler Berry
- MR-13 Mae Weine
- MR-14 Elizabeth Morrissett

Tributes:

- TR-3 South Dakota Library Association's 100th Anniversary
- TR-4 RUSA/RSS Library Service to an Aging Population Committee on its 40th Anniversary
- TR-5 Proclamation for David Cohen for Lifetime Achievement in Multiculturalism and Intellectual

• **Reports of ALA Council Committees**

- Report of the Tellers, **Dennis J. LeLoup, chair, ALA CD#12.3** 5 Mins.
- Constitution and Bylaws Committee, 10 Mins.
Norman Horrocks, chair, ALA CD#25.2
- Intellectual Freedom Committee, 10 Mins.
Nancy C. Kranich, chair, ALA CD#19.1-CD#19.11
- Committee on Legislation, 10 Mins.
Jan W. Sanders, chair, ALA CD#20.5-CD#20.10
- International Relations Committee, 10 Mins.
John W. Berry, chair, ALA CD#18.2-CD#18.5

OVER

Resolution Against the Use of Torture as a Violation of Our Basic Values as Librarians, ALA CD#59

>> PRESIDENT CARLA HAYDEN: I refer you to Council Document number 59, and I invite Councilor Mark Rosenzweig to go to the microphone and read only the resolved clause. Microphone number 6.

>> MARK ROSENZWEIG: Thank you, Madam chair.

Shall I read the resolved as amended? An amendment had been put in. Yes -- well...

>> PRESIDENT CARLA HAYDEN: Yes. It's been submitted and I'm wondering what the ruling is on that.

>> PRESIDENT CARLA HAYDEN: Before it's put on the floor you can do that. So you're doing it now. Right?

>> MARK ROSENZWEIG: Do it. Very good.

>> PRESIDENT CARLA HAYDEN: Right. Do it.

>> MARK ROSENZWEIG: The resolved is as follows:

"Be it resolved that the American Library Association in support of international rule of law and the sovereign right of nations to self determination calls for the withdrawal of occupying US combat troops from the territory of Iraq --

>> PRESIDENT CARLA HAYDEN: This is the torture.

>> MARK ROSENZWEIG: Excuse me. I'm reading the wrong one.

>> PRESIDENT CARLA HAYDEN: Use of torture is a violation of

our basic values of librarians. 59.

>> MARK ROSENZWEIG: Okay. We are cool then. That has not been amended. So I'll just --

>> PRESIDENT CARLA HAYDEN: Right.

>> MARK ROSENZWEIG: "Be it resolved that ALA condemns the use or threat of use of torture by the US government as a barbarous violation of human rights, intellectual freedom and the rule of law. The ALA decries -- along with the practice of torture anywhere -- the suggestion by the US government that under a state of emergency in this country, or in territories it occupies, torture is in any case an acceptable tool in pursuit of its goals."

>> PRESIDENT CARLA HAYDEN: Okay. Any discussion?
Microphone number 4.

>> JUNE PINNELL-STEPHENS: Councilor-at-Large --

>> PRESIDENT CARLA HAYDEN: Would you like to speak first?
Sorry about that. Microphone number 6.

>> MARK ROSENZWEIG: Obviously this is a very grave matter and something which one would prefer not to have to bring before this body. It's not a new matter for the US, because torture has played a role in the 20th century in US policy, in foreign policy, and a very unfortunate role the US has, through covert means, used torture in many fields of action in the third world where the CIA has carried out covert operations. And I'm afraid to say that manuals actually exist, at least two of them, in which the CIA actually identifies techniques of torture which are to be used by covert operatives in pursuit of their goals.

What is new for us today in this period following the revelations of what happened at the Abu Ghraib prison in Iraq, revelations about what happens in Afghanistan and in Cuba, Guantomono, the Bush administration has made a covert policy an overt policy and has attempted to justify the unjustifiable; has attempted to take what was a dirty secret and make it into a question of a lawful and normalized practice.

This is a very bad line to have crossed. This is a very bad line to have crossed because torture violates the canons of the international community at many levels. It violates the canons of US law, it violates fundamental ethical codes, religious codes, it violates treaties, and it is universally considered a practice which is unacceptable.

Why is it an issue for us? Well, for many reasons. Librarianship is based on an implicit notion of the integrity of the human person. Torture denies the integrity of the human person. It's meant to crush the integrity of the human person. Torture flaunts the rule of law and the rule of international conduct. Librarianship thrives in the context of international law, and only flourishes under the umbrella of international law. Did you have --

>> PRESIDENT CARLA HAYDEN: The time is up. Your time.

>> MARK ROSENZWEIG: My time is up. May I have a one minute extension?

>> PRESIDENT CARLA HAYDEN: We can ask the assembly.

>> MARK ROSENZWEIG: I'm asking the assembly.

>> ALL: No.

>> MARK ROSENZWEIG: Okay.

>> PRESIDENT CARLA HAYDEN: But you can speak again after other speakers have spoken.

>> MARK ROSENZWEIG: Yes, I will. Sorry.

>> JUNE PINNELL-STEPHENS: Councilor-at-Large. I submitted an amendment before the document came to the floor today, and it's only in the whereas clause, so it doesn't affect the resolution itself. But what I did was take the first item under supporting documentation, which refers to existing ALA policy, universal right to free expression and interpretation of the Bill of Rights, and included it as part of the whereas clause, so it could highlight more explicitly the role or connection to ALA policy.

And that reads in part "Courageous men and women in difficult and dangerous circumstances throughout human history have demonstrated that freedom lives in the human heart and cries out for justice even in the face of threats, enslavement, imprisonment, torture, exile and death. We draw inspiration from their example. They challenge us to remain steadfast in our most basic professional responsibility, to promote and defend the right of free expression."

Indeed, in short of murder, there is scarcely any activity I can think of that would more actively repress freedom of expression. This is related to our obligations as professionals, and I urge us to adopt this resolution. Thank you.

(Applause.)

>> PRESIDENT CARLA HAYDEN: Is there any objection to that modification. Thank you. It's been accepted.

Microphone number 7.

>> JOHN D. BERRY: Councilor-at-Large. It may interest Council, for those of you who did not see the USA Today article this week, over 400,000 people, it is estimated, have political asylum in our own

country as the result of being victims of this practice in over 90 countries. They also -- I also submit to you, however, that this is not standard policy. I know the sensationalism and the shock value of what we all saw and deplored from the circumstances in Iraq and Afghanistan, but I find that we do not stand for this and we, we all know that. And the people that did those things did not do those things as a matter of standard practice, and they are now facing the uniform code of military justice.

I have mixed feelings about this. I feel like this is sensationalist and I also feel that it's opportunistic and I -- I'm saddened that we have to talk about it here. I'm also saddened that the people who have submitted this resolution to us seem to want to single out America. That is not necessary. Thank you.

>> PRESIDENT CARLA HAYDEN: Microphone number 6 --
(Scattered applause,)

>> BERNADINE ABBOTT HODUSKI: GODORT Councilor. I'd like to point out that the Committee on Legislation and other units within ALA already signed on to a letter supporting, dated June 15, 2004, of which quite a few groups, others, have signed on, urging support for Senator Durbin's amendment to reaffirm the ban on the use of torture by the United States that he intends -- or perhaps it has happened or not -- to offer to S-2400 the defense authorization Bill for FY 2005. And in the letter it is pointed out the various statutes that exist against torture and the military code as well as international treaties that we have signed.

So this association is already on record as opposing this. So I see this as simply affirmation of what various units of ALA have already done. And I'm not absolutely sure who signed this letter on behalf of

ALA that you might wish to clarify that for us. But...

>> PRESIDENT CARLA HAYDEN: Microphone number 3.

>> SUE KAMM: Councilor-at-Large. I'd like to remind Council of ALA's mission statement. The mission -- my laptop just went off. But our mission deals with providing library -- access to libraries and information and the profession of librarianship. I fail to see that this resolution falls within our parameters. And I would suggest that people vote against it.

>> PRESIDENT CARLA HAYDEN: Microphone number 5.

>> PEG OETTINGER: Personal member. Councilor-at-Large -- I forgot where I was. Well, I'm a personal member, too.

We submitted an amendment adding a further resolved, and unfortunately I've already shipped most of my Council papers home so I don't have my copy anymore. Do you have that, Danielle? It's been moved and seconded and submitted according to protocol to add a further resolve that the ALA President be instructed to forward the resolution to all parties she deems appropriate. And it has been moved by me and seconded by Mark Rosenzweig.

>> PRESIDENT CARLA HAYDEN: That is into the housekeeping part that we could take care of. Microphone number 5.

>> LARRY ROMANS: We have talked the last two Council and Midwinter and the previous annual that we were in fact not going to put these resolved clauses about -- to whom the resolution was going to be sent. That simply limits what will end up happening and it's totally unnecessary. So I oppose adding this. And I think we should stick to what we said we were going to do, which is not add these kinds of resolved clauses. We end up with a long litany with a long list of specific committees and groups that we're going to send this to, and I

think it just takes away from the effect of the resolution.

>> PRESIDENT CARLA HAYDEN: The intent of this was to give latitude to the President as deemed appropriate, and so not instructing how many or --

>> LARRY ROMANS: The resolved clause, you can do that using your own good judgment.

>> PRESIDENT CARLA HAYDEN: Thank you. Microphone number 7.

>> That was wording that was suggested to us by the parliamentarian and purposefully to give latitude as to what -- how the resolution is distributed. And in my opinion if you pass a resolution without saying what you want done with it, it could just sit there and go nowhere. So this precludes that happening, and gives the President the latitude to distribute it as appropriate.

>> PRESIDENT CARLA HAYDEN: Microphone number 5 and then we will do a show of hands to add it or not.

We passed a resolution at Midwinter or the previous annual that changed the form for resolutions, so that on the back you specify to whom you want the resolutions to be sent. There isn't -- there shouldn't be any question about that.

>> PRESIDENT CARLA HAYDEN: All in favor of adding the wording as appears on the screen, please raise your hands.

(Showing of hands.)

All opposed?

(Showing of hands.)

>> PRESIDENT CARLA HAYDEN: Thank you. It's not added.
Microphone number 4.

>> JAMES CASEY: Councilor-at-Large. I want to speak in favor of this resolution. I believe that it is relevant to the values that we as

librarians affirm. We are in favor of sharing information using information to empower people, open access to information. When policies of a government are really antithetical to this kind of thing, we must act.

We have spoken out against the Patriot Act and some of its tenets. We have an obligation as Americans as well as librarians to speak out when it's our government that is taking action, which is antithetical to our values and belief in information. Torturing to extract information is probably the worst form of violation of privacy that I can think of. So I am strongly in favor of this resolution. Thank you.

(Applause.)

>> PRESIDENT CARLA HAYDEN: Microphone number 4.

>> THADDEUS BEJNAR: New Mexico Chapter Councilor. I don't want to speak to the resolution itself, but merely procedurally. This resolution was on the listserv, was available on Sunday, and has had extensive discussion in the halls and in caucus, and I call the question.

>> PRESIDENT CARLA HAYDEN: Is there a second?

>> Second.

>> PRESIDENT CARLA HAYDEN: Microphone number 2.

>> MICHAEL GOLRICK: Member of the Executive Board. And with all due respect, Thaddeus, you can't speak to something and then call the question. Thank you.

>> PRESIDENT CARLA HAYDEN: He didn't speak. He was getting to what he was proposing. So it's okay. All those in favor in closing debate --

>> Point of order.

>> He did --

>> ELAINE HARGER: Councilor-at-Large. He spoke, saying that

there has been plenty of discussion on this resolution already... so I call the question.

>> PRESIDENT CARLA HAYDEN: Right. He was speaking to his proposal to close debate.

>> ELAINE HARGER: I think --

>> PRESIDENT CARLA HAYDEN: He was not speaking on the motion. He was speaking on the action.

>> ELAINE HARGER: I would like a ruling from the parliamentarian.

>> PRESIDENT CARLA HAYDEN: If you want to appeal or repeal the decision of the chair, we can take a show of hands. That's what you're proposing. So... all right? Thank you. So we will do that now.

Those who believe the chair ruled correctly, please raise your hands.

(Showing of hands.)

Thank you.

Those who do not believe the chair ruled correctly, raise your hands.

(Showing of hands.)

The decision of the chair has been sustained.

Those in favor of closing debate on the motion, please raise your hands.

(Showing of hands.)

Thank you.

Those opposed to closing debate on a question, please raise your hands.

(Showing of hands.)

Too close. We have to do the stand. Those in favor of closing debate on the motion, please stand.

(Standing.)

Thank you.

All those opposed to closing debate on the motion, please stand.

(Standing.)

>> PRESIDENT CARLA HAYDEN: It's 78 to 50. The debate will continue.

Microphone number 3.

>> MONIKA ANTONELLI: I just wanted to say that I agree with James Casey. I think this is a library issue because it is an information issue. I do not think torture is an acceptable method to gain information. I have real problems with that. And I'm going to vote for the resolved. Thank you.

>> PRESIDENT CARLA HAYDEN: Microphone number 3.

>> CAROLYN CAYWOOD: IFRT Councilor. Three points. First, IFRT has endorsed this resolution.

Second, I'm something of a strict constructionist when it comes to what ALA ought to get involved in. So I asked myself why the United States? My answer is: Because we are, as citizens of the United States, those of us who are, are in fact responsible for what our government does. I deplore torture anywhere, but it is actions by my government that shame me.

Third point, why libraries? And I want to agree with Jim and with Monika. There is an attitude toward information, when people believe that it can be extracted by torture, that is antithetical to what we are all about. Pretty soon the next step is to change opinion by coercive means. And this is a library issue.

Thank you.

>> PRESIDENT CARLA HAYDEN: Microphone number 6.

>> CAROLYN GIAMBRA: Councilor-at-Large. I move that it read -- I move that the title of the resolution to be edited to read "A resolution against the use of torture as a violation of the American Library Association's basic values."

ADOPTED

>> PRESIDENT CARLA HAYDEN: Any objection? Thank you.

>> PRESIDENT CARLA HAYDEN: Continue.

>> CAROLYN GIAMBRA: This was a point -- I attended the recent membership forum and a speaker there, The Honorable Ms. Peggy Sullivan, with impeccable credentials commented on the narrow scope of the original title. And I also believe that this is an issue for the American Library Association just because we are human beings.

>> PRESIDENT CARLA HAYDEN: Microphone number 7.

>> AL KAGAN: SRRT Councilor. I wanted to speak in response to John D. Berry's comments, to get this on the record, that in fact it's not just a few people that are now being charged under military codes, but that is in fact the policy at the highest levels of government.

And I have a few New York Times articles with me if anybody wants to look at them to see that. There is one from June 9 that details when these various memos were written by the legal counsel of the Bush administration.

These were secret memos, but they were followed. And I want to read just a little bit here to show you what we're talking about. March 6, 2003 memo provides elaborate and tightly constructed definitions of torture in an effort to allow interrogators to avoid being charged with that offense. If an interrogator knows that severe pain will result on his action, if causing such harm is not his accounts, he lacks

the requisite specific intent even though the defendant did not act in good faith."

You see -- you see, they have done this in a policy mode, not -- there is not just a few bad apples that are doing this.

>> PRESIDENT CARLA HAYDEN: Microphone number 4.

>> ANN SPARANESE: Councilor-at-Large.

Well, I think as Americans and as professionals that we do have an obligation to prevent our whole society from descent, really, into barbarism, which I think accepting torture is, because that would be a state in which rights such as intellectual freedom, et cetera, would be just quaint relics from the past.

But I just wanted to come at this from a different point of view. I was on the plane with an editor of books for young adults who was giving a speech at the YALSA preconference about his book which he wrote about the say Len Witch trials. He said you want to see my speech? I can't just write about what happened in 1692, I have to talk about what is happening right now in terms of torture; that young people, he wrote a book for young people, and you can clearly look back at 1692 and say how could they have done this to all of these women? How could they have tortured them to get this information? And he said the people that are really at risk in our society by our silent endorsement of these practices are young people. And we are a youth serving profession. We care about young people's cultural, spiritual, intellectual development, and yet it's young people who are in the armed forces and carrying out these kinds of actions that we have to say no to this.

We have to not allow our young people to be put in this position, to make these kinds of decisions that would, you know, as people 50 years

old, would just put us in -- it would be incredibly traumatic and evil. And I was very moved by him and I think that is something that we should think about.

>> PRESIDENT CARLA HAYDEN: I just want to remind the body or alert the body that in about 10 minutes I'm going to see if we can discuss the time.

We need to make a decision.

Microphone number 4.

>> ELAINE HARGER: Councilor-at-Large. I agree with everything Anin Sparanese just said. And want to add that as a librarian who has been working in a kindergarten to 8th grade school and as someone who is moving on to a high school, I know that the children who I have taught the last several years and the ones that I will be teaching, a lot of them are the ones who will some day serve in the military. And I want to be able to have in my library a statement from my Library Association that will sit alongside with the marine recruitment brochures or whatever else I might have that deals with young people's questions about military things. I want every student who comes into my library to know that torture is wrong and that people across the country and the American Library Association, you know, is willing to say that torture is wrong.

And so if any of those students are ever faced with a situation in which they are told or whatever happens to have them engage in that kind of activity, that they will -- they will remember that, no. There are a lot of people back home that don't want me to do this and don't want me to bring further shame on the United States of America, at least on the citizens of the United States of America.

I mean, the lawyers who drafted the memos that Al just read, and

our elected officials and the officials that are elected officials or quasi elected officials have appointed, I guess they don't feel any shame that the United States is torturing people in this fashion. But I think most of the rest of us do feel that. And so I think it's absolutely essential for us to take a position on this particular issue.

>> PRESIDENT CARLA HAYDEN: Microphone number 6.

>> SKIP AULD: Councilor-at-large. Torture at any time, anyplace, is an abomination. I'm personally ashamed of what has taken place in the name of the American people through agents of the American government and military.

However, I see this issue as a matter of state, as a matter of international and national affairs. At the membership meeting, I heard John Berry say that all issues are library issues. And while I understand the holistic interconnectedness of all life, for me this particular issue is not a matter of national or international library policy, and therefore I rise in opposition to the resolution.

(Applause.)

>> PRESIDENT CARLA HAYDEN: Microphone number 2.

>> ELLEN SLOTOROFF ZYROFF: Councilor-at-Large. I too rise in opposition to this. I want to preface this with my remarks saying that I was elected to try to bring Council back to library issues and away from those who are using this Council and this organization for personal, political agendas for which there are many forums in the world.

I find again what I see at Council year after year is resolutions that, in effect, are trying to knock America, knock America, knock America off her pedestal.

So, with that background and some of the language in this

resolution, putting the phrase "War on terror" in quotation marks in paragraph 3, seeming to indicate that there is no war on terror going on in the world, it saddens me to see a thing like that. The US strategic perspective has changed after 9/11. It certainly has for me.

I see nothing coming out of the ALA or this Council talking about anything good that perhaps has emerged in Iraq, things that actually do relate to information and libraries. Last night on TV on a station that is known to be quite left wing, there was an article that was talking about the fact that there are 200 new newspapers that have arisen in Iraq. Something unheard of. Now there are 200 new ones. People are rising to try to be journalists. There is debate going on. There is a celebration going on. 98 percent of the people there are supportive of what's going on, supportive of their new regime.

So, I find again lack of balance coming out of the organization. I see it surely -- something somewhere is good about the United States and I will vote against this.

>> Point of order?

>> PRESIDENT CARLA HAYDEN: Microphone number -- where? 2.

>> I move to extend until 12:30.

>> PRESIDENT CARLA HAYDEN: Second?

>> Second.

>> PRESIDENT CARLA HAYDEN: All in favor of extending until 12:30. Please raise your hands.

(Showing of hands.)

Thank you. Opposed?

(Showing of hands.)

Motion carries.

We will extend until 12:30. Carol? I'm a little anxious.

(Laughter)

And you might want to think about maybe changing the time for each discussion element to two minutes instead of three.

Any objection?

>> No.

>> PRESIDENT CARLA HAYDEN: Is that no objection?

>> No objection.

>> PRESIDENT CARLA HAYDEN: Okay. Thank you.

Microphone number 3.

>> CAROLYN GARNES: Councilor-at-Large. I understand the feeling of disdain about torture, the presenters of this resolution must feel and do feel. And being a descendant of slaves, I have feelings about torture. For me, personally, I'd like to see the voice of ALA used on other issues that can bring about change.

(Applause.)

>> PRESIDENT CARLA HAYDEN: Microphone number 7.

>> TOM WILDING: Councilor-at-Large. Ordinarily I would agree that this is at least peripherally a library issue. But, we passed a set of core values the other day that -- sorry. That I think sit on top of another set of values of our society. And -- I'm sorry.

I think the -- that this resolution speaks to a violation of those values. And if those values aren't there, then the core values we passed are meaningless. So I'm going to vote for this. And I certainly hope the rest of you do.

(Applause.)

>> ISMAIL ABDULLAHI: Councilor-at-Large. When we talk about torture, I think we need to understand what it contains. I don't know how many Councilors have experienced torture or have seen someone

who went through torture or even look forward to be tortured.

It is a very painful, destructive and degrading method of extracting information, and it is a way of destroying a human being. I don't think we should say we have to keep away from this kind of practice, because it contains using methods of forceful extraction of information which is against our principles and our values in many ways. And it concerns all kind of governments, and it is against the international rules against the Geneva Convention that the whole world has agreed upon.

So, therefore, I support this resolution.

>> PRESIDENT CARLA HAYDEN: Microphone number 6.

>> KAY FLOWERS: Idaho Chapter Councilor. I would like to state that I am in favor of this resolution as stated. I agree with everything on it, and yet I am caught in a very practical bind. Idaho is a very Republican state, sorry, I can't, you know, fix that. But it is.

But the entire delegation from Idaho, both sides, are on the list of sponsors and are leading the charge to change the Patriot Act, and I'm very proud of them for that statement. It is against the rest of their party, and I don't want to confuse them with a statement that they may interpret as not a library's business.

So, with regret, I'm going to vote against the resolution.

>> TIMOTHY GRIMES: The representative for the library instruction round table. I think what happened recently at that particular prison is abominable. This question is before us. I don't think we can ignore it. It frightens me. But I don't think we can be silent on it. I think it's important for us to speak out against it as individuals and as an organization.

>> PRESIDENT CARLA HAYDEN: Microphone number 5.

>> LARRY ROMANS: Councilor-at-Large. I think that this is a

wonderful country and we have marvelous people, but I'd like us to be even better. And I'd like to remind folks that the whereas clause that was amended earlier gives the supporting documentation for this being a library issue. The quotation came from the universal Bill to free expression and interpretation of the Library Bill of Rights.

It is a library issue.

>> PRESIDENT CARLA HAYDEN: Microphone number 4.

>> JAMES CASEY: Councilor-at-Large. I move to close debate.

>> Second.

>> PRESIDENT CARLA HAYDEN: All those in favor of closing debate on this motion, please raise your hands.

(Showing of hands.)

Thank you.

All those opposed?

(Showing of hands.)

Debate is closed. Motion passes.

Now we will have the vote on the resolution against the use of torture as a violation of the American Library Association's basic values.

All those in favor, please raise your hands.

(Showing of hands.)

Thank you.

Opposed?

(Showing of hands.)

We have to do a standing. Sorry.

All those in favor, please stand.

(Standing.)

Thank you.

All those opposed? Please stand.

(Standing.)

75 yes. 47 no. The motion passes. Please mark your ballots.

(Applause.)

CD59.