

**ALA Intellectual Freedom Committee  
Report to Council  
2013 Annual Conference  
Chicago, IL  
Tuesday, July 2, 2013**

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities.

**INFORMATION**

Intellectual Freedom Manual Ninth Edition

Planning is underway to update the *Intellectual Freedom Manual*. The ninth edition is scheduled to be published in 2015. In preparation of the new edition, OIF and IFC will undertake a thorough review of all the Interpretations of the *Library Bill of Rights* so that they reflect current library practices and affirm equal and equitable access for all library users. We are pleased to announce that Trina Magi, Library Associate Professor from University of Vermont, will be this edition's editor.

Online Learning

To help achieve its goal of educating librarians and the general public about the nature and importance of intellectual freedom in libraries, OIF has delivered a variety of free educational webinars thus far in 2013.

On March 19, OIF offered its third online learning event focused on self-service holds and reader privacy. Last year, ALA Council passed a resolution addressing self-service hold practices that encourages both libraries and vendors to adopt systems that preserve users' confidentiality. OIF's webinars explain the legal and ethical standards that support the move to privacy-protective hold systems and discuss various self-service hold systems that both protect user privacy and save money for libraries. OIF had 67 people register for the March 19 webinar and the recording of this event has been viewed 117 times. The archived recording may be viewed by visiting <http://ala.adobeconnect.com/p9mcv8v8gvg/>.

Next, to help libraries plan and prepare for Choose Privacy Week, OIF hosted "Choose Privacy Week Programming @ Your Library" on April 9. Webinar presenters introduced ideas and tools for privacy-related programming and outreach, with an emphasis on sample programs that have proved successful in school, academic, and public library environments. 101 individuals registered for the live event, and the recorded program has since been viewed 377 times. The archived recording may be viewed by visiting <http://ala.adobeconnect.com/p3rsvmcsttt/>.

On April 23, OIF offered "Defend the Freedom to Read: Reporting Challenges," discussing the current state of controversy in libraries and ALA's efforts to document as many challenges as possible. 213 individuals registered for the live event and there have been 236 additional views

for the recorded program. The archived recording may be viewed by visiting <http://ala.adobeconnect.com/p85jhyod9g6/>.

### Newsletter on Intellectual Freedom

IFC and OIF staff have initiated the physical redesign of the *Newsletter on Intellectual Freedom*. The redesign is the final step in revitalizing and updating NIF for the 21<sup>st</sup> century. The redesign is intended to recreate the *Newsletter* as a journal that publishes peer-reviewed articles addressing intellectual freedom, privacy, and professional ethics in addition to NIF's regular reports about censorship, court decisions, and intellectual freedom news.

## **PROJECTS**

### Choose Privacy Week

The 2013 Choose Privacy Week campaign asked individuals to consider the question "Who's Tracking You?" with the aim of encouraging individuals to understand more precisely what personal data is being collected about them and how businesses, institutions, and government agencies use that data to monitor and shape their daily activities. During Choose Privacy Week, OIF debuted a newly re-designed website which featured guest bloggers discussing important privacy or surveillance topics. The roster of guest bloggers included J. Douglas Archer, Reference and Peace Studies Librarian at the University of Notre Dame and chair of the ALA-IFC Privacy Subcommittee; Khaliah Barnes of the Electronic Privacy Information Center (EPIC); Rachel Levinson-Waldman of NYU's Brennan Center for Justice; Mitra Ebadolahi of the ACLU's National Security Project. Tamara Barrett, lead Program Manager for the National Cyber Security Alliance's Data Privacy Day, also contributed a tip sheet on protecting one's privacy while using public computers or public Wi-Fi.

The ALA Store featured 2013 Choose Privacy Week products throughout the spring. The graphic for 2013 illustrates the cloud of personal data each person generates that is tracked by government and business alike. We were very pleased to introduce a collateral item that strongly tied the visuals to the goals of the campaign: an RFID blocker sleeve that helps to secure data stored on RFID-enabled card devices.

Choose Privacy Week is one part of the Privacy for All initiative funded by the Open Society Foundations. The grant period concluded on April 1, 2013. OIF staff are exploring other sources of funding for Choose Privacy Week.

### Banned Books Week

Banned Books Week 2013, will be held September 22–28. This year's theme is "Discover What You Are Missing." The theme is prominently featured on [ala.org/bbooks](http://ala.org/bbooks)—a new microsite of ALA.

For the third year in a row, ALA will host the Banned Books Week Virtual Read-Out where readers from across the country and around the world can upload videos of themselves reading passages from their favorite banned/challenged books on YouTube. Many highly acclaimed authors such as Stephen Chbosky, Sara Paretsky, Judy Blume have participated. New videos will

include authors Khaled Housseni and Dav Pilkey, and will be featured during Banned Books Week. Check out the videos at [www.youtube.com/bannedbooksweek](http://www.youtube.com/bannedbooksweek).

BBW merchandise, including posters, bookmarks, t-shirts, and tote bags, are sold and marketed through the ALA Store ([www.alastore.ala.org](http://www.alastore.ala.org)). New to this year are tote bags and disappearing ink mugs. More information on Banned Books Week can be found at [www.ala.org/bbooks](http://www.ala.org/bbooks).

## **RECOMMENDATION**

### Recommendations Regarding MW13 CD#36

In response to Council's referral of MW13 CD#36, IFC member Jim Kuhn and COL member Lesliediana Jones developed the following alternative courses of action concerning ALA's response to whistleblowing:

#### 1. Committee on Legislation/Intellectual Freedom Committee:

- A web or phone presentation jointly to IFC and COL members by either Patrice McDermott, Executive Director of OpenTheGovernment.org (a coalition of which ALA is a member), or Freedom to Read Foundation General Counsel Theresa Chmara. Specific informational topics include:
  - Did we get what we asked for in the Whistle Blowers' Protection Act?
  - What can ALA do to support future legislation?
  - What can ALA do to support those who act in favor of open government information? These include investigative journalists (think shield laws), submitters of FOIA requests, whistleblowers, etc. We believe this issue requires us to take a broader look at whistleblowers as a class, as opposed to any one specific whistleblower.
- The desired outcome of this expert advice would be support for a white paper, advocacy guide, toolkit, or something else on the topic of increasing librarian, library, and Association support for open access to government information. This should include, but not be limited to, whistleblower issues.
- If the chairs of COL and IFC think it best, establish a joint task force to work on the issue, and report back at the 2014 Midwinter Meeting in Philadelphia. The chairs should consider including a member from SRRT and/or ACRL LPSS.

2. Washington Office: In the interest of member education, the Washington Office should post publicly all letters it signs on to relating to access to government information (e.g., a security classification reform letter ALA signed on to dated April 23 does not appear to be mentioned on the ALA site. Text: <http://www.fas.org/sgp/news/2013/04/steering.pdf>).

3. Office for Intellectual Freedom: In the interest of member education, OIF should post publicly all resolutions and council actions related to open access to government information, including all whereas clauses and resolved clauses.

## **ACTION**

At Midwinter 2013, an amended resolution, Council Document #36, Resolution Reaffirming ALA's Support for Whistleblowers, including Bradley Manning, was referred to IFC and COL. IFC and COL recommends *no action* because there are existing policies, including 3 standing resolutions, (CD #20.7, 2004, CD #20.5, 2008, and CD #19.1, 2011) that address the points in MW Council Document #36.

Following extensive discussion and review on the two resolutions referred to IFC and COL Council II during this conference, AC Document #38, Resolution in Support of Bradley Manning, and CD #39, Resolution in Support of Whistleblower Edward Snowden, our committees determined that specific names should not be included in the resolutions.

The Intellectual Freedom Committee moves the adoption of the following action items:

CD#19.2, Resolution On The Need For Reforms For The Intelligence Community To Support Privacy, Open Government, Government Transparency, And Accountability

CD#19.3, Resolution Supporting Librarians Sued for Doing Their Professional Duty

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In closing, the Intellectual Freedom Committee thanks the division and chapter intellectual freedom committees, the Intellectual Freedom Round Table, the unit liaisons, and the OIF staff for their commitment, assistance, and hard work.

Respectfully Submitted,

ALA Intellectual Freedom Committee

Pat Scales (Chair)  
Gladys Smiley Bell  
Ann Crewdson  
Michael Giller  
Julius Jefferson  
Charles Kratz

Jim Kuhn  
Robin G. Shader  
Dee Ann Venuto  
Ma'lis Elizabeth Wendt  
Kathleen Condon-Boettcher (intern)  
Cynthia Mari Orozco (intern)

## **Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability**

Whereas public access to information by and about the government is essential for the healthy functioning of a democratic society and a necessary predicate for an informed and engaged citizenry empowered to hold the government accountable for its actions;

Whereas "The guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic;"<sup>1</sup>

Whereas the ALA values access to the documents disclosing the extent of public surveillance and government secrecy as access to these documents now enables the critical public discourse and debate needed to address the balance between our civil liberties and national security;

Whereas these disclosures enable libraries to support such discourse and debate by providing information and resources and for deliberative dialogue and community engagement;

Whereas the American Library Association remains concerned about due process for the people who have led us to these revelations;

Whereas libraries are essential to the free flow of ideas and to ensuring the public's right to know;

Whereas since 1939 the American Library Association (ALA) has affirmed the right to privacy in its Code of Ethics, which currently states, "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted";

Whereas in "Principles for the Networked World" (2002) the ALA included among the "principles of privacy" the fact that "privacy is a right of all people and must be protected in the networked world" and the recognition that "the rights of anonymity and privacy while people retrieve and communicate information must be protected as an essential element of intellectual freedom";

Whereas "Privacy: An Interpretation of the Library Bill of Rights" ALA recognized that "privacy is essential to the exercise of free speech, free thought, and free association";

Whereas In 2003 ALA criticized the "USA PATRIOT Act and other recently enacted laws, regulations, and guidelines" on the grounds that they "increase the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent;"<sup>2</sup>

## **Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability/2**

Whereas since 2010 ALA has sponsored “Choose Privacy Week,” a campaign designed to raise public awareness about personal privacy rights by encouraging local libraries to provide programming, online education, and special events to help individuals to learn, think critically and make more informed choices about their privacy, especially in an era of pervasive surveillance; and ALA has created a website, [www.ala.org/liberty](http://www.ala.org/liberty), that provides substantive information about privacy, surveillance, open government, and overclassification as well as civic engagement tools to facilitate deliberative dialogues to help support libraries and librarians who create opportunities for public dialogues addressing these topics;

Whereas the public recently learned that the National Security Agency (NSA) is collecting the telephone call metadata of millions of U.S. customers of Verizon Business Services, AT&T, and Sprint pursuant to an order issued by the Foreign Intelligent Surveillance Court (FISC) under Section 215 of the USA PATRIOT Act; and

Whereas pursuant to a court order issued by the FISC under Section 702 of the FISA Amendments Act (FAA) the NSA is operating a program called PRISM that is collecting and retaining vast quantities of data on internet usage, including internet search histories, email, video and voice chat, videos, photos, voice-over-IP chats, file transfers, and social networking details, from internet service providers in the United States. Though intended to target communications of foreign persons, the NSA admits that it collects and stores Internet data from U.S. persons; now, therefore, be it

*Resolved*, that the American Library Association (ALA), on behalf of its members:

1. reaffirms its unwavering support for the fundamental principles that are the foundation of our free and democratic society, including a system of public accountability, government transparency, and oversight that supports people's right to know about and participate in our government;
2. in light of present revelations related to NSA's surveillance activities conducted pursuant to orders issued by the Foreign Intelligent Surveillance Court (FISC) under Sections 215 and 702 of the USA PATRIOT Act the American Library Association calls upon the U.S. Congress, President Obama, and the Courts to reform our nation's climate of secrecy, overclassification, and secret law regarding national security and surveillance, to align with these democratic principles;

**Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability/3**

3. urges the U.S. Congress and President Obama to provide authentic protections that prevent government intimidation and criminal prosecution of government employees and private contractors who make disclosures of wrong doing in the intelligence community;
4. calls upon the public to engage in and our members to lead public dialogues discussing the right to privacy, open government and balancing civil liberties and national security;
5. encourages the public to support bills and other proposals that both secure and protect our rights to privacy, free expression and free association and promote a more open, transparent government;  
and
6. expresses its thanks and appreciation to the members of Congress who work to protect our privacy and civil liberties.

Adopted by the Council of the American Library Association  
Tuesday, July 2, 2013  
in Chicago, Illinois



Keith Michael Fiels  
ALA Executive Director and Secretary of the ALA Council

## **Resolution Supporting Librarians Sued for Doing Their Professional Duty**

Whereas librarians have recently been sued for expressing their professional opinions concerning the quality of publications;

Whereas those suits bear striking similarities to Strategic Lawsuits Against Public Participation \ (SLAPPs) used to suppress the expression of public opinion ([www.law.cornell.edu/wex/slapp\\_suit](http://www.law.cornell.edu/wex/slapp_suit));

Whereas these suits represent an attempt to repress the academic freedom of librarians expressing professional opinions;

Whereas the American Library Association (ALA Policy Manual B.2.5 / old 53.5) affirms academic freedom;

Whereas the American Association of University Professors and the Association of College and Research Libraries in their "Joint Statement on Faculty Status of College and University Librarians" state that "... as members of the Academic community, librarians should have latitude in the exercise of their professional judgment..."

Whereas the American Library Association strongly supports the free and open exchange of information for all persons including librarians (ALA Policy Manual B. 2.1.12 / old 53.1.12); now, therefore, be it

*Resolved*, that the American Library Association (ALA), on behalf of its members:

Most strongly urges publishers to refrain from actions such as filing libel suits when in disagreement with librarians who have publically shared their professional opinions and instead to rely upon the free exchange of views in the marketplace of ideas to defend their interests as publishers.

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Keith Michael Fiels  
ALA Executive Director and Secretary of the ALA Council



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<sup>1</sup> New York Times Co. v. United States, 403 U.S. 713 (1971)

<sup>2</sup> "Resolution on the USA Patriot Act and Related Measures that Infringe on the Rights of Library Users," (2003)

ALA precedent states "Resolution on Securing Government Accountability through Whistleblower Protection" affirming its "support for accountable government and the role of whistleblowers in reporting abuse, fraud, and waste in governmental activities" (CD#20.7, 2004); and "Resolution Commending the FBI Whistleblower Who Exposed Abuses on the Use of Exigent National Security Letters" which called on Congress to "protect the rights of whistleblowers against retaliation" (CD#20.5, 2008).