

Council then

**VOTED**, To defer action on CD#37 until Council II.

**FREEDOM TO READ FOUNDATION (FTRF) REPORT, CD#22.1, Exhibit 8.** FTRF President Candace Morgan updated Council on cases that FTRF was involved in or monitoring. These cases included American Civil Liberties Union v. Reno; Mainstream Loudoun v. Board of Trustees of Loudoun County Library; Kathleen R. v. City of Livermore; Child Pornography Prevention Act of 1996 (CPPA); Playboy Entertainment Group, Inc. v. United States; and Rice v. Paladin Enterprises.

Morgan said a number of bills are pending in Congress (H.R. 368, H.R. 543, H.R. 896, and S.97) that would mandate the use of filters on Internet terminals in libraries and schools as a condition for the receipt of E-rate subsidies. FTRF will consider whether to take legal action should one or more of these bills be enacted into law.

**REVIEW OF EXECUTIVE BOARD ACTIONS SINCE THE 1999 MIDWINTER MEETING, CD#40-CD#40.1, Exhibit 43.** William R. Gordon, Secretary of Council and ALA Executive Director, summarized the actions taken by the Executive Board since the Midwinter Meeting: The Board (1) voted to approve in concept a new compensation plan for the staff; (2) voted to send forward the preliminary FY2000 budget; (3) affirmed the strategic direction of the budget and requested that BARC report back at the 1999 Annual Conference; (4) voted to establish a task force to recommend how to increase minority representation on Council and in other ALA elected offices; (5) voted to appoint an Executive Board task force to recommend to Council an amendment to policy 9.1, to clarify the language regarding the authority granted to all ALA units for speaking on behalf of ALA; (6) voted to ask the Constitution and Bylaws committee to review Article 4, Sec. 2(d), to make certain that the intent to have representation by the five largest round tables was implemented in the recent bylaw change; and (7) voted to approve Phoenix, AZ, as the site of the 9th PLA National Conference.

**IMPLEMENTATION OF ALA MIDWINTER MEETING COUNCIL ACTIONS, CD#9.1, Exhibit 41.** The written report was presented for information only.

#### **NEW BUSINESS:**

Before taking up new business items, President Symons updated Council on the health of past presidents Regina Minudri, Margaret Chisholm, and Brooke Sheldon.

**RESOLUTION ON SANFORD BERMAN, CD#71, Exhibit 9.** Councilor Mark Rosenzweig moved the adoption of CD#71, Resolution on Sanford Berman, which read: "That the Council of the American Library Association decries the denial of Sanford Berman's right to discuss differing opinions on professional matters in his area of expertise, and express our outrage at the behavior of Hennepin County Library, Berman's employer, who, in retribution, exiled him to work away from the cataloging to which he has dedicated several highly productive decades; and that ALA Council calls for censure of Hennepin County Library administration for its infringements of Berman's free speech rights, for its retribution against him and its overall violations of his professional rights."

Council

**VOTED**, To defeat a proposed amendment to CD#71, Resolution on Sanford Berman, which read: "That the President to appoint an ad hoc committee to study the resignation of Sandy Berman from Hennepin County Library."

Council then

**VOTED**, To defeat the adoption of CD#71, Resolution on Sanford Berman, which read: "That the Council of the American Library Association decries the denial of Sanford Berman's right to discuss differing opinions on professional matters in his area of expertise, and express our outrage at the behavior of Hennepin County Library, Berman's employer, who, in retribution, exiled him to work away from the cataloging to which he has dedicated several highly productive decades; and that ALA Council calls for censure of Hennepin County Library administration for its infringements of Berman's free speech rights, for its retribution against him and its overall violations of his professional rights."

Councilor Mark Rosenzweig said that adopting CD#71 would show solidarity and reaffirm the principles embodied in ALA's basic documents. Councilor Stephen Matthews believed the resolution was inappropriate and urged its defeat. Councilor Nann Blaine Hilyard said she did not think Council should get involved in personnel matters. After several other Councilors voiced their opposition to the motion, Councilor Maurice Freedman moved and Council

**VOTED**, To defeat an amendment to CD#71, Resolution on Sanford Berman, which read: "That the President to appoint an ad hoc committee to study the resignation of Sandy Berman from Hennepin County Library."

Speaking against this amendment, Council Erlene Bishop Killeen suggested that Berman seek legal assistance.

After an in-depth discussion, Council then

**VOTED**, To defeat the adoption of CD#71, Resolution on Sanford Berman, which read: "That the Council of the American Library Association decries the denial of Sanford Berman's right to discuss differing opinions on professional matters in his area of expertise, and express our outrage at the behavior of Hennepin County Library, Berman's employer, who, in retribution, exiled him to work away from the cataloging to which he has dedicated several highly productive decades; and that ALA Council calls for censure of Hennepin County Library administration for its infringements of Berman's free speech rights, for its retribution against him and its overall violations of his professional rights."

**ADJOURNMENT.** The meeting adjourned at 12:15 p.m.

**Resolution : Sandy Berman**

**Whereas** Sanford Berman is one of the most respected voices in the field of librarianship and

**Whereas** his dedicated work at Hennepin County Library has enhanced the reputation of HCL tremendously through his innovative approaches to cataloging and brought it significant benefits and

**Whereas** Sanford Berman was formally reprimanded by management and then reassigned (i.e. removed from his position in cataloging) on account of his discussion of professional matters with colleagues and the voicing of his principled opinions on library matters

**Therefore, be it resolved** that the Council of the American Library Association decries the denial of Sanford Berman's rights to discuss differing opinions on professional matters in his area of expertise, and express our outrage at the behavior of Hennepin County Library, Berman's employer, who, in retribution, exiled him to work away from the cataloging to which he has dedicated several highly productive decades and

**Be it resolved** that ALA Council calls for censure of Hennepin County Libraries administration for its infringements of Berman's free speech rights, for its retribution against him and its overall violations of his professional rights.

Moved by Mark Rosenzweig  
Seconded by:  
S. Michael Malinconico  
Mitch Freedman  
Deidre Conkling

Statutory support for this resolution by Mover:

The citations I made supporting the Berman resolution are from the 1998-1999 ALA Handbook of Organization.

Two general ones are from page 29-30 ,1.2,on column two and 1.3 (priority section E) on column 3. The first states the general mission of working to improve the profession itself. The second, entitled "Personnel resources" refers to "Librarians [upholding] the ALA Code of Ethics which includes an affirmation of intellectual freedom for librarians. Priority area C. "Intellectual freedom" which states "ALA will promote the protection of...library personnel...from censorship".

Section 53.1.12 is on page 44. , 54.6 #2 (PAGE 45) COLUMN 3 "Fair Employment Practices".

54.7 (pg. 45,column 3) entitled "Security of Employment for Library Employees" which is pertinent in all its subsections but which contains section 4 which states explicitly that "Security of employment [is] an elementary right, [which] guarantees specifically... (4)

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by Council Resolutions Committee

The opportunity for the library employee to work without fear of undue interference or dismissal and freedom from discharge for racial, POLITICAL religion OR ANY OTHER UNJUST REASON.

54.16 "On Professional Ethics" whose provision #5 states "We treat co-workers and other colleagues with respect, fairness and good faith, and ADVOCATE conditions of employment that safeguard the rights and welfare of all employees of our institutions to work without fear of undue interference or dismissal...".