

As revised by the ALA Council on January 29, 2013, this resolution was referred to the Intellectual Freedom (IFC) and the Committee on Legislation (COL)

Resolution reaffirming ALA support for whistleblowers including ~~Bradley Manning and John Kiriakou~~

1. Whereas, The ALA Library Bill of Rights states that “Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas;” and
2. Whereas ALA has as one of its officially stated goals “the public’s right to a free and open information society” (ALA Policy 1.3); and
3. Whereas ALA “opposes any use of governmental power to suppress the free and open exchange of knowledge and information or to intimidate individuals exercising free inquiry” (ALA Policy 52.4.1); and
4. Whereas FTRF provided grants in support of legal defense costs in the federal prosecution of whistleblowers Daniel Ellsberg and Anthony J. Russo, Jr., for their role in the publication of the "Pentagon Papers," which disclosed the official secret history of American involvement in Vietnam, under charges which were eventually dismissed; and
5. Whereas in 2004 ALA passed a “Resolution on Securing Government Accountability through Whistleblower Protection” affirming our "support for accountable government and the role of whistleblowers in reporting abuse, fraud, and waste in governmental activities” (CD#20.7, 2004: <http://www.ala.org/offices/sites/ala.org.offices/files/content/wo/reference/colresolutions/PDFs/000002-CD20.7.pdf>); and
6. Whereas in 2004 ALA passed “A Resolution Against the Use of Torture as a Violation of the American Library Association's Basic Values” which 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. “ (CD#XX, 2004: <http://www.ala.org/Template.cfm?Section=ifresolutions&Template=/ContentManagement/ContentDisplay.cfm&ContentID=70739>); and

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7. Whereas ALA passed a “Resolution on Disinformation, Media Manipulation and the Destruction of Public Information” in which we go “on record as being opposed to the use by government of disinformation, media manipulation, the destruction and excision of public information, and other such tactics” (CD#64, 2005, <http://www.ala.org/aboutala/sites/ala.org.aboutala/files/content/governance/policymanual/updatedpolicymanual/crpdfofprm/52-8disinformation.pdf>); and
8. Whereas ALA passed a “Resolution Commending the FBI Whistleblower Who Exposed Abuses on the Use of Exigent National Security Letters” in which we “ask Congress to .. protect the rights of whistleblowers against retaliation.” (CD#20.5, 2008: <http://www.ala.org/offices/sites/ala.org.offices/files/content/wo/reference/colresolutions/PDFs/COL%20Resolution%20on%20Ba.pdf>); and
9. Whereas ALA passed a “Resolution on Access to and Classification of Government Information” in which we urge “Congress to pass legislation that expands protections for whistleblowers in the Federal government, such as the Whistleblower Protection Enhancement Act of 2010.” (CD#19.1, 2011: <http://connect.ala.org/node/127452>); and
10. Whereas on November 27, 2012, President Obama signed S. 743, the Whistleblower Protection Enhancement Act of 2012, into law, which lowers the standard of proof whistleblowers must provide in order to receive protection; and,
11. Whereas on January 2, 2013 President Obama signed H.R. 4310, the 2013 National Defense Authorization Act, which extends similar whistleblower protections to defense contractors who expose waste and corruption; and,
12. ~~Whereas President Obama’s language in his signing statement for the 2013 National Defense Authorization Act limits the scope of whistleblower protections in a manner that could create a chilling effect for whistleblowers and the agencies tasked with protecting them; and,~~
13. ~~Whereas the current administration has prosecuted more government officials under the World War I-era Espionage Act than all previous administrations, in some cases leading to charges being dismissed; and,~~

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14. ~~Whereas among those who have been charged under the Espionage Act are whistleblowers Private First Class Bradley Manning and former CIA agent John Kiriakou; and,~~
15. ~~Whereas in May 2010 Bradley Manning was arrested for allegedly leaking classified materials to the anti-secrecy website WikiLeaks leading to numerous charges including aiding the enemy by indirect means, the first time a soldier has been imprisoned under this charge as a result of giving information to a news outlet; and~~
16. ~~Whereas, on Feb. 23, 2013 Manning will have been imprisoned for 1,000 days without trial under conditions ruled as “unlawful pretrial punishment” by the presiding Judge Denise Lind, and described by Amnesty International as “unnecessarily severe” and “inhuman”, denounced by more than 300 legal scholars in the United States as “a violation of the Eighth Amendment’s prohibition of cruel and unusual punishment and the Fifth Amendment’s guarantee against punishment without trial”, and characterized by the United Nations special rapporteur on torture as “cruel, inhuman, and degrading”; and~~
17. ~~Whereas Daniel Ellsberg has compared the actions of which Manning is accused to the release of the Pentagon Papers; and~~
18. ~~Whereas On April 3, 2012, the current administration indicted intelligence whistleblower John Kiriakou for alleged mishandling of classified information for his 2007 role as the first CIA insider to expose the agency’s use of waterboarding and other torture in its interrogations, leading to a sentence of two and a half years in prison on January 25, 2013; now therefore be it~~

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

1. Commends the signing into law of the “Whistleblower Protection Enhancement Act of 2012,” and the extension of similar whistleblower protections in the 2013 National Defense Authorization Act,
2. ~~Commends Bradley Manning, John Kiriakou and other whistleblowers acting at great personal risk to ensure that the government can be held accountable by the public.~~

DRAFT, Jan. 27, 2013 8:30 pm

Mover, Al Kagan, SRRT Councilor, 217-819-9975

Secunder, Jane Glasby, Councilor-at-Large, 510-206-8614

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Background information:

Whereas no. 4:

<http://www.ftf.org/default.asp?Recipients>

Whereas no. 10:

<http://www.whistleblower.org/blog/42-2012/2380-president-signs-whistleblower-protection-enhancement-act-wpea-and>

<http://www.gpo.gov/fdsys/pkg/BILLS-112s743enr/pdf/BILLS-112s743enr.pdf>

Whereas no. 11:

http://defense-update.com/20130110_president-obama-signs-fy-2013-national-defense-authorization-act.html
and

<http://www.gpo.gov/fdsys/pkg/BILLS-112hr4310enr/pdf/BILLS-112hr4310enr.pdf>

Whereas no. 12:

<http://www.whistleblower.org/blog/44-2013/2474-gap-position-on-president-obamas-ndaa-2013-signing-statement>

Whereas no. 13 - 14:

<http://www.nytimes.com/2012/02/27/business/media/white-house-uses-espionage-act-to-pursue-leak-cases-media-equation.html>

Whereas no. 15:

<http://www.bradleymanning.org/news/transparency-isnt-treason-new-york-times-journalists-criticize-aiding-the-enemy-charge>

Whereas no. 16:

http://www.salon.com/2013/01/08/judge_manning_endured_unlawful_pretrial_punishment/

<http://www.amnesty.org/en/news-and-updates/us-accused-inhumane-treatment-over-wikileaks-soldier-case-2011-01-24>

<http://www.nybooks.com/articles/archives/2011/apr/28/private-mannings-humiliation/?pagination=false>

<http://www.guardian.co.uk/world/2012/mar/12/bradley-manning-cruel-inhuman-treatment-un>

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Whereas no. 17:

http://www.huffingtonpost.com/2012/12/04/bradley-manning-daniel-ellsberg-pentagon-papers_n_2240016.html

Whereas no. 19:

http://www.washingtonpost.com/local/former-cia-officer-john-kiriakou-sentenced-to-30-months-in-prison-for-leaks/2013/01/25/49ea0cc0-6704-11e2-9e1b-07db1d2ccd5b_story.html

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To: resolutions@ala.org

Submitted on Mon, 01/28/2013 – 00:16

Submitted by user:

Submitted values are:

Date: 01/27/2013

Resolution authors(s): Jane Glasby, Al Kagan, Jim Kuhn, Mike Marlin

E-mail address: akagan@illinois.edu

1. Title of Resolution: Resolution reaffirming ALA support for whistleblowers including Bradley Manning and John Kiriakou

2. ALA Units and/or Committee Consulted (if any): IFC, SRRT, (will take to IFRT ll Jan 28, 8:30 am)

3. Endorsements by ALA Units and/or Committee If any): SRRT, in principle

4. Fiscal implications: N/A

5. List all parties to whom resolution should be sent:

The Honorable John M. McHugh

Secretary of the Army

1400 Defense Pentagon

Washington, DC 20301-1400

General Raymond T. Odierno

Chief of Staff of the U.S. Army

1400 Defense Pentagon

Washington, DC 20301-1400

President Barack Obama

The White House

1600 Pennsylvania Avenue NW

Washington, DC 20500

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Bradley Manning Support Network
c/o Courage to Resist
484 Lake Park Avenue #41
Oakland, CA 94610

John Kiriakous, c/o Attorney Robert Trout [address to be provided]

6. Impact on ALA Policies and Positions: N/A

6a) ALA general policy or viewpoint: ALA Policy 1.3, ALA Policy 52.4.1

Resolution on Securing Government Accountability through Whistleblower Protection. CD#20.7, 2005

A Resolution Against the Use of Torture as a Violation of the American Library Association's Basic Values"
CD#XX, 2004

Resolution on Disinformation, Media Manipulation and the Destruction of Public Information, CD#64,
2005

Resolution Commending the FBI Whistleblower Who Exposed Abuses on the Use of Exigent National
Security Letters, CD#20.5, 2008

6b) Change in existing policy: N/A

6c) New policy: N/A

6d) Policy conflicts: N/A

7. Initiating Committee or Unit (if any): SRRT

8. Pertinent Background Information:

Whereas no 4:

<http://www.ftxf.org/default.asp?Recipients>

Whereas no 10:

<http://www.whistleblower.org/blog/42-2012/2380-president-signs-whistleblower-rotection-enhancement-a-ct-wpea->

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and

<http://www.gpo.gov/fdsys/pkg/BILLS-112s743enr/pdf/BILLS-112s743enr.pdf>

Whereas no 11

http://defense-update.com/20130110_president-obama-signs-fy-2013-national-defense-authorization-act.html