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## **IFRT Report**

Intellectual Freedom Round Table No. 54, Summer 2004

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## **IFRT Report**

Intellectual Freedom Round Table No. 543, Summer 2004

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### **From the Editor**

Doug Archer

Welcome to the *IFRT Report*. This issue contains many familiar features including a report from both our Counselor and the IFRT Executive Board chair, a selected list of meetings and programs at Annual Conference of interest to readers of this newsletter and documentation from the IFRT's upcoming conference program "Walking the Highwire: Exploring the Tension between Intellectual Freedom, Privacy, and Intellectual Property" to be held on Saturday, June 26, from 1:30 p.m. to 3:30 p.m in the Orange County Convention Center, room 209 B/C. (Yes, this is a plug!)

For a different perspective there is an essay on the "Cuban librarians issue" which was

originally submitted for an MBA course in business ethics. You will also find the first installment of a new, ongoing feature, "Favorite Intellectual Freedom Quotations." Please feel free to share your favorites with the rest of our readers by submitting them for future inclusion in this newsletter.

At the end of the table of contents readers will find links to files which contain the complete contents of this issue. This will allow those who so choose to print the whole issue at one time. Links to pdf files of earlier issues have also been added to the homepage. These files will appear a bit strange since they were laid out to facilitate a print publication. Eventually, we would like to scan all earlier issues.

Lastly, please consider becoming involved in the defense of intellectual freedom through the work of this organization, the Intellectual Freedom Roundtable. Membership information is available at <http://www.ala.org/ala/ifrt/ifrtorg/joinifrt/joinifrt.htm>.

Join Us!

Doug Archer  
Editor, IFRT Report  
archer.1@nd.edu

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## **Councilor's Report for ALA's Midwinter Meeting, San Diego 2004**

Carolyn Caywood, IFRT Councilor

Of the issues that had preoccupied Council before Midwinter, it took no action on RFID (Radio Frequency Identification/Identifiers). Plenty of information was available, and the Intellectual Freedom Committee (IFC) discussed the issue, so it would appear Council is willing to wait for advice, for now. Also, the upcoming online election and the brouhaha over the vendor critique on the Reference and User Services Association (RUSA) website, were alluded to, but not addressed.

After trying to tweak the Resolution on the Policy on ALA Election Endorsement and Use of Funds, Council gave up and defeated it. Current practice is affirmed which means that IFRT can, if it chooses, publish lists of member candidates, questionnaires and position statements, and even endorsements if the Board so votes, as long as the vehicle of communication is an existing one – newsletter or email list.

Awkward wording in the Resolution on Proposed Amendments to the USA Patriot Act also frustrated Council till Jim Rettig finally came up an editorial improvement that we were able to pass: "That the American Library Association supports proposed legislation currently in Congress that will amend those sections of the USA Patriot Act that abridge historic rights of library users

so that those rights will be restored in full; that the American Library Association opposes any further initiatives on the part of the United States government to constrain the free expression of ideas or to inhibit the use of libraries; and that the American Library Association urges the United States Congress to oppose legislation, regulations, or other initiatives that threaten or further abridge the rights of inquiry and free expression.” Another different resolution on the USA Patriot Act was withdrawn.

The news just before the conference that a Jenner & Block lawyer was defending divine, Inc (previously RoweCom/Faxon) energized our past president, Mitch Friedman, who proposed a resolution that would require the ALA Executive Board to review its choice of counsel whenever that counsel took on a client ALA disliked, not just when there is a genuine conflict of interest. The resolution also instructed ALA’s Jenner and Block lawyer Paula Goedert to go home and pass our outrage on to her boss. The resolution was divided and the policy part was referred to the Budget Analysis and Review Committee (BARC) so we can expect to see it reappear in Orlando. I pointed out that the Executive Board had just reviewed its relationship with Jenner and Block in September and hardly needed Council’s permission, to no avail. The instruction for Goedert to convey our outrage was defeated.

Karen Schneider dropped her resolution on Cuba in favor of a proposed amendment to the IRC/IFC report, “...and calls for their immediate release. ALA...” The paragraph in the report would then have read: “ALA joins IFLA in its deep concern over the arrest and long prison terms of political dissidents in Cuba in spring 2003, and calls for their immediate release. ALA urges the Cuban Government to respect, defend and promote the basic human rights defined in Article 19 of the United Nations Universal Declaration of Human Rights.” My perception was that the IFRT Board did not want to support Karen’s resolution because it contained some inaccuracies and because the Board felt that the report of the joint IRC/IFC committee represented the best compromise we could expect. Karen’s change to a short amendment addressed her inaccuracies but not the negotiation that went into the report. Nevertheless, I could not in all conscience vote no to a simple plea to release political dissidents, so I abstained on the amendment, which was defeated. The joint report, ALA CD#18.1, International Relations Committee and Intellectual Freedom Committee’s Report on Cuba was adopted.

In other actions, Council:

Agreed to put a new \$35 membership category for support staff on the next member ballot. This could open a whole new field of potential IFRT members!

Agreed to accept ALA CD#20, Committee on Legislation (COL) Report, which included the *Principles on Government Information* rather than accept or adopt the *Principles on Government Information* themselves. COL was insistent about its need for some kind of official imprimatur but Council, as IFC had predicted, refused to be stampeded into adopting policy.

Agreed to a new charge for the Website Advisory Committee: "To develop, review and recommend to Council, Association policies for the ALA Website. To recommend editorial or structural guidelines for the ALA Website. To provide advice to the ALA Executive Director

responsible for implementing such policies and guidelines. To provide an ongoing channel for member communication by working closely with other units, committees and offices of the Association. To make recommendations concerning technical issues or changes to the ALA Website, including evaluating, testing and implementing Web-based products and services used by Association members or by the public. To advise the Association on priorities and strategies that promote utilization and continued development of the ALA Web site."

Revised the charge of the Orientation, Training and Leadership Development Committee to read: "To plan and coordinate training and leadership development for member leaders at all levels across the Association. To inventory training and orientation modules in divisions, round tables, and other Association groups. To provide orientation for chairs of ALA and Council committees."

Added a non-voting liaison to the Committee on Education, from the membership of the Association of College and Research Libraries (ACRL) Community and Junior College Libraries Section's Library Technical Assistant Education Committee. This engendered some grandstanding about support staff, but Council endorsed its committee's recommendation, which had been based on discussion with all the stakeholders.

Fixed the ALA Constitution Article VIII. Officers and Committees, Section 2. so that a Treasurer vacancy can be filled without waiting for a ballot.

Set up a task force to be appointed by the President of ALA to develop and implement, expeditiously, a proactive action plan to seek the reversal of the closure of the Clark Atlanta University School of Library and Information studies and to determine the strategies and procedures necessary to ensure that ALA is better positioned to detect warning signs of similar closures and take appropriate preventive actions; and to report its actions and recommendations at the ALA 2004 Annual Conference.

Opposed H.R. 3261, the Database and Collections of Information Misappropriation Act; and encourages its members to ask their legislators to oppose H.R. 3261.

Refused to rescind the ALA motto, "*The best reading, for the largest number, at the least cost.*" (Adopted 1892; reinstated by ALA Council, 1988) Some found it flexible and efficient while others saw it as patronizing and didactic.

Elected Janet Swan Hill and Nann Blaine Hilyard to the Executive Board.

See Council actions:

<http://www.ala.org/ala/ourassociation/governanceb/council/councilactions/MW2004councilactions.htm>

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**Speakers, Themes and Sources: IFRT 2004 Program, ALA Annual Conference, Orlando,**

Lauren Christos, Chair, IFRT Membership Promotion Committee

“Walking the Highwire: Exploring the Tension between Intellectual Freedom, Privacy, and Intellectual Property”

Saturday, June 26, 1:30 p.m. - 3:30 p.m., Orange County Convention Center 209 B/C

"The interest in encouraging freedom of expression in a democratic society outweighs any theoretical but unproven benefit of censorship."

( Reno v. ACLU )

**Speakers:**

Nancy Kranich,

Past President of ALA and Chair of the IFC

“Copyright and Fair Use”

Jim Kuhn,

ALA, IFC Privacy Committee Chair

“The Development of the Privacy Toolkit”

Michael Malinconico,

“Data Mining, Electronic Spyware and Governmental Intrusions on Citizens”

**BIOGRAPHY:** Prof. Malinconico is a former dean of the School of Computer, Information, and Library Sciences at Pratt Institute, a position he accepted following an administrative career with the New York Public Library, where he was associate director for technical and computer services. He is the first holder of the University's EBSCO Endowed Chair of Library Service, which is the only position of its kind in library education. Prof. Malinconico is involved primarily in research and is a prolific scholar and writer in the areas of computer applications in libraries and management of technologies and organizational change. He also teaches courses in library applications of modern technologies. Among his personal interests are music, modern poetry, woodworking, and the history of technology.

Chris Hansen, Senior National Staff Counsel, ACLU

Censorship and the First Amendment, Filtering and Minors

**BIOGRAPHY:**

Chris Hansen has been affiliated with the ACLU as an attorney since 1973, when he joined the staff of the ACLU-sponsored Mental Health Law Project. During that time, and later as director of the New York Civil Liberties Union's Mental Patients' Rights Project, Mr. Hansen was the key litigator in the landmark "Willowbrook" case (*NYSARC v. Carey*), which became the impetus for a nationwide revolution in care of mentally retarded people.

Mr. Hansen received his law degree from the University of Chicago Law School and holds an undergraduate degree from Carleton College. He has lectured at law schools including Yale, University of Utah, Rutgers, Pace, Touro and New York University. He has written extensively on civil liberties issues and lectures regularly at legal, psychiatric and social work professional associations throughout the country, and appears frequently on television, radio and in the press as an expert on civil liberties.

## **Copyright**

<http://www.law.cornell.edu/topics/copyright.html>

The LII's "Law About" pages provide brief summaries of law topics with links to key primary source material, other Internet resources, and useful offnet references. They can be accessed through: a set of broad topic categories, through an alphabetical listing of topics, and through a searchable index.

<http://www.benedict.com/info/info.aspx>

The Internet has been characterized as the largest threat to copyright since its inception. The Internet is awash in information, much of it with varying degrees of copyright protection. Copyrighted works on the net include news stories, software, novels, screenplays, graphics, pictures, Usenet messages and even email. In fact, the frightening reality is that almost everything on the Net is protected by copyright law.

<http://www.copyright.gov/title17/92chap1.html>

Copyright Law of the United States of America and Related Laws Contained in Title 17 of the United States Code

<http://www.access.gpo.gov/uscode/title17/title17.html>

Title 17

<http://www.templetons.com/brad/copymyths.html>

An attempt to answer common myths about copyright seen on the net and cover issues related to copyright and USENET/Internet publication.

-- Brad Templeton

## **Permission and Fair Use**

<http://fairuse.stanford.edu/>

Excellent site with links to copyright overview information, primary material sources, current legislation, web guides, a newsletter, and a special link to copyright information for librarians.

[http://fairuse.stanford.edu/primary\\_materials/legislation/teach.html](http://fairuse.stanford.edu/primary_materials/legislation/teach.html)

Article on "Technology, Education, and Copyright Harmonization Act," introduced in Senate by Sen. Hatch and Sen. Leahy (3/7/01)

<http://www.copyright.com/default.asp>

Here you can get permission to reproduce copyrighted content such as articles and book chapters in your journals, photocopies, coursepacks, library reserves, Web sites, e-mail and more.

<http://www.unc.edu/~uncnlg/public-d.htm>

Definition: A public domain work is a creative work that are not protected by copyright and which may be freely used by everyone. The reasons that the work is not protected include: (1) the term of copyright for the work has expired; (2) the author failed to satisfy statutory formalities to perfect the copyright or (3) the work is a work of the U.S. Government.

– Lolly Gasaway - University of North Carolina

<http://www.digitalconsumer.org/>

Website and organization devoted to consumer's rights to fair use and the protection of fair use rights in a digital world

### **Harmful to Minors – Censorship**

<http://www.firstamendmentcenter.org/>

The First Amendment Center works to preserve and protect First Amendment freedoms through information and education. The center serves as a forum for the study and exploration of free-expression issues, including freedom of speech, of the press and of religion, the right to assemble and petition the government.

<http://search.aclu.org/AdvancedSearchResults.cfm>

Link to articles on cyber-liberties, internet censorship laws, free speech and internet free speech.

<http://sethf.com/> Site of Seth Finkelstein, a pioneer in this field. Excellent link to numerous essays, articles, blogs, press releases and domain investigations.

<http://www.filtereality.net/plurality.html>

Excellent analysis of the U.S. Supreme Court's June 2003 decision in the CIPA case by Brian Smith with the complete text of the plurality opinion in the CIPA case, with his comments about omissions, incorrect assumptions, and other errors added in red.

<http://libraryfilter.blogspot.com/>

A blog about a possible internet filtering solution for libraries.

<http://www.filtereality.net/archive/ontrial.html>

The CIPA case, documents related to the case at the District Court level, and decisions in other court case.

<http://www.upress.umn.edu/HarmfultoMinorscensorship.html>

<http://supct.law.cornell.edu/supct/html/02-361.ZS.html>

UNITED STATES V. AMERICAN LIBRARY ASSN., INC. (02-361)  
201 F. Supp. 2d 401, reversed.

<http://www.lisnews.com/search.pl?topic=71>

Link to articles by Library and Information Science News LIS.com with a strong focus on Florida.

<http://www.spectacle.org>

A monthly online magazine with a bias towards freedom of expression. Jonathan Wallace, who wrote *Sex, Laws and Cyberspace*, a book which chronicles the history of online censorship, edits *Ethical Spectacle*. Internet Freedom news releases have been featured on the site.

<http://libertus.net/libery/>

The site of Irene Graham, an activist with EFA, this site is of very high standard both in terms of design and politics. Among many areas of interest it contains a thorough critique of the Platform for Internet Content Selection (PICS).

### **Data Mining & Electronic Spyware**

<http://www.consumerwebwatch.org/news/articles/spyware.htm> Good article on spyware, and link to The Consumer WebWatch Organization. Their mission is “to investigate; inform; and improve the credibility of information published on the World Wide Web. Our goals are to build trust on the Web and provide consumer protection.

<http://www.spywareinfo.com/> Links to their newsletter (archived), forums, software, message boards, and other interesting articles

[http://www.media-awareness.ca/english/issues/privacy/compromised\\_privacy.cfm](http://www.media-awareness.ca/english/issues/privacy/compromised_privacy.cfm)

<http://www.privacyinternational.org/survey/phr2003/>

Privacy and Human Rights 2003 An International Survey of Privacy Laws and Developments from the Electronic Privacy Center in Washington D.C. and Privacy International from London, U.K.

<http://www.privacyinternational.org>

The Electronic Privacy Information Center (EPIC) is a public interest research center in Washington, DC It was established in 1994 to focus public attention on emerging civil liberties issues and to protect privacy, the First Amendment, and constitutional values. EPIC is a member of the Transatlantic Consumer Dialogue, the Global Internet Liberty Campaign, the Internet Free Expression Alliance and the Internet Privacy Coalition.

Privacy International (PI) is a human rights group formed in 1990 as a watchdog on surveillance by governments and corporations. PI is based in London, England, and has an office in Washington, DC PI has conducted campaigns throughout the world on issues ranging from wiretapping and national security activities, to ID cards, video surveillance, data matching, police information systems, and medical privacy.

<http://www.ifea.net>

Mission Statement of the Internet Free Expression Alliance – “The Internet is a powerful and positive forum for free expression. It is the place where ‘any person can become a town crier with a voice that resonates farther than it could from any soapbox,’ as the U.S. Supreme Court recently observed. Internet users, online publishers, library and academic groups and free speech and journalistic organizations share a common interest in opposing the adoption of techniques and standards that could limit the vibrance and openness of the Internet as a communications medium. Indeed, content "filtering" techniques already have been implemented in ways inconsistent with free speech principles, impeding the ability of Internet users to publish and receive constitutionally protected expression.”

<http://www.cpsr.org/>

Mission Statement of Computer Professionals for Social Responsibility.

“CPSR is a public-interest alliance of computer scientists and others concerned about the impact of computer technology on society. We work to influence decisions regarding the development and use of computers because those decisions have far-reaching consequences and reflect our basic values and priorities. As technical experts, CPSR members provide the public and policymakers with realistic assessments of the power, promise, and limitations of computer technology. As concerned citizens, we direct public attention to critical choices concerning the applications of computing and how those choices affect society. “

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## **Copyright and the First Amendment: Recommended Sources**

Nancy Kranich

“Walking the Highwire: Exploring the Tension between Intellectual Freedom, Privacy, and Intellectual Property”

Saturday, June 26, 1:30 p.m. - 3:30 p.m., Orange County Convention Center 209 B/C

## **Background Materials Related to Copyright**

Boyle, James, *Shamans, Software and Spleens: Law and the Construction of the Information Society*, Cambridge, MA: Harvard U. Press, 1996.

Boynton, Robert S. “The Tyranny of Copyright?” *New York Times Magazine*, January 25, 2004, Section 6, p. 40, Column 1. <http://www.nytimes.com/2004/01/25/magazine/25COPYRIGHT.html>

Heins, Marjorie, “*The Progress of Science and Useful Arts*”: *Why Copyright Today Threatens Intellectual Freedom*. New York: Free Expression Policy Project, 2003, <http://www.fepproject.org/policyreports/copyright2d.pdf>

Kranich, Nancy, *The Information Commons: A Public Policy Report*, New York: Free

Expression Policy Project, 2004.  
<http://www.feeproject.org/policyreports/InformationCommons.pdf>

Lessig, Lawrence, *Free Culture*, New York: Penguin Press, April 2004.

Lessig, Lawrence, *The Future of Ideas: The Fate of the Commons in a Connected World*, New York: Random House, 2001.

Litman, Jessica, *Digital Copyright*, Amherst, NY: Prometheus Press, 2001.

National Academy of Sciences, Board on International Scientific Organizations (**BISO**), *The Role of Scientific and Technical Data and Information in the Public Domain: Proceedings of a Symposium*, Washington, DC: National Academy Press, 2003; and Reichman and Uhler, 2003.

National Research Council, *The Digital Dilemma: Intellectual Property in the Information Age*, Washington, DC: National Academy Press, 2000.

Patterson, L. Ray, and Stanley W. Lindberg, *The Nature of Copyright: A Law of Users' Rights*, Athens, GA: University of Georgia Press, 1991.

Samuelson, Pamela, "The Copyright Grab," *Wired*, vol. 4, #1, January 1996.  
[http://www.wired.com/wired/archive/4.01/white.paper\\_pr.html](http://www.wired.com/wired/archive/4.01/white.paper_pr.html)

Smith, Mark, "Intellectual Property and the AAUP," *Academe*, Vol. 88, # 5 (Sept—Oct 2002).  
<http://www.aaup.org/publications/Academe/2002/02so/02sosmi.htm>

Vaidhyanathan, Siva, *The Anarchist in the Library*, New York: Basic Books, 2004.

Vaidhyanathan, Siva, *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity*, New York: NYU Press, 2001.

### **Copyright Policy Guides**

Consortium for Educational Technology for University Systems, CSU-SUNY-CUNY Joint Committee, Working Group on Ownership, *Legal Rights of Use, and Fair Use*, Seal Beach, CA : California State University, 1997.

Cornish, Graham, *Copyright: Interpreting the Law for Libraries, Archives, and Information Services*, New York: Neal Schuman Publishers, 2004.

Crawford, Tad, and Kay Murray, *The Writer's Legal Guide: an Authors Guild Desk Reference*, 3rd ed., New York: Allworth Press; Authors Guild, 2002.

Crews, Kenneth D., *Copyright Essentials for Librarians and Educators*, Chicago, IL: American Library Association, 2000.

Gasaway, Laura, ed., *Growing Pains: Adapting Copyright for Libraries, Education, and Society*, Littleton, Colo.: F.B. Rothman, 1997.

Hoffman, Gretchen McCord, *Copyright in Cyberspace: Questions & Answers for Librarians*, New York: Neal Schuman Publishers, 2001.

McSherry, Corynne, *Who Owns Academic Work? Battling for Control of Intellectual Property*, Cambridge, MA: Harvard, 2001.

Padfield, Tim, *Copyright for Archivists*, 2<sup>nd</sup> Edition, New York: Neal Schuman Publishers, 2004.

Russell, Carrie, *Complete Copyright: An Everyday Guide for Librarians*, Chicago, IL: American Library Association, June 2004.

U.S. Library of Congress, Copyright Office, *Copyright Basics*, Washington, D.C.: Library of Congress, Copyright Office, 2002..

Wherry, Timothy Lee, *Librarian's Guide to Intellectual Property in the Digital Age Copyrights, Patents, and Trademarks*, Chicago, IL: American Library Association, 2001.

### **Web sites**

American Library Association, Washington Office, Copyright web site.  
<http://www.ala.org/ala/washoff/WOissues/copyrightb/copyright.htm>

Association of Research Libraries, Copyright and Intellectual Property web page.  
<http://www.arl.org/info/frn/copy/copytoc.html>

Center for Democracy and Technology, Copyright web site. <http://www.cdt.org/copyright/>

Chilling Effects, web site.  
<http://www.chillingeffects.org/>

Electronic Frontier Foundation, EFF "Intellectual Property Online: Patent, Trademark, Copyright" Archive, web site.  
<http://www.eff.org/IP/>

Free Expression Policy Project, "Copyright," web page.  
<http://www.fepproject.org/issues/copyright.html>

Indiana University/Purdue University (IUPU), Copyright Management Center, web site.  
<http://www.copyright.iupui.edu/>

International Federation of Library Associations (IFLA), "Information Policy: POLICY: Copyright and Intellectual Property," web site.

<http://www.ifla.org/II/copyright.htm>

New School University, "Copyright Resources for Educators and Librarians on the Internet," web site.

<http://www.newschool.edu/library/copyrigh.htm>

Public Knowledge.

<http://www.publicknowledge.org>

U.S. Library of Congress, Copyright Office.

<http://www.copyright.gov/>

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## **Cuban "Independent" Librarians: A Case Study on the ALA's Freedoms and Responsibilities to Intellectual Freedom**

Cameron Tuai, University of Notre Dame

### **I. Introduction**

Organizations, like individuals, develop and embody ethical values. These ethical values help the organization decide what is right or wrong, moral or immoral. In a case when the ethical course is clear, decisions are often opaque being based upon tradition or culture. This paper will look at a case where the ethical course is not clear. Under these circumstances the decision making process becomes exposed, thus providing an opportunity to both better understand the organization's ethical boundaries and the tradition and culture that lie inside these boundaries. In gaining an understanding of an organization's ethical values and how they are negotiated, an organization can better communicate and represent the values of its membership.

In March 2003 the Cuban government arrested a number of dissidents, including 10 Cubans who claimed to be "independent" librarians. All the dissidents were jailed for violating Cuban laws dealing with receiving support from the United States. In January 2004, the American Library Association (ALA) council responded by issuing a statement expressing "deep concern" over of the Cuban government's violation of the dissidents' intellectual freedom right. The issue facing the ALA council is that significant numbers of librarians were dissatisfied with this response feeling that the ALA statement should have gone further by demanding the Cuban government release the dissidents.

This paper will first look at the relationship between freedom and responsibility and how they shape the ALA's ethical positions in regards to the Cuban dissident's case. Secondly, we will use the theory of Ethical Climate to speculate about the roots of the ALA's ethical traditions and culture. Lastly, this paper will hypothesis an ethical climate for the ALA and demonstrate how

this would effect the ALA's decision regarding the Cuban dissident question.

## II. Analyses: Freedom and Responsibility

An organization's freedom of choice can be constrained by numerous factors, such as available resources or rules of law. The freedom an organization has in its ethical decisions can additionally be explained by the level of responsibility the organization chooses to shoulder. One needs look no further than child rearing to gain an intuitive sense of the relationship between freedom of choice and responsibility.

When an ethical decision is controversial it suggests that the organization is at the boundary where freedom and responsibility meet. Some feel that it is responsibility of the organization to act; others feel that it is beyond the scope of organization. In the case of violation of the Cuban dissidents' intellectual freedom rights, some ALA members feel that the ALA should assume greater responsibility. Some feel that the ALA should do less. This paper proposes to use the facts and an argument surrounding the ALA's response to the Cuban dissident case to demonstrate the interplay between freedom to act and its commensurate responsibility.

### II. a. Intellectual Freedom and the ALA

The American Library Association (ALA) was founded in 1876 with the mission of:

[P]rovid[ing] leadership for the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all" ([ALA Website - Our Association](#))

In 2004 it has approximately 64 000 members with an annual budget of \$42.6 million.

One of the guiding principles of the ALA is that of protection and promotion of intellectual freedom. This concept is enshrined within many ALA documents including the Library Bill of Rights ([ALA Website - Library Bill](#)). Interpretations of the Library Bill of Rights define the ALA's role in intellectual freedom as:

... the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. ([ALA Website - Diversity in Collection](#))

Further, Article II of the ALA Code of Ethics prescribes that as librarians:

We uphold the principles of intellectual freedom and resist all efforts to censor library resources. ([ALA Website - Code of Ethics](#))

The ALA also supports Article 19 of Universal Declaration of Human Rights:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. ([UN Website – All Human Rights](#))

Given that the ALA has accepted the responsibility for cases of intellectual freedom violations, the next two sections will look at two mitigating factors that affect the ALA freedom to act.

## II. b. Mitigating Circumstances: U.S. and Cuban Politics

The Cuban dissidents' right to intellectual freedom was violated by the Cuban government; this fact is not in dispute. The ALA position becomes controversial when it decided not to exercise its option to demand the release of the Cuban dissident and instead only express its concern. This decision indicates that this case lies at the edges of the ALA's responsibility and freedom in regards to intellectual freedom. One of the mitigating factors centers around how U.S. Trade Embargo of Cuba limits intellectual freedom, how the Helms – Burton Act impinges on Cuban national sovereignty, and how the Cuban government uses both as justification to restrict Cuban intellectual freedom.

The U.S. has had strained relationships with Cuba since Fidel Castro's communist government seized power in 1959. Two facts regarding U.S. policy towards Cuba are relevant in this situation.

1. The U.S. trade embargo – Cuban Assets Control Regulations, Title 31 Part 515 of the U.S. code of Federal Regulations. “The basic goal of the sanctions is to isolate the Cuban government economically and deprive it of U.S. dollars.” ([USDT Website - U.S. Department of the Treasury](#))
2. The Helms Burton Act – Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996. “An act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.” ([USDS Website – U.S. Department](#))

Both of these acts were expressly created to intervene Cuban domestic affairs. The Cuban government responded to these policies by enacting the following legislation:

1. Reaffirmation of Cuban Dignity and Sovereignty (RCDF) Act Number 80 – Article 8: Any form of collaboration, direct or indirect, which favors the application of the Helms-Burton Act is declared unlawful. ([EPFP Website – Reaffirmation](#))
2. The Law for the Protection of National Independence and the Economy of Cuba (LPNIEC) – Cuban Law Number. 88: Article 6.1: Sets prison terms from three to eight years for those who accumulate, reproduce or spread material of

subversive character from the government of the United States of America” ([CPJ Website – Crackdown](#))

3. Cuban Penal Code – Article 91 of the, which imposes lengthy prison sentences or death for those who act against "the independence or the territorial integrity of the State."

On March 20, 2003, the New York Times reported that two dozen dissident librarians, journalists, and opposition activists had been arrested. Many had attended workshops in the home of James Cason the Chief American Diplomat in Cuba. The New York Times further reported that this was not the first time the dissident group had met with James Cason and that “the Cuban authorities had denounced these contacts as repeated provocations.” The Cuban government had also issued a similar warning the year before when Mr. Cason's predecessor had distributed shortwave radios to government opponents (Gonzalez, 2003). Investigation into the jailing of the Cuban dissidents revealed that they had been arrested under the relevant sections of the LPNIEC and the Cuban penal code.

The membership within the ALA, like the international community, is split on the ethical legitimacy of the Helms-Burton Act and the U.S. trade embargo. Given that the Cuban independent librarians did violate Cuban law by receiving funds from the U.S., what, if any, impact should this have on the ALA's freedom to respond to the violation of the Cuban independent librarian's right to intellectual freedom.

Numerous prominent international organizations have called for both the cessation of the U.S. trade embargo and the release of the Cuban dissidents, thus separating the two issues. Amnesty International document, **AMR 25/017/2003**, writes:

... the conduct for which dissidents were prosecuted was not self-evidently criminal ...Amnesty International considers the 75 dissidents to be prisoners of conscience and calls for their immediate and unconditional release. ([AI Website – Amnesty International](#))

While also expressing its concern in regards to the U.S. trade embargo:

Amnesty International calls for the lifting of sanctions where it believes the continuation of sanctions might contribute to grave human rights abuses. A review of the impact of the US embargo against Cuba and other related policies in this regard are deeply worrying. ([AI Website – Amnesty International](#))

The U.N. also separates the two issues. :

<United Nations Office the High Commissioner for Human Rights>... appeals Thursday to the President of Cuba to exercise his right of pardon on behalf of 50 Cuban citizens sentenced to heavy prison terms in verdicts confirmed by the Supreme Court of Cuba in application of article 91 of the Cuban Penal Code and

of Cuban Law Number 88. ([UN Website – Press Release](#))

While an earlier U.N. resolution, A/RES/51/17 – Necessity of Ending the Economic, Commercial and Financial Embargo Imposed by the United States America against Cuba, states that it is:

Concerned about the continued promulgation and application by Member States of laws and regulations, such as the one promulgated on 12 March 1996 known as the "Helms-Burton Act" ([UN Website – Necessity of ending](#))

Human Rights Watch also demands the release of the Cuban dissidents while recognizing the ethical problem of the U.S. trade embargo:

The Cuban government should immediately and unconditionally release the political dissidents and independent journalists who have been detained in the last several days... ([HRW Website – Cuba](#))

President George Bush should terminate the economic embargo on Cuba... it imposes indiscriminate hardship on the Cuban people and impedes democratic change. ([HRW Website – Time to end](#))

In contrast to international organizations, the ALA and the International Federation of Library Associations and Institutions (IFLA) connect the ethical illegitimacy of the U.S. embargo with the crackdown on the Cuban dissidents. Ann Sparanese, an ALA, member summarizes this rationale when she writes:

... the so called "independent librarians" and other dissidents are \*not\* in prison because of their books, their private libraries, or their "free expression" what got them into trouble was their active collaboration with the United States Helms Burton Law. ... The US also criminalizes the manipulation of its own political process by foreign governments, yet it cynically allocates monies for the manipulation and overthrow of Cuba's government. ([CLSG Website – 12 9 03](#))

IFLA, in a media release reflects this opinion when it does not demand for the release but instead expresses concern:

IFLA express their deepest concerns today about the arrest, trial and long prison sentences given to Cuban political dissidents in recent weeks.

To overcome the effects of the US blockade on the free flow of information in Cuba, IFLA urges the government of the United States to share information materials widely in Cuba, especially with Cuba's libraries, and not "*just with individuals and non-governmental organizations that represent US political interests.*" ([IFLA Website – IFLA/FAIFE](#))

The ALA mirrors IFLA's statement by releasing their report which states:

ALA joins IFLA in its deep concern over the arrest and long prison terms of political dissidents in Cuba in spring 2003 and urges the Cuban Government to respect, defend and promote the basic human rights defined in Article 19 of the United Nations Universal Declaration of Human Rights. ... ALA supports IFLA in its call for the elimination of the U.S. embargo that restricts access to information in Cuba ([ALA Website – ALA Council](#))

In counterpoint to linking of the U.S. government policy to the arrest of the Cuban dissidents, Nat Hentoff, an ALA member, write:

... I can prove the brutal fact that even if the Helms-Burton Law and the USA Patriot Act were repealed, Fidel Castro's pervasive repression of dissenters in Cuba would not abate, since it is the very foundation of his rule. (Hentoff, 13 Jan. 2004)

International human rights organizations by the nature of their mission have broad freedoms and responsibilities within the area of human rights. Conversely, the ALA, by defining themselves as a library association has narrowed their freedom and responsibility in the area of human rights to, in this case, intellectual freedom. The ALA can not demand the release of the Cuban dissidents based upon intellectual freedom, which is inside its freedom/responsibility sphere, without also commenting on U.S. efforts to destabilize the Cuban government, which is outside its freedom/responsibility sphere. The result of this "straddling" of the ALA's freedom and responsibility is embodied within its response to this situation.

The ALA's freedom and responsibility to intellectual freedom rights violations is further defined by the controversy surrounding the status of the "independent" label assumed by the Cuban librarians. The next section will examine the ALA's responsibility to librarians and how the definition of who is a librarian demarcates the boundary between freedom and responsibility.

## II c. Mitigating Circumstances: What is a Librarian?

Within the context of the jailing of the Cuban dissident, the responsibility of the ALA will increase or decrease depending on the validity of the claim that 10 of the dissidents were librarians. In the debate surrounding the Cuban dissidents both sides demonstrate an awareness of this fact.

Nat Hentoff, a critic of the ALA statement on the Cuba, writes in Chicago Sun-Times editorial:

It's a shame librarians around this country have a leadership that mocks the ALA's Library Bill of Rights, which requires its members to "challenge censorship" -- but refuses to call for the release of 10 librarians in Castro's prisons who, indeed, challenged censorship. (Hentoff, 25 Jan. 2004)

Ann Spananese, in a letter to the ALA, writes:

It is difficult to seriously assert that these people are librarians, either professional

\*or\* amateur. They certainly are dissident politicians, apparently non-violent, who sometimes use the moniker of “librarians” to enhance their stature... What is it about them that demand a resolution from us, when they are not librarians by any objective criteria? (CLSG Website – Cuban 12 9 03)

Investigation into the facts surrounding the Cuban “independent” librarians and their claim to status as librarians provides ambiguous evidence. A definition of what a library is relies as much on common sense as it does with formal definitions. The ALA Bill of Rights states that:

... all libraries are forums for information and ideas, and that the following basic policies should guide their services.

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval. (ALA Website – ALA Bill)

In July of 2001 both IFLA and the ALA sent a delegation to the Association of Caribbean University, Research and Institutional Libraries Conference (ACURIL) held in Havana. Both delegations also decided to visit and report on the nature of the Cuban independent libraries. Below are some of the findings from the IFLA report:

*Mission:* According to the movement "the mission of the project is to provide access to literature and information that cannot be bought in Cuba or borrowed from the public libraries.

*Financial or other support from abroad:* In most cases, the owners denied that the libraries received financial support from abroad.

*Professional training:* They have not received any professional training. They do not consider themselves librarians but see themselves as servants of the independent libraries.

*Collections:* The size of the collections varies from 289 to 2,000 volumes. They consist of the owner's own books, books left by people who have left the country and by donations from abroad.

*Implications for the owner:* The people we met defined themselves as - "dissidents"- and were very open about their political views.

*Library function:* In no cases, did signs on the building indicate the library or its

opening hours. ... The number of users is around 200 at each site... When visited, between 27 and 200 titles were on loan.

*Evaluation:* It is true that the independent libraries are not run by trained librarians, and that the buildings do not display their function, and that acquisition and other professional activities may not be managed according to professional standards. (IFLA Website – FIAFE Report)

The only significant difference between the ALA report and the IFLA report is the finding that:

There is financial support by the U.S. government and by political centers in Miami and other parts of the U.S. Some books are delivered by personnel in the U.S. Interest Section. (Because the U.S. government does not have official diplomatic relations with Cuba, this is the name of the U.S. government presence in the country.) (ALA Website – Report of visit)

It is interesting to note that both the ALA and IFLA drew up their lists of Cuban independent libraries to visit based on sites found on a web site called of CubaNet and on recommendations of Robert Kent an ALA member. Investigation into CubaNet website shows funding by U.S. Agency for International Development an agency which funds dissident activity in Cuba. Robert Kent is a founding member of the organization “Friends of Cuban Libraries” an advocate group for the Cuban Independent Libraries. Ann Sparanese, in an article entitled “Hearing on Charges by “Friends of Cuban Libraries” writes a detailed account of the link between Robert Kent, Cuban Independent Libraries and the U.S. government efforts to overthrow the Cuban government. (LJ Website – Robert Kent)

In contrast to the ALA and IFLA’s findings, Larry Oberg, University Librarian – Willamette University, found that:

The first "independent" library we visited was in Santiago de Cuba. It was located in private home and consisted of two bookcases filled with books, one in the living room, and another in a back bedroom. I would estimate that this collection might have included 200 volumes... She insisted that the main objective of the library was to make materials available to children, but could produce no children’s books.

The second "independent" library that we visited was also in Santiago de Cuba. This "library" had no books or materials at all. (Sparanese, Ann Website – CUBA: Issues)

This view of Cuban independent libraries is supported by a report by John Pateman, Head of the Libraries and Heritage, London Borough of Merton:

He led me into a room - with a balcony overlooking the street - which contained a small table in the corner, on which sat the "Biblioteca Independiente Juana Alonso". I counted the collection and found that it included 80 books and 20

journals. I also noted, from the records Rogelio kept, that 10 items were on loan. (CLSG Website – Cuban Libraries)

He concludes his report with the thoughts:

The "Biblioteca Independiente Juana Alonso" appears to be a front for political activities. It does not meet the information needs of the people, which are well served by the Cuban library system. (CLSG Website – Cuban Libraries)

It should be noted that John Pateman is listed as contact person for the website “Cuban Libraries Solidarity Group” an organization which is strongly opposed to U.S. interference in Cuba.

It is unclear from publicly available materials as to whether the Cuban independent librarians are in fact “librarians”. If the ALA has greater responsibility towards librarians than it does towards non-librarians then it can be hypothesized that by not demanding the release of the ten independent librarians, either the ALA has determined that they are not librarians or that the evidence is unclear as to their status. In either case it appears that the ALA has placed the burden of proof on the Cuban librarians. Therefore, it can be speculated that the ALA, in the case of intellectual freedom, chooses to assume greater responsibility for individuals who can justify full librarian status, less to individuals who can only claim librarian status, and even less to those who have no claim to library status.

### **III. Analyses: Values**

This case shows how U.S. foreign policy towards Cuba was used to broaden the scope of the ethical violations against the Cuban dissidents beyond the ALA’s chosen level of responsibility to intellectual freedom. Further it highlights how the ALA has chosen to differentiate between librarian status. To better understand how the ALA could have potentially arrived at this chosen level of responsibility, this paper will introduce the concept of work climates.

A work climate is defined as “psychologically meaningful molar descriptions that people can agree characterize a system’s practices and procedures.” (Schneider 1975, 474) In practice, Schneider states that “organizational practices and procedures, especially managerial style, can influence the perceptions employees have of the major orientations, including goals and values of the organization.” (Schneider 1983, 106) Work climate theory can be further refined by focusing in on the organization’s ethical environment. An ethical environment is described by the organizations “locus of analyses” and its “ethical criterion”.

The locus of analysis is the source from which an organization derives their ethical climate. For instance, an organization that has an individual locus of analyses will find that the organizations norms are established by the individual members i.e. ALA members would look to their personal ethical beliefs for guidance in the case of the Cuban dissident issue. Alternatively, an organization that has a cosmopolitan locus of analyses will find that ethical norms of the organization are based upon international law or professional societies i.e. ALA members would look to external source, such as the U.N. charter of rights or Amnesty International, for guidance in the case of the Cuban

dissidents. Ethical criteria are the ethical tendencies of the organization. Combining the locus of analyses with the ethical criteria creates a grid of nine potentially different ethical climates. (Fig 1) Empirical analyses of the nine ethical climates reveal that not all of these climates exist as distinct entities. Further, Agarwal and Malloy, in an empirical study of not-for-profit organizations found that two distinct climates emerged from their studies. This paper will address only these two cells which are defined as:

Individual Caring: Consideration of other people based upon personal criterion. Agarwal interprets this as “interpersonal friendship” (Agarwal 1999, 4)

Social Caring: Consideration of other constituencies outside the organization based upon universal norms. Agarwal interprets this as “social responsibility.” (Agarwal 1999, 4)

Ethical Criterion	Locus of Analyses		
	Individual	Local	Cosmopolitan
Egoism			
Benevolence Principle	<i>Individual Caring</i>		<i>Social Caring</i>

Fig 1. (Malloy 2003, 227)

Intuitively, these two environments do not seem to conflict with the common perception of a librarian’s ethical norms. If we then hypothesize that, at least, these two ethical climates could exist within the ALA, then we then can demonstrate how the Cuban dissident problem arose.

If the ALA’s ethical climate is one of “individual caring” then the ALA council, as a representative of the membership, would see the ethical problem in terms of an aggregation of the individual member’s views. In clear cases, aggregation leads to consensus. In the Cuban dissident case, aggregation results in a straddling of the limits of freedom and responsibility. In order to please as many individual opinions as possible a compromise solution had to be reached. The result is, as ALA president Carla Hayden states, that it “shows that people are able to work out differences of opinion and come together on a joint statement” – a joint statement that in effect limits the responsibility of the ALA of the Cuban dissidents to “expressing concern” and not to “demanding the release”

Conversely, if the ALA councilor feels that the ALA’s norms indicate that an individual should look to universal standards (social caring) then the ALA councilor would see the ethical problem as a violation of a shared ethical standard. In this case an ALA councilor would see the ALA’s freedom and responsibilities as being less constrained by the individual opinions as is the case of the “individual caring” ethical environment. If the membership is united under a singular universal ethic they would more likely disregard external mitigating circumstances. This stance would move the ALA’s response closer to international bodies such as Amnesty International or Human Rights Watch which demanded the release of the Cuban dissidents.

#### **IV. Recommendation**

In passing the resolution to “express concern” and not to demand the release of the Cuban dissidents, the ALA council sought to reach a compromise acceptable to its membership. Unfortunately, a significant minority of the membership disagreed with these recommendations. Investigation into how the facts of the Cuban dissident case were used by the ALA council and its critics, fits a hypotheses that there is a disagreement on the ALA’s ethical climate. To prevent future widespread disagreement on similar ethical issues, this paper recommends the following measures:

1. The ALA council should seek to better understand the ALA’s ethical climate.
2. The ALA council should communicate their findings to its membership.
3. The ALA council should, in conjunction with its membership, determine which ethical climate best serves the ALA’s mission and goals.
4. The ALA council should educate its membership on the implications of having a singular ethical climate.

In the case regarding the jailing of the Cuban dissidents, this paper proposes a compromise on how the ALA’s defines its freedom and responsibilities. This compromise consists of finding a middle ground between those members who feel that the ALA’s ethical environment is an “individual caring” and those who feel that it is a “social caring” environment. A compromise agreement in this case would consist of two points:

1. ALA expresses its deep concern over the arrest and long prison terms of political dissidents in Cuba in spring 2003
2. The ALA as a representative body for librarians considers the jailing of the 10 independent librarians as a violation of the U.N. Declaration of Human Rights article 19 and calls for their immediate and unconditional release.

This compromise acknowledges the ALA member who believes that the ALA has an “individual caring” ethical climate. This acknowledgment allows for the mitigating circumstances of U.S. policy to narrow the ALA’s responsibility. It also allows for the recognition of two classes of dissidents, librarian, and non-librarian. Conversely, this compromise also acknowledges the ALA believes in a “social caring” ethical climate. This acknowledgment allows for the assumption that the independent librarians are librarians until proven otherwise and that their universally guaranteed rights to intellectual freedoms were violated regardless of the mitigating circumstance of the U.S.’s foreign policy toward Cuba.

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## **Reflections from the Chair**

Melora Ranney Norman, IFRT Chair

As I approach the end of my term as IFRT Chair, it's time to reflect on who we are and what we have accomplished, both within the round table and as part of the IF community.

Our web site says:

*The Intellectual Freedom Round Table (IFRT) is a forum for discussion of intellectual freedom issues for libraries and librarians, and a channel of communication on intellectual freedom matters.*

This year, our committees have chosen recipients for our awards. Two of them, the Oboler and Immroth, are named after former chairs; then, there are the SIRS-ProQuest State and Regional Intellectual Freedom Achievement Awards.

We've planned our annual conference program and laid the groundwork for next year's; explored and developed partnerships with other units; published this report; publicized the Merritt Fund; and participated in discussions on the IFRT e-list.

These are worthy accomplishments--and they are part of a proud heritage.

In the past few months, I've had the occasion to experience the amazing depth and breadth of our profession's wisdom on intellectual freedom twice: as acting IFRT liaison to the annual Spring IFC meeting, where we reviewed the Intellectual Freedom Manual and as chair of

an effort to form a New England Library Association IFC.

The Library Bill of Rights . . . Freedom to Read Statement . . . Policy on Confidentiality of Library Records . . . Libraries: An American Value . . . it is a privilege to find oneself in the presence of such depth of thought and professionalism, as in the very first line of The Library Bill of Rights:

"Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves."

How often we hear the words "the community" invoked as a reason to censor. We are told "the community" disapproves of something and wants us to hide it from view.

However, it strikes me as perfect that the very first line of policy in our primary IF document highlights that the interests of "all people of the community" are important--not just the majority, or the vocal minority.

These documents tell us that even those individuals who cannot find the courage to speak up about it when their interests are denied or devalued are to be championed and protected by librarians. Even young people who are curious. Even people who don't think to ask why when a message flashes "access denied."

How do we best serve a society overwhelmed by information--besieged, beset, intruded upon by pop-up ads and unwanted email?

If librarians want to stay relevant, we have to redefine our niche. To help people overwhelmed by data, we can:

- Recommend good sources
- Teach information literacy skills
- Provide intuitive access points and descriptors

These are not new--but in some ways, the environment is. Where do we go from here?

The Intellectual Freedom Manual begins with the *Library Bill of Rights* . . . and ends with the *Code of Ethics*, which states:

VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.

"We distinguish between our personal convictions and professional duties . . ." what a task!

Can any of us believe that it is our professional duty to censor the information that comes into the library based upon our personal convictions? Can any of us believe that just because our

personal convictions seem to be in line with the opinions of a moral majority (or a vocal minority) in the community, that we can and should pass moral judgement upon the interests of some of our patrons? Are we gatekeepers as well as providers?

"The government's interest in library use reflects a dangerous and fallacious equation of what a person reads with what that person believes or how that person is likely to behave." (From *Policy concerning Confidentiality of Personally Identifiable Information about Library Users*)

We are not what we read or view. Murder mysteries are wildly popular in all formats--but the vast majority of people who like them are quite harmless.

If librarians don't remind themselves of this constantly, we can fall into a trap, because we do in fact have the opportunity every day to be gatekeepers and control information – to censor, suppress, judge; to inflict our own personal preferences upon others.

Here's another excerpt from an ethics statement:

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. From *Law Enforcement Code of Ethics (revised, 1991)* <<http://www.lib.jjay.cuny.edu/cje/html/lece-r.html>>

Police enforce the law; in doing so, they must sometimes use force. Their ethics statements remind them that because power corrupts, the use of force may sometimes lead to violence, which must be avoided at all costs.

Librarians provide information; in doing so, they must sometimes make selections. Their ethics statements remind them that because power corrupts, their use of personal judgement in selecting information may sometimes lead to censorship, which must be avoided at all costs.

Are any of us perfect?

Of course not.

However, we can--and do--create documents that remind us of our ideals, and that inspire us to do the best we can.

To quote Carrie Gardner, past chair of IFRT, we can think of our association as "The North Star"-- to guide us; to light our way.

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## **2004 Intellectual Freedom Awards**

adapted from text by Nanette Perez  
Project Coordinator, ALA OIF

### **John Phillip Immroth Memorial Award**

Nolan T. Yelich, state librarian of Virginia, has been named the 2004 winner of the John Phillip Immroth Memorial Award for Intellectual Freedom, presented by the American Library Association (ALA) Intellectual Freedom Round Table (IFRT).

The Immroth Award honors intellectual freedom fighters who have demonstrated remarkable personal courage in resisting censorship. The award consists of \$500 and a citation.

The Immroth Award Committee chose Yelich for his courageous and victorious stand in defense of freedom of information in Virginia. For several months he vigorously and publicly pursued the complete records of former Virginia Governor James Gilmore's administration for the state archives of Virginia.

"Nolan Yelich demonstrated steadfast leadership in protecting and preserving the public interest by upholding state law," said Chair Sylvia Turchyn. "With his thoroughly professional yet insistent pursuit of public information, Yelich sets an excellent standard for other state librarians faced with increasing refusals by elected government officials to surrender papers for archival preservation and access by the citizenry."

The award will be presented Saturday, June 26, at 1:30 p.m., during the IFRT program at the ALA Annual Conference in Orlando, Fla.

For more information regarding the John Phillip Immroth Memorial Award and past recipients, please visit <http://www.ala.org/ala/ifrt/ifrtinaction/ifrtawards/immroth/immroth.htm>

### **Eli M. Oboler Memorial Award**

Wendell Berry and David James Duncan, coauthors of "Citizens Dissent: Security, Morality and Leadership in an Age of Terror" (Orion Society, 2003), are the 2004 recipients of the Eli M. Oboler Memorial Award. The award is presented for the best published work in the area of intellectual freedom and consists of a citation and \$500.

"The committee is very pleased to present Wendell Berry and David James Duncan with this award for 'Citizens Dissent,'" said Oboler Award Committee chair Martin Garner. "These essays on the larger issues of civil liberties and political dissent in a post 9/11 world are

powerful reminders of the underlying principles of intellectual freedom."

Presented by the American Library Association (ALA) Intellectual Freedom Round Table (IFRT), the award honors Eli M. Oboler, an extensively published Idaho University librarian who was a champion for intellectual freedom that demanded the dismantling of all barriers to freedom of expression.

"Members of the committee were impressed with the authors' quality of writing, eloquence of arguments, and dedication to beliefs," said Garner. "Berry's rigorous and intellectual refutation of the National Security Strategy nicely balances Duncan's emotional, almost grief-stricken lament of the country's current policy towards Iraq. These profound topics provide a context for the daily challenges to intellectual freedom in both our libraries and our larger society."

Berry, farmer, essayist, poet and novelist, is the author of more than thirty books including, "In the Presence of Fear: Three essays for a Changed World," and a regular contributor to Orion magazine. When he learned of the award, he said, "The little book 'Citizens Dissent' puts its authors well out on a limb. That is where intellectual freedom is apt to put its practitioners from time to time, if it is in fact a working freedom. Even so, writers who go out on a limb should not expect to be honored. I am telling the truth, then, when I say I am surprised by the Eli M. Oboler Award. But I am also relieved and encouraged. Thank you."

Duncan, the author of the novels "The River Why" and "The Brothers K" whose recent book, "My Story as Told by Water," won the Western States Book Award and was nominated for the 2001 National Book Award, said, "I am more grateful than I can say that the American Library Association, in a dark time, stands by those of us who love the richness of human and literary experience and call the psychic assault weapons into question."

The Eli M. Oboler Award will be presented on Saturday, June 26, at 1:30 p.m., during the IFRT program at the ALA Annual Conference in Orlando, Fla.

For more information regarding the Eli M. Oboler Memorial Award and past recipients please visit <http://www.ala.org/ala/ifrt/ifrtinaction/ifrtawards/oboler/oboler.htm>.

"Citizens Dissent: Security, Morality, and Leadership in an Age of Terror," ISBN 0-913098-62-0, Paperback, 60 pages, \$8.00 US, is available through [www.oriononline.org](http://www.oriononline.org) and at independent booksellers nationwide.

### SIRS-ProQuest State and Regional Achievement Award

The Colorado Association of Libraries Intellectual Freedom Committee (CAL IFC) is the 2004 recipient of the SIRS-ProQuest State and Regional Achievement Award presented by the American Library Association (ALA) Intellectual Freedom Round Table (IFRT).

The award, funded by SIRS-ProQuest, consists of a citation and \$1,000, and recognizes successful and effective intellectual freedom committees or coalitions that have made a contribution to the freedom to read in libraries, or to the intellectual freedom environment in which libraries function.

CAL IFC is honored for its development and implementation of a statewide initiative to educate the public about the USA PATRIOT Act. Its work included informational presentations to 25 diverse groups throughout the state of Colorado, and the development of informational Web pages that are available to librarians as well as the general public. Its informational resources are crafted for diverse audience use and are easily accessible. CAL IFC also offers customizable brochures to library or citizen's groups throughout the country who may need informational materials for their communities.

"We are all thrilled with this recognition," said Nicolle Steffen, current chair, CAL IFC. "This is a very dedicated committee that has worked hard through the years. Last year was especially challenging as we responded to the needs of library staff and citizens for answers to questions about how the USA PATRIOT Act affects them professionally and personally."

Martin Garnar, immediate past chair, pointed out that the project is not over. He added, "The CAL IFC will use the monetary award given by SIRS-ProQuest to supplement our program budget so that we can keep resources current."

The award will be presented to CAL IFC during the IFRT program at the American Library Association Annual Conference in Orlando, Fla. The award will be presented on Saturday, June 26, at 1:30 p.m., during the IFRT program.

For more information on the award, see <http://www.ala.org/ifrt/sirsproquest>; for information on the Colorado Association of Libraries Intellectual Freedom Committee, see <http://www.cal-webs.org/if.html>.

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IFRT provides a forum for the discussion of activities, programs and problems in intellectual freedom. The committee serves as a channel of communications on intellectual freedom matters, and also promotes a greater opportunity for involvement among the members of the ALA in defense of intellectual freedom.

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## **Favorite Intellectual Freedom Quotations**

Submitted by IFRT Members and Friends

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." Justice Robert Jackson, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)

Carolyn Caywood

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"That Men ought to speak well of their Governors, is true, while their Governors deserve to be well spoken of; but to do publick Mischief, without hearing of it, is only the Prerogative and Felicity of Tyranny: A free People will be shewing that they are so, by their Freedom of Speech." -- John Trenchard and Thomas Gordon, *Cato's Letters*, no 15 (1721).  
[http://www.constitution.org/cl/cato\\_015.htm](http://www.constitution.org/cl/cato_015.htm)

"But, I thank God, there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government. God keep us from both!" -- Sir William Berkeley, "Enquiries to the Governor of Virginia," 1671. Online source: <http://etext.lib.virginia.edu/etcbin/jamestown-browse?id=J1062> But I first saw it quoted in the liner notes to a CD issued by a local low power FM radio station called "Radio CPR" (97.5): <http://www.radiocpr.com/cd.html>

"No right was deemed by the fathers of the Government more sacred than the right of speech. It was in their eyes, as in the eyes of all thoughtful men, the great moral renovator of society and government. Daniel Webster called it a homebred right, a fireside privilege. Liberty is meaningless where the right to utter one's thoughts and opinions has ceased to exist. That, of all rights, is the dread of tyrants. It is the right which they first of all strike down. They know its power. Thrones, dominions, principalities, and powers, founded in injustice and wrong, are sure to tremble, if men are allowed to reason of righteousness, temperance, and of a judgment to come in their presence. Slavery cannot tolerate free speech. Five years of its exercise would banish the auction block and break every chain in the South. They will have none of it there, for they have the power. But shall it be so here?" -- Frederick Douglass, "A Plea for Free Speech in Boston" (Dec. 4, 1860). This speech was given a week after an abolitionist meeting was broken up by a mob. Online source: [http://douglassarchives.org/doug\\_a68.htm](http://douglassarchives.org/doug_a68.htm).

"Since that first meeting the police have followed me from hall to hall, threatening me with arrest if I dared to say anything against the American government. ... What other conclusion can be reached, or inference drawn than that America is fast being Russianized, and that unless the American people awake from the pleasant dream into what they have been lulled by the strains of "My Country 'tis of Thee," etc., we shall soon be obliged to meet in cellars, or darkened back rooms with closed doors, and speak in whispers lest our next door neighbors should hear that free-born American citizens dare not speak in the open; that they have sold the birthright to the Russian Tzar disguised by the coat of American

policeman?" -- Emma Goldman, "Free Speech in Chicago" (Nov. 30, 1902). Online source: <http://sunsite.berkeley.edu/Goldman/Curricula/FreeExpression/chicago.html>.

"I have just returned from a visit over yonder [pointing to the workhouse], where three of our most loyal comrades are paying the penalty for their devotion to the cause of the working class. [Applause.] They have come to realize, as many of us have, that it is extremely dangerous to exercise the constitutional right of free speech in a country fighting to make democracy safe in the world. [Applause.] I realize that, in speaking to you this afternoon, there are certain limitations placed upon the right of free speech. I must be exceedingly careful, prudent, as to what I say, and even more careful and prudent as to how I say it. [Laughter.] I may not be able to say all I think; [Laughter and applause] but I am not going to say anything that I do not think. [Applause.] I would rather a thousand times be a free soul in jail than to be a sycophant and coward in the streets. [Applause and shouts.]" -- Eugene V. Debs, "The Canton Ohio Speech" (June 16, 1918), referring to members of the Socialist Party imprisoned under the Espionage Act for their opposition to World War One. Debs was later himself given a ten-year sentence for opposing the U.S. entry into that war. Online source: [http://debs.indstate.edu/d288c3\\_1971.pdf](http://debs.indstate.edu/d288c3_1971.pdf)

"To announce that there must be no criticism of the President, or that we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public. Nothing but the truth should be spoken about him or any one else. But it is even more important to tell the truth, pleasant or unpleasant, about him than about any one else." -- Theodore Roosevelt, "Lincoln and Free Speech," *The Great Adventure* (vol. 19 of *The Works of Theodore Roosevelt*, national ed.), chapter 7, p. 289 (1926). Online source: <http://www.bartleby.com/73/1507.html>.

" 'A time comes when silence is betrayal.' That time has come for us in relation to Vietnam. The truth of these words is beyond doubt, but the mission to which they call us is a most difficult one. Even when pressed by the demands of inner truth, men do not easily assume the task of opposing their government's policy, especially in time of war. Nor does the human spirit move without great difficulty against all the apathy of conformist thought within one's own bosom and in the surrounding world. Moreover, when the issues at hand seem as perplexing as they often do in the case of this dreadful conflict, we are always on the verge of being mesmerized by uncertainty. But we must move on. Some of us who have already begun to break the silence of the night have found that the calling to speak is often a vocation of agony, but we must speak. We must speak with all the humility that is appropriate to our limited vision, but we must speak." -- Martin Luther King, Jr., "Beyond Vietnam" (April 4, 1967). Online source: [http://www.stanford.edu/group/King/popular\\_requests/kingonwarandpeaceFrame.htm](http://www.stanford.edu/group/King/popular_requests/kingonwarandpeaceFrame.htm)

"Only a free and unrestrained press can effectively expose deception in government. To find that the President has "inherent power" to halt the publication of news by resort to the courts would wipe out the First Amendment. The word 'security' is a broad, vague generality whose contours should not be invoked to abrogate the fundamental laws embodied in the First Amendment." -- Justice Hugo Black writing for the majority opinion, "New York

Times v. United States, 1971". Online source:  
<http://usinfo.state.gov/usa/infousa/facts/democrac/48.htm>.

Jim Kuhn

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“Vietnam was the first war ever fought without any censorship. Without censorship, things can get terribly confused in the public mind.” Gen William C. Westmoreland Attributed but no source given on <http://www.brainyquote.com>. Direct link is [http://www.brainyquote.com/quotes/authors/g/gen\\_william\\_c\\_westmorela.html](http://www.brainyquote.com/quotes/authors/g/gen_william_c_westmorela.html)

Jan Gillespie

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**Selected Sessions of Special Interest to the Intellectual Freedom Community,  
ALA Annual Conference, Orlando, Florida, 2004**

*Please check your conference program for exact times, locations, changes and cancellations. Please note: ALA Council meetings are in CAPS (COUNCIL I, II, III). Other unit “Councils” are in lower case. Check unit abbreviation for clarity, e.g. Council I, ACRL STS.*

**Thursday, 6/24/2004** =====

Freedom to Read Foundation Board of Trustees Mtg.  
8:00 a.m. to 5:30 p.m.  
Orange County Convention Center, 308 D  
ALA-FTRF

**Friday, 6/25/2004** =====

IFC I  
8:00 a.m. to 12:30 p.m.  
Orange County Convention Center, 208 A  
ALA-IFC

CIPA: Internet Filtering Using Open Source  
9:00 a.m. to 5:30 p.m.

Renaissance Orlando Resort at Seaworld, Crystal BR D  
LITA

Intellectual Freedom I

2:00 p.m. to 4:00 p.m.  
Rosen Centre Hotel, Salon 17  
PLA-IC

IFRT I

2:00 p.m. to 5:30 p.m.  
Orange County Convention Center, 221 D  
ALA-IFRT

Council I

7:30 p.m. to 10:00 p.m.  
Embassy Suites International Drive, Seminole  
ACRL-STS

**Saturday, 6/26/2004** =====

SRRT All Task Force Meeting

8:00 a.m. to 9:00 a.m.  
Sheraton World Resort Orlando, Michigan  
ALA-SRRT

IFC II

8:00 a.m. to 11:00 a.m.  
The Peabody, Sweetwater  
ALA-IFC

SRRT Action Council I

9:30 a.m. to 12:30 p.m.  
Sheraton World Resort Orlando, Coral B  
ALA-SRRT

Community Use, Community Pressure, and Intellectual Freedom: Do Academic Libraries Need to Worry?

10:30 a.m. to 12:00 p.m.  
J.W. Marriott Orlando Grande Lakes Resor, Palzzzo F/G  
ACRL

What Would You Do If...? Privacy Dilemmas in the Public Library

10:30 a.m. to 12:00 p.m.

Orange County Convention Center, 308 C/D  
PLA-IC

Ethics Instruction in Library and Information Studies Schools  
10:30 a.m. to 12:00 p.m.  
Orange County Convention Center, 224 A/B  
ACRL

Are You Missing Any Information? Speaking and Publishing Freely on the Environment  
1:30 p.m. to 3:30 p.m.  
J.W. Marriott Orlando Grande Lakes Resor, Palazzo D  
ALA-SRRT

Equity of Access: Serving Adults with Limited Literacy Skills  
1:30 p.m. to 3:30 p.m.  
The Peabody, Florida BR I  
PLA-LS

Walking the Highwire: Exploring the Tension between Intellectual Freedom, Privacy, and  
Intellectual Property  
1:30 p.m. to 3:30 p.m.  
Orange County Convention Center, 209 B/C  
ALA-IFRT

Ethics I  
1:30 p.m. to 3:30 p.m.  
The Peabody, Gulf Room  
ALA-ETHICS

Intellectual Freedom: All Committee Meeting  
4:00 p.m. to 5:30 p.m.  
J.W. Marriott Orlando Grande Lakes Resor, Palazzo E  
ALTA

**Sunday, 6/27/2004** =====

Committee on Legislation/Intellectual Freedom Committee  
8:00 a.m. to 9:30 a.m.  
Orange County Convention Center, 312 C  
ALA-WO

A Library Balancing Act: Patron Rights vs. National Security  
8:30 a.m. to 10:00 a.m.  
J.W. Marriott Orlando Grande Lakes Resor, Palazzo D

ACRL-CLS

Intellectual Freedom: PLA-IC All Committee Meeting

9:30 a.m. to 11:00 a.m.

Rosen Plaza Hotel, Grand Ballroom A/B

PLA-IC

Library Confidentiality: PLA-IC All Committee Meeting

9:30 a.m. to 11:00 a.m.

Rosen Plaza Hotel, Grand Ballroom A/B

PLA-IC

Copyright Basics for the Digital World

9:30 a.m. to 12:30 p.m.

Renaissance Orlando Resort at Seaworld, Crystal BR E

ACRL

Copyright Com.

9:30 a.m. to 12:30 p.m.

Rosen Centre Hotel, Salon 15

ACRL

IFC Privacy Subcommittee

10:00 a.m. to 12:00 p.m.

The Peabody, Sweetwater

ALA-IFC

IFC/IFRT/Div. IFCs Joint Meeting

10:00 a.m. to 11:00 a.m.

Orange County Convention Center, 312 C

ALA-IFC

COUNCIL I

11:00 a.m. to 12:30 p.m.

Orange County Convention Center, 415 A

ALA

Government Relations Com. The USA Patriot Act: Response from ACRL

11:00 a.m. to 12:30 p.m.

Orange County Convention Center, 311 A-C

ACRL

Legal Rights in the Workplace: Updates on the Patriot Act and Other Laws

1:30 p.m. to 3:30 p.m.

J.W. Marriott Orlando Grande Lakes Resor, Marbella 4

PLA

Cultural Democracy and the Information Commons

1:30 p.m. to 3:30 p.m.

J.W. Marriott Orlando Grande Lakes Resor, Del Lago 3/4

ALA-WO

Ethics In Action

1:30 p.m. to 3:30 p.m.

Rosen Centre Hotel, Ballroom C

ALA-ETHICS

Tiny Trackers: The Use of Radio Frequency Identification (RFID) Technology by Libraries and Booksellers

1:30 p.m. to 3:30 p.m.

Rosen Centre Hotel, Salon 9/10

ALA-IFC

Legal Rights in the Workplace: Updates on the Patriot Act and Other Laws

1:30 p.m. to 3:30 p.m.

J.W. Marriott Orlando Grande Lakes Resor, Marbella 4

RUSA

Willful Infringement: The Movie that Disney Does NOT Want You to Watch

8:00 p.m. to 10:00 p.m.

Wyndham Orlando Resort, Jasmine/Magnolia

ALA-WO

**Monday, 6/28/2004** =====

Intellectual Freedom Com.

8:00 a.m. to 9:00 a.m.

Orange County Convention Center, 221 B

ACRL

IFRT II

8:00 a.m. to 10:00 a.m.

The Peabody, Discovery

ALA-IFRT

IFC Issues Briefing Session and Open Hearing: Media Diversity, Communities, and FCC

Deregulation

8:00 a.m. to 10:00 a.m.

Orange County Convention Center, 206 C  
ALA-IFC

Youth Privacy Matters: Practical Approaches to Implementation

8:30 a.m. to 10:00 a.m.

Rosen Centre Hotel, Salon 3/4

YALSA, ALSC, AASL

Copyright and the Commons

8:30 a.m. to 10:00 a.m.

Rosen Centre Hotel, Salon 1

AASL

Scholarly Communication in Europe: Trends in Libraries, Publishing, and Copyright

8:30 a.m. to 12:00 p.m.

Wyndham Orlando Resort, Jasmine

ACRL-WESS

The Radio Frequency Revolution: Tips and Trends for Implementing RFID Systems in Libraries

8:30 a.m. to 12:00 p.m.

Renaissance Orlando Resort at Seaworld, Crystal BR D/E

LITA

Ethics II

9:00 a.m. to 10:00 a.m.

The Peabody, Bayhill Suite III

ALA-ETHICS

Intellectual Freedom 101: Training New Staff

10:30 a.m. to 12:00 p.m.

Sheraton World Resort Orlando, Okeechobee 1

PLA-IC

Who Owns Snow White? Copyright Issues for Youth Services Librarians

10:30 a.m. to 12:00 p.m.

Rosen Centre Hotel, Salon 12

ALSC

From Many Voices to Few: Media Consolidation and Intellectual Freedom

10:30 a.m. to 12:00 p.m.

Orange County Convention Center, 311 A-C

ALA-IFC

SRRT Membership Meeting

1:00 p.m. to 2:00 p.m.

Wyndham Orlando Resort, Magnolia  
ALA-SRRT

Censorship of the Written Word: Still Alive and Kickin?  
1:30 p.m. to 3:30 p.m.  
Orange County Convention Center, 308 A/B  
ALA-IFC

SRRT Action Council II  
2:00 p.m. to 4:00 p.m.  
Wyndham Orlando Resort, Magnolia  
ALA-SRRT

Ethics Com.  
2:00 p.m. to 5:30 p.m.  
J.W. Marriott Orlando Grande Lakes Resor, Segura 2-4  
ACRL

Patron Privacy: Creating Practical Policies in light of FERPA, CIPA, and the  
Gramm-Leach-Bliley Act  
4:00 p.m. to 5:30 p.m.  
J.W. Marriott Orlando Grande Lakes Resor, Palazzo A/B  
LAMA-SASS

Council II  
7:30 p.m. to 10:00 p.m.  
The Peabody, Cypress  
ACRL-STC

Council Forum  
8:00 p.m. to 9:30 p.m.  
The Peabody, Bayhill Suite I/II  
ALA-GOVERNANCE

**Tuesday, 6/29/2004** =====

COUNCIL II  
10:30 a.m. to 12:45 p.m.  
Orange County Convention Center, 415 A  
ALA

IFC III  
1:00 p.m. to 4:00 p.m.

Orange County Convention Center, 240 C  
ALA-IFC

Council Forum

4:30 p.m. to 6:00 p.m.

Orange County Convention Center, 314 B  
ALA-GOVERNANCE

**Wednesday, 6/30/2004** =====

COUNCIL III

8:00 a.m. to 12:00 p.m.

Orange County Convention Center, 415 A  
ALA