FTRF unveils new-look newsletter, website and blog

Welcome to the new-look Freedom to Read Foundation News! As we approach our 38th year of publication, we have redesigned this newsletter to make it more attractive, readable, and engaging. The new design is part of our larger efforts to enhance FTRF’s profile and improve our members’ experience.

Another component of these efforts is our new website. After several months of work, last month we were excited to introduce this brand-new site (with the same URL—www.ftrf.org). Among the features of the new site are a cleaner look, a gallery of recipients of the FTRF Roll of Honor Award, a detailed history of the Foundation, and integration with FTRF’s social media efforts. We look forward to unveiling additional features in the coming months.

And for the first time, FTRF members are able to update their contact information, as well as renew their membership, online. All members have a unique, private member profile. To log in, you will need to get your User Name and Password. If you haven’t yet received an email informing you of these, please contact Jonathan Kelley at the FTRF office—jokelley@ala.org or (312) 280-4226—and he’ll send you your information.

One more change: FTRF now has its own blog. Situated on the new website, the FTRF Blog is a go-to site for FTRF news updates, announcements, and opinion pieces.

We welcome and encourage your feedback on FTRF’s efforts via blog comments, our Facebook page (www.facebook.com/freedomtoread), and our Twitter feed (@ftrf). Your participation is a key component of our efforts to make the Freedom to Read Foundation as strong and impactful as it can be.
**Supreme Court overturns Stolen Valor Act**

On June 28, the U.S. Supreme Court ruled the Stolen Valor Act unconstitutional. The Stolen Valor Act was a federal statute that criminalized false statements about receiving military honors.

The lawsuit arose when Xavier Alvarez falsely claimed to be a recipient of the Congressional Medal of Honor. The Freedom to Read Foundation joined an *amicus* brief arguing that the Act violated the First Amendment because all speech is presumptively protected by the First Amendment against content-based regulation, subject only to specific traditional historic exceptions, and that false speech does not fit within any of these historical exceptions. Six Justices agreed that the Act was unconstitutional. Justice Kennedy wrote a plurality opinion, joined by Chief Justice Roberts and Justices Ginsburg and Sotomayor, holding that some false speech may be criminalized but his opinion “rejects the notion that false speech should be in a general category that is presumptively unprotected.” Justice Kennedy summed up the reasoning for his opinion:

> The Nation well knows that one of the costs of the First Amendment is that it protects the speech we detest as well as the speech we embrace. Though few might find respondent’s statements anything but contemptible, his right to make those statements is protected by the Constitution’s guarantee of freedom of speech and expression. The Stolen Valor Act infringes upon speech protected by the First Amendment.

Justice Breyer, joined by Justice Kagan, concurred in the judgment but wrote separately to argue that the Act should be held unconstitutional because “the statute works First Amendment harm, while the Government can achieve its legitimate objectives in less restrictive ways.” Justices Alito, Scalia and Thomas dissented.

On September 12, the House of Representatives voted 410–3 to pass a new version of the act that attempts to get around the Court ruling by specifying that the law would only apply in cases where people lie about a military record with the intent of receiving something of value.

**FTRF files *amicus* brief in Michigan v. Kilpatrick**

On June 1, the Freedom to Read Foundation joined the Association of American Publishers and several other organizations in filing an *amicus* brief with the Michigan Court of Appeals in the ongoing litigation over whether former Detroit mayor Kwame Kilpatrick and his publisher can be forced to surrender proceeds from his book as restitution for his obstruction of justice conviction. The brief was filed after the Michigan Supreme Court remanded the case to the Court of Appeals, which previously refused to review the order. Similar to the brief filed with the Michigan Supreme Court, *amici* argue that it is permissible for Michigan to seek compensation for restitution, but it is unconstitutional to target solely speech to secure such restitution.

**FROM THE EXECUTIVE DIRECTOR, BARBARA M. JONES**

**Notes from Annual: Honoring, Strategizing, Growing**

It was great to see so many of you in Anaheim, where we had an extremely successful meeting.

**The Freedom to Read Foundation Roll of Honor—Two Recipients**

We had a delightful time honoring Mike Bamberger and his wife, Phyllis, as he accepted the 2012 Roll of Honor Award. [See p. 8] Later that week we were saddened that a previous winner, Russ Shank, passed away during the conference. His family asked that donations be directed to FTRF. We have invited his family to attend the Seattle Midwinter FTRF meeting, so hopefully you will have an opportunity to meet and thank them.

**Library Filters**

We spent our morning discussing the decision in *Bradburn*, the library filtering case in Washington State, from a variety of perspectives. Aaron Cohen, a guest expert on the case, joined us for the discussion. FTRF and ALA’s Office for Intellectual Freedom are working on a yearlong strategy to educate the general public and the library profession about filters in libraries. There is a great deal of misunderstanding and misinformation, even in the library community, about the CIPA decision. FTRF Attorney Theresa Chmara already has written a definitive statement of where the Foundation stands on library filtering. Theresa’s Memorandum is posted on the FTRF website.

Filtering in libraries has become every bit as problematic, if not more so, as removing a book from library circulation. FTRF has made this legal and educational dilemma a focus and priority for 2012–13. Filters are a direct threat to the freedom to read, and communities can consider a variety of options to be in compliance with the CIPA mandates. We are here to help!

**Continued on p. 7**
Conable Scholarship recipient Steven Booth—Report from Anaheim

Steven De’Juan Booth

This year I had the privilege and honor of being the fifth recipient of the Gordon Conable Conference Scholarship. Since starting my career as an archivist I have been intrigued by the complexities of access and its correlation with social justice, collective memory, ethics, and authenticity—which are all aspects of intellectual freedom. These topics became of interest at Simmons College while working on the Martin Luther King, Jr. papers at Boston University and led to my current position at the National Archives and Records Administration (NARA) in Washington, DC.

At the American Library Association Annual Conference, members of FTRF and OIF exposed me to the vastness of intellectual freedom issues that frequently plague communities across the nation. I learned about the current filtering trends and techniques used in public schools and libraries to block internet access of pro-LGBTQ and religious websites, and the legal efforts of First Amendment advocacy organizations.

Privacy as it relates to personally identifiable information (PII) was another area that caught my attention. NARA has a strong policy regarding the protection of PII documented on records, which includes social security numbers, date and place of birth, address, telephone number, and email address. The notion of public libraries selling patron information to vendors is absurd and unethical. A library’s overall obligation is to provide access to readily accessible information; however, it should never be the PII of users. This jeopardizes their safety, well-being, and trust. As public servants we have to maintain a high standard of conviction and responsibility. We can’t afford to compromise our values in order to fit in with emerging technology and social media companies, such as Google and Facebook.

During the conference I was blessed to experience several highlights. One in particular stands out. At the FTRF member reception I had the opportunity to meet Russell Shank. We spoke about my career with Presidential libraries, NARA, and living in D.C. Even though our conversation was less than ten minutes, Mr. Shank showed a genuine interest in my goals and encouraged me to see them through. A few days later his daughter, Sue Shank, informed Candy Morgan and me that he
**Banned Books Week**

The Judith F. Krug Fund winners have put together some terrific programs and online projects. Check out the FTRF website’s Banned Books Week page for more information. [www.ftrf.org/?page=BBW](http://www.ftrf.org/?page=BBW)

**Spotlight on Krug Fund recipients**

In the next issue of Freedom to Read Foundation News, we’ll bring you a complete round-up of the Banned Books Week events put on by the Judith F. Krug Memorial Fund grant recipients. Here’s a sneak peek at a few of the projects:

**California Polytechnic State Institute: I’m with the banned**

In addition to a talk by Perks of Being a Wallflower author (and now film director) Stephen Chbosky, a series of twelve podcasts, and a craft group, the Robert E. Kennedy Library at Cal Poly has a great interactive website illustrating where and how books have been challenged and encouraging participants to find out how many of the Top 100 most frequently challenged books from 2000–2009 they’ve read. Visit [http://lib.calpoly.edu/books/banned/](http://lib.calpoly.edu/books/banned/) to check out their great work!

**Lawrence Public Library: Banned Books Week trading cards**

The Lawrence, Kan., Public Library held a competition to design baseball card-like giveaways depicting the artwork and “statistics” of various banned and challenged books. Out of 48 entries, seven were chosen and will be featured each day of Banned Books Week. Other events include a Read-Out, photo booth, and panel discussion.

**Virtual Read-Out**

For the second year, the sponsors of Banned Books Week put together a “Virtual Read-Out,” whereby interested parties can create a video of themselves reading from a banned or challenged book. The videos are featured on the Banned Books Week YouTube channel. [Instructions on participating can be found at www.bannedbooksweek.org](http://www.bannedbooksweek.org).

**Banned Websites Awareness Day**

Wednesday, October 3 is “Banned Websites Awareness Day.” Sponsored by ALA’s American Association of School Librarians, Banned Websites Awareness Day aims to raise awareness of the overly restrictive blocking of legitimate, educational websites and academically useful social networking tools in schools and school libraries. FTRF is a national promotional partner of Banned Websites Awareness Day. [For more information, visit http://www.ala.org/aasl/advocacy/bwad](http://www.ala.org/aasl/advocacy/bwad).

**ACLU of Pennsylvania: fREADom—a Celebration of the Right to read**

The Greater Pittsburgh Chapter of the ACLU of Pennsylvania is continuing their long tradition of celebrating banned books week with a multifaceted celebration on September 27. Then, after Banned Books Week is over, the fun continues—on October 30 they’re sponsoring BANNED AFTER DARK at the Brillobox in Bloomfield/Lawrenceville. As they put it, it’s “a bit more risqué, a bit more avant-garde, and lots of fun!” [Visit http://www.aclupa.org/events/pittsburghbannedbooksreadi.htm for details.](http://www.aclupa.org/events/pittsburghbannedbooksreadi.htm)
passed away. It was a great honor to meet Mr. Shank and gain his advice. His impact is one that I will cherish both professionally and personally. Another highlight of the conference included being a mentee of Candy Morgan. She exemplified what it means to be a mentor. Candy was helpful, caring, considerate, and knowledgeable. I couldn’t have asked for a more well-rounded individual. Her spunk, tenacity, and passion for intellectual freedom rights are commendable. I look forward to learning more from her in the future.

The meetings and programs I attended solidified some preconceived notions about archival intellectual freedom. First, there is a clear lack of understanding within the archival community that libraries also struggle with privacy, access, and censorship issues. A feedback loop has to be created in order to bridge the great professional divide and facilitate dialogue. Second, archivists have to become activists. The time to speak up is now. Big problems are on the horizon as repositories transition from analog to digitized and born electronic records. Discussions must occur with the research community, stakeholders, and watchdog organizations about the feasibility of providing access to records via the Web and the sustainability of digital preservation. Last but not least, archivists have to do more to promote themselves as change agents and advocates. This can be accomplished by building partnerships with mainstream organizations (such as the ACLU) and through research about the trends of archival access.

Since the conference I have contemplated ways to contribute to FTRF and intellectual freedom as an archivist. I would like to do a collaborative project with Audrey Barbakoff, the 2011 Conable Scholar, to look at the similarities and differences of access to information in archives and libraries in the 21st century and present the findings. Another idea is to approach the Issues and Advocacy Roundtable of the Society of American Archivists about holding a session on the relationship between library and archival censorship. Lastly, I would like to develop an outreach mechanism to expose members of the archival community to FTRF and their important role in information access. I am grateful for the opportunity to receive such a prestigious award and hope I can continue to help promote and advance the legacy of Gordon Conable and the Freedom to Read Foundation.
Fifty Shades of Grey: Why Should We Care About a “Bad” Book?

Barbara Jones, Executive Director, Freedom to Read Foundation

Fifty Shades of Grey is not Lady Chatterley’s Lover. Unlike Sherman Alexie’s The Absolutely True Diary of a Part-Time Indian, Fifty Shades will never win the National Book Award. Its author does not write with the brilliant understatement of Mark Twain. And we probably won’t ever say, as we can about To Kill a Mockingbird, that the book inspired many readers to fight for social justice. There is a wide consensus among reviewers that the book has a frustratingly repetitive style. One friend commented: “If (the heroine) bites her lip one more time, I’m going to scream.”

Nonetheless I set aside my book club’s selection, The Cairo Trilogy, by Nobel Laureate Naguib Mahfouz, to delve into this best-selling contemporary Seattle trilogy starring Christian Grey and Anastasia Steele—in an erotic romp written by E.L. James. After all, if I am asking would-be censors to “read the whole book” before making up their minds, why shouldn’t I?

The Freedom to Read Foundation will continue to resist the removal of any constitutionally protected information from libraries—regardless of its literary quality. Trust me, you will be asked this question by your friends and neighbors. They will understand your fighting for Huckleberry Finn. Fifty Shades—maybe not.

Why should free speech advocates expend time and energy on Fifty Shades of Grey?

Professional Principles. The American Library Association’s intellectual freedom policies do not include literary quality as a criterion for defending a book. Instead, libraries use such criteria as community demand and a more formal collection development process to decide what will reside on library shelves, both virtual and physical. Collection development is not censorship—it is professional selection from a vast amount of information.

In the case of a school library, the curriculum will be one important selection factor, but not the only one. School librarians also focus on the interests and abilities of their particular age group because they are passionate about engaging young people in reading for pleasure as well as support of their coursework.

In the case of a public library, collections are partly based on community demand. When a city library finds that 400 people have requested Fifty Shades of Grey or any other constitutionally protected information, one would hope that the library would make it available in multiple copies. Interlibrary Loan is not an option in this case because such demand will cause an unnecessary delay and reader frustration.

In an academic library the issue of scholarly quality is often a bone of contention, and rightly so. However, the “quality” argument can become a way for faculty to discourage the purchase of books from scholars with whom they disagree—people they don’t want to see get recognition or tenure. I recall the fight over Black Athena, a controversial theory of the geographical origins of human beings. Most libraries bought the book so that students could engage in the controversy, but some faculty grumbled about it. The same is true with including books on creationism in science libraries. Why not include a few? Presumably the science librarian will have plenty of books on evolution. Finally, the quality argument is often a barrier to the inclusion of scholarly work from the developing world, where editing, publishing, and research rigor sometimes differ from that in the West. As the University of Wisconsin Board of Trustees stated so long ago, part of a university’s mission is to teach students the “sifting and winnowing” process—critical thinking.

Some of the same “quality” issues plague Fifty Shades. The novel started out as “fanfic,” posted by the author to an open online archive for Twilight fans. She then published it with a small press. Many collection development policies prohibit the purchase of what is called “vanity” literature. In the age of self-publishing on the Internet, where many great ideas get their start, libraries really should rethink this policy.

Libraries also need to “get real” about their policies’ prohibition of “erotica” in the collections. Much erotica is constitutionally protected; it is not a term of law. Most libraries have what the general public would call “erotica” if they hold any books from the New York Times bestseller list, not to mention works from Nobel authors or National Book Awards.

Economic and Cultural Context. I have been asked why a library should waste precious resources on a book to be found at most supermarket checkout racks. This gets back to the issue of public access to information in this faltering economy. For many today, buying a $15.00 book is an unaffordable luxury. That is why libraries must remain committed to the ideal of public libraries providing what their community wants and not second-guessing their taste.

I see dozens of daily commuters reading Fifty Shades. NBC Nightly News asked me to participate in a segment on the
book because for better or worse, it has become part of the U.S. pop culture conversation. A carpet store in my neighborhood has a sign, “Fifteen Shades of Gray.” Newsstands boast a magazine, “Fifty Shades of American Women Who Love the Book and Live the Life.” Why should economically marginalized people be left out of the conversation any more than they already are? (That is, if they choose to be part of this conversation!)

I believe that the quality argument is a slippery slope and a convenient excuse for avoiding controversy. As an English major and former academic, I certainly support publications based on solid research and novels with literary merit. But this attitude can lead to librarians who refuse to buy graphic novels or, in at least one case, any books lacking footnotes!

As we seek a broader membership for the Freedom to Read Foundation, let’s remember that we are defending the freedom to read—a best seller, a comic book, or Fifty Shades of Grey.

FROM THE EXECUTIVE DIRECTOR, BARBARA M. JONES

CONTINUED from p. 2

Crucial to FTRF’s success is that you, our members, get the word out in your communities. If you know of an event, speaking engagement, TED lecture series, community meeting, or other opportunity, please let me know. If you are inspired to write an editorial or blog post to your local press, we can lend support. We can share with you some success stories from librarians who have been able to prevent their communities from spending precious funds on filters.

This fall OIF and FTRF staff members will be speaking about filtering at the Missouri Library Association, Iowa Library Association, and Georgia Library Association. In January, Jonathan Kelley and I will attend the annual ALISE conference (of which FTRF is a member) to make sure that library educators are kept current on this issue.

Membership, Fundraising & Estate Planning

I am pleased to report that I have successfully completed the basic course at Indiana University’s School of Fundraising. I am hoping to continue with additional courses so that I can fully understand the new economic climate and the social media aspects of fundraising. I am determined to continue Judith Krug’s amazing legacy with the Freedom to Read Foundation and to move the organization into the twenty-first century fundraising environment.

I want to thank Helen Adams, Herb Krug, Jim Neal, and all the other Trustees who have played such a crucial role in increasing membership and raising funds for FTRF’s mission. Also, many thanks to John Chrastika, our member-consultant, who assisted with our new website, is moving forward with our social media outreach, and has overseen a membership promotion campaign. This campaign is in addition to the recent “member get a member” campaign and our outreach to libraries and related organizations. John will give us a report on the success rates of various campaigns, and where to go from here, in Seattle at our January 25, 2013 meeting.

I am also excited to report that two more members have approached us to work on planned gifts to FTRF. If any of you are interested in this opportunity, please don’t hesitate to contact me and I will work with you, in a strictly confidential manner, to consider various options. You need not be a millionaire to consider this option! All gifts grow and, added up, they make a significant contribution to promoting and defending the freedom to read in this country!

Parents and the Freedom to Read

Parents are important partners with librarians in promoting the freedom to read. Those who have attended recent FTRF meetings know that many librarians, authors, and publishers are concerned about the current trend to approach reading and viewing with negative caution rather than with positive anticipation of the joy of reading. Many believe that these well-meaning campaigns to prevent children from making their own reading choices is actually preventing them from learning how to think critically about an increasingly complex world.

I am pleased to report that we are seeing some progress—push-back, if you will—in this arena. Congratulations to FTRF trustee and Intellectual Freedom Committee Chair Pat Scales, who worked with The New York Times contributor Mike Winerip on an article in September’s Family Circle. Pick it up at your supermarket or local bookstore, or on the Web! “Should This Book Be Shelved?” is thoughtful and provides the general reader an opportunity for feedback. I urge you to add your comments and to read the others. Understanding the very real concerns of today’s parents is crucial for us to understand how best to reach out to them.

Next issue I will share with you some of the latest books, articles, and research on this very important topic.

I wish each of you a beautiful autumn and hope that you will participate in or create a Banned Books Week event in your community!

Best, Barbara
On June 22, Michael Bamberger, longtime First Amendment attorney, was presented with the 2012 FTRF Roll of Honor Award at the Opening General Session of ALA’s Annual Conference in Anaheim.

Here is the text of his citation:

THANK YOU, Michael A. Bamberger, for your decades of leadership in advancing the First Amendment of the United States Constitution.

Thank you for your work as general counsel of The Media Coalition from 1977 to today. Your vision, legal brilliance, and eloquence have helped overturn dozens of federal, state, and local laws that would censor art and information in this country. The Freedom to Read Foundation is proud to be a longstanding partner in these efforts.

Thank you, Michael, for your defense of our right to read books and magazines, watch movies and videos, play videogames, and experience the Internet without fear of prosecution. Librarians and library patrons everywhere owe you a debt of gratitude for defending our ability to provide and receive access to constitutionally protected materials.

Thank you for your service as an educator at Cardozo Law School and the University of California, Berkeley, School of Law. Thank you as well for your many articles on a wide scope of First Amendment issues and for your invaluable book, Reckless Legislation: How Lawmakers Ignore the Constitution.

Thank you, Michael, for embodying the spirit of the FTRF Roll of Honor by your unwavering adherence to our founding principles.

KENTON OLIVER, PRESIDENT
BARBARA M. JONES, EXECUTIVE DIRECTOR
Anaheim, California, June 2012