



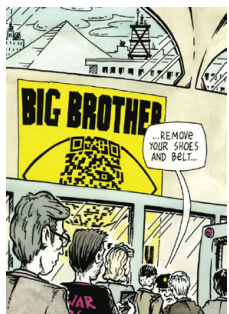
# news

## Freedom to Read Foundation

VOL. 38, NO. 3 ★ OCTOBER 2013 FREE PEOPLE READ FREELY®

## Privacy, surveillance, and the freedom to read

Over the past several months, public concern about government surveillance and the loss of privacy rights have grown exponentially. Evidence of overreach by the National Security Agency (NSA) and other government agencies in surveilling US citizens' communications, along with disclosures detailing the massive capacity of "Big Data" to gather and profit from information on all of us, have sparked new discussions about the role of privacy in an increasingly networked world.



Artwork by Dale Martin for Lawrence Public Library's 2012 Banned Books trading cards.

Privacy, libraries, and the freedom to read are inextricably linked. A lack of privacy protection has a chilling effect on people's willingness to access information and engage in the exchange of ideas. Despite claims by some that "privacy is dead," the reaction from across the political spectrum to NSA revelations shows that our desire for privacy is very much alive.

### History of FTRF support for privacy protections

Over the years, the Freedom to Read Foundation has participated in several litigative efforts to oppose intrusions into reader privacy. In 1998, FTRF filed *amicus* briefs supporting separate motions by bookstores to quash subpoena records seeking Monica Lewinski's bookstore records. Two years later, in *Tattered Cover Bookstore, Inc. v. City and County of Denver*, FTRF defended a bookstore's (ultimately successful) efforts to oppose a court order seeking customer records.

The USA Patriot Act has been a major issue for FTRF since its passage in 2001. FTRF participated in two suits challenging the act's National Security Letter and gag order provisions on First Amendment grounds. The two "John Doe" cases, one involving Connecticut's Library Connection and another involving Calyx Internet Access, ended in the government withdrawing the letters before a final ruling on the law's constitutionality. FTRF also filed suit in 2002 under the Freedom of Information Act to discover the extent to which the Department of Justice was issuing subpoenas to access library, bookstore, and newspaper records.

FTRF has submitted other *amicus* briefs in privacy-related cases. In 2005, in *Forensic Advisors, Inc. v. Matrixx Initiatives, Inc.*, a company sought a list of

### LITIGATION

## FTRF asks Supreme Court to review N.Y. performance tax case

On August 6, the Freedom to Read Foundation and other members of Media Coalition filed an *amicus* brief asking the U.S. Supreme Court to grant *certiorari* in *677 New Loudon Corp. v. State of New York Tax Tribunal*. The brief seeks review of a 2012 New York Court of Appeals decision denying tax exemption to a dance performance based on its content.

The appellate court upheld the state's tax body's denial of tax exemption for a non-obscene nude dance performance, even though the state's sales tax law explicitly exempts "dramatic or musical arts performances" including dance performances.

The brief asked:

May a State impose a sales tax on tickets to the Broadway musical *Mamma Mia*, while exempting tickets to *Rigoletto*? Or may a State impose a sales tax on the videogame *Mortal Kombat*, while exempting *Super Mario Bros.*? The Court of Appeals of New York answered these questions, "yes." The First Amendment and unequivocal decisions of this Court compel the answer, "no." "[O]fficial scrutiny of the content of [speech] as the basis for imposing a tax is entirely incompatible with the First Amendment's guarantee of

CONTINUED on p. 6

CONTINUED on p. 6

FROM THE  
EXECUTIVE DIRECTOR,  
BARBARA M. JONES

## Reflecting on a remarkable summer



It was great to see so many of you in Chicago at the ALA Annual Conference. FTRF continues to be blessed with a membership passionate about the freedom to read. The stock

market has been good to our endowment, and most days now we are over one million dollars. This is due to a core of loyal members who have given every single year—some for over 40! This is a stunning achievement, but we need to continue because court cases can cost hundreds of thousands of dollars and FTRF wants to be ready the next time a Children’s Internet Protection Act (CIPA) or similar case needs our involvement. Members: you should have received your 2014 renewal letter or email by now. Those considering membership: please give to this exciting cause because we have so much to do.

One of our longtime loyal members is Judy Platt, who received the FTRF Roll of Honor along with former Senator Russ Feingold. Their achievements are recounted on page 5 in this issue, but I want to commend Judy here for her tireless work on the issue of libel tourism. And Sen. Feingold’s honor could not have come at a more auspicious time, with the new revelations about NSA surveillance this summer! We can never forget his lone vote against the USA Patriot Act.

We had a great time celebrating with Judy at Untitled—a great Chicago place modeled on historic speakeasies: <http://untitledchicago.com>. Thank you, Trustee Bob Doyle, for hosting this event! Your generosity and longtime loyalty to FTRF never misses a beat. We invite other board members and supporters to host events like this—or several might team up to host together.

CONTINUED on p. 3

## ISSUES

# Report from the CIPA: Ten Years Later conference

By Barbara Jones

On July 29–30, an extraordinary event was held in Washington DC. Google asked ALA’s Office for Information Technology Policy and the Office for Intellectual Freedom to collaborate on a symposium, “Revisiting the Children’s Internet Protection Act: Ten Years Later.” For many years now, we have wanted to do this but lacked the funds. We have a great deal of anecdotal evidence of how the filtered Internet places frustrating barriers in our children’s education, but we need to have data and further research.

And so we invited 38 experts from the library, policy, education, research, and technology communities to share information about the impact of Internet filtering on young people. The Freedom to Read Foundation was well represented, with Deputy Director Deborah Caldwell-Stone, General Counsel Theresa Chmara, and I all active participants. A background white paper was written before the conference. And on the second day, we hosted two Google Hangouts with some of the participants summarizing what they learned. Both Hangouts are archived at [www.youtube.com/user/ALAWashingtonOffice](http://www.youtube.com/user/ALAWashingtonOffice).

Here is what I took away:

- Filters are expensive, considering that they aren’t that effective—especially if you buy a less expensive one. Libraries are forgoing the purchase of books to purchase a product with proprietary software that overfilters and underfilters. And so the library is still at risk for letting in illegal images, and blocking First Amendment-protected ones. They are using precious funds for something that doesn’t yield what is promised. Indeed, many libraries are forgoing E-rate funds to avoid the filtering requirement.
- For me, the most interesting dilemma is how filters add to the problem of information “haves” and “have nots.” Many kids do not have home computers, which are less likely to be blocked than those in the libraries. And so the poorest kids will have barriers to the diversity of information resources. Teachers report that Advanced Placement Biology, for example, is hard to teach because so many of the essential sites are blocked by filters.
- *The Wall Street Journal* recently ran a story about students having to study at McDonald’s because 1) they don’t have home

CONTINUED on p. 5

**Freedom to Read Foundation**  
50 EAST HURON STREET  
CHICAGO, ILLINOIS 60611  
PHONE (312) 280-4226  
[www.ftrf.org](http://www.ftrf.org) [ftrf@ala.org](mailto:ftrf@ala.org)

Barbara M. Jones, Executive Director  
Julius C. Jefferson, Jr., President

*Freedom to Read Foundation News* (ISSN 0046-5038) is issued quarterly to all members of the Freedom to Read Foundation. Organizations also can subscribe to the Freedom to Read Foundation News for \$35.00 per year.

Regular FTRF membership begins at \$35.00 per year for individuals and \$100.00 for organizations. Student membership is \$10.00.

Membership dues, newsletter subscriptions, and contributions to FTRF: Freedom to Read Foundation, 50 E. Huron St., Chicago, IL 60611.

You also can join, subscribe, and contribute at (800) 545-2433 x4226 or at [www.ftrf.org](http://www.ftrf.org). FTRF is a 501(c)(3) organization and contributions are tax deductible.



[www.twitter.com/ftrf](http://www.twitter.com/ftrf)  
[www.facebook.com/freedomtoread](http://www.facebook.com/freedomtoread)  
[www.youtube.com/FTRFTube](http://www.youtube.com/FTRFTube)



## FROM THE EXECUTIVE DIRECTOR

■ **CONTINUED** from p. 2     New FTRF President Julius Jefferson hosted a reception at the 8th National Conference of African American Librarians in Cincinnati, at which he recruited several new members. It is crucial that FTRF be supported by all constituencies of ALA and of the general public, and that we make it clear, through our support of Tony Diaz' *Librotraficante* and other groups, that FTRF protects the freedom to read for ALL. If you know of a conference or event where FTRF should be visible, let us know.

FTRF also has made great progress in expanding the Judith F. Krug Memorial Fund into the online education arena. Judith taught intellectual freedom at Simmons College during many summers, and she would be pleased to see her legacy carried forward in this way. Thanks to Joyce McIntosh for her terrific work on this project! Joyce presented the outline of the program for us in Chicago. This online education project will ensure that many more LIS students have the opportunity to be immersed in IF and to be prepared in theory and practice.

In this issue you will read about FTRF's signing on to an *amicus* brief over a very basic First Amendment principle—that no constitutionally protected content, no matter where or what, should be taxed in a way that discriminates it from any other type of constitutionally protected content. These cases are often not obvious when we first read about them in the news, but thanks to our Legal Counsel Theresa Chmara, Deputy Director Deborah Caldwell-Stone, and Media Coalition (of which FTRF is a member), we are on board and will keep you posted.

You'll also read my overview of this summer's "Revisiting the Children's Internet Protection Act: 10 Years Later" event. It hardly seems possible that it has been ten years since FTRF was involved in the CIPA lawsuit. Because the aftermath has been so significant to our work, it was great to be able take stock of where things stand on this ongoing issue.

Just about when we thought we would put privacy issues on the back burner to pursue other priorities, the National Security Agency leaks came to the fore and the world has become more focused on surveillance. FTRF has been contacted by many of our fellow civil liberties organizations to join letters and appeals to President Obama and Congress for a better balance between national security and personal privacy. See page 1 and visit [www.ft rf.org](http://www.ft rf.org) for details. We will not let this rekindled interest die out.

Before closing, I want to bid a fond farewell to Katie Clancy, our temporary staff member, who is returning to her University of Chicago Master's in Social Work program. For the past several months, she helped us significantly improve our membership and filing systems. Thanks, Katie!

*Best Wishes, Barbara*



## NEWS & NOTES



### JULIUS JEFFERSON ELECTED NEW FTRF PRESIDENT

At the organizing meeting of Freedom to Read Foundation Board of Trustees in June, Julius C. Jefferson, Jr. was elected president for the 2013–2014 term. Julius is an Information Research Specialist in the Knowledge Services Group at the Library of Congress' Congressional Research Service.

Julius is in the second year of his first term as elected FTRF trustee, having served as vice president last year. Julius also served on the board during the 2010–2011 term in an *ex officio* capacity as chair of the ALA Intellectual Freedom Committee. This summer, Julius hosted a well-attended Freedom to Read Foundation reception at the National Conference of African American Librarians in Cincinnati.

Julius received his BA from Howard University and MLS from the University of Maryland, with a concentration in Museums and Archival Studies. He's also an active performing and recording jazz drummer.

### NOMINATIONS OPEN FOR FTRF ELECTIONS

Nominations are now open for the April 2014 Freedom to Read Foundation Board of Trustee elections. Five positions on the board are to be filled; those elected will serve two-year terms beginning at the close of the June 26, 2014 FTRF Board Meeting in Las Vegas and continuing through the end of the June 23, 2016 FTRF Board Meeting in Orlando. Trustees are required to attend two one-day meetings per year, concurrent with the ALA Annual Conferences and Midwinter Meetings.

Nominations should be sent by December 13, 2013 to: Freedom to Read Foundation, Attn: Nominating Committee, 50 E. Huron St., Chicago, IL 60611. In addition, nominations may be emailed to [ft rf@ala.org](mailto:ft rf@ala.org). FTRF members also may be slated for candidacy by petition by submitting 25 signatures of current FTRF members in support of the candidate. The FTRF executive director must receive names of petition candidates and the required signatures no later than January 31, 2014. Only FTRF members for the year 2014 are eligible to seek election to the board and to vote in the election.

The Nominating Committee is chaired by Carol Brey-Casiano, with trustees Robert Doyle and Eva Poole serving as members. ♡



## AWARDS &amp; GRANTS

## Report from Chicago: Conable Scholarship recipient Amanda Meeks

This year, I had the incredible honor of being named the sixth Gordon M. Conable Conference Scholarship recipient. I would like to thank the Freedom to Read Foundation and the Conable family for this unique opportunity as well as for their invaluable work and dedication to protecting intellectual freedom rights for everyone. Through this scholarship, I was able to attend my first ALA Annual Conference. I walked away feeling inspired and ready to share what I've learned with others and find more ways to get involved with intellectual freedom through my work as an information activist and advocate in my communities.

Over the past few years, I have volunteered my time and my professional skills to non-profit organizations that focus on community, social justice, civic engagement, and LGBTQ history and culture. It has always been my intention to support the mission and goals of these unique libraries and organizations, but looking at my work through the lens of intellectual freedom gives it a greater context and potential for larger impact.

My goals at the conference included connecting with other librarians interested in information activism and advocacy at the community level, learning more about current privacy issues, and seeing first hand what other information professionals are doing in terms of creative and innovative community engagement and programming.

The conference exceeded my expectations and goals twofold; I felt incredibly welcomed by those involved with the Freedom to Read Foundation, Office for Intellectual Freedom, Intellectual Freedom Committee, and the Intellectual Freedom Round Table. Members and trustees of each group made it a point to talk to me, share their experiences with me, and graciously offer up ideas on how I could become more involved when I ex-

pressed my growing interest. It was also a pleasure to have FTRF trustee Candy Morgan as my mentor before the conference and throughout. Prior to the conference, I had met Candy when she guest lectured at one of my MLIS courses on constitutional statutes, principles and libraries; collection development and intellectual freedom; and challenges libraries face. Having her as a mentor gave me further insight into her work, her charismatic character, and her deep knowledge of intellectual freedom issues that has led to so much progress in the field. I look forward to learning more from her beyond the conference. Though I did not ever have the privilege of meeting Gordon Conable, I was happy to meet his wife and son, Irene and Ted, who affectionately shared inspiring stories about Gordon over dinner.

Through attending the meetings and programming, I learned a great deal about the political issues that Americans are currently faced with in which our basic rights, protected by the First and Fourth Amendments, are being eroded. Specifically speaking of the National Security Agency and data mining, there is an outcry among librarians and our professional organizations for everyone to take a stand on the recent infringements of privacy on the American people. Over the next few months, I hope to coordinate and facilitate community discussions and dialogue within the library at which I actively volunteer. This engagement is crucial if we all want our privacy and rights respected by our government.

Again, I would like to thank FTRF, Candy Morgan, and the Conable family for providing me with this opportunity to learn from them and for inspiring me to engage more thoughtfully and intentionally in protecting intellectual freedom and privacy in libraries. ♡

## Krug Fund grantees win John Cotton Dana awards

Two recipients of 2012 Judith F. Krug Memorial Fund Banned Books Week grants were presented with John Cotton Dana Library Public Relations Awards for their efforts. The Lawrence, Kansas, Public Library received one for their Banned Books trading cards. (See artwork example on p. 1.) The Robert E. Kennedy Library at Cal Poly (California) inspired its students and others around the world to declare, "I'm with the Banned," through virtual outreach and library programming during 2012 Banned Books Week. The John Cotton Dana awards come with a \$10,000 cash development grant. ♡



L-R: Susan Brown accepts the award for Lawrence Public Library; Kristen Thorp accepts Cal Poly's award.



## AWARDS &amp; GRANTS

# FTRF Roll of Honor: Platt, Feingold citations

## Judith Platt

Thank you, Judith Platt, for your enthusiasm for and dedication to the Freedom to Read Foundation. We are a stronger organization for your commitment.



Platt, right, receives her award from ALA President Maureen Sullivan.

Thank you for your dedication to bringing the various entities of the book community together. You recognize the truth that readers, writers, publishers, booksellers, and libraries are inextricably bound by our common love of and appreciation of the power of the written word. Your leadership of coalitions including the Media Coalition, Campaign for Reader Privacy, the Kids Right to Read Project, and Banned Books Week is a testament to your remarkable organizational and interpersonal skills.

Thank you, Judy, for your outspoken opposition to censorship and support of privacy rights. During your time with the Association of American Publishers' Freedom to Read Committee, you have spoken out against book bans and restrictions, stood up against misuse of libel and other laws, advocated on behalf of overseas publishers who are subjected to political intimidation, and remained steadfast in your commitment to our right to read without government snooping.

Thank you for the passion, wisdom, generosity, and humanity with which you approach all your endeavors. Thank you particularly for sharing with us your great sense of humor!

Thank you, Judy, for epitomizing what it means to be a defender of our most cherished freedoms. On behalf of the members, trustees, and staff of the Freedom to Read Foundation, we are delighted to add you to the Roll of Honor.

At the 2013 ALA Annual Conference in Chicago, Judith Platt (Director, Free Expression Advocacy, Assn. of American Publishers) and former U.S. Senator Russell Feingold were added to the FTRF Roll of Honor. Here is the text of their citations.

## Russell D. Feingold

Thank you, Russell Feingold, for your career-long commitment to protecting the civil liberties of all Americans. As the single U.S. Senator voting against the USA Patriot Act in 2001, your willingness to take a principled stand at a time of intense national fear inspired millions of people for whom privacy, transparency, judicial review, and due process remain fundamental values.

Thank you, Russ, for your thoughtful and vital defense of what it means to be free during a time when such defenses were difficult to come across.

Thank you for your leadership by example in continuing to oppose the Patriot Act and working to narrow its scope during its reauthorization process in 2005 and 2009. The library community thanks you, in particular, for your efforts to protect borrowing and other user records from unwarranted government inspection.

As concerns about government surveillance have reemerged in the public consciousness, the Freedom to Read Foundation is grateful to you for having understood and articulated the need to balance national security interests with civil liberties. For your courage and determination to protect the American people from the loss of our cherished freedoms, we are honored to present to you this award. ♡



## ISSUES

### CIPA Conference report

■ CONTINUED from p. 2

computers and 2) library hours have been cut. The irony is that kids who

study at McDonald's have unfiltered access. So a fast food chain is becoming a better place for Internet access than the local public library or school. Is this what we really want for our kids?

- I had no idea that many students can "hack" filters. Or they get around filters by searching in another language. Filters are far more "stupid" than I realized. One participant was leaving work in a hurry to go to the opera, and tried to look up the address of the city opera house. And guess what? It

was blocked. She has no idea why. Perhaps a risqué photo from a performance?

- We need research to back up our convictions that, as some of the school librarians stated, filters cause a "failure to educate" because filters prevent teachers and school librarians from achieving their states' curricular goals.

All in all, it was a terrific and provocative event. I strongly suggest checking out the archives online! A final white paper will be released this fall. We'll post it to the FTRF Blog as soon as it's available. ♡



## ISSUES

**Privacy and surveillance**

■ CONTINUED from p. 1

newsletter subscribers to see if any of them could be connected to anonymous commenters they were suing who made negative remarks online about the company (the suit eventually was dropped). And in 2007, in *New Jersey v. Reid*, FTRF successfully argued for a right to privacy and anonymity in an individual's Internet use history.

Privacy issues are part of FTRF's strategic plan, with a particular focus on ensuring that library vendors (including e-book publishers) include privacy protections in their contracts.

**2013: FTRF seeks greater protections**

Since this summer's revelations, FTRF and ALA have joined with dozens of technology firms and other civil liberties organizations in calling on the Obama Administration and Congress to increase transparency surrounding government surveillance efforts.

On July 18, FTRF, ALA, and other groups led by the Center for Democracy and Technology (CDT) sent a letter to President Obama and congressional leaders demanding that technology companies be permitted to release information about the number of requests for information under the USA Patriot Act and other authorities. The letter also demanded that the government itself release its own data on surveillance.

Another CDT/FTRF letter, sent September 30, was in support of two pieces of legislation: Sen. Al Franken's S. 1452, the Surveillance Transparency Act of 2013, and Rep. Zoe Lofgren's H.R. 3035, the Surveillance Order Reporting Act of 2013. Both bills clarify that technology companies can publish statistics about government demands for user data, including demands made under the Foreign Intelligence Surveillance Act. The letters can be found at [www.ftrf.org/?Statements](http://www.ftrf.org/?Statements). ☞

## LITIGATION

**FTRF seeks Sup. Ct. review in N.Y. tax case**

■ CONTINUED from p. 1

freedom of the press." *Arkansas Writers' Project, Inc. v. Ragland*.

The brief also notes the Court's 2011 decision in *Brown v. Entertainment Merchants Association*, in which the Court invalidated a California law regulating video games with "violent" content. The *amicus* brief and other documents in the case are available online at [mediacoalition.org/667newloudon](http://mediacoalition.org/667newloudon).

"The Supreme Court should reaffirm the principle that legislatures and taxing authorities cannot do an end run around the Constitution and punish disfavored speech by imposing a financial burden on speech that is protected by the First

**New report on violence and video games**

In the wake of the Newtown, CT, school massacre, the nation has struggled to figure out how best to stop such tragedies. There have been many calls to address what's seen as the pernicious impact of violence in various media outlets. Calls for censorship abound—unfortunately, much of that has been based on bad or inconclusive data.

Given the legal and practical issues at stake, and the potential impact on libraries, the Freedom to Read Foundation provided financial support for a study engaging these topics. On June 24, Media Coalition issued the 13-page report, "Only a Game: Why Censoring New Media Won't Stop Gun Violence."

The report represents an effort to educate the public, politicians, and interest groups on what scientific research really says about the impact of media violence on individuals.

Among the report's key findings:

- Crime statistics do not support the theory that media causes violence.
- Research into the effects of video games on aggression is contested and inconclusive. Much of the research suffers from methodological deficiencies and provides insufficient data to prove a causal relationship.
- Government censorship of violent content is barred by the First Amendment for all types of media, but industry self-regulation works.

"Only a Game" is available at [mediacoalition.org/only-a-game](http://mediacoalition.org/only-a-game). ☞

Amendment," said David Horowitz, Executive Director of Media Coalition. "The state is not obligated to offer a tax break for choreographed dance performances, but if it does, then the state cannot deny the break to performances it dislikes."

Cited in the brief is a dissent by New York Court of Appeals Judge Robert Smith in which he wrote that while he found the dances "distasteful," discrimination on the basis of the content of speech violates the First Amendment. "I would be appalled if the State were to exact from *Hustler* a tax that *The New Yorker* did not have to pay, on the ground that what appears in *Hustler* is insufficiently 'cultural and artistic.'"

**Update:** on October 18 the Supreme Court denied the petition for *certiorari*. ☞



## Slaughterhouse-Five through the years

On April 11—coincidentally, the sixth anniversary of Kurt Vonnegut's death—FTRF hosted a meet & greet at the Kurt Vonnegut Memorial Library (KVML). It was a great event, in part due to Vonnegut's significance to FTRF: *Slaughterhouse-Five* was the book at issue in our first court case (see sidebar).

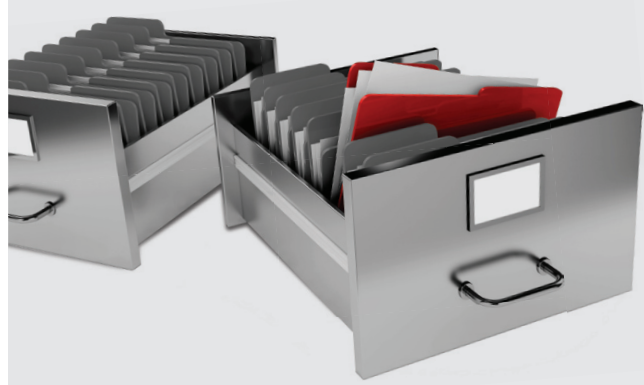
The case was successful: on June 12, 1972, the Michigan Court of Appeals overturned the judge's ban. Clarifying that it was not obscene, the court found that just because a book discusses religion does not mean that it can't be used in a public school setting. Such an idea was, in fact, "repugnant":

By couching a personal grievance in First Amendment language, one may not stifle freedom of expression. ... If plaintiff's contention was correct, then public school students could no longer marvel at Sir Galahad's saintly quest for the Holy Grail, nor be introduced to the dangers of Hitler's *Mein Kampf* nor read the mellifluous poetry of John Milton and John Donne. Unhappily, Robin Hood would be forced to forage without Friar Tuck and Shakespeare would have to delete Shylock from *The Merchant of Venice*. Is this to be the state of our law? Our Constitution does not command ignorance; on the contrary, it assures the people that the state may not relegate them to such a status and guarantees to all the precious and unfettered freedom of pursuing one's own intellectual pleasures in one's own personal way.

In 1973, *Slaughterhouse-Five* was burned by school board members in Drake, ND. It was involved in the seminal 1982 *Pico v. Island Trees* Supreme Court case. In 2011, the Republic, MO, School Board banned the book, along with Sarah Ockler's *Twenty Boy Summer* (the board later modified the ban, allowing parents to check out the books in person). In response, KVML offered free copies of *Slaughterhouse-Five* to Republic high school students. At least 55 students took them up on the offer!

Also in 2011, FTRF provided a Judith Krug Fund Banned Books Week grant to the Springfield-Greene County Library to help bring Ockler to Springfield, MO, and to support a program with Vonnegut scholar Dr. William "Rodney" Allen via Skype. (Republic is in Greene County.)

This year, KVML itself was one of seven Krug Fund recipients. Read about their events, including a local author living in their storefront (behind a wall of banned and challenged books), a visit by Indiana's Governor and First Lady, and a lecture by FTRF Trustee Chris Finan, at [www.ftrf.org/?Krug\\_BBW](http://www.ftrf.org/?Krug_BBW) and at [www.vonnegutlibrary.org](http://www.vonnegutlibrary.org).



## FROM THE ARCHIVES

*In each issue of Freedom to Read Foundation News we bring you articles, case histories, and photos from our archives, and celebrate those people and events that figure so prominently in FTRF's past and present.*

### From FTRF News Vol. 1, No. 1, Fall 1971: "\$1,000.00 Grant to Rochester Fund"

On June 18, 1971, the Board of Trustees announced a \$1,000.00 grant to the Rochester (Michigan) Community Schools Appeal Fund. The grant is intended to help finance the school's appeal of an Oakland County Circuit Court decision by Judge Arthur E. Moore, limiting the use of *Slaughterhouse Five*, a novel by Kurt Vonnegut, in Rochester Community Schools.

Acting on a lawsuit filed March 24, 1971 by Oakland Township Trustee Bruce L. Todd, Judge Moore ruled on May 11 that the novel must be removed from classroom use and the library at Rochester Adams High School. In an unusual decision, Moore called the book "anti-religious" and said its use in the school violates the First Amendment.

On June 9, Moore altered his original opinion and said that the book can remain in the school library for its "literary or historical qualities." He added, however, that the book may not be used in the classroom or on any required or recommended reading lists because the First and Fourteenth Amendments to the U.S. Constitution prohibit "directed or recommended reading" of anything constituting "advancement or inhibition of religion."

Believing that Judge Moore's decision, if allowed to stand, constitutes a violation of the freedom to read, the Foundation Board voted unanimously to help finance the appeal. The Board was of the opinion that Judge Moore's decision represents a serious misinterpretation of U.S. Supreme Court rulings and, if not challenged, may bar Oakland County schools from any use of materials mentioning religion. As such, the decision significantly impedes libraries in educational institutions from providing materials presenting all points of view concerning problems and issues of our times, and violates the intellectual freedom of students and faculties in those schools. According to Richard H. Escott, Superintendent of the Rochester Community Schools, the appeal has been filed in the Michigan Court of Appeals.

The \$1,000.00 grant to the Rochester Community Schools Appeal Fund is the largest single grant awarded since the Foundation was established by the American Library Association in November, 1969 as ALA's "legal action arm." ♠





**Freedom to Read Foundation**  
American Library Association  
50 East Huron Street  
Chicago, IL 60611-2795 USA  
Address Service Requested

---

FIRST CLASS MAIL  
PRESORTED  
US. POSTAGE PAID  
HANOVER, PA  
PERMIT NO. 4

---

VOL. 38, NO. 3 \* OCTOBER 2013

## Inside this issue of FTRF News...

Privacy, Surveillance, and the  
Freedom to Read, [p. 1](#)

FTRF files amicus with Supreme  
Court in performance tax case, [p. 1](#)

CIPA: Ten Years Later, [p. 2](#)

Reports from Annual Conference,  
[p. 4-5](#)

“Only a Game” report on violence  
and video games, [p. 6](#)



## Stay current...renew your FTRF membership!

By now all Freedom to Read Foundation members should have received their 2014 renewal letters in the mail and/or via email. If you haven't yet done so, please take a moment to renew! If you're not a current FTRF member, please consider joining.

Your membership allows us to engage in the litigation, education, and advocacy efforts that have helped countless librarians stand up against censorship attempts and in defense of the First Amendment. From our *In Our Mothers' House* work in Davis County, Utah, to our defense of *Persepolis* in Chicago; from Banned Books Week to our privacy protection efforts; FTRF has continued, and will continue, to be your voice for the First Amendment.

To join or renew, call (800) 545-2433 x4226 or visit us at [www.ftrf.org/?Join](http://www.ftrf.org/?Join). Membership starts at \$35.00 per year, but many choose to join at the \$50, \$100, or \$250+ level.

### Paperless membership now available

We're now offering an electronic option to membership. To help save paper and mailing costs, you now have the choice to receive the *FTRF News* and most correspondence via email. Visit [www.ftrf.org/?Membership](http://www.ftrf.org/?Membership) for more.