S640: Seminar on Intellectual Freedom
Summer 2011

Instructor: Kalpana Shankar
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Class hours: 9:30A-12:15P MW
Office hours: Monday, 12:15-1:15; other times by appointment

Overview of Course

Intellectual freedom, the right to freedom and expression of thought, is often defined as a basic human right. Most often, intellectual freedom is depicted as a wholly positive social good, defended as such by the American Library Association, the ACLU, and a few others.

This class attempts to problematize these assumptions that are too often taken for granted. We will examine the above suppositions and, hopefully, find areas of dispute, negotiation, and compromise. If public libraries are supposed to serve their communities, how and when do librarians insist on stocking materials abhorrent to their communities? How do we balance competing claims: national security vs. open government; privacy vs. security; morality vs. diversity?

Since this is a seminar class, participation of all members is crucial to the success of the class. Very little of the class will be in lecture format; most of the class will consist of discussing and analyzing the readings.

Course Objectives

By the end of this course, students should be able to:
   • Understand and explain the historical background and development of intellectual freedom
   • Articulate and defend an intellectual policy.
   • Know the freedoms and limitations defined by the Constitution and laws and some of the major legal cases related to intellectual freedom.
   • Identify and explain arguments in favor of, and opposed to, censorship.

- Identify contemporary, emerging issues in which intellectual freedom / freedom of speech concepts are applicable.

Course Policies

Academic Dishonesty:

There is extensive documentation and discussion of the issue of academic dishonesty here in the Indiana University "Code of Student Rights, Responsibilities and Conduct"," found here: http://www.dsa.indiana.edu/Code/index1.html

To aid students both in recognizing plagiarism and in avoiding the appearance of plagiarism, Indiana University's Writing Tutorial Services has prepared a short guide entitled "Plagiarism: what it is and how to recognize and avoid it". This guide is available here http://www.indiana.edu/~wts/pamphlets.shtml. It provides explicit examples of plagiarism and offers strategies for avoiding it. Each student should be familiar with this document and use it as a guide when completing assignments.

Disability Accommodations:

If you need or desire an accommodation for a disability, please let me know as soon as possible in the term with documentation from the Disability Services office. I will treat that information as private and confidential.

Email Policy

I am most accessible through email. As a general rule, I will respond to course-related email correspondence within 24 hours. Please include the course number in brackets [S640] in the subject line for all messages. In addition, I will frequently communicate with the class via email. I use Oncourse email so there is a record, so please make sure your correct email is listed.

<u>Assignments</u>

All papers should have your name, the date, and the assignment number (no cover page necessary) and submitted as separate document in Oncourse by midnight unless otherwise noted. Papers should be double-spaced with a standard font and font size and page numbers. Please follow the APA style guide to cite references. You can borrow a style manual from the Wells Library Reference Desk if needed.

Late assignments will lose 10% for each day they are late and will not be accepted after the 2nd day. For example, if a paper is worth 20 points, and it is one day late, you will lose 2 points. Exceptions will be granted rarely.

20% of your final grade , evaluated each class period

Participation will be evaluated each class session, so absences can be detrimental. If you are going to be absent, please try to let me know 24 hours in advance.

B. Paper 1: Hypothetical Intellectual Freedom Situation
20% of your final grade
Due: Saturday July 10

This paper will be a response to a hypothetical intellectual freedom situation that you may face while working at a library or other information center. You will be given a choice of three or four hypothetical situations; you will choose one and write a 1,200-1,500 word paper (approximately 4-5 pages double-spaced). You have to use at least three readings from class sessions 2-5 (History & background of IF; Social justice/ responsibility; Freedom of speech; Censoring speech); you can also use related out-of-class reading, ALA statements, library policies, or similar documentation. We will discuss this paper further in class and detailed guidelines will be made available in class and on OnCourse.

C. Paper 2: Intellectual Freedom in the Library
20% of your final grade
Due: Wednesday, July 21 by midnight
For this paper, you will write an intellectual freedom policy for your library, based on the

readings we have done in class through July 13th. The paper should address computer and internet use, minors' access to materials, incorporating community interests and perspectives, different types of resources (print, audiovisual, etc.), and the process for challenging part of the collection. The paper will be about 1200-1500 words (approximately 4-5 pages double-spaced). You will have to use at least four readings from class; at least one must not be from the ALA. We will discuss this paper further in class and detailed guidelines will be made available in class and on OnCourse.

D. In-class debate: Homeland Security
15% of your final grade
Due: Tuesday, July 20 in class
Note: An absence in class will result in a zero for this assignment
The class will be divided into two groups; one will argue in favor of increased protection of homeland security (for example, stating that the USA Patriot Act is good legislation), while the other group will argue against this position (for example, stating that the USA Patriot Act goes too far). Whether you agree with your assigned stance, you should argue it convincingly. The arguments should be based primarily on the class readings. Each group will have time in class to plan their strategy prior to beginning the debate. All individuals are expected to participate. We will discuss this assignment further in class and detailed guidelines will be made available in class and on OnCourse.

E. Presentation
25% of your final grade
Due: Thursday, August 12 in class
Note: An absence in class will result in a zero for this assignment
Rather than writing a comprehensive final paper, you will do an in-depth presentation for the class. The presentation will be 15-20 minutes long, followed by 5 minutes for questions and discussion. You should prepare a 1-page handout for the class, summarizing your presentation and its main points. In addition, you will also prepare a bibliography to turn in to the instructor. You have to use at least three readings from class; however, most of your other references must come from outside (i.e., non-class) reading and be from peer-reviewed journals or other quality sources. Your presentation should involve PowerPoint, a webpage, or other presentation tools (technology will be available in the classroom). You should be prepared to answer a few questions. We will discuss this presentation further in class and detailed guidelines will be made available in class and on OnCourse.

This presentation will be an in-depth investigation of some intellectual freedom topic. This topic can be a topic we discussed in class or something else that you choose. In choosing your topic, you should select an issue that is complex enough for a long presentation, that is related to intellectual freedom, and that can be connected to the class readings. The topic should be approved in advance by the instructor by July 29; you are also strongly encouraged to meet with the instructor throughout the semester to discuss your topic and find additional resources. Possible topics include:

- Biometrics as identification
- Privacy-enhancing technologies
- Self-censorship
- International issues/ variance
- Feminism and pornography
- First Amendment issues
- Banned books
- Homeland security fusion centers
- Federal wiretapping
- Free/open software
- Labor issues (strikes, unions, etc.)
- Librarians in Cuba
- IF in school media centers
- Censorship of popular culture
- Hate speech on the internet

V. Weekly Schedule: Topics & Assigned Reading
All readings are available through OnCourse as a PDF or a hyperlink. They will be organized by week. Each week, you are expected to do the required readings. We will discuss the readings in some detail.

Session One: Introduction & Overview
Tuesday, June 22

Session Two: History & Background of Intellectual Freedom
Thursday, June 24

- Mill, J.S. (1992). Excerpts from *On liberty and utilitarianism* (pp. 5-53). New York: Alfred Knopf.
- Ward, D.V. (1990). Philosophical issues in censorship and intellectual freedom. *Library Trends, 39*(1/2), 85-91.
- Krug, J. (2002). ALA and Intellectual Freedom. *Intellectual Freedom Manual,* (6th Ed., pp. 3-32). Chicago: Office of Intellectual Freedom, American Library Association.
- Asheim, L. (1953, September). Not censorship but selection. *Wilson Library Bulletin, 28,* 63-67. Available at: http://www.ala.org/ala/aboutala/offices/oif/basics/notcensorship.cfm
- Statements from ALA.
  - o Library Bill of Rights. Available at: http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/index.cfm
  - o Libraries: An American value. Available at: http://www.ala.org/ala/aboutala/offices/oif/statementspols/americanvalue/librariesamerican.cfm
  - o Intellectual freedom and censorship Q&A. Available at: http://ala.org/ala/aboutala/offices/oif/basics/ifcensorshipqanda.cfm
  - o Freedom to read statement. Available at: http://ala.org/ala/aboutala/offices/oif/statementspols/ftrstatement/freedomreadstatement.cfm

Session Three: Social Justice/ Responsibility in Libraries
Tuesday, June 29
- Samek, T. (1996). The Library Bill of Rights in the 1960s: One profession, one ethic. *Library Trends, 45*(1), pp.
- Statements from the ALA:
  - o Social Responsibilities Round Table (SSRT) of the American Library Association:
    - ▪ Overview. Available at: http://libr.org/srrt/
    - ▪ Read the summary of all the task forces, then click on at least one and read in more detail.
  - o Economic barriers to information access: An interpretation of the Library Bill of Rights. Available at:

http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/interpretations/economicbarriers.cfm
- o Guidelines for the development of policies and procedures regarding user behavior and library usage. Available at: http://ala.org/ala/aboutala/offices/oif/statementspols/otherpolicies/guidelinesdevelopment.cfm
- Uricchio, W. (1994). Telescopic philanthropy: How much social responsibility is too much? *American Libraries, 25*(6), 574, 576.
- Buschman, J., & Rosenzweig, M. (1994). The clear imperative for involvement: Librarians must address social issues. *American Libraries, 25*(6), 575-577.
- Jensen, R. (2004). The myth of the neutral professional. *Progressive Librarian, 24*(Winter 2004/2005), 28-34.

Session Four: Freedom of Speech
Thursday, July 1
- First Amendment of the Constitution of the United States of America. Available at: http://www.law.cornell.edu/constitution/constitution.billofrights.html#amendmenti
- Heyman, S.J. (2008). Excerpts from *Free speech and human dignity* (pp. 37-46). New Haven, CT: Yale University Press.
- Cohen, H. (2008). Freedom of speech and press: Exceptions to the First Amendment. *CRS Report for Congress, # 95-815* (pp. 1-44).
- Statements from the ALA pertaining to intellectual freedom.
  - o Interpretations of the Library Bill of Rights. Available at: http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/interpretations/default.cfm
    - ▪ Read all of the overviews
    - ▪ Read 2-3 detailed analyses (by clicking on the links)
- Summaries of First Amendment issues from the FindLaw Supreme Court Center.
  - o Freedom of Expression: The philosophical basis. Available at: http://supreme.lp.findlaw.com/constitution/amendment01/07.html#1
  - o Maintenance of national security and the First Amendment. Available at: http://supreme.lp.findlaw.com/constitution/amendment01/13.html#1

Session Five: Censoring Speech
Tuesday, July 6
- Harris, C., Rowbotham, J., & Stevenson, K. (2009). Truth, law, and hate in the virtual marketplace of ideas: Perspectives on the regulation of internet content. *Information & Communications Technology Law, 18*(2), 155-184.
- Colaric, S. (2003). Children, libraries, and the internet: Is it censorship or good service? *North Carolina Libraries, 61*(1), 6-12.
- One library's experience with censorship. (2009). *Newsletter on Intellectual Freedom, 58*(2), 34, 64.
- Gellad, Z.F., & Lyles, K.W. (2007). Direct-to-consumer advertising of pharmaceuticals. *The American Journal of Medicine, 120*(6), 475-480.
- Volokh, E. (1996). Thinking ahead about freedom of speech and hostile work environment harassment. *Berkeley Journal of Employment and Labor Law, 17,* 305.

Session Six: Intellectual Freedom in Libraries
Thursday, July 8
Paper 1 due on Saturday, July 10 by midnight
- Additional readings TBA.
- Mathiesen, K. (2008). Censorship and access to expression. In K.E. Himma & H.T. Tavanni (Eds.), *The handbook of information and computer ethics* (pp. 573-587). Hoboken, NJ: John Wiley & Sons.
- LaRue, J. (2004). Buddha at the gate, running: Why people challenge library materials. *American Libraries, 35*(11), 42-44.
- Statements from the ALA:
  - Code of Ethics. Available at: http://www.ala.org/ala/issuesadvocacy/proethics/codeofethics/codeethics.cfm
  - Strategies and tips for dealing with challenges to library materials. Available at: http://www.ala.org/ala/issuesadvocacy/banned/challengeslibrarymaterials/copingwithchallenges/strategiestips/index.cfm

- o Library Bill of Rights. Available at:
  http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/index.cfm
- o Intellectual freedom and censorship Q&A. Available at:
  http://ala.org/ala/aboutala/offices/oif/basics/ifcensorshipqanda.cfm
- Schrader, A. (1997). Why you cannot 'censorproof' your public library. *APLIS, 10*(3), 143-160.
- Parents Against Bad Books in Schools (PABBIS):
  - o Home page: http://www.pabbis.com
  - o A bad book in your child's school? http://www.pabbis.com/badbook.html
  - o Up-front informed parental consent: http://www.pabbis.com/upfront.html

Session Seven: Intellectual Freedom in Libraries, part II
Tuesday, July 13
- Altheide, D.L. (2004). Consuming Terrorism. *Symbolic Interaction, 27*(3), 289-308.
- Herman, E.S., & Chomsky, N. (1988). Chapter 1: A propaganda model. In
  Manufacturing Consent: The political economy of the mass media, (pp. 1-35). New
  York: Pantheon Books.
- Klaehn, J. (2009). Behind the invisible curtain of scholarly criticism: Revisiting the
  propaganda model. *Journalism Studies, 4*(3), 359-369.
- Scott, C. (2007). Written in red, white, and blue: A comparison of comic book
  propaganda from World War II and September 11. *The Journal of Popular Culture,
  40*(2), 325-343.
- Snow, N. (2005). Truth and information consequences since 9/11. *Peace Review, 17*,
  103-109.
- Grant, M.J., Mollemann, R., Morlandsto, I., Munz, S.C., & Nuxoll, C. (2010). Music and
  conflict: Interdisciplinary perspectives. *Interdisciplinary Science Reviews, 35*(2), 183-
  108.

Thursday, July 15: NO CLASS

Session Eight: Articulating an Intellectual Freedom Stance

Tuesday, July 20
Paper 2 due on Wednesday, July 21 by midnight
- Hole, C. (1984). Who me, censor? *Top of the News, 40*(2), 147-153.
- Durant, D. (2005). The loneliness of a conservative librarian. *Chronicle of Higher Education, 52*(6). Available at: http://chronicle.com/weekly/v52/i06/06b01201.htm
- Cronin, B. (2004). Excerpt from *Jeremiad jottings* (pp. 35-43). Lanham, MD: Scarecrow Press.
- Louisiana Library Association. (2006). Handling complaints. *Louisiana Libraries, 68*(3), 35.
- Aiken, J. (2007). Outdated and irrelevant? *American Libraries, 38*(8), 54-56.
  • Aiken, J. (2007). Outdated and irrelevant? American Libraries, 38(8), 54-56.
- National Coalition Against Censorship. (2009). Book censorship toolkit.
- Statements and policies from the ALA:
  o Guidelines for the development and implementation of policies, regulations, and procedures affecting access to library materials, services, and facilities: http://www.ala.org/ala/aboutala/offices/oif/statementspols/otherpolicies/guidelinesdevelopmentimplementation.cfm
  o Dealing with concerns about library resources: http://www.ala.org/ala/issuesadvocacy/banned/challengeslibrarymaterials/essentialpreparation/dealingconcerns/index.cfm

Session Nine: TBA
Thursday, July 22
Guest Speaker: Elsa Steele, Managing Librarian, Kirkland Library
- Readings TBA (based on class interests)

Session Ten: Homeland/ National Security
Tuesday, July 27
In-class debate on homeland security today
Note: An absence in class will result in a zero for this assignment
Guest Speaker: Dr. Howard Rosenbaum, Assistant Dean, SLIS

- ACLU. (2009). *Reclaiming patriotism: A call to reconsider the Patriot Act.* Available here: http://www.aclu.org/pdfs/safefree/patriot_report_20090310.pdf
- Ridge, T. (2009). Excerpt from *The test of our times: America under siege…and how we can be safe again* (pp. 156-170). New York: St. Martin's Press.
- O'Hanlon, M., & Shapiro, J. (2006). Introduction. In M. d'Arcy, M. O'Hanlon, P. Orszag, J. Shapiro, & J. Steinberg (Eds.), *Protecting the homeland, 2006/2007* (pp. 1-16).
- Perl, R. F. (2007). Combating terrorism: The challenge of measuring effectiveness. In A.L. Fitzgerald (Ed.), *Terrorism and National Security* (pp. 37-48). New York: Nova Science Publishers.
- Starr, J. (2004). Libraries and national security: An historical review. *First Monday, 9*(12). Available at: http://firstmonday.org/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/1198/1118
- Statements from the ALA about the USA PATRIOT Act.
  - The USA PATRIOT Act in the library. Available at: http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=32307
  - Resolution reaffirming the principles of intellectual freedom in the aftermath of the terrorist attacks. Available at: http://www.ala.org/Template.cfm?Section=ifresolutions&Template=/ContentManagement/ContentDisplay.cfm&ContentID=78173
  - Confidentiality and coping with law enforcement inquiries: Guidelines for the library and its staff. Available at: http://www.ala.org/ala/aboutala/offices/oif/ifissues/confidentiality.cfm

Session Eleven: Freedom of Information Act
Thursday, July 29
- The Freedom of Information Act. 5 U.S.C. 552. Available at: http://www.usdoj.gov/oip/foiastat.htm or at: http://www.epic.org/open_gov/foia/us_foia_act.html
- Government Accountability Office. (2007). Freedom of information act: Processing trends show importance of improvement plans. *Report 07-441* (pp. 1-48 only). Available at: http://www.gao.gov/new.items/d07441.pdf

- Adair, K.L. (2009). *Transparency and accountability: The changing U.S. perspective.* Center for Latin America Studies Policy Papers.
- Banisar, D. (2005). The irresistible rise of a right. *Index on Censorship, 34*(3), 79-84.

Session Twelve: Copyright/ Open Access
Tuesday, August 3
- Copyright law of the United States. (1976; 1998). U.S. Copyright Office. Available at: http://www.copyright.gov/title17/
  - In Chapter One, read sections 101-108.
- Eschenfelder, K.R. (2008). Every library's nightmare? Digital rights management and licensed scholarly digital resources. *College and Research Libraries 69*(3), 205-225.
- Information and resources from Public Library of Science (PLoS):
  - Who pays for open access? Available at: http://www.plosbiology.org/article/info:doi/10.1371/journal.pbio.0020105
  - Frequently asked questions. Available at: http://www.plos.org/about/faq.html
  - Open access as public policy. Available at: http://www.plosbiology.org/article/info:doi/10.1371/journal.pbio.0020353
- Taylor, K. (2007). Copyright and research: an academic publisher's perspective. *SCRIPTed, 4*(2).
- Adams, A.A. (2007). Copyright and research: An archivangelist's perspective. *SCRIpTed, 4*(3).
- Statements from ALA about copyright:
  - Digital rights management and libraries. Available at: http://www.ala.org/ala/issuesadvocacy/copyright/digitalrights/index.cfm
  - Fair use and electronic reserves. Available at: http://www.ala.org/ala/issuesadvocacy/copyright/fairuse/fairuseandelectronicreserves/index.cfm
  - Libraries as creatures of copyright: Why librarians care about intellectual freedom. Available at: http://www.ala.org/ala/issuesadvocacy/copyright/copyrightarticle/librariescreatures.cfm

- o Libraries and licensing. Available at:
  http://www.ala.org/ala/issuesadvocacy/copyright/librariesandlicensing/LibrariesAndLicensing.cfm
- o Open Access. Available at:
  http://www.ala.org/ala/issuesadvocacy/copyright/openaccesstoresearch/index.cfm

Session Thirteen: Net Neutrality
Thursday, August 5
- Statement from ALA about network neutrality. Available at:
  http://www.ala.org/ala/issuesadvocacy/telecom/netneutrality/index.cfm
- Weitzner, D.J. (2006). The neutral internet: An information architecture for open societies. MIT Computer Science & Artificial Intelligence Laboratory. Available at:
  http://dig.csail.mit.edu/2006/06/neutralnet.pdf
- Haas, D.A. (2007). The never-was-neutral net and why informed end users can end the net neutrality debates. *Berkeley Technology Law Journal, 22,* 1565-1635 (only read pp. 1565-1575).
- Hahn, R., & Wallsten, S. (2006). The economics of net neutrality. *Economists' Voice, 3*(6). Available at:
  http://econ.gsia.cmu.edu/Ecommerce/Economics%20of%20Net%20Neutrality.pdf
- Economides, N. (2008). 'Net neutrality,' non-discrimination, and digital distribution of content through the internet. *I/S: A Journal of Law & Politics for the Information Society, 4*(2). Available at:
  http://www.stern.nyu.edu/networks/Economides_Net_Neutrality.pdf

Session Fourteen: Privacy
Tuesday, August 10
- Westin, A.F. (2003). Social and political dimensions of privacy. *Journal of Social Issues, 59*(2), 431-453.
- Klinefelter, A. (2007). Privacy and library public services: Or, I know what you read last summer. *Legal References Services Quarterly, 26*(1), 253-279.
- ALA Statements on Privacy (2002).

- o Privacy and Confidentiality. Available at:
  http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=77687
  - o Privacy: An interpretation of the Library Bill of Rights. Available at:
  http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/interpretations/privacy.cfm
- Wyatt, A.M. (2006). Do librarians have an ethical duty to monitor patrons' internet usage in the public library? *Journal of Information Ethics, 15*(1), 70-79.

Session Fifteen: International Issues & Views of Intellectual Freedom
Thursday, August 13
Final presentations due today in class
Note: An absence in class will result in a zero for this assignment
- Statements from the International Federation of Library Associations (IFLA) and the Committee on free access to information and freedom of expression (FAIFE):
  - o Libraries and intellectual freedom. Available at:
  http://archive.ifla.org/faife/faife/presen.htm
  - o Intellectual freedom statements (read two or three from various countries). Available at: http://archive.ifla.org/faife/ifstat/ifstat.htm
- Dole, W.V., Hurych, J.M., & Koehler, W.C. (2000). Values for librarians in the information age: An expanded examination. *Library Management, 21*(6), 285-297.
- Article 19 of the U.N. Declaration of Human rights. (1948). Available at:
  http://www.un.org/Overview/rights.html