

F9: What's that doing in my library? Intellectual Freedom Stories and Advice

John Dixon, Past President, BC Civil Liberties Association
Loring Bohach, Trustee, Vancouver Public Library and Vice President, BCLTA
Roberta Rodgers, Trustee, Cranbrook Public Library
Barbara Jo May, Manager, McGill Branch, Burnaby Public Library

John Dixon introduced the session with a discussion of deliberative democracy and spoke about the rights and responsibilities of the citizenry in relation to governance. The inherent worth of each individual rests at the core of democracy and we must bring the best within ourselves to the shared endeavour of democratic governance. It is crucial that we not let our freedoms or our responsibilities slide – the freedom to hear and learn and speak being essential to democracy. Laws must not be used to manage the minds and discussion of a free people.

Loring Bohach continued the discussion by providing the example of a February 2008 Freedom to Read Week incident at the Vancouver Public Library. The library agreed to provide space for controversial author Greg Felton to discuss his book *The Host and the Parasite: How Israel's Fifth Column Consumed America*. The decision to allow the event was met with outrage by the many in the Jewish community and others, and the VPL Board and staff came under immense pressure to cancel it. VPL received over 200 letters and emails and found itself the subject of news articles declaring the library was being used as a soapbox for hate speech. Despite the negative feedback, the session went ahead. An RCMP officer from the hate crimes division was in attendance but aside from some fiery debate, the event went off without incident.

Discussion on this example followed, with one attendee raising the concern of potential liability in making certain kinds of materials available at the library (e.g., books on making bombs or obtaining weapons). John Dixon commented that speech is not protected in our society because it's weak but because it's very powerful and sometimes very dangerous. Other session attendees commented that libraries exist to develop people's minds – not to curtail thought. There was also some discussion of the distinction between censorship and free speech. For example, it's okay to regulate what kinds of materials are age-appropriate and available to children in the library, but not to ban certain materials outright. We must be thoughtful in regulating speech without slipping into censorship.

Barbara Jo May discussed a couple of Burnaby Public Library incidents involving the dark corners of the Internet coming to light in the library. In one case, a patron went to print off a flight schedule for an upcoming trip and found a print out of child pornography on the library printer. The RCMP were called but couldn't track who might have been using the printer during the time period in question. Eventually the individual was caught accessing child pornography on a library computer and was arrested and charged. In another incident, a patron witnessed two young boys viewing a pornographic website on a library computer in the children's section and brought this to the attention of library staff. As it turned out, the City-owned licence for the filtering software used on children's computer stations in the library had lapsed – unbeknownst to library staff. The licence was renewed and staff members are now more vigilant in keeping up with technological requirements in this area.

John Dixon commented that the BC Civil Liberties Society supports censoring child pornography since such images are evidence of actual crimes committed against children. He advised that screening software, in order to be effective, must be constantly updated.

Roberta Rodgers spoke about her experience with a book challenge while she was a school trustee in Cranbrook. A local parent demanded that *Harry Potter* being removed from the language arts list of acceptable books for children due to its subject matter (e.g., witchcraft). The school board denied the request and the book remained in the school curriculum. The handling of this incident stands in contrast to another such incident in 1970 when *Flowers for Algernon* was banned by the school board in response to a similar request.

John Dixon touched on the Surrey school board's move to ban books depicting same-sex unions and parents in a positive light. The case went to the Supreme Court of Canada, which ultimately struck down the school board's decision.

On the topic of libraries being subject to defamation suits for making certain materials available, John Dixon noted that the BC Civil Liberties Society successfully requested an amendment to legislation to address this issue in 2004. The *Attorney General Statutes Amendment Act, 2004* contains an amendment to the *Libel and Slander Act* stating that "no legal proceeding lies or may be commenced or maintained against, and no damages or compensation of any kind is payable by, a public or educational library, any of its owners or operators or any of the directors, officers or employees of the public or educational library or of its owners or operators because the public or educational library makes a record available generally or to any person." [6.2(2)] A copy of Bill 62-2004 is available online at www.leg.bc.ca/37th5th/1st_read/gov62-1.htm.