

6-16-2014

OPPL Censors Opposing Viewpoint at Meetings

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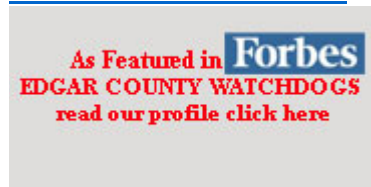
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jmkraft, "OPPL Censors Opposing Viewpoint at Meetings" (2014). *Orland Park Public Library (Illinois), 2013*. 34.
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OPPL Censors Opposing Viewpoint at Meetings –

June 16, 2014 · 2 Comments



ORLAND PARK ([ECWd](#)) –

In the ongoing matter of the Orland Park Public Library Child Porn Scandal, one of the most contentious issues is the Board of Trustees' refusal to listen to a man named Dan Kleinman, who happens to be one of the nation's leading experts on dangers to children in libraries such as child porn and other things that the American Library Association (ALA) doesn't much want the public to know about. Kleinman runs the website www.SafeLibraries.org and has been working for years to make communities aware of the fact that the ALA deliberately lies and spreads disinformation regarding what public libraries must make available via the Internet.

It's the ALA that tells library boards that they have to allow child porn to be accessed in libraries because it is "information" and must be available to anyone who uses a library's computer or free WiFi. That's simply not true and the Supreme Court ruled in 2003 in the landmark case of *US v. ALA* that putting filters on Internet provided in a public library is allowed because a public body is not obligated to provide illegal materials like child porn to the public via a library's Internet. The only way to ensure that a library's computers or WiFi are not being used to access child porn and other illegal things is to have filters on the Internet that block this illegal content.

The [Orland Park Public Library](#) has no such filters despite the fact that an internal incident report revealed that child porn was accessed over the Internet in this library and the staff chose not to call the police on the offender. To this day, the OPPL has never addressed the problem and child porn is still available in this building as a result, despite it being illegal.

Back in November of 2013, the OPPL invited Deborah Caldwell Stone and Barbara Jones from the ALA to come to the library and speak during public comment about why the library should never put filters on its computers, even though it had been discovered that child porn was accessed in the building and that known sex offenders continued to come to the OPPL because it was the one place in the area where they knew they could access the Internet anonymously and go to sites they were prevented from reaching in their homes.

The ALA was given its platform to put its talking points in front of the Board:



It should be noted that the ALA was invited back again at a January 13th, 2014 closed session meeting where Deborah Caldwell Stone was asked to participate in a discussion that the Board held behind closed doors about "pending litigation". So, this Board has received considerable information

and counseling from the ALA with no obvious counterweight from any opposing viewpoint. When the people it is listening to are lying, doesn't a public body have a fiduciary duty to the public to listen to the opposing viewpoint?

Dan Kleinman lives in New Jersey and saw the ALA's misinformation campaign on YouTube and then asked the OPPL ([email here](#)) if he could speak via videoconference at the next Board Meeting, which was coming up on December 16th, 2013. As it happens, no one had ever attempted to address this Board via videoconference before and the lower level staffers that Kleinman spoke to on the phone said they didn't see why it would be an issue because the Library hosts many functions where people are present via videoconference all the time. These events often include authors who "Skype" or "FaceTime" into the event via a laptop or a handheld tablet. Library staff told Kleinman that while it was technically possible for him to speak during public comment at a Board Meeting via videoconference they didn't know if the Library Director, Mary Weimar, would allow it. Staffers said it seemed to depend on whether or not Weimar wanted to hear what Kleinman had to say.

Weimar responded to Kleinman via email ([click here](#)) and told him that while it was technologically possible for him to speak via videoconference that the Library would not accommodate him. This was a clear and deliberate choice that Weimar and the OPPL made.

Weimar insisted that the Open Meetings Act does not require the OPPL to allow people to speak via videoconference during public comment, but a review of the OMA shows that there is absolutely nothing in the law that says a member of the public cannot address the Board in this way. In fact, since the OMA does not preclude videoconferencing from happening and instead states several times that its intent is to open up these public meetings to as much participation as possible it's hard to make an argument that the OMA bars interested parties from addressing public bodies using modern technology in the year 2014.

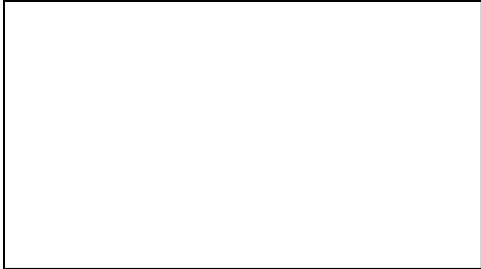
Is it reasonable that people with pressing matters before a public body should forever be barred from addressing the public body when they can't appear in person, even though modern technology now erases geographic and physical barriers like this?

It should be noted that repeatedly, two OPPL Board Members, Cathy Lebert and Julie Anne Craig, attended many Board Meetings in the past year via telephone and their opinions and remarks were heard by the Board during meetings even though they were not physically present in the room. Further, Lebert and Craig regularly cast votes on matters for final action when they were just disembodied voices on the telephone (and not even seen on a video screen). For all we know, that could have been a sister, daughter, or friend taking Lebert and Craig's place on the telephone call... but the Board allowed them to speak and vote as if they were sitting in their seats in person in the room. This Board aggressively allows its own Board Members to appear and speak via modern technology without question whenever they don't much feel like showing up in person to a meeting... but in the same breath they seek to forever ban members of the public from speaking via similar means. This seems to be an unequal application of principals that's not allowed under the OMA. Shouldn't what's good for the geese be good for the public as well?

Dan Kleinman attempted to speak again at the 5/19/14 Board Meeting and was assisted by Megan Fox and Kevin DuJan at that time. Megan had Kleinman on her FaceTime application on her iPad and Kleinman asked for assistance in having his name signed on the speakers' sheet that the OPPL requires people wishing to speak to sign. The Board compels the public to write down their names and addresses on the sheet in order to be allowed to speak, though the OMA carries no such requirement for public comment. When it came time for Dan Kleinman to speak, however, the Board skipped over

his name. When Kevin objected, the Board's attorney James Fessler interrupted and said that the Board would not allow Dan Kleinman to speak because he was only present via FaceTime videoconference and was not physically in the room.

Remember, again, how often Cathy Lebert and Julie Ann Craig are not physically in the room during Board Meetings but they are allowed to not only speak but cast votes on matters for final action.



The OPPL is not being asked to provide any equipment to enable Dan Kleinman to speak from his home in New Jersey: two members of the public, Megan and Kevin, are providing all the equipment necessary at their own personal expense. All the Board has to do is listen for five minutes to a national expert who can refute the lies told to the Board by the ALA at previous meetings. The OMA is designed to ensure that public bodies hear information from all sides, not just the viewpoints they want to hear. The OMA does not allow a Board to silence its critics while making allowances to hear from only its friends, such as Lebert and Craig, who are never denied their right to sit at home on their couches and phone into meetings whenever they feel like it.

It's simply unreasonable for a public body to have a long running practice of allowing Board Members to appear at meetings (and cast votes!) but prohibiting a national expert on a topic of great controversy from appearing via similar modern technology.

Dan Kleinman has advised the OPPL that he will be speaking at its 6/16/14 Board Meeting via FaceTime on Megan Fox's iPad and that Megan will be assisting him with this appearance ([read email](#)). Currently, the Attorney General's Office of the Public Access Counselor has opened two investigations into the OPPL denying Kleinman the right to speak via videoconference in the past. Board President Nancy Wendt Healy has been specifically asked to respond to the PAC with an explanation as to why she feels it's reasonable to deny Dan Kleinman his right to address the Board and why this Board thinks it is reasonable to prohibit the public from making use of videoconferencing technology when the Board itself utilizes telephonic conferencing all the time.

The Board's attorney James Fessler claims that the Board has a policy in effect against the public appearing via videoconference but that's problematic for this Board in two ways: (1) that policy was illegally passed at the infamous February 12th, 2014 "Abraham Lincoln's Birthday" special meeting that the PAC determined was held improperly and (2) the OMA does not allow a Board to create policies to restrict public comment that are unreasonable. Read the email exchange ([here](#)).

We're expecting a letter of determination from the PAC any day now about the legality of the policies that Fessler cites, since they were void ab initio (void from the beginning) due to their being voted on at an illegal meeting...and then the Board decided it could magically make things void ab initio legal by "ratifying and affirming" them on March 17th, 2014 without ever holding proper recital or deliberation on these items for final action. This means that though the Board has tried to change its policies specifically to disallow Dan Kleinman from speaking that the Board has never successfully

done so under the OMA...but that even if it did successfully pass these restrictions that they would not be allowed because they are unreasonable according to the OMA.

The OPPL, on the advice of their very expensive attorneys at Klein Thorpe Jenkins, has thus embroiled itself in a seven month fight to prevent one man in New Jersey from speaking to them for five minutes via videoconference.

This is a good example of a public body entrenching itself and emotionally deciding that the public should not “win” and then fighting both the public and reality itself tooth and nail until the Attorney General’s Office intervenes and tells them to stop. Because the PAC moves so slowly, situations like this drag on for many months, during which time the first amendment rights of the man wishing to speak are abridged and his civil rights are trampled by this Board.

The public body succeeds for some time in censoring out the viewpoint it does not want to hear and it is up to the public to keep the pressure on and to invest the time and energy to file complaints until the public body is compelled to comply with the law and listen to five minutes of lecture from an expert who will scold them on things they’ve been doing wrong and enlighten them on misinformation they have received from friendly parties who have been steering them wrong.



Photo from Megan Fox

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If I am allowed to speak tonight, I'll publish here what I said. If they block me a third time, I'll likely publish here what I would have said and will continue to try to say directly to them.

- [SafeLibraries](#)replied:
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I was blocked from speaking a third time. But John read out these words!

My name is Dan Kleinman from SafeLibraries, Chatham, NJ.

Thank you for this opportunity to speak before you today. What I am about to say is intended as constructive criticism and is not legal advice.

Public libraries in Illinois are prohibited by law from providing access to Internet pornography. Such porn is harmful, having no benefits, as least none that the United States Supreme Court recognizes.

You see, libraries in Illinois are created by law. The law that creates a library prescribes what libraries are to provide. Libraries may not legally provide access to material that goes against what the law requires. You just cannot have libraries acting outside the law. That would be illegal. No one and nothing gets to act outside the law, not even public libraries.

Illinois library law states that libraries are for the use and benefit of the citizens. The use and benefit. Porn has no benefit and worse, it is harmful. The law requires libraries to be for the use and benefit of the citizens, not for anything that is harmful.

How do we know pornography is harmful in public libraries? Simple. The United States Supreme Court tells us that, in a case the American Library Association and the ACLU brought to allow porn in public libraries. The Supreme Court tells us that libraries have traditionally blocked porn from library collections precisely because porn is of no use and benefit and indeed is harmful to the community.

So we know porn is harmful in public libraries from the US Supreme Court case, let alone from common sense.

And we know Illinois library law requires libraries to act for the use and benefit of citizens. So, providing harmful material falls outside the law.

That state law was then adapted to the very local ordinance that created your library. So, as your library violates the state library law by providing harmful material, it also violates local municipal law. As such, your local government has the right and duty to require you to act within the law. If it does not, it runs the risk of increasing municipal liability for failure to require you to act within the law, and it may do this without piercing the valuable veil of autonomy to prevent political control. Stopping a library from acting outside the law has nothing to do with political control.

Even your own policy mirrors your local ordinance and states the library is to be for the use and benefit of the community. If you are providing Internet porn, then you are violating your own policy, your local ordinance, and your state law.

I will admit that your own lawyers and the lawyers at the American Library Association with whom you seem to be enthralled never discuss what I just revealed. Never. Why? Because they know that law goes precisely against their goal of ensuring public libraries retain access to harmful material its legal to preclude. The law is, harmful material is illegal in Illinois libraries. Your lawyers say, on the other hand, pornography is constitutionally protected material and as such may not be blocked from libraries.

Okay, I'll admit some porn is constitutionally protected material. But the US Supreme Court case rules libraries may block it without violating the First Amendment. And such porn is harmful and as such violates your state law, your local law, and even your own policy.

I know you heard me, yet I know you will not listen. At least when you are voted out, removed, or sent to jail for the crime spree you have committed, you'll know why. Just so people are clear, your various actions in protecting illegality in your library, including child pornography, have already been and may likely be classified as felonies, misdemeanors, and violations of civil rights.

Thank you for allowing me to speak this evening. I'll be happy to speak with anyone willing to learn more, and willing to finally comply with the law and with common sense.

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