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OPPL's Hypocrisy in Denying Public the Right to Speak

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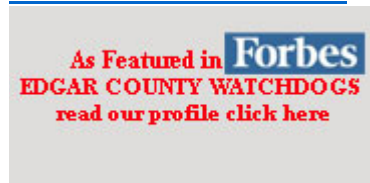
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OPPL's Hypocrisy in Denying Public the Right to Speak –

June 18, 2014 · 4 Comments

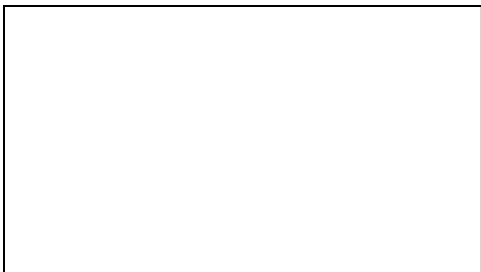


ORLAND PARK, IL. (ECWd) –

One of the more novel and interesting issues brought before the Office of the Public Access Counselor (PAC) related to the ongoing lawlessness of the Orland Park Public Library Board of Trustees (the OPPL-BoT) is the fact that since December of last year this public body has been aggressively fighting to keep a man named Dan Kleinman from addressing the Board during public comment. Kleinman is a New Jersey lawyer who has been recognized as the nation's leading expert on the dangers of child porn and sex offenders lurking in public libraries and the efforts of the American Library Association in making libraries dangerous places for unattended children.

The Open Meetings Act does not prohibit anyone from addressing the Board during public comment via videoconference. In the year 2014, public bodies and courts of law every single day hear testimony and argument from people attending meetings via videoconference. Things we marveled at in the science fiction realm in old Jetsons cartoons are now real and commonplace in the year 2014, when an expert on dangers to children who lives in New Jersey can easily speak to a public body in the southwestern suburbs of Chicago, Illinois free of charge to the public body. Yet, the OPPL-BoT, which states in its mission statement posted to its website that it is all about embracing new technology, has spent the last seven months denying Dan Kleinman the right to speak during public comment at Board Meetings via FaceTime and an iPad provided by Megan Fox, one of the community members who wants the Board to listen to the expert opinion provided by Dan Kleinman.

In December 2013 when Kleinman first attempted to address the Board to directly counter specific lies told to the Board by Deborah Caldwell Stone and Barbara Jones of the ALA at the Board's 11/18/13 meeting, the Board denied Kleinman the right to speak despite the Board having no policy against videoconferencing and the OMA not prohibiting videoconferencing during public comment. You can watch this play out here (jump to the 2:10 video mark):



The Board then engaged in several months of illegal shenanigans where it attempted to write a policy specifically designed to block Kleinman from speaking during public comment, principally because these Board Members do not want to hear any opinions contrary to the ALA's talking points. The Board bungled the passage of these policies by casting votes during an illegal meeting on 2/12/14 and then attempting to salvage what they did by improperly voting on 3/17/14 to "ratify and affirm" the illegal things they did. Because of the illegality of all this, the public comment policy that still is in

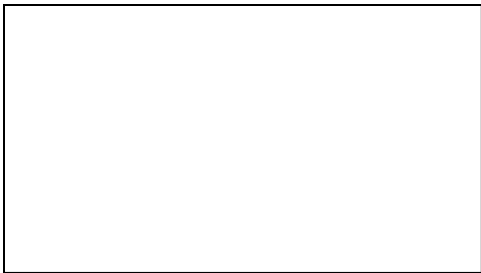
effect for this Board is actually the one that was in place back in December of 2013, which says nothing about blocking videoconferencing during public comment.

The slow-moving PAC office is still writing the letter of determination on the illegality of all the bungled vote-casting and ratifying and affirming that's been going on at the OPPL-BoT...but in the meantime Dan Kleinman is still trying to address the Board about the dangers to children in the Orland Park Public Library.

At the May Board Meeting, he attempted to speak via FaceTime and the Board's attorney improperly interrupted public comment and refused to recognize that Dan Kleinman had been signed up to speak. Kleinman was skipped over entirely and other people attending the meeting objected to this fact and demanding that Kleinman be given his turn to speak. The Board refused (which is a Request for Review now before the PAC).

On Monday 6/16/14, at the Board's June Meeting, Kleinman was present in the room on Megan Fox's iPad. It must be noted that the OPPL-BoT regularly has Board Members such as Cathy Lebert and Julie Anne Craig attending Board Meetings via telephone, where they are deemed "present" for votes and discussion even though their physical bodies are somewhere far away and the Board can only hear their voices. Yet, they are allowed to vote via telephone on matters that cost taxpayers hundreds of thousands of dollars and impact tens of thousands of people. But, their faces can't even be seen and there is no real way of determining if it is even them on the phone. The Board has no problem with deeming them "present" via telephone though.

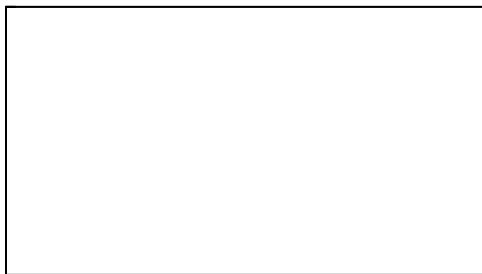
As you can see in this video taken on Monday, the OPPL-BoT provides unequal treatment to the public in this regard. Dan Kleinman is NOT treated as being present in the room even though he can be seen and heard via FaceTime. Megan Fox carried Kleinman into the meeting in her purse, where he was present on her iPad utilizing modern technology. An argument could be made that he was more "present" in this form than the disembodied voices of Cathy Lebert and Julie Anne Craig at previous Board meetings, since their faces could not be seen while telephone conferencing while Kleinman could be seen as well as heard via Megan Fox's FaceTime session on her iPad.



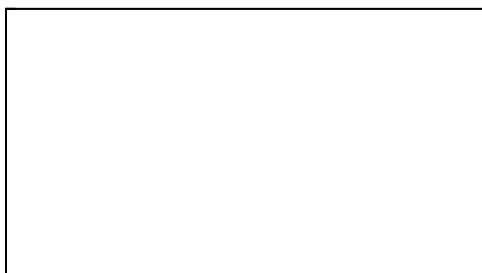
We believe that Dan Kleinman has possibly made history by being the first person to be denied the right to speak during public comment at a Board Meeting via FaceTime/Skype videoconferencing when it's been long established that public bodies can allow their Board Members to be present and even cast votes for matters of final action using telephonic and other "conferencing" means.

Civil rights attorneys were consulted yesterday in this matter, as it appears that in addition to violating the OMA the OPPL-BoT has trampled Dan Kleinman's first amendment rights in an instance where a government body is censoring a man because it does not want him to address the Board with an opinion that contradicts the established talking points provided by the Board.

Georgia Smithee, a representative of the nonpartisan Citizen's Advocacy Center, scolded the OPPL-BoT for its repeated attempts to unreasonably restrict public comment, particularly as it pertains to people the Board does not want to hear from:



Maryam Judar, the Director of the Citizen's Advocacy Center, also lectured this Board on its terrible decision-making when it comes to restricting the speech of people who seek to rein in the Board's lawlessness:



For seven months now, the Orland Park Public Libraries have wasted huge sums in attorneys' fees fighting to continue preventing Dan Kleinman from speaking to them for five minutes during public comment. And they will continue squandering resources like this until the PAC issues a determination compelling this Board to stop censoring Kleinman. Since Nancy Wendt Healy has stated in the past that this Board does not recognize the authority of the Attorney General unless a "binding opinion" is involved it appears this matter with Dan Kleinman being censored is going to continue at great taxpayer expense until a federal judge gets involved on a civil rights level at some point in the near future.

Why do public bodies in Illinois force things to come to this?



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“it appears this matter with Dan Kleinman being censored is going to continue at great taxpayer expense until a federal judge gets involved on a civil rights level at some point in the near future.”

Be clear that while the American Library Association strongly opposes child pornography, it advises librarians that only judges can decide what is child pornography and librarians are not law enforcement. The game is that since so few cases exist that rule something as child pornography, and since it takes so long to get to court, libraries must continue to allow child pornography, and there can never be the millions of cases needed to rule each page as child pornography. So ALA has ensured by policy an unending flow of child porn.

The point is the tactic of dragging things out as long as possible until suit is finally brought is a tactic ALA counts on to maximize the spread of porn in public libraries.

To the extent OPPL has been advised by ALA to utilize such tactics, well, let's just say OPPL thinks it can wait out Megan and Kevin and me and we will go away. It's the exact advice ALA advises and the reason it sets up the elaborate and lengthy means to make removal of material that is obviously inappropriate as very hard as possible. The ends justifies the means. And anyone who tries to hurry ALA's made-up processes are called "censors."

The library will continue to spend whatever it takes to ensure people do not hear that Illinois library law precludes porn from ANY Illinois library, and local governments have the right and duty to stop libraries from acting outside the law. Especially this library, being as it is in the shadow of ALA, and, as we have seen, under direct control of ALA. For example, it was told if I attend its training, ALA must be told so it can dumb down its message.

The only problem is, I have limited funds not sufficient for any suit while ALA is backed by the Playboy Foundation, the Open Society Institute, etc. And that's just one more thing ALA counts on. It decries the "digital divide" between rich and poor that restricts access to "constitutionally protected material," but it counts on the financial divide to beat down any opposition. Heck, it even quickly slips local acolytes money as needed up to generous limits.

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