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# ALA Supports Orland Park Public Library Stance on Viewing Porn



Megan Fox (not the actress-model, but a local mother) and Kevin DuJan attended a meeting of the OPPL Board of Trustees on October 21, 2013 to complain about Ms. Fox seeing pornography being openly viewed on a public computer in the library. Megan Fox



[Sean O'Connor Chicago Libraries Examiner](#)

November 5, 2013

Megan Fox, a local mother (not to be confused with the starlet of the same name), was shocked when she visited the Orland Park Public Library (OPPL) to find open viewing of digital [pornography](#), and dismayed to find out such behavior did not violate the OPPL's behavioral policies, as multiple journalists reported yesterday. The Orland Park Public Library is located at 14921 South Ravinia Avenue in southwest suburban Orland Park, Illinois.

As [Nesita Kwan recounted](#) for WMAQ (NBC-5), Ms. Fox used a computer in the children's area with her two young daughters when a staff member directed her to use a computer in the adult area. According to Ms. Kwan, "Megan Fox is outraged after she noticed a man viewing porn on one of the public computers."

By the [account](#) of [Chicago Tribune](#) reporter Taylor W. Anderson, Ms. Fox encountered "three men on three different library computers viewing pornography." According to Anderson, Ms. Fox wrote a letter to the OPPL Board of Trustees.

Both reporters state she and [Kevin DuJan](#), the homosexual conservative Catholic Republican political commentator, attended the OPPL Board of Trustees meeting on October 21, 2013 and petitioned the Board of Trustees and Library Director Mary Weimar to change policies to stop the viewing of pornography. At the time Anderson wrote his article, their YouTube video had been seen a little less than 10,000 times, but by now it has been seen over 10,600 times.

OPPL spokeswoman Bridget Bittman told Anderson, "We do not filter access to our adult computer area." She told Ms. Kwan, "We believe that adults should have access to the information on the Internet, we believe very strongly in First Amendment rights, and those rights are protected here just for adults 18 and up... You're drawing a fine line. Once you tell an adult that you're not allowed to access a certain amount of information or type of information, what is it next? Is it books, is it movies? We really strongly believe that adults should have the right to access anything that's not illegal or obscene, and we stand by that."

The [Tribune](#) is reporting that the [American Library Association](#) (A.L.A.) supports the stance of the OPPL Board of Trustees. The ALA's position is that a public library that does not allow an adult visitor to view pornographic photographic stills or videos on a public computer risks being sued.

Anderson quoted Barbara Jones, ALA's Office for Intellectual Freedom (OIF). "It's up to the library to provide as much as possible so people can learn to think critically about what is out there... If they don't agree with it, they can go on to another (Internet) page."

Anderson also quoted Deborah Caldwell-Stone, Deputy Director of the OIF. "Libraries have to balance so many concerns — financial, legal, community interest and needs and things like that," Ms. Caldwell-Stone said. "Lots of libraries are walking a tightrope."

The Chicago Public Library follows the ALA policy and earlier this year a woman started a petition to get that changed, but could only get 100 signatures, explained Anderson. In the south and southwest suburbs, the Mokena Public Library, the Tinley Park Public Library, the Frankfort Public Library, and the Lockport Public Library ban visitors viewing pornography on library computers.

However, the Lemont Public Library and some others that have filters will turn off the filters upon request. As for the largest suburban libraries, Anderson pointed out that the Naperville Public Library, Aurora Public Library, and Waukegan Public Library prohibit visitors from

viewing pornography, while the Arlington Heights Memorial Library and the Evanston Public Library effectively permit it.[1]

T.W. Anderson consulted Dan Kleinman, who “writes about the debate on his website, [SafeLibraries.org](http://SafeLibraries.org), which keeps track of library policies. He cites a 2003 Supreme Court ruling that he said allows libraries to ban pornography without fear of lawsuit.”

Anderson quotes Kleinman as saying, “No library has ever been sued because someone said, ‘You blocked my pornography’...It has never happened. Not once.”

Then Anderson counters his own source. “Attorneys say libraries that ban pornography on computers are treading on uncertain legal ground because there's no legal definition for pornography, and obscenity must be decided in court. Some argue the case is already closed.”

He then quotes an e-mail from lawyer Robert Corn-Revere, who wrote, "Banning pornography raises the possibility of subjective and arbitrary ejection policies based on a librarian's individual tastes." Anderson then explains, “Corn-Revere represented plaintiffs in a Virginia case in which the court found that Internet filters on all public library computers were unconstitutional.”

Some libraries use filters to block explicit sites from adult computers. Libraries also legally block explicit sites from computers accessed by youths.

On the aforementioned [SafeLibraries.org](http://SafeLibraries.org), Kleinman devotes a Web page to a germane legal case, *Adamson v. Minneapolis Public Library*, and re-posted links to two primary source documents. In 2000, a dozen employees of the Minneapolis Public Library (M.P.L.),[2] all of whom worked at the MPL’s Central Library, filed complaints with the [U.S. Equal Employment Opportunity Commission \(E.E.O.C.\)](http://www.eeoc.gov) that stemmed from unwanted exposure to hardcore pornography at the workplace.

One [complaint](#) read, in part, “During the recent course of my employment I have been subjected to repeated exposure to sexually explicit materials and sexual activity at my place of employment. My employer has adopted an Internet access policy which allows for unrestricted access to sexually explicit Internet sites. My employer further allow [sic] patrons of the Library to print out on Library printers sexually explicit and obscene picture and materials from the Internet. As a result of this policy I have been forced to view computer screens filled with images depicting explicit sexual activity including bestiality, child pornography, oral, anal and vaginal sexual acts, homosexuality, and explicit photos of male and female genitalia and sexual poses. These same images have been printed out on our computers and left for staff to find, depicting the same pornographic and obscene materials.”

A group of more than two score MPL employees wrote a letter to the editor published in the Minneapolis [Star-Tribune](#) that read, in part, “While the American Library Association (ALA) and our Minneapolis Public Library administration have taken the firm stand that restricting Internet access in any way is unacceptable censorship, most of us working directly with the public disagree. The issue is not one of intellectual freedom, but rather whether obscene material

should be publicly displayed. If a Penthouse magazine cover must be kept out of public view in a grocery store should not the same principle apply in a public library?"

In 2001, the Minneapolis Area Office of the EEOC [ruled](#), "Based on the... investigation, the Commission is able to conclude that the information obtained established violations of the statutes with regards to the allegations set forth in the charge, that the Respondent did subject the Charging Party to sexually hostile work environment. This is in violation of Title VII of the Civil Rights Act of 1964, as amended."

Kleinman also includes a link to a blog post about the [lawsuit](#) by David Burt, a cyber-security expert and former librarian. Burt not only was the original party to post the primary sources cited above, but also posted a copy of the [thirty-one page complaint](#) the dozen MPL employees filed as part of a lawsuit against the MPL and Library Director Mary Lawson[3] in civil court in March of 2003. Five months after they filed *Adamson v. Minneapolis Public Library*, the MPL settled out of court.

The [National Law Journal](#) Staff Reporter Gary Young reported, "On Aug. 15, the Minneapolis Public Library announced that it had agreed to pay \$435,000 to 12 employees-lead plaintiff Wendy Adamson, five other librarians, five aides and a page-who accused the library administration of subjecting them to a hostile work environment by leaving them exposed to pornography."

Burt posted an [excerpt](#) of Young's article. I have also read the full text of the article on the journal's Web site.

Young related that the plaintiffs' lawyer, Robert S. Halagan, believed this was the first time an employer paid employees for failing to protect them from third parties accessing pornography on the Internet, but he also believed another such case would not arise because other libraries were placing "reasonable restrictions" (as Young put it) on Internet access.

Further, Young cited Law Professor Robert M. O'Neil, Director of the University of Virginia's Thomas Jefferson Center for the Protection of Free Expression, who believed the issue was rendered moot by a U.S. Supreme Court decision. In *U.S. v. American Library Association* (No. 02-361), the justices upheld the *Children's Internet Protection Act* (2000), which called for any library that receives federal funds (which would effectively mean not only federal research libraries and law libraries of the federal courts but all the state libraries and public libraries, most school libraries, and most academic libraries) use filtering software to ensure children could not use public computers to access pornography.

In his article, Anderson wrote the OPPL "said it has ample safeguards in place to prevent children from viewing pornography. Children younger than 18 can't log on to computers in the adult lab, where Bittman said the library has privacy screens that block what passers-by can see."

Anderson closed his article by relating that Ms. Bittman had pointed out Ms. Fox and DuJan are not Orland Park residents. [That isn't really relevant, though, is it? Either there is a problem with people sitting in the library openly viewing pornography on public computers or there isn't, and

if there is, people visiting from a foreign country could have just as well complained.] As it happens, Ms. Fox uses public libraries in the area to gather materials for her home-schooling needs. He also writes Ms. Fox would have accepted an apology when this kerfuffle began, but now prepared for what Anderson called a “lengthy battle.”

When she spoke with Ms. Kwan, Ms. Fox drew a connection between pornography being viewed in the library and criminal behavior there, “There are police reports of crime happening in this library, public masturbation, indecent exposure, stalking of a teenager, harassment of a teenager. Those, in my opinion, are directly related to the open viewing of pornography.”

[1] It is debatable whether Waukegan is a suburb. It is more of an exurb.

[2] Like many cultural institutions (and the rest of society) the Minneapolis Public Library & Information Center (MPL) suffered financially as a result of the recession that began around the turn of the century when the dot.com (internet-based company stock) bubble burst. It no longer exists. Founded by the businessman and art collector Thomas Barlow Walker (1840-1928) in 1885, the MPL merged with the Hennepin County Library in January of 2008.

[3] By the time the MPL settled with the plaintiffs, the MPL Board of Trustees had allowed the contract with Mary Lawson to lapse and had appointed a new Library Director, Katherine G. Hadley earlier in 2003. Halagan conceded that conditions had improved, but his clients nonetheless felt they deserved to be compensated “for three years of suffering” (as Young put it). They chose to settle for \$435,000 because they did not wish to cause the MPL undo financial hardship, and knew that sum would fall within the coverage of the MPL’s insurance. Halagan explained to Young his clients had sued “to send a message to other libraries that this is an issue they should take seriously.”