

Orland Park Public Library and Megan Fox: A Challenger's Point of View

A Case Study

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Author's Note

This research is being submitted on May 8, 2015 for Joyce Latham, L&I Sci 861, Seminar on Intellectual Freedom, at University of Wisconsin Milwaukee by Rachelle Golde.

## Abstract

This case study examines the points of view of Megan Fox in regards to the surrounding issues of the Orland Park Public Library (OPPL) pornography challenge of 2013. The review of literature discusses the various found themes which the majority of library challengers' points of views and reasoning are based upon for issuing the challenges. The current policies regarding the issues surrounding this particular library challenge at OPPL are also examined. This case study was built upon the email correspondence to a questionnaire/interview, as well as, a plethora of online resources provided by both Fox and OPPL.

## Table of Contents

Abstract.....	2
Introduction .....	4
A Brief History .....	5
OPPL Mission .....	5
Key Players of Challenge .....	6
Brief History of OPPL.....	7
Definitions.....	8
Review of Literature .....	8
The Challenger Point of View.....	8
The ALA .....	10
The Board Meetings and Censorship .....	11
Filters and Policies .....	13
Current OPPL Policies.....	14
Public Access to Electronic Information Networks Policy .....	14
Access for Children and Young Adults to Nonprint Materials.....	16
Free Access to Libraries for Minors.....	17
Freedom of Information Act Practices and Procedures.....	18
ALA Endorsements.....	18
The Challenge .....	19
The Interview .....	20
Conclusion .....	27
Appendix A.....	31

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### Introduction

The Orland Park Public Library (OPPL) experienced a highly publicized patron challenge regarding internet use and pornography access in 2013. It was considered highly publicized due to the amount of content available upon the internet not only through news media, but also through blogs, YouTube videos, radio interviews, and even a short segment on Saturday Night Live. The primary challenger, Megan Fox, is a home-schooling mom of three children. She issued this challenge due to her witnessing a man accessing pornography on the adult computers and arousing himself in OPPL. When Fox brought this situation to the attention of the librarian on duty, she was told that these types of behaviors happen often and they could not do anything about it. The response from the librarian initiated the in depth research and resulting challenge regarding the use of internet, access to pornography, access to illegal content (such as child pornography), and several alleged criminal sexual crimes occurring within the OPPL. The timeline of events will be covered later within this paper.

I was given permission from Megan Fox to use her public documents, social media posts, and YouTube video posts. I also received permissions to use Fox's responses to a questionnaire that I sent her via email. There is no anonymity issues within this case study, since the majority of the challenge were done very publically, resulting in a plethora of internet and public resources. All the documents, except for the personal correspondence via email of which the questionnaire was sent and received, gathered for resources can be found online and or through the University of Wisconsin- Milwaukee's online library.

The primary focus of this case study was to examine the points of view of a challenger regarding the surrounding issues of the Orland Park Public Library Pornography challenge; since Megan Fox was the initial challenger, I choose to focus the study upon her opinions and points of view. Through a review of literature, the study also examines the attitudes and behaviors of challengers as well as the surrounding issues, such as censorship, definitions of pornography, and the American Library Association's (ALA) and OPPL policies and procedures for handling a challenge such as this.

## **A Brief History**

### **OPPL Mission**

The Orland Park Public Library's mission statement was originally issued on April 17, 1989 and most recently amended on May 19, 2014. The board of library trustees was and continues to be the approving authority for the mission statement, as well as, any other policies.

The OPPL's mission statement is:

“The library's mission is to stimulate imaginations, educate, entertain, and welcome everyone. We are committed to equal opportunities for all library patrons without regard to race, color, religion, national origin, ancestry, sex, age, disability, marital status, sexual orientation, or past or present status as a member of the military.

The library will provide patrons of all ages with a center that will enhance their sense of community and togetherness.

Patrons of all ages will have access to innovative library services, delivered in an efficient and effective manner, that will:

- Assist them to enhance the quality of their lives
- Provide materials, programs and services to help meet their educational needs
- Provide opportunities to develop technological proficiencies and improve the ability to access information
- Provide a source for recreational reading, viewing and listening, as a means to stimulate imagination and expand literacy” (OPPL, 2015).

## Key Players of Challenge

The key players involved in the OPPL pornography challenge of 2013 include the following:

Megan Fox: Challenger of the OPPL policies and procedures regarding internet access and use; access to child pornography (and other illegal materials) via public computers; and OPPL budgets and spending.

Kevin DuJan: Challenger of the OPPL policies and procedures regarding internet access and use; access to child pornography (and other illegal materials) via public computers; and OPPL budgets and spending. DuJan is a longtime friend and colleague of Fox.

Fox and DuJan currently are working together on several book and research projects for their media service, Story Time Digital Media, which they founded in 2013.

Mary Weimar: The Director of OPPL during the 2013 pornography challenge. Weimar is still the current OPPL Director. She was in opposition of Fox and DuJan for the duration of the challenge.

Diane Jennings: An OPPL Board Trustee. She publically admitted that child pornography had been accessed via the OPPL computers.

Bridget Bittman: The spokesperson for the OPPL during the 2013 pornography challenge, she maintains this position. Bittman publically announced that child pornography was accessed at OPPL during a radio interview with hosts Dan Proft and Bruce Wolf (Fox, 2013g).

Nancy Wendt Healy: The OPPL library board President; accused of censoring Fox and DuJan during public board meetings on several instances.

Linda Zec-Prajka: A former OPPL employee who left her position due to encountering multiple instances of men arousing themselves while viewing pornography at the OPPL computers.

Makes a case in support of Fox and DuJan; she also argues that the policies at the time of the challenge were in violation of the Equal Employment Opportunity Act.

Dan Kleinman: An activist for SafeLibraries.org; spoke on behalf of Fox and DuJan at a OPPL board meeting regarding censorship and First Amendment rights.

### **Brief History of OPPL**

The Orland Park Public Library was established in 1937 by the Orland Park Women's Club. A portion of the funding came from the Illinois State Library Extension board, located in Springfield. The building was donated for use rent free by Roy Loebe, and in the 1940s the library established itself as a free public library. During this time, the majority of the materials and staffing were volunteered and donated by the community. In the 1960s the library, as well as, the overall population of Orland Park, had grown considerably; as a result, the library established a bookmobile and became part of the Suburban Library System. The library also began to draft plans for obtaining a new and much larger building.

During the mid-1970s, the community received a donation in the form of a 7,000 square foot building to house the Orland Park Public Library. This gift was given by the Andrew Corporation in memory of Aileen S. Andrew. However, by the 1980s the library desperately needed to expand its size yet again in order to meet the community's needs. The Andrew Corporation once again came to the library's aid and donated the majority of the monies needed to build an addition to the library. The addition added an extra 18,000 square feet to the building. The 1990s were a more settled time period; the library purchased a bookmobile and did some

remodeling to the library shelving. However, in 2002, the library board included a referendum to the ballot, so that they could build a brand new facility; this was passed. The new grand facility was build and Orland Park officially opened their new library building on September 12, 2004.

The challenge that this case study focuses upon took place in 2013, starting in October with Fox's unexpected experience at OPPL. The challenge continued through many board meetings and legal proceedings, which came to an end in March of 2014. The challenge ended in a settlement of which OPPL paid Fox and DuJan \$55,000 to cover the legal fees of the challenge (SafeLibraries.org, 2015).

## **Definitions**

Challenge: "an action wherein an individual or group formally files a complaint with a school or library to remove, restrict, or relocate a particular book" (Knox, 2014, p. 4). This definition, while focused upon books specifically, it does apply challenges in general, to include challenges regarding internet usage at the public library.

Challenger: refers to the people who bring the challenge, or rather, the "requests for change" to a public institution (Knox, 2014, p. 4).

## **Review of Literature**

### **The Challenger Point of View**

While many public library challenges are examined through the view point of the public library and legal aspects, the point of view of the challenger(s) is equally important to examine. Knowing how the challenger views the situation and the reasoning behind their behaviors can



allow the public library to be more willing to openly discuss the challenge, as well as, create and modify their policies and procedures to handle challenge situations in a positive manner.

According to Knox, 2014, there are three themes which have emerged after an extensive study of thirteen book challenges across the United States. While Knox's study focuses on books these themes also apply to challenges involving the use and access of the internet via public library computers. These three themes include the following: "Society is on the decline and children's innocence must be protected"; "Public institutions are public symbols of the community"; "Reading is a powerful practice with significant short- and long-term effects (Knox, 2014, p. 1). Fox would fit into all three themes, based up her opinions and comments regarding the OPPL challenge.

While not all challenges come from conservative Christian groups, the OPPL challenger, Megan Fox, is both a conservative and Christian. Knox states that Kingrey, 2005, found four key themes regarding conservatives and or Christians during challenges. These four key themes include:

1. "They often define censorship narrowly as being solely the domain of the government and therefore challenges are not censorship"
2. "They tend to have a negative view of human nature and see it as either corrupt or corrupting"
3. "The conservative Christian groups prefer the rule of the majority over the rights of the individual"
4. "They tend to distrust people who disagree with their ideas regarding intellectual freedom" (Kingrey in Knox, 2014, p.7).

Again, based upon Fox's comments and posted opinions, she would meet all four of Kingrey's themes.

Essentially, as Gaffney (2012) explains, the majority of challenge cases are arguments regarding the purpose of the public library within the community and society as a whole. Gaffney also points out the strength and support a challenger can find within their community is often substantial; these challenges often unite community members that are often found in the same social circles and other community social groups. The challenge usually arises out of concern for the challenger's children/family, and or the children and morals of their community as a whole; the primary concern is to protect their children's innocence and the community's high moral standards (Knox, 2014).

### The ALA

The majority of public libraries support and utilize the policies regarding intellectual freedoms from the American Library Association (ALA); however, many of the challengers of public libraries do not support the ALA, including Fox. Through her experiences with the OPPL pornography challenge and the OPPL board meetings, Fox concludes that the ALA is supportive of unfiltered access to illegal materials, as well as, any kind of pornography (including child pornography) (Fox, 2013a).

When Fox confronted the ALA's spokesperson with the issues of children's safety and the need to install filters to block this content, "the ALA's answer is: 'freedom of information'...all information is equal, valid, and necessary for human consumption regardless of age" (Fox, 2013a). According to Fox (2013a), she received an email from an ALA listserv group which has Mark Rosenzweig, an ALA councilor at large, stating:

“We’re as American as apple pie. And we should say so. Loud and clear. The more progressive [sic] wing of the profession should intelligently counter the “erotophobia [sic]”. The worst thing in life, even for a kid, is NOT exposure to the image of naked people, or even people screwing, blowing, licking, humping, having sex with animals, etc. (except, for legal-and perhaps- ethical reasons, child erotica, so ill-defined that it can include the work of the world-renowned photographer [sic] Sally Mann... any attempts to contain the curiosity of kids is bad for children. But so-called pornography? WHERE DOES IT RATE? Nowhere...” (Rosenzweig in Fox, 2013a).

The challengers of the OPPL pornography challenge held firm to the belief that the ALA is telling the public libraries, as well as, the general public a basket of lies, in order to maintain control over the libraries (Fox, 2013a). Fox further argues that no one in their right mind would endorse or follow policies that allow children to access and view mature content meant only for adults (such as violent video games, R-rated movies, pornography, etc.), as well as, have access to illegal materials, such as child pornography (Fox, 2013b). Since public libraries cater towards parents and children, the library and the parents must work together to ensure the safety of the community’s children (Fox, 2013b).

Many of the challengers of public libraries are not only opposing some material, policy, or action from the public library but they are also facing their “own struggle as a quest to wrest libraries away from the ALA and restore them to parental and taxpayer control” (Gaffney, 2012). Fox states many times, throughout her YouTube, blog, social media accounts, interviews, and published documents that the decision to use filters on all of the OPPL computers should be made by the community not the ALA.

### **The Board Meetings and Censorship**

Fox and DuJan began to attend the OPPL public board meetings on a regular basis in order to voice their concerns and suggestions for changes to the OPPL policies regarding the use of the internet. Some challenges can be settled through the attendance of board meetings and

formal written complaints. However, if a challenge cannot be settled in the early stages, there can be a challenge hearing. A challenge hearing is a public board meeting in which the public and the board discuss the item in question extensively; these are often called “special meetings” (Knox, 2014).

Fox and DuJan, along with others from the community in support of their campaign, attended many OPPL board meetings. There were several instances where conflict arose during the board meetings in regards to allowing the public to speak freely regarding the issue of unfiltered internet access in the adults’ only computers. Fox felt that their First Amendment rights were often violated due to the inability to discuss the issue openly during the board meeting. During several board meetings, the majority of which are available online through YouTube, Fox is interrupted and even told that due to policies she was not to speak or limited in her speech during the meetings. At one point, Fox brought an activist, Dan Kleinman from SafeLibraries.org, via a live FaceTime video chat. The board denies him from speaking due to the fact that he was not physically present at the meeting (Fox, 2014). Kleinman responds with a statement that his “free speech is taken away” (Kleinman in Fox, 2014).

Many challengers view censorship only as an action that government or higher institutions have towards those who stand against their ideas (Knox, 2014). Fox defines censorship as “some entity of government prohibits an opposing viewpoint from being made, especially when critics [challengers] are being silenced” (Fox, 2015). This is discussed further later within the summary of Fox’s interview, which was conducted for this case study.

The OPPL and Fox pornography challenge ended in civil court proceedings in the Chancery Division of the Circuit Court of Cook County under these two titles: *Megan Fox and*

*Kevin DuJan v. Orland Park Police Department, et. al.* and *Megan Fox and Kevin DuJan v. Orland Park Public Library* (SafeLibraries.org, 2015). The case was resolved with an agreed upon settlement of \$55,000. “The Library shall issue or cause its insurer to issue a check in the amount of Fifty-Five Thousand and 00/100 Dollars (\$55,000) payable jointly to Fox, DuJan and their attorneys, Loevy & Loevy Attorneys at Law” (SafeLibraries.org, 2015).

## Filters and Policies

Fox fought for OPPL to make changes to their policies and procedures for handling situations, such as the viewing of pornography and illegal materials on the internet via the public computers; as well as, making the purchases for filtering programs to limit and or block this type of content from being accessed. The inadvertent viewing of pornography by others, especially children, is the very reason the library needs stronger policies, as well as, filtering programs on all of the public computers (Fox, 2013c).

While the ALA accepts the Supreme Court’s decision regarding CIPA, they also promote the fact that CIPA is not mandatory for public libraries, but an option to receive additional federal funding through the e-rate programming (ALA, 2015). For those libraries that choose to apply CIPA filtering to their computers, the ALA reminds them that they need to be able to disable the filtering software should an adult request it (ALA, 2015).

During their experience with the OPPL challenge, Fox repeatedly reminds the public and the OPPL board that by using filters on all of the public computers, they are not in violation of the First Amendment. However, the OPPL has maintained their financial independence from the e-rate funds and have not yet placed filters on the adult only computers; there are filters on all computers that children, all minors under 18 years old, have access to.

## **Current OPPL Policies**

The policies listed in this section are the current policies for OPPL. There have been many amendments to these policies since the 2013 pornography challenge with Fox. According to Fox, the previously used policies were weak and the library staff was untrained and ill equipped to handle challenging situations like this one. The current policies, however, are written in a strong formal tone that clearly details each aspect regarding internet usage within OPPL. The following policies do not include all of OPPL's policies, only those that have a direct connection to the issues surrounding the 2013 pornography challenge with Fox. All of OPPL's policies are approved by the OPPL Board of Library Trustees and or the ALA. These policies can be located in full via the URL <http://www.orlandparklibrary.org/about.htm>.

### **Public Access to Electronic Information Networks Policy**

This policy was originally issued in March of 1998, with the most current ratifications approved in August of 2014. This policy opens with revisiting the OPPL's mission statement, which was previously discussed. The policy also clearly states that this policy is applicable and in conjunction with all other existing library policies, in particular the Patron Behavior policy. This policy clearly explains that the OPPL is not responsible for any content found on the internet and that they do "not exercise control over information obtained via the electronic information networks" (OPPL, 2014).

The policy includes a patrons' responsibility section, in which OPPL states that they are not responsible for "any damages, indirect or direct, arising from a library patron's use of electronic network resources" (OPPL, 2014). However, the policy goes on to state that the "viewing of material which may be disturbing or offensive to others within viewing distance is prohibited... absolute privacy in accessing and using the electronic information networks in the

library cannot be guaranteed” (OPPL, 2014). The use of OPPL’s wireless access is also discussed with very similar statements that were used to discuss the use of OPPL’s computers.

The statement regarding children’s use and access to electronic information networks is discussed by first stating that OPPL supports the use of electronic resources and will not deny access to this information resource based upon age. OPPL explains that they are aware that there is inappropriate content for children available upon these information networks, therefore children under the age of nine years old must be accompanied by an adult when using these networks. OPPL also explains that “the library cannot guarantee that filtered Internet access will prevent the access of inappropriate material... parents are encouraged to discuss with their children and teens issues of safe and appropriate use of electronic resources” (OPPL, 2014).

As part of the Electronic Information Networks Policy, OPPL also includes a Public Access to Electronic Information Networks User Agreement. This agreement must be digitally agreed to prior to using the public networks provided through OPPL. A list of unacceptable activities are included but also not limited to the following:

- “Viewing material which may be disturbing or offensive to others within viewing distance.
- Use which results in the harassment of other users and staff members.
- Use of electronic information networks in any way which violates a Federal, State, or local law.
- Knowingly accessing with intent to view any material that contains an image of child pornography.
- Gambling.
- Destruction, damage, or interference with the library’s computer equipment or network.
- Behaving in a manner which is disruptive to other users, including, but not limited to overuse of computer equipment or bandwidth which serves to deny access to other users” (OPPL, 2014a).

This policy is very straight forward and clearly written as to what is and is not allowed during a patron's use of the internet and other electronic resources within the library. Fox would more than likely approve of this policy, as it clearly states the unacceptable activities and behaviors, which Fox argues, should not be allowed within a public facility. It is also clearly stated in both the policy and user agreement that should this policy be violated the police will be notified. In addition to the policy, Fox would want to ensure that the library staff was trained in this policy and that they understand the procedures and consequences for patrons who chose not to follow the policy.

#### **Access for Children and Young Adults to Nonprint Materials**

This policy is based off of the ALA's Library Bill of Rights, including the phrase, "a person's right to use a library should not be denied or abridged because of origin, age, background, or views" (ALA in OPPL, 2004). OPPL states that patrons must understand and recognize that the library cannot act in *loco parentis* and that minors will be dealt with in the same manner as adults, which only prohibits access to information which is "specifically prohibited by law" (OPPL, 2004). As the ALA endorses the ideal that all people should have equal access to all legal information within the public library; OPPL states, "lack of access to information can be harmful to minors... librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail" (OPPL, 2004). The policy also states that the ALA "acknowledges and supports the exercise by parents of their responsibility to guide their own children's reading and viewing" (OPPL, 2004).



This policy would be in disagreement with Fox and her stance in regards to providing internet filters and limiting access to potentially harmful information for minors, such as access to pornography. Fox believes that the public library, since it receives the majority of their funding from public tax dollars, should enact policies which the community agrees with, rather than following and endorsing the ALA's policies. This would allow the community, parents, and library to work together to protect the children from viewing harmful and or illegal content.

### **Free Access to Libraries for Minors**

This policy reinforces the previously discussed policy, Access for Children and Young Adults to Nonprint Materials. It is, again, an endorsement of the ALA Bill of Rights and a reminder that parents are solely responsible for the content their children access and view. This policy states that "children and young adults unquestionable possess First Amendment rights, including the right to receive information in the library... constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them" (OPPL, 2004a).

Again, Fox would argue that allowing access to harmful materials, such as pornography, and illegal materials, such as child pornography, can and should be limited and restricted for minors on all public computers in order to protect them from potential harm. She argues that the addition of internet filters on all OPPL computers is not in violation of the First Amendment, since illegal content is not protected. Filters can also be turned off at the request of an adult, so that legal adult content, which may be harmful to minors to view, can be accessed by adults who wish to view the content; however this does not entirely solve the issue of children inadvertently viewing harmful materials on adult computers.

### **Freedom of Information Act Practices and Procedures**

This policy was originally issued in March of 2010, and revised in April of 2015. The approving authority of the policy is again the Board of Library Trustees. The policy states that “it is the policy of the Orland Park Public Library (the “library”) to permit access to as well as inspection and copying of public records in accordance with the Illinois Freedom of Information Act” (OPPL, 2015). The policy details the contact information for the Freedom of Information Officers as well as the procedures one would need to follow in order to submit a request for information. There are various types of information requests, each with their own procedures and costs that the person requesting information must follow. However, the contact information is made clearly available so that if one needed assistance in submitting a request, it can easily be done.

Throughout the 2013 pornography challenge, Fox repeatedly tries to obtain information and public records, including incident reports and board meeting notes and minutes, to aid in her challenge to change OPPL’s policies regarding internet use and access to pornography, as well as illegal content, such as child pornography. Fox explains, in her responses to the emailed questionnaire, as well as, through multiple YouTube videos, social media and blog posts that these attempts to retrieve public information were often ignored, denied or fought by the OPPL Director.

### **ALA Endorsements**

OPPL endorses the ALA’s Freedom to Read and Freedom to View statements. They also endorse the ALA’s Library Bill of Rights. OPPL also uses these ALA statements as a base for building many of their policies.

## The Challenge

On October 4, 2013 Megan Fox observed a man sexually arousing himself at a computer in the adult computer area of OPPL (Fox, 2013d). Fox went to the circulation desk to complain to the librarian; she was told that the library “gets a lot of that in here” and that the library staff would not do anything to resolve the situation at hand. Fox’s colleague Kevin DuJan was also present in OPPL that same day and also witnessed the same situation. DuJan walked through the adult computer area and found that there was a total of three men “openly viewing sexually arousing material on the OPPL’s computers” (Fox, 2015). All three men were openly arousing themselves at their computers.

Due to the inaction of the OPPL staff, Fox and DuJan were curious if there were any other incidents of this type of behavior occurring at OPPL. They filed a Freedom of Information Act Request with OPPL on October 5, 2013 in an effort to obtain a copy of the OPPL incident reports and records of sexual activities in the library. The library did not immediately comply with the request for information which led to Fox and DuJan filing a Request for Review with the Illinois Attorney General’s Office of the Public Access Counselor. The Director, Mary Weimar, then complied and gave the requested documents to Fox and DuJan in late October of 2013.

Within these documents, Fox and DuJan found that there were a total of three witnesses stating that child pornography had been accessed from the adult computers at OPPL on March 8, 2011. The incident reports state that the police were not called and the man who was viewing child pornography “escaped” (Fox, 2015). The failure to call the police in that situation was against the law and also a failure to follow library policy. The man who was viewing child pornography was allowed back into the library and given access to the adult computers the next

day. This incident was successfully covered up until Library Trustee Diane Jennings confirmed that the incident did occur and that the OPPL staff failed to notify the police (Fox, 2015).

These findings resulted in a long challenge where Fox and DuJan, along with other community members, fought to change the policies, procedures, and practices of OPPL. In the end, Fox and DuJan “were ultimately forced to sue the OPPL to compel production of documents and to end the illegal practices of this library” (Fox, 2015). The lawsuits were settled in March of 2014; in which, Fox and DuJan prevailed on all accounts, receiving a \$55,000 settlement (Fox, 2015).

## **The Interview**

Megan Fox was sent a questionnaire regarding the issues surrounding the OPPL challenge via email. A copy of the questionnaire can be found in Appendix A. The following details Fox’s responses from the questionnaire, as well as, conveys her own thoughts, opinions, and emotions regarding the issues surrounding the OPPL pornography challenge of 2013. The following discussion of the challenge is taken from personal communications with Fox and me via the email and the questionnaire.

Megan Fox has lived in the Orland Park area her entire life. She remembers OPPL as a 1950s style brick building that she frequented. The OPPL is now a large, modern public library; which she describes as “opulent” and “soaring” (Fox, 2015). Fox is a mother of three children; all of which she homeschools. As a homeschool mom, Fox is involved in many community activities to include a homeschooling group that meets at OPPL and a church music program. She is also part of the Edgar County Watchdogs and Safe Libraries.

Fox was not alone in challenging OPPL regarding access to pornography. Kevin DuJan, a longtime friend and colleague of Fox, joined Fox in the challenge. Others, besides community members, that supported Fox throughout this challenge included several state watchdog groups, such as the Edgar County Watchdogs, Good of Illinois, and the Illinois Family Institute. The Illinois Attorney General's Office of the Public Access Counselor and the State Librarian, Jesse White, provided invaluable assistance and information throughout the challenge. Another resource which Fox found extremely helpful was Dan Kleinman's publications at SafeLibraries.org. Fox and DuJan were also represented by two law firms, Loevy & Loevy and Kirkland & Ellis.

The challenge began with an observation of a patron viewing pornography and arousing himself at the OPPL computers; this led to the discovery that there have, in the past, been situations of patrons viewing pornography, including child pornography on the OPPL computers. Fox, while not supportive of pornography, says the focus of the issue is child pornography. She states, "Child pornography is the issue here, as the OPPL has admitted on public record that child porn was accessed in their building on 3/8/11 and was then covered up by library management" (Fox, 2015). Diane Jennings, an OPPL trustee, and Bridget Bittman, the OPPL spokesperson, both publically admitted that there have been incidents where child pornography was accessed from the computers at OPPL (Fox, 2013d; 2013e).

Fox is very outspoken against men who use the OPPLs internet as an access point to pornography, child pornography, and other illegal materials. She explains that during the years of her research she has "never encountered a single instance of a woman masturbating or sexually arousing herself on public computers" (Fox, 2015). Of all of the incident reports involving child pornography or sexual activities/behaviors at OPPL, "men were the ones breaking the law...and

women were the victims” (Fox, 2015). She also explains that she has “not seen any men complain of being victimized by women at OPPL and I [Fox] am not aware of any women at large engaging in masturbation or sexual arousal in public libraries” (Fox, 2015).

Since OPPL allows unfiltered adult access to the internet, patrons can and have accessed a variety of sexually arousing materials. Fox believes this is the basis for the “ongoing pattern of men masturbating at computers in the library, exposing their penises, harassing female employees, accosting children, and engaging in indecent exposure in the men’s room” (Fox, 2015). These behaviors are illegal in the state of Illinois and should not be accessed in public places. Fox argues against the ALA statement regarding the First Amendment; she states “Sexually arousing materials are not ‘information’, as the American Library Association likes to claim...there is no intellectual stimulation to be found in sexually arousing video playing on a computer screen in the OPPL” (Fox, 2015).

Fox does not support the ALA and even goes as far as to say that the ALA is supportive of pornography in the library; “it seems that the ALA encourages libraries not to call the police when sexual activity and sexual behaviors are happening in libraries” (Fox, 2015). Fox believes that the ALA uses Alinsky tactics as a method of crisis management techniques in challenge situations. She goes on to state that “The ALA is a radical special interest group that believes it can impose its will on public libraries but people should remember that these public entities are chartered for the benefit of the public and that the ALA has no right to dictate what happens in a community’s library...that is for the community to decide, not the ALA” (Fox, 2015).

The public library cannot act *in loco parentis*, therefore parents are solely responsible for the content their children access and view within the public library. Fox does not disagree with

this statement, nor does she clearly show support of it. She does state that public libraries would not exist today without moms and young children. Public libraries place a large emphasis on children's programming and this is an area of concern for Fox. "The problem here is that while simultaneously enticing children into the building with a large marketing budget aimed at families, libraries like OPPL are allowing men to become sexually aroused at computers and staff deliberately do not call the police when these men then progress to engaging in sexual activity in libraries full of children" (Fox, 2015). She compares this situation to that of chumming the waters for sharks; "It really is like chumming the water at the beach and then later claiming you are surprised that a great white shark showed up and tragedy ensued" (Fox, 2015).

Several of the interview questions revolved around the issue of censorship and the placement of internet filtering programs on the computers at OPPL. Fox defines censorship as "the act of a government body deliberately and purposefully silencing someone that the government body disagrees with...a state actor such as an elected board or highly paid public employees abusing their power and threatening the use of police or legal action as a weapon to silence critics and hide wrongdoing committed by the board or its employees" (Fox, 2015). Fox feels as though she herself along with DuJan were often censored during their time at various OPPL board meetings.

Even though Fox is supportive of installing internet filtering programs and limiting access to potentially harmful sites, she does not consider herself to be a censor, but an "outspoken critic" (Fox, 2015). Fox goes on to state that "No library in this country has the power to 'censor' anything because any member of the public could obtain any legal material via Amazon, Barnes & Noble, or other sources...libraries do not have the power to prohibit a work

from existing in the world, though librarians every day act like border control agents and make conscious decisions on what they allow or don't allow into the library's collection" (Fox, 2015).

According to Fox, the director of the public library "holds a great deal of power and decides every day what to carry and not carry in her library" (Fox, 2015). Fox feels as though the director uses personal political views and agendas to create and manage collections, including deciding what content is available via the computers. In opposition of the ALA, Fox states that "most ALA-approved directors are of a severe Leftist political bent and seem to steer library collections to being heavy on Leftist and atheist materials as opposed to conservative or Christian materials" (Fox, 2015).

In an effort to limit access to illegal materials, such as child pornography, Fox supports the use of internet filters on all the public library computers, including the adult only computers. She explains that the ALA has been lying to public libraries for years, telling them that these filters will not only block illegal content but also useful legal content; thus making the filtering programs ineffective. Other methods of limiting internet access to illegal content as well as potentially harmful materials, such as legal pornography, is to design and arrange the computer areas so that all the computer screens are visible to the librarians at the circulation desks.

The library staff must also undergo training to know how to address and handle situations where content such as child pornography is accessed. As part of the training the librarians and staff must know that when illegal content is accessed or when other sexual acts such as public masturbating occur, they need to not only fill out incident reports but they must notify the police of the issue. Fox explains that "it is against the law to sit in a public building and watch sexually arousing videos on a public computer in full view of passersby; that is sexual harassment under



the law, because you are forcing a sexual experience on a passerby who has a right not to encounter sexually arousing content in a public building” (Fox, 2015).

Having well trained library staff and strong written policies and procedures for dealing with issues such as pornography access and illegal content access, like child pornography, is essential to creating a safe environment for all patrons. “The problem at the OPPL was that library management made the dangerous decision to NOT call the police when things like this were happening” (Fox, 2015). The reason these illegal activities and issues have occurred at OPPL is because the OPPL management created an environment that “made it so easy for men to anonymously access the Internet in that building, so they were doing illegal things on those computers that they would be afraid to ever try at home... libraries should never be places where criminals feel they can get away with things because library staff put up road blocks that hinder police investigations” (Fox, 2015).

Another important issue that allowing access to illegal content and pornography, which will not be addressed fully in this paper as it is a case study in its own accord, is that of Equal Employment Opportunity Act (EEOA) violations; there have been two separate female employees of OPPL who have submitted complaints regarding male patrons accessing pornographic materials. These men, Fox describes, often “camp out all day at those computers” (Fox, 2015). Linda Zec-Prajka is one such employee that came forward publically regarding issues of feeling unsafe, and harassed during work due to male patrons accessing pornography. The access to pornography becomes an EEOA violation “as it puts the sexual wants and desires of men over the right of a woman to have a sexually neutral workplace (instead of a sexually hostile workplace like the OPPL)” (Fox, 2015).

The challenge has resulted in changes to several areas at OPPL as well as a substantial settlement. Fox feels that the challenge was successful and the majority of her goals were met throughout this process. The successes which Fox lists include the following:

- OPPL was forced to produce all documents in relation to the challenge in compliance with the Freedom of Information Act
- OPPL board trustee, Diane Jennings, was forced to publically announce that OPPL has had problems with patrons accessing pornography, including child pornography
- OPPL was forced to pay a \$55,000 settlement to cover legal fees accrued through the duration of the challenge.

Fox is not finished with challenging OPPL to improve their services, policies, and procedures for operations. The remaining goals Fox has for OPPL involves community relations, Director and staff behaviors and explanations for such behaviors, internet filters, and budgeting issues. Fox feels that the OPPL board should “start listening to the wants and needs of the community” and to stop heeding the advice from the ALA. According to Fox, the ALA caused OPPL to “make the wrong decision every time” they chose to listen and follow their given advice for crisis management. Fox would like the OPPL Director, Mary Weimar, to make a public statement explaining why they, the library staff, chose not to notify the police when incidents of illegal activities, such as accessing child pornography, have occurred. Fox would also like an explanation as to why Weimar was never disciplined for these actions. Fox is continuing in her fight to have filtering systems added to all OPPL computers to block access to illegal content, such as child pornography and sexual activities, so that OPPL will not experience further issues with sexual related crimes.

Through Fox's research during this challenge, she found that there were also several issues regarding the OPPL budget. Although these are unrelated to the primary focus of this study, there is emphasis of importance regarding these issues; therefore they will be briefly mentioned. One issue is that of the OPPL board members accepting meals that were paid for with public monies; it was resolved and the board members reimbursed the monies to the accounts for the meals they ate. Other budgeting issues include spending large sums of public monies on treats and gifts for library staff and board members, and negotiating Director Mary Weimar's annual compensation package. Fox feels that Weimar's compensation is inappropriately high and would like to see it significantly reduced.

If an individual or group is experiencing a similar issue with their public library, Fox is willing to help with providing information and resources for their challenge. Fox states that whatever the issue one feels the need to bring to the board's attention, do "not allow a public library board to try to censor you as a critic or intimidate you with 'crisis management' tactics prescribed by the ALA... the ALA engages in Alinsky tactics to destroy critics" (Fox, 2015). Fox also suggests that if a library and or the board are behaving illegally the challenger should obtain an attorney and "sue the board to compel compliance" (Fox, 2015). The most important thing the public can do is to continue attending the board meetings to voice their concerns; do not ever give up.

## Conclusion

The 2013 pornography challenge involving Megan Fox and the Orland Park Public Library brought up many issues that surround intellectual freedoms within the public library. The challengers' point of view was explored through this case study, in regards to these intellectual

freedom issues regarding the access of pornography and illegal materials, and the protection of children from the resulting adult behaviors when materials of pornographic nature are accessed.

The overall goal of Fox and DuJan was to create a safer environment for the community's children and give the decision making powers back to the tax payers rather than the ALA. Fox feels that she has been successful in her fight throughout the challenge and continues her fight for safer libraries and filtering systems for public computers. Fox also continues to challenge OPPL, in an effort to continue to improve her community's public library; she is currently challenging OPPL and the board in regards to their budgets and expenditures.

While Fox fits the stereotype of Knox's typical conservative and or Christian challenger, she holds true to her stance and goals in regards to the wanted changes to OPPL's policies and procedures. Fox does take at times drastic measures, in getting the support she needed from the public and other watchdog groups; but in the end she feels that she is successful in her campaign against OPPL policies and procedures regarding adult internet access.

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## Appendix A

March 30, 2015

Dear Ms. Fox,

Thank you so much for agreeing to complete this questionnaire for my graduate study course on Intellectual Freedom through the University of Wisconsin- Milwaukee. The responses that you provide through this questionnaire will be used to enlighten me on your viewpoints and opinions regarding the Orland Park Public Library pornography challenge. You will have the opportunity to review any direct quotes which I may choose to use within the paper. Please feel free to contact me via email with any questions or concerns. Again, thank you so much for taking the time to complete this questionnaire!

Sincerely,

Rachelle Golde

Graduate Student

rgolde@uwm.edu

## Questionnaire

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1. How long have you lived in/near Orland Park?
2. How many people are in your family?
3. What are your reasons for choosing to homeschool your children?
4. Are you involved in any community organizations? If so, which ones?
5. How long have you and Kevin DuJan known each other? How did you meet?
6. Was the man viewing sexually explicit images at the Orland Park Public Library, viewing child pornography?



7. What is your definition of pornography? How do you “know it when you see it?”
8. Do you think there is a community standard defining pornography?
9. The issue of legal pornography (not child pornography) use is more of a morality issue than a legal issue, based upon Supreme Court interpretations of the First Amendment; however, there are many who would disagree and feel strongly about creating legislation regarding pornography access in the public library. Who has the right to shape that legislation?
10. Since public libraries cannot act *in loco parentis*, then parents are solely responsible for the content their children access within the public library. What are your thoughts on this statement?
11. How do you define censorship?
12. Do you feel that to place internet filters or to ban all access to pornography on all public library computers is a form of censorship? Explain.
13. Would you consider yourself to be a censor? Why or why not?
14. The majority of your statements/arguments mention only men as the pornography viewers at the public library. Do you think that women should equally be included into the statements/arguments as well? Why or why not?
15. There are several reported incidents involving purported sex crimes at OPPL, such as public masturbation, indecent exposure, and one incident of accessing child pornography. How could have these situations been prevented?
16. There are several occasions where you have portrayed the OPPL staff in a negative light, as well as, adding verbiage to the OPPL logo such as “Free Porn” Orland Park Public Library. Why do you feel that strong accusatory language is an appropriate approach to the issue of OPPL allowing pornography access on adult computers?
17. Do you feel you have been successful with your challenge strategies? Why or why not?

18. Did you have any external advisors throughout the challenge?

19. How would you advise others with similar issues to proceed?

Thank you for taking the time to complete this questionnaire!