

Response to Director Halliday's June '15 presentation on Display Policy
Mike Powers — 7/24/15

Dear JMRL Trustees,

Thank you for your ongoing review of JMRL's Display Policy in light of April's controversial "My Body, My Choice" display. As you know, I've put a substantial amount of thought into this topic and I'd like to share some informed observations with you as a follow-up to Director Halliday's presentation at the June Board of Trustees meeting.

A review of some context: I raised concerns in April that the "My Body, My Choice" display did not conform to current JRML policy. One trustee, Gary Grant, evaluated the situation carefully and reached a similar conclusion, while two other trustees, Faye Rosenthal and Stephen Walls Mathis, subsequently made statements in public meetings that seemed at least to express doubt as to whether the display met policy. In email discussion, Board President Brian LaFontaine wrote that "Our responsibility is to make sure policy was followed and, if not, make corrective changes to policy and/or procedure." Similarly, at the April Policy Committee meeting Trustee Mullen summarized the issue as two-fold: "1) Does the display follow policy? 2) Is there a problem with the policy?"

As both President LaFontaine and Trustee Mullen correctly state, the necessary first step is to determine whether policy was followed. At the May Trustees meeting, I requested that the Board provide the official position of JMRL as a whole as to whether or not the display fell within its policy guidelines. This question was not answered, but President LaFontaine stated that a presentation by Director Halliday would be an agenda item at the June meeting.

At the June Board meeting, Director Halliday gave a presentation discussing several aspects of the display and policy with the bottom-line takeaway that "library staff would have had a weak case within library policy to exclude the April display."

Following Director Halliday's presentation, the Board spent some time discussing the idea that the library should be a forum for all expression. However, the Trustees did not make any clear statement of position regarding whether the April display met current policy. It is my understanding that Director Halliday reports to the Trustees rather than the reverse, and so his considered opinion, while an important piece of the puzzle, would not in and of itself be a determinative verdict. Given the doubts previously expressed by some Trustees, the public still has not received a conclusive answer and **I reiterate my May request that the Trustees make a clear statement of position on behalf of the organization.**

While you are reviewing Director Halliday's report to make this determination, I would like to contribute to the conversation by submitting the constructive responses that follow.

The Halliday Report

At the outset of his presentation, Director Halliday offered to make his notes available to anyone who would like a copy. For reference, I've attached a copy that he provided to me. Overall, the narrative reads for all the world as an opinion piece in which talking points are advanced in an attempt to justify a predetermined outcome, rather than as a methodological investigation leading to a logical conclusion.

Rewriting Policy

JMRL's Display Policy (<http://www.jmrl.org/policy/section4-51.pdf>) clearly states the purpose of Library displays: requests for public use "shall be granted only for educational, artistic, and cultural materials appropriate for all ages and designed primarily to promote interest in the use of books, other Library materials, or information services." The policy goes on to require that "a display focusing on a public issue must indicate that all aspects of the issue will be presented in an equal manner."

By contrast, Director Halliday's report emphasized a "policy of inclusion", citing specific wording from the Materials Selection Policy, the Art Display Policy, and the Meeting Rooms policy as examples. However, he did not quote any wording from the Display Policy about the criteria for display materials (even though the Display Policy, not the other policies, was the actual topic of discussion). **In effect, Director Halliday performed a bait-and-switch, replacing the written Display Policy with a substitute policy of "inclusion" which is referenced nowhere in the actual document.**

When we read the actual wording of the Display Policy, it states that public use "shall be granted **only**" for cases that meet particular criteria. In other words, it enumerates what may be approved in the first place, rather than describing certain exceptions that might justify a display's removal after the fact. If the Board desires a "policy of inclusion" to replace the current Display Policy, it should explicitly change the policy. (I don't believe this would be a beneficial change, for reasons that are outside the scope of this brief, but at least it would allow the organization to demonstrate consistency in its actions.) Otherwise, allowing staff to ignore written policy requirements can only lead to unfortunate perceptions that JMRL (or its Director or Trustees) tacitly endorses the use of library displays as platforms for certain advocacy positions.

Public Comment Withheld

Director Halliday devoted an entire slide to showing the number of visitors to the Central Library in April and stated that "only one person was concerned enough about April's display to meet with the Library Board." While this statement is technically true when parsed literally, Director Halliday was notably silent regarding any other comments about the display that may have been received from patrons. Noticing this strange omission, I requested from Director Halliday copies of emails sent by the public commenting about the display.

Upon examination of these emails, Director Halliday's characterization of "only one person" is revealed to be a serious misrepresentation, since it turns out that twenty-two different individuals

contacted JMRL to express opinions on this issue. Fifteen of these expressed some form of opposition while seven expressed some sort of support. Therefore it would be equally true, and more informative, to state instead **that public comment was against the "My Body, My Choice" display by a margin of nearly 70% to 30%.**

I can provide more detailed summaries of all of these public comments upon request, but a few excerpts include:

- *"This makes me lose trust in the library's services, particularly those services for children. As a result, I have chosen to not visit the library until this offensive display has been taken down."*
- *"I ask that the library board call a special meeting to recognize that this display violates current policy."*
- *"While I understand the library contains some sexually explicit material on the shelves, I expect [my 12-year old son] to have to purposefully go looking for it."*
- *"The pro-choice display is one-sided; in addition, it is not appropriate for young children. A library should be a safe place and not one where political positions are presented."*
- *"I must seriously question your judgement especially considering that this display does not meet your own written criteria for balanced presentation and appropriateness for young children."*
- *"I love your library and wanted to come in with my daughter this week, but after learning about the display, I would just like to wait until it's down before we come in for a program or to check out books."*
- *"The content of the display and its associated books convey sexually explicit information inappropriate for children. I am curious to know why the library violated its policy. Allowing after-the-fact contrarian displays is not the same thing as ensuring equitable treatment, which is what your policy requires."*

Although the principle of "inclusion" sounds laudable and everyone knows that exclusion is mean, it is clear from some of these comments that inclusion of the sort of material presented in April's display actually does result in **exclusion** of patrons who feel the environment is unsafe for themselves or their children as a result. I ask you to keep this fact in mind as you consider possible changes to the policy going forward. In any case, Director Halliday's withholding from the Board of this relevant public input can only raise unfortunate questions about the objectivity of his report's conclusion.

Legal or Political?

Director Halliday stated that "the fact that some legal activities are offensive to some citizens does not make those activities political," and subsequent Board discussion echoed this idea. With this in mind, consider a hypothetical display making prominent use of these slogans:

- *"Meet Your New Child with a Mandatory Ultrasound"*
- *"Uphold the Partial-Birth Abortion Ban"*
- *"No Abortion Coverage in State Exchanges"*
- *"Parents Know Best — Get Their Consent (and It's the Law!)"*
- *"Opt In to Religious Freedom for Medical Providers who Opt Out of Abortion"*
- *"This Choice is too Important not to Delay a Day"*
- *"Hospital-quality Licensing Standards Ensure High-quality Facilities"*

Under the proposed criterion of "legal activities", all of these slogans would be considered unremarkable — because each one of them reflects law currently applicable in Virginia. Yet common sense tells us that these are obvious one-sided calls to actions that most would certainly consider to be political advocacy. Many (almost all?) issues in our polarized society involve opposing viewpoints. The criterion of "legality" (which, as we've seen with many social issues this year, can change on a dime) is not a useful way to judge which side of an issue is "apolitical" while its mirror image is "political".

Reading level

Having made the preceding major points, it is not my intent to dissect Director Halliday's entire presentation line by line. However, one particular argument made is so risible that it demands comment. Director Halliday states that "The description of the clitoris had a 7th grade reading level. So the display wasn't forcing an anatomy lesson on youngsters."

First and foremost, to raise this defense is to concede the point out of the gate. If this material were truly "all-ages" as specifically required by current policy, there would be no need to attempt to excuse it by means of technical sophistry.

Nonetheless, the argument fails even if we take it at face value. Librarians, of all people, surely know that different children read at different levels and that a "7th grade reading level" is accessible to individual children within a wide range of ages. I spent much of the 2014-2015 school year acting as a coach to a group of 8 and 9 year-olds for an extra-curricular academic activity, and I can tell you that every one of them would be quite capable of reading and comprehending the explicit material in the book in question. We have not yet invented texts that suddenly convert from hieroglyphics to readable copy when a child reaches puberty.

Even the technical claim fails examination. Upon my request for clarification, Director Halliday explained that "the wording received a Flesch-Kincaid grade level of 7.1" when submitted for textual analysis. When attempting to reproduce this result, the answer turns out to be very sensitive to the precise selection of material. Submitting longer texts increases the "Flesch-Kincaid grade level" (even above the stated 7.1), but other excerpts result in lower grade levels.

For example, submitting the phrase "It can take patience and practice to get to know your clitoris," which Trustee Gary Grant cited as an objectionable example in his public statement, to <https://readability-score.com> yields a Flesch-Kincaid grade level of 3.8. Submitting that phrase to <http://www.thewriter.com/what-we-think/readability-checker> results in a Flesch-Kincaid reading ease score of 88.9, which the site helpfully explains corresponds to a grade level of "about five; the same reading level as most comic books."

Again, the claim of "grade level" refers to the textual difficulty of the sentences themselves, not the maturity level of the content. If the discussion seems farcical, it merely underscores the ridiculous contortions to which one must go in order to attempt to justify this material as "all-ages". Instead, Occam's Razor and common sense should prevail here.

Conclusion

I would like to credit Director Halliday, who, along with Trustee Grant, has at least committed to a clear statement of position regarding the "My Body, My Choice" display's accord with current policy. However, when Director Halliday's report is contemplated closely, its conclusion is seen to be based on an edifice of specious reasoning that does not actually encompass JMRL's policy as written. I ask for your careful examination of Director Halliday's report within the broader context I've provided as you move forward with this issue.

Sincerely,

-Mike Powers
Albemarle County