



Hate Speech in Libraries

How and How Not to Fight It

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This is a revised version of a talk delivered at the ALA 2019 Annual Conference on June 22, 2019, in the discussion group “Hate Speech and Libraries,” sponsored by the Social Responsibilities Round Table (SRRT) of ALA. Tom Twiss is co-chair of the International Responsibilities Task Force of SRRT and a member of the SRRT Action Council. Views expressed in this commentary reflect the general position articulated by SRRT Action Council in its August 2018 “Statement on Hate Speech and Libraries.” However, neither this commentary nor the talk on which it was based was endorsed by SRRT or its Action Council.

Hate is on the rise in the United States. According to the Southern Poverty Law Center, between 2014 and 2018 the number of hate groups in the US surged by 30 percent, reaching an all-time high of 1,020. Meanwhile, the frequency of hate crimes has also mounted. From 2016 to 2017, the number of hate crime incidents reported to the FBI rose by about 17 percent, and the number of deaths attributed to the radical right in the US and Canada climbed from seventeen in 2017 to at least forty in 2018 (Beirich 2019, FBI 2018). Eleven of those murders were carried out in my home city, Pittsburgh, at the Tree of Life Synagogue.

In the midst of this rising tide of hate, in 2017, ALA’s Office for Intellectual Freedom (OIF) posted a webpage devoted to explaining at length the constitutional protections enjoyed by hate speech (American Library Association 2017). Then, in June, ALA’s Intellectual Freedom Committee inserted the words “hate groups” into a draft

of its new “Meeting Rooms: An Interpretation of the Library Bill of Rights” statement just before submitting it to Council. The resulting change, approved by Council, was unnecessary and read like an invitation to hate groups to use library meeting rooms.



These developments provoked a justifiable storm of protest from librarians who demanded a reversal. One expression of this was the [“Petition to Revise ALA’s Statement”](#) by We Here, a supportive community for library and archive workers and students of color (We Here 2018). Another was the “Statement” issued by the Action Council of the Social Responsibilities Round Table (SRRT) that endorsed the petition’s demand to remove and revise both the meeting rooms policy interpretation and OIF’s “Hate Speech and Hate Crime” webpage (SRRT Action Council 2018). In response to these protests, Council commendably rescinded its revision of the meeting rooms policy interpretation and then amended it (American Library Association 2019b). OIF has yet to change its hate speech page, but we should note that OIF has collaborated with the [Office for Diversity, Literacy and Outreach Services](#) to create a useful guide for library workers on “Hateful Conduct in Libraries” (American Library Association 2019a).

Hate speech in our libraries and in society at large is frightening, threatening, and intimidating—most of all, to people of color and other especially oppressed and marginalized communities. The stress provoked by hate speech can damage the quality of life of targeted populations and adversely affect mental and physical health (Pies 2018, Lloyd 2017, Barrett 2017). Hate speech can undermine the ability of marginalized communities to engage in public and political life and can promote horrible hate crimes. Beyond that, there is a real danger that the groups promoting hate speech could develop into a powerful movement in the context of demographic shifts, environmental changes, economic crises, or the encouragement of rightwing politicians. So, in our statement, SRRT Action Council agreed completely with those who emphasize the vital importance of combatting hate speech. However, we explicitly disagreed with the appeals by some for hate speech laws and bans on hate speech in libraries. We are convinced that attempts to fight hate speech by such means will be hopelessly ineffective and dangerously counterproductive.

In part, the problem is that governments and their agencies, including public libraries, cannot be trusted to enforce free speech restrictions in the interests of working people, the most oppressed, or the movements that articulate their interests. In fact, throughout the world there has been a disturbing pattern of applying hate speech laws precisely to those groups. In 1992, Sandra Coliver, the Legal Officer for the human rights organization Article 19, summed up an exhaustive study of hate speech laws internationally with the conclusion: “In most countries, hate speech laws either have been used to a substantial

degree to suppress the rights of government critics and other minorities or else have been used arbitrarily or not at all” (Coliver 1992, 363). Nadine Strossen, former president of the ACLU, observed in 2018 that throughout the world such laws “have predictably been enforced against those that lack political power, including government critics and members of the very minority groups these laws are intended to protect” (Strossen 2018, 81). And along the same lines, journalist Glenn Greenwald recently commented that hate speech laws in Europe and Canada “have frequently been used to constrain and sanction a wide range of political views that many left-wing censorship advocates would never dream could be deemed ‘hateful,’ and even against opinions which many of them likely share” (Greenwald 2017).

Could something similar happen in the US? We know from experience that it could. Significant restrictions on civil liberties instituted in the US, at least since the beginning of the twentieth century, have been used primarily against movements and organizations of the working class, the most oppressed, and the left. This has been true even when the alleged purposes of these laws and programs may have seemed reasonable or even progressive to many. For example, the Espionage and Sedition Acts were adopted in 1917 and 1918 ostensibly to combat German spying and sedition during World War I. But throughout the war both acts were employed almost entirely against socialists such as Eugene V. Debs, members of the radical union the I.W.W., and pacifists. Since then, the Espionage Act has been utilized against whistleblowers such as Daniel Ellsberg, John Kiriakou, Chelsea Manning, Edward Snowden, and Reality Winner. Currently, it is being used against Julian Assange, who helped expose US war crimes in Iraq and Afghanistan. In 1940, Congress passed the Smith Act to root out enemy subversion in anticipation of World War II. Few Nazis or fascists ever served prison time under the act. But during the war it was employed to incarcerate eighteen leaders of the Socialist Workers Party; after the war it was used in a series of prosecutions that decimated the Communist Party. The FBI’s Counterintelligence Program (or COINTELPRO) was created in 1956 allegedly to protect “national security.” However, from then until the 1970s the program’s surveillance and disruptive activities were directed overwhelmingly against socialists; against organizations such as the Black Panthers, the NAACP, and the American Indian Movement; and against the anti-Vietnam War movement. And in October 2001 the USA PATRIOT Act was signed into law “to intercept and obstruct terrorism.” But it was immediately utilized to expand surveillance of anti-war activists,



environmental organizations, groups the FBI considers “black identity extremists,” and the American public.

Against whom would hate speech restrictions in the United States be used today? There is little need to speculate. It has become commonplace for conservative pundits and our President to denounce the alleged “hate speech” of Black Lives Matter and Antifa, and there have even been attempts to get those groups designated as “hate groups” by state legislatures. Meanwhile, numerous states have passed bills against the nonviolent Boycott, Divestment, and Sanctions (or BDS) movement for Palestinian rights. If First Amendment protections were weakened, movements and organizations such as these would be the first to be targeted by Trump’s Justice Department and Trump-appointed judges, and the first to be excluded by public libraries under pressure from conservative politicians and interest groups.

Proponents of hate speech legislation accurately insist that rightwing hate groups are just trying to use the First Amendment to cover their anti-democratic organizing. But how would that be affected by new hate speech laws or regulations? Again, Glenn Greenwald has suggested an answer: “When I represented the free speech rights of such groups as a lawyer, they *loved* nothing more than when censorship attempts were directed at them, because they knew that nothing would more effectively strengthen their cause” (Greenwald 2017). The obvious reason is that when the far right is censored, public attention shifts from its hateful views and actions to the attempted “repression” by the left. As a result, the extreme right receives a wider hearing for its message.

Advocates of legal restrictions on hate speech sometimes equate opposition to such laws with passivity in the face of a growing danger. However, a passive approach is entrusting the struggle against hate speech to the benevolence and wisdom of government officials and courts—or library administrators. A truly active approach, and I believe the only effective way to combat the far right, is through a mass movement that involves especially the most oppressed and marginalized.

One of the best examples of such an approach was the response to the “Unite the Right” rally in Washington DC on the first anniversary of the violent white

supremacist demonstration in Charlottesville. With a major effort, the rightists managed to mobilize about thirty people for their anniversary rally. Their pitiful demonstration was dwarfed by a counterdemonstration of thousands that revealed just how isolated the far right really is. Meanwhile, the Amalgamated Transit Union Local 689, composed overwhelmingly of people of color, simply refused to go along with Metro plans to provide the fascists with subway cars and a police escort.

Equally inspiring was the response of my city, Pittsburgh, to the Tree of Life shootings. Many thousands turned out for vigils, services, and programs to honor the victims and support Tree of Life. Every religious denomination, including the Islamic Center, participated. And throughout the city Pittsburghers wore T-shirts and buttons and displayed yard signs proclaiming the message “Stronger than hate.” It has been an impressive statement of solidarity with our Jewish community and a powerful repudiation of hatred.

The SRRT Action Council “Statement” suggests several steps that ALA could take to promote such a mass movement and that librarians and other information workers could take to participate in it. For ALA, these include initiating a broader discussion of the issue; recommending that libraries post statements on behalf of equity, diversity, and inclusion; urging libraries to require that all meetings of organizations be nonexclusionary, public, and publicly announced; encouraging libraries to reach out to community groups—especially of the most marginalized—alerting them to relevant resources and making them aware of available meeting spaces; and suggesting that libraries collect resources and develop guides devoted to the struggle against fascism. Even more importantly, we believe that librarians and staff can participate effectively in the struggle by getting involved with organizations committed to a mass action approach for combatting hate speech, providing reference assistance to such organizations, collecting materials and preparing guides on the struggle against the far right, participating in demonstrations against gatherings of hate groups, monitoring their meetings, and directly confronting their bigotry. We in SRRT look forward to joining with others in the library community in such a struggle against hate speech.

References

American Library Association. 2017. “Hate Speech and Hate Crime.” Updated December. <http://www.ala.org/advocacy/intfreedom/hate>.

American Library Association. 2019a. “Hateful Conduct in Libraries: Supporting Library Workers and Patrons.” Updated January. <http://www.ala.org/advocacy/hatefulconduct>.



American Library Association. 2019b. "Meeting Rooms: An Interpretation of the Library Bill of Rights." Amended January 29. <http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/meetingrooms>.

Barrett, Lisa Feldman. 2017. "When Is Speech Violence?" *New York Times*, July 14. <https://www.nytimes.com/2017/07/14/opinion/sunday/when-is-speech-violence.html>.

Beirich, Heidi. 2019. "The Year in Hate: Rage Against Change." *The Intelligence Report* (February 20): <https://www.splcenter.org/fighting-hate/intelligence-report/2019/year-hate-rage-against-change>.

Coliver, Sandra. 1992. "Hate Speech Laws: Do They Work?" In *Striking a Balance: Hate Speech, Freedom of Expression and Non-Discrimination*, edited by Sandra Coliver. London: Article 19 International Centre against Censorship/Human Rights Centre, University of Essex, 363–74. <https://www.article19.org/data/files/pdfs/publications/striking-a-balance.pdf>.

FBI. 2018. "2017 Hate Crime Statistics Released." *News*, November 13. <https://www.fbi.gov/news/stories/2017-hate-crime-statistics-released-111318>.

Greenwald, Glenn. 2017. "In Europe, Hate Speech Laws Are Often Used to Suppress and Punish Left-Wing Viewpoints." *The Intercept*, August 29. <https://theintercept.com/2017/08/29/in-europe-hate-speech-laws-are-often-used-to-suppress-and-punish-left-wing-viewpoints/>.

Lloyd, John. 2017. "Commentary: How Hate Speech Can Harm Your Brain." *Reuters*, October 6. <https://www.reuters.com/article/us-lloyd-speech-commentary/commentary-how-hate-speech-can-harm-your-brain-idUSKBN1CB1XD>.

Pies, Ronald W. 2018. "Why Bigotry Is a Public Health Problem." *The Conversation*, November 21. <https://theconversation.com/why-bigotry-is-a-public-health-problem-107187>.

SRRT Action Council. 2018. "SRRT Action Council Statement on Hate Speech and Libraries." August 14. Reproduced in "How and How Not to Fight Hate Speech" by Tom Twiss, *SRRT Newsletter* 204 (October 2018): <http://www.lib.org/srrt/news/srrt204.php#15>.

Strossen, Nadine. 2018. *Hate: Why We Should Resist It with Free Speech, Not Censorship*. New York: Oxford University Press.

We Here. 2018. "Petition to Revise ALA's Statement on Hate Speech & Hate Crime." July 13. <https://docs.google.com/document/d/1WxaRj0i63OHKcOG4F55PpKQ4kz7a-Iv4CElfzlyFKU/edit>.

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