

# RALLY FOR THE RIGHT TO READ

**Sharon Kissel's** indignation led her to organize a protest that received national media attention—here's her exclusive story:



Listening to the radio news early Wednesday morning on March 25, I was stunned to hear that a local bookstore had been subpoenaed by the office of the special prosecutor to turn over some of its book purchasing records. The bookstore, KramerBooks, is a well-known and popular bookstore and cafe in the Dupont Circle area of Washington, D.C. I know it well since it is just a short walk away from where I worked for almost a decade as head librarian for a midsize law firm. I would often meet friends for lunch at KramerBooks, and I always enjoyed wandering through the store, looking for some unusual title. But I couldn't believe what I heard on the news—that it was getting ready to comply with a subpoena to find out what books Monica Lewinsky had purchased.

This can't be, I thought. What a colossal invasion of privacy—not to mention how dangerous an attack it seemed to be on our freedom to read without government scrutiny! As soon as I arrived at my job as legislative librarian at the American Civil Liberties Union—where I have worked for just less than a year—I called KramerBooks. It was early, but the store was already opened, and the general manager answered the phone.

"I am deeply distressed by what I heard on the radio news this morning," I started out. I was hoping to hear him respond by saying that the media report was wrong—that the store was not going to turn over its book-purchasing records to the prying eyes of the government. But instead, he responded in an exasperated tone that I did not understand the issues or the situation. "I can't believe," I continued, "that you are going to cave in to such a request. I am not sure that I want to do business with a store that does not treat its customer records with some amount of privacy." Again, the manager insisted that I did not understand the situation, and said that the store didn't want my business anyway—before hanging up on me!

I was stunned! What was going on here? I was upset to think that what someone purchases from a bookstore could be subjected to government snooping. Library borrowing records would not be so casually turned over to the government, I thought. Why should bookstore purchases be treated differently from a library's charge-out records?

The next day, Thursday, both the *Washington Post* and the *New York Times* reported the story. KramerBooks' attorney was quoted by the *Post* reporters as saying that the store "considered a variety of factors" but in the end felt that it had little choice but to comply with the subpoena.

Every librarian colleague that I spoke to was as shocked about this outrageous intrusion into one's privacy as I was. "Are you concerned enough to DO something about it?" I would ask. Yes, was the answer, but what to do? I asked a few librarian friends, "Are you free at lunch tomorrow?

Would you meet me at the U.S. Courthouse at noon? We could let others know that the government should stay out of our book purchasing records!"

The E. Barrett Prettyman Federal Courthouse is only a short walk down Constitution Avenue from where I work on Capitol Hill. Many years ago, during the midst of the Watergate trial of John Mitchell, John Erlichman, and H.R. Haldeman, I worked in that very same building as an assistant law librarian in the Bar Association of the District of Columbia. Even at the

height of that trial before Judge Sirica, the media's presence was hardly apparent to those of us working in the building. But now, for the federal grand jury investigation, the front of the courthouse is surrounded by a phalanx of television media vans—reminding one of the defensive circle of a wagontrain! Getting immediate media coverage *there* would be no problem. But trying to gather up support for a rally for the next day was not easy. A friend suggested that we rally on Saturday instead, at KramerBooks. A good idea, I thought. But still, could it be done? Was there enough time to organize?

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Early Friday morning, I came up with a slogan for a librarians' protest: A RALLY FOR THE RIGHT TO READ. I had already talked to so many librarians who were supportive and indicated interest in doing something. With some help from these friends and colleagues, I thought it would be possible to gather a group to voice our concerns.

How does one organize such an event? I wasn't sure, but I knew some of my coworkers at the ACLU would know. "The first thing you have to do is a press release," I was told. "And here's a list of fax numbers of all the major media news outlets. Get something faxed to them as soon as possible." So I put together an announcement that "Concerned Librarians" were going to rally the next day, Saturday, at noon in front of KramerBooks. By lunchtime, faxes had been sent to CBS, ABC, NBC, Fox, CNN, and the *Washington Post*. Brian Baker, Director of the UDC Law School Library and a long-time friend, agreed to help me get the information out on the local and national law librarian listservs. I spoke with representatives of the Association of American Publishers and the American Library Association, two groups that had been quoted in news reports about being concerned with the subpoenas of the special prosecutor. Both groups were very encouraging and supportive of our plans for a rally. I telephoned every law librarian I could think of, and I faxed the press release to those I could not reach on the phone. I checked about getting a permit for the rally, and called the local police to inform them of the plans for a protest the next day.

Starting at about midafternoon, the press began to call me. Most wanted to confirm that I really did exist (I had put my name and telephone number at the bottom of the press release), and that a rally was really going to take place. The reporter for the *Washington Post* called to get a statement, as well as ABC Radio News. Fox TV News said that it planned to be at KramerBooks tomorrow with a camera crew. It looked

like the rally was going to get the kind of press coverage that I wanted. But I was still worried about how many librarians would show up with me the next day!

Saturday turned out to be a brilliant spring day. I woke early, even though I had been up late the night before working on a "statement" that I planned to read to the press at the rally. I worked on making signs and banners using expressions that my husband Peter had helped to devise: "MY BOOKS ARE MY BUSINESS" and "STOP STARR'S SNOOPING" were my two favorites. Saturday's *Washington Post* did indeed have a short paragraph on the upcoming rally prominently covered in the Style section.

The plan for the rally was to meet at 11:30 across the street from KramerBooks. I arrived early with my handmade signs, hoping that others would come. Slowly, law librarians began to arrive—some with their own signs. By noon, there were about 30 of us ready to protest. We introduced ourselves, and I went over the ground rules for the protest (do not block the sidewalk or the entrance to the bookstore). Two law librarians agreed to stand at each end of the picket line to hand out copies of a flyer I had prepared the day before explaining why, as librarians, we were protesting in front of KramerBooks. The flyer urged people to act by calling the office of the Special Prosecutor to let them know that government snooping into a person's bookbuying habits should not be tolerated; and by calling KramerBooks to encourage it to resist any attempts by the government to find out what its customers purchase.

At noon, we marched across the street, chanting "MY BOOKS ARE MY BUSINESS!" I proceeded directly to the semicircle of TV cameras and reporters to read my statement, which was punctuated by applause by my fellow protesters. Pedestrians on the street were supportive; we passed out over 600 flyers in just over 35 minutes! Then, as the camera crews and area reporters were finishing interviewing individual protesters, we ended our rally with a loud cheer.

The tv news coverage was phenomenal: three local stations had film coverage on the evening news; MS-NBC and CNN Headline News also broadcast our rally. Even PBS's "NewsHour" included news footage of the "librarians' protest" in its background report on the book purchase subpoenas, broadcast on Monday, April 13. The AP photo made *USA Today* and papers across the America from the *Fort Worth Star Telegraph* to the *Sacramento Bee*.

The following Tuesday, KramerBooks announced that it was filing court papers, with the legal help of the American Booksellers Association, to quash the Special Prosecutor's subpoenas. Barnes & Noble also announced that it was fighting the subpoena that had been served on it. Two days later, Judge Norma Holloway Johnson ruled that the subpoenas do indeed have a "chilling effect" on First Amendment rights, and that the Special Prosecutor must show a "compelling reason" for the information he seeks. Subsequent court documents have all been filed in secret, as is the practice for the grand jury investigation.

Even though we do not know the final outcome of this affair, I honestly do believe that our rally had a tremendous impact on alerting the public to this issue, and thus getting KramerBooks to reconsider its position. A small group of those of us who participated in the rally continues to meet; we believe that your privacy rights and the freedom to read what you want without government intrusion are in serious jeopardy. We hope to continue our efforts by working with the bookstores to help them to protect the confidentiality of their customers' book-buying preferences.

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