53.1
alf 103.4

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.
Amended February 2, 1961, June 27, 1967, and January 23, 1980,
by the ALA Council.

End of Section

53.1.1

ad 103.4.6

CHALLENGED MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined materials selection policy in written form which reflects the LIBRARY BILL OF RIGHTS, and which is approved by the appropriate governing authority.

Challenged materials which meet the materials selection policy of the library should not be removed under any legal or extra-legal pressure. The LIBRARY BILL OF RIGHTS states in Article 1 that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," and in Article 2, that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Freedom of expression is protected by the Constitution of the United States, but constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line. The Constitution requires a procedure designed to focus searchingly on challenged expression before it can be suppressed. An adversary hearing is a part of this procedure.

Therefore, any attempt, be it legal or extra-legal, to regulate or suppress materials in libraries must be closely scrutinized to the end that protected expression is not abridged.

Adopted June 25, 1971; amended July 1, 1981, by the ALA Council.

[ISBN 8389-6083-9]

End of Section

AMERICAN LIBRARY ASSOCIATION

Item:	INTELLECTUAL FREEDOM	*Item Number:*	103.4.6
Approved by:	ALA Council	*Page:*	1 of 1
Issue Date:	June, 1971	*Supersedes:*	

Nonremoval of challenged library materials*

WHEREAS, The LIBRARY BILL OF RIGHTS states that no library materials should be proscribed or removed because of partisan or doctrinal disapproval, and

WHEREAS, Constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line, and

WHEREAS, Any attempt, be it legal or extra-legal, to regulate or suppress material must be closely scrutinized to the end that protected expression is not abridged in the process, and

WHEREAS, The Constitution requires a procedure designed to focus searchingly on the question before speech can be suppressed, and

WHEREAS, The dissemination of a particular work which is alleged to be unprotected should be completely undisturbed until an independent determination has been made by a judicial officer, including an adversary hearing,

THEREFORE, the premises considered, BE IT RESOLVED, That the American Library Association declare as a matter of firm principle that no challenged library material should be removed from any library under any legal or extra-legal pressure, save after an independent determination by a judicial officer in a court of competent jurisdiction and only after an adversary hearing, in accordance with well-established principles of law.

*RESOLUTION ON CHALLENGED MATERIALS, An interpretation of the LIBRARY BILL OF RIGHTS

End of Section

SEXISM, RACISM AND OTHER "ISMS" IN LIBRARY MATERIALS

An interpretation of the LIBRARY BILL OF RIGHTS

Traditional aims of censorship efforts have been to suppress political, sexual or religious expressions. The same three subjects have also been the source of most complaints about materials in library collections. Another basis for complaints, however, has become more and more frequent. Due, perhaps, to increased awareness of the rights of minorities and increased efforts to secure those rights, libraries are being asked to remove, restrict or reconsider some materials which are allegedly derogatory to specific minorities or which supposedly perpetuate stereotypes and false images of minorities. Among the several recurring "isms" used to describe the contents of the materials objected to are "racism" and "sexism."

Complaints that library materials convey a derogatory or false image of a minority strike the personal social consciousness and sense of responsibility of some librarians who - accordingly - comply with the requests to remove such materials. While such efforts to counteract injustice are understandable, and perhaps even commendable as reflections of deep personal commitments to the ideal of equality for all people, they are - nonetheless - in conflict with the professional responsibility of librarians to guard against encroachments upon intellectual freedom.

This responsibility has been espoused and reaffirmed by the American Library Association in many of its basic documents on intellectual freedom over the past thirty years. The most concise statement of the Association's position appears in Article II of the LIBRARY BILL OF RIGHTS which states that "Libraries should provide books and materials presenting all points of view concerning the problems and issues of our times; no library materials should be proscribed or removed because of partisan or doctrinal disapproval."

While the application of this philosophy may seem simple when dealing with political, religious or even sexual expressions, its full implications become somewhat difficult when dealing with ideas, such as racism or sexism, which many find abhorrent, repugnant and inhumane. But, as stated in the FREEDOM TO READ STATEMENT,

> It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group

> will occasionally collide with those of another individual or group. In a free society each individual is free to determine for himself what he wishes to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive....We realize that application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

Some find this creed acceptable when dealing with materials for adults but cannot extend its application to materials for children. Such reluctance is generally based on the belief that children are more susceptible to being permanently influenced - even damaged - by objectionable materials than are adults. The LIBRARY BILL OF RIGHTS, however, makes no distinction between materials and services for children and adults. Its principles of free access to all materials available apply to every person, as stated in Article V, "The rights of an individual to the use of a library should not be denied or abridged because of his age, race, religion, national origins or social or political views."

Some librarians deal with the problem of objectionable materials by labeling them or listing them as "racist" or "sexist." This kind of action, too, has long been opposed by the American Library Association in its STATEMENT ON LABELING, which says,

> If materials are labeled to pacify one group, there is no excuse for refusing to label any item in the library's collection. Because authoritarians tend to suppress ideas and attempt to coerce individuals to conform to a specific ideology, the American Library Association opposes such efforts which aim at closing any path to knowledge.

Others deal with the problem of objectionable materials by instituting restrictive circulation or relegating materials to closed or restricted collections. This practice, too, is in violation of the LIBRARY BILL OF RIGHTS as explained in RESTRICTED ACCESS TO LIBRARY MATERIALS which says,

> Too often only "controversial" materials are the subject of such segregation, leading to the conclusion that factors other than theft and mutilation were the true considerations. The distinction is extremely difficult to make, both for the librarian and the patron. Unrestrictive selection policies, developed with care for the principles of intellectual freedom and the LIBRARY BILL OF RIGHTS, should not be vitiated by administrative practices such as restricted circulation.

The American Library Assoc ation has made clear its position concerning the removal of library materials because of partisan or doctrinal disapproval, or because of pressures from interest groups, in yet another policy statement, the RESOLUTION ON CHALLENGED MATERIALS:

> The American Library Association declares as a matter of firm principle that no challenged material should be removed from any library under any legal or extra-legal pressure, save after an independent determination by a judicial officer in a court of competent jurisdiction and only after an adversary hearing, in accordance with well-established principles of law.

Intellectual freedom, in its purest sense, promotes no causes, furthers no movements, and favors no viewpoints. It only provides for free access to all ideas through which any and all sides of causes and movememts may be expressed, discussed and argued. The librarian cannot let his own preferences limit his degree of tolerance, for freedom is indivisible. Toleration is meaningless without toleration for the detestable.

End of Section

REEVALUATING LIBRARY COLLECTIONS*

An interpretation of the LIBRARY BILL OF RIGHTS

The continuous review of library collections to remove physically deteriorated or obsolete materials is one means to maintain active library collections of current interest to users. Continued reevaluation is closely related to the goals and responsibilities of libraries and is a valuable tool of collection building. This procedure, however, is sometimes used as a convenient means to remove materials thought to be too controversial or disapproved of by segments of the community. Such abuse of the reevaluation function violates the principles of intellectual freedom and is in opposition to Articles I and II of the LIBRARY BILL OF RIGHTS, which state that:

> "As a responsibility of library service, books and other library materials selected should be chosen for values of interest, information and enlightenment of all the people of the community. In no case should library materials be excluded because of the race or nationality or the social, political, or religious views of the authors.
>
> Libraries should provide books and other materials presenting all points of view concerning the problems and issues of our times; no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval.

The American Library Association opposes such "silent censorship," and recommends that libraries adopt guidelines setting forth the positive purposes and principles for reevaluation of materials in library collections.

*The traditional term "weeding" implying "the removal of a noxious growth," is purposely avoided because of the imprecise nature of the term.

End of Section

At the 2008 ALA Annual Conference, upon recommendation by the Council Intellectual Freedom Committee, the ALA Council adopted the following revision to ALA Policy 53.1.2: which read:

53.1.2 The act of expurgation denies access to the complete work and the entire spectrum of ideas that the work is intended to express. This is censorship. Expurgation based on the premise that certain portions of a work may be harmful to minors is equally a violation of the *Library Bill of Rights*. Adopted 1973, revised 1990, 2008.

(*See* "Policy Reference File": Expurgation of Library Materials: An Interpretation of the Library Bill of Rights, revised, 2007-2008 ALA CD#19.6)

Expurgation of Library Materials

An Interpretation of the Library Bill of Rights

Expurgating library materials is a violation of the *Library Bill of Rights*. Expurgation as defined by this interpretation includes any deletion, excision, alteration, editing, or obliteration of any part(s) of books or other library resources by the library, its agents, or its parent institution (if any) when done for the purposes of censorship. Such action stands in violation of Articles I, II, and III of the *Library Bill of Rights*, which state that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval," and that "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

The act of expurgation denies access to the complete work and the entire spectrum of ideas that the work is intended to express. This is censorship. Expurgation based on the premise that certain portions of a work may be harmful to minors is equally a violation of the *Library Bill of Rights*.

Expurgation without permission from the rights holder may violate the copyright provisions of the United States Code.

The decision of rights holders to alter or expurgate future versions of a work does not impose a duty on librarians to alter or expurgate earlier versions of a work. Librarians should resist such requests in the interest of historical preservation and opposition to censorship. Furthermore, librarians oppose expurgation of resources available through licensed collections. Expurgation of any library resource imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information.

2008

Adopted February 2, 1973; amended July 1, 1981; amended January 10, 1990; by the ALA Council.

1989-90 CD# 61.4
53.1.2

EXPURGATION OF LIBRARY MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

Expurgating library materials is a violation of the LIBRARY BILL OF RIGHTS. Expurgation as defined by this interpretation includes any deletion, excision, alteration, editing, or obliteration of any part(s) of books or other library resources by the library, its agent, or its parent institution (if any). By such expurgation, the library is in effect denying access to the complete work and the entire spectrum of ideas that the work intended to express. Such action stands in violation of Articles 1,2, and 3 of the LIBRARY BILL OF RIGHTS, which state that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval," and that "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

The act of expurgation has serious implications. It involves a determination that it is necessary to restrict access to the complete work. This is censorship. When a work is expurgated, under the assumption that certain portions of that work would be harmful to minors, the situation is no less serious.

Expurgation of any books or other library resources imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information.

Further, expurgation without written permission from the holder of the copyright on the material may violate the copyright provisions of the United States Code.

Adopted February 2, 1973; amended July 1, 1981; amended January 10, 1990, by the ALA Council.

[ISBN 8389-5419-7]

531.2.

ALA 103.4.5

EXPURGATION OF LIBRARY MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

Books and other library resources are selected for their value, interest, and importance to the people of the community the library serves. Since books and other library resources are acquired for these reasons and in accordance with a written statement on materials selection, then expurgating them must be interpreted as a violation of the LIBRARY BILL OF RIGHTS. Expurgation as defined by this interpretation includes any deletion, excision, alteration, or obliteration of any part(s) of books or other library resources by the library. By such expurgation, the library is in effect denying access to the complete work and the entire spectrum of ideas that the work intended to express; such action stands in violation of Articles 1, 2, and 3 of the LIBRARY BILL OF RIGHTS, which state that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval," and that "Libraries should challenge censorship in the fulfillment of their responsiblity to provide information and enlightenment."

The act of expurgation has serious implications. It involves a determination that it is necessary to restrict complete access to that material. This is censorship. When a work is expurgated, under the assumption that certain portions of that work would be harmful to minors, the situation is no less serious.

Expurgation of any books or other library resources imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information.

Adopted February 2, 1973; amended July 1, 1981, by the ALA Council.

[ISBN 8389-5419-7]

EXPURGATION OF LIBRARY MATERIALS

An interpretation of the LIBRARY BILL OF RIGHTS

Library materials are chosen for their value and interest to the community the library serves. If library materials were acquired for these reasons and in accordance with a written statement of materials selection, then to expurgate must be interpreted as a violation of the LIBRARY BILL OF RIGHTS. For purposes of this statement, expurgation includes deletion, excision, alteration or obliteration. By such expurgation, the library is in effect denying access to the complete work and the full ideas that the work was intended to express; such action stands in violation of Article II of the LIBRARY BILL OF RIGHTS which states that "no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval."

The act of expurgation has serious implications. It involves a determination by an individual that it is necessary to restrict the availability of that material. It is, in fact, censorship.

When a work is expurgated, under the assumption that certain sections of that work would be harmful to minors, the situation is no less serious. Expurgation of any library materials imposes a restriction, without regard to the rights and desires of all library users.

End of Section

At the 2008 ALA Annual Conference, upon recommendation by the Council Intellectual Freedom Committee, the ALA Council adopted the following revision to ALA Policy 53.1.3, Access to Resources and Services in the School Library Media:

53.1.3 Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media specialists resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access via electronic means. Adopted 1986, amended 1990, 2000, 2005, 2008.

(*See* "Current Reference File": Access to Resources and Services in the School Library Media Program: An Interpretation of the Library Bill of Rights: revised, 2007-2008 ALA CD#19.3.)

Access to Resources and Services in the School Library Media Program

An Interpretation of the Library Bill of Rights

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem-solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shape the resources and services of a school library media program, the principles of the *Library Bill of Rights* apply equally to all libraries, including school library media programs. Under these principles, all students have equitable access to library facilities, resources, and instructional programs.

School library media specialists assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media specialists work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Intellectual freedom is fostered by educating students in the use of critical thinking skills to empower them to pursue free inquiry responsibly and independently. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media specialists cooperate with other individuals in building collections of resources that meet the needs as well as the developmental and maturity levels of students. These collections provide resources that support the mission of the school district and are consistent with its philosophy, goals, and objectives. Resources in school library media collections are an integral component of the curriculum and represent diverse points of view on both current and historical issues. These resources include materials that support the intellectual growth, personal development, individual interests, and recreational needs of students.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equitable access to resources and services, the school library media program provides resources that reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media specialists resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access via electronic means.

Major barriers between students and resources include but are not limited to imposing age or grade level restrictions on the use of resources; limiting the use of interlibrary loan and access to electronic information; charging fees for information in specific formats; requiring permission from parents or teachers; establishing restricted shelves or closed collections; and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

The school board adopts policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. School library media specialists implement district policies and procedures in the school.

Adopted July 2, 1986; amended January 10, 1990; July 12, 2000, 2008 by the ALA Council.

[ISBN 8389-7053-2]

53.1.3

2004-2005 ALA CD#19.3
2005 ALA Midwinter Meeting

revised by Council at the 2005 Midwinter Mtg

Access to Resources and Services in the School Library Media Program

An Interpretation of the LIBRARY BILL OF RIGHTS

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem-solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shapes the resources and services of a school library media program, the principles of the *Library Bill of Rights* apply equally to all libraries, including school library media programs.

School library media specialists assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media specialists work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media specialists cooperate with other individuals in building collections of resources appropriate to the needs and to the developmental and maturity levels of students. These collections provide resources that support the mission of the school district and are consistent with its philosophy, goals, and objectives. Resources in school library media collections are an integral component of the curriculum and represent diverse points of view on both current and historical issues. These resources include materials that support the intellectual growth, personal development, individual interests, and recreational needs of students.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equal access to resources and services, the school library media program provides resources that reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media specialists resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access via electronic means.

Major barriers between students and resources include but are not limited to imposing age, grade-level, or reading-level restrictions on the use of resources; limiting the use of interlibrary loan and access to electronic information; charging fees for information in specific formats; requiring permission from parents or teachers; establishing restricted shelves or closed collections; and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

It is the responsibility of the governing board to adopt policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. It is the responsibility of school library media specialists to implement district policies and procedures in the school to ensure equitable access to resources and services for all students.

Adopted July 2, 1986, by the ALA Council; amended January 10, 1990; July 12, 2000; January 19, 2005.

53.1.3

2000-2001 CD#17
(2001 ALA Midwinter Meeting)

REPORT TO COUNCIL
POLICY MONITORING COMMITTEE
JANUARY 2001

In accordance with policy 5.6 of the *ALA Policy Handbook,* the Policy/Handbook Monitoring Committee (PMC) has reviewed all actions taken by the ALA Council during the 2000 Annual Conference for possible incorporation into, addition to, or changes to the *ALA Policy Handbook.* Based on Council action during the aforesaid meeting, the following additions and changes are recommended:

ACTION ITEMS

Item 1. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.15 (Access to Library Resources and Services Regardless of Gender or Sexual Orientation) be amended to read:

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including gender or sexual orientation. The Association also encourages librarians to proactively support the First Amendment rights of all library users regardless of gender or sexual orientation. Adopted 1993. Revised 2000.

(*See* "Current Reference File": Access to Library Resources and Services Regardless of Gender or Sexual Orientation: An Interpretation of the Library Bill of Rights: 1999-2000 CD#19.4)

Amended + OOAC 'od, fwd, 01 MW

Item 2. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.3 (Access to Resources and Services in the School Library Media Program) be amended to read:

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval and which reflect the linguistic pluralism of the community. School library media professionals resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear or access via electronic means. Adopted 1986, revised 1990, 2000.

(*See* "Current Reference File": Access to Resources and Services in the School Library Media Program: An Interpretation of the Library Bill of Rights: 1999-2000 CD#19.4)

Item 3. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.10 (Library Initiated Programs as a Resource) be amended to read:

A policy on library initiated programming should set forth the library's commitment to free access to information and ideas for all users. Library staff select programs based on the interests and information needs of the community. Libraries servicing multilingual or multicultural communities should make efforts to accommodate the information needs of those for whom English is a second language. Adopted 1982, revised 1990, 2000.

(*See* "Current Reference File": Library Initiated Programs as a Resource: An Interpretation of the Library Bill of Rights: 1999-2000 #CD19.4)

OVER

Access to Resources and Services in the School Library Media Program
working draft; do not quote for publication
An Interpretation of the LIBRARY BILL OF RIGHTS

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem solving skills needed in a pluralistic society.

Although the educational level and program of the school necessarily shapes the resources and services of a school library media program, the principles of the *Library Bill of Rights* apply equally to all libraries, including school library media programs.

School library media professionals assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media professionals work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas [effectively]. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media professionals cooperate with other individuals in building collections of resources, appropriate to the development and maturity levels of students. These collections provide resources which suport the curriculum and are consistent with the philosophy, goals, and objectives of the school district. Resources in school library media collections represent diverse points of view on current as well as historical issues.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equal access to resources and services, the school library media program provides resources which reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media professionals resist efforts by individuals [or groups] to define what is appropriate for all students to read, view, ~~or~~ hear [or access via electronic means].

Major barriers between students and resources include [but are not limited to]: imposing age or grade level restrictions on the use of resources, limiting the use of interlibrary loan and access to electronic information, charging fees for information in specific formats, requiring permission from parents or teachers, establishing restricted shelves or closed collections, and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

The school board adopts policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. School library media professionals implement district policies and procedures in the school.

Adopted July 2, 1986; amended January 10, 1990, by the ALA Council

53.1.3

ACCESS TO RESOURCES AND SERVICES IN THE SCHOOL LIBRARY MEDIA PROGRAM

An Interpretation of the LIBRARY BILL OF RIGHTS

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shapes the resources and services of a school library media program, the principles of the LIBRARY BILL OF RIGHTS apply equally to all libraries, including school library media programs.

School library media professionals assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media professionals work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media professionals cooperate with other individuals in building collections of resources appropriate to the developmental and maturity levels of students. These collections provide resources which support the curriculum and are consistent with the philosophy, goals, and objectives of the school district. Resources in school library media collections represent diverse points of view and current as well as historical issues.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equal access to resources and services, the school library media program provides resources which reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media professionals resist efforts by individuals to define what is appropriate for all students or teachers to read, view, or hear.

Major barriers between students and resources include: imposing age or grade level restrictions on the use of resources, limiting the use of interlibrary loan and access to electronic information, charging fees for information in specific formats, requiring permissions from parents or teachers, establishing restricted shelves or closed collections, and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

The school board adopts policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. School library media professionals implement district policies and procedures in the school.

Adopted July 2, 1986; amended January 10, 1990, by the ALA Council.

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COUNCIL DOCUMENT # 41
Assigned by Resolutions
Committee CA
Member Initial

EXHIBIT 11.1

Access to Resources and Services in the School Library Media Program
An Interpretation of the Library Bill of Rights

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shape the resources and services of a school library media program, the principles of the LIBRARY BILL OF RIGHTS apply equally to all libraries, including school library media programs.

School library media professionals assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media professionals work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media professionals cooperate with other individuals in building collections of resources appropriate to the developmental and maturity levels of students. These collections provide resources which support the curriculum and are consistent with the philosophy, goals, and objectives of the school district. Resources in school library media collections represent diverse points of view and current as well as historic issues.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media professionals resist efforts by individuals to define what is appropriate for all students or teachers to read, view, or hear.

Major barriers between students and resources include: imposing age or grade level restrictions on the use of resources, limiting the use of interlibrary loan and access to electronic information, charging fees for information in specific formats, requiring permissions from parents or teachers, establishing restricted shelves or closed collections, and labeling. Policies, procedures and rules related to the use of resources and services support free and open access to information.

The school board adopts policies that guarantee student access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community and the community at large, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. School library media professionals implement district policies and procedures in the school.

Adopted June 26, 1986

AASL Directors Board
Approved by the Intellectual Freedom Committee, June 28.
ALSC, ALTA, PLA, YASD, IFRT
ALA COUNCIL

REVIEWED FOR CONFORMANCE WITH
GUIDELINES
by Council Resolutions Committee

End of Section

53.1.4

At the 2008 ALA Annual Conference, upon recommendation by the Council Intellectual Freedom Committee, the ALA Council adopted the following revision to ALA Policy 53.1.4. which read:

53.1.4 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. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors. Adopted 1972, amended 1981, 1992, 2004, and 2008.

(*See* "Policy Reference File": Free Access to Libraries for Minors: An Interpretation of the Library Bill of Rights, revised, 2007-2008 ALA CD#19.7.)

Free Access to Libraries for Minors

An Interpretation of the Library Bill of Rights

Library policies and procedures that effectively deny minors equal and equitable access to all library resources and services available to other users violate the *Library Bill of Rights*. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

Libraries are charged with the mission of providing services and developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, educational level, literacy skills, or legal emancipation. Equitable access to all library resources and services shall not be abridged through restrictive scheduling or use policies.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Children and young adults unquestionably possess First Amendment rights, including the right to receive information through the library in print, nonprint, or digital format. 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.[1] Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether material is not constitutionally protected.

The mission, goals, and objectives of libraries cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents and guardians. As *Libraries: An American Value* states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services." Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies should maintain

that *only* parents and guardians have the right and the responsibility to determine their children's—and *only their children's*—access to library resources. Parents and guardians who do not want their children to have access to specific library services, materials, or facilities should so advise their children.

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. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

See also Access to Resources and Services in the School Library Media Program and Access to Children and Young Adults to Nonprint Materials.

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004.

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[1] [1]*See* Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975) "Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors." *See also* Tinker v. Des Moines School Dist., 393 U.S.503 (1969); West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624 (1943); AAMA v. Kendrick,. 244 F.3d 572 (7th Cir. 2001).

0|d 53.1.4

2003-2004 ALA CD#19.7
2004 ALA Annual Conference

FREE ACCESS TO LIBRARIES FOR MINORS

An Interpretation of the LIBRARY BILL OF RIGHTS

Library policies and procedures ~~which~~ that effectively deny minors equal and equitable access to all library resources available to other users violate the *Library Bill of Rights*. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities ~~which~~ that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, ~~level of education~~, educational level, literacy skills, or legal emancipation.

~~The selection and development of library resources should not be diluted because of minors having the same access to library resources as adult users.~~ Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Children and young adults unquestionably 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.[1] Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether ~~or not~~ material is not constitutionally protected.

~~Librarians and governing bodies should not resort to age restrictions on access to library resources in an effort to avoid actual or anticipated objections from parents or anyone else.~~ The mission, goals, and objectives of libraries ~~do not~~ cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents or legal

Amended by Council
at the 2004 Annual Conference 6/30/04

guardians. As "Libraries: An American Value" states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services." ~~Librarians and governing bodies should maintain that parents—and only parents—have the right and the responsibility to restrict the access of their children—and only their children—to library resources.~~ Parents or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. ~~Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.~~

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation ~~Librarians have a professional commitment~~ to ensure that all members of the community they serve have free, ~~and~~ equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

[1] *See* Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975)—"Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable [422 U.S. 205, 214] for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors. *See* Tinker v. Des Moines School Dist., *supra. Cf.* West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624 (1943)."

Adopted June 30, 1972; amended July 1, 1981; July 3, 1991, by the ALA Council.

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1990-91 CD# 62.1 Rev.
Old 53.1.4

FREE ACCESS TO LIBRARIES FOR MINORS

An Interpretation of the LIBRARY BILL OF RIGHTS

Library policies and procedures which effectively deny minors equal access to all library resources available to other users violate the LIBRARY BILL OF RIGHTS. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the LIBRARY BILL OF RIGHTS states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities which fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, level of education, or legal emancipation.

The selection and development of library resources should not be diluted because of minors having the same access to library resources as adult users. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Librarians and governing bodies should not resort to age restrictions on access to library resources in an effort to avoid actual or anticipated objections from parents or anyone else. The mission, goals, and objectives of libraries do not authorize librarians or governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents or legal guardians. Librarians and governing bodies should maintain that parents - and only parents - have the right and the responsibility to restrict the access of their children - and only their children - to library resources. Parents or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.

Librarians have a professional commitment to ensure that all members of the community they serve have free and equal access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and governing bodies must uphold this principle in order to provide adequate and effective service to minors.

Adopted June 30, 1972; amended July 1, 1981; July 3, 1991, by the ALA Council.
[ISBN 8389-7549-6]

53.1.3.

see also
53.1.5

see ocd 103.4.3

FREE ACCESS TO LIBRARIES FOR MINORS

An Interpretation of the LIBRARY BILL OF RIGHTS

Some library procedures and practices effectively deny minors access to certain services and materials available to adults. Such procedures and practices are not in accord with the LIBRARY BILL OF RIGHTS and are opposed by the American Library Association.

Restrictions take a variety of forms, including, among others, restricted reading rooms for adult use only, library cards limiting circulation of some materials to adults only, closed collections for adult use only, collections limited to teacher use, or restricted according to a student's grade level, and interlibrary loan service for adult use only.

Article 5 of the LIBRARY BILL OF RIGHTS states that, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." All limitations on minors' access to library materials and services violate that Article. The "right to use a library" includes use of, and access to, all library materials and services. Thus, practices which allow adults to use some services and materials which are denied to minors abridge the use of libraries based on age.

Material selection decisions are often made and restrictions are often initiated under the assumption that certain materials may be "harmful" to minors, or in an effort to avoid controversy with parents. Libraries or library boards who would restrict the access of minors to materials and services because of actual or suspected parental objections should bear in mind that they do not serve in loco parentis. Varied levels of intellectual development among young people and differing family background and child-rearing philosophies are significant factors not accommodated by a uniform policy based upon age.

In today's world, children are exposed to adult life much earlier than in the past. They read materials and view a variety of media on the adult level at home and elsewhere. Current emphasis upon early childhood education has also increased opportunities for young people to learn and to have access to materials, and has decreased the validity of using chronological age as an index to the use of libraries. The period of time during which children are interested in reading materials specifically designed for them grows steadily shorter, and librarians must recognize and adjust to this change if they wish to serve young people effectively. Librarians have a responsibility to ensure that young people have access to a wide range of informational and recreational materials and services that reflects sufficient diversity to meet the young person's needs.

The American Library Association opposes libraries restricting access to library materials and services for minors and holds that it is the parents -- and only parents -- who may restrict their children -- and only their children -- from access to library materials and services. Parents who would rather their children did not have access to certain materials should so advise their children. The library and its staff are responsible for providing equal access to library materials and services for all library users.

The word "age" was incorporated into Article 5 of the LIBRARY BILL OF RIGHTS because young people are entitled to the same access to libraries and to the materials in libraries as are adults. Materials selection should not be diluted on that account.

Adopted June 30, 1972; amended July 1, 1981, by the ALA Council.

[ISBN 8389-5408-1]

FREE ACCESS TO LIBRARIES FOR MINORS

An interpretation of the LIBRARY BILL OF RIGHTS

Some library procedures and practices effectively deny minors access to certain services and materials available to adults. Such procedures and practices are not in accord with the LIBRARY BILL OF RIGHTS and are opposed by the American Library Association.

Restrictions take a vareity of forms, including, among others, restricted reading rooms for adult use only, library cards limiting circulation of some materials to adults only, closed collections for adult use only, and inter-library loan service for adult use only.

All limitations in minors' access to library materials and services violate Article V of the LIBRARY BILL OF RIGHTS, which states that, "The rights of an individual to the use of a library should not be denied or abridged because of his age...". Limiting access to some services and materials to only adults abridges the use of libraries for minors. "Use of the library" includes use of, and access to, all library materials and services.

Restrictions are often initiated under the assumption that certain materials are "harmful" to minors, or in an affort to avoid controversy with parents who might think so. The librarian who would restrict the access of minors to materials and services because of actual or suspected parental objection should bear in mind that he is not IN LOCO PARENTIS in his position as librarian. Individual intellectual levels and family backgrounds are significant factors not accommodated by a uniform policy based upon age.

In today's world, children are exposed to adult life much earlier than in the past. They read materials and view a variety of media on the adult level at home and elsewhere. Current emphasis upon early childhood education has also increased opportunities for young people to learn and to have access to materials, and has decreased the validity of using chronological age as an index to the use of libraries. The period of time during which children are interested in reading materials specifically designed for them grows steadily shorter, and librarians must recognize and adjust to this change if they wish to maintain the patronage of young people.

The American Library Association holds that it is the parent--and only the parent--who may restrict his children--and only HIS children--from access to library materials and services. The parent who would rather his child did not have access to certain materials should so advise the child.

The word "age" was incorporated into Article V of the LIBRARY BILL OF RIGHTS as a direct result of a pre-conference entitled "Intellectual Freedom and the Teenager," held in San Francisco in June, 1967. One recommendation of the preconference participants was, "That free access to all books in a library collection be granted to young people." The preconference generally concluded that young people are entitled to the same access to libraries and to the materials in libraries as are adults and that materials selection should not be diluted on that account.

This does not mean, for instance, that issuing different types of borrowers' cards to minors and adults is, PER SE, contrary to the LIBRARY BILL OF RIGHTS. If such practices are used for purposes of gathering statistics, the various kinds of cards carry no implicit or explicit limitations on access to materials and services. Neither does it mean that maintaining separate children's collections is a violation of the LIBRARY BILL OF RIGHTS, provided that no patron is restricted to the use of only certain collections.

The Association's position does not preclude isolating certain materials for legitimate protection of irreplaceable or very costly works from carless use. Such "restricted-use" areas as rare book rooms are appropriate if the materials so classified are genuinely rare, and not merely controversial.

Unrestrictive selection policies, developed with care for principles of intellectual freedom and the LIBRARY BILL OF RIGHTS, should not be vitiated by administrative practices which restrict minors to the use of only part of a library's collections and services.

End of Section

At the 2008 ALA Annual Conference, upon recommendation by the Council Intellectual Freedom Committee, the ALA Council adopted the following revision to ALA Policy 53.1.5.

53.1.5 Evaluation of library materials is not to be used as a convenient means to remove materials that might be viewed as controversial or objectionable. Adopted 1973, amended 1981, 2008.

(See "Policy Reference File": Evaluating Library Collections: An Interpretation of the *Library Bill of Rights*.)

Evaluating Library Collections

An Interpretation of the Library Bill of Rights

The continuous review of library materials is necessary as a means of maintaining an active library collection of current interest to users. In the process, materials may be added and physically deteriorated or obsolete materials may be replaced or removed in accordance with the collection maintenance policy of a given library and the needs of the community it serves. Continued evaluation is closely related to the goals and responsibilities of each library and is a valuable tool of collection development. This procedure is not to be used as a convenient means to remove materials that might be viewed as controversial or objectionable. Such abuse of the evaluation function violates the principles of intellectual freedom and is in opposition to the Preamble and Articles I and II of the *Library Bill of Rights*, which state:

> The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.
>
> I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
>
> II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

The American Library Association opposes internal censorship and strongly urges that libraries adopt guidelines setting forth the positive purposes and principles of evaluation of materials in library collections.

Adopted February 2, 1973; amended July 1, 1981, 2008 by the ALA Council.

old 53.1.5
53.1.4
(old ~~103.4.5~~)
103.4.7

EVALUATING LIBRARY COLLECTIONS

An Interpretation of the LIBRARY BILL OF RIGHTS

The continuous review of library materials is necessary as a means of maintaining an active library collection of current interest to users. In the process, materials may be added and physically deteriorated or obsolete materials may be replaced or removed in accordance with the collection maintenance policy of a given library and the needs of the community it serves. Continued evaluation is closely related to the goals and responsibilities of libraries and is a valuable tool of collection development. This procedure is not to be used as a convenient means to remove materials presumed to be controversial or disapproved of by segments of the community. Such abuse of the evaluation function violates the principles of intellectual freedom and is in opposition to the Preamble and Articles 1 and 2 of the LIBRARY BILL OF RIGHTS, which state:

> The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.
>
> 1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
>
> 2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

The American Library Association opposes such "silent censorship" and strongly urges that libraries adopt guidelines setting forth the positive purposes and principles of evaluation of materials in library collections.

Adopted February 2, 1973; amended July 1, 1981, by the ALA Council.

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End of Section

53.1.6

1999-2000 CD#19.8

RESTRICTED ACCESS TO LIBRARY MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries are a traditional forum for the open exchange of information. Attempts to restrict access to library materials violate the basic tenets of the *Library Bill of Rights*.

Some libraries place materials in a "closed shelf," "locked case," "adults only," "restricted shelf," or "high-demand" collection. Some libraries have applied filtering software to their Internet stations to prevent users from finding targeted categories of information, much of which is constitutionally protected. Some libraries block access to certain materials by placing other barriers between the user and those materials.

Because restricted materials often deal with controversial, unusual, or sensitive subjects, having to ask a librarian or circulation clerk for access to them may be embarrassing or inhibiting for patrons desiring the materials. Requiring a user to ask for materials may create a service barrier or pose a language-skills barrier. Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication. (See also "Labels and Rating Systems.") Because restricted materials often feature information that some people consider objectionable, potential library users may be predisposed to think of the materials as objectionable and, therefore, be reluctant to ask for access to them.

Limiting access by relegating materials into physically or virtually restricted or segregated collections or restricting materials by creating age-related, linguistic, economic, psychological, or other barriers violates the *Library Bill of Rights*. However, some libraries have established restrictive policies to protect their materials from theft or mutilation, or because of statutory authority or institutional mandate. Such policies must be carefully formulated and administered to ensure they do not violate established principles of intellectual freedom. This caution is reflected in ALA policies, such as "Evaluating Library Collections," "Free Access to Libraries for Minors," "Preservation Policy," and the ACRL "Code of Ethics for Special Collections Librarians."

In keeping with the "Joint Statement on Access" of the American Library Association and Society of American Archivists, libraries should avoid accepting donor agreements or entering into contracts that impose permanent restrictions on special collections. As stated in the "Joint Statement," it is the responsibility of libraries with such collections "to make available original research materials in its possession on equal terms of access."

All proposals for restricted access collections should be carefully scrutinized to ensure that the purpose is not to suppress a viewpoint or to place a barrier between certain patrons and particular content. A primary goal of the library profession is to facilitate access to all points of view on current and historical issues.

Adopted February 2, 1973; amended July 1, 1981; July 3, 1991; July 12, 2000; June 30, 2004, by the ALA Council.

[ISBN 8389-7552-6]

53.1.6

Adopted 00AC
Modified 01MW

Item 4. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.6 (Restricted Access to Library Materials) be amended to read:

Attempts to restrict library materials violate the basic tenets of the Library Bill of Rights. Policies to protect library materials for reasons of physical preservation, protection from theft, or mutilation must be carefully formulated and administered with extreme attention to the principles of intellectual freedom. Adopted 1973, amended 1981, 1991, 2000.

(*See* "Current Reference File": Restricted Access to Library Materials: An Interpretation of the Library Bill of Rights: 1999-2000 #CD19.4)

Item 5. Based on CD#19.4, ~~submitted by the ALA Intellectual Freedom Committee~~, approved by the consent of Council, the PMC recommends Policy 53.3 (Freedom to Read) be amended to read:

The American Library Association endorses Freedom to Read, a joint statement by the American Library Association and the Association of American Publishers. Adopted 1953, revised 1972, 1991, 2000.

(*See* "Current Reference File" Freedom to Read: 1999-2000 #CD19.4)

53.1.17

Item 6. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy (Intellectual Freedom Principles for Academic Libraries) be added:

The general principles set forth in the *Library Bill of Rights* form an indispensable framework for building collections, services, and policies that serve the entire academic community. Among many other requirements, academic libraries must protect the privacy of its users; develop collections without consideration of personal values; maintain a balance of materials; provide open and unfiltered access to the Internet; promote a service philosophy that affords equal access to information for all in the academic community without discrimination of any kind; and ensure a procedure of due process for dealing with the removal or addition of library resources, exhibits, or services. Adopted 2000.

(See "Current Reference File": Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights. 1999-2000 CD#19.4)

Respectfully submitted:

ALA Policy Monitoring Committee:
Charles Robinson
Ginny McKee
Mary Elizabeth (Ma'lis) Wendt, chair
Lois Ann Gregory-Wood, staff liaison

RESTRICTED ACCESS TO LIBRARY MATERIALS
working draft; do not quote for publication
An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries are a traditional forum for the open exchange of information. Attempts to restrict access to library materials violate the basic tenets of the *Library Bill of Rights*.

Historically, attempts have been made to limit access by relegating materials into segregated collections. These attempts are in violation of established policy. Such collections are often referred to by a variety of names, including "closed shelf," "locked case," "adults only," "restricted shelf," or "high demand." Access to some materials also may require a monetary fee or financial deposit. [More recently, some libraries have applied filtering software to their Internet stations that prevent users from finding targeted categories of information, much of which is constitutionally protected.] In any situation which restricts access to certain materials, a barrier is placed between the patron and those materials. That barrier may be age related, linguistic, economic, or psychological in nature.

Because ~~materials placed in restricted collections~~ [restricted materials] often deal with controversial, unusual, or "sensitive" subjects, having to ask a librarian or circulation clerk for [access to] them may be embarrassing or inhibiting for patrons desiring the materials. Needing to ask for materials may pose a language barrier or a staff service barrier. Because restricted ~~collections~~ [materials] often ~~are composed of materials~~ [feature information] ~~which~~ [that] some library patrons consider "objectionable," the potential user may be predisposed to think of the materials as "objectionable" and, therefore, are reluctant to ask for [access to] them.

Barriers between the materials and the patron which are psychological, or are affected by language skills, are nonetheless limitations on access to information. Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication (see also *Statement on Labeling*).

There may be, however, countervailing factors to establish policies to protect library materials—specifically, for reasons of physical preservation including protection from theft or mutilation. Any such policies must be carefully formulated and administered with extreme attention to the principles of intellectual freedom. This caution is also in keeping with ALA policies, such as *Evaluating Library Collections*, *Free Access to Libraries for Minors*, and the *Preservation Policy*.

Finally, in keeping with the *Joint Statement on Access* of the American Library Association and Society of American Archivists, restrictions that result from donor agreements or contracts for special collections materials must be similarly circumscribed. Permanent exclusions are not acceptable. The overriding impetus must be to work for free and unfettered access to all documentary heritage.

Adopted February 2, 1973; amended July 1, 1981; July 3, 1991, by the ALA Council.

[ISBN 8389-7552-6]

53.1.6

1990-91 CD#62.7 Rev.

Restricted Access to Library Materials
An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries are a traditional forum for the open exchange of information. Attempts to restrict access to library materials violate the basic tenets of the LIBRARY BILL OF RIGHTS.

Historically, attempts have been made to limit access by relegating materials into segregated collections. These attempts are in violation of established policy. Such collections are often referred to by a variety of names, including "closed shelf," "locked case," "adults only," "restricted shelf," or "high demand." Access to some materials also may require a monetary fee or financial deposit. In any situation which restricts access to certain materials, a barrier is placed between the patron and those materials. That barrier may be age related, linguistic, economic, or psychological in nature.

Because materials placed in restricted collections often deal with controversial, unusual, or "sensitive" subjects, having to ask a librarian or circulation clerk for them may be embarrassing or inhibiting for patrons desiring the materials. Needing to ask for materials may pose a language barrier or a staff service barrier. Because restricted collections often are composed of materials which some library patrons consider "objectionable," the potential user may be predisposed to think of the materials as "objectionable" and, therefore, are reluctant to ask for them.

Barriers between the materials and the patron which are psychological, or are affected by language skills, are nonetheless limitations on access to information. Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication (see also "Statement on Labeling").

There may be, however, countervailing factors to establish policies to protect library materials--specifically, for reasons of physical preservation including protection from theft or mutilation. Any such policies must be carefully formulated and administered with extreme attention to the principles of intellectual freedom. This caution is also in keeping with ALA policies, such as "Evaluating Library Collections," "Free Access to Libraries for Minors," and the "Preservation Policy."

Finally, in keeping with the "Joint Statement on Access" of the American Library Association and Society of American Archivists, restrictions that result from donor agreements or contracts for special collections materials must be similarly circumscribed. Permanent exclusions are not acceptable. The overriding impetus must be to work for free and unfettered access to all documentary heritage.

Adopted by the Intellectual Freedom Committee
July 1, 1991

RESTRICTED ACCESS TO LIBRARY MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

Restricting access of certain titles and classes of library materials is a practice common to many libraries in the United States. Collections of these materials are referred to by a variety of names such as "closed shelf," "locked case," "adults only," or "restricted shelf."

Three reasons generally advanced to justify restricted access are:

(1) It provides a refuge for materials that belong in the collection but which may be considered "objectionable" by some library patrons;

(2) It provides a means for controlling distribution of materials to those who are allegedly not "prepared" for such materials, or who have been labeled less responsible, because of experience, education, or age;

(3) It provides a means to protect certain materials from theft and mutilation.

Restricted access to library materials is frequently in opposition to the principles of intellectual freedom. While the limitation differs from direct censorship activities, such as removal of library materials or refusal to purchase certain publications, it nonetheless constitutes censorship, albeit in a subtle form. Restricted access often violates the spirit of the LIBRARY BILL OF RIGHTS in the following ways:

(1) It violates that portion of Article 2 which states that ". . . no library materials should be proscribed . . . because of partisan or doctrinal disapproval."

"Materials . . . proscribed" as used in Article 2 includes "suppressed" materials. Restricted access achieves de facto suppression of certain materials.

Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication. Because a majority of materials placed in restricted collections deal with controversial, unusual, or "sensitive" subjects, asking a librarian or circulation clerk for them may be embarrassing for patrons desiring the materials. Because restricted collections are

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AMERICAN LIBRARY ASSOCIATION

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Approved by: ALA Council *Page:* 1 *of* 2

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RESTRICTED ACCESS TO LIBRARY MATERIALS

An interpretation of the LIBRARY BILL OF RIGHTS

Restricting access of certain titles and certain classes of library materials is a practice common to many libraries in the United States. Collections of these materials are referred to by a variety of names such as "closed shelf," "locked case," "adults only," or "restricted shelf" collections.

Three reasons generally advanced to justify restricted access are: (1) It provides a refuge for materials that belong in the collection but which may be considered "objectionable" by some library patrons; (2) It provides a means for controlling distribution of materials which allegedly should not be read by those who are not "prepared" for such materials by experience, education, or age; (3) It provides a means to protect certain materials from theft and mutilation.

Though widely used - and often practical - restricted access to library materials is frequently in opposition to the principles of intellectual freedom. While the limitation differs from direct censorship activities, such as removal of library materials or refusal to purchase certain publications, it nonetheless constitutes censorship, albeit a subtle form. As a form of censorship, restricted access violates the spirit of the LIBRARY BILL OF RIGHTS in the following ways:

(1) It violates that portion of Article II which states that "...no library materials should be proscribed... because of partisan or doctrinal disapproval."

The word "proscribed," as used in Article II, means "suppressed." Restricted access achieves de facto suppression of certain materials.

Even when a title is listed in the card catalog with a reference to its restricted shelf status, a barrier is placed between the patron and the publication. Because a majority of materials placed in restricted collections deal with controversial, unusual, or "sensitive" subjects, asking a librarian or circulation clerk for them is an embarrassment for patrons desiring the materials. Because restricted collections are often composed of materials which some library patrons consider "objectionable," the potential user is predisposed to thinking of the materials as "objectionable," and is accordingly inhibited from specifically asking for them. Although the barrier between the materials and the patron is psychological, it is nonetheless a tangible limitation on his access to information.

(2) It violates Article V which states that, "The rights of an individual to the use of a library should not be denied or abridged because of his age...."

Limiting access of certain materials to adults only abridges the use of the library for minors. "Use of the library,"includes use of, and access to, library materials. Such restrictions are generally instituted under the assumption that certain materials are "harmful" to minors, or in an effort to avoid controversy with parents who might think so.

The librarian who would restrict the availability of materials to minors because of actual or suspected parental objection should bear in mind that he is not in loco parentis in his position as librarian. The American Library Association holds that it is the parent - and only the parent - who may restrict his children - and only his children - in reading matter. The parent who would rather his child did not read certain materials or certain kinds of materials should so advise the child.*

When restricted access is implemented to protect materials from theft or mutilation, the use of the practice may be legitimate. However, segregation of materials to protect them must be administered with extreme attention to the rationale for restricting access. Too often only "controversial" materials are the subject of such segregation, leading to the conclusion that factors other than theft and mutilation were the true considerations. The distinction is extremely difficult to make, both for the librarian and the patron.

Selection policies, carefully developed on the basis of principles of intellectual freedom and the LIBRARY BILL OF RIGHTS, should not be vitiated by administrative practices such as restricted access.

*See also FREE ACCESS TO LIBRARIES FOR MINORS, adopted by the ALA Council, June 30, 1972.

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ADMINISTRATIVE POLICIES AND PROCEDURES AFFECTING ACCESS TO LIBRARY RESOURCES AND SERVICES

An Interpretation of the LIBRARY BILL OF RIGHTS

The right of free access to information for all individuals is basic to all aspects of library service regardless of type of library. Article 5 of the LIBRARY BILL OF RIGHTS protects the rights of an individual to use a library regardless of origin, age, background, or views. The central thrust of the LIBRARY BILL OF RIGHTS is to protect and encourage the free flow of information and ideas. The American Library Association urges that all libraries set policies and procedures that reflect the basic tenets of the LIBRARY BILL OF RIGHTS.

Many libraries have adopted administrative policies and procedures regulating access to resources, services, and facilities, i.e., specific collections, reference services, interlibrary loan, programming, meeting rooms, exhibit space. Such policies and procedures governing the order and protection of library materials and facilities, and the planning of library programs and exhibits, could become a convenient means for removing or restricting access to controversial materials, limiting access to programs or exhibits, or for discriminating against specific groups of library patrons. Such abuse of administrative procedures and policies is in opposition to the LIBRARY BILL OF RIGHTS.

The American Library Association recommends that all libraries with rare or special collections formulate policies and procedures for such collections so as not to restrict access and use due to age or the nature of the patron interest in the materials. Restricted access to such collections is solely for the protection of the materials, and must in no way limit access to the information and ideas contained in the materials.

The Model Interlibrary Loan Code of the American Library Association recommends that all library patrons be eligible for interlibrary loan, in accordance with Article 5 of the LIBRARY BILL OF RIGHTS and the statement FREE ACCESS TO LIBRARIES FOR MINORS. The Model Interlibrary Loan Code states the importance of considering the needs and interests of all users, including children and young adults. Borrowing libraries should provide the resources to meet the ordinary needs of all of its primary clientele, and any members of its clientele should be eligible for interlibrary loan. When libraries adhere to the Model Interlibrary Loan Code, access to information is protected.

Library administrative policies should examine all restrictions to resources or services associated with age, as all are violations of Article 5 of the LIBRARY BILL OF RIGHTS and the statement on restricted access to library materials. For example, privileges associated with library cards should be consistent for all library users, no matter what the age. Library policies in which certain patrons, usually minors,

are denied library privileges available to other library patrons are not endorsed by the American Library Association, as they violate Article 5 of the LIBRARY BILL OF RIGHTS, as well as the statement on FREE ACCESS TO LIBRARIES FOR MINORS. It is parents and only parents who may restrict their children--and only their children--from access to library materials and services.

Reference service policies and procedures, such as library policies limiting the time spent on answering telephone reference questions, should provide for equitable service to all library patrons, regardless of age or type of question. These policies must apply to both adult and child patrons.

Policies governing the use of meeting rooms and exhibits should be examined to ensure that minors are not excluded from a program of interest to them based on age. Meeting rooms and exhibit spaces should also be available on an "equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use," and should not be denied to anyone based solely on age.

Policies should reflect that a person's right to attend a library initiated program "should not be denied or abridged because of origin, age, background, or views," as stated in LIBRARY INITIATED PROGRAMS AS A RESOURCE, an Interpretation of the LIBRARY BILL OF RIGHTS.

Adopted January 27, 1982 by the ALA Council.

(8389-6529-6)

End of Section

Updating of the content of the policy abstract, and of the parenthetical reference is regarded as housekeeping and does not require a vote of Council. The following was presented at the 2010 ALA Midwinter Meeting by the Council Policy Monitoring Committee for Council's information.

The following is the replacement policy abstract for ALA Policy 53.1.7 Labeling and Ratings System:

> Prejudicial labeling and ratings presuppose the existence of individuals or groups with wisdom to determine by authority what is appropriate or inappropriate for others. They presuppose that individuals must be directed in making up their minds about the ideas they examine. The American Library Association affirms the rights of individuals to form their own opinions about resources they choose to read or view. Adopted 1951, amended 1971, 1981, 1990, 2005, 2009. (See "Policy Reference File": Labeling and Rating Systems: An Interpretation of the Library Bill of Rights: 2008-09 ALA CD #19.7.)

Amended by the ALA Council at the 2009 ALA Annual Conf.

2008–2009 ALA CD#19.7
2009 ALA Annual Conference

Labeling and Rating Systems

An Interpretation of the *Library Bill of Rights*

Libraries do not advocate the ideas found in their collections or in resources accessible through the library. The presence of books and other resources in a library does not indicate endorsement of their contents by the library. Likewise, providing access to digital information does not indicate endorsement or approval of that information by the library. Labeling and rating systems present distinct challenges to these intellectual freedom principles.

Labels on library materials may be viewpoint-neutral directional aids designed to save the time of users, or they may be attempts to prejudice or discourage users or restrict their access to materials. When labeling is an attempt to prejudice attitudes, it is a censor's tool. The American Library Association opposes labeling as a means of predisposing people's attitudes toward library materials.

Prejudicial labels are designed to restrict access, based on a value judgment that the content, language, or themes of the material, or the background or views of the creator(s) of the material, render it inappropriate or offensive for all or certain groups of users. The prejudicial label is used to warn, discourage, or prohibit users or certain groups of users from accessing the material. Such labels sometimes are used to place materials in restricted locations where access depends on staff intervention.

Viewpoint-neutral directional aids facilitate access by making it easier for users to locate materials. The materials are housed on open shelves and are equally accessible to all users, who may choose to consult or ignore the directional aids at their own discretion.

Directional aids can have the effect of prejudicial labels when their implementation becomes proscriptive rather than descriptive. When directional aids are used to forbid access or to suggest moral or doctrinal endorsement, the effect is the same as prejudicial labeling.

Many organizations use rating systems as a means of advising either their members or the general public regarding the organizations' opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, Web sites, games, or other materials. The adoption, enforcement, or endorsement of any of these rating systems by a library violates the *Library Bill of Rights*. When requested, librarians should provide information about rating systems equitably, regardless of viewpoint.

Adopting such systems into law or library policy may be unconstitutional. If labeling or rating systems are mandated by law, the library should seek legal advice regarding the law's applicability to library operations.

Libraries sometimes acquire resources that include ratings as part of their packaging. Librarians should not endorse the inclusion of such rating systems; however, removing or destroying the

ratings—if placed there by, or with permission of, the copyright holder—could constitute expurgation (see "Expurgation of Library Materials: An Interpretation of the *Library Bill of Rights*"). In addition, the inclusion of ratings on bibliographic records in library catalogs is a violation of the *Library Bill of Rights*.

Prejudicial labeling and ratings presuppose the existence of individuals or groups with wisdom to determine by authority what is appropriate or inappropriate for others. They presuppose that individuals must be directed in making up their minds about the ideas they examine. The American Library Association affirms the rights of individuals to form their own opinions about resources they choose to read or view.

Adopted July 13, 1951, by the ALA Council; amended June 25, 1971; July 1, 1981; June 26, 1990; January 19, 2005; July 14, 2009.

Amended by the ALA Council at the 2005 ALA Midwinter Mtg.

2004-2005 ALA CD#19.4
2005 ALA Midwinter Meeting

LABELS AND RATING SYSTEMS

An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries do not advocate the ideas found in their collections or in resources accessible through the library. The presence of books and other resources in a library does not indicate endorsement of their contents by the library. Likewise, the ability for library users to access electronic information using library computers does not indicate endorsement or approval of that information by the library.

Labels

Labels on library materials may be view-point neutral directional aids that save the time of users, or they may be attempts to prejudice or discourage users or restrict their access to materials. When labeling is an attempt to prejudice attitudes, it is a censor's tool. The American Library Association opposes labeling as a means of predisposing people's attitudes toward library materials.

Prejudicial labels are designed to *restrict access*, based on a *value judgment* that the content, language or themes of the material, or the background or views of the creator(s) of the material, render it inappropriate or offensive for all or certain groups of users. The prejudicial label is used to warn, discourage or prohibit users or certain groups of users from accessing the material. Such labels may be used to remove materials from open shelves to restricted locations where access depends on staff intervention.

Viewpoint-neutral directional aids facilitate access by making it easier for users to locate materials. The materials are housed on open shelves and are equally accessible to all users, who may choose to consult or ignore the directional aids at their own discretion.

Directional aids can have the effect of prejudicial labels when their implementation becomes *proscriptive* rather than *descriptive*. When directional aids are used to forbid access or to suggest moral or doctrinal endorsement, the effect is the same as prejudicial labeling.

Rating Systems

A variety of organizations promulgate *rating systems* as a means of advising either their members or the general public concerning their opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, Web sites, or other materials. The adoption, enforcement, or endorsement of any of these rating systems by the library violates the *Library Bill of Rights*. Adopting such systems into law may be unconstitutional. If such legislation is passed, the library should seek legal advice regarding the law's applicability to library operations.

Publishers, industry groups, and distributors sometimes add ratings to material or include them as part of their packaging. Librarians should not endorse such practices. However, removing or destroying such ratings—if placed there by, or with permission of, the copyright holder—could constitute expurgation (see *Expurgation of Library Materials: An Interpretation of the Library Bill of Rights*).

Some find it easy and even proper, according to their ethics, to establish criteria for judging materials as objectionable. However, injustice and ignorance, rather than justice and enlightenment, result from such practices. The American Library Association opposes any efforts that result in closing any path to knowledge.

Adopted July 13, 1951. Amended June 25, 1971; July 1, 1981; June 26, 1990, by the ALA Council. [ISBN 8389-5226-7]; January 19, 2005.

1989-90 CD# 82.2

53.1.7

STATEMENT ON LABELING

An Interpretation of the LIBRARY BILL OF RIGHTS

Labeling is the practice of describing or designating materials by affixing a prejudicial label and/or segregating them by a prejudicial system. The American Library Association opposes these means of predisposing people's attitudes toward library materials for the following reasons:

1. Labeling is an attempt to prejudice attitudes and as such, it is a censor's tool.

2. Some find it easy and even proper, according to their ethics, to establish criteria for judging publications as objectionable. However, injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association opposes the establishment of such criteria.

3. Libraries do not advocate the ideas found in their collections. The presence of books and other resources in a library does not indicate endorsement of their contents by the library.

A variety of private organizations promulgate rating systems and/or review materials as a means of advising either their members or the general public concerning their opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, or other materials. For the library to adopt or enforce any of these private systems, to attach such ratings to library materials, to include them in bibliographic records, library catalogs, or other finding aids, or otherwise to endorse them would violate the LIBRARY BILL OF RIGHTS.

While some attempts have been made to adopt these systems into law, the constitutionality of such measures is extremely questionable. If such legislation is passed which applies within a library's jurisdiction, the library should seek competent legal advice concerning its applicability to library operations.

Publishers, industry groups, and distributors sometimes add ratings to material or include them as part of their packaging. Librarians should not endorse such practices. However, removing or obliterating such ratings -- if placed there by or with permission of the copyright holder -- could constitute expurgation, which is also unacceptable.

The American Library Association opposes efforts which aim at closing any path to knowledge. This statement, however, does not exclude the adoption of organizational schemes designed as directional aids or to facilitate access to materials.

Adopted July 13, 1951. Amended June 25, 1971; July 1, 1981; June 26, 1990, by the ALA Council.

[ISBN 8389-5226-7]

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STATEMENT ON LABELING

An Interpretation of the LIBRARY BILL OF RIGHTS

Labeling is the practice of describing or designating certain library materials by affixing a prejudicial label to them or segregating them by a prejudicial system. The American Library Association opposes this as a means of predisposing people's attitudes towards library materials for the following reasons:

1. Labeling is an attempt to prejudice attitudes and as such, it is a censor's tool.

2. Some find it easy and even proper, according to their ethics, to establish criteria for judging publications as objectionable. However, injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association opposes the establishment of such criteria.

3. Libraries do not advocate the ideas found in their collections. The presence of books and other resources in a library does not indicate endorsement of their contents by the library.

The American Library Association opposes efforts which aim at closing any path to knowledge. This statement does not, however, exclude the adoption of organizational schemes designed as directional aids or to facilitate access to materials.

Adopted July 13, 1951. Amended June 25, 1971; July 1, 1981, by the ALA Council.

[ISBN 8389-5226-7]

Labeling Library Materials

Because labeling violates the spirit of the LIBRARY BILL OF RIGHTS, the American Library Association opposes the technique of labeling as a means of predisposing readers against library materials for the following reasons:

1. Labeling is an attempt to prejudice the reader, and as such it is a censor's tooi.

2. Although some find it easy and even proper, according to their ethics, to establish criteria for judging publications as objectionable, injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association must oppose the establishment of such criteria.

3. Libraries do not advocate the ideas found in their collections. The presence of a magazine or book in a library does not indicate an endorsement of its contents by the library.

4. No one person should take the responsibility of labeling publications. No sizable group of persons would be likely to agree either on the types of material which should be labeled or the sources of information which should be regarded with suspicion. As a practical consideration, a librarian who labels a book or magazine might be sued for libel.

5. If materials are labeled to pacify one group, there is no excuse for refusing to label any item in the library's collection. Because authoritarians tend to suppress ideas and attempt to coerce individuals to conform to a specific ideology, the American Library Association opposes such efforts which aim at closing any path to knowledge.

Resolutions

Labeling

Recommendations of the ALA Committee on Intellectual Freedom, opposing the labeling of Library materials, were adopted unanimously by the ALA Council on July 13, 1951. The committee's report was presented by Rutherford D. Rogers, chairman. The report and the recommendations appear on pages 241-44 of the July-August 1951 *ALA Bulletin*.

Ordinances Banning Direct Selling

Foster Palmer, chairman of the Subscription Books Committee, presented the following statement which was officially approved by the ALA Council on July 13.

"The American Library Association recognizes the constructive intent of ordinances passed in some communities which prohibit selling directly to homes without specific invitation or request from the householder.

"The Association is deeply concerned, however, over the effects of such ordinances which deprive communities of educational benefits in the form of books, magazines, encyclopedias, and other materials for reference and study. In a democracy it is important that public opinion be informed and that a high educational level among all the people be maintained. It is unfortunate, therefore, that in attempting to correct certain evils blanket restrictions are imposed which work contrary to some of the best

Tenure

As reported in the June 1951 *ALA Bulletin* (p. 190), the ALA Executive Board, on May 11, 1951, adopted a "Statement of Policy" on tenure at ALA Headquarters. This statement replaced the Executive Board's resolution on tenure adopted at the Midwinter Meeting in January 1951.

At the meeting of the ALA Council on July 9, 1951, Ralph T. Esterquest presented the following resolution regarding the Executive Board's "Statement of Policy":

"*Resolved,* That the Executive Board's May 1951 revised 'Statement of Policy' governing the tenure of professional librarians employed by the American Library Association be referred to the Board on Personnel Administration for study and for an opinion in terms of sound personnel practices; that the Board on Personnel Administration report the results of its study and its opinion and recommendations to the Council; that the Council conduct its own and separate study of possible effects on headquarters operations of the tenure statement; and that any implementation of the headquarters staff tenure policy be postponed until the Council has had an opportunity to consider both the recommendations of the Board on Personnel Administration and the results of its own study."

This resolution was officially approved by the Council on July 9.

Taken from the ALA Council Minutes, July 1951, Vol. 3 p. 131

Labeling—

A Report of the ALA Committee On Intellectual Freedom[1]

At the Midwinter Meeting, the report of the Committee on Intellectual Freedom dealt briefly with five or six cases. This morning, I ask your consideration of only one problem, but it is one which has manifold implications of a rather serious nature. This is the problem of labeling.

What is labeling and how has it become a matter of urgency? Approximately eight months ago, we received a report that the Montclair (N.J.) Chapter of the Sons of the American Revolution was exerting pressure on libraries in New Jersey to put a prominent label or inscription on "publications which advocate or favor Communism, or which are issued or distributed by any Communist organization or any other organization formally designated by any authorized government official or agency as Communistic or subversive . . .;" furthermore, such publications ". . . should not be freely available in libraries to readers or in schools to pupils, but should be obtainable only by signing suitable applications."

The committee noted that the SAR resolution did not make clear who would do the labeling, who would decide what is communistic or "subversive" or by what criteria such decisions would be made. It would appear that labeling, if done in the local library, would require a member or members of the staff to examine carefully into the contents of, and attitudes in, every item acquired by the library in order to ascertain whether or not there was any communist or subversive slant, espousal or authorship therein. It is fair to assume that a variety of labels or statements would have to be fashioned to apply to the great diversity of shades of opinion or guilt in the light of whatever criteria might be established. It is conceivable that such a project could be handled centrally by the ALA or the government, but the implications of this sort of politburo arrangement are repulsive to people reared in the democratic tradition.

The committee felt that the practicability and financial problems of such a project were not necessarily relevant to its decision, which should be made on the basis of the principle involved.

As we looked more deeply into the problem of labeling, we found that it is not an uncommon proposal. In addition to the Sons of the American Revolution, we discovered that other groups have tried to use it as a technique of limiting freedom to read. Religious groups sometimes ask libraries to label, if not to ban, publications they find objectionable. There are also indications that so-called "patriotic" organizations other than the SAR are moving dangerously close to similar proposals.

In April, President Graham received a letter direct from the Montclair Chapter of the Sons of the American Revolution requesting this Association to adopt the SAR policy. This letter urged, as did the original resolution, that so-called communistic and subversive materials not only should be labeled but also should be segregated in libraries and given out only upon written and signed application.

By this time, members of the Committee on Intellectual Freedom had had an opportunity to study more fully the background of the problem and to submit their recommendations. When the issue was put to them formally, nine out of eleven members voted, and all nine were united against the idea of labeling as proposed by the Sons of the American Revolution. It was recognized by some of us that the committee's unanimity might stem from the fact that we were unusually sensitive to the subject of intellectual freedom. There was also some concern over the fact that, for the most part, we represented large public or institutional libraries; whereas the practical problems of labeling seem likely to develop in smaller libraries. It was therefore con-

[1] This report was presented to the ALA Council on July 13, 1951, by Rutherford D. Rogers, chairman, ALA Committee on Intellectual Freedom.

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sidered advisable to seek a slightly broader basis for judgment, and we proceeded at once to obtain the counsel of 24 other practicing librarians in libraries located geographically from Texas to Minnesota and from North Carolina to the state of Washington, the selection emphasizing but not being restricted to small and medium-size public libraries as well as college, university and state libraries.

Twenty out of the 24 to whom we wrote replied to our inquiry and without exception opposed labeling. Despite the smallness of our sample the unanimity among the replies seems impressive.

Although our request suggested possible pros and cons, plenty of leeway was left for individual points of view and the manner in which our colleagues took advantage of their right of free expression indicates that intellectual freedom is not yet dead. Without naming names, I would like to quote some of their remarks because they put the case more eloquently than I possibly could:

I

"Libraries must oppose the practice of labeling if they wish to maintain their positions as *impartial* agencies providing information on all aspects of any question."

II

"I am opposed to the idea of labeling books as pro or anti anything, because there can be no reasonable end to such an attempt once it is begun."

III

"Personally, I . . . think labelling is as dangerous as the evils it may attempt to correct—and I am aware that some real evils do exist. . . . Recognizing this time as a period of danger, and also realizing that the Soviet Communists do not play under

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RECOMMENDATIONS UNANIMOUSLY ADOPTED BY THE ALA COUNCIL July 13, 1951

In view of our own convictions and those of other practicing librarians whose counsel we sought, the Committee on Intellectual Freedom recommends to the ALA Council the following policy with respect to labeling library materials:

Librarians should not use the technique of labeling as a means of predisposing readers against library materials for the following reasons:

1. Although totalitarian states find it easy and even proper, according to their ethics, to establish criteria for judging publications as "subversive," injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association has a responsibility to take a stand against the establishment of such criteria in a democratic state.
2. Libraries do not advocate the ideas found in their collections. The presence of a magazine or book in a library does not indicate an endorsement of its contents by the library.
3. No one person should take the responsibility of labeling publications. No sizable group of persons would be likely to agree either on the types of material which should be labeled or the sources of information which should be regarded with suspicion. As a practical consideration, a librarian who labeled a book or magazine pro-communist might be sued for libel.
4. Labeling is an attempt to prejudice the reader, and as such, it is a censor's tool.
5. Labeling violates the spirit of the Library Bill of Rights.
6. Although we are all agreed that communism is a threat to the free world, if materials are labeled to pacify one group, there is no excuse for refusing to label any item in the library's collection. Because communism, fascism, or other authoritarianisms tend to suppress ideas and attempt to coerce individuals to conform to a specific ideology, American librarians must be opposed to such "isms." We are, then, anti-communist, but we are also opposed to any other group which aims at closing any path to knowledge.

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the same set of rules as does a democracy, I still vote strongly against any labelling program such as the SAR requests."

IV

"I am opposed to such a procedure. . . . Those who read should be able to discriminate—to think for themselves."

V

"You may put me down as opposed to labelling any literature in American Public Libraries, regardless of the 'slant' or the subject. . . . Once labelling is started on behalf of one group or organization, libraries would have to label other material for its slant, political, religious, economic or whatever. (Imagine the book 'You Must Eat Meat' being labeled: 'This book is considered objectionable by the Vegetarians of America.')"

VI

"Labeling is not merely an 'attempt to prejudice the reader.' It is surely in the minds of some of its proponents an attempt to control or frighten him."

VII

"How soon after we start labeling books will we begin to burn them?"

VIII

"The suggested action if undertaken would seem to me (1) to invade the privacy of the individual and (2) to deny a democratic principle that people are able to weigh the evidence and to make sound conclusions. The outcome (of labeling) will be that public libraries will purchase only books which will not be challenged, with the inevitable result that the original and experimental will be driven out. . . . The idea of requiring readers to make written application for the use of materials labeled as Communist slanted seems in some ways more frightening than labeling."

IX

"If we wish to live in a free country, we must develop our minds to recognize propaganda and to *think*. A label is merely the thinking of one person or a group of persons."

X

"There is room in America for all people to read and form their own opinions. . . . In a democracy people must have the right to know facts about *everything*. (This) does not necessarily mean they advocate everything about which they know. Maybe quite the contrary. . . . I oppose all efforts to predispose readers for or against any materials. . . ."

XI

"To require labeling of material with any particular slant—such as communism—is to sacrifice the *principle* of free thought and opinion. American citizens of the future are going to be free to consider *all* points of view—or they are not going to have that freedom. Many of us—not only the professional anti-communist—have blind spots. But librarians must not agree to putting blinders of any kind on their readers. The principle of free inquiry, which is fundamental to American librarianship and American democracy, must be maintained against labelers as against all other censors."

XII

"Every group in the country, with an axe to grind, must be happy in the thought, that if one of them can make an opening wedge to wreck the 'Library Bill of Rights,' the rest of them can all come in, and the Free Public Library will be a thing of the past. . . . Everyone working here is against labeling. Where would the 'Sons of the American Revolution' be today if their great grandpas had been as 'scairt' of different viewpoints as they are?

"I spent an afternoon asking borrowers what they thought of labeling books (particularly subversive books) so they would not fall into the hands of the easily persuaded. Their answers were obvious, but the *shock* registered in their faces at such an idea, was something to see. Here are some of their comments:

"A well-educated old lady: 'Hitler began by burning the books. Isn't this another form of the same thing.'

"A college girl: 'It's an idea of old men. We young people are able to make decisions

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that are good. Give us credit and the chance to do it.'

"Another college student: 'They talk about the wonderful education we get in America. How are we going to make use of it, and really know that democracy is right if we are only allowed to read what they want us to believe.'

"Housewife: 'Stalin tells only one side of the question. I thought Americans didn't believe in his methods.'

"Man: 'I'm an adult. Sound mind. Good education. Who the hell has the right to tell me what to read or warn me what not to read?'

"Teacher: 'What are you trying to do? Take away freedom of thought and freedom of conscience? The Constitution gives me the right to read and think as I please, regardless of what anyone else thinks. I pay taxes to support the library and expect to find a good selection of books on the shelves. I'll be my own censor.'

"Housewife: 'It violates all principles of freedom of thought. It is treason to the principles on which the country was built.'

"High school senior: 'How can we tell that our way is right if we can't make comparisons. Are they afraid of comparisons? Then Democracy is sure on the skids.'"

5

End of Section

53.1.8

2003-2004 CD# 19.6

ALA American Library Association

Adopted July 2, 1991; amended June 30, 2004

Exhibit Spaces and Bulletin Boards

An Interpretation of the Library Bill of Rights

Libraries often provide exhibit spaces and bulletin boards. The uses made of these spaces should conform to the ***Library Bill of Rights***: Article I states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." Article II states, "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Article VI maintains that exhibit space should be made available "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

In developing library exhibits, staff members should endeavor to present a broad spectrum of opinion and a variety of viewpoints. Libraries should not shrink from developing exhibits because of controversial content or because of the beliefs or affiliations of those whose work is represented. Just as libraries do not endorse the viewpoints of those whose work is represented in their collections, libraries also do not endorse the beliefs or viewpoints of topics that may be the subject of library exhibits.

Exhibit areas often are made available for use by community groups. Libraries should formulate a written policy for the use of these exhibit areas to assure that space is provided on an equitable basis to all groups that request it.

Written policies for exhibit space use should be stated in inclusive rather than exclusive terms. For example, a policy that the library's exhibit space is open "to organizations engaged in educational, cultural, intellectual, or charitable activities" is an inclusive statement of the limited uses of the exhibit space. This defined limitation would permit religious groups to use the exhibit space because they engage in intellectual activities, but would exclude most commercial uses of the exhibit space.

A publicly supported library may designate use of exhibit space for strictly library-related activities, provided that this limitation is viewpoint neutral and clearly defined.

Libraries may include in this policy rules regarding the time, place, and manner of use of the exhibit space, so long as the rules are content neutral and are applied in the same manner to all groups wishing to use the space. A library may wish to limit access to exhibit space to groups within the community served by the library. This practice is acceptable provided that the same rules and regulations apply to

everyone, and that exclusion is not made on the basis of the doctrinal, religious, or political beliefs of the potential users.

The library should not censor or remove an exhibit because some members of the community may disagree with its content. Those who object to the content of any exhibit held at the library should be able to submit their complaint and/or their own exhibit proposal to be judged according to the policies established by the library.

Libraries may wish to post a permanent notice near the exhibit area stating that the library does not advocate or endorse the viewpoints of exhibits or exhibitors.

Libraries that make bulletin boards available to public groups for posting notices of public interest should develop criteria for the use of these spaces based on the same considerations as those outlined above. Libraries may wish to develop criteria regarding the size of material to be displayed, the length of time materials may remain on the bulletin board, the frequency with which material may be posted for the same group, and the geographic area from which notices will be accepted.

Adopted July 2, 1991, by the ALA Council; amended June 30, 2004.

[ISBN 8389-7551-8]

Related Files

Exhibit Spaces and Bulletin Boards (PDF File)

Related Links

Adobe Reader

EXHIBIT SPACES AND BULLETIN BOARDS

An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries often provide exhibit spaces and bulletin boards. The uses made of these spaces should conform to the LIBRARY BILL OF RIGHTS: Article I states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." Article II states, "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Article VI maintains that exhibit space should be made available "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

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A publicly supported library may limit use of its exhibit space to strictly "library-related" activities, provided that the limitation is clearly circumscribed and is viewpoint neutral.

Libraries may include in this policy rules regarding the time, place, and manner of use of the exhibit space, so long as the rules are content-neutral and are applied in the same manner to all groups wishing to use the space. A library may wish to limit access to exhibit space to groups within the community served by the library. This practice is acceptable provided that the same rules and regulations apply to everyone, and that exclusion is not made on the basis of the doctrinal, religious, or political beliefs of the potential users.

The library should not censor or remove an exhibit because some members of the community may disagree with its content. Those who object to the content of any exhibit held at the library should be able to submit their complaint and/or their own exhibit proposal to be judged according to the policies established by the library.

Libraries may wish to post a permanent notice near the exhibit area stating that the library does not advocate or endorse the viewpoints of exhibits or exhibitors.

Libraries which make bulletin boards available to public groups for posting notices of public interest should develop criteria for the use of these spaces based on the same considerations as those outlined above. Libraries may wish to develop criteria regarding the size of material to be displayed, the length of time materials may remain on the bulletin board, the frequency with which material may be posted for the same group, and the geographic area from which notices will be accepted.

Adopted July 2, 1991, by the ALA Council.

[ISBN 8389-7551-8]

End of Section

53.1.9

MEETING ROOMS

An Interpretation of the LIBRARY BILL OF RIGHTS

Many libraries provide meeting rooms for individuals and groups as part of a program of service. Article VI of the LIBRARY BILL OF RIGHTS states that such facilities should be made available to the public served by the given library "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

Libraries maintaining meeting room facilities should develop and publish policy statements governing use. These statements can properly define time, place, or manner of use; such qualifications should not pertain to the content of a meeting or to the beliefs or affiliations of the sponsors. These statements should be made available in any commonly used language within the community served.

If meeting rooms in libraries supported by public funds are made available to the general public for non-library sponsored events, the library may not exclude any group based on the subject matter to be discussed or based on the ideas that the group advocates. For example, if a library allows charities and sports clubs to discuss their activities in library meeting rooms, then the library should not exclude partisan political or religious groups from discussing their activities in the same facilities. If a library opens its meeting rooms to a wide variety of civic organizations, then the library may not deny access to a religious organization. Libraries may wish to post a permanent notice near the meeting room stating that the library does not advocate or endorse the viewpoints of meetings or meeting room users.

Written policies for meeting room use should be stated in inclusive rather than exclusive terms. For example, a policy that the library's facilities are open "to organizations engaged in educational, cultural, intellectual, or charitable activities" is an inclusive statement of the limited uses to which the facilities may be put. This defined limitation would permit religious groups to use the facilities because they engage in intellectual activities, but would exclude most commercial uses of the facility.

A publicly supported library may limit use of its meeting rooms to strictly "library-related" activities, provided that the limitation is clearly circumscribed and is viewpoint neutral.

Written policies may include limitations on frequency of use, and whether or not meetings held in library meeting rooms must be open to the public. If state and local laws permit private as well as public sessions of meetings in libraries, libraries may choose to offer both options. The same standard should be applicable to all.

If meetings are open to the public, libraries should include in their meeting room policy statement a section which addresses admission fees. If admission fees are permitted, libraries shall seek to make it possible that these fees do not limit access to individuals who may be unable to pay, but who wish to attend the meeting. Article V of the LIBRARY BILL OF RIGHTS states that "a person's right to use a library should not be denied or abridged because of origin, age, background, or views." It is inconsistent with Article V to restrict indirectly access to library meeting rooms based on an individual's or group's ability to pay for that access.

Adopted July 2, 1991, by the ALA Council.
[ISBN 8389-7550-X]

1989-90 CF 82.1
53.1.9

EXHIBIT SPACES AND MEETING ROOMS

An Interpretation of the LIBRARY BILL OF RIGHTS

As part of their program of service, many libraries provide meeting rooms and exhibit spaces for individuals and groups. Article VI of the LIBRARY BILL OF RIGHTS states that such facilities should be made available to the public served by the given library "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

In formulating this position, the American Library Association sought to accommodate the broad range of practices among public, academic, school and other libraries, while upholding a standard of fairness. Libraries maintaining exhibit and meeting room facilities for outside groups and individuals should develop and publish policy statements governing their use. These statements can properly define and restrict eligibility for use as long as the qualifications do not pertain to the content of a meeting or exhibit or to the beliefs or affiliations of the sponsors.

It is appropriate for a library to limit access to meeting rooms or exhibit space to members of the specific community served by the library or to groups of a specific category. The library may properly limit the use of its meeting rooms to meetings which are open to the public, or it may make space available for both public and private sessions. It is not proper to apply such limitations in ways which favor points of view or organizations advocating certain viewpoints.

Exhibits and meetings sponsored by the library itself should be organized in a manner consistent with the LIBRARY BILL OF RIGHTS, especially Article II which states that "libraries should provide materials and information presenting all points of view." However, in granting meeting or exhibit space to outside individuals and groups, the library should make no effort to censor or amend the content of the exhibit or meeting. Those who object to or disagree with the content of any exhibit or meeting held at the library should be entitled to submit their own exhibit or meeting proposals which should be judged according to the policies established by the library.

Adopted February 4, 1981. Amended June 26, 1990, by the ALA Council.

[ISBN 8389-6464-8]

5.3.1.7

EXHIBIT SPACES AND MEETING ROOMS

An Interpretation of the LIBRARY BILL OF RIGHTS

As part of their program of service, many libraries provide meeting rooms and exhibit spaces for individuals and groups. Article VI of the LIBRARY BILL OF RIGHTS states that such facilities should be made available to the public served by the given library "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

In formulating this position, the American Library Association sought to accommodate the broad range of practices among public, academic, school and other libraries, while upholding a standard of fairness. Libraries maintaining exhibit and meeting room facilities for outside groups and individuals should develop and publish policy statements governing their use. These statements can properly define and restrict eligibility for use as long as the qualifications do not pertain to the content of a meeting or exhibit or to the beliefs or affiliations of the sponsors.

It is appropriate for a library to limit access to meeting rooms or exhibit space to members of the specific community served by the library or to groups of a specific category. It is not proper to apply such limitations in ways which favor points of view or organizations advocating certain viewpoints. For example, some libraries permit religious groups to use meeting facilities, while others do not. According to Article VI, both policies are acceptable as long as all religious groups are treated in the same way, irrespective of their doctrines.

Exhibits and meetings sponsored by the library itself should be organized in a manner consistent with the LIBRARY BILL OF RIGHTS, especially Article II which states that "libraries should provide materials and information presenting all points of view." However, in granting meeting or exhibit space to outside individuals and groups, the library should make no effort to censor or amend the content of the exhibit or meeting. Those who object to or disagree with the content of any exhibit or meeting held at the library should be entitled to submit their own exhibit or meeting proposals which should be judged according to the policies established by the library.

The library may properly limit the use of its meeting rooms to meetings which are open to the public, or it may make space available for both public and private sessions. Again, however, the same standard should be applicable to all.

Adopted February 4, 1981 by the ALA Council.

[ISBN 8389-6464-8]

HISTORY

Exhibit Spaces and Bulletin Boards

Use of library exhibit spaces and meeting rooms became a subject of developing controversy in the 1970s. These years saw several publicized efforts to deny access to such facilities to controversial groups or exhibitors. In North Carolina, for example, an exhibit sponsored by the Ku Klux Klan at a public library sparked a violent confrontation with protesters. At the University of California library at Berkeley, Turkish students protested the one-sidedness of an exhibit on the early-twentieth-century massacre of Armenians by Turks, which had been placed in the library by students of Armenian ancestry. In several places, attempts were made to deny use of such facilities to certain groups on the grounds either that the groups themselves were advocates of violence or that the threat of violence associated with their meetings—including threats made against these meetings by the groups' opponents—posed a danger to library employees and patrons or to library property. At the same time, exhibits mounted by libraries themselves sometimes came under fire. In Virginia, for instance, an exhibit of books about homosexuality in a public library collection was accused of promoting this practice and of obscenity. All these efforts to censor library exhibits were in violation of Article VI of the *Library Bill of Rights*.

The 1970s were also marked by some confusion within ALA about the applicability of Article VI as it was formulated in the 1967 version of the *Library Bill of Rights*. In particular, academic and school libraries pointed out that the provision was written to apply in reality only to public libraries, and public librarians noted that it

This is taken from the Intellectual Freedom Manual

was not flexible enough to accommodate the varying situations of public libraries.

The 1980 revision of the *Library Bill of Rights* took account of these objections, and the revision of Article VI in that year successfully remedied its major defects. (See part 2, section 1, "*Library Bill of Rights*: History.") At the 1980 Annual Conference in New York however, the IFC, with Frances C. Dean as chair, decided that, given both the increasing number of incidents and the admitted complexity of applying even the revised article in practice, a written policy interpreting the article would be desirable.

The Intellectual Freedom Committee agreed that the key to applying the article was the need to maintain flexibility while upholding a standard of fairness. On this basis a policy was prepared and, at the 1981 Midwinter Meeting in Washington, D.C., presented to the Council, which adopted it as an ALA policy on February 4, 1981. It read as follows:

> As part of their program of service, many libraries provide meeting rooms and exhibit spaces for individuals and groups. Article VI of the *Library Bill of Rights* states that such facilities should be made available to the public served by the given library "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."
>
> In formulating this position, the American Library Association sought to accommodate the broad range of practices among public, academic, school and other libraries, while upholding a standard of fairness. Libraries maintaining exhibit and meeting room facilities for outside groups and individuals should develop and publish policy statements governing their use. These statements can properly define and restrict eligibility for use as long as the qualifications do not pertain to the content of a meeting or exhibit or to the beliefs or affiliations of the sponsors.
>
> It is appropriate for a library to limit access to meeting rooms or exhibit space to members of the specific community served by the library or to groups of a specific category. It is not proper to apply such limitations in

ways which favor points of view or organizations advocating certain viewpoints. For example, some libraries permit religious groups to use meeting facilities, while others do not. According to Article VI, both policies are acceptable as long as all religious groups are treated in the same way, irrespective of their doctrines.

Exhibits and meetings sponsored by the library itself should be organized in a manner consistent with the *Library Bill of Rights*, especially Article II which states that "libraries should provide materials and information presenting all points of view." However, in granting meeting or exhibit space to outside individuals and groups, the library should make no effort to censor or amend the content of the exhibit or meeting. Those who object to or disagree with the content of any exhibit or meeting held at the library should be entitled to submit their own exhibit or meeting proposals which should be judged according to the policies established by the library.

The library may properly limit the use of its meeting rooms to meetings which are open to the public, or it may make space available for both public and private sessions. Again, however, the same standard should be applicable to all.

In 1989, revisions were undertaken to reflect nondiscrimination on the basis of language or economic status. Discussion on appropriate changes in the Interpretation continued through June 26, 1990, at which time the Committee voted to rescind two sentences of the Interpretation as an interim measure:

> For example, some libraries permit religious groups to use meeting facilities, while others do not. According to Article VI, both policies are acceptable as long as all religious groups are treated in the same way, irrespective of their doctrines.

The sentences were rescinded in light of a recent court decision in favor of a religious organization that had been denied use of a library meeting room[1] (see part 4, section 1, "Public Libraries and the Public Forum Doctrine").

Following adoption of the interim language, continuing concerns about the meaning of viewpoint-neutral restrictions, the rules governing designated public forums, and commercial uses of library meeting rooms led to a consensus decision to rewrite the policy totally.

In January 1991, two separate Interpretations—"Meeting Rooms" and "Exhibit Spaces and Bulletin Boards"—were introduced. Recent court decisions supporting the right of religious groups to have access to public forums for their meetings raised questions that were best dealt with in a discrete meeting-room policy. After additional discussion about fees, commercial uses, and disclaimers to clarify the library's position as a neutral host and not an advocate of particular meetings or exhibits, the Committee voted to adopt the two Interpretations for circulation to all ALA units, the Council, and the Executive Board for comment.

The two policies were adopted as revised on July 2, 1991, at the Annual Conference. (For the policy "Meeting Rooms," see part 2, section 2.15.)

No changes in "Exhibit Spaces and Bulletin Boards" were recommended as part of the 1999–2000 periodic review of all Interpretations by the IFC.

As part of the 2004–5 review of Interpretations the IFC recommended revising one sentence for clarity. The sentence

> A publicly supported library may designate use of exhibit space for strictly library-related activities, provided that the limitation is clearly circumscribed and is viewpoint neutral.

was changed to:

> A publicly supported library may designate use of exhibit space for strictly library-related activities, provided that this limitation is viewpoint neutral and clearly defined.

Council approved the revised Interpretation on June 30, 2004.

NOTE

1. *Concerned Women for America, Inc. v. Lafayette County*, 883 F.2d 32, 34 (5th Cir. 1989).

End of Section

1989-90 CD# 82.3

53.1.0

LIBRARY INITIATED PROGRAMS AS A RESOURCE

An Interpretation of the LIBRARY BILL OF RIGHTS

Library initiated programs support the mission of the library by providing users with additional opportunities for information, education and recreation. Article 1 of the LIBRARY BILL OF RIGHTS states: "Books and other library resources should be provided for the interest, information and enlightenment of all people of the community the library serves."

Library initiated programs take advantage of library staff expertise, collections, services and facilities to increase access to information and information resources. Library initiated programs introduce users and potential users to the resources of the library and to the library's primary function as a facilitator of information access. The library may participate in cooperative or joint programs with other agencies, organizations, institutions or individuals as part of its own effort to address information needs and to facilitate information access in the community the library serves.

Library initiated programs on site and in other locations include, but are not limited to, speeches, community forums, discussion groups, demonstrations, displays, and live or media presentations.

Libraries serving multilingual or multicultural communities make efforts to accommodate the information needs of those for whom English is a second language. Library initiated programs across language and cultural barriers introduce otherwise unserved populations to the resources of the library and provide access to information.

Library initiated programs "should not be proscribed or removed (or canceled) because of partisan or doctrinal disapproval" of the contents of the program or the views expressed by the participants, as stated in Article 2 of the LIBRARY BILL OF RIGHTS. Library sponsorship of a program does not constitute an endorsement of the content of the program or the views expressed by the participants, any more than the purchase of material for the library collection constitutes an endorsement of the contents of the material or the views of its creator.

Library initiated programs are a library resource, and as such, are developed in accordance with written guidelines, as approved and adopted by the library's policy-making body. These guidelines include an endorsement of the LIBRARY BILL OF RIGHTS and set forth the library's commitment to free and open access to information and ideas for all users.

Library staff select topics, speakers and resource materials for library initiated programs based on the interests and information needs of the community. Topics, speakers and resource materials are not excluded from library initiated programs because of possible controversy. Concerns, questions or complaints about library initiated program are handled according to the same written policy and procedures which govern reconsiderations of other library resources.

Library initiated programs are offered free of charge and are open to all. Article 5 of the LIBRARY BILL OF RIGHTS states: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

The "right to use a library" encompasses all of the resources the library offers, including the right to attend library initiated programs. Libraries do not deny or abridge access to library resources, including library initiated programs, based on an individual's economic background and ability to pay.

Adopted January 27, 1982. Amended June 26, 1990, by the ALA Council.

[ISBN 8389-6528-8]

53.1.8.

LIBRARY INITIATED PROGRAMS AS A RESOURCE

An Interpretation of the LIBRARY BILL OF RIGHTS

Library initiated programming is a library resource that provides information, education, and recreation to library users. Library initiated programming utilizes library staff, books, library and community resources, resource people, displays, and media presentations. The library often incorporates cooperative programming with other agencies, organizations, and educational institutions, as well as other resources, to communicate with library users. Library initiated programs should provide "for the interest, information, and enlightenment of all the people of the community the library serves," as stated in Article 1 of the LIBRARY BILL OF RIGHTS.

The American Library Association believes that library sponsored programs, as well as library resources, "should not be proscribed or removed (or canceled) because of partisan or doctrinal disapproval" (Article 2 of the LIBRARY BILL OF RIGHTS).

A person's right to attend a library initiated program "should not be denied or abridged because of origin, age, background, or views" (Article 5 of the LIBRARY BILL OF RIGHTS).

A written policy on library initiated programming, approved by the library's policy-making body, should reflect the library's philosophy regarding free access to information and ideas. Similarly, concerns expressed regarding library initiated programs should be handled as they are for library resources.

Selection of library program topics, speakers, courses, classes, and resource materials should be made by library staff on the basis of the interests and needs of library users and the community. Library programming should not exclude topics, books, speakers, media, and other resources because they might be controversial.

Adopted January 27, 1982 by the ALA Council.

CD#19.4
1999-2000
53.1.10

Library-Initiated Programs as a Resource

An Interpretation of the Library Bill of Rights

Library-initiated programs support the mission of the library by providing users with additional opportunities for information, education, and recreation. Article I of the *Library Bill of Rights* states: "Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves."

Library-initiated programs take advantage of library staff expertise, collections, services and facilities to increase access to information and information resources. Library-initiated programs introduce users and potential users to the resources of the library and to the library's primary function as a facilitator of information access. The library may participate in cooperative or joint programs with other agencies, organizations, institutions, or individuals as part of its own effort to address information needs and to facilitate information access in the community the library serves.

Library-initiated programs on site and in other locations include, but are not limited to, speeches, community forums, discussion groups, demonstrations, displays, and live or media presentations.

Libraries serving multilingual or multicultural communities should make efforts to accommodate the information needs of those for whom English is a second language. Library-initiated programs that cross language and cultural barriers introduce otherwise underserved populations to the resources of the library and provide access to information.

Library-initiated programs "should not be proscribed or removed [or canceled] because of partisan or doctrinal disapproval" of the contents of the program or the views expressed by the participants, as stated in Article II of the *Library Bill of Rights.* Library sponsorship of a program does not constitute an endorsement of the content of the program or the views expressed by the participants, any more than the purchase of material for the library collection constitutes an endorsement of the contents of the material or the views of its creator.

Library-initiated programs are a library resource, and, as such, are developed in accordance with written guidelines, as approved and adopted by the library's policy-making body. These guidelines should include an endorsement of the *Library Bill of Rights* and set forth the library's commitment to free and open access to information and ideas for all users.

Library staff select topics, speakers and resource materials for library-initiated programs based on the interests and information needs of the community. Topics, speakers and resource materials are not excluded from library-initiated programs because of possible controversy. Concerns, questions or complaints about library-initiated programs are handled according to the same written policy and procedures that govern reconsiderations of other library resources.

Library-initiated programs are offered free of charge and are open to all. Article V of the *Library Bill of Rights* states: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

The "right to use a library" encompasses all the resources the library offers, including the right to attend library-initiated programs. Libraries do not deny or abridge access to library resources, including library-initiated programs, based on an individual's economic background or ability to pay.

Adopted January 27, 1982; amended June 26, 1990; July 12, 2000, by the ALA Council.

53.1.10

2000-2001 CD#17
(2001 ALA Midwinter Meeting)

REPORT TO COUNCIL
POLICY MONITORING COMMITTEE
JANUARY 2001

In accordance with policy 5.6 of the *ALA Policy Handbook,* the Policy/Handbook Monitoring Committee (PMC) has reviewed all actions taken by the ALA Council during the 2000 Annual Conference for possible incorporation into, addition to, or changes to the *ALA Policy Handbook.* Based on Council action during the aforesaid meeting, the following additions and changes are recommended:

ACTION ITEMS

Item 1. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.15 (Access to Library Resources and Services Regardless of Gender or Sexual Orientation) be amended to read:

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including gender or sexual orientation. The Association also encourages librarians to proactively support the First Amendment rights of all library users regardless of gender or sexual orientation. Adopted 1993. Revised 2000.

(*See* "Current Reference File": Access to Library Resources and Services Regardless of Gender or Sexual Orientation: An Interpretation of the Library Bill of Rights: 1999-2000 CD#19.4)

Item 2. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.3 (Access to Resources and Services in the School Library Media Program) be amended to read:

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval and which reflect the linguistic pluralism of the community. School library media professionals resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear or access via electronic means. Adopted 1986, revised 1990, 2000.

(*See* "Current Reference File": Access to Resources and Services in the School Library Media Program: An Interpretation of the Library Bill of Rights: 1999-2000 CD#19.4)

Amended OOAC Codified 01 MW

Item 3. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.10 (Library Initiated Programs as a Resource) be amended to read:

A policy on library initiated programming should set forth the library's commitment to free access to information and ideas for all users. Library staff select programs based on the interests and information needs of the community. Libraries servicing multilingual or multicultural communities should make efforts to accommodate the information needs of those for whom English is a second language. Adopted 1982, revised 1990, 2000.

(*See* "Current Reference File": Library Initiated Programs as a Resource: An Interpretation of the Library Bill of Rights: 1999-2000 #CD19.4)

OVER

LIBRARY INITIATED PROGRAMS AS A RESOURCE
working draft; do not quote for publication
An Interpretation of the LIBRARY BILL OF RIGHTS

Library initiated programs support the mission of the library by providing users with additional opportunities for information, education and recreation. Article I of the *Library Bill of Rights* states: "Books and other library resources should be provided for the interest, information and enlightenment of all people of the community the library serves."

Library initiated programs take advantage of library staff expertise, collections, services and facilities to increase access to information and information resources. Library initiated programs introduce users and potential users to the resources of the library and to the library's primary function as a facilitator of information access. The library may participate in cooperative or joint programs with other agencies, organizations, institutions or individuals as part of its own effort to address information needs and facilitate information access in the community the library serves.

Library initiated programs on site and in other locations include, but are not limited to, speeches, community forums, discussion groups demonstrations, displays, and live or media presentations.

Libraries serving multilingual or multicultural communities [should] make efforts to accommodate the information needs of those for whom English is a second language. Library initiated programs ~~across~~ [that cross] language and cultural barriers introduce otherwise unserved populations to the resources of the library and provide access to information.

Library initiated programs "should not be proscribed or removed (or canceled) because of partisan or doctrinal disapproval" of the contents of the program or the views expressed by the participants, as stated in Article III of the *Library Bill of Rights*. Library sponsorship of a program does not constitute an endorsement of the contents of the material or the views of its creator.

Library initiated programs are a library resource, and as such, are developed in accordance with written guidelines, as approved and adopted by the library's policy-making body. These guidelines [should] include an endorsement of the *Library Bill of Rights* and set forth the library's commitment to free and open access to information and ideas for all users.

Library staff select topics, speakers and resource materials for library initiated programs based on the interests and information needs of the community. Topics, speakers and resource materials are not excluded from library initiated programs because of possible controversy. Concerns, questions or complaints about library initiated program[s] are handled according to the same written policy and procedures which govern reconsiderations of other library resources.

Library initiated programs are offered free of charge and are open to all. Article V of the *Library Bill of Rights* states: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

The "right to use a library" encompasses all of the resources the library offers, including the right to attend library initiated programs. Libraries do not deny or abridge access to library resources, including library initiated programs, based on an individual's economic background and ability to pay.

Adopted January 27, 1982. Amended June 26, 1990, by the ALA Council.

[ISBN 8389-6528-8]

End of Section

At the 2008 ALA Annual Conference, upon recommendation by the Council Intellectual Freedom Committee, the ALA Council adopted the following revision to ALA Policy 53.1.11.

53.1.11 Librarians have a professional responsibility to be inclusive, not exclusive, in collection development and in the provision of interlibrary loan. Access to all materials and resources legally obtainable should be assured to the user, and policies should not unjustly exclude materials and resources even if they are offensive to the librarian or the user. This includes materials and resources that reflect a diversity of political, economic, religious, social, minority, and sexual issues. A balanced collection reflects a diversity of materials and resources, not an equality of numbers. Adopted 1982, amended 1990, 2008.

(See "Policy Reference File": Diversity in Collection Development: An Interpretation of the *Library Bill of Rights*: 1989-90 CD#61.3.)

Diversity in Collection Development

An Interpretation of the Library Bill of Rights

Collection development should reflect the philosophy inherent in Article II of the *Library Bill of Rights*: "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library collections must represent the diversity of people and ideas in our society. There are many complex facets to any issue, and many contexts in which issues may be expressed, discussed, or interpreted. Librarians have an obligation to select and support access to materials and resources on all subjects that meet, as closely as possible, the needs, interests, and abilities of all persons in the community the library serves.

Librarians have a professional responsibility to be inclusive, not exclusive, in collection development and in the provision of interlibrary loan. Access to all materials and resources legally obtainable should be assured to the user, and policies should not unjustly exclude materials and resources even if they are offensive to the librarian or the user. This includes materials and resources that reflect a diversity of political, economic, religious, social, minority, and sexual issues. A balanced collection reflects a diversity of materials and resources, not an equality of numbers.

Collection development responsibilities include selecting materials and resources in different formats produced by independent, small and local producers as well as information resources from major producers and distributors. Materials and resources should represent the languages commonly used in the library's service community and should include formats that meet the needs of users with disabilities. Collection development and the selection of materials and resources should be done according to professional standards and established selection and review procedures. Librarians may seek to increase user awareness of materials and resources on various social concerns by many means, including, but not limited to, issuing lists of resources, arranging exhibits, and presenting programs.

Over time, individuals, groups, and entities have sought to limit the diversity of library collections. They cite a variety of reasons that include prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, sexual content and expression, and other potentially controversial topics. Examples of such censorship may include removing or not selecting materials because they are considered by some as racist or sexist; not purchasing conservative religious materials; not selecting resources about or by minorities because it is thought these groups or interests are not represented in a community; or not providing information or materials from or about non-mainstream political entities. Librarians have a professional responsibility to be fair, just, and equitable and to give all library users equal protection in guarding against violation of the library patron's right to read, view, or listen to materials and resources protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of materials and resources based on personal bias or prejudice.

Intellectual freedom, the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Toleration is meaningless without tolerance for what some may consider detestable. Librarians must not permit their own preferences to limit their degree of tolerance in collection development.

Adopted July 14, 1982, by the ALA Council; amended January 10, 1990.

old ~~53.1.12~~ 53.1.11

1989-1990 CD#61.3

DIVERSITY IN COLLECTION DEVELOPMENT:

An Interpretation of the LIBRARY BILL OF RIGHTS

Throughout history, the focus of censorship has fluctuated ~~vacillated~~ from generation to generation. Books and other materials have not been selected or have been removed from library collections for many reasons, among which are prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, ~~and/or~~ sexual forms of expression, and other topics of a potentially controversial nature.

Some examples of ~~this~~ censorship may include removing or not selecting materials because they are considered by some as racist or sexist; not purchasing conservative religious materials; not selecting materials about or by minorities because it is thought these groups or interests are not represented in a community; or not providing information on or materials from non-mainstream political entities.

Librarians may seek to increase user awareness of materials on various social concerns by many means, including, but not limited to, issuing bibliographies and presenting exhibits and programs.

Librarians have a professional responsibility to be inclusive, not exclusive, in collection development and in the provision of interlibrary loan. Access to all materials legally obtainable should be assured to the user, and policies should not unjustly exclude materials even if they are offensive to the librarian or the user. Collection development should reflect the philosophy inherent in Article 2 of the LIBRARY BILL OF RIGHTS: "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." A balanced collection reflects a diversity of materials, not an equality of numbers. Collection development responsibilities include selecting materials in the languages in common use in the community which the library serves. Collection development and the selection of materials should be done according to professional standards and established selection and review procedures.

There are many complex facets to any issue, and variations of context in which issues may be expressed, discussed, or interpreted. Librarians have a professional responsibility to be fair, just, and equitable and to give all library users equal protection in guarding against violation of the library patron's ~~liberty~~ right to read, view, or listen to materials and resources

protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of materials based on personal bias or prejudice, and to select and support the access to materials on all subjects that meet, as closely as possible, the needs and interests of all persons in the community which the library serves. This includes materials that reflect political, economic, religious, social, minority, and sexual issues.

Intellectual Freedom, the essence of equitable library services, ~~promotes no causes, furthers no movements, and favors no viewpoints. It only~~ provides for free access to all expressions of ideas through which any and all sides of a questions, cause, or movement may be explored. Toleration is meaningless without tolerance for what some may consider detestable. Librarians cannot justly permit their own preferences to limit their degree of tolerance in collection development, because freedom is indivisible.

~~(Note: This policy replaces the policy, RACISM, SEXISM, AND OTHER ISMS IN LIBRARY MATERIALS.)~~

Adopted July 14, 1982, by the ALA Council.

Revision Adopted January 9, 1990, by the Intellectual Freedom Committee.

53.1.10

DIVERSITY IN COLLECTION DEVELOPMENT:

An Interpretation of the LIBRARY BILL OF RIGHTS

see also 103.4.4 and attached

Throughout history, the focus of censorship has vacillated from generation to generation. Books and other materials have not been selected or have been removed from library collections for many reasons, among which are prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, and/or sexual forms of expression.

Some examples of this may include removing or not selecting materials because they are considered by some as racist or sexist; not purchasing conservative religious materials; not selecting materials about or by minorities because it is thought these groups or interests are not represented in a community; or not providing information on or materials from non-mainstream political entities.

Librarians may seek to increase user awareness of materials on various social concerns by many means, including, but not limited to, issuing bibliographies and presenting exhibits and programs.

Librarians have a professional responsibility to be inclusive, not exclusive, in collection development and in the provision of interlibrary loan. Access to all materials legally obtainable should be assured to the user and policies should not unjustly exclude materials even if offensive to the librarian or the user. Collection development should reflect the philosophy inherent in Article 2 of the LIBRARY BILL OF RIGHTS: "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." A balanced collection reflects a diversity of materials, not an equality of numbers. Collection development and the selection of materials should be done according to professional standards and established selection and review procedures.

There are many complex facets to any issue, and variations of context in which issues may be expressed, discussed, or interpreted. Librarians have a professional responsibility to be fair, just, equitable, and to give all library users equal protection in guarding against violation of the library patrons' liberty to read, view, or listen to materials and resources protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of materials based on personal bias or prejudice, and to select and support the access to materials on all subjects that meet, as closely as possible, the needs and interests of all persons in the community which the library serves. This includes materials that reflect political, economic, religious, social, minority, and sexual issues.

Intellectual freedom, the essence of equitable library services, promotes no

causes, furthers no movements, and favors no viewpoints. It only provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Toleration is meaningless without tolerance for what some may consider detestable. Librarians cannot justly permit their own preferences to limit their degree of tolerance in collection development, because freedom is indivisible.

(Note: This policy replaces the policy, RACISM, SEXISM, AND OTHER -ISMS IN LIBRARY MATERIALS.)

Adopted July 14, 1982 by the ALA Council.

(ISBN 8389-6552-0)

The IFC subcommittee to develop a statement of compatibility between the concerns expressed in the Resolution on Prejudice, Stereotyping, and Discrimination (Resolution on Racism and Sexism Awareness rev.) and the Library Bill of Rights submitted the following interpretation of the Resolution which was adopted by the Intellectual Freedom Committee, and is recommended to Council for adoption:

> Fears have been expressed concerning possible acts of censorship, expurgation, and labelling of materials by librarians that might result from the Resolution on Prejudice, Stereotyping, and Discrimination. Fears have also been expressed that librarians acting to raise awareness of library users to the pressing problems of prejudice, stereotyping, and discrimination might compromise the library as it functions under the Library Bill of Rights.
>
> Nothing in the Resolution authorizes censoring, expurgation, or labelling of materials. Actions and programs to raise the awareness of library users to any problem or condition would not be in conflict with the Library Bill of Rights when they are free of any element of advocacy. Both documents respect the rights of all who use libraries to do so freely and without being subjected to any pressures from any sources within the institution.

Attachment

6/28/78

Item #9
PMC #1 - CD#10
CD #43 (1981-82), "Operating Agreement between ALA and its Divisions."
Historical & Informational Notes: See Council Minutes, June, 1981, p 96, p. 260, PMC Report CD#44, Item 8, Council Minutes, July, 1982, pp 121-22 and 125.
Status/Recommendations: Wording proposed by PMC, June 1982, now appears as Policy 6.4. (See Item #3 above).

Item #10
PMC #1 - CD#10
CD #7 (1981-82), "Guidelines for National Conferences by Divisions."
Historical & Informational Notes: See Council Minutes, July, 1982, p. 125-26.
Status/Recommendations: Statement, as amended by Council, now appears in full in the language adopted, as Policy 7.4.10 .

Item #11
PMC #1 - CD#10
CD# #64 (1981-82), "Authorization to Borrow Money."
Historical & Informational Notes: See Council Minutes, July, 1982, p. 129.
Status/Recommendations: $1,000,000 substituted for former borrowing ceiling in Policy 8.1.5.

Item #12
PMC #1 - CD#10
CD#74 (1981-82), "National Library Symbol."
Historical & Informational Notes: See Council Minutes, July, 1982, p. 131
Status/Recommendations: Now appears in Policy Manual as Policy 50.13.

Item #13
PMC #1- CD#10
CD #85 (1981-82), "Diversity in Collection Development: An Interpretation of the Library Bill of Rights."
Historical & Informational Notes: This interpretation of the Library Bill of Rights was submitted to supercede Policy 52.1.1, "Combating Prejudice, Stereotyping and Discrimination." See Council Minutes, July, 1982, p. 133.
Status/Recommendations: Now appears in abridged form as Policy 53.1.10.

S of 1.1

EXHIBIT 19

1977-78 ALA COUNCIL
Document #71

53.1.10

The IFC subcommittee to develop a statement of compatibility between the concerns expressed in the Resolution on Prejudice, Stereotyping, and Discrimination (Resolution on Racism and Sexism Awareness rev.) and the Library Bill of Rights submitted the following interpretation of the Resolution which was adopted by the Intellectual Freedom Committee, and is recommended to Council for adoption:

Superseded by

Fears have been expressed concerning possible acts of censorship, expurgation, and labelling of materials by librarians that might result from the Resolution on Prejudice, Stereotyping, and Discrimination. Fears have also been expressed that librarians acting to raise awareness of library users to the pressing problems of prejudice, stereotyping, and discrimination might compromise the library as it functions under the Library Bill of Rights.

Nothing in the Resolution authorizes censoring, expurgation, or labelling of materials. Actions and programs to raise the awareness of library users to any problem or condition would not be in conflict with the Library Bill of Rights when they are free of any element of advocacy. Both documents respect the rights of all who use libraries to do so freely and without being subjected to any pressures from any sources within the institution.

Attachment

6/28/78

107.11.1

RESOLUTION ON PREJUDICE, STEREOTYPING AND DISCRIMINATION
(Revision of Resolution on Racism and Sexism Awareness)

WHEREAS, the Due Process and Equal Protection" clause of the 14th Amendment and of the American Library Association's Bill of Rights provides that no individual or group shall suffer prejudice, stereotyping and discrimination because of race, sex, creed, color and national origin, and

WHEREAS, ours is a multicultural society, with people from European, Asian, African, Central and South American, Caribbean and Native American origins: all of whom have contributed to the cultural fabric of our society, and

WHEREAS, our laws, music, art, language and literature reflect the values of this diversity, and our schools and libraries should also reflect this reality, and

WHEREAS the American Library Association's Resolution on Racism and Sexism Awareness (Policy 107.11) does not include the broad spectrum of categories of persons and groups mentioned above,

THEREFORE BE IT RESOLVED, that the American Library Association's Resolution on Racism and Sexism Awareness be extended to read: (Underlined words are changes to the above resolution) That the American Library Association actively commit its prestige and resources to a coordinated action program that will combat prejudice, stereotyping and discrimination against individuals and groups because of race, sex, creed, color and national origin in the library profession and in library service by taking the following steps:

(1) The ALA will survey library schools to determine the extent to which awareness training against prejudice, stereotyping and discrimination because of race, sex, creed, color and national origin form a part of the curricula and urge that such training be added to the curricula in every library school where it is not now included.

(2) That the Library Administration - Personnel Administration Section will develop a model in-service program providing training for library personnel to develop sensitivity to combat prejudice, stereotyping and discrimination against individuals and groups because of race, creed, color and national origin.

(3) The Public Library Association, the American Association of School Librarians, the Children's Services Division, the Young Adult Services Division, the Reference and Adult Services Division, and the Association of College and Research Libraries will be urged to develop a program to raise the awareness of library users to the pressing problem of prejudice, stereotyping and discrimination because of race, sex, creed, color and national origin.

(4) The Resources and Technical Services Division will develop a coordinated plan for the reform of cataloging practices that now perpetuate prejudice, stereotyping and discrimination because of race, sex, creed, color and national origin.

BE IT FURTHER RESOLVED, That the President and Executive Board assess the extent of implementation of these steps and report on progress by the 1978 Annual Conference.

Adopted by Council June 22, 1977

167.11

1975-76 ALA COUNCIL
DOCUMENT #83

RESOLUTION ON RACISM & SEXISM AWARENESS
Adopted by the ALA Membership in Meeting
Friday, July 23, 1976

WHEREAS, during the last 200 years the United States has failed to equalize the status of racial minorities and of women, and

WHEREAS, the American Library Association has professed belief in the principle of equality yet has failed to aggressively address the racism and sexism within its own professional province;

THEREFORE, BE IT RESOLVED, That the American Library Association actively commit its prestige and resources to a coordinated action program that will combat racism and sexism in the library profession and in library service by taking the following steps:

THE ALA WILL SURVEY LIBRARY SCHOOLS TO DETERMINE THE EXTENT TO WHICH RACISM AND SEXISM AWARENESS TRAINING FORM A PART OF THE CURRICULA AND URGE THAT SUCH TRAINING BE ADDED TO THE CURRICULA IN EVERY LIBRARY SCHOOL WHERE IT IS NOT NOW INCLUDED.

THE LIBRARY ADMINISTRATION-PERSONNEL ADMINISTRATION SECTION WILL DEVELOP A MODEL IN-SERVICE PROGRAM PROVIDING RACISM AND SEXISM AWARENESS TRAINING FOR LIBRARY PERSONNEL.

THE PUBLIC LIBRARY ASSOCIATION, THE AMERICAN ASSOCIATION OF SCHOOL LIBRARIANS, THE CHILDREN'S SERVICES DIVISION, THE YOUNG ADULT SERVICES DIVISION, THE REFERENCE AND ADULT SERVICES DIVISION, AND THE ASSOCIATION OF COLLEGE AND RESEARCH LIBRARIES WILL BE URGED TO DEVELOP A PROGRAM TO RAISE THE AWARENESS OF LIBRARY USERS TO THE PRESSING PROBLEM OF RACISM AND SEXISM.

THE RESOURCES AND TECHNICAL SERVICES DIVISION WILL DEVELOP A COORDINATED PLAN FOR THE REFORM OF CATALOGING PRACTICES THAT NOW PERPETUATE RACISM AND SEXISM.

BE IT FURTHER RESOLVED, That the President and Executive Board assess the extent of implementation of these steps and report on progress by the 1977 Annual Conference.

THIS RESOLUTION was placed before the Membership as MR#4; it was subsequently amended and adopted in the above form. Original version was endorsed by: Asian American Caucus; Black Caucus; Board of Directors of REFORMA; Social Responsibilities Round Table Action Council; SRRT Chicano Task Force.

SEXISM, RACISM AND OTHER "ISMS" IN LIBRARY MATERIALS

An interpretation of the LIBRARY BILL OF RIGHTS

Traditional aims of censorship efforts have been to suppress political, sexual or religious expressions. The same three subjects have also been the source of most complaints about materials in library collections. Another basis for complaints, however, has become more and more frequent. Due, perhaps, to increased awareness of the rights of minorities and increased efforts to secure those rights, libraries are being asked to remove, restrict or reconsider some materials which are allegedly derogatory to specific minorities or which supposedly perpetuate stereotypes and false images of minorities. Among the several recurring "isms" used to describe the contents of the materials objected to are "racism" and "sexism."

Complaints that library materials convey a derogatory or false image of a minority strike the personal social consciousness and sense of responsibility of some librarians who - accordingly - comply with the requests to remove such materials. While such efforts to counteract injustice are understandable, and perhaps even commendable as reflections of deep personal commitments to the ideal of equality for all people, they are - nonetheless - in conflict with the professional responsibility of librarians to guard against encroachments upon intellectual freedom.

This responsibility has been espoused and reaffirmed by the American Library Association in many of its basic documents on intellectual freedom over the past thirty years. The most concise statement of the Association's position appears in Article II of the LIBRARY BILL OF RIGHTS which states that "Libraries should provide books and materials presenting all points of view concerning the problems and issues of our times; no library materials should be proscribed or removed because of partisan or doctrinal disapproval."

While the application of this philosophy may seem simple when dealing with political, religious or even sexual expressions, its full implications become somewhat difficult when dealing with ideas, such as racism or sexism, which many find abhorrent, repugnant and inhumane. But, as stated in the FREEDOM TO READ STATEMENT,

> It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group

> will occasionally collide with those of another individual or group. In a free society each individual is free to determine for himself what he wishes to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive....We realize that application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

Some find this creed acceptable when dealing with materials for adults but cannot extend its application to materials for children. Such reluctance is generally based on the belief that children are more susceptible to being permanently influenced - even damaged - by objectionable materials than are adults. The LIBRARY BILL OF RIGHTS, however, makes no distinction between materials and services for children and adults. Its principles of free access to all materials available apply to every person, as stated in Article V, "The rights of an individual to the use of a library should not be denied or abridged because of his age, race, religion, national origins or social or political views."

Some librarians deal with the problem of objectionable materials by labeling them or listing them as "racist" or "sexist." This kind of action, too, has long been opposed by the American Library Association in its STATEMENT ON LABELING, which says,

> If materials are labeled to pacify one group, there is no excuse for refusing to label any item in the library's collection. Because authoritarians tend to suppress ideas and attempt to coerce individuals to conform to a specific ideology, the American Library Association opposes such efforts which aim at closing any path to knowledge.

Others deal with the problem of objectionable materials by instituting restrictive circulation or relegating materials to closed or restricted collections. This practice, too, is in violation of the LIBRARY BILL OF RIGHTS as explained in RESTRICTED ACCESS TO LIBRARY MATERIALS which says,

> Too often only "controversial" materials are the subject of such segregation, leading to the conclusion that factors other than theft and mutilation were the true considerations. The distinction is extremely difficult to make, both for the librarian and the patron. Unrestrictive selection policies, developed with care for the principles of intellectual freedom and the LIBRARY BILL OF RIGHTS, should not be vitiated by administrative practices such as restricted circulation.

The American Library Assoc ation has made clear its position concerning the removal of library materials because of partisan or doctrinal disapproval, or because of pressures from interest groups, in yet another policy statement, the RESOLUTION ON CHALLENGED MATERIALS:

> The American Library Association declares as a matter of firm principle that no challenged material should be removed from any library under any legal or extra-legal pressure, save after an independent determination by a judicial officer in a court of competent jurisdiction and only after an adversary hearing, in accordance with well-established principles of law.

Intellectual freedom, in its purest sense, promotes no causes, furthers no movements, and favors no viewpoints. It only provides for free access to all ideas through which any and all sides of causes and movememts may be expressed, discussed and argued. The librarian cannot let his own preferences limit his degree of tolerance, for freedom is indivisible. Toleration is meaningless without toleration for the detestable.

End of Section

1990-91 CD# 18.1
53.1.12
53.1.13

THE UNIVERSAL RIGHT TO FREE EXPRESSION

An Interpretation of the Library Bill of Rights

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedoms of speech, press, religion, assembly, and association, and the corollary right to receive information.

The American Library Association endorses this principle, which is also set forth in the UNIVERSAL DECLARATION OF HUMAN RIGHTS, adopted by the United Nations General Assembly. The Preamble of this document states that ". . . recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. . ." and ". . . the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people. . . ."

Article 18 of this document states:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 states:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

Article 20 states:

> 1. Everyone has the right to freedom of peaceful assembly and association.
> 2. No one may be compelled to belong to an association.

We affirm our belief that these are inalienable rights of every person, regardless of origin, age, background, or views. We embody our professional commitment to these principles in the LIBRARY BILL OF RIGHTS and CODE OF PROFESSIONAL ETHICS, as adopted by the American Library Association.

We maintain that these are universal principles and should be applied by libraries and librarians throughout the world. The American Library Association's policy on International Relations reflects these objectives: ". . . to encourage the exchange, dissemination, and access to information and the unrestricted flow of library materials in all formats throughout the world."

We know that censorship, ignorance, and limitations on the free flow of information are the tools of tyranny and oppression. We believe that ideas and information topple the walls of hate and fear and build bridges of cooperation and understanding far more effectively than weapons and armies.

The American Library Association is unswerving in its commitment to human rights and intellectual freedom; the two are inseparably linked and inextricably entwined. Freedom of opinion and expression is not derived from or dependent on any form of government or political power. This right is inherent in every individual. It cannot be surrendered, nor can it be denied. True justice comes from the exercise of this right.

We recognize the power of information and ideas to inspire justice, to restore freedom and dignity to the oppressed, and to change the hearts and minds of the oppressors.

Courageous men and women, in difficult and dangerous circumstances throughout human history, have demonstrated that freedom lives in the human heart and cries out for justice even in the face of threats, enslavement, imprisonment, torture, exile, and death. We draw inspiration from their example. They challenge us to remain steadfast in our most basic professional responsibility to promote and defend the right of free expression.

There is no good censorship. Any effort to restrict free expression and the free flow of information aids the oppressor. Fighting oppression with censorship is self-defeating.

Threats to the freedom of expression of any person anywhere are threats to the freedom of all people everywhere. Violations of human rights and the right of free expression have been recorded in virtually every country and society across the globe.

In response to these violations, we affirm these principles:

- The American Library Association opposes any use of governmental prerogative that leads to the intimidation of individuals which prevents them from exercising their rights to hold opinions without interference, and to seek, receive, and impart information and ideas. We urge libraries and librarians everywhere to resist such abuse of governmental power, and to support those against whom such governmental power has been employed.

- The American Library Association condemns any governmental effort to involve libraries and librarians in restrictions on the right of any individual to hold opinions without interference, and to seek, receive, and impart information and ideas. Such restrictions pervert the function of the library and violate the professional responsibilities of librarians.

- The American Library Association rejects censorship in any form. Any action which denies the inalienable human rights of individuals only damages the will to resist oppression, strengthens the hand of the oppressor, and undermines the cause of justice.

- The American Library Association will not abrogate these principles. We believe that censorship corrupts the cause of justice, and contributes to the demise of freedom.

Adopted by the ALA Council, January 16, 1991

[ISBN 0-8389-7494-5]

End of Section

53.1.13

ALA American Library Association

Access for Children and Young Adults to Nonprint Materials

An Interpretation of the Library Bill of Rights

Library collections of nonprint materials raise a number of intellectual freedom issues, especially regarding minors. Article V of the **Library Bill of Rights** states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

The American Library Association's principles protect minors' access to sound, images, data, games, software, and other content in all formats such as tapes, CDs, DVDs, music CDs, computer games, software, databases, and other emerging technologies. ALA's **Free Access to Libraries for Minors**: An *Interpretation* of the Library Bill of Rights states:

> . . . The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.
>
> . . . [P]arents—and only parents—have the right and responsibility to restrict access of their children—and only their children—to library resources. Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.
>
> 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. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

Policies that set minimum age limits for access to any nonprint materials or information technology, with or without parental permission, abridge library use

for minors. Age limits based on the cost of the materials are also unacceptable. Librarians, when dealing with minors, should apply the same standards to circulation of nonprint materials as are applied to books and other print materials except when directly and specifically prohibited by law.

Recognizing that librarians cannot act *in loco parentis*, ALA acknowledges and supports the exercise by parents of their responsibility to guide their own children's reading and viewing. Libraries should provide published reviews and/or reference works that contain information about the content, subject matter, and recommended audiences for nonprint materials. These resources will assist parents in guiding their children without implicating the library in censorship.

In some cases, commercial content ratings, such as the **Motion Picture Association of America** (MPAA) movie ratings, might appear on the packaging or promotional materials provided by producers or distributors. However, marking out or removing this information from materials or packaging constitutes expurgation or censorship.

MPAA movie ratings, **Entertainment Software Rating Board** (ESRB) game ratings, and other rating services are private advisory codes and have no legal standing (**Expurgation of Library Materials**). For the library to add ratings to nonprint materials if they are not already there is unacceptable. It is also unacceptable to post a list of such ratings with a collection or to use them in circulation policies or other procedures. These uses constitute labeling, "an attempt to prejudice attitudes" (**Labels and Rating Systems**), and are forms of censorship. The application of locally generated ratings schemes intended to provide content warnings to library users is also inconsistent with the Library Bill of Rights.

The interests of young people, like those of adults, are not limited by subject, theme, or level of sophistication. Librarians have a responsibility to ensure young people's access to materials and services that reflect diversity of content and format sufficient to meet their needs.

Adopted June 28, 1989, by the ALA Council; amended June 30, 2004.

[ISBN 8389-7351-5]

Related Files

Access for Children and Young Adults to Nonprint Materials (PDF File)

Related Links

Adobe Reader

At their spring 2004 meeting, the IFC initiated a review of all *Library Bill of Rights* Interpretations as well as the various policies, guidelines, and statements that are included in the *Intellectual Freedom Manual.* The Committee identified eight Interpretations and three policies for revision. Seven Interpretations and one policy were edited for grammar and the accuracy of references.

During its work on the Interpretations and policies identified for revision the Committee reviewed each one to ensure that it begins and ends with strength and clarity, that the first and last paragraphs support each other, that the order of the paragraphs makes sense and reflects relative importance, and that the entire document supports the library profession's philosophy and principles of intellectual freedom. In addition, the Committee attempted to use language that is both specific enough to be practical and general enough to avoid being immediately outdated. Committee members agreed to continue to develop and update guidelines and question-and-answer documents to address the more rapidly changing aspects of intellectual freedom issues.

In response to concerns about the impact of the digital divide on access to information, the Committee expanded "equal access" to "equal and equitable access" whenever it was appropriate to do so. When asked to explain this change, Committee chair Nancy Kranich provided an example of the importance of including both terms:

> The SEC [Securities Exchange Commission] had one reading room in the old days to read all those filings. Everyone had *equal* access to the reading room in New York City, but it wasn't *equitable* access for those who had to pay to come to New York City. It is important to include *equitable* because *equal* is not about the digital divide and *equitable* is; it is crucial to remind people that the digital divide still exists.

At the 2004 Annual Conference, after circulating proposed changes to ALA units, liaisons, and chapters, and discussing all comments received, the IFC presented Council with recommendations for changes in the following Interpretations and policies:

- The title "Access for Children and Young People to Videotapes and Other Nonprint Formats" was changed

to "Access for Children and Young Adults to Nonprint Materials" to keep the Interpretation from becoming outdated as a result of technology and terminology changes.

- The title "Access to Library Resources and Services regardless of Gender or Sexual Orientation" was changed to "Access to Library Resources and Services regardless of Sex, Gender Identity, or Sexual Orientation" to more accurately describe the applicability of the Interpretation. Appropriate passages in the Interpretation were revised to reflect this change.
- "Exhibit Spaces and Bulletin Boards" was changed for clarity concerning the option of limiting the use of space to library-related activities.
- "Free Access to Libraries for Minors," concerning the rights of minors, was strengthened, including the addition of a reference to the legal basis for those rights. The section on the responsibility of parents was revised to include a statement from Libraries: An American Value.
- Policy on Governmental Intimidation was changed for inclusion and clarity.
- The Freedom to Read statement was changed to include censorship or suppression based on concerns about safety or national security. The word "citizens" was changed to "others," "individuals," or "Americans" as appropriate. In addition, two references to censors that were unnecessary for the message of the statement were removed.
- "Restricted Access to Library Materials" was edited for clarity and conciseness.
- A new first paragraph was added to Policy concerning Confidentiality of Personally Identifiable Information about Library Users. It consisted of the definitions of privacy and confidentiality from "Privacy: An Interpretation of the *Library Bill of Rights*." The remaining paragraphs were reordered for strength and clarity.

At the 2005 Midwinter Meeting, the IFC completed its review of policies by recommending to Council changes in the following Interpretations and policies:

- "Access to Electronic Inf
was changed for clarity,
tency of terminology. Ref
right to receive informat
of speech and the right o
protected information. T
to bring the Interpretatio
- At the request of the A
Resources and Service
Program," the term "s
was replaced with "sch
description of the sc
expanded from resou
include "materials tha
sonal development, in
needs of students."
- The title of "Statem
"Labels and Rating
reflects the scope of t
to distinguish betwe
and labels designed
The Committee ack
about how this In
online library cata
book jackets and ac
reading lists. To a
may arise, the Co
and-answer docum

Following are those d
Freedom Committee as In
along with background
history of each. For conv
are presented in alphabe
the American Library As
Council.

1988-89 CD# 92.6
~~53.1.14~~
53.1.13

ACCESS FOR CHILDREN AND YOUNG PEOPLE TO VIDEOTAPES AND OTHER NONPRINT FORMATS

An Interpretation of the LIBRARY BILL OF RIGHTS

Library collections of videotapes, motion pictures, and other nonprint formats raise a number of intellectual freedom issues, especially regarding minors.

The interests of young people, like those of adults, are not limited by subject, theme, or level of sophistication. Librarians have a responsibility to ensure young people have access to materials and services that reflect diversity sufficient to meet their needs.

To guide librarians and others in resolving these issues, the American Library Association provides the following guidelines.

Article V of the LIBRARY BILL OF RIGHTS says, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

ALA's FREE ACCESS TO LIBRARIES FOR MINORS: An Interpretation of the LIBRARY BILL OF RIGHTS states:

> The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V.
>
> . . .[P]arents - and only parents - have the right and the responsibility to restrict the access of their children - and only their children - to library resources. Parents or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.

Policies which set minimum age limits for access to videotapes and/or other audiovisual materials and equipment, with or without parental permission, abridge library use for minors. Further, age limits based on the cost of the materials are unacceptable. Unless directly and specifically prohibited by law from circulating certain motion pictures and video productions to minors, librarians should apply the same standards to circulation of these materials as are applied to books and other materials.

Recognizing that libraries cannot act *in loco parentis*, ALA acknowledges and supports the exercise by parents of their responsibility to guide their won children's reading and viewing. Published reviews of films and videotapes and/or reference works which provide information about the content, subject matter, and recommended audiences can be made available in conjunction with nonprint collections to assist parents in guiding their children without

implicating the library in censorship. This material may include information provided by video producers and distributors, promotional material on videotape packaging, and Motion Picture Association of America (MPAA) ratings if they are included on the tape or in the packaging by the original publisher and/or if they appear in review sources or reference works included in the library's collection. Marking out or removing ratings information from videotape packages constitutes expurgation or censorship.

MPAA and other rating services are private advisory codes and have no legal standing*. For the library to add such ratings to the materials if they are not already there, to post a list of such ratings with a collection, or to attempt to enforce such ratings through circulation policies or other procedures constitutes labeling, "an attempt to prejudice attitudes" about the material, and is unacceptable. The application of locally generated ratings schemes intended to provide content warnings to library users is also inconsistent with the LIBRARY BILL OF RIGHTS.

*For information on case law, please contact the ALA Office for Intellectual Freedom.

See also: STATEMENT ON LABELING and EXPURGATION OF LIBRARY MATERIALS, Interpretations of the LIBRARY BILL OF RIGHTS.

Adopted June 28, 1989, by the ALA Council; the quotation from FREE ACCESS TO LIBRARIES FOR MINORS was changed after Council adopted the July 3, 1991, revision of that Interpretation.

[ISBN 8389-7351-5]

End of Section

53.1.14

CD# 26.6.2

ECONOMIC BARRIERS TO INFORMATION ACCESS

An Interpretation of the LIBRARY BILL OF RIGHTS

A democracy presupposes an informed citizenry. The First Amendment mandates the right of all persons to free expression, and the corollary right to receive the constitutionally protected expression of others. The publicly supported library provides free and equal access to information for all people of the community the library serves. While the roles, goals and objectives of publicly supported libraries may differ, they share this common mission.

The library's essential mission must remain the first consideration for librarians and governing bodies faced with economic pressures and competition for funding.

In support of this mission, the American Library Association has enumerated certain principles of library services in the LIBRARY BILL OF RIGHTS.

PRINCIPLES GOVERNING FINES, FEES AND USER CHARGES

Article I of the LIBRARY BILL OF RIGHTS states: "Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves."

Article V of the LIBRARY BILL OF RIGHTS states: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

The American Library Association opposes the charging of user fees for the provision of information by all libraries and information services that receive their major support from public funds. All information resources that are provided directly or indirectly by the library, regardless of technology, format, or methods of delivery, should be readily, equally and equitably accessible to all library users.

Libraries that adhere to these principles systematically monitor their programs of service for potential barriers to access and strive to eliminate such barriers when they occur. All library policies and procedures, particularly those involving fines, fees, or other user charges, should be scrutinized for potential barriers to access. All services should be designed and implemented with care, so as not to infringe on or interfere with the provision or delivery of information and resources for all users. Services should be re-evaluated on a regular basis to ensure that the library's basic mission remains uncompromised.

Librarians and governing bodies should look for alternative models and methods of library administration that minimize distinctions among users based on their economic status or financial condition. They should resist the temptation to impose user fees to alleviate financial pressures, at long term cost to institutional integrity and public confidence in libraries.

Library services that involve the provision of information, regardless of format, technology, or method of delivery, should be made available to all library users on an equal and equitable basis.

over

Charging fees for the use of library collections, services, programs, or facilities that were purchased with public funds raises barriers to access. Such fees effectively abridge or deny access for some members of the community because they reinforce distinctions among users based on their ability and willingness to pay.

PRINCIPLES GOVERNING CONDITIONS OF FUNDING

Article II of the LIBRARY BILL OF RIGHTS states: "Materials should not be proscribed or removed because of partisan or doctrinal disapproval."

Article III of the LIBRARY BILL OF RIGHTS states: "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

Article IV of the LIBRARY BILL OF RIGHTS states: "Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas."

The American Library Association opposes any legislative or regulatory attempt to impose content restrictions on library resources, or to limit user access to information, as a condition of funding for publicly supported libraries and information services.

The First Amendment guarantee of freedom of expression is violated when the right to receive that expression is subject to arbitrary restrictions based on content.

Librarians and governing bodies should examine carefully any terms or conditions attached to library funding and should oppose attempts to limit through such conditions full and equal access to information because of content. This principle applies equally to private gifts or bequests and to public funds. In particular, librarians and governing bodies have an obligation to reject such restrictions when the effect of the restriction is to limit equal and equitable access to information.

Librarians and governing bodies should cooperate with all efforts to create a community consensus that publicly supported libraries require funding unfettered by restrictions. Such a consensus supports the library mission to provide the free and unrestricted exchange of information and ideas necessary to a functioning democracy.

The Association's historic position in this regard is stated clearly in a number of Association policies: 50.4 *Free Access to Information*, 50.9 *Financing of Libraries*, 51.2 *Equal Access to Library Service*, 51.3 *Intellectual Freedom*, 53 *Intellectual Freedom Policies*, 59.1 *Policy Objectives*, and 60 *Library Services for the Poor*.

End of Section

At the 2010 ALA Midwinter Meeting, upon recommendation by the Council Policy Monitoring Committee, *2009*-2010 ALA CD#17, Item #7.1, the ALA Council voted to revise 53.1.15 through deletion of "gender identity", and insertion of "gender identity or expression" following "sexual orientation;" through including an amendment date of 2009, and correcting "Current Reference File" to read "Policy Reference File.," so that the policy would now read:

53.1.15 Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including sex, gender identity or expression, or sexual orientation. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of sex, sexual orientation, or gender identity or expression. Adopted 1993, amended 2000, 2004, 2008, 2009. (See "Policy Reference File": Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation: An Interpretation of the Library Bill of Rights: revised, 2007-2008 ALA CD#19.2.)

NOTE TO READER: The following was taken from the Policy Monitoring Committee Report, 2009-2010 ALA CD#17, Items #7.1-7.4. Terminology regarding gender identity.

It has come to PMC's attention that within the Policy Manual there is variation in language used to describe the concepts of sexual orientation, gender identity, gender expression, etc. Differences in terminology appear to arise primarily from the accepted terminology in use at the time individual policies were passed, rather than from any intended difference in scope. Nevertheless, PMC is concerned that the differences in wording might be interpreted as defining limitations to the scope of particular policies, and believes that to the extent possible, a single term should be used. GLBTRT has advised PMC that the current preferred terminology is "gender identity or expression" and recommends that whenever the Policy Manual specifies "sexual orientation," it should immediately be followed by "gender identity or expression, and where "gender identification" currently appears by itself (usually before "sexual orientation"), it should be removed and "gender identity or expression" should immediately follow "sexual orientation."

The above recommended language changes were made in ALA policies: 9.2, Affiliation with other Organizations; 53.1.15, Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation; 54.3, Equal Employment Opportunity; and 53.12, Threats to Library Materials Related to Sex, Gender Identity, or Sexual Orientation.

53.1.15

At the 2008 ALA Annual Conference, upon recommendation by the Council Intellectual Freedom Committee, the ALA Council adopted the following revision to ALA Policy 53.1.15

53.1.15

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including sex, gender identity, or sexual orientation. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of sex, gender identity, or sexual orientation. Adopted 1993, amended 2000, 2004, 2008.

(*See* "Current Reference File": Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation: An Interpretation of the Library Bill of Rights: revised, 2007-2008 ALA CD#19.2.)

Note: The Intellectual Freedom Committee (IFC) saw no need to change the existing text of the above abstract when it revised the attached interpretation 2008 Annual Conference.

2008-2009 ALA CD#19.2

Amended by the Council of the American Library Association
Wednesday, July 2, 2008
Anaheim, California

Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation

An Interpretation of the Library Bill of Rights

American libraries exist and function within the context of a body of laws derived from the United States Constitution, including the First Amendment. The *Library Bill of Rights* embodies the basic policies that guide libraries in the provision of services, materials, and programs.

In the preamble to its *Library Bill of Rights*, the American Library Association affirms that *all* libraries are forums for information and ideas. This concept of *forum* and its accompanying principle of *inclusiveness* pervade all six Articles of the *Library Bill of Rights*.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including sex, gender identity, gender expression, or sexual orientation:

- Article I of the *Library Bill of Rights* states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The Association affirms that books and other materials coming from gay, lesbian, bisexual, and/or transgendered presses; gay, lesbian, bisexual and/or transgendered authors or other creators; and materials regardless of format or services dealing with gay, lesbian, bisexual and/or transgendered life are protected by the *Library Bill of Rights*. Librarians are obligated by the *Library Bill of Rights* to endeavor to select materials without regard to the sex, gender identity, gender expression, or sexual orientation of their creators by using the criteria identified in their written, approved selection policies (ALA policy 53.1.5).

- Article II maintains that "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library services, materials, and programs representing diverse points of view on sex, gender identity, gender expression, or sexual orientation should be considered for purchase and inclusion in library collections and programs. (ALA policies 53.1.1, 53.1.9, and 53.1.11). The Association affirms that attempts to proscribe or remove materials dealing with gay, lesbian, bisexual, and/or transgendered life without regard to the written, approved selection policy violate this tenet and constitute censorship.

- Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."

- Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the *Library Bill of Rights* and all its Interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals. Therefore, Article V of the *Library Bill of Rights* mandates that library services, materials, and programs be available to all members of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation. This includes providing youth with comprehensive sex education literature (ALA Policy 52.5.2).

- Article VI maintains that "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." This protection extends to all groups and members of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of sex, gender identity, gender expression, or sexual orientation.

Adopted June 30, 1993, by the ALA Council; amended July 12, 2000, June 30, 2004, July 2, 2008.

Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation

An Interpretation of the Library Bill of Rights

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In the preamble to its *Library Bill of Rights*, the American Library Association affirms that *all* libraries are forums for information and ideas. This concept of *forum* and its accompanying principle of *inclusiveness* pervade all six Articles of the *Library Bill of Rights*.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including sex, gender identity, gender expression, or sexual orientation:

- Article I of the *Library Bill of Rights* states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The Association affirms that books and other materials coming from gay, lesbian, bisexual, and/or transgendered presses; gay, lesbian, bisexual and/or transgendered authors or other creators; and materials regardless of format or services dealing with gay, lesbian, bisexual and/or transgendered life are protected by the *Library Bill of Rights*. Librarians are obligated by the *Library Bill of Rights* to endeavor to select materials without regard to the sex, gender identity, gender expression, or sexual orientation of their creators by using the criteria identified in their written, approved selection policies (ALA policy 53.1.5).

- Article II maintains that "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library services, materials, and programs representing diverse points of view on sex, gender identity, gender expression, or sexual orientation should be considered for purchase and inclusion in library collections and programs. (ALA policies 53.1.1, 53.1.9, and 53.1.11). The Association affirms that attempts to proscribe or remove materials dealing with gay, lesbian, bisexual, and/or transgendered life without regard to the written, approved selection policy violate this tenet and constitute censorship.

- Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."

- Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the *Library Bill of Rights* and all its Interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and

maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals. Therefore, Article V of the *Library Bill of Rights* mandates that library services, materials, and programs be available to all members of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation. This includes providing youth with comprehensive sex education literature (ALA Policy 52.5.2).

- Article VI maintains that "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." This protection extends to all groups and members of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of sex, gender identity, gender expression, or sexual orientation.

Adopted June 30, 1993, by the ALA Council; amended July 12, 2000, June 30, 2004.

End of Section

Amended by the ALA Council at the 2000 Annual Conference. 1999-2000 CD# 19.6

ACCESS TO LIBRARY RESOURCES AND SERVICES REGARDLESS OF GENDER OR SEXUAL ORIENTATION
An Interpretation of the LIBRARY BILL OF RIGHTS

American libraries exist and function within the context of a body of laws derived from the United States Constitution and the First Amendment. The *Library Bill of Rights* embodies the basic policies which guide libraries in the provision of services, materials, and programs.

In the preamble to its *Library Bill of Rights*, the American Library Association affirms that *all* [emphasis added] libraries are forums for information and ideas. This concept of *forum* and its accompanying principle of *inclusiveness* pervade all six Articles of the *Library Bill of Rights*.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including gender or sexual orientation:

- Article I of the *Library Bill of Rights* states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The Association affirms that books and other materials coming from gay presses, gay, lesbian, or bisexual authors or other creators, and materials regardless of format or services dealing with gay lifestyles are protected by the *Library Bill of Rights*. Librarians are obligated by the *Library Bill of Rights* to endeavor to select materials without regard to the gender or sexual orientation of their creators by using the criteria identified in their written, approved selection policies (ALA policy 53.1.5).

- Article II maintains that "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library services, materials, and programs representing diverse points of view on gender or sexual orientation should be considered for purchase and inclusion in library collections and programs. (ALA policies 53.1.1, 53.1.9, and 53.1.11). The Association affirms that attempts to proscribe or remove materials dealing with gay or lesbian life without regard to the written, approved selection policy violate this tenet and constitute censorship.

- Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."

- Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the *Library Bill of Rights* and all its Interpretations, it is intended that : "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals.

  Therefore, Article V of the *Library Bill of Rights* mandates that library services, materials, and programs be available to all members of the community the library serves, without regard to gender or sexual orientation. This includes providing youth with comprehensive sex education literature (ALA Policy 52.5.2).

- Article VI maintains that "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." This protection extends to all groups and members of the community the library serves, without regard to gender or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of gender or sexual orientation.

Adopted June 30, 1993; amended July 12, 2000, by the ALA Council.

[ISBN 8389-7701-4]

Adopted by the Gay Caucus at the 1983 Annual Conference.

53.1.15

CD# 26.6.3

ACCESS TO LIBRARY RESOURCES AND SERVICES REGARDLESS OF GENDER OR SEXUAL ORIENTATION

An Interpretation of the LIBRARY BILL OF RIGHTS

American libraries exist and function within the context of a body of laws derived from the United States Constitution and the First Amendment. The LIBRARY BILL OF RIGHTS embodies the basic policies which guide libraries in the provision of services, materials and programs.

In the preamble to its LIBRARY BILL OF RIGHTS, the American Library Association affirms that *all* [emphasis added] libraries are forums for information and ideas. This concept of *forum* and its accompanying principle of *inclusiveness* pervade all six articles of the LIBRARY BILL OF RIGHTS.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including gender, homosexuality, bisexuality, lesbianism, heterosexuality, gay lifestyles, or any facet of sexual orientation:

- Article I of the LIBRARY BILL OF RIGHTS states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The Association affirms that books and other materials coming from gay presses, gay, lesbian, or bisexual authors or other creators, and materials dealing with gay lifestyles are protected by the LIBRARY BILL OF RIGHTS. Librarians are obligated by the LIBRARY BILL OF RIGHTS to endeavor to select materials without regard to the gender or sexual orientation of their creators by using the criteria identified in their written, approved selection policies (ALA policy 53.1.5).

- Article II maintains that "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library services, materials, and programs representing diverse points of view on gender or sexual orientation should be considered for purchase and inclusion in library collections and programs. (ALA policies 53.1.1, 53.1.9, and 53.1.11). The Association affirms that attempts to proscribe or remove materials dealing with gay or lesbian life without regard to the written, approved selection policy violate this tenet and constitute censorship.

- Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."

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- Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the LIBRARY BILL OF RIGHTS and all its interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals.

  Therefore, Article V of the LIBRARY BILL OF RIGHTS mandates that library services, materials, and programs be available to all members of the community the library serves, without regard to gender or sexual orientation.

- Article VI maintains that "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." This protection extends to all groups and members of the community the library serves, without regard to gender or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, including gays, lesbians, and bisexuals.

End of Section

At the 2002 ALA Annual Conference, on recommendation by the Council Intellectual Freedom Committee, the ALA Council adopted 2001-2002 ALA CD#19.5, Privacy: An Interpretation of the *Library Bill of Rights*.

At the 2003 ALA Midwinter Meeting, on recommendation by the Council Policy Monitoring Committee, the ALA Council added the following Privacy abstract to the ALA Policy Manual:

> Privacy: An Interpretation of the *Library Bill of Rights,* which read: "In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf. Protecting user privacy and confidentiality is necessary for intellectual freedom and fundamental to the ethics and practice of librarianship. *(See "Policy Reference File": Privacy: An Interpretation of the Library Bill of Rights: 2001-2002 CD#19.5)*

Note: In order to place this Interpretation of the *Library Bill of Rights* with the already existing interpretations, current Policy 53.1.16 was renumbered to become Policy 53.1.17 (Use of Filtering Software), and Policy 53.1.17 (Intellectual Freedom Principles for Academic Libraries) was renumbered to become Policy 53.1.18.

Privacy

An Interpretation of the *Library Bill of Rights*

Introduction

Privacy is essential to the exercise of free speech, free thought, and free association. The courts have established a First Amendment right to receive information in a publicly funded library.[1] Further, the courts have upheld the right to privacy based on the Bill of Rights of the U.S. Constitution.[2] Many states provide guarantees of privacy in their constitutions and statute law.[3] Numerous decisions in case law have defined and extended rights to privacy.[4]

In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf.[5]

Protecting user privacy and confidentiality has long been an integral part of the mission of libraries. The ALA has affirmed a right to privacy since 1939.[6] Existing ALA policies affirm that confidentiality is crucial to freedom of inquiry.[7] Rights to privacy and confidentiality also are implicit in the *Library Bill of Rights*[8] guarantee of free access to library resources for all users.

Rights of Library Users

The *Library Bill of Rights* affirms the ethical imperative to provide unrestricted access to information and to guard against impediments to open inquiry. Article IV states: "Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas." When users recognize or fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists.

In all areas of librarianship, best practice leaves the user in control of as many choices as possible. These include decisions about the selection of, access to, and use of information. Lack of privacy and confidentiality has a chilling effect on users' choices. All users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.

Users have the right to be informed what policies and procedures govern the amount and retention of personally identifiable information, why that information is necessary for the library, and what the user can do to maintain his or her privacy. Library users expect and in many places have a legal right to have their information protected and kept private and confidential by anyone with direct or indirect access to that information. In addition,

Article V of the *Library Bill of Rights* states: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." This article precludes the use of profiling as a basis for any breach of privacy rights. Users have the right to use a library without any abridgement of privacy that may result from equating the subject of their inquiry with behavior.[9]

Responsibilities in Libraries

The library profession has a long-standing commitment to an ethic of facilitating, not monitoring, access to information. This commitment is implemented locally through development, adoption, and adherence to privacy policies that are consistent with applicable federal, state, and local law. Everyone (paid or unpaid) who provides governance, administration, or service in libraries has a responsibility to maintain an environment respectful and protective of the privacy of all users. Users have the responsibility to respect each others' privacy.

For administrative purposes, librarians may establish appropriate time, place, and manner restrictions on the use of library resources.[10] In keeping with this principle, the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library. Regardless of the technology used, everyone who collects or accesses personally identifiable information in any format has a legal and ethical obligation to protect confidentiality.

Conclusion

The American Library Association affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethics and practice of librarianship.

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[1] Court opinions establishing a right to receive information in a public library include *Board of Education. v. Pico*, 457 U.S. 853 (1982); *Kreimer v. Bureau Of Police For The Town Of Morristown,* 958 F.2d 1242 (3d Cir. 1992); and *Reno v. American Civil Liberties Union*, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997).

[2] See in particular the Fourth Amendment's guarantee of "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," the Fifth Amendment's guarantee against self-incrimination, and the Ninth Amendment guarantee that "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This right is explicit in Article Twelve of the Universal Declaration of Human Rights: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." See: http://www.un.org/Overview/rights.html. This right has further been explicitly codified as Article Seventeen of the "International Covenant on Civil and Political Rights," a legally binding international human rights agreement ratified by the United States on June 8, 1992. See: http://www.unhchr.ch/html/menu3/b/a_ccpr.htm.

[3] Eleven state constitutions guarantee a right of privacy or bar unreasonable intrusions into citizens' privacy. Forty-eight states protect the confidentiality of library users' records by law, and the attorneys

general in the remaining two states have issued opinions recognizing the privacy of users' library records. See: http://www.ala.org/alaorg/oif/stateprivacylaws.html.

[4] Cases recognizing a right to privacy include: *NAACP v. Alabama*, 357 U.S. 449 (1958); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Katz v. United States*, 389 U.S. 347 (1967); and *Stanley v. Georgia*, 394 U.S. 557 (1969). Congress recognized the right to privacy in the *Privacy Act of 1974 and Amendments* (5 USC Sec. 552a), which addresses the potential for government's violation of privacy through its collection of personal information. The Privacy Act's "Congressional Findings and Statement of Purpose" state in part: "the right to privacy is a personal and fundamental right protected by the Constitution of the United States." See: http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=5&sec=552a.

[5] The phrase "Personally identifiable information" was established in ALA policy in 1991. See: *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users* (http://www.ala.org/alaorg/oif/pol_user.html). Personally identifiable information can include many types of library records, for instance: information that the library requires an individual to provide in order to be eligible to use library services or borrow materials, information that identifies an individual as having requested or obtained specific materials or materials on a particular subject, and information that is provided by an individual to assist a library staff member to answer a specific question or provide information on a particular subject. Personally identifiable information does not include information that does not identify any individual and that is retained only for the purpose of studying or evaluating the use of a library and its materials and services. Personally identifiable information does include any data that can link choices of taste, interest, or research with a specific individual.

[6] Article Eleven of the *Code of Ethics for Librarians* (1939) asserted that "It is the librarian's obligation to treat as confidential any private information obtained through contact with library patrons." See: http://www.ala.org/alaorg/oif/1939code.html. Article Three of the current *Code* (1995) states: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted." See: http://www.ala.org/alaorg/oif/ethics.html.

[7] See these ALA Policies: *Access for Children and Young People to Videotapes and Other Nonprint Formats* (http://www.ala.org/alaorg/oif/acc_chil.html); *Free Access to Libraries for Minors* (http://www.ala.org/alaorg/oif/free_min.html); *Freedom to Read* (http://www.ala.org/alaorg/oif/freeread.html); *Libraries: An American Value* (http://www.ala.org/alaorg/oif/lib_val.html); the newly revised *Library Principles for a Networked World* (http://www.ala.org/oitp/prinintro.html); *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users* (http://www.ala.org/alaorg/oif/pol_user.html); *Policy on Confidentiality of Library Records* (http://www.ala.org/alaorg/oif/pol_conf.html); *Suggested Procedures for Implementing Policy on the Confidentiality of Library Records* (http://www.ala.org/alaorg/oif/sugpolcn.html).

[8] Adopted June 18, 1948; amended February 2, 1961, and January 23, 1980; inclusion of "age" reaffirmed January 23, 1996, by the ALA Council. See: http://www.ala.org/work/freedom/lbr.html.

[9] Existing ALA Policy asserts, in part, that: "The government's interest in library use reflects a dangerous and fallacious equation of what a person reads with what that person believes or how that person is likely to behave. Such a presumption can and does threaten the freedom of access to information." *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users* (http://www.ala.org/alaorg/oif/pol_user.html)

[10] See: *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities* (http://www.ala.org/alaorg/oif/pol_reg.html).

End of Section

~~53.1.16~~ 53.1.17
The ALA affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights. (*See* "Current Reference File": Resolution on the Use of Filtering Software in Libraries, 1996–97 CD #19.4)

~~53.1.16~~
53.1.17

CD# 19.4

RESOLUTION ON THE USE OF FILTERING SOFTWARE IN LIBRARIES

WHEREAS, On June 26, 1997, the United States Supreme Court issued a sweeping re-affirmation of core First Amendment principles and held that communications over the Internet deserve the highest level of Constitutional protection; and

WHEREAS, The Court's most fundamental holding is that communications on the Internet deserve the same level of Constitutional protection as books, magazines, newspapers, and speakers on a street corner soapbox. The Court found that the Internet "constitutes a vast platform from which to address and hear from a world-wide audience of millions of readers, viewers, researchers, and buyers," and that "any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox"; and

WHEREAS, For libraries, the most critical holding of the Supreme Court is that libraries that make content available on the Internet can continue to do so with the same Constitutional protections that apply to the books on libraries' shelves; and

WHEREAS, The Court's conclusion that "the vast democratic fora of the Internet" merit full constitutional protection will also serve to protect libraries that provide their patrons with access to the Internet; and

WHEREAS, The Court recognized the importance of enabling individuals to receive speech from the entire world and to speak to the entire world. Libraries provide those opportunities to many who would not otherwise have them; and

WHEREAS, The Supreme Court's decision will protect that access; and

WHEREAS, The use in libraries of software filters which block Constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities; now, therefore, be it

RESOLVED, That the American Library Association affirms that the use of filtering software abridges the *Library Bill of Rights*.

Adopted by the Intellectual Freedom Committee, July 1, 1997

Item #3. Based on action proposed by the Intellectual Freedom Committee (CD# 19.4), approved by Council, add Policy 53.1.16 (Use of Filtering Software): "The ALA affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights."

End of Section

~~53.1.17~~
53.1.18

Item 4. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.6 (Restricted Access to Library Materials) be amended to read:

Attempts to restrict library materials violate the basic tenets of the Library Bill of Rights. Policies to protect library materials for reasons of physical preservation, protection from theft, or mutilation must be carefully formulated and administered with extreme attention to the principles of intellectual freedom. Adopted 1973, amended 1981, 1991, 2000.

(*See* "Current Reference File": Restricted Access to Library Materials: An Interpretation of the Library Bill of Rights: 1999-2000 #CD19.4)

Item 5. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.3 (Freedom to Read) be amended to read:

The American Library Association endorses Freedom to Read, a joint statement by the American Library Association and the Association of American Publishers. Adopted 1953, revised 1972, 1991, 2000.

(*See* "Current Reference File" Freedom to Read: 1999-2000 #CD19.4)

new policy
~~Newly~~ adopted
OAC
Codified
MW

Item 6. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.18 (Intellectual Freedom Principles for Academic Libraries) be added:

The general principles set forth in the *Library Bill of Rights* form an indispensable framework for building collections, services, and policies that serve the entire academic community. Among many other requirements, academic libraries must protect the privacy of its users; develop collections without consideration of personal values; maintain a balance of materials; provide open and unfiltered access to the Internet; promote a service philosophy that affords equal access to information for all in the academic community without discrimination of any kind; and ensure a procedure of due process for dealing with the removal or addition of library resources, exhibits, or services. Adopted 2000.

(See "Current Reference File": Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights. 1999-2000 CD#19.4)

This should be 1999-2000 CD# 19.8

Respectfully submitted:

ALA Policy Monitoring Committee:
Charles Robinson
Ginny McKee
Mary Elizabeth (Ma'lis) Wendt, chair
Lois Ann Gregory-Wood, staff liaison

Intellectual Freedom Principles for Academic Libraries

At the 1999 ALA Annual Conference in New Orleans, the Association of College and Research Libraries adopted the following interpretation of the Library Bill of Rights applied to academic libraries.

A strong intellectual freedom perspective is critical to the development of academic library collections and services that dispassionately meet the education and research needs of a college or university community. The purpose of this statement is to outline how and where intellectual freedom principles fit into an academic library setting, thereby raising consciousness of the intellectual freedom context within which academic librarians work. The following principles should be reflected in all relevant library policy documents.

1. The general principles set forth in the *Library Bill of Rights* form an indispensable framework for building collections, services, and policies that serve the entire academic community.
2. The privacy of library users is and must be inviolable. Policies should be in place that maintain confidentiality of library borrowing records and of other information relating to personal use of library information and services.
3. The development of library collections in support of an institution's instruction and research programs should transcend the personal values of the selector. In the interests of research and learning, it is essential that collections contain materials representing a variety of perspectives on subjects that may be considered controversial.
4. Preservation and replacement efforts should ensure that balance in library materials is maintained and that controversial materials are not removed from the collections through theft, loss, mutilation, or normal wear and tear. There should be alertness to efforts by special interest groups to bias a collection though systematic theft or mutilation.
5. Licensing agreements should be consistent with the *Library Bill of Rights*, and should maximize access.
6. Open and unfiltered access to the Internet should be conveniently available to the academic community in a college or university library. Content filtering devices and content-based restrictions are a contradiction of the academic library mission to further research and learning through exposure to the broadest possible range of ideas and information. Such restrictions are a fundamental violation of intellectual freedom in academic libraries.
7. Freedom of information and of creative expression should be reflected in library exhibits and in all relevant library policy documents.
8. Library meeting rooms, research carrels, exhibit spaces, and other facilities should be available to the academic community regardless of research being pursued or subject being discussed. Any restrictions made necessary because of limited availability of space should be based on need, as reflected in library policy, rather than on content of research or discussion.
9. Whenever possible, library services should be available without charge in order to encourage inquiry. Where charges are necessary, a free or low-cost alternative (e.g., downloading to disc rather than printing) should be available when possible.
10. A service philosophy should be promoted that affords equal access to information for all in the academic community with no discrimination on the basis of race, values, gender, sexual orientation, cultural or ethnic background, physical or learning disability, economic status, religious beliefs, or views.
11. A procedure ensuring due process should be in place to deal with requests by those within and outside the academic community for removal or addition of library resources, exhibits, or services.
12. It is recommended that this statement of principle be endorsed by appropriate institutional governing bodies, including the faculty senate or similar instrument of faculty governance.

Adopted by ACRL Intellectual Freedom Committee: June 28, 1999
Approved by ACRL Board of Directors: June 29, 1999

End of Section

Updating of the content of the policy abstract, and of the parenthetical reference is regarded as housekeeping and does not require a vote of Council. The following was presented at the 2010 ALA Midwinter Meeting by the Council Policy Monitoring Committee for Council's information.

The following is the replacement policy abstract for 53.1.19 Access to Digital Information, Services, and Networks:

> Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information. Libraries and librarians protect and promote these rights regardless of the format or technology employed to create and disseminate information. Adopted 1996, amended 2005, 2009. (*See* "Policy Reference File": Access to Digital Information, Services, and Networks: An Interpretation of the Library Bill of Rights: 2008-09 ALA CD #19.5)

Amended by the Council at the 2009 ALA Annual Conf.

2008–2009 ALA CD#19.5
2009 ALA Annual Conference

Access to Digital Information, Services, and Networks

An Interpretation of the *Library Bill of Rights*

Introduction

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information.[1] Libraries and librarians protect and promote these rights regardless of the format or technology employed to create and disseminate information.

The American Library Association expresses the fundamental principles of librarianship in its *Code of Ethics* as well as in the *Library Bill of Rights* and its Interpretations. These principles guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to digital information, services, and networks.

Libraries empower users by offering opportunities both for accessing the broadest range of information created by others and for creating and sharing information. Digital resources enhance the ability of libraries to fulfill this responsibility.

Libraries should regularly review issues arising from digital creation, distribution, retrieval, and archiving of information in the context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are upheld. Although digital information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it, many people lack access or capability to use or create digital information effectively.

In making decisions about how to offer access to digital information, services, and networks, each library should consider intellectual freedom principles in the context of its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

The Rights of Users

All library system and network policies, procedures, or regulations relating to digital information and services should be scrutinized for potential violation of user rights.

User policies should be developed according to the policies and guidelines established by the American Library Association, including "Guidelines for the Development and Implementation of Policies, Regulations, and Procedures Affecting Access to Library Materials, Services, and Facilities."

Users' access should not be restricted or denied for expressing, receiving, creating, or participating in constitutionally protected speech. If access is restricted or denied for

behavioral or other reasons, users should be provided due process, including, but not limited to, formal notice and a means of appeal.

Information retrieved, utilized, or created digitally is constitutionally protected unless determined otherwise by a court of competent jurisdiction. These rights extend to minors as well as adults ("Free Access to Libraries for Minors"; "Access to Resources and Services in the School Library Media Program"; "Access for Children and Young Adults to Nonprint Materials"; and "Minors and Internet Interactivity").[2]

Libraries should use technology to enhance, not deny, digital access. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Libraries should provide library users the training and assistance necessary to find, evaluate, and use information effectively.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice in accordance with "Privacy: An Interpretation of the *Library Bill of Rights*," and "Importance of Education to Intellectual Freedom: An Interpretation of the *Library Bill of Rights*."

Equity of Access

The digital environment provides expanding opportunities for everyone to participate in the information society, but individuals may face serious barriers to access.

Digital information, services, and networks provided directly or indirectly by the library should be equally, readily, and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by libraries that receive support from public funds (50.3 "Free Access to Information"; 53.1.14 "Economic Barriers to Information Access"; 60.1.1 "Minority Concerns Policy Objectives"; 61.1 "Library Services for the Poor Policy Objectives"). All libraries should develop policies concerning access to digital information that are consistent with ALA's policies and guidelines, including "Economic Barriers to Information Access: An Interpretation of the *Library Bill of Rights*," "Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities," and "Services to Persons with Disabilities: An Interpretation of the *Library Bill of Rights*."

Information Resources and Access

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user's age or the content of the material. In order to preserve the cultural record and to prevent the loss of information, libraries may need to expand their selection or collection development policies to

ensure preservation, in appropriate formats, of information obtained digitally. Libraries have an obligation to provide access to government information available in digital format.

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. Libraries and librarians should not deny or limit access to digital information because of its allegedly controversial content or because of a librarian's personal beliefs or fear of confrontation. Furthermore, libraries and librarians should not deny access to digital information solely on the grounds that it is perceived to lack value. Parents and legal guardians who are concerned about their children's use of digital resources should provide guidance to their own children. Some information accessed digitally may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate.

Publicly funded libraries have a legal obligation to provide access to constitutionally protected information. Federal, state, county, municipal, local, or library governing bodies sometimes require the use of Internet filters or other technological measures that block access to constitutionally protected information, contrary to the *Library Bill of Rights* (ALA *Policy Manual*, 53.1.17, *Resolution on the Use of Filtering Software in Libraries*). If a library uses a technological measure that blocks access to information, it should be set at the least restrictive level in order to minimize the blocking of constitutionally protected speech. Adults retain the right to access all constitutionally protected information and to ask for the technological measure to be disabled in a timely manner. Minors also retain the right to access constitutionally protected information and, at the minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely manner. Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights.[3]

Digital resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to digital resources as much as they do to the more traditional sources of information in libraries ("Diversity in Collection Development").

[1]*Martin v. Struthers,* 319 U.S. 141 (1943); *Lamont v. Postmaster General*, 381 U.S. 301 (1965); Susan Nevelow Mart, *The Right to Receive Information*, 95 Law Library Journal 2 (2003).

[2]*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969); *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853, (1982); *American Amusement Machine Association v. Teri Kendrick*, 244 F.3d 954 (7th Cir. 2001); cert.denied, 534 U.S. 994 (2001)

[3]"If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge, not the facial challenge made in this case." *United States, et al. v. American Library Association*, 539 U.S. 194 (2003) (Justice Kennedy, concurring).

See Also: "Questions and Answers on Access to Digital Information, Services and Networks: An Interpretation of the *Library Bill of Rights*."

Adopted January 24, 1996; amended January 19, 2005 and July 15, 2009, by the ALA Council.

Amended by the ALA Council at the 2005 Midwinter Mtg.

2004-2005 ALA CD#19.2
2005 ALA Midwinter Meeting

Access to Electronic Information, Services, and Networks

An Interpretation of the LIBRARY BILL OF RIGHTS

Introduction

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information.[1] Libraries and librarians protect and promote these rights by selecting, producing, providing access to, identifying, retrieving, organizing, providing instruction in the use of, and preserving recorded expression regardless of the format or technology.

The American Library Association expresses these basic principles of librarianship in its *Code of Ethics* and in the *Library Bill of Rights* and its Interpretations. These serve to guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to electronic information, services, and networks.

Libraries empower users by providing access to the broadest range of information. Electronic resources, including information available via the Internet, allow libraries to fulfill this responsibility better than ever before.

Issues arising from digital generation, distribution, and retrieval of information need to be approached and regularly reviewed from a context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are not swept away.

Electronic information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it. Even so, many people lack access or capability to use electronic information effectively.

In making decisions about how to offer access to electronic information, each library should consider its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

The Rights of Users

All library system and network policies, procedures, or regulations relating to electronic information and services should be scrutinized for potential violation of user rights.

User policies should be developed according to the policies and guidelines established by the American Library Association, including *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities.*

Users' access should not be restricted or denied for expressing or receiving constitutionally protected speech. If access is restricted or denied for behavioral or other reasons, users should be provided due process, including, but not limited to, formal notice and a means of appeal.

Information retrieved or utilized electronically is constitutionally protected unless determined otherwise by a court of law with appropriate jurisdiction. These rights extend to minors as well as adults (*Free Access to Libraries for Minors; Access to Resources and Services in the School Library Media Program; Access for Children and Young People to Videotapes and Other Nonprint Formats).*[2]

Libraries should use technology to enhance, not deny, access to information. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Libraries should provide library users the training and assistance necessary to find, evaluate, and use information effectively.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice in accordance with *Privacy: An Interpretation of the Library Bill of Rights.*

Equity of Access

The Internet provides expanding opportunities for everyone to participate in the information society, but too many individuals face serious barriers to access. Libraries play a critical role in bridging information access gaps for these individuals. Libraries also ensure that the public can find content of interest and learn the necessary skills to use information successfully.

Electronic information, services, and networks provided directly or indirectly by the library should be equally, readily and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by all libraries and information services that receive their major support from public funds (50.3 *Free Access to Information*; 53.1.14 *Economic Barriers to Information Access*; 60.1.1 Minority Concerns Policy Objectives; 61.1 Library Services for the Poor Policy Objectives). All libraries should develop policies concerning access to electronic information that are consistent with ALA's policy statements, including *Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights*, *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities*, and *Resolution on Access to the Use of Libraries and Information by Individuals with Physical or Mental Impairment.*

Information Resources and Access

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. Determining the accuracy or authenticity of electronic information may present special problems. Some information accessed electronically may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate. Parents and legal guardians who are concerned about their children's use of electronic resources should provide guidance to their own children.

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user's age or the content of the material. In order to preserve the cultural record and to prevent the loss of information, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained electronically. Libraries have an obligation to provide access to government information available in electronic format.

Libraries and librarians should not deny or limit access to electronic information because of its allegedly controversial content or because of the librarian's personal beliefs or fear of confrontation. Furthermore, libraries and librarians should not deny access to electronic information solely on the grounds that it is perceived to lack value.

Publicly funded libraries have a legal obligation to provide access to constitutionally protected information. Federal, state, county, municipal, local, or library governing bodies sometimes require the use of Internet filters or other technological measures that block access to constitutionally protected information, contrary to the *Library Bill of Rights* (ALA *Policy Manual*, 53.1.17, *Resolution on the Use of Filtering Software in Libraries*). If a library uses a technological measure that blocks access to information, it should be set at the least restrictive level in order to minimize the blocking of constitutionally protected speech. Adults retain the right to access all constitutionally protected information and to ask for the technological measure to be disabled in a timely manner. Minors also retain the right to access constitutionally protected information and, at the minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely manner. Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights.[3]

Electronic resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to electronic resources no less than they do to the more traditional sources of information in libraries (*Diversity in Collection Development)*.

[1]*Martin v. Struthers*, 319 U.S. 141 (1943); *Lamont v. Postmaster General*, 381 U.S. 301 (1965); Susan Nevelow Mart, *The Right to Receive Information*, 95 Law Library Journal 2 (2003).

[2]*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969); *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853, (1982); *American Amusement Machine Association v. Teri Kendrick*, 244 F.3d 954 (7th Cir. 2001); cert.denied, 534 U.S. 994 (2001)

[3]"If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge, not the facial challenge made in this case." *United States, et al. v. American Library Association*, 539 U.S. 194 (2003) (Justice Kennedy, concurring).

See Also: *Questions and Answers on Access to Electronic Information, Services and Networks: an Interpretation of the Library Bill of Rights*.

Adopted by the ALA Council, January 24, 1996

[ISBN: 8389-7830-4]

Adopted by the ALA Council at the 1996 ALA Midwinter Mtg.

1995-96 CD #19.1

Access to Electronic Information, Services, and Networks: an Interpretation of the LIBRARY BILL OF RIGHTS

INTRODUCTION

The world is in the midst of an electronic communications revolution. Based on its constitutional, ethical, and historical heritage, American librarianship is uniquely positioned to address the broad range of information issues being raised in this revolution. In particular, librarians address intellectual freedom from a strong ethical base and an abiding commitment to the preservation of the individual's rights.

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information. These rights extend to minors as well as adults. Libraries and librarians exist to facilitate the exercise of these rights by selecting, producing, providing access to, identifying, retrieving, organizing, providing instruction in the use of, and preserving recorded expression regardless of the format or technology.

The American Library Association expresses these basic principles of librarianship in its *Code of Ethics* and in the *Library Bill of Rights* and its Interpretations. These serve to guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to electronic information, services, and networks.

Issues arising from the still-developing technology of computer-mediated information generation, distribution, and retrieval need to be approached and regularly reviewed from a context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are not swept away.

Electronic information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it. Even so, many people, for reasons of technology, infrastructure, or socio-economic status do not have access to electronic information.

In making decisions about how to offer access to electronic information, each library should consider its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

The Rights of Users

All library system and network policies, procedures or regulations relating to electronic resources and services should be scrutinized for potential violation of user rights.

User policies should be developed according to the policies and guidelines established by the American Library Association, including *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities.*

Users should not be restricted or denied access for expressing or receiving constitutionally protected speech. Users' access should not be changed without due process, including, but not limited to, formal notice and a means of appeal.

Although electronic systems may include distinct property rights and security concerns, such elements may not be employed as a subterfuge to deny users' access to information. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Users also have a right to information, training and assistance necessary to operate the hardware and software provided by the library.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice. Users should be advised, however, that because security is technically difficult to achieve, electronic transactions and files could become public.

The rights of users who are minors shall in no way be abridged.[1]

Equity of Access

Electronic information, services, and networks provided directly or indirectly by the library should be equally, readily and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by all libraries and information services that receive their major support from public funds (50.3; 53.1.14; 60.1; 61.1). It should be the goal of all libraries to develop policies concerning access to electronic resources in light of *Economic Barriers to Information Access: an Interpretation of the Library Bill of Rights* and *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities.*

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[1] See: *Free Access to Libraries for Minors: an Interpretation of the Library Bill of Rights; Access to Resources and Services in the School Library Media Program; and Access for Children and Young People to Videotapes and Other Nonprint Formats.*

Information Resources and Access

Providing connections to global information, services, and networks is not the same as selecting and purchasing material for a library collection. Determining the accuracy or authenticity of electronic information may present special problems. Some information accessed electronically may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate. Parents who are concerned about their children's use of electronic resources should provide guidance to their own children.

Libraries and librarians should not deny or limit access to information available via electronic resources because of its allegedly controversial content or because of the librarian's personal beliefs or fear of confrontation. Information retrieved or utilized electronically should be considered constitutionally protected unless determined otherwise by a court with appropriate jurisdiction.

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user's age or the content of the material. Libraries have an obligation to provide access to government information available in electronic format. Libraries and librarians should not deny access to information solely on the grounds that it is perceived to lack value.

In order to prevent the loss of information, and to preserve the cultural record, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained electronically.

Electronic resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to electronic resources no less than they do to the more traditional sources of information in libraries.[2]

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[2] See: *Diversity in Collection Development: an Interpretation of the Library Bill of Rights*

End of Section

53.1.20

At the 2008 ALA Annual Conference, upon recommendation by the Intellectual Freedom Committee, the ALA Council adopted 2008-2009 ALA CD#19.3, Services to Persons with Disabilities: An Interpretation of the *Library Bill of Rights.*

At the 2009 ALA Annual Conference, upon recommendation by the Policy Monitoring Committee, the ALA Council voted to INSERT the new ALA Policy 53.1.20, Services to Persons with Disabilities, An Interpretation of the *Library Bill of Rights* , into the ALA Policy Manual.

The First Amendment to the U.S. Constitution mandates the right of all persons to free expression and the corollary right to receive the constitutionally protected expression of others. A person's right to use the library should not be denied or abridged because of disabilities. The library has the responsibility to provide materials "for the interest, information, and enlightenment of all people of the community the library serves." (See also the Library Bill of Rights.) When information in libraries is not presented in formats that are accessible to all users, discriminatory barriers are created. Adopted 2009. (*See* "Policy Reference File": Services to Persons with Disabilities: An Interpretation of the Library Bill of Rights: revised, 2008-2009 ALA CD#19.3.)

2008-2009 ALA CD#19.3

2009 ALA Midwinter Meeting

Services to Persons with Disabilities:

An Interpretation of the *Library Bill of Rights*

The American Library Association recognizes that persons with disabilities are a large and often neglected part of society. In addition to many personal challenges, some persons with disabilities face economic inequity, illiteracy, cultural isolation, and discrimination in education, employment, and the broad range of societal activities. The library plays a catalytic role in their lives by facilitating their full participation in society.

The First Amendment to the U.S. Constitution mandates the right of all persons to free expression and the corollary right to receive the constitutionally protected expression of others. A person's right to use the library should not be denied or abridged because of disabilities. The library has the responsibility to provide materials "for the interest, information, and enlightenment of all people of the community the library serves." (See also the *Library Bill of Rights*.) When information in libraries is not presented in formats that are accessible to all users, discriminatory barriers are created.

Library staff should be proactive in reaching out to persons with disabilities and facilitating provision of resources and services. Library staff also should be aware of the available technologies and how to assist all users with library technology. All library resources should be available in formats accessible by persons of all ages with different abilities. These materials must not be restricted by any presuppositions about information needs, interests, or capacity for understanding. The library should offer different, necessary modes of access to the same content using equipment, electronics, or software. All information resources provided directly or indirectly by the library, regardless of technology, format, or method of delivery, should be readily, equally and equitably accessible to all library users. Libraries should make every effort to support the needs of their users with disabilities and when necessary, should seek financial or other assistance to do so.

ALA recognizes that providing specialized services often requires retention of extensive patron records, such as a user's transaction histories. Libraries assume responsibility for protecting the confidentiality of all personally identifiable information entrusted to them to perform services.

Libraries should provide training opportunities for all staff and volunteers in order to sensitize them to issues affecting persons with disabilities and to teach effective techniques for providing services for users with disabilities and for working with colleagues with disabilities.

Libraries should use strategies based upon the principles of universal design to ensure that library facilities, policies, services, and resources meet the needs of all users. Libraries should provide a clear path for persons with disabilities to request accommodations that will enable them to participate fully in library programs and services. Further, libraries and schools should work with persons with disabilities, agencies, organizations, and vendors to integrate assistive technology into their facilities and services to meet the needs of persons with a broad range of disabilities, including learning, mobility, sensory, and developmental disabilities.

The preamble to the *Library Bill of Rights* states, "all libraries are forums for information and ideas." By removing the physical, technological, and procedural barriers to accessing those forums, libraries promote the full inclusion of persons with disabilities into our society.

ALA related policy: 54.3.2 *Library Services for People with Disabilities*

Adopted by the ALA Council at the 2009 Midwinter Meeting.

End of Section

53.1.21

At the 2010 ALA Midwinter Meeting, Boston, MA, upon recommendation by the Council Policy Monitoring Committee, the ALA Council approved the codification of ALA Policy 53.1.21 Importance of Education to Intellectual Freedom, which read:

> Importance of Education to Intellectual Freedom Libraries of all types foster education by promoting the free expression and interchange of ideas. Libraries use resources, programming, and services to strengthen intellectual and physical access to information and thus build a foundation of intellectual freedom: collections (both real and virtual) are developed with multiple perspectives and individual needs of users in mind; programming and instructional services are framed around equitable access to information and ideas; and teaching of information skills is integrated appropriately throughout the spectrum of library programming and leads to empowered lifelong learners. Through educational programming and instruction in information skills, libraries empower individuals to explore ideas, access and evaluate information, draw meaning from information presented in a variety of formats, develop valid conclusions, and express new ideas. Such education facilitates intellectual access to information and offers a path to intellectual freedom. Adopted 2009. (See Policy Reference File: Importance of Education to Intellectual Freedom: An Interpretation of the *Library Bill of Rights*: 2008-09 CD#19.6)

NOTE TO READER: The following was taken from the Policy Monitoring Committee Report, 2009-2010 ALA CD#17: "At the 2009 Annual Conference, Council adopted a new interpretation to the *Library Bill of Rights* regarding the importance of education to intellectual freedom. These interpretations are traditionally represented in the Policy manual by means of an abstract, supplied by the originating committee, followed by a reference to the Policy Reference File, where the full text of the Interpretations reside. New interpretations are inserted in the order they are added."

Importance of Education to Intellectual Freedom:
An Interpretation of the *Library Bill of Rights*

Education in support of intellectual freedom is fundamental to the mission of libraries of all types. Intellectual freedom is a universal human right that involves both physical and intellectual access to information and ideas. Libraries provide physical access through facilities, resources, and services. Libraries foster intellectual access through educational programs and instruction in essential information skills.

Article I of the *Library Bill of Rights* "affirms that all libraries are forums for information and ideas." Physical access to information is listed as the first principle:

> Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

Article II of the *Library Bill of Rights* emphasizes the importance of fostering intellectual access to information by providing materials that allow users to evaluate content and context and find information representing multiple points of view:

> Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

The universal freedom to express information and ideas is stated in the *Universal Declaration of Human Rights,* Article 19:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.

The importance of education to the development of intellectual freedom is expressed in the *Universal Declaration of Human Rights,* Article 26:

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages . . . .

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial, or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Libraries of all types foster education by promoting the free expression and interchange of ideas. Libraries use resources, programming, and services to strengthen intellectual and physical access to information and thus build a foundation of intellectual freedom: collections (both real and virtual) are developed with multiple perspectives and individual needs of users in mind; programming and instructional services are framed around equitable access to information and ideas; and teaching of information skills is integrated appropriately throughout the spectrum of library programming and leads to empowered lifelong learners.

Through educational programming and instruction in information skills, libraries empower individuals to explore ideas, access and evaluate information, draw meaning from information presented in a variety of formats, develop valid conclusions, and express new ideas. Such education facilitates intellectual access to information and offers a path to intellectual freedom.

Adopted by the ALA Council at the 2009 ALA Annual Conference.

End of Section

53.1.22

At the 2009 ALA Annual Conference, upon recommendation by the Intellectual Freedom Committee, the ALA Council adopted 2008-2009 ALA CD#19.8, Minors and Internet Interactivity: An Interpretation of the *Library Bill of Rights.*

At the 2010 ALA Midwinter Meeting, upon recommendation by the Council Policy Monitoring Committee, the ALA Council voted to INSERT the new ALA Policy 53.1.22, Minors and Internet Interactivity: An Interpretation of the Library Bill of Rights, into the ALA Policy Manual.

> The First Amendment applies to speech created by minors on interactive sites. Usage of these social networking sites in a school or library allows minors to access and create resources that fulfill their interests and needs for information, for social connection with peers, and for participation in a community of learners. Restricting expression and access to interactive Web sites because the sites provide tools for sharing information with others violates the tenets of the Library Bill of Rights. It is the responsibility of librarians and educators to monitor threats to the intellectual freedom of minors and to advocate for extending access to interactive applications on the Internet. Adopted 2009. (See Policy Reference File: Minors and Internet Interactivity: An Interpretation of the Library Bill of Rights: 2008-2009 ALA CD# 19.8)

Minors and Internet Interactivity:
An Interpretation of the *Library Bill of Rights*

The digital environment offers opportunities for accessing, creating, and sharing information. The rights of minors to retrieve, interact with, and create information posted on the Internet in schools and libraries are extensions of their First Amendment rights. (See also other interpretations of the *Library Bill of Rights*, including "Access to Digital Information, Services, and Networks," "Free Access to Libraries for Minors," and "Access for Children and Young Adults to Nonprint Materials.")

Academic pursuits of minors can be strengthened with the use of interactive Web tools, allowing young people to create documents and share them online; upload pictures, videos, and graphic material; revise public documents; and add tags to online content to classify and organize information. Instances of inappropriate use of such academic tools should be addressed as individual behavior issues, not as justification for restricting or banning access to interactive technology. Schools and libraries should ensure that institutional environments offer opportunities for students to use interactive Web tools constructively in their academic pursuits, as the benefits of shared learning are well documented.

Personal interactions of minors can be enhanced by social tools available through the Internet. Social networking Web sites allow the creation of online communities that feature an open exchange of information in various forms, such as images, videos, blog posts, and discussions about common interests. Interactive Web tools help children and young adults learn about and organize social, civic, and extra-curricular activities. Many interactive sites invite users to establish online identities, share personal information, create Web content, and join social networks. Parents and guardians play a critical role in preparing their children for participation in online activity by communicating their personal family values and by monitoring their children's use of the Internet. Parents and guardians are responsible for what their children—and only their children—access on the Internet in libraries.

The use of interactive Web tools poses two competing intellectual freedom issues—the protection of minors' privacy and the right of free speech. Some have expressed concerns regarding what they perceive is an increased vulnerability of young people in the online environment when they use interactive sites to post personally identifiable information. In an effort to protect minors' privacy, adults sometimes restrict access to interactive Web environments. Filters, for example, are sometimes used to restrict access by youth to interactive social networking tools, but at the same time deny minors' rights to free expression on the Internet. Prohibiting children and young adults from using social networking sites does not teach safe behavior and leaves youth without the necessary knowledge and skills to protect their privacy or engage in responsible speech. Instead of restricting or denying access to the Internet, librarians and teachers should educate minors to participate responsibly, ethically, and safely.

The First Amendment applies to speech created by minors on interactive sites. Usage of these social networking sites in a school or library allows minors to access and create resources that fulfill their interests and needs for information, for social connection with peers, and for participation in a community of learners. Restricting expression and access to interactive Web sites because the sites provide tools for sharing information with others violates the tenets of the *Library Bill of Rights*. It is the responsibility of librarians and educators to monitor threats to the intellectual freedom of minors and to advocate for extending access to interactive applications on the Internet.

As defenders of intellectual freedom and the First Amendment, libraries and librarians have a responsibility to offer unrestricted access to Internet interactivity in accordance with local, state, and federal laws and to advocate for greater access where it is abridged. School and library professionals should work closely with young people to help them learn skills and attitudes that will prepare them to be responsible, effective, and productive communicators in a free society.

Adopted by the ALA Council at the 2009 ALA Annual Conference.

End of Section

1989-90 CD#61.5

53.2

EXHIBIT 20.5

1989-1990 CD#61.5

AFVA
AMERICAN FILM AND VIDEO ASSOCIATION

FREEDOM TO VIEW

The FREEDOM TO VIEW, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest possible access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.

2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.

3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.

4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video and other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.

5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989. Additional copies may be obtained for $1.00 (to cover postage and handling) from: American Film & Video Association, 920 Barnsdale Road, Suite 152, La Grange Park, Illinois, 60525. (312) 482-4000.

Endorsed by the ALA Intellectual Freedom Committee
June 24, 1989

Endorsed by ALA Council at the 1990 Midwinter Mtg.

FREEDOM TO VIEW
The American Library Association endorses "Freedom to View" as a statement of the American Film and Video Association.
(See "Current Reference File": Freedom to View, revised 1990; 1989-90 CD#61.5.)

FREEDOM TO VIEW

The FREEDOM TO VIEW, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore, we affirm these principles:

1. It is in the public interest to provide the broadest possible access to films and other audiovisual materials because they have proven to be among the most effective means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.

2. It is in the public interest to provide for our audiences, films and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.

3. It is our professional responsibility to resist the constraint of labeling or pre-judging a film on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.

4. It is our professional responsibility to contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Educational Film Library Association's Freedom to View Committee, and was adopted by the EFLA Board of Directors in February, 1979. Libraries and educational institutions are encouraged to adopt this statement and display it in their catalogs or libraries. The text of the statement may be reprinted freely; permission is granted to all educational institutions to use it.

EDUCATIONAL FILM LIBRARY ASSOCIATION, 43 W. 61 St., New York, N.Y. 10023

Endorsed by ALA Council
June 28, 1979

End of Section

~~Adopted~~ Amended at the ALA Council at the 2004 Annual Conf.

53.3

2003-2004 ALA CD#19.11
2004 ALA Annual Conference

THE FREEDOM TO ~~READ~~

Codified by the ALA at the 2005 MW.

Adopted by the Association of American Publishers Freedom to Read Committee, June 2004

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as ~~citizens~~ individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary ~~citizen~~ individual, by exercising critical judgment, will ~~accept~~ select the good and reject the bad. ~~The censors, public and private, assume that they should determine what is good and what is bad for their fellow citizens.~~ We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they ~~need the help of censors to assist them in this task. We do not believe they~~ are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American

community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings. The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, ~~or~~ unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which

they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept ~~with any expression~~ the prejudgment of a label characterizing ~~it~~ <u>any expression</u> or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for ~~the citizen~~ <u>others</u>. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large<u>; and by the government whenever it seeks to reduce or deny public access to public information.</u>*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. <u>Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.</u>

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all ~~citizens~~ <u>Americans</u> the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953; revised January 28, 1972, January 16, 1991, July 12, 2000, by the ALA Council and the AAP Freedom to Read Committee.

A Joint Statement by: American Library Association
Association of American Publishers

Subsequently Endorsed by:

American Association of University Professors
American Booksellers Foundation for Free Expression
American Society of Journalists and Authors
The American Society of Newspaper Editors
Anti-Defamation League of B'nai B'rith
Association of American University Presses
Center for Democracy & Technology
The Children's Book Council
The Electronic Frontier Foundation
Feminists for Free Expression
Freedom to Read Foundation
International Reading Association
The Media Institute
National Coalition Against Censorship
National PTA
Parents, Families and Friends of Lesbians and Gays
People for the American Way
Pen American Center
Student Press Law Center
The Thomas Jefferson Center for the Protection of Free Expression

53.3

Item 4. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.1.6 (Restricted Access to Library Materials) be amended to read:

Attempts to restrict library materials violate the basic tenets of the Library Bill of Rights. Policies to protect library materials for reasons of physical preservation, protection from theft, or mutilation must be carefully formulated and administered with extreme attention to the principles of intellectual freedom. Adopted 1973, amended 1981, 1991, 2000.

(*See* "Current Reference File": Restricted Access to Library Materials: An Interpretation of the Library Bill of Rights: 1999-2000 #CD19.4)

Amended OOAC
Adopted 01 MW

Item 5. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy 53.3 (Freedom to Read) be amended to read:

The American Library Association endorses Freedom to Read, a joint statement by the American Library Association and the Association of American Publishers. Adopted 1953, revised 1972, 1991, 2000.

(*See* "Current Reference File" Freedom to Read: 1999-2000 #CD19.4)

53.1.17

Item 6. Based on CD#19.4, submitted by the ALA Intellectual Freedom Committee, approved by the consent of Council, the PMC recommends Policy (Intellectual Freedom Principles for Academic Libraries) be added:

The general principles set forth in the *Library Bill of Rights* form an indispensable framework for building collections, services, and policies that serve the entire academic community. Among many other requirements, academic libraries must protect the privacy of its users; develop collections without consideration of personal values; maintain a balance of materials; provide open and unfiltered access to the Internet; promote a service philosophy that affords equal access to information for all in the academic community without discrimination of any kind; and ensure a procedure of due process for dealing with the removal or addition of library resources, exhibits, or services. Adopted 2000.

(See "Current Reference File": Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights. 1999-2000 CD#19.4)

Respectfully submitted:

ALA Policy Monitoring Committee:
Charles Robinson
Ginny McKee
Mary Elizabeth (Ma'lis) Wendt, chair
Lois Ann Gregory-Wood, staff liaison

THE FREEDOM TO READ
A WORKING DRAFT: DO NOT QUOTE FOR PUBLICATION

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove ~~books from sale~~ [or limit access to reading materials], to censor ~~textbooks~~ [content in schools], to label "controversial" ~~books~~ [views], to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid: that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to ~~the use of books~~ [reading] and as librarians and publishers responsible for disseminating ~~them~~ [ideas], wish to assert the public interest in the preservation of the freedom to read.

~~We are deeply concerned about these~~ [Most] attempts at suppression~~. Most such attempts~~ rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow-citizens.

We trust Americans to recognize propaganda [and misinformation], and ~~to reject it~~ [to make their own decisions about what they read and believe]. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

~~We are aware, of course, that books are not alone in being subjected to efforts at suppression. We are aware that t~~ [T]hese efforts [at suppression] are related to a larger pattern of pressures being brought against education, the press, [art and images,] films, ~~radio and television~~ [broadcast media and the Internet]. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy.

Such pressure toward conformity is perhaps natural to a time of ~~uneasy change and pervading fear. Especially when so many of our apprehensions are directed against an ideology, the expression of a dissident idea becomes a thing feared in itself, and we tend to move against it as against a hostile deed, with suppression~~ [accelerated change]. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with ~~stress~~ [controversy and difference].

Now as always in our history, ~~books are~~ [reading is] among our greatest [Judith: IFC wanted a better word than "instruments"; this is my solution: "…is among our greatest freedoms," as in:] ~~instruments of~~ freedom[s]. ~~They are~~ [The freedom to read and write is] almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. ~~They are~~ [The written word is] the natural medium for the new idea and the untried voice from which come the original contributions to social growth. ~~They are~~ [It is] essential to the extended discussion ~~which~~ [that] serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those ~~which~~ [that] are unorthodox or unpopular with the majority.

   Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept ~~which~~ [that] challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. Publishers, librarians and booksellers do not need to endorse every idea or presentation ~~contained in the books~~ they make available. It would conflict with the public interest for them to establish their own political, moral or aesthetic views as a standard for determining what ~~books~~ should be published or circulated.

   Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. It is contrary to the public interest for publishers or librarians to ~~determine the acceptability of a book~~ [bar access to writings] on the basis of the personal history or political affiliations of the author.

   ~~A book should be judged as a book.~~ No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish ~~which~~ [that] draws up lists of writers to whom it will not listen, whatever they may have to say.

4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

   To some, much of modern ~~literature~~ [expression] is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters ~~taste~~ [values] differ~~s~~, and ~~taste~~ [values] cannot be legislated; nor can machinery be devised ~~which~~ [that] will suit the demands of one group without limiting the freedom of others.

5. It is not in the public interest to force a reader to accept with any ~~book~~ [expression] the prejudgment of a label characterizing ~~the book~~ [it] or [its] author as subversive or dangerous.

   The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.

   It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a ["]bad["] book is a good one, the answer to a ["]bad["] idea is a good one.

> The freedom to read is of little consequence ~~when expended on the trivial; it is frustrated~~ when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the~~ir~~ freedom [to read] ~~and integrity, and the enlargement of their service to society,~~ requires of all publishers and librarians the utmost of their faculties, and deserves of all citizens the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of ~~books~~ [the written word]. We do so because we believe that ~~they are good,~~ [it is] possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

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National Association of College Stores
National Council of Teachers of English
P.E.N. - American Center
People for the American Way
Periodical and Book Association of America
Sex Information and Education Council of the U.S.
Society of Professional Journalists
Women's National Book Association
YWCA of the U.S.A.

53.3 Freedom to Read

The American Library Association endorses Freedom to Read, a joint statement by the American Library Association and the Association of American Publishers.

(*See* "Current Reference File": Freedom to Read.)

53.3

THE FREEDOM TO READ

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove books from sale, to censor textbooks, to label "controversial" books, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to the use of books and as librarians and publishers responsible for disseminating them, wish to assert the public interest in the preservation of the freedom to read.

We are deeply concerned about these attempts at suppression. Most such attempts rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow-citizens.

We trust Americans to recognize propaganda, and to reject it. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

We are aware, of course, that books are not alone in being subjected to efforts at suppression. We are aware that these efforts are related to a larger pattern of pressures being brought against education, the press, films, radio and television. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy.

Such pressure toward conformity is perhaps natural to a time of uneasy change and pervading fear. Especially when so many of our apprehensions are directed against an ideology, the

expression of a dissident idea becomes a thing feared in itself, and we tend to move against it as against a hostile deed, with suppression.

And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with stress.

Now as always in our history, books are among our greatest instruments of freedom. They are almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. They are the natural medium for the new idea and the untried voice from which come the original contributions to social growth. They are essential to the extended discussion which serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

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The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and

expressions, including those which are unorthodox or unpopular with the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept which challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

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Sex Information and Education Council of the U.S.
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Women's National Book Association
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End of Section

American Library Association
Association of American Publishers

Subsequently Endorsed by:

American Booksellers Association
American Civil Liberties Union
American Federation of Teachers AFL–CIO
Anti-Defamation League of B'nai B'rith
Association of American University Presses
Bureau of Independent Publishers & Distributors
Children's Book Council
Freedom of Information Center
Freedom to Read Foundation
Magazine Publishers Association
Motion Picture Association of America
National Association of College Stores
National Book Committee
National Council of Negro Women
National Council of Teachers of English
National Library Week Program
National Board of the Young Women's Christian Association of the U.S.A.
P.E.N. – American Center
Periodical and Book Association of America
Sex Information & Education Council of the U.S.
Women's National Book Association

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INTERNATIONAL BOOK YEAR 1972

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EXHIBIT 18.3
1988-89 CD#46.3

AMERICAN LIBRARY ASSOCIATION
50 EAST HURON STREET · CHICAGO, ILLINOIS 60611 · (312) 944-6780

RESOLUTION IN SUPPORT OF LINGUISTIC PLURALISM

Whereas, Freedom of expression is the first of our liberties guaranteed by the Bill of Rights; and

Whereas, The freedom to read, an important component of the freedom of expression, is essential to our democratic society; and

Whereas, America's libraries fulfill a unique role in facilitating the freedom to read by making available a full range of resources and services to all individuals in our culturally and linguistically diverse nation, in the languages in common use in each community, in accordance with "Diversity in Collection Development: An Interpretation of the LIBRARY BILL OF RIGHTS"; and

Whereas, English is de facto the primary language of the United States, and is important to national life, individual accomplishment, and personal enrichment and fulfillment; and

Whereas, Several states of the United States have enacted laws which could be used to discourage, abridge or deny the rights of citizens who speak languages other than English, thus inhibiting and limiting freedom of expression and access to resources and services; and

Whereas, Restrictionist language laws exert a chilling effect on the rights of citizens who speak and read languages other than English to inform themselves, to vote and to participate fully in the cultural and political life of the country; now therefore be it

Resolved, That the American Library Association strongly opposes all laws, legislation and regulations relating to language which have the effect of restricting or abridging pluralism and diversity in library collections and services; and be it further

Resolved, That the American Library Association works with state associations and other appropriate agencies in devising ways to counteract restriction arising from existing language laws and regulations; and it is further

Resolved, That the American Library Association actively encourages and supports the provision of library resources and services in the languages in common use in each community in the United States.

ADOPTED BY THE
COUNCIL OF THE AMERICAN LIBRARY ASSOCIATION
January 10, 1989, in Washington, D.C.

Thomas J. Galvin, Secretary of Council

End of Section

53.4

POLICY ON GOVERNMENTAL INTIMIDATION

The American Library Association opposes any use of governmental prerogatives which leads to the intimidation of the individual or the citizenry from the exercise of free expression. ALA encourages resistance to such abuse of governmental power, and supports those against whom such governmental power has been employed.

Adopted February 2, 1973; amended July 1, 1981, by the ALA Council.

[ISBN 8389-5421-9]

AMERICAN LIBRARY ASSOCIATION

Item:	INTELLECTUAL FREEDOM	*Item Number:*	103.9
Approved by:	ALA Council	*Page:*	1 *of* 1
Issue Date:	June, 1971	*Supersedes:*	

Governmental intimidation

WHEREAS, ALA is concerned with the preservation of intellectual freedom, and

WHEREAS, The freedom to think, to communicate, and discuss alternatives are essential elements of intellectual freedom, and

WHEREAS, These freedoms have been threatened by actions of the federal government through the use of informers, electronic surveillance, grand juries, and indictments under the Conspiracy Act of 1968 as demonstrated in the case of the Harrisburg 6, now

THEREFORE BE IT RESOLVED,

(1) That ALA Membership Meeting at Dallas recognizes the danger to intellectual freedom presented by the use of spying in libraries by government agencies;

(2) That ALA go on record against the use of the grand jury procedure to intimidate anti-Vietnam War activists and people seeking justice for minority communities;

(3) That ALA deplore and go on record against the use of the Conspiracy Act of 1968 as a weapon against the citizens of this country who are being indicted for such overt acts as meeting, telephoning, discussing alternative methods of bringing about change, and writing letters;

(4) That the ALA Membership at Dallas assert the confidentiality of the professional relationships of librarians to the people they serve, that these relationships be respected in the same manner as medical doctors to their patients, lawyers to their clients, priests to the people they serve;

(5) That ALA assert that no librarian would lend himsllf to a role as informant, whether of voluntarily revealing circulation records or identifying patrons and their reading habits.

AMERICAN LIBRARY ASSOCIATION

Item:	INTELLECTUAL FREEDOM	*Item Number:*	103.9.1
Approved by:	ALA Council	*Page:*	1 *of* 1
Issue Date:	February, 1973	*Supersedes:*	103.9*

Governmental intimidation

WHEREAS, The principle of intellectual freedom protects the rights of free expression of ideas, even those which are in opposition to the policies and actions of Government, itself; and

WHEREAS, The support of that principle is guaranteed by the First Amendment, thus insuring Constitutional protection of individual or collective dissent; and

WHEREAS, Government, at whatever level, national, state, or local, must remain ever vigilant to the protection of that principle; and

WHEREAS, Government, although properly empowered to promulgate, administer, or adjudicate law has no right to use illicitly its legally constituted powers to coerce, intimidate, or harrass the individual or the citizenry from eununciating dissent; and

WHEREAS, The illegitimate uses of legitimate governmental powers have become increasingly a matter of public record, among them being the misuse of the Grand Jury and other investigative procedures, the threat to deny licenses to telecommunications media, the indictment of citizens on charges not relevant to their presumed offenses, and the repressive classification, and hence denial, of documentary material to the very public taxed for its accumulation; and

WHEREAS, These illicit uses not only constitute an abrogation of the right to exercies the principle of freedom of expression but also, and perhaps more dangerously, prefigure a society no longer hospitable to dissent;

NOW THEREFORE BE IT RESOLVED, That the American Library Association, cognizant that in the scales of justice the strength of individual liberty may outweigh the force of power, expresses its unswerving opposition to any use of governmental prerogative which leads to the intimidation of the individual or the citizenry from the exercise of the constitutionally protected right of free expression, and

BE IT FURTHER RESOLVED, That the American Library Association, encourage its members to resist such improper uses of governmental power, and

FURTHER, That the American Library Association supports those against whom such governmental power has been employed.

---

* Except for Numbers 4 and 5 in 103.9.

End of Section

53.5 Support of Academic Freedom

The American Library Association reaffirms the principles of academic freedom embodied in the American Association of University Professors' "Statement on Academic Freedom and Tenure" (1940), and opposes any legislation or codification of documents (e.g. the "Academic Bill of Rights" (ABOR)) that undermine academic or intellectual freedom, chill free speech, and/or otherwise interfere with the academic community's well-established norms and values of scholarship and educational excellence.
(The remaining policies in Section 53 would be renumbered 53.6-53.11)
(See "Current Reference File": Resolution in Support of Academic Freedom 2005-2006 CD 36)

53.5

ALA COUNCIL DOCUMENT # CD 36
Assigned by Council Resolutions Committee
Member Initial
Date 1 / 23 / 06

Resolution in Support of Academic Freedom

WHEREAS, academic institutions provide a forum for the robust exchange of a diversity of ideas; and

WHEREAS, libraries in academic institutions guarantee that a wide array of ideas that promote academic discourse are available; and

WHEREAS, academic institutions have in place longstanding representative democratic structures for review and redress of grievances; and

WHEREAS, most academic institutions follow the 1940 American Association of University Professors (AAUP) "Statement of Principles on Academic Freedom and Tenure" and their libraries follow the "Freedom to Read Statement," the "Library Bill of Rights," the "Code of Professional Ethics for Librarians," and the "Core Values of Librarianship" that are consonant with the 1940 AAUP statement; and

WHEREAS, these statements are effective safeguards of academic freedom and embrace the free expression rights and responsibilities laid out in the First Amendment; and

WHEREAS, an "Academic Bill of Rights" (ABOR) by the Center for the Study of Popular Culture, a self-described conservative nonprofit organization, is being introduced in legislatures and academic institutions; and

WHEREAS, this "Academic Bill of Rights" would impose extra-academic standards on academic institutions, directly interfering in course content, the classroom, the research process, and hiring and tenure decisions; and

WHEREAS, this "Academic Bill of Rights" applies principles other than relevant scholarly standards, as interpreted and applied by the academic profession; now, therefore, be it

RESOLVED, that the American Library Association reaffirm the principles of academic freedom embodied in the American Association of University Professors' "Statement of Principles on Academic Freedom and Tenure"(1940); and be it further

RESOLVED, that the American Library Association oppose any legislation or codification of documents like the "Academic Bill of Rights" (ABOR) that undermine academic and intellectual freedom, chill free speech, and/or otherwise interfere with the academic community's well-established norms and values of scholarship and educational excellence.

Moved by: Mark Rosenzweig, Councilor-at-Large
Seconded: Al Kagan, SRRT Councilor

Endorsed: IFC, IFRT, SRRT
Endorsed in principle: ACRL IFC

REVIEWED FOR CONFORMATION WITH GUIDELINES
by Council Resolutions Committee

Adopted by Council at the 2006 Midwinter Mtg

Supporting evidence:

- 1940 American Association of University Professors (AAUP) "Statement of Principles on Academic Freedom and Tenure," endorsed by ALA (1946), http://www.aaup.org/statements/Redbook/1940stat.htm
- Academic Bill of Rights analysis, AAUP, http://www.aaup.org/statements/SpchState/Statements/billofrights.htm
- Academic Bill of Rights legislation, AAUP, http://www.aaup.org/Issues/ABOR/aborsummary3.htm
- "Freedom to Read Statement" (ALA Policy Manual, 53.3), http://www.ala.org/ala/oif/statementspols/ftrstatement/freedomreadstatement.htm
- "Library Bill of Rights" (ALA Policy Manual, 53.1),
- "Intellectual Freedom Principles for Academic Libraries" (ALA Policy Manual, 53.1.18), http://www.ala.org/oif/policies/interpretations
- "The Code of Professional Ethics for Librarians" (ALA Policy Manual, 40.2),
- "Core Values of Librarianship" (ALA Policy Manual, 40.1),
- "Academic Bill of Rights," http://www.studentsforacademicfreedom.org/abor.html#academicbillofrights

American Association of University Professors

Academic Bill of Rights

The statement that follows was approved for publication by the Association's Committee A on Academic Freedom and Tenure. Comments are welcome and should be addressed to the AAUP's Washington office.

The past year has witnessed repeated efforts to establish what has been called an "Academic Bill of Rights." Based upon data purporting to show that Democrats greatly outnumber Republicans in faculty positions, and citing official statements and principles of the American Association of University Professors, advocates of the Academic Bill of Rights would require universities to maintain political pluralism and diversity. This requirement is said to enforce the principle that "no political, ideological or religious orthodoxy should be imposed on professors and researchers through the hiring or tenure or termination process."[1] Although Committee A endorses this principle, which we shall call the "principle of neutrality," it believes that the Academic Bill of Rights is an improper and dangerous method for its implementation. There are already mechanisms in place that protect this principle, and they work well. Not only is the Academic Bill of Rights redundant, but, ironically, it also infringes academic freedom in the very act of purporting to protect it.

A fundamental premise of academic freedom is that decisions concerning the quality of scholarship and teaching are to be made by reference to the standards of the academic profession, as interpreted and applied by the community of scholars who are qualified by expertise and training to establish such standards. The proposed Academic Bill of Rights directs universities to enact guidelines implementing the principle of neutrality, in particular by requiring that colleges and universities appoint faculty "with a view toward fostering a plurality of methodologies and perspectives."[2] The danger of such guidelines is that they invite diversity to be measured by political standards that diverge from the academic criteria of the scholarly profession. Measured in this way, diversity can easily become contradictory to academic ends. So, for example, no department of political theory ought to be obligated to establish "a plurality of methodologies and perspectives" by appointing a professor of Nazi political philosophy, if that philosophy is not deemed a reasonable scholarly option within the discipline of political theory. No department of chemistry ought to be obligated to pursue "a plurality of methodologies and perspectives" by appointing a professor who teaches the phlogiston theory of heat, if that theory is not deemed a reasonable perspective within the discipline of chemistry.

These examples illustrate that the appropriate diversity of a university faculty must ultimately be conceived as a question of academic judgment, to be determined by the quality and range of pluralism deemed reasonable by relevant disciplinary standards, as interpreted and applied by college and university faculty. Advocates for the Academic Bill of Rights, however, make clear that they seek to enforce a kind of diversity that is instead determined by essentially political categories, like the number of Republicans or Democrats on a faculty, or the number of conservatives or liberals. Because there is in fact little correlation between these political categories and disciplinary standing, the assessment of faculty by such explicitly political criteria, whether used by faculty, university administration, or the state, would profoundly corrupt the academic integrity of universities. Indeed, it would violate the neutrality principle itself. For this reason, recent efforts to enact the Academic Bill of Rights pose a grave threat to fundamental principles of academic freedom.

The Academic Bill of Rights also seeks to enforce the principle that "faculty members will not use their courses or their position for the purpose of political, ideological, religious, or antireligious indoctrination."[3] Although Committee A endorses this principle, which we shall call the nonindoctrination principle, the Academic Bill of Rights is an inappropriate and dangerous means for its implementation. This is because the bill seeks to distinguish indoctrination from appropriate pedagogy by applying principles other than relevant scholarly standards, as interpreted and applied by the academic profession.

If a professor of constitutional law reads the examination of a student who contends that terrorist violence should be protected by the First Amendment because of its symbolic message, the determination of whether the examination should receive a high or a low grade must be made by reference to the scholarly standards of the law. The application of these standards properly distinguishes indoctrination from

competent pedagogy. Similarly, if a professor of American literature reads the examination of a student that proposes a singular interpretation of *Moby Dick*, the determination of whether the examination should receive a high or a low grade must be made by reference to the scholarly standards of literary criticism. The student has no "right" to be rewarded for an opinion of *Moby Dick* that is independent of these scholarly standards. If students possessed such rights, all knowledge would be reduced to opinion, and education would be rendered superfluous.

The Academic Bill of Rights seeks to transfer responsibility for the evaluation of student competence to college and university administrators or to the courts, apparently on the premise that faculty ought to be stripped of the authority to make such evaluative judgments. The bill justifies this premise by reference to "the uncertainty and unsettled character of all human knowledge."[4] This premise, however, is antithetical to the basic scholarly enterprise of the university, which is to establish and transmit knowledge. Although academic freedom rests on the principle that knowledge is mutable and open to revision, an Academic Bill of Rights that reduces all knowledge to uncertain and unsettled opinion, and which proclaims that all opinions are equally valid, negates an essential function of university education.

Some versions of the Academic Bill of Rights imply that faculty ought not to be trusted to exercise the pedagogical authority required to make evaluative judgments. A bill proposing an Academic Bill of Rights recently under discussion in Colorado, for example, provides:

> The general assembly further declares that intellectual independence means the protection of students as well as faculty from the imposition of any orthodoxy of a political, religious or ideological nature. To achieve the intellectual independence of students, teachers should not take unfair advantage of a student's immaturity by indoctrinating him with the teacher's own opinions before a student has had an opportunity fairly to examine other opinions upon the matters in question, and before a student has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own, and students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion.[5]

On the surface, this paragraph appears merely to restate important elements of AAUP policy.[6] In the context of that policy, this paragraph unambiguously means that the line between indoctrination and proper pedagogical authority is to be determined by reference to scholarly and professional standards, as interpreted and applied by the faculty itself. In the context of the proposed Colorado Academic Bill of Rights, by contrast, this paragraph means that the line between indoctrination and proper pedagogical authority is to be determined by college and university administrations or by courts. This distinction is fundamental.

A basic purpose of higher education is to endow students with the knowledge and capacity to exercise responsible and independent judgment. Faculty can fulfill this objective only if they possess the authority to guide and instruct students. AAUP policies have long justified this authority by reference to the scholarly expertise and professional training of faculty. College and university professors exercise this authority every time they grade or evaluate students. Although faculty would violate the indoctrination principle were they to evaluate their students in ways not justified by the scholarly and ethical standards of the profession, faculty could not teach at all if they were utterly denied the ability to exercise this authority.

The clear implication of AAUP policy, therefore, is that the question whether it is indoctrination for teachers of biology to regard the theory of "evolution" as an opinion about which students must be allowed "to reserve judgment" can be answered only by those who are expert in biology. The whole thrust of the proposed Colorado Academic Bill of Rights, by contrast, is to express distrust of faculty capacity to make such judgments, and to transfer the supervision of such determinations to a college or university administration or to courts. The proposed Colorado bill thus transforms decisions that should be grounded in professional competence and expertise into decisions that are based upon managerial, mechanical, or, even worse, overtly political criteria. The proposed Colorado bill also facilitates the constant supervision of everyday pedagogic decision making, a supervision that threatens altogether to undercut faculty authority in the classroom. It thus portends incalculable damage to basic principles of academic freedom.

Skepticism of professional knowledge, such as that which underlies the Academic Bill of Rights, is deep

and corrosive. This is well illustrated by its requirement that "academic institutions . . . maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within . . . their fields of inquiry."[7] The implications of this requirement are truly breathtaking. Academic institutions, from faculty in departments to research institutes, perform their work precisely by making judgments of quality, which necessarily require them to intervene in academic controversies. Only by making such judgments of quality can academic institutions separate serious work from mere opinion, responsible scholarship from mere polemic. Because the advancement of knowledge depends upon the capacity to make judgments of quality, the Academic Bill of Rights would prevent colleges and universities from achieving their most fundamental mission.

When carefully analyzed, therefore, the Academic Bill of Rights undermines the very academic freedom it claims to support. It threatens to impose administrative and legislative oversight on the professional judgment of faculty, to deprive professors of the authority necessary for teaching, and to prohibit academic institutions from making the decisions that are necessary for the advancement of knowledge. For these reasons Committee A strongly condemns efforts to enact the Academic Bill of Rights.

The AAUP has consistently held that academic freedom can only be maintained so long as faculty remain autonomous and self-governing. We do not mean to imply, of course, that academic professionals never make mistakes or act in improper or unethical ways. But the AAUP has long stood for the proposition that violations of professional standards, like the principles of neutrality or nonindoctrination, are best remedied by the supervision of faculty peers. It is the responsibility of the professoriate, in cooperation with administrative officers, to ensure compliance with professional standards. By repudiating this basic concept, the Academic Bill of Rights alters the meaning of the principles of neutrality and nonindoctrination in ways that contradict academic freedom as it has been advanced in standards and practices which the AAUP has long endorsed.

Endnotes

1. This language derives from a Concurrent Resolution (H.Con.Res. 318) proposed in the House of Representatives by Jack Kingston during the 108th Congress. It also appears in a proposed amendment to Article I of Title 23 of the Colorado Revised Statutes, 24-125.5. Both pieces of legislation grow out of a version of the Academic Bill of Rights originally drafted by columnist David Horowitz. See http://studentsforacademicfreedom.org/. Back to text.

2. H.Con.Res. 318. We note, parenthetically, that, while this embrace of diversity may be reasonable in some circumstances, it may make little academic sense in other contexts, as, for example, when a department wishes to specialize in a particular disciplinary approach. Back to text.

3. H.Con.Res. 318. Back to text.

4. H.Con.Res. 318. Back to text.

5. Proposed amendment to Article I of Title 23 of the Colorado Revised Statutes, 24-125.5. Back to text.

6. "Some Observations on Ideology, Competence, and Faculty Selections," *Academe: Bulletin of the AAUP*, (January-February 1986):1a-2a. Back to text.

7. H.Con.Res. 318. Back to text.

(Posted 12/03)

American Association of University Professors, 1012 Fourteenth Street, NW, Suite #500; Washington, DC 20005
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AAUP Home Page | Contact Us | Join AAUP

Academic Bill of Rights

I. The Mission of the University.

The central purposes of a University are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large. Free inquiry and free speech within the academic community are indispensable to the achievement of these goals. The freedom to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls. These purposes reflect the values -- pluralism, diversity, opportunity, critical intelligence, openness and fairness -- that are the cornerstones of American society.

II. Academic Freedom

1. The Concept . Academic freedom and intellectual diversity are values indispensable to the American university. From its first formulation in the *General Report of the Committee on Academic Freedom and Tenure* of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge, and that no party or intellectual faction has a monopoly on wisdom. Therefore, academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech. In the words of the *General Report*, it is vital to protect "as the first condition of progress, [a] complete and unlimited freedom to *pursue* inquiry and publish its results."

Because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision (*Keyishian v. Board of Regents of the University of the State of New York*) the Supreme Court of the United States overturned a New York State loyalty provision for teachers with these words: "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned." In *Sweezy v. New Hampshire,* (1957) the Court observed that the "essentiality of freedom in the community of American universities [was] almost self-evident."

2. The Practice . Academic freedom consists in protecting the intellectual independence of professors, researchers and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself. This means that no political, ideological or religious orthodoxy will be imposed on professors and researchers through the hiring or tenure or termination process, or through any other administrative means by the academic institution. Nor shall legislatures impose any such orthodoxy through their control of the university budget.

This protection includes students. From the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students – as well as faculty – from the imposition of any orthodoxy of a political, religious or ideological nature. The 1915 *General Report* admonished faculty to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own." In 1967, the AAUP's *Joint Statement on Rights and Freedoms of Students* reinforced and amplified this injunction by affirming the inseparability of "the freedom to teach and freedom to learn." In the

words of the report, "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion."

Therefore, to secure the intellectual independence of faculty and students and to protect the principle of intellectual diversity, the following principles and procedures shall be observed.

These principles fully apply only to public universities and to private universities that present themselves as bound by the canons of academic freedom. Private institutions choosing to restrict academic freedom on the basis of creed have an obligation to be as explicit as is possible about the scope and nature of these restrictions.

1. All faculty shall be hired, fired, promoted and granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise and, in the humanities, the social sciences, and the arts, with a view toward fostering a plurality of methodologies and perspectives. No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs.

2. No faculty member will be excluded from tenure, search and hiring committees on the basis of their political or religious beliefs.

3. Students will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.

4. Curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints where appropriate. While teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions.

5. Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.

6. Selection of speakers, allocation of funds for speakers programs and other student activities will observe the principles of academic freedom and promote intellectual pluralism.

7. An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature or other effort to obstruct this exchange will not be tolerated.

8. Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation. To perform these functions adequately, academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry.

Op. cit., p. 50

http://www.studentsforacademicfreedom.org/abor.html

End of Section

~~54.22~~
~~53.5~~
53.6

SHIELD LAWS

WHEREAS, The privilege of authors, journalists and broadcasters to protect the confidentiality of their sources of information is an accepted principle in the United States, and

WHEREAS, This privilege has come under frequent attack in the courts, resulting in the abridgement of freedom of information, and in the harassment and/or jailing of reporters and writers who decline to disclose their sources; and

WHEREAS, The LIBRARY BILL OF RIGHTS cannot be implemented when information is being suppressed at its source, and

WHEREAS, the United States Congress and state legislatures from time to time consider measures, commonly known as shield laws, intended to establish by statute the privilege of confidentiality, now, therefore, be it

RESOLVED, That the American Library Association supports the enactment by Congress of a broad and effective federal shield law, and be it further

RESOLVED, That the Association exhorts its chapters to work vigorously for the enactment of broad and effective shield laws in every state.

Adopted by the Intellectual Freedom Committee
June 27, 1992

reaffirmed
~~Adopted~~ by the ALA Council
at the 1992 Annual Conf., July 1, 1992
Adopted Feb. 1973

AMERICAN LIBRARY ASSOCIATION

Item: INTELLECTUAL FREEDOM *Item Number:* 103.10

Approved by: ALA Council *Page:* 1 *of* 1

Issue Date: February, 1973 *Supersedes:*

Shield laws

WHEREAS, The privilege of authors, journalists and broadcasters to protect the confidentiality of their sources of information is a generally accepted principle in the United States, and

WHEREAS, This privilege has recently come under severe attack in the courts, resulting in the jailing of reporters and the infringement of freedom of information, and

WHEREAS, The LIBRARY BILL OF RIGHTS cannot be implemented when information is being suppressed at its source, and

WHEREAS, The United States Congress and numerous state legislatures are presently considering measures, commonly known as shield laws, that would clearly establish by statute the privilege of confidentiality,

NOW, THEREFORE, BE IT RESOLVED, That the American Library Association strongly supports the enactment by Congress of a broad and effective federal shield law,

AND BE IT FURTHER RESOLVED, That the Association exhorts its chapters to work vigorously for the enactment of similarly broad and effective shield laws in every state.

End of Section

53.7

RESOLUTION ON LOYALTY OATHS

WHEREAS, A democracy must preserve freedom of thought and expression if it is to survive; and

WHEREAS, Librarians have a unique responsibility to provide information on all sides of controversial issues, but cannot do so if intellectual conformity becomes a factor affecting their employment or tenure; and

WHEREAS, Loyalty tests can easily lead to the violation of the constitutional rights of library employees by allowing inquiries into their personal affiliations and beliefs; and

WHEREAS, Requiring library employees to sign loyalty oaths contributes to an atmosphere of suspicion and fear and places constraints on intellectual freedom by implying that it is hazardous for library employees to hold or express views other than those condoned by the employer; and

WHEREAS, Loyalty tests or oaths are sometimes required as a condition of employment requirements in libraries, thus effectively compelling many potential employees to sign meaningless and ineffective affirmations of allegiance; therefore, be it

RESOLVED, That we, the American Library Association, protest conditions of employment predicated on inquires into library employees' thoughts, reading matter, associates, or membership in organizations. We also strongly protest compulsory affirmations of allegiance as a condition of employment in libraries. We call on libraries not to impose loyalty tests or oaths as conditions of employment.

Adopted by the Intellectual Freedom Committee
June 27, 1992

First adopted by the ALA Council in 1948
Last revision adopted by the ALA Council July 1, 1992
at the ALA Annual Conference

End of Section

PMC 1992-93 CD#24

~~53.7~~

53.8 ~~58~~

(C) The following statement on non-destruction of libraries was adopted by Council January 1971:

Inasmuch as the American Library Association describes itself in its Goals for Action, "as an organization devoted to the service of society through libraries and librarians, has as its overarching objective the provision of adequate library service of excellent quality freely available to all," and, its second goal is "the provision in all educational institutions of library collections, services and facilities fully adequate to support their programs of instruction and research and to stimulate a lively and continuing interest on the part of the student in reading and self education," and millions of days of work and billions of dollars of public and private funds have been expended in attempting to provide adequate collections for the use of all the people of the United States:

Council approved reinsertion of policy at the 1993 Midwinter Mtg.

VOTED, That the membership of the American Library Association deplores the destruction of libraries, library collections and property, and the disruption of the educational process by that act, whether it be done by individuals or groups of individuals and whether it be in the name of honest dissent, the desire to control or limit thought or ideas, or for any other purpose.

The IFC recommends that the policy be reinserted into the *Policy Manual*, and PMC concurs, and recommends placement in Section 53 in the next printing of the ***Policy Manual.***

Originally adopted by Council in Jan. 1971

End of Section

53.9

Item 7. ALA Policy 53.8 (Libraries: An American Value). Based on majority approval of the Council, the PMC recommends addition of the following policy:

"Libraries in America are cornerstones of the communities they serve. Free access to the books, ideas, resources, and information in America's libraries is imperative for education, employment, enjoyment, and self-government.

"Libraries are a legacy to each generation, offering the heritage of the past and the promise of the future. To ensure that libraries flourish and have the freedom to promote and protect the public good in the 21st century, we believe certain principles must be guaranteed.

"To that end, we affirm this contract with the people we serve:

> "We defend the constitutional rights of all individuals, including children and teenagers, to use the library's resources and services;
>
> "We value our nation's diversity and strive to reflect that diversity by providing a full spectrum of resources and services to the communities we serve;
>
> "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services;
>
> "We connect people and ideas by helping each person select and effectively use the library's resources;
>
> "We protect each individual's privacy and confidentiality in the use of library resources and services;
>
> "We protect the rights of individuals to express their opinions about library resources and services;
>
> "We celebrate and preserve our democratic society by making available the widest possible range of viewpoints, opinions and ideas, so that all individuals have the opportunity to become lifelong learners - informed, literate, educated, and culturally enriched.

"Change is constant; but these principles transcend change and endure in a dynamic technological, social and political environment.

"By embracing these principles, libraries in the United States can contribute to a future that values and protects freedom of speech, in a world that celebrates both our similarities and our differences, respects individuals and their beliefs, and holds all persons truly equal and free."

Adopted February 3, 1999, by the ALA Council. (see CD#4 1998-99)

codified by Council, 1999 Annual Conf.

1998-99 CD#4
(1999 ALA Midwinter Meeting)

RESOLUTION ON "LIBRARIES: AN AMERICAN VALUE"

WHEREAS, There is need for an intellectual freedom statement appropriate for the twenty-first century and intended for the public that articulates the issues, principles, and vital importance of First Amendment freedom in an Information Age; and

WHEREAS, A special task force appointed by ALA President Ann Symons has solicited input and recommendations on a draft statement during an extensive series of hearings and through wide dissemination of the statement, incorporating those changes representing a consensus of the Association's members and leadership; and

WHEREAS, Over two-thirds of the members of the ALA Council (see the attached list) have agreed to second a formal motion to adopt the attached statement, in addition to endorsement by a significant number of ALA divisions, units, affiliates and chapters (see attached list); now, therefore, be it

RESOLVED, That the attached statement, entitled "Libraries: An American Value," be adopted as an official policy of the American Library Association.

MOVED BY: ANN SYMONS, ALA PRESIDENT
SECONDED BY: SEE ATTACHED LIST OF ALA COUNCIL MEMBERS

LIBRARIES: AN AMERICAN VALUE
FINAL DRAFT - SEPTEMBER 1998

Libraries in America are comerstones of the communities they serve. Free access to the books, ideas, resources, and information in America's libraries is imperative for education, employment, enjoyment, and self-government.

Libraries are a legacy to each generation, offering the heritage of the past and the promise of the future. To ensure that libraries flourish and have the freedom to promote and protect the public good in the 21st century, we believe certain principles must be guaranteed.

To that end, we affirm this contract with the people we serve:

> We defend the constitutional rights of all individuals, including children and teenagers, to use the library's resources and services;
>
> We value our nation's diversity and strive to reflect that diversity by providing a full spectrum of resources and services to the communities we serve;
>
> We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services;
>
> We connect people and ideas by helping each person select and effectively use the library's resources;
>
> We protect each individual's privacy and confidentiality in the use of library resources and services;
>
> We protect the rights of individuals to express their opinions about library resources and services;
>
> We celebrate and preserve our democratic society by making available the widest possible range of viewpoints, opinions and ideas, so that all individuals have the opportunity to become lifelong learners - informed, literate, educated, and culturally enriched.

Change is constant; but these principles transcend change and endure in a dynamic technological, social and political environment.

By embracing these principles, libraries in the United States can contribute to a future that values and protects freedom of speech, in a world that celebrates both our similarities and our differences, respects individuals and their beliefs, and holds all persons truly equal and free.

IF21 Committee:

June Pinnell-Stephens, Chair

Ann Symons	Dianne Hopkins
Pam Klipsch	Lillian Broad
Don Sager	Faye Chadwell
Nancy Bolt	Charles Harmon
Deborah Jacobs	Judith Krug, ALA Staff
Steven Herb	

ALA COUNCIL MEMBERS WHO HAVE AGREED TO SECOND THE ADOPTION OF "LIBRARIES: AN AMERICAN VALUE" AS OF JANUARY 7, 1999

Adams, Judith
Alire, Camila
Aman, Maryjo
Anderson, Mary Jane
Arteaga, Judy
Auerbach, Rita
Avery, Gail
Baker, Judith
Balcom, Kathleen
Barnes, Joseph
Barrett, John
Beach, Jackie
Bean, Ethelle
Bennett, Jim
Berry, John
Berry, June
Bigelow, Therese
Bingham, Beth
Bishoff, Liz
Bonnell, Pamela
Brodie, Carolyn
Brown, Charles
Buckley, Francis
Cain, Carolyn
Calabrese, Alice
Carver, Deborah
Cassell, Kay
Caywood, Carolyn
Cochrane, Lynn
Conable, Gordon
Crocker, Jane
Cummins, Julie
Daniels, Bruce
Davenport, Nancy
Dawson, Rose
DeCandido, GraceAnne
DeWeese, June
Diehl, Carol
Downing, Karen
Dresang, Eliza
Ertel, Monica
Farley, Judith
Ford, Barbara
Franklin, Robert
Garcia, June
Golrick, Michael
Gruhl, Andrea
Gunckel, David
Haley, Anne
Haycock, Ken
Herrera, Luis
Hill, Janet
Hilyard, Nann
Hogan, Patricia
Huiskamp, Juliana
Hunt, Mary
Iacono, Frank
Ison, Jan
Jay, M. Ellen
Josey, E.J.
Kamm, Sue
Keene, Janis
Killeen, Erlene
King, Judith
Kinsey, Sally
Kirkpatrick, Margaret
Koyama, Janice
Krois, Jerome
Kunzel, Bonnie
Long, Sarah
Lowe, Joy
Lutz, Marilyn
Malcolm, Melissa
Martin, Robert
Matthews, Stephen
Meyers, Judith
Mielke, Linda
Mika, Joseph
Miller, Tamara
Moore, Virginia
Morris, Jacqueline
Neal, James
Newlen, Robert
Oliver, Kenton
Oyler, Patricia
Page, Dennis
Parikh, Neel
Raphael, Mary
Rea, Linda
Reed, Sally
Ridings, Jacqueline
Roberts, William
Robinson, Charles
Romans, Larry
Russell, Ralph
Sager, Don
Schneider, Karen
Selverstone, Harriet
Sitter, Clara
Skinner, Janice
Smith, Patricia
Spencer, Pamela
Stripling, Barbara
Stone, Carl
Stone, Deborah Coleman
Thomas, Lucille
Toor, Ruth
Tsai, Betty
Walsh, Jan
Wendt, Ma'lis
Wheeler, Maurice
Wong, Patricia
Wood, Camille
Woolls, E. Blanche
Wronka, Gretchen
Wynn, Vivian
Yamashita, Kenneth

ORGANIZATIONS THAT HAVE ENDORSED "LIBRARIES: AN AMERICAN VALUE"
as of January 7, 1999

ALA Divisions and Units:

AASL
ASCLA
LAMA
LITA
RUSA (provisional)
YALSA
ALA IFC

State Associations:

Alabama LA
Alaska LA (resolution of support)
Arkansas LA
California LA
Colorado LA
Connecticut LA
District of Columbia LA
Georgia LA
Hawaii LA
Illinois LA
Indiana LA
Iowa LA
Kansas LA
Louisiana LA
Maine LA
Michigan LA
Minnesota LA
Mississippi LA
Missouri LA
Nebraska LA
Nevada LA
New England LA
New Hampshire LA
New Mexico LA
New York LA
North Carolina LA
North Dakota LA (endorsed principles)
Oklahoma LA
Oregon LA
Pennsylvania LA
Rhode Island LA
South Dakota LA
Tennessee LA (endorsed principles)
Vermont LA
Virginia LA
Washington LA
Wisconsin LA
West Virginia LA
Wyoming LA

Other Associations and Groups:

American Indian Library Association
Asian/Pacific American Librarians Association (APALA)
Chinese American Library Association (CALA)
Freedom to Read Foundation
Illinois State Library Advisory Committee
Pennsylvania School LA
Vermont Educational Media Association

End of Section

At the 2001 ALA Midwinter Meeting, on recommendation b y the Council Intellectual Freedom Committee, Council adopted 2000-2001 ALA CD#19.3, Violence in the Media: A Joint Statement.

At the 2001 Annual Conference, on recommendation by the Council Policy Monitoring Committee, the ALA Council approved Policy 53.9 (Violence in the Media: A Joint Statement) be added to the ALA Policy Manual as follows:

54.9 Violence in the Media: A Joint Statement. The American Library Association endorses Violence in the Media: A Joint Statement, a statement of the Association of American Publishers, Inc. (See "Policy Reference File": Violence in the Media: A Joint Statement, 2000-2001 CD#19.3)

2000-2001 CD#19.3
(2001 ALA Midwinter Meeting)

MEMORANDUM

Date: November 29, 2000

To: ALA Council

From: Margo Crist, chair, ALA Intellectual Freedom Committee

Subject: Violence in the Media: A Joint Statement

Since Columbine, legislators on the local, state, and national levels have been focusing on violence portrayed in the entertainment media. In September alone, the Senate Commerce Committee held hearings and various members threatened legislation unless the movie industry stringently regulates itself; the Federal Trade Commission reported that movies rated "R" and video games rated "M" are marketed to much younger people; and the Senate Commerce Committee passed a bill that would ban television shows with graphic or gratuitous violence from daylight viewing.

One result of these recent attempts to establish a correlation between violence portrayed in the entertainment media and real violence is a renewed urgency in the book community to complete and issue "Violence in the Media: A Joint Statement" (attached).

The Association of American Publishers (AAP) took the lead in developing this statement, asking for (and receiving) input from both the ALA Intellectual Freedom Committee and the American Booksellers Foundation for Free Expression (ABFFE). On November 29, the statement was issued jointly by the ABFFE, American Society of Journalists and Authors, AAP, Association of American University Presses, Authors Guild, Freedom to Read Foundation, and PEN American Center. The document will be reissued at a major press conference in late January or early February.

The statement promotes ALA's long-held belief that the "cure for problems created by speech is more speech, not censorship," which also is the conclusion of "Shooting the Messenger: Why Censorship Won't Stop Violence" (http://www.mediacoalition.org/STM-main.htm). This report, prepared for The Media Coalition, "analyzes and synthesizes dozens of studies and statistics, debunking the myth that there is a link between violence in the media and real-life violence by demonstrating that while research indicates numerous causes for violence, none of them link directly to media violence."

"Violence in the Media: A Joint Statement" both affirms that however legitimate the concerns about violence are in our society, the proposed cures of legislated censorship are "worse than the illness" and reminds us that our society must continue to guarantee free and unrestricted access to all expressions of ideas, including those that portray violence. The statement expresses this in six principles:

1. Censorship is not the answer to violence in society.
2. The First Amendment protects the widest range of expression.
3. It is not properly the role of the government to evaluate the merits of expression.
4. Evaluating the worth of expression is subjective.
5. Portrayals of violence in the media reflect a violent world.

6. Individuals, not the government, bear responsibility for determining what materials are appropriate for themselves and their children.

Since these principles comply with ALA's intellectual freedom policies, the ALA Intellectual Freedom Committee asked the ALA Executive Board to endorse "Violence in the Media: A Joint Statement" at its fall meeting last October. During that meeting, the Board decided to ask the ALA Council to discuss the statement prior to the 2001 ALA Midwinter Meeting and to determine whether to endorse it in Washington, D.C.

Please keep in mind that the statement is a joint one issued by several organizations; the request is for the ALA Council to endorse the statement as it is. The ALA Intellectual Freedom Committee had substantial input into the statement and encourages Council to endorse it.

Thank you for your time and assistance. The committee looks forward to Council's discussion and endorsement of the statement at Midwinter.

VIOLENCE IN THE MEDIA: A JOINT STATEMENT

The undersigned organizations, whose members represent a broad cross-section of the community of the book in America, believe that concerns being expressed over portrayals of violence in the media, including films, television, music, and video games, as well as communication via the Internet, are generating demands for action that threaten core First Amendment freedoms. The frenetic search for ways to deal with this perceived problem has produced "solutions" that involve either direct government regulation of content or offers to stay the government's hand if the media "clean up their act," that is, engage in self-censorship or labeling practices.

However legitimate the concerns, the proposed cures are worse than the illness. They would extract an unacceptably high price in terms of eroding our fundamental guarantees of free expression. The authors, publishers, booksellers, and librarians who have joined in this statement have often faced criticism over the allegedly harmful effects of the books that they write, publish and make available- books that deal with all aspects of human experience. Our consistent response has been to remind our critics – and interested legislators and judges – of the fundamental precepts of free expression that must guide our society's judgments in these matters.

These first principles, which have allowed the book world to flourish, apply equally to all media of expression. Among them:

1. Censorship is not the answer to violence in society. The root causes of violence in society lie beyond violent portrayals by the media. This being so, the search for solutions must go beyond facile censorship initiatives, which inevitably compromise our fundamental freedom of expression, and instead seek out and attack these root causes. The problem is complex; so, too, are its solutions. There is no "quick fix," and we deceive ourselves if we embrace the view that stifling the media messenger will blot out the sometimes disturbing messages it conveys.

2. The First Amendment protects the widest range of expression. The First Amendment, whether embodied in the freedom to speak, to read, or to communicate through electronic media, is grounded in the proposition that the widest possible array of views and expression must be protected. The strength of the First Amendment lies in the diversity it promotes – the freedom to speak one's mind, to read or watch what one pleases – however out-of-favor, offensive, or irreverent it may be.

3. It is not properly the role of the government to evaluate the merits of expression. An underlying premise of free expression is the recognition that no individual or group, let alone a governmental body, possesses the wisdom to separate "good" from "bad" speech (violent or otherwise); to identify valid versus invalid premises in the elusive search for truth; nor to gauge what speech will promote a better body politic or enhance individual self-fulfillment. This enlightenment is, instead, left to the outcome of a cacophony of speech, clashing – often brilliantly, sometimes banally – in the "marketplace of ideas." It is by exposing, confronting, and addressing controversial speech, not by hiding it beneath a veil of censorship, that the merits of that speech can be tested. In the words of the great Justice Brandeis, the best antidote for false speech is "more speech, not enforced silence."

4. Evaluating the worth of expression is subjective. The controversy over depictions of violence in the media underscores the futility of attempting to define "acceptable" content. Few if

any argue that portrayals of violence play no proper role in works of expression. Rather, most critics take issue with certain portrayals of violence in certain works. Every critic, however, has a unique parade of horrors; no two critics' lists are the same. Indeed, works that some critics deem to be the least "worthy" are deemed by others to be of great value. Judgments as to what constitutes "good" versus "bad" portrayals of violence often tell us more about the sensibilities or politics of the critic than about the "intrinsic worth" of the expression. Experience counsels, moreover, that public tastes and standards of "acceptability" shift dramatically over time. Many books, plays and movies that once were targets of censorship are today revered as classics. If sure-footedness along the path of "desirable" and "undesirable" speech has eluded us for more than 200 years, it is highly improbable that we are now graced with clear vision as to what constitutes desirable and undesirable expression in the form of media portrayals of violence.

5. Portrayals of violence in the media reflect a violent world. Book authors, publishers, booksellers and librarians, along with those engaged in creating and distributing other media, strive to enrich the quality and diversity of thought and expression. But it is also evident that authors, composers, and other creators draw centrally on both history and contemporary culture as sources of inspiration. Before we too quickly condemn media portrayals of violence, we must ask ourselves the degree to which they mirror life experience. One need only turn on the nightly news to be reminded of the pervasiveness of violence in our society. Nor are commentaries on and depictions of violence a recent phenomenon. Throughout history, violence has been a matter of public fascination and absorption, as the Bible, *The Iliad*, and the works of Shakespeare attest. That today's media continue to reflect this enduring aspect of our culture is neither surprising nor a basis for condemnation.

6. Individuals, not the government, bear responsibility for determining what materials are appropriate for themselves and their children. Parents must play the primary role in shaping their children's media choices, and they must prepare their children for the wide range of material and information to which they will be exposed in a free society. The answer to perceived gratuitous violence or demeaning portrayals in the media is not the heavy hand of government censorship, but the conscious control of one's (and one's children's) consumption and choices. The freedom to read, watch, and listen also entails the privilege <u>not</u> to do any of these and to discourage or prohibit one's children from reading, watching, or listening to particular materials – at all or in excess. If the media misread the degree of public interest in or tolerance for particular fare – violent or otherwise – surely the swiftest way for the public to get that message across in our free-market economy is at the box office, the book or record store, or via the channel selector of a television set.

The foregoing principles apply with equal force to the Internet. Even in its early development, the Internet offers unique promise as a communication medium. The very novelty of the Internet affords breathtaking new speech vistas; at the same time, its ubiquitousness has fueled rash censorship initiatives that would severely limit, if not block from attainment altogether, those new speech horizons. As with our treatment of the media that preceded it, the Internet must be left to develop with an appreciation that concern for our children and fundamental speech freedoms are not mutually exclusive, and that we do not have to sacrifice one for the other, but can – and must – find ways to nurture both.

End of Section

At the 2005 ALA Midwinter Meeting, the ALA Council adopted CD#19.1, Radio Frequency Identification (RFID) Technology and Privacy Principles.

At the 2005 ALA Annual Conference, the Council Policy Monitoring Committee recommended that the following policy abstract be added to ALA Policy Manual as follows:

53:11 RFID Privacy Principles

All businesses, organizations, libraries, educational institutions, and non-profits that buy, sell, loan, or otherwise make available books and other content to the public utilizing RFID technologies shall:

1. Implement and enforce an up-to-date organizational privacy policy that gives notice and full disclosure as to the use, terms of use, and any change in the terms of use for data collected via new technologies and processes, including RFID.

2. Ensure that no personal information is recorded on RFID tags which, however, may contain a variety of transactional data.

3. Protect data by reasonable security safeguards against interpretation by an unauthorized third party.

4. Comply with relevant federal, state, and local laws as well as industry best practices and policies.

5. Ensure that the four principles outlined above must be verifiable by an independent audit.

(*See* "Policy Reference File": Resolution on Radio Frequency Identification (RFID) Technology and Privacy Principles: 2004-2005 CD 19.1)

RESOLUTION ON RADIO FREQUENCY IDENTIFICATION (RFID) TECHNOLOGY AND PRIVACY PRINCIPLES

WHEREAS, Radio Frequency Identification (RFID) is a technology that uses various electronic devices, such as microchip tags, tag readers, computer servers, and software, to automate library transactions; and

WHEREAS, the use of RFID technology promises to improve library operations by increasing the efficiency of library transactions, reducing workplace injuries, and improving services to library users; and

WHEREAS, many libraries are adopting or in the process of adopting RFID technology to automate library circulation, inventory management, and security control; and

WHEREAS, consumers, consumer groups, librarians, and library users have raised concerns about the misuse of RFID technology to collect information on library users' reading habits and other activities without their consent or knowledge; and

WHEREAS, protecting user privacy and confidentiality has long been an integral part of the mission of libraries; and

WHEREAS, the ALA Code of Ethics states, "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted"; and

WHEREAS, *Privacy: An Interpretation of the Library Bill of Rights* states that "The American Library Association affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethics and practice of librarianship," and calls upon librarians "to maintain an environment respectful and protective of the privacy of all users"; and

WHEREAS, the ALA Intellectual Freedom Committee recognizes the importance of developing policies and guidelines for appropriate implementation of RFID technology in light of the profession's commitment to preserving user privacy and its concern for preserving the trust of library users; and

WHEREAS, the ALA Intellectual Freedom Committee and the ALA Office for Information Technology Policy, recognizing the immediate need to draft privacy principles to protect and promote ALA's values, joined with the Book Industry Study Group (BISG) to form a working group dedicated to developing a set of privacy principles to govern the use of RFID technology by all organizations and industries related to the creation, publication, distribution, and retail sale of books and their use in libraries; now, therefore, let it be

RESOLVED, that the American Library Association endorse the "BISG Policy Statement Policy #002: RFID — Radio Frequency Identification Privacy Principles" (Exhibit I) developed by the IFC and the OITP with the BISG and other working groups; and be it further

RESOLVED, that ALA affirm established privacy norms within and across the business, government, educational, and nonprofit spectrum, specifically acknowledging two essential privacy norms:

- Data transferred among trading partners related to customer and/or patron transactions shall be used solely for related business practices and no unauthorized transaction shall be permitted.

- Data related to customer and/or patron transactions shall not compromise standard confidentiality agreements among trading partners or information users; and be it further

RESOLVED, that the ALA adopt the following "RFID Privacy Principles" developed by the IFC and OITP with the BISG RFID working group:

> All businesses, organizations, libraries, educational institutions and non-profits that buy, sell, loan, or otherwise make available books and other content to the public utilizing RFID technologies shall:
>
> 1) Implement and enforce an up-to-date organizational privacy policy that gives notice and full disclosure as to the use, terms of use, and any change in the terms of use for data collected via new technologies and processes, including RFID.
>
> 2) Ensure that no personal information is recorded on RFID tags which, however, may contain a variety of transactional data.
>
> 3) Protect data by reasonable security safeguards against interpretation by any unauthorized third party.
>
> 4) Comply with relevant federal, state , and local laws as well as industry best practices and policies.
>
> 5) Ensure that the four principles outlined above must be verifiable by an independent audit; and be it further

RESOLVED, that the ALA continue to monitor and to address concerns about the potential misuse of RFID technology to collect information on library users' reading habits and other activities without their consent or knowledge; and be it further

RESOLVED, that the ALA develop implementation guidelines for the use of RFID technologies in libraries.

Submitted by the Intellectual Freedom Committee and the Office for Information Technology Policy Advisory Committee

Endorsed in principle by Intellectual Freedom Round Table
Endorsed in principle by the Social Responsibilities Round Table
Endorsed in principle by the ALA Committee on Legislation

BISG Policy Statement

Policy #002: RFID - Radio Frequency Identification Privacy Principles

Approved : September 23, 2004

Overview

We, the industries and organizations related to the creation, publishing, distribution, and retail sales of books and their use in libraries, strive to ensure confidentiality when we collect any personally identifiable information about our users. This ideal holds as we consider, adopt and/or implement any new technology, such as RFID (Radio Frequency Identification). The right to privacy is essential to the exercise of free speech, free thought, and free association. Lack of privacy and confidentiality chills users' choices, suppressing access to ideas. The possibility of surveillance, whether direct or through access to records of speech, research and exploration, undermines a democratic society.

While the potential of RFID for cost savings, reduction in workplace injuries, and new efficiencies are enormous, it is equally important to answer the privacy concerns that have already been raised by consumers, consumer groups and legislative bodies. We recognize that when technical capabilities are combined with competitive business pressures "to know and capture the customer," -- as well as national security concerns -- the capability to meet consumer, citizen and legislated privacy mandates becomes increasingly difficult. Thus, the potential for misuse and abuse of personal information and loss of trust become major public policy issues.

These guidelines represent the approach our industries and organizations will take to reduce the potential for misuse of personal information and to avoid the loss of trust of consumers and library users. Since some forms of RFID technology are already in use in some libraries, and may be explored by many others as well as in different areas of the publishing value chain (at such time as it makes economic and consumer sense), we believe that now is the time to publish these guidelines.

We would like to emphasize that the scope and purpose of these guidelines is not to restate the well-developed principles of privacy protection that have been defined over the past thirty years, both in the US and overseas. These guidelines are meant to address specifically the new aspects of privacy protection, and respect for personal information that are generated by the implementation of RFID technology, even as it changes and evolves over time.

In asserting our adherence to these RFID privacy principles we also affirm our respect for established privacy norms within and across the business, government, educational and non-profit spectrum. For example:

- Data transferred among trading partners related to customer and/or patron transactions shall be used solely for related business practices and no unauthorized transaction shall be permitted.
- Data related to customer and/or patron transactions shall not compromise standard confidentiality agreements among trading partners or information users.

These privacy norms are intended to include all current practices to ensure safe and secure data transfer such as in the use of electronic (EDI) transactions.
As with all policies created by the Book Industry Study Group, we encourage wide spread distribution and dissemination. Any edits or alterations to improve but not limit the policy are also encouraged and supported by the Book Industry Study Group. Any altered policy must still contain and sustain the spirit in which these principles were established.

RFID Privacy Principles

All businesses, organizations, libraries, educational institutions and non-profits that buy, sell, loan, or otherwise make available books and other content to the public utilizing RFID technologies shall:

1) Implement and enforce an up-to-date organizational privacy policy that gives notice and full disclosure as to the use, terms of use, and any change in the terms of use for data collected via new technologies and processes, including RFID.

2) Ensure that no personal information is recorded on RFID tags which, however, may contain a variety of transactional data.

3) Protect data by reasonable security safeguards against interpretation by any unauthorized third party.

4) Comply with relevant federal, state , and local laws as well as industry best practices and policies.

5) Ensure that the four principles outlined above must be verifiable by an independent audit.

This policy has been developed and released by the Book Industry Study Group in cooperation with the American Library Association, Office of Information Technology and the Office for Intellectual Freedom, as well as the National Information Standards Organization

Glossary / Terms

Radio Frequency Identification (RFID) technology refers to a system that incorporates all physical, electronic or digital elements that enable RFID tags and readers to collect, use and store required data. Elements include tags, readers, computer hardware (such as servers), and RFID-specific software.

Radio Frequency Identification (RFID) Tag is a small piece of material, typically composed and therefore defined by three components: an antenna, a silicon microchip unit containing memory storage and an encapsulating material. Generally speaking, a tag is unlike a barcode (which have been the scanning option of choice in libraries) because tags do not require a direct line of sight for reading and you can read more than 1 tag simultaneously. This ensures that multiple items can be left untouched and scanned at the same time through hard material such as a CD casing or book cover. A standard library frequency setting should be 13.56 MHz (an approved frequency of operation under U.S. FCC regulations).

Passive Radio Frequency Identification (RFID) Tag has no power source and no on-tag transmitter built onto it. The read range of a passive tag is directly related to the size of the tag, and is typically less than 10-metres and is more sensitive to regulatory and environmental constraints. Passive tags are generally the lowest in cost making them suitable for use in large inventories of books and other media formats.

Active Radio Frequency Identification (RFID) Tag has both an on-tag power source and an active transmitter. They are connected to their own battery. They can be read at a much higher range- from several kilometers away. But they are larger and more expensive. They are usually used in manufacturing, such as tracking equipment and other high value assets, toll collection systems, or for logistics where the tag may be reused.

Radio Frequency Identification (RFID) Reader varies in shape from being a portable handheld terminal to fixed devices positioned at strategic points such as at library entrance ways or loading bays in manufacturing or distribution centers. The reader is equipped with antennas for sending and receiving signals, a transceiver and a processor to decode data. With passive tags, the RFID reader transmits an energy field that activates the tag and powers its chip, enabling it to transmit or store data. Active tags may be programmed to transmit signals, so that data may be captured by multiple readers and distributed throughout a facility.

Read-Only Tag refers to the form of RFID tags that have an identification code recorded at the time of manufacture or when allocated to an object. Once programmed, the data on the read only tag cannot be modified or appended, but can be read many times.

Read-Write Tag refers to the form of RFID tags that can have their memory changed, or written to, many times. Because they enable their ID codes to be changed, they offer greater functions but at a greater cost.

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http://cse.stanford.edu/class/cs201/handouts/h29.pdf

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Privacy Rights Clearinghouse, A Checklist of Responsible Information-Handling Practices:
http://www.privacyrights.org/fs/fs12-ih2.htm

Computer Professionals for Social Responsibility, Electronic Privacy Principles:
http://www.cpsr.org/program/privacy/privacy8.html

United States Federal Trade Commission, *Privacy Tips*:
http://www.ftc.gov/bcp/conline/pubs/alerts/privtipsalrt.htm

End of Section

At the 2010 ALA Midwinter Meeting, on recommendation b y the Policy Monitoring Committee, the ALA Council revised 53.12, Threats to Library Materials Related to Sex, Gender Identity, or Sexual Orientation, by deleting the word "affirms" and replacing it with the word "supports"; deleting the words "gender identity" from the first and second sentences of the policy, and inserting the phrase "gender identity or expression" following the words "sexual orientation." The policy would now read:

53.12 Threats to Library Materials Related to Sex, Gender Identity, or Sexual Orientation

The American Library Association supports the inclusion in library collections of materials that reflect the diversity of our society, including those related to sex, sexual orientation, and gender identity or expression. ALA encourages all American Library Association chapters to take active stands against all legislative or other government attempts to proscribe materials related to sex, sexual orientation, and gender identity or expression; and encourages all libraries to acquire and make available materials representative of all the people in our society. Adopted, 2005, Amended 2009. (See "Policy Reference File": Resolution on Threats to Library Materials Related to Sex, Gender Identity, or Sexual Orientation, 2004-2005 ALA CD#57)

NOTE TO READER: The following was taken from the Policy Monitoring Committee Report, 2009-2010 ALA CD#17, Items #7.1-7.4. Terminology regarding gender identity.

It has come to PMC's attention that within the Policy Manual there is variation in language used to describe the concepts of sexual orientation, gender identity, gender expression, etc. Differences in terminology appear to arise primarily from the accepted terminology in use at the time individual policies were passed, rather than from any intended difference in scope. Nevertheless, PMC is concerned that the differences in wording might be interpreted as defining limitations to the scope of particular policies, and believes that to the extent possible, a single term should be used. GLBTRT has advised PMC that the current preferred terminology is "gender identity or expression" and recommends that whenever the Policy Manual specifies "sexual orientation," it should immediately be followed by "gender identity or expression, and where "gender identification" currently appears by itself (usually before "sexual orientation"), it should be removed and "gender identity or expression" should immediately follow "sexual orientation."

The above recommended language changes were made in ALA policies: 9.2, Affiliation with other Organizations; 53.1.15, Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation; 54.3, Equal Employment Opportunity; and 53.12, Threats to Library Materials Related to Sex, Gender Identity, or Sexual Orientation.

At the 2005 ALA Annual Conference, Councilors Carolyn Caywood, IFRT Councilor and K.R. Roberto, Councilor-at-Large, Council adopted 2004-2005 ALA CD#57 Revised.

At the 2006 ALA Midwinter Meeting, on recommendation by the Council Policy Monitoring Committee, Council added into the ALA Policy Manual, the following abstract for Policy 53.12, Threats to Library Materials Related to Sex, Gender Identity, or Sexual Orientation:

The American Library Association affirms the inclusion in library collections of materials that reflect the diversity of our society, including those related to sex, gender identity, or sexual orientation. ALA encourages all American Library Association chapters to take active stands against all legislative or other government attempts to proscribe materials related to sex, gender identity, or sexual orientation; and encourages all libraries to acquire and make available materials representative of all the people in our society.

2004-2005 CD#57 Revised
2005 ALA Annual Conference

Resolution on
Threats to Library Materials Related to Sex, Gender Identity, or Sexual Orientation

WHEREAS, some elected officials of federal, state, and local governments have proposed to restrict or prohibit access to materials related to sexual orientation within their publicly funded libraries; and

WHEREAS, fair and equal representation of all the diverse expressions of life of the citizens of these United States is protected by the First Amendment and by state constitutions, and attempts to proscribe such representation in publicly funded libraries violates freedom of speech; and

WHEREAS, libraries serve "all people of the community the library serves," and "materials should not be proscribed or removed because of partisan or doctrinal disapproval" (Policy 53.1, "Library Bill of Rights"); and

WHEREAS, "Intellectual freedom, the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored" (Policy 53.1.11, "Diversity in Collection Development"); and

WHEREAS, "The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including sex, gender identity, or sexual orientation" (Policy 53.1.15, "Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation"); and

WHEREAS, libraries have an obligation under the Library Bill of Rights to disseminate information representing all points of view on the topic of gay rights (Policy 54.17, "Gay Rights"); and

WHEREAS, the American Library Association is committed to combating prejudice, stereotyping, and discrimination against individuals and groups in library services because of sexual orientation (Policy 60.2, "Combating Prejudice, Stereotyping, and Discrimination"); and

WHEREAS, "Libraries are a traditional forum for the open exchange of information. Attempts to restrict access to library materials violate the basic tenets of the Library Bill of Rights"(Policy 53.1.6, "Restricted Access to Library Materials"); and

WHEREAS, the American Library Association recognizes the right and responsibility of parents to pass on their values by monitoring their child's access to library materials; and,

WHEREAS, the American Library Association affirms the important role of local library boards, librarians, and library workers as promoters of the American values of inclusiveness, tolerance, and mutual respect within their communities; now, THEREFORE BE IT

RESOLVED, that the American Library Association affirm the inclusion in library collections of materials that reflect the diversity of our society, including those related to sex, gender identity, or sexual orientation; and, BE IT FURTHER

RESOLVED, that the American Library Association encourage all American Library Association ~~state~~ chapters to take active stands against all legislative or other government attempts to proscribe materials related to sex, gender identity, or sexual orientation; and, BE IT FURTHER

RESOLVED, that the American Library Association encourage all libraries to acquire and make available materials representative of all the people in our society.

Originating Units:
Gay, Lesbian, Bisexual, and Transgendered Round Table and Intellectual Freedom Round Table

Moved: Carolyn Caywood, IFRT Councilor (ccaywood@vbgov.com)
Seconded: K. R. Roberto, Councilor At Large (kroberto@uga.edu)

ENDORSEMENTS BY ALA UNITS AND/OR COMMITTEES (IF ANY):
Endorsed by the Intellectual Freedom Committee, the Social Responsibilities Round Table, and the Social Responsibilities Round Table Feminist Task Force.

End of Section

At the 2010 Annual Meeting ALA Council adopted 2009-2010 ALA CD#19.3 Prisoners' Right to Read: An Interpretation of the *Library Bill of Rights*. To bring the *ALA Policy Manual* in agreement with this resolution, the Policy Monitoring Committee recommended at the 2011 Midwinter Meeting, in San Diego, CA, and Council adopted the inclusion of ALA Policy 53.1.23, Prisoners' Right to Read, into the *ALA Policy Manual.* The new policy reads:

53.1.23 Prisoners' Right to Read

The American Library Association asserts a compelling public interest in the preservation of intellectual freedom for individuals of any age held in jails, prisons, detention facilities, juvenile facilities, immigration facilities, prison work camps and segregated units within any facility. Those who cherish their full freedom and rights should work to guarantee that the right to intellectual freedom is extended to all incarcerated individuals. Adopted 2010.
(See Policy Reference File: Prisoners' Right to Read: An Interpretation of the *Library Bill of Rights*: 2009–2010 ALA CD#19.3)

NOTE TO READER: These interpretations are traditionally represented in the *ALA Policy Manual* by means of an abstract supplied by the originating committee, followed by a reference to the Policy Reference File, where the full text of the Interpretation resides. New interpretations are inserted in the order they are added.

Prisoners' Right to Read

An Interpretation of the *Library Bill of Rights*

The American Library Association asserts a compelling public interest in the preservation of intellectual freedom for individuals of any age held in jails, prisons, detention facilities, juvenile facilities, immigration facilities, prison work camps and segregated units within any facility. As Supreme Court Justice Thurgood Marshall wrote in *Procunier v Martinez* [416 US 428 (1974)]:

> When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-realization concluded. If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment.

Participation in a democratic society requires unfettered access to current social, political, economic, cultural, scientific, and religious information. Information and ideas available outside the prison are essential to prisoners for a successful transition to freedom. Learning to be free requires access to a wide range of knowledge, and suppression of ideas does not prepare the incarcerated of any age for life in a free society. Even those individuals that a lawful society chooses to imprison permanently deserve access to information, to literature, and to a window on the world.

Censorship is a process of exclusion by which authority rejects specific points of view. That material contains unpopular views or even repugnant content does not provide justification for censorship. Unlike censorship, selection is a process of inclusion that involves the search for materials, regardless of format, that represent diversity and a broad spectrum of ideas. The correctional library collection should reflect the needs of its community.

Libraries and librarians serving individuals in correctional facilities may be required by federal, state, or local laws; administrative rules of parent agencies; or court decisions to prohibit material that instructs, incites, or advocates criminal action or bodily harm or is a violation of the law. Only those items that present an actual compelling and imminent risk to safety and security should be restricted. Although these limits restrict the range of material available, the extent of limitation should be minimized by adherence to the *Library Bill of Rights* and its Interpretations.

These principles should guide all library services provided to prisoners:

- Collection management should be governed by written policy, mutually agreed upon by librarians and correctional agency administrators, in accordance with the *Library Bill of Rights,* its Interpretations, and other ALA intellectual freedom documents.
- Correctional libraries should have written procedures for addressing challenges to library materials, including a policy-based description of the disqualifying features, in

accordance with "Challenged Materials" and other relevant intellectual freedom documents.

- Correctional librarians should select materials that reflect the demographic composition, information needs, interests, and diverse cultural values of the confined communities they serve.
- Correctional librarians should be allowed to purchase materials that meet written selection criteria and provide for the multi-faceted needs of their populations without prior correctional agency review. They should be allowed to acquire materials from a wide range of sources in order to ensure a broad and diverse collection. Correctional librarians should not be limited to purchasing from a list of approved materials.
- Age is not a reason for censorship. Incarcerated children and youth should have access to a wide range of fiction and nonfiction, as stated in "Free Access to Libraries for Minors."
- Correctional librarians should make all reasonable efforts to provide sufficient materials to meet the information and recreational needs of prisoners who speak languages other than English.
- Equitable access to information should be provided for persons with disabilities as outlined in "Services to People with Disabilities."
- Media or materials with non-traditional bindings should not be prohibited unless they present an actual compelling and imminent risk to safety and security.
- Material with sexual content should not be banned unless it violates state and federal law.
- Correctional libraries should provide access to computers and the Internet.

When free people, through judicial procedure, segregate some of their own, they incur the responsibility to provide humane treatment and essential rights. Among these is the right to read. The right to choose what to read is deeply important, and the suppression of ideas is fatal to a democratic society. The denial of the right to read, to write, and to think—to intellectual freedom—diminishes the human spirit of those segregated from society. Those who cherish their full freedom and rights should work to guarantee that the right to intellectual freedom is extended to all incarcerated individuals.

End of Section