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Challenges to Intellectual Freedom: *It's not just about Banning Books*

Prepared by Joyce McIntosh

May 2022



Freedom to Read Foundation
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Intellectual Freedom
American Library Association

ALA Office for Intellectual Freedom

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The Original Censorship Hotline

Anyone can contact OIF – you don't have to be an ALA member!

oif@ala.org (Email works best these days!)

800-545-2433 ext. 4221

<http://www.ala.org/tools/challengesupport>

<http://www.ala.org/tools/challengesupport/report>

Other support organizations

National Council of Teachers of English

- National Coalition Against Censorship • ACLU • PEN America



ALA Responds: Local Libraries



ala.org/advocacy/fight-censorship

Challenge Support

One-on-One confidential Support

Where circumstances allow, public statements and letters of support

Merritt Humanitarian Fund (financial support) /

Freedom to Read Foundation (legal support)

Confidential reporting and data collection

Trend spotting, Advocacy

Public awareness: Most Challenged Books,
Banned Books Week

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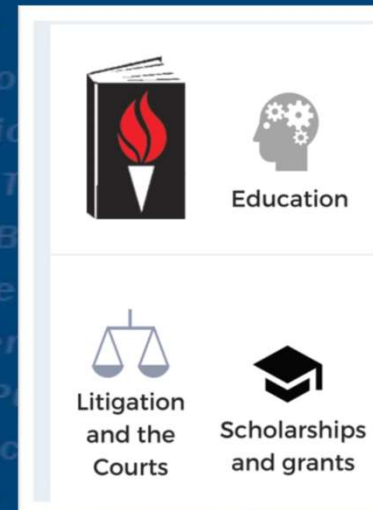
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First Amendment:

Education

Litigation

Advocacy



www.ftrf.org



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ALA Responds: National Campaign

Public-facing, national campaign that will mobilize and unite the library ecosystem to fight book bans

Support for State/Local Initiatives

Reframe the narrative about libraries

Emphasize core values and move libraries out of partisan conflicts

Recruit and equip members of the public to support libraries and free access to information

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Donate

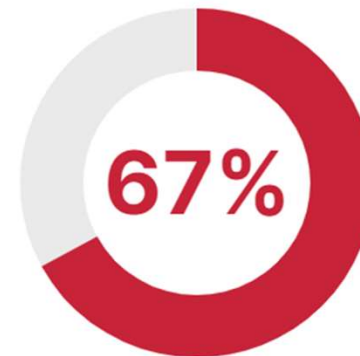
Raise Your Voice

Unite Against Book Bans is a national initiative to empower readers everywhere to stand together in the fight against censorship.

We are not alone. On both sides of the aisle, large majorities of voters and parents oppose book bans.



of voters oppose efforts to remove books from public libraries.



of voters oppose efforts to remove books from school libraries.

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Library Bill of Rights

Basic Overview:

- I. Books and other library resources should be provided and not excluded
- II. Libraries should provide materials and information presenting all points of view on current and historical issues
- III. Libraries should challenge censorship
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries that 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.

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Freedom to Read

Adopted June 25, 1953

A Joint Statement by:

American Library Association & Association of American Publishers

Subsequently endorsed by:

American Booksellers Foundation for Free Expression

The Association of American University Presses, Inc.

The Children's Book Council

Freedom to Read Foundation

National Association of College Stores

National Coalition Against Censorship

National Council of Teachers of English

The Thomas Jefferson Center for the Protection of Free Expression



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ALA Code of Ethics

- We provide the highest level of service to all library users
- We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- We protect each library user's right to privacy and confidentiality
- We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
- We treat co-workers and other colleagues with respect, fairness, and good faith
- We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- We distinguish between our personal convictions and professional
- We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills
- **We affirm the inherent dignity and rights of every person. We work to recognize and dismantle systemic and individual biases; to confront inequity and oppression; to enhance diversity and inclusion; and to advance racial and social justice in our libraries, communities, profession, and associations through awareness, advocacy, education, collaboration, services, and allocation of resources and spaces.**



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We are a *Limited Public Forum*

As with any public forum the 1st Amendment protects people's rights to use the forum without government interference related to the content of what is communicated there.

As a limited public forum, a public library may impose reasonable "time, place, and manner" restrictions on patron behavior.



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What is intellectual freedom?

Intellectual freedom is the right of unrestricted access to information and ideas, protected by the First Amendment.



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What is Censorship?

Efforts to ban, prohibit, remove, label or restrict library materials, based on the belief that the materials will corrupt children, offend the unwary reader, or undermine moral values.



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What's Happening: The View from 30,000 Feet

- Partisan advocacy groups targeting school and library boards
- Disruptions/challenges at board public comment sessions
- Challenges to diverse content fueled by social media
 - LGBTQIA+, sex education materials
 - Books addressing racism or the experiences of those who are Black, Indigenous, or Persons of Color
- Board Recalls and Elections
- Criminal Complaints targeting library staff, educators, and materials



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What's Happening: The View from 30,000 Feet

Adverse State legislation

Bans or limits on discussing or teaching "divisive topics," or "Critical Race Theory"

Bans or limits on discussing, teaching or providing information about LGBTQIA+ topics ("Don't Say Gay")

Eliminating longstanding legal defenses to obscenity prosecutions for librarians and educators

Filtering/regulation of research databases like EBSCO

Parental Rights / Private Right of Action / Parent Oversight Boards



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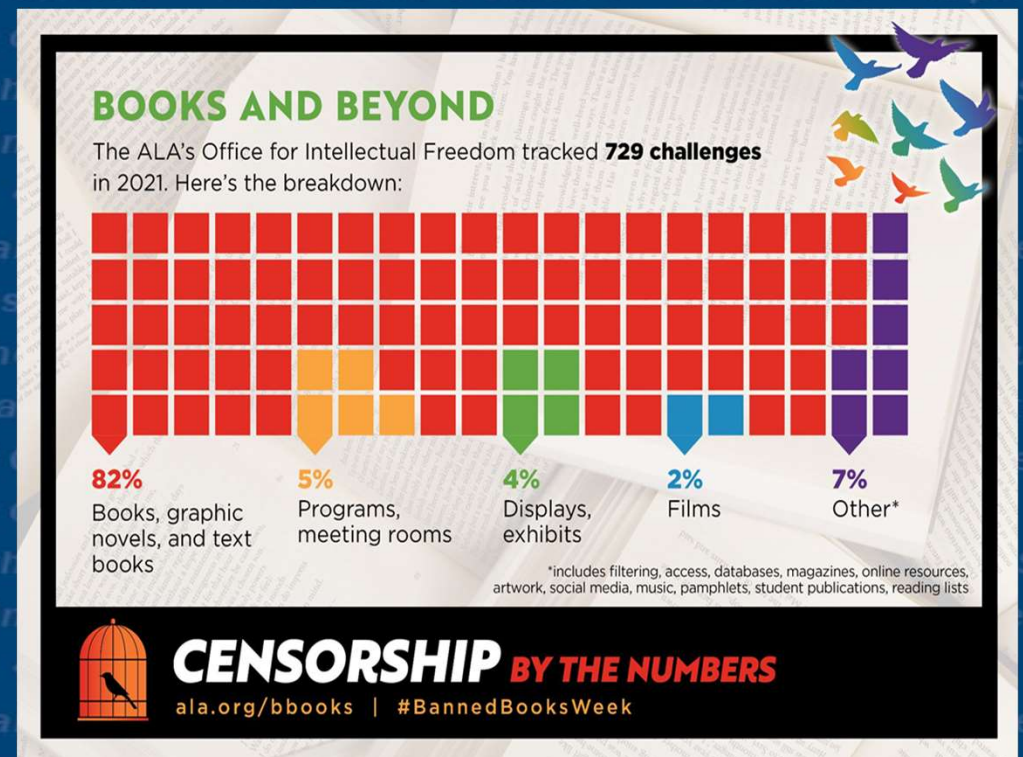
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Rise of Book Banning

2019: 377 challenges

2020: 156 challenges
(Pandemic Year)

2021: 729 challenges
1597 titles



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With challenges to library materials, always remember:

- We're ensuring access, not defending content.
- Time, place and manner restrictions are included in our policies:
 - Collection Development Policies
 - Meeting room policies
 - Display policies
 - Patron behavior policies (also apply to staff)
 - Internet use policies

Materials Challenge Form

REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

Format: Book____Periodical____Video / DVD____Music____Audio Book____Other_____

Author:_____

Title:_____

Have you read / viewed / listened to the entire work? Yes____ No____

If not, which parts have you read / heard / seen? _____

What specifically do you find objectionable in this work? Please explain and cite pages or sections. Please use the back of the form for additional space.

What do you feel may be the result of reading/viewing/listening to this work?

Request initiated by:

Name (please print):_____

Address:_____

Phone:_____

Requestor represents: Self____Organization (Name)_____

Signature _____ Date _____

Date received _____ By _____

Your completion and signing of this form identifies you with specific library materials. As such, the information you provide in completing this form will be kept confidential.

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Materials Processing



The number of copies we purchase of a title is based on many factors including patron interest and the number of holds on an item. Be sure that staff are aware of your collection development policy which clearly states what you purchase and the factors involved in a purchasing decision.

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Privacy is Critical

Always obtain identification from a patron before providing any information about his or her account. It is ok to place a hold over the phone, but if you're requested to give out an address, phone number, etc. invite them to come in with ID and go to the circulation desk, in person.



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What You Check Out is Private Too

A librarian in a local Youth department had a patron request a list of people who had checked out *Harry Potter*.

The librarian explained that it is illegal to share what's on another person's record. The patron didn't believe her! What did she do to prove this for the patron?



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Library Records Confidentiality Act

The Library Records Confidentiality Act {75 ILCS 70/1 et seq.} states that the records of patron transactions and the identity of registered library patrons is confidential material. This is a state law.

You can find a copy of the Illinois Compiled Statutes online.
Become familiar with your state laws.



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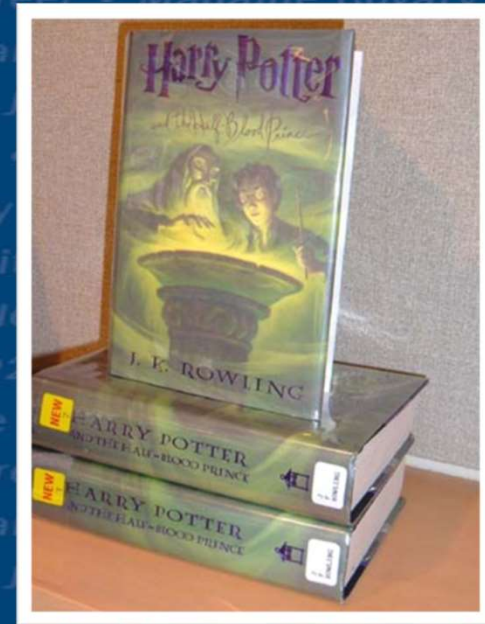
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Youth Department

- Youth staff have the task of protecting the intellectual freedom of our youngest patrons. There are several ways they can achieve this:
- Parents and caregivers are responsible for what their child reads
- A librarian won't determine whether a child is on the right reading level or not but they can help with Readers Advisory



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Public Use Computers

Many patrons, young and old, use computers in our buildings every day. When they sign on to the computer, they may agree to an internet use policy. These policies are as unique as the municipalities the library is located in.



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Respect Patron Privacy

In the same way that you wouldn't look at the book titles a person is browsing or checking out (unless they've asked a readers' advisory question), don't look over a patron's shoulder to see what they're working on at a computer. With computer spaces you may want to have privacy screens, consider placement of furniture, etc.



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Pornography and the Public Library

A couple of interesting facts about pornography, and how we prevent people from viewing pornography at your library.

Owning pornography – and viewing pornography, is legal.

Owning child pornography and viewing child pornography is illegal. If you see child pornography – call the police.



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Does that mean I can look at pornography in the library?

While viewing pornography is legal, this is a patron behavior issue and this an area where you may apply behavior rules – things that interfere with others enjoyment of the library.

Many internet use policies that patrons accept when they login for the first time, state that patrons may not disturb other people (patrons or staff members) - and pornographic images may be disturbing to others.

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Please join **UniteAgainstBookBans** and join us as we fight censorship



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Thank You

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Feel free to reach out with any questions. jmcintosh@ala.org



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