

# Intellectual Freedom 102

What do we do when the  
complaint comes  
knocking?

- *US Constitution*
  - Intellectual freedom accords to all library users the right to seek and receive information on all subjects from all points of view without restriction & without having one's interest scrutinized by others.

1<sup>st</sup> Amendment  
&  
4<sup>th</sup> Amendment  
guarantees

# The Constitution & Libraries?

- The First Amendment applies only to government and publicly funded agencies. It does not apply to private entities.
- “The public library is the only government agency with a core mission that encompasses both the private and public purposes of the Bill of Rights.”
- “Libraries must balance the requirements of majority rule and citizen participation with the mandate to protect minority rights.”

## *The Bill of Rights: Jefferson & Madison*

- *"An informed and educated citizenry is the best defense against a despotic or tyrannous government."*
- *"Freedom of inquiry and speech are essential to the search for truth."*
- *"An educated citizenry is essential to the preservation of freedom and democracy."*

# Diversity in missions

## Public Libraries ...

- Exist primarily to provide access to information on all subjects, on all points of view, and to all people.
- The individual exercises free choice about the information he/she seeks.
- Serve as the source for information and knowledge necessary for a viable democracy.
- Must follow the 1<sup>st</sup> amendment

# ALA & Intellectual Freedom

- Initial support began due to the censorship of specific publications.
- 1924 - Carnegie Libraries – only certain books can be placed on the shelves
- 1929 – proposed federal tariff bill prohibiting the import of materials urging treason, insurrection ...
- 1934 – banning of “You and Machines”

- 1930's: *Grapes of Wrath*
- 1939: **ALA's Adoption of *The Library Bill of Rights***
- 1944: Amendment against banning materials that are "factually correct."
- 1951: Amendment for films promoting communism.
- 1967: Amendment warned about excluding materials based on social views of the author.
- 1971: *ALA's Resolution on Challenged Materials*

## Franklin D. Roosevelt, 1942

- “Libraries are directly and immediately involved in the conflict which divides the world...first, because they are essential to the functioning of a democratic society; second, because the contemporary conflict touches the integrity of scholarship, the freedom of the mind, and ... the survival of culture...”



- 1980: The last complete revision.
- Reviewed and updated: 1981, 1982, 1989, 1994, 1999-2000, 2004-2005.
- 2002: "Privacy" interpretation added.
- 2002: *USA Patriot Act*
- *The Library Bill of Rights* paraphrased says: that no library materials should be "excluded because of origin, background or views of those contributing to their creation" and materials should not be "proscribed or removed because of partisan or doctrinal disapproval."

# Free Access to Library Materials: ALA

- “Library Bill of Rights” free access for every member of the community
- “Access for Children and Young Adults to Nonprint Materials”
- “Free Access to Libraries for Minors”
- “Access to Library services ... regardless of Gender or Sexual Orientation”

# Privacy and Confidentiality

- 1970: IRS demand to examine circulation records for names reading about explosives & guerilla warfare
- 1971: Grand jury procedure to intimidate anti-Vietnam War activists
- 1987 FBI: "suspicious-looking foreigners"
- 1989: FBI: "Library Awareness Program"
- 1995: Tobacco company alleged U. of CA possessed stolen documents about smoking

# Today's issues:

- Privacy defined: "Privacy: an Interpretation of the Library *Bill of Rights*" defines the right to privacy in a library as the "right to engage in open inquiry without having the subject of one's interest examined or scrutinized by others...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."
- Specific issues today
  - Internet ~ Social Media ~ Bullying
  - Rights of youth
  - Privacy and confidentiality
  - Access to government information

# IF: a Core Value for Libraries & Staff

- Right to access freely: **US Constitution, 1<sup>st</sup> & 4<sup>th</sup> amendments**
- Right to privacy:
  - **DE Title 29 Chapter 100:** “ ... *the following records shall not be deemed public: Any records of a public library which contain the identity of a user and the books, documents, films, recordings or other property of the library which a patron has used*”
  - **MD Title 10 Subtitle 6, Pt III: Access to Public Records:** “ ...*unless otherwise provided by law, a custodian shall deny inspection...of a public record... maintained by a library...*”

# What about the right to read?

- *While DE Title 29 Chapter 100 & MD Title 10 Subtitle 6*
  - *Guarantee for privacy of users' library records,*
  - *Neither guarantees a right to read.*
- *What guarantees this?*

# The Library ...

- Policies help to assure favorable climate
- A Collection Management Policy
  - Provides written documentation about what a library purchases and maintains
  - Provides protection to librarians & staff
  - Provides a mechanism for complaint & consideration of materials
  - Must be approved by the governing the body

## & The Librarian...

- Librarians are the key to achieving Intellectual Freedom
- Adherence to the *Library Bill of Rights* by individual librarians is the only means to meet the profession's goals
- 1995: The *ALA Code of Ethics: We uphold the principles of intellectual freedom and resist all attempts to censor library materials.*"



# ALA's Code of Ethics

- As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information service, library trustees and library staffs.
- Ethical dilemmas occur when values are in conflict. The **American Library Association Code of Ethics** states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.
- We significantly influence of control the selection, organization, preservation and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.
- The principles of this **Code** are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies' equitable access; and accurate, unbiased and courteous responses to all requests.
- 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 with respect to information sought or received and resources consulted, borrowed acquired or transmitted.
- We recognize and respect intellectual property rights.
- We treat co-workers and other colleagues with respect, fairness and good faith; and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- We do not advance private interests at the expense of library users, colleagues or our employing institutions.
- We distinguish between our personal conviction and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers; and by fostering the aspirations of potential members of the profession.

# A complaint will come!

## Be smart: anticipate

- Collection Development Policy
  - Written
  - Board approved
  - Based on Mission Statement
- Written Procedures

## Be ready: prepare

- Practice listening rather than reacting.
- It's about values: you can't change a person's values, don't try!
- Personal opinions don't matter. Everyone has an opinion.

# A complaint will come!

## Be smart: anticipate

- Formal written Complaint Form which explains requirements & process.
- Learn the process & educate staff.

## Be ready: prepare

- If the process requires a review committee, have that committee membership already identified.
- Role play with staff to practice.
- Has the complainant followed your process?

# It's here!

## Be smart:

- It always happens when it's least expected!
- Be able to explain the process & why it's important.

## Be ready:

- Listen!
- It's an opinion. Everyone is entitled to his opinion.
- The opinion is based on values which are beliefs formed in early childhood.
- Respect the opinion.

## Important to do:

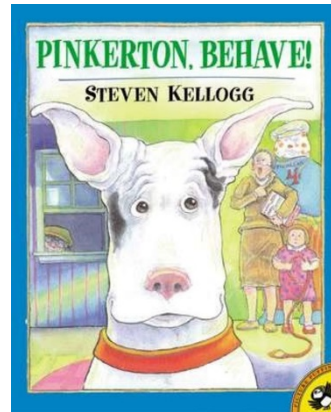
- Follow the process.
- **Read!**
- Know your community.
- Know your audience.
- Know the law.
- Be aware of red flags.
- If you make a recommendation, know what you are recommending & for whom.
- Is your recommendation consistent with your organization's purpose & mission.

## and ...

- Be open to alternate collections for potential placement of titles
- Evaluate which collection might be most suitable for the theme/contents of a book
- Libraries do not act “in loco parentis” – make sure the parents have an active role in their children’s reading choices
- **Follow your policies!**

# Case Study #1

- *Pinkerton Behave*, published 1979





# The Complaint...

Hey Librarian,

I hope everything is going good at work and with your family. The reason why I am emailing you is because I need some advice. My daughter recently brought home the book, *Pinkerton, Behave!* by Steven Kellogg (1979). In this book, a burglar breaks into a house and places a gun next to the female's head and states, "This is a stickup, lady. Don't move, or I'll blast you and your silly hound to chicken powder." Turns out that this book is the top 100 banned book in the country; however, multiple elementary schools challenged the banning and were successful. My question is my daughter is in kindergarten and this type of book in my opinion is not age appropriate for her. I wanted to email with my concerns, but on the other hand do I have a valid point or is the book acceptable?

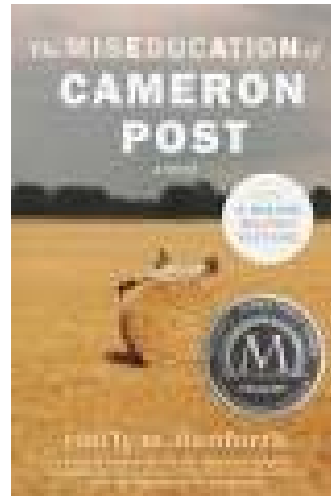
# What are the issues?

- Language
- Theme
- Pictures
- Age of book
- Other....

Discussion: What would you do?

# Case Study #2

- *The Miseducation of Cameron Post*



# The Complaint...

- The Cape Henlopen High School rising 9<sup>th</sup> graders are given a Summer Reading List which has been approved by the School District's Language Arts Department.
- This Summer Reading List was recommended to the Language Arts Dept. by the new part-time school district librarian.
- The List contains the titles from the Blue Hen Awards/Teen Readers.

- The Teen Readers List contains the title: *The Miseducation of Cameron Post* by Emily Danforth.
- Students are not required to read all titles on the list. They have to choose two to read.
- Multiple parents file a complaint to the Cape Henlopen School Board about the inclusion of this title on the list.
- The School Board adds discussion of this title to their next meeting agenda.

- A concerned parent contacts DDL about this issue.
- DDL contacts the DLA IF Committee about the issue.
- DLA contacts ALA.
- ALA contacts the National Association of English Teachers.
- ALA contacts the ACLU.
- The Delaware ACLU office contacts DLA.
- Multiple entities are now involved at different levels.

# What are the issues for the School Board?

- Language
- Sexual content
- Theme
- Educational value



# What are the issues for the DLA/ALA/Teachers of English/ALA?

- Students' right to read
- Students' right to choose what to read

Discussion: How could this have been prevented? What would you do differently?

# What is Intellectual Freedom?

- It's not about the book. It's about the right to read!



# Contact info...

- Margie Cyr
  - 302-736-7032
  - Margery.Cyr@lib.de.us
- Delaware Library Association
  - Intellectual Freedom Committee
  - <https://dla.lib.de.us/committees/>
- American Library Association
  - Intellectual Freedom RoundTable
  - <http://www.ala.org/rt/ifrt/>