

Trustee Tip: Libraries, the First Amendment, and the Right to Read

(A CALTAC Trustee Tip)

Introduction: Trustee Tips are intended to supplement CALTAC's Board Development materials. They may be used to stimulate a more-in-depth discussion of a topic included in Training sessions, or to cover topics pertinent to trustees beyond those included in the training curriculum. Also, as an option available to Board Presidents and Library Directors, a Trustee Tip may be used as a 10 minute topic for stimulation of discussion on a regular Board agenda, or they may be used as handouts at one meeting with an opportunity for comments and questions at the beginning of the next meeting.

This Trustee Tip was written by Mike Reagan (Feb 2002)

I. The Big Picture

Every profession has its own orienting doctrine. For the medical profession, it is the maxim, "First, Do No Harm." For the library profession, it is Freedom to Read. Just as the American Medical Association represents M.D.s, the American Library Association (ALA) is the institutional base for M.L.S. (Master of Library Science) practitioners. The purpose of this Tip is to sketch for public library trustees the propositions developed by the ALA that guide the profession in its most essential stewardship role.

II. Freedom of Speech and Press and Freedom to Read

The Founding Fathers, well aware of the stifling of unpopular views in 17th century England, began the Bill of Rights with a prohibition against any law curtailing freedom of speech and the press. In creating a republic, their premise was that for self-government to work, there had to be free expression and unfettered discussion of ideas. And those require Freedom to Read, which is the less-heralded flip side to Freedom of the Press. Today, Freedom to Read is most strongly defended and nurtured by public libraries, with support from publishers and bookstores.

III. The Library Bill of Rights—Basic Provisions

The Library Bill of Rights is—like the Constitution itself—a very brief statement of principles. Each of its clauses touches on a vital element in providing material for public enlightenment—urging libraries to:

- ?? provide books and other library resources "for the interest, information, and enlightenment of all people";
- ?? present "all points of view" and not proscribe or remove materials "because of partisan or doctrinal disapproval";
- ?? "challenge censorship" and "cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas";
- ?? make meeting rooms available without regard to the beliefs or affiliations of those requesting their use; and
- ?? not deny any person's right to use a library because of "origin, age, background, or views."

IV. Changing Times, Changing Expectations; Changing Needs for Elaboration

The Library Bill of Rights was first adopted in 1948, but has been amended and interpreted over the years with statements in support of groups whose right to unfettered access has been challenged or denied:

Age has been a perennial issue. Challenges to some juvenile books occur almost every year in one locale or another. Thus free access for minors was stressed in a 1972 ALA Council Interpretation (updated twice since) calling on librarians and governing bodies to avoid use of age restrictions in an effort to avoid actual or anticipated objections from parents or others. They should instead “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.” In 1989 the age issue focused on videotapes. In the past few years, the Internet and problems of alleged obscenity found on the World Wide Web have become a major concern, and the ALA has been vigorous in challenging the suitability of electronic filters as substitutes for parental guidance (although it leaves that decision up to each library).

Gender or Sexual Orientation is the focus of a 1993 Interpretation that “stringently and unequivocally” maintains that libraries have an obligation to resist efforts to exclude materials dealing with gay or lesbian life and “encourages librarians to proactively support the First Amendment rights of all library users, including gays, lesbians, and bisexuals.”

Economic Barriers to Information Access are treated in a 1993 Interpretation urging libraries (which includes trustees as governing body members, we should remember) to resist imposing user fees, and to oppose funding from governments or private donors that would require excluding materials because of their source or content.

Diversity in Materials Selection is strongly supported in an Interpretation pointing out that only through purposeful diversity can the basic doctrine of including materials from all viewpoints, including those most distasteful to some members of the community, be fulfilled. Likewise, weeding of collections must not be used as a form of hidden censorship by removing controversial materials.

The Issue of the Day is electronic access—to databases, online catalogs and, most of all, to the Internet and Web. The ALA asserted in its 1996 Interpretation that “electronic resources provide unprecedented opportunities to expand the scope of information available to users” and reminded librarians that all points of view should be represented, without any implication of sponsorship or endorsement, and reiterated that the rights of minors “shall in no way be abridged.”

Books and Bytes have become the twin essentials of library resources. Trustees will want to be aware of the issues and think through their own positions vis-à-vis these doctrines as present day applications of our historic principles, and they need to be sure their library’s policies in these matters are current, carefully considered and reviewed by legal counsel. Finally, see p. 57 of the 1998 *Trustee Tool Kit for Library Leadership* that states succinctly and forcefully that trustees have “no greater responsibility” than to preserve our historic commitment to freedom of speech, press and thought.

Discussion Questions:

- ?? Are any members of your board also members of ALA (and PLA)? Of CLA (California Library Association)?
- ?? Would you personally set some limits on freedom to read? If so, what?
- ?? Has your Board formally endorsed ALA's Library Bill of Rights? Has your library a variant of its own regarding Freedom to Read?

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