

## **B.2.1.1**

### **(Old 53.1.1)**

At the 2014 ALA Annual Conference, based on recommendation by the Committee on Intellectual Freedom, the ALA Council adopted a revision to title and text of ALA Policy B.2.1.1 Challenged Materials: An Interpretation of the *Library Bills of Rights* (*now* titled: Challenged Resources: An Interpretation of the *Library Bills of Rights*)

At the 2015 ALA Midwinter Meeting, the Policy Monitoring Committee (PMC), noted in its report to Council that interpretations are traditionally represented in the *ALA Policy Manual* by means of an abstract, followed by a reference to the Policy Reference File, where the full text of the Interpretations reside. In these cases the latest date of revisions and the parenthetical statements will be updated to reflect the new revision date, and the new existing text of the abstract.

The following abstract was created by the Committee on Intellectual Freedom for incorporated into the *ALA Manual Policy* as follows:

#### **B.2.1.1, Challenged Resources (Old Number 53.1.1)**

Libraries: An American Value” states, “We protect the rights of individuals to express their opinions about library resources and services.” The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined written policy for collection development that includes a procedure for review of challenged resources. Collection development applies to print and media resources or formats in the physical collection. It also applies to digital resources such as databases, e-books and other downloadable and streaming media. Adopted 1971, amended 1990, 2014.

(See “Policy Reference File”: Challenged Resources: An Interpretation of the *Library Bill of Rights*: 2013-2014 ALA CD#19.7\_63014\_act - PDF, 9 pgs). **Formerly titled:** Challenged Materials: An Interpretation of the *Library Bill of Rights*).

## Challenged Resources

### An Interpretation of the *Library Bill of Rights*

“Libraries: An American Value” states, “We protect the rights of individuals to express their opinions about library resources and services.” The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined written policy for collection development that includes a procedure for review of challenged resources. Collection development applies to print and media resources or formats in the physical collection. It also applies to digital resources such as databases, e-books and other downloadable and streaming media.

Content filtering is not equivalent to collection development. Content filtering is exclusive, not inclusive, and cannot effectively curate content or mediate access to resources available on the internet. This should be addressed separately in the library’s acceptable use policy. These policies reflect the American Library Association’s *Library Bill of Rights* and are approved by the appropriate governing authority.

Challenged resources should remain in the collection and accessible during the review process. The *Library Bill of Rights* states in Article I that “Materials should not be excluded because of the origin, background, or views of those contributing to their creation,” and in Article II, 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 Supreme Court has held that the Constitution requires a procedure designed to examine critically all challenged expression before it can be suppressed.<sup>1</sup> This procedure should be open, transparent, and conform to all applicable open meeting and public records laws. Resources that meet the criteria for selection and inclusion within the collection should not be removed.

Therefore, any attempt, be it legal or extra-legal,<sup>2</sup> to regulate or suppress resources in libraries must be closely scrutinized to the end that protected expression is not abridged.

#### Notes

1. *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963).

2. “Extra-legal” refers to actions that are not regulated or sanctioned by law. These can include attempts to remove or suppress materials by library staff and library board members that circumvent the library’s collection development policy, or actions taken by elected officials or library board members outside the established legal process for making legislative or board decisions. “Legal process” includes challenges to library materials initiated and conducted pursuant to the library’s collection development policy, actions taken by legislative bodies or library boards during official sessions or meetings, or litigation undertaken in courts of law with jurisdiction over the library and the library’s governing body.

of the library should not be removed under any legal or extra-legal pressure. Adopted 1971, revised 1990.

(See "Current Reference File": Challenged Materials: An Interpretation of the Library Bill of Rights: 1989-90 CD#61.2.)

53.1.1  
sld 1989-90 CD# 61.2

## 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 criteria for selection in 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; amended January 10, 1990, by the ALA Council.

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## AMERICAN LIBRARY ASSOCIATION

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### 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

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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,

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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 Association 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 movements 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.

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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.



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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