

IFRT Report

Intellectual Freedom Round Table No. 45 Spring 2000

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Law

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Chair's Report

As we collectively take the Intellectual Freedom Round Table into the next Millennium, the challenge is to bring the organization back to its roots in a way meaningful to the membership. Traditionally, the Round Table is the organizational framework for involvement on the part of ALA members in the national intellectual freedom effort. The organization currently does this in a number of ways. Committee membership is extensive and open. In addition to maintaining IFRT as an organization through viable bylaws, liaison activities, and publications, members contribute to the organization of the major ALA intellectual freedom program at annual conference, and maintain an excellent awards program that recognizes achievement throughout the country on intellectual freedom's front line. However, other activities are possible. What we are actively seeking from you are new ways in which IFRT can be helpful to those in state and regional organizations where most censorship challenges are met.

This is something that will be under active discussion in Executive Committee meetings at ALA Midwinter in San Antonio. These meetings are open, and we encourage you to attend. But more than your attendance, we need your participation. For a start, consider contributing an article to IFRT Report.

If you know of ways in which the Round Table, with its sixteen hundred members from coast to coast, can broaden support and participation, please email me at MillerL@fiu.edu and share your thoughts with us.

Laurence Miller, Chair

Public Fora and the Library

An informed citizenry needs not only access to ideas and information, but also freedom to discuss and to persuade. This is the basis for the First Amendment. In the ancient Roman Republic, a large open space in the center of Rome, called the Forum (pl. fora or forums), was designated for public discussion of issues and events.

In our country, the same need is recognized. Certain spaces are designated by law as public fora, where individuals are free to discuss and debate any topic they choose in (more or less) any way they choose.

It is clear that some places are not suitable as a public fora, for example, one's personal residence. A city sidewalk, on the other hand, is recognized as a public forum. So, in a more limited way, are certain public buildings, including libraries.

For a public forum to serve its purpose, the broadest spectrum of opinion and points of view must be allowed, so limitations in the use of a public forum must be designed to encourage free, open, and orderly debate. For this reason, limitations placed on a public forum are based on criteria other than content or point of view of the speech involved (with certain narrowly defined exceptions given below). The commonly recognized ways in which use of a public forum may be restricted are time, place and manner.

Time restrictions recognize the fact that certain times are more appropriate than others for public assembly and debate, or instances where equal access to the forum by all points of view may mean limiting the duration of any activity. Curfew laws, restriction in the use of public buildings to hours of opening, and limitations in the length of a given program are all examples of time restrictions as long as all proponents of any point of view

ACRL Board of Directors Approves Intellectual Freedom Statement

At the 1999 ALA Annual conference in New Orleans, the Association of College and Research Libraries approved an intellectual freedom statement that amounts to the Association's interpretation of the Library Bill of Rights applied to academic libraries. Since many IFRT members are academic librarians, the statement is produced here in its entirety. The statement was adopted following extensive member input which included an open hearing in New Orleans.

INTELLECTUAL FREEDOM PRINCIPLES FOR ACADEMIC LIBRARIES *Intellectual Freedom Committee Association of College and Research Libraries*

I n t r o d u c t i o n

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 provide an interpretation of general intellectual freedom principles in an academic library setting and, in the process, raise consciousness of the intellectual freedom context within which academic librarians work. These principles should be reflected in all relevant library policy documents.

The Principles

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 through 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. When 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

BOOK BANNING 101

Since information and literature for children are the overwhelmingly predominant targets of book-banning attempts in libraries, it is particularly important that young people learn what their rights are. In part due to their ignorance on this issue, the rights of minors are considerably circumscribed. However, when taught about the First Amendment, various court cases such as *Pico v. Island Trees*, and oriented concerning the motives and tactics of censors who would seek to "protect" them, kids can often be the most enthusiastic free-speech proponents. The following bibliography lists fiction (and some autobiography) for children and young adults on an issue that affects them directly and disproportionately. The subject is also one that they find is a lot of fun to read about!

Angela and the Great Book Battle

by Susan Smith, 1990

Mrs. Dougherty is determined to ban the book "Young Adults" because so many parents have complained about it. Angela and her friends believe in the book and launch a war against censorship which has Mrs. Dougherty up in arms against them.

Arthur and the Scare-Your-Pants-Off Club,

by Marc Brown, 1998

When a parent group bans a series of scary books from the local public library, Arthur and his friends devise a plan to get their favorite books returned.

A Canticle for Liebowitz,

by Walter Miller, 1984

When nuclear war launches a new dark age, a few monks risk martyrdom to preserve humanity's written record.

The Day They Came to Arrest the Book,

by Nat Hentoff, 1983

Some students and parents want Huck Finn banned from school as racist, sexist, or immoral, and the principal would be only too happy to oblige, but the school newspaper editor has the evidence to expose him. In 1990, Hentoff's book was nearly removed from some schools in Virginia.

Fahrenheit 451,

by Ray Bradbury, 1953

The infamous temperature at which books will burn ... Superior film version by Francois Truffault.

The Giver,

by Lois Lowry, 1994

This story of a future society determined to suppress individuality was itself challenged in 1994 by those who fear other viewpoints.

A Hand Full of Stars,

by Rafik Schami, 1992

A newspaper in a dictatorship is usually bland or banned, but a teenager growing up in Damascus tells how he found ways to publish the truth.

Haroun and the Sea of Stories,

by Salman Rushdie, 1991

Sentenced to death for a book he wrote, Rushdie has created a fantasy about how it feels to have your words and stories stolen away.

The Honorable Prison,

by Lyll Becerra de Jenkins, 1989

Ironically, this story of what happened to a journalist and his family in a Latin American dictatorship has been challenged in a school in the United States.

The Last Safe Place on Earth,

by Richard Peck, 1995

Something's wrong in the perfect suburb and frightened parents hope that they can put a stop to it by making sure there are no controversial books in the schools. *Maudie and Me* and *the Dirty Book*, by Betty Miles, 1981 — A middle school project to read to first graders is threatened when a book prompts questions about where puppies come from.

Mayday Rampage,

by Clayton Bess, 1993

AIDS is killing students and teachers, but it can't be discussed in the school newspaper.

Memoirs of a Bookbat,

by Kathryn Lasky, 1994

Harper lives a double life, outwardly the model daughter of a family dedicated to fighting for decency, and secretly a reader of the very books they oppose.

Narrative of the Life of Frederick Douglass,

by Frederick Douglass, 1845

Fred's life changes the day he overhears his master say reading is the key to freedom that must be kept from slaves at all costs.

The Ninth Issue,

by Dallin Malmgren, 1989

Reporting on several controversial topics, Mr. Choate and the students on the *Town Crier* newspaper staff find themselves in trouble with the school administration.

Phoebe: a Novel,

by Marilyn Kaye, 1987

Phoebe doesn't think much of the Betsy Drake books all her friends love, but when an upset parent wants them removed from the public library, it's Phoebe who organizes a protest. *The Rebellious Alphabet*, by Jorge Diaz, 1993 — When an illiterate dictator bans all reading and writing, an old man devises an ingenious system of printing messages and poems for the people.

Skin Deep,

by Lois Ruby, 1994

Does the Tinker case mean that a skinhead can wear a swastika to school? Dan tests the limits of his community's tolerance when he joins a white supremacy gang because he feels rejected by everyone else.

A Small Civil War,

by John Neufeld, 1996

When a local politician tries to ban the school assignment *The Grapes of Wrath*, 13-year-old Georgia leads the opposition campaign, in spite of her father's reservations.

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IF for Paraprofessionals: a

The following is a short course for training staff who need a context for intellectual freedom library principles. Depending on the amount of discussion on each source, it can run from one to two hours. There are four handouts and two books, which can be made available in advance.

Ranganathan's Five Laws of Library Science

<http://osu.orst.edu/dept/library/tutorial/rang.htm>

The Library Bill of Rights

The ALA Code of Ethics

Libraries: an American Value

<http://www.ala.org/alaorg/oif/celebrating.html#ptftr>

Richard Wright and the Library Card by William Miller, illustrated by Gregory Christie (Lee & Low Books, 1997)

Don't Call Me Little Bunny by Gregoire Solotareff (Farrar Straus Giroux, 1988)

Missions, policies, collections, and technology may differ, but Ranganathan's laws apply to all libraries worthy of the name. Libraries exist to connect people and ideas. We make no values, test of ideas, no judgement on the worthiness of people, and no interrogation of their motives.

That hasn't always been true. When the American public library movement began, libraries were to be morally uplifting and house only "the best." They were to educate the workingman and Americanize immigrants. Many admitted whites only, and barred material unsuitable for ladies. *Richard Wright and the Library Card* pictures the humiliation that the author endured when he had to pretend he was just checking out books for a white man. At the beginning of this century, information on birth control was classified as obscene. The September, 1999, issue of *American Libraries*, page 99, describes the purge of German and pacifist literature from libraries during World War I. As late as 1970, there were libraries that rejected *The Wizard of Oz* as "not literature." On Feb. 23, 1966, the Supreme Court in *Brown v. Louisiana* reversed the conviction of protestors who had been arrested for standing silently in a library they weren't allowed to use because of their skin color.

Fortunately, the events of this century have taught librarians humility. We learned that in a democracy we must

trust people with ideas if we are going to trust them with the vote; learned that censorship fosters injustice because when the majority rules information, minorities suffer; learned that last year's facts are often next year's jokes because human knowledge is always partial and flawed; discovered parents make the best parents, not government institutions, and realized that having the best intentions doesn't make anyone any wiser.

Supreme Court decisions reflected the same lessons, from war protesters in WWI to Jehovah's Witnesses refusing the pledge in WWII. In the Jehovah's Witness case, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), Justice Robert Jackson said, "[F]reedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order." He added, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." As government employees in libraries, we are among those officials with power over citizen's access to information. We are trusted not to abuse that power and not to impose an orthodoxy on reading and information.

In 1948, The American Library Association (ALA) expressed these ideas in *The Library Bill of Rights*. It has been expanded and challenged, but it remains the core of our contract with library users, our commitment not to abuse our office. Articles I & II promise a diversity of resources in libraries. Articles III & IV express our advocacy of freedom. Articles V & VI proclaim the equality of library users. The inclusion of age as one of the characteristics on which we do not discriminate generates the most discussion, but not to include it would be to usurp the role of parents.

ALA added Intellectual Freedom to its *Code of Ethics* in the 1970s in Article II, relying on *The Library Bill of Rights* for amplification. Article III recognizes that privacy and confidentiality are necessary to the free exercise of Intellectual Freedom. Article VII, "We distinguish between our personal convictions 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," embodies Justice Jackson's words.

Most recently, in 1999, ALA adopted *Libraries: an*

a Short Course

American Value which states principles that were previously developed in Interpretations of The Library Bill of Rights. These include the statements, "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," and "We protect the rights of individuals to express their opinions about library resources and services."

One other, critically important document defines library selection and shows how it differs from censorship. Lester Asheim wrote the article "Not Censorship, but Selection," in 1953, during the McCarthy era. (For the full text, see <http://www.sils.buffalo.edu/faculty/elliason/Syllabi/580/NotCensor.html>.) He concludes, "Selection, then, begins with a presumption in favor of liberty of thought; censorship, with a presumption in favor of thought control. Selection's approach to the book is positive, seeking its values in the book as a book, and in the book as a whole. Censorship's approach is negative, seeking for vulnerable characteristics wherever they can be found— anywhere within the book, or even outside it. Selection seeks to protect the right of the reader to read; censorship seeks to protect— not the right— but the reader himself from the fancied effects of his reading. The selector has faith in the intelligence of the reader; the censor has faith only in his own."

Read *Don't Call Me Little Bunny* and discuss it applying these library principles. Remember that in *Libraries: an American Value* we said people have the right to say what they think of books. We have the responsibility to listen respectfully, to acknowledge their right to their views, and to offer them alternatives that do not establish their views as an orthodoxy to be imposed on other readers. As library officials, we look at what's positive about the book and we look at the book as a whole without using our personal beliefs as a test. We rely on parents to guide their children and let them know whether the book agrees with their values.

The library principles outlined above are not theoretical. They are the result of more than a century of real library practice in which we've learned, sometimes painfully, that they are the best guarantee that libraries will continue to serve a free people.

Carolyn Caywood
Bayside Area Librarian
Virginia Beach Public Library

PARTICIPATE IN IFRT'S DISCUSSION LIST

IFRT has a self-subscribing and unmoderated discussion list for the members of the Intellectual Freedom Round Table.

It is designed for all Intellectual Freedom Round Table members, actual and potential.

To subscribe to IFRT,
send an email message to
LISTPROC@ALA.ORG

Leave the subject line blank,
or if your system requires a
subject line, enter "subscribe"
(without quotation marks) as the
subject. As the only line of text in
the body of the message, enter the
following:

subscribe

[listname][YourFirstName][YourLast
Name]

are subject to the same restrictions.

An example of place is the use of public assembly for the purpose of promoting an idea, such as a parade or march for (or against) some ideal. It has long been recognized that this is a form of free speech that may not be restricted based on the content of the ideas to be expressed. A permit process may, however restrict the time at which the march may take place, the place in which the marchers may proceed, and the manner in which the marchers may conduct their demonstration, as long as all marches, for whatever purpose, are subject to the same restrictions.

Manner restrictions recognize the fact that certain ways of expressing a point of view may inhibit rather than enhance free and orderly debate. These restrictions would prohibit one from expressing a point of view, for example, by waving or shooting a loaded pistol, marching in the nude, physically assaulting other persons, or using forms of speech legally defined as unprotected by the First Amendment (slander, obscenity, inciting a riot).

The Library

The public library, the quintessential marketplace of ideas, has been judicially recognized as a public forum. As such, it may not limit the expression of ideas based on context or point of view alone. It may, however impose restrictions on time, place and manner, and it may make distinctions between open and limited public forum space within the library.

- Time restrictions, in a library setting, might include setting hours of opening, limiting time and length of meetings in the meeting room, limiting time any one individual may use equipment and the like.

Place restrictions might limit use of certain materials to a certain location, limit public discussion in public reading areas as opposed to private meeting rooms, etc.

Manner restrictions include behavior-based regulations for use of the library and rules for use of library facilities (e.g. banning certain substances).

In addition, it has been recognized that certain activities perfectly appropriate to the free and open exchange of ideas on a public sidewalk or in a public park may not be appropriate in a public building. For example, public disclosure laws may prohibit solicitation of signatures for a political petition within a public building. Again, these restrictions must be value neutral.

The discussion so far has dealt with the concept of an open public forum. We now have moved into the area of a limited public forum. This concept recognizes that certain spaces must limit the types of communication allowed in order to effectively serve their function as a communication device. The limitations imposed may be content-based, but must be value neutral. That is to say, the basis for allowing or disallowing a certain communication must be on the type of communications it is, rather than the opinion or point of view it espouses. One limited public forum within the library is commonly the bulletin board. Some libraries limit bulletin boards to information originating in governmental agencies, including the library itself; others limit bulletin boards to information from non-profit agencies or groups. The important thing to remember is that if one opens up a limited public forum to a type of communication, you must include all varieties of that type of communication. If you allow non-profit

groups to use the bulletin board, for instance, you may not exclude certain non-profit groups based on their beliefs or ideas. You can't allow the Democratic Party to post notices but not the Republican Party.

Libraries usually limit what can be posted on bulletin boards using time (how long it may stay posted), place (what portion of the board may be used for such notices), or manner (size limits for posters) restrictions as well as value-neutral content restrictions (no for-profit notices, no posters advocating political positions). Librarians should be very careful in allowing exceptions to these limitations. Placing a poster advocating a certain position or debating a certain issue may have the effect of declaring the bulletin board area an open public forum and thereby giving the library no grounds for disallowing any information on the board. This chaotic situation would then render the bulletin board ineffective for its primary function of posting notices and public information.

It is possible for libraries to declare certain areas to be open public fora (eg., the meeting room) or limited public fora (eg., display case). Care should be taken to protect the limited nature of public forum areas to protect the library's right to enforce restrictions on subsequent use. In a nutshell, don't allow limited use areas to become unlimited use areas by allowing exceptions to use policies.

Written by Mike Wessells

Timberland Regional Library is the issuing agency.

Join the Intellectual Freedom Action Network

Each year, between 500 and 600 challenges against library materials in public libraries, schools, and school libraries are reported to the American Library Association's Office for Intellectual Freedom. These challenges--defined as formal, written complaints filed with the institution (library, school, etc.) regarding the presence and/or appropriateness of specific material--only reflect incidents reported to the OIF. It has been noted that for each challenge reported, there may be as many as four or five that remain unreported. A wide array of materials are subject to attack; library displays and works of art displayed in libraries also have been targets.

In response to these challenges and attacks, OIF has developed the Intellectual Freedom Action Network (IFAN). There is no fee to become an IFAN member; what is needed is your time. Members are asked to act as "eyes and ears" for intellectual freedom.

For more information, see

http://www.ala.org/alaorg/oif/ifan_inf.html

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The Trials of Molly Sheldon,

by Julian Thompson, 1995

When sixteen-year-old Molly of Saphouse Junction, Vermont, discovers she has psychic healing powers and befriends newcomer Eben Wheeler, she finds her father's general store being picketed and herself suspected of witchcraft.

The Trouble with Mothers,

by Margery Facklam, 1991

What could be worse than having a mother who wrote a sexy romance book? Maybe having a mother who's crusading against it.

The Year They Burned the Books,

by Nancy Garden, 1991

While trying to come to terms with her own lesbian feelings, Jamie, a high-school senior and editor of the school newspaper, finds herself in the middle of a battle with a group of townspeople over the new health education curriculum.

The Witches' Children,

by Patricia Clapp, 1987

Frequently banned story of the Salem witch trials. The injustice of the trials helped form the American values expressed in the Bill of Rights.

By Carol Reid

With help from Carolyn Caywood