

Prisoners' Right to Read: An Interpretation of the *Library Bill of Rights*

The American Library Association asserts a compelling public interest in the preservation of intellectual freedom for individuals of any age held in jails, prisons, detention facilities, juvenile facilities, immigration facilities, prison work camps, and segregated units within any facility, whether public or private. As Supreme Court Justice Thurgood Marshall wrote:

When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-realization concluded. If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment.¹

Participation in a democratic society requires unfettered access to current social, political, legal, economic, cultural, scientific, and religious information. Information and ideas available outside the prison are essential to people who are incarcerated for a successful transition to freedom. Learning to thrive in a free society requires access to a wide range of knowledge. Suppression of ideas does not prepare people of any age who are incarcerated for life in a free society. Even those individuals who are incarcerated for life require access to information, to literature, and to a window on the world.

That material contains unpopular views or even what may be considered repugnant content does not justify its censorship.² Censorship is a process of exclusion by which authority rejects specific viewpoints. Unlike censorship, selection is a process of inclusion that involves the search for materials, regardless of format, that represent diversity and a broad spectrum of ideas. The correctional library collection should reflect the needs of its community.

Correctional libraries, librarians, or library managers may be required by federal, state, or local laws; administrative rules; or court decisions to prohibit material that instructs, incites, or advocates criminal action or bodily harm or is a violation of the law. Only those items that present an actual compelling and imminent risk to safety and security should be restricted. Although these limits restrict the range of material available, the extent of limitation should be minimized by adherence to the *Library Bill of Rights* and its interpretations.

These principles should guide all library services provided to people who are incarcerated or detained, regardless of citizenship status or conviction status:

- Collection management should be governed by written policy, mutually agreed upon by librarians and correctional agency administrators, in accordance with the *Library Bill of Rights* and its interpretations.
- Correctional libraries should have written procedures for addressing challenges to library materials, including a policy-based description of the disqualifying features.³
- Correctional librarians and managers should select materials that reflect the demographic composition, information needs, interests, and diverse cultural values of the confined communities they serve.
- Correctional librarians should be allowed to acquire materials that meet written selection criteria and provide for the multi-faceted needs of their populations without prior correctional agency review. They should be allowed to select from a wide range of sources in order to ensure a broad and diverse collection. Correctional librarians should not be limited to acquiring or purchasing from a list of approved materials or vendors.
- Correctional librarians should make all reasonable efforts to provide sufficient materials to meet the information and recreational needs of incarcerated people who speak languages other than English.
- Correctional librarians should be given adequate support for making library resources discoverable.
- Age is not a sufficient reason for censorship. Incarcerated children and youth should have access to a wide range of fiction and nonfiction.⁴
- Equitable access to information should be provided for people with disabilities.⁵
- Media or materials with non-traditional bindings should not be prohibited unless they present an actual compelling and imminent risk to safety and security.
- Material with sexual content should not be banned unless it violates state and federal law.
- Correctional libraries should provide access to computers and internet content, permitted by the correctional facility's library policies.
- People who are incarcerated or detained should have the ability to obtain books and materials from outside the prison for their personal use.

When free people, through judicial procedure, segregate some of their own, they incur the responsibility to provide humane treatment and essential rights. Among these is the right to read and to access information. The right to choose what to read is deeply important, and the suppression of ideas is fatal to a democratic society. The denial of intellectual freedom—the right to read, to write, and to think—diminishes the human spirit of those segregated from society.

1. *Procunier v Martinez*, 416 U.S. 428 (1974)
2. 28 CFR 540.71(b): "The Warden may not reject a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant."
3. "[Challenged Resources: An Interpretation of the Library Bill of Rights](#)," adopted June 25, 1971 by the ALA Council; amended July 1, 1981; January 10, 1990; January 28, 2009, and July 1, 2014.
4. "[Access to Library Resources and Services for Minors: An Interpretation of the Library Bill of Rights](#)," adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 under previous name "Free Access to Libraries for Minors"; and July 1, 2014.

5. [“Services to People with Disabilities: An Interpretation of the *Library Bill of Rights*,”](#) adopted January 28, 2009, by the ALA Council under the title "Services to Persons with Disabilities"; amended June 26, 2018.

Adopted June 29, 2010, by the ALA Council; amended July 1, 2014; Amended January 29, 2019, by the ALA Council.

Endorsed by the Intellectual Freedom Round Table.