

# ALA American Library Association

## **The American Library Association opposes proposed administrative rule 15 CSR 30-200.015**

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As the national professional organization for library and information professionals, including nearly one thousand members in Missouri, the American Library Association (ALA) has reviewed proposed administrative rule CSR 30-200.015 and believes that it threatens to diminish library programs and services for all Missourians.

1. The proposed rule undermines local decision making and control. Libraries in Missouri already have policies, approved by locally elected or appointed boards, that govern the selection and reconsideration of reading materials.
2. The proposed rule is vague and the phrases “age-appropriate” and “age-inappropriate” are imprecise and subjective terms undefined in law or court opinion. Similarly, the phrase “prurient interest” is drawn from legal precedents defining the multi-part legal test to determine whether materials are legally obscene, a fact-based determination reserved for courts of law after the presentation of evidence at trial. These inexact terms invite arbitrary and discriminatory application of the rule that will lead to violations of readers’ First and Fourteenth Amendment rights. For example, the rule as written could be applied to constitutionally protected materials that both minors and adults have a right to access including popular magazines, romance novels, scholarly research, or contemporary literary works. This places both libraries and the state at risk for ongoing litigation over application of the rule, with the accompanying costs of time, money, and resources for the government entities responsible for application or enforcement of this rule.
3. The proposed rule facilitates removal or suppression of constitutionally protected library materials based on the opinion of one person, who may not even be a resident of Missouri. Curation of library resources is managed by professionals who know their communities and who are trained in developing collections and programs that represent a variety of viewpoints and encompass a range of interests and experiences, including those that might be controversial or even objectionable to some in the community.
4. In addition to the costs associated with litigation, the proposed rule comes with an additional cost to Missouri taxpayers. Requirements to rate programs for undefined and arbitrary “age appropriateness,” develop systems and tools for parental permission, increase staffing to check the age of participants at programs regardless of content, and manage challenges from beyond the library’s service area will cost libraries money and time that will be diverted away from fulfillment of their mission to serve their communities’ information needs.

The ALA supports the right of every parent to guide their own child’s reading. Public and school librarians have a long history of working with parents who are interested in doing so. We do not believe,

however, that a parent's right to control their child's reading includes a right to restrict what other children or adults read. Moreover, public libraries and libraries in public institutions such as schools and universities must operate in accordance with the First Amendment, which protects the right of people to access information.

The ALA is steadfast in our commitment to defend the freedom to read. On behalf of ALA members who serve libraries of all types across Missouri and for the reasons above, we stand with the Missouri Library Association and the Missouri Association of School Librarians in opposing proposed rule 15 CSR 30-200.015, and we urge that it not be adopted.