

## **ALA Intellectual Freedom Committee**

Parent's Rock organization challenged 4 books in Collier County, Florida; *Dreaming in Cuban* by C. Garcia, *The Bluest Eye* by Toni Morrison, *Killing Mr. Griffin* by Lois Duncan, and *Beloved* by Toni Morrison. All have been retained.

### Online Learning

With the publication of the 9<sup>th</sup> edition of the Intellectual Freedom Manual, OIF hosted a webinar with editors; Trina Magi and Martin Garnar and contributors; Deborah Caldwell Stone, Helen Adams, Sarah Houghton and Nanette Perez.

During ALA's School Library Month, OIF coordinated with AASL to profile and celebrate the successful challenge cases of four school librarians.

To help achieve its goal of educating librarians and the general public about the nature and importance of intellectual freedom in libraries, OIF will continue to host webinars on founding principles and new trends of intellectual freedom. Upcoming topics include

Advocating Intellectual Freedom: Beyond Banned Books Week

Embracing the Concerned Parent

Preparing your Administration

The Parenting Shelf

Every quarter there are web meetings to connect state IFC chairs and AASL IF affiliates. We discuss state, local, and national intellectual freedom issues; the projects and programs OIF and various chapter IFCs are working on; and how ALA can provide assistance and support to the state IFCs and members of state affiliates.

### Privacy Subcommittee

The IFC Privacy Subcommittee completed the Library Privacy Guidelines for E-book Lending and Digital Content Vendors after a lengthy consultation with many other groups and it was approved by the committee and it will be available online. It is attached as additional information.

## **PROJECTS**

### Banned Books Week

OIF has partnered with SAGE again this year and hosted a Banned Books Virtual Read-Out booth. Over 200 people participated in the Read-Out. The videos will be made available via the Banned Books Week channel on YouTube at [www.youtube.com/bannedbooksweek](http://www.youtube.com/bannedbooksweek). OIF and SAGE also coordinated a Banned Books Week photo mosaic. The mosaic featured photos of people holding their favorite banned/challenged novel and was presented during Opening General Session.

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## ACTION ITEMS

The Intellectual Freedom Committee moves the adoption of the following action items:

CD # 19.3, Internet Filtering: An Interpretation of the *Library Bill of Rights*

CD # 19.4, Labeling Systems: An Interpretation of the *Library Bill of Rights*

CD # 19.5, Rating Systems: An Interpretation of the *Library Bill of Rights*

CD #42 Resolution Against Mass Surveillance of the American People was referred to COL and IFC during Council I. IFC and COL jointly request that the following resolution be substituted in lieu of CD #42.

CD # 19.6, Resolution on the Passage of the USA Freedom Act and Reaffirming ALA's Commitment to Surveillance Law Reform

## INFORMATION ITEM





modify the filter settings, others restrict that authorization to the highest administrative levels, creating lengthy delays in the processing of user requests to unblock erroneously filtered content.

This same situation also occurs in schools. Such delays represent de facto blocking for both library users and K-12 students, because most users rarely have the flexibility or time to wait hours or even days for resources to become available. This dilemma is exacerbated by the secrecy surrounding category definitions and settings maintained by the filtering industry, frequently under the guise of trade secrets. There are also issues of user privacy when users must identify themselves and their interests when asking for specific websites to be unblocked. Certainly, both adults and students researching highly personal or controversial topics will be reluctant to subject themselves to administrative review in order to have access to information that should be freely available to them.

In schools, the CIPA requirements have frequently been misinterpreted with the result of overly restrictive filtering that blocks many constitutionally protected images and texts. Educators are unable to use the wealth of Internet resources for instruction, and minor students are blocked from content relevant to their school assignments and personal interests. Interactive websites and social media sites are frequently restricted, and are thus unavailable to educators for developing assignments that teach students to live and work in the global digital environment. In many cases students are prevented from creating and sharing their documents, videos, graphics, music and other original content with classmates or the wider world; thus valuable learning opportunities are lost. These situations occur in schools when librarians, educators and educational considerations are excluded from the development and implementation of appropriate, least-restrictive filtering policies and procedures. Minor students, and the librarians and educators who are responsible for their learning experience, should not be blocked from accessing websites or web-based services that provide constitutionally protected content that meets educational needs or personal interests even though some may find that content objectionable or offensive. Minors and the adult educators who instruct them should be able to request the unblocking of websites that do not fall under the categories of images required to be filtered under the Children's Internet Protection Act.

CIPA-mandated content filtering has had three significant impacts in our schools and libraries. First, it has widened the divide between those who can afford to pay for personal access and those who must depend on publicly funded (and filtered) access. Second, when content filtering is deployed to limit access to what some may consider objectionable or offensive, often minority viewpoints religions, or controversial topics are included in the categories of what is considered objectionable or offensive. Filters thus become the tool of bias and discrimination and marginalize users by denying or abridging their access to these materials. Finally, when over-blocking occurs in public libraries and schools, library users, educators, and students who lack other means of access to the Internet are limited to the content allowed by unpredictable and unreliable filters.

The negative effects of content filters on Internet access in public libraries and schools are demonstrable and documented. Consequently, consistent with previous resolutions, the American Library Association cannot recommend filtering.<sup>3</sup> However the ALA recognizes that local libraries and schools are governed by local decision makers and local considerations and often must rely on federal or state funding for computers and internet access. Because adults and, to a lesser degree minors, have First Amendment rights, libraries and schools that choose to use content filters should implement policies and procedures that mitigate the negative effects of filtering to the greatest extent possible. The process should encourage and allow users to ask for filtered websites and content to be unblocked, with minimal delay and due respect for user privacy.

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<sup>1</sup> Kristen R. Batch. "Filtering Out Knowledge: Impacts of the Children's Internet Protection Act 10 Years

Later.” (ALA OITP & OIF Policy Brief No. 5, June 2014).

<sup>2</sup> United States v. American Library Association, Inc., [539 U.S 194 \(2003\)](#).

<sup>3</sup> “Resolution on the Use of Filtering Software in Libraries” (1997) and “Resolution on Opposition to Federally Mandated Internet Filtering” (2001)

## **Labeling Systems**

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

The American Library Association affirms the rights of individuals to form their own opinions about resources they choose to read, view, listen to, or otherwise access. Libraries do not advocate the ideas found in their collections or in resources accessible through the library. The presence of books and other resources in a library does not indicate endorsement of their contents by the library. Likewise, providing access to digital information does not indicate endorsement or approval of that information by the library. Labeling systems present distinct challenges to these intellectual freedom principles.

Labels may be a library-sanctioned means of organizing resources or providing guidance to users. They may be as simple as a colored dot or strip of tape indicating reference books or fiction or as elaborate as the Dewey Decimal or Library of Congress call number systems.

Labels as viewpoint-neutral directional aids are intended to facilitate access by making it easier for users to locate resources. Users may choose to consult or ignore the directional aids at their own discretion. Viewpoint-neutral directional labels are a convenience designed to save time. These are different in intent from attempts to prejudice, discourage, or encourage users to access particular library resources or to restrict access to library resources. Labeling as an attempt to prejudice attitudes is a censor's tool. The American Library Association opposes labeling as a means of predisposing people's attitudes toward library resources.

Prejudicial labels are designed to restrict access, based on a value judgment that the content, language, or themes of the resource, or the background or views of the creator(s) of the resource, render it inappropriate or offensive for all or certain groups of users. The prejudicial label is used to warn, discourage, or prohibit users or certain groups of users from accessing the resource. Such labels sometimes are used to place materials in restricted locations where access depends on staff intervention.

Directional aids can also have the effect of prejudicial labels when their implementation becomes proscriptive rather than descriptive. When directional aids are used to forbid access or to suggest moral or doctrinal endorsement, the effect is the same as prejudicial labeling. Even well-intentioned labels may have this effect.

Prejudicial labeling systems assume that the libraries have the institutional wisdom to determine what is appropriate or inappropriate for its users to access. They presuppose that individuals must be directed in making up their minds about the ideas they examine. The American Library Association opposes the use of prejudicial labeling systems and affirms the rights of individuals to form their own opinions about resources they choose to read, view, listen to, or otherwise access.



## **Rating Systems**

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

Libraries, no matter their size, contain an enormous wealth of viewpoints and are responsible for making those viewpoints available to all. However, libraries do not advocate or endorse the content found in their collections or in resources made accessible through the library. Rating systems appearing in library public access catalogs or resource discovery tools present distinct challenges to these intellectual freedom principles.

### **Rating Systems**

Many organizations use or devise rating systems as a means of advising either their members or the general public regarding the organizations' opinions of the contents and suitability or appropriate age or grade level for use of certain books, films, recordings, websites, games, or other materials. Rating systems presuppose the existence of individuals or groups with wisdom to determine by their authority what is appropriate or inappropriate for others. Rating systems also presuppose that individuals must be directed in making up their minds about the ideas they examine. The creation and publication of such systems is a perfect example of the First Amendment's right of free speech. However, The American Library Association also affirms the rights of individuals to form their own opinions about resources they choose to read or view.

The adoption, enforcement, or endorsement, either explicitly or implicitly, of any of these rating systems by a library violates the Library Bill of Rights and may be unconstitutional. If enforcement of rating systems is mandated by law, the library should seek legal advice regarding the law's applicability to library operations.

Libraries often acquire resources that include ratings as part of their packaging. Librarians should not endorse the inclusion of such rating systems; however, removing or destroying the ratings—if placed there by the publisher, distributor, or copyright holder—could constitute expurgation (see “Expurgation of Library Materials: An Interpretation of the *Library Bill of Rights*”).

Because AACRII, RDA and the MARC format provide an opportunity for libraries to include ratings in their bibliographic records, many libraries have chosen to do so – some by acceptance of standard records containing such ratings and others by a desire to provide the maximum descriptive information available on a resource. Libraries are not required by cataloging codes to provide this information. However, if they choose to do so, whatever the reason, they should cite the source of the rating to their catalog or discovery tool displays indicating that the library does not endorse any external rating system.

The inclusion of ratings on bibliographic records in library catalogs or discovery tools may be interpreted as an endorsement by the library. Therefore, without attribution, inclusion of such ratings is a violation of the *Library Bill of Rights*.

The fact that libraries do not advocate or use rating systems does not preclude them from answering questions about such systems. In fact, providing access to sources containing information on rating systems in order to meet the specific information seeking needs of individual users is perfectly appropriate.





User Consent

Access to Personal Data

Government Requests: