

**2023-2024 ALA CD#19.3
2024 Annual Meeting**

TO: ALA Council

DATE: June 18, 2024

RE: (select one)

ACTION REQUESTED

X INFORMATION

X REPORT

ACTION REQUESTED/INFORMATION/REPORT: (add below)

Report: ALA Intellectual Freedom Committee (CD#19.3)

Information: Draft Revision - Prisoners' Right to Read: An Interpretation of the Library Bill of Rights (CD#19.4)

Information – Draft Revision - Restricted Access to Library Materials, An Interpretation of the Library Bill of Rights (CD#19.5)

Action requested from Councilors is to cast their vote to: (if applicable)

None. Two information items.

ACTION REQUESTED BY: (add committee name)

N/A

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**ALA INTELLECTUAL FREEDOM COMMITTEE
REPORT TO COUNCIL
2024 ANNUAL MEETING
SAN DIEGO, CALIFORNIA**

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities and the activities of the Office for Intellectual Freedom since the LibLearnX Conference in January 2024:

REVIEW OF INTERPRETATIONS OF THE LIBRARY BILL OF RIGHTS

In preparation for the publication of the eleventh edition of the Intellectual Freedom Manual, the Intellectual Freedom Committee began review of the Interpretations of the Library Bill of Rights and other ALA policy documents addressing library users' intellectual freedom and privacy. In February, five working groups were formed to review the five interpretations deemed to be in most need of review and revision:

- Restricted Access to Library Materials
- Diverse Collections
- Prisoners' Right to Read
- Access to Library Resources and Services for Minors
- Access to Resources and Services in the School Library

Each of the working groups are drafting revised versions of each interpretation. Once the revisions are approved by the Intellectual Freedom Committee, the draft revisions of the Interpretations will be circulated to all divisions, roundtables, and committees, with a request for review and input. The IFC will address concerns and suggestions for change prior to submitting the revised interpretations to Council for final approval.

The working groups working on revised versions of the Prisoners' Right to Read and the Restricted Access to Library Materials have completed their initial review, and the drafts are attached as information items.

IFC PRIVACY SUBCOMMITTEE

The Intellectual Freedom Committee's Privacy Subcommittee remained active throughout the winter and spring. Its primary focus has been assisting the Standing Committee on Standards and Name Authority Records Working Group with the development of a principles document to

address privacy and security concerns that arise when creating and modifying name authority records.

During LibLearnX, members of the subcommittee joined with members of the Rainbow Roundtable to present a well-received panel, "Upholding Trans Patron Privacy & Information Access." The panel was highlighted by *American Libraries* and the panelists were invited to transform the panel into an ALA e-Learning webinar.

In addition, the subcommittee began reviewing and revising the privacy materials in the tenth edition of the Intellectual Freedom Manual in preparation for the publication of the upcoming eleventh edition and is planning revisions to the existing privacy guidelines and checklists. The subcommittee also continued to monitor federal legislative proposals to renew Section 702 of the Foreign Intelligence Surveillance Act, communicating regularly with the Committee on Legislation about their concerns about threats to individual privacy posed by the legislation.

BOOK CHALLENGES AND CENSORSHIP

Between September 1 and May 22, 2024, librarians, educators, and members of the public reported 1,015 attempts to ban or restrict library resources to the Office for Intellectual Freedom. 794 of these challenges demanded removal of 7,229 books from the school and public libraries of the United States, with 3100 unique titles becoming targets of the censors. The disparity between the number of reported book challenges to the growing and expanding universe of disfavored books reflects the impact of organized censorship on U.S. libraries. At present, most challenges target multiple titles and are brought by a minority comprised of persons belonging to partisan advocacy groups whose goal is to restrict or remove any library book that does not meet their approval. The books targeted by these censors remain books that reflect the growing diversity of the United States: books addressing the lives, experiences, and concerns of LGBTQIA persons, or books addressing the lives, experiences and concerns of Black and Indigenous persons, and other persons of color.

Challenges to library programming and displays reflecting LGBTQIA+ persons' lives, issues, and identities also continued at a record pace, with over 200 such challenges reported to OIF since the beginning of the fiscal year. Of deep concern is the growing use of threats of violence, or threats of loss of employment or criminal arrests intended to persuade library staff to remove books.

THE OFFICE FOR INTELLECTUAL FREEDOM

Since January, the Office for Intellectual Freedom has expanded the number of available initiatives intended to support librarians, library staff, board members, readers, and students fighting censorship in their communities. It has also added new staff, welcoming Sarah Lamdan as the new Deputy Director of the Office for Intellectual Freedom.

- BOOK RESUMÉS: Working in collaboration with dozens of publishers and librarians and with the support of professional review resources like Booklist and School Library Journal, OIF staff coordinated the launch of Book Résumés as a tool against censorship. Book résumés are one page, easy-to-print documents designed to help support access to books targeted by censors. Each book résumé summarizes the book’s significance and educational value and includes a synopsis, professional reviews, awards and accolades, and information about how a title has been successfully retained after a demand to censor the book. Over three hundred book résumés are now housed on ALA’s Unite Against Book Bans website, with firm plans to continue to work with Unite Against Book Bans’ publishing partners to continually expand and update the book résumé collection.
- INTELLECTUAL FREEDOM HELPLINES: The Office for Intellectual Freedom launched the state Intellectual Freedom Helpline program, which will establish pilot program sites in states and regions over the next two years that will operate a confidential reporting system that will help connect those experiencing censorship attempts with professional support, in-state peers, and referral to ALA OIF as appropriate. The initiative will collect data for inclusion in ALA’s database of confidential reports documenting censorship attempts nationwide; develop resources and establish best practices to operate an intellectual freedom helpline; and develop the expertise and confidence of both those providing and receiving support.

Ten grants, each in the amount of \$10,000, will be awarded by August 31, 2024. Applications will be accepted between April 3, 2024, and July 14, 2024. The grant guidelines and the grant application can be accessed online via the OIF website at <https://www.ala.org/aboutala/offices/oif>. The Intellectual Freedom Helpline grants are made possible through the generous support of the Acton Family Giving and critical program support is provided by the Mellon Foundation. OIF Assistant Director Eric Stroshane is leading this initiative.

- LAW FOR LIBRARIANS / LAWYERS FOR LIBRARIES

This spring, the Office for Intellectual Freedom revives the Law for Librarians / Lawyers for Libraries initiative. It is designed to provide continuing education to lawyers, library professionals, and library trustees that is focused on fostering detailed understanding of the laws and court cases that support access to library services and the defense of library users’ intellectual freedom and privacy. It will also seek to build a network of attorneys knowledgeable about libraries and intellectual freedom who are available to provide representation to librarians and libraries.

The first phase of the initiative launched the weekend of May 31 with a Train the Trainer workshop, with the goal of providing the first trainer cohort with the necessary

information to gain expertise and solid grounding of relevant legal concepts so that they are prepared to share that information with non-attorneys. Faculty members, all licensed attorneys, presented on topics such as the First Amendment, CIPA, social media and internet, privacy, and copyright to ninety-one attendees representing 48 states who included school, public, and academic librarians. Additional workshops on presenting programming and advocacy work at the state and local level augmented the attendees' training.

Members of the cohort have committed to becoming Law for Librarian Trainers and will work closely with their state and school library chapters to provide state and regional training and consultations on intellectual freedom and privacy to public, school, and academic libraries for a minimum of two years. Post-training engagement and support for trainers will be facilitated through a dedicated ALA Connect community that has been set up for them. OIF will hold regular check-in meetings and offer additional in-depth topical online webinars with the trainers.

The American Library Association's Law for Librarians (L4L) initiative is supported through three-year grants from IMLS and the Mellon Foundation. The initiative is also supported, in part, by Acton Family Giving and the Gill Foundation.

UNITE AGAINST BOOK BANS

The Intellectual Freedom Committee and the Office for Intellectual Freedom continue to work cooperatively with the Office of Public Policy and Advocacy, Chapter Relations, the ALA Policy Corps' intellectual freedom cohort, and the Communications and Marketing Office to counter the unprecedented censorship campaign being conducted by partisan political advocacy groups through [Unite Against Book Bans](#), ALA's ongoing grassroots advocacy initiative and "big tent" coalition of partners committed to defending the freedom to read.

As of May 31, 2024, there are 233 Unite partner organizations, including 107 national and 126 state/local organizations. During the third quarter, 13 new partners (9 national, 4 state/local) were added. New national partners include Blackstone Publishing, Brodart Co., Girls Who Code, *Library Journal*, Moms First, Playaway Products, Soho Press, Inc., United States Board on Books for Young People (USBBY), and Zinn Education Project.

During National Library Week, Unite Against Book Bans published a new resource – *Banned Books, Banned Beliefs* – which was co-developed with the Interfaith Alliance, a new UABB partner. The resource, which can be downloaded as a print-ready version, can be used to engage faith communities in conversations about book banning. Individuals can also find tips for mobilizing their own congregation, being a voice for broader acceptance in their community, and helping others understand the connection between banned books and banned beliefs.

Unite Against Book Bans was also invited to participate in the Freedom to Learn National Day of Action on May 3, led by the African American Policy Forum. Unite Against Book Bans supported this effort through its social media channels, on its website, and in messaging to supporters and Jennie Pu with ALA's Policy Corps Cadre represented Unite Against Book Bans at the Freedom to Learn National Day of Action event in New York City. AAPF and the UABB staff are in conversation about collaborating on new advocacy resources as their Freedom Summer campaign continues.

ALA has invited all Unite Against Book Ban partners to sponsor and join in the second annual Rally for the Right to Read to be held at ALA Annual in San Diego. To date, premier sponsors include Penguin Random House, and HarperCollins. Hoopla, Ingram Content Group, Scholastic, Authors Guild, Blackstone Publishing, Brodart, Interfaith Alliance, Lerner Publishing, NCTE, OverDrive, Parents Together, Playaway, Simon & Schuster also participated as sponsors.

With the support of members of the ALA Policy Corps, UABB presented programs on advocacy at state and local gatherings around the country. On May 20, members of the Policy Corps, led by Senior Policy Fellow Kent Oliver presented "Challenging Book Bans in Critical Times" to provide members, partners, and community supporters with information about added resources, data, and developments from the campaign. Nearly 300 people registered and 168 attended the live event.

Unite Against Book Bans continues to provide support to individual advocates and coalition partners, including directed calls to action that encouraged UABB supporters and local residents to communicate with decision makers to share their support of intellectual freedom in libraries. These calls to action were sent on behalf of community organizers, library alliance groups, partner organizations, and more and targeted over twenty-five communities across the country.

RECOGNITION OF INTELLECTUAL FREEDOM COMMITTEE MEMBERS

IFC Chair Lesliediana Jones and IFC members Becky Calzada, Peter Coyl, Quiana Johnson, Rebecca Moorman, and Jennifer Griswold are concluding their terms on the Intellectual Freedom Committee on July 1. We would like to thank our outgoing IFC members for their commitment, time, and advocacy, with especial thanks to Lesliediana Jones for her dedicated leadership of the committee and her commitment to upholding and defending intellectual freedom.

We would also like to acknowledge and highlight the work of IFC Privacy Subcommittee Chair Julie Oborny, whose term as chair of the Privacy Subcommittee will end on July 1. We thank her for her leadership of the subcommittee and her commitment to the work of addressing the evolving challenges and opportunities related to library privacy and intellectual freedom.

In closing, the Intellectual Freedom Committee thanks the division and chapter intellectual freedom committees, the Intellectual Freedom Round Table, the unit liaisons, and the members of the OIF staff, recognizing the tireless work of the staff of the Office for Intellectual Freedom

and the Freedom to Read Foundation. We thank Deborah Caldwell-Stone, Eric Strohane, Betsy Gomez, Joyce McIntosh, Karen Gianni, and Sarah Lamdan for their support of our members and colleagues who are fighting censorship and other challenges to intellectual freedom in their communities.

Respectfully Submitted,

ALA Intellectual Freedom Committee

Lesliediana Jones, Chair

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Sarah Houghton

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William Marden

Rebecca L. Moorman

Julie Oborny, Chair, IFC Privacy Subcommittee

Jennifer Griswold, Committee Associate

Brigette Kamsler, Committee Associate

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

The public benefits when everyone is right to think and explore freely is protected. The American Library Association strongly believes in protecting intellectual freedom for all, regardless of age or location. This includes people held in:

- Jails
- Prisons
- Detention centers
- Juvenile facilities
- Immigration centers
- Prison work camps
- Segregated units within any facility
- Any other type of facility—whether public or private.
-

As Supreme Court Justice Thurgood Marshall once 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

In a democracy, everyone needs open access to various kinds of information:

- social
- political
- legal
- economic
- cultural
- scientific
- religious

Having access to the same information as those outside is essential to 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 incarcerated people of any age for life in a free society. Even those who will never leave prison require access to books and information in any format, so that they may have a window into the world.

Just because material contains unpopular views or is considered offensive does not mean it should be censored. Censorship is when authorities decide to block certain ideas or viewpoints. Unlike censorship, selection is a process of inclusion. It is about seeking out a diverse range of

ideas in any format. The carceral library collection, like all library collections, should reflect the needs of its community.

Carceral libraries and their staff may be required to prohibit materials that promote illegal acts or harm. These restrictions are because of the following:

- Federal, state, or local laws
- Administrative rules
- Court decisions

Staff should only restrict items posing a real and imminent risk to safety and security. These limiting factors may reduce available materials. However, following the *Library Bill of Rights* and its interpretations can help minimize the impact.

Use these principles to serve people who are incarcerated or detained. They apply to everyone, no matter where they are from or if they have been convicted of a crime.

- **Collection Management:** Libraries should follow a written policy for how to maintain their collections. Library workers and carceral administrators should agree on the policy. The policy should align with the *Library Bill of Rights* and its interpretations.
- **Challenges Procedures:** If someone challenges a library item, the library should have written procedures to follow. This includes a policy that explains what makes an item unacceptable.³
- **Materials Selection:** Library workers should select materials based on the people they serve. This means choosing items that reflect their backgrounds, information needs, interests, and diverse cultural values.
- **Acquisition Independence:** Library workers should be able to get materials that meet written selection criteria. Carceral agency review should not be required during acquisition. Material selection should not be limited to a pre-approved list of materials or vendors.
- **Language Diversity:** Library workers should provide materials to meet the information needs of people who read in languages other than English.
- **Findability:** Library workers should have enough support to make it easy for people to find library resources.
- **Age:** Incarcerated children and youth should have access to a wide range of fiction and nonfiction.

Age is not a sufficient reason for censorship.⁴

- **Disability Access:** Equitable access to information should be provided for people with disabilities.⁵
- **Non-traditional Bindings:** Libraries should avoid banning materials with non-traditional bindings. The exception would be if they pose real and imminent risk to safety and security.
- **Sexual Content:** Material with sexual content should not be banned unless it violates state or federal law.
- **Digital literacy:** Digital literacy skills are crucial in society today. Libraries should provide access to computers and digital materials. Libraries should offer training to help incarcerated people learn how to become digitally literate.⁶ Incarcerated people should have controlled access to digital legal resources. These legal resources should include legal databases. Access to the internet should only be limited as required by law or sentencing restrictions.
- **Digital access:** Incarcerated people should have access to digital devices and materials at no cost.

- **External Material Access:** Incarcerated or detained people should be able to get materials from the outside.

When free people, through judicial procedure, segregate some of their own, they incur the duty to provide humane treatment and essential rights. Among these are the rights to read and to access information. The right to choose what to read is crucial, 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— reduces the humanity 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; July 1, 2014; and January 29, 2019.

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"; July 1, 2014; and June 25, 2019.

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.

⁶ A person who has the ability to use information and communication technologies to find, evaluate, create, and communicate information, requiring both cognitive and technical skills.

Adopted June 29, 2010, by the ALA Council; amended July 1, 2014; January 29, 2019; First Draft Revision for Review, June 5, 2024.

Restricted Access to Library Materials – An Interpretation of the Library Bill of Rights

Libraries are a traditional public forum. They are places for the free exchange of information. Restricting access to library materials based on content violates the basic tenets of the American Library Association’s Library Bill of Rights.

Some libraries have fragile or special collections that need careful handling to prevent damage. While these items may have restricted access due to their condition, access should not be limited based on content. Donated items also need special consideration. Libraries should avoid donor agreements that permanently restrict access to these collections. Libraries must ensure equal access to all research materials they hold.

Some libraries use physical or digital barriers to control access materials. This might include the following practices:

- Labeling materials
- Placing materials in locked cases
- Organizing materials into a “high demand” collection
- Creating "adults only" or “restricted” sections

These measures might be used due to legal requirements, institutional rules, or to prevent theft or damage. However, such actions can unintentionally support censorship. Efforts to protect materials might accidentally help those who want to censor content. want

Some libraries use programs that assign reading levels to books or users. This limits choices to titles on the program’s list. These programs might not reflect a user’s full reading skills or need since they categorize users by age or grade. Libraries may also organize collections by reading level, ability, grade, or age. This practice can restrict access and make users uncomfortable selecting resources from section that do not match assigned category.

Physical restrictions, labels, and content filters can create barriers to accessing library resources. Restricted materials may cover controversial, unusual, or sensitive subjects. Users might feel embarrassed or hesitant to ask for access. Listing a title as restricted in the catalog creates another barrier. ¹ People might see that consider resource as undesirable, causing them to avoid asking for access.

Federal and state laws may require libraries receiving certain funds to use internet filters. These filters can block access to a wide range of constitutionally protected information. Libraries should have policies and procedures to manage internet filters. This helps to ensure users receive First Amendment rights to access information are protected. ²

Library policies that restrict access to resources must be crafted and managed carefully to ensure they adhere to the principles of intellectual freedom. This caution is evident in many ALA policies:

- “Evaluating Library Collections”
- “Access to Library Resources and Services for Minors”
- “Preservation Policy”
- ACRL “Code of Ethics for Special Collections Librarians”³

Libraries aim to provide access to diverse viewpoints on current and historical issues. Proposals for restricted access should be scrutinized to ensure that they do not suppress viewpoints or create barriers. Libraries must have policies and procedures that serve the diverse needs of their users and protect the First Amendment right to access information.

NOTES

1. “Labeling Systems: An Interpretation of the Library Bill of Rights,” adopted June 30, 2015, by the ALA Council; originally part of “Labeling and Rating Systems: An Interpretation of the Library Bill of Rights,” adopted July 13, 1951, by the ALA Council; amended June 25, 1971; July 1, 1981; June 26, 1990; January 19, 2005; July 15, 2009; and July 1, 2014.
2. “Access to Digital Resources and Services: An Interpretation of the Library Bill of Rights,” adopted January 24, 1996, by the ALA Council; amended January 19, 2005; July 15, 2009, under the previous name “Access to Digital Information, Services, and Networks”; amended June 25, 2019.
3. “Evaluating Library Collections: An Interpretation of the Library Bill of Rights,” adopted February 2, 1973, by the ALA Council; amended July 1, 1981; June 2, 2008; and June 25, 2019; “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 the previous name “Free Access to Libraries for Minors”; amended July 1, 2014; and June 25, 2019; “Code of Ethics for Special Collections Librarians,” approved October 2003 by the Association of College and Research Libraries.
4. “ACRL/SAA Joint Statement on Access to Research Materials in Archives and Special Collections Libraries,” approved July 2009 by the Association of College and Research Libraries.