

Chapter 17: Intellectual Freedom

Understanding Intellectual Freedom

The role of a public library in a democratic society is to ensure free and open access to information and materials for all as guaranteed by the First Amendment of the Constitution of the United States. Library boards protect and defend intellectual freedom

The American Library Association defines intellectual freedom as *“the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question cause or movement may be explored.”* Put another way, intellectual freedom is the right to have access to information, the right of every individual to choose what information he or she wants and in what form.

“Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information.” [American Library Association, Access to Digital Information, Services and Networks]. Libraries and librarians protect and promote these rights by providing access to information from all points of view.

Intellectual freedom is based on the First Amendment of the U.S. Constitution: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

Intellectual freedom is essential to a democracy. Democracy is “a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free election” [Merriam-Webster Online Dictionary]. Democracy assumes an informed citizenry. If people are restricted from obtaining information from all points of view, their ability to be informed is diminished and thus they cannot exercise self-government.

The American Library Association’s Library Bill of Rights and the Freedom to Read located in the appendix will help you become more familiar with intellectual freedom. Intellectual freedom includes

more than books. See the Freedom to View,

<http://www.ala.org/advocacy/intfreedom/statementspols/freedomviewstatement>

and Access to Digital Information, Services, and Networks

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accessdigital>

A Corollary to Intellectual Freedom is Privacy

“What people read, research or access remains a fundamental matter of privacy. One should be able to access all constitutionally protected information and at the same time feel secure that what one reads, researches or finds through our Nation’s libraries is no one’s business but their own.” [American Library Association].

Privacy is guaranteed by the Fourth Amendment to the U.S. Constitution: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Be Prepared

The selection of library materials is a process strongly related to intellectual freedom. To be prepared to meet challenges to intellectual freedom, every local library board should have in place a written “Collection Development Policy” adopted by the Board of Trustees. This policy should be developed by the library board and director.

The library is a **selector**, not a censor. A **selector** believes in the individual’s right to examine and evaluate materials and make personal choices about them; a censor believes in examining, evaluating and choosing materials for others. The collection development policy should support the right of all members of the community to have access to a wide range of materials, even if that includes items which some people might find objectionable.

“We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people”

John Kennedy, February 26, 1962

The library director, staff and board of trustees must be familiar with the collection development policy. If there is a challenge to library materials, the library must speak with one voice.

Two important elements that should be included in a collection development policy are:

- selection criteria for all types of resources (print, audiovisual, electronic)
- policy on reconsideration of materials

When a censorship attempt occurs, the trustees and staff should keep in mind the following principle:

DON'T DEFEND THE PARTICULAR ITEM BEING CHALLENGED

DEFEND INTELLECTUAL FREEDOM

Be prepared by following the steps below:

- Develop and adopt a written Collection Development Policy
- Be familiar with the American Library Association's Library Bill of Rights and Freedom to Read statements
- Develop a method for handling complaints. (Complaints should be made in writing and signed.)
- Provide training for trustees and staff on what to do if a challenge occurs.
- Be informed about local and state legislation related to censorship

When a member of the community complains about an item in the library’s collection, often they just want someone to listen to them and to take their concern seriously. A formal challenge may be averted if the library director takes the time to listen.

If your library is faced with a formal challenge, the library board should:

- Review the library's Collection Development Policy and the American Library Association's Bill of Rights and Freedom to Read Statement
- Explain the collection development policy
- Take into consideration the rights of the whole community
- Make a decision consistent with library policies and your principles

An ongoing issue in the area of intellectual freedom is access to information via the Internet. The First Amendment applies to the provision of information in the library including the Internet. In 2003 the U.S Supreme Court ruled that the Children's Internet Protection Act (CIPA) was constitutional only if the Internet filters required by CIPA could be readily disabled upon the request of adult library users.

“Censorship reflects a society’s lack of confidence in itself. It is the hallmark of an authoritarian regime...” **Justice Potter Stewart, dissenting *Ginzberg v. U.S.* (1966)**

Assistance with Intellectual Freedom Issues

Contact the following for help with intellectual freedom issues:

- The Iowa Library Association provides information on intellectual freedom and support in dealing with censorship challenges. Contact the chair of the Intellectual Freedom Committee. Contact information for the current chair can be found on ILA's website, <http://www.iowalibraryassociation.org/>
- Iowa Library Services, <http://www.statelibraryofiowa.org/>
- The American Library Association's Office for Intellectual Freedom website is an excellent resource on these issues, <http://www.ala.org/ala/aboutala/offices/oif/index.cfm>