

Library Bill of Rights: Why It Is Important What You Need to Know

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Introduction

- Presentation is practical rather than theoretical
- Based upon Bob's experience as a manager and a professor since 1971
- Real world examples
- Questions and counter-viewpoints are encouraged

Questions for the Audience

- Were you familiar with the Library Bill of Rights before today?
- Has the Library Bill of Rights been established as policy in your library?

Demographic Questions

- Location of your library
 - Rural
 - Suburban
 - Urban
- Size of your library
 - Small
 - Medium
 - Large

Brief History

- Originally adopted in 1938
- Five revisions with the last in 1980
- The reason for the lack of revisions since then
- 26 interpretations allow the Library Bill of Rights to deal with new developments

Key Concepts

- Most would agree that the Library Bill of Rights is an aspirational set of principles
- Has no legal standing but often is based upon The Bill of Rights, laws, and court decisions
- Private libraries don't have the same obligations as public libraries

Key Concepts (continued)

- Has some standing if adopted by the library as policy
- Provides a framework for dealing with controversies over intellectual freedom
- Many, but not all, librarians consider it a fundamental cultural value of the profession

Rules for Setting Library Policy

- ‘Public library trustees are responsible for adopting policies to govern use of the library and personnel concerns. Public library policies are enforceable only if they are in writing and adopted formally by the library board in an open meeting.’

Source: Library of Michigan. Four Tests for A Legally-Enforceable Library Policy
http://www.michigan.gov/libraryofmichigan/0,2351,7-160-18668_69405_18689-54454--,00.html

Rules (continued)

- Does the Policy Comply with Current Statutes? (service animals)
- Is the Policy Reasonable (including reasonable penalties)? (banned forever for minor offense)
- Could There Be Discriminatory Application of the Policy? (“No sleeping” or “No noise” policies applied selectively)
- Is the Policy Measurable? (Clear indication of what constitutes a violation)

Other Legal Principles

- Laws and policies must be content neutral
 - Scientology, LGBT groups in schools, Temple of Satan, and prayer spaces in Warren, Michigan
- Prior restraint is illegal
- The only defensible demarcation may be legal versus illegal

What Really Happens

- Many libraries and other organization violate the letter of the law all the time
- Someone has to complain and risk: shunning, death threats, losing their jobs, and having their house burned down
- Someone has to pay the legal bills
- The police and lower courts often do not support unpopular decisions

Pressure Points

- Access to the library
- Building the collection
- Internet use
- Challenges
- Meeting rooms
- Special considerations for minors

Access to the Library

- The homeless
 - Smelling bad is not a legal reason to be denied access
- Latchkey children
 - Justified as a safety concern
- Teenagers
 - Absolute silence is not a good policy

Building the Collection

- The concept of the balanced collection as an absolute is not possible
 - Unacceptable to almost all
 - Acceptable to almost all
 - Divided opinion with people willing to speak out
 - Divided opinion without people willing to speak out
- The public library should serve its entire user community

The Collection (continued)

- No matter how uniform your community is, divergences of opinion exist and may be more diverse than the library believes
- The library may focus on materials that are popular with the local community without excluding divergent viewpoints
- Sexual content almost always creates the toughest challenges
- MPAA film ratings cannot legally be used to censor or restrict films

The Internet

- The library is unable to control content the way it can with materials in the collection
- The Supreme Court has ruled that adults should have access to legal content including legal pornography
- Adults should be able to ask to have the filter turned off without giving a reason
- Many libraries pay no attention to these legalities

The Internet (continued)

- The library can be sued for hostile work environment
- The best solution is to have a private viewing area and/or privacy screens
- The media does not understand this concept
- Libraries sometimes try to forbid extreme violence and game playing

Challenge Policies

- Your library should have a challenge policy
- Clear procedures including who makes the decision and what appeals are possible
- Involve community members including the clergy
- The best policy is to keep the book on the shelf or at least available during the challenge

Meeting Rooms

- The meeting room policy must be content neutral
- Court decisions have made it more difficult to exclude religious groups
- Excluding political groups and commercial activities is more acceptable

Special Considerations for Minors

- To receive some government funding, libraries must filter computers for minors
- Some libraries do not control what minors can do in the library on the principle that parents are responsible
- Other libraries have special rules for what different age groups can do
- Privacy of circulation records for minors is a contested issue

Conclusion

- I hope that you'll be willing to support the library bill of rights and intellectual freedom
- The public often does not understand that the American Constitution provides strong support of divergent political, religious, and life-style choices