

FEATURE

WHY INTELLECTUAL FREEDOM AND EQUITABLE ACCESS



ARE EVEN MORE IMPORTANT TODAY

Angela Branyon

abranyon@westga.edu

April Dawkins

amdawkins@uncg.edu

In a time when circumstances divide us and people are partitioned into factions, libraries still stand as a source of knowledge that can guide us to make informed decisions through the use of credible sources. A balanced collection that provides access to all points of view empowers a community to use information responsibly and make decisions independently. Intellectual freedom and equity of access are still important issues today, especially as we confront uncertain times with the COVID-19 virus and distance education.

In thinking about this issue, the main thoughts that kept coming to us were the idea of every individual as a citizen in a democracy and the hope that democracy inspires that we all will learn to live and work together. Through education and the information found in libraries, democracy allows us as citizens to experience free speech through dialogue not diatribe and to support our opinions with a respect for the diversity of our fellow citizens and a desire to realize equity and justice.

Richard Fitzsimmons stated:

Librarians significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, librarians are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. Librarians have a special obligation to ensure the free flow of information and ideas to present and future generations. (1998, 2)

From physical access to material selection to policies dealing with challenges to privacy of patron information, school librarians must

demonstrate intellectual freedom to maintain a free and open forum for ideas. School librarians should be protectors of intellectual freedom for minors just as public libraries protect the rights of all citizens regardless of age.

The Right to Receive Information

School librarians should be knowledgeable about the legal precedent protecting the rights of minors because the basic rights of Americans extend to young people even when they are in school.

Although the U.S. Constitution does not explicitly state intellectual freedom as the right of American citizens, the First Amendment has been used to defend intellectual freedom. The First Amendment includes the right to free speech, which has been expanded to include the right to receive information. The Supreme Court refers to the right to access information as the right to receive. The right to receive is an extension of the First Amendment protection given to speakers and to those who receive the information. The Supreme Court first used the phrase "right to receive information and ideas" in *Stanley v. Georgia*. In writing for the court, Justice Black explained, "This freedom embraces the right to distribute literature, and necessarily protects the right to receive it" (1969). The Supreme Court protects the right to receive through four forms of communication: mail, mass media, personal distribution of literature, and public speaking.

While the courts have had problems applying First Amendment rights when the persons involved are minors (Bezanson 1987), the courts have extended the freedom to learn and the right of inquiry through its

defense of the right of expression in *Tinker v. Des Moines*. *Tinker* is the foundation for extending protections to minors within public schools. Mary Elizabeth Bezanson argues that the Supreme Court has implicitly extended the rights of free expression to include the right to have free access to other viewpoints, even when school boards object (1987). In deciding *Tinker v. Des Moines*, the Supreme Court declared that students and teachers do not "shed their constitutional rights to freedom of speech or expression at the school-house gate" (Chmara 2015, 127).

The only court case directly addressing censorship issues in school libraries that has reached the Supreme Court is *Board of Education, Island Trees Union Free School District No. 26 v. Pico* (1982). This case was initiated because a conservative activist group compiled a list of nine books it wished to have removed from school libraries. Although a committee of parents and faculty recommended keeping the books in the school library, the local school board removed the nine books from the high school and junior high libraries, referring to them as "anti-American, anti-Christian, anti-Semitic, and just plain filthy" (*Pico* 1982 at 857). After board members removed the titles without a formal review process, a group of parents filed a lawsuit against the district claiming their First Amendment right to receive information had been violated. *Pico* was remanded for trial by the U.S. Supreme Court, and the school board voted to return the books to the shelves to avoid further litigation (Klinefelter 2010).

Pico is the first and only Supreme Court decision to address a student's right to receive information; however, it does not provide a clear explanation to what extent a school board can restrict access. All nine Supreme Court justices wrote opinions

on the decision that detail a wide range of views, contributing to the confusion around the issue (Burns 2001). Justice Brennan's opinion emphasized the rights of students, saying the "special characteristics of the school library make that environment especially appropriate for the recognition of the First Amendment rights of students" (Burns 2001, 15). In writing his concurring opinion, Justice Newman explained that the removal of a book from the school library sends the message to students that the book is unacceptable (Bezanson 1987).

In only two cases has the Supreme Court limited minors' rights to receive information when the adults' constitutional rights remained broader. In *Pico's* plurality decision, the court gave school boards latitude to restrict access to information if the school's decision is based on the information being "educationally unsuitable" rather than disagreeing with or disapproving the content. The decision to remove material and declare it "educationally unsuitable" requires a fact-based inquiry and testimony from educational experts. If the decision to remove materials is based solely on the ideas expressed in the books themselves, then that decision was deemed unsuitable (Magi and Garnar 2015).

An additional restriction on minors' rights to receive information came in *Ginsberg v. New York*. This decision allows states to decide that some materials are obscene for minors even if those materials are protected for adults. According to the decision, states can adopt a "distinct, broader definition of obscenity for minors" (Magi and Garnar 2015, 128). Despite this decision, the Supreme Court has made clear that school boards cannot simply ban access to a full category of speech and must not ban material as unsuitable for minors without considering

the entire population of minors, including older teens.

A Core Value of Librarianship

School librarians should be proponents of the values of librarianship, which holds intellectual freedom at the core. Intellectual freedom is one of the core values of the American Library Association (ALA). There are four core ALA statements that act as the foundation for intellectual freedom in libraries: *Libraries: An American Value*, *Library Bill of Rights*, *Code of Ethics of the American Library Association*, and the *Freedom to Read Statement* (ALA 1999; ALA 1996; ALA 2008; ALA 2004).

ALA's cornerstone document for protecting intellectual freedom is the *Library Bill of Rights*. Three of the seven articles in the *Library Bill of Rights* deal with intellectual freedom and censorship, with Article II explaining the need to present all points of view in a collection. In addition, the ALA Intellectual Freedom Committee adopted a statement that use of the word "origin" in Article V, which refers to a person's right to use a library, includes the idea of "age." This statement emphasizes that even minors should have access to information.

ALA expands upon the *Library Bill of Rights* through its interpretation of its "Access to Resources and Services in the School Library" (2014). This document encourages school librarians to fight against censorship efforts from outside forces and to avoid internal barriers, such as restricted shelving and age- or grade-level restrictions (ALA 2014). The most recent amendment to the *Library Bill of Rights* was an addition of a seventh article that explicitly states that all people have the right to privacy and confidentiality in library use.

The *Code of Ethics of the American Library Association* is intended to make known to library professionals and the public the ethical guidelines for librarians and other professionals who provide information services. Article II of the *Code of Ethics* states: "We uphold the principles of intellectual freedom and resist all efforts to censor library resources" (Magi and Garnar 2015, 17).

The *Freedom to Read Statement* begins with an essay about the need for free access to information as a cornerstone of democracy. Following the essay, the statement includes seven propositions grounded in the U.S. Constitution. Proposition 4 affirms that our society has no place for the restriction and imposition of others' tastes and ideas of suitability. Proposition 4 also details the purpose of guaranteeing the freedom to read:

to prepare the young to meet the diversity of experience in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. (Magi and Garnar 2015, 25)

This statement explains the importance of providing diverse and challenging materials for young people.

Libraries: An American Value statement is written as a contract between libraries and the communities they serve. The statement explicitly mentions that the purpose of libraries is to defend the constitutional rights of all to use the materials, services, and resources of the library. This statement specifically mentions including children and teens as individuals whose rights will be defended (Magi and Garnar 2015).

ALL STUDENTS NEED ACCESS TO THE INFORMATION THAT ALLOWS THEM TO BE INFORMED AND PARTICIPATING MEMBERS OF THEIR SCHOOLS AND THEIR CLASSROOMS.

Additionally, AASL's *National School Library Standards for Learners, School Librarians, and School Libraries* affirms intellectual freedom as a Common Belief central to the profession (2018, 13).

Providing Access to Information

Access has been in the news lately with the COVID-19 pandemic causing school closures and schools shifting to remote learning. All students need access to the information that allows them to be informed and participating members of their schools and their classrooms. If Internet access is either unavailable or unaffordable, then intellectual freedom has been denied.

Having a trained school librarian well-versed in the core values of the profession is essential to provide all learners and educators access to information and resources. School librarians serve as teacher, co-teacher, in-service professional development provider, curriculum designer, instructional resources manager, reading motivator, technology teacher, troubleshooter, and source of instructional support (Lance and Schwarz 2012). The job of a school librarian is necessary to a school's functioning because it provides access to a wealth of educational resources to its community of learners.

Providing a balanced collection that offers differing points of view ensures learners have the opportunity to

expand their knowledge base and become more inclusive; it also allows all students the fundamental right to formulate their own values and beliefs. Providing access to library resources that reflect many points of view falls in line with Article I in the *Library Bill of Rights*:

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation. (ALA 1996)

By providing materials and information that present all points of view on current and historical issues, school librarians develop collections that represent multiple perspectives, which will encourage learners to look deeper when researching a topic. The school librarian can help students effectively use materials by framing student instruction around guided inquiry, literacy skills, and critical thinking. By choosing diverse authors and materials, school librarians expose students to unfamiliar voices who may have different perspectives about controversial topics. Through this practice, school librarians advocate for intellectual access. By interpreting information and ideas from diverse sources, students can seek and create

their own philosophies and opinions and reexamine previously held concepts and values. By balancing the collection with all viewpoints, school librarians add value to the research of their learning communities. Ensuring these materials come in a variety of formats that accommodate all learners enables every member of the learning community to access the information needed to explore an issue or answer a question. For learners, the school library represents one of our most cherished freedoms—the freedom to speak our minds and hear what others have to say.

Carol Kuhlthau explains in her steps to using an effective information-seeking process that when the search is completed, the student should have established either new meaning or clarified previous meanings, enabling that learner to either explain what the new learning is or put that learning to use in his/her life (2005). A topic is often considered controversial because it addresses basic questions of who a student (or school community) is, how the student (or the school community) should judge others, and how the student (or school community) should judge themselves. These questions are highly subjective and depend on one's view of the world and one's values. Our values become the lenses through which events and knowledge are interpreted and transmitted. By having a balanced collection,



school librarians do no less than help students think critically and formulate their own identities and analyze their own values.

Collection Policies

A collection must be backed up by policies supporting learners' right to access different points of view. Jamie LaRue states, "Too many school libraries still lack fundamental policies; there are growing restrictions to access; and by their own admission, people responsible for material selection are more concerned about avoiding controversy than supporting the curriculum or student needs" (2016). School librarians and school boards should be prepared to face challenges from parents and others in the community by creating and utilizing a policy to handle controversies rising out of book challenges that may arise when a balanced collection is available. More information on writing policies for selection and reconsideration can be found in ALA's "Selection and Reconsideration Policy Toolkit" (2018).

Policies should contain at a minimum:

- A reference to ALA's *Library Bill of Rights* that supports intellectual and academic freedom
- A rationale that explains the importance of exposing learners to a wide variety of material and information, some of which may be considered controversial

- An explanation for how book selection is conducted
- A process for responding to challenges

School library policies and procedures should in no way restrict equitable access or deny access, either physically or intellectually. School librarians often note a fear of creating controversy over materials chosen for their libraries; therefore, many school librarians self-censor (Coley 2002; Dawkins 2017; Garry 2015; Rickman 2010; Whelan 2009). Materials should not be chosen because of anyone's personal bias or beliefs, nor should they be removed because of perceived community disapproval. Policies that contain references to and/or copies of the *Library Bill of Rights* communicate the importance of access to all ideas and viewpoints. "The *Library Bill of Rights* is an important guide to professional conduct in terms of intellectual freedom. It is a standard by which one can gauge daily practices against desired professional behavior in the realms of freedom of access to information, communications, and intellectual activity....A librarian's primary responsibility is to provide, not restrict, access to information" (Evans 1995, 512–513).

Intellectual Freedom in International School Libraries

Although intellectual freedom is a protected right in the United States and a cherished value in school libraries, other countries around the world do not have the protections provided by the First Amendment of the U.S. Constitution. While some

countries do have protected speech, not every country recognizes this fundamental right. To address this, the International Federation of Library Associations and Institutions (IFLA) developed principles that incorporate the intellectual freedom that is a core value of librarianship.

IFLA encourages its members to promote diversity (2019). Diversity includes race, ethnicity, gender, sexual orientation, language, culture, religion, mental and physical ability, class, and immigration status. No student should be discriminated against. All children are unique and as such need to find their own identities, their own voices. IFLA affirms this principle of access to all students with the following statements:

- Libraries provide access to information, ideas, and works of imagination. They serve as gateways to knowledge, thought, and culture.
- Libraries provide essential support for lifelong learning, independent decision-making, and cultural development for both individuals and groups.
- Libraries contribute to the development and maintenance of intellectual freedom and help to safeguard basic democratic values and universal civil rights.
- Libraries have a responsibility both to guarantee and to facilitate access to expressions of knowledge and intellectual activity. To this end, libraries

shall acquire, preserve, and make available the widest variety of materials, reflecting the plurality and diversity of society.

- Libraries shall ensure that the selection and availability of library materials and services is governed by professional considerations and not by political, moral, and religious views.
- Libraries shall acquire, organize, and disseminate information freely and oppose any form of censorship.
- Libraries shall make materials, facilities, and services equally accessible to all users. There shall be no discrimination due to race, creed, gender, age, or for any other reason.
- Library users shall have the right to personal privacy and anonymity. Librarians and other library staff shall not disclose the identity of users or the materials they use to a third party.
- Libraries funded from public sources and to which the public have access shall uphold the principles of intellectual freedom.
- Librarians and other employees in such libraries have a duty to uphold those principles.
- Librarians and other professional libraries staff shall fulfil their responsibilities both to their employer and to their users. In cases of conflict between those responsibilities, the duty towards the user shall take precedence. (IFLA 2019)

Conclusion

School librarians should include ideas concerning intellectual freedom into their lessons. Valerie Nye states, “Educating all people about intellectual freedom and free access to information is one of the most important

roles librarians have in democratic societies” (2017). As a profession that holds this right as a core value, we cannot remain silent about this issue.

School librarians house active information centers that are designed to meet the needs of diverse learners and faculty through both physical and intellectual access. The school library is the access point for all users to seek information in various formats. Our role is to provide access to the widest diversity of resources that encourage learners to think critically and become effective and ethical users of information.

As school librarians continue to be agents of change in the twenty-first century they need to respond to intellectual freedom issues by creating and maintaining proactive collection development policies, protecting the confidentiality and privacy of users, and collaborating with other members of the learning community to provide lessons that highlight critical thinking and



Dr. Angela P.

Branyon is an assistant professor in School Library and Media studies at the University of West Georgia

in the Department of Educational Technology and Foundations. She earned her doctorate at Old Dominion University in May 2017 exploring intellectual freedom and the novel *The Adventures of Huckleberry Finn*. Before she earned her doctoral in Curriculum and Instruction, she worked as a teacher of high school English and as a high school librarian. Her research interests include intellectual freedom, equitable access, and mentorship advocacy for all rural and low-income school librarians.

problem-solving skills. Intellectual freedom includes teaching students to choose accurate and reliable information both in print and from the Internet.

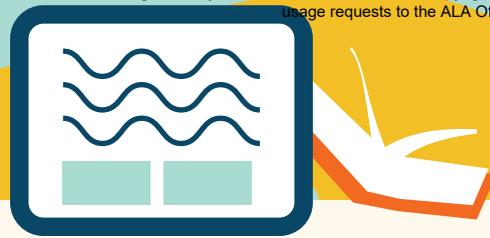
Finally, actively educating our colleagues about intellectual freedom by reviewing court cases, utilizing the tools available to us as members of ALA and AASL, and knowing the seminal tools we have such as the *Library Bill of Rights* will remind all of us that we are on the forefront of protecting our core values and creating a generation of learners who will have the freedom to read and receive information because of our efforts.



Dr. April M.

Dawkins is an assistant professor of Library and Information Science at the University of North

Carolina Greensboro. Dr. Dawkins is a member of AASL and serves as the co-chair of the AASL-CAEP Coordinating Committee. She was awarded the 2019 AASL Research Grant for her 2019 School Library Research article “E-Book Collections in High School Libraries: Factors Influencing Circulation and Usage” (coauthored by Karen Gavigan). Her recent articles include “New School Librarian Preparation Standards: How Does Reading Fit In?” (coauthored with Kim Gangwish and Mary Ann Harlan) in the May/June 2020 issue of *Knowledge Quest* and “Creating Reconsideration Policies That Matter” and “Exploring eBook Use in High Schools” (coauthored with Karen Gavigan) in the March 2020 issue of *School Library Connection*. Her upcoming book *Intellectual Freedom Issues in School Libraries (Libraries Unlimited)* is scheduled to be released in December 2020.



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