



Intellectual Freedom Intro



Intellectual freedom is 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.

Established December 1, 1967, the Office for Intellectual Freedom is charged with implementing ALA policies concerning the concept of intellectual freedom as embodied in the Library Bill of Rights, the Association's basic policy on free access to libraries and library materials. The goal of the office is to educate librarians and the general public about the nature and importance of intellectual freedom in libraries.

One of the ten amendments of the Bill of Rights, the First Amendment gives everyone residing in the United States the right to hear all sides of every issue and to make their own judgments about those issues without government interference or limitations. The First Amendment allows individuals to speak, publish, read and view what they wish, worship (or not worship) as they wish, associate with whomever they choose, and gather together to ask the government to make changes in the law or to correct the wrongs in society.

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.

First Amendment of the U.S. Constitution passed by Congress September 25, 1789.
Ratified December 15, 1791.




A commitment to intellectual freedom and social justice requires that libraries not only protect the truth from suppression, but also prevent its distortion.

Our founders recognized that public schools are a vital institution of American democracy. But education, they also knew, involved more than reading, writing, and arithmetic. Education in a democratic society requires developing citizens who can adapt to changing times, make decisions about social issues, and effectively judge the performance of public officials. In fulfilling their responsibilities, public schools must not only provide knowledge of many subject areas and essential skills, but must also educate students on core American values such as fairness, equality, justice, respect for others, and the right to dissent.

School and public libraries are charged with the mission of providing services and resources to meet the diverse interests and informational needs of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of providing library services and should be determined on an individual basis. Equitable access to all library resources and services should not be abridged based on chronological age, apparent maturity, educational level, literacy skills, legal status, or through restrictive scheduling and use policies.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. A library's failure to acquire materials on the grounds that minors may be able to access those materials diminishes the credibility of the library in the community and restricts access for all library users.





Article V of the *Library Bill of Rights* states, “A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.” The right to use a library includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, apparent maturity, educational level, literacy skills, emancipatory or other legal status of users violates Article V. This includes minors who do not have a parent or guardian available to sign a library card application or permission slip. Unaccompanied youth experiencing homelessness should be able to obtain a library card regardless of library policies related to chronological age.

The mission, goals, and objectives of libraries cannot authorize libraries and their governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents and guardians. As “Libraries: An American Value” states, “We affirm the responsibility and the right of all parents and guardians to guide their own children’s use of the library and its resources and services.” Libraries and their governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Libraries and their governing bodies shall ensure that only parents and guardians have the right and the responsibility to determine their children’s—and only their children’s—access to library resources. Parents and guardians who do not want their children to have access to specific library services, materials, or facilities should so advise their own children. Libraries and library governing bodies should not use rating systems to inhibit a minor’s access to materials.


Intellectual Freedom and Censorship Q & A



Minors' First Amendment Rights

American Amusement Machine Association, et al., v. Teri Kendrick, et al., 244 F.3d 954 (7th Cir. 2001); cert.denied, 534 U.S. 994; 122 S. Ct. 462; 151 L. Ed. 2d 379 (2001): Enacted in July 2001, an Indianapolis, Ind., city ordinance required video game arcade owners to limit access to games that depicted certain activities, including amputation, decapitation, dismemberment, bloodshed, or sexual intercourse. Only with the permission of an accompanying parent or guardian could children seventeen years old and younger play these types of video games. On March 23, 2001, a three-judge panel of the Seventh Circuit Court of Appeals reversed and remanded the trial court's decision stating that "children have First Amendment rights." On Monday, October 29, 2001, the U.S. Supreme Court denied certiorari.

Interactive Digital Software Association, et al. v. St. Louis County, Missouri, et al., 329 F.3d 954(8th Cir. 2003): St. Louis County passed an ordinance banned selling or renting violent video games to minors, or permitting them to play such games, without parental consent, and video game dealers sued to overturn the law. The Court of Appeals found the ordinance unconstitutional, holding that depictions of violence alone cannot fall within the legal definition of obscenity for either minors or adults, and that a government cannot silence protected speech for children by wrapping itself in the cloak of parental authority. The Court ordered the lower court to enter an injunction barring enforcement of the law, citing the Supreme Court's recognition in *Erznoznik v. Jacksonville*, 422 U.S. 205, 213-14, 45 L. Ed. 2d 125, 95 S. Ct. 2268 (1975) that "speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be



suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them. In most circumstances, the values protected by the First Amendment are no less applicable when the government seeks to control the flow of information to minors."

See also: *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)

Ginsberg v. New York, 390 U.S. 629 (1968)

Tinker v. Des Moines Independent Community School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d. 731 (1969)

Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853, 102 S.Ct. 2799, 73 L.Ed.2d 435 (1982)