

ALA American Library Association

April 5, 2022

The Honorable Jamie Raskin
Chair

Subcommittee on Civil Rights and Civil Liberties
Committee on Oversight and Reform
U.S. House of Representatives

The Honorable Nancy Mace
Ranking Member

Subcommittee on Civil Rights and Civil Liberties
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Re: “Free Speech Under Attack: Book Bans and Academic Censorship”

Dear Chair Raskin and Ranking Member Mace,

Thank you for your attention to the issues that will be raised in the Subcommittee’s upcoming hearing on “Free Speech Under Attack: Book Bans and Academic Censorship.” On behalf of the American Library Association (ALA), I am writing to share our concerns about the growing number of recent book censorship efforts.

Every day, more than 360,000 library professionals in every community across America work to promote literacy, provide access to information, and introduce children to the joy of reading. Rooted in the promises of the First Amendment and the Founders’ vision of individual liberties, the freedom to read is central to libraries’ professional standards. The Constitution prohibits public bodies, such as libraries, from discriminating on the basis of viewpoint or censoring materials based on their message. Libraries uphold these Constitutional principles by enabling readers to choose materials representing a variety of ideas, opinions, and views.

ALA is alarmed by an increasing trend of censorship campaigns directed at libraries around the country. These dangerous proposals would strip readers of their freedom to choose, and could make it impossible for libraries and librarians to fulfill our legal and professional responsibilities. Outrageously, some of these proposals even threaten library professionals with criminal prosecution and imprisonment simply for providing widely available books.

In response to these threats, this week ALA is launching “Unite Against Book Bans,” a national initiative to empower readers everywhere to stand together in the fight against censorship.

ALA objects to book bans in the strongest possible terms for the following reasons:

The American Library Association (“ALA”) is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, the ALA has been the trusted voice for academic, public, school, government, and special libraries, advocating for the profession and the library's role in enhancing learning and ensuring access to information for all.

Book bans are unconstitutional and an affront to the Founders' vision of individual liberties and the reader's right to receive information.

The First Amendment protects an individual's right to receive information, including a positive right of access to the public library and its resources. As public institutions governed by the First Amendment, public libraries may not restrict or remove books or other resources because of a dislike or disapproval of the viewpoints expressed by the authors or disapproval of the ideas or messages contained in the work. Courts have held that such restrictions are an unconstitutional burden on the rights of the reader. *Sund v. City of Wichita Falls, Tex.*, 121 F. Supp. 2d 530 (N.D. Tex. 2000). In the context of the school library, school boards may not deny students access to library books because they disagree with the ideas or messages in the book; doing so violates the Constitution. *Board of Education v. Pico*, 457 U.S. 853 (1982)

Book bans are unnecessary under libraries' existing professional standards for acquiring materials to meet the particular information needs of each reader, appropriate to their age and interests.

As trained information professionals, public and school librarians are dedicated to developing collections that include a variety of materials, including those that allow a young person to see themselves and their families reflected in the collection and that provide a means to understand themselves and the world around them. These practices are validated by evidence that the opportunity to select from a wide range of reading materials positively impacts children's reading abilities.

Acquisition of library books and resources is not a haphazard process. In cooperation with their governing boards, librarians develop selection policies that identify objective criteria for purchasing and selecting a variety of materials that meet the varied information needs and interests of the communities they serve. This includes the acquisition of a range of books and resources that are appropriate for young readers, based on their reading skills, understanding, and interests.

Parents are best suited to determine which books are appropriate for their own children, free from government censorship.

Librarians respect the right of individual parents to guide their child's reading and encourage parents and children to talk together about the materials that they are reading. Any decision on whether to limit a young person's access to materials is most appropriately made by their parents, who are best equipped to know and understand their child's intellectual and emotional development. However, a parent does not have a right to restrict through government action

what *another* parent's child may choose to read, which would intrude on the other parent's right to decide for their own child.

Threatening librarians with fines and prosecution for making available a variety of information and ideas for each person to choose and discover is offensive and un-American.

Librarians champion and defend the freedom to speak, the freedom to publish, and the freedom to read, as promised by the First Amendment of the Constitution of the United States. The freedom to select a variety of books and materials that provide access to a range of ideas, beliefs, and opinions is a necessary safeguard for every person's individual liberty to form their own ideas and opinions through free and open inquiry.

Threatening to criminally prosecute librarians for making available a variety of viewpoints, opinions, and ideas, contradicts the guarantees of the First Amendment. Jailing or firing dedicated public servants for conducting the very mission of their institutions is not the act of a government dedicated to preserving liberty, but the act of a government intent on suppressing free inquiry and imposing an orthodoxy of thought and belief.

Conclusion

For the foregoing reasons, ALA expresses severe concern about the dangerous wave of censorship campaigns directed at libraries nationwide. We hope the Subcommittee's hearing will illuminate these problems. We urge jurisdictions around the country not to proceed with such proposals.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A. Caldwell-Stone". The signature is fluid and cursive, with a long horizontal line extending from the end.

Deborah Caldwell-Stone, J.D.
Director, Office for Intellectual Freedom
American Library Association