

## **INTELLECTUAL FREEDOM, MEETING ROOMS, AND EQUITY**

The ALA's Library Bill of Rights is an attempt to provide a conceptual framework to guide the policies and procedures of all kinds of libraries, all across the country. This is an important and laudable goal. If we want Americans to understand what libraries do, it is crucial that we have a common philosophy that guides us. In order for our patrons to feel welcome, they must have some idea of what to expect when they cross the threshold of a library or load up its webpage. The seven items laid out in the Library Bill of Rights focus on openness, equality, and neutrality. They attempt to position the library as a free marketplace of ideas, without favor or contempt. Article I specifies that library resources should be provided for all in the community, and that materials should not be judged based on their creators. Article II directs libraries to offer "all points of view on current and historical issues" and not exclude materials based on "partisan or doctrinal disapproval". Article III directs libraries to challenge censorship as their go about their duties, and Article IV directs them to cooperate with like-minded organizations. Article V forbids discrimination against patrons based on "origin, age, background or views". Article VI applies the now-familiar neutral stance to exhibit spaces and meeting rooms, noting specifically that these resources should be "available on an equitable basis". Article VII is on a separate topic, proclaiming the patron's right to privacy and confidentiality.

While this fervently neutral stance is admirable on its surface, and may indeed have been at the vanguard of progressive thought when the Library Bill of Rights was originally adopted in 1939, it is no longer a supportable position. Director of Libraries at MIT, Chris Bourg, lays out the case for the impossibility of neutrality beautifully, as reprinted on her Feral Librarian blog. She points out that the mere existence of a library is a decision. How much funding will it get, and from where? What types of materials will it collect? Where will it be located? These decisions defy neutrality. Will the library be centrally located, within walking distance of local population centers, or will it be peripherally located, serving regional patrons with access to cars and spare time to travel to and from the library? Will the library be open extended hours, to serve patrons who work full-time?

Every decision made in a library means that another decision was not made. For every anti-vaccine book added to the collection, another book is not added. For every decision to cut library hours to save staffing costs, another patron is not able to access

the library after a long workday. Bourg quotes Howard Zinn who said “Indeed, it is impossible to be neutral. In a world already moving in certain directions, where wealth and power are already distributed in certain ways, neutrality means accepting the way things are now.” Neutrality explicitly supports the status quo, a status quo that was founded in slavery and injustice, and while the arc of history does bend towards justice, we currently find ourselves in an increasingly intolerant, xenophobic and hateful society.

In 2018, the ALA’s Intellectual Freedom Committee proposed an update to Article VI that would include, among other changes, the sentence “*If a library allows charities, non-profits, and sports organizations to discuss their activities in library meeting rooms, then the library cannot exclude religious, social, civic, partisan political, or hate groups from discussing their activities in the same facilities.*” A review of the timeline of these suggested changes indicates good intentions. By including “hate speech” in the text of the Article, the ALA hoped to alert libraries that they could be in legal jeopardy if they did not provide the same accommodations to all community members, regardless of the content of their speech. The unintended consequence of this change however, is that huge swaths of a library’s community may no longer feel comfortable using the library. The Southern Poverty Law Center notes that “FBI statistics show that hate crimes increased by 30 percent in the three-year period ending in 2017.” Imagine that you are a member of a group that is targeted by hate groups. If you know that your library explicitly welcomes these groups, you might justifiably be afraid for your safety in the library. Again, by attempting to remain “neutral” and put no restrictions on the kinds of speech that are allowed, the library has made the decision to support the status quo, and to limit the ways that vulnerable groups can use the library.

There is a potential solution here. Instead of taking sides by not protecting targeted groups, the ALA could use its formidable marketing, legal and lobbying might to begin to challenge the constitutional status of hate speech. There are already types of speech that are not considered worthy of constitutional protection, like defamation, obscenity, and incitement to illegal action. The Supreme Court’s *Chaplinsky v. New Hampshire* (1942) decision ruled that “fighting words” are not protected speech, and while more recent decisions appear to have limited the scope of exactly what fighting words are, *Chaplinsky* has never been repealed, and could for a basis for future decisions.

The ideal of intellectual freedom is a worthy one, and a foundational principle of librarianship, but I would argue that the quest for intellectual freedom should end when someone’s safety is in question. The ALA’s Library Bill of Rights must always be guided by policy and practice, and all libraries can and should implement policies that state that the safety and security of all of our patrons is of utmost importance, and groups that threaten that safety, directly or indirectly, must not be welcome in the library.

## REFERENCES

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