

Trustee Topic 22

Freedom of Expression and Inquiry

Freedom of Expression and Inquiry

- Free access to ideas and freedom of expression are bedrock principles of this country. These principles must be upheld for democracy to survive and thrive. Public libraries are institutions dedicated to the ideal of freedom of expression and inquiry. The public library is the provider of access for all citizens to the full range of ideas, including controversial or unpopular ideas.
- This requires that your library, within the limits imposed by budget, time, and space, seeks to represent the widest range of materials and to provide unrestricted access to electronic resources—so that inquiry is encouraged and creativity stimulated.

Freedom of Expression and Inquiry

- In Wisconsin, as in most states, citizen boards govern public libraries. Citizen governance partially isolates the operation of the library from political pressure—an important concern especially in the development of your library's collection and policies.
- The federal and state Constitutions support the ideals of freedom of expression and inquiry, as do the Wisconsin statutes.

Freedom of Expression and Inquiry

- The very beginning of Chapter 43 (Wisconsin's library law) says: "The legislature recognizes: (a) The importance of free access to knowledge, information and diversity of ideas by all residents of this state; (b) The critical role played by public, school, special and academic libraries in providing that access; (c) The major educational, cultural and economic asset that is represented in the collective knowledge and information resources of the state's libraries; (d) The importance of public libraries to the democratic process."

Collection Development Policy

- Every public library should have a collection development policy that supports the ideals of freedom of expression and inquiry. A sound collection development policy assures the continuous growth of a collection appropriate to your library's defined mission and goals, while recognizing the cultural diversity and pluralistic nature of your community.

Collection Development Policy

- It is recommended that, at a minimum, the policy cover the following points:
 - purpose and scope of collection (separately defined for the adult and children's sections)
 - types of materials to be purchased In This Trustee Essential
 - How the public library promotes freedom of expression and inquiry
 - Library board-approved policies that help protect intellectual freedom TE22-2 Trustee Essentials: A Handbook for Wisconsin Public Library Trustees
 - staff responsibility for selection; use of professional selection tools
 - basis and method of withdrawing and disposing of materials
 - acceptance of gift materials (usually with the understanding that the same selection standards will be applied to gift materials as to those purchased and that staff will have discretion in judging what gift materials will actually be added to the collection)
 - affirmations of intellectual freedom, such as an endorsement of the Library Bill of Rights at: www.ala.org/advocacy/intfreedom/librarybill and the Freedom to Read Statement issued jointly by the American Library Association and Association of American Publishers available at: www.ala.org/advocacy/intfreedom/statementspols/freedomreadstatement

Internet Access Policy

- The Internet brings a wealth of information to even the smallest library.
- The following questions may help your library in developing an “acceptable use policy”:
 - Can children use the Internet independently, or do they need parental supervision or permission?
 - Will the library adopt a code of conduct that must be signed by a parent and child before the child accesses the Internet?
 - Will the library adopt a clear Internet use policy?

Internet Access Policy

- The following questions may help your library in developing an “acceptable use policy”:
 - Will users have to sign up to use Internet terminals?
 - Will there be time limits on the use of Internet terminals?
 - How does the library staff handle being a “go to” place to help troubleshoot devices?
 - Will the results of users’ research be visible to other users or will the library install privacy screens or other means to restrict public viewing?
 - What does the library do when a user is discovered using an Internet terminal for illegal or improper purposes?
 - How does the library handle user and staff complaints about others gaining access to illegal or objectionable sites?
 - How will the library handle false accusations about illegal or improper use?

Internet Access Policy

- The following questions may help your library in developing an “acceptable use policy”:
 - How will the library handle access to functions such as social media sites, peer-to-peer file sharing sites and email?
 - How do the library and its governing board transmit concerns about Internet access to its funding authority?
 - How will the library seek legal review of its Internet policy, both from its own legal counsel and from other legal experts?

Internet Filtering

- Library boards should be aware that certain Internet filtering policies have been found by federal courts to violate First Amendment guarantees. On the other hand, Congress passed the Children’s Internet Protection Act (or CIPA) requiring library filtering in order to qualify for certain uses of federal aid (such as E-rate funding).

Meeting Room, Exhibit, and Display Policies

- Public library meeting room and display policies should also support the ideals of freedom of expression and inquiry. In fact, federal courts have ruled that certain public library meeting room and display policies are contrary to the First Amendment.
- In an April 2000 case, a federal court ruled that a Wisconsin library violated an individual’s First Amendment rights when it refused him permission to use the public library’s meeting room for a program about creationism. The library’s policy prohibited use of the meeting room for religious services, religious instruction, and partisan political meetings.

Meeting Room, Exhibit, and Display Policies

- The Federal District judge ruled that the library’s policies and practices permitting the use of the meeting room for various groups had created a “designated public forum.” In a designated public forum, content-based restrictions on speech are permissible only if they are the least restrictive means to a compelling government interest. The judge ruled that the city failed to show a compelling government interest in excluding the plaintiff from use of the meeting room.

Meeting Room, Exhibit, and Display Policies

- Reasonable regulations on time, place, and manner of speech are permissible in a designated public forum. For example, the judge implied that the library's prohibition on the use of the meeting room for regular meetings of clubs and other organizations was probably a constitutional regulation because it was intended to TE22-4 Trustee Essentials: A Handbook for Wisconsin Public Library Trustees make the room available to a wide variety of organizations. The judge also suggested that the policy excluding use of the meeting room for "commercial sales or presentations promoting specific companies or products" was also constitutionally acceptable.

Staff Development and Public Information

- One of the keys to staff and community support for the principles of intellectual freedom is continuing education and public information on this topic. The better informed all parties are regarding the importance of freedom of expression and inquiry, and related library policies and practices, the less likely it is that your library will be required to defend the library's collection or policies.

Discussion Questions

1. How does your library support the democratic ideal of a well-informed citizenry?
2. Does citizen (library board) control of the library help your library support the ideals of freedom of expression and inquiry? How else does citizen board control benefit your library?
3. Can the use of library Internet filters be consistent with the ideals of freedom of expression and inquiry, and the First Amendment? Why or why not?