

IFLA/FAIFE World Report: Libraries and Intellectual Freedom



United States

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Libraries and librarians in the United States protect free access to information and freedom of expression by adhering to principles of intellectual freedom. Those principles are embodied in the Library Bill of Rights, the library profession's interpretation of the First Amendment to the United States Constitution, which guarantees freedoms of speech and press. The Library Bill of Rights affirms that all libraries are forums for information and ideas. As such forums, they provide materials and information presenting all points of view on current and historical issues.

Population:	269,444,000 (1996)
GNP per capita:	\$ 28,020 (1996)
Government / Constitution:	Republic
Main languages:	English - Spanish
Main religions:	Protestantism, Catholicism
Literacy:	99% (1995)
Online:	53,72% (Sept. 2000)

Despite the recognized role of libraries to facilitate access to information and implement First Amendment guarantees, materials in libraries are all too frequently challenged and banned because of the ideas and points of view they contain. Over the past ten years, the time period covered by the censorship database maintained by the American Library Association's Office for Intellectual Freedom -- <http://www.ala.org/oif.html> -- , the number of challenges to materials has remained fairly constant. There were 595 challenges reported last year; 651 in 1992, 760 in 1994, and 664 in 1996. It is estimated that these statistics account for no more than 20 to 25 percent of the total number of challenges throughout the United States.

The Office for Intellectual Freedom maintains statistics for print materials only. To the extent we may now begin a downward trend in the number of challenges, this trend is explained by the increasing prevalence of electronic resources, especially on the Internet. Not easily quantified, censorship on the Internet is probably best understood by examining current federal, state, and local legislative attempts to restrict types of content on the Internet or, targeting libraries, to restrict access to information on the Internet.

In 1997, the United States Supreme Court struck down the federal Communications Decency Act of 1996, which was designed to control materials on the Internet vaguely defined as "indecent" or "patently offensive." Since that decision, new legislation has been considered at federal and state levels seeking to suppress content on the Internet "harmful to minors." Such legislation attempts to transfer to electronic media a standard usually applied to print materials. In 1998, at the close of its second session, the 105th Congress enacted the Child Online Protection Act, which requires World Wide Web users to provide adult verification to access commercially distributed materials defined as "harmful to minors." A lawsuit, now in its initial stages, is challenging the new law on First Amendment grounds.

Also in 1998, a wide variety of legislation has been considered at federal and state levels either to require libraries to use filtering software on Internet access computers or require them to adopt use policies proscribing access to specified types of materials. Michigan, North Carolina, New York, and some nine other states have considered some form of filtering mandate. So far, no state has imposed filtering in public libraries. A measure in Indiana, introduced as a filtering mandate, eventually became a law requiring public libraries to adopt some form of Internet use policy.

Several states, including Tennessee, have mandated use of filtering software in schools. Two bills in the 105th Congress that conditioned federal funds on use of filtering software by public libraries and schools were defeated.

Overall, libraries and librarians have been successful at defeating individual materials challenges, as well as legislation attempting to impose Internet filtering. The library community is advised it is on solid First Amendment ground in opposing new laws restricting content on the Internet; it is too early, however, to predict the outcome of the constitutional challenge to the Child Online Protection Act.