

## Randal Smathers, Director Rutland Free Library

April 13, 2023

Comments for Working Group on Intellectual Freedom

Thank you for your work, and for the opportunity to address you.

I'm going to discuss book challenges, as I suspect most of your commenters will.

There are well-established best practices to deal with book challenges: Have a written collection development policy, and a procedure with a form that asks for specific input (i.e. page number, what passages are of concern and why, respond quickly & respectfully, don't have the staff member responsible for choosing the book be the first point of contact, etc., etc.). Libraries that don't have these should run, not walk, to get these in place.

Two years ago I would have presented these as my comment. I find they are not sufficient in 2023, due to libraries being pulled into the culture wars.

The Intellectual Freedom Committee of the VLA has an emergency email contact in case of problem challenges. It was used once in 2022, to deal with a library board publicly undercutting its own staff for scheduling Drag Queen Story Hour. The possibility that our boards are not among the "good guys" is a distressing reality, and in the case in question, led to one of the two staff members quitting, followed by multiple threats of legal actions for speaking in public meetings, newspapers reporting on the issue, or in the case of the IFC, saying "there was a challenge" in a newsletter.

These are not theoretical issues. They are rare in Vermont, but it would be naïve to think we are somehow immune to nationwide tactics, which include online form letters, obstructing access to buildings, harassment of staff, disrupting library business including board meetings, and even threats of violence.

So here's a first draft of what I think we need in Rutland ... which might inform other libraries moving forward:

- 1) Yes, have a collection development policy that says the librarian is in charge of the collection (modified to fit each library of course). Ditto assigning agency to the professional staff for programs.
- 2) Also have a policy that says ***the board will support the librarian as long as they have acted professionally*** in addressing any complaints, and that the board's oversight role is not adjudicating content but the librarian's response to a challenge to that content.

Anything else risks having library boards becoming the next battleground (see school boards) for control of materials. Library trustees don't get much vetting, and a trustee seeking to censor materials could cause havoc to an institution that is operating on the margins, as many libraries in the state are.

The state required me to take a free, 20-minute online course on not serving alcohol to minors before we could have a champagne toast for our newly-renovated meeting room. Can / should there be a similar training required before seating a library trustee?

3) Challenge procedures need to have a mechanism built in for duplicate challenges, to address copy/paste complaints from the internet, and to specify the challenger must be an active cardholder of the affected library.

4) VTLIB needs to put its weight behind new best practices once they've been identified. Is there any way for the state to grade libraries in terms of doing things correctly? Class A / B / C as a way to recognize & encourage professionalism?

There is still time to get out in front of these concerns, but we should not wait for a crisis to address them.

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Finally, and on a completely separate tack, is the issue of the freedom to share resources online.

There's an excellent (paywalled) article on The Atlantic website entitled "The Ruling that Threatens the Future of Libraries," by Adam Serwer. In it he argues that the threat isn't the specific decision: Whether The Internet Archive broke the law by briefly creating an online library; rather the concern is that the judge ruled that sharing copyrighted materials online is illegal in pretty much all cases. Affirmation of this decision would force us to fit our old role – book depository – and not adopt new, online ones to meet patron demand.

Cost also threatens libraries.

It would behoove VTLIB to have a chat w/ the attorney general about a class-action lawsuit against the major publishing houses for differential library pricing. All the biggest publishers – within months of each other -- arbitrarily raised prices and put restrictions specifically targeting libraries' electronic borrowing. When an entire industry acted in concert, they used to call that collusion or price-fixing. "Libraries" as independent organizations are too diffuse to change these predatory financial practices, but concerted pressure from a collection of state AGs might have an effect – and get some revenue for the general fund from a settlement.

Thanks,

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