




Library Material Labels and Rating Systems



Infpeople Webcast

Thursday Dec. 7, 2006
12:00 noon to 1:00 p.m

Mary Minow, J.D., A.M.L.S.
LibraryLaw.com
consult@librarylaw.com

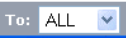
Technical Housekeeping


Don't wait for Q&A to submit questions


- Today's webcast:
 - presentation: 50 minutes
 - Q&A: final 10 minutes
- Submit your questions via 'Chat' *during* webcast so presenter gets them in time
- Fill out evaluation during Q&A

Webcast Archives: infopeople.org/training/webcasts/archived.php

Using Chat

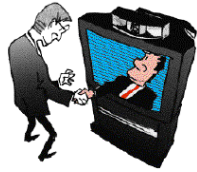
- Get help with technical difficulties
 - send message to "HorizonHelp"
- Ask presenter questions
 - send message to "ALL" 
- Chat with other participants
 - "select name from dropdown list"

Chat Area There 

List of Participants There 

Legal Disclaimer

- Legal information
- **Not** legal advice!



Agenda

Labels: Viewpoint Neutral or Prejudicial
Reading lists, genres, ethnic/language

Notes and Ratings in Bibliographic Records
Written by libraries / vendors

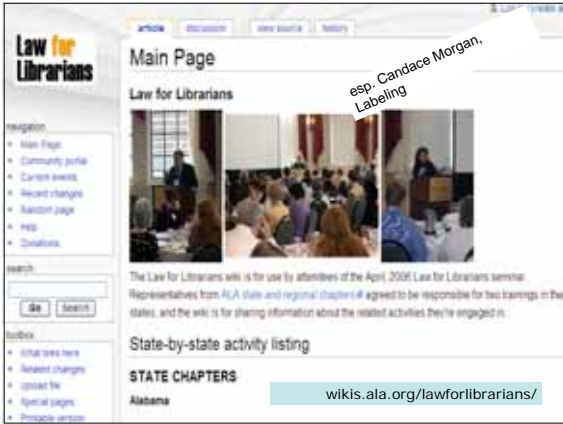
Restricting Materials Based on Ratings
First Amendment problem
Wal-Mart problem

Five Key Questions



1. Labels: Viewpoint Neutral or Prejudicial?





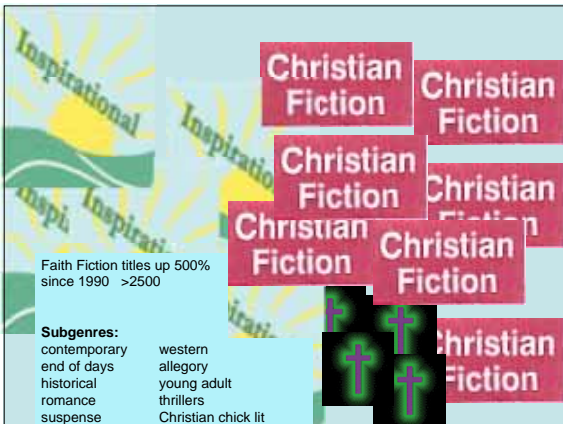
Background: American Library Association (ALA) on Labeling



p. 173-181
history of ALA
on labeling

1950 Sons of the American Revolution pressured libraries to label "communistic or subversive"

Led to ALA stance against labeling

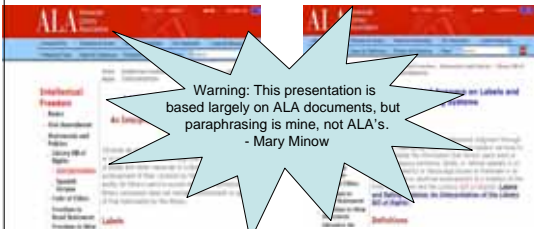


**Current Interpretation Rev. 2005
Q & A added April 6, 2006**



www.ala.org/ala/oif/statementspols/statementspolicies.htm#labeling

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ALA American Library Association
LABELS AND RATING SYSTEMS
An Interpretation of the LIBRARY BILL OF RIGHTS

Labels

paraphrased

ALA opposes labeling as means of predisposing attitudes

When labeling attempts to *prejudice* attitudes, it is **censor's tool**

Labels can be used to restrict materials

Viewpoint-neutral directional labels make it easier to locate material

But if used to forbid access or suggest doctrinal endorsement, effect is same as prejudicial labeling



Is Label Viewpoint Neutral Directional or *Prejudicial*?

Questions and Answers on Labels and Rating Systems



Not always obvious answer.

Depends on **implementation**.

Examine in light of intellectual freedom principles.





Reading List Shelf Viewpoint Neutral?

Questions and Answers on Labels and Rating Systems



May library label/shelve school summer reading list books?

Yes. Assembling high demand materials for limited times helps users.

But make accessible to everyone, not just target audience.





Genre Labels Viewpoint Neutral?

Questions and Answers on Labels and Rating Systems

Romance, mystery, and science fiction

Different opinions about titles' fit, viewpoint neutral
Not moral or doctrinal endorsement.



Christian fiction labels e.g. cross communicates a message of **preference for Christianity** especially when **other religious fiction is not designated**



Violation of First Amendment's separation of church and state and of *Library Bill of Rights*.

Lawsuit Threat

ACLU threatened legal action
 library used cross stickers
 "suitable for Christians"




claimed First Amendment violation
 separation of church and state


Olathe, KS

www.catholicleague.org/2000report/activists2000.html

Different Views


Christian Fiction

Library Director: Christian labels on light fiction. No sex or violence. Not doctrinal.



Board President: Never meant to offend or promote a religion with stickers. Just service to patrons.

ACLU: Effect of stickers, intended or not, gives message Christian books preferable to non-Christian books.



American Libraries, Oct. 30, 2000 tinyurl.com/p77gl

Result?

Board voted to remove labels

American Libraries, Oct. 30, 2000 tinyurl.com/p77gl



Ethnic/Language Sections?

Questions and Answers on Labels and Rating Systems



Okay to meet demand

Make it simple for users to locate items

Design sections to help users find resources relevant to their experience, **not restrict** them to a certain section

Represent diverse viewpoints





2. Notes and Ratings in Bibliographic Records

Questions and Answers on Labels and Rating Systems



Can we add "contains mild violence" on bibliographic records e.g. graphic novels?

No. This voluntary labeling violates *Library Bill of Rights*.

Range of attitudes on "offensive" and "moral values" values. Sex, violence, language...

"Objectionable content" in bibliographic record assumes all members of community hold same values



Written by libraries

Vendor Enhanced Catalogs?

100 ways America is screwing up the world : John Sprunt.
New York : Harper Perennial, 2005.

Subjects

- America -- Social life -- (Graphic novels), 1945-
- Civilization.
- Migration.
- United States -- Politics and government -- 2000-
- United States -- Foreign relations -- 2000-
- United States -- Economic policy -- 2000-
- United States -- Social policy -- 1995-

ISBN 0007720010
0706061113(13)
Description xx, 258 p., 27 cm.
Edition 1st ed.
Notes "With a foreword by Howard Dean." -- Cover.
of Available Copies 0
of Requests 0

Reviews

"As a liberal response to the wealth of pop conservative writing... [this book] is a good read. It is a good read as it is. Problems in liberal hypocrisy... This collection of the party editors, against common U.S. culture, and domestic and foreign policy has its merit. Sprunt, an unapologetic liberal and the executive director of ACT's Center for International Studies, has a sly style and makes his often predictable points with unapologetic panache. Sprunt's is showing the American establishment with conviction the way of the east, and



Enhanced Catalogs

Questions and Answers on Labels and Rating Systems



Book reviews, jackets, evaluative materials?

Libraries shouldn't preclude information useful to users as long as *the criteria for inclusion is viewpoint neutral*

Seek broadest spectrum of informational and evaluative materials possible. Ask vendors to include diverse viewpoints in their products

Hitchcock Critiques ALA "Value Judgment" Test

Informative or Prejudicial?

Jean Genet, *The Thief's Journal*
Notes: author petty thief, homosexual prostitute, army deserter

Diary and Correspondence of Samuel Pepys
Notes: edition deletes erotic and scatological content

Michael Bellesiles's *Arming America*
Catalog record: shows positive reviews [book now discredited]

"causes more problems than it solves"

Leonard A. Hitchcock, "A Critique of the New Statement on Labeling," *The Journal of Academic Librarianship* 32:3 (May 2006) p. 296-302

Ratings in Catalog Records?

King [sound recording] / T.I.
by T. I. (rapper)
New York : Atlantic, p2006.

Subjects: Rap (Music); Rock music -- 2001-2010.

ISBN: 0756781802\$F

Description: 1 sound disc. : 14 cm.

Notes: Compact disc. Parental advisory - explicit content. -- Container insert.

Contents: King / Back -- Lost back disc / U.G.K. -- What you want -- The album / In yo -- Live in the sky / feat. James Ford -- Ride wit me -- The breakup -- Why you wanna -- Call it -- Top back -- Fin straight / feat. B.C. and Young Jeezy -- Undertaker / feat. Young Buck and Young Dro -- Startt up / feat. Yo Yo King -- Yo know who -- Goodlife / feat. Pharrell and Common -- Hello / feat. Governor -- Told you so -- Bankhead / feat. Ph.D. and Young Dro.

Performers: T.I., with accomp. musicians.

of Available Copies: 1

of Requests: 0

Ratings in Catalog Records

The screenshot shows a library catalog record for the album "King [sound recording] : [Clean ver.] / T.I." by T.I. (Rapetti). The record includes details such as the publisher (Atlantic, 2008), subjects (Rap (Music), Rock music -- 2001-2010), ISBN (07567838426), and a list of tracks including "King Back -- Front Back (feat. D.O.K.) -- What You Know -- 'Til I Talkin' to You -- Live at the Sky (feat. James Fauntleroy) -- Ride Wit Me -- Who You Wanna -- Get It -- Top Back -- For Straight (feat. B.C. and Young Jeezy) -- Undertaker (feat. Young Buck and Young Dro) -- Stand Up Guy -- You Know Who -- Goodbye (feat. Pharrell and Combs) -- Hello (feat. Governor) -- Told You So -- Bankhead (feat. P.S.C. and Young Dro)".

ALA American Library Association Movie, Music, Game Ratings in Bibliographic Records, Finding Aids?

Questions and Answers on Labels and Rating Systems

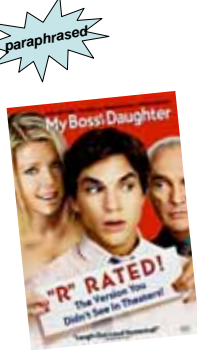
No.
Libraries must not endorse private rating systems
subjective, changing criteria
Ratings in library records, library-created finding aids can predispose users



ALA American Library Association LABELS AND RATING SYSTEMS An Interpretation of the LIBRARY BILL OF RIGHTS

Rating Systems

- Ratings **in packaging**? Library should not endorse practice, but **removal** could constitute expurgation [denying access to a complete work]
- If legislation enforces private rating systems, seek legal advice



ALA American Library Association

3. Restricting Materials Based on Ratings

Questions and Answers on Labels and Rating Systems

R RESTRICTED UNDER 17 REQUIRES ACCOMPANYING PARENT OR ADULT GUARDIAN

PARENTAL ADVISORY EXPLICIT CONTENT

paraphrased

Can library restrict R-Rated movies?

Libraries can make rating systems information available

BUT Government, *including public libraries, cannot mandate or enforce* private organizations' ratings

First Amendment problem



Who Determines R-Ratings, Parental Advisory Notices?

R RESTRICTED UNDER 17 REQUIRES ACCOMPANYING PARENT OR ADULT GUARDIAN

Motion Picture Association of America (MPAA)
www.mpa.org/FilmRatings.asp

Recording Industry Association of America (RIAA)
www.riaa.com/issues/parents/

PARENTAL ADVISORY EXPLICIT CONTENT



Rating systems for parents: films, recordings ...

Parental Advisory may contain strong language or depictions of violence, sex or substance abuse

Movie Ratings

Are Private, Not Public Policy

Deborah Caldwell-Stone, *Illinois Library Association Reporter* 22:2 (2004) p. 10-13

"The public library's restriction on films represents a presumptively unconstitutional prior restraint on speech."

-Deborah Caldwell-Stone

www.ila.org/pub/reporter/vol22no2.pdf

Over the years, questions have arisen concerning the application of the library Bill of Rights provision to specific library questions. One of the first, a 1981 Florida library case involving films in the public library, required the American Library Association (ALA) to clarify the application of the Library Bill of Rights to specific materials. A recommendation by the ALA Intellectual Freedom Committee and the Audio-Visual Board resulted in the ALA Council's adding an interpretive footnote explaining that the Library Bill of Rights applies to all materials and media of administration used as selected by libraries. More than fifty years later, these questions have resurfaced as the Texas Municipal Public Library System Board of the Library Board proposed that the library use the Motion Picture Association of America (MPAA) movie rating system to restrict access.

WE ARE THE GOVERNMENT



Courts Strike Down Government Enforcement of Ratings



- City ordinance used MPAA ratings to restrict minors
 - Struck down
- State penal code made it crime to show movies to minors based on MPAA ratings
 - Struck down

Engahl v. Kenosha, 317 F. Supp. 1133 (E.D. Wis. 1970); Motion Picture Association of America v. Arlen Specter, 315 F. Supp. 824 (E.D. Pa. 1970.) Other cases invalidating government use of MPAA ratings: Swape v. Lutbers, 560 F. Supp. 1328 (W.D. Mich. 1983); Rosen v. Budco, 10 Phila. 112 (1983). Cited in Deborah Caldwell-Stone, "Movie Ratings are Private, Not Public Policy," Illinois Library Association Reporter 22:2 (2004) p. 10-13 at www.lla.org/pub/reporter/vol22no2.pdf

Government Requirement to Label and Restrict Violent Video Games

California law scheduled Jan. 1, 2006:

Label and restrict violent video games with white "18" outlined in black at least two inches square.



Court:

- (1) Plausible, less restrictive alternative?
- (2) State-compelled speech on commercial videos?

Video Software Dealers Ass'n v. Schwarzenegger, 401 F. Supp. 2d 1034, 2005 U.S. Dist. LEXIS 39476 (N.D. Cal. 2005); similar rulings in other states at www.theesa.com/facts/industry_self_req.php

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Struck down before law could take effect

Court:

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Law: R-Rated Movies in California Libraries

Cal Ed Code § 18032

Policy regarding access by minors to videotapes

(a) Every public library that receives state funds pursuant to this chapter and that provides public access to motion picture videotapes shall, by a majority vote of the governing board, adopt a policy regarding access by minors to motion picture videotapes *by January 1, 2000*.

(b) Every public library that is required to adopt a policy pursuant to subdivision (a) shall make that policy available to members of the public at every library branch.

www.leginfo.ca.gov/pub/97-98/bill/asm/ab_1851-1900/ab_1886_bill_19980914_chaptered.pdf

Legislative Attempt To Restrict R-Rated Movies



SB 1412 (Haynes) Safe Libraries Act

"... **prohibit a public library from providing a direct loan** of any motion picture videotape or videodisc that has received an "**R**" (Restricted) or "NC-17" (No One 17 and Under Admitted) rating by the Motion Picture Association of America to any person *under 17 years of age*..." Feb. 1, 2000

Former Sen. Ray Haynes, Riverside



www.leginfo.ca.gov/pub/99-00/bill/sen/sb_1401-1450/sb_1412_bill_20000411_amended_sen.pdf

Library Legislation to Restrict R-rated Movies

Iowa Senate File 2108 (2006)

<http://tinyurl.com/y5f7df>



Kansas HB 2581 (2006)

<http://www.kslegislature.org/bills/2006/2581.pdf>

Wisconsin SB 258 (2005)

www.wla.lib.wi.us/legis/SB258.htm

MPAA Opposition to Library Legislation to Restrict R-Rated Movies



CONCLUSION

MPAA supports and applauds any efforts to encourage increased parental responsibility in their children's viewing selections. However, because the MPAA Rating System is voluntary and strictly an advisory with no force of local, state or federal law, it should not be incorporated into governmental regulation. Therefore, the MPAA respectfully urges that the Ohio Legislature defeat Senate Bill 144.

November 2003

www.wla.lib.wi.us/ifrt/documents/OhioMPAALawMemo.pdf

Purchasing Decisions



CLA Conference Question:

Can library choose to not buy R-Rated / Parental Advisory stickers?

Answer: Although *restrictions on materials trigger First Amendment*, Courts don't tell libraries how to spend their money.

Blanket policy not to buy may be shakier than item-by-item choices

Wal-Mart Problem: Promised Clean Lyrics



Couple sued when CD had
"explicit lyrics"

[no parental advisory sticker]

Did Wal-Mart violate own policy?

... settled (refunds)

Newsletter on Intellectual Freedom, March 2005
https://members.ala.org/nif/v54n2/is_it_legal.html

4. Five Key Questions

[Based on Candace Morgan's Law for Librarians Presentation]

Intended purpose?

Inform? Warn? Discourage? Encourage? Promote?

Nature of symbol used?

Viewpoint neutral? Prejudicial? Religious meaning or association?

Criteria for inclusion?

Objective? Value based? Publisher identified? Library judgment?
Inclusive or exclusive?

How is label used?

Interfiled? Separate shelving? Restrict access?

Sum total of communication to average library user?
