

## Freedom to Read Act

Groups and organizations that favor banning books in Michigan public libraries are clearly going against an overwhelming majority of public opinion that opposes book banning. In March 2023 and updated in November 2023, the Michigan Library Association contracted with EPIC-MRA, who collected over 800 opinions on this very topic from voters in Michigan. An 86% majority of respondents (76% strongly) would “support state legislation that would protect the right of the public to read what they wish to read in local public libraries and not have books banned.”

In conversation after conversation, it became apparent that the best course of action to draft legislation would be to incorporate both the principals of the First Amendment and the rights afforded and upheld in civil rights protections. By incorporating both principals into standard library policy, libraries are able to 1) protect citizen’s rights to receive and express diverse ideas without censorship, and 2) put to rest baseless challenges targeting authors or the subject matter, content, or viewpoint of material based on protected class.

The proposed legislation was also based on the concept that every public library must have transparent and fair policies and procedures available for challenging library materials. In upholding the values of the library profession to be democratic and unbiased, we continue to believe strongly in the due process rights of individuals.

Utilizing the standard “Request for Reconsideration” process used by most public libraries, the proposed bill has incorporated a number of simple, yet distinct ideas:

1.) The proposed bill states explicitly that the public library director shall have final responsibility on the selection of materials for inclusion or withdrawal in a public library’s collection. It also states that a library must have a board approved policy in effect that complies with the act setting forth standards for selection of materials, standards for withdrawal of materials, a process for reconsideration, and other conditions, such as:

- A) the reason or reasons for requesting reconsideration of the public library’s material. (Any reasons that are not in compliance with this act cannot be considered.)
- B) that the requester has read the entire material before filling
- C) that a request may only be made by a resident of the library’s legal service area or contracted service area
- D) that a new request for reconsideration of the same material may not be submitted to the same public library for 365 days after the public library’s determination

2) The reason or basis for a request for reconsideration cannot be made based on religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, or marital status of the author or that the subject matter, content or viewpoint of the material involves religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, or marital status. The public library director has discretion to determine if the reasons stated comply with this subsection.

3) A public library may not grant a request for reconsideration based on the subject matter, content, or viewpoint of material, unless the material has been adjudicated to be obscene or otherwise unprotected by the First Amendment of the United States Constitution or by Article 1, Section 5 of Const 1963, as determined by a court of competent jurisdiction over the community in which the library serves.

4) The Michigan Attorney General may, on behalf of the Library of Michigan, compel the public library to adopt a policy and the attorney general, a resident of the public library’s legal service area or public library’s contracted service area may commence a civil action including a temporary or permanent injunction to prevent the public library from unlawful removal of material or to compel the public library to return material to the collection that are removed in violation of this act.