

Intellectual Freedom and the American Library Association (ALA): Historical Overview *[ELIS Classic]*

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Abstract

One of the major initiatives of the American Library Association has been to promote intellectual freedom in society. The author of this entry was one of the driving forces of this effort over many years. Though, as Krug noted, intellectual freedom has been understood in many different ways, a simplified definition can be taken as the right to freedom of thought, expression, and access to informational materials of any kind. In this entry, Krug described the long, rich history of librarians' efforts to oppose censorship and assure intellectual freedom for library users.

—*ELIS Classic*, from 2003

INTRODUCTION

At the outset, two myths can be dispelled: 1) intellectual freedom in libraries is a tradition; and 2) intellectual freedom has always been a major, if not the major, part of the foundation of library service in the United States. Both myths, assumed by many librarians, are grounded in the belief that librarians support a static concept of intellectual freedom. Nothing, however, could be farther from the truth.

The attitude of librarians toward intellectual freedom has undergone continual change since the late 1800s when, through the American Library Association (ALA), the profession first began to approach such issues with the semblance of a unified voice. The ALA, however, has never endorsed a uniform definition of “intellectual freedom.” Instead, through the council, ALA’s governing body, the Intellectual Freedom Committee (IFC), and the Office for Intellectual Freedom (OIF), ALA has promoted a variety of principles aimed at fostering a favorable climate for intellectual freedom but without the limits imposed by a rigid definition. This approach has permitted a broad definition capable of meeting the needs of librarians as they arise.

CENSORSHIP OF PUBLISHED MATERIALS

The catalyst spurring librarians to take initial steps toward supporting intellectual freedom was the censorship of specific publications. “Censorship” in this context means not only deletion or excision of parts of published materials but also efforts to ban, prohibit, suppress, proscribe, remove, label, or restrict materials. Opposition to these activities emanated from the belief that freedom of the

mind is basic to the functioning and maintenance of democracy as practiced in the United States. Such democracy assumes that educated, free individuals possess powers of discrimination and are to be trusted to determine their own actions. It assumes further that the best guarantee of effective and continuing self-government is a thoroughly informed electorate capable of making real choices. Denying the opportunity of choice, for fear it may be used unwisely, destroys freedom itself. Opposition to censorship derives naturally from the library’s historic role as an educational institution providing materials that develop individuals’ abilities, interests, and knowledge. Censorship denies the opportunity to choose from all possible alternatives, thereby violating intellectual freedom. The library profession has aimed to ensure every individual’s freedom of the mind so that society as a whole benefits. Even in this central area, however, the professional position has fluctuated, being influenced by such factors as taste, quality, responsibility, morality, legality, and purpose.

One early incident concerning censorship, involving a substantial number of librarians, occurred in 1924 when the Librarians’ Union of the American Federation of Labor reported that Carnegie Libraries fostered “a system under which only books approved in a certain manner may be placed on Carnegie Library shelves and that amounts to censorship and is so intended.”^[1] The ALA Executive Board considered the union’s charges and offered to enlist volunteers to investigate the claims. Apparently, however, the union did not act on the offer, and the matter was not considered further by the executive board.

In 1934, the association recorded its first protest against the banning of a specific publication, *You and Machines*, a pamphlet by William Ogburn. Prepared for use in Civilian Conservation Corps camps under a grant

from the American Council on Education, the pamphlet was denied circulation by the camps' director, who believed it would induce a philosophy of despair and a desire to destroy existing economic and political structures. Initially, the ALA president and executive secretary wrote a joint letter to President Franklin D. Roosevelt, stating that "[governmental] censorship on a publication of this character written by a man of recognized authority is unthinkable."^[2] Later the board discussed the banning further and appointed a committee to draft another letter for approval by the ALA Council. The result was a formal request that President Roosevelt "make it possible for the U.S. Commissioner of Education and the Education Director of the Civilian Conservation Corps to direct the educational policies to be operative in these camps and to make available the reading matter essential in a modern program of education."^[2]

These examples illustrate the association's wavering position and reflect the ambivalent attitude of the profession as a whole regarding censorship. A review of library literature reveals relatively few articles on intellectual freedom prior to the 1930s, and many of the articles that did appear supported censorship and only quibbled over the degree and nature of it. Typical was the opinion of ALA President Arthur E. Bostwick, whose inaugural address at the 1908 Annual Conference included these remarks:

'Some are born great; some achieve greatness; some have greatness thrust upon them.' It is in this way that the librarian has become a censor of literature. . . . Books that distinctly commend what is wrong, that teach how to sin and how pleasant sin is, sometimes with and sometimes without the added sauce of impropriety, are increasingly popular, tempting the author to imitate them, the publishers to produce, the bookseller to exploit. Thank Heaven they do not tempt the librarian.^[3]

Given the multiplicity of professional attitudes toward censorship of print materials, it is not surprising that censorship of nonprint media was once viewed as completely outside the concerns of the profession. For example, as late as 1938, the ALA Executive Board believed it was inappropriate to protest when the Federal Communications Commission forced a radio station to defend its broadcast of Eugene O'Neill's *Beyond the Horizon*.^[4]

The association's basic position in opposition to censorship finally emerged in the late 1930s, when John Steinbeck's *The Grapes of Wrath* became the target of censorship pressures around the country. It was banned from libraries in East St. Louis, Illinois; Camden, New Jersey; Bakersfield, California; and other localities. Although some objected to the "immorality" of the work, most opposed the social views advanced by the author.

The initial response of the ALA to the pressures against *The Grapes of Wrath* was the adoption in 1939

of the *Library's Bill of Rights*, the precursor of the present *Library Bill of Rights*, the profession's basic policy statement on intellectual freedom involving library materials.

In 1940, 1 year after adoption of the *Library's Bill of Rights*, the association established the Intellectual Freedom Committee (IFC). (Originally called the Committee on Intellectual Freedom to Safeguard the Rights of Library Users to Freedom of Inquiry, the Committee's name was shortened by council action in 1948 to Committee on Intellectual Freedom and inverted through usage to Intellectual Freedom Committee.) The 1940 charge to the IFC was "to recommend such steps as may be necessary to safeguard the rights of library users in accordance with the Bill of Rights and the *Library's Bill of Rights*, as adopted by Council."^[5] Although the IFC's role has varied, its main function has been to recommend policies concerning intellectual freedom, especially—but not limited to—matters involving violations of the *Library Bill of Rights*. Although its original statement of authority referred only to library users, in reality the IFC became active in promoting intellectual freedom for librarians and patrons as well. Its diversified role was recognized and formalized in 1970 when the council approved a revised statement of authority:

To recommend such steps as may be necessary to safeguard the rights of library users, libraries, and librarians, in accordance with the First Amendment to the United States Constitution and the *Library Bill of Rights* as adopted by the ALA Council. To work closely with the Office for Intellectual Freedom and with other units and officers of the Association in matters touching intellectual freedom and censorship.^[6]

The original *Library's Bill of Rights* focused on unbiased book selection, a balanced collection, and open meeting rooms. It did not mention censorship or removal of materials at the behest of groups or individuals. Over the years, however, the document has been revised, amended, and interpreted, often in response to specific situations with general implications. The first change, a 1944 amendment against banning materials considered "factually correct," was occasioned by attacks on *Under Cover*, an expose of Nazi organizations in the United States, and *Strange Fruit*, a novel about interracial love. Reference to "factually correct" was later dropped, but the directive against removal of materials remained. Opposition to censorship of nonprint media was amended to the document in 1951 because of attacks on films alleged to promote communism. To combat suppression of communist materials or other allegedly "subversive" publications, the association issued its "Statement on Labeling," which stated that designating materials "subversive" is subtle censorship, because such a label predisposes readers against the materials. Responding to pressures against materials about civil rights activities, a 1967 amendment

to the *Library Bill of Rights* warned against excluding materials because of the social views of the authors. In its 1971 "Resolution on Challenged Materials," the association counseled libraries not to remove challenged materials unless, after an adversary hearing in a court of law, the materials were judged to be outside the protection of the First Amendment.

Changing circumstances necessitate constant review of the *Library Bill of Rights* and often result in position statements, called *Interpretations*, to clarify the document's application. The most recent *Interpretations* are Access to Electronic Information, Services and Networks adopted by the ALA Council in January 1996 and Intellectual Freedom Principles for Academic Libraries, approved by the ACRL Board in June 1999 and adopted by the ALA Council in July 2000.

Taken together, these documents recognize and explain that censorship of any materials, in any guise, eventually affects the library. The *Library Bill of Rights*, therefore, provides principles on which libraries may stand to oppose censorship and promote intellectual freedom. Referring directly to censorship practices, the *Library Bill of Rights* states that no library materials should be "excluded because of the origin, background, or views of those contributing to their creation" and that materials should not be "proscribed or removed because of partisan or doctrinal disapproval."

On its face, the profession's view of intellectual freedom is a pure one, based on a strict reading of the First Amendment to the U.S. Constitution, which states, "Congress shall make no law...abridging freedom of speech, or of the press." Within the limits defined by the United States Supreme Court (e.g., the legal doctrines governing obscenity, defamation, or "fighting words"), the position relies on the extension of First Amendment principles via the Fourteenth Amendment to the states and their agencies, including publicly supported libraries. (Some state constitutions actually provide greater protection for free speech than does the First Amendment as interpreted by the United States Supreme Court, but no state is permitted to provide less protection for these fundamental rights.) In actual practice, the purist position sometimes gives way to compromises by individual librarians, resulting in removal, labeling, or covert nonselection of certain materials.

If followed by librarians and governing bodies, however, the association's policy statements provide an effective means of helping to prevent library censorship. Ideally, application of these policies to materials selection, circulation practices, and complaint handling establishes the library as an indispensable information source for individuals exercising their freedom of inquiry.

FREE ACCESS TO LIBRARY MATERIALS

Access to library collections, and services is another concern of the profession. For intellectual freedom to

flourish, opposition to censorship of materials is not enough. Free access to materials for every member of the community also must be ensured. The ALA first recognized this in the 1939 *Library's Bill of Rights*, which included a proviso that library meeting rooms be available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members.

Another policy on free access emerged from a study of segregation made by the association's Special Committee on Civil Liberties during the late 1950s. One result of the study was a 1961 amendment to the *Library Bill of Rights*, stating that "the rights of an individual to the use of a library should not be denied or abridged because of his race, religion, national origins, or political views." This amendment was broadened in 1967, when "social views" and "age" were incorporated to emphasize other areas of potential discrimination. "Age" was included to resolve a long-standing debate on the right of minors to have access to libraries on the same basis as adults.

In 1971, at the urging of the Task Force on Gay Liberation of the Social Responsibilities Round Table, the association recommended that libraries and ALA members strenuously combat discrimination in serving any individual from a minority, whether it be an ethnic, a sexual, a religious, or any other kind of minority. In 1980, the *Library Bill of Rights* was revised to encompass all discrimination based on "origin, age, background, or views." Interpretations of the *Library Bill of Rights* addressing specific issues that fall under these deliberately broad categories include "Access for Children and Young People to Videotapes and Other Nonprint Formats," "Access to Resources and Services in the School Library Media Program," "Free Access to Libraries for Minors," "Economic Barriers to Information Access," and "Access to Library Resources and Services Regardless of Gender or Sexual Orientation."

Another aspect of the library patron's access to materials was broached in 1970 when the Internal Revenue Service requested permission from several libraries to examine circulation records to determine the names of persons reading materials about explosives and guerilla warfare. The association responded by developing its "Policy on Confidentiality of Library Records," urging libraries to designate such records as confidential and accessible only "pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigatory power." The rationale of the policy was that circulation records are purely circumstantial evidence that a patron has taken a book out of the library and that fear of persecution or prosecution may restrain users from borrowing any conceivably controversial materials, for whatever purpose.

The question of library records and the confidentiality of relationships between librarians and library users arose again in 1971 regarding the "use of grand jury procedure

to intimidate anti-Vietnam War activists and people seeking justice for minority communities.” In response, the association asserted “the confidentiality of the professional relationships of librarians to the people they serve, that these relationships be respected in the same manner as medical doctors to their patients, lawyers to their clients, priests to the people they serve,” and that “no librarian would lend himself to a role as informant, whether of voluntarily revealing circulation records or identifying patrons and their reading habits.”

In late 1987, it was disclosed that FBI agents were visiting libraries in what are best described as “fishing expeditions.” Agents generally first approached library clerks and solicited information on the use of various library services (e.g., interlibrary loan, database searches) by “suspicious looking foreigners” and, in some instances, asked to see the library’s circulation records.

A public confrontation between the IFC and the FBI eventually ensued. The IFC stressed the inextricability of First Amendment and privacy rights, as well as the fact that the bureau was requesting that librarians violate not only a professional ethic but also the law in 38 states and the District of Columbia. (As of this writing, there are confidentiality laws in 48 states and the District of Columbia and an attorney general’s opinion supporting confidentiality in two states.) The bureau refused to back away from what it characterized as a program to alert librarians to the possibility that libraries were being used by foreign agents as a place to recruit operatives, that librarians themselves were sometimes targeted for approach by foreign agents, and that valuable material was being stolen by these agents and their operatives. The IFC emphasized, in congressional testimony and in the media, the principle of open access to publicly available information and the central role of libraries in this society as providers of that access.

In the fall of 1989, through a Freedom of Information Act (FOIA) request, the ALA obtained documents from the FBI in which 266 individuals, all of whom had in some way criticized the Library Awareness Program (LAP), were identified as subjects of FBI “index checks.” These documents also suggested that the Library Awareness Program covered parts of the country other than solely New York City, as previously claimed by the FBI.

Early in 1990, the ALA wrote to President George Bush, then director of the FBI William Sessions, and the relevant House and Senate committees, urging that the LAP be discontinued and that the files of the 266 individuals be released to them and expunged from FBI records. Director Sessions responded in March 1990 by defending the program and denying that any investigation of the 266 had taken place, claiming that “index checks” were administrative and not investigative in nature. Subsequently, individuals were urged to make their own FOIA requests, but only one person who filed such a request later reported receiving any information from the FBI.

In addition, the ALA filed yet another FOIA request, which was denied, as was the appeal of that denial, on the grounds that the FBI was in litigation with the National Security Archive (NSA) over the same issue. The FBI promised to give the ALA any information released to the NSA and eventually did so. Nevertheless, the ALA reserved the right to bring suit against the FBI for denying its right of appeal and obstructing a legitimate attempt to gain information under the Freedom of Information Act.

The FBI has never publicly abandoned the Library Awareness Program and may still be conducting it.

Federal agencies are not alone in attempting to make use of library patron records. Local law enforcement officials, journalists, students, parents, fund-raisers, marketing professionals, civil litigants, and politicians have been known to seek borrowing records, registration data, mailing lists, and other information about library patrons. In 1990, a library director in Decatur, Texas, challenged one such attempt in court and won an important victory for library confidentiality policies. In *Decatur Public Library v. The District Attorney’s Office of Wise County*,¹⁷ the district attorney, investigating a child abandonment case, subpoenaed the records of all libraries in Wise County, requesting the names, addresses, and telephone numbers of all individuals who had checked out books on childbirth within the previous 9 months, the titles they borrowed, and the dates the materials were checked out and returned. The police had no evidence indicating that the person who abandoned the child might have borrowed library books or otherwise used the library. They were simply conducting a “fishing expedition.”

The director of the Decatur Public Library refused to comply with the subpoena and, with the help of the city attorney, filed a motion to quash it on behalf of the library’s patrons. On May 9, 1990, Judge John R. Lindsey ruled in favor of the library and quashed the subpoena. His decision recognized the library’s standing to assert a constitutional privilege on behalf of its unnamed patrons and clients, affirmed a constitutional right of privacy available to patrons, and held that the state was unable to demonstrate a compelling governmental objective under its police powers or other legitimate function of government to warrant intrusion of those rights.

In 1995, the issue of library user confidentiality again reached the courts in connection with a lawsuit brought by a tobacco company, Brown and Williamson, against the University of California. The company alleged that the University of California at San Francisco library possessed in its collection documents stolen from the company that purportedly showed that the tobacco industry had known of a link between smoking and cancer for many years and had failed to disclose it. The documents had previously been leaked to the press and discussed in congressional hearings at the time the lawsuit was filed. The lawsuit sought not only return of the documents but a list of all library patrons who had access to them and a

description of the nature of those users' research and publications.

The ALA's sister organization, the Freedom to Read Foundation, identified the case as one of extreme importance, with potential to set positive precedent in favor of First Amendment protection for library-user privacy, and filed an amicus brief explaining the crucial link between library confidentiality and First Amendment rights. Although the case ultimately was resolved without reaching the confidentiality issue, the fact that a request for library-user records was made as part of the lawsuit indicates the breadth of circumstances in which a threat to confidentiality may arise.

Through the association's various position statements, the profession has established a code of free access to services and materials for all library users. Opposed to using the library as a means of intimidating patrons, the profession strives to enhance the intellectual freedom of the library user by providing not only all materials requested but also free and equal access to all materials without fear of recrimination for pursuing one's interests.

THE LIBRARIAN AND INTELLECTUAL FREEDOM

Although the profession, through ALA, formulates policies to help ensure a climate favorable to intellectual freedom, the individual librarian is the key to achieving the end result. Adherence to the *Library Bill of Rights* by individual librarians is the only means of effecting the profession's goals. Consequently, the concept of intellectual freedom also considers the individual librarian's intellectual freedom, both in pursuit of professional responsibilities and in personal life. Several agencies within, or closely affiliated with, ALA encourage and protect the librarian's commitment to the principles of intellectual freedom. In relation to support for intellectual freedom, the *Code of Ethics* of the American Library Association, adopted by the ALA Council in June 1995, specifically states: "We uphold the principles of intellectual freedom and resist all efforts to censor library materials."

From 1940 until 1967, most of such activities were centered in the Intellectual Freedom Committee. For many years, the IFC not only recommended policies but also directed a variety of educational efforts, including collecting and publicizing information about censorship incidents, sponsoring censorship exhibits at conferences, conducting preconferences on intellectual freedom themes, and planning complementary programs to further the association's goals regarding intellectual freedom.

One of these complementary programs is the Office for Intellectual Freedom (OIF), established in December 1967. OIF evolved from a 1965 preconference on intellectual freedom held in Washington, DC. That meeting recommended establishing an ALA headquarters unit to

conduct and coordinate the association's intellectual freedom activities and to provide continuity for the total program. The goal of OIF is to educate librarians and the general public on the importance of intellectual freedom, relieving the IFC of this task and allowing it to concentrate on developing policy. The OIF serves as the administrative arm of the Intellectual Freedom Committee and bears the responsibility for implementing ALA policies on intellectual freedom, as approved by the ALA Council. The philosophy of the Office for Intellectual Freedom is based on the premise that if librarians are to appreciate the importance of intellectual freedom, they must first understand the concept as it relates to the individual, the institution, and the functioning of society. Believing that with understanding comes the ability to teach others, OIF maintains a broad program of informational publications, projects, and services.

The regular OIF publication is the bimonthly *Newsletter on Intellectual Freedom*. The Office also prepares special educational materials, (e.g., the *Banned Books Week Resource Kit* and others as need dictates). In addition, OIF works closely with ALA Publishing to develop relevant monographs. Recent titles have included *The Intellectual Freedom Manual, Sixth Edition*, by the Office for Intellectual Freedom (ALA, 2001); *Libraries, Access, and Intellectual Freedom: Developing Policies for Public and Academic Libraries*, by Barbara M. Jones (ALA, 1999); *Libraries, the First Amendment, and Cyberspace: What You Need to Know*, by Robert S. Peck (ALA, 2000); and *Speaking Out! Voices in Celebration of Intellectual Freedom* by Ann K. Symons and Sally Gardener Reed (ALA, 1999). OIF also distributes documents, articles, brochures, and all ALA policy statements concerning intellectual freedom in print and on the Web. As part of its information program, OIF maintains and distributes a banned books exhibit. The exhibit is available for display at national, state, and local conferences, workshops, seminars, and other meetings.

The Office for Intellectual Freedom advises and consults with librarians confronting potential or actual censorship problems. Telephone and letter requests about materials that have drawn the censorial efforts of an individual or group in the community prompt efforts to give appropriate assistance. Another means of assistance established in 1994 is the Intellectual Freedom Action Network, a group of concerned volunteers who have identified themselves as willing to stand up in support of intellectual freedom when controversy comes to their area and to alert OIF to the activities of censorship pressure groups in their communities. The OIF coordinates the Action Network, calling on its members when necessary to write letters, attend meetings, or provide moral support to librarians fighting censorship in their localities.

OIF also coordinates the Intellectual Freedom Committee's relations with other organizations having similar concerns. These include the intellectual freedom committees of

the ALA divisions and state library association intellectual freedom committees. Close contact with nonlibrary organizations, such as the Association of American Publishers, the American Booksellers Foundation for Free Expression, the American Civil Liberties Union, the National Coalition against Censorship, and others, is also maintained.

As ALA's intellectual freedom program developed, the need for an organizational forum through which individual ALA members could participate in intellectual freedom activities according to their varying levels of interest began to be felt. At the 1973 Annual Conference in Las Vegas, the Intellectual Freedom Round Table (IFRT) was organized as the Association's membership, activity program for intellectual freedom. The activities of the round table supplement OIF's education program and offer opportunities for ALA members to become active in the association's intellectual freedom efforts.

The IFRT sponsors three intellectual freedom awards. The annual State and Regional Achievement Award, given by the IFRT since 1984, was revised in 1991. Formerly presented to a state Intellectual Freedom Committee, the award has been expanded to include "state educational media association intellectual freedom committee[s], state intellectual freedom coalition[s], legal defense fund[s] or other such group that has implemented the most successful and creative state intellectual freedom project during the calendar year. The award also may be presented for ongoing or multiyear projects." In 1975, IFRT established the John Philip Immroth Memorial Award for Intellectual Freedom, given annually in memory of the cofounder and first chairperson of the round table, "to honor notable contributions to intellectual freedom and demonstrations of personal courage in defense of freedom of expression." Biennially, the IFRT sponsors the Eli M. Oboler Award, presented for the best published work in the area of intellectual freedom.

The Intellectual Freedom Committee, the Office for Intellectual Freedom, and the Intellectual Freedom Round Table are the primary agencies for establishing and promoting the association's positions on questions involving intellectual freedom. In addition, the Intellectual Freedom Action Network supports these positions and responds to controversies on the local level. The element in the association's program in support and defense of intellectual freedom that takes the most aggressive, proactive role, however, is the Freedom to Read Foundation.

Incorporated in November 1969, the Freedom to Read Foundation was ALA's response to librarians who increasingly wanted defense machinery to protect their jobs from jeopardy when they undertook to challenge violations of intellectual freedom. Another primary objective in establishing the foundation was to have a means through which librarians and other concerned individuals and groups could begin to set legal precedents for the freedom to read. The foundation was created outside the structure of ALA and, to ensure its full freedom to act

with vigor in the legal arena, it remains legally and financially independent. But the foundation is closely affiliated with ALA through the ex officio membership of ALA officers on its board of trustees, and through its executive director, who also serves as director of the ALA Office for Intellectual Freedom.

A program of education on the importance of, and the necessity for a commitment to, the principles of intellectual freedom requires assurance that such commitment will not result in reprisals, such as legal prosecution, financial loss, or personal damage. The Freedom to Read Foundation attempts to provide that assurance through financial and legal assistance and legal challenges to restrictive legislation, thereby helping to create a favorable climate for intellectual freedom. Through the provision of financial and legal assistance, the foundation attempts to negate the necessity for librarians to make the difficult choice between practical expediency (i.e., keeping a job) and upholding principles, such as in selecting materials for library collections. Through its various projects and grants, the foundation hopes to establish those principles enunciated in the *Library Bill of Rights* as legal precedents rather than mere paper policies.

Established by the Freedom to Read Foundation, but now formally independent, the LeRoy C. Merritt Humanitarian Fund was created in 1970. The Merritt Fund was established by the foundation's board of trustees in recognition of individuals' need for subsistence and other support when their positions are jeopardized or lost as a result of defending intellectual freedom. This special fund offers short-term, immediate assistance even prior to the development of all pertinent facts in a particular case, whether or not legal action has been taken.

In the combined forces of the Intellectual Freedom Committee, the Office for Intellectual Freedom, the Intellectual Freedom Round Table, the Intellectual Freedom Action Network, and the Freedom to Read Foundation, along with the LeRoy C. Merritt Humanitarian Fund, the library profession has available a complete program to support the practice of intellectual freedom. The profession, however, has not yet achieved the same success in a closely related area, that of the librarian's personal rather than professional intellectual freedom. The question of what support should be given to librarians who suffer professionally because of personal beliefs and actions has been approached in individual cases but has not been fully resolved.

One of the first instances involving potential recriminations in a professional capacity as a result of personal beliefs occurred in the late 1940s, with the advent of "loyalty oaths" and "loyalty programs" designed to ferret out communists and "subversives." The Intellectual Freedom Committee faced the loyalty issue with its Policy on Loyalty Programs, first adopted by the council in 1948 and revised in 1951. When another case arose in Florida in 1969, the Policy on Loyalty Programs was reexamined

and again revised. The last revision, adopted by the council in January 1971, states in part the following:

The American Library Association strongly protests loyalty programs which inquire into a library employee's thoughts, reading matter, associates, or membership in organizations, unless a particular person's definite actions warrant such investigation. We condemn loyalty oaths as a condition of employment and investigations which permit the discharge of an individual without a fair hearing.^[8]

In 1969, another incident arose involving a librarian who lost his position because of actions, based on personal beliefs, taken in his capacity as a private citizen. T. Ellis Hodgkin was fired as city librarian of Martinsville, Virginia, shortly after he joined a lawsuit challenging the constitutionality of a religious education course taught in the city school his daughter attended. He also had been active in civil rights efforts. Hodgkin's situation sparked a controversy among librarians, resulting in a recommendation from the Intellectual Freedom Subcommittee of the Activities Committee on New Directions for ALA (ACONDA):

The scope of intellectual freedom encompasses considerably more than just the freedom to read. Support must also be rendered to the librarian who is fired for sporting a beard, for engaging in civil rights activities, etc., etc. And he should not have to claim "poverty" in order to receive it.^[9]

The recommendation, however, was not approved as part of the final ACONDA report.

Some concerned librarians responded to Hodgkin's plight by organizing the National Freedom Fund for Librarians (NFFL), which collected several thousand dollars to aid him. (When the NFFL disbanded in 1971, its cash balance was sent to the LeRoy C. Merritt Humanitarian Fund.)

Hodgkin also appealed to the Freedom to Read Foundation for assistance to defray the financial hardship he suffered when he lost his position. In June 1970, the foundation's executive committee awarded him \$500

for having suffered in his defense of freedom of speech as a result of which he lost his position as a librarian. Inasmuch as it is the obligation of the librarian to protect free speech and a free press through his work as a librarian, it is then particularly appropriate that, when he is deprived of his job because of his own exercise of free speech, the Freedom to Read Foundation assist him in the defense of his freedom.^[10]

A second grant of \$500 was made to Hodgkin in January 1971 for the specific purpose of perfecting an appeal of his suit for reinstatement to the U.S. Supreme Court.

The limits of intellectual freedom were again debated by the profession when the case of J. Michael McConnell arose in 1970. The Intellectual Freedom Committee found that McConnell's rights "under the First Amendment have been violated" because he met reprisals for freely expressing his sexual preference.^[11] On that basis, the LeRoy C. Merritt Humanitarian Fund granted \$500 to help defray financial hardship occasioned by his inability to find another job.

The question of how far librarians are willing to extend the scope of intellectual freedom for the benefit of their colleagues was raised anew in 1979 by the case of Utah librarian Jeanne Layton. In September 1979, Layton was dismissed from her position as library director in Davis County after she refused to comply with requests to remove the novel *American*, by Don DeLillo, from library shelves. The following month she filed suit to regain her job.

The suit was supported from the beginning by the Freedom to Read Foundation, but it soon became clear that the legal battle would be a lengthy and very costly one. Both the Intellectual Freedom Committee and the Freedom to Read Foundation designated the case a priority for 1980. The Utah Library Association rallied librarians and others statewide in support. At the 1980 ALA Annual Conference in New York, the Freedom to Read Foundation announced that it would match two dollars for every dollar contributed to Jeanne Layton's defense from June 27, 1980, to December 31, 1980, up to a limit of \$10,000 in matching funds. The response was, in the words of Foundation President Florence McMullin, "nothing short of overwhelming." When the challenge expired, \$6024 had been received, of which \$5000 was matched "two for one" by the foundation. Moreover, Jeanne Layton won her suit and regained her job, and one of her main antagonists was defeated for reelection to the county commission.

Although the question of how far librarians will go to support colleagues in defense of intellectual freedom will always be resolvable only on a case-by-case and issue-by-issue basis, the response to Layton's courageous stand surely indicates that in general the library profession takes its responsibilities on this front seriously indeed.

THE LIBRARY AND INTELLECTUAL FREEDOM

Each aspect of intellectual freedom in libraries that has been discussed to this point has involved library users and their access to all published materials, as well as librarians and their practice of professional or personal intellectual freedom.

One aspect of intellectual freedom remains to be examined: the library as an institution and the nature of its role in social change and education. Continually debated within the profession and the American Library

Association, the issue has been summarized as “neutrality versus advocacy.” In essence, the question is, can libraries, as institutions, advocate social or political causes and still maintain their image as providers of views representing all sides of all questions?

Whenever the question is raised, it initiates further queries. For example, what constitutes advocating a cause—biased book selection, biased displays, prejudicial assignment of library meeting rooms? Or, what constitutes a cause—peace, ecology, democracy? If a library sponsors a display of books on peace, to maintain neutrality must it also sponsor a display on war? The questions are complex, and the answers have shown no uniformity whatsoever. The American Library Association itself has vacillated on the main issue, reaching only a partial resolution in the late 1960s and the early 1970s.

At the 1969 Annual Conference in Atlantic City, the membership and the council debated whether the association should take a public stand opposing the war in Vietnam or opposing deployment of an antiballistic missile system (ABM). It was argued that because political and moral issues are so deeply entangled with education and library issues, institutions such as ALA and libraries are obligated to take such positions. Those who opposed such positions argued in favor of neutrality on questions not directly related to libraries. They argued that intellectual freedom for those librarians opposed to the majority view would be violated if the association attempted to take stands on social and political issues. They further maintained that they had tradition on their side, because the association had always declined to take a stand on issues not directly related to libraries. That argument, of course, was incorrect. The association had previously taken stands in some instances and refused to do so in others.

In June 1921, for example, the ALA Council espoused a very decided position on the question of disarmament after the First World War. In a strong resolution, the council stated the following:

WHEREAS, The members of the American Library Association had full demonstration of the pain and pinch that belongs to war and the increased cost of all necessities, both personal and professional, caused thereby; and

WHEREAS, The exigencies of international conditions brought about by the cost of war is appalling from every standpoint; and

WHEREAS, We believe the example of the United States in this matter will be followed by the other nations;

THEREFORE BE IT RESOLVED, That the American Library Association urge upon the president of the United States and Congress the initiative of a movement leading to a reduction of armament at the earliest possible moment; and be it further

RESOLVED, That a request be made by the members of the American Library Association to their individual congressman for such action and that a record be made of the replies.^[12]

However, in 1928, when faced by a request from the American Civil Liberties Union that ALA adopt “one or more resolutions on civil liberty,” the ALA Executive Board declined, saying the association “does not take actions on questions outside the library and bibliographic field.”^[13] That was similar to the philosophy that prevailed in 1969, when the Vietnam and ABM resolutions failed to pass the council. The question arose again, however, at the 1970 and 1971 Midwinter Meetings and Annual Conferences. After a great deal of debate, the Council voted at its 1970 Annual Conference in Detroit to “define the broad social responsibilities of ALA in terms of the willingness of ALA to take a position on current critical issues with the relationship to libraries and library service clearly set forth in the position statements.”^[14]

In line with this policy, a carefully reworded resolution opposing the war in Vietnam was adopted by the council 1 year later:

WHEREAS, The stated objective of the American Library Association is the promotion and improvement of library service and librarianship; and

WHEREAS, Continued and improved library service to the American public requires sustained support from the public monies; and

WHEREAS, The continuing U.S. involvement in the conflict in Southeast Asia has so distorted our national priorities as to reduce substantially the funds appropriated for educational purposes, including support for library services to the American people; and

WHEREAS, Continued commitment of U.S. arms, troops, and other military support has not contributed to the solution of this conflict;

BE IT THEREFORE RESOLVED, That the American Library Association calls upon the president of the United States to take immediately those steps necessary to terminate all U.S. military involvement in the present conflict in Southeast Asia by December 31, 1971, and to insure the reallocation of national resources to meet pressing domestic needs.^[15]

With approval of the Vietnam resolution, the association seemed to give broader interpretation to the old “library and bibliographic field.” However, this more permissive interpretation still did not resolve the more basic question of whether libraries themselves should follow the course of neutrality or advocacy.

The contradiction was further focused in July 1974, when ALA endorsed the Equal Rights Amendment. ALA's support for ERA went much farther than its opposition to U.S. military involvement in Southeast Asia. In 1977, the council voted not to hold conferences in states that had not ratified the amendment. In June 1978, the council endorsed the ERA Extension Resolution and, at the 1979 Midwinter Meeting, established an ERA task force charged with assisting and consulting with "ALA Chapters in carrying out the commitment to passage of the Equal Rights Amendment in ways best suited to the individual states."^[16]

The association justified this active support of the proposed amendment, first, by noting the support already expressed by other professional associations "by reason of its beneficial implications for all persons in the American society," and, more specifically, as an outgrowth of ALA's policy requiring equal employment opportunity in libraries, adopted at the 1974 Midwinter Meeting. The resolution in support of ERA noted that "women constitute 82 percent of the library profession." Hence, it was argued, "equal employment required support of equal rights for women."^[17] None of the operative resolutions on ERA addressed themselves to the content of library collections. Opponents of the amendment and pro-ERA advocates of ALA neutrality, however, were quick to argue that library users "have a right to expect the library to furnish them with uncensored information on both sides of this and all other issues. Adoption of advocacy positions and participation in boycotts cannot help but strike a blow at the public's confidence in the fair-mindedness and even-handedness of librarians."^[18]

Yet another aspect of the advocacy versus neutrality conundrum was addressed by the association in 1987 at its annual conference in San Francisco. David Henington, director of Houston Public Library, brought to the IFC for its response and assistance an antiapartheid ordinance passed and implemented by the City of Houston. This ordinance required that all city agencies obtain certification from suppliers of goods and services that they had no affiliates in, and did no business with, the Republic of South Africa. The Houston City Council subsequently voted to exempt both the public library and the city zoo from the requirements of the ordinance. Henington asserted that this requirement was causing serious acquisition problems for the library. Major information services, such as the New York Times Company, the *Wall Street Journal*, and leading publishers, refused to sign such certificates. Some refused because they have reporters in South Africa, one religious group because it has missionaries there, and on principle, in the belief that the free flow of information both into and out of the Republic of South Africa must be defended and enlarged for the sake of those struggling to dismantle the apartheid system there. Because it did not have a copy of the ordinance in hand and because it had received reports of similar

ordinances elsewhere, the IFC voted to explore the matter further.

Two ALA members decided that the issue should be taken to the membership at that conference, and they presented a resolution at the membership meeting. The resolution stressed the intellectual freedom implications of this policy and asked that ideas and information be exempted from the laudable goal of enforcing economic sanctions against the Republic of South Africa for its abhorrent apartheid system. A heated encounter ensued between the presenters and other supporters of the resolution and those who saw it as supportive of apartheid and, therefore, racist. The resolution was resoundingly defeated.

At the 1988 Annual Conference in New Orleans, the membership adopted a resolution reaffirming its commitment to Article 19 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers."

Measuring the Profession's Response

At the present time, the profession uniformly disdains censorship of published materials, print or nonprint. The attitude toward user access is somewhat uniform but contains a great deal of dissent on the question of access for minors to all the materials in a library collection. On the question of the librarian's professional practice of intellectual freedom, there is near agreement that every effort should be made to encourage and protect this aspect of librarianship. The librarian's personal intellectual freedom, on and off the job, presents some points of agreement, but major areas of dissent still exist. The same is true in the area of institutional neutrality versus advocacy.

One conclusion from a review of the history, status, and future of intellectual freedom in libraries is that the American Library Association's positions and programs provide one of the few gauges for measuring the profession's response to the problems of defining, promoting, and defending the concept. The evolving position of the ALA reflects the steady emergence of a philosophy within the entire library community. Although that philosophy exhibits some loose ends, its core grows firmer, based on a history of trial and error and forced response to a continually changing social climate. The philosophy is young, too young to be rooted in tradition, but gradually it has gained recognition as the substance of the total philosophy shaping library service in the United States.

Challenges and Issues Today

The major issues facing libraries today continue to focus on free and open access to information. The ALA

continues to support a commitment to the right of unrestricted access to information and ideas, regardless of the communications medium. This commitment was confirmed most recently in regard to the Internet.

In February 1996, the Communications Decency Act (CDA) was signed into law by President Clinton as a way to keep “indecent” material from anyone under the age of 18. The act said that if anyone under 18 was allowed to view “indecent” material, the provider was subject to a fine of up to \$250,000 and/or up to 2 years in prison. The CDA placed librarians and libraries at risk because the term “indecent” was not defined, providing no guidelines for librarians. The ALA filed a lawsuit (*American Library Association v. U.S. Department of Justice*) in February 1996 challenging the CDA’s constitutionality. It was later consolidated with, and decided under, a separate suit brought by the ACLU (*ACLU v. Reno*). The lawsuit argued three points: 1) Prohibiting material as “indecent” was unconstitutional because the term was vague and undefined. In addition, the act did not distinguish between the information needs of a five-year-old child and a 17-year-old in college. 2) Congress had not considered alternative ways that parents might protect their own children in their own home, for instance, by using filtering software. 3) The Internet is not a broadcast medium but is more like the print medium in that each person controls what they access.

In June 1996, a lower court declared the CDA unconstitutional. The government appealed, and in June 1997, the U.S. Supreme Court, by a 9-0 vote, held the CDA unconstitutional.

A unanimous Supreme Court decision notwithstanding, Congress went back to the drawing board. The second proposal was the Child Online Protection Act (COPA). In this attempt to circumvent the Supreme Court’s CDA decision, Congress made two major changes: the “harmful to minors” standard replaced the “indecent” standard, and the focus was on “commercial” speech.

COPA also established a commission to study the effects of “inappropriate” material on children.

The sponsors believed these changes would save COPA from the fate of the Communications Decency Act, but the Third Circuit Court of Appeals in Philadelphia, the same court which handed down the original CDA decision (subsequently upheld by the Supreme Court), held COPA unconstitutional. The government, of course, appealed to the U.S. Supreme Court, and the Supreme Court heard the case on Wednesday, November 28, 2001.

The government’s third attempt to control the Internet is the Children’s Internet Protection Act (CIPA). CIPA requires libraries receiving certain types of federal funding to establish Internet safety policies and to use technology that blocks or filters material that is obscene, child pornography, or, when a minor is using the computer, “harmful to minors.” This legislation once again puts librarians in an impossible position. Even filtering companies acknowledge that “technology” is incapable of

making the fine distinction between legal speech and speech, which falls into these three and is not constitutionally protected.

On March 20, 2001, the American Library Association and several coplaintiffs filed suit, challenging the Children’s Internet Protection Act in the Third Circuit Court of Appeals. The case is scheduled to be heard in early 2002.

In addition to the ongoing debate over the Internet and filtering, there are a number of other issues facing libraries and librarians today. These include:

- Harassment, or a hostile work environment, produced by open access to the Internet.
- First Amendment rights of minors and their free access to information, as well as the attempt by some to mandate protection for minors from materials that may be “harmful to minors.”
- Continued requests to libraries for patron records under the Freedom of Information Act. This has been of great concern to librarians in relation to new technology which can track a specific patron’s Internet use.

The ALA continues to regularly develop resources to aid librarians in managing and communicating about the Internet. These include the *Libraries & The Internet Toolkit*. For the most current resources and the latest information, see the ALA Web site, which is updated and revised regularly.

CONCLUSION

Although the specific challenges will continue to evolve, the issues and principles remain the same. Librarians and libraries fulfill a unique role in our democratic society. Like no other group, we strive to preserve and protect free and open access to information for all who use our libraries. For, as James Madison explained: “A popular government, without popular information, or the mean of acquiring it, is but a prologue to a farce or a tragedy; or perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.”

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