The current liberal position of the American Library Association (ALA), one of supporting intellectual freedom and opposing censorship, is well known to be of relatively recent origin. The Library’s Bill of Rights (the forerunner of today’s ALA credo, the Library Bill of Rights) was adopted in 1939. Only in the decade prior to that action did ALA haltingly begin to assume its present position as defender of First Amendment rights of freedom of expression and access to that expression. In earlier years if librarians expressed an opinion concerning censorship, it was often to place themselves on the side of the censors, seeing libraries, especially public libraries, as instruments for improving manners, teaching virtue and “good” citizenship. Yet it is not surprising that libraries have become a major channel of unfettered access to all forms of expression, and that the public library is often the only place where the average citizen can find differing opinions on controversial questions, or dissent from current orthodoxy. Librarians, in order to protect the freedom of their libraries, have had to become the First Amendment’s great champions.

This is not the place to review the frequent debates on the proper role of the American public library, nor in a brief essay is it possible to explore the causes of so monumental a change in attitude among American librarians. One may hypothesize, however, that the changed attitude toward censorship is related to changes in society and communication that have altered the librarian’s concept of the role of the library, and of the library’s importance in communication. How much of the changed atti-

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tude may also have been a revulsion from the censorship and book-burning in the totalitarian regimes of the 1920s and 1930s can only be guessed at. In any case, the new attitude placed the library profession in the mainstream of liberal opposition to censorship.²

From the beginning of the nation, a considerable segment of the public opposed granting the government the authority to suppress publication of any work. When the founding fathers added the First Amendment to the Constitution, it was with the knowledge that government control of the press, through the power of prior restraint, was an instrument of repression and tyranny and had been used as such in both England and the American colonies.

In appointing the first Printer to the King in 1531, King Henry VIII created a licensing system which gave the crown effective power over the press. Both purchase and ownership of unlicensed books were illegal. In 1557, the closing year of the reign of Queen Mary I, with the incorporation of the Company of Stationers, greater authority for prior restraint of publications was established and the power to prevent the publication of objectionable books extended both through the monopoly invested in the Company of Stationers and by the franchise of the crown.³

There was great opposition to the arbitrary exercise of power by the Company of Stationers. The record of literary piracy, of unauthorized publication, and of resulting civil and criminal actions throughout the seventeenth century attest to the resistance of many printers to the power of the company.⁴ While it is true that much of the illegal publishing can be attributed to the desire of printers to earn a pound, legal or not, it is also true that opposition to the government or to the established church could rarely be expressed in a licensed work.

Although the Licensing Act was finally allowed to lapse in 1695, long before the American Revolution, the governors of several of the colonies perpetuated the system. It was 1734 when Governor William Cosby of New York, finding Peter Zenger's criticism of his policies intolerable, precipitated the most celebrated freedom of the press incident of the colonial period.⁵

With the heritage of suppression in the colonies and the mother country in their minds, the framers of the Bill of Rights were anxious to prevent prior restraint of publishing and to establish rights of expression upon which the federal government could not encroach. Both Madison and Jefferson wrote of the importance of knowledge to an effective government, and since knowledge, in those relatively simple times, could be
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gained readily only through the press, access to information by the citizen was dependent upon the press being free from restraint.

The press, when Madison was drafting the First Amendment, was far different than it would become in the nineteenth and twentieth centuries. The presses were still hand-operated and a printing of a work—book, pamphlet, newspaper or broadside—was small, often only a few hundred copies or less. At the same time, any individual or group could readily raise the necessary capital, establish a press and disseminate an opposing opinion. The government itself was small and weak, and had not yet developed the bureaucratic predilection for secrecy that has become so pervasive in recent years. The press, at the close of the eighteenth century, could indeed be expected to provide the citizens with what they needed to know, so long as it remained unfettered.

The same cannot be said of subsequent years, for the press (especially the periodical press) and the newer forms of mass communication of the twentieth century would alter the dissemination of information in ways that Madison and his contemporaries could never have foreseen. To compound the changes, the amount of information would grow to a dimension inconceivable to an eighteenth-century man.

The development of mechanized presses, no longer dependent on the power of individual men, revolutionized printing and publishing. An industry closely tied to the intellectual effort and the endeavor of individuals evolved into big business. The magnificent older tradition of personalized journalism and hand printing gradually gave way before the rotary press, the linotype machine, the telegraph and telephone, and finally to computer typesetting and satellite transmission of information.

The newspaper first became the creature of business titans, creating profitable journalistic empires, but with decreasing concern for the responsibility of providing access to information. In the period of "yellow" journalism, the daily press turned more and more to sensationalism and to banner headlines that would outsell the opposition. Publishers like Joseph Pulitzer and William Randolph Hearst fought to dominate the industry and did not hesitate to distort or even fabricate the news in order to outsell each other. Some historians claim that the sensational treatment by the press of the sinking of the Maine had more to do with the U.S. entry into the Spanish-American War than did national interest.6

In the twentieth century many newspapers have become more responsible, as a few always were, but their value in providing access to differing points of view has continued to decline. Even though there were
1762 daily newspapers in 1976, with a national population of 215,118,000, this represents a decline from 2226 in 1900 when the population was 75,994,575. At the same time, there has been a significant increase in the number of cities served only by a single daily newspaper, or by two newspapers owned by the same publisher. The situation is actually worse than the figures reveal, for many older papers have ceased while new ones have been started in growing small cities and suburbs, adding to the number of newspapers with a monopoly status, and not necessarily increasing editorial diversity. The growing ownership of newspapers by regional or national chains has further narrowed the variety of points of view that can be expected. The situation with weekly newspapers is even worse. Their number has been shrinking; those that remain are increasingly bought out by chains, and virtually all are little more than vehicles for advertising.

Even with daily newspapers, the importance of advertising renders their effectiveness in providing objective information suspect. Although no newspaper could long maintain its advertising revenues if it lost its circulation, it is the advertisers and not the subscribers who have the greatest influence. All newspaper publishers will maintain that the counting rooms do not dictate news policy, but in this imperfect world it seems likely that they sometimes do, and even if not, the publisher and his advertisers often represent the same point of view.

The best newspapers are still vital in providing access to information in ways that other media rarely can. Their relatively clear-cut constitutional protection under the First Amendment strengthens them in publishing some information which otherwise could be suppressed. Without this constitutional protection it is doubtful that The New York Times, the Washington Post, and the Boston Globe would have had the courage to defy the government in publishing the Pentagon Papers. And only the investigative reporting techniques common in major newspapers, but rare in other media, made possible the revelation of wrong-doing on the part of officials in the Watergate affair.

The mass-circulation magazines have the same relationship to advertisers as newspapers do, and the smaller magazines, while less dependent on advertisers, reach far fewer people. The precarious existence of mass-circulation magazines tends to push them to cover a fairly narrow range of reporting and opinion, and the smaller magazines, each with its own point of view, cannot redress the balance. The large number of highly specialized periodicals is vital in providing a broad range of information, but because of their limited circulation and high cost they are
directly accessible to a very small number of individuals, and often only in libraries. Unlike newspapers, magazines tend to be dependent on their second-class mailing privilege and are, as a result, potentially vulnerable.

Radio and television reach a far larger audience than do newspapers and magazines. In 1976 there were 6306 AM and FM radio stations, although this number includes numerous stations which provide only entertainment. There were about 800 television stations, including network affiliated, independent commercial, and educational broadcasting stations, both VHF and UHF. Unlike the press, both radio and television stations are dependent for their existence on licenses issued by the Federal Communications Commission (FCC). The radio networks, and some independent stations, are big business themselves, and like newspapers (many of which actually own a radio or television station), are dependent upon advertising revenues. Advertisers do exert pressure on the networks' programming, and directly so when they decline to sponsor programs.

A potentially more dangerous pressure on television, however, comes from the government through its licensing power. The FCC has tried to increase access to information and communication through the fairness doctrine, which requires stations to broadcast replies to their editorial comment and provides "equal" access to political opinion. The application of the fairness doctrine, however, is highly problematic, and broadcasters have become very sensitive to government pressure. When Clay T. Whitehead, President Nixon's director of the Office for Telecommunications, questioned the objectivity of network news broadcasting and threatened new legislation holding local stations responsible for network news content, the industry was thrown into a panic, since the effect of such legislation would have been to pressure local licensees to carry only pro-administration news coverage.

A major virtue of television is its ability to provide immediate information (sometimes broadcast even as an event is happening), but its defect is that one cannot turn back to review the event critically. One is therefore encouraged to hasty judgments and conclusions. Television is a means of access to information which it would be difficult to do without, but it is imperfect and incomplete, and must be supplemented and complemented by less instantaneous information sources.

The book and other media that can be distributed by means analogous to the book trade, such as films and recordings, play a somewhat different role in providing access to information than do the popular periodical press and the mass media. Books especially are for individual use, and tend to record information in greater depth and breadth.
By their very nature they are less timely, although the speed with which both the Pentagon Papers and the transcripts of the Nixon tapes appeared in paperback indicates that even book publishing can be very rapid. Usually, however, the book is the product of more thought, greater research and careful editing. It generally is more permanent. Even television commentators write books when they want their ideas to be more than ephemeral.

In many ways books provide the most effective means of access to information and to mankind's thoughts, opinions and imaginings. The number of books published each year far exceeds the number of newspapers, general magazines, or radio and television stations, and is rivaled only by the number of highly specialized or scholarly small-circulation periodicals. Even though among them are found books that are trivial, biased, and even sometimes pernicious, by their number and variety they carry their own correctives and provide the individual the opportunity to compare, to sift and to choose.

In talking about access to information, however, even books present problems. Although there were 35,141 books published in the United States in 1976, compared to 2076 in 1880, the means of distributing them commercially has hardly improved. The number of retail book stores amounts to only a few hundred more than the number of television stations, and they are far less evenly distributed. Only the ubiquitous mass-circulation paperback seems readily available to the individual, and the number of titles available in newsstand-type outlets is a tiny fraction of the number in print. Even the most popular book clubs offer only a small selection of the books published annually, and almost none of the more scholarly works.

In recent years many book publishers have been absorbed by giant corporations intent on diversification and profits. The result has been that these publishing houses have become more conservative fiscally and less independent editorially, rejecting books that do not assure them profit at a high level determined by the parent corporation. The range in opinion available in books, therefore, has been diminished.

Given the enormous number of books, government intervention in book publication might be considered minor. Yet the federal government has consistently interfered with their publication and distribution. Despite the First Amendment prohibition, Congress has passed numerous laws through the years abridging the freedom of the press. As early as 1798, the Sedition Law forbade criticism of the actions of Congress and
the president; however, it was allowed to expire after Jefferson's election in 1800. In 1836 the First Amendment was invoked to prevent passage of legislation empowering the postmaster general to destroy publications of the Abolitionists sent through the mails, but since then the First Amendment has been more or less ignored by Congress.11

In 1842 Congress authorized the customs authorities, through a tariff act, to seize "obscene or immoral" pictorial matter and to institute court action to destroy it.12 In 1865 the first law to control obscene matter sent through the mails was passed, and in 1873 Congress enacted the notorious Comstock bill. Through it the postmaster general was empowered to seize or to declare unmailable materials which he judged to be obscene. At various times since then, this power has been extended to prevent or control the mailing of publications which the postal authorities judged to be seditious or to contain undesirable communist propaganda, sometimes with, and other times without, statutory authority. The postmaster general has even revoked the second-class mailing privilege of some periodicals, thus withdrawing one of the oldest supports of an American free press.13 The post office has controlled what could be sent through the mails, and the customs service has censored importations.

Recently, in a blatant case of prior suppression, the government succeeded on grounds of national security in censoring a book, The CIA and the Cult of Intelligence by Victor Marchetti, a former CIA employee. When the CIA demanded 168 deletions from the book before it was even published, claiming that the information was classified, the court determined that only 26 of the contested passages contained information that was classified when Marchetti was employed by the CIA. The appeals court, reversing the lower court, upheld the position of the CIA, even though the lower court judge had found that 142 items had been declared classified by CIA officials after the fact, i.e., after they read Marchetti's manuscript. Marchetti's appeal to the U.S. Supreme Court was denied. While this book, and the information deleted, may not have been critical, the significance of the case lies in a restrictive attitude of the federal government toward access to information.

While it has been largely through the post office and customs services that the federal government has censored, the states and many municipalities have enacted laws prohibiting the publication and distribution of materials alleged to be obscene, and have used their police powers to enforce the obscenity laws.14 Perhaps three-fourths of the states have "harmful matters statutes," laws which relate to the distribu-
tion or sale of materials considered harmful to minors. The story of state and local censorship is too extensive to begin to recount here, but such repression has existed since the early years of the nation.

Local, state and national governments have attempted to censor publications, particularly those which have espoused unpopular political and religious doctrines (e.g., sedition, blasphemy and "communist propaganda") and publications with prurient appeal. That is one side of government action relating to access to information. There is, however, another side, and one more in keeping with the spirit of the First Amendment.

The very postal laws which the federal government has at times used as instruments of censorship, have also consistently been used to promote access to information and ideas. From the earliest period, Congress provided low postal rates for papers and magazines as a federal subsidy to the distribution of information. The rates have made it possible for many small journals dissenting from more popular positions to exist. The second-class postal rate continues to be a federal subsidy to diversity in ideas, even though the post office department, from time to time, has denied that privilege arbitrarily.15

Another great contribution of the federal government to the provision of access to information has been the free distribution of government publications and the development and improvement of the depository library system. Initially Congress set out to provide the record of its own activities to the officers of the states and territories, but early in the nineteenth century the initial distribution to elected officers began to evolve into a system intended to make congressional and, later, all government publications available to the general public through a network of participating libraries. As a result, the publications of the world's largest publisher, the U.S. government, are available without cost to the entire population, or at least to that portion of it with access to a depository library.

At the same time, the federal government exhibits an ambivalence toward making information available that is at best disquieting, and at worst frightening. For more than a century, with general acceptance, it has kept some information secret, such as military information of certain types, negotiations with foreign governments, and a limited number of other delicate matters. Such information was usually made available by publication after a number of years had passed and it was no longer sensitive. No one can rationally argue that certain types of information should not be secret for a reasonable period of time.
In recent years, however, the federal government—especially the administrative branch—has greatly increased the classification of material. The power to classify documents as top secret, secret, confidential, and restricted has become a status symbol in many government agencies, and has been used with increasing frequency. Gradually the public has become suspicious that the power to classify is used less to protect national security and more to keep the public ignorant of what the government is actually doing. Publication of the Pentagon Papers turned suspicion to conviction. The frequent leaking of secret documents to the press by high officials of the State and Defense Departments, and even the White House, adds further evidence that classification may be political, and that the government itself will leak sensitive information when the release of the information can influence policy or appropriations.

The government has also become concerned. The Watergate scandal has dramatized the potential and present danger of government secrecy. As a result, Congress has taken steps, even though inadequate ones as yet, to make more information available through passage of (1) the 1974 amendments to the Freedom of Information Act, and (2) the act authorizing the appointment of a Public Documents Commission to recommend legislation on the ownership of the papers of public officials.

Even in a nation where there is probably less suppression of information than in any other, it is clear that there are many problems inherent in securing access to information. Although the various media have their defects, an enormous amount of information is available. In fact, the amount of information in existence is so overwhelming that it has become almost impossible for the individual to secure the information needed without the assistance of local, state and/or national government.

In the United States it has been de facto public policy to provide access to information, even though the policy has not been explicitly enunciated. Low postal rates for periodicals, free distribution of government publications, and especially local, state and federal support for all types of libraries, attest to the commitment of government to providing information to citizens. The nineteenth century, and thus far the twentieth, have seen phenomenal growth of libraries, of increased access to information for a growing number of people through them, and of a comparable public commitment to their support.

Libraries have several advantages as channels for access to information. They have no partisan affiliation, no doctrine to promote (except those in religious schools and colleges), no advertisers to please, and rarely
anything to hide. They function as brokers for the users of information, se-
curing from the producers all those kinds of information that it is possible
for them to process and deliver. By drawing on all the published media,
libraries compensate for the deficiencies of each individual medium, and
in theory provide access to all information that is not secret. Actually,
no library has sufficient resources to provide for all the information needs
of its potential users. Recognition of the inadequacy of individual libraries
and library systems in providing access to information has forced the li-
brary profession to develop networks of libraries and to plan networks of
networks to achieve something approaching a comprehensive level of
access to information.

The same years that saw the growth of national and state planning
for libraries and for interlibrary cooperation and coordination have also
been the years in which librarians have adopted their present role as First
Amendment defenders. It may be that both developments represent a
maturing of American librarians’ attitudes toward information, i.e., the
achievement of a higher level of sophistication in defining the library’s
role in society, which contrasts sharply with the simplistic nineteenth- and
eyearly twentieth-century idea that the library was a defender of manners
and morals. The present stance has placed librarians in the forefront of
opposition to censorship, and has made libraries the prime source for all
kinds of information.\textsuperscript{16}

While public policy has supported access to information, there are
powerful forces which would withhold information and expression.
Their impact is felt in government at all levels, and in the media. These
forces are indigenous to society and are older than the Republic. The very
settlers who fled Europe to find freedom of expression for their own brand
of dissent had little tolerance for other dissenters. Many brought rigid
political and religious attitudes that have never wholly died away. Ameri-
can’s puritan heritage has known a long twilight. In this most sophisticated
of human societies, there continues to be a fundamentalist element that
defines its values in simplistic terms.

The puritanical elements in American society have always opposed
freedom of expression in manners and morals. Conservative political ele-
ments often, but not always from the same groups, have opposed eco-
nomic, political and social innovation and have tried to suppress the
writings of proponents of such change. With some measure of success,
these groups have often tried to censor, either through pressure for en-
actment of legislation or through direct (though extralegal) pressure on
schools and libraries.
Rising social consciousness in our times has given greater heed to the right of the dissenter to be heard, and to equal rights for minorities. But as expression has become diversified, as differing lifestyles have been accepted, and as new value systems are proposed and acted upon, conflicts between the changes in society and the mores and values of conservative fundamentalist groups have brought about attempts to resist such change through censorship. Ironically the very groups who have found new protection for their rights and point of view have in turn attempted to suppress ideas which they consider unfavorable to them. Attempts to suppress ideas and publications are made from both left and right.

The library stands in the middle. Some librarians deplore this position, wanting libraries to take a stand, to support one idea and perforce to oppose others. But this preachment of reaction is not the direction American librarianship has taken the last forty years, nor is it likely that it shall return to the stance of an earlier day.

Despite buffeting from the forces of repression, libraries (especially public libraries and the libraries of institutions of higher education) in the United States have achieved a privileged place in society as the acknowledged centers for access to ideas. Librarians, under the leadership of ALA, are dedicated to maintaining the library's place as the embodiment of those rights of access to expression enunciated in the First Amendment. Providing information is the library's function. Recognizing that limitations on freedom of expression are an actual or potential bar to fulfilling the library function, American librarians have made unfettered access the heart of their creed. Though access to information is imperfect and intellectual freedom always under attack, the library profession has taken its stand in favor of both.

References


2. The frequent requests to the Freedom to Read Foundation to enter cases not directly relating to libraries indicate growing recognition of the strong anticensorship position of the ALA.

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9. Ibid., p. 582.

10. Ibid., p. 588; and Historical Statistics . . . , op. cit., p. 808.


12. Ibid., p. 12.

13. Ibid., p. 35.


15. Paul and Schwartz, op. cit., p. 35.

16. See Fiske, Marjorie. Book Selection and Censorship; A Study of School and Public Libraries in California. Berkeley, University of California Press, 1959; and Busha, Charles H. Freedom Versus Suppression and Censorship; With a Study of the Attitudes of Midwestern Public Librarians and a Bibliography of Censorship. Littleton, Colo., Libraries Unlimited, 1972. This research makes it clear that not all librarians are so committed to opposing censorship, but the ALA position has been steadfast.