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# Censorship: Current Issues in American Libraries

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## ABSTRACT

TWO TYPES OF CENSORSHIP pervade contemporary society. The first, regulative censorship, aims at the suppression of values inimical to the safeguard of such orthodoxies as religion, the protection of the state, or personal morality and purity. As a result, books or other media professing alleged blasphemy, heresy, sedition, or immorality are liable to be banned. A second form of censorship, existential censorship, is linked to monopolistic domination by either the state or the market to subvert or deny public access to some forms of knowledge and information. The protection of the state may lead to a control of information under the aegis of national security, and then needs of the market may lead to a delimitation of information through the imposition of fees and charges. The author sees evidence of the first form in the attacks on materials deemed unsuitable for young readers (school library censorship) and of the second in stricter governmental controls over the dissemination of information (the FBI Library Awareness Program). She believes that a distinctive change from a liberal to a conservative stance in American regime values has contributed to the present state of censorship activity in this country.

## INTRODUCTION

Like the word *pornography*, which Justice Potter Stewart said he found difficult to define although he knew it when he saw it, the word *censorship* is equally difficult to delimit. Conjured up by one of its oldest meanings is the work of the ancient Roman magistrates assigned to take the census of the citizens and to supervise their moral

conduct. Time, however, has considerably extended the boundaries of this original surveillance and today the invocation of the word *copyright* summons up entire chapters of history ranging from the Spanish Inquisition or the New England witch hunts to the book burnings of Nazi Germany.

Because this article must of necessity address a "climate" of censorship rather than serve as a mere iteration of seemingly random acts of proscription—either of a governmental or nongovernmental nature—no precise definition of censorship will prove to be wholly adequate. But since some limits to the terrain which is to be subsequently explored here are necessary, it may prove helpful at the outset to use a distinction made by Sue Curry Jansen in her book on censorship. In distinguishing between two types of censorial activity, Jansen defines the first as regulative and the second as constitutive or existential. The one most familiar is regulative censorship, which refers to those exercises of power summoned up in defense of ideations imbued with auras of orthodoxy, such as religious deities, public safety, the protection of the state, or even personal purity. Throughout history, values seemingly inimical to the safeguard of such concepts are suppressed (hence accusations are leveled against blasphemy or heresy, sedition, obscenity, or immorality), with the consequence that the proponents or followers of these heterodoxies "can be identified, profiled, and evaluated in terms of humanistic standards," such as the level of violence needed to maintain control, the degree of tolerance for unorthodox ideas, or the severity of the purgation needed to remedy the situation. "Regulative censorships," she notes, "can be amended or revolutionized in ways that raise or lower bodycounts, numbers of books banned or citizens ghettoed or gulaged" (Jansen, 1988, p. 8).

In contrast to this overt and documentable battle between orthodoxy and heterodoxy, constitutive or, as I prefer to call it, existential censorship, is far more pervasive and invidious. Elite interests, whether those in control of the state, the market, or increasingly, those in which the interests of the state and the market are allied, exhibit a form of monopolistic domination in which public access to some forms of knowledge and information is either subverted or denied. Evidences of this latter type of censorship in which knowledge and power are inextricably linked abound in the recent decade, beginning with the concept that knowledge produced in the public interest has become a purchasable commodity subject to the regulation of the market and leading to private-sector control of information even though it was initially gathered in the public interest and paid for through public taxation (Jansen, 1988, pp. 167-72).

Historically, the literature of librarianship has been dominated by aspects of regulative censorship; only recently has existential

ensorship with its recognition of the commodification of information/knowledge emerged as a topic of discourse. If any recent year might be selected to mark a coincidence of events dealing with both regulative and existential censorship, it might be 1977, the year in which the final report of the Commission on Federal Paperwork was issued and also the year in which plaintiffs in the case of *Pico v. Board of Education, Island Trees Union Free School District* began litigation alleging violation of their First Amendment rights. The first of these actions led to the passage of the Paperwork Reduction Act of 1980, which was subsequently used to sanction a singular role for the U.S. Office of Management and Budget as the national czar of federal information resources, and the second resulted in the first major decision of the U.S. Supreme Court involving the holdings of a school library and the rights of its students to have access to them.

The year 1977 is also interesting in that it witnessed the admixture of the American Library Association (ALA) film, *The Speaker*, dedicated to the concept that tolerance must be extended even to the most detestable ideas, and the protest of holocaust survivors in the Village of Skokie, Illinois, to the threat posed by the National Socialist Party of America in planning a demonstration there in spring 1977. The defense of the Nazis by the American Civil Liberties Union resulted in a severe diminution of its national membership, and the pros and cons relating to the ALA's continued sponsorship of the film occasioned national attention in both the press and on television. The ideological conflicts involved in both of these incidents are still matters of debate (Berry, 1978; Downs, 1985).

This article will explore the trajectories of both regulative and existential censorship during the decade of the 1980s as they have influenced the perspectives and perceptions of the American library profession. It is written at a time when world response to *The Satanic Verses* by the Indian-born novelist Salman Rushdie was a dominant front page feature and when the closing salvos in the trial of Oliver North were heard in the federal courts. Of these two developments, the alleged insult to the sacred writings and religious beliefs of Islam was suggested as the rationale for the first while the protection and defense of United States "national security" was raised as a central issue in the second.

#### REGULATIVE CENSORSHIP IN THE SCHOOLS: THE PICO CASE

Although many notable lower court decisions regarding the censorship of books in school libraries had been issued prior to 1982, such as *Minarcini v. Strongsville City School District* (1976), the *Right to Read Defense Committee of Chelsea v. School Committee of the*

*City of Chelsea* (1978), and *Salvail v. Nashua Board of Education* (1979), the Supreme Court had not substantively addressed the question until it heard the case of *Pico v. Board of Education*.

The Pico case arose out of an incident in the fall of 1975 involving several members of a Long Island, New York, school board. Three board members, including its president and vice-president, had attended a conference sponsored by a conservatively oriented group called Parents of New York United (PONY-U). They obtained excerpts selected from books deemed by PONY-U as "objectionable." Several books were subsequently removed either from the school libraries or from use in the curriculum. Included were the anonymously published *Go Ask Alice*; Alice Childress's *A Hero Ain't Nothin' But a Sandwich*; Eldridge Cleaver's *Soul on Ice*; Oliver LaFarge's *Laughing Boy*; Bernard Malamud's *The Fixer*; Desmond Morris's *The Naked Ape*; Piri Thomas's *Down These Mean Streets*; Kurt Vonnegut's *Slaughterhouse-Five*; Richard Wright's *Black Boy*; an anthology, *The Best Short Stories by Negro Writers*, edited by Langston Hughes; and *A Reader for Writers*, edited by Jerome Archer, which included the text of Jonathan Swift's *A Modest Proposal*. The school board subsequently issued a press release making reference to the books in these terms: "anti-American, anti-Christian, anti-Semitic (sic), and just plain filthy." In justification of their actions, the board noted that "we who are elected by the community, are the eyes and ears of the parents. It is our duty, our moral obligation, to protect the children in our schools from this moral danger as surely as from physical and medical dangers" (*Pico v. Board of Education*, 474 F. Supp. 387 at 390, 1979).

In January 1977, several students in the school and their parents who represented them as "next friends" filed an action for injunctive and declaratory relief alleging violation of their rights under both federal and state constitutions. In its initial ruling in the case, the U.S. District Court for the Eastern District of New York found in favor of the school board in deference to "the school board's substantial control over educational content...." In citing precedence for the decision, District Judge George C. Pratt quoted from a prior case: "The very notion of public education implies substantial public control. Educational decisions must be made by someone; there is no reason to create a constitutional preference for the views of individual teachers over those of their employers" (*Pico v. Board of Education*, 474 F. Supp. 387 at 397-398, 1979).

In 1980, the U.S. Court of Appeals for the Second Circuit, 638 F. 2d 404 (1980), reversed the lower court decision and found in favor of the students. The judgment of the court cited examples of the "erratic, arbitrary and free-wheeling manner" in which the school board had proceeded in the case, and noted the "substantive confusion,

not to say incoherence," which had typified the board's rationalizations in removing the material (*Pico v. Board of Education*, 638 F. Supp. 2d 404 at 416-417, 1980).

The school board appealed the decision of the appellate court, and the Supreme Court, in a five to four opinion, handed down their decision in 1982 (*Board of Education, Island Trees Union Free School District no. 26, et al. v. Pico*, 457 U.S. 853, 1982). The plurality (Justices Brennan, Marshall, Stevens, Blackmun, and White) held that the case should be remanded back to the district court where, if tried, evidence should be introduced to determine if the board's actions were based on "constitutionally valid concerns" rather than on what appeared to be the rash and injudicious personal convictions of school officials. Chief Justice Burger and Justices Powell, Rehnquist, and O'Connor dissented, finding that the school board was the proper vehicle for the determination of decisions affecting the education of the children within the public school system.

History links this case with another and equally historic school censorship controversy, the bitter dispute in 1974 over the decision of the Kanawha County (West Virginia) Board of Education to adopt a collection of books for use with the curriculum which were subsequently characterized as "anti-Christian, anti-American, anti-authority, depressing and negative (Teacher Rights Division, 1988, p. 2). Almost unprecedented in terms of its violence (actions by protestors included firebombings, phone threats to intimidate parents from sending their children to school, gunshot blasts at school buses, assaults, and spraying with MACE), the Kanawha County incident ground to its unhappy end in 1975 when an uneasy truce took place between the educational establishment and the protest movement, members of which were largely drawn from the rural areas of the county. It was a resident of this county who was later to speak on the topic of litigation involving the control of textbooks and library books in the schools at the PONY-U conference attended by three officials of the Island Trees School Board.

The polarity in the value systems held by both the plaintiffs and the defendants in the Island Trees case is comparable to that which distinguished the urbanized Charleston residents from their fundamentalist rural neighbors in Kanawha County. These value systems are not unrelated to what political scientists call regime values—those principles that in fact sustain a sociopolitical vision of society from one administration or regime to another. Since World War II, revolution has dramatically changed the contours of the globe, including the overthrow of governments in Eastern Europe, China, Cuba, the majority of African nations, and much of Asia. By contrast, the United States has been characterized by comparative stability,

although the ideological dichotomies between value systems have contributed greatly to the experience of stress and the expression of discontent by many Americans during the last few decades.

In a 1972 published analysis of American regime values, political scientist Donald J. Devine (1972) held that, although consensual support for the liberal values of the American regime still existed, future events could change their position:

Political leaders may ignore member values; environmental stress may make political or other social structure unworkable; elites may organize non-mass-based revolution or *coups d'état*; foreign forces may come to dominate the system; members may come to "rationally" reject the values; or the values may not be transferred to the next generation. (pp. 368-69)

It is my contention here that the liberal values of the American regime have been considerably eroded within the past decade and that the 1988 presidential campaign revealed many of the polarities and differences in American sociopolitical perceptions: conservative versus liberal; support of or opposition to the death penalty; a predisposition for a stronger as opposed to a weaker role for the federal government; pro-life versus pro-choice in the matter of abortion; and others. In particular, Presidential Candidate Bush's oft-repeated references to the "l—————" word (almost making the term *liberal* offensive of itself) symbolized the alleged weakness of his opponent's position and was used to support the charge that Governor Dukakis was unpatriotic, soft on crime, and prone to overspending and "big" government.

The shaping of these regime values is complex, induced by such factors as age, sex, ethnicity, education, class, political affiliation, religious preference, place of residence, and many others. It is interesting to note, for example, that several of these differentials figured in the Island Trees case. Of the books banned, one dealt with the teenage drug culture; several were written or edited by African-Americans; *Down These Mean Streets* was the work of a Puerto Rican; *Laughing Boy* dealt with a Native American child; and Barnard Malamud's *The Fixer* was written by a prominent Jewish author. The generation gap was also apparent in the case, the students being themselves products of a more religiously and ethnically integrated society than that known to the older generation represented by the school board officials. At present, the incidences of school library censorship continue to dominate proscriptions of library materials, an indication, perhaps, of parental dissatisfaction with the more permissive lifestyle of today's youth (*Attacks on the Freedom to Learn*, 1989).

The issues of regulative censorship that sprinkle the pages of the *ALA Newsletter on Intellectual Freedom* are linked to the censors' perception of threats to their personal or community value systems. Because American society does not readily lend itself to the coercion

of its dissident members (*coups d'état* are usually accompanied by the incarceration or slaughter of the regime's opponents), those threatened seek their redress through a variety of means: protest, litigation, legislation, and, in some cases, the actual suppression of the offending artifact be it book, movie, radio broadcast, or telecast.

### THE COMMISSIONS ON PORNOGRAPHY

As a further illustration of the differences between regime values, one might cite the two national commissions on obscenity and pornography that have been appointed within recent memory. The first of these resulted from legislation passed in 1967 in which Congress directed that a commission be empaneled to study the causal relationship of obscene and pornographic materials to antisocial behavior and to advise Congress on the means by which the traffic in pornography and obscenity could be regulated "without in any way interfering with constitutional rights." The following year, President Johnson nominated eighteen members from the judiciary, the publications media, academe, the clergy, and the law and medical professions. Because of the resignation of one of the Johnson appointees, President Nixon later named Charles H. Keating, Jr., founder of Citizens for Decent Literature, to the commission. The commission's chairman was William B. Lockhart, dean of the University of Minnesota Law School and a liberal theorist on the interpretation of the First Amendment; the vice chairman was Frederick H. Wagman, librarian of the University of Michigan and former president of the American Library Association.

To many observers, the commission's findings were stunningly simplistic: repeal all federal, state, and local legislation which might "interfere with the right of adults who wish to do so to read, obtain, or view explicit sexual materials." Legislative regulations were recommended in the case of minors, and precautions were also suggested to protect the public from having sexually explicit material thrust upon them either through the mails or through public display. Twelve of the commissioners supported these recommendations, several others supported them conditionally, while two commissioners openly dissented, both of them clergymen. Keating, the maverick commissioner, did not participate in the commission's final deliberations but concurred with the opinions of the two dissenters and additionally submitted his own report in which he described the majority's findings: "Credit the American public with enough common sense to know that one who wallows in filth is going to get dirty. This is intuitive knowledge. Those who will spend millions of dollars to tell us otherwise must be malicious or misguided, or both" (U.S. Commission on Obscenity and Pornography, 1970, p. 622).

In references to the commission's final report, made while he was campaigning in Maryland on behalf of Republican candidates for Congress, President Nixon announced that he would "categorically reject its morally bankrupt conclusions and major recommendations" ("Nixon on Commission," 1971, p. 22). The Senate voted, in a 60-5 decision, to reject the report.

Over fifteen years later, President Reagan called for the establishment of a new commission, and Attorney General Edwin Meese announced the appointment of the eleven-member panel in May 1985. Again the membership included representatives of the judiciary, the clergy, the communications and publications media, the medical profession, and the law. Unlike the Johnson Commission, no librarian was invited to serve. In a little over a year, the Meese Commission made its final report, calling for tighter controls over sexually explicit material and a stringent enforcement of obscenity laws. As with the first commission report, the Meese Commission's findings had their dissenters, interestingly, both of them women, one a clinical psychologist and the other a journalist with particular interest in women's issues (statement of Dr. Judith Becker and Ellen Levine, 1986, vol. 1, pp. 195-212).

Although their minority report contains no reference to the Johnson Commission, its description of the conduct of the Meese inquiry panel provides some clues as to the different way in which the two commissions operated. Granted two years to conduct its investigation, the Johnson Commission had at its disposal almost \$2 million for contracted behavioral studies. By contrast, the Meese panel was allowed one year for its deliberations and a more modest appropriation of \$400,000. As a result, the Johnson Commission was able to rely heavily on empirical data from a series of studies conducted at American universities, studies which found no evidence of causality between pornography and anti-social conduct. Lacking the wherewithal to commission research, the Meese panel largely depended on public hearings where victims of anti-social acts opined about the dangers of pornography. As the dissenters commented, since few persons would come forward willingly to reveal their personal consumption of erotica or pornographic materials, the testimony provided was of necessity one sided.

The choice of commission chairmen was equally apposite: the Johnson chairman, William B. Lockhart, a law school dean, had done considerable legal research prior to his appointment on issues involving the obscene; his successor under Meese was Henry Hudson, prosecutor for Arlington County, Virginia, whose background was in the area of law enforcement. Another distinction between the two commissions was the fact that the earlier commission could concentrate on print (magazines and books) or on film and broadcast, while the later one was confronted with still newer means of delivery,

namely, home video and cable, the dimensions or effects of which in the distribution of pornography are still largely unknown. Then, too, considerable change in American social patterns differentiated the periods in which the two commissions were called: an escalating divorce rate; a nationwide medical crisis over the advent of AIDS; the widespread use of birth control devices; and the legalization of abortion had all shaped attitudes toward sexuality in significant ways between 1970 and 1986.

If the majority of the Johnson commissioners represented values of liberalism, freedom of choice, and individual rights of conscience, the majority of the Meese panelists spoke for the values of the new right. Crusaders in their moral cause, they associated pornography with sexually deviant crimes, although the causalities that provoke rape or assault may come from a host of other variables, both behavioral or environmental. If there was one small constant between the two commissions it was, perhaps, that the testimony of the witnesses for the American Library Association communicated a strikingly similar message: no censorship (Krug, 1970, 1985).

Although with very few exceptions American libraries buy little in the way of obscene or pornographic literature or other forms of media, the position of the ALA is remarkably permissive.

In general terms, the American Library Association rejects anti-obscenity laws as unwarranted intrusions upon those basic freedoms which Justice Cardozo once described as the matrix of all our other freedoms. Anti-obscenity laws, which are directed not at the control of anti-social action but rather at the control of communication, represent a form of censorship ultimately aimed at the control of the thoughts, opinions, and basic beliefs of citizens in a free democracy. ("ALA Protests...", 1977, p. 144)

The libertarian stance of the association has not been taken without criticism from some of its members.

The issue is exacerbated by two quite distinct phenomena: (1) the wholly differing opinions concerning the causality between antisocial behavior and pornographic listening, viewing, and reading; and (2) the identification of the anti-pornography movement as a feminist concern. In regard to the first of these, the two national commissions took totally opposite positions. The Johnson Commission found "no evidence to date that exposure to explicitly sexual material plays a significant role in the causation of delinquent or criminal behavior among youth or adults" (U.S. Commission on Obscenity ..., 1970, p. 27). By contrast, the Meese Commission concluded that "the available evidence strongly supports the hypothesis that substantial exposure to sexually violent materials as described here bears a causal relationship to antisocial acts of sexual violence, and, for some subgroups, possibly to unlawful acts of sexual violence" (U.S. Attorney General's Commission on Pornography ..., 1986, p. 326). Since the acceptance of either of these positions is a somewhat subjective matter, the question of causality remains moot.

The second matter, the perception by prominent feminists that pornography is a principal means by which women are subjugated and degraded, has precipitated a very active literature (Griffin, 1981; Dworkin, 1981; MacKinnon, 1987; Morgan, 1989; Millett, 1970) and the initiation of a number of local ordinances that have seldom been upheld in higher courts of jurisdiction on the grounds of their "chilling effect" on First Amendment rights.

A recent scholarly assessment of this issue, *The New Politics of Pornography*, analyzes the works of two prominent feminists, Catherine MacKinnon and Andrea Dworkin, in support of anti-pornography ordinances introduced in two municipalities, Minneapolis and Indianapolis in 1983 and 1984 respectively. Written by Donald Alexander Downs (1989), a professor of political science, this carefully researched and balanced argument attempts to restore civility to public discourse, a civility that has been threatened in late years by the intolerance expressed by both liberals and conservatives alike on the issue of the obscene. Although the author holds that "violent obscenity"—depictions of murder, dismemberment, brutality, or violence in the context of obscene acts—should be disallowed constitutional protection, he rejects the feminist proposition that all pornography be denied free expression:

The position one takes on the pornography issue reveals how far one is willing to go in tolerating human weakness. The best position, in my estimation, is a compromise....Social policy in a liberal democracy should recognize the higher ideals of equal respect and reason but should also tolerate the human need for remissive relief and retreat. If some behavior must be restricted, thought and imagination must remain free. (p. 188)

In reflecting the dichotomy between the conservative and liberal spirit in American life, the issue of pornography has been increasingly politicized. As Downs points out, branches of the American Civil Liberties Union in both Minneapolis and Indianapolis reacted violently to the proposed feminist ordinances, "denouncing them as assaults on the very foundations of free speech." At the same time, activists for the ordinances "espoused largely monolithic interpretations of pornography, so public debate assumed an 'all or nothing' quality." These "emotional, symbolic, and polarizing stands" render public discussion almost impossible (Downs, 1989, p. xvii).

One interested policy actor in the debate over the pornography issue has been the Freedom to Read Foundation, which has taken up a number of cases challenging the constitutionality of anti-obscenity ordinances. In 1984, for example, the foundation filed a friend-of-the-court brief on behalf of the Indiana Library Association and the Indiana Library Trustees Association in the case of *American Booksellers Association, Inc., et al., v. William Hudnut, III*, 598 F. Supp. 1316 (S.D. Ind. 1984). Hudnut, mayor of Indianapolis, supported

the ordinance in that city, unlike Mayor Donald Fraser who vetoed a comparable ordinance in Minneapolis. The foundation also filed a brief the following year when the *ABA v. Hudnut* case was appealed in the Seventh Circuit Court 771 F. 2d 323 (7th Cir. 1985), which, like the court of original jurisdiction, ruled the ordinance unconstitutional, a decision affirmed by the Supreme Court. Through this and similar actions, the foundation, and, in some cases, ALA have taken their stance against the chilling effect that may result from over-repressive legislation.

The screening of books for school libraries, the debate over the suitability of specific materials for a student curriculum, or the effort to delimit the production and dissemination of pornography or obscenity are all examples of regulative censorship; as such they are matters that can be publicly scrutinized and, depending on one's point of view, supported or attacked. But existential censorship is not so easily identified, operating in a covert manner and in some cases protected by one of the most powerful shibboleths of all times, the concept of "national security." A particularly virulent form of existential censorship has been the so-called Library Awareness Program, which is still occasioning national press coverage and attention.

### THE LIBRARY AWARENESS PROGRAM

Instigated by the Federal Bureau of Investigation of the U.S. Department of Justice, visits by federal agents were paid to specialized scientific and technical libraries in search of information about foreign nationals capable of exploiting these collections for the use of Soviet intelligence services.

Among the first to blow the whistle on these activities was Paula T. Kaufman, then acting university librarian at Columbia University. On June 7, 1988, two FBI agents approached a clerical staff member of the Mathematics/Science departmental library at Columbia. Within a few days, Kaufman met with the agents herself, at which time they alerted her to what has subsequently been called the Library Awareness Program, an investigative device through which federal agents seek information on foreign threats to American national security. Citing violations of First Amendment guarantees to protect the right of patron privacy, the laws of New York State which guarantee anonymity to library users, and university policies inimical to such revelations, Kaufman refused to cooperate.

A front-page story in the *New York Times*, "Libraries Are Asked by FBI to Report on Foreign Agents," published on September 18, 1987, was among the first of many articles in the national press that were, for the most part, sympathetic to the rights of library users and laudatory of the librarians' resistance to the program. An early report of the Office of Intellectual Freedom of the American Library

Association cited FBI inquiries besides Columbia in the following institutions: New York University; George Mason University; Pennsylvania State University; the State University of New York at Buffalo; and the Universities of Maryland, Kansas, California at Los Angeles, Michigan, Houston, Cincinnati, Utah, and Wisconsin; the Broward County (Florida) Public Library; the Brooklyn Public Library; the New York Public Library; and the Information Industry Association (“FBI Library Program Still in Crossfire,” 1988, p. 113).

On May 17, 1988, William Sessions, FBI director, testified before the Senate Judiciary Committee as part of an FBI oversight hearing. At that time, Sessions presented an unclassified report entitled “The KGB and the Library Target: 1962-Present,” in which the bureau alleged that agents of the Soviet Intelligence Services (SIS) had been using American technical libraries for subversive purposes since 1962. According to Sessions, the Library of Congress, scientific and technical sections of public libraries, specialized departments of university libraries, and large information clearinghouses had all been prominent targets of the SIS intelligence collection effort (U.S. Federal Bureau of Investigation, 1988, p. 4).

Although many contemporary news accounts date the beginnings of the Library Awareness Program to the 1960s, there is evidence to suggest that it (or at least some form of a prototype) has a much earlier provenance. Through the courtesy of one of my Columbia colleagues, I received a copy of a letter obtained through the Freedom of Information Act. The letter, dated September 25, 1941, is signed by E. E. Conroy, special agent in charge of the Newark (New Jersey) FBI. In the four-page document, Conroy informs the FBI Director, J. Edgar Hoover, in Washington of a suggestion “which could be of value to the Bureau in connection with its National Defense investigations.” The suggestion arose in a conversation between a bureau special agent (name deleted) and an employee (name deleted) of the Newark Public Library, who “stated that their library, together with other business libraries, has a world of information concerning the United States, some of which she feels would be most valuable to a person bent on subversive activities.” Such information included data concerning Army and Navy contracts, locations of manufacturing plants, and their ability to generate products. She further advised the agent that “often times suspicious persons come into the library and ask for information of this type.” The library employee also said that libraries could take “the names and addresses of all persons desiring information of a particular type,” and if this procedure proved undesirable, names and addresses could be obtained on a register “with appropriate notations by the librarian as to the kind of information requested by each individual.” The library representative is further quoted as having “stated that she felt that if the Bureau would explain the situation to all libraries and request

that they do what has been set forth in this letter that they would be more than glad to do so." In addition, she furnished the agent a list of the business and technical departments in the major public libraries of the country, including among others those of Baltimore, Boston, Cleveland, Hartford, Los Angeles, Nashville, New York City, Pittsburgh, Providence, and San Francisco. Special Agent Conroy included the list, with addresses, in his letter to Hoover. He also noted that in the case of plant explosions it would prove particularly helpful to the bureau to have lists of the names of all persons who had done "considerable reading" on explosives. In concluding his letter, Conroy commented that these library registers "may prove valuable to the Bureau in investigations of espionage and sabotage."

The exchange of correspondence between Conroy and Hoover suggests another example of distinctive regime values. Consider the date of the letter: September 25, 1941. The United States is poised on the brink of a world conflict; Hitler's armies portend great destruction to the democratic ideal; England, our natural ally, is already at war and France has already surrendered. Small wonder that the employee in the Newark Public Library was offering her assistance to the national defense effort.

A half-century in time separates this unidentified 1940s' librarian from the present generation of her peers. It is almost unthinkable that any librarian today would give similar advice to an FBI agent. The reasons for this reversal are many and complex, but some are suggested by Evelyn Geller in her work on library censorship. Geller traces the growing liberalism of the library profession from 1876, the year of the ALA's founding, to 1939, the year in which the Library Bill of Rights was adopted by the association. Eschewing its original censorial stance of forbidding the inclusion of certain books in library collections, the profession gradually adopted a more open stance and came to the defense of works that in earlier periods would probably not have been added. Geller (1984) attributes this change in part to "a new perspective [that] meshed freedom with the advocacy of a host of democratic values—civil liberties, pacifism, antifascism, racial equality" (p. 164).

The adoption of governmental loyalty oaths following World War II also contributed indirectly to the liberalization of the library profession. In 1947, the same year which witnessed the establishment of the National Security Council, President Truman issued Executive Order 9835 creating the Federal Employees Loyalty Program, a device by which the patriotism of government employees could be probed. State loyalty programs were also begun. Among those heard in exhortation of these measures of dubious constitutionality were the librarians ("It is the Loyalty Oaths that are Subversive," 1950, p. 82; Berninghausen, 1950, pp. 16-17; "ALA Resolution on Loyalty Programs," 1950, p. 306). The subsequent witchhunts carried out

by Senator Joseph McCarthy of Wisconsin, in which innuendo and allegation were used to discredit innocently accused persons, were also resisted by library leaders. The then prevailing climate of fear and repression occasioned the publication of the Freedom to Read statement in May 1953 by the Westchester Conference of the ALA and the American Book Publishers Council, a statement subsequently revised in 1972 and adopted by many national organizations (ALA Office for Intellectual Freedom, 1983, pp. 77-91; Moore, 1971, pp. 1-17).

The Cold War, which dominated and indeed ironically fueled the worst excesses of the McCarthy era, continued to cast its influence on the activities of the federal government. Secrecy became more pervasive and it was systematized and bureaucratized in many ways, including surveillance, classification, intelligence and counter-intelligence, and covert operations. Although unaccountable government as revealed in the disclosures of the Watergate scandals ultimately brought Richard Nixon to resignation, the Irangate or Iran-Contra affair seems to have little damaged the popular estimate of President Reagan's Administration.

### THE PRICE TAG OF PUBLIC INFORMATION

Central to the current unrest expressed by many civil libertarian groups and representatives over the increasingly repressive apparatus of government is the role of information (see ALA, 1988; Benton Foundation Project ..., 1989; Demac, 1984; Demac, 1988; Curry, 1988; Katz, 1987; Pell, 1984). Not only are the interests of various political administrations best served by keeping the operations of their governments secret, in part through the absence of information and in part through deliberate misinformation, the interests of the information capitalists also have a stake in its control. Jansen perceives this latter development as a contributory factor in the growth of existential censorship. She argues that the classic liberal model of democracy was based on a concept of knowledge as a public good. "Even the much criticized Utilitarian image of a 'free-market of ideas' protects the belief that access to knowledge is a right rather than a privilege," she comments, but that right is currently being threatened by the growing recognition that knowledge should be regarded now as a commodity. Hitherto regarded as communal property, knowledge can only produce profit when: (1) it is removed from the public sphere, and (2) when the channels available for its distribution are limited. Since the new information capitalists have vested interests in keeping information privileged, they have brought pressure on the federal government to limit its supply. Since 1980, federal information policy has been shaped by at least eight responses to this economic pressure. Drawing largely on the earlier research of Donna Demac, Jansen lists these as follows: (1) "deregulation"

has eliminated much of the responsibility of private industry to report to the government; (2) information gathered and analyzed by the federal government for local governments has been curtailed; (3) classification of government documents has been made more stringent; (4) information made available through the Freedom of Information Act has been made more expensive; (5) the number and volume of publications available from the Government Printing Office have been reduced, and decisions concerning future publications have been made contingent on cost; (6) prior censorship has been invoked over the writings and publications of over 100,000 current or former government officials; (7) access to nonstrategic scientific and technological information produced in universities under government contract has been reduced; and (8) cuts have been made in the budget of the Library of Congress affecting its services to users (Jansen, 1988, p. 169), and one could, in addition, cite the continuing Reagan Administration posture of no fiscal support for federal library programs. Literally hundreds of supporting examples for Jansen's iteration have been identified by the ALA Washington Office in their serial publication, "Less Access to and Less Information by and about the U.S. Government," now in its fifteenth semi-annual number (ALA Washington Office, 1990).

There are those who would, of course, question alluding to the Reagan Administration's efforts at privatizing information as censorship, but in Jansen's words, "the marketplace of ideas is no longer a public utility which serves all who seek its goods. Increasingly it becomes a private enterprise which serves only those who can afford to pay a price for the commodities it markets to citizen/shoppers" (Jansen, 1988, p. 168). The threat to that very marketplace was the rationale for the establishment of the Coalition on Government Information in 1986, a coalition initiated by ALA members and headquartered at the ALA Washington Office. This federation of some fifty organizations serves as a clearinghouse "to collect and disseminate information about attempts to limit the right to know and to ensure that member organizations are aware of actions which might result in a reduction of access to government information (Coalition of Government Information, n.d.). Among the concerns of its members are the cessation of statistical compilations published by the federal government, the contracting out of federal libraries, the repressive classification of government documents inhibiting historical research, the questionable requirement that federal employees should sign lifetime prepublication contracts, and the revision of OMB Circular A-130 which places untoward responsibility on the U.S. Office of Management and Budget for the development of government-wide information policy.

Whether or not the member organizations of the coalition agree with Jansen that censorship is "the knot that binds power and

knowledge” in the current economy, they are all aware that during the 1980s the notion of information as a public good and the concept of assuring equitable access to information/knowledge came not only under review but also, and more unfortunately, under attack.

That attack has come for the most part from a conservative regime, and the dichotomy separating the values of conservative and liberal regimes can serve as a useful device to inform our dialogues about censorship. It influences almost every instance of proscription cited in the newspaper or broadcast over the airwaves. Should arts and humanities projects supported by federal funds be subjected to prior censorship? Should the FBI's surveillance of the users of scientific libraries have been extended to the very librarians who resisted the investigation and rose to the support of the privacy rights of their patrons? Are objections to such books as *The Catcher in the Rye* or *The Grapes of Wrath* really based on their alleged profanity or obscenity or do such objections mask deeper community concerns that are more difficult to express (Honan, 1989; People for the American Way; L. F. Crismond, personal communication to S. J. Markman, Dec. 1, 1989; Mydans, 1989)? As distinctive as each of these questions is, they are all marked by invisible Maginot lines separating the left from the right.

At this writing, it is impossible to foresee any resolution of this dichotomy, one which has deep roots in the American ethos, but it is important to realize that what distinguishes this dualism from similar ideological differences in past eras of American history is the celerity with which the censorious power of liberalism's critics grows. In quoting from Thomas Jefferson, Walter Karp observes:

“Every government degenerates when trusted to the rulers of the people alone,” Jefferson warned us two centuries ago, and “even under the best forms, those entrusted with power have, in time and by slow operations, perverted it into tyranny,” The operations are no longer slow. They have become ominously swift, and they leave us no time. (Demac, 1988, p. xii)

#### ACKNOWLEDGMENT

The author wishes to acknowledge the courtesy of her colleague, Sigmund Diamond, Giddings Professor Emeritus, Columbia University, who sent her the copy of the letter of E. E. Conroy to FBI director J. Edgar Hoover. Professor Diamond obtained the letter through the Freedom of Information Act pursuant to his own research.

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