PRODUCTION NOTE

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The Library Bill of Rights

Wayne A. Wiegand
Issue Editor

University of Illinois
Graduate School of Library and Information Science
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THE LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Amended version as adopted by ALA Council
January 23, 1980
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Sometimes I worry about the profession. From my perspective, there seems to be a tendency to insulate ourselves from new ideas that are driving the intellectual world to which we are connected. Perhaps worse, within the profession we have evolved a unique discourse with a logic of its own that outsiders often find unpersuasive. For example, the December issue of *American Libraries* contains a feature article entitled "12 Ways Libraries are Good for the Country" (1995, pp. 1113-19). To illustrate the point about our insulated professional world, let me sample a few of these "ways."

The first is labeled "Libraries Inform Citizens," and states that "democracy and libraries have a symbiotic relationship. It would be impossible to have one without the other" (p. 1114). The third argues that "by making all its resources equally available to all members of its community, regardless of income, class, or other factors, the library levels the playing field" (p. 1115). The ninth asserts that at a time when drugs, teenage promiscuity, violence, and divorce tear at the fabric of family values, "the American family's best friend, the library, has stepped into the breach with services guaranteed to hone coping skills" (p. 1118). The tenth is titled "Libraries Offend Everyone." A "willingness" a "duty" to "offend connotes a tolerance and a willingness to look at all sides of an issue that would be good for the nation in any context. It is particularly valuable when combined with the egalitarianism and openness that characterize libraries" (p. 1118).

All of these statements are offered as if they were absolute truths, yet all of the statements are unsupported by any proof, do not appear to have
been subject to any scholarly scrutiny, and, as far as I can tell, are not based on any research. These days I spend much of my time reading scholarship grounded in race, class, gender, Third World, and sexual orientation perspectives that argue terms like "democracy," "family values," and "tolerance" are highly contested and radically contingent. Whether subjected to Michel Foucault's (1972) archaeology of knowledge, Barbara Hernstein Smith's (1988) idea that all values are radically contingent, Antonio Gramsci's (1971) concept of cultural hegemony, Sandra Harding's (1991) argument for feminist standpoint theory, or Pierre Bourdieu's (1986) definition of specific taste cultures, the absolutes built into statements like those quoted above will not stand up. It seems that rather than harnessing such powerful ideas to identify an ever-elusive "essence" of librarianship (Budd, 1995), the library profession has, for several generations now, been content not to engage in debate with outside experts, not to leave its insulated world.

In my own research and teaching, I attempt to bring these perspectives to bear on the history of this profession. I tell students that solid research exists to demonstrate that libraries have not only survived in totalitarian countries in this century, often they prospered (Stieg, 1992). I tell them about Annie McPheeters (1988), whose life as a black professional librarian bears witness to the fact that the African-Americans she struggled so hard to serve never enjoyed a level playing field. I also cite research that proves lesbigay families are much less likely than conventional heterosexual couples to find materials in the library to help them cope (Bryant, 1995). And from my own research I have discovered that American libraries have historically not been characterized by egalitarianism and openness (Wiegand, 1993).

But nowhere are the unquestioned absolutes more evident than in the discourse surrounding the Library Bill of Rights. For much of my adult life I have listened to the profession preach—largely to itself, I think—the benefits of the Library Bill of Rights. Do not misunderstand; history shows (and several of the historical pieces in this issue of Library Trends validate) that the Library Bill of Rights has done much good. But, by the last decade of the twentieth century, this discourse seems to have evolved a reality of its own that declines to engage the powerful ideas being debated in a broader intellectual world. And within a cocoon-like self-constructed reality, librarians unknowingly (sometimes knowingly, unfortunately) hide from themselves their personal hierarchy of values that frames their materials acquisition, programming, and outreach decisions.

Seldom has the profession actively sought out scholars representing alternative perspectives to debate the validity of principles enunciated in the Library Bill of Rights. Several years ago I witnessed the effect of this insulated discourse at an ALA meeting. In a well-delivered speech, one of the profession's high profile advocates of intellectual freedom waxed
eloquent about the Library Bill of Rights. After he finished, someone from the audience asked what a local suburban public library—which had the Library Bill of Rights written into its collection development policy—should do about a challenge it was experiencing at the time against the controversial rap group 2 Live Crew. Without hesitation, he argued that because 2 Live Crew's music was not covered in conventional library reviewing sources, the library had no obligation to stock “that crap” (his words, not mine).

This intellectual freedom advocate seemed oblivious to a behind-the-scenes world of privilege in the American publishing industry—be it print, recording, or video—that greatly advantages certain materials and greatly disadvantages others (and especially those representing voices outside the dominant culture). Who decides what gets reviewed? Whose criteria are applied to these decisions? Are the criteria biased against race, class, or gender? Does the history of the American publishing industry, which counts libraries as a substantial fraction of its market, reflect any of these biases? Is the library—as a market—influenced by these biases? The speaker seemed oblivious to these kinds of questions. And, looking over the crowd, most people (200 strong) appeared to agree with his response.

None of them, I would guess, had ever read Joanna Russ's (1983) *How To Suppress Women’s Writing*, which demonstrates how a culture has exercised its quiet, but powerful, influence to exclude on the basis of gender at multiple sites in the life cycle. None of them, I would guess, had ever read Edward Said's (1979) *Orientalism*, which demonstrates how a culture had exercised its quiet but powerful influence to exclude on the basis of race in some of the world's premier institutions of higher education. None of them, I would guess, had ever read Michel de Certeau's (1983) *The Practice of Everyday Life*, which shows that people appropriate texts differently, and that most of those differences can be traced to race, class, and gender perspectives. I wondered whose culture had evolved the “standards” this white, male, middle-class professional was applying to pronounce 2 Live Crew's music “crap.”

It was with the intention of bringing different perspectives to bear on the Library Bill of Rights that a decision was made to put together a symposium at the University of Wisconsin-Madison's School of Library and Information Studies for September 29, 1995. As chair of the school's colloquium committee, I was given carte blanche to organize and invite—as long as it didn’t cost the department any money, of course. But that posed no problem. There is a wealth of talent on the Madison campus, and things came together quickly. My first responsibility was to get a First Amendment scholar from the legal community to tell our audience whether current law supported the principles built into the Library Bill of Rights. Fortunately, Gordon B. Baldwin, Mortimer M. Jackson Professor
of Law at the University of Wisconsin-Madison’s Law School, quickly and graciously accepted responsibility to deliver the keynote address. “Sounds like fun!” he said to my invitation. Then I gave him his assignment—analyze and critique the Library Bill of Rights based on his perspective as a First Amendment scholar.

To respond to Baldwin, a panel of five was sought, two of whom would take a historical perspective on the Library Bill of Rights, two of whom would represent library constituencies that used the Library Bill of Rights most often to fight challenges, and one of whom could bridge the library and legal communities. All accepted quickly.

For the historical perspective I tapped a colleague and doctoral student. I asked Louise Robbins, who at this writing is fast developing a national reputation as an authority on intellectual freedom in librarianship during the McCarthy era, to take a historically focused look at how the library profession and the American Library Association adhered to Library Bill of Rights principles in the 1950s. I also asked Toni Samek, one of Wisconsin’s doctoral students doing a dissertation under my direction on the alternative press and libraries during the Vietnam Era, to take the same approach for the late 1960s and early 1970s.

For contemporary perspectives based on library practice, I asked Dianne McAfee Hopkins, another colleague who has developed a national reputation for research on censorship in school libraries, to analyze how the Library Bill of Rights has functioned in school libraries, where materials were frequently being challenged. Fortunately for our symposium, Dianne was also at the time serving as consultant for the plaintiff in a lawsuit brought against the Olathe, Kansas, school board involving the removal of a book from a high school library. I also asked Ginny Moore Kruse to comment on Baldwin’s remarks based on her experiences as director of the University of Wisconsin-Madison’s Cooperative Children’s Book Center, which has been on the firing line of challenges to children’s books for most of its quarter-century existence. To complete the panel, I asked my wife, Shirley Wiegand, a professor in the University of Oklahoma’s Law School, to bridge the worlds of law and librarianship, and to capitalize on her own research concerning state laws governing the disposition of library records.

After putting the program together, the editors of Library Trends were contacted to see if they would be interested in publishing the proceedings. They responded quickly and affirmatively. By August 1, Baldwin had finished a first draft of his keynote that was then forwarded to all panel members. I also sent a copy to the American Library Association’s Office of Intellectual Freedom and invited a member of the office to attend the symposium and write an epilogue to the proceedings.

The symposium went very well; about 150 people attended. Students generated many questions, and my colleagues indicated that they over-
heard several members of the audience say things like “This was fun”; “I never thought of the Library Bill of Rights in that way before”; “Is that really the law?” If these comments are indicative of audience reception, the symposium accomplished its purpose—to bring different perspectives (especially legal and historical perspectives) to the Library Bill of Rights.

I had hoped to present Library Trends readers with the polished remarks of all symposium participants, but unfortunately Ginny Moore Kruse became ill at the last moment and was unable to submit a paper in time to meet the deadline. As a substitute, Kathy Wolkoff offered to revise a paper she did for an intellectual freedom class which fit our symposium theme. The original paper had won the library school’s 1995 Valmai Kirkham Fenster Award and came highly recommended by several of my colleagues. After reading it, it was decided to include it with others in this volume because the paper demonstrates that librarians have approached certain false literatures from three different philosophical positions. Taken collectively, these articles expand the debate on the Library Bill of Rights and open new opportunities to more realistically define its limits for the profession.

It is regrettable, however, that this issue of Library Trends will not include Ginny Moore Kruse’s remarks on the Library Bill of Rights and children’s libraries; I also regret that the ALA Office of Intellectual Freedom failed to answer my invitation to contribute an epilogue to this volume. Having these voices represented would have added significantly to the issue.

Readers should not look for a single theoretical foundation or philosophical perspective here; instead they should expect essays to reflect the richly diverse opinions of contributors. Panelists did not all agree and that is good. It is my hope that readers (and especially students and teachers of intellectual freedom courses in library schools across the country) will engage the thoughts of each of these scholars, debate the merits and demerits of their arguments, and carefully evaluate their research. Only then should they make up their minds. At the very least they should not walk away from this volume without questioning the validity and utility of the Library Bill of Rights, nor should they take solace in unsubstantiated absolutes that will not weather critical analysis outside our professional discourse.

I want to thank all the panel members for participating in the symposium and for tolerating their unforgiving editor. I also want to thank my library school faculty colleagues—especially Interim Director Jim Krikelas—for promoting the symposium on and off campus, and the library school students who came, listened, and had the intellectual courage to question long-held beliefs. I want to thank the University of Wisconsin-Madison for providing the kind of environment where open, free, multidisciplinary inquiry is not only encouraged, but is also expected. Finally, I want to express my thanks to Chris Schladweiler, who carefully
put together the bibliography at the end of this issue, and the Library Trends editors, who showed patience and understanding above and beyond the call of duty.

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The Library Bill of Rights—A Critique

GORDON B. BALDWIN

ABSTRACT

In this article, the Library Bill of Rights will be viewed with both interest and skepticism. It will be argued that it promises more than it can deliver, and that in many respects it does not follow existing First Amendment doctrine. Law allows considerable freedom of choice and usually reaffirms the discretion of school and library administrators. The law, moreover, allows the imposition of large burdens upon the young; the Library Bill of Rights suggests otherwise.

A year ago, Wayne Wiegand of Wisconsin’s Library School asked me to review the Library Bill of Rights as a lawyer. My first impression remains. Its vague, wooly, and ambiguous language promises more than anyone can deliver, and its commands do not equate with law. It also has gaps. For example, the Library Bill of Rights fails to note that the inculcation of values is a major purpose of an educational enterprise.

Within the Library Bill of Rights was found several themes creating tensions, if not contradictions, limiting its persuasive force. First, it reflects, in unspecific terms, an uncertain commitment rooted in our culture and history to intellectual freedom; second, it embodies the interests of librarians in resisting outside interference with their work; and third, it embodies only a few protections found in the First and Fourteenth Amendments to the U. S. Constitution.

The Library Bill of Rights cannot codify either First Amendment law or all interests of librarians for several reasons. First, law does not address all the policies forcibly and persistently advanced by the American
Library Association. Second, many free speech questions remain unclear because there is no general and agreed upon theory of the purpose of the First Amendment. Third, many issues—such as book selection decisions— evade court review and therefore never receive authoritative judicial review. Even if the Library Bill of Rights codified the law, it would generate criticism because no one unqualifiedly supports the First Amendment as the Supreme Court interprets it. Some say the United States unnecessarily protects more speech than any other nation or society; others stress the subjectivity and, hence, unpredictability of modern doctrine. No one claims we have a faultless interpretation of the First Amendment.

The Library Bill of Rights ignores the market forces that create the resources in collections. Decisions of publishers and authors rest on their values, interests, and judgment, which reflect differing degrees of subjectivity if not self-censorship. Librarians cannot obtain what producers decide not to write or not to publish. The Library Bill of Rights extolls the virtues of diversity but, for diversity of opinion, the public depends upon diverse and competing producers. Market forces limit variety. If a few large publishers and national bookstore chains dominate the market, the public cannot find the diversity of opinion that the Library Bill of Rights invites.

Law allows self-censorship. We cannot assume that everything valuable will find a publisher. Indeed we have evidence that educated audiences as well as publishers shun offensive material. Amy Heilsberg (1994), a University of Wisconsin-Madison School of Library and Information Studies student, recently revealed the sensitivities of her peers who objected to a reading of an allegedly sexist novel, *American Psycho* by Bret Easton Ellis (1991). The book provoked the anger of the Los Angeles Chapter of the National Organization of Women (among others) (Heilsberg, 1994, p. 768). Ellis had difficulty in finding a publisher for this work, described by a British writer as a work of sexual violence published under the guise of social commentary (Gardner, 1994). Heilsberg reports the anger of her classmates when she read portions of the novel describing the mutilation of women. She notes that, although the book occupied the best-seller list for weeks, OCLC records show that only 417 American libraries purchased it. In this incident, Heilsberg finds self-censorship and conflict with the Library Bill of Rights. She observes that the Library Bill of Rights does not guide the practices of many (if not most) book selectors, and that self-censorship exists after publication just as it does before.

Self-censorship dominates the decisions of textbook publishers. If textbook publishers want to sell hundreds of thousands of history books to California or Texas schools, they must satisfy state reviewers whose decisions can rest on the fashions of the moment. History and government texts in the public schools appear bland in their avoidance of controversy. A text written in 1940 may record an 1890 event much differently than a text written in 1990. “The great tides and currents which engulf
the rest of men," Benjamin Cardozo said in 1921, "do not turn in their course and pass the [educators] by." Lines between censorship and judgment appear blurred. Self-censorship remains; the law permits it and good manners reinforce it, even if the Library Bill of Rights does not.

Contracts, or their equivalent, control access. The Library Bill of Rights does not forbid libraries from limiting access to patrons based on employment, residence, or membership in the group for whom the library exists, nor does the Library Bill of Rights touch on contractual limitations that donors commonly attach. When Joseph Rauh, a prominent civil rights lawyer, donated his personal papers to the Library of Congress, he required a reader to obtain his consent if they wished to publish (Kaplan, 1988). Former Secretary of State Henry Kissinger deeded his notes to the Library of Congress, but he insisted on retaining power to control access (Kissinger v. Reporter's Committee for Freedom of the Press, 1980). In contrast, Justice Thurgood Marshall's files held by the Library of Congress are available to "serious scholars," and the library broadly confers that status. The Library Bill of Rights does not purport to confer rights on library users but, even if it did, courts commonly decline to find a legal interest violated merely because a library declines to follow its own policies (Boothe v. Hammock, 1979; Frison v. Franklin County Board of Education, 1979; Cofone v. Manson, 1979).

The law—but not the Library Bill of Rights—draws a distinction between government and private action. The First Amendment only limits government. Private groups and individuals can, and regularly do, forbid speech. Thus a church can expel a member because of his or her speech and opinions; private schools may punish their students and their employees because of their speech; other private associations remain free from constitutional restraints. Therefore, the Auxiliary Bishop of St. Paul committed no constitutional violation when he ordered birth control advocate Margaret Sanger's picture removed from the University of St. Thomas library in 1995. The modest book removal limitations applicable to public schools do not apply to private schools, colleges, and libraries. Distinctions between private and state action rest more on history, tradition, and on policy preferences than on logic.

The recent Hurley decision illustrates a command to honor private choice. The St. Patricks-Evacuation Day parade, a regular and treasured event in Boston, looks very public because as many as 20,000 marchers and a million viewers celebrate the city's Irish heritage and the British retreat in 1776. A state court ruled that its organizers, the South Boston Allied Veterans Council, could not bar a gay/lesbian group from participating because Massachusetts law forbids even private discrimination based on sexual orientation. However, the Supreme Court unanimously reversed that decision in 1995, saying that the First Amendment forbade government from forcing the veterans to give a place to the gay/lesbian
marchers (Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, 1995). “The state court’s application of the statute had the effect of declaring the sponsor’s speech itself to be the public accommodation.” The Court ruled that “this use of the State’s power violates the fundamental rule of protection under the First Amendment, that a speaker has the autonomy to choose the content of his own message” (Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, 1995). State law cannot force the Veterans Council to carry a message it disapproved of because “parades are...a form of expression, not just motion” (Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, 1995). Thus, the Supreme Court ratified the right of a group to make private choices.

Law limits what government can demand. Law cannot require newspapers to publish a reply to a critical article (Miami Herald v. Tornillo, 1974), and a corporation cannot be forced to distribute critical advertisements (Pacific Gas & Electric Co. v. Public Utilities Commission, 1986). On the other hand, courts appear more willing to tolerate government commands upon the electronic media, including cable TV.

Private premises enjoy immunity from constitutional control but remain subject to reasonable public regulation (Pruneyard Shopping Center v. Robbins, 1980). However, if the private group organizes itself to become a “place of public accommodation,” it becomes subject to regulations banning discriminatory behavior. Identifying such a place presents difficulties, and large uncertain grey areas exist. The Supreme Court has ruled that Rotary Clubs (Board of Directors of Rotary Club International v. Rotary Club of Duarte, 1987), the Jaycees (Roberts v. United States Jaycees, 1984), and other large clubs (New York State Club Assoc., Inc. v. The City of New York, 1988) having open membership policies qualify as places of public accommodation and cannot engage in gender discrimination, but the South Boston Allied Veterans Council, the court rules, differs. It appears, therefore, that a library in a religious school might limit access to believers.

Where a public library offers rooms for meetings, it usually follows that the library supplies a “limited place of public accommodation” and its power to restrict access becomes qualified by the command to avoid invidious discrimination. Must libraries open their facilities to “all” as the Library Bill of Rights promises? What if the request for a meeting room comes from a group such as NAMBLA (the North American Man-Boy Love Association)? A library might resist offering a meeting place to a group advocating, if not practicing, violation of law, but paragraph six of the Library Bill of Rights suggests otherwise.

Lambs Chapel v. Center Moriches Union Free School Dist. (1993) and Widmar v. Vincent (1981) underscore the open access rule. These decisions hold that if access to facilities are given to groups generally, access cannot be denied simply because users engage in religious activities. All religious activities? What if a religious group in which animal sacrifices play a significant role seeks to use the library meeting rooms? The Constitution would probably not forbid a library rule prohibiting animal sacri-
fices on its premises (Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 1993), but it is very doubtful that library rules could constitutionally forbid a Mass or a communion service in their meeting rooms if it permitted other groups to worship.

Law allows libraries room to regulate access. In 1992, the U. S. Court of Appeals in Philadelphia ruled that the public library of Morristown, New Jersey, could exclude a homeless man who loitered in the facility and whose "odor was often so offensive that it prevented the library patrons from using certain areas of the Library" (Kreimer v. Bureau of Police for Town of Morristown, 1992). The Court of Appeals reversed a radical decision by a district judge who had held that the library rules were too vague and allowed the library staff too much discretion. The decision reversing the lower court embodies several critical points.

The Court found that library rules implied "a right to receive information" based on the First Amendment. Then the Court added another, and more problematic, observation saying that the First Amendment "additionally encompasses the positive right of public access to information and ideas" (Kreimer v. Bureau of Police for Town of Morristown, 1992). The Court gave careful attention to the rules and rationale resulting in the library’s exclusion of Kreimer, a homeless man and not a serious book lover, who used the library merely as a shelter. The District Court found this use permissible, but the Court of Appeals wisely disagreed and ruled that access to the library might be limited to fulfill the purposes for which the library exists—namely, for communicating written words. Libraries are not like parks or sidewalks, where speech enjoys the greatest protection. As a designated (not open) public forum, a library need not be open to the public at large but may be opened only for those who abide by the library’s reasonable rules.

A public library may decide to restrict users to residents and even require a fee as a prerequisite. Courts uphold reasonable fees as a condition to file for bankruptcy, or to appeal a civil judgment, or to seek election to public office, but libraries do not qualify as an essential public service to which indigents have a right without cost.

In examining the library’s rules, the Court applied a reasonableness test and concluded that, because the rules fostered a quiet and orderly atmosphere conducive to every patron’s exercise of the right to receive and read written communication, they passed. The Kreimer decision vindicates the exercise of wise discretion by library administrators. That discretion, however, must rest on principles of equality. The Court of Appeals for the First Circuit, upholding the right of a library to exclude an unruly patron, says (Wayfield v. Town of Tisbury, 1994):

[While a] State or its instrumentality may, of course, regulate the use of its libraries or other public facilities ... it must do so in a reasonable and nondiscriminatory manner, equally applicable to all and administered with equality to all....And it may not invoke regulations as to use—whether they are ad hoc or general—as a pretext for
pursuing those engaged in lawful, constitutionally protected exercise of their fundamental rights. (citing Brown v. Louisiana, 1966)

A June 1995 decision of the U. S. Supreme Court confirms the equality dimension of First Amendment law in holding that, if a public university funds student groups, the university may not deny access to those funds simply because the group has a religious purpose (Rosenberger v. Rector and Visitors of the University of Virginia, 1995). If a student activity fund helps organizations that promote study of Islam or Judaism, school authorities may not refuse grants to a Christian group. Rosenberger emphasizes equality in saying that the school cannot deny assistance by claiming that assistance would violate the First Amendment's prohibition against establishing a religion.

This 5-4 Establishment Clause decision calls for a review of state university policies on funding student extracurricular activities (Rosenberger v. Rector and Visitors of the University of Virginia, 1995). The decision also invites analysis of a hypothetical situation. Assume a campus group buys books that it intends to give to the campus library "to counteract the theological liberalism, and the anti-religious bias that permeates this campus." Assume also that the college makes small bloc grants to campus organizations to enable each to operate. Can the college refuse to give money to an organization with a religious purpose? The Rosenberger decision says it may not. Perhaps the college can decline to allow its funds for all book buying. That policy passes because a book ban applies to all.

A public library book selection policy that broadly rejects inclusion of "theological texts, treatises, or tracts" (Rosenberger v. Rector and Visitors of the University of Virginia, 1995) faces a Constitutional challenge under the reasoning of Rosenberger. However, the book selectors ought to be able to select books of interest to patrons. If so, the policy, as applied, would be consistent with a policy to stock books of interest to patrons and, although vulnerable under a strict reading of Rosenberger, would not violate the Library Bill of Rights. Since Rosenberger involves spending public money, it stands as a unique example of the Constitution requiring government funding of religious activities. The Supreme Court recognized and rejected a distinction between government funding and government giving access to facilities. The decision may signal a major and needed shift in Establishment Clause doctrine (Choper, 1995).

Commonplace and necessary removal of books from libraries makes the American Library Association nervous, reports the Orlando Sentinel Tribune on July 21, 1991. The paper recounts the removal of library books based on racial, ethnic, and sex biases. Should librarians remove books because they portray only women as nurses or because they use the male pronoun in referring to police and fire fighters? If libraries consistently follow the policy of avoiding gender stereotypes, then libraries should
not shelve a Bible calling God "he." However, Courts will not forbid the sifting and winnowing of collections based on taste and judgment, because judges must not substitute their own subjective views for those of others. Books obviously become dated, and that ground alone justifies removal without violating any principle in the Library Bill of Rights. However, when libraries remove books because of "lacking educational value," the rationale may only mask more insidious purposes. Occasionally, but rarely, book removal decisions receive judicial review. *Delcario* versus St. Tammany Parish School Board (1994), for example, presents librarians with a victory, although only in a lower federal court in Louisiana. Whether the Supreme Court of the United States would approve appears less certain.

In *Delcario*, the District Court ruled that a school board decision to remove books containing detailed descriptions of voodoo spells violated the First Amendment and also the Constitution of Louisiana. By relying on the Louisiana Constitution, the Court guarded against Supreme Court review (because *Michigan v. Long*, 1983 lets decisions resting on state grounds to stand unless the decision violates constitutional standards). The story behind the decision is quite simple. The board removed a book from its libraries by Jim Haskins (1978) entitled *Voodoo & Hoodoo*. The book traces the development of tribal religion in Africa and describes its transfer to African-American communities in America, including Louisiana. About 97 of its 218 pages are devoted to graphic (and, to the board, rebarbative) descriptions of common voodoo "spells" or practices which the author included to preserve the folklore and knowledge. A petition containing 1,600 signatures claimed the practices grossly offensive, which they doubtless were to most eyes. A school committee declined to remove the book because it served an educational purpose and supplied information on a topic included in the eighth grade curriculum. However, after extensive discussion, the school board decided to remove the book by a 12 to 2 vote because they feared a reader might follow the recipes. Several parents, on behalf of their children, challenged that removal in federal court, and they prevailed.

The District Court rejected the school board's defense that their decision rested on a discretionary curricular judgment. The record belied that claim, the Court found, because opposition to the book rested on its contents and on a belief that the ideas in the book conflicted with the board's religious beliefs. The board's motivation and its purpose to promote their personal religious views flunked the constitutional test of neutrality. Depositions taken from school board members and from the minutes of their meeting clearly showed the religious motivations behind the removal. Disapproval of the book alone might not have mattered. It did matter that notions of Christianity drove their decision. Thus the District Court viewed the board action as fatal not merely because of animosity
toward ideas, but because the board evinced a fatal favoritism for particular political, social, and moral ideas. However, most school boards could dress their policies in tolerable neutral language to allow the removal.

The Court noted several important features in the removal decision. First, the school board removed the whole book. The board did not simply restrict circulation to “the younger students whose safety the Board purported to be concerned with” (Delcarpio v. St. Tammany Parish School Board, 1994). Nor did the school relegate the book to a reserve shelf where children could read it with parental consent. The driving force underlying the decision rested on finding an official effort to promote a particular idea by excluding the competition. Second, flaws marked the board’s decision making. Six members of the board had read only excerpts supplied by protestors and not the entire book, thus the board acted ignorantly. Third, the actions appeared greater than any risk of danger warranted. No evidence showed that any student sought to replicate the voodoo spells.

Perhaps lawyers for the school board erred in arguing on appeal that the book should be considered “pervasively vulgar.” The Court found little basis for that conclusion because nothing in the record suggested that vulgarity formed the basis for the board decision, and the offensive portions hardly pervaded the entire volume.

Lawyers served the successful Delcarpio plaintiffs well. They had prepared a record clearly proving that the motivation for the removal decision rested on an impermissible wish to deny access to particular ideas because of the beliefs of the board members. What if they had only focused on the claim of vulgarity? Other removal decisions may not prove so easy to contest because, as the Supreme Court stated in the leading case of Cohen versus California (1971), “the Constitution leaves matters of taste and style...largely to the individual.”

Delcarpio differs from another relevant, but important, decision rendered fifteen years earlier. In 1980, the 7th Circuit Court upheld administrative book selection policies in dismissing a complaint that a school removed books expressing feminist viewpoints from its teaching program (Zykan v. Warsaw Community School Corp., 1980). The case involved the selection of teaching materials, not merely a review of library collection policy. The 7th Circuit Court panel found insufficient an allegation that the removal rested on the school board’s social, political, and moral tastes. If the plaintiff argued that the board was “guided by an interest in imposing some religious or scientific orthodoxy” or sought to “eliminate a particular kind of inquiry” the result would be different (Zykan v. Warsaw Community School Corp., 1980). No legal violation occurred because feminist ideas were otherwise available. As of this writing, the decision stands as the law in Wisconsin, Illinois, and Indiana. It illustrates the significant drawbacks of a motivation test resting on an elusive, if not unreal, distinc-
tion allowing removal based on social, political, and moral grounds, but forbidding removal “imposing some religious or scientific orthodoxy” (Zykan v. Warsaw Community School Corp., 1980).

Law and common sense requires schools to inculcate values. Some years ago, Chief Justice William Rehnquist observed that “of necessity, elementary and secondary educators must separate the relevant from the irrelevant, the appropriate from the inappropriate” (Board of Education v. Pico, 1982). A school must inculcate social values, but to do so requires selection if not coercion.

Law condemns “censorship” but also reinforces the authority of educators and other public servants to inculcate societal values. This point receives no emphasis in the Library Bill of Rights. In Mozart v. Hawkins City Board of Education (1987), the Court upheld the right of a public school to require pupils to read texts that a parent found offensive to her religion. Noting that the required reading did not insist that students declare any belief, the Court cited Bethel School District v. Fraser (1986) and observed that public schools “serve the purpose of teaching fundamental values ‘essential to a democratic society.’ These values ‘include tolerance of divergent political and religious views’” (Bethel School District v. Fraser, 1986).

In a similar vein, Walter Dickey, while head of the Wisconsin Division of Corrections, in 1984 cites the importance of prison libraries in inculcating values: “[B]ooks have been very important in the development of values that allow one to live at peace with oneself, as well as with others” he says. “It follows that books can help offenders in ways that they help most people—by helping them form values to live by” (Dickey, 1994, p. 30). Surely all library users, not just prisoners, can benefit from that policy.

Does a library violate its duties if it excludes books and materials that deny the value of tolerance of divergent views (Marcuse, 1965)? Exclusion may be foolish because such books confirm the existence of bigotry, and the public requires education. However, book selections require balancing interests. For example, should a public library decline to shelve The Turner Diaries (MacDonald, 1980)? The book (apparently a favorite of Timothy McVeigh, currently accused of responsibility for the Oklahoma City bombing) is rabidly racist, anti-Semitic, and advocates a race war. The book supplies a formula for explosives and may have helped encourage the persons who bombed the federal building in Oklahoma City. Jane Larson, a professor in Northwestern’s Law School, argues that, if the bomber made plans based on the book, the author should be civilly liable for the harm caused by the book (Landis & Larson, 1995). It sold more than 185,000 copies, and its author made quite a bit of money. Since its publication in 1980, it remains the Bible of the extreme right militia movement. Contents of The Turner Diaries do not inculcate democratic pluralist values; grounds for keeping it out of the reach of the
impressionable are easy to perceive. How does one interpret the fact that
the copy in the University of Wisconsin-Madison's library appears much
used?

The Library Bill of Rights does not articulate support for a col-
clections policy designed to promote tolerance, representative government,
and patriotic values. Publishers have a right to publish material contest-
ing tolerance, rejecting patriotism, offering substitutes for family values,
or whatever, but it does not follow that the public can require libraries to
supply that material. Can a library collections policy exclude books that
offend those values? Can a public library properly decide not to receive
a gift of books that denigrate people not holding “Christian beliefs?” (Se-
attle Times, 1993). First Amendment law does require us to decide whether
all ideas have equal merit, but the Library Bill of Rights suggests neutral-
ity. It does not guide us in distinguishing censorship from the promotion
of values. Neither, for that matter, does the law help us.

The *Pico* decision (*Board of Education v. Pico*, 1982), the only Supreme
Court decision evaluating library content, remains enigmatic because it pro-
duced no majority opinion—only seven separate views, three from Justices
in the majority, four from dissenters. After receiving complaints about ob-
jectionable books, a Long Island school board appointed a committee to
review books for their educational suitability, good taste, relevance, and ap-
propriateness. Of the nine books complained about, the committee recom-
mended the removal of two—*The Naked Ape* (Morris, 1967) and *Down Those
Mean Streets* (Thomas, 1967). Committee members could not agree on *Soul
on Ice* (Cleaver, 1967) and *A Hero Ain't Nothin' But a Sandwich* (Childress,
1973). They said that readers of *Slaughterhouse Five* (Vonnegut, 1969) and
*Black Boy* (Wright, 1945) required parental approval.

The school board rejected the advice of the Committee and removed
all the books, finding them “anti-American, anti-Christian, anti-Semitic,
and just plain filthy” (*Board of Education v. Pico*, 1982). Several students
sued, claiming a violation of First Amendment freedoms. A District Court
upheld the removal without holding any trial or hearings, but the Court
of Appeals reversed. In 1982, the Supreme Court disapproved the re-
movals but failed to agree on why and remanded for a trial. No trial
occurred—the parties evidently exhausted. However, the opinion remains
a centerpiece for discussion of the First Amendment in a library context.

Five Justices (Brennan, Marshall, Stevens, Blackmun, and White)
ordered a trial. Four of them said that a trial must decide whether the
removals were for valid politically neutral reasons, or whether the re-
moval rested on the board's disagreement with the books' contents. Jus-
tice White does not say what a trial must establish. Brennan’s opinion
for the plurality of four contains contradictions. He admits that a school
board has discretion to set the content of a public school library, but he
also says that content decisions must not rest on narrow partisan or politi-
cal grounds. "If petitioners intended by their removal decision to deny...access to ideas with which petitioners disagreed," he notes, "and if this intent was the decisive factor in petitioners' decision, then petitioners have exercised their discretion in violation of the Constitution" (Board of Education v. Pico, 1982). Brennan says the First Amendment forbids orthodoxy, but he also says that schools have a duty to "inculcate fundamental values" (Board of Education v. Pico, 1982). Surely "fundamental values" make up an orthodoxy, and in this respect Justice Brennan's words lack coherence. Justice Brennan also said he might approve the removal decision if the school showed it "was based solely upon the educational suitability of the books...". Book removals for legitimate educational purposes do not violate the First Amendment.

The problem, of course, lies in identifying a "legitimate educational purpose." Justice Blackmun takes a more aggressive stance by inviting judicial balancing. Courts, he said, should examine all school decisions—not simply library decisions—to determine whether a school acts in a politically neutral manner. Blackmun does not identify how to achieve a neutral balance, nor does he offer a practical solution. In his Pico dissent, Chief Justice Warren Burger accurately observes that "virtually all educational decisions" involve some political determination (Board of Education v. Pico, 1982).

The American Library Association emphasizes "freedom to read" but to read what? If the publication lacks legal protection—e.g., obscenity—it is hard to justify freedom to read it. Freedom to read does not imply a duty of government to supply the reading material. Just as freedom of speech does not generate a correlative duty of government to supply the speaker with a printing press, so also freedom to read does not imply a government duty to supply any specific reading material. However, in Pico, Justice Brennan notes for himself and Justices Marshall and Stevens that the "right to receive ideas follows ineluctably from the sender's First Amendment right to send them" (Board of Education v. Pico, 1982). But the nature of the right claimed depends very much on the context. "The special characteristics of the school library," he says, "make the environment especially appropriate for the recognition of the First Amendment rights of students" (Board of Education v. Pico, 1982). However, he only deals with removal policies, not with the more interesting question of what bookshelves should contain. It seems implausible that Justice Brennan meant that librarians must honor any student demand to shelve any book.

The "right to receive" has dubious roots in constitutional law. Courts uphold restrictions on advertising and sustain laws limiting sexually explicit speech and, within limits, retain the law of defamation. Some things people have no right to receive even if a speaker has a right to communicate. Moreover, libraries cannot, practically speaking, include all
information. With limited resources, they must choose. Furthermore, school libraries have a teaching role—and teaching requires selectivity. Decisions that limited the coercive power of government, such as those protecting students who refuse to salute the flag, for example, do not support a general “right” to information, only a right not to be subjected to force that offends political or religious belief.

Some claim a “right to read” finds support in *Griswold v. Connecticut* (1965), but that case focuses on the privacy rights of those seeking contraceptives not simply on the First Amendment. The Court has struck down rules prohibiting the distribution of handbills from door to door, saying that “the First Amendment [protects] freedom [to] distribute literature.” But then the Court unnecessarily added that the First Amendment “protects the right to receive [information]” (*Martin v. City of Struthers*, 1943). However, the right to read, or the right to distribute literature, does not embody a duty of the government to buy books or to help in the distribution of literature. Dean Yudof (1984) correctly observes that “the ‘right to know’... is no more than artistic camouflage to protect the interests of the willing speaker who seeks to communicate with a willing listener.” Recent decisions reveal that protection for the speaker is tempered by allowing government to protect listeners (*Florida Bar v. Went for It, Inc.*, 1995).

Two of the four dissenting Justices in *Pico*, all of whom wrote forcefully, remain on the Court and might today be joined by Justices Scalia, Thomas, and Kennedy in rulings favorable to school administrators. Chief Justice Burger, joined by Justices Powell, Rehnquist, and O’Connor, agreed that a school board enjoys discretion to select the books in a library. Chief Justice Burger and Justice Powell expressed dismay over the corrosion of school board authority. Justice Powell, a former school board member, noted that, in the *Pico* case, the school board took its responsibilities seriously and tried to decide what values to impart—a task, after all, they were elected to do. If the majority in *Pico* means that any junior high school student can get a judge to reverse a book removal decision, Justice Powell rightly objects. Powell appended a summary of excerpts from the books showing some reason to believe the volumes contain substantial racist and/or vulgar words, and therefore, in his view, justified a decision to remove.

In his strong dissent in *Pico*, Justice Rehnquist stressed the school’s interest in determining what the educational program should be, an interest that encompassed deciding what books to place in a library. School board actions are part of many choices that are necessary in the ordinary course of their duties. He viewed a school library simply as a supplement to a public institution engaged in “the selective conveyance of ideas.” Thus, he said, public libraries enjoyed more discretion to exclude because the challenged books were generally available. Justice O’Connor
took a more measured view of the removal decisions which, on the merits, she thought wrong. However, she believed the board’s decisions were entitled to great deference.

The *Pico* case presents several problems. How does one measure a decision-maker’s purpose? If a school board decides only that “the books lack significant educational value,” does a Court have the authority to challenge that decision as erroneous? If a school board overrules the school faculty, does the Court have authority to prefer the faculty decision to that of the elected school board? In several recent cases, the Court has sustained seemingly absurd school decisions because the actors held administrative authority. Justice Brennan’s plurality opinion in *Pico* does not deny administrative decision making. Where evidence of a political motivation appears debatable, one can expect courts to favor the administrators unless they find a constitutional violation. In 1968, the Court protected a teacher’s freedom in a classroom, preferring the right to teach evolutionary biology over a legislative ban on such teaching (*Epperson v. Arkansas*, 1968). Twenty years later, however, the Court approved the censorship imposed by a school on a student newspaper which school officials found invaded the privacy of other students (*Hazelwood School Dist. v. Kuhlmeier*, 1988), and a lower court allowed removal of a text containing Chaucer’s Miller’s Tale (*Virgil v. School Bd. of Columbia Co.*, 1988). In short, *Pico* does not mean much.

Limited resources force choice. Does law limit that discretion? At the extremes, the boundaries appear clear. A social science library may not properly collect mathematics or physics books and vice versa. Selectivity requires judgment, but the Library Bill of Rights supplies no practical guidance. Justice Stevens observed the necessity for choice in *Widmar v. Vincent* (1981):

> In performing their learning and teaching missions, the managers of a university routinely make countless decisions based on the consent of communicative materials. They select books for inclusion in the library, they hire professors on the basis of their academic philosophies, they select courses for inclusion in the curriculum, and they reward scholars for what they have written...if two groups of 25 students requested the use of a room at a particular time—one to view Mickey Mouse cartoons and the other to rehearse an amateur performance of Hamlet—the First Amendment would not require that the room be reserved for the group that submitted its application first.

Of course, if a public library purporting to offer its patrons a general selection of popular writing decided not to include books written by Republicans, by minority authors, by Catholics, etc., such a policy would offend the First Amendment because it would be based on the racial, political, or religious views of the government decision maker (see *Widmar v. Vincent*, 1981). These actions are particularized viewpoint discriminations
and hence fatal to the policy. Happily, one is unlikely to encounter such clearly unlawful policies.

The Library Bill of Rights overgeneralizes. To consider “all people” as target patrons constitutes a large, if not impossible, audience to satisfy. If a community shows no interest in authors of a particular background and viewpoint, a library wastes its resources in purchasing materials no one reads. A homogeneous community might be easy to satisfy. A larger heterogeneous group offers more varieties of users than a library can practically serve. The community may contain the mentally ill, criminals, and perverts, but no one seriously suggests that libraries must accommodate the special interests of such people. To say that “materials should not be excluded because of the origin, background or views of those contributing to their creation” promises a lot but delivers very little. A book selector might simply say that the materials “lack educational value,” or “patrons would have little interest in this,” or “we think better (or cheaper) materials are available.” It is not hard to dress a decision in nonpolitical terms to mask politics and moral sensibilities. Prison libraries may exclude books on lock picking or materials suggesting how to make explosives. Why not allow a forthright policy barring books with unsocial objectives from such collections? The breadth of the Library Bill of Rights invites masking decisions.

Can a library properly exclude material that appears to be the product of alcoholism, mental illness, perversion, or crime? That policy might exclude the works of the Marquis de Sade, Dylan Thomas, Samuel Coleridge, François Villon, or Richard Nixon. But it might also happily exclude works lacking taste, vitality, or redeeming value. Framing a policy in neutral terms presents a drafting problem, but a policy to exclude books on the grounds of obscenity or vulgarity passes (Thomas v. Board of Education, 1979; Frison v. Franklin County Board of Education, 1979; Brubaker v. Board of Education, 1974). Moreover, a school library serving young children may exclude sexually explicit materials, even if the materials passed the constitutional test of “obscenity” (Bicknell v. Vergennes Union High School Board, 1980).

The Library Bill of Rights promises too much by requiring material reflecting “all points of view.” Library patrons may lack interest in “all points of view” even if resources for all viewpoints were available. If a library subscribes to Playboy, must it also take Penthouse or Hustler? A law library might decide only to stock Penthouse because Harvard’s Professor Alan Dershowitz writes a regular column for it, but I expect that decision, at least here in Wisconsin, might inspire objection.

Distinguishing “partisan” and “doctrinal” disapproval (bad) from decisions based on taste, relevance, and general policy (good) can rest on subjective factors. The matter of gay-lesbian-bisexual interests triggers public pressures particularly from groups that believe homosexual
conduct immoral. Can a school library lawfully decide not to select *Heather has Two Mommies* (Newman, 1989) or *Daddy's Roommate* (Willhoite, 1990)?

Given the vast amount of literature seeking a place in a children's library, a decision to prefer more conventional classics may be understandable. In Blacksburg, Virginia, the library board kept *Daddy's Roommate* on the shelf by a divided vote (*Roanoke Times & World News*, 1994). Would a decision not to purchase the book in the first place inspire objection or trigger a violation of the Library Bill of Rights? Purchasing decisions do not invite legal review. The case for including either or both volumes in a children's collection rests on the fact that some parents present a child with a situation that may be hard to explain. Inclusion may rest on the belief that a work of fiction may more accurately explain a situation that a child finds unusual. However, if a book selection policy declined to shelve books explaining gay/lesbian relationships, courts probably would not interfere.

Paragraph three of the Library Bill of Rights invites conflict without regard to seriousness or wisdom. Does it mean that libraries should challenge every critic? Paragraph four urges cooperation with "all." Might that not also invite broad and inadvisable alliances? To the extent the Library Bill of Rights invites unnecessary confrontation, it appears too spacious if not foolish. Evidently, the library board in Loudoun County, Virginia, thought very much the same when, in February 1995, it decided to substitute portions of the Library Bill of Rights for a less sweeping policy favoring free expression. The controversy began with a concern for the policies for selecting library books and raises the question whether the Library Bill of Rights promises more than any library board can deliver. By a 4 to 3 margin, the Library Board of Trustees in this far suburban Washington, DC, community voted to delete some of the anticensorship language in the Library Bill of Rights including the following portions: "Materials should not be proscribed removed because of partisan or doctrinal disapproval"; "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment"; "Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas."

Expressing further uneasiness after several citizens cited fears of censorship, the board replaced the deleted anticensorship language with the statement "censorship of ideas should be rejected and opposed," then titled the resulting document—which consists of a set of "propositions"—"Freedom for Ideas—Freedom from Censorship." One Board member explained her vote to replace by saying that she could not honor the Library Bill of Rights because it might require her to work with "groups like the Ku Klux Klan, and I just cannot do that" (*The Washington Post*, 1995).

In 1969, the Supreme Court ruled that words inciting violence enjoyed First Amendment protection unless they threatened likely and
imminent harm. Taken seriously, the Brandenburg doctrine (which the Supreme Court has repeatedly confirmed) protects a wide variety of words including those soliciting the commission of murder (Brandenburg v. Ohio, 1969). Thus, in Eimmann v. Soldier of Fortune Magazine (1989), the court reversed a $9.4 million judgment against the magazine after a jury found that an advertisement seeking "high risk assignments" led to a contract killing. The court found insufficient evidence of the magazine’s negligence in not foreseeing the homicide. The court cited, but did not explicitly rely upon, First Amendment doctrine.

However, in Braun v. Soldier of Fortune Magazine (1992), the court sustained liability of the magazine and explicitly rejected a First Amendment defense. In this case the advertisement said: “Gun for Hire: 37 year-old professional mercenary desires jobs...Discreet and very private....All jobs considered.” A reader hired the advertiser who then performed a contract killing. The victim’s sons succeeded in getting a jury verdict of $12.37 million against the magazine. In upholding the verdict on appeal, the Court of Appeals ruled that “the First Amendment permits a state to impose upon a publisher liability for compensatory damages for negligently publishing a commercial advertisement where the ad on its face, and without the need for investigation, makes it apparent that there is a substantial danger of harm to the public” (Braun v. Soldier of Fortune Magazine, 1993).

Although the decision may have subsequently led the advertising manager to act more judiciously, Soldier of Fortune continues to engage in warrior worship. Should libraries subscribe? It contains material of interest to mostly male readers, but should librarians keep it off open shelves? One can only speculate why, as of this writing, at least three Wisconsin libraries keep back issues in locked cases.

Does one condemn a library for deciding not to purchase the expensive ($49.95) but salacious book Sex by Madonna (1992)? The book comes close to pornography—it certainly depicts amorous and athletic action. Many describe it as “trash,” yet librarians report heavy demand, long waiting lists and, in some communities, fierce complaints about its presence (see Kniffl, 1992). The public library in Des Moines, Iowa, classified it as “reference/fine arts” thus confirming the observation that “one man’s vulgarity is another’s lyric” (Cohen v. California, 1971). Other libraries faced a more vocal and critical audience. An Arizona library ordered the book, but the town mayor, who evidently held the power of decision, asked that the order be cancelled. Shortly thereafter the library received three gift copies. Should it accept the gifts? The Library Bill of Rights supplies no guidance.

A decision not to shelve Madonna’s Sex, regardless of the existence of objection, seems defensible. The book is costly, and although it reveals the female body (a display that is hardly novel), one would be hard
pressed to say that it contributes to society’s store of knowledge. Yet the waiting list of borrowers attests to its entertainment value. Is it worth the cost? Public libraries depend on public support, and resisting pressure incurs a cost which may vary from place to place and from book to book. Madison, Wisconsin, may tolerate, or even applaud, Madonna, but Amy Hielsberg (1994) accurately observes that many in this renowned “liberal” community may not so easily accept *American Psycho* (Ellis, 1991).

Charges of engaging in “political correctness” can easily be leveled against some library decisions. To remove *The Story of Little Black Sambo* (Bannerman, 1899) but not a book depicting police as pigs, reveals “political correctness” in virulent form. Should public libraries adopt a policy against shelving books that are “factually incorrect?” For example, some argue that the Holocaust never occurred, that some people have invented a belief that Nazi Germany exterminated millions of Jews, the mentally unfit, and others (Gypsies, homosexuals, etc.). That is an easily refuted point of view. However, a publication denying the reality of the Holocaust exists—*The Journal of Historical Review.* Should a library with scarce resources subscribe?

The “factual correctness” standard generates problems. Who decides correctness? Some years ago, a Catholic librarian, who excluded a Protestant text on the basis of factual correctness, inspired the American Library Association to delete the truth standard from the Library Bill of Rights. However, that standard has value in other contexts. Because *The Encyclopedia of Mushrooms* (Dickinson & Lucas, 1979) contains erroneous information on edibility, several people who followed its advice became sick as a result and, although they all recovered, all needed liver transplants (see *Winter v. G. P. Putnam’s Sons*, 1991). Should a library purchase this book knowing it contains incorrect information that can lead to the death of a library patron? If there was only one error in the book, a correction might be added, but who knows?

It is absurd to require a library faced with scarce or inadequate resources to satisfy mushroom hunters or Holocaust deniers. Of course, if the dispute becomes a matter of significant local debate, a library’s decision to include erroneous materials in contrast with more accurate works may be more understandable, but that decision should rest on sound discretion, not in the Library Bill of Rights.

Paragraph five of the Library Bill of Rights forbids discrimination because of youth, Constitutional law does not. The interests of educators require special treatment and sometimes burdens on the young. Is it realistic to deny librarians the right to assist parents who wish (wisely or foolishly) to limit the access of their children to certain library materials? ALA standards clearly say that parents, and only parents, have this authority to deny. Librarians should not stand as parental substitutes, the association says. A Maryland public library proposes issuing restrictive
library cards preventing juvenile borrowers from checking out certain books without parental authority. Courts may uphold such a restrictive card. Is the Library Bill of Rights realistic in refusing to support parents who wish assistance in limiting access (see *Washington Post*, 1994)? Government policies regularly reinforce the authority of parents, yet the Library Bill of Rights advocates say that children should not be considered "second class citizens." The fact remains, however, that they are second class citizens, and courts regularly uphold restrictions on the young that do not apply to the mature.

Recent decisions consistently and predominantly prefer the interests of teachers and administrators over the claims of students. In *Vernonia School District v. Acton* (1995), the Court upheld the reasonableness of requiring high school athletes to undergo drug tests. The majority noted that "traditionally at common law, and still today, unemancipated minors lack some of the most fundamental rights of self-determination....They are subject, even as to their physical freedom, to the control of their parents or guardians." In 1985, the Supreme Court telegraphed this view in *New Jersey v. T.L.O.*

Freedom claims of students collide with those of school teachers and administrators because those charged with the task of educating hold authority to "inculcate the habits and manners of civility" (*Bethel School District v. Fraser*, 1986). In the Fraser decision, the Court upheld disciplinary action against a high school student who delivered an off-color graduating ceremony speech to classmates. School officials can regulate student speech and may censor school-sponsored publications where that censorship reasonably relates to legitimate educational concerns (*Hazelwood School Dist. v. Kuhlmeier*, 1988). Within the realm of reason, the Court not only upholds corporal punishment (*Ingraham v. Wright*, 1977), it also requires few procedural rights to precede discipline (*Goss v. Lopez*, 1975). Earlier decisions upholding the rights of students over those of administrators appear less compelling and clearly distinguishable. *Tinker v. Des Moines Independent Community School Dist.* (1969) narrowly upheld the right of pupils to wear black armbands as a sign of protest, but the majority noted that the symbol did not threaten good order and discipline.

The Library Bill of Rights does not displace the lawful administrative authority of a public body charged with making library policy. Thus it offers no protection to a library employee who defies the authority of a lawful decision maker. When that authority involves spending public money, courts show great reluctance to displace administrative judgments. An Illinois public library director in 1994 ordered a library window exhibit removed over the objection of subordinates. The display contained a collage of clippings, photos, and literature on adoption rights and covered the controversial "Baby Richard" case which took a child from a couple holding adoptive custody and preferred the biological parents.
Although the subordinate who created the display objected, the director acted legally because her decision, like that of an editor, rests on her administrative authority. Courts normally do not displace the rights of an authorized superior. An employee of a government agency must follow lawful orders (Bicknell v. Vergennes Union High School Board, 1980). For example, in 1979, Utah county discharged a library director for refusal to remove a book but, in due course and after considerable expense, she was vindicated (see Krug & Harvey, 1992; Layton v. Swapp, 1979). In this setting, it appeared that the library director held legal authority and acted within that authority.

**CONCLUSION**

Mark Twain observes: “It is by the goodness of God that in our country we have those three unspeakable precious things: freedom of speech, freedom of conscience, and the prudence never to practice either of them” (Bartlett, 1992, p. 527). His meaning is clear—it is impossible to maintain a civil society where all people fully exercise their rights uninhibited by self-restraint. Without forbearance, self discipline, and good manners, no community can flourish.

**NOTES**

1 Rule 2.1 of the Supreme Court of the United States provides that the Court’s library “will be open to the appropriate personnel of this Court, members of the Bar of this Court, Members of Congress, members of their legal staffs, and attorneys for the United States, its departments and agencies.”

2 In Hazelwood School Dist. v. Kuhlmeier, 1988, Justice White’s majority opinion emphasized the responsibility of schools to inculcate values which allowed a school to censor a newspaper produced in a journalism class.

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Champions of a Cause: American Librarians and the Library Bill of Rights in the 1950s

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ABSTRACT
THE LIBRARY PROFESSION'S UNDERSTANDING OF THE LIBRARY BILL OF RIGHTS—and, in fact, American librarianship's understanding of itself—is a product of both contemporary political discourse and of the American Library Association’s pragmatic responses to censorship challenges in the 1950s. Between the 1948 adoption of the strengthened Library Bill of Rights and 1960, ALA based its "library faith" on a foundation of pluralist democracy and used social scientific "objectivity" to try to fend off challenges to its jurisdiction. When the McCarthy Era brought challenges to the very premises of pluralist democracy, however, librarians responded by becoming "champions of the cause" of intellectual freedom.

Over the last half-century, the Library Bill of Rights evolved out of changes in the political, social, and cultural climate and thinking and out of changes in the roles of libraries and librarians. Tensions manifest in its implementation, ably pointed out by Baldwin in his article in this issue of Library Trends, spring in large measure, from its origin and early years, from the pragmatic nature of its development, and from the contradictions inherent in librarians' roles as selectors from, and collectors of, the cultural record. The events and attitudes of the 1950s were crucial to the formation and interpretation of the Library Bill of Rights and help account for its contradictions.

The Library’s Bill of Rights, the document’s first manifestation, was adopted in 1939 by the Council of the American Library Association (ALA) at a time when Hitler’s advance across Europe spurred many Americans...
into a spirited and uncritical defense of democracy. The context of its adoption can perhaps best be illustrated by excerpts from the writings of two influential thinkers of the time. The first, social scientist Bernard Berelson (1938), called on librarians to abandon their “myth” of impartiality. Reminding librarians that “the library, as an institution, is not impartial between, let us say, education and non-education, or knowledge and ignorance” (p. 88), he insisted that the library should not be impartial “between democracy and dictatorship, or between intelligence and stupidity or prejudice, or between the general public welfare and special interests” (p. 88). He urged librarians to “take education for democracy to the people” in order to bring “America's social thinking up to date” (p. 89). To do this, Berelson asserted, “librarianship must stand firmly against social and political and economic censorship of book collections; it must be so organized that it can present effective opposition to this censorship and it must protect librarians who are threatened by it” (p. 89).

Another influential thinker of the time, Archibald MacLeish, poet, lawyer and, from 1939 to 1945, Librarian of Congress, told librarians they had difficulty achieving professional status because they could not reach agreement on the “social end which librarianship exists to serve” (MacLeish, 1940, p. 385). A profession must be so essential to society’s welfare, he said, “that it requires of necessity a discipline, a technique, and even an ethic of its own” (p. 385). The worldwide attack upon democracy by fascism, MacLeish suggested, forced librarians to examine how their purpose related to the idea of democracy, to the idea of a government in which an informed electorate makes the decisions. He then described the social end of librarianship:

To subject the record of experience to intelligent control so that all parts of that record shall be somewhere deposited; to bring to the servicing of that record the greatest learning and the most responsible intelligence the country can provide; to make available the relevant parts of that record to those who have need of it at the time they have need of it and in a form responsive to their need. (p. 422)

Attempting these tasks, MacLeish proclaimed, would not only serve the cause of democracy, but it would, in the process, also help librarianship find its long-sought-after social function—“a function as noble as any men have ever served” (p. 422). Librarians were to use their expertise in the selection, organization, and provision of information in the service of freedom (Geller, 1984, p. 178; Winter, 1988, p. 72).

These statements provide the context for an understanding of the Library Bill of Rights as it later developed and reveal its sometimes contradictory dual purposes to which Baldwin rightly refers—i.e., to define and defend librarianship as a profession and to defend the traditional values of pluralist democracy, especially intellectual freedom. Library Historian Michael Harris (1986) has asserted, furthermore, that librarians
have been obsessed with their lack of professional status and that American librarians have been—in spite of their claims of “objectivity” or assertions of supporting intellectual freedom—uncritical (and largely unconscious) instruments of hegemony. They have, he asserts, embraced and inculcated dominant cultural values which maintain the status quo and ignore differences of race and class.

This examination of the development of the Library Bill of Rights in the 1950s probes the extent to which it reflected prevailing political discourse. The essay also describes the pragmatic nature of the development of the Library Bill of Rights in reaction to external threats to librarians’ professional jurisdiction. A combination of three events frame the decade: on the one hand, the June 1948 adoption of the strengthened Library Bill of Rights and, on the other, the publication of two defining works in ALA’s intellectual freedom history—Marjorie Fiske’s (1959) Book Selection and Censorship: A Study of School and Public Libraries in California and Robert B. Downs’s (1960) The First Freedom: Liberty and Justice in the World of Books and Reading. In briefly recapping the intervening events, the essay highlights challenges to intellectual freedom deemed important to ALA’s leaders and their responses as they tried to move the fledgling Library Bill of Rights from theory to practice during the height of the Cold War.

With the end of World War II and the onset of the Cold War, changes in the nation’s political climate created challenges that awakened the largely dormant Intellectual Freedom Committee. On the one hand, a strong belief in a unique American pluralist democratic system prevailed over totalitarianism—both among ordinary people and among political intellectuals (Fowler, 1978; May, 1989). This system was marked by a diversity of special interest groups all competing on a level playing field. At the time, historians described what they saw as a unique American “consensus,” an essentially classless view of American society (Noble, 1989). A robust confidence in this pluralist democracy—and the capitalist free enterprise system that supported it—accompanied a somewhat frightening new role for the United States as a world power. On the other hand, fear of communism (like fascism, a “foreign” ideology) led to a wariness of difference, of dissent; almost any criticism of the status quo could be interpreted by someone as an attempt to subvert the “American way of life” (Fried, 1990; Caute, 1978). The Truman Administration’s struggle against a conservative Republican legislature, coupled with concern about the dangers of domestic communism led, in 1947, to the introduction of a federal loyalty program that spawned progeny in many states across the country. That same year, the House Un-American Activities Committee conducted highly publicized hearings into Communist influence in the Hollywood film industry. These government actions heightened the at-
mosphere of fear and conformity.

It was this climate that propelled intellectual freedom to the foreground at ALA's 1948 annual conference. For the first time in ALA’s history, general sessions exhorted librarians to uphold democratic values of free inquiry and to combat censorship. The ALA Council quickly adopted a revised and strengthened Library Bill of Rights (see Library Bill of Rights, 1948) which would “clearly place libraries in the position of being aggressive defenders of the right to freedom of research and inquiry” (Berninghausen, 1948). The document reflected the ills it was designed to combat—i.e., the belief in the library as an agency for the promotion and defense of pluralist democracy, and of librarians’ desire to guard their professional prerogatives in book selection and collection building.

Librarians' professional prerogatives were themselves interpreted in light of postwar thinking and pressures of the times. The influence of social science—with its emphasis on empirical measurement, quantifiable data, and scientific “objectivity”—was profound. Society's increasing reliance on professionals, on “experts,” in every field from child care to urban planning, had taken a quantum leap during the Depression, World War II, and in post-war planning (Molz, 1984). In order to be perceived as professionals, experts in nearly every field embraced the “objectivity” of science and social science, although frequently there were other motives involved in the claim to objectivity. In journalism, for example, “objectivity” grew out of the need for wire services to sell their wares—their reportage—to newspapers of every political stripe (Baughman, 1992, p. 13). A substantial number of social and political scientists—previously concerned with reform or the discovery of values justification—decided to take up the pursuit of theory development or of purely descriptive, quantifiable studies (Fowler, 1978, pp. 128-32); in literature, the New Criticism urged readers to look only at the text, to remove the author from the study. Art lost its referents. All of these variations on “objectivity” served to protect professional groups at a time when commitment to a cause, or the search for a value-laden solution to a social problem, or the study of an author with a Communist past, might result in unwanted scrutiny. Thus, librarians’ insistence on “objectivity”—their selection of books on all sides of controversial issues of the day even if they disagreed with the contents of the book—was intended both to elevate their standing as professionals and to protect their contested jurisdiction of book selection from charges of bias.

Although their “objectivity” was designed to protect libraries and librarians from attacks on their professional jurisdiction, it did not succeed. Other values underlay the Library Bill of Rights—the values of pluralism and free debate, the value of skepticism in the face of any form of absolutism—liberal values shared by postwar political intellectuals.
These very values, however, were themselves under attack by those the Library Bill of Rights called “volunteer arbiters of morals or political opinion or organizations that would establish a coercive concept of Americanism” (“Library Bill of Rights,” 1948, p. 285).

As ALA responded to those attacks in the course of the decade, the Library Bill of Rights moved from a little-known abstraction to a frequently invoked credo—and pluralist democracy became the unexamined lens through which librarians viewed their domain. Like the political intellectuals of the day who were skeptical about everything except their own democratic ideology (Fowler, 1978), librarians failed to examine their “library faith,” their belief that the library—and the printed word it enshrines—held indispensable sources of knowledge for the educated citizenry on whom they believed the success of democracy depends. Like Berelson, whose own studies of voting behavior (Berelson et al., 1954) convinced him it was probably better that all eligible voters did not vote, librarians were less than inclusive in their practices of selection and service. Their boards were composed almost exclusively of white middle- to upper-class individuals (Garceau, 1949); their users were neither numerous nor representative of the country’s diversity (Berelson, 1949). Librarians rarely scrutinized intensely their assertions of providing access to all points of view, and they frequently failed to back their faith with works. Nevertheless, at least some librarians courageously practiced their own “subversive” selection practices by including titles that were likely to be challenged (Jenkins, 1995). And, in attempting to meet the challenges of the 1950s, the Intellectual Freedom Committee (IFC) of the American Library Association did move the Library Bill of Rights into a central position in American librarianship and did position the ALA in the public consciousness as an association prepared to work with other organizations to keep open the channels of communication.

The IFC first had occasion to begin to work with other organizations to uphold the Library Bill of Rights immediately after its passage (Berninghausen, 1975). The Nation magazine had recently been banned in all New York City schools because officials deemed a series of articles disrespectful of the Catholic Church. IFC Chairman David K. Berninghausen, at a special hearing opposing the ban, protested it on ALA’s behalf as “a threat to freedom of expression and contrary to the Library Bill of Rights and the United States Bill of Rights” (Brigham, 1948, p. 339). It was the first time ALA had spoken out against censorship at an official hearing, and some in ALA questioned the wisdom of the action. Nevertheless, Berninghausen subsequently joined MacLeish, Eleanor Roosevelt, and others on the executive committee of the Ad Hoc Committee to Lift the Ban on the Nation, and various ALA officials were invited to serve as consultants to other groups preparing statements against censorship (Berninghausen, 1975, p. 45; Dunlap, 1949). Although the
ban on the *Nation* was not finally removed until 1957, actions taken by the IFC in support of the Library Bill of Rights had demonstrated the library profession’s willingness to work with other groups to fight censorship. And although ineffective in New York, protests of the ban moved the Massachusetts Board of Education to restore the *Nation* in all Bay State teachers’ college libraries (Berninghausen, 1949, p. 74).

The invocation of the Library Bill of Rights proved more effective in the fall of 1948 when the Los Angeles County Board of Supervisors announced its intent to appoint a county library system censorship board to guard against the “liberal thoughts” of librarian John Henderson. The ALA and the California Library Association allied themselves with other groups to protest and publicize the proposed board; their efforts ultimately succeeded (Berninghausen, 1949). In spite of this success, however, few librarians brought censorship attempts to the IFC; in Massachusetts, Florida, Alabama, New Jersey, Iowa, and Washington, nonlibrarians reported censorship attempts. Still, librarians increasingly reported asking their boards to endorse the Library Bill of Rights to prepare in advance for challenges, and a number of larger public libraries developed comprehensive selection policies outlining the professional standards employed in book selection (“Worcester Library Directors Support their Librarian,” 1949, p. 649; “Library Bill of Rights Adopted,” 1949, p. 154; Jenkins, 1995). By 1950, ALA had demonstrated that it was prepared to use the “bully pulpit” to fight censorship and other constraints upon intellectual freedom and to join forces with like-minded groups.

By the summer of 1950, ALA had also struggled to a consensus on a statement opposing loyalty programs that failed to protect individuals’ civil rights. The debate had preoccupied the IFC for almost two years, bitterly dividing federal librarians subject to loyalty investigations as a condition of employment and those led by Berninghausen and the IFC who felt such investigations threatened intellectual freedom and fostered a dangerous conformity. ALA never invoked its hard-won Resolution on Loyalty Programs to defend a librarian unjustly accused of disloyalty. Unlike many other organizations (the National Education Association, labor unions, some bar and medical associations, and even the board of the American Civil Liberties Union), however, it never required a political test for membership, and it spoke out, through its resolution, against loyalty programs that failed to protect the civil rights of employees. In this ALA differed from the political scientists and educators who approved of forbidding Communists to teach (Robbins, 1994, 1995).

The IFC’s involvement in the loyalty debate probably helps account for the ineffectiveness of its response to one of the decade’s most widely publicized censorship episodes. An attack on Ruth W. Brown, long time librarian of the Bartlesville, Oklahoma, Public Library, began in February 1950, just a week after Wisconsin Senator Joseph McCarthy’s infamous
Wheeling, West Virginia, speech accusing the Truman Administration of harboring Communists in the State Department. In many ways the Ruth Brown episode was emblematic of problems confronted by librarians throughout the period that bore the senator’s name. Like other incidents, the charges in the Brown case came from a super-patriotic group; the periodicals challenged had already been challenged elsewhere; the ostensible offense masked a different concern. The attack also amply illustrated the shortcomings of the Library Bill of Rights and the IFC’s efforts to support it.

Accused of circulating subversive magazines—chiefly *The Nation* and *The New Republic*—by a citizens’ committee led by members of the American Legion, Brown was, in fact, suspect because of her activities in support of racial integration. The library board, which supported Brown, asked the IFC for advice; Berninghausen supplied the Library Bill of Rights and information about the challenged periodicals, both of which the board used in its reports to the City Commission. The efforts proved fruitless, however; both the board and Brown were dismissed and the City Commission took over operation of the library. After Brown’s firing, a group called “The Friends of Miss Brown” continued to seek ALA’s help in publicizing the incident. ALA complied, but Berninghausen felt keenly the limitations under which the IFC labored; since the divisive loyalty controversy, the IFC had been limited to recommending action to the executive board and council. Berninghausen felt he could not even properly send a letter of protest to the Bartlesville mayor. The Oklahoma Library Association, which had failed to form an intellectual freedom committee when asked to do so two years earlier, hurriedly constituted a committee at ALA’s request to investigate the case—but only its censorship aspects. Its report was presented to the ALA Council at the 1951 midwinter conference, and the council passed a resolution condemning Brown’s firing—obviously too little too late (Robbins, 1996).

The Bartlesville episode exposed the weakness of the IFC and ALA’s Library Bill of Rights—which at the time seemed merely a few words on paper incapable of supporting librarians in trouble. The improvements it motivated, however, were modest by any measure. The executive board removed limitations to the IFC’s ability to protest violations of the Library Bill of Rights without coming to the board first. It gave the IFC no authority for additional independent action. Furthermore, Brown’s firing did not move the IFC or the executive board to consider whether segregation of a library might be a violation of intellectual freedom principles; while librarians selected literature (especially for children) that encouraged “intergroup understanding” (Jenkins, 1995), they seemed unwilling to acknowledge, through statement or action, that segregation violated democratic principles that the Library Bill of Rights pledged libraries to uphold. Like the political intellectuals who believed that plu-
alist democracy would gradually embrace equal rights for minority groups, the ALA did not, as an association, act to hasten the day. ALA would not begin to deal with that issue until the next decade (Robbins, 1991).

But ALA could not escape dealing with challenges to libraries from super-patriotic groups like the American Legion, which claimed a national crusade to guard against subversion in libraries and schools. Two such challenges—in Peoria, Illinois, and Montclair, New Jersey—led to additions to the ALA's intellectual freedom credo and indirectly spurred an effort to educate librarians concerning intellectual freedom issues.

The first of these challenges pitted Peoria librarian Xenophon Smith against Peoria newspaper editor Gomer Bath and the local American Legion. The American Legion protested the circulation of United Nations' sponsored films concerning "brotherhood" on grounds they contained Soviet propaganda too subtle to be detected. Smith withdrew one film and restricted others to the library's screening room; he supported his action with a statement that the Library Bill of Rights pertained only to books, not to films or other media. The IFC and ALA's Audiovisual Board wanted to clarify the intention of the Library Bill of Rights to cover all information media, but the IFC did not want to risk revising the text and thus make it necessary for librarians, who had only recently won approval of the statement, to go back to their boards with a revised version. So, at the 1951 Midwinter meeting, Berninghausen proposed, and ALA Council adopted "with enthusiasm" (Berninghausen, personal communication, August 15, 1990; Berninghausen, 1953), a footnote to the 1948 Library Bill of Rights: "By official action of Council on 3 February 1951, the Library Bill of Rights shall be interpreted as applying to all materials and media of communication used or collected by libraries" ("Library Bill of Rights," 1951, p. 755). Although Smith and his board used the footnote to support their decision to place the films back into circulation, they attached comments by viewers to the insides of the film cans. Even this move did not satisfy some Legionnaires or Bath, who battled the library for two more years.

In Montclair, New Jersey, the Sons of the American Revolution demanded not only that the library label and restrict circulation of all "Communistic or subversive" literature, but also that it keep a roster of patrons who used it ("Resolution Passed," 1950). Librarian Margery Quigley asked the IFC—now chaired by Rutherford Rogers with Berninghausen as executive secretary—for advice (Quigley, 1950). The IFC—and twenty additional librarians polled by Rogers—decided unanimously to formulate an anti-labeling statement for IFC adoption. Rogers hoped the statement would respond as well to earlier requests for advice from librarians wanting to know how to handle propaganda (Rogers, 1951).

In adopting the proposed Statement on Labeling in July 1951 ("Recommendations," 1951, p. 242), ALA asserted that librarians had a
responsibility to oppose the establishment of criteria for “subversive” publications “in a democratic state.” Nor was it likely that any “sizable” group could agree on what should be designated as “subversive.” Furthermore, the statement said, libraries do not endorse ideas found in their collections. The statement called labeling “an attempt to prejudice the reader,” and thus “a censor’s tool.” Although it opposed communism, ALA asserted, it also opposed other groups trying to close “any path to knowledge” (“Labeling—A Report of the ALA Committee on Intellectual Freedom,” 1951, p. 242).

The labeling statement elicited one response that illuminated the contradictions some librarians felt concerning their roles as selectors and the library’s role as “an institution to educate for democratic living.” Ralph Ulveling (1951), director of the Detroit Public Library and well-known writer, speaker, and ALA past president, asserted that, during an “ideological war” against communism in which propaganda is “second only to military strategy,” librarians’ “usual interpretation” of the Library Bill of Rights kept channels for enemy propaganda open and therefore was incompatible with his “obligation as an American citizen” (p. 1170). He recommended restricting “communist expressions of opinion or misleading propaganda” to the reference section where their use could be monitored, while the branches would receive for “general readers” only books chosen to help people “realize their best development and to carry out their obligations ably and well” (p. 1171).

ALA President Clarence Graham asked the IFC to publish before the 1952 midwinter meeting a response to Ulveling’s statement, which contradicted directly the Statement on Labeling by urging librarians to designate some books as subversive or propaganda. The IFC realized the danger of segregating or labeling materials as propaganda; this was a time, for example, when some groups deemed anything about the United Nations subversive. Some librarians could even find the Caldecott winner, *Finders Keepers* suspect because, among other things, “the predominant colors in the book are red and yellow, the exact shades used in the Russian flag” and the bone “pictured on the title page might be a map of Korea” (Cotton & Arnold, 1952). But coming to consensus on a response was difficult; the practice of segregating materials was common, justified by finances or the need to provide professional guidance in the use of sensitive materials (Hawes, 1951; Turow, 1978). It was evidence of librarians’ awareness that book selection was, at least in part, a political process. As Oliver Garceau (1950) noted in *The Public Library in the Political Process*, librarians, who generally shared the dominant community values, exercised “constant vigilance” in selecting books. Not only did public librarians as a group tend to segregate potentially controversial materials in order to limit access to them, but they did so while insisting on “the stereotypes of democratic freedom of expression and diversity of opinion” (pp. 132-33).

It was not surprising, therefore, that a number of librarians sympathized with Ulveling’s position, which seemed to offer a solution that would hold
critics at bay. After years in which “every purchase was dictated by the reaction of Congress,” *Library Journal* editor Helen Wessells (1951) wrote to Ulveling that “a compromise has to be reached.” Even ALA President-Elect Robert B. Downs (1951) called the Statement on Labeling an ideal, while Ulveling’s statement was a “realistic . . . compromise.” Some agreed with Springfield, Massachusetts, librarian Hiller Wellman (1951) who said that, although placing “less desirable” books in reference “to diminish their use” did constitute a degree of censorship, “the important point is that this censorship be sound and sensible, and not swayed by outside pressure.” Others, like John E. Smith, newly appointed IFC member from California, protested. Smith said that growing suspicion of unorthodox opinions, the increasing number of censorship attempts, and punitive measures taken against those suspected of harboring “dangerous thoughts” presented a far greater menace than Communist propaganda. “And what is propaganda? . . . Whose statement that this or that idea is ‘subversive’ do we follow? . . . Where do we start and how do we stop, if we embark on this thing?” (Smith, 1951). William S. Dix (1951a), Princeton University librarian who succeeded Rogers as IFC chair during this interval, mused that censorship pressures must be extremely strong if a leader of Ulveling’s stature had embraced labeling. The IFC had reached a crossroads; its response to Ulveling’s challenge would indicate whether it would protect librarians’ book selection jurisdiction through labeling—“a censor’s tool”—or through defending the right of library patrons to decide for themselves what was appropriate to read.

The IFC came down squarely on the side of freedom of choice for library users. Its response to Ulveling asserted that any program designed to protect general readers from books expressing any attitude other than direct antagonism toward communism was “contrary to good library practice and untenable as a principle” (“Book Selection Principles,” 1951, p. 347). Democracy depended on the availability of many points of view on which citizens could base their opinions. It was not up to librarians to decide what was safe for people to read (p. 350).

Ulveling’s challenge and the IFC’s response grew out of librarians’ shifting understanding of who they were and their desire for professional autonomy. As guardians of cultural values, they had historically defended their autonomy by articulating their right to exclude or restrict access to materials, since they assumed they knew what reading material contributed to their patrons’ best personal development. As guardians of free access, however, they defended their autonomy by articulating their right to make available to their patrons all kinds of materials, even those deemed “subversive” by some groups. In the 1950s, as challenges to the democratic values of pluralism and free inquiry moved librarians to their defense—both against totalitarian communism and against domestic conformity—they moved slowly to embrace their new jurisdiction.¹

Leon Carnovsky (1950), of the University of Chicago’s Graduate Library School, noted how far librarians would have to move to complete the embrace. “I have never met a public librarian who approved of cen-
sorship or one who failed to practice it in some measure," he remarked (p. 21). He faulted librarians for betraying the public library’s “nobler function” of “presenting...all points of view, however unpopular, even loathsome” (p. 25). His ringing denunciation of censorship reaffirmed the centrality of the defense of intellectual freedom to librarianship: “Censorship is an evil thing,” Carnovsky said. “In accepting it, in compromising, in ‘playing it safe,’ the librarian is false to the highest obligations of his profession. In resisting it, he retains his self-respect, he takes his stand with the great champions of free speech, and he reaffirms his faith in the dignity of man” (p. 32).

As Carnovsky lamented, many librarians did not understand defense of intellectual freedom as central to their professional jurisdiction. William Dix believed that the Ulveling controversy “clearly indicated” the need for a “continued program of indoctrination” concerning the Library Bill of Rights (Dix, 1951b). The IFC began that program with an intellectual freedom institute held just prior to the 1952 ALA New York conference. The institute was designed to help librarians clarify how they could “implement conscientiously the abstract provisions of the Library Bill of Rights” while avoiding “becoming the tool of the Communist conspiracy or of any other group which seeks to impose its own restrictive ideology upon the American people” (Dix, 1952). It was the first of three intellectual freedom preconferences held between 1952 and 1955 and only one aspect of the IFC’s job of socializing librarians to withstand censorship pressures.2

In its socialization efforts, the IFC also used newsletters, journal articles, speeches by ALA presidents and other officers, bookmarks, broadsides, and bibliographies. While giving the IFC a small budget for an executive secretary, however, the ALA did not give the committee enough money to carry out its institutes, publish its Newsletter on Intellectual Freedom, or investigate a single case of censorship on site. The IFC had to seek external funding from sources like the Field Foundation and the Fund for the Republic to support its program activity. While urging librarians to live their creed, the association neglected to back words with financial support.

In spite of ALA’s refusal to support its rhetoric with funds, by 1952 the IFC had established the Library Bill of Rights as a central article in the “library faith.” The profession’s acceptance of its code is illustrated by a birthday salute accorded the Library Bill of Rights in the June American Library Association Bulletin. The editor lauded the 1948 Library Bill of Rights in glowing terms. It was, he said, “as familiar as water and sunlight. Its principles were those of democracy and its words were born in the library profession.” Although some librarians “questioned the need for any such formal statement of fundamentals,” to librarians in and around places where “book labeling or even book burning has been threatened
and enacted," he continued, "the physical reality of the Library Bill of Rights has validated its existence and proven the fine temper of its steel" (Richardson, 1952).

Notwithstanding the virtues of the Library Bill of Rights—real or imaginary—in 1953, IFC Chairman William Dix and Executive Secretary Paul Bixler felt keenly the need not only to make the credo live among librarians but also to draw national attention to proliferating attacks on libraries. For example, in Washington, D.C., a congressman proposed labeling all subversive materials in the Library of Congress (Oboler, 1952). In Sapulpa, Oklahoma, an investigating committee burned several high school library books "because they just weren’t good reading for teenage children" ("On Burning Books," 1952, p. 406). In Boston, Massachusetts, Boston Post publisher John Fox launched an ultimately unsuccessful attack on the Boston Public Library for carrying Pravda, Izvestia, and the pro-Soviet New World Review (Kipp, 1952). As a result of such attacks, few librarians felt safe. As one school library leader said, "every library . . . no matter how cautious its librarian, contains books expressing ideas which someone will consider subversive" (Martin, 1952, p. 854).

To counter these fears, Dix and Bixler had already begun planning for an off-the-record conference to formulate a broadly based and widely accepted statement on the importance of the freedom to read when Senator Joseph McCarthy began his attack on the overseas libraries of the State Department's International Information Administration (IIA). Following a series of highly publicized hearings, McCarthy sent investigators Roy Cohn and David Schine to ensure that IIA's European libraries had purged books by authors McCarthy disapproved. In reaction, the State Department issued a series of confusing and contradictory directives banning material meeting various criteria of controversiality, creating chaos and, as ALA saw it, threatening the integrity of libraries (Nerboso, 1954). These attacks added impetus to the IFC's collaboration with the American Book Publishers Council (ABPC) for May's Westchester Conference on the Freedom to Read.

The weekend conference gathered twenty-five librarians, publishers, and citizens "representing the public interest" to "give some guidance to librarians in defending their basic principles" and perhaps to "have some effect on public opinion" (Bixler, 1954, p. 8). The issues were "clearly drawn," Dix felt; an "aroused and determined opposition" had to make its voice heard soon or the country would experience an "era of book burning such as we have never seen before" (Dix, 1953a, p. 3). The group reached substantial agreement which a committee headed by IFC and ABPC member Dan Lacy subsequently developed into a statement for publication—"The Freedom to Read" (Dix, 1953b).

As events unfolded, ALA's endorsement of the Freedom to Read statement at the annual conference in San Francisco was perfectly timed to
gain maximum publicity. First, on June 14, 1953, President Dwight D. Eisenhower addressed Dartmouth College graduates. Appearing to speak off the cuff, he gave a stirring speech against library censorship: "Don't join the book burners. . . . Don't be afraid to go in your library and read every book, any document as long as it does not offend [y]our own ideas of decency." The nation could defeat communism, he said, only if citizens knew what it taught and why it had appeal. It could not defeat communism by concealing ideas critical of the United States, ideas that should be accessible through libraries. Denying access to contrary ideas, he said, was inimical to the American way (Eisenhower, 1953, p. 59).

Eisenhower's speech set the stage for the Whittier Intellectual Freedom preconference entitled "Book Selection in Defense of Freedom." In sessions dealing with science and pseudo-science, morality and obscenity, and politics and subversion, participants heard several nationally known speakers (Bixler, 1953; Mosher, 1954). Among them was Lester Asheim who, in his classic article, "Not Censorship but Selection" (1953), defined the difference for librarians and dealt once again with librarians themselves as censors. They had been known, he said, "to defer to anticipated pressures, and to avoid facing issues by suppressing issue-making causes. In such cases, the rejection of a book is censorship, for the book has been judged—not on its own merits—but in terms of the librarian's devotion to three square meals a day" (p. 67). He related librarians' practice of selection to librarianship as a profession. A profession was dependent upon society's willingness to grant autonomy to professionals in their area of expertise. The public was "willing to defer to the honest judgment of those in special fields whose knowledge, training, and special aptitude fit them to render these judgments," provided the professional to whom "such authority" was delegated demonstrated "the virtues which are the basis of that trust" (p. 67). He concluded:

In the last analysis, this is what makes a profession: the earned confidence of those it serves. But that confidence must be earned, and it can be only if we remain true to the ideals for which our profession stands. In the profession of librarianship, these ideals are embodied, in part at least, in the special characteristics which distinguish selection from censorship. If we are to gain the esteem we seek for our profession, we must be willing to accept the difficult obligations which those ideals imply. (p. 67)

Coming in the midst of the overseas libraries controversy and opening less than a week after Eisenhower’s Dartmouth speech, the annual conference focused on intellectual freedom and gained for the library profession the esteem it desired. Each day at least one event highlighted librarians' role as defenders of intellectual freedom. Downs's report to the IFC denounced the "virulent disease" of McCarthyism and praised the IFC (Conference round-up, 1953, p. 1261). A letter of greeting from
Eisenhower (1953) lauded librarians as preservers of freedom of the mind (pp. 59-60). A resolution supported the overseas libraries. And most important, the IFC and the 3,300 librarians present “overwhelmingly by a shouting and enthusiastic vote” (Lacy, personal communication, February 19, 1993) adopted the Westchester Conference’s statement, *The Freedom to Read* (“Conference Round-Up,” 1953). And the “clear voice of the librarians and book publishers was heard from the west” (Nerboso, 1954, p. 22).

The statement enunciated seven basic propositions that placed the defense of the freedom to read squarely in the public interest—and echoed familiar strains of belief in the critical judgment of citizens (ALA and ABPC, 1953). First, it said that publishers and librarians have a responsibility to “make available the widest diversity of views and expressions,” including “unorthodox or unpopular” ones (p. 4). Second, librarians and publishers need not “endorse every idea or presentation” in the books they provide, nor should they “establish their own political, moral, or aesthetic views as the sole standard for determining what books should be published or circulated” (p. 5). Third, it is “contrary to the public interest” for a book’s acceptability to be judged “solely on the basis of the personal history or political affiliations of the author” (p. 5). Fourth, while obscenity laws “should be vigorously enforced,” extra-legal activities “to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression,” have no place in our society (p. 5). Fifth, labeling books or authors as “subversive or dangerous” is not in the public interest. Sixth, publishers and librarians have a responsibility “to contest encroachments” upon the freedom to read by those “seeking to impose their own standards or tastes upon the community at large” (p. 6). And finally, publishers and librarians should “give full meaning to the freedom to read by providing books that enrich the quality of thought and expression.” By so doing, they can demonstrate “that the answer to a bad book is a good one, the answer to a bad idea is a good one” (p. 6). They concluded with a ringing profession of faith:

*We do not state these propositions in the comfortable belief that what people read is unimportant. We believe, rather, that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.* (p. 7)

Accolades for *The Freedom to Read* came from across the country (Richardson, 1953). The *New York Times* called it one of “America’s outstanding state papers” and printed it in full (Dix, 1953c) as did the *Washington Post, The Christian Science Monitor, The Baltimore Sun,* and *The Norfolk Virginian-Pilot.* The statement garnered editorial support in a dozen other major newspapers and several prominent magazines with unfavorable comment in only four (Bolte, 1953). Obviously, the IFC had met its
objective to alert a national audience to dangers to free inquiry and to librarians’ role as its defenders. It had done so successfully in language steeped in the values of pluralist democracy.

The IFC worked toward its second objective for *The Freedom to Read*—helping librarians defend their principles—by distributing free reprints. Some had the statement incorporated into their book selection policies (Dix, 1953b; Greenaway, 1954). Others found strength in it. One librarian, for example, wrote that the manifesto was “the shining peak of all that has grown out of ALA since I have known it” ([Unknown], 1955). Another, Salina, Kansas, librarian, Jerome Cushman (1955), wrote of the exhilarating effect the conference had on the profession:

> There developed a solidarity of ranks within librarianship born of a sense of urgency and need which produced something new, at least in our immediate time. There developed a fighting profession, made up of dedicated people who were sure of their direction, certain that full information was the most certain way to preserve the democratic processes. More important, the librarian, without any specific political power of his own, accepted the challenge of twentieth century Know-Nothingism and played a leading role in calling to the attention of the American people some of the seemingly forgotten facts of our heritage. This gave him the opportunity to pass one of the acid tests of professionalism—acceptance of social and political responsibility, and in all good candor, there are some good and true reasons for us to have some pardonable pride in our profession. (p. 157)

Cushman linked the social responsibility of the profession to the defense of democratic values through the provision of “full information.” The statement and the 1953 conference were a kind of mountaintop experience that created a sense of assertiveness, accomplishment, and solidarity among librarians.

But one lone letter writer suggested that, without a mechanism of support, the fight to provide that full information was “a farce” (Gregory, 1953). The San Antonio, Texas, Public Library probably would have welcomed such a mechanism when Myrtle Hance demanded that the library mark all books by allegedly communistic or subversive writers with a large red stamp (Halpenny, 1953). The Galion, Ohio, school board member fighting a plan to screen all fiction from the junior and senior high libraries may have appreciated such a support mechanism as well (Greenaway, 1954). Certainly the California librarians facing the Marin County housewife who told a grand jury that certain books had been placed in school libraries to “plant the seeds of Communism” in children’s minds could have used some additional support (Moore, 1955, p. 226; Benneman, 1977). But the IFC had no money for this or any other program, a strange plight for such a celebrated committee.

Still, with foundation funds, the IFC conducted its third institute in 1955, focusing on selection policies of school and small public libraries.
It was in these libraries—frequently managed by librarians without a professional education and operating without book selection policies—that the Library Bill of Rights presented a most challenging conflict of interest between individual security and the profession’s allegiance to intellectual freedom. The unanimous adoption by the ALA Council of the “School Library Bill of Rights” in 1955 did, however, signal progress (“1955 Conference,” 1955).

But signals of progress in librarians’ support of the Library Bill of Rights were few and far between in the remaining years of the decade. Perhaps tired of its front-line stance, perhaps resting on its laurels, or perhaps retreating into ambivalence (Harris, 1976, p. 284), ALA shifted its focus away from intellectual freedom and toward internal bureaucratic matters like the ALA management survey. Headline-grabbing stories involving intellectual freedom issues diminished, and those that appeared seemed less interesting to ALA. With McCarthy’s death in 1957, the Cold War settled into a pattern, although tensions escalated periodically when foreign events threatened. Librarians paid more attention to the educational reform movement launched by Sputnik than they did to the bubbling Civil Rights movement. Allied with education, they hoped to garner support and credibility. Their journals contained little about the landmark Supreme Court cases changing the legal limits of obscenity. Librarians would, however, have noticed a shift in tenor: the “obscene” was overtaking the “subversive” as the target of censorship.

The IFC also shifted in tenor. With Robert Downs as chair, it undertook the Liberty and Justice Book Awards that were financed by the Fund for the Republic. In 1957 and 1958, the IFC managed the project to give cash awards to the author and publisher of the book that made the most “distinguished contributions to the American tradition of liberty and justice” in each of three categories: contemporary problems and affairs, biography and history, and imaginative literature (Dunlap, 1956; “ALA Liberty and Justice Book Awards,” 1956, p. 693). The IFC seemed suddenly unaware of either challenges to materials or the problems of socialization into the librarians’ credo of freedom. The 1953 Freedom to Read statement appeared to have taken care of everything.

A study conducted in California and published in 1959 after many delays revealed how wrong that assumption was. Marjorie Fiske’s Book Selection and Censorship: A Study of School and Public Libraries in California was jointly sponsored by the California Library Association and the University of California-Berkeley Library School. Both wanted to know if fear of censorship was causing librarians to modify their book selection practices—i.e., to practice self-censorship. The study’s results were discouraging. Fiske concluded that, in spite of expressing “unequivocal freedom-to-read convictions,” a majority of librarians reported deciding not to buy a particular book because of its controversiality, and nearly one-fifth
habitually avoided buying any controversial material (Fiske, 1959, pp. 64-65). While professionally educated librarians were more likely to uphold intellectual freedom principles, most librarians did not believe they were adequately prepared to deal with selection and censorship issues. Furthermore, librarians who were active in professional associations were more likely to rationalize their compromising principles in the process of book selection (pp. 67, 68). Fiske also found little faith among California librarians that the profession would back them if they needed it, even though they felt better when library leaders took “a strong and open stand on controversial issues” (p. 105). The Fiske Report was not welcome news. “What can we have to say to ourselves?” Library Journal responded. “What can we say to those we’ve tried to tell about the ‘Fortress of Liberty’?” (“Censorship,” 1959, p. 50).

The twenty-five or so reviews of the Fiske Report tried to answer the question. Some pointed to new emphases on intellectual freedom principles in library education (Asheim, 1960). Some reminded readers that a “miasma of fear” had pervaded California in the 1950s. Leon Carnovsky (1960) wrote that The Library Bill of Rights and other statements were “slender reeds” for a librarian “when his professional existence is imperiled” (pp. 156-57). One reviewer, however, questioned Fiske’s statements that California librarians’ fears were unfounded (Sabsay, 1959). He questioned as well her assertion that librarians should follow a “quality” approach to book selection while she simultaneously accused them of preventive self-censorship if they failed to select a book like Peyton Place on the grounds of its poor quality. Both demand and quality belonged in a book selection policy, he said (p. 222). Librarians’ social role as “guardians of knowledge and freedom of intellect” was so important to democracy and its enemies “so all-pervasive” that it was imperative for librarians to “attain professional standards of conduct and integrity” (pp. 222-23). The Lowenthal study pointed to the need for professional organizations to upgrade librarians’ status, the reviewer said, and to the importance of improving professional education to enhance the profession and its image (p. 223). He urged librarians to respond to the Fiske Report.

Another publishing event, Robert Downs’s (1960) The First Freedom: Liberty and Justice in the World of Books and Reading, served as the most prominent response to the Fiske Report. The culmination of the Liberty and Justice Book Awards, Downs’s collection of “the most notable writings in the field of censorship and intellectual freedom over approximately the past half century” was “designed to support and defend” freedom of expression and the freedom to read (p. xii). The library press hailed it with unadulterated fervor. One reviewer called it “essential” (McNeal, 1960); another urged librarians to read the book as they would the Bible, an essay a day, over and over for a “constant awareness” of the intellectual freedom principles, “an ever fresh fund of argument and pertinent phrases with which to stem and deter the tendencies toward censorship found daily within and without every library” (Merritt, 1960, p. 2922).
The very juxtaposition of these two publishing events, Fiske's *Book Selection and Censorship* and Downs's *The First Freedom*, epitomized the library profession's degree of acceptance of, and adherence to, the Library Bill of Rights. The Fiske report emphasized librarians' private uncertainty about their autonomy in matters of book selection and their ambivalence about their role as defenders of free access to information. Downs's *The First Freedom*, on the other hand, exemplified the celebrated public role that the American Library Association had achieved in the defense of intellectual freedom. Ironically, while it celebrated the ALA's public role as defender of the "first freedom," it marked the culmination of several years of inactivity in that defense, reflecting in its own way a kind of retreat from action.

It also reflected American librarianship's uncritical embrace of both pluralist democratic ideology, and of its "library faith." Although it was published in 1960, six years after *Brown v. Board of Education* had eliminated legal justification for "separate but equal" public facilities, it evinces no evidence of the questioning begun—albeit quietly—within ALA about the intellectual freedom dimensions of segregation. *First Freedom* includes a section on censorship in Ireland but makes no mention of censoring titles in states adhering to Jim Crow laws. The book's final section is unrelentingly optimistic, including titles like "Why I Like America" and "Freedom of Inquiry Is for Hopeful People," but never mentions the absence of other voices (people of color and lesbigays, for example) in America's channels of communication. *First Freedom* extols the "free marketplace of ideas" while failing to acknowledge that the marketplace was anything but free.

More than any other in this collection, a selection by Archibald MacLeish (1960) in the section entitled "The Librarians Take a Stand" seems to capture the discourse of the decade as librarians defined their social role and their code of freedom. In "The Tower That Will not Yield," MacLeish (1960) described the library as a collection marked by "disinterested completeness within the limits of practicable relevance" (p. 324). Containing all kinds of ideas, it could be seen as dangerous, MacLeish said. It is, however, founded on the belief in the freedom of the human mind, a freedom guaranteed by our fundamental law. To censor or suppress books is "to question the basic assumption of all self-government which is the assumption that the people are capable . . . of examining the evidence for themselves and making up their own minds" (p. 326). Thus censorship strikes at the heart of democracy, and libraries, which oppose censorship, have become "strong points and pill boxes" where "unsung librarians . . . have held an exposed and vulnerable front" (p. 327) through the dangerous McCarthy years. Referring, as did Berelson many years before, to the "neutrality" or "objectivity" of librarians, MacLeish asserted that it was admirable in a journalist reporting the news or a judge deciding a case, but it "is anything but admirable when there is a cause to
defend or a battle to be fought” (p. 329). No librarian could be objective about free inquiry and still be “the champion of a cause,” the cause of “the inquiring mind by which man has come to be” (p. 329).

The discourse of battle which permeates MacLeish’s essay is one that resonates throughout librarianship, especially during the 1950s. The library was the “arsenal of democracy”; books were “weapons.” There is no doubt that librarians saw themselves as embattled champions of the cause of pluralist democracy and free inquiry. There is no doubt that aligning librarianship with the values of pluralist democracy served to give librarians a role they deemed socially significant. Thus Baldwin is correct in asserting that the Library Bill of Rights embodies both “deeply felt notions of intellectual freedom” and librarians’ more “parochial interests” in defending their professional jurisdiction of book selection. It is also true that librarians saw these two aspects of the Library Bill of Rights as inextricably intertwined; they had to retain their freedom of book selection in order to defend library users’ freedom of inquiry.

There is also no doubt that some librarians, for whatever reasons, displayed ambivalence—or perhaps even antagonism—toward the values embodied in the Library Bill of Rights. Baldwin (see his article in this issue of Library Trends), like Fiske, reminds us that librarians sometimes practice self-censorship. Librarians, in addition, were remarkably uncritical about their own definitions of democracy and intellectual freedom, accepting too readily the status quo. Fighting ideologies both foreign and domestic, they forgot to scrutinize their own ideology.

But there is ample evidence that in their selection of books, their special area of expertise, many librarians included—indeed, emphasized—the very topics that were most likely to bring them undesired attention, topics like the United Nations and race relations. In addition, the Intellectual Freedom Committees of 1948-1960 brought librarians prominence as defenders of intellectual freedom when such a stance was not without risks. The IFC recognized the vulnerability of librarians on the front line and worked to arm them with appropriate selection policies and professional solidarity. And they recognized the inter-relationship between librarians’ professional jurisdiction in book selection and their defense of the freedom to read. If some librarians refused the mantle of “Champion of a Cause” when assuming it might be dangerous, they showed a reticence shared by other professions as well. During the 1950s, librarians squarely aligned themselves with the ideology of pluralist democracy, and—in spite of claiming “objectivity” to enhance their professional standing and protect their jurisdiction—became “Champions of the Cause” of intellectual freedom.

Notes

1 See Evelyn Geller’s Forbidden Books in American Public Libraries (1984) for a full discussion of the relationship between librarians as censors and their struggle for professional autonomy. As Allan Pratt points out in his Preface to Charles Busha’s Freedom versus Suppres-
sion and Censorship (1972, pp. 11-12), librarians’ faith that reading can affect behavior in positive ways leads inevitably to a belief that it can also affect behavior in negative ways. In some instances—especially when librarians exhibit authoritarian personalities (as Busha’s research demonstrated)—that belief in books has led to censorship.

According to Kenneth Kister (1970), library schools paid scant attention to intellectual freedom in their curricula in the 1950s.

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The Library Bill of Rights in the 1960s: 
One Profession, One Ethic

Toni Samek

ABSTRACT
An exploration of American librarianship's treatment of the Library Bill of Rights in the 1960s. The author introduces two vying interpretations of the utility of the Library Bill of Rights, then examines the conflict surrounding these interpretations in order to probe their impact on the viability of the profession. Findings are based on both primary and secondary sources, including ALA's Social Responsibilities Round Table Papers located at the University of Illinois at Urbana-Champaign, University Library Archives.

When Wayne Wiegand asked this author to participate in the symposium on the utility of the Library Bill of Rights, at first there was some hesitation to accept. While my research on librarianship and the alternative press movement from 1967 to 1973 is closely connected to the subject of the utility of the Library Bill of Rights in the 1960s, there had been no thought of framing this work in Wayne's terms. The more the idea was thought about, however, the more intriguing the idea became of examining the Library Bill of Rights from its inception to the present. This author saw that the full historical context of the Library Bill of Rights gave the subject more power. As a result, the research findings were more provocative in light of other findings, and so the offer was accepted.

This article explores American librarianship's treatment of the Library Bill of Rights between approximately 1967 and 1973. The topic comprises a piece of librarianship's intellectual and cultural history that continues to prompt basic philosophical questions concerning
First, Baldwin states that there are "tensions" and "contradictions" that reduce the "persuasive force" of the Library Bill of Rights. His article in this issue of *Library Trends* addresses this macro issue by treating three micro themes: (1) "deeply felt notions about intellectual freedom"; (2) "the more parochial interests of librarians"; and (3) "legal protection against government." This article primarily treats the first theme—i.e., deeply felt notions about intellectual freedom.

Second, Baldwin notes in his article that "libraries are forums for information and ideas," then asks "for whom, and for what?" This author’s own research was prompted by the same basic question, but framed in slightly different terms—i.e., can a case be made for viewing the library as a forum for the production and reproduction of culture? Can a case be made for viewing the library as an institution in and through which ideology flows, is produced, and is perpetuated?

Third, Baldwin states that the Library Bill of Rights offers "multiple interpretations" and suggests that this is a flaw. While this is a critical issue, there is more concern with exploring how these interpretations affect librarians’ behavior. This article introduces two vying interpretations of the utility of the Library Bill of Rights, then examines the conflict surrounding these interpretations in order to probe their impact on the profession’s viability.

Having thus established three basic ways in which this author’s own effort differs from Baldwin’s perspective on the Library Bill of Rights, there is an additional point not covered by Baldwin. Although he says he offers the reader a "dispassionate attempt to point out the weaknesses of the Library Bill of Rights" how dispassionate is he? Clearly he has notions of intellectual freedom. For instance, when he states that he fails to understand why a library faced with "scarce or inadequate resources" must accommodate "mushroom hunters or Holocaust deniers," he appears to have views on the subject. But has he really understood the library profession’s public notion and professional conception of intellectual freedom and its connection to the Library Bill of Rights?

In the early 1970s, David K. Berninghausen, director of the Minnesota library school and a former chairman of the American Library Association’s (ALA) Intellectual Freedom Committee, had a comfortable position in the ALA establishment. Soon thereafter, however, he became a central figure in one of the most memorable conflicts in ALA history. Berninghausen did not burn a book, denounce the time-honored Melvil Dewey, or sully the name of the venerable Library of Congress. But what
he did caused a stir nonetheless. In an article published in a 1972 issue of *Library Journal* entitled “Antithesis in Librarianship: Social Responsibility vs. the Library Bill of Rights,” he took on librarianship’s most sensitive subject—intellectual freedom and the Library Bill of Rights.

In Berninghausen’s view, the Library Bill of Rights served to both codify and standardize a purist moral stance on intellectual freedom by which impartiality and neutrality on nonlibrary issues served as the central principle of the profession. Berninghausen’s portrayal of the role of a neutral stance on intellectual freedom as the ethic of the profession reinforces Louise Robbins’s proposition that “pluralist democracy” played a large role in shaping the profession’s notion of intellectual freedom in the 1950s. During the McCarthy period, Berninghausen felt that academic freedom and the freedom to read were threatened from the right. But in the 1960s and 1970s, he felt the threat to intellectual freedom also came from the new left. The concept of “social responsibility” that emerged in the context of librarianship in the late 1960s, for example, was in Berninghausen’s opinion, a new left tactic that threatened ALA’s traditional neutrality and purpose.

Not surprisingly, Berninghausen’s article did not go unnoticed by the profession. For example, Patricia Schuman, a librarian at Brooklyn College, New York, and associate editor of *School Library Journal*, responded to Berninghausen’s argument with the following remark: “You frighten me, David Berninghausen ... you promulgate your thesis by setting up a dangerous and insidious syllogism that says: intellectual freedom is the guiding ethic of our profession; therefore, all other ethics are incompatible with it” (Wedgeworth et al., 1973, p. 28). Detroit Public Library Director Clara S. Jones accused Berninghausen of turning “back the clock” (Wedgeworth et al., 1973, p. 33). And following his own perusal of the article, E.J. Josey, chief of the Bureau of Academic & Research Libraries at New York State Library, stated: “If Berninghausen’s proposals are what intellectual freedom is like, I for one want no part of it. As a black man who was born and grew up in the South, I have experienced this kind of intellectual freedom and I reject it as inimical to my freedom as a human being” (in Wedgeworth et al., 1973, p. 33).

At the time that Berninghausen’s article was published, Schuman, Jones, and Josey were each a part of an activist movement within the library profession opposed to ALA’s purist moral stance on intellectual freedom and its accompanying neutral account of the Library Bill of Rights. They were experimenting with “social responsibility”—an alternative conception of intellectual freedom and the Library Bill of Rights. The social responsibility perspective ideologically opposed Berninghausen’s proposition of intellectual freedom because it called upon ALA to move away from a neutral stance and toward a viewpoint on social issues. At the very heart of the social responsibility movement in librarianship lay a key question: Was intellectual freedom the profession’s only ethic?
Jones held that the Library Bill of Rights "evolved from the profession's developing commitment to the concept of social responsibility." She viewed it as "the civil rights document of the profession...a rallying point for social action" (Wedgeworth et al., 1973, p. 33).

Jones's interpretation of the Library Bill of Rights illustrates how the social responsibility movement within librarianship was symptomatic of the democratic and participatory campaigns being launched across the nation in the late 1960s and early 1970s. Many citizens were tired of the social and political indifference of the Eisenhower years, involved in the Southern civil rights movement, morally resentful of the war in Vietnam, and bitter about a government "incapable of solving racial and poverty problems in the world's wealthiest nation" (Glessing, 1970, p. 11). A number of these citizens participated in the civil rights movement, the peace movement, the counter culture, and the new left, and sought left-of-center change by using tactics such as boycotts, counter cultural education, and nonviolent demonstration.

In librarianship, one of the first indicators of political unrest surfaced at the 1968 annual ALA conference in Kansas City. There, many library school students and young practicing librarians uncomfortable with ALA's neutral position on social concerns lobbied the association "to demonstrate a sense of responsibility" (Alfred et al., n.d.) on nonlibrary issues. Primarily they wanted a round table on the social responsibilities of libraries which eventually became known as the Social Responsibilities Round Table of Libraries (SRRT) within the formal ALA structure. Very quickly, SRRT became the site in ALA that drew other groups who "had not had effective power within the organization over the years...black militants, political radicals, members of women's liberation groups, and individuals interested in library unions" (Raymond, 1979, p. 354).

Within a year, members of disparate radical library groups had formed a united front to discuss ALA's future. On June 19, 1969, 180 people met in Washington, DC, for a one-day meeting called the "Congress for Change" (CFC). While the different groups attending CFC had diverse political agendas, they all shared a common dissatisfaction with the way ALA was run. They used CFC to pull together and plan a program for the upcoming 1969 annual ALA convention in Atlantic City.

At Atlantic City, CFC representatives made it clear that their members were unwilling to separate politics from work, and that they wanted the library profession to take a stand on issues such as "race, violence, war and peace, inequality of justice and opportunity" (Duhac, 1968, p. 2799). They also claimed that they based their proactive stance on the Library Bill of Rights.

As Louise Robbins points out in the preceding essay in this Library Trends issue, ALA adopted its first policy statement on intellectual freedom in 1939 and titled it "The Library's Bill of Rights." A year later, ALA established the Committee on Intellectual Freedom to Safeguard the
Rights of Library Users to Freedom of Inquiry, which eventually was renamed the Intellectual Freedom Committee.

While the Library Bill of Rights has always represented “the profession’s policy statement on intellectual freedom involving library material,” it has, nonetheless, evolved on this ground (ALA, Office for Intellectual Freedom, 1992, p. xiv). Until 1967, the Library Bill of Rights stated categorically that “books or other reading material of sound, factual authority should not be proscribed or removed from library shelves because of partisan or doctrinal disapproval” (ALA, Office for Intellectual Freedom, 1992, p. 7). Theoretically, then, librarians could use the earlier version of the Library Bill of Rights as a justification for the exclusion of library materials or, as Director of the Minneapolis Public Library Ervin J. Gaines put it in an article published in a 1973 issue of Library Journal, as a “shield for their prejudices” (Wedgeworth et al., 1973, p. 36).

Criticism of the earlier version, for example, was prompted by an incident in which a Catholic librarian in Belleville, Illinois, excluded a Protestant document because it lacked “sound factual authority” (ALA, Office for Intellectual Freedom, 1992, p. 9). The incident illustrates how the problematic phrasing of the previous version of the Library Bill of Rights led to its misuse.

ALA revised the Library Bill of Rights in 1967. The new directive instructed that “no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval” (ALA, Office for Intellectual Freedom, 1992, p. 11). Returning to Baldwin’s article, he notes the deletion of the factual correctness standard but wonders if the deletion was useful. “Doesn’t this standard have some value?” he asks. Baldwin also notes that the more recent ALA directive to reflect “all points of view” creates drafting problems that arise from “framing a policy in neutral terms” (p. 8). He argues that “the breadth of the LBR invites making decisions...that a book selector can justify why an item does not match community needs, that it isn’t hard to dress decisions in nonpolitical terms which may mask politics and moral sensibilities.”

Baldwin’s article offers a good illustration of how both the pre- and post- factual correctness versions of the Library Bill of Rights are open to censorship effort. Baldwin draws a distinction between exclusion based on factual incorrectness and exclusion based on political bias and appears to favor the former. But are factual correctness and political bias always easily discernible as mutually exclusive categories? Are some kinds of censorship more justifiable than others? Are there degrees of censorship? Is it better or worse to censor adults than children? Videos than books? High-brow literature than middle-brow or “trash” fiction? Mainstream publishers than alternative presses? Right than left?

Baldwin’s preference for censorship based on factual incorrectness versus political bias suggests consideration of the censor’s motives. Per-
haps it is natural for legal professionals to take this perspective. But is it natural for so-called "neutral" librarians? For example, if a person challenges a book, is that person's motive part of the librarian's professional jurisdiction? When librarians look to the Library Bill of Rights for guidance, what exactly is the directive they are given?

In order to hook these broad-reaching questions more directly to the Library Bill of Rights in the 1960s, it is useful to examine two sets of specific questions: (1) What was Berninghausen's interpretation of the 1967 revision of the Library Bill of Rights? Did the new Library Bill of Rights help or harm his case for a neutral stance for ALA? (2) What was SRRT's interpretation of the 1967 revision of the Library Bill of Rights? Did the new Library Bill of Rights help or harm SRRT's case for taking a stand on social issues?

Berninghausen interpreted the 1967 instruction to represent all points of view. For him this meant intellectual freedom would be upheld by libraries, that neutrality would rule. Both Berninghausen and SRRT favored the new ALA directive for all points of view over the old factual correctness clause but for different reasons. While Berninghausen wanted to preserve the status quo, SRRT wanted to transform the character of ALA. On the one hand, Berninghausen championed the 1967 Library Bill of Rights revision as the new neutral stance vision for libraries. SRRT, on the other hand, countered that, in at least two respects, the new Library Bill of Rights text could be seen as amenable to the social responsibility conception of intellectual freedom. First, the Library Bill of Rights acknowledged a library's responsibility to inform on the issues of the day and furthermore implied that libraries had a role to play in them. Second, in its indication that the balanced collection was the ideal, the Library Bill of Rights implied that imbalance in library collections should be redressed.

First and foremost, SRRT pressed ALA, which had been institution-oriented, to be responsive to its membership's needs. Up to this time, ALA's administration focused on "the badly needed task of promoting libraries in America" (Raymond, 1979, p. 353). But after 1969, SRRT (and CFC) began to press ALA leadership to address issues like library unions, working conditions, wages, recruitment, the place of minorities and women in the profession, and the concept of intellectual freedom. To maintain pressure, SRRT created task forces to advocate for minorities, women, gays and lesbians, the American Indian, migrant workers, political prisoners, and the peace movement. Perhaps most importantly, in 1969 SRRT created a task force on intellectual freedom. It was established in conjunction with ALA's Office for Intellectual Freedom and the Intellectual Freedom Committee for the purpose of creating a support fund for librarians whose intellectual freedom efforts were being challenged.

For a brief time it looked as if SRRT's vision of a more democratic and proactive ALA would succeed. The situation appeared particularly
hopeful when ALA President William S. Dix informed the membership in 1969 that an Activities Committee on New Directions for the ALA (ACONDA) would be set up to evaluate the association’s structure and goals (ACONDA was also known as Dix Mix). As it became apparent that the idea of reforming ALA was no longer just a murmur, Berninghausen and others became uneasy about where ACONDA would lead. They were particularly concerned that specific items on the ACONDA agenda—social responsibilities; manpower; intellectual freedom; legislation; planning, research and development; democratization and reorganization—were nonlibrary issues. Berninghausen later called ACONDA the “first official attempt to discard the principle [of intellectual freedom]” (Action Council Business, 1972-1973).

In June 1970, at the Detroit ALA conference, ACONDA’s Subcommittee on Social Responsibility set to work reformulating ALA’s conception of intellectual freedom. To this end, three approaches were discussed: (1) direct and immediate library programs for the underprivileged and the semi-literate; (2) acquisition and provision of the full range of material on societal problems; and (3) support of ALA membership in becoming instrumental in social change. The original subcommittee recommendation stated that, “the social responsibility of ALA must be defined in terms of the contribution that librarianship as a profession can make in the effort to ameliorate or even solve the many critical problems of society” (“ACONDA Summary,” 1970, p. 685). The greater ACONDA body, however, modified the subcommittee’s statement to read: “[E]stablish an ALA Office for Library Service to the Disadvantaged and the Unserved” (“New Directions,” 1970, p. 938).

ACONDA’s newly couched terms were designed to dilute the social responsibility message and heated discussions ensued the revision. These discussions revolved around two issues in particular: (1) whether ALA’s tax-exempt status was threatened by the association’s involvement in nonlibrary issues, and (2) whether the public would lose faith in the profession if it deviated from the traditional neutral stance. Debate surrounding these issues persisted for the next several years.

Many of the ACONDA recommendations were passed on to the follow-up body, the ALA Ad Hoc Council Committee on ACONDA (ANACONDA), for further consideration. In the summary of ANACONDA’s major recommendations, five of the six original ACONDA issues were mentioned: manpower; intellectual freedom; legislation; planning, research and development; and democratization and reorganization. The sixth recommendation, social responsibility, was not mentioned.

ACONDA/ANACONDA took action on many of the issues brought forth by SRRT (and CFC) including, as Raymond (1979) notes, reorganization into a new and more directly elected body; going on record against discrimination toward homosexuals within libraries; setting up a
manpower office concerned with the welfare of librarians; and setting up a committee on mediation, arbitration, and inquiry (p. 358). Despite several years of concerted activity, however, SRRT’s essential issue of social responsibility had been carefully side-stepped.

In an attempt to reclaim lost ground in the ALA power structure, library activists determined to reveal what they perceived to be Berninghausen’s motives for writing the 1972 *Library Journal* article on the Library Bill of Rights and social responsibility. SRRT believed that Berninghausen wrote the controversial article for two reasons. First, Berninghausen viewed the social responsibility movement as a direct threat to the viability of ALA. In this view, the social responsibility concept encouraged ALA to take “partisan positions on substantive issues unrelated to librarianship,” thereby politicizing a so-called neutral profession (“Action Council Business,” 1972-1973). Here, this author would suggest, are grounds for interpreting what Baldwin calls decisions that “may rest on very subjective factors” (see Baldwin’s article in this issue of *Library Trends*). Second, Berninghausen believed SRRT had misappropriated the Library Bill of Rights in such a way as to lead ALA “to decide which books would be included in library collections and which would be banned” thereby putting an end to freedom of access to all points of view (“Action Council Business,” 1972-1973). It is suggested here that Baldwin’s comment that “no bright line between censorship and legitimate selectivity exists” rings true. SRRT’s approach was to show how the premise of Berninghausen’s two arguments was the same—that the concepts of social responsibility and intellectual freedom were antithetical.

In 1973, the debate escalated to new heights when *Library Journal* sponsored a rebuttal piece to Berninghausen’s original article in the form of a collection of responses by people like Schuman, Jones, and Josey (Wedgeworth et al., 1973).

In the article, the authors accused Berninghausen of engaging in “smear tactics” and pitting librarians against one another (Wedgeworth et al., 1973, p. 28). They collectively railed Berninghausen for proposing that social responsibility was an anti-intellectual freedom rationale, for misinterpreting the social responsibility movement, for assuming that social responsibility led to censorship, and for insinuating that intellectual freedom was the only ethic of the profession.

Apart from providing a forum for venting anger and frustration, the rebuttal article also gave SRRT a golden opportunity to outline its critique of Berninghausen’s proposition that intellectual freedom and social responsibility were antithetical. SRRT based its critique on Berninghausen’s idealization of balance in library collections. SRRT argued that the profession was “guilty of partisanship toward those social groups which have the largest and most conservatively respectable power base” (Wedgeworth et al., 1973, p. 27).
SRRT claimed that the prevalence of an imbalanced library service in the nation served as an impetus for movement toward social responsibility. When Berninghausen claimed that the social responsibility of librarians was “to select library materials from all producers, from the whole world of publishing media (not from an approved list),” he set himself up for criticism (“Action Council Business,” 1972-1973). Schuman posed the question: “Where were you David Berninghausen, when movement groups publications were not being purchased by libraries? (Wedgeworth et al., 1973, p. 28).

Furthermore, while Berninghausen’s discussion of balance was replete with abstract examples and hypothetical scenarios, SRRT’s counter argument was based on lived experience. Starting in the late 1960s, SRRT had expended much energy attempting to inform librarianship on the alternative press movement. In 1970, SRRT had created the Task Force on Alternative Books in Print, and its fledgling publication Alternatives In Print (AIP), precisely to address the issue of balance in library collections.

By focusing on the treatment given to alternative press materials by the library establishment, SRRT had a ready response to Berninghausen’s rhetorical statement that materials should be chosen from the whole world of publishing. SRRT made the case that collection building based on social responsibility was more, rather than less, inclusive. “Those who believe in the concept of social responsibility want to add the underground press to their collections, not toss out the traditional press....They have created access where it did not exist” (Wedgeworth et al., 1973, p. 28). Furthermore, SRRT argued, collection building based on social responsibility did not lead to censorship. “AIP, for instance, was created by SRRT to meet the need for information that the traditional libraries ignored. They did not then advocate the burning of BIP [Books in Print]” (Wedgeworth et al., 1973, p. 28).

Despite the strength of the activists’ rebuttal, personal research on American librarianship’s treatment of the Library Bill of Rights in the 1960s indicates that the professional community of librarians was unwilling to explore the debate between Berninghausen and SRRT further. This author would argue that Berninghausen successfully scared librarians away from the topic of social responsibility by playing to ALA’s deep concern for legality and what Sellen called “action-crippling fear” (Sellen, 1987, Box 11, p. 1) about its “extremely favorable tax-status” (Transcripts and Minutes, 1968, Box 6).

Berninghausen argued vociferously and gave much emphasis in publications and speeches to one conclusion—i.e., ALA, as an educational association, was tax-exempt and “thus not permitted by law to actively support work for or against positions on issues that do not involve professional interests” (Should ALA Take a Stand? 1969-1970, Box 8). At the same time, he barely mentioned in passing, and gave very little atten-
tion in publications and speeches to, another conclusion: “Admittedly it is sometimes difficult to draw the line sharply” (Should ALA Take a Stand? 1969-1970). In others words, Berninghausen warned librarians that it was not advisable to take a position on issues, but he did not illustrate a clear way to avoid them. In light of this, it is ironic that Berninghausen accused SRRT of having a “weaselly type of argument” (Should ALA Take a Stand? 1969-1970, Box 8).

SRRT considered the tax-exempt status issue its worst enemy. The issue was first raised during the 1968 discussions about whether or not SRRT should be accepted into ALA as a Round Table. It continued as a major point of discussion in 1970 at the ACONDA meetings and ultimately peaked in 1974 when the ALA attorney reported at the first council meeting of the annual conference that “the IRS was concerned about ‘certain activities’ undertaken by ‘certain units’ ” (“The SRRT and the SRRT Concept, 1968 through 1975,” 1975, p. 6).

In the hopes of allaying membership fears, Robert Wedgeworth, SRRT supporter (and ALA Executive Director) pointed out that “viewing librarians and libraries in the political process, it seems somewhat more difficult to separate the nonlibrary issues from the library issues than the author [Berninghausen] implies” (Wedgeworth et al., 1973, p. 25). In a last ditch effort, SRRT posited that ALA was an association and not a library and therefore not even subject to the Library Bill of Rights. But it was too late. Berninghausen had played his hand well. Whether the profession agreed with SRRT’s points or not, fear of social, financial, and legal repercussions had already paralyzed the library community from further movement toward nonlibrary issues. By this time, ALA membership was arguably less interested in the utility of the Library Bill of Rights than in its own professional viability. Once again, the status quo—hardly a “neutral” site in 1974—had secured the profession’s ethical jurisdiction.

Despite Berninghausen’s apparent victory in the debate over librarianship’s professional jurisdiction and intellectual freedom in the 1960s, SRRT played a key role in exposing the flimsiness of ALA’s universal claim of neutrality. Baldwin notes that “libraries are forums for information and ideas” and asks “for whom and for what?” During the 1960’s debate, Schuman posed this question to Berninghausen, only in more rhetorical terms. She asked: “Do you really believe that our society is controlled by individuals acting as individuals? That there are not ‘special interest’ groups like General Motors? The National Rifle Association? The American Library Association? which attempt—and often do—influence the progress (and regression) of society?” (Wedgeworth et al., 1973, pp. 28-29). SRRT’s many efforts during the 1960s not only exposed the danger in assuming that ALA functioned as a neutral institution but also provided a viable answer to Schuman’s query. By pointing out ALA’s neglect of the alternative press, SRRT made a case for finding the
association guilty of promoting the production and reproduction of mainstream culture and dominant ideology.

Based on research of American librarianship’s treatment of the Library Bill of Rights in the 1960s, there is agreement with Baldwin that the existence of multiple interpretations creates “tensions and contradictions” that reduce its “persuasive force.” It should be added that ALA practice plays an equally important role in defining both the utility and the validity of the Library Bill of Rights. In light of Baldwin’s observation that the Library Bill of Rights “does not guide the practices of many (if not most) book selectors” (from Baldwin’s article in this issue of Library Trends), one is left wondering just how far deeply felt notions of intellectual freedom will push both the rhetoric and the practice of the profession in the future.

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The Library Bill of Rights and School Library Media Programs

DIANNE McAFFEE HOPKINS

ABSTRACT
This article traces the value and use of the Library Bill of Rights in school library media settings through an examination of national library media guidelines, collection development texts, intellectual freedom publications, and intellectual freedom research. It discusses the inclusion of the Library Bill of Rights in collection development policies and research findings about the statement's use in challenges, and concludes that information professionals, while realizing that the Library Bill of Rights is not a legal document, find it useful for support and guidance.

INTRODUCTION
Gordon Baldwin, in this issue of Library Trends, examines the Library Bill of Rights from the perspective of a first amendment legal scholar and finds it lacking in legal protection for librarians and library users. While his discussion is a provocative one, this finding comes as no surprise to the library profession. A response to Baldwin's discussion might take many directions, given the various points that he raises, but the essential question is, "What is the value of the Library Bill of Rights?"

To answer this question, it is useful to begin with the recognition that the Library Bill of Rights does not stand alone. Its appearance, in professional practice, is often in conjunction with a library's collection development policy. Therefore, this discussion will begin with the subject of materials selection policies, as these are commonly referred to in school settings.

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To look at the value of the Library Bill of Rights within a school environment, it is necessary to begin with another professional statement, "The School Library Bill of Rights." The American Association of School Librarians (AASL), a division of the American Library Association (ALA), adopted the School Library Bill of Rights in 1955. It was adopted by the ALA Council in the same year. Later revised by AASL in 1969, the School Library Bill of Rights affirmed a belief in the Library Bill of Rights, while focusing specifically on intellectual freedom needs from a school library media standpoint (see Appendix A).

In the twentieth century, school library media program development has been guided by the profession's national guidelines. National guidelines developed after 1955 were examined to determine whether the Library Bill of Rights or the School Library Bill of Rights was referenced and the context in which either was included.

AASL (1960) published the profession's first national guidelines to include the School Library Bill of Rights in Standards for School Library Programs. These guidelines listed the School Library Bill of Rights as first among basic principles to guide the selection of books and other materials for school library media center collections. They emphasized that not only librarians but also school administrators, as well as classroom and special teachers, should endorse and apply School Library Bill of Rights principles.

Nine years later, AASL joined with the National Education Association's Department of Audiovisual Instruction (1969) to issue Standards for School Media Programs, which looked more specifically at basic policies in the selection of library media center materials. The importance of a written selection policy statement that affirmed such American freedoms as those described in the Library Bill of Rights and the School Library Bill of Rights for the school and the school district was stressed. The 1969 guidelines stressed the importance of adoption by the school board as well as endorsement by educators including the library media specialist. Then, in 1975, AASL, with the Association for Educational Communications and Technology (AECT, 1975), published Media Programs: District and School. Like the 1969 guidelines, it emphasized the importance of the selection policy as a means of reflecting and supporting intellectual freedom principles described in the Library Bill of Rights and the School Library Bill of Rights.

Discussions about whether a School Library Bill of Rights was still needed began after a 1967 revision of the Library Bill of Rights included a statement about age that read: "The rights of an individual to the use of a library should not be denied or abridged because of his age, race, religion, national origins or social or political views" (ALA, 1996, p. 13). Shortly after the publication of the 1975 national guidelines, the matter was settled when the AASL Board formally withdrew the School Library Bill of Rights as an official document. Although officially withdrawn by
AASL and ALA, it still appears with some regularity in materials selection policies, for it speaks so directly to selection concerns facing school library media specialists.

In place of the School Library Bill of Rights, a full ten years later, a school-oriented interpretation of the Library Bill of Rights was issued called “Access to Resources and Services in the School Library Media Program: An Interpretation of the Library Bill of Rights (AASL)” (ALA, 1996, pp. 41, 42). The most recently published national guidelines, again published jointly by the AASL and the AECT (1988) and titled Information Power: Guidelines for School Library Media Programs, added this 1986 ALA council interpretation of the Library Bill of Rights from a school perspective. While Baldwin does not mention Library Bill of Rights interpretations, there are over a dozen interpretations developed by ALA’s Intellectual Freedom Committee that, like the Library Bill of Rights, have been adopted by the ALA council. The interpretations provide directed practical advice designed to guide professional practice on a day-to-day basis. These provide insight into some questions raised by Baldwin about the vague or broad statements of the Library Bill of Rights when they are interpreted literally (see Appendix B).

In addition to national school library media guidelines, the Intellectual Freedom Manual (American Library Association, 1996) also provides guidance urging the inclusion of the Library Bill of Rights in materials selection policies. Another ALA publication of help to public school educators and administrators, Censorship and Selection: Issues and Answers for Schools (Reichman, 1993), urges similar uses of the Library Bill of Rights.

COLLECTION DEVELOPMENT AND INTELLECTUAL FREEDOM RESEARCH

In library and information studies education programs, collection development issues are a common and integral part of the curriculum. While they may be incorporated into several classes, some programs have specific courses in collection development and many adopt one of two possible texts, Developing Library and Information Center Collections by G. Edward Evans (1995) and The Collection Program in Schools by Phyllis J. Van Orden (1995). Each places some emphasis on the Library Bill of Rights. In addition to a chapter on intellectual freedom issues, Van Orden briefly indicates that many schools endorse the Library Bill of Rights and other professional statements. Evans discusses the Library Bill of Rights in the chapter “Censorship, Intellectual Freedom, and Collection Development”:

The Library Bill of Rights outlines the basic freedom of access concepts the American Library Association hopes will guide library public service....Since its adoption in 1948, the provisions of the Library Bill of Rights have assisted librarians in committing their libraries to a philosophy of service based on the premise that users of libraries should have access to information (on all sides of all issues)....The
Library Bill of Rights is an important guide to professional conduct in terms of intellectual freedom. It is a standard by which one can gauge daily practices against desired professional behavior in the realms of freedom of access to information, communications, and intellectual activity. (p. 512)

Thus, whether one cites national guidelines or standard collection development texts, it is obvious that the school library media community encourages the inclusion of the Library Bill of Rights in approved school library media center collection development policies. However, how likely are policies to actually contain references to the Library Bill of Rights?

In her effort to answer the question, “What is the relationship between the outcome of an incident of censorship and the recommended components of a selection policy?” Bracy (1982) examined materials selection policies in sixty-one Michigan school districts where high school library media specialists reported challenges to library media materials between 1973 and 1978. She found that 92 percent of these policies contained a statement of philosophy and that the statement itself constituted the most prevalent component (of ten recommended components) in districts reporting retention as the outcome of challenges. Her findings reflected a priority of Michigan’s state association, the Michigan Association for Media in Education (MAME). MAME recommended that the first component of a materials selection policy be a statement of philosophy, citing the Library Bill of Rights as an example. Bracy concluded that having a policy was important in the retention of materials, and that policies with certain components, including the statement of philosophy, would guide the profession in collection development and enlighten the school population and community about its approach to the selection of instructional materials.

Bracy’s study is important because it demonstrated that inclusion of the Library Bill of Rights in actual materials selection policies had value in the retention of challenged materials. Several other studies show a positive relationship between the existence and use of a materials selection policy and the retention of challenged materials in the collection. The well-known Fiske study (1959) on book selection, challenges, and censorship in selected California school and public libraries in the 1950s is considered among the most influential research on intellectual freedom in American libraries. Using an extensive interview process involving school administrators and school, as well as public, librarians, Fiske found that the affirmation of the existing materials selection policy by libraries under attack was a factor in retaining challenged materials. Other Fiske findings are discussed in several other essays in this issue. Similar findings were reported by Woodworth (1976), Limiting What Students Shall Read (1981), McDonald (1983), Jenkinson (1985), and Hopkins (1991).

This author’s research at state and national levels has focused primarily on factors that influence the outcome of challenges to materials (i.e.,
retention, restriction, and removal) in secondary school library media centers (Hopkins, 1991, 1993). While the Library Bill of Rights or the superseded School Library Bill of Rights were rarely specifically addressed in my research, there is an emphasis on the challenges that are examined through policies governing the selection and reconsideration of materials. Because library education texts, national school library media guidelines, professional practice, and research assume that school library media center policies contain references to the Library Bill of Rights, discussion of the Library Bill of Rights and its use is implied in coverage of the role of policies in the retention of materials.

In a 1991 national study of schools serving grades 7 and up, it was found that 3,422 respondents (73 percent) reported having a materials selection policy, while 1,260 (27 percent) reported no policy. In addition, 2,964 (64 percent) reported no challenges to library materials between 1986 and 1989, while 1,661 (36 percent) reported complaints. Schools reporting full or part-time library media specialists were far more likely to have policies than those without library media specialists.

A follow-up questionnaire was sent to those reporting challenges. Retention of challenged material was reported by 317 (52 percent) library media specialists. Restriction was reported by 131 (22 percent), and removal was reported by 158 (26 percent). Library media specialists reporting a board-approved selection policy were more likely to report that materials were retained. Further, those following provisions of the policy most were more likely to report that material was retained.

In a list of statements about perceptions of school library media specialists, two relevant statements about material selection policies stand out. Library media specialists indicated agreement that a policy is effective in dealing with complaints and that, when the policy is followed, material will be retained. They were also more likely to agree with these statements when material was retained. Overall, the most important factors influencing retention of challenged materials were found to be a written board-approved materials selection policy and support (internal and external) for retention.

The Bill of Rights can also be thought of in terms of support to the library media specialist. During the 1994-95 school year, this author did a follow-up study of the challenges to Wisconsin high school library media materials by visiting several schools in which challenged material had been retained. In separate interviews with three library media specialists, this author sought to learn their views about the value of the Library Bill of Rights (or School Library Bill of Rights, if that was what was referenced in the materials selection policy). The library media specialists responded that they found the Library Bill of Rights to be supportive in communicating the philosophy undergirding the library profession to school board members, parents, and other community members during the challenge process.
Thus my research and that of others supports Bracy. Like her, it was found that a board-approved material selection policy did make a difference in the retention of challenged materials. Since policies can be expected to contain references to and/or copies of the Library Bill of Rights as a part of a board-approved materials selection policy, the Library Bill of Rights may be said to be of value in the retention of challenged material. The Library Bill of Rights also serves as a statement that communicates the philosophy of access in libraries.

Elsewhere in this issue of Library Trends, Gordon Baldwin and Shirley Wiegand cite Amy Hielsberg’s (1994) account of the response of a classmate when she read portions of the novel, American Psycho. The episode that Hielsberg describes occurred in my class, “Intellectual Freedom and Libraries” (SLIS 645), which this author teaches each year at the University of Wisconsin—Madison’s School of Library and Information Studies. Background on the presentation may be helpful. We were near the end of the semester, and time had been set aside for student intellectual freedom presentations on semester papers. The presentations enriched the course for, by design, they complemented topics focused on in class. The oral presentations were designed so that they always occurred near the end of the semester when class members were more likely to be comfortable with each other. The presentation was also structured on a topic upon which the student was extremely knowledgeable. Although SLIS students are usually mature adults—many preparing for second or even third careers—for some students a class presentation can be an intimidating experience.

Dialogue with class members was expected, and students making presentations were encouraged to select the most effective manner to orally communicate the focus of their presentation. It is with this background that Hielsberg designed a presentation on self-censorship that captured the attention of the class. The subsequent class discussion was an example of the openness that is especially appropriate for an intellectual freedom class. Hielsberg’s topic, self-censorship, as seen in possible conflicts of librarians’ personal beliefs/values with a library’s collection policy, is not a new one. The Library Bill of Rights, along with other strategies discussed in class, offered a means by which students could consciously consider selection decisions in light of inhibitors to access, including personal ones.

A particularly relevant case in terms of material selection policies and the Library Bill of Rights was presented in September 1995 in the U. S. Federal District Court for the District of Kansas. Plaintiffs representing students and parents (including one teacher who is also parent of two of the student plaintiffs) sued United School District No. 233, Johnson County, Kansas; Ron Wimmer (Superintendent of Schools); and Lowell Ghosey (Principal of Olathe South High School) (Case No. 94-2100 GTV).
The suit was precipitated by the removal of Nancy Garden’s (1982) book, \textit{Annie on My Mind}, from several school library media centers in Olathe, Kansas, by the superintendent.

The plaintiffs were represented by the American Civil Liberties Union and the Law Offices of Shook, Hardy & Bacon of Overland Park, Kansas. Because the Library Bill of Rights was prominent in the school-board approved materials selection policy, my advice was sought on school material selection policies and the Library Bill of Rights. I was asked to address five primary areas: (1) appropriate methods to determine whether a book is suitable for a school library media center; (2) whether \textit{Annie On My Mind} (the removed title) met criteria for suitability; (3) reasons why the book might not be selected; (4) the proper response of a school to a citizen’s complaint about a book; and (5) the American Library Association’s Library Bill of Rights and its application to this case. In my capacity as advisor, there was an opportunity to review several of the materials from this case, including the petition and some depositions. The summary of the case is based on this review.

\textit{Annie on My Mind} is a young adult fiction love story of two young women during their senior year of high school as seen through the eyes of one of the women who recalls the relationship in her first year of college. Between its publication in 1982 and the time plaintiffs brought the suit in 1994, \textit{Annie on My Mind} had received many distinctions. These distinctions came from many sources, including the American Library Association, the National Council of Teachers of English, and the \textit{New York Times}.

The book was already a part of the library collections of Olathe East High School, Olathe South High School, and Indian Trail Junior High School. It was not a part of the curriculum or assigned reading. The book came to the attention of Superintendent Wimmer after The Gay and Lesbian Alliance Against Defamation (GLAAD) (Kansas City) Book Project, in cooperation with Project 21, a national organization, sought to donate copies of two gay-themed books to high schools throughout the Kansas City Metropolitan Area in 1993. Besides \textit{Annie on My Mind}, GLAAD also attempted to donate \textit{All American Boys} by Frank Mosca (1983). The organization indicated its desire to ensure that all students have access to diverse information about gender/sexual orientation through their local school libraries.

About the same time, special interest groups were urging other Kansas area school districts to remove books the groups found to be objectionable for political and religious reasons. The plaintiffs indicated that \textit{Annie on My Mind} had been one of several books actually burned by groups during a demonstration in Kansas City.

In November, Wimmer appointed a special review committee consisting of an assistant superintendent and library media specialists from the three high schools to evaluate the alliance’s recommended donations
and recommend whether *Annie on My Mind* should be retained in the school library media centers. The committee found that *Annie on My Mind* easily met district standards as embodied in the materials selection policy and recommended it remain a part of the library media center's collection (*All American Boys* was not believed to meet selection criteria and thus was not recommended by the review committee).

When Wimmer met with the special review committee in December, he indicated that he had taken it upon himself to revise the district's policy on the acceptance of donated books. According to the new policy, books donated by special interest groups would be accepted only when "such donations do not advocate a special interest agenda contrary to the best interest of the school district and only when such donations are deemed appropriate for general student use." Wimmer told the committee that the policy would be enforced uniformly and that books already on the shelf would stay there. As a result, committee members concluded that *Annie on My Mind* would stay on library shelves. Despite the fact that the school district never received a formal complaint about *Annie on My Mind*, on December 14, 1993 (the next day), Wimmer announced he was banning *Annie on My Mind* from the library media center collections.

On January 6, 1994, Olathe South High School Senior Amanda Greb—honor student and National Merit semi-finalist—spoke to the school board about the banning. She presented a petition opposing Wimmer's action signed by 604 Olathe South students and one parent. At the same meeting, Olathe East High School senior Stevana (Stevie) Case—honor student, National Merit semi-finalist, and president of the student government—presented a unanimous resolution of the Olathe East student body condemning censorship and calling for the return of *Annie on My Mind* to the library media center collections. Others testified at that meeting, including parents and members of the community. Following these statements, the board adjourned to private session then reconvened in public and voted 4-2 to support the superintendent's decision. They gave no explanation or justification for their decision.

Between January 11 and 19, the superintendent met with Olathe South High School seniors and told them that he feared the district would be embroiled in controversy. He indicated he had removed the books to deal with "a controversy going on in the area" and that his decision was "appropriate for the time." According to several students present, the superintendent acknowledged that official procedures and policies were not followed.

The plaintiffs believed that Wimmer's decision to ban *Annie on My Mind* was motivated by a fear that religious political interest groups would successfully oppose the district's upcoming bond issue scheduled for April 5, 1994. They claimed that the removal was a violation of the U.S. Constitution, that actions of the school district and Wimmer denied and in-
fringed upon rights guaranteed by the 1st and the 14th amendments of the U.S. Constitution to receive information and ideas and to be free from having their access to library books restricted for ideological reasons. Finally, they alleged that actions were motivated by partisan and political considerations designed to suppress ideas, abridge freedom of speech and expression, and deny free access to information and ideas. The plaintiffs asked for the return of Annie on My Mind to the open shelves of high school library media centers in the district.

Letters exchanged between Steven Case, one of the plaintiffs and the only teacher involved in the suit, and Superintendent Wimmer demonstrate some of the written dialogue that resulted from the removal. On February 8, 1994, Case wrote:

> Learning is a process that begins with the learner. It is a lifelong process of personal growth. Along the way there are guides and facilitators who act as advisors to this internal process. In this scheme, each learner needs as much information as possible. A wide range of information allows each of us to explore the range of human existence and figure out our place in it. We have all read a variety of books, Mein Kampf, the Communist Manifesto, Mao's Red Book, and others that we may not agree with, but they help us to look at issues from different perspectives and develop our critical thinking skills. Each helps us define who we are and what we think. Without the breadth of human thought education can become a process of meaningless memorization and indoctrination. With this breadth we have the development of intellectualism and thought.

> I have deep concerns about the effect of this decision on our library collections but I have deeper concerns about the impact on curriculum....I would like to see the books returned to the library shelves immediately. I would like the school district to establish a policy that would not allow the removal of books from our libraries if the books meet the guidelines of the American Library Association....

Four days later, Wimmer responded in part: “I do not feel this single action threatens the fabric of our schools or the purpose of education. My commitment to students and the best interest of this school district remains my highest priority...” (Wimmer to Case, personal communication, February 12, 1994).

Both sides presented evidence to a judge in September 1995. In a November 1995 decision, the judge ruled in favor of the plaintiffs, finding that the removal of Annie on My Mind was unconstitutional. The book was ordered returned to library shelves.

The removal of Annie on My Mind from the shelves of library media centers by a district administrator is not new. In this instance, students and community members challenged the action. Supporting this challenge was the district's own board-approved materials selection policy that fully embraced the principles embodied in the Library Bill of Rights and principles of intellectual freedom. The policy called for referral of a
written complaint to a reconsideration committee. In this instance, no formal complaint was ever received. Wimmer acted contrary to the district's policy in removing the book. He appeared to have been unduly influenced by actions taking place in neighboring communities. Given the ongoing pressure, public scrutiny, and stress that district administrators are constantly subjected to, the decision to remove *Annie On My Mind*, while unfortunate, was not surprising. Since the school board embraced the principles of the Library Bill of Rights and intellectual freedom in its materials selection policy, the book should have been returned to the school library media center shelves.

**CONCLUSION**

Information professionals recognize that the Library Bill of Rights alone has no legal standing. What, then, is the value of it? The Library Bill of Rights has significant value for professional practice, including the retention of challenged materials. Evans (1995) summarizes the point well:

> Because the *Library Bill of Rights* is not law, the statement provides no legal protection for libraries or librarians. What legal protection exists is primarily in the freedom of speech provisions of the First Amendment. The *Library Bill of Rights* is an important guide to professional conduct in terms of intellectual freedom. It is a standard by which one can gauge daily practices against desired professional behavior in the realms of freedom of access to information, communications, and intellectual activity. A librarian's primary responsibility is to provide, not restrict, access to information. (pp. 512, 513)

Baldwin comments on the various judicial interpretations of the First Amendment. His comments, this author's own research, as well as auditing a First Amendment class offered through the University of Wisconsin—Madison's political science department, suggest that, as a profession, librarians have insufficient grounding in the evolution of the First Amendment. Beyond the words, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people peaceably to assemble, and to petition the Government for a redress of grievances," few of us are aware of Supreme Court interpretations that have been made over the years. It is likely that librarians would be surprised to learn of these decisions, especially in earlier years. The decisions demonstrate growth and continuing struggles in reaching the intellectual freedom principles that the profession embraces.

The knowledge that the Library Bill of Rights alone does not carry legal protection should not be disconcerting. The issues are decidedly complex and do not invite resolution overnight. This nation's early laws in areas such as slavery, segregation, and voting rights makes it evident that all laws are not just, and that laws can be, and are, changed. Such
changes can be attributed, in part, to the beliefs of those who fought injustice, to the statements that they made or found to guide them, and to the actions they undertook to focus attention on injustice. In a similar way, the Library Bill of Rights stands in response to the beliefs and ideals of the library profession and in response to the willingness of the profession and others to support intellectual freedom principles in the face of injustice. The Library Bill of Rights thus serves as a springboard for contemplation, dialogue, and action.
APPENDIX A

The American Association of School Librarians reaffirms its belief in the Library Bill of Rights of the American Library Association. Media personnel are concerned with generating understanding of American freedoms through the development of informed and responsible citizens. To this end the American Association of School Librarians asserts that the responsibility of the school library media center is:

To provide a comprehensive collection of instructional materials selected in compliance with basic written selection principles, and to provide maximum accessibility to these materials;

To provide materials that will support the curriculum, taking into consideration the individual's needs, and the varied interests, abilities, socioeconomic backgrounds, and maturity levels of the students served;

To provide materials for teachers and students that will encourage growth in knowledge, and that will develop literary, cultural and aesthetic appreciation, and ethical standards;

To provide materials which reflect the ideas and beliefs of religious, social, political, historical, and ethnic groups and their contribution to the American and world heritage and culture, thereby enabling students to develop an intellectual integrity in forming judgments;

To provide a written statement, approved by the local boards of education, of the procedures for meeting the challenge of censorship of materials in school library media centers; and

To provide qualified professional personnel to serve teachers and students.

—Adopted by the American Association of School Librarians Board of Directors and the American Library Association, 1969
APPENDIX B

Access to Resources and Services in the School Library Media Program:
An Interpretation of the Library Bill of Rights

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem-solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shape the resources and services of a school library media program, the principles of the Library Bill of Rights apply equally to all libraries, including school library media programs.

School library media professionals assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media professionals work closely with teachers to integrate instructional activities in classroom units designed to prepare students to locate, evaluate, and use a broad range of ideas effectively. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media professionals cooperate with other individuals in building collections of resources appropriate to the developmental and maturity levels of students. These collections provide resources which support the curriculum and are consistent with the philosophy, goals, and objectives of the school district. Resources in school library media collections represent diverse points of view and current as well as historic issues.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media professionals resist efforts by individuals to define what is appropriate for all students or teachers to read, view, or hear.

Major barriers between students and resources include: imposing age or grade level restrictions on the use of resources, limiting the use of interlibrary loan and access to electronic information, charging fees for information in specific formats, requiring permissions from parents or teachers, establishing restricted shelves or closed collections, and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

The school board adopts policies that guarantee student access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. School library media professionals implement district policies and procedures in the school.

—Adopted by the Council of the American Library Association, 1986
NOTE


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Reality Bites: The Collision of Rhetoric, Rights, and Reality and the Library Bill of Rights

SHIRLEY A. WIEGAND

ABSTRACT
This article suggests that the library profession examine the Library Bill of Rights and remove from it those statements which do not represent current legal principles. Library professionals and their patrons must have available a clear statement of those First Amendment principles which receive legal support. A carefully edited document would serve as that statement. The material culled from the Library Bill of Rights may contribute to the creation of a second document which would represent the profession's aspirational and inspirational creed. This creed, albeit lacking in legal support, might provide inspiration to library professionals and would provide them with a standard which goes beyond First Amendment mandate. It might be incorporated into the employment contract for library professionals, but it would not represent the current state of legal principles. This proposal separates rhetoric from rights to produce a set of principles which reflect reality.

INTRODUCTION
Because this article focuses on three distinct but related issues—rhetoric, rights, and reality—it is in one sense a series of expanded "sound bites." But the term "bite" has a more significant meaning here. When examining the Library Bill of Rights, it becomes clear that the rhetoric of rights often clashes with reality; reliance upon the rhetoric will, in the final analysis, lead to the conclusion that reality bites. This article proposes a realistic approach to the rhetoric of rights.
Rhetoric

"Religious sect"—"pro-life"—"feminist"—"radical"—"far left"—"far right"—"political correctness." Readers will probably agree these are "buzzwords"—i.e., shorthand hot button terms and phrases that often produce a visceral emotional reaction. But the same can be said for words like "rights" and "censorship." These words are frequently bandied about within the library and legal communities, yet they end up meaning different things to different people. The Library Bill of Rights is rife with examples of rhetoric unsupported by the legal principles that usually undergird "rights." Baldwin addresses these in his article in this issue of Library Trends. This article, however, focuses primarily on just one example—censorship.

When a library patron requests a particular book that is not included in the library collection, is expensive, and has not been requested by anyone else, the librarian may refuse to order the book, believing she or he is simply exercising good judgment and responding in the community's best interest. The patron, however, believes the library has engaged in censorship.

Amy Hielsberg, a graduate student at the University of Wisconsin-Madison's School of Library and Information Studies, complained publicly about "censorship" in her intellectual freedom class in the fall of 1993 (Hielsberg, 1994, p. 768). As her class presentation, she had decided to focus on the controversial novel American Psycho by Bret Easton Ellis (1991). She was well aware of the criticism directed at the book. Simon and Schuster had reneged on a decision to publish it; the Los Angeles chapter of the National Organization for Women had called it "misogynist" and a "manual on the mutilation of women" (p. 768). As Hielsberg began reading a passage she described as "a gruesome scene about the electrocution of a prostitute by means of jumper cables and the dismemberment and decapitation of a female acquaintance," one student objected. "I will not listen to another word of this!" she shouted. "You are verbally abusing me." Hielsberg claims she was shocked: "The last thing I had expected was to be 'challenged' in an intellectual freedom class," she said. "I didn't expect a fight" (pp. 768, 769).

Why not? Why didn't she expect a fight? And why was the challenge viewed so unfavorably? Why didn't she expect some students to speak out? In fact, the challenge gave Hielsberg an opportunity to defend her selection of topics and to formulate arguments supporting her decision to read the controversial selection. Yet she believed the student who spoke out was engaging in the sin of censorship rather than exercising her right to object. Criticism is not censorship.

the crowd, condemned a series of censorship attempts by various right-wing groups. During a question and answer period, the library trustee spoke up. A state-funded library agency had refused to accept as a donation the film *The Silent Scream* (1985), which claims to show, through ultrasound imaging, the destruction of a fetus during abortion. He also noted that a citizen had complained that community libraries failed to stock *anti*-abortion materials. Did the speaker believe such an act also constituted censorship? The ALA speaker responded only with a "bewildered shrug of the shoulders" (Sheerin, 1991, p. 440).

Nat Hentoff (1992), author of *Free Speech for Me, But Not for Thee*, recalls a trip he took to Idaho to give a speech on the First Amendment. At the time, Coeur d'Alene, a town of 20,000 people, had been keenly divided over a series of textbooks in the schools. "Opponents of the texts claimed that the books proselytized for witchcraft, satanism, and the occult," he writes. When a local minister came to see Hentoff: "We went over a couple of volumes, and he pointed out what he saw as the satanism, the violence, the subliminal preaching of witchcraft" (p. 4). Hentoff disagreed with the minister about the dangers of the texts, but he wasn't the only one. Advocates of the new texts "were spreading the word that [the minister] and his followers were not only censors but kooks, zealots, obviously unable to take part in any meaningful dialogue on school curriculum." Furthermore, the text advocates complained: "These are the people...who are trying to impose *their* values on us." But the minister astutely observed to Hentoff: "Surely...we have a right to protest, a right to fight for our beliefs" (pp. 4-5). Hentoff agreed and so do I.

When citizens of any persuasion engage in censorship rhetoric, what do they mean? Do they mean that any attempt to question or challenge them is itself censorship? Does it mean that silencing a particular viewpoint is not censorship but merely good judgment? At least one librarian has acknowledged "the simple truth that libraries not only gather and dispense information; they also select and screen it. The librarian is, by the very nature of his role in society, a censor..." (Swan, 1979, p. 2042).

The state agency that refused to accept the donation of *The Silent Scream* justified its decision by asserting that some of the points in the film are "medically questionable" (Sheerin, 1991, p. 444, n.1). That argument might be plausible if a library book poses an immediate medical danger. Take, for example, a mushroom encyclopedia Baldwin discusses in his article, which erroneously identifies a poisonous mushroom as harmless. But the argument is not as compelling in the circumstances mentioned above when it begins to suggest viewpoint censorship. Although the term "censorship" is often misused or abused, it is not the case that the term cannot be defined. It can be. And it is of utmost importance that library professionals examine the definition before using such an incendiary word.
Black's Law Dictionary defines censorship as: "Review of publications, movies, plays, and the like for the purpose of prohibiting the publication, distribution, or production of material deemed objectionable as obscene, indecent, or immoral" (1990, p. 224). Under this definition, the student who objected to the gruesome readings in Hielsberg's class was making no attempt to censor but was merely expressing a personal objection to having to listen to extremely offensive speech. On the other hand, a library which refuses to "distribute" a work based on particular grounds other than financial may in fact be engaging in censorship.

Black's Law Dictionary (1992) refers to the prohibition of works which are "obscene, indecent, or immoral" as an event which implicates censorship. The Random House Dictionary of the English Language points out that a censor is "an official who examines books, plays, news reports... etc., for the purpose of suppressing parts deemed objectionable on moral, political, military, or other grounds" (Flexner, 1987, p. 334). Under either definition, criticism of, or a challenge to, particular books or other works does not constitute censorship. Prohibition or suppression does constitute censorship, but only if the work is prohibited or suppressed because of its objectionable content. Thus, a library may refuse to stock a particular book because the library has only limited funds and it believes, in good faith, that the community it serves would not use such a book.

But when a library refuses to stock an entire type of book despite public demand, then a charge of censorship becomes more compelling. Why, for example, would a library refuse to stock any of the wildly popular Nancy Drew books? Public demand—or not—may dictate whether a library is engaging in censorship. When a library refuses to purchase (or even accept a gift of) Madonna's (1992) book, Sex, despite public demand, an assertion that it is engaging in censorship also seems sound. Contrast two approaches to this now-dated controversy.

One librarian, while initially relishing the publicity and media attention he received, quickly backed down. When the mayor asked him to cancel the order for Madonna's book, he complied: "He's the boss; these are public funds"—i.e., funds collected from the tax-paying public, not from the mayor personally. Within days, citizens had donated three copies to the library, and the mayor thereafter left the decision to the library board. Still, the librarian responded, "I will recommend that the board not accept the gift, and they will probably take my advice." The book, he says, is "pure trash, not even well designed" (Kniffel, 1992, p. 902). Another librarian ordered the book despite the mayor's public statement that the book was pornographic and did not belong in the public library. She stated: "We are trying to get people to understand the concept of freedom of information and the dangers of censorship" (p. 903). From these examples in the library community, it would appear that one man's rhetoric (of censorship) is another (wo)man's reality.
The rhetoric of "rights" creates confusion and is often unrealistic. Again a definitional analysis will prove helpful. A "bill of rights," according to a standard dictionary, is "a statement of the rights belonging to or sought by any group" (Flexner, 1987, p. 207). Black's Law Dictionary defines it as a "formal and emphatic legislative assertion and declaration of popular rights and liberties..." (Black, 1990, p. 164).

As a first step, it is obvious that any effective statement of rights must at least be understandable. Baldwin (1996) has discussed at length in his article the problems of ambiguity and vagueness which mar the Library Bill of Rights. But, it can be argued, the U. S. Bill of Rights suffers from the same problems. After all, what does it mean to say that: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed" (U.S. Constitution, amendment II)? Or that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated" (U.S. Constitution, amendment IV)?

But for over a period of 200 years, the national document, unlike the library document, has benefitted from scrutiny by thousands of scholars, along with federal and state judges alike. Judicial interpretive opinions have been reduced to writing and distributed to the offices of every lawyer in the country. The First Amendment is the law of the land.

But such is not the case with the library's document. "The LBR [Library Bill of Rights] is nobody's law; it is a declaration of guiding principles" (Swan, 1979, p. 2043). Although numerous pages of interpretation serve to flesh out some of the skeletal six articles, the document remains rhetoric mixed with reality. It is, therefore, all the more important that the document be worded clearly, carefully, and, as Baldwin has noted, more realistically.

This article will not repeat Baldwin's criticism. Of course he is correct in asserting that "the legal basis for the Library Bill of Rights is weak." He is also correct when he notes that it "promises more than the First Amendment guarantees."

How can one possibly reconcile the Library Bill of Rights with current legal principles concerning minors? The library policy would give free unrestricted use of the library and library materials to minors to the same extent that it gives adults. But the legal system recognizes a clear distinction between the two groups, refusing to provide to minors the same rights guaranteed to adults. No matter how strongly the library profession believes in the minor's right of access, no matter how strongly worded the Library Bill of Rights, an argument in favor of providing minors with the full panoply of rights would fail in a court of law.

But the fact that the library's document promises more than it can deliver should not be condemned for that reason alone. After all,
governmental actions can certainly provide more protection than the Constitution requires; they simply cannot provide less. The Constitution serves as a floor, not a ceiling. What may legitimately be condemned, though, is the false representation that the Library Bill of Rights serves as a legal guarantee or as an accurate reflection of current legal doctrine.

Before examining more closely the issue of "rights," however, an initial set of questions must be addressed. Who is the audience? For whom is the Library Bill of Rights drafted? For the profession generally? For library patrons? For individual library administrators? Isn't a bill of rights drafted to inform a particular group of its protected rights? If so, then the audience for the Library Bill of Rights consists of library patrons. Do they ever read it? Do they know it exists? Is it accurate and helpful? Can they enforce it?

Assume that a patron does have access to the Library Bill of Rights and reads Article 2: "Libraries should provide materials and information presenting all points of view on current and historical issues" (ALA, 1992, p. 3). The patron wishes the library to order an expensive book or movie, which documents an obscure historical event. Because of the low demand and high price, the library refuses. Can the patron, armed with her "bill of rights," march into court to enforce it? Probably not.

Assume also that a patron reading the Library Bill of Rights encounters Article 3: "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment" (ALA, 1992, p. 3). The patron wishes to file a lawsuit against a magazine which refused to publish an article of his, calling it "incendiary separatist tripe." Can the patron demand his "right" to have the library challenge this act of censorship (even if his work is of great value and is denied publication solely because of its content)? Of course not.

So, if the Library Bill of Rights is at times unhelpful to library patrons, what good does it serve? More likely than not, it is designed for an audience of professional librarians. But if all they read is the six-article Bill of Rights along with the interpretations, they too may find it at times unhelpful and at other times downright misleading. It will not offer much protection in the midst of a First Amendment dispute.

It seems clear that the Library Bill of Rights seeks to serve two very different communities for two very different purposes. How can a document inform library patrons of their actual rights and still inspire library professionals to strive for something more, to reach beyond the mere letter of the law, to serve as a "bulwark of our constitutional republic" (ALA, 1992, p. ix)?

REALITY

Consider a proposal that provides a realistic approach to library policy and legal principles. Perhaps the library community would benefit from
two documents. Certainly a statement of principles which satisfy First Amendment requirements would be helpful—e.g., a bill of rights which reflects First Amendment analysis and sets forth clearly the narrow legal rights which belong to library patrons. Librarians must know precisely what conduct will trigger First Amendment protections, and library patrons must know when such conduct is actionable—i.e., when a court of law will intervene to enforce patrons’ legal rights.

But it might also be helpful to view a document like the current Library Bill of Rights as an additional aspirational creed, something which provides more than minimal protection to library patrons and serves a purpose other than a bill of rights. It would serve as guidance for private libraries as well, which are not subject to the same constitutional stricture as public libraries. And it would go beyond the minimal protection offered by the First Amendment. As mentioned previously, governmental actors can certainly provide more protection than the constitution requires.

Baldwin’s constitutional critique would certainly contribute to the document of legal principles—i.e., the accurately titled “bill of rights” with the First Amendment serving as its foundation. The second document would operate aspirationally and inspirationally and focus not on the rights of library patrons but on the institutional behavior of librarians. The second document could be titled “A Call to Arms” or the “Library Manifesto” or the “Librarian’s Code of Ethics.” The latter, of course, will have a familiar ring. The ALA Council adopted a Code of Ethics years ago, which, surprisingly, is not well-known. Its current form, substantially amended from the 1981 version, was adopted by the ALA Council on June 28, 1995 (see Appendix).

The ALA Code of Ethics (ALA, 1995) consists of a preamble and eight principles. It marks a substantial improvement over its predecessor and, at the same time, acknowledges its limited value as a framework only. It speaks in general terms about the profession’s commitment to: (1) equitable service and access; (2) intellectual freedom and resistance to “all efforts to censor”; (3) privacy and confidentiality; (4) intellectual property rights; (5) fair treatment in the workplace; (6) subordinating one’s personal interest and convictions to one’s professional responsibilities; and (7) professional growth.

In its current form, the ALA Code of Ethics is laudable, but it suffers from a lack of specificity. Its aspirational and inspirational functions should not be ignored. But what will make it a workable, helpful document is the addition of commentary designed to demonstrate the circumstances under which the document will operate and to suggest ethical responses to real situations. It might more accurately be titled a Statement of Philosophy.3

At the same time, librarians must be advised that the document—the Statement of Philosophy—goes beyond legal mandate. Unlike the now streamlined Bill of Rights suggested earlier, this statement would reflect a
belief in more protection than the law requires. It is in this statement that much of the rhetoric now culled from the current Library Bill of Rights might be reinstated. In this document, librarians can set as their goal the advocacy of minors’ rights, a strengthening of First Amendment protection, and advocacy against censorship, recognizing that, although the legal system might not support such a position, the library profession favors it nevertheless. The great difficulty of adopting such an aspirational statement is that, unlike the proposed “bill of rights,” the statement will not have the force of law. A comparison to the lawyer’s code of ethics might prove helpful here.

The legal community in all fifty states is governed by Rules of Professional Conduct. These rules are initially drafted as “model” rules by a national legal organization, the American Bar Association (similar in its role to the American Library Association). “Comments” accompany the rules themselves. They “provide guidance for practicing in compliance with the rules [but] do not add obligations to the rules” (Wisconsin Supreme Court Rule Ch. 20 Preamble, hereinafter Wis. SCR). The comments generally employ specific examples of ethical dilemmas lawyers face and offer clear interpretations of the rules that govern resolution of the dilemma.

The Model Rules of Professional Conduct and Comments have no force in and of themselves. But the Model Rules, once adopted by the American Bar Association, then become the subject of discussion and amendment by each of the separate state legal communities. Judges and lawyers in each state discuss and evaluate the model rules and occasionally suggest minor changes. The state supreme court then adopts the model rules, as amended, as state supreme court rules. The result is that lawyers in all fifty states are governed by the Rules of Professional Conduct adopted for their particular state, but which bear a remarkable similarity to the original model rule.

These rules govern the behavior of all lawyers practicing within the state, subjecting those lawyers to sanctions for violation of the rules, even when such behavior is otherwise legal. For example, in Wisconsin, the rules provide that “[a] lawyer shall provide competent representation to a client” (Wis. SCR 20:1.1); “[a] lawyer shall act with reasonable diligence and promptness in representing a client” (Wis. SCR 20:1.3); and “[a] lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information” (Wis. SCR 20:1.4(a)). Another Rule requires that:

[A] lawyer shall not reveal [attorney-client] information ... except ... to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal or fraudulent act that ... is likely to result in death or substantial bodily harm or in substantial injury to the financial interest of another... (Wis. SCR 20:1.6)
The persuasiveness of these rules, that which makes them more than aspirational, lies in their enforcement. Because lawyers cannot practice law without a license, they are subject to such licensing requirements as each state supreme court chooses to adopt. That same court enforces the requirements through state bar disciplinary boards. Violation of the Rules of Professional Conduct may result in public or private reprimands, monetary penalties, or even revocation of the license to practice law (Wis. SCR 21.06). Without that license, a lawyer, like a doctor, cannot practice his or her profession.

A review of recent state court proceedings reveals the seriousness with which the Rules of Professional Conduct are taken. For example, in just one month—June 1995—the Wisconsin Supreme Court considered whether three different attorneys had failed to act with reasonable diligence in representing their clients. In all three cases, the court suspended the attorneys’ licenses for periods ranging from sixty days to eighteen months.5 A few months later, the court suspended another attorney’s license for nine months on the same grounds.6 And in October 1994, the court revoked the license of an attorney for misappropriating client funds.7 Despite public criticism of attorney conduct, it is clear that the legal code of ethics is capable of enforcement.

But the library community has no such authority. In August 1994, Rose Beushausen, a resident of Mokena, Illinois, placed an exhibit in the local public library display window after receiving permission from the library’s “window organizer” (Stevens, 1994, p. 1). The controversial “Baby Richard” court decision concerning the conflicting rights of adoptive and birth parents had recently evoked widespread public sentiment, and the library window display focused on adoption rights. When the library director ordered it removed, Beushausen, who even cited the Library Bill of Rights, unsuccessfully sought assistance from the American Library Association. Although ALA appeared to agree that Beushausen’s interpretation of the Bill of Rights was correct and that her exhibit should not have been removed, an ALA official could only respond that “the association has no authority over library administrations” and that “Beushausen’s only recourse would be to file a lawsuit on constitutional grounds” (p. 1).

If librarians were required to obtain a license to practice their trade, states (or other licensing bodies) could place restrictions upon the license, as the legal system has done for attorneys and the medical profession for doctors. Without the licensing requirement, any code which the library community adopts—the Library Bill of Rights, the ALA Code of Ethics, a Statement of Principles—lacks the disciplinary weight of the lawyer’s Professional Rules of Conduct.

Clearly, if the Library Bill of Rights were stripped of the rhetoric which currently is unsupported by legal doctrine, the remaining document would have the First Amendment as its foundation. But the second
document which this article proposes—the Statement of Principles—would continue to lack such authority. But that does not mean it is superfluous.

Such a document can play a vital role in the library profession. It can provide a basis for the myriad controversial decisions which librarians must make. It can serve as a philosophical framework within which goals and objectives might be set. It can serve as an ideal and provide an exciting vision for the future.

And such a document does not entirely lack enforceability. Obviously, librarians are accountable for their conduct to their supervisors, their supervising agencies and, in many cases, to the public at large. Compliance with library rules and regulations—including the Statement of Principles—could well be part of their employment contracts, and violation could result in dismissal. But this kind of enforcement cannot be uniform and national in scope. Unless the American Library Association becomes a licensing body, it will not play a significant role in the enforcement of its policies. Its role will remain that of a policy-issuing body—and that, in fact, may be its proper role.

One thing is clear. Without the dissection of the current Library Bill of Rights, librarians and library users are left with a document that is at times merely aspirational and inspirational, at times unrealistic, and at times absolutely mandatory under the First Amendment. Such a document simultaneously requires librarians to fall short of the mark because of ambiguous and unrealistic statements, and yet to comply with First Amendment principles in order to avoid a lawsuit. Baldwin is correct in suggesting that the document be redrafted. But doing so might sacrifice the truly laudable goals in the document. For the sake of clarity, it would be preferable for librarians—and their patrons—to know the difference between First Amendment mandate and aspirational rhetoric.

CONCLUSION

This article proposes that the library profession reexamine the current Library Bill of Rights, remove from it those statements that represent mere rhetoric, those that are ambiguous and unrealistic, and those that represent laudable aspirational and inspirational principles. What is left—a true Bill of Rights—would include only those principles demanded by the U. S. Constitution. This document would provide library professionals and patrons with clear, legitimate principles. Material culled from the document could then be fine-tuned, clarified, and integrated with the principles set forth in the current Code of Ethics. This code—perhaps to be renamed a Statement of Philosophy—would be directed at library professionals only, would serve as a statement of aspiration and inspiration, and, if the profession so chose, would form a part of the employment relationship. By doing so, librarians and library patrons could separate rhetoric from rights; by doing so, the library profession would be left with principles that reflect reality.
APPENDIX

ALA CODE OF ETHICS

AS MEMBERS OF THE AMERICAN LIBRARY ASSOCIATION, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees, and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.

II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.

III. We protect each library users's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.

IV. We recognize and respect intellectual property rights.

V. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.

VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.

VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.

VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

—Adopted by ALA Council, June 28, 1995
NOTES

1 Two Californian women nearly died when they ate a poisonous mushroom identified in The Encyclopedia of Mushrooms as harmless. "Publisher off Hook in Mushroom Poisoning." Orlando Sentinel Tribune, July 14, 1991, p. A18.

2 The author raised such a question after taking her nine-year-old daughter to the Kalamazoo, Michigan, public library many years ago. In response to the author's inquiry about the Nancy Drew books, the librarian responded haughtily, "We don't carry such books." Clearly, the librarian considered the books too "low culture" for such an institution.

3 Dianne Hopkins, University of Wisconsin-Madison School of Library and Information Studies, has used this term to describe the current Library Bill of Rights. The term properly reflects those portions of the Bill which serve legitimate aspirational, inspirational goals, but which are not supported by current legal doctrine.

4 Of course, the current ALA Code of Ethics lacks such force for the same reasons.

5 See In re Gerald M. Schwartz, 532 N.W.2d 450, 193 Wis.2d 157 (1995) (eighteen months); In re William J. Schmitz, 532 N.W.2d 716, 193 Wis.2d 279 (1995) (sixty days); In re Larry J. Barber, 194 Wis.2d 279 (1995) (six months).


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United States Constitution amendment II.
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The Problem of Holocaust Denial Literature in Libraries

KATHLEEN NIETZKE WOLKOFF

ABSTRACT

Librarians have taken essentially three philosophical positions concerning the problem of including Holocaust denial literature in library collections: (1) that such materials must be included to uphold the precepts of intellectual freedom, (2) that they should be excluded because they are false, and (3) that they should be included but labeled as inaccurate. Librarians in different types of libraries face different issues when deciding whether to collect denial materials. The nature of evidence is such that it is difficult for librarians to judge objectively the accuracy of all materials, and they should not undertake the role of arbiters of truth. Librarians' responses should be to responsibly and intelligently build collections that provide access to the views of the deniers and to those who refute them.

"Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be excluded because of the origin, background, or views of those contributing to their creation" (American Library Association, Office for Intellectual Freedom, 1992, p. 3).

This is the second tenet for libraries enumerated in the Library Bill of Rights, the statement of guidelines on intellectual freedom endorsed by the American Library Association (ALA). It calls upon information professionals subscribing to these policies to include in their collections a wide variety of materials on a wide variety of issues and implies that librarians would be wrong to buy materials that presented only one side of the debate on a current social issue such as euthanasia. Likewise, librarians
who only purchased materials that presented Franklin Delano Roosevelt's New Deal in a positive light would be guilty of ignoring other historical interpretations of this period in American history.

Now suppose that a new book was published by a historian who claimed not that the New Deal was merely misguided or ineffective, but that it never really happened. Suppose a new book claimed there was never a Social Security system or a Civilian Conservation Corps, and all of Roosevelt's alleged social programs were just fabrications of a bunch of liberals that were invented to justify the existence of a welfare state. Would librarians be free to dismiss such a perspective as inaccurate and absurd, or would they be obligated to include the book in their collections as an alternative point of view on a historical issue?

Preposterous as such a scenario may look on the surface, it represents a reality. For the past fifteen years, the library profession has actually faced a similar situation in the form of a growing body of literature that challenges the notion that European Jews were systematically exterminated in German death camps during World War II. Those who hold and promote these views call themselves "historical revisionists" (Shapiro, 1990, p. 1) and claim that historical accounts of the Holocaust are a myth, invented by a conspiracy of Zionists to further the cause of the state of Israel (Lipstadt, 1994, p. 9). This has raised complex and troubling questions for many librarians about the nature of truth and whether professional codes and ethics oblige librarians to provide access to information that a mountain of eyewitness and documentary evidence shows is utterly false. It has caused some to suggest that limitations on the Library Bill of Rights and the concept of intellectual freedom might be necessary to combat the spread of these hateful and inaccurate views.

Essentially, librarians have taken three philosophical positions on this thorny issue. The first reaffirms the sanctity of intellectual freedom and relies on a strict interpretation of the Library Bill of Rights. According to this argument, librarians can make no distinctions about what they will and will not accept as truthful, for to do so is to cross over the line of censorship. The first book they deem untrue, and therefore unworthy of inclusion in library collections, sets a precedent for excluding other materials and places librarians in the dangerous position of gatekeepers for what society can and cannot read or think. The concepts of intellectual freedom and free speech, this argument continues, have no value if they do not apply equally to all ideas, however bizarre, misguided, or unpopular they might be. To include such views in library collections does not mean librarians endorse them, but they must not make any value judgments about providing access to the ideas themselves.

Swan (1986) argues passionately for this position in defending the role of librarians as providers of access to ideas rather than as arbiters of truth:

It is our job to provide access not to the truth, but to the fruit of human thought and communication; not to reality, but to multiple representations thereof. Truth and reality must fend for themselves
within each of the complicated creatures who uses the materials we have to offer. We can and do learn a great deal from bad ideas and untruths. (p. 51)

The second philosophical position argues that librarians have a professional duty not to mislead the people they serve. Proponents of this view say librarians should not feel compelled, for example, to include materials that advised parents to pour boiling water on their children as a remedy for illness or that claimed the Earth was the center of the solar system. Books like this would not be selected at all because they are inaccurate or even harmful, the argument goes, and no one would think of calling such exclusions censorship. Why, then, should the exclusion of Holocaust denial literature, which can easily be called both inaccurate and harmful, cause librarians to feel any remorse whatsoever?

Peattie (1986) goes so far as to argue that a qualitative difference exists between two false statements like “the Earth is flat” and “the Holocaust is a myth.” Although both are untrue, the first is “morally weightless, while the second is loaded with moral, social, and political implications,” he says. “To put them in the same category, as the utterances of kooks whom we may tolerate because in the ‘free marketplace of ideas’—both concepts will (probably) be discarded—is to not think clearly” (p. 13). Peattie calls the flat-Earth assertion an untruth but the Holocaust denial a lie, which he defines as “a deliberate falsehood uttered to deceive and hurt people” (p. 14). As far as he is concerned, most libraries should have no room in their collections for lies.

A closely related pro-exclusion position simply states that providing a forum for such views is morally wrong and, while the First Amendment protects the right of individuals to hold and express these ideas, nothing obligates libraries “to go out of our way to facilitate their efforts” (Burns, 1986, p. 79). The crux of this argument is expressed rather eloquently by Burns:

What is more moral, braver, more in keeping with real democratic principles—to let a representative of vile ideas have his or her public say without interruption, or to speak up in accusation and argument? Sometimes, in the service of truth and justice, we must do what...in other circumstances would be a genuine violation of First Amendment precepts....It is easy not to speak up. It is attractive not to make yourself a target for recrimination by the crowd or by the object of your protest. All you have to do is keep silent. You can even publicly justify your silence, and privately your cowardice, under the banner of “Free Speech.” This is the sort of “free speech” that all tyrants and would-be tyrants encourage: free speech that gives them the right to tell you what they want you to hear, while you exercise your right to clench your teeth and take it. (p. 80)

Peattie (1986) sounds a similar note when he suggests:

Truth cannot simply endure the presence of a lie. It has to fight it and overcome it. The lie behind slavery led to the Civil War; the lie behind segregation led to the Civil Rights movement. The Reverend
Dr. Martin Luther King, Jr., was moved to oppose the lie of racism with his truth. (p. 14)

Those who agree with Burns and Peattie would argue that however much any culture tries to promote a pluralistic and neutral society, certain common values (some would say truths) bind people together; that in fact such commonly held ideals—justice and equality, for example—are largely what define the social fabric and are even what makes it possible for people to coexist at all (Neill, 1988, p. 36). Peattie even points out a bothersome paradox inherent in a strict interpretation of the notion of free speech, a paradox that threatens free speech itself. If a society allows some of its people to believe there should be no free speech (as librarians must if they are intellectual freedom purists), that society runs the risk of that idea becoming popular and actually destroying the right to freedom of speech. Yet, if that same society singles out that one idea for exclusion, it destroys freedom of expression while seeking to protect it (pp. 16-17).

The third philosophical position, offered by Pendergrast (1988), argues that an appropriate way to deal with false materials or those which reflect outdated attitudes is to affix an explanatory note to them which warns the reader about their dubious content (p. 85). This position would allow librarians to retain certain materials in their collections that may have some historical value in documenting the existence of false views and repugnant attitudes but, at the same time, alert users to the fact that these ideas are not widely subscribed to and violate the common values of society at large. This position would also be an outright violation of the ALA's Statement on Labeling. Pendergrast admits that advocating such a position is in strong conflict with his ethical training as a librarian; he rationalizes that "although 'Thou Shalt Not Steal' generally applies, there are circumstances—starvation, for instance—that certainly justify breaking the rule" (p. 85).

The pitfalls of the labeling solution are thoughtfully explained by Sowards (1988), who writes about the general problem of dealing with historical fabrications:

once begun, [labeling] requires us to conclusively weigh the worth of every book in the collection, lest we imply approval of those left without warnings. This is not only a gigantic task, but a controversial one: it asks librarians to come to unequivocal judgements where subject specialists and expert scholars have often been unable to do so. Moreover, it begs the question: librarians capable of such evaluation might more easily solve their problem by weeding, or simply forestall the whole issue by omitting to select "objectionable" items in the first place. (p. 85)

The idea of making such judgments about the factual accuracy of materials is further decried by Curley and Broderick (1985) in their stan-
standard and authoritative text on collection development. If two authors disagree with one another over a point of fact, they say, it is surely not up to librarians to decide which to believe, nor should they use that decision as a selection principle (p. 40).

Whichever of the three philosophical positions librarians may take on the issue of Holocaust denial literature, different kinds of libraries must address inclusion or exclusion differently. For academic research libraries with exhaustive collections, it is easy to make a case for inclusion since scholars must have access to the entire range of academic discourse. Indeed, research by Hupp (1991) found that over 19 percent of OCLC-member academic libraries own at least one Holocaust denial title and indicated that academic libraries are the most likely holders of these materials (p. 167).

Although Hupp found no significant difference between the collection patterns of research libraries and those of academic libraries at primarily teaching institutions (p. 171), Pendergrast raises a concern that may be more applicable to libraries that predominantly serve undergraduates. Although he would like to include inaccurate historical materials for their value as primary sources, he worries about the possibility that some students "may unfortunately be naïve enough and ill-informed enough so that if they find a book in the library, they might automatically assume the views expressed in it are accurate" (p. 84). Many librarians (and undergraduates) would doubtless take Pendergrast to task for assuming such a protective role on behalf of his patrons, but his concerns do point out legitimate differences between the service populations of research and teaching institutions that ought to be taken into account in collection development.

Although little, if anything, has been written about this issue vis-à-vis school libraries, Pendergrast's argument might make even more sense in this context. It could be argued without much rationalization that such materials do not support a school's curriculum or are not age-appropriate and could thus be excluded on the basis of legitimate selection criteria. Of course, every school library collection and every student is different, so it is certainly conceivable that this would not apply in all cases. Unfortunately, Hupp's research did not include school libraries, so we have no indication of how widely these materials may be held in such libraries.

Perhaps the most difficult dilemmas are faced by public libraries. Do they have an obligation to acquire Holocaust denial literature if there appears to be no demand for it in their communities? As government-sponsored institutions, do they have First Amendment responsibilities that require them to represent this position in their collections regardless of lack of demand? If people use a public library to meet their personal information needs, do they have a right to expect that the information they find there will be as accurate as librarians can reasonably ensure is possible?
For most public libraries, answers to the first two questions would be negative, to the third affirmative. Hupp’s study found that just under 14 percent of OCLC public libraries own any Holocaust denial materials (p. 167). Since many public libraries are not OCLC members, the percentage of all public libraries is likely to be much lower. This figure does not necessarily, of course, reflect either actual demand, or the judicious application of selection criteria, or the high moral principles of public librarians, or even self-censorship.

Baldwin (in this issue of Library Trends) is right to suppose that the interests of the community need to be taken into account when making selection decisions. Few would argue that large portions of a limited budget should be used to provide materials for which there seems to be no demand. But collections are fluid and dynamic things, and librarians have a professional responsibility to be not only reactive but proactive in their collection-building work. If they order only those materials for which there is a known or perceived demand, their collections will stagnate. They must remember that just because no one has ever requested a certain type of material does not mean no one is interested in it.

Although Baldwin says government is not obligated to provide citizens with reading material that espouses a particular viewpoint, he also cites legal decisions that require librarians to apply their policies equally and in a nondiscriminatory fashion. If this is the case, it follows that librarians must make a reasonable attempt to provide access to objectionable materials for patrons who request them. This argument does not require libraries to actually purchase Holocaust denial materials, but they surely must make the same attempts to locate the materials through interlibrary loan that they would make for less controversial items. While librarians must exercise their professional judgment when deciding which materials to purchase for their collections, they cannot be in the business of approving or rejecting interlibrary loan requests based on content. Baldwin does not suggest that librarians should do this, but it is the logical result of a stance that absolves them from their responsibility to provide access to all viewpoints.

Perhaps some of the problems associated with these controversial materials could be alleviated by the way they are cataloged and classified. The current Library of Congress subject headings commonly assigned to Holocaust denial materials are “Holocaust, Jewish (1939-1945)—Errors, inventions, etc.” and “Anti-Semitism.” Some would call this labeling, while others would applaud the attempt to distinguish such disreputable scholarship from more credible sources while still maintaining access. The Library of Congress Classification scheme assigns works on the Holocaust the number D804.3, while works denying the Holocaust are classified under D804.35. While this does not completely address the concerns of those who feel that an unmistakable distinction must be made between
the two, it does serve the purpose of collocating both kinds of materials on the shelves while making a nominal distinction between them.

A major problem with the current subject headings for many is that books that refute the claims of the deniers are also assigned the same subject headings. Donnelly (1986) suggests that there is a real need to distinguish between "scholarly works about ethno-racial prejudice as opposed to books that promote prejudice [italics added]" (p. 247). One could make the argument, however, that linking these materials in some way makes it more likely that patrons seeking the works of the deniers will be exposed to the refutations. If the subject headings were completely different from one another, or the books were far apart on library shelves, patrons might never even find the more legitimate works unless they were specifically seeking them. If the goal of a different cataloging or classification solution is not to mislead users, then separating the two types of materials may not be the real answer.

Abstract philosophical arguments notwithstanding, it does seem to many people that the factual accuracy of certain historical facts simply cannot be disputed, which renders the entire discussion moot. There are thousands of people—fewer each year—with numbers tattooed on their arms who were firsthand witnesses to the events denied by the self-styled revisionists. There are films and photographs and documents and the accounts of the people who liberated the camps. There are the now empty camps themselves, with their defunct gas chambers and silent crematoria. In the face of such evidence, how can any reasonable person claim that the Holocaust never happened? And how could any librarian afford such a blatant lie the dignity of representation?

It might be instructive at this point to reflect on the nature of evidence, and how it is that humans "know" things with which they lack any direct experience. No one alive today can claim to have been an eyewitness to the American Civil War, but the events of that time are generally accepted because Americans choose to believe scholars' interpretations of the historical evidence, which include personal accounts that may not always be independently verifiable. As one travels further back in time and the historical record becomes less complete, points of historical "fact" become less universally accepted. People who consider the Bible to be an entirely factual historical document need no further evidence that Jesus rose from the dead, although not everyone on earth would readily accept this as an inarguable point of fact. It would seem that how truthful something from the past is depends upon the value that people collectively and as individuals place on particular pieces or certain kinds of evidence that support the event.

Then there are matters of scientific evidence. Today the vast majority of people "know" that the Earth rotates around the sun, yet very few have ever directly observed this phenomenon. In fact, if people were to
believe only what they saw with their own eyes, they would be compelled
to state that the sun quite literally moves across the sky while the earth
stands still. But contemporary society rejects this notion because it places
a greater value on the theoretical evidence of physics, mathematics, and
astronomy over what individuals seem actually to observe. Yet because
some people from some cultures place a higher value on what they see
with their own eyes, they may believe the sun moves across the sky. Given
different contexts for different cultures, who “knows” better?

In the same vein, a majority of Americans “know” that life on Earth
gradually evolved over billions of years from one-celled organisms swim-
ing in the primordial soup. Yet not everyone accepts the scientific evi-
dence that is, for most, overwhelming in its volume. This is less a matter
of opinion than it is an issue of what kinds of evidence have validity for
different people. It is not possible to reject the theory of evolution while
accepting the evidence that supports it. And if anyone personally has
enough evidence to satisfy himself/herself that something like the theory
of evolution is true, he or she can hardly demand that others accept the
proof as sufficient to support other beliefs. Many people think they have
enough evidence to believe that people are routinely abducted by space
aliens or that evil spirits exist and can possess unsuspecting children. They
are free to believe these things and free to try to persuade others of them,
but they cannot insist that anyone else accept their evidence. Individual
“facts” may not be subjective, but that which people will accept as evi-
dence most certainly is.

The point of this discussion is not to suggest that evidence is utterly
relative, so librarians should therefore look with tolerance upon the deniers
as benign proponents of an innocent alternative viewpoint. It does suggest,
however, that claiming to know the absolute truth about anything is a very
risky proposition indeed. And once librarians take on the role of Judges of
Truth, even on such painfully clear-cut issues, there is absolutely no philo-
sophical barrier to them passing judgment on the truthfulness of all ideas.

The philosophical arguments for the whole spectrum of library re-
ponses to the deniers are passionate, thoughtful, and compelling. Any
of the positions could legitimately be called principled and courageous,
either for violating the currently held ethical principles of librarianship
in defense of a greater good, or for risking the wrath of many outside the
profession in defense of a repugnant idea. Whatever position one wishes
to take, that position cannot be arrived at without due consideration of
the implications, both for one’s specific professional situation and for
the limits of one’s conscience. The correct decision today may well be
the incorrect one in the future, and it would be hard to accuse those who
change their minds of waffling on this emotional and agonizing issue.

Intellectual freedom must include the freedom to believe in a lie. Surely librarians do not believe such lies will stand up to scrutiny in the
full light of day. Librarians must have faith in the ability of society to respond to lies in a forceful and reasoned way, and there can be no response if the lies go untold. Librarians most assuredly have a role in that response but not through the suppression of hateful ideas. Although Peattie would justify such suppression because of the moral, social, and political ramifications of the lie, it is precisely those implications that make quashing it so dangerous. Swan (1986) makes this point with eloquence:

Someone has said that the truth may be simple, but we are complex, and therefore our paths to the truth must be complex. Our road map is a bewildering maze of smudged and partial truths thoroughly enmeshed in falsehoods. To stumble upon a whole truth is a rare and lucky event, and we’re usually not equipped to appreciate it. In this state of affairs, bad ideas and untruths are a necessary part of the search. Like mosquitoes—nasty, sometimes fatal malaria mosquitoes, if you will—they may be utterly detestable, but they are a vital ingredient in the overall ecology. To suppress them is to affect the ecology of the whole system of discourse. (pp. 50-51)

The reasoned response to those who deny the Holocaust must come from many quarters, and the scholarly community has responded swiftly and with vigor. Works by Lucy Dawidowicz (1975, 1992) and Deborah Lipstadt (1994) are only a portion of those that have challenged the claims of the deniers with sound scholarship. Librarians should respond by responsibly and intelligently building collections that provide access to the deniers and those who refute them. As Handlin (1987) notes, “a collection is evidence of a mind at work, making choices….The fruit of such effort is the collection—not a random agglomeration, but a coherent selection” (pp. 213-14). Such coherent and thoughtful selection is the professional librarian’s contribution to this modern dilemma.

Baldwin (in this issue) is correct, of course, in stating that the decision to collect the literature of denial is ultimately a local one. The Library Bill of Rights supports that decision but does not mandate it. However, librarians must undertake exclusion of materials with great care, for if no one ever buys these materials, no one will have access to them.

The denial of the Holocaust is not legitimate historical revisionism but rather a manifestation of the vile social phenomenon of bigotry. Should librarians hide their heads in the sand and pretend that anti-Semitism did not or does not exist? To do so would be to fail to acknowledge its place in contemporary discourse, however repulsed or ashamed by it librarians may be.

Holocaust denial literature should not be suppressed—not because the views it represents are of equal stature with others, not because it claims to be just another side of the story, but simply because it exists. And through the simple fact of its existence, it has much to teach about the past, the present, and the future.
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The Library Bill of Rights and Intellectual Freedom: A Selective Bibliography

CHRIS SCHLADWEILER

ABSTRACT
This selective bibliography concentrates on the Library Bill of Rights but also deals more broadly with intellectual freedom. The cited items are not intended to be comprehensive but rather a starting point for those interested in further reading on the topic.

The title American Library Association Bulletin is used consistently to refer to all variants of the title of the periodical which it represents, such as Bulletin of the American Library Association; Wilson Library Bulletin is used consistently to refer to all variants of the title, such as Wilson Bulletin for Librarians.

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**INTELLECTUAL FREEDOM, CENSORSHIP, AND THE LAW**


**HISTORICAL AND PHILOSOPHICAL WORKS**


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