

infrastructure with its own evolution. Standards are crucial. Tools for shared thinking work best when everyone is using them, and so supporting a community's transition to new tools will require consensus-building, well-timed coordination, training, and a shifting division of labor between professional librarians — or, as we might start calling them, communitarians — and mutual aid and self-help among a community's members. No more factories, no more millenarian fantasies, no more isolated information warehouses. Instead, perhaps, we might be able to build, and help other people to build, the interconnected pluralistic society that we so badly need.

## **A HOUSE DIVIDED AGAINST ITSELF: ACRL Leadership, Academic Freedom & Electronic Resources**

**by John Buschman**

**B**ecause of our affiliation with the values and norms of higher education, I believe that academic librarians have a key role to play in articulating what intellectual freedom means as it is applied to our profession and new information resources. Specifically, the privileges and responsibilities of academic freedom are a strong — and respected — partner to our policies on access, equity, and intellectual freedom. Academic librarians, therefore, should have a particular insight and responsibility for articulating these issues with clarity of language and purpose. However, ACRL's leadership has a mixed record in the case of the interpretation of the Library Bill of Rights, "Access to Electronic Information, Services, and Networks" passed by the ALA Council on January 24, 1996, and I believe the principles of academic freedom form a benchmark against which we can take some measure of this.

Let me first say that I believe it is good news that the American Library Association (ALA) has spelled out some professional principles regarding electronic information resources — and has linked those to longstanding professional values in the Library Bill of Rights. Freedom of expression is described in the January 24, 1996 document adopted by the ALA Council as "an inalienable human right and the foundation for self-government" and this right is expressly linked to "the corollary right to receive information." It is encouraging to see ALA stake its turf by claiming that "based on its constitutional, ethical, and historical heritage, American librarianship is uniquely positioned to address the broad range of information issues being raised" by electronic information resources. In the process of articulating these principles in sections on the "Rights of Users" and "Equity of Access," the interpretation mentions a right to privacy, the need for preservation, and a special obligation to make electronic government information available. Finally, I am relieved to see ALA recognize the need to review these new

resources "so that fundamental and traditional tenets of librarianship are not swept away."

### *Academic Freedom*

It would appear that my chosen benchmark of academic freedom would have little more to offer this new ALA articulation. However, academic freedom is a bulwark principle of sweeping scope, frequently cited by the nation's courts in defining the sweep of free inquiry (see American Association of University Professors). This principle has been formulated, advanced, fought for, and interpreted by the American Association of University Professors (AAUP) since 1915. (It is here that I should note that I am not only an academic librarian and an ALA member, but I also am an elected national AAUP Council member and a former member of the Executive Council of the collective bargaining AAUP Chapter at my own institution.) The AAUP's "1940 Statement of Principles on Academic Freedom and Tenure" (p. 3-10) is quite simple, but sweeping in its description: "Institutions of higher education are conducted for the common good [and] the common good depends upon the free search for truth and its free expression. Academic freedom is essential to these purposes and applies to both teaching and research." The "1940 Statement" then goes on to say that "teachers are entitled to full freedom in research and in the publication of the results" and they "are entitled to freedom in the classroom in discussing their subject..." That broad policy is only modified by the responsibilities of professors "not to introduce into their teaching controversial matter which has no relation to their subject," to make it clear that they do not speak for their institution, and "to exercise critical self-discipline and judgement in using, extending, and transmitting knowledge" (75-76).

The "1940 Statement" has been further interpreted and clarified through the years, but its principles have been endorsed by well over 100 professional and academic associations, including the American Library Association in a series of interpretations for librarians in 1946 (207-211). In 1973 the ALA and AAUP's "Joint Statement on Faculty Status of College and University Librarians" made a further explicit extension to academic librarians:

As the primary means through which students and faculty gain access to the storehouse of organized knowledge, the college and university library performs a unique and indispensable function in the educational process.... Indeed, all members of the academic community are likely to become increasingly dependent on skilled professional guidance in the acquisition and use of library resources as the forms and numbers of these resources

multiply....The librarian who provides such guidance plays a major role in the learning process....College and university librarians share the professional concerns of faculty members. Academic freedom, for example, is indispensable to librarians....(AAUP 134).

Let us break free of the policy-wonkness of all of this for a moment. John Dewey (1976) laid out our reason for having such enormous latitude — and responsibilities — clear back in 1902 with soaring language and astonishing clarity: "To investigate truth; critically verify fact; to reach conclusions by means of the best methods at command, untrammelled by external fear or favor, to communicate this truth to the student...this is precisely the aim and object of the university. To aim a blow at any one of these operations is to deal a vital wound to the university itself" (p. 55). Academic and intellectual freedom are the same, and therefore are a broad and important mandate, which would require an overriding public interest to abridge or limit, even in its extension into new communications formats.

I will argue in the remainder of this paper that we, by this I mean ALA, the profession, and specifically ACRL leaders, have some ways to go to meet this standard in our professional practices in libraries across the country, let alone in articulating and enacting these principles for electronic resources. I think the best way to do this is to examine the evolution of key portions of "Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights."

### *Problems with the Evolution of Electronic Principles*

The problem with the evolution of these electronic principles as I will call them, is not one of grand challenges to intellectual freedom (the dramatic stab in the heart, if you will), but rather one of small and picayune complaints which chip away at the base of our principles (being pecked to death by ducks). I will outline below some of these, moving, I hope, from some general to specific problems within the profession when it comes to articulating strong academic and intellectual freedom principles.

A. Perhaps it is worth noting first that this policy is late: nearly twenty five years after library automation was thought of as raising access issues, and about a dozen years after electronic information resources were a routine part of academic libraries' services.

I have always been proud that the benchmark of the Library Bill of Rights (in Gates p. 255-256) was arrived at one year before the AAUP's "1940 Statement." However, we have lagged behind concerning academic and intellectual freedom with electronic information resources. For instance, back in 1994 the AAUP Annual Meeting passed a resolution ("Internet and the Academic Community") expressing concern that a particular

fee arrangement is likely to create a climate in which concerns about cost will discourage communication and reduce the flow of information among members of the academic community [and] generate mechanisms for financial accountability through an analysis of Internet's use by students and faculty members that will inhibit free expression.

Contrary to a relatively recent *American Libraries* cover (September 1995), intellectual and academic freedom in electronic communications has been a contentious issue for some time now. Messages with the word "gay" or "lesbian" were to be deleted from a commercial network vendor's services back in 1984, and there was an attempted suppression of a humor bulletin board at a prestigious university in 1992 to give two instances (Buschman 1993, p. 127). Further, there has been no indication that such issues will go away, as witnessed by our current wrangling over computer decency in the courts and how they will affect libraries and academic institutions. In short, despite some clear indications for some time now, we are late and have been beaten to the punch in some instances in an area which we should clearly own as our "turf."

B. The March 3, 1995 draft (1.1) of the electronic principles had a number of very strong statements on equity (dare I say social justice?) and our public responsibility as a profession. It noted that "many persons do not have access to electronic information resources because of economic circumstances, capabilities of technology, and infrastructure disparity.... Librarians, entrusted as a profession with the stewardship of the public good of free expression, are uniquely positioned to address the issues raised by technological change." This draft ends with the famous quote from James Madison on "a popular government without popular information." This language, indeed any specific reference to existing inequity or our role in the public good, is absent from the final approved document.

What was the purpose in leaving this out? In excising these acknowledgements of our public role and inequities, I fear we are backing away from our civic role as providing public spaces in our libraries where ideas, to quote Walter

Lippmann, are "subject to criticism and debate, challenge, reply, cross examination, and rebutt" (in Buschman 1994, p.14). If "the world is in the midst of an electronic communications revolution" as the final electronic principles document put it, then the public role and public space of libraries must constantly be asserted and supported. Adapting the work of the scholar Henry Giroux (in Buschman 1994, p. 18), I have argued that our libraries are the site of "ongoing struggles over a 'form of cultural politics that either enables or silences the differentiated human capacities,' and whether [as librarians] we will 'create social forms that expand the possibility of democratic public life'." The essence of the academic freedom standard is the public-good function of free inquiry, and I think the final policy backed away from that somewhat.

C. Even though my focus is academic freedom, it is worth noting here the draft document's (March 2, 1995) statement on inalienable "rights exten[sion] to children as well as adults" was left out of the final approved document. The two remaining references to children left in concerned not abridging the rights of minors and the role of parents' or legal guardians' need to provide guidance if they "are concerned about their children's use of electronic resources."

The *American Libraries*' September 1995 interview with Judith Krug noted that "the general public, the media, and the profession seems much more alarmed about the availability of sexually graphic materials on the Internet than they are about it being available in other kinds of formats" (p. 776). I think this at least partially accounts for the omission of a reference to an inalienable right to information for children. I think Patricia Latshaw (1991) put her finger on the problem when she noted librarians broadly ignoring professional principles and policy in relation to audiovisual materials, especially in relation to minors. For instance, she notes that librarians have labelled such materials and edited portions of films which might offend borrowers. It is the graphic and visual nature of electronic resources, particularly the Internet, which I believe causes us to hesitate to extend full academic and intellectual freedom protections to these sources. Krug's statement in the September 1995 interview places the issue back in its proper perspective: "intellectual freedom means the provision of ideas and information regardless of the format in which they appear, and making sure that it is available and accessible to those people who want to use it.... Where does that leave intellectual freedom: The same place as it is now — as the foundation of American Librarianship" (p. 775).

D. Perhaps more disturbing, leaders within the ACRL raised what I can only call some astonishing and sweeping objections to various drafts of the electronic principles.<sup>1</sup> Both the ACRL Board (June 27, 1995) and an ACRL "expert" (Martin, April 26, 1995) flatly state that "documents such as this one do not address the realities of academic life" and could "put academic librarians in untenable positions." The then-President of ACRL (Breivik, October 13, 1995) complained that extending the Library Bill of Rights was a continuing problem "as each aspect of every possible infringement is explored and prescribed in great detail." She noted that this was the "sixteenth interpretation of the Library Bill of Rights. Just as the laws and prophets of the Old Testament were interpreted into literally thousands of minor regulations which, for all practical purposes, put compliance beyond all but a very small group of people, there reaches a point of when increasing supplementary detail can have a negative impact on the overall effectiveness of the original intent." The ACRL "expert" (Martin, April 26, 1995) felt that, as a result, such a document would "be of no value at best or at worse [sic] to be a detriment to efforts to address legitimate academic freedom issues."

First of all, the religious analogy concerning interpretations of the Library Bill of Rights is simply mistaken. (I will not address the inherent judgement larded into that statement.) Rather, the Library Bill of Rights is a policy statement guiding changing professional practice in a multitude of situations. Our tradition of extension and interpretation follows precisely that of judicial interpretation and extension of the original Bill of Rights. Further, I am quite unable to find an "untenable position" for an academic librarian in either the draft or the final document. Perhaps the squeamishness over the graphic and sexual possibilities in electronic networks is behind such suggestions — I do not know. I do know that the *Chronicle of Higher Education* routinely reports on debates like the one concerning censure for copying or forwarding the content of intellectual debates to persons outside of that Internet list without the permission of the author of the message (DeLoughry), or the effects of legislation to restrict computer communications (Wilson). Each of these is a legitimate concern in terms of academic freedom, and the failure of ACRL leadership to make this connection is baffling. Do we have nothing to say about these debates over electronic communication in higher education? In society at large?

E. Perhaps equally disturbing is the ACRL leadership's (ACRL Board, June 27, 1995, Martin, April 26, 1995) interpretation of language in the draft version that "libraries and librarians should not limit access to information on the grounds

that it is perceived to be frivolous or lacking value." The ACRL Board's response was to complain that "academic librarians are morally obligated to respond" to any faculty request "no matter how esoteric the request to the campus curriculum and research priorities." The President of ACRL (Breivik, October 13, 1995) took this one step further, stating that this would "wave red flags before administrators of campuses. Moreover, just because a professor wants extensive materials in a controversial area, for example, he/she should not warrant ALA Intellectual Freedom championing any more than the professor with a similar level of unrealistic acquisitions expectations in a narrow area of the Classics."

The traditional tenet that librarians not impose their own scholarly judgement on the innate value of materials is apparently misunderstood. Further, it was coupled in both the draft and the subsequently passed policy with the admonition that the mission of the institution must be considered in making these decisions and reference to the local institution's collection policy. In other words, there were acknowledged restraints on access, collection and preservation of these materials. It is precisely the kinds of arguments against extending academic and intellectual freedom which ACRL leadership put forward which has led to the lacerating critiques of librarianship as relentlessly utilitarian, directed toward "modern management and efficiency...and reducing library work to a 'mechanical art'" (Harris in Buschman 1993, p. 6). At its base, ACRL leadership is arguing that the Library Bill of Rights should not be extended into electronic realms because academic librarians would have yet another arena into which we would have a critical and intellectual responsibility for making choices based on those principles and the nature of our particular institution. I do not see such a development as a bad thing, nor irrelevant to academic freedom, nor a diversion from real academic freedom issues. As for the notion that controversial materials do not warrant any more protection, that is simply dead wrong. Academic and intellectual freedom champions the minority opinion: "Controversy is at the heart of the free academic inquiry which the [1940] statement is designed to foster" (AAUP p. 6). As Dewey (1976 p. 57) put it, the failure to understand such research or publication "is only the more reason for unusual frankness and fullness of expression."

F. In discussing the draft policy's statement that, "when resources are insufficient to meet demand, rationing service may be necessary to provide equitable service," the ACRL Board (June 27, 1995) stated that "unless rationing includes charging for use beyond some basic level, then I fear that many institutions would not support the statement and their policies would

conflict with it." Simply put, the draft document included a common sense recommendation on apportioning services in tight budgets to insure equity, and it was turned on its head by ACRL as a justification for fees.

ALA policies against the charging of fees could not possibly be any clearer. The implied argument which the ACRL Board made is, as one author put it, "it appears that technology, economics, and external events have conspired to force librarians to adopt an entrepreneurial approach to the services they provide" (Malinconico 1991 p. 28). In so doing, the ACRL Board and librarianship in general is trying to finesse our professional commitment to equity and to the reduction of discriminatory barriers. Such arguments inherently link libraries and librarianship to its potential role in the economy. As I have argued elsewhere, this is part of a larger social trend which "defines economic rationality as the model of public reason" (Giroux in Buschman 1994, p. 14), one which compromises and sometimes even guts the social and public role of libraries. In this instance, I am happy to say that the final document on electronic principles reiterates opposition to fees.

G. Finally, both the draft and final electronic principles only refer to an undefined level of a right of privacy, and note that "security is technically difficult to achieve." Simply put, this is a low level of privacy protection.

My own institution's policy on this matter is more specific, and notes a high level of legal privacy analogous to telephone communications.

While users do not own their accounts on the University computer network, they are granted the exclusive use of those accounts. Users therefore are entitled to privacy regarding computer communication and stored data [and] have reason to expect the same level of privacy for their files...as users have in any space under their personal control. Private communications by computers (e-mail) will be treated to the same degree of privacy as private communication via telephone. Further, computer user's are free to utilize University computers to communicate to and read from public computer fora (e.g. usenet, BBS's, etc.) with no greater restrictions than would apply if they were communicating in any other public forum ("Rights and Responsibilities..." November 4, 1996).

Now that is a model for academic and intellectual freedom and privacy in electronic formats. There is no reason for librarianship not to have a specific

and high level model policy for the protection of users.

### *Conclusion*

In conclusion, when judged against the backdrop of the broad mandate of academic freedom, I believe the development of "Access to Electronic Information, Services, and Networks" reveals some serious shortcomings. In particular, the arguments against an early draft of the document by the ACRL leadership indicates a shallow understanding of academic and intellectual freedom. The failure to grasp the connection and the need for such articulation in new media — even if it is ten years late — is a serious problem in academic librarianships' leaders. Further, I think Dewey (1976 p. 62-63) accurately noted at least part of our institutional predicament ninety-four years ago when he described problems relating to academic freedom:

Academic freedom is not exhausted in the right to express opinion. More fundamental is the freedom to work...Now freedom to work is not a matter which lends itself to sensational newspaper articles. It is an intangible, undefinable affair; something which is in the atmosphere and operates as a continuous and unconscious stimulus. It affects the spirit in which the university as a whole does its work, rather than the overt expressions of one individual...[T]he financial factor in the conduct of the modern university is continually growing in importance, and very serious problems arise in adjusting this factor to strict educational ideals...The danger lies in the difficulty in making money adequate as a means, and yet keeping it in its place — not permitting it to usurp any of the functions of control which belong only to educational purposes...But the pressure to get the means is tending to make it an end; and this is academic materialism — the worst foe of freedom of work in its widest sense.

We are clearly struggling in finding our voice amid a renegotiated and economically-driven public commitment to social goals. A large part of our leadership seeks to "save" libraries as institutions by situating them at the center of the information economy. I believe this drives much of the caution in extending academic and intellectual freedom into that realm, perhaps in fear of undermining libraries' potential economic utility. Somewhere along the line, we seem to have misplaced the priorities of the ALA and AAUP when they stated back in 1973 that "The character and quality of an institution of higher learning are shaped in large measure by the nature of its library holdings and the

ease and imagination with which those resources are made accessible... [Librarians] are trustees of knowledge with the responsibility of ensuring the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn" (AAUP p. 134). It is essential that we question our leadership when we are encouraged to finesse our professional commitments. It is essential that we go beyond the relentlessly practical problems we see in our professional principles. Finally, it is essential to the future of academic and intellectual freedom in all library resources that we again look beyond our immediate and local concerns to our public and social function. Fulfilling this role is at the heart of the special responsibilities and rights of academic and intellectual freedom we hold in trust. If we flee from our public role, we deserve neither that protection nor that trust.

*The above paper was delivered at an ACRL Intellectual Freedom Committee program at the 1996 American Library Association convention in New York City. — Eds.*

#### NOTES

1) Some of the documents subsequently referred to are reprinted in: Patricia Senn Breivik, "ALA *Library Bill of Rights* Interpretations," in *College and Research Libraries News*, January 1996, pages 29-33, 40. However, those memos are presented in confusing (and not well documented) fashion. Therefore, the original memorandums and draft documents are used and quoted in this paper.

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