

# *Advocacy for Intellectual Freedom in an Academic Library*

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## **Introduction**

Intellectual freedom is one of the most closely held core values of librarianship. Libraries in this country have grown up alongside the civic institutions that devise and protect the basic human rights by which we, as a people, have chosen to live. Codified in the First Amendment to the Constitution, and zealously guarded through the years by the U.S. Supreme Court, the right to think what we please and say what we think serves as the bedrock principle upon which we base all other freedoms. To a library, intellectual freedom takes the form of the right to receive ideas, that is, access to information. Because a library, any library, is first and foremost a place to access information, the principle of intellectual freedom becomes central to the mission of our profession.

The simple principles stated above hardly seem controversial. And yet, the interpretation of these principles into practice and policy is no less controversial than the day the Bill of Rights was written. It is easy to protect one's own right of expression. To protect the right of those whose beliefs are diametrically opposed is much harder. As governmental entities, public libraries and public school li-

braries are required to abide by the Constitution and therefore have no power to restrict expression of ideas due to their content (with very limited exceptions). State-supported college and university libraries logically fall into this category, as well. I submit that *all* libraries, public or private, have the professional responsibility to uphold the right of their respective publics to access information.

It is not the purpose of this paper to lay out a primer on the basic principles of intellectual freedom for libraries. Others have done that, long before me. Sources such as the American Library Association's *Code of Ethics* and *Library Bill of Rights*, along with its *Interpretations*, the *Intellectual Freedom Manual*, published by ALA's Office for Intellectual Freedom, and the new book by Robert Peck, *Libraries, the First Amendment and Cyberspace: What You Need to Know*, describe the issues clearly. Rather, my purpose is to discuss the need for academic librarians to serve as advocates and to champion the cause of intellectual freedom on their campuses. Surely, there are other individuals and offices in academic institutions who have interests and obligations that lead them to actions and protective behavior that inhibit freedom of expression. In a democratic society, those with

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opposing viewpoints on matters of public interest need to engage in deliberation to work out those differences. If the librarian does not stand for intellectual freedom on campus, who will?

Our colleagues in public libraries are perceived as being at the front lines in the battle for free speech. There are headlines in newspapers, web sites and listservs every day on the latest attack or victory for First Amendment rights. However, the academic library can be just as active in this arena. In the remainder of this paper, examples from the hottest issues in the controversies over intellectual freedom are explored from the viewpoint of the academic library.

### **Privacy**

The ability of technology to track the individual computer user as he/she makes his/her way through various networks and sites makes privacy the hottest intellectual freedom issue today. Rezmierski and Soules (2000) lay out both sides of the argument in the debate over user authentication and information access. They identify the differing roles and values of librarians as compared to information security professionals in issues such as anonymous public access to the Internet, authentication policy and procedure and the maintenance of "cache" and "history" logs on public workstations. Unfortunately, though they claim to value joint deliberation and policy-making, the guidelines they give at the end of the article accept the premises of the security argument over the library position of free and unrestricted access in every case. The librarian-advocate would recommend:

- Do not require authentication unless absolutely necessary for reasons other than tracking individual usage.
- If authentication is deemed necessary, erase the data collected when the user logs off, under the theory that data not saved cannot later be requested.
- Disable "history" and "cache" functions on individual computers, whenever possible.
- Do not release personally identifying information on library users to *anyone* without a court order.

For our purposes, however, the most important point to be taken is the need for librarians to take the side of the user in preserving privacy and access. If we don't, information security professionals will stand unopposed and implement restrictive policies at will.

This was driven home to me in a recent example on our campus involving a death threat to a professor made from one of the library's public workstations. I sat in a room with the Chief of Public Safety, the university's Legal Counsel

and the Vice-President for Computing and Information Technology. It struck me, as we each made our respective cases, that we all had a territory to protect: the policeman felt he had to protect the physical safety of the individuals in his jurisdiction, the lawyer felt he needed to protect the legal and economic liability of the university, the computer professional felt he had to protect the security of the network, and I felt it my professional honor and obligation to protect the First Amendment rights of all library users. They wanted the library to immediately begin authenticating every user on every library computer, to use static, rather than dynamic IP addresses for easier tracking, to maintain extensive "history" and "cache" files on every computer and to turn them over to authorities on demand. I had to remind them that under Michigan's Library Privacy Act, it would be against the law for library staff to turn over personal identification information without a court order, even to them. When they didn't believe me, I had to call on the ALA Office for Intellectual Freedom and ALA's legal counsel to back me up. Eventually, we agreed to work out a university policy for future cases, but the point is, what if I were not in the room?

### **Pornography**

Difference of opinion over sexual mores continues to be an unresolved issue for our society. Even on the Office for Intellectual Freedom listserv, sex is the topic that stirs the most unforgiving debate. Under the First Amendment, pornography is protected speech; obscenity is not. How to recognize the difference is a problem that even the U.S. Supreme Court has not found easy. However, only a court of law can declare materials obscene, not a librarian and not a complaining patron. The court must apply rigorous legal standards with substantial procedural safeguards before making this declaration.

When the beautiful, new Undergraduate Library opened on our campus in the fall of 1997, the two unhappy questions we heard most frequently were "why is the library so noisy" and "why can't you stop people from looking at pornography?" The answer to the first question is complicated, but the answer to the second is simple, "because it is not the place of the library to decide what a person should or should not look at."

Since an academic library is, by definition, a library for adults, one would think that the current filtering controversy that plagues our public library friends would not be an issue for us. Nevertheless, a year ago, I found myself writing the author of a bill in the Michigan legislature that

would require librarians *in all types of libraries* offering Internet access to the public to either provide filtered terminals, monitor terminals used by minors, or rearrange furniture to keep terminals used by minors in view of library staff. Thankfully, due to last minute protests by librarians, academic libraries were exempted from this ill-conceived law.

As I write these words, Congress has just passed the Children's Internet Protection Act, requiring public and school libraries to use filtering technology to block Internet access to obscene visual depictions, child pornography and material "harmful to minors" or lose LSTA funds and the federal e-rate for Internet access. All three of these categories of materials are already outside the scope of speech protected by the First Amendment, however, the danger is that filters, by their very nature, will block a certain amount of protected speech at the same time. Hopefully, by the time you hear or read these words at the Conference in April, the American Civil Liberties Union will have stayed this action on constitutional grounds, as they did with the Communications Decency Act in 1997.

Even within the academic library community, there is not a uniform understanding of appropriate (and lawful) behavior. A well-meaning library dean once told me to have my staff stand behind patrons and tap them on the shoulder if they were viewing inappropriate materials. Inappropriate for whom, I asked? I said it was not the role of our librarians to decide what was appropriate and inappropriate for each patron. Academic freedom on a campus means that faculty and students are free to explore any field of knowledge they choose, even one that is not popular with the prevailing administration. The role of the library is to provide access to the information that will feed this exploration, not to hinder it with individual value judgments on what is proper or not.

### Managing the Morass

Academic librarians can follow a common-sense approach to stay within the law and further the search for new applications of knowledge on their campuses.

- Know the law, both federal and state. ALA alone has published a whole host of helpful materials to aid in this understanding.
- Develop a strong, working relationship with individuals in departments on campus that may take an opposing stance on intellectual freedom issues: information secu-

rity professionals, campus police, perhaps even legal counsel.

- Write policies that clearly explain the library's position on intellectual freedom issues. An Acceptable Use Policy for library computers is an absolute necessity. Even if a campus-wide policy exists, it is wise to specifically address issues unique to libraries. Library computers serve a different function and enjoy different protection than employee computers or even lab computers, therefore, different standards apply.

- Continuously educate library staff. Explain why it is OK to personally disapprove of pornography on the Web, but it is not OK to make that value judgment for library patrons.

### Conclusion

Threats to intellectual freedom abound on college and university campuses, as in every other segment of society. The principles of intellectual freedom are core values in the profession of librarianship. Therefore, it is the professional responsibility of every academic librarian to champion the cause of intellectual freedom and advocate for freedom of expression as situations arise. Further, academic librarians should work in advance to develop relationships with departments who are likely to hold opposing views so that credibility is well established before controversy strikes. Librarians need to be seen as well-informed leaders, secure in the knowledge they are doing the right thing. Libraries are one of the few places left in our democracy where expression remains unfettered. We, as academic librarians, must be ever vigilant to keep them so.

### References

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