
Intellectual Freedom in the 1980s

Judith F. Krug

With the final decade of the twentieth century rapidly approaching, it is perhaps time to begin an initial assessment of intellectual freedom in the 1980s. In truth, the legacy of the eighties could extend not only through that final decade, but well beyond the year 2000. Intellectual freedom in the 1980s is synonymous with the information policy of the Reagan administration, and it is to that source that one must look both to identify the factors that may comprise that legacy, and to assess the benefits or damages.

As far back as 1983, First Amendment attorney Floyd Abrams characterized this administration's information policy as "unique in history—clear, coherent and, unlike that of some recent administrations, not a bit schizophrenic This is an administration that seems obsessed with the risks of information, fearful of its potential for leading the public to the 'wrong' conclusions It . . . treats information as if it were a potentially disabling contagious disease that must be controlled, quarantined, and ultimately cured."¹

The President himself contributed to that characterization when, at a press conference in June 1983 he said that "Americans have a right to speak out about their concerns. But let us always remember," he went on, "that with that privilege goes a responsibility to be right."²

At another press conference in October 1983 the President remarked that "You don't let your people know" what the government is doing "without letting the wrong people know—those who are in opposition to what you're doing."³ As far as can be determined, not one press report of that conference questioned why the people's right to know chiefly benefits "the wrong people."

With comments such as these, the President lent his imprimatur to attempts by a wide variety of government officials to limit the ideas and information available to the American people. The comments were also hints of how he himself planned to proceed and, in fact, has proceeded.

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Since taking office in January 1981, the Reagan administration has engaged in numerous attempts to restrict or keep secret from the public a wide range and vast amount of information. To do so, it has attempted to broaden the definition of what can be classified as secret, limit the use of the Freedom of Information Act, censor former government employees, license foreign publications, bar travel by Americans to some countries, refuse entry visas to foreign scholars, and control scientific research publications. Each of these actions, whether or not totally successful, has seriously affected librarians' ability to acquire information for their collections. And if the information is not available in libraries, librarians cannot make it available to their publics.

Toward the end of 1986, a new and direct threat to libraries arose. At that time, the Executive Branch undertook a two-pronged effort against commercial on-line data bases. The first effort stemmed from the growing conviction of the Department of Defense that the export of high technology data should be as strictly controlled as the export of high technology goods. The Department sought to limit access to unclassified material in private data banks, an effort which appeared to be part of a systematic campaign, based on a two-year-old directive from President Reagan, to censor scientific papers, restrict telecommunications satellite operations, and ban the use of U.S. super-computers by Soviet scientists.

In December 1986, information industry executives of private data banks such as Mead Data Central and Dialog said they had been informed that rules governing the protection of commercial data would be forthcoming. It is believed that one likely recommendation will require foreign nationals to have an export license to access commercial data bases. In addition, the data base proprietors might be required to install software to monitor who is using what information. Such efforts, of course, would make it difficult for the Soviet bloc to gather the information contained in the data banks.

The second prong of the effort can be traced to an order signed in November 1986 by then National Security Advisor John Poindexter. Using the mantle of national security, Poindexter's order created a new security designation for government information called "sensitive." The order instructed all federal departments "to review the information they generate—including human, financial, industrial, agricultural, technological and law enforcement information"—to determine its sensitivity to national security. Data termed sensitive could not be released publicly, although such "sensitive" information was not—and is not—technically, classified information.

In response to the threat to commercial data bases, as well as the actual limitations imposed by the Poindexter memorandum, the ALA Council at its January (1986) Midwinter Meeting determined to work toward the repeal or rescision of the document and to challenge both its implementation and its legality.

In a surprise move on March 17, Frank Carlucci, the new National Security Advisor, withdrew the Poindexter memorandum. It would seem that ALA was not the only organization that was concerned; the entire information industry felt the same way, as did several congressmen, specifically Glen English, plus one (or more) Congressional committees. The only problem with the withdrawal is that NSDD 145, the Security Directive which established "sensitive, but unclassified" is still on the books. In fact, NSDD 145 has been around since September 1984. Unfortunately, no one knew about NSDD 145 for almost a year—because it was secret!

Another aspect of the Reagan administration's would-be intellectual freedom legacy is contained in the *Report* issued on July 9, 1986, by the Attorney-General's Commission on Pornography. Prior to publication, in a thirty page document entitled *Rushing to Censorship*, ACLU Legislative Counsel Barry W. Lynn charged that the procedures used by the Commission to gather and evaluate evidence had been "so intellectually indefensible that they tainted the integrity and credibility of any final recommendations."⁴

The Report turned out to be exactly what had been feared, and in an "Advisory Statement on the Report of the Attorney General's Commission on Pornography," the ALA Intellectual Freedom Committee (IFC) pointed out its deficiencies.⁵

Built on ALA's testimony before the Commission, the Advisory pointed out the potential chilling effect that the Commission's work could have on the free flow of information and ideas. ALA

urged that no new restrictions be recommended on access to materials of any kind and even that some of the existing restrictions be eliminated. These recommendations were based on the belief that citizens in a constitutional republic need a great deal of information and ideas on all possible topics of interest in order to govern themselves effectively.

In its advisory, the IFC called the research and findings of the Commission cavalier and specious. The Advisory noted that the Commission authorized no original scientific research, appeared to have misrepresented some of the social science data considered in the preparation of the Report, capriciously accepted some testimony, and rejected countervailing testimony.

The most pernicious aspect of the Report, in the opinion of the ALA Intellectual Freedom Committee, is its potential for heightening an already threatening pro-censorship climate in the United States. The general tenor of the Report is that associated with a "call to arms." The Attorney General's Commission encourages people "to object to the objectionable" and "to tolerate the tolerable,"⁶ but the inherent message of the First Amendment is tolerance for the objectionable. Since library collections can be expected to include materials which some persons will find objectionable, the Advisory warned that an understanding of the meaning and purpose of the First Amendment is crucial to the defense of those collections.

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The Advisory closed with recommendations for measures that librarians, libraries, and state library associations can undertake to prepare themselves for further attacks on library materials.

Such attacks, which have been steadily increasing in number, have been focused on materials purported to promote the "religion" of secular humanism, an imaginary "religion" distinguished by its "faith in man instead of faith in God." "Secular humanism" was given added credence as a religion on March 4, 1987, when Judge W. Brevard Hand of the United States District

Court for the Southern District of Alabama issued his decision in *Smith v. Board of Commissioners*. The decision required the removal of forty-four textbooks from the Mobile County public schools because they allegedly "established" "secular humanism" as a religion, thereby violating the First Amendment. This decision is on appeal to the U.S. Court of Appeals for the Eleventh Circuit.

Evolution is another focal point of current attacks, as are adolescent novels by authors such as Judy Blume, Gertrude Samuels, and Norma Klein; best sellers by writers such as Evan Hunter, Judith Guest, Harold Robbins, and Sidney Sheldon; sex education books; modern classics by John Steinbeck, Alexander Solzhenitsyn, John Knowles, and Kurt Vonnegut; elementary school social studies and reading textbooks; frank descriptions of ghetto life by authors such as Richard Wright, Gordon Parks, and Claude Brown; and materials dealing with witchcraft or the occult.

The problem with all these would-be censorship actions, whether or not successful, is that they create or contribute to a climate in which information becomes less important. But ours is a constitutional republic—a government of the people, by the people, and for the people. And in order for this form of government to function effectively, its electorate must be enlightened.

For an enlightened electorate to exist, there must be a diversity of sources of view-points and beliefs. Such variety must be not only tolerated but fostered, because, without its careful tending, there will be no support for the pluralism on which our republic is founded.

The actions which this administration has undertaken to allay its fear of information and "information's potential for leading the public to the 'wrong' conclusions" have created the real possibility that this attitude will become institutionalized through the bureaucracy. Indeed, it seems to be happening already. And with each new government initiative to limit the information available to the American public, we are reminded anew that

A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.⁷

References

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3. *Ibid.*

4. *Newsletter on Intellectual Freedom* 35 (May 1986):73.
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6. U.S. Department of Justice. *Attorney General's Commission on Pornography: Final Report*. Volume 1. (Washington, D.C.: Author, 1986):425.
7. Madison, James, letter to W. T. Barry, August 4, 1882, in *The Complete Madison*. (New York: Harper, 1953):337.

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