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LAW LIBRARIANSHIP IN A NETWORKED WORLD:
REFLECTIONS ON THE PEDAGOGY OF LIBRARIANSHIP

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Never forget that it is the spirit with which you endow your work that makes it useful or futile.

- Adelaide Hasse, first U.S. Superintendent of Documents Librarian

PART 1. INTRODUCTION & SELF ASSESSMENT

The fantastic growth of the Internet has caused some to suggest that society has outgrown libraries and that Google has made professional searchers obsolete. Nothing could be further from the truth. In our fast-paced, highly-networked world, the library is the cornerstone of information literacy education and the library as place is perhaps the last bastion in our society where people can go without being constantly interrupted by cell phones and harassed with aggressive advertising; it is an oasis of peace in a turbulent society.

By providing impartial evaluations of information resources as well as providing inexpensive access to a vast array of invisible web resources, libraries provide much needed services in contemporary society. In a society constantly teetering on the brink of information overload, citizens need an unbiased evaluation of information resources now more than ever.

The library as place and the library as portal are not mutually exclusive. Librarians have used the web to leverage their commitment to customer service and their unique understanding of information-seeking to serve patrons twenty-four hours per day, seven days per week through virtual reference and consortium-supported reference. Through careful consideration librarians continue to craft a collection of materials that serve patron's needs and provide opportunities otherwise not available to the less fortunate in our society. In the information age, libraries are essential to keeping America strong.

A. Introduction to Libraries

This portfolio is the culmination of a life-long love affair with libraries. My family moved often because my father was in the military, so I was always the new kid on the block and I made friends slowly. Books truly became my best friends. It was through books that I

discovered new worlds. I spent many hours in school libraries and public libraries across the United States as a youth. It wasn't until college that I really began to come out of my shell and discovered how much fun it was to work with people. The beginning of my career in public service was when I did some tutoring in college, which always took place at the library actually.

B. Library Work Experience

I first worked in a library during law school. Prior to studying information science, I attended the University of Kansas' School of Law. While a student, I took a part-time job as an assistant reference librarian where I worked evenings and weekends answering reference questions as best I could. The training I received from the law librarians exposed me to the breadth and depth of legal materials far better than any classroom instruction. At the same time I was working at the law library, I was also interning with the Douglas County Legal Aid Society.

Once my fellow interns realized that I worked at the law library, they began to approach me with legal research questions. Some of these I could answer on my own, but others required me to visit the reference librarians and seek additional guidance. This process of providing reference assistance to my fellow interns was my first taste of reference instruction and I found it gratifying. Not only was I helping my fellow students, but through them I was improving the quality of legal representation for the underprivileged throughout the county.

After law school, I took the Kansas bar exam and while waiting for the results of the bar exam, I was lucky enough to find work as a reference librarian at the Lawrence Public Library. I held the job for almost a year until I was able to find full time legal work. The public library experience expanded my appreciation of reference works available at public libraries. The Lawrence Public Library served a community of approximately 100,000 and all the reference librarians were generalists, so I was trained on everything from the Popular Song Index to the Morningstar Mutual Fund Index.

C. Other Work Experiences Leading to Information Science

After the public library experience, I was in the general practice of law for two years. Then my fiancé took a position with the Department of Justice's Violence Against Women Office in Washington, D.C. I moved to Washington, D.C. and worked with the U.S Export-Import Bank in the Structured Finance division. The Export-Import Bank (or Ex-Im) is a quasi-independent government agency that works to finance U.S. exports in underserved markets when the credit risk is too great for the commercial banking sector.

This work exposed me to the world of international finance as well as the vast machine that is the federal bureaucracy. I had always been interested in computers, but working for the federal government made evident the value of information technology and the need for effective information architecture in an increasingly networked world. I was a frequent visitor to the Ex-Im library where I was introduced to a range of financial databases that allowed our staff to track market forces and sovereign debt ratings that were essential to our work.

I also discovered that Ex-Im's mission critical data resided on a mainframe which had a totally ineffective information retrieval system. A custom software application had been programmed to run certain pre-programmed searches on the mainframe, but few staff members were able to make effective use of the custom software. In practice, information requests were often answered by accessing human memory banks rather than electronic ones because of the lack of faith in the ability to retrieve complete information from the mainframe system. Frequent calls would come from the Director's office asking the department heads to determine what deals had been done in a given country or a given industry over the last thirty years. Department heads and loan officers would then access their paper files to discern the answer, cross-checking their research against the answers provided by the mainframe and its customized search software.

D. Information Studies Beckons

Seeking a deeper understanding of information technology and its implications for business and society, I decided to go back to school. I enrolled in the Information Studies program at the University of California Los Angeles (UCLA) due to its reputation for combining traditional library science skills with cutting edge technology. While attending UCLA, I secured employment at the Hugh and Hazel Darling Law Library, first as a student circulation supervisor which allowed me to develop a fuller understanding of the role of the circulation department within the law school. This position helped me to apply the theory I had learned to the practical realities of working in a busy law library. In this role I supervised two employees and was thus able to learn more about management as well.

Seeking to broaden my exposure to different law libraries, in the summer of 2004 I secured fieldwork at the University of Tulsa's Law Library where I worked on a digitization project, an archival project, as well as a developing a pathfinder for international intellectual property law. Upon returning to UCLA, I began my tenure as co-president of the Special Library Association's Student Chapter at UCLA. I also worked during this year on the Student Advisory Board of the new journal founded within the Graduate School of Education and Information Studies (GSEIS) called InterActions.

Shortly after the school year began, I was given a golden opportunity to put theory into practice when I was offered a staff position with the UCLA law school as the Evening Access Services & Reference Librarian. In this role I worked thirty (30) hours per week and I was the senior librarian on duty in the evenings four days per week and my duties now included providing reference assistance as well circulation assistance.

While this level of professional responsibility did require me to lengthen my time to graduation, it was a wonderful educational opportunity and allowed me to apprentice in my

desired profession and to gain experience under the tutelage of more seasoned librarians.

Then, in the fall of 2005, a co-worker forwarded to me a job opening at the William Mitchell College of Law in St. Paul, Minnesota. I applied for the position never thinking that I would be able to land the job, but to my delight (and astonishment) I was selected for the position and on November 1st, 2005 I began work as a reference librarian at William Mitchell College of Law.

As I reflect upon the path that I traveled from a small town in Kansas to the Twin Cities of Minnesota, I feel fortunate indeed. My education at UCLA has provided me with the technical skills, professionalism, and theoretical understanding of librarianship to allow me to go straight into professional practice and to make a difference.

This portfolio will outline the lessons I have learned during my time in the Information Studies program, explicate my professional development goals and allow me to reflect upon my development as a librarian and information professional.

PART 2. EDUCATIONAL GOALS

When I entered the Information Studies program, my goal was simply to become an expert researcher so that I could work as a legal reference librarian. However, the Information Studies program broadened my understanding of the role of information in society and I came to appreciate the important contribution of information workers in shaping society. Thus my goals evolved during my time in the program.

First Year Goals

- Develop a greater familiarity with reference service and reference sources in order to provide excellent reference assistance.
- Develop an understanding of cataloging theory and practice in order to understand the role of the library catalog in supporting library service.

- Develop an understanding of different business models for libraries and information centers and appreciate the roles and responsibilities of library administrators.

Second Year Goals

- Evaluate organizational and pedagogical strategies for providing access to, and understanding of, legal information.
- Gain a greater understanding of the practices and methods of information science through research and system development.
- Develop the skills necessary to develop digital learning objects for law students.

PART 3. CORE LEARNING STATEMENT

The UCLA Information Studies program initiates students into the field of Information Science through a battery of core courses. These courses expose students to the history of the profession and how the profession has evolved a body of ethics, common practices, and institutions as well as providing students a window into the future for knowledge workers and information scientists. The strongest themes of the core courses for me were *organization, access, authority* and *user-centered design*. In *Information in Society (IS-200)*, we were asked to develop our own definition of information. My personal definition of information is anything perceived, communicated or recorded by someone in a cultural, technological, and linguistic environment or milieu. Information must be customized to its audience or it will not be received as knowledge, but as white noise. This definition can be brought into sharper contrast by examining how these themes emerged from the program's coursework.

A. Organization

Information must be organized for retrieval if it is to be useful. Librarians have spent centuries developing methods for organizing information. In *Information Structures (IS-260)*, Professor Leazer provided an overview of metadata and compared the syndetic structure of the

online catalog with the archival practice of collective description. Professor Leazer explicated the different processes of information retrieval through union catalogs, finding aids, and search engines. Professor Leazer made clear that different organizational techniques are necessary depending upon the use intended and the nature of the information collected.

Descriptive Cataloging (IS-461) with Professor Leazer served to illustrate how libraries are organized using the Anglo-American Cataloging Rules, Second Edition (AACR2) and provided practical experience using cataloging tools such as Cataloger's Desktop and the Research Libraries' Information Network (RLIN).

Subject Cataloging (IS-462) with Professor Furner provided an introduction to a wide variety of faceted and enumerative classification systems ranging from the Universal Decimal Classification System to the Library of Congress Classification System.

Many courses beyond the core courses touched on the issue of organization as well. *Government Information (IS-455)* with Professor Richardson made the concept of provenance concrete by detailing the Superintendent of Documents (SuDoc) classification system for U.S. government document, a system originally developed by Adelaide R. Hasse at the Los Angeles Public Library. *Government Information* also dealt with topics ranging from the organization of local government materials to the United Nation's Official Document System.

Records and Information Management (IS-233) with Professor Gilliland dealt with practical problems such as organizing files, emails, and business documents.

Information Retrieval – User Centered Design (Semantic Web) (IS-277) with Professor Agre dealt with recent developments in artificial intelligence to automatically categorize materials using techniques such as Web Ontology Language and Resource Descriptions Formats. The course dealt extensively with differences in semantics and syntax of digital information and the construction of machine-readable ontologies.

Database Management Systems (IS-274) with Professor Blanchette provided hands-on experience with entity-relationship modeling as well as exposing students to the processes of data warehousing and data mining.

The *Seminar on Information Systems and Information Architecture (IS-279)* with Professors Boyden and Chandler provided students with a toolbox for turning a diverse range of online materials into a cogent website through the use of inductive and deductive techniques including the use of wireframes, sitemaps, navigation design and user-testing.

Summary: The theme of organization of information is a thread that runs through all of the courses in Information Studies. Librarians and other knowledge workers are valuable to society because of their expertise in managing copious quantities of information and presenting it in a format that is useful to end-users, opinion leaders, business managers, government officials and other interested parties. The Information Studies program provided me with an overview of the evolving information landscape and techniques that have evolved from antiquity to the present to organize and present information in a more easily manageable form.

B. Access

Information Access (IS-245) with Professor Niles-Maack illustrated how a reference librarian uses the information systems (whether print or online) to fulfill user needs. Professor Maack discussed the social aspects of the reference interview and how difficult it can be not only to determine what a patron *thinks he or she wants*, but to determine if that *really* is what he or she wants. Professor Maack stressed the importance of well formulated search queries and instilled in students a systematic approach of conducting research, determining the best source, researching search methods, and then formulating queries in a comprehensive method.

In *Information in Society (IS-200)*, Professor Gilliland discussed a variety of topics, as one would expect of a course with such a broad mandate. The course highlighted the need for a

national information policy to leverage our investments in information technology and promote information literacy throughout all social strata in this country. The course discussed the codes of conduct for librarians and archivists as well as ethical dilemmas in providing information access in difficult areas such as pornography, explosives, or national security.

Beyond the core, other classes that dealt with this issue included *Government Information, Information Seeking Behavior* and *Information Architecture*. *Government Information* with Professor Richardson covered the U.S. federal depository rules as well as the rules and litigation covering public access to government documents. Beyond the rules of access to federal depositories, Professor Richardson also communicated the philosophy of ensuring public access. The motto of the American Library Association's Government Documents Roundtable (GODORT) became the class' catchphrase: *Documents to the People*. The class also discussed the Freedom of Information Act and the security classification system of the federal government.

Information Seeking Behavior (IS-246) with Professor Lievrouw explored how people conduct research, consume media, and express their information needs in interactions with information professionals. *Information Seeking Behavior* built upon the foundation of the reference interview taught in *Information Access* to make concrete the difficulties in helping individuals find the information that he or she is seeking.

The *Seminar on Information Systems and Information Architecture* with Professors Boyden and Chandler amplified the lessons learned in *Information Seeking Behavior* and dissected how users approach websites, how they expect persistent navigation to work, and how user-centered design informs the practice of building websites and digital learning objects that are easy to use.

Summary: Access to information is the flip side of organization. The manner in which

information is organized will, at least in part, determine how easily that information may be accessed. Librarians are often the gatekeepers of information, but we strive to develop information systems that are intuitive and easy for users to navigate, thereby disintermediating access to information.

C. Authority

While the idea of providing authoritative information was implicit in every class, in *Information in Society*, Professor Gilliland started off by discussing misinformation and disinformation with the class and the role of politics and how it interferes at times with information policy. This discussion was an introduction to the program and set the stage for the rest of our education. *Information Access* with Professor Niles-Maack discussed resources such as *Wikipedia* that can serve as an interesting starting point for research, but do not have sufficient credibility for the true researcher's needs.

In *Government Information*, Professor Richardson would ask the class to consider the effects of restrictions on information in the name of national security. The class discussed the P.A.T.R.I.O.T. Act at length as well as the creation of classified information and the phenomenon of overclassification. The class also considered the movement to put all government documents online rather than disseminating print copies to depositories and how this affected the record given the ease with which the government can alter electronic copies or make them disappear with a few keystrokes.

These discussions piqued my interest in issues of openness, privacy, and secrecy which I continued to research through *Directed Independent Study* (IS-596) with Professor Richardson.

Summary: Authoritative sources are what distinguish libraries from booksellers. While this topic is implicit in information science, several courses served to appraise students of the need to be vigilant in selecting and recommending materials based upon their authority.

D. User-Centered Design

User-Centered Design is the process of crafting of information resources where the emphasis is on creating resources that are appropriate for the intended audience. Some of the strengths of the Information Studies program at UCLA are its blend of technical and library skills as well as the cultural diversity as well as cultural opportunities available in the greater Los Angeles area. This cultural diversity allows students to appreciate the different ways in which people learn and relate to the world.

Ethics, Diversity and Change (IS-289) with Professor Chu focused upon the necessity to respect cultural differences in providing information services and to create bridges between cultural divides. The course emphasized service learning and the ethical obligations of information professionals in working with diverse constituencies and the ability to advocate for the underserved. It also reinforced the need to provide material that was appropriate for the library's user base. Libraries should collect materials of interest to the community in their native language when possible. Libraries should strive to develop programming and services that are culturally appropriate and socially beneficial. These may seem like truisms, but examining the heterogeneity of Los Angeles' population, Professor Chu gave the class an appreciation for the challenging nature of this task.

In *Information in Society*, Professor Gilliland also dealt with these topics, but not in as much depth. Other courses that focused on user-centered design were *System Analysis & Design* (IS-282) and *Information Architecture* (IS-279). *System Analysis & Design* with Professor Agre extensively dealt with identifying core users of an information system and using an iterative design method to refine information systems so that they would be responsive to the needs and desires of users.

The *Seminar on Information Systems and Information Architecture* with Professors

Boyden and Chandler inculcated the view that user testing of proposed designs was essential to confirm that the design created was indeed appropriate for the core user group and to test the design's ability to be understood intuitively by users.

Summary: These classes focused upon the need to design information systems in such a way that they would be appropriate for the system's users and to test the design by real-world application and iterative design changes.

PART 4. LEADERSHIP

I have had several opportunities to improve my leadership skills while attending the Information Studies program at UCLA. One of my proudest accomplishments is my role as co-president of the student chapter of the Special Library Association (SLA). In late 2003, I took over control of the organization as co-President with Julie Huffman. Our goal was to devise programming that would supplement the classwork. To attain this goal, we hosted panel discussions with practicing information professionals that would round out students' learning experience. Panels of professionals also provide a structured environment where professionals could interact with the students providing networking opportunities. We arranged panels of Special Librarians, Business Librarians, Academic Librarians, and Catalogers that addressed the interests of the student body according to a survey we developed through a service called SurveyMonkey.

Another important goal we created for ourselves was to give the student body all of the skills necessary to actually land a job. While the program excels at giving students the skills necessary to succeed once they have a job, there is not an emphasis in the curriculum on providing students the tools necessary to find employment once they have graduated. To that end, we put on panels where the student body was addressed by the Director of Library Human Resources at UCLA, placement professionals from Advanced Information Management and

Library Associates as well as a career counselor from the UCLA Career Center. The speakers addressed issues of resume construction, interviewing skills, and self-marketing for positions in special libraries and academic library settings. These panels helped students refine their job searching skills and were very well-received.

Not only did we receive a great deal of positive feedback from our students, but the UCLA Student Chapter received a Certificate of Merit for Innovative Programming by an SLA Student Group in June of 2005 from the National SLA organization.

As I mentioned in my biographical sketch, I also had the opportunity to accept progressively responsible supervisory positions at UCLA's Hugh and Hazel Darling Law Library. While the law library is a well-organized institution, I did discover that the disaster management aspect of the law library had not been updated in over a decade, so I took it upon myself to update the emergency management tools of the law library. I created a variety of disaster maps for the law library, collected disaster supplies, met with the head of the UCLA paramedics, had disaster supplies mounted prominently (yet discreetly) in the circulation area and provided scripts to be read over the library's speakers dealing with a variety of disaster contingencies. In this way I attempted to fill a need and make a lasting impression by improving the safety of staff and patrons at the UCLA law library.

My leadership training at UCLA has given me the confidence to take on more responsibilities and in my current position with William Mitchell College of Law, I am currently the chair of the catalog re-design committee and my organizational skills and coursework in system design have proven invaluable in this new undertaking. I have also been able to co-teach an intersession course on Internet Legal Research and I taught a Continuing Legal Education (CLE) course on Internet Security, Online Research, and the Semantic Web in February for members of the Minnesota Bar. My current position and my education offer me a position from

which to spread the gospel of information literacy among legal professionals.

Working with the systems librarian, I have also put forward a proposal to create a library staff Wiki and have developed a demonstration model. After teaching the CLE, I felt the system of coordinating CLE's was a bit disorganized and have also submitted a proposal outlining the advantages of using a Wiki for inter-departmental coordination, which is pending before the Internal Communications Committee of the College of Law. I also am spearheading a project to create a series of video tutorials for Legal Research and Writing which has been approved and will begin this summer.

I was also recently honored to be invited to become a co-editor of the Law Librarian Blog, part of the Law Professors Blog Network. I was picked due to my experience as a librarian, my interest in library technology, and my relative youth. I have attempted to add a more international character to the blog's coverage and have also started a regular column on changes in Digital Rights Management and the Web 2.0 applications for libraries. Taking a leadership role in my library, within the College of law, and within the legal profession is a great way to make the world a better place and find personal satisfaction.

PART 5. SPECIALIZATION STATEMENT AND CONTINUING EDUCATION PLAN

Law schools have a particularly valuable role to play by educating the next generation of legislators, judges, and attorneys. While law schools prepare students for the rigors of practice, they are struggling to give students the tools necessary to deal with information overload and develop competent knowledge management skills. While I feel well-equipped to work as a legal reference librarian based upon my education, experience, and temperament, the Information Studies program has given me a renewed vision of how libraries can work with faculty to provide students with an education that allows them to meet the rigorous demands of law practice in the 21st century.

Attorneys are knowledge workers, in order to represent clients effectively they must become expert researchers. At William Mitchell College of Law the librarians work with the law professors to provide instruction in legal research and writing and I have found this very rewarding. Not only does it provide an opportunity to teach, but it makes the law librarians more approachable at the reference desk because we've been introduced to the student body previously and given the imprimatur of the law faculty.

My professional goals are to continue to grow as an educator and a librarian. My ultimate professional goal is to be the director of a law school library. To reach my professional goals I have been taking advantage of the wealth of educational resources available to me. I am a member of the American Association of Law Librarians (AALL) and the Minnesota Chapter (MALL). My employer has agreed to send me to the annual AALL conference this year in St. Louis, which will provide me with an opportunity to learn about new developments within the profession.

I am also fortunate that my employer encourages us to take advantage of webinars and I have attended several within the last few months on topics ranging from doing legislative research hosted by Westlaw to the use of Web 2.0 technologies for libraries hosted by Online Programming for All Libraries (OPAL).

PART 6. CONCLUSION

I have been very fortunate in being able to work as a professional while still in library school and then finding a permanent position as a reference librarian before graduating. This professional practice has given me an opportunity to augment my learning in the classroom with real world experience. From this I have learned that the education I received from the Information Studies program is tailored to producing practitioners who are ready to “hit the ground running”.

Not only have I learned from my professors, but also from my friends within the program who have shared of themselves and their wisdom. My SLA student organization advisor, David Cappoli, has also been a joy to work with and I have a learned a great deal about organization and leadership from his example. My academic advisor, Professor Richardson, has been a constant sounding board for my ideas and has consistently provided me with intellectual stimulation and excellent guidance in navigating the many opportunities within the program.

PART 7. EXAMPLES OF WORK

A. Core Course Paper Number One

Instructor: Professor Leazer

Course: Information Structures (IS-260)

Date Submitted: Fall 2003

Assignment: The assignment was to compare and contrast Vannevar Bush's Memex, Ted Nelson's Xanadu and the World Wide Web I felt a chart was the simplest information architecture to make the comparisons, which allowed me to make a larger point about the need for effective project management to bring compelling visions to a working reality.

Bandits On the Road to Xanadu: The Need for Effective Change Control

1. Overview

Ted Nelson's feverish imagination developed the hypermedia project Xanadu, but lack of project management and change control prevented its implementation. Nelson's book *Computer Lib/Dream Machines: You Can and Must Understand Computers NOW* was published in 1974, four months prior to the unveiling of the first commercially available personal computer. (Ditlea, 1998) Some of Nelson's inspiration came from Vannevar Bush's 1945 essay "As We May Think" (Bush, 1945). Nelson copied this article *in toto* as part of *Computer Lib/Dream Machines*. Nelson's fabled Xanadu was never completed, but was released incomplete in 1999 under an open source software license. Please refer to **Table 1** (below) for a chart outlining the similarities and differences between memex, the proposed Xanadu and the World Wide Web (hereafter merely the Web).

In 1989 Tim Berners-Lee developed Standard Generalized Markup Language (SGML) for the European entity CERN. SGML was a project for scientific communication that would

evolve into the Web. The Web has allowed much of the promise of Xanadu to be realized through incremental developments rather than through a single overarching program as Nelson envisioned. Confucious once said, "Seek not every quality in one individual." The same is true of programs.

Please continue to the chart on the next page.

Table 1: Comparison of Systems			
	Memex	Xanadu	World Wide Web
Vision	Predicted as PC like machines with copious memory for local information linking and retrieval	Many-to-many infrastructure allowing universal access to all documents thru transclusion	Markup Language to allow scientists to exchange data on research thru multi-media applications
Infrastructure	Unconnected memex machines with local storage and retrieval	Universal pointers required for tracking location of all original documents	Individual Servers with local storage linked by routers using TCP/IP
Data Storage	Local storage only	Massive underlying storage necessary for Transclusion	Documents published on the web are stored locally on servers.
Linking	Local links only	Bi-directional links	Uni-directional links
<i>Intellectual Property Issues</i>			
Transclusion	Not Supported	Required. Not yet implemented	Limited Implementation thru banner ads and dynamic HTML (Moody 1999)
Copyright	Not Supported	Not yet implemented. Transclusion allows Transcopyright and Micropayment	Provided primarily through Licensing Agreements rather than Micropayment
Unique Identifier protocols	Not Supported	Humbers (or Huge Numbers)	Internet Protocols versions 4 and 6 used
<i>Data Transmission</i>			
Send video, graphics, text, and sound to workstations	Not Supported. Must be provided manually	Required. Not yet implemented	Supported
Cross Platform Independence	Not Supported	Required. Not yet implemented	Yes. Supports many Browsers and Operating Systems
Webcam	Supported	Required. Not yet implemented	Supported

2. Discussion

A review of the literature on Xanadu and the World Wide Web leads to the conclusion that Xanadu failed because of a lack of effective project management. The attempt to create a program that was radically new and incredibly powerful led to the creation of nothing. If there is a lesson to be learned from the Xanadu project, it is that projects of unlimited scope are unachievable. Xanadu is a parable of what happens when software development is not held to a timetable and forced to deliver products which can then be improved with incremental upgrades, patches, revisions, or new releases.

Like Babbage before him, Mr. Nelson happily abandoned years of work whenever a newer, more elegant way of doing things occurred to him. His perfectionist nature meant that he was unwilling to compromise on any part of the design, and Xanadu quickly became legendary as the most famous unshipped product in software history. (Economist, 2000)

Nelson has recently suggested several incremental implementations of Xanadu named HyperCoin and ZigZag. (Ditlea, 1998) HyperCoin is intended to allow for micropayment and ZigZag is designed to allow multi-linking rather than the one-way linking allowed by the Web currently.

These incremental implementations signal Nelson's grudging realization that grand, overarching designs cannot be implemented. The Web has evolved through an incremental process. Programs of limited scope have been published and field-tested by millions on the Web. Most of these products have been improved upon or replaced with a better product on regular production cycles. "The web took [off] for the very reason that Mr. Nelson derides it--its simplicity. [Nelson] now concedes that his original vision for Xanadu was too ambitious..." (Economist, 2000).

The World Wide Web has evolved as a number of discrete projects augmenting Tim

Berners-Lee's SGML. SGML, for instance, is used to define Hypertext Markup Language (HTML) and Extensible Markup Language (XML). (Darnell, 1997) The World Wide Web has been augmented by a dazzling array of discrete technologies such as Web Browsers, Secure Socket Layers, Virtual Private Networks, Voice Over Internet Protocol, Pretty Good Privacy, et cetera. This list of discrete additions is meant only to suggest the incremental nature of the improvement of the Web rather than be an exhaustive list, which is beyond the scope of this paper. This list contrasts Nelson's vision of one program (Xanadu) supplying all users' needs with the reality of a patchwork of applications of open source contributions and commercial programs. Some programs such as Lotus Notes R5 have made good use of Nelson's suggestions on Transduction with its global message forums and other built-in features.

The blame for this lack of project management should not be solely attributed to Nelson. Nelson is a visionary; he is not a programmer or a manager. If anyone is at fault, it is Autodesk. Autodesk supplied the Xanadu project with a wealth of resources, but the one thing they did not supply was fatal to the project. Autodesk should have provided a seasoned management team to shepherd the programmers along the road to Xanadu. This management team could have implemented a schedule of milestones to be achieved and a budget for achieving these milestones. Good project management also requires testing of the program to ensure that it can be easily used by end-users. Nelson's ever-evolving grand visions of Xanadu never included ease of use.

Change control is a project management term of art. Change control involves determining what elements will be fixed or replaced and on what schedule. Change control is a difficult task, but a critically important one. "Once the project is in place, [change control] is the most important discipline within project management..." (Khanna, 2003) Nelson's feverish visions derailed all attempts at change control. It was these visions that were the bandits on the

road to Xanadu.

The Xanadu project is a case study in inadequate project management. The Web, by contrast, has been created by business professionals working with programmers on incremental programs using the standards of project management. No one can deny that Vannevar Bush and Ted Nelson's vision has helped inspire the Web as we know it. But perhaps the Web would be an even richer place today if Autodesk had provided the Xanadu project with a competent project management team.

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B. Core Course Paper Number Two

Instructor: Professor Niles Maack

Course: Information Access (IS-245)

Date Submitted: Winter 2004

Information Seeking: Information Needs of Farmers

While doing one of the previous reference workbook assignments, I ran across a site called the Cyberfarm. This caused me to think about the information needs of farmers in the 21st century. While I grew up in Kansas and my grandfather was a farmer, I had never given any thought to the information needs of farmers previously.

While researching this project I learned that agriculture is one of this countries largest industries and that the American standard of living is predicated upon the availability of inexpensive foodstuffs. (Hansen 2002)

The question is what information do farmers need and how do farmers obtain information? A 1999 study found that most of the farmers surveyed did not use the Internet to obtain information. Wealthy farmers and owners of large farms used the Internet more than owners of small farms. Part-time farmers also tended to use fewer information resources for farming. (Suvedi, Campo, and Lapinski 1999) The Internet is often not easily available to rural communities, which helps explain part of this problem. Other literature indicates that farmers in the United States do not tend to be early adopters of technology. (Andrews, Karlen, and Mitchell 2002) Given the geographically dispersed nature of farms, the Internet would seem like an ideal manner of distributing information, but this very isolation makes Internet access problematic.

Alternative Sources of Information

For farmers who do not gain information from the Internet, where do they tend to obtain

their information? Popular sources include friends and family, neighbors, farm product suppliers, print media, and government extension agents. (Feder and Hansen 2003) Of these sources, the most impartial source and most reliable is often the government extension agent.

Information Sought

Farming covers a very wide variety of topics. Topics of interest include: agriculture, agronomy, farming, horticulture, forestry, husbandry, agricultural colleges and universities, agricultural production, agroclimatology, agricultural development, agricultural policy, as well as special topics such as sustainable agriculture and precision farming. (Zhang and Lane 2001) Other researchers indicate that farmers require timely information on weather patterns and climate change to be successful. (Hansen 2002) Farms are also businesses, so many of the topics that interest other businesses would be of interest to farms. Farms also have specific concerns about political fallout related to agriculture policy including regulations and boycotts, such as the issues surrounding the use of biotechnology in the food supply. (Todt 2004)

The Role of Public Extension Agents

Since much of the education and continuing education of farmers and other food producers within the United States and throughout the world takes place through agriculture extension agents, it is incumbent upon us to examine this important educational tool for farmers. Worldwide over six billion dollars worth of extension services were provided in 2002, while ninety percent of the world's extension agents are found in the developing world. In the United States, extension agents tend to be affiliated with universities, which is not true of the rest of the world. (Feder and Hansen 2003) The agriculture extension service model is used throughout the world to provide education to farmers and this system is implemented and supported by the United Nations. (The role of agricultural education in food security, 2004)

Extension education can be divided into three categories: government-based "training

and visit" extension, "fee-for-service" or privatized extension services, and farmer-field-schools. Training and visit systems involve extension agents going personally to meet with farmers and answer their questions and make suggestions. These programs tend to be expensive for governments, which has led to various ways of structuring and funding the program. The desire to save money has led to the advent of privatized extension services which charge user fees to offset the cost of the system. Governments may also decentralize the system and create farmer cooperatives to shift the burden to the farmers themselves. Farmer-field-schools are a development from Indonesia and the Philippines. In this system, farmers relocate to a farm in order to work as teams to learn farming "best practices". Some of the farmers are trained as farmer-trainers who then return to the villages and train other farmers in the "best practices." (Feder and Hansen 2003)

These models of extension services to provide techniques and information to farmers rely upon the quality of the extension agent for their success. Thus, quality personnel recruitment appears to be the key to success.

At the intermediate level of education, where most of the field-level agricultural extension workers are prepared, there is a need for better training in both technical agriculture and in methods to communicate production technologies to the millions of small-scale farmers who need them. The training of extension workers should emphasize skills and knowledge for sustained crop production and strategies for the prevention of food losses during harvest, storage, marketing and processing. (The role of agriculture education in food security 2004)

Precision Farming

Farmers are deeply interested in any new technique or technology that will improve the profitability of their farms. In their quest to assist farmers produce the most food on the smallest plot of land, scientists have devised a new system called precision farming. Precision farming is a new farming technique that is gaining popularity in the developed world. Precision farming

involves using Global Positioning Systems and Geographic Information Systems to improve yields while saving costs.

The terms GIS and GPS are frequently confused by the general public. They are not the same, although both can be used effectively together. GIS is a system that is designed to store, retrieve, manipulate, and display geographic data. "It is a package consisting of four parts: robust hardware, powerful software, special data, and a thinking explorer". Although capable of much more, GIS technology permits the user to analyze and manipulate different data "layers." Layers could be roads, streams, population, vegetation, land use...By manipulating the layers, [one] could examine, for example, the relationship between stream quality and pollution sites. (Broda and Baxter 2003)

Geographic Information Systems are an emerging technology with great potential to change how food is produced. The University of California Santa Cruz's Center for Agroecology & Sustainable Food Systems (CASFS) has developed a Precision Farming/GIS pilot project for farms. (Ellis 2003)

This is a technology that is of most benefit to farmers in developed countries because of the extensive infrastructure required. However, it offers great benefits such as improved yields, less use of fertilizer and pesticides as well as reduced costs.

Modern GPS receivers can establish positions within a field to about a meter. When connected to a data collection device, such as a yield/moisture meter, these data can be "stamped" with geographic coordinates. Several portable "heads-up" digitizing devices allow farmers to sketch conditions, such as weed infestations, on a map or aerial photo backdrop. GIS maps the field data so a farmer can see the conditions throughout a field. GIS also can be used to extend yield visualisation to analysing relationships among yield variability and field conditions. (Oseph 2002)

To summarize, the information needs of most farmers relate to conditions that affect the profitability and production of their farm. Most farmers tend to receive information from agriculture extension agents. One new technology that has developed within the last ten years to help farmers improve their yields is known as precision farming.

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Part B: Useful Resources

Agricultural Research [magazine].

This magazine is published monthly by the Agricultural Research Service, the research arm of the U.S. Department of Agriculture. It publishes recent research related to livestock management, producing improved crops, soil quality, raising fruits and vegetables, and animal husbandry. This magazine allows farmers to keep track of recent developments in agriculture developed by the United States government.

It is written in a format that is accessible to members of the general public and contains timely information of interest to farmers and ranchers. Some articles are more general science based, which may not be as directly relevant to the day-to-day operations of running a farm, but would provide useful background information to readers.

Agricultural Research. [SUDOC A 77.12] Government Printing Office [publisher].

Agripedia [Electronic Encyclopedia].

This resource is an online encyclopedia provided by the University of Kentucky's College of Agriculture. This is an extensive resource dealing with topics including agronomy, biotechnology, economics, entomology, engineering, forestry, landscaping, plant pathology and rural sociology.

This site provides color photos and well as hyperlinks to related information. The articles give information on a wealth of topics related to farming and animal husbandry. Farmers can use this site to compare different breeds or sheep, cattle, horses, et cetera. Or they can decode acronyms used in farming and veterinary science. They can also learn more about insect infestations, molds, and other threats to plant life under plant pathology.

Citation:

Agripedia. 2004. University of Kentucky. Accessed February 23, 2004. Available from

<http://www.ca.uky.edu/agripedia/>.

ArcInfo [Electronic Resource].

ArcInfo is a Geographical Information System created by ESRI. This product allows a farmer to implement a wide variety of geospatial applications. Farmers can implement a system in combination with the Global Positioning System that will allow them to determine on a meter by meter basis which parts of their fields produce higher yields and lower yields as well as which parts need more irrigation or more herbicide or fungicide. This technology makes it possible to reduce costs and increase productivity through the use of this GIS system.

Citation:

Arcinfo. 2004. Version 8.0. ESRI [Producer]. Geographical Information System.

Design and implementation of a farm weed management system based on GIS. [Conference Proceeding Paper.]

This is a paper presented at a conference that details how to establish a GIS system to help control weeds. This paper compares the use of ArcInfo with prior systems and explains why ArcInfo is superior. Further, it establishes the necessary information for a farmer to customize ArcInfo for the purposes of weed control into order to ensure maximum production from a field.

Citation:

Ling, Sun and Zhu Zesheng. 1997. Design and implementation of a farm weed management system based on GIS. In *ESRI User Conference*: ESRI.

How to Make Your Small Farm Profitable.

This book is written for the full-time or part-time farmers with a farm of less than 160 acres in total size. It provides analysis in terms of forming a strategic business plan (or “agriprenurship”) and how to find a niche market in the local economy. It not only covers farm topics such as soils, water, location, climate and equipment, but also business topics such as

capital, skills, labor, and land value.

This book serves as a good introduction to those new to farming or those who need to understand the fundamentals of establishing a business model for their farm and ensuring profitability.

Citation:

Macher, Ron. 1999. *Making your small farm profitable*. Pownal, Vermont: Storey Books.

C. Elective Course Paper Number One

Instructor: Professor Chu

Course: Ethics, Diversity & Change (IS-289)

Date Submitted: Spring 2004

The Ethical Dimensions of Information: The Value of the Sacred in the Marketplace of Ideas

1. The Source of Personal Ethics

Geoff Heath's recent book, Believing in Nothing and Something, is a personal exploration of his development of an ethical nihilistic philosophy after he disavowed any belief in a Supreme Being. (Heath, 2003) "It took me longer than I expected to become aware of my values and that is because they are embedded in my way of being in the world. They provide the existential (and mostly unconscious) background to my being. Making the background into the foreground is difficult." (Heath, 2003, p. 94)

The purpose of this essay is to bring the ethical background into the foreground. Because ethics are in the "background", personal ethics are often difficult to articulate.

For many people, their individual ethics are based upon their religion. For Christians, the ten commandments provides a concise ethical code. The recent case torture and abuse of prisoners at Abu Ghraib prison in Iraq presents a disturbing example of self-professed Christians who engaged in torture.

More than a week after the news broke on the Abu Ghraib prison abuses, *Christianity Today's Weblog* set out to gauge the Christian reaction. Their findings? Pretty disappointing. Few high-visibility American Christians were speaking out against the abuses...*World* magazine was quick to defend Rumsfeld, labeling these actions the "perverse acts of a few." Other leaders...called for the vindication of America's military through the swift punishment of the "bad apples" involved. Now it's become clear that at least one of these infamous "bad apples" was apparently a Christian. Spec. John Darby, the soldier who reportedly confronted Spec. Charles A. Graner, the ringleader of Abu Ghraib, claims that Graner told him,

"The Christian in me says it's wrong, but the correction officer in me says, 'I love to make a grown man piss himself.' " Other accounts suggest that guards abused prisoners out of hostility toward Islam—one soldier reportedly asked a prisoner if he believed in anything, and when the man responded that he believed in Allah, the guard replied, "I believe in torture, and I will torture you." (Gertz, 2004) (emphasis added) (hyperlinks omitted)

While the abuse at Abu Ghraib prison is an extraordinary case, it presents an interesting example. The bold quote above by Specialist Graner indicates that in Graner's own mind, there was a difference between his personal morality (as a Christian) and his professional role (as a military prison guard).

The torture at Abu Ghraib was in contravention of the Geneva Conventions, to which the United States is a signatory. Even assuming *arguendo* that Specialist Graner was merely acting under the orders of his superiors, this is not a defense against the charge of war crimes as established by the Nuremberg International Criminal Tribunal. (Harris, 2002)

Even when given an order by a military superior, an individual has an obligation under international law to reject an immoral or illegal order. To determine if an order is illegal, an individual compares that order to his or her personal code of ethics. In the previous quote by Specialist Graner, he knew the order to torture the prisoners in Abu Ghraib was contrary to his own religious beliefs. If Specialist Garner knew that his actions were in contravention of his religious teachings, why did he act upon them?

Perhaps Specialist Graner's actions emanated from a sense of duty to his country and the U.S. Military. Perhaps the acts of torture were part and parcel of a larger attempt to maintain the power and hegemony of the United States. In *Whiteness as Property*, Cheryl Harris explicates the underlying assumptions of "passing" as white. Being a white person in America allows access to better jobs, better schools, and greater esteem. (Harris, 2002) Harris' article reminds us that the wealth of the United States is predicated upon lands stolen from Native Americans and

these stolen lands were then improved and worked by slaves stolen from Africa.

From the perspective of Native Americans, the acts in Abu Ghraib are the latest in a litany of human rights abuses by the U.S. military. Dorreen Yellow Bird puts the recent torture into historical perspective when she writes:

As pictures of the Iraqi prisoners unfolded across the nation like some salacious sex or sadomasochism magazine, the public is appalled and dumbfounded. Not in America or by Americans, people say. But that's not true. We, in this country, have a history of killing for selfish and misguided reasons. A few days ago in heated conversation about the Iraqi prisoner abuses, I couldn't help but drift to an image of the massacre at Sand Creek on Nov. 29, 1864. Five hundred to 600 [sic] Cheyenne and Arapaho were killed by U.S. soldiers. Many of the victims were children or women. The soldiers scalped some of the victims. The men knocked the brains out of babies, and many women were cut into pieces and their bodies mutilated. Correspondence from the massacre report that women's private parts were taken from dead bodies and carried into Denver for a gory "show and tell." The trophies were greeted with cheers and praise by the community. Col. John M. Chivington, commander of the unit that attacked the Cheyenne and Arapaho, said this was an act of duty to themselves and to civilization. Chivington and his troops felt justified in killing innocent woman and children because the community thought of Native people as savages - people who stood in the way of their way of life. (Yellow Bird, 2004)

For those who think the foregoing is but history, Sandy Marie Anglas Grande reminds us that: "American Indian critical studies...require[s] a deeper recognition that these are not postcolonial times, that 'globalization' is simply the new metaphor for imperialism, and that current constructions of democracy continue to presume the eventual absorption of Indigenous peoples." (Grande, 2000, p. 469)

The purpose of the foregoing is to suggest that Specialist Graner may have been harkening back to a warrior "ethic" that is as old as the Iliad. I would suggest that Specialist Graner probably believed that he was doing his duty to his country when he tortured the Iraqi prisoners. Even acknowledging that Graner is a racist and a sadist, it is still possible that he has

a personal ethical system of duty and loyalty to his social group. James Rachels in his discussion of virtue writes: [A Nazi soldier] is courageous all right, and courage is an admirable thing; but because his courage is deployed in an evil cause, his behavior is *on the whole* wicked. (Rachels, 1993) (emphasis in original). The example of Specialist Graner is most useful because it reminds us that a personal ethic is not necessarily about being nice to our fellow human beings. History is replete with examples of cruelty and slavery. Specialist Graner's actions make him seem more like a good Roman centurion than a good Christian. Even while condemning Specialist Graner and his fellow torturers, it is important to recognize that these individuals may have felt they were playing a loyal part in a greater social order, albeit a social order that is cruel.

In the Euthyphro, Socrates points out that people who do evil rarely actually think of themselves as evil. Rather they are mistaken somehow about what the good life is or how to get to the good life.

I suggest therefore that Specialist Graner should not merely be considered as a Christian, but rather as a product of the patriarchal, hegemonic system that is the United States in the 21st century.

Many Christians have rejected Specialist Graner's actions as unethical and not permissible under Christianity. For these devout religious individuals, their belief in a Supreme Being is the source of their morality; this is often referred to as "natural law". (Fox, 2003) By way of contrast, for those individuals who do **not** ascribe to the existence of a Supreme Being, morality can be based upon social teachings coupled with reasoned arguments about what is in a person's self-interest and the best interests of society. Heath explains this succinctly when he writes: "I am a nihilist in the sense that I do not believe that 'life' has any meaning other than that which 'we' give it. I believe in something because I believe that the human species has a wide range of potentials, one of which is that of trying to develop values which will enable us to

live together in creative and enhancing rather than destructive and demeaning ways." (Heath, 2003, p. 117)

What then is a personal morality or personal ethics? Personal ethics are those deeply held beliefs about the world and one's place within it that people use to resolve conflicts and guide personal actions. For some people a personal ethic values equality and social justice. For others, bravery, machismo and loyalty to "their race" are the highest values.

The challenge presented to moralists and educators by the Specialist Graners of the world is how to communicate with them in such a way as to persuade them that their personal morality is flawed and should be rectified. Kathleen Weiler's article on a feminist pedagogy of difference illustrates how difficult it can be for an educator with an alternative political viewpoint to work within the hierarchical and highly competitive institutions of higher education within the contemporary United States. (Weiler, 1994) The task of teaching morals in an immoral system is never easy.

2. Professional Ethics

It is important to compare personal and professional ethics for instances where they conflict. An example of a conflict between personal and professional ethics is a Catholic doctor whose hospital has a policy of giving an abortion-inducing pill to rape victim. For greater clarity in discussing the ethical conflicts for information professionals, it is helpful to use the framework established by Johan Bekker.

In his analysis of ethics for information professionals, Bekker divides ethics into three categories: descriptive, prescriptive, and meta-ethics. Descriptive ethics is the study of how people act. Prescriptive ethics involves how people should act. Meta-ethics is the critical study of semantics and of language used in ethics and the assessment of ethical principles for consistency and validity. (Bekker, 1976, p. 46-47)

Descriptive ethics is important because it reveals the actual norms and practices within a profession. Regulatory bodies study professional practices to determine if practitioners are following the guidelines of the professional code of ethics or if the code needs to be updated to deal with new realities.

The ethical codes themselves constitute prescriptive ethics. The codes are ways of handling situations and values to guide practitioners in dealing with complex ethical issues. Bekker explicates the conditions necessary for a professional to live up to the standards of professional ethics, within a societal context:

A professional acts ethically when he [sic] complies with the requirements of the law, community morality and courtesy, the special applications of morality and etiquette to his profession, and when he has not only the necessary competence at his disposal, but a determination to apply this expertise to the best of his ability for the benefit of society. (Bekker, 1976, p. 85)

Bekker's formulation places the professional ethics of information professionals within the context of the larger society and the ethical standards of that society, Bekker's formulation does not directly address the inability of professionals to live up to the ideals of those formulations due to subtle messages conveyed by the culture which lead to stereotypical, sexist, racist, and classist beliefs. Chu explicates this when she writes:

Aversive librarianism is...a subtle form of bias characteristic of many who possess strong egalitarian values and believe that they are not prejudiced (Dovidio). But many also possess negative racial feelings and beliefs that they don't recognize, or try to dissociate from their image of themselves as non-prejudiced people. The difficulty is that these negative feelings and beliefs are rooted in three types of normal, often adaptive, psychological processes. The first is the cognitive process of social categorization. We all categorize others into groups, typically in terms that delineate our group from others, which automatically initiates bias. The second is the motivational process of satisfying basic needs for power and control for ourselves and our group. In a world of limited resources, one way to maintain control or power is to keep competing groups down. The third relates to socio-cultural influences...many of the values of contemporary society still reflect

racist and sexist traditions and subtle messages about power persist. That white men still have most of the political, economic and social power sends a strong message to people of all races and both sexes about what is valued, a message equally strong both within and outside our pink-collar profession. Most people have convictions of fairness, justice, and racial equality, along with almost unavoidable biases, so the ambivalence involving the positive and negative feelings that aversive racists experience creates psychological tension that leads to behavioral instability. Thus aversive racists sometimes discriminate (manifesting their negative feelings) and sometimes do not (reflecting their positive feelings). (Chu, 2004)

Thus, it is important not merely to look at the prescriptive code of a profession, but also at how practitioners put the code into practice. Meta-ethical issues such as false consciousness and aversive librarianship need to be considered in drafting a professional code to help guide practitioners to address their biases and cultural programming.

Personal ethics are different from professional ethics in that professional ethics only addresses conduct related to professional practice, whereas personal ethics deal with all facets of a person's life. As Chu illustrates above, personal ethics and life experiences can and do have an impact upon a professional's ability to follow a professional code of ethics.

3. The Role of a Professional Code of Ethics

The role of a professional code of ethics is spelled out in the Code of Ethics for Archivists promulgated by the Society for American Archives (SAA) in 1992 in section one. The code serves to inform new members of the professional expectations as well as encourage practicing professionals to maintain consistently high standards. Finally, the code is intended to provide reasonable expectations of conduct to those members of the public who are not members of the profession.

Bekker suggests using the term *ethos* rather than ethics relating to the library profession. "An occupation can be defined in terms of the values it adheres to. Ethos thus becomes what is

distinctive about a group, including its goals, characteristic outlook, predominant disposition, and underlying spirit." (Bekker, 1976, p. 90) (footnotes omitted) Thus, a code of ethics helps a profession develop a unitary ethos that members may use to gauge the standards of professionalism.

4. An Example of an Ethical Dilemma in Archival Practice

An emerging problem in archival practice is repatriation of archival objects that were looted or stolen from their original location and culture. In the United States, the Native American Graves Protection and Repatriation Act of 1990 has attempted to address some of these issues. Michael F. Brown explains that there is a fundamental mismatch between Anglo-American conceptions of information and many indigenous conceptions of information.

In 1994, the head of the Hopi Tribe sent letters to dozens of museums and archives requesting that they close Hopi collections to researchers who had not first obtained the tribe's written permission...The dilemmas faced by the Hopi Cultural Preservation Office as it wrestles with the terms of NAGPRA have given rise to new conflicts likely to engulf archives in the United States, Canada, Australia, and elsewhere in the coming decades. The central issue is the disposition of potentially sensitive cultural information, including photographs, sketches, audio tapes, inventories of ritual objects, anthropological fieldnotes, and transcriptions of oral literature. The struggle pits native nations against the institutions entrusted with cultural records. At the heart of this conflict are two irreconcilable views of information...American law and liberal democratic tradition in general, place a high value on the unfettered exchange of information. It is an article of faith that openness fosters artistic creativity, encourages scientific innovation, and insures political accountability...Free access to information, in other words, is seen as a cornerstone of democracy...Among many indigenous peoples, a different attitude prevails. The social fabric of native nations often consists of reciprocal spheres of knowledge, the boundaries of which are zealously protected...The uneven distribution of knowledge thus strengthens social bonds while ensuring that powerful knowledge remains in the hands of those who know how to control it. (Brown, 2002)

Brown's analysis of the conflict between native nations and archival institutions frames

the problem as an issue of differing ideas about the proper role of information. The Code of Ethics for Archivists promulgated by the Society for American Archives (SAA) in 1992 addresses these issues. In section IV the code says that, "Archivists discourage unreasonable restrictions on access or use, but may accept as a condition of acquisition clearly stated restrictions of limited duration..." Section VII qualifies this by stating, "Archivists respect the privacy of individuals who created, or are the subjects of, documentary materials of long-term value, especially those who had no voice in the disposition of the material."

Thus the archival code embraced the Anglo-American notion of openness of information, while acknowledging that the subject of archival information has a right to determine how that information is shared. Unfortunately, there is no clause internal to the Code of Ethics for Archivists that allows an archivist to resolve the conflict between these two provisions. Therefore, let us use some ethical paradigms as a decision calculus to help us determine what an archivist should do to resolve this issue.

a. Utilitarianism

From a utilitarian point of view, the goal is to promote the greatest good for the greatest number. Bekker identifies three types of utilitarianism: act utilitarianism, rule utilitarianism, and contract utilitarianism. (Bekker, 1976, p. 52) All three of these forms of utilitarianism can be referred to collectively as consequentialism, or ethics concerned with the consequences of actions.

Under act utilitarianism, each action must be assessed to determine how the "hedonic calculus" would work out. If complying with the Hopi request that all researchers obtain permission would lead to a few researchers being unhappy that they could not use the Hopi artifacts and data, and this was less than the unhappiness of the entire tribe of Hopis, then act utilitarianism would indicate that all researchers should not be granted access. Of course,

calculating the amount of happiness generated is a difficult subject and is difficult to quantify. This is a serious problem with utilitarianism.

Rule utilitarianism requires that archivists develop a rule such as "Researchers must always get permission from the Hopi" and assess this rule for its hedonic value. As Bekker points out, this seems merely a more formalized method of act utilitarianism and should yield the same results as above.

Under contract utilitarianism there is an emphasis on distributive justice, making sure that happiness is the greatest for the greatest number. Thus, if only a handful of researchers are compared against the large numbers of Hopi, then the same result is reached. It seems clear that utilitarianism would suggest withholding the Hopi documents based upon the assumption that there are more Hopi than there are researchers and this numeric value allows the Hopis to prevail on the hedonic calculus. Of course, if there were hordes of researchers and only a few Hopi, the result would be reversed.

b. Deontology

Immanuel Kant is the father of deontology. John Rawls is a notable modern neo-Kantian. (Matsuda, 1993, p. 477) Under the deontological approach, actions are only permissible if they can be formulated in such a way that you would make them a universal law. In the Groundwork of the Metaphysics of Morals (1785), Kant wrote:

Act only according to that maxim by which you can at the same time will that it should become a universal law. (quoted in Rachels, 1993)

Of course, there are many ways to formulate the same action into a law and this makes it difficult to apply Kant's methodology. Bekker criticizes deontology as being similar to intuitionism. "Deontological (or formalist) ethical theories maintain that at least some acts are right or wrong regardless of their consequences. Since the notion of 'intention' often plays a

fundamental role in such theories, it has traditionally a strong association with intuitionism." (Bekker, 1976, p. 52) His criticism becomes more explicit once we attempt to formulate maxims for the Hopi archive situation.

If we formulate the maxim as: "Archives should always respect the wishes of the subjects of collections to have their privacy respected," then it is easy to agree that this is an ethical rule that should be universalized. Alternatively, if we formulate the maxim as: "Archives should provide researchers with access to all materials available in order to increase the breadth of human knowledge unless there is a legal reason to refrain," then it seems that the Hopi request should be denied. A key problem with deontology is that how specific we make the maxim and how we formulate the maxim will affect whether or not it should be generalized. How we formulate the maxim is therefore tied to the outcome we desire. This author's intuition is that the Hopi's wishes ought to be respected and I would formulate the rule as: "Archives should always respect the wishes of the subjects of collections to have their privacy respected." Realizing that there are other ways of formulating the rule, it becomes apparent that deontology is not always dispositive. If an ethical theory cannot help an individual decide complicated moral arguments, then the moral theory is of little value. Society does not need moral theories to solve the easy moral cases, but for the hard ones. In this respect, deontology merely reflects our intuition of how the matter should be resolved.

c. Overview of Rights and Virtue Perspective

The difficulty of applying a rights perspective and a virtue perspective is that they both require a catalog of rights or a catalog of virtues. These catalogs are specific to a given society and are useful in resolving conflicts *within* a society, but are not as helpful in resolving conflicts *between* societies.

d. The Rights Perspective

The rights perspective traces its origins back to John Locke and is expressed in the U.S. Constitution. The issue to be assessed under a rights perspective is whether the Hopi have a legitimate right to have their privacy respected or do the researchers have a right to access the information. The U.S. Supreme Court has recognized a right to privacy that belongs to individuals, but has not expanded that right to communities. (See Self, 1997, p. 130) This topic of research and intellectual property rights is not covered in the seminal work The Rights of Indian and Indian Tribes (Pevar, 1992).

Rights in the United States are essentially social and political constructs. Both sides of this debate can (and perhaps will) lobby Congress to protect their interests. In this case, the ideology of rights can work for both sides. As discussed in class, I feel that the right to privacy ought to be protected as a fundamental human right and that the laws of the United States on the rights of publicity and privacy need to be fundamentally re-examined.

This approach would require significant legislative action, but is necessary given the many issues of privacy protection raised by the growth of the internet and media in this country in the last fifty years. The issue of the rights of groups such as the Hopi to protect their sacred information is yet another emerging issue in information privacy that needs to be addressed in reformulating the right to privacy.

e. The Virtue Perspective

The Hopi researcher case is one of cultural conflict. American society traditionally values the "marketplace of ideas" and the free flow of information. Research, regardless of topic, would probably be considered virtuous if Americans were to compile a list of virtues. (Brown, 2002) Hopis, on the other hand, believe that knowledge should be sequestered. It is not surprising that different communities have different perspectives on virtue. Unless both societies

could agree on a single list of virtues, the virtue approach is unlikely to help resolve this issue.

f. The Common Good Approach

The Markkula Center for Applied Ethics points out the difficulties with the common good approach in a cross-cultural example such as this.

[A]ccording to some philosophers, the very idea of a common good is inconsistent with a pluralistic society like ours. Different people have different ideas about what is worthwhile or what constitutes "the good life for human beings", differences that have increased during the last few decades as the voices of more and more previously silenced groups, such as women and minorities, have been heard. Given these differences, some people urge, it will be impossible for us to agree on what particular kind of social systems, institutions, and environments we will all pitch in to support. (Markkula Center, 2004)

The common good approach is therefore problematic in resolving conflicts *between* groups that have differing ideas of the common good and different ideas of whether information should be freely accessible or whether some information should be sacred.

5. Summation

Only a few of these decision-making models have proven helpful in definitively resolving a cross-cultural issue of whether to restrict access to the archives of Hopi materials due to the nature of the information the archive contains. These different theories may allow practitioners to help justify their decision once they have made it, but that is not entirely satisfactory.

My personal view is that we need a synthesis of deontology and utilitarianism. Put more broadly, a synthesis of intentionalism and consequentialism is needed. Once certain actions have been defined as never acceptable (pre-meditated murder, rape, torture) then all other actions should be evaluated based upon their foreseeable consequences.

I would assert that archives should respect the Hopi's wishes and require researchers to obtain permission to view Hopi archives out of deference to their wishes based upon the

consequentialist analysis provided earlier.

This issue of privacy for native nations is far from settled and will continue to emerge as a hot button issue for tribes in the future. Indeed, a recent article was published indicating that one pueblo is unhappy because their sacred ceremonies were being broadcast on the Internet.

A pueblo in the Southwest had their sacred Corn Dance secretly videotaped. The footage made its way to the Internet, enraging the tribe. "It was inappropriate for it to be out there-yet the pueblo have no control over the fact that it is out there. Those are the type of things that can be problematic," Howland said. "There is no effective legal remedy for the tribe. Our copyright law in the United States is based on traditional Anglo values. If I make a movie I can get a copyright, if I write a book I can get a copyright. But for a dance that has been around for generations-its hard to get a copyright." (Lewin, 2004)

These issues of cultural theft and exploitation are also fueling much of the anger over globalization. While this paper has not found a single ethical theory that resolves these issues, this paper has served to help illuminate the inadequacy of historical ethical theory and establish the need to develop a more sophisticated ethical theory to help address these issues in the future.

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D. Elective Course Paper Number Two

Instructor: Professor Richardson

Course: Directed Independent Study (IS-596)

Date Submitted: Spring 2004

Assignment: Research privacy issues related to the development of new information technology uses by law enforcement.

Through a Scanner Darkly: Privacy in the 21st Century

Introduction

This paper grew out of my interest in the application of information technology to law enforcement. However, in assessing recent innovations in the use of information technology to law enforcement, I often found myself wondering if the benefits of a given technology outweighed its social costs, such as the impact on the privacy of citizens or the chance of creating a permanent underclass in this country. David Lyon, a Canadian sociologist who studies surveillance issues, is disconcerted by the lack of discussion in American society about the negative impacts of surveillance technology. “There is a lamentable lack of informed comment on these far-reaching developments [of biometrics, smart cards, facial recognition software], particularly in the USA, where the most advanced systems are being proposed and promoted. The new technologies are likely to have unintended consequences that include privacy invasion, gratuitous limitations on freedom of movement, and the reinforcing of forms of social division and exclusion within the countries where they are established.”¹

These issues of the impacts of new technologies are especially important for information scientists to explore since we will often be tasked with either designing these systems or organizing for retrieval the data that is captured by these systems. Lyon further argues that the

¹ David Lyon, Surveillance After September 11, 80 (Polity Press 2003).

actions of the United States in matters of surveillance will create a precedent for the rest of the world. “As Alan Dupont, director of the Asia-Pacific Security Program in Australia said, ‘Where the U.S. goes, others will follow.’ The USA has taken the lead in security and surveillance measures...it is worth examining closely what happens in the USA, even if only to know what to avoid.”²

Certainly, whatever we do in the United States will be of interest to the rest of the world. However, the changes in security policy and surveillance procedures are evolving all over the world. The European Union recently mandated recording all telecommunications by citizens. The proposal was described this way:

A European Union plan that would require telecommunications companies to store their customers’ e-mail, text messages, and wireless and land-line telephone data...is causing heated debate...The proposal, introduced in April [2004] by France, Great Britain, Ireland, and Sweden, would require telephone and Internet providers to store such data for a minimum of one year and a maximum of three years. Proponents say the draft bill would help law enforcement track down suspected terrorists and fight organized crime. But privacy advocates have called it Orwellian and warned of the potential abuse that may result...³

The proposal was passed as the Data Retention Directive by the European Council and Parliament in early 2006⁴.

Part 1: The Origins of Privacy

Privacy in the western legal and philosophical traditions traces its origins to the trial and death of Socrates.⁵ When Socrates asserts that his obligation to his own conscience is greater than his duty to the state, the implication is that Socrates' private introspection has revealed to him a truth that had escaped the jury of his peers. Socrates would hardly recognize the modern

² Lyon at 6 (footnotes omitted).

³ *EU Data Plan Sparks Debate* 38 [6] The Information Management Journal 7 (November/December 2004).

world in which we live. In our hectic, modern lives we rarely have time for the introspection and reflection for which Socrates is best known.

If Socrates were charged with corrupting the youth of Athens today, he would undoubtedly be impeached with his emails, his cell phone calls, and with surveillance video of him in the marketplace.

Big Brother: Surveillance and the State

As law enforcement evolves to meet new challenges presented by Internet crime and organized crime, police officers are increasingly becoming knowledge workers. As Ronald V. Clarke observed: "Technology changes everything, crime included."⁶ In the past several years a dozen new technologies have taken root within law enforcement that threaten to change the police and society dramatically.

Michel Foucault has suggested that the eighteenth century was shaped by a military dream of the perfect society, a dream which consisted of the "meticulously subordinated cogs of a machine," "permanent coercions," "indefinitely progressive forms of training" and "automatic docility." Contemporary transformations in military technoscience have augmented, and to some degree supplanted, this disciplinary vision. The twenty-first century also promises to be shaped by its own militaristic dream, one that involves a quest for immediate, perfect and total knowledge, absolute command at a distance, all combined with the ability to transcend human limitations on perception.⁷

The police are an important institution in American society. There exists great public interest in the police and police corruption or abuse of power. An examination of the appropriate role of law enforcement and the implications of information technologies adopted by law

⁴ *Privacy, Security & Data Retention in the EU*, Law Librarian Blog, March 20, 200, http://lawprofessors.typepad.com/law_librarian_blog/2006/03/privacy_securit.html (Last visited April 10, 2006).

⁵ Richard C. Turkington and Anita L. Allen, *Privacy Law: Case and Materials* 3 (Second ed., West Group, 2002).

⁶ Ronald V. Clarke, *Technology, Criminology and Crime Science*, 10 *European Journal on Criminal Policy and Research* 55 (2004).

⁷ Kevin D. Haggerty and Richard V. Ericson, *The Militarization of Policing in the Information Age*, 27 *Journal of Military and Political Sociology* 233, 237 (Winter 1999) (citations omitted).

enforcement is timely due to the recent establishment of the Department of Homeland Security, the continuing war in Iraq, and the war on terrorism. Lee S. Strickland argues that the failure of the Federal Bureau of Investigation (FBI) to prepare for the terrorist attacks of September 11th, 2001 is a result of a failure of knowledge management.⁸

“Perhaps the information collection and analysis environment at the FBI best illuminates the conundrum facing much of local, state, and national government today – critical demands but a poor information space in which to work because data is not integrated and technology tools are lacking. Quite simply, departments and bureaus have hundreds of isolated systems (i.e. stove-piped or vertical applications) that manage redundant data and do not communicate effectively, if at all, with each other....The result, as documented in testimony to the 9/11 Commission, is that there is no effective mechanism for capturing and sharing institutional knowledge in some agencies, and the complexity in the data architecture means that most, if not all, agencies simply do not know what information they possess.”⁹

Thus, there is a pressing role for the information professional and data architect in helping to resolve the knowledge management issues present in law enforcement and anti-terrorist organizations today. However, the problems facing the United States are not solely technical. The issues of what approach to take in fighting terrorism and how privacy and security trade-off are politically explosive issues. Charles Tiefer provides some historical perspective on the political importance of the issues of crime and terrorism when he writes:

In the aftermath of 9/11, [U.S. Attorney General John] Ashcroft's assault on civil liberties came hard and fast, with many denials that it was politically motivated. The historical antecedents of this assault warrant some explanation....In 1952 the young Republican candidate for vice president, Richard M. Nixon, hit Democrats hard with the demagogic "C₃" formula, "Communism, crime, and corruption." The accused Democrats went down like bowling pins, with Nixon, in his role as "basher," helping Eisenhower win not only the White House but the Congress for the first time since 1930. In the same way, Ashcroft may deserve some credit for

⁸ Lee S. Strickland, The Information Shortcomings of 9/11, 38 The Information Management Journal 35 (November/December 2004).

⁹ Id. at 40.

Bush's retaking the Senate in 2002. The C₃ theme formula might be updated (phonetically) to Qaeda, crime, and the career civil service...¹⁰

Even if one disagrees with Mr. Tiefer's viewpoint, it is difficult to dispute that crime is a topic of perennial interest in American politics. After September 11th, 2001, however, the restrictions on law enforcement's information-gathering techniques took center stage in the ongoing political debate about privacy, surveillance, and identity.

An examination of the role of emerging information technologies may yield important benefits to the national discussion on the appropriate role of the law enforcement and how the United States government may best protect citizens' rights and our traditional concepts of liberty (including privacy) while allowing law enforcement to perform its task of protecting and serving the public.

Amitai Etzioni, in his book The Limits of Privacy, points out that there *are* costs associated with protecting privacy.

Champions of privacy also oppose the idea of adapting conceptions of privacy to contemporary social conditions -- even when faced with evidence of specific and significant public safety and public health deficits -- because of a widely shared belief that our emphasis on maintaining privacy has no negative consequences. The courts, these advocates hold, far from neglecting the public interest, have regularly included careful attention to it in their deliberations. The same is sometimes said about policymakers, federal and state administrators and legislatures, and regulatory bodies. To put it in the terms of the reference employed here, they would argue, strong advocacy of privacy has not unbalanced the societal scales, and there is thus no need to right them....In the studies of public policies and related matters of civil culture and legal doctrine that follow, my first call is to demonstrate *that immoderate champions of privacy have not merely engaged in rhetorical excesses but that these excesses have had significant and detrimental effects.*¹¹

¹⁰ Charles Tiefer, Veering Right: How the Bush Administration Subverts the Law for Conservative Causes, 77-78 (University of California Press: 2004) (citations omitted).

The goal of our public policy should be to balance the government's need to obtain information in order to protect the public *with* the public's strong interest in preserving our historical liberties. These include our freedom of choice, the right to dissent, and a tolerance for eccentric lifestyles. David Lyon suggests that American citizens are being forced into a false dichotomy.

If you have nothing to hide, it is often said, you have nothing to fear. This was a false assumption before September 11, 2001, and its falsity has become even more palpable and pernicious since...The loss of some liberties is portrayed as the price paid for security, which is another dubious deal. While tracking down the perpetrators of violence is entirely appropriate and laudable, reinforcing surveillance without clear and democratically defined limits is not.¹²

The goal of politics and information science should be optimize liberty and security; privacy being a specific type of liberty. While information architects and database designers are very skilled at designing systems based upon specific requirements, the notion of privacy is a complex topic that does not lend itself to a simple list of requirements. What *exactly* is privacy? How much privacy does a person need? What happens if a person does not have sufficient privacy? Is there a threshold level of privacy necessary for individual development? Is there a maximum and minimum amount of privacy?

Re-Thinking Privacy

The very term privacy is an explicit invocation of the private-public distinction. At the outset, one might ask, is this a useful distinction? Are there any harms to looking at the world through the lens of the public versus the private? Would the world be a better place if we changed our very conception of public and private? Even so, what would that world look like?

David Brin is a scientist and science fiction author and has proposed a truly radical

¹¹ Amitai Etzioni, The Limits of Privacy 7 (Basic Books 1999) (emphasis in original).

¹² Lyon at 1.

solution to the privacy debate. In his book the The Transparent Society, Brin suggests that we have gone too far down the road of surveillance and data capture to go back.

The issue of threatened privacy has spawned a flood of books, articles and media exposes...Spanning this spectrum, however, there appears to be one common theme. Often the author has responded with a call to arms, proclaiming that we must become more vigilant to protect traditional privacy against intrusions by faceless (*take your pick*) governmental bureaucrats, corporations, criminals, or just plain busybodies.

That is the usual conclusion -- but not the one taken here. For in fact, it is already far too late to prevent the invasion of cameras and databases. The *djinn* cannot be crammed back into its bottle. No matter how many laws are passed, it will prove quite impossible to legislate away the new surveillance tools and databases. They are here to stay.¹³

Brin's thesis is provocative. He contends that the United States is moving towards a truly transparent society and we should strive for total accountability in our lives. He suggests that every citizen should have access to every camera. We could watch our loved ones being interrogated by the police or sitting in prison. Or we could watch our most hated enemy as they performed their daily tasks. We would all be totally accountable and presumably anyone could track what we were watching. This would obviously have radical implications for society as well as law enforcement.

Brin feels that universal accountability would have its own self-regulating functions. Brin suggests that corporate executives should publish exactly the same information on themselves as the executive's corporations mine from private sector databases.

What is most interesting about Brin is the way he collapses the private realm of the public-private dichotomy. It takes a free thinker such as Brin to even suggest such a society

¹³ David Brin, The Transparent Society: Will Technology Force Us to Choose between Privacy and Freedom? (Addison-Wesley 1998).

because privacy is deeply embedded in American society¹⁴. Arguably privacy is such an overused term (like information or relevance) that it is not very helpful. But in order to replace it, we would need a word as descriptive and flexible. Privacy can even be conceptualized as different paradigms. William Self¹⁵ compares and contrasts social science definitions of privacy with legal definitions of privacy in his dissertation. Self suggests that privacy has reached the status of knowledge in the law and in the social sciences, unfortunately these conceptualizations are very different. In attempting to determine the correct public policy regarding privacy, surveillance and law enforcement, different results should be expected depending upon which tradition an individual or institution embraces.

Social Science Paradigms

Judee K. Burgoon has divided privacy into four realms: physical, psychological, social and informational.¹⁶ While this is a straightforward way of dividing up the different types of privacy, this does not capture the interconnection and overlap between these realms. Alan F. Westin has provided a much richer, but more diffuse, explication of privacy.

The father of the dominant social science paradigm of privacy is Alan F. Westin, whose Privacy and Freedom¹⁷ has been very influential. Westin's paradigm is a functional analysis of privacy.

Westin's Functional Analysis of Privacy

Westin breaks privacy down into four types: solitude, intimacy, anonymity, and reserve¹⁸. Solitude consists of being alone in the sense of not being observed by others. This does not imply

¹⁴ See Richard C. Turkington and Anita L. Allen, Privacy Law: Case and Materials (Second ed., West Group, 2002); Phillipa Strum, Privacy: The Debate in the United States since 1945 (Harcourt Brace College Publishers 1998); Fred H. Cate, Privacy in Perspective (AEI Press 2001); Alan F. Westin, Privacy and Freedom (Atheneum 1967).

¹⁵ William Ray Self, A Comparative Analysis of Privacy Paradigms: The Range of Legal and Social Science Conceptualizations (Unpublished Ph.D. dissertation, University of Alabama 1997) (on file with UMI/Proquest).

¹⁶ Judee K. Burgoon, Privacy and Communication, 6 Communication Yearbook 206 (1982).

¹⁷ Alan F. Westin, Privacy and Freedom (Atheneum 1967)

¹⁸ Id. at 7.

that one is free from distractions in the environment or that one is not being watched over by God. A person may reasonably fear in this day and age that she is being secretly videotaped without her knowledge or consent, however, this does not prevent her from being free of the presence of others. Like the prisoner in solitary confinement, a person is alone only with his or her conscience and memory. It is only in seclusion from other people that some forms of personal growth and self-assessment can take place. "[I]n solitude he will be especially subject to the familiar dialogue with the mind or conscience. But, despite all these physical or psychological intrusions [*e.g.* noise and surveillance], solitude is the most complete state of privacy that individuals can achieve."¹⁹

Another form of privacy that Westin describes is intimacy. Intimacy can be thought of as associational freedom. The right of free association is enshrined in the Bill of Rights and has important psychological implications. "Typical units of intimacy are husband and wife, the family, a friendship circle, or a work clique."²⁰

Anonymity is the ability to be unknown. This describes how people interact with strangers, how people behave in crowds, and the publication of ideas anonymously. The perception of anonymity may be influenced in many ways. A visible police presence and camera surveillance are both intrusions into anonymity. In a large crowd or a mob a person merges into the "situational landscape". Football hooliganism, bar fights, riots at sporting events all seem influenced by the sense of anonymity.

Westin's final type of privacy is that of reserve. Reserve is the ability to control the flow of information about oneself. Americans take on many roles and display different personalities in public and in private. More metaphorically, we take on different "masks" when dealing with different individuals. In order to maintain these relationships and roles we require privacy. This

¹⁹ Id. at 31.

is why we tell social lies, in order to maintain privacy about certain facts. We make decisions about not boasting or not revealing embarrassing facts or just limiting social access. The Oxford English Dictionary gives its first definition of dissemble as: "To alter or disguise the semblance of (one's character, a feeling, design, or action) so as to conceal, or deceive as to, its real nature; to give a false or feigned semblance to; to cloak or disguise by a feigned appearance."²¹ Dissembling should be distinguished from lying, not confirming or not revealing the truth about certain aspects of one's personality is important in dealing with subordinates and co-workers. Most people have facts about themselves that they wouldn't want revealed to family.

This ability to live private lives is central to our acculturation as Americans. Westin identifies four purposes or outcomes of privacy that affect us psychologically and socially. Privacy allows socially beneficial outcomes such as personal autonomy, emotional release, self-evaluation, and psychological reserve.

Westin describes personal autonomy this way:

In democratic society there is a fundamental belief in the uniqueness of the individual, in his basic dignity and worth as a creature of God and a human being, and in the need to maintain social processes that safeguard his sacred individuality. Psychologists and sociologists have linked the development and maintenance of this sense of individuality to the human need for autonomy -- the desire to avoid being manipulated or dominated wholly by others.²²

Individuality is part of the American sense of self-image. Under our ethos, each person is encouraged to make his or her own path in society. Privacy is an inherent part of the fabric of our complex lives in a burgeoning world. Given the many social interactions that the average American encounters on a daily basis, emotional release is also important to our mental health. Privacy allows us to relax while shifting between roles. An example would be the primal scream

²⁰ Id. (citations omitted)

²¹ Oxford English Dictionary (2nd. ed.) at <http://dictionary.oed.com> (Accessed December 3, 2004).

of an employee in the privacy of her apartment after dealing with an especially unpleasant boss. Sexuality and bodily maintenance are also traits for which Anglo-American society desires privacy. (The degree to which individuals are allowed to keep their sexuality private can also be seen a barometer for tolerance of diversity and deviance in a society.)

For those living in a busy urban environment, where there is constant interaction with others, psychological reserve is important. Reserve as an aspect of privacy is also used by Westin to encompass the dissemination of information of the self. Reserve in the context of controlling access of others to personal information would include reserve in conversations and publications as well as in the modern sense of data privacy for important information such as medical, financial or legal information.

In the Internet age, data privacy has become an increasingly complex issue and this type of personal information is very difficult to maintain as private or re-capture once disseminated. Identity theft is perhaps the ultimate in the loss of reserve.

Legal paradigms

Social science paradigms are very different from legal paradigms of privacy. The U.S. Supreme Court has identified an unenumerated right of privacy as necessary for the exercise of the other freedoms provided by the United States Constitution. Griswold v. Connecticut²³ was the landmark case that established the right to privacy. Griswold was about the right of married couples to legally use birth control. Since then the right of privacy has been expanded to cover many other practices including abortion. The right to privacy in the American jurisprudence can be traced back to the 1890 article in the Harvard Law Review by future Supreme Court Justice Louis Brandeis and his law partner Samuel Warren, titled "The Right to Privacy". Privacy is now

²² Alan F. Westin, Privacy and Freedom 33 (Atheneum 1967)

²³ Griswold v. Connecticut, 381 U.S. 479 (1965).

protected by four intentional torts and a patchwork of privacy laws.²⁴

Feminist Criticisms of Privacy

Feminists have criticized the notion of privacy as an institutionalization of the “separate spheres” ideology of male dominance, the notion that the public sphere is the realm of men and the private sphere is the realm of women. On this view, privacy serves as a mechanism to promote the patriarchal system of power within the domestic sphere.

First Amendment theory, like virtually all liberal legal theory, presumes the validity of the distinction between public and private: the “role of law [is] to mark and guard the line between the sphere of social right.” On this basis, courts distinguish between obscenity in public and (which can be regulated, even if some attempts founder, seemingly in part because some presentations are public) and the private possession of obscenity in the home. The problem is that not only the public but also the private is a “sphere of social power” of sexism. On paper and in life pornography is thrust upon unwilling women in their homes. The distinction between public and private does not cut the same for women as for men. It is men’s right to inflict pornography on women in private that is protected.²⁵

David Brin's discussion of the transparent society is one vision of a society where the public-private distinction has been collapsed by making everything public. An anonymous society would be one where everything was private. Brin suggests that we are hurtling towards a day when privacy will become unknown. Perhaps this will have an ameliorative effect on crimes such as domestic violence, sexual assault, child abuse, and elder abuse.

Privacy and Culture

Privacy is unique to each society. The focus of this paper is upon the United States in the late twentieth and early twenty-first centuries. It is important to realize that privacy is a flexible

²⁴ See Richard C. Turkington and Anita L. Allen, Privacy Law: Case and Materials (Second ed., West Group, 2002).

²⁵ Catherine A. MacKinnon, Feminism Unmodified: Discourses on Life and Law 155 (Harvard University Press,

concept and that expectations of privacy evolve with society. Just because contemporary society recognizes a certain type of privacy, does not mean that it will continue to do so.

It is important to determine how privacy functions in society and when privacy must yield to more compelling interests. Etzioni sums this up well when he writes.

[The privacy debate] is about our investment in the common good, about our profound sense of social virtue, and most specifically about our concern for public safety and public health. Although we cherish privacy in a free society, we also value other goods. Hence, we must address the moral, legal, and social issues that arise when serving the common good entails violating privacy.²⁶

Therefore, it is fair to ask what sort of society do we want to live in? How do we best preserve our traditional liberties and promote the public good? What restrictions on liberty should society be allowed to impose?

These are difficult questions. David Lyon, a Canadian sociologist who was written widely on privacy and surveillance discusses how he has wrestled with this issue of surveillance and privacy.

Several years ago, when I first started researching and writing about surveillance, I endeavored to maintain an appropriate stance that was neither paranoid nor complacent. I argued (and still do) that surveillance of some kind is both socially necessary and desirable but that it is always ambiguous. The dangers and risks attending surveillance are as significant as its benefits. In contexts where I felt people were being alarmist and shrill I cautioned restraint and pleaded for more careful analysis. In contexts where complacency seemed to reign I tried to show that surveillance has real effects on people's life-chances and life-choices that can at times be very negative.

Since 9/11, however, the pendulum has swung so wildly from "care" to "control" that I feel compelled to turn more robustly to critique. While I still insist that attitudes towards surveillance should be ambivalent, the evidence discussed in this book obliges me to observe that oblique dissent will no longer do. Some instances of early twenty-first century surveillance are downright

1987) (citations omitted).

²⁶ Amitai Etzioni, *The Limits of Privacy*, 2 (Basic Books 1999)

unacceptable, as they directly impugn social justice and human personhood. They help create a world where no one can trust a neighbor, and where decisions and polity are made behind closed doors or within "smart" systems.²⁷

Given the changes in American society wrought since September 11th, 2001, it is especially important to assess the state of privacy in America.

The Transparent Society Revisited

The vision of David Brin's truly transparent society is attractive because it seems to solve many of the taxing issues of privacy within American society. But Brin's vision would require us to sacrifice many of the aspects of privacy discussed above. Anonymity would seem all but impossible in Brin's future. Brin's faith in accountability and the ability of the police to protect citizens seems naïve²⁸. In his defense, Brin offers the book as a thought experiment or philosophy work rather than a tightly-drawn policy prescription. MacKinnon's arguments for a society that has moved beyond the public-private distinction make this concept worthy of discussion.

While a radical re-thinking of privacy is tempting, it is also a task of questionable utility. Given that social science and law have both developed deeply embedded views of privacy and its role in society, a radical analysis would require significant buy-in by several societal institutions. This paper aims to work within the existing conceptions of privacy and point the way towards rationalizing emerging technologies with the public goods associated with privacy.

Pseudonymity and Transparency

Tal Zarsky has come up with a proposal based upon Brin's work that offers an innovative, yet simple, suggestion for helping retain the privacy of citizens while allowing law enforcement to pursue crimes on the Internet like identity theft, child pornography, and cyber-terrorism.

²⁷ David Lyon, *Surveillance after September 11*, 143 (Polity, 2003)

Zarsky proposes that we use traceable pseudonymity rather than transparency as our model.²⁹ Under traceable pseudonymity, we would replace people's names and other identifiers with an alias or code number. That alias would then be located in a "look up" table similar to that used by Domain Name Servers and Object Names Servers. Only if there was a suspicion of wrong-doing would the individual's identifying information be consulted.

Traceable pseudonymity enables a two-way link between the pseudonym and the physical self by allowing the individual to directly and discreetly receive messages intended for the alias. With two-way communications, a pseudonymous society can accommodate actual interactions or business transactions...in a traceable pseudonymous society, only a few, such as mailers and specific intermediaries, can connect the virtual selves and the physical selves and may do so only under specific circumstances and certain terms. Most of society will not be privy to such identifying information while interacting with virtual personas and will only interact with the pseudonym.³⁰

This is a relatively modest proposal to attempt to deal with the potential invasion of privacy that pervasive data collection and data mining present to the public. This proposal is very pragmatic and does not call for a massive re-structuring of the public-private distinction such as David Brin or Catherine MacKinnon advocate.

A Public Policy Heuristic

Society often must make difficult decisions for the public good. The easy cases are when values are clear, but difficult choices usually involve trade-offs between two qualities that society wishes to promote. "We must recall that ethics and public policies often entail not a

²⁸ See Ernesto U. Savona and Mara Mignone, The Fox and the Hunters: How [Information and Communication] Technologies Change the Crime Race, 10 *European Journal of Criminal Policy and Research* 3, 18 (2004).

²⁹ Tal Z. Zarsky, Thinking Outside the Box: Considering Transparency, Anonymity, and Pseudonymity as Overall Solutions to the Problems of Information Privacy in the Internet Society, 59 *U. of Miami L. Rev.* 991 (2004); Tal Z. Zarsky, "Mine Your Own Business!": Making the Case for the Implications of the Data Mining of Personal Information in the Forum of Public Opinion, 5 *Yale Journal of Law and Technology* 4 (2003); Tal Z. Zarsky, Desperately Seeking Solutions: Using Implementation-based Solutions for the Troubles of Information Privacy in the Age of Data Mining and the Internet Society, *Maine L.Rev.* (2004).

³⁰ Tal Z. Zarsky, Thinking Outside the Box: Considering Transparency, Anonymity, and Pseudonymity as Overall Solutions to the Problems of Information Privacy in the Internet Society, 59 *U. of Miami L. Rev.* 991, 1032 (2004).

choice between good and evil or right and wrong, but rather the much more daunting challenge of charting a course when faced with two conflicting rights or goods."³¹

This is just the case when dealing with privacy and the public safety. Etzioni suggests a heuristic for choosing between privacy and other public goods. He suggests four criteria to balance privacy and the government's need for actionable intelligence. First, privacy shall only be compromised in the face of a large and well-documented threat. Second, privacy should only be restricted if there is no less restrictive alternative available. Third, any invasion should be as minimally intrusive as possible. Fourth, measures waiving privacy should be chosen and structured to minimize any harms and side effects.³² While these arguments are all reasonable and very pragmatic, these arguments do not establish "bright line" rules for policy makers. Given the rhetoric of the war on terrorism, the war on drugs, the war on crime, a reasonable person would be skeptical of the utility of the first criterion.

The Police Function and Privacy

Absent a revolution in privacy law, it is likely that the current legal scheme of a "reasonable expectation of privacy" will continue in force with only minor legislative and judicial changes. However, recent technologies have given law enforcement an unprecedented ability to track the American public. As Haggerty and Ericson point out:

[The] appeal [of military high-technology spin-offs] to police derives from the way in which they reinforce and augment managerial and governmental practices. As such, they are the technological conditions of possibility for the expansion and intensification of a model of policing which accentuates the routine surveillance of populations, scrutiny of data banks and communication of risk knowledge to a host of agencies external to the police.³³

³¹ Amitai Etzioni, The Limits of Privacy, 4 (Basic Books 1999)

³² Id. at 184-86.

³³ Kevin D. Haggerty and Richard V. Ericson, The Militarization of Policing in the Information Age, 27 *Journal of Military and Political Sociology* 233, 237 (Winter 1999).

It is understandable that law enforcement would constantly seek more powerful technologies to deal with criminals, especially with new threats that evolve due to our globalized and networked world. Citizens will continue to adapt to these new technologies and notions of privacy and social space will continue to evolve.

Privacy is not dead, but rather in flux. While it is difficult to predict how citizens will adapt the changes brought about by this technological arms race between cops and criminals, it is certain that the topic of privacy will continue to fascinate social scientists while bedeviling legislators and judges who attempt to grasp the ever-elusive definition of privacy.

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E. Major Paper

Instructor: Mary Niles Maack

Course: Historical Methodology (IS-281)

N.B. This course is not necessary to satisfy Neal Axton's methodology requirement.

Date Submitted: Spring 2004

Assignment: Write an historiography on a topic related to librarianship.

The Fear of Communism and Its Impact on Librarians, an Historiography, 1949-1953

1. Introduction

This essay explores historical writing on the public reaction to communism within the United States in the early 1950's and the effect of the fear of communism on librarianship in the United States. The dissolution of the Soviet Union in the 1990's allowed American historians to access to former Soviet archives and finally answer some perplexing questions from the 1950's and establish the veracity of many of the accusations of Joseph McCarthy as well as the guilt of the Rosenbergs and Alger Hiss. This archival access has stimulated historians and led to a significant body of recent work on the topic, as John Earl Haynes points out:

There is no doubt that the Cold War has ended. The Soviet Union is no more, and Communists and Communism, although not gone, are fast disappearing. But historical debates over Communism and the Cold War are in many ways more lively and interesting now than ever before.... Debates over Communism will continue well into the twenty-first century and, as scholars of the French Revolution can attest, will remain a topic of intense controversy for many years to come.³⁴

Haynes's work is an analytical historiography that divides histories of the McCarthy era

³⁴ John Earl Haynes, "The Cold War Debate Continues: A Traditionalist View of Historical Writing on Domestic Communism and Anti-Communism," *Journal of Cold War Studies* 2, no. 1 (2000): 76-115.

into two conflicting camps: traditionalist and revisionist³⁵. Haynes then evaluates representative historians of both viewpoints and divides them into four waves based upon trends in these histories over time. The fourth wave of writers are those writing after 1992 with access to the Soviet archives and the declassified *Venona* intercepts of Soviet intelligence communications.³⁶

This essay evaluates the writings of several revisionist writers in the fourth wave including Louise Robbins, Pamela Spence Richards, and Stuart Foster. Two fourth wave traditionalists are also considered in the form of Stephen Karetzky and John Earl Haynes. This essay also refers to other writers and criticisms, but the emphasis is on contrasting and comparing the historical techniques, methods and conclusions of these recent writers, whom Haynes would consider "fourth wave".

2. Scope: Early Cold War Years

The scope of this essay is histories of events that took place in the United States between 1949 and 1953. 1949 marks the beginning of President Truman's second term, a watershed year in American anti-communism. 1949 saw the emergence of communist China, the formation of the North Atlantic Treaty Organization, and the Soviet Union's first test of the atomic bomb. As such, 1949 is a critical year for the Cold War and the fear of communism. Truman's second term also saw the rise and fall of Joseph McCarthy. McCarthy's name has become synonymous with virulent anti-communism. Truman's second term is also worthy of examination because of the racial turmoil the country was experiencing during this time.³⁷

1953 is significant for several reasons. First, it marks the end of the Korean war, which was the first police action that the US fought during the Cold War. Second, 1953 marks the end of the Truman presidency and the beginning of Eisenhower's presidency.

³⁵ Ibid., 85.

³⁶ Ibid., 97.

³⁷ Monroe Billington, "Civil rights, Truman and the South," *The Journal of Negro History* 58, no. 2 (1973): 127-139.

3. Traditionalist Views of Joseph McCarthy

Stephen Karetzky has suggested that the fear of communism has been exaggerated by many historians of librarianship and by the Revisionist school of historical thought. Karetzky's criticism of library history and revisionist history is broad and extensively researched.

For the past several decades, the dominant literature of American librarianship dealing with the history of Soviet-American library relations, international librarianship, and related subjects -- like intellectual freedom -- have been interrelated. In many instances, they are clearly of one piece and essentially made out of whole cloth. The methodological and substantive flaws in such histories are enormous. Among the most blatant of these are the idealization of past anti-anti-Communist librarians and the uncritical acceptance of their words and views as gospel....Consequently, the genuine dangers posed by the Soviet Union and the international Communist movement it directed have been minimized, if not dismissed....Today's library historians based in universities' graduate schools of library and information studies not only accept at face value the specious testimony and flawed historical works that have emanated from within their profession, but they are further misguided by the products of the so-called "Revisionist" school of US history, which has come to dominate the discipline in American academia.³⁸

Despite its many virtues, Not Seeing Red: American Librarianship and the Soviet Union, 1917-1960 is damaged by its ideological assumptions and prejudices. Karetzky is effectively an apologist for the worst excesses of Joseph McCarthy, Richard Nixon, and J. Parnell Thomas during the 1950s.

In many ways, Not Seeing Red is a microcosm of what went wrong with the investigations into Communist influence under the House Committee on Un-American Activities and the Senate Permanent Subcommittee on Investigations from 1949-1953.

Robert K. Carr wrote of the House Committee on Un-American Activities that "more often than not, the committee presented this information [about the threat of communism] in

such a careless and irresponsible fashion that it failed to persuade honest men [sic] of the impartiality and importance of its findings.”³⁹ The same accusation could easily be leveled at Karetzky. *Not Seeing Red* is a fascinating book filled with intriguing details and quotations that focuses upon the role of librarians and the Library of Congress in promoting international cooperation and in responding to the accusations of partisans such as McCarthy and Nixon. Unfortunately, Karetzky sacrifices any pretense of historical objectivity and readers are forced to re-evaluate all of Karetzky's conclusions independently. Karetzky's work is thus provocative and frustrating at the same time.

4. The Rhetorical Methods of Karetzky

Methodologically, Karetzky's book is disappointing due to his lack of primary resources on Soviet history. This point is highlighted because of Karetzky's attacks on other library historians for failing to use primary resources in their criticisms of McCarthy. Irinia L. Lynden points out that:

The two major components of Karetzky's research are the development of Soviet librarianship and American and British library historiography and research on the same subject. Though the main emphasis of the book is placed on the latter, its success must, to a significant degree, be dependent on the author's knowledge of Russian and Soviet history, culture, and librarianship. Unfortunately, that knowledge appears to be limited in the case of Karetzky. Two factors account for this limitation: the author has probably never been in the Soviet Union, and he did not use original writings by Russian and Soviet scholars. He did not mention archival documents available after *perestroika*, or recent papers and findings by Russian librarians, which are based on primary sources, practical knowledge, and a critical attitude toward the drawbacks of the Soviet past.⁴⁰

Given Karetzky's criticisms of library historians for not having read the original

³⁸ Stephen Karetzky, *Not Seeing Red: American Librarianship and the Soviet Union, 1917 - 1960*, (Lanham: University Press of America, 2002), 304-06.

³⁹ Robert K. Carr, *The House Committee on Un-American Activities* (Ithaca, New York: Cornell University Press, 1952) 450.

⁴⁰ Irina L. Lynden, "Not Seeing Red: American Librarians and the Soviet Union, 1917-1960" [Book Review], *Library Quarterly* 72, no. 2, 222-23.

McCarthy transcripts⁴¹, Lynden's criticism reveals Karetzky's internal inconsistency as well as his work's methodological weaknesses. Further, Karetzky criticizes Wayne Wiegand's treatment of UCLA's Lawrence Clark Powell's biography in Leaders in American Academic Librarianship as showing a definite bias without ever acknowledging his own profound bias.

Karetzky's *ad hominem* attacks against Margaret Coleman diminish the credibility of his work. Karetzky derides "Margaret P. Coleman's moronic article in the *Wilson Bulletin for Librarians...*"⁴² Then, Karetzky goes on to explain just how wrong Coleman was to ever question the moral superiority of American librarianship over Soviet librarianship.

Coleman had asked -- rhetorically -- if American libraries were truly democratic and if American libraries and schools were not actually propagandists for capitalism just as those in the Soviet Union were for Communism? Common sense and a basic understanding of political affairs could have provided the answers. In short: *Yes*, American libraries were not only quite democratic but were more so than those in any other country. However, it is naïve to expect any human institution to be perfect. *No*, general support for an economic system that had proven to satisfy humans' physical needs better than any other and was an apparent requisite for political democracy was not the same as complete support for an oppressive social/economic/political system.⁴³

Karetzky not only engages in *ad hominem* attacks against Coleman, but he reveals his own biases here. Karetzky baldly asserts that "common sense and a basic understanding of political affairs" reveals the justice of the American system. He does not feel the necessity to use evidence to support his claim that capitalism is "better than any other" political system.

Karetzky's personal attacks on Coleman are reminiscent of Joseph McCarthy's inquisitorial techniques. Joseph Welch's question to McCarthy could just as easily be asked of Karetzky: "Have you no decency, sir?"⁴⁴

Karetzky's tone does his work a disservice as it distracts the reader from the narrative.

⁴¹ Karetzky, *Not Seeing Red*, 359.

⁴² *Ibid.*, 328.

⁴³ *Ibid.*, 329.

⁴⁴ David M. Oshinsky, *A Conspiracy So Immense: The World of Joseph McCarthy* (London: The Free Press, 1983), 463.

The reader is left with the distinct impression that Karetzky's conclusions are pre-conceived rather than based on a dispassionate review of the historical evidence. Karetzky's attempts to rehabilitate the reputation of Senator Joseph McCarthy are thus unpersuasive.

5. A More Compelling Traditionalist Narrative

A far more compelling historical narrative from a traditionalist viewpoint is that of John Earl Haynes.⁴⁵ Haynes's survey of the literature on anti-communism and his many citations to original sources found in Soviet archives gives his history of the cold war debate a persuasive character. Haynes does not disparage other writers with personal attacks, but rather presents a compelling meta-narrative that places other historians within a context that reveals their framework of assumptions.

Haynes begins by reviewing four decades of historical writing on communism, the Communist Party of the United States, and anti-communist efforts within the United States. From this framework Haynes suggests four "waves" of writings. The first wave of writings in the 1950's and 1960's are characterized as "regard[ing] Communism as an anti-democratic political movement that sought to replace America's system of democratic liberties with a tyrannical regime and also regarded [the Communist Party of the United States] as subordinate to Soviet Communism."⁴⁶ The second wave consisted of "revisionist" historians who blamed the liberal anti-communist movement of the 1940's and 1950's for the loss of civil liberties during this period almost as much as they blamed McCarthy and more conservative forces. Haynes claims the revisionists sought to revise the first wave's idealized view of anti-communist liberals. The third wave of historical thought is from the 1970's through the 1990's. Haynes's review of the scholarship of this period leads him to draw a distinction between third-wave traditionalist

⁴⁵ Haynes, "The Cold War Debate Continues," 76-115.

⁴⁶ Ibid., 79.

and third wave "new historians" or "radical historians". Haynes then launches into a discussion of recent works dealing with new evidence available since the fall of the Soviet Union.

Karetzky, by contrast, does not establish a framework for his criticisms, rather he accuses historians of being naïve, politically prejudiced and self-serving, or (as discussed above) stupid. Karetzky's primary tools are his acerbic wit and his ideological vision, rather than a comprehensive framework to makes sense of the work of previous historians such as Haynes provides. Karetzky's book is more a polemic against historians than an historiography. The contrast between Haynes and Karetzky could not be stronger.

In a chapter titled "The Complicity of Library Historians," Karetzky criticizes Louise Robbins' definition of McCarthyism and accuses her of disparaging Senator McCarthy unfairly and asserts that historians fabricated the "climate of fear" in the 1950's. In this excerpt he also displays his willful misreading of historical fact.

As already reported, Louise Robbins offers a definition of McCarthyism that, unfortunately, is widely accepted. She charges that it consists primarily of "assigning guilt by association" and "witch-hunting" to instill fear in others. Both derogatory clichés have already been critiqued in this volume, as has the fabrication that a "climate of fear" existed throughout the country due to overzealous anti-Communists....A negative view of McCarthy has also been created by what today would be called *sound bites*, *psuedoevents*, or *media events*. For example, most historically aware people have seen, heard, or read the well-staged, rhetorical question to the Senator during the Army-McCarthy hearings by the crafty attorney, Joseph Welch, who quietly feigned a doleful judgment: "Have you no sense of decency, sir?" This sham, which drew applause from the journalists and opponents of McCarthy packed into the hearing room, immediately and irreparably harmed McCarthy's image since it was broadcast live on television and radio....Welch, a cagey, self-possessed, New England trial lawyer, was treated like a hero by the mainstream news media throughout the hearings.⁴⁷

Karetzky's conclusion is highly questionable. In asserting that McCarthy was the *victim*

⁴⁷ Karetzky, Not Seeing Red, 367.

of Joseph Welch, Karetzky ignores the fact that Welch was responding to McCarthy's attempts to smear the name of one of Welch's associate, Fred Fisher. If one believes Roy Cohn's published account, Welch and McCarthy had entered into a gentleman's agreement not to mention Cohn's draft record or Fisher's association with the National Lawyer's Guild⁴⁸, this is presumably what Karetzky means when he states that Welch *feigned* his doleful expression. But Karetzky sees no shame in McCarthy breaching his gentleman's agreement (if it even existed) nor in McCarthy attempting to ruin Fred Fisher's reputation. Similarly, Karetzky does not comment on the context of the hearings where McCarthy was being investigated for influence peddling to obtain a commission for his staffer, G. David Schine. Karetzky still sees McCarthy as the victim despite all of this. It is this type of disconnect that makes Karetzky's writings seem as dishonest as McCarthy⁴⁹. Even Roy Cohn admitted that McCarthy was often abusive and publicly humiliated people. "We cannot dismiss as easily the charges that he played rough politics, occasionally took unfair advantage of people, and said harsh things in public. His 'Alger - I mean Adlai' reference to Adlai Stevenson was regrettable, and his characterization of the Democrats as the 'party of treason' was inexcusably broad (and therefore inaccurate) accusation."⁵⁰

Karetzky's account is highly documented with secondary sources, but primary sources are rare in his analysis. This weakness is demonstrated when we compare his writing to the much more primary-based work of Louise Robbins and Pamela Spence Richards. Richards provides a rebuttal to Karetzky's assertion that historians invented the "climate of fear" when she writes:

One indication of how intimidated some librarians were by self-styled "patriots" was the refusal in 1955 of three school librarians who opposed book banning to permit their faces to be photographed for an Edward R. Murrow television program on the right wing's book-banning campaigns: only the librarians'

⁴⁸ Oshinsky, *A Conspiracy So Immense*, 458-63.

⁴⁹ Thomas C. Reeves, "Joe: The Years Before Wheeling," *McCarthyism*, 3rd ed., Thomas C. Reeves, editor (Malabar, Florida: Robert E. Krieger Publishing Co., 1989), 14-17.

⁵⁰ Roy Cohn, "History Will Vindicate Him," *McCarthyism*, 3rd ed., Thomas C. Reeves, editor (Malabar, Florida: Robert E. Krieger Publishing Co., 1989), 54-55.

silhouettes and hands appeared on the nation's television screens. The organizer of one of the California book-banning campaigns, however, had no such fears of public retribution: Mrs. Anne Smart of San Francisco, a self-appointed book censor, appeared full-face on the Murrow show to defend her list of subversive books and to tell the American people that "books are dangerous. They have caused revolutions."⁵¹

While Haynes' account of communism and anti-communism in America is far superior to the level of analysis supplied by Karetzky, neither study really reflects what life was like for the average librarian in America from 1949-1953. Rather, these traditionalist accounts focus upon the bigger picture of national and international relations and fail to present the perspective of ordinary librarians.

6. Revisionism from a Different Historical Perspective

Louise S. Robbins' book The Dismissal of Ruth Brown is very different in tone, style, and context from Karetzky's book or Haynes's essay. Louise Robbins brings a feminist perspective to her revisionist history. Robbins acknowledges this perspective when she writes: "What [my faculty advisor, Wayne Weigand] may or may not have known fully was the standpoint from which I launched the project: I had a history of feminist political activism in Oklahoma and a history of civil rights activism as well."⁵²

Robbins approaches her work with the tools of the feminist, an appreciation of standpoint epistemology and a "contextual model" of race, class, sex, and gender. Robbins' techniques are those of the serious historian. Her citations are replete with original sources such as contemporary newspaper accounts and she conducted numerous interviews for her book.

The Dismissal of Miss Ruth Brown begins by focusing on the events that transpired in a

⁵¹ Pamela Spence Richards, "Cold War Librarianship: Soviet and American Library Activites in Support of National Foreign Policy, 1946-1991", *Libraries and Culture* 36, no. 1, 198.

⁵² Louise S. Robbins, *Dismissal of Miss Ruth Brown*, (Norman, Oklahoma: University of Oklahoma Press, 2000), 167.

small town in the Midwest and provides an more concrete appreciation of the historical events of the early 1950's from the viewpoint of a small town librarian, Ms. Ruth Brown. This type of history is a valuable addition to the literature of the field because it explicates the challenges individual librarians faced during the 1950's rather than focusing upon national political trends or schools of historical thought.

Robbins' book is an account of how a small town librarian was fired in Bartlesville, Oklahoma in 1950 for allegedly corrupting the youth by subscribing to journals such as the *Nation*, the *New Republic*, and *Negro Digest*. While Robbins details national events such as the Alger Hiss trial and the Peekskill, New York riots, Robbins also details local politics in her book, from the role of Phillips Oil company in founding Bartlesville to the impact of the 1921 race riots in Tulsa, Oklahoma upon Bartlesville's African-American residents.

Ms. Robbins conducted over 40 different interviews and includes an extensive list of archives, manuscripts, newspapers, and secondary sources consulted. Her mastery of the topic shows. Ms. Robbins' careful documentation of the firing of Miss Ruth Brown reveals a great deal about Bartlesville's local politics. Rather than talking about some abstract "elite" in America, Ms. Robbins discusses the role of the two local oil companies in city politics as well as how members of the Bartlesville American Legion, the Daughters of the American Revolution, and a local Republican women's group "Pro-America" formed a "citizen's committee" that fomented opposition to Miss Ruth Brown and her integrationist principles. The author's careful research allows her to document the undercurrent of racism that was the real rationale for firing Miss Ruth Brown; the accusations that Miss Ruth Brown was a communist were a subterfuge. Miss Brown's anti-racist activism is well-documented through local newspaper accounts and by her own private correspondence. Due to her research, the author is able to explicate events of racism that occurred but were not reported in the local press, creating a fascinating picture of

how politics affects the historical record.⁵³

The linkage between race mixing and communism is explicit in Robbins' work, but is not mentioned in either of the traditionalist works reviewed earlier. "The Peeskill riots, as they were called, seemed proof positive to many in Bartlesville that Robeson was a communist and that those who, like Robeson, favored integration were also communists."⁵⁴ As we will see, there is significant historical evidence for a linkage between communism and race-mixing in the popular imagination of the 1950's.

The decision by an historian to address the social issues arising in the 1950's along with the fear of communism or to restrict the scope of the historical inquiry solely to the espionage activities of the American Communist Party has a profound effect on the conclusions reached by the author.

7. Racism and Anti-Communism

Pamela Spence Richard's essay on Cold War Librarianship emphasizes the role of American racism in Soviet propaganda.

The single most popular accusation hurled at America was that of racism, which in Soviet eyes made the United States peculiarly unsuitable for the leadership of a world that even Harry Truman described as "90% colored." A 1948 *Bibliotekar'* [Russian library journal] article on "Bourgeois Libraries in Service of Reaction" pointed out that only 99 of the existing 734 public libraries in the southern states of the United States had services for black readers, adding that "in fact the Negro population of the U.S. in general lacks the most elementary library services."....Another favorite theme of *Bibliotekar'*...was the danger inherent in the United States' extension to foreign countries of its reactionary brand of librarianship, serving only the interests of the middle class.⁵⁵

One measure of how divisive the issue of civil rights was can be estimated from the response to President Truman's civil rights proposals. Monroe Billington offers insight into the

⁵³ Ibid., 41.

⁵⁴ Ibid., 52.

mix of racism and communism in the American mind by looking not only at the Congressional response to Truman's civil rights proposals, but also by reviewing letters mailed to President Truman by ordinary Americans. In response to Truman's proposals in February of 1948 of a fair employment law, an anti-lynching law, an anti-poll tax measure, and a prohibition on discrimination in the interstate-transportation industry, President Truman received letters that reveal how racism and anti-communism co-existed in the minds of many Americans.

From Florida came this reaction: "If you think you are going to cram niggers down the throats of we Southerners, -- you are badly wrong. You should be smart enough to know that the niggers get better treatment in the South from Southerners, than any other section of the U.S.A. Southern families have known how to handle niggers better than any others; they help them when they get in jail, through sickness and other adversities, but when it comes to making them our equals, allowing them to ride with us in trains and buses, theatres and restaurants [sic] etc., -- well that just don't go!" "You have advocated and asked Congress for a lot of good legislation, both Domestic and Foreign," acknowledged a Tennessean, "'but' when you asked Congress to pass your Civil Rights Legislation, and press down the Crown of Thorns on the South's brow and crisify [sic] the South's people on a **Communitic Cross disguised as Negro Equality**, that was the straw that broke the Camel's back." (emphasis mine)⁵⁶

The question of race was thus intimately tied to issues of social justice in many Americans' minds. These works by Richards and Robbins helps contextualize the roles of libraries and librarians not only as stewards of knowledge, but also as stewards of diversity and integration. These issues of racial overtones to the discussion of communism and anti-communism are developed and brought to the foreground by Richards and Robbins, providing an historical perspective lacking in the traditionalist work of Karetzky or the meta-narrative of Haynes.

8. Overseas Libraries as Barometers of Public Policy

⁵⁵ Richards, *Cold War Librarianship*, 195.

⁵⁶ Billington, "Civil Rights, Truman, and the South," 134

Robbins' essay "The Overseas Library Controversy and the Freedom to Read: U.S. Librarians and Publishers Confront Joseph McCarthy" is more similar in scope to Karetzky's work than The Dismissal of Miss Ruth Brown. Even here the contrast between the two authors is stark. Robbins discusses how McCarthy requested books of communist authorship to be removed from US Government Information Centers abroad. In response to rumors of book burnings by government staff, a second communiqué was sent out requesting that material be stored and not burned. (Robbins 2001, p. 30)

Karetzky, on the other hand, sees a conspiracy by librarians to defame McCarthy. He reports on a comment allegedly made by John Foster Dulles in a cabinet meeting that the librarians had intentionally burned the books to discredit McCarthy. (Karetzky 2002, p. 200) Karetzky cites Robert J. Donovan's 1956 memoir as the source of the allegation. The allegation is so speculative that it seems unworthy of inclusion.

Traditionalists do not have a lock on poor historical reasoning. Stuart Foster's Red Alert! reads well, but Foster's use of resources is disappointing. Red Alert! is poorly documented and makes broad assertions without adequate historical justification. Foster makes extensive use of primary sources in discussing the NEA's National Commission for the Defense of Democracy Through Education. However, in developing the historical context for his investigation, Foster takes a less critical approach. He places his narrative against the backdrop of well-established events such as the Korean war, the emergence of Communist China, Alger Hiss's perjury conviction, and the acquisition of nuclear weaponry by the Soviet Union, but does not provide significant analysis about how these events led to the polarization of American society.

Foster cites to historians including David Cate, Arthur Schlesinger and Howard Zinn liberally to support his broad generalizations. Foster begins with the background of America in the 1950's and then moves to the NEA's work and places it in the foreground in the latter half of

the book. An example of one of his generalizations is when he writes:

Historically, a peculiar feature of American culture has been its relentless striving for social cohesion and national unity. To declare oneself “an American” symbolized a desire to uphold certain inviolate ideals and to renounce “alien” tendencies such as socialism, collectivism, and fabianism. In the late 1940s and early 1950s therefore, “Americanism” often was irresistibly equated with anti-communism, and this explains the growth and attraction of the red scare in this period. As David Caute [in The Great Fear, New York, 1978] shrewdly observed, “one of the appeals of McCarthyism was that it offered every American, however precarious his ancestry, the chance of being taken for a good American, simply by demonstrating a gut hatred for Commies.”⁵⁷

Foster paints with a very broad brush in this selection. The author makes many sweeping generalizations, such as when he writes: “The red scare was not a manifestation of American populist sentiment, but, rather, an expression of special interest politics often fueled by a conservative elite.” This statement is not supported in Foster's text.

For a more rigorous discussion of the role of elites and public opinion during the McCarthy era see James L. Gibson's Political Intolerance and Political Repression during the McCarthy Red Scare⁵⁸. Mr. Gibson's use of statistical analysis bolsters his claim that American political elites as well as popular opinion were intolerant of communists.

Indeed, one reading of the...data is that elites and masses differed principally on the degree of proof of Communist party membership required necessary before repression was thought legitimate. Much of the mass public was willing to accept a very low level of proof of party membership (e.g. innuendo), while many elites required a legal determination of Communist affiliation. Once convinced of the charge, however, elites were very nearly as intolerant of Communists as members of the mass public.⁵⁹

Gibson's analysis is far more rigorous than Foster's and therefore more persuasive.

⁵⁷Stuart Foster, Red Alert! p. 9 (emphasis mine).

⁵⁸James L. Gibson, "Political Intolerance and Political Repression during the McCarthy Red Scare," *Quarterly Journal of the American Political Science Association* 82, no. 2, 511-529.

⁵⁹Ibid., p. 519.

Foster's historical methodology is unpersuasive due to a lack of bibliographical support and his need for an intellectual framework to support his allegations that political elites in this country exploited the fear of communism for their own purposes.

9. Power, Race, and Fear

The analysis of Gibson also provides an interesting backdrop for the research of Robbins and Richards. In acknowledging that race and power played a role in the political intolerance of the 1950's, a fuller picture of the era can be formulated. While the retrospective "fourth wave" studies of Haynes and Karetzky are interesting, they do not speak as much to how the fear of communism in America affected political tolerance and free speech in America.

PART 8. ADVISING HISTORY

My initial advisor was Dr. Agre. But in the Spring of 2003, I asked Dr. Richardson to be my advisor. I had taken Government Information with Dr. Richardson previously and I was impressed by his knowledge of the legislative process and regulatory law. I also felt that we had developed a rapport.

I also received professional advice from June Kim of the UCLA Law Library and Louise Lindsey at the University of Tulsa Law Library on professional development and finding a job.

Part 8. Coursework

Fall 2003

IS-200 Information and Society – Ann Gilliland

IS-260 Information Structures – Greg Leazer

IS-455 Government Information – John V. Richardson, Jr.

Winter 2004

IS-461 Descriptive Cataloging - Greg Leazer

IS-245 Information Access – Mary Niles Maack

IS-410 Management Theory and Practice for Information Professionals - Beverly Lynch

Spring 2004

IS-281 Historical Methodology - Mary Niles Maack

IS-462 Subject Classification and Cataloging – Jonathan Furner

IS-289 Ethics, Diversity, & Change - Clara Chu

Summer 2004

IS-497 Fieldwork at the University of Tulsa Law Library - John V. Richardson, Jr.

Fall 2004

IS-246 Information-Seeking Behavior - Leah Lievrouw

IS-280 Social Science Research Methodology – John V. Richardson, Jr.

IS-598 Thesis Research - John V. Richardson, Jr.

Winter 2005

IS-233 Records & Information Management - Ann Gilliland

IS-282 Information Systems Analysis & Design - Phil Agre

IS-596 Directed Individual Study - John V. Richardson, Jr.

Spring 2005

IS-277 Information Retrieval - User Centered Design & Semantic Web - Phil Agre

IS-274 Database Design – Jean-Francois Blanchette

IS-596 Directed Individual Study - John V. Richardson, Jr.

Summer 2005

IS-279 Seminar in Information Systems & Information Architecture - Lynn Boyden & Chris
Chandler

PART 9. PROFESSIONAL RESUME

NEAL R. AXTON

EDUCATION

- Candidate, Master of Library and Information Science
University of California Los Angeles (2003-2006)
- Juris Doctorate, University of Kansas (1995-1998)
- Bachelor of Arts Degree in Philosophy, Kansas State University (1991-1995)

AWARDS

- Certificate of Merit for Innovative Programming by an SLA Student Group, June 2005
- On-The-Spot Award, U.S. Export-Import Bank, January 2002
- Quality Step Increase, U.S. Export-Import Bank, September 2001
- Superior Accomplishment Award, U.S. Export-Import Bank, January 2001
- Phi Beta Kappa, 1995

WORK EXPERIENCE

November 2004 to present

Evening Access Services / Reference Librarian, Hugh and Hazel Darling Law Library
University of California Los Angeles

Summary of Position: I oversee the library in the evenings. I handle reference queries and oversee access services. Other duties include digitizing materials and uploading them to the e-reserve system, processing billing statements, assisting in maintaining the reserve collection, and conducting faculty office searches.

June to July 2004

Fieldwork at the University of Tulsa's College of Law's Mabee Legal Information Center
During my fieldwork I worked on projects including: development of an international intellectual property pathfinder; researching a Native American archival project; developing a finding aid and funding proposal for a College of Law history archive project; staffing the reference desk; preparing resources and user testing for the mandatory legal research class; and studying the campus-wide emergency response plan.

September 2003 to November 2004

Student Circulation Supervisor, Hugh and Hazel Darling Law Library
University of California Los Angeles

Summary of Position: In this position I worked the circulation desk and oversaw access to the library, charged and discharged books. I supervised one guard and one community service officer. I opened and closed the law library in this role on evenings and weekends.

November 2002 to August 2003

Consultant with the Tribal Law and Policy Institute

Summary of Position: I edited a model child protection code for Tribal nations, assisted in code revision workshops, assisted in editing a textbook and developed instructor's guides and assisted with the 2002 Strengthening Tribal Nations conference.

July 2000 to September 2002

Executive Assistant to the Vice President, Structured Finance Division

Export-Import Bank of the United States

Summary of Position: A variety of administrative tasks, including: generating macros for reports to track the Division's \$9 billion portfolio; responding to correspondence; reviewing financial applications; entering transactional information into the mainframe; making international travel reservations and preparing reimbursement vouchers; training and supervising a temporary worker.

August 1999 to April 2000

Staff Attorney, The Law Offices of Charles E. Branson

Summary of Position: Duties included discovery, litigation, and contract negotiation.

October 1998 to April 2000

Proprietor of Law Firm, Axton's Legal Services

I practiced domestic, criminal and real estate law as a sole practitioner.

August 1998 to March 1999

Assistant Reference Librarian, Lawrence Public Library

Summary of Position: I worked 20 hours per week providing general reference, especially legal and local government questions. I provided Internet research assistance and phone reference. I assisted patrons with local history archives and microforms. I organized the closed stack archives and developed a weeding proposal for the archives.

August 1997 to May 1998

Assistant Reference Librarian, University of Kansas School of Law

Summary of Position: I worked 16 hours per week on evenings and weekends providing legal reference service. I assisted patrons in researching Kansas and federal law primarily.

October 1996 to July 1997

Deputy Clerk of the Douglas County District Court, Kansas

Summary of Position: I was the limited civil clerk I docketed new cases, set hearings, processed garnishments, writs, and bench warrants. I also worked the front counter and handled a variety of administrative tasks from accepting payments to registering liens.

REFERENCES

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University of Tulsa College of Law
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David Cappoli, Digital Resources Librarian
University of California Los Angeles
Email: dcappoli@ucla.edu
Phone: (310) 794-5350

Dr. Pat McGann
Director of Outreach, Men Can Stop Rape
Email: pmcgann@mencanstoprape.org
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