No. 1 R. B. Downs

Intell. Freedom Comm. Report to Membership Meet., Jan. 29

The year 1957 can go down in the record as one of comparative peace and quiet on the intellectual freedom front. There were few incidents that made the front pages. Nevertheless, perhaps never before in our history have there been so many pressure groups at work, often insidiously and behind the scenes, seeking to place limitations on what we may read or see or hear in books, magazines, radio, television, and motion pictures.

There is not time here this evening to enumerate and describe the multiple evidences of such activities. They are fully and ably reported in the Committee's Intellectual Freedom Newsletter, edited by Dr. Donald Strout, and the Censorship Bulletin of the American Book Publishers Council. As John G. Fuller recently pointed out in the Saturday Review, (Saturday Review) "The broadcasting industry is mercilessly plagued by sponsor pressure, FCC pressure, advertising agency pressure, and is totally over-sensitive to audience pressure...Hollywood, with rare exceptions is nervous, shaky, and intent on satisfying the fourteen-year-old mind."

Under these circumstances, Mr. Fuller came to the conclusion that our main hope of salvation and escape

from the hidden persuaders lies in the printed book and the legitimate theatre, since these must exist "without advertising subsidy or the necessity of catering to lowered intelligence."

The year 1957 will be remembered for two U.S. Supreme Court decisions which in combination added considerable confusion to legal aspects of censorship. On February 25, in a clear-cut, unanimous opinion delivered by Justice Felix Frankfurter, the Court voided a 118-year old Michigan statute which had caused Detroit to displace Boston as the "censorship capitol of the country." As stated in the opinion, "the incidence of this enactment is to reduce the adult population of Michigan to reading only what is fit for children. It thereby curtails one of those liberties of the individual... that history has attested as the indispensable condition for the maintenance and progress of a free society." By implication, in striking down the Michigan law, the court also ruled as unconstitutional similar laws in eleven other states.

A few months after its historic February decision, on June 24, the Supreme Court rendered another opinion. By a narrow 5 to 4 margin, it upheld a New York State

censorship law and attempted to define obscenity. The New York law prohibits the sale and distribution of allegedly obscene matter and permits seizure and ~~distribution~~ destruction of the same without a trial by jury. In dissenting opinions, Justices Black and Douglas termed the statute "prior restraint and censorship at its worst"; Justice Brennan noted that "the absence in the New York obscenity statute of a right to jury trial is a fatal defect"; and Chief Justice Warren wrote that: "It savors too much of book-burning."

The Court experienced similar differences of opinion in setting up a test for obscenity. According to the majority view, the criterion is "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest."

To this definition, Justice Douglas, with Black concurring, wrote a strong dissent, warning that: "Any test that turns on what is offensive to community standards is too loose, too capricious, too destructive of freedom of expression to be squared with the First Amendment... The legality of a publication in this country should never be allowed to turn either on the purity of thought which it instills in the mind of the

reader or on the degree to which it offends the community's conscience. In either test the role of the censor is exalted, and society's values in literary freedom are sacrificed."

Justice Harlan put the matter even more forcefully and succinctly: "The Federal Government," he wrote, "has no business, whether under the postal or commerce powers, to ban the sale of books because they lead to any kind of 'thoughts'."

There seems little doubt that the Supreme Court's June decision will give aid and comfort to the censors, just as its February decision cheered proponents of intellectual freedom. It is to be hoped that future decisions will clarify the Court's interpretations of the law in this field, and cure it of the schizophrenia which now appears to afflict certain of the distinguished justices.

A case which caused wide repercussions during the year involved the largest American public library. The facts, in brief, are these:

On November 10, the educational television station WCBS-TV in New York presented a show "The Faces of War", with dramatic readings from famous authors illustrating

the horrors of war and the futility of this means of solving man's difficulties. The day before the program was scheduled to go on the air one of the sponsoring organizations, the New York Public Library, withdrew its support. The ground for this action, according to Morris Hadley, then chairman of the Library's trustees, was that the show ran counter to the Library's established policy of not taking a position in "sensitive areas" because the Library wanted to be free to stock books reflecting all sides of controversial issues.

Obviously a fundamental question of policy is raised by this incident, one that concerns every library with public responsibilities. Many of us who are alumni of the great New York Public Library system will regret the Library's stand, and it is to be hoped that upon further reflection the policy will be modified. We would agree instead with the views expressed by Archibald MacLeish in his eloquent manifesto, "A Tower Which Will Not Yield", printed in the November 1956 issue of the ALA Bulletin. There Mr. MacLeish stated that, "Librarians should be encouraged to despise objectivity when objectivity means neutrality and when neutrality interferes with the performance of their duties as librarians. (applause)

They should be encouraged to believe positively and combatively in those principles of a free society in which they must believe to keep their libraries whole and sane."

One of the most significant activities of the Committee on Intellectual Freedom during the past two years has been the administration of the ALA Liberty and Justice Book Awards. The first series of awards was presented at a meeting in New York City last April.

The second ALA Liberty and Justice Book Awards offer a total of $15,000 to authors of books published in the United States in 1957 which make distinguished contributions to the American tradition of liberty and justice. There are again three award categories: contemporary problems and affairs, history and biography, and imaginative literature, i.e., fiction, poetry, or published drama. Winners will be selected by a panel of three prominent judges in each field. The jurors for the contemporary problems and affairs category are Ralph McGill, Agnes E. Meyer, and Paul H. Douglas; for history and biography, Merle Curti, Quincy Howe, and Louis B. Wright; and for imaginative literature, termed by someone in a slip of the tongue, "imaginary literature",

Paul Green, Archibald MacLeish, and Mark Van Doren.

An attractive brochure describing the awards has been printed and librarians throughout the country have been invited to display it as a means of encouraging readers to make suggestions of books for the judges' consideration.

Presentation of the second ALA Liberty and Justice Book Awards will be made at a general session of the Association ~~at~~ during the 77th annual conference in San Francisco next July. during (Applause)