


newsletter
on
intellectual
freedom



IFC ALA

Co-editors: *Judith F. Krug, Director, Office for Intellectual Freedom, American Library Association,*
and James A. Harvey, Executive Secretary, Illinois Library Association

March, 1973 □ Volume XXII □ No. 2

Resolution
on
Governmental
Intimidation

WHEREAS, The principle of intellectual freedom protects the rights of free expression of ideas, even those which are in opposition to the policies and actions of Government itself; and

WHEREAS, The support of that principle is guaranteed by the First Amendment, thus insuring Constitutional protection of individual or collective dissent; and

WHEREAS, Government, at whatever level, national, state or local, must remain ever vigilant to the protection of that principle; and

WHEREAS, Government, although properly empowered to promulgate, administer, or adjudicate law has no right to use illicitly its legally constituted powers to coerce, intimidate, or harass the individual or the citizenry from enunciating dissent; and

WHEREAS, The illegitimate uses of legitimate governmental powers have become increasingly a matter of public record, among them being the misuse of the Grand Jury and other investigative procedures, the threat to deny licenses to telecommunications media, the indictment of citizens on charges not relevant to their presumed offenses, and the repressive classification, and hence denial, of documentary material to the very public taxed for its accumulation; and

WHEREAS, These illicit uses not only constitute an abrogation of the right to exercise the principle of freedom of expression but also, and perhaps more dangerously, prefigure a society no longer hospitable to dissent;

NOW THEREFORE BE IT RESOLVED, That the American Library Association, cognizant that in the scales of justice the strength of individual liberty may outweigh the force of power, expresses its unswerving opposition to any use of governmental prerogative which leads to the intimidation of the individual or the citizenry from the exercise of the constitutionally protected right of free expression, and

BE IT FURTHER RESOLVED, That the American Library Association encourages its members to resist such improper uses of governmental power, and

FURTHER, That the American Library Association supports those against whom such governmental power has been employed.

ALA Intellectual Freedom Committee, Chairman, Richard L. Darling
(Dean, School of Library Science, Columbia University)

Adopted by the ALA Council
February 2, 1973
In Washington, D.C.

Titles Now Troublesome

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Our (Slightly Abridged) First Freedom

by Roger Funk

Assistant Director, ALA Office for Intellectual Freedom

If we can take Melville's word for it, the whaling code of the nineteenth century consisted of two articles: 1) A Fast-Fish belongs to the party fast to it. 2) A Loose-Fish is fair game for anybody who can soonest catch it. "What plays the mischief with this masterly code," Melville says, "is the admirable brevity of it, which necessitates a vast volume of commentaries to expound it." The First Amendment's equally admirable brevity has also required voluminous commentary. Unfortunately, some of it has been devoid of any admirable qualities.

Among recent additions to the sadder commentary is the Supreme Court's ruling on reporters' rights. Although the interpretation of the First Amendment which underlies the ruling may very well aim at "strict constructionism," it offers little comfort to newsmen threatened with contempt citations and those concerned about genuinely strict construction. Indeed, there seems to be little chance that the Court will harken to any dictum remotely like the late Hugo Black's "no law means no law," and a very good chance that the future will bring still more tortured reasoning.

The Supreme Court's "Assurance"

Writing for the Court in *Branzburg v. Hayes*, Justice Byron White argued that the First Amendment does not relieve a newspaper reporter of the obligation incumbent on all citizens to respond to a grand jury subpoena and answer questions relevant to a criminal investigation, and that the

Amendment does not afford him a privilege to conceal the identities of his sources.

The *Branzburg* ruling of the Supreme Court came in response to Paul M. Branzburg's appeal of two decisions by the Kentucky Court of Appeals. Branzburg, a staff reporter for the *Louisville Courier-Journal*, was ordered to jail for six months for refusals before grand juries to answer questions concerning his knowledge of drug abuse in two counties in Kentucky. In November, 1969, Branzburg published a story describing in detail his observations of two residents of Louisville synthesizing hashish from marihuana. The article included a photograph of a pair of hands working on a laboratory table. Branzburg refused to identify the two persons. In January, 1971, Branzburg published a story on the "drug scene" in Frankfort based on several interviews with drug users. He again refused to name any of the persons whom he had observed using drugs.

Unfortunately, Branzburg's fate has been shared by reporters in virtually every state. The cases of two other newsmen were heard with his. Paul Pappas, a newsman for WTEV-TV, was ordered to testify before a Massachusetts grand jury concerning his knowledge of Black Panther activities in New Bedford. He had covered civil disorders in that

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Intellectual Freedom International*

Uganda: Speak in Whispers, If at All

by Sanford Berman

Mr. Berman, Head, Cataloging Department, Hennepin County Library, Minneapolis, was formerly Librarian, Makerere Institute of Social Research, Kampala, Uganda.

In late September my family and I returned to the States from Uganda. For 18 months I'd worked at the Makerere Institute of Social Research (MISR), which occupies a verdant corner of the vast university campus in Kampala, the capital, an attractive, many-hilled city only a few miles from Lake Victoria's shimmering waters. We left that idyllic scene joylessly and rather abruptly, due to a worsening political situation that not only rendered daily work difficult but also endangered us personally. In fact, I had already suspended publication of the MISR Library's monthly *Accessions list/bulletin*, despite acclaim from its worldwide readership, largely because I no longer felt able to editorialize freely on problems of intellectual freedom and racism in Uganda itself. (Earlier issues had variously castigated H. W. Wilson's *Library literature* for inadequate Black African coverage, proposed international action by librarians to win release of imprisoned Russian-Jewish colleagues, exposed new eruptions of South African censorship, and assaulted racist and chauvinist bias in Western subject schema.) Too many outspoken critics, as well as "suspected" opponents, of the Amin Regime, installed by a coup on January 25, 1971, either "disappeared," suffered periodic beatings, lost their jobs, were summarily deported (if "expatriates"), or were intimidated by public threats and rebukes.

The repression-roster included the Chief Justice, a Governor of the Bank of Uganda, the Catholic Archbishop, and a *People* editor, all black. According to press reports, many members of certain "undesirable" ethnic groups, especially

*Due to a stringent budget and difficulty in raising the subscription rate for the *Newsletter*, the editors discontinued the "Intellectual Freedom International" feature last year in an effort to cut cost and conserve space. Mr. Berman's article, "Uganda . . .," however, so perfectly illustrates the dissipation of a national climate for intellectual freedom that we were compelled to reinstate the feature this month. We invite articles of similar quality and impact for future issues. JAH

Lango and Acholi, had been bludgeoned to death. "Loyalist" troops, encompassing numerous Congolese and Sudanese mercenaries, bloodily "purged" these same groups from the Army a year before. Army "brass" enjoy full authority to arrest whomever they wish. Habeas Corpus? An irrelevant, moribund concept. Political parties? None. Abolished. They only foment "confusion." (So does a strong labor movement.)

Last summer, the very regime that so stridently trumpets about "African unity" banished all Senegalese from the country and further intimated that thousands of Rwandan refugees may shortly be "repatriated" to a homeland unlikely to welcome them back with much enthusiasm. The Chief of State repeatedly vilified Presidents Nyerere and Kaunda for rightly and bravely condemning his "Asian Policy" as both racist and inhumane. He ludicrously accused the Tanzanian leader, in particular, of undermining African liberation movements. He haughtily rebuffed President Mobutu of neighboring Zaire, who sought to soften the harsher aspects of Amin's Asian-program. And Amin ceremoniously awarded Uganda's highest decoration to the Central African Republic's General Bokassa, who some years ago distinguished himself by fighting *with* the French Army *against* Ho Chi Minh.

Radio and television became handy vehicles for "scare" diversions. On one day they warned of an approaching British armada. On the next, of Indian warships steaming toward East Africa. And on the third, of a joint Israeli-Rwandan "imperialist" plot to overthrow the Second Republic. At one point, the General broadcast that the 7,000 Britons in Uganda, potential "subversives," must be closely watched by police and army. On another occasion, he invited the populace to see the semi-mutilated body of a captured "Red Chinese guerrilla," who — it transpired — fit none of those categories. An unending torrent of scapegoats and frightful fantasies. Indeed, this pattern of unrelenting terror, calumny, scapegoating, and Big Lies has since intensified, paralyzing much of Ugandan society.

The future of Makerere University, long the cornerstone of higher education in East Africa, now seems uncertain. The black Vice-Chancellor, a reputable senior civil servant, "vanished" last month. Paratroopers swarmed over the campus on October 12, only abandoning their "patrols" more than a week later. At least seventy expatriate staff, among them several librarians and all but one lecturer at the East African School of Librarianship, have resigned or fled within the past three months. The National Union of Students has been banned, the most prominent student leaders "detained," the student body personally warned by

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Women's History: In Search of a Future

by Helen Dutton

Ms. Dutton is Reference Librarian, Women's History Research Center, Inc., Berkeley.

The Women's History Research Center at 2325 Oak Street in Berkeley, California, has created a unique topical research library of the history of women and maintains the International Women's History Archive of the present women's movement. The library contains the world's most complete collection of publications by and about the current women's movement, including newsletters, journals, tapes, books, and other media. This documentation of women's lives, which is not accessible anywhere else, serves to correct the imbalance created in most libraries by the lack of information on women. However, libraries are in danger of losing this invaluable archive and information center because the demand for its resources has surpassed the financial limitations of those who have supported this independent effort.

The library was founded in 1968 and developed from the personal collection of Laura X, its founder and director. Most of the material in the library has been donated by people who recognized the need for having information about women accessible to all. In 1969 the *Synopsis of Women in World History*, a list of one thousand women, was produced from the library's files for the first women's studies seminar. The pamphlet was compiled because of the need of women to identify their own history and change their lives. In response to this widely distributed pamphlet, people began sending the library information and material relating to women and their achievements. This practice has continued and grown into an expanding network of international volunteers.

At the present time, holdings consist of over two thousand books by and about women, including poetry, fiction, biographies and analyses of women's contributions to literature, history, sociology, and other fields. The library also contains one thousand pamphlets, government publications, professional bulletins, and an Oral Herstory collection of over four hundred tape recordings. The vertical file system contains clippings from mass, alternative, and women's presses, manuscripts and theses, and leaflets and position papers, organized under two thousand individual headings.

The variety of resources enables a researcher to investigate a subject in many ways. For example, someone interested in women in South Africa would find information under

"South Africa" in the "Women in Countries" file, as well as information in the "Women's Liberation Groups" file under "South African Women's Liberation." Information on a specific woman in South Africa, such as Olive Schreiner, a turn-of-the-century author interned for her views, would be available in the files on "Women in History."

Because the Women's History Research Center receives and organizes material on women internationally, it acts as an information center for those interested in the women's movement everywhere. Conference organizers write for information about films and speakers, and researchers too distant to visit the Center write to find out what information is available on their topics here and elsewhere. Planners of women's studies courses use the files to organize their classes.

Up to now the Center has existed primarily through the support of private donors. However, within the past three years, its work has increased greatly because of the growing consciousness of the women's movement. But sources of funding have not expanded, and since January, 1971, the library has not been open for public use. At the present time, continuation of the valuable archiving processes is threatened unless a permanent solution to the Center's financial problems can be found.

How can *Newsletter* readers help?? First, you can support the work of the Center by ordering its many publications, a list of which is included below. Perhaps the most exciting of these is the "Herstory Collection," which is available on microfilm through Bell and Howell. Over forty libraries now have this collection of women's liberation and women's civic, religious, professional, and peace newsletters, newspapers, and journals from all over the world. The Center is seeking funds to continue to archive and publicize the more than three hundred titles in the collection, as well as the new titles and issues published since October 1, 1971. The small royalties which the library has received from the sale of the collection have helped it continue to archive this collection.

In addition (and perhaps obviously), the Center needs money. It is especially important to include at least a small donation (tax-deductible) and an addressed, stamped, legal size envelope if you are requesting information from the Center. Because of the Federal College Work Study matching funds offer, ten dollars will get the Center forty dollars more.

Finally, the Center needs support from the public and from librarians and libraries in particular. Ideas on any major sources of funding will be appreciated, or perhaps you might be interested in joining the Friends of the

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Report on the Report

A Series* of Reviews on the Technical Reports of the Commission on Obscenity and Pornography

Volume V: Societal Control Mechanisms (Technical Report of the Commission on Obscenity and Pornography) USGPO, Washington, D.C. \$1.75. Stock Number 5256-0005.

Reviewed by Homer L. Fletcher

Mr. Fletcher, Librarian at the San Jose, California, Public Library, was a member of the ALA Intellectual Freedom Committee from 1966 - 1972.

This volume covers a number of studies of societal response to the "threat" of the presence of explicit sexual material. General headings under which these responses are considered are: Law Enforcement, Citizen Action Groups, Industry Self Regulation, and Sex Education.

Law Enforcement - This section includes law enforcement on several levels: (1) a mail survey of a random sample of prosecuting attorneys throughout the United States; (2) policies on law enforcement of federal agencies, based on interviews with agency employees; (3) the response of local police officers to issues of obscenity; and (4) the evaluation of evidence of the relationship between pornography and organized crime.

Citizen Action Groups - Two organizations created to fight pornography are compared and the individual characteristics of some participants are contrasted with individuals in the same community who oppose the organizations.

Industry Self Regulation - Material is presented regarding the operation and effectiveness of the movie industry's rating system.

Sex Education - A review of the status of sex education in the schools is presented. Extremist political attacks on sex education programs prevented the commission from evaluating the effectiveness of sex education since it was impossible to locate a suitable research school district. Other items considered were the content of a new program to train medical students concerning sex, the training of professionals to deal with sex in social work, religion, education and counseling, and a mail survey of sex educators regarding their views on youth and exposure to pornography.

*This series results from the ALA Intellectual Freedom Committee's discussion of the **Report** of the Commission on Obscenity and Pornography. Each of the nine technical reports has been analyzed by members of the Committee and the nine individually authored reviews will appear in the **Newsletter on Intellectual Freedom**.

Although I'm willing to concede that all the statistical tables in the *Report* may be necessary, the quantity is almost too much for the casual reader. However, just to have this much research done on a subject which a few years ago was taboo, lends encouragement in spite of governmental attacks on the press. I wish the President and all those senators who condemned the work out of hand had really read, with as much of an open mind as possible, the article by John Money, entitled "The Positive and Constructive Approach to Pornography in General Sex Education, in the Home, and in Sexological Counseling." That alone is worth the price of the whole Commission.

Volume VI: National Survey of Public Attitudes Toward and Experience with Erotic Material (Technical Report of the Commission on Obscenity and Pornography) USGPO, Washington, D.C. \$1.75. Stock Number 5256-0006.

Reviewed by Edwin Castagna

Mr. Castagna, director of the Enoch Pratt Free Library in Baltimore, Maryland, is a member and former chairman of the ALA Intellectual Freedom Committee.

Although the title page carries the caution, "This technical report has not been reviewed or approved by the full Commission," the 256 pages give a very comprehensive idea of what the Commission staff found out about public attitudes toward erotic material and experience with such material. The staff writers are consistently modest about their work. They view the report as "a first examination of the data."

On experience with erotica, the report makes the not surprising finding that "a large majority of the population has had experience with erotic materials at some time during their lives." Movies seem to provide the most frequent erotic experiences. Those with the largest amount of recent erotic experience with erotic material are heavier consumer of newspaper, magazines, and movies than are others in the population. And those more experienced with erotic materials are also found to have been more active in their communities than others on issues and problems quite apart from things related to erotic content.

As to the effects of experience with erotic materials, only 2% of the population "spontaneously mention concern about erotic materials as a serious problem." The effect most often indicated is that erotic materials provide information.

Concerning control over the availability of erotic materials, the majority of adults approve of the availability

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Let Me Say This About That

A Column of Reviews

Cable Television: A Guide for Citizen Action. Monroe Price and John Wicklein. United Church Press, Philadelphia, 1972. \$5.95.

This book is exactly what its title implies — a guide for the average *interested* citizen, especially if he lives in an area considering cable television. It covers, both in generalities and specifics, things to watch out for, how to design terms and contracts so as to get the best possible service for reasonable amounts, and what the Federal Communications Commission (FCC) is doing, has done and might do in the near future in this field.

As for problems of intellectual freedom, which may be *Newsletter* readers' main interest, there are primarily three. The most important to Price and Wicklein was the question of who should and would have access to use of the numerous "extra" channels made available by a cable network. They propose that anyone, at anytime — within obvious reasonable limits — should be able to present any chosen message. This leads directly to the second intellectual freedom factor: who, if anyone, gets the blame when something unpopular goes into everybody's homes. If it is the cable operator, he either has to institute pre-censorship or get out of town. Therefore, it is suggested that all blame be attached to the perpetrator of the act. A bit far from freedom of the airwaves, but at least it does leave room for interesting occurrences.

The third intellectual freedom aspect is really a sort of catch-all for concerns the cable operator himself will be bound by. Prime among these controls are those designed to protect local stations and network affiliates (and didn't we all expect that?) from being put out of business by imported signals. Ah, what a shame to be forced to watch *The Damned* on cable TV because local stations couldn't show it. How sad that I couldn't tear myself from *Star Trek* on cable to watch country music on the local NBC affiliate. Oh, the pity of not having to wonder about why one chapter of *Elizabeth R* was fifteen minutes shorter than the others on local PBS when the Louisville cable piped in the complete chapter, nude scene and all. Actually, the problem eludes me. It seems so-called local programming will be replaced by community programming of the type already noted. And it would be far more complete and representative of the community than is presently the case, thereby making any worry about locals strictly financial.

For all who have been reading about the possibilities of a library console in every home, take heart. According to the authors, cable TV will provide this (they don't mention libraries but the function is identical with descriptions in library literature) with a multitude of extras besides.

All in all, this is a great book for libraries anywhere cable television is available. — *Reviewed by Lawrence Wolfe, Nashville, Tennessee.*

The Effete Conspiracy And Other Crimes of the Press. Ben H. Bagdikian, Harper & Row, New York, 1972. \$6.95.

As the title of the book suggests, Bagdikian's concern is the less than admirable manner in which the press conducts its affairs. Iniquities of the air media are given no more than peripheral attention. "Effete" is, of course, one of a number of euphuisms which (as correctly predicted by those in the high councils of his party) have made the current U.S. Vice President a household word, particularly in the homes of the silent majority.

Bagdikian's work is a vigorous echo of Upton Sinclair's *Brass Check*, which appeared more than five decades ago but failed to create the impact of *The Jungle*, published thirteen years earlier (1906). It is also a confirmation of George Selde's vitriolic, but nevertheless authoritative, *Lords of the Press* (1938). It is certain that public reaction to a *remote* constitutional right such as freedom of the press cannot be aroused to the emotional pitch stimulated, and gratifyingly so, by Sinclair's revelations in *The Jungle* of the inhuman treatment of stockyard employees.

Currently writing for the *Washington Post*, Bagdikian has gained merited recognition as a newspaperman, as a critic of the press, as a muckraker in the Lincoln Steffens' tradition, as an observer of socio-economic phases of American life (*The Poor in America*), and as a recipient of coveted awards, including a shared Pulitzer Prize. So much for impressive credentials.

Bagdikian's outstanding quality is a rare blend of acuity and balance. Cynicism, often indiscriminately ascribed to the working newspaperman, is all the less applicable to him. Bagdikian is earnest without assuming the role of an oracle, emphatic without histrionic poundings on the table, humorous in a barbed yet restrained manner while abstaining from forcing levity into serious discourse, and didactic without failing to establish a solid base built on ascertainable factual studies for his conclusions.

We learn, unhappily, of gargantuan industrial and commercial amalgams (in which newspapers are the parent or subsidiary bodies) dedicated to the promotion of the economic and social interests and of the political predilections of the managerial oligarchies. Here in appropriate and per-

versely fascinating detail, amply documented, is the operating of two newspapers in Delaware, each a voice of the duPont interests, and of the *Houston Chronicle*, the chattel of an endowment fund, whose beginnings are traced to the late Jesse Jones. Its grants, *pro bono publico*, from an "accredited" foundation, fall a mile short of its enormous profits derived from a variety of investments.

We learn of the public relations agents who, for no mean recompense, distribute "newsworthy" releases with primary sources undisclosed or camouflaged. They also distribute canned editorial comments to hundreds of rural dailies and weeklies throughout the country in behalf of alien principals (Trujillo, for example), commercial promoters of what-have-you, political propagandists (usually those to the right of Attila the Hun), et al. And the PR boys do laugh themselves silly at the ease of obtaining free advertising.

Bagdikian notes that romantic tradition offers us a picture of a stoop-shouldered country editor, with the inevitable green eyeshade, deep in concentration at midnight on a monumental disclosure promising to invite the wrath of the entrenched interests in the community. How *untouching* when we realize that that very editor may simply be preparing the layout of his gazette with the mats accommodatingly supplied by the PR boys. The canned political thunder speaks, much more often than not, for the political and social views of the country editor, who Mr. Bagdikian stresses, must under no circumstances be muzzled. But, that is hardly the point.

When Senator J. William Fulbright and his Foreign Relations Committee colleagues looked into the PR phenomenon, they were scrupulously careful to abstain from creating even the semblance of an impression that freedom of the press is being challenged. This relates to a cherished constitutional guarantee which those in control of the press are the first to use as a weapon in support of unconscionable abuses.

The author offers unimpeachable data from respectable studies in support of his conclusions that: (1) the expansion of newspapers has not kept up with the growth of the population; (2) rare is the urban area where we find competitive news organs (and absence of competition has traditionally applied to rural monopolies); (3) where competition does exist, it is often nominal, owing to various developments aside from the tacit unity of the various newspaper owners on the most significant issues of the day; (4) over 80% of the press is conservative and pro-Republican, as against a majority of the population which is non-Republican (and Mr. Bagdikian observes that if the press is to be assessed as potent enough to exert influence, it is a wonder that a non-Republican can be elected at all, especially to federal office); (5) few newspapers earn justified recogni-

tion as living up to their basic responsibilities of impartiality (or reasonable dispassionateness, at any rate) in the publication of news, refusal to suppress news, or presentation of news not reflecting editorial passions; (6) along with very few other newspapers, the *New York Times* and the *Washington Post*, hardly depicted as flawless, do merit special recognition as responsible organs, their warranted influence being particularly potent (as suggested in the mischievously worded title of a chapter, partially reading as follows: "Why It Is That What the President Reads in the *Post* and the *Times* Spoils Other People's Breakfast"); and (7) the criticism of the press by Nixon and Agnew would be warranted, were it not for the wrong reason, that is, pique at the failure of some newspapers to rubberstamp the wisdom of the administration. Bagdikian's observation regarding the pro-Republicanism of the press was strongly confirmed in the last election: Pro-Nixon, 753, i.e., 71.4% of the daily newspapers, accounting for 77.4% of the total daily circulation; pro-McGovern, respectively, 56, 5.3% and 7.7%.

As to authentic challenges of freedom of the press, especially by governmental sources, Bagdikian is at his best in a chapter partially entitled "Meddling With the Government." The "meddling," ironic of course, is culled from a 17th century pronouncement by one Roger L'Estrange, Licensor of the Press in London: "A newspaper makes the multitude too familiar with the actions and councils of their superiors and gives them not only an itch but a colorable right and license to be meddling with the government."

The author offers an excellent analysis of the Supreme Court decision in the Pentagon Papers case, which has given too many people altogether unwarranted reassurance. The three dissenting Justices showed open hostility to the press, as did two members of the majority. Ominous are the implications, especially in the face of the new Nixon Court, that the Supreme Court might well be inclined to declare censorship legislation constitutional in the interest of "national security," thus assuring a proliferation of the tendency of the Federal Government to declare its operations classified and secret.

Bagdikian's treatment of the relationship of the press, that of the working newspapermen particularly, with Presidents Kennedy and Johnson is a treat. We have in those studies a respectable microcosm of a much wider scope found in James David Barber's superb *The Presidential Character*, recently published.

Bagdikian's book is, in effect, an instructive mirror to those who find themselves in it in less than a praise-worthy role. It is a text for all who cherish freedom of the press. The author stresses the crying need for the press itself to

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Censorship Dateline



Libraries

Rochester, Michigan

Acting in response to a group of parents who had filed complaints, the Mt. Morris Board of Education temporarily banned thirteen books from the Elisabeth Ann Johnson High School Library on December 11, 1972. The board ordered the books withheld from circulation until action had been taken on the recommendations of a review committee. Included among the titles objected to were *Conversations With Eldridge Cleaver*, *Black Panthers*, *Burn, Baby, Burn*, *The Virtue of Selfishness*, *The New Black Poetry*, *I Am the Darker Brother*, *The Algiers Motel Incident*, and *Black Man's Burdens*. The complainants alleged, among other things, that some of the works present a false image of the history of blacks in America. The review committee reported in January, recommending that the books be retained and that the materials selection policy of the library be altered. The school board was scheduled to take action in February. Reported in: *Flint Journal*, December 1, 12, 1972; January 9.

Channelview, Texas

School officials ordered the November 27 *Newsweek* removed from school libraries because a story, "The New Sex Therapy," features a picture of a nude couple. "I'm not against *Newsweek* magazine," said Assistant Superintendent Billy H. Hamblen, "but this particular issue, I don't believe it's to the best interest of the majority of the students and probably would not meet the approval of most Channelview parents." Reported in: *Washington Post*, December 2, 1972.

Schools - Curricula

Rockville, Maryland

Armed with petitions signed by 345 students, Kennedy

High School students appealed a decision of the school administration refusing to allow a speaker on homosexuality to address a class on women's liberation. Having received the permission of the teacher, a student requested Dr. Franklin E. Kameny, founder of the District of Columbia Mattachine Society, to speak to two sections of the class. Kameny said he planned to give his standard talk on homosexuality, "The Homosexual Dilemma: What Every Heterosexual Should Know." He said it deals with arguments against current theories of causation, problems of homosexuals in society, and solutions to them. School officials said that board policy calls for a balanced presentation of controversial ideas. Kameny contended the schools do not have Ku Klux Klan speakers, for example, to offset speakers on racial justice. Reported in: *Montgomery County Sentinel*, November 16, 1972.

Asbury Park, New Jersey

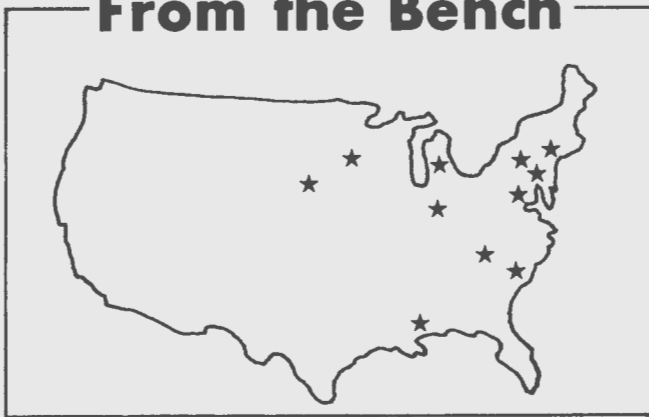
Mr. Russell Leidy, a sociology teacher at Asbury Park High School, was denied a request for permission to have Dick Smith of the New York Mattachine Society speak to his human relations class about oppression of homosexuals in the U. S. Leidy's request was forwarded to his immediate superiors and discussed with the Asbury Park Board of Education. Leidy said the board never objected to politicians, labor leaders and other interest group representatives speaking to students. Board member Dr. P. J. Spagnuolo maintained that having a "deviate" speak to a class "is not in the best interest of the school system." Reported in: *Asbury Park Press*, November 17, 1972.

Ridgefield, Connecticut

A group of more than 100 Ridgefield citizens, called Concerned Parents, brought pressure against the town's board of education to have *Soul on Ice* and *Police, Courts and the Ghetto* removed from classrooms and school libraries. Opposition to the attempt to censor the books was immediate and strong. At one point, some of the town's 360 teachers threatened to strike if their demands for academic freedom were not met. Representatives of the National Education Association and the Connecticut Education Association promised their support and stated their willingness to supply legal counsel. In action taken on February 5, the board voted 5-to-4 to block the removal of the books from the curriculum. This action was undercut, however, by a later 3-to-5 vote to suspend, as of next June, the courses in which the books have been used. Reported in: *New York Times*, January 30, February 11.

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From the Bench



U. S. Supreme Court Actions

Teachers' Rights

In an order to let stand a lower court ruling that extended its 1969 decision permitting students to display their sentiments against the Vietnam war in class, the U. S. Supreme Court approved the right of a teacher to express political views in the classroom so long as there is no threat of disruption. The lower court had ordered a local school board to reinstate Charles James, an eleventh-grade English teacher at Addison High School near Elmira, New York, who was fired for wearing a black armband symbolizing his opposition to the war. Because the school board failed to show that his action disrupted classroom activities or interfered with his teaching, the lower court concluded that the board dismissed him simply because it disagreed with his political views. Reported in: *Chicago Tribune*, December 5, 1972.

Marchetti Case

Voting 6-to-3, the Court refused to review decisions prohibiting a former employee of the Central Intelligence Agency, Victor E. Marchetti, from writing about the agency or its intelligence activities without the agency's prior approval. Marchetti, who published a critique of the CIA in *The Nation* and signed a contract to write a book about the agency, was represented by the American Civil Liberties Union. In 1955, Marchetti signed a contract with the CIA in which he pledged never to publish articles or books about the agency. ACLU attorneys argued that such agreements represent "a systematic scheme of censorship which will surely result in the denial of the fundamental right of the American people to be supplied with information about the conduct of government." The attorneys added that the court order against Marchetti amounts to a prior restraint forbidden by the First Amendment. Reported in: *Washington Star-News*, December 11, 1972.

Liquor Licenses and Obscenity

Voting 6-to-3, the Court ruled that a state can deprive a nightclub of its liquor license for permitting entertainment that includes sexual acts and genital exposure. The majority opinion in *California v. La Rue* did not define what constitutes behavior that is unprotected by constitutional guarantees of freedom of expression; the ruling was based on narrow grounds. Writing for the majority, Justice William H. Rehnquist said, "While we agree that at least some of the performances to which these regulations address themselves are within the limit of the constitutional protection of freedom of expression, the critical fact is that California has not forbidden these performances across the board. It has merely proscribed such performances in establishments which it licenses to sell liquor by the drink . . . We would poorly serve both the interests for which the state may validly seek vindication and the interests protected by the First and Fourteenth Amendments were we to insist that the sort of bacchanalian revelries which the department sought to prevent by these liquor regulations were the constitutional equivalent of a performance by a scantily clad ballet troupe in a theater." On January 8, 1973, the Court agreed to decide if state officials must give adversary hearings to owners of bars that are shut down under this ruling. A three-judge federal court in Milwaukee held that state officials must grant bar owners adversary hearings. The lower court said that such hearings are needed to give owners a chance "to disprove damaging charges and demonstrate that they are deserving of being licensed." Reported in: *Washington Star-News*, January 8.

Basing its decision on *California v. La Rue*, the Court set aside a three-judge panel ruling that had limited the power of Ohio liquor agents to seize allegedly obscene materials from businesses holding liquor permits. The Court directed the panel to review its decision which declared a Cleveland raid conducted by liquor agents illegal because no court had ruled on the obscenity of the material before it was seized. Reported in: *Cleveland Plain Dealer*, December 19, 1972.

School Libraries

Ferndale, Michigan

Oakland County Circuit Court Judge Robert J. Templin issued a temporary restraining order blocking the removal of Eldridge Cleaver's *Soul on Ice* and Richard Wright's *Black Boy* from the Ferndale High School Library. The board had considered removing the books since December 18, when it received petitions with 805 signatures seeking the ban. Templin's order was sought by the Freedom to Learn Committee, the Michigan chapter of the American Civil Liberties Union, and a student, Elizabeth Flavin. The

order will become permanent unless the board can show good reasons for banning the works. Reported in: *Detroit Free Press*, January 4, 1973.

Adversary Hearings

Atlanta, Georgia

Early in December, the Georgia Court of Appeals overturned the conviction of Joe Good, a theater manager, because no adversary hearings were held before Augusta police confiscated a film belonging to Good. Later in the month, however, the court reversed its own decision and ruled that adversary hearings are not necessary prior to the seizure of books or films to be used as evidence in criminal prosecutions. Reported in: *Atlanta Constitution*, December 28, 1972.

Freedom of the Press

Washington, D. C.

U. S. District Judge Aubrey E. Robinson, Jr. reversed the disloyalty conviction of two army privates who distributed antiwar leaflets at Ft. Ord, Cal., urging other soldiers to "join us in our opposition to the Vietnam war." Pfc. Kenneth W. Stolte, Jr., and Pfc. Donald F. Amick were convicted by a court martial, sentenced to three years at hard labor, and given dishonorable discharges. In reversing the convictions, Robinson said, "While soldiers can be compelled to obey orders, they cannot be compelled to an ideological orthodoxy prescribed by their superior officers." He ruled that the charges of disloyalty and "conspiring to utter a disloyal statement" were unconstitutionally vague and overbroad infringements on freedom of speech. Reported in: *Washington Post*, December 23, 1972.

Brooklyn, New York

Federal Judge John R. Bartels ordered *New York News* reporter Robert Kappstatter to restrict his reports of the extortion trial of Harry Davidoff, secretary-treasurer of a

Teamster Union local at Kennedy International Airport. The order followed a complaint by Michael Gillen, defense lawyer, who claimed Kappstatter's stories were prejudicial to his client's constitutional rights. Kappstatter's article alluded to the defendant's alleged connection with organized crime at the airport. The judge said, "You have a right to be here provided you don't abuse that right, and you have a right to report everything that goes on here, but doesn't give you a right of publishing any history of any defendant who is on trial at this time." In response, the *News* said, "Our guidelines and standards in reporting the course of any trial are designed to protect the interests of all parties, including the public." Reported in: *New York Times*, December 6, 1972.

Community Standards

Fort Wayne, Indiana

The State Court of Appeals reversed a 1971 Allen Circuit Court conviction of Harry Oliver, a Fort Wayne adult bookstore clerk who allegedly sold obscene magazines to a city police officer. In ordering a new trial, the Appeals Court said that Special Judge John G. Reiber erred by instructing the jury to determine obscenity by the standard of a particular local community from which the case arises. The Appeals Court said the instruction conflicted with decisions of the United States Supreme Court. Reported in: *Fort Wayne Journal-Gazette*, December 2, 1972.

New Orleans, Louisiana

Voting four-to-three, the Louisiana Supreme Court affirmed a Shreveport District Court injunction against showing *The Stewardesses* in Caddo Parish. Chief Justice E. Howard McCaleb said the court reheard the case because neither the district judge nor the members of the Supreme Court had seen the film. He added that the court reviewed its own decision because it was wrong in applying a contemporary community standard, instead of the national standard, in determining that the picture was obscene. Justice



Courtesy of Chicago Tribune

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McCaleb said the picture was obscene under a definition set forth in the American Law Institute's proposed model penal code, cited with approval by the U.S. Supreme Court in *Jacobellis v. Ohio*. On national standards, Judge McCaleb said, "... unless it is shown by affirmative evidence on the part of the defendant that the contemporary community standard is not in accord with the national standard, the community standard must be presumed to be the national standard." Associate Justice Albert Tate dissented, saying "... adults in general have a right to see and read what they wish. To prohibit a showing or a reading because it offends not contemporary standards, but those of a previous generation, is simply not permitted by our state and federal constitutions." Reported in: *New Orleans Times-Picayune*, December 19, 1972.

Defining Obscenity

St. Paul, Minnesota

Voting six-to-one, the State Supreme Court defined hardcore pornography, stating it "includes photographs, both still and motion pictures, with no pretense of artistic value, graphically depicting acts of sexual intercourse, including various acts of sodomy and sadism and sometimes involving several participants in scenes of orgy-like character." Sole dissenter Justice James Otis said, although he considers some of the material under review unquestionably hardcore, he believes the U. S. Supreme Court *Redrup* decision affords First Amendment protection to materials unless one of three additional elements is present: forcing materials on unwilling adults, exposure to minors, or pandering. Writing for the majority, Justice John Todd said, "The *Redrup* elements are to be considered in each case, but are not determinative of the issue of obscenity if one or more of them is lacking." He added that the U. S. Supreme Court has never reversed a lower court decision holding that "graphic and explicit photographs of actual sexual activity are obscene." Reported in: *Scranton (Pa.) Catholic Light*, December 7, 1972.

Charlotte, North Carolina

Ruling in the cases of Joe Brian and Raymond Floyd, the State Court of Appeals upheld the constitutionality of the state's 1971 obscenity law. In the first challenge of the 1971 law to reach the appellate level, the two men argued that the law is impermissibly vague and overboard and omits any requirement of knowledge that something is obscene. Chief Judge Raymond Mallard, writing the opinion for the three-judge Appeals Court panel, said peepshow films available at the bookstore operated by Brian and Floyd failed to pass the three-pronged test established by the

U. S. Supreme Court. Judge Mallard said, "We hold that any citizen who desires to obey the law will have no difficulty in understanding the conduct proscribed by this statute." Reported in: *Raleigh News and Observer*, November 28, 1972.

Licenses

New York, New York

U. S. District Court Judge Harold R. Tyler, Jr., struck down ordinances empowering the city to deny licenses to theaters because of the character of the owners or the "morality" of the exhibitions. The suit, filed in federal court by Avon 42nd Street Corporation, contended the city's licensing procedures were "unconstitutional in that they fail to set adequate standards for issuing, renewing, suspending, and revoking licenses and constitute an invalid prior restraint on the exercise of freedoms guaranteed by the First Amendment." Judge Tyler said the licensing law failed to provide "sufficiently precise guidelines" and threatened "the exercise of expression" guaranteed by the First Amendment. Reported in: *New York Times*, December 20, 1972.

Prisoners' Rights

Sioux Falls, South Dakota

U.S. District Judge Fred Nichol issued a preliminary injunction forbidding censorship of correspondence between inmates at the South Dakota State Penitentiary and attorneys or government officials. The action resulted from a suit brought by inmates against Warden Donald Erickson, Governor Richard Kneip, and members of the Board of Charities and Corrections. The suit charged violations of the prisoners' constitutional rights through punishment for breaking rules without prior notice of the charge against them and through denial of adequate medical treatment. Inmates also claimed that Indian inmates (one-third of the prison population) are denied the right to conduct religious services and cultural programs. Reported in: *Pierre Journal*, December 4, 1972.

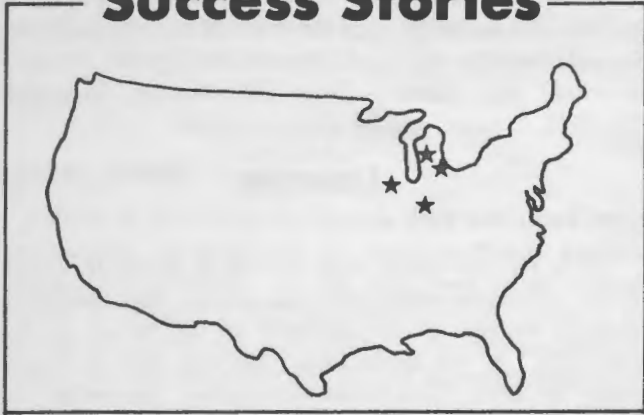
Students' Rights

Atlanta, Georgia

Federal District Court Judge Sydney O. Smith ruled that University of Georgia officials violated First Amendment rights of the members of the Committee on Gay Education by denying them the use of university facilities for a conference and a dance. Smith said that his ruling "is not designed to, and it should not be interpreted as limiting, the university's control over its campus and facilities."

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Success Stories



Detroit, Michigan

Two award-winning photographs ordered removed from an exhibition at the Detroit Institute of Arts because of patrons' objections were back on display January 4. Circuit Court Judge Charles Kaufman ordered the Institute to return the photographs to the 59th Michigan Artists Exhibition. Kaufman's order came in response to a lawsuit filed against the Detroit Art Commission by the photographers whose works were removed. One picture, by Bill Butt, shows a man pulling off a pair of undershorts; the other, by Brad Iverson, is a black and white photograph entitled "Bell Isle Men's Room." The photographs were among 70 works by 64 artists selected for exhibition by a jury composed of museum curators from New York and Minneapolis. Eight artists removed their own works from the show in protest. Director Willis Woods admitted that removing works from a juried show was unprecedented. Reported in: *Detroit News*, December 28, 1972; January 3.

Terre Haute, Indiana

In an attempt to respond to many grievances expressed by prisoners, officials at the United States penitentiary at Terre Haute have expanded the reading material available to inmates. Three prisoners, who were given \$2000.00 from the institution's education budget, were permitted to go shopping in Terre Haute to purchase paperbacks. The inmates were accompanied by Glen Smith, an instructor in the institution's education department. Ted Cleavenger, supervisor of the education department, said that plans have been made for future shopping trips, possibly one each quarter, if the institutional budget allows. Other changes include night classes for inmates seeking associate degrees in liberal arts. Professors from Vincennes University will conduct courses on psychology, algebra, world history and general science. Reported in: *Terre Haute Tribune*, January 4.

Rochester, Michigan

The Rochester Board of Education successfully resolved a conflict that arose over an elective junior high school English course. The ten-week course, "Social Exiles," was designed to include reading material covering such topics as gang fights, drug use, and mental disorders. A group of parents objected, complaining that junior high school students are too young to understand the social problems to be discussed in the course. The board approved the original course outline and the original reading list with the proviso that teachers "exercise care and judgment in suggesting books that are in concert with the particular student's reading ability and maturity level." Reported in: *Oakland (Mich.) Press*, January 9.

Thornton Township, Illinois

The Board of Thornton Township High School District No. 205 voted to reinstate a literary anthology containing short stories by such American writers as Saul Bellow, Bernard Malamud, Richard Wright, and James Baldwin. The book, *Speaking for Ourselves*, originally approved for an elective course on ethnic experience in America, was to have been dropped from the curriculum in accordance with action taken by the Board in October. Reported in: *Chicago Sun-Times*, December 15, 1972.

From the Bench . . . (from page 35)

But he added that such control must be exercised in conformity to the constitution and the laws of the United States. He said, "It is not the prerogative of college officials to impose their own preconceived notions and ideals on the campus." Reported in: *Chicago Tribune*, December 11, 1972; *Higher Education and National Affairs*, December 15, 1972.

Teachers' Rights

Mahopac, New York

The State Supreme Court's Appellate Division ordered reinstatement of Kathy Marcato, a nun and school teacher, who was dismissed from her job in 1971 for putting a peace poster in a school Christmas display. The five-judge panel did not rule on the constitutional issues, but, according to attorney Ernest Fleischman, members of the court were "quite frankly aghast at the extreme penalty invoked by the school board and said so." Fleischman estimated that with court and filing costs, attorneys' fees, and the cost of hiring a teacher to replace Miss Marcato, the case had cost the Mahopac school district between \$75,000 and \$100,000. Reported in: *White Plains Reporter-Dispatch*, December 5.

Dateline . . . (from page 32)

Schools - Periodicals

Millbrae, California

Sixty students from Mills High School in Millbrae picketed the school to protest the confiscation of the November 17 issue of the *Viking Press*, quasi-official school newspaper. Advisor Leonard Froomin confiscated the issue because a student reporter refused to reveal the source of information supporting his contention that Mills High School contains a "relatively high proportion of users of psychedelics." Froomin claimed that the *Viking Press* is not governed by the usual journalistic rules. He said, "As a publication of the student government it is supposed to be slanted to the positive to boost school spirit." Reported in: *San Francisco Examiner*, December 12, 1972.

Colleges and Universities - Periodicals

Athens, Georgia

The University of Georgia's chapter of Sigma Delta Chi, professional society for journalists, protested the disciplining of the editor of the university student paper for publishing a cartoon allegedly in "poor taste." The organization sent letters to university president Fred C. Davidson and to members of the university's Board of Communications asking that editor Carol Roberts be withdrawn from probationary status. The cartoon in question contained a partially spelled obscenity. Sigma Delta Chi's letter called the board's action "clearly a form of prior censorship that cannot be tolerated in a free society." The cartoon satirized the intensity of football fans. Roberts said, "We were trying to point up the somewhat ridiculous level of the rivalry between the University of Georgia and Georgia Tech. Apparently the Board missed the point." Richard Noles, Chairman of the Board of Communications, said, "We want to make it clear to her that we are not going to put up with this sort of material." Reported in: *Atlanta Constitution*, December 7, 1972; January 6.

Kent, Ohio

The *Daily Kent Stater*, twice all-American (1971, 1972) campus newspaper, violated a ruling of the Student Publications Policy Committee by endorsing the presidential candidacy of George McGovern. The ruling of the Policy Committee was based on a statement of the Attorney General's office which ostensibly denied the *Stater* the right to endorse candidates because state law prohibits the use of public money (in this case, student activity fees) for the support of any candidate or issue on a ballot. Reported in: *Editor and Publisher*, December 17, 1972.

Villanova, Pennsylvania

Villanova University President, the Reverend Edward J. McCarthy, cancelled financial support for the campus newspaper, the *Villanovan*, saying it "has been very tasteless in the things it has published and I felt that the Publications Board should be giving it better advice." McCarthy had threatened to embargo the paper's funds after it published an editorial critical of the Dean of the School of Liberal Arts and Sciences. Last year the university's Publication Board warned the paper's staff about the use of "vulgarisms" and "general poor taste." Reported in: *Philadelphia Inquirer*, December 12, 1972.

Academic Freedom

Washington, D. C.

John P. Reesing, chairman of the Department of English at George Washington University, admitted during pre-trial proceedings in U.S. District Court that he fired John R. Greenya, a part-time instructor, because of an article written for the *Evening Star*. The article criticized the English Department for over-emphasis on degrees at the expense of teaching ability. Greenya, full-time instructor from 1964 through 1968 and a part-time instructor thereafter, is also a free-lance writer. In his deposition, Reesing said there was no commitment to assign Greenya teaching positions on a continuing basis, and he saw no reason to tell Greenya the basis for his action. Reported in: *Washington Post*, December 14, 1972.

Gainesville, Florida

On February 4, 1969, Kenneth A. Megill, a professor of philosophy at the University of Florida, gave a brief talk on black power. His remarks were criticized by two state legislators. Shortly thereafter, university president S. C. O'Connell started a file on Megill, and two investigators for the university police department were assigned to monitor Megill's activities. They filed reports on his presence at demonstrations, at a meeting of the local chapter of the American Federation of Teachers, and at an anti-war show sponsored by Vietnam Veterans Against the War. On June 16, O'Connell notified Megill that he was dismissed. (The university is currently under censure of the American Association of University Professors for the 1967 dismissal of a psychology professor active in civil rights. The Association of American Law Schools has formally censured the university for the 1969 firing of a law professor who refused to sign a loyalty oath.) Reported in: *New York Times*, December 24, 1972.

Freedom of Expression

Washington, D. C.

The National Labor Relations Board (NLRB) ruled that Southwestern Bell Telephone was within its rights when ordering employees to stop calling the company a "cheap mother." During June, 1971, contract negotiations, several employees reported for work wearing sweatshirts bearing the slogan, "Ma Bell is a Cheap Mother." Telephone company supervisory personnel ordered the sweatshirts removed or turned inside out. The NLRB said the action was appropriate to maintain discipline and harmonious employee-management relations. Reported in: *St. Louis Post-Dispatch*, December 8, 1972.

Tallahassee, Florida

The Florida NAACP's Legislative Committee asked State Representative Gwen Cherry, one of the state's three black legislators, to sponsor a bill banning racially inflammatory songs, including "Dixie," at school functions. The request came as Escambia County school officials were negotiating settlement of a four-day boycott of schools by blacks protesting the playing of "Dixie." Meanwhile, Representative John R. Rarick (D., La.) asked the U.S. Congress to halt any attempts by officials to bar the playing of "Dixie" at public gatherings. Rarick's request, sent to the House Committee on the judiciary, asks for a resolution stating that federal, state and local governments cannot bar the playing of "Dixie": "No action should be taken . . . that would remove the song 'Dixie,'" from its proper place in the history of the United States and that region of the United States known as the South, or prohibit it from being played as a part of any public function or gathering." Reported in: *Miami Herald*, January 9; *Baltimore Sun*, January 6.

Freedom of the Press

Washington, D. C.

Postal Inspection Service employees intercepted an issue of the Washington, D. C. *Daily Rag*, an anti-establishment newspaper, for displaying on its cover a popular four-letter word. Postal employees hand-delivered the intercepted copies to subscribers, asking if they wished to refuse the paper as objectionable. Jason Souder, Inspector in Charge, said that any refusals would help form a basis "for taking the matter to the U. S. Attorney" for possible criminal prosecution. *Daily Rag* representative Dorothy McGhee charged the postal service with intimidation. "They're harassing our subscribers and materially damaging our cir-

ulation," she said. The cover of the issue in question shows a heavy-set woman wearing a button that says, "Fuck the food tax." The cartoon is part of the *Rag's* ongoing editorial opposition to the city's 2% sales tax on food. McGhee said the work is a political statement in this context. "It's hardly calculated to appeal to prurient interests." Souder cited a federal law that forbids the mailing of any matter "upon the outside cover or wrapper of which . . . any delineation, epithets, terms or language of an indecent, lewd, lascivious or obscene character are written." McGhee said attorneys for the *Rag* are considering a court injunction against the postal investigation. Reported in: *Washington Post*, December 1, 1972.

New York, New York

An ad prepared and signed by over 150 editorial employees of the *New York News* calling upon Nixon "to live up to his pre-election promise of peace," was published in the *New York Times* of December 31, after having been refused by the *News*. Fred Loetterle, environmental writer for the *News*, said that the ad was born out of frustration at the failure of the Kissinger mission of late October. The ad was rejected by Carl A. Felt, Executive Assistant to the advertising manager of the *News*. Felt said that the ad was rejected because of "publisher's prerogative," but he would not expand upon his statement. Reported in: *Editor and Publisher*, January 6.

NOMINATIONS OPEN

Nominations for the 1973 Robert B. Downs Award for an outstanding contribution to intellectual freedom in libraries are now being accepted by the Graduate School of Library Science, University of Illinois at Urbana-Champaign. The \$500 award, established in 1968 to honor Downs, dean of library administration at Illinois, on the anniversary of his 25 years with the university, will be presented during the annual convention of the American Library Association, June 24-30 in Las Vegas. The award may go to anyone who has worked to further intellectual freedom and the cause of truth in any type of library.

Letters of nomination may be submitted until April 15, 1973, to Herbert Goldhor, Director, Graduate School of Library Science, University of Illinois, Urbana, Ill. 61801.

city during July, 1970. Earl Caldwell, a *New York Times* reporter assigned to San Francisco to cover the Black Panther Party, was issued subpoenas by a federal grand jury in the Northern District of California. These were quashed by the Court of Appeals, which said that Caldwell need not appear at all in the absence of a "compelling need" demonstrated by the government. Attorneys for the United States appealed the ruling to the Supreme Court.

Justice White, speaking for the majority, said the Supreme Court could not grant newsmen a testimonial privilege that other citizens do not enjoy:

. . . we perceive no basis for holding that the public interest in law enforcement . . . is insufficient to override the consequential, but uncertain, burden on news gathering which is said to result from insisting that reporters, like other citizens, respond to relevant questions. . . .

He added that the conclusion of the court places no restraint on what newspapers may publish and presents no threat to the vast bulk of confidential relationships established by reporters.

Dissenting, Justice Stewart said he found the majority's "crabbed view" of the First Amendment sadly paradoxical. He argued that unbridled subpoena power would deprive law enforcement officials of the very information they now seek to gain. Justice Douglas, also dissenting, lashed out at the argument of the *New York Times*, which filed an amicus brief on behalf of Caldwell:

[The paper] whose reporting functions are at issue here takes the amazing position that First Amendment rights are to be balanced against other needs or conveniences of government. My belief is that all of the "balancing" was done by those who wrote the Bill of Rights.

Justice Powell, concurring with the majority, attempted to assure reporters with a remark that state and federal authorities are not free (as the dissenters suggested they would be) to "annex" the news media. "The solicitude repeatedly shown by this Court for First Amendment freedoms should be sufficient assurance against any such effort. . . ."

This assurance, couched in enigma, turned out to be hollow in the instance of newsman Peter Bridge of the defunct *Newark News*. The Supreme Court would not block his imprisonment for refusal to testify in answer to questions concerning matters he had *not* written about. Although he did answer questions about matters of public corruption covered in his writings, he rejected five questions about subjects not discussed in his articles.

Legislative Action

More than twenty bills that would give Justice Powell's assurance substance have been introduced in Congress. Governor Nelson Rockefeller has urged states to join New York and seventeen other states that have so-called shield laws. On Dec. 18, 1972, Governor Ronald Reagan signed a bill protecting newsmen from demands that they disclose their sources. The California law prohibits bodies with subpoena power from holding reporters in contempt for protecting confidential relationships.

It is clear, however, that statutory shields will have to be carefully constructed. Peter Bridge could not find refuge under New Jersey statutes because of a vague section implying that disclosure of any portion of the information in a reporter's possession causes the reporter to waive his privilege.

Nixon's End to Permissiveness

After his landslide election in 1936, President Roosevelt assumed he had enough support to accomplish a "packing" of the Supreme Court, thereby overcoming its obstruction of his purposes. After his overwhelming victory in 1964, President Johnson committed the United States to a full-scale war in Southeast Asia in a virtually single-handed manner. That President Nixon sees his 1972 "mandate" as a call to end permissiveness seems beyond all doubt. Permissiveness, of course, is a veritable Hydra. One of its heads is television network newscasts. Speaking before the Indianapolis chapter of Sigma Delta Chi, Dr. Clay T. Whitehead, director of the administration's Office of Telecommunications Policy, said that "station managers and network officials who fail to act to correct imbalance or consistent bias in the networks . . . can only be considered willing participants, to be held fully accountable . . . at license renewal time."

In order to bring an end to permissiveness in network newscasts, Whitehead has drafted a bill prescribing two obligations to be met by a station applying for license renewal: it must be "substantially attuned to the needs and interests of the public in its service area" and must have opened its facilities to "the discussion of conflicting views on issues of public importance." Although the proposed bill makes no specific references to "balancing" requirements, it seems obvious that Whitehead's attack and the proposed legislation are meant to be associated in the minds of those who hold broadcast licenses.

Agnew's Campaign Against Censorship

Whitehead's thinly veiled attempt to impose the Nixon conception of objectivity on the broadcast media is but

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the President "not to talk about politics if you don't want to get into trouble." Two British medical school professors were deported for promoting "political gonorrhea" (i.e., voicing concern at the Asian's plight and purportedly advising other foreigners to leave). The budget was slashed by 20%. Campus sources relate that a third of M.U.K.'s students failed to appear for the start of the current term, and it's rumored that the Economics Department has wholly shut down. If true, this could represent the beginning of a cycle leading to complete closure as students, staff, and funds alike rapidly diminish:

Even before I left, normal library work, research, and teaching had become nearly hopeless. People tended to speak in whispers, if at all, and carefully wrote nothing of consequence for publication or in private letters. ("How are you? We are fine. It's a beautifully sunny day here. Multicolored birds, in a wondrous variety of sizes and shapes noisily twitter, whistle, or squawk outside. Bamboo turns radiantly golden at sunset. Dined tonight on Nile Perch. Delicious, as always. Love.") All registered mail and parcels, the Government announced, would be thoroughly examined. Most ordinary letters now bear the censor's stamp.

Nearly every embassy soberly cautioned its nationals against travel outside the capital. One Peace Corpsman had been shot fatally and another manhandled while returning from a game park. Tourists had been roughly searched, and passengers aboard Kenya-bound trains often told of mistreatment, even robbery, by soldiers. Some embassies arranged for particularly vulnerable or "sensitive" persons, such as women, children, Jews, interracial families, and remotely-stationed volunteer workers, to leave. The Government had for many months waged a non-stop, anti-Semitic propaganda campaign, indiscriminately branding all Jews as "Zionist conspirators" or "Israeli CIA agents." Troops frequently hassled racially-mixed couples, usually assuming the woman to be Ugandan, in the clumsy belief that such liaisons amounted to "treason." In the meantime, the Government itself, headed by a Muslim who regularly claims intimate communication with Allah, has expelled scores of Christian missionaries. Practically the entire foreign press corps previously underwent the same fate, many first being jailed at Makindye Prison, during the abortive September invasion. As a result, reasonably accurate reportage on current Ugandan events is at a premium, for no local media dare to contradict or criticize the official version of what is happening.

During the summer, extremely puritanical and sexist in temper, the military *jefes* banned mini-skirts, "hot pants," and "slits," an act that provoked serious mob-attacks upon

many young women and compelled much of the female population to spend hard-to-come-by shillings on more dress-material (most of it imported). Beards, being equated with decadent "hippies," were nearly prohibited. Many men — black, white, and brown — nevertheless shaved. Just in case. Longhair visitors are *non grata*, either thought to be spies or "bad influences." Movies close early in the evening, bars at one a.m. And the khaki moralists arbitrarily tabooed teenage dances.

Our chief anxiety after leaving centered on the roughly 10,000 Asians, who, once the November 8th expulsion deadline arrived, faced internment in concentration camps and, should President Amin's explicit endorsement of Hitler's "Final Solution" become transmuted into Government policy, possible annihilation. Reports alleged that impatient soldiers had already kidnapped or brutalized countless Asians in "up-country" areas. Subsequently, the Government decreed that all remaining Asians, mainly *citizens*, must vacate the large towns and settle in the countryside, ostensibly to get better "assimilated." The actual effect of that edict is likely to be not "assimilation," but rather extermination, for the forcibly-resettled Asians are primarily shopkeepers and *fundis* (artisans) who will either find it impossible to sustain themselves in small villages or will be subject to the not-so-tender mercy of Uganda's notoriously uncontrollable, racism-infected "security forces." Beyond that, even if this resettlement "worked," it would constitute — as Amerindians, Chicanos, Puerto Ricans, and Afro-Americans will readily appreciate — a clearcut case of ethnocide.

Anyone automatically inclined to sympathize with General Amin's rhetoric about "economic independence," "Africanization," and the need to eliminate Asian "blood-suckers" might well consider that the highly-touted "Economic War" derived from a sudden, overnight, "divine" revelation, which hardly permitted any substantial advance planning to replace suitably the soon-to-be-expelled Asian entrepreneurs, clerks, administrators, builders, professionals, and manufacturers. The impact on Uganda's economy of this instant, massive loss of trained manpower will be disastrous unless comparably skilled persons can be recruited to fill the vacuum. But the immediate prospects for that are dim. Additionally, the expulsion was unarguably *racist* in that it made little or no distinction between citizens and non-citizens, individuals engaged in mercantile and strictly service or professional activities, the young and the aged. Examining officials commonly destroyed bona fide citizenship documents and birth certificates, thus deliberately reducing hundreds of citizen-Asians to statelessness. Fortunately, many of these people, together with thousands of those holding foreign passports, managed — partly through the U.N. High Commission for Refugees and the Red Cross

— to reach sanctuary in Malta, Malawi, Austria, Italy, Canada, Britain, and elsewhere. America reluctantly accepted 1,000. The “crusade” equally affected *all* Asians — solely on the basis of being *Asian*, determined simply by their appearance and Indic names — regardless of whether they had been born in the country, regarded it as their genuine, permanent home, or performed undeniably valuable functions as doctors, teachers, librarians, nurses, magistrates, civil servants, etc. Since last year’s special “census,” offensively conducted on the day of the Hindu Diwali celebration, the Asian community, *en masse*, has been incessantly defamed and maligned in such racist, inflammatory terms as “saboteurs,” “exploiters,” and “so-called yellowish citizens.” This dehumanization barrage (similar to our own “Yellow Peril” hysteria and South Africa’s Apartheid/White Supremacist vocabulary) stemmed directly from the Government, in tandem with local mass-media. One Kampala paper, for example, boldly declared: “We hate the Asians. They should have been driven out long ago at gunpoint.” (Parenthetically, Leicester, a British city, in half-page newspaper ads callously informed would-be Asian immigrants that they weren’t wanted there.) An almost irresistible explanation — given the facts that *some* Asians essentially monopolized the distributive sector and the majority, since they composed much of the “middle class,” had money in the bank plus cars, houses, and real estate — is that the Government hoped to achieve a two-fold objective: to lessen growing Treasury and foreign-exchange deficits (products of lavish military expenditures) by ultimately expropriating Asian assets and property, as well as permitting Army officers and other favored elite-Ugandans to aggrandize themselves by taking over Asian enterprises and goods. The Government allowed Asians to depart with a mere \$150 in cash and minimal personal belongings. Left-behind shops and factories were registered for later “re-sale” to Africans and bank-balances were “frozen.” That any of these people, now scattered across the globe, many of whom had literally invested their lives in the country, will ever receive even a nominal “compensation” seems doubtful.

Apart from the pandering to their historic anti-Asian prejudice, ordinary black Ugandans will probably not reap much benefit from the dozens of closed shops, increasing shortages, severely limited or eroded services, and rampant, ever-stronger “barrel of the gun” tyranny. The “Asian Question,” in reality, was a decoy, a mystification, to begin with, inasmuch as *external* interests really dominate the economy, and Asians — obviously — wielded little or no *political* power. The imports retailed by Asian *dukawallahs* emanated from Europe and Japan. Overseas, predominantly British conglomerates granted auto-distribution and like franchises. Asians might manage a tea plantation or gas

station, but the likelihood — verifiable in *Who Owns Whom* — is that European corporations owned them.

As I’ve stated in a brief letter to *American Libraries*, persons planning to work or travel in Uganda should be dissuaded from doing so. At this moment, certainly it is not a safe place to be. And colleagues of whatever ethnic background who value professional integrity, personal freedom, and fundamental human rights, will find the present atmosphere — rule by a “lumpen militariat” — insufferable. Yes, the Amin regime is “Black,” Yet, nonetheless, a meance to Pan-Africanism, to Third World solidarity, and — sadly, if also ironically — to Uganda itself.

Report . . . (from page 29)

of such materials for home use by adults. Erotic depictions on television are frowned upon, and public sentiment is on the side of restriction, especially among young people. If it is demonstrated that such materials have a harmful effect, the consensus was that they should be restricted.

No one will be aghast at the discovery that young people are the greatest consumers of erotic materials, that consumers are likely to be people with some college training, and that they mostly live in the Northeast and in large metropolitan areas. Although a majority of men and women express no sense of guilt about experiencing erotic materials, more than half of the women feel a breakdown of morals and incitement to rape are two consequences of erotica, along with sexual arousal and information.

All these findings and conclusions are based on extremely detailed interviews designed to probe erotic experiences and their effects. The material backs up the statement made in the summary *Report of the Commission*: “If a case is to be made against [pornography in 1970], it will have to be made on grounds other than demonstrated effects of a damaging personal or social nature. Empirical research designed to clarify the question has found no reliable evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal sexual behavior among youths or adults.”

What does it all mean to librarians? We might hope that if the public in general learns about the findings and has confidence in their validity, the problems of censorship and attempted suppression of books will be cut substantially. That’s a big *if*. It isn’t likely that the public consciousness will be penetrated soon by the vast array of information brought out by the Commission. We know from long and painful experience that many people’s minds are set on issues such as pornography and obscenity by their emotions, their preconceptions, their irrational fears, and not by the facts. But it is our responsibility to see that the public does know more about the findings by acquiring, displaying, and pub-

licizing the *Report* and the supporting volumes.

This volume gives us more factual evidence to counter the attacks on the freedom of expression that are sure to continue. We should be able to convince others who are responsive to objective knowledge that the *Library Bill of Rights* should continue to guide us in our basic work of gathering and making available for the general public material on all subjects, of which sex is one of the most fascinating and important.

First Freedom . . . (from page 39)

another chapter in the sorry saga that began with Vice President Agnew's attack on "hostile news analysts" and the "press monopoly" of the *New York Times* and the *Washington Post*.

The administration's *soi-disant* authority on professional journalism launched his campaign with a speech before the Midwestern Regional Republican Committee, meeting in Des Moines on November 13, 1969. A sympathetic response prompted him to expand his remarks when he repeated the speech before the Alabama Chamber of Commerce a few days later:

I don't care whether censorship is imposed by government or whether it results from management in the choice and presentation of the news by a little fraternity having similar social and political views. I'm against, I repeat, I'm against censorship in all forms.

As Whitehead's speech shows, the valiant campaigners remain determined to obliterate censorship through creation of a tractable press.

Resentment against a critical press and a concomitant desire to use the press as a propaganda arm of government are by no means unique to the Nixon administration. But the vigor of his minions' efforts to concoct a duty of the press to report the news in accordance with outside standards of objectivity should cause alarm to a greater extent than it has. Those with editorial responsibility are under no obligation to report newsworthy events fairly or straightforwardly. If anyone can justly influence the dissemination of news, it is the consumer, who is free to accept or ignore it, and whose well-being under government the First Amendment was designed to foster and protect.

It is to be hoped that the First Amendment will stand as an effective bar against the attempts of government to impose standards of "objectivity" on news media. Given the view of the Amendment manifested in *Branzburg*, however, the press might well be assigned a role that renders it an advocate of Nixonian dicta — all with the permission of a court which considers it proper to transmogrify news reporters into FBI agents.

Let Me Say This . . . (from page 31)

give full recognition to its deficiencies and failures and relentlessly to institute meaningful self-regulation.

As suggested earlier, *The Effete Conspiracy* brings us back, too far back, to Upton Sinclair's *J'accuse*, directed at the meretriciousness and venality of the press in the early part of the century. The appropriateness of the title of Sinclair's book remains. Lost in memory is that a "brass check" was at one time presented by the patron to the female in a house of assignation as evidence of pre-payment made to the madam for the female's charms.

Finally, I submit that implicit in this review is a dedication of Bagdikian's book to the splendid professionals among the newspapermen, mentioned by the author, who, preferring the unceremonious gate, adamantly refuse to bow to the totalitarian fiat of the nabobs in control. Mostly, the dedication is to a modern Zenger in this land, Peter Bridge, who was recently sent to prison for steadfastly refusing to disclose his sources of news information to governmental authorities, and said, upon discharge, that he would without hesitancy again so choose in like circumstances. I want pleurably to remind Mr. Bridge that John Zenger's middle name was Peter. — *Reviewed by P. L. Rothenberg, Peekskill, New York.*

Council Adopts New Policies

During the 1973 Midwinter Meeting of the American Library Association, the Intellectual Freedom Committee submitted several of its advisory statements to the ALA Council. These were approved and are now ALA policy. Texts of the following policy statements will be printed in forthcoming issues of *American Libraries*: "Expurgation of Library Materials"; "Restricted Access to Library Materials"; "Reevaluation of Library Collections."

In other action, the Committee endorsed the formation of an Intellectual Freedom Roundtable. The aim of the proposed roundtable is to involve a wider portion of the membership in the Association's activities in support of intellectual freedom. The Committee also decided to solicit proposals from research organizations for a nationwide study of the problem of self-imposed censorship in libraries.

Several items were announced by the Committee, including the forthcoming prototype workshop on intellectual freedom (to be held April 16 and 17 in Chicago) and the publication of a Spanish translation of the *Library Bill of Rights*. The translation will be made available to all libraries.

Women's History . . . (from page 28)

Women's History Library. The preservation, organization, and continued acquisitions of this internationally known resource will terminate unless it can obtain constant financial support.

The Publications of the Women's History Research Center, Inc., which have given librarians direct access to ephemeral source material, follow [amounts shown are for tax deductible donations to help defray costs]:

- 1) The *Catalog* (200 pages) of the first two and one-half years of the library's collections is available for a \$20.00 donation.
- 2) *Directories* of material from the library's holdings and contacts:
 - a) Films by and about women and where they may be rented (1972), \$5.00.
 - b) Tape recordings of songs, skits, speeches, interviews, etc., (1971), \$2.00.
 - c) Women's Research Projects (1971), \$2.00.

- d) Women's Periodicals: newspapers, newsletters, journals (1971), \$10.00.
- e) Newsletter of the National Organization for Women (1971), \$3.00.
- f) *Female Artists Past/Present*, twenty-two media, forty pages (1972), \$4.00.
- g) Women's Studies Courses and contacts for courses in progress (1972), \$5.00.
- h) Bibliographies and contacts for bibliographies in progress (1972), \$2.00.
- 3) The *Women's Songbook* (prepaid orders will hasten a second printing) (1971), \$3.00.
- 4) The *Synopsis of Women in World History*, the pamphlet that started it all (1969), \$2.00.
- 5) The library's newsletter, published from April to December 1969, the only national record of that period. A complete run of thirty issues, \$20.00.

Funds and material are also sought for topical bibliographies on Health and Abortion, Women and Law (including rape and prisons), Black Women, and Children.

Quote/Unquote

Some librarians apparently have never heard of the *Library Bill of Rights*. Herewith, without comment, some responses garnered in a survey of attitudes toward the so-called underground press among librarians at sixty-five California community colleges:

"I would not be opposed to ordering one or two of the underground periodicals if the budget permitted and the demand for them existed; however, their research value would be very low. I could foresee various problems with students clipping pages and stealing them, but perhaps that could be avoided."

"The only underground paper we have subscribed to is *Goodbye to All That*, a women's lib rag that is never looked

at. The instructor who has requested it has now simmered down and she has agreed that it is useless and should be replaced with more traditional material. Otherwise, we have never subscribed to or displayed gift copies of underground newspapers. I would not hold out if a legitimate request were made, but I feel that the students should get this material on their own."

"I don't think we have to buy things which no one will read just to prove that we are broad minded."

"Most of these publications would seem to be addressed to specialized interest groups. . . . It should be kept in mind that much of the material included appears in publications of a wider scope which are indexed."

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Compiled by Patricia R. Harris, Assistant to the Director, Office for Intellectual Freedom.

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