


newsletter
on
intellectual
freedom



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**groundwork
laid
for state
workshops**

The most ambitious educational activity the Intellectual Freedom Committee has undertaken to date was a three-day prototype workshop on intellectual freedom. Funded by a \$14,000 grant from the J. Morris Jones-World Book Encyclopedia-ALA Goals Award, the IFC workshop was held April 15-17, 1973 in Chicago. One person from each of the fifty state library associations was invited to attend; in most cases this individual was the chairman of the state intellectual freedom committee. In addition to these participants, twenty state library associations sent one extra representative, and twenty-five individuals attended at their own expense.

Of special significance is the fact that this was a prototype workshop. Each ALA-sponsored participant accepted responsibility for holding a similar program on the state level. The prototype program was designed to serve as a model that could be redesigned and refined to meet the needs and expectations of different audiences; the aim was to prepare all participants for the responsibility of teaching and convincing others—persons who have never heard of intellectual freedom, and persons who may be apathetic or even strongly antipathetic.

The two days of working sessions revolved around discussions of four topics. The participants were divided into four groups according to geographical location, and each group participated in the four discussion sessions on development of a materials selection program (J. Phillip Immroth, discussion leader); complaint handling procedures (Richard L. Darling, discussion leader); public relations for libraries (Marion Simmons, discussion leader); and characteristics of censors (Bruce Shuman, discussion leader). A final group session on the fundamentals of workshop planning, presented by Barbara Conroy, completed the program.

The workshop was the first step in a nationwide effort to introduce librarians, trustees, and others to the concept of intellectual freedom. The second step will be state-level workshops. Participants in these sessions will be expected to conduct local community programs directed not only toward librarians but also toward civic leaders, educators, and other interested citizens.

Proceedings of the Chicago workshop begin on page 74.

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

Titles Now Troublesome

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properly proper education in New York?

The records of Congress and the various state legislatures are cluttered with legislative curiosities that were allowed to die quietly in committee. As this issue of *Newsletter* goes to press the following bill is not dead, but spokesmen for the New York Library Association who vigorously protested it report that its demise seems certain. The bill, introduced by New York Assemblyman Frank Carroll of Rochester, lacks a sponsor in the New York Senate. Supposedly, the bill represents Carroll's response to a Rochester controversy over the presence of Abbie Hoffman's *Steal This Book* in a high school library.

State of New York
1973-1974 Regular Sessions
In Assembly

Introduced by Committee on Rules—at request of
Mr. Carroll— read once and referred to
the Committee on Education

An Act

To amend the education law, in relation to parent library
advisory boards

*The people of the State of New York, represented in Senate
and Assembly, do enact as follows:*

Section 1—The education law is hereby amended by adding thereto a new section, to be section thirty-two hundred twelve-a, to read as follows: Section 3212-a. Parent library advisory board.

1. Upon the request and petition of at least ten percent of parents of or persons in parental relation to the students

of any elementary or secondary public school within the state, there shall be established in each such school a parent library advisory board thereto consisting of five of such persons selected by and among themselves.

2. Upon the unanimous recommendation of such council, the administrative head of any such school shall remove or cause to be removed any books or literature from the library thereof as so recommended and determined to be "immoral" or "of such a character that its exhibition would tend to corrupt morals."

3. For the purpose of this section, the term "immoral" and the phrase "of such a character that its exhibition would tend to corrupt morals" shall denote a book or any literature or part thereof, the dominant purpose or effect of which is erotic or pornographic; or which portrays, describes or depicts acts of sexual immorality, perversion, or lewdness, or which expressly or impliedly presents such acts as desirable, acceptable or proper patterns of behavior.

Section 2—This act shall take effect immediately.

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in our mailbox

Dear Editors:

I am distressed over what seems to me to be inaccuracy in the article on page 32 of the March *Newsletter on Intellectual Freedom* concerning us in Ridgefield, Connecticut.

The media distributed a great deal of misinformation, but let us set the record straight.

Soul on Ice was never asked to be removed from the high school library, not officially by the Board of Education. Our local paper made that clear. *Police, Courts and the Ghetto*, which is used only in the junior high school, has never been in their collection.

Both books are listed on supplemental reading lists and are optional reading at that. In both instances, [the manner of] their use is prescribed and the classroom teacher is bound to follow these directions. That was part of the arrangement that allowed them to be on the reading list in the first place.

The issue is not quite dead yet. Part of the withdrawal decree by the Board of Education included "reevaluation of those courses" and a committee named for that purpose is presently meeting to draw up a report which the Board of Education expects to act upon before the end of June. Students are currently signing up for September courses, and they are being asked to give a second choice whenever Ethnic Studies is their first choice. It should also be pointed out that neither course is required. Any parent who does not want his child in these two courses simply does not have him enroll in them.

HILDA L. JAY
High School Library
Ridgefield, Connecticut

journalistic privilege

New Jersey Governor William Cahill vetoed legislation that would have given New Jersey reporters an unqualified right to refuse to disclose any news information to governmental investigative bodies. Cahill stated that New Jersey's present shield law "provides extraordinary protection for the responsible newspaperman" and cited several reasons for his veto. Cahill said he could not sign the bill because it would have permitted individual newsmen to "arbitrarily" withhold information; given newspapers the right to charge a citizen with criminal activity by citing "a reliable source"; granted immunity to persons who cruise the streets in a sound truck to provide news to the public; and been in conflict with existing rules of evidence.

New Mexico Governor Bruce King signed a law establishing an appeals procedure for newsmen who refuse

to reveal sources of information. The law allows the courts to force a newsman to disclose information that the court believes essential to prevent an injustice, but it provides for a special procedure of appeal to the state supreme court at any time a lower court orders disclosure of information.

Pennsylvania's shield law, considered one of the strongest in the nation, was conditionally upheld by U.S. District Judge William W. Knox. Ruling on the case of Thomas A. Hennessy, publisher of the weekly *Pittsburgh Forum* who refused to answer questions at a pre-trial proceeding for an alleged gambling boss in Pittsburgh, Knox said he felt that a federal court should not override the Pennsylvania law unless the testimony "would go to the heart of the case." Reported in: *Editor and Publisher*, March 24.

conference on school library censorship urged

The American Civil Liberties Union has requested conference of public school librarians to insist on their right to exercise professional judgment in deciding book selection. The civil liberties group also recommended procedures to prevent officials from ignoring school board regulations that allow librarians and teachers to defend

their choice of controversial books against public efforts to remove such books from the shelves of school libraries.

The ACLU views were set forth in a statement presented to the Philadelphia School District's annual workshop for

Continued on page 70.

statement on revision of federal criminal law

Some of the longest bills ever introduced in the U. S. Congress—longer even than the Internal Revenue Code of 1954—are now before Senate and House committees. The bills in question—S. 1, S. 1400, and H. R. 6046—all have as their purpose to reform, revise, and codify the substantive criminal law of the United States. S. 1400 and H. R. 6046 are identical products of the Department of Justice. S. 1, introduced by Senator McClellan, represents two years of work by the Subcommittee on Criminal Laws and Procedures, which McClellan chairs.

Two sections of the Justice Department's bills that would adversely affect library service are opposed in an ALA statement to be submitted to appropriate House and Senate committees. Section 1851 (Disseminating Obscene Material) would make illegal, for example, any dissemination of an explicit representation of an act of sexual intercourse that is not "reasonably necessary and appropriate" to the integrity of an artistic or scientific work. Section 1124 (Disclosing Classified Information) would give further congressional approval to an already abused system of classification pursuant to executive order.

The provision of S. 1 on obscenity, which represents a giant step backwards, is also opposed. The so-called redeeming social value test would be eliminated by this measure, and standards of permissible candor would be made those of the immediate judicial district.

ALA's statement for McClellan's subcommittee is reprinted in its entirety below:

Founded in 1876, the American Library Association is the oldest and largest library association in the world. It is a non-profit, educational organization currently representing over 30,000 librarians, library trustees, and other individuals and groups interested in promoting library service. The Association is the chief spokesman for the modern library movement in North America and, to a considerable extent, throughout the world. It seeks to improve professional standards of librarianship and to create and publish professional literature.

The Right to Know: Library Service in the United States

Libraries are repositories of knowledge and information, and are established to preserve the records of the world's cultures. In the United States, under the First Amendment, libraries play a unique role by fulfilling the right of every citizen to have unrestricted access to these records for whatever purposes he might have in mind. According to the *Library Bill of Rights*, the Association's interpretation of the First Amendment as it applies to library service, it is the responsibility of the library to provide books and other

materials presenting all points of view concerning the problems and issues of our times. The *Library Bill of Rights* further states that no library materials should be proscribed or removed because of partisan or doctrinal disapproval, and that the right of an individual to the use of the library should not be denied or abridged because of age, race, religion, national origin or social or political views. In sum, libraries foster the well-being of citizens by making information and ideas available to them. It is not the duty or role of library employees to inquire into the private lives of library patrons, nor is it their duty to impose as mentors the patterns of their own thoughts. Citizens *must* have the freedom to read and to consider a broader range of ideas than those that may be held or approved by any single librarian or publisher or government or church.

Several sections of S. 1 and S. 1400 would, if enacted into law, adversely affect librarians and library service in the United States. Among these are sections dealing with dissemination of so-called obscene material and disclosure of classified information.

ALA's Position on Obscenity Laws

Librarians, like all citizens, are required to act in accordance with laws governing obscenity. The Association, however, questions both the *legitimacy* of and the *need* for such laws, especially in the case of libraries.

In *Stanley v. Georgia* (394 U.S. 557 [1969]), Mr. Justice Marshall, writing for the Court, said:

Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds. And yet, in the face traditional notions of individual liberty, Georgia asserts the right to protect the individual's mind from the effects of obscenity. We are not certain that this argument amounts to anything more than the assertion that the state has the right to control the moral content of a person's thoughts. To some, this may be a noble purpose, but it is wholly inconsistent with the philosophy of the First Amendment. . . . Whatever the power of the state to control public dissemination of ideas inimical to the public morality, it cannot constitutionally premise legislation on the desirability of controlling a person's private thoughts.

Admittedly, the decision in *Stanley* concerned the possession and use of allegedly obscene materials within the privacy of one's home. However, the Association must ask: What is the point of legislation outlawing dissemination of arguably obscene materials through bona fide nonprofit libraries, if not "to control the moral content of a person's thoughts"?

The Association also questions the need for any federal legislation on obscenity. The view of the Association is predicated on three significant aspects of the contemporary situation.

Continued on page 86.

intellectual freedom international

Czech libraries "normalized"

The "normalization" of Czechoslovak cultural institutions was extended to libraries in 1972. Reprinted below are excerpts from instructions issued to librarians to assure that their institutions carry out the state's "cultural" policies:

THE MINISTRY OF CULTURE OF THE CZECH SOCIALIST REPUBLIC

Ref. No.: 9696/72

Prague 31 May 1972

FOR OFFICIAL USE ONLY DIRECTIVES

1. These Directives are issued by the Ministry of Culture of the Czech Socialist Republic and relate to the screening of the contents of public libraries and the libraries of various institutions within the Czech Socialist Republic.

2. These Directives are intended to:

- (a) make libraries a more effective and important means of fulfilling the cultural policies of the State; and
- (b) ensure that libraries fulfill their educational responsibilities in both political and cultural fields. . . .

Article 1

All publications in public libraries and in the libraries of various institutions in the Czech Socialist Republic are to be screened. All anti-state and ideologically unsound publications are to be withdrawn from circulation. The Ministry of Culture of the Czech Socialist Republic, in conjunction with those central authorities and other bodies which administer the library network, is to be responsible for the screening process.

Article 2

1. Anti-state publications are publications of domestic or foreign origin, which:

- (a) Contravene the Constitution and the Laws of the Czech Socialist Republic; and
- (b) Attack Marxism-Leninism; and
- (c) Attack the policies of Socialist states and Marxist-Leninist parties. Among such publications are included:
- (d) Publications which defame the Czechoslovak Socialist Republic or any other Socialist state, or any representatives of such a state;

These directives are reprinted by permission of the editors of **Index**. **Index**, which covers censorship throughout the world, is published quarterly by Writers & Scholars International. Subscription inquiries should be sent to 35 Bow Street, London WC2R 7AU.

- (e) Trotskyist or White Guardist publications;
- (f) Fascist or revanchist publications and any publication by a Nazi collaborator; and
- (g) Publications which strongly conflict with the principles of socialist morality.

2. Ideologically unsound publications are those, of domestic or foreign origin, which conflict with the basic principles of the policies of the Socialist states.

In general, such publications shall be assumed to comprise:

- (a) Any form of revisionist or right-wing opportunist literature;
- (b) Publications defending and propagating the capitalist system;
- (c) Publications defending the Czechoslovak Republic existing before the Munich Agreement;
- (d) Publications which propagate various bourgeois political and philosophical attitudes;
- (e) Publications which oppose the foreign policy of the Czechoslovak Socialist Republic;
- (f) Publications by any person of right-wing views or who is concerned with a theoretical justification of Social Democracy;
- (g) Publications by T. G. Masaryk, E. Benes or other bourgeois politicians;
- (h) Publications referring to the Czech Legions. . . .

Article 3

1. The following administrative procedure is to be followed, so as to ensure a uniform screening of the contents of public libraries and of libraries of various institutions:

- (a) The Ministry of Culture of the Czech Socialist Republic shall set up a Central Commission. The commission shall consist of experts from political and scientific institutions, and the chairmen of the central departmental commissions for the library network (see Article 4). The Central Commission shall provide technical information and assistance to the central departmental and regional commissions of the National Committees.
- (b) Cultural departments in the Regional National Committees shall set up Regional Commissions. The Regional Commissions shall consist of employees of the above-mentioned cultural departments and in addition, of directors of regional departmental commissions.
- (c) Cultural departments of the District National Committees shall set up District Commissions. The District Commissioners shall consist of employees of the above-mentioned cultural departments and, in addition, of directors of district libraries and chairmen of district departmental commissions.

2. The afore-mentioned Central, Regional and District Commissions shall, in the public libraries and the libraries of various institutions under their respective jurisdictions, organize and control the screening process, in accordance with the requirements laid down in Article 1 and shall evaluate the effectiveness of the said screening process.

Article 4

1. The central authorities and other bodies which administer the library network shall set up central, regional and district departmental commissions. These departmental commissions shall be responsible for screening all libraries which are situated within their respective areas of jurisdiction.

2. The commissions set up in accordance with Section 1 of this Article shall cooperate closely with the departmental commissions of the Ministry of Culture, set up in accordance with Article 3. The commissions shall operate in accordance with the directives of the commissions of the Ministry of Culture.

3. The commissions set up in accordance with the provisions of Article 3, shall also fulfill the functions of the departmental commissions of the Ministry of Culture.

Article 5

1. The screening of the contents of public libraries and of the libraries of various institutions is to be carried out by working parties appointed by the competent departmental commissions. The screening process is to be started by June 20, 1972.

From June 20, 1972 to June 30, 1972, the District Commissions of the National Committees are to organize instruction courses for group leaders and are to prepare

work schedules, so that all public libraries and libraries of various institutions in the district will be screened during the period from July 1, 1972 to September 30, 1972.

2. In the larger libraries, if sufficient space is available, publications withdrawn from circulation are to be stored in special rooms reserved for the purpose. Access to these rooms is to be reserved for the director of each library, or to authorized employees.

In the smaller libraries, publications withdrawn from circulation shall be wrapped up into parcels and the parcels shall then be sealed. The sealed parcels are to be left on the premises of the libraries concerned until further notice.

3. Each working party shall compile an alphabetical list of publications withdrawn from circulation in quadruplicate. In each list, each publication shall be listed by author, title, catalogue classification and the number of copies of the publication which have been withdrawn from circulation.

One copy of the list is seen to remain with the withdrawn publications, either in the special storage rooms, or within the sealed parcels, a second copy is to remain the safe-keeping of the director of the library concerned, a third copy is to be sent to the District Commission of the respective National Committee and the fourth copy is to be sent to the respective district departmental commission. . . .

Conference . . . (from page 67)

school librarians on May 23. The statement was prompted by the removal of *Inner City Mother Goose* from all public school libraries last October on orders of Charles Highsmith, an associate superintendent. In response to an inquiry from ACLU concerning the removal of *Inner City Mother Goose*, Superintendent Matthew Costanzo wrote that the action was "prompted by an article appearing in the *Philadelphia Daily News* which aroused a great deal of adverse community reaction."

According to the ACLU statement, Mr. Highsmith's order ignored the school board's procedures for dealing with challenged books. Under these procedures, objections to books should be written and signed, and should be subject to professional evaluation.

NYT may Tai-wan on

The People's Republic of China protested formally to the *New York Times* against the paper's acceptance of pro-Taiwan advertisements and political advertisements from anti-Peking Chinese groups. The protest diminishes the

Times' chances for a Peking bureau. Like many other U.S. press organizations, the *Times* has had a long-standing application for permission to open a bureau in the Chinese capital. The formal protest came from Chou Nan, counselor to the Peking mission to the United Nations. Mr. Chou said that he had been "instructed by my government" to say that acceptance of advertisements by the *Times* from "reactionary" Chinese was an "unfriendly act," and that it was not in the best interests of the exchange of newsmen between the two countries. Last year Arthur Ochs Sulzberger, publisher of the *Times*, stated the newspaper's advertising policy: "We try to screen out product advertising which is in bad taste or which makes false claims, but when the advertising is by way of advocating a point of view, we feel we must accept it even when we regard that point of view as unreasonable, ill-founded or just downright silly. . . . When it comes to applying this general policy to advertising of a political or ideological nature, we make an effort to insure that the contents of the advertisement meet our standards of good taste, are not offensive to religious beliefs and to the extent possible, that there is support for statements that purport to be purely factual." Spokesmen for other publications that have printed advertisements from anti-Peking Chinese groups said they have not received complaints from the Peking government. Reported in: *New York Times*, May 17.

let me say this about that

a column of reviews

The Meaning of Freedom of Speech; The First Amendment Freedoms from Wilson to FDR. Paul L. Murphy. Greenwood Publishing Company, 1972. (Contributions in American History, No. 15.) 401 p.

A reading of this book during the bleak 1970s, when we are experiencing a retreat from the principles of civil liberties in the United States, led by the executive branch and with a bit of assistance from the judiciary, is in some respects a reassuring experience, in others a disconcerting one. Reassuring, because it reminds us not only that we have "been here before," but that we have perhaps not yet regressed to the state in which individual rights were so little protected and so few safeguards were at hand to guard against the shutting off of freedom of speech as prevailed in the 1920s and the early 1930s. Disconcerting, because we see repeated evidence that our hard-won guarantees of freedom can be so quickly eroded when the national climate changes and fears of freedom of speech overtake and dominate our society.

This book is a history of great triumphs and of repeated setbacks and frustrations for the cause of freedom of speech since pre-World War I days, and we see that there can be no assurance that our cause will necessarily win out in the end or even persist as accepted doctrine in our time. The reader will react with predominant reassurance or discouragement according to his own assessment of our present prospects for freedom in light of what has gone before. The book is valuable and fascinating, therefore, for the historical insights it offers as to both the meaning and the promise of freedom of speech.

Paul L. Murphy, Professor of History and American Studies at the University of Minnesota, describes his book as "a chapter in the history of reform as well as an assessment of particular value orientation of the American people in the 1920s." Freedom of speech, he says, had been generally accepted as a tradition and a practice, although it had few public guarantees. It was World War I which brought a rude shock to those who had taken the guarantees for granted, for "the first broad-scale departure from the supposedly sacrosanct American code of freedom of speech happened with distressingly little protest and with an appalling unconcern for the implications."

When the federal government restricted many forms of freedom of expression and government officials undertook propaganda drives to indoctrinate Americans with the idea that some democratic precedures and guarantees had to be sacrificed temporarily during the war "to save their way of

life," some Americans were not only disturbed by this wholesale shelving of constitutional rights but were impelled to counteraction. "For them," Murphy writes, "the 1920s became the crucible years in which freedom of expression had to be rescued and given new meaning and vitality."

For these Americans it was a period of bitter disappointments and galling frustrations; but, he reminds us,

It was also marked by gratifying, if halting and perilous, victories. Progress was made both in convincing the public of the need to preserve certain basic American liberties and to remove concrete personal or legal barriers to the practice of these liberties. Significant in the latter area was the quiet, but steady, movement of the Supreme Court to a new and vitally important definition of First Amendment freedoms in 1931. For the first time in history the federal government was given the right to intervene, if requested, between the states and their citizens, when governments too rigorously qualified the limits of individual expression.

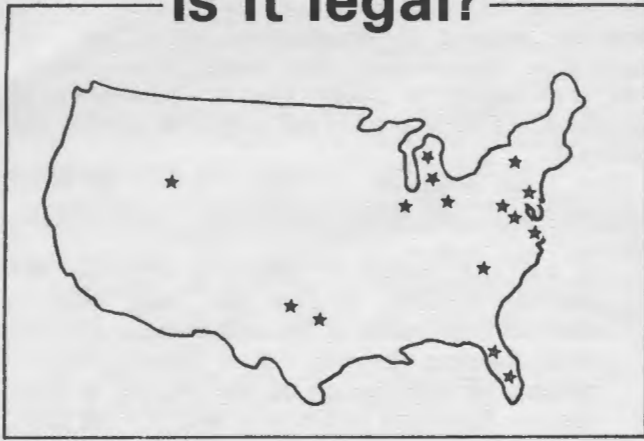
Murphy shows that 1931 was a major turning point in the development of a new type of judicial instrumentation in civil liberties in which the courts took the lead in opening up new channels for assuring formerly helpless Americans that they could utilize their constitutionally guaranteed rights. In tracing the means by which the country arrived at such a period of promise and fulfillment within little more than a decade, the author delves in great detail into the origins of the liberal and repressionist antagonisms that typified this era, and the struggle to define permissible limits of dissent and protest and the proper role of free expression within the society. Many representative episodes and confrontations in various parts of the country which kept the free-speech issue before the public and resulted in concrete responses, and in some instances, landmark decisions concerning constitutional rights, make up a large part of this book. It is an important compendium for understanding what has gone into the making of many of our present-day episodes and confrontations.

An almost morbid fascination attaches to a review of the fortunes of freedom of speech during the World War I period. The story, Murphy writes, is "a dreary tale of repression, 'witch-hunting,' and the steady violation of individual liberties. Freedom of expression was one of the casualties of the war." Particularly poignant and depressing is the recounting of the fated progression of the state of repression with the involvement of the United States in the war. Murphy cites Woodrow Wilson's "clairvoyance" in his prediction, "Once lead this country into war and they'll forget there ever was such a thing as tolerance."

"Security eclipsed liberty," Murphy says, "yet the rank and file of Americans accepted this massive violation of a

Continued on page 84.

is it legal?



freedom of the press

Vernon, Connecticut

State Senator Thomas G. Carruthers has encountered opposition to his attempt to restrict advertising for all movies other than those rated *G*. Carruthers' bill would restrict ad copy for movies other than *G* to two-by-two column inches and would forbid use of pictures and other promotion, allowing only the theater name, movie name, and movie times. Representatives of the Connecticut Daily Newspaper Association told Carruthers the restriction he proposed infringes upon the freedom of the press. Carruthers met with representatives of four Connecticut dailies and found that they censor ads: "They showed me evidence of actual screening of movie ads to the extent where they have changed titles and actually had an artist draw clothes on some subjects. This is something they're doing," the senator said. "But I think, though, that they're probably not aware of today's so-called jargon and a lot of double meaning gets through that they don't catch." Reported in: *Rockville Journal Inquirer*, May 3.

Plymouth, Indiana

The order of Judge Tom Huff banning newsmen from his courtroom in order to protect the defendant in a murder trial from pre-trial publicity was protested by thirteen Indiana reporters. Judge Huff ordered the sheriff to escort the newsmen from the courtroom, but other spectators were permitted to remain. "The public is allowed to remain and members of the press are not public," Judge Hoff said. Huff's order will be challenged in court by the Hoosier State Press Association. Reported in: *Chicago Sun-Times*, April 13; *Editor and Publisher*, April 14.

Westminster, Maryland

Ralph C. John, president of Western Maryland College, acknowledged that for seventeen years the federal government maintained a secret installation on the campus to be used for press censorship during times of national

emergency. John's remarks came in response to a disclosure in David Wise's recently published book, *The Politics of Mind: Government Deception, Secrecy and Power*. Wise, former Washington bureau chief of the *New York Herald Tribune*, reports that the original plan of the federal government was to ask for voluntary compliance with censorship guidelines, with the press agreeing to clear sensitive information with the Westminster office. Wise, alleges that the circumstances under which the censorship panel would move into action are "fuzzy." Reported in: *Baltimore Sun*, May 18.

Austin, Texas

State Senator Jack Ogg proposed legislation that would prohibit college newspaper editors from commenting on candidates for public office or any legislative matters, including such student related issues as tuition and penalties for use of marijuana. Ogg said, "I don't feel the taxpayers' money should be involved in electing or defeating candidates. That's the reason why I think it's improper to use tax money to take a position in the newspaper of a state supported college." Ogg conceded that the measures of his bill were probably unconstitutional. Reported in: *Houston Post*, April 2.

freedom of speech

Brooklyn, New York

An orthodox Jewish group filed suit in U.S. District Court to enjoin *Newsday* from refusing to accept an advertisement condemning intermarriage as "suicide, national and personal." The complaint, filed by the Committee for the Furtherance of Jewish Education, charged *Newsday* with violating the group's constitutional rights of freedom of speech and religion. A spokesman for *Newsday* said the paper had not refused the ad, but that the ad had been withdrawn by the complainant after *Newsday* "made some recommendations about the content." Reported in: *New York Times*: April 11.

Houston, Texas

Two chairmen of boards of regents of state-supported colleges said they favor administrative censorship of campus speakers. A third chairman said he opposes censorship, and a fourth withheld judgement. The chairmen were interviewed after State Representative Lindon Williams of Houston introduced a bill that would allow regents of state colleges and universities to require speakers to submit a copy or outline of their speeches in advance. According to the bill, regents could ban a speaker if he advocated violent overthrow of the government and a "clear and present danger" resulted from the speech. Williams said he was not trying to interfere with free speech: "Let me make it abundantly clear—I am not trying to put a muzzle on any student." Reported in: *Houston Chronicle*, April 6.

obscenity

Dade County, Florida

Voting five to three, Metro commissioners approved an ordinance banning the showing of obscene movies and the sale of obscene literature in unincorporated Dade. Speaking on behalf of the ordinance, Leonard Rivkind, a special assistant state attorney who handles obscenity prosecutions, said: "We need a strong ordinance. Sex should not be a spectator sport. The law is not an infringement on First Amendment rights. The First Amendment is intended as a highway, not a sewer." A retired FBI man, Homer Young, also speaking on behalf of the ordinance, said he could relate many cases where pornography had had a drug-like effect on people and led them to committing harmful acts on themselves. Commissioner Harvey Ruvin, who voted against the ordinance, said: "We seem to forget that we don't have to see these movies or read these books. It's a matter of choice." Reported in: *Miami Herald*, April 4; *Miami News*, April 4.

Union County, New Jersey

More than forty merchants and clerks of newsstands and stores were arrested and charged with violation of a New Jersey statute that forbids the sale of pornographic materials to minors. The crackdown was a combined effort of members of the Union County Police Chief's Association and was led by Cranford Police Chief Matthew T. Haney. The task forces used "undercover agents" aged 10 to 15. The juveniles were sent into stores to buy pornographic books under the observation of police officers. Among the books purchased were *The Happy Hooker*, *Girl Model for Sale*, and *The Family Affair*. Haney said, "The sale of this kind of literature to our children is an insidious form of corruption that cannot and will not be tolerated." Reported in: *New York Daily News*, April 12; *Plainfield Courier-News*, April 12.

Raleigh, North Carolina

A parade of witnesses appeared before the Judiciary Committee of the North Carolina Senate to support a bill introduced by Senator Elizabeth Wilkie and Representative Fred Dorsey to prohibit the showing of movies transmitted "in and into the state" which depict nudity, sexual conduct, and sado-masochistic abuse; which are patently offensive; and which have a predominant appeal to prurient interests. A representative of the North Carolina Association of Broadcasters told the committee that the states have no power to "regulate the content . . . of broadcasting." Mrs. Danny Lotz, wife of a Raleigh dentist and daughter of Evangelist Billy Graham, said that the showing of X- and R-rated films "is part of a satanic onslaught and moral decadence." "We put labels on poison to keep them out of the reach of children. It seems incredible that television stations can put on X-rated movies without warning," she said. Another witness, clutching a Bible, tearfully told the

committee that if X-rated movies had been on television "when I was younger, I wouldn't be what I am today." North Carolina State University's football coach Lou Holtz said "the freedom for television stations ends where moral degeneration of our nation begins." Reported in *Raleigh News and Observer*, March 23.

schools

Ferndale, Michigan

The Ferndale Education Association has brought suit against the Ferndale School District in order to establish that teachers, not school boards, have the right to decide what materials will be used in the school curriculum. The suit was filed in response to decisions of the school board that include a vote to make the use of *Black Boy* optional after some parents questioned the moral content of it and *Soul on Ice*. Morris Beider, president of the Ferndale Education Association, said, "We believe the board should determine what classes are taught, but the materials for these classes should be selected by professional educators." An attorney for the plaintiffs said existing laws that place responsibility for book selection upon school boards from lists provided by the State Superintendent of Public Instruction give the school district and the superintendent an "arbitrary power to grant or refuse, according to whim or caprice, a student the right to read a book, to be exposed to an idea, no matter how foreign, no matter how provocative, no matter how benign." Reported in: *Detroit News*, March 8.

Hamilton County, Ohio

Parents of a Princeton City School District student, Joyce E. Carroll, brought suit in Common Pleas Court because of damages allegedly suffered when she read *Trips: Rock Life in the Sixties*, a book assigned by her eighth-grade music teacher. The parents contend that *Trips* exposed her to "promiscuous group sex practices," a side of modern life from which her parents tried to protect her, and that the book "confused her and put her in the middle of an antithesis between the value her parents had taught her and the school's apparent values. . . ." Included among the defendants are the district superintendent, the principal of Princeton Junior High School, the teacher who made the assignment, and the supervisor of the school library where the girl obtained the book. Reported in: *Cincinnati Enquirer*, March 21.

miscellany

Detroit, Michigan

A suit filed in U.S. District Court on behalf of the Nortown Theater challenges the constitutionality of city ordinances giving neighborhood residents veto power over

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proceedings of the prototype workshop

April 15-17, 1973—Chicago

The Intellectual Freedom Committee's prototype workshop addressed itself to two very different problems: first, applying the principles of intellectual freedom to library service, and second, developing appropriate educational workshops and programs. The reports of the recorders for the topical sessions reveal that both issues were discussed by the participants. They were concerned not only with the problems of intellectual freedom, but also with the best means of presenting basic principles to various audiences.

The first general session of the workshop was opened with remarks by the chairman of the Intellectual Freedom Committee, Richard L. Darling.

ALA and the principles of intellectual freedom

In its policy statement, "Library Education and Manpower," adopted at the 1970 annual conference in Detroit, the American Library Association defined library service in the following way:

Library service as here understood is concerned with knowledge and information in their several forms—their identification, selection, acquisition, preservation, organization, communication and interpretation, and with the assistance in their use.

Certainly this sounds like a socially useful pursuit, but not one likely to arouse either controversy or opposition. Who would object to the librarian's collecting and preserving information and ideas, and making them available to the general public?

The answer, of course, is that a great many people object. Perhaps no one would if we only acquired, preserved, and organized "knowledge and information in their several forms," but when we go on with communication and interpretation of the media of knowledge and information, we become controversial indeed; even dangerous if strong minded individuals or militant groups are opposed to the ideas contained in the media we disseminate. When these individuals and groups feel so strongly opposed to ideas contrary to their own that they are moved to action, librarians discover that they have chosen a profession that is not so easy to practice.

In such a situation, the librarian needs to be more than the preserver and disseminator of information. He needs to be also the guardian of the right of all library patrons, or potential patrons, to have access to information. This role for librarians is particularly important in a society, like our

own, striving to achieve democracy. The creation of an open and democratic society is possible only when citizens have access to all possible alternative ideas in order to evaluate and choose among them. The ALA has made freedom of access to information, the doctrine of intellectual freedom, and opposition to censorship vital elements in its professional creed.

The concept of intellectual freedom is a complex and highly abstract one, and, I might add, one to which American librarians and ALA have not always subscribed. By intellectual freedom we mean that it is the right of every person to believe what he wants on any subject, and to express his beliefs orally or graphically, publicly or privately. Such a definition implies that with your right to express opinions, goes the right of others to hear you speak, to read your writing, or to view your graphic productions, in other words, a right to access to all ideas and information. Intellectual freedom is impaired if ideas cannot be expressed, or if access to them is denied.

Attempts to suppress ideas and information must be as old as human society. Governments have always considered ideas opposed to the status quo to be subversive, and religions have hated and sought to root out real or imagined heresy. Both have tried to suppress opposition by denying the right to publish, or by forbidding the distribution of what is already published.

There is also an old tradition, at least in England and the United States, of resistance to censorship. Milton, Locke, and Mill in England, and Thomas Jefferson here, have contributed arguments against censorship which have become part of our consciousness, even if we have never read their writings. John Milton, in his pamphlet, *Areopagitica*, argued for the social utility of liberty. Admittedly, he had a vested interest in freedom of the press, since his pamphlet in favor of divorce had been suppressed, but his argument was no less forceful because he wished to get rid of his Royalist wife.

John Locke, in his *Letter Concerning Toleration*, argued that the state has a right to concern itself with secular affairs, but not with citizens' beliefs. In the nineteenth century, utilitarian philosopher John Stuart Mill argued, like Milton, from a very practical point of view, that suppression of opinion may only serve to blot out truth. Even though an opinion might be false, he argued, the cause of truth is better served by refuting error in public than by hiding it from the public eye. We lack faith in our ideas if we are unwilling to have them challenged by opposing ones.

Thomas Jefferson, holding similar beliefs to Locke and Milton, raised another important point concerning censorship, when he asked: "Are we to have a censor whose imprimatur shall say what books may be sold, and what we may buy? . . . Shall a layman, simple as ourselves, set up his

reason as the rule for what we ought to read? . . . It is an insult to our citizens to question whether they are rational beings or not." Jefferson's words may not have deflected the desire of some among us to set up their reason as the rule, but his ideas on censorship had a unique influence on our laws, since the First Amendment to our Constitution is the strongest proscription against censorship that can be found:

Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

This constitutes the only absolute prohibition forbidding Congress to enact laws. It seems obvious that the constitutional intent was to prevent the government from enacting legislation limiting freedom of speech and of the press. Yet, citizens have had to battle, continuously, to prevent the government and other citizens from imposing censorship. If anything, we are forced today to defend intellectual freedom more than ever before.

It may be worthwhile, for a few moments, to look at censorship, its nature and its favorite targets. Basically, there are two kinds of attempted censorship, official and vigilante, and they are equally dangerous: Official censorship is that which is mandated by law at any level of government. Vigilante censorship attempts are those of self-appointed arbiters of public morality, religion, politics, and social attitudes. With both kinds, either overtly or covertly, its proponents are attempting to impose, through public action, what is essentially private, a set of beliefs and attitudes.

The First Amendment notwithstanding, federal, state, and local governments have imposed censorship. The federal government has notoriously misused the postal laws and the right to classify information to deny citizens access to information. More subtly, it has imperiled the integrity of legislative, judicial and administrative procedures, originally created as important safeguards, to impose conformity with current policies by intimidating its opposition. In recent years we have seen the federal government misuse laws, the grand jury, and its right to license the broadcast media in attempts to silence its critics.

State and local governments have been no more diligent than the federal in protecting intellectual freedom. Well over half the states have obscenity laws that do not exempt libraries and other educational institutions; many of these laws are exceedingly repressive. Local governments have similar laws, frequently with even fewer safeguards for the public.

Vigilante censorship, on the other hand, does not have the facade of law, though pressure groups opposing ideas different from their own often try to persuade lawmakers to enact laws to suppress the ideas of those they disagree with. Vigilante groups use propaganda, boycotts, and other

pressures on librarians, booksellers, publishers, and broadcasters to intimidate them so that they will cease distributing or producing works the vigilantes find offensive.

The traditional subjects the censors have concerned themselves with have been sex, politics, and religion. Historically, the most frequent excuse for censorship, religion, is today less often a target. A recent case, in the Rochester, Michigan public schools, had a new twist. A local judge ordered Kurt Vonnegut's *Slaughterhouse-Five* removed from the high school library because, he declared, it violated the U.S. Supreme Court's decision on prayer in the schools. He said that the book taught anti-religion, which he equated with teaching religion. Since anti-religion was just another form of religion, having the book in the school violated the Constitution. Competent lawyers reported this decision to be the worst and most illogical one they had ever read. Fortunately, the higher court agreed and reversed the lower court when the Rochester board of education appealed.

Far more works are attacked on the basis of alleged sexuality or obscenity. Probably *Catcher in the Rye*, now more than twenty years old, is the most censored book in the schools of the country. Every year it is attacked somewhere, and at times successfully. Other books frequently attacked on grounds that they contain objectionable sexual matters are *Down These Mean Streets*, *Manchild in the Promised Land*, *Black Voice*, and *Black Like Me*. Often the attack on alleged sexuality in a work, however, is a thinly disguised cover for objection to its attitude on social concerns. The current movement to include sex education in the curricula of elementary and secondary education has brought an increase in attempts to censor on sexual grounds.

Most attacks based on the political content of books is aimed at labeling them subversive, communistic, or communist inspired. The Baltimore City comptroller charged that *The Inner City Mother Goose* was "part of a nationwide plot to just cause this country to disintegrate." In Ridgefield, Connecticut, the school board banned Mike Royko's *Boss*, objecting to its unfriendly portrayal of Chicago's Mayor Daley. Every issue of the *Newsletter on Intellectual Freedom* reports new cases of attempts to censor works because of their politics.

Perhaps the most disturbing trend in attempted censorship relates to attacks on works because they do not conform to current social attitudes. While attacks on books on religious, political, and sexual grounds have traditionally stemmed from right-wing political and religious groups, these new attempts to censor on social issues as often as not stem from erstwhile liberal and progressive groups representing minorities, both religious and racial, and the women's movement. These groups are demanding that libraries ban works which they say present them in a unfavorable light. Most frequently, their ire has been directed towards children's books, so that we are witnessing

a mushrooming demand for the banning of *Little Black Sambo*, *Doctor Doolittle*, and even *Mother Goose*. Often all of us are sympathetic with the causes of the groups objecting to these books, and understanding of their specific complaints, but by yielding to their pressures we violate the principles we must hold fast to if we are to protect the works they find sympathetic.

Librarians in the U.S. have become the most important defenders of intellectual freedom in their struggle to oppose would-be censors of libraries. Increasingly, libraries have become the one possible source for information giving all points of view concerning any issue. The censors on the right usually have wealth behind them as they seek to suppress ideas they do not like. The press and the mass media, by and large, are controlled by large business and financial interests and tend to foster particular points of view.

The government itself has taken the forefront in suppression of information. Many citizens have worried about the government's power to classify information and withhold it from the public. Fear that this legitimate power might be misused became certainty that it is misused when the Pentagon Papers were released by Daniel Ellsberg in 1971. Treats of high government officials directed at the news and broadcast media have increased our conviction that the citizen seeking the best information he can get cannot depend on the mass media, nor on the protection of governments seeking to promote their own policies. The library remains the one institution that belongs to no party, has espoused no religion, defends the narrow moral code of no particular sect, and can gain nothing by denying citizens access to all information. The professional librarian's first commitment must be to preserve intellectual freedom for everyone by providing access to all information.

I suppose it could be argued that in resisting censors we are protecting our own freedom. This is true, but we are also trying to protect everyone else's right to information at the same time. And even our best efforts often seem feeble for the enormous task.

The ALA has adopted policies which provide the rationale for librarians' defense of intellectual freedom. The *Library Bill of Rights* can fairly be called the librarian's interpretation of the First Amendment, even though it has not been included in a Supreme Court opinion. Other documents are explanations and extensions of the *Library Bill of Rights*. They and other documents that ALA will adopt in the future to meet particular problems provide the guidelines which librarians and library trustees can use in interpreting their responsibility to provide open access to information and in defending their responsibility to do so.

At each midwinter and annual conference ALA adopts resolutions deploring attempts to censor, or to limit access to ideas in other ways. It is right and proper that it should. Even if these resolutions fail to influence those to whom they are addressed, they serve to alert the ALA members to the dangers to intellectual freedom abounding in our midst.

They also serve to remind us of the persistence of the opposition to freedom of the mind and of the need, in our own libraries, for diligence in disarming the would-be censors in every community.

proceedings of the topical sessions

Many challenges to the principles of intellectual freedom go unchecked or are mishandled simply because preparations that will permit an effective response have not been made. An arsenal of defenses must be available at the moment the librarian is confronted by the would-be censor. In the following reports, group discussions of three essential preparations—a materials selection program, a procedure for handling complaints, and a public relations program—are summarized.

development of a materials selection program

The primary purpose of a materials selection program is to promote the development of a collection based on institutional goals and user needs. A secondary purpose is its use in defense of intellectual freedom. Workshop participants discussed basic factors involved in preparing a statement of library policy as the foundation of a selection program.

Discussions of the problems involved in developing a materials selection policy covered three basic factors that must be considered if a statement of policy is not to be divorced from the day-to-day concerns of library service. These factors are (1) institutional objectives, which should be set forth clearly so that everyone has a precise idea of what the library is trying to achieve in terms of its service goals; (2) characteristics of actual and potential users, which must be known if the collection of the library is to be relevant to their needs; (3) environmental characteristics, which can affect the nature and scope of the library's collection and services, and which must be considered if, for example, needless duplication of services and materials is to be avoided.

The discussion leader stressed two points in relation to selection policies. First, such policies should not be considered inflexible or unchangeable, as if set in concrete. Policy should not be limited to intellectual freedom concerns and the elimination of censorship complaints, but should rather articulate the role and services of the institution itself; policies and procedures should thus be changed in accordance with changes in services that reflect changes in user needs. Second, the notion of a well-balanced collection is a cliché that cannot obviate the need for a statement of policy. The notion of a "balance" in the collection, he said, is too often used to cover the

practice of selecting "good" or "great" materials in lieu of determining the needs and desires of the users and establishing a collection responsive to them.

In the ensuing discussion of general issues surrounding the formulation of selection policy, it was pointed out by a participant that large libraries with very complex procedures might want to separate policy manuals from procedures manuals. A policy statement might be broadly conceived and could call attention to such documents as the *Library Bill of Rights* and the *Freedom to Read Statement*. In such a case, the policy manual could be considered a basic and more or less enduring document, whereas the procedures manual could be considered flexible and readily changeable in response to the changing circumstances of the library. In discussion of policy statements for very small libraries, it was agreed that the basic problem is one of convincing the librarian of the need for a policy statement.

In regard to institutional objectives, it was stressed that although these form a part of the foundation of selection policy, they cannot remain static in a changing society. Reassessment of institutional objectives and purposes was considered an important aspect of the task of formulating selection policy.

The discussion of characteristics of user populations and determination of the needs of users revealed that differences among kinds of libraries are no less important here than elsewhere. Whereas faculty committees and bibliographic specialists may give university librarians an accurate picture of user needs, the librarian of a large public library may have to depend upon many inputs of various degrees of reliability in order to gain any idea of user needs and desires. In this context it was stressed that community surveys, for example, should not be used indiscriminately, and that professionals should be employed in any major undertaking of this kind. It was pointed out that one of the reasons that librarians in very small institutions may feel no need for a selection statement is the fact that they know their users and their small community and attempt simply to respond directly to user needs and requests. Participants stressed the importance of determining the needs and attitudes of non-users and attempting to attract them through changes in or additions to library services.

Some participants expressed their agreement with the discussion leader's remarks concerning the necessity of collecting according to user needs and the importance of the librarian's *not* selecting only what he deems "superior" or "best" in library materials. Some emphasized the importance of collecting what may be considered "ephemeral," including works on such topics as astrology, the occult, etc.

In discussing environmental characteristics, the importance of cooperation among libraries in the same region was deemed especially important in an era of budgetary cutbacks. Participants suggested ways in which different kind of libraries in the same region could cooperate; for

example, a university library with highly specialized collections and a public library with many kinds of materials of general interest, including works on hobbies, car repair, etc., need not duplicate materials.

In one session, a trustee stated that library boards should not delegate selection practice and then take it back whenever a complaint arises. Boards should adopt policy, delegate the task of selection, and then support the librarian in cases of attempted censorship. He also noted that according to ALA policy, materials should not be removed except by order from a court of proper jurisdiction.

A librarian from a small community noted that the real danger in censorship of materials is the librarian, not the public. Controversial materials, she commented, are simply not purchased. Thus problems with certain kinds of items are automatically precluded. Her comments precipitated an exchange among academic librarians and those representing large public libraries. Academic librarians generally feel protected on the grounds that their institutions are, in effect, repository libraries; librarians from large public libraries sometimes feel similarly protected. It was agreed that librarians in small communities with small institutions often face the greatest difficulties in applying intellectual freedom principles.

The discussions revealed that librarians representing various kinds and sizes of libraries (large research, small public, elementary school, etc.) have very different perspectives, and that this can be an important factor in any consideration of problems of intellectual freedom. It was agreed that factors of library size and library kind can have important implications for any educational program on intellectual freedom, and that this should be considered in designing future workshops or other programs.—
Reported by R. Kathleen Molz, Member, ALA Intellectual Freedom Committee.

procedures for handling complaints

Every librarian knows there will be complaints about library service. Sometimes these will center around a particular item which the library distributes. What should one do when a complaint of this kind is made? This problem was the focus of the workshop discussion of complaints about library materials.

The discussion leader for this session presented each group with four case studies. Each group was then divided into four units of five to six persons; each unit considered one case study to decide how complaints could best be handled in the situation described.

There was unanimous agreement that, ideally, every complaint about an item in a library's collection should be made first to the librarian immediately involved. It was realistically acknowledged that this seldom happens, so that the first step in establishing a complaint handling procedure

should be providing a means of referring the complainant to the librarian. Staff should be trained to direct the complainant to the librarian, and higher authorities (e.g., principal, trustee) should realize their obligation to involve the librarian immediately.

It was also agreed that informal conciliation should be the librarian's first move, but that in the not unlikely event that this fails, the complainant should be asked to put his complaint in writing. Fifteen discussion units endorsed the use of a prepared complaint form, but one unit dissented, on the grounds that presenting the complainant with a printed form would only cause him to suspect that the library must receive a great many complaints about its collection. Four units recommended that the patron should have the option of using the library's complaint form or submitting a written statement in his own format. No unit endorsed the sample form included in the workshop materials.

There was general agreement that if the complainant declines to put his complaint into writing, the librarian should still write a report for the files. This should be done even when it appears that the complainant has been satisfied and the case is closed. Taping the interview was suggested by two units.

It was unanimously agreed that a disputed item should not be withdrawn while the case is being considered, though several units suggested that it should be checked out to the librarian to prevent its removal by the complainant. If the complainant already has the item and refuses to return it, the regular overdue procedure should be employed; meanwhile, if there is no other copy in the collection, the library should borrow a copy from some other library to have it on hand for evaluation.

A sharp divergence of opinion developed on the possible role of a review committee in reevaluating the disputed material. In general, those units whose case studies involved school or community college libraries supported the appointment of such a committee, with librarian, faculty and student membership, while the units with public library case studies rejected such a committee. A proposal by one subgroup that a citizens' advisory committee might be useful in a censorship battle in a local branch provoked a strong but inconclusive debate. This would appear to be an area where practices do vary according to type of library.

It was agreed that the librarian is obligated to report censorship incidents, including those that appear to have been amicably resolved, to the appropriate administrative or governing authorities. In a school or public library system it is particularly critical to advise the library coordinator or supervisor of branches at once, since an attack on an item in one library may be followed by attacks on the same item in other libraries of the system, especially if the complainant represents an organization. No unit recommended bringing in the press in the early stages of a case, though it was recognized that the complainant may do so, in which case the library side should be presented.

There was general agreement that the responsibility for selection is the librarian's, and that the first decision on reevaluating the material should also be made by the librarian, perhaps, according to the circumstances, with the advice of a review committee. (The units that advocated the review committee saw it as an advisory, not a judicial, body.)

Only two units recognized explicitly that the librarian might well be the appellant, and recommended that in such an event the state association and ALA intellectual freedom agencies should be turned to for aid.

Two individuals undertook the role of devil's advocates and dared to ask if a librarian must always defend to the last ditch everything in the collection. One suggested that librarians are not infallible, and the other asked if there is any single title so invaluable that the library's total program should be endangered to retain it. Neither proposition provoked much debate.

One participant noted that censorship incidents ought to be considered a normal part of library routine, and that the response to them should be as matter-of-fact as possible. One unit emphasized the need for the different libraries in a community to support each other, before the battle as well as during it. Another unit noted that the librarian's biggest responsibility when someone brings in a complaint is to listen. Finally, there seemed to be general agreement that persuasion is better than litigation, even if it cannot always be managed.

Two groups of participants questioned the geographic division of the participants and proposed a type-of-library division instead. The remaining two groups did not comment on the division. Other alternatives, such as subdivision by size of library, were not proposed.

There was general acceptance of the case-study method used in this section of the program, although there were a few vigorous dissenters. Their dissent appeared to be based upon reservations about the case-study technique per se, not of its appropriateness to the particular situation.

The division of each subgroup into four small units was strongly endorsed, because it gave everyone a chance to participate actively. It was agreed that four to six, no more, is the best size for small working units. All units were able to complete a report within the time allocated—*Reported by Paul B. Cors, Member, ALA Intellectual Freedom Committee.*

public relations for libraries

A sound program of library service which is well interpreted to the public is the essence of public relations for libraries. A public relations program makes the library's community aware of its services, and gives the library a potential base of strong support when problems arise. Such support is vital when library materials are attacked by censorship forces. Workshop participants discussed basic

objectives and guidelines for a public relations program, as well as practical techniques.

The concept of public information as a basic part of public relations in a library was stressed in the discussion. Freedom and unrestricted access to information must be promoted.

Good relations within the staff and with the community were also emphasized. The staff should participate in the adoption of an intellectual freedom policy and give full support to it after it is implemented. The basic issues (sex, politics, minorities, religion, freedom of access) should be discussed honestly. Staff members should be encouraged to state how they feel so that there will be an understanding of what will not be tolerated, when compromises will be made, etc.

When negative attitudes within the staff are detected, efforts should be made to change them. One participant stated that two workshops had been used to effect changes in his staff. The necessity of having a director who is committed to intellectual freedom was emphasized.

It was considered very important for the library staff to build an image of providing comprehensive information for all groups. Libraries should be prepared with the facts for both sides of issues. The staff should look continually for things in the library that could be misunderstood by patrons (e.g., hours, non-circulation of certain materials) and explain them.

Effective communication was emphasized as being a most important factor in good relations with the staff and the public. Staff meetings are a vehicle for communicating on a regular basis. The library board, friends, and the public should be informed of the library's intellectual freedom policies and activities.

Relations with librarians in other institutions was mentioned. There is a need to build unity among different types of libraries in an area, so that members of the profession can stand together on important issues. A statewide public relations program was endorsed. A continuing education program conducted by state library associations was suggested.

It was decided that negative publicity usually does not hurt if public relations and library service are good. In one instance reported, the closing of a branch resulted in public pressure which re-opened that branch within a week. The consensus was that librarians should be more concerned about using public relations as a tool for support than about opposition.

Appointing *one* person to coordinate public relations activities was considered essential. This should be done even when the person can serve only on a part-time basis. If the director of the library is not giving public relations sufficient attention, a concerned staff member should volunteer his/her services and acquire competency. One participant described how she took courses and worked on her own time to prepare herself before finally obtaining a full-time position. When there is a crisis, the library should

have an official position that is stated accurately by a designated person. There was no agreement among the participants on whether or not other employees should give the press their opinions of an issue or versions of an incident. Withholding information from the press was considered similar to censoring materials.

Problems raised by participants included these: (1) Changing the attitudes of persons who honestly do not believe in intellectual freedom. (2) "Selling" ALA's intellectual freedom program to library employees who are not professionals. (3) Building credibility in advance. (4) Reaching those who are disinterested not only in intellectual freedom but in libraries. (5) Convincing people who are interested primarily in things, not ideas, and who really do not believe in the First Amendment. (6) Not ostracizing librarians who fail to stand up for intellectual freedom. (7) Adopting the proper stance in regard to the current state obscenity laws. (It was the consensus that most librarians are operating as quietly as possible and not challenging obscenity laws.) (8) Facing the reality that the current decrease in employment opportunities may influence librarians to accept breaches of intellectual freedom. (9) Building an optimum level of awareness in the community to support intellectual freedom efforts without creating or antagonizing opponents. (10) Gaining the interest of the press in publicizing intellectual freedom issues. (11) Giving adequate support to school librarians, who are attacked most often and who are frequently alone in their positions.

Individuals and groups to be included in a public relations program

It should be realized that "nobody believes you unless they know you." Every effort should be made to identify the library's various publics, know them, and let them know the library. The library's services should be related to the community's economic and social characteristics. The entire library staff should be involved with the community's different spheres of influence. For example, members of the staff should be urged to attend meetings of the various community organizations and offer their services. The clue to success was considered the extent to which the library staff has empathy with the community.

It is important to identify the library's natural allies, gain their friendship, and keep them informed. One approach recommended is to begin with the freedoms that relate to these allies. Obvious natural allies are: (1) *Friends of the Library*, who should have valuable knowledge of and influence in the community. (2) *Media personnel*, who should be interested in freedom and who need the information that libraries can provide. The distinction that may exist between the attitudes of publishers and other personnel should be recognized and dealt with appropriately. (3) *Volunteers*, who serve in school and public libraries. When they are informed adequately, they can be effective supporters.

Those who oppose certain policies or programs of the library should also be identified and studied consistently. It is important to know what the obstacles and limitations are; librarians should know these individuals and learn their opinions.

Methods and techniques used successfully in public relations programs

(1) Annual reports can be used as very effective public relations tools.

(2) One can promote the library as a cultural institution. (Do not stress what the library is doing for patrons; stress citizens involved in library activities.) One suggestion was promoting programs for children in cooperation with the press, letting children give (in writing or on tape) answers to key issues and publicizing them.

(3) Groups such as the Chamber of Commerce, Junior League, and the League of Women Voters frequently have or will form groups to support the library.

(4) Posters such as the *Freedom to Read Statement* and the *Library Bill of Rights* can be displayed.

(5) The *Library Bill of Rights* should be included in the library's policy manual. Send it to the press and ask that it be publicized.

(6) Meal meetings or seminars can be held to discuss intellectual freedom or other issues and interpret the library's position and role.

(7) Newspaper releases and columns can enhance the image of the library. Writing a regular column on other topics can build support for the library and gain acceptance of the principles of intellectual freedom. Human interest stories are the most appealing. One example was a documentary story describing a day in the library. It included candid pictures of the library staff and users and greatly helped the community to understand libraries and librarians. In a general column, a series devoted to interesting local people could include the town librarian. Contributing to other bulletins, such as the superintendent's bulletin, was also recommended.

It is also important to be prepared for occasions when the press comes to the librarian uninvited. Have an authorized spokesman with a written statement when possible. Brief the entire staff on the situation, with suggestions for action if approached.

(8) Radio and television spots and programs can be effective. Channel executives are required by law to give time and free production assistance to local groups. Librarians should inform local television personnel of what the library can do for them and solicit their assistance. Cable television was considered, and participants agreed that now is the time for librarians to become involved in it.

(9) Profiles of key community leaders will facilitate efforts to give them service and make maximum use of their talents.

(10) Surveys can be used to gather data needed to know the community and learn how the public perceives the

library's role. However, there is a danger in conceiving of the survey as a referendum. It should be realized that the questionnaire is one of the most error-prone instruments.

(11) One librarian obtained a list of the 24-hour telephone service agencies and gave them library announcements to disseminate.

(12) Workshops can be particularly effective with library staffs, trustees, and other friends of the library to persuade or educate.—*Reported by Annette L. Phinazee, Member, ALA Intellectual Freedom Committee.*

censorship of library materials

In addition to discussing basic aspects of library policies, programs, and services, persons attending the workshop also considered the motives and tactics of the censor.

It is very easy to think of the censor as a "bad guy." But, at times, fear and misunderstanding can create situations in which there is "a little of the censor" in all of us. The reasons behind a desire to remove a particular work from a library can be numerous; however, in most cases there is an underlying concern that the moral climate of the community is disintegrating.

The censor can approach the librarian in any number of ways. His attitude may be threatening and he may show absolutely no sense of humor. Often he may want to bypass library policies designed to deal with complaints.

There is, however, at least one hopeful sign when a censorship problem arises: the proponents of censorship find books valuable and consider the librarians' job important enough to watch. During the discussions, the participants readily agreed that reading is dangerous, but the exchange of ideas which reading permits is vital to American society and must not be restricted.

Most censorship groups belong to one or more of the following types: church related groups; educators; patriotic groups; political interest groups; parents. Censorship groups which are currently active include the Christian Anti-Communism Crusade; National Conservative Television Fund; Morality in Media; Citizens for Decent Literature; and the Dan Smoot Report.

A number of participants felt that it is dangerous to characterize the censor with a label such as "right-wing" or "left-wing" or conservative. Censors can range over a spectrum of political and social thought. Further, censorship attitudes cannot be restricted to one particular age group.

Also discussed was the librarian's role as a censor. It was felt that the librarian can confuse the library's objectives and the community's wishes in an effort to "guide" the community. One participant gave an example involving the John Birch Society's *Blue Book*. In this case, a librarian refused a free copy of the *Blue Book* because her political beliefs differed from it. In a case such as this, censorship already exists and is countered by counter-censorship tactics. It is important that librarians be aware of their own

prejudices. One participant asked if a librarian is acting as a censor by refusing to purchase vanity press titles. It was agreed that if the only reason for not purchasing the book was because it is published by a vanity press, then the librarian is indeed a censor. Along the same lines, one participant asked if the school system which purchases from only an "approved" list is censoring the student's reading.

One participant asked if the educational level of the censor can make a difference, if the less-educated censor can be more easily satisfied than the highly educated individual. There was no general agreement on this point.

It was felt that the censor is in many cases motivated by fear: fear of the material and its potential impact, as well as a fear of the unknown. Such fear can often be expressed as intolerance.

The discussion then entered the area of what can be done to resist the censor and respond to his attacks. It was agreed that the librarian must be prepared to defend his position against censorship, just as the censor is prepared to defend his opinions.

One participant said that one of the most important defenses for a library is to "follow procedures." Libraries must have a set procedure to follow when a complaint is made. Unsigned complaints, for example, should not be acted upon.

It was suggested that, in dealing with the complainant, the complainant be invited to meet with the library board. Another participant said that the complainant should be thanked for his interest in the library and that, in any case, the complainant should not be insulted and made to feel that he has "lost."

If the complainant represents an organized group which comes to the library's board meeting and tries to assume control of the meeting, the board has several alternatives. It can (1) make individuals apply for time to speak at the meeting; (2) limit the duration of each person's speaking time; or (3) meet in executive session.

One participant recommended that a good argument against the request of the censor is to point out that by removing a title (or limiting access) the censor is making decisions for other people, without their permission or knowledge.

If the censor argues that the community is not interested in "issue-oriented" materials, a good counter argument is to ask the individual to describe known problems in the community. It is at this point that the materials selection policy is essential, because it should contain, in outline, a description of the community and an explanation of the community's needs.

One participant mentioned that it must not be forgotten that the censor's criticism might be justified.

One argument the censor can use is to ask whether librarians believe books have beneficial effects, and, if so, whether it is not possible for books to be detrimental? It is doubtful whether the good or bad effects of a book can be

proved. And in any case, the librarian cannot be responsible for a reader's actions, or restrict an author's freedom of speech.

A participant pointed out that censorship is in fact "total restraint" against the procedural due process of adult readers and the publisher of library materials. Legally, both parties can act against it. However, action can be taken only after the material has been purchased and later removed or placed under restricted access. The Fourteenth Amendment specifically prohibits depriving any individual or group of its right to due process.

In the area of governmental censorship, some participants believed there should be protections for those who have been treated unjustly. And, concerning the question of maintaining the confidentiality of library circulation records, many felt that a librarian has a moral responsibility to refuse to reveal information on borrowers' reading habits. However, one participant reminded the group that the records could be subpoenaed.—*Reported by Jean-Anne South, Member, ALA Intellectual Freedom Committee.*

planning a workshop

In light of the principal objective of the prototype workshop, namely, to give persons committed to sponsoring workshops in their home states a model for adaptation to suit their needs, the final general session was devoted to a discussion of basic techniques used in workshop planning. These remarks were prepared by Barbara Conroy, workshop consultant.

A workshop is a big undertaking. Most people, however, do not realize just how large a project it is until they are well into the thick of planning. But the task of planning a workshop need not be foreboding, if you plan well ahead of time both what you want to do and exactly how you will do it. The key words here are "well ahead of time," because the planning process will take at least one-third longer than you originally expect. If you allow yourself a reasonable amount of time and are realistic about your expectations, it is unlikely that you will feel pressured at the last moment.

The very first step in planning is to define the purposes and objectives of the proposed program. Purposes and objectives are not one and the same thing: a *purpose* is a general end which the program is designed to reach; an *objective* is a specific accomplishment which will implement the purpose. For example, the *purpose* of the Intellectual Freedom Committee's prototype workshop was to increase the level of awareness of intellectual freedom among librarians across the country. The *objective*, however, was to present a model program which can be presented on the state level.

A second major decision is to determine who will plan the program: one individual or a committee. Naturally, there are advantages and disadvantages to either method. An individual can act more efficiently and speedily than a committee. But planning a major program is a large

responsibility for one person to assume, especially if he has to attend to all the decisions-major and minor-in his spare time. Having a committee composed of a small number of committed and interested persons provides people to whom various responsibilities can be delegated. In addition, these persons can be relied on to be leaders or resource people during the workshop. If the committee members are chosen so that various skills are represented (e.g., one person with a flair for public relations and publicity), the committee's work can be lightened. These few factors may outweigh the relative expense in terms of time and money of committee meetings.

Whether a committee or one person plans the program, be sure that all the ideas, agreements, plans, and decisions are put in writing so there will be a permanent record of your work.

Once your committee is selected and has agreed on the program's purposes and objectives there are essentially six steps to be completed in carrying out the program: Evaluating the resources; designing the program activities; selecting staff; selecting participants; selecting materials; and evaluation.

(1) *Evaluating available resources.* A realistic assessment of your resources (money, people and facilities) will, to a great extent, determine the type of program you will present. What group is sponsoring the program and how much money is budgeted? What facilities are available and are these facilities adequate? Is there proper lighting and ventilation; is audio-visual equipment available; and, of course, what is the cost? Who would you like to invite to be in on the program, and are these persons available; how will they work together as a program team - will their talents complement one another?

(2) *Designing the program.* The first task here is to plan dates, the daily schedule and timing. Constructing a timetable of what is to be done and when each step is to be completed may help you to see the overall program. It is at this point that you have to decide the methods to be used to present the subject. A number of choices are possible: panel discussion, demonstration, role play, symposium, small group meeting. In designing the program format, it is important to have some flexibility. Try to see several approaches and base your final decision on the talents of your staff members, the facilities you will have available and your participants' schedules. In planning the agenda, don't forget that the participants will need breaks from time to time, that the resource people will need time to plan, and that the program staff will need time to set up special room arrangements.

(3) *Selecting staff.* Decide which experts in the field are available and able to participate and invite them to take part in the program.

(4) *Selecting and preparing participants.* Determine how many people you want to attend the program. Will people be invited to attend, or will registration be on a "first come, first served" basis? What will be the basis for limiting

registration: e.g., geographic location, willingness to carry through on a similar program, quota regarding the type of library?

(5) *Selecting and preparing materials.* The materials that are prepared should supplement your program and reinforce learning. They should not tell the whole story, otherwise there would be no reason to have the meeting. The materials distributed to the participants should cover three areas: they should prepare the participants for the meeting (e.g., a roster of attendees, an advance agenda, a description of the facilities); help the participants learn (background readings, bibliographies); provide publicity materials (brochures, flyers).

(6) *Evaluation.* Your final evaluation can be the most worthwhile part of your planning, especially if you expect others to learn from your program and, eventually, plan a similar presentation. To be effective, however, it should be planned from the beginning. A few types of evaluation you may want to use are:

- A. During-the-program evaluations by staff and participants, in which you evaluate how the program is progressing and deal with problems that have developed.
- B. Post-program but on-site evaluations, in which each participant is asked to complete a questionnaire before leaving the meeting.
- C. Post-program evaluation, in which each participant is asked to complete and return a questionnaire after leaving the meeting.

The final test of your planning skill will come when the program is carried out. At this point, it is essential that you be available to supervise every aspect of the program and guide it through its pre-determined plan. Make sure all the staff members know their roles and responsibilities. And, above all, don't be surprised if problems arise; just be ready to find an appropriate solution as quickly as possible!

roster of participants

Mr. Robert Adelsperger
Chicago, Ill.

Ms. Marian Alexander
Ferndale, Wash.

Mr. Alex P. Allain
Jeanerette, La.

Mr. Edmund R. Arnold
Mount Vernon, Iowa

Mr. Christopher Barnes
Keene, N.H.

Mrs. Jean Battey
Chelsea, Vt.

Mrs. Flora Benton
Oregon, Ohio

Miss Ann Bowden
Austin, Tex.

Mr. Americo Chiarito
Reno, Nev.

Ms. Brenda H. Claffin
West Hartford, Conn.

Mr. Paul F. Crane
West Warwick, R.I.

Mr. Robert B. Croneberger, Jr.
Detroit, Mich.

Mrs. Margaret F. Darken
Boalsburg, Pa.

Mr. Oliver Delaney
Oklahoma City, Okla.

Ms. Eleanor L. Dempster
Knoxville, Tenn.

Mr. James L. Dertien
Bismarck, N.Dak.

Mrs. Eileen Dubin
DeKalb, Ill.

Mr. Max Dunn
Scottsdale, Ariz.

Miss Marjorie Duval Portland, Maine	Mrs. Charlotte Kaplowitz Passaic, N.J.	Miss Marie Mastorovich Great Falls, Mont.	Ms. Esther R. Propst University, Ala.	Ms. Merrily E. Taylor St. Petersburg, Fla.
Ms. Marian English Montpelier, Vt.	Ms. Patricia Koch Newton, N.J.	Ms. Elinor N. Metcalf Dubuque, Iowa	Mr. John S. Robotham Staten Island, N.Y.	Ms. Pat Tether St. Paul, Minn.
Mr. Charles H. Fay Juneau, Alaska	Ms. Nina S. Ladof Voorhees, N.J.	Mr. Thomas B. Meyers Columbia, Mo.	Ms. Sheryl A. Rollins Oklahoma City, Okla.	Mr. Don Trotter Ogden, Utah
Ms. Barbara S. Geeting Bellefonte, Pa.	Miss Phyllis Land Indianapolis, Ind.	Ms. Marlys Mlady Sioux Falls, S. Dak.	Ms. Pat Rom Lewisburg, Pa.	Ms. Carol Thomas North Platte, Neb.
Mr. Joseph Green Rockville, Md.	Mr. Lee Lebbin Holland, Mich.	Mrs. Ray N. Moore Durham, N.C.	Mr. Joel Rosenfeld Urbana, Ill.	Mr. J. Mark Tucker Gallatin, Tenn.
Mr. James A. Harvey Chicago, Ill.	Mr. John P. Legry Vancouver, Wash.	Mrs. Jane Morgan Hapeville, Ga.	Ms. Andrea Rumps Cincinnati, Ohio	Mr. Richard L. Waters Dallas, Tex.
Mr. James F. Holly Olympia, Wash.	Miss Nancy Lesh Anchorage, Alaska	Mrs. Elizabeth Morrisset Boulder, Colo.	Mr. Joseph D. Sabatini Albuquerque, N.M.	Ms. Joan West Pasadena, Calif.
Mrs. Jimadean Ireland Owensboro, Ky.	Mrs. Catherine H. Lewis Conway, S.C.	Mrs. Dorothy Muse Belpre, Ohio	Mr. Ted Samore Milwaukee, Wis.	Ms. Helen R. Wheeler Baton Rouge, La.
Ms. Clara O. Jackson Kent, Ohio	Mr. John Lubans, Jr. Boulder, Colo.	Mr. Tom Muth Topeka, Kan.	Ms. Arlene Santoro Frankfort, Ill.	Mr. Sam G. Whitten Austin, Tex.
Mr. Henry James Sweet Briar, Va.	Mr. William McCleary Shreveport, La.	Mr. Eli M. Oboler Pocatello, Idaho	Ms. Diane Schwartz Hamden, Conn.	Mrs. Dianne T. Williams Lansing, Mich.
Mrs. Violet Lowe Jones Midwest, Wyoming	Mr. Philip J. McNiff Boston, Mass.	Ms. Frances M. O'Halloran Honolulu, Hawaii	Mr. Loren Sgro Rhineland, Wisc.	Ms. Jane Wilson Chicago, Ill.
Mr. David A. Juergens Jackson, Miss.	Mr. Robert C. Maier Providence, R.I.	Mr. Jay Paulukonis Madison, S. Dak.	Mrs. Alice N. Sheftel Washington, D.C.	Mrs. Linda M. Wood Portland, Ore.
Ms. Hope Justus Winnetka, Ill.	Mr. Robert H. Marshall Wilmington, Del.	Ms. Peggy Pfeiffer West Lafayette, Ind.	Ms. Marjorie Sohl Hammond, Ind.	Ms. Nancy C. Woodall Springfield, Va.
Ms. Araxie Kalvonjian Kenosha, Wis.	Mrs. Betty C. Martin Terre Haute, Ind.	Mr. Robert M. Pierson College Park, Md.	Mrs. Anne Sweat Hyattsville, Md.	Mrs. Carol Wright Fayetteville, Ark.

Is it legal? . . . (from page 73)

so-called adult bookstores and theaters. Under the ordinances, operators proposing such theaters and bookstores must get approval of 51% of the property owners within a 500-foot radius of their businesses. A Nortown Theater's attorney said the suit contends that "the laws are violative of the First, Fifth and Fourteenth Amendments of the U.S. Constitution." Several communities around Detroit have adopted or proposed similar ordinances. Reported in: *Detroit Free Press*, March 15.

Adams County, Colorado

Operators of an Adams County drive-in theater asked the Colorado Supreme Court to overturn two lower court orders barring its operation. Their suit contends that they have been intimidated by violence and that their First Amendment rights have been "totally restrained and halted." The suit names as defendants the Adams County Board of Commissioners and District Judge Jean Jacobucci. The suit alleges that the manager of the theater was "assaulted and choked," that a fake bomb was put inside the manager's car, the the manager's home was destroyed by fire, and that a car cavalcade prevented entry of the public to the theater. The suit does not name those responsible for the activities cited. Reported in: *Denver Post*, March 27.

Washington, D. C.

In an affidavit in a suit before U.S. District Court for the District of Columbia, Professor Allen Weinstein of Smith College alleged that documents the FBI has withheld from him as classified were released by the Bureau to a number of persons, including television producers and journalists and others friendly to the Bureau. Although Weinstein's interest in the Bureau's files is purely scholarly, he has been denied access. The suit challenges the federal government's classification system, and is brought under the federal Freedom of Information Act of 1966. Reported in: *Civil Liberties*, April 1973.

Coral Gables, Florida

City commissioners passed a resolution asking the city's planning department to restrict the showing of X-rated movies to industrial areas at least 500 feet away from residential sections; the action was taken despite the agreement of a majority with the decision of City Attorney Charles Spooner, who said that *Last Tango in Paris* can be shown in Coral Gables. "The movie did not stir my prurient interest," the attorney reported. "It was completely disgusting, crude, vulgar and trash." Complaining about *Last Tango*, Commissioner Bob Brake said, "People that watch these movies have latent criminal inherencies and I don't want my daughter assaulted by someone who is somehow frustrated after seeing this picture." Reported in: *Miami News*, April 24.

previously unchallenged concept with equanimity."

The post-war years saw the steady deterioration of the principles of freedom of speech. The activist-repressionists—business leaders, employers, entrepreneurs—the "propertied" men "with a stake in society and in the preservation of its hierarchy of economic authority and social control" dominated the scene. "They demanded new devices to curtail freedom of expression by insisting that this was the only way to return to old-fashioned freedom of speech."

During this period various states passed intimidatory legislation to suppress dangerous works and activities. Such were the criminal syndicalism laws like the one enacted by the Kansas Legislature which was designed to prevent "free love, sabotage, and virtually any form of social, political or economic change." Many management leaders were disturbed by the specter of labor's winning wide support for extended governmental control of railway, telegraph, and telephone systems, or the takeover of coal mines, oil wells, pipelines, and refineries. Possible extension of collective bargaining was considered "a dangerous, and totally unwarranted, treat to their right to manage their own business in their own way." Labor leaders frequently found themselves called "anarchists, reds, Bolsheviks." As early as 1919, J. Edgar Hoover turned the entire efforts of the government's new Intelligence Division to collecting information about radicals.

The Daughters of the American Revolution reached the height of its red-baiting activities during this period, developing its blacklisting of individuals and organizations and condemnation of "un-American" textbooks into a weapon to threaten any who expressed less than 100 percent Americanism. "We want no teachers who say there are two sides to every question," said the DAR.

The Ku Klux Klan and the American Legion continued their vigorous campaigns against unpopular types and unpopular statements. The Legion was particularly critical of the American Civil Liberties Union as an advocate of "free speech." The Better America Federation of Los Angeles (supported by the then reactionary *Los Angeles Times*) enjoyed a peculiar role among the super-patriot groups in the decade because it maintained an open relationship with the business community. It fought legislation for child labor laws, compulsory education up to age sixteen, the eight-hour day, the forty-hour week, minimum wages, the initiative and referendum, and public utility regulation. It interfered with school curricula, and succeeded in having books by H. G. Wells, Sinclair Lewis, and James Harvey Robinson, and plays by Shaw and O'Neill banned. Americanization programs were funded in a number of states by such groups as the National Security League and the American Legion to root out of the schools

any textbooks teaching "disloyalty."

Important reactions against such super-patriotic hysteria came as a result of showdowns between protesting groups and oppressive governmental forces.

Communist demonstrations in New York in 1929 against unemployment highlighted the national problem of police brutality and police acting as arbitrary judges of the extent of permissible public expression and protest. When the American Federation of Labor joined with the ACLU in seeking outlawing of the strike injunction, this gave powerful impetus to legislation at both the federal and state level. The Norris-La Guardia Act of 1932 was the most concrete achievement of the moderates. There were serious setbacks, such as the defeat of the ACLU in its effort to seek an injunction from the courts in Kentucky in defense of the revolting miners of Harlan County. But Murphy cites such Supreme Court decisions in 1932 as *Near v. Minnesota* and *Stromberg v. California* as significant in their effective moves against unwarranted state restrictiveness.

The least satisfactory portion of Murphy's survey comes in the Epilogue, in which he appears to give more than due credit to the federal government in World War II for its commitment to freedom of speech. There were, to be sure, conscious and serious efforts: to avoid the most repressive excesses of World War I, but to say that "the nation emerged from [World War II] unscathed in its commitment to freedom of speech" seems a reckless assessment. For instance, the rounding up and internment of Japanese-Americans after Pearl Harbor is an extraordinary oversight.

He does show that it was not long after the end of the war that the country returned to its restrictive free-speech precedents, particularly with Chief Justice Vinson's opinion upholding the Smith Act convictions of communist leaders. Justice Black was impelled to acknowledge that "public opinion being what it then was, few would protest such a departure from fundamental principles of free speech," and he could only hope that "in calmer time, when present pressures, passions and fears subside, this or some later Court will restore First Amendment liberties to the high preferred place where they belong in a free society."

This was said in 1951, and Murphy concludes that such calmer times did come "sooner than many thoroughly depressed libertarians expected." (He refers to the progressive decisions of the Warren Court, and the serious efforts made to right the racial injustices of hundreds of years.) But Justice Black's comment takes on added interest in light of the events that were to come. Although the country appeared to have put down the dire treats of the McCarthy era, and gave some hope of supporting an effective civil rights movement, the violent public reactions to the excesses of the "free speech" movement and activist protests against the war, the reverberations of which are still being felt, have left the country in a mood of uneasiness and fear.

The war in Southeast Asia has itself placed the most severe strains on the country's commitment to freedom of speech and has left us in considerable doubt as to how we are to recover from the effects of this disastrous episode; and the increasingly repressive attitude of the Nixon administration toward the press now compounds this problem. Of course, the stated subject of Murphy's book was not meant to extend to these latter-day developments. But his own addition of an Epilogue, which takes us part-way into this present unhappy period suggests that his book needs to be read with an eye to today's disconcerting tendencies to revert to the kind of repressive era to which he introduced us at the beginning of this book—*Reviewed by Everett T. Moore, Assistant Librarian, UCLA.*

The Press and America. Edwin Emery. 3rd ed. Prentice-Hall, 1972. 788 p.

The third edition of Emery's history of journalism is a solid work of interest to the general public.

As in earlier editions, the author emphasizes the history of the newspaper in Europe and in the United States, and we do not reach the twentieth century until page 350, almost halfway through the book. Developments of the two decades since the first edition are taken care of through extensive revisions of the chapters making up the last quarter of the volume. The 1950s and 1960s therefore are not dealt with in depth similar to that accorded the pre-1950 period. The major highlights are there, though, including a reproduction of a page from the last issue of *Look*. It should be noted that the fine chapter bibliographies lead the reader to 1971 and 1972 publications, even though text coverage extends only to early 1971.

Radio and television are not neglected, and the changing role of the newspaper in an age of instant electronic journalism is noted. Obviously, a newspaper must function differently when everyone has already seen the moon landing or a Presidential assassination on his television as these events happened. Indeed, the presence of electronic newsgatherers affects the very course of events.

Readers of the *Newsletter* will find adequate coverage of censorship and freedom of the press through publication of the Pentagon Papers. The Freedom of Information Act would seem to have deserved more than cursory mention, however.—*Reviewed by Mary R. Sive, Pearl River, New York.*

Press Freedoms Under Pressure; Report of the Twentieth Century Fund Task Force on the Government and the Press. Background paper by Fred P. Graham. The Twentieth Century Fund, 1972. 193 p.

Today many readers are disillusioned with the press. They agree with Vice President Agnew and columnist Kevin Phillips that the effete, Eastern-controlled media speak only for themselves and not for "Middle America" (an undefined area that somehow encompasses all those who, presumably, support the administration). There is a feeling among many readers and viewers that they dislike the news and that this is somehow the fault of those who report it. Radical activist papers are blamed for the events they describe as much as for the way they describe them.

In response to this feeling of disillusionment and to its own feelings, common to governments, that the media are prejudiced against it, the present administration encouraged pressures which threaten press freedom. Early in 1971 the Twentieth Century Fund assembled a task force to report on some of those pressures and to make recommendations for government and the press. The twelve-member task force included journalists, jurists, and lawyers. Their backgrounds and opinions varied widely on individual problems of press freedom, but all believed there are new, corrosive frictions rising between the United States government under Nixon and the media.

Press Freedoms Under Pressures is the report of the task force. The problems investigated included subpoenas issued to newsmen; law enforcement agents posing as newsmen; official harassment of the underground press; governmental criticism of news judgments; and the publication of the Pentagon Papers. The task force's recommendations, designed to strengthen the press and to provide a healthy adversary relationship between the press and the government, were that 1) the law should incorporate a newsman's privilege to maintain confidences (shield law); 2) the media should not be treated by governmental investigations of editorial judgements; 3) police should not masquerade as journalists nor should bona fide journalists also work for the FBI, as some have done; and 4) the underground press should have the same legal and constitutional rights as other elements of the press. In the case of the Pentagon Papers, the task force saw the problem as a question not of national security (the government's contention) but of the constitutionality of prepublication restraints—in other words, censorship. Task force members agreed that, in spite of the risks involved, the doctrine of no prepublication restraint should be absolute. "Liberty is far too precious to be abandoned out of fear of unpleasant consequences."

Following the discussion of the task force debate, investigation, and conclusions, Fred P. Graham's background paper takes up various incidents that led to the study. If Agnew and Phillips, who describes the media as a "fashionable adversary culture hostile to Middle American policies," do speak for the majority of U.S. citizens, the newsmen who want to protect their right to speak freely are fighting both the government and the public. Since the

Continued on page 9.

Statement . . . (from page 68)

First, the supposition of need implies that an acceptable definition of obscenity is available. A review of the difficulties of the highest judicial authorities of the states and of the United States should be sufficient to dispel any comfortable and easy notions in this regard. The Association believes that it is in practice impossible to define such terms as "obscene," "pornographic," etc. Every person is an individual with his own wants, needs, and desires, which have been determined by the various environments in which he has lived; by the values, principles, and goals instilled in him by his parents and others who were or are in positions to influence him; and, finally by the experiences of his life. All of these in turn affect the perception of obscenity.

Second, the supposition of need implies that there is a demonstrable relationship between allegedly obscene materials and overt, antisocial acts. The U. S. Supreme Court, investigators for the Commission on Obscenity and Pornography, and other competent authorities have recognized that it is impossible to establish a direct, causal relationship between what a given person reads and what he does.

Third, the assumption of need implies that the supposed benefits of obscenity legislation would outweigh its adverse effects on our national tradition of freedom of speech and freedom of the press. However, a review of the history of censorship affords little but cold comfort. Censors have attempted to suppress the comedies of Aristophanes, the plays of Shakespeare, the "Song of Songs" from the Bible, Chaucer's *Canterbury Tales*, Walt Whitman's *Leaves of Grass*, James Joyce's *Ulysses*, D. H. Lawrence's *Lady Chatterley's Lover*, J. D. Salinger's *Catcher in the Rye*, and, more recently, Claude Brown's *Manchild in the Promised Land*. The writers of these works each expressed, with superlative skill, some aspect of our common humanity. Still, each of these works has been banned or mutilated at one time or another. Who is to say what pieces of "outrageous" literature will some day gain respectability and acceptance?

That suppression of allegedly obscene materials leads easily to suppression of unpopular ideas is illustrated by the treatment of the so-called underground press. Many historians and educators have pointed out the social and historical value of the underground press as a recorder of a movement which escapes objective coverage in the conventional news media. Nonetheless, underground newspapers have been banned from schools, universities, and libraries on grounds of alleged obscenity. Printers have on occasion refused to handle the papers. Police have arrested street vendors, sometimes confiscating their publications through extralegal methods. Some underground publications have become defunct because of inability to withstand legal and extralegal intimidation and

censorship.

In sum, the Association stands opposed to governmental "supervision" of the content of citizens' minds, and it questions whether it is possible to demonstrate a clear and pressing need for federal legislation on obscenity.

Specific objections to Section 2-9F5 of S. 1 and Section 1851 of S. 1400 follow.

S. 1/Section 2-9F5: Disseminating Obscene Material

This section is troublesome in two respects. First, it is doubtful whether the librarian who serves the diverse needs of users (it is not his function to identify any given user's purposes) would have an affirmative defense under the vague phrase, "similar justification." Second, given the elimination of the "utterly without redeeming social value" test and the imposition of the standards of the immediate judicial district, the librarian is placed in the impossible position of having to determine whether an exhibition of, say, James Joyce's *Ulysses* in the immediate district will have—when taken as a whole—a dominant theme which is an appeal to "shameful or morbid interest" which exceeds permissible candor, etc. It is the opinion of the Association that elimination of the "social value" test and national standards would have so many unanticipated consequences that further uncertainty of the meaning and breadth of the law would be the principal result of Section 1-9F5.

S. 1400/Section 1851: Disseminating Obscene Material

There can be no doubt that library service falls under the provisions of Section 1851, since "disseminate" is defined to mean "to transfer, distribute, dispense, display, exhibit, broadcast, or lend, whether for profit or otherwise." In order to avoid the penalties prescribed by Section 1851, a librarian would have to examine every item held by the library in order to determine whether it contains "an explicit representation, or detailed written or verbal description, of an act of sexual intercourse, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal, or of flagellation, torture, or other violence indicating a sado-masochistic sexual relationship; as well as to determine whether said representation, etc., constitutes a minor portion of the whole product of which it is a part, is reasonably necessary and appropriate to the integrity of the product as a whole to fulfill an artistic, scientific, or literary purpose, and is not included primarily to stimulate prurient interest."

Is the review required by Section 1851 possible? It is the opinion of the Association that it is not:

First, few, if any, libraries have sufficient professional staff to review thoroughly every item received for their collections. Many libraries receive thousands of items every month on the basis of standing orders for books, magazines, newspapers, records, films, etc., and hundreds of other items are ordered and made available without examination on the basis of the reputations of authors and publishers.

Second, even if it were possible for a library to employ sufficient numbers of professional staff to review every item received, no librarian is competent by reason of his training to determine whether an explicit representation of sexual intercourse, etc., is reasonably necessary and appropriate to the integrity of a product as a whole to fulfill an artistic, scientific, or literary purpose, and is not included primarily to stimulate prurient interest. Indeed, given the manifest difficulties of the judiciary in this area, as well as the virtually unanimous opinion among authorities that such determination is not possible on any but a subjective basis, it is highly doubtful whether there could even be any professional training which would prepare librarians for the task that would be imposed upon them by Section 1851.

It is evident, then, that librarians could avoid the extreme criminal penalties of Sections 2-9F5 and 1851 only by "erring on the side of caution." It is the opinion of the Association that such "caution" would establish a comprehensive system of sub rosa censorship which would impede fulfillment of First Amendment rights and which would not require or even permit proper judicial review.

In addressing itself to the issue of a bookseller's knowledge of his stock, the Supreme Court said (*Smith v. California* 361 U.S. 147 [1959]):

The bookseller's burden would become the public's burden, for by restricting him the public's access to reading matter would be restricted. If the content of bookshops and periodical stands were restricted to material of which their proprietors had made an inspection, they might be depleted indeed. The bookseller's limitation in the amount of reading material with which he could familiarize himself, and his timidity in the face of his absolute criminal liability, thus would tend to restrict the public's access to forms of the printed word which the State could not constitutionally suppress directly, the bookseller's self-censorship, compelled by the State, *would be censorship affecting the whole public, hardly less virulent for being privately administered.* Through it the distribution of all books, both obscene and not obscene, would be impeded. [Emphasis added.]

These remarks, applied to the bookseller, are even more applicable to the librarian.

In *Blount v. Rizzi*, 400 U.S. 410 (1971), the United States Supreme Court established procedures to govern official censorship: . . . to avoid constitutional infirmity a scheme of administrative censorship must: place the burdens of initiating judicial review and proving that the material is unprotected expression on the censor; require "prompt judicial review"—a final determination on the merits within a specified, brief period—to prevent the administrative decision of the censor from achieving an effect of finality; and limit to preservation of the status quo for the shortest fixed period compatible with sound judicial resolution, any

restraint imposed in advance of the final judicial determination.

In the opinion of the Association, such safeguards are absolutely vital to the preservation of the freedom of expression guaranteed by the First Amendment. However, it is to be noted that the librarian-censor has no obligation to seek judicial review of his decision, nor would such an obligation be reasonable. The librarian has no economic incentive to seek such review; indeed, there is a strong economic disincentive.

The foregoing duly considered, the Association urges Congress to reject all federal legislation—if there is to be any—that does not allow as an affirmative defense the fact that the dissemination occurred in a bona fide nonprofit library established for the educational, research, and recreational needs of its users.

S. 1400/Section 1124: Disclosing Classified Information

Given the enormous quantity of government documents and papers and the consequent need for an elaborate system of classification, it is principally through libraries that ordinary citizens have access to information concerning the operations of their government. The need for such access has been cogently and succinctly put by President Madison. Madison said:

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

We are now concerned about restrictions on government documents and their flow into libraries, about citizens' access to them, and ultimately about the survival of our constitutional regime.

In testimony on the proposed Federal Rules of Evidence, submitted to the Subcommittee on Constitutional Rights, the Association expressed its concern that Rule 509 of the proposed rules will make any research concerning the practices and procedures of governmental departments and agencies, or any public scrutiny thereof, virtually impossible in the face of any refusal to reveal information from such governmental agencies and departments. At that time the Association acknowledged that a concept of and a privilege for state secrets is not new, but it expressed its belief then, and iterates it now, that the matter of secrets of state and the system of classification by executive departments has never been given adequate review by Congress. The Association again urges Congress to review these with the aim of establishing firm guidelines as a matter of law.

Recently, the United States Supreme Court had occasion to consider the matter of classification of government documents pursuant to executive order (*Environmental Protection Agency v. Mink*), 93 S. Ct. 827

Continued on page 94.

— censorship dateline



libraries

Alden, Iowa

The April issue of *Ingenué*, a magazine for girls, was removed from the shelves of the Alden High School library by Superintendent William Kearney. The magazine, which contains an article on petting, was brought to the attention of the superintendent by parents of a high school student. The parents also informed State Senator Ray Taylor and State Superintendent of Public Instruction Robert Benton. The senator asked the state's attorney general for advice on banning such magazines from Iowa schools under the state's obscenity statute. The parents suggested that a censorship committee be established by the state so that "articles of this type may not ever reach the young and innocent." Reported in: *Waterloo Daily Courier*, March 30.

Prince George's County, Maryland

Go Ask Alice, the autobiography of a fifteen-year-old drug addict, was removed from general circulation in Prince George's County high school libraries and placed on restricted reserve as a result of a complaint by County Sheriff Don Edward Ansell. The sheriff, who complained personally about the book to School Superintendent Carl W. Hassel, first saw the book when his sister, a senior at Crossland Senior High School, brought it home as part of an English assignment. Hassel referred the matter to Robert J. Shockley, an assistant superintendent of schools, who ordered that the book be placed on reserve and circulation restricted to those students who file a request stating their reasons for wanting the book. Reported in: *Washington Post*, May 11.

Richlands, Virginia

Spokesmen who claimed to represent seventeen Richlands churches appeared before the Tazewell County School Board to complain about the presence of *The Grapes of Wrath* in the Richlands High School library. The book was characterized as "pornographic, filthy, and

dirty." A. Charles Allen, pastor of the First Baptist Church, said, "Ninety percent of the parents don't realize this kind of thing is in our schools, and we are going to get it out if we have to shake up those ninety percent." Only two members of the delegation said they had read *The Grapes of Wrath*. The group also requested that *The Naked Ape*, *Craps Last Tape*, and *Dirty Old Man* be removed from the school library. Reported in: *Richlands News-Press*, February 7.

schools

Stockton, California

A supplemental high school textbook on Asia, edited by Robin J. McKeown of the University of California at Berkeley, was banned by Stockton Unified School District trustees after board member Roger A. Blain complained that it is "soft on communism." Lawrence Stevens, president of the Stockton Federation of Teachers and a history teacher at Edison High School, disagreed with the decision and sent a letter to community groups urging them to bring pressure on the board to change its policy. Stevens' letter said in part: "For the first time in fifteen years, the citizens and students of Stockton are facing a direct and clear threat to academic freedom and inquiry. For the first time in fifteen years, the board of trustees of the Stockton Unified School District has failed to take action on the adoption of a supplementary textbook which was recommended by teachers and school district administrators. . . . The board's actions have created a serious problem of censorship of educational materials. The professional educator's traditional freedom to present all possible views of a situation or problem is being seriously undermined. . . . The time has come for community involvement and action if true education is to exist in Stockton Unified School District." Reported in: *California AFT Teacher*, March 1973.

Lewiston, Idaho

A dictionary prepared by students has cost Lewiston teacher Mike Wendt his job. The six-page mimeographed dictionary, prepared by Wendt's communications class, included definitions for burnt-out, far out, horny, pot, lid, roach, and joint. Wendt's efforts at lexicography were objected to by parents and school board members. Wendt said his contract was not renewed because publication of the dictionary was viewed as a "dangerous thing to do in this district." Reported in *Ogden Standard-Examiner*, April 19.

Baltimore, Maryland

City School Superintendent Roland N. Patterson has issued a directive that apparently conflicts with school board policy on the rights of students to distribute printed material on school premises. In a directive issued to

principals and heads of central office units in the school system, Patterson said that "unless the superintendent's approval has been given, under no circumstances should pupils be involved in the distribution of items from any source." School board policy states that "students shall be free to distribute handbills, leaflets and other printed materials and to collect signatures on petitions concerning either school or out-of-school issues, whether such materials are produced within or outside the school." Policy does not allow distribution of pornographic, obscene or other "harmful" materials and advertising, and requires that high school students seek the approval of a student board, and elementary and junior high school students, the approval of their principals. Reported in: *Baltimore News American*, April 4.

Howard County, Maryland

Ten students were suspended for distributing copies of *Changes*, an underground newspaper, on the campuses of four Howard County high schools. The action was taken by school principals who objected to the content of *Changes*. Noel T. Farmer, principal of Howard High School, said he has no regrets about suspending the students. "I have clearly announced that no literature can be distributed without being approved by the main office," Farmer said, "and I have not endorsed this magazine." *Changes*, published by a Columbia-based collective named Peer, contains articles advocating gay liberation, abortion, and legalization of marijuana. M. Thomas Goedeke, county school superintendent, said he supports the action taken by the high school principals. "We are completely in our rights to do this," Goedeke said. "Where the behavior of a student is detrimental to the operation of the school, a suspension can be made." The American Civil Liberties Union of Maryland agreed to support the students if the matter is not settled in a manner that does not infringe upon their rights. John C. Roemer III, executive director of the Maryland ACLU, said to the county school superintendent: "We urge that disciplinary actions taken against students for distributing *Changes* be rescinded and expunged from their records and that the Howard County schools adopt policies more consistent with the First Amendment rights of students." Reported in: *Baltimore Sun*, May 17.

Essexville, Michigan

After reviewing a complaint from Mrs. Jacqueline Schafer, Essexville-Hampton school trustees voted to withdraw Gordon Parks' *The Learning Tree* from the eighth grade curriculum. Mrs. Schafer presented a petition which complained about the book's "vile language" and termed it "unsuitable" not only for eighth graders but for all students. After suspending use of the book, the trustees instructed the administration to set up a committee to reevaluate the book. Trustee Mark Jaffe said, "We will not fall in the trap of being book burners. The question is: Is

the book suitable for eighth graders?" Jaffe called for a quick resolution of the problem and reminded the trustees that "we depend on our professional staff for determination of learning materials." Reported in: *Bay City Times*, April 10.

Lansing, Michigan

Members of the Lansing Board of Education joined the many others who have heard complaints about Maurice Sendak's *In the Night Kitchen*. Two mothers complained about the use of the book in kindergarten classes, characterizing it as "pornographic." One of the mothers said she opposed the use of school funds to buy books "incorporating such nudity or immorality." "If nudity is acceptable in a kindergarten children's story," she asked, "how can I teach my children that *Playboy* . . . is not acceptable?" Reported in: *Lansing Journal*, April 6

Williamsville, New York

A Saturday afternoon showing of Alfred Hitchcock's *Psycho* at the Heim Middle School was canceled after Mrs. Antoinette DiCesare and other concerned parents complained about the violence depicted in the film. In a letter to the school board Mrs. DiCesare said she had contacted the film studio that produced the film and was told the movie was not recommended for young, impressionable viewers. A faculty advisor to the student council reported that students selected *Psycho* over his choice of a Walt Disney movie. Reported in: *Amherst (N.Y.) Bee*, January 31.

Phoenix, Oregon

As the controversy surrounding *In the Night Kitchen* begins to recede slightly, a complaint about an earlier book by Maurice Sendak, *Where the Wild Things Are*, emerges. The father of a first grader complained to Phoenix-Talent School District officials that the book "leaves the moral that a person can do almost anything wrong and can return later unrepentant and be completely forgiven and forgotten as though nothing bad had gone on." Phoenix school officials reported that they had never received a complaint about the book before. Reported in: *Ashland (Ore.) Tidings*, April 26.

Houston, Texas

Two nude sculptures by seventeen-year-old student Jean Elizabeth Hutcheson were banned from a school art show because they were considered "too sexy." The sculptures, which depict a nude man and woman in an embrace and a nude man, woman, and child, were displayed by her father across the street from the school art festival. "She's graduating in two weeks, and, frankly, I'm glad she's getting out of there," H. L. Hutcheson said. "I can't believe people in this day and age have minds of this type." Reported in: *Chicago Tribune*, May 13.

colleges-universities

Troy, Alabama

The editor of the Troy State University newspaper, Bev Taylor, resigned to protest administrative censorship. Taylor said that she realizes every newspaper in the country has a publisher who can censor, but "in our case, it is the university who censors because it is a university publication." She charged that the newspaper, the *Tropolitan*, can never be "a truthful vehicle of complete student expression." A recent policy change issued by the university's publication board changed the *Tropolitan* from "a student publication to a university-community publication" and placed the editor under a managing director, the university's public relations director.

Dr. Max Rafferty, former Superintendent of Public Instruction in California and now Dean of the School of Education at Troy State, said to the Alabama Association of College Administrators that "one of the most ridiculous arguments we're hearing these days is that a school paper should enjoy the same freedom from control as a commercial newspaper." He added that "to allow a campus paper complete license would be as irresponsible and downright dangerous as to put Dr. Spock in charge of national defense."

Student editors of the *Hippo*, an independent newspaper, charged university officials with cutting off its advertising income and with picking up bundles of papers deposited in university buildings. The university's public relations director said university officials did contact local Troy businesses, but only to tell them the *Hippo* is not an official school newspaper. Reported in: *Birmingham News*, April 21; *Montgomery Journal*, April 23.

Detroit, Michigan

The editor of the *South End*, Wayne State University's student newspaper, was suspended for one week by the school's publications board. The twelve-member board found editor Gene Cunningham in violation of the student publications charter after he ran unauthorized advertisements for the position of editor for the 1973-74 academic year. Ads appearing in several editions of the newspaper called for a "weak, passive, pliable puppet to assume the figurehead title of editor of the *South End*." Previous charges against Cunningham for printing articles alleged to be anti-Semitic were dropped by the board in February. Reported in: *Detroit News*, May 10.

Princeton, New Jersey

Princeton University President William G. Bowen condemned a sex pamphlet which the university's sex education counseling and health office distributed to undergraduates. The pamphlet, "Birth Control Handbook," published by a Canadian university, contained the following statement: "Nothing short of equally basic change in

America and in the countries it exploits is going to bring solutions for our terrible problems of hunger, pollution, crime in the street, racism and war." Bowen contended that the university should not distribute pamphlets on sex which include partisan political commentary. The April 13 issue of *National Review* condemned the handbook as "a Maoist political tract masquerading as a how-to sexual pamphlet." Reported in: *Philadelphia Bulletin*, April 16.

the press

Southern California

Several Los Angeles area publications, including the *Los Angeles Free Press*, the *Los Angeles Star*, and the *Hollywood Press*, have faced increasing harassment from law enforcement officials. In Orange County, Huntington Beach officials denied business licenses to distributors of the *L.A. Free Press*; and sheriff's officials confiscated issues of the *L.A. Star* by prying open scores of vending machines. Staff of the *L.A. Star* were arraigned in Orange County on charges of violating sections of the California penal code that forbid distribution of so-called harmful matter to minors. Newport Beach officials threatened to deny licenses to distributors of the *L.A. Star* and the *Hollywood Press*. Santa Ana Municipal Court Judge Robert Rickles combined obscenity charges against the *L.A. Star* with charges of fraud filed by the Pacific Telephone Company. The fraud charges stem from allegations by District Attorney Cecil Hicks that the periodical's publishers permitted "an act of massive consumer fraud" when they printed an article reviewing the telephone company's credit card checking and logging system. In San Bernardino, police from the city's vice and narcotics detail confiscated newspapers from the *L. A. Star* vending machines. Officials said distributors would be charged with the sale and distribution of obscene matter. Reported in: *Anaheim Bulletin*, March 3; *Los Angeles Free Press*, March 9, 30; *San Bernardino Telegram*, March 22; *Newport Beach Pilot*, March 24, April 12.

radio-television

New York, New York

WPLX-TV canceled a scheduled broadcast of "Jews for Jesus," a half-hour program produced by the Beth Shalom Hebrew Christian Fellowship, a national missionary organization devoted to presenting Jesus as the messiah of the Jewish people. Richard Hughes, a senior vice-president in charge of community affairs programming at the station, said, "We have had a massive outpouring of sentiment from the community about the program. After consultation with numerous responsible community leaders, we have determined that showing the program would not be in the public interest at this time. As a result, the program is canceled." Hughes declined to name the leaders who raised objections to the program. A spokesman for the sponsoring

group said, "We regret that we have been denied the freedom of using the medium of television. We are disappointed at this late cancellation because we had hoped to present in an intellectual way why we, as Jews, believe that Jesus Christ is the messiah promised to our people." Reported in: *New York Times*, March 30.

San Francisco, California

KEMO-TV owner Leon Crosby suspended two late-night sex shows, "All About Sex" and "Swingles Scene," because of Federal Communications Commission investigations of broadcast sex shows for suitability of content. The station's operations manager, Larry Sturges, admitted, "We're a little chicken of the FCC. At this point you're dumb if you're not." Reported in: *San Francisco Chronicle*, April 4.

Oak Park, Illinois

Radio station WGLD-FM was fined \$2,000 by the Federal Communications Commission for broadcasting obscene material in its program, "Femme Forum." The FCC said it imposed the fine because two Forum programs broadcast views of listeners who approved of oral-genital sex. Commissioner Nicholas Johnson cast the only negative vote in the five-to-one decision to fine the station. Johnson argued that the FCC was unconstitutionally censoring the station. The majority said they "welcome and urge judicial consideration." Reported in: *Chicago Sun-Times*, April 14.

New York, New York

Two CBS affiliates in South Burlington, Vermont and Knoxville, Tennessee decided not to televise Ingmar Bergman's "The Lie" because they considered some of the play's scenes objectionable. Of CBS's more than 200 affiliates, the two were the only stations that did not run the show. Reported in: *Chicago Daily News*, April 25.

Dallas Texas

Tall Story, an early movie of Jane Fonda, was canceled, by WFAA-TV after the station received over eighty calls protesting Fonda's criticism of the Vietnam war. Reported in: *Baltimore Sun*, April 19.

miscellany

Fort Lauderdale, Florida

Jason Miller's *That Championship Season*, which won the New York Drama Critics' Circle Award for the best play of 1971-72, will not be performed at the Parker Playhouse. The scheduled performance was canceled amid a controversy which erupted when angry theatergoers circulated a petition seeking to "stop pornography at the Parker Playhouse." Producer Zev Bufman said that because of the pornography challenge and the resulting delay, there was insufficient time to rehearse the play properly. Miller's play

dramatizes the reunion of a winning basketball team with their coach during which the middle-aged men review their lives and their past success. Reported in: *Miami Herald*, March 17.

Harrisburg, Pennsylvania

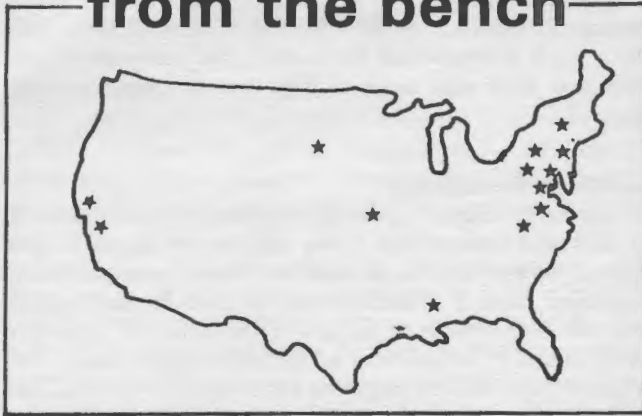
The Pennsylvania Liquor Control Board issued a warning to bars and taverns that allow patrons to watch X- and R-rated movies shown on cable television systems. Board Chairman Gene F. Roscioli said "X- and R-rated movies may be interpreted to be lewd, immoral, or improper entertainment" in violation of the state's liquor code. The ruling follows the U.S. Supreme Court decision holding that performances elsewhere protected by the U.S. constitution may be properly prohibited in establishments which hold licenses to sell alcoholic beverages. Reported in: *Wilkes-Barr Times-Leader News*, May 13.

Let me say this . . . (from page 85)

U.S. Supreme Court ruled against both Caldwell and Peter Bridge, the press's position in regard to confidentiality has been weakened. Police posing as newsmen have been censured when caught, but not punished. The established press itself has failed to support underground papers whose rights were violated, even though the legal precedents set in these cases may be used against all members of the press; and television stations have been reminded, not very subtly, that their licenses may depend on their expressing views sympathetic to the administration. A sort of prepublication censorship exists when government policies are made available only by anonymous officials who are not responsible for their own words, when only selected news organs are represented at a Presidential briefing, and when a reporter who disagrees with the administration is arrested for what appears to be a trumped up charge. And, as Graham points out, the difficulty of getting to the facts through even unintentional bureaucratic barriers and the complexity of information today make it hard to present news clearly.

The final section of the book comprises appendices which give the eighteen state shield laws now on the books, U.S. Department of Justice guidelines for issuing subpoenas to news media, and the Supreme Court ruling on the Pentagon Papers with concurring and dissenting opinions of the justices. *Press Freedoms Under Pressure* is most valuable for the concise information on the problem areas covered; the recommendations should be a good starting point for examination and discussion, particularly in the case of shield laws now under debate. If this book is studied with William J. Small's *Political Power and the Press*, which deals with the same topics from a different point of view, a clear picture of the present situation of the first amendment will emerge.—Reviewed by Marthe Scholes, Bloomfield Township Public Library, Bloomfield Hills, Michigan.

from the bench



freedom of the press

Sacramento, California

The California Supreme Court reversed the convictions of Arthur G. Kunkin, former editor and publisher of the *Los Angeles Free Press*, and Gerald R. Applebaum, a reporter, who published a list giving the home addresses and telephone numbers of undercover narcotics agents. Their convictions were upheld by the state court of appeals, which ruled that the roster was stolen property and that its receipt by newsmen was not protected by the First Amendment. However, the California Supreme Court ruling did not touch upon the issue of freedom of the press, nor did it decide whether the list of agents constitutes genuine property. The court's ruling was limited to the finding that the prosecution had not proved that the editor and the reporter knew the document was stolen when it was provided to them by a mail clerk who had worked in the Los Angeles office of the state attorney general. Reported in: *Los Angeles Times*, April 3.

New Orleans, Louisiana

The U.S. Court of Appeals upheld a contempt citation against two Louisiana newsmen who printed court testimony in violation of a judge's orders. Larry Dickinson of the *Baton Rouge State-Times* and Gibbs Adams of the *Baton Rouge Morning Advocate* were forbidden by U.S. District Judge W. Gordon West to publish any testimony in an open hearing held in November, 1971. After their accounts of the testimony and the judge's order were published, Judge West cited both for contempt and fined them \$300 each. The appeals panel said that it was not deciding the issue of possible conflict between freedom of the press and guarantees of a fair trial. While agreeing with the reporters' contention that the judge's order was constitutionally infirm, the panel believed the newsmen could have petitioned the court and still have made their story deadlines. In disobeying the judge's admittedly unconstitutional order, the court said, the reporters must

suffer the consequences. "The appeals court told us all we had to do was pick up a phone and call them, and it would have been taken care of," said James Hughes, city editor of the *State-Times*. "Unfortunately, things definitely do not work that way." Reported in: *Editor and Publisher*, April 14.

Durham, North Carolina

By a two-to-one vote the U.S. Court of Appeals ruled that support for a campus newspaper cannot be suspended because college officials disagree with the newspaper's editorial opinions. State funds for publication of the *Campus Echo*, student newspaper at North Carolina Central University, were terminated after the paper editorially opposed the increasing flow of white students into the predominately black school. University President Albert N. Whiting said the editorial policy was racist and failed "to represent fairly the full spectrum of views" on the campus. Whiting said North Carolina Central is not a black university and does not intend to become one. Chief Justice Clement F. Haynsworth and Justice John D. Butzner, Jr. declared that the college "may not restrict speech simply because it finds the views expressed by one group to be abhorrent." Dissenting Justice John A. Field, Jr. found the newspaper's editorial "a clear and violent statement of policy" which constituted "state action in the area of civil rights." Reported in: *Washington Post*, April 12.

freedom of speech

San Francisco, California

Municipal Court Judge Agnes O'Brien Smith ruled that a city ordinance to ban such words as "bottomless," "stark naked," "nude" or "sex" on outdoor signs violates the First Amendment and is thus unconstitutional. Both proponents and opponents of the signs, however, agreed that the ruling will not end the controversy over the signs. Supervisor John Barbagelata, a foe of the signs, claimed the ruling does not mean anything. "What this means," he said, "is that the police can close up these places on several counts: if they advertise such performances on the outside and don't have them on the inside, they are guilty of misleading advertising. If they have such performances on the inside, they are violating the police code." Reported in: *San Francisco Chronicle*, March 29.

Passaic County, New Jersey

Charges of distributing seditious literature brought against Mark E. Jahr were dismissed by a Passaic County judge because the state did not prove the dissemination created a dangerous situation. "There wasn't one single incident of violence," said Judge Joseph M. Harrison. Jahr was arrested in 1970 for distributing copies of *Rising Up Angry* in a park. The Chicago newspaper advocated violence against the police, and Jahr was indicted by a grand jury for

circulating written material that encouraged the killing and assaulting of police. Reported in: *New York Times*, April 25.

Arlington, Virginia

An Arlington public school that permits groups to use its facilities must allow local Nazis to hold meetings on its premises. The U.S. Court of Appeals for the Fourth Circuit ruled that when public property is dedicated to purposes of free speech, it is like a public park. Reported in: *Civil Liberties*, April 1973.

Sacramento, California

In a four-to-two decision, the California Supreme Court upheld "topless-bottomless" ordinances enacted by Orange and Sacramento counties and the city of Sacramento. The decision upholds the authority of local governments to prohibit nude waitresses and waiters, and nude entertainers anywhere but in a theater. This new ruling, which is more restrictive than the decision of the U.S. Supreme Court holding that the California Alcoholic Beverage Control Department can close bars presenting nudity or sex acts, dismissed claims that the new ordinances violate the First Amendment protection of free speech. The court said: "The service of food and beverage is a commercial activity. It entails nothing of a communicative nature in the constitutional sense. . . . This ordinary business activity is not transformed nor elevated into constitutionally protected speech or expression merely because the waiter or waitress is unclothed. Such business conduct does not become 'symbolic' and thus 'communicative' in the constitutional sense because it occurs in 'topless' or 'bottomless' fashion." The court rejected arguments that local ordinances that permit nudity in theaters but not in bars and restaurants violate the Fourteenth Amendment rights of bar and restaurant owners. The court maintained that the greater distance of the theater entertainers from the audience makes a substantial difference. Reported in: *Los Angeles Times*, May 2.

obscenity

St. Louis, Missouri

Xaviera, the second book by the author of *The Happy Hooker*, was declared obscene by St. Louis County Circuit Court Judge Douglas L. C. Jones. St. Louis Prosecuting Attorney Gene McNary asked the court to declare the second book of the former New York prostitute obscene after having achieved success with the first book in the court of Judge Drew W. Luten, Jr. The findings of obscenity under Missouri law permit the prosecuting attorney to prosecute anyone arrested for selling or distributing either paperback in St. Louis County. Reported in: *St. Louis Globe-Democrat*, March 21, April 13; *St. Louis Post-Dispatch*, March 21, April 13.

Newark, New Jersey

U.S. District Court Judge Leonard Garth prohibited further raids on an Irvington adult bookstore and joined the case with two others involving theaters in a test of New Jersey's anti-obscenity law. A section of the law was declared unconstitutional last year by a three-judge panel, but that ruling applied only to the corporation that challenged the statute. The law has since been used by local officials and has led to one conviction before a state court in Monmouth County. The earlier federal judgment against the state law was based on absence of the redeeming social value test. Reported in: *Newark Advocate*, May 3.

Pierre, South Dakota

After his conviction in Sioux Falls Municipal Court for possession of two obscene films, Norman Eakes appealed the judgement to the South Dakota Supreme Court, contending that the films were unlawfully seized and therefore not permissible as evidence. Voting three-to-one, the high court upheld his conviction. Writing for the majority, Judge Fred Winans said, "[The officers] returned to serve an arrest warrant, and the misdemeanor was still being committed. They were therefore entitled and within their rights to make a search incidental to the arrest." In dissent, Judge Roger Wollman said the state should have been required to submit evidence of contemporary community standards. "I find the films to be tedious, tawdry assaults upon both the spirit and the intellect. Although they might possibly have some appeal to a sweaty-palmed adolescent, one would have to be possessed of a panglossian ingenuousness to find any redeeming social value in either of the films." But, he said, "it is my opinion that the state failed to introduce sufficient evidence to support a finding that the films were patently offensive because they affronted contemporary community standards. . . ." Reported in *Sioux Falls Argus-Leader*, April 9.

students' rights

Potomac, Maryland

The U.S. Court of Appeals in Richmond ruled that high school officials have the constitutional right to censor student-edited publications for obscenity or libel. The decision stemmed from a dispute between Montgomery County school officials and parents of six Winston Churchill High School students who in 1969 distributed a position paper critical of the school's censorship code. But the court also ruled that censorship regulations must not be used to impose prior restraint: regulations must be made clear enough to enable a reasonably intelligent student to know what he may and may not write, and they should provide for prompt approval or disapproval by high school officials of material edited by students, as well as for adequate and prompt appeals procedures. The court said:

"While school authorities may ban obscenity and unprivileged libelous material, there is an intolerable danger, in the context of prior restraint, that under the guise of such vague labels, they may unconstitutionally choke off criticisms, either of themselves, or of school policies. . . . That they may not do." Reported in: *Washington Post*, May 19.

New York, New York

The U.S. Court of Appeals ruled that a student cannot be forced to stand or leave the room for refusal to recite the Pledge of Allegiance. The decision came in response to a suit filed by high school student Theodore Goetz asking that a lower court decision upholding a 1970 State Department of Education ruling be overturned. The department ruled that a student who refused to recite the pledge must either stand silently or leave the classroom. Goetz stated that he remained seated during the pledge because "there isn't liberty and justice for all in the United States." Reported in: *New York Daily News*, April 20.

teachers' rights

Washington, D. C.

The U.S. Supreme Court let stand a lower court's decision barring public school officials from dismissing a teacher who refuses to recite the Pledge of Allegiance with pupils. Mrs. Susan Russo, a high school art teacher in the public schools of Henrietta, a Rochester, New York suburb, was dismissed when school authorities found that she remained silent while the pledge was broadcast over the school's public address system. Mrs. Russo told school officials that she refused to give the pledge "as a matter of conscience," and said she considered the assurance of liberty and justice for all "hypocritical." In reversing a lower court, the U.S. Court of Appeals maintained that her discharge had been an unconstitutional violation of her right to freedom of speech. Reported in: *New York Times*, April 17.

miscellany

Providence, Rhode Island

Acting in response to a suit of nine Providence theaters against the city's Bureau of Licenses and its police chief, Chief Judge Raymond J. Pettine blocked Providence from imposing a \$40 daily license fee for showing X-rated films. The plaintiffs' suit raised two separate issues, Judge Pettine said. The first was "whether under the First Amendment and the Fourteenth Amendment the licensing board may set up a separate category of fees for X-rated films and set the fee substantially higher than for other films." The second issue was the claim of the plaintiffs that the state law on licensing is unconstitutional. Judge Pettine found that "the constitutional claims raised by the plaintiffs are sub-

stantial," and stated that motion pictures are "certainly a mode of expression within the ambit of the First Amendment. Systems of licensing which invoke control of expression must contain reasonable regulations which, nonetheless, preserve freedom of expression." Judge Pettine said he could not rule that a minimal licensing fee applied to all films is unreasonable or infringes on First Amendment rights. Reported in: *Providence Journal*.

Statement . . . (from page 87)

[1973]]. Writing for the Court, Mr. Justice White said:

We do not believe that Exemption 1 [of the Freedom of Information Act, 5 U.S.C. 552] permits compelled disclosure of documents. . . . that were classified pursuant to this Executive Order. Nor does the exemption permit *in camera* inspection of such documents to sift out so-called "non-secret components." Obviously, this test was not the only alternative available. *But Congress chose to follow the Executive's determination in these matters and that choice must be honored.* [Emphasis added].

Concurring, Mr. Justice Stewart said:

It is Congress, not the Court, that in Section 552(b)(1) has ordained unquestioning deference to the Executive's use of the "secret" stamp. As the opinion of the Court demonstrates, the language of the exemption, confirmed by its legislative history, plainly withholds from disclosure "matters . . . specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy." In short, once a federal court has determined that the Executive has imposed that requirement, it may go no further under the Act.

On the other hand, Mr. Justice Brennan, joined by Mr. Justice Marshall, said:

I find nothing whatsoever on the face of the statute or in its legislative history which distinguishes the two Exemptions [1 and 5] in this respect, and the court suggests none. Rather, I agree with my Brother Douglas that the mandate in Section 552(a)(3)—"the Court shall determine the matter *de novo* and the burden is on the agency to sustain its action"—is the procedure that Congress prescribed for both Exemptions.

These contradictory remarks adequately demonstrate the need for congressional review, particularly with regard to the matter of *in camera* inspection of classified documents.

Unfortunately, Section 1124 would simply give the legislative imprimatur to classification pursuant to executive order, and would even extend such classification beyond the limits of 18 U.S.C. 798.

In light of the above, as well as widespread and growing distrust of government on the part of citizens throughout the country, the Association urges Congress to review the matter of classified information in order to give to the people "the power that knowledge gives."

Allain wins Downs Award

Alex P. Allain, president of the Freedom to Read Foundation, was granted the 1973 Robert B. Downs Award. The award is given for outstanding contributions to intellectual freedom in libraries.

Mr. Allain, well known in the American Library Association for his efforts to further First Amendment freedoms and to establish the Freedom to Read Foundation, has served as chairman of the Louisiana Library Association Intellectual Freedom Committee and the American Library Trustees Association Intellectual Freedom Subcommittee. He was a member of the ALA Intellectual Freedom Committee from 1966 through 1972. He was granted the American Library Association Trustee Citation in 1969.

Under his leadership the Freedom to Read Foundation has become a viable organization capable of establishing legal precedent for the *Library Bill of Rights*. During his first term as president, plans were laid for the Foundation-funded class-action suit challenging California's "harmful matter" statute. In his report to the ALA Council at the 1972 Annual Conference, Allain stated that "the suit marks the first time that librarians and library employees have joined together to take the offensive in the courts against repressive legislation which subjects librarians to prosecution for, in effect, performing their professional duties."

The award was established in 1968 to honor Robert B. Downs, dean of library administration at the University of Illinois, on the anniversary of his twenty-fifth year with the university. The first recipient was LeRoy C. Merritt, the late dean of the School of Librarianship, University of Oregon, and editor of the *Newsletter* from 1962 to 1970.



Alex P. Allain

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