
An Intellectual Freedom Alert

Advisory Statement of the Intellectual Freedom Committee of the American Library Association on Report of the Attorney General's Commission on Pornography

August 15, 1986

Article 2 of the Library Bill of Rights states:

Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

Librarians have cause for concern over the potential chilling effect of the Commission on Pornography's Report on the free flow of information and ideas. On July 24, 1985, Beverly P. Lynch, then President of the American Library Association, testified before the Commission. Her statement declared that

The First Amendment to the U.S. Constitution states in part that "Congress shall make no law ... abridging the freedom of speech or of the press."

This dictate exemplifies the philosophical framework underlying our form of government — a constitutional republic — a government by the people — and requires that citizens be able to take part in the formation of public opinion by engaging in vigorous and wide-ranging debate on all issues and concerns. This includes a minority of people whose message is found offensive by the majority. In order to do this, the people must have unrestricted access to information and ideas and images, and at the same time, the right to hold beliefs and to express opinions and ideas on all subjects. Offensiveness cannot — by its very nature of subjectivity — be the standard by which literature or images should be available.

President Lynch concluded with a statement urging the Commission not to recommend new restrictions on access to materials of any kind and she urged that some existing restrictions be eliminated. The Commission's dismissal of ALA's concerns, in favor of a report which called for limitations on what people of all ages may read, is cavalier and specious. In view of the frequent individual and group attacks on libraries for making available materials, with and without illustrations and in many formats, no comfort can be taken from the Commission's characterizations of libraries' concerns as a "phantom danger" nor can any assurance be found in the Commission's protection of "the printed word". Most libraries are publicly supported and are especially vulnerable

to pressures from officials and governing bodies reacting to public feelings about "controversial" works.

The conduct of the Commission's hearing and its use of research findings and methodology supporting the Report were flawed. The Commission authorized no original scientific research and appears to have misrepresented some of the social science data considered in the preparation of the Report. In their separate statement, Commissioners Becker and Levine observe:

The idea that eleven individuals studying in their spare time could complete a comprehensive report on so complex a matter in so constricted a time frame is simply unrealistic. No self-respecting investigator would accept conclusions based on such a study, and unfortunately the document produced reflects these inadequacies (Final Report, pp. 197-198).

In the Commission's hearings there was a clear absence of significant debate as evidenced by capricious acceptance of some testimony, rejection of countervailing testimony, biased cross-examination of witnesses, and the admitted lack of thorough discussion of final recommendations, except those on child pornography.

An inordinate number of anti-pornography witnesses was heard. The Commission accepted anecdotal testimony of individual witnesses as fact and generalized from it with little probing. Most of the visual materials selected and reviewed by the Commission were skewed to the "very violent and extremely degrading". The assertion that the Commission considered a "wide range of vantage points" is simply inaccurate. The most pervasive flaw in the report is the undemonstrated causal link of sexually explicit materials with sexual crime. Because two phenomena may be correlated, one cannot infer that one causes the other.

The most pernicious aspect of the Report, in the opinion of the ALA Intellectual Freedom Committee, is its potential for heightening an already threatening censorship climate in the United States.

The Commission itself recognizes that "the fears that many arguably valuable but sexually frank works of fiction and non-fiction will be stifled not by governmental action but by social pressure is real" and that, "at times, this protest activity will go too far, to the detriment of all of us." This outcome is in fact encouraged by the recommendations associated with Chapter 8 of the Report on "The Role of Private Action."

The general tenor of the Report is that associated with a "call to arms." For example, in its suggestions for citizens and community action, the Commission states "citizens groups may wish to focus on materials which are not legally obscene and which are constitutionally protected from government regulation." This Report advises citizens that "to remain quiet" is to approve such materials; it fails to recognize that lack of protest may just as easily indicate tolerance for different points of view, as protected by the First Amendment.

In its commentary on the Report, the American Civil Liberties Union states: "There is no question that picketing, marching, demonstrating and even boycotting are all solidly 'within the free speech traditions of this country,' ... It is one thing to urge that persons not read a particular magazine or see a particular movie; it is another when the goal is solely to make it difficult or impossible for those who do not accept the message of the protestor to obtain that material."

The American Library Association has long advocated the need to rally community support in defense of intellectual freedom before censorship attacks occur. This Report, itself an attack and a provocation to further attacks, makes it urgent to bring together all of those forces and individuals in the community who support the First Amendment to the Constitution, since much that the Commission advocates is not consistent with that Amendment or even with current obscenity laws.

In general, while the Commission encourages people "to object to the objectionable" and "to tolerate the tolerable," the inherent message of the First Amendment is tolerance for the objectionable.

Since library collections can be expected to include materials which some persons will find objectionable, an understanding of the meaning and purpose of the First Amendment is crucial to the defense of those collections.

We recommend renewed acquaintance with the Intellectual Freedom Committee document, *Dealing With Concerns About Library Resources*. We urge librarians to take appropriate action to ensure that:

- written, approved policies and procedures are in place to handle challenges to materials and services;

- governing bodies, library staff, trustees, Friends, other community groups and the media are informed and knowledgeable about the issues.

We also recommend that state library associations and state library agencies take similar action to ensure that:

- policies and procedures are in place and updated

- state Intellectual Freedom and Legislation Committees are informed and prepared for a possible onslaught of regressive legislation

- coalitions are built within the library community and with other support groups

- a vigorous public information program is pursued.

We urge librarians, indeed all people, to read the Report, to recognize its deficiencies, and to consult other commentaries cited below.

The Attorney General's Commission on Pornography: Final Report can be purchased from the U.S. Government Printing Office and its bookstores for \$35.00 or consulted at libraries which are designated depositories for U.S. government documents. An excellent summary and critique of the Report is available for \$5.00 from the American Civil Liberties Union, 122 Maryland Avenue, N.E., Washington, D.C. 20002. For background, see also issues of the Newsletter on Intellectual Freedom (May, July, September, 1985 and March, September, 1986) published by the Office for Intellectual Freedom of the American Library Association, 50 East Huron Street, Chicago, Illinois 60611. Subscription: \$25.00; single copies of each issue @ \$5.00.

Book Week, November 17-23.
