



# Goings-On at ALA's Office of Intellectual Freedom

## ADVISORY STATEMENT CONCERNING

### SYLVESTER AND THE MAGIC PEBBLE

DURING THE PAST several months, the American Library Association has received a steadily increasing number of reports concerning efforts to remove the illustrated children's book, *Sylvester and the Magic Pebble*, from library collections. Written by William Steig, and published by Windmill Books and Simon & Schuster, *Sylvester and the Magic Pebble* received the 1970 Randolph J. Caldecott Medal as the most distinguished picture book for children published in the United States in the preceding year.

In a book in which all characters are portrayed as animals, the basis for objections is an illustration on page 13 depicting policemen as pigs. It should be noted, however, that pigs depict other characters as well. While the majority of complaints have come to libraries from police organizations and individual law enforcement officers, other persons have also requested that the book be removed.

Information and assistance has been requested from the American Library Association by librarians across the nation. To date, individual libraries have responded to the requests for removal in varying ways. Some libraries re-evaluated the book and kept it in the collection. Some libraries removed the book without an argument. One librarian went so far as to tear out the controversial page and return the book to the shelf.

In response to the unusual volume of requests for assistance from librarians under pressure to remove *Sylvester and the Magic Pebble* from their collections, the ALA Office for Intellectual Freedom advises librarians and library boards that:

(1) The *Library Bill of Rights*, the American Library Association's basic policy statement concerning intellectual freedom, states that, "... no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval."

(2) Librarians who remove *Sylvester and the Magic Pebble* from their collections, or who remove the controversial page, play, in effect, the role of censor. Such a role violates both the spirit and the letter of the *Library Bill of Rights*.

(3) In the absence of a court order, issued after a fair hearing and decision, the publication *Sylvester and the Magic Pebble* is a legitimate library acquisition, fully protected under the law.

— Judith F. Krug, Director, Office for Intellectual Freedom

## COALITION STATEMENT ON THE REPORT OF THE FEDERAL COMMISSION ON OBSCENITY AND PORNOGRAPHY

THE RECENTLY-ISSUED REPORT of the Federal Commission on Obscenity and Pornography, created by the Congress three years ago, was greeted with criticism based mainly on pre-conceived premises and personal attacks on Commission members.

The organizations which sign this statement deplore this reaction, which contravenes the process of rational discussion through which decisions on public issues should be made in a democracy. We agree with the wise words of Thomas Jefferson: "If the book be false in its facts, disprove them; if false in its reasoning, refute it. But for God's sake, let us hear freely from both sides".

The Commission's Report represents two years of intensive efforts by dedicated men and women, working under a Congressional mandate which instructed them to explore facets of a social issue which disturbs various segments of the national community. They have produced a 646-page Report and ten volumes of supporting factual evidence which are an exhaustive treatment of the subject. That in itself is a praise-worthy contribution to public understanding.

But the Commission's Report is not entitled to automatic acceptance simply because of its thorough study. Some of the undersigned organizations hold different views from the Commission, and may ultimately reject certain of its recommendations. But, despite our varying views on the question of obscenity, we all agree that the Report must receive a full, fair hearing; that its findings and recommendations should be tested in even-tempered dialogue; and that those who debate the Report should read it — and deal with its specific findings and recommendations.

The Report did not—as critics have erroneously charged—recommend abolition of all laws regulating obscenity. On the contrary, the Commission recommended laws to prohibit the distribution of sexually explicit pictorial material to minors, the public display of sexually explicit material, and the mailing of unsolicited advertising for such material. The Commission emphasized that adults who do not wish to receive obscene material should be protected from having it thrust upon them against their wishes. In short, the Commission did not, as some opponents suggested, recommend opening the floodgates for a wave of obscenity to engulf the public.

What the report did recommend was the abolition of these obscenity laws which prohibit the distribution of materials to adults who choose to receive them. This is not a radical innovation. The Supreme Court has ruled that the First Amendment protects an adult's right to read and see whatever he chooses, and we believe the same constitutional principles necessarily protect the publisher or bookseller who sells these materials to consenting adults.

While others disagree with this conclusion, these differences are legitimate subjects of debate. And there should be debate also on the Commission's conclusions that obscenity statutes, because of their vagueness, suppress non-obscene works and that scientific studies provide no evidence that obscene

books or motion pictures incite adults to criminal conduct, sexual deviancy or emotional disturbances. There should also be discussion of the Commission's proposals for a broad-scale program of sex education and for further scientific investigation.

The undersigned do not necessarily agree with each other about the issue of obscenity and its significance in American life. But we are united in our concern about censorship and the need for freedom of thought and freedom of expression — freedom of choice — in all areas of human existence. This is why, without endorsing or opposing the Commission's Report, we commend it for serious study and debate by legislators, courts, community leaders and the general public. We urge that proponents and opponents of the Report participate fully and rationally in this process, a venture which can enlarge intelligent understanding of a social question that requires wise decision-making.

American Civil Liberties Union

American Federation of Teachers

American Jewish Committee

American Library Association

American Orthopsychiatric Association

American Public Health Association

Association of American University Presses, Inc.

Association of American Publishers, Inc.

Author's League of America, Inc.

Bureau of Independent Publishers and Distributors

\*John Donovan, Executive Director, The Children's Book Council, Inc.

\*Charlton Heston, President, Screen Actors Guild

International Reading Association

Jewish War Veterans of the USA

National Association of Theatre Owners, Inc.

The National Book Committee, Inc.

National Council for Social Studies

National Council of Churches of Christ in the USA

National Council of Jewish Women

National Council of Teachers of English

National Education Association

National Library Week Program

National Board, YWCA

\*Lewis I. Maddocks, Executive Director, Council for Christian Action of United Church of Christ

\*The Rev. Everett Parker, Director, Office of Communication, The United Church of Christ

Periodicals and Book Association of America, Inc.

P.E.N. American Center

Sex Information and Education Council of the United States, Inc.

Union of American Hebrew Congregations

Women's National Book Association

Speech Communication Association

## **POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS**

**(Adopted January 20, 1971, by the ALA Council)**

THE COUNCIL of the American Library Association strongly recommends that the responsible officers of each library in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the names of library users with specific materials to be confidential in nature.
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state or local law relating to civil, criminal, or administrative discovery procedures or legislative investigatory power.
3. Resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.\*

\*NOTE: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

## **RESOLUTION ON LOYALTY INVESTIGATION PROGRAMS**

**(Adopted January 20, 1971, by the ALA Council)**

WHEREAS, A democracy must preserve freedom of thought and expression if it is to survive; and

WHEREAS, Loyalty investigations of library employees and of library trustees may create an atmosphere of suspicion and fear and tend to limit intellectual freedom by rendering it hazardous to hold or express other than popular or orthodox views; and

WHEREAS, Librarians have a special responsibility to provide information on all sides of controversial issues, but cannot do so if intellectual conformity becomes a factor affecting their employment or tenure; and

WHEREAS, The American Library Association has received evidence that loyalty tests may easily lead to the violation of the constitutional rights of library employees and of library trustees, and in some cases already have done so; therefore, be it

RESOLVED That the American Library Association strongly protests loyalty programs which inquire into a library employee's thoughts, reading matter, associates, or membership in organizations, unless a particular person's definite actions warrant such investigation. We condemn loyalty oaths as a condition

of employment and investigations which permit the discharge of an individual without a fair hearing. We hold that in a fair hearing the accused is furnished a statement of the charges against him, is allowed to see the evidence against him, is given an opportunity to prepare and to present his defense and to question his accusers with the aid of legal counsel, is presumed innocent until proven guilty and is given the opportunity, if adjudged guilty, of judicial review. We also condemn negative loyalty oaths as a condition of election or appointment of library trustees.

## BEST BOOKS FOR YOUNG ADULTS

(Continued from Page 59)

- HEDGEPEETH, WILLIAM AND STOCK, DENNIS: *The Alternative: Communal Life in New America*. Communes as a way of life for "quiet revolutionaries" who feel alienated from the established world and seek the humanness of man, are pictured almost poetically in photographs and text. Macmillan, \$7.95; paper, \$2.95.
- HILLERMAN, TONY: *The Blessing Way*. Navajo detective Joe Leaphorn must solve the riddle of a mysterious death and an Indian spirit, part wolf, part man, who is frightening the people on a lonely reservation. Harper, \$4.95.
- HOUGH, JOHN: *A Peck of Salt: a Year in the Ghetto*. A very personal, moving story of a young white VISTA volunteer and his honorable failure to help black junior high school students in Detroit. Little, Brown, \$5.95.
- HOWARD, JANE: *Please Touch: A Guided Tour of the Human Potential Movement*. A *Life* magazine writer subjected herself to many forms of encounter group and sensitivity-training programs before making this shrewd and delightfully witty assessment. McGraw-Hill, \$6.95.
- JORDAN, JUNE, ed.: *Soulscript: Afro-American Poetry*. The black experience seen through the prism of poetry — some poems are angry and bitter; others are eerie and enigmatic; some lash out reflexively; others brood philosophically in this fine, discriminating collection. Doubleday, \$3.95; paper, \$1.75.
- KAVALER, LUCY: *Freezing Point: Cold as a Matter of Life and Death*. Cold, once considered an enemy, is revealed as one of man's greatest allies when utilized in such areas as diet, medicine, and research to defer death. John Day, \$8.95.
- KIM, RICHARD: *Lost Names: Scenes From A Korean Boyhood*. A famous Korean writer tells what it was like to grow up during the oppressive Japanese regime of the 1930's and 40's. Praeger, \$5.95.
- MERIWETHER, LOUISE: *Daddy Was a Number Runner*. Francie, a twelve-year-old black girl, faces the daily hazards of life in the Harlem of the 30's. Prentice-Hall, \$5.95.