

Intellectual Freedom Round Table
Office for Intellectual Freedom
American Library Association
50 East Huron Street
Chicago, Illinois 60611

PRODUCTION INFORMATION

IFRT is published periodically by the American Library Association's Intellectual Freedom Round Table. Distributed free to IFRT members.

Editor:

Mike Wessells, chair, IFRT Publications Committee

Associate Editors:

Douglas Archer, Aimee Fifarek, Ann Grafstein and Don Wood, staff liaison

Design and Production

Florida International University Publications Department

Editorial mail should be addressed to Don Wood, IFRT Staff Liaison, ALA OIF, 50 East Huron, Chicago, Illinois 60611, 800-545-2433, ext. 4225.

IFRT Awards Deadline

The Intellectual Freedom Round Table sponsors three awards:

Eli M. Oboler Memorial Award
John Phillip Immroth Memorial Award
State and Regional Achievement Award

Visit the award Web pages for more information, a list of past award recipients, and to download a PDF of each award application.

Eli M. Oboler Memorial Award

http://www.ala.org/alaorg/oif/oboler_a.html

Presented biennially to a book, article or series of articles on intellectual freedom. It is presented in even-numbered years. The next award will be presented in 2002. The recipient receives \$500 and a citation.

John Phillip Immroth Memorial Award

<http://www.ala.org/alaorg/oif/immroth.html>

Presented annually to a person or group who has gone the extra mile for intellectual freedom in libraries. The winner receives \$500 and a citation.

SIRS State and Regional Intellectual Freedom Achievement Award

http://www.ala.org/alaorg/oif/ifrt_spa.html

Presented to an organization or state Intellectual Freedom Committee that has implemented the best program in the previous year. The winner receives

\$1000 and a citation. SIRS, Inc. funds this award.

The deadlines for all awards is March 31 of the year they are presented.

For more information, please contact the Office for Intellectual Freedom at the OIF Main Line (1-800-545-2433, ext. 4223), Fax: 312-280-4227, or oif@ala.org.

IFRT Report

Intellectual Freedom Round Table No. 47 Spring 2001

"It was the best of times; it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair; we had everything before us, we were all going direct to Heaven, we were all going direct the other way—in short, the period was so like the present period, that some of the noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only." -Charles Dickens, *A Tale of Two Cities* and so it is today, in the Year 2000, much the same as it was in the Year 1775. To be a purveyor of information (Dare we still call ourselves Librarians?) today means that we practice our skill in the best of times, the worst of times—in an age of incredible opportunity fraught with peril at almost every turn.

Scarcely an issue appears of any professional library journal that there is not yet another article decrying censorship of some sort or another in our libraries. In the good old days, this seemed to be almost the exclusive province of public school libraries. Sadly, it is now the norm, rather than the exception, in all types of libraries. The American Library Association, in its firm stance opposing censorship, has suddenly become a villain, at least according to some detractors who would have the world believe that all of us who harken to the principles of free speech have suddenly grown horns and tails—that we are in the death grip of an organization who believes that children should have access to anything, including pornography.

As a profession, we need to take up for ourselves against those who would make us something we are not. We need to seize the moment to educate our patrons, our administrators, our library boards, and yes, even those whom we would blithely call our enemies, to the undeniable truths about our stance on intellectual freedom and the rights and responsibilities each person has to impart, seek, and obtain information. We need to be certain in our convictions, sure of our intentions, and articulate in our expression. Above all, we need to be understanding of our communities and respectful of the rights of parents of our youngest customers to determine the best use of library facilities and materials.

Somewhere along the way, we need to find room in our professional stance to reach the disenfranchised among us, who, by choice or by decree from governing authorities, have dropped away from the association and its basic principles. We need to allow for differences of opinion without dividing our own house. It is time for us to remember the things for which ALA stands that have brought us to this professional point and to think ahead to the good things that will surely come to us after weathering the Internet storm, to put this all into proper perspective, and to remember when it is all said and done that we are in the library game together.

As I am so fond of telling my staff of wonderful, hard-working dedicated people, this is an opportunity for professional growth. It is more than that. It is the very best time to be in the information profession. It is the very best time to tell the world how important libraries and the information they house are to society. It is the finest time to be who I am—A LIBRARIAN.

Cynthia Pirtle

Intellectual Freedom Competencies DRAFT

A subcommittee of the IFRT Executive Board, chaired by Carolyn Caywood, presents here the first draft of a document intended to define the type of knowledge and understanding of intellectual freedom issues that, as a goal, should be possessed by professional librarians. Please review this draft and send your comments to Carolyn@infli.net.

Content Knowledge

Knowledge of the First Amendment to the U.S. Constitution and particularly its basis in democracy's need for an informed electorate. Knowledge that the First Amendment is the core justification of free access to library resources. Knowledge of how application of the First Amendment has changed over the last 100 years.

Knowledge that state laws vary and know how to locate the applicable laws of a particular state.

Knowledge that Article 19 of the Universal Declaration of Human Rights extends intellectual freedom to other nations.

Knowledge of the legal concepts that apply to library policy like "time, place and manner;" "public forum /limited public forum;" "FOIA;" "obscenity;" "harmful to minors;" "vagueness;" "overbreadth;" "prior restraint;" etc.

Knowledge of relevant court cases that have defined the extent of the First Amendment, and the role of libraries under the Constitution. *

Knowledge of the history of intellectual freedom in ALA and its policy documents, including The Library Bill of Rights and its Interpretations, The Freedom to Read, The Freedom to View, Libraries an American Value, ALA Code of Ethics, and Confidentiality of Library

Records. (See Sections 52.4, 53, 58.3-4 of the ALA Policy Manual.)

Knowledge of the Freedom to Read Foundation, the Intellectual Freedom Round Table, and how to use ALA OIF support resources. Awareness of other national organizations that may become involved in IF situations.

Knowledge of core professional writings like ALA's Intellectual Freedom Manual, Lester Asheim's "Not Censorship, but Selection" <http://www.sils.buffalo.edu/faculty/ellison/Syllabi/580/NotCensor.html>," Bruce Ennis' "ALA Intellectual Freedom Policies and the First Amendment" in the *Freedom to Read Foundation News*, vol. 19, no. 1, 1994, pp. 2-3.

Knowledge of how Intellectual Freedom principles infuse the development of library resources, policies, services and programs.

Communication Skills

Ability to articulate a personal philosophy / stance in relation to intellectual freedom issues, and to distinguish this from professional responsibilities.

Ability to write clear policies that reflect knowledge of library principles and legal context.

Ability to present professional philosophy to a variety of audiences at different levels of knowledge.

Ability to present relevant message points in a press interview.

Ability to respond to challenges, verbally and in writing, in a calm, professional manner that acknowledges both feelings and principles.

Ability to identify alternative solutions that might be acceptable to both library and challenger, through use of the reference interview to discover underlying issues in a confrontation. Examples are adding material to expand viewpoints, offering to locate material that better meets patron's desire, pointing out that the same freedom protects points of view the patron favors.

Ability to build local coalitions of support for library positions.

Ability to plan events that educate the public on the First Amendment.

*Court case citations:

<http://www.ala.org/alaorg/oif/1stcases.html>

Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853, 102 S. Ct. 2799, 73 L.Ed.2d 435 (1982)

In 1975, three school board members sought the removal of several books determined objectionable by a politically conservative organization. The following February, the board gave an "unofficial direction" that the books be removed from the school libraries, so that board members could read them. When the board action attracted press attention, the board described the books as "anti-American, anti-Christian, anti-Semitic, and just plain filthy." The nine books that were the sub-

ject of the lawsuit were "Slaughterhouse-Five" by Kurt Vonnegut, Jr.; "The Naked Ape" by Desmond Morris; "Down These Mean Streets" by Piri Thomas; "Best Short Stories of Negro Writers" edited by Langston Hughes; "Go Ask Alice"; "Laughing Boy" by Oliver LaFarge; "Black Boy" by Richard Wright; "A Hero Ain't Nothin' But a Sandwich" by Alice Childress; and "Soul on Ice" by Eldridge Cleaver.

The board appointed a review committee that recommended that five of the books be returned to the shelves, two be placed on restricted shelves, and two be removed from the library. The full board voted to remove all but one book.

After years of appeals, the U.S. Supreme Court upheld (5-4) the students' challenge to the board's action. The Court held that school boards do not have unrestricted authority to select library books and that the First Amendment is implicated when books are removed arbitrarily. Justice Brennan declared in the plurality opinion: "Local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion"

Kreimer v. Bureau of Police for Morristown, 958 F.2d 1242 (3d Cir. 1992)

In detailed analysis, the court of appeals held that a municipal public library was a limited public forum, meaning open to the public for the specified purposes of exercising their First Amendment rights to read and receive information from library materials. Such exercise could not interfere with or disrupt the library's reasonable rules of operation. The court then upheld three library rules which: 1) required patrons to read, study, or otherwise use library materials while there; 2) prohibited noisy or boisterous activities which might disturb other patrons; and 3) permitted the removal of any patron whose offensive bodily hygiene was a nuisance to other patrons.

American Library Association v. U.S. Department of Justice and Reno v. American Civil Liberties Union, 521 U.S. 844, 117 S.Ct. 2329, 138 L.Ed.2d. 874 (1997)

In a 9-0 decision, the U.S. Supreme Court on June 26, 1997, declared unconstitutional a federal law making it a crime to send or display indecent material on line in a way available to minors. The decision in the consolidated cases completed a successful challenge to the so-called Communications Decency Act by the Citizens Internet Empowerment Coalition, in which the American Library Association and the Freedom to Read Foundation played leading roles. The court held that speech on the Internet is entitled to the highest level of First Amendment protection, similar to the protection the Court gives to books and newspapers.

Tinker v. Des Moines School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d. 731 (1969)

The Supreme Court held that students "do not shed their constitutional rights at the schoolhouse gate" and

CONTINUED ON PAGE 5

The Freest of Speech:

A L I T T L E U S E D M E M B E R B E N E F I T

Yes, I am a creature of habit. I like to start out every day the same way. When I was in charge of the Raymond (WA) Timberland Library, I always got to work an hour early so that I could stroll a block down the road and have coffee at Bob Ryan's Café. I could hear the local scuttlebutt and enjoy the antics of as entertaining a bunch of small-town characters as any novelist could create. Nowadays, an hour to the north, I do the same thing—only in front of a computer, with an even zanier and much more eclectic crowd—the listserv hosted by ALA's Office for Intellectual Freedom. The backbone of this listserv is an endless stream of highly useful links to news items, discussion pieces, editorials, studies, court cases, and websites pertaining to all aspects of Intellectual Freedom. This veritable smorgasbord of IF delight is served hot from the "presses" by staffer Don Wood of the OIF. You may recognize many of them as also posted on the existing IFRT list, but swirling around them on ALA/OIF like a chaotic tsunami is the constant interaction of discussion about every conceivable aspect of access to ideas—the virtue of filters, public vs voucher-based education, the COPA Commission, creation vs evolution, the whys of collection development, corporate ownership of media outlets, and on and on. This totally unmoderated list—we are talking intellectual freedom, after all—is inhabited by a variegated cast of characters, from fundamentalist Christian to fundamentalist Anarchist, from Constitutional Lawyer to library-school student, from Archivist and Voice of Reason to non-librarian and sceptic. Critics have decried the propensity of this list to wander aimlessly about the landscape far from the fields of intellectual freedom in libraries. So why do I recommend it to you?

This list to me is a perfect example of frontier Democracy in action—the glory and frustration of free speech as both topic and context. To hear the far range of possible reactions to a given point is to hear the voice of our public interacting with the key ideas of our field. I want to know how my ideas resonate not just with those whose worldview approximates mine, but with those of an entirely different point of view. This

constant pull out of the ideological comfort zone is a ringing reminder of my need to interpret and respond to the varied concerns of the public I serve. If, as an IF advocate, I am going to insist on requiring my community to tolerate differing voices and ideas, I can use a constant refresher on what those discordant voices can seem like to people. The alaoif listserv exercises me well in this regard.

That said, I would like to offer an additional possibility. IFRT membership has its own listserv as well as this newsletter, but no semi-annual publication can serve as an effective conduit for discussion and feedback regarding the issues it raises. We have an additional forum readily available that extends beyond just our membership. Let's use it. In this issue of the Report, for example, we have contrasting points of view about what ALA's advocacy role might be in response to recent attacks on us. When these points were posted on the alaoif listserv, within a week the issue had run the gamut of response and leaked onto other listservs. No printed publication can provide so dynamic an interactive arena. In several articles, I have invited response to the IFRT and alaoif lists. The alaoif list, especially, can benefit from new points of view, and many of its active members could use more engagement with the nuts and bolts of IF as lived out day-to-day in libraries.

In fact, I am so enamored with the possibilities for IFRT discussions on the alaoif list that I am making this offer: I will give a FREE membership in IFRT for year 2001 to the first ALA member who makes a post to the alaoif list that includes the following sentence: "I read the editorial about this list in the IFRT Report". (Employees of ALA or FIU not eligible. Judge's decision will be based on posting times as reported by my email server). Elsewhere in this issue, you will find instructions for subscribing to the different lists that might appeal to IF advocates. Get on them and get cracking—I need you guys to be there or how can I start my day?

Mike Wessells



Award presentations at ALA Annual Conference: Gordon M. Conable receives the John Phillip Immroth Memorial Award; at ALA Annual Conference. Also pictured: Pamela Bonnell, Chair; Immroth Award Committee; and Lawrence Miller, IFRT Chair.



Jeff French, IFC Chair of the Ohio Library Council, receives the State and Regional Achievement Award for the Council from Charles Beard Chair, IFRT Award Committee, left; and Lawrence Miller, right.

Electronic Discussion Lists

IFRT Discussion List

This list was established for all IFRT members, real and potential. It is self-subscribing and unmoderated.

To subscribe to IFRT, send an email message to listproc@ala.org

Leave the subject line blank, or, if your system requires a subject line, enter "subscribe" (without quotation marks) as the subject. As the only line of text in the body of the message, enter the following: **subscribe ifrt YourFirst YourLastName**

ALAOIF Discussion List

This is the unmoderated discussion list of the Office for Intellectual Freedom on which many intellectual freedom issues and news items are posted and discussed.

To subscribe to ALAOIF, send an email message to listproc@ala.org

Leave the subject line blank, or, if your system requires a subject line, enter "subscribe" (without quotation marks) as the subject. As the only line of text in the body of the message, enter the following: **subscribe alaoif YourFirst YourLastName**

On subscribing to ALAOIF, you will receive the following "Welcome" message:

From time to time, posts appear that some subscribers may think disrupt, rather than contribute to, the ongoing discussions of current intellectual freedom topics and may, in fact, have little relationship to any intellectual freedom topic. Since ALAOIF will remain unmoderated, the most effective ways to deal with unwanted posts are:

- (1) write a rule into your mail program to send these posts to trash;
- (2) delete after or without reading them; but
- (3) by all means, do not respond to them! If others do respond, delete their posts, too, and try to steer the conversation to an intellectual freedom topic. Dealing with unwanted posts is a small price to pay to keep ALAOIF free and unmoderated.

ALAWON

ALAWON is a free, irregular publication of the American Library Association Washington Office.

To subscribe to ALAWON, send an email message to listproc@ala.org

Leave the subject line blank, or, if your system requires a subject line, enter "subscribe" (without quotation marks) as the subject. As the only line of text in the body of the message, enter the following: **subscribe ala-wo YourFirst YourLastName**

Digest Mail

To receive IFRT, ALAOIF, or ALAWON indigest form, send the following command as the only text in an e-mail message to listproc@ala.org:

**set alaoif mail digest
set ifrt mail digest
set ala-wo mail digest**

Other E-lists

For a selected list of other e-lists devoted to intellectual freedom and free speech, visit <http://www.ala.org/alaorg/oif/elists.html>.

WHAT YOU CAN DO!

From the Intellectual Freedom Brochure (ALA, 1999).
<http://www.ala.org/alaorg/oif/whatyoucando.html>.

"Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us."—Supreme Court Justice William O. Douglas

- 1** Make intellectual freedom in all of its forms a central part of your library's mission.
- 2** Educate others about the importance of intellectual freedom and how the changing information and technological environment is making the need for intellectual freedom in libraries even more critical.
- 3** Advocate support for the library's role in preserving intellectual freedom. Talk to local library and school boards, the media and elected officials at all levels of government.
- 4** Monitor the news and your community for incidents of censorship in your area and report them to the American Library Association's Office for Intellectual Freedom.
- 5** Lend your support to others who are facing censorship challenges.
- 6** Respond to requests for support from the Office for Intellectual Freedom on controversies in your area.
- 7** Stay up-to-date on legislation and court cases that could effect intellectual freedom in libraries.

8 Network with civil liberties groups and other organizations in your area that are dedicated to intellectual freedom principles. Your support for them will mean increased support for libraries.

9 Be a leader. Start a local group dedicated to ensuring that intellectual freedom in libraries is preserved.

10 Get involved professionally. Join the ALA's Intellectual Freedom Action Network or volunteer to work with intellectual freedom committees at the state and regional level. Become a member of the ALA's Intellectual Freedom Round Table so that your voice can be heard.

In Other Words, Stay Informed and Be Counted!

Study the issues.

<http://www.ala.org/alaorg/oif/issues.html>

Learn about who else cares about the First Amendment and intellectual freedom.

<http://www.ala.org/alaorg/oif/first.html#advocates>

Counter censorship in your community.

<http://www.ncac.org/action/suggestions.html>

Campaign **Libraries** for America's

ALA has made a five-year commitment to speak loudly and clearly about the value of libraries and librarians to our communities, schools, academic institutions, and businesses, as well as to our society, democracy, and the new digital age.

The Situation: Research shows

Libraries are popular

Well-liked by the public — but often without strong feelings or real understanding.

Libraries are everywhere

Rooted in nearly every community, school, campus, government or corporate office — but are most visible when under siege.

Libraries are unique

Playing a role played by no other institution in our democracy, our schools, or our businesses — but not always able to communicate that uniqueness.

External Goals:

Why a priority effort on public awareness?

- To increase funding and support for libraries and librarians of all kinds in every corner of the nation.
- To increase Americans' commitment to libraries and their understanding of the value of libraries in a communication age transformed by technology and especially the Internet.
- To increase Americans' use of libraries at school, on campuses, at work, and in daily community life.
- To bring librarians to the table at public policy discussions on today's burning issues: intellectual freedom, equity of access and narrowing the gap between the information haves and have nots.
- To encourage librarianship as a profession.

Internal Goals: Bringing the entire library community together to speak with a unified voice

- To create tools and materials to help libraries and librarians promote their value to their users and reach their specific audiences.
- To extend the reach of the national campaign to the local, state and regional levels, working with ALA chapters and sister library organizations as partners.
- To ensure that the campaign is useful to libraries of all types—school, public, academic, special—through close work with ALA divisions.

Target Audiences

- General public—especially parents, children, students, senior citizens, business people
- Educators, school boards, and administrators
- Policy makers and opinion leaders
- Librarians and those who are considering the library profession
- Media
- Strategic partners

The Nuts and Bolts

The brand: @your library™

The brand will become ubiquitous at every level in all types of libraries. National partners and advertising will use the brand. The brand may be applied to any situation, with infinite variation.

Examples:

Intellectual Freedom @ your library

The Ultimate Search Engine @ your library

Untangle The Web @ your library

Everything You Can Imagine @ your library

For more information, visit the @ Your Library home page at <http://www.ala.org/@your library/>.

Let the Sanctimonious Critics Talk Themselves Out of Business

While some of my esteemed colleagues in ALA are in favor of taking the offensive in countering the mean spirited attacks on ALA which have been put forward by talk show personalities like Dr. Laura and Rush Limbaugh, I would urge that ALA supporters avoid replying in kind and simply present their policies in a concise, respectful manner when called upon. Mocking, divisive rhetoric has a tendency to “dig its own grave” as far as the mainstream of public opinion is concerned. And it is with the mainstream that real power will be won.

Naturally, there are strong and articulate voices which could match Dr. Laura and Rush blow for blow. Alas, the only effect would be to give aid and comfort to those who already agree with what we say, and not change any minds of those masses who really don't have confirmed opinions either way. The contentiousness might only serve to radicalize, and thus marginalize, our own position in the minds of that middle ground of the populace while giving credence to accusations by Dr. Laura & Co. which might otherwise be considered ugly or laughable.

The most effective statements on behalf of Intellectual Freedom are made by providing the best Library service possible to our patrons. When we serve our patrons well, we build public support which transcends political and philosophical positions—we build a power base for “all seasons” which reaches all constituencies.

There are many ways in which ALA could improve its leadership to Libraries and Librarians in the fight for Intellectual Freedom. In some cases, ALA has created for itself a measure of vulnerability to charges of bias and hypocrisy over the years by embracing causes and “culture wars” agendas not related to the

work of libraries and librarianship. The informal and sometimes formal embrace of various causes by ALA Council — such as Gay Rights, Abortion Rights, Nuclear Disarmament — cannot help but be seen as a refutation of ideas deeply and devoutly held by many other people that abortion is murder, the Gay life style is sin, and that weakening our military is akin to treason. One of the most effective thrusts of Dr. Laura and Rush Limbaugh against ALA has been that our commitment to Intellectual Freedom is not inclusive of those beliefs which run counter to our own acknowledged “culture wars” agenda. Indeed, an ALA Washington Office staffer stated in a meeting that the opposition by Conservative groups to filtering mandates going before Congress must have been because of the fear that Librarians would use filters to block their own sites. Thus we see an experienced ALA Washington Office staffer assuming that we are perceived to be biased and liable to censor based upon that bias. It is a shocking admission, but probably based upon a realistic notion of how we have become perceived! (Traditional Conservative philosophy untainted by the “religious right” has long been set against government interference with the rights of individuals and local government. Thus the opposition of Goldwater Conservatives to filtering is really logical.)

ALA should have no “culture wars” agenda other than standing in support of Intellectual Freedom and for openness to all ideas. We should refrain from affirming and publishing the fact that we “like some ideas better than others” and that we have “friends and enemies.” In some ways, the ACLU model needs to be more closely followed for ALA to become more effect in fighting for Intellectual Freedom.

James B. Casey

How Should ALA Respond?

TWO VIEWS ...

In the past year, librarians in general and ALA in particular have been the focus of attack by prominent individuals such as Laura Schlesinger and by specific interest groups such as American Family Association and Focus on the Family. Their complaints center around ALA's stance on Intellectual Freedom and the harms these groups perceive to flow from its permissive premises. These attacks have been strong and uncompromising and often incorporate understandings of library principles and practices very different from that of librarians in the field. How should ALA react to this campaign of attack? How should we correct or counter misinformation we may note that has been incorporated into our opponents' case? How should we deal with the particular spin placed on information that is indeed true?

Recently on the ALA/OIF listserv, ALA Councilor Mark Rosenzweig posted his own proposal for a strong ALA response. Speaking strictly as an individual rather than as a spokesperson for ALA, Rosenzweig urged that the association adopt a strong proactive stance in taking on these enemies. Rosenzweig's combative proposal with its diverse and strongly stated views took on a bizarre and interesting history of its own, which is still ongoing. We hope to present that story in his own words in the spring. However, the notion that ALA should go on the offensive against its attackers drew a response from librarian and former ALA Councilor Jim Casey that we feel is of immediate interest to the membership.

Michael B. Wessells

that the First Amendment protects public school students' rights to express political and social views. In this case, students had worn black armbands to school in symbolic protest of the Vietnam War.

Schenck v. United States, 249 U.S. 47, 39 S.Ct. 247, 63 L.Ed.2d. (1919) [Note that the last citation does not have a page number in the Resource Guide].

Justice Oliver Wendell Holmes stated in this case his famous aphorism about "falsely shouting fire in a theatre" and set forth a "clear and present danger test" to judge whether speech is protected by the First Amendment. "The question," he wrote, "is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has the right to prevent. It is a question of proximity and degree." The Supreme Court affirmed the convictions of the defendants for conspiring to violate certain federal statutes by attempting to incite subordination in the armed forces and interfere with recruitment and enlistment. During wartime, the defendants mailed to new recruits and enlisted men leaflets that compared military conscription to involuntary servitude and urged them to assert constitutional rights.

Near v. Minnesota, 283 U.S. 697, 51 S.Ct. 625, 75 L.Ed. 1357 (1931)

In this case, the Supreme Court interpreted the First and Fourteenth Amendments to forbid "previous restraints" upon publication of a newspaper. "Previous restraints"-or in current terminology," prior restraints-suppress the freedom of the press to publish without obstruction, and recognize that lawsuits or prosecutions for libel are "subsequent punishments. "The Court invalidated as an infringement of constitutional guarantees a Minnesota statute allowing specified government officials or private citizens to maintain a lawsuit in the name of the State to suppress a public nuisance and enjoin the publication of future issues of a "malicious, scandalous and defamatory newspaper, magazine or other periodical," unless the publisher can prove "the truth was published with good motives and for justifiable ends."

New York Times Company v. United States, 403 U.S. 713, 91 S.Ct. 2140, 29 L.Ed.2d. 822 (1971)

To protect "uninhibited, robust, and wide-open" debate on public issues, the Supreme Court held that no public official may recover "damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'-that is, with knowledge that it was false or with reckless disregard of whether it was false or not." The Court stated that the First and Fourteenth Amendments require that critics of official conduct have the "fair equivalent" to the immunity protection given to a public official when he is sued for defamatory speech uttered in the course of his duties.