

INTELLECTUAL FREEDOM: AN ANNOTATED BIBLIOGRAPHY OF RECENT MATERIALS

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INTRODUCTION

The following literature review is an annotated and selective bibliography of recently published books and videos on a wide range of intellectual freedom topics. All materials were published between 1997 and February 2000 with the exception of the final two titles which are due to be published in 2000. The entries are arranged alphabetically by author. A few items are not annotated because the compiler could not obtain copies of them in time for this review.

Although there are a number of excellent monographs and reference books on this list, from a practical standpoint, librarians will probably find three ALA publications particularly useful: Robert Peck's *Libraries, the First Amendment, and Cyberspace: What You Need to Know*, Barbara Jones's *Libraries, Access, and Intellectual Freedom: Developing Policies for Public and Academic Libraries*, and the forthcoming new edition of the *Intellectual Freedom Manual*.

1. BOOKS

Amey, Lawrence, et. al., eds. *Censorship*. 3 vols. Ready Reference. Gen. ed. Kent Rasmussen. Pasadena, CA: Salem Press, 1997.

"One of the novel approaches that this set takes is to examine every dimension of censorship: its targets and victims; its perpetrators and defenders; its rationale; and its subject matter" (p. vi., Vol. 1). The three volumes contain 997 alphabetically arranged essays on people, general issues, books, films, organizations, government bodies, laws, events, places, and court cases.

Bald, Margaret. *Banned Books: Literature Suppressed on Religious Grounds*. Banned Books. Gen. ed. Ken Wachsberger. New York, NY: Facts on File, 1998.

From *The Age of Reason to The Satanic Verses*, surveys the content of and controversies surrounding 100 books condemned as dangerous to orthodoxy, to cherished beliefs, or to morals. Each entry includes a plot summary, a censorship history, and a bibliography

for further reading. Other titles in the *Banned Books* series include *Literature Suppressed on Sexual Grounds* (see Sovia), *Literature Suppressed on*

Political Grounds (see Karolides), and *Literature Suppressed on Social Grounds* (see Sovia).

Bosmaejian, Haig A. *The Freedom Not to Speak*. New York, NY: New York University Press, 1999.

Traces the continuing history of coerced speech over the centuries, from demands by church courts that heretics recant to the required oaths of allegiance and name-naming in the McCarthy era. Bosmaejian argues that because we have yet to establish a clearly defined freedom to withhold speech, we run the risk of having to reveal our religious and political associations, sign oaths, and name names during the next wave of political and religious persecutions.

Cate, Fred H. *The Internet and the First Amendment: Schools and Sexually Explicit Expression*. Bloomington, IN: Phi Delta Kappa Educational Foundation, 1998.

Designed to introduce teachers and librarians to the complex array of legal issues presented by minors' access to sexually explicit material on the Internet and the advisability and practicality of attempting to control access. Presents arguments for when Internet filtering for young children may be advisable as well as arguments in support of unrestricted access for older minors.

Foerstel, Herbert N. *Banned in the Media: A Reference Guide to Censorship in the Press, Motion Pictures, Broadcasting, and the Internet*. Westport, CT: Greenwood Press, 1998.

Documents the social and technological origins of newspapers, magazines, motion pictures, radio, television, and the Internet, and describes the unique censorship aspects of each. Also included are summaries of seven major media censorship incidents, a chronological analysis of landmark Supreme Court

cases dealing with the media, and interviews with prominent figures from all media.

———. *Free Expression and Censorship in America: An Encyclopedia*. Westport, CT: Greenwood Press, 1997.

Contrasts America's advances in free expression with the concomitant growth of a "censorship and secrecy network." Foerstel highlights the key players and recurring themes in the free expression/censorship battle. The First Amendment aspect of controversial political topics — abortion, homosexuality, indecency in the arts and media, and the Internet — are covered in detail.

Godwin, Mike. *Cyber Rights: Defending Free Speech in the Digital Age*. New York, NY: Times Books, 1998.

Godwin, an Internet evangelist and Electronic Frontier Foundation lawyer, examines a number of high profile court cases, controversies, and media events which have shaped civil liberties in the online world: freedom of speech cases, libel cases (Matt Drudge), privacy and cryptography issues, copyright battles, children-cyberporn panics (especially the 1995 *Time* cover story), and the Communications Decency Act.

Hull, Mary. *Censorship in America: A Reference Handbook*. Santa Barbara, CA: ABC CLIO, 1999.

A thorough, well-organized introduction to the topic of censorship. Emphasis is given to current, controversial issues, but there is also discussion of early episodes of censorship in American history. Includes a chronology of important events, sketches of key individuals in the censorship debate, a directory of organizations, and an annotated resource list of print, video, and online materials.

Ingelhart, Louis E., comp. *Press and Speech Freedoms in America, 1619-1995: A Chronology*. Westport, CT: Greenwood Press, 1997.

The history of America's speech and press battles is presented in the form of chronologically arranged quotations from both proponents and opponents of free speech. Interspersed with the quotations, for context, are references to significant historical, social, or technological events. An excellent source of quotations on intellectual freedom issues from a broad range of historical periods and speakers.

———. *Press and Speech Freedoms in the World, from Antiquity Until 1998: A Chronology*. Westport, CT: Greenwood Press, 1998.

Jasper, Margaret C. *The Law of Speech and the First Amendment*. Oceana's Legal Almanac Series: Law for the Layperson. Dobbs Ferry, NY: Oceana Publications, 1999.

In a mere 129 pages this almanac efficiently covers basic First Amendment doctrine, its application by the Supreme Court in a wide variety of cases, and its application in a broad range of controversial areas: expressive conduct, arts and entertainment, commercial speech, obscenity, cyberspace, and hate speech.

Jones, Barbara M. *Libraries, Access, and Intellectual Freedom: Developing Policies for Public and Academic Libraries*. Chicago, IL: American Library Association, 1999.

A comprehensive guide to developing, promoting, and implementing intellectual freedom policies. Begins with a theoretical grounding in the legal foundation of intellectual freedom in a (limited) public forum and concludes with useful suggestions for writing intellectual freedom policies for information content, for access to information, and for privacy.

Karolides, Nicholas J. *Banned Books: Literature Suppressed on Political Grounds*. Banned Books. Gen. ed. Ken Wachsberger. New York, NY: Facts on File, 1998.

Kennedy, Sheila Suess, ed. *Free Expression in America: A Documentary History*. Primary Documents in American History and Contemporary Issues. Westport, CT: Greenwood Press, 1999.

A collection of over 100 primary documents—court cases, opinion pieces, speeches, letters, Congressional testimony, statutes, and news stories—which trace how the concept of free speech has evolved in America. From the Magna Carta to "The Playboy Philosophy," from the Indianapolis Ordinance on Pornography to the Communications Decency Act, each document is accompanied by a succinct introduction which provides historical and legal context.

Lipschultz, Jeremy. *Free Expression in the Age of the Internet: Social and Legal Boundaries*. Boulder, CO: Westview Press, 2000.

O'Neil, Robert M. *Free Speech in the College Community*. Bloomington, IN: Indiana University Press, 1997.

Brings to bear the relevant case law in addressing all the major intellectual freedom issues in higher education: campus speech codes, classroom speech, speech in the context of new technologies, freedom of the press, religious speech, artistic and research freedoms, and mandatory fees for student organizations. Written as a guide for college and university administrators.

Peck, Robert S. *Libraries, the First Amendment, and Cyberspace: What You Need to Know*. Chicago, IL: American Library Association, 2000.

This primer on First Amendment law and its application to libraries providing Internet access is based on the premise that without an accurate foundation in First Amendment and obscenity law, it is difficult for librarians to develop "intelligent and legally appropriate policies about Internet access." Peck discusses all significant First Amendment issues that impact or are impacted by Internet access: obscenity, pornography, the rights of adults, the rights of children, offensive speech, and workplace issues such as employee speech and harassment. Chapters on library records and confidentiality laws, as well as the impact of the Constitution's religion clauses on libraries, are also included.

Price, Monroe E., ed. *The V-Chip Debate: Content Filtering from Television to the Internet*. Mahwah, N.J.: Erlbaum, 1998.

A collection of 12 provocative essays which address the origin and development of V-chip technology for filtering broadcast information and its potential to alter broadcasting policies, law, and public policy. Three essays in particular highlight the promises and perils of content filtering technology and rating systems: "Media Filters and the V-Chip," "Yelling Filter on the Crowded Net," and "Rating the Net."

Riley, Gail Blasser. *Censorship*. Library in a Book. New York, NY: Facts on File, 1998.

Presents a sweeping overview of the vast topic of censorship in less than 200 pages. Includes a history of censorship in all media; significant legislation and Supreme Court cases (though surprisingly, *Hustler Magazine v Falwell*, 485 U.S. 46 (1988) is omitted); a chronology of important events; thumbnail biographical sketches; a very selective but annotated bibliography of books, encyclopedia articles, journal articles, government documents, and audiovisual materials; and a directory of national and state organizations. This

compact reference is intended to be an introduction to the topic of censorship and a starting point for further research.

Shiffrin, Steven H. *Dissent, Injustice, and the Meanings of America*. Princeton, NJ: Princeton University Press, 1999.

"We should recognize that dissenters—those who attack existing customs, habits, traditions, and authorities—stand at the center of the First Amendment and not at its periphery." Within this theoretical context, Shiffrin—a legal scholar—analyzes the free speech controversies of flag burning, alcohol and tobacco advertising, racist speech, and public funding of the arts. A sophisticated and provocative argument for a dissent-centered conception of the First Amendment instead of a content neutrality-centered conception.

Smolla, Rodney A. *Deliberate Intent: A Lawyer Tells the True Story of Murder by the Book*. New York, NY: Crown, 1999.

When an instruction manual on how to carry out contract killings (*Hit Man: A Technical Manual for Independent Contractors*) was denied First Amendment protection by the Fourth Circuit Court of Appeals in 1997, free speech hackles went up everywhere. Smolla, in relating his professional and personal involvement in this unique First Amendment case, places in high relief the tension between the ideal of free speech and the concept of ethical responsibility in publishing.

Sobel, David L. *Filters and Freedom: Free Speech Perspectives on Internet Content Controls*. Washington, D.C.: Electronic Privacy Information Center, 1999.

A collection of critiques and studies of filtering and rating systems as voluntary alternatives to government regulation of Internet content. Contributors include, among others, the ACLU, the National Coalition Against Censorship, the Censorware Project, and the Electronic Privacy Information Center.

Sova, Dawn B. *Banned Books: Literature Suppressed on Sexual Grounds*. Banned Books. Gen. ed. Ken Wachsberger. New York, NY: Facts on File, 1998.

Surveys the content of and controversies surrounding 103 erotic works which have been legally banned or censored in a broader context—targeted for removal from school curricula, condemned by religious groups, rejected or expurgated by publishers, or challenged in court. Each entry includes a plot summary, a censorship history, and a bibliography for further reading. Other titles in the *Banned Books* series include *Litera-*

ture Suppressed on Social Grounds (see Sovo), *Literature Suppressed on Political Grounds* (see Karolides), and *Literature Suppressed on Religious Grounds* (see Bald).

———. *Banned Books: Literature Suppressed on Social Grounds*. Banned Books. Gen. ed. Ken Wachsberger. New York, NY: Facts on File, 1998.

From *The Adventures of Huckleberry Finn* to *Working: People Talk About What They Do All Day and How They Feel About What They Do*, surveys the content of and controversies surrounding 101 books containing “socially unacceptable” ideas. Each entry includes a plot summary, a censorship history, and a bibliography for further reading. Other titles in the *Banned Books* series include *Literature Suppressed on Sexual Grounds* (see Sovo), *Literature Suppressed on Political Grounds* (see Karolides), and *Literature Suppressed on Religious Grounds* (see Bald).

Symons, Ann K. and Sally Gardner Reed, eds. *Speaking Out!: Voices in Celebration of Intellectual Freedom*. Chicago, IL: American Library Association, 1999.

The editors asked 53 library leaders and other prominent Americans to select their favorite inspirational quotation and explain their choice in a brief essay. Most oft quoted: James Madison (*Knowledge will forever govern ignorance; and a people who mean to be their own Governors, must arm themselves with the power knowledge gives.*). Designed to be a source of courage and inspiration for librarians facing intellectual freedom challenges.

Trager, Robert and Donna Dickerson. *Freedom of Expression in the 21st Century*. Thousand Oaks, CA: Pine Forge Press, 1999.

Weinstein, James. *Hate Speech, Pornography, and the Radical Attack on Free Speech Doctrine*. Boulder, CO: Westview Press, 1999.

Reviews the basics of American free speech doctrine to provide the reader with sufficient background to evaluate the claims of “radical legal scholars” that modern free speech doctrine discriminates against women by protecting pornography and discriminates against minorities by protecting hate speech. Weinstein then articulately examines the complex relationship between free speech and equality and presents both the costs and benefits of hate speech and pornography bans.

West, Mark. *Trust Your Children: Voices Against Censorship in Children's Literature*. 2nd ed. New York, NY: Neal-Schuman Publishers, 1997.

Authors of challenged children's books, publishers of children's books, and anti-censorship activists defend the freedom to read for children in interview format (all oppose censorship of children's literature). Given that a wider range of children's materials are coming under attack via more organized censorship campaigns, West felt a second edition of his 1988 book was necessary. Includes seven new interviews and a new introduction.

Wirenius, John. *First Amendment, First Principles: Verbal Acts and Freedom of Speech*. New York, NY: Holmes & Meier, 1999.

Winfield, Betty Houchin and Sandra Davidson, eds. *Bleep! Censoring Rock and Rap Music*. Contributions to the Study of Popular Culture 68. Westport, CT: Greenwood Press, 1999.

Since its birth in the mid-1950s, youth-oriented music has been a target of censors and a testbed site for the tolerance of free speech in America's cultural wars. This collection of nine essays examines the myriad ways that legislators, government agencies, parents, retail marketers, and the media have attempted to censor offensive, racist, and sexually explicit lyrics.

Wolfson, Nicholas. *Hate Speech, Sex Speech, Free Speech*. Westport, CT: Praeger, 1997.

A legal scholar examines the tension between the “unpredictable and sometimes potentially dangerous dynamic of speech” and the equally dangerous consequences of censoring speech that offends. Also addresses the issue of the disparity in speech power between “the powerful” (white males) and “the powerless” (women and minorities) within the context of First Amendment theory.

2. VIDEOCASSETTES

The American Civil Liberties Union: A History. Films for the Humanities & Sciences. 1997; rel. 1998.

Traces the ACLU's history from its inception in 1920 by founder Roger Baldwin through dozens of legal challenges over the past century, including the Scopes Trial, Japanese internment, the HUAC hearings, and the American Nazi Party's plan to march in Skokie.

Culture Shock. WGBH Educational Foundation. Dist. by PBS Video, 2000.

Produced for high school level students, this four-part documentary series explores the impact of the arts on cultural values, on freedom of expression, and on society's proclivity to censor that which offends or shocks. Episode #1: *Hollywood Censored: Movies, Morality & the Production Code*; Episode #2: *The Devil's Music: 1920s Jazz*; Episode #3: *Born to Trouble: Adventures of Huckleberry Finn*; and Episode #4: *The Shock of the Nude: Manet's "Olympia"*. Companion website at <http://www.pbs.org/wgbh/cultureshock>.

3. FORTHCOMING IN 2000

American Library Association. *Intellectual Freedom Manual*. 6th ed. Chicago, IL: ALA, 2000.

Jones, Derek, ed. *Censorship: A World Encyclopedia*. 3 vols. Chicago, IL: Fitzroy Dearborn, 2000.