

## RESOLUTION ON GOVERNMENT INTIMIDATION

WHEREAS, The principle of intellectual freedom protects the rights of free expression of ideas, even those which are in opposition to the policies and actions of Government, itself; and

WHEREAS, The support of that principle is guaranteed by the First Amendment, thus insuring Constitutional protection of individual or collective dissent; and

WHEREAS, Government, at whatever level, national, state, or local, must remain ever vigilant to the protection of that principle; and

WHEREAS, Government, although properly empowered to promulgate, administer, or adjudicate law has no right to use illicitly its legally constituted powers to coerce, intimidate, or harrass the individual or the citizenry from eununciating dissent; and

WHEREAS, The illegitimate uses of legitimate governmental powers have become increasingly a matter of public record, among them being the misuse of the Grand Jury and other investigative procedures, the threat to deny licenses to telecommunications media, the indictment of citizens on charges not relevant to their presumed offenses, and the repressive classification, and hence denial, of documentary material to the very public taxed for its accumulation; and

WHEREAS, These illicit uses not only constitute an abrogation of the right to exercise the principle of freedom of expression but also, and perhaps more dangerously, prefigure a society no longer hospitable to dissent;

NOW THEREFORE BE IT RESOLVED, That the American Library Association, cognizant that in the scales of justice the strength of individual liberty may outweigh the force of power, expresses its unswerving opposition to any use of governmental prerogative which leads to the intimidation of the individual or the citizenry from the exercise of the constitutionally protected right of free expression, and

BE IT FURTHER RESOLVED, That the American Library Association, encourage its members to resist such improper uses of governmental power, and

FURTHER, That the American Library Association supports those against whom such governmental power has been employed.

Adopted by the ALA Council  
February 2, 1973  
In Washington, DC

FURTHER, That the American Library Association give this same committee the additional responsibility to draft a checklist of factors to be considered by city officials when designing or revising local cable franchises. These factors will insure the proper consideration of each library's special interests and will simplify the involvement of libraries into local cable situations. Final presentation of the checklist to be made no later than the ALA Chicago Midwinter Meeting, 1974, and

FURTHER, That a copy of this Resolution be sent to the Federal Communications Commission to express the library profession's interest in these new media and to commend the FCC members for adopting a public interest attitude toward the development of cable communications.

The second meeting adjourned at 4:45 P.M.

### Third Meeting

The third meeting of the ALA Council during the 1973 Midwinter Meeting convened at 10:00 A.M., Friday, February 2, 1973, in the Shoreham Hotel, Washington, D. C., President Katherine Laich, presiding. Mrs. Anna Clyde Vinzant, parliamentarian.

President Laich expressed appreciation to the chairman of the Committee on Legislation and the former director of the ALA Washington Office, Joseph Shubert and Germaine Krettek, for the success of the President's Program of January 31 (at which Ralph Nader appeared out of his own interest).

Report of the Intellectual Freedom Committee. Richard L. Darling, chairman, having met with the Executive Board and carrying the Board's endorsement of the Committee's recommendations. He brought three advisory statements attached to the Library Bill of Rights, which have previously been submitted to Council for information, before the Council now for adoption as policy: Document #14, Reevaluating Library Collections, #15, Restricted Access to Library Materials, #16 Sexism, Racism and other "Isms" in Library Materials. ALL WERE APPROVED AS POLICY UPON MR. DARLING'S MOTION, #16 amended to include the correct title "Restricted Access to Library Materials" at reference to its former title, "Advisory Statement Concerning Restricted Circulation of Library Materials." (A motion to refer back to Committee, #16, was defeated by a standing vote.) - Exhibits 9, 10, and 11, attached.

Expurgation of Library Materials (Document #30) - Exhibit 12 - was APPROVED.

Resolution on Government Intimidation (Document #33) - Exhibit 13. Mr. Darling moved adoption of Document #33 as a substitute for the same titled Resolution adopted by Council at the Dallas Annual Conference, June 25, 1971. Mrs. Patricia Schuman (councilor at large) urged Council not to lose sight of points 4 and 5 of the Dallas Resolution having to do with confidentiality of library records and her motion

to refer the Resolution back to Committee for these considerations, was defeated; these points have also been referred to the Committee to revise the ALA Code of Ethics. By consent of the Committee certain portions of the substitute for the Dallas Resolution were revised, and on motion of Hanna Josephine Kunkle, councilor at large, an amendment to conclude the Resolution with "that the ALA support those against whom such governmental power has been employed," seconded by Mr. Eshelman, PASSED. Another motion to refer the Resolution back to Committee was defeated, and it was

VOTED, that the revised Resolution on Government Intimidation, as amended, be adopted and substituted for the June 25, 1971 resolution under the same title with the exception of items 4 and 5 of the 1971 Resolution which shall stand [until such time as they are considered separately].

In discussion, it was hoped that the Intellectual Freedom Committee, as well as the Committee on Ethics would give consideration to the two sections of the 1971 Resolution which were retained by the above action.

Upon motion of Councilor Esteves, it was also

VOTED, That there be immediate release of this resolution to the press, including the political editor of the San Francisco Chronicle.

Shield Laws. Mr. Darling then introduced Document # 35 (Exhibit 14) and upon his motion, IT WAS SO ORDERED.

Taiwan Publications. Because of lack of information from the United Nations, a resolution submitted by CIF was referred back to Committee for further deliberation and report at Las Vegas (Document #28), upon motion of Richard Dougherty (Executive Board), duly seconded.

Second Class Postal Rates & The Freedom to Read. Mr. Darling moved, and it was voted, that

WHEREAS, rapidly increasing second-class postal rates have endangered and, in some cases, ended the existence of needed periodicals, and  
WHEREAS, it is clearly in the best interests of the freedom to read and essential to an informed electorate that a multiplicity and diversity of periodicals be maintained;  
THEREFORE, BE IT RESOLVED, That the American Library Association endorses and supports the early passage of Federal legislation to decelerate the rate of the rise in costs of the distribution of periodicals by second class mail.