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ABSTRACT

Discussions collected in this newsletter include the following speeches all of which were presented at the 1976 convention of the Western States Speech Communication Association: "Where the First Amendment is Silent," a sketch of current speech rights and a prediction for the future; "Freedom of Speech in University Theatre; or, Keeping the Delicate Balance"; and "Censorship from the Left: Free Speech on Campus--under Attack." Minutes of the Freedom of Speech Interest Group meeting of 22 November 1976, news of this and other groups concerned with freedom of speech, and a statistical survey of attendance at different modules at the 1976 convention are also presented. (KS)

FREEDOM OF SPEECH NEWSLETTER

Volume III
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February 1977

FREEDOM OF SPEECH NEWSLETTER
Michael P. Kelley, Editor
Harry Sharp, Associate Editor

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* Paper presented at the 1976 W.S.C.A. Convention, San Francisco, November 1976.

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WHERE THE FIRST AMENDMENT IS SILENT

> On balance, one reporter's guess is that unless there is a startling and major upheaval of American society the situation of freedom of communication in 2001 won't be very much different from today.

by

James Benét

Television Journalist,
KQED-TV, Channel 9,
San Francisco.

Before commenting on a topic like "Freedom of Speech in the Year 2001," a professional in the mass media needs first to explain the situation as it appears today. So I will sketch it quickly as it is perceived inside the professional world.

Freedom of communication for professionals in the mass media is a special case of freedom of speech. Of course, as private individuals the professionals have the same rights as other citizens. But what of their professional work--their freedom of communication, as distinguished from private speech? Such freedom of communication would seem to fall well within the purview of the First Amendment. For although the amendment simply forbids Congress to make a law "abridging the freedom of speech or of the press," that has always been understood to express a broad principle. In the words of the Supreme Court, "It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail. . . ."[1] In this marketplace the professionals who communicate information surely play a major part.

Nevertheless discussions of freedom of speech generally pay little attention to the major restraints on this activity. They do not include, of course, the obstacles that are often put in the way of a reporter attempting to obtain information, for it's the reporters job to penetrate such secrecy. Nor are they the difficulties that beset the fiction writer wrestling with recalcitrant images, myths and forms; those are just the problems of his work.

The two great enemies of freedom of communication for professionals in the mass media are orthodoxy and commercialism. The First Amendment was aimed against the first of these, but only--it would seem from present-day interpretation--against govenment-imposed orthodoxy. It gives no protection against the orthodoxy of the publisher or station-owner, and not much against orthodox community sentiment. Yet we know that the orthodox, of all sects and parties, and in all nations, use more than governmental means to try to impose on the marketplace of ideas a single view, sometimes in their opinion the truth, or, when they are cynics, a doctrine or image advantageous to themselves. Against commercialism the First Amendment gives no protection at all today. I mean by this the seeking of financial profit, either by giving media help to an outside business of an owner or manager, or obtaining financial profit through the media outlet itself, by attempting to attract the largest possible audience, without concern whether the bait that attracts the audience is truthful or not.

Whether contemporary interpretation of the First Amendment could be broadened to give further protections in the areas where it is now silent I must leave to legal specialists. But there is much evidence to show how the "uninhibited marketplace of ideas" in the mass media is suffering from these restraints today.

Most instances of orthodoxy widely discussed today concern overt governmental actions, since that is the area where they are held to apply. These have recently involved court cases in which it was sought to compel newmen to reveal their

sources, or to prevent publication of once-secret documents--the Pentagon papers. Of course these are part of the problem of freedom of communication. But they have been exhaustively discussed elsewhere, so I will go on to the areas that get less attention.

An area of governmental effort to enforce orthodoxy that seems to be less widely understood is the covert coercion of the media that occurs in American society. For example, over a long period of years the FBI and other governmental agencies have sought to further their concept of orthodoxy not only by spying on the media, as they have spied on so many groups in society, but also by infiltration of paid agents. The most remarkable recent case is that of Jacque (cq) Srouji, who was dismissed from the Nashville Tennesseean in May, 1976, after the publisher's discovery that she had been a paid FBI informant at least since 1964, while working for that paper and, earlier, the Nashville Banner, had placed FBI-supplied reports in both papers and had given the FBI information about newspaper colleagues.[2] Srouji is not unique, though her story is a dramatic one. Perhaps even more illuminating was the case of Robert O. Douglas, a photographer for the San Pedro, California, News-Pilot, who was threatened with dismissal by the managing editor when he declined to develop two rolls of film of anti-war demonstrators that were not to be used by the newspaper but were to be supplied to the FBI.[3] Through such infiltration the FBI both introduced into the media its own preferred viewpoints and images of the world, and hindered the expression of other views held by individuals it regarded with suspicion or hostility. The CIA has engaged in similar activities. For example, the Washington Post and other newspapers published excerpts from a book, "The Penkovsky Papers," which was written by the CIA but purported to be the memoirs of a Russian officer who spied for the United States in the Soviet Union.[4] That was only one among several hundred such books sponsored by the CIA.[5] Stuart Loory, a journalism professor at Ohio State University and former White House correspondent for the Los Angeles Times, has written condemning the lack of attention by the news media to this CIA activity, including the use of American newmen as paid informants and access to information in some large American news organizations. As he researched his article, Loory reports, he was urged to abandon it by as many newmen as CIA officials. "They are . . . uneasy that the whole tangled web of relationships between reporters and intelligence agents, so beneficial to reporters, will come undone."[6]

Governmental penetration into other areas of society may indirectly affect the media. One such instance was reported by A. Searle Field, who was staff director and chief counsel for the House Intelligence Committee when it produced the report on the FBI and the CIA that was later made public by CBS correspondent Daniel Schorr. In a fine example of the defense of orthodoxy the House of Representatives voted to keep the report secret and then--after Schorr disclosed it--vigorously investigated the leaks through the House Ethics Committee. "Even though our staff," Field wrote, "had uncovered corruption and lawbreaking by the Federal Bureau of Investigation, every Ethics Committee investigator was an ex-FBI agent of long standing. Some of these former agents are currently associated with FBI men who may go to jail as a result of our work." Field writes that during the investigation he was insulted, lied about, forbidden to defend himself publicly and even denied food during ten hours of testimony.[7] No doubt his experience will serve as a lesson to other servants of Congressional committees regarding the vigor with which embarrassing secrets should be concealed from the media.

Another aspect of covert governmental interference with the marketplace of ideas is the frequent harassment of small, dissenting publications. One of the most unusual incidents of this kind was the successful prosecution in 1970 of the Los Angeles Free Press, a so-called underground newspaper--although an

unusually successful one--for receiving stolen property because it published a list of names and addresses of narcotics agents. Of course it is not unusual for newspapers to print documents from unofficial sources, as happened in the Daniel Schorr case noted above. In 1968 former Senator Thomas Dodd lost a case he brought against the late Drew Pearson for publishing documents from the Senator's private files. Nevertheless the Free Press was convicted, three individual defendants including the editor were fined $500 apiece and put on probation, and the newspaper ordered to pay the state of California $10,000 and the agents whose addresses it had listed a total of $43,000. The effect on freedom of communication was obvious; after the verdict the newspaper's attorney commented that from now on the editor had better not publish anything that was not in a press release.[8]

Not infrequently, however, it is the orthodox publisher or owner who enforces his own views in his newspaper or broadcasting station--for it is sometimes forgotten by spectators of the media scene that news people and other staff are selected and to some degree shaped by their management, like professional athletes.

A covert instance of action against an underground paper was the repeated burglarizing, vandalizing and harassment of the San Diego Street Journal in 1969-70 by the FBI undercover agent Howard Godfrey and members of the San Diego police force.[9] The activity included firebombing a staff member's car, and stealing 2500 copies of the paper. Repeated attacks succeeded in driving the newspaper out of business.

Such instances point to a significant factor in the enforcement of orthodoxy--the sentiment of the surrounding community. Attacks on such small, irreverent publications don't arouse popular concern of the sort that was evident, for example, during the government efforts to prevent major newspapers from publishing the Pentagon papers. No doubt the reason for this is that underground newspapers are out of step with the thinking of most citizens. The pressure of community orthodoxy is felt by major media organs, too. Recently John B. Oakes, editor of the editorial page of the New York Times, argued that "growing alienation of public from press threatens even greater danger to press freedom than specific legislative or judicial restraints about which we are so rightly concerned." He quoted Alexander Hamilton to the effect that freedom of the press, whatever may be put into any Constitution, "must altogether depend on public opinion, and on the general spirit of the people and the government." Newspapermen, Oakes added, have special obligation to retain public confidence through responding to "complaints of unfairness, inaccuracy, bias, vindictiveness--that is, to make ourselves voluntarily accountable."[10]

Here we see a mechanism by which orthodoxy is, as it were, internalized by the newspaper, which in this way enforces community orthodoxy on itself.

Not infrequently, however, it is the orthodox publisher or owner who enforces his own views in his newspaper or broadcasting station--for it is sometimes forgotten by spectators of the media scene that news people and other staff are selected and to some degree shaped by their management, like professional athletes. The owners tend to be like-minded; as long ago as 1946 a widely known civil rights lawyer, Morris Ernst, wrote in his book about the media, "The First Freedom," that "I have recently concluded that far more is kept from our minds by lack of diversity of ownership of means of communication than by government interference." In the same year the distinguished Hutchins Commission reached the same conclusion in its investigation of the press. Since then the situation hasn't substantially changed, except that more media outlets have passed into the hands of larger and larger corporate owners.[11]

As the respected journalism critic Ben Bagdikian has written, "the central

concern here is with the impact on news when it is controlled by corporations with deep financial involvements of a non-journalistic nature." Not only are specific business stories influenced by such an interest, Bagdikian said, but the bias of the owners is "rationalized as news."[12] Advertisers are not criticized, for example. Financial institutions are treated with special deference. This may be regarded as a form of orthodoxy.

The prevalence of police stories among television fiction series seems to be a related case. They are broadcast in great numbers not only because police work provides plot justification for the violence which attracts viewers, but also because warmly sympathetic depiction of police conforms to the orthodoxy of network and station owners.

But beside their orthodoxy, owners and managers of media outlets have direct commercial interests, as well, as Bagdikian noted. These create the other broad category of limitations on freedom of communication for the professional staff. They are of two kinds, interests in other business activities that may be promoted through media control, and interest in the profits of the media outlet itself. Sometime the vigorous exercise of the power of ownership can be amusing, as in the case of the executive of New York's WCBS radio station who chastised the news staff for being slow in reporting Yankee baseball scores through a memo that said: "If I have to spell it out for you, I will; CBS owns the New York Yankees."[13]

A recent and extraordinary example was furnished by the Jacksonville, Florida, Times-Union, which is owned by a company that also owns local railroads. Over a period of months the newspaper and its evening edition, the Journal, campaigned vigorously in favor of establishment of a factory for floating nuclear reactors at Jacksonville, ignoring or playing down the objections of conservationists that the proposed site included an ecologically valuable salt marsh, and other contrary arguments. One of the railroads was a major proponent of the scheme, from which several members of the newspaper's board of directors profited. After the development was approved and begun, and then fell on hard times during the national economic recession, one of the reporters who had played a major part in the publicity campaign for it commented, "I did for Westinghouse-Tenneco what a good public relations firm would have done. Maybe I got carried away."[14]

Whether or not they have outside interests, owners can and often do treat their media outlet as simply a source of profits. Robert Eck has written of television executives, "They are in the audience-delivery business . . . married to cost-per-thousand, compelled to the pursuit of total audience and--with factories in Hollywood, main offices in New York, gala introductory promotions each fall, and franchised dealers throughout the country--are among America's biggest and most successful mass-production businesses."[15] Similarly a study by Mary Ellen Leary of the last California gubernatorial campaign showed that television news programs, with few exceptions, paid little attention to the campaign because of news directors' preoccupation with a news format--"happy talk" or "action news"--that stressed brevity and a fast pace and was inhospitable to political news. Local television stations had recently discovered what newspapers had learned in the 19th century, that news can be used to sell advertising, and were now concerned with maximizing audiences for news programs as well as for others. Leary regarded as mere excuses the complaints of executives that government rulings such as the "fairness doctrine" made it difficult for them to cover politics.[17]

Newspapers are not so different, as was made clear by a recent memorandum of the news editor of the Detroit News, that was obtained and published by the Detroit Newspaper Guild. "We are aiming our product at the people who make more than $18,000 a year and are in the 28-40 age group," wrote editor Mike

McCormick. "Go throught the last few weeks of the Early Edition and you'll see what I want; 'Nun charged with killing her baby,' 'Prison horrors revealed,' "They chummed together--and died together.'" The kind of stories he wanted, said McCormick, "won't have a damn thing to do with Detroit and its internal problems."

These being the major restraints on freedom of expression, whether it will expand or contract in the years ahead depends on whether the pressures of orthodoxy and commercialism will grow or diminish. Reporters are not much good at prediction, perhaps because they are compelled to spend so much of their time gazing intently at the present that they don't often try to glance into the future. But 25 years isn't very far in the future. If one looks back 25 years to 1951, the situation then wasn't much different from today's. McCarthyist orthodoxy was being severely enforced, but that now seems to have been a passing phase. Yet if one looks back 50 or 75 years it does seem that orthodoxy has loosened with the passage of that much time. And the flamboyant commercialism of a Hearst in his heyday seems more extravagant than would be tolerated on a national scale today. On the other hand, in 1926 the FBI was still young and the CIA unborn.

Today the world outside the United States is in upheaval; won't that cause fearful Americans to press harder and harder for orthodoxy at home? And within the country business conflicts intensify as bigger and bigger conglomerates drive smaller firms to the wall; won't that encourage greater commercialism among media owners?

On balance, one reporter's guess is that unless there is a startling and major upheaval of American society the situation of freedom of communication in 2001 won't be very much different from today.

Notes:

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9. Milton Viorst. "FBI Mayhem." New York Review of Books, 18 March 1976.
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MINUTES:

Freedom of Speech Interest Group

November 22, 1976

The meeting of the Freedom of Speech Interest Group was called to order by Chairperson John Hammerback of California State University, Hayward, at 4:55 p.m. on Monday, November 22, 1976, in the Cathedral B Room of the Jack Tar Hotel, San Francisco, California. The Chair began with announcements:

1) the Executive Council of WSCA refused the request of the Interest Group for funding of the Freedom of Speech Newsletter;

2) Win Allen of Ambassador College has been appointed Editor of the WSCA Newsletter. The Chair next reported on the activities of 1976, and urged the Interest Group to seek better times for the 1977 Free Speech panels.

There being no old business, the Chair moved directly to new business. Win Allen was elected Vice-Chairperson by acclamation; Mike Kelley of California State University, Los Angeles, accepted appointment as Editor of the Freedom of Speech Newsletter, and volunteered to duplicate and distribute the February issue. Harry Sharp of California Polytechnic State University, San Luis Obisbo, accepted appointment as an Associate Editor of the Freedom of Speech Newsletter, and volunteered to duplicate and distribute the April issue.

Motions Passed:

1) that the Interest Group again ask for three programs at the 1977 WSCA convention;

2) that one panel for the 1977 convention be designated a competitive program. It was recommended that participants on panels might come from outside the western states, and include practitioners as well as theorists.

At the conclusion of the meeting Ray Weisenborn of Montana State University automatically became Chairperson.

Respectfully submitted,

Jack A. Samosky
Recording Secretary
California State University, Hayward

FREEDOM OF SPEECH IN UNIVERSITY THEATRE OR KEEPING THE DELICATE BALANCE

Theatre finds itself in a delicate balance between its desires for free expression and its fear of conflict with subsequent repression.

by

Dr. Robert E. Peffers

Chairman, Division of Theatre,
College of Music and Theatre,
Williamette University,
Salem, Oregon.

Censorship of university theatre was a topic for heated debate five years ago. Few institutions were exempt from controversial decisions about what could and could not occur on the campus stage. The headlines told the story.

"55 Minutes of Smutty Repartee Condemned at Fullerton State College"[1]
"Legislators Will Probe College's Vile Play"[2]
"Abnormal Sexual Acts Simulated on Stage at Berkeley"[3]

Most of the conflicts followed a definite pattern. A play would be performed either by a touring group or the resident theatre department. Usually the material was not original and had been reviewed at other places in earlier times. A certain segment of the audience would be offended at either the message or the style. Letters would be written to either the newspapers or the university administration or both. The complaint was usually lodged in the name of moral decency. University administrators would take a right of center stance. The faculty members responsible for the work would become the centers of the controversy. The larger community most of whom had not seen the play nor read the script would take sides. Rash decisions were often made. Much publicity was generated. The incident would eventually be resolved with no precedent set to aid in solving future conflicts.

The single insight that does appear obvious about the conflicts as I revisit them is that the actual source of the frustration and hatred was not moral but political. Since nearly the beginning of American higher education, drama teachers have been censored for presenting drinking, or 'foul language' or sexually suggestive scenes on the stage. But never before had this become a subject for nation-wide debate. Amidst the campus wide revolution of the late 60's and early 70's, theatre had become an effective spokesman for the attitudes of the radical left. This new aesthetic was not happening in commercial theatre which had for decades been playing to the conservative upper-middle class. In its experimentation the university theatre took the alienation of Brecht and popularized new terms like "gorilla", "poor", "street" and "cruel". The conservative community chose to voice its protest in the 'morals arena' but it is clear that their collective frustrations were derived from the anti-establishment, pro Marxist, pro minority, anti-war rhetoric of pieces like Viet Rock, America Hurrah, and The Beard.

Politicians suddenly became drama critics. In 1972 Richard Nixon said, "People are tired of all that wayout stuff. I don't want to get into the business of criticizing the new art but its difficult to find a play you really want to take your family to."[4] Ronald Reagan in 1968 said of a production at Fullerton State College, "I will not tolerate the abuse of academic responsibility. The taxpayer should be assured that we will eliminate the moral decay."[5] Mary Martin said in a note in 1967, "I told Lady Bird - she came to see us - that I

wanted the President to see I Do, I Do because its not against anything."[6]

Clearly Freedom of Speech was violated. The First Amendment was violated on the college campus. Penalties were levied against departments and individuals. Artistic freedom was seriously challenged.

Today just 5 years later the campus climate is significantly changed. As unexpectedly as the conflicts began, they subsided. The war seems over now but no one is quite sure who won and more importantly no one is at all certain of the final details of the cease fire. Theatre finds itself in a delicate balance between its desires for free expression and its fear of conflict with subsequent repression.

With the current cast of characters, I am convinced that new conflict will arise. It will be widespread and theatre has the potential of much harsher repudiation and denunciation than it faced 5 to 10 years ago. Many university theatre people would not agree with this judgment. On the surface freedom of speech appears a given in theatre programs today. A closer look at the actual situation though should cast some doubt on this diagnosis.

First of all theatre continues to be an advocate of the political left. This is a characteristic of all theatre innovation in the 20th century. Since Shaw and The Fabian Society were instrumental in getting the socially significant dramas of Ibsen introduced to the commercial stage, theatre has taken a political direction. I certainly do not suggest all theatre is political, nor that it should be, but in the artists attempts to reflect accurately the lives of contemporary men it is obvious that a political style and message will evolve. Ours is not an escapist theatre. We do not ask the patron as Shaw suggested 50 years ago to check his "brain with his hat at the door".[7] In the last 10 years educational theatre has had the resources to become a center for political theatre experimentation. The flow is from the university to the community and not vice versa. That was the case during the conflicts and it is the case today.

The chief advocates for repression of political theatre were those members of the non academic community who disagreed with the political message, its style of presentation and its development in higher education. These individuals were often state legislators who could gain conservative votes by publicly denouncing specific productions or large donors who simply did not wish their money to support activities with which they did not agree. These elements of society still exist today. They are perhaps more strong than they were 5 years ago. But they have strangely avoided initiating new protests against a drama that should be more offensive now than it was then. I believe that this is a temporary silence. Since the mass exodus of the community from the college campus there has been generated an attitude that simply stated suggests that the college activities no matter how radical should be deemphasized because they are only a part of the maturing process and after graduation the students if they wish to earn a living are going to have to conform to conventional social orders.

The university administrations have also played a significant part in this period of silence. Their role has been an impossible one. They must bring public and private support back to the campus in order to meet the critical financial needs of higher education. They must accomplish this without further alienation of this monied community. It is little wonder that the public relations office has played a more and more significant role in managing the communications from the campus. It is also not surprising that what is published in alumni jounals is not often an accurate reflection of the actual event.

To me it seems only a matter of time before the theatrical experimentation will hit the nerve of the establishment community and new conflicts will ensue. To my knowledge only one American university, The University of Iowa,[8] has created any system in which to handle cases of theatrical mis-conduct. Civil laws do not exist for the protection of theatrical rights. Left without a

framework in which to operate new conflicts will be solved by university administrators who now more than ever need the financial support of the conservative community whose members inevitably will take a definite position against theatre.

> To me it seems only a matter of time before the theatrical experimentation will hit the nerve of the establishment community and new conflicts will ensue.

In this environment of decision by administrative fiat, it is most important that theatre does not again become a political punching bag used by both the left and the right to strengthen its respective position. It is the responsibility of each theatre department to recognize certain principles:

> First, no play should ever be performed unless those responsible for its production are willing to defend their choice,
> Secondly, to ensure successful defense of the accused, there must be solidarity among members of the theatre department,
> Thirdly, no institution should presume to be beyond reach of such confrontation. Procedures and guidelines for play selection and responsibility for the quality of production should be important issues,
> Finally, the university administration must be made aware of the didactic and philosophical commitment of their drama departments so that they will not be caught unprepared for controversy.

With some simple preparation, theatre programs can survive the conflicts which will inevitably occur. No one can expect issues of academic freedom to be polite and formally legal but we must be able to maintain artistic freedom at any expense. As Dean Robert Brustein said at the Yale School of Drama Commencement in 1972,

> "We must continue as working artists, to serve the spirit of creation. A fragile balance has always existed in this country between our consciousness of inequality and our urge to exercise the imagination. Now, I believe this balance is in danger from both the political left and the political right. The left would have us reject all subjects and suppress all truth that does not contribute to a particular political cause, while the right is beginning to attack the rights of free art and a free press and may indeed be preparing to repress all thought that smacks of being critical, dangerous or non conformist. As throughout our recent history it is free expression, artistic possibility and open scholarship that are caught between the ignorant armies of the night.
> The insistence on the right to create as independently, as oddly, as irrelevantly as we want - this is the fundamental imperative of the artist, and it must be preserved."[9]

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news & notes

The S.C.A. Commission on Freedom of Speech has recently established a Committee on Identity and Direction. The Committee welcomes all comments relating to thoughts about the Commission's present activities, publications, and where it should direct its energies. Send comments to Committee chairman: Winfred G. Allen, Jr.; Department of Speech Communication; Ambassador College; Pasadena, CA 91123.

Three modules will be sponsored by the Freedom of Speech Interest Group during the forthcoming WSCA annual convention. One module will be comprised of competitively selected papers which may address any of the diverse issues of freedom of speech. Two modules will be theme programs. Individuals having either competitive papers or program ideas should follow these guidelines: Two copies of an extended outline for a proposed competitive paper must be submitted. Papers should be designed for a maximum 15 minute oral presentation. Individuals proposing programs must indicate a title, identify potential participants, state the format for presentation, and offer a rationale of no more than 500 words for the program. For both competitive papers and program proposals authorship should not be identified in the writing; attach a cover sheet stating name and address. Submit all proposals postmarked no later than March 18, 1977 to: Ray Weisenborn; 2-196 M.L. Wilson; Montana State University; Bozeman, MT 59715.

For more information about the organization, its newsletter, proceedings, and other available literature, write to: National Committee Against Censorship; 22 East 40th Street; New York, NY 10016.

Your announcement could have filled this space! Send news or notes to Michael P. Kelley, Editor; Freedom of Speech Newsletter; Department of Speech Communication and Drama; California State University, Los Angeles; Los Angeles, CA 90032.

from the desk of Winfred G. Allen, Jr.
Ambassador College

Freedom of Speech Interest Group

1976 Convention Statistical Survey

Wayne Pace, W.S.C.A. 1st V[illegible] President, recently released figures on attendance [illegible]e various modules during the 1976 W.S.C.A. Convention. [illegible] is of interest to note how the freedom of Speech modules related to the other modules.

The following statistics reflect the findings on attendance figures:

Total Attendance (All modules)	2325 persons
Number of Modules reporting Attendance	49
Mean Average # at each Module	47.4 persons
Total Attendance (like modules to those of Freedom of Speech)	1853 persons
Number of like modules reporting	37
Mean Average # - like modules	50.0
Total Attendance - Freedom of Speech Modules:	
"Free Speech Denied"	46
"Free Speech - 2001"	48
"Free Speech on Campus"	22
	116 persons
Number of modules	3
Mean average # - Free Speech Module	38.6 persons
Like Modules with higher Attendance than Free Speech Mean Average	22
Like Modules with lower Attendance than Free Speech Mean Average	15

To preserve meaningful democracy in the United States, the abridgement of First Amendment freedoms on American college campuses must be halted, even if in the process we protect, as Justice Holmes said, not just "free thought for those who agree with us but freedom for the thought that we hate."

CENSORSHIP FROM THE LEFT: FREE SPEECH ON CAMPUS UNDER ATTACK

by

Bruce Loebs

Idaho State University

Franklin D. [illegible] expressed a longstanding American maxim when he named "freedom o[illegible]d expression" as the first of the "four essential human freedoms."[1] [illegible], other First Amendment rights (freedom of religion, press, assembly, and petition) depend upon free speech. Probably because free speech is our indispensable liberty, it is also the most delicate--the most vulnerable. Threats to free expression in the United States are as old as the Sedition Act of 1798 and as current as censorship of speakers on college campuses.

The university must defend free speech, because teaching and research, the basic objectives of a university, demand free expression. In no other American institution is unrestrained speech more vital.

In important ways the campus has been freed for free speech. Many "speaker ban" policies, imposed over the years by conservative regents and state legislatures, have been struck down. At the University of North Carolina in 1966, a policy which prohibited "known Communists and persons who pleaded the Fifth Amendment from speaking on campus" was ruled unconstitutional by a federal court.[2] An Ohio State University "speaker ban" fixed by the trustees was lifted in 1965,[3] and in 1969, a federal court in Mississippi "threw out rules governing campus speakers 'who might do violence to the academic atmosphere or who were held in 'disrepute.'"[4] In 1968, a United States district court found that restrictions at Auburn University constituted "blatant political censorship."[5]

Despite this progress, the university campus has recently become the scene of serious breaches of free speech, not from the right, in the form of "speaker ban" laws, but from the left, through harassment, intimidation, and even violence. "A more recent phenomenon" wrote liberal columnist Anthony Lewis, "has been left wing intolerance of what were deemed rightist thoughts."[6] Regardless of the ideological guise, censorship is inherently noxious and is an intolerable abridgement of free speech.

The current practice of restraining free speech was inspired and nurtured during the long Vietnam protest period. As the Vietnam teach-ins of 1965-1967 became the anti-war harangues after 1968, students of the Left practiced and polished their skill at suppressing free speech.

An early incident of the obstruction of free speech by the Left occurred at Harvard in 1966. After Secretary of Defense Robert McNamara left a seminar, "About 25 SDS members spotted the vehicle, thru themselves under its wheels. Their shouts of 'we got him--we got him' brought the crowd running." Wrote Time, "Trapped, McNamara climbed atop a car, agreed to answer two questions from the students and offered to meet them later for more talk. Each time the Secretary tried to answer a question he was shouted down."[7] As General William Westmoreland explained, "For a prominent Administration official to set foot on a college campus was perilous, as Secretary McNamara had painfully found out at Harvard University."[8]

General Westmoreland cancelled a speech at Yale in 1972, because city

police warned him that "a mob of demonstrators had assembled from various New England campuses (who) intended to disrupt my speech by forcing entrance into the auditorium, pelting me with rotten eggs and tomatoes, and reading charges branding me a war criminal."[9]

Anti-war protesters denied freedom of speech to a team of speakers from the Army who were assigned to argue the government's c se on Vietnam on college campuses. General Westmoreland, describing a crude occurrence at Cornell in 1970, wrote:

> Early in the proceedings a young man mounted the stage and defiled the table in front of the officers with raw eggs and raw chicken gi[illegible]. For a time the audie[illegible] thwarted all discussion [illegible]enities. One young m[illegible] seized the mircophone and w[illegible]aving pictures of injured infant[illegible], demanded to know "why you napalmed these babies."[10]

Walter W. Rostow, adviser on Vietnam to Presidents Kennedy and Johnson, was often harassed by leftists on college campuses, and after he left the Administration in 1969, was physically prevented from speaking at MIT. Recalled Rostow, "About thirty-five students at MIT decided that it would not be very helpful from their point of view to have me talk, so they broke up the meeting."[11]

Not only were members of the Administration shouted down on college campuses but academic advocates of U. S. policy in Southeast Asia were censored as well. Political scientist Robert Scalapino of Berkeley was harassed at Hayward in the spring of 1968, by students howling, "Dr. Scalapino--Dr. of War." "Usually I was able to finish my lecture," recalled Scalapino, "but even if I finished, student harassment made the campus an unsuitable setting for rational discourse." According to Scalapino, "Free speech was impaire[illegible] in several ways. Because [illegible] student protests many administrators, fearing v[illegible]ence, didn t feel they co[illegible] sponsor a dialogue on Viet[illegible]m. Also, people wh[illegible]pported the Administration simply wouldn't participate after a while, and, [illegible]ourse, the audience wasn't at all receptive to ideas; they expected a circ[illegible]."[12]

I spoke often in public debates and discussions to college and community audiences, but by 1968, open dialogue on Vietnam was simply not tolerated at many universities. In the spring of 1970, just after Cambodia, the administration at Idaho State University, probably fearing demonstrations from the Left, ordered my speech to students and the public cancelled.

Although the Vietnam issue stimulated obstruction of free speech at colleges, speakers on other controversial subjects have also been censored. In 1974, "At the University of Chicago, political scientist Edward C. Banfield was unable to express his conservative views on cities, society, and government."[13] The most extreme post-Vietnam campus censorship has centered on Nobel laureate William Shockley, who argues that the black race is genetically inferior to the white race. Shockley has difficulty finding a college forum, as his experiences at Yale reveal.

In 1974 Shockley was "unable to make himself heard above the protest"[14] at Yale. Invited back in 1975 to debate his controversial views against William Rusher, publisher of the National Review, Shockley was again hooted down. William F. Buckley, a spectator at Yale that evening, wrote, "The debaters arrived, they stood on the platform for one hour and 15 minutes during which the audience jeered and booed and hissed; finally Shockley . . . realized that, to adapt slightly what they used to say in the South in days gone by, 'there ain't no Shockley goin' to speak here tonight.' So he left, escorted by marshalls."[15]

Reacting to the Shockley experience, Yale appointed a committee, chaired

by historian C. Van Woodward, to examine Yale's policy toward freedom of speech. The Woodward Commission's Report is a ringing affirmation of First Amendment freedom.[16] Declaring that obstruction of free expression "threatens the central function of the university"[17] the Commission reasoned, "We value freedom of expression precisely because it provides a forum for the new, the provocative, the disturbing, and the unorthodox. Free speech is a barrier to the tyranny of authoritarian or even majority opinion as to the rightness or wrongness of particular doctrines or thoughts."[18]

Recognizing that tolerance of obnoxious ideas is often difficult, the Woodward Commission, nevertheless, argued that "The banning or obstruction of lawful speech can never be justified on such grounds as that the speech or the speaker is deemed irresponsible, offensive, unscholarly, or untrue."[19]

To Herbert Marcuse's theory of "repressive tolerance,"[20] the Commission answered:

> We have considered the opposing argument that behavior which violates these social and ethical considerations should be made subject to formal sanctions, and the argument that such behavior entitles others to prevent speech they might regard as offensive. Our conviction that the central purpose of the university is to foster the free access to knowledge compels us to reject both of these arguments. They assert a right to prevent free expression. The rest upon the assumption that speech can be suppressed by any who deems it is false or offensive . . . . They make the majority or any willful minority, the arbiters of truth for all. If expression may be prevented, censored, or punished because of its content, or because of the motives attributed to those who promote it, then it is no longer free. It will be subordinated to other values that we believe to be of lower priority in a university.[21]

Recently the Freedom of Speech Newsletter urged, "We must demand no less than absolute adherence to a literal reading of the First Amendment rights."[22] If this challenge is accepted, the Freedom of Speech Interest Group should push policies which eliminate the current menace to free speech from the Left. SCA members should follow the lead of the Woodward Commission and Yale University to reeducate the university community "in the value of the principle of freedom of expression."[23] The Woodward Commission Report expressed detailed and practical guidelines which can serve as a blueprint for protecting free speech on campus.[24]

C. L. Sulzberger recently lamented, "Democracy, as we know it, is a dwindling form of government on this crowded earth."[25] To preserve meaningful democracy in the United States, the abridgement of First Amendment freedoms on American college campuses must be halted, even if in the process we protect, as Justice Holmes said, not just "free thought for those who agree with us but freedom for the thought that we hate."[26]

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9. Ibid., p. 365. See also New York Times, January 26, 1975, Section E, p. 18.
10. Ibid., p. 366.
11. Telephone conversation with Walter W. Rostow from Austin, Texas, November 12, 1976.
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13. New York Times, January 26, 1975, Section E, p. 18.
14. Ibid.
15. National Review, May 10, 1965, p. 555.
16. The report entitled Report of the Committee on Freedom of Expression at Yale, Yale University, January 8, 1975, is available in pamphlet form by writing Henry Chaney, Secretary of the University, Yale University, New Haven, Connecticut.
17. Report of the Committee on Freedom of Expression at Yale, p. 7.
18. Ibid., p. 6-7.
19. Ibid., p. 31.
20. Marcuse's argument is published in The Principles and Practice of Freedom of Speech, ed. Haig A. Bosmagian (Boston: Houghton Mifflin Company), pp. 348-373. In "Postscript 1968," p. 371, Marcuse argues that "The Left has no equal voice, no equal access to the mass media and their public facilities" because "it does not have the required purchasing power." Marcuse reasoned, "Given this situation, I suggested in 'Repressive Tolerance' the practice of discriminating tolerance in an inverse direction, as a means of shifting the balance between Right and Left by restraining the liberty of the Right, thus counteracting the pervasive inequality of freedom (unequal opportunity of access to the means of democratic persuasion) and strengthening the oppressed against the oppressors."
21. Report of the Committee on Freedom of Expression at Yale, p. 8.
22. Freedom of Speech Newsletter, September 1976, p. 1.
23. Report of the Committee on Freedom of Expression at Yale, p. 29.
24. Other campus speaker policies are, of course, available. For speaker policies at the University of Washington and Western Kentucky University see Free Speech Newsletter, February 1971, pp. 5-7.
25. New York Times, November 3, 1976, p. 41M.
26. Ibid., January 26, 1975, Section E, p. 18.