

BOOK REVIEW

ELAINE HARPER

Taking Liberties: National Barriers to the Free Flow of Ideas by Elizabeth Hull (New York: Praeger, 1990)

The theme of the upcoming American Library Association annual convention in San Francisco, "The Right to Know," focuses on librarians' commitment to the constitutionally guaranteed right to freedom of speech, a commitment based on the premise that citizens have a right, and a responsibility, to be informed about all issues, especially those pertaining to the operation of a democratic society. Increasingly, however, the rights of US citizens to information are restricted or denied. Mechanisms of denial range from fees for information to library closings to illiteracy to censorship. As librarians we are professionally responsible for ensuring the public's right to know and, it would seem, for sounding the alarm whenever that right is placed in jeopardy. However, for at least the past 70 years librarianship has been relatively mute and sometimes downright complicit (see, for instance, Wayne A. Wiegand's *An Active Instrument of Propaganda: The American Public Library During World War I*; New York: Greenwood, 1989) in serious legislative infringements on rights to the free exchange of ideas both within and beyond our national borders. Elizabeth Hull's new book, *Taking Liberties: National Barriers to the Free Flow of Ideas*, is a welcome addition to several recent examinations of Western-style censorship which challenge the US government's "free-flow" information and communications policy. This is a highly informative, well-written examination of the laws and court decisions that keep us all poorly informed.

Hull, a professor of political science at Rutgers University, examines the McCarran Act, the Internal Security Act, the Foreign Agents Registration Act, Export Control Laws, and other legislation which inhibits dialogue between writers, scientists, artists and ordinary citizens in the US and their colleagues in other countries. *Taking Liberties* describes the origin and implementation of each law, then provides examples of the manner in which each restricts information flow in ongoing governmental efforts to control material which, if

freely distributed and discussed, might cause people to question US domestic and foreign policy.

The book opens with an examination of the 1952 McCarran-Walter Act, notorious for physically barring from the US individuals such as Gabriel Garcia Marquez, Pierre Trudeau, Graham Greene, Yves Montand and Yasir Arafat on the grounds that their visits "would be prejudicial to the public interest, or endanger the welfare, safety or security of the United States." Banned under McCarran are communists, anarchists, drug dealers, polygamists, sexual deviants, and anyone else the government suspects might "engage in espionage, sabotage, public disorder or other activity subversive to the national interest." In 1975 the US signed the Helsinki Agreement which requires the unhindered movement of people and ideas across national borders. US courts and legislators, however, have found means to circumvent this international agreement. "The US is the only democratic country in the world that refuses to admit anyone who does not pass a test for ideological and moral fitness," writes Hull, after describing the legal contortions and loopholes law enforcers and courts resort to in "protecting" the public from foreign visitors and views. Until very recently the government officially maintained a list of some 8,000 names of people from 98 countries who were permanently denied entry into the US because of their political views.

Another chapter of *Taking Liberties* deals with restrictions on foreign travel. During the heyday of the Cold War the State Department refused passports to many citizens on the grounds that it judged their travel not to be in the best interests of the US. In a 1958 decision the Supreme Court ruled that the Secretary of State could not restrict international travel, but in 1965 partially reversed itself and permitted restrictions when they serve "important national interests." More recently, a Supreme Court decision involving the denial of a passport to ex-CIA agent Philip Agee suggested, says Hull, that:

the executive can deny passports to individuals who are vocal in their opposition to the administration's Latin American policy, for example, or its stance on apartheid. The *Wall Street Journal* observed that in *Agee* the chief justice "raised the possibility that Americans mightn't have free speech rights when they are abroad." The holding goes even further, however, suggesting that Americans may not exercise free

speech rights even at home without possibly forfeiting their right to travel.

Hull next covers the Foreign Agents Registration Act (FARA). Enacted in 1938 on the recommendation of the House Un-American Activities Committee, this law also “protects” US citizens by alerting them to foreign propaganda. FARA enforcers are responsible for officially designating books, periodicals and films as “political propaganda” and for maintaining records on individuals, organizations, and businesses that disseminate, display or sell material deemed to be propaganda. The designation of material as “political propaganda” and intimidating registration requirements, of course, inhibit distribution in spite of the fact that the Supreme Court (in the best “doublespeak” tradition) defines propaganda to be “a neutral phrase, a legislative term of art, intended neither to denigrate the material nor stigmatize its distributors.” The courts have also argued in support of FARA that the government itself enjoys the right to free expression, but, as Hull correctly points out, individual rights are no match for a government with access to virtually unlimited resources. She then argues that government expression must be tempered with a sense of responsibility. The courts, however, do not acknowledge any need for restraint and insist on equating government rights with individual rights.

Other chapters in *Taking Liberties* deal with export restrictions imposed on domestic films and with legislation used increasingly to control scientific exchange. In the case of films, the United States Information Agency (USIA), charged with certifying domestic films as “educational, scientific, or cultural” for tariff exemptions under the Beirut Agreement of 1949, refuses certification to about 30 every year. One example Hull provides to illustrate USIA’s control over foreign access to US films concerns the Emmy Award winning *The Killing Ground*. The film, which alerted the American public to environmental threats posed by hazardous industrial waste, was refused certification in 1979 when, after consultation with the Environmental Protection Agency, the USIA determined:

that the documentary was “mainly of historical interest” because the United States has “made great progress in managing hazardous waste.” Further, “the tone of [the film] would mislead a foreign audience into believing that the

American public needed arousing to the dangers of hazardous wastes" when "this is no longer the case."

Scores of other examples in *Taking Liberties* show conclusively that the flow of ideas into and out of the United States is hardly as free as government propaganda and the mainstream media have led many to believe.

Hull expertly navigates the reader through the maze of legislation, civil suits, high and low court decisions, and judicial opinions. Her exposition is fascinating, jargon-free and scholarly. One reviewer writes that the book reads like "a call to action." It is not. It is, however, a convincing exposé of shameful laws.

Taking Liberties' only shortcoming is Hull's unqualified admiration of librarians' opposition to censorship. In her conclusion, Hull cites ALA's report *Less Access to Less Information By and About the United States Government: A 1981-1987 Chronology*. "America's informed citizenry is a population at risk,' primarily because of its heavy reliance on domestic sources of information that are increasingly subject to government manipulation." True enough, but libraries frequently contribute to misinforming the public by, for example, relying almost exclusively on information provided by mainstream US publishers. ALA's own cozy relationship with the USIA speaks volumes of our profession's tolerance of censorship. Hull would be shocked to know the extent to which the culture of censorship has permeated the very institution and profession dedicated to the preservation of American's right to know.