

'The Book Burners of the 1970's'

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To the Editor:

Your recent editorial on the city's proposed "adult uses" zoning plan took a regrettably shortsighted view of the serious First Amendment questions involved.

There is no doubt that the government may subject bookstores to a zoning ordinance, just as it may subject newspapers to a taxing ordinance. But to subject bookstores to differential zoning on the basis of the contents of the books they sell is no more permissible than to subject newspapers to differential taxation on the basis of the contents of the news stories they run.

The constitutional guarantee of a free press was instituted for the protection of unpopular messages, which need it, rather than popular ones, which do not.

If the material sold in these bookstores is of such slight social value that the public interest in morality outweighs any interest in the exposition of ideas, then the government is fully empowered under existing law to take appropriate action. The fact that it has been unable to do so—which is the genesis of the current attempt to end-run the First Amendment—clearly demonstrates the discriminatory nature of the zoning proposal.

The Times is properly proud of its opposition to the suppression of Communist viewpoints in the 1950's and antiwar viewpoints in the 1960's. But unless it is equally forthright in its opposition to the book burners of the 1970's, it may be too late to defeat the newspaper burners of the 1980's.

ERIC M. FREEDMAN

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