

Banning History: Frick vs. Stevens

Collective action is something of a rarity among the nation's historians, but a lawsuit now pending in a Cumberland County, Pennsylvania, court has them agitated enough to begin mobilizing their troops.

The case is an effort by Helen Clay Frick, the only surviving daughter of industrialist Henry Clay Frick, to ban distribution of a recent history of Pennsylvania that, she claims, makes "false, scandalous, malicious and defamatory" comments about her father. Last week a group of eminent historians announced formation of a Committee for the Defense of the Rights of Historians Under the First Amendment,* and appealed to the United States District Court in New York to intervene and dismiss the lower-court case as unconstitutional interference with the right of an author to publish.

The book, "Pennsylvania—Birthplace of a Nation," was written by Sylvester K. Stevens, executive director of the Pennsylvania Historical and Museum Commission, a scholar with an excellent reputation in the field of local history; it was published by Random House in 1964. Miss Frick objected to a number of passages in the book, including a statement that her father belonged to a congregation that included a number of tycoons whose wealth had not all "been amassed in exact accord with what many regarded as Christian principles and practices." She also objected to the following passages:

In the bituminous coal fields of western Pennsylvania, Henry Clay Frick had built a similar monopoly of coal and coke production, and was equally successful in beating down efforts at unionization. Frick also made extensive use of immigrant labor and cut wages to an average of about \$1.60 a day while extracting the longest hours of work physically possible. Most mines of the time were without anything resembling modern safety appliances or practices and serious accidents were common.

Still another abuse was the company town with its company store. The coal companies owned the houses, shoddy wooden shacks without sanitary facilities, which they rented at a high price to workers.

The power of the union was broken in the bloody and disastrous Homestead strike in 1892 by stern, brusque, autocratic, Henry Clay Frick.

In a way, Miss Frick's complaint is more comic than serious. These views about the "robber barons," conditions in the coal mines, company towns, and the struggle for unionization are commonplace even among casual students of American history; omitting them from a volume of Pennsylvania history would be like omitting the Norman conquest from a history of England.

Moreover, there is the added irony that Stevens' treatment of Frick is considerably more mild than Frick's treatment by some other historians. Miss Frick, however, has somewhat different recollections of her father. He was, according to her complaint to the court,

... an upright and honorable man, conducting all of his affairs in full compliance with all laws and with the highest principles of ethics and good conscience. At no time did [he] engage in any dishonest transactions and at no time did he follow any practices contrary to Christian principles. As an employer of labor he treated working men fairly, paid wages which were reasonable and in line with the current conditions and raised them whenever possible, provided safety equipment of the best quality then in existence, and greatly improved the quality of homes rented to employees. . . .

What is bothering the historians is that the local judge agreed to decide this case on its merits at all. The court made it particularly difficult for Stevens to justify his statements, by ruling out the testimony of several professional historians called on Stevens' behalf, by ruling out the use of other secondary evidence (including histories by Allan Nevins, Ida Tarbell, and others), and by limiting the use of contemporary materials such as certain magazine and newspaper articles, on the grounds that they were not written by disinterested persons. But the historians feel that judging the accuracy of statements about history is the business of professional historians, not of courts of law—particularly when the penalty being sought is not a money award, as in an ordinary libel suit, but the banning of a scholarly work.

How serious a threat to scholarship Miss Frick's suit really poses is an open question. In a letter being circulated to about 20,000 professional historians, authors, and teachers, the historians' committee states that the suit, "if successful, would inhibit our right to speak freely about the past based upon scholarly research, and . . . would permit the descendants of long-dead historical figures to have serious books removed from circulation simply because something critical was said about their ancestors." Her victory, they feel, would be an academic nightmare: ". . . [it] would encourage others to take similar action and soon we would be spending all our time defending lawsuits instead of studying and writing."

If the consequence of Miss Frick's success would undoubtedly be painful, however, its probability appears slight. Predictions are risky, but, if the effort to obtain federal intervention should fail, and if the county judge should decide in Miss Frick's favor, the case would still be subject to appeal in the state and federal courts. And it is difficult to believe that somewhere along the line a higher court would not rule that, however touching the principle of filial devotion, it does not equal in importance the principle of freedom of scholarly inquiry.—ELINOR LANGER

* Members of the committee are Thomas C. Cochran and Roy F. Nichols, University of Pennsylvania, cochairmen; Ray A. Billington, Huntington Library, San Marino, Calif.; Julian P. Boyd, Princeton; Carl Bridenbaugh, Brown University; Crane Brinton, Harvard; John W. Caughey, University of California, Los Angeles; Avery Craven, University of Chicago; Paul W. Gates, Cornell University; Oliver O. Jensen, editor, *American Heritage* magazine; Frederic C. Lane, Johns Hopkins University; Richard P. McCormick, Rutgers University; George E. Mowry, University of California, Los Angeles; Paul L. Ward, American Historical Association; and W. D. Aeschbacher, Organization of American Historians.