



## AMERICAN LIBRARY ASSOCIATION

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For immediate release

An important milestone for librarians in their battle for intellectual freedom was announced during the Midwinter Meeting of the American Library Association in Chicago, January 19 - 25, 1975.

California librarians should be exempt from the provisions of that state's "harmful matter" law, according to a ruling handed down by Los Angeles County Court Judge Robert Schifferman on January 13. The decision came in a suit filed by the Freedom to Read Foundation on behalf of California librarians, the commissioners of the Los Angeles Public Library, the California Library Association, and the American Library Association.

Freedom to Read Foundation attorneys argued before Judge Schifferman that the law should be declared unconstitutional. It was contended that the penalties provided in the law unjustly force librarians to choose between denying minors' First Amendment rights and possible criminal conviction.

Although Judge Schifferman refused to void the statute, he declared that the law's "defense"--protecting distribution of materials in furtherance of legitimate educational and scientific purposes--made librarians exempt.

The circulation of books through public and school libraries "is necessarily always in furtherance of legitimate educational and scientific purposes for which these libraries were founded, and accordingly

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librarians are not subject to liability under the harmful matter statute," the judge said.

The California statute--similar to laws in many other states-- makes it a crime to distribute harmful matter to minors. Harmful matter is defined as material that appeals to the prurient interest of minors, goes beyond customary limits of candor in depicting sexual themes, and lacks socially redeeming value for minors.

It is expected that the decision will be appealed by California Attorney General Evelle J. Younger, defendant in the suit.

The suit was originally filed in federal court by the Freedom to Read Foundation, the legal arm of the American Library Association's intellectual freedom program.

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