

"STORM CENTER" TO BE STORM CENTER? Critics have called unfair the "separate classification" label pinned on the motion picture "Storm Center" by the Roman Catholic Legion of Decency early in July. The picture, which deals with a small town librarian who refuses to remove a controversial book from library shelves, was previewed by many librarians at the A.L.A. Miami Beach convention. It stars Bette Davis and is scheduled for release by Columbia Pictures in September.

According to the Legion, its rare designation does not mean that "Storm Center" has been condemned. "A separate classification," it explains, "is given to certain films which, while not morally offensive, require some analysis and explanation as a protection to the uninformed against wrong interpretations and false conclusions. The highly propagandistic nature of this controversial film offers a warped, oversimplified and strongly emotional solution to a complex problem of American life. Its specious arguments tend seriously to be misleading and misrepresentative by reason of an inept and distorted representation."

Taking issue with the Legion in a long column in the Hollywood Daily Variety (July 11), Joe Schoenfeld pointed out that this was only the sixth time "in its long history" that the Legion has given a separate classification; that the previous one was to "Martin Luther" on strictly theological and religious grounds "which the secular Legion has every right to exercise"; that the only other films beside "Storm Center" criticized because of political content or overtones were three which dealt with the Spanish Civil War.

"That the Legion of Decency should take a political position at any time," wrote Schoenfeld, "is highly questionable, but at least in the above instances it was in opposition to Communist and Fascist principles, both foreign to and without place in the United States. But 'Storm Center' is something else again. It is not a political picture, but a dramatic account of the outgrowth of a situation in the United States involving personal liberties of Americans, particularly their free reading habits."

Schoenfeld admitted that the picture may be "oversimplified" and "emotional" (in the usual theatrical tradition). But it is not "warped," he maintained, "and designating it as such is unconscionably unfair. Nor is it apparent how this story could give even the most uninformed American 'wrong interpretations and conclusions.'"

The Motion Picture Industry Council also attacked the Legion's objections to the picture. "We believe," said the Council's statement, "that by implication and inference this action by the Legion goes beyond normal criticism and spiritual advice, and is a form of censorship with the purpose

of dictating and controlling the content of motion pictures, contrary to American principles of freedom of thought and expression."

In his syndicated column "Washington Merry-go-round" (Aug. 2) Drew Pearson commented that the plot of "Storm Center" "almost paralleled" the issue for which the Plymouth Quaker Meeting was investigated by the House Un-American Activities Committee in mid-July. The chief difference, he added, was "that the Quakers stood their ground and did not fire librarian Mary Knowles, while in Hollywood's stirring story, Bette Davis, who plays the part of the librarian, is fired by a McCarthyesque city council." (On the Plymouth Meeting background, see Newsletters IV:1, p.1 and IV:2, p.3.) Pearson called the film "the most controversial picture Hollywood has turned out since McCarthyism became popular in some quarters."

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STOP ORDER FOR MRS. SMART. The Larkspur (Calif.) postmaster has ordered Mrs. Anne Smart to stop mailing quotations from five books because the quotations violate a section of the United States Code which prohibits the mailing of "obscene, lewd, lascivious, or filthy publications or writings." Mrs. Smart has been mailing the quotations in her campaign against what she terms "obscene and subversive" books on the approved list at Tamalpais and Drake High Schools.

The books from which the quotations come are Richard Wright's Black Boy, Bucklin Moon's Without Magnolias, Oliver LaFarge's Laughing Boy, Carey McWilliams' Factories in the Field, and Margaret Halsey's Color Blind. Mrs. Smart says they are in a list of 200 used for an English course entitled "Intercultural Understanding." (See Newsletters III:1, p.3; III:2, p.3-4; IV:3, p.1).

Superintendent Chester Carlisle of the Tamalpais Unified High School District commented (San Rafael Independent Journal, June 23) that Mrs. Smart's quotations were "taken out of context and so do not represent the books in their entirety." Howard I. McGill, president of the Tamalpais Union High School District Board, added, "There is a great difference between out of text and in text--many a good book becomes obscene when parts of it are taken out of text."

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HEARING CLARIFIES "RESTRICTIONS" ON IMPORTED PUBLICATIONS UNDER FOREIGN AGENTS REGISTRATION ACT. Representatives of the A.L.A., the American Book Publishers Council, and other groups interested in preventing censorship of foreign publications received in the United States testified in July before a subcommittee of the House Judiciary Committee against a bill amending the Foreign Agents Registration Act of 1938 which would have legalized restrictions on the importations of "foreign propaganda" into the United States.

As several witnesses pointed out, the purpose of the Foreign Registration Act as passed by Congress and interpreted by a Supreme Court decision was to identify foreign agents distributing foreign propaganda and not to withhold or destroy those publications. In 1942 the same House Judiciary Committee, in considering amendments to the Act, stated: "It cannot be emphasized too strongly that these Amendments do not change the fundamental approach of the

statute, which is one not of suppression or of censorship, but of publicity and exposure."

Nevertheless, a "wartime" interpretation by the Attorney General in 1940 had held that the act applied not only to agents of foreign principals in this country but to those outside the United States. Though authority under this interpretation had not been actively exercised for many years, beginning about 1950 the Customs and Post Office authorities began systematically to screen foreign publications coming into the United States, and without notice to sender or recipient, to impound or destroy whatever material they thought contained "political propaganda" under the act's very broad definition of that term. Last year, for example, the Post Office refused to deliver copies of Pravda and Izvestia and certain foreign publications requested by the American Friends Service Committee, and while it later relaxed its ban somewhat, it did so without relinquishing the principle involved in the Attorney General's 1940 opinion. (See Newsletters III:4, p. 3-4; IV:1, p.8, last item; IV:2, p.1; IV:3, p. 1-2.)

The proposed amendment (Section 5 of H.R. 4105) would have written that opinion into law. Witnesses pointed out that the effect would be censorship of many foreign publications. For under the act's broad definition of propaganda, the London Times, which publishes editorials, could be banned. (The London Economist was in fact, held up last year on "propaganda" grounds.) Under the requirements of the bill, a library seeking an uninterrupted and "legal" flow of foreign publications would either have to register itself with the federal government as the agent of a foreign government--a designation any respectable institution would seek to avoid; or "insist" that foreign principals sending it publications would register as foreign agents--something no American library, even if it wished, could enforce or expect to be enforced.

The bill had already passed the Senate, but after testimony before the House, further hearings were indefinitely postponed.

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SUGGESTED READINGS. On widely different subjects yet pertinent to censorship, the following three recent items seem worth noting:

1. "Who Are Communists and Why?" 16 page pamphlet, published as part of the Know Your Communist Enemy Series by the Office of Armed Forces Information and Education, Department of Defense. "Available as a public service" from the Fund for the Republic, 80 E. 42d Street, New York 17, New York.
2. "Patriotism on the Far Right," by Gordon D. Hall, experienced analyst of extremist groups. In special issue of Social Progress, obtainable from: Department of Social Education and Action, 830 Witherspoon Bldg., Philadelphia 7, Pa. Single copy 15 cents, additional at reduced rates.
3. "Literature and Censorship," by John Courtney Murray, Jesuit professor of Moral Theology at Woodstock. Printed in Books on Trial, reprints

are available from the Thomas More Association, 210 W. Madison St., Chicago 6, Ill.

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YOUTH PROTECTION BILL PASSED IN MASSACHUSETTS. A bill penalizing anyone convicted of selling, distributing or advertising for sale any printed material which might harm the morals of children under 18 in certain specified ways has been passed unanimously by both houses of the Massachusetts legislature.

The bill, which came to a vote after extended debate but without the usual committee hearings, is a result of one of the recommendations of a commission appointed last year to study "the relation between juvenile delinquency and the distribution of and sale of publications portraying crime, obscenity and horror." Other recommendations not yet acted upon were for setting up self-regulatory associations similar to the Comics Code Authority for comic books and a state citizens advisory committee to work in conjunction with the state attorney general's office to check publications and enlist voluntary cooperation of wholesale distributors. The commission reported it was unable to discover any completely scientific study on the effect of "objectionable" publications on juvenile delinquency, but added that "testimony before the commission revealed a large body of opinion among persons working with youth to the effect that these books constitute at least a contributing factor" (Boston Record, Aug. 2).

The bill, which backers and opponents for different reasons called one of the most remarkable pieces of legislation they have ever seen, covers the following points:

1. Penalties for conviction are imprisonment for a term up to two years and a fine of not less than \$100 or more than \$1000 for each offense.

2. Defined as objectionable is any printed matter which describes or illustrates in pictures or cartoons or comic strips a list of such human sins as "lust," "bestiality," "the physical torture of human beings," "sadism." (These are not further defined.)

3. "It shall be prima facie evidence" of offering such literature to a child under 18 if - "(A) it is displayed upon a newsstand, counter or shelf in a store frequented by children under 18 or adjacent to a primary school or public playground, or (B) if the words of text or dialogue, exclusive of proper names, are written in the vocabulary of the seventh grade or below."

4. Exempted are "novels, short stories, or fictional mystery stories written with a clearly adult vocabulary and text offered for sale only to persons over 18, and not displayed on open stands, shelves and counters frequented by children under 18."

5. Exempted is "the reporting of news or the description of actual crimes, human actions, or court testimony, in the course of news reporting which gives the time and place of occurrence so far as known either in daily newspapers or weekly or periodic journals."

3. Exempted are "historical descriptions of actual events, copies or pictures of statuary or works of art on public display in civilized countries and excerpts from the Bible, Koran or sacred literature of a religious sect." ("Civilized countries" are not defined.)

Edward Weeks, editor of the Atlantic Monthly, was a member of the commission recommending the legislation. When told by a reporter of the Worcester Telegram that state representative J. Philip Howard, a lawyer, had declared that "anyone who sells a magazine would be in danger, under this bill, of finding himself in jail or being hit with a \$1,000 fine," Weeks, according to the Telegram, said he disagreed completely with Howard's analysis (Telegram, Aug. 5).

After passage of the bill by the House, several legislators are reported as agreeing that the bill puts bookstores and newsstands in the same legal category as barrooms and liquor stores, but that the legal restrictions on such book agencies are not so precisely defined as in the liquor laws.

Following are samples of Massachusetts editorial opinion: Boston Herald - "The new horror book bill is not a bad bill.... But we should not depend too much on it"; Worcester Telegram - "It is unclear just how one would decide whether the text was 'seventh grade English' or what the word 'adjacent' really means.... There is no point in cluttering up the laws with censorship regulations which would be impossible to enforce"; Quincy Patriot Ledger - "...there is a need for caution lest in our zeal to cure, we do lasting damage to freedom."

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"NOT BANNED--JUST NOT BORN," SAYS EDITOR. "If the libraries and classrooms of this country offer far more titles on the 'liberal' or 'left-wing' side of social and economic questions," says a Richmond (Va.) News Leader editorial (July 21), "it is not necessarily an indication of willful bias on the part of a librarian. It is primarily because so few conservative or right-wing books are published." Chief reason, explains the editorial, is the domination of research and publication by "liberal" foundation money.

Continues the editorial, "Old Henry Ford made the money, but who gives it away? Robert Hutchins.... The Gunnar Myrdals of the Socialist world have Carnegies waiting on them; but such staunch conservatives as, say, Donald Davidson of Vanderbilt, are effectively gagged."

Nevertheless, concludes the News Leader, the situation is not hopeless. "There remain a few small publishing houses--Devin-Adair; Regnery of Chicago; the Caxton Printers out in Idaho--who will publish a Russell Kirk or a John Flynn. And most librarians...make an effort to seek out their work. There is just not much of it...."

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CONGRESSIONAL PROBES OF AUTHORS HELD TO BE VIOLATION OF FIRST AMENDMENT. Editorial criticism of the subpoenaing and questioning of John Cogley in July by the House Un-American Activities Committee as violation of the freedom of the press has been widespread. Cogley, a former editor of Commonweal, is author of two books on "blacklisting" in the radio-television and motion picture industries--reports financed and published by the Fund for the Republic.

The liberal Catholic Commonweal published two editorials (July 13 and 27), raising the question of censorship and abuse of Congressional power. The second quoted committee chairman Francis J. Walter's answer to Cogley's question as to why he had been called. "We called you," Chairman Walter said, "for the purpose of ascertaining what your sources were in order to determine whether or not your conclusions were the conclusions we would have reached had we embarked on this sort of project." On this the Commonweal asked rhetorically, "Since when has a writer been under any kind of obligation to make sure his reasoning agrees with that of the members or staff of the House Un-American Activities Committee?"

An editorial in the July Censorship Bulletin of the American Book Publishers Council compared the Cogley questioning with that of James Wechsler, editor of the New York Post, by the Senate Committee on Government Operations under chairmanship of Senator Joseph McCarthy two years ago. Noting that criticism of an author by a member of Congress in his individual capacity is not the same as "criticism" under public authority to compel attendance and response to questions, the editorial commented: "Obviously to abuse this great power by regularly using it to call authors to account or to harass them when their writings are believed by a Congressional committee to be mistaken or pernicious would tend to create a reluctance, or indeed an unwillingness, to express or publish views likely to provoke Congressional retaliation, even though any deliberate intent to censor might be absent." Similarly critical editorials on the Cogley hearings appeared in a number of newspapers including the New York Times, Toledo Blade, Providence Journal, St. Louis Post Dispatch, and Washington Post Times-Herald.

The American Civil Liberties Union broadened its criticism of the Un-American Activities Committee's conduct of the hearings on the Cogley blacklisting report to include the Plymouth Friends Meeting library award, both projects financed by the Fund for the Republic (See Newsletters IV:1, p. 1 and IV:2, p. 3). The ACLU pointed out that although the courts have not yet limited the authority of congressional investigating committees "to expose," a recent decision in the Quinn case indicated that the Supreme Court "might be approaching the point where it would rule that the First Amendment places limits on congressional probes."

The ACLU also recently attacked the conviction of writer Harvey O'Connor as an invasion of rights under the First Amendment. O'Connor was found guilty of contempt of Congress by a Federal district court for refusing in 1953 to tell the Senate Permanent Subcommittee on Investigations whether he was a Communist when he wrote books that later were found in United States Information libraries overseas. In a friend of the court brief supporting a petition to reverse the conviction, the ACLU argued that O'Connor had received no royalties from the three books of his acquired by the overseas

libraries; that he had no part in the governmental operations which the sub-committee was empowered to investigate; that the subcommittee made no charge the books' contents had harmed the Information program; that neither its staff nor members had read the O'Connor books. It concluded, "If the conviction is upheld it will establish that no First Amendment limitations are applicable to the congressional investigative power...."

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FILM PRE-CENSORSHIP GOING, GOING, GONE? Maryland's film censorship board lost its contention that a scene in "The Man With the Golden Arm" which shows Frank Sinatra taking a narcotic injection teaches the use of narcotics (Annapolis, Md., AP, July 16). The Court of Appeals ruled that the scene does no such thing and that the picture is likely to have a deterrent effect on the use of narcotics. The court test was the first since review of the censorship board's decisions by the Court of Appeals was made possible by a 1955 legislative enactment (see last Newsletter, p.4).

In New York State the Board of Regents was asked to review its decision of last April refusing to license a French film version of D. H. Lawrence's "Lady Chatterley's Lover" unless three "immoral" sequences were removed. Ephraim London, lawyer for the distributor, Kingsley International Pictures Corporation, argued that the film was less suggestive than most films being licensed today, that the real objection to the film was its happy ending and the fact its lovers were unmarried. The film is said to have left out the "earthy" dialogue which Lawrence's English publishers were afraid to publish thirty years ago but which appear in editions now studied in American universities. If the Regents' motion picture division refuses to reverse its April decision in a reconsidered ruling due September 23, lawyer London says his client will appeal to the courts.

Bare bones of background are these. In 1952 the United States Supreme Court, in a case involving "The Miracle," unanimously held that a state may not ban or refuse to license a film because it is "sacrilegious." In effect, the Court overruled the decisions, 1915-1951, which considered state licensing and precensorship of films valid, and held that moving pictures are one of the media of communication protected against improper interference by the Constitution. However, it left open the question whether a more clearly drawn statute could prevent the showing or cutting of certain films.

In 1953, in a case involving "La Ronde," the Supreme Court ruled briefly that motion pictures could not be denied a license because they were found "immoral." (Two years later the Court also found the designation "obscene" inadequate in "The Moon Is Blue" case, passed up for review from the Kansas Supreme Court.)

In 1954, the New York legislature, attempting to overcome the effect of the "La Ronde" decision, passed a film censorship law making the term "immoral" more specific and precise.

More recently the Appellate Division of the New York State Supreme

Court ordered the state to issue a license for the film "Mom and Dad," which the state Board of Regents had banned as "indecent" because it contained a brief sequence showing a human birth. The court ruled that the words "indecent" and "obscene" were clearly not applicable to the film, that if those words can serve as constitutionally valid standards for prior restraint, they must be given "a narrow and strict interpretation." These are "precedents" for taking "Lady Chatterley's Lover" to the courts if the Board of Regents rejects the appeal to reverse its decision.

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CALIFORNIA TAKES POSITIVE APPROACH TO TEXTBOOKS AND SCHOOL LIBRARIES.

"The Selection of School Library Materials: a Guide to the Formulation of Policies and Procedures" is available at \$.50 from the California Teachers Association, 693 Sutter Street, San Francisco 2. The publication contains book selection policy statements from a number of school districts of various sizes. It has been endorsed by the Book Selection Committee of the California School Library Association.

Other materials on sound school library practice may be obtained from Mrs. Grace Dunkley of the California School Library Association, 16703 South Clark Avenue, Belleflower, Calif.

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PROSECUTION IN OREGON. A test of Oregon's law prohibiting the sale of obscene publications has been prompted by the arrest of two Salem distributors of books and magazines. Indictments of the dealers by the Marion County grand jury followed four days of hearings concerned with "undesirable" types of magazines and pocketbooks sold on newsstands. Principal witness was Mrs. John Pfeifer, Silverton housewife and mother of two young boys, who asserted that some 600 publications labelled as indecent by the National Organization for Decent Literature should be banned from sales counters (Salem Oregon Statesman, July 27). "I don't want to get started on places like libraries," she said. "I don't think they're /the books listed by NODL/ so readily available there." Mrs. Pfeifer recommended not only enforcement of state laws, but arousing of public opinion and requests to dealers to act as their own censors. She plans to form a citizens' committee to control the decency of publications sold locally.

Commenting on the indictments, District Attorney Kenneth Brown said, "As far as I know, this is the first time in Oregon that anyone has been indicted for selling this type of publicly available literature." He added, "Primarily the publishers are at fault, but there's no way we can prosecute them. All we can do is enforce existing laws."

One of the two indicted dealers, Claude Cummings, proprietor of the Salem News Agency, has filed a demurrer charging that the law fails to set up a basis for judging standards of literature in the state and is unconstitutional.

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THE COMICS. "Nobody would have to worry about the evil influence

of comic books if they saw to it that equally exciting but good literature were as widely available to children," says Eleanor Johnson, editor of My Weekly Reader.....

From an editorial in the Little Rock Arkansas Democrat: "Books for children are now the most educational they have ever been. Beautifully printed and illustrated volumes are commonplace. But new classics on the order of Treasure Island are missing. Emotion is absent." The editorial entitled "Quiet Type of Censorship," quoted Mrs. Frances C. Sayers, formerly in children's library work at New York Public Library, "We rob the children of the initial enjoyment of wrestling with reading by making all the words too simple and making the sentences too short, and saying too little and feeling nothing at all. Children want all the emotions."

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POSTSCRIPTS. The American Civil Liberties Union has attacked a government regulation requiring a corporation (or university) in contract with the Defense Department to send information, when "needed in connection with an official investigation," about any corporation employee even though the employee may not be working on a government contract. The ACLU says operation under the regulation might violate due process of law and academic freedom; that there is no assurance the information a teacher had given for his academic job would not be sent to the government for non-academic "judgment"; and that the individual concerned would not necessarily know information about himself had been sent to the government or have an opportunity to comment on it or challenge it....

The National Association for Better Radio and Television (NAFBRAT) 882 Victoria Avenue, Los Angeles 5, Cal. has drawn up standards for evaluation of the fare offered over the air waves and issued lists of recommended programs, particularly for children....

England's Lord Chamberlain has refused a license to Arthur Miller's new play A View From the Bridge unless he removes a scene in which two men embrace. The playwright is considering putting the play on at a private club, where productions are not subject to censorship....

James E. Allen, New York State Commissioner of Education, has ruled that school and college teachers cannot be fired for refusing to inform on the Communist activities of fellow teachers. He lifted suspensions on four New York City teachers and a principal and reversed the dismissal of a Hunter College professor. A policy of firing one teacher for refusing to inform on another, he said, "would do more harm than good."...

In Rochester, N. Y., women officials are conducting the campaign against the sale of "unfit" magazines. Sgt. Jeanne Coolidge of the police department reports that requests for removal of one or more of 51 objectionable publications has been 75 per cent effective among newsdealers (Rochester Democrat and Chronicle, Aug. 9). City Corporation Counsel Honora A. Miller has said that the city is looking into the possibility of seeking court injunctions against the sale of such publications....

A study committee of the Memphis (Tenn.) Council of Civic Clubs rejected creation of a proposed magazine censorship board, but leaders of the Memphis Retail Drug Association pressed the idea. When it was found that too much time would elapse between receipt of the magazines and the time of ruling, a committee representing druggists, magazine dealers, and civic clubs decided to petition the Post Office to tighten regulations on second class mailing privileges and establish a Federal censorship board (Memphis Commercial Appeal, Aug. 8)....

West Virginians have been shocked to discover that their state is the only one to match participation in the annual half-billion pornography business with Maryland, a pornographic source and distribution point (Charleston Gazette, Aug. 2). The fact was graphically portrayed on a map prepared by the Senate subcommittee Investigating Juvenile Delinquency....

Elmer Rice, American playwright speaking at an international conference of writers in London, remarked that official censorship of literature in this country no longer exists. But he said that pressure on writers by professional, political and religious groups is "an entirely new and dangerous and insidious form of censorship."...

Threats of legal action by publishers have brought the Peoria (Ill.) police department's drive against sex-and-crime literature to an end (Peoria Journal, Aug. 2). Willard Koepfel, director of the police juvenile bureau, sent officers to newsstands asking dealers' cooperation in removing offensive material, and where cooperation was withheld, threatened to seize the material. But after phone calls from New York, he said he was persuaded that the city and he personally would be sued if he seized any objectionable magazines....

Dr. Frank H. Yost, editor of Liberty magazine, official publication of the International Religious Liberty Association, attacked "censorship of books and motion pictures by public authorities under pressure of church groups," at a New Jersey Conference of Seventh Day Adventists in Kingston, N. J. "No church," he said, "has the right to force its particular standards upon the public."...

This is the last Newsletter to be prepared by Paul Bixler. Forthcoming issues will be prepared by Leslie W. Dunlap, Associate Director in charge of public services of the University of Illinois Library, who on September 1 becomes the new Secretary of the A.L.A. Committee on Intellectual Freedom. At the same time John D. Henderson, librarian of the Los Angeles County Library, will step down as committee chairman in favor of Robert B. Downs, Director of the University of Illinois Library and Library School.

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