

newsletter on

# Intellectual Freedom

Intellectual Freedom Committee of the American Library Association

Donald E. Strout, Editor

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## 1958 IN RETROSPECT

As the year wanes and a new year lies ahead, a look backward over the Newsletter's reports of happenings along intellectual freedom's diverse fronts is irresistible - and perhaps illuminating.

The library: Along the library front, the news was good - and bad. Individual librarians, like ALA's Clift and Milwaukee's Krug and Charleston's Winowich and Ashland's Fletcher and Glendale's Ramsey and Orlando's Miss Branch, in word and deed, stood out against censorship. From points as separate as Queensborough and New South Wales came forthright declarations on the role of the librarian as selector, not censor. "Banned Books" exhibits, as in Kansas and Vermont, were staged in celebration of National Library Week and other special occasions. State associations, like Kansas, Georgia, and California, reaffirmed their stand on the "freedom to read." One state association (Illinois) set up a special award for the best demonstration of intellectual freedom.

Less heartening were the findings of the Fiske Study on book selection and retention in California school and public libraries which showed librarians, in many cases, as timid in the act of selection, overeager to avoid either present or possible future controversy, despite their professed adherence in theory to the Library Bill of Rights.

Somewhat disheartening, too, was the apparent reluctance of librarians to join with groups like the American Book Publishers Council and to take a more active role in opposition to federal and state developments posing at least an implied, if not a direct, threat to the climate of intellectual freedom.

The federal government: Along the federal front, both in the U. S. and Canada, the news was mixed. Canada, after hearing expert testimony, lifted its ban on

Peyton Place. Moves by various agencies of the U. S. government tended to clarify the government's position regarding alleged obscenity. The Post Office Department announced a speed-up in the machinery for handling obscene mailings cases and appointed an expeditor for that purpose; the Copyright Office henceforth will register all materials until proved "obscene"; the Supreme Court maintained its traditional stand against sanctioning film censorship and, by its refusal to uphold Post Office bans against bona fide magazines on the subjects of nudism and homosexuality, revealed itself as insistent upon a broad interpretation - and a narrow definition - of obscenity.

Most significant federal development was the acceptance of a new legal standard for determining obscenity - "who sees it." Evolved by a federal judge, in ruling the Kinsey imports admissible in view of their intended use by scholars in research, the concept was welcomed by the Treasury Department, which stated it could apply it "effectively and beneficially." Its effects were discernible in at least one specific instance - the dropping of charges against Washington art collector Gichner upon proof that his collection of erotica was for private use in research.

Federal developments in 1958, however, had their darker side. One bill, bitterly opposed by the American Book Publishers Council, providing for prosecution for obscene mailings at point of delivery anywhere in the U. S., was passed and subsequently signed into law by the President. (Previous law provided only for prosecution at point of mailing.) Another bill, less fraught with danger to the publishing world, providing for stiffer penalties for second offenders, was also signed into law.

Continued concern was voiced by legislators and newsmen alike over federal control of news, manifested in (1) withholding information at source, (2) preventing publication of news, and (3) editing of information which is published. Some concern was also evidenced at the willingness of newsmen, on the other hand, to accept government handouts unquestioningly.

The states: The state front, in what was for many an off-legislative year, was relatively quiet. What news there was, was on the whole disquieting. Quasi-official groups like Rhode Island's Commission to Encourage Morality in Youth and the North Carolina Sheriffs' Association went their active way, with at least no increase in power; Georgia, on the other hand, saw fit to add the power of subpoena to its Literature Commission. Michigan redefined obscenity; New York increased the penalties for sale and distribution of obscene materials.

Top headlines, states-wise, must go to Massachusetts, which, to the dismay of the state's press and the American Book Publishers Council, created a 7-man Obscene Literature Control Commission, latest newcomer to the growing ranks of quasi-official state groups interesting themselves in matters of morality in print. Only happy result: Content with the new Commission, the Legislature rejected a proposal to make two state troopers inspectors of books and magazines.

Local: On the local front, 1958 witnessed the usual round of innumerable moves by district attorneys, police, mayor's committees and commissions, church and citizen groups, chiefly against newsstand operators for purveying "girlie" magazines,

but with sporadic incursions into the field of book and film. Some communities, like Santa Barbara, hopefully passed new anti-obscenity measures.

Highlight of the local scene was the all-but-meteoric rise of the CDL (Citizens for Decent Literature, Inc.), which started in Cincinnati, spread through Ohio, aspired to national stature and achieved it with a national conference in Cleveland in the Fall. Promising no censorship, only adherence to the law, the CDL is vigorous, ambitious, claims the backing of persons of national prominence, and is apparently well-supplied with funds.

#### 1958 - AS OTHERS SEE IT

Most comprehensive look at the total censorship picture is provided by the Antiquarian Bookman's special Dec. 1 issue, wherein 18 pages are devoted to a jam-packed resumé of censorship matters, with reviews of books on censorship, an interchange of correspondence with LC's Lewis Mumford anent the Gichner case (Sept. Newsletter), a selected list of books under legal ban by all federal, state, and local authorities, and some wise and well-tempered advice on what to do when the censor comes from AB's editor Sol Malkin. Bonus feature: numerous pertinent utterances on censorship from such persons as Milton, Thomas Jefferson, Justice Douglas, Elmer Davis, John Peter Zenger, and other notables.

Other close looks at the 1958 censorship scene can be expected in the new American Library Annual, in ABPC's Censorship Bulletin and in PW's annual survey of U. S. book publishing which appears the third week in January.

#### ALONG THE STATE FRONT

Legislative preview: The Legislative Council of Maryland has approved for consideration by the 1959 Legislature bills presented by Baltimore's Mayor's Committee for Decency. Proposed legislation would tighten existing law against sale of "dirty" publications by holding employers liable for sales by their employees and by making the display of such material where persons under 18 may see it tantamount to intent to sell to minors. (Baltimore Sun, Nov. 4, 14)

New York may see additions to its already voluminous body of legal restrictions against obscene and offensive material. A joint legislative committee in a 207 page report covering a year-long investigation has recommended not only stricter enforcement of existing anti-obscenity statutes but the enactment of new legislation to curb publication of sex magazines and to increase the penalty for employing minors in filth traffic. (Garden City Newsday, Sept. 27)

New Mexico will find anti-obscenity laws on the books for the first time, if the Albuquerque Council of Catholic Women has its way. The group has persuaded the city Presidents' Council, clearing house for service clubs, to adopt a resolution urging member clubs to name representatives to a community council to lobby for enactment of state legislation. (Albuquerque Journal, Oct. 16)

Ohio's Governor O'Neill recently appointed seven members of the Ohio chapter of Citizens for Decent Literature, Inc. to report to the next Legislature means of controlling obscene literature (Columbus Citizen, Oct. 25).

In California, where librarians in 1957 were chiefly responsible for the rejection of four censorship measures - one pertaining to comics, one to school texts and library books, and two to obscene literature (March, June 1957 Newsletter) - the Assembly in all likelihood will face new proposals. The Subcommittee on Pornographic Literature and Pictures continued throughout 1958 the hearings begun in November 1957 (March Newsletter) and has announced its report will be ready early in 1959.

Legislative postscripts: Signed into law by Massachusetts' Governor Furcolo on Sept. 23 was the bill (Sept. Newsletter) setting up a 7-member Obscene Literature Control Commission (Worcester Telegram, Sept. 24). Bill had been actively opposed by book, magazine, and newspaper associations along with civil liberties groups. That the Governor himself had misgivings about the bill was indicated by his having the Senate recall the bill three times; each time the Senate returned the bill to the Governor (Worcester Gazette, Sept. 19).

Killed by the Massachusetts House (in favor of the commission bill) was the bill calling for two State Police inspectors of books and magazines (Worcester Telegram, Oct. 17).

In Rhode Island, a Superior Court judge declared unconstitutional a section of the state's anti-obscenity law in a case involving a Providence newsdealer charged with selling obscene literature. Ruling, in effect, that the law placed the same restrictions on both adult and juvenile readers, the judge wrote that the section was "remarkably" similar to the Michigan statute held unconstitutional last year by the U. S. Supreme Court. (Pawtucket Times, Sept. 9)

#### JUSTICE DOUGLAS ON THE RIGHTS OF THE PEOPLE

"These rights [of the people against the state] include the right to speak and write as one chooses, the right to follow the dictates of one's conscience, the right to worship as one desires. They include the right to be let alone in a myriad of ways, including the right to defy government at times and tell it not to intermeddle. These rights of the people also include the right to manage the affairs of the nation - civil and military - and to be free of military domination or direction. These are the rights that distinguish us from all totalitarian regimes." (From the Foreword of Justice Douglas' book: The Right of the People)

#### ORLANDO SCHOOL LIBRARIAN RESISTS CENSORSHIP

Citizen committee moves against so-called Communist-inspired books in Orlando (Fla.) school libraries were stoutly opposed by Edgewater High School librarian Marie Branch. Committee goal: to have "suspected" books impounded, studied, and either destroyed or returned to the library labeled pro-Communist to be read under supervision. (Orlando Sentinel, Oct. 16)

Stating that "labeling violates the spirit of the Library Bill of Rights," Miss Branch added she could not serve in any library where she didn't have the freedom to select books, nor could she serve where books were impounded, labeled pro-Communist, or segregated on marked shelves. Said she, "This type of book-banning investigation reflects on all of us - students, teachers, librarians, principals, and the organizations who recommend the books."

Authors on the list had a familiar "Smart" look - Pearl Buck, Eleanor Roosevelt, Carl Sandburg, Louis Untermeyer, Sherwood Anderson, Mark Van Doren.

Reader reaction raged in the Sentinel's columns, much of it attacking the committee. Wrote a mother: "I do not want my children to read only 'safe' books. I want them to read 'rightist' books, 'leftist' books, unexpurgated editions of the classics, and also the usual amount of rubbish. Only in this way can they sharpen their minds and learn to discriminate in the world of ideas." Wrote another reader: "It disgusts and frightens me to have a committee such as we now have that will decide what thoughts are 'acceptable.'" (Sentinel, Oct. 16, 20, 27)

#### PUBLIC LIBRARY FILM SHOWINGS ATTACKED

Flare-ups over film showings in public libraries occurred at points as widely distant as Glendale, California, and Hicksville, L. I., New York.

"Patriotic Groups Protest Public Library Showing of Red Propaganda Movies," headlined the Montrose, Cal., Ledger (Oct. 5) when the Glendale City Council reviewed two letters, one from a private citizen and one from the Veterans of Foreign Wars, protesting the scheduled showing of two Russian films at the city library.

The city manager read a statement from Chief Librarian Jack Ramsey that the two films, Life in the Arctic and The Strollers, were part of a series of programs held in cooperation with the Los Angeles County Museum, that the films had been previewed by both museum officials and library staff, and that he saw in the films no propaganda for the U. S. S. R. Life in the Arctic, Ramsey said, is a documentary film of "life on land and under the ice and in the air through the Arctic season north of Russia" and shows the experience of a bear raising her cub with one of the scenes depicting the warding off of an eagle by a colony of seabirds. The film was the winner of the Diploma of Merit in the Edinburgh Film Festival. The other film, The Strollers, is one of the folk dances presented by the Moiseyev troupe this year and viewed by audiences throughout the U. S.

The Glendale City Council, after hearing Librarian Ramsey's statement, sensibly made no comment and took no action. (From material furnished by Glendale Adult Librarian Eva Thompson)

In Hicksville, L. I., things came out differently. The Public Library Board of Trustees, after initially approving a proposed January "Chaplin Festival," reversed its stand when opposition developed. Friends of the Library, a group of 20 women, objected to the showing of four silent Chaplin films because, according to its president, the group was generally critical of spending library funds for non-library purposes and Mr. Chaplin "was not worthy of being honored by us since any film that is shown would be promoting him." Thereupon, the library's board of trustees voted unanimously to cancel the films "in an effort to prevent dissension in the community." (N. Y. Times, Nov. 12)

The decision brought swift reaction: protests against the showing and protests against the cancellation. Letters to the library, according to a trustee, were 5-to-1 in favor of the showing; the local Knights of Columbus objected to the program; one PTA voted to refrain from asking the library to cancel the films while another

protested the showing, with a member "protesting the protest" because the executive council had acted without membership authorization; the American Legion, saying that the Legion has never banned any early Chaplin films, announced it was "not taking any sides" in the controversy; a citizen started circulating petitions asking the library trustees to ignore "pressure from censorship groups" in rendering decisions. (Long Island Daily Press, Nov. 13)

The Nassau County Library Association strongly rebuked Hicksville's Friends of the Library, an institutional member of the Association, in a statement which "deplored" the tactics of the Friends as being "in direct opposition to the concept of freedom of expression which we, as librarians, believe is a part of our democratic heritage. We do not believe that Americans need the services of self-appointed censors or cultural arbitrators to tell them what they should read, write, hear, or see." (Long Island Daily Press, n. d.)

### LOLITA IN OHIO

Cincinnati Public Library's decision in mid-September not to buy Lolita was labeled a "direct violation of the freedom of the press" and a "ban" by its publisher, G. P. Putnam, whose president Minton announced their intention of fighting such "bans" on the book with "all the means at their disposal." (Cincinnati Enquirer, Sept. 22)

Cincinnati's widely publicized and overly sensationalized decision promptly drew much attention to the "Lolita in the public library" theme in the Ohio press. Samples: The Toledo Blade (Sept. 18) reported purchase of Lolita by the Toledo P. L. under headlines: "Not on Open Shelf, Though - Lolita Goes in City Library, But You'll Have to Wait" (reason for delay: 6 copies, with 30-name waiting list). The Akron Beacon-Journal (Oct. 7) headlined a story from Columbus: "Lolita Is Snubbed by State Library." Continued the Akron account: State library funds are mainly used for historical, autobiographical, and technical books, with relatively limited funds for fiction, which, in a state library spokesman's words, "the borrowers can find . . . at their own libraries."

[Editorial footnote on Lolita: Several librarians from smaller Ohio and Indiana communities, when asked at the OLA-ILA Conference in French Lick what their decision was on Lolita, replied: "We haven't bought it because it doesn't seem to fit in with the reading interests of a small community." Pressed further, some of them acknowledged that this line of reasoning tended to relegate selection to a "demand" rather than a "quality" basis, and that if enough people asked them for this (or any other) book, they would select it, regardless of its critical reception or intrinsic merit.]

### BOOK MUTILATION AND THE FREEDOM TO READ

Defacement, mutilation, and theft of printed materials from libraries are wanton (but less publicized) abuses of the cherished and traditional freedom to read. Noting that one source of such abuses lies in student assignments, especially scrapbook projects, the Southern California Chapter of the Antiquarian Booksellers Association of America, with the advice and help of several area librarians (L. A. County's John Henderson, L. A. City's Harold Hamill, UCLA's L. C. Powell, Burbank's E. S. Perry), has prepared a statement vigorously urging teachers to place "greater

emphasis on instructing students in the correct use and conservation of books and magazines."

Excerpts from the statement: "We, and the librarians we have mentioned, believe that some teachers are assigning scrapbook projects to students without sufficient instruction on the correct sources of illustrative material ... If he cannot find or cannot afford to purchase the material he needs, in many cases the student will turn to the public library and will resort to tearing out or cutting out illustrations and other needed materials from books, encyclopedias, and magazines.

"We are convinced that student awareness of the importance of care of books and periodical publications is of major importance ... We believe that correct training should emphasize the fact that book and magazine illustrations are complementary to the text, an integral part of the article, and that the removal of such contributory material destroys the usefulness of a book or magazine as a source of learning." (Antiquarian Bookman, Nov. 24)

### THE FBI AND STATISTICS

"And finally, FBI crime figures all too often lack that complete authenticity that has unquestioningly been accorded them. The record shows ... that the Brookings Institution [in a 1937 study: Crime Control by the National Government] discovered [J. Edgar] Hoover being careless with millions as he built up the picture of a menacing array of crime and murder in the thirties; and The New Yorker analysis this spring [May 3, p. 29] showed the same thing in regard to juvenile delinquency.

"The harm of such irresponsibility with statistics is obvious; the newspaper headlines and the stories of an uncritical press may delude the public into panic about non-existent menaces."

This word of caution on the FBI's way with statistics, from a searching study by Fred J. Cook ("The FBI," The Nation, Oct. 18, complete issue) has particular relevancy to Newsletter readers, in view of the sweeping statements and equally sweeping statistics voiced on occasion by Hoover (and subsequently widely accepted and quoted, often without credit to source) on the matter of obscene literature as a cause of juvenile delinquency.

Sample sweeping statements attributed to Hoover: "Sex mad magazines are creating criminals faster than jails can be built." ("Citizens for Decent Literature," a 6-page mimeographed statement of purpose released in summer 1958 from group headquarters at Cincinnati, p. 2) "The flood of pornography that has been circulating among our young people for the past ten years is a major factor in today's rapidly rising rate of sex crime." (From an article in This Week magazine, quoted in the Fredericksburg, Va., Free Lance-Star, Sept. 17, 1957) "In an overwhelmingly large number of sex cases, sex crime is associated with pornography." (Also from This Week article)

For a further word on J. Edgar Hoover and what Antiquarian Bookman calls "his own written campaign against 'obscene material' and his unstatistical gratuitous assertions," see AB, Dec. 1, p. 1878.

## BUT WHAT IS "HATE" LITERATURE?

A new category of publications is looming on the censorship horizon. The finding of "hate" literature - publications seeking to incite hatred against Jews, Catholics, Negroes, or other minority groups - in the vicinity of bombed religious institutions has prompted the Federal government to take a look at present legislation under which materials can be barred from the mails. For years it has been assumed that hate literature did not fall into the prohibited categories - in general, that which is lewd or obscene, or which tends to incite to crimes of arson, murder, or assassination. Only one publication was ever barred under the incitement to crime section - an Industrial Workers of the World publication in the 1920's.

Following a conference between their attorneys, the Post Office Department and the Department of Justice noted in an October 23 statement a "substantial increase in the mailings of hate literature" but that "many of these publications will not violate present laws." The departments took cognizance of the stumbling block in drafting new legislation: "The problem, of course, is to determine a way to accomplish this within the framework of constitutional guarantees of freedom of speech."

In late October, Sen. Jacob K. Javits and Sen.-elect Kenneth B. Keating of New York announced they would introduce seven separate bills in the next Congress to bar hate literature from the mails, make bombing of places of worship a Federal offense, and otherwise strengthen the authority of the Federal government in the hate issue. (N. Y. Herald Tribune, Oct, 21, 23, 30)

## AND ALSO

ILA Intellectual Freedom Award to newspaper editor: At its annual conference, the Illinois Library Association gave its newly created "Intellectual Freedom Award" (March Newsletter) to newsman Herbert Hames for his courage in printing the news as he saw it despite outside pressures in Ottawa, Illinois. Mr. Hames is currently associate editor of the LaSalle-Peru-Oglesby News-Tribune.

CLA Intellectual Freedom Statement: California's Library Association and School Library Association in late Fall officially adopted a statement of policy delineating four areas of concern and setting forth detailed instructions for their intellectual freedom committees. The four areas of concern:

1. Proposed legislation at the state, local, and school district level which might place library collections in jeopardy, or might restrict, prejudice, or otherwise interfere with selection, acquisition, or other professional activities of librarians.
2. Legislation at the state, local, and school district level which tends to strengthen the position of libraries and other media of communication as instruments of knowledge and culture in a free society.
3. Proposed or actual restrictions imposed by individuals, voluntary committees, or administrative authority on library materials or on the selection judgments, order procedures, or administrative practices of librarians.



4. The development by every library of an official statement of policy for the selection of library materials, in order to strengthen its own selection process and to provide an objective basis for the evaluation of that process.

Policy statement might well serve as model for other state associations and indeed for ALA.

U. S. Court forbids P. O. ban on "Playboy": Post Office attempt to ban November Playboy from mails on grounds of obscenity (at the request of the Churchmen's Commission for Decent Publications) failed when District Judge Pine, later upheld by U. S. Court of Appeals, ruled P. O. could not hold up delivery of a publication that had second-class mailing privileges before holding a hearing (N. Y. Times, Oct. 31). The Detroit Free Press (Nov. 4) commended the decision of the court: "The Post Office action, which demonstrates a growing tendency of Federal agencies to not only create their own laws but to attempt to enforce them arbitrarily, cannot be squared with American principles of justice."

Upstate N. Y. theatre closed by Catholic boycott: When Lake Placid's only film theatre last August refused to accept \$350 offered by the Roman Catholic Church if it would withdraw a film condemned by the Legion of Decency, the church's pastor placed it under a 6-month boycott. In mid-October, faced with "substantial losses" suffered since the boycott was pronounced, the theatre closed its doors. (N. Y. Times, Oct. 13.)

Reductio ad absurdum: It is reported that, at the request of Pearl Bailey, well known Negro singer, the dialect will be removed from the movie version of Gershwin's classic folk-opera Porgy and Bess. Her objection: The language makes Negroes appear "undignified," as in lines like "Ain't I done told you?" which she is alleged to have found especially irksome. Commented the Jackson, Miss., News (Oct. 1): "It would make just as much sense to have Porgy and Bess play their Charleston seafront roles in tailcoats and teagowns as to rob them of the rich, earthy, poetic dialect they spoke and sang... Pearl Bailey has burned another book. But in the ashes of her victory lie the charred bones of her own race."

YOU MIGHT LIKE TO READ...

Douglas, William O.: The Right of the People. Doubleday, 1958. 238p.

Justice Douglas' simple, reasoned, and forthright words, delivered as the North Lectures to Franklin and Marshall's undergraduates in the Spring of 1957. Justice Douglas examines closely what he calls "the right to be let alone" and his examination moves him to remark at length on such diverse matters as the obscenity statutes and the threats to free speech they pose, religious freedom, censorship and prior restraint, loyalty oaths, and civilian and military authority.

Caughey, John W.: In Clear and Present Danger; The Critical State of Our Freedoms. Univ. of Chicago, 1958. 209p.

"Brief, well-written account of the damage done to American civil liberties during

the last decade through extreme efforts to safeguard national security... His account of the defense of academic freedom is particularly well done." - The Key Reporter (Phi Beta Kappa) July 1958.

Lowman, Eleanor S. : "An Adventure in Red Tape," Saturday Review, Aug. 9, 1958, pp. 7-9+.

Subtitled "One Woman's Fight to Sound the Alarm," this is an account of the author's experience with the U. S. government in the course of carrying out an assignment to write a book on Russian education, from submission of copy through to its appearance in published form. A troublesome, disturbing, thought-provoking article.

#### WORTH WATCHING FOR

Announced for publication in Spring 1959 by ALA is an anthology by Robert B. Downs, former Chairman of ALA's Intellectual Freedom Committee, of the most notable writings in the field of censorship and intellectual freedom by American and British authors since 1900. In the words of the author, this will "represent the liberal point of view on censorship, rather than being a debater's manual." Anthology will contain sections dealing with famous legal decisions, activities of pressure groups, attitudes of writers and librarians, along with a look at the history of censorship as well as the prospects ahead. Tentative title: The First Freedom; Liberty and Justice in the World of Books and Learning.