



## newsletter

# ON INTELLECTUAL FREEDOM

PUBLISHED BY THE INTELLECTUAL FREEDOM COMMITTEE OF THE AMERICAN LIBRARY ASSOCIATION, ARCHIE L. McNEAL, UNIVERSITY OF MIAMI, CHAIRMAN, EDITED BY LEROY CHARLES MERRITT, UNIVERSITY OF CALIFORNIA SCHOOL OF LIBRARIANSHIP, BERKELEY.

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## Communist Political Propaganda

The new restrictions on the delivery of allegedly Communist political propaganda (December, page 33) have now been implemented by a new paragraph 9.13 of the Customs Regulations which reads as follows:

(a) Collectors of customs shall make determinations required by subsection (a) of 39 U.S.C. 4008\* as to whether mail matter, except sealed letters, which originates or which is printed or otherwise prepared in a foreign country is "Communist political propaganda" within the meaning of subsection (b) of 39 U.S.C. 4008. Such determinations shall be communicated forthwith to the appropriate postmaster.

(b) A collector of customs is authorized to make the foregoing determinations with respect to all mail matter whether it arrives in the customs collection district under his jurisdiction or in a customs collection district under the jurisdiction of any other collector of customs.

(c) Subsection (c) of 39 U.S.C. 4008 provides for the delivery of certain mail matter to specified classes of addressees without reference to whether such mail matter is "Communist political propaganda." The Post Office Department will determine which mail is in these categories.—*FR*, XXVIII (5 January 1963), 155.

\* (Sec. 305, 74 Stat. 654; 39 U.S.C. 4008)

### Case Histories Needed

The projected issue of a *Public Library Reporter* on Book Selection and Intellectual Freedom announced in the December issue has been commuted into an independent publication under the sponsorship of the Editorial Committee of the American Library Association to be issued by the Publishing Department. At a planning session at the Midwinter meeting, it was agreed that a substantial portion of the content should be drawn from case histories of actual encounters with the tendencies toward censorship by libraries. The Editor would appreciate having you open your files to the extent of sending him copies of correspondence and other documents having to do with some of the more interesting attempts at censorship, and how they were countered, with which you have had to contend in recent years. All necessary anonymity will, of course, be preserved, and only general acknowledgment will be made. Please send any such documentation you can to the Editor at 48 Arlington Avenue, Kensington, California. An outline of the projected volume is available on request, and on the promise that you will give the Editor the benefit of your comment and suggestions.

## News Management

Amid much general concern about news management in government occurred one new specific case: the Russian flights over the U.S. Fleet near the Azores. Associate Editor William Peeples of the *Louisville Courier-Journal* charged on March 1 that the Navy had asked a group of editors aboard the *Forrestal* not to file dispatches about the Soviet overflights on February 21. The Navy denied the charge. "Copy was filed from the *USS Forrestal*, but none regarding the overflight. Newsmen were never asked or told not to file regarding the overflight or anything else." Asked whether the Defense Department released news of the Russian overflight only because the editors were aboard, a Department spokesman said that McNamara had made the information public because he "thought it was news." Since the flights had been going on for a month, he was asked why the news was not given out earlier, the spokesman said it took a long time to study the Russian reconnaissance operation and the U. S. Government did not want to be "in the position of not knowing what it was talking about."

## On the Offensive

The CALIFORNIA state board of education on January 11 leveled a strong attack on pressure groups which seek to censor controversial publications in classrooms. The board unanimously adopted a statement drafted by its president, Thomas W. Braden, backing local school officials facing such pressure and calling the public's attention to the dangers inherent in censorship tactics. Here are some of the more quotable paragraphs:

"The ability to deal with controversy will not be developed by avoiding controversy. The ability to recognize propaganda will not develop through exposure only to that doctrine with which all people agree.

"Freedom is not promoted by censorship. To eliminate from our schools all discussion and materials with which any group or individual disagrees will result only in a weakening of our schools system and an erosion of the very foundations of our nation's freedom.

"We are aware of the strong pressures to which various school boards have been subjected by various groups who seek to impose their views. We commend those boards which, in the absence of sound evidence, have declined to be swayed; who have recognized that opinion is not necessarily fact; that an unsubstantiated allegation is not acceptable evidence; and who have continued in use educational material that they deem to have value."

# The Last Temptation of Christ

## I. The News

The Monrovia, California, city council on January 17 defeated (3-2) an attempt to request removal of the Kazantzakis novel from the public library. The following day the Arcadia library board advised the city council of its unanimous vote refusing to remove the embattled novel. And on January 21 the Santa Ana library board voted to restrict its use to persons at least 18 years old. The flap spread to San Diego on January 29, when the city council considered what to do about some 25 complaints in hand. One council member suggested a review panel of religious leaders; another objected to setting up a censor board. After lengthy discussion the matter was referred to the city manager for possible later referral to the library commission. The Commission on February 15 unanimously recommended that it remain available to the public, but final decision rests with city manager Tom Fletcher. During the same week of January 28 the library board in Anaheim restricted the book's circulation to adults only. On January 31 Inglewood librarian John Perkins placed the book on a closed shelf for circulation only to adults, even though he had had no local complaints.

By February 5 the ball was back with the Arcadia city council in the form of a 5,000-name petition circulated by the Citizens' Committee for Clean Books urging removal of the book from circulation. The council took it under consideration. Rev. H. Warren Anderson, who presented the petition, also submitted a copy of a notice allegedly posted at the public library on November 13 by librarian Homer Fletcher which advised that, "no staff member is to engage in circulating a petition or signing any petition to remove any book from the library shelves. Such action would indicate disloyalty to the library and will result in termination of employment."

February 7 brought news that the book would be subject to a decision by the San Diego County Board of Supervisors as to whether it will remain on library shelves. The story included quotes by county librarian Frances Hahn to the effect that branch librarians had been having qualms about what to do about some other books which are "a little ripe," resulting in their circulation to students only on written consent of parents. Authors in question: Salinger & Cain.

In Chula Vista someone sold the library's only copy, and the library board was supposed to decide on February 18 whether or not to buy another one. Said acting librarian Bluma Levine, "Ordinarily the librarian decides what books to purchase, but I think that anything of this type should be up to the library board and the city council," thus in one sentence abrogating her own authority and that of her board.

The editor has hearsay evidence that the rhubarb has crossed the continent to give trouble in Nassau County, New York.

## II. The Editorial (1)

Mr. John Mansell, City Manager, Long Beach, Calif.

*The Last Temptation of Christ*, by Nikos Kazantzakis is an important book by a man who is considered one of the outstanding authors of our time. We would be derelict in our responsibility to this community if

we had not purchased it or, if at this time, we removed it from the library. The book was reviewed very favorably in standard book review tools which libraries use. *The Library Journal*, one of our finest professional publications recommended it as "an important and meaningful novel." *The Saturday Review*, a magazine which has had the very highest rating for excellency over many years, has said of the book: "Increasingly Nikos Kazantzakis is perceived . . . as one of the great artists of the century. . . . Many celebrated writers cannot touch him for power and range." This author missed by only one vote, receiving the Nobel Prize for literature. This award is considered the very highest honor that can be bestowed on an author.

We realized that because of its unorthodox treatment of the life of Christ, this book might be offensive to certain people. However, each branch librarian and librarians in the Literature and History Department at the Main Library have reported to me that during the two years which this book has circulated, they have received not one protest from a patron until this last month. One of our criteria in standards for selection is the presumed intent of the author and the sincerity of his purpose. The author indicates in the introduction that his motives for writing the book were deeply profound and reverent. Kazantzakis has said, "I am certain that every free man who reads this book, so filled as it is with love, will more than ever before, better than ever before, love Christ."

Book selection is considered a most important part of librarianship. In this library it is given a great deal of earnest consideration. I recognize it as one of my paramount duties. This is one of the basic areas of training and education in schools of library science. The training which is started then goes on constantly in this library. There are many discussions between me and staff members to whom I have delegated part of this responsibility. One of my main obligations to this community is to see that this library selects well under the principles of the freedom to read and the individual's freedom to choose for himself. This book was not questioned for purchase in any way since it is a book so outstanding that it should be in every library.

The policy for selecting such books is very definitely stated in this library's books selection policy, under which we have functioned for many years: "Novels which are by critical standards considered to have significance because of literary, ethical, or social values should not be rejected because they are frank in treatment of sex or use realistic language offensive to some people." The Library Bill of Rights, formulated by the American Library Association, states: "Censorship of books, urged or practised by volunteer arbiters of morals or political opinions—must be challenged by libraries in maintenance of their responsibilities to provide public information and enlightenment through the printed word."

We regret that any book on our shelves seems offensive to any individual. However, we must accept the responsibility of the library in relation to the freedom to read. Each individual reader, of course, must assume the responsibility of selecting those books which have meaning or value to him. The library has a responsibility to buy books of literary quality for the people who will want to read them. If books were removed because of an individual's negative reaction (of either

librarians or patrons), it is obvious that soon our book collection would become drastically weakened. The person who requests us to remove books from our collection should realize that if we accede to his request we must then tomorrow and tomorrow and tomorrow remove other books as patrons demand, thus eventually removing the books that he himself most needs.

The bulletin of the American Library Association has stated: "As long as there are libraries which are not censored there can be no ultimate suppression of human liberty."—Blanche W. Collins, City Librarian. 16 November 1962.

### III. The Editorial (2)

Since my moral integrity as a Christian in general and a Catholic in particular is being questioned in connection with the defeated proposal to ban a book in Monrovia, I am submitting the following quotations from "The Emerging Layman," by Donald J. Thormann (imprimatur: Francis Cardinal Spellman):

"First, if you impose a constraint on freedom in one domain, in order to increase freedom in another, you may take the risk of damaging freedom in a third domain, with consequences more dangerous to the community. Social freedom is a complex, whose constituent elements are closely interlocked. Because social freedoms interlock so tightly, it is not possible to know antecedently what the multiple effects of a regulation will be. At best the effect you want may be foreseen with probability not certainty and unforeseen effects may follow, with the result that a regulation in itself sensible may in the end do more harm than good. For this reason, the SOCIAL REFORMER whose only strength is a sense of logic may well be a MENACE." (Quotation from a Jesuit theologian, John Courtney Murray.)

"The American Catholic layman often goes through many changes in his attitude toward freedom and censorship, beginning with the "logic" described by Father Murray. When he is young and unsophisticated, the issue seems quite clear and he looks at it in black and white moral terms: 'Dirty' books, movies, and magazines are immoral in intent and effect; therefore, they should be removed from circulation. The next step is when the layman discovers, through reading or experience, the exigencies and demands of the democratic process in a pluralistic society; he enters into the world of civil liberties."

A little known statement of the American bishops in 1957 on censorship:

"The exercise of any such curbs on human freedom by the state calls for the highest discretion and prudence. This is particularly true in the area of the press. For here an unbridled power to curb and repress can make a tyrant of government, and can wrest from the people one by one their most cherished liberties."

Peter C. Ostrye, Councilman, City of Monrovia  
—Pasadena Independent, 22 January, 1963

#### A Bell for Adano

The news is lacking, but a February 4 editorial in the Gastonia, N. C. *Gazette* and a letter to the editor in the February 5 *Atlanta Journal*, reveal that a Georgia high school teacher has been fired for suggesting his students read John Hersey's *A Bell for Adano*.

## Intellectual Freedom Committee Midwinter Meeting Minutes

Discussion of attacks on specific libraries and the suspicion that the patterns of attacks are sufficiently alike to suggest that they are inspired. One of the techniques seems to be to infiltrate Friends of the Library groups and then to try to use this position to force the removal of books, to capture the organization, etc. Particular areas of trouble just now are: New City, N. Y., Ringwood, N. J., Palos Verdes, Arcadia, Long Beach and Monrovia, California.

It was voted to give the Chairman authority to write to the library trustees and the librarians of these affected libraries expressing support of the ALA for their defense of the freedom to read. It was further voted to give the Chairman permission to frame a telegram to the New City library in response to a request from Harold Laskey.

Recognition was given to ALTA's offer of support to ALA and the C.I.F. The motion was given general approval. The Chairman was asked to convey informally to ALTA the suggestion that ALTA's awards committee give recognition to a trustee who did notable work in defending intellectual freedom.

After a discussion of Mr. Wagman's proposals that the ALA affiliate with ACLU and collect a "defense fund," it was voted that the chairman ask the ALA Executive Board to provide legal advice and assistance in carrying out the policies of ALA with respect to intellectual freedom.

Note was taken of the fact that a writ of certiorari will be filed before the U. S. Supreme Court on February 13 in the case of the conviction of Bradley Smith of Los Angeles for offering to sell *Tropic of Cancer*.

It was voted that the Chairman request the Executive Board to take whatever legal action is appropriate in this matter, including the filing of a brief as *amicus curiae*.

Everett Moore resigned his post as author of the intellectual freedom column of the *ALA Bulletin*. The Chairman was authorized to exercise his discretion in selecting a successor in conjunction with Samray Smith, from a roster of candidates suggested by the Committee.

Erwin Gaines was asked to supply to Committee members the applicable obscenity statutes of Massachusetts for study to see whether uniform legislation should be sought among the states.

## Pussyfooting on Birth Control

The Appellate Division of Connecticut's Circuit Court on January 17 upheld the conviction of two officials of a Planned Parenthood center for violating the State's birth control laws.

But the Court, in an unusual move, promptly certified the case to the State Supreme Court of Errors for a review of questions which it said were "of great public importance . . ." The decision was the latest rebuff to long-standing legal moves aimed at wiping out the 84-year-old Connecticut law that forbids both the sale of birth control devices and distribution of information about them.

## Citizens for Decent Literature

An all out program to drive smut and girlie magazines from racks easily accessible to children was declared on November 15 by the Canoga Park, CALIFORNIA, Community Council, following a program presented by the Los Angeles unit of CDL, which included a showing of "Perversion for Profit."

Eight members of the North Hollywood CDL picketed George Metter's Van Nuys newsstand for two hours on November 8 to protest his selling literature unfit for minors on his magazine racks. Group leader Rev. George Wall said, "We didn't choose to picket this stand because it is better or worse than any others that have refused to cooperate with us; we chose this one because it is centrally located."

"Why does nearly everybody agree on the necessity for a minimum drinking age and no one does anything about the influence of obscene and pornographic literature on our youngsters?" This question was the topic of discussion among 24 representatives of church, civic, and educational organizations meeting on October 25 in the library of the Danbury, CONNECTICUT, high school. The question was not answered, but the magnitude of the problem was considered great enough to institute a committee of action to be called "Concerned Citizens."

Store owners in Moonachie and Little Ferry, NEW JERSEY, are cooperating in a drive to rid the parish of St. Margaret's RC Church of what the Legion of Decency terms offensive magazines. William Romolino, chairman of the local Legion of Decency unit, said on November 18 that pressure is not used, that owners are merely asked to cooperate. So far all of them have. For which they get a little sign saying they have. Which is renewed each month on further inspection by Romolino's committee of 20 women who "are really on the ball; they've got more nerve than men," according to their chairman.

The Montclair Committee for Decent Literature reported on November 29 that the number of objectionable magazines to be reviewed has declined from forty to about a dozen monthly during the five-year history of the organization sponsored by 19 local groups. Chairman Frank Koebel considered this to be "an encouraging sign toward the goal of keeping up the standard of decent literature in Montclair," but did not attempt to give any reasons for the decline.

"Filthy literature is a Communist weapon designed to undermine youthful morals, the standing of the family and ultimately the nation and all authority," according to Dr. Wm. P. Riley, pediatrician VP of CDL in a Veterans' Day Communion breakfast address to the NEW YORK chapter of the Catholic War Veterans and Auxiliary.

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## The Cause of It All

*The Anatomy of Dirty Words.* By Edward Sagarin. New York: Lyle Stuart, 1962. 220p. \$4.95.

In the introduction, Professor Allen Walker Read of Columbia University poses the question, "can our society achieve wholesome, enlightened attitudes towards the physical functions?" Mr. Sagarin, an advanced graduate student in Sociology at Brooklyn College (he has also had a career, including the writing of several books, in perfume and cosmetic chemistry), says that society cannot, unless "a conscious effort to alter the language of obscenities" is made. (p.174)

Supporting his text with numerous examples throughout brief discussions of language, euphemisms and slang, he argues that modern man exhibits an unwholesome and anti-biological attitude toward the physical functions and the human body by almost invariably using forbidden or "dirty words" as expressions of abusive negative qualities. Further, since our language does not have any really satisfactory scientific or non-slang words to express or name the ideas, organs and actions in question, the abusive or negative connotations carry over even when the words are used in their original biological or physical meanings. This unwholesome attitude or bias is reinforced in turn by any use of the words, since "the linguistic system is the shaper of ideas, not merely the mirror of them," (p.174) and there are very few such words, if any, which can be used to express wholesome or positive attitudes. It therefore follows that the current relaxation of strictures against use of these words (and this book is certainly evidence of such a relaxation) is not an unalloyed victory. The increased frequency of use inevitably intensifies the antibiological and unwholesome attitudes held by society.

Aside from the quotation given above concerning the changing of the language of obscenity, Mr. Sagarin offers no prescriptions. His purpose is a descriptive one. Before effective action can be taken, a situation must be described and then recognized as a problem. Mr. Sagarin has described what he thinks is such a situation. He makes his point. The footnotes for each chapter are collected at the back of the book. Also gathered there is a fourteen-page bibliography which not only includes material mentioned in the text, but other material on obscenity and linguistics recommended by the author, followed by a five-page general index and an eleven-page index of words and phrases.

— Vernon G. Lust

## Notes from Abroad

Two editors of the TURKISH monthly journal *Atac* were arrested on January 13 in connection with allegedly Communist propaganda. The December issue contains translated works of Gide, Camus, Malraux and a highly technical study by Georg Lukacs which examines how far Marxism is compatible with existentialism. The latter is presumably the offending article.

The council of ministers has banned Elia Kazan's book "America, America" charging that it is anti-Turkish. Kazan, American film and stage director, born in Turkey of Greek parentage, left there as a small boy eventually immigrating to America. The film version of the book was shot in Turkey and Greece last summer.

Newsletter on Intellectual Freedom

## Where They Ban the Better Books They Maim the Better Minds

A trustee's hesitancy to spend tax money for controversial books requested by one teacher brought pained protests on January 2 from the audience at a South Bay Union High School District board meeting in Redondo Beach, CALIFORNIA. However, Dr. L. W. Busby said he wasn't going to endorse the eight books in question until he has read them. Books in question are "desk books" for a teacher's personal use in preparing lectures and study material. Busby said he has no intention of restricting a teacher's personal research, but he wonders what part of it should be financed by taxes. On January 16 it was decided that reference books requested by teachers for personal use will be evaluated by a professional committee before they are purchased. Titles which stirred the flap are: *In Place of Folly*, by Norman Cousins; *Disarmament — The Challenge of the 1960s*, by James P. Warburg; *No More War*, by Linus Pauling; *NATO — The Entangling Alliance*, by Robert E. Osgood; *The Peace Race*, by Seymour Melman; *A Nation of Sheep*, by William Lederer; and *A World Without War*, by Walter Millis, et al. The issue was resolved on February 6 by the Board agreeing to buy all of the books — along with Robert Welch's *Blue Book*. In the ill-wind department falls the fact that henceforth no desk copies will be purchased for teachers — all requested books will be bought for and placed in the high school library.

The Pacific Grove, California, school board prepared to answer charges on February 5 that instructional kits published by Science Research Associates "did not print the truth and morality," made by Mrs. Gerald White. She had previously been instrumental in causing a textbook called *Neighbors Across the Seas*, which she called "subversive and distorted," to be dropped, following an announcement that the book was on the way out of California schools.

From the Long Beach, California, *Independent Press Telegram* we learned that on January 9 the Lowndes County, GEORGIA, school board banned John Steinbeck's *East of Eden* from all libraries in the county school system. The novel was described as "vulgar trash" by objecting parents. Members of the school board admitted they had not read the book. More local coverage turned up later, including an excellent editorial in the *Valdosta Times*, which demanded that the board reverse its decision and make a public apology to Lowndes County citizens. The editorial ends with this unidentified quote: "Where they burn books they burn people," to which it adds its own parallel: "Where they ban the better books they maim the better minds."

In refusing to ban Huxley's *Brave New World*, the Northmont, OHIO, school board issued this notable statement: "It is the professional right and responsibility of trained teachers to determine the best and most challenging reading for their students."

SOUTH DAKOTA legislator Charles Droz on January 24 introduced a bill which would require the listing of Communist or "pinko" affiliations of authors of books used in school libraries or classes. The bill would not ban the books, but it would give students and parents the opportunity to know whether the authors have any communist affiliations. Authors in question are

legion, but here's a sample: Eleanor Roosevelt, John Steinbeck, Carl Sandburg.

Baytown, TEXAS, school trustees have ordered MacKinlay Kantor's *Spirit Lake* removed from the Robert E. Lee high school library because it contains "foul language," according to the January 15 *Houston Chronicle*. The book was brought to the board's attention by a parent who identified obscene pages which, "I can't read aloud because ladies are present." The board agreed unanimously that the book was objectionable. Said Kantor in a *Chronicle* interview, "I didn't write it for immature girls or immature adults but for mature readers."

The Edgerton, WISCONSIN, school board on January 22 rejected most of the demands of a group of irate parents to prohibit high school class reading of "filthy" and "vulgar" books. "We are 100 per cent behind the teachers and staff of the high school," said board president Thomas Houfe following a two-hour meeting. Oh, yes, the books: *The Ugly American*, *Catcher in the Rye*, *Brave New World*, 1984, *Crime and Punishment*, *Of Mice and Men*. This story was widely copied all over the country, and many laudatory editorials were written about the school board's firm stand, but only the *Milwaukee Journal* reported that *Catcher in the Rye* had been removed from the high school reading list by the board.

The Eagle River, Wisconsin, school board was having problems, too. Last July realtor Everett Hoover charged that chairman H. S. Tuttle had introduced right-wing literature into the high school library. Hoover was promptly appointed to a three-man committee to investigate. Three separate reports are being filed. Hoover stuck to his guns about removing *Human Events*, *National Review*, and *American Opinion*, and added that he could see no need for the *Times Book Review*. Committee member Judge Frank Carter argued that the 3 right-wing journals were adequately balanced by the *TBR*, *Saturday Review*, and *Christian Science Monitor*. Committee member number 3, contractor Eugene Ritzer, said he would let the board decide about the magazines, but "for my part, they could remove anything pertaining to the John Birch Society." Please see our next issue for a breathless report of what happened.

## Editorial

Now having the relatively long perspective obtained in the course of editing four issues of this *Newsletter*, the Editor would like to comment briefly on his policy of inclusion and exclusion of the large and heterogeneous mass of material which comes across his desk. The decreasing amount of space being given to the Citizens for Decent Literature and various other organizations of similar name and intent may be used as a case in point. The relatively small amount of space about the CDL in the last two issues is indicative not of a decreasing amount of activity, but of the Editor's decision to report only positive and overt action on the part of such groups. The fact that an officer is going to give another talk and show another film is no longer being reported. Similarly, newspaper accounts of plans for activity are in general not being reported. Only when such a group actually does something which can be construed as interfering with the freedom to read does that action find space here.

## Cancer in California

TO: California Librarians

FROM: Intellectual Freedom Committee

SUBJECT: Report on Current Developments  
concerning *Tropic of Cancer*

Two California cases concerning the *Tropic of Cancer* are currently pending before higher courts. These are as follows:

The Smith case, in which a Los Angeles book dealer was found guilty of distributing an obscene book. Bradley R. Smith was tried in a Los Angeles Municipal Court and was found guilty of "knowingly" distributing an "obscene" book. This case has been appealed to the United States Supreme Court.

The Zeitlin and Ferguson vs. Arnebergh case. This case was an appeal by a Los Angeles book seller and an English teacher to enjoin the Los Angeles City Attorney from removing *Tropic of Cancer* from book stores in Los Angeles. (CLA has filed a "friend of the court" brief in this case.) The decision of the lower courts in the Zeitlin and Ferguson case that *Tropic of Cancer* is "obscene" has been appealed to the State Supreme Court of Appeal. The State Supreme Court has decided to hear the appeal in this case. This decision to hear the case renders the previous ruling of the District Court of Appeal, Second Division, null and void.

In other words, the present legal status of the *Tropic of Cancer* in all areas of the State, other than Los Angeles City, is the same as it was when the book was first published by Grove Press. It has not been proven to be obscene; libraries which have the book in their collection and circulate it are no more subject to prosecution than they have been at any time since it was published in 1961. (Since the book was found to be obscene by a jury trial in Los Angeles, there is some question concerning the legal status of the book within Los Angeles City limits, and it appears that the decision in the Smith case should be considered as ruling within Los Angeles.)

When the State Supreme Court renders a decision in the Zeitlin and Ferguson case, this will establish the legal status of the book within the State of California, and should be considered binding until and unless it should be overruled by the U.S. Supreme Court.

—Virginia L. Ross, Chairman  
Intellectual Freedom Committee

15 February 63

### Cancer: One New Case and Four Old Ones

The CALIFORNIA Supreme Court on February 13 agreed to hear a petition filed by Los Angeles bookseller Jacob Zeitlin and English teacher Paul Ferguson to have the book declared not obscene. The California Library Association has filed an amicus curiae brief in support thereof.

The Hayward, California, city council on January 25 received an unsolicited opinion from city attorney John W. Scanlon that distribution of *Tropic of Cancer* by the public library would violate state obscenity laws because it was ruled obscene by the Los Angeles District Court of Appeals on December 18 (January, p.8). (Other competent legal opinion sought by CLA IFC

chairman Virginia Ross thought otherwise) Scanlon warned that the librarian or other public officials responsible for public library distribution would be liable to prosecution if the book remained on the shelves. The following day librarian William Webster ordered the novel removed. "In view of the situation, I didn't see any other choice." The matter came before the city council on February 5 when an interested citizen protested the censorship of the book. In a long statement the librarian said he agreed with the Los Angeles decision, considered the book to be obscene, and withdrew it on his own authority. Inasmuch as the city council had last April ordered the book returned to the shelves when it had been ordered removed by the city manager, one council member expressed some annoyance with the librarian for countermanding the council's previous action. After much debate, in which CLA IFC chairman Ross and this reporter participated, the matter was put over for two weeks so that an absent council member could be present when action was taken. On February 19 the Council voted (6-1) to keep the book off public library shelves pending a Supreme Court ruling.

The Supreme Court of ILLINOIS on November 27 heard oral argument on the *Tropic of Cancer* case, the City of Chicago having taken an appeal from the decision of Judge Samuel B. Epstein of the Superior Court of Cook County that the book is not obscene and that citizens have the right to buy and read it. On February 1, in a unanimous opinion, the Supreme Court held there was no debatable constitutional question and sent the case back to the Appellate Court for rehearing. "The sole issue is whether the book is obscene within the meaning of the statute."

In Syracuse, NEW YORK, County Court Judge Donald Mead reversed the conviction of three book store employees for selling *Tropic of Cancer* (Vol. XI, p. 24, 43). Judge Mead ruled that the novel was not obscene, that it could not be considered hard-core pornography. On February 1 Asst. DA J. Richard Sardino said he would take the case to Albany on February 18 and ask permission to argue before the State Court of Appeals.

Philadelphia City Solicitor David Berger, in a final act before leaving office on December 31, ruled that the trustees of the Free Library have the right and responsibility to determine whether or not reading material is fit for the public. It was Berger who had advised librarian Emerson Greenaway in 1961 to withdraw the book from circulation under the threat of Judge Vincent A. Carroll that he would enjoin the library from circulating the book if DA James C. Crumlish, Jr., requested him to do so. Berger then said it would be unseemly for one branch of city government to fight with another.

He says now that "it is clear that the library board's final determination that a book merits acquisition and circulation is effective just as are all other administrative actions regularly taken by duly constituted municipal officers. Its exercise of discretion can be successfully challenged only if it can be shown that its judgment was a result of bad faith, fraud, or capricious action, or, of course, abuse of power." So it would seem that this battle was lost and won without a shot having been fired.

## "If Ever a Library Needed a Friend"

Last week, there occurred a censorship episode which, in a way, involved the *PW* office closely and which, despite the small scale on which it was waged, embodied all of the elements which might be found in an all-out book-banning drive.

The center of the controversy was the tiny public library in New City, Rockland County, N. Y. The library's affairs are governed by a board of trustees. One of the trustees, Gerard E. Molony, last December took a children's book out of the library, found it offensive on political grounds and burned it. The book was a retelling of an old Russian folk tale, "My Mother, the Most Beautiful Woman in the World," and the edition involved was published by Lothrop, Lee and Shepard in 1945. It appears on any number of approved children's book lists. Nevertheless, it made Molony see red (the story takes place in Czarist, not Communist, Russia, but never mind), and he burned it. The board thereupon suspended Molony, either for six weeks or until he replaced the book.

A month later, a regular election was called for three seats on the board of library trustees. An overflow crowd of 150 people turned up, and Molony supporters had a slate of candidates to propose in opposition to the trustees' own nominations. Mr. Molony claimed that he was in contact with an unidentified F.B.I. agent about books in the library and that he had assembled a list of politically "objectionable" books and was gathering "information," presumably complimentary, about an unnamed member of the board. The trustees, faced with the vituperative, overflow crowd, called off the election for a month and at present is looking for an auditorium big enough for the crowd it expects at its next meeting.

*PW* feels a particular concern about the censorship effort in New City because a member of this office, Richard E. Bye, is president of the Friends of the New City Library and has been a leader in the fight to put a quick end to library censorship in his community. "This time," Dick Bye said, "it is fortunate for the public and the embattled trustees that their accuser heaped ridicule upon himself by choosing a charming, innocuous children's book to spearhead his attack—one that is not only endorsed by the Child Study Association and the Paulist Press Catholic Library Service, but is also on almost every official and unofficial list of recommended children's books. But that isn't the point. He could have chosen *any* book. To the mind that is governed by fear and goaded by ambition there are some ideas in *every* book that seem dangerous."

According to Dick Bye, the situation in New City is still far from settled. Some people connected with the library have reacted with horror at the situation but most with the courage of their belief in a free library service for a free society.

"If ever a library needed a friend, it is the little New City Library," Dick Bye says. Actually, backers of the freedom to read in New City have had some luck. The activities and the charges of the censors have received wide coverage in the local press. The meetings of the trustees have been well covered, and the press has been careful to report the backgrounds and the

beliefs of the people involved. Further, a body of active opposition to the censors has been formed around the Friends of the Library. As the authors of "The Censors and the Schools" point out, censors work best when they have no opposition and no publicity. Their long-range chances in New City would not seem good. If, in addition, the professional library people involved stand firm in their own sense of professionalism in book selection, the New City Library will have the "friends" it needs. — Editorial by R. H. S. in 4 February *P. W.*

## Letter to the Editor

Postmaster-General J. Edward Day recently secured my indictment by a Philadelphia Federal Grand Jury on 19 counts of mailing obscene literature. The indictment is based upon a book published by an affiliate of Eros, called Documentary Books, Inc.

My indictment is the result of an important policy change announced by Postmaster-General Day. Until now, when the Post Office felt constrained to suppress a book as obscene, it almost always attempted to do so under the *civil* procedure. Such was the course taken in the *LADY CHATTERLEY'S LOVER* case, for example. But the Post Office having suffered defeat after defeat under this civil procedure, Postmaster-General Day has now announced that in the future he intends to pursue book publishers with *criminal* action.

The Federal anti-obscenity criminal statutes are extremely harsh and have not often been used against book publishers in the present century. If I should lose my case, for example, I stand to pay maximum fines of \$190,000 and to be sent to prison for 95 years.

Certainly penalties of such magnitude are not consistent with the notion that most Americans have of free speech. For this reason the Post Office has not often attempted to employ the criminal statutes against book publishers.

The title of the book I have been indicted for publishing and mailing is *THE HOUSEWIFE'S HANDBOOK ON SELECTIVE PROMISCUITY*. It bears an introduction by Dr. Albert Ellis, the psychotherapist, who calls it "one of the most honest, courageous and valuable books on sex that I have ever read." Other psychologists have hailed the *HANDBOOK* as an exceptionally lucid and valuable case history of one woman's sexual and psychological development.

The *HANDBOOK* was first published by an Arizona publisher. For two years this publisher had been sending it through the mails with the full knowledge and tacit approval of the Post Office. The *HANDBOOK* went through six printings and sold some 10,000 copies. Then last summer I—the editor and publisher of *EROS*—took over publication of the *HANDBOOK* and suddenly Postmaster-General Day decided it was obscene.

I personally question the entire concept of "obscenity". I have written a great deal on this subject. I believe that there are no such things as "obscene" books, only artless books or tasteless books or dishonest books. I believe that no class of literature should be outlawed. I agree with Benjamin Franklin, founder of the Post Office, who said that nothing should be banned from the mails except inflammables and perishables.

—Ralph Ginzburg

## Censors Educate Nieman Fellows

*The Censors and the Schools.* By Jack Nelson and Gene Roberts, Jr. Boston. Little, Brown, 1963. 208p. \$4.50.

This obvious example of the dramatic school of journalism was written when both authors were Nieman Fellows at Harvard. Making use of personal interviews, sleuth-like inquiries, and a variety of printed media Messers Nelson and Roberts pursue the who, what, when, where, and why with alacrity and shrewdness. The result is a timely piece of reporting which moves at a rapid, though erratic, pace. The intent of the authors was to "investigate the activities of pressure groups which attempt to influence the selection and content of textbooks." In fulfilling this intent they scrutinize the entire United States for the past decade and even pay a bit of attention to the more remote past. Their focus is on personalities, organizations and events. The proportion of space devoted to these items appears to be directly related to a non-too-comprehensive group of materials of which, "Our richest source . . . was in the offices of the Commission on Professional Rights and Responsibilities of the National Education Association in Washington, D.C.". A close examination of the appended list of these sources reveals that, by some miracle, the authors were able to avoid contact with most of the sources commonly known by Librarians to deal with this subject. Yet this is not a scholarly work and we must moderate our expectations in the matter of documentation. Perhaps the same can be stated, though with less conviction, about organization. The problem of linking disparate persons, times, and places is knotty and perhaps we should commend the authors for the attempt even if they are not particularly successful with their solution.

The lead story, the saga of Meriden, Connecticut, serves as a prototype. The stage is a quiet community which is proud of its heritage and satisfied with its educational system. The characters are anybody, U.S.A., usually conservative by nature, usually prone to fear. The catalyst is a properly patriotic DAR pamphlet entitled *Textbook study*. The first reaction is shock. This is followed by explicit faith in the pamphlet and then by indignant accusations. Tempers flare, lines are drawn, and the moment of truth arrives. We find that underneath the friendly, neighborly exterior of anybody, U.S.A., is a complex of ignorance, misguided sincerity, hatred and vindictiveness. Occasionally we even find a courageous anybody, U.S.A., who willingly weathers a storm of abuse to plead for the exercise of reason. Come to think of it, all of this sounds vaguely familiar. As if in anticipation of this very thought, the authors pause in mid-flight to review briefly the post-world war I and post-civil war censorship activities. Having established that there is something essentially American about all this, they again take off at high speed, impelled, no doubt, by the seemingly critical nature of their findings and the pressing need to sound the warning.

As the authors move rapidly from one arena to another, they rely heavily on the biographical technique to reveal (or expose) personalities and organizations. Thus we meet J. Evetts Haley, an ex-cowboy, a "hell of a fellow", and a fascinating character (when viewed from a distance), who rates two chapters for his re-

markable feat of lassoing and hog-tying the educational program of the state of Texas. Throughout the volume a succession of other figures such as E. Merrill Root, Lucille Cardin Crain, Allen A. Zoll, and Reverend Billy James Hargis; a succession of organizations such as the Daughters of the American Revolution, America's Future, American Legion, and the John Birch Society, pass in review. Everywhere the authors look there are hornets' nests of busybodies brandishing their scissors and torches. In fact there are so many organizations that one gets the impression they are waiting in line to assault teachers, librarians, administrators, or anyone else who has the audacity to believe in social security, T.V.A., The United Nations or income taxes. When characters, organizations, events and time are compressed into a few pages, the entire subject evokes a sense of terrible urgency. At the same time there is the realization that the authors have barely scratched the surface and that a volume could be written on the California story alone. In the light of this, perhaps, it is understandable that the maintenance of a sense of perspective would become difficult, if not impossible.

In the rip-tide of conflicting community pressures the authors perceive that no one can drift without causing harm or coming to harm. They take to task the news media, including radio and television, for not informing the public and thereby permitting "censorship activities to flourish with little organized opposition." They take to task publishers for being so compliant and for failing to fight collectively against these pressures. They take to task administrators and teachers for choosing to remain ignorant of pressure groups and the methods these groups use in attempting to censor textbooks. In making their plea for more information, so there will be more understanding, and thus more opposition to censorship, they conclude that, "while decentralized book selection might mitigate the effects of censorship campaigns, the ultimate answer to the textbook problem depends upon public insistence that scholars, and not pressure groups, decide what is to be in a textbook."

The appearance of this volume should provoke a crisis in all ultra-conservative organizations. Knowing that these organizations evaluate books by analyzing indices, the authors have insidiously omitted an index. Furthermore they have so effectively scattered information throughout the volume that skimming or spot-checking is impossible. The question of the hour is whether the ultras will break precedent and read the book, or endure the painful uncertainty as to whether it is subversive or not. Meanwhile it is recommended that all librarians pass copies on to apathetic teachers, administrators and board members.

—Robert G. Sumpter

### Idea Number One

Subscribers who wish to help in obtaining new subscriptions to this *Newsletter* may order an over-run of any subsequent issue at the very low rate of ten cents per copy. Minimum order: 25 copies. Please send check with order to the Editor at 48 Arlington Avenue, Kensington, California. Idea contributed by Robert Poland, University of Arizona. Who has Idea No. 2?



## The Lively Arts

Trevor Thomas, acting head of Pacifica Foundation, which operates three listener-sponsored FM radio stations, on January 7 requested Senator James Eastland to open to the public the January 10 secret Internal Security Subcommittee hearing into the stations' affairs. He further requested permission to record the proceedings for broadcast over the three stations, so that their publics could have the opportunity to hear what the Subcommittee is investigating. On January 7 also the ACLU protested the investigation as "a gross violation" of the constitutional guarantee of freedom of the press. The hearing was held in secret. Several curious girl clerks were admitted; possibly more than curious Senator Neuberger was not. A group of UCLA librarians promptly wrote FCC Chairman Minow, asking him to take some action, the nature of which was not disclosed. Burbank public librarian Caswell Perry, chairman of CLA's Southern District IFC wired the Southern California librarians' protest to Senator Dodd. And San Mateo county librarian Virginia Ross, CLA IFC chairman wrote a vigorous protest to the Senator and to Minow.

On January 16 it was revealed that the license renewal of KPFA, Berkeley, has been held up since it expired on December 1. FCC denied the delay had anything to do with the Senate investigation, but revealed that it had been conducting its own investigation, including "some of the things the Senate subcommittee is concerned about. We have also had other complaints," said John F. Cushman, administrative assistant to chairman Minow. The other complaints were said to concern allegations of obscenity on the air.

Stanford University students got themselves in trouble over the hassle by writing to Subcommittee chairman Dodd and FCC Chairman Minow to express their approval of KPFA programming and charging the investigation was endangering academic freedom. Said Dean of Students H. Donald Winbigler, "Student organizations may not take public stands on issues affecting affairs beyond the Stanford campus without prior university approval."

The *NYTimes* on January 17 reported a privately operated short-wave radio station in Red Lion, Pennsylvania to be under investigation by the FCC because of its worldwide transmission of the right-wing views of an ultra-conservative Protestant fundamentalist. Inquiry was started because of governmental fear that foreign radio listeners might be misled as to American policy. It was said that most short-wave listeners tend to associate a station with the country of its location, and do not differentiate in matters of ownership and control. Station is WINB, and the central figure in the inquiry is Rev. Carl McIntire, of Collingswood, New Jersey, president of the International Council of Christian Churches—Not to be confused with the National Council of Churches which he has often attacked.

During the week of January 14 the appellate department of the Superior Court had the anomalous good sense to declare unconstitutional a Pasadena, CALIFORNIA, movie censorship ordinance which the city had replaced a year ago with an innocuous, face-saving

meaningless ordinance providing for voluntary censorship. Point of the decision was to upset the conviction under the old ordinance of Oaks Theatre owner Harold Wenzler and to order the refund of his \$1,000 fine. Most of the above adjectives are lifted from a January 21 *Star-News* editorial which ends, "Meanwhile everyone in Pasadena who objects to the type of nudie films he offers in his theater can exercise one of the most cherished rights guaranteed by our republic—the right to stay away."

David Susskind tangled with network censorship on February 14 when the Metropolitan Broadcasting Co. refused to broadcast a taped show on "The Sexual Revolution" on the basis that it was "not for family viewing." The panel included Hugh Hefner, Ralph Ginzburg, Max Lerner, Albert Ellis, Maxine Davis, and Rev. Arthur Kinsolving. Said Susskind, "The show was a marvelous idea. There were no dirty words used—it was in good taste. As for the network's reasons, well, why do men tremble?"

The showing of "nudist-type" movies at the Fine Arts Theatre in Asheville, NORTH CAROLINA, a subject of controversy for the last two months, was suspended by agreement between the theatre manager and city officials on January 3. The agreement was made two hours after the city council had received a second petition protesting the films, and had instructed city manager Weldon Weir to take "whatever action is necessary" to settle the problem.

Caught between the Memphis, TENNESSEE, Censor Board, which had approved the film, and a bevy of state attorneys who termed it obscene, theater manager William Kendall planned to be in City Court on December 31 to protest the December 29 seizure of "I Spit on Your Grave," and his own arrest. "It is very difficult to know how to operate when one body of the city government gives the 'green light' and another the 'stop sign'," according to Kendall's attorney, William Goodman.

Trustees of the Lake Washington, WASHINGTON, on January 21 decided to support high school director Milton Scott's choice of Arthur Miller's *Death of a Salesman* as the all-school-play to be given in March and April. The Board stood firm in the face of a second wave of protests at its February 6th meeting that the edited version of the play was inappropriate for high school presentation by amateurs.

On January 7 it was revealed by the Madison, WISCONSIN, *Capital Times* that a police department inspector had ordered a certain scene cut from the local showing of the Greek film, "Phaedra." The subsequent flap disclosed that Inspector Herman Thomas, who claimed no special training or competence, was also responsible for banning *Tropic of Cancer* in Madison, for considering the banning of the Kronhausens' *Pornography and the Law*, and for sparking the censorship of an art exhibit in the Library of the University of Wisconsin. Louis Kaplan, library director, said the exhibit of drawings by a Wisconsin artist were censored by an art faculty committee, and not by the police. "I think the University action in this matter illustrates the right way to handle censorship—by a qualified, impartially chosen committee."

## NODL

We think our readers should know about the *NODL Newsletter*, published monthly by the National Office for Decent Literature at 33 East Congress Parkway in Chicago at \$0.75 per year. Nine of the monthly issues are devoted entirely to a list of "Publications Disapproved for Youth by the NODL." Every fourth issue contains in addition the quarter's news in the general field of censorship, its bias being, usually, rather the obverse of our own. The Winter issue, for example, considers Justice Douglas' views as expressed in *Freedom of the Mind* to be "shocking", and provides a blueprint on how to set up a committee for decent literature. (Not an advt.)

## Jersey Mayor Suppresses Sociology Book on Mexico

PATERSON, N. J., Feb. 13—(AP)—Mayor Frank X. Graves, Jr. has banned the book, "Children of Sanchez," from the public library because he objects to some of its language.

The book, a sociological study of family life among the poor in Mexico, was written by Dr. Oscar Lewis of the University of Illinois.

A letter from a parent of a high school student led to the Mayor's action. The writer said his child and others had been assigned to read the book.

The Mayor came under heavy fire, particularly from local and national labor leaders, and it took only two days for him to retreat to the comparatively safe haven—so popular with Southern California librarians and city officials in the Kazantzakis case—of agreeing to go along with having the book placed on the library's reserve shelf for adult consumption.

## Birchers Denied Access to Brockton Library

In California the John Birch Society is causing grief through its attacks in Long Beach, Arcadia, Fullerton, Monrovia and Anaheim against the public libraries for stocking books which the Society happens not to like.

A curious reversal of this process took place in Massachusetts in January. The Brockton Public Library was approached by the John Birch Society for permission to show the film "Operation Abolition." The Trustees, by a vote of 6 to 3, granted permission. Shortly before the scheduled date, persons refusing to identify themselves visited the librarian, Miss Rachel Cartland, and demanded the cancellation of the program. The librarian quite properly refused.

On Wednesday, January 9, the day before the scheduled meeting, the Mayor of Brockton, Milton F. McGrath, asked the Trustees to reverse their stand, which they did, this time by a vote of 7 to 2. The meeting was then moved to the Brockton YMCA where it went off quietly, according to newspaper accounts, with about 40 persons in attendance.

In a report in the Brockton *Enterprise* of January 10, the Mayor was credited with the observation that he "didn't feel it was right that the building be used by

political groups for their own promotion." The same newspaper in an editorial on the following day supported the Birch Society's position and declared the Mayor "wrong." A week later, January 18, the Brockton *Union* characterized the Mayor's action as "meddling." "In our opinion," the paper said, "the Mayor should not have interfered."

There are several aspects to this flurry of events which perhaps should be underscored. The ability of anonymous persons to bar the doors of the public library to a group of which they disapprove gives some indication of how easily freedom can be choked off. Even though the Birchers have been guilty of permitting their more zealous adherents to engage in highly dubious practices, at least in this case they seem to have been victimized by some of the very techniques they have cultivated.

Perhaps the only further observation to be made on this regrettable incident is to quote from David Clift's announcement to the press of ALA's launching of a study of freedom of access to public libraries. "Society," he wrote, "has long been faced with the problems of free and equal access to library buildings, resources and services." Brockton's case is only another symptom of an old plague.

Librarians and Trustees would do well to review their defenses. A cold wind is sweeping eastward from California, and there may be more such incidents in Massachusetts before the new hysteria is laid to rest. Surreptitious pressures brought against libraries are difficult to combat. Some foreknowledge of their existence can be helpful in maintaining the integrity of libraries. The Brockton incident may serve to alert the rest of the Commonwealth to danger. — MLA IFC Chairman Ervin J. Gaines, in a forthcoming issue of *The Bay State Librarian*.

## Fourth Estate

The Supreme Court on January 7 agreed to review a \$500,000 judgment against The New York Times for an advertisement assertedly libeling a Montgomery, Ala., city official, The Times claiming that it was beyond the jurisdiction of the Alabama courts and that the judgment violated free-press guarantees (No. 606, *New York Times v. Sullivan*; agreed also to hear a claim by four Negro ministers listed as signers of the advertisement that a libel judgment against them was constitutionally vitiated by racial segregation and bias in the courtroom (No. 609, *Abernathy v. Sullivan*).

## New Worker in the Vineyard?

The Los Angeles *Times* reported on February 8 the formation of a new organization, Defenders of American Liberties, which its president, Robert Morris, said aims to fill "an existing vacuum" in the field of civil liberties. "We are going to try to help the man who gets into difficulty by defending the American heritage." One of the first clients was one Maj. Gen. Edwin A. Walker. Another was the Committee to Publicize the Sale of Communist Goods on the Local Business Scene, which Bullock's is suing for \$4,000,000.

## 'Obscenity' in the Legislative Mill

The new Congress has its first obscenity bill, sponsored by Karl E. Mundt and 20 other senators, which would create a Commission on Noxious and Obscene Matters and Materials (CONOMAM?) to study the obscenity problem and make recommendations to Congress and the President for dealing with it. Another, by Rep. Cunningham, would allow a citizen to notify his postmaster that he did not wish to receive any further mail from a sender. If after notification by the Post Office, the sender did not comply, his bulk mailing privileges would be in jeopardy. Another bill by Rep. Rodino would strengthen the criminal penalties for distributing obscene matter. The House also has a resolution to convene a conference of federal, state and local officials and representatives of private and public groups to study methods of "combatting the traffic in obscene matters," sponsored by Rep. Osmer. A resolution by Rep. Rogers would provide for an investigation of "objectionable motion pictures and related advertising."

Rep. Priscilla Hays introduced legislation in the ARIZONA House on January 31 to clamp down on production, sale, and possession of obscene items, including books and magazines.

A campaign to remove obscene magazines and books from newsstands throughout Kern County, CALIFORNIA, was launched on December 27 by a newly created group known as the Kern Committee for Wholesome Literature and Entertainment. Local PTAs are prominent in the group which "is not trying to censor anything as far as adults are concerned. The Committee is only interested in protecting children from seeing this kind of thing." Usual pattern of store-owner intimidation is to be followed, with committee members deciding what is obscene, and suggesting boycott of non-cooperating dealers. "If the store owner is intent on selling this type of literature and does not want to remove them from sale, the committee is hoping he would be interested enough to put the books where the children couldn't get hold of them." When PTA mass media chairman Mrs. Glenn Puder was asked where the books could be placed out of the reach of children, she suggested, "perhaps under the counter." It was reported on January 24 that 12 stores had passed inspection after agreeing to remove certain materials, and would receive approval placards reading: The Books and Magazines in This Store are Inspected by the Kern Committee for Wholesome Literature. Mrs. John Zimmerman, mass media chairman of the Seventh District PTA, refused to name the stores until all stores in Bakersfield could be reached and asked to "cooperate." She said it would be unfair to issue an incomplete list.

The wave of CDL activity in Torrance, California,

### Supreme Court Upholds Free Speech

Held, 8 to 1, that the Rhode Island Commission to Encourage Morality in Youths engaged in unconstitutional suppression of free speech when it threatened publishers and distributors with police action against books and magazines it deemed obscene (No. 118, Bantam Books v. Sullivan). 18 Feb 63.

### Rule of Five

Colorado's radical *New Conservative* on February 13 accused DU's Mary Reed Library of censorship of *Tropic of Cancer* and some of Hemingway because of a locked case policy. Assistant director of libraries denied the charge and stated that the locked case is maintained for books that have a history of being stolen at least five times.

has finally resulted in a criminal complaint against liquor store operator Mrs. Nathan Isaacs for distributing obscene matter. In question are girlie magazines purchased by police officer Clifford Smith on January 22, one week after Mrs. Isaacs and her husband took possession of the store, which they are in the process of buying. Mayor Albert Isen, who called photos in the magazines an "outrage against the standards of the community" and that it was "time to get tough," said the owner had been warned and refused to cooperate. The next morning the Isaacs removed all magazines from their store. A week later (February 5) the Torrance Youth Welfare Commission was scheduled to meet with the city council and the city prosecutor to consider whether Mrs. Isaacs should be prosecuted, or whether, "in the interest of justice, the prosecution should be dropped." Decision: Prosecution will continue.

The city of Burbank petitioned the State Supreme Court on January 10 to hear an appeal of a U.S. District Court of Appeals decision ordering the return of bulk quantities of 62 books seized in March, 1961 at a local bindery (January, p.9). Petition was denied on February 3.

The California state legislature faced its usual spate of anti-obscenity laws with such composure that their introduction was not even heralded in the press. AB 3 would delete the requirement that matter be "utterly without redeeming social importance" and would establish an injunction procedure against distribution or exhibition. AB 14 would establish the increasingly popular "inrem" procedure. AB 625 modifies definition and provides for injunctive procedure to halt distribution and authorize seizure and destruction. AB 877 is a variant of AB 3.

Late in November New Britain, CONNECTICUT Mayor Thomas J. Meskill, Jr., lashed out at dealers of obscene books and magazines, and threatened police action if they refused to "rid their shelves of this filth." The threat was made good the day after Christmas with the arrest of James J. Onorato, proprietor of Jimmy's Quality Smoke Shop, on a bench warrant issued by assistant prosecutor James R. Burton, and signed by Circuit Judge Luke F. Martin. Onorato was released under \$300 bond.

The Connecticut legislature is considering a new anti-obscenity bill which attempts a new (U.S. Supreme Court) definition and would give state prosecutors the right to elect a trial by jury.

On January 15, in a restrained repeat of a 1958 D.C. police raid, postal inspectors seized from the home of Lawrence E. Gichner new copies of three books of which he is the author: *Erotic Aspects of Chinese Culture*; ditto for Japanese and Hindu. He was charged with sending obscene matter through the mails, and released under \$1,000 bond.

The GEORGIA House has two new anti-obscenity bills which, together, provide a new definition (à la the Supreme Court), restore criminal penalties, and give the State Literature Commission power to ask superior court judges to rule on a particular publication's obscenity.

Five hundred eighty-six books and magazines were seized as obscene literature from the Chicago, ILLINOIS, drug store of Curtis J. Betts on January 16. Betts was arrested and released under \$1,000 bond. The same day saw a similar raid of the Security Cigar Store, with similar developments. In this case evidence was gathered by two pupils of the Rev. Francis Lawler of St. Rita high school, who took secret photos of the magazine display during their Christmas vacation which were later used by the police to obtain a warrant for the raid.

Charges of distribution of obscene literature were filed on December 18 by DA Sargent Pitcher, Jr. against the Bayou News Agency and its principal stockholder in Baton Rouge, LOUISIANA. Titles at issue were the December *Playboy*, January *Cavalier*, and the February *Scene: The Exciting World of Young Men*.

The MASSACHUSETTS Senate on January 25 killed legislation providing that possession of obscene literature be prima facie evidence of intent to sell or distribute. And the House killed a bill to increase penalties for violation of obscene literature laws.

Suit was filed in federal court in Buffalo, NEW YORK, on December 21 by book store owner William Smith to compel police to return magazines and books seized on December 3 when he was charged with selling obscene materials. Federal Judge John O. Henderson issued an order for the district attorney, police department and city to show cause why he should not grant an injunction ordering the return and barring police from further seizures. The suit followed closely upon the December 18 refusal by City Judge Joseph P. Kuszynski to order police to return the books and magazines, despite his earlier action suppressing their use as evidence in the case. On January 2 Judge Henderson ordered the police department to return the seized publications by January 4. Excepted were 5 copies each of 3 "girlie" magazines and two pocketbooks on which obscenity charges will be pressed in city court. On January 10 Supreme Court Justice Hamilton Ward reserved decision on motions to dismiss an application for an injunction against their sale—until January 17, when he granted a 90-day delay of their destruction.

The New York State Joint Legislative Committee on Obscenity has submitted its own spate of anti-obscenity bills in the new legislature. One bill would make it a misdemeanor to place in the mail unsolicited circulars or pamphlets containing nude pictures or offering to sell obscene literature. Another would establish an injunctive procedure in obscenity cases, and a third would establish a classification procedure for motion pictures. A fourth would renumber existing sections of the penal code to clarify their application to the sale of offensive materials to children.

Louis Mazes, Clifton, OHIO, newsshop clerk was indicted on January 25 for possessing and having obscene literature under his control, following a raid in which 51 books were seized. Title specified in the indictments: *Orgy Club*.

## Students 'Muzzled'

ROCK HILL (S.C.), March 1—(AP)—Winthrop College announced Friday that in the future any statements to the press from its 1,800 students must pass through the college public relations office.

The edict came after a story in the Rock Hill Evening Herald last week quoted many girl students to the effect that the student body was "ready to accept a Negro student."

The school is South Carolina's college for women. It is part of the State's higher education system that includes the University of South Carolina and Clemson College, where Negro Harvey Gantt broke the color barrier in the state for the first time since reconstruction last month.

The Herald story was based on a poll of the all-girl student body. It indicated that a majority of the young women were prepared to face integration if it comes. All students questioned said they expected a Negro to be admitted within two years, and said they believed integration would be quiet.

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