



## newsletter

# ON INTELLECTUAL FREEDOM

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## News Managing Explained

WASHINGTON (AP)—The State Department's public affairs director says both the government and the press attempt to manage the news and that if they did not there would be "chaos and a great dangerous state of affairs."

Assistant Secretary of State Robert J. Manning said Sunday he meant by news management an effort to bring coherence out of a welter of acts. "Quite a bit of an attempt is under way, both in journalism and in the government, to arrive at this coherence," Manning said. —11 March.

The following day Manning's boss told the Senate Foreign Relations Committee that negotiations for a nuclear test ban with Soviet Russia are made more difficult by public debate in this country over U. S. proposals.

## One Down

Pursuant to the Miami Beach Statement on Individual Membership, Chapter Status, and Institutional Membership, ALA Secretary David Clift wrote to the 54 Chapters asking them to certify they were meeting the requirements. At the Midwinter Meeting, Clift was able to report that 50 Chapters had certified they were meeting the requirements, 3 had not replied, and one could not. Here is the letter requesting withdrawal from the ALA written by Louisiana Library Association President Mrs. Max Schenker (Request was accepted by Council):

"Our Executive Board, reluctantly, after much thought and careful consideration, asks that the Louisiana Library Association be withdrawn from the membership of the American Library Association.

"We feel that we could not honorably ask for a three year extension because to do so implies that we would take steps to meet the requirements for membership, and this we are unable to do.

"It is with great regret, that we, as a group, take this action."

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## Editorial

As I write this, a member of the Monrovia City Council is proposing censure of the Library Board, the librarian and, further, the establishment of a permanent Board of Censorship to pass on book selection. Two days hence, the Arcadia Library Board will hold a public hearing; the major item on the Agenda is a majority report from the Council of Churches, demanding the removal from the library shelves of *The Last Temptation of Christ*. One can hope that the ministers in the minority, as well as conscientious citizens and community leaders, will make themselves heard. The City of Long Beach also has recently been involved in a controversy over the same book.

Each day it becomes more evident that the profession must take a stronger stand on these matters. Not by passing resolutions, not by making formal statements to legislative committees, not by appearing on behalf of librarians under fire—necessary as these actions unquestionably are. No, it is time the Association gave serious thought to the establishment of either an accreditation program for public libraries (the positive approach), or of a Committee to investigate and recommend censure (negative, perhaps, but effective).

The accreditation approach envisions aiding libraries to meet accepted standards, but it also could be withdrawn in the event of unwarranted interference in library operations by pressure groups. If, then, federal or state assistance programs were contingent upon accreditation, there would be a considerable strengthening of the librarian's rôle.

The approach via censure, patterned on the well-established procedure of the American Association of University Professors, envisions the Association's taking action at its Annual Conference, based on the recommendations of an impartial, highly-respected team of investigators. Not only does this procedure focus the glare of public opinion on the censors, but hopefully would make any candidates for positions in the censored library think twice before entering such an atmosphere. The list of censored library boards, city councils, or city officials (as the case might be) would appear in each issue of the *California Librarian*, in a prominent place.

Should any reader think I am premature, should think that it's not that bad, stand back. Here's a prediction: within the next three years a California librarian will be forced to resign, or will lose his position, due to a censorship controversy. It is later than you think. —William R. Eshelman, in January *California Librarian*.

## Chancellor Strong Blasts Ban on Reds

The University of California's policy of banning Communist speakers on campus and permitting right-wingers to have their say is an offense to logic, Berkeley Chancellor Edward W. Strong told 300 college professors on April 26. Furthermore, it is in violation of another University policy—the open forum, Strong told delegates to the opening session of the 49th annual meeting of the American Association of University Professors.

The written words of representatives from both sides of the ideological fence are “in our library.” Strong, a former professor of philosophy, said. “To ban the spoken words of one and not the other in colloquium, debate or lecture appears to be an offense to logic and reasoning from principle to application.” The university's “announced policy” of open forum is “not being maintained,” Strong said, “when a representative from the radical right is permitted to speak on the campus, but a Communist is not.”

The present university rule prohibits any member of the United States Communist party from speaking on campus. It has been vigorously attacked by students and faculty members alike, and University President Clark Kerr has promised to bring the ban to the attention of the Board of Regents.

In December, the Berkeley chapter of the Association of University Professors voted overwhelmingly against the rule, deploring it as an implication of “fear and distrust of the efficacy of free investigation.” The Associated Students on the Berkeley campus voted better than 3-to-1 earlier this week to have the ban lifted.

“In a world of real dangers to freedom,” Strong said in his speech yesterday, “the university as an institution must always be vigilant in fortifying itself against attempted encroachments on freedom of inquiry. There is a simple-minded kind of fiction that opposes good guys and bad guys engaged in a struggle in which the right inexorably triumphs over the wrong.

“But,” he continued, “the actualities of human affairs are more vexed and perplexing than this simplistic opposition of the lily white and the Stygian black.” Between these extremes,” he said, “the art of the attainable is practiced.” And students are entitled to know extremes, he told the professors—SFC.

## Fourth Estate

Stemming from the rhubarb over whether the NYC Playboy Club should have a cabaret license, *Brooklyn Daily* Editor Arnold Fine has been indicted for criminal libel for editorially criticizing State Supreme Court Justice Arthur G. Klein, who overruled the license commissioner who had denied the license. The editorial asked why many high political figures were involved in the Playboy Club's legal affairs and whether the court decision could “stand the spotlight of high tribunal investigation.” Klein asked that the editorial be brought before the grand jury, which was done by Asst. DA Aaron Koota, and the criminal indictment followed.—*Denver Post*, March 22.

## Are These Authors in Your Library?

Is the title of a 77p pamphlet being distributed by the San Diego Catholics for Better Libraries, P. O. Box 17034, San Diego 17. It consists of a list of about forty authors and illustrators (and some of their books) who “have had Communist Front affiliations and/or write against faith, morals and the American way of life.” Under each author is listed the allegedly suspect organizations with which he was allegedly affiliated. Appendix I is a list of publications and organizations along with citations of the authority which causes them to be suspect. There is other content. The preface ends with this sentence: “It is hoped all Catholics who read this report will be alarmed enough to check their own parish school library.”

## Haiman Raps N.U. Prexy For Rockwell Ban

George Lincoln Rockwell, notorious American Nazi, accepted with pleasure an invitation to address the students of Northwestern University. When University President J. Roscoe Miller learned of the engagement, he said indignantly; “I see no reason why a university should serve as a sounding board for a person like that!” And forthwith the speech was cancelled.

Protests against this ruling came from the Student Association for Liberal Action and the Student Senate. They came also from the North Shore Chapter of the ACLU, which released to the press the following statement from its chairman, Franklyn Haiman:

“Although the American Civil Liberties Union is currently engaged in litigation in California challenging the right of a state university to bar Communist speakers from its campus, and has been successful in a similar instance in New York with regard to William Buckley, we have never questioned the legal right of a private university to make that kind of decision. We have, however, on the grounds of academic freedom, deplored and will continue to deplore such restrictions on free speech wherever they are made in any institution, public or private, which claims to be dedicated to the search for truth.

“The argument by the administration of Northwestern University, in banning a talk by George Lincoln Rockwell, that one is justified in restricting the speech of persons expressing hateful ideas or advocating the denial of free speech to others, revealed a profound misunderstanding of the philosophy of a free society. This philosophy holds that advocacy of the denial of free speech or of any other objectionable idea is not the same as action toward that end and must be allowed to be heard and debated on its merits. Northwestern has done worse than merely advocate the denial of free speech. It has actually denied it.”

President Miller, in reply, denied any intention to curb free speech on the campus. The University's decision, he said, was based solely on the conviction that “the proposed program is an invitation to disorder rather than an honest attempt to enlighten or educate.”—*ICLU Brief*, March.

## Orwell's Warning

In firing Richard Wyman, father of 13 children, for assigning his students to read George Orwell's *1984*, one of the most outstanding and important novels in the modern age of English literature, the Wrenshall, Minnesota School Board did just what Mr. Orwell warned us to watch out for."—High School Student in February 11 Omaha *World-Herald*.

## Santa Fe Springs—Librarian's Report

During January 1963, the Santa Fe Springs City Council received a number of complaints from constituents regarding allegedly obscene materials in the library. About this time, the librarian had just completed the writing of a book selection policy and the City Council subsequently adopted this and the Library Bill of Rights. This latter document was immediately attacked, mainly because of the phrase ". . . by volunteer arbiters of morals or political opinion or by organizations that would establish a coercive concept of Americanism . . ." It was felt that this phrase would automatically pre-label anybody who wished to make a complaint about a book in the library.

During February, the letters-to-the-editor campaign started with the charge that the library had an overwhelming number of books espousing the "socialist-collectivist-communist" line but very little on the conservative side. In March, the City Finance Director resigned his position effective May 10, giving as major reason the imbalance in the library book stock. Rather than keep quiet about this, as his duty as department head dictated, he resigned so as to be free to speak his mind.

On March 24, shortly after submitting his letter of resignation, the Finance Director wrote a letter to the City Council requesting reconsideration of the Bill of Rights. In the same letter he questioned the ethics and motives of the City Librarian and accused the City Council of abusing their power in protecting the librarian. His resignation was then moved up to the day after publication of the letter.

The City Manager prepared a revised version of the Bill of Rights, eliminating the offensive phrase and making a few other changes including the insertion of "labeling" after "censorship" in paragraph 3. This version was considered by the City Council at its next meeting which a number of people attended, some speaking for, some against the changes.

Meanwhile the Friends of the Library had mailed out questionnaires to all the public libraries in the State and came up with a preliminary report. The librarian submitted a report on the library holdings in controversial fields which showed that the right wing material out-numbered the left wing material by about three to one.

At its meeting on April 25, the City Council voted 3-2 to retain the original Bill of Rights. The meeting was marked by a series of personal attacks on the librarian, including a lengthy statement by the ex-Finance Director questioning the objectivity, methodology, and accuracy of the librarian's report on the library holdings.—Oscar Smaalders.

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## Box Score on Library Bill of Rights

The Friends of the Santa Fe Springs City Library sent out 223 questionnaires; 98 replies were received. It must be borne in mind that some of these replies represent more than one library, some being from County Library Systems, some being from adjoining library districts that have not only reciprocal agreements but also one governing body. In a few cases, municipal libraries associated with county libraries replied, in most cases they did not.

Of these 98, 73 were from city or district libraries, 25 from county libraries. Of the 73 city or district libraries, 54 have a written policy subdivided again as follows: 17 have adopted the Library Bill of Rights only, 22 have only a book selection policy which incorporates the basic principles of the Bill of Rights, and 15 have both the Bill of Rights and the book selection policy.

Of the 25 county libraries which replied, 19 had a written policy of which 1 had only the Bill of Rights, 16 had only the book selection policy and 2 had both.

Taking all libraries together the results were as follows:

1. 73 libraries including the major city and county libraries, have a written policy.
2. Of the 73 who had a written policy, 48 stated that in no case should any book be excluded because of the race, nationality or the political or religious views of the writer. Some that did not include this phrase included one that stated "selection shall be made by reason rather than prejudice, principle rather than personal opinion, judgment rather than censorship." This statement was found ten times. This makes 58 libraries out of 73 who state that selection of a book should not be prejudiced.
3. Of the 73, 69 had the following statement, sometimes paraphrased; "It is the duty of the library to provide material which will enable the citizen to make up his own mind about controversial subjects. The library will provide frankly argumentive works representing the several viewpoints towards a subject of this nature."
4. 34 had the following statement: "As a policy the library does not purchase books written to trade on a taste for sensationalism or which are purely pornographic. On the other hand, serious works which present an honest aspect of some problem or of life, are not necessarily excluded because of coarse language or frankness."
5. 35 had officially adopted the A.L.A. Bill of Rights.

Out of the 25 libraries that have no written policy, 1 librarian reported that he would recommend adoption of the Bill of Rights at the next Board meeting and was sure that it would pass, 1 reported that a book selection policy was in the process of being written, 6 reported that they were following the principles of the Bill of Rights without formal adoption, 1 felt that precedent and practice in his library had established the Bill of Rights as official policy in his library, and 2 had plans to submit a book selection policy incorporating the Bill of Rights to their respective Boards.

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## On the Offensive

The history of censorship was traced in a 4500-word address by city librarian Oscar Smaalders to the Santa Fe Springs, CALIFORNIA, Democratic Club on February 6, according to a long story with many quotes in the February 14 Pico Rivera News. Sample: "Librarians are not guardians of the people's morals, but they do not recognize the authority of any other group to assume this guardian function for all the people. No one disputes the right of groups to guide selection of reading among themselves, since obeying the directions is voluntary and private. But the library profession opposes extending these judgments into what is to be read by others."

The February 7 Pico Rivera News reports the formation of a Friends of the Library organization in Santa Fe Springs. Purpose of the group, said chairman Chuck Miller, "will be to promote the library as an open university where citizens will always have access to the accumulated knowledge of the world." First action was to commend the city council for adopting a book selection policy and the Library Bill of Rights. The Friends were needed, for a local right-wing group soon attacked the library and the council for adoption of the Bill of Rights. Since a rush call to the State Library and this reporter for information on how many other California libraries had adopted the Library Bill of Rights produced no results, the Friends of the Library set about polling all 223 public libraries in California to obtain this information as supporting data for their position. See separate stories in this issue.

Stirred up by a series of anti-obscenity-on-the-newsstands articles in a local newspaper beginning late in January, Fresno papers, citizens, and city council have been having a field day with the allegedly obscene material. Press and citizen demands that somebody do something have been guardedly countered by city and county officials who have not been sure just what, if anything, they could or should do. The problem was on the way toward solution on March 18 by publication in the Fresno Guide, the paper which started the fracas, of a letter from State College Librarian Henry M. Madden, former chairman of the CLA IFC, and newly elected chairman of a local Freedom to Read Committee. Said Madden: "There is no problem. There are no publications on any newsstand in Fresno which could be successfully prosecuted under the Penal Code of the State of California. If no publication on sale to the public can be held to violate a law, no problem exists. The City of Fresno should set an example to all other municipalities in California by vigorously opposing any attempt to subvert those freedoms which are guaranteed in the Constitution of the United States and supported by the laws of California. The City of Fresno, represented by its mayor and council, should reject the attempts of opponents of constitutional rights to impose their extra-legal notions of literary expressions upon the citizenry."

Even so, the problem was still around on March 28 when Mayor Arthur L. Selland appointed a partner in a Fresno bookstore, a Lutheran minister, a city college English instructor, a PTA leader, and a Fresno County branch librarian (chairman) to a committee formed under the auspices of the Fresno City Council to study the problem of salacious publications in Fresno. Two

## Its a Puzzlement

The Fresno, California, *Guide* on January 31 began a series of articles under the three-column heading: "'Smuts-ville' Beckons to Local Teenagers," which are not especially notable, except for this Editor's Note: "During the month in which this report was being developed, there was one nagging question: Would such disclosures cause other youngsters to seek out such stuff? Our answer: If the distribution of such material is allowed to spread because parents are unaware of it, youngsters won't need to seek it out—it will come to them."

positive steps were suggested at the April 5 meeting of the new committee: Encouraging children to read worthwhile material and seeing if homes, schools and churches could improve sex education programs so children would not turn to magazine counters for their information or would scorn what might be found there.

The COLORADO legislature is considering two freedom of information bills which are meriting and receiving considerable editorial support in the state. One would require that public records, except those dealing with medical and personal matters, be open for public inspection. The other would require that all meetings of governing bodies except grand juries be open to the public. We hope that the Greeley *Tribune's* grave doubts that the bills will pass are unfounded.

The Englewood, Colorado Library Board has adopted an eight-page book selection policy which has been approved by the city council and filed with the state. The Denver *Post* March 27 story reports that board and council have banned most types of censorship, the one remaining type apparently being: "Pornography will not be purchased or accepted as a gift by the library." Other quotes:

"It will be the policy of the library to keep books on sex education on open shelves. Every effort is made to obtain only those materials which are authoritative, balanced and up-to-date.

"The aim of the library is to serve the community as a center of reliable information and to provide a place where inquiring minds may meet original and often critical ideas that are essential stimulants to life in society that depends for endurance on the free exchange and competition of ideas."

The Decent Literature Council of Dade County, FLORIDA, is changing its emphasis. Instead of publicizing the bad books it thinks children shouldn't read, the council has started talking about the good books that should be available. The council was reported on February 17 to be circulating a recommended home library list of 35 paperbacks. "These are books we believe should be available in every home where there are school children," said council prexy Mrs. Joe Popp. The list was prepared by Dade County Schools' Supervisor of Library Services Mrs. Betty Lunnon.

"You cannot censor one portion of the public's reading without endangering the remainder," warned attorney Laurence Holmes in an address to a Conference on Composition and Literature at the University of Wichita, KANSAS, on February 23, which was attended by 200 high school and college English teachers.

One additional quote from his vigorous defense of the student's right to read, as reported in the *Wichita Eagle*: "Well-meaning zealots say that works by Steinbeck are unsuitable for my son, who has taken a liking to them. I will fight this trend with all my abilities."

The Montgomery County, MARYLAND, Council of PTAs on April 23 heard a panel discussion on Censorship and Freedom of the Press at the Washington Grove elementary school. Panel was moderated by Richard B. Kennan, secretary of the NEA Commission on Professional Rights and Responsibilities, and included Jaj Carmody, *Washington Star*; Edward de Grazia, attorney for Grove Press; James P. Gleason, Chairman of MC CDL; and Edwin Castagna, Baltimore's librarian.

A 16-page policy statement under which books and other materials are selected for the Kalamazoo, MICHIGAN, Public Library was adopted February 18 by the Board of Education, along with the Library Bill of Rights and the Westchester statement on the Freedom to Read.

LJ editor Eric Moon on March 5 deplored "a nation-wide immaturity and an epidemic of censorship spreading across the country," in an address at the Elizabeth, NEW JERSEY, Public Library sponsored by the library and the Friends of the Library. Asserting that knowledge is selectively banned and truth denied and blurred, he added that, "the Bill of Rights today would not even get out of committee."

An exhibit of banned books at the University of OREGON library, based on the Haight volume, drew good coverage, including a picture, in the *Portland Daily Reporter* on March 18. Headline read, "Been Sullied Lately? Censors Busy Against Books Through the Years."

"The minor threats censors pose to the book tradition can be overcome. Such cultural vigilantes do not constitute any significant threat to the free exchange of ideas," in the view of Burlington, VERMONT, librarian Oliver R. Hayes, as expressed to a group of librarians at Gill, Mass. late in February. More alarming, he said, is the decline in the number of people who read significant books, in his address on "What is an Adult Book?" We'll pass his definition, but notable is his statement that there are no restricted circulation shelves at Burlington's Fletcher Library. Hayes believes that any book that has been published should be available to anybody able to read it. The policy of the library is to allow free access by all to all books in the collection.

## Freedom to Publish Research Results

I should like to call to the attention of administrators and staff the following resolution, with which the President's Office is in agreement, recently adopted by the Academic Senate:

Whereas, the freedom of the investigator to disseminate the results of his research is a vital part of academic freedom, and is a traditional right of scholars,

Be it resolved that: The Academic Senate affirms the right of all persons with academic appointments, except registered students, to make public the results of their research, whether orally or in writing, free from direct or indirect restraint or censorship by any representative of the University.—Clark Kerr, President, University of California.

May, 1963

## MLA IFC Supports Bill to Abolish Obscene Literature Control Commission

My name is Ervin J. Gaines. I reside in Canton, Massachusetts. As Chairman of the Intellectual Freedom Committee of the Massachusetts Library Association, I have been delegated to make a statement in support of the bill to abolish the Obscene Literature Control Commission.

The Massachusetts Library Association is dedicated to the principle that the freedom to read cannot be abridged without endangering the rights of citizens. The Association holds that published literature shall be available without hinderance, and that librarians shall be free to stock in their libraries whatever books will be useful to the citizens of the Commonwealth. Interference with this right is repugnant to the Association.

The Association originally opposed the creation of the Obscene Literature Control Commission. Events have proved the wisdom of that stand.

The Obscene Literature Control Commission has attempted to interfere with the right of citizens of the state to have access to Henry Miller's *Tropic of Cancer*. By recommending unanimously to the Attorney General that the book be enjoined, the Commission successfully kept it out of Massachusetts for a year. The Supreme Judicial Court subsequently held that *Tropic of Cancer* is entitled to the protection of the First Amendment to the Constitution, which decision in effect repudiated the judgment of the Commission.

The Commission is an indignity to free men. Laws already on the books are sufficient to protect the citizens of Massachusetts from pornography. The Obscene Literature Control Commission is redundant. It should be abolished.

## Texas Library Association Fights School Library Censorship

WHEREAS, the highest Court of our land has failed to provide a definition of obscenity; and

WHEREAS, no final decision of what is or is not obscene can be determined outside a Court of law; and

WHEREAS, no citizen should be penalized for value judgments exercised in the honest performance of his professional duties; and

WHEREAS, Texas school librarians adhere to recognized book selection standards adopted by leading state and national educational and library organizations; and

WHEREAS, the doctrine of prior restraint has been held unconstitutional;

BE IT THEREFORE RESOLVED, that the Texas Library Association in convention assembled in Dallas, Texas, March 28, 1963, go on record as officially opposing the passage of any bill that usurps the individual's right to read, and specifically to the bill recently introduced in the Texas House of Representatives, HB 852, which would penalize public school librarians who deposit in their libraries literature containing language which is considered by the local school board to be obscene.—Submitted by Committee on Intellectual Freedom, Texas Library Association. Adopted unanimously by TLA Council; one copy sent to each member of Texas House Committee on Criminal Jurisprudence.

## The Last Temptation . . .

### I. THE NEWS

*The Last Temptation of Christ* proved too much for the Chula Vista, CALIFORNIA, library board, which split (2-2) on February 21 motion to "not replace the stolen book now with library funds." This apparently meant the book will not be replaced. A question of what to do if someone donated a copy was deferred until *Christ* approaches that bridge. The bridge was approached and crossed on March 13 when Attorney Perry Langford presented a copy to the library in the presence of a *Star-News* photographer, with acting librarian Bluma Levine looking on. She said the book would be on the shelves within a week. The San Diego County Board of Supervisors on March 5 took no action other than to file correspondence along with Librarian Frances Hahn's report asking that the book be retained. The Arcadia city council on March 19 unanimously upheld the library board and librarian Homer Fletcher in their refusal to remove the book. The San Diego city council received and accepted a report from the city manager that the library commission recommended retention. Librarian Clara E. Breed reports that the book has not been placed on restricted shelves, and that no book has ever been withdrawn through the efforts of a pressure group.

In addition to rumors from northern MINNESOTA, the book broke into the news in Farmingdale, NEW YORK, where a group of residents demanded that the school board remove the book. School board pleaded lack of jurisdiction, and referred the inquiry to the public library board. In an interview, librarian Orrin Dow expressed no surprise, noting the book had been in controversy in NEW JERSEY.

Meanwhile the editor hears rumors that the ruckus has spread to Northern California and to Dallas, TEXAS. No rumor is the fact that the book was on April 12 removed from the Ashland, WISCONSIN, public library after a Roman Catholic priest forbade his parishioners to read it on pain of mortal sin. Furthermore, he forbade the parishioner who showed him the book to return it to the library, since it would be a mortal sin to make it available to others. "I still have the book," said Father Schneider. "I'll have to return it to the librarian now and see that it's burned." Librarian William Sloggy, not a Catholic, agreed to remove the book. He said the library's board of trustees would make a final ruling, "but I don't anticipate any more trouble over it."

### II. THE EDITORIAL

Southern California, that hotbed of so many strange movements, is in the news again this week. Several clergymen, Catholic and Protestant, are considerably exercised about one book on the shelves on the Arcadia Public Library. The book is *The Last Temptation of Christ* by the late novelist Mikos Kazantzakis, and the clergymen are attempting to have it banned from the library as blasphemous and generally demeaning to Christ.

We put aside for the moment the fact that Kazantzakis is held in high regard as a serious writer, and that his fictionalized interpretations of religious figures (his recently published *St. Francis of Assisi*, for instance) have been generally accepted as unorthodox but reverent.

We also put aside the fact that precious few of the people attacking the book seem to be familiar with it. After the 31-member Arcadia Council of Churches voted overwhelmingly in favor of forcing the book out of the library, it was established that only three of the 31 members had read the book.

These facts, as we say, we put aside. As revealing as they are, they do not touch the main issue at stake, and that is the freedom of the public at large to have access to literature that a minority find obnoxious.

There are probably very few books on the shelves of the average public library that don't irritate some group of people. If the library were to be at the mercy of every pressure group annoyed by a given book, it seems obvious that only the most harmless, least valuable books would be available through library facilities.

Quite clearly this is not the function of a public library. It must open its shelves to books reflecting the free interplay of ideas, and if a given book irritates a given group, that group has an easy recourse: not to read the book. What it should *not* be able to do, just as clearly, is to keep the rest of the public from reading it, and this is the kind of suppression that the California clergymen are trying to practice at the moment.

These cases pop up every now and then, and by now we should stop being astonished that emotion-laden attempts to purge books from the public libraries should keep appearing in the middle of Twentieth-Century America. The attitude shows a sad lack of faith in people and in democratic processes. What's more, it never works. *Last Temptation* is selling rapidly in local stores and there is now a six-month waiting list for it at the Arcadia library—*The Catholic Messenger*, Davenport, Iowa, 20 December 62.

## Note: Look Every Gift Horse . . .

Several years ago two nice young men who said they were missionaries of the Mormon Church came to the library. They told me they had looked in the catalog and seen that there were some fifty cards under *Mormons and Mormonism* but there was a lack of up-to-date material. They offered us a choice from a list of books, and we selected a new pictorial history, a biography or two, and some doctrinal works. A few weeks later they came with the books and also had arranged to have a newspaper photographer memorialize the occasion. Again an interval after which they came to see me to say that they noted the books were now cataloged and on the shelves.

Now that we had these books which told the truth about their religion, undoubtedly we would like to discard other books in the library which told lies about the Mormon Church. Other libraries, they said, had been glad to have this pointed out to them.

I answered that this certainly did seem logical at first. But I asked them to consider my position: suppose the Christian Scientists asked us to take out medical books, and then the doctors objected to the Christian Science books. Vegetarians might want the meat cookery books taken out and then the butchers might retaliate on the fruit and nut people. What would we be able to say to people who came in and asked us to remove, on the grounds that they were untrue, the very books they had just given us? The young men saw the point and were very nice about it. — Lawrence Wikander, Northampton, Mass.

## Ups and Downs With "Obscenity"

After two years and eight separate court battles, the Burbank, CALIFORNIA, pornographic book case officially ended during the week of March 7 when a Superior Court Judge dismissed all charges against the four defendants on the grounds of insufficient evidence. The "evidence" had been ordered to them in a previous State Supreme Court decision. The California legislature had two new obscenity bills on April Fool's Day. AB 2152 provides that possession of six or more copies of obscene material is presumptive evidence of intent to distribute it, and AB 2151 would permit cities to adopt ordinances supplementing state statutes, a point specifically excluded from the new Georgia law. On April 22, the California Assembly Criminal Procedure Committee killed two obscenity bills introduced early in the session by Howard Thelin. One would have established a sort-of *in rem* procedure, and the other would have stricken "is matter which is utterly without redeeming social importance" from the present statutory definition of obscenity.

Through its general counsel, Horace S. Manges, the American Book Publishers Council has made known its opposition to a CONNECTICUT proposal for censorship-by-commission. Testifying on April 3 before the committee on general law of the Connecticut General Assembly, Mr. Manges pointed out the similarities between the proposed Connecticut commission and the Rhode Island Commission to Encourage Morality in Youth, whose censorship activities were ruled unconstitutional last month by the U.S. Supreme Court. Mr. Manges was counsel for the four paperback publishers in their successful challenge of the Rhode Island organization.

The Connecticut bill would create a 15-man commission empowered to "investigate and report to the proper law enforcement officials" all "apparent violations" of the Connecticut anti-obscenity laws. The commission would have the power "to administer oaths, cause depositions to be taken, issue subpoenas and order inspection and disclosure of books, papers, records and documents." It would turn the results of its findings over to law enforcement officials. It also would initiate a program "to inform the public on the purposes and aims of its work."

The Wilmington, DELAWARE, health officials, in suggesting the organization of a board of review as a step toward regulating the availability of books and motion pictures to juveniles, have run into some formidable opposition in the person of State Senator Evelyn M. Lord. In an address to a study group at the Immanuel Baptist Church on February 24 she said she considered any such effort to be "a dangerous path and one fraught with pitfalls." She warned that the difficulty lies in the problem of, "where do we stop once we set out on a path of censorship?" She expressed fear that some things that are basically good will be destroyed "along with the evils we wish to eliminate."

A District Court of Appeal on March 20 upheld a Dade County, FLORIDA, ban on Madam Sherry's *Pleasure Was My Business*, legally found obscene in Circuit Court in April, 1962. The book was ghost-written by S. Robert Tralins.

## Shrewd Nude Not Lewd

John Milton Hagen, the Mill Valley author, recently had a book of verse, titled "The Shrewd Nude," published by the A. S. Barnes Co. of New York and London. A short time ago he got a summons from J. C. Lynch, the postal inspector at Santa Rosa. It seems an obscenity complaint had been lodged against Hagen's book, and what are we going to do about it?

Hagen: "Have you read the book?" Lynch: "No." Hagen: "Perhaps I'm being unreasonable, but why don't you read it and then we'll talk about it further. I'll send you a copy."

After reading "The Shrewd Nude," Inspector Lynch wrote a fan letter to Hagen as follows: "Thanks very much for the loan of the book. I read and enjoyed the clever verses contained in it. Certainly it does not come within the obscenity statute."—Caen, SFC.

The GEORGIA House voted (161-3) 14 February for a new anti-obscenity law which would make it a felony to knowingly sell, exhibit, give away, lend, transmit, or possess obscene publications, photographs, films or recordings. The word is defined à la Roth. The Senate on March 4 amended the bill to prevent cities from setting up their own censorship boards, and sent it to the Governor.

The KANSAS Supreme Court on March 2 ruled that 31 books confiscated at a Junction City newsstand in 1961 were trash and were pornographic, and added that "certainly there is no literary merit in the books seized." The attorneys for the defense had argued that the books were no more obscene or explicit than books to be found commonly on the shelves of public libraries. Two sample titles of the former: *Passion Trap*, *Orgy Town*.

Three Topeka men, a doctor, a minister, and a psychiatrist, testified on April 3 in behalf of eight booklets on sex which form the basis of nine counts accusing Girard publisher Henry J. Haldeman with using the mail to send or advertise obscene material. Written by Dr. D. O. Cauldwell, the booklets contain questions from letter writers about sex or sex problems and their answers. Dr. David E. Gray testified that if he were to choose between making the books available to the public or just to professional people, he would prefer their being available to the public. "There is no justification in restraining the public from them."

The Mayfield, KENTUCKY, city council on February 11 passed an ordinance banning the sale of lewd, salacious and obscene literature which also creates a five-man board of literary review whose function will be to call the attention of law enforcement agencies to violations of the ordinance.

The MICHIGAN legislature has a new bill designed to patch up existing anti-obscenity law, introduced by Senator Blondy. Present law covers books, magazines and pictures; the new bill would add movies, tape recordings and slides, and would empower community legal officers and prosecuting attorneys to bring charges against anyone selling or possessing such obscene materials.

It's all right to go to a nude show in Las Vegas, NEVADA, but it's illegal to look at a nudist magazine or read *Tropic of Cancer*. That's the word from the police department and a committee on censorship which on March 21 ordered 200 magazine dealers to clear their racks of six magazines judged by the committee, of which City Attorney Sidney Whitmore is chairman, to be pornographic. The paperback edition of *Cancer* was also banned, but the city attorney bowed to public opposition within a week.

The Appellate Division of the NEW JERSEY Superior Court on February 20 ruled that six girlie magazines violated the obscenity laws and upheld the \$8,000 fines levied against Hudson County News Company and Hudson County News Dealers Supply Company. Magazines involved: *Exotic Adventures*, *Mermaid*, *Spree*, *High*, *Sir Knight* and *Ace*. The same court on February 27 reversed the conviction of a former Paterson newsstand operator for selling obscene magazines for which he had been fined \$300. Magazines involved: *Photo Life* and *Tab*.

Indictments stemming from the possession, distribution and publication of *The Carpetbaggers* and *Playboy*, seized in Albany, NEW YORK police raids last September were dismissed by County Judge Martin Schenck on March 28. Without passing on the question of obscenity, Judge Schenck said he was dismissing the charges due to "insufficiency as a matter of law." He said the bills of particulars furnished the defendants by the DA failed to pass the test as to whether the publications constituted "hard-core pornography." He said also that "it would be manifestly difficult to couch an indictment in the language required by the current trend of opinions in the U.S. Supreme Court and in the NY Court of Appeals."

OREGON state senator Richard Chapman has introduced a new anti-obscenity bill which would extend the coverage of the present law to include plays and related performances, such as dances, and also the publication and exhibition of "obscene" matter. The Coos Bay *World* concludes an excellent January 24 editorial on Censorship and Liberty thus: "Let us not allow ourselves to become enmeshed in a web of censorship from which we cannot escape." Bill was approved by Senate on February 26.

Legislation proposing an amendment to the RHODE ISLAND obscenity law to direct action against indecent materials rather than against individuals dealing in them was introduced into the Legislature on January 22 by Rep. Robert H. Breslin, Jr. The bill was immediately (January 28) opposed by Albert J. McAloon, executive secretary of the RI Commission to Encourage Morality in Youth: "It is not simple and not clear. It eases off personal responsibility. It would take action against a thing that was published by people many miles from here."

Rhode Island Superior Court Judge Eugene L. Jalbert on March 15 dismissed an indictment charging conspiracy to sell obscene literature and suppressed the evidence submitted to support charges of possession. Case goes back to December 1, 1961 seizure of 100 cases of allegedly obscene material from Books, Inc. Jalbert's opinion noted that the indictment failed to state where the alleged conspiracy took place, and that

copies of the allegedly obscene material had not been attached to the warrant under which seizure was made.

A Bristol, TENNESSEE, newsdealer was fined \$100 on February 28 for possessing obscene literature following a raid conducted by Bristol, VIRGINIA police the day before, in which 21 magazines and 192 paperbacks were seized. Defendant Frederick M. Beverly said he did not know their contents. "I don't know what I can sell and what I can't sell." First Presbyterian Church pastor William H. McCorkle, one of 20 CDL members present, spoke up from the spectators' section to protest the fine as insufficient. It was reported on March 2 that Bristol, Tennessee police failed to find any further obscene literature in a spot check of the southside portion of the border town. "The dealer gets scared and holds them off," said Lt. Charles Cowan.

UTAH's anti-obscenity bill, HB 137, which would add a new definition (prurient, etc.) and seek to protect children under 18, was debated on February 7 before the Womens State Legislative Council. The bill was opposed by Salt Lake City librarian Robert Thomas, "This kind of law makes it illegal to think." Thinking is still legal in Utah libraries, however, for librarian Thomas and a few colleagues succeeded in getting libraries exempted from the provisions of the bill, which has been signed into law by the governor.

The WASHINGTON state Senate on March 1 passed and sent to the House a bill which would set up a literary review board appointed by the Governor. Oroville Senator Wilbur G. Hallauer spoke eloquently against the measure as a violation of federal and state constitutions, and Toppenish Senator Perry B. Woodall secured passage of an amendment reducing the per diem of board members from \$25.00 to \$15.00.

Milwaukee WISCONSIN, Circuit Judge Michael T. Sullivan on December 24 declared three magazines to be obscene on a petition submitted by Asst. DA Richard B. Surges. The ruling opens the way for prosecution of dealers offering the magazines for sale. Titles: *Sextet*, *Jade*, and *Cuddle Bug*.

## Imports Scrutiny for Obscenity

The Government of India has appointed nine persons of eminence in the field of literature and art to advise the Customs authorities at Delhi, Bombay, Madras and Calcutta whether an imported book, or part of such book, or any other publication constitutes obscene literature.

The appointment follows representations to the Government that books and publications which appear to be obscene in places may, in fact, be serious works of literature or art and that the Customs authorities may not be fully competent to decide such cases correctly, without advice from properly qualified persons.

With the advice of these eminent persons, it is hoped by the Government that the Customs authorities will be able to prohibit import of pornographic matter and, at the same time, ensure the flow of serious works of art and literature.

The import of obscene, indecent or scurrilous literature is prohibited under the Sea Customs Act. Under the law, the Customs authorities have to decide whether or not a particular book is obscene.—*Indian Publisher and Bookseller*, October 1962.



### No Comment

The White House finally gave the okay for Vaughn Meader's "First Family" disc to be offered to servicemen overseas. The best selling record album has been held back from such release all this time while Mr. Kennedy tried to figure out if it was bad taste.—J. J. Miller, SFC, 3 Mar.

## Cancer: Britain and Yudkin Concede

The British Government announced on April 11 that it would not contest the publication of *Tropic of Cancer* under the Obscene Publications Act of 1959.

The ILLINOIS Supreme Court, finding no constitutional issues raised in the "Tropic of Cancer" case, has remanded it to the Appellate Court. The ACLU, convinced that the high court has misunderstood or overlooked the very heart of its contention, has entered a petition that the case be reheard.

The Supreme Court decision was, in the opinion of the ACLU, both curious and ambiguous. Said the Court, the "trial court did no more than to make a factual determination as to whether or not the book was obscene." The ACLU petition respectfully points out that Judge Epstein also ruled that the constitutional rights of the citizen-plaintiffs supported by the ACLU were denied when police officers suppressed the sale of Henry Miller's book without prior court determination of its obscenity. This presents a clear constitutional issue within the purview of the Illinois high court.

Such an issue, the ACLU argues, should not be "disposed of *sub silentio*." If it is, there is grave danger that law enforcement officers may be left with the impression "that there are no debatable constitutional issues raised by the methods used to suppress and confiscate the book."

"The constitutional questions raised by the defendants' conduct are as proper and necessary on this appeal as the question of obscenity," the petition states.—ICLU Brief, March.

The obscenity case against Samuel Yudkin, Chevy Chase, MARYLAND, bookseller, convicted a year ago for selling *Tropic of Cancer*, was dropped on February 28 on his promise to stop selling it. Maryland Court of Appeals had ordered a new trial, but States Attorney Leonard T. Kardy considered that "the ends of justice will be served by dropping the case," in light of Mr. Yudkin's promise not to sell the book unless a higher court rules it not obscene.

The NEW YORK State Court of Appeals on February 25 granted Syracuse DA Joseph A. Ryan permission to appeal County Court Judge Donald A. Mead's decision reversing the conviction of 3 bookstore employees for selling *Tropic of Cancer*. And on March 14 papers were served on Rochester DA John J. Conway, Jr. to the effect that attorneys for Nathan J. Bunis will on April 15 seek a Supreme Court judgment that *Tropic of Cancer* is not obscene and bar Conway from interfering with its sale.

The WISCONSIN Supreme Court on April 1 heard arguments on an appeal from Milwaukee Circuit Judge Ronald A. Drechsler's decision that *Tropic of Cancer* is obscene, and barring it from sale in Milwaukee County. Much of the argument revolved around whether

Milwaukee's community standards were higher or lower than those of Madison or Superior or some other city. Attorney David B. Bartell, representing Grove Press, said that Judge Drechsler erred in his decision in which he kept count of the number of four-letter words. "He dissected the book, and that is not the test. The test is to read the book."

## Virtue Triumphs—Despite an Uncomfortable Stereotype

On Saturday evening, March 30, "The Defenders" presented a cogent TV dramatization of the attempted censorship of a "dirty" book, "A Journey to a Rainbow." The author, James Henry David, is arrested at an autographing party for conspiring to sell an immoral and obscene book and is brought to trial. His prosecution and defense are the fulcrums for a searching probe of the moral, political, and legal issues that characterize many real-life cases of censorship. In this instance, a courageous judge dismisses the case.

In spite of its happy ending, librarians could hardly have enjoyed one aspect of this play. In the parade of witnesses, most of whom are clearly recognizable characters in all our lives, there is a librarian who is also clearly recognizable. She is a witness for the prosecution. The book, she says, is disgusting. The third chapter especially is offensive to women, because of the frequent use of a vulgar word—so vulgar that she cannot speak it out loud. Yes, she does read other indelicate books, and her morals are not impaired, but the morals of others would be endangered. And so on. She is a trim, rather attractive, spinsterish type, whose bigotry does not exemplify the ideals of American librarianship.

Discussions among other, more enlightened characters, including the judge, the defender, the author, and the newspaper editor, are more constructive. Indeed, the analyses of the nature of pornography, the criteria for judging obscenity, and especially the personalities of would-be censors are illuminating. Only one aspect of the story was poorly conceived. (The "librarian" does play her part well, even though librarians may feel uncomfortable with the part.) The judge's wife is the daughter of Mr. Burk (!), the villain of the play, who threatens the judge's career. The judge's marital involvement in the politics of the trial may have seemed economical from a dramatic point of view, but it was too corny to be convincing.

The play has many good lines, which it is hoped many millions of the TV audience will remember. "To the dirty mind, all things are dirty." "Not a single note, but the melody; not a single page, but the book." "Truth and beauty are too precious to be mutilated by any law." The cause of intellectual freedom was conspicuously advanced by this popular program.—R. C. Swank.

### Idea Number Two

"Suggest to librarians that each trustee and friend of the library subscribe."—Avram Rosenthal, Livonia, Michigan. Readers are reminded that quantity orders to the same address cost less: Five subscriptions for \$12.00; ten or more at \$2.25 each. Who has idea No. 3?

## Eros' Publisher Indicted—Again

New York publisher Ralph Ginzburg and three companies he heads were indicted by a Federal grand jury in Philadelphia on March 15 on charges of mailing obscene matter.

Named with Ginzburg, publisher of *An Unhurried View of Erotica*, in a 28-count bill were Documentary Books, Inc., *Eros Magazine* and *Liaison News Letter*, Inc.

Ginzburg and *Eros* were indicted for mailing the \$10 a copy quarterly to six persons in Pennsylvania's Eastern Federal District. Among those making complaints were a Baptist minister in Philadelphia and a nun at Rosemont College, the bill noted.

There were also four counts of mailing a pamphlet, titled *Liaison*, to persons in the district and 18 counts of mailing advertising matter for *Eros*, *Liaison* and a book titled *The Housewife's Handbook on Selective Promiscuity*.

The publisher and Documentary were indicted in a 19-count bill last December for using the mails to advertise and distribute the *Housewife's Handbook*. It was labeled an obscene book.

The indictment described the publications variously as "obscene, lewd, lascivious, indecent, filthy and vile."

The new bill supersedes the December indictment. Ginzburg is under \$1000 bail on those charges.

In a separate action, Ralph Ginzburg was called before a New York County grand jury on April 18. The jury is seeking to determine whether *Eros* is obscene. Said Ginzburg: "Obscenity is in the eye of the beholder."

## Cancer in Las Vegas

Las Vegas, world renowned city of sin famous for its bare bosom girly shows, has decided to crack down on the bare bosom in print.

On Tuesday, March 19th, City Attorney Sid Whitmore appointed a citizen's committee on pornography. On Wednesday police sergeant James Moore, assigned to full-time newstand duty, cracked down. As he made his rounds the price of *Tropic of Cancer* (95c paperback edition) rapidly rose to \$2.00.

Moore had no difficulty in having 10 magazines and *Tropic* removed from newsdealers shelves under threat of summons, until he encountered Mrs. Dana McKay, owner of McKay's Books and Cards, 221 N. 3d St. Mrs. McKay, quoting the ALA "Freedom to Read" statement refused to stop selling *Tropic*.

A furor promptly arose with the Las Vegas *Sun's* fiery editor Hank Greenspun in the lead. Greenspun, who had previously editorialized against the pornographic magazines available in the city found "... a little more than we bargained for ..." "We never dreamed the police would get into it and that censorship of books would come under official surveillance."

"... it is my feeling," said Greenspun on March 21st, "that before anything is banned through censorship, it should be read by the censor and if the censor can stand it so can I."

City Attorney Whitmore said he had read "about one-third" of Miller's book and found it "pretty filthy." Whitmore gave committee members a marked copy in which specific passages were singled out and they made their judgment on that basis. When queried by the

city's newspapers, one committee member refused to say if she had read the novel, but called it "shocking". Another committee member, Mrs. Haupt, said she had read it and found it well written but unsuitable for children. She had no objection to the book if it remained in adult hands. Mrs. Haupt was mysteriously removed from the committee and replaced with school board member Helen C. Cannon the following day.

Southern Nevada librarians did not sit on their hands. Jerry W. Dye, Nevada Southern University Librarian told newspapers that he had both *Tropic of Cancer* and *Tropic of Capricorn* as well as *Lady Chatterley's Lover* available to students and "they will continue to be available" he said. A resolution was passed at a meeting of the Southern District of the Nevada Library Association endorsing the ALA *Freedom to Read Statement*. Mrs. Lillian Fleury, Las Vegas City Librarian, is distributing copies of the Statement and the "Library Bill of Rights".

By the following week, Whitmore and his committee were backing down. "I was informed," he apologized to the Las Vegas *Review-Journal*, "that there was substantial interest in a clean-up of obscene magazines here". On March 26th the ban on *Tropic* was removed and the committee has agreed to restrict their activities to salacious magazines.—David W. Brunton, Chairman, NLA IFC.

## Profs Fired; 'Lolita' to Blame?

Four members of the faculty at Western Maryland's Frostburg State Teachers College lost their jobs on March 28 because, they claim, they were going to use the books "Lolita," "Lady Chatterley's Lover," and "Tropic of Cancer" in their English classes.

College president R. Bowen Hardesty denied that the four had been dropped either because of the books or over a conflict with him over academic freedom.

Three other teachers resigned in protest over the dismissals of Dr. Edmund Skelling, 31; John Cole, and Morris Merchant, both 27, and Frank Ireland, 28. Those who resigned are Wayne Smith and Dale Landon of the history department, and Trent Busch, another English teacher.

Dr. Skelling charged that Mr. Hardesty voided his election earlier as chairman of the English department and that another reason he was fired was because of uncomplimentary remarks once made by a guest on his radio show.—Washington, D.C. *News*.

### High Cost of Censoring

Printing of the main budget bill shows that the appropriation for the Motion Picture Division, New York State Education Department, for the fiscal year 1963-64, totals \$140,468.

Heading the licensing unit, with salary of \$14,580, is Louis M. Pesce. The assistant director, Sidney Bernstein, will receive \$11,385. Four reviewers are to be paid a total of \$32,846; five inspectors, \$40,608.

Two projectionists will draw down combined stipends of \$12,508. Others listed are: principal clerk: \$6,140; senior clerk, \$4,813; senior stenographer, \$5,225; two stenographers, a total of \$8,530; mail and supply helper, \$4,023.

### Book Burners Lose

At the tiny public library in New York, N.Y., we are pleased to report, supporters of the freedom to read scored an unquestioned victory over a group of would-be book burners. By a margin of 5-1, voters turned down a slate of candidates for library trustees who campaigned on a pro-censorship platform. A total of 734 votes were cast—largest by far in the history of the little library. The result was a direct rebuff to an ex-trustee who proposed burning a children's book which retold an old Russian folk tale. Though he supported the losing group of candidates, he has resigned from the library board rather than face a formal hearing on his censorship proposals.

### Dallas Councilman Tests Library Selection Policy

The Book Selection Policy of the Dallas Public Library was tested last year when a member of the City Council complained to fellow Council members of the "filthy" books lining the shelves of the Dallas libraries. The Councilman brought as examples to the Council meeting John O'Hara's *From the Terrace* and Peter Arno's *Hell of a Way to Run a Railroad*. He said that these books were examples of the type of books youngsters were checking out of the Dallas Public Libraries. The Mayor said the Council should not put itself in the position of censors; however, he did call for an informal study of the situation by the Library Board.

Both the Library Board President and the Library Director replied to the filth charges. The Board President, Sidney Latham, explained that the library collection is governed by a book selection policy which the trustees approved within the past year. Library Director Lillian M. Bradshaw in reply to the charge said, "The library's function is to provide for mature readers representative works of today's writers. I believe it would be reprehensible to the adults of Dallas if the adult collection of the public library were denuded to the point where only children found it interesting."

Many, including the Friends of the Library organization and Dallas newspapers, came to the aid of the library and spoke out strongly in favor of the library's selection policies. At the next weekly meeting of the City Council, the group passed a resolution commending "the library board, the librarian and the library staff for their planning and performance, which are making available to the people of Dallas the finest type of library service meeting the highest standards of the profession . . . it sees no need for evoking the doubtful policy and practice of attempting to censor library activities from the City Council table." The only dissenting vote came from the Councilman making the charge.—David M. Henington.

### Black Beauty

South Africa recently banned the children's book, "Black Beauty," until authorities discovered it was about a horse, Ghana charged April 16 during a U. N. debate on South Africa's racial policy.

### From Anaheim to Eagle River

Controversy over school text books flared anew in Orange County, CALIFORNIA, in March, but the Anaheim Union High School Board overrode attacks on allegedly objectionable literature and ordered the books made available to students. Residents had claimed that the literature "was permeated with death, decay and corruption, with somber paintings and pictures, and were morbid, vulgar, profane and violent." The books: *A Cavalcade of World Literature*, *Journey in American Literature*, and *Adventures in Reading*.

The Los Angeles School Board on March 31 ordered a survey to see if unsolicited subversive or pornographic materials are mailed to student body presidents in care of city schools. Suggested by board member J. C. Chambers, the whole board went along except Mrs. Mary Tinglof, who said, "I'm not about to censor anyone's mail." Chambers' suggestion included mail addressed simply "student body president" or "librarian", but there is no indication that the librarians' mail is to be similarly treated. The story reveals that under the district's administrative code, all mail arriving at schools addressed to specific students is opened in the presence of principals.

The Santa Ana Register has been running a long series of front page quotations from an editorial comment on *Economics for Our Times*, a McGraw-Hill text by Augustus Smith, being used in the Fullerton high schools. The school district fought back during the week of April 8 by enclosing a pamphlet about the book and how it was selected with all district report cards. The issue, which revolves around the book's allegedly socialistic bias, has also entered the campaign for the school board election on April 16.

In the Cupertino Union High School District parents, armed with an attorney and a 250-name petition, stormed the board meeting late in March to protest the sex-education films being shown their youngsters. It seems they didn't like certain aspects of the films and didn't think there was enough stress on the moral and religious aspects of sex. Two weeks ponderation brought the board to a solution: They decided parents must personally preview all sex education films and give their consent before their children will be allowed to see them. How and when these pre-showing censorship affairs are to be arranged has yet to be worked out.

e. e. cummings' *Poems 1923-1954* was removed from the shelves of the Abraham Lincoln High School in Denver, COLORADO, by the principal on the complaint of a parent that the book is pornographic. Whereupon East High library placed it on a restricted shelf. Since the book had been on the open shelves at East High since 1958, the Denver Post, in its issue of March 20, found it difficult to swallow library services director Mary Lee Keath's explanation that, "rather than book censorship, there was book selection involved."

Apparently sparked by a "Yale Reports" program in which professors Henri Peyre and William Winsatt, Jr., agreed that *Catcher in the Rye* should not be considered an American classic, the book came into controversy at a New Haven board of education meeting on April 2. The board referred the problem to its education committee. A Register survey of suburbia revealed general but not unanimous agreement that the book belonged on high school and college reading lists.

## Defense Bulletin

Is the title of an occasional publication of the Commission on Professional Rights and Responsibilities of the National Education Association. Number 94 for February, 1963 reports a number of censorship cases involving schools, most of which have been reported in these pages. It reports also that criticism of education at the local level is not as frequent or severe as it was two years ago. "Nevertheless it continues—and *should be expected in a democratic republic.*" Emphasis added—with approbation.

The feuding school board of Levittown, NEW YORK, achieved perfect harmony on April 10 for the first time in many years—five trustees stayed home and let the two minority members hold their own public meeting against the proposed banning of four textbooks from the district. Ban is proposed by trustee Joseph Waldvogel, who has charged that Emil Lengyel, author of *The Subcontinent of India*, is a member of 50 organizations on the attorney general's subversive list, according to what Waldvogel read in a magazine called *Circuit Riders*. The four books, all published by Scholastic Magazines, Inc., were to be used in a course on democracy and communism. The other three books were not attacked by Waldvogel, but were to be banned for having the same publisher as Lengyel's.

Three Phoenixville, PENNSYLVANIA, high school teachers submitted their resignations on April 18 after being ordered by school superintendent Edgar H. Haldeman not to permit students to use *Catcher in the Rye* as a basis for book reports. Ban was triggered by an unidentified school official's wife who saw her son reading the book, which is not in the school library nor on any approved list of books for class use.

It was reported on April 10 that Houston, TEXAS, Sam Houston high school principal William H. Powell had ordered Cronin's *The Judas Tree* and Cummings' *Poems, 1923-54* removed from the school library. "These are the most vulgar and obscene books that could be published." The books are in good company, others by Harper Lee, Hawthorne and Kantor, having been banned previously.

*Catcher in the Rye* came into the news again, this time in Falls Church, VIRGINIA, where three parents objected to a ninth grade English teacher reading it aloud in class. School Superintendent Irvin H. Schmitt replied that the teacher "acted in accordance with accepted professional principles," in using the book. He said also that parents' right to comment and question the selection of reading matter is "respected and encouraged," but the final choice must be left in the hands of the professional staff.

The Eagle River, WISCONSIN, school board, whose chairman is leader of the local chapter of the John Birch Society, was not yet out of the woods. The local American Legion Post passed a resolution on March 10 demanding the immediate removal from the high school library of "literature of obscene and lascivious nature," mentioned in the minority report filed by retired Judge Frank W. Carter in connection with the investigation covered in the January issue on p. 21. The resolution, which demanded the removal of the *New York Times Book Review* and the *Saturday Re-*

*view*, was tabled by the board on March 25. The fracas became an issue in the spring school board election. Ray Johnson, running as an anti-book burner who resisted the John Birch Society, was re-elected by a two to one margin—1642 to 843.

## The Treatment of Minorities In Textbooks and Other Instructional Materials

(A statement of policy adopted by the Detroit Board of Education, 18 December 1962, with the directive that copies be sent to all schools and departments.

The Detroit Board of Education is committed to a policy of having the schools contribute in maximum degree to understanding and goodwill among different racial, religious, and nationality groups.

Criticisms have come to the Board of Education to the effect that some textbooks in use today do not present a balanced and satisfactory picture of all groups in American life. Progress has been noted in this regard in recent years, but the progress is small and much yet remains to be done. This condition prevents all children from acquiring an adequate understanding of America's growth and development. Investigation by staff members of the Detroit Public Schools tends to support the need for textbooks and other instructional materials that portray American life in a more adequate manner.

The Detroit Board of Education is directing that textbook selection committees and committees for the review of audio-visual aids make sure that all textbooks, supplementary books, library books, and audio-visual aids are consistent with the human relations policy of the schools and that these materials do contribute significantly to understanding and goodwill among different racial, religious, and nationality groups. The content, the illustrations, and the general tone of all instructional materials to be used in the Detroit schools should be such as to constitute fair treatment for all groups in our society.

The Detroit Board of Education calls upon publishers of books used in schools and the makers of audio-visual and other instructional materials to recognize this concern as they revise or develop books and materials. The Board re-affirms its position that materials purchased for use in the Detroit schools shall be consistent with its stated objectives and policies with regard to fair and adequate treatment of all groups in the American culture.

## The Choice Is Yours

Is the title of a new three-color brochure published by the Alberta Advisory Board on Objectionable Publications. Content is neither new nor notable, for it is based on the time-worn clichés typified by quotations from Wertham and Hoover. Board's activities are centered in intimidation rather than in legal proceedings, for the brochure makes much of the fact that "over 150 publications have been voluntarily withdrawn from distribution in the Province of Alberta by the magazine wholesalers on the recommendation of the Board."

## This Freedom

The Council of the Canadian Library Association—Association Canadienne des Bibliothèques—sets out the following statement on Intellectual Freedom in a Canadian setting. Canadian society derives from a rich and varied, racial, religious and cultural heritage. Freedom to communicate makes possible the understanding of our differences. Freedom to communicate, freedom of expression, freedom of thought are essential ingredients of our democracy. These are the basis of intellectual freedom.

Libraries must play a vital role in the maintenance of intellectual freedom. As a responsibility of library service to the public, the reading materials selected should be chosen for interest and for informational and cultural values. The freedom of an individual to use the library should not be denied or abridged because of factors of race, national origin, or political views. Library service should offer the fullest practical coverage of materials, presenting all points of view concerning local, national and international issues of our times. The libraries and those responsible for libraries must stand as leaders for intellectual freedom and must resist social influences tending to restrict the legitimate right to provide Canadians with worthwhile books.

Libraries are strong fortresses in the defence of intellectual freedom. In the past they have come under attack in many countries by dictatorships of the extreme political right and extreme political left because they are dangerous to those who would control thought. In times of stress and in periods of international tension, there is a strong pressure to forbid the promulgation of ideas that do not conform. Yet, it is in such times of stress that free expression is most valuable for it makes for elasticity and it keeps open the means of voluntary change. Libraries, books, the freedom to publish, the freedom to circulate books, and the freedom to read, the tangible things and the intangible liberties are basic to intellectual freedom.

One may ask—what of legal censorship? The Parliament of Canada has passed laws with reference to the importation and sale in Canada of obscene or salacious literature. This aspect of censorship is to be the subject of a special study and hence will not be discussed here. In general, the Association urges that the intent of any censorship law be specific and the scope minimal; that the law be clear and that where judgment must be exercised, that it be done by one qualified to judge.

Legal censorship is one aspect. Whatever may be one's views of present censorship laws, the legislative process provides the means of change. But, there is no place other than in law for coercion of the reading tastes of citizens. This, in no way, decries the efforts of any group or institution seeking to direct the reading of its members. Such efforts are affirmative responsibilities. Parents and teachers share such a responsibility in guiding the reading habits of the young. Church leaders have always accepted a responsibility to their charges. The librarian has the heavy responsibility of selecting books for a reading public. But, affirmative responsibility need not inhibit the efforts of the artist to achieve creative expression. Freedom is no freedom if only the banal is free.

May, 1963

## Priest Decries Censorship

In an address before an audience of 6500 at Jesuit University of San Francisco on March 31, University of Tübingen's Professor of Dogmatic Theology Hans Kung eschewed dogmatism and called upon the Roman Catholic Church to abolish its index of prohibited books and cease its advance censorship of religious books. He said the Church has committed sins against the freedom of man, and to outsiders the Church sometimes looks more like a prison than a sanctuary of the spirit. On April 3 the Los Angeles Archdiocese refused him permission to speak at a UCLA student-sponsored function, and granted him permission to speak at a private meeting of the Jesuit Loyola University faculty.

There is a positive side. The librarian—perhaps more than any other individual today—is faced with the opportunity and the responsibility of enlarging the practical field of intellectual freedom. In a very positive way, the librarian can enlarge the freedom to read by providing books that enrich the quality of the reader's thought and enlarge the boundaries of his knowledge. Librarians know that the answer to a bad book is a good book; that the antidote for a bad idea is a good idea. The freedom to read is of little consequence unless exercised. The absence of restraint is not enough in itself; there must be provision of opportunity that people may read the best that has been thought and written. Books are the major channels through which flow the intellectual inheritance of mankind. Libraries are custodians of our culture and our freedom.

The Council of the Canadian Library Association—Association Canadienne des Bibliothèques—sets out the above with firm conviction. In its view the mosaic of our society is a source of strength. We may differ on many counts—yet, we hold fast to fundamental principles. One of these principles is our concept of freedom. One of the freedoms is intellectual freedom. This latter, this intellectual freedom, is the *sine qua non* of a free society.—John Archer, Chairman, CLA-ACB IFC, in March *Canadian Library*.

## Movies, TV, and a High School Play

The Supreme Court on March 26 heard arguments in a suit to upset the conviction of a Cleveland Heights theater manager for showing "The Lovers" on the grounds that the conviction was based on a too local standard of artistic freedom. The French film had been shown in many other cities without cuts, and with only 31-second deletions in New York and Boston. It had been admitted by the U.S. Customs Bureau. The ACLU and the OCLU filed an *amicus* brief which argued that it was time for the Court to abandon its 1957 landmark Roth decision.

Using a blue pencil for a scalpel, the American Medical Association has been practicing surgery on television's popular medical entertainment. The *Wall Street Journal* has reported that, "Through a little-known but powerful committee of thirteen doctors, the AMA is 'reviewing' almost all the scripts for the growing number of medical shows on TV."

## South African Book Censorship

Recently an American University Library received a copy of a new book which had been ordered from a South African bookdealer. The book about South Africa had been printed in London and a note on the dedication page contained these words, "Chapter 27 has been excised for certain political considerations." But in addition to this the book, when it arrived from South Africa, had pages 75 and 76 removed with this printed note pasted in, "pages 75-76 have been excised under the terms of the General Law Amendment Act which prohibits quotations from any person on the Banned list in South Africa." The book is, *In The Fiery Continent* by Tom Hopkinson, London, Victor Gollancz Ltd., 1962. 376p.

The AMA's committee, whose purported function is to make certain that the programs portray accepted medical techniques, has gone much further and demanded plot changes. One Ben Casey script presented a doctor unfavorably. The AMA committee objected, but the producer defended the script as realistic. Opposed to art imitating life, the doctors' committee complained to Dr. Benjamin Frees, medical adviser of Chrysler Corporation, the sponsor of the show on ABC-TV. The script was killed. Dr. Frees said: "I talked to Detroit and had the show called off. It had a reflection on the medical profession that just wasn't right."—*The Progressive*, March, 1963.

The Bristol-Meyers Company, participating advertiser in CBS' December 19 documentary entitled "Sabotage in South Africa," has been asked by the South African Government to explain its sponsorship of the TV program that was critical of South African racial policies. The company operates a 200-employee plant in Germiston, just outside Johannesburg. According to Jack Gould in the March 9 NYT, TV executives made no secret of their concern that the B-M incident might add to existing difficulties in persuading advertisers to support documentary TV programs.

CONNECTICUT General Assembly has a new bill proposing the establishment of a five-man board to censor feature films prior to showing. Board would be appointed by Governor.

After four weeks of rehearsal, principal Harold W. Moore of the Rockford, ILLINOIS, Harlem high school banned a school performance of "Inherit the Wind," because of objections from "various elements in the community." He said he wanted to keep controversy out of the school, but he succeeded not, because the school's speech and dramatics teacher Ruth Ann Johnston told a meeting of students and parents on March 28 that she would give up her job if losing it "means getting across a controversial play." She said she understood the objectors considered the play sacrilegious.

Vanguard Playhouse's producer and managing director, Dr. William A. Gregory, said he would meet with Inspector Melville Bullach, of the police censor bureau, today to discuss recommended deletions in the theater's current show, "Him."

Gregory said the meeting was arranged after he refused to make the deletions suggested by three censor bureau members last night. The play was written by e. e. cummings.

Two officers of the bureau attended the opening night performance Wednesday and informed Gregory that a part of a strip tease episode at the end of the second act was considered offensive. Gregory said they also objected to use of certain words in the last act.

The producer said he has no intention to comply with the recommendations because they are pertinent to the essence of the play, an avant garde work.—*Detroit News*, March 1.

That there can be no such thing as a little bit of censorship has been illustrated once again in the incident involving the mass resignation of Baylor University's drama department over the suppression of O'Neill's *Long Day's Journey Into Night*. On April 2 it was reported that Mrs. Harry Provence had resigned as Editor of *The Baylor Line* in protest over orders from the directors of the Baylor Ex-Students Association to leave a portion of the drama department resignation story out of the alumni magazine. The censored portion—the drama faculty's statement of resignation—has appeared in newspapers all over Texas, and was scheduled for the March-April issue without editorial comment.

## Library Bright Spot in Albany

By CLAUDE SITTON

*Special to The New York Times*

ALBANY, Ga., March 13—Negroes have resumed a 16-month fight against segregation here, embittered by the realization that a seeming victory was only a legal maneuver.

An informal truce took effect last Thursday after the City Commission voted 6 to 1 to repeal all segregation ordinances in this military and industrial center in southwestern Georgia.

The commissioners also decided, 4 to 3, to reopen the Carnegie Library for a 30-day trial on a stand-up basis to both whites and Negroes. It had been closed for seven months as a result of efforts to desegregate it.

No action was taken regarding the city's tennis courts, swimming pools, park recreation areas and teen center, all of which were closed at the same time. The city's bus line was shut down a year ago as the result of a Negro boycott.

The main branch of the Carnegie Library, a converted old home of buff bricks on North Jackson Street, appears to be the one bright spot in the controversy. It has 50,000 volumes, 6,000 of which are kept at the Lee Street branch for Negroes.

"It has been quite a trying period," commented a library official, surrounded by stacks of new books, which had piled up since the doors were locked last August 11.

More than 1,600 whites signed a petition to the City Commission urging it to permit the reopening. The first day brought a run of white readers, who took 400 books away. Nine Negroes came too.

"They've all been very nice and very polite and very quiet," the library official said of the Negroes.—NYT-WE.

## Stiff New South Africa Censorship

The South African President signed the Publications and Entertainments bill on April 12 which imposes moral, political and religious censorship on books, periodicals, plays and films.

The bill provides for a nine-member censoring body, the publications control board, which includes three members having "knowledge" of art, literature and law.

Publication or exhibition of any work the board considers "undesirable" will be punishable by fines ranging from \$840 for a first offense to \$2800 for subsequent offenses, with imprisonment as alternative or additional punishment.

In considering whether a publication or work of art or film is objectionable the board will have considerable scope. Some members of Parliament have said the board is powerful enough to ban the Bible.

Any hard-hitting political publication, book or play, could be banned under provisions forbidding works bringing "any section of the inhabitants of the republic into ridicule or contempt," or harming "relations between any section of the inhabitants of the republic."

Until now it has not been possible to ban anything published in South Africa; only imported works could be banned by customs.

What will happen in practice is that a publisher of any work which might tempt a common informer, will bring the manuscript before the control board before publication, hoping for a favorable judgment before risking his capital. This amounts to prepublication censorship, despite the government's protestation that what is being introduced is not censorship, but "control."—London *Sunday Times*.

## Editorial

"To unite all persons engaged or interested in library work . . ." So runs the first of the "Objects" of our own Association, of the Library Association (U.K.)—and of the present constitution of the South African Library Association.

It is with regret, therefore, that we learn of the South African Library Association's agreement to divide itself, in accordance with the South African Government's apartheid policy, on racial lines. While we have no wish to criticise the government of a friendly country, and realise that the South African Library Association is obliged to take note of governmental policy, we view this particular matter as between librarians. We appreciate also that the majority of South African librarians are public servants and must reconcile professional beliefs with the need to secure the support of the authorities who finance libraries.

It is said that the policy of apartheid is necessary in defence of a bastion of western civilization in Africa. In our view, the greatest threat to this civilization in Africa is ignorance; all those who take part in the spreading of light and knowledge are surely defending western civilisation, and surely those of our non-European colleagues who join in this task deserve better. They are our allies and should be treated as such.

It is not only distressing that a professional association should find it necessary to separate members, but also singularly inappropriate that a library association should be the first to do so.—Library Association of Rhodesia and Nyassaland *Newsletter*, December, 1962.

May, 1963

## "Obscene & Indescent"

In one of the sharpest of the Nichols and May nightclub skits, Elaine May does a spoof on a Tennessee Williams heroine who is said to be guilty of "drink, prostitution and puttin' on airs." Last week at the University of Mississippi, a young painter and art teacher was charged with obscenity, indecency and puttin' on art shows.

To Painter G. Ray Kerciu, 30, assistant professor of art at Ole Miss, the sprawling painting he called *America the Beautiful* expressed all the raw violence and redneck inhumanity of last September's integration crisis at the university. Kerciu had watched the riots from his office window, and for two weeks afterward found himself unable to lay brush to canvas. But he wanted to express the drama of this turning point of state history. Normally a quiet, representational landscapist, Kerciu adopted the style of Manhattan Artists Jasper Johns and Larry Rivers, who are fascinated by flags and labels. Kerciu painted a big Confederate flag and plastered it with the slogans of the riots: "Impeach JFK." "Would you want your sister to marry one?" "[Scratched-out word] the NAACP." He hung the painting in a one-man show at the university's Fine Arts Center.

University Provost Charles Noyes ordered *America the Beautiful* removed, along with five other paintings equally riotous in local color. Then an Ole Miss law student, Charles G. Blackwell, who belongs to three Citizens Councils and has an eye on a Democratic nomination for the state legislature, brought charges against Kerciu—desecration of the Confederate flag by "obscene and indescent [as the charge spelled it] words and phrases." Arrested by Oxford police, Kerciu posted a \$500 bond, came out of jail to find that his associates on the traditionally timid Ole Miss faculty had rallied behind him and are planning to help him put up a hard fight at his trial early next month.—*Time*, April 19.

## Capricorn, Etc.

One advantage of knowing the law is that you can save money by avoiding lawsuits bound to fail. It is advantageous to the public when public prosecutors, who spend the public's money, have this kind of economizing knowledge of the law as construed by the courts of last resort. When an earnest group of local citizens asked State's Attorney O'Donnell to bring a censorship case against Henry Miller's novel, "Tropic of Capricorn," Mr. O'Donnell consulted the law books. He found that obscene matter could be banned, all right: it has no protection under the freedom-of-speech provisions of State or Federal constitutions. But that answered only half the question. The other half was, just what is obscene?

Here again the law books had an answer, specifically an opinion of the Supreme Court in 1957. There it was stated that the proper test of obscenity is whether, to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest. Mr. O'Donnell then invited two professors and a lawyer to read the Miller novel. All three conceded that it has some pungent passages. But none of the three found the novel as a whole to be dirt for dirt's sake or for the sake of the dirty-minded. Accordingly the prosecutor

declines to prosecute, even under the revised version of the Maryland anti-smut statute. The very good reason is that in his professional opinion the contested novel enjoys constitutional protection.—*Baltimore Sun*, March 8.

## Crisis at Catholic U.

Catholic University in Washington, D.C., has a high aim—"to search out truth scientifically, to safeguard it, and to apply it"—qualified in practice by a timid feeling that now and then some of the truth has to be suppressed. The newest case of suppression has the school's faculty in revolt and deeply worries many of the 239 Roman Catholic bishops in the U.S., who are C.U.'s guardians.

Barred from a student lecture series at C.U. last month were four eminent Catholic intellectuals, including two of the nation's top Jesuit theologians, Fathers Gustave Weigel and John Courtney Murray; a noted Benedictine liturgical scholar, Father Godfrey Diekmann; and one of the official theologians at the Vatican Council, Germany's Father Hans Küng. To Monsignor William J. McDonald, rector of Catholic University of America, giving a forum to these scholars might seem to place his school on the liberal side in debate at the council (now in adjournment until September)—and he did not want the school to be on any side.

By last week, six major faculty groups had backed resolutions calling on the C.U. administration to rethink its notions of academic freedom. "Now all this is out in the open," says one faculty man. "The trustees cannot bypass the situation as it exists." Rector McDonald himself gave a sign that all the protest was having a telling effect. He announced the appearance at a Catholic University next month of a timely guest speaker: Augustin Cardinal Bea, a towering liberal at the Vatican Council. Bea's topic: "Academic Research and Ecumenicism."—*Time*, March 29.

## Editorial

Being convinced that every state and local library association ought to have an intellectual freedom committee, the editor has been watching for signs of their existence in his reading of professional literature. Apart from his editorial hope that the chairmen would constitute an informal corps of reporters for these pages, he considers that the existence of such a committee at the state level to be indispensable to fast, informed, and intelligent action against the tendencies toward censorship in our time. Two reports in this issue, from Nevada and Texas, are excellent cases in point. But there seem to be too few of such committees. In an effort to smoke out some which he may have missed, there is appended hereto a list of the states which are known to have IF Committees. Will all those who are missing please speak up? And will all state presidents whose associations have none please get on with their knitting? Available on request from the editor is the excellent Statement of Policy developed jointly by the California Library Association IFC and the parallel Book Selection Policies Committee of the School Library Association

of California. Here is the list of current chairmen of known IFCs:

CALIFORNIA, Virginia Ross, San Mateo County Library; ILLINOIS, Barbara Ballinger, Oak Park Public Library; INDIANA, Roger B. Francis, South Bend Public Library; IOWA, Leslie Dunlap, State University of Iowa Library; MARYLAND, Dorothy Sinclair, Enoch Pratt Free Library; MASSACHUSETTS, Ervin J. Gaines, Boston Public Library; MICHIGAN, Frank Scannell;

MINNESOTA, James H. Richards, Carleton College Library; NEVADA, David W. Brunton, Nevada State Library; NEW JERSEY, Robert B. Jackson, East Orange Public Library; NEW YORK, Wayne Yenawine, Syracuse University Library; OHIO, Raymond Embree, Ross County District Library; PENNSYLVANIA, Dorothy Bendix, Drexel Institute of Technology School of Library Science; TENNESSEE, David Kaser, Joint University Libraries; TEXAS, Frank D. Hankins, Del Mar College Library; WISCONSIN, H. Vail Deale, Beloit College Library; WYOMING, Gertrude Olson, Sublette County Library.

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