



newsletter

ON INTELLECTUAL FREEDOM

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Minnesota Fights Back

The University of Minnesota has been through a serious challenge and defense of academic freedom stemming from an attack on Professor of Political Science Mulford Q. Sibley by the American Legion, various other groups, and St. Paul Commissioner of Public Works Milton Rosen. Sibley was quoted as having said he would like to see on the campus "one or two Communist professors, a student Communist club, and a chapter of the American Association for Advancement of Atheism." Prominent in the defense of academic freedom was Director of the University Library School, Professor David K. Berninghausen, past president of the Minnesota AAUP, and former chairman of the ALA IFC. Notable in that defense was a radio interview of Berninghausen by Lee Vogel, broadcast on 3 January 1964, and entitled: "The Meaning and Significance of Academic Freedom." On February 29 KMSF TV produced a documentary on Academic Freedom by Professor Berninghausen and announcer Jim McGovern.

The Regents of the University of Minnesota have firmly upheld academic freedom through the past six months of attacks. On December 14, 1963, the Regents issued a statement called *Freedom and the University*, which says:

"It cannot be stated too strongly that the only atmosphere in which a university can fulfill its assigned role is the atmosphere of freedom. . . .

"The market place of ideas is . . . dependent upon a completely free conversation. The student and the professor must live in an atmosphere where questioning is encouraged, where every alternative can be explored, where their free minds may be allowed to test the validity of each idea, and where they feel free to follow wherever truth may lead. Such a free atmosphere is not merely necessary to university freedom; it is also the way of life which we have a right to associate with America. To ask that the right of the University to this freedom be respected is not to ask for special privilege, but rather to ask for the opportunity to demonstrate the efficiency of the freedom in which we all believe and for which so many brave Americans have died. The most American activity of them all is to think, to speak, to inquire freely. The un-American activity is to deny such freedom. . . .

(Complete text of statement may be found in *School and Society* for 7 March.)

Forward to Freedom

American Library Association President Frederick H. Wagman gave the major address at the joint meeting of the Golden Gate District and the Northern Division of the College, University and Reference Libraries Section of the California Library Association at the University of California in Berkeley on 21 March. Expanding on the "more than moral support" portion of his Chicago presidential address, Dr. Wagman made a stirring and philosophical transition between the morning program on "Confrontations with the Forces of Reaction" and the afternoon concern with "Library Service to Undergraduates." This significant and statesman-like defense of intellectual freedom in the public and the academic library will be published in full in the June *ALA Bulletin*.

During the morning program, Mrs. Margaret Klausner Troke described her confrontation with the forces which would have removed the *Dictionary of American Slang* from the Public Library of Stockton and San Joaquin County, of which she is Director. On another front Butte County Librarian Ursula Meyer described her battle to keep a small anti-Communist weekly named *Tocsin* out of her library. On still another front, Los Angeles County Librarian William S. Geller told of his first-day and first-year in office set-to with an attempt to keep recognized children's books concerning sex education on the open shelves.

This local program will be followed with a special two-day conference on Intellectual Freedom in Los Angeles on November 2 and 3, just preceding the annual state conference of the California Library Association. Conference is being organized by CLA IFC Chairman E. Caswell Perry, Burbank Public Librarian.

During National Library Week, on 16 April, the Concord, California, Library League heard a panel discuss various aspects of the question: "Who Has the Right to Read What?" University of California Professor of Law Robert M. O'Neil discussed the legal aspects. Contra Costa County Assistant Superintendent of Educational Services H. Frank Bradford evaluated the question in relation to elementary and high schools. And your editor talked on the public and college library aspects.

Johnny Reb's Book and Card Shop on 7 February filed a \$20,000 damage suit against two Atlanta, Ga., police detectives, charging a violation of civil rights during a raid on alleged obscene literature. The suit asked general damages of \$10,000 as well as payment for every book, magazine, or other publication seized during a raid on 15 April 1963.

A course in the problems of literary censorship is being offered free to teachers, librarians, school librarians, school board members, and members of Councils for Better Literature (\$10 to all others) at Oakland University, MICHIGAN. Asst. Prof. of English Richard E. Quaintance is donating his time to teach the class, whose objective is to give teachers, parents and others an opportunity to discuss in an educational atmosphere the relationship between pornography, cultural awareness and the public welfare.

The Small Libraries Association, meeting in Wood-Ridge, NEW JERSEY, heard a panel of librarians discuss censorship and consider questions like: "Should *Fanny Hill* be displayed on public library shelves?" and "Should censorship control reading matter for students in the 13-to-17 age group?" Most librarians in the group felt that having a book on the shelves gave it tacit approval. Hackensack trustee Arthur F. Williams said an adolescent accepts what he reads unless guided. Mrs. Murray Ludmer of Wood-Ridge stressed that young people have to learn to establish standards and choose. All panelists agreed that freedom should not be curtailed.

Sixty-five librarian members of the Upper Hudson Library Federation, meeting in Albany, NEW YORK, on 19 March, heard a Catholic priest, a newspaper editor, a university professor, and a librarian discuss the question: "What should a Librarian Do About Problem Fiction?" Answers were two: Learn to separate trash from realistic fiction of merit, and resist all efforts at Censorship.

Our compliments to Bill Chait, Director of the Dayton and Montgomery County, OHIO, Public Library, for printing on the back cover of the February issue of *This Month in Your Library* the Library Bill of Rights in distinctive and tasteful typographical format. Other library journals please copy. Another feather for Bill Chait's cap is that he has arranged for Harold E. Fey, distinguished editor (until 1 September) of *The Christian Century*, to speak on the "State of Freedom" at the annual convention of the Ohio Library Association in Cleveland on 30 October.

Dayton, long beset by a spate of CDL-type activity, now has a Right to Read committee which elected offi-

Not So!

To the Editor:

The last issue of the *Newsletter on Intellectual Freedom* reported that the *National Review* magazine claimed in its 14 January issue that Grove Press' publication of Jean Genet's *Our Lady of the Flowers* was "bowdlerized."

Barney Rosset, publisher of Grove Press, informs me that not only was his edition of *Our Lady of the Flowers* not bowdlerized, but this fact was brought to the attention of the *National Review* which, however, failed to respond.

The matter may have some importance for your readers since Grove Press is against all censorship and has resisted consistently the temptation to bowdlerize works gamier even than *Our Lady of the Flowers*—for example, William Burrough's *Naked Lunch*.—Edward de Grazia, Attorney for Grove Press.

Two Rights

In a sermon preached before a recent session of Denmark's Folketing (unicameral parliament), the Rev. K. E. Jensen of the national Lutheran church declared: "The church has the right to make one demand on the government: that it be permitted freedom of speech. But it has still another right: to protest if any legislation is being prepared that is designed to prevent attacks on the church. For to be attacked and contradicted is one of the foremost human rights, and we shall not renounce it."—*Christian Century*, 26 February.

cers on 12 April. The organization was established to "challenge the right of any one person or group, other than the courts, to dictate what is or is not proper for others to read." First activity is a scheduled radio debate between committee member Rev. Harold J. LeVesconte of the First Unitarian Church and Mrs. John P. Hart, organizer of the distribution of 700,000 handbills asking citizens if they find material on local newsstands to be offensive. Returns have been meager (1,000) and disappointing to Mrs. Hart, for fully a fourth of the respondents thought the newsstands to be just dandy.

Freedom of Expression Upheld by Supreme Court

A public official must prove "actual malice" is involved before he can collect damages for defamatory falsehoods relating to his official conduct, the Supreme Court ruled on 9 March. The decision nullified a \$500,000 libel judgment awarded to Montgomery, Ala., Police Commissioner L. B. Sullivan in a suit against the *New York Times* and four Negro clergymen.

This interpretation of freedom of expression holds that "actual malice" can be established only if the one making a defamatory statement knows in advance that it is false or if it is made "with reckless disregard of whether it was false or not." The court's ruling was made "against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."

There were no dissents from the opinion written by Justice William O. Brennan, Jr., but three justices wanted the court to go further in underscoring the right to freedom of expression. Justices Arthur J. Goldberg, Hugo L. Black and William O. Douglas expressed vigorously their belief that the Constitution gives citizens and the press "unconditional freedom to criticize official conduct."

The *Times* ran an advertisement March 29, 1960, criticizing handling of racial demonstrations in the city. It contained information which, it was later found, included misstatements. Alabama held that although the ad did not mention anyone by name a reference to "the police" tended to injure Commissioner Sullivan's reputation and was therefore presumptively malicious.

THIS IS NOT

an advertisement, but librarians ought to know about a new publication which may very well be the source of some of their troubles in the months to come. Received in the mail late in February, this 12-page document is identified as number 10, series 8: An Education Report by Education Information Inc., P. O. Box 306, Amarillo, Texas. Price is 35 cents. Title is: "The Interlocking Relationship of the NEA-ALA; 'Censorship' and the *Dictionary of American Slang*; A Report on Monopoly and Pressure Patterns in the Field of Information."

Nearly all of the 12 pages are filled with a confused admixture of half-information and misinformation about the made-to-seem-sinister relationship between the American Library Association, the National Education Association and the Foreign Policy Association. Much of the text reviews the California controversy over the *Dictionary of American Slang* and the part the California Library Association played. Some of the other subheadings include: Basis for Communist 'Morality', Communism's Strange Fascination, Political Action Organization, Federalize the Libraries. The *Library Journal*, the *ALA Bulletin* and various other ALA publications are taken to task for being soft on communism, as is the University of California.

Editorial

Dean Lester Asheim, in the January 1962 issue of the *Bay State Librarian*, said: ". . . I am not going to be concerned about the fact that libraries did not have *Lady Chatterley's Lover* before it was cleared by the courts. But I will be interested in the reasons that kept libraries from getting it after it was legally within their rights to have it." Applying this reasoning to *Tropic of Cancer* we would be interested in the reasons that have kept some libraries that we asked in Massachusetts from getting the book. Ours was a scanty sample, and we were encouraged by those that acquired *Tropic*, but we were very discouraged by those that did not. The latter were in a majority.

The ruling of the Supreme Judicial Court of Massachusetts contains the following: "It is not relevant that we think that the book at many places is repulsive, vulgar, and grossly offensive . . . Competent critics assert, and we conclude that *Tropic* has serious purpose, even if many will find that purpose obscure." The brief filed by the Massachusetts Library Association was a factor in that ruling. The court held that *Tropic* is not obscene and is entitled to constitutional protection.

We have had nearly eighteen months to "put up or shut up" and collectively we have hardly put up at all. *Tropic* is not easily obtained from public libraries, not obtained at all from the majority we asked.

Assembled under the banner of MLA or ALA, or any organization where we are not required to give our individual and personal support to principles, we will heartily endorse *Tropic's* right to be read. Back in the

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library, however, we would prefer to deny space to a book that by its very controversiality demands space. We suppress the book in order to avoid controversy.

The validity of our statements supporting intellectual freedom is only proven by their application in the library. Chairmen of all the intellectual freedom committees in the United States can file briefs, write letters, defend books, but it is wasted effort when the response in copies acquired for libraries is so small compared to the unanimous support for a book in conventions and meetings.

The freedom to read *Tropic of Cancer* has not been easily won. For many users of public libraries it is still obstructed, and by the librarian. Unless we are willing to admit that our organized efforts against censorship are merely publicity stunts and sloganeering we cannot allow the library to become the remaining obstacle to free access to books, including *Tropic*. The censors must take comfort in the fact that in the final analysis they are victorious. Who cares what the courts decide if the public agencies responsible for providing printed material can be frightened into suppressing the books that censors want suppressed?

Regardless of one's critical evaluation of *Tropic*, its legal battles in Massachusetts have made it important. They have defined the book as worthy of extended debate, careful reading, and by its very controversial nature, worthy of being included in library collections. Few books have been liberated by the courts. When a profession gives it organizational support to the liberation its members must continue that support where it counts. The book must be made free and accessible to library users. Otherwise libraries have themselves become the agency for censorship and all the public, organized support for the freedom to read is belied by individual suppression of that freedom.—*The Bay State Librarian*, January.

Experts' Anonymity Compromises Law

Until County Prosecutor Paul Young reveals the identities of the experts he has impaneled to counsel grand juries reviewing allegedly obscene publications, the law is in the untenable position of abetting secrecy in official actions.

A blue-ribbon group can expand juror's perspective of the issue and help them define community standards, an essential first step in determining obscenity. Qualified experts can help keep the issue, too often obscured by emotion, in rational focus.

But are the experts, in fact, experts? The public has no way to know. As an official arm of the prosecutor's office, the panel is a public group. The public has a right to know by whom it is being served.—*Dayton News*, 5 March.

Intellectual Freedom Kits

The California Library Association Intellectual Freedom Committee has assembled a slightly revised collection of recent statements and articles on censorship and intellectual freedom into a kit being sold at cost. Address orders with check for \$2.00 to CLA, 1741 Solano Avenue, Berkeley, California.

Annual Report

Fifteen hundred and eighty-four copies of this issue are being distributed on a subscription basis, an increase of 37 per cent over the May, 1963 issue. Press run of this issue comes to 2500 copies, the difference being in large part accounted for by bulk sale to the California Library Association for inclusion in its new Intellectual Freedom Kit, the availability of which is announced on page 27.

Their Appointed Rounds

Busy trying to speed the mail on its way by the new Zip Code, the Post Office simultaneously is ordered by the federal government to keep watch on the mail of some individuals, and to hold other mail up on the ground that it is Communistic. One result of such procedures has been protests from such diverse sources as Roy M. Cohn and the *Washington Post*.

The Internal Revenue Service, and an assistant United States attorney ordered the Post Office to note the names and addresses of correspondents of Cohn, who is under indictment on federal charges of perjury and conspiring (allegedly lying to a grand jury and trying to prevent the indictment of four men in a stock fraud case). For good measure, the assistant United States attorney had the Post Office watch the mail of Cohn's lawyer, Thomas A. Bolan.

Cohn tried but failed to use the Post Office's action as a reason to have the indictment against him dismissed; but New York District Judge Archie O. Dawson called the mail watch on Cohn's defense lawyer "shocking." The riposte of the *Washington Post* last week to detention of its mail was to publish an open letter to the Postmaster in New York in the form of an editorial. Here it is:

"We are the recipients of a *billet doux* in the form of a postcard from the Postmaster in New York, advising us that he is holding mail matter addressed to us from a foreign country which the Customs Bureau of the Treasury Department has determined to be Communist propaganda. Goody! It sounds interesting. The Postmaster has whetted our curiosity.

"Until recently, we have been accustomed to receiving mail matter addressed to us without intervention by the Postmaster and without the benefit of the Customs Bureau's opinions respecting the contents. It seemed to us that we were getting along quite satisfactorily in this old-fashioned way, determining for ourselves the character of the stuff in our mailbox and deciding whether to put it in the wastebasket or the file cabinet or show it to our neighbors and friends.

"Old-fashioned as this method of handling the mail may seem, it is nevertheless thoroughly American. And in simple truth it safeguards the security of the country a great deal better than keeping Communist propaganda concealed. Newspapers, universities, government officials—Americans in general—need to know what the Communists are saying and doing—in order to formulate their own judgments intelligently.

"We get a great deal of mail we don't want—without ever being asked by the Postmaster if we want him to deliver it to us. But this particular piece of mail seems

to be so important that he wants special instructions. He presents us with a return-addressed, franked postcard asking us to let him know whether to deliver the publication or not and whether to deliver all publications of the same type or not.

"The Postmaster's inquiry, coming as it did in postcard form, was open to the scrutiny of the postman and of anyone else who happened to see it. So there is no telling how many people have now been informed that we are on the mailing list of a publication considered Communistic by the Customs Bureau; and the reply, being on postcard form, will let an indefinite number of busybodies know whether we want to receive such a publication.

"This puts a pretty formidable barrier in the way of our getting the publication and judging it for ourselves. We do not even know whether some other inquiring agency of the government may be compiling a list of all those subversive enough to want mail disapproved by the Customs Bureau—or whether the House Committee on Un-American Activities may not some day make use of the list as proof positive of treason.

"We think this whole procedure is an abomination. We think it apes the Communists from whom it is supposed to protect us. We think it mocks American pretensions to freedom and degrades the principles of the Bill of Rights. We think it disarms Americans and deprives them of knowledge they need. This insulting paternalism is the consequence of an act of Congress expressing nothing but distrust and contempt for the American people. Let the Customs Bureau go back to collecting customs. Let the Post Office Department go back to delivering the mail—without asking silly questions. And let Congress remember that the society for which it legislates is a free society."—*New Republic*, 14 March.

The Velvet Underground

A jury was selected in San Francisco on 16 March for the federal court trial of a Santa Cruz author accused of sending obscene letters through the mail. Defendant Michael M. Leigh claimed the seized letters figured in research for a book exposing rackets. As such, argued defense attorney Richard H. Gladstein, Leigh's correspondence comes within the free speech protection of the Constitution. Leigh's recently published paperback book, *The Velvet Underground*, deals with wife-swapping orgies and other bizarre sexual practices, all of which are involved in the seized mail, according to the prosecution. On 18 March Gladstein introduced *Tropic of Cancer*, *Naked Lunch*, and the Marquis de Sade's *Justine* into the trial as books which Leigh drew on in writing his letters, and which travel freely through the mails. *The Velvet Underground* was not allowed in evidence.

Leigh was acquitted on 25 March by a jury which deliberated 2½ hours and took only one ballot. Said jury foreman Allan Walker, mechanical shop superintendent at the University of California Lawrence Radiation Laboratory: "It was hardly conceivable that Leigh's letters could arouse prurient interests in people whose every prurient interest had already been aroused and gratified. You could get more prurient interest aroused by watching girls walking down Mission Street."

Kerr and Regents Win High Honors

President Clark Kerr and the regents of the University of California have been signally honored for their contributions to academic freedom and intellectual liberty.

They have received the Alexander Meiklejohn Award from the American Association of University Professors for "notable services in establishing a healthy climate for academic freedom."

Prominent among such services was the removal of a 12-year campus ban on various outside speakers, and the adoption of an "open forum" policy which now gives students complete freedom to listen to speakers of their own choosing—including proved and admitted Communists.

In adopting that policy, the AAUP noted, the regents issued a "Declaration of Confidence" in the American principles of freedom, and in the competence of students to judge among the beliefs and ideologies that speakers may expound before them. This, said the order of the regents, was in "the best American tradition."

The AAUP especially commended President Kerr for having "contributed enormously to the lifting of the blight which had been induced by the bitter controversy over the loyalty oath a dozen years ago," and for persuading the regents to enact a standing order which prevents the dismissal of faculty members except for "ample cause" as found by a properly constituted faculty committee.

It was duly noted that these salutary policies in behalf of academic freedom were established over bitter opposition from the California Un-American Activities Committee and from other groups that do not or will not recognize that free and open discussion of public problems on the campus is important to the intellectual development of students and to their preparation for intelligent participation in society.

We join with the association in extending to President Kerr and the regents honor and credit for their enlightened actions in this vital area of higher education.—SFC, 12 April.

Book Burning Halted

LONDON (AP) Feb. 4.—So many trashy American books and magazines are pouring into Britain that the customs agents have had to quit burning them—made too much smoke.

This odd disclosure by the London Committee Against Obscenity, an interdenominational organization of religious leaders, came at a news conference Monday announcing an intensified drive against such reading matter.

"In the past three years the British customs have seized 826,454 pornographic American paperback books and 328,464 magazines," a committee spokesman said.

"Most of them arrived at the port of Southampton, where the customs used to burn them. But the dock area has been made a smokeless zone by law and the agents now have to drive the seized publications away in lorries to a factory where the offensive matter is shredded."

Cain's Book

In a Sheffield magistrates' court case this week, the solicitor of John Calder (Publishers) Ltd., intervened to deny that one of the books being considered for forfeiture was obscene, and declared the intention of the publishers to call evidence of the literary merit of the work.

The book in question was *Cain's Book*, by Alexander Trocchi. It was one of 48 novels and 906 magazines seized by Sheffield police in simultaneous raids on 14 shops under Section 3 of the Obscene Publications Act.

For the police it was stated that this was the only publication seized from the premises of Henry Kirk, of Tudor Street, Sheffield, which had stiff covers. Its price was 25s. The Bench had to consider when reading a book what were the surrounding circumstances, who was likely to get hold of it, and what was the likely effect, it was submitted. There was in the book a reference to drug addiction which could be obscene having regard to the effect on those who read these passages. "The author seems to advocate the use of drugs in schools so that children should have a clearer conception of art. That, in my submission, is corrupting," counsel said.

Mr. John Calder is reported as saying that *Cain's Book* had gone completely unchallenged since its publication in February, 1963.—*The Bookseller*, 29 February.

Earl Warren's Sharp Reply

In an unusual expression of private emotions, Chief Justice Earl Warren struck back yesterday at critics who charge that the United States Supreme Court has favored the rights of smut purveyors over the rights of the public.

"There has been so much discussion about the court not protecting against obscenity," Warren said. "I wonder if that's where the fault lies."

Justices expect criticism for unpopular decisions and rarely reply directly to attacks in public, but a hearing yesterday provided one of those rare occasions.

Before the court was the claim of a Junction City, Kan., news vendor that the State of Kansas had no right to burn paperback books seized as obscene from his newsstand. Kansas contended that the State could choose between seizing the books prior to civil proceedings or prosecuting the vendor in criminal court.

Warren suggested there would be fewer constitutional problems if the state, before destroying books, secured a criminal conviction that could be turned into a civil judgment halting their circulation.

He said Kansas elected confiscation because it's easier to burn books than it is to prosecute a seller of obscenity.

"Is it wrong," Warren asked Kansas Attorney General William M. Ferguson, "for this court to hold you up to standards in order to avoid the constitutional questions you bring to us in this case?"

Ferguson replied that Kansas had held some obscenity prosecutions but needed both routes to wipe out what he called a \$2-billion-a-year national business. He said the court had "gone so far to protect erotic literature" in recent decisions that it should go no further.—*Times Post Service*, 3 April.

British Librarians Debate Censorship

L. A. STATEMENT

The following statement on censorship has been approved by the Council for use in the event of public controversy involving librarians or the Association.

"The function of a library service is to provide, so far as resources allow, all books, periodicals, etc., other than the trivial, in which its readers claim legitimate interest. In determining what is a legitimate interest the librarian can safely rely upon one guide only—the law of the land. If the publication of such matter has not incurred penalties under the law it should not be excluded from libraries on any moral, political, religious or racial ground alone, to satisfy any sectional interest.

"The public is entitled to rely upon libraries for access to information and enlightenment upon every field of human experience and activity. Those who provide library services should not restrict this access except by standards which are endorsed by law."—*Liaison*, May, 1963.

Yeovil Librarian Disagrees

I write to express my complete disagreement with the Library Association statement on Censorship published on p. 31 of the May issue of *Liaison*. It is all very well to say "leave it to the law of the land" but this overlooks the fact that the law of the land is made, ultimately, for the safeguarding of the individual, and that implicit in the law-making authority is the duty to protect the subject and citizen from poison, spiritual as well as physical. The popular and sentimental fight against censorship in the name of "freedom" strikes at a valuable and necessary ally of order in human life, and I think many librarians must have come to recognize this very clearly of late.—E. A. Batty, *L.A. Record*, July.

Batty No Magician

I am writing to you on the issue of censorship as an individual person. I understand from Mr. Batty's letter on censorship that he wishes to protect the good people of Yeovil from poison (spiritual as well as physical). Heroic man! For of course, spiritual poison, unlike physical poison, is not labelled as such. Publishers do not say "Poison. Do not read!" So he has to find out for himself.

Mr. Batty must therefore be pictured in sombre silhouette, swigging away at spiritual poison to protect the ratepayers from spiritual death. How, might one ask, does Mr. Batty escape pollution? I cannot tell: I can only guess. *He* is a specially gifted man and must have more literary discernment than anyone else in Yeovil. So it is impossible to pollute him . . . he is above them all. What a connoisseur he must be.

It is just possible that he may write to this periodical to say that he never reads books of this kind and that he knows all about them without actually reading them. But I think not; Mr. Batty is a nanny, not a magician.—BNB's C. P. Mills, *L.A. Record*, September.

Dr. Johnson Answers Batty

Re Mr. Batty's letter on censorship in the July RECORD, a newly-discovered fragment of Johnsonian conversation seems apposite!

"I spoke to the Doctor on some remarks made by a librarian concerning his refusing to disseminate certain books.

Sir, said I—this able man thinks the law to be amiss in having allowed 'in the name of "freedom"' the publication of certain works which he designates 'poison' both physical and spiritual.

Johnson: The law, sir, in its particular applications rarely secures every man's approval.

He implies, said I—that he will use such means as he possesses to prevent their being read and urges his fellows to do likewise.

Johnson: And so he may—if the public will stand for it.

He declines to state however the ground or limit of his discrimination.

Johnson: He presumes upon the public toleration if his judgment should be sole arbiter.

But, said I—might not his long acquaintance with books have singularly refined his judgment as to what might be indecorous in their contents?

Yet he cannot be fitted for such a task—said *Johnson*—Your keeper of libraries is rarely a man of the world and can be but a poor judge of what is or is not decent for men to read.

But do not you command, sir, his zeal to uphold the law of the land when its professed practitioners have declined that responsibility?

Johnson: Sir—to profess such a regard for law as to be unable to resist the taking of it in his own hands is the constant practice of the bigot and cannot but lead to abuse."—Middlesex County Libraries M. Verrall, *Ibid.*

Batty Has Last (?) Word

I congratulate Mr. Verall on his most apposite Johnsonian extract. However, the problems of Boswell's eighteenth-century librarian, if similar in kind, were vastly different in degree from those confronting a public librarian today, and the Doctor's views on loose talk (and hence loose writing) were undeniably severe. I suspect this was one of the occasions when, as he once remarked to Fanny Burney, he spoke strange things but meant no harm. Mr. Mills, of course, has not read my letter. I did not suggest any sort of censorship at local level, still less that I should act as nanny to "the good people of Yeovil." I said the law-making authority had a duty to protect its subjects from poison, spiritual as well as physical, and implied that in my

Labeling? No.

I would say that I do not regard a statement of correction or explanation by the *original publisher* as "labeling." Various degrees of correction, from simple corrigenda to separate pamphlets issued to avoid or to settle libel suits, have appeared from time to time. Publishers have even attempted to recall entire editions and replace them with new printings. In none of these cases would I consider the action "labeling" within our sense. It is the attempt to impose a judgment or a correction by some one other than the original publisher that we are concerned with. (If we are too strict, we will have to warn libraries against keeping publisher's blurbs in books, since these are frequently value statements about the book—even though laudatory rather than denunciatory.)—Wyllis E. Wright, Librarian, Williams College.

views it had failed. The Library Association statement was consequently negative and inept.

How, then, to retrieve that failure? It might not be necessary to do more than *alter* the law by repealing the Obscene Publications Act of 1959, thus rendering evidence as to literary or other merit again inadmissible. (As C. H. Rolph has pointed out, in 1961 the Lords did, in effect, just that in the *Ladies' Directory* case.) We ought then to be safe from Chatterley, Lolita, and like productions which (in the words of Sir Harold Nicholson) "attribute a lyrical charm to unusual perversions and [are consequently] harmful." In other words, from pornography. (At this point someone will say that people are never corrupted by what they read. I say this is the sheerest nonsense.) If the tide cannot be rolled back in this manner, we should not shrink, in my view, from formal censorship. After all, we have had a Board of Film Censors for as long as I can remember, and censorship, like dogma in religion, makes for the clearing of thought rather than its repression. And let no one cry, wolf!, because literature would not be in any danger. Too many people care too much for it to confuse, or allow it to be confused, with the spurious glitter and contrived effects of the merely pornographic.—*L.A. Record*, November.

Sex and Literature

The all-important first step in solving any problem is to define it. Many persons are alarmed by the effects of obscenity on the young—but most of the definitions of obscenity are totally worthless.

For example, Richard W. Thomas, a marriage counselor, in a panel discussion in Torrance last week, defined obscenity as "anything that is sexually stimulating."

He was talking about literature. Some books and magazines, he said, in effect, are sexually stimulating to young minds and are, therefore, harmful.

Let us consider one such piece of literature. It is the story of a young man who went to a mansion and persuaded a senile servant to let him into a young woman's room. He seduced the girl and persuaded her to run away with him. This obviously is immoral. Moreover, the story is filled with passionate language and erotic figures of speech.

The name of the work is *The Eve of St. Agnes* by John Keats. Generations of children studied this magnificent poem in high school. And, if they were better than clods, they were sexually stimulated. Should we ban Keats? And if we do, should we not go to work on all great literature?

No. The approach is all wrong. We cannot take sex out of human nature. Rather, sex should be dignified, beautiful, ennobled. The finest compliments are "He is a fine man." "She is a lovely woman." Such remarks show respect for the sexuality of persons.

No one can keep kids from being sexually stimulated. Nor should we try. But we should try to give them self-respect. Men and women should be more than beasts. They should express their sexual natures in wisdom, charm, beauty, joy and restraint.

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Where does one acquire such traits? From books and from men and women whose lives have been influenced by books. Rather than worrying about what books children should not read, we should see to it that they have a chance to read the best. If they can obtain pure gold, they will have little desire for trash.—*Long Beach Independent*, 28 January.

Between Philistines and Literati

MURPHY, Terrence J. *Censorship: Government and Obscenity*. Baltimore: Helicon Press, 1963. 294 p. \$5.50.

Pitching a tent in the no man's land between Philistines and literati, Father Murphy gives a running account of activities in one sector of the censorship battle. His moderate report on obscenity concludes with a peace plan more apt to appease the barbarians than the liberals.

The author views the war in terms of the people vs. the United States Supreme Court. He asserts the judicial chambers apparently are controlled by a "small group of libertarians" determined to force values upon the populace. Peace can come only when the right to censor or not to censor is returned to the people preferably through jury trial, local legislatures, or, these failing, organized community action. Conversely, nothing will replace personal discipline.

Optimistically, he seems to believe a consensus will be reached satisfactory to both Philistine and champion of free speech. All that is needed, he apparently asserts, is recognition of certain basic premises, to wit: obscenity can be defined; it is outside the protection constitutionally guaranteed to speech and press; and, for all practical purposes there is a causal relationship between pornography and crime.

If the premises are not accepted, if the data appear less than sound, the argument falls apart. No one is more aware of this than Father Murphy. Drawing extensively on court cases, scientific studies and government reports he attempts to give both sides of what to him is a one sided debate. At times he even is at war with himself. For example, he asserts that 75 percent of the commercial pornography is sold to the youths of America, but in a footnote carefully explains that no reliable figures are available.

Regardless of one's view of censorship and obscenity, this study is valuable on two counts. First, it is a biased, albeit well-documented history of the judicial, legislative and executive roles in defining and interpreting obscenity. Second, it presents a rational case for democratic censorship, that is to say, individual responsibility.

Liberals, both in and out of the Catholic church, will take exception to many of Father Murphy's conclusions. Still, lines are more apt to be drawn in terms of political philosophy than religious. For, unlike Father Harold Gardiner (*Catholic Viewpoint on Censorship*. Hanover, 1958) the author is less concerned with morality than with democratic processes.

The tantalizing question of whether well-meaning Father Murphys are more apt to kill democracy by too much faith in the Philistines, too little in the literati, remains for every reader to answer for himself.—Bill Katz, University of Kentucky.

Mostly About Fanny

The ARIZONA House of Representatives on 10 February passed (75-2) and sent to the Senate a bill prohibiting the distribution of obscene literature. Two days later the Senate Education Committee tabled the measure, probably killing it, after some vigorous debate in which the opposition was led by Senate Floor Leader Harold Giss and Sen. David H. Palmer. Giss objected to the bill for its lack of definition of obscenity or pornography and for its attempt to ban sale of magazines through the mails. Said Palmer, "I don't want some kookie cop on the street telling me, an adult, what I may or may not read." On 18 February the bill received a unanimous do-pass recommendation from the Senate Judiciary Committee. Bill was passed by the Senate on 25 February and sent to Governor Fannin. Major contribution of the bill is what the Yuma *Sun* considers to be a reasonable definition of what is obscene: "That which considered as a whole has as its dominant theme or purpose an appeal to prurient interest or a shameful or morbid interest in nudity, sex or lewdness going substantially beyond customary limits of candor in description or representation of such matters." Gov. Fannin signed the bill into law on 28 February.

Hartford, CONNECTICUT, police on March 18 seized 44 copies of the paperback edition of *Fanny Hill* and arrested midtown cigar store owner Bernard Stanley, who was charged with violating the state obscene literature law.

The GEORGIA House on 5 February unanimously passed a bill to increase the powers of the state Literature Commission. The bill would allow the Commission to file for a declaratory judgment in superior courts that a work in question was obscene. Works ruled obscene could then be withdrawn from sale by retailers to avoid prosecution. The bill squeaked through the Senate on 18 February, despite several efforts to delay the vote.

Two Atlanta men charged with violation of Georgia's obscenity law by selling nudist magazines and a book entitled *Long December* were acquitted on 5 March by a Fulton County Superior Court jury. Prominent in their defense were Emory University English Department Chairman Albert Stone, Jr., who considered *Long December* to be dull but not obscene; and Emory Associate Professor of Fine Arts Anthony Cutler, who described the pictures in the nudist maga-

"Fanny" in Trouble in Denmark

The *Times* correspondent in Copenhagen reports that the Danish public prosecutor has decided to charge a well-known Copenhagen publishing firm with an attempt to publish a translation of *Fanny Hill*. He explains that the word "attempt" is used because the publisher has published so far only 60 copies, sending some to the public prosecutor and others to members of the literary world, asking for their opinion—which has been in support of the publisher. The report notes that seven years ago *Fanny Hill* was banned in an English edition.—*The Bookseller*, 22 February,

Phonography Illegal

A city ordinance banning the sale of phonographic (sic) literature on the newsstands of Southport, North Carolina, was unanimously adopted at a meeting of the board of aldermen on 12 March. Persons convicted of dealing in phonographic (sic) literature can be given 30-day terms and/or fined \$50. According to the ordinance, phonographic (sic) literature is defined as "such books which were purposely written and advertised as being for the purpose of vulgar sexual sensationalism or the stimulation of curiosity in sexual perversions."—*Southport State Port Pilot*, 18 March.

zines as unaesthetic but not obscene. In his charge to the jury, Judge Sam Boykin said acquittal would be necessary if the jury found other books available in Atlanta to be more explicit in their treatment of sexual matters than those on which the men were charged.

Girlie magazines are all right in their place, but that place is under the counter, the Indianapolis, INDIANA, Works Board told downtown news vendors on 20 February, in a new effort to enforce a rule laid down several years ago.

In Baltimore, MARYLAND, Federal Judge R. Dorsey Watkins on 9 March agreed to read 8 books which attorney Albert S. Sklar, defending Benjamin Caplan against a charge of sending three obscene books through the mail, suggested as a way of establishing the "contemporary standards" on which the books in question should be judged. Books in question: *Lesbian's Bride*, *Road to Sexcess*, and *Russian Stud*. Some of books in "contemporary standard;" *Lady Chatterley's Lover*, *Naked Lunch*, *Tropic of Cancer*, *Fanny Hill*. Moot point: Since court decisions have required that works be considered as a whole, how much of the 8 books did the judge have to read? (He had read all of all 3 books in question.) Judge Watkins asked prosecuting and defense attorneys to work out a stipulation to shorten his home work—which, by the way, he planned to do on Government time. The following day the judge, apparently a fast reader, found all 8 books to be "patently offensive," and found Caplan guilty.

An *In Rem* action against *Fanny Hill* was filed in Boston on 5 February by Atty. Gen. Edward W. Brooke, who asked Judge Eugene A. Hudson to ban sale of the book in MASSACHUETTS. Judge Hudson promised to read it before taking action. On 10 February he found the book obscene and scheduled a hearing on 11 March on the proposed banning of the book. Hard news is lacking, but the Boston *Herald* on March 15 vigorously opposed the fact that the book had been barred to the people of Massachusetts.

A legislative hearing was held in Boston on 10 February to consider arguments for and against a bill, filed by Rep. Patrick W. Nee, which provides that pornographic magazines be kept out of sight behind a salesman's counter and prohibits their sale to anyone under age 21. Speaking in opposition were Boston Assistant Librarian Ervin J. Gaines, representing the MCLU, and Brandeis University Librarian Louis Schreiber, chairman of the MLA IFC. Said Schreiber: "Both *Life* and the *National Geographic* publish nude

Normal Grounds

The British Board of Censors has banned showing of a film depicting the life of Christine Keeler whose affair with former War Minister John Profumo rocked the government last year. The film, made in Denmark, stars Yvonne Buckingham as Christine and John Barrymore, Jr., as Dr. Stephen Ward. A spokesman for the censor said the film was banned on normal grounds, implying moral grounds.—*SFC*, 2 April.

pictures and would be subject to the provisions of the bill." Nee retorted that his measure would apply only to magazines which "as a matter of policy" publish such pictures.

Sale of pornographic material to persons under 18 years old is prohibited in Florissant, MISSOURI, under an amendment to the city's anti-obscenity ordinance adopted by the City Council on 9 March.

The amendment covers books, films, magazines and still pictures. It defines obscene matter as material that is principally composed of descriptions of sexual immorality or that contains pictures of nudity presented to arouse lust. It requires dealers to inspect their publications or films.

The NEW YORK Supreme Court's Appellate Division on 27 February declared John Cleland's *Memoirs of a Woman of Pleasure* to be obscene, and banned its sale throughout the State in a majority (3-2) opinion granting an injunction sought by New York City's corporation counsel. Putnam president Walter J. Minton said he would seek an immediate reversal of the decision in the Court of Appeals, and would carry it to the U.S. Supreme Court if necessary. Ban applies only to the Putnam edition; other, paperback, editions remained on sale, and sales were reported up from 50 to 80 per cent. Appellate Division Assoc. Justice McNally granted a ten day reprieve, effective 7 March, to give publisher time to appeal.

Rev. William Glenesk, of Brooklyn's Spencer Memorial Presbyterian Church, announced 1 March he would distribute copies of the book to his congregation on 8 March, compare episodes with certain sections of the Bible in his sermon, and present a panel discussion afterward, with Ralph Ginzburg as one of the panelists. The following day, after being informed by Kings County DA Edward S. Silver that he would be violating the law, Rev. Glenesk changed his plans for distribution in favor of exhibition of *Fanny* along with other once-banned books. In his 8 March sermon before an overflow congregation of 600, Rev. Glenesk said, "Man cannot choose between right and wrong without having knowledge of them both."

In Norwood, OHIO, Mrs. Alta D. Abrams, operator of the V & W Smoke Shop was arrested on 11 March for selling detectives a copy of *Fanny Hill*. She was released on bond pending arraignment in Fairfax County Court. Mrs. Abrams was arrested by one of the same detectives last July on a similar charge. At that time she was bound over to the Hamilton County grand jury, which ignored the charge. The current charge was dismissed by county judge George Palmer on 17 March. In addition to blaming that charge on the urgings of

the local CDL to stop sale of *Fanny Hill*, her attorney, Allen Brown, filed suit in Common Pleas Court asking damages of \$20,550 from Alfred B. Maloney for instigating the earlier arrest.

Fanny Hill was declared obscene under the Criminal Code by Judge Everett L. Weaver in Toronto, ONTARIO, on 27 February in a written judgment. Weaver said the book exploits and emphasizes sex for a base purpose, and offends contemporary standards of decency. He ordered 2,000 copies seized in January forfeited for disposal by the Attorney-General.

RHODE ISLAND Superior Court Judge John E. Mullen was on 16 February assigned the determination of the legal obscenity of *Fanny Hill*, on a restraint petition filed by Attorney General J. Joseph Nugent. The case is the first brought under a new obscenity statute enacted last May that focuses prosecution on an allegedly obscene "thing," rather than on dealers as individuals. Temporary restraining order banning sale of the book was signed on 27 February.

Milwaukee County, WISCONSIN, late in January joined the growing list of communities whose law enforcement officers are passing the determination of obscenity buck to a panel of allegedly representative citizens in an effort to emulate in advance the Supreme Court's language of "applying contemporary community standards." The panel of ten is to be picked by the DA, one of his assistants, and one or more other persons. Comments the *Milwaukee Journal* on 27 January: "One danger is that such a censorship panel will attract people least qualified to help determine what other people may read. This includes professional book burners, amateur moralists and civic meddlers with a political ax to grind. In crusading zeal, such a panel could erode the constitutional rights of the whole community."

Tropic of Cancer became the major issue in the Wisconsin Supreme Court election campaign. Candidate Howard H. Boyle, Jr., condemned the Court's 1963 4-3 ruling that the book is not obscene. Incumbent Horace W. Wilkie, who concurred in the majority decision, refuses to discuss the case on the ground that such discussion might be prejudicial to future decisions. Boyle has no such compunctions: "One of the burning issues of the day is the legalization of dirty books. Justice Wilkie was instrumental in extending such protection. Do you want a man like that to represent you on the Supreme Court?" Boyle's tactics were condemned on 20 March by the Milwaukee Junior Bar Association, and on March 23 six justices of the Supreme Court, in an unprecedented public statement, strongly criticized Boyle's attack on Wilkie. In the election on April 7, Wilkie won a new ten-year term on the Wisconsin Supreme Court.

Blanshard Buff?!

The New Orleans Public Library had its annual display of Lenten Books—Protestant on one side and Roman Catholic on the other—a trough display. The staff was kept busy policing the Roman Catholic books because an unidentified patron—we could never catch him—kept slipping the Blanshard books into the display.

Librarian Fights Dismissal in Buffalo Court Case

A librarian and part-time lecturer at the State University of New York in Buffalo is seeking court aid to block his dismissal. He said, according to the *New York Times*, that he was being discharged "because he declined to answer a question on a loyalty oath drafted by the State Civil Service Commission."

George E. Starbuck, 32 years old, who became a librarian at the university last October, asked the United States District Court on February 6 for a temporary injunction to block his dismissal. The order was granted by the judge on February 7, and the defendants, the Dean of the University and the State of New York were requested to show cause why the injunction should not be permanent. The attorney for the State asked for an adjournment, and the case was held over to March 3.

Mr. Starbuck, on taking up employment at Buffalo, was required to complete a regulation form which has to be completed by all new employees who are under Civil Service in New York. Yes or no answer had to be checked against a number of questions on the form. All of these were completed by Mr. Starbuck except the following question:

"Have you ever advised or taught or were you ever a member of any society or group of persons which taught or advocated the doctrine that the Government of the United States or any political subdivision thereof should be overthrown or overturned by force, violence, or any unlawful means?"

Against this question, for which he did not check either box, Mr. Starbuck wrote: "I prefer not to answer, at least until the pertinence and necessity of such a question can properly be explained to me."

When Civil Service authorities became aware of this, Mr. Starbuck was told he had to answer yes or no. Dr. Oscar Silverman director of libraries at the University, who told Lj he was supporting Mr. Starbuck in this matter, said that even if Mr. Starbuck had answered yes to this question, this would not necessarily have meant that he would be dismissed, but an explanation would have been required.

Mr. Starbuck received a letter on February 7 stating that his employment had been terminated and giving him two weeks notice. Having been advised that this letter was coming, he had meanwhile applied for the court injunction. Dr. Silverman, in an interview with Lj, said that the Personnel Office at Buffalo had now ruled that the dismissal letter no longer has any validity. Mr. Starbuck thus continues in his post, at least pending the court hearing on March 3.

There was some confusion of Mr. Starbuck's case with another matter at the university, where some faculty members have refused to sign certificates stating they are not members of the Communist party. This declaration is required by a 1949 law generally known as the Feinberg Act and applies to all faculty who teach in the State University of New York. Dr. Silverman explained that this did not apply to Mr. Starbuck since he was not a member of the faculty according to the State University, "although he does enjoy faculty status locally."—*LJ*, 1 March.

DOAS Falls from Upland Shelves

The *Dictionary of American Slang* was removed from the shelves of the Upland, California, Public Library early in February by the Upland Library Board as a result of five letters received by the Board demanding its removal. The local press carried no news story of the action, but did run 6 letters to the editor, one of them protesting and 5 praising the board's action. During the height of the controversy last summer librarian Louise Franke reported public reaction to be about equally divided among those in favor of keeping it on the open shelves, those against, and those who expressed no opinion. At that time the book resided in the librarian's office.

Late in March the letter-writing campaign spread to Ontario, four of the seven letters received by the library board coming from residents of Upland. In an April 1 letter to the Ontario mayor and city council, board president, The Rev. Dr. Evan R. Williams, affirmed the board's intent to continue the policy of keeping the book in the librarian's office "for reference consultation by the Library Staff, and by use in the library by legitimate adult researchers. We cannot in good conscience support this acquiescence to pressure groups, and wish the Council to be informed of our position in the matter."

Go Climb a Tree Department

The novel *Lolita*, banned in Australia for five years, has been set as a reading text this year for students of English at the Australian National University in Canberra, Reuter reported last week. A senior lecturer said the University library would apply to import a copy.

The *Guardian's* correspondent in Melbourne subsequently reported that the Minister for Customs, Senator Denham Henty, had told the Australian National University at Canberra that he would "view favourably" any application from it to import sufficient copies of *Lolita* for the University's course on American literature. The Minister, it appears, while banning a book, may make it available in limited numbers for approved study, and then require its return to the Customs Department or its destruction.

The lecturer prescribed the book because, among other reasons, "as a satirical view of American life it is a fitting climax to a study of American literature."—*The Bookseller*, 29 February.

Newsstands Not Only Offenders

The recent drive by the authorities against indecent books and magazines on the newsstands is to be commended. It is too bad the same censorship cannot be extended to such books on the open shelves of our public libraries.

It seems a great pity that the award for "best novel of the year" and the Pulitzer prize should so often go to books about sex while the authors of fine literature go unrewarded.

We readers should band together and demand that such books also be put "under the counter."—C.R.S. in *Indianapolis News*, 11 March.

Sigma Delta Chi Decries Federal Censorship

Freedom of the press "is at its lowest ebb today in the history of our federal government," according to the latest annual report of Sigma Delta Chi. The journalistic fraternity's Freedom of Information Committee concludes that more news management by the federal government further impeded reporting of national and international affairs in 1963, although some restraints on press operations were removed at the local level.

The Sigma Delta Chi report, which went to press just shortly before the assassination of President Kennedy, was particularly critical of the late President for paying what it considered lip service to freedom of information, while permitting "an oligarchy of control over the release of all news emanating from the Department of Defense." It also charged that other branches of the government shrouded their operations in a "blanket of secrecy," even less justified for security reasons. "On the other hand," the report said, "the American people are being deluged today with more governmental propaganda than at any time in the history of our country."

The report includes the texts of an exhaustive exchange of letters between Sigma Delta Chi and several government offices, including the Defense Department and the White House. The fraternity protested to Assistant Secretary of Defense Arthur Sylvester his statement that "it's inherent in the government's right . . . to lie to save itself . . ." and to Press Secretary Pierre Salinger his order that White House officials report to him on their conversations with newsmen. The executive tightening up of news leaks came during and after the 1962 Cuban missile crisis.

The report noted with approval that Ohio and New Jersey adopted open record laws, and Colorado and Montana adopted open meetings laws, raising to 37 and 29 respectively the number of states with such laws on their books.—*ACLU FPS*, 9 March.

Schools Score Two

The Atascadero, CALIFORNIA, High School District board of trustees on 27 February voted to retain Salinger's *Catcher in the Rye* on the recommended reading list for senior students, thus stopping an attempt by a small group of parents to have it removed. "We believe the integrity of free choice should be maintained. If the parents do not wish their child to read the book that is fine—but it should be there for those who do wish to read it."

The objection of a group of parents, members of the Liberty, OHIO, School Citizens' Protest Committee On Required Reading to Betty Smith's *A Tree Grows in Brooklyn as being* "immoral, obscene, lewd and sensual," was over-ruled by the Liberty Board of Education on 21 January at a meeting attended by more than 150 persons. The motion to leave the matter of required reading to the discretion of the superintendent and the faculty with the approval of the board passed unanimously (5-0). Clergy was represented on both sides of the argument, with the Episcopal Rev. Hunsdon Cary stating, "the threat of censorship in the Liberty schools stuns the imagination, especially when Pulitzer Prize winners must stand trial here."

Academic Sour Notes

The chairman of the University of San Francisco (Jesuit) student body film committee resigned on 6 March because the administration refused to allow a movie, "Joan of the Angels," condemned by the Catholic Legion of Decency, to be shown at a campus film festival. Four members of the faculty, which appeared to be divided on the issue, had agreed to serve on a panel discussing the film after its scheduled showing. The Catholic Legion of Decency is a film-rating organization which labels commercial motion pictures according to 3 categories: For All, For Adults Only, and Condemned, but says it "does not bind in conscience and is intended only as a prudent guide."

Circulation of San Diego State College's literary magazine, *The Phoenix*, was banned on 19 March by its faculty advisors, and its editor, Arthur T. Comings, was urged to resign. Advisor Glenn A. Sandstrom said the decision to suspend publication was based primarily on a war story containing profanity, and also on poems with "double meanings."

Pleasantville?

Among the key opponents splitting the town of Pleasantville, Iowa, are School Superintendent Fred C. Nus and Housewife Elberta Gilderbloom, a former teacher whom Nus once turned down for a job. Mrs. Gilderbloom ran for the school board, won, and last fall helped elect two ultraconservative members, including one who says he sympathizes with the John Birch Society. The three dominate the five-member board, and Nus says Mrs. Gilderbloom told him: "If I can't work under you, then you won't work under me."

Moving in on Nus's responsibilities, Mrs. Gilderbloom and her supporters voted to toss out a faculty-designed change in the grading system, and began meddling in classrooms. One teacher was told to stop class discussion of Communism; another was reprimanded for mentioning menstruation in a mixed physiology class. Some students, says one history teacher, began taking a blindly ultrarightist line in class—calling federal aid to education "Communistic," for example, and criticizing President Johnson for being friendly with Auto Unionist Walter Reuther. At the same time, Pleasantville was well supplied with right-wing literature, much of it distributed by a café owner who asserts that "Communism is infiltrating our schools through the National Education Association."

Last December, Superintendent Nus was forced to resign, as of the end of the school year, and most of the departing teachers are quitting out of sympathy for him. The N.E.A.-affiliated Iowa State Education Association has urged all teachers to refuse jobs in Pleasantville. The Iowa house of representatives has voted unanimously to investigate. Many townspeople now ruefully admit that they were "asleep at the last election."

Whatever the outcome, not all Pleasantville teachers agree that quitting is the best way to handle "unbearable working conditions." Says History Teacher Hazel M. Flora: "If the Birch Society is here, then the place for me is right here in school—teaching American history to my students."—*Time*, 20 March.

Two Dangers: Smut and Censorship

Despite repeated efforts no society has yet perfected a harmless method of eliminating the distribution of pornography. If it is true that hard core and gray area pornography is not sold in the Soviet Union, credit goes to a rigid censorship that would be intolerable in a democracy. Soviet censorship may eliminate the sale of salacious literature, but it also stifles the healthful expression of dissenting opinion and produces an ignorant, subdued people. If pornography is dangerous, rigid state censorship is more dangerous. Nevertheless, despite the difficulty of the problem a society should not surrender the field to the dispensers of obscenity. It must continually probe for ways by which youth can be protected from hard core pornography without endangering the freedom of adults. A citizens committee in Denver now engages in that kind of probing. A 12-member temporary review committee—headed by Leonard V. Carlin, former Denver deputy district attorney in charge of prosecuting pornography cases—has made a three-pronged recommendation. It suggests first that proprietors of drug stores and other retail outlets be asked to remove “questionable” magazines from their stands voluntarily. No doubt the committee will soon discover that the definition of “questionable” magazines is itself questionable. In an area in which the United States Supreme Court has refused to be arbitrary and doctrinaire, ordinary citizens should at least move with great caution. Second, the committee suggests that an investigation determine whether magazine wholesalers force retailers to accept pornographic along with other magazines. Here the committee can render a helpful service. Retailers frequently defend the sale of “questionable” magazines on the ground that wholesalers compel them to take all their magazines or none. If it is true that retailers are being strong-armed by wholesalers, the fact should be known and public pressure put on the wholesalers as well as the retailers. Third, the committee summons local churches of all denominations to educate the public on the problem of pornographic literature and its possible solutions. The churches may for good reasons prefer not to cooperate with this particular committee, but if they ignore the problem they default their duty to youth. However, the churches have another and equally important duty: they must see the whole social problem, must not let their people be stampeded over precipices more dangerous than pornography.—*Christian Century*, 26 February.

Notes from Abroad

The *Kama Sutra* and *Tropic of Capricorn* have been withdrawn from Manchester libraries. The Library Association in London told the press that it was to consider at top level the implications for libraries all over Britain.

In Wellington the newly created Indecent Publications Tribunal has made a start by examining James Baldwin's *Another Country* and has been hearing expert evidence. Verdict: Not obscene.

An Australian senator has asked the Government in Canberra to allow the importation of one copy of a prohibited book, *The Art and Practice of Love*, as it has been prescribed by a Brisbane psychiatrist for one of his patients.

Associated-Rediffusion, which presented a report on the sale of “sexy” publications, entitled “*Fanny Hill* and the Law,” said afterwards that they had had only six complaints, two telephone calls “in favour” and that one person had enquired where he could get the film.—*The Bookseller*, 7 March.

Morality Panel Acts To Dissolve Itself

The Rhode Island Commission to Encourage Morality in Youth, created by the Legislature in 1956, has voted, 6 to 2, for its abolition, Gov. John H. Chafea disclosed today.

The Governor said the majority regarded their activities as a waste of time since the United States Supreme Court ruled Feb. 18, 1963, that the commission's circulation of lists of publications it considered “objectionable” violated press freedom. The lists went to book and magazine distributors.

Mr. Chafea said he would ask the General Assembly to comply with the commission's “extraordinary” decision. It would save the state \$16,000 a year for two paid staff members and expenses, he said.

The commission's activities have evoked public controversy, which culminated in the so-called blacklisting injunction suit brought by four publishers. On their appeal from a State Supreme Court decision upholding the morality commission, the United States Supreme Court ruled that the commission's “objectionable” lists violated the First Amendment. Justice William O. Douglas called the listings “censorship in the raw.”—*New York Times*, 27 March.

ACLU To Support Appeal In Ginzburg “Eros” Case

The national ACLU said in January that it would support the appeal of Ralph Ginzburg, publisher of *Eros*, who was sentenced last fall to five years imprisonment and a \$28,000 fine on obscenity charges by a Federal District Court in Philadelphia.

“The ACLU is not passing judgment on *Eros* magazine or endorsing the content of *Liaison Newsletter* or “The Housewives’ Handbook of Selective Promiscuity,” the other publications on which the obscenity indictment was based,” said John de J. Pemberton Jr., the Union's Executive Director. “We believe that under the First Amendment guarantee of free expression any kind of publication may be published regardless of its content. Publication can be halted only if it is shown beyond a reasonable doubt that the material in question creates a clear and present danger of causing, in a normal adult, behavior which has validly been made criminal by statute. To our knowledge, no such evidence was presented in the Ginzburg case.”—*Civil Liberties*, March.

The Censors and the Schools

Many newspapers—like many educators and the public in general—have tended to dismiss textbook censorship as a relatively minor problem affecting only a few books in areas far removed from home. This is a dangerous assumption. A book altered by its publishers to appease pressure groups in Mississippi is likely to appear as altered on the desks of school children in Maine. Mississippi children are, in turn, deprived of truth in their texts if Maine yields to pressure. The by-products of censorship, I might add, are more subversive of the educational process than the altered texts. How many teachers, for example, will feel free to deal forthrightly with potentially controversial issues if they see large publishing houses and powerful state textbook selection committees knuckling under to pressures exerted by small, but vocal, censorship organizations?

I am not questioning the motives of most of these individuals and organizations, nor am I suggesting that any steps be taken—even if such were possible—to restrict their flow of propaganda. But I strongly believe that my profession—newspapering—and your profession—education—have the duty of putting the charges made by these groups in perspective.

Our role as newspapermen, as educators and as citizens is to insist that scholarship, and not fear of controversy and prejudice, be the guide by which a book is prepared for and accepted by our schools.—Gene Roberts, Jr., Staff Writer for the Detroit *Free Press*, from an address given at the 1963 NEA Convention in Detroit, as reported in *NEA Defense Bulletin*, February, 1964.

Woodbridge Jaycees Oppose Decent Literature Committee

The formation of a decent literature committee in Woodbridge Township, New Jersey, was opposed by the local Jaycees in a resolution adopted at the group's last meeting.

The resolution reads:

"Wherefore, the Woodbridge Township Jaycees are desirous of expressing their opposition to a governmentally sanctioned agency or committee whose principal function would be the direct or indirect censorship of reading matter available for sale on the privately owned newsstands throughout our township.

"And, wherefore, the Woodbridge Township Jaycees are an organization composed of young men who are desirous of following the constitution of the United States and decisions of our courts, and who are thus concerned over the usurpation of private rights by governmental interference and the dilution of church, educational and parental responsibility by unwarranted acts of government, therefore state:

"Be it resolved that the Woodbridge Township Jaycees stand opposed to the formation of any decent literature committee which would have the official approval of the Woodbridge governing body and/or the mayor.

"Be it further resolved that the Woodbridge Township Jaycees encourage all parents and citizens to assume the full weight of responsibilities implicit in the privileges reserved by our constitution by providing in

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our homes and through our schools and religious institutions, the best moral and spiritual foundations for a happy and responsible adulthood."—Perth Amboy *News*, 21 February.

"The Group" Down Under

A censorship controversy is blowing up in Australia over the American novel *The Group*, by Mary McCarthy.

In Victoria the state police warned booksellers to withdraw the book from sale or risk action to have it declared obscene.

The Australian publishers, Hutchinson and Company, immediately sent 1,000 copies from Victoria to neighboring New South Wales, where public demand has almost exhausted supplies.

Now the New South Wales government is considering banning the book. Its police vice squad declared it believes certain passages violate legislation on obscene and indecent publications.

The usual procedure is to refer such complaints to a special panel in the education department. If it is suggested the book may influence adolescents, the book also is referred to the health department's school medical service, which includes a number of psychologists.

Neither of these steps has been taken but literary circles are annoyed.

A. K. Stout, professor of philosophy at Sydney, University and president of the state's council for civil liberties, said: "It is absurd for a section of the police in any state to be entrusted even with a preliminary decision on such a matter."

Australian author George Johnston said: "The ban is absurd, ludicrous. Coming back to Australia, I am staggered to see book censorship continuing as it was 15 and 20 years ago. Mary McCarthy is one of the leading figures in American letters and this ban is an insult to her and to all contemporary writing."

Sydney's *Daily Mirror* comments: "Let the vice squad concentrate on vice. And once and for all let the whole nation straighten out its complex and absurd censorship regulations."

Australia's national censorship authorities have taken no action against the novel.—*AP*, 24 March.

ABPC Hits New N. Y. Anti-obscenity Bill

In testimony before a committee of the New York State Senate, the American Book Publishers Council on February 28 asserted that a bill designed to broaden the powers of prosecuting officers in obscenity cases was unconstitutional. The bill, which has already been passed by the Assembly, would enable district attorneys and other appropriate prosecuting officers to secure injunctions *ex parte* (i.e., in the absence of the accused) in censorship cases. Supporters of the measure have argued that it is necessary in order to prevent fly-by-night publishers of pornography from closing their "offices," moving their stocks of publications and otherwise escaping warrants for their arrest.

The Council opposed the measure as an unconstitutional violation of freedom of the press. It cited court rulings that in censorship cases, even temporary injunctions are to be issued only after hearing testimony from both sides in the case.—*P.W.* 16 March.

The ABCs of Security

by E. B. WHITE

Said Mr. A to Mr. B,
"I doubt the loyalty of C."

Said Mr. B to Mr. A,
"I'm shocked and stunned by what you say;
We'd better check on him today.
And since you've brought up Mr. C,
I feel that I must mention D.
I rather doubt his loyalty."

Said Mr. F to Mr. G,
"G, have you ever noticed B?
What do you make of his loyalty?"

Said Mr. G to Mr. F,
"Lower your voice—people aren't deaf!
I wouldn't want you quoting me,
But sure, I've always noticed B."

Said Mr. C to Mr. A,
"I saw a funny thing today;
At least, it seemed quite odd to *me*.
I saw F whispering with G
And I just caught the name of B."

"No, really?" answered A to C,
"Well, anyway—I don't know B.
I guess it's just as well for me."

And so the subtle poison spread
Until there rose a Mr. Zed.
The lightning played around his head.
"My fellow-countrymen," he said,
"The past, as you'll observe, is dead,
The alphabet's discredited;
You can't trust teachers now to teach,
You can't trust ministers to preach,
And it has been my special labor
To prove that none can trust his neighbor.

In fact, it's amply clear to see
There's no one you can trust but me.
And by a happy turn of fate
I've come to purify the state.
My methods will be swift and strong
Against the crime of thinking wrong.
I know the cure for heresy,
And you can leave it all to me.
Leave everything to me!" he said.

"Hurrah!" they cried! "Hurrah for Zed!"

—*New Yorker*, 9 May 1953.

Catholic Index Attacked

The Index of *Forbidden Books*, an institution of the Catholic Church that intellectuals and free-thinkers have criticized for years, was dealt a blow yesterday by the Society of Catholic College Teachers of Sacred Doctrine.

At the annual meeting of the Society at the *Statler Hilton*, the 395 priests, nuns and brothers attending unanimously resolved to ask the American Bishops to:

"Support at the next session of the Vatican Council the effort to reform thoroughly that section of Canon Law dealing with prohibited books and the Roman Index so that Catholic scholars, teachers and students may be able to enter into more meaningful dialogue with the contemporary world."

"Reform thoroughly" really meant, according to several members, "do away with." Strong language would be "undiplomatic," a priest said, but the resolution carried the implication, he said, of dropping the Index entirely.—*Washington Post*, 1 April.

The Right To Read

Censorship considered

15th Annual Week-end School of the Association of Assistant Librarians, UK. Grey College, Durham, 10th-12th April, 1964.

NOT ONLY SEX

One of the virtues of the theme of this year's school is topicality. But although the sexy book always looms large in any discussion on censorship, there are other equally important aspects which are sometimes obscured by their more prominent rival. Their importance is all the greater because they are more insidious in use and less easily noticed.

It is censorship in its widest interpretation that the discussion groups will consider, covering, among other topics, censorship as an ethical principle, its relationship to book selection, its application in other arts and other countries and the moral problems its use may present to the individual librarian.

The speakers, who will also lead the discussion groups, are T. S. Broadhurst (Liverpool University Library), T. E. Callander (Croydon) and W. G. Smith (Editor, *Books and Bookmen*).

Albany High Censorship?

To the Editor of *The Herald*:

I would like to explain the stupidity of many of our AHS students. We lack a library. Our library has over 100 available seats, though only a few of these are allowed to be in use at any one time. Unless you have a study hall and a definite assignment—no library for you. Even if you do have a definite assignment, you have to argue your way in.

Our head librarian doesn't know how to exercise authority. She proposes to be our own virtuous guardian of morals by extracting various articles from periodical literature that the library subscribes to. These articles merely depict the natural happenings of our day and time.

We are asking that you don't publish our names as it would take a whole page to do so.—Some of Many, Albany, Ga., 7 March.

May, 1964

Flash!

The Inverness Courier, 10th December, 1834, reports:

A meeting of the Skene Reading Society was held on Monday last for the approving or disapproving of the *Waverly Novels* as forming part of their library. The arguments of the first party were that the books were full of oaths, that the works tended to debase Christianity, to uphold wordly motives of action and that they were to the mind, what cholera and pestilence were to the body. The argument on both sides being finished, a member, to procure unanimity, proposed to remit the 48 volumes to a committee to consider them. A committee of eleven was then appointed and thus are eleven of the good men of the parish of Skene to sit in judgment on the works of the master spirit of the age.—(*Verb. sap.*—Ed.)

"Peace Tour" in Alameda

A heavy demand developed at the Alameda, California, Public Library for a slim, 1938 volume called *Peace Tour*, by Rolph Malloch, after resident George Lorbeer told the library board it was filthy and inaccurate. The book describes a tour of Japan by students and teachers *circa* 1929 in which Lorbeer and the (then) student author took part. On 25 February, after hearing board member Grace Powers describe the book as the most boring she had ever read, the library board refused to ban the book. The following morning Lorbeer reported to the *Alameda Times-Star* that the student had written him a letter explaining the book was the product of "adolescence run wild," and apologizing for any difficulty the book may have caused. Action of the board was strongly supported by the *Times-Star* in a 27 February editorial entitled: "No Book Banning at City Library."

Natural Law Unconvincingly Argued

Hudon, Edward G. FREEDOM OF SPEECH AND PRESS IN AMERICA. Foreword by Justice William O. Douglas. Introduction by Morris L. Ernest. Washington: Public Affairs Press, 1963. 224 pages. \$4.50.

Edward G. Hudon, an Assistant Librarian of the Supreme Court of the United States, has written a useful account of our speech and press freedoms, as delineated primarily in court decisions on particular cases. His book is a history of legal theory and applied law, made intelligible to the layman.

The scope of *Freedom of Speech and Press in America* extends to problems of free speech, public assembly, and handbill distribution, as well as to the publication and distribution of books, periodicals, newspapers, and pamphlets, the more familiar concerns of librarians. Hudon treats with greatest emphasis those landmark cases on which the Supreme Court justices have spoken significantly, in decision or dissent, and have thereby revealed their underlying legal philosophies. Relatively little attention is paid to decisions in the lower federal courts and in state and municipal courts, or to the many problems of speech and press freedoms which never come before the judiciary.

This account begins with the origins of our rights of free speech and press in English and Colonial Amer-

ican theory and practice, and, from the adoption of the Bill of Rights onward, continues with a chronological record of the changing fashions of legal philosophy as they affect First Amendment rights. From the "natural law" foundations of the Declaration of Independence, the Constitution, and the Bill of Rights, the Court successively adopted standards characterized in brief as "on previous restraint" (dominant throughout the nineteenth century), "liberty versus license" (or "use-abuse"), "clear and present danger," "preferred position," and "balancing of interests." And at present, Mr. Hudon argues, there is no standard generally agreed upon by the Court for application to First Amendment cases.

For remedy, the author proposes a return to "natural law" interpretation of speech and press freedoms; such a basis could "provide a stabilizing influence and place the First and the other Amendments that comprise the Bill of Rights in their proper setting and environment." Mr. Hudon's history and argument thus are brought to bear favoring the case for the "natural law" position, and yet his thesis is inadequately presented and insufficiently defended against conceivable objections, so that the reviewer remains unconvinced, as does Mr. Ernst in his Introduction. Too many questions are unanswered: What are the terms and the characteristics of "natural law"? What shall be the authority for determining its nature? Will it not require constant redefinition, especially in its application to cases? Would not differing interpretations of "natural law" be even more fundamentally divisive, socially, politically, and legally, than the present muddle and indecision?

The usefulness of Mr. Hudon's history is not impaired because his argument is unconvincing, and is only slightly impaired by being poorly written, edited, and printed. Minor gems can occasionally be found in stumbling over misprints—my favorite new words are *glimly*, *foregoance*, *hiarchy*, *adulterly*, and *Consituation*. Half a dozen references to "this type case" remind the reader more of a printers' manual than of a book on law.

The book is supplied with an alphabetical Table of Cases in addition to a general index. Notes and bibliographies have been compiled for each chapter, but their placement at the end of the text makes them particularly difficult of access, because there they are identified by chapter numbers only, while the running heads in the text give chapter titles only; the reader in search of a note must first thumb back to the beginning of the chapter he is reading to learn its number, and then turn to the back of the book for the notes. — Richard Zumwinkle, UCLA Library Reference Department.

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Current Bibliography

ACLU. *Combatting Undemocratic Pressures on Schools and Libraries: A Guide for Local Communities*. New York: ACLU, 1964. 16p. 10c.

"Academic Freedom and Tenure: Arkansas Agricultural, Mechanical, and Normal College." *AAUP Bulletin*, L (March, 1964), 36-43.

"Academic Freedom and Tenure: The University of South Florida." *AAUP Bulletin*, L (March, 1964), 44-57.

Baker, Callie. "The Censorship Workshop at A.S.U." *Arizona Librarian*, XXI (Winter, 1964), 7-8.

"Bow Street and After." *The Bookseller*, (22 February, 1964). 1074-1076.

"Bow Street and After (2)." *The Bookseller*, (29 February, 1964), 1156-1159.

Bowen, John. "Gamesmanship with 'Fanny Hill.'" *New York Times Book Review*, (15 March, 1964), 4.

Challman, Jean C. "Adults Si, Children No." *Library Journal*, XIX (15 February, 1964), 807-809.

Crawford, Carolyn. "Controversial Literature in the Public School Libraries." *Hawaii Library Association Journal*, XX (Fall, 1963), 17-18.

Dang, Charlotte L. "How to Answer Would-Be-Censors." *Hawaii Library Association Journal*, XX (Fall, 1963), 14-16.

"*Fanny Hill* Voted Obscene, 3 to 2, in New York Appeal." *Publishers' Weekly*, CLXXXV (9 March, 1964), 39-40, 45.

Flexner, Stuart. "The Man Who Corrupted California." *Esquire*, LXI (March, 1964), 82-83, 151-155.

Francis, Roger B. "Intellectual Freedom." *Focus on Indiana Libraries*, XVIII (February, 1964), 9.

Gaines, Ervin J. "Keeping 'Up' on Censorship." *ALA Bulletin*, LVIII (March, 1964), 177.

Hadley, Thelma H. "Controversial Fiction." *Hawaii Library Association Journal*, XX (Fall, 1963), 16-17.

Hook, Sidney. "Pornography and the Censor." *The New York Times Book Review*, (12 April, 1964), 1, 38-39.

Huntington, Trumbull. "Censorship: A Bookseller's View." *Publishers' Weekly*, CLXXXV (2 March, 1964), 57-58.

Jackson, Mabel. "Censorship and Problem-Area Books." *Hawaii Library Association Journal*, XX (Fall, 1963), 11-13.

Jennison, Peter S. "Censorship: Strategy for Defense." *Publishers' Weekly*, CLXXXV (2 March, 1964), 58-61.

Joughin, Louis. "Academic Due Process." *AAUP Bulletin*, L (March, 1964), 19-35.

Kirsch, Robert R. "Obscenity—U.S. Style." *ALA Bulletin*, LVIII (April, 1964), 269-272.

McNeal, Archie L. "ALA as *Amicus Curiae*." *ALA Bulletin*, LVIII (April, 1964), 290.

"New Jersey Court Rules on Censorship." *Liberty*, LIX (March-April, 1964), 25.

"The Playboy Forum." *Playboy*, XI (March, 1964), 45-54, 173-181.

"A Report to Our Readers." *Ladies' Home Journal*, LXXXI (April, 1964), 15, 19.

"*Tropic of Cancer* Before the U.S. Supreme Court." *ALA Bulletin*, LVIII (April, 1964), 291-298.