



newsletter

ON INTELLECTUAL FREEDOM

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Intellectual Freedom in St. Louis

The week began with an extensive quotation in the Sunday *Post-Dispatch* from ALA President Frederick H. Wagman's June *ALA Bulletin* article on "Freedom to Read—Active Voice." On Monday morning IFC Chairman Archie L. MacNeal presented to Council a full report of the Committee's activity during the five years of his able chairmanship. His report appears in full on page 59.

The Public Library Association and the Intellectual Freedom Committee sponsored a general meeting on Monday evening on Intellectual Freedom vs. the Censors—The Public Library's Responsibility, which was addressed by Emerson Greenaway, Director of the Philadelphia Free Library, who spoke of his experiences with *Tropic of Cancer*. His talk was followed by a panel discussion moderated by IFC Chairman Archie MacNeal. Also on the panel were UCLA Assistant Librarian Everett T. Moore, Minneapolis Public Librarian Ervin J. Gaines, and your editor. The *Post-Dispatch* gave good coverage to Greenaway's remarks, to those of Gaines, who spoke of the importance of obtaining competent legal assistance when faced with a censorship problem, and to those of *LJ* Editor Eric Moon, who spoke from the floor to express his doubt of the value of selection policy statements, or at least of that portion of the Enoch Pratt Library's statement which Greenaway had quoted.

The following day Josephine B. Farrington, Chief of the SLPL Public Relations Department, arranged for the TV-taping of a panel discussion of the general subject of book selection and intellectual freedom by Greenaway, Gaines and Merritt. Participating also were Mrs. Raymond A. Young, member of the Missouri State Library Commission and past president of ALTA; and Mrs. Augustin Jones, President of The Freedom Library, in Clayton, Missouri. The hour-long program, *Frankly Speaking*, was broadcast on KMOX-TV on July 18 at midnight.

The Intellectual Freedom Committee on Tuesday afternoon discussed (1) The assembly of an Intellectual Freedom Kit, comparable to those recently prepared by the California and Wisconsin committees, possibly on an annual basis, for sale at cost to libraries wanting to have at hand a magazine of ammunition for possible censorship battles. (2) Plans for the two-day invitational intellectual freedom conference in Washington prior to the Midwinter Meeting, to develop plans for implementing President Wagman's More than Moral Support program for librarians confronted with problems arising out of their support of The Library Bill of Rights. (3) Mr. Alex P. Allain

reported on ALTA's efforts to develop a national panel of attorneys able and willing to assist in the defense of intellectual freedom, and introduced the idea of promoting a sort of workmen's compensation fund for librarians temporarily between jobs because of their defense of The Library Bill of Rights.

At the Friday morning session of Council, Committee on Legislation Chairman Emerson Greenaway reported that the House of Representatives Education and Labor Committee had reported out and recommended passage of an Obscene Publications Bill despite opposition of the Justice Department which considered the bill raised grave constitutional questions. (See story on page 68.)

At the immediately following Membership Meeting PEBCO Chairman James E. Bryan announced one of the 1964-1965 J. Morris Jones—World Book Encyclopedia—ALA Goals Awards, in the amount of \$7,000, to the Intellectual Freedom Committee to implement the More than Moral Support Intellectual Freedom Conference in Washington in January.

At the end of the agenda of the Membership Meeting, when President Wagman called for new business, Mr. E. Junius Josey, Librarian and Associate Professor at Savannah State College, raised two questions of policy, one of which kept the meeting in vigorous debate for nearly an hour. Both involved the fact that four state associations are not affiliated with ALA because of inability to comply with the Statement on Individual Membership, Chapter Status, and Institutional Membership adopted at the 1962 Miami Beach Conference.

Mr. Josey first raised a question about the propriety of the Grolier Award for an excellent National Library Week program being given to a state association which is not an ALA chapter. In a prepared response, President Wagman pointed out that this is not an ALA award, that it is given by the National Library Week Steering Committee of the National Book Committee, and that the competition is not limited to ALA chapters.

Mr. Josey then spoke of the impropriety of having ALA officers and staff attend and participate in meetings of state associations not affiliated with ALA because of inability to comply with ALA's policy on chapter status. He moved that officers and staff refrain from attending such meetings in their official capacity, or at ALA expense. Seconded by Eric Moon, the motion passed by a substantial voice vote after much debate in which the speakers were about equal in number on the two sides of the issue.

So Long — and Welcome

The St. Louis Conference brought to a close Archie McNeal's five years of distinguished service as Chairman of the Intellectual Freedom Committee. While we shall miss his leadership, we retain his counsel, for he continues as a member of the Committee as he takes up his new duties as president of ACRL, in which we wish him well. Taking over his duties as Chairman is long time Committee member Martha Boaz, Dean of the School of Library Science at the University of Southern California. As ALA moves forward into the era of more than moral support, we cannot imagine a more vigorous champion of intellectual freedom to lead the Committee in the years ahead.

The St. Louis Conference also marked the beginning—actually effective on August 2nd—of a four month absence on sabbatical leave of ALA Staff Liaison Mildred Batchelder. Our sense of loss of her firm voice and eloquent pen is tempered only by the strong realization that her leave is so well earned. In the interim, the important post of Staff Liaison will be filled by Samray Smith, able editor of the *ALA Bulletin*, who has been more than generous in his allotment of space to matters of intellectual freedom.

There followed unanimous approval of a resolution presented from the floor to commend President Johnson for his leadership in getting the Civil Rights Bill through Congress, and for his promptness in signing it into law.

That night, Friday, at the Inaugural Banquet, President Castagna urged the Association to continue its support of intellectual freedom, and thus brought the 83rd Annual Conference to a close.

Two sour notes were heard during the week. The Busy Bee Book Store was raided at noon on Monday, 1100 allegedly obscene magazines and phonograph records were seized, and employee Logan E. Roots was arrested. And a Negro librarian was refused admission to the pool at the Chase Park Plaza Hotel. Though not registered at the hotel, she was accompanied by a white friend who was. Hotel's explanation was that the pool is restricted to members of a private club and registered guests. The matter was investigated by the Executive Board and a strong protest was written to the Mayor of St. Louis and his Human Relations Council.

'Little Blue Books' on Trial

We don't know how we missed knowing about it, but some time last year a federal court in Topeka convicted Henry Haldeman, son of E. Haldeman-Julius, on an obscenity charge for selling 8 little blue books of sex information written by the late D. O. Cauldwell, and long a staple part of the stock of the famous publishing house in Girard, Kansas. Despite expert testimony that the books contained ordinary and acceptable information, the jury found him guilty, and he faces an 18-month prison term. His appeal will be heard by a Denver court in September, with the ACLU as counsel.

Wisconsin Leads the Way

A major portion of the May-June issue of the *Wisconsin Library Bulletin* is devoted to intellectual freedom. Rather than being descriptive only, it goes about providing guidelines for action by librarians confronted with one or another of the current tendencies toward censorship. Here is the Table of Contents:

- Archer, Leonard B. "Intellectual Freedom Is the Issue."
- ALA Library Bill of Rights.
- ALA School Library Bill of Rights.
- Intellectual Freedom in Libraries, a Statement of Policy for the Wisconsin Library Association.
- If There Is a Complaint About a Book . . . (3 forms)
 - I. Request for Reconsideration of a Book
 - II. Request for Reconsideration of a Book. Conference Report.
 - III. Librarian's Report to the Intellectual Freedom Committee.
- Monroe, Margaret E. "The Sleeping Dog vs. the Stolen Horse."
- Fabry, Elizabeth J. "To Hold in Trust: the Trustee's Responsibilities for Intellectual Freedom."
- Colson, John. "Municipal Administration and the Freedom to Read."
- Blau, Lois. "The Novel in the High School Library."
- Archer, Leonard B. "Arsenal of the Librarian." An Annotated 22-item Bibliography.

The 27 pages of valuable material were brought together by the Wisconsin Library Association Intellectual Freedom Committee under the leadership of Chairman Archer. Copies may be obtained from him at the Oshkosh Public Library, at 25 cents per copy, cash or stamps with order.

'Freedom of Information' Bill Passes

The Senate on July 28 passed a freedom of information bill designed to give the public and press freer access to government information.

The measure, cleared last week by the Judiciary Committee, was approved by voice vote and sent to the House.

It would for the first time give news media the right to take to court complaints concerning alleged unjustified withholding of records or data by a public official.

The bill makes 20 amendments to the present government information law, tightening it to require disclosure in all cases not specifically exempt. The present law contains loopholes permitting officials to withhold information for such vague reasons as "for good cause."

The bill specifically exempts from the disclosure requirements three categories of data: (1) those required by executive order or for National security reasons to be kept secret, (2) those relating solely to the internal personnel rules and practices of any agency, and (3) enumerated exemptions such as medical and investigatory files, and financial data submitted by business to supervisory agencies.—United Press.

IFC Five-year Report

During the past five years it has been possible to conduct the work of the Committee on Intellectual Freedom without scheduling a formal report to Council by the Chairman. Perhaps this can be attributed to the fact that so much of our business was being attended to by others, sometimes effectively and helpfully.

As a new member and Chairman of the Committee in 1959, there was an immediate problem to be faced with regard to segregation in libraries. Neither the ALA constitution nor the Library Bill of Rights provided any basis for action. The efforts of the Special Committee on Civil Liberties under the Chairmanship of Herman Fussler resulted in the provision of the present paragraph 5 in the Library Bill of Rights, in an amendment adopted by Council February 1, 1961. From this positive statement, "The rights of an individual to the use of a library should not be denied or abridged because of his race, religion, national origins or political views," the Committee found itself empowered to recommend certain action to the Association. One tangible result was the *Statement on Individual Membership, Chapter Status, and Institutional Membership*, adopted by Council at the Miami Beach Conference in June 1962. Another, which by some may still be considered of dubious value, was the *Access Study*, presented in July, 1963 at the Chicago Conference. This study, jointly sponsored by L.A.D. and the Committee on Intellectual Freedom, focused attention on the problem, and made many positive contributions which can be useful as further efforts are made throughout the United States to improve the rights supported by paragraph 5 of the Library Bill of Rights.

While the problem of segregation has been of paramount concern, the Committee has also pursued other matters in its field of responsibility. These include encouraging the Type of Library Divisions to develop policy statements on selection of library materials, such as that adopted by AASL, February 3, 1961.

A statement on "*How Libraries and Schools can Resist Censorship*" was developed and in turn was adopted by Council February 1, 1962.

The *Newsletter on Intellectual Freedom* suffered several setbacks, and at one point seemed likely to cease publication. Through assistance from the Freedom of Information Center of the University of Missouri and the nurturing efforts of a series of competent editors (Everett Moore, Donald Black, LeRoy Merritt) the publication survived. It still needs an audience—there are slightly more than 1,500 subscribers at this date.

In order to reach a larger audience, with the cooperation of Samray Smith, we were able to institute a monthly column on Intellectual Freedom in the *ALA Bulletin*. Everett Moore did an excellent job of this, beginning in June, 1960. He was succeeded by Ervin Gaines in September, 1963.

Among the problems of censorship, those relating to the *Tropic of Cancer* have been most frequently in the news. An appeal from the attorney for the defendant in the case of Bradley Reed Smith vs. People

of the State of California resulted in the Committee reaching a decision to enter a brief as Amicus Curiae. This decision, and the brief are detailed in the April, 1964 *ALA Bulletin*.

The important fact here is that this represents positive action on the part of the Association in support of principles enunciated in the *Library Bill of Rights*. The purpose of my report at this time, as retiring Chairman of the Committee on Intellectual Freedom, is to impress on Council and the membership of A.L.A. that the defense of these freedoms does require positive action, and continuing support.

A proposal was submitted by the Committee to the J. Morris Jones-World Book-ALA Goals Award jury. To remind you, Goal 7 calls for "continuing defense of freedom of the press and freedom to read: (a) Availability on our library shelves of materials which reflect all points of view on important controversial questions; (b) Immediate support of any librarian whose position and livelihood are jeopardized because he has taken a stand in defense of those freedoms."

It is this latter statement which concerns me. At the present time there is nothing the Committee can do in support of the librarian personally. We find the defense of the individual assigned under reorganization to L.A.D. This is all right if members are aware of it, and if there is an arrangement for systematic response on the part of ALA to an appeal for help.

The proposal for the World Book-Goals Award was designed to provide legal assistance through staff at ALA Headquarters, with the development of a strong network of state committees on intellectual freedom, and the identification of legal talent through the American Library Trustees Association who would be willing to assist on the local level.

An alternate proposal, submitted at the request of the jury, asks for funds to support a special conference of members of the C.I.F. in Washington January 23 and 24, 1965, just preceding the ALA Midwinter conference. To this meeting would be invited representatives of other organizations with similar purposes, such as N.E.A., A.C.L.U., American Book Publishers Council, etc.

We would expect the sessions to culminate in some specific proposals for a program of action on the part of ALA and the delineation of steps necessary to implementation of active support of the Library Bill of Rights and the protection of the rights of the librarian. The present moral support which the Association gives is not enough. The existence of the Library Bill of Rights and the Westchester Freedom to Read Statement provide admirable credos. The reporting in the *Newsletter on Intellectual Freedom* gives *post factor* attention to the plight of certain libraries yesterday. The Committee on Intellectual Freedom can do little more than sympathize at this time. It can only "recommend" action. The time lapse between recommendation and action vitiates such efforts.

It is the hope of the Committee on Intellectual Freedom that the proposed conference in Washington can produce tangible results in the form of proposals for active support of those principles in which the Association believes.—Archie L. McNeal, Chairman.

Subtle Censorship

It doesn't usually come out into the open, but there is a form of censorship abroad in our land to which attention should be called from time to time so that we can know it exists, and begin to marshal our thinking and our forces against it. The example at hand is "Memo from a Dallas Citizen" by J. M. Shea, Jr., published in *Look* on March 24, 1964. Shea, Senior Vice-President and a director of American Petrofina Company of Texas was profoundly disturbed by the assassination of President Kennedy.

Quoting now from "Memo about a Dallas Citizen," by T. George Harris, published in *Look* on August 11, 1964, Shea "berated himself for having been so wrapped up in business that he failed to be much of a citizen. He had stood silent, with most Dallas moderates, while the city became the victim of fanatic minorities. If moderation could not have prevented the President's assassination by a Marxist, Shea believed, it certainly would have dampened the raucous prelude and the angry aftermath. The business leadership, trapped between the outside press attack and local resentment of it, helplessly hoped to forget the whole thing. Shea knew that it was time for somebody in Dallas to face the situation honestly, whatever the risk, and to look through the present confusion toward the future."

The result has been social ostracism for himself and his family, rocks dumped in his swimming pool, and a demand from the company that resulted in his resignation. In his words:

"About a month after the article, and hours after the Dallas *Morning News* took me to its editorial page woodshed a second time, I was suddenly confronted with a company demand: I must agree never to comment publicly without formally clearing each word in advance and in writing. The issue was not *what* I said, but whether I could say anything at all. It would have been interesting to know if any furor would have developed had the article been just a puff for Dallas. I doubt somehow that the business establishment here would have put pressure on Petrofina. Be that as it may, the company demand made it simple for me. I suggested we might as well discuss my resignation."

We recommend both articles to your careful and thoughtful reading. No censorship has occurred. No writing has been suppressed. But a popular and successful executive and his family have been vilified and ostracized for speaking out by the very people with whom they had been living and working during the last seven years.

Shea will undoubtedly find another position, probably elsewhere in the country, and we wish him well. But how many other executives, professional men, professors, teachers, and librarians will refrain from speaking out in fear of similar consequences? More important is the need for considering what we, the readers of this *Newsletter*, can do about it. The Editor invites your response.

Well!

The official Goldwater "Instructions to Delegates" warn them to read ONLY Mr. Knoakland's paper among the local publications. Censoring the press already?—Caen, *SFC*, July 15.

Annual Report

The hackneyed phrase, "the right book, for the right reader, at the right time," takes on a new and more sinister significance in the following quotation from the 118th Annual Report of the Port Elizabeth (South Africa) Public Library Committee, for the year ended December 31, 1963:

BANNED BOOKS

(Books withdrawn from circulation after titles had appeared in Government lists of objectionable literature)

	1962	1963
<i>Titles</i>	37	27
<i>Copies</i>	52	35

—*The Library World*, May

CLA Holds Intellectual Freedom Conference

Plans for the Preconference Meeting on Intellectual Freedom are progressing well. The session will be held at the new International Hotel, across the street from the International Airport, all day and into the evening, Monday, November 2, and Tuesday morning, November 3.

Robert Kirsch, Stanley Fleishman and Paul Ferguson have agreed to appear as the principal speakers on the program. Intellectual Freedom Committee members, California Librarians, and others will serve as panelists and group discussion leaders in what we hope will be a varied and interesting approach to censorship problems as they affect libraries.

Attendance will be held at 350, and to members of the California Library Association,* with a registration fee of five dollars. Since the hotel is rather remote from other facilities, a luncheon and dinner on Monday have been arranged for with the hotel, at a cost of \$11.90, tax and tip included. These functions are an added attraction, rather than a part of the program itself. Special pre-registration rate for luncheon, dinner and registration fee is \$16.00; registration fee is \$5.00. It may be possible that the hotel may be able to take care of additional meal tickets on Monday morning, before the meeting. For an additional dollar, bus transportation by chartered bus will be arranged for those who lack other means of getting over to the Ambassador for Tuesday afternoon functions; please indicate if transportation is desired when you pre-register.

Please address all correspondence and reservations to the Chairman of the CLA Committee on Intellectual Freedom, E. Caswell Perry, Burbank Public Library, 110 N. Glenoaks Blvd., Burbank, California.

Accommodations for Monday night can be secured by writing the International Hotel, 6211 West Century Boulevard, Los Angeles, California, 90045. (The hotel provides limousine service from the airport to the hotel.)—*CLA Newsletter*, July.

*A most short-sighted policy, in the Editor's opinion.

Newsletter on Intellectual Freedom

A Rising Tide

CONNECTICUT LA IFC Chairman Edwin G. Jackson reports that three more prominent bookmen have indicated their willingness to speak for books which come under attack provided they are familiar with the books and believe them to be worthy of defense. These persons are: Mr. Pyke Johnson, Jr., Editor-in-Chief, Anchor Books, and Secretary of the Board of Directors of the Perrot Memorial Library of Old Greenwich, Connecticut and Member of the American Book Publishers Council's Committee on the *Freedom to Read*; Mr. Peter Jennison of Westport, Connecticut, who is the American Book Publishers Council's expert on censorship and author of the recent pamphlet, "The Freedom to Read"; and Robert Crowell, President of Thomas Y. Crowell, Chairman of the ABPC's Committee on the *Freedom to Read* and a resident of Stamford, Connecticut.

A group of ten Chicago area booksellers voted on June 15 to organize an association to combat censorship and defend the freedom to read under the leadership of Joseph W. Faulkner, prop. of the Main Street Book Store, who said, "The need for organization arose out of the prevalence of both private and police censorship. Private groups bring pressure to bear upon booksellers, the police, and the judges in attempts to ban books, and the police follow the policy of shooting first and asking questions later."

ACLU attorney Joel Sprayregen revealed that a list of verboten books is circulating, "but we don't know what books are on it, or who is deciding." Probably on it, according to the booksellers, are *Candy*, by Terry Southern and Mason Hoffenberg; *Catch 22*, by Joseph Heller; *One Hundred Dollar Misunderstanding*, by Robert Gover; *City of Night*, by John Rechy; and the works of J. D. Salinger. Both CDL and NODL were mentioned by Atty. Charles Liebman as among the private groups "putting on political pressure."

The Chicago *Sun-Times'* Hoke Norris, in his regular column on June 21, wrote about the fact that a previous column telling of the general unavailability of *Candy* in Chicago because Grove Press refused to risk the expense of litigation there, drew unprecedented reader response in the general vein of "What can we do to help fight this censorship ogre in Chicago?" The following day Mike Royko wrote a satirical column in the *News* under the headline: "No Dirty Books, No Clean Books, Just No Books." Two days later the booksellers announced their formal organization in the press release printed in full on this page.

Former IFC Chairman David K. Berninghausen spoke on "Censorship and Decision Making" at eight college convocations in Minnesota, Wisconsin, North Dakota and South Dakota during the summer as one of a series of six presentations arranged by the University of Minnesota Program Service. He was billed as follows: "One of the most distinguished members of the faculty of the University of Minnesota brings a lecture to your campus on the greatest of freedoms. He has been a leader in the fight for intellectual freedom, and for the rights of citizens to read. He is the former president of the Minnesota chapter of the Amer-

September, 1964

For Immediate Release

Chicago's leading booksellers, at a meeting held Tuesday, June 23, 1964, at Main Street Book Store, 642 N. Michigan Ave., organized themselves into the Greater Chicago Booksellers Association. Joseph Faulkner of Main Street Book Store was elected temporary chairman.

Among other action taken, a resolution was adopted unanimously, calling on the State's Attorney and City Prosecutor to stay all pending prosecutions of booksellers under the State and City obscenity laws.

The resolution called for proceedings against alleged obscene books to be taken against the books themselves, rather than against the bookseller. The attention of the prosecuting authorities was called to the U.S. Supreme Court decisions of June 22, clarifying the law with relation to obscenity and sharply limiting the right of local agencies to prosecute.

A committee to meet with the State's Attorney and the City Prosecutor was appointed. Members of the committee are Mrs. Elizabeth Lowry of Cannon's Book Store, 728 Lake St., Oak Park; Mrs. Paul Haggerty of Main Street Book Store; Barbara Siegel of Barbara's Book Store, 1434 N. Wells St.; Goodman of Stuart Brent, 670 N. Michigan Ave.

ican Association of University Professors. He relates this lecture on Censorship to political, social and religious thought in the world. This is his first summer tour since returning from a world tour in 1963 and a visiting professorship in Formosa in 1962-63."

The Boonton, New Jersey, Citizens for Decent Literature, who a month earlier had excluded from their meeting a number of individuals who objected to their procedures, on July 9 got some formal opposition in the creation of a new Council for the Right to Read under the chairmanship of Paterson State College Professor of Education Sanford Clarke. The CRR, according to Clarke, is open to individuals concerned about "extra-legal efforts to suppress and censor literature and will endeavor to develop a higher public respect important to democracy of free exchange and expression of ideas by developing and understanding of the legal procedures for the control of obscenity, and by opposing all extra-legal censorship of communication media."

Clarke said this aim would be accomplished by educating youth and adults about "our constitutional liberties." The CRR is planning an active program of education, publicity and research and is now developing plans for an early fall public meeting on the question of censorship and suppression of literature, Clarke said.

July 9 also brought news that another NEW JERSEY community, Cedar Grove, had organized a Committee for the Right to Read to oppose local CDL activity. Chairman Mrs. Wolf Merel said the purpose of the organization was to preserve freedoms such as the rights to read and publish.

CDL activity in Verona, NEW JERSEY, met opposition on June 18 in the form of a petition bearing 269 signatures. The petition protesting the banning of books and magazines from the shelves of stores, libraries or schools as censorship was submitted to the Verona Mayor and Council by James Hoffman and Norman Lowenthal. The petition, which stated "censorship is neither an effective nor a democratic way to combat juvenile corruption and crime," recommended "the use of the local paperback bookmobile, encouragement of wider support and use of the public library, making existing book clubs for children more available for family use and encouraging parents to build up good reading habits in their children by providing better books in the homes" as positive measures to deter juvenile problems. Three weeks later, on July 9, the Verona City Council reported it had investigated local censorship activity, and found no basis for action.

Catcher in the Rye, by J. D. Salinger, and *Growing Up Absurd*, by Paul Goodman were the topic books for the 8th Annual Lancaster, PENNSYLVANIA, Great Books Little Institute at Franklin and Marshall College on August 22. Both books follow the theme of the difficulties encountered by young people maturing in today's world, and were chosen in part because of current local controversy about *Catcher in the Rye* in school libraries.

We have no evidence, but the Institute was probably planned as antidote to a local CDL campaign, which on June 12 motivated the 160-member Solanco Education Association to adopt the following resolution condemning any attempt by any group to select educational materials for use in the schools:

"We of the Solanco Education Association resolve that the school board shall continue its established policy of leaving the choice of the educational materials in the hands of professional employees, whereby preserving academic freedom and denying any group the right to force their direction on another individual or group.

"It is the feeling of the Solanco Area faculty that any successful attempt of this sort will place the Solanco School Board in an impossible situation when, in the future, any individual or group of individuals may demand the 'weeding out' of any book for any one of various reasons."

Oops!

Having "carefully and delicately" read Henry Miller's *Tropic of Cancer*, the Illinois Supreme Court last month declared the book obscene—"a series of revolting sexual encounters described in the most filthy and obscene language imaginable." The court also gave the back of its hand to Nightclub Comedian Lenny Bruce, upholding an obscenity charge on the grounds of his "morbid interest in sex." Last week the court said oops, and in a rare move withdrew both opinions. Reason: the U.S. Supreme Court had meanwhile reversed a Florida ban against *Tropic* and narrowed its view on what constitutes obscenity. So like all good judges, whatever their personal opinion, those in Illinois followed the nation's legal leaders.—*Time*, July 17.

The Courts Decide

The Supreme Court on June 22 struck down (7-2) a Kansas law which allows a local court to seize and hold books upon a verified complaint they are obscene, which may later be destroyed if an obscenity finding is made at a trial. About 27 states have similar statutes. Speaking for four members of the Court Justice Brennan said the Kansas procedures were "constitutionally insufficient" because they did not safeguard against the suppression of non-obscene books. (No. 449, *Quantity of Books v. Kansas*.)

On the same day the Supreme Court upset (6-3) a Cleveland Heights, Ohio, ban on the French motion picture, *The Lovers*. (No. 11, *Jacobellis v. Ohio*.) Besides considering the movie to be not obscene, the Court made the point that the "community standards" of the 1957 Roth case must be interpreted to mean a national standard, thus portending the end of the anomaly of a book or a movie being considered obscene in one part of the country, but not in another.

The Court for good measure summarily reversed (5-4) Florida decisions banning *Tropic of Cancer* (No. 718, *Grove Press v. Gerstein*) and a madam's memoirs entitled *Pleasure Was My Business* (No. 246, *Tralins v. Gerstein*).

The week of June 22 saw the San Francisco jury trial of a North Beach art gallery owner and his salesman on the charge of offering lewd objects for sale, the objects being 18"-high scrap metal sculpture by Arizona artist Ron Boise depicting forms and positions of lovemaking described in the *Kama Sutra*. ACLU defense attorney Marshall Krause brought distinguished University of California art historian Professor Walter W. Horn to the stand to say that erotic art has attracted the talents of the best artists through the centuries, including Michelangelo, Da Vinci, Rembrandt, Gauguin and Picasso. "The theme of love is significant. It has been recurrent throughout the history of art." Professor Horn supported his thesis by submitting 45 photographs of works well known to art students, and of which photographic reproductions are easily available in any first-rate library or book store. Horn pronounced Boise's male and female figures to be art and very good art indeed. "Gentle and warm and done in great sympathy and tenderness." Defense also called Mrs. Katherine Caldwell, Mills College lecturer on Oriental Art, who told the jury that the *Kama Sutra* is "to the Indians, say, what a medical book on ideal family life would be in our own culture." Verdict: Not Guilty. The trial was believed to be the first in the U.S. in which police had sought to suppress statuary as pornographic.

In California the city of Monrovia's war on the sale of pornographic literature gained momentum on May 19 when the City Council unanimously adopted a resolution urging a boycott of newsstands handling allegedly obscene materials. Mayor Roy Kropke said that Monrovia plans to send a copy of the resolution to other members of the League of California Cities with a request they join in stamping out smut literature. One of the Resolves in said resolution reads as follows: "All citizens concern themselves with the type

of magazines being sold and refuse to patronize any store, newsstand or other vendor which sells obscene, lewd or pornographic literature that is below the standard of decency which any citizen expects."

Lawrence E. Gichner, Washington, D.C., collector of erotica, was found guilty on June 12 of sending three pornographic books through the mails by U.S. District Court Judge Bernita S. Matthews, who sat without a jury and considered the books to be patently offensive and designed to appeal to prurient interests. On July 10 he was fined \$7,000 and placed on probation for two years.

The ILLINOIS Supreme Court on June 18 unanimously upheld the conviction and one-year prison sentence of Lenny Bruce, whose night-club act the court found to be "thoroughly disgusting and revolting and patently offensive." It also unanimously reversed Circuit Court Judge Samuel Epstein's decision which prevented Chicago area police from banning *Tropic of Cancer*. The Supreme Court ruled the book has "no literary merit, but contains simply a series of revolting sexual encounters described in the most filthy and obscene language imaginable."

The Louisville and Jefferson County, KENTUCKY, Councils of the PTA on July 22 filed a suit in circuit court against the publishers of two magazines: *Man's Epic* and *Man's Peril*. The suit complains the magazines violate Kentucky statutes by publishing obscene matter and "accounts of criminal deeds, pictures and stories of deeds of bloodshed, lust, and crime." Councils' attorney Cecil Davenport said many more actions will be brought in the campaign to stop the sale, distribution, or display of obscene literature, records, and other materials.

The city council of St. Clair Shores, MICHIGAN, on June 15 passed a new obscenity ordinance which provides that anyone who sells obscene material to anyone 18 years old or younger will be subject to a \$500 fine or 90 days in jail. The ordinance was enacted at the request of the St. Clair Shores Council on Better Literature for Youth, Inc. Only known opposition was that of the ACLU. Obscenity was not defined.

Cardinal Spellman chose the forum of Fordham University's commencement on June 10 to urge a citizen's commission to fight obscene literature by legal means. "Our youth today is under assault by a powerful house of perversion. The public situation has so deteriorated that effective action by civil leaders can no longer be deferred, and silence by religious leaders can no longer be justified." Response was immediate and varied. Mayor Wagner said he had delegated Deputy Mayor Edward Cavanagh to work with the Cardinal's office. A spokesman for the archdiocese said the proposed board would not exercise censorship. NY CLU executive director George Rundquist said, "It can't be anything else, can it?" And the State Court of Appeals rejected (4-3) an attempt by the Corporation Counsel's office to halt the sale of a group of girlie magazines. The Court said the city had not proved the magazines were obscene.

September, 1964

Welcome to the Fray

We would like to extend a sincere and cordial welcome to a new contemporary: *Censure Contre les Arts et la Pensé*, published under the auspices of the Congress for Liberty and Culture at 104, bd Haussmann, Paris 8, of which Jean Bloch-Michel is the director. To be published quarterly at 8 francs per year, No. 1 is dated June, 1964.

Printed in French, it presents original and reprinted articles in the general area of the freedom of expression, which the editors consider to be in greater danger the world over than ever before, while the general public is asleep and unaware of the danger. Sample paragraph:

"Only the articles which have appeared before, and which are reprinted here, bear the signature of the author. For the others, we have not wished to make the distinction between those which the authors were free to sign and those which must, perforce, remain anonymous. Our best sources of information in certain areas are correspondents who cannot take the risk of publication under their names because of the likelihood of exposure to repressive measures. Under these conditions we have decided that anonymity would be the rule for all."

The seizure of 21,000 copies of the April-May issue of *Evergreen Review* was declared illegal on June 12 by a three-judge federal court in Brooklyn. The court ordered the magazines returned, but did not rule on the question of their alleged obscenity. The court said the seizure constituted an illegal search in violation of the 14th Amendment and directed Nassau County prosecutor William Cahn to refrain from any future interference with the distribution of the magazine. The judges refused, however, to grant an injunction restraining Cahn from continuing a criminal obscenity charge pending in Nassau County. The question of \$100,000 damages was also left open, being remanded to Judge George Rosling for decision.

The New York Court of Appeals on July 11 held that the 18th century novel generally known as *Fanny Hill* is not obscene and can be sold in New York State. The court also upset the conviction of a New York City bookstore owner who was sentenced to 30 days in jail for selling the book to a 16-year-old girl, while her CDL-father watched from across the street. In a second decision the Court held unconstitutional a section of the State Penal Law that bars the sale to persons under 18 of a book "the cover or contents of which exploits, is devoted to or is principally made up of descriptions of illicit or sexual immorality."

AP reported on May 26 that the temporary ban on the sale and distribution of *Fanny Hill* in RHODE ISLAND has been continued until October 19 by Superior Court Judge Joseph R. Weisberger.

Boy Scouts Will Fight Smut War

We've been refraining from commenting on or even reporting the large-scale anti-smut campaign going on in Memphis, Tennessee, largely sparked by the *Press-Scimitar* with the able assistance of the local CDL, or vice-versa. But the above June 6 headline causes us to break silence. This is not just another anti-smut campaign. Local leadership has completely lost its perspective and gone beyond the common bounds of decency. There have been other instances of suborning minors in anti-obscenity campaigns, but this, we submit, takes the cake: Under the above front-page headline appeared this letter from Scout Executive Jones B. Huskey to Mayor William Ingram:

"We are pleased to hear about the fine work that the City Commission and other city officials are doing in an effort to eliminate undesirable literature from the newsstands in Memphis. . . .

"It is our plan to inform our leaders in Scouting through a news bulletin about this campaign and ask the assistance of our older Scouts and Explorers in reporting locations where this type of literature is seen.

"This bulletin is distributed to more than 4,000 adult leaders. . . . I think this is a group that will give pretty good coverage throughout the city."

Mayor Ingram hailed the help:

"We needed some young people to test our vendors about what they will and won't sell to youths. They say they don't let juveniles get ahold of obscene books, but we have some reports to the opposite.

"Chickasaw Council of Boy Scouts spreads to eastern Arkansas and northern Mississippi. We have heard that the smut peddlers might be moving their filthy operations to these sections outside the city. These boys will help us check on that situation."

Mayor Ingram said he is "quite satisfied" with the current war on obscene literature. "We are bringing about a moral uplifting, and Memphians should be proud of the movement.

"We are gaining a national reputation as a city which has recognized this problem and is doing something about it."

Bay College Chief Replies to Legion

The president of the College of San Mateo on 2 May said that American Legion officials who criticized him for allowing a Communist to speak on campus were guilty of "rank inconsistency."

Instead of deterring him, said Dr. Julio Bortolazzo, the action of the San Mateo county Legion simply underscored his determination to present a noted Communist on his campus a second time on 5 May.

He announced that Mickey Lima, Northern California Communist Party chairman, will debate with Dr. Tom Lantos, economics professor from San Francisco State College, at 11 a.m. in the college auditorium.

And he predicted that after the second debate, "I'll have one of the most enlightened colleges in America on the evils of communism. It's my best judgment as an educator on how to accomplish this," Dr. Bortolazzo said, defending the debates. "I won't retreat one step on this issue."

Salinger Not Required

Trustees of Placer Union High School in Auburn, CALIFORNIA, decided on 15 May to retain *Catcher in the Rye* on English class reading lists. The board said that while the book will not be banned, neither will it be required reading.

Former Editor Corresponds with RD

The Editor

4 May 1964

The Reader's Digest

Pleasantville, New York

Gentlemen:

The article in the May 1964 issue of *Reader's Digest* entitled "Poison in Print . . ." paints a rosy picture of the anti-pornography activities of Mr. Charles Keating and his organization "Citizens for Decent Literature." You cite instances when he has resisted the temptation to pass out CDL lists of materials considered to be "obscene" to newsdealers and others seeking to use them as guides for the selection and display of books and magazines, on newsstands and in other places. That these CDL lists represent *one* group's opinion of what is "obscene" is glossed over. The fact that CDL lists all too frequently *are* used by government officials and others in an extra-legal, and un-democratic, way is never mentioned. That the U.S. Supreme Court definition of "obscenity" is really no definition at all is not considered. That "book burnings" *have* occurred is forgotten. That there is more than one opinion regarding the cause-effect relationships between reading and overt action is completely ignored.

Really, now, in all honesty and fairness, you should ask a responsible individual or group to prepare an article in response to Mr. Hall's. I suggest that you contact the Intellectual Freedom Committee of the American Library Association at 50 E. Huron St., Chicago, Ill.

Untold harm has been, and is being, done by groups using little knowledge, questionable opinion, and vast amounts of superstition, to attempt to force others to accept their views regarding what is fit to read, and what is not. You have a responsibility to be objective. I hope you will live up to it.

Very truly yours,
Donald V. Black

May 15, 1964

Dear Mr. Black:

Thank you for your thoughtful criticism of "Poison in Print—And How to Get Rid of It" in the May *Reader's Digest*. You make a convincing case for the opposing viewpoint and if the Digest printed reader correspondence—which it does not—we might well have wanted to include your letter. Since the magazine does not ordinarily print rebuttals either, there seems little chance of our pursuing your suggestion to ask the American Library Association's Intellectual Freedom Committee to prepare an answer. But we appreciate your making the recommendation all the same. Perhaps more on the subject will be included at some later date. It was good of you to express your concern over the threat of censorship.

Sincerely,
The Editors

Scratch One!

Governor John H. Chaffee of Rhode Island has signed a bill abolishing the Rhode Island Commission to Encourage Morality in Youth. According to the *Providence Journal*, a majority of the Commission membership felt that the Commission's activities had become "a waste of time" as a result of the U.S. Supreme Court's decision last year that the Commission was engaged in extrajudicial, unconstitutional censorship (*PW*, March 4, 1963). The Supreme Court ruling climaxed a three-year challenge to the Commission's activities initiated by four paperback publishers: Bantam Books, Dell, New American Library and Pocket Books.

The Morality Commission's decision to disband was also in accordance with a recommendation made in 1962 by a Rhode Island Baby Hoover Commission report, which found that the Youth Commission "does not appear to perform any function that cannot more effectively be done by other groups in the Rhode Island community." In its report, the Baby Hoover Commission pointed out that most states enforce their morality laws through the office of the state attorney general, and it recommended that the Morality Commission be transferred to that department as an advisory group. Governor Chaffee made similar recommendations in 1963 and again this year.

The Baby Hoover report stated that the courts can provide the best remedy against obscenity, since they can "engage in detached decision-making in this sensitive area" and since "the only effective remedy in this area is possessed by the courts—stiff fines and prison sentences which will deter dealers from risking the handling of materials which are in violation of Rhode Island laws." It further pointed out that it is "not necessary or even judiciously advisable for the state to utilize its facilities in this area" since community organizations, churches and conscientious parents should provide direction for Rhode Island's youth.

According to the American Civil Liberties Union, Georgia is now the only state that has a morality commission with a paid staff.—*PW*, June 8.

Notes from Abroad

The *New York News* reported on July 19 that the government of Lebanon during the previous week had banned as obscene Leila Baalbaki's collection of short stories entitled, *A Boat of Tenderness to the Moon*. Book was banned nine months and 3,000 copies after it had been published by the National Publishing and Printing House. Miss Baalbaki plans to appeal to Lebanon's High Court.

Five hundred books which "poisoned the spirit" of the Indonesian people were burned in public in Jakarta on Indonesian National Education Day recently.

About 200 people watched as a coffin-like box soaked in gasoline was ignited on top of a "funeral pyre" of sticks at the education ministry.

The books burned covered political science which supported liberalism, economic science which opposed Indonesia's "guided economy" theory and cultural books which "lacked dignity." — *Oakland Tribune*, August 5.

September, 1964

Annual Report

Fifteen hundred sixty-seven copies of this issue are being distributed on a subscription basis, an increase of 19 per cent over the September, 1963 issue. Average bi-monthly edition has been 2900 copies, due largely to the purchase of copies by state associations for distribution at their annual conferences. Other state associations please copy.

A Book Reconsidered

June 29, 1964

Dear Mr. _____:

This will acknowledge receipt of your request of June 16 for reconsideration of a book in the county library collection—in this case a request for withdrawal of the book *Children of Heaven*, by Christiane Rochefort. We appreciate your interest in the book collection, and your thoughtful concern about your young daughter's reading. We agree with you that this is a book for the mature adult and not for the very young reader; we do not recommend it as reading for a fourteen-year-old. It is public library policy, however, to permit young people on reaching high school age to select books from the adult shelves. Children under fourteen do not choose adult books without parental consent or guidance of a librarian.

When this book by an established French author was published in 1962 in translation from the French, it received favorable reviews, as it had in France where it won a literary award. Among the population of 400,000 served by the county library, there are many readers with a keen interest in foreign literary trends as well as those in this country. In selecting books for all age and interest levels, we must make our selections inclusive rather than exclusive. We often find decisions on some "modern" fiction difficult, but we must take into consideration the positive values in a book, the sincerity of the author, literary quality, reliability of the publisher, and the evaluations of competent critics. We are not justified in denying mature adults the "freedom to read" certain books meeting these standards on the grounds that these books are distasteful to a few readers. All county library books are selected by a committee of professional librarians meeting regularly to consider from the vast quantity of current publications those titles to be selected. We are guided by a written book selection policy, a copy of which is enclosed.

There are hundreds of fine books in the adult collection which are recommended for young readers; you will find the librarians in any of our libraries ready to recommend titles and to assist you and your daughter in finding books which will interest her. In browsing through the adult shelves, you will notice many books marked with the symbol "/" on the spine; this mark signifies special recommendation for young adult reading.

Thank you for your interest in county library service.

Yours very truly,

Ruth N. Turner

Principal Librarian of Readers Services

Chairman, Adult Book Selection Committee

Contra Costa County (Calif.) Library

CLA Supports Fair Housing

RESOLUTION

Passed by the Board of Directors of the California Library Association at Los Angeles, June 20, 1964.

Whereas, the California Library Association, as a Chapter of the American Library Association, has affirmed that so long as one librarian is prevented from making his full contribution to the library profession by reason of race, religion, national origin, or political views, and so long as one individual citizen cannot realize his full potential as a useful member of society because of such barriers, the welfare of the nation is diminished; and

Whereas, the California Library Association, as a Chapter of the American Library Association, has also affirmed that the rights of an individual to the use of a library should not be denied or abridged because of his race, religion, national origin, or political views; and

Whereas, practices of discrimination in housing on the basis of race deprive some citizens of their right of equal opportunity of employment in libraries because of their inability as members of minority groups to live in certain areas; and

Whereas, these practices of discrimination in housing on the basis of race may also deprive some citizens of their right of equal access to libraries because of their inability as members of minority groups to live in certain areas; and

Whereas, the fair housing acts now in force in California serve to insure the right of every citizen to acquire the kind of housing he requires and can afford, without restriction as to place on the basis of race, religion, or national origin; and

Whereas, the proposed initiative amendment to the Constitution of the State of California, to be submitted to the electorate as Proposition No. 14 on November 3, 1964, would nullify important parts of the fair housing acts;

Now therefore be it resolved, that the California Library Association express its opposition to this initiative amendment, and that it reaffirm its belief in the principle of equal opportunity in employment in and access to libraries.

Sex vs. Censorship at OU

More than usually confused was the controversy at Michigan's Oakland University over the firing of student newspaper editor Wolf Metzger by Durward B. Varner early in May. Rhubarb seems to have started over a newspaper sponsored and conducted survey of student sex attitudes and activity, the results of which Chancellor Varner considered to be both unreliable and inimical to the interests of the University. When Varner censored the survey article, Metzger attempted to publish an article criticizing Varner for censorship. The edition containing this article—1500 copies—was impounded and destroyed by Varner, who then fired Metzger. Student opinion is divided on the issue, but there is some question as to whether the issue is sex or censorship.

Open Letter to CP

June 19, 1964

Mr. Arnold Johnson
Public Relations Director
Of The Communist Party, U.S.A.
New York, New York 10010

Dear Mr. Johnson:

Thanks for copies of *The Worker* and *To End Poverty and Unemployment in the U.S.: Economic Program of the Communist Party, U.S.A.* I am very glad to have these for our library, particularly the second mentioned.

I want to call your attention to a very serious mistake, or misunderstanding, in your printed memo accompanying the above mentioned publications. In your memo you state: "The enclosed program *End Poverty and Unemployment in the U.S.* is being sent to you and others who influence public opinion in our country . . ." You state that you welcome comments and suggestions.

Therefore, I should like to remind you that it is against the principles of American Public Library Service for a public library to attempt deliberately to influence public opinion. It is our obligation to have all sides of problems represented on our shelves. We have a responsibility to be aware of significant problems about which people should have an intelligent understanding. We have an obligation, or a responsibility, to make available to the people in our communities the official pronouncements of various ideologies.

We should be grossly irresponsible as librarians were we to attempt deliberately to influence public opinion one way or the other. I may have strong opinions about the solution to a particular problem, but I have no right to use my personal bias in selecting materials for this library. Nor do I have any right, as a member of the American Library Association, as director of a public library in an American community, or as a sincere citizen trying to uphold traditional and basic American Freedoms guaranteed by the First Amendment to our Constitution—through labeling or otherwise to influence people one way or the other. As I stated before, I do have an obligation to make available all sides of controversial issues in order that free American citizens can make up their own minds. They can thus have the freedom to exchange ideas with all, even with those with whom they are in violent disagreement.

If American librarianship has any creed on freedom of ideas, it is the "Library Bill of Rights" of the American Library Association which should be the "creed" of every sincere librarian who believes in Intellectual Freedom. This "creed" is the guiding policy of the freedom of ideas, and the freedom of access, that this library follows.

Sincerely,
Leonard B. Archer
Director, Oshkosh, Wis., Public Library

Newsletter on Intellectual Freedom

Censorship and the Open Society

"Literature or License?" was discussed recently on NBC's "The Open Mind." Moderator Eric F. Goldman, Princeton professor of history, had as his guests Arnold Gingrich, publisher of *Esquire*; John E. Lawler, counsel to Operation Yorkville, a local anti-obscenity organization; Barney Rosset, head of Grove Press; Ephraim S. London, attorney and New York Civil Liberties Union director, and Ernest van den Haag, psychoanalyst and NYU professor. Excerpts from the discussion follow:

LAWLER: First of all, let me say that we are opposed to censorship. We are for law enforcement. Our position is that here are valid laws against the distribution of obscene material and when salacious material is published, a man is responsible for what he has published.

LONDON: Mr. Lawler said he is against censorship. I think that when he says he's for the suppression of books that he thinks are obscene, he is for censorship.

GOLDMAN: Mr. London, what is a typical law on the state books at the present time?

LONDON: Practically every state of the U.S. has a law which provides that the publication of matter that is deemed obscene is a crime. It's punished by fine and imprisonment anywhere from a period of less than a year to seven years. And the current interpretation of that word, "obscene," is that which arouses prurient interest in the average adult of the community.

LAWLER: We would like to see a climate in which the judges reflected the current community standards.

GINGRICH: An English judge said that every age gets the literature it deserves. Books once published surreptitiously are coming into public availability simply as a result of an extreme permissible tendency that's gone through our whole society and has been reflected by our courts. I believe in do-it-yourself censorship.—Quoted, in part, from *N.Y. Post*, July 5.

Lincoln and the Negro

Those advertisements by the Citizens' Councils of America entitled "Lincoln's Hopes for the Negro," which are currently appearing in *The Chronicle*, call for a brief comment.

The quotations that the Mississippi sociologists have chosen are indeed from Lincoln; the Great Emancipator did utter them. He uttered them at a time when the break-up of slavery and of the Union itself was at issue. The idea of Negro equality had not then been recognized, as it later was to be recognized by the Constitution and the people of the United States, among whom surely would have been Lincoln himself, had he lived.

Anyone who admires Lincoln will resent this cynically selected anthology of words snatched out of context with his later and humane understanding of the racial problem. While we dismiss the advertisements as a perversion of Lincoln's essential position, we felt that to deny the Citizens' Councils the right to purchase space to publish them would be to deny their freedom to put forward their point of view.—*SFC*, July 14.

September, 1964

ACLU vs. GSA

The American Civil Liberties Union announced on May 24 its opposition to regulations which have been proposed by the General Services Administration concerning the choice of publications to be sold by vendors in federal buildings. The stands are generally run by blind persons licensed by state agencies.

"If a government agency undertakes to provide facilities for the distribution of publications," the ACLU said, "it must conform to the constitutional principles that protect the free press. We submit that the proposed General Services Administration standards regulating the sale of publications at vending stands in federal buildings fall short of these principles."

The ACLU urged the rejection of the GSA's proposed censorship criteria on the grounds that this type of censorship violates the right of the citizenry to sell, to buy and to read written material of almost any nature without hindrance.

The selection of the publications in question became a public issue in January, 1963 when a GSA official in San Francisco, now retired, issued an "approved" list of magazines for concessionaires in his region. This list resulted in the removal of many nationally-known periodicals before it was rescinded in July, 1963, following criticism from the press and other sources. At that time the GSA began consideration of an overall policy to regulate the operation of vending stands in federal buildings. Its proposals are now before the Bureau of the Budget.

The GSA proposes to limit the sale of periodicals and publications to "those determined to be appropriately consistent with the public dignity and nature of governmental business transacted in the federal property wherein the vending facility is located." The decision would be made by the heads of the GSA regional offices and the state licensing agency. The criteria for determining whether its standard is being met would be examination of publications as to whether they: (1) meet customer demand, preference and acceptance; (2) are "patently offensive"; (3) are in good taste "under the decency concepts of the average person"; (4) are prohibited from sale by state or local law and (5) are barred from the mails.

We Are Censored

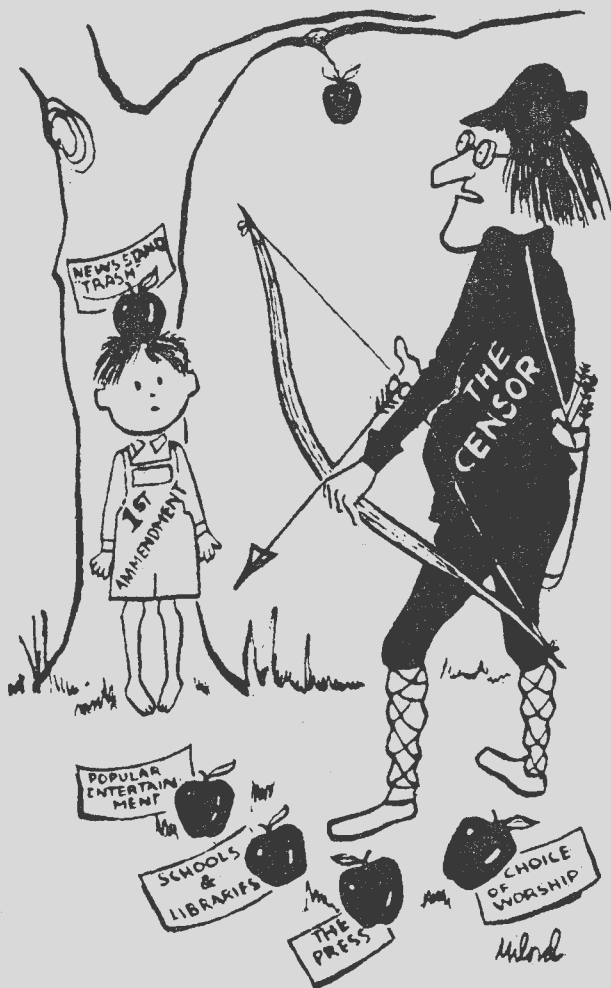
With the utmost ease, a Mabelvale preacher has been able to get eight girlie magazines taken off the newsstands. The Siebert News Agency, the wholesale magazine distributors, voluntarily stopped handling the magazines when the preacher and his group objected.

There wouldn't be much point in even bringing this up except for the fact that this incident is such a beautiful example of the main thing that is wrong with censorship—it spreads so easily. The first group to object to these eight magazines was in Pine Bluff, where a judge, acting under a 1960 legislative act, banned the magazines. Then the man in Mabelvale heard about this and he went to work. He got them banned not only in Mabelvale but in Little Rock as well. Now this was okay with us; if Pine Bluff, Mabelvale and Little Rock want to censor their newsstands, it's their business and we wouldn't presume to interfere. But it's not that

simple. Censorship never is. The Siebert Agency is the exclusive magazine distributor in Pulaski County. And this means that we now have censorship in North Little Rock without anyone in North Little Rock asking for it. The only way any of our newsstands can now sell one of these publications is to go to the trouble of ordering them direct from the publisher.

Now no one is going to suffer if he misses the July copy of Ace or Gent Magazine (he wouldn't admit it if he did). But, of course, that isn't the point. If it's this easy to deprive us of Ave or Gent, you can be sure that a way can be found to take away other publications as well. The only kind of censorship we endorse is the kind we practice as individuals. It would be bad enough if an individual or a group in North Little Rock set themselves up as a censor board to decide what we can and cannot read. It's even worse when we are censored by outsiders.—*The North Little Rock Times*, May 28.

Mr. Citizen—What He Draws



**"If I miss the worm in the apple?
Never mind, my boy... you'll never know it."**

'Cursing' Provokes TV Ban

Michigan State University's television channel has rejected an Episcopal minister's play on racial discrimination because, officials say, it "contains too many curse words."

The Reverend Malcolm Boyd, a Wayne State University chaplain, said the words were "damn" and "nigger."

He called the ban "a matter of content and not of words.

"I think the play was just too strong for the university people to take because I feel it cuts deeply and gets to the heart of what race discrimination is all about," he said.

Armand Hunter, director of broadcasting at MSU at East Lansing, said under other circumstances the play could be "acceptable, but I don't see the need for all the cursing. Mr. Boyd has been censored largely because television is not the place for the dialogue contained in his play."

The rejected play is "Boy: An Experiment in the Search for Identity," written by the chaplain in 1961 after he returned from a freedom ride.

He called use of the words justifiable and said he was using them "to expose a wrong." In the 12-minute play, he said, a white man dehumanizes a Negro shoeshine man by calling him "nigger." He said the play concerns the Negro's search "for his identify through a maze of racial intolerance."

Chaplain Boyd, who is white, said MSU's ban on "Boy" raises the question of academic and artistic freedom, which he feels educational television stations should protect.—AP, July 15.

Be Your Own Censor!

I.

In an unusual move, the Speaker of the House agreed to allow H.R. 319 to come up for floor debate on July 21 under suspension of the rules. Under this procedure $\frac{2}{3}$ affirmative vote is required, but no amendments are permitted and debate is limited to 20 minutes on each side. This avenue to the House Floor, bypassing the Rules Committee, is ordinarily used for non-controversial legislation which has been cleared with both the Democratic and Republican leadership of the House. Despite the warning of New York Republican Rep. John V. Lindsay that Congressmen would find themselves in Court defending themselves from constituents' complaints about their campaign material, the House passed the bill, 325-19.

II.

Under the bill, as amended in the Post Office and Civil Service Committee, a person receiving mail that he considers morally offensive could notify the Postmaster General that he wants future mailings from that source stopped. The sender would have 30 days to comply with the Postmaster General's order.

In the event that mailings continued, the Postmaster General would turn the matter over to the Attorney General, who would seek a court order banning further mailings. If they still continued, the sender would be subject to contempt of court proceedings.

Book Sellers Didn't Turn Down 'Candy'

By JACK MABLEY

I made a major factual error in Tuesday's column. In the interests of accuracy, I relay a correction, with appropriate comments, from Joseph W. Faulkner of the Main Street Book store on N. Michigan Ave.

"I have read with considerable amazement your column referring to the book *Candy* being voluntarily censored by Chicago book dealers," says Mr. Faulkner.

"I have spoken with a good many other book dealers and they are as surprised by the total inaccuracy of your report as I was.

"All copies of this book were recalled from Chicago by Putnam's Sons because of their fear of the haphazard, vague and diverse mechanics of censorship in this city.

"Although this is a fine old publishing firm and one would expect them to stand behind their publications and booksellers, they are unwilling to bear the costs of defense, which in the case of Grove Press came to a quarter of a million dollars for a favorable verdict.

"You do not say whether you have read the book or not. If not, I will be glad to sell you a copy out of the small quantity we were able to buy from another city and which we are reserving for our adult customers.

"I may be taking a risk in making this offer to you. The way a bookseller finds out that a book is verboten in Chicago is to be arrested first and then bankrupt himself paying defense costs while awaiting acquittal, which is inevitable in the case of all reputedly published books and the only kind Chicago's serious booksellers are concerned with.

"We have hundreds of books on our shelves, almost all classics, which have been under attack at one time or another by the vigilante censorship groups you admire. Sorry, Mr. Mabley, I cannot join you under your umbrella of self-righteousness."—Chicago *American*, June 5.

Anti-Smut Units Hit

A Montclair, New Jersey, minister on 31 March criticized the activities of decent literature committees in the county. Rev. Norman D. Fletcher of the Unitarian Church said the committees which operate in several communities, including Montclair and Caldwell, are "nonofficial and extra-legal."

In Caldwell, meanwhile, a local decent literature group has decided to drop its certification policy following a barrage of protests from the North Jersey Committee for the Right to Read, a group formed a month ago to protest the policy.

The right to read committee charged that books listed as objectionable include titles from top American and European authors. A committee spokesman described Caldwell merchants as "frightened to death" of possible boycott if they did not go along with the decent literature certificate policy.

Mr. Fletcher declared, "The method is intimidation. The committees, often made of well-meaning people, say they have the 'cooperation' of newsdealers, but every newsdealer knows that if he doesn't have a sticker from the committee on his window he will suffer boycott.

"The people of Essex County who for the sake of ridding their communities of 'indecent literature' will

submit to nonofficial and extra-legal censorship may wake up one day to find their 'freedom to read' in chains. We already have obscenity laws, the police and courts, public not private institutions," he said.

Writer Skins By

After reading Ray Duncan's *Cancer of Smut* serialized article, I suddenly realized the terrible danger this intrepid writer bravely faced while gathering the material to authenticate his soul-stirring expose.

To "get the facts," in the best "true blue" newspaper tradition, it obviously became Mr. Duncan's painfully distasteful duty to secure and personally read a representative number of newsstand "girlie" magazines.

The assignment, inspirationally done, has now been concluded. But what of Mr. Duncan himself?

Once having been exposed to the overwhelmingly magnetic attraction of sin as diabolically presented by the "nudie" magazines, has Mr. Duncan's sterling moral character escaped contamination?

Does he still qualify as a member, in good standing, of that pitifully small handful of stalwart American males who have seen "dirty pictures" and survived—their genteel moral character scarred but functionally intact?

If not, can the "Hurrahs!" of the sanctimonious among us, theistically qualified to "throw the first stone," save this dauntless champion of purity from the black abyss of moral degradation?

Or, alas, has he already fallen among the "Legion of the Lost"—that vast numberless army of characterless men and boys who, once exposed to the contagions of a "nudie" publication, have become hopeless, skulking, depraved sexual degenerates?

—Jim Upshaw, Altadena

Our Mr. Duncan has survived the experience, but says he will never be the same. His required reading of the sex, smut and girlie magazines, he says almost entirely extinguished his interest in sex.—The Editor.—Pasadena *Star News*, June 15.

Lansing Won't Ban 'Tropic of Cancer'

The Lansing Board of Education said on June 9 it does not intend to outlaw circulation of the controversial book, *Tropic of Cancer*, by the Lansing Public Library. The statement was contained in the board's formal reply to a civil suit filed six weeks ago in Ingham County Circuit Court by Leo A. Farhat, prosecutor.

Farhat asked the court to ban distribution and sale of the novel by Henry Miller on the grounds it was ". . . obscene, lewd, lascivious, filthy, and indecent." If the book is all the things Farhat said it is, the board replied, then the statute under which he is proceeding ". . . abridges the liberty or freedom of speech or of the press."

The board also denied the prosecutor's contention that the book would cause "great and irreparable damage to the minds and morals" of people who read it. It noted, however, that the library is distributing the novel on a restricted basis.

Farhat had said his action was based on a study of the state statute on obscene literature, a review of the book, a study of actions in other states and comments of book critics throughout the nation.

MEMORANDUM

1 September, 1964

To: *Library School Deans*
Directors of Library Science Programs

From: THE EDITOR

One of the suggestions which has come to me for increasing the circulation of the *Newsletter on Intellectual Freedom* above its present 1500 copies per issue is to suggest to schools of library science the distributing of specimen copies to students in classes on book selection or wherever the unit on censorship and intellectual freedom is taught. The students could, at that time, be encouraged to subscribe to the *Newsletter* on their own as part of their continuing education in this important aspect of their future professional careers.

The promotional budget of the *Newsletter* is not sufficiently large to provide specimen quantities without cost, but we are able to offer copies in quantities of at least 25 of any one subsequent issue at the very low rate of 10 cents per copy. We very much hope that you may be able in this way to both increase the circulation of the *Newsletter*, and also help your students acquire the necessary background and information for confronting the continuing tendencies toward censorship in our time. The American Library Association Intellectual Freedom Committee will be most grateful.

Most sincerely,
LEROY C. MERRITT
Professor of Librarianship

'Northwest Review' in Trouble

It has only belatedly come to our attention that the Fall issue of the University of Oregon's *Northwest Review* stirred a controversy over the alleged obscenity in poetry by Oregon-born poet Philip Whalen and the late French poet and playwright Antonin Artaud. Involved in the controversy are the right-wing journal *The National Eagle*, Eugene's *Legal Voter's Newsletter*, and a Legislative Interim Committee on Education. Upshot has been the suspension of publication of the *Northwest Review*, transfer of control from students to faculty, and replacement by OU Prexy Arthur Flemming of student editor Edward van Aelstyn with Assistant Professor of English Ralph J. Salisbury. Continued publication is so much in doubt that subscribers have been asked whether they want refunds on unexpired subscriptions, or whether they are willing to wait out the storm.

On June 8 it was revealed that the Post Office Department's general counsel in Washington had ruled that the poetry is "not in violation of the obscenity law at this time." The ruling was received by Brunswick R. Mayer, chief of administrative services at the post office in Portland, after mailing was held up of the above right-wing journal which carries reprints of the poems.

Truly a Milestone

Ernst, Morris L. and Schwartz, Alan U. *Censorship: The Search for the Obscene*. New York, Macmillan, 1964, 288 pp. \$6.00.

This volume is the second in the Milestones of Law Series being published by the Macmillan Company. The first, by the same authors, was *Privacy: The Right to Be Let Alone*. Like the first volume, this one is highly recommendable. "Intended primarily for non-lawyers", it is brilliantly and authoritatively written and arranged to lead the reader through a maze of court decisions that reveal the "search for the obscene" to be as confusing to Supreme Court judges as to the layman. (Interestingly, these court decisions are set off from the rest of the text by vertical lines in the margins, thereby making confusing quotation marks unnecessary.)

Censorship, that is *legal* censorship, is based on the judicial theory that a society of men, founded on law, has the right to protect itself against corrupters of its moral code and subverters of its political institutions. (In most societies with religious freedoms, censorship involving sacrilegiousness is *extra-legal*.) This work is mainly concerned with one type of censorship: of the obscene; and with one medium: the printed word.

Assuming one wants to fight the censors *within* the law, it seems that a prerequisite would be that one must understand the law or at least the contemporary interpretation of it. The authors of *Censorship* have provided those interested in the good fight a firm platform of legal enlightenment on which to stand.

They begin their legal safari by pointing out that the founding fathers, realizing that the great majority of citizens could not read and were therefore not apt to be corrupted by the printed word, were not too con-

cerned with obscenity. (In fact, the first obscenity case presented by the lawyer-authors is one that concerns a picture, not a book.) However, the authors continue, with the growth of literacy in the United States, statutes concerning obscenity were passed, culminating in the "Comstock" laws of the 1870's. These laws—with minor changes—still govern "obscenity" in the mails, they contend. Into these laws were written the words: obscene, lewd, lascivious and indecent. Over the meaning of these words, the courts have been struggling ever since. In fact, this is the central thesis of the work: the meaning of these words as interpreted by the American judicial process.

In 1868 an English Lord Chief Justice interpreted the test of obscenity as being: ". . . whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall." Mr. Ernst and Mrs. Schwartz call this the "famous words that have been the bugaboo of our obscenity law ever since." From this point of departure, American Judges have, however, increasingly liberalized their interpretation of what constitutes obscenity. This trend is traced interestingly from one court decision to another.

First, the "classics" were excluded from the law. Then, the simple tasteless and vulgar were removed. Next, the "improper, intemperate, reprehensible" (as long as they were not "indecent") were removed. In 1922 the premise that "no work may be judged from a selection of . . . paragraphs alone" was written into a judicial decision. From this the courts adopted the important concept of prevailing community standards as being a test of obscenity and opened the doors for "experts" to testify on the alleged obscenity of a book. At this point, the authors claim, "the trend is toward freedom." But one wonders.

Granted, the *main* concern of this work is with the *legal* aspects of censorship and the "obscene", and granted further that the authors do mention briefly the *extra-legal* aspects of censorship, still one comes away from the reading of this book feeling that the authors are a little too optimistic. True, without legal protection the situation is hopeless. Therefore, their emphasis on legal evolution of censorship is quite justified. But even *with* legal protection the case is far from being won. Having the *legal* right to write, publish and distribute a controversial book and *daring* to do so are two different matters. What is needed now, after this legal exploration, is an investigation of how best to *institutionalize* these freedoms in our intellectual culture. Once this has been done, true freedom from the censors may be claimed.

Ernst and Schwartz, libertarians themselves, have done all libertarians and, indeed, liberty itself a great favor. (Ernst has often written on the subject, been active in civil liberty movements and has, himself, defended a number of books before the courts.) This work is truly an important "milestone" in legal censorship history and development, erudite and timely. It is absolutely required reading for librarians, authors, publishers and related professionals, as well as for the general public wishing to be informed.—Jerome D. Simpson, Reference Librarian, Central State College, Edmond, Oklahoma.

September, 1964

'Fanny Hill' for Burning

Manchester, England, June 15 (Reuters) — A woman magistrate today ordered copies of *Fanny Hill, Memoirs of a Woman of Pleasure*, seized and destroyed by police. "We think the lady is for burning," said Magistrate Eileen MacDonald.

Editorial

The public library in the United States enjoys the peculiar distinction of being the only institution with the obligation and the privilege of being all things to all men. If it be granted that the library deals only with things of the mind and of the spirit, rather than with things pertaining to the body, it is necessary then only to grant the additional consideration that there is no point in the library's doing anything which another institution is doing better, or more cheaply. Thus the library does not teach reading or penmanship to six-year-olds, though it might teach both to adults for whom no other opportunities are available. Thus the library does not compete with the local motion picture theatre or the town art gallery, but it might provide commercially unprofitable educational films, and hang pictures when no other gallery is available. And it leaves to the university library the provision of the esoteric monograph needed by the research scholar, and to the corner drugstore the provision of the light reading which can be more economically provided.

There are other similar exceptions, but even if we were to list them all, there would remain to the public library the provision of the important intellectual and artistic works of our time and of all time, in whatever format, at all levels of difficulty and sophistication needed and wanted by that diverse body of people who are the potential clientele of every public library. The obligation is real, and the acceptance of it implies the fulfilling of a responsibility far above and beyond the normal cliché of providing books on both sides of every subject. Many subjects have three sides, or five, or ten. Many of them have readers on only one side, or at only one level of sophistication. When this is true, the library's obligation extends to drawing attention to the neglected sides, and causing the unsophisticated or the hypersophisticated to pay attention to the important issues of our time.

A few examples should suffice to make plain the point without belaboring it. *The Communist Manifesto* and *Das Kapital* have earned places in public libraries as classics of communist theory irrespective of the quality of their writing. Until the radical right produces similar classics, it is necessary that the public library make available *The Blue Book* of the John Birch Society, whatever we think of the quality of its writing. If we wish to argue for a place in our libraries for *The Nation* and *The New Republic*, we must also argue for a place for *The National Review* and *American Opinion*. If we give shelf space to *Tom Jones* and *Tess*, how can we deny it to the *Tropics* and *Naked Lunch*?

In a country which was founded in the heat of one of the greater controversies of all time, how does it come to be that the success of a library is so often measured in terms of the least possible amount of controversy? The onus of incompetence or ineffectiveness should be on the library which causes no controversy,

rather than on the library which causes some or much. For without controversy there is no thinking, and without thinking there is no progress. So let our libraries contain materials on all sides of all the great and small controversies of our time. Let the librarians seek books which will cause controversy, so that the people in their communities will be alive to what is going on about them, and thus be stimulated to think and do, and to influence the course of human events in their town, their state, their country.

One of the reasons for the publication by the American Library Association of the *Newsletter on Intellectual Freedom* is to acquaint librarians with issues and titles which are causing controversy for librarians elsewhere in the country, so that they may be better prepared for similar or identical confrontations at home. While this is a good enough reason for reading the *Newsletter*, I would suggest a better one. With only enough exceptions to prove the rule, it can be said that only important books and journals and motion pictures and radio and television programs and other examples of artistic and intellectual and spiritual content come into controversy. I would suggest to librarians that they read the *Newsletter on Intellectual Freedom* in order to make sure that they have these important titles in their libraries. Let them be sure that they are not shortchanging their patrons by not making available the important literature of our time as measured by the amount of fuss it stirs up. After these ten years of persistent objection to *The Catcher in the Rye* in public school curricula and in libraries, can any librarian worth his salt seriously argue that his clientele should be deprived of access to it?

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"We need more censorship in literature, in movies, on television . . . uh . . . and beaches!"

The number of such books is limited, very likely so limited that every library, however small, can afford to buy the few controversial books each year which had not been previously purchased. And let librarians keep score on themselves: Every title not in stock when it comes into controversy would constitute one black mark. This would put librarians on their mettle to seek out the important books, the seminal works, the books which really make a difference, so that each time they read of a particular title becoming controversial somewhere in the world, they will be able to say smugly that the book is already on their shelves. Does your library rate any black marks?—LCM in *North Country Libraries*, May-June.

The *Newsletter on Intellectual Freedom* is published bi-monthly by the American Library Association at 48 Arlington Avenue, Kensington, California, the address to which all editorial communications should be sent. Address all correspondence concerning subscriptions (\$3.00 per year) to Subscription Department, American Library Association, 50 East Huron Street, Chicago 11, Illinois.

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