



newsletter

ON INTELLECTUAL FREEDOM

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No. 1

Free Speech in California

The ramifications of the student Free Speech Movement on the Berkeley campus of the University of California during the Fall semester are too many and too confused to find space in these brief pages, except bibliographically as summary statements are published elsewhere. On the initial issue, the right on campus to advocate political activity off campus, the students have a point. Free speech is not divisible.

Big Brother Rebuked

Congratulations to the three Federal judges who have found that Americans need not ask Big Brother's permission to receive by mail "Communist political propaganda" addressed to them from abroad. The decision of Judges Albert C. Wollenberg, Alfonso C. Zirpoli and Homer T. Bone handed down here Wednesday held unconstitutional a 1962 Act of Congress requiring the addressee of such mail to request delivery in writing.

Freedom of speech and of the press, protected by the First Amendment, means just that; it means the right of all of us to express and have access to whatever ideas we are interested in, unless these create a "clear and present danger." If the ideas which some people wish to examine include "Communist political propaganda" abhorrent to Congressmen, that's too bad. Congressmen have no business saying "Daddy knows best."

The judges found no proof that the foreign policy and national security of the United States were in any danger from letting mail of Communist origin be delivered. This is not surprising since the National Security Council, the Post Office and Justice Departments and President Kennedy had strongly objected to the law.

The federal panel did find, though, that anyone who puts a request in writing for the Post Office to deliver Communist propaganda to him thereby puts his name on a list kept by the Postmaster, and that such lists have in the past been turned over to the House Un-American Activities Committee. This is intolerable; as the judges say, it subjects the addressee to "social stigma and economic injury" which he should not have to suffer in order to have his constitutional rights.

Congress should repeal this odious mail-interception law to save itself from being further rebuked by the higher Federal courts.—*SFC*, 19 November.

My Efforts To Establish Another Library in Albany

During the past summer I felt the drastic need for another library in Albany, Georgia, simply had to be faced and something tangible done about it. I knew the need existed since 1957 when I first came to Albany and became head librarian of the Hazard Education Center at the Albany State College here and taught library science subjects as a minor subject at the college. There we spoke of the need for people and books to be brought together, freedom to read, how to meet the need of inquiring minds, etc. Yet we could do little except talk for the books were not available in many areas we explored. I thought this was bad enough and it was.

Two years later I had completed my observation of both high schools and elementary schools of our community (Negro public libraries) and found there was even a greater need for another library outside the gates of the college than within.

About one year ago, after many arrests of Negroes by local police backed by our local government, the all white library was opened to all citizens. If going to jail was the key to better reading, we were willing to go and did. Chairs and tables were taken up and we had to stand to read or take books out; this was alright and after about four months chairs and tables were again put back into the library.

The year I spent in and out of this library (public) gave me the real answer, ALBANY NEEDS ANOTHER LIBRARY. The same year I found the doors of Negro elementary school libraries locked because of a lack of trained librarians. This was unbelievable but true and I was not able to do much about it. In most of the libraries the books were so limited that there was hardly any need for a person to be in the room set aside for books all day or even part time. This was sickening when you were able to observe the teachers working with an over loaded number of students, class room books that were used when sent to the school, no library help and few supplies. The high school library for Negroes was almost as bad.

Last summer came. A student, Robert McKan, Jr. had completed his high school training and was planning to go to Tuskegee Institute come fall 1964. The institution required a list of books to be read before entering. Most of the books he had not heard of nor could be found in our existing libraries. The student went throughout the community to find just enough of the books required to get him into the college. To me it was frightening to think of the one block that was about to clutter the path of success for this young man. . . . the lack of suggested books to be read. I went to work.

What has been accomplished and how? Through a friend I was able to reach Mr. Phil MacDougal of Berkeley, California, librarian, who sent me my first shipment of books; he asked others to send and they did. *Manas* was kind enough to carry an article, *Albany Needs Another Library*. Books and money came in and books are yet coming, the local community donated help, wood for bookshelves, paint to paint shelves, etc. An account has been opened at the Citizens and Southern Bank for The Albany Community Library and we have received a total of \$1,205.50 and a little better than two thousand books. Books may be sent to The Albany Community Library, 532 Mercer Avenue. Our business address is P. O. Box 1641, Albany, Ga. Yet we need more than books.

We need funds for rent, \$60.00 per month, utilities \$30.00 per month, typewriters, two large heaters, index cards, book cards, pockets for books, book truck, educational films, educational recordings, movie projector, record player and supplies.

We cannot think of having to close for the lack of rent, etc., for already we are serving the college students; four communities, 40-60 miles away are also being served. Local Negro librarians and I are working together. It is our hope that as soon as we are able to get our shelf-list mailed out to all schools and all librarians that we can all work together as one to overcome this need and make this through your help one of the best library centers in the State of Georgia.

—Elza G. Jackson

KENT STATE UNIVERSITY

KENT, OHIO 44240

DEPARTMENT OF LIBRARY SCIENCES

November 20, 1964

Postmaster
Room 3503
New York City 1, New York

Dear Sir:

You have asked me to state whether I do or do not wish to receive matter determined by the Customs Bureau to be "Communist political propaganda."

I do not recognize the right of anyone to interfere with my freedom to read, on any basis whatever. Your "screening" service, by requiring me to state my desire, constitutes such interference. I therefore decline as a matter of principle to check any of the boxes on POD Form 2153-X.

Your proceedings under Public Law 87-793 are clearly in conflict with the First Amendment to the Constitution of the United States. I am therefore asking my Congressman to find out whether the offensive practice can be halted administratively or the statute itself must be changed.

Very truly yours,

Sidney L. Jackson
Associate Professor
Chairman
Intellectual Freedom Committee
Ohio Library Association

Hattiesburg Public Library Reopened On Integrated (But Not Really) Basis

The Hattiesburg (Miss.) Public Library was closed down in August after two attempts were made by civil rights workers to integrate it. According to a story in the Kansas City (Mo.) *Times*, October 23, the Hattiesburg library has now been reopened, but reports that it is operating on an integrated basis are open to interpretation.

The Kansas City *Times* story is written by Ben Achtenburg, a Harvard University student now in his senior year, who taught this summer in a freedom school in Hattiesburg and was arrested in one of the library integration attempts. Achtenburg tells the story of the incident, and concludes his account with the following comments:

"There were reports for a time that the library in which I was arrested had been reopened on an integrated basis; but actually, as I have learned since, this is only a surface improvement. Negroes who wish to use the library must make a special application which must be passed on by the entire administrative board. As far as I am able to determine, no Negro has so far succeeded in obtaining a library card."—*L.J.*, 15 November.

Library in Mississippi Closed After Two Integration Attempts

The Hattiesburg (Miss.) Public Library was closed on August 24, 20 minutes after seven Negroes and a white civil rights worker sought to integrate it. The white woman, Sandra Adickes, 29 years old, of New York City, was arrested and jailed on a charge of vagrancy after the group left the library.

The library was closed by Chief of Police Hugh Herring, acting on orders from Mayor Claude Pittman, Jr. Mr. Pittman said: "We decided to have a preschool inventory of all our books. We hope to be finished by Monday and open again."

The library did open again on Monday, August 17, but it did not stay open long. This time seven Negroes and three whites tried to integrate it, and again the library was shut down. This time Mayor Pittman said he did not know when it would reopen. The authorities need time "to study the situation," he added.

Following the second integration attempt the police arrested two white men, a white woman, and a Negro man, all on vagrancy charges. They were released on bond pending trial in city court. Others in the second integration group were two teenagers and four children. —*L.J.*, 15 September.

Annual Report

Sixteen hundred seventy-nine copies of this issue are being distributed on a subscription basis, an increase of 13.5 per cent over the January, 1964 issue. Press run has averaged 2700 copies, the difference being largely accounted for by the purchase of copies in bulk by state associations for distribution at their annual meetings.

A Citizen Speaks Out

At the October 20th hearing by the City Council of a group called the "Education Society of Long Beach," amid much haranguing, charges and countercharges of what is "blasphemous" or not blasphemous, what is "extremist" literature and what is not, if there is or is not a "balance" on our library shelves of "liberal" and "conservative" materials: one central question continued to present itself—should this group or *any* lay group be permitted to select publications to be included in our public libraries? This question includes the lay group known as the Book Committee as provided for in the city charter. The assumption that the selection of books is a function of the Book Committee was never challenged.

The charter provides for a three man Book Committee. Article XVII, Sec. 195 says: "The City Manager shall appoint three electors of the city to serve as a Book Committee . . ." Sec. 199 (1) says, "The Librarian shall, subject to the approval of the Book Committee, purchase all necessary books, papers, publications, and special equipment." In reference to the Book Committee, nowhere in the charter is the word selection used nor is selection implied. The charter simply states that the Book Committee may approve or disapprove the Librarian's purchase of books, etc. It would seem then that the concern of the Book Committee is strictly monetary.

The responsibility of selection is that of the Librarian. It is for this that he is trained. It is his duty, his right, his prerogative. How else can he build a fine, free, great library? To receive a degree in this profession, one must meet certain requirements and standards of excellence in the field. A Master of Library Science requires five years of university work, and with this degree goes the responsibility and integrity of the profession. The very reputation of any profession depends upon that profession's requirement that its members maintain certain standards and adhere to recognized principles.

Librarianship is a profession which ranks equally with the professions of medicine, law, teaching, theology, and others. The freedom which the professional librarian must fight to retain is precisely the same kind of freedom that every other profession must fight to retain—not freedom from requirements, standards, and principles imposed by its own profession, but freedom from controls imposed by men ignorant of the field, and freedom from requirements that hamstring the profession in its legitimate work. For instance, once a man receives his medical degree he is free to practice his profession and build, through his contributions in the field, a greater body of knowledge than previously existed. But if a lay group insisted that he add certain treatments and remedies which he and his profession hold to be valueless, most medical men would consider this an invasion of his profession. And rightly so. He must refuse in order to maintain the integrity of his profession. So it is with the librarian.

If librarians are required to accept materials willy-nilly then they are paralyzed as librarians. They are then forbidden to employ whatever knowledge, skill, and powers of mind they may have in their own field. If an unqualified group or individual were permitted to select publications, and the library forced to accept

these publications, it could open the floodgates for all present and future groups to stack the shelves with their own quaint ideas. Authentic publications are already on the shelves, or will be placed there by the qualified librarian as they appear in print.

The Book Committee as provided for in the charter is a phenomenon peculiar to Long Beach. We have been fortunate that the City Manager has, in the past, chosen wisely, for it is possible that if three recalcitrant electors were appointed to this committee it could block purchase of books for as long as one year.

Certainly, suggestions and recommendations from the non-professional should be welcomed in all fields and given consideration by reasonable men, but the acceptance of these suggestions should not be forced upon that profession. If space and budget allow, a librarian may include books on astrology, but by no means should they be included with, or given equal status of authenticity to, scientific books on astronomy. Likewise the teaching profession should not be required to teach alchemy along with chemistry just to keep a "balance," or to appease those who don't know the difference.

The conclusion seems clear; if any profession is to remain unhampered and therefore fruitful, the standards controlling it must be of such a character as to permit the free play of intelligence, and the free exercise of its critical responsibility.—*Mrs. John Goerwitz.*

A Reasonable Decision

City Manager John Mansell and the members of the Long Beach City Council deserve praise for refusing to surrender this week to the right-wing pressure group which seeks to control the policies of the Public Library.

Because they feel that the library shelves don't contain enough right-wing propaganda, the so-called "Education Society of Long Beach" charged the librarian and her staff with censorship.

The charges became the subject of long and heated discussion between city officials and the "Education Society" and led finally to a full-dress hearing in the City Council chambers on Tuesday.

Nothing in the strong, often extreme, statements by the foes of the library proved the "Education Society's" charges. On the other hand, the librarian's report, which City Manager Mansell forwarded to the Council with his endorsement, was a factual, reasonable, and well-documented rebuttal. It was only logical, therefore, that the City Council should concur with the city's staff in supporting existing practices. We note that this concurrence was by unanimous vote.

The Long Beach Public Library has been doing a fine job within the limits imposed by its present facilities. Citizens genuinely interested in library improvement will lend their support to Proposition M, a Nov. 3 ballot measure which provides for the construction of a badly-needed new main library building.

Incidentally, Proposition M was not an issue between the "Education Society" and the librarian. In response to questions by the Council, leaders of the society indicated that their mission is not to defeat the ballot measure. The need for a new library building is something on which people can agree even when they disagree violently on other questions.—*Long Beach Press-Telegram, 22 October.*

Magazine 'Censors' Still at Work

(From the newsletter of Audience Unlimited Inc., a Rochester organization opposed to censorship.)

At 11 a.m. the first Monday of each month, seven people gather in Mayor Frank T. Lamb's office, Room 34, City Hall, to censor periodicals before distribution in Rochester and Monroe County.

The group, known as the Citizen's Advisory Committee on Obscene Literature, has faithfully held these monthly meetings since May, 1957.

The editor of Audience Unlimited News attempted to attend the meeting on Nov. 2, but was denied admittance by J. Mallory Loos, who heads the committee.

Loos explained that it was a committee rule to bar visitors. Publicity concerning the committee's actions, he said, might create a demand for the specific magazines the committee wishes to suppress.

Loos said that the purpose of the Citizen's Advisory Committee on Obscene Literature is "to improve the quality of the magazines sold in Rochester and Monroe County." The committee was established in 1957 by Rochester's mayor at that time, Peter Barry.

"These committees are born and many of them just die," Loos said, "but the interest of our members in what they are doing has kept the committee alive and active."

As vacancies on the committee occur, the group reportedly receives names of persons selected by several interested organizations; these names are submitted to the mayor for appointment to the committee.

We were told that such appointments to the committee have been made by Rochester's Democratic mayors since Republican Peter Barry left the office.

Loos mentioned "the Bar Association, the PTA, the American Legion, various Catholic Church and school groups, and Protestant Churches" among the "interested organizations" from which committee members are drawn.

Loos, who is employed by Rochester Gas and Electric, was himself selected "as a representative of VFW."

The Citizen's Advisory Committee reviews magazines that are voluntarily submitted to it by news distributors. Loos said that Manson News Distributors, Inc., is the only wholesale news dealer that submits periodicals for review.

"However," Loos said, "Manson controls most of the magazines distributed in Rochester and Monroe County."

At 11 a.m. on the first Monday of next month, behind doors closed to visitors, this self-perpetuating com-

mittee will meet again, as it has 91 times before, to judge what magazines you may read.—Rochester, N.Y., Times-Union, 27 November.

Intellectual Freedom in Libraries

A STATEMENT OF POLICY FOR TLA

A. Preamble

The Texas Library Association holds that the freedom to read is a corollary of the constitutional guarantee of freedom of the press. Freedom of choice in selecting materials is a necessary safeguard to the freedom to read, and shall be protected against extra-legal, irresponsible attempts by self-appointed censors to abridge it. The Association believes that it is the essence of democracy that citizens shall have the right of free inquiry and the equally important right of forming their own opinions, and that it is of the utmost importance to the continued existence of democracy that freedom of the press in all forms of public communication be defended and preserved. The Texas Library Association subscribes in full to the principles set forth in the Library Bill of Rights of the American Library Association, the School Library Bill of Rights, Freedom to Read Statement, Statement of Labeling, and Policies and Procedures for Selection of School Library Materials.

B. Areas of Concern

1. *Legislation.* The Texas Library Association is concerned with legislation at the state, local, and school district level which tends to strengthen the position of libraries and other media of communication as instruments of knowledge and culture in a free society. The Association is also concerned with watching for proposed legislation at the state, local, and school district level which might restrict, prejudice, or otherwise interfere with the selection, acquisition, or other professional activities of libraries, as expressed in the American Library Association's Bill of Rights, and the Freedom to Read Statement.

2. *Censorship.* The Association is concerned with proposed or actual restrictions imposed by individual, voluntary committees, or administrative authority on library materials or on the selection judgments, or the procedures, or administrative practices of librarians.

3. *Materials Selection Policy.* The Association believes that every library, in order to strengthen its own selection process, and to provide an objective basis for evaluation of that process, should develop a written official statement of policy for the selection of library materials.

4. *Liaison with Other Statewide Organizations.* The Association, in order to encourage a united front in defending the right to read, shall cooperate with other organizations in the State concerned with intellectual freedom.

Intellectual Freedom Committee
Texas Library Association
MRS. ISABEL GADDIS
HENRY J. BLASICK
FRANK HANKINS, Chairman

At its April 11, 1964, meeting in Abilene, the TLA Council voted to make the Intellectual Freedom Committee a Standing Committee, and approved the Committee's Statement of Policy.

Freedom To Teach — Freedom To Learn

An eight-page expression of the official position of the Commission on Professional Rights and Responsibilities of the National Education Association on the above subject is now available from the Commission at 1201 Sixteenth St., N.W., Washington, D.C. 20036. The first of a series of "Points of View," this one speaks up for the need for presenting controversial issues in the classroom—and for care in the manner of presentation.

Several Molalla High Library Books Under Attack as 'Unfit'

MOLALLA, Ore. (AP) — Officials of Molalla High School plan to meet with members of the school English staff early next week before reaching a decision on the controversy over reading of paperback books such as *From Here to Eternity* and *Catcher in the Rye*.

The school board, at a meeting earlier this week with about 150 parents, teachers, clergymen, civic leaders and students, heard the two novels and four others branded as "filth" and "muck."

Books objected to were John Steinbeck's *The Grapes of Wrath*, and *Of Mice and Men*, James Michener's *Hawaii*, and Daniel Defoe's *Moll Flanders*, along with James Jones' *From Here to Eternity* and J. D. Salinger's *Catcher in the Rye*.

All of the books are on the high school's recommended reading list as suggested by the National Council of Teachers of English and the American Library Association, but they are not required reading.—Grants Pass Courier, 12 November.

Shakespeare Censorship Try Fails

William Shakespeare's *The Merchant of Venice* has survived an attempt at censorship in Marin County's Tamalpais Union High School District. Harold Heller of Mill Valley thinks the Bard's famous work "drips with venom and anti-Semitism" and should therefore be removed from use in sophomore English classes.

Heller, father of two students at Tamalpais High School, told the district board on 16 November that the book should not be used in the classroom because the portrayal of Shylock "teaches hatred of the Jews."

"If Shylocks do still exist, then it is best that they be exposed in the classroom, where the students can be guided," trustee John C. Siemens declared. The board voted unanimously to deny Heller's request.

Salinger, Baldwin and Lee

Catcher in the Rye was ordered removed from the bookshelves of all schools in Chatham County, GEORGIA on 9 December by Supt. Thord Marshall, upon a complaint by the local CDL that the novel by J. D. Salinger contained too many vulgar words.

James Baldwin's *Another Country* came into controversy in Chicago when Raymond A. Snyder, an encyclopedia firm executive, objected to its being on a required reading list at Wright Junior College for a literature course in which his daughter, 26, was enrolled. Dean Oscar E. Shabat, after a two-hour conference with faculty members, decided to leave the book on the list, but the issue was kept alive by a 9 December *Tribune* editorial suggesting offending portions be read aloud before city council or school board. Snyder said he was willing.

The Laconia, New Hampshire, school board on 25 October emphatically rejected an effort to ban Harper Lee's *To Kill a Mockingbird* from the high school reading list. The board, considering the request of the father

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of a high school senior, took no action beyond a vote of confidence to the school English department and the teacher who had assigned the book.

New Twist in Smut Fight

A new twist designed to circumvent the restrictive U.S. Supreme Court definition of pornography, has been added to the Essex County (New Jersey) Sheriff's anti-smut program, according to Deputy Sheriff Arthur Magnusson.

Instead of prosecuting pornography cases under obscenity statutes, which depend upon a judicial finding that offensive literature is "legally" obscene, Magnusson said that "where we find salacious publications sold to youths, we will sign a complaint against the seller charging him with contributing to the delinquency of a minor."

The word "obscene" is defined legally as "that which to the average person, applying contemporary community standards, when considered as a whole has as its dominant theme or purpose an appeal to the prurient interest."

The chief benefit of the new approach, Magnusson said, is the elimination of legal wrangling over whether a publication is technically obscene. A particular magazine may not measure up fully to obscenity definitions, he explained, but it could still contribute to the delinquency of a minor.

"The issue of obscenity may never be raised," he said.—Newark News, 15 November.

Interlandi



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"You've got it backward, Ladies—show me a juvenile delinquent and I'll show you a non-reader."

'The Realist' Has Real Trouble

The May issue of *The Realist* was removed from newsstands in Santa Rosa, California, last July at the request (not order, he says) of police chief Melvin F. (Dutch) Flohr on the basis of a citizen complaint about a four-letter word used in one of the cartoons. The chief, who disagrees with his own police report as to whether the magazines were removed by order or by request, was responsible three years ago for seizing copies of *Tropic of Cancer* from all bookstores and newsstands. His attempt to remove it from the public library was not successful.—*Santa Rosa Press-Democrat*, 7 October.

Time Versus Dial

Fear of offending their subscribers sometimes creates special problems for magazines selling books. After Time Reading Program paid Dial Press \$2,500 for reprint rights to an anthology of contemporary poetry, Reading Program officials objected to obscenities in one poem by Allen Ginsberg, called *Howl, Part II*. They decided not to reprint the anthology until the poem, or at least the objectionable words, are removed.

"We have to act as tasteful censors," says *Time-Life's* Mr. Watters. "Our books are designed as family reading."

But Dial has refused to grant the request for expurgation. "We have to defend freedom of expression and our integrity," says Richard W. Baron, president.—*Wall Street Journal*, 21 October.

D. C. Judge Finds Poet's Reading To Be Disorderly

A poet who read his own verse in the Crow's Toe Restaurant early in the morning was found guilty on 23 October of disorderly conduct after a trial in the Court of General Sessions.

Judge Thomas C. Scalley ruled that the three poems submitted to him contained obscene words and in reading them the poet was guilty of disorderly conduct.

The poet, Ronald Stone, 27, of the 1400 block of Euclid Ave. NW., was arrested on Sept. 6 at the restaurant in the 900 block of K St. NW after a policeman heard his recital and jotted down several words.

Judge Scalley made his ruling despite testimony by another poet, a director of the National Committee for a Sane Nuclear Policy and a psychiatrist who claimed the words taken in the text of the poem did not constitute obscenity.

Partisan Books Banned In Baptist Book Stores

NASHVILLE, Tenn., Oct. 13 (AP)—The Southern Baptist Sunday School Board yesterday announced it has banned all partisan, political books from the board's 49 book stores in various U.S. cities.

Dr. James L. Sullivan, executive secretary-treasurer, said the board acted on Sept. 23. It was revealed after a controversial book critical of President Johnson, *A Texan Looks at Lyndon*, by J. Evetts Haley, was removed from Baptist book stores this weekend.

Ontario vs. New Jersey

The ONTARIO Appeal Court in a 3-2 decision ruled on 3 December that the eighteenth century novel known as *Fanny Hill* is fit for public reading. Majority opinion was written by Chief Justice Dana Porter. Four days later, on 7 December, the NEW JERSEY Superior Court upheld Bergen County prosecutor Calissi's effort to ban the sale and distribution of the book on the ground that it is obscene. The book's publisher, Putnam, had sought to enjoin Calissi from enforcing his ban. In his ruling Judge Morris Pashman declared that *Fanny* is "sufficiently obscene to forfeit the protection of the First Amendment."

'Candy' Gets Sticky

Citizens' criticism of the controversial novel *Candy*, by Southern & Hoffenberg, prompted the Fairfax County, Virginia, Board of Supervisors to urge merchants to remove pornographic literature from the shelves and to stop selling "objectionable" books. The resolution urging county merchants to "cease and desist" from selling literature the merchants believe to be objectionable was introduced by Supervisor John L. Beerman on 9 December, and was passed, after an hour's debate, by a 5-2 vote.

Acting on a petition submitted by the DA and Corporation Counsel, Milwaukee Circuit Judge Robert W. Landry on 12 October declared *Candy* to be obscene in an interlocutory judgment. He set for 29 October a hearing to permit publisher, authors and bookseller to present evidence showing why the book should not be ruled obscene in a final judgment. Judge Landry's ruling permits the DA to serve copies of the judgment on distributors and to use the ruling as evidence in any criminal case which could be filed if the book was not removed from a bookseller's stand within 18 hours after notification.

Indecent Publications Tribunal

The Tribunal announced its decision on 17 July on an application by the Comptroller of Customs to have Grace Metalious's novel, *No Adam in Eden*, declared indecent. Although the book was described by the Tribunal as sordid, unwholesome, undistinguished and devoid of merit, it was held not to be indecent in terms of the Indecent Publications Act of 1963 and no order was made for restriction of its circulation.

A decision on Vladimir Nabokov's *Lolita*, submitted to the Tribunal by the New Zealand Council for Civil Liberties after the leave of the Minister of Justice had been obtained in terms of the Act, was handed down in early August. By a majority decision (three to one) the Tribunal declared that the novel was not indecent and placed no restriction on its circulation. The permanent chairman, Sir Kenneth Gresson, and one member, Professor I. A. Gordon, both of whom had expressed views in favour of the book when it was before the Courts in 1960, withdrew from the Tribunal before the hearings began. Judge Blair was appointed to fill the position of chairman and his dissenting opinion was that the circulation of the book should be restricted to those over eighteen years of age.—*New Zealand Libraries*, September.

The 'Native' Returns

Thomas Hardy's *The Return of the Native* was temporarily barred from sale in Johannesburg in the government's new crackdown on "undesirable" literature. A new paperback edition of the 19th century classic was seized last week by a customs official whose suspicions were apparently aroused by the word "native."

Until recently, native was the official term for a black South African. Any book about a black man arouses suspicions in race conscious South Africa. Customs officials are under orders to seize books that conflict with the government's "apartheid" doctrine of strict racial separation.

The customs official seized a copy of *The Return of the Native* and ordered that none be sold until the book was cleared by the publications control board. A few days later, the book was returned and the ban quietly lifted.—*SFC*, 29 November.

Ghana Library Censorship

ACCRA, Nov. 26—The Ghana Government has set up a committee to ensure the removal from bookshops and school libraries of publications which do not reflect the ideology of the Convention People's Party.

The President's office announced today that the committee of nine has powers to inspect publications in bookshops and the libraries of schools, colleges, and universities. The announcement stated that the committee "will work out a system to ensure the removal of all publications which do not reflect the ideology of the party or are antagonistic to its ideals."

The committee is headed by Professor W. E. Abraham, head of the Department of Philosophy at Ghana University, and its members include Mr. Eric Heymann, editor-in-chief of the party newspaper *Evening News*, Mr. Kofi Batsa, editor of the Socialist weekly the *Spark*, and two lecturers from the Kwame Nkrumah Ideological Institute. — Reuter. — London *Evening Standard*, 27 November.

Lenny Bruce Cleared in Illinois

The Illinois Supreme Court ruled on 24 November that a 1962 Chicago night club performance by Lenny Bruce, a comedian, was not obscene. The high court reversed a June 18 ruling that had upheld Bruce's conviction in the Chicago municipal court.

"Our original opinion recognized the defendant's right to satirize society's attitudes on contemporary social problems and to express his ideas, however bizarre, as long as the method used in so doing was not objectionable as to render the entire performance obscene," the Illinois court said.

But, in view of the United States Supreme Court decision, the State High Court said that it is now clear that "the balancing test" rule is no longer a constitutional means of deciding on obscenity. The U.S. Supreme Court made it further clear, the state court said, "that material having any social importance is constitutionally protected."

January, 1965

Censorship and Obscenity

A Series of seven lectures on Censorship and Obscenity is being offered by University of California Extension in Berkeley and San Francisco this Spring. The weekly lectures, which begin in Berkeley on 24 February, are as follows: The New Freedom, Freedom for What? Problems of Obscenity in Modern Folklore and Life, by Gershon Legman; Obscenity in the Fine Arts, by Lorenz Eitner; Literature and Obscenity, by Robert Tracy; Plato and the Closed Society: The Case for Censorship, by Ronald McArthur; The Problems of a Publisher, by Barney Rosset; The Law, the Individual and Obscenity, by Albert Bendich; and Obscenity and Society, by Paul Gebhard. Tab for Series: \$14.00.

City Hall's Reading Circle

Mayor Wagner's Anti-Pornography Commission has solemnly branded *Fanny Hill*, *Lady Chatterley's Lover* and *Tropic of Cancer* as obscene works despite numerous court rulings to the contrary.

Deputy Mayor Cavanagh announced the conclusions after a three-hour meeting of the commission on Friday. He also disclosed that the next book on the reading list of this select circle is *Candy*.

We breathlessly await the verdict. But we cannot suppress the thought that, in a city so burdened by so many large problems, there should be more useful and more urgent work for a Deputy Mayor than the diligent reading of allegedly dirty books.

Indeed, it seems to us an absurdity that this city of enlightenment should be engaged in this squalid business. The Deputy Mayor says "we can't pressure a court but we will try to influence judicial determination."

Perhaps it is time for a Committee to Censor Double-Talk.—*New York Post*, 6 December.



"But the Supreme Court didn't say you had to read them!"

— *The New Yorker*, 15 August

Labeling Won't Work

The Face on the Cutting Room Floor: The Movie and Television Censorship. By Murray Schumach. New York: William Morrow, 1964. 305 pages. \$6.95.

The author, a newspaperman, has written an entertaining, episodic, journalistic account of the censorship problems encountered by the movie industry. A brief and inadequate consideration of the same pressures in the television world seems to have been added in a single chapter as an afterthought.

The book is successful as entertainment, rather like an expanded Hollywood gossip column, and as a description of the various murky difficulties the filmmakers can get into with their own and others' taboos. Thus Mr. Schumach recounts some famous scandals that helped give rise to the Motion Picture Production Code, the censorship authority that the Motion Picture Association of America has imposed on itself. The application of this Code, its interpretations and occasional revisions, and several successful defiances of it make up an important part of his story.

The reason for self-censorship, of course, is that so many others are eager to impose their demands on the industry and its products. "The price of mass appeal," says the author, "is conformity to mass morality," and he shows the means by which pressures are applied by those claiming to represent masses and minorities—the Legion of Decency, the National Council of Churches, the NAACP, the American Jewish Committee, professional associations, and so on. Governmental pressures come from state and local licensing bodies, several federal agencies, and the censorship boards in many foreign countries.

The strongest chapter in the book is an attack on the film industry's blacklist of suspect persons, a blacklist that is still in effect. (As Mr. Schumach points out, the blacklist in television is far more complicated and infinitely more vile.) Here the author's position is unambiguous, and he gets in some healthy licks at the American Legion and sundry craven studio and union officials.

His treatment of the legal aspects of motion picture censorship, as shown in court decisions, is less successful, perhaps reflecting in part the current confusion by courts high and low as to whether movies deserve the same protections as other means of expression.

As a way to avoid censorship by the industry, by governmental bodies, and by private pressure groups, Mr. Schumach advocates the labeling of films by the industry itself to indicate for which audiences they are suitable. This kind of "voluntary classification" is done in several other countries, and he makes a strong case for it as a means of preventing further and stricter governmental controls.

On the other hand, he seems to give in a little too easily to the censorship arguments of the Legion of Decency and such groups, and concedes too readily their claim to speak for the nation—perhaps to the movie world they really seem to be "huge religious and civic organizations that represent the vast majority of the American public." In any case, we have little assurance that censorious organizations and government agencies shall cease their pressures once the industry has packaged and labeled its products for the appropriate age groups.—Richard Zumwinkle, UCLA Library

Touchdown for Notre Dame

A New York judge on 17 December forbade the showing of a film depicting Notre Dame football players as drunken party boys. He also banned further publication and distribution of the book from which the movie was made. The title of both the film and book is *John Goldfarb, Please Come Home*.

Supreme Court Justice Henry Clay Greenberg called it ugly, vulgar and tawdry. "Its justification is difficult to find even with a most liberal concept and with a most indulgent and elastic imagination," he said in his 19-page opinion granting a temporary injunction asked for by the University of Notre Dame.

A spokesman for Twentieth Century-Fox Film Corp., which said it spent \$4 million in production, print and advertising costs, announced the decision would be appealed. The film was due to open during the Christmas holiday season in more than 200 theatres in key cities across the Nation.

David W. Peck, attorney for Notre Dame, said the temporary injunction would keep the picture from being shown anywhere because the headquarters of the defendant firms are in New York.

This Space Is Reserved

for the reports of
state and local
library association
intellectual freedom committees.
It is also available
to librarians and others
who wish to report
to the library profession
their confrontations with
the tendencies toward censorship
for their mutual benefit.

The space is
quite flexible,
and need not
be limited to
these five and one-half inches.

Authors League Condemns Loyalty Oaths

The Council of the Authors League of America, at its meeting on September 29, passed a resolution condemning loyalty oaths as a "prerequisite to publication, use or distribution" of an author's work. The discussion of the problem of loyalty oaths, and the resulting resolution, arose in part from an article by Benjamin Appel, "Me and the Texas Loyalty Oath," which appeared in *PW* September 7. Mr. Appel had said that he was "surprised" to find that "the Authors Guild had taken no official stand on the matter of oaths," when he approached it for guidance on his stand against signing a loyalty oath as a prerequisite for a Texas textbook adoption of one of his books. He had urged, in a letter to the League, that "League authors ought to examine the whole problem of oaths as the League has examined the problem of censorship. One is related to the other. . . ."

The resolution adopted by the Authors League Council reads as follows:

"Whereas, in a resolution adopted January 7, 1952, the Council of the Authors League declared that the League would 'combat every concerted effort, whether hidden or overt, to determine the employment of any writer or the presentation or publication of his work on any basis other than the merit of his writing'; now therefore be it

"Resolved, that the Council reaffirms that declaration and condemns, as a violation of the free speech guarantees of the Bill of Rights, and as an indefensible affront to writers, any attempt to compel an author to take a so-called loyalty oath as a prerequisite to publication, use or distribution of his work. The Council pledges the support of the League for the position of any author who stands upon his constitutional and professional rights and refuses to take such an oath."—*PW*, 12 October.

CDL Backs Down

The Colorado Education Association, meeting in Denver, on October 23 heard a panel of teachers and librarians discuss censorship in schools and libraries. Strongest position was taken by DU English professor John Williams, who said that most people say they are against censorship—but qualify it by insisting that the book in question reach an undefined standard. He urged adoption of an absolute stand against censorship, saying, "I am against censorship of any book at any time under any circumstances for any reason."

The Council for the Right to Read scheduled a debate in the John Hill High School of Boonton, New Jersey on 13 October. CDL president, the Rev. Frank A. Huff, declined the invitation, but sent a letter saying that his "group has no intention to be a censorship group but to inform parents and adults of literature generally known to be pornographic." CRR president Sanford Clarke informed the meeting that the Council was formed to contest "extra-legal efforts to suppress and censor literature," and said that the meeting had been called "to inform and enlighten the public on the issues and to discuss the legal aspects of censorship."

January, 1965

The program continued with addresses by Assistant County Prosecutor Bertram Latzer, publisher of the Morris County *Citizen* David R. Palmer, West Orange newspaper distributor Arthur Shara, and Cedar Grove pharmacist Allen Orner. The latter had gained both local and professional fame for standing out against CDL demands that he remove certain titles from his shelves, including some by authors Faulkner, Hemingway, Twain, and Steinbeck. After Orner explained his position to the community last July, more than one thousand people came into the store, called, or wrote to congratulate him on his stand, and he also received a request from the Pharmaceutical Assn. to state his position in their nation-wide publication. Said Orner, "The technique of CDL is: Magnify it. Simplify it. If you're against them, they condemn you. They operate on the principle that 'extremism in the defense of morality is virtuous.'"

Los Angeles Library Board Adopts 'Library Bill of Rights'

As a reaffirmation of several basic policies which govern the services of its Public Library, the Los Angeles Board of Library Commissioners unanimously adopted the "Library Bill of Rights" first promulgated by ALA in 1951. City Librarian Harold L. Hamill in bringing the "Bill of Rights" to the Board's attention said: "It is particularly appropriate that we consider this policy statement now. We are seeing increasing numbers of books published that deal with considerable frankness with matters of sexual and social morality, and we are seeing more books of a controversial nature in the area of politics. It is not the function of the Library to endorse or refute the statements made by various authors. These are serious times and there are serious pressures being exerted. It is our desire to operate the Los Angeles Public Library for the benefit of all its users.—*LJ*, 1 December.

Welcome!

We are pleased to report the advent of three new contemporaries. The title of the first is *Censorship*, edited by M. Mindlin at Summit House, 1-2 Langham Place, London W1, and published by The Congress for Cultural Freedom. Number 1 is dated Autumn, 1964. The content constitutes an overview of the climate of censorship in eleven countries. The article on the U.S. is written by Alan Reitman.

The second is called *The Readers' Right*, and is the organ of the New Jersey Committee for the Right to Read, whose mailing address is Box 250, Caldwell, N.J. The December issue (Vol. 1, No. 2) contains news of the Committee's activities in the State.

The third is called *Audience Unlimited News*, organ of an anti-censorship organization in Rochester, New York, called Audience Unlimited. That's all we know, other than that the story on page 4 was lifted second-hand from *AU News*.

'Cancer' in Hartford, Rochester and Philadelphia

The Connecticut State Supreme Court of Errors on 10 November ruled that *Tropic of Cancer* is not obscene. In setting aside the March, 1962 conviction of Hartford bookstore owner Trumbull Huntington, the high court said: "The book is not sufficiently obscene to forfeit protection of the first amendment of the Constitution." In deciding the case in Huntington's favor, the Supreme Court said its ruling was made "solely in deference" to the U.S. Supreme Court.

State Supreme Court Justice Arthur E. Blauvelt on 19 October held that Henry Miller's *Tropic of Cancer* was not obscene. The order was issued after Asst. DA Stephen K. Pollard and Atty. Thomas M. Hampsen, representing Rochester bookseller Nathan J. Bunis, agreed in a stipulation that the U.S. Supreme Court had found the book was not obscene, and therefore, that its sale could not be prohibited in Rochester. Public Library director Harold S. Hacker announced that the book, which had been stored since 10 July 1963 when the State Court of Appeals had held the novel to be obscene, would be returned to the shelves immediately.

Fifty-four copies of *Tropic of Cancer* were seized from two center city bookstores on 19 October on warrants issued by DA James C. Crumlish, Jr. The owners of the stores were arrested and charged with selling obscene literature under a state statute. At a hearing before Judge Vincent A. Carroll on 20 October, they were held on \$500 bail each for the grand jury. At the same time Judge Carroll ordered issuance of a warrant against Grove Press, raising some interesting problems of legal jurisdiction. When defense counsel said the City Solicitor had "told the Free Library it may lend the book out," Judge Carroll pled ignorance. Free Library Director Emerson Greenaway later told a reporter that Miller's novel was "available."

Progress Report

A questionnaire study of activities carried on by local PR&R committees during the most recent school year indicates the following were given attention:

Assisting in development of personnel policies	462
Securing adoption of Code of Ethics	411
Establishing grievance procedures	366
Developing professional negotiation agreements	330
Providing consultant service for teachers with professional problems	319
Developing plans for implementing the Code	318
Securing fair dismissal procedures	259
Defending civil and human rights of educators	244
Conducting investigations	237
Responding to critics of the schools	168
Protecting intellectual freedom	162
Promoting tenure legislation	148
Securing policy of teaching controversial topics	135
Establishing professional sanctions procedures	121
Giving legal assistance	99
Dealing with attempts to censor school books	57

—NEA *Defense Bulletin*, September.

Smut-Violence Link Discounted

There is no evidence to show that exposure to obscene material will "set off" indecent or violent behavior, an associate psychology professor said on 5 November. Barry W. Fagin, of Marquette university, added that it is "highly questionable" that exposure to such material over a long time would result in addiction to indecent behavior.

Fagin was one of three panelists discussing the control of obscenity at the fifth session of the social controversies program at Marquette. He discussed the question from the viewpoint of a psychologist. Legal aspects were presented by Richard B. Surges, a first assistant district attorney. Discussing the literary viewpoint was Joseph M. Schwartz, chairman of Marquette's English department.

Fagin said that the assumption of prurient interests existing in all of us is "difficult to deal with." The object that would result in illegal, obscene acts varies from culture to culture, he said.

Surges maintained that he knew of examples where indecent acts were associated with pornography. He said the courts, according to recent decisions, are not only concerned with an immediate effect of contact with such materials, but feel that over a long period of time pornography "will have an eroding effect on moral standards."

The arts are relative to the times, Schwartz pointed out. "As a society loosens its restraints, it may encourage a writer to be bolder." Schwartz said that it is possible for a work to be obscene. His point was that since language is never neutral, literature can make statements that elevate or degrade.

However, by definition, he said, a work judged as literature cannot be obscene. He said he classified the controversial book *Tropic of Cancer* as literature largely because of its significance in a historical movement.—Milwaukee *Sentinel*, 5 November.

Discusses Effect of Pornography

Pornography is not a significant factor in the recognized causes of juvenile delinquency and sexual aberration, a Washington University psychiatrist told the Louis county Decent Literature Commission yesterday.

Dr. James N. McClure Jr., a member of the Department of Psychiatry faculty, said most students of human behavior doubt that there is a link between obscene literature and delinquency, despite the widely publicized views of several noted police authorities.

Dr. McClure's remarks were made in response to questions by members of the commission, which met in the county Courthouse in Clayton.

Pornography does not change a youth's moral outlook, Dr. McClure said. A youth's moral outlook is conditioned chiefly by his parents' attitudes and by contacts with persons around him, he said.

Dr. McClure acknowledged that there are individual psychiatrists who believe in the relationship between pornography and delinquency, but noted that no major psychiatric group has supported this stand.

He attended the meeting at the invitation of Dr. William M. Landau, a commission member and chairman of the St. Louis Civil Liberties Committee.—*Post-Dispatch*, 11 November.

Damage of Pornography?

TO THE EDITOR:

The report on salacious literature by the Kruse committee of the New York Academy of Medicine (*Times* Nov. 24) apparently has had widespread publicity. I noted reference to it in the Midwestern press.

Certainly there are sufficient grounds for objecting to pornography on a purely moral basis. Here I would concur. However, there is no adequately documented research to confirm that it produces psychiatric damage.

Any body of people is entitled to express an opinion. However, when opinion is disguised as scientific truth, with many vague references and allusions, then it should not be given the imprimatur of an esteemed professional body such as the New York Academy of Medicine.

HOWARD N. COOPER,
M.D., F.A.P.A.

New York *Times*, 5 December

Obscenity in Court

A 1962 decision of the U.S. Supreme Court provided the grounds on 19 October for the acquittal in Tucson City Court of a cigar store owner on a charge of selling obscene literature. Michael Cosenza had been charged under a new Arizona obscenity statute for selling *Vim*, *Man-Alive*, *Trim Studio Quarterly*, *Grecian Guild Studio Quarterly*, and *Man-O-Rama*. Three of the five were named in a 25 June 1962 Supreme Court decision which found that "the most that can be said of them is that they are dismally unpleasant, uncouth and tawdry, but that is not enough to make them obscene."

In the first *in rem* proceeding in California, Superior Court Judge Meredith Wingrove on 28 October ruled in Visalia that three paperback books and a magazine were not obscene. He said he would not recommend *Orgy House*, *Passion Puppet*, *Lust Circuit*, and *Pix* for a child's library, but added they are not likely to demoralize American society. Notable in the trial was the presence of CDL prexy Charles H. Heating, Jr. as the only witness for the prosecution, and his citation for contempt of court for failure to appear for his second day of testimony. Major witness for the defense was Fresno State College Librarian Henry Madden, former president of CLA and former chairman of its IFC.

Four nudist magazines seized in a state police raid on Martin's News Service in Stratford, Conn. in February, 1964 were found obscene on 17 October by Circuit Court Judge Michael Ciano and ordered destroyed. The Martins at the time of the raid entered no contest pleas on two criminal counts of possession of 1,052 "obscene" publications for sale and paid fines totalling \$800. They maintained that four nudist publications were not obscene and brought action for their recovery. Titles are: *The Urban Nudist*, *Western Nudist*, *American Nudist*, and *Suntan*. Judge Ciano's ruling will be appealed.

Because of a new U.S. Supreme Court ruling, West-J
January, 1965

moreland County, Pennsylvania, DA Richard E. McCormick said on 20 October he would drop obscenity charges against a New Kensington newspaper and magazine distributor from whom 1,000 girlie magazines and "nightstand" pocketbooks had been confiscated last March. In ruling on a Kansas case last June, the Supreme Court had said such seizure violates the constitution.

The Supreme Court of TENNESSEE ruled on 12 November that the state's law governing obscene literature, photographs and films is unconstitutional because it does not specify the contents sold or exhibited. The decision leaves the state without an obscenity law. The ruling was made in the case of the State vs. Guy Ellenburg of Greeneville, newsstand operator convicted of selling obscene magazines. Two other cases pending before the Court will be decided in favor of the defendants as a result of the Ellenburg decision.

Warning Sounded on Book Bans

BALTIMORE, Oct. 17—A "rising tide of censorship" is keeping good literature out of public schools, a spokesman for the National Council of the Teachers of English warned here yesterday.

Richard S. Alm, editor of the *English Journal*, the Council's publication for high school teachers, spoke at a session of the Maryland Teachers Association convention.

"As it is now, if someone calls up anonymously and complains about a book, teachers and librarians meekly will take it off the shelves," he said.

Alm urged teachers to form committees to defend students' "right to read" and to insist that persons objecting to books make their complaints in writing.—*Washington Post*, 18 October.

C. I. F. — Censorship in Flight

In the past few years, throughout the United States, there have been vigorous attacks on the rights of individuals to secure free access to library materials. These efforts have been directed against all types of libraries and librarians. Several states have pushed through legislation restricting our citizens in their search for knowledge, curtailing the free flow of information.

In 1965 ASLA established the Committee on Intellectual Freedom which was empowered to act in three areas: information, legislation, and support in cases where free access to knowledge is threatened.

It is necessary for the Committee to have a written report in all cases of infringement upon intellectual freedom. And these must be made immediately so that the Committee will be able to offer its support promptly. All the following members of your Committee on Intellectual Freedom stand ready to serve you. Please help by keeping them informed.

(The above quotation from the President's Page in the Fall issue of *Arizona Librarian* was followed by the names, including library and home addresses and telephone numbers, of all five members of the ASLA CIF. Other state associations please copy.—Ed.)

Black Sambo Banished

LINCOLN, Neb. (AP), Oct. 20—*Little Black Sambo*, the fairy tale type story about a dark-skinned boy pursued by a tiger through the jungle, has been banished from the Lincoln public school system.

School Supt. Steven N. Watkins confirmed he ordered the book removed from elementary school libraries after a letter from the Lincoln Human Relations Council.

"It's not worth making an issue over," Watkins said. "There are plenty of good stories left."

Watson apparently changed his mind, for the Sioux City, Iowa, *Journal* on 27 October mentioned editorially that, although the book will "not be a part of the instructional program, it will be available to those who want to read it as optional material."

Publisher of 'Eros' Loses Appeal

The United States Circuit Court of Appeals in Philadelphia on 6 November upheld the 5-year prison term and \$42,000 fine imposed on Ralph Ginzburg as publisher of three publications found to be obscene, *Eros Magazine*, *Documentary Books*, and *Liaison Newsletter*.

Ginzburg said in New York an appeal would be made to the United States Supreme Court, "Future generations of Americans will look back with shame and remorse at today's decisions."

The appellate court opinion by Judge Gerald McLaughlin said the case did not deal with a novel by a well-known writer, written as a work of fiction, nor "anything biographical."

"What confronts us is an operation on the part of experts in the shoddy business of pandering to, and exploiting for money, one of the greatest weaknesses of human beings."—UP.

Genet Film Barred at UC

The University of California on 24 November denied a request by SLATE to show the controversial French film, *Un Chant d'Amour*, on the Berkeley campus.

A spokesman for the liberal campus political organization denounced the decision and said the university has no right "to decide what is correct viewing for the students."

The film by Jean Genet, he said, shows "the love-making process in homosexuality," and has "redeeming social merit."

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.

Bad Law Won't Make Society Well

Even though what is meant by the word "salacious" as it is applied to words and pictures remains elusive, the New York Academy of Medicine, a fellowship of 1,500 physicians, has urged President Johnson to order a Federal Bureau of Investigation pursuit of the producers of salacious literature.

When physicians conduct psychiatric research on the harm filthy pictures or libidinous words can do to those whose own creative imagination fails them, they render a service for which they are qualified, and they render it to those who need it. But cutting every one from a diet which may be harmful for some is bad medicine and worse law. The Academy notes that with an increase in smut there has been an increase in venereal disease and illegitimate births. It fails to show that the publication of smut comes first; and even if this were to be shown, it would still remain the task of legislators to decide what should be done about it. In the research under way to determine the difference between literature and junk, the Academy's call for rescue to the FBI hinders more than it helps.—Bergen County (N.J.) *Record*, 27 November.

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