



## newsletter

# ON INTELLECTUAL FREEDOM

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No. 1

## How to Win Friends

Deputy State Librarian Lafayette Reid said it quite plainly. And he wasn't the only one.

Early last summer when the controversy flared over the showing of Russian travel films at the Hayner City Library, there was much ado about nothing. The hullabaloo revolved around the "insidious" and evil propaganda lurking in a favorable presentation of communist scenery.

Alton Librarian Holt, who since has departed with his convictions and without bitterness, did not acknowledge the danger of showing the film.

Neither did Librarian Reid. Nor did many other good, patriotic Americans, including Dr. Robert W. Duncan of SIU, who is now a member of the library board by Mayor Wiseman's appointment.

The fact is, the people who did see an exaggerated Red menace in the Russ film were prone also to see a communist skulking behind every tree and bush.

It was not their suspicions, however, that made them the self-appointed censors and guards of American library liberties. They achieved their status by an overwhelming chorus of alarm which, we suspect, was composed of a few voices made to sound like many. They pulled an off-camera movie trick, where several people mumble syllables which sound like crowd noises.

Now back to Librarian Reid. He warned at the time that librarians over the country would take a dim view of the censure implied by those who second-guessed Librarian Holt in his program of Soviet travel films. For Alton's sake we hope this prediction is not wholly sound.

Alton has failed to attract a new chief librarian in three months of trying.

True, the salary of \$7,200 annually doesn't inspire squeals of delight from the host of highly-trained people who are qualified for the job. But that's just a part of the picture. The big handicap is that the present library board is operating under a poor reputation, gained mostly by dancing too quickly to the jingo tune of a small group of hyper-tense patriots.

Well, Librarian Holt left gracefully. Liberal board member Duncan was appointed gracefully. Time has passed gracefully. The next step is for the board to gracefully define its policy toward its next chief librarian.

Why not put the policy in clear English:

"This library board will preserve freedom of public information within the bounds of good taste, without bowing to whatever influences may be exerted by self-appointed, unauthorized ideological dissenters."

That statement published in the library trade magazine, with a better salary attached, should get some results.—William D. Brunner—in Alton Ill. *Telegraph*, 14 October.

## A Flaming Issue

By PETER BROOK

How can we understand the burning issue of censorship in a country where censorship is mild? I am concerned with England, here, today and certainly our problem seems slight compared with that of places where imprisonment, torture, death are the censor's tools. In England everyone believes in the notion of a 'limit'—in relationship to something, somewhere, sometime, limits exist. In every single phase of our activity, each gesture, each impulse is tempered by the idea that it is possible to go 'too far'. It is clear that there is a vast area of tolerance and of freedom. This is preserved at a price. The island is surrounded by sea—if you go out too far, you drown. Life entails respecting limits and within these limits lies the demi-paradise. Is this true? If we refuse the notion of 'limits' then it is an entire process of accepting, of settling for, of agreeing, of giving up that we must question. It is the whole of English life with its subtle and majestic inertias that has to come into conflict with something more restless, more ruthless, more honest. We pay lipservice to this and after all attacking censorship is harmless sport—we are not ourselves the target.

The notion of an Establishment is by now doing more harm than good—the idea of an Establishment as something rigid and clearly defined must be scrapped. In its place must be put the idea of a fog without contour, without resistance, yielding, chilling, enveloping, obscuring and penetrating everywhere, most democratically. To fight the fog which slows down our activity, curtails our vision and poisons our lungs is desperately urgent. But it's a fog; here, there and gone. Censorship in England begins with autocensorship and autocensorship totally reflects a way of life. If we see this we will see that we too have or have not—as we are inclined—a flaming issue.

—Quoted from *Censorship*, No. 4 (Autumn, 1965)

### Hoke Norris,

author and book columnist for the *Chicago Sun-Times* and a former reporter for the Associated Press and newspapers in North Carolina, received the Intellectual Freedom Citation, the highest honor presented annually by the Illinois Library Association. The award, presented during the 69th annual conference of ILA, cited Norris for consistently upholding the principles of freedom of inquiry and freedom of communication.

## H. J. Res. 781

IN THE HOUSE OF REPRESENTATIVES  
OCTOBER 21, 1965

MR. FEIGHAN introduced the following joint resolution; which was referred to the Committee on the Judiciary

### JOINT RESOLUTION

Proposing an amendment to the Constitution to empower the Congress to regulate the distribution of pornographic literature.

Whereas the continued distribution of pornographic literature is deemed to be clear and present danger to the moral fiber of the youth of our Nation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:*

#### “ARTICLE—

“Congress shall have power to regulate the distribution of pornographic literature by law, and to provide criminal penalties for the violation thereof, any other provision of this Constitution or other law to the contrary notwithstanding.”

### Color It Freedom

A proposal to prevent the use of Montgomery County public schools for distributing materials that can be “considered anti-American or anti-Administration policy” was defeated on 22 November by a 4-to-2 vote after a heated debate among School Board members.

Everett H. Woodward, who formally presented his motion at a meeting at which one member was absent, asked the Board to “establish administrative machinery to screen all material intended for distribution by organizations using school facilities.”

The motion suffered immediate and sharp attacks from Board members Dr. Clifford K. Beck and Lucille Maurer and School Superintendent Dr. Homer O. Elseroad.

“We thrive on differences of opinion,” Beck said “and the schools are a poor place to censor our democratic processes.”

He added that the “loose wording” of the motion on “anti-Administration policy” could be interpreted to include “local groups opposed to a zoning by the administration of the County Council.”

The regulation was offered by Woodward, after a number of parents objected to a pacifist “Disarmament Coloring Book” put out by the Women Strike for Peace at a United Nations-International Cooperative Year fair at the school headquarters three weeks before.—*Washington Post*, 23 November.

### Pornography Resolution Introduced

Three Michigan representatives on 12 October introduced a resolution calling for a United States constitutional convention to adopt states-rights control over pornography. If approved by the Michigan Legislature and 32 other states, the resolution would require Congress to call a constitutional convention on a proposed amendment.

The proposed amendment is “Each state shall have the right by law to define pornography and control its dissemination within its boundaries and such defining and control shall not be deemed abridging the freedom of speech or of the press.”

The resolution was introduced by Reps. Harry A. DeMaso, R-Battle Creek; E. D. O’Brien, D-Detroit, and John J. Fitzpatrick, D-Detroit.

O’Brien said copies of the resolution calling for the amendment were sent to President Johnson, members of the U.S. House and Senate and to the governors, secretaries of state and legislatures of each of the 50 states.—*Lansing State Journal*, 13 October

### The Gallup Poll

Gallup Poll interviewers sought to discover whether the public was aware of the issue and also what people thought should be done about it. This was the first question asked:

“Have you seen or read regular or paperback books which you think should not be sold in local book stores, drug stores or newsstands?”

The findings:

|                  |     |
|------------------|-----|
| Yes .....        | 48% |
| No .....         | 44  |
| No Opinion ..... | 8   |

Those persons who answered “yes” to the first question were then asked:

“What kind of books are these?”

Most books mentioned were those dealing with sex or pornography. As one woman said: “Everytime I go past a newsstand these days I blush. Some of those books are unbelievable.”

All persons interviewed were then asked:

“Do you think laws in this state regarding what kind of books can be sold are too strict or not strict enough?”

|                         |    |
|-------------------------|----|
| Too Strict .....        | 4% |
| Not Strict Enough ..... | 58 |
| About Right .....       | 15 |
| No Opinion .....        | 23 |

Analysis of the replies to this question shows that a majority of persons in every major population group believe that laws regulating the kind of books that can be sold are not strict enough.

Persons with college training tend to hold a slightly more “liberal” opinion of such laws than do those persons with lower educational attainment. However, even among the college educated, opinion is more than 4 to 1 in favor of stricter censorship laws.—*S.F. Chronicle*, 25 October.

## UFO Censorship?

In a belated attempt to hide proof of UFO censorship, Air Force has classified AFR 200-2 (Intelligence Activities—Unidentified Flying Objects (UFO)), the official UFO investigation order, "For official use only."

This AF document was previously unclassified, until NICAP (National Investigations Committee on Aerial Phenomena) spot-lighted the censorship sections, reporting them in the UFO Investigator, official organ of NICAP.

Since AFR 200-2 completely contradicts official denials of censorship, it is clear why the order is now being hidden. But too many newsmen, broadcasters, and other citizens are aware of the secrecy provisions for this belated cover-up to succeed.—*Air Force Times*, 6 October.

## Twin Cities Poll

The following tables are based on a representative sample of 600 voting-age persons in the five-county area around the Twin Cities. Poll was conducted by the Minneapolis *Star* and published in its November 2nd issue:

*"The Metropolitan Airports Commission has taken the position that book dealers at the airport shouldn't be allowed to sell certain books. In your opinion, did the Airport Commission do the right thing or not?"*

|   | Yes, did | No, did not | Other answers and no opinion |
|---|----------|-------------|------------------------------|
| All adults .....                        | 63%      | 28%         | 9%                           |
| Men .....                               | 57       | 34          | 9                            |
| Women .....                             | 69       | 23          | 8                            |
| Adults with grade school training ..... | 68       | 15          | 17                           |
| High school .....                       | 67       | 26          | 7                            |
| College .....                           | 52       | 44          | 4                            |
| Catholics .....                         | 70       | 21          | 9                            |
| Protestants .....                       | 63       | 29          | 8                            |
| DFLers .....                            | 63       | 27          | 10                           |
| Republicans .....                       | 67       | 25          | 8                            |
| Independents .....                      | 61       | 35          | 4                            |

*"Which comes closer to your view? That each person must decide for himself whether he should read a particular book or that society must sometimes forbid the sale of a book that is offensive?"*

|   | Decide for self | Society must decide | Adults decide for themselves, but censorship for children | Other answers and no opinion |
|---|-----------------|---------------------|---|------------------------------|
| All adults .....                        | 48%             | 46%                 | 4%  | 2%                           |
| Men .....                               | 51              | 43                  | 3   | 3                            |
| Women .....                             | 44              | 48                  | 6   | 2                            |
| Adults with grade school training ..... | 45              | 47                  | 2   | 6                            |
| High school .....                       | 47              | 47                  | 3   | 3                            |
| College .....                           | 50              | 42                  | 6   | 2                            |
| Catholics .....                         | 36              | 57                  | 5   | 2                            |
| Protestants .....                       | 50              | 42                  | 4   | 4                            |
| DFLers .....                            | 50              | 46                  | 2   | 2                            |
| Republicans .....                       | 39              | 53                  | 6   | 2                            |
| Independents .....                      | 50              | 40                  | 7   | 3                            |

January, 1966

## Library Board Capable

The Scranton City Council on 20 October placed its trust in the judgment of the board of Scranton Public Library in the case of a North Scranton woman who raised "serious implications of indiscriminate censorship" in book purchases by the library.

Mrs. Teresa Remondelli wrote council of her "considerable difficulty" in getting the library to purchase two books, *"In a Few Hands,"* by the late Sen. Estes Kefauver of Tennessee, and *Who Killed Kennedy?* a controversial book by Thomas Buchanan.

The library bought the Kefauver book after what Mrs. Remondelli, a radio copy writer, claimed was a delay of "almost three months."

The Buchanan book has not been bought. Mrs. Remondelli said Robert Cohee, the librarian, advised her the volume was sensational and superfluous in as much as the Warren Report, available in the library, was the official version of the late President John F. Kennedy's assassination.

In reporting to Council President Aloysius A. Stone about Mrs. Remondelli's letter to Mr. Stone of Oct. 7, the Rev. Dr. Benjamin L. DuVal, president of the library board said, "We have reviewed the complaint and are convinced that every courtesy has been given and due explanation has been made to Mrs. Remondelli." "We find no evidence of any censorship," he said. "We confirm and ratify the action taken by Mr. Cohee."

Councilman James A. Doherty proposed the letters be ordered received and filed.

Mrs. Remondelli was not satisfied, however, and on 29 October was reported to have requested a face-to-face meeting with Mayor William T. Schmidt, members of the city council and all members of the library board to discuss the matter at length. "The perfunctory treatment given this matter by the library, and the alacrity of Scranton City Council's concurrence is unfortunate" On 5 November the city council denied the request, saying that the board of trustees is capable of handling the affairs of the Scranton Public Library.

### Freedom of the Student Press

All student publications, whether newspapers, literary or humor magazines, academic periodicals or yearbooks, should enjoy full freedom of the press. The University administration which takes no step to control the content of student publications, and refrains, when controversial situations arise, from suspending or discontinuing publication or punishing student editors, testifies to its belief in academic freedom and freedom of the press. For its part, the student government should encourage able and responsible students to seek editorial positions, and should devise suitable selection procedures.—Tyler Thompson, head of the philosophy of religion department at Garrett Biblical Institute, speaking at an intellectual freedom meeting during the 69th annual conference of the Illinois Library Association at the Sheraton-Chicago hotel late in October.

## Censorship

(The following editorial by Thomas J. O'Brien, President of Audience Unlimited, Inc., Box 3844, Rochester, New York, is quoted in full from the October issue of Audience Unlimited News. Other content announced the annual meeting on 28 October at the First Universalist Church, Rochester.)

In late August of 1939 our most celebrated local columnist, Henry Clune, took up *The Grapes of Wrath* and shortly "laid it down, not finished." Mr. Clune saw this novel as one more painful symptom of the decline of Victorian decorum. And he turned for reassurance to Howell's *The Rise of Silas Lapham* and quoted with approval that passage in which a lady could blush to hear her father mention to a gentleman friend what part of their incomplete new house would be the daughter's bedroom.

"O Tempora! O Mores!" cried Mr. Clune. Looking about him in 1939 he saw and heard ladies at bars, ladies smoking in the streets, and shameless ladies reading *The Grapes of Wrath*.

In all fairness to Mr. Clune, he did not urge the banning of this book. In the light of the time, Mr. Clune's view was liberal, if not actually radical. That very same summer *The Democrat and Chronicle* reported a nationwide poll on the hot issue of the topless bathing suit—for men: nearly one-third of those polled disapproved.

The moral, then, to this anecdote is that morals themselves have their own quiet evolution. William Dean Howells, to whom Clune turned in nostalgia, created an international controversy in the 1880's by insisting that the writer report life with unscrupulous honesty.

From the execution of Socrates to the persecution of the Christians, from the recantation of Galileo to the banning of *Ulysses*, apprehensive people of secure virtue have manfully resisted the future, always with the sincere conviction that if Socrates lives or if the Christians prevail or if the earth is not the center of the universe or if the young read *Playboy*, then civilization will collapse.

In our time, in Monroe County and in the outer dark of the rest of the nation, the great threat is pornography. The devil has never taken so explicit a shape, it seems. (Actually, the devil is always ambiguous: some say that the flood of obscenity comes from evil men who will exploit any foulness to make quick money; others tell me that it is part of a Russian plot to undermine our moral fiber. Whether the devil is a capitalist or a communist remains unclear.) Whatever his allegiance, his wicked ways are clear. Everyone recognizes pornography when he sees it, and everyone knows the irreparable damage it does.

I don't wish to appear merely perverse, but I reject both premises. First, I don't know that it does irreparable damage. We have in Rochester the Citizens' Advisory Committee on Obscene Literature made up of eminently decent people representing the most highly respected institutions: the P.T.A., the Bar Association, the most Godly of our religious denominations. Every 4 weeks this committee bravely reads through the most foul publications of the month and designates those

that you and I must be protected from. I will not believe that these pious people have been corrupted by this dangerous service. One member is a very close friend and neighbor. I have watched him carefully over the years of his tenure on this committee, and I have detected no decay. I do not think that the police keep these naturally suspect people under any special surveillance; the community at large treats them not with apprehension but with honor and a little envy. If they are not corrupted by the worst, will you and I be corrupted by a little?

Second, I do not believe that pornography is so readily defined. *The Memoirs of Hecate County* can be bought freely in 49 states of the United States, but not in New York. Are we alone right, or wrong? D. H. Lawrence felt that Joyce's *Ulysses* was obscene; Joyce held the same opinion of *Lady Chatterly's Lover*. The U.S. Supreme Court said they were both wrong. The then District Attorney of Monroe County John Conway found *The Tropic of Cancer* obscene; the Supreme Court found it clean. Henry Clune disapproved of *The Grapes of Wrath*; the Nobel Prize Committee awarded Steinbeck the highest literary award in the world.

In short, the questions of obscenity, or art, or the rights of audiences are complicated, and I think we should never arbitrarily resolve them for other people. To return again to that Clune column of nearly 30 years ago: "What Mr. Steinbeck does with his prose is none of my business, except as a reader with the constitutional prerogative of giving it up if it fails fully to entertain me." That's not bad, Mr. Clune, for 1939, or for 1965.

## BOOK is a Four-letter Word

There is a growing concern about four-letter words and the need to control them. The phrase "four-letter word" has come to mean anything that should be restricted or controlled. The Los Angeles Public Library will open an exhibit on October 21 that is concerned with four-letter words—book, idea, read. This exhibit can be seen through November.

"The purpose of this exhibit," said City Librarian Harold L. Hamill, "is to remind ourselves of the need to preserve our traditional freedom to read whatever we choose. Many people will undoubtedly be surprised to see how many books have been censored at one time or another."

The exhibit can be seen at the Rufus B. von Klein-Smid Central Library, Los Angeles Public Library, 630 West Fifth Street, from 10 a.m. to 9 p.m., Monday through Saturday.

Featured in the exhibit are a number of books that have been banned or prohibited at various times and places. Perhaps the most famous is the Bible. Authors such as Shakespeare, Mark Twain, Thomas Paine, Albert Einstein, Ernest Hemingway, Homer, Confucius, Gustave Flaubert, Hans Christian Andersen, and others have had their works banned.

Hamill explained that the free public library was a development of the American society and that its purpose is to make information available to everyone. He pointed out that the citizens of a democracy must be informed and cannot afford to live in ignorance.

"We make no pretense at endorsing or even liking many of the books on our shelves," said Hamill, "but they should be there for people to read. Intellectual freedom means that each person has the right to decide what they want to read."

Among the authors included in the exhibit of banned books are Adolf Hitler and Karl Marx. Hamill said these books have a place in public libraries, although the ideas they contain should be repulsive to all Americans.

The exhibit shows how censors have tried to ban works of religion, philosophy, science, literature, and art. Some of the books such as Homer's "Odyssey" were suppressed as early as 850 B.C., and some such as Shakespeare's "Merchant of Venice" were attacked as recently as 1965.

"It is important for all citizens to defend the right to read," said Hamill. "As a means of better understanding that freedom and its responsibilities, the Los Angeles Public Library has prepared a booklist for the exhibit discussing various aspects of censorship."

Hamill explained that the selection of library materials is the responsibility of the professionally trained librarians. Librarians are all college graduates with an additional year of postgraduate work. An extensive system of reviewing and discussing books has been organized at the Los Angeles Public Library so that the best and most useful materials can be purchased.

Library materials are purchased because they have value to the society, meet certain literary and technical standards and are in demand. Since it is not possible to purchase every book published annually, the selection of books, magazines, films, and records becomes even more important.

"The library profession and the Los Angeles Board of Library Commissioners specifically have rejected the idea of censorship," said Hamill. "We operate within the framework of a basic policy and are always interested in hearing from members of the public. The Los Angeles Public Library does not expect to please every citizen with every book we purchase, but we do feel there is ample material for anyone who visits the library."

*(This press release is printed in full as an example of what a library can do in aggressively countering the tendencies toward censorship. Available at the Exhibit was a four-page pamphlet with the above title, setting forth the Library's philosophy of book selection, and containing a two-page bibliography of books on censorship, complete with call-numbers. Single copies may be obtained from the LAPL.)*

### Not Culture Alone

The American Civil Liberties Union of Southern California, its Burbank Branch, and two of its officers on 13 December filed suit in Los Angeles Superior Court against the Burbank City Council in opposition to its new 18 May 1965 rule that the meeting room in the Burbank Public Library would be limited to the use of "city sponsored organizations or to cultural groups." Our previous story on this matter may be found on page 66 of the September 1965 issue.

## Brief Resume of WLA-IFC History and Objectives:

The Intellectual Freedom Committee of the Wyoming Library Association was appointed during the WLA annual conference in Jackson, May 1963.

The WLA Intellectual Freedom Committee's decisions regarding responsibility to WLA, goals and objectives (amended April 3, 1965) are as follows:

- I RESPONSIBILITY: To provide information and service for the membership of WLA and all Wyoming libraries on matters concerning intellectual freedom.
- II GOALS: To work for the continued growth of WLA by encouraging all Wyoming libraries, public and school, to participate in WLA activities and to make available information and services related to intellectual freedom.  
To encourage all libraries to incorporate the "Library Bill of Rights" and "Freedom to Read" statements in their book selection policies.  
To provide guidance and materials that will aid in the writing of book selection policies adaptable to local needs and consistent with the democratic principles of a free people.
- III OBJECTIVES: In keeping with the above responsibility and goals the WLA-IFC has completed the following objectives:
  - A. Assembled and distributed free of charge IF packets to all WLA members.
  - B. Initiated an Intellectual Freedom column to appear in each issue of the *Roundup*, the official organ of WLA.
  - C. Drawn up a provisional public statement on censorship which has had the endorsement of the WLA Executive Board. The IF Committee will present this statement for WLA endorsement at the May 1966 convention. Presently, any WLA member is free to use the statement along with the notation that it has received WLA Executive Board endorsement.

In addition the committee has voted in favor of exploring more direct avenues of aiding WLA members where an infringement of intellectual freedom is involved.

In preparing the budget for 1965-66, the committee agreed to recommend to the Executive Committee that \$50 be retained as a contingent fund to support WLA members, upon request, in cases of infringement of intellectual freedom. This request was granted.

The committee is also continuing its study of materials for possible additions to the IFC packets and is also exploring the possibility of cooperation with other organizations concerned with intellectual freedom.

Future plans include a tentative budget request for a representative to any ALA Intellectual Freedom Workshops to come.

MRS. HELEN GOTHBERG  
Chairman, WLA IFC

## Obscenity in Court and Council

Ronald G. Davis, director of the San Francisco Mime Troupe, was found guilty on 1 November of presenting a theatrical performance in Lafayette Park without a permit from the Recreation and Park Commission. Municipal Court Judge FitzGerald Ames instructed the jury to consider only whether the play, *Il Candelaio*, had been presented without a permit. The fact that the Recreation and Park Commission had revoked the Troupe's permit on grounds that the 16th century farce was lewd was not admitted in evidence.

New York's new Hecht-Bernstein Act scored its first conviction on 29 October when Charles Tannenbaum was found guilty in Criminal Court of selling the magazine *Candid* to a 17-year-old boy on 19 July. Sentencing was set for 5 November, but the ACLU is expected to appeal.

A jury in the St. Louis Court of Criminal Correction on 29 October found Rollin E. Smith guilty of attempting to sell obscene literature. The charge followed his arrest on 31 March for selling a copy of *Candy* to a detective. Sentence: 30 days and \$500. Smith is free on bond pending appeal.

The Upland, California, city council on 19 October passed an ordinance to prohibit the distribution of smut to minors, over the objection of councilman Ronald Rossiter. Harmful material according to the ordinance is that which "is patently offensive to the prevailing community standard with respect to which is suitable material for minors in that the predominant appeal of the material is to the lascivious interest of minors." Said Rossiter, "I would prefer to see a campaign within the community by special groups and clubs to bring pressure not to let filth get into the hands of children. You are putting the police department in a position in which they are not qualified to act."

Two New Bedford book store proprietors were convicted in district court on 8 November on charges of possessing obscene printed material with intent to sell. Sentence was deferred until 10 January for Harold D. Wolfe, because of his illness, but Peter J. Saba was fined \$1,000 and sentenced to a year in jail. Saba appealed and was released on personal bond. Judge Ernest C. Horrocks, Jr. said he read the book involved, *Sexus*, by Henry Miller, and added, "Never in my life have I read anything as bad as this. I feel this book is obscene."

In New York Federal Judge Henry Graven, a visiting district judge from Iowa, on 17 November condemned as obscene the Swedish movie "491," which deals in part with homosexuality, prostitution and bestiality.

Also in New York Supreme Court Justice Arthur G. Klein on the same day refused to bar law-enforcement authorities from prosecuting Manhattan book-sellers on charges of selling "sexually offensive literature" to persons aged 18 or under.

In Erie, Pennsylvania, County Judges Elmer Evans and Burton R. Laub on 18 November upheld the April decision of Judge Samuel Y. Rossiter, and ruled *Candy* to be "hard-core pornography." They ordered sale and distribution of the book banned in Erie County.

Clark County, Nevada (Las Vegas) Commissioners passed a new law against obscenity on 8 November which makes it illegal to print, manufacture, or reproduce an obscene item for commercial distribution, and forbids the publication, selling, renting or transporting such items. Also outlawed are obscene exhibitions or performances, advertising or the publishing of advertising termed obscene. It will also be a misdemeanor to draw dirty pictures on or in public places. Deputy District Attorney John Porter told the Commissioners: "The law is as far as we can go because the meaning of obscene is something that must be left to the courts or a jury."

In a trial of a topless dancer charged with outraging public decency in San Pablo, California, defense attorney Kenneth Larson attempted to establish the "community climate" on 19 November by introducing into evidence a number of books from the San Pablo branch of the Contra Costa County Library which showed paintings and statutes of nude women. Introduced also was a nude portrait from the Richmond Art Center.

At the conclusion of a lengthy trial of five Portland, Oregon men charged with selling obscene books, the jury, which had been deliberating for four days, on 19 November returned a verdict of guilty of one of the defendants on one count. The other four were free either on a verdict of not guilty or because of a hung jury. Eight paper books were in question, most of them having to do with lesbianism. Sample title: *Lesbian Roommates*.

## Spotlight on Pornography

With this week's meeting at Mt. Kisco Elementary School, Mayor J. Edward Fox's anti-pornography campaign broke into the big time. An audience of about 400—four times as large as that of previous sessions—was on hand to listen and to speak. The cameras of CBS Television directed their bright gaze at the proceedings and reporters from metropolitan newspapers culled the quote-worthy from oratory pro and polemic con.

In the view of this newspaper, maximum exposure to publicity is the best thing that could happen to the anti-smut crusade.

The wholesome effects of the spotlight were apparent Monday night. The spectators were divided in their opinion, but there were enough on both sides to meet the most ridiculous of the public statements with the effective riposte of laughter. If there were many in the audience who came more out of interest in the TV cameras than because of concern about pornography, this was wholesome too: in objectivity there is likely to be wisdom, of the common-or-garden variety characteristic of citizens when they are not possessed by an idea.

Possession by an idea too often involves exclusion of other considerations too important to forget. In the current instance, a nucleus of over-concerned citizens sees in pornography an evil so great as to outweigh personal liberties. It is not their assessment of pornography in itself that is at fault, but the perspective surrounding it. Because they have forgotten the other elements in the situation, it is urgent that the public stand by to complete the picture.

The public can be counted on to do its part for these reasons, among others: because it is basically more concerned for its individual freedoms than it is frightened of salacious literature; because it recognizes, instinctively if not specifically, the dangers inherent in the smallest extra-legal use of power; because its sense of fairness cannot easily contemplate the buffeting of local merchants between two conflicting groups; and—perhaps most important—because it tends to regard pornography not as an infection like the Black Death, against which all are helpless, but as a germ against which immunity can best be cultivated by inoculation with good literature and the sound moral standards of the decent home. —Mount Kisco, N.Y. *Patent Trader*, 29 July.

## A School Without 'Catcher in the Rye'

When the Rev. Roger Conant, pastor of the Waterford (Conn.) First Baptist Church, told a Catholic priest that he was shocked by the reading material assigned to Waterford high school students, the priest told him, "What you have to do is get your own school."

It seemed a drastic solution, but the Rev. Duane F. Sweet, pastor of Waterford's other Baptist church, Lakes Pond, has come to the conclusion that it is the only solution possible.

On Jan. 3, when the winter school term begins, Mr. Sweet expects to have 25 children from the area enrolled in a six-grade Christian day school that will be quartered in his church. If the school is a success, he hopes to add junior and senior high school grades.

Mr. Sweet decided to establish the school because he, like some other citizens of Waterford, not all of them Baptists, were shocked that books like *Grapes of Wrath*, *Catcher in the Rye*, *Lord of the Flies* and *Black Like Me* were on the reading lists of public school students. They denounced the books as obscene.

A week and a half ago, they took their grievance to a Board of Education meeting, hoping that after they had read certain passages from the books, the Board would be persuaded to strike the volumes from the reading lists.

What happened was just the opposite. Most of the 300 persons who attended the meeting vigorously applauded the books, and the Board refused to revise the the reading lists. (Russell Fitz, Waterford's Superintendent of Schools, said later the Board would issue a policy statement in three weeks.)

Mr. Sweet, who walked out during the applause, described the meeting:

"When some part of the female anatomy was mentioned in one of the passages, some of the ladies didn't understand, so they began whispering among each other, 'What does that mean?' Then, when they found out, they laughed."

Mr. Sweet said he has read at least parts of all the books in question, but he has given an especially close reading to J. D. Salinger's *Catcher in the Rye*, which was probably the most widely read novel among high school students during the 1950s and early '60s, until William Golding's *Lord of the Flies* gained pre-eminence.

Describing the Salinger book, Mr. Sweet said: "I see a slight plot. I would say that, if you could disregard the obscenity, it would be a very empty book regarding the childhood of the writer. It is about all the troubles that coming from a broken home has caused him. He has inscribed the book to his mother, which I think is ridiculous."

The 30-year-old Baptist minister said that he is dumbfounded that Waterford parents would permit their sons and daughters to read books like *The Catcher in the Rye*. "The town is not a tremendously progressive community, constantly undergoing change," he said. "Yet probably 80 per cent of the people are in favor of this sort of thing."

He said he harbors no resentment toward the townspeople. Instead, he said, "I feel truly sad. I think if people like this kind of thing, it indicates a breakdown of moral standards. . . . We're not concerned with trivial curse words, but the entire philosophy which prevails." Under this philosophy, he went on, teachers tend to put all issues under the cloak of academic freedom, and he singled out the Genovese case at Rutgers University in New Jersey as an especially disturbing example.—Thomas Grubisich, in N.Y. *Herald-Tribune*, 14 November.

## 'Censored' Is Censored

BALTIMORE, MD. (UPI)—A motion picture entitled *This Picture is Censored* was censored on 12 November.

The banned movie consisted of parts of films that had been censored previously.

The action came as 25 court of common pleas jurors, all volunteers, supported the ban on the movie by the censor-board.

The jurors were asked if they thought the movie appealed to prurient interests, went beyond the customary limits of candor and was without redeeming social value. These questions were the basis of the U.S Supreme Court test of obscenity.

All 25 answered the last two questions "yes" but four said "no" to the first. Two explained the film had no reaction on them, one said it was just unrelated "trash" and the fourth said the film was "as a whole . . . vulgar."

## Index Now Ready

Part I of the long-awaited cumulative index to the *Newsletter on Intellectual Freedom* is now ready for distribution. Part I covers the period from the first issue in March 1952 through calendar year 1962. Part II, to be published next spring, will cover the years 1963-1965. In subsequent years annual indexes will be published. Part I is approximately 100 pages long; the price has been set at \$5.00 for both Parts I and II. Orders received now will be filled with Part I and Part II will follow automatically when it is published. Please send cash with order to the Editor at 48 Arlington Avenue, Kensington, California, 94707.

## French Censorial Easeup

French government last week discreetly lifted the ban on publication and/or sale of books by Havelock Ellis. This is the first step in what is called the defrosting of book and magazine censorship in France, which has been particularly rough in the past couple of years. Literati circles have been especially bitter about the censorship because it has never been defined, there is no official ban list and no way, it is claimed, for anyone to know what is or what is not permitted. Thus, when word went out that the Ellis books, now virtually standard around the world, on "sex psychology" are officially okay, a new wave of protests went out along the "why this and not that?" line. No comment from the police or government (the book censorship apparently is centered in the Interior Cabinet of the Elysees-Palace) but the unofficial word is that "if the publishers and booksellers are discreet" they won't be bothered hereafter. What has made it rough has been the fact that, apparently, book publishers are not bothered unless publishing outright pornography. But bookstores, bookstands, etc., are hauled in if selling whatever the government disapproves—and it's up to them to guess what the government (inside is that it is President De Gaulle's wife, personally, who makes these decisions) approves.—*Variety*, 6 October.

## South Africa Now Bans 11,220 Books

The complete list of books banned in South Africa is now a mammoth document of 187 pages alphabetically indexed from A to Z.

At about 60 titles to the page, this now makes it a criminal offense for one to possess, borrow or read some 11,220 books, albums or periodicals.

Some of the titles make it obvious why the books were banned—on pornographic grounds.

Other titles make it equally obvious that the books have been banned because of their Communist origin.

And roughly half of the 11,220 books have been banned because they are the paperpack-type of periodicals known as "girlie magazines" in the trade.

The list of banned books includes the names of many famous writers, ranging alphabetically all the way from James Baldwin, the American author to Zola, the French author of the last-century classics.

The popular London playwright and author, Wolf Mankowitz, is banned. So is Simone de Beauvoir, winner of the French Grand Prix de Goncourt. So are Erskine Taylor, James T. Farrell and Ernest Hemingway.

The list is kept up to date every time the government gazette lists new banned titles.—*S.F. Chronicle*, 15 December.

## Atlanta Bans TV Folk Music

Atlanta Board of Education stirred up a hornet's nest of protest after a television folk music program was scrubbed from WETV, city's educational tv station.

Atlanta Folk Music Society came to defense of folk music in general and Pete Seeger in particular after the program, "Room Full of Music," was banned because of Seeger's allegedly questionable political past.

"Our basic interest is to have folk music presented in this area," said Eleanor Walden, president of AFMS. "I believe that the board, by tabling this program, has forced censorship on it. The show was condemned pending investigation and I think it incites prejudice."

"RFOM" was telecast last week in Atlanta, featuring Seeger, on WETV. Bernice Reagon, of Atlanta; Brownie McGhee, who has lived here in the past, and Joan Baez also were on the program.

Taped for two one-hour shows, the second segment was to be shown this week, but was shelved. WETV director Gil Tauffner said he held the show off pending a greenlight from the board. "The program obviously was controversial," he noted, adding, however, that he had not seen it.—*Variety*, 29 September.

## Sense, Not Censorship

The Detroit Public Library has met forthrightly one of the many problems raised by current efforts to promote racial equality. On the shelves of the library are many books of long standing popularity that have been objected to on the ground that they contain rhymes that make slurring references to racial groups. The library refuses to remove the books from its shelves.

The Detroit library has a standing rule against circulating books of children's verse that disparage any racial group. But, says the library director, "to attempt to purge the record of past centuries of all books containing expressions not acceptable to various groups would be to rewrite history." Books of folk lore and verse containing disparaging reference to racial groups will continue to be stored in the library but will not be available to children.

We believe the Detroit library has handled the matter well and has avoided the pitfall of censorship into which so many well-intentioned librarians tumble. The library trustees recognize that a library's prime duty is to provide books for public use and in response to public demand within the limits of its means. The mere fact that some one or some group finds a book objectionable is not, of itself, a good reason for refusing it a place on the library shelves. Keeping such books from children in their formative years is a sensible way of discouraging prejudice and hate. But to keep such books from adults is unthinkable. A library's duty is to provide its borrowers with all the stored up knowledge of the past, not with just that portion that is so innocuous that no one takes the trouble to object to it.—*Asbury Park, N.J. Press*, 8 November.



## Censorship Sense

Good sense has prevailed in the Birmingham censorship dispute, for there is now agreement within the city commission that Police Chief Ralph W. Moxley has been exceeding his legal authority.

The chief's past practice, publicized despite his suggestion that questioning reporters "drop dead," has been to "ask" a bookseller to refrain from selling a book "voluntarily." He has done so whenever his own quick look convinced him most residents would object to it.

For a tradesman in that situation, there is only one natural reaction—to avoid trouble by doing what the chief asks, thereby helping to ban the book. The effect is police censorship by coercion and no amount of suburban piety about a need to "protect community standards" can alter it.

If such a situation were allowed to continue, any citizen who felt outraged by something in the public print could ask police to take almost anything off the shelves. And if the police felt like it, they could do it with nothing more than a flash of a badge.

A review of Moxley's practice was forced upon the city commission by a group of citizens who wanted to defend freedom of speech and due process of law. Some of them also wanted to reserve for themselves the right to decide what sort of books they buy.

As we suggested they would last week, the commissioners found the law demands that any book-banning be done only after a proper court review.

As unpleasant and troublesome as this may be for policemen and other would-be guardians of Birmingham's morality, the law must be obeyed. Assurance from Mayor Robert W. Page that it will from now on is welcome indeed.

The News is not defending pornography. The important point is to have decisions on what constitutes obscenity made by the courts according to law. If these decisions are left even to well-meaning policemen, the police thus become prosecutor, judge and jury all in one.

If America's booksellers would make it a point vigorously to defend their rights to sell any book not forbidden by formal court order, our would-be censors could not get to first base. It is the confused or weak-willed bookseller who, by putting peaceful relations with the police above respect for his own rights, encourages such chipping away at our constitutional freedom of speech.—*Detroit News*, 11 November.

### Reprints Still Available

Ten thousand copies of "What to Do Before the Censor Comes—And After," reprinted from the September issue, are now in print. Copies are available at ten cents each or \$5.00 per hundred. Please send cash with order to the editor at 48 Arlington Avenue, Kensington, California, 94707.

## Censorship by Printer

The push for prior censorship of printed matter was given a curious new twist the other day by Louis Van Hanswyck, president of the International Printing Craftsmen. As is usual in such undertakings, he rallied the troops under the anti-obscenity banner. And as usual, though he urged war on obscenity he failed to define it but left that to individual judgment.

Van Hanswyck urged fellow printers to do their bit by refusing to set type for anything they consider objectionable. This is their privilege; no one can force them to set type if they don't want to.

But consider the logic of it: the idea is that printers should become censors, printing what they approve of and refusing to print what they don't like. Carried to its absurd extreme, this would place the printers in the position of deciding what the community should read. That would be intolerable, and would run wholly counter to our tradition of intellectual freedom.

No one questions that many distasteful, even profoundly disgusting, things get into print. But the nub of the problem is a question of judgment. Who sets the standards? When it comes to deciding what is objectionable, there are many views. That is why there must be judicial determination of printed matter, and not prior censorship in any form, lest individuals and groups of this or that viewpoint be enabled to force their standards on the public.

The courts, in short, provide the only place where the legal right of printed matter to be circulated can be determined. In the courts the safeguards of due process of law come into play. The alternative, censorship by individuals or groups—by printers, for example—is a grave threat to freedom of expression.—*Greensburg, Pa., Tribune-Review*, 19 July.

## Court Asked to Reverse Censor Ban on 'Lorna'

ANNAPOLIS, MD.—The Maryland Court of Appeals was asked to overrule the state motion picture censors and permit showing of *Lorna*. The seven judges of the state's highest court planned to view the film and then hear arguments from the state and from a lawyer representing Wheeler Film Corporation. This was the second appeal to come to the court since the censorship law was revised earlier this year via the legislature to comply with a ruling of the U.S. Supreme Court.

The censorship board refused to grant Wheeler a licence to exhibit *Lorna*.

Judge J. Gilbert Prendergast, Baltimore Circuit Court, upheld the decision, ruling that the film was "utterly obscene and is completely violative of the Maryland statutes."

Richard C. Whiteford, lawyer for Wheeler, contended that despite "the obvious artistic shortcomings," the picture should be licensed. "Although the motion picture might be distasteful viewing to many people, it is not obscene," the brief stated.—*Motion Picture Exhibitor*, 29 September.

In Moline, Illinois, County Judge A. J. Scheinman ruled on 1 October that *Lorna* and *The Immortal Mr. Teas* are not obscene.

## Movies Not Covered

Procedures established in Rhode Island's In Rem statute cannot be used to determine whether the film *Circle of Love* should be banned as obscene, Atty. Gen. J. Joseph Nugent said yesterday.

In an opinion requested by Ronald H. Glantz, assistant city solicitor, for the city bureau of licenses, Mr. Nugent said the application of the In Rem statute is limited to the sale or commercial distribution "of any obscene book, print, picture, magazine, pamphlet, ballad, on printed paper."

Language found in the state's general obscenity law that clearly applies to motion pictures was not included in the In Rem statute. "This absence," the attorney general said, "must be taken to be deliberate and to reflect that the legislature did not intend to include motion pictures" within the statute's scope. —Providence *Journal*, 5 August.

## Israeli Movie Censorship

Every picture shown in the country must pass approval of a 16-man censorship council which, though set up by law, is not a government body. It is composed of representatives of education, cultural life, journalism, the police, the bar, welfare people, religion, etc. By law at least one member of the board must be a woman.

In 1964 a total of 24 films were barred from Israel by this censorship council. In another 16 films scenes were eliminated before the picture was approved for showing. Showing for adults only was permitted in the case of another 94 films.

Banning of the pictures has been subjected to some criticism by those here who oppose any kind of censorship on principle. What alarms them is the trend: in 1963 only nine pictures were banned. The increase to 24 last year is seen as opening the door to possible control of public thought.

The Council reported that more than one-half of the pictures barred, 14 to be exact, were rejected because they glorified crime. Seven were disqualified for showing in Israel, even if cut, because of pornography and stress on sex. (Considering the daring pictures which do receive the seal of approval, one can only conjecture that the others were pretty shocking indeed.) Two pictures were nixed because they seemed pro-Nazi, and still another was banned because it was deemed offensive to a friendly country.

In theory the Censorship Council is supposed to be free of any government influence, to ensure absolute independence, but it is an open secret that Israel's Foreign Ministry was responsible for barring of a film which had aroused the fury of the Greek government. On the other hand, despite very obvious objections of the Foreign Ministry, a local theatrical company last year went right ahead and presented Hochhuth's controversial play about Pope Pius, in the face of Vatican displeasure. —Carl Alpert in Philadelphia *Jewish Times*, 23 June.

## And Censor a Few More

Irish authorities have long fought a losing battle to get citizens to speak their national tongue instead of English. They've tried even longer to strengthen Irish morals with stringent book censorship. Last spring when the annual list of banned books appeared, one Dubliner came up with a suggestion for wedding the two unpopular causes to the advancement of both—publish all the censored books in Gaelic.—*The Insider's Newsletter*—as quoted in *Reader's Digest*, November

## Notes from Abroad

### "August is a Wicked Month"

This novel by Edna O'Brien has been banned in Rhodesia by the Rhodesian Censorship Board as "indecent, obscene and objectionable." The *Guardian's* correspondent in Salisbury reported that the few hardback novels banned by the board were on grounds of indecency or obscenity. No books were banned for political reasons. The board consists of Government officials, publishers' representatives, booksellers, a doctor and a welfare representative. —*The Bookseller*, 11 September.

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### Freedom to Publish Upheld

The Supreme Court of India has upheld the right of a man detained under the Defence of India Rules to send his book, entitled *Inside the Atom*, to his wife for its eventual publication. The state government refused permission, the respondent went to the High Court of Maharashtra, the High Court allowed the petition, and the state government went to the Supreme Court and lost. —*The Bookseller*, 11 September.

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### Japanese History Censorship

The Education Ministry is under fire from academic quarters for deleting unfavorable references from its new history textbooks. All allusions to Japan's prewar fascism and the postwar War Crimes Tribunal have been removed from a set of newly revised history books earmarked for junior high schools next year.

One history professor who refused to conform to the dictates of the ministry's textbook screening body had his book suspended. Professor Saburo Ienaga of the Tokyo University of Education is currently suing the state for a million yen (\$2787) for losses resulting from the delay in the publication of his textbook.

The award-winning authority on Japanese history claims the screen system violates constitutional guarantees of freedom of speech and expression. "It actually amounts to censorship," he charged. —*S. F. Chronicle*, 11 September.

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### "When the Lion Feeds"

Heinemann have lost their legal action against the ban by the South Africa Publications Control Board on Wilbur A. Smith's *When the Lion Feeds*. They originally appealed successfully against the ban, but last week that decision was reversed by the Appeal Court in Bloemfontein, which by a judgment of three to two, upheld the Publications Control Board. —*The Bookseller*, 4 September.

### Australian Ban Lifted

On Monday of this week Senator Anderson, Australian Customs and Excise Minister, announced that the ban on the import of four books, *Lolita*, *Lady Chatterley's Lover*, *Borstal Boy* and *Confessions of a Spent Youth*, had been lifted (the fourth, by Vance Bourjaily, was published by W. H. Allen in 1961 and apart from the Corgi edition has been out of print for two years). The Minister said that a fifth book, *Powdered Eggs*, by an American writer, Charles Simmons, published here this year by Blond, which had been on sale in Australia for the past weeks, would now be banned.

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### The Dublin Censorship

Fabers have heard from Dublin that their appeal against the ban by the Censorship Board on John McGahern's second novel, *The Dark*, has been rejected. A consignment of copies ordered by Easons, which was seized by the customs two days before publication, is to be returned to London.

This would appear to settle for the time being an episode that has been one of the main talking points in Dublin for weeks past. Both the *Irish Times* and the *Irish Independent* have in leading articles criticized the operation of the censorship in Mr. McGahern's case. The *Irish Times* in particular has published a great many letters about it, and the literary editor of the paper, Terence de Vere White, described *The Dark* in his review as "the best novel to come out of Ireland for many years." The *Irish Independent*, writing when the ban was announced, doubted whether the Censorship Board had acted "with justice or even commonsense," and wondered how a serious literary work could be interdicted when "manifestly prurient" ones, especially paperbacks, went free. —*The Bookseller*, 31 July.

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### 'Fanny Hill' Banned in Tokyo

A Japanese translation of the novel *Fanny Hill*, by son of Japan's best known postwar prime minister was banned by the Tokyo Metropolitan Police yesterday.

Police described the Japanese version of the controversial book as "pornographic literature." It has encountered similar difficulty in other countries. —AP, 29 August.

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### Spain Curbs Censorship

La Coruna, Spain, August 14 — Spain has taken a step that observers believe may turn out to be the first major move on the long road back to the political freedoms virtually suspended since the Civil War of the nineteen-thirties.

The step was the approval by Generalissimo Francisco Franco and his Cabinet yesterday of a bill to eliminate direct censorship of the Spanish press. The Government is to submit the bill to the Cortes, or Parliament, this fall. Yesterday's action in practice is tantamount to approval, although amendments acceptable to the Government may be written into the bill. Spanish editors will probably have an opportunity to test the flexibility of the new legislation early next year.

Formal censorship now operates only in Madrid and Barcelona, but it is just as effective elsewhere through indirect methods. —*N.Y. Times*, 15 August.

### Labor Gov't Won't Censor TV, Sez Wilson

At a time when some video programs—primarily on BBC-TV—are causing certain local factions to complain of "bad taste," "too much sex" or "overdoses of violence," Prime Minister Harold Wilson has firmly declared the Labor Government's attitude towards program censorship.

Speaking at the commercial web's 10th anni celebration at the Guildhall, London, he said: "I do not believe it is the function of the Government to decide or influence the content of programs produced on television for the entertainment and instruction of the nation's viewers." —*Variety*, 22 September.

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### The Time Is Not Yet

*Commentaries On the Law of Obscenity*. Vol. 1, No. 1. Cincinnati: Citizens for Decent Literature, Inc., 1965. 95 pp. \$2.00.

This publication is ostensibly the first issue of a new journal, devoted exclusively to the subject of the law governing obscenity. It is, however, also a booklet unto itself, and deserving of review as a book. Yet it does not hold together as a book, for it consists of a loosely connected series of brief essays on the law, abstracts of and excerpts from court decisions, a model statute, and listings of materials that have been found legally obscene. Even its potential value as a pure reference work is seriously undermined by the editors' failure to explain why they have included certain materials, and what they hope to accomplish.

For all its structural shortcomings, the booklet does have several points to make. First, the editors contend that the law of obscenity has been left in confusion by the failure of the United States Supreme Court to articulate clear standards by which salacious literature can lawfully be censored. This is partly the fault of the paucity of cases in which the Court has considered at all the legal standard of obscenity. But more important, it is the result of the apparent inability, or disinclination, of a majority of the Justices to agree on a single standard, or uniform approach to the determination of obscenity. Whether or not the Court is to blame for what has happened, the point is well taken: In no other important constitutional area have there been so many no-majority decisions—decisions in which the Court's judgment rests upon two or more distinct legal grounds—as in the field of obscenity. Undoubtedly the lack of a clear or consistent majority has caused the lower courts some confusion. Hopefully the Supreme Court's agreement to review several new obscenity cases during the 1965 Term will help to clarify the standard.

What the editors say about the laxity of the obscenity laws seems less persuasive than what they say about the confusion of the lower courts. The introduction to the volume notes a widespread concern about "the failure of law enforcement in the United States to abate the growing tide of obscenity." Such concern is, indeed, the *raison d'etre* for the Citizens for Decent Literature. It is hardly surprising, therefore, to find in this volume some recommendations for the tightening of the present obscenity laws, and for more effective publicity about the number of cases in which convictions are obtained and upheld on appeal.

Much of the book builds up to, and then explains and justifies, the Model Obscenity Statute which the editors propose. This statute would effect several changes in the substantive law and procedural requirements governing obscenity: (1) It would establish a separate, "special audience" standard not only for minors but also for "specially susceptible" groups (e.g., homosexuals); (2) it would relax the requirements for "scienter" or knowledge on the part of the defendant by admitting "constructive knowledge of the contents of the subject matter"; (3) it would require the rendition of a special verdict by every jury on the question whether or not the works in question are obscene, in addition to the general verdict on the issue of guilt; and (4) it contains detailed provisions for the seizure and destruction of allegedly obscene material. While none of these provisions clearly contravenes the First Amendment, each of them raises constitutional doubts which would have to be carefully considered prior to its adoption.

A more important objection is that the editors never make a case for the adoption of more stringent standards or procedures. There are frequent assertions, for example, that "the matter has gotten out of hand" and that our society is increasingly threatened by the smut peddlers. But the proof is nowhere supplied; the case for tougher laws thus rests upon assumptions which are no doubt widely shared, but still need to be demonstrated before our present laws can be branded as inadequate. The fact is that in these very pages the editors make a rather convincing case for the contrary judgment. Much of the material they have marshalled rather impressively indicates that the present obscenity laws are eminently workable, and that the fault, if any, lies with prosecutors and policemen rather than with the courts or the legislatures.

The point is most clearly illustrated by the discussion of the problem of scienter, or knowledge of the contents of an allegedly obscene book, to which the editors devote about half their pages. Since 1959, proof of guilty knowledge on the part of the bookseller or news vendor has been a constitutional prerequisite to an obscenity prosecution. In these last six years, there have been dozens of cases in which the scienter question has been raised, and in which the convictions have been affirmed. Few courts indeed have found the prosecution's proof of guilty knowledge insufficient to convict. Thus the catalogue of cases which this book sets forth does much to undermine the book's own premise that the law is presently too lenient.

The issues which this publication raises are certainly appropriate for public debate. Usually the proposal of new statutes is a constructive form of response—of which there has been too little in this emotionally charged field. But at this point in time we need hard data about prosecutions and convictions under existing laws much more than we need proposals for new legislation. Perhaps it can be shown that the present laws are insufficient to the task, and that the country is really in danger of being overrun by pornography. If such a case can be made, it will then be time enough to tighten the legal strictures.—Robert M. O'Neil, School of Law, University of California (Berkeley)

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