# newsletter ON INTELLECTUAL FREEDOM

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## L. A. Board Scours CLEAN

WHEREAS, the Library Bill of Rights adopted by the American Library Association and the Los Angeles Board of Library Commissioners clearly states that censorship "must be challenged by libraries in maintenance of their responsibility to provide public information and enlightenment through the printed word," and

WHEREAS, the entire concept of Proposition 16 (CLEAN) is in opposition to the Library's basic belief in intellectual freedom and the right to read, and

WHEREAS, the provisions of Proposition 16 are generally vague, unworkable and would open the door to vigilante action and censorship in California, and

WHEREAS, there are specific areas of danger to the Los Angeles Public Library such as

- The elimination of the phrase in the present law "utterly without redeeming social importance" so that many works now on public library shelves could be open to attack by would-be censors (Section 1)
- The possibility that librarians would have to judge what "a specially susceptible audience" is as well as what such an audience should be allowed to read (Section 1)
- Although the measure excludes "bona fide scientific, educational or comparable research or study" organizations there is no guarantee that the public library or any of its branches are included within this provision (Section 3)
- The measure permits seizure of alleged obscene matters under such a broad scope that it could include public libraries (Section 7)
- The measure requires that its provision "be liberally construed," which will have a coercive effect on freedom in book selection, resulting in serious restrictions upon the Library's collections (Section 10)

WHEREAS, competent legal authorities have indicated Proposition 16 will be declared unconstitutional, leaving California in a far worse position than it is today, now, therefore, be it

RESOLVED, that the Board of Library Commissioners of the Los Angeles Public Library do oppose Proposition 16 and urge its defeat as a means of protecting the heritage of the public library, and, be it further

RESOLVED, that the Library Commission be clearly understood to hold no sympathy for the publishers and distributors of smut, but to hold that the freedom to read must be given top priority as a hallmark of the American way of life.

Resolution adopted October 11, 1966, by the following members of the Board of Library Commissioners:

Mrs. Eileen M. Kenyon
Mrs. Leontyne B. King
Albert A. Le Vine
Dr. Albert S. Raubenheimer
Absent: Mrs. Mildred Younger

## Intellectual Freedom in New York*

### All on Civil Rights

The major order of business of the 12 July meeting of ALA Council was the Executive Board's report of the Grafton Resolution. In lieu of the controversial Oboler amendment to the ALA Constitution (which would have barred segregated libraries from institutional membership) Ernestine Grafton, director, Iowa State Traveling Library, had proposed at the January midwinter meeting of Council that the ALA "reject all or any applications for institutional membership from institutions known to practice discrimination in services to readers, in staff employment, in use of facilities, and/or in any other manner." At that time, further study of the resolution by the Executive Board was recommended, and it was this study which was reported to the Tuesday morning meeting of Council.

The Board found that the resolution was defective, since it did not define the term "discrimination" nor did it indicate how the institutional members which practice discrimination were to become "known" to the Board. An alternative resolution was proposed by the Board, which read as follows:

"Resolved, That the Executive Board shall suspend from membership in the Association any member who has been found by competent governmental authority to have violated any federal, state or local civil rights law, such suspension to continue until such time as the Executive Board has been completely satisfied that the member is in full compliance with the law. Resolved further, That the Executive Board forward signed complaints involving alleged illegal discrimination by libraries to appropriate federal, state and local agencies for investigation and action after having satisfied itself that such complaints are not part of a program of harassment."

A minor amendment to the resolution, which deleted the word "completely" from the text, was passed (to bring the text of the resolution in line with the ALA Constitution, which specifies that only a *two-thirds* vote of the members of the Executive Board is required for the suspension of a member), whereupon the Council, with one dissenting vote, adopted the resolution.

Civil rights and free access to libraries came up again at the second meeting of Council, Friday, July 15, when the work of the Special Committee on Access to Libraries was reported by its chairman, Richard B. Harwell, librarian of Bowdoin College. The appointment

* The Editor is indebted to Neal Kirin, of the *Wilson Library Bulletin,* from the September issue of which this report was borrowed.

of this committee had resulted from the proposal originally made by Verner Clapp at the January midwinter meeting. At that time, Mr. Clapp had reminded Council that in 1964, when the LAD Board of Directors issued their review of the controversial *Access to Public Libraries* study, the Board had recommended that the ALA continue to "promote freedom of access to libraries for all people." As chairman of the committee appointed to review the Oboler amendment, Mr. Clapp had opposed it on constitutional grounds. In his remarks at midwinter, he made it clear, however, that his sympathies were totally in accord with the intent of the amendment, which was to bring about the greatest ease of access to all libraries by anyone wishing to use them.

Mr. Clapp subsequently moved that the ALA President appoint a committee of Councilors to review the actions taken by the Association since 1964 in promoting free access and to report on their findings and recommendations at the June ALA meeting in New York. During the intervening months, President Vosper named the following members: Mrs. Dorothy Corrigan, Hoyt Galvin, Nell Manuel, Robert Rohlf, Howard Rowe, John E. Scott, and Richard Harwell as chairman.

The bulk of Mr. Harwell's report consisted of lengthy excerpts from letters sent to him by librarians in most of the Southern and border states. These letters indicated that public libraries, with rare exceptions, were freely opened to both Negroes and whites. Mr. Harwell recognized, however, that his informal survey was not as "scientific in its methodology" as the *Access* study, which received wide criticism when it was first published. In brief, his committee recommended that the LAD conduct a second *Access* study, "taking into account in planning the report both favorable and unfavorable comments on the 1963 document," and that cases involving infringement of individual freedom of access be "subsumed into the charge to ALA's Committee on Intellectual Freedom." Mr. Harwell concluded with the recommendation that his report be adopted as the final report of the Committee on Freedom of Access to Libraries, and "that the committee be dismissed."

Council was not about to embark on another *Access* study without more understanding of what a second investigation would require and what it would prove. As Mrs. Augusta Baker of The New York Public Library said: part of the problems of the first study stemmed from ALA's entrance into it "without knowing where it was going." A number of other dissenting voices rose, including that of Verner Clapp, on whose recommendation the committee had been formed. The issue was resolved when Council agreed to accept the report, after deleting its last paragraph, which strikes from the record the recommendation for a second *Access* study and leaves the committee intact and with further homework to do.

In his statements before Council, ALA executive director, David H. Clift, announced that Alabama had applied for chapter status in the Association. With Council's approval of Alabama's admittance, the problem of the segregated state library associations was resolved, once and for all. Now, *all* state associations are chapters of the ALA.

## Censorship and Moral Standards

The matter of book censorship, smut and obscenity is now before the citizens of California. The California League Enlisting Action Now has gathered 470,239 signatures for an initiative measure on the November ballot. CLEAN is described as a "grass roots campaign to clean smut out of California," because smut is having an eroding effect on our moral standards.

Perhaps we should consider a new committee that will take more direct and positive action. The formation of a Decent and Informative Reading for Today's Youth committee would be dedicated to publicizing the joys and values of good books. Unlike CLEAN, the DIRTY committee would focus attention on the multi-billion dollars spent annually on good books, magazines and newspapers. Rather than titilate young people with announcements about the sensational material available on certain newsstands, DIRTY would try to innundate California with good books.

The DIRTY committee would start from the premise that good books and magazines are as stimulating, exciting and enjoyable as the trashy. In fact, DIRTY would maintain that the good books are even more stimulating, exciting and enjoyable, plus being free at most school and public libraries.

It would be the stated belief of DIRTY that today's youth would be morally strengthened by reading good books. Civic and service clubs will not be asked to view examples of smut or listen to statistics on venereal disease. They will, instead, be asked to conduct reading campaigns not only among the young people but among their very members.

The DIRTY committee would encourage every Californian to buy good books and magazines for his home. Entertainers, sports figures, politicans and businessmen would be asked to discuss the books they are currently reading every time they make a public appearance. DIRTY would point the finger of shame at every Californian who is not reading something with social significance at this very moment.

I might suggest that the results of this committee's activity will be startling. There is such an abundance of worthwhile literature available to today's youth that they could not help but be influenced by the DIRTY campaign. Nobody could accuse DIRTY of trying to subvert one of the most precious aspects of American life—the freedom to read what you choose. No one would tell anyone what to read or what not to read. The choice would be infinite, ranging from Mark Twain to Shakespeare or from Beatrix Potter to Socrates.

Are you ready to join the DIRTY campaign? I wonder how long it will take to get 470,239 members?—Charles Weisenberg, LAPL Public Relations Director, Los Angeles *Times*, 9 October.

## Use of Library Meeting Rooms Broadened in Washington Ruling

"Prior censorship of public discussion or literature distributed in a public place has no place in the administration of District libraries." This comment appears in a July 12 ruling issued by the chief legal officer of the District of Columbia, acting Corporation Counsel Milton D. Korman. A ten-page opinion, sprinkled with references to Supreme Court decisions on freedom of speech, declared unconstitutional regulations restricting the types of meetings that may be held and the types of literature that may be distributed in public libraries in Washington, D.C.

Korman's ruling struck down regulations adopted by the Board of Library Trustees in November 1962. One regulation stated that meeting rooms may not be used "for activities tending to create acrimonious discussion in the community or for teaching contrary to the spirit of our American institutions."

Also ruled out was a regulation requiring that all literature to be distributed "must be submitted one week in advance of meeting" to receive "prior approval" by the library administration.

The legal opinion was prompted by a letter sent to library director Harry N. Peterson by Monroe H. Freedman, chairman of the National Capital Area Civil Liberties Union. Freedman wrote that the regulations seemed "clearly inconsistent with the First and Fifth Amendments" of the Constitution.

Peterson said, following the ruling, that the library board agreed with Korman's ruling, and that the suggestions it contained "will go into effect immediately." He added: "We're still going to discourage things like band concerts and rock 'n roll dances, but the whole library system is filled with controversial books containing controversial ideas, and we feel controversial discussions have a real place in public libraries."

Of the city's 18 branch libraries, 16 have meeting rooms. Peterson said: "As far as I know, even with the old rules, we've never had to ban a meeting or censor literature. We don't regard this opinion as a slap on the wrist. We feel it clears our books of an unnecessary regulation." —*LJ*, August.

### Bulk Orders

One of the suggestions which has come to us as a device for increasing the present 1,900 copy subscription list of the *Newsletter on Intellectual Freedom* is to suggest that copies be included in the usual packet of materials given to members when they register for an annual conference. Our very small promotional budget will not permit supplying more than 100 copies without cost, but we can easily supply an overrun of any subsequent issue at the very low price of ten cents a copy.

The *Newsletter* is published on the first of the month of issue, and bulk orders need to be received by the Editor not later than the 22d of the previous month at the University of Oregon School of Librarianship in Eugene.

### Complete Index Now Ready

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 covers the years 1963 to 1965. The price is $5.00 for both parts. Please send cash with order to the American Library Association at 50 East Huron Street in Chicago 60611.

## What is Obscenity? Librarian is Judge

Librarians, like supreme court judges, have to draw a line on what is *literature* and what is *obscenity*.

Perhaps though, they are more fortunate. They don't have to set down their reasoning in detailed and lengthy opinions.

For Ford Rockwell, Wichita's head librarian, the distinction can be made in about two paragraphs.

"If a book is smut for smut's sake, then it has no place on the shelves.

"But if a book is written realistically to portray a character, then it is literature."

A man who considers that "the public library is not the custodian of public morals," Rockwell knows that he "just can't please everybody."

Particularly where young people and their parents are concerned.

He and his staff are criticized for letting young people check out controversial books. But when they "suggest" that a book might be more suited to adult tastes, they get complaints of censorship from the other side.

"You can't win," Rockwell says. "We only caution them, we do not dictate what they shall read."

In buying books, he says "we don't censor on the basis that a book is overly realistic."

On the other hand, though, a number of books are rejected. He mentioned as an example books—often dealing with homosexuality and lesbianism and appealing to prurient interests—that "are their own little graveyard."

Of the six controversial books that have drawn national attention in recent years, the library carries four: "Lady Chatterley's Lover," "Tropic of Cancer," "Lolita" and "The Group."

"Candy" and "Fanny Hill" aren't there.

Rockwell tries not to let his personal likes and dislikes weigh in the decisions. "I don't like 'The Group,' but it's good literature," he says, then adds that patrons have made "a big run on that one." —Wichita *Beacon*, 4 August.

Really, we wish it were that easy, but we must express our disagreement with librarian Rockwell. Neither librarians nor Supreme Court justices have to draw a line, for no such line is drawable. The Supreme Court is slowly proving this, and librarians should be proclaiming it. Alleged obscenity is not a criterion of book selection. Let the librarian decide only whether the book has sufficient literary quality to cross the threshold of his library—and he can ignore the problem of obscenity. No really good books are obscene—and no really "obscene" books are good literature.—LCM.

## No Legal Grounds

The book is called "Ecstasy and Me." It purports to be the life of actress Hedy Lamarr. She tried to block its publication, claiming it was "fictional, false, vulgar, scandalous, libelous and obscene." Superior Judge Ralph H. Nutter tossed in "filthy, nauseating and revolting," but refused to issue her a permanent injunction banning the ghost-written tome, saying he had no legal grounds.—Washington *News,* 27 September.

## Library Use in Council's Hands After Court Ruling

*By* STAN ROSENTHAL

Three routes are open to City Council in the wake of a Los Angeles Superior Court ruling which struck down an attempt by the city to deny the use of the Main Library auditorium by the Burbank-Glendale Chapter of the American Civil Liberties Union.

The city could appeal the decision to a higher court; it could attempt to circumvent the court decision by changing the use of the library auditorium to something other than a meeting place; or it could abide by the court ruling.

City Attorney Samuel Gorlick said he'll report to Council, possibly Tuesday night, when he has had a chance to review the decision of Judge Alfred Gitelson. "Then it'll be up to Council to decide what they want to do in this matter," Gorlick said.

Judge Gitelson ruled that the local ACLU chapter qualifies as a "cultural group" under the city's amended ordinance, and must be issued a permit to hold a meeting in the library facility.

He said the city "exceeded its jurisdiction and prejudicially abused its discretion" by barring the organization last year.

Councilman John Whitney, chief proponent of the library rule change, which followed a controversial ACLU meeting on released time in public schools, has indicated he may suggest a change in the use of the auditorium, possibly for art exhibits or audio visual use.

ACLU spokesmen say they'll take the issue to court again if the library rules are changed to get around the court decision. They say taxpayers voted to use their money for an auditorium when they originally approved funds for the new library.

The library rules now allow use of the facility to city-sponsored or cultural groups which are nonprofit, nonpolitical and nonreligious, with objectives clearly in harmony with general library aims. —Burbank *Independent,* 4 September.

On 8 September, after a heated dispute, the Burbank city council requested (4–1) the city attorney to draw up a resolution changing the rules for the use of library facilities. Negative vote was that of Dallas Williams, who gained similar distinction on 22 September, when the City Council closed the doors of the public library to any but city-sponsored groups. The ACLU promised immediate retaliatory court action.

## Censorship

The other day a local man whose opinions we respect said he was disappointed that we have not joined in the campaign against smut. He asked us to think about it, and read up on the subject, and we did just that.

The trouble is, we concluded, that those who are attempting to drive pornography out of the market place are tilting at windmills. There appears to be no way out of it without censoring all citizens for the unpopular actions of a few, and we just do not care to live in that kind of society.

Who will be the censors? Who will determine what is literature and what is smut, what is art and what is filth?

We have what we consider an old-fashioned viewpoint on this sort of thing. We think the individual adult should determine for himself whether a book, or a piece of art, a movie, or a song, suits his taste, and if they do not, it is his privilege not to read, look, or listen without imposing his standards on other families.

We believe it is the responsibility of parents to determine what is proper for their children, and that they should not throw this responsibility onto the state, any group of private citizens, or any quasi-public commission. If they do not want their children to see a questionable movie they should forbid it and then see to it their orders are obeyed, not toss it into the lap of society.

This is not to say that society can do without criminal laws. We must, for example, bar everyone from committing burglary or assault to protect us from the few who are guilty of such obvious acts, but these are simple violations of the public order to define when compared to the contents of a book.

Our greatest legal minds have been unable to reach a true consensus on these questions, and *to suggest that all one has to do to put an end to pornography is to pass a few laws and appoint a few commissions is a fallacy.* There is simply no way they can be properly enforced under our present system.

This feeling that censorship is wrong: that the cure is worse than the disease, is not the private property of liberals. *It has been the basis of our national thinking since our forefathers drafted the Constitution.* In that regard it is old-fashioned, and it is as sound today as it ever was. —Newport, N.H. *Argus-Champion,* 21 July.

## Youth Appeals Conviction on Obscenity

A 16-year-old youth has appealed to district court his conviction of last Aug. 16 in municipal court on a charge of violating a city obscenity ordinance and a subsequent $50 fine.

He is Thomas Bland Bergstrom whose attorney has filed the appeal in district court here.

The transcript of the municipal court proceeding said Bergstrom was initially cited to juvenile court July 30, but asked and received a change of venue to municipal court.

His attorney said the charge arose from allegedly obscene words lettered across a sweat shirt worn by the youth. He pleaded innocent in municipal court but was found guilty and fined $50 the court record showed. —Cheyenne, *Wyoming State Tribune,* 6 September.

## Literary Lynching

Lynchings are bad not only because they sometimes injure the innocent; they are bad also because they degrade the processes of justice and inhibit freedom by instilling in every man a fear of mob rule. Literary lynchings, more commonly called censorship, involve the same dangers. They not only ban worthy books; they diminish the right of individuals to determine for themselves what they wish to read and they subject writers to the tyranny of mass taste.

The Discount Book Shop on Connecticut Avenue offers an object lesson these days in the extravagances of censorship. It has a window full of books—now commonly called classics—banned in the United States at one time or another by a censor's edict. Balzac's *Droll Stories* is in the window. So is Tolstoy's *Kreutzer Sonata,* Voltaire's *Candide,* Joyce's *Ulysses.* And among American books banned, you can see Steinbeck's *Grapes of Wrath,* Faulkner's *Sanctuary,* Lewis' *Elmer Gantry,* Hemingway's *The Sun Also Rises.* Men who would deprive others of the right to read, are by that very token, the least fit to wield such dangerous authority. —Washington *Post,* 11 September.

## Leading Editor Sees Secret Arrest, Trial

PHILADELPHIA (UPI)—William B. Dickinson, managing editor of the Philadelphia Evening Bulletin and president of The Associated Press Managing Editors' Association, said Wednesday that the public is entitled to and "must have" information regarding crimes.

Dickinson issued a statement on behalf of the managing editors' association criticizing proposals made to the American Bar Association restricting pretrial news coverage.

Dickinson said the proposals made to the association, which he said represents a minority of the nation's lawyers, "would deny the public information regarding crimes to which it is entitled, and which it must have."

He said the proposals, which would restrict police, attorneys and judges, "could be used to cover up secret arrests, and indeed, secret trials."

The proposals were included in a 226-page report made recently by the Advisory Committee on Free Press and Free Trial of the American Bar Association.

The proposals would bar law enforcement officials and lawyers from disclosing a defendant's criminal record, making statements about confessions or the results of any examination or tests of the accused person, or refusal of the accused to undergo such tests.

Dickinson said the managing editors' association "does not question the right of lawyers to establish standards for lawyers, although the bar has not always been quick to disbar or censure those of its members who have failed to conform to existing codes of ethics."

"It is a far different matter, however, for a minority of the nation's lawyers to take it upon themselves to propose rules for police and other law enforcement officers who are paid by the public," Dickinson said. —Portland, *Oregon Journal,* 5 October.

## The Right to Read

Our book critic, Tom Donnelly, had naught but scorn for "The Adventurers" in his review a few weeks ago, but predicted it would sell like pancakes. As usual, he was correct. But it saddens us to learn that District public libraries and most others in the area have extended the scorn that Tom and other critics heaped on the book to deprive readers of the chance to ignore the advice, or to find out for themselves.

The Supreme Court's recent rulings on *obscenity* clearly indicated that it felt it would be hard to find a book that didn't have some value for someone; the Court ruled only against promoters who blatantly promote their own publications so the attraction is to "prurient interest."

A marvelous experiment in a school for wayward, "non-literate and anti-literate" boys in New York showed clearly that to some the first step toward reading was by saturation with trash. Any reading was better than none and most of the boys graduated to higher literacy levels amazingly swiftly once their initial distrust of anything printed was overcome.

No doubt thousands of Americans can be mistaken in wanting to read "The Adventurers," but they should be able to be mistaken for free, as long as taxes support the libraries. Even if it means the library has to knock out of its buying budget a few tomes that will collect only dust, no overdue penalties.Washington *News,* 25 June.

## Supreme Court Tackles 'Scienter'

This week as it goes back to work, the court begins hearing oral arguments in three cases that will plunge it right back into a familiar miasma—obscenity.

None of the obscenity cases promises to answer lower-court prayers for clarification of last term's Ginzburg decision. But two may clarify the doctrine of *scienter* (to know), the requirement that a smut seller must have "guilty knowledge" that his wares are obscene before he is criminally liable. In a New York case, Times Square Bookstore Clerk Robert Redrup was convicted of selling paperbacks titled *Lust Pool* and *Shame Agent* to a plainclothes cop who asked him why he sold such "garbage." Said Redrup: "There's worse stuff around." Redrup argues that his comment failed to prove *scienter.* —*Time,* October 14, 1966.

### Intellectual Freedom Issue

The May, 1966 issue of *Illinois Libraries* is devoted almost entirely to Intellectual Freedom, and includes some good new original writing on the subject of censorship, as well as a host of the classic statements and pronouncements of the American Library Association, The American Civil Liberties Union, and the National Council of Teachers of English. A valuable handbook on what to do before the censor comes, and after.

## Old Indexes Never Die

The Vatican has announced that it is planning a new publication to replace the church's old index of forbidden books. The announcement on June 14 said that despite the end of the office for the index, Roman Catholics were still under obligation to avoid writings that their church considers dangerous to their faith or morals. "To deliberately violate this duty is a sin, even if it does not bring ecclesiastical punishment," the Vatican announcement said.

The new publication is viewed as an "information organ" to help guide the faithful on what church authorities think about current writings. The Vatican statement came from the Sacred Congregation for the Doctrine of the Faith headed by Alfredo Cardinal Ottaviana, which under its old title, Congregation of the Holy Office, had an office that judged writings to be placed on the old index. In February the Vatican abolished the office for the index. The June 14th announcement confirmed that the index and the various church sanctions it carried for violators had been repealed.

The June 14th announcement, according to the Vatican, was meant to clear any misunderstanding regarding the moral obligations of Catholics. "The Church relies on the mature conscience of the faithful—readers, authors, editors, educators. But above all the church counts on the watchfulness of the bishops and of the episcopal conferences, which have the right and the duty to guide the faithful and the morals of their charges, examining and if necessary, censuring bad writings."—*LJ*, July.

## Singapore Imposes Tight News Curbs

SINGAPORE, July 10 (AP)—The Singapore Government has introduced sweeping press laws banning the publication or dissemination of "protected information" without "official consent."

The new regulations apparently apply to the dissemination of news from Singapore by foreign news agencies and correspondents as well as to publication by local news media.

A Government announcement said that, in the event of a breach of the new regulations, "every proprietor, editor, manager, printer of the newspaper, or any person responsible for reporting, publishing or printing.—NY *Times*, 12 July.

### Box Score

Arrests for violation of postal anti-obscenity statutes numbered 746 while convictions totaled 638, the Post Office Department reported.

The department said it received 197,277 complaints about alleged obscenity during the year. It investigated 14,552 cases, and 7,931 mailing operations were discontinued as a result of investigations. — Washington *Catholic Standard*, 11 August.

## CLA Opts for IF**

In addition to the formal statement adopted by the Canadian Library Association at its Intellectual Freedom workshop in Banff June 16-17, it was resolved to ask the Government of Canada to recognize the role and the responsibility of libraries as spelled out in the intellectual freedom statement, "by introducing amendments to the Criminal Code specifically exempting libraries from such provisions of the Code as may now or in future restrict or forbid individual citizens from acquiring books or other materials within the scope of the CLA-ACB statement on Intellectual Freedom, such materials to be acquired by libraries for purposes of research."

### CLA Intellectual Freedom Statement

Intellectual freedom comprehends the right of every person (in the legal meaning of this term), subject to reasonable requirements of public order, to have access to all expressions of knowledge and intellectual creativity, and to express his thoughts publicly.

Intellectual freedom is essential to the health and development of society.

Libraries have a primary role to play in the maintenance and nurture of intellectual freedom.

In declaring its support of these general statements, the CLA-ACB affirms these specific propositions:

1) It is the responsibility of libraries to facilitate the exercise of the right to access by acquiring and making available books and other materials of the widest variety, including those expressing or advocating unconventional or unpopular ideas.

2) It is the responsibility of libraries to facilitate the exercise of the right of expression by making available all facilities and services at their disposal.

3) Libraries should resist all efforts to limit the exercise of these responsibilities, while recognizing the right of criticism by individuals or groups.

4) Librarians have a professional duty, in addition to their institutional responsibility, to uphold the principles enunciated in this statement.

** Courtesy of Eric Moon in the August *Library Journal*.

## Jersey Has New Obscenity Law

Governor Richard J. Hughes on 22 July signed a new anti-obscenity bill not unlike the one he vetoed last January. It makes it a crime to sell, lend or give knowingly to anyone under age 18 any material which pictures or describes persons "in acts of sexual stimulation, deviation, or perversion." The bill stipulates that this must be done to "exploit lust for commercial gain" and to "appeal to the lust of persons under the age of 18 years." Same language as in earlier bill, but, says a governors' spokesman, language is used to describe the offense itself, not as part of a general definition. The offense is a misdemeanor punishable by up to three years in prison and up to $1,000 fine.

## In Kansas They're Obscene

TOPEKA—The traffic in obscene paperback books in Kansas was dealt a severe blow yesterday by the Kansas Supreme Court when it set up guidelines for judging obscenity in holding that 11 volumes obtained in a Wichita bookstore constituted "hard core pornography."

The court held that the banning of sex novels was not a violation of the first and fourteenth amendments to the Constitution of the United States or of the Bill of Rights of the Kansas Constitution, relating to freedom of speech and free expression.

*On Right Course*

It upheld the procedure used by Robert C. Londerholm, Kansas attorney general, in asking for a court hearing to challenge the right to sell such books, saying that the rights of parties involved had been protected and that the due process requirements had been met.

The decision overruled an order by Judge Tom Raum of the Sedgwick County District court, who held that the books were not obscene in view of other court opinions. It ordered the lower court to reinstate the case on the docket and to take further action.

"In due deference to the judge in the court below, it should be noted that the three decisions mentioned in the opinion were announced by the Supreme Court of the United States after his judgment herein," the opinion stated.

Those opinions clarified the stand of the U.S. Supreme Court on freedom of speech and the press, procedures to be followed in enforcing obscenity laws and the rights to mail such literature.

The Kansas Supreme Court held that the 11 books "go beyond and affront contemporary community standards relating to the description of sexual matters."

The sellers have 20 days in which to ask for a rehearing. Should that be denied, the attorney general's office can go into the District court and obtain an order to seize all books on those titles and destroy them. — Kansas City *Times*, 15 July.

## Goldberg on Freedom of Press

The former Supreme Court justice spoke of his "conviction that freedom of expression must be unfettered in literature." He emphasized the right of writers to express themselves on all aspects of public affairs, including international relations.

He continued: "There is scarcely any subject of human interest which is not a legitimate matter for self expression, and which in a society such as ours with its traditional devotion to free expression, should not be afforded maximum protection."

He indicated that he did not wish to comment on Supreme Court rulings in obscenity cases, but offered this general observation:

"For a free society there can be only one safe rule: Every presumption must be in favor of free expression in every form, and the heaviest burden is imposed on every governmental restraint to censorship that impairs or abridges the right to publish."—Ambassador Arthur J. Goldberg, speaking at the ABA Convention (as reported in NY *Times*, June 7, 1966).—*AB*, 20 June.

## JFK Book Censored by Kennedy Family

*By* DREW PEARSON and JACK ANDERSON

WASHINGTON — The Kennedy family is still exercising strict censorship over any book written about the late President John Kennedy. No book is permitted to go to a publisher without being read and edited by Jackie Kennedy and/or Bobby, or in some cases several independent censors.

The Kennedys try to enforce this by persuasion or, failing this, by drying up sources of information.

Jim Bishop, as previously reported in this column, got a stern letter from Mrs. Kennedy, at first pleading, then demanding, that he not write a book about the assassination. Bishop also found that every source close to the late President had been instructed by Mrs. Kennedy not to talk.

On top of this, it's now revealed that Paul B. Fay, Jr., Kennedy's under secretary of the Navy, had his book on JFK, "The Pleasure of His Company," examined by five Kennedys or their censors and that Sen. Bobby Kennedy actually had a secret agreement with the publisher that he, Kennedy, would have the final authority as to what would be in the book. —Portland *Oregon Journal*, 4 October.

## 'Naked Lunch' Cleared in Massachusetts

BOSTON (Religious News Service)—The Massachusetts Supreme Court has ruled that the controversial book, *"Naked Lunch,"* by William Burroughs, is not obscene.

A sharply divided 4-2 decision overruled a Superior Court action by Judge Eugene A. Hudson who, in March, 1965, banned the book as "hard-core pornography and utterly without redeeming social importance."

The majority's two-page decision described the publication as "grossly offensive" but held that the book "cannot be declared obscene." However, it ruled that the attorney general may start new procedings if the book is advertised or distributed in Massachusetts "in a manner to exploit it for the sake of its possible prurient appeal."

Noting that "a substantial community believes the book to be of some literary significance," the majority ruling held that the Court "cannot of it by so many persons in the literary community."—NY *Times*, 19 July.

### Seizure Unconstitutional

In Jacksonville, Florida, Circuit Court Judge Frank H. Elmore ruled unconstitutional the seizure by Duval sheriff's office of 16,000 paperback books considered by local proescutors to be obscene. The seizure, and the request by the state attorney's office for a court order to destroy the volumes, "constitutes an attempt at deprivation of property without due process of law." He then ordered all 16,000 volumes returned to Jake's newsstand.

## Asking Too Much

*Freedom on Trial: The Incredible Ordeal of Ralph Ginzburg,* by Bob Reitman. San Diego: Publishers Export Company (P. O. Box 20127), 1966. Paper, 219 p. 95¢.

Ralph Ginzburg is a character in the no man's land between the offices of the *Wall Street Journal* and a Malamud short story. Caught between the censors and the courts, he now faces the jail house. His rags to riches rise is the stuff old men in club chairs love to discuss. But something went wrong, and the paradox of a man making it with approved American business techniques not to the club, but to the jug, confuses and bothers.

This book does little to explain what went wrong with the American dream. Emphasis primarily is on the eventful years between Valentine's Day, 1962 and the Supreme Court decision of March 21, 1966. A promoter with a wag's sense of humor, Ginzburg first issued *Eros* on the hearts and flowers day in 1962. The title promised more than the content delivered. Still, it was a success, much as had been the earlier collection of harmless material in his *An Unhurried View of Erotica.* Applying first class promotion techniques, the boy from Brooklyn aroused the curiosity of enough Americans to give him a small fortune in subscriptions.

Overestimating the weakness of the censors (severely set back by recent Supreme Court decisions), he pulled out all stops. Next came *The Housewife's Handbook on Selective Promiscuity.* And shortly after that a Philadelphia judge found him guilty of criminal use of the mails. On March 21, 1966, by a single vote, the Supreme Court upheld the conviction. The twist, as the author explains, was that he "was found guilty on one kind of charge—and the highest court in the land upheld the verdict—on a totally different, brand new charge—against which there is no law."

Madison Avenue took a chill from the decision, for as of today, suggestive advertising (a la Ginzburg style) may swing an offensive although not necessarily obscene work, into the obscene category. In a word, Ginzburg defeated himself by being just too darn good at what television, radio, periodicals, newspapers and you name it thrive upon—advertising. His publications proved harmless enough, as the generous amount of testimony in this book indicates, but his pursuit of hot copy burned him.

In most of this book the evidence speaks for itself, and as a record of downright miscarriage of justice it is well worth having in any library. There is an understandable effort to paint Ginzburg in the red, white and blue, to make him a hero, but this is kept fairly well in the background. Probably too much so. One keeps wondering what kind of a man is our hero, what went wrong with his luck, why the owner of *Playboy* is in a penthouse, the publisher of *Eros* near a lockup. Here we need someone like Malamud—but this is asking too much of an otherwise good 95 cent paperback.

Bill Katz, Albany

## Book Suppression

Italian-Americans are understandably sensitive concerning the notorious criminal organization known as Cosa Nostra, or the Mafia. The idea that disclosures about the syndicate reflect discredit on all Americans of Italian descent is felt so strongly by some of them that they seek to ban disclosures of this kind.

Such an undertaking by a group of Italian-American leaders, including four members of Congress, appears to underlie the Justice Department's reversal of its earlier position with regard to Joseph M. Valachi's Cosa Nostra story. A few months ago the Justice Department seemed to smile on the project, going so far as to suggest that publication of such a book might help the cause of law enforcement. Now Justice has gone into court *to thwart publication.*

Peter Maas, the editor of Valachi's memoirs written in prison, sees the not so fine hand of politics in Attorney General Katzenbach's change of heart. He says that Katzenbach, yielding to the wishes of "a minority of a minority group," has gone into "the book suppression business." That may sound extreme, but it appears to cut close to the bone.

Maas said something else worth thinking about. He asserted that Valachi's memoirs are "about crooks—not Italians." The point is a significant one.

The fact that Cosa Nostra's leaders have Italian names is not of primary importance. We believe that the great majority of Italian-Americans understand that, and would want Americans to know more about the Mafia's organized attacks on society. The Justice Department's attempts to *suppress* the Valachi book seem to demonstrate a lack of both political courage and zeal for freedom of expression. — Ashland, Ky. *Independent,* 23 May.

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