



newsletter ON INTELLECTUAL FREEDOM

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Intellectual Freedom Committee Proposes Revision of Library Bill of Rights

I. As Is

The Council of the American Library Association reaffirms its belief in the following basic policies which should govern the services of all libraries:

1. As a responsibility of library service, books and other reading matter selected should be chosen for values of interest, information and enlightenment of all the people of the community. In no case should any book be excluded because of the race or nationality, or the political or religious views of the writer.

2. There should be the fullest practicable provision of material presenting all points of view concerning the problems and issues of our times, international, national, and local; and books or other reading matter of sound factual authority should not be proscribed or removed from library shelves because of partisan or doctrinal disapproval.

3. Censorship of books, urged or practiced by volunteer arbiters of morals or political opinion or by organizations that would establish a coercive concept of Americanism, must be challenged by libraries in maintenance of their responsibility to provide public information and enlightenment through the printed word.

4. Libraries should enlist the cooperation of allied groups in the fields of science, of education, and of book publishing in resisting all abridgment of the free access to ideas and full freedom of expression that are the tradition and heritage of Americans.

5. The rights of an individual to the use of a library should not be denied or abridged because of his race, religion, national origins, or political views.

6. As an institution of education for democratic living, the library should welcome the use of its meeting rooms for socially useful and cultural activities and discussion of current public questions. Such meeting places should be available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members.

Paul Romaine Appeals

An impressive addition to the slowly growing list of briefs appealing obscenity convictions is that filed in behalf of Paul Romaine in the Supreme Court of Illinois, September Term, 1966, No. 39487, by his attorney Charles Liebman. Oral argument was requested. The case has not yet been heard.

II. As Proposed

The Council of the American Library Association reaffirms its belief in the following basic policies which should govern the services of all libraries.

1. As a responsibility of library service, books and other library materials selected should be chosen for values of interest, information and enlightenment of all the people of the community. In no case should library materials be excluded because of the race or nationality or the social, political, or religious views of the authors.

2. Libraries should provide books and other materials presenting all points of view concerning the problems and issues of our times; no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval.

3. Censorship should be challenged by libraries in the maintenance of their responsibility to provide public information and enlightenment.

4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

5. The rights of an individual to the use of a library should not be denied or abridged because of his race, religion, national origins or social or political views.

6. As an institution of education for democratic living, the library should welcome the use of its meeting rooms for socially useful and cultural activities and discussion of current public questions. Such meeting places should be available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members, providing that the meetings be open to the public.

Score One!

The Sierra Madre Library Board of Trustees has approved adoption of a shortened version of the Palisades Free Library's operating policy, quoted on Page 1 of the January 1967 issue of the *ALA Newsletter on Intellectual Freedom*. We intend to use the entire first paragraph and the last two sentences of the second paragraph (beginning with "history shows") verbatim. The object is a very succinct, yet forceful and comprehensive, statement on censorship and the freedom to read. One which can be shown to and read quickly by a patron at the public service desk. We may reproduce this statement on 3 x 5 cards and give it to patrons when necessary.—Paul Ax, Librarian

The Chairman's Report

At the 1967 Midwinter meeting the Intellectual Freedom Committee voted unanimously to lay before Council in San Francisco a revised version of the Library Bill of Rights. This text was unanimously approved by the Executive Board at a meeting in New Orleans.

Because any revision of this important document should not be lightly undertaken, the Intellectual Freedom Committee desires to give the members of the American Library Association the fullest possible opportunity to reflect upon the proposal and to bring their opinions to the attention of Council members, so that whatever action is taken by Council will be the outcome of the best thinking of the members of the Association.

The Intellectual Freedom Committee was first prompted to consider revision following the Washington Midwinter meeting in 1965. At that time, the question was raised about the responsibility of librarians to insure that library collections not become biased through deliberate or inadvertent exclusion of "unpopular" points of view. What was driven home upon the Committee at that meeting was the unfortunate phrase in paragraph 2: "of sound factual authority." This qualification seems to place undue restriction upon speculative writings or opinions which fall outside the conventional wisdom of society. The phrase also seems to provide a pretext for the exclusion of materials not harmonious with the views of governing boards or librarians who take a narrow view of a library's responsibility. It furthermore, by implication, provides for automatic proscription of works of imagination: fiction, drama and poetry. The Committee's doubts about the wisdom of the phrase were given substance when the Belleville, Illinois, librarian refused to permit the inclusion of *Church and State* in the collections, and cited this section of the Library Bill of Rights as justification for his decision (see *ALA Bulletin* October 1965, p. 785).

The Intellectual Freedom Committee thereupon appointed a sub-committee composed of your present chairman, the then chairman, Dean Martha Boaz of the University of Southern California School of Library Science, and another committee member, Eli Oboler of the Idaho State University Library, to prepare a revised text. This sub-committee met during the 1966 Midwinter meeting in Chicago and drafted a new text which was subjected to further examination and discussion by the Intellectual Freedom Committee in New York in the summer of 1966 and again in New Orleans in January of this year. As it stands, it represents the considered opinion of several well-informed members of the American Library Association, and its adoption by Council is urged.

The reasons for the proposed revisions are as follows:

Paragraph 1. The enlargement of the scope of the text suggested that "library materials" be substituted for "reading matter." The addition of "social" here and in paragraph 5 was deemed advisable in the light of the Civil Rights movement.

Paragraph 2. The aim in this paragraph was to shorten and tighten the text by placing the subject at the beginning of the sentences and by removing "fullest practicable provision" to preclude any appeal to budgetary limitations as an excuse for excluding difficult and unpopular writings. The phrase "international, national, and local" was omitted as redundant and as having a political ambience that clouds the intent of the text, since much more is involved in the intellectual freedom than politics. "Of sound factual authority" was the main target of the Committee, and it has been omitted. "Libraries" has been substituted for "library shelves" as being more precise and inclusive.

Paragraph 3. In this paragraph everything between the subject and verb has been omitted. The Committee's discussions revealed that the emphasis on "volunteer" and on "Americanism" did not meet the problem head-on. It was the Committee's desire that ALA express no reservations about censorship. The final phrase "through the printed word" was also deemed limiting by omitting films, for example.

Paragraph 4. The degree of cooperation offered by libraries and ALA in the present text is neither realistic nor accurate. ALA and other associations have found the Civil Liberties Union a willing and helpful ally. The revision intends to broaden the scope of collaboration. The reference to Americans was considered too nationalistic and prideful. The problem of freedom appears to the Committee to be universal.

Paragraph 5. As in paragraph 1, the word "social" has been added.

Paragraph 6. This paragraph offered the most difficulty to the Committee, since the many contingencies governing meeting rooms could not be easily compressed into a single sentence. However, the final phrase was added to reinforce the Committee's conviction that the library should be an "open" institution.

The Committee recognizes that some disappointment may be felt at the reduction of some of the rhetorical flourishes of the present text, but on balance it was believed that clarity and force are preferable to the ambiguities that are imbedded in the present language. It is the Committee's considered opinion that the earnest and unequivocal language of the proposed text will outweigh the pleasantries of style when the question is put to Council.—Ervin J. Gaines, Chairman, ALA IFC.

"Last Exit to Brooklyn" Enjoined in Connecticut

Hubert Selby Jr.'s novel, *Last Exit to Brooklyn* (Grove Press), has been temporarily enjoined in Connecticut as "obscene and pornographic." In a suit brought by the State of Connecticut in the 17th Circuit Court, Bristol, Connecticut, Judge David Jacobs granted a request for a temporary injunction prohibiting the further sale and distribution of the book. Named as defendants in the suit were Grove Press, Ridgefield Distributors, Dell Publishing, Dell Distributing and the author, Mr. Selby. —PW, 14 November.

Intellectual Freedom in New Orleans

At its three sessions in New Orleans the Intellectual Freedom Committee considered the following matters: (1) Selection of new author (vice Ervin Gaines) of intellectual freedom column in *ALA Bulletin*. Send suggestions to Ervin Gaines at the Minneapolis Public Library.

(2) Program content for San Francisco pre-conference on "Intellectual Freedom for the Teen-Ager." Watch *ALA Bulletin* for details and plan to attend.

(3) Revision of Library Bill of Rights. Approved draft was later approved by Executive Board for presentation to Council in San Francisco. Present and proposed texts may be found on page 00. If you wish to suggest changes, write to Ervin Gaines.

(4) Practice of USIA of subsidizing authors to write books for overseas distribution whose domestic editions do not carry notice of subsidy. Prepared resolution for consideration of Council.

(5) Practice of USIA library in Saigon of closed shelving and uncataloging of books critical of U.S. policy in Viet Nam.

(6) Correspondence seeking committee help in fighting a number of recent arrests of booksellers for selling allegedly obscene books.

(7) Proposal of National Council of Teachers of English to call a meeting of representatives of national associations, such as ALA, to consider establishing a National Commission on the Right to Learn.

On Saturday evening, 14 January, the program session of the Association of American Library Schools was devoted to the teaching of intellectual freedom in the accredited library schools. Professor Dorothy Bendix, Drexel, discussed the present pattern, and Dean David Berninghausen, Minnesota, presented his ideas on what ought to be taught. Both papers will be published.

U. S. Supreme Court Strikes a Blow for Academic Freedom

In a 5 to 4 decision on 23 January, the Supreme Court has declared the Feinberg Law in New York State unconstitutional. The compulsory loyalty oath for teachers has been rejected because it violates the old Anglo-Saxon principle that a teacher or any citizen is innocent until proven guilty. Support is given instead by the court to the traditional concept of academic freedom which promotes the principle that teachers must be free to think, to act, to debate, to change, to listen, to speak and to teach without interference. This also backs up the student's right and/or freedom to learn.

Our hats off to the five professors (including one librarian, George E. Starbuck) at the University of Buffalo who refused to sign the loyalty oath when their institution was converted to a state university. Under penalty of dismissal they took the case to the courts and with the help of the American Civil Liberties Union during the past three years they managed to see the case through to final victory. This marks an end to the McCarthy era which promoted hysteria in education by means of witch hunts and the technique of guilt by association.

In 1952 when the Feinberg law was first challenged it was declared constitutional because of the then prevailing doctrine that public employes may be required to sacrifice certain rights enjoyed by the public at large. According to Justice Brennan, subsequent decisions have eroded that doctrine. Laws enacted in 1917 and 1939 intended to penalize school personnel for treasonable utterances and seditious acts were also voided by the court for reasons of vagueness and that they involved violations of individual liberties.

Our colleagues at Adelphi College who recently went to court in protest over the compulsion of signing oaths generally required in public schools no doubt will benefit from this Supreme Court decision. When teachers refuse to conform to regulations which place them in the category of second-class citizens they are contributing to the dignity and the integrity of the profession.

The stirring statement by Justice William J. Brennan who wrote the majority opinion represents an historic victory for academic freedom. It was just ten years ago that the Supreme Court recognized academic freedom as a constitutional right. Justice Brennan's statement follows: "Our nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."—David Cohen, President, Nassau-Suffolk School Library Assn., and Chairman, Freedom to Read Committee.

Censorship Threat

The Press section of the Feb. 6 Newsweek reports a disturbing development in a fine, old military institution, Stars and Stripes. Millions of American soldiers, far from home, have picked up "Stripes" to see what was happening. They could trust what they read. The paper reported the bad with the good, using Associated Press and United Press International wires.

Now the Pentagon wants AP and UPI reports filtered through the Armed Forces News Bureau in Arlington, Va. The brass denies attempts at censorship of what soldiers can read. But questions come up.

The deputy director of AFNB used to be deputy editor of the European edition of Stripes. As such, he ordered the removal, after one edition, of an analysis of Russia's new leaders. "It implied they were people in gray flannel suits like many Americans . . . in other words it watered down the potency of the Soviet Communist threat," he explained.

This month AFNB cabled editors in Europe and Japan urging them not to run an AP feature on the Joint Chiefs of Staff because it said Generals LeMay and Taylor don't like each other.

In the United States, American soldiers can pick up American newspapers and read what is happening. What a sad thing it would be if, once they got overseas, they had to depend upon the foreign press instead of their own.—Eugene Register-Guard.

It Wasn't?

It wasn't 15-century Europe or Germany in the 1930s or the years of suppression of rights in the USSR under Stalin. The time was 1966 A.D.

And the city wasn't Moscow or Accra or Havana or Peking. It was Rochester, New York, in a country with a constitution as the supreme law of the land—a constitution that clearly states that there shall be “no law . . . abridging the freedom of speech, or of the press” and that “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and *particularly describing* the place to be searched, and the persons or *things to be seized.*”

Yet the facts on December 16, 1966, in Rochester, New York, read more like the work of the Gestapo, and the action of Rochester-area courts was more like England's notorious Star Chamber.

At 2:30 p.m. on Friday, December 16, members of the Rochester vice squad, New York State troopers, and U.S. postal inspectors raided the Clinton Book Shop on Court Street. Owner John Bunis was in the store's office working with his clerk-bookkeeper. Bunis' son, Sam, was waiting on customers.

The police locked the store, told Bunis there was a complaint against him, and said they were arresting him. Bunis asked if he could call his lawyer. He was denied permission, so while the police busied themselves collecting books, Bunis went back to the office and told his bookkeeper to “duck down on the floor,” where she couldn't be seen over the half walls of the office, and telephone Thomas Hampson, former AU counsel and the lawyer who had successfully brought Bunis' declaratory judgment action concerning *Tropic of Cancer* in 1962.

But Hampson was out of town, so his secretary called an Audience Unlimited director. Bunis, meanwhile, went back into the store and, seeing his merchandise being carelessly handled and books falling to the floor, asked the police to be careful with the books.

“We can tear this place down if we want to,” said one officer.

At one point, Bunis saw the police take several copies of *Tropic of Cancer*, which has been cleared by the U.S. Supreme Court. “Do you know what you're doing?” Bunis asked.

“Of course we know what we're doing,” an officer said.

In their 2½-hour search of the Clinton Book Shop, the police collected 615 books. Among these, according to Bunis, were Susann's best selling *Valley of the Dolls*; John O'Hara's *Lockwood Concern*; Henry Miller's *Tropic of Cancer*, *Tropic of Capricorn*, and *Black Spring*; D. H. Lawrence's *Lady Chatterley's Lover* (cleared by the courts); William Burroughs's *Naked Lunch*; Pauline Reage's *Story of O*; *Classical Erotica*; and several boxes of newly arrived, still-packed books from Sherbourne Press.

At 5 p.m., John and Sam Bunis were booked on a criminal charge, fingerprinted, and jailed.

During the store raid, other police searched Bunis' apartment at 2109 East Avenue in Brighton. Bunis' wife was not home during the search but returned to find the apartment in disarray with clothes and personal effects thrown about, and a basement locker, for which the building superintendent had no key, was broken into. A note left by the police said they had taken a box of material.

Warrants for the two searches were issued by County Court Judge John J. Conway, Jr. In 1962, when he was District Attorney, Conway threatened to prosecute booksellers who sold books that he considered obscene. In a civil action, Bunis sued for a declaratory judgment permitting him to sell *Tropic of Cancer*. That right was won in 1964.

Two constitutional issues are at stake in Bunis' arrests:

1. Police censorship of the press, including the seizure of books already declared not obscene by the U.S. Supreme Court.

2. Issuance of search warrants that did not state specifically what was to be seized, leaving the determination of what was “obscene material” to the arresting officers. Warrants cannot be issued to make exploratory searches; they must be singularly specific; and the “probable cause” phrase, as courts have defined it, “must convince a cautious man” that the warrant is justified in the first place.

Also an issue in Bunis' apartment arrest is the contention that possession of six identical or similar items presumes an intent to sell, because there is no law against possession even of obscene material for private use.—*Audience Unlimited News*, January.

Censorship Chaos Irks Australians

VICTORIA, Australia (Canadian Press) — Australia's censorship regulations are so varied that a person in Victoria can be jailed or fined for the purchase, sale or reading books that are sold freely elsewhere in the country.

Controversy over certain rulings has brought wide publicity — and increased sales — to books like Mary McCarthy's *The Group* and to a pamphlet on alleged American atrocities in Vietnam.

The trouble developed when the Chief Secretary of Victoria state, Arthur Rylah, decided Federal censorship — under which the Customs Minister is responsible for all literature entering Australia — was not tight enough.

The Group was freely and uneventfully on sale for months before Mr. Rylah forbade its sale. “I wouldn't let any teenage daughter of mine read it,” said the secretary, who does not have a teen-age daughter.

The ban on the book stirred an upsurge of sales elsewhere in Australia.

In another incident, vice squad policemen raided a Melbourne bookshop and took away 85 copies of *American Atrocities in Vietnam*, saying its description of some alleged cruelties were obscene.

Until then, only 30 copies of the pamphlet had been sold. The next day, 10 clergymen sold 100 copies on street corners and later students set up a stall in the university grounds, selling in two hours the 250 copies they had brought in from Sydney. —*NYT*, 21 November.

The New York State English Council Committee on Defenses Against Censorship

On September 1, 1966, Dr. Margaret Early, President of the New York State English Council, authorized the institution of a new NYSEC committee to examine censorship and its effect on the New York State English teacher. Roger B. Fransecky, of the Rochester suburb of Hilton, was asked to act as Chairman of this new committee, later named the Committee on Defenses Against Censorship. What began as an idea has become an important and busy new committee of eight members representing both public school supervision and teaching, as well as colleges and universities.

At the Committee's initial organization meeting in late October at the University of Rochester's Faculty Club, where the Committee meets every month, the group reviewed its charges from the NYSEC Executive Committee. The Executive Committee urged the Committee to attempt four key "roles": the preparation of a current bibliography of material on censorship and book selection for publication in *The English Record*; the writing of case studies in censorship for committee study and attention; the development of an official NYSEC Statement on Censorship emphasizing both the English teachers' responsibility for selecting the most appropriate materials and the community's responsibility for recognizing the importance of the open marketplace for the free exchange of ideas; and finally, the preparation of articles on both censorship and book selection for *The English Record*, and perhaps for the NCTE journal, *The English Journal*.

In response to the original "charges" the Committee at present is at work on an extensive bibliography on the subject with valuable assistance from members of the American Library Association's Committee on Intellectual Freedom and the editors of their fine publication, *Newsletter on Intellectual Freedom*. In addition, the Committee Chairman did write an appeal for case studies in the NYSEC *Newsletter* in October and to date has received three replies. Both the statement on censorship and the articles for *The English Record* are in progress at the time of this writing. In addition to the original "charges" the Committee has expanded its responsibility to include the preparation, distribution, and tabulation of an extensive survey questionnaire on book selection and censorship which was distributed in mid-January to over 1200 public and parochial high schools in New York State. Results of the survey will be made available to the membership by mid-March.

The writing of a Monograph on Censorship is yet another project of the Committee on Defenses Against Censorship. Three members are presently at work on this project gathering supporting evidence and writing helpful explications of several of the literary works most "under fire" by censors: *Lord of the Flies*, *Catcher in the Rye*, *Animal Farm*, 1984, and *To Kill a Mockingbird*. These titles are subject to change pending March survey results.

The Committee is also planning a unique series of informational programs on "Censorship and the English Teacher" through the Speaker Bureaus of several of the

state's regional English Councils and New York State Teacher's Association regional groups. In addition, the Committee will present a general session on Censorship at the April, 1967, Annual Conference of the Council, as well as two "practical" workshop programs for classroom teachers.

The Committee has been ably assisted in its "pre-launch" phase by Mr. Robert Hogan and Mrs. Enid Olson of the NCTE staff, as well as by members of the ALA's Committee on Intellectual Freedom. In addition, Mr. Fransecky was a participant in a unique NCTE Conference on Censorship held in Chicago in December. Here Dr. James Squire, NCTE Executive Secretary, Miss Roxanne Knudson of Purdue University and Dr. Lee Burrell of Wisconsin State University, Stevens Point, were of particular assistance in helping the Chairman to better direct the activities of the new Committee. All of these individuals have conducted extensive surveys of book selection-censorship and all were able to give the Chairman valuable information and meaningful guidance. In addition, two other members of the NYSEC Committee, Dr. James Lynch and Mr. Dennis Hannan, have written extensively about the censorship problem as it affects the English teacher. Both of these individuals have been very helpful in the early stages of our development.

The first months of our efforts as a rather embryonic new NYSEC Committee have been filled with reading, writing, research, speeches, and several meetings. Thanks to the valuable assistance of many New York State English teachers and librarians, as well as the invaluable aid of Dr. William West, NYSEC Executive Secretary, 1967 promises to be an even more profitable year for our Committee.—Roger B. Fransecky, Chairman. January 8, 1967.

LJ: Handy Guide to the Censorious

Mr. Eric Moon, Editor
Library Journal

R. R. Bowker Company
New York, N. Y. 10036

Dear Eric:

If I were Bill Katz, I would be mad as hell at you and Margaret Cooley for the label added to his review of *Spare Parts* on page 229 of the January 15th issue of *LJ*. I don't suppose this can be considered to be censorship as such, but it certainly does provide impetus to the censorious-minded librarian to get on with his restrictiveness, and I think *LJ* should have no part of it.

A somewhat lesser example appears at the top of page 256 where the reviewer provides a guide to the censorious. This last sentence should have been edited out.

I don't think you can have it both ways, Eric. Like most librarians when you ask them, they are four-square against censorship; but when you watch what they're doing, you discover, as Marjorie Fiske did, that many of them have round heels. I think it is time you were getting on to editing *LJ* in conformance with *LJ*'s position on censorship.

Sincerely yours,
LeRoy Charles Merritt
Dean, School of Librarianship
University of Oregon

NJCRR Study Finds Pornography Doesn't Cause Crime

The New Jersey Committee for the Right to Read has reported to Governor Richard Hughes its findings in a three-month study of the relationship between sexually oriented publications and anti-social behavior among the young.

The Committee has been articulate in its opposition to censorship through legislation of reading materials offered for sale to juveniles, its contention being that a causal relationship between pornography and crime has not been proved. Its study, based on a questionnaire sent to N. J. psychiatrists and psychologists, the Committee says, bears out this contention.

Nine hundred and thirty-four psychiatrists and psychologists were included in the survey. According to the NJCRR, they "gave a heavy vote of confidence to New Jersey's parents, librarians and teachers as arbiters of children's reading. Their general opposition towards controls on the availability of reading matter by the state legislature was evident not only in the statistical data, but in the many comments which the doctors added to the questionnaire forms."

To the question whether they had had normal patients who were provoked to anti-social acts by exposure to sexually oriented literature, 95.3% of the psychiatrists and psychologists answered No, while 5.7% said Yes. Moreover, 66.8% replied affirmatively to the question of whether sexually oriented materials might serve as a vicarious outlet for some individuals, and thus minimize anti-social behavior. 33.2% answered negatively.

A large majority of the survey group (86.4%) did not believe exclusion of sex literature from libraries and retail shops would encourage healthier attitudes toward sex in young people, and 89.2% expressed opposition to legislating such exclusion. Moreover, 66.8% of those questioned agreed that concealment of sexual and anatomical information might result in pathological curiosity.

As many of the psychiatrists and psychologists, the report states, favored no limitations of reading matter for juveniles as favored "limitations imposed by parental decisions within the family." Some of the group favored limitations imposed by teachers, librarians, literary experts and mental health agencies, but less than 5% declared themselves in favor of legislative action.

The report also includes comments which some respondents added to the questionnaire. A clinical psychologist remarked that in 12 years of practice with adolescents—emotionally disturbed and delinquent—he had not seen a single case where harm was done a child by the reading of pornographic material. Likewise, a clinical psychiatrist stated that out of hundreds of disturbed adolescent boys and girls examined at a N.J. clinic within a period of four years, he could not recall one case in which pornography played a "discernible" part in a youngster's disorder. One clinical psychologist suggested that "sexually stimulating materials" might help people to develop a normal sexual drive.

The report concludes that since a sizeable number of mental health experts in the state do not place the blame for anti-social behavior on "smut," "perhaps we should be exploring other avenues to find out how to help the troubled youth (and adults) in our society." —*ACLU Feature Press Service*, 26 December.

Controversial History Book May Be Banned

Controversial history textbook *Land of the Free* may be banned in state classrooms next year if it does not meet state Supt. of Instruction Max Rafferty's approval.

The text which was sent back to its authors along with a critique by a panel of historians for corrections and additions was scheduled for eighth graders next fall.

Rafferty said he'll ask Governor Ronald Reagan and the state Legislature "to withhold the money for its distribution" if the recommended corrections are not made.

"*Land of the Free* when it goes into state school-rooms is going to have to go in a far different form than was originally submitted to the state board and the state Curriculum Commission before I could conceivably approve it," he said.

The controversy developed last May when Assemblyman John L. E. Collier, R-Eagle Rock, called the book "slanted and objectionable" and said he would attempt to halt an appropriation for the text.

Heeding public pressure, the curriculum commission formed a panel of noted historians to review the book and criticisms made about it. The panel prepared a list of revisions which the commission forwarded to the book's authors.

The commission has not yet received a new draft of the text but the authors have indicated they are working on it and will submit a revised edition.

Criticism of the text ranged from it stressed a one world government, quoted accused communists in its texts, and portrayed the United States as a bully. Joining with Collier in the attack were Assemblyman Charles Conrad, R-Sherman Oaks, and state Sen. John G. Schmitz, R-Santa Ana. *Santa Ana Register*, 8 December. The following day use of the book in California schools next fall was unanimously approved by the state board of education with the support of Max Rafferty. The requested corrections had been made.

To the Editor:

I regret to report that as of this writing, a harsh anti-obsenity statute is being considered by the Wyoming Legislature. It was introduced under the sponsorship of the Citizens for Decent Literature, and apparently is being backed by the Catholic Church. It incorporates many of the features of the CLEAN proposal defeated in California. The Intellectual Freedom Committee of the Wyoming Library Association is attempting to defeat the measure.—Paul B. Cors, Secretary WLA IFC.

Judge Blocks Trial

Acting Presiding Superior Court Judge George H. Barnett issued a writ of prohibition yesterday blocking temporarily the scheduled jury trial of San Jose bookstore owner Robert S. Daly in Municipal Court Monday on 16 counts of distributing *obscene materials*.

The writ ordered Municipal Court Judge Edward J. Nelson not to proceed with the case against Daly, 29, proprietor of the Idle Hour Book Store at 176 W. Santa Clara St.

Judge Nelson also was instructed to appear in Superior Court Jan. 5 to show cause why he should not be enjoined permanently from going ahead with the trial.

Daly is accused of selling 11 paperback books, one magazine, two films and two sets of photographs deemed obscene by the District Attorney's Office under Section 311.2 of the California Penal Code.

His attorney, Ephraim Margolin of San Francisco, obtained the writ from Judge Barnett with the argument that the trial should not be held because "the statute is unconstitutional on its face."

Margolin sought the writ after Judge Nelson overruled a demurrer by the attorney seeking to quash the complaint against Daly.

The judge also denied a second motion asking dismissal of the charges.

In addition, Judge Nelson turned Margolin's request that the court conduct a pre-trial hearing to determine whether the materials cited in the complaint were obscene "as a matter of law."

The judge gave no reasons for his rulings which were made immediately following three hours of argumentation by Margolin and Dep. Dist. Atty. Alfred Fabris on the demurrer and the motions. —San Jose *Mercury*, 5 November.

Ervin Gaines Makes a Point

Directors of the Minnesota Civil Liberties Union voted to adopt ACLU's national policy on obscenity following a recommendation by Ervin J. Gaines, chairman of MCLU's Freedom of Expression Committee.

The national policy of ACLU on obscenity which has been adopted by the Minnesota chapter states that "the ACLU believes that only those utterances that create a clear and present danger to society can be restricted. Because there is no definite proof that obscene material does expose the community to such a clear and present danger, laws which limit freedom of speech or the press on grounds of obscenity are unjustified and 'obscenity' as a legal classification is without basis. . . ."

"The Union prefers the use of 'in rem' proceedings against material alleged to be obscene; that is, that a judicial finding of obscenity be considered a prerequisite to criminal prosecution of any person for publishing, distributing or selling such material thereafter. If a finding of obscenity is reached in a proceeding against material directed specifically to children or some other special group, the judgment should be limited to that 'target group' so that other groups will not be affected in subsequent proceedings. . . ."—Minneapolis *Star*, 27 January.

Rutgers to Let Its Professors Speak

NEW BRUNSWICK (N.J.) — (UPI) — The Rutgers University board of governors has voted to allow faculty members to speak out publicly on controversial issues without risk of university punishment.

Under the new regulation, an outgrowth of the 1965 Genovese affair, faculty members are guaranteed the "same freedom of speech and expression as any private citizen and shall be free of institutional discipline in the exercise of these rights."

A faculty member previously faced "institutional discipline" if he said things felt to be "reprehensive and detrimental" to Rutgers.

The issue arose in April, 1965, after Dr. Eugene Genovese, a Marxist who is a professor of history at Rutgers, told a teach-in audience he would welcome a Viet Cong victory in Vietnam.

He later said he was referring to a political victory, and not a military victory.

The statement became a political issue and Republicans demanded that the university fire Genovese. But the board of governors refused.

Dr. Mason Gross, president of Rutgers, Friday praised the change, saying that "university faculty members are guaranteed the right to freedom of speech and expression under the Constitution and the university can not do less."—SF *Chronicle*, 15 January.

Letter for a Timid Librarian

The following letter to parents, prepared by the San Bernardino (Calif.) County Library, has proved highly useful in dealing with young people who prefer to read from the adult book collection without guidance:

To Parents of Young Adults:

The librarian is not questioning teen-agers' reading ability when she asks your permission before allowing them to select adult books. It is because she thinks you are the best judge of their *maturity* level. Many adult books are extremely frank in language and explicit regarding action and sex. If these books have literary value, they belong in the adult collection because the library serves all people.

It is your right to decide whether your young adult is ready to read adult books without the guidance of a librarian.

The library has a Young Adult Collection which is especially selected for young people of junior and senior high school age.

With these facts in mind, please check one of the following:

..... may read adult books *without* the guidance of a librarian.

Yes..... No.....

.....
(Signature of parent or guardian)

The letter can be given to young people of 15, 16, or 17 who are already library users, or to those just registering as library borrowers. Young people not yet 18 years old but who are high school graduates, in the armed forces, or married will not need a parent's signature to read without guidance. For further information, write Miss Dorothy Traver, county librarian.—*Wilson Library Bulletin*, February.

UCLA Suspends Paper

I.

Intro, the weekly art supplement of the UCLA student newspaper, the Daily Bruin, was suspended indefinitely early Tuesday following the use of profane language and a suggestive drawing in a book review.

The suspension came after a five-and-one-half hour meeting of the Communications Board, publishers of the Bruin.

The board, which voted unanimously in favor of the suspension, is made up of nine students, one faculty member and one administrator.

The action was taken after the Los Angeles Police Department and the city attorney's office expressed interest in the case.

The suspension will be effective while a committee appointed by the Communications Board studies what literary guidelines should be set for the supplement.—*LA Times*, 25 January.

II.

Two UCLA students today demanded that the Superior Court issue a writ of mandate to compel Chancellor Franklin Murphy to stop the student newspaper from publishing "dirty words and salacious material."

The petition for the writ alleged that during the past year the UCLA Daily Bruin has been carrying a supplement, *Intro*, containing "lewd and salacious" articles which tend to generate a belief that students at the university are "dissolute persons interested in pornography."

The two students are Alan Bock, vice president of the UCLA Young Republicans and president of the California Young Republican College Federation, and Geraldine Anderson, also a member of YR.—*LA Herald Examiner*, 25 January.

Johns Hopkins Suspends Student Editors

BALTIMORE, Maryland (CPS)—Two editors of the Johns Hopkins University Newsletter were suspended from school last week after running a bitter spoof of President Johnson in their paper, and the heat of the issue is still being felt.

Carl Swanson, dean of Undergraduate Affairs, said that the two co-editors, Melvin Schuster, and Henry Korn, were suspended shortly after University President Milton Eisenhower saw a copy of the article.

Eisenhower was reported furious when he saw the article.

Asked how he could reconcile freedom of the press with the decision to suspend the students, the President said, "Don't ask a stupid question like that. That newspaper is subsidized by the university. It's paid for by us. It's a house organ."

Asked if he thought the article reflected badly on the university administration, Eisenhower said, "No comment. There's a hearing tomorrow. I wouldn't want to prejudice a case."

Following a meeting between the two editors with Eisenhower and University Dean William Shaffer on Monday, the administrators decided to send the case to the student government. SG has the power to remove the editors from their positions on the paper.—*Oregon Daily Emerald*, 20 January.

College Bans Speech by People's Voice Editor

EL CAJON—Grossmont Junior College's board of trustees has banned, by a 3-2 vote, a scheduled campus speech by the editor of a Los Angeles-based Communist newspaper.

The majority on the board said they felt most persons in El Cajon did not feel that M. I. Lasky, editor of the People's Voice, should be allowed to speak on the campus, and that they voted in response to community feeling.

Lasky had been invited to talk at the college Friday night by the Open Forum Club, which sponsors campus speeches by controversial figures.

Twice the club has invited George Lincoln Rockwell, American Nazi Party leader, but each time his appearance was rejected by the board of trustees after El Cajon police said they could not be responsible for his safety.—*LA Times*, 11 January.

At Michigan, Too

Three University of Michigan students and a faculty adviser were arraigned in Ann Arbor Friday on charges of "showing an obscene, filthy and indecent motion picture."

Warrants for the four were issued after Ann Arbor police and Washtenaw County Prosecutor William Delhey viewed a 40-minute film, "Flaming Creatures," seized Wednesday at the U-M Cinema Guild showing.

Arraigned on the warrants were Hubert Cohen, faculty adviser to the cinema group, students Mary Markey and Ellen Franks, co-chairmen, and Elliott Barden, also a student and a member of the Cinema Guild.

All four were alleged to have been present when the film was shown as part of the Cinema Guild's regular presentation and to have previewed the film earlier to decide whether to show it.

The Cinema Guild is an agency of the U-M Student Government Council and has functioned on campus for about 15 years, according to Miss Franks.

The university administration disclaimed any liability for the showing of the film. An administration statement said: "If public law . . . is violated . . . and a citizen is guilty, he takes the consequences."

Conviction under the Michigan statute governing obscene films carries a maximum penalty of up to one year and a fine.—*Detroit Free Press*, 21 January.

Free Speech, Ltd.

Adlai Stevenson: "I yield to no man in my belief in the principle of free debate. The sound of tireless voices is the price we pay for the right to hear the music of our own opinions. But there is also a moment at which democracy must prove its capacity to *act*. Every man has a right to be heard; but no man has the right to strangle democracy with a single set of vocal cords."—*Reader's Digest*, February.

Cornell Kills "Trojan Horse," Supreme Court Justice Revives It

ITHACA, N.Y. (AP) — A State Supreme Court justice has issued an injunction to halt the sale or distribution of Cornell University's literary magazine, *The Trojan Horse*, described as "obscene, lewd . . . and disgusting."

Justice Harold Simpson issued the order late Friday at the request of Dist. Atty. Richard Thaler of this central New York college community.

Thaler acted after he came to the campus and was met by more than 1,000 shouting students, who were protesting the administration's confiscation Thursday of the magazine.

Six students were taken into custody but were released without being charged. They were picked up after students surrounded several police officers and a patrol car.

When Thaler tried to speak to the students, his comments drew jeers and shouts of: "What right do you have to be a literary critic?"

At issue is an article entitled "Selections from a Journal of David Murray," an account of the author's sex life. The article also contains several hand-drawn illustrations.—*LA Times*, 22 January.

Two days later the Cornell faculty committee on student affairs voted not to prohibit sale of the magazine. And on 27 January Justice Simpson revoked his

injunction, saying the student magazine contained "much that is vile and evil," but that its sale could not be forbidden.

Great (?) Obscenity Case

With all the distressful matters that have occupied an editorialist in recent weeks, it's a relief to come across a matter that arouses a lot of people, but hardly amounts to anything.

A case in point is the "Great Cornell Obscenity Case."

A literary magazine ran a scatological article of no literary merit, and the university officials responded by banning the issue of the magazine. This probably wasn't very wise.

This, in turn, gave various campus nitwits an opportunity to demonstrate about something, so demonstrate they did.

Where all this will lead nobody knows. But with all the tensions, national and international, it's relaxing to read about excitement over something that doesn't mean very much at all.

Let the students read all the trash they want. Let the deans and dons engage in fierce debate. It's a pity duels aren't fought any longer, because a duel over the article would give a proper classic ending to this saga. The proper weapons might be Crow's Quill pens instead of something more lethal.—Brighton-Pittsford (N.Y.) *Post*, 26 January.



"Before we go voting for frills like an auditorium, some of us would like to know who's going to say what in it!"

— *New Yorker*, 21 Jan.

School Bans Two Books

WOODBURN (AP)—The novels "Brave New World" and "1984" have been suspended from use at Woodburn High School.

Twelve members of the Woodburn Bible Baptist Church said Tuesday night that they disliked the books "allusion to sex."

"Brave New World" is by Aldous Huxley and "1984" by George Orwell.

Superintendent of Schools Frank P. Doerfler said the school board agreed to evaluate the books in study groups and that meanwhile the books would not be used.

Doerfler said the books were required reading for some English classes.—Eugene, Ore. *Register Guard*, 15 December.

A month later, on 9 January, the Woodburn School Board accepted a special committee's recommendation that the two books "be made available to students." The committee side-tracked the issue of their alleged obscenity by suggesting the word "required" be eliminated in reference to any reading list. The committee also recommended that students finding the books objectionable could request substitute reading material.—Salem *Capital Journal*.

Weak-Kneed Board

The Woodburn school board has knuckled under to the protests of a fundamentalist preacher and has removed Aldous Huxley's *Brave New World* and George Orwell's *1984* from reading lists for a course in "Man and Society." The preacher thought the books were dirty.

The losers are the high school students who will not be exposed to two of the most important social criticisms of our time. The books are not dirty. They are thought-provoking and intellectually stimulating. In some places they are funny, in a "gallows humor" sort of way.

Young people cannot sufficiently understand the world they live in unless they examine some of the works that are perceptively critical of a possible result of the course mankind is following. They cannot be educated people if their intellectual fare consists only of the likes of "Beautiful Joe" and "Little Women."

Reading lists should be the work of people who have read widely enough to know the beefsteak from the pacifiers. Schoolmen, almost without exception, have demonstrated they can be trusted with this professional responsibility.

The parents of Woodburn children should find out exactly who was so feckless as to give in to pressure on this issue. They ought to take care of him.

Smut, like beauty, lies in the eye of the beholder.—Eugene *Register-Guard*, 23 December.

NODL Does It Again

We suppose we really ought to refrain from reporting that the most salacious reading to cross our desk this year was found in the Winter issue of *NODL Newsletter*, official organ of the National Office for Decent Literature. But who's perfect?

On the Side of Which Angels?

One of the finest statements on the nature of censorship to come along in many months is an editorial in the *Bend Bulletin*. The editor commended the Woodburn School Board for an apparent reversal of policy. The board voted to permit *Brave New World* and *1984* to repose on the shelves of the high school library. It is noted that students who don't want to read those books, which a citizen complained were "dirty," don't have to read them.

"The most aggravated form of censorship," the editorial says, "is demonstrated by the book burner. If he wants to burn his own books and take the necessary steps to keep the fire from spreading to his neighbor's property, he is harmless. If he wants to persuade you to burn your books he is, at the worst, annoying. But if he wants to burn your books without your consent, he had better have some very good reasons."

The censor who is afraid of a book doesn't have to read it. He can make a pest of himself by trying to persuade others not to read it. But when he tries to tell others flatly what they can and cannot read, the burden of proof lies heavily on him, the paper says.

It notes that the censor is always a "good guy." He gets his fingerprints on the lurid passages in books he'd ban. Yet, he doesn't seem to be corrupted himself.

The censor's line of reasoning is that people who read dirty books are thereupon motivated to go out and do dirty things. However, there is little evidence to bear this out and substantial evidence to dispute it. Young people who get into trouble are most often those who don't read at all. Reading as a cause of juvenile delinquency ranks very low, so low that it does not even appear on one authoritative list of 90 causes. Rather than doing wrong things because of what they read, wrongdoers are more likely to prefer dirty books because something is already wrong with them. As the *Bend* paper says, reading does not create an appetite; it feeds it. If the censor's justification of his grubby work is correct, then why does not he, himself, turn into a fiend?

The *Bulletin* explains: "The censor does not want his own morals protected. His morals are high, a fact he is willing to tell the rest of us at the drop of a hat. . . . He wants to save us from something. He wants to save us, not by reasoning with us, but by force of some public body . . ."

It's a small step from censorship on moral grounds to censorship on political grounds. Many of the "good" people who urge censorship can see no difference between moral and political issues. Moreover, the censor keeps busy only by censoring. He is safer, and seems to be doing a better job, if he prohibits the questionable rather than letting it pass. Or, as the *Bend* paper puts it, "When he is in doubt, he will err on the side of the angels." His angels, of course.

The late H. L. Mencken put it another way. Wrote the sage of Baltimore, "When A annoys or injures B on the pretense of improving B, A is a scoundrel."—Eugene *Register-Guard*, 22 January.

ACLU Petitions Court

A friend-of-the-court brief submitted by the American and Michigan Civil Liberties Unions asks the United States Supreme Court to rule on the question of whether writings should be barred on the ground of obscenity, or judged from the broader base of First Amendment guarantees of freedom of expression.

The brief deals with an appeal from a decision of the U.S. Court of Appeals for the Sixth Circuit in the case of two men convicted of mailing into Michigan the allegedly obscene paperback novel the *Sex Life of a Cop*. The ACLU also asks that the Supreme Court consider whether this novel, which represents a class of books widely sold throughout the country, should be protected as "speech."

The convicted men, W. D. Maxy and S. E. Aday, are Californians who, when convicted in a Federal District Court in Michigan, were fined \$25,000 and \$10,000, and given prison sentences of 25 and 15 years. The ACLU and its Michigan affiliate, in asking for a reversal of the convictions in the Courts of Appeals, declared that the sentences were the most severe ever imposed for the distribution or publication of reading materials, and condemned them as "cruel and unusual punishment," and as an encouragement to censorship by "intimidation on a gigantic scale."

The three-judge appellate court made no criticism of the fines imposed on the defendants, but ruled that the prison terms of 25 and 15 years were unduly severe, and recommended that they be reduced to not more than 10 years each.

The ACLU brief to the high court repeats the statement made in its brief to the Court of Appeals that the *Sex Life of a Cop*, while not qualifying as "enduring literature," is "speech," and entitled to the protection of the First Amendment. The brief urges the Court to abandon its "present obscenity per se approach to expression dealing with sex," which was laid down in *Roth v. United States* in 1957, and *Jacobellis v. Ohio* in 1964, and to establish a test applicable to all expression, regardless of whether it deals with "government, race, war, sex, religion, etc."

"We are opposed to the application of different tests to different expression, depending upon its subject matter," the brief explains.

The ACLU and its Michigan affiliate contend further that though the Court has dealt with a great variety of sex writings, it has not dealt with a book like "Sex Life of a Cop." The book, they say, describes a great volume and variety of sexual activity, but its language is not obscene. It can be called a "dirty book" but not hard core pornography, and is not obscene according to standards set by the Court, they claim. Moreover, since so many books of this type are offered on paperback racks in cities, towns and villages throughout the country, the brief concludes, the question of whether or not such books are protected as "speech" should be decided.

The friend-of-the-court brief is signed by Melvin L. Wulf of New York, legal director of the ACLU, Rolland R. O'Hare, chairman of the ACLU of Michigan, as well as Erwin B. Ellman, general counsel, and John A. Fillion, attorney for the ACLU of Michigan.—ACLU Feature Press Service, 9 January.

De Sade in West Lafayette

The West Lafayette City Council is defending Police Chief John W. Minnick's removal of a book from the shelves of a store near the Purdue University campus on grounds the chief was serving as guardian of the community's morals.

Further publicity is expected for the book *Marquis de Sade* at a full-dress review of the matter in a Council hearing. Chief Minnick labeled the book, "The filthiest I've ever read."

Some persons wonder that if the chief had not made it an issue, whether the 17,000 citizens of West Lafayette and the 22,000 Purdue students would have continued to ignore the book. Or will this be another case in the long history of censorship where a book achieves sudden popularity after it has been banned? —Indianapolis News, 25 November.

More Trouble with "Mockingbird"

To Kill a Mockingbird is under fire in Alabama. The book has been removed from the Muscogee County approved list of high school books "because of the integration question," according to the county's assistant superintendent of schools Fred Kirby. The 1961 Pulitzer Prize winning novel by Alabama-born Harper Lee concerns a white lawyer in a small Southern town, and his defense of a Negro falsely accused of raping a white girl. Although it will remain on library shelves, it can no longer be used for book reports or regular study.

"We have no objection to any student reading it voluntarily," Kirby explained, "but if we prescribe it, it's another thing." Although the removal applies only to the county's Hardaway High School, teachers elsewhere expressed concern that book selection would be further curbed in the future. —LJ, 15 October.

"Just for Kicks"

William C. Bray, a Huntington Beach, California, liquor store owner, was found guilty on 7 December of selling obscene paperback books.

A jury of seven women and five men deliberated four hours before finding the 42-year-old Bray guilty on one of five counts. The prosecution had charged the books named in the complaints were "contrary to public moral standards."

The defense immediately indicated it will ask for a new trial and appeal the jury's decision if the retrial request is denied. Sentencing was set for 13 December.

Verdict was reached on bases of only one (*Just for Kicks*) of five titles involved in case. The other four failed at least one of three tests of obscenity used by the jury. Bray was fined \$1,000 on 13 December and given 3 years probation. New trial was denied.

Box Score

(No Comment Division)

Number of clippings received from our clipping service during the past three years:

1964	2963
1965	3510
1966	3947

"American Opinion"

Debate on the role of censorship in the Braintree, Mass. Thayer Public Library, by the library trustees was precipitated by the offer of a copy of *American Opinion*, a pamphlet published by the John Birch Society. Some questions of policy to be considered are whether *American Opinion*, if accepted, should be circulated and who should decide what will be kept on the open shelves of the library. (7.31.66)—*ACLU Feature Press Service*, 9 January.

White House, Pentagon Hit for Secrecy

CHICAGO (UPI) — The Freedom of Information Committee of Sigma Delta Chi, professional journalistic society, has accused the Johnson administration of "censorship and secrecy."

The committee's annual report issued this week was specifically critical of defense Secretary Robert McNamara and the Pentagon.

"An atmosphere of censorship and secrecy has characterized the administration's policies, particularly at the White House and the Pentagon," the report said.

Noting that White House relations continue "to be a point of irritation for reporters," the report quoted a "top White House reporter" as saying, "President Johnson seems increasingly reluctant to recognize the legitimate needs of the press, and his staff seems increasingly reluctant to press these legitimate needs on him." — *Register-Guard*, Eugene, 3 November.

"Bondage Cabin" Obscene in El Monte

An El Monte, California, jury on October 18th convicted Samuel Ratner on three charges of distributing and promoting the sale of obscene material. Charges involved the sending of an unsolicited brochure advertising "obscene" books and films to an El Monte first grade teacher, and the mailing of a book entitled *Bondage Cabin* and a film *The Count and the Manacled Maidens* to the same woman. After the verdict Municipal Judge John K. Otis made an independent ruling that the materials involved were obscene, the Judge being required to make this determination at some time during the trial. Arguments on the defense motion for a new trial were set for November 15, as was the date for probation hearing and sentencing if the motion is denied. Ratner was sentenced on 29 November to six months in jail, and was freed on \$1,000 bond pending appeal.

The Manchester Rhubarb

We don't mean to ignore it, but the Kennedy efforts to suppress portions of *The Death of a President* have engendered just too much conflicting copy for adequate review in these brief pages. Coverage will have to depend on entrees in "Current Bibliography," the first of which, by Roger H. Smith, is noted in this issue. We trust the Kennedys have learned anew the axiom that censorship is not only undesirable, but that it is impossible. Like murder, the truth will out.

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