



OIF ALA

# on Intellectual freedom

Edited by LeROY CHARLES MERRITT, Dean, University of Oregon School of Librarianship

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## Intellectual Freedom and Intellectual Honesty

If librarians are ever going to surmount the obstacles and problems that censorship imposes, a more straightforward and intellectually honest approach is needed.

Where book selection policies are restrictive, they should be changed. Librarians who practice caution with a strong policy should re-examine their attitudes. Standing by the sidelines without offering assistance while a librarian flounders under a censorship attack, is unworthy.

Deceptive practices which are commonplace in many libraries include:

1. Maintaining a weak book selection policy statement and no effort being made to strengthen it.
2. Exercising cautious book selection because of fear even with a strong selection statement.
3. Waiting for a year or two to add a possibly controversial item until the "climate" is better.
4. Limiting access to books and materials once added, anticipating an adverse reaction from some patrons or parents.
5. Placing books in offices, closed stacks, or other restricted areas after complaints are received; leaving the books there indefinitely, or moving these back to open shelves once the "danger" is over.

The biggest offender in this area is usually the library administrator. It is he or she who sets the tone of the library's operation as to the provision for "controversial" ideas and access to them.

Political realities being what they are, it's understandable why many librarians are unwilling to put their necks on the line. It's just too easy to go along with keeping things quiet, being flexible, burying controversies, overlooking shoddy reasoning, protecting those who are prone to censor, and thereby limiting the collection available to the public.

Until our profession can speak with a loud, clear voice on this matter and provide concrete assistance quickly to librarians, we will continue to be plagued with a censorious attitude in many libraries.

It is hoped that librarians will ask themselves this question: "Am I declining to add this volume to the collection because it does not fall within the scope of our book selection policy, or am I *really* not adding this book because I am afraid of repercussions?"

An honest answer will aid in extending the cause of intellectual freedom.

— Homer L. Fletcher, Vallejo Public Library

## Richmond Librarian Resigns— Rightist Pressures Peril Library Programs

Richmond head librarian John Forsman resigned at the end of January, effective April 1. His action, Forsman said, was taken now because he is sure the same group of right-wing extremists who attacked the Library last fall will do so again in relation to the upcoming city elections, and he hopes by removing himself from the scene to preclude their using the library system as a campaign issue.

During Forsman's regime the Richmond Library took two giant steps toward serving the black and Spanish-speaking community. One of these achievements was the establishment of the Service Center branch, now just one year old. The other is the proposal for a "cultural media center," including a broad library program, at Shields Park in North Richmond, which has never before had more than a Bookmobile to serve its community.

Forsman said he was especially anxious that his convictions about intellectual freedom not be used as a weapon to deprive the black community of needed library services.

"I think the John Birch Society is a great danger to the city of Richmond. The library had no problems until the John Birchers began their attack.

"The people of Richmond will have to wake up to the fact that if they allow this small group of extreme rightists to dominate the *Independent* on Saturday's, and if liberal and responsible people do not rise up and defend their library, their schools, their city government—then this group, and those with them, will ruin the city of Richmond."

He added, "Until liberals will work as hard as right-wing zealots, the library and other institutions will never be free from attack."

Forsman named Mrs. Dorothy Strindberg, Mrs. L. Klock, and Mrs. Edward Walker as the "right-wing zealots" he had in mind, saying that he believes Mrs. Strindberg still intends to be a city council candidate.

Forsman intends to remain in the Bay Area if possible. He and his wife live in Berkeley.

### Yup, Always!

"And there is always the good old *Newsletter on Intellectual Freedom* to report the success or write the obituary."—Gordon McShean, asking "Are There Disturbed Librarians?" in the *Wilson Library Bulletin*, December.

## Censorship in School Libraries

The Orange County Board of Education found a curious way to erase a fallacious fear that the book *Hiroshima*, if placed in a new county school library, would encourage the ban-the-bomb movement. They banned the book.

They may argue technically that the book was just removed from a recommended purchase list for the library at the New Youth Guidance Center School, a juvenile detention facility. But it was a clear act of censorship.

The book was dropped at the urging of Dr. Dale E. Rallison, a member of the John Birch Society, who uses his own private "advisory" committee to review school books. He claimed the works by Pulitzer Prize-winning author John Hersey lacked balance and gave a one-sided account of the use of the atomic bomb against Japan in 1945.

Several other books on the list approved by the district staff were also dropped, two of them because Dr. Rallison claimed the authors lacked understanding "of the nature of communism."

Despite opposition from one member, Don Jordon, the board backed Rallison and rejected *Hiroshima* even though it is recommended for use in high schools by the American Library Assn. and the senior high school library catalog, whose listings are reviewed by librarians and literary experts.

Dr. Robert Peterson, Orange County school superintendent, says the issue is one involving "the best use of money available"—not book banning. Yet only one inexpensive book is involved.

Library shelves should stock a wide variety of ideas. We must not try to suppress disturbing historic facts that may question our consciences or actions.

There is a fine line between book banning and book burning. The ridiculous Orange County action should serve as a warning that attempts at thought control must be rejected—if we are to remain a free, informed people.—L.A. *Times*, 31 January.

The Orange County Board of Education reversed itself on 13 February. —Ed.

## Judge Knows Best

A judge, and not police officers, must make a preliminary determination of the probable obscene character of material before a search warrant can be issued and the material seized, the presiding judge of the Denver County Court ruled Friday.

Judge George A. Manerbino handed down a decision on a motion to suppress seizure of magazines, pictures, film and a book taken from the Ace Book Store, 918 18th St., last September 18.—Denver *Post*, 17 January.

## Intellectual Freedom in Washington and Atlantic City

Prior to Midwinter, the Intellectual Freedom Committee (IFC) had been queried regarding the necessity and desirability of revising and/or supplementing the FREEDOM TO READ STATEMENT to meet the problems and issues of the 1970's. While the Committee believes some revamping may be necessary, it can not act unilaterally since the STATEMENT was developed in conjunction with the American Book Publishers Council. A representative of ABPC attended the IFC meeting, and it was decided to form an ad Hoc Committee composed of representatives of ALA, ABPC, and the National Book Committee to study the STATEMENT. Further action will be based on the outcome of this session.

Having surveyed similar type organizations and consulted with legal counsel the I.F.C. determined that a support fund to be used in regard to librarians who are forced to resign or are fired from their jobs in defense of intellectual freedom, and a program of action to be used in regard to institutions violating the spirit of the Library Bill of Rights were legal and feasible. A subcommittee was appointed to meet in late February to draft specific plans and guidelines for the support funds and program of action.

The program to be held by the I.F.C. during the Atlantic City Conference will contain three parts: legislation, the support fund and program of action, and education. The legislative part, which will take place from 8:00 a.m. until 10:00 a.m. on Monday, June 23, will focus on a paper to be presented by a nationally known figure discussing the legislative framework in which intellectual freedom, especially the freedom to read, currently functions. The objectives are to provide information on the current situation and to clarify the aspects of legislation especially pertinent to the library situation. A panel, composed of a librarian, an educator, a publisher, and a citizen will react, after which a discussion period will be held.

Following the legislative session on Monday, the results of the study regarding the legality and feasibility of the support fund and program of action will be discussed. The plan for future action will also be presented.

The final part of the Intellectual Freedom program will be on education, and will occupy all of Wednesday morning, June 25. The objective is to give concrete help in overcoming intellectual freedom problems. The program will include a discussion of the preparations that can be made prior to the development of problems and will also discuss means to combat problems if and when they arise. Several of the speakers will be persons who have recently been involved in confrontations. As well as explaining how they met the problems, the

speakers will also indicate the tactics now being used by would-be censors.

In other actions, the I.F.C. determined that its Statement of Responsibility should be clarified. Several alternate wordings were suggested and following consultation with legal counsel, the most appropriate will be acted upon.

Pending the outcome of the major promotional effort, now under way regarding the *Newsletter on Intellectual Freedom*, the committee approved an increase in the subscription rate.  
—Judith F. Krug

## MLA Prexy Testifies Against Obscenity Bill

ANNAPOLIS, Feb. 5—Passage of a measure aimed at tightening Maryland's obscenity laws "could deny children free access to books and works of art" in Maryland libraries, a legislative committee was told today.

Norman Finkler, president of the Maryland Library Association, told the House Judiciary Committee, the measure is "highly subjective, vague and general" and would perform no useful function. He was the only witness to testify.

The bill, drafted by the Legislative Council, would set a more strict standard of obscenity for children than for adults.

It would establish as a misdemeanor the distribution to children under 18 of material containing "any description or representation, in whatever form, of nudity, sexual conduct (or) sexual excitement" that could be considered "harmful."

Finkler said the legislation could prevent libraries from permitting children to read or borrow books by such American authors as Ernest Hemingway, William Faulkner, John Updike and John O'Hara.

"The legislature is intervening in what is primarily a family and religious responsibility," he said, by seeking to protect juveniles from obscenity as defined in such broad terms.

Finkler, who is also deputy director of Montgomery County's library system, urged the Committee "at the very least" to exempt institutions such as schools and libraries from the bill.—*Washington Post*, 6 February.

### Box Score

#### (Back to Normal)

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

1964	2963
1965	3510
1966	3947
1967	1958
1968	2728

# Sex Education on Open Shelves

December 12, 1968

Mr. James V. Fitzgerald, Chairman  
Board of Supervisors  
County Government Center  
Redwood City, California

Dear Mr. Fitzgerald:

As requested, I am submitting a report on the questions raised by Mrs. Alice D. Weiner concerning the availability of sex education books on the open shelves of the County Library.

Books selected for the County Library collection are evaluated by the professional staff—children's books are reviewed and appraised by the children's librarians; adult books by the professional staff who work with adults and young adults. This evaluation takes into account our own assessment of the material as well as published reviews of the titles. The two books about which Mrs. Weiner complains were evaluated in this manner.

In review of the questions raised concerning these two titles, they have been re-examined by myself, by the Children's Librarians, the Young Adult Librarian and the San Carlos Librarian. This re-evaluation confirms our original assessment that these two titles should be in local community libraries of the San Mateo County Library System. The book, *Love and Sex in Plain Language*, was written by Eric Johnson, a teacher in the Germantown Friends School in Philadelphia. At the time this book was added to our collection in 1965, our evaluation was that the subject matter was handled with reserve, objectivity and taste and that the author always gave emphasis to human emotions and relations rather than to the science and mechanics of sex. Re-examination of this title has confirmed our original evaluation.

The other title, *Sex in the Adolescent Years; New Directions in Guiding and Teaching Youth*, is in the adult collection of the library. The introduction to this book clearly states that it is a collection of essays "assembled for parents, counselors and all who work with young people." The contributors are authorities in the fields of counseling, psychiatry and medicine. The editors emphasize the need for reading the book as a guide without having to accept every point of view expressed. This book is published by the Association Press which is the publication department of the National Council of the YMCA's of the U.S., and this is clearly stated on the book jacket. Mrs. Weiner is in error when she states that it is published by *Sexology* magazine. Mrs. Weiner seems to be objecting to the book not on the basis of an objective evaluation of its content, but rather on the basis of the association of the editors with the editorial board of *Sexology* Magazine; the fact that the articles appeared in the Parent-Guidance

section of that magazine appears to have caused her to condemn the book without any evaluation of the contents. We believe that it is a book of merit which should be in the library collection.

Mrs. Weiner recommends that sex education books for children be kept behind the desk, or in some form of closed shelf. The library does not restrict such books in this manner, because it is felt that this material bears a logical relationship to the books which deal with anatomy and human physiology; by shelving all of the books according to the classification scheme this material is brought together and the child's natural curiosity can be satisfied by factual material presented in an honest, straightforward way. If the material on sex education is deleted from the normal logical arrangement and shelved in a special section where the child has restricted access, it creates the impression that there is something secret, furtive and abnormal about the subject.

The reason for shelving some adult books behind the desk is because of the high incidence of theft and mutilation of these particular titles.

Mrs. Weiner also states that she has found the Belmont and San Carlos libraries to be deficient in reference resources. Although it is not possible to provide each one of our community libraries with all of the reference resources which every patron may need, our staff makes every effort to meet patron's reference needs through loan of material either from within our library system or by loan from other libraries. In at least one instance, information which Mrs. Weiner desired was supplied her through photocopies of material from the Mental Health Library; we would certainly make every effort to secure additional material for her.

In summary, I believe that the library collection should include the two titles cited by Mrs. Weiner and I believe that our present "open shelf" policy for sex education books should be continued.

Sincerely yours,  
Virginia L. Ross  
County Librarian  
San Mateo County, CA

## Book Selection and Censorship

"No literary work is in itself proper or improper for the schools. Its suitability must be judged in terms of its development of the student's intelligence and critical sensibility; and the effect on the student of the book taken as a whole. The responsibility for making in any given case judgment must rest with those best qualified by training and experience to do so, the members of the teaching profession in English." —NCTE Commission on Literature in *NCTE Council-Grams*, November, 1967, p. 3.

## Little or No Censorship in Texas

AUSTIN.—Texas librarians have been enjoying a respite for the past two years from what they call “censorial demands”—pressures for book censorship or removal. And there are signs that another year of relative calm awaits them.

When state library and education officials tell you that almost all has been quiet on the censorship front for the past two years, they invariably add, “. . . thankfully.” Many of them still wear battle scars from the spate of book-banning efforts through 1963.

Dr. Carl Wrottenbery, chairman of the Texas Library Association’s Intellectual Freedom Committee, and library director for the University of Corpus Christi in Corpus Christi, admits: “There have been a few pressures in the past couple of years, but none actually came to the specific attention of the committee.

“And I know there has been no instance of removal of books from libraries of banning in the 12 months I’ve been chairman,” he adds.

Wrottenbery and state association leaders in Austin are dedicated to the premise of the American Library Association’s “Bill of Rights,” that, “The rights of an individual to the use of a library should not be denied or abridged because of his age, race, religion, national origins or social or political views.”

They also respond to the bill’s mandate that librarians should “challenge” censorship in line with their responsibility to provide public information and enlightenment. So, they’ve been working to perfect the challenge.

Mrs. Marie Shultz, Director of Field Service for the Texas State Library, which keeps in close touch with some 350 public libraries as well as school libraries as an interlibrary transfer agency, says most librarians have developed strong book selections procedures. This protects them from any charge that a selection is “arbitrary.”

But the final score was heavily in favor of intellectual freedom. Only 15 per cent of all the books complained of were removed from libraries, according to Mrs. Swogetinsky’s study.

When the legislative committee wore itself out (without any effect on legislation), the whirlwind of lay censor activity dissipated. There was a spurt of activity at the State Textbook Selections Committee level in 1965, when biology texts were up for adoption and some parental groups protested the inclusion of the theory of evolution in them.

But educators insisted that they did not see how the publishers could omit the theory from biology texts, and the protest movement subsided rather quickly.—*Denton Record-Chronicle*, 26 December.

## Free Press Fight Is On in Michigan

LANSING, Mich.—A classic test of the constitutional right of a free press to criticize an allegedly corrupt judiciary appears to be shaping up in Michigan.

At the center of the swirling controversy is a Howell, Mich., newsmagazine publisher, James C. Turner. In effect, Mr. Turner contends that the power of courts to punish for contempt was unjustly invoked against him in an attempt to stifle his criticism of the local judiciary and organized bar.

Four elements of the newspaper community have now rallied to Mr. Turner’s defense in his fight against a 15-day jail sentence and \$150 fine on a contempt of court conviction.

The case is up for review by the State Court of Appeals.—*N.Y. Times*, 13 October.

## ‘Aroused’ Not Obscene

U.S. District Judge Hubert Will in Chicago this week issued his written opinion involving the motion picture *Aroused* and enjoining State’s Attorney George A. Sangmeister from criminal prosecution based on the alleged offense of obscenity.

The injunction was sought by Cambist Films, owner of the film.

In his conclusions, Judge Will stated *Aroused* is not obscene and because the defendants (Will County Officials) have engaged in a continuing course of conduct in violation of the Constitution of the United States the court must enjoin the prosecution on this charge.”

Judge Will said seizure of the film, even with a search warrant, was in violation of the First Amendment of the Constitution because there was no prior hearing on the question of obscenity.—*Joliet Herald News*, 24 October.

## New Atlanta Obscenity Law

The Atlanta Board of Aldermen on 3 February unanimously approved an anti-obscenity ordinance patterned after a New York law that has been declared constitutional by the U.S. Supreme Court.

The ordinance makes it unlawful to sell or loan for monetary consideration, pictures, photographs or printed material depicting “nudities, sexual conduct or masochistic abuse which is harmful to minors or verbal description of the above acts . . .” to persons under 17. The ordinance also covers movies.—*Atlanta Constitution*, 4 February.

## People Waking Up

People are finally waking up to the dangers inherent in the so-called "Clean Law" that the Denver City Council has put over on the city. It was done at the behest of a lot of well enough intentioned but badly misguided people. The same people have persuaded Aurora to pass the same ordinance and are now working on Westminster. Littleton, to its great credit, turned the measure down. But the crusade goes on, and will reach the state legislature in January.

Ostensibly this is a noble attempt to protect the children from obscene, prurient, pornographic books, pictures, and other forms of art. If it did that and only that, nobody would object to it. But like any other censorship measure it is open to all sorts of interpretation, even raising the question of who is qualified to interpret it, and thus it seriously threatens the democratic right of every one of us to read whatever he chooses to read, and without the say-so of the local zealots.

The Colorado Booksellers Assn., no member of which would ever knowingly violate what the law is presented as intending to do, has finally taken a look at its possible interpretations, and is alarmed. So are we. We subscribe fully to a statement adopted by the booksellers and addressed to the Governor and the legislators. That statement reads as follows:

"We have become aware of a censorship bill urged upon our state legislature, similar to the ordinance recently adopted in Denver. We are strongly opposed to such legislation.

"As booksellers, we are dedicated to the belief that censorship in any form is damaging to a healthy society. We believe that the vast majority of Colorado citizens, young and old, are capable of accepting the good and rejecting the bad in their reading by exercising their individual critical judgment.

"It is not reading habits that determine one's attitude toward life, sex, and social responsibility, but rather attitudes that determine reading habits. There is complete absence of proof that reading of any sort is basically harmful to people of any age.

"Censorship legislation is a long and dangerous step toward sanctioning government control over the expression of ideas, and it clearly threatens the basic freedoms of speech and thought.

"We respectfully urge you actively to oppose this measure."

At the monthly meeting of the board of managers of the Friends of the Denver Public Library last Monday, it was voted unanimously to support and endorse the stand of the Colorado Booksellers Association against the bill. Other organizations are expected to follow suit.

If the law itself were not such a threat, some of the comments on it would be more amusing. One outraged lady observed, after reading the measure, that the thing

itself was probably the most obscene document she had ever seen. A clergyman, on being told about it, sighed and said that he did wish there were some way to get the Bible past such a law. At a time when intelligent people deplore the present decline in respect for law, it is inconceivable that responsible legislators would enact one that invites the contumely of censorship—Stanton Peckham, Book Editor, *Denver Post*, 24 Nov.

## Anti-Franco Play Banned by Paris for State Theaters

PARIS, Dec. 21—The French Ministry of Culture has ordered a state-subsidized theater here to stop rehearsals of a play attacking Generalissimo Francisco Franco on the ground that it violates unspecified international standards.

The play, *Passion in Purple, Yellow and Red* is by Armand Gatti. Rehearsals had started three weeks ago at the Theatre National Populaire. The opening had been scheduled for February 11. A spokesman for the theater said it was the first time the Government had vetoed one of its productions.

Notification of the ban was received this week at the theater. Simultaneously, a communique issued by the Culture Ministry said that "because of international rules usage, the Government has given orders that this play be eliminated from the repertory of this state theater."

The communique from the ministry of Andre Malraux, an active participant in the Spanish civil war on the anti-Franco side, specified that private, as against government-subsidized theaters, remained free to produce the play.—*N.Y. Times*, 22 December.

## Ole Miss Ban of Evers Fails

UNIVERSITY, Miss.—For the second time in two years a federal court restraining order has been invoked by University of Mississippi students in order to bring invited speakers onto the Ole Miss campus.

The order was issued at students' request by federal judge William C. Keady to prevent the Mississippi State Board of Trustees from using their speaker ban to bar civil rights leader Charles Evers from an Oct. 2 speaking engagement.

Evers had been invited by the university's Young Democrats and Students for Humphrey-Muskie chapters. Evers, the brother of slain civil rights leader Medgar Evers, is NAACP state director and a Democratic National Committeeman from Mississippi.—*UCLA Daily Bruin*, 10 October.

## Lakeland Suspends Student

LAKELAND (AP) — A Lakeland mother says she is “fighting mad” because school officials suspended her son from school and labeled a newspaper in his notebook “communist.”

“I am going to go to the FBI if I have to,” said Mrs. Miriam Gessner. “They won’t even let me see the newspaper.”

But Lakeland Senior High School officials were standing fast on the five-day suspension of Mike Gessner, a 16-year-old senior who carried to class a copy of *The Fifth Estate*, a tabloid published in Detroit.

“As adults, we have to be able to protect our students,” said Assistant Principal William D. Bryan. “I would not want my son to see this.”

Principal Morris Zipprer ordered the teenager suspended on grounds he was “displaying a pornographic publication” which administrators deemed “definitely obscene.”

Young Gessner maintained he was not showing the newspaper around school although a teacher seized it from a pupil who sits next to him. The pupil spotted the newspaper in his notebook and asked to see it, the youth said.

“Mr. Zipprer is trying to do all he can to protect Americanism, but actually he is destroying all we have fought for,” Gessner said. “I was merely exercising a constitutional right.”

Young Gessner said he got the issue of the paper through the mails after answering an advertisement offering a sample copy.

Bryan said it was a clear-cut case of the tabloid being obscene. He said officials acted under a State Board of Education regulation which allows suspension for “willful disobedience.”

Young Gessner disobeyed, he said, by bringing the newspaper on school grounds after earlier being warned about having a Southern Student Organizing Committee pamphlet called *High School Reform*.

Bryan said the pamphlet advocated violence to effect changes in high schools. He called the newspaper “a communist sort of thing.”

The youth’s father, psychologist Dr. Alan Gessner, said he could not make a judgment on the newspaper because officials had not permitted him to read it. He said he had raised his children to express their thoughts and he defended their doing so, even if he sometimes disagreed with their views.

Dr. Gessner, an instructor in behavioral sciences at the University of South Florida, said his “feeling is that they (school officials) have become overly concerned and have overreached. I think they could have taken less drastic action.”—*Cocoa Today*, 23 November.

## L.A. Parks Commissioner Denies Permits

A free speech controversy erupted Thursday within the Recreation and Parks Commission as it denied for a second time permission to a political group to hold a rally in park facilities.

The commission voted 3 to 1 against a staff recommendation to grant a permit to the Los Angeles Free Press to hold an Autumn Equinox festival in Elysian Park this Sunday. Its action also went against a legal opinion by the city attorney’s office.

Bryan Crahan, deputy city attorney, told the commission they had no legal right to restrict a private group from using park facilities, after granting the same right to other groups in the past.

He said the opinion was based on a 1965 U.S. Supreme Court decision, *Cox vs. Louisiana*.

Last week the commission also denied a similar request by the Peace Action Council for facilities at Rancho Cienega Stadium, 5001 Rodeo Road.—*L.A. Times*, 20 September.

## The Checkered Frog

Dear Mr. Sale:

You have expressed concern over the fact that the Sanchez Library has available for distribution book-marks from the local bookstore—The Checkered Frog. One of the functions of a public library is to encourage people to read. Since many people wish to know where they may purchase copies of books which they would like to buy for their personal library, we feel that we are rendering a service by supplying them with this information. If there are other bookstores in Pacifica, we would be very pleased to make information about that available to our patrons. If you know of a bookstore in Pacifica which we may inadvertently have overlooked, I would appreciate knowing about it.

Sincerely yours,  
Virginia L. Ross  
County Librarian  
San Mateo County, CA

### Censorship and the English Teacher

is the title and substance of an impressive series of essays (see Current Bibliography) in the February, 1969 *Arizona English Bulletin*. Copies available at \$1.25 from the Editor, Ken Donelson, LL 639, English Department, Arizona State University, Tempe.



## Civil Liberties Union Objects to Censorship

The Central Kentucky Civil Liberties Union yesterday condemned actions by city officials who earlier this week seized what they termed an obscene film and arrested a 68-year-old projectionist at a downtown theater.

A statement issued by CKCLU President Lawrence X. Tarpey labels the arrest of Richard T. Baxter and confiscation of the film "Good Morning and Good-Bye" as an abridgement of the First Amendment freedoms of not only Baxter but of all Lexingtonians.

The Civil Liberties Union points out that the film was viewed only by those adults (persons under age 18 were not admitted) who wished to attend. Anyone present was free to leave the theater if he felt offended by the film's content.

"This is not a case," the statement read, "of allegedly offensive or socially unredeeming material being forced upon anyone; it is a case involving only free adult citizens who chose to view the material.

"Further, the Civil Liberties Union is particularly perturbed by City Manager John Cook's disinterest in enunciating any standards upon which he based his action," the statement read.

No evidence has been presented that some kind of anti-social behavior follows as a consequence of viewing this film, the Union asserted.—*Lexington Herald*, 18 January.

## If Not Obscene, They're Boring

If Sacramento actor Austin Nelson doesn't get an Academy Award for his performance Wednesday, he can always blame it on the script—two allegedly dirty books.

Only the captive audience of jury, judge, court aides, attorneys and defendants stayed for the entire day-and-a-half-long performance in Sacramento Municipal Court's obscenity trial.

The curtain came down after nearly 400 pages without a public spectator in the courtroom.

As for those who dropped in during the reading of books titled *Love Together* and *Love Tutor*, they rarely stayed longer than five minutes.

"Even the regular courthouse spectators didn't stick around too long," commented one court aide.

A small group of McGeorge School of Law students, who skipped a lecture for the reading, stayed less than an hour.

The books are part of the evidence in the obscenity trial of Benjamin C. Adler, operator of Ben's Books, 1204 K St., and William Rose, operator of a defunct Fulton Avenue store.—*Sacramento Union*, 16 January.

## This 'Obscenity' Thing

How do you say you oppose this "anti-obscenity" drive without it sounding like you favor dirty words?

It isn't easy, but we'll try.

We don't like dirty words. We don't like to hear people utter them. We don't like to see them in print.

But we don't like the "anti-obscenity" campaign of Herbert Miles, either, because it is nothing but an attempt to muzzle freedom of expression in the Montana University system.

Miles, a Missoula businessman who speaks for a nebulous outfit called "Montanans for Constitutional Action," failed in his attempt to kill the University System six-mill levy referendum with the "obscenity" issue. So now he is aiming his campaign at the Legislature.

He hopes to collect at least 150,000 signatures on petitions urging the Legislature to establish "effective guidelines" for the content of courses taught at the six campuses. It also demands that the Legislature define "academic freedom" in such a way that it "cannot be employed as a pretext for introducing blatantly obscene material and discussion" into the classroom.

Do you suppose that would apply to the locker room of the football team, too?

We hope (1) that people will refuse to sign the petitions or that (2) the Legislature will ignore them.

"Academic freedom" is a much-abused term, both by those few academicians who think it gives them an unlimited license to spew depravity, insurrection and treason at their youthful audiences and those few at the opposite extreme who look upon it as a threat to the nation and the morality of the individual.

It is a term that defies a statutory definition. It is something that must be handled at the academic level, with responsible administrators and faculty members, who are in the vast majority, getting rid of their colleagues who abuse the privilege.

And who can define obscenity? What is poetry to one person may be filth to another. Would Miles have the Legislature compile a "dirty word list" and order the University System to burn all books in the libraries containing one or more of those words and burn at the stake any faculty member who uses those words or assigns any books containing them? Where would be start—with the Bible?

As to the Legislature setting guidelines for course content, it's hard to say whether "impossible" or "ridiculous" or "laughable" best describes that idea.

But if the Legislature should try it, you'd see the greatest mass exodus of college administrators and faculty in history. And rightfully.

We trust Montanans won't fall for Mr. Miles' latest bit of mischief any more than they did for his campaign against the six-mill levy.—*Helena Independent Record*, 21 November.



## The Censor Always Rings Twice

A capacity group of conferees focused on the theme, "The Censor Always Rings Twice," under joint sponsorship of the Missouri Library Association, the Missouri State Library, the University of Missouri Freedom of Information Center and Extension Division, and seven related organizations at the Memorial Student Union, Columbia, on February 7, 1969.

Keynoter Milton Meltzer, who has written several books redressing the "black gap" in American history, surveyed the censorship problems experienced by both his subjects and himself. Mrs. Enid Olson, director of publications and public relations for the National Council of Teachers of English, said that this organization had passed resolutions opposing censorship in 1963, 1965, 1966, and two in 1967. Mrs. Margaret Twyman, director of community relations for the Motion Picture Association of America, discussed the film industry's current effort to censor itself. Mr. Anson Mount, public affairs manager and religious editor of *Playboy* Magazine, said the public has now caught up with and surpassed the magazine in its tolerance of hitherto taboo socio-sexual topics and practices. Mrs. Joan Bodger, Children's Service Consultant, Missouri State Library, asked that adults really "listen" to the young—to what they say and to what they feel—no matter how shocking. Irving Levitas, education director at Temple Emanuel in Yonkers, New York, underlined Mrs. Bodger's sense of urgency by saying bluntly of censorship in the near future: "Gird your loins; it's going to be a hell of a fight!" Honored guest, Morris Ernst, octogenarian-veteran of over 100 law cases which have "slowed up the censorious" and the lawyer credited with achieving right of sale in the United States for James Joyce's *Ulysses* and other controversial literary works, challenged the communications media to give equal time and space to the "glad" news of this country as well as the "bad."

After a morning session of serious discussion, crackling with ideas and some dissent, the luncheon program offered the leaven of humor with distribution of Pat Paulsen's editorial on censorship and Mayor Timothy Hays (Jack Taylor) speaking on "Censorship and Other Perils in Whoopup, Missouri."

Upon a vote of the conferees, the planned afternoon session of small group discussion to consider actual censorship cases was waived in favor of opportunity for the group as a whole to fire questions at the speakers of the morning session. At 3:30 p.m. the Chairman was obliged to call the session for two scheduled showings of *The Hottest Spot in Town*, recently released MLA-Missouri State Library motion picture.

An exhibit area included the ALA exhibit of publications on the polemic fringes of politics. Smiling down on this area was a large photograph of the *Playboy* li-

brarian. A letter accompanying her likeness said, in part: "Since this advertisement appeared, I have made it a point to visit a number of libraries both in Long Island and in Manhattan, and it is my impression that there were many young ladies who could have served very nicely as the model. In fact, some of them were even more attractive."

Proceedings of the Conference will be prepared by MLA and the Freedom of Information Center. It is hoped that nation-wide distribution of these can be arranged.

## Vicious Attack

*Blackboard Power: NEA Threat to America.* By Gordon Drake. Tulsa: Christian Crusade Publishers, 1968.

Vicious attack on the NEA which is accused of being a Communist dominated organization. The accusations are the same old ones that have been going on for years—attacks against UNESCO, sex education programs, etc. Approximately half of the book is purported documentation of the Communist affiliations of the authors of various titles listed in an NEA pamphlet, "The Negro American in Paperback." It's discouraging to know that we never seem to make any progress in educating this segment of the public.—Virginia Ross, Librarian, San Mateo County, CA.

Four ladies, *Blackboard Power* in hand, on 14 January descended on the Sherman High School library in Seth, Virginia to find out whether their children were being exposed to subversive literature. The librarian, Mrs. Mary Tamplin, gave them a lecture on the Dewey Decimal system, taught them how to use the card catalogue and asked that they all say a prayer "to get us feeling friendly toward one another." After a while the librarian went off to keep a medical appointment, leaving the four ladies in the library. The next morning she found a pile of 23 books to reshelve, including *The Story of Mankind*, a book about the Peace Corps, and a book by Hubert H. Humphrey.—Abstracted from the Charleston, W.V. *Gazette* for 23 January.

## Kois Guilty in Milwaukee

John Kois, editor of *Kaleidoscope*, an underground newspaper on 4 December was convicted of publishing obscene matter, fined \$2,000 and sentenced to two years in prison.

Circuit Judge John A. Decker, who heard the case without a jury, stayed the prison sentence and placed Kois, 28, on two years' probation, providing he did not violate state obscenity laws during that period. The sentence was to the Green Bay reformatory.

Kois' attorney, William Coffey, said he would appeal. Decker granted a stay on the fine and probation until the state supreme court reviews the conviction.—*Milwaukee Journal*, 5 December.

## Librarians Defend 'Therese and Isabelle'

University of Pittsburgh professor of library science J. E. Dailey testified in Common Pleas Court on 6 December that the film *Therese and Isabelle* appealed to him because "it was artistically done and well done technically." He said that the film—labeled by the district attorney's office as obscene—has social value in that "it demonstrates a persistence of memory in the events of a girl's life."

Dr. Dailey, the first defense witness, contended that recent Supreme Court decisions liberalizing the types of books available has given students a wider experience than their counterparts of years gone by.

He said students now experience less shame in speaking some words that would never have been used in conversation previously. He included such terms as pregnant, homosexual and lesbian.

Another witness, Mrs. Mary Dimick, senior information librarian at the University of Pittsburgh's Hillman Library, said the movie provides insight into a social problem and knowledge to deal with the facts of life.—*Pittsburgh Press*, 6 December.

A permanent injunction banning showing of the film was issued by Judge Ralph H. Smith on 12 December, 1968, after an advisory jury of eight women and four men unanimously declared it met the legal tests of obscenity. Ten minutes later the State Supreme Court lifted the ban and imposed a \$10,000 bond pending a hearing on the appeal.—*Pittsburgh Post Gazette*, 13 December.

As of 6 December, situation was precisely the same in Minneapolis, Minnesota, except the ban was not lifted.—L.C.M.

## 'Fox' Not Obscene in Mississippi

Federal Judge William C. Keady ruled Saturday morning that *The Fox* is not an obscene movie "in accord with federal and state (court) decisions."

Judge Keady, Chief U.S. District Judge for Mississippi's Northern District, emerged from a private showing of the film, based on a D.H. Lawrence novel, at about 10:45 a.m. and said he would enter a declaratory judgment Monday ruling that the movie is not obscene.

"I will enter an order Monday," he said. "I will decide the picture is not obscene in accord with federal and state decisions." Asked if his finding also meant that *The Fox* does not violate a state statute banning the showing of "obscene, indecent and immoral pictures," Judge Keady said: "That's right."—*Greenville Delta-Democrat Times*, 1 December.

## Crackdown in Spain

The "social and political health of the country is excellent," says Spain's minister of information. In fact, it is so good that Generalissimo Franco has reimposed full, prior censorship of the press—obviously to prevent the newspapers from telling the people just how good it is! Spain is so politically healthy that the police will be empowered to halt any public assembly they want to. The other restrictions to be imposed for at least a three months' period from a dismally familiar list. They are the freedoms which all dictators strike at first when they find their authority challenged. No warrants will be needed for searches. Citizens can be imprisoned indefinitely without charge. At the whim of the government, any suspected dissident can be exiled from his home province.—*Baltimore Sun*, 25 January.

## Student Editor Jailed: Publication of Paper Enjoined

James Wasserman, editor of the *Lanthorn*, student paper at Grand Valley State College, was arraigned Tuesday in Holland Municipal Court. He was jailed in lieu of \$5,000 bond. Court examination was set for December 12.

Prosecutor James W. Bussard of Ottawa County said he sought Wasserman's arrest after Sheriff Bernard Greysen told him "smutty language was appearing in the college newspaper."

Bussard said the November 27 edition was "particularly bad." He said an article in it written by Wasserman and dealing with sex included many words Bussard considered "filthy" and "real bad language."

Dr. Gilbert R. Davis, executive director of the Western Michigan chapter of the ACLU, and Associate Professor of English, announced that the ACLU had retained Grand Rapids attorney Robert W. Dilley to serve as counsel for Wasserman.

A temporary injunction to stop publication of the paper has been issued by Circuit Judge Raymond L. Smith of Ottawa County. The temporary order was issued to the college's acting president, Mr. George Potter.

Davis today called for the college to act immediately to get the injunction lifted. He said that in the legal action against Wasserman "a constitutional abuse is apparent."

David Jones, a vice president at the college, said the school is complying with the order. But he said that: "Because this newspaper is operated under an independent constitution . . . this matter will have to be reviewed by the Board of Control and its legal consul before any legal posture can be taken."—*Lansing State Journal* 4 December.

## Board Keeps Disputed Magazine

GARDEN GROVE—Continued classroom use of the controversial public affairs magazine *Scholastic Scope* was authorized Tuesday night by Garden Grove Unified School District trustees.

In voting to retain the publication in 10 junior and senior high schools, the board followed the recommendation of a review committee composed of parents, PTA members and teachers chosen at random.

A group of parents lead by Mrs. Jane Malott, 12162 Magnolia Ave., had demanded removal of the magazine. Mrs. Malott labeled it a "brainwashing, pro-Communist publication that glorifies violence."

She and 14 other housewives picketed Hare Intermediate School January 15-16, protesting use of the magazine.—*Santa Ana Register*, 29 January.

## Underground Paper Triggers School Row

Distribution of an underground Washington publication in Montgomery County high schools last week resulted in the arrest of a county official's son, the suspension of three students and the threat of court action against school officials by a group of dissident students.

David Kramer, 22, son of Rose C. Kramer, County Council member, was arrested by county police Thursday while distributing copies of the *Washington Free Press* outside of Northwood High School in Silver Spring.

Kramer, a sophomore at George Washington University, was charged with violating a county ordinance against peddling within 500 feet of a school. He was released on \$52.50 bond pending a hearing February 24 in Silver Spring People's Court.

That same day three students at Gaithersburgh High School were suspended from classes for distributing the publication among classmates. In addition, school officials confiscated about 50 copies of the papers from a student's locker.

Also on Thursday, the principal of Weaton High School confiscated copies of the paper from two students, telling them that they would be returned only if their parents came to school and requested them.

These incidents led to a dissident student group known as the Montgomery County Student Alliance, to write the school board yesterday that they are considering legal action if confiscation of the paper continues.

"We demand an immediate policy statement from county school officials as to whether administrators have jurisdiction over what literature students can possess," the letter said.—*Washington Post*, 9 February.

## Richmond Court Requires Adversary Hearing

A federal judge here has enjoined Richmond police from seizing motion picture films prior to an adversary hearing on whether the films are obscene.

Judge Robert R. Merhige Jr. of federal District Court here made the ruling late yesterday after a hearing based on constitutional questions raised by the owners of the Lee-Art Theater.

The case stemmed from the seizure of a film entitled *Angelique in Black Leather* from the theater in an October 21 raid and the placing of obscenity charges against theater officials.

Joseph S. Bambacus, an attorney for the theater, contended that the seizure represented a violation of the constitutional right to freedom of speech and said an adversary hearing should have been held.

James B. Wilkinson Jr., Richmond commonwealth's attorney, argued that present state law contained no provision for an adversary hearing and said he would appeal the ruling of the 4th U.S. District Court of Appeals.—*Richmond, Va. News Leader*, 14 January.

## No Witch Hunt in Brevard

Brevard School Superintendent B. Frank Brown says there'll be no "witch hunting or book burning" here.

"If we're going to have freedom, we can't have minority groups telling us what we can and can't do," he said. "We are not going to eliminate controversial materials just because they're controversial."

Brown has been criticized for several months by a group of Mims and Titusville parents, the Brevard Citizens for Quality Education.

Led by the Rev. Herb Walters, a Baptist minister, the parents have complained about "questionable language" in books and a CBS film on the population explosion and birth control.

Brown said if books with so-called curse words or obscenities were banned from the libraries, such noteworthy literature as Shakespeare's *Hamlet* and *Macbeth* could no longer be used—"not to mention the Good Book."

"I don't consider this a major problem," he said. "The board has taken a stand that we've got to be an enlightened school system and a lot of material must be controversial. But we do want it to be in good taste."

Brown said the parents have complained of left-wing, anti-American and pornographic books on the library shelves but don't say what leftist theory is or lay down any specifics.—*Cocoa, Fla. Today*, 29 December.

## Court Clears 'I Am Curious—Yellow'

NEW YORK (RNS) — Confessing some unhappiness with its own decision, the United States Court of Appeals by a vote of 2-1 ruled that a controversial Swedish film was not obscene and could be licensed for showings in this country.

In effect, the court said it was merely following the standards established by the United States Supreme Court.

One justice was vehement in his dissent, saying the jury system had been by-passed. A second justice, who voted with the majority, indicated some personal displeasure with the verdict but felt that the Supreme Court's standards would have to apply.

The film is *I Am Curious—Yellow*, Swedish-made and imported into the United States by Grove Press, Inc. It was seized as obscene and impounded by United States Customs a year ago. Litigation followed and a jury held the film to be obscene. The case was ultimately appealed to the Court of Appeals here.

*I Am Curious—Yellow* is described as having a sexual content shown with "greater explicitness than any movie thus far exhibited in this country."

The 2-1 majority held that the story was "not utterly without redeeming social value," and that the sex scenes were part of the artistic whole.

Judge J. Edward Lumbard, in his dissent, said the effect of the decision was to say that "juries are not to be trusted." He said the action of the court's majority went "beyond any case thus far decided in the obscenity area."

"I submit," said Judge Lumbard, "that when it comes to a question of what goes beyond the permissible in arousing prurient interest in sex, the verdict of a jury of 12 men and women is a far better and more accurate reflection of community standards and social value."—*Hartford Catholic Transcript*, 6 December.

## No Kinky Sex in U.K.

LONDON, Jan. 13 (UPI)—Roman Polanski, director of *Rosemary's Baby*, lashed out at Britain's Board of Film Censors today for having cut what they called "kinky sex" from the film, which has its premiere here next week.

By order of Lord Harlech, the board president, Mr. Polanski's film about modern witchcraft in an affluent New York apartment house will not show a seduction of Mia Farrow by the devil.

"The censor's attitude belongs to the inquisition," Mr. Polanski said in an interview in the *London Evening Standard*.—*N.Y. Times*, 14 January.

## P.O. Acts to Stop Smut Mail

WASHINGTON—The Post Office Department Thursday for the first time in nearly seven years moved to halt distribution through the mails of allegedly obscene material.

The move followed a departmental hearing by judicial officer Peter R. Rosenblatt who ruled Tuesday that seven magazines published by "The Mailbox" of North Hollywood, Calif., appealed only "to the prurient interest in sex, are offensive to community social standards and are utterly without redeeming social importance."

The post office decision banned shipment of the magazines through the mail immediately and also make it impossible for the organization to cash post office money orders sent by persons wishing to subscribe to the magazines.

The decision is almost certain to spark a federal court test of its authority to halt mail order sales of material it judges obscene, a Post Office Department official said.—*Pompano Beach, Fla. San Sentinel*, 3 January.

## 'Catcher in the Rye' in Ohio

After receiving and considering a petition containing 49 names, Erlanger's Lloyd High School Principal and Superintendent of Schools officially instructed the Lloyd English department to scratch *Catcher in the Rye* from the required reading list. "But it's still in the library for those students who want to read it," said principal David Whaley. Mrs. Dorothy Garrett, head of the English department, immediately wrote a letter of protest to the Erlanger Board of Education.—*Cincinnati Enquirer*, 7 December.

## 'Holiday' Down the Drain; 'Newsweek' Sticks

DRAIN—*Holiday* magazine, one of two national magazines to come under attack here Wednesday night, will be banned from the North Douglas Elementary School library shelves.

The North Douglas School Board, following a recommendation by a district review committee, voted to drop *Holiday* magazine because the publication "is not suitable for our elementary school."

The other magazine which came under attack was *Newsweek*. The board agreed the high school should be allowed to continue to receive the magazine because articles "were merely news reporting."—*Eugene, Ore., Register-Guard*, 9 January.

## 'Passeth All Understanding'

Two federal judges ordered the release yesterday of 127,000 magazines that had been seized by custom agents as obscene.

In ordering the magazines released, the judges observed that legal tests of obscenity "like the peace of God, passeth all understanding."

In a seven-page opinion the judges declared that Supreme Court decisions on obscenity have allowed importations "which go further and further beyond the prevailing standards of this country."

The judges released 82 issues of varying numbers of 22 separately titled magazines imported through Baltimore by Select Imports, Inc., a Maryland firm with offices in California.

Although Chief Judge Roszel C. Thomsen and Judge Edward S. Northrop declared that the firm could have the magazines, they warned that there were still legal restrictions on marketing them.—Baltimore *Sun*, 10 December.

## Mich. Obs. Stat. Ill.

LANSING (AP)—A Michigan law which allows police to seize undistributed "obscene" publications is unconstitutional under recent U.S. Supreme Court decisions, the State Court of Appeals ruled Monday.

The ruling arose from a 1963 case in which police seized some 20,000 copies of magazines with such titles as *Black Satin*, *Busty*, *Cuddle Bug*, *Man's Favorite Pastime* and *Undie World* from the Detroit Warehouse of Royal News Co., an Ohio-based firm.

Citing the 1967 Supreme Court decision in *Redrup vs. New York*, the appeals court held that since undistributed magazines have not been offered to the public, the state law which permits their seizure is unconstitutional.—Detroit *Free Press*, 3 December.

## Daily Cardinal on Its Own

University of Wisconsin Regents cut off financial aid to the *Daily Cardinal* student newspaper here Friday, but agreed to let it continue publishing in University facilities.

The action followed refusal of student members of the *Cardinal's* Board of Control to appear before the regents to present a plan for sanctions against further use of obscene words in the *Cardinal*.

Regents ordered the *Cardinal* either to vacate its University business offices in September or pay prevailing rental rates. They also directed that all existing subscriptions paid for by the University administration be terminated when they expire. The action came on a 4-3 vote.—*Wisconsin State Journal*, 11 January.

## Anti-Censorship Speakers Offered

Citizens Against Censorship (CAC), a new group seeking to block anti-pornography legislation, has formed a speakers' bureau to make speakers available for civic clubs, church and school groups and other organizations.

Doug Phillips of 4390 E. Mississippi Ave., bureau chairman, said speakers can be arranged by calling him in the evening. Information about CAC also may be arranged by calling the First Universalist Church, 4101 E. Hampden Ave.

"Our whole purpose," Phillips said, "centers on preserving freedom for ideas, and we think people should realize the importance of that freedom. That's why we set up the bureau."

CAC was organized recently to counter efforts of CLEAN LAW, Inc., which plans to have an anti-obscenity bill introduced in the 1969 State Legislature.—*Rocky Mountain News*, 11 December.

## Notre Dame Censorship Defied

SOUTH BEND, IND., Feb. 7—The police broke into a classroom today where University of Notre Dame students were preparing to view a banned pornographic film, seized the film and touched off a clash that spread across the campus.

The incident followed a three-hour meeting by more than 600 students at the LaFortune Student Center. About 400 students voted to show the film in defiance of a ban issued yesterday by the Rev. Theodore M. Hosburgh, university president.

Several students later charged that they had been sprayed with chemical Mace. Kathy Cecil, a St. Mary's College student who had tried to conceal the film, said the police had dragged her down the stairs after confiscating the film.

St. Joseph's County's prosecutor, William Voor, and South Bend's chief of police, Thomas McNaughton, would neither confirm nor deny that Mace had been used. Students chased and pelted policemen with snowballs when Mace reports spread.

A faculty committee issued a statement tonight charging that "the academic freedom of the university has been violated by the intrusion of the local police on campus." Mr. Voor said no arrests had been made and that his men had appeared on the campus at the request of university officials.—*New York Times*, 8 February.

## Judge Orders Pornography Patrol to Halt

Posting uniformed cops in Times Square bookstores where pornographic material has been sold constitutes "advance censorship" barred by the Constitution, Federal Judge Frederick van Pelt Bryan ruled yesterday.

The plaintiffs, Bee See Books, Inc., of 117 W. 42d St., and Vip Novelties, Inc., of 136 W. 42d St., complained that daily receipts had dropped from about \$500 to \$250 and that they would be forced out of business if the uniform men continued to stand in doorways or sit in the stores.

Judge Bryan said an affidavit from First Deputy Police Commissioner John F. Walsh indicated the department intended to assign patrolmen for similar surveillance in 45 other book stores in the Times Square area "as departmental resources permit."

While the police "are faced with a difficult situation," the court said, they must "conform to procedures that will insure against the curtailment of constitutionally protected expression."

"The effect of the constant presence of the officer in full uniform," Bryan pointed out, "is to indicate" to patrons that "any material sold in the stores is illegal and that any purchases may lead to prosecution."—*New York News*, 24 October.

## Legislative Concerns in Maintaining Intellectual Freedom

VIRGINIA L. ROSS

\* Report to CLA Midwinter Council, January 17, 1969.

A sub-title for these remarks might be Elements of predictability in the Legislative approach to control of pornographic material, or—Here we go again!

On basis of Legislative action on this subject in California the past nine years, one can make fairly reliable prediction as to what is likely to happen in the 1969 session—

I.e., Predictions as to type of bills which will be introduced and Legislative action on these bills. (Note: At the time these remarks were prepared for presentation at the Midwinter meeting of the CLA Council, no obscenity bills had been introduced. Bills which have been introduced in the intervening period have been noted at the appropriate place in the text.)

Legislation in this area is usually concerned with amending the Penal Code Chapter 7.5, Sections 311-314.

This is our main area of concern, although occasionally a bill is slipped in which changes some other section of the code, but would effect freedom to read. This year also, there are sure to be bills introduced which would relate to the Family Life Education program in the schools (1969—AB 247, Britschgi)—this will be a matter of concern to CLA. There may also be some efforts in the area of encroachment on individual rights—e.g., Loyalty Oath.

### I. Types of Bills

a. Bills which would modify the definition of obscenity by deletion of the phrase "utterly without redeeming social importance." (1969—SB 155, Carrell.)

Although superficially this would appear to be a minor change, in fact such a change would be extremely damaging to the protection of the Freedom to read.

Recent rulings of the U.S. Supreme Court have reiterated the importance of the criteria of social importance in any determination of what comprises obscenity; I believe that the likelihood of any such bill passing the legislature is very slight, but of course one never takes anything for granted in this area, and CLA should continue to maintain its position of strong opposition to such legislation.

b. Bills similar to those previously introduced by Senator Lagomarsino (1967—SB 79; 1968—SB 124; 1969—SB 62, Lagomarsino.)

These bills seek to limit access of minors to so-called "harmful" or "indecent" material, the definition of such material has three main elements—

1. Dominant appeal of the material is to the "prurient, shameful or morbid interest of minors in nudity, sex or sexually deviant practices."

2. It is "patently offensive to contemporary adult standards as to what is suitable for minors."

3. It is of "slight redeeming social importance for minors"—Minors in this context have been defined as "average children of the same general age as those to whom the matter in question was applied."

As you can see, this legislation is beset with fuzzy definitions which would certainly be subject to widely

### Puzzled by Film Ratings

Since the motion picture association's new classification system went into effect in November, 25 out of 124 films were given R or restricted ratings (nobody under 16 admitted unless accompanied by a parent or adult guardian).

Is a motion picture with a restricted rating any different or less impressionable on a juvenile merely because the juvenile is accompanied by a parent or an adult guardian? If I live to be a thousand years old, I'll never understand the difference. — Angelo Ferraro, Los Angeles. — *L.A. Times*, 17 January.



varying interpretations on the part of anyone trying to comply with such a law as well as those seeking to administer or adjudicate it.

These bills have been introduced on behalf of and with the support of Governor Reagan, Attorney General Lynch, District Attorney Evelle Younger, and the District Attorney's and Peace Officer's Association.

CLA, and the library profession, should perhaps take some sort of perverse pride in the fact that these bills have sought to deflect the opposition of librarians by exempting libraries from their provisions—it is all right for public, academic and school libraries to circulate "harmful" material to children if such circulation is in aid of "legitimate scientific or educational purposes"—a provision which is as illogical as it would be impossible to admit.

c. Bills which seek to incorporate provisions of the New York State statute has been upheld by the U.S. Supreme Court in the 1968 decision in the case of *Sam Ginsberg*.

This decision specifically upheld Section 484-h of the New York law and upheld the right of states to regulate the sale of "Harmful" material to minors—in effect condoning a double standard of obscenity—one for children, another for adults.

Immediately after this U.S. Supreme Court decision in April, 1968, Assemblyman Russell introduced a bill (AB 1480) whose wording was almost identical with that of the New York statute. I believe it is quite certain that similar legislation will be introduced this year, my predictability forecast doesn't tell me whether the backers of the former Lagomarsino bills may combine forces behind such a bill (i.e., similar to the N.Y. Statute). Initially, there may be the same two-pronged approach as in previous years.

In the last two legislative sessions we have also had bills introduced by Assemblyman John Knox of Richmond. Assemblyman Knox is a firm defender of Civil Liberties and Intellectual Freedom. In each instance his bill was in the nature of a blocking action—by the introduction of bills which incorporated the opinions of the U.S. Supreme Court in the *Ralph Ginzberg* and *Sam Ginzberg* cases, he sought to recognize the current state of the law as upheld by the U.S. Supreme Court, including the "gloss" on the law; but by means of extremely carefully worded legislation he also sought to avoid encroachment on intellectual freedom.

In view of the considerable resultant harassment and difficulties which resulted from his action, and in view of the changed committee composition due to re-organization of the Assembly, this type of legislation may not be re-introduced—(my crystal ball doesn't lend me much direction here). If such legislation is not re-introduced, CLA will be saved the embarrassment of trying to reach the difficult decision as to what position to take in relation to it.

d. Bills which seek to determine character of material on basis of circumstances of production and sale (e.g., 1968 — SB 134, 1969 — SB 63, Lagomarsino). These bills would incorporate into the definition of obscenity a provision that material may be assumed to be obscene if it is presented or publicized in a manner implying that it is obscene. This is an approach, and I think an ill advised one, to incorporate the opinions in the *Ralph Ginzberg* case into California law. It could severely restrict free access to materials from bookstores and libraries.

e. Those bills which seem to derive from *Cloud Cuckooland*, e.g., 1968—AB 245, Barnes and 1969—SB 83, Harmer. These bills are so extreme and so patently ridiculous that a thorough analysis would require more time and space than I have been allotted. In recent years, Barnes' bills have not even been heard in Committee. CLA's position in opposition to this legislation is obvious.

## II. Legislative Action

One doesn't need a crystal ball to make a prediction here. In 1969 the legislature will, unfortunately, pass a bill amending the present statute to regulate the distribution of "obscene" and "harmful" materials to minors.

The only thing which has precluded such passage in previous years has been the failure of the Assembly Criminal Procedures Committee to pass any obscenity legislation out of that committee.

In view of the change in control of the legislature from Democratic to Republican; recognizing the fact that for the past ten years the balance of votes in opposition to such legislation has been Democratic, and with the Republicans' stated intent to pass obscenity legislation, it seems quite certain that the membership of the committee will be chosen to insure a preponderance of supporters of such legislation. Once out of committee, passage by the Assembly is assured.

As for the Senate—we can safely predict that the history of committee and floor action will be a repetition of prior years: Bills will be referred to the Judiciary Committee, Senators Moscone, Song and Beilenson will oppose the bills in committee and on the floor, and the bills will pass the Senate with a maximum of three votes against.

Since the Governor has stated that passage of such legislation is a part of his program, he will sign the bills.

In view of this gloomy prospect, what should CLA do?

We should maintain our position in opposition to legislation which encroaches on the Freedom to Read—the basis for such opposition is clear-cut in the case of bills which would change the definition; or in relation to the ambiguous provisions of the former Lagomarsino bills. With reference to bills which seek to incorporate

the provisions of the New York statute into California law, the Association position is more difficult to present without appearing to be ignorant of the law or to flaunt it; CLA should certainly maintain last year's position in which we urged that no changes be made in the existing statute, pending the report of the "National Commission on Obscenity and Pornography."

Although most of the Legislators do not agree with, and frequently cannot comprehend, the position of librarians and the Association relative to obscenity legislation, I believe that CLA and the library profession have gained respect from most members of the Legislature for a firm, courageous, calm and rational approach in a Legislative area which frequently arouses a highly emotional, irrational reaction on both sides.

Although CLA's position is an unpopular one, I believe that in general the library profession has benefited from it because of the type of presentation which has been made, and because of the consistency of our position even when we were frequently the only group speaking out in opposition. The fact that the bills were defeated was not due to our opposition, but our opposition certainly lent support to those members of the Assembly who had the courage to kill the bills in committee.

This year I do not believe the bills can be killed, but I certainly hope that the presentations on behalf of CLA and the library profession will be temperate, logical and firmly based on a sound knowledge of the law, the U.S. Supreme Court opinions, and the impact of such restrictive legislation on the communities served by libraries.

#### CURRENT BIBLIOGRAPHY

Ackerman, Margaret B. "Arguments Against Censorship: Milton & Mill." *Arizona English Bulletin*, XI (February, 1969), 23-27.

Berman, Sanford. "Choose Your Creature." *ALA Bulletin*, LXII (December, 1968), 1342.

Berman, Sanford. "Where It's At." *Library Journal*, XCIII (15 December, 1968), 4615-4618.

Blake, Fay M. "There's A Drill Press in Your Future." *ALA Bulletin*, LXII (December, 1968), 1342.

Bryant, David R. "The Kids Are Safe, Mr. Shapiro!" *ALA Bulletin*, LXIII (January, 1969), 26-27.

Clor, Harry M. "The Law and the Obscene." *The Denver Quarterly*, III (Summer, 1968), 5-24.

"Court Decisions and Legal Arguments About Censorship and the Nature of Obscenity." *Arizona English Bulletin*, XI (February, 1969), 45-49.

Donelson, Kenneth L. "Censorship and Arizona Schools: 1966-1968." *Arizona English Bulletin*, XI (February, 1969), 28-44.

Donelson, Kenneth L. "Some Responsibilities of the English Teacher Facing Censorship." *Arizona English Bulletin*, XI (February, 1969), 13-22.

Fletcher, Homer L. "Intellectual Freedom." *ALA Bulletin*, LXII (December, 1968), 1354-1357.

Harris, Sydney J. "Censorship Satisfies Only Ruling Group." *Arizona English Bulletin*, XI (February, 1969), 12.

Hopper, Mildry S. "Stifle Those Yawns, Kids!" *ALA Bulletin*, LXIII (January, 1969), 26.

Kaul, Donald. "Trouble with a Capital T." *Arizona English Bulletin*, XI (February, 1969), 9-10.

Krug, Judith F. "Memo to Members." *ALA Bulletin*, LXII (December, 1968), 1350-1351.

Kvapil, Charline R. and Louise S. Schellenberg. "The Right to Read." *Arizona English Bulletin*, XI (February, 1969), 1-4.

McShean, Gordon. "Are There Disturbed Librarians?" *Wilson Library Bulletin*, XLIII (December, 1968), 340-344.

Merryman, John Henry. "The Fear of Books." *Arizona English Bulletin*, XI (February, 1969), 5-8.

Michener, James A. "GMRX: An Alternative to Movie Censorship." *Reader's Digest*, XCIV (January, 1969), 87-93.

Oboler, Eli M. "The New Morality and the Old Librarian." *ALA Bulletin*, LXII (December, 1968), 1369-1373.

Pilpel, Harriet F. "Sex Film, Topless Dancers Held Not Obscene." *Publishers' Weekly*, CXCIV (30 December, 1968), 43.

Pilpel, Harriet F. "Some Obscenity Battles Yet to Be Fought in Court." *Publishers' Weekly*, CXCIV (30 December, 1968), 42-43.

Ruef, Joseph A. "Some 'Right' Reading." *Library Journal*, XCIV (15 January, 1969), 124.

Schopf, R. G. "Censorship Begins at Home." *Library Journal*, XCIV (1 January, 1969), 12.

Stevens, Frank A. "Where the Buck Stops." *Library Journal*, XCIII (15 December, 1968), 4701-4703.

Suits, Alan P. "Right-to-Read Committees Still Much Needed." *Publishers' Weekly*, CXCIV (30 December, 1968), 23.

Swan, Peter. "The Problem of Pornography." *Library Association Record*, LXX (November, 1968), 275-77.

Tobin, Richard L. "How Far Does Free Speech Go?" *Saturday Review*, (11 January, 1969), 113-114.

Wagner, Susan. "FTC Backs Away from Censor's Role." *Publishers' Weekly*, CVC (20 January, 1969), 234-235.

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