

newsletter



IFC ALA

on Intellectual freedom

Edited by LEROY CHARLES MERRITT, *Dean, University of Oregon School of Librarianship*

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Freedom to Read Foundation Comes Into Being

The Freedom to Read Foundation has been incorporated, it has been announced by David H. Clift, Executive Director of the American Library Association. The purposes of the Foundation are stated in its articles of incorporation.

“To promote and protect freedom of speech and freedom of press as such freedoms are guaranteed by the Constitution and laws of the United States and as such freedoms necessarily involve the public right to hear what is spoken and to read what is written.

“To promote the recognition and acceptance of libraries as repositories of the world’s accumulated wisdom and knowledge and to protect the public right of access to such wisdom and knowledge;

“To support the right of libraries to include in their collections and to make available to the public any creative work which they may legally acquire;

“To supply legal counsel, which counsel may or may not be directly employed by the Foundation, and otherwise to provide to such libraries and librarians as are suffering legal injustices by reason of their defense of freedom of speech and freedom of press as guaranteed by law against efforts to subvert such freedoms through suppression or censorship to the extent such libraries and librarians may request such aid and require it on account of poverty or inability to obtain legal counsel without assistance.”

The Foundation, a membership organization, will have a 15-member Board of Trustees. Eight will be elected by the members of the Foundation and seven will serve by virtue of their positions in ALA or its associated units. The first election for the Board will be held in May, 1970. Prior to the time the persons elected take office, the Bylaws provide that the elected trustees are to be designated by the Executive Board of the American Library Association.

There is a total of \$1,400 in the treasury of the Foundation, Mrs. Judith F. Krug, Director of the ALA Office for Intellectual Freedom, reports.

Dr. and Mrs. LeRoy Merritt are the original contributors to the Foundation, having recently made a contribution of \$500. Dr. Merritt is Dean of the University of Oregon School of Librarianship, and was the first recipient of the Robert B. Downs Intellectual Freedom Award, presented by the University of Illinois, at the 1969 Annual Conference of ALA. He is also the editor of the *Newsletter on Intellectual Freedom*.

Other contributors to date are John Gordon Burke, Assistant Librarian, University of Missouri Library; Edwin Castagna, Director, Enoch Pratt Free Library (Baltimore); Eileen Thornton, Librarian, Oberlin College Library; the Minnesota Library Association; and the Jackson Welfare Fund of the First Unitarian Church (Ann Arbor, Michigan).

Membership dues in the Foundation are:

- (a) Regular members—\$10 but less than \$50.
- (b) Sponsors—\$50 but less than \$100.
- (c) Patrons—\$100 but less than \$500.
- (d) Benefactors—\$500 and over.

Any person, corporation or organization is entitled to select the membership classification which is desired by contributing to the Foundation the membership dues required for such classification. Checks are to be made payable to the Freedom to Read Foundation.

Further information may be obtained from Mrs. Judith F. Krug, Director, Office for Intellectual Freedom, American Library Association, 50 East Huron Street, Chicago, Illinois 60611.

Why, Indeed?

MLA 1969 Conference, October 1-4: Some Highlights

On the second evening of the conference, author Nat Hentoff, deploring the inadequacies of today's schools (two librarians from Ferguson commented later that he obviously hadn't visited their system), ended his Children's Services Round Table presentation by asking a point-blank and embarrassing question: "Why had the Missouri Library Association maintained a six-month silence over the summary dismissal-resignation, without stated cause or hearing, of Joan Bodger, former Children's Services Consultant for the Missouri State Library?"

Meeting late into the nights of the conference, Missouri's counterpart of ALA's Social Responsibilities Round Table — young, earnest, and beautiful — met and wrestled with Mr. Hentoff's question and others, and, as at the ALA Convention, they included middle-aging cohorts.

Climaxing the membership meeting on Friday afternoon was the statement given by Ralph Parker, dean of the University of Missouri School of Library and Information Science, for the Missouri State Library Commission, concerning the dismissal of Mrs. Bodger. His answers did not satisfy everyone in the audience.

Maddox on Duty

"I challenge you to do your duty," stated Governor Lester Maddox of Georgia to a group of teachers, parents and school administrators assembled in Atlanta for the annual governor's conference on education. "See what has been added to the curriculum of your schools and burn it." The Governor was speaking, in part, about sex education, which he described as aimed at producing "an entire generation of amoral sex perverts, who, like untamed animals, follow the pleasure principle in all their behavior." And in part he was speaking of anthropology, political science and human ecology. These disciplines, stated the Governor, "betray our great heritage as Americans and deprive our young people of just pride." —*P.W.*, 27 October.

As there are no perfect persons, there are no perfect answers. It is unlikely, however, that anyone present failed to respect and appreciate the sincerity and openness of his statement.

The experience seemed to demonstrate an important facet of the responsible confrontation of issues to which many of the younger generation are committing themselves: that it is possible to ask and to answer embarrassing questions, in public, without rancor and without diminishing either party to an honest controversy.

Came the membership meeting on Friday, and one startling action following another:

The school librarians nominated a president *from the floor*, breaking an MLA tradition almost 70 years old. Marnie Neal, elementary library supervisor for the Kansas City Public Schools, was elected vice president and president-elect of the association.

Unanimously approved were the following proposals and resolutions:

- That each division and round table elect a representative to a committee charged to study the structure of the Association and make recommendations by April, 1970, for reorganization that will make the body more responsive to the general membership.
- Resolved: That the MLA reaffirm its charge to the Intellectual Freedom Committee as adopted by membership vote on October 11, 1968. Be it further resolved that to enable the Committee to carry out this charge more effectively, the following actions be taken: 1) The Executive Board will enter a subscription to the Missouri Press Association Clipping Service in the areas of intellectual freedom and censorship in Missouri libraries for the use of the Intellectual Freedom Committee. 2) The Intellectual Freedom Committee will be directed to contact principals in incidents reported in the press

or from other sources for the purpose of gathering information. 3) The Intellectual Freedom Committee will be directed to disseminate such information to the MLA membership by the most feasible means unless the principals object. 4) The Intellectual Freedom Committee will be directed to send such information as soon as possible to the ALA office for Intellectual Freedom and to inform those involved of resources available to them.

- Resolved: That the Missouri Library Association direct its officers to make recommendations to the Governor for the filling of vacancies on the Missouri State Library Commission.

- Resolved: That the Missouri Library Association go on record as endorsing the establishment of the defense fund as outlined in the American Library Association Office of Intellectual Freedom proposal (*ALA Bulletin*, Sept., 1969) to be known as the Freedom to Read Foundation and that notice of this action of the MLA be forwarded to the Executive Board of ALA immediately. Be it further resolved that MLA also endorse as an interim measure, pending ALA action, the National Freedom Fund for Librarians. (Some \$116 was collected for the fund during the membership meeting.)

Conference registrants numbered 470.

—HELEN KREIGH, Columbia, Missouri
—*Wilson Library Bulletin*, November.

Supreme Court supports police in college arrest

WASHINGTON (AP) — The Supreme Court upheld today the power of university police to arrest students for displaying “disruptive” antiwar signs during silent protests of the Vietnam war.

The court took this step by refusing to review the conviction of Robert K. Zwicker, a student at the University of Wisconsin who held up a picture of a napped boy outside a university placement office. The vote was 8 to 1.

Zwicker was sentenced in Dane County Circuit Court in 1967 to a fine of \$100 or 30 days in jail. His appeal claimed the state’s disorderly conduct law was too vague to be constitutional and that it had been used to suppress his freedom of speech.

The State Supreme Court approved both the conviction and the law in a split decision last February.—*Eugene Register-Guard*, 10 November.

The Ultimate Authority

Literature does not lead men astray. —Fortune Cookie.

(with special legal permission)

Maryland’s attorney general and a number of librarians dropped visors on their armor yesterday and charged at each other across the battlefield of censorship.

Francis B. Burch was on a panel examining the issue at a gathering of 450 librarians for the Maryland Library Association at the Sheraton Hotel in Silver Springs.

“I feel lonely,” he joked as he followed three speakers who wholeheartedly were for “intellectual freedom” or relaxed controls on books and art.

He is an adviser to the Maryland State Board of Motion Pictures Censors which was recently successful in getting the Swedish movie of the growth of a young girl’s social awareness and sexual experience, *I Am Curious*, declared obscene in court. (The case is set to go to the Supreme Court.)

John Forsman, associate director of the Federal City College media center, who was involved in a censorship controversy as a librarian in Richmond, Calif., suggested that those who fight pornography publicly have sexual inhibitions.

Mr. Burch commented, “Lest you think I’m against sex or that I have sexual inhibitions, I might say I have seven children.”

In answer to a question as to whether he equates sexuality with reproduction, Mr. Burch said, “Obviously, in my case, there’s some connection.” Then he declared, “I don’t like condescending people and there were some condescending statements here today.”

Another speaker against censorship was Michael Jacobs, student editor of the *Dialogue*, a literary magazine banned by the University of Maryland officials after it published pictures of nudes taken at a Washington art show. He challenged the idea that pornography is harmful.

“Overt cases of censorship should be challenged so people can do what they want,” he said.

Mr. Burch snorted.

Librarians in general were blasted as being behind the times by Eric Moon, former editor of the *Library Journal* and now an executive with Scarecrow Press.

“The library has always discriminated in favor of an elite white middle class clientele,” he said. “Sex in books is not a primary target any longer. The real fight is centering on dissent . . . librarians now operate in a climate of fear.”

The MLA’s intellectual freedom committee passed a resolution urging the abolition of the Maryland State Board of Censors; the librarians listened to a board member defend the idea of a regulatory film board.

The librarians then trooped off to see a special showing of *I am Curious* (with special legal permission).—*Washington News*, 1 November.

Librarian's Viewing

The story about the Maryland Library Association meeting in The Washington Post of Nov. 1 made amusing reading—librarians viewing a “dirty” movie. A complete story of that meeting, however, would have been more instructive. It would have reported the main speakers' emphasis on the librarian's real concern about censorship—how campaigns against “obscenity” have been screens for lashing out at political dissent and how a number of librarians from New York to California have been harassed and even fired for defending the freedom to read. He further spoke of the real obscenities in our society: war, poverty, racism.

The view of a movie censored by the Maryland Board of Censors was but a small part of an all-day meeting devoted to a serious consideration of the role of librarians in relation to censorship. These concerns are shared by all thoughtful citizens.

DORA KELENSON

—Washington Post-Times-Herald, 26 November.

Let's Get Well

To the Editor:

I have received telephone calls that a public library has removed all copies of Adele Davis *Let's Get Well*, because the book allegedly contains some inaccurate statements.

If libraries are going to use that excuse, then they would have to withdraw the Bible or any other book on a controversial subject. Perhaps any book that takes a definite stand is bound to be biased to someone. If that is the case, then most nonfiction books in libraries should not be there.

However, as librarians, our job is not to decide for the public which arguments sound right to us, but to present as many sides as we can on a given subject. Adults have to take the responsibility of examining all available materials on a subject and deciding for themselves which stand to take. They have to think for themselves.

In a democracy, the people should be given the opportunity to make their own choices after they have examined all the information. No one should be expected to accept any one point of view blindly. That is why I think it is imperative that the library that has removed *Let's Get Well* make that book available once more to the taxpayers who wish the right to see the contents for themselves. Book banning belongs in the backward ages.

ISABELLE C. CHANG

—Worcester, Mass. *Gazette*, 19 November.

LAPL Reaffirms Library

Bill of Rights

(OTHER LIBRARIES PLEASE COPY)

The Los Angeles Board of Library Commissioners has unanimously adopted a new version of the Library Bill of Rights as a basic governing policy for the Los Angeles Public Library.

The Library Bill of Rights is a statement originally developed in 1948 by the American Library Association to clarify their belief in academic and intellectual freedom. The Los Angeles Library Commission adopted the statement in 1964. Three years later, the American Library Association revised the language in the statement to add the word “age” to the following paragraph: “5. The rights of an individual to use a library should not be denied because of his *age*, race, religion, national origin or social or political views.”

In adopting the Library Bill of Rights, the Commission asked that a copy of City Attorney Roger Arnebergh's letter on the subject be attached to the statement in the official records.

Last month the Library Commission asked Arnebergh whether a particular section might be in conflict with recent State legislation concerning the distribution of “harmful matter” to young people. Arnebergh said there was no conflict.

The Library Bill of Rights contains six major points designed to insure that library materials are selected on the basis of their value, that all points of view are represented in the library, that censorship should be challenged, that abridgment of free expression and free access to ideas should be resisted, that an individual's access to a library should not be arbitrarily denied and that socially useful and cultural activities should be available equally to all groups in a community.

Teeth Needed Here Too

Intellectual Freedom With Teeth: In Denmark, where public library service is mandated by law, qualitative standards for libraries, including stipulations that all points of view must be represented, are included in the wording of the Danish Public Libraries Act. Exclusion of books for moral, political, or religious reasons is a breach of the law and can lead to action by the inspection authorities, says V. Klingsberg-Nielsen in an article on book stock standards in the *Scandinavian Public Library Quarterly* No. 2 for 1969.

Martinsville, Va. (Cont.)

Sparked by its Junior Members Round Table, the Virginia Library Association passed the following resolution at its annual meeting on 25 October, 1969: Resolved:

That the Association should create sanction which can be applied against libraries which disregard the basic rights of librarians and all others as well. And,

That professional librarians be asked not to take position in the Martinsville Public Library until the situation improves to the satisfaction of all concerned.

In November, 1969, the executive board of the District of Columbia Library Association passed the following resolution:

DCLA endorses the resolution of the Virginia Library Association recommending that librarians not accept positions in Martinsville, Virginia until the Ellis Hodgkin matter is settled to the satisfaction of all parties.

Triton Bans Censorship

The Triton College board quickly and quietly passed a resolution Wednesday prohibiting censorship of teaching materials by the secretarial pool, faculty members, or the board.

The Faculty association went on record Oct. 9 in support of academic freedom and asked the Triton board to adopt a policy prohibiting censorship. The board discussed the issue at two later meetings.

The faculty's resolution came after an article that a Triton instructor submitted to the clerical pool was questioned and not duplicated. The article *The Student as Nigger* by a California State college professor, includes language that some board members and administrators have called offensive. —North Lake, Ill. *The Trib*, 14 November.

No Comment

Looking through the card catalogue at a public library a few months ago, Erma Zahn of Richland, Washington, found an entry that read: "SEX: see librarian." Apparently it caused untoward comment, for on a recent visit Mrs. Zahn noted that the entry had been changed. The card now reads: "SEX: (for sex ask at desk)." —*Saturday Review*, 11 October.

Non Compos Parentis

To the Editor:

This letter is prompted by a growing feeling that our organization is getting in a groove of accepting statements and platitudes that no longer apply in today's world. The first unease is in our name itself. Why do we call ourselves INTELLECTUAL FREEDOM COMMITTEE? *Is freedom to be limited to the intellectual only?* Could freedom not be aesthetic, musical, sensuous, eye-appealing or even erotic? Why not? Should we continue to limit freedom to that which appeals to the brain cells? I would like to be re-christened. What name? I do not know. I tried several and they all sound as pompous as "intellectual" or as trite as most speech. Are others bothered by our high-flying nomenclature?

My second worry is the often recurring statement in the Newsletter and in other library media that the responsibility for a child's reading should be the province of his parents. We are taking it for granted that each child has parents and that these parents are interested in what he reads and in his development. Even the concerned parent often has no background in the field of books and knows only the few he had as a child. We know many parents who do not want their children to read anything and have them in school because of compulsion. We know other parents who would limit their children's reading to the Bible, King James Version. Other doting parents and grandparents would bring up their youngsters on a steady diet of Nancy Drew and the Hardy Boys. What would happen if these parental autocrats do not like the books required in the school curriculum? Have they the right to refuse to let children read the school assignments or to destroy the books they disapprove of? Should any parent have absolute control of a child? He is not allowed to starve a child nor to let him die of hunger or cold. The State will take in protective custody a child suffering from neglect. They prosecute an unfit parent.

We should not be willing to trust a child's reading to the often unfit and ignorant mercy of a parent (if he has even one). His teachers and his librarian know a lot more about books and quality reading. Often they know a lot more about the child than his people at home. The fine art of guidance in reading is as important as proper nutrition and clothing. We should not be so willing to surrender one of the most satisfying facets of librarianship.

Sincerely yours,
EDITH WYATT, Branch Librarian
Atlanta Public Library

Censorship of Religion

We believe that the park board of Oak Park is committing serious error in requiring a religious organization to submit copies of speeches to be delivered on park property.

The board has decided that it wants to scrutinize the content of four talks to be given here Sunday at the Baha'i World Peace Day program. Park commissioners say they are fearful that some of the speakers will make "unpatriotic statements."

We believe that such censorship, however, intended, impinges on the basic American constitutional right of freedom of speech and freedom of religion.

We know of no previous instance in which a private group has been required in Oak Park to submit to such inspection of its ideas by a governmental body.

Certainly the park board has a right to establish rules and regulations governing the use of park property. But all local groups, religious or otherwise, are entitled to equal treatment under those rules.—Oak Park, Ill., *Oak Leaves*, 17 September.

Court OKs UCLA Red

LOS ANGELES (AP)—The University of California regents' firing of Angela Davis, an admitted Communist, was ruled unconstitutional Monday in Superior Court.

There was no immediate comment from the regents.

Judge Jerry Pacht, ruling in support of a suit brought by a group of faculty members, cited a number of court decisions holding that "mere membership" in the Communist party is not ground for barring a person from public employment.

He granted the plaintiff's motion for summary judgment in the case of the 25-year-old black assistant professor of philosophy at the school's Los Angeles campus (UCLA).

Specifically, the judge ruled regents' policies against hiring of Communists, adopted in 1940 and 1950, were unconstitutional.

Miss Davis has been appealing her dismissal through faculty committees. Meanwhile she is teaching a non-credit course.—Portland *Oregonian*, 21 October.

Penn Court Frees "Therese"

The State Supreme Court on Tuesday ruled the movie *Therese and Isabelle* is not obscene. The opinion reverses a lower court decision that had banned the film in Allegheny County. — Philadelphia *Inquirer*, 12 November.

Dissent with Dissent

August 12, 1969

Dr. Louis Shores
2013 West Randolph Circle
Tallahassee, Florida 32303

Dear Dr. Shores:

Recently I read your statement in the *Intellectual Freedom Newsletter*. I was delighted to see someone of your stature make such a statement. Of course, I agree with it. I think the chief word here is "responsibility," and I feel that the library profession has been overlooking this.

I would hope that this would be given consideration by librarians as well as so much emphasis on intellectual freedom for just anything and everything. Thank you for writing it, and I hope it will do some good. It certainly spoke for a number of us who feel the same way.

Sincerely yours,
(Miss) SYD SHINN
Library Career Consultant
Missouri State Library

No Time or Inclination

The new president of the Los Angeles City Library Board says that agency has neither the time nor inclination to censor erotically tinged books that some persons may find offensive.

"I am not somebody else's conscience," said Mrs. Eileen Kenyon of Studio City, the first San Fernando Valley woman president of the board since 1928. She was elected shortly after the board removed *Evergreen* magazine from the open shelves of West Valley Regional Library in Reseda in mid-August.

Since then she's been in the top spot to field complaints left and right. There was, for example, the onerous duty of reading the current best seller, *The Love Machine*.

Onerous, she said, because she much prefers reading nonfiction dealing mainly with history and politics.

A patron of one of the 61 branch libraries, however, had demanded an answer as to why the best seller wasn't ordered for his branch.

It hadn't been ordered because the librarian didn't feel it was well written, Mrs. Kenyon explained.

"It's a book geared to sell," she explained in apparent support of the librarian's judgment. Mrs. Kenyon does feel, "it is the duty of the commission president to read books that may become controversial."

But, she adds, she does not feel it is the role of the board president to impose her morals or values on others.

“It’s healthy to disagree,” she asserted. “My father used to say ‘if you all agree, then you are not smart.’”

Who then decides what books and magazines go into the libraries?

A key committee of professional librarians meets twice a week and decides which of the new publications will be wanted by patrons in the areas served by the 61 branches.

The five-man appointed citizens board which she heads meets only once a week and does not have time for book selections, she explained. —*LA Times*, 9 November.

Waterbury Schools

Ban Gregory

Entertainer and civil rights activist, Dick Gregory, was barred from speaking “at any time in any of our schools,” by the Board of Education Monday night.

Gregory has been slated to speak next Monday at Kennedy High School as part of the Week-of-Concern-for-Waterbury program.

The School Board reached its decision in caucus and gave no reason for it when the motion was put in regular session and passed unanimously.

Gregory’s appearance was slated by the Week-of-Concern committee after permission for use of the Kennedy auditorium had been obtained from the School Board last August.

In rescinding this permission Monday night, the board declared the permission was granted on request of Charles B. Kennedy Aug. 11 who stated the purpose merely as a “public assembly” connected with the Week-of-Concern program. —*Waterbury, Conn. Republican*, 11 November.

A Psychiatrist’s View

In my twelve years as a clinical psychiatrist I have never interviewed a person who was significantly channelled into perverse or socially deviant activity as a result of reading a book. Nor have I known of character change simply as a result of such activity.

It is perhaps encouraging to remember that book censorship is a relatively recent sado-masochistic social game, popular only since the seventeenth century. It is to be hoped that Denmark will convince the world of the social neuroticism implicit in censorship as it is known in our society. If so, Australian society will some day accept the communication of an author with a reader as an act as private as any in one’s own home. —William H. Orchard in *Meanjin Quarterly*, Spring, 1969.

U.S. P.O. Convicts Without Trial

The Post Office Department has revoked the post office box privileges of eight dealers in “sexually oriented materials.” Postmaster General Winton M. Blount said the action was taken under his administrative authority to deny the use of rental boxes to individuals who use them for “immoral or improper purposes” as determined by the Department’s General Counsel. Five of the affected firms have been using rental boxes in California post offices. They are: Collectors Publications, City of Industry; John Amslow & Associates, Culver City; G & M Enterprises, Hollywood; Athens West and Athena Books, both of Los Angeles. The remaining boxes which were ordered closed include those rented by Central Sales, Baltimore, Md.; Marion John Shiflet, Detroit, Mich.; and Superb Sales, Lork, Pa. Each of the mail-order dealers has been either arrested or indicted on charges of violating Federal or state pornography statutes. —*AB*, 3 November.

‘I Am Curious’ Is Banned In Boston

BOSTON (UPI) — The Swedish film *I Am Curious (Yellow)* was banned in Boston Wednesday.

Chief Justice G. Joseph Tauro of the Massachusetts Superior Court convicted four defendants—two persons and two firms—of violating the state’s obscenity laws in connection with showing of the movie.

He levied \$5,000 fines each against Film Distributors Inc. and Symphony Cinema II, the theater where the movie was seized earlier this year. In addition, James Vlamos, president of the distributing firm and the theater, was given a one-year jail sentence while Seraaphim Karalexis, manager of the movie house, was fined \$500. —*Los Angeles Times*, 14 November.

And in Phoenix

PHOENIX (AP) — *I Am Curious (Yellow)* was ruled obscene Monday by Superior Court Judge Paul LaPrade.

He issued a permanent injunction against its showing, and ordered all copies of the movie delivered to the court.

Gordon Jacobson, manager, said the theater operators regretted the judge’s ruling but would abide by it until they could obtain a decision from a higher court. —*Los Angeles Times*, 10 December.

Bonn Lifts Book Ban

BONN, Nov. 9 (AP) — The Federal Youth Publications Censorship Office ruled English author John Cleland's memoirs of *Fanny Hill* are "privileged through their exceptional status as a work of art" and lifted its ban on sale of the book to youngsters. —*Washington Post*, 10 November.

N.J.L.A. Speaks Out

*Testimony of the New Jersey Library Association
Before the Obscenity Study Commission
November 14, 1969*

Mr. Chairman, I am Mrs. Beatrice M. James, President of the N.J. Library Association and Director of the Bergenfield Public Library.

I wish today to address myself broadly to the issues of the "Right to Read," prior censorship, and obscenity. The library profession and its major national organization, the American Library Association, of which the New Jersey Library Association is a state chapter, are now embarking on an extensive campaign, initiated by the membership during the Presidency of Roger H. McDonough, New Jersey State Librarian, and being pressed by Dr. William Dix, Librarian, Princeton University, the newly-elected American Library Association President.

The program I speak of is in defense of Intellectual Freedom and the Library Bill of Rights. In conjunction with the American Civil Liberties Union and state-wide chapters, the American Library Association is preparing for support funds and sanction measures against institutions and/or individuals found in violation of the Library Bill of Rights.

We view with alarm measures by citizen's groups and legislative bodies (local and state) to censor books, films, and other media with little regard for Supreme Court decisions and existing obscenity laws. Let me make clear that public libraries in New Jersey and the profession at large fully support existing laws for control of obscene materials.

The Courts have made abundantly clear to us, at least, that adults are free to read, see, and hear that which they wish, and that children, under the "variable obscenity" decision of the Supreme Court are not. Public libraries would be the last of institutions not to heed this strong language. Indeed, libraries have historically selected materials with special care not to offend, by injudicious book selection, the communities they serve.

And yet, these same libraries have an equal obligation not to limit points of view or restrict their readers to materials which only affirm—rather than challenge—

basic assumptions. As a small case in point, the periodical *Playboy*—of course known for its centerfold, but possibly less for its searching interviews and timely articles—is subscribed to by only a handful of New Jersey public libraries. I view this as pre-censorship by librarians for their publics in light of the size of the readership of *Playboy*, which exceeds 5,136,705 per month.

Questions of pre-censorship aside, for the moment, libraries do select—and select carefully. We feel that book selection is our highest duty as librarians—and our most demanding. Book selection proceeds within the parameters of budget, demand, collection-building, and community need. It is further divided by age of reader: Libraries maintain separate childrens' rooms and collections to guide youth to proper books at the proper time.

Librarians find, however, that the high-school student (age 15 +) demands and needs access to our adult collections. And keep in mind, he will read what he wishes—either at our libraries, or from sources official or clandestine. Protecting youth from adult materials limits freedom of access to ideas for both adults and youth. To "lock up" an adult book to protect youth is to deprive the adult of material which the law states is fully his right to have.

For all its fervor and activism, youth today demands to *know*: to know the good, the ideal, the different, the exciting; and the truth. The "truth" may be sadism and masochism exist and that pot may not be as harmful as alcohol. Above all, youth deploras hypocrisy and the attitude that they—above all—must be "protected" from the way of the world. There is a new realism in the United States which is now evident in our ever-seeking young people.

Suppression of materials deemed "hard-core pornography" may not be a limitation upon youth's "right to read," but it can constitute a threat to adult access to other serious materials of a literary, sexual (as opposed to obscene), and political nature which must be protected.

New Jersey public libraries subscribe to the following basic documents which I should wish to have entered into the record with my testimony:

The Library Bill of Rights

The Freedom to Read

Library Services—A Bill of Rights for Adults
(Preliminary Draft)

Although none of these statements of principle defends obscenity, all guard against the censor and promote the First Amendment of the Constitution of the United States.

A ringing defense of the First Amendment is to be found in Mr. Justice Thurgood Marshall's decision for a unanimous Court on April 7, 1969. The case was *Stanley v. Georgia* (394 U.S. 557), and while concerned about an adult's right to view obscene movies in the

privacy of his own home, brought again into focus the implication of the First Amendment. Wrote Marshall:

If the First Amendment means anything, it means that a state has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. . . .

. . . Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds. . . .

. . . This right to receive information and ideas, regardless of their social worth, is fundamental to our free society.

Surely, the arguments here accepted by the Supreme Court should guide this legislative study Commission in avoiding a conflict with the U.S. Constitution.

Censorship, albeit clothed in a garment of legislative decision, will be practiced with a heavy hand by the crusader against filth. As Judge Sidney Goldmann, Appellate Division of the N.J. Superior Court, wrote in 1953 in *re Bantam Books, Inc., v. Melko* (25 N.J. Super. 292),

The unpredictability and inconsistency of the censor is notorious. We need only consider the varying manner in which he has treated the several media of communication and art. . . . The definitions [of obscenity] all lead to the dead-end of a subjective determination. To paraphrase Samuel Johnson, the yea or nea saying of the censor becomes the standard of the permissible.

Similarly, bills attempting to define obscenity with relation to the various media of communication by employing an "anatomy test," or an "appealing-to-lust-of-minors test," may prove a hurdle in the library profession's need to provide information on art, sex, mores and literature of the day to their public through materials in the library collection.

Last, I want to relate to you a stand taken by the former Governor of Maryland, now Vice-President, Agnew, in rejecting in his budget for fiscal 1969 funds for the Board of Motion Picture Censors, the last state film censorship unit in the nation. The Governor then called the agency's \$82,000 annual operating budget an "unjustified expenditure" and pointed out that court decisions had rendered its function "totally ineffective," (as reported in the *Baltimore News American*, 19 Jan. 1968). I join Vice President Agnew in likewise cautioning against the establishment of such a unit in the State of New Jersey.

I therefore appeal to the Obscenity Study Commission to reject further moves for legislation in this field. The potential injury to freedom of ideas in the United States is greater than supposed "protection" of the young from materials which they know of and have access to in any event.

Thank you for this opportunity to appear before this Commission in order that the views of the N.J. Library Association be heard on the issue of obscenity.

No Ads for X Pix in SD

SAN DIEGO, Aug. 5 — The *San Diego Union* and *Tribune* will no longer "chronicle in its news columns or accept advertising from theaters playing films carrying an 'X' rating or non-rated pictures." An "X" rating by the Motion Picture Assn. of America specifies "persons under 16 not admitted."

Richard W. Tullar, advertising director, said this decision includes "X" rated films like *Midnight Cowboy*, a major production acclaimed by critics. The basis for the decision will not be announced, the company stated. Alex DeBakcsy, general manager, declared: "We have a good reason for not giving our motivation." He said that there has been some reaction, "but we haven't tried to measure it." — *Advertising Age*, 11 August.

Minor Problem

Q. I understand that the new legislation against obscene literature directed toward minors has caused the Long Beach Public Library to initiate a strict censorship policy for teen-aged readers. Is this necessary? R.T.H., Long Beach.

A. No restriction exists for tenth graders and above, said City Librarian Frances Henselman. "We have been holding meetings to discuss the new laws' possible effects on our policy of making adult fiction accessible to children," she said. The present policy is to allow children in the ninth grade and above to hold an adult card, which gives them access to non-fiction books needed for school work. In order to check out adult fiction, however, ninth graders have to refer their book choice to a librarian for approval. "The wording of the new law makes us wonder whether or not we have to extend this referral policy to everyone under 18," she said. One possible response would be to prepare a form for parents to sign giving their minor offspring permission to read any adult fiction. The new law for the first time sets up obscenity legislation aimed specifically at minors, and makes it easier to prosecute sellers of pornography to minors. — *Long Beach, Cal. Independent*, 29 July.

"Other" Obs. in N.J.

FREEHOLD — A jury of four women and eight men yesterday determined an issue of the *East Village Other* was obscene and found Frank Di-Gironimo Jr., owner of the Conspiracy, Long Branch, guilty of selling the obscene publication.

The jury returned its verdict after deliberating 38 minutes in the two-day trial before County District Court Judge Thomas L. Yaccarino. — *Red Bank Register*, 11 November.

Sex, Profanity Cited by School In Book Ban

BRICK TOWNSHIP, NEW JERSEY — The school board has decided to remove a number of controversial books from the classrooms after receiving complaints from several parents.

Board president Daniel F. Newman said the board is acting also on the advice of superintendent of schools C. Stephen Raciti.

Newman said the books are being withdrawn from circulation because of profanity and sex scenes.

He listed these books as among those being removed: *Soul on Ice*, by Eldredge Cleaver; *The Painted Bird*, by Jerry Kozinski; *Goodbye Columbus*, by Philip Roth and *Manchild in the Promised Land*, by Claude Brown.

The books had been used in a new course on minority literature and in a course dealing with literature and contemporary problems.

Newman said he also expects the works of LeRoi Jones to be withdrawn.

The board president said the school superintendent will create an advisory committee of school officials, parents and a member of the school board to establish guidelines by which books will be selected. —*Philadelphia Bulletin*, 27 October.

Twenty

TV Network Self-Censorship Ineffectual. Sole purpose of standards and practices departments—to keep networks out of trouble. Executives in charge not top talents. Lucky to earn \$25,000 a year: William H. Tankersley at CBS, Herminio Traviesas at NBC, Grace Johnsen at ABC. Strictness brings uproar from program, sales departments. Laxity results in complaints from public, politicians, advertisers. (Twenty phone calls considered “level of significance.”) Result: calculated mediocrity. Each network’s book of standards out of date. NBC chief vacillator. Responsible to RCA management as well as politicians, public. NBC v-p standards and practices Lee Jahncke had job for ten years. Fired day he returned from three-week vacation. Didn’t adapt fast enough to shifts in public taste. —*Gallagher Report Newsletter*, 4 November.

Andy’s ‘Blue Movie’ Obs. in N.Y.

NEW YORK (AP) — A three-judge panel in criminal court has ruled that pop artist Andy Warhol’s *Blue Movie* is hard core pornography.

Saul Heller, 66, manager of the Andy Warhol Garrick Theater in Greenwich Village, was fined \$250 for exhibiting an obscene film following the ruling.

Judges William E. Ringel, Morton R. Tolleris and Bernard Moldow had retired to chambers Tuesday to view the film, seized by police July 31.

“By any standard the film is hard-core pornography and therefore obscene,” said Judge Ringel. —*LA Times*, 20 September.

Quinn vs. “The Green Berets”

A protest was registered by the mother of a former junior high school pupil here at last week’s session of the Conroe School Board over a publication the child brought home from a school library. She called it obscene.

The protest was registered by Mrs. Ray Quinn of the Porter Road area, and she listed the publication as a novel named *The Green Berets*. Mrs. Quinn read two pages from the novel to trustees.

Superintendent J. L. McCullough explained to Mrs. Quinn that a committee of faculty members in each school is charged with the responsibility of examining library books before they are placed on shelves.

“I have no idea how that book got on a library shelf,” he said, “but it is impossible to catch all of them. We apologize for it having been there, and it won’t be again.” —*Conroe, Tex. Courier*, 17 September.

Who’s on Second?

Intellectual Freedom First? The University of Toledo, says Patrick Barkey, director of University Libraries, may be the first academic institution to have a version of the Library Bill of Rights written right into the bylaws of its Board of Trustees. According to Barkey, the following statement was passed unanimously by the faculty senate for inclusion in the new bylaws: “As a function of university library services, books and all other material selected should be chosen for values of interest, information, and enlightenment of all members of the academic community. In no case should materials be excluded because of the race or nationality or the social, political, or religious views of the authors. No library materials should be proscribed or removed from the libraries because of partisan or doctrinal disapproval.” —*LJ*, 1 September.

X Films Obs. in N. C.

District Judge Joe Dupree has found 62-year-old James Lester Pritchett guilty of exhibiting obscene movies at the new Towne Theatre in downtown Fayetteville.

Judge Dupree sentenced Pritchett to two years on the roads, suspended for three years provided he pays a \$500 fine and does not show an X-rated (adults only) film for three years.

Pritchett, manager of the theatre, appealed to Superior Court and the judge ordered the movies in question, *For Single Swingers Only* and *Little Girls*, held by the court until the case is heard by a jury.

Judge Dupree's guilty verdict came after defense attorney James R. Nance Sr. quoted U.S. Supreme Court decisions he said made it impossible to convict the theatre manager on the basis of the evidence presented by the state Thursday.

He contended that the state failed to show that either of the movies appealed to the "prurient interest of those who witnessed them, as required in the latest Supreme Court decisions."

Nance also introduced evidence that the same two movies had already been shown, without police interference, at about 30 cities and towns in North and South Carolina.

Dupree took note of Nances' contention that the Supreme Court ruling was "the law of the land, and cannot be changed, regardless of anyone's personal feeling."

However, Dupree said that "no case like this has been up (to the Supreme Court) from North Carolina" and "the court has been known to change its mind."

Dupree said "Goldberg is gone, Warren is gone and Fortis is gone . . . and God knows if we don't get someone to replace these men, this country is gone, gone to hell." —Fayetteville *Observer*, 1 August.

"I Am Curious" Obs. in Spokane

SPOKANE (AP) — A Spokane judge held Friday that the Swedish film *I am Curious (Yellow)* is obscene under guidelines handed down by the U.S. Supreme Court.

Superior Court Judge John J. Lally ruled that the movie, distributed in this country by Grove Press, appeals to a prurient interest in sex and is without redeeming social value.

The judge said it was his opinion that U.S. Supreme Court decisions in obscenity cases "do not mean that any form of pornography may be displayed so long as it is interspersed with items that are not obscene."

"The ideas expressed in the film," he added, "and the messages it purports to convey are mere window dressing and serve no function other than to provide a vehicle for portraying explicit scenes of sexual conduct." —Portland *Oregonian*, 20 September.

Yippie 'Revolution' in Question in Hutchinson, Kansas

Censorship may come to the Hutchinson Public Library, if library officials can locate the book to which objections have been raised.

County Attorney Raymond Berkeley has objected strenuously to the book, *Revolution for the Hell of It*, written by Abie Hoffman, founder of the Yippies.

Berkeley would like to see it removed from the library shelves.

However, Librarian Bill Knott said the library's only copy of the book was checked out May 7, and "It appears it is no longer in the hands of the person who checked it out. We don't know where it is."

Berkeley said the book was called to his attention and that he has read portions of it.

"I think it is totally inappropriate for our library," he said. "It has the most obscene and filthy language I have ever read. It is, secondly, completely antagonistic to law enforcement in general. It is a handbook for anarchy."

Knott said he has not received a formal complaint about the book which was purchased before Knott became librarian about six weeks ago.

"The only notification I have had was from the president of the library board, Bill Swearer," Knott said. "He told me the county attorney was objecting to it, but I have had no word personally from Mr. Berkeley."

Knott said, however, that he has read the reviews of the book since hearing from Swearer.

"These reviews are probably what prompted the book's purchase by the selection committee. Based on those reviews I don't feel the book is that objectionable, but I won't know until I can read the book myself," Knott said.

Berkeley said he was only acting as a citizen, and not the county attorney, in objecting to the book. —Hutchinson *News*, 29 August.

Judge Backs Students

A U.S. District Court judge at Charleston, S.C., has ruled that pupils have a constitutional right to wear black arm bands to protest the Vietnam war.

Judge Robert W. Hemphill ordered officials of the Ridgeville-Harleyville High School Monday to stop violating such rights and reinstate six suspended students. —Michigan City, Ind. *News-Dispatch*, 18 November.

Free Speech Rights Must Yield, Says JD

The Justice Department told the Supreme Court yesterday that free-speech rights must yield when citizens don't want their privacy invaded by mail they consider obscene.

"The right to speak to the community at large may be made to yield to a citizens' countervailing right to privacy in his own home," the department said in a brief signed by Solicitor General Erwin N. Griswold.

The department took the position in defending a 1967 law that a group of mailers contends violates First Amendment freedom of speech safeguards.

The law, to be reviewed by the court in the fall, provides that any person who receives an advertisement he believes to be "erotically arousing," or "sexually provocative" may ask his postmaster to direct the advertiser to stop sending mail to him. —*Washington Post*, 29 August.

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