

IFC ALA

on Intellectual freedom

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

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LeROY MERRITT Is Gone—His Fight For Intellectual Freedom Goes On

In the death of LeRoy Merritt, the cause of intellectual freedom has been dealt a serious blow. Librarianship has lost a dedicated practitioner. And those of us who knew LeRoy personally and professionally over the years mourn a good friend.

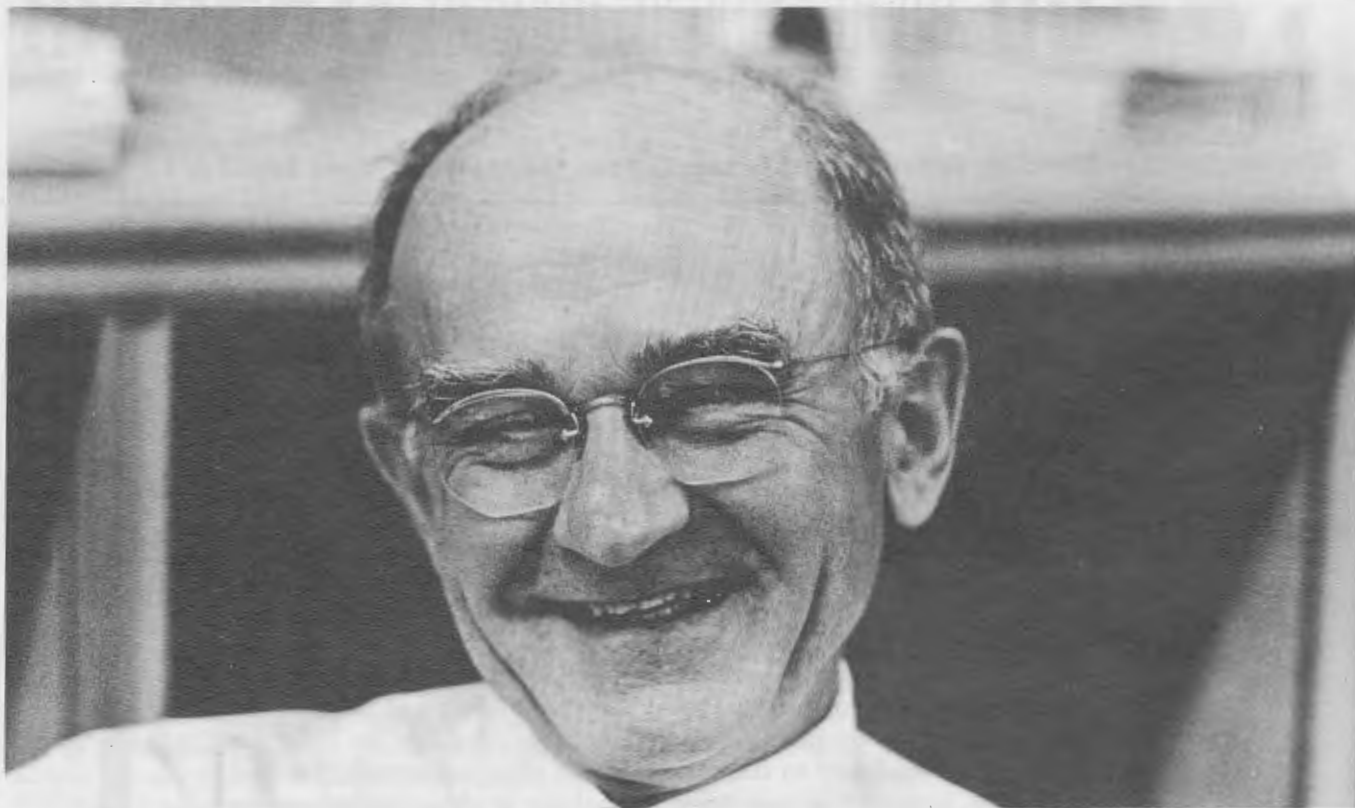
In this sudden multiple loss immediate sorrow prevails. But the lessons that come from LeRoy Merritt's career should not be lost. He overcame obstacles by persistence and courage. He had to fight his way through a tendency to stammer, toward effective speech. He had no difficulty, however, at any time, in making it clear just where he stood. That was always on the side of human freedom. His abilities as an academic administrator were recognized when he was appointed as the first dean of the University of Oregon School of Librarianship. His writing, his teaching, and his example inspired his students, his professional counterparts, and all those concerned with open communication.

LeRoy Merritt's editorship of this *Newsletter*, a generous contribution to the A.L.A., was hard work. He performed it with determination and boldness. Every issue strengthened and heartened the defenders of intellectual freedom and gave the facts about censors and suppressors of ideas, whether they were important people in high places or obscure individuals in the boondocks. The first Robert B. Downs Award for the Defense of Intellectual Freedom to Dr. Merritt was recognition by experts of his pre-eminence in this field so crucial for librarians.

Now we are denied LeRoy Merritt's continuing friendship and counsel. But we will honor him by carrying on the struggle for the rights of free expression and general access to that expression, a struggle to which he gave so much.

Edwin Castagna
May 29, 1970

In Memory



Dean LeRoy C. Merritt believed that one man's prejudices or lack of information should not limit another man's free inquiry. His contributions to librarianship are a shining tribute to that belief.

In Milwaukee, Wisconsin, where he was born September 10, 1912, LeRoy Merritt began his lifelong dedication to the profession working in the Public Library while attending University of Wisconsin Extension classes. He continued working weekends and summers at Milwaukee Public while he attended the University of Wisconsin at Madison where, in 1935, he received a B.A. and a diploma in librarianship. He received a Ph.D. in Librarianship from the University of Chicago in the spring of 1942.

During the Second World War, Dr. Merritt was serving as librarian at Longwood College in Farmville, Va., when he was drafted. He served two years in the Armed Services. Near the close of the European fighting, he was aiding in a Special Services project in Paris for getting books and magazines to men in the front lines.

From 1946 to 1966, Dr. Merritt served on the staff of the School of Librarianship at the University of California at Berkeley. He served as Vice-Chairman of the School from 1954 to 1960, then Acting Dean until 1962. In 1966, he became the Dean of the School of Librarianship of the University of Oregon, Eugene. One of his proudest moments was to have the new department accredited by the American Library Association in 1968.

Aside from his teaching and administrative achievements, Dean Merritt is known for a number of publications. His doctoral dissertation, published in 1943 by the University of Chicago Press, was **THE UNITED STATES GOVERNMENT AS PUBLISHER**. In 1951 he authored **THE USE OF THE SUBJECT CATALOG IN THE UNIVERSITY OF CALIFORNIA LIBRARY**, and in 1958 (in co-authorship with Boaz and Tidel) **REVIEWS IN LIBRARY BOOK SELECTION**. In 1949, he was joint-editor of **PLANNING THE UNIVERSITY LIBRARY BUILDING**.

Undoubtedly, Dean Merritt is best known for his work on censorship and intellectual freedom. He has published many articles in this area and edited the NEWSLETTER ON INTELLECTUAL FREEDOM since 1962. The H. W. Wilson Company has just announced the publication of his book entitled BOOK SELECTION AND INTELLECTUAL FREEDOM. For his outstanding accomplishments in the field, Dr. Merritt was, in 1969, the first recipient of the ROBERT B. DOWNS INTELLECTUAL FREEDOM AWARD. True to his principles, Dr. Merritt immediately contributed the entire cash award of \$500 to the Freedom to Read Foundation, thus becoming the Foundation's first Benefactor.

Dean Merritt has served as chairman of the California Library Association Intellectual Freedom Committee, a member of the ALA Intellectual Freedom Committee, and president of the Association of American Library Schools. At the time of his death, he was President-Elect of the Library Education Division of ALA.

During Dean Merritt's teaching career, he was especially interested in having a course on book selection required of all who expected to become librarians. He advocated a definite, written book selection policy for each library, a clearly defined program for meeting requests and complaints of the reading public, and a careful interpretation to the public of sound book and magazine selection policies. Dean Merritt's overwhelming devotion to librarianship and the principles of intellectual freedom cannot be measured or replaced. He will be greatly missed.

Those wishing to honor Dean Merritt's memory are invited to contribute to: (1) The Freedom to Read Foundation, c/o ALA, 50 East Huron, Chicago, Ill. 60611; (2) The University of Oregon Development Fund for use by the School of Librarianship of the University; and (3) Camp Adams (United Church of Christ) Campership Fund, 0245 S.W. Bancroft Street, Portland, Oregon 97201.

The old Librarian's Almanac

by
Jared Bean

Published in New Haven, Connecticut, 1773

"So far as your authority will permit it, exercise great Discrimination as to which Persons shall be admitted to the use of the Library. For the treasure House of Literature is no more to be thrown open to the ravages of the unreasoning Mob, than is a fair Garden to be laid unprotected at the Mercy of a Swarm of Beasts.

"Question each Applicant closely. See that he be a Person of good Reputation, scholarly Habits, sober and courteous Demeanor. Any mere Trifler, a Person that would Dally with Books, or seek in them shallow amusement, may be Dismissed without delay . . . No Person younger than 20 years (save if he be a Student, of more than 18 years, and vouched for by his Tutor) is on any pretext to enter the Library. Be suspicious of Women. They are given to the Reading of frivolous Romances, and at all events, their presence in the Library adds little to (if it does not, indeed, detract from) that aspect of Gravity, Seriousness and Learning which is its greatest glory . . ."

Hawthorne Books advertisement

Like A Newspaper

A federal district judge in Washington has concluded that the Army has a legal right to go on infiltrating and spying on civilian groups engaged in legally permissible activities. Maybe so; the American Civil Liberties Union intends to press an appeal.

The wisdom of the Army's efforts, as a matter of public policy, is entirely another matter. Judge George L. Hart, Jr. made no case for that by holding that the Army's collection of intelligence reports is essentially no different from that of newspapers which store information on individuals in their files.

Newspapers do not store information on individuals or groups solely because of their political ideas and associations—and that is what the Army is doing. But no matter. The great distinction is that newspapers are not arms of government. The Army is. And when an arm of government goes about spying on citizens, and keeping vast records on them just because of their ideas and associations, then government is interfering with free political rights.

The ACLU argued that the Army's activities inhibited the free speech guarantees of the Constitution. We would not be surprised if a higher court agreed. In any case, since Congress has not specifically authorized the military to spy on civilians, Congress ought to deny the Army the power to do so. It is not consistent with the ideals of a free country.—St. Louis *Post Dispatch*, 24 April

Orrin Dow Receives Robert B. Downs Intellectual Freedom Award

Farmingdale—Orrin Dow will get a \$500 national prize July 1 for his work as director of the Farmingdale Public Library. Earning the prize was not easy, but he had several helpers:

Self-described Minutemen who mailed death threats such as “even now the cross hairs are on the back of your neck.” Arsonists who burned his lawn furniture. Crank callers. Authors of anti-Semitic letters to Mrs. Dow (although the Dows are not Jewish). Library Trustee Carl Gorton, who took a copy of the *Paris Review* from the shelves because he considered an article in it obscene, and who tried to ban civil liberties literature and United Nations films.

Dow, calm despite the tumult of the past three years, says, “Generally, they have not been the happiest of circumstances. But the family decided it was simply something we would have to live with. It is most satisfying to get this national recognition.”

Gorton took a different viewpoint. “Perhaps they would like to hire him,” he said when asked to comment on the prize. “His \$20,000-plus salary is more than this community can afford. \$1 is too much.” Gorton’s suggestions are not to be taken lightly. He may soon have enough votes on the library board to decide who the director will be and how much he gets paid.

Dow concedes that “it is a pretty iffy question” whether he will remain much longer. On July 7, six days after the official awarding of the \$500 prize, the Farmingdale Library Board of Trustees will meet to organize for the coming year. Liberals who support Dow’s administration have been losing strength on the board, and control may go to the rising conservative faction led by Gorton. The swing vote will be held by Joseph Crocco, who earlier this month defeated liberal Dr. Albert Meyerstein at the polls. Crocco is fiscally conservative but also opposes censorship. Yet he will have to side with either the two conservative or two liberal trustees to pick a board president, and that will be taken as a portent of other policy votes. If Gorton wins control, Dow says of his future in Farmingdale, “That would be about it, I would say.”

When Dow arrived in Farmingdale 14 years ago, the library was a 25-by-70-foot storefront operation. Today it has a main building, a new branch in South Farmingdale, a mobile unit and 110,000 books. But after three straight years of conservative campaigns

that defeated library budgets, the library has gone downhill. The staff has dropped from 55 to 25. Yesterday the main library was closed, as it is every Wednesday now. The hours are different every day, totaling only 34 hours a week. “It is a different form of censorship,” Dow said. “You can’t read in a library if it isn’t open, and we can’t have books if we don’t have the money to buy them.”

The \$410,000 budget, defeated earlier this month, will get another chance before the voters June 10 in slightly reduced version of \$405,000. In a rare show of harmony, the entire library board, plus Crocco, has promised to make library hours more uniform if the new budget passes. But Gorton remains opposed to the budget.

The current library administration got a consolation of sorts this week with news that a state law goes into effect Sept. 1 to give library boards the right to schedule budget votes independent of voting on often unpopular school budgets.—Long Island, N.Y. *Newsday*, 28 May

But in Farmingdale, The Beat Goes on . . .

Controversial Farmingdale Library trustee Carl E. Gorton is in hot water again.

Papers charging Gorton with contempt were to be filed today in the Appellate Division in Brooklyn by the State Division of Human Rights.

Gorton, according to the Human Rights Division, refused to withdraw charges against Mrs. Hortensia Stoyan, a library employe who originally filed discrimination charges against him.

Gorton’s troubles with Mrs. Stoyan started in August, 1967. She pressed assault charges against Gorton after an argument, claiming he twisted her arm and shoved her. The charges were thrown out of court that November.

A few weeks later, however, Gorton called Mrs. Stoyan “unfit” to continue in her position as assistant children’s librarian in that she acted irresponsibly in making the charge against him.

In March, 1968, the trustee said at a public meeting that Mrs. Stoyan’s “language background hardly qualifies her to instruct children in a course in remedial reading . . .” and said he objected “to having a person who is a member of a religion that rejects loyalty to the United States in a position to influence children.”

Mrs. Stoyan answered that she administered the program but did not conduct it, and contended that a Jehovah's Witness could be a loyal citizen despite the fact that the religion forbids saluting the flag.

Then she forwarded a bias charge against Gorton to the Human Rights Division, claiming that he tried to "incite, compel or coerce" his fellow trustees to fire her because of her background.

Gorton was found guilty of the accusation in July, 1968 but refused to pay the damages. He informed the Division he wanted a trial by jury. The matter was brought to the Appellate Division last July, and that ruling also went against Gorton.—*Long Island Press*, 30 April

And On . . .

Farmingdale—Carl E. Gorton, a Farmingdale library trustee, has been ordered to show a state court tomorrow why he should not be held in contempt for failing to withdraw his request that a library employe be fired.

Gorton was ordered to appear tomorrow before the Appellate Division of the State Supreme Court in Brooklyn for failing to comply with the court's 1969 order that he withdraw his January, 1968, request that the library board fire Hortensia R. Stoyan, assistant library director. The court order backed a 1968 State Division of Human Rights ruling, that Gorton had discriminated against Mrs. Stoyan. The division ruled that he had sought her dismissal because of her Puerto Rican background and her religious affiliation with the Jehovah's Witnesses.

Irving N. Selkin, deputy clerk of the court, said last night that Gorton could submit his case in writing and did not have to appear in person. Selkin said that the maximum punishment for civil contempt was \$250. But a spokesman for the human rights division said that Gorton also could face up to one year in jail and a \$500 fine for failing to comply with the original order of the division. Gorton refused to comment.

In July, 1968, State Commissioner of Human Rights Robert J. Mangum ordered Gorton to stop calling for Mrs. Stoyan's dismissal and to withdraw his request for a hearing on the dismissal. The library board had refused to hold a hearing. Under the order, Gorton was to report that he had withdrawn the hearing request by notifying the division in writing within 15 days. Gorton, however, filed a notice of appeal with the State Court of Appeals. According to Ann T. Anderson, division attorney, Gorton failed to file the appeal papers within the required time period. Mrs. Anderson said that the Court of Appeals dismissed Gorton's appeal March 18 and he had failed to notify the division of any withdrawal. Library Board President Robert M. Callahan also said last night that Gorton had made no formal withdrawal of the dismissal request.

Ad Infinitum . . .

Farmingdale—When Joseph Crocco takes office as a trustee of the village library July 1, he will hold the decisive vote on a library board deeply torn in recent years over issues ranging from budgets to censorship, race, and Communism.

The tip-off to the board's future may well come at that first meeting in July, when the five trustees elect their president.

Crocco, who describes himself as an independent, is not saying what he will do. He upset incumbent trustee Dr. Albert Meyerstein 1,569 to 1,456 in a light turnout Wednesday. Meyerstein has been allied with current board president Robert M. Callahan and Irwin Jacovsky in a three-man majority. Frequently forming a minority have been trustees Carl Gorton and Warren W. Altmann, although they have occasionally parted ways in recent months.

Gorton's controversial activities have gotten him into trouble with the law. A member of the John Birch Society until he was ousted from it in October, 1968, he was elected to the library board in 1967 after taking a copy of *The Paris Review* from the library shelves because he thought an article in it was obscene. He was convicted of petty larceny. The conviction was later overturned by a higher court.

Crocco has criticized the board majority on finances, a sore point after voter rejection Wednesday of the library budget for the third straight year. Yet, he says that he is not allied with either board faction. "I think of myself as independent," he said, "and I hope we decide issues on their merits. I've had many disagreements with Mr. Gorton. As far as censorship is concerned, it's ridiculous. You put books on the shelves that people want to read, that's all."

Gorton was unavailable to discuss the situation, and Altmann declined to comment. Library Director Orrin Dow, noting that Crocco was endorsed by the fiscally conservative District Evaluation Body of Taxpayers, said that there may be "imminent changes." But he also said that Crocco "is entitled to come to the board without being put into a pigeonhole."—*Long Island, N.Y. Newsday*

Use of Mails to Send Solicited Books Is No Crime

In what may become a landmark decision, a federal district judge in Sacramento has ruled it is not a crime to send obscene materials through the mail to an adult who requests them.

U.S. Dist. Judge Thomas J. MacBride dismissed four counts charging Robert Irvine Lethe of Los Angeles, doing business as Athena Books, with mailing obscene matter. Six counts charging mailing of unsolicited advertisements for obscene matter were sustained.

Although the case involved only the use of the mails, it presumably could be made applicable to any means of selling or distributing obscene materials to adults requesting them.

And because this would remove a potent enforcement weapon in the obscenity field, the ruling is almost certain to be appealed to higher courts.

Judge MacBride relied on a U.S. Supreme Court decision last year that the mere private possession of obscene material is not a crime.—*Los Angeles Times*, 7 May

Md. School Censorship Eased

By John Hanrahan
Washington *Post* Staff Writer

Student publications cannot be precensored by high school administrators but instead must be submitted for student-faculty review after they are disseminated, the Maryland Board of Education ruled yesterday.

The decision, which grew out of a suit filed for six Montgomery County students who charged that precensorship of unofficial student publications was unconstitutional, was lauded by board members as a significant recognition of student rights. However, a majority of the students who filed the suit criticized the decision for not going farther to abolish censorship of student publications altogether.

The students' lawyer, Edward L. Genn, said he was "pleased" by the state board's decision, which he called "a significant step . . . that grants a good deal of what they (the students) wanted on the senior high school level."

However, Genn said he probably would recommend a return to court to settle some points. Genn said that some of the language in the ruling giving school principals "emergency" powers over publications could be "sufficiently broad to chill first amendment rights." He cited this as one section that the court should rule on.

The board's unanimous decision states that all senior high schools in Maryland must set up publication review boards in which student membership is at least 50 per cent. The student members of the board would be determined "by the student body through the student council or any similar method."—*Washington Post*, 11 April

Nat Hentoff Censored in Georgia

A book which deals with a youth's inner conflict over being drafted into the Army has been removed from the shelves of College Park High School library at the request of a parent, according to W. L. Robinson, president of the Fulton County Board of Education.

In the regular monthly meeting of the board Tuesday afternoon, Robinson said the book had been ordered removed by Fulton School Supt. Paul West after Al Leake, the parent of a child who attends College Park High School, complained that it contained obscene words and an anti-patriotic theme.

Leake was present at the board meeting to learn what action has been taken.

Leake questions the board regularly on materials used in sex education courses, the use of sensitivity training sessions for teachers, and other such topics.

At a previous board meeting, he produced copies of the first chapter of the book entitled "I'm really dragged out but nothing gets me down," by Nat Hentoff, for board members to read.

However, Deputy Supt. Douglas G. McRae took exception to removing the book from the school shelves. Dr. McRae asked Leake if he had read beyond the first chapter and knew how the plot was resolved. Leake answered that he had not.

"The central theme is a boy wrestling with his conscience about whether to evade the draft," McRae told the board.

"His friend advises him to go to jail rather than Vietnam. But it ends with him deciding to allow himself to be drafted and not take the advice of his friend.

"My main objection to the book is that it has no particular literary value," McRae said, "but it is not erotic or dirty." It is published by the children's division of Simon and Schuster and is on four state-approved reading lists for public schools.

"There are a lot of boys who are wrestling with this same question. This is a study of an element of youth dealing with a pertinent contemporary problem," McRae said.

"We get into a pretty dangerous situation, it seems to me, when we remove a book just because of some obscene words," the deputy superintendent continued.

On this basis, he said, all the works of Steinbeck, Hemingway, Faulkner, Virgil, Horace and Shakespeare would have to be taken out of school libraries.—*Atlanta Journal*, 8 April

Librarian Sues to Defend Right to Sue

A Martinsville, Va. librarian is suing to defend his right to sue.

T. Ellis Hodgkin was dismissed from his city job July 22, 1969, four days after he sued the city to stop a religious program in the public school system.

City Manager Thomas Noland gave no reason for the dismissal at the time, but he now contends Hodgkin was fired for "dereliction of duty."

Representing Hodgkin, the ACLU of Virginia points out that Noland had been sufficiently satisfied with Hodgkin's work to give him a \$1,000 pay raise 22 days before firing him.

The right to sue is protected by the First Amendment, the affiliate says. Hodgkin's dismissal has a "chilling effect" on the exercise of the constitutional right. The suit contends also that the city's procedure in firing Hodgkin violated due process of law.

A Federal District Court jury ruled against Hodgkin in March. But according to the CLU, the trial judge did not instruct the jury on the constitutional questions. The decision will be appealed.

Attorney is Robert Dwoskin.—*Civil Liberties*, May

"Soul on Ice" in Williamsville

Friction between parents and school board members flared again at a meeting of the embattled Williamsville School Board Monday night over a demand by parents to have Eldridge Cleaver's book, "Soul on Ice," banned from the libraries of the districts two high schools.

Williamsville School Superintendent Dr. William E. Keller and school board members sat in silent resistance while many of the about 400 persons attending the meeting hurled a barrage of insults at the dais.

Robert Warner, a parent, arose from the audience and said that the literature referred to by Fortunato was Cleaver's "Soul on Ice." He demanded that the board pass a resolution which would immediately ban the book from circulation in Williamsville North and South High Schools.

Warner called the book "obscene" and waved a piece of paper containing one of the book's passages, challenging any member of the board to read it in public. There was no response from the board, but again the audience erupted in sympathy, this time forcing the meeting into temporary adjournment.

The board deferred action, voting to table the measure until the following board meeting.—*Buffalo Courier Express*, 7 April

Marshall E. Woodruff Legal Defense Fund

Mr. Marshall Woodruff, owner of the Joint Possession in College Park, Md., was convicted and sentenced to six months in jail and a \$1,000 fine by Prince George's County Circuit Court Judge Roscoe H. Parker on March 20, 1970. Mr. Woodruff is now free on bond, awaiting an appeal to a higher court. The charge on which he was convicted was distributing an "obscene" issue of the *Washington Free Press*.

We hold that Mr. Woodruff's civil liberty—freedom to disseminate expression—was violated and that legal censorship has been perpetrated in the community. Mr. Woodruff's legal expenses are considerable, despite free counsel furnished by the Prince George's County Chapter of the American Civil Liberties Union.

We concerned librarians and other citizens believe that we have a right and duty to do all within our power to see that justice is rendered in this case. We are fighting also the growing menace of censorship in our community. To that end we have established the *Marshall E. Woodruff Legal Defense Fund*. Donations will be accepted payable to the Committee for the Legal Defense of Marshall E. Woodruff, P.O. Box 1635, Hyattsville, Maryland. Any monies received in excess of Mr. Woodruff's legal expenses in this case will be remitted to the Prince George's County Chapter of the American Civil Liberties Union for furthering its wide-reaching defense of civil liberties.

Court Clears Law Curbing Obscene Mail

WASHINGTON (AP)—The Supreme Court upheld today the federal law that requires mailers to stop sending "obscene" advertisements to people who don't want them.

The court unanimously upheld a section of the Postal Revenue and Federal Salary Act of 1967 under which a householder may require that a mailer remove his name from its mailing lists and stop all future mailings to the person complaining.

Chief Justice Warren E. Burger, writing for the court, swept aside contentions that access to the mail is a freedom protected by the First Amendment.

"Without doubt the postal system is an indispensable adjunct of every civilized society and communication is imperative to a healthy social order," Burger wrote. "But the right of every person 'to be let alone' must be placed in the scales with the right of others to communicate."

Burger conceded, however, that "to make the household the exclusive and final judge of what will cross his threshold undoubtedly has the effect of impeding the flow of ideas, information, and argument which, ideally, he should receive and consider."

In a separate concurring opinion, Justices William J. Brennan, Jr. and William O. Douglas, while agreeing the statute is constitutional, noted "The possibility exists that parents could prevent their children, even if they are 18 years old, from receiving political, religious, or other materials which the parents find offensive."

Brennan said this particular section had not been under attack in the present case, but added, "In my view, the statute so construed and applied is not without constitutional difficulties." — *Eugene Register-Guard*, 4 May

Textbooks Called Unfair to Minorities

The Anti-Defamation League of B'nai B'rith reported yesterday that a study of junior and senior high school social studies textbooks had failed to find a single text that presented a "reasonably complete and undistorted picture of America's many minority groups."

The study, based on an examination of the current treatment of Negroes, Jews and other minorities in 45 of the nation's most widely used social studies texts, was made public as the League opened its annual meeting at the Waldorf-Astoria Hotel.

Benjamin R. Epstein, the league's national director, said the findings disclosed that "while the black man's position in contemporary society is no longer largely ignored, textbook treatments of inequality and attempts at its eradication are either missing, or with few exceptions, continue to be weak and noncommittal."

The positive aspect concerning the black man's position is "treated more in terms of complacent generalities than with hard facts," Mr. Epstein said.

He said that the study showed that treatment of the Jews "is still largely confined to an overemphasis of their ancient past," and that only a few texts present a "varied true-to-life picture of modern Jews and their contributions to America."

The Nazi persecution of Jews and other minorities are still inadequately treated "or completely ignored," he said.

The textbooks, he added, also show no improvement in the presentation of Chinese and Japanese Americans and references to them depict "unfavorable stereotypes." The Mexican-American has "replaced the black man as the 'invisible man,'" Mr. Epstein said.

Concerning the findings on the treatment of black Americans, the study held that "less than one-third of the texts examined offer reasonable accounts of the black man in contemporary society," and "too few offer any over-all discussion of the civil rights movement."

The league said the 45 texts that were examined were chosen for their frequency of use by school districts in more than 50 representative areas of the country. Examined were 15 American history texts, 15 world histories and 15 that dealt with governmental processes and social problems.

The agency indicated that the localities, ranging from whole states, to major cities, to smaller county and city school districts, responded to a request for information as to which texts they used most extensively in the teaching of American history, world history and social problems and civics.

In an interview, Mr. Epstein said that the "startling omissions and other gross inadequacies" that were found made evident the danger of relying on current texts—especially on one rather than several texts—as the sole form of instructional material.—*New York Times*, 10 May

Distribution of Panther Literature Enjoined

Judge James A. Perrott enjoined the Black Panther party, its officers, friends and sympathizers yesterday from distributing literature that could provoke conduct harmful to members of the Baltimore city Police Department.

The judge signed a temporary injunction effective for 10 days—after conferring in his chambers for about 10 minutes with Francis B. Burch, the state attorney general, and Bernard L. Silbert, the police department's legal adviser.

In an accompanying affidavit, the two state officials said that Panther publications played an important part in the "ambush" last Friday of two city policemen, and "will continue to present an immediate danger to the lives, health and well-being" of members of the department.—*Baltimore Sun*, 1 May

Union Says Pornography 'Thrusting' Isn't Free Speech

While strengthening its opposition to obscenity censorship, the ACLU Board of Directors in February adopted a policy allowing for "narrowly drawn" statutes prohibiting the "thrusting of hard-core pornography on unwilling audiences in public places." The policy recognizes a right of privacy against intrusion via, for example, pornographic billboards or store window displays.

The Board cautioned that "thrusting" statutes may properly "affect only such methods of distribution in such public places, and should not restrict the right to publish or otherwise distribute . . ."

In this context the Board accepted Justice Potter Stewart's definition of "hard-core pornography": materials "with no pretense of artistic value, graphically depicting acts of sexual intercourse, including various acts of sodomy and sadism, and sometimes involving several participants in scenes of orgy-like character," or "bizarre" verbal descriptions of such activities "with no pretense to literary value," or "strips of drawings in comic-book format grossly depicting similar activities in an exaggerated fashion."

The policy does not allow for prohibition of the creation of such materials or their distribution or sale to willing readers and audiences.

The Board voted also to revise its former policy to eliminate the clear and present danger test with regard to obscenity. For one thing, there has never been proof that obscenity is causally related to anti-social behavior. For another, "Although freedom of expression involves some risks, the First Amendment tolerates those risks in order to avoid the greater dangers that flow from any restrictions on speech or press."—*Civil Liberties*, April

Ask a Silly Question . . .

Q: Does the D.C. Public Library *censor its books?*

A: Yes and no. Generally, each branch manager controls his own stock. Most branches have such books, for instance, as the sex manual *Human Sexual Response*, but they are restricted to out-of-sight office shelves along with, in the case of one branch, Norman Mailer's *Naked and the Dead*.—*Washington Post*, 26 April

Court Victory for Pacifica Draft Help

Last fall the Pacifica Draft Help (an organization which counsels young men about the draft law) was denied use of the community room at the Pacifica Public Library because the City Council felt that they might counsel "evasion of the law."

With the fall Moratorium meetings behind them, the organization did not have an immediate desire to use the facilities but were assured of ACLUNC's assistance in establishing their right to use the facilities when the need arose.

When time for the April Moratorium arose, ACLUNC volunteer attorney Stanley S. Friedman of San Francisco filed suit in Federal Court on behalf of Pacifica Draft Help. Friedman contended that the action of the City Council was an unconstitutional prior restraint on First Amendment activities.

Judge Albert C. Wollenberg agreed, holding:

"There seems little question but that denial of the use of the community room by defendants Gust and members of the City Council raises serious first amendment problems. In oral argument before this Court, counsel for Pacifica inferred that any application for use of the community room in the future would only be granted if there were a prior showing that Pacifica Draft Help would not 'conspire to violate federal statutes.' In light of the organization's professed purpose, i.e., the advising of young men as to alternatives to the draft, this appears to be a prior restraint on the content of the speeches to be made at organizational meetings. It is not alleged by defendants that the 'felonies' feared are criminal actions apart from speech. This being the case, sanctions against the organization may take the form of criminal prosecutions for violation of valid laws, but may not take the form of prior censorship of the content of political speech, absent a showing in an adversary proceeding of a clear and present danger of riot and disorder."

Judge Wollenberg declined to issue an injunction against the defendants because application for use of the Community room had not been made since last fall, but kept jurisdiction of the case in order to be able to issue an injunction if future requests to use the Community room should be unconstitutionally denied.—*ACLU News*, May

Commission on Obscenity and Pornography Holds Hearings in L.A.

I

Public hearings by a federal commission investigating the distribution and public availability of pornographic materials got under way in Los Angeles Monday.

Several witnesses, including actor Charlton Heston, were called to testify before 10 members of the Congressional Committee on Obscenity and Pornography.

Heston, president of the Screen Actors Guild, told the commission that he received "dozens of letters every week asking my help in preventing pornography on the screen" but that he was "powerless to respond to these appeals."

"It's perfectly true that many films that would have been shown in the back of a barroom only a few years ago are now being exhibited in theaters to enormous profits.

"I don't think, however, that film-makers as a group can be held responsible for their production anymore than the public as a whole can be held responsible for their success," Heston told the commission, which is conducting its hearings in City Hall.

He said that because of their form, "motion pictures . . . are more responsive to the lowest common denominator of public taste than any other art."

However, Heston said, "the film-makers must recognize, I think, that freedom is not license, but responsibility," adding: "I think the film industry has responded very well to this responsibility with the Rating Code."

"Certainly this kind of self-regulation is infinitely preferable to government censorship," he said.

Another witness, David F. Friedman, vice president of Entertainment Ventures, Inc., producers of so-called sexploitation movies, said he thought the distribution of obscene materials should be regulated by law.

"I am convinced that if pornography were allowed to be openly sold in regulated outlets in the United States, it would wither and die of its own sheer ennui within a few years," he said. "It's the oldest story in show business. What do you do for an encore?"

Mrs. Judith F. Krug, director of the Office for Intellectual Freedom of the American Library Assn., told the commission that the association was against censorship because "it is the responsibility of libraries

to provide books and other materials representing all points of view concerning the problems and issues of our times."

She said the association believes citizens "can be trusted to recognize and reject obscenity" and that a "free society (does) not need the help of organized censors to assist them in this task."

(One of the reasons the commission was created in 1968 was to present Congress with definitions of obscenity and pornography and to recommend legislative action.)

"The American Library Assn. urges the commission not to recommend any further controls on the population's access to material of any kind," Mrs. Krug concluded.

During the afternoon session, retired Superior Judge Donald A. Odell told the commission that one of the biggest problems in stemming the flow of pornographic materials lay with the obscure wording of laws dealing with obscenity.

He referred to a case in which the conviction of a San Francisco topless dancer was overruled by the California Supreme Court which said that in order to prove obscenity, the prosecution must show the particular act violated the standard of decency accepted in the community. The conviction was overruled because "the people failed to introduce proof of community standards," Odell said.

Other witnesses included Willard Johnson, of the Planned Parenthood Assn. of San Diego County, and Arthur Kunkin, editor and publisher of the Los Angeles Free Press, both of whom agreed that the commission should make an attempt to seek out the opinion of persons under 25. The commission has not had any witnesses in that age group.—Los Angeles Times, 5 May

II

The federal *Commission on Obscenity and Pornography* concluded its final day of public hearings in City Hall Tuesday after listening to arguments for both more strict and more lenient enforcement of obscenity laws.

Among the witnesses were Mayor Sam Yorty, Chief Dep. Dist. Atty. Lynn Compton and Stanley Fleishman, an attorney noted for his work as defense counsel in obscenity cases.

"The problem of obscenity and pornography has reached serious proportions in Los Angeles," Yorty told the commission.

He laid partial blame on U.S. and California Supreme Court decisions "which struck down or seriously weakened most local laws governing obscenity and pornography."

Yorty said he has received letters from parents as far away as Illinois asking him to stop the sending of mail order pornographic materials, much of which originates in Los Angeles.

Compton said law enforcement authorities cannot effectively stem the flow of pornographic materials until appellate courts give a clearer definition of obscenity.

Fleishman, on the other hand, said police often used their power to harass owners of "adult" bookstores and movie theaters in defiance of state and U.S. Supreme Court rulings.

The hearings will resume in Washington, D.C., later in the week. The 18-member commission, only 10 of whom came to Los Angeles, was created by Congress in 1968 to investigate current laws and definitions of obscenity. All but one of the commissioners was appointed by former President Lyndon B. Johnson.—Los Angeles Times, 6 May

Statement of the
AMERICAN LIBRARY ASSOCIATION
Prepared for the
COMMISSION ON OBSCENITY
AND PORNOGRAPHY

May 4, 1970

My name is Mrs. Judith F. Krug. I am the Director of the Office for Intellectual Freedom of the American Library Association.

Background

Founded in 1876, the American Library Association is the oldest and largest library association in the world. A non-profit, educational organization, it represents more than 39,000 librarians, trustees, institutions, and friends of libraries from the United States, Canada, and over eighty other countries. It is, furthermore, the chief spokesman of the modern library movement in North America and, to a considerable extent, throughout the world.

The Association was created for the purpose of promoting library service and librarianship. In support of this purpose, the Association seeks to make ideas, particularly through printed matter, vital forces in American life and to make libraries, the storehouses of ideas and knowledge, easily accessible to all people. The Association also seeks to improve professional standards of librarianship and to create and publish professional literature.

*"Library Bill of Rights" and
"Freedom to Read Statement"*

Library service in the United States is built on the concept of intellectual freedom. The term is defined in the *Library Bill of Rights*, the Association's basic policy statement concerning the concept. This document states that it is the responsibility of library service to provide books and other materials representing all points of view concerning the problems and issues of our times. It further states that no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval. In pursuance of the fulfillment of this philosophy, the document contends 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.

Originally adopted in 1939, the *Library Bill of Rights* was extensively revised in 1948. Further revisions were approved by the Council, the governing body of the Association, in 1961 and 1967. Each revision, while broadening the Association's interpretation of intellectual freedom, also reflected changes that had occurred in regard to the concept of the library. This institution is no longer the stronghold of the printed word, but now accommodates all materials that can help provide information and enlightenment. This means that not only books, magazines, and newspapers, but also tapes, pictures, films, recordings—indeed, all expressions regardless of form—have a valid, if not required, place in a library.

The same concern that led the Association to adopt the *Library Bill of Rights* led it, in 1940, to establish the Intellectual Freedom Committee. The Committee was charged with the responsibility "to recommend such steps as may be necessary to safeguard the rights of library users in accordance with the Bill of Rights of the United States and the *Library Bill of Rights* as adopted by the ALA Council." Among its many activities, the Intellectual Freedom Committee has developed supportive and interpretive documents relating to the Association's position on intellectual freedom. Prime among these is the *Freedom to Read Statement*, formulated in conjunction with the American Book Publishers Council. The *Statement* stresses the necessity for free access to all information and ideas, regardless of the form the expression takes.

*Association Position Regarding Obscenity
and Pornography*

With particular reference to obscenity, the *Freedom to Read Statement* asserts the Association's belief that Americans can be trusted to recognize and reject ob-

scenity. It further states that individuals in a free society do not need the help of organized censors to assist them in this task. One reason for this belief is that the Association cannot determine the individual or group in whom this power over all other individuals and groups can be vested.

As public servants, librarians are required to act in accordance with existing laws relating to obscenity. Such legislation, however, is directly in conflict with the goal of librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority. In this context, the *Freedom to Read Statement* implies that such legislation—insofar as it coerces the tastes of others, confines adults to materials deemed suitable for adolescents, or inhibits the efforts of creative people to achieve artistic expression—must be challenged by librarians through every legal means available.

In addition, it seems to the Association that laws dealing with so-called obscenity are contrary to the maintenance of a free society and, therefore, are contrary to the public interest. The Bill of Rights, particularly the First Amendment, has given to each citizen the right to think what he pleases on any subject and to express his point of view in whatever manner he deems appropriate, be it orally or graphically, publicly or privately. To utilize this "right" effectively, a man must have something to think about, something on which to base his own opinions and decisions. Generally, this is in terms of other men's thinking. Access to the ideas of other men, therefore, is a necessity.

This, then, is the philosophy guiding librarians in acquiring and making available information representing all points of view on all questions and issues. Freedom keeps open the path of novel and creative solutions and enables change to come by choice.

Alleged Gravity of "Situation" Constitutes Specious Argument

At the present time, the American Library Association does not view the alleged situation regarding obscenity and pornography as a grave one. It views it, rather, as one that is impossible to assess in objective terms. This view is predicated on three significant aspects of the situation.

First, to state that the situation is grave is to imply that an acceptable definition of obscenity and pornography is available. As the Commission, itself, stated in its *Progress Report* of July, 1969, there is no generally accepted definition of either "obscenity" or "pornography." The Association believes, furthermore, that it is a practical impossibility to define these words. Each human being is an individual with his own wants, needs, and desires. These, in turn, have been deter-

mined by the various environments in which the individual has lived; by the values, principles, and goals instilled in him by his parents and others who were or are in positions to influence him; and finally, by the experiences that one has throughout his life.

To allow for human diversity, the Association, in the *Freedom to Read Statement*, assigned the responsibility of defining "obscene and pornographic materials" to the individual citizen, in accordance with his own judgment and tastes.

The Association reaffirms its belief in this *Statement* and suggests that if individuals can ever be considered identical to one another, perhaps it will be possible to determine a definition of "obscenity and pornography." Of course, if such a definition were to be imposed, that day when all individuals were alike would be much closer.

Secondly, to state that the situation is grave is to imply that there is a demonstrable relationship between allegedly obscene and pornographic materials and overt, anti-social acts. The Commission, however, has recognized in its *Progress Report* (July, 1969) that there is little, if any, reliable, empirical evidence to substantiate a belief in such a causal relationship. The Association contends that what an individual hears, sees, or reads serves to reinforce previously learned behavior. Seeing and hearing, and particularly reading, are acts of the mind. It does not follow that thought processes are invariably translated into overt action.

Furthermore, the Association adheres to the belief that it is the right and the responsibility of parents—not public officials—to guide their children, and only their children, to informational sources for any subject in which the children express a need or an interest. In line with this belief, the *Library Bill of Rights* specifically states that an individual shall not be restricted in his use of the library, whether materials or services, because of his age.

Thirdly, to state that the situation is grave is to imply that it somehow requires enforced legislative control. It implies further that there is a necessity for such suppression and that this necessity outweighs the benefit of continuing our national tradition of freedom of speech and freedom of the press. Implicit, furthermore, in this advocacy of legal suppression is the belief that restrictions upon publication and dissemination of one kind of materials will not adversely affect the publication and dissemination of other kinds of materials. This, however, does not seem to be the case.

Censorship Attempts

A review of the history of censorship attempts and a survey of contemporary conditions indicate that suppression of one kind of materials *does* lead to the ex-

tension of the license to other kinds of materials. In effect, the acceptance of one kind of suppression fosters a climate for the acceptance and perpetuation of suppression in other areas.

To illustrate, the Association believes that our culture would have suffered if would-be censors in the past had succeeded in their attempts to eradicate or bowdlerize certain creative works which were repugnant to various segments of the society. Among these works are the comedies of Aristophanes, the plays of Shakespeare, the "Song of Songs" from the Bible, Chaucer's *Canterbury Tales*, Walt Whitman's *Leaves of Grass*, James Joyce's *Ulysses*, D. H. Lawrence's *Lady Chatterley's Lover*, J. D. Salinger's *Catcher in the Rye*, and more recently, Claude Brown's *Manchild in the Promised Land*. The writers of these works each expressed, with superlative skill, some aspects of our common humanity. Still, each of these works has been banned or mutilated at one time or another. Who is to say what pieces of outrageous literature will someday gain respectability and acceptance?

That suppression of allegedly obscene materials leads easily to suppression of other kinds of ideas is illustrated by the popular view and treatment of the underground, "dissident," or "alternative" press. Many historians and educators have pointed out the social and historical value of the underground press as a recorder of a movement which escapes objective coverage in the conventional news media. It is estimated that, in an average underground newspaper, 30% may be morally objectionable to some. The remaining 70% deals with social and political issues. Yet, courts have found particular issues of the underground newspapers to be obscene. This leads the Association to believe that some individuals are utilizing the moral question which—granted—is able to arouse great emotions, as a screen from behind which social and political ideas, somewhat contrary to those currently in vogue, can be attacked.

Self-Censorship

As a result of their controversial nature, underground newspapers have been banned from the library collections of some institutions. Printers, on occasion, have refused to handle the papers. Certain principals and college administrators have attempted to suppress the production of "underground" publications at their institutions. Police have arrested street vendors, sometimes confiscating their publications through extra-legal methods. College editors have resigned to protest administrative censorship. Well-known underground publications have ceased activity completely because of an inability to withstand legal and extra-legal intimidation and censorship. The long-range result may be the eventual curtailment or extinction of a valuable historical record and a truly "alternative" voice.

What effect has "creeping censorship" had on the library? During the summer of 1969, the mayor of Memphis, Tennessee received national news coverage when he proclaimed *Portnoy's Complaint* to be a "dirty book." He did not believe that it should be in the library, and certainly was against using taxpayers' money for "this kind" of material. It did not matter that the book was No. 1 on the Bestseller List, nor did it matter that the Memphis Public Library had almost 100 requests for the book.

Just three months ago, the mayor of Madison, Wisconsin, launched a crusade against the public library to remove all allegedly obscene materials.

A librarian in a Chicago Public High School placed Claude Brown's *Manchild in the Promised Land* in her office and required any student wishing to read it to bring a note from his teacher. She believed the book to be detrimental to any individual in the school who would read it, since it clearly reflected the individual's current situation.

A librarian from a small Chicago suburb refused to have "*Portnoy's Complaint* or any book like that" in her collection. Books "like that" included medical texts and particularly, art books.

A librarian in the Missouri State Library was fired for writing a letter to the local newspaper protesting the suppression of an underground newspaper published and distributed by University of Missouri students.

In St. Louis County (Missouri), some book dealers and librarians are finding it politically expedient to remove "controversial books from their shelves at the suggestion of police."

In New Orleans, a new ordinance, which combines the provisions of *Ginzberg v. New York*, the "variable obscenity law," with certain provisions of the 1968 Postal Law, allows any individual to walk into a book store or a public library and demand that any piece of material be removed from the shelf. We understand that if the bookstore owner or the librarian should not carry out this directive, he is liable to criminal prosecution.

In the Los Angeles Public Library, the professional staff asked the city attorney for an opinion in regard to California's "variable obscenity law," which went into effect November 10, 1969. The Assistant City Attorney, in response, stated that if a librarian is in doubt, he must—for his own good—censor the materials.

Closing

All of these examples, occurring in rapid succession, lead the Association to believe that we are functioning in a "repressive" climate and that any further con-

trols may prove completely stifling. Of particular concern to the Association is that individual or group of individuals who would be chosen to determine what the general public is permitted to read, see, and hear. Some of the finest minds in our society have wrestled with the problem of exactly what is to be deemed "obscene and pornographic." We are no closer to a generally acceptable definition today than we were when the Bill of Rights was adopted. Of course, this is undoubtedly one of the reasons for the First Amendment to the United States Constitution.

Since a definition of the term or terms seems impossible and since, as noted previously, there is little, if any, reliable empirical evidence to substantiate the belief of a causal relationship between certain materials and behavior, it would seem to the Association that any further concrete action *must* be based on a strictly personal point of view. We strongly advocate personal points of view—and, in fact, the entire profession is geared to helping people arrive at personal points of view. But we do not believe that we have yet reached the juncture where citizens in this country must be dictated to by individuals and/or groups of individuals in accordance with the beliefs that these persons hold.

The Association recognizes that many people find much of what is uttered or printed in the various communications media to be offensive or objectionable. That there is fear and concern is easily documented by reference to reactions in the press and other media. The success of nationally organized community efforts to rally large numbers of supporters of "decent literature" to their cause is further evidence of the widespread concern. The Commission, itself, is a visible manifestation of the fact that the tastes of many people have been offended. The fear is obvious. The justification for this fear is not obvious.

The American Library Association contends that the dangers of legislative control of any materials are far easier to prove and much more significant in their implications. We maintain that it is the responsibility of those who believe in repression to show, beyond a reasonable doubt, that their way is superior to free choice.

In accordance with these beliefs and its basic philosophy regarding intellectual freedom, the American Library Association urges the Commission on Obscenity and Pornography not to recommend any further controls on the population's access to materials of any kind.

Librarians Urge Abolition of Film Censorship

The Maryland Library Association has voted unanimously to urge that the state legislature abolish the Board of Motion Picture Censors.

The three-member board, the only remaining state censorship agency in the nation, has been under fire for its refusal to permit "I Am Curious (Yellow)" to be shown in Maryland.

In a resolution passed during a two-day spring conference in Gaithersburg, the librarians said that a law which authorizes "prior restraint on any form of communication . . . is inherently dangerous to intellectual freedom."

Willis C. Tull Jr., chairman of the association's intellectual freedom committee, said the resolution will be presented to the General Assembly when it reconvenes in January.

The resolution was passed in a voice vote by the more than 400 librarians at the conference.

Every motion picture to be exhibited in Maryland must first be seen by the censorship board. In a nine-month period in 1969, 34 of 544 films screened were rejected by the censors as unfit for public consumption.

In the "I Am Curious (Yellow)" case, Grove Press, Inc., distributor of the Swedish film, and the Maryland chapter of the American Civil Liberties Union, appealed to the U.S. Supreme Court to overrule the state after the Maryland Court of Appeals upheld the censors' decision.

The high court has agreed to hear the case, but until it does, the film cannot be shown in Maryland.

The librarians' resolution noted that "for over 300 years, as illustrated by John Milton's 'Appeal for the Liberty of Unlicensed Printing,' those concerned with freedom of expression have looked with justifiable apprehension upon any practice which requires the approval and permission of the government as a condition precedent to expression."—*Washington Post*, 2 May

Half a Point

Washington, April 16 (AP)—Nixon administration lawyers criticized today a House bill for curbing obscene mail as being too explicit on what obscenity is and too loose on curbing it. The bill would impose penalties up to \$5,000 and five years in jail for mailing obscenity—which is defined in graphic detail—to youngsters under age 17 or adults who don't want it.

—*New York News*, 17 April

Letter to the Editor

May 21, 1970

Dear Editor,

When the library press reported the resignation of Mrs. Virginia M. Davis, Librarian of Wallkill (N.Y.) Public Library because she could not continue—in good conscience—to provide some of the literature in demand, it was a funny story about a lady who made a wise decision considering the circumstances. Perhaps the lecherous old men of Wallkill were coming to the public library and asking, “Where do you stash the porno, Cookie?” as a *New Yorker* cartoon suggested some time ago.

I did, however, feel a moment of regret that Mrs. Davis’ honest decision inferred a degree of innocence that would make her subject to ridicule. This may have been the result of guilt feelings on my part for being so self-satisfied at my own sophistication.

But when Miss Carrie Lynne West, Assistant Director of Libraries, Marquette University, writes to the *Newsletter on Intellectual Freedom* that she is concerned with the “. . . pornographic content of modern literature . . .” and states that she “. . . would like to have an opportunity to lend her moral support to librarians . . . who do NOT equate the freedom to read with ‘pornographic license,’” I do not find this funny. Miss West’s a priori judgments are syllogistic logic in favor of censorship and unforgivable when espoused by an academician.

The freedom to read does mean the freedom to read ‘pornography’ regardless of its redeeming social value if one chooses to do so.

Also, Miss West equated the decline of modern literature with pornography. As a reviewer of fiction for the *Library Journal*, I am overwhelmed by the amount of what can be called bad “non-prurient” literature being published. It could be that by thinking most librarians are making their book selection choices based on the literary and social merit of work under consideration, I too am an innocent.

In closing, I hope I am not engaging in sophistry by saying that many of my colleagues do not know the difference between literature and trash or between selection and censorship.

Yours truly,
Bernard H. Holicky, Librarian
Purdue University Calumet Campus and
Member, Intellectual Freedom Committee
of the Indiana Library Association

July, 1970

NEA Resolves . . .

The following two resolutions will come before the national NEA convention in San Francisco in July.

C-12. Selection of Materials

The National Education Association believes that decisions on which school learning experiences will develop a student’s talents are best met by a teacher who knows the learner. Teaching quality depends on freedom to make such decisions. Teachers must select instructional materials without censorship. Challenges of the choice of instructional materials must be orderly and objective, under procedures mutually adopted by professional associations and school boards.

C-13. Cultural Diversity in Instructional Materials

The National Education Association believes that basic educational materials should portray our cultural diversity and the contributions of minority groups.

The Association recognizes that additional instructional materials chosen for classrooms and libraries may rightfully contain a number of biases to allow students to become familiar with the attitude and recommendations from various segments of the literary world.
—NEA Reporter, 17 April

Supreme Court vs. Obscenity

I

WASHINGTON—The U.S. Supreme Court Monday rejected a book store owner’s challenge to Georgia’s obscenity law, but left state prosecutors with a paradox.

The high court affirmed without comment the judgment of a district court panel that ruled that the Georgia law prohibiting the sale or distribution of obscene materials is constitutional.

Last year, the Supreme Court held in another Georgia case that an individual cannot be prosecuted for possessing obscene material in the privacy of his own home.

Thus, according to Fulton County Dist. Atty. Lewis Slaton, the court has said it is legal for a man to possess the materials in his home, but now has ruled that it is illegal for anyone to sell or even give the materials away.—Atlanta Constitution, 21 April

II

The Supreme Court yesterday unanimously denied a request by two Syracuse booksellers to review their 1968 conviction on obscenity charges.

Their appeal was to challenge the constitutionality of several provisions of the state's obscenity law.

The top court denial, without comment, came in the case of Robert A. Spicer, owner of the B & L Book Co., 307 W. Fayette St. and Joseph Hanion, a clerk in the store.

They were convicted on charges of obscenity and conspiracy to promote obscenity by a State Supreme Court jury Oct. 21, 1968.—Syracuse, N.Y. *Herald Journal*, 21 April

New Mobe Leaflets Banned in Montgomery School

Distribution of New Mobe antiwar literature was banned at Montgomery County's Paint Branch High School yesterday.

Robert Smith, assistant principal at Paint Branch, said the New Mobe leaflets were confiscated on grounds that they were published by "an outside political action committee" rather than students.

The Montgomery County school board last August adopted censorship guidelines that prohibit school distribution of nonstudent publications only if they are libelous, obscene or advocate illegal acts. School principals, however, are given the right to set a time and place for distribution under the board policy.

In April, the Maryland Board of Education set new policy for the entire state to give high school students, in the board's words, "broad latitude" in distribution of student publications.

The state policy ruling called for establishment of student-faculty review boards to set guidelines for student publications, but this step has not yet been taken by any Montgomery high school.

A spokesman for the Montgomery school administration said the state board's policy, in its view, would not apply to the New Mobe leaflet since it is a non-student publication.

Smith said he and Paint Branch principal Mark Nejako made no determination about the legality of the content of the leaflet, but refused to let it be distributed when one student asked permission.

A second student who distributed the leaflets without asking permission was taken out of school by her mother, who was called by school officials, Smith said.

—Washington, D.C. *Post*, 9 May

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