


newsletter
on
intellectual
freedom



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Office for Intellectual Freedom, American Library Association

January, 1971 □ Volume XX □ No. 1

Application and Removal of Sanctions

At a special meeting in Chicago, December 1, 1970, the ALA Intellectual Freedom Committee approved the following procedures for application and removal of sanctions imposed for violations of the *Library Bill of Rights*. The procedures will be recommended to the Executive Board at Midwinter Meeting, Los Angeles, January, 1971 for adoption as official ALA policy.

PROCEDURES FOR APPLICATION OF SANCTIONS

- (1) The fact-finding subcommittee's report shall be submitted to the Intellectual Freedom Committee for its review and recommendation of appropriate actions. (Members of fact-finding subcommittees shall not vote on actions after submitting their reports.)
- (2) The Intellectual Freedom Committee's recommendations for further action shall be submitted to the Executive Board.
- (3) Before the Executive Board imposes sanctions other than publication of the subcommittee's report, the principals shall be notified that a hearing may be held to allow a final opportunity for appeals.

PROCEDURES FOR REMOVAL OF SANCTIONS

Sanctions may be withdrawn when conditions causing their original imposition are corrected, and when there is reason to believe that ALA principles of intellectual freedom will be observed in the future. To effect the removal of sanctions:

- (1) The parties under sanction may request review of the case, furnishing pertinent information as to why the sanctions should be removed, and/or
- (2) At least once each year the Director of the Office for Intellectual Freedom shall query parties under sanction to determine if conditions warrant removal of sanctions.
- (3) The Intellectual Freedom Committee shall review the case and vote to recommend to the ALA Executive Board that sanctions be removed or retained.

ALA Intellectual Freedom Committee, Chairman, David K. Berninghausen
(Director, Library School, University of Minnesota)

"Do It!" Does It Again

On September 26, Mrs. Mary Cuorato, browsing through the new books at the Welsh Road Branch of the Free Library of Philadelphia, discovered a copy of Jerry Rubin's *Do It!* Mrs. Cuorato, a 40-year-old mother of three teenagers, was appalled because the book "advocates urinating in the streets. And there's a picture showing this act. It advocates the use of drugs and every page has a four-letter word at least once."

According to the *Philadelphia Inquirer*, "So appalled was she at its contents that she began to contact her neighbors. Word spread and the Public Safety Committee of the Northeast Philadelphia Chamber of Commerce became interested." The chairman of the Public Safety Committee wrote to Keith Doms, director of the 43-branch library system and president-elect of the American Library Association, and demanded to know who approved the book and on what basis.

During October, the web of the controversy enveloped educators, veterans groups, housewives, and merchants. On October 9, Mr. Doms issued a statement to inform all interested and concerned persons of the policy of the Free Library of Philadelphia in selecting *Do It!* Among his comments were the following:

"The Free Library of Philadelphia has always considered it a primary obligation to provide books for its public which are representative of all current, significant, political and social outlooks, no matter how controversial and alarming some of these outlooks may seem. To add only those opinions which are safe and comfortable would be to abdicate the institution's basic responsibility to serve the entire community by keeping open the free market place of ideas . . . Like a good many members of the 'protest generation,' Mr. Rubin enjoys violating the conventions and shocking the conventional. Objectionable words, flamboyant rhetoric, and photographs of nudity are all weapons he employs to achieve his purpose. His book, both in content and in style, is the authentic voice of an important segment of new left opinion in America today. As such, it deserves a place on the shelves of the Free Library of Philadelphia. If the ideas and methods of presentation expressed by Mr. Rubin seem hideous or unacceptable to the American public, the best way of accomplishing rejection of them is for them to be available . . . Unfortunately, there exists today a tendency to repress all opinions advanced by persons of disrespectful identity. Once the library begins to censor the unpopular and disrespectful from its collections, it will have renounced its basic obligation to serve and strengthen a free society . . ."

Faced by the continuing controversy, the Free Library Board of Trustees took the matter under advisement during the first two weeks of November. After deliberation, the board announced on November 19 that *Do It!* will remain in the Free Library of Philadelphia.

Speaking for the board, President James Alan Montgomery, Jr., said: "Members of the Board of Trustees, now having read the book themselves, recognize that vulgar and to many people offensive words appear repeatedly in the text and that the illustrations include several photographs of nude men and women. In addition there is at least one phrase that is blatantly blasphemous and thus offensive to persons of Christian faith . . . In the view of the board, it is proper for the library to make such a book available to its readers. Such a group as the "Yippies" is of concern and interest to many people, including those who may disagree with them and find their speech and conduct offensive.

"The vote was 10 in favor, 3 against, and 2 abstaining. Thus the board has moved that the Rubin book be retained on the shelves of the Free Library, in the adult collection, where it has been." JAH

. . . And Again

A battle of petitions was waged in the Upper Peninsula community of Manistique, Mich., over the propriety of two books that *used* to be on the school library shelves. The books are Jerry Rubin's *Do It!* and Robert Decory's *Nigger Bible*, which, according to the *Flint Journal*, were removed from the library by Mrs. Ila Manning, who is spearheading a petition drive to make sure the books are not put back.

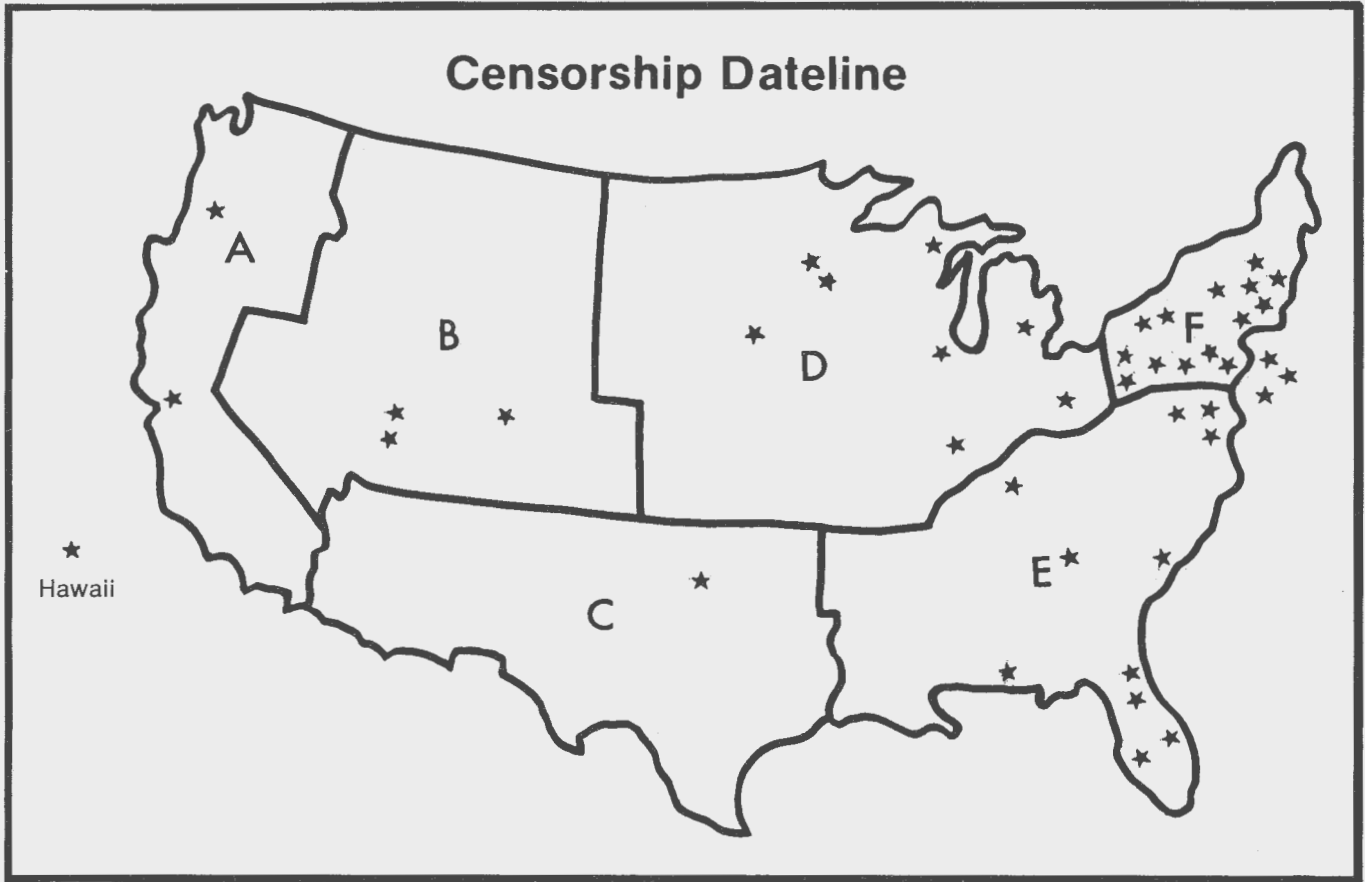
Meanwhile, some Manistique high school students mounted a counterpetition drive, asking that the library not restrict books on the basis of "race, political views, or anything of minority faction." Reported in *Flint, (Mich.) Journal*, November 15.

Errata

Forrest Alter, head of the Art, Music and Drama Department at Flint, Mich., Public Library, has advised us that the correct title of the film referred to on p. 79 of the September *Newsletter* as *Cherry, Hazel, and Raquel* is *Cherry, Harry, and Raquel*.

Due to an error, issue number six of the 1970 *Newsletter* was labelled on page one as the "October" issue. The month should be "November," making it the last issue of Volume XIX, 1970.

It has come to our attention that some copies of issue No. 6 may have been distributed with as many as four blank pages. If you received such a copy, please notify the ALA Office for Intellectual Freedom, 50 East Huron St., Chicago, Ill. 60611, and you will be sent a free replacement copy.



PACIFIC COAST STATES (A)

Stanford, Cal.

Richard Lyman, new Stanford University president, called a recent *Stanford Daily* article on "student informers" a journalistic atrocity which included veiled threats of violence. Lyman asked for withdrawal of student financial support from the paper. The sum of \$3.00 yearly from each of the university's 11,500 students goes to the paper. Reported in: *Washington News*, October 8.

Honolulu, Hawaii

An extension of the city ban on billboards was made to apply to plane-towed advertising banners. Reported in: *The U. S. Municipal News*, September 15.

Medford, Ore.

An exhibit by Eugene artist Ron Tore Janson has been turned from street view at the Rogue Gallery in response to protests from City Hall and the Downtowners Association of Medford Merchants. The exhibit includes 27 charcoal nudes, alone and embracing. Monte Stampler, President of the Downtowners, and Gavin Reynolds, also of the merchants association, described the exhibit

as "too much for Medford." Reported in: *Sacramento Bee*, November 4.

ROCKY MOUNTAIN STATES (B)

Boulder, Colo.

On the advice of District Attorney Stan Johnson, officials of the University of Colorado postponed an educational showing of the Swedish film *I am Curious (Yellow)* to students and faculty because Johnson called the film pornographic and illegal. He said anyone connected with the showing could be arrested. The film, sponsored by the Scandinavian Language Program, was to be accompanied by lectures on pornography and the Swedish political system by faculty members. It is required viewing for students in the Scandinavian Languages Program. University policy, established by the Committee on the Use of University Facilities, prohibits the use of University facilities for any event not in accord with local, state, or national law. Reported in: *Denver Post*, November 5.

Salt Lake City, Utah

The University of Utah Speaker Policy Committee advanced a proposal to require that the university admin-

istration be informed who speakers will be, when and where they will speak, and what group is sponsoring their campus appearance. The policy emphatically denies to the university any censorship role, but advises speakers that they are subject to the law and "those who violate the law while on campus do so at the risk of prosecution in the courts by appropriate officials." Reported in: *Salt Lake City Tribune*, October 29.

Salt Lake City, Utah

The *Deseret News* announced it will no longer accept advertisement for X- and R-rated movies. Reported in: *Salt Lake City Deseret News*, October 3.

SOUTHWESTERN STATES (C)

Oklahoma City, Okla.

A scheduled showing of *Oh! Calcutta!* was cancelled due to a threat of legal action. (See p. 14 for details.) Reported in: *Oklahoma City Times*, September 29.

MIDWESTERN STATES (D)

Grays Lake, Ill.

Mrs. Joan Vorgias, editor-in-chief of the *Chronicle*, student newspaper at the College of Lake County, charged John C. Murphy, chairman of the Division of Communications Arts, with vetoing an article on the Waukegan police strike in the October 2 issue of the *Chronicle*. Mrs. Vorgias said Murphy ordered her not to print the article and gave no reason for his decision. The *Chronicle*, published twice monthly for CLC students, has a 2,000-2,500 circulation, mainly on campus. "This is much more widely read than someone would think," said one student. He noted that students bring the paper home and it is read throughout the county. "We feel an obligation to the community," he declared. For the time being, Miss Mary Ellen Rees, journalism teacher and faculty advisor for the newspaper, will review all materials submitted for publication. Reported in: *Waukegan (Ill.) News-Sun*, October 14.

Harvey, Ill.

Thornton Community College's student newspaper, *The Courier*, has been under fire (literally and figuratively) by students, administrators, board members, outside media, parents, and taxpayers for the past year. The last two editions have been, for the most part, burned and stolen, respectively, by black students who have been identified as members of URUHU, a black student organization on campus. Reportedly, the burning took place after a column representing black viewpoint did not appear because it was submitted after the deadline due to the fact that no one contributed information for its content. The second edition was reportedly stolen

because the paper did not apologize for omitting the column in the previous issue. Reported in: *Harvey (Ill.) Tribune*, November 1.

Manistique, Mich.

A citizen has removed *Do It!* and *Nigger Bible* from school library shelves and is mounting a petition drive to keep the two books out. (See p. 2 for details.) Reported in: *Flint (Mich.) Journal*, November 15.

Oakland County, Mich.

The Anti-Defamation League, a black member of the State Board of Education, and members of Oakland University's History Department have all condemned the *Oakland County Book of History, 1820-1970* as insensitive to minority groups and a whitewash of the county's race relations during the 150-year period. The critics are pushing for a reprinting to include an epilog that will correct what they think are the book's glaring errors. Conceived as a money-making segment of a year-long 150th anniversary project, the 20,000 printed copies of the book are worth more than \$200,000 retail. Gerald Lacey, director of the sesquicentennial celebration, said he believes there is nothing wrong with the book. Reported in: *Detroit Free Press*, September 25.

Minneapolis, Minn.

Mayor Charles Stenvig told City Librarian Ervin Gaines, during a meeting of the Board of Estimate and Taxation, that he wants tighter screening of library materials. He also objected to spending tax money for an underground newspaper. (See p. 27 for details.) Reported in: *Minneapolis Star*, October 9.

Minneapolis, Minn.

Melvin Grimstad, principal of Jordan Junior High School, reported that *The Inner City Mother Goose* will be restricted to faculty use, and *Undress the City* will be removed from the library shelves. The actions were in response to complaints from a group called the Facts Committee for Equal Education, who complained that poems in the books were obscene and advocate violence. The committee is an off-shoot of the Neighborhood School Committee which is against mandatory busing to achieve school integration. Mrs. Florence Baker, a committee member, said the group "is not looking for glory or publicity, but we don't think a lot of people realize what their children are getting in school. We've got to stop our children from being corrupted." Reported in: *Minneapolis Star*, September 28.

Omaha, Nebr.

State Senator Terry Carpenter, speaking before a legislative subcommittee, said he will attempt to halt a University of Nebraska course on homosexuality and oppose the offering of any other course on "abnormal" sex behavior. He said only medical students should study

homosexuality, because they will have to treat homosexuals. The course in question reportedly concerns the life style and literary achievements of homosexuals. Col. J. E. Kruger, head of the Nebraska State Patrol, testified before the subcommittee that he is concerned about the course because he fears it will attract persons with "abnormal tendencies" to Nebraska, and this may lead to more "violent acts." Reported in: *Lincoln Star*, October 31.

Toledo, Ohio

Sylvester and the Magic Pebble has been removed from Toledo public school libraries because of a protest from James Caygill, president of the Toledo Police Patrolmen's Association. School officials removed the book, pending a review by school and public library representatives. Reported in: *Oakland (Ohio) Tribune*, November 18.

SOUTHERN STATES (E)

Mobile, Ala.

A group of state Christian laymen signed incorporating papers and announced the formation of a new group to oppose pornography. The group will be called Dads Against Dirt (DAD). The purpose of DAD, according to the incorporators, is to inform the public of the types of pornographic material available to children, to educate the public concerning the damage to adolescents and adults by reading and viewing pornographic materials, and to prevent further distribution through counteracting the recent report of the President's Commission on Obscenity and Pornography which concluded that pornography has little effect. Reported in: *Mobile Register*, October 9.

Washington, D. C.

Eugene Williams, Director of the Youth Ceramics Factory, said he was ordered to paint over a series of murals because they are "revolutionary." The murals, painted by some of the 26 youths enrolled in the factory's training program, depict various aspects of social upheaval. The factory received \$72,000 in Office of Economic Opportunity funds its first year and is administered by Area 11 of the Neighborhood Planning Council. James T. Hughes, Area 11 chairman, gave the order to paint over the murals at the direction of James L. Jones, the mayor's advisor for Youth Opportunity Programs, who said that one of his field representatives had forwarded critical accounts of the murals. Williams, saying he had no choice but to paint over the murals, sharply criticized the Youth Program's office. "If they had painted the American flag and pictures of President Nixon and the Great White Fathers on Capitol Hill, no one would have said anything." Reported in: *Washington Post*, October 11.

Washington, D. C.

Senator Sam J. Ervin (D-N. C.) said that, despite an apparent easing of the Army's attitude toward dissent, it still is guilty of "gross indifference" to the free speech guarantees of the First Amendment. His comment was in reference to an incident involving a civilian, Joel Polin, who was refused permission to distribute comments by Senators McGovern, McCarthy, and Hartke supporting the end of the bombing of North Vietnam and formation of a coalition government in Saigon. Under the Army's *Guidance on Dissent*, commanders may only prohibit publications which are obscene or which counsel disloyalty, mutiny, or refusal of duty. Reported in: *Washington Post*, October 6.

Jacksonville, Fla.

Kathy Watson was suspended by Ray Stasco, principal of Nathan Bedford Forest High School, because she gave her sophomore English class an assignment that included an Allen Ginsberg poem. Parents complained that the poem contained a "four-letter word" plus references to marijuana and Karl Marx. In the poem, "America," Ginsberg says, "I smoke marijuana every chance I get," and "you should have seen me reading Marx." Miss Watson's attorney, William Maness, said he believes the teacher's discretion is protected by all decisions of the state and federal courts. Reported in: *Miami Herald*, September 25.

Jacksonville, Fla.

The Jacksonville *Chronicle*, "in another of its efforts to improve its community service image and to provide true community leadership," adopted a policy on September 17 of excluding advertisements of "X-rated" movies. Reported in: *Jacksonville Chronicle*, September 17.

Orlando, Fla.

The Orange County Council PTA appointed a committee to work with school officials to prevent further distribution of underground publications such as *The Daily Planet*, 30 copies of which were sold at Boone High School. "Immediate disciplinary action" will be taken against any student peddling such material," according to James Higginbotham, superintendent of Orange County schools. The PTA group also passed a resolution urging parents to boycott merchants contributing to or supporting such material. An *Orlando Star* editorial commended the action and urged all parents "to keep a sharp eye and keen ear when in the presence of children." Reported in: *Orlando Star*, October 5.

Tampa, Fla.

Virtually the entire staff of the University of South Florida student paper, *The Oracle*, resigned to protest alleged censorship of a cartoon and an editorial. The censored cartoon depicted a policeman in riot gear pointing a rifle at a rabbit and asking, "Where's your I.D.,"

boy?" The editorial referred to a professor who was recently suspended. Allegedly, the actual censoring was done by Leo Stalnakar, *Oracle* advisor. A resignation was signed by 13 of 15 staff members, including Jane Daugherty, editor, who said, "I regret the whole thing It's not meant as anything political." Reported in: *Tampa Tribune*, November 7.

Louisville, Ky.

A scheduled video-tape showing of *Oh! Calcutta!* was cancelled because of "technical difficulties." The videotape was seized by federal authorities. (See p. 14 for details.) Reported in: *Louisville Courier Journal*, September 30.

Baltimore, Md.

Dr. James L. Fisher, president of Towson State College, cancelled an art exhibit including 28 black-and-white pictures depicting a variety of heterosexual and lesbian acts photographed by M. Richard Kirstel, part-time photography instructor at the Maryland Institute. The school's art faculty voted 11-7 in favor of the exhibit. In related action, Kirstel was charged with trespassing and refusing to leave a campus building and released on \$1,000 bail. Some 200 students demonstrated, protesting the cancellation of the exhibit and arrest of Kirstel. The students carried copies of Kirstel's photographs held high. The photographs were published a year ago as a book, *Pas de Deux*, at \$25.00 per copy. Reported in: *Baltimore Sun*, October 30.

Chapel Hill, N.C.

Mr. and Mrs. L. H. Snyder requested that *Black Like Me* be withdrawn from Guy B. Phillips Junior High School because of use of "offensive vocabulary." They also complained that the offer of one concerned parent to "proofread books" for the school "and clean up their library free of charge," was not accepted. William S. Cody, superintendent of the Chapel Hill School System said, "When the book is introduced to each class of students, an announcement is made that if any student or his parents prefer that an alternate assignment be made, it would be done. In view of the . . . way the material is handled by the teachers, decision of the Junior High English Department to use *Black Like Me* in the program has my approval." Reported in: *Chapel Hill Weekly*, October 4.

Memphis, Tenn.

The Memphis Public Library Board unanimously adopted a policy stating that library circulation records may be seen by any "duly constituted government agency." Reported in: *Memphis Commercial Appeal*, September 23.

NORTH ATLANTIC STATES (F)

Groton, Conn.

Town Councilors Andrew J. Ciminera and Francis Hagerty attacked the stocking of underground newspapers at the Groton Library. They termed papers such as *Village Voice* and *Broadside* "commie junk" and "smut." The library board met to consider the issue. John Carey, library director, said the library has a policy requiring a balance in the collection, not favoring one side or the other. The library also carries *American Opinion* and *Human Events*, at the other end of the political spectrum. Reported in: *New London (Conn.) Day*, November 30.

Springfield, Mass.

Crime Prevention Bureau officers seized a videotape of *Oh! Calcutta!* and arrested a theater manager and projectionist. (See p. 14 for details.) Reported in: *Springfield (Mass.) News*, September 29.

Danvers, Mass.

In a letter to the editor of the *Herald*, Frances T. Scholedge, a resident of Danvers, charged that the Danvers Public Library stocks books which advocate revolution. She also charged that the library collection is unbalanced, representing primarily "left wing books and newspapers" and anti-administration writings. She said, "In summary: Granted, that with the funds at his disposal, a librarian must make a decision on what books he will order and what books he will not. My question is, why has this decision lately been in favor of extremist non-literature advocating violence and revolution and not well-written and well-recognized literature offering rational analysis and constructive solutions to the problems that confront us." Reported in: *Danvers (Mass.) Herald*, October 1.

Haverhill, Mass.

The School Committee reaffirmed its vote of October 7 to suspend any high school student found distributing a new underground newspaper. The paper in question, *The Mad Hatter*, contained a signed column including "obscenities and vulgarities, and openly advocated anarchy by shooting and bombing." Students affiliated with the paper spoke to have the suspension reversed, many of them charging "repression." One girl said, "Perhaps people should learn more about a different type of government." The staff of the mimeographed paper said they plan to publish a second edition. The staff also disavowed any connection with mailed death threats to members of the School Committee. Several students charged the committee had violated their freedom of speech. They received support from members of the local Welfare Rights Association. Reported in: *Boston Herald-Traveler*, October 14.

Lawrence, Mass.

Roger A. Mailloux, an English teacher at Lawrence High School, was suspended by School Superintendent Fritz F. Lindquist, according to William J. O'Brien, school principal. The suspension was over the alleged writing of an obscenity on a blackboard during a class. O'Brien refused to detail the events leading to the suspension, saying that "all that information should come from the superintendent." Lindquist was unavailable for comment. High school students supporting the teacher planned to demonstrate at the school. O'Brien said he would prevent a demonstration "when we come to it." Reported in: *Lawrence (Mass.) Eagle-Tribune*, October 16.

Springfield, Mass.

Jon Weissman, part-time driver for Agawam Bus Co., which transports school children, was fired September 21 because he allegedly sold copies of *Small Arms*, an underground newspaper, to junior and senior high school students on his bus. Students at West Springfield Junior High School confirmed that they purchased copies for 10¢ from Weissman who allegedly told the students they should show the papers to friends but not to parents. Agawam Bus Co. fired Weissman at the request of the School Department. The issue of *Small Arms* was critical of local police and city officials. Reported in: *Springfield (Mass.) Union*, September 25.

Bayonne, N.J.

The *Bayonne Free Press*, an underground student newspaper at Bayonne High School, was permitted to resume distribution on campus after being banned for using "obscenities" in a movie review. While the current issue can not be distributed, Bayonne School Board President Herman Brockman gave permission to the editors to distribute the next edition after they agreed there would be no profanity. Brockman said the board was not censoring the newspaper and that its critical approach was all right. "No one is against criticism," he said. (Reportedly, the high school reading list includes at least one book that uses the words which resulted in the original banning of the newspaper.) Reported in: *Newark (N. J.) News*, November 13.

Middletown, N.J.

The Board of Education held a lengthy discussion on October 12 to consider the future of *Read*, a controversial magazine issued to junior high school students as a teaching aid. Causes of the controversy were references in the September 11 issue of *Read*, which contained "Soapy and the Fuzz," a parody of an O. Henry story. Police Sgt. Harold T. Reilly took umbrage at references to a policeman in the parody as "fuzz" and "pig," with accompanying "oinks." Reilly also cited the reference to Soapy as "scum — a Superior, Chauvinist, Unbearable Male" — as in bad taste. Reilly and officers and parents

supporting him maintain the parody is degrading to man in general and police officers in particular, and teaches children disrespect for police and the law. Teachers (and parents who supported them) alleged the story is harmless, that junior high school children are perfectly aware of the current vernacular, even if some of it comes from the gutter, and that to try to hide them from it is hiding one's head in the sand. Teachers also maintain that parental or school board interference with their professional rights to choose teaching materials is a violation of academic freedom as well as their contract. No decision was reached in the October 12 meeting. Reported in: *Redbank (N. J.) Register*, October 13.

Buffalo, N.Y.

The American Broadcasting Company refused to telecast the half-time show at the University of Buffalo vs. Buffalo Holy Cross football game on October 31. The school band formed symbols and played tunes to protest pollution, the Vietnam war, and racism between the halves of the regionally televised game. Nearly 100 demonstrators marched around the football field protesting the broadcasting company's refusal to telecast the show. Reported in: *Chicago Sun-Times*, November 1.

Merrick, N.Y.

Over 70 parents signed a petition sent this week to the Central High School District #3 Board of Education protesting an administration decision to cut 40 pages out of a new health curriculum reference book, and black out two chapter titles in the table of contents. The book is *Health and Safety for You*, being used in the 7th grade for the first time as part of the new state-mandated health curriculum covering narcotics, tobacco, and alcohol. The two chapters cut out of the book deal with "human sexuality" and, according to the administration, were taken out "because the subject is not being covered in the present curriculum." During its discussion of the book, the board approved that the administration survey health curriculum books being used in other districts and report back to the board. Reported in: *Merrick (N.Y.) Life*, October 15.

New York, N.Y.

Sidney E. Zion, editor of *Scanlan's Monthly*, charged that a group of lithographers at a New York printing plant violated the First Amendment when they refused to process a recent issue of the publication. (See p. 24 for details.) Reported in: *New York Times*, October 3.

New York, N.Y.

A TV station licensed by the Federal Communications Commission censored two sentences from remarks made by FCC Commissioner Nicholas Johnson, speaking to a student audience at a Georgetown University forum. He spoke of television commercials as corporate exploitation of sexuality that ignores broader social consequences. In the course of his remarks he suggested that

advertisements imply the achievement of sexual satisfaction and, to stress the point, he used a "terse verb" that, while not an obscenity, is "part of the language of the street." Mr. Johnson charged that the censorship incident raised the specter of networks exercising "the power of thought control over public officials trying to communicate with the people. If the television dislikes the angry rhetoric of blacks, students, minority groups, and oppressed women," he asked, "can it be allowed to censor and pick segments adding up to gruel guaranteed to offend neither viewer nor advertiser?" Reported in: *New York Times*, October 17.

Rochester, N.Y.

A scheduled showing of *Oh! Calcutta!* was cancelled due to a threat of legal action. (See p. 14 for details.) Reported in: *Rochester (N. Y.) Times-Union*, September 29.

Syracuse, N.Y.

A scheduled video-tape showing of *Oh! Calcutta!* was cancelled because of pressure from local groups and the district attorney. (See p. 14 for details.) Reported in: *Syracuse (N. Y.) Post-Standard*, September 29.

Yorktown, N.Y.

Catcher in the Rye has been temporarily removed from a suggested reading list in Yorktown High School because of criticism from the community. The book is being evaluated by a committee of English teachers. Reported in: *Mt. Kisco (N. Y.) Patent Trader*, October 15.

Philadelphia, Pa.

The Northeast Philadelphia Chamber of Commerce demanded that Jerry Rubin's *Do It!* be removed from branches of the Free Library in Philadelphia. (See p. 2 for details.) Reported in: *Philadelphia Sunday Bulletin*, October 25.

Waynesburg, Pa.

At Waynesburg College, Kurt Nicoll, editor of the student newspaper, *Yellow Jacket*, claims the publication is being suspended because of administration censorship. C. Bennet Rich, college president, says the problem dates back to an article in the December 12, 1969, issue in which "four-letter" words appeared. Members of the staff reported that Joseph Hagenmayer, former editor, was censured because of that issue. The present conflict involves staff reaction to revised guidelines which include a clause stating that the publication "shall avoid the use of material which might be considered crude, indecent, or obscene." Reported in: *Pittsburgh Post-Gazette*, September 18.

The man who fears no truths has nothing to fear from lies.

— Thomas Jefferson

Prince George Meets Mr. Cleaver

Prince George's County, Md., scene of two other intellectual freedom problems in the past twelve months, was the site of a recent controversy involving the Black Panther Party and the County Memorial Library branch at Fairmont Heights.

An October 21 meeting at the branch featured Black Panther Information Officer Maurice Lawrence as one part of a four-part program about black Americans. Lawrence showed two films, *Off the Pig*, an interview with Party founders Eldridge Cleaver and Huey Newton, and *Community Control*.

When queried about the Panther program, County Commisison Vice-Chairman Francis B. Francois said he was not previously aware of the meeting and called it "a mistake in judgment on the part of the library." Mrs. Elizabeth Hage, County Library director, said, "The audience was in good decorum. Most of them were young people. There was no intent of sponsoring anything that is going to create any harmful image in the county. Unfortunately, it was more propaganda than information . . . We had hoped for more information."

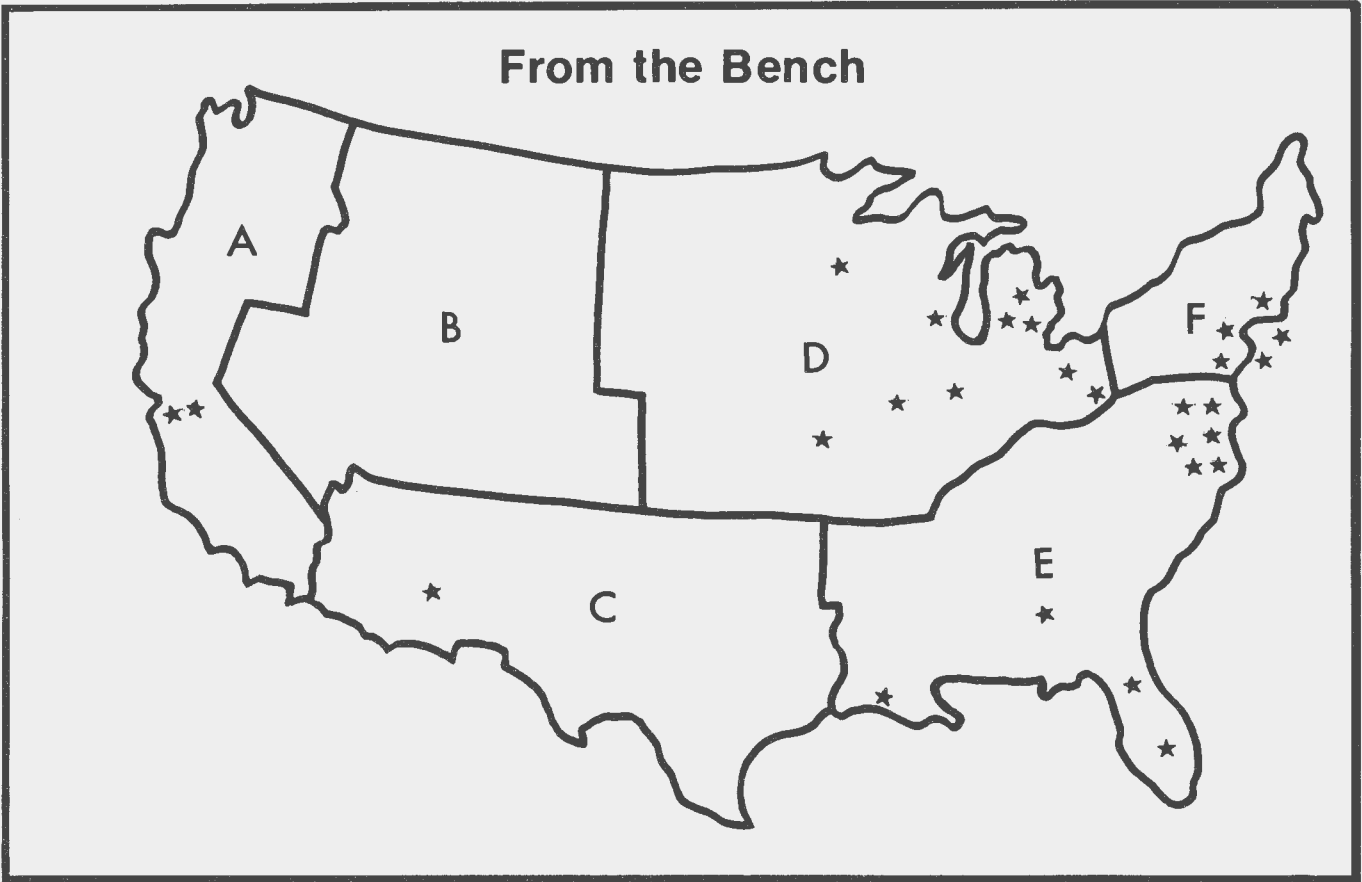
When asked about the fact that the library had not previewed the films, Mrs. Hage said, "It is completely against our film showing policy. I can assure you that there will be no other film shown until previewed." Mr. Francois said he had talked with Mrs. Hage and "we mutually agreed that it should not happen again. The film should have been previewed. That was mistake number one . . . and the second was that it was a real effort to recruit support for the Black Panthers and inviting people to join. There was no cultural aspect to the program."

When asked if the Black Panther Party was considered the type of subject beneficial to a community, Miss Carla Alexander, a library staff member, replied, "There are people in the Black Panther Party who are not advocating overthrowing the government." Reported in: *Bowie (Md.) Blade & Post-Times*, October 29.

Foundation Commended

At its meeting on Tuesday, September 29, the Social Responsibilities Round Table, Bay Area Chapter, unanimously passed the following resolution: "RESOLVED, that the Freedom to Read Foundation of the American Library Association be commended for its decision to make monetary awards to three fighters against censorship, and further resolved, that the Freedom to Read Foundation be urged to respond with more urgency and more support in the future, in view of its responsibility to provide active assistance to librarians and others who are under censorship attack."

From the Bench



PACIFIC COAST STATES (A)

Sacramento, Cal.

A three-judge federal panel held unconstitutional and enjoined enforcement of part of the California education code which prohibits the unauthorized distribution of student publications on high school campuses. The court declared sections of the code to be overly broad and vague. It declared the regulation to be a "prohibition" rather than a "regulatory provision." Further, the court said, alternative forum does not permit suppression of the chosen one, and immaturity cannot justify comprehensive restrictions. The court rejected the argument that intellectual "disruption" would be caused by the publications. *Tinker vs. Des Moines Independent Community School System*, which declared that school officials must show specific and substantial justification in order to limit students' First Amendment rights, was cited by the court. State Superintendent of Public Instruction Max Rafferty (unseated in the November 3 elections) expressed dismay over the ruling. "It's an abominable decision, and I would like to see it reversed," he said, ". . . But high school newspapers are designed for two things — to tell about student news and to give journalism students prac-

tice. Fortunately we have some control through the teacher. We have a state law which says it shall be the charge of the teacher at all times to teach students to avoid profanity and that includes obscenity. We could yank the credential of any teacher who was involved in a student newspaper of that type." Reported in: *San Diego Union*, September 15; *Meiklejohn Civil Liberties Library Acquisitions*, September.

San Francisco, Cal.

A U. S. Circuit Court three-judge panel, ruling in the case of Earl Caldwell (see *Newsletter*, Nov. 1970, p. 99, for details), said the government must show a "compelling public need," outweighing the constitutional guarantee of a free press, to require a reporter to appear before a grand jury on matters relating to his work as a newsman. Reported in: *Baltimore Sun*, November 19.

SOUTHWESTERN STATES (C)

Tucson, Ariz.

Judge Richard Royston acquitted three persons charged with selling obscene publications. He cited recent Supreme Court rulings as the reason for the ac-

quittal but added that the magazines, *New Directions*, *Belles En Colour*, and *Bizarre Films*, are "obsessed with sex — lewd, trashy and obscene in the ordinary sense of the word." Reported in: *Tucson Citizen*, September 30.

MIDWESTERN STATES (D)

Peoria, Ill.

Chief Circuit Court Judge Robert Hunt issued an injunction against a video-tape showing of *Oh! Calcutta!* (See p. 14 for details.) Reported in: *Peoria (Ill.) Journal-Star*, September 30.

Springfield, Ill.

Ruling that sixteen magazines dealing with nudity and homosexuality are constitutionally protected, the Illinois Supreme Court reversed convictions of six persons under the Chicago Obscenity Ordinance. The court held that a nudist magazine, *Arcadia*; a homosexual publication, *Male Parade #1*; and fourteen "girlie" magazines were not obscene under U. S. Supreme Court standards because they contain no explicit depictions of sexual activity. In two other cases, however, the court upheld lower court verdicts on the ground that the publications in question were pornographic because of their portrayal of "abnormal" sexual conduct. Involved were the magazines, *Mix Mates*, and a paperback, *Love Together*. Reported in: *Chicago Sun-Times*, November 18.

Detroit, Mich.

A three-judge panel, composed of John H. Gillis, Timothy Quinn, and Louis McGregor, ignored U. S. Supreme Court guidelines on obscenity, and affirmed the conviction of a Grand Rapids bookseller, Floyd Bloss, found guilty of violating the state's obscenity laws by selling obscene magazines. The panel said if the intent of the person selling such material is to appeal "to the recipient's prurient interest in sex," then he has violated the state's obscenity laws. The intent of the seller, the court said, should be decided by a jury, which also should consider whether the material is obscene. "The primary obligation to define obscenity in a state prosecution rests with the state," said the 24-page opinion. "The only function of the Supreme Court in this area is to determine whether that definition is consistent with the defendant's right to due process and free speech." Reported in: *Detroit News*, November 6.

Grand Rapids, Mich.

The Michigan Court of Appeals denied permission for Floyd G. Bloss, proprietor of the Capri Theatre, to appeal a 1966 circuit court conviction for showing *A Woman's Urge* in his theater. Under the circuit court conviction, Bloss was fined \$500 and placed on probation. The appeals court let stand the circuit court opinion which said, "Even though the acts and occurrences would not be obscene if they were described in the written

word, the visual impact of seeing the same thing acted out in a darkened room with sound accompaniment may cause it to be obscene." Reported in: *Grand Rapids Press*, September 26.

Lansing, Mich.

In a two-to-one decision, the Federal Appeals Court refused to overturn a circuit court jury's finding that James Wasserman, former editor of the Grand Valley State College newspaper, *The Lanthorn*, violated Michigan's obscenity statute by distributing a lewd, obscene, and indecent article. The disputed material appeared on November 27, 1968, in what was billed as a literary issue of *The Lanthorn* under the title, "A Typical Day in the Life of J. Oswald Jones." According to Circuit Court Judge Raymond L. Smith, "The article was well seasoned with four-letter words which the ordinary decent citizen would define as lewd, obscene, indecent, and filthy." Wasserman was fined \$100 and costs. Reported in: *Detroit Free Press*, October 3.

Minneapolis, Minn.

Hennepin County Municipal Judge James Johnston indicated he will ignore the U. S. Supreme Court standard of "redeeming social importance" when he decides whether the film, *Sexual Freedom in Denmark*, is obscene. Johnston stated that the court is bound by the Minneapolis ordinance's definition of "obscenity." Robert Milavetz, counsel for the defense, reminded the judge that the Supreme Court has amplified its definition to prohibit only material that is utterly without redeeming social value. He offered to provide the judge with a copy of the decision. Johnston waved the offer aside and said, "Mr. Milavetz, the court is well aware of what the law is." Reported in: *Minneapolis Tribune*, October 8.

Jefferson City, Mo.

In its first pronouncement in recent years involving movie obscenity, the Missouri Supreme Court ruled that *Lust of Night* is obscene. The court refused to apply criteria set forth by the U. S. Supreme Court that a movie or book is not obscene unless totally without redeeming social value. Concurring in the decision were Judges Alden A. Stockard, James A. Finch, Jr., Robert T. Donnelly, and J. P. Morgan. Reported in: *St. Louis Post-Dispatch*, October 12.

Cleveland, Ohio

Federal Judge Ben C. Green, ruling in a case involving public comment by persons who appeared in a special grand jury investigation of last May's violence at Kent State University, overturned the decision of Common Pleas Court of Portage County. The lower court had forbidden public comment by those testifying in the grand jury investigation. The lower court order had been previously modified to permit Kent State University President Robert I. White to comment on, but not criticize, the jury's findings. Judge Green noted that a grand

jury is sworn to secrecy, but there is no such restraint upon a witness before it. He answered an argument by Portage County officials that only 30 or so witnesses were affected by the no comment order by saying, "The difficulty with this . . . is that the order prevents not only the 30 from speaking, but the rest of the world from hearing." Reported in: *Cleveland Plain Dealer*, November 4.

Philadelphia, Pa.

A three-judge federal panel struck down as unconstitutional a Pennsylvania law that sought to list "adults only" films with an X-rating. The bill set a \$1,000 fine for a first conviction for showing an X-rated preview with a family-rated film, on the basis that it was false advertising. (See p. 13 for details.) Reported in: *Bridgeport (Conn.) Telegram*, August 29.

Kenosha, Wis.

Federal Judge John W. Reynolds enjoined the city of Kenosha from enforcing its ordinance that prohibits minors from attending movies that are rated for adults only. The suit was brought by Mr. and Mrs. Harold Engdahl through the American Civil Liberties Union. (See p. 13 for details.) Reported in: *Milwaukee Journal*, September 30.

SOUTHERN STATES (E)

Washington, D.C.

Referring to the U. S. Supreme Court's review of a case involving *I Am Curious (Yellow)*, Justice Hugo Black said that for his own part, he has no inclination to look at such a film — and has said plainly in the past that he doesn't intend to do so. As Justice Black points out, the court has always observed a distinction between expression and conduct. That distinction would be wiped out if the court were to adopt the line suggested by Chief Justice Burger that the depiction of the conduct is equivalent to conduct. Reported in: *Washington Post*, November 14.

Jacksonville, Fla.

Roy Reeves and Roger Griggs, owner and clerk, respectively, of Springfield News and Book Mart, were found not guilty on four counts of selling obscene materials. The verdict was handed down by a six-member jury in Judge Warren A. Nelson's Criminal Court. Twelve magazines depicting nude males and females in "suggestive poses" were found not obscene by the jury after three days of testimony from "experts" on human behavior. Reported in: *Jacksonville Times-Union*, October 5.

Pensacola, Fla.

A six-man jury convicted Robert Felton on two charges of selling obscene literature to a minor. The charges arose when Felton, owner of the News-A-Rama,

sold two magazines, *Sin Cinema* and *Sex Scenes*, to 16-year-old Jimmy Frank Rogers. Ex-sheriff Bill Davis testified that he personally had given Rogers directions to purchase the magazines and had given him the money. Reported in: *Pensacola Journal*, September 25.

New Orleans, La.

Civil District Judge Clarence Dowling declared unconstitutional a recent amendment to the city charter assessing a \$10,000 license fee for "adult" book stores. He issued an injunction restraining the city from enforcing the fee. Reported in: *New Orleans State's Item*, September 21.

Baltimore, Md.

Federal Court Chief Judge Edward S. Northrop issued a show cause order against a book dealer to determine why a shipment of 46 cartons of books should not be condemned as obscene and destroyed. Paul R. Kramer, Deputy United States Attorney, said the seizure of the books was under a new government procedure to open a drive on the interstate shipment of so-called hard core pornography. Meanwhile, Judge James A. Perrott, gave a Friendship Airport delivery service, the city airport police, and city prosecutors until November 1 to show cause why they should not be ordered to release the books. Two books involved were *Male Homosexual Marriages* and *The Psychology of Group Sex*. The second show cause order was filed by Publishers Export of San Diego, Cal., through their counsel, Fred K. Grant. The complaints charged that the books have been held without legal authority and described this as a "blatant, pernicious delay." Reported in: *Baltimore Sun*, October 31.

Baltimore, Md.

A three-judge federal panel composed of Judges Harrison L. Winter, Frank A. Kaufman, and Edward S. Northrop ruled September 17 that University of Maryland officials erred in censoring a picture of a burning flag intended for the cover of *Argus*, a student feature magazine. The student magazine was distributed last December with the word "censored" printed across a plain white cover. Members of the *Argus* editorial board sued President Wilson H. Elkins and other university officials and charged that the Maryland statute making flag mutilation a criminal offense is unconstitutional. Judges Winter and Kaufman, in the majority opinion, did not rule on the statute, but found that it had been unconstitutionally applied. Judge Northrop dissented, saying that university officials looked only at the cover, "whereas other material in the magazine is also questionable. If the censorship had gone to the contents as well as the cover of the publication, the university officials" would have been correct in banning the magazine. The majority opinion held that the cover was "only expression in the form of art," and that there must be a showing by university officials that suppression of the

magazine contents is necessary to preserve order and discipline before such suppression can be constitutionally permitted. (See p. 24 for more about *Argus*.) *Baltimore Sun*, September 28.

Baltimore, Md.

City Circuit Court Judge James A. Perrot signed a show cause order requiring city officials to legally justify their decision to ban "peep show" booths on The Block and elsewhere in Baltimore. The operators contended that their businesses had been duly licensed by the city. The city solicitor, however, contended that the "shows" are actually movies and are therefore unlicensed. Reported in: *Baltimore Sun*, October 17.

Blountville, Tenn.

Sullivan County Criminal Court Judge John K. Byers declared a mistrial in the obscenity case of Larry Grigsby, because his rulings on prosecution evidence were in error. Grigsby had been charged with selling obscene magazines. Defense attorney for Grigsby had argued that state testimony by a local teacher and a minister, designed to establish "community standards of decency," was irrelevant. Judge Byers overruled the motion, but after studying the question overnight, changed his ruling on the matter. Since the jury had heard the evidence and might be prejudiced by it, the judge declared a mistrial. Byers said it was his opinion that recent U. S. Supreme Court rulings indicate obscene material can be legally sold provided there are no sales to minors, materials are not exposed to those unwilling to view them, and no pandering is involved. "In the exercise of his right to the First Amendment," the judge asked, "a man can look at filthy pictures if he wants to. Your right to be free is your right to be as stupid as you want to be." Reported in: *Knoxville News Sentinel*, October 25.

Ft. Eustis, Va.

Capt. Frank Blue, a military judge, ruling in the trial of Pvt. Arthur Small, said an army regulation requiring persons to receive permission before distributing publications on the Ft. Eustis post was too vague. Charges against Small of distributing "pro-communist newspapers" without permission were dismissed. Reported in: *New York Post*, November 5.

Richmond, Va.

A three-judge federal panel consisting of Judges Oren R. Lewis, Clement F. Haynesworth, Jr., and John D. Butzner, Jr., ruled that United States Customs officials may not block importation from Europe of a group of allegedly obscene paintings and drawings. The disputed paintings and drawings were described by the U. S. Appeals Court as "part of a much larger collection of erotic art" that had been shown "in museums in Scandinavia. Summary judgment was granted," the Appeals Court said, "on the ground that, even if the paintings do

have an appeal to the prurient interests of the average adult, they all have artistic value . . ." Although the government consented that the obscenity was a "triable issue," the Appeals Court said evidence presented in the case showed no dispute as to whether the collection had redeeming social value. Reported in: *Richmond News Leader*, October 5.

NORTH ATLANTIC STATES (F)

Boston, Mass.

Boston Municipal Court Chief Justice Elijah Adlow, ruling in the case of Gerard Howland, charged with selling and possessing obscene material, found Howland guilty and fined him \$200; his employer, 200 Book Club, Inc., was fined \$500. Adlow restated his intention to ignore recent U. S. Supreme Court rulings, and told the defense attorney, "Never mind the Supreme Court." Defense Attorney John A. Pino said the convictions would be appealed. Reported in: *Boston Herald-Traveler*, September 11.

New York, N.Y.

U. S. Court of Appeals Judge Irving R. Kaufman, ruling in the case of Frank H. Dellapia who was found guilty last December of sending obscene matter through the mail, overruled the previous conviction. Kaufman ruled that consenting adults can send obscene material to one another through the mail for their personal and private use, and said, "For 97 years the Comstock Act, named after one of the 19th century's most vigorous moral evangelists, has barred from the mails all matter obscene, lewd, lascivious, indecent, filthy, or vile. This appeal requires us to reinterpret the Act in the light of Constitutional doctrine which never illuminated the problem of obscenity legislation with glaring brightness but which now appears to be shifting as well." Judge Kaufman said further, "The most fundamental premise of our Constitutional scheme may be that every adult bears the freedom to nurture or neglect his own moral and intellectual growth. We are concerned with Dellapia's privacy, not merely for its own sake, but because this kind of prosecution bristles with hazards to free speech." Reported in: *New York Times*, October 21.

Providence, R.I.

Saying the state had not proved obscenity, Rhode Island Supreme Court Justice Alfred H. Joslin struck down a lower court decision that had declared seven magazines (including *Jay Bird*, *Happenings*, *Candy*, and *Big Boys*) obscene. The court said the constitutional issues in the case of the magazines would have been different had there been evidence of pandering, or sale to minors, or an obtrusive assault upon privacy. Reported in: *Providence Journal*, August 18.

Providence, R.I.

Rhode Island Supreme Court Justice Raymond J. Pettine ruled that a 1966 state law permitting city and town officials to ban motion pictures on grounds of obscenity is defective. Justice Pettine also found defective a Providence ordinance that allows the city bureau of licenses to deny film licenses. Only portions of the state and city statutes were found unconstitutional. Reported in: *Providence Bulletin*, September 24.

Providence, R.I.

Federal District Court Judge Raymond J. Pettine, on September 23, rejected a petition by Chevron Pictures for

a restraining order to stop enforcement of a license refusal by the Providence Bureau of Licenses. The license refusal was based on the fact that the movie *Ann and Eve* was probably obscene. The bureau filed suit in Superior Court to have the film ruled obscene. Ruling on the petition for a restraining order, Judge Pettine recalled that a similar order had been granted to National Realty Company to allow showing of *Beyond the Valley of the Dolls*. The picture was shown for part of its schedule, after which counsel agreed to dismissal of the federal suit for which a three-judge panel had been named. Pettine said, "I fear that unwittingly the prestigious role of this court may well be prostituted." Reported in: *Providence Journal*, September 24.

MPAA Ratings Revisited

Ever since its introduction, the Motion Picture Association of America (MPAA) code for rating movies has been the subject of controversy and abuse. Three recent questions involving the code are: (1) Are local ordinances which embody the code's attendance restrictions for X- and R-rated films legal? (2) May newspapers legally ban advertisements for X- and R-rated films? (3) And, may theaters legally show X- and R-rated film previews along with GP-rated films?

Several cities, including Kenosha, Wis., Evanston, Ill., and Verona, N.J., have adopted ordinances which require theaters to enforce the code restrictions on attendance at X- and R-rated films. The Kenosha ordinance was successfully challenged in court in September. Federal Judge John W. Reynolds enjoined the city from enforcing the ordinance. The suit was brought by Mr. and Mrs. Harold Engdahl through the American Civil Liberties Union. Last July the Engdahls took their children and three young friends to see *Woodstock* at a local theater. They were asked by the management to show birth certificates to prove their parentage. When they didn't produce them, they were turned away. The Engdahl brief contended that the ordinance is unconstitutional because it unlawfully delegates a legislative authority (the determination of what movies are fit only for adults) to the MPAA.

Concerning newspaper advertisements for X- and R-rated films, the *Deseret News*, Salt Lake City, and the *Jacksonville Chronicle*, recently added their names to the growing list of newspapers around the country which refuse to carry X- and R- advertising. Critics of this practice contend that it undermines one of the primary purposes of the code: to alert parents and other movie patrons to the nature of films being shown. To date, the advertising ban has not been successfully challenged in court.

Regarding the showing of X- and R-rated film previews along with movies rated for the general public, some state and local governments have attempted to

frame legislation prohibiting the practice. Such a law in Pennsylvania was recently declared unconstitutional by a three-judge federal panel in Philadelphia. The bill set a \$1,000 fine for first convictions. The court voided the statute on the ground that the ratings are based on "personal opinion," rather than precise legal definitions which can be applied equally to all films.

As a result of confusion over state and local legislation prohibiting the admission of minors to "obscene" performances, many theater managers feel compelled to rigidly enforce the rating code whether specifically required by law or not. A typical practice is that of Roy Disney, manager of the Paramount Theater in Des Moines, Iowa. According to the *Des Moines Register*, Disney agrees that *Woodstock*, with a cast including thousands of "minors," has social importance and does not appeal to prurient interest, but, because of the city ordinance, he will not admit anyone under seventeen, with or without parental approval. JAH

Democracy is essentially anti-authoritarian—that is, it not only demands the right but imposes the responsibility of thinking for ourselves.

—Bergen Evans

Ann Landers and Fainting Librarians

One of our readers submitted the following advice from Ann Landers to a 70-year-old lady who calls herself "Dumb Dora." Dora, perplexed by her lack of knowledge about homosexuals, decided to study the matter at the public library. To quote Dora, she "asked the librarian for a book on homosexuality and she nearly fainted. When I saw how flustered she became, I said, 'skip it,' and walked out. Now I'm too ashamed to go back there. Please tell me what to read, Ann, I want to educate myself."

Fortunately, Ann Landers, evincing faith that not all librarians are fainting ladies, replied: "Dear Dora: Go to another library where the librarians don't faint so easily. Ask for a copy of *Sex and Gender* by Dr. Robert Stoller . . . and get yourself educated." What image?

No! No! "Oh! Calcutta!"

During the last week of September, Color Media Communications of New York drew the attention of crusaders against "pornography," local law enforcement officials, the U. S. Justice Department, and the Federal Communications Commission by scheduling video-taped showings of the long running, off-Broadway musical *Oh! Calcutta!* in eighty-six cities across the nation.

Described by *The New Yorker* as "a collection of short sketches, which purport to give us a refreshing view of sex and do not," *Oh! Calcutta!* includes scenes by such writers of acknowledged literary importance as Samuel Beckett, Kenneth Tynan, and Jules Feiffer. Performed mostly in the nude, the rock musical sketches comment satirically on common sexual hang-ups and sexual mores. Besides the New York production, the musical is running in London and has been produced in San Francisco and Los Angeles. The latter productions were the subject of legal action resulting in rulings by the California Supreme Court which allowed the performances to continue.

Pressure from "pornography" foes and local law enforcement officials caused cancellation of all or part of at least ten of the eighty-six video-tape presentations scheduled for September 28. Those cities where residents were deprived of the opportunity to choose for themselves whether they wished to see the musical were Syracuse and Rochester, N. Y.; Miami Beach and Tampa, Fla.; Springfield, Mass.; Birmingham, Ala.; Louisville, and Lexington, Ky.; Oklahoma City, Okla.; and, Peoria, Ill. In Cincinnati, Ohio, the tape was shown at the Shubert Theater despite a bomb threat and a complaint from Charles Keating, dissenting member of the President's Commission on Obscenity and Pornography.

In Louisville, Ky., the scheduled presentation began, but was cancelled when "technical problems" prevented all but the first few minutes of the play to be shown. Shortly after cancellation, two FBI agents took the video-tape into custody on behalf of the U. S. Attorney's Office. A U. S. District Court grand jury, scheduled to view the play, decided to leave determination of whether the play is obscene to officials of the Justice Department. U. S. Attorney John L. Smith said that showing of the play could have gone on if there had not been technical difficulties.

The Syracuse showing was dropped after the city's Anti-Pornography Commission brought it to the attention of the district attorney's office. The Civic Follies Theater management made court action unnecessary by cancelling the presentation and refunding admission fees.

Threat of a federal grand jury investigation prompted cancellation of the Oklahoma City presentation. The president of Spectro Theaters said he was not served with a federal subpoena, but that an Oklahoma City subpoena was served on Color Media Communications in New

York. Asked if the subpoena caused cancellation, the president said, "Yes. I'm not going to be party to anything that's not right." He said that, had he not cancelled, he would expect to be called before a federal grand jury, and, "I didn't want that."

In Rochester, representatives of Citizens for Decent Literature provided local officials with a "continuity of the show," from which it was decided there was evidence to take action under the state's obscenity laws. Reportedly, the threat of such action caused cancellation of the showing. The president of Rochester Citizens for Decent Literature said, "It was best for everyone that it didn't come to Rochester."

Peoria State's Attorney Robert Calkins showed a paperback copy of the play to Chief Circuit Court Judge Robert Hunt, who declared the play would plainly contribute to immorality, crime, and delinquency. Judge Hunt, calling the play "moral fly ash," issued an injunction barring the presentation.

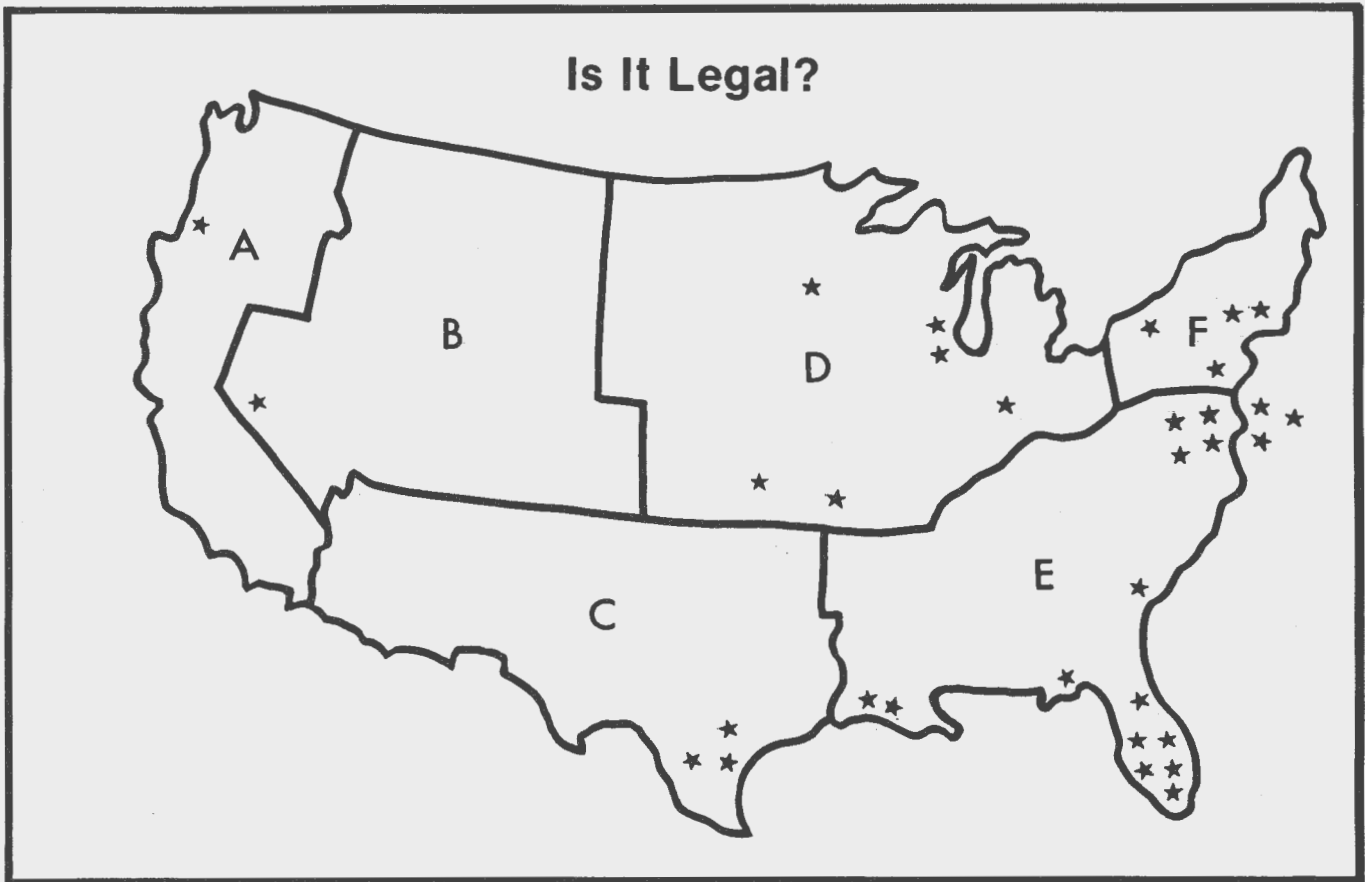
In a move more severe than in other locales, Springfield, Mass. Crime Prevention Bureau officers entered the Paramount Theater, seized the video-tape and arrested the theater manager and the projectionist. Seizure was without a prior adversary hearing or issuance of a search warrant. Officer Robert A. Meffen, who stopped the presentation after the second act, said that warrants are not necessary in felony cases.

Complaints about the nationwide showing were forwarded by the Federal Communications Commission to the Justice Department. FCC representatives said that, if the Justice Department determines there is a question of legality of the showings, the producers will be so informed. JAH

Advice to Librarians

"Remember that as librarians you carry with you a sacred trust, the future of the human mind. It does not matter if the race lives forever if its ideals do not live with it. Those ideals will only live on if they are called continually into question, exercised, disputed, fought over and died for. Stasis is death. Never forget that.

"And never forget this: Ideas are dangerous. When you go out to the lost worlds, you are carrying with you a weapon more terrible than a plague bacillus or neutron bomb. The censors who try to suppress thought are perfectly right to do so. An idea can destroy a civilization as surely as any war. Remember all that separates you from the people who would enslave men's minds is your conscience — and devotion to the ideals and ethics of the library service. Whether a race moves forwards or backwards, to glory or to the grave, is a decision that rests with you alone." From: *The Pacific Book of Australian SF*, Sydney, 1968. (Submitted by Sanford Berman, Assistant Librarian, University of Zambia, Lusaka, Zambia.)



PACIFIC COAST STATES (A)

Portland, Ore.

U. S. District Judge Alfred T. Goodwin took under advisement the question of whether the Portland City Council has the constitutional power to refuse to renew the business license of a firm the council says was selling obscene literature. The Oregon Book Mark Corporation asserts that the council action amounts to using license authority to restrict freedom of the press in violation of the U. S. Constitution. They claim the council is exercising a power that can be utilized only by the courts. Reported in: *The (Portland) Oregonian*, October 1.

ROCKY MOUNTAIN STATES (B)

Las Vegas, Nev.

County Commissioner Bill Briare introduced an ordinance aimed at controlling theaters and bookstores which feature pornographic material. The proposed ordinance would require bookstores and theaters in the county to obtain a use permit through the Planning Commission and County Commission before being granted a

license to do business. Technically, the ordinance would amend the Land Use Code by deleting theaters and bookstores from the list of businesses permitted to locate in various zones. The ordinance passed on the first of three required readings. Reported in: *Las Vegas Sun*, October 21.

SOUTHWESTERN STATES (C)

Austin, Tex.

The University of Texas Board of Regents will appeal the decision of a three-judge federal panel concerning a student publication, *The Rag*, to the U. S. Supreme Court. The federal court ruled last month that university regulations prohibiting *The Rag's* distribution are unconstitutional because over-broad. Reported in: *Austin (Tex.) American*, September 30.

Dallas, Tex.

Charles Musick and Wendell Romines, two Dallas underground theater operators, filed suit on August 31 against the mayor, police chief, city attorney, city assessor, and other officials. The operators asked U. S. Dis-

trict Judge Joe E. Estes to issue a temporary restraining order against city officials to stop enforcement of a new city ordinance which requires the registration of information about all persons' identity and whereabouts who have any involvement with theaters or films which feature sex and nudity. Romines and Musick charge that the new law constitutes prior restraint of press and speech, arbitrarily discriminates against movie theaters, and ignores other aspects of due process. Reported in: *Dallas News*, September 1.

Houston, Tex.

Carol S. Vance, Harris County district attorney, filed a motion in federal court for dismissal of a suit brought against him and others by operators of several adult movie theaters. The motion for dismissal notes that the state obscenity statute under attack has already been held constitutional by another three-judge federal court in Texas. The theaters are now operating without fear of arrest because of a restraining order granted by U. S. District Judge Woodrow Seals, pending action of a proposed three-judge panel which will hear the case on its merits. Vance notes that the U. S. Circuit Court of Appeals "specifically held that no prior adversary hearing is necessary before arresting panders of gross smut." Lawyers for the theater operators claim that no showing of social value is necessary and that their clients have a First Amendment right to freedom of expression, regardless. Reported in: *Houston Post*, November 6.

MIDWESTERN STATES (D)

Evanston, Ill.

The MPAA Code was adopted as Evanston law on September 21, despite efforts on one hand to retain a more restrictive former review system and a bid on the other to repeal local controls entirely. Under the ordinance, exhibitors must apply the MPAA classifications to all films, and persons under 18 may only be admitted to R- and X-rated movies if accompanied by a parent or an adult guardian. Reported in: *Evanston (Ill.) Review*, September 24.

Indianapolis, Ind.

The City-County Council adopted an ordinance apparently designed to prevent performance of the musical *Hair*. Publications and performances "harmful to the public" are barred by the ordinance. Reported in: *Indianapolis Star*, October 9.

Wichita, Kan.

The City Commission passed, on first reading, an anti-obscenity ordinance duplicating the state law to make it illegal to promote obscenity for either adults or minors. It also makes it a crime to distribute, sell, manufacture, give, lend, mail, publish, circulate, exhibit, or advertise any obscene material or to present or participate

in any obscene performance. Before becoming law, the ordinance must be approved on second and third readings. Reported in: *Wichita Beacon*, September 22.

Minneapolis, Minn.

The City Council, on September 12, agreed that its efforts to legislate against movies considered obscene are too weak, but voted eleven to two to amend current ordinances regulating theater marquee advertising. The ordinance revision will allow refusal of a license to anyone convicted of a felony within the past five years or a gross misdemeanor involving moral turpitude. It also bars advertising on theater marquees depicting portions of the nude human body, sexual conduct, sexual excitement, or sado-masochistic abuse. Reported in: *St. Paul Pioneer Press*, September 12.

Gladstone, Mo.

The City Council approved an anti-pornography ordinance prohibiting the sale or exhibition of obscene materials to minors. The ordinance claims "the community has an interest in the protection of the welfare of children and to see that they are safeguarded from abuse which might prevent their growth into free, independent and well-developed citizens." The ordinance must be read and voted on twice more to become law. Reported in: *North Kansas City (Mo.) Press-Dispatch*, September 17.

Milwaukee, Wis.

Owners of sixteen movie theaters filed a federal court suit challenging the constitutionality of a city ordinance that empowers the Motion Picture Commission to "classify and censor motion picture films to be exhibited" in Milwaukee. The suit claims the ordinance, which became effective in late October, violates freedom of speech. Reported in: *Milwaukee Sentinel*, October 13.

SOUTHERN STATES (E)

Washington, D.C.

Rep. Lawrence G. Williams (R.-Pa.), speaking before the House Ethics Committee which is studying a reform of federal lobbying laws, suggested that newspapers should register as lobbyists if they editorialize against members of Congress. He said those making editorial comments "should register and be under some kind of control." Rep. Chief Holifield (D.-Calif.) joined in the criticism, saying that the Supreme Court has made it virtually impossible for a public figure to obtain a successful libel suit against published or broadcast criticism. Reported in: *New York News*, October 2.

Washington, D.C.

Appearing before the House Post Office and Civil Service Subcommittee on Postal Operations, Dr. Bernard L. Bonniwell, Professor of Psychology at Villanova University, proposed that the federal government establish

public censors to impede the distribution of pornography throughout the nation. He said "National educational monitoring centers" should be authorized to evaluate and order changes to television, radio, motion pictures, books, magazines, and advertising. He suggested that the censors, who would be elected, have the power to issue warnings, impose penalties and withdraw licenses from "those processing the presently unacceptable data." The monitors, using professional polls, would interpret "the majority will, relative to data monitored." Reported in: *New York Times*, November 19.

Washington, D.C.

The Senate by a 79-0 vote passed and sent to the House a bill to enable recipients of unsolicited pornographic mail to return it with the original sender paying added costs. The bill would require the original sender to pay postage plus at least a fifty-cent surcharge. Such mail would have to be labelled: "The enclosed material is sexually oriented advertising and may, if unrequested by the addressee, be returned to the sender unopened at no cost to the addressee." Reported in: *Philadelphia Inquirer*, September 24.

Washington, D.C.

The U. S. Post Office has announced a new regulation which will allow anyone wanting to keep obscene materials from being mailed to him or to his children to notify the Post Office and fill out a form with his name and address. The names will be fed into a computer that will print a list each month to be sold to mailers of obscene materials. The mailers will be required to remove all those names from their own mailing lists. Failure to comply with the law can lead to criminal prosecution by the Department of Justice. First offenders are liable to a prison term of not more than five years, or a fine of not more than \$5,000, or both. For second offenders the penalty rises to ten years and a fine of \$10,000. The new regulation differs from those used in the past in that anyone may curtail sexually oriented materials even before receiving them and may request that his name be kept off all lists rather than just one. The list of names compiled by the Post Office may not be sold or lent to mail order houses, sellers of magazine subscriptions, or anyone else. Postal officials concede they will have difficulty enforcing control over the lists which will be valuable to businesses selling items other than erotica. Reported in: *New York Times*, November 16.

Hollywood, Fla.

The City Commission passed two to one an anti-pornography ordinance which defines obscene materials as those which appeal primarily to prurient interests, are utterly without redeeming social value, and go substantially beyond customary limits of candor. The ordinance provides for a fine of up to \$500 and 60 days' imprisonment. A previous ordinance was passed by the commis-

sion last December, but the new one is "stronger." One commissioner, Edgar Galvin, dissented because he thinks the ordinance is unenforceable. Reported in: *Hollywood (Fla.) Sun-Tatler*, September 24.

Jacksonville Beach, Fla.

The City Council passed an anti-pornography ordinance copied after a Georgia statute sustained by lower federal courts and the U. S. Supreme Court. Passage of such an ordinance was called for by State Attorney General Earl Faircloth in a letter sent August 26 to Florida mayors. Reported in: *Jacksonville Journal*, September 10.

Leesburg, Fla.

City commissioners adopted a pornographic control ordinance "for the protection of minors (under age 17) from being knowingly exposed" to pornography of all kinds. Mayor-Commissioner Jack Wilson, commenting on the passage, commended a local drugstore, which the mayor says already has started "taking the filth off the racks and going under the counter with *Playboy*." Reported in: *Orlando Sentinel*, October 13.

Pembroke Pines, Fla.

The City Council unanimously approved authorizing City Attorney Emanuel Sponder to prepare an ordinance prohibiting the distribution of obscene literature. Violations would result in a \$500 fine or 60-day jail sentence. Reported in: *Hollywood (Fla.) Sun-Tatler*, October 6.

Pensacola, Fla.

A proposed ordinance governing obscene materials was approved on first reading Thursday, September 24, by the Escambia County Commission. The ordinance says a person commits the offense of distributing obscene materials when he sells, lends, rents, leases, gives, advertises, publishes, exhibits, or otherwise disseminates to any person any obscene material of any description, knowing the obscene nature. It defines obscene materials as those — considered as a whole and by applying community standards — whose predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion, and is utterly without social value, and which goes substantially beyond customary limits of candor in describing or representing such matter. Reported in: *Pensacola Journal*, September 25.

Tavares, Fla.

The City Council passed on second and third readings Ordinance 1970-6 which prohibits the selling, renting, leasing, exhibiting, publication, or dissemination of obscene literature. It also provides that, after discovery of a violation, each day it continues shall be termed a separate offense. Obscene literature is defined as that literature which is an offense against the morals of the

community, that which goes beyond the customary concepts of decency, and that which appeals predominantly to sordid interests. Reported in: *Leesburg (Fla.) Commercial*, October 8.

Atlanta, Ga.

The Fulton County Commission authorized Criminal Court Solicitor General Henson McAuliffe to spend \$1,200 a month to retain two "nationally recognized legal experts" to help in his running battle against pornography. McAuliffe will be getting assistance from Citizens for Decent Literature, he said, because his office is "very short of staff," and specifically because the group can offer experts in the obscenity field. "We're constantly confronted with lawyers making \$100,000 or more a year who do nothing but this type of defense work, and we need the knowledge that they (Citizens for Decent Literature) have on obscenity," he explained. Reported in: *Atlanta Journal*, October 7.

New Orleans, La.

Four police officials filed suit in Federal District Court seeking to enjoin Police Superintendent Clarence B. Giarrusso from interfering with their freedom of speech. The suit, filed by Irvin L. Magri, Jr., president of the Police Association of New Orleans, Vincent J. Bruno, Van H. Floyd, and Steve Rodriguez, alleges that they have been warned by Giarrusso not to make public statements on "sensitive" issues or areas. The policemen asked a temporary restraining order be issued, pending a hearing on a request for an injunction. They allege that Giarrusso ordered Magri not to make any press release, public statement, or public utterance of any matter that deals in a "sensitive area" or on any departmental policy. Giarrusso allegedly defined these prohibitions as relating to such matters as criticism of the mayor, city administration, and Department of Police Administration, criticism of low pay for police, or criticism of the Black Panther Party. They further charged that the orders were politically motivated, because Giarrusso is aligned with the city administration. Reported in: *New Orleans Times-Picayune*, October 9.

New Orleans, La.

Two ordinances aimed at combatting the sale of pornography to teenagers were passed by the Jefferson Parish Council. One of the ordinances makes it illegal for operators of any establishment that sells or displays "pornographic and/or adult literature" to allow persons under 18 years of age to enter their business places. The other ordinance makes it illegal for minors to enter such establishments. Reported in: *New Orleans State's Item*, November 6.

Baltimore, Md.

Mayor D'Alesandro signed into law a measure allowing the Zoning Board to prohibit pornographic book

stores in residential neighborhoods. No such stores will be allowed to open within 2,000 feet of a school, church, public park, or playground. Reported in: *Baltimore Sun*, October 31.

Baltimore, Md.

Mayor D'Alesandro vetoed a bill which, if made law, would require that any literature printed or distributed in Baltimore must bear the name and address of the person responsible for the publication. Under the vetoed ordinance, if an organization — even a church — were responsible, the names and addresses of all officers would have to be listed. The printer's name would also be required. The mayor stated that the bill represents an abridgement of rights under the First Amendment. The City Council, revising the measure, specified that any type of handbill or any commercial advertising directly or indirectly identifying any person, association, committee, firm, or corporation would be covered by it. Such literature would have to carry the name of a person responsible for its publication and the corporation or group involved, with addresses listed. Unlike the vetoed bill, listing of the printer of the material is not required. The ordinance carries a penalty for violators of up to \$500 fine, or six months' imprisonment, or both. In cases of organizations violating the law, the top officer would serve the sentence. Reported in: *Baltimore News American*, September 30.

Baltimore, Md.

Michael S. Carliner, editor of *Harry*, a 24-page underground newspaper that claims a circulation of more than 8,000, says the police department has refused to issue press credentials for *Harry's* reporters. He disagreed with the official view that *Harry* does not fit the definition of a newspaper under the law which provides for police press cards. Carliner notified the police department that the newspaper will go to court in an effort to obtain the credentials. Formal application must be made for a press card, with the signature of the editor and two photographs of the applicant, who also is fingerprinted by the police department. Reported in: *Editor & Publisher*, October 10.

Charleston, S.C.

After conducting a special investigation of the actual viewing and purchase of books and magazines from newsstands and viewing of movies in the theaters in Charleston County, a grand jury called the availability of obscene materials "deplorable." The grand jury recommended that the Charleston County delegation to the state legislature introduce and support laws to prevent the showing or sale of such materials in general and particularly to minors. It also recommended the establishment of a state rating commission to classify movies. Reported in: *Charleston (S. C.) News & Courier*, September 18.

NORTH ATLANTIC STATES (F)

Springfield, Mass.

The Study Committee on Obscenity and Pornography made major recommendations to the City Council — one involving creation of a three-member subcommittee to review adult-rated films, and the other proposing that the mayor require a uniformed guard to be present at showings of the films. Reported in: *Springfield (Mass.) News*, October 16.

Springfield, Mass.

Dr. Walter F. Tauber, president of the Hampden County Civil Liberties Union, called for abolition of the Springfield Obscenity Commission. Tauber, in the wake of the closing of *Oh! Calcutta!* at the Paramount Theater on September 28, said the commission is apparently not needed since there are other obvious actions open to the city. Reported in: *Springfield (Mass.) Union*, September 30.

Trenton, N.J.

The New Jersey Assembly, on September 17, approved legislation exempting motion picture projectionists, ushers and ticket sellers from arrest when a theater is raided for showing obscene movies. Reported in: *Newark (N. J.) News*, September 18.

Verona, N.J.

Under an ordinance adopted by the Cedar Grove Township Council, movie theaters within the municipality will be required to enforce the MPAA rating code which means restricting persons under 18 from viewing X- and R-rated films. Reported in: *Cedar Grove (N. J.) Times*, October 8.

Buffalo, N.Y.

City License Director Samuel C. Sacco denied a license to the Capri Art Theater because the theater intends to show X-rated films. Sacco contends such films constitute a nuisance in residential areas and there are a sufficient number operating in downtown Buffalo at present. He said, "This kind of theater . . . would tend to attract homosexuals and other deviates into the neighborhood and the children of this neighborhood would be brought in close contact with them." Reported in: *Buffalo (N. Y.) News*, September 29.

Faith is the acceptance of an idea without sufficient logical grounds to support its validity.

Faith, fanatic faith, once wedded fast
To some dear falsehood, hugs it to the last.

— Thomas Moore

Viewpoint: Repressive Institutions

Ira Glasser

Four public institutions in the United States have traditionally ignored the Bill of Rights: the military, the schools, mental "hospitals," and prisons.

All four deny the protection of the Bill of Rights to their inmates. All four are compulsory. All four severely restrict — and often completely prohibit — the exercise of First Amendment rights. All four deny the right of fair trial to persons accused of misconduct. All four place great emphasis on dress codes, and the importance of having everyone look exactly like everyone else.

In all these institutions, authority is more important than freedom, order more precious than liberty, and discipline a higher value than individual expression. The attempt to publish and distribute "unauthorized" opinions and comment is bitterly resisted and brutally suppressed by military commanders, school principals, chief psychiatrists, and prison wardens, alike.

The definition of crime in all these institutions is about the same: *conduct prejudicial to good order and discipline*.

In practice, the definition of crime is vague enough to permit those in power to punish any behavior which they feel is "disruptive." But nothing is more disruptive in such institutions than freedom. Thus freedom becomes a crime, and it is usually punished swiftly and efficiently.

The role of law in such institutions is to maintain order. Judicial systems, if they exist at all, are primarily instruments of discipline, not justice. Historically, for example, military courts-martial began as special tribunals established for the enforcement of military discipline within the armed forces of nations. Suspension hearings serve the same purpose in schools.

Put simply, these institutions are repressive. Viewed as political entities, they could only be described as totalitarian.

By far the most important of the four are the military and the schools. Although mental hospitals incarcerate three times as many people as prisons, together mental hospitals and prisons don't affect nearly as many people as the military and the schools. Taken together, the military and the schools are the chief socializing institutions of our society. Consider the repression practiced there:

Free Speech. At army bases and in high schools, underground newspapers have surfaced explosively during the past several years. Each time they have been suppressed. Dissent against the war has been stamped out by military commanders, just as movements for student

(Continued on page 23)

Studies and Surveys

Obscenity and pornography

(Opinion Survey). *Trenton, N. J.* A survey conducted by the Eagleton Institute of Politics in 1969 and included in the report of the New Jersey Obscenity Study Commission gives the results of questionnaires sent to 1,214 public officials, judges, law enforcement personnel, psychologists, psychiatrists, educators, and members of the news media. Only 397 replied, a third of them from the educator group. There was substantial agreement among the responses that (1) there is a serious problem of obscenity in the media; particularly in motion pictures and paperback books; (2) present laws are insufficiently clear; (3) obscene material does contribute to crime and delinquency; and (4) obscenity should be dealt with by law. Reported in: *Newark (N. J.) Advocate*, September 17.

Obscenity and pornography

(Opinion Survey). *Sacramento, Cal.* Persons responding to a poll conducted by the *Sacramento Union* indicate they are against repeal of U. S. laws on obscenity and also against extensive sex education for all segments of society. In response to the question, "Do you believe that U. S. laws banning obscenity should be repealed?" 60% said No while 35% said Yes. Asked if they agreed with the recommendation of the President's Commission on Obscenity and Pornography, that all segments of society, including adults, be given extensive sex education, 60% said No while 40% said Yes. Reported in: *Sacramento Union*, n.d.

Obscenity and pornography

(Opinion Survey). *Minneapolis, Minn.* In a recent *Star* "Metro-Poll," citizens were asked about pornography and the freedom to read. Six-hundred adults comprising a "balanced cross-section" were asked: (1) Which comes closer to your view: that each adult must decide for himself whether he should read a particular book or see a particular movie or that society must sometimes forbid books or movies that are offensive? (2) Would you say people exposed to pornography are or are not more likely to commit sex crimes? (3) Do you think exposure to pornography does or does not harm the morals of young people? 64% said "society" should not ban offensive books or movies from adults. 49% saw no connection between pornography and sex crimes. 70% considered it morally harmful to young people to be exposed to pornography. As a group, respondents in their 20's showed the most liberal attitudes toward all three survey questions: 75% of them say adults should decide for themselves what they read and see: 67% see no link between pornography and sex crimes; and, 37%

do not think pornography is harmful to young adults. Reported in: *Minneapolis Star*, October 6.

Obscenity and pornography

(Opinion Survey). *New York, N. Y.* Syndicated columnists James and Robert Foley report that a student sample questionnaire asked persons on more than a hundred campuses whether the U. S. should follow Denmark's example and relax all laws on pornography. 61% replied Yes; 39% said No. 72% of males questioned said Yes; 50% of females said Yes. Some students felt that pornography laws were basically hypocritical and represented a holdover from the Victorian era. A Tufts senior said, "Filth finds its own level. Making it illegal merely promotes it and doesn't prevent it." Reported in: *Tulsa Tribune*, September 9.

Pornography in Denmark

(A Study). *Copenhagen, Denmark.* In a 200-page report of a study originally made for the President's Commission on Obscenity and Pornography, Berl Kutchinsky concluded that the theory that pornography may prevent certain types of crimes should be "seriously re-examined." His study showed the downward trend in sex crime rates in Copenhagen in the first part of the 1960's. The rate fell drastically in the middle of the decade when the first wave of pornography, then illegal, hit Denmark. Further drops came in 1968 and 1969 when written, then pictorial, pornography was legalized. From 1959 to 1969 the total number of reported sex crimes dropped from 895 to 330, a 63.1% decrease. Kutchinsky asserted that changes in the criminal code or police data collecting could not have caused the decreases since there were no such changes. Among the 400 people in Copenhagen questioned by Kutchinsky, 40% of the women and 35% of the men declared they had become more tolerant toward some non-violent sexual offenses. This, and consequently reduced readiness to report such offenses to police, was sufficient to explain all or almost all of the decline in the rate of reported exhibitionism and physical interference with women, the scientist said. He further concluded that the legal availability of pornography was not responsible for the "decrease" in crimes. Reported in: *Baltimore Sun*, November 8.

Subpoenas and the press

(A Study). *Ann Arbor, Mich.* On October 14 the University of Michigan Law School and the Columbia University Graduate School of Journalism announced a joint study of the impact of subpoenas served on newsmen. The study will be carried out under a \$26,775 grant from the Field Foundation of New York to the Reporters Committee on Freedom of the Press. Vince Blasi, associate professor of law at Michigan and director of the upcoming study, said he will seek to determine "the legal rights and responsibilities of both the press and the government at a time of growing tension between the two." Reported in: *Washington Star*, October 14.



MIDWESTERN STATES (D)

Chicago, Ill.

The Chicago Region's PTA voted not to commend Illinois' U. S. senators for their opposition to findings of the President's Commission on Obscenity and Pornography. The PTA delegates, meeting in the Prudential Building, voted 162-128 against a motion to commend Senator Percy and (recently defeated) Senator Smith. Opponents of the motion said Percy and Smith were only taking a position they thought was popular, and that a wholesome sex atmosphere in the home is the best way to deal with the pornography problem. "Adults should be able to read what they want," said one delegate. He said that sex education would minimize any harmful effects on young people. Reported in: *Chicago Tribune*, October 27.

Wichita, Kan.

The Wichita Library Board ordered the best-selling book, *The Sensuous Woman*, placed on library shelves over the protests of city librarian, Ford Rockwell. In a four-to-zero vote, the board directed Rockwell to "buy

and display copies . . . in numbers commensurate with usual library policy in the purchase and display of books that are No. 1 on the best-seller list." Board members said they felt Rockwell's decision not to purchase the book constituted censorship. Rockwell said, "I'm not calling it immoral, but the subject was not well treated." He said that "some books are lustful and lead to licentiousness. I've got a feeling about what is good literature." Board member Elliott Levand said, "I have a feeling too, but we're not imposing our feelings on the public." Reported in: *Kansas City (Kan.) Times*, November 13.

SOUTHERN STATES (E)

Baltimore, Md.

Speaking before the Maryland State Teachers Association annual banquet on October 15, Bennett Cerf, chairman of the board of Random House, said that censorship should be rejected as a means of handling "a wave . . . of filthy books and movies. Censorship is the worst way to handle it and utterly unAmerican. Censorship accomplishes exactly the opposite of its intention. The publicity makes them [dirty books and movies]

more popular." He said, "The American public has better taste. Let them alone and the whole thing will pall and die of its own lack of worth." Reported in: *Baltimore News American*, October 16.

Mecklenburg, Va.

County Commonwealth Attorney Frank Harris told the Board of Supervisors that he decided not to draft an anti-pornography ordinance for the county because he was "clearly of the opinion that the federal courts would declare such an ordinance unconstitutional." Reported in: *Richmond Times-Dispatch*, October 13.

NORTH ATLANTIC STATES (F)

Boston, Mass.

At its annual meeting, the National Conference of Editorial Writers authorized formation of a committee "to study the feasibility and desirability of creating a mechanism for furthering standards of fair play on the editorial page and for dealing with complaints of abuse of the responsibilities of a free press." Some of the group's 400 membership greeted this departure from standard action as a step toward curbing independence by subjecting them to outside review and public judgment. As one commented, "I get enough complaints from my readers. I don't need NCEW telling me what I'm doing wrong." Forming a committee to deal with the problem of press self-regulation represents a significant departure for the organization. The impetus for the study derived from realization of the need for constructive outlets for reader dissatisfaction. It was felt that, although most newspapers give full expression to contrary views, some do not. "If a reader is denied access, he has no recourse." Reported in: *Des Moines Register*, October 16.

Livingston, N.J.

State Education Commissioner Carl Marburger, ruling in a case involving distribution of an unauthorized student publication, said the paper could be distributed on school property. According to Livingston school officials, the newspaper contained "scurrilous material" and was banned because school rules prohibit circulation of publications without prior approval. Commissioner Marburger gave short shrift to the Livingston principal's concern that lack of attention to content could open the door to a plethora of "malicious gossip, evaluations of teachers which could have a demoralizing effect, improper political and religious comment, incitement to pupil action such as strikes and boycotts, sales of books and . . . hate literature." Citing court precedents, the commissioner held that to worry about what "might" occur is insufficient reason for precautions. Reported in: *Newark (N. J.) News*, November 12.

Trenton, N.J.

Because of the use of "four-letter words" in a recent issue of Rutgers student newspaper, *The Targum*, Middlesex Assemblyman Peter Garibaldi is preparing a resolution for approval of a study of all state institutions to see if taxpayers' money is being spent to foment what he described as "disgusting filth and blatant immorality." A *Targum* editorial by Max Sawicky condemned the use of "four-letter words" as inadequate and impotent vehicles of expression, but used a long list of the words to make the point. Most of the assemblymen who chose to express an opinion on the article apparently didn't catch its meaning. Reported in: *New Brunswick (N. J.) Home News*, September 21.

Nixon on C.O.P. Report

[Following is the text of a statement on pornography issued by President Nixon as he campaigned in Maryland for Republican state and congressional candidates.]

Several weeks, ago, the National Commission on Obscenity and Pornography — appointed in a previous administration — presented its findings.

I have evaluated that report and categorically reject its morally bankrupt conclusions and major recommendations.

So long as I am in the White House, there will be no relaxation of the national effort to control and eliminate smut from our national life.

The commission contends that the proliferation of filthy books and plays has no lasting harmful effect on a man's character. If that were true, it must also be true that great books, great paintings, and great plays have no

ennobling effect on a man's conduct. Centuries of civilization and ten minutes of common sense tell us otherwise.

The commission calls for the repeal of laws controlling smut for adults — while recommending continued restrictions on smut for children. In an open society, this proposal is untenable. If the level of filth rises in the adult community, the young people in our society cannot help but also be inundated by the flood.

Pornography can corrupt a society and a civilization. The people's elected representatives have the right and obligation to prevent that corruption.

The warped and brutal portrayal of sex in books, plays, magazines, and movies, if not halted and reversed, could poison the wellsprings of American and western culture and civilization.

The pollution of our culture, the pollution of our civilization with smut and filth is as serious a situation for the American people as the pollution of our once pure air and water.

Smut should not be simply contained at its present level; it should be outlawed in every state in the nation. And the legislatures and courts at every level of American government should act in unison to achieve that goal.

I am well aware of the importance of protecting freedom of expression. But pornography is to freedom of expression what anarchy is to liberty; as free men willingly restrain a measure of their freedom to prevent anarchy, so must we draw the line against pornography to protect freedom of expression.

The Supreme Court has long held, and recently reaffirmed, that obscenity is not within the area of protected speech or press. Those who attempt to break down the barriers against obscenity and pornography deal a severe blow to the very freedom of expression they profess to espouse.

Moreover, if an attitude of permissiveness were to be adopted regarding pornography, this would contribute to an atmosphere condoning anarchy in every other field — and would increase the threat to our social order as well as to our moral principles.

Alexis de Tocqueville, observing America more than a century ago, wrote: "America is great because she is good — and if America ceases to be good, America will cease to be great."

We all hold the responsibility for keeping America a good country.

American morality is not to be trifled with. The Commission on Pornography and Obscenity has performed a disservice and I totally reject its report. Reported in: *New York Times*, October 25.

Lockhart Responds to Nixon Rejection

William B. Lockhart, the chairman of the President's Commission on Obscenity and Pornography, said that President Nixon is unhappy with the group's report because its "scientific studies do not support the assumptions congenial to his viewpoint."

Lockhart, dean of the University of Minnesota School of Law, said the commission was directed by Congress to test assumptions about the harmful effects of sexual materials. "This we did through extensive scientific studies of many kinds."

Lockhart said the commission's task was not to please the president, Congress "or anyone else," and, "What others do with our factual findings and scientific reports is their responsibility, not ours."

Lockhart said he hoped that after the November 3 elections, the report would be studied "in a calm atmosphere uncharged with election appeals."

"The result," he predicted, "will be a far more careful and thoughtful development of public policy in this emotion-charged area, because all concerned will be far better informed." Reported in: *Washington Post*, October 26.

Viewpoint . . . (from page 19)

rights have been stamped out by high school principals. Like GI protesters, thousands of students have been persecuted by officials — for leafleting, for publishing and distributing underground newspapers, for demonstrating, and for voicing unpopular opinions.

A comparative examination of the transcripts of courts-martial and school suspension hearings would reveal strikingly similar responses by military commanders and school principals: If leafleting is allowed, discipline will break down, and without discipline you can't have an army or a school.

According to the Uniform Code of Military Justice, words that are "unbecoming," "provocative," "defamatory," or "reproachful" are crimes. In practice, these words mean anything the commanding officer wants them to mean.

In the trial of Captain Howard Levy, his words were invested with meanings so terrible that the existence of the nation as well as the army seemed to be at stake. The result was the resurrection of heresy as a legitimate crime — precisely what the First Amendment was designed to prevent.

In the schools, the situation is no better. Words that are critical, satirical, or disrespectful become grounds for immediate suspension. In one case, a New York City senior was suspended for *mere possession* of an unauthorized newspaper which in previous issues had been harshly critical of that school's principal, particularly with respect to students' rights.

It is particularly difficult for students to reconcile what they learn in their social studies classes about James Madison and freedom of speech, and John Peter Zenger and freedom of the press, with what they confront when they try to exercise those rights in school. [Excerpted by permission from *Trial; the National Legal Newsmagazine*, June/July 1970, vol. 6, no. 4].

CSC Loyalty Oath Out

On October 19 the U. S. Civil Service Commission announced it will revise and re-issue Standard Form 61, the so-called loyalty oath for federal employees. Employees no longer will have to sign affidavits attesting that they are not communists, or fascists, or advocates of overthrow of the United States Government. Neither will they have to state they do not assert the right to strike or belong to a union which advocates the right to strike. Courts have found the "loyalty oath" to be unconstitutional. Also, courts found that requiring employees to deny the right to strike is unconstitutional. However, CSC officials say that, despite the change in the affidavits, the government's policy will continue to be to deny employment to persons found to be communists or fascists, if such facts are developed during the employment investigation. Reported in: *Washington Evening Star*, October 19.

"Argus" Argosy

On September 14, *The Argus*, a feature magazine published by University of Maryland students, announced a pornography contest to be judged "on the basis of creativity, originality, and artistry — mere smut is not enough." Managing editor Alan Lewis explained, "Most pornography is just trashy. We want artistic satiric stuff. Our entrants should take an honest rather than an exploitive approach to sex, and, I hope it works."

First prize, \$100, was won by "Rutabaga," described euphemistically as the story of a mother's tender love for her vegetable son. Of the winners, only second place was a campus effort, "It Must Be Jam Because Jelly Don't Shake Like That," two coeds' story of the semi-erotic thoughts of a berserk computer.

Prior to the October 15 deadline, *The Argus* received over twenty entries from as far away as New Mexico and Denver. The contest was publicized nationally through 125 legitimate and underground newspapers. As of October 6, only three entries had been received from University of Maryland students.

Lewis described most of the entries as "pretty good." The entry from New Mexico is the diary of a former prostitute and it "shows the kind of exploitation women are subjected to." Apparently not understanding the intent of the contest, the campus women's liberation group wrote a resolution saying the contest should be stopped because pornography is sexist and exploits women. "We tried to explain to them," said Lewis, "that we agree with everything they're saying. We're trying to satirize pornography and thereby attack it. But I don't think they believe us."

Criticism of the contest came from more influential sources than the women's liberation group. Governor Marvin Mandel called it "the straw that broke the camel's back." C. Stanley Blair, his Republican opponent, said it "outrages common sense and civility." Blair further recommended that the university sever its connections with the magazine. Since August, the university trustees have been considering cutting off financial support to all campus publications.

On October 7, the Student Judicial Board voted tentatively to withhold *Argus's* \$24,000 share of the campus student activities fee because of the pornography contest. A legislative committee of the Student Government Association, however, vetoed a request for a campus-wide referendum on the pornography issue. The referendum was suggested by students who opposed the contest. The SGA action reaffirms support already given the contest by student government leaders.

As of November 8, *The Argus's* printer, Fontana Lithograph, Inc., refused to set the November issue. The firm objected to the content of the winning stories and

referred them to its lawyer to determine if the material may be printed legally. If not, Fontana cannot be compelled to print it.

States Attorney General Francis B. Burch ordered University of Maryland officials to withhold payment for the printing costs of the controversial issue, which also contains a strong editorial, labeling *him* a fascist. Burch contended, after consultation with Governor Mandel and Louis Goldstein, the state comptroller, that the very nature of the contest is pornographic and could be against the laws of the state. He added that allowing payment for the printing of the magazine "could put the state in the position of aiding and abetting an infraction of the law."

David Bourdon, *Argus* editor, said he is consulting an attorney to examine the possibility of seeking an injunction to force payment for printing the issue. He charged that the state's action was a form of censorship and an infringement of the First Amendment. Reported in: *Baltimore Sun*, November 14.

Printers Refuse "Scanlan's"

Members of the Amalgamated Lithographers of America, objecting to the contents of the November issue of *Scanlan's Monthly*, refused to work on production of the magazine. The American Civil Liberties Union announced it will file suit in California to get the issue printed and distributed. The controversial issue is devoted to the magazine's belief that a state of urban welfare exists in the U. S., and includes articles on the Weathermen, interviews with guerrillas, and a 32-page section documenting 1,500 instances of bombings, sabotage, and terrorism by the underground in the last five years.

In its August issue, *Scanlan's* reproduced a four-page memo on what was represented as the Vice-President's stationery. The contents were a plan to cancel the 1972 national elections and to suspend the Bill of Rights. The RAND Corporation of California was supposed to be making a feasibility study financed with CIA funds. Vice-President Agnew immediately issued a total and "unequivocal" denial. So did officials of the RAND Corp. Most daily newspapers ignored it. The *New York Times* reported the development on an inside page. The Communist Party's *Daily World* gave it banner headlines. It pointed to the fact that the Vice-President hadn't sued *Scanlan's* as evidence of the memo's reliability.

Sidney E. Zion, editor, contends that lithographers in Los Angeles, Denver, and Kansas refused to print the November issue of the magazine. Reported in: *New York Times*, October 3, 24; *The Homefront*, September.

Intellectual Freedom International

LATIN AMERICA

La Paz, Bolivia

Bolivia's military government took charge of *El Diairo*, the oldest newspaper in the country, saying the move is temporary. *El Diairo* was seized October 7 by workers and employees with the help of students, who announced their decision to convert it into a co-operative. Reported in: *Philadelphia Inquirer*, November 6.

Brazilia, Brazil

The Brazilian Censorship Board says the movie *Z* is subversive and should not be shown. Reported in: *St. Louis Post-Dispatch*, November 3.

Santiago, Chile

The Inter-American Press Association charged that "freedom of the press in Chile is being strangled by Communists and Marxist forces and their allies." The Association of U. S. and Latin American Editors and Publishers said it has received information from Chile that "threats of violence and intimidation are causing the resignation of news officials, the sale of newspapers and radio stations, and the dismissal of anti-Marxist editors and reporters from newspapers, radio and television stations." It blamed the actions of "certain political forces" supporting Socialist Salvador Allende, the winner in the Chilean presidential election. Mr. Allende has already declared that "the Chilean people will be guaranteed the widest freedom of press and information through the communications media, without prior censorship." However, he has also declared his intention to expropriate *El Mercurio*, flagship paper of Chile's most influential daily chain. He claims it represents only the "mummies," as the left calls the wealthy and economically powerful. Reported in: *Baltimore Sun*, September 19.

Quito, Ecuador

The American Congress of Journalists, at their meeting in Ecuador, presented the Jules Dubois Award to *El Diario-La Prensa*, Spanish-language daily newspaper in New York City. The award is given in memory of the late *Chicago Tribune* reporter, for many years chairman of the Inter-American Press Association. The award was made to *El Diario-La Prensa* for its constant defense of the freedom of the press. Reported in: *Editor & Publisher*, September 12.

(Continued on page 26)

Congress Enjoined

Judge Gerhard A. Gessell of the U. S. District Court in Washington, D. C., ruled that the House Internal Security Committee may not publish with public funds 6,000 copies of a report listing sixty-five campus speakers labelled as "radical and/or revolutionary." The report purports to alert the academic community and others to what it calls the "pied pipers of pernicious propaganda." (As noted by the *Washington Star*, "No one need ask where the committee picked up that style.")

The report lists sixty-five persons who have addressed college audiences and hints that the fees received for such appearances were used to finance revolutionary activities by allegedly subversive organizations. The report offers no proof of any such transactions or any link between words and illegal acts.

Judge Gessell acknowledged the limits of judicial powers. He stressed that the ruling in no way questions the basic right of any member of Congress to speak freely, to present the findings of any committee on the floor of the House or to the public, and to have such findings printed in the *Congressional Record*. He maintained, however, that this right does not include publication and dissemination, at public expense, of a document aimed at suppression of free speech and peaceful assembly. Committee Chairman Richard Ichord will appeal the ruling, which in essence said that while all three branches of the government must seek remedies against violence, they cannot be allowed to close the marketplace of ideas. Reported in: *New York Times*, November 2; *Washington Star*, October 30.

Friends Criticize Elks Club

The Friends of the Berkeley Public Library told the president of the Berkeley Elks Club they will no longer support the lodge or hold meetings at the Allston Way Elks Club building. The decision followed a recent national convention of Elks in which the organization reaffirmed its restriction of Elks membership to Caucasians.

A resolution passed unanimously by the Friends Board September 9 states:

"Whereas, Friends of the Berkeley Public Library, a nonprofit corporation, maintains a policy of support of the Berkeley Public Library, a public institution open to all persons without discrimination,

"Now, therefore be it resolved that it is the established policy of the Friends of the Berkeley Public Library not to support by contract, or other participation by way of events or meetings with any entity or activity, public or private, which in any way discriminates against persons by reason of race or national origin." Reported in: *Berkeley (Cal.) Gazette*, November 5.

EUROPE

Paris, France

The 20-man Board of Censors in the French Ministry of Culture voted a total ban on the movie *Eldridge Cleaver*, a documentary about the Black Panther leader, made in Algiers by American director William Kline. The censors are concerned about insults to President Nixon and Queen Elizabeth. Director Kline believes there also will be pressure throughout the United States to keep the movie out of local theaters. He doubts there was any American pressure on the French government, and says the French had their own reasons for finding it objectionable. Reported in: *Washington Post*, October 28.

London, Great Britain

Rigid authoritarianism, including censorship, has been charged to the Salvation Army, the worldwide evangelistic and social welfare movement, by an officer who was suspended for refusing to submit a book for approval. He is Major Fred Brown, 47, whose suspension became known when it was announced that his book, *Secure Evangelism*, will be published by the Student Christian Press. Brown is critical of Army procedures in his book. Reported in: *Washington Post*, October 2.

Athens, Greece

An Athens military revisionary court upheld an appeal by the editors and publishers of the liberal newspaper *Ethnos* against sentences passed on them for spreading false rumors. The two editors and three publishers of the anti-regime paper, which closed down last April, were charged under martial law (in force since the April, 1967, coup) with spreading anti-national propaganda and publishing material likely to cause alarm and despondency. Reported in: *Christian Science Monitor*, October 1.

ASIA

Saigon, South Vietnam

Representative William R. Anderson (D-Tenn.) asked Secretary of State William P. Rogers to use the "full powers" of his office "to persuade the Saigon government to restore the press credentials" of Don Luce, American news correspondent for the World Council of Churches Ecumenical Press Service. Luce was refused renewal of his press credentials because he agreed to act as interpreter for Congressmen Anderson and Augustus

Hawkins (D-Cal.) who visited Con Son Prison July 2. The representatives later reported on what Anderson called "shocking treatment" of prisoners at the prison. Luce was told that he had violated regulations by going to a maximum security area without permission. The U. S. Embassy in Saigon already raised the question with the Vietnamese Foreign Ministry, but officials remained adamant. The State Department has asked again that the embassy take up the matter following informal contacts by the House Foreign Operation Subcommittee staff. In his letter to Rogers, Anderson also asked for a report on conditions in Con Son Prison now, as compared with July. Reported in *Washington Post*, November 16.

Saigon, South Vietnam

Editors voluntarily blanked out sections of newspapers in which an article asserted that the CIA reported the presence of some 30,000 Viet Cong spies in the Saigon government. Chief government spokesman Nguyen Ngoc Huyen denied that the newspapers had been ordered to delete the story. He did acknowledge that editors were informed by the government that the story, based on a New York Times Washington dispatch, was not true. Under South Vietnam's press law, it is illegal to publish articles deemed by the government to be harmful to national security or to have a demoralizing effect on the war effort. Judgments as to what is harmful and what is demoralizing are made by the Ministry of the Interior, often at the recommendation of the press directorate, which Huyen heads. Reported in: *New York Post*, October 22.

AUSTRALIA

Melbourne, Australia

A municipal judge ruled that *Portnoy's Complaint* by Philip Roth is obscene and fined the publishers, Penguin Books of Australia, \$100. Judge E. Ross also ordered Penguin to pay \$435 in costs. He said the book was a work of recognized literary merit, however, and ordered that 414 seized copies not be destroyed, pending an appeal. In related action, the Australian Society of Authors gave "unqualified approval" to the publication of the book. The chairman of the Society's Management Committee said, "It is important that ideas about obscenity should be tested before the court and not always be decided by ministerial direction or Customs officials." Sales were reported to be very fast, but Penguin suggested another edition will be unlikely if all six Australian states issue injunctions against it. Reported in: *Baltimore Sun*, September 1, November 9.

Let truth and error grapple; whoever knew truth
put to the worse in free and open encounter?

—John Stuart Mill

Prince George Meets Sylvester

A special 10-member Prince George's County, Md., School Board panel ruled that *Sylvester and the Magic Pebble*, by William Steig, containing a picture of pigs in police uniforms does not contribute to the "development of negative attitudes toward police officers."

In ruling, the panel ordered the book made available in all elementary school libraries.

Protests from parents and complaints from law enforcement associations prompted the Prince George's County School Board to order the library committee to investigate the book. In a letter to a local newspaper, the International Conference of Police Associations, claiming 150,000 law enforcement members, stated that the picture placed policemen in a bad light. The ICPA further alleged that it is "no wonder that the children and some adults have no respect for law enforcement officers We demand this book be removed" from school libraries.

Sylvester and the Magic Pebble won the Randolph J. Caldecott Medal, awarded by the American Library Association Children's Services Division for the most distinguished American picture book for 1969. In spite of protests by librarians and others, the book was removed from library shelves in Lincoln, Nebraska, and in Toledo, Ohio (see p. 5). Reported in: *Washington Star*, November 14, 25.

Minneapolis Public Restricts Undergrounds

After criticism from Mayor Charles Stenvig, the Minneapolis Public Library has restricted circulation of several underground publications to "adults only." Early in October, Mayor Stenvig complained that publications such as the *East Village Other* and *Good Times* are "filth and garbage" and "I'll be darned if I'll have it on the shelves as long as I pay my tax dollar." Stenvig made his complaint before the City Board of Estimate and Taxation.

Bruce D. Smith, Minneapolis Library Board chairman, requested that Stenvig bring his complaint to the Library Board rather than to the Board of Estimate. He said complaint procedures exist which apply "to the Mayor as well as private citizens." Subsequently, the board heard a library staff report on book selection and distribution policies. Ervin Gaines, director of the library, warned that book selection cannot be turned over to citizens' groups or organizations. He said, "A library worthy of the name must be a repository of information about major controversies of society . . . and passions run high when there are differences about what course is to be followed."

Speaking in defense of intellectual freedom in book selection was David K. Berninghausen, director of the University of Minnesota Library School and Chairman of

the ALA Intellectual Freedom Committee. In reference to the incident, Mrs. Denys Watters, a library school graduate student, spoke about censorship policies in her native South Africa. She said, "Censorship, wherever and whenever it occurs and in whatever form, is unfortunately the same In South Africa it affects every person and institution. Through rigid customs control, and the use of informants by secret police, censorship is rigorously enforced."

The result of the board's deliberations was a policy restricting various underground and "radical" publications to adult use. Among those titles included in the original "restricted" list are: *Connie's Insider*, *Hundred Flowers*, *Activist Quarterly*, *Berkeley Barb*, *CAW*, *Objectors News Notes*, *Crawdaddy*, *Freedomways*, *Guardian*, *Leviathan*, and *Liberation*.

In an interview, Mr. Gaines said, "Our goal at the library is to honor the opinion of the state statute on obscenity and pornography. We have to live under the spirit of that opinion. I personally haven't received any complaints about the restrictions yet."

Meanwhile, University of Minnesota Library School students planned a survey to test their views on the restrictions. Said Carol Ulrich, secretary-treasurer of the LS Students Association, "At this point, we would like to find out about people who have been restricted from checking out newspapers. I already know about a 20-year-old girl who was refused a copy of *Berkeley Barb* and a 16-year-old boy who had no trouble checking out a supposedly restricted paper." The students have decided to write to library journals to protest the Public Library actions. Reported in: *Minneapolis Star*, October 9; *Minneapolis Tribune*, October 25; *Minneapolis Daily*, November 19.

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