


newsletter
on
intellectual
freedom



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On May 5, 1972, library history was made by the filing in federal court of a class action suit — funded entirely by the Freedom to Read Foundation — on behalf of all California librarians and library employees. This legal action marks the first time that librarians, themselves, have taken the offensive and have sought legal precedent for the *Library Bill of Rights*. The suit challenges the constitutionality of the state "Harmful Matter Statute" which makes librarians subject to prosecution for distributing to minors any publications deemed "harmful matter" under the definition set down in the statute.

Filed in the U. S. District Court of the Central District of California, the civil action asks for an injunction restraining the California State Attorney General from prosecuting library employees under the Harmful Matter Statute. The suit also seeks a judgment declaring the statute to be unconstitutional because it acts as a prior restraint on the First Amendment rights of library employees and the public they serve, and is void for vagueness and overbreadth as applied to library employees.

The California Harmful Matter Statute became effective on November 10, 1969. For a first offense, it provides for penalties of up to \$2,000 in fines and/or up to a one-year prison term for the "distribution" to a minor of any matter deemed "harmful." Subsequent offenses are felonies and carry more severe penalties.

That the statute applies to librarians was made clear in statements by Roger Arnebergh, Los Angeles City Attorney, and Brian Crahan, Los Angeles Deputy City Attorney, and in an opinion rendered by the Office of the Attorney General on January 21, 1972. Based on these clearly articulated threats of prosecution, the Freedom to Read Foundation concluded that the statute imposes serious and irreparable injury for library employees.

The complaint declares that:

As librarians are not qualified either by training or experience to act as censors, and since the inevitable tendency is to err on the side of caution, the public's access to the entire range of legal reading materials is unnecessarily curtailed. . . . The obligation that the statute seeks to impose on plaintiffs and members of the class constitutes an unconstitutional form of prior restraint. In order to comply with the statute, members of the plaintiff class are required to engage in a form of censorship and make an evaluation as to whether any given work constitutes "harmful matter" and, if so, prohibit a minor from borrowing or reading such work . . . a procedure which cannot be constitutionally imposed on the plaintiffs.

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(Dean, School of Library Science, Columbia University)

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In Our Mailbox

Dear Editors:

Some of your readers have brought to our attention a letter to the editor from a Clayton D. Loughran, carried in the January 1972 issue of your publication.

Mr. Loughran's irrational outburst almost defies analysis or response. It seems clear, however, that he is unhappy that the Anti-Defamation League of B'nai B'rith has been sharply critical of such racist and anti-Semitic works as *Iron Curtain Over America* by John Beaty, and Madison Grant's *The Conquest of a Continent*.

We are certain that your readers will not be deceived by Mr. Loughran's apparent espousal of free speech and press, which is simply a transparent device to assert publicly his anti-Semitic ideology. His game is exposed right at the outset when he falsely charges a "Zionist" control over American publishing and book reviewing.

ADL is firmly wedded to the concept of civil liberties, including, of course, freedom of speech and of the press. We look askance on efforts to abridge freedom of expression or to shrink the marketplace of ideas. At the same time, we believe that writers, publishers, editors, etc., have civic responsibilities as well as artistic ones and must always weigh the consequences of what they do against their constitutional right to do it.

In that context, we agree with our Supreme Court that anyone who wishes to publish hate material has the right to do so, and that any reader who wishes to read hate material also has an inalienable right to do so. But we reserve the similar right to criticize and expose such writings for what they are, so that readers will know that they are not works of scholarship, but rather propaganda vehicles for directing hatred against certain groups in our society. In our view, it remains the judgment of the trained professional librarian as to what belongs on what shelves and what doesn't.

Sincerely yours,
s/Justin J. Finger
National Director
Department of Fact-Finding

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Censorship Dateline



LIBRARIES

Pompano Beach, Fla.

The city commissioners refused to approve a materials selection policy submitted by head librarian Richard Joder. According to Joder, the commissioners objected most to a passage which read, "continually excluded from consideration will be denominational or proselytizing books . . . and materials generally unimportant, cheap or trivial or deliberately distorted, sensational or offensive. On the other hand, serious works which honestly present aspects of specific problems of life in our society will not be excluded because of language or frankness." The commissioners believe that "that kind of book" (one with coarse language and frankness) should not be equally accessible to minors and adults. The policy also contained the *Library Bill of Rights* and the *Freedom To Read Statement*. Mayor Max Ryder, commenting on the commissioners' position said that they were being "provincial" and that, "Things like this may be passed in cities like New York but it's part of living in a small town." Joder and library advisory board member Elliot Daniels were told by the commissioners to revise the policy and return "with something that will placate us." Reported in: *Pompano Beach Sun-Sentinel*, May 17; *Fort Lauderdale News*, May 19; and *Miami Herald*, May 17.

Baltimore, Md.

After seeing a copy of *The Little Red School Book*, Francis C. Barrett, chairman of the Baltimore County Council, called on county libraries to take steps to screen from young people books containing what he said were objectionable moral and political messages. "I have read this book at the urging of some of the members of the community and have found it to be a particularly harmful, destructive, and moral-less work," Mr. Barrett said in a letter to Charles W. Robinson, director of the county libraries. Written by two Danish educators, *The Little Red School Book* was published in paperback

in the U. S. last year. Among other things, it tells how to organize demonstrations against school authorities and where to get information about such things as homosexuality, birth control, and drugs. Mr. Barrett called the book "junk," and said the library should "control" its distribution. He said, "I recommend that the board of library trustees take this positive action to screen literature so that it is not freely dispensed to persons not having reached maturity." In response to Barrett's charges, Robinson said that the library has no firm policy on the distribution of books like *The Little Red School Book* to minors, but that librarians in the branch libraries "9 times out of 10" are able to steer young people away from pornographic or "adult" books. He added that the library collection probably has materials in the field of philosophy, sociology, politics, and religion that would offend practically anybody. Robinson said, "There is no way to get agreement on all points of view." Dale Anderson, the Baltimore County executive, said that he agrees with Barrett that the book should not be on the shelves of the county's public libraries. He said his particular objection is to a chapter that explicitly describes the sex act and various methods of contraception. He said, "I'm a pretty crude sort of a person and when I think something's wrong, it must be wrong." He said he thought the book should be available to adults who want to buy it and let their children read it if they see fit, but should not be available for anyone of any age to check out in a public library. Barrett, in a County Council hearing on an administration budget request, restated his belief that the county library board should take steps to ensure that books are rigidly screened before they are placed on the shelves. Barrett described the book as inflammatory and obscene. He said he understood that the book could be checked out by any library card holder, even a child. Barrett said that about "99% of the letters" he received following the controversy over the book "indicated that the public favors some type of control over the books that go on the shelves." He said, "If someone likes vulgarity, let him like it at his own expense, not at the taxpayers' expense. I feel very strongly that some sort of central control should be employed in the library system." No action was taken by the council, but the matter was taken up at the library board's meeting on May 15. The board directed the library staff to develop a policy "permitting parents to inform the library that they want their children to borrow materials from the childrens' section exclusively." ["Children" refers to those in eighth grade or below.] Reported in *Baltimore Sun*, April 23, 26, and May 16; *Baltimore News-American*, May 12.

Hermon, N.Y.

About 100 residents petitioned the school board to remove from the library and curriculum works "containing profanity or descriptions of a sexual nature

which arouse sexual desire," or those with "references and dialog that condone immorality or references that promote disrespect or definance of parental and other constituted authority." Ten books were cited as examples of many in the school that fall under their prescribed classifications: *Catcher in the Rye*, *To Kill a Mockingbird*, *Sex Before 20*, *Understanding Your Parents*, *Live and Let Die*, *Trumpet at the Gate*, *In Dubious Battle*, *Of Mice and Men*, *The Harness*, and *The Grapes of Wrath*. While the primary desire of the petitioners is to remove such books from the library and curriculum, their representative, Rev. Mr. Barber, said a secondary goal would be to "at least get these books on closed reserve, off the open library shelves. We realize there might be a need to utilize something like *Of Mice and Men* but we prefer it done strictly upon a teacher's discretion." Rev. Barber presented the petition to the board. In response, three committees were created, one to re-evaluate the elementary school collection, one to do the high school collection, and a third to re-evaluate the books listed on the petition. Reported in: *LJ/SLJ Hotline*, April 10; *Watertown Times*, April 27.

Longview, Wash.

After receiving a complaint from Rev. Gordon Riley charging that *Flowers for Algernon* contains passages which are sexually explicit, the school board voted to remove the book from the Cascade Junior High Library. Officials said an "abridged version" is still available for students. The movie *Charley*, which won an Academy Award for Cliff Robertson, was based on the book. Reported in: *Chicago Daily News*, April 26.

Brillion, Wis.

Nearly 200 taxpayers met at the Brillion Public School to hear the recommendations of the ad hoc book review committee of the school board regarding the book *Love Story*. The ad hoc committee recommended that the book not be banned from the school library and listed ten reasons for its decision, among which were "That the literature of the day reflects society as it's being lived"; "The librarian must place principle above personal opinion"; and "They abhor censorship." Members of the audience disagreed. A former board member said he advocates removing the book because it uses the Lord's name in vain, uses gutter language, and condones pre-marital sex and promiscuity. He recommended substituting the *Reader's Digest* condensed version of the book which eliminated all of what he termed obscenities. Reported in: *Brillion News*, March 30.

Green Bay, Wis.

After receiving a complaint from a parent of a Preble High School student, Bellevue Town chairman Wencil Froelich brought to the attention of the education committee of the Green Bay School Board the presence of *The Inner City Mother Goose* in the school library.

After paging through the book, the education committee decided to forward the matter to a special committee for a report. Mrs. Joyce Truesdale, Preble High School librarian, took full responsibility for the book's presence in the library. She defended the publication she ordered after reading a review from *The Booklist*. She cited the review which called the book suitable for "mature, social-conscious young adults," and noted that Eve Merriam is a well accepted poetess. She asked, "Are we going to hide our heads in the sand like an ostrich? The kids talk that way. If we are going to take every book out of the library that has objectionable words, then we have to take out most of the books written by black authors." Froelich acknowledged that obscene phrases are often used, but claimed, "There are many common phrases that you wouldn't permit in a public book." He responded to Mrs. Truesdale's comments by saying he felt "the black people would want that book thrown out. I wouldn't want my children coming home asking questions about that." Dr. Thomas Beno, a board member, said he was embarrassed that the book had not been reviewed before it reached the shelf. He said, "This book is a good example of why we should not base our reliance on this reviewing agency [*The Booklist*]." He added, "This book suggested things like knifings are acceptable in the ghetto. I don't think it's necessary to lower our children's standards to those of the ghetto." The book will be off the Preble library shelf while it is reviewed by the specially appointed committee. The committee also discussed the need for a library committee in the school system that would take the responsibility of checking all books before they reached the shelf. Reported in: *Green Bay Press-Gazette*, March 21.

SCHOOLS — CURRICULA

Salinas, Cal.

After weeks of explosive public controversy, trustees of the Salinas Union High School District voted to suspend indefinitely the use of Piri Thomas' *Down These Mean Streets* in the high school curriculum. Critics of the book, which was used last semester in a class on literature of the forgotten Americans, complained of its blunt street language and portrayal of various sexual activities. Ed Armstrong, the English teacher at North Salinas High School who assigned the book, told a tumultuous public hearing that it would be a "great tragedy" to ban the book from the classroom. Numerous parents supported his position, but there was equally strong opposition from others in the community, among them the Rev. Ray Oliver of the Assembly of God Church. Oliver said some 200 students had held a prayer meeting to solicit divine intervention in the controversy. He added, "This book was spawned in hell and ghost-written by the devil." Some opponents threatened to

work to scuttle a bond issue in school tax override, unless use of the book was dropped. A special committee headed by Lawrence M. LeKander, assistant superintendent for curriculum, found that the book was appropriate for use as a supplementary textbook in the elective English course. The committee recommended that use of the work continue, but that various steps be taken for improving communications between parents and the school as to the content, language, and the appropriateness of curriculum materials. The trustees chose to override this recommendation of the special committee. Reported in: *Spokane (Wash.) Chronicle*, March 28.

Ridgefield, Conn.

By a vote of 3 to 2, the school board banned Mike Royko's *Boss* from a planned reading list for high school seniors. Use of the book had been approved by the superintendent of schools, but the board chose to overrule his decision. The board tied a week earlier in its vote on including the book as a supplemental text in a new elective course entitled "Politics." Mrs. Lodi Kysor, the school board president, broke the tie, voting against the book after reading it over the weekend. "I am not censoring books," she said. "I am just doing my job to review books when we are trying to improve the curriculum. I think it was a very good book. I think we just could have a better book to put in the school as a public education." Meanwhile, there was a run on stores that might stock *Boss* in the semi-rural town of 18,000, sixty miles east of New York City. School superintendent David Weingast said he felt *Boss* has a place on the reading list for seniors who are, after all, eligible to vote. "This is a facet of life in one of the big cities of the world, and positive reasons for using the book outweighed the defects," he said. Royko said, "I have ordered the removal of *A Connecticut Yankee in King Arthur's Court* from my children's reading list. Take that, Lodi!" Reported in: *Chicago Daily News*, April 11; *New York Times*, April 14.

Hollidaysburg, Pa.

Students in some senior high school English classes were asked to read, among others, *Flowers for Algernon* and *Catcher In The Rye*. *Tuned Out*, by Maia Wojciechowska, and *The Outsiders*, by S. E. Hinton, were offered as alternatives to the Salinger book. Early in April, the school received a complaint about *Flowers For Algernon*. To handle the complaint, the procedure recommended by the National Council of Teachers of English was followed: a committee of English teachers was appointed to review the book. The committee recommended that the book stay in the curriculum, turned in its report to the superintendent, and mailed a copy to the complainant. The battle seemed to be won. Meanwhile, the junior high school reading supervisor purchased *Wild In the Streets* with a group of books under a Title I project. Since she was not fami-

liar with the title or the author, she set the book aside until she had time to read it. In the interim, the book was "lost" and ultimately turned up in the possession of a local minister, described by one resident as an "unordained Fundamentalist." On May 3, the *Blair Press* reported that six local pastors objected to some of the reading material in the Hollidaysburg Senior and Junior High Schools. Without referring to the title of the book, *Wild In the Streets* was described as "a book made available to seventh graders" and contains "a description of a sex relation of a husband and wife. You will also find in the book a love affair between two nine-year-olds taking place in the kitchen pantry, both nude which ends in an imaginative (sic) sex orgy. Throughout the book you find God's name taken in vain and repeated use of the word F—." Other books made available to older children were described, with an exact accounting of the number of times swear words appear. Nearby was an editorial agreeing with the pastors' objections, quoting further from *Wild In the Streets*, and concluding that, "On this one book alone, the ministers can build a case for their strong position, and we urge that others join them in further public discussion." On May 8, the Borough Council took "unprecedented action," authorizing the mayor and police chief to petition the courts of Blair County to appoint a judicial, supervised board to examine so-called literature offered to junior high school students. "If and when the board finds the literature obscene and pornographic, action will be taken against the individuals responsible for placing this material in the library, if it is not removed." Council president Harold Prosser commended his colleagues saying, "I'm proud of you." The action passed unanimously. Commenting on the Council action, school district superintendent Charles A. Longer pointed out that the Council did not contact himself or anyone on the school board concerning the pastors' charges. He said *Wild In the Streets* was never circulated. On May 15, the Council announced that it had decided not to carry out its intended petition to the county courts. Prosser said the decision was based on a statement from the school board agreeing to review the book selection policy for the library. To further complicate matters, not long afterwards, the high school received a written complaint about *Catcher In the Rye* from a mother who said, "I do not intend to read the book but take my son's word as to what he has heard about it and also the word of other parents that it is a filthy book." Reported in: *Blair Press*, May 3; *Altoona Mirror*, May 9, 16, and 17.

Dallas, Tex.

Claiming that high school students are too young to be exposed to such works as *Catcher In the Rye*, two Dallas school trustees sought removal of the book from required outside reading lists. The two trustees, Eugene Smith and James Jennings, were joined in their opposition by a citizens group which wants the books removed

at once from city high schools. Jennings says he is not opposed to exposing college and university students to books dealing with explicit sex, revolutionary or radical political views, or profanity, "but I think high school-age people are just too young, not stable enough, to handle this kind of material." He added, "I think it's kind of silly to teach our youngsters living at home not to use profanity and then have the school encourage them to read books containing such material. To me, that is endorsement and I don't think public schools should be endorsing something like that." Three other books to which the trustees are opposed are *The Electric Koolaid Acid Test*, *Prisoner of Love*, and *On the Road*. He said, "These are midnight readers, cheap paperback books." Smith said he doesn't feel as if he is on a "book burning" binge. "Not at all. There are certain moral standards this country stands for and I'm opposed to tearing them down to literature glorifying the overthrow of our government or immoral behavior. I have hundreds of telephone calls from people who are glad we are taking a stand. I haven't had one adverse telephone call." Superintendent Nolan Estes said any final decision on the books rests with the school district's Textbook Committee. "I will not," he said, "allow my professionals to be prostituted on a witch-hunt." Reported in: *Houston Chronicle*, March 30.

SCHOOLS — PROGRAMS

St. Charles, Mo.

Mr. and Mrs. Gavin Frost, self-styled "witches," and practitioners of Wicca, The Ancient Craft of the Wise, were stopped by a court order from making a long-delayed appearance at St. Charles High School. Opposition from the parents led to postponement of the talk until after a panel presentation on "the Christian view of witchcraft." Mrs. Frost said, "I guess they thought they got the students immunized." She added, "Then just before we were to talk yesterday, the Rev. A. W. Pettet got this court order against the poor school. The administration was so embarrassed. They felt just ghastly." The temporary restraining order was issued by Circuit Judge Donald E. Dolton at the request of Rev. Pettet, two other St. Charles ministers and three parents, who contended in their petition that the Frosts' appearance at the school would violate the principle of separation of church and state. In addition, the Rev. Pettet told the *Post-Dispatch*, "It would be a detriment to the minds of these children to expose them to evil philosophies. I don't think kids have the maturity to distinguish between right and wrong. We protect children from the evils of drugs so why should we allow them to bring into the school an evil spiritual power? He added, "Parents have a solemn obligation before God to protect the minds of their children as well as their bodies." Mrs. Frost and her husband rented the

Strand Theater, at a cost of \$100, to give their performance because "the kids have had enough. They were promised a talk and now they become pawns. They've been pushed, pulled and abused and we felt that in all fairness we had to go ahead and give them what they were promised." Her husband, who has doctorates in physics and mathematics from London University, said that the main object of the talk was to clear up misconceptions about Wicca. Reported in: *St. Louis Post-Dispatch*, April 28.

Mt. Vernon, N.Y.

After being advised that a scheduled speaking engagement at a Mt. Vernon High School student-run forum was cancelled, Chicago Seven attorney William Kunstler announced that the American Civil Liberties Union is preparing a lawsuit to be filed in U.S. District Court in Manhattan to challenge the authority of school officials to veto his appearance. "My right to speak is immaterial; I have many forums," Kunstler said. "That is not what I'm concerned with. My concern is with the rights of students to hear persons they want to hear and then have them make up their own minds as to whether they are bored, stimulated, impressed or antagonized, but not have their minds made up by their elders." High school principal Gene Ridenour cancelled Kunstler's appearance and that of a member of the Gay Activist Alliance, saying, "Ultimately it was my judgment that the appearance of the two men would not be in the best interest of the program and might jeopardize future programs of this kind. It was a question of weighing the value of their appearance against possible adverse reaction and divisiveness in the community." Reported in: *Mt. Vernon Argus*, April 26.

Pottstown, Pa.

Richard Boleman, a school director at Owen J. Roberts School, attempted to ban all "religious or anti-religious" programs from district schools after the high school chorus performed selections from a requiem mass and *Jesus Christ Superstar* in the high school auditorium on Palm Sunday afternoon. Boleman said, "The Supreme Court has clearly indicated that all reading of scriptures and prayer must be excluded from public schools. This concert included a prayer which the members of the chorus had to memorize. It also included a rendition of the life of Christ that substantially conflicted with the version in the *Bible*." Boleman said, "We do a disservice to the district when we deal with something so controversial. If reading the *Bible* is not allowed, then presenting statements that conflict with the *Bible* should not be allowed either." His motion failed when none of the other school directors would second it. Reported in: *Pottstown Mercury*, April 11.

Providence, R.I.

Dr. Charles M. Bernardo, superintendent of schools, cancelled a scheduled appearance at Classical High

School by representatives of Gay Liberation. Two speakers from the homosexual organization were to appear at one of the several sessions organized by the pupils as part of "student days." Bernardo said he cancelled that particular session after talking to the two Gay Liberation representatives at the school while about 100 students waited in the double classroom for the program to begin. The superintendent said he acted "after being advised by certain citizens and parents in the community of the potential controversiality of this particular topic." Ronald Ehrlich, a Classical senior and chairman of the two-day program organized by students, said he understood parents and administrators feared the speakers were going to "advocate" homosexuality. Bernardo said when it appears a resource person invited into the school may cause a "negative response" in the community, principals are required to clear the program with the superintendent of schools. He said the superintendent, according to the established policy, must base any decision to cancel the activity on four criteria: if the activity is libelous or obscene; if it is religious or sacrilegious; if it is grossly insulting to an individual or group; or, if the activity or outside speaker advocates violation of the law. Bernardo said he decided to "temporarily suspend" the Gay Liberation appearance because it appeared it may have violated one or more of the criteria. He declined to specify which of the points could be specifically applicable to the Gay Liberation appearance. He said, "It has been alleged by certain concerned residents and parents that aspects of our school policy may have been violated if the program were allowed to happen. I am not fully aware of the speakers' objectives and the content of the material to make a competent judgment on these points at this time." Reported in: *Providence Journal*, April 15.

ART EXHIBITS

Ft. Lauderdale, Fla.

Directors of the Broward Art Guild withdrew a \$39 painting of President Nixon in the nude from an art show. The picture, entitled "The Emperor's New Clothes," depicts Nixon with both arms upraised in a peace sign. The board "reluctantly" withdrew the painting by John Boase, a Broward Community College faculty member, declaring that Boase "has the right to make a statement." Reported in: *Philadelphia Inquirer*, May 10.

COLLEGE AND UNIVERSITY CAMPUSES

Sacramento, Cal.

Based on the conclusions of the Racial Discrimination Commission (a student-faculty-staff group), outgoing Sacramento State College president Bernard L.

Hyink reprimanded Carole W. Barnes, an associate professor of sociology, and urged her to consider withdrawing as teacher of a class on intercultural relations. Last fall, Professor Barnes invited the controversial Stanford physicist, William Shockley, to address her class. Shockley, although primarily a geneticist, has been involved in research which is leading him to believe that blacks may be genetically inferior to whites. That was to be the topic of his talk to Professor Barnes' class. In advance of the fall meeting, there were protests from Students for Radical Action, a largely white group. As soon as Shockley began to speak at the meeting, the microphone was seized by the Pan African Student Union president who denounced Shockley and Barnes. The meeting was cancelled. The entire incident was investigated by the Racial Discrimination Commission which concluded that Professor Barnes should not have invited Shockley to speak. Professor Barnes refused to withdraw from her teaching assignment and said, "I think there's a move in the academic world toward the suppression of ideas, which I think is really, really bad." In related action, Lincoln E. Moses, Dean of Graduate Studies at Stanford, notified Shockley that he will not be permitted to offer a course at Stanford entitled, "Dysgenic Question: New Research Methodology on Human Behavior Genetics and Racial Difference." Moses based his decision on the grounds that Shockley is "an electrical engineer" and that "the level of objectivity of the . . . course is at least troubling." Reported in: *Los Angeles Times*, May 2; *New York Times*, May 20.

Bowling Green, Ky.

Two controversial "experimental" films, *The Fly*, made by former Beatle John Lennon, and *Genesis Four*, were banned from showing at Western Kentucky University by the administration after the Lennon film was previewed and pronounced "gross" by Charles Keown, university vice president for student affairs. The Associated Student Government, which had scheduled the movies as part of a film series for students, filed suit in U.S. District Court against the university administration and the regents asking the court to direct university officials to refrain from future acts of "censorship" and to permit the two films to be shown on campus. The Board of Regents, however, voted to approve the banning, saying, "The administration conformed to the Board's expectations." Reported in: *Louisville Courier Journal*, April 20.

FILMS

Chicago, Ill.

Mrs. Jane Waldvogel, director of a woman's dormitory at Illinois State University, was terminated because of "poor judgment" in allowing the screening of stag movies in the dormitory. According to the University Director of Student Counseling, Mrs. Waldvogel is barred from any kind of employment at the university

in the future, but he said this decision was based on her "generally poor performance," not just the film incident. In March Mrs. Waldvogel permitted an educational program committee made up of students to show hard-core sex films to about 400 of the hall's residents as part of a continuing study of human sexuality. Attendance was voluntary and restricted to women. A brief report of the session appeared in the student newspaper and was brought to the attention of Mrs. Violet Hamilton, a local resident, who had conducted past campaigns charging that morals are lax at the university. Mrs. Hamilton wrote an angry letter to the *Bloomington Pantagraph* about the film incident, and the letter led to a flood of protest from citizens. Reported in: *New York Post*, April 12.

New York, N.Y.

The First New York Festival of Cuban Films was halted when agents of the Treasury Department seized one of the films. American Documentary Films (ADF), the festival organizers, turned over to the Treasury Department their files in an effort to demonstrate the absence of financial ties to Cuba. The organization is under investigation by the Department for "trading with the enemy," an allegation ADF firmly denies. ADF president Jerry Stoll said, "We have done everything to show our good faith. We opened up our complete records and books to the government today. We offered to make an affidavit, in words of the government's choosing, that we have not and never have given money to Cuba." The rift with the government came on March 25, the day after the opening of what was to have been a ten-day festival of Cuban films which have been awarded prizes at major film festivals in Europe, Asia, Australia, and Latin America. Before the second day's performance, the agents of the Treasury Department seized the film *The Days of Water*, a feature selection at the London Film Festival last year. Stoll accused the Treasury Department of having a double standard, saying "somehow the government turns a blind eye toward mass media when it acquires films from so-called enemy countries, even paying money for them. But because we are small, and radical, and even though we don't give money, we get an investigation instead of a license." Michael Myerson, who proposed the idea of the festival and brought the films into the country from Canada, and six other plaintiffs filed suit in Federal Court challenging the constitutionality of the state department's denial of visas to Cuban film makers. Reported in: *Press Release, American Documentary Films*, April 5.

LIVE THEATER

Los Angeles, Cal.

"Music for Malcolm," planned as a tribute to the late Malcolm X, was cancelled by the Los Angeles Philharmonic after objections were raised by members of

the black community. Henry William Sands, an attorney for and a member of several activist civil rights groups, wrote a letter to the Philharmonic with copies to a wide variety of local political figures, organizations, and media. Sands questioned the purposes and procedures of the event. He insisted that the concert not take place in the Dorothy Chandler Pavilion of the Los Angeles Music Center but in the black community, that the conductor be black, that admission be free, and that no participants receive any payment for their services. In a second letter, he demanded that the orchestra be entirely black, the conductor be black, that proceeds be given to the Los Angeles Brotherhood Crusade "to be used by it in the program consistent with Malcolm X and what he stood for," that a recording be made and profits from its sale be given to Malcolm's family and that the Philharmonic institute a comprehensive program for the recruitment of minority players. Orchestra Board president John Connell responded by letter, agreeing in principle with all the points raised in Sands' letter, "in view of the mood of the community as expressed to us by you." Connell concluded, "Therefore, for the present, we will, as you request, relinquish the Malcolm X concert to you and your committee." Reported in: *Los Angeles Times*, May 5.

PERIODICALS

Juneau, Alaska

A *Southeast Alaska Empire* reporter was barred from an unannounced meeting of the local Democratic precinct because he refused to accept certain conditions for review of his copy. The group offered to let him stay if he agreed to a variety of stipulations, including consent not to write a story, submission of any copy for the committee's approval, deletion of potentially incriminating remarks from any story, consideration of the meeting as only a briefing session, and use of an approved press release as the only report of the meeting. The reporter rejected all the proposed restrictions. Reported in: *Anchorage News*, April 12.

Washington, D.C.

Trans World Airlines and United Airlines banned the April 1972 issue of *Cosmopolitan Magazine* which contained a nude centerfold of actor Burt Reynolds. A TWA spokesman says the magazine wasn't thought suitable for "a general audience in a captive situation" because of the picture. Reported in: *Wall Street Journal (Eastern Edition)*, March 30.

TELEVISION AND RADIO

Washington, D.C.

J. William Fulbright, chairman of the Senate Foreign Relations Committee, asked the Justice Department to block the use of a U. S. Information Agency (USIA) film as part of a television program prepared for New

York stations by Senator James L. Buckley (Con.-NY). The Buckley program contains remarks by a USIA official describing views held by Fulbright as "very naive and stupid." In a letter to Acting Attorney General Richard G. Kleindienst, Fulbright charges that the film's use "appears to involve an intent to violate provisions of the 1948 U. S. Information and Educational Exchange Act. The USIA was created for the purpose of the dissemination abroad of information about the U. S., its people and policies. It was not created for dissemination of information in the U. S." He asked that the Justice Department "take action forthwith to restrain" domestic use of the film. The film scheduled as part of the Buckley program is a three-year-old USIA motion picture entitled *Czechoslovakia 1918-1968*. Buckley said the USIA had originally refused to provide him with a copy of the film, but he was told that he could get a copy from the National Archives. Reported in: *Washington Star*, March 29.

Washington, D.C.

At a hearing before the Federal Communications Commission, Ben O. Fisher, General Counsel for the National Commission on Population Growth and the American Future, charged that all three major television networks refused to sell one hour of prime time to the panel for an independently produced film presentation about the Commission's report. Fisher charged that a flat ban on public affairs programs other than those produced by the network's news departments "creates the worst kind of censorship and lowest level of public responsibility. It is unconscionably arrogant for the networks to say that only we have the right to package the truth for the American people." In its published report, the Commission, headed by John D. Rockefeller III, called on the nation to protect the future quality of life by stabilizing the growth of the population. Members of the Commission raised private funds to produce and broadcast the film. It was intended, according to Fisher, to present the findings impartially, together with dissenting views, as the basis for the formation of an independent opinion by the viewer at home. He said, "It will be primarily educational and informational rather than partisan in its advocacy." Reported in: *Washington Star*, April 1.

Kansas City, Mo.

Richard F. Carr, general manager for radio station KCMO and KFMU-FM, announced that neither station will accept political advertising this election year. In an editorial, Carr said the stations hope "to change the emphasis from political rhetoric in advertising skills to discussion of the issues." He said candidates will still have access to the air waves through a new series of station-sponsored programs. Reported in: *Washington Post*, April 8.

RECORDINGS

Richmond, Va.

The Virginia State Travel Service has asked the Attorney General's office to block further distribution of a recording of the song "Virginia Is for Lovers." The country and western number, written and performed by Bobby Abshire, mentions moonshine, motel rooms and lovers' lanes. Reportedly, the record has sold more than 30,000 copies. The travel service, however, trying to attract "lovers" of history, scenery and other such things, doesn't want that image of the state spread. "It doesn't fit the dignity of the advertising theme," said Marshall E. Murdaugh, commissioner of the travel service. The travel service sees potential help in an emergency bill approved by the recent general assembly but not signed by the governor. The bill provides for registration of slogans and mottos by state agencies and prohibits their use by others without the permission of the agencies. Reported in: *Richmond News Leader*, April 4.

The Wages of "Sin"

How much one pays for testing the limits of freedom of the press and free speech in the U. S. today reflects little logic and even less consistency. Witness the following:

In Grand Prairie, Tex., Meredith J. Singleton was fined \$100 on each of three counts of operating the Ball Theater without a license. Police are holding three roles of "obscene" films confiscated while Singleton operated the theater. (Reported in: *Dallas News*, March 5.)

In Riverside, Cal., Peachtree Street Corp. and Inland Empire Distribution Co. pleaded no contest to two counts of conspiracy to commit an act injurious to public morals and were each fined \$3,250 for selling obscene books. (Reported in: *Riverside Enterprise*, March 3.)

In Fort Wayne, Ind., Harry Mahoney was convicted by a jury on four different counts of selling obscene magazines and faces a \$1,000 fine and a sixty-day jail term on each count. (Reported in: *Muncie Star*, March 20.)

In Cincinnati, O., Stanley Marks, owner, and David Casuto, a clerk at the Adult City News Shop, were found guilty of the illegal sale of an obscene book (*The New Recruit*) and an obscene object (a plastic model of a male penis.) The maximum penalty is a \$5,000 fine and one year in prison on each of the two counts.

In Dallas, Tex., Myrtle Erickson and Evaristo Soto, employees of the Studio Arts Theater, were convicted in County Criminal Court on charges of exhibiting an obscene movie. Mrs. Erickson was fined \$500 and sentenced to a six-month probated jail term. Soto was fined \$1,000 and sentenced to six months in the county jail. (Reported in: *Dallas Times Herald*, April 1.)

Let Me Say This About That

A Column of Reviews

Pressures On the Press. Hillier Kreighbaum. Thomas Y. Crowell Company, New York. 1972. \$6.95.

Now that government polemics against the press seem to have subsided, the time is ripe for analyses not only of whether or not the press is biased, but why, in any case, the press reports the way it does. Professor Hillier Kreighbaum's *Pressures On the Press* assumes this monumental explanatory task, and approaches the subject with an objectivity that allows for measureable success.

Recent critics of the press (which encompasses both printed and broadcast media for Professor Kreighbaum) accuse their target of being predisposed on certain political issues. Kreighbaum is unwilling to settle for such a simplistic analysis. Believing that subjectivity contravenes a press which can serve public as well as individual rights, Kreighbaum uncovers a multitude of subjective means of altering "the whole truth."

After a brief history of anti-press criticism in America (which proves today's "caterwaul of criticism" to be different in degree rather than in kind) the author dismisses the myth that the press can act with superhuman objectivity. Obstacles to an "impossible objectivity" exist both within and outside the press operation. Internal barriers consist of a desire for profits which might influence news coverage, an unwillingness to offend sponsors, the new "advocate journalism" which interprets as well as reports, and its converse — unquestioning acceptance of official reports. All these internal tendencies are aggravated by the growing trend towards monopolization of the news business by chains which not only own several newspapers, but have filtered into broadcasting as well.

No less detrimental to objectivity are outside pressures on the press. Not the least of these is the power of government to influence the press *de facto* if not *de jure*. Such influence is inherent not only in the 1969 Agnew tirades, but also in the knowledge that the power to license broadcasts is held by government agencies. Outside the governmental sphere, community and business interests exert pressure to prevent adverse publicity.

Professor Kreighbaum's recitation of the pressure on the press is not simply academic. He is a strong advocate of a press which is not only free, but is also responsible. The fact that objectivity may be a utopian ideal does not mean subjective pressures cannot be controlled. To this end, Kreighbaum looks first to the courts. The courts have allowed the press to operate with minimal legal interference, and have defended the

"freedom to be wrong" — to print and pay the price of inaccuracy. Courts have resisted efforts to restrain the press in the name of vague national interests. They have increased the freedom of the press by narrowing the concept of libel. Kreighbaum quotes generously from judicial opinions which assert that the need to disseminate news quickly might involve inaccuracies which cannot be deemed libelous.

Kreighbaum welcomes the consequences of these decisions for intellectual freedom and for free flow in the marketplace of ideas. But, he appears to be bothered by the inability of the press to handle its freedom responsibly. While Kreighbaum is thankful for the latitude given the press, he is not an absolutist, and realizes that conditions may exist when concepts such as national security warrant restraint.

How then, to ensure a fair and responsible, as well as free, press? Kreighbaum avoids the obvious trap of advocating a regulatory agency which would, by its very nature, become an interest group antithetical to the media's freedom. Citing examples from Britain, Scandinavia, and individual cases in the United States, the author suggests the creation of media review boards which would act as ombudsmen for public complaints against the press. Kreighbaum recognizes the problems of defining the membership of such boards, but he would restrict their power to the use of adverse publicity rather than imposing legal sanctions against "unfair" media. In this way, the author hopes to both educate the public as to the workings of the press and deter unfairness by publicizing its occurrence. On its surface, the scheme does not seem implausible, though one can imagine few editors welcoming the imposition of outside criticism. Given the evidence of pressures on the press, the proposal might even be desirable.

Throughout his study, Professor Kreighbaum himself remains admirably objective. An ex-reporter, he fully understands the individual correspondent's situation. Still, he attacks any unaggressive acceptance of "news" with even more vehemence than he imparts against officials whose questionable credibility makes aggressiveness necessary. At times, however, this objectivity confuses the issues because trivialities receive as much treatment as major problems.

Kreighbaum's approach is anecdotal, as he illustrates each point with examples from recent events. Usually, this approach successfully reflects the immediacy and pertinence of the problem. But, these anecdotes at times obscure the questions underlying the author's concern, and the reader must search for an analysis of the real problems. When does government criticism become intimidation of a free press? When is a reporter obligated

to forego objective reporting in the face of obvious untruths? What is the impact on news reporting when a broadcasting station is part of a conglomerate? How can we balance the public's right to know with an individual's right to privacy?

But these questions each deserve book-length discussions in themselves. Perhaps *Pressures On the Press* should be praised for what it is rather than berated for what it is not. It is a valuable statement of the interactions of the press and society, a capable rendering of the problems of achieving a free and responsible press, and a provocative discussion of how that goal might be better realized. — Clayton Gilette, Amherst College.

And Who shall Censor the Censors? Reuven Frank. National Broadcasting Company, Washington, D.C. 1971.

The Engineering of Restraint; the Nixon Administration and the Press. Fred Powledge. Public Affairs Press. Washington, D.C. 1971. \$1.00.

Reuven Frank, President of NBC News, delivered his little piece as the "Keynote address of the Sigma Delta Chi national convention." It is a brief defense of broadcasting, especially news broadcasting, against censorship by governmental boards and commissions. The proper function of government, he notes, is traffic control; the various transmitters must be regulated to prevent chaos, but "Traffic police may say who is to go and who is to stop and who is to turn and when. They may not say what is to be in the back of the truck."

Fred Powledge, on the other hand, presents a detailed study of how the Nixon Administration attempts to manipulate the news, complete with an analytical chronology. If his writing sounds a bit alarmist, he's sitting right in the middle of the situation and is entitled to some alarm. What is so frightening is not overt attempts to suppress the news, but the ways subtle pressures are supplied to encourage self-censorship. For example, the FCC can withhold license renewals, the more vulnerable affiliates can be coerced into not airing network productions, and newsmen can be denied interviews with government figures. All of these create an atmosphere of fear and an attitude of caution lest one offend "them." Mr. Powledge's book should be in all libraries. As a brief collection of case studies of how the government induces self-censorship in the news media, it is invaluable. — J. B. Post, Librarian-in-Charge, Map Collection, Free Library of Philadelphia.

The New Journalism; The Underground Press, the Artists of Nonfiction, and Changes in the Established Media. Michael L. Johnson. The University Press of Kansas, Lawrence. 1971.

The author, an assistant professor of English at the University of Kansas, writes a provocative little book about the new journalism, which he defines as a subjective, creative and candid style of reportage and commentary.

Two chapters of the book are devoted to the underground press, and three chapters to the writings of the new journalists. Only in the very brief last chapter does the author speak about changes in the established media which he feels have been brought about by the new journalism.

The history of the underground press is described in detail, with some attention devoted to new left papers, the black underground, special-interest underground papers, and the high school underground press. Although necessarily sketchy due to limited space, I felt these two chapters were well-written and will recommend them to students in a course I teach entitled "History of Media." In a footnote on page 157, the author cites the best collection of underground newspapers in the country and recommends the "Magazines" column in *Library Journal* for good evaluative criticism of some of the underground press publications. Kudos for Bill Katz!

The three chapters devoted to the new journalists and their writings are very enlightening. Mr. Johnson describes these writers as personalistic, involved, and creative; and their writings as direct, evaluative, and participative responses to events. Some writers discussed in great detail are Tom Wolfe (14 pages) and Norman Mailer (18 pages); some authors discussed in lesser detail are: Truman Capote, Jimmy Breslin, Susan Sontag, Don Wakefield, Joan Didion, Harlan Ellison, Jonathan Kozol, John Hersey, Gene Marine, and Seymour Hersh. Sometimes authors and titles are listed in boring sequential detail. But, the end result of reading these chapters was to send me to the library to read the originals which Mr. Johnson views as the literary genre of the future. The extensive quotations the author includes from some of these writings may be representative of the author's style, but condensations from two or three pages into a paragraph or two gave the impression of continuous selections and could be misleading.

Another result of this analysis of the new journalists was to encourage me to write a somewhat more personal review of this book than the banal annotations and reviews I learned to write in library school, for all of these writers advocate the importance of personal involvement and the need for freedom of speech.

The concluding chapter was much too short, the subtitle indicating that changes in the established media would be given greater attention. A deeper and more thorough analysis of these changes would have added stature to the book. A minor defect perhaps, but one of my pet peeves was the placement of footnotes at the end of the book rather than at the bottom of each page, necessitating flipping back and forth as I read the notes.

I recommend this as reading for librarians who wish to add a new dimension to their book collections for all readers who desire insight into a new type of literature. — Dr. Doris C. Dale, Assistant Professor of Instructional Materials, Southern Illinois University.

Prejudices and Antipathies: A Tract on the LC Subject Heads Concerning People. Sanford Berman. Scarecrow Press, New Jersey. 1971.

For some years, Sanford Berman (currently Librarian for Makerere Institute of Social Research, Kampala, Uganda) has been concerned about discrimination, bias, and prejudice wherever he found it. Most recently, he has been searching for these evils in the subject headings used by the Library of Congress. His findings lead him to conclude that "in the realm of headings that deal with people and cultures . . . the LC list can only 'satisfy' parochial, jingoistic Europeans and North Americans, white-hued, at least nominally Christian (and preferably Protestant) in faith, comfortably situated in the middle-and higher-income brackets, largely domiciled in suburbia, fundamentally loyal to the Established Order, and heavily imbued with the transcendent, incomparable glory of Western Civilization." The book consists of a goodly number of subject headings which Berman feels support his findings, along with his discussion of why these headings are distasteful and a remedy for the heading. Notes abound (surely half the material of the book) and range from the germane to the inane.

The immediate question in connection with Berman's presentation is: Are these headings objectionable to the author really an abomination, or is he finding bias where none exists? At the risk of seeming insensitive to a serious problem, I believe the latter seems to be the case. Take, for example, the very first item, the heading *Jewish Question*, which Berman finds the most odious example of racism. Berman argues emotionally that because the situation which this heading covers was racist, the heading itself is racist. The fact is that the situation did exist and was characterized by the phrase "Jewish question." The heading recognizes an historical fact, horrible as it may be, that a significant number of Europeans felt that the Jewish population posed a "problem." The heading is functional and to extract a position, one way or another, on the part of the user of this heading is reaching for something that isn't there.

Moving on, we come at random to the absurd argument under *Lynching* in which the supposed fault lies in LC's having insufficient referents both from and to the heading. Berman suggests that the term is made to seem innocuous in that the lynched have largely been black and the lynchers white. To this point in time, I had been unaware that the importance of a heading was to be measured in the number of referents attached, nor had I supposed that every possible connection had to be made to and from all manner of headings. Indeed, I had supposed that the user of LC headings would know the meanings of the words he was using.

Pressing on further for a final example, we come to the heading *Literature, Immoral*. Here we have an example of Berman's basic failure to understand what subject headings are all about. Under this heading, he assumes that LC lists all the books they feel are immoral

when, in fact, they quite properly list books which are on the subject of immoral literature, such as Comstock's *Traps for the Young* and Kronhausen's *Pornography and the Law*. As Berman should know, subject headings are not value judgments about subjects, but are simply the names of subjects.

Well, if one were to be thorough, he would have to treat each heading Berman has included and as he touches on over a thousand, this is impossible. It is true that some of Berman's points are not without justification and the overall impression that some of LC's subject headings are less than perfect cannot be denied. There is clearly room for improvement, but it seems to this reviewer that one's priorities must be askew if he were to worry over LC subject headings ahead of the many real injustices which need attention. Finally, even if we were to agree completely with Berman's thesis, it is not clear who would actually be dealt any real harm. It is doubtful that any sizable segment of the world's readers pore over the *Library of Congress Subject Headings* which would be necessary to realize the full impact of LC's biases while the headings spread out through a card catalog would be so diffused as to make no impact. Evidently, we are being asked to undertake a substantial project of changing subject headings in order to protect the tender sensibilities of catalogers around the world who probably have better sense than to get worked up over the matter to begin with. *Prejudices and Antipathies* is, essentially, a trivial and unimportant work. — Jonathan S. Tyron, Graduate School of Library Science, University of Rhode Island.

The Aesthetics of Pornography. Peter Michelson. Herder and Herder, New York. 1971.

In his *Art and Pornography*, Morse Peckham says that pornography can be art and tries unsuccessfully to prove it. The present work goes further and says pornography *is* an art and proceeds to explain the requisite how and why.

Michelson divides pornography into three types: hard-core of the adult book store type, soft-core such as Harold Robbins and Jacqueline Susann, and complex such as *Story of O* and *Our Lady of the Flowers*. Most of the discussion is about those items termed complex, which are, we must note, the easiest to defend.

The point of the book is that whatever any other form of literature can accomplish, the form known as pornography can also accomplish. It can provide insight into human character and development through human sexuality just as another work might through human violence or religious insight. This is what literature as art is about and this is what the pornography form can be about.

The last two chapters are almost separate pamphlets. Chapter Eight discusses how *Playboy* — and later *Cosmopolitan* — helped make the world "safe for pornog-

raphy." It is noted that *Playboy's* innovations were good, and soft-core, and have led to the newer, livelier publications such as *Screw* in which sex and general-fun obscenity, called comic catharsis, are the *total* content rather than equivalent to their portion of "real life."

Chapter Nine is devoted to explaining that the author is against the censorship of pornography, or anything else, for a variety of reasons, not the least of which is that

pornography exists because it is a part of our nature. To eliminate it, a part of human nature must be eliminated.

This book serves as either an addition to or substitution for Peckham's, but those with a history of censorship hassles should be aware that the author, quite logically, quotes from the various books under discussion. — Lawrence E. Wolfe, Consultant, Tennessee State Library and Archives.

Extra Special Success Story

It happened in Connecticut, and Stan Crane, chairman of the Connecticut Library Association Intellectual Freedom Committee, was in the thick of it. "It" was the defeat of Bill #5036, proposed legislation to change the *Penal Code of Connecticut's* definition of obscene material.

The Penal Code, operating since October 1971, stresses three facets of what is *generally* obscene: It appeals to prurient interest; it goes substantially beyond normal social acceptability; and, it is *utterly without socially* redeeming value. Bill #5036 aimed to strike out the "socially redeeming value" criterion. Thus books such as those by Eldridge Cleaver, Claude Brown, and Piri Thomas might be judged obscene if a strict interpretation were applied.

It was brought out in debate in both the House and Senate that the intent of the bill was that the predominant appeal had to be prurience, and that the work taken in its entirety had to be substantially beyond the bounds of social acceptability. But, librarians were aware that a portion of the *Penal Code* defines obscenity as it applies to minors. (A "minor" in Connecticut is anyone under seventeen.) What is obscene for minors is more specifically spelled out: an uncovered female breast below the top of the nipple or an uncovered male or female buttock. Also, that which the adult community considers harmful to minors is obscene.

Therefore, to function within the law, a library would be required to deny minors the use of art books, medical books, sex manuals, anatomy sections in encyclopedias, and many other materials which the adult community might consider obscene. Finding this a repugnant requirement, several Connecticut librarians decided to join forces with the American Civil Liberties Union (ACLU), the Association of American Publishers, and others fighting for freedom to write, publish, and read.

In January 1972, Stan Crane joined book publishers, booksellers, and the UCLU in testifying against Bill #5036. Nonetheless, the bill came up for a vote in March and passed. Seven librarians, on short notice, made a strong public statement against the bill. They also sent letters to all senators urging that, if all else failed, a library exemption be included in the bill. Throughout the first week in April, Ed Jackson (Hart-

ford Public Library) and Virginia Dowell (New Britain Public Library) mustered support from newspaper columnists, party leaders, librarians, senators, and others. On April 7, the day the vote came, there were more than twenty librarians in the legislature halls talking to every senator to be found.

A shortened version of Bill #5036 with a library exemption finally was proposed and came up for a vote. The exemption, however, made some believe the bill could be called "class legislation" and therefore unconstitutional. After debate, the bill was defeated 21 to 14. The librarians had won — through the back door, perhaps — but won, all the same!

Why were Stan Crane and his intellectual-freedom-fighting librarians so opposed to this particular bill? After all, how many libraries collect pornography? The librarians' main concern was that the bill carried out the first step of the third part of the *Report of the Commission on Standards of Decency in Materials Available for Sale to the Public*. This fifteen-member commission met for over a year studying obscenity in Connecticut. One group of four wanted the law to remain unchanged; one group of four wanted more liberal laws; the other seven wanted a "crackdown" on what they considered obscene, e.g., sex education and sensitivity sessions, as well as pornography. Step one was to do away with the "redeeming social value" factor; step two was to establish a permanent obscenity commission; and third, to establish a special branch of state police to curtail obscene materials.

Among those favoring the three-point plan were leaders of Movement to Restore Decency (MOTOREDE), Citizens for Decent Literature (CDL), and Morality in Media. These groups do not always differentiate between what is unacceptable to them and what is judged worthwhile by librarians. Stan Crane believed that, "If librarians allow these groups to start dictating what can be sold or shown in Connecticut by the newsstands, bookstores, and movie houses, we may very well find that our allies are driven out of business or silenced; then it will be our turn."

The defeat of Bill #5036 was just the beginning. Connecticut librarians are certain that January 1973 will see another attempt to pass a similar bill. Connecticut librarians will undoubtedly be battling again, but in the interim, they can be proud of their extra special success story. JAH

FTRF Funds . . . (from page 101)

The plaintiffs in this landmark action are: Everett T. Moore, Albert C. Lake, Robert E. Muller, Chase Dane, the Rev. Charles J. Dollen, Anita Iceman, the American Library Association, the California Library Association, and the Los Angeles Public Library Staff Association.

Together, the individual and organizational plaintiffs represent a broad spectrum of library employees in the state of California. Mr. Moore is assistant librarian at the University of California at Los Angeles; Mr. Lake is the Director of the Riverside Public Library and the Riverside County Free Library; Mr. Muller is the Director of Instructional Materials of the Jefferson Elementary School District located in Daly City; Mr. Dane is the Director of Libraries and Instructional Services of the Santa Monica Unified School District; the Rev. Charles J. Dollen is the Director of the Knights of Columbus Memorial Library of the University of San Diego; Miss Iceman is the Coordinator of Young Adults Services of the Alameda County Library.

The American Library Association, founded in 1876 and headquartered in Chicago, Illinois, is a non-profit educational organization with more than 30,000 members, including librarians, libraries, and members of the general public who are devoted to the development of library services in the United States. The California Library Association, founded in 1895 and headquartered in Sacramento, California, has more than 4,000 members including libraries, librarians, and other persons interested in library development in the State of California. The Los Angeles Public Library Staff Association is an

association of members of the staff of the Los Angeles Public Library and includes personnel in the library.

The Freedom to Read Foundation, the source of funding for the suit, is a membership organization with its headquarters in Chicago, Illinois. It is the "legal action" arm of the American Library Association's intellectual freedom program. Its purposes are:

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

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

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

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

A copy of the complaint filed in U.S. District Court for the Central District of California is available from the Freedom to Read Foundation, 50 E. Huron St., Chicago, Illinois 60611.

On the Sex Education Front

In Montgomery County, Md., Circuit Court Judge John P. Moore dismissed a complaint brought by nine parents seeking an injunction against the county school system sex education program on the grounds that it is an unconstitutional invasion of family privacy. Ruling that there were no constitutional questions involved, Judge Moore told the parents to take their complaints to School Superintendent Homer O. Elseroad, the Montgomery School Board, and if necessary, the state board of education.

Four of the complaining parents are members of Montgomery County Taxpayers for Quality Education, a group which says its primary aim is an end to so-called progressive or innovative educational practices fostered by Elseroad, whom it wants fired. Under questioning by Judge Moore, the attorney for the parents said they were not challenging the sex education program itself, but the use of sex education materials in other classes. Parents can remove their children from voluntary sex education classes, he said, but the use of sex education materials

in required classes violates "the right of parents to raise their children according to their own sexual and moral standards." Moore ruled that alleged "excesses" in implementing a constitutional program do not make the program itself unconstitutional. Reported in: *Washington Post*, March 29.

Nearby, in Washington, D.C., parents of students at Woodrow Wilson High School protested a handbook on birth control used in coeducational health classes. The booklet, *A Birth Control Handbook*, printed by a Canadian group called Medicine for the People, contains several drawings, a photograph, and written descriptions of human reproduction and love-making. Two students organized the day-long program on birth control and abortion but did not show the booklets to Principal Maurice Jackson or any teachers or administrators before the lectures began. Said 16-year-old Ann Seagraves, one of the coordinators of the program, "I'm happy they were handed out. There's nothing at all pornographic about them." Assistant Superintendent Vincent Reed ordered that any copies of the book still in the school be confiscated. Reported in: *Washington, D.C., News*, May 5.

From the Bench



SCHOOLS AND LIBRARIES

Los Angeles, Cal.

Sacramento Superior Court Judge William Gallagher issued a temporary restraining order blocking the state from ordering controversial new social science textbooks, adopted in March. The order resulted from a suit filed by the Mexican-American Legal Defense Fund and the Western Center on Law and Poverty, charging that the books for 1.3 million California children failed to comply with state laws requiring a correct portrayal of the role of minorities in U. S. history. The suit said the thirteen books for grades 5-8 contained "distortions which would cause real and serious harm to children of racial and ethnic groups misrepresented" in historical events. The books were adopted by the state board of education over the protests of minority groups following a six-month fight about the contents. This suit charged that, although they underwent major revisions before the state board approved them, the books remain "grossly inadequate and manifestly demeaning." Reported in: *Los Angeles Times*, March 25.

New York, N.Y.

The U. S. Court of Appeals for the Second Circuit affirmed a lower court ruling that Queens County, N.Y. Community School Board #125 was within its rights when it banned Piri Thomas' *Down These Mean Streets* from junior high school libraries within its jurisdiction. The Appellate Court ruled against representatives of parent-teacher associations and individual parents and students who contended that removal of the book represented a violation of First Amendment rights. The court said, "The ensuing shouts of book burning, witch-hunting, and violation of academic freedom hardly elevate this intramural strife to First Amendment constitutional proportions. If it did, there would be a constant intrusion of the judiciary into the internal affairs of the school. Academic freedom is scarcely fostered by the intrusion

of three, or even nine, federal jurists making curriculum or library choices for the community of scholars." Reported in: *Publishers' Weekly*, April 24.

FREEDOM OF THE PRESS

Los Angeles, Cal.

The State Court of Appeal, ruling in an appeal brought by Art Kunkin, publisher and editor of *The Los Angeles Free Press*, said that newsmen who publish pilfered documents may be prosecuted for receiving stolen property. Over a year ago, Kunkin was convicted for publishing an article based on allegedly stolen lists that identified undercover narcotics agents. (See *Newsletter*, v. 19, pp. 78 and 89.) The court said guarantees of freedom of the press do not give newsmen immunity from prosecution if they violate the law "in a quest for newsworthy documents." Reported in: *Philadelphia Inquirer*, March 30.

Washington, D.C.

Acting on a request by the Justice Department, a federal judge issued a temporary restraining order to prevent publication of a book or articles by Victor L. Marchetti, a former agent of the Central Intelligence Agency and author of the novel *The Rope Dancer*. In its complaint, the government declared that "there is substantial likelihood that this book will divulge currently classified information relating to intelligence sources and methods, the disclosures of which would violate the terms and conditions of the defendant's secrecy agreement and result in grave and irreparable injury to the interests of the United States." (When a person joins the CIA, he is required to sign a "secrecy agreement" asserting he will never divulge classified information, even after he leaves the agency). Marchetti said he has a contract with Alfred A. Knopf to write a non-fiction book about the CIA, but has not yet begun to write it; even so, it is the target of the government injunction. Reported in: *Currents*, April 19.

Prince George's County, Md.

At the request of County State's Attorney Arthur A. Marshall, Jr., Circuit Court Judge Roscoe H. Parker ordered the surrender of "any and all films or photographs pertaining to student disturbances at the University of Maryland College Park campus on or about the dates of April 18, 19, 20 and thereafter." The order was directed at television stations WRC-TV, WTTG-TV, and WMAL-TV. According to officials of the television stations, they allowed state troopers to view footage that had been broadcast, but did not show "out-takes," film not shown on the air. In a statement released April 28, Marshall's office declared that "all parties seem to agree that the state probably has a legal right to out-takes but that as a practical matter, insisting upon that right could

endanger the person of newsmen on the scenes of later disturbances, if any." Marshall sought the footage to gain information about three persons who had been charged with the attempted burning of the campus Air Force ROTC armory. Officials from all three TV stations said they considered out-takes privileged material that they need not make available to anyone. Reported in: *Washington Post*, April 29.

Richmond, Va.

Judge Alex H. Sands, Jr., of Richmond Law and Equity Court, dismissed a complaint filed by the State Bar Association's Third District Committee seeking to have 86-year-old lawyer George E. Allen, Sr., reprimanded for unprofessional conduct because he published a book on his career. The complaint also sought to stop Allen from further distribution of his book, *The Law As a Way of Life: Memoirs of George G. Allen, 1910-1970*. Judge Sands ruled that the District Committee failed to prove that Allen intended his book to solicit legal business. At the time the book was published, such intent was required to constitute a reprimandable offense under the state's canon of legal ethics. Proof of such an intent, however, is no longer required under a new canon of legal ethics which took effect January 1, 1971. Reported in: *Richmond News Leader*, March 25.

FREE SPEECH

Hightstown, N.J.

David A. Rosenfeld, a grade school teacher, was tried and convicted in municipal court and fined \$50 for violating a state law which says "any person who utters loud and offensive or profane or indecent language in any public street or other public place, public conveyance or a place to which the public is invited . . . is a disorderly person." The charge arose from a public school board meeting in which Rosenfeld used the word "mother-fucker" four times. The meeting was attended by men, women, and children. Rosenfeld's conviction was upheld by the Mercer County Court and unanimously upheld by the Superior Court of New Jersey's Appellate Division. The state's highest tribunal, the Supreme Court, refused to review the case. He has appealed to the U. S. Supreme Court, saying the First Amendment protects his right to use the language. He asks the court to clarify the constitutional status of spoken speech and to declare the New Jersey law under which he was arrested to be "unconstitutionally broad and vague." Reported in: *Burlington (Vt.) Free Press*, March 22.

Puckerville, S.C.

Ruling in a case that started with a dispute between several families over the use of a road, Family Court Judge Mims P. Hall made an unusual order which, in effect, curtailed freedom of speech in Puckerville. The case arose when one family, irritated by the constant

(Continued on page 123)

B.U.L.L.



Awards

Bent Upon Losing Liberty

July Award

To: *Edward Connors*, member of the Old Town, Maine, School Committee who objected to the use of Claude Brown's *Manchild in the Promised Land* in a high school elective course entitled "The Nature of Prejudice." Connors said teachers of the English course had justified use of the book on the ground that it might help erase or avert prejudice. Connors said there are no Negroes in Old Town so prejudice is not that much of a problem there. By a vote of 4 to 3, the book was banned from use in the classroom and from the school library after the spring term. (Reported in: *Penobscot Times*, May 18.)

"Law isn't a cure-all. The idea that enough changes in our law will revolutionize the kinds of lives we lead isn't so. Even if laws altered the patterns of society or the structure of neighborhoods, you still can't do away with the importance of the people around you. Given the worst possible of all legal worlds, there will still be some happy people. And given the best possible of all legal worlds, some people will be unhappy." — William Rehnquist, in an interview in the April 9 issue of *The Lutheran*.

Intellectual Freedom International

SOUTH AMERICA

Rio de Janeiro, Brazil

A poster showing Jesus Christ wearing a light green shirt and a yellow tie created difficulties for a major religious revival campaign promoted by the Catholic church in Brazil. Printed by the National Conference of Brazilian Bishops for a nationwide "campaign of fraternity," the poster of Christ wearing contemporary clothes is to show that "he is still with us and not a figure of the past." But, this has not gone down well with many of the faithful. The Secretary General of the Bishop's Conference explained that the poster was conceived "to cause an impact." Besides the modern tie, the face of Christ is that of an urban youth, with long hair, no beard and a moustache. "Nobody is obliged to put our poster on his wall," Bishop Ivo Lorscheiter pointed out. The church has distributed 20,000 posters and 80,000 smaller versions of it. The campaign includes film shorts on television and in movie theaters. Reported in: *St. Louis Post-Dispatch*, April 9.

EUROPE

London, England

Publishers of the *Oxford Dictionary* are being sued for allegedly defaming the Jewish race by their definitions of the word "Jew." Marcus Shloimovitz of Manchester said he took out a writ against the Clarendon Press of Oxford, seeking an injunction to restrain the firm from printing "derogatory and wholly deplorable" definitions. The writ complains of such definitions as in the shorter *Oxford English Dictionary*: "Jew — a person of Hebrew race, an Israelite, applied to a grasping or extortionate user, or a trader who drives hard bargains and deals craftily." Reported in: *Washington Post*, April 28.

London, England

A group known as Teachers Against Racism attacked the use of *Little Black Sambo* in schools and libraries because it is a symbol of the kind of "dangerous and obsolete" books that must go. One backer of the campaign against the book, a Pakistani, says the story "depicts the Negro as an almost unclothed, illiterate and inferior savage from whose antics great humor can be derived." He said that when he had been in school in England and the book was read to the class, "I suddenly became *Little Black Sambo* to my classmates." Reported in: *New York Times*, May 1.

Novara, Italy

The Ministry of Education brought charges against a teacher of Greek and Latin who told her high school pupils to write about what troubled them and then published their confidences in a book. Guiliana Cabrini's book provoked a scandal in the northern Italian town when it came out last month. Some of the students accused her of betraying their trust and one said the book "stank of monetary pollution." The charges brought against Mrs. Cabrini cited penal code provisions against revealing professional secrets and using language contrary to public decency. Reported in: *Washington Post*, April 29.

Londonderry, Northern Ireland

Reportedly, the leaders of the provisional IRA in Londonderry increased efforts to influence, if not control, news coverage in the city. They seek to exclude journalists from the barricaded areas of Free Derry by issuing press passes to representatives of only those papers which they feel give them favorable coverage. At least two reporters have been ordered out of Free Derry at gunpoint this year and up to a dozen others have been told to leave the city or at least to keep off the barricaded areas. Two journalists representing a popular British paper left Londonderry in April after receiving several warnings about stories they had written. One of them reported receiving a telephone call only twenty minutes after dictating a feature article on Martin McGinnis, the Provisional leader, to his office in England. The caller said the Provisionals did not like the piece, from which it is assumed that IRA has some means of listening in as reporters dictate their stories. The Provisionals are especially irritated by those papers which label them as gangsters rather than as military men. They also dislike phrases which imply that they are not only criminals, but lacking in political motivation. Reported in: *Manchester Guardian*, April 22.

Bucharest, Romania

Author Paul Goma, whose book, *Ostinato*, on Romania's Stalinist years is banned at home but known by millions of his countrymen, was expelled from the Romanian Communist Party in April. The Paris newspaper *Le Monde* said Goma is also threatened with expulsion from the Writers Union, which would make it virtually impossible for him to continue writing in Romania. The publication of Goma's book in Germany led to the walkout of the Romanian delegation at the Frankfurt Book Fair last year. Reported in: *Washington Star*, May 1.

AFRICA

Ddoemfontein, South Africa

Singer Eartha Kitt was barred from performing at city hall because municipal regulations reserve the hall

for use by whites only. She was scheduled to perform at the hall in May and permission for her appearance had been granted. But, municipal officials reversed the decision when they realized Miss Kitt was black. Said Miss Kitt, rehearsing in Cape Town for a South African tour, "This barring obviously upsets me, but I accept it." Reported in: *New York News*, April 10.

Johannesburg, South Africa

Authorities used to confiscating imports of *Playboy* were puzzled over what course to take with a braille version of the banned magazine. Recently, police checked motorists returning from Easter vacations in Swaziland, where *Playboy* is legal, and more than twenty copies were seized. However, Jose Feliciano, a blind American musician, arrived with a braille *Playboy*. Feliciano still has his magazine and the censors declined to comment on whether it was legal or not. Reported in: *Richmond News Leader*, April 7.

ASIA

Karachi, Pakistan

The martial law administrator of Punjab Province banned the publication of three Lahore periodicals — *The Punch*, *Zindagi*, and *Urdu Digest* — charging that "they had been persistently indulging in objectionable writing calculated to harm the national interest." Arrest orders were issued for the editors of the publications as well as the publishers and printers. Reported in: *St. Louis Post-Dispatch* April 6.

Saigon, South Vietnam

The National Press Center director warned the Vietnamese press that it must print only official government versions of the battles in Quangtri Province. A spokesman for the Saigon command said that the Ministry of Information would take action against the American news agency United Press International for reporting what he termed a "completely false" account of a South Vietnamese surrender at one base. In warning the local press to print only news from official releases and the daily official Vietnam Press Agency Bulletin, the director of the National Press Center, Vu Khanh, said Vietnamese papers can no longer use accounts written by American news services. Some American newsmen fear that the Saigon government might now try to impose censorship on American reporters' dispatches. Reported in: *New York Times*, April 4.

Vientiane, South Vietnam

American officials placed a news ban on operations around the Long Chen military base amidst reports of new and heavier United States and Thai military involvement there. As fighting continued around Long Chen, the base for the Central Intelligence Agency and the guerrilla forces in north central Laos operating under

General Vang Pao, U. S. officials refused to permit reporters access to the area. Correspondents had been allowed in Long Chen during military operations in January and February. Reported in: *Washington Star*, April 4.

OCEANIA

Melbourne, Australia

Victoria vice squad officers seized 200 copies of the controversial Danish Book, *The Little Red School Book*, from six Melbourne bookstores. A court will decide whether the contents should be declared obscene, despite a recent government decision that importation of the book is permissible. Reported in: *Los Angeles Times*, April 23.

Jakarta, Indonesia

In a call for self-censorship, President Suharto told the Indonesian press, "If pen-wielding soldiers are not careful enough in utilizing their weapons, they will cause wounds not only on the skin but down to the heart of those attacked. Therefore, the press should exercise self-restraint and self-correction." Reported in: *New York Times*, April 9.

Kuala Lumpur, Malaysia

The Malaysian Association of Youth Clubs announced plans for a bonfire to burn communist literature and drugs confiscated by authorities. Reported in: *Philadelphia Inquirer*, April 4.

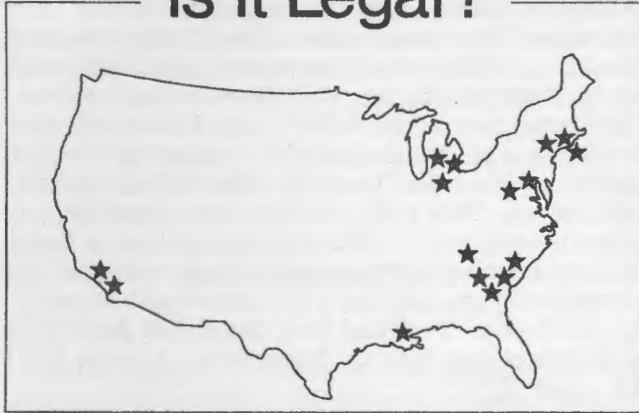
Dirty Hair in Chattanooga

After the Chattanooga Memorial Auditorium refused to lease either the Tivoli Theater or Memorial Auditorium for a production of *Hair*, suit was filed in U. S. District Court by Southeastern Promotions, Inc., backers of the musical. The board refused use of the city's facilities on the grounds that the play is obscene and violates several state and city laws, and, if the play is brought to Chattanooga, the actors will be subject to arrest on the grounds of indecent exposure because of the nude scene in the production.

At the trial, defense attorney Eugene Collins told the federal jury that, "The only value in the rock musical *Hair* is an economic value to the plaintiffs." A second defense attorney, Randy Nelson, said, "We submit the theme of *Hair* is a morbid and obscene interest in sex and there is absolutely no redeeming value in the play. It deals with all forms of intercourse, heterosexual and homosexual, and uses obscene and lewd language." The plaintiffs' attorney, John Alley, pointed out that *Hair* has

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Is It Legal?



FREEDOM OF INFORMATION ACT

Washington, D.C.

Representative Les Aspin (D.-Wis.) asked the U. S. District Court to order the Pentagon to release the report of the Army's confidential investigation of the Mylai massacre. Aspin asked that the findings of the inquiry, known as the Peers Commission Report, be made public under the Freedom of Information Act. The suit names Secretary of Defense Melvin R. Laird and Secretary of the Army Robert F. Forehlke as defendants. It is believed to be the first effort in court to have the report released, although there have been earlier requests for it. Aspin charged that "defendants are improperly withholding the material contrary to statute, contrary to the intent of policy of the Freedom of Information Act." The Pentagon has sixty days to reply to Aspin's complaint. Aspin, in a public statement, charged that "the military is guilty of a double cover up, first with the massacre and now with the investigation." Reported in: *New York Times*, April 4.

FREEDOM OF THE PRESS

Atlanta, Ga.

The underground newspaper, *The Great Speckled Bird*, is challenging a 100-year-old statute banning the mailing of advertising for abortion referral services. The law has been applied many times in recent years but attacked in court only in Oklahoma and Atlanta. U. S. District Court Judge Charles A. Moye issued a temporary order, forcing postal officials to accept the *Bird* for mailing. They had refused to mail copies earlier unless the editors blacked out the abortion referral ads. Reported in: *Atlanta Constitution*, May 4.

Fort Wayne, Ind.

America's Best Cinema Corp. filed suit in U. S. District Court against Fort Wayne Newspapers, Inc., contesting the newspaper's refusal to accept advertising.

The suit contains four counts, based on two different laws. The first two counts, under the Federal Anti-Trust Laws, charge restraint of trade and conspiracy on the part of the newspapers; the second two counts are brought under different sections of civil rights laws and charge deprivation of rights and deprivation of equal protection under the laws. Counts three and four also cite the U. S. Constitution, particularly the First and Fourteenth Amendments. The suit results from the May 1 announcement that the newspapers will reject all advertising from Cinema One, a theater which shows only X-rated or unrated adult films. The suit contends that advertising of X-rated films was accepted from other theaters which did not show X-rated films exclusively. Reported in: *Fort Wayne Journal Gazette*, May 2.

New York, N.Y.

Paulette Cooper, author of *The Scandal of Scientology*, filed a \$15.4 million dollar damage suit in the New York Supreme Court against the Church of Scientology. Miss Cooper charges the church with "intentional interference" with her constitutional freedom of speech and press, saying that the organization threatened her in the form of libel suits and wire-tapping after her critical work about the quasi-religious group was published last fall. She also alleged that representatives of the organization had intimidated prospective publishers of her books and articles and had subjected her to obscene telephone calls, threats, and electronic surveillance. Although the Scientologists have filed no formal reply, a spokesman for the group denied all charges. Reported in: *New York Times*, April 1.

Hartsville, S.C.

The town council approved a resolution requiring that any news concerning the town of Hartsville be approved by the town council before being released to the news media. Councilman P. H. Beattie said the action was not an attempt to censor the news, but to ensure that what is printed about the town is correct. The resolution resulted from a *Florence Morning News* article which recently reported that drug arrests in Hartsville had increased by 900 percent from 1970 to 1971. Reported in: *Miami (Fla). Herald*, March 20.

LICENSES

Huntington Park, Cal.

An adult bookstore opened in Bell Gardens despite adoption of an emergency city council ordinance attempting to block it. Charles Dimmitt, an employee at the store, was promptly arrested by the police on the grounds that the store was operating without a business license. Dimmitt was released as soon as he was booked and had posted \$500 bond. The store re-opened the next day, Dimmitt was re-arrested, and again he was immediately released after posting \$500 bond. Acting Police Chief Richard Broug said police will continue

to make arrests at the store "as long as it operates without a license." The emergency ordinance, adopted by the council, temporarily prohibited adult bookstores in any zone in the city, pending a planning commission study. Eugene Joseph La Pietra, the owner of the bookstore, said he will not close the store under any circumstances. He said he applied for the business license 20 days before the city passed its ordinance. He said he is being represented by attorney Stanley Fleishman. Reported in: *Huntington Park Signal*, March 31.

Detroit, Mich.

Mayor Gribbs refused to approve an operating license for the Riviera Theater because Arthur Weisberg, one of the theater owners, pleaded guilty this year to conspiring to exhibit pornographic films. Weisberg formerly was owner of the defunct Summit Theater which, while operating last year, was ordered by Wayne Circuit Judge Thomas J. Foley to stop showing the film *Animal Lovers* because a jury in a civil action had declared the film pornographic. Weisberg withdrew the film but later was indicted by the Wayne County Citizens Grand Jury on charges of conspiring to show obscene movies, a misdemeanor. He pleaded guilty in February and was fined \$1,000. Gribbs told JGA Enterprises, Inc., owner of the Riviera Theater, that it has thirty days to file an appeal of his decision not to give the license and request a hearing with the mayor. Reported in: *Detroit Daily News*, March 24.

PRISONS

Baton Rouge, La.

Seven prisoners in the East Baton Rouge Parish jail filed suit against Sheriff Bryan Clemmons in federal court claiming censorship of mail and other reading material and curtailment of correspondence in violation of their rights. The suit states that inmates are denied the right to receive and read books, magazines, newspapers, instructional materials, public documents, and other reading matter, including the *Quran* and the religious newspaper *Mohammed Speaks*. The petition claims that these regulations are based on "whim and caprice" and are deliberately repressive, violating freedom of speech, press, expression, and religion. The suit asks for a declaratory judgment to the effect that the restrictions violate constitutional rights, an injunction against the sheriff to keep him from continuing the practice, the establishment of objective criteria in the regulations, and damages of \$10,000. Reported in: *New Orleans Weekly*, April 1.

SCHOOLS

Lansing, Mich.

Michael Faull, expelled from Grand Ledge High School for distributing an underground newspaper, filed

suit in federal court seeking re-admission and damages of \$50,000. Judge Albert J. Engel set a hearing date and ordered the seven-member Grand Ledge Board of Education to show why a temporary injunction should not be issued restraining enforcement of the expulsion. Faull noted that school officials based their action of interfering with distribution of the paper on a policy reserving to the school board the right of final review of publications. This policy, the complaint maintains, is unconstitutional and is discriminatory in that the board does not interfere with the possession or reading of the newspaper by students, but does interfere with its peaceful distribution. Faull had been distributing *Joint Issue* at the school since last fall. Reported in: *Lansing Journal*, April 12.

New York, N.Y.

The New York Civil Liberties Union brought suit on behalf of two students against Sol Levine, John Dewey High School principal, and the board of education. Brooklyn Federal Court Judge Jack B. Weinstein ruled that the words and context of two works in the mimeographed magazine, *Streams of Conscience*, edited by the two students, were not obscene and did not go beyond community standards. Judge Weinstein ordered Levine to release the magazines immediately. *Streams of Conscience* was seized last fall after Levine decided that a poem and essay in it used words "which society considers obscene." Judge Weinstein ruled that the magazine is "rich in a literary sense and of a high and considerable quality." Reported in: *New York Times*, April 29.

OBSCENITY LEGISLATION

Atlanta, Ga.

The Georgia General Assembly passed new anti-pornography legislation which needs only to be signed by Governor Jimmy Carter to become law. The existing law makes an additional obscenity violation a misdemeanor and generally relies on the U. S. Supreme Court's three-part guidelines in defining what is obscene. The new statute will make even pictures of nudes an offense punishable as a felony, a major crime, carrying a three-year sentence. The new act would specifically repeal a 1969 law pertaining solely to minors. The new act follows the 1969 legislation closely but applies to everyone, not just minors. Briefly, it would prohibit the sale of printed material or the showing of motion pictures that depict nudity, sexual conduct, or sado-masochistic abuse. Reported in: *Atlanta Journal*, March 15.

Baltimore, Md.

Owners of a local bookstore filed suit in federal court challenging the constitutionality of Maryland's motion picture censorship law. The suit charges that the part of the law which authorizes the Motion Picture Board of Censors to enforce the law deprives bookstore owners

of their First Amendment rights. The suits grew out of a February bookstore raid in which Salisbury police, acting on a search and seizure warrant, seized thirty-six 8mm adult films, \$21 in cash, and the store's business records. The owners claim that the raid was illegal as well as unconstitutional because the law empowers only the Censorship Board to enforce the law, not local law enforcement agencies. Reported in: *Baltimore Sun*, April 5.

MISCELLANEOUS

Hollywood, Cal.

Judge George W. Trammell accompanied police on raids at thirteen movie theaters, four bars, and two bookstores. As his car made the rounds of the theaters and bookstores, Judge Trammell sat in the back seat and signed his name to search warrants in a matter of minutes, a procedure that normally takes as long as a day or more. As a result, vice detectives reported seizing 125 reels of allegedly pornographic film and projectors used to show them. Judge Trammell agreed to the unusual procedure because of detectives' complaints that, between the time pornographic material is discovered and the time it normally takes to procure search warrants, the material often disappears. Reported in: *Washington Star*, April 22.

Augusta, Ga.

After a performance of the rock musical *Hair*, in which the notorious nude scene was performed by twelve cast members, two actors were arrested on charges of public indecency. Earlier, Police Chief James Beck had warned that all actors involved in the nude scene, as well as the troupe's manager, would be charged. However, he said later that the police had made their point and "we saw no reason to charge all of them." The defendants posted \$750 bonds in time to join the cast for the performance the next evening. Reported in: *Providence (R.I.) Journal*, April 1.

New York, N.Y.

A Manhattan grand jury, armed with information gathered by a *policeman-staffed* pornography shop set up as a "front," returned indictments against twelve men and six corporations allegedly engaged in a multi-million dollar midtown pornography trade. The small, inconspicuous pornography store, sandwiched between a barber shop and a hard-core pornographic theater on 8th Avenue, was opened by three young men — all of whom were policemen. Their operation collected the facts that led to the indictments. Money to operate the shop was provided by the Citizens Committee on the Control of Crime in New York, a nonprofit organization "dedicated to the assistance of law-enforcement agencies." The shop was stocked with several thousand dollars worth of soft pornography — and proceeded to lose

money. The purpose of the shop, according to Deputy Police Commissioner William McCarthy, was "to have criminal operators come to us directly instead of relying on the more clumsy methods of surveillance, observation, or direct purchase, which yields only underlings." Concealed cameras and microphones recorded all of the dealings between the salesmen and the policemen. According to McCarthy, direct links were established between the salesmen and three allegedly organized-crime families, those of Joseph Colombo, Carmine Tramunti, and Samuel De Cavalcante, who police say are responsible for 90 percent of the pornography in the metropolitan area. The six firms face a total of \$1,540,000 in fines if found guilty on 160 counts. The twelve men, indicted on a total of 276 counts, face seven years in prison each, if convicted. Reported in: *New York News*, April 21.

Knoxville, Tenn.

The distributor of the movie *Cry Uncle!* filed suit in Federal District Court against District Attorney General Ronald Webster, his assistant, Ralph Harwell, and State Attorney General David Pack. Previously, Webster and Harwell had secured a temporary injunction to halt showing of the film at the Fox Theater. Criminal Court Judge Joe D. Duncan later made the injunction permanent. Subsequently, the Fox manager and projectionist were sentenced to jail terms for contempt of court for refusing to halt the film when served with the injunction. The distributor's suit claims that the plaintiffs were deprived of their civil rights by the defendants' actions. The defendants are expected to seek a dismissal of the suit on the grounds that Attorneys General are quasi-judicial officers and are immune from suit. Reported in: *Knoxville News Sentinel*, April 6.

In an interview with the *San Antonio Daily News*, Dr. Ken Kramer, chairman of the psychology department at Trinity University, said that the refusal of public school administrators to allow students to publish unauthorized newspapers is caused by "an unreasonable fear . . . It's the fear of undermining their authority." He said, "They are more concerned about control in the classroom than encouraging debate in educating the individual to be free and critical." He added, "Anything that smacks of independence has to be stopped. It all boils down to control and power." Reported in: *San Antonio Daily News*, February 10.

Success Stories



Fresno, Cal.

The Fresno City Council voted to restore \$200 in city funds to a high school paper which printed an article on the Nixon administration that a Republican leader labelled "blasphemous." Councilman Mark Stefano said he looked up blasphemous in the dictionary and found it means derogatory to "God or king." He said he wondered which category covered President Nixon. Reported in: *Philadelphia Inquirer*, April 4.

Sacramento, Cal.

Sacramento City College president Samuel Kipp withdrew his objections to allowing a book containing writings by young blacks to be used as a text in a freshman literature class. The book, *Nineteen Necromancers from Now*, proposed for use by an English instructor, was originally objected to by Kipp, a thirteen-member-administrative staff, and the student faculty committee, established to remove any racial friction on the campus. Reported in: *Sacramento Union*, March 23.

Washington, D.C.

After Lorton Reformatory inmates filed suit in U.S. District Court charging that prison administrators unconstitutionally halted publication of a controversial newsletter which had been published monthly, D.C. Corrections officials agreed to allow the newsletter to resume publication. The newsletter is published by one of the prison's self-help organizations, called the Associated Library and Educational Research Team for Survival (ALERTS). Reportedly, the agreement to allow resumption of publication includes a clarification of review procedures and does not include censorship of the newsletter by the Lorton administration. Reported in: *Washington Post*, April 6.

Cheboygan, Mich.

Louie Church, a 26-year-old high school political science and history teacher who was discharged last September for refusing to stand during the singing of the

"Star Spangled Banner" and the Pledge of Allegiance at a faculty meeting, has resumed teaching. After his dismissal, Mr. Church appealed to the Michigan School Board on the ground that the Cheboygan School Board had violated his Constitutional rights. After months of legal dispute, the Tenure Commission reaffirmed an earlier order that Church be reinstated and be given back pay totaling \$3200. "I feel this is a victory," Church said. "I don't know whether it means teachers no longer have to stand when the national anthem is sung and the Pledge of Allegiance taken. But, I've told them I won't stand. I will walk out of the room if necessary. That may be a cop-out, but I like to teach. These have been long lonely months." Arthur Towe, the school superintendent who dismissed Church, told an interviewer, "The case is closed." Reported in: *New York Times*, April 30.

Dirty Hair . . . (from page 118)

played in 150 cities and has received favorable rulings in four counts. He said, "An adverse ruling on the Broadway play will create guffaws across the nation." His statements were directed at Judge Frank Wilson, who was visibly angered. Wilson said, "What's the difference what the nation says as long as this court follows the law?"

The advisory jury deliberated thirty minutes before finding the rock musical obscene in speech and conduct. The jury decision was not binding on Judge Wilson, who promised to set aside his other work and "promptly file" a written opinion in the case. Judge Wilson, however, ultimately dismissed the suit, saying, "The production contains conduct, apart from speech or symbolic speech, which would render it in violation of both the public nudity ordinances in the city of Chattanooga and the obscenity ordinance and statutes of the city and the state of Tennessee." He stated, "The defendants accordingly acted within their lawful discretion in declining to lease the Memorial Auditorium or the Tivoli Theater unto the plaintiff." He found *Hair* not to be "legally obscene in speech because the court cannot state that as a whole it is utterly without redeeming social value. But it is perfectly clear that the actors and actresses in the theatrical production *Hair*, by their conduct and apart from any element of speech, committed repeated acts of criminal obscenity that would be in violation of the laws of the city of Chattanooga and the statutes of the state of Tennessee forbidding acts of obscenity in public."

In his memorandum, Judge Wilson said, "Undisciplined sex is one of the most destructive forces in any society and has historically been so recognized. It is destructive of many human values and institutions, not the least of which is the family, which in turn has served as the foundation for every civilization yet known to man." Reported in: *Chattanooga News-Free Press*, April 4, 5 and 8.

Bench . . . (from page 116)

traffic on the road near its home, constructed a fence across the public thoroughfare. This touched off an argument that involved most of the town's forty-three inhabitants. Judge Hall issued an order saying, "In this neighborhood dispute, each is individually, jointly and severally restrained and enjoined from speaking to each other, calling on the telephone at home or other places, molesting, harassing or speaking to each other in the future, visiting or going about premises or around the employment of each other." The judge warned that anyone who violates the order will face a contempt of court charge. Reported in: *Philadelphia Inquirer*, April 1.

BOOKS AND FILMS — SEIZURES

Minneapolis, Minn.

The Minnesota Supreme Court, in a case concerning the seizure by law officers of coin-operated machines and films from Darrell Johnson, ruled that police may not seize allegedly obscene material without a prior hearing on whether it is obscene. The court upheld a lower court order requiring Rochester police to return the machines and films to Johnson. The materials were seized with warrants issued by the Rochester Municipal Court on the basis of reports from officers who viewed the films. The court rejected the city's contention that the hearing requirement was met by the warrants which provoked Johnson the opportunity to ask for a hearing on whether

the material was obscene on twenty-four hours notice. This would "shift the burden of proof to the owner," said Justice James Otis, whereas that burden "remains with the censor." Otis said the trial court could issue an order restraining the owner from "concealing, destroying or tampering with" the film, but he stressed that the purpose of requiring a hearing before seizure is to prevent suppression of non-obscene material. Reported in: *Minneapolis Star*, April 28.

THEATRICAL PERFORMANCES

New Orleans, La.

The U. S. Fifth Circuit Court of Appeals in New Orleans overturned a Miami Federal Court ruling which had upheld the city of West Palm Beach's banning of *Hair* from the West Palm Beach Auditorium. In 1971, Auditorium manager Ralph Boyes refused to grant a license to *Hair* on the grounds that the musical didn't constitute "family entertainment." The Court of Appeals said that Boyce should not have the power to dictate what is or isn't family entertainment, and said the action was "clearly an abridgement of the First Amendment. We conclude that the dictate of the Auditorium manager in this case cannot withstand the mildest breeze emanating from the Constitution." A three-judge panel said, the banning of *Hair* had "neither First Amendment rhyme nor Fourteenth Amendment reason." Reported in: *Miami (Fla.) Herald*, March 23.

Intellectual Freedom Bibliography

- "Action for Legal Research Materials," *President's Newsletter, Association of State Library Agencies*, v. 2 (Spring 1972), p. 4.
- Bailey, Andree. "A.C.A. Committee on Institution Libraries Reports," *American Journal of Correction*, v. 34 (March-April 1972), p. 26.
- "Birchers Marketing a Conspiracy," *Homefront*, v. 6 (April 1972), pp. 20-30.
- Bonn, Thomas L. "A Search Strategy for Freedom of Access," *Cornell University Libraries Bulletin*, No. 176 (April 1972), p. 17.
- Brown, Robert U. "Shop Talk at Thirty: X-rated Pictures," *Editor & Publisher*, v. 105 (May 6, 1972), p. 48.
- Chan, Lois Mai, "The Burning of Books in China," *The Journal of Library History*, v. 7 (April 1972), pp. 101-108.
- Clark, Robert L., Jr. "Book Burning Okies," *Oklahoma Librarian*, v. 22 (April 1972), pp. 4-5.
- "Closed Trial Called Censorship," *Editor & Publisher*, v. 105 (March 25, 1972), p. 12.
- "Confronting the Censor: A Micro-Workshop," *Illinois Libraries*, v. 54 (February 1972), pp. 104-107.
- "Connecticut Kills 'Get-Tough' Anti-Obsecenity Proposal," *Publishers' Weekly*, v. 201 (April 17, 1972), p. 37.

- Darling, Richard L., "Intellectual Freedom: Report of the Intellectual Freedom Committee to Council, Chicago, January 28, 1972," *American Libraries*, v. 3 (April 1972), pp. 429-30.
- "Documents Supporting the Principles of Freedom of Access," *Cornell University Libraries Bulletin*, No. 176 (April 1972), pp. 18-21.
- Edelman, Hendrik, "Motherhood, the Growth of Library Collections, Freedom of Access and Other Issues," *Cornell University Libraries Bulletin*, No. 176, (April 1972), pp. 5-6.
- "Electronic Coverage," *Freedom of Information Report*, No. 276 (March 1972).
- Emery, Walter B. *Broadcasting and Government: Responsibilities and Regulations*. Michigan State University Press, East Lansing, 1971.
- Ervin, Sam J. "The Presidency vs. the Congress," *Current*, No. 136 (January 1972), pp. 14-19.
- "Fairness: A Continuing Controversy," *Freedom of Information Report*, No. 278 (March 1972).
- Grosvenor, Peter. "'Lord Porn' vs. Obscenity," *Publishers' Weekly*, v. 201 (April 17, 1972), p. 26.
- Harvey, James A. "The Sky Blue Tangled Web," *Focus on Indiana Libraries*, v. 26 (Spring 1972), pp. 32-34.
- Holicky, Bernard H. "Recommend a Dirty Book?" *Focus on Indiana Libraries*, v. 26 (Spring 1972), pp. 38-39.
- Howard, Edward A. "Obscenity and the Law," *Focus on Indiana Libraries*, v. 26 (Spring 1972), pp. 38-39.
- Iglar, John L. "A Case for Censorship?" *Focus on Indiana Libraries*, v. 26 (Spring 1972), pp. 11-18.

- Jennison, Peter S. "Censors Never Sleep," *The American Pen*, v. 4 (Winter 1972), pp. 52-54.
- Katz, Bill. "Pornography Collection; Excerpts from Magazines Selection," *Library Journal*, v. 97 (March 1, 1972), pp. 801-802.
- Krug, Judith F. and Harvey, James A. "Intellectual Freedom: A Drop in the Proverbial Bucket," *American Libraries*, v. 3 (May 1972), pp. 554-55.
- Krug, Judith F. and Harvey, James A. "Intellectual Freedom: FTRF Underwrites Suit in California," *American Libraries*, v. 3 (June 1972), pp. 667-70.
- "Law on Privacy," *Editor & Publisher*, v. 105 (April 8, 1972), p. 6.
- Leonard, Elsie A. "Sambo Picture Putdown," *Library Journal*, v. 97 (May 1, 1972), p. 1639. (Letter)
- Lewin, Nathan. "The First Opinions of Justice Rehnquist," *The New Republic*, v. 166 (April 15, 1972), pp. 13-14.
- Lockhart, William B. "The Findings and Recommendations of the Commission on Obscenity and Pornography," *Mountain Plains Library Quarterly*, v. 17 (Spring 1972), pp. 3-16.
- Malloy, Michael T. "What are the Grand Juries Up to Now?" *Current*, No. 136 (January 1972), pp. 7-13.
- Mead, Margaret. "Can We Protect Children From Pornography?" *Redbook*, v. 13 (March 1972), pp. 74-75.
- "Media and the First Amendment in a Free Society," *The Georgetown Law Journal*, March 1972.
- Megel, Carl. "Tools of Tyranny," *American Teacher*, v. 54 (May 1972), p. 1513.
- "Morality and Dismissal," *Phi Delta Kappan*, v. 53 (May 1972), p. 605.
- "More Secrecy Today? 19 say Yes, 9 No." *Editor & Publisher*, v. 105 (April 22, 1972), p. 11.
- Morgan, Hugh. "Censorship In the Military: Managing the News," *Civil Liberties*, No. 287 (May 1972), pp. 1, 6.
- "New York Dailys Drop X-rated Film Ad," *Editor & Publisher* v. 105 (April 29, 1972), p. 52.
- Nyren, Karl. "On the Crucifixion of Punks; Imprisonment of Ginzburg for Advertising Eros Through the U.S. Mail," *Library Journal*, v. 97 (April 1, 1972), p. 1221.
- Oakley, Robert L. "Access to the Law," *Cornell University Libraries Bulletin*, No. 176, (April 1972), pp. 7-8.
- "Our Son Was Reading Pornography," *Good Housekeeping*, (March 1972), p. 20.
- "Ralph Ginzburg Begins Term for 1963 Porno Conviction; Issues and Court Decisions: A Capsule History," *Library Journal*, v. 97 (May 1, 1972), pp. 1650-54.
- "Riding in Salinas; Attempts to Ban Controversial Book in the High School," *Nation*, v. 214 (April 10, 1972), pp. 453-54.
- Rose, Lynn. "The Censorship of Velikovsky's Interdisciplinary Synthesis," *Pensee*, (May 1972), pp. 29-31.
- Shearer, David H.R. "How Is Your Access? Comics As An Intellectual Resource," *Cornell University Libraries Bulletin*, No. 176 (April 1972), pp. 8-11.
- Stuliglowa, Anna K. "The Government and Access In the U.S.S.R." *Cornell University Libraries Bulletin*, No. 176 (April 1972) pp. 11-15.
- "Support for Zoia Horn: SRRT, Merritt Fund, Si; Ex Board, No," *Wilson Library Bulletin*, v. 46 (May 1972) p. 783.
- "Support For Zoia Horn: Issue Splitting ALA," *Library Journal*, v. 97 (May 15, 1972), pp. 1760-61.
- "A Threat or Not," *Editor & Publisher*, v. 105 (April 29, 1972), p. 6.
- Trexler, Edgar R. "People Are More Important Than Law," *The Lutheran*, v. 10 (April 19, 1972), pp. 5-9.
- "Underground Press," *Schism*, v. 3 (Spring 1972), pp. 40-41.
- "Valenti Strives to Stem Ad Ban on X-rated Films," *Editor & Publisher*, v. 105 (April 15, 1972), p. 16.
- Wood, Robert. "The Truth Shall Make You Free — Or Will It?" *Focus on Indiana Libraries*, v. 26 (Spring 1972), pp. 11-18.
- "Zoia Horn: Charade to Puppet Show to Drama," *Wilson Library Bulletin*, v. 46 (April 1972), pp. 678-680.
- "Zoia Horn Released on Bail During Berrigan Trial," *Library Journal*, v. 97 (April 15, 1972), pp. 1367-68.

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