

matchachine REVIEW



JULY 1957

50c

SAFEGUARDING YOUR RIGHT TO READ...



ACLU v. NODL



OBSCENITY

CLARIFIED BY U. S. SUPREME COURT RULING



VAG - LEWD

"CATCH-ALL" FOR POLICE DEPARTMENTS

MATCH TO FAG

READERS WRITE

CASTING A SPOTLIGHT ON HUMAN SEX PROBLEMS - FOR THINKING ADULTS

Mattachine Society, Inc. _____

JUNE 1957 WILL LONG BE REMEMBERED, perhaps, as a month when individual liberties made a vigorous comeback over the forces of hysteria in the United States. Reprinted in this issue are newspaper comments and reports of three significant strides which were, to say the least, victories for the non-conformists, a group from whom the American Democratic Ideal has long drawn strength. The reprints concern strengthening of individual rights, a ruling on obscenity, and a new setup to provide for the security of our government and our way of life as opposed to totalitarianist regimes such as that in communist Russia.

However, all is not agreement on the American scene, although a wise and liberal Supreme Court defined law and power for the benefit of the American people and their constitutional rights. Some have interpreted the Court's decisions as blows to our safety. The Hearst press, in contrast to Associated Press and United Press, hailed the obscenity rulings as meant to halt the flow of publications and books on "prostitution and homosexuality." Many editorial pages carried ominous warnings that the new ruling on FBI's requirement to open confidential files would spell an end to our top investigative agency's effectiveness for national protection.

But out of it all, this fact was clear: The pendulum swings to and fro; once it swings far to one direction, it must inevitably swing to the other. A stronger, safer and more vigorous and democratic America has always been the result--we think the same pattern of the past will be repeated for our people in 1957 and the future.



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VOLUME III

JULY 1957

NUMBER 7

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THIRD YEAR OF PUBLICATION

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RIGHTS GUARD IN U.S. SECURITY

By John R. Cauley.

(Of The Star's Washington Bureau.)

Washington, June 22.—A special commission established by Congress has recommended major revisions to "plug loopholes" in the present national security program while at the same time urging increased safeguards for the rights of individuals.

In a comprehensive 800-page report, issued tonight after a year and a half of research and deliberation, the Commission on Government Security recommended retention, with fundamental revisions, of the programs affecting federal civilian and military personnel, industrial security, port security, employees of international organizations, the classification of documents, passport regulations and the control of aliens.

New Agency Urged.

The heart of the commission's report is a proposal to create a central security office within the executive branch of the government, independent of any existing agency.

The proposed office, the report said, would correct weaknesses of past and present loyalty-security programs. The shortage of trained, qualified administrators would be eliminated, it believes, and the

new office would provide trained hearing examiners in sufficient number to cut down on the delays in decision, now sometimes running to a year or more.

An equally important recommendation of the commission is the separation of the loyalty problem from that of suitability and security.

"All loyalty cases are security cases, but the converse is not true," the commission said. "A man who talks too freely when in his cups, or a pervert who is vulnerable to blackmail, may both be security risks although both may be loyal Americans."

"The commission recommends that as far as possible such cases be considered on a basis of suitability to safeguard the individual from an unjust stigma of disloyalty."

Rothschild and Murphy.

The 12-man commission is composed of men in government and public life, including Louis S. Rothschild of Kansas City, undersecretary of commerce for transportation, and Dr. Franklin D. Murphy, chancellor of the university of Kansas.

A consultant to the commission is J. Stewart Newlin of Wellington, Kas.

The report has been formally submitted to President

Eisenhower and Congress. James C. Hagerty, White House press secretary, said Mr. Eisenhower considers it a "good report" and generally favors it, but that this did not commit the President to approving every recommendation.

Senator Cotton (R-N. H.), a member of the commission, said he would introduce legislation in the Senate to carry out the recommendations of the commission and that he believes action by Congress will end much of the controversy and confusion which have plagued the government's loyalty-security programs for years.

Rights for Accused.

Another major recommendation of the commission is that confrontation and cross examination be extended to persons subject to loyalty investigations whenever it can be done without endangering the national security.

"Those whose livelihood and reputation may be affected by such loyalty investigations are entitled to fair hearings and to decisions which are neither capricious nor arbitrary," the report said, but added:

"It is the prime duty of the government to preserve itself and in the carrying out of this duty it has the indisputable obligation to avail itself of all information obtainable, including information from confidential sources."

"Full confrontation, therefore, would be obviously impossible without exposing the government's counterintelligence operations and personnel with resulting paralysis of

the government's effort to protect the national security."

One bill drafted by the commission would make it unlawful for "any person" who has obtained "secret" or "top secret" information "to communicate any part thereof" to anyone else not authorized to receive such information.

Aimed at Press.

Thus, a working newsman or his boss could be fined \$10,000 and sent to prison for five years for publishing "secret" information, even though there was no intent to harm the country.

Until now the law has banned such disclosure by persons in the government service only.

The commission chairman, Loyd Wright of Los Angeles, made it plain that the proposed law change was aimed mainly at the press.

"An informed citizenry," he said, "is a major premise of our governmental structure. But that same structure may be destroyed if a potential enemy is supplied with information critical to national self-preservation."

"The final responsibility for the difficult decisions of what shall be secret must be confided in those loyal and devoted public servants who are qualified to make the judgment...."

"With near unanimity, the American journalism profession has conscientiously observed these limits."

"But there are a few exceptional cases which for some reason have escaped prosecution."

High Court Rule Bars Obscenity

The Supreme Court in a series of divided opinions yesterday upheld the right of Federal and State governments to judge and ban obscene material.

The Court wound up its regular work yesterday but will meet again July 8 before starting their summer recess to hear arguments on the Government's contention that Army Specialist William S. Girard should be turned over to Japanese authorities for trial on charges of shooting a Japanese woman on a rifle range.

On the obscenity cases the Court:

- Upheld, 6 to 3, an 1872 Federal law making it a crime

to send obscene matter through the mails.

- Upheld, 7 to 2, a California law making it a crime to write, publish, sell or exhibit obscene matter.

- Upheld, 5 to 4, a New York law permitting judges to prevent sale of obscene matter by issuing injunctions in advance of publication.

In a related case the Court upheld, 7 to 2, the anti-strip tease ordinance of Newark, N. J.

Two Justices Dissent

Justices William O. Douglas and Hugo L. Black dissented in all four cases. Justice John M. Harlan joined them on the Federal case. Chief Justice Earl

RIGHTS GUARD

He was asked if criminal penalties would apply for publication of something stamped "secret" for no reason than to cover up wrongdoing in a government department. The chairman said it would be necessary to assume that agency heads would be "fair and honest" in such matters.

He repeated, however, that the agency head must be the final judge of what may or may not be published.

Suppose, a reporter asked, some newsman was given information which he didn't know bore a "secret" label.

Would he still be subject to prosecution?

Wright said the proposed law "would not be applicable" in such a case.

Confer on Answer.

He also was asked why such a law was needed since espionage laws already prohibit leakage of certain information. Wright referred that question to an aide, Samuel Liberman of St. Louis, who said that under present statutes it is necessary to prove intent to harm the United States or aid an enemy power

(From the Kansas City Star)

Warren and Justice William J. Brennan Jr. dissented with them against the New York pre-distribution injunction law.

Basic legal question in the Federal and California cases, which were covered by a single opinion, was whether obscene matter is protected by constitutional guarantees of freedom of speech and press.

The majority in an opinion written by Brennan met this issue squarely for the first time and decided that it was not. Wrote Brennan:

"All ideas having even the slightest redeeming social importance — unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion — have the full protection of the guarantees . . . But implicit in the history of the First Amendment is the rejection of obscenity as utterly without social importance."

One argument against the laws was that while obscene matter might incite lustful thoughts it does not provoke "overt antisocial action" and should not be policed. The majority said this was irrelevant since it had knocked down the First Amendment protection.

To the argument that the word "obscene" is so vague that it permits any enforcement officer to censor according to his own views, the Court answered that the Constitution "does not require impossible standards." Obscene obviously means different things to different people, but the definitions in the cases before it were sufficiently precise to give notice of what is prohibited, the Court said.

"Not Synonymous"

The Court tried to distinguish between smut for smut's sake and acceptable literary treatment of sex.

"Sex and obscenity are not synonymous," wrote Brennan. "Obscene material . . . deals with sex in a manner appealing to prurient interests (tending to incite lustful thoughts).

The portrayal of sex, e. g., in art, literature, and scientific works, is in itself sufficient reason to deny material the constitutional protection of free speech and press."

The standard for determining what is obscene, said the Court, is whether to the average person set against the background of his community the book taken, as a whole would "appeal to prurient interest."

Black and Douglas protested that the opinion "drastically curtails" freedom of speech and press by allowing government to step in and "punish mere speech or publication that the judge or jury thinks has an undesirable impact on thoughts but that is not shown to be a part of unlawful action."

Accepting as a standard that which offends the common conscience of the community would not be acceptable if religion, economics, politics or philosophy were involved, wrote Douglas. "How does it become a constitutional standard when literature treating with sex is concerned"

"Community Censorship"

This permits "community censorship in its worst form," he wrote.

"Government should be concerned with anti-social conduct, not with utterances," continued Douglas. "The legality of a publication in this country should never be allowed to turn either on the purity of thought which it instills in the mind of the reader or on the degree to which it offends the community conscience. By either test the role of censor is exalted. The test that suppresses a cheap tract today can suppress a literary gem tomorrow."

Harlan felt it was constitutionally proper for the states but not for the Federal Government to try to police obscene matter.

(Continued on next page)

Civil Liberties Union Charge

Catholic Unit's Book Censoring Assailed

THROUGHOUT THE UNITED STATES, private organizations concerned with the morality of literature are increasingly going beyond their legitimate function of offering to their members, and calling to public attention, opinion or instruction about books, and are in effect imposing censorship upon the general public. And since any kind of censorship infringes the principle of that constitutionally guaranteed freedom of the press which protects the free exchange of ideas in our country, it is imperative that the American people be warned of the danger in which their freedom stands. In discussing this kind of censorship, we make a clear distinction between the right of all organizations to express their opinion, which we defend, and acting in such a manner as to deny those who do not agree with their opinion an opportunity to read the literature themselves.

The ACLU's official policy statement on pressure-group censorship, adopted in 1951, states: "The ACLU defends, as being within both the letter and the spirit of the Constitution, any simple expression by any individual or group of disapproval of the contents of any book, etc., or any attempt simply to dissuade others from buying it. It recognizes as far as legal right is concerned, the use of such orderly and lawful means as peaceful and unobstructive picketing and the organization of a specific and primary boycott even when they imply some degree of coercion. However, in view of the fact that the field of communication differs significantly from the general field of industry and commerce, the Union actively opposes, as being especially contrary to the spirit of the Constitution, the use of such means in the following ways: (1) as pressure, or explicit threat thereof, at any time prior to the actual offering of a motion picture, etc. to the public; and (2) even after the actual offering to the public, in the form of a general or secondary boycott—designed, for example, to close a theatre entirely or to close other theatres whose proprietors ally themselves with the proprietor of the first theatre."

OBSCENITY

"The fact that the people of one state cannot read some of the works of D. H. Lawrence seems to me, if not wise or desirable, at least acceptable," he wrote. "But that no person in the United States should be allowed to do so seems to me to be intolerable and violate of both the letter and the spirit of the First Amendment."

Warren agreed with the ma-

jority that the Federal and State Governments can police this area, but thought the Court went further than it needed to on some points.

Frankfurter, speaking for the majority in upholding New York's injunction law, said it was in line with a "legal remedy long sanctioned by Anglo-Saxon law."

(From the Washington Post and Times Herald, June 25, 1957)

BACKGROUND OF THE PROBLEM

1. *The constitutional guarantee.* The First and Fourteenth Amendments to the United States Constitution, and the constitutions of the several states, prohibit governmental abridgment of freedom of the press. If one may read, one must be able to buy; if one may buy, others must be able to print and sell.

2. *Legal basis for limiting freedom of the press.* If curbs are to be placed on freedom of the press, and these curbs must be based on a clear and present danger of a substantive evil from the publication, they can be imposed only by our courts, through full legal process. And the courts, not private literature-reviewing organizations, are the proper tribunals for determining the existence of such danger.

3. *Existing pressures for further limitation of freedom of the press.* It is an historical fact that the travail and tension of our time has adversely affected our society and raised particular problems of juvenile delinquency. We share with other Americans deep concern about this problem, which has been a problem in other ages as well, but we do not believe that it is desirable to try to cure the evil by unwise or unlawful abridgment of our civil liberties.

4. *The form now assumed by further, improper limitation of freedom of the press.* First, some state legislatures, after vigorous demands by religious and other private organizations, have passed laws so sweeping as to permit censorship of any publication which administrators of the law may disapprove of. Rhode Island and New York now prohibit the display, sale or circulation to any person under 18 of any book dealing with "illicit sex or sexual immorality." This ban could affect the *Odyssey*, half of Shakespeare, the *Divine Comedy*; the *Scarlet Letter* and parts of the Bible; Henry James' *The Turn of the Screw* was cited by the Rhode Island commission as an example of a book thought harmful to minors. In South Carolina, the legislature passed a resolution directing the removal from public libraries of "books that are inimical to the traditions of South Carolina."

Second, less formal governmental censorship is illustrated by the fact that the Detroit Police Department has made such representations to the only two wholesalers of paperback books and magazines in Detroit that they have agreed not to offer any magazine or paperback book for sale in that city until it has been submitted to the police and cleared by them or in doubtful cases by the prosecuting attorney. The list of books disapproved by the prosecuting attorney for that jurisdiction has been frequently sent to the police in other cities and used as a quasi-official "banned" list. This situation displays the particularly abhorrent practice of pre-publication

censorship, because, although the books have been printed, publication is not completed if there is a barrier to distribution.

Such formal and informal censorship actions by official authority violates the First Amendment. In nearly every instance where it has been possible to test the constitutional issue in a court, censorship has been defeated.

Third, a number of private groups, particularly church-related organizations have prepared blacklists, threatened and imposed general boycotts, and awarded unofficial certificates of compliance. The most active of these groups is the National Organization for Decent Literature, a group within the Roman Catholic Church established in 1938 by the Catholic bishops of the United States. In 1955, the bishops set up a National Office for Decent Literature in Chicago, in order to coordinate the work nationally. There are other religious organizations, as well as racial, labor, parent-teachers and women's groups, who also engage in censorship activity, but our attention in this statement is focused on the NODL because of the prominence it has achieved and the great influence it has wielded in removing books from circulation.

THE NATIONAL ORGANIZATION FOR DECENT LITERATURE

The NODL is a nationwide organization whose membership is largely made up of Roman Catholic laymen; it has active units in several towns and cities. The national and local membership receives guidance from officers and priests of the Roman Catholic church. The purpose of the NODL, as enunciated by the Bishops' Episcopal Committee, was "to organize and set in motion the moral forces of the entire country . . . against the lascivious type of literature which threatens moral, social, and national life;" it has emphasized its efforts to protect youth. The NODL Code, in addition to the negative pledge of removal of "objectionable" literature, also contains the positive pledge to "encourage publishing and distribution of good literature" and "to promote plans to develop worthwhile reading habits during the formative years." To evaluate the literature of our day in terms of its suitability for youth, the NODL, at last report, uses a reading committee of mothers of the Roman Catholic faith in the Chicago area. The NODL's focus has been on magazines, comic books, and paperbound books. It should be noted that the founders of the NODL sought from the beginning to enroll non-Catholics in their efforts. The NODL, says the Bishops' Committee, "appealed to all moral forces to combat the plague of indecent literature. The NODL office was, and is, merely a service organization to coordinate activities and supply information to all interested groups regardless of race, color or

creed." The NODL's instruction manual, while listing procedures for individual committees to conduct Parish Decency Crusades, invites the cooperation of non-Catholic groups in the organization of local Decent Literature Committees to carry on the NODL work; such cooperation has not thus far been widespread.

It should be emphasized beyond the possibility of misunderstanding that the ACLU does not presume to object to the NODL's advising communicants of the Roman Catholic Church about any publication. Nor does the Union see any element of censorship in the NODL's informing the general public of its opinion that certain writings are immoral. Such criticism is a right of private freedom, and must immediately be protected when threatened.

From many towns and cities, come reports of extended NODL action which constitutes nothing less than censorship of what the American people as such may read. For example:

1. Roman Catholic parish groups, armed with the NODL list, call upon booksellers (bookstores, drug stores, tobacconists, etc.) and ask that the condemned titles not be offered for sale.

2. The NODL group informs a non-complying bookseller that they will refuse to buy any goods from him, in flagrant contradiction of its own assertion that its list is "merely an expression of a publication's non-conformity with the NODL Code, and that the list is not being used for purposes of boycott or coercion."

3. Newsdealers, druggists, and others who agree in advance not to sell anything to which the NODL objects are given monthly certificates of compliance.

4. Lists of complying, and often of non-complying, dealers are widely publicized, and parishoners are strongly urged to confine their purchases of all commodities to complying dealers. Check-ups are suggested at fortnightly intervals, i.e., a private morals-police force is encouraged to come into being.

5. In many cases police, prosecuting attorneys, and military commanders on Army posts have issued instructions or orders that no books or magazines on the NODL list shall be sold within their jurisdiction, thus putting the authority of the state in the service of a private sectarian group. However, in a recent newspaper article, the Very Reverend Monsignor Thomas J. Fitzgerald, who directs the NODL work, stated, "We request government officials not to use the list. . . . It is up to the courts to decide if a book is obscene."

If these were the acts of government officials, they would at once be challenged in court.** That they are the acts of a non-official group makes them more difficult to attack, but they are nonetheless seriously violative of the principle of freedom.

A fundamental objection to these extended activities of the NODL is that the judgment of a particular group is being imposed upon the freedom of choice of the whole community. The novel which may be thought by a committee of Catholic mothers to be unsuitable for a Roman Catholic adolescent is thus made unavailable to the non-Catholic. It is plainly necessary to challenge the NODL as keeper, by self-election, of the conscience of the whole country.

THE NODL BOOK LIST

The argument against censorship applies to all lawfully published books, but it is important to note that many of the authors and titles on the NODL list are considered among

the most distinguished in literature. (See the appendix to this statement.)

Books by recipients of the Nobel Prize, the Pulitzer Prize, and the National Book Award have been made markedly less available to the reading public by the censorship of a private and anonymous jury acting under its own standards of morality and taste. And these are books which have been the object of responsible literary criticism and studied in hundreds of literature courses throughout the country.

The ACLU is gratified to record that Roman Catholic opinion is by no means unanimous in support of the activities of the NODL. Father John Courtney Murray, S.J., in recent public statements admirably setting the tone for national discussion of the problem, observes that: "... in a pluralist so-

How the 'New' Supreme Court Safeguards Individual Freedom

JUNE 24 SUPREME COURT DECISION UPOLDS INDIVIDUAL RIGHTS, WRITES JAMES RESTON IN THE NEW YORK TIMES....

THE SUPREME COURT, by its Monday rulings, has warned all branches of the Government that they must be more faithful to the constitutional guarantees of individual freedom.

Reasserting its ancient role as a defender of the Constitution and the Bill of Rights, the High Court condemned the tendency to punish men for beliefs and associations, warned the Federal Executive to guard the constitutional freedoms of its employees and sharply criticized Congress for giving undefined and unlimited powers of investigation to its committees.

During the last decade the Supreme Court has dealt with a flood of cases dealing with the rights of aliens, ordinances affecting religious zealots, religion in the schools, test oaths and loyalty proceedings, legislative investigations and direct restraints on Communists and others advocating violent overthrow of the Government.

"A review of these decisions," John Lord O'Brien, the Washington constitutional authority, wrote in 1952, shows that "the general trend has been in the direc-

tion of sustaining, in the interest of national security, new restrictions upon the freedom guaranteed by the Constitution."

The general view here now is that in light of the court's recent decisions this can no longer be said of the court as now constituted.

Monday's majority opinions were studded with passages critical of the exercise of power by the Federal Government and strong in the defense of the individual's rights.

Chief Justice Earl Warren, speaking for the majority in *Watkins vs. the U. S.*, stated flatly that "there is no congressional power to expose for the sake of exposure."

The Chief Justice criticized the broad range of inquiry followed in the *Watkins* case by the House Un-American Activities Committee and condemned the House of Representatives for giving the committee such undefined power.

"Their decisions (of committee members) can lead to ruthless exposure of private lives in order to gather data that is

neither desired by the Congress nor useful to it . . ."

In turning free five of the convicted California Communist leaders, the court defended a man's right to advocate the forcible overthrow of the Government, provided he did not advocate action to achieve that end.

"The essential distinction," Justice Harlan said for the court, "is that those to whom advocacy is addressed must be urged to do something, now or in the future, rather than merely to believe something."

As a result of these dramatic decisions, observers are now taking a new look at the court itself and its relation to the other two branches of Government.

The court is now playing a more powerful role on the most controversial issues of the day.

Moreover, the feeling here is that the Eisenhower appointments to the court have established a new balance in which there is a reliable majority extremely sensitive to defense of civil liberties.

New York Times Service

ciety no minority group has the right to impose its own religious or moral views on other groups, through the methods of force, coercion or violence." (The ACLU emphasizes that this prescription applies as well to majority groups.) Father Murray adds: "Society has an interest in the artist's freedom of expression which is not necessarily shared by the family. If adult standards of literature would be dangerous for children, a child's standard of literature is rather appalling to an adult." He questions, as we do, the use to which the NODL list is put, particularly by public authorities and local zealots who substitute "coercion for cooperation."

The American Civil Liberties Union, which has prepared this statement and solicited signatures in support, is opposed to censorship, official or private, by police authority or by the NODL or any other group. It is our conviction that the people of this country should enjoy to the fullest extent the freedom embodied in the principle of the First Amendment. Specifically, the Union intends to expose in every way it can the use of lists of books as tools of general boycott, and to intervene on behalf of writers, publishers, vendors and purchasers who have the will to explore legal avenues for the maintenance of their freedom. We reiterate, meanwhile, that we will at all times defend the right of such an organization as the NODL to express its views.

This statement is signed by the officers of the American Civil Liberties Union who thereby indicate the intention of the Union to thwart censorship. Other persons who will not necessarily take part in the action of the ACLU have appended their signatures, because of their concern with the freedom of the press and literature and their general agreement with the principles herein set forth.

ERNEST ANGELL
Chairman, Board of Directors

PATRICK MURPHY MALIN
Executive Director

** The October 1, 1956 issue of *Publisher's Weekly* notes that the prosecutor of St. Clair County, Michigan, has officially recognized the NODL list as the guide to what publications cannot be sold in his jurisdiction. A suit has been filed in the Federal court by five publishers of paperback books to enjoin the prosecutor from ordering two wholesale news distributors not to handle books or magazines listed by NODL. Police action may be curbed by the U.S. Supreme Court decision in the Butler case holding invalid one section of Michigan's anti-obscenity law, under which Detroit police had banned the sale of John O'Hara's *Ten North Frederick*.

The preceding is a reprint of a leaflet published by the American Civil Liberties Union, 170 Fifth Ave., New York 10, N. Y. Single copies are free, while additional copies in quantity may be obtained at prices the Civil Liberties Union will quote to those interested.

Included in the leaflet, but not reprinted here, are lists of the Authors, Playwrights and Composers, Critics, Professors, Museum Officials, the Editors and Publishers, and a list of NODL banned books.

The newspaper article below was from Associated Press in February, 1957

Charges Denied

The Catholic church's National Organization for Decent Literature denies it puts undue pressure on dealers to keep books it disapproves off newsstands.

The organization, answering "censorship by lynch law" charges of the American Book Publishers Council of New York, declared its efforts "to preserve the ideals of our young people" are necessary "because of the inadequacy of the laws."

The NODL aims its fire mainly at the inexpensive paper-bound books found in most drug stores and newsstands, but it also screens magazines and comic books. There are more than 300 books on the banned list, including such top-ranking authors as Hemingway, Faulkner, O'Hara and Zola.

'BOOK-BURNING'

The publishers' council has accused the Catholic agency of "book-burning tactics." A council spokesman said the NODL "applies pressure" in this manner:

"Local parish committees armed with the NODL list visit news dealers in their neighborhoods and ask them to remove blacklisted books and magazines from sale. If they agree, they are given a certificate of co-operation.

Parishioners are told to patronize only the stores displaying the seal of approval."

The Most Rev. John F. Dearden, Bishop of Pitts-

burgh and NODL director, replied that his organization "has become the target of abusive condemnation. It is opposed not by argument, but by epithet and misstatement."

"The NODL program," he said, "is a voluntary one aimed at keeping from the Nation's youth publications which violate the standards of good taste and accepted codes of behavior."

The Catholic group says its intent is to keep what it considers objectionable literature out of the hands of children and teen-agers. It insists that if adults want to read the banned books they can buy them at book stores.

Publishers say this means a person has to pay 10 to 20 times the price for a book and in many cases is discouraged from buying it.

FUROR GROWS

The censorship furor has grown in recent weeks, with support rallying to both sides.

Bishop Dearden's agency has the backing of religious groups of many faiths, civic organizations, parent-teacher associations, some trade unions and representatives of local drugstore and newsstand distributors.

The publishers have been joined in opposition by many newspapers, the American Civil Liberties Union, the American Association of University Professors and the American Library Association.

AMERICAN CIVIL LIBERTIES UNION HITS POLICE USE OF VAGRANCY LAW IN S. F.

(From the San Francisco Chronicle, July 4, 1957)

A charge that local police are abusing the vagrancy law by using it to arrest people for investigation was made by the American Civil Liberties Union here yesterday.

The ACLU's local chief, Ernest Besig, made the charge and said the organization may file suit for an injunction against Police Chief Frank Ahern to halt the practice.

Simultaneously, the ACLU attorney, Lawrence Speiser, filed false arrest suits on behalf of two men arrested and charged with vagrancy.

Ahern countered by saying he knows of no abuses being made of the vagrancy law. "As far as I know," he said, "it is being enforced strictly according to the meaning of the law."

He declined comment on the two false arrest suits until he has checked into them.

When each of the cases came to court, the District Attorney moved to dismiss on grounds of insufficient evidence, and the cases were dropped.

But, the suits contended, both men had suffered "severe and unusual mental anguish and mortification" through being arrested and jailed.

The first is Alex Williams, a student who lives at 527 Third street, who charges he was arrested by police officer David Dillon last December 4.

He was acting in a quiet, peaceable and law-abiding manner, and the officer had no reason to believe he had committed a crime, Williams says. Yet he was booked at Southern Station for vagrancy and jailed for lack of \$1000 bail—a so-called "thousand-dollar vag"—the suit says.

It seeks \$10,000 general damages and \$10,000 punitive damages from Officer Dillon and the booking officer, named as a Doe.

The second suit, for \$5000 general and \$5000 punitive damages, was filed on behalf of Garfield L. Himphill, a U. S. mail clerk who lives at 924 Fulton street.

Himphill says he was arrested April 1 of this year at Leavenworth and Market streets at 2:30 a. m. by Officers Nate Pedrini and William Brazil, although he too was acting in a law-abiding manner.

Besig, director of the Civil Liberties Union's Northern California Chapter declared: "The vagrancy law is being used as a catch-all."

He said he had reviewed police records on vagrancy for a three-month period and found that convictions were obtained in only 10 per cent of the cases.

by SPORUS II



With a dangling cigarette in his mouth, and with smoke curling up so that he had to keep one eye shut most of the time, Author Sporus II takes a tongue-in-cheek poke at the smoking habits of almost everyone in this article. But before you decide that maybe the heat has affected him, just remember this: It's all meant in the spirit of fun.

So you're sitting in the bar, minding your own business, being very much the unknown, mysterious gentleman nobody knows.

But don't fool yourself: the first time you light up your cigarette, you give away a lot more about yourself than you think you do.

Even the very action of hauling your cigarette package out of your pocket is a clue. Do you use the oh-dear-where-did-I-put-them searching method? Or do you dart your hand into the right pocket, first try, and brusquely slap one out of the pack? If yours is the former method, the chances are you're simply reflecting your general over-all approach to

everything you do. You're apt to be the dreamy, introverted type who's so often lost in mental speculations as to be disinterested in the physical world around you. And if yours is the latter method, you're apt to be just as abrupt in your approach to people and things.

Think that's too broad a generalization?

Well, next time you're in company, observe how everyone lights up.

There's the business of offering someone else a cigarette: the open-handed extrovert will, likely as not, hand over the whole pack with the remark, "Here, help yourself," while the thrifty one will shake the pack until one lone weed protrudes just-ever-so-delicately above the rest and say, "You really oughtn't to, you're smoking too much."

And notice too, how the cigarette is held. The egghead or would-be intellectual person usually holds the butt in forward section of the first and middle fingers, just behind the fingernails. This allows the smoke to curl prettily up the hand, leaving tattle-tale stains behind for all to see. The non-thinker, on the other hand, grasps the cigarette between the base of the fingers, as close to the hand as possible. This allows for speedy clenching of fists when the beer bottles start flying.

Beware of the one who holds his cigarette in any one of dozens of other positions: those who say they're merely trying to express their individualism in this way are really just trying to call attention to a personality so weak that you wouldn't be interested!

Any departure from the average, any variation from that which our society as a whole calls the *norm*, is sure to bring adverse criticism, not only to the weird smoker, but to all smokers as well.

The act of lighting up speaks volumes, too, if you're willing to take the trouble to read. The one who cups the match entirely in his hands is the secretive, "I've-got-a-trick-up-my-sleeve" person who perhaps should not be trusted. And the flamboyant one who flourishes the gold-filled lighter proudly while he says, "Here, let me," is probably thinking to himself, "You're a mess, but you're the only person in the bar, and I want someone to talk to."

No, it's best to stick to the straightforward, "I don't accept lights from strangers," and light your own.

And while you're smoking, go easy with the gestures!

Bette Davis can do it and get away with it. But you may be criticized if you ape her technique. That's the bit where the hand holding the cigarette moves in constant circles in a wide arc around the hips and the "Peter darling, I love you," lines are heard. Miss Davis gets paid for such, but you won't. And the late Humphrey Bogart had the corner on the butt-dangling-from-the-upper-lip-business so much so, that it was practically his private trademark, to coin a phrase.

But watch. See how many of your confreres try to copy those manner-

isms. Better you should develop one of your own! Above all, keep to the aforementioned *norm*, and don't try to call attention to yourself.

While you're enjoying your smoke, watch the others at it. Some will calmly take delicate little puffs and pretend to gasp and cough with each inhalation. Others will put it far into their mouth and draw greedily, for all the world like little boys with lollipops. These, too, are indications of character. When you see someone take a hearty drag, draw the smoke deep into his pulmonary recesses, then with a sigh, exhale a thin grey line of smoke, you know he's got more on his mind than cancer of the lungs.

And be sure to note the way some people discard ashes. The person who grips the cigarette in such a way that the under-handed third-finger flick can be used is likely to be a pretty sharp character. And what do you think of that dyed blond down there at the end of the bar—the one who ever-so-lightly keeps flicking ashes all over, letting the grey matter fall wherever it will? The nervous one constantly taps into the tray, the overbearing, oh-so-sure-of-himself type never even bothers to remove cigarette from mouth until it's time to put it out, and leaves a trail of scattered ashes.

The dead giveaway is when the cigarette is finally consumed and the thing must be put out.

Here, again, character traits as ingrained and instinctive and conditioned as any of Dr. Pavlov's famous slobbering dogs take over.

The man who grinds his butt out on the floor is not the kind you want to ask into your home. He's just as apt to step on it right there on your beautiful antique Persian! And the robust one who stabs his butt to death in the center of the ash tray, scattering debris all over, is equally likely to be another I-don't-give-a-damn-about-anybody-but-myself type. You'll see smearers (they spread the remains carelessly into a sort of tobacco melange as unsightly and as uninhibited as themselves). There are those who dash it half-heartedly by squashing it, then failing to notice, let it continue to burn, much to the annoyance of others. These people are apt to be indifferent to the point of unreliability. The one you're looking for will simply put out the cigarette without affectation.

Let the head-shrinkers use their "climb upon my couch sonny boy" routine all they want to.

But you, if you want to find out what someone's really like, watch him smoke. And be careful: don't assume too much too fast. Take too much for granted and you'll find him fuming instead of smoking!



READERS write

REVIEW EDITOR: The undersigned saw your organization mentioned in "Le Cercle" (Zurich). I would like to know more about its activities. Is it confined to Los Angeles proper or the whole U. S.? Do you exchange correspondence or personal introductions?--Mr. W. S., New York

Note: Mattachine Society, Inc., operates chapters in several U.S. metropolitan centers (see directory in this issue); these chapters and area councils conduct public discussion forums, educational, research, social service and public relations projects to advance the public's understanding of the homophile and his problems. No names are exchanged for correspondence or personal introduction through the U. S. Mails. The organization is primarily educational and research, not social; however all chapters do conduct special activities from time to time as do most other organizations in the public service.
--Editor

REVIEW EDITOR: I was highly taken up with your wonderful magazine, a past copy of which I was fortunate enough to read. This is the first of its kind I have ever read. Such valuable magazines, unfortunately, do not exist in our country...--Mr. E. P., Ceylon

REVIEW EDITOR: I shall be obliged if you could kindly send me your free literature.--Mr. W. C. T., Malaya

REVIEW EDITOR: Information on the homosexual problem frankly has a great fascination for me. Please send information about your magazine.--E. C., Massachusetts

Note: The above letters are typical of hundreds received in the Review office in recent months. They arrive at the rate of almost 15 inquiries per week.--Editor

REVIEW EDITOR: As I don't want to miss a single issue, I am avidly looking forward to the June copy.--Mr. A. S., Wyoming

REVIEW EDITOR: For quite a long time I have been looking for the address of an American homophile magazine since American friends in Saigon told me they exist. Recently I learned the address of your publication from friends in Europe, and I saw a copy of your Review. However, I found it rather dry--no letter box for pen pals, no photos. Only later I learned that U. S. laws are more severe on homosexuals...I think especially that Oran is one of the most liberal cities in the world.--Mr. H. S., Algeria

REVIEW EDITOR: Information has reached me that homophile publications coming into Ontario will be banned...please cancel my subscription. I have thoroughly enjoyed your publication, but we aren't quite out of the dark ages yet. Wishing you every success.--Mr. A. M., Canada

Note: The Review has learned of no action such as reported by the reader above. However Canadian customs have banned the import of certain books into the country. There is no knowledge that this applies to first class mail, the channel through which the Review is sent.--Editor

REVIEW EDITOR: I was very unhappy to read about "Homosexuality and Bodybuilding (in another magazine). One should try to help those that are (homosexually oriented) and stop talking about them. We have homosexuality in our society just as in all other countries. We are driving men into it while other countries are trying to deal with it constructively. One can not help the way he is, otherwise he wouldn't be a homophile; who are we to say that such a person is wrong in doing what he does? Are we right because the (majority) says so? Couldn't the majority be wrong?--Mr. D. W., Texas

REVIEW EDITOR: Recent issue was excellent, but I laughed at the comment on Peter Jackson and Luther Allen. I enjoy Allen's work immensely--he is a good writer and the series is quite worthwhile. I know that space limitations dictate that items should be short and to the point, but there are many things that cannot be said in just a few words. Allen's articles, for instance must be studied somewhat to get the most from them.--Mr. R. J., Oregon

REVIEW EDITOR: I only wish your magazine had come along 25 years ago...The help it has given me cannot be expressed in just words because it seems like a new, close friend.--Mr. C. E., Indiana

REVIEW EDITOR: Recently while looking over my correspondence I found your letter of last August 31 which asked for contributions to help the magazine meet a deficit. Enclosed is a small contribution with best wishes--Mr. H. M., Illinois

Note: Thanks to the above subscriber for the financial help. We realize that repeated appeals for contributions from readers, friends and members "wear thin" quickly, and try to refrain from such pleas. However, the Review, as most readers know, is far from self-supporting; it carries virtually no paid advertising, and its expenses, in spite of volunteer labor, do keep going up. Income has gone up, too. But at the present time, the magazine still has a deficit that has held over from the first year of publication--in other words, we are coming close to meeting the current expenses, but can't seem to whittle down the debt of our early days. Help for this is always welcome. Who wants to whack off a few dollars the printer has long held the sack for?

REVIEW EDITOR: Enclosed is another contribution. As usual when I write you, I compliment you on putting out an informative journal with standards of taste and literary style high enough that I feel safe in showing it to friends who would not by nature be sympathetic....One issue I would like to comment on is the May number devoted entirely to Bergler's latest book. At first I felt that you had given too much attention to his ideas since psychiatrists generally ignore them and easily spot the half-truths and contradictions. Since then, however, I've discovered that Bergler has by-passed the medical profession, and most of the publicity on him is tendered by the lay press with the smutty or obscene type of magazine giving him the greatest coverage. None of my professional colleagues or any of the medical students I know have even mentioned the book, but one of my patients with less than a high school education recently brought in a particularly "obscene" magazine and opened it to a feature article on Bergler's book. Since I had read his book, shortly after seeing it written up in your Review I had no trouble discussing it. I would like to think that some of your other readers found your May 1957 issue as informative as I did.--Dr. T. M., Illinois

OPINIONS EXPRESSED IN THE PRECEDING LETTERS ARE THOSE OF THE WRITERS. THE REVIEW WELCOMES COMMENT FROM ITS READERS AND WILL PUBLISH SIGNIFICANT PARTS OF LETTERS MONTHLY IN THIS DEPARTMENT. LET'S HEAR FROM YOU--WE SOLICIT BRICKBATS OR BOUQUETS--BECAUSE WE WANT THIS TO CONTINUE AS THE "MOST READ" SECTION OF THE MAGAZINE.--Editor

Mattachine REVIEW

The REVIEW is published monthly (for subscribers only) by the Mattachine Society, Inc., San Francisco 5, Calif., a non-profit, non-partisan organization founded in the public interest for the purpose of providing true and accurate information toward the solution of problems of human sex behavior, particularly those of the homosexual adult. The REVIEW is available on many newsstands in the U. S. (six alternate-month issues per year).

SUBSCRIPTIONS: In the U.S., Canada and Mexico, \$4.00 per year; Single copies, 50c. All other countries, \$5.00 per year. All copies mailed first class sealed in plain envelope.

OFFICE OF PUBLICATION: (to which all communications should be addressed): 693 Mission St., San Francisco 5, Calif. Telephone EXbrook 7-0773.

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