

The Real Treason of the Intellectuals Who Pander for A Quick and Easy Buck

The Flood of Pornography Threatens Respect for the First Amendment

What we find offensive in the obscenity cases is the posturing of Ralph Ginzburg, one of the main defendants. "America is no longer a peace-loving country," Ginzburg told the press after the Supreme Court upheld his conviction, "but it is also no longer a liberty-loving country." This effort to cloak himself in the mantle of Thomas Jefferson, and at the same time grab onto the coat-tails of the peace movement, was characteristic of a young man who seems to come straight out of *What Makes Sammy Run*. The evidence at the trial showed how far he would go for a dubious dollar. Originally he tried to mail his publications from two tiny rural postoffices in Pennsylvania, one called Intercourse and the other Blue Balls, in order to exploit the off-color suggestion in their postmarks. Since neither was large enough to handle the anticipated volume of mail, his application was denied and he had to settle for Middlesex [get it?], N.J. A publisher who spent so much effort on such adolescent outhouse leers was engaged in a pretty tasteless operation. This bore as much relation to what Jefferson meant by freedom of the press as running a bawdy house does to freedom of assembly.

Too Much for Nine Old Men

But since Ginzburg's operations were in *print*, they raised difficult constitutional questions. The difficulty is attested by the fact that the Court wrote 14 separate opinions in the three cases. It is hard enough to find wholly objective standards in answering most constitutional questions. That of obscenity is particularly subjective. The prurient may find titillation in the Bible, the unabridged dictionary and the advertising pages of the *Ladies Home Journal*. There is comedy in the spectacle of nine elderly gentlemen on our highest court debating the permissible in smutty literature. That most Olympian of all the Justices, Oliver Wendell Holmes, was fond of an occasional visit to a burlesque show. What if he had been caught in an overzealous police raid?

On the one hand, the attitude toward sex is cleaner and freer in our time. Many influences, from Walt Whitman to Freud, have had a liberating effect. A purer paganism has replaced the morbid sense of sin that comes down from St. Paul. It is important to keep the avenues open for serious writing about so fundamental and pleasurable an aspect of

No Free Speech for Cassius Clay

Cassius Clay's reaction to becoming eligible for the draft was characteristically candid: "I've got nothing against them Viet Congs," he said. We suspect he voiced the sentiment of most Negroes. But boxing commissioners and promoters and several veterans groups found the remark "unpatriotic" and "disgusting." Clay's title bout, scheduled for Chicago March 29 was called off. New York, Pittsburgh, Louisville, Maine, Montreal and Verdun (Can.) also turned down the fight. Finally, it was rescheduled for Toronto (with Clay facing a new, inferior opponent). In the meantime, sponsors of the radio broadcast and most of the theatres which had arranged to carry the fight on closed circuit TV, cancelled their contracts. The American Legion announced it would picket the few remaining theaters. Clay was even denounced on the floor of the House (March 15) by Rep. Frank Clark (D, Pa). Clay may never serve in Vietnam, but in a way he is already one of the war's casualties. —P.O.

life as sex. On the other hand, the news stands display an appalling flood of paper-back pornography, exploiting all kinds of psychopathic perversities. What the effect may be on immature minds no one really knows. Is it possible to preserve freedom for serious literature while doing something about these obscenities? This was the real question before the Court. Its answer was to lean over backward where there was any semblance of literary value, as in *Fanny Hill*, but upholding convictions in the Mishkin and Ginzburg cases where the evidence showed no motive other than pandering.

We're not going into the wisdom of the new line drawn by the court. But we are concerned with the moral responsibility of the writing and publishing trade. The respectable names and houses do plenty of pandering on their own. All this risks a popular revulsion, among the plain people of this country, of a kind on which Fascist movements have fed in the past. How maintain respect for the First Amendment and the Court if they are associated in the public mind with protection of pornography? I hate to see their moral capital squandered. Those who know better, like Ginzburg, are guilty of something worse than pornography. They are guilty of treason to a precious heritage.

De Mille's Ten Commandments and High Church Services Can Also Spark Crime

"Director of the FBI, J. Edgar Hoover, has repeatedly emphasized that pornography is associated with an overwhelmingly large number of sex crimes. . . . Cardinal Spellman particularly stressed the direct influence obscenity has on immature persons."

—Mr. Justice Clark dissenting in the *Fanny Hill* case

"As I read the First Amendment, judges cannot gear the literary diet of an entire nation to whatever tepid stuff is incapable of triggering the most demented mind. The First Amendment demands more than a horrible example or two of the perpetrator of a crime of sexual violence, in whose pocket is found a pornographic book before it allows the Nation to be saddled with a regime of censorship."

—Mr. Justice Douglas concurring in *Fanny Hill*

* "... it is impossible to define 'hard-core' pornography

as if there were some singly lewd concept from which all profane ideas passed by imperceptible degrees into that sexuality called holy. . . . Every idea is capable of being obscene. . . . Heinrich Pommerenke, who was a rapist, abuser and mass slayer of women in Germany, was prompted to his series of ghastly deeds by Cecil B. de Mille's *The Ten Commandments*. During the scene of the Jewish women dancing about the Golden Calf, all the doubts of his life came clear: Women were the source of the world's troubles and it was his mission to punish them. . . . John George Haigh, the British vampire who sucked his victim's blood through soda straws . . . first had his . . . vampire-longings from watching the 'voluptuous' procedure—of an Anglican High Church Service!"

—Murphy, *The Value of Pornography*, 10 *Wayne Law Review* 655, cited by Mr. Justice Douglas.

The Unspoken Warning from the Inter-American Bank At The Alliance's Half-Way Point

The Lag in Latin Land Reform and Food Output May Breed New "Vietnams"

New "Vietnams" are brewing in Latin America where the failure to achieve significant social reform can bring demands for U.S. intervention to put down revolutions. The Alliance for Progress was intended to avert this by encouraging social reform. But the Johnson Administration, with the support of Senators like Javits, is shifting emphasis to the encouragement of U.S. and European private investment. This means skimming off easy profits at the expense of popular welfare, and the familiar alliance between the investor and the backward native ruling classes supported by American military power. That way lies trouble. Here are excerpts from the fifth annual report of the Inter-American Development Bank which shows the poor agrarian record of the Alliance for Progress in its first 5 years. —I.F.S.

Farm production as a whole continues to develop at an unsatisfactory rate . . . an average annual increase of only 1.6% over the past five years [since the Alliance for Progress began—I.F.S.] as compared to an average annual increase of 3.6% during the first half of the past decade . . . most of the increase in production recorded in recent years has been accounted for by commercial export crops such as sugar, bananas and cotton . . . per capita domestic output of nutritionally important products such as meat, milk and eggs seem to have actually declined. . . .

Little Change Where Most Needed

Low incomes and oppressive social conditions continue to prevail in the countryside. As, in general, very little change has taken place in the distribution of land and in social stratification, rural incomes continue to be extremely maldistributed. In Chile, for example, the upper 1% of the agricultural families receives one-fourth of the total farm income, while the bottom 87% of the farm labor force received only one-third of the total income. . . .

By 1965 most of the Latin American countries had some sort of agrarian reform laws to permit the carrying out of substantial reform programs. No more new laws were passed during the year. Yet, in a number of countries considerable legislative activity was underway to modify and interpret existing laws. The major exception was Chile, where the new government, pledged to a vigorous land reform platform, had decided to send a completely new law to its Congress . . . (which) would permit a basic transformation of the Chilean

Bertrand Russell on Soviet Jewry

In 1948 Stalin and his secret police executed the Jewish creative intelligentsia and totally destroyed Jewish institutions, publishing houses, schools and theatres and every vestige of national existence outside the synagogues. Destalinization has brought little improvement. Jews still have no schools, no national theatres and no secular communal institutions. Although restitution was frequently promised in 1956 and 1957, only token symbols of culture have been permitted—a handful of books in the Yiddish language published in small editions and exploited as reassuring propaganda abroad; one monthly Yiddish magazine; one or two amateur dramatic groups. . . . Discrimination against Jews in the USSR, like the persecution of dissident intellectuals, seriously impairs the development of the Soviet Union as a true Socialist society.

—Message from Lord Russell read at a hearing in New York March 19 on the status of Soviet Jewry.

agrarian structure. . . . Water resources would be nationalized and use of water (for irrigation) would henceforth be strictly controlled in the public interest. . . .

Unfortunately in too many countries the national institutions concerned with agrarian reform remain largely concerned with political, legal and administrative matters, while the technical work is being carried on by traditional agencies not geared to deal with problems of poor farmers. . . . In addition, with few exceptions such as Venezuela, the budgets of land reform agencies are still inadequate even for minimum programs. . . .

There has been very little actual land redistribution during the last four years. Almost no change has occurred in the pattern of concentration of land ownership . . . three countries that have made the most progress are those whose agrarian reform efforts extend over a longer period of time [and, the Bank fails to add, two have had revolutionary land reforms]. Thus the reform programs of Mexico, Bolivia and Venezuela, have all entered into a phase of consolidation. . . . In the rest of the countries, where the need for structural change is greatest, land redistribution is still a marginal rather than a central feature of agrarian policies.

What the U.S. Could Do About Apartheid in South Africa If It Wanted To

The U.S. has a divided mind in its policy toward South Africa. On the one hand eloquent condemnatory statements are made about apartheid. On the other hand it is pointed out that South African ports are highly useful to the U.S. Navy, that the tracking station facilities are important, that American business provides a useful channel of communication with South African circles.

It is not true to maintain that the U.S. can't do anything about apartheid. Rather, the will to do something effective is lacking. If a battle comes in South Africa, which side will the U.S. be on? With the independence of Bechuanaland, Angola, Mozambique, Rhodesia, attacks may well come from the borders as well as inside. Will the U.S. take the view that South Africa is a bulwark against Communism in Africa? That the rebels in South Africa are under Communist domination?

The U.S. can make clear an anti-apartheid policy by moving rapidly toward disengagement, where there is greatest

involvement: in the economic sphere. U.S. oil companies have almost 50% of South African refining capacity; U.S. motor companies produce almost 60% of all vehicles; U.S. rubber companies dominate production with Dunlop, a British company; an American controls 15% of South African gold.

To implement a policy of disengagement we suggest: 1st, let the government call leading businessmen involved in South African trade and investment together and ask compliance with a government policy of disengagement. Some would comply, some would not, but at least a policy would be set. Second, the bulk of U.S. exports to South Africa would be placed under the Export Control Act. Third, legislation would be passed forbidding U.S. firms abroad to practice racial discrimination.

—George Houser, executive director of the U.S. Committee on Africa, and editor of Africa Today, abridged from testimony March 15 before a House subcommittee.