

FEDERAL BUREAU OF INVESTIGATION
FREEDOM OF INFORMATION/PRIVACY ACTS SECTION
COVER SHEET

SUBJECT: American Civil Liberties Union

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CENSORSHIP OF COMIC BOOKS OPPOSED ON CIVIL LIBERTIES GROUNDS

Censorship of comic books is an unconstitutional method of combatting the problem of juvenile delinquency, the American Civil Liberties Union has stated.

The Union asserted in a policy statement filed with the Senate Judiciary Subcommittee on Juvenile Delinquency that there is a wide variety of opinion as to the relationship between the reading of crime comics and delinquency and that "at this time there has been no showing that the circulation of crime comic books constitutes a clear and present danger." Unless such a danger is shown, the ACLU said, "and there are inadequate alternative means to combat this evil, there is no justification for cutting into a basic right guaranteed by the U.S. Constitution, a free press unhampered by governmental interference."

"The ACLU understands the concern of American parents that their children are being subjected to a barrage of written material that may wield real influence on their impressionable minds," the Union pointed out in its statement. But there is another danger that must be equally considered - the danger of censorship.

"To suppress books in the absence of a clear and present danger, even offensive comic books, is in violation of the First Amendment. And the weakening of the First Amendment can lead to the undermining of our free institutions, which we want our children and their children to enjoy and respect."

The circulation of all books involves risk, the ACLU added, "but risk is an indelible mark of democracy and a society of freedom."

In place of censorship, the Union recommended parental control over the reading habits of children, continued work by school, religious, and community groups to lessen delinquency, additional study of the relation between juvenile delinquency and comic books, and proper invoking of obscenity laws.

"The problem of juvenile delinquency is of major importance and we believe that every legitimate effort must be made to deal with its causes and to seek its cure," the statement said. "As an organization concerned with the welfare of the American community, and as parents concerned with the welfare of our children, we are anxious that this alarming problem be solved."

The Union noted that while a large segment of the public assumes that crime and horror comics stimulate children to commit crimes, experts in the fields of sociology, child psychology, psychiatry, and law enforcement have varying opinions on the problem.

While asserting that it was not its function to pass on the merits of the experts' opinions, the ACLU said it believed "that comic books, like other mass media, may play an important part in the development of children's minds and behavior." But, in view of the divergent - even contradictory - opinions expressed by responsible and qualified persons, it believes there is lacking the assurance that crime comics are a significant cause of delinquency.

The Union considered point by point various proposals for censoring comic books. It emphasized that censorship could not be imposed for children alone, not only because a large portion of comic book readers are adults, but because to condone partial pre-censorship would be to invite a spreading of censorship to other reading materials. "To institutionalize the censor and his scissors is a real danger. Governmental censorship, even in a limited form, has within it the means of destroying the climate needed to nurture free thought and expression - the minds of free men."

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REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST

Prohibition against sale of comic books to children under a certain age is unworkable, it said, as "bootleg" sales will result and make the banned work more desirable. And a law banning publications devoted chiefly to criminal news and stories of bloodshed, lust, and crime cannot meet constitutional standards.

Volunteer "watchdog committees" are no less objectionable, the ACLU asserted. "Certainly individual members of the community have the right to decide what they or their children should read." But "concerted action designed to decide the reading fare of the entire community...constitutes an attempt to enforce conformity, a practice alien to the American idea of free choice and our democratic tradition."

Nor is establishment of a comic book publishers' code commendable, according to the Union statement. "Although a single publisher may prescribe for himself any set of standards he may desire for the publication of material, a different situation exists where a significant segment of the industry agrees to abide by a code. Collective adherence to a single set of principles in a code has the effect of limiting different points of views, for individual publishers - as well as writers - are fearful of departing from the accepted norm lest they be held up to scorn or attack and suffer economic loss."

The best hope lies in the home itself "- parental control over the reading habits of their children," the ACLU statement concluded. "As the testimony of child welfare experts attests, an environment which embraces a wide range of interests will make comics less of an attraction to children. ...To those who argue that not every child's home environment can meet his total needs and something must be done to safeguard children who, unfortunately, live in an unwholesome environment, the answer lies in the work of schools, churches, and community organizations. The creation of the healthy environment is their challenge."

NOTE TO EDITORS: This story is only a summary of the ACLU statement filed with the Senate Subcommittee. Because of the widespread public interest in the issue of comic books and delinquency, the full text of the ACLU statement, which is being printed as a pamphlet, will be sent to you next week.

MALIN HITS STATE LAWS BANNING CONTRACEPTIVE INFORMATION

The Connecticut and Massachusetts laws which prohibit a doctor from giving contraceptive information to his patients violate the civil liberties guarantees of the Federal Constitution, Patrick Murphy Malin, executive director of the ACLU disclosed recently.

Addressing 800 guests at the annual luncheon of the Planned Parenthood Federation of America in New York City, the ACLU official said:

"No one contends that Massachusetts and Connecticut must make Planned Parenthood services or information available to their citizens. But there is a civil liberty principle, embodied in the first and fifth amendments in the Federal Constitution, that these states should not interfere with the right to disseminate information by adopting laws barring the use of contraceptives and the supplying of information about them."

The two New England states are the only states in the U.S. which still make it illegal for a physician to prescribe contraceptives. In Connecticut it is also a crime to use any device to prevent conception.

Malin pointed out that civil liberties, as such, are not for or against planned parenthood, but require "equal defense of the free speech of those who crusade for and those who crusade against planned parenthood."

"But, as the experience of the American Civil Liberties Union abundantly shows," he continued, "the practical fact is that those who crusade for Planned Parenthood do not attempt to suppress the argument of those who crusade against it, while those who crusade against Planned Parenthood regularly attempt to suppress the argument of those who crusade for it."

Malin said "there is no area of human existence about which freedom of inquiry and communication is more needed than the area of family life." He described Americans as "uniquely fortunate" in the heritage of freedoms affecting family life in this country.

"One of the worst lags in the development of civil liberty as it affects the American family," he added, "is the suppression of free speech about Planned Parenthood, and the practice of unwarranted discrimination against those who believe in it, for example, in medical employment."

ACLU ANSWERS POSTMASTER GENERAL STATEMENT ON CENSORSHIP

In a letter to Postmaster General Arthur E. Summerfield, the ACLU has replied to the latter's charge that certain organizations "produce an almost inevitable cry of 'censorship' ... and confuse license with liberty" when the post office seeks to keep obscene material from the mails.

The letter, signed by executive director Patrick Murphy Malin and Elmer Rice, chairman of the Union's National Council on Freedom from Censorship, defends the ACLU's right to "inform the public of the threat to freedom that ... censorship represents," and reaffirms the ACLU's opposition to any government action that would weaken the freedom of expression guaranteed by the First Amendment.

At the same time it makes clear that the ACLU's efforts have not embraced defense of obscenity. It says, "On numerous occasions we have asserted the right of the community to protect itself from such material by criminal prosecutions under obscenity laws." Asserting that it does not confuse license with liberty, the ACLU states that where a clear and present danger exists from the publication of written or spoken material and there is no time for counter-argument or other means available to handle the danger the ACLU does not oppose curb on such expression.

However, the ACLU criticized the Post Office Department's use of pre-censorship. "The power of government to deal with obscene material should not be confused with the power to determine arbitrarily what reading material shall reach the American people - the power of pre-censorship where the safeguards of a jury trial are completely lacking," it asserts.

The letter reminds the Postmaster General that the ACLU's opposition to Post Office censorship is based, "on a long history of dispute with the department over its power to decide what reading material the American people should be allowed to read. We express our concern about censorship because that is precisely what the Department has done in a number of cases where the charge of obscenity was raised." It cites the ban on the mailing of Esquire Magazine, reversed by the U.S. Supreme Court, and the Department's recent fiasco involving the Greek classic Lysistrata to prove the importance of vigilance over the Post Office's activities.

"We believe that the faith that the Constitution expresses in the good sense of the people to accept or reject material on the basis of their individual choice, contained in the prohibition against denial of free speech in the First Amendment, needs reaffirmation when a government department violates that amendment," the ACLU remarked.

BIBLE CLASS DISPUTE ARISES IN VERMONT

The question of Bible classes in certain public schools in Vermont is now in dispute. Paul Blanshard, writer on religious problems and a resident of Vermont, has protested to state authorities against continuation of the classes. Classes are conducted under auspices of New England Fellowship of Evangelicals in Boston which says that the instruction is "non-sectarian, non-compulsory, moral and religious." The dispute is unresolved.

It has drawn comment from Dr. Frank H. Yost of Takoma Park, Maryland, a leading clergyman in the Seventh Day Adventist Church, who says: "It must be insisted upon, that children from homes of diverse faiths, or no faith, be protected from having to listen, in a public school, attendance upon which is compulsory, to religious teaching to which they do not subscribe. It must be insisted upon also that the machinery of the public school, paid for from public tax money, removed by law from the pockets of citizens of every faith and no faith, shall not be used to propagate any one religion, however popular locally; several religions; or any composite religion, set up for a given purpose by a group of citizens in a given locality, as a program for teaching religion to public school children."

Dr. Yost adds: "Now, in the midst of this controversy, is an excellent opportunity for the clergy of the United States to rise up as a body and say: 'Religion is the concern of us and of the parents we shepherd. Leave it to us.'"

CIVIL LIBERTIES BRIEFS

For the first time in history, Negro bus and trolley car operators will be employed by the District of Columbia's Capitol Transport Company. The move was for many years bitterly opposed by both the company and the union...A proposed pact which would eliminate discriminatory hiring practices in New York's brewing industry has failed to be ratified for lack of a unanimous vote of employers and unions involved. All employers and four of five unions agreed to the pact. Lone holdout was Local 1345, Teamsters Union...The "phony luxury" of job discrimination now costs the U.S. 30 billions of dollars a year, according to Elmo Roper, nationally-known public opinion analyst.