

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

SUBJECT: American Civil Liberties Union

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OHIO ACLU OPPOSES MOVIE PRE-CENSORSHIP BILLS

The Ohio Civil Liberties Union has strongly opposed proposed censorship legislation including precensorship of movies.

Morton Icove, Chairman of the OCLU Censorship Committee, and Rev. Jesse Cavileer, Cleveland Unitarian minister and OCLU member, presented the ACLU views to a State House Judiciary Subcommittee. Citing the Supreme Court's decision in "The Miracle" case, that movies are a means of communication and entitled to the protection of the First Amendment, Icove maintained that any form of prior censorship of movies is unconstitutional. He also pointed out that the proposed bills are not constitutional because the standards for censorship are vague and subjective in nature.

Icove said he would like to have the Ohio Attorney General give a ruling now on the constitutionality of the proposed laws. He also emphasized that political, social and personal prejudices influence censors, and stated that present Ohio penal statutes can quickly be invoked to control obscene films.

In addition to three bills on movie precensorship, the OCLU also opposed a bill extending the present obscenity law, claiming that it goes "beyond legal limits," by giving such vague definitions of "depraved and immoral" as "dissolute," "disgusting," etc.

A letter protesting the bills, from Oscar Steiner, chairman of the OHIO CLU, was placed in the record. Steiner claimed that the bills are infringements on freedom of expression and right of free choice, adding that movies are subject to the same standards regarding obscenity as any other form of expression and there are state laws providing for criminal prosecution of offenders. Noting that a vast number of films, as well as books, plays, paintings, etc., are objectionable according to the standards of some people and works of art when judged by others, Steiner claimed that positive determination is virtually impossible without religious, racial and political prejudices and personal predilections.

Steiner also protested the lack of uniform operation of state censorship of movies, because uncensored films are shown on television. Both Steiner and Icove claimed there is no proof that certain movies stimulate crime and juvenile delinquency. Icove suggested that a study be undertaken by a House committee or by qualified faculty members of Ohio State University into the subject of juvenile delinquency and related problems such as the effect of movies, comic books, newspapers and magazines.

"The power to censor," Mr. Icove concluded, "is the power to regiment, the power to control thought and to substitute statism for a government of freemen under law. We feel that mankind's greatest hope lies in keeping open the channels of communication of ideas."

Despite the ACLU protest, the subcommittee reported a censorship bill which has been approved by the full House Judiciary Committee. However, the proposal is expected to meet stiff opposition. In addition to ACLU, movie columnists in the state and theatre exhibitors are aroused by the new censorship drive.

The campaign to enact a new law was undertaken after Ohio courts invalidated the long-standing state censorship law on grounds of vagueness, and received impetus because of public concern over juvenile delinquency and the alleged relationship between this evil and films.

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A REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST.

CONNECTICUT ACLU GROUPS STATE POSITION ON STATE LEGISLATION

Legislation affecting civil liberties now before the Connecticut State Legislature has drawn the attention of the Hartford and New Haven branches of ACLU. They are making known their support of or opposition to the bills at committee hearings and through letters to committee chairmen.

The chapters support bills widening powers of the Civil Rights Commission with regard to initiating complaints under the Public Accommodations Act and ordering employers to hire or rehire, reinstate or upgrade employees discriminated against. Also supported are bills to increase the number of employers covered under the Fair Employment Practices Act, to prevent discriminatory advertising for public accommodations or for employees and to increase the number of court terms, so that persons unable to furnish bail would not have to wait several months in jail before trial.

Another bill the groups support would make it a crime for two or more persons to conspire to injure, threaten or intimidate any person in his exercise of any right granted by the Constitution or the laws of the state. However, the ACLU chapters state that a more detailed statement of the scope of the prohibited conduct would be desirable.

Five bills had been opposed by the ACLU chapter. One would require the dismissal of any state employee who invoked the constitutional privilege against self-incrimination in the course of any investigation into subversive activities.

Another bill would create an internal security commission to investigate state employees and discharge them if they are found to be disloyal. Disloyalty in this bill would be established by past or present membership in any organization advocating overthrow of the government, or which has adopted a policy of such advocacy, or which approves the commission of acts of force or violence to deny persons their constitutional rights. The commission would be authorized to hold hearings, summon witnesses and secure state police aid for this purpose when necessary. The ACLU chapters state that the grounds for establishing loyalty or disloyalty are much too broad and rest entirely on guilt by association, adding that the proposed commission also would have a repressive effect on free discussion.

A bill removing all legal rights, privileges and immunities from the Communist Party or any other group having as its purpose the overthrow of the government by force or violence is opposed by the ACLU chapters because "the outlawing of any political group is a dangerous precedent."

Also opposed is a bill providing for security clearance of children's camp personnel, applying to any camp where five or more children from 7 to 18 stay during the summer months. Persons employed at such camps would have to file statements on their loyalty, under oath, with the Commissioner of State Police, declaring that they were not, and never had been, members of any organization advocating overthrow of the government or acts of force denying other persons their constitutional rights. The ACLU groups stated there is no apparent danger to the nation's security in this field, the bill relies on guilt by association and the definition of proscribed organizations is broad enough to permit varied interpretations.

AVRO MANHATTAN BOOK CALLED NON-MAILABLE BY POST OFFICE

The United States Post Office has declared the book "Catholic Imperialism and World Freedom" by Avro Manhattan to be "non-mailable" in this country. The action came under a 1940 opinion of the Attorney General interpreting a provision of the Foreign Agents Registration Act of 1938. The law requires that foreign agents in this country distributing "political propaganda" register such material with the government.

The Attorney General's opinion held that such material could be treated as non-mailable. Under the law political propaganda is defined as including matter which is designed to "promote in the United States racial, religious or social dissensions."

The action follows the recent banning of Pravda and Izvestia from the mails under the same law.

"Catholic Imperialism and World Freedom" was first published in 1952 by Watts and Co. of London, England and had circulated freely in this country until the fall of 1954 when the Post Office decided it was no longer mailable.

On the other hand, the Post Office has been permitting libraries, research institutions and certain individuals to receive similar material for use in their specialized work. In addition, regular deliveries are made to duly registered agents of foreign governments who handle these publications.

The ACLU is conducting an intensive study of the problem, preparatory to taking appropriate legal action to test the constitutionality of the Post Office's power to ban material from abroad.

COUNTY OFFICIALS REBUKE GEORGIA NEWSPAPER FOR PRINTING OPINION

An outspoken Southern newspaper has been punished by three county newspapers for expressing its support of a civic measure which the officials opposed.

The Gainsville, Georgia, Daily Times, through its editor, Sylvan Meyer, took a stand in February supporting a bill pending in the Georgia General Assembly which would convert the "fee" system of paying courthouse officers to a "salary" basis. Under the fee system, the county clerk, sheriff and ordinary are paid on a piece work basis for the number of arrests and other law enforcement activities they carry on. Opponents of the system assert that it concentrates county law enforcement on those crimes that yield the biggest return and tends to ignore crime prevention and investigation where no revenue will be produced. They advocate a straight salary for these officials.

When the Times came out for the straight salary bill, Hall County Sheriff C.W. Wilson and County Clerk W.D. Duncan voted to deny the Times its regular designation as official legal organ for the county - the official printer of legal advertisements - and the revenue which goes with the designation. Ordinary Frank Wood did not go along with the action of his two colleagues.

In attacking this exercise of economic pressure, the Times said, "Thus, officialdom attempts, even on a level as local as our own courthouse, to challenge the opinion of the press and to deny that the people have the right to hear ideas contrary to that of men in office."

"If these officeholders expect their punishment to force a change in the editorial policies of the Times, they have made an error. We had honestly hoped they would be tolerant enough to recognize that in a democracy honest differences of opinion are not only the custom, but are permitted freedom by the Bill of Rights."

Since the controversy started, the General Assembly has passed the salary system bill and it will face a local referendum in November. The Daily Times has pointed out that the bill provides for incumbent officials to finish their present terms under the lucrative fee system.

The Times has also stated that it will go on printing legal notices as a free service to the community.

CIVIL LIBERTIES BRIEFS

A Missouri state legislative committee rejected by a 20 to 5 vote an effort to bar nudism and nudist publications in the state...In its annual report, the New York State Committee Against Discrimination describes the law which it administers as an accomplished "social fixture in New York State." On the law's tenth anniversary, it said, the impact of the law can be observed through the state and seen in "the general improvement in the status of the individual in the community."...One of the nation's largest chemical firms, the Monsanto Chemical Corporation, has been found guilty by the Massachusetts Commission Against Discrimination of discriminating against its Negro employees, in by-passing them in making promotions to supervisory jobs. It is believed that the decision will carry considerable weight in other states faced with similar cases, ultimately opening the way for more promotion of qualified Negroes...Damages amounting to \$25,000.00 have been levied against Congressman James G. Donovan and three others in a libel suit growing out of a primary campaign in New York's Yorkville section in 1951. Frank J. Stella and Anne K. Toomey, Democratic party leaders, charged that defendant's newspaper had pictured them as Communists or Communist sympathizers during the campaign. Donovan represents the district formerly held by the late Vito Marcantonio.

NOTE TO EDITORS: Enclosed in this week's issue of FEATURE PRESS SERVICE is the ACLU's new pamphlet on censorship of comic books. The statement, which was summarized in the May 23 issue of the SERVICE, has been filed with the Senate Judiciary subcommittee studying juvenile delinquency.