

U. S. Bishops' Statement On Censorship

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Another and perfected and has been given certainly by the revelation made by God to man through Jesus Christ. This knowledge has been attained not through man's effort, but through the goodness and mercy of God. It is accepted by an act of faith made with the help of divine grace. Of this deposit of revealed truth the Church is the divinely appointed custodian.

Without an unfettered means of communication, the teaching office of the Church is sorely hampered. She counts among her special blessings in our own country the important and faithful Catholic press.

A 'Rational' Freedom

Because freedom of the press is a basic right to be respected and safeguarded, it must be understood and defended not as license, but as true rational freedom. The kind of uncritical claims for and defense of liberty which so often have been made in our day actually places that liberty in jeopardy. For this reason we feel that light must be thrown not only on its meaning, but also on its limits.

To speak of limits is to indicate that freedom of expression is not an absolute freedom. Not infrequently it is so presented. It is alleged that this freedom can suffer no curtailment of limitation without being destroyed. The traditional freedom, and specifically freedom of the press, is more temperate. It recognizes that liberty has a moral dimension. Man is true to himself as a free being when he acts in accord with the laws of right reason. As a member of society his liberty is exercised within bounds fixed by the multiple demands of social living. In the concrete this means that the common good is to be served. It will entail, among other things, a respect for the rights of others, a regard for public order, and a positive deference to those human, moral and social values which are our common Christian heritage. It is within this context that freedom of expression is rightly understood.

This recognition of limitations has been given statement in recent decisions of the Supreme Court of the United States: "We hold that obscenity is not within the area of constitutionally protected speech or press." (Roth v. United States, 352 U. S. 1, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)

Contrary to this trend, the court has held that there is such a thing as obscenity susceptible of legal determination and demanding legal restraint; that laws forbidding the circulation of obscene literature are not as such in violation of the Constitution; that the Federal Government may ban such publications from the mail; that a state may act against obscene literature and punish those who sell or advertise it. The decisions reasserted the traditional conviction that freedom of expression is exercised within the defined limits of law. Obscenity cannot be permitted as a proper exercise of a basic human freedom. Civil enactments as well as the moral law both indicate that the exercise of the freedom cannot be unrestrained.

Need for Authority Seen
Ideally, we could wish that no man-made legal restraints

beginning to the principle of minimal restraint. Those who may become impatient with the reluctance of the state through its laws to curb and curtail human freedom should bear in mind that this is a principle which serves to safeguard all our vital freedoms to curb less rather than more, to hold for liberty rather than for restraint.

Highest Prudence Needed

In practice the exercise of any such curbs by the state calls for the highest discretion and prudence. This is particularly true in the area of the press. For here an unbridled power to curb and repress can make a tyrant of government, and can wrest from the people one of their most cherished liberties.

Prudence will always demand, as is true under our governmental system, that the courts be in a position to protect the people against arbitrary repressive action. While they uphold the authority of government to suppress that which not only has no social value, but is actually harmful, as is the case with the obscene, the courts will be the traditional bulwark of the people's liberties.

Within the bounds essential to the preservation of a free press, human action and human expression may fall short of what is legally punishable and may still defy the moral standards of a notable number in the community. Between the legally punishable and the morally good there exists a wide gap. If we are content to accept as morally inoffensive all that is legally unpunishable, we have lowered greatly our moral standards. It must be recognized that civil legislation by itself does not constitute an adequate standard of morality.

An understanding of this truth together with the knowledge that offensive materials on the stage and screen and in publications have a harmful effect moved the Bishops of the United States to set up agencies to work in the field for motion pictures, the National Legion of Decency; for printed publications, the National Office for Decent Literature.

The function of these agencies is related in character. Each evaluates and offers the evaluation to those interested. Each seeks to enlist in a proper and lawful manner the cooperation of those who can curb the evil. Each invites the help of all people in the support of its objectives. Each endeavors through positive action to form habits of artistic taste which will move people to seek out and patronize the good. In their work they reflect the moral teaching of the Church. Neither agency exercises censorship in any true sense of the word.

That by actual court trash and smut on the news stands have the advantage of numbers and that those same standards reflect an acceptance of and growing concentration on lawlessness - in the face of all this we can only say that we are confronted with conditions which are fraught with peril.

Through the National Legion of Decency and the National Office for Decent Literature, we Catholics give public expression to our opinion on this subject. Through these agencies we voice our concern over conditions which, tolerated, merit expression of public indignation. But we assert that our activities as carried out by these organizations cannot justly be termed an attempt to exercise censorship.

The right to speak out in favor of good morals can hardly be challenged in a democracy such as ours. It is a long-standing tradition of this country that groups large and small have given expression of their concern over injustice, political, social and economic. Their efforts, put forth within the framework of the law, have been directed toward dislodging evils against which the law itself is powerless. In many in-

stances such efforts have made a valuable contribution to the community.

It is in full accord with this tradition that the work of the Legion of Decency and the National Office for Decent Literature is carried on. The rights these agencies seek to protect are among the most important and sacred - the rights of parents to bring up their children in an atmosphere reasonably free from defilement, the right of children to be protected from grave and insidious moral danger, the right of all not to be assailed at every turn by a display of indecency. Through the work of these agencies, the Church is able to give concrete expression of her concern.

A Guide to Catholics

The evaluations of these agencies have been a guide to our Catholic people. At the same time, they have enlisted the support of many others who share our concern. No one can fail to be stirred by the evident desire of so many people to remedy an unwholesome situation. And surely all those who are conscious of the gravity of the problem will applaud the efforts of the Church to safeguard the moral standards of the society in which we live.

It would be most gratifying to find it unnecessary to carry

on this work. One could wish that the sense of responsibility of those who write and those who produce motion pictures would make superfluous action of this nature. Past experience, however, does not permit us to look forward to a day when this sort of evaluation will no longer be called for. Far from curtailing the work of these agencies we must have them continue. Nor can we fail to be watchful over the fields of radio and television. Meanwhile, our existing agencies must be prepared to meet a continuing evil with an unremitting effort.

As a nation, we are intensely jealous of our freedoms. We are filled with pride that they have been so fully assured to us in our democracy. The reverence in which we hold our Constitution is due in great part to the care with which it has set down for all to know basic human freedoms that are inviolable. From childhood, these truths are taught us; they become the support of our adult life.

A freedom perceived in its true essence, in its exact limits, in its context of responsibility, is a freedom doubly secure; a freedom misused risks becoming a freedom lost.

Signed by members of the Administrative Board, National Catholic Welfare Conference, in the name of the Bishops of the United States.

Obviously the state does have some power of censorship. In times of war or great national emergency, the state will deny it a press of power. In normal circumstances, however, the state exercises only a punitive function. Placing restraint on those who misuse liberty to deny others the greater rights to which the state's power of censorship is not unlimited.

Normally the church can and does exercise what is called censorship. This right is here, from her office as teacher of morals and guardian of divine truth. Her decisions bind her people but her sanctions upon them are only spiritual and moral. She does, nevertheless, express her judgments to all men of good will, soliciting their reasoned understanding and their freely given acceptance and support.

Most commonly in civil affairs the particular freedom that is involved in discussions of the subject is freedom of the press, not only in newspapers and other publications, but also such dramatic expression as is represented in the theatre, motion pictures, radio and television.

Man's Search for Truth

Because in modern times the quest has been a major instrument in the development of knowledge and the chief means of its diffusion, freedom of the press is closely bound up with man's right to knowledge. Man's patient plodding ascent to the heights of truth evidences the spiritual powers given by God and at the same time their wounding by sin. His search for truth is an ennobling and ennobling experience, uniquely proper to man.

The right to know the truth is evidently broad and sweeping. It is the right to express this knowledge, whether through speech or press, equally broad. That man has a right to communicate his ideas through the spoken or written word is beyond challenge. And yet it can be recognized at the outset that expression adds a new element to knowledge. Directed as it is to others, it is an act that has social implications. Society itself must take cognizance of it. Although man must claim and hold to freedom of expression, he must also recognize his duty to exercise it with a sense of responsibility.

This is a freedom that is ineluctably bound up with other freedoms that man prizes. Freedom of the press is patently a key safeguard of civil liberty. Democracy does not exist without it. The day free expression of opinion is extinguished and all are constrained to fall into a single pattern of political thought and action, democracy has died.

As indispensable as is freedom of expression to us as citizens, it is no less indispensable to the Church in carrying out her mission to preach the gospel. The content of man's knowledge of God derived through the use of his native powers has been immeasurably

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