

SMUT! . . . Law Plus Discretion May Be Its Cure

By Religious News Service

Efforts to stem the flow of "smut" literature and visual entertainment are gaining momentum throughout the world. They take two basic forms: attempts to impose stricter laws and to encourage greater personal discretion and selectivity.

Targets are movie and stage presentations centering on sex and nudity, magazines and books considered obscene and erotic material merchandised through the mails.

The anti-obscenity moves are, of course, the subject of some controversy. Many who oppose censorship for legal, artistic or moral reasons see threats to personal and collective freedom in current trends. Public sentiment is divided. A 1969 Gallup Poll indicated a 50-50 split between those who would and those who would not protest "objectionable" newsstand items.

Yet opposition to pornography, especially that which might be seen by children, is on the rise. Some specifics in the current anti-pornography initiatives:

- A bill is before the U.S. Congress to establish a bureau of obscenity control in the Post Office to slow down distribution of obscene materials.

- The two clergy members of the Presidential Commission on Obscenity and Pornography have held public hearings at which numerous witnesses called for new laws and stern penalties against distributors of pornography.

- President Nixon called for a citizens' crusade against obscenity last Spring.

- A motion picture "censorship law" has been introduced in the Maine legislature.

- Leaders of Citizens for Decent Literature have stepped up their attacks on the U.S. Supreme Court as the culprit in relaxation of censorship.

- Pope Paul, French and U.S. Catholic bishops, Danish Protestants and the more conservative American Churches have in recent months increased appeals for Christian rejection of pornography.

- At least two dozen daily newspapers have restricted advertisements for all or some films rated "X" by the Motion Picture Association of America (MPAA). "X" movies are restricted to persons over 17. The MPAA rating, instituted in 1968, is itself the result of pressure.

Anti-pornography allies are emerging in new quarters. Dr. Benjamin Spock, the famed pediatrician and anti-war leader, has turned from, as he says, an "uncompromising civil liberta-

rian" to a foe of "shock obscenity" and its acceptance by courts.

Trans World Airlines and Pan American World Airways are carefully selecting in-flight movies, skirting "X" films and sometimes excerpting sex scenes.

There is no doubt that the volume of written, pictorial and theatrical material containing sex, nudity and profanity has soared. The phenomenon is global.

The historic background in the U.S. is not simple. For decades, the so-called "Puritan" morality prevailed.

Bold description of sex literature—and for the sake of art—

position on censorship. He and the Rev. W. C. Link, administrator of a Methodist retirement home in Nashville, are the two clergymen on the Presidential Commission on Obscenity and Pornography.

The two commissioners decided on their own to hold public hearings because they felt that the panel was not listening to the people. Dean William B. Lockhart of the University of Minnesota Law School, who heads the panel, sees its purpose as identifying the role of pornography in criminal acts.

Father Hill dramatically disagrees with this direction. He wants to halt "smut."

Some persons anxious to les-

people no less moral than their parents. In fact, some find them more moral and perhaps mentally healthier because they are dealing honestly with sex.

On the other side are arguments that the crime rate has increased in an identifiable ratio to the increase in "smut." Also noted is that as male-female relations are more public, so are homosexuality, sexual brutality and other diver-

gencies from the so-called norm.

One side sees some kind of censorship a social necessity. Mr. Phelan states this position.

"The control of communication is a human necessity. . . . The question is not—to censor or not to censor. The question is how much to censor, and who should exercise the power . . . and for what specific purposes."

Anti-pornography drive winning new allies

became possible after the 1933 trial which lifted legal objections to James Joyce's Ulysses and permitted its American publication.

But it was not until the late 1950s that magazines with Playboy type pin-ups appeared in corner drugstores, and the late 1960s before scenes of frontal nudity and simulated sex acts made stage and screen.

Presentation of the more explicit in the performing arts has been paralleled by a proliferation of "trash books," brightly illustrated sex manuals and tabloids.

Under present federal standards, charges of obscenity must pass a three-part test: exceed contemporary community standards, be patently offensive and contain no redeeming social value.

The flexibility provided by these tests leads such organizations as Citizens for Decent Literature and Morality in Media to score the High Court as a protector of pornography.

The Court, as well as lower federal courts, have to date found it constitutional to overrule state convictions of "girlie" magazine sellers and bans on certain motion pictures. A New York federal court overruled a jury decision banning the Swedish film, "I Am Curious (Yellow)."

The courts also refuse to outlaw written or visual erotic material in homes. The potential for a national "porno film club chain" has been cited by Variety, the entertainment weekly.

Father Morton A. Hill, S.J., is one of the loudest religious critics of the Supreme Court

sen stress on sex in the public forum are not keen on stringent legislation which might infringe constitutional rights or hamper the creative dimensions of art.

The whole matter is made complex by varieties of definitions of "obscene." Some people see obscenity in anything with a deliberate sexual stress. Others say some television commercials are vastly more obscene than nudity on stage.

John Phelan sums up the diversity of views in a new anthology called Communications Control: Readings in the Motives and Structures of Censorship (Sheed and Ward.) He writes that "the meaning of the word 'obscene' has become infuriatingly vague for would-be censors and amusingly meaningless for libertarians."

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