

FEB 22 1979

Courts Foul Up Obscenity Dispute

THE recent case in which a local book dealer was convicted of selling an obscene publication probably reflects "community standards" regarding such materials, but they still remain to be established.

An appeal has been indicated. While it is pending, smut peddlers are likely to continue pandering to those who prefer the vulgar and profane, forcing their choices on all who may see the displays.

Pornographers and preachers agree that community standards should be set somewhere. They disagree on where to put the mark.

Those who aspire to high standards consider whatever is indecent, lascivious, lewd or offensive to be objectionable.

Anything that will sell in sufficient quantity to make money seems to meet standards of pornographic publishers, movie makers, distributors, magazine and book handlers.

Setting community standards did not seem to be so difficult until federal courts got tangled up in their

own verbiage, trying to read something into the constitution that isn't there.

"The test of obscenity is this:" said Chief Justice Cockburn of the Supreme Court of the United States back in 1868, "whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall."

That appears to be clear enough, and undoubtedly it reflected standards acceptable to the vast majority of the people.

In 1909, the U.S. Criminal Code was amended to read: "Every obscene, lewd, or lascivious, and every filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character . . . is hereby declared to be nonmailable matter."

Since then, the courts have issued numerous opinions, overturning that law and others, worsening the situation.

Objections did not come from a

majority of "the community." Objections came from libertines and pornographers intent upon breaking down national moral attitudes, probably hoping to make money by doing so.

They attacked the law not because there was unjustifiable restraint on their freedom of speech or press, but because they wanted to set standards of morality for the nation — at a lower level!

When morality is not established by custom, authority or belief, it usually is determined by individuals or groups according to circumstances of the moment, greed or expediency.

Such makeshift morality can lead to dissipation by individuals, chaos in groups or communities, and to dissolution of the society itself. History proves that this can and does happen.

Laws alone will never eradicate pornography, indecent thoughts and obscene actions. These will persist as long as they suit the morality level of any group.

MAR 11 1979

Don't Impose Moral Beliefs on Others

TO THE EDITOR:

I would like to reply to Ferdie Deering's Feb. 22 column, "Courts Foul Up Obscenity Dispute."

Mr. Deering apparently finds sexually explicit material offensive and objectionable. He, therefore, feels that such material should be denied to everyone else. If Mr. Deering wishes to help this community resolve the conflict he writes about, he would serve us all better by rational rather than emotional arguments. Mr. Deering assigned motives to producers, distributors and sellers of the materials in question and then attacks the motives he assigned to them.

"Makeshift morality" is not the issue here. The moral issue is whether one segment of our community should be able to impose its beliefs upon other segments. Some people believe that the morals of some should not be forced upon others by law. Others, like Mr. Deering, believe they should.

He refers to the Constitution but uses legal precedents to further his argument. Legal precedents gave us the "community standard" criterion, not the Constitution. It also gave us a justice system which supports owning and reading these materials while it provides a method to deny access to them. This is how the courts have fouled up the obscenity dispute.

Why does Mr. Deering dismiss the argument that the freedom of speech and press are being unjustifiably restrained? How does he justify the denial of these materials to adults not offended by them?

I deny the right to decide what books I can buy and movies I can see. And I promise not to force him to see materials he finds offensive.

D. Lucas, City