

Need for Law On Obscenity Emphasized

By CHARLES E. CHAFEL
 Assemblyman, 46th District
 On Monday, Jan. 7, 1963, the California State Legislature convenes, as reported before in this column. It is repeated here because it is to your advantage to mail me your suggestions on any and all types of State legislation as soon as possible. This enables me to prepare bills and introduce them early in the 1963 General Session. When bills are introduced early, it does not mean they are acted on at once. Those people whom we believe to be for or against controversial bills are notified in writing before the bills are heard in committee, thus giving them an opportunity to either write to us or come to Sacramento and testify for or against the bills.

A few of the fundamental issues which are controversial are:

- (1) Who will determine that an object, such as a magazine, book, photograph, drawing, or motion picture is obscene, filthy or to use a technical term "pornographic"?
- (2) What type of laws do we need to combat the printing, reproduction and sale of obscene materials?
- (3) Should the penalties for violation of such laws be graded so that the first offense is a misdemeanor and a second or subsequent violation is a felony?

SHOULD WE enact laws with mandatory sentences or leave the punishment to the judges? These are questions I am asking you. Your suggestions are sincerely requested. Please write to me at Post Office Box 327, Redondo Beach, until Jan. 1, and thereafter please send mail to Room 4001, Assembly Chambers, State Capitol, Sacramento 14, Calif., until we adjourn in June.

The Legislature can introduce a bill providing for what the lawyers call an "In Rem" proceeding in cases of allegedly obscene materials. The phrase "In Rem" means "against the thing." In the case of obscene materials, the court would hear the complaint against the allegedly obscene materials, and the proceedings would not be against any person or persons, as it would be in the "In Personam" type of legal action.

DR. DON G. CORTUM, California state chairman, Califor-

More Cubans To Arrive

United Presbyterians of the Southland will sponsor a second plane-load of refugees from Cuba for resettlement in this area.

Action approving such a plan was taken earlier this week at the opening meeting of the winter session of Los Angeles Presbytery, held at Eagle Rock United Presbyterian Church.

Twenty-one churches of the presbytery sponsored the first group of refugees, consisting of 81 men, women, and children, who arrived Oct. 31 via National Airlines direct from Miami, Fla.

Rev. Edward R. Danks, chairman of the presbytery's committee on refugee resettlement, reports that the second group of Cubans is scheduled to arrive around Dec. 10.

Responsibility of church sponsorship, according to the Rev. Mr. Danks, includes the securing of adequate housing, providing employment opportunities, and assisting the family or individual in getting settled.

Garden Checklist

1. Some cool weather vegetables are available as seedlings in nursery flats this month.
2. Bloomed out chrysanthemums should be cut back to within about three inches of their bases. New, blooming plants may be obtained in nurseries.
3. Plant native shrubs before winter arrives. Ceanothus, Toyon, Fremontia are all widely available.
4. Many early camellias are in bloom now. The Sasangua varieties, especially are colorful in fall.
5. Leave dahlias in the ground until the stalks are dead and brown. You may cut them to within a foot or so from the ground, however, after the foliage withers.

nia Citizens for Decent Literature, in a recent letter to me, expressed his views, and gave me permission to quote that portion of his letter on an "In Rem" type of bill, as follows:

"Despite philosophical objections to the idea of the proposed law, we would favor its passage. The reasons are that many times a jury will find a book obscene (as in San Mateo and San Diego, where the book, 'Tropic of Cancer' was considered), but because of civil liberties, legal technicalities, and points of law, the case is lost. This probably will be increasingly difficult since the new State obscenity law requires the prosecution to go far beyond the requirements of the U.S. Supreme Court. The California law now requires that the defendant be proved to have knowingly sold a publication that he, himself, 'felt' was obscene. Since this requires the person to testify against himself, it is an impossible situation, unless he is naive enough to admit knowledge at the time of the arrest.

"THE NEW California law further requires that the material be shown to be 'utterly without redeeming social importance,' which is another impossible hurdle for the prosecution. I point out that the U.S. Supreme Court has said that obscenity is utterly without redeeming social importance, but did say such has to be proved explicitly in court. The U.S. Supreme Court implied that a jury's decision for the determination of the fact of obscenity would determine this on a basis of contemporary community standards, applied to the material as a whole.

"With this in mind, it would be helpful if the prosecution could go before a judge and jury to determine if the book (or other obscene material) is legally obscene, and if obscene, an injunctive order could be issued for the obscene material to be destroyed. If this were applied vigorously throughout the State of California, with adequate leadership by the Attorney General of California, a properly "In Rem" law would go far toward solving the problem.

"CALIFORNIA has remained one of the worst offenders in the publication and sale of obscene books, magazines, and other salacious materials. In the Los Angeles area alone, there are dozens producing obscene materials, and at least several hundred selling it at retail. Other states complain that California should suppress this business so that their states are not flooded with obscene materials shipped from California. If we can get a good "In Rem" type of law on this subject, the Attorney General of California can have his deputies advise and assist district attorneys and city prosecutors, if they want his help."

Rabbi Wechsberg To Give Sermon

Congregation Ner Tamid, South Bay's Conservative Synagogue, will hold its regular Sabbath Eve services tomorrow at 8:30 p.m. at the Redondo Women's Club, 400 S. Broadway, Redondo Beach.

Rabbi Bernard Wechsberg, Ner Tamid's spiritual leader, will deliver the sermon; the cantorial will be led by Jack Meltzer.

Following the service, an Oneg Shabbat will be presented by Mr. and Mrs. Robert Feuchtbau and Mr. and Mrs. Leonard Chevlm.

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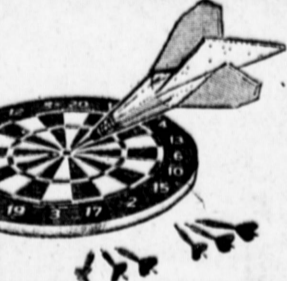
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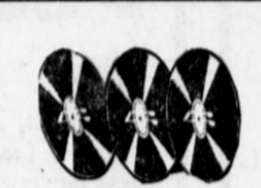
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