



# **mattachine** **REVIEW**

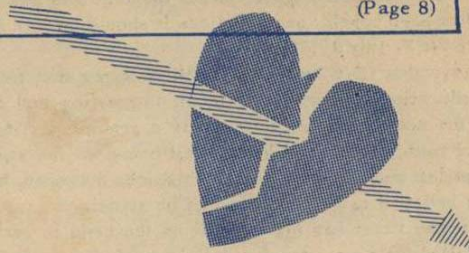
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HELEN P. BRANSON TELLS REASONS

## **Why Homosexuals Don't Get Married**

(Page 8)



## **"ONE" NOT OBSCENE**

SAYS U. S. SUPREME COURT (Page 4)

**BOOK REVIEWS**

**LETTERS**

*Casting a Spotlight on Human Sex Problems --- For THINKING ADULTS*

## Victory for

BY JOHN LOGAN

SUPREME COURT  
LIFTS BAN IN  
UNANIMOUS  
DECISION



In a unanimous decision the U.S. Supreme Court reversed a Post Office ban on the mailing of *One*, the homosexual magazine, on January 13, 1958, in Washington, D. C. Also lifted by the unanimous decision of the Court was a ban on two nudist magazines, *Sunshine & Health* and *Sun Magazine*.

The Court appears to have found that the magazines simply were not obscene, thus reversing lower Federal Court decisions resulting from charges made by postal officials. In the case of *One*, the ban specifically applied to the October 1954 issue only. Cited in the original charges by Los Angeles postoffice were an article, "Sappho Remembered," a poem, "Lord Samuel and Lord Montagu," and the general tone of the magazine, which carried a series of drawings under the heading, "Gay Menagerie," and an article on the law of mailable material headed, "You Can't Print That." The postoffice stand was that it couldn't be mailed.

*One*, Inc. fought the charges in both a Federal Court in Los Angeles and a Federal Court of Appeals at San Francisco, where it lost both counts. With shoestring financing but strong determina-

The Court cited the Roth case of June 1957 in arriving at its decision. In this case it had ruled that obscenity must be interpreted by stricter standards, and essentially called for a more rigorous and precise definition of "obscenity."

The various members of the Supreme Court may have joined in the unanimous action for different reasons, but it is clear, according to a news release from One, Inc., that *One* magazine did not appear obscene to the Court.

Eric Julber, Los Angeles attorney for One, Inc., filed the brief with the Court.

Also on the legal front in January 1958 came another important announcement:

#### Government Decides Not to Contest Court Ruling to Admit Pornographic Material for Use in Kinsey Research Work

(From the Portland Oregonian)

NEW YORK — The federal government has accepted a new legal standard for obscenity and agreed to let the Kinsey institute import some concededly pornographic pictures, books and other objects.

The decision was hailed here Saturday by the law firm which represented the institute in a government law suit as "a victory for the mind of man."

The government's suit was directed against Indiana university's institute for Sex Research incorporated. The institute was founded by the late Dr. Alfred C. Kinsey.

The new standard held that the material is not legally obscene because it is unlikely to arouse the "prurient interest" of those who will see it.

The official position previously had been that a thing is obscene in itself, no matter who is going to see or read it.

The treasury department quickly followed up the de-

cision with a public statement that the new standard covers admission of materials "for genuine scientific use only."

The decision, the treasury said, "does not mean the bars are down" for pornographic imports intended for public distribution.

Customs Commissioner Ralph Kelly said:

"The ruling is of very limited application. Imports of pornographic and obscene materials intended for the general public continue to be illegal, and will be seized and destroyed by customs if attempted."

The material involved had been seized by the customs bureau over the last seven years on its way to the institute.

A government suit to have the material destroyed was rejected here last November 1 by Federal District Judge Edmund L. Palmieri. He ruled that an object is not legally ob-

scene if the person importing it has a genuine scientific purpose.

His decision that the institute was entitled to have the impounded material was stayed while the government pondered whether to appeal.

The final decision not to appeal was made by Solicitor General J. Lee Rankin after the criminal division of the justice department had indorsed a treasury recommendation against appeal.

The imports in the Kinsey case include photographs, Chinese paintings, statuettes, books and what were identified as "lavatory wall inscriptions."

The government's decision to accept and apply generally the new obscenity standard does not bind the post office. However, it may influence the attitude of postal officials in deciding whether matter is "Obscene" and therefore non-mailable.

Many leading newspapers commented editorially on the above action. Here is what appeared in the San Francisco *Chronicle*:

## Customs' 7-Year Itch Is Finally Scratched

A SEVEN YEARS' ITCH of the U. S. Customs Bureau to destroy some books, photographs, paintings and statuettes collected by the late Dr. Alfred Kinsey, authority on sex, has been mercifully cured by a sensible judgment of a United States District Court. We congratulate the Court. It ordered the material released from customs to the University of Indiana's Institute for Sex Research, Inc., because in scholars' hands it would not be of "prurient interest" and so need not be confiscated as legally obscene.

As for the Customs men suffering all these years from their itch, that could have been avoided if Undersecretaries of the Treasury and Collectors of Customs and United States Attorneys had been less sanctimonious and bigotedly virtuous about a matter that had no bearing whatever on the public morals. Dr. Kinsey, back in 1950 and 1951, collected the materials in Europe and the Orient for study of