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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

July 21, 2016

MR. JOHN GREENEWALD JR.

[REDACTED]
[REDACTED]

FOIPA Request No.: 1353402-000
Subject: ROSSET, BARNET LEE, JR.

Dear Mr. Greenewald:

Records responsive to your request were previously processed under the provisions of the Freedom of Information Act. Enclosed is one CD containing 49 pages of previously processed documents and a copy of the Explanation of Exemptions.

Additionally, records which may have been responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 and Title 36, Code of Federal Regulations, Chapter 12, Sub-chapter B, Part 1228. The FBI Records Retention Plan and Disposition Schedules have been approved by the United States District Court for the District of Columbia and are monitored by NARA.

A search of the Central Records System, to include any Electronic Surveillance (ELSUR) records maintained at FBI Headquarters indicated that potentially responsive records have been sent to NARA. If you wish to review these potentially responsive records, send your request to NARA at the following address using file numbers 100-HQ-366352 and 100-LA-15001 as a reference:

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

By standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, Chicago (145-25)

Date: May 28, 1959

Re: GROVE PRESS AND EVERGREEN BOOKS,
PUBLISHED BY BARNEY ROSSET,
GROVE PRESS, INCORPORATED,
795 BROADWAY, NEW YORK, NEW YORK
ITOM

J. Edgar Hoover
John Edgar Hoover, Director

FBI File No. 145-1731-1
Lab. No. D-306625 AV

REC-95

Examination requested by: Chicago

Reference: Letter 4/30/59

Examination requested: Document

7/7/77/

Request received 5/4/59

Opinion whether "Lady Chatterley's Lover" by
D. H. LAWRENCE, in an unexpurgated edition, is obscene.

Remarks:

The Bureau's files disclose that copies of the
book entitled "Lady Chatterley's Lover" by D. H. LAWRENCE have
previously been forwarded to the Laboratory. However, no
record was found where the Department of Justice has rendered
an opinion as to whether this book would be considered obscene.

1 - [redacted] - Room 5718 (sent direct)

Page 1

(continued on next page)

- Tolson _____
- Belmont _____
- DeLoach _____
- McGuire _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Holloman _____
- Gandy _____

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MAILED 10
MAY 28 1959
COMM-FBI

Deleted Copy Sent Back Home
by Letter 6/27/59
Per 7/1/59

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MAIL ROOM TELETYPE UNIT

[redacted]

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It would be desirable to have a copy of this book that was published in an unexpurgated edition by Grove Press and Evergreen Books by BARNEY ROSSETT, Grove Press, Incorporated, 795 Broadway, New York, New York, in the event, this book can be discretely obtained without disclosing the Bureau's interest in this highly controversial book.

A Laboratory report is not being submitted.

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5/8/59 cob

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

NO LAB FILE

Re: GROVE PRESS AND EVERGREEN
BOOKS, PUBLISHED BY BARNEY
ROSSET, GROVE PRESS, INCORPORATED,
795 BROADWAY, NEW YORK, NEW YORK
~~XXXXXXXXXX~~ ITOM

File: # 145-1731-1
Lab. # D-306625 AV

Examination requested by: FBI, Chicago (145-25)

4/30/59

Examination requested: Doc.

Date received: 5/4/59
5/21/59

Result of Examination:

Examination by: *clw*

1. Copies of "Lady Chatterley's Lover" by D.H. Lawrence
sub in 71-1375-60 Q9, 145-431 Q62, 145-0-385 Q1
+ 145-1484 Q433.
2. No record found that opinion by Dept of Justice
rendered concerning obscenity
3. Obtain recent editions for Lab

Specimens submitted for examination

Request:

Opinion whether "Lady Chatterley's Lover"
by D.H. Lawrence, in an unexpurgated edition,
is obscene.

CWB:clw
Lab rpt.
5/28/59

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Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 4/30/59

FROM : SAC, CHICAGO (145-25)

Attn: FBI LABORATORY

306625

SUBJECT: GROVE PRESS AND EVERGREEN BOOKS, PUBLISHED BY BARNEY ROSSET, GROVE PRESS, INCORPORATED, 795 BROADWAY, NEW YORK, NEW YORK INTERSTATE TRANSPORTATION OF OBSCENE MATTER

On April 20, 1959 [redacted] Chicago Division, advised SA ARTHUR F. NEHRBASS that the book, "Lady Chatterley's Lover," by D. H. LAWRENCE was being published in an unexpurgated edition by Grove Press and Evergreen Books by BARNEY ROSSET, Grove Press, Incorporated, 795 Broadway, New York, New York.

The Laboratory is requested to advise the Chicago Division whether "Lady Chatterley's Lover", by D. H. LAWRENCE, in an unexpurgated edition, is at the present time considered obscene and whether the Laboratory desires the Chicago Division to obtain a copy or copies of this book.

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2-Bureau
1-Chicago

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MAY 1959

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- Parsons _____
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- Tele. Room _____
- Holloman _____
- Gandy _____

Felto [Signature]

'Lady Chatterley' Is Termed Obscene by Post Office Aides

By Wendell Bradley
Staff Reporter

The Post Office Department charged yesterday that sex is before the reader "almost continuously" from the beginning to the end of D. H. Lawrence's novel, "Lady Chatterley's Lover."

Not only that, but the intensity of the sex acts described by Lady Chatterley increases as the book progresses, the Department argued in seeking to ban the book from the mails. The crescendo is reached, according to its brief, on page 297 of the novel.

The brief, written by Richard S. Farr, assistant general counsel of the Fraud and Mailability Division, and Saul J. Mindel, chief of the Mailability Section, states that "the book, taken as a whole, is an obscene and filthy work."

Grove Press, Inc., of New York, the publisher, replied in its own brief that the novel's distribution here "would con-

stitute a significant contribution to American culture."

The briefs were filed with Charles D. Ablard, judicial officer of the Post Office who must render a decision as to the novel's mailability in the next five days. This decision is appealable in the courts.

Grove is the first to publish an unexpurgated version of the English novel which Lawrence wrote in 1928.

The publisher relied on such eminent men of letters as Archibald MacLeish and Malcolm Cowley.

MacLeish compared the expurgated and unexpurgated versions and stated that while the abridged version might possibly be considered obscene, the complete version certainly was not.

Cowley said he found nothing in Lady Chatterley he might not find in the Ladies Home Journal.

The Post Office complained that the novel provides enormously detailed description of the sex act, and frequently uses Anglo-Saxon four-letter words. The publisher replied that of the novel's 407 pages only 38 describe sexual activity and that of its 155,000 words, only 75 fall into what the Post Office considers "significant."

Grove's attorneys, Charles Rembar, Morton E. Yohalem and Sigmund Timberg, suggested that if the salaciously-minded reader were to approach the book on the basis of its earlier banning, its new preface and introduction would disabuse him before he wasted too much time reading it.

Or more happily, they said, these might induce him to read the book as a whole and thus contribute to his moral and emotional rehabilitation.

- The Washington Post and Times Herald B-3
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- Date 5/21/59

Grove Press Inc.

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Sex and Literature

I have read with astonishment of the seizure of a copy of the unexpurgated edition of D. H. Lawrence's *Lady Chatterley's Lover* by the postal authorities in an attempt to make a test case of this book's frank—but indeed no longer startling—treatment of adult love.

The Executive Committee of the American Center, P. E. N., an international organization of writers dedicated to defend, among other things, the freedom of literature, wishes to protest at this new move toward literary censorship on the American scene.

A substantial precedent was established by the courts as long ago as 1933 when they recognized that Joyce's *Ulysses* could in no manner corrupt the morals of the young. Since *Ulysses*, and since *Lady Chatterley*, which was first published in 1928, we have had such works as *By Love Possessed*, the novels of O'Hara and Caldwell and Mailer—not to speak of *Peyton Place*, *Lolita*, and also such widely disseminated nonfictional documents as the Kinsey Report—which far surpass in realism the frankness of D. H. Lawrence.

I do not for a moment advocate action against these books: I am opposed to all book-banning. But I mention them to suggest that our civil servants seem to be rather considerably behind in their reading, and are compounding an ambiguity rather than clarifying an issue. The truth is that literary criticism can never be a function of government; that we cannot entrust to any department of government, however enlightened, the judgment of what is and is not good reading for young and old alike.

Only a few months ago, the American P. E. N. was among the first to protest against Russia's attempted suppression of Boris Pasternak's *Doctor Zhivago*. This summer we are sending delegates to the P. E. N. Congress in West Germany and there we will congratulate German writers on their emergence into freedom from the book-burnings of the Nazis.

But any remarks that we may make will come with ill grace from us if it is known that a novel such as *Lady Chatterley's Lover*, which the world recognizes as literature, is being treated in the United States as if it were mere pornography. LEON EDEL, President, American Center, P.E.N. New York.

(The author is a Professor of English at New York University and an authority on Henry James, whose biography he is completing)

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Grove Press Inc.

- The Washington Post and Times Herald E-4
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- Date MAY 17 1959 _____

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Mr. Tolson ✓
 Mr. Belmont ✓
 Mr. DeLoach ✓
 Mr. McGuire ✓
 Mr. Mohr ✓
 Mr. Parsons ✓
 Mr. Rosen ✓
 Mr. Tamm _____
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 Mr. Holloman _____
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UPI-24

(LADY CHATTERLEY)

NEW YORK--THE PUBLISHER AND A DISTRIBUTOR OF THE UNEXPURGATED
 "LADY CHATTERLEY'S LOVER" SAID TODAY THEY WERE CONFIDENT THE FEDERAL
 COURTS WILL OVERTHROW THE OBSCENITY RULING OF POSTMASTER GENERAL SUMMER-
 FIELD AND PERMIT THE 31-YEAR-OLD NOVEL TO BE SENT THROUGH THE MAIL.
 ONE COURT ACTION, TO ENJOIN THE NEW YORK POSTMASTER FROM INTER-
 FERING WITH MAILING OF THE BOOK, IS ALREADY ON FILE IN FEDERAL COURT
 HERE. GROVE PRESS, INC., THE PUBLISHER, AND THE READERS' SUBSCRIPTION,
 WHICH SEEKS TO DISTRIBUTE THE BOOK TO ITS MEMBERS, SAID FURTHER STEPS
 WOULD BE TAKEN "TO LIBERATE 'LADY CHATTERLEY'S LOVER' FROM THIS
 INTOLERABLE CENSORSHIP."

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WASHINGTON CAPITAL NEWS SERVICE



24 Parcels of Lady Chatterley

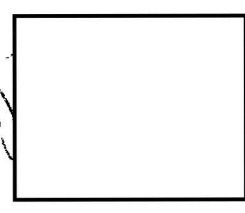
By Max Lerner

Next Thursday, May 14, there will be a hearing in a room at the new Post Office in Washington, to decide whether 24 parcels of "Lady Chatterley's Lover" will be released or held as unmailable—which would mean ending the distribution of the book. The letter to the Grove Press from Richard S. Farr, of the Fraud and Mailability Division of the Post Office, "alleges and avers" that "the said book... is obscene, lewd, lascivious, indecent and filthy in content and character," and that "the dominant effect of the book appeals to prurient interest."

Well, the issue is finally joined. Ever since Lawrence finished Lady Chatterley in 1927, no one has dared publish the complete (or third) version in England or the U. S., and no one has had the courage to put it to a court test. Lawrence battled with the censors—the guardians of "the dirty little secret" as he called them—during his lifetime. But in the intervening 30 years, the book has become one of the classics of the literature of love and the love act.

In those 30 years, surely, we should have learned something

Feldman



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N.Y. Post
7th Floor Final
5/10/59
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NEW YORK POST, SUNDAY, MAY 10, 1959

He soon returned and saw us studying the portraits of his predecessors—William McKinley, Ruben B. Hayes, James M. Cox, Salmon P. Chase. "It doesn't pay to try to move up from this job," said the governor of Ohio. "Four Ohioans made it—Garfield and McKinley, who were killed, and Grant and Harding, who didn't do too well." He looked shimmering, and said: "I don't know if I've lost any weight, but my opposition seems heavier and heavier. I can feel it on my back."

To break the pile-up of legislation, Disalle vowed not to step foot outside of Columbus until the Legislature ends its session. He's worked in his office for 18 consecutive days and nights, including Sundays. He's therefore missed one Kentucky Derby, the throwing-out-of-the-first-ball ceremonies in Cleveland and Cincinnati's ballparks, and three honorary degrees.

It seemed strange, seeing him walk beneath the vaulted dome where Lincoln's body once rested in state, this sort of Italian immigrant who was born in Sullivan St., N. Y., about the same time that Nelson Rockefeller was born in N. Y. And now both New Yorkers are governors. We drove to the Executive Mansion, a Tudor estate where he'd entertained the Legislature and told some of them: "If you're thinking of moving in someday—the rent is high; you pay it in blood."

During dinner he spoke of his early schooling, and of his after-school job which interfered with his studies. One student boasted to him about his A average, and Disalle said he could do it anytime he wanted. They made a bet—one banana-split. At the next marking period young Mike collected his bet; he'd scored straight A's.

My wife was to leave on an earlier plane, and Disalle had his chauffeur take her to the airport. "A good driver," he said. "He's a liter." Eight of the 10 household employees at the Executive Mansion are all prisoners serving life sentences. "I'm against capital punishment," he said. "What better way to prove it than by dying in a house with convicted murderers?"

The Ohio visit now was over and we drove to the airport, the governor sitting next to the liter-chauffeur. "See you at Toole's Shor's," said Disalle. "If this Legislature ever gets finished" and then he drove back to the Statehouse for the night's work.

o Grove Press INC.

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The Lady's Not for Banning

In the best tradition of Anthony Comstock, the Post Office Department has seized 24 cartons containing copies of *Lady Chatterley's Lover*, impounding them in New York. However, the action is not in the best tradition of a free society. To begin with, the Post Office held up the shipment of D. H. Lawrence's famous novel pending a decision whether the unexpurgated version is mailable under Federal obscenity laws. This seems to be a clear case of prior restraint, a form of censorship especially odious. If it is felt that a question of obscenity is involved, the Department by all means should file a complaint and provide a hearing—and not curtail free expression first while the Department's students of salacity examine what went on between the lady and the gamekeeper.

But more than that, a grave legal question exists as to whether the Post Office is vested with the power to administrate Federal obscenity statutes. Title 18, Section 1461 of the United States criminal code contains no such explicit authorization. The Post Office in the past has proven a notoriously inept censor (not long ago Aristophanes' *Lysistrata* ran afoul of the postal authorities), and it would be far less dangerous if the obscenity laws were enforced by Federal attorneys, in the same way as other Federal criminal offenses.

There is a particularly ugly aspect to the Department's overzealous action. According to A. J. Russell, advertising manager of *The New Yorker*, his publication was informally warned that if it accepted a book club advertisement for the Lawrence novel, the magazine might not be accepted for mailing. If Mr. Russell understood the warning correctly, the Department's effrontery is in-

deed colossal. No legal finding has been made on whether the *Lady* is obscene—although Grove Press, the publisher, has said it would welcome a test. Thus the Post Office not only has blocked the distribution of the novel, but has apparently forced the cancellation of an advertisement which in itself contained nothing obscene. Will the postage watchdogs next seek to censor book reviews that mention any Lawrence, D. H., T. E. or David?

Grove Press Inc.

- The Washington Post and Times Herald A22
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- Date _____

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"Some of You Still Seem to Have the Old-Fashioned Idea That We're Supposed to Deliver the Mail"



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0 Grove Press INC.

- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
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Mr. Holloman	_____
Miss Gandy	_____

War On Obscenity

Arthur E. Summerfield, postmaster general, appealed yesterday for public support in his intensified war on "barons of obscenity who are brazenly violating our homes and soliciting our children."

Public cooperation is particularly important, the Cabinet officer said, because the federal government is armed with a new law which makes it possible to prosecute mail order filth dealers in local area courts.

Formerly, they could be prosecuted only at the point of origin of this material—usually a few big cities where obscene mail dealers have taken sanctuary behind legal technicalities and liberal court interpretations of what is obscene.

Traffic in mail order obscenity reaches a shocking half billion dollars a year in this country, Mr. Summerfield said. He suggested these steps if obscene mail or advertisements soliciting its sale, appears unordered in your home mail box:

- (1) Save all material received, including the envelope and all enclosures.
- (2) Report the matter immediately to your local postmaster, and turn the

material over to him. (You may mail in your complaint and evidence if you wish).

(3) Stand ready to sign a formal complaint and testify if criminal action should be necessary.

Mr. Summerfield said public cooperation is so vital to prosecution because the "filth factories" take advantage of "one of the nation's most cherished privileges to carry on the smutty trade—the uncensored letter—which is not subject to inspection.

"Dealers in smut no longer surreptitiously serve only a few adults. They brazenly solicit teen-agers and even young children, sending their material indiscriminately and without conscience into our homes."

Therein lies the real danger to our society: exposing our children to the filthy films and books, dirty pictures, slides and related filth. It should not be allowed to continue.

Mr. Summerfield's appeal for public support in halting the traffic in obscenity is one which deserves everyone's active cooperation. We pledge our backing and hope others will, too.

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Daily News _____
The Stroudsburg Record
Stroudsburg, PA

Date 5-5-59

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Editor Horace H. Keller

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'Chatterley' Ban Stands Until Summerfield Rules

Testimony, Briefs on Mallability of Novel Sent to Postmaster for Final Decision

By Judith Crist

A Post Office Department judicial officer yesterday continued the mailing ban on "Lady Chatterley's Lover" pending a ruling by Postmaster General Arthur E. Summerfield on whether the unexpurgated edition is obscene.

In a ruling issued in Washington two weeks after he had presided at a hearing here on the "mallability" of the first unabridged American edition of the 1928 D. H. Lawrence novel, Charles D. Ablard declined to reverse rulings of long standing that have held the book to be obscene and have prevented the import of European editions. He said he was referring the case and the testimony and briefs involved to the Postmaster for final departmental decision.

Circulars Seized

A Post Office spokesman said that pending that decision the book will still be banned from the mails, as it has been since twenty-four packages containing 164 copies being mailed to stores by Grove Press, Inc., of 64 University Place, were seized on May 6. The Post Office has also seized more than 20,000 circulars mailed by Readers' Subscription, Inc., a book club, offering the novel as its May selection. The club, at 59 Fourth Ave., is a co-defendant with Grove Press in the Post Office action.

The department spokesman said the Postmaster General would render a decision "as expeditiously as possible" because he realizes the matter is of deep public concern. He noted that after the final ruling is made, the case can then be taken to the Federal courts on appeal.

Admit Literary Merit

Mr. Ablard noted that the "complainant," referring to the general counsel of the Post Office, alleges that the book is obscene and non-mailable and that the book club circulars give information as to where obscenity may be obtained. He added that the complainant admits that the novel has literary merit but claims that the obscene passages outweigh the literary merit.

"The book at issue, which is the unexpurgated version," he said, "has for many years been held to be non-mailable by the Post Office Department and non-importable by the Bureau of Customs of the Department of the Treasury. To hold the book to be mailable matter would require a reversal of rulings of long standing by this department and to cast doubt on the rulings of a co-ordinate executive department. This proceeding is therefore referred to the Postmaster General for final departmental decision," pursuant to departmental rules which permits such referrals.

Attorneys for both Grove and Readers' Subscription said last night that they had no immediate decision on possible action before Mr. Summerfield's ruling.

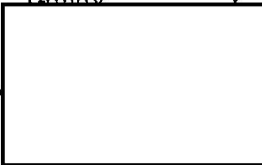
The "long standing" rulings Mr. Ablard referred to were a 1929 ban on importation of the book by the Customs authorities and a supplementary action by the Post Office. Neither of these rulings has been tested in the courts.

See Hopeful Sign

A spokesman for Grove Press said last night, "The decision demonstrates to us that the judicial officer concluded the book did not violate any Federal statute but felt instead that the reversal of a thirty-year-old decision by the Post Office must be undertaken by the Postmaster General himself."

The defendants' attorneys had argued that there has been a change in moral standards during the past thirty years that makes the book acceptable and that the book did not in any case appeal to prurient interest. The Grove brief noted that only portions of thirty-eight of the volume's 368 pages deal with descriptions of sexual activity and that only 75 of its 155,000 words are what the complainant referred to as "four-letter words."

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Interim Permit to Mail 'Lady Chatterley' Is Refused

The publishers of "Lady Chatterley's Lover," said yesterday the Post Office has turned down their request for a permit to mail out the D. H. Lawrence novel while the question of its obscenity is being resolved.

Attorney Charles Rembar, representing the Grove Press, Inc., said he had been informed by Herbert B. Warburton, general counsel of the Post Office, that "to grant the request (for an interim mailing) in a case which has attracted considerable Nation-wide publicity would establish for us a very difficult precedent."

A Post Office Department spokesman here said yesterday that its judicial officer, Charles D. Ablard, had conducted a hearing on "LCL" as the book has come to be known in the Department, on May 14. His ruling on the book's mailability is expected before the end of this month.

Rembar charged, however, that Warburton's refusal of an interim mailing raised "Constitutional questions of prior restraint and censorship."

pecially in the light of the novel's 407 pages (only 38 describe sexual activities, and of its 155,000 words only 75 are Saxon four-letter words.

Post Office's seizure of 164 copies of the book in New York on May 6.

Attorneys for the publisher countered the Post Office obscenity charges with a brief which argued that of the

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Rembar charged, however, that Warburton's refusal of an interim mailing raised "Constitutional questions of prior restraint and censorship."

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Director, FBI

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Grove Press Incorporated

New York Division should follow and advise the Bureau of the results of action pending in U. S. District Court in which the Grove Press and Readers Subscription, Inc., are endeavoring to upset the ban placed by the Postmaster General on the mailing of "Lady Chatterley's Lover."

No further investigative activity regarding interstate transportation of this book is desired at this time. Any information volunteered should be accepted.

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Lady Chatterley's Predecessors

By HARRY BACAS
Star Staff Writer

When Postmaster General Summerfield ruled a few days ago that "Lady Chatterley's Lover" could not be sent through the United States mails, he set off the latest round in an old debate over censorship vs. the freedom to read.

"Obscene and filthy," said Mr. Summerfield of D. H. Lawrence's novel. "Deeply religious... spiritual fulfillment... one of the most important works of fiction of the century," said the defense. The argument will continue. The Grove Press, publisher of the new edition of Lawrence's story about a British gentlewoman's affair with her gamekeeper, has asked the Federal District Court in New York for an injunction against Mr. Summerfield's ban. The case could eventually reach the Supreme Court, which in recent years has concerned itself increasingly with the laws against obscenity.

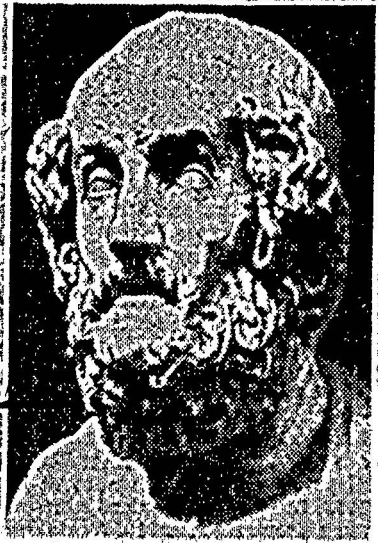
Meanwhile, the book itself is selling at a far greater rate than it would have if the censorship issue had never been raised. The Postmaster's General's ruling applied only to its mailability. Book dealers have been getting large quantities by express.

The United States has never had an official agency for the licensing of books. States, municipalities and private organizations have been the chief instruments of censorship. And in this country, censorship has almost always been based on sexual undesirability.

Some Early Precedents

When the Roman Emperor Caligula tried to suppress Homer's "Odyssey," it was because he feared the Greek ideals of freedom. When the Chinese Emperor Chi Huang Ti, 200 years earlier, ordered the "Analects" of Confucius burned, it was because he believed only in practical books. The works of Dante, Luther, translations of the Bible, Roger Bacon, Erasmus, Calvin, Galileo, Descartes and Thomas Paine were banned on religious grounds. Shakespeare, Moliere, Swift, Goethe, Thomas Jefferson and Victor Hugo were banned for political reasons.

In English common law of which we are the inheritors, publishing obscenity is not a crime of very long standing. As late as 1708, an English judge held that works against religion or the state were criminal but an obscene book was not. In the United States, the first permanent legal step against obscenity was the passage of the Tariff Act of 1842,



HOMER
There is nothing new

which forbade the importation of obscene literature. Thirty years later, in 1872, Anthony Comstock, the whirlwind New York vice crusader, waging what has been called "one of the most effective one-man lobbying campaigns known," brought about the enactment of an omnibus Federal anti-obscenity law which prohibited, among other things, the sending of obscene literature through the mails. That law is the basis of the Postmaster General's "Lady Chatterley" ruling.

Several years later, a Federal judge established the definition of an obscene book as one which contained anything which tended to sexually corrupt "those whose minds are open to such immoral influences"—presumably the feeblest mentalities in the community. Other courts, dissatisfied with the definition, sought to narrow its scope. Eventually, the definition was rejected outright, by Federal Judge John Woolsey in the celebrated 1933 decision allowing James Joyce's "Ulysses" to be imported after an 11-year ban. Since then, most judges have used as a standard, the effect of a book on the normal, average healthy person.

The "Esquire" Case

The Supreme Court first tackled the obscenity question head-on in 1948, in ruling that a New York law against "stories of bloodshed and lust" was unconstitutionally vague. Later, when the Post Office Department tried to bar Esquire Magazine from second-class mailing privileges, not because of obscenity but on the grounds it lacked the informational or literary character to justify Government subsidy of its distribution,



D. H. LAWRENCE
In censorship

the court prohibited the action as arbitrary. Still later, however, the court affirmed a lower court ruling that "Memoirs of Hecate County," Edmund Wilson's book on the sexual adventures of New York suburbanites, was obscene. Its mailability was not in question and the court did not give an opinion.

The first Supreme Court opinion addressed squarely to the censorship of books came in February, 1957, when the court unanimously invalidated a Michigan law against works which might tend "to the corruption of the moral of youth." The opinion said that the effect of the law was to "reduce the adult population of Michigan to reading only what is fit for children," thus curtailing liberties guaranteed in the Fourteenth Amendment. In the Roth case, five months later, the court, while upholding the Federal statute against mailing obscene literature, emphasized that "sex and obscenity are not synonymous."

More significantly, the court provided a new test for obscenity: "Whether to the average person, applying contemporary standards, the dominant theme of the material taken as a whole appeals to prurient interest." The court thus made clear that a book had to be considered as a whole, rather than lifting passages or single words from it, and that the book must be judged for its effect on the average adult, instead of the youngest or most susceptible reader.

In subsequent rulings, the Supreme Court has kept a watchful eye on obscenity cases, reversing four lower court findings of obscenity. In one, the District Court here had upheld the contention of Postmaster General Summer-

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held that a nudist magazine was unmailable, finding it "filthy, foul, obscene." The District Court of Appeals had affirmed the decision. But the Supreme Court unanimously reversed it.

Over the country, courts have tended recently to restrict obscenity findings to what the Post Office's legal department calls "outright hard core pornography." Or, as an appellate court expostulated, a book can no longer be condemned as obscene if it is merely "bad"; it has to be "awful."

Science and Obscenity

The Customs Bureau last year gave up a seven-year fight to bar the importation of certain materials, including Chinese paintings, books and "lavatory wall inscriptions," by Indiana University's Institute for Sex Research. The customs officials presumably accepted the Supreme Court's new, strict definition of obscenity in the Roth case and decided not to appeal a District Court ruling that "what is obscenity to one person is but a subject of scientific inquiry to another." On the same basis, the customs this year returned to a sociologist a copy of Henry Miller's "Tropic of Cancer" which it had seized. It still bans general importation of the book, however.

The Post Office itself, after the Roth decision, set up new regulations which now insure a formal hearing for the senders of material considered non-mailable by the department. The new rules also prohibit local postmasters from taking it on themselves to bar material from the mails. It was after a hearing under the new regulations that Postmaster General Summerfield issued his ban on "Lady Chatterley's Lover."

One of the arguments made by critics of the Postmaster General's decision is that poor "Lady Chatterley" is now somewhat old-hat. They point out that although the book does indeed contain a number of four-letter Anglo Saxon words, it contains none which have not appeared in a number of "accepted" and respected novels of the last several decades. They cite such books as "Ulysses," "A Farewell to Arms," "The Naked and the Dead," "From Here to Eternity," "By Love Possessed," "From the Terrace" and "Peyton Place." Each of these, of course, has been a best-seller, no doubt in large measure because of its frankness about sex.

D. H. Lawrence did not even put in the four-letter words when he wrote the first two of his three complete versions of the novel. The third version, published in

Italy in 1928, was barred from the United States by the Customs Bureau the following year. The ruling has never been contested in court. In 1930, an expurgated edition of the third version was issued in this country and widely reprinted. In 1944, the first version was published here as "The First Lady Chatterley." Neither is barred from the mails.

Even if the Postmaster General's ruling is overturned, "Lady Chatterley" undoubtedly will run up against some local censorship. Such suppression, both by local governments and by private groups, is widespread. The National Office for Decent Literature, for example, which circulates a list of books prepared by the Chicago Archdiocesan Council of Catholic Women, is credited with keeping "more books off the drug-store racks than all of our police sergeants and public prosecutors." Its lists concentrate on magazines, comics and paperbacks.

Many State legislatures have sought recently to strengthen obscenity statutes. Their concern is obviously over the kind of materials available to youths. And, an increasing number of private community organizations has put pressure on newsstands and drugstores to "clean up" their offerings.

Watch and Ward Society

The most famous such organization, Boston's Watch and Ward Society, now the New England Citizens Crime Commission, probably holds the American record for getting books banned, beginning in 1878 with Whitman's "Leaves of Grass." These prohibitions have almost invariably had the effect of increasing sales elsewhere, so that publishers consider it auspicious for a new book's success to have it "banned in Boston." Local bans cannot take much credit for success, however, when they are invoked as they have been, against such established favorites as "Tom Sawyer" or "Robin Hood."

The wave of censorship, if it is that, is directed chiefly at books and magazines. The motion picture industry, radio and television have developed systems of self-censorship, as one observer says, "partly to forestall an official censorship, partly out of fear of offending audiences and sponsors. This self-regulation has been very effective. Only four States exercise censorship of movies, while every State except New Mexico has statutes against obscene publications.

How well "Lady Chatterley" will fare in the many inspections she still must undergo remains to be seen. Her popularity is already assured.

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Summerfield Explains His Ban on 'Chatterley'

Sees a Decline in Public Taste, But Insists That 'Filth Is Filth'

By Robert J. Donovan

WASHINGTON, June 20.—Has the American public's taste in literature declined in the last generation?

Did the respected literary critics who acclaimed the merits of the unexpurgated edition of "Lady Chatterley's Lover" overlook its "obscenity" and its "filth?"

Does the government have an obligation to keep such a book out of the mails?

Does "Lady Chatterley's Lover," as well as other books like it, contribute to juvenile delinquency?

For the Fast Buck?

Is D. W. Lawrence's novel in essentially the same category as the lewd photographs and pornographic movies that are peddled by seamy characters out to make a fast buck?

The answer to all these questions was given today with an emphatic "yes" by Arthur E. Summerfield, the embattled Postmaster General of the United States, who for more than a week now has been the center of a sizzling controversy over his action in banning the unexpurgated copy of "Lady Chatterley's Lover" from the mails.

Mr. Summerfield, a former chairman of the Republican National Committee and one of the original members of President Eisenhower's Cabinet, ruled on June 11 that the book

is "an obscene and filthy work." With this decision he unleashed a wave of praise and applause from some groups and a cry of "censorship" from others, and practically assured a lawsuit that may be carried all the way to the United States Supreme Court.

Meanwhile he is well aware that, on the old theory that "banning" a book in Boston makes it a best-seller elsewhere, his ruling inevitably will boost the sales of the very work he believes to be harmful. But he does not see how, as he said in an interview with the New York Herald Tribune, he could have let this circumstance stand in the way of what he considered his duty to enforce the law.

"I make no claim of being a literary critic in the professional sense," Mr. Summerfield said, "but I feel I have some sense as to what is decent and what is filthy, as most normal people do have, and filth is filth."

The Postmaster General had a copy of the book close at hand in his office to reinforce his arguments.

"But what about the good

Continued on page 36, column 7

Grove Press Inc.

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'Chatterley'

(Continued from page one)

opinion expressed by many reputable critics?" he was asked.

Likes Books About Sea

"How anybody can call these pages anything else but filth," he said, "I do not understand. This procession of vile four-letter words is obscene. If this is not filth in this book, I pray you tell me what is filth. I don't care what the literary critics say."

While official duty called him to the pages of "Lady Chatterley's Lover," Mr. Summerfield is not accustomed to reading much fiction. He doesn't have time for it, he said. His tastes run rather to non-fiction books and articles on the sea and on hunting. A week ago, for example, he was reading "Zanzabuku," an account of African safaris, whose four-letter words, as "Time" points out, consist of "oryx," "topi," "lion," "zulu" and the like.

This week he read "Richard Nixon: A Personal and Political Portrait" by Earl Mazo. He said he found no cause for banning this volume, which is to be published by Harper & Bros. on June 23, from the mall. In fact, Mr. Summerfield is one of the cast of characters in the book.

Not 'Personal Matter'

The Postmaster General insisted that his ban on "Lady Chatterley's Lover" was not a "personal matter" nor was it "censorship," but was simply an act in the public interest, undertaken in accordance with the law as passed by Congress.

"My job," he said, "is to enforce the law. If Congress wants to change it or broaden it or narrow it, that is their responsibility. Congress can change the statute, if they want to, to let filth go through the mails—but I am sure they do not want to."

In answer to a reporter's question, the Postmaster General said he felt that American reading tastes had declined in his lifetime. But, on the other hand, he deemed it none of his

business to lecture the public about it so he made no further comment on the subject.

The heart of his ruling against "Lady Chatterley's Lover" was that it is "replete with descriptions in minute detail of sexual acts," described in "filthy, offensive and degrading words."

In the interview he said that D. W. Lawrence did with words what purveyors of lewd photographs do with cameras and that, therefore, the book had no more right in the mails than such pictures have.

Favorable Response

"When the people of this country are being outraged by the members of their families being exposed to this obscenity through use of mails," he said, "we have the responsibility to hear the complaints of the mothers and fathers, to investigate their charges and to proceed to enforce the law."

During the last year, particularly, Mr. Summerfield related, the Post Office has been making "an all-out effort to enforce to the letter the elimination of pornographic material from the mall."

He described as "terrific" the favorable response he has been getting from Congress, churches, the press, parents and school groups.

The whole question of juvenile delinquency in this country is growing more serious by the day and by the hour, and one of the important contributing factors is the obscene and pornographic material that is distributed in one way or another. This is a problem that the people of America must recognize and correct."

Observing that the unpurgated edition of "Lady Chatterley's Lover" had already been banned in this and other countries for twenty-eight years before his ruling, he said:

"I didn't ask to have this book brought in here. The publishers forced a decision by attempting to mail it in New York City while they had already begun distributing copies by other means."

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Store at Airport Bars 'Chatterley'

By Luther P. Jackson
Staff Reporter

The bookshop concession at Washington National Airport has stopped selling "Lady Chatterley's Lover" after an inquiry from the Airport management office.

Lucius W. Burton, airport director, said yesterday the Airport Bookshop Co. had decided to discontinue sales of the controversial D. H. Lawrence novel at its airport store. The company, which also has stores at Chevy Chase and Dupont Circle, operates at the Federal installation under a lease which expires in two years.

Grant Rasmussen, store manager at the airport, said that Burton's assistant, Paul F. Steiner, had told him not to sell the book in the store. Rasmussen said he had sold out of the novel but had placed an order for more copies.

Burton, however, said that Steiner had merely asked Rasmussen to check with the management as soon as new copies arrived. Burton added that he had wanted to discuss the novel with the booksellers.

As director of the airport operated by the Federal Aviation Agency, Burton said he has the statutory authority to ban from the concession any book which has been found legally obscene. The only official notice so far that the book is obscene is Postmaster General Arthur E. Summerfield's declaration that it is unfit for the mails.

Samuel Yudin, owner of the bookshop chain, said that he has no complaint to find with the airport management's procedures. He noted, however, that he had sold about 2000 copies of the novel in the three stores.

Meanwhile, the "Lady" was reported to be the best seller at Brentano's concession at the Pentagon. The novel also was reported in demand at the Library of Congress, where all 10 copies are out on loan to Congressmen and their staff members.

A check at District area bookstores shows that many of them do not have the "Lady" in stock. Until Woodward & Lothrop sold out, the book was

selling briskly even though it wasn't on the open shelves.

Requests for the novel were not nearly so numerous in the area's public libraries. The District library is offering only the old expurgated edition until the settlement of a suit by the book's publishers, Grove Press Inc. The firm has sought in New York to enjoin Summerfield from barring the book from the mails.

Montgomery and Prince Georges' librarians have only one copy of the book. There are no copies available in the libraries of Fairfax, Arlington and Alexandria.

Fairfax' Charlotte W. Fleck said that the requests for the "Lady" have not approached the demand for such novels as "Dr. Zhivago," "Lolita" or "The Nun's Story."

Norma Blazer of S. Kann Sons Co. reported that the book is not a best seller in her shop, even though it is a sell-out. She said the novel can not approach the sales of "The Ugly American" or the non-fiction "How I Turned \$1000 Into A Million."

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GRUPE PRESS INC.

Lady Chatterley's Critics

Of the unexpurgated edition of "Lady Chatterley's Lover" the Postmaster General writes—

The contemporary community standards are not such that this book should be allowed to be transmitted in the mails.

The book is replete with descriptions in minute detail of sexual acts engaged in or discussed by the book's principal characters. These descriptions utilize filthy, offensive and degrading words and terms. Any literary merit the book may have is far outweighed by the pornographic and smutty passages and words, so that the book, taken as a whole, is an obscene and filthy work.

Accordingly, I find that the book "Lady Chatterley's Lover" is obscene and nonmailable.

Of the same edition of "Lady Chatterley's Lover" Archibald MacLeish, poet, playwright, and former Librarian of Congress, writes—

Only those to whom words can be impure, per se, or those to whom "certain subjects" cannot be mentioned in print, though they are constantly mentioned in life, or those to whom certain fundamental and moving facts of human experience are "nasty" could conclude on the evidence of the text itself that "Lady Chatterley's Lover," as Lawrence wrote it, is obscene.

There's no dirt for dirt's sake in "Lady Chatterley's Lover." No responsible critic would deny the book a place as one of the most important works of fiction of the century.

There, in a nutshell, you have it. If we are to have censorship, who is to be censor? We have no doubt that a jury of Mr. Summerfield's peers would ban the book. Nor do we have any

doubt that a jury of Mr. MacLeish's peers would find it mailable. In the end, some Federal court will attempt to draw the line, as courts have tried to do before. But if we have to weigh the evils of censorship against those of "Lady Chatterley's Lover," the book is the lesser evil.

W.C. Sullivan

Archibald MacLeish
Bomb

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Lady Chatterley's Critics

Of the unexpurgated edition of "Lady Chatterley's Lover" the Postmaster General writes--

The contemporary community standards are not such that this book should be allowed to be transmitted in the mails.

The book is replete with descriptions in minute detail of sexual acts engaged in or discussed by the book's principal characters. These descriptions utilize filthy, offensive and degrading words and terms. Any literary merit the book may have is far outweighed by the pornographic and smutty passages and words, so that the book, taken as a whole, is an obscene and filthy work.

Accordingly, I find that the book "Lady Chatterley's Lover" is obscene and nonmailable.

Of the same edition of "Lady Chatterley's Lover" Archibald MacLeish, poet, playwright and former Librarian of Congress, writes--

Only those to whom words can be impure per se, or those to whom certain subjects cannot be mentioned in print though they are constantly mentioned in life, or those to whom certain fundamental and moving facts of human experience are "nasty" could conclude on the evidence of the text itself that "Lady Chatterley's Lover," as Lawrence wrote it, is obscene.

There's no dirt for dirt's sake in "Lady Chatterley's Lover." No responsible critic would deny the book a place as one of the most important works of fiction of the century.

There, in a nutshell, you have it. If we are to have censorship, who is to be censor? We have no doubt that a jury of Mr. Summerfield's peers would ban the book. Nor do we have any

doubt that a jury of Mr. MacLeish's peers would find it mailable. In the end, some Federal court will attempt to draw the line, as courts have tried to do before. But if we have to weigh the evils of censorship against those of "Lady Chatterley's Lover," the book is the lesser evil.

Grove Press Inc.

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76 JUL 21 1959

- The Washington Post and Times Herald _____
- The Washington Daily News
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
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Page A-26.

62 JUL 21 1959

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Summerfield Cites 'Degrading Words' A-1

Post Office Bars 'Lady Chatterley'; Novel Ruled 'Obscene and Filthy'

United Press International
Postmaster General Arthur E. Summerfield yesterday barred the unexpurgated version of D.H. Lawrence's novel, "Lady Chatterley's Lover," from the U.S. mail on grounds it is an "obscene and filthy" book.

In his ruling Summerfield said any literary merit the book may have is "far outweighed by the pornographic and smutty passages and words."

"The book is replete with descriptions in minute detail of sexual acts engaged in or discussed by the book's principal characters," Summerfield said in his finding. "These descriptions utilize filthy, offensive and degrading words and terms."

Summerfield acted after a hearing had been held in New York last month on the shipment of the newly published edition by Grove Press, Inc.

Summerfield said he read the transcript of the hearing as well as a copy of the unexpurgated edition of "Lady Chatterley's Lover" which has been barred from the U. S. mails since 1928.

Lawrence's novel of a noblewoman's affairs with her gamekeeper is regarded as an English language classic by some critics.

To force a Post Office Department ruling, Grove Press deposited 24 parcels in the mails at the New York City Post Office, each containing one or more copies of the novel.

Summerfield cited a 1957 Supreme Court decision by Justice William J. Brennan Jr. which said that the test of obscenity is "whether to the av-

erage person applying contemporary community standards the dominant theme of the material taken as a whole appeals to prurient interests."

Summerfield said he concluded that "the contemporary community standards are not such that this book should be allowed to be transmitted in the mails."

Summerfield also ruled that advertising circulars by Readers Subscriptions, Inc., about the book were non-mailable because they disclosed where copies of the book may be obtained.

(Washington attorneys for the publisher said the Federal District Court for the Southern District of New York was asked late Wednesday to enjoin Summerfield from barring the controversial novel from the mails.)

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'Chatterly' Obscenity Up to Courts

NEW YORK, June 12 (UPI) — The publisher and a distributor of the unexpurgated "Lady Chatterley's Lover" said they were confident today the Federal courts will overthrow the obscenity ruling of Postmaster General Arthur E. Summerfield and permit the 31-year-old novel to be sent thru the mails.

One court action, to enjoin the New York postmaster from interfering with mailing of the book, has already been filed in Federal court here. Grove Press, Inc., the publisher, and the Readers' Subscription, which seeks to distribute the book to its members, said further steps will be taken "to liberate 'Lady Chatterley's Lover' from this intolerable censorship."

Mr. Summerfield ruled yesterday that the D. H. Lawrence classic is "obscene and filthy" and that its literary merits are "far outweighed by the pornographic and smutty passages and words."

The book had been barred from the U. S. mails since 1928 and had been available only in abridged version until publication of the contested edition here last month.

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- The New Leader _____
- The Wall Street Journal _____
- Date _____

JUN 12 1959

4 TV Shows Challenged Quiz Report

The Two \$64,000 Programs Filed

By Milton Lewis

Challenges by at least four of the TV-quiz programs under investigation by a grand jury caused General Sessions Judge Mitchell D. Schweitzer to impound the panel's presentment, it was learned yesterday.

In fall, the grand jury, after numerous allegations of "fix" concentrated on six such shows. Lawyers for two of them—"The \$64,000 Question" and "The \$64,000 Challenge," both since off the air—readily admitted that they objected to Judge Schweitzer about having the twenty-six page, 12,000-word report made public. Others made representations on behalf of the defunct "21" and "Tic Tac Dough," now on a daytime telecast.

Protests Made in Private

It was on the basis of such protests, lodged in private, that Judge Schweitzer said in open court Wednesday that he was keeping the presentment sealed. On the face of it, he maintained, the document was "expungeable." He refused to identify the challengers after first saying their identity was a matter of public record.

He then discharged the jury, which had labored since September and which made it plain it was shocked by the judge's action, unprecedented for at least ninety years in New York County, according to official records. In those ninety years almost 500 presentments have been filed in General Sessions, but never has such a finding been ordered impounded. Only one—in 1910—was ordered expunged, but this was after it had been filed and opened for public view.

Judge Schweitzer ruled after Assistant District Attorney Joseph Stone said that the grand jury had "uprooted" a lawdry hoax on the American public, and the panel foreman, Louis M. Hacker, former dean of the School of General Studies at Columbia University, pleaded that the report be made available to the public.

As Mr. Hacker continued to stick to his guns, yesterday it was learned that the board of directors of the Grand Jury Association of New York County, headed by Lee Thompson Smith, discussed the case at its regularly monthly meeting, held at the Uptown Club, 60 E. 42d St.

The association refused to make any immediate comment, since the matter is still before Judge Schweitzer, who has ordered a hearing, saying the burden of proof as to why he should open the presentment rests with the District Attorney. Under law, should Judge Schweitzer maintain his position to expunge the report, his ruling is not appealable. His feeling Wednesday was there was a serious question as to whether he had the legal right to reveal the presentment's contents, based on the challenges.

Both James P. Durante and J. Norman Lewis, of the law firm of Lewis, Durante and Bartel, 655 Madison Ave., said that they had challenged the legality of the filing of such a presentment on behalf of "The \$64,000 Question" and "The \$64,000 Challenge." Mr. Durante filed a brief two months ago with Judge Schweitzer. Among other things, both lawyers alleged yesterday that presentments could only be filed involving public agencies or public officials. This was flatly denied by District Attorney Frank S. Hogan's office.

"Names Calling Technique"

Both lawyers maintained that a presentment has been characterized by the courts as in the nature of hit and run situations. You can't answer them. If you are called a thief (under a specific charge) you can vindicate yourself in court, but if you're named in a presentment you have no recourse. This is a name-calling technique.

Mr. Lewis added: "We don't know whether our clients were even mentioned in the presentment. We objected to the basic procedure. This was an attempt to cover up any ille-

gations, if any, against our clients."

The other two TV quiz programs under scrutiny were "Dotto" and "Name That Tune," both defunct.

It also was learned yesterday that about ten days ago, almost a dozen members of the grand jury and two assistant district attorneys, called on Judge Schweitzer to ask his position on the presentment matter, arguing for acceptance. In open court Wednesday Mr. Hacker, the grand jury foreman, recalled to the judge that he had never told the panel it could not come in with a presentment. The judge agreed with that recollection.

Yesterday, Mr. Hacker emphasized that presentments go beyond public officials and public offices. He said without giving any details of the sealed report, that it mentioned no names or specific TV quiz shows. He said:

"Indeed, this presentment should be made public for profound moral reasons. Society should be interested in charges of corruption. Only when the facts are revealed can society know the proper steps to take to prevent repetition."

Where the grand jury had heard at least 200 witnesses, it did not hear from Dan Enright and Jack Barry, co-producers of "21," one of whose officials was indicted for perjury. Neither Mr. Enright nor Mr. Barry would sign a waiver of immunity—meaning that whatever they testified to could be used against them. For that reason, they were not allowed to testify, the District Attorney, refusing to give them immunity.

Legal historians recalled that grand juries filed presentments which were made public in General Sessions, even while New York was still a colony. In 1892, there was a presentment dealing with free railroad passes. The one presentment ordered expunged after being open to public view was filed in 1910, involving investigation of an ice company.

The grand jury had reported that state Assistant Attorneys General had misled the panel in its inquiry.

67 JUL 17 1959

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Summerfield Cites 'Degrading Words'

**Post Office Bars 'Lady Chatterley,'
Novel Ruled 'Obscene and Filthy'**

United Press International
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age person applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interests."

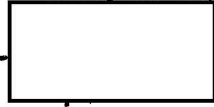
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Diplomat Blick Ducks Lady Chatterley Issue

Lady Chatterley's filing with the Post Office is a private affair, Washington's vice squad chief said yesterday.

Mollified perhaps by a recent visit to the lady's homeland, Deputy Chief Roy Blick diplomatically washed his hands of D. H. Lawrence's heroine.

"We will cooperate, of course, but we have no jurisdiction over the United States mails."

Summerfield's Ban

Postmaster General Summerfield yesterday banned the 30-year-old classic from the mails. He said whatever literary value it possesses is far outweighed by the pornographic and smutty passages and words.

"I understand the book contains some really great writing," was Chief Blick's comment.

"Just before he went on tour

England was his first stop—Chief Blick borrowed a copy from a Washington bookseller.

At the time he indicated he might come back with a raiding party if he deemed the book nasty.

Fast Reading

But yesterday Chief Blick said "the book wasn't in my hands for more than an hour."

"After glancing at several pages, I turned it over to the United States attorney's office—I wasn't for or against the book," the globe-trotting vice squad chief explained.

His five-week itinerary included stops at such pitfalls for the unwary as Paris and Rome, but Chief Blick wasn't looking for sin.

"I don't know the laws or the lingo over there," he said.

"Besides, this was a vacation, not a mailman's holiday."

GROVE PRESS INC.

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62 JUL 21 1959



That Was No Lady; That Was a Wife²³

By TOM DONNELLY

THE POST OFFICE says "Lady Chatterley's Lover" should not be mailed because it is "obscene" and "offensive." A number of book reviewers, appraising the new unexpurgated Grove Press edition, have called the novel quaint, Malcolm Cowley, the literary critic, testifying at a Post Office hearing as an expert witness for the defense, said "I do not find anything in Lady Chatterley's Lover which I don't find in The Ladies Home Journal."

Heavens to Betsy! Mr. Cowley is more than an expert witness, he must be an X-ray-eyed reader of lines between the lines. I am inclined to think the celebrated D. H. Lawrence work is a bit on the quaint side myself, but I must confess I never found anything quite like it in The Ladies Home Journal, not even in the "Can This Marriage Be Saved?" department. To be sure, Mr. Lawrence's sweethearts express their abandon in poetic terms. But nevertheless they use certain four-letter words which have never turned up in The Ladies Home Journal, except, possibly, in Mr. Cowley's copies.

It is my observation that a writer depicting untrammelled passion for Journal readers knows precisely where to stop.

LADY CHATTERLEY ran out of the manor house in something very like despair. How impossible her husband was being! She was perfectly willing to make allowances for him, considering that he was an invalid, but she really could not bear his constant coldness, his day-to-day pettishness. She had herself overseen the preparation of his milk custard, she knew that it was as delicious as a milk custard could possibly be, and yet Clifford had thrown it on the floor with a vicious snarl. It was scarcely her fault if his physician had forbidden him curry!

"If only there had been a child," Connie Chatterley thought, looking up at the remote azure sky. "How different it might all be."

Connie Chatterley drew up sharp. There he was again! Mellors, the gamekeeper, standing there in all his rude, vibrant maleness. What was there about this man that made her blood tingle, her knees grow weak, her breath come short?

The gamekeeper, his expression inscrutable, took her in his arms. After a kiss that melted her in steps, Connie removed herself from his crushing embrace. "You are afraid of me," he said, in his deep, molten voice.

"No," Connie corrected gently. "Of myself."

"This is not some wild passing infatuation," Mellors said. "Not on my side. This is something that could last. For you, I would defy convention. Have you a coward's heart? It is for you to decide."

Connie looked deep into her heart. She was tempted, tempted as she had never been before. With this man she could indeed carve out a new life. But what kind of a life would it be, based on an abandonment of the man she had promised to cherish, in sickness and in health? Besides, what of Mellors' dowdy little wife and three children? He saw her answer in her eyes, and he paid her the finest compliment a man can pay a woman. "Coward? No. You are braver than both of us. If you said 'yes,' you would have my love. But I see now you would have lost my respect. You would not be the woman I worship."

There were tears in Connie's eyes when she went back to the manor house. But there was also a strange new lightness in her step. She would make Clifford another milk custard. This time she would double the vanilla.

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Dealing With Obscenity Involves Child's Privacy

By MARTIN TOLCHIN

How sacred is an adolescent's right to privacy? Should a parent impose his literary judgment on his teen-age children? How may parents divert a youngster from objectionable books?

These are some of the family issues involved in the Post Office Department's recent appeal to parents for help in stamping out the \$500,000,000-a-year traffic in obscene and pornographic material.

The department has estimated that between 700,000 and 1,000,000 children will receive unsolicited "filth" through the mails. It asks parents to save all the material received, including envelopes and enclosures and report the matter immediately to the local postmaster.

Another source of official and parental concern is the flood of stag magazines, which carry photographs of scantily clad models, breezy stories, bawdy cartoons and royalty-free "ribald classics." Teen-agers are said to be an important factor in the spectacular growth in the number of these publications.

Definition Is In Doubt

The question of what constitutes obscenity has long been a subject of spirited controversy among lawyers, literary critics, the reading public, and even justices of the Supreme Court of the United States. The current dispute over "Lady Chatterley's Lover," which the Post Office Department is considering banning from the mails, follows similar but unsuccessful attempts against Playboy magazine and several nudist publications.

The Supreme Court has defined obscenity as "material which deals with sex in a manner appealing to prurient interest," as measured by its impact on "the average person," or, if it is intended for a limited audience, the impact of the material on those who see it.

How can a parent cut through the legal and literary controversies and apply common sense to specific situations?

A family life expert, who notes that the law is what the judges say it is, suggested recently that for the purpose of a young reader obscenity was what his parents found obscene. But she strongly counseled

against parental infringement of an adolescent's privacy. A mother who is close to her children, the expert advised, will not have to steam open letters or search a bedroom to learn what her youngsters are reading. Adolescents in particular need to feel that the privacy of their mail—and rooms—will be respected by grown-ups.

Frank Talk Is Advised

That is the opinion of Lucille Stein, a psychiatric social worker who is director of parent counseling at the Child Study Association of America.

She said in an interview that the conditions of city living were such that most children reared here came in contact with objectionable material. Mrs. Stein said that this included material that was repeated at third-hand.

Obscene material, she said, is designed primarily to arouse feelings that adolescents are struggling to control.

When a youngster shows an interest in such material, Mrs. Stein believes that a frank talk is in order.

"Admit frankly that there is something stimulating and exciting in this material, but point out that it gives undue importance to the crudely sensational and lacks warmth and understanding."

If an early adolescent persists in reading this material, it should be taken from him, according to Mrs. Stein. She recognizes that parents are running the calculated risk of driving the interest underground.

In the case of older adolescents, she said, there is relatively little that parents can do. But they should continue to express their opinion that the material is "trashy," Mrs. Stein said.

A youngster's preoccupation with obscene or suggestive material may be an indication of his anxieties. In any case, it should alert parents to the possibility that something is amiss. Mrs. Stein observed:

"A child who does anything excessively is indicating that he has unresolved inner problems."

On the other hand, parents should not become upset by an occasional interest in objectionable material, Mrs. Stein noted.

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- Miss Gandy _____

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N. Y. TIMES

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DATE 6/6/59

PAGE 15

FORWARDED BY NY DIVISION

RE: POST OFFICE DEPARTMENT
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GROVE PRESS INC.

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EX 101

SAC, Chicago (145-25)

July 15, 1959

REC-73 Director, FBI (145-1731) -4

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/27/89 BY SP1AG/pc
(309,329)

Reurlet dated July 9, 1959, transmitting to the Bureau one copy of the book entitled "Lady Chatterley's Lover."

This book will be maintained in the FBI Laboratory. No further investigative activity concerning possible interstate transportation is desired at this time. Any information in this regard which may be volunteered to you should, of course, be accepted.

Grove Press and Readers Subscription, Inc., are endeavoring to upset the ban placed by the Postmaster General on the mailing of the book. The New York Office is following the results of that action.

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57 JUL 21 1959

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Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (145-1731)
(Attention: FBI Laboratory)

DATE: July 9, 1959

RFD

FROM : SAC, CHICAGO (145-25)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/27/89 BY SP1AG/jac
(309,329)

SUBJECT: GROVE PRESS AND EVERGREEN BOOKS,
Published By BARNEY ROSSET,
Grove Press, Incorporated, 795
Broadway, New York City, New York
ITOM

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Re Bureau letter from the FBI Laboratory to
Chicago dated May 28, 1959.

NOICE

Enclosed herewith as per referenced letter is
one copy of the book entitled "Lady Chatterley's Lover"
by D. H. LAWRENCE, in an unexpurgated edition by Grove
Press and Evergreen Books.

This book, as instructed by the FBI Laboratory,
was purchased by SA [redacted] of the Chicago Division
from the Economy Book Store, North Clark Street, Chicago,
without revealing his identity.

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2-Bureau (Encl. 1) C.R.M.
1-Chicago

ACK:mao
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in evidence*

*Evidence attached
+ added to O.F.
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INDEX LAB FILES

EXP. PROC.
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Office Memorandum • UNITED STATES GOVERNMENT

DATE: 7/24/59

TO : DIRECTOR, FBI

FROM : SAC, NEW YORK (145-549)

SUBJECT: GROVE PRESS, Et Al
ITOM

ReBulet dated 7/6/59.

The New York "Daily News" of 7/22/59, carried an article stating that Federal Judge FREDERICK VAN PELT BRYAN yesterday ruled that "Lady Chatterly's Lover" is not obscene. The article stated the Judge agreed with a US Supreme Court ruling last month ruling the movie version is also not obscene. BRYAN was to sign an order restraining the Government "from denying the mails to this book or to the circulars announcing it's availability."

In view of the above, no investigation is being conducted by the NYO and this case is being closed.

Deleted Copy Sent 4/20/59
by Letter 4/20/59 - 211
Per FOIA Request

REC-90

145-1731

JUL 28 1959

- 2 - Bureau
- 1 - New York (145-549)

CGD:mep
(3)

63

57 JUL 31 1959

SEARCHED

41

5

- Tolson _____
- Belmont _____
- DeLoach _____
- McGuire _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Holloman _____
- Gandy _____

ST
esa

U. S. Judge Questions 'Chatterley' Mail Ban

NEW YORK, July 1 (AP).—A Federal judge has questioned the right of the Postmaster General to bar the unexpurgated edition of "Lady Chatterley's Lover" from the mails.

Judge Frederick Van Pelt Bryan reserved decision yesterday on a plea to upset the ban, which was imposed June 11.

Judge Bryan said he was "very seriously concerned" whether Postmaster General Arthur L. Summerfield had authority to impose the ban on the novel.

The Grove Press, which published the new American edition, claims the Summerfield decision deprived the publisher of the constitutional rights of freedom of speech and freedom of the press.

The edition, the first uncut version of D. H. Lawrence's novel to be circulated in America, was declared to be obscene in the Summerfield decision.

Challenged by Club

The ban is also being challenged by Readers Subscription, Inc., a book club.

The book is selling briskly through bookstores supplied by private shippers, who don't use the mails.

The novel deals with a love affair between an English gentlewoman, Lady Constance Chatterley, and the gamekeeper on her husband's estate. Her husband is sexually impotent because of a war wound.

Lou draughter interrupted

three-hour court hearing yesterday when Judge Bryan commented that he had "read the book with very considerable care; in fact, I re-read it. The first time I read it was 25 years ago."

During the hearing United States Attorney S. Hazard Gillespie, Jr., said that Mr. Summerfield "considered all the facts in the case, and we believe that his decision should not be disturbed."

Called 'Common Tramp'

"The central theme of this book," the Government lawyer added, "is illicit love outside of the bounds of matrimony. You have got here in this book a central theme revolving around a woman who is a common tramp."

Charles Rembar, counsel for Grove, said that if the book has "any socially important ideas it has every right to the full protection of constitutional guarantees, and to be seen by the American public."

Mr. Rembar described it as a book "just full of ideas" and said that "whether or not you agree with D. H. Lawrence, he really had something to say to the public."

The attorney for the publisher added that Lawrence was "waving a banner against emotional and sexual approach to love and arguing that such approach should be healthy and not morbid."

The movie version of the story, also called "Lady Chatterley's Lover," figured in another court case this week. On Monday the United States Supreme Court ruled unconstitutional a section of New York State's movie censorship law. Specifically, the ruling invalidated a ban on the movie version of the book.

File 6-1003

REC-15 145-1731-A-
EX-133 RECORDED
110 JUL 21 1959

- The Washington Post and Times Herald _____
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- Date 7/1/59

776
JUL 2 1959

S.T.
esa



Has There Been Any Word From Boston?

By TOM DONNELLY

WHEN I saw the controversial film version of "Lady Chatterley's Lover" right here in town, a good many months ago, it never occurred to me that the movie was "teaching adultery." That just shows you how naive I am. I must take what comfort I can from the fact that several hundred other Washingtonians who saw the movie here also didn't realize, apparently, what inflammable stuff was being unreeled before them. Practically nobody seemed to get the real message.

But then "Lady Chatterley's Lover" got to that capital of respectability, New York City, horrified the New York State Board of Regents and the Court of Appeals, and the Supreme Court had to be called in. As you know, the Supreme Court, after gravely weighing the ins and outs of the matter, came to the conclusion that adultery is just an idea, like socialism or the single tax, and that advocacy of ideas comes under the heading of free speech and is protected by the First Amendment. As Justice Potter Stewart put it, "What New York has done, therefore, is to prevent the exhibition of a motion picture because that picture advocates an idea—that adultery under certain circumstances may be proper behavior. . . . The State, quite simply, has thus struck at the very heart of constitutionally-protected liberty."

This decision didn't go down well with many people, especially David Lawrence, who seems to feel that the Supreme Court, guilty in his opinion of numerous recent sins, has really surpassed itself in this, saying, "in effect, that it is lawful to teach adultery."

I personally feel sorry for the beleaguered Court, which has to decide on so many thorny issues, and has been pushed by the crush of

events into rendering a decision which was bound to come out sounding rather silly, no matter how well worded. I suppose the Court couldn't have simply said that "Lady Chatterley's Lover" is nothing to get all hot and bothered about in 1959, and let it go at that. Justice Frankfurter intimated as much, but the peculiar necessities of his office apparently prohibited him from keeping his pronouncement crisp. At all events, the Court has laid itself wide open to all sorts of charges, and prophecies, like "The next thing you know they'll be saying it's o.k. to teach a course in adultery in our public schools, right in between driver training and geography."

But does "Lady Chatterley's Lover" teach adultery? I will answer that with another question, evasive fellow that I am. Does "Romeo and Juliet" teach suicide? A literal-minded man might insist that "Lady Chatterley's Lover" only teaches that it is permissible for an English lady who happens to be married to an incapacitated gentleman to practice adultery with a gamekeeper of poetic temperament. It isn't every U.S. matron who could meet those qualifications, and few in England. And let us not forget Eugene O'Neill's "Strange Interlude," which was also made into a film, and covered roughly the same ground. As I recall, nobody ever claimed that "Strange Interlude" was teaching adultery. I should say that there are two characteristics which marked the O'Neill era, and do not mark our own. In those happy golden days every piddling issue didn't wind up in the Supreme Court, and nine out of ten novels didn't take place in the bedroom. If public opinion today is dead set against adultery, who's buying those tons of best sellers?

- Tolson _____
- Belmont _____
- DeLoach DL
- McGuire _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Holloman _____
- Gandy _____

m. g. ...

OGROVE PESS INC.

1145-1731-A-
NOT RECORDED
176 JUL 22 1959

- The Washington Post and Times Herald _____
- The Washington Daily News 25
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- Date _____

JUL 16 1959

File 8, Buis

774
1959 JUL

Director, FBI

10/30/59

SAC, Memphis (62-923)

CRIMDEL - CBS

GROVE PRESS

Re: AMERICAN LEGION CRUSADE
AGAINST OBSCENE LITERATURE

The October 29, 1959 issue of the Memphis Press Scimitar reports that Post # 1 of the American Legion, Memphis, Tennessee, the largest Legion Post in Tennessee and one of the largest in the Nation, is conducting a crusade against obscene literature and has taken out after the newly released, unexpurgated edition of B. H. LAWRENCE'S "LADY CHATTERLY'S LOVER."

A Legion committee hopes to have banning of "Lady Chatterly's Lover" and books like it a major project of all Legion posts.

C. P. J. MOONEY, Attorney, drafted a resolution for a five-member committee, and copies will be sent to ARTHUR E. SUMMERFIELD, Postmaster General; Commissioner CLAUDE ARMOUR, Sheriff M. A. HINDS, and to congressmen.

The resolution says membership of Post No. 1 and other Legionnaires are "urged to express their repentment of the distribution of this obscene material and to do everything within their lawful power to obstruct the passage of such matter into the hands of the public, particularly the portion thereof designated as juvenile."

KUREKT J. CURRY, real estate man, is committee chairman. Members are State Senator TOM P. MITCHELL, Rev. PORTER F. FLORENCE, Rector of Holy Trinity Episcopal Church; LEONARD B. PIROTTI, attorney and a past commander of the post, and JACK LITTLE, former chief of the Legion's National Public Relations Division, now public relations director for Post No. 1.

3 - Bureau

Deletel Copy Sent

2 - Memphis

request

ECM:AMM
(5)

REC-19

145-1731-6

NOV 10 1959

b6
b7c



SLA

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

FROM : *W.B.* Legat, London (64-941)

SUBJECT: REQUEST FOR INFORMATION FROM
BRITISH OFFICE OF PUBLIC PROSECUTION
PC - FM

(309,329) DATE: August 16, 1960

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/27/89 BY SP1AG/uc

On August 16, 1960, [redacted] from the Office of Public Prosecution, contacted Legat for information concerning court case in the United States involving United States Post Office and the book by D. H. LAWRENCE entitled "Lady Chatterley's Lover,"

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b7C

In England the Office of Public Prosecution is the organization presenting cases before the government and is similar to our office of the United States Attorney in the United States.

[redacted]

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b7C
b7D

[redacted] stated that in the very near future his office will be taking a case into the British courts which is concerned with whether this book will be able to be published and sent through the mails in England. In this regard he has noted in the British press that the issue regarding the book has been decided in United States courts and he quoted a United States District Court, Southern District of New York decision dated July 21, 1959 under Civil Docket 147-87. This case was between Grove Press, Inc., and Readers Subscription, Inc., vs. ROBERT K. CHRISTENBERRY Postmaster, City of New York.

EXP. D. 1

[redacted] believes that after the District Court's decision this case was taken up with the United States Court of Appeals and he is most desirous of obtaining any information available concerning this matter so that he can have guidance in presenting his case here in England.

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b7C

As a matter of cooperation it is requested that the Liaison Section contact the Post Office for transcripts of the trial to at least include transcript of the opinions and decisions so that they can be furnished to [redacted] stated this case comes into court in early September and expeditious handling of this request would be most appreciated by his office.

b6
b7C

- P
- 3 - Bureau
- 1 - London (64-941)
- ACM: MAH

To London 8/24/60 by 575-1234-7
① Federal Reporter Second Series dated 5/30/60
and the District Court Southern District of NY
against Robt. K. Christenberry
individually & as Postmaster
of NYC

DEC 42 1960
 AUG 19 1960

LIAISON

52 AUG 31 1960

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

FROM : Legat, London (64-941) *o Grove Press*

SUBJECT: REQUEST FOR INFORMATION FROM
BRITISH OFFICE OF PUBLIC PROSECUTION
PC - FM

DATE: September 26, 1960

145-1731-7

Remylet August 16, 1960.

The information furnished by the Bureau as requested in my reflet was given to [redacted] of the Office of Public Prosecutions, London, who contacted this office on September 23 and advised that in connection with the forthcoming case involving D. H. LAWRENCE's "Lady Chatterley's Lover", the Office of Public Prosecutions were interested in obtaining copies of "The First Lady Chatterly", which was published in the United States in 1944. He advised that it would be helpful if 12 copies of book could be obtained.

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COPIES DESTROYED

It is requested that the Bureau make inquiry to determine if copies of "The First Lady Chatterly" are available. If so, it is requested that 12 copies be obtained and furnished to this office. It is also requested that this office be advised whether any expense is involved, as the Office of Public Prosecutions will stand the cost.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE MAR 19 1990 BY 13655D/PLH
Comp # 387, 535
387, 716

4 - Bureau
1 - London

CWB:ec
(5)

REC-98

145-1731-8

5 SEP 30 1960

Dy-2cc
10/1/60
1/3/60

Added 1/14

[Handwritten signature]

[Handwritten signature]

5 ODEC 7 1960

my

GROVE PRESS INC,

- Tolson _____
- Mohr _____
- Parsons _____
- Belmont _____
- Callahan _____
- DeLoach _____
- Malone _____
- McGuire _____
- Rosen _____
- Tamm _____
- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Ingram _____
- Gandy _____

'Lady Chatterley' Faces Jurors

By Robert E. Baker

European Bureau
The Washington Post
LONDON, Oct. 20 — "Lady Chatterley's Lover" came home for trial today after 30 years of exile.

The scene was an oak-paneled court room of Old Bailey, the central criminal court in London.

The defendant is Penguin Books, Ltd., which has published 200,000 paper-back copies of the unexpurgated edition of "Lady Chatterley's Lover" priced at 50 cents a copy. None have yet been put on sale.

The novel by D. H. Lawrence is about the wife of a paralyzed war veteran and her sexual affairs with her husband's gamekeeper. Written in 1928, two years before Lawrence's death, the unexpurgated version has always been banned in England as obscene.

Penguin Books now is testing the new Obscene Publications Act of 1959 which permits publication of articles, even if obscene, if justified as being for the public good on the grounds that it is in the interest of science, literature, art or learning.

Language Cited

At one point today, Mervyn Griffith-Jones, prosecuting for the Crown, pronounced loudly

and clearly several of what he called "good old Anglo-Saxon, 4-letter words" which Lawrence used in the book, and detailed the number of times each was used.

Griffith-Jones asked the jury of nine men and three women not to judge the book "in a priggish, high-minded, super-correct, mid-Victorian manner." Nevertheless, he said, the book is a "vicious indulgence in sex and sensuality in which the curtain is never drawn."

"Would you approve of your young sons and young daughters reading it? Is it a book you would have lying around in your own house? Is it a book you would even wish your wife to read? Or your servant?" he asked the jury.

Calls Novel Obscene

He said the book tended to "deprave and corrupt" and therefore was obscene.

Gerald Gardiner, one of Britain's top-priced attorneys, who is representing Penguin, conceded that "You will, when you read this book, be shocked, you may be disgusted."

But, he said, Lawrence was a moralist who made it plain in the book that he hated promiscuous sex and was a clear supporter of marriage. And

there was nothing of sexual perversion, now so prevalent in England's Sunday newspapers, in "Lady Chatterley's Lover," Gardiner said.

As for those 4-letter words, he said, Lawrence was trying to drag them out of the shameful connotation they received in Victorian times.

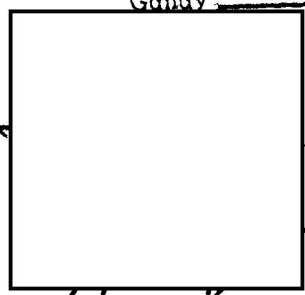
"Do you know any civilized country where 'Lady Chatterley's Lover' cannot be bought, except in Lawrence's Commonwealth?" he asked.

Jury Ordered to Read

Prosecutor Griffith-Jones lost a round when the judge refused to let him point out to the jury the various passages in the book which the Crown believes obscene. The judge ruled the jury should first read the book as a whole.

And Gardiner lost a round when the judge rejected his suggestion that the jury be allowed to take the books home with them. The judge ruled they should report daily to the jury room to do their reading.

The unexpurgated version of "Lady Chatterley's Lover" was banned from the United States mail by Postmaster General Arthur E. Summerfield in June, 1955. But a New York Federal judge a month later held that the book was not obscene and, last March, a U. S. Court of Appeals ruled likewise.



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b7c

145-1731-A

NOT RECORDED
149 OCT 25 1960

- The Washington Post and Times Herald *A-7*
- The Washington Daily News _____
- The Evening Star _____
- New York Herald Tribune _____
- New York Journal-American _____
- New York Mirror _____
- New York Daily News _____
- New York Post _____
- The New York Times _____
- The Worker _____
- The New Leader _____
- The Wall Street Journal _____
- Date *10/21/60*

548 File

145-1731

278

52 OCT 25 1960

1-Orig
1-Yellow
1-Liaison

October 18, 1960

CODE

CABLEGRAM

URGENT

REC-16

145-1731-9

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE MAR 19 1990 BY 1565 SDPK/H
Comp # 309,535
309, 716

TO LEGAL ATTACHE LONDON
FROM DIRECTOR FBI

REQUEST FOR INFORMATION FROM BRITISH OFFICE OF PUBLIC PROSECUTION,
PC DASH FM. REURCAB OCTOBER ONE SEVEN, LAST. NEW YORK HAS
ADVISED ONLY NINE COPIES OF BOOK AVAILABLE. THEY HAVE BEEN
OBTAINED AND ARE BEING FORWARDED BUREAU. COPIES WILL BE 545
FURNISHED YOU EXPEDITIOUSLY.

REP: jas (4)

1 - Foreign Liaison Unit (detached)

MR. _____
ENC. 207
OK. Boy
APPROVED BY [Signature]
TYPED BY _____

NOTE ON YELLOW:

This matter is being handled as a matter of police cooperation with British authorities, who requested Legat to attempt to obtain 12 copies of "The First Lady Chatterly" published in the U.S. in 1944, in connection with their forthcoming case involving D.H. Lawrence's "Lady Chatterley's Lover." This cable being sent via State Department leased line at no cost to the Bureau.

CABLE

OCT 18 1960
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

- Tolson _____
- Mohr _____
- Parsons _____
- Belmont _____
- Callahan _____
- DeLoach _____
- Malone _____
- McGuire _____
- Rosen _____
- Tamm _____
- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Ingram _____
- Gandy _____

0 DEC 7 1960

TELETYPE UNIT

[Handwritten signatures and initials: "Boy", "L...", "W...", "G...", "F..."]

DECODED COPY

ZPK

- Tolson _____
- Mohr _____
- Parsons
- Belmont
- Callahan _____
- DeLoach _____
- Malone _____
- McGuire _____
- Rosen _____
- Tamm _____
- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Ingram _____
- Gandy _____

Airgram

Cablegram

URGENT 10-17-60

TO DIRECTOR

OGRORE PRESS, INC.

Z'Alford
[Redacted]

FROM LEGAT, LONDON

NO. 119

b6
b7C

REQUEST FOR INFORMATION FROM BRITISH OFFICE OF PUBLIC PROSECUTION, PC-FM. REMYLET SEPTEMBER 26 LAST. TRIAL TO START OCTOBER 20 NEXT. BUREAU REQUESTED TO ADVISE BY CABLE IF BOOKS ASKED FOR IN RELET ARE AVAILABLE AND IF AVAILABLE TO HAVE THEM SHIPPED TO THIS OFFICE AMSD.

CHARLES W. BATES

RECEIVED: 10-17-60 4:01 PM ECD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE MAR 19 1990 BY 1565 SP/KH
COMP # 309,535
302,716

*Per call to NYO 10/18/60,
SA [Redacted] advised SA [Redacted]
that 9 copies had been obtained
and were being sent to Bureau*

b6
b7C

Mc
Sp

*Call to London
REP/jas 10-18-60*

*follow up
Call to London
REP/jas 10-19-60*

EX 109
REC-16

[Redacted]

145-1731-9

✓ ORIG: MR. PARSONS FOR DIRECTOR
CC: MR. BELMONT
CC: MR. L. W. [Redacted]

7 OCT 20 1960

Ang

1 - Orig
1 - Yellow
1 - Liaison

October 19, 1960

CODE

CABLEGRAM

URGENT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE MAR 19 1990 BY 1565 SDPIC/H
Comp # 309,535
309,716

TO LEGAL ATTACHE LONDON
FROM DIRECTOR FBI

O G M O R E T H R O U G H I N C.

REQUEST FOR INFORMATION FROM BRITISH OFFICE OF PUBLIC PROSECUTION,
PC DASH FM. REBUCAB OCTOBER ONE EIGHT, LAST. NINE COPIES OF
QUOTE THE FIRST LADY CHATTERLY UNQUOTE FORWARDED YOUR OFFICE
BY AIRMAIL TODAY. TOTAL COST WAS THREE TWO DOLLARS, FOUR FIVE
CENTS.

NR. 547
ENC. ml
CK. WJ
APPROVED BY _____
TYPED BY _____

REP: jas (4)

1 - Foreign Liaison Unit (detached)

NOTE ON YELLOW:

Copies being sent as matter of cooperation with British
authorities who requested they be obtained in connection with
forthcoming trial involving D. H. Lawrence's "Lady Chatterley's
Lover" due to start October 20, 1960. Legat asked that he be
advised of the cost. This cable being sent via State Department
leased line at no cost to the Bureau.

- Tolson _____
- Mohr _____
- Parsons _____
- Belmont _____
- Callahan _____
- DeLoach _____
- Malone _____
- McGuire _____
- Rosen _____
- Tamm _____
- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Ingram _____
- Gandy _____

CABLE

DEC 7 1960

OCT 19 1960
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

REC-16

145-1721-10

OCT 20 1960

MAIL ROOM TELETYPE UNIT

FBI

Date: 10/18/60

Transmit the following in _____
(Type in plain text or code)

AIRTEL

Via _____
(Priority or Method of Mailing)

TO: DIRECTOR, FBI
ATTENTION: LIAISON SECTION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-19-2000 BY 1565 SDP/CLH
Comp # 309,535
309,716

FROM: SAC, NEW YORK (64-1971) GROVE PRESS, et al

RE: REQUEST FOR INFORMATION FROM BRITISH OFFICE
OF PUBLIC PROSECUTION

Re Bureau routing slip 10/4/60. 145-1731

Under separate cover, are nine copies of "The First Lady Chatterly", published by the Dial Press in 1944. These are only readily available copies of book and the cost was \$32.45, which has been paid from NYO funds.

RUC

- 4-Bureau
- (1-Attn: Liaison Section)
- 1-Package (Railway Express) RM - RRR
- 1-NY 64-1971

REC-25 145-1731-11
15 OCT 19 1960

JHD:MGH
(7)

EX-108

b6
b7c

Deleted Copy Sent by Letter Per FOIA Request

50 DEC 7 1960
Approved: _____
Special Agent in Charge
DEC 20 1960

Sent _____ M Per _____



**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.**

To: **FBI, Los Angeles (145-938)**

Date: **June 7, 1967**

Re: **BARNET ROSSET, dba
EVERGREEN REVIEW, INC.,
80 University Place
New York, New York 10003
ITOM
OO: NEW YORK**

J. Edgar Hoover
John Edgar Hoover, Director

REC- 121 FBI File No. **145-3799 - 1**
Lab. No. **D-535448 AV**

Examination requested by: **Los Angeles**

Reference: **Letter 5/18/67**

Examination requested: **Document**

Remarks:

EX 109

b6
b7C



Your inquiries as to the obscenity of the magazine entitled "EVERGREEN" will be made the subject of a separate communication.

MAILED 2
JUN 7 - 1967
COMM-FBI

Enclosures (2) (2 Lab report)
2-New York Enclosures (2) (2 Lab report)
1-San Diego Enclosure (Lab report)
1-San Francisco Enclosure (Lab report)

CWB:FCH (9)

- Tolson _____
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Rm. _____
- Holmes _____
- Gandy _____

Deleted Copy Sent *Per FOIA Request*
by Letter *6/22/67*
Per FOIA Request

b6
b7C

55 JUN 15 1967

ADMINISTRATIVE PAGE

MAIL ROOM TELETYPE UNIT



5714

REPORT
of the



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, Los Angeles (145-938)
Re: BARNET ROSSET, dba
EVERGREEN REVIEW, INC.,
80 University Place
New York, New York, 10003
ITOM

Date: June 7, 1967
FBI File No. 145-3799
Lab. No. D-535448 AV

Specimens received 5/22/67

Q1 Magazine entitled "EVERGREEN," Evergreen Review
No. 46, for April, 1967

Result of examination:

A search of the Bureau's files disclosed no record to indicate that copies of the magazine entitled "EVERGREEN" have been forwarded previously to the Laboratory.

In accordance with your request, specimen Q1 will be returned subsequently.

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

CWB:FCH (9)

fch

MAIL ROOM TELETYPE UNIT

RECORDED
5/24/67
MRE

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE NO LAB FILE

Laboratory Work Sheet

Re: BARNET ROSSET, dba
EVERGREEN REVIEW, INC.,
80 University Place
New York, New York, 10003
ITOM
OO: New York

File # 145-3799-1
Lab. # D-535448. ~~HEAV~~

Examination requested by: Los Angeles (145-938) 5/18/67

Examination requested: Document

Date received: 5/22/67

Result of Examination:

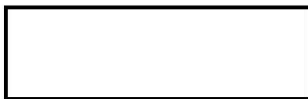
Examination by: ^{b6} _{b7C} col.

1. N.I. Q1 in Q.F.
2. Return Q1 sep. with opinion re obscenity.

Specimens submitted for examination

Q1 Magazine entitled "EVERGREEN," Evergreen Review No. 46, for April, 1967

- 2-New York
- San Diego
- San Francisco



5714

Return Evidence

*Cont-ful
Lab
6-7-67*

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
Attention: FBI LABORATORY, Pornographic Section
DATE: 5/18/67

FROM : SAC, LOS ANGELES (145-938) (P)

SUBJECT: BARNET ROSSET, dba
EVERGREEN REVIEW, INC.,
80 University Place
New York, New York 10003
ITOM
OO: New York

535448

Enclosed herewith to the FBI Laboratory is one copy of EVERGREEN, Evergreen Review No. 46, April 1967 issue priced at \$1.00. It is indicated this is Volume 11 with this matter being published bi-monthly by EVERGREEN REVIEW, INC., BARNET ROSSET, President and Editor and RICHARD SEAVER, Secretary. It is also indicated that this publication has Library of Congress Catalog Card Number: 57-6933.

This magazine was furnished by a source of the Los Angeles Office to Field Supervisor [redacted] as a publication being obscene and filthy which is distributed out of the New York area. Source marked a portion of the "Elegy, As If I Meant It" by JOHN PALCEWSKI, specifically that in red on page 37 of the publication. Source has also marked page 99 which is a portion of a story starting on page 33 entitled "THE TIDE" which is indicated on the Contents page as being a fiction article by ANDRE PIEYRE DE MANDIARGUES.

The FBI Laboratory, Pornographic Section, is requested to advise whether this edition or others similar to it has come to the attention of the Laboratory in other matters, whether it has been considered from the view of obscenity bordering on filth as defined in the obscenity statutes. This magazine should be returned to the Los Angeles Office as the source desires to have it returned. Copies of the report should be allotted to New York, San Francisco and San Diego, the latter two getting informational copies of this communication since this publication may also come to the attention of these offices.

- 2 - Bureau (Encl. 1)
- 2 - New York
- 1 - San Diego (Info)
- 1 - San Francisco (Info)
- 2 - Los Angeles (145-938)

REC-35

HEY:

(8)

COPY & SPECIMENS RETAINED IN LAB FOR LAB ACTION & REPORT

see index

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MCT-15 145-3799-1

MAY 22 1967

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6-7-67

ENCLOSURE

W/S

INDEXED
ENCLOSURE

June 23, 1967

Airtel

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1 -

To: SACs, Los Angeles (145-938) (Enclosure)
New York
San Francisco
San Diego

From: Director, FBI

BARNET ROSSER, DBA,
EVERGREEN REVIEW, INC.,
80 UNIVERSITY PLACE,
NEW YORK, NEW YORK 10003

ITOM
OO: NEW YORK

JEP 9
3
fd 217

Re Los Angeles letter 5/18/67.

The Department has advised that they are of the opinion that the publication "Evergreen" would not be proscribed from mailing or shipment in interstate commerce. It was stated that it cannot be said with any degree of certainty that this publication is utterly without social importance, nor that the dominate theme is directed only to prurient interest, not withstanding some isolated paragraphs or passages that may be questionable.

Enclosed for Los Angeles is one copy of the publication "Evergreen" forwarded by re lat.

MAILED 25
JUN 23 1967
COMM-FBI

CRM:jls
(11)

NOTE:

REC 10 145-3799-2

Los Angeles submitted publication "Evergreen" for an opinion as to whether or not it may be actionable under the ITOM Statute. The Departmental opinion was offered by Gene Anderson.

- Tolson _____
- DeLoach _____
- Mohr _____
- Wick _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

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Deleted Copy Sent *PETER Welis* JUN 26 1967
by Letter *6-30-75 - 346*
Per FOIA Request

MAIL ROOM TELETYPE UNIT

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (145-3799)

DATE: 7/26/67

FROM : SAC, LOS ANGELES (145-938) (RUC)

SUBJECT: BARNET ROSSET, DBA
EVERGREEN REVIEW, INC.,
80 UNIVERSITY PLACE,
NEW YORK, NEW YORK 10003
ITOM
OO: NEW YORK

Re Bureau Airtel 6/23/67.

The publication submitted by Los Angeles letter of 5/18/67 and returned to the Los Angeles Office by refAirtel has been returned to the source.

In view of the opinion of The Department, no further investigation is being conducted by this office.

- 2 - Bureau (145-3799)
- 1 - New York (Info)
- 1 - San Francisco (Info)
- 1 - San Diego (Info)
- 1 - Los Angeles (145-938)

HEY:
(6)

EX 105

REC 82

145-3799-3

4 JUL 28 1967

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