

# 'Redeeming Social Value' Traps Anti-Obscenity Law

By CHARLES E. CHAPEL, Assemblyman, 46th District

One of the several methods used by printers, publishers, distributors, and dealers in obscene books and magazines, to avoid conviction of a crime, is to claim that the filthy publication "is not without redeeming social value." What they really mean by this defense is that although the dirty publication has no story, no plot in the usual sense, and no character development, it does have some slight shred of "redeeming social value."

ten that it provides a means of escape for the peddlers of perversion by setting forth, right in that law, that the law does not have any application if the obscene publication has any "redeeming social value," or words to that effect. This amounts to enacting a law making certain acts a crime and at the same time, in the same law, telling the criminal how he can get acquitted if he violates that very law.

My Assembly Bill No. 3, introduced by me on the first Monday in January, 1963, on the first day of the 1963 General Session, amended the existing law by removing the

loophole, or escape clause, regarding "redeeming social value," or "redeeming social significance."

**SHORTLY AFTER** my A.B. 3 was introduced, I was told by men who said they represented the American Civil Liberties Union that they did not like my A.B. 3, they intended to talk against it to the members of the Assembly Judiciary Committee, Criminal, to which the bill was assigned, and that they were certain that my bill would be killed by that committee, which actually happened when the committee heard the bill.

There were many witnesses who testified in favor of the passage of my A.B. 3 to the floor of the Assembly, including official representatives of many social, religious, and patriotic organizations. One lawyer testified that he was speaking on behalf of the district attorneys of all of California, all of whom wanted the bill enacted into law in order that they could obtain convictions of peddlers and retailers of obscene materials.

**WHERE HAVE** you heard such phrases as "police censorship," "gestapo censorship," and "violation of civil rights" on other matters relating to crime and un-American activities?

After the bill was killed by the Assembly Committee, the only possible way to revive it was to get 41 votes on the floor of the Assembly to take it out of the committee, bring it on the floor of the Assembly, and there debate the bill on its merits, followed by a vote, which also requires 41 votes to pass the bill to the California State Senate.

Members of the Assembly, required by the rules of the Assembly to vote a bill out of a committee, orally promised me that they would vote "Aye" on my motion to take my A.B. 3 out of the Assembly Judiciary, Criminal, and bring it to the floor of the Assembly for debate. If they had kept their word, the bill would have been brought on the floor for debate, and then, if 41 or more had voted "Aye," the bill would have gone to the State Senate.

**ON THE DAY** set in advance for the vote to be taken on withdrawing my A.B. 3 from committee, which day was published in the Assembly Journal in advance, and announced publicly on the floor, there were nearly 70

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I could have the few seconds required to demand a roll call vote, someone made an oral motion that A.B. 3 by Chapel, be tabled; and some other person shouted "Second the Motion to Table." The Speaker then asked for those in favor of tabling the bill to say "Aye." He could hear the few "Aye" votes to table (that is, kill the bill), but his hearing was very poor when those trying to help pass the bill yelled "No." The Speaker shouted: "The ayes have it!" There was no point in appealing to over-rule the decision by the Speaker, because the Right Honorable Jesse M. Unruh is the Speaker, and what Big Daddy wants, Big Daddy gets, sometimes, temporarily, but wait!

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