

Decision of the Indecent Publications Tribunal

No. 190

IN the matter of the Indecent Publications Act 1963, and in the matter of an application to the Tribunal for a decision in respect of the magazine *Evergreen Review No. 66*; published by Evergreen Review Incorporated, New York.

DECISION OF THE TRIBUNAL

Evergreen Review No. 66 was submitted to the Tribunal by the Comptroller of Customs. Written submissions were received by the Tribunal from Mr Michael Haggitt, Counsel for the University of Otago, with supporting letters to the Registrar of the University of Otago from the librarians of Auckland and Massey Universities and of Canterbury Public Library.

Evergreen is a monthly publication whose subscribers in this country include four university and two public libraries. It is clearly important to such institutions that files of any publication to which they subscribe should be complete. The statute does not permit us to do as Counsel requests; namely, "make a judgment on the periodical as a whole". Our classification must concern only what is before us, which is No. 66.

Counsel claims: "*Evergreen* has been recognised as a significant expression of a school of *avant-garde* writing in America which should be available to serious students of contemporary American literature". The Tribunal agrees with this comment and regards the issue as valuable also to students of sociology. It includes, besides, articles of interest and merit in their own right.

This number does, however, contain matter which is indecent within the meaning of the Act and has no compensating literary or scientific importance. That the University of Otago restricts access to this periodical would indicate their recognition of this element. The Tribunal thinks the nature of the objectionable material in *Evergreen* of May 1969 is sufficient to warrant restriction to those persons and institutions who have already fully established their bona fide interests in this magazine.

We therefore classify this number as indecent except in the hands of those persons who have current annual subscriptions and those persons or classes of persons for whose use libraries and other educational institutions now maintain current files.

L. G. H. SINCLAIR, Chairman.

16 December 1969.

Decision of the Indecent Publications Tribunal

No. 191-193

IN the matter of the Indecent Publications Act 1963, and in the matter of an application to the Tribunal for decisions in respect of the magazines—

Glamour Guide, No. 1;
Kamera, No. 87; and
Kamera, No. 89

published by Kamera Publications Ltd., London.

DECISION OF THE TRIBUNAL

THESE three magazines were submitted to the Tribunal by leave of the Minister of Justice, obtained upon the application of the publishers. They may conveniently be dealt with in one decision. Each consists of a collection of nude or seminude photographs of female figures. In the Waverley Publishing Co. case (*New Zealand Gazette*, 25 July 1968, page 1251) we said that nude photographs "which appear to be deliberately unnatural or artificial, and occasionally ugly, grotesque, or contrived" we believed to be indecent. These words, in our view, aptly fit, in a greater or less degree, the photos, in many instances heavily retouched, reproduced in these magazines.

We therefore declare them to be indecent.

L. G. H. SINCLAIR, Chairman.

16 December 1969.

Decision of the Indecent Publications Tribunal

No. 194

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by Murdoch Riley, of Wellington, company director, as agent for the publishers, for a decision in respect of the book *The Desire to Dominate*, by Victor Rogano; published by Luxor Press Ltd., London.

DECISION OF THE TRIBUNAL

THIS book is a paper-back with a highly-dramatised cover: it is similar in appearance to a number of other books emanating from the same publishers. The tone of the contents is more

sober than the cover suggests, and consists of a popular account, through the ages, of manifestations by members of both sexes of the desire to dominate and the desire to be dominated. Naturally, there is much emphasis on the sexual impulses which generate these desires, and some of the case histories, from various sources, are dramatic and explicit. Taken altogether the book presents a not unhealthy account of a phenomenon on which people are entitled to be informed; although we do not think it is in the public interest that adolescents should have available to them at too early an age a book with such emphasis on abnormal practices. We accordingly deal with this book as we have dealt with most of the others in this series that have come before us, and classify it as indecent in the hands of persons of under the age of 18 years. This should effectively prevent its display.

L. G. H. SINCLAIR, Chairman.

16 December 1969.

Decision of the Indecent Publications Tribunal

No. 195

IN the matter of the Indecent Publications Act 1963, and in the matter of an application to the Tribunal for a decision in respect of the book *The Farm*, by Clarence Cooper; paper-back edition, published by the New English Library Ltd., London.

DECISION OF THE TRIBUNAL

THIS book was submitted to the Tribunal by the Comptroller of Customs. *The Farm* describes, as through a narcotic glaze, the experiences of a 30-year-old Negro drug addict undergoing treatment in a federal narcotics institution which is part hospital, part prison. Superficially the book may seem to be no more than a meretricious mixture of sex, drugs, and violence. The language is excessively coarse and given a veneer of modernity by eccentric chapter headings and typographical tricks.

Such an impression would be wrong. This novel is not great, but it is a moving report on painful experiences, and its shifting form is a direct expression of its author-diarist's character. Intelligent but educationally deprived, the prisoner-narrator must forge his own literary form to articulate his experiences. Colour consciousness, personal tragedy (a dead wife, a crippled daughter), drug addiction, and a criminal record are in themselves heavy burdens, barely controlled by a desperately self-protective—and ultimately self-destructive—pride. In the farm, however, deprivation goes further. The institution houses both men and women who are able to make only brief contact under strict supervision, and communicate by passing secret letters. The conditions imposed breed an atmosphere of obsessive sexuality. Yet it is in these most unpropitious circumstances that a genuine love develops as the only answer to despair and the only hope for personal growth. As the two main characters are redeemed, if only for a time, by their discovery of a valuable human relationship in mutual need, so the one incident which might give offence to some readers is itself a warm and moving transformation of physical desire into a powerfully re-creative love.

Despite the crudity of its language, in the range of experiences with which *The Farm* deals, the insight it gives into prison conditions, the personalities of guards, officials, psychiatrists, and nurses, and the compassionate understanding it shows of human beings confined and deprived, this book belies its surface appearance and commands respect. Its style and construction are such as to require some persistence in the serious reader and to inhibit the immature. The Tribunal considers the book to be of some worth and, taken as a whole, not indecent, and decides accordingly.

L. G. H. SINCLAIR, Chairman.

16 December 1969.

Amendment to Nelson Lakes National Park Bylaws

PURSUANT to the National Parks Act 1952, a resolution has been passed by the Nelson Lakes National Park Board resolving that bylaw No. 10A of the bylaws made in respect of the Nelson Lakes National Park be revoked, and that a new bylaw be made as set out in the Schedule hereto; and such resolution has been approved by the National Parks Authority.

It is therefore declared that the said bylaws have been amended accordingly.