



The Phyllis Schlafly Report



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The Solution For Obscenity

Some 300 conservative Republican leaders from 35 states gathered at the Mayflower Hotel in Washington, D. C. on September 26 at the invitation of Phyllis Schlafly. They profitably exchanged ideas about politics with like-minded conservatives from all over the country. They celebrated the passage by the Senate of the ABM — a victory in which the Eagles deserve a substantial share of the credit. They passed a strong resolution against a recent U.S.-NATO agreement to export important strategic materials to Communist countries. And they promised to help stop the rising tide of obscenity by working to persuade the Congress to pass S. 1077 as a tribute to the memory of the Senator who introduced it, Everett Dirksen. Here are some excerpts from Phyllis Schlafly's speech on that occasion.

Obscenity used to be confined to materials sold under the counter in dirty little stores on side streets, or sent surreptitiously through the mails. Today, it has grown to a billion-dollar business, and is still rapidly increasing in volume and in rawness. Anyone who thinks that obscenity means merely calendar art or nudity simply isn't aware of the kind of perverted filth on the market today.

Mail-order and dirty-little-bookstore sales are only a small part of the problem. The larger and more dangerous aspect is the obscenity which is sold through so-called respectable channels. Take time to examine the paperback book racks in the airport terminals and you will see that the overwhelming majority of the books are morally sick. The tremendous sale of the book *Portnoy's Complaint*, whose principal character is an unrepentant pervert, reveals the degeneracy of today's best-selling novels.

In the theater, total nudity and explicit sex are all the rage. Such plays as *Hair* and *Oh! Calcutta* on Broadway, and *The Beard* in a California college theater, try to outdo each other in obscenity.

What has happened in the movies is illustrated by the motion picture *Candy* which was released for the teenage trade over the last Christmas holidays. It is a sequence of sex and incest, sandwiched in with the straight Communist Party line against religion, against the military, and against the police. *Candy* has been followed by other movies which are worse.

Some of the rock music bands applauded by the teenagers, such as the *Doors*, have added incredible public indecency as part of their so-called entertainment. One recent example of obscenity on college campuses was the student newspaper at the University of Missouri which

featured a front-page picture of a policeman raping the Statue of Liberty.

This epidemic of obscenity is a matter of immediate and vital concern to women for two reasons. First, women are keepers of the morals of our children and of the nation. Secondly, obscenity means, above all, the degradation of women. If we passed every bill for women's rights that anyone could ever dream up, all of them together could not do as much for the status of women as stopping the flood of obscenity.

What caused this flood of filth? There has been no change in state statutes prohibiting obscenity. The answer is that there has been a tremendous change in Supreme Court decisions beginning shortly after Abe Fortas became an Associate Justice. In 1967, 1968 and 1969, the Supreme Court reversed 38 lower court obscenity convictions, and this unprecedented series of pro-obscenity decisions — which offend morality, common sense, logic and law — gave the go-ahead to the most notorious and money-grasping smut peddlers.

Former Minority Leader Everett Dirksen was deeply concerned about what the Supreme Court has done to America, and he determined to do something about it. He recognized that the Supreme Court is the number-one reason for the epidemic of obscenity today, and he drafted and introduced a legislative proposal which would solve the problem: S. 1077.

The reason why Senator Dirksen's bill is so superior to any of the 150 other bills pertaining to obscenity now pending before the Congress is that *his bill will immediately and completely eliminate the prime cause of the spread of obscenity — the reversing by the Supreme Court of many state and lower federal court convictions.* S. 1077 simply provides that the Supreme Court shall have no jurisdiction to reverse or set aside a jury or state court determination that an article is obscene. Our fine local law enforcement officers and juries can stop the flood of filth — if we can just keep the Supreme Court from turning the smut peddlers free after they have been convicted.

Senator Dirksen's bill, at first glance, looks disarmingly innocuous. It sounded so non-controversial that, when Dirksen first proposed it in 1968, that liberal Democratic Majority Leader Mike Mansfield added his name as a co-sponsor. Mansfield's name is not on the 1969 version — but the bill is the same.

Don't be fooled by the simplicity of the Dirksen bill. S. 1077 is one of the most perfect pieces of legislative (continued on page 4)

Was Senator Dirksen A

Thousands of words have been written about Republican Minority Leader Senator Everett McKinley Dirksen during the past few weeks, most of which emphasize his oratorical flamboyance and his zigzagging on issues. These press obituaries obscure the real man known to his Illinois constituents, of whom I am proud to be numbered.

Conservatives may not realize it, but the death of Senator Dirksen is one of the greatest losses we have ever sustained.

Senator Dirksen was staunch and steadfast on the three most crucial issues of our time. He took the right position at considerable sacrifice to his political career, he never wobbled, he worked effectively and convincingly — but alas, not successfully, because too few on our side then understood the stakes. If conservatives had won those three battles, most of the problems we face today would not be with us. The Johnny-come-latelies among conservatives should stand in humility before the courage and the patriotism of Everett Dirksen who fought our battles for us long before most of those who call themselves conservatives even knew there was a fight going on.

The first was the campaign for Senator Robert Taft at the Republican National Convention of 1952. That was THE critical battle of our generation. At that time, Everett Dirksen had one of the most promising futures of any Republican in America. He was experienced, the right age, and at the prime of his famous speaking talent. He was prominently mentioned as a possible Presidential or Vice Presidential candidate. Just two years before, he had scored one of the most stunning upsets in political history when he decisively defeated the Majority Leader of the Senate, Scott Lucas. Dirksen could easily have had the Vice Presidential nomination with Eisenhower. Instead, Dirksen chose to cast his lot early and firmly with Taft.

When the Tom Dewey-Sherman Adams Juggernaut rolled over that Convention, crushing Delegates under lies, smears, and bribes, Dirksen never wavered. He went before the 10,000 Republicans in that Chicago convention hall and gave one of the greatest speeches in his entire career. Comparing that political Convention ringing with “all the changes of human passion” to a “storm-tossed ocean,” he stood nobly and grandly at the battlements and tried to roll back the waves. His words were so persuasive, his logic so compelling, that I think he might have rolled back the tide except for a most untimely accident. At the climax of his speech, a man had an epileptic fit in the Delegates’ aisle. The unfortunate man’s friends gathered round him to protect him from news photographers, and in the melee a few fisticuffs were exchanged. Rather than be accused of starting a riot, Dirksen abruptly halted his eloquent and persuasive speech.

When the tide rolled over Bob Taft and the motion was made to make the nomination of Eisenhower unanimous, the Illinois Delegates shouted “No.”

What many conservatives do not realize is that, if Taft had been nominated, the whole course of history would have been different. His running mate would have been General Douglas MacArthur; they had agreed upon that team the first day of the Convention. Taft would have been a great President because he was an American first, extraordinarily capable, of the highest integrity, and he understood government and politics better than any-

one else. If Taft had died in office, he would have been succeeded by the greatest American military leader and administrator of the twentieth century. If Taft had been President, his first appointment to the Supreme Court would probably have been Dean Clarence Manion — certainly not Earl Warren.

The next decisive encounter between the forces of Americanism and the forces of internationalism was the vote on the Bricker Amendment in 1953 — and Senator Dirksen was with us all the way. This was the Amendment which would have safeguarded Americans from having their rights diminished by treaties or executive agreements. Passage of the Bricker Amendment had been a principal campaign issue used by Republicans in 1952. But after Eisenhower was elected, he was persuaded by his chief aid Sherman Adams to repudiate the Republican Platform and to let Adams use White House pressure on Senators who supported the Bricker Amendment. The Bricker Amendment lost by only one vote.

Power and the patronage were on the side of the Administration — but Senator Dirksen was on the side of America. He voted for the Bricker Amendment which would have saved us from the multitudinous international traps surrounding us today.

With little time to lick their wounds from this defeat, the good guys almost immediately found themselves in an even bloodier battle: the furor over Senator Joseph McCarthy. Liberal Republicans had no quarrel with Senator McCarthy when he exposed Communists in Government while the Democrats were in office — but they found his work intolerable when he exposed Reds in Government after the Republicans had been elected.

So the same little clique which had engineered the big smear against Senator Bob Taft (Sherman Adams, Henry Cabot Lodge, Herbert Brownell, etc.) set out to destroy Senator Joe McCarthy. They mobilized all the muscle that the White House could muster to join the solid bloc of Democrats who voted against McCarthy on straight party lines. The vote on the censure of Joe McCarthy clearly separated the anti-Communists from the Earl Warren Republicans. And where was Senator Dirksen? He was with Joe McCarthy to the bitter end.

The White House clique tried to flatter and cajole Senator Dirksen to betray McCarthy. When they saw that would not work, invitations to the White House were abruptly terminated, and Dirksen was lowered into the deep freeze of White House displeasure.

The censure of Joe McCarthy marked the end of Congressional investigations of Communists in Government. There have been none since then. No Senator is willing to defy *The New York Times* — *Washington Post* Axis by investigating *why* the State Department denied victory to MacArthur in Korea, backed Communist Castro in Cuba, caused the overthrow and murder of the anti-Communist Diem, persecuted Otepka, requires us to buy chrome from Russia at a higher price than charged by Rhodesia, and now denies us victory in Vietnam.

Dirksen's Talents

Senator Dirksen was a man of three superb talents not understood by those distracted by his histrionics.

He was probably the greatest speaker of our time before a live audience. (Television was not his medium.)

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n A Profile of Courage?

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He was equally at home whether talking to a crowd in the open air on a hillside in the coal mining districts of southern Illinois, to a formal dinner in Washington's biggest hotel, or to a throng of protesting blacks. Whether the audience was simple, sophisticated, or hostile, Dirksen could win his audience, hold it in the palm of his hand, and play on its emotions with the artistry of a virtuoso playing a violin.

Dirksen never used a note and his speeches had the impact of the impromptu — but they were always carefully organized and outlined by the master craftsman, with timely intellectual content, change of pace, Scriptural inspiration, human interest, and humor unfailingly pertinent and never irrelevant. He had the most beautiful command of the English language in extemporaneous speaking of any man in public life, as proved by the fact that his unedited speeches and interviews read flawlessly. He was an extremely rapid speaker, but few realized it because of the mellifluous flow and range of his organ-sounding voice.

Secondly, Dirksen was the master of the art of gentle persuasion. He had no peer in the ability to convince others. In a small group, Dirksen could literally persuade anyone of almost anything. It was generally considered that Dirksen carried with him about ten votes, and this is why his vote was always crucial. Once a week he would ascend to the press gallery and persuade the most sophisticated group in our nation of the wisdom or reasonableness of the Republican position. No other Senator was capable of this.

I have heard Dirksen speak hundreds of times, but the greatest speech I ever heard him give was on June 30, 1964 to the closed session of the Illinois Delegates to the Republican National Convention. Out of the Illinois Delegation of 58, there were only about 32 hardcore Goldwater Delegates. This meeting at the O'Hare Inn in Chicago was the one when Dirksen announced his support of Goldwater and made his eloquent pitch to win the votes of the uncommitted Delegates. It is a loss to history that that speech was not recorded or reported. It was a classic in persuasion, a speech no one else could have given. He won the votes of some ten more Delegates on the spot, and ultimately won practically the entire Delegation.

Dirksen displayed the same art when he served as Chairman of the Platform Committee at the Republican National Convention in Miami in 1968. The hawks and the doves converged on Miami with fire in their eyes to fight it out on the issue of Vietnam. Both liberals and conservatives looked upon the Platform as a means to show their dominance in the Party. Yet Dirksen managed the Platform so cleverly that there was nothing for Rockefeller, Lindsay, Romney, Nixon, Goldwater, Thurmond, or Reagan to fight about. Dirksen covered every controversial issue in the Platform, yet there was no Party blood spilled. This enabled the Republican Party to get on quickly with the business of nominating and electing a President.

In 1969, Dirksen personally assumed the Senate leadership of the fight to vindicate Otto Otepka, even though this required battling most Democrats, Teddy Kennedy at his prime, and *The New York Times*. Dirksen displayed his remarkable skills of persuasion in the hearing on

Otepka's nomination to the Subversive Activities Control Board. When Dirksen finished, not a single Senator dared to speak in opposition.

Thirdly, Dirksen was a master parliamentary craftsman. No Senator or Congressmen could approach his skill in preparing and passing legislation. An example of this legislative skill was what he did in making possible the Superbowl climaxes to the football seasons. In 1966, LBJ's Attorney General ruled that the National and American Leagues could not agree on *all* the terms required for the Superbowl without violating the anti-trust laws. The public was very eager to watch a match of that year's champions, who turned out to be the Green Bay Packers and the Kansas City Chiefs, and very little time remained. In desperation, the officials of both Leagues turned to the one man in the Senate capable of the impossible, Senator Dirksen. In a jiffy, he drafted the necessary legislation, made it a rider amendment to an existing bill about to pass, and quickly secured its approval in both Houses.

Dirksen's crowning achievement was shepherding through to victory this year the bill authorizing the ABM. In prior years, Dirksen had not studied the nuclear arms race and was not aware that the giant Soviet tests of 1961-62 had given the U.S.S.R. a lead in the technology of multi-megaton nuclear weapons.

Dirksen's Senate votes did not always fit into a doctrinaire mold. But he was conservative in the sense that the mainstream of the Republican Party is conservative and in the sense that the majority of Republican Congressmen vote conservative. He was God-fearing, patriotic, and courageous in standing by his convictions. No legislator can be an authority on all subjects. Dirksen was indefatigable in pursuit of legislation dear to him: to restore much-needed prayer to our public schools, to prevent the desecration of the American Flag, to overrule the Warren Court's radical decision eliminating representation based on geography, and to deprive the Supreme Court of jurisdiction to overrule obscenity convictions in the lower courts.

Every year Dirksen introduced his perennial resolution to make the marigold our official national flower. Don't let anyone tell you this is a trivial matter. It has important ideological significance and it illustrates the sharp difference between Dirksen and the liberals who opposed him.

First, the Democrats don't like to be reminded of gold. They know that Franklin Roosevelt wrote and signed the law which prohibits Americans from exchanging their dollars for gold, but allows foreigners to convert dollars at will. Under the Johnson Administration, foreigners drew gold out of our country at such a frightening rate that we no longer have nearly enough gold backing for a sound money system.

Second, the Mary in marigold refers to Mary the mother of Christ. The name of the flower, given to it by the Spanish explorers who discovered it, is literally "Mary's Gold." The policy of the leftwingers is to remove every reference to religion from our public life, and they will not accept a national flower that has any religious significance, however remote.

The third reason the leftwingers are against the mari-
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Dirksen's Bill To Stop Obscenity

91st CONGRESS
1st Session

S. 1077

IN THE SENATE OF THE UNITED STATES
February 19, 1969

Mr. Dirksen introduced the following bill: which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That (a) chapter 71, title 18, United States Code, is amended by adding at the end thereof the following new section:

§ 1466. Determinations of fact

"In every criminal action arising under this chapter or under any other statute of the United States determination of the question whether any article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy shall be made by the jury, without comment by the court upon the weight of the evidence relevant to that question, unless the defendant has waived trial by jury."

(b) The section analysis of that chapter is amended

The Solution For Obscenity

(continued from page 1)

craftsmanship ever to be presented to the Congress — and the most far-reaching and healthy in its effect. The passage of the Dirksen bill can do more to solve the problems that confront us today than any single piece of legislation. If President Nixon were to appoint five conservatives to the Supreme Court tomorrow, this would not do as much for our cause as the passage of this Dirksen bill.

I urge you with all the strength at my command to make the passage of S. 1077 your priority project for 1969. The text of this bill is printed in full on page 4 of this *Report*. Write or call your Senators and Congressmen and tell them that you want them to pass S. 1077. Make them understand that you mean business.

No politician can afford to pussyfoot on the obscenity issue. It is political dynamite. It was the obscenity issue *alone* that stopped Abe Fortas from being confirmed as Chief Justice after LBJ appointed him in 1968. There was abundant other evidence against Fortas — but only the obscenity issue was decisive. When the Senators and the Washington reporters took one look at the obscene, depraved, perverted movies that Fortas had approved, that was enough.

Don't let your Senators or Congressmen tell you they are supporting some *other* bill to stop obscenity. *No other bill will do the job.* Some of the so-called anti-pornography bills are actually helpful to the smut peddlers; S. 1077 is the *only* bill we should support.

The passage of S. 1077 would be a most fitting memorial to Senator Dirksen in gratitude for his long career of service to our country. The use of his name and prestige on this bill is one final patriotic service he is rendering us from beyond the grave.

by inserting at the end thereof the following new item: "1466. Determinations of fact."

Sec. 2. (a) Title 28, United States Code, is amended by adding at the end thereof the following new chapter: "Chapter 176.—ACTIONS INVOLVING OBSCENITY

"Sec.

"3001. Judicial review.

§ 3001. Judicial review

"(a) In any criminal action arising under any statute of the United States for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States or of the District of Columbia shall have jurisdiction to review, reverse, or set aside a determination made by a jury on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy.

"(b) In any criminal action arising under any statute of any State or under any law of any political subdivision of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States shall have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy."

(b) The analysis of title 28, United States Code, preceding part I thereof is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity 3001".

(c) The chapter analysis of part VI, title 28, United States Code, is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity 3001".

Senator Dirksen

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gold is that in other countries it is known as the "friendship flower." The liberals don't like to be reminded that, under the policies of the New Deal-New Frontier-Great Society State Department, we don't have any friends any more. The people who should be our friends are burning the American overseas libraries, kidnapping Americans, telling us in uncouth language where to go, and in Africa even making our diplomats *eat* the American Flag.

Finally, the leftwingers really don't want any official U.S. flower at all. You see, Red China and the United States are the only two important countries with no floral emblem, and the striped pants boys in our State Department don't want to embarrass Red China by leaving her all alone as the only country without an official flower.

Everett Dirksen will be sorely missed by the conservative cause. He was a real leader in these times when leaders are so scarce and legislators are so timid.

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