**FOOL’s FALL EVENT**

**FEATURES SCHWARZ LECTURE**

Frederick A. O. Schwarz, award-winning attorney, author and legal scholar, will present the keynote lecture at the Friends of Oboler Library fall event on Friday, November 16th. The event will be held in the Amethyst/Onyx Rooms of the Holiday Inn. A no-host bar will open at 6:00 p.m.; dinner will be served at 6:30 and Mr. Schwarz’s speech will take place at 7:30. Tickets are $25 per person and are available by calling the Library’s administrative office, 282-2997.

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Quotes from *Unchecked and Unbalanced* by Frederick Schwarz and Aziz Huq

*In the name of national security, the Administration of President George W. Bush claims that the Constitution’s structure of separated branches sharing powers is inadequate. It claims we must place unfettered, absolute trust in the executive branch. Our nation’s history teaches that such claims are dangerous, as well as unfounded.*

(p. 200)

The Bush Administration’s argument for unlimited presidential power is simple – and also simply wrong. The Constitution’s text, the historical context, contemporary comments of the Revolutionary generation, and the background presumptions of American and British law all undermine the case for presidential power unbounded by laws.

(p. 167)

*The arguments for unchecked presidential power rest on two phrases in Article II: the so-called “Vesting Clause” and the “Commander in Chief” clause. Neither one justifies an unchecked executive power to suspend the laws in the name of national security.*

(p. 169)

*…presidential unilateralism has not made the nation safer. Overreaching and the resulting abuse of elementary human rights costs us our liberties and others’ support; it drives some into the arms of the enemy; and it corrodes the moral center of our nation’s constitutional heritage.*

(p. 7)

*The Administration insists that its plunge into torture, its lawless spying, and its lock-up of innocents have made the country safer. Beyond mere posturing, they provide little evidence to back up their claims.*

(p. 201)

No sitting president before President Bush asserted or used power under the Constitution to set aside laws wholesale. Such power means a president can ignore statutes passed by Congress whenever he claims that “national security” or “military necessity” is at issue. This claim finds precedent in the 17th-century British kings’ royal “prerogative” power to “suspend” or “dispense” with laws enacted by Parliament.

(p. 153)

*Congress will change its ways when voters start demanding that it fulfill its Constitutional mandate. We need a new “contract” between representatives and their electors, one in which all recognize that neither security nor liberty are partisan issues, and that a Congress that leaves too much to the White House is a Congress that falls far short of its duties.*

(p. 204)
If we were honest, I think we would have to admit that, alongside our natural desire to make our own voices heard in the world, there exists an equally-natural desire to make a good many other people shut up. Which is merely to point out that the urge to censor seems to be one of the normal inclinations of humankind. It’s not surprising, then, that censorship seems to have been practiced everywhere, in every society, throughout recorded history. Moreover, every medium of communication has been subjected to censorship, and almost every conceivable reason has been used to justify it. Censorship has been imposed in the name of gods, kings, sects, majorities and minorities, not to mention good taste, public morality, and national security.

The aim of the FOOL’s Collection of Censored Books is to explore the history, types and causes of censorship. As of this writing, the collection consists of seventeen titles. The most recent additions to the collection focus on censorship of a medium other than the written word—motion pictures.

For complicated and interesting reasons, the American public has always been more inclined to impose restrictions upon free expression in the movies than in literature. Beginning in the early nineteen-thirties, and for four decades thereafter, Americans insisted that the film industry submit itself to the Motion Picture Production Code, a Draconian set of content restrictions that the industry itself had been forced to create. This was a code that not only prohibited the showing of certain categories of images, and the utterance of certain words, but also the communication of specific opinions and viewpoints. The FOOL’s Collection has acquired an early edition of the Code itself, as well as a 1937 “insiders” guide to the application of the Code. The latter was aimed primarily at screenwriters and those religious and civic groups that maintained public “vigilance” over the Code’s enforcement.

The Code came into being, in part, because there was little censorship of the movie industry in the late nineteen-twenties and early thirties, and contemporary film-goers were thus able to see movies that reflected the social conditions of those bipolar times with considerable accuracy. Public outrage at these films on the part of conservative Protestant and Catholic organizations (especially the Legion of Decency) was eventually sufficient to force the industry to self-censor. Because the films of this period are not particularly well known, FOOL has funded the purchase of some recently re-released DVDs containing films that were particularly targeted by those groups agitating for censorship. Also acquired were books detailing the history of film censorship, and a highly interesting volume, published in 1933, that was the first mass-marketed book claiming to provide scientific evidence of the deleterious effects of movies upon children.

**The Collection Additions:**


Motion Picture Association of America. *The Motion Picture Production Code.* [Washington?: s.n. 1956?]


**Films:**


—Leonard Hitchcock