

The Catholic Lawyer

Volume 10
Number 4 *Volume 10, Autumn 1964, Number 4*

Article 2

Editorial Comment

Edward T. Fagan

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>

This Editorial Comment is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

Editorial Comment

In recent months a number of decisions pertaining to obscenity regulations have been rendered by both state courts and the United States Supreme Court. While some of these decisions were constructive, others were destructive. In any case, they have promulgated a need for substantial change in both the approach and the wording of many of our obscenity statutes in order that there can be effective enforcement within the constitutional limitations set forth by these decisions.

In the light of these recent developments, it is necessary that both the state legislatures and independent community organizations actively study the present statutes which are applicable within their jurisdiction in order to determine (1) whether their statutes are consistent with judicial interpretations and (2) if consistent, whether such legislation satisfactorily copes with the problem of controlling the dissemination of obscene materials in their community. Special consideration should also be given to an effective means of curtailing the dissemination of these materials to minors.

As an aid to such investigation, this issue of *The Catholic Lawyer* features a symposium entitled "Obscenity and the Law." It is intended primarily to focus attention on the present status of obscenity law, particularly with regard to minors, and to highlight the drafting obstacles to be avoided or overcome in any attempt to provide proper statutory safeguards. Suggestions concerning phraseology and content are also provided as possible aids to such legislative endeavors.

Elsewhere in this issue the posture of the law with respect to *de facto* segregation is critically analyzed by Professor Charles Rice. His article deals with three questions: (1) has the Supreme Court of the United States merely forbidden segregation, or rather commanded integration? (2) apart from Supreme Court decisions, and as a matter of constitutional analysis, *must* local authorities adopt measures designed to eliminate *de facto* segregation? and (3) in the alternative, *may* local authorities adopt such measures if they so choose?

Since Professor Rice reaches very definite conclusions with respect to the above questions, *The Catholic Lawyer* will present the opposing viewpoints in an article to be published in the near future.

A handwritten signature in black ink, reading "Edward Tagan". The signature is written in a cursive style with a long horizontal line extending to the right.

EDITOR