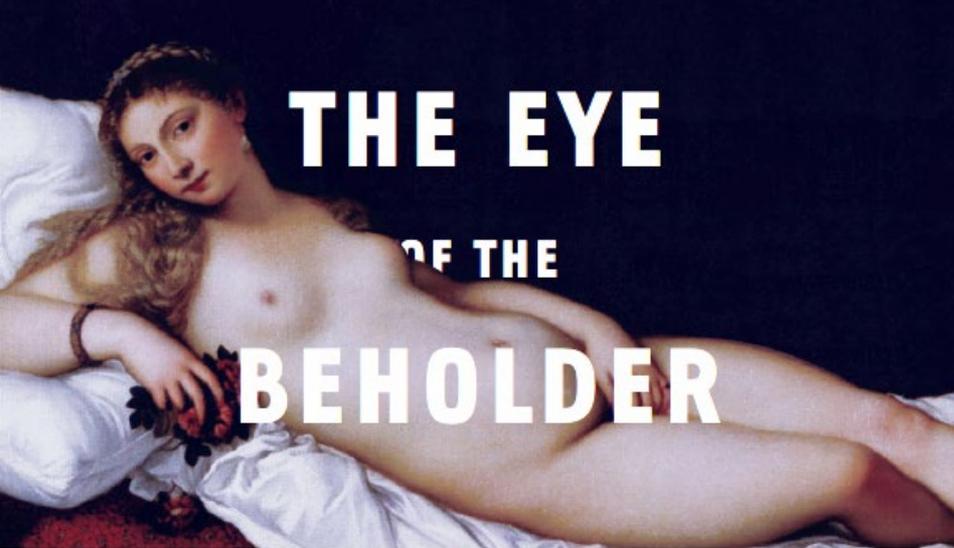


**THE MIND
OF THE
CENSOR**

AND

The Venus of Willendorf painting, a classical work by Titian, depicting a nude woman reclining on a white pillow, holding a bunch of grapes. The painting is set against a dark background.

**THE EYE
OF THE
BEHOLDER**

THE FIRST AMENDMENT and the CENSOR'S DILEMMA

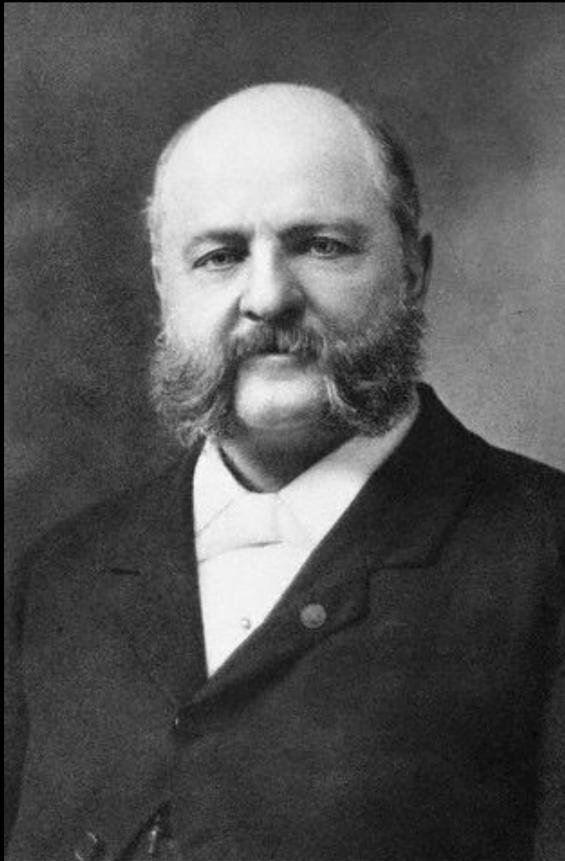
ROBERT CORN-REVERE

Foreword by **Floyd Abrams**

The Mind of the Censor versus The Spirit of Liberty

- “Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition.” **Justice Oliver Wendell Holmes**
- Moral crusaders’ “very cocksureness is their chief source of strength.” **H.L. Mencken**
- “Self-assurance has always been the hallmark of a censor.” **Justice Anthony Kennedy**
- “The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias.” **Judge Learned Hand**
- “Certitude is not the same thing as certainty . . . [W]hen men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas.” **Justice Oliver Wendell Holmes**

1873 Act for the “Suppression of Trade in and Circulation of Obscene Literature and Articles of Immoral Use”



Anthony Comstock

Prohibited publishing or mailing any “obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing . . . or other article of an immoral nature, or any drug or medicine . . . for the prevention of conception, or for causing unlawful abortion . . .

Victorian Morality

Obscenity is defined as all material tending “to deprave and corrupt those whose minds are open to such immoral influences,” regardless of its artistic or literary merit.

Regina v. Hicklin (1868)

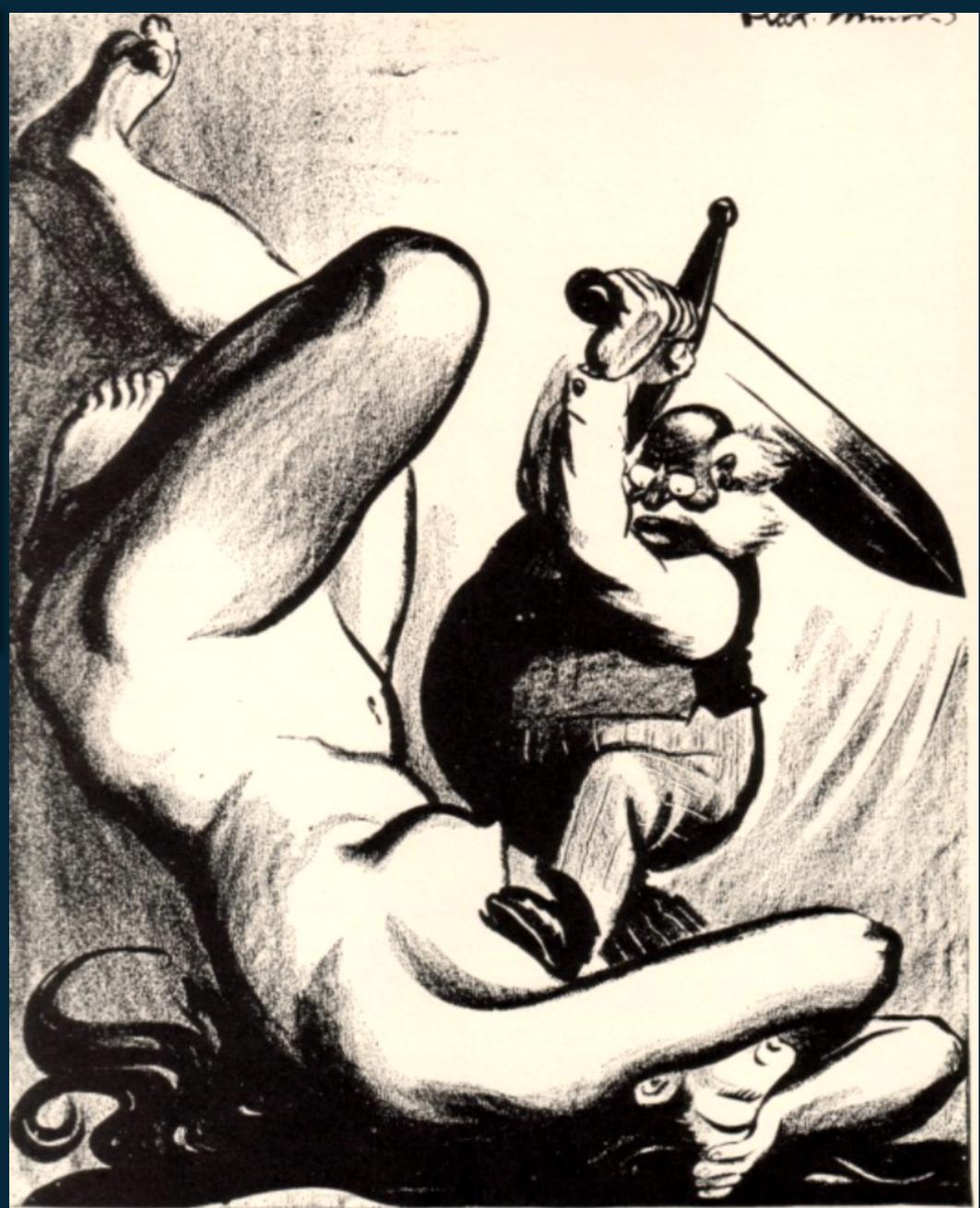
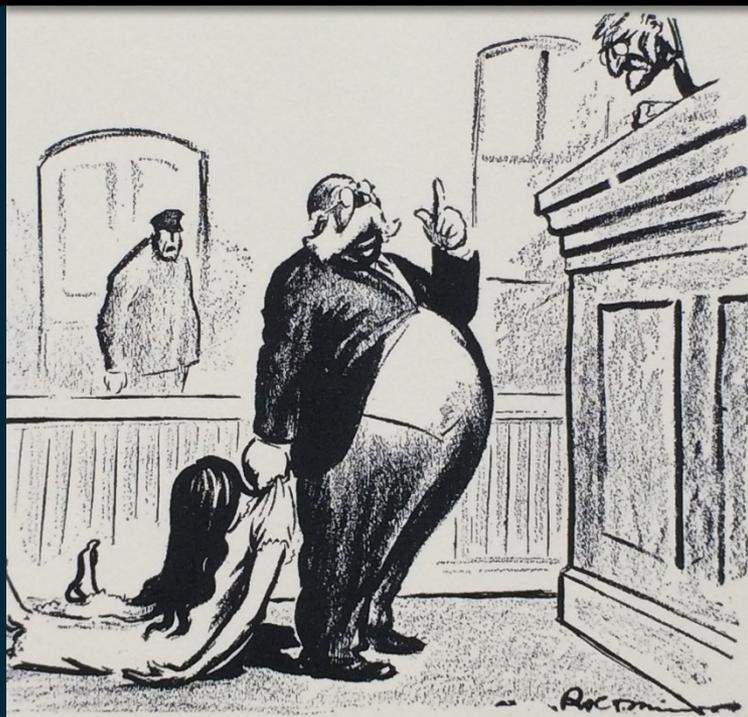


New York Society for the Suppression of Vice



The Comstock Effect

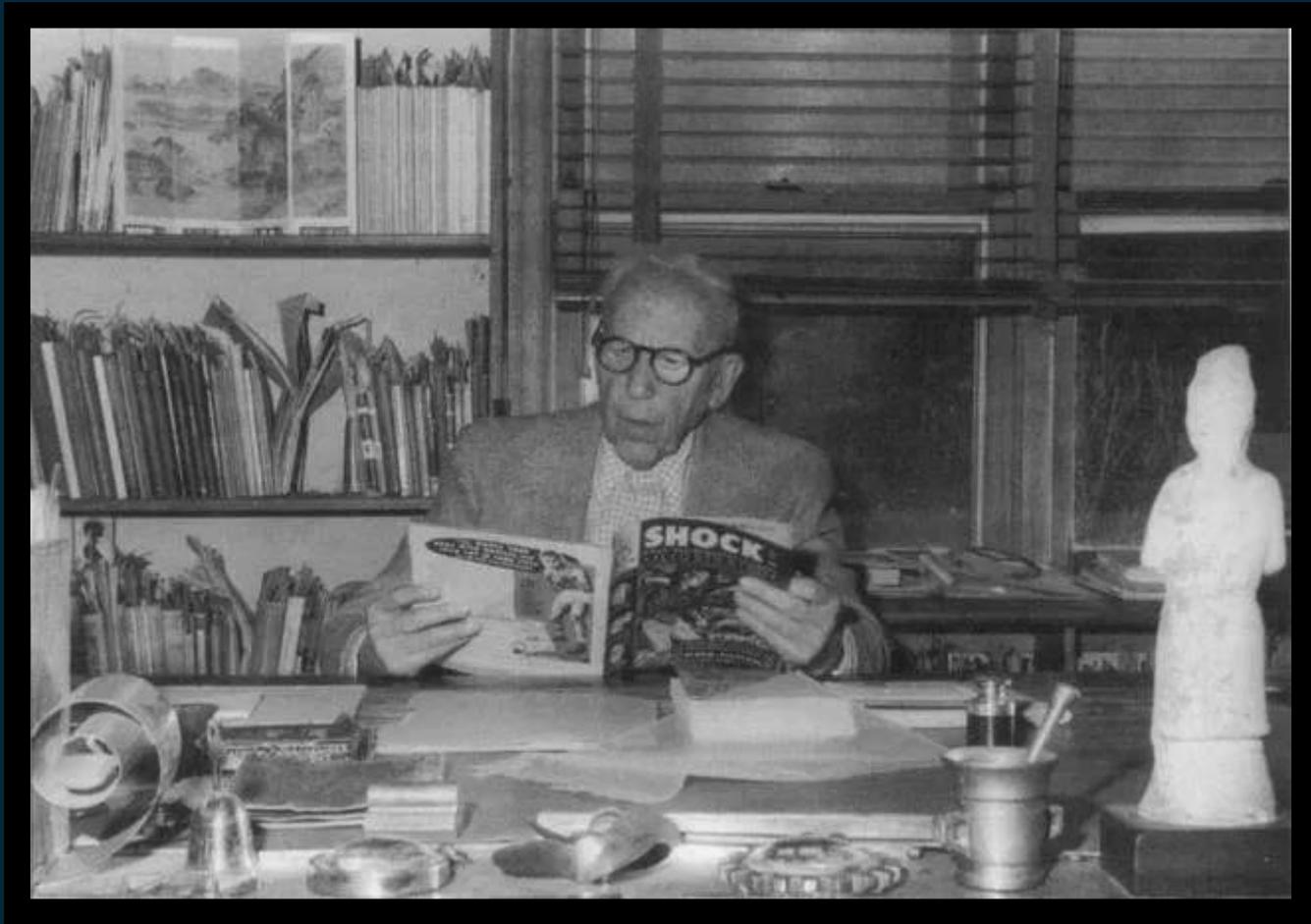




Drawn by Robert Minor, October-November 1915

O Wicked Flesh

Seduction of the Innocent



Dr. Fredric Wertham

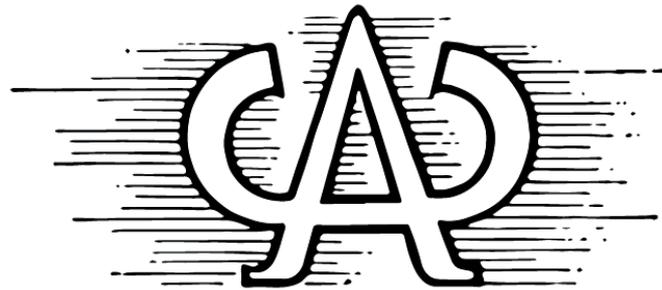
Comic Book Bonfire at St. Patrick's Academy Binghamton, New York, December 10, 1948



Comic Book Hearings, 1954

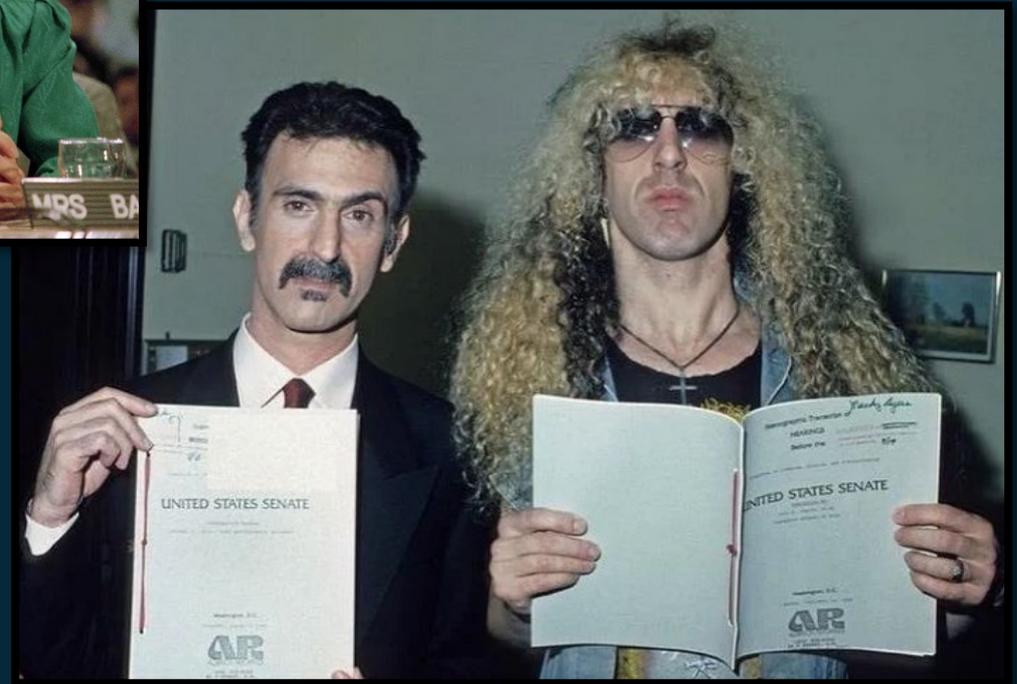


**APPROVED
BY THE
COMICS
CODE**



AUTHORITY

“Porn Rock” Hearings: Ya Got Trouble

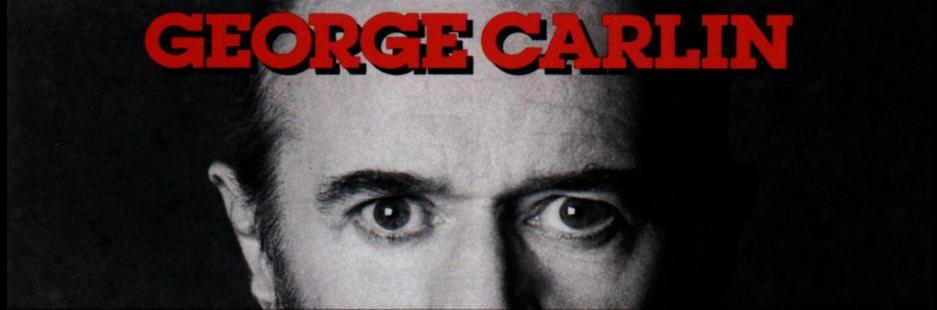


P A R E N T A L

A D V I S O R Y

E X P L I C I T C O N T E N T

GEORGE CARLIN



PARENTAL

ADVISORY

EXPLICIT LYRICS

The Vast Wasteland



FCC Chairman Newton Minow

The public interest at work



“You will get no argument from me if you say that, given a choice between a western and a symphony, more people will watch the western. But your obligations are not satisfied if you look only to popularity as a test of what to broadcast. It is not enough to cater to the nation’s whims – you must also serve the nation’s needs.”

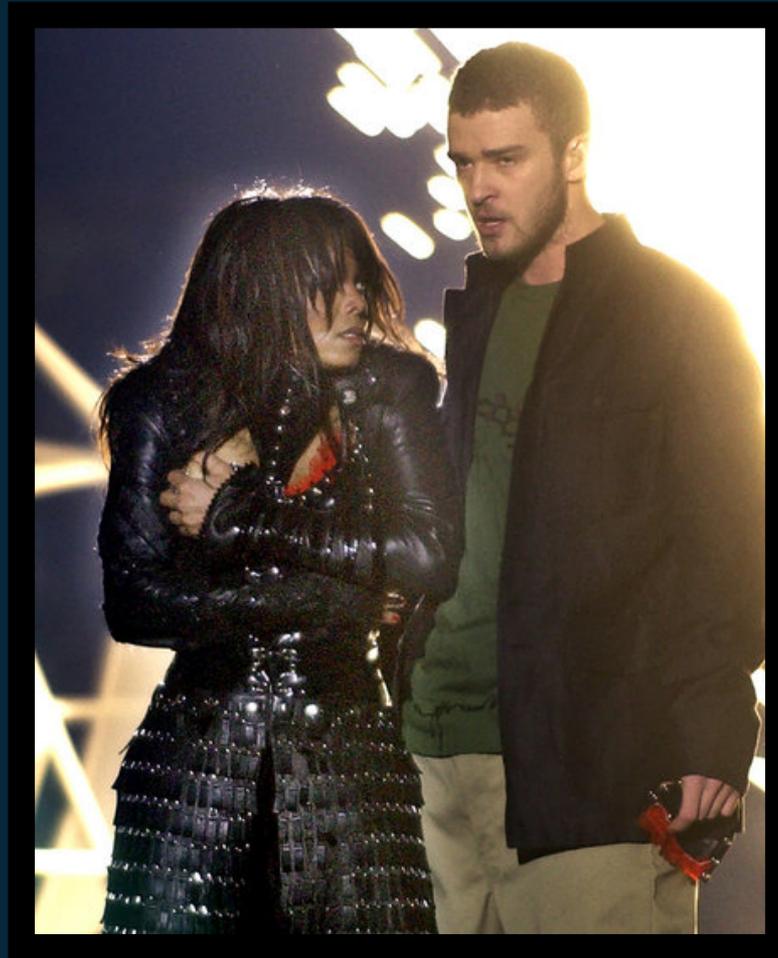
Revenge of the wasteland



The Indecency Panic

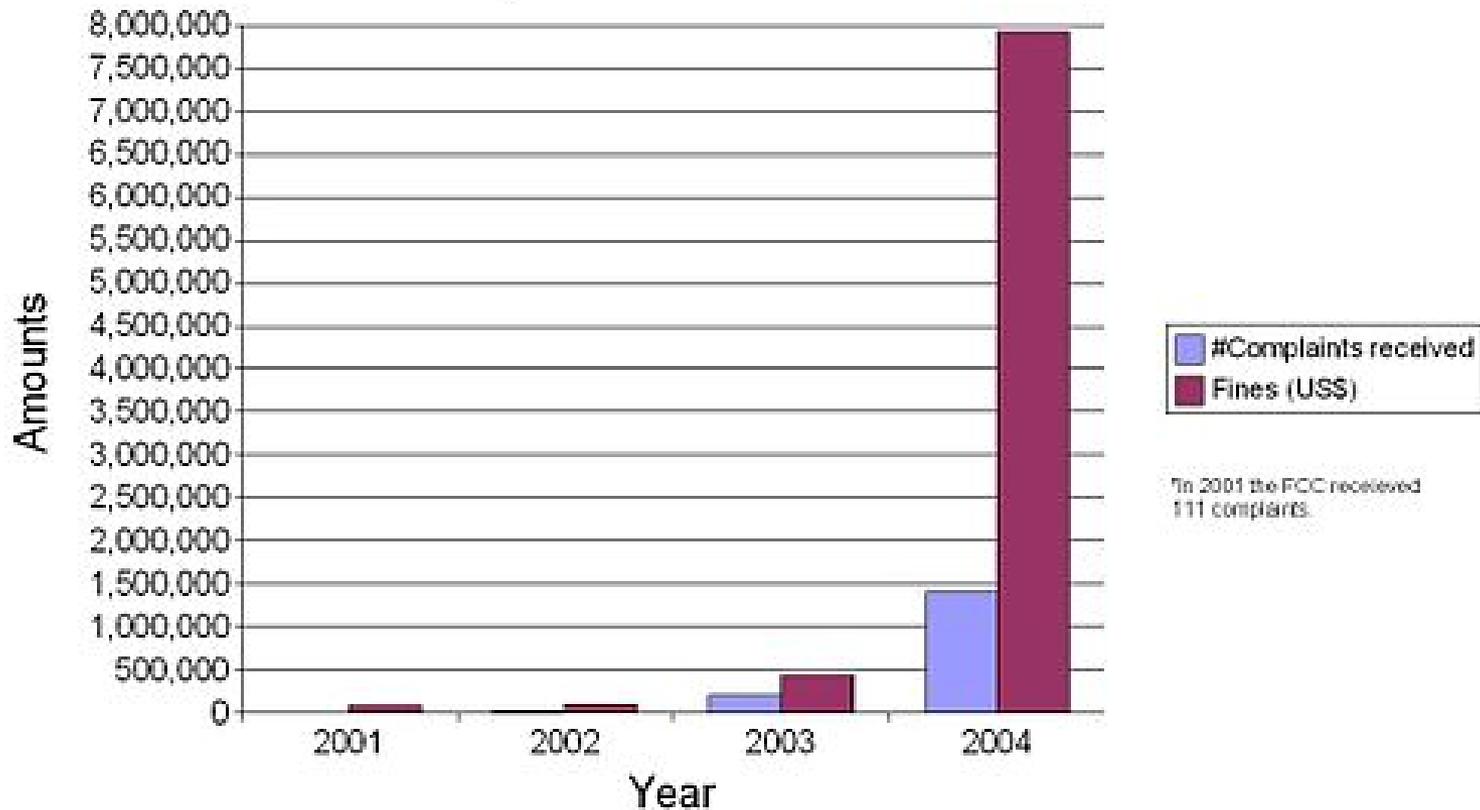


The Wardrobe Malfunction



A manufactured crisis

FCC Complaints and Fines 2001-2004



The FCC Goes to Court . . .



- Second and Third Circuits both reject application of stricter indecency policies.
- Supreme Court affirms on due process grounds.

Judge Rosemary Pooler
U.S. Court of Appeals for the Second Circuit

The Anti-Free Speech Movement

Herbert Marcuse (*Repressive Tolerance*):

To guarantee the blessings of liberty “certain things cannot be said, certain ideas cannot be expressed, certain policies cannot be proposed, certain behavior cannot be permitted without making tolerance an instrument for the continuation of servitude.”

“Tolerance cannot be indiscriminate and equal with respect to the contents of expression” and “it cannot protect false words and wrong deeds” that “contradict and counteract the possibilities of liberation.”

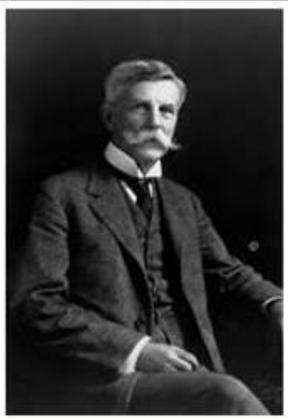
“Liberating tolerance” means “intolerance against movements from the Right and toleration of movements from the Left.”

Similar ideas are expressed by modern scholars who espouse critical race theory and other theories that dispute freedom of expression as a positive value.

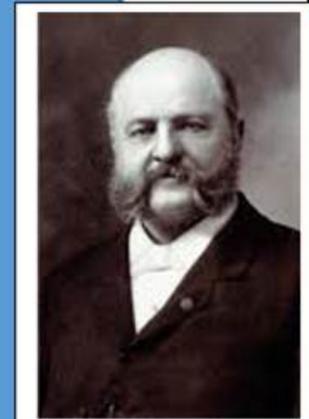
The Foxworthy scale: “*You might be a censor if . . .*”

1. . . . you dismiss support of free speech as empty dogma
2. . . . your opposition to free speech can be summed up on a bumper sticker
3. . . . you equate defense of freedom to express disagreeable ideas with the endorsement of bad speech
4. . . . your First Amendment theories perfectly match your political causes
5. . . . you are certain there is no “value” in the expression you want to suppress
6. . . . you equate speech with conduct and believe it must be restricted because of its bad tendencies
7. . . . you can’t argue about free speech without using euphemisms and apocalyptic metaphors
8. . . . you believe silencing speech you dislike is the exercise of your rights
9. . . . you believe in forcefully suppressing speech to stop the *real* censors
10. . . . you equate speech you oppose with mental illness

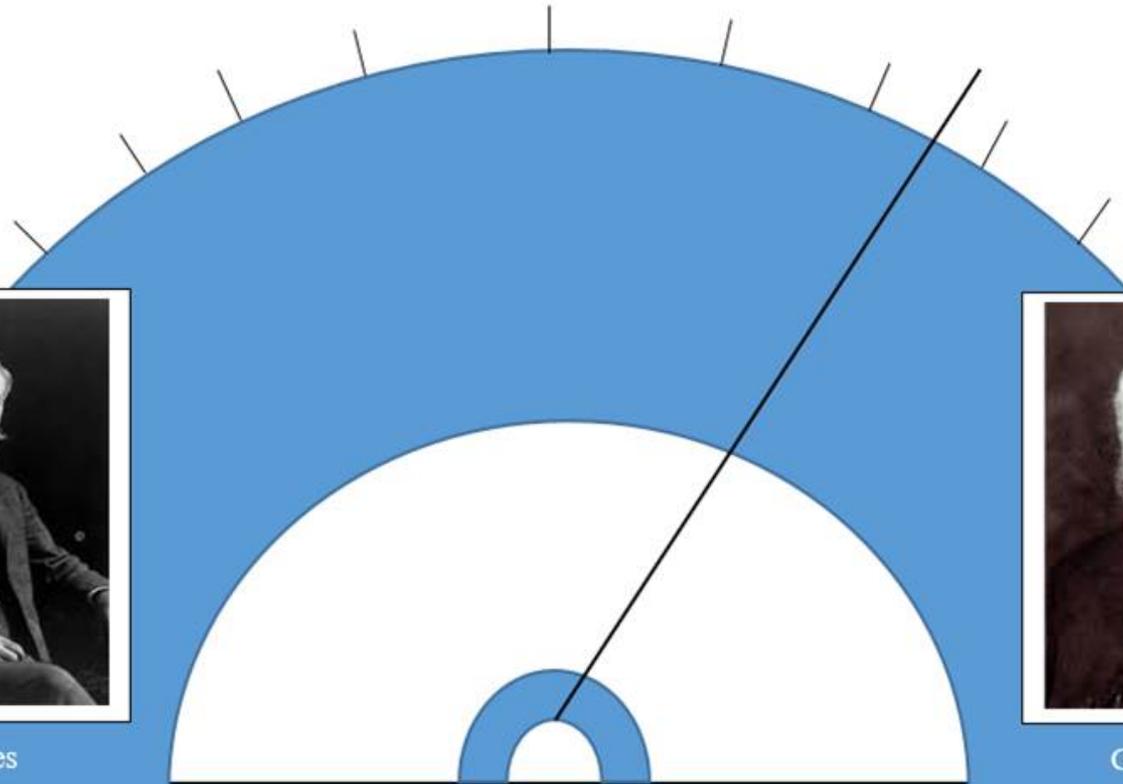
Censor-o-Meter

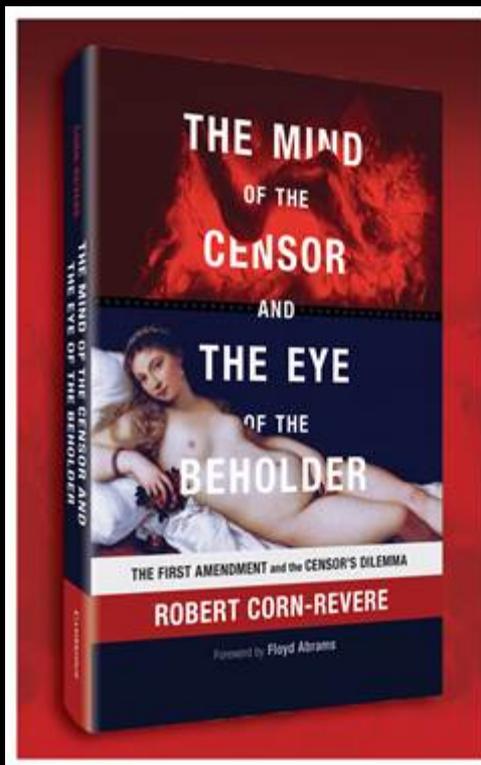


Holmes



Comstock





"Regardless of how much or how little you know or care about free speech when you begin this book, you will be enlightened, inspired, and galvanized by every page!"

Nadine Strossen, past President, American Civil Liberties Union, and author of HATE: Why We Should Resist It with Free Speech, Not Censorship (2018)

"It's smart, funny, knowledgeable, honest, freedom-loving, and works for truth, justice, and the American way."

Penn Jillette, the taller, louder half of Penn & Teller

"Somebody once said: 'Censorship is the strongest drive in human nature; sex is a weak second.' Everybody who wants to get a better understanding of this powerful force of human nature should read Corn-Revere's brilliant book. It's funny, well written, and is a superb guide to the mechanisms of censorship in the Land of the Free."

Flemming Rose, Senior Fellow at the Cato Institute and former editor at Jyllands-Posten