

NOT QUITE A TEAPOT

Not Quite a Teapot  
is published as a  
postmailing to OMPA  
Mailing #44 by  
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On Monday, June 14th I received the following letter from Brian Jordan:

Thursday, June 10th

Dear Bill,

I've decided, reluctantly, to withhold VIPER #9 from the OMPA mailing. This will not affect your membership status.

My reasons are: I consider your "Through Darkest Psyche" infringes the Constitution, in that it isn't ok to send through the mails. The same, unfortunately, applies to some of your remarks about graft in politics. But for the latter, I'd pull "Through Darkest Psyche" off the back of the zine, but I haven't time to dissect and re-staple. I'll naturally not destroy the magazine. If no other solution is suggested, I'll blot out the reference to OMPA on the cover, or stamp them with "not accepted by OMPA" and try to get them to anyone over here you choose to name.

Now more details on my personal feelings on the matter.

- 1) I've rejected a postmailing by Schultz for less, and it wouldn't be fair to let Viper through.
- 2) The whole business of libel in OMPA and through the mails is hopelessly fuzzy, no one knowing for certain who holds how much responsibility for what. Therefore, I'm using Viper as a test case, sort of, to thrash the matter out. I invite you to shout and scream as loud as you like about my decision--but I hope you'll be constructive!
- 3) I'm very much opposed to the AE having what amounts to censorship powers--as things stand, there is so much uncertainty that the AE can, fairly, stop almost anything, as "risky". If we can get the matter thrashed out, there should be a limit below which anything goes. This will be much healthier than the present uncertainty.
- 4) Normally, I'd probably send out VIPER and be damned, but I'm absolutely determined to make the AEship as routine as possible, and remove as much as possible from the AE's shoulders. Clearly, nothing would actually happen if I sent Viper out, so I hope you don't think I'm evading responsibility by withholding Viper--there'll be a damn sight more trouble this way, but at least it'll be over all at once.
- 5) Please don't think I've got anything against you personally, or that this is an attempt to influence the business between you and Breen--it isn't so.
- 6) I'll try to remove the unacceptable pages, and send the rest out, but I can't guarantee it, being very short of time.
- 7) I bear full responsibility for this--all the other officers can do is stop me, and I haven't given them chance to do that.

Sorry, and cheers,

S/Brian

P.S. I have dissected Viper. Your Jiffybag was in shreds, but the wire was fine!

AN OPEN LETTER TO BRIAN JORDAN

Well, I don't feel very constructive, Brian, but I'll try. And while I am, of course, furious, I accept that your decision was not personally motivated. But I am sort of amused by your inviting me "to shout and scream as loud" as I like. As the old saying goes, "It costs little to grant privileges that will be taken anyway."

(1) You say that your main motivation in your decision was "I'm absolutely determined to make the AEsip as routine as possible, and remove as much as possible from the AE's shoulders." One excellent way to accomplish this is for the AE to refrain from magnifying molehills into mountains and from inventing problems when none are there. And since nothing has gone through OMPA as yet which even begins to approach the average British scandal sheet it seems to me that your concern about mailability in OMPA is exaggerated. It's not a real problem.

(2) And I don't understand your whole approach. Unless you are advocating that the AE censor all material which OMPA does not like and are inviting a discussion of what kind of material this is, what's the point? Why thrash the matter out in OMPA? What various OMPA members think may or may not be mailable is hardly relevant. The question is: what is mailable?

A layman's opinion on questions of this sort is usually irrelevant or confused. Even if he remembers accurately something he's read on the matter, it's usually out of context and he has no idea of how the law is interpreted and applied.

You say "it isn't ok to send through the mails." This confuses me. I'm not terribly familiar with the British law on libel, but I have been told it isn't too different from ours. And here while libelous material is technically unmailable, it isn't libelous material until and unless it's been established as such. The person libeled has to complain and prove that said material is both libelous and unjustifiably so. No complaint; no libel. And even after a libel is established, the mail bit doesn't come into play; it's writing and publishing the libel you get chopped for, not sending it through the mails. And it would be pretty difficult to establish that OMPA, not the individual fanzine editor, was the publisher. If a fan sues, he sues the fanzine publisher, as Christine Moskowitz did when she sued Ted White for remarks he made in FAPA. (The suit had no effect on "libel" in FAPA either. If you think VIPER is libelous, you ought to read a FAPA mailing or two.) And the idea of anyone except a fan bothering to take any notice is rather laughable.

I doubt if British law and practice are much different. But I'm a layman too. Check with a lawyer. Of course obviously the AE can't take every zine he is doubtful about to a lawyer. This is entirely too much to ask of him. But if an AE is as concerned about the whole matter of libel and mailability as you are, it seems to me that not only the constructive way to go about it, but the only way to definitely, safely and fairly settle the matter is to talk to a lawyer and get an outline from him on what the British Law on libel is, how it relates to mailability, and how it would be applied re OMPA. If the problem does exist, no other course will really solve it satisfactorily.

And since things much stronger than VIPER have circulated through OMPA before, it seems to me that some notice of change of policy, some clear-cut statement of what the law is and how it would be applied, would have been appropriate before you wielded your axe.

However, OMPA is not a Public Forum. It is a private club. And the members have every right to criticize any type of material they do not like. Or even to expel members who keep on publishing the type of material they don't like.

But censorship is justifiable only to keep OMPA or it's AE out of trouble.

Naturally though the AE doesn't have to be 100% sure. He is entitled to censor things which he thinks are likely to get him or OMPA into trouble. But he damn well should have some knowledge with which to form a valid opinion.

(3) Since you admit "Clearly, nothing would actually happen if I sent Viper out," I think your action was high handed in the extreme. You could easily have put VIPER in the bundle and editorialized on the matter in OFF TRAILS.

You say "Normally, I'd probably send out VIPER and be damned," and also "I'm using Viper as a test case, sort of, to thrash the matter out." Well, I'm reasonably sure you'll succeed in your object; the matter will be thrashed out and all. But somehow I've just never believed that The End Justifies The Means.

I also strongly disagree with your statement "there is so much uncertainty that the AE can, fairly, stop almost anything, as 'risky'." Since OMPA has never had the slightest hint of trouble re mailability and the uncertainty exists because no one has bothered to check with the proper authorities, I see nothing at all fair about sudden and arbitrary decisions, stopping "almost anything as 'risky'." I don't think there was anything at all fair--or just--in your mutilation of VIPER. I've also never believed that it's O.K. to Shoot First and Ask Questions Later.

(4) Recent events have caused me to check pretty closely with a couple of lawyers on the law of libel. Nothing in VIPER #9 would put me, much less OMPA, in the slightest danger of a libel suit. Leaving aside "Through Darkest Psyche," which is quite gentle actually (being mostly self-analysis) my remarks on graft and politics were quite general. When Names Were Named I quoted remarks about American politicians from American newspapers and a mass-circulated campaign pamphlet.

The strongest thing I quoted was from columnist Art Hoppe who appears in many American newspapers with a combined circulation of several millions. Hoppe said, "Well, they've convinced me. The Republicans have convinced me that Johnson is a crook and the Democrats have convinced me that Goldwater is a madman." It is ridiculous to even consider the idea that OMPA could get into any trouble over this.

(5) On a personal level the principal thing I resent about your action is your mutilation of VIPER. I have been told that this issue of VIPER is one of the finest things I've done since I got into fandom and that it should go down especially well in Britain. (100 non-mutilated copies of VIPER have circulated through the U.S. and overseas.) Also, "Through Darkest Psyche," has healed a lot of wounds here and reconciled me with many Breen supporters. I had hoped it would make some of my OMPA critics more understanding of my actions.

In mutilating my zine you have prevented all this. I didn't save the stencils, so am faced with the task of restenciling, re duping and postmailing or forgetting the whole thing. I'm not very happy with either alternative.

While you were of course within your legal rights in mutilating VIPER, to my mind ordinary good manners should have dictated that you ask my permission first--even if this would have delayed things for a mailing. You would not have got it. I would have asked you to send it back to me and I would have postmailed it.

I'm also annoyed by your statement "If no other solution is suggested, I'll blot out the reference to OMPA on the cover, or stamp them with "not accepted by OMPA" and try to get them to anyone over here you choose to name." This is also highly arbitrary and totally unnecessary. OMPA could not possibly get into any trouble by any postmailing not officially distributed by one of its officers.

(6) Brian, next time do a little checking up, and maybe even a little thinking before you shoot. It works wonders.

Sincerely