



# NUSLETTER

An educational publication of Childhood Sensuality Circle for the liberation of children and youth.

Vol II, No. 4

October 1976

## Children's Legal Rights

Remember back in our June 1975 Nusletter the lead article was, "A quiet Legal Revolution in Dealing with the Rights of Children" and in our October 1975 issue the lead article was, "The Amendment That Refused to Die," a biography of the 14th Amendment to the US Constitution? This quiet revolution is on-going and the 14th Amendment, the strongest amendment on personal rights, is assuming more and more prominence in legal discussions involving children. Both the American Civil Liberties Union and the American Bar Association are actively working to insure the rights of children as persons and first class citizens.

The ACLU has been writing a Legal Docket with short summaries of legal cases involving children that they have aided and has offered it free of charge for the asking. (Address: 22 East 40 St., NY, NY 10016). And in September it will begin to publish Children's Rights Report, a monthly magazine that can be subscribed to for \$15 a year. The American Bar Association's section on Family Law has published The Youngest Minority, Lawyers in Defense of Children, a compilation of articles reprinted from the Family Law quarterly, dealing with some of the ways children have been and still are victimized by obsolete laws enacted for societies and times far different from ours and suggesting means by which the discriminations and injustices can be eliminated (published by American Bar Assoc., 1155 E. 60 St., Chicago, Ill. 60637. Price \$5.00). I consider this compilation the best source book I have found to obtain a working knowledge of children's legal rights. As a supplement, and a very important one, I am using the first 10 Amendments to the US Constitution, considered to be the US Bill of Rights and the 14th Amendment, which together with the 13th and 15th Amendments, the sister amendments, constitute a Second US Bill of Rights. Familiarity with all the above amendments is a necessity for studying children's legal rights and understanding cases reported in the mass media.

Also helpful is the chapter, The Right to Justice in Richard Faison's Birthrights, A Bill of Rights for Children, published by Macmillan, NY., 1974, price at that time \$6.95 (in CSC Library).



Several landmark decisions have been made by the US Supreme Court in regard to the rights of children. The first was the famous Gault Decision in 1967 in which the judges agreed that some of the constitutional rights of adults were to apply to children. This court ruled that a child has a right not to testify against coself\*, to have the right to counsel and the right to cross-examine a witness. But it is still a law that needs implementing. Within the last 6 months 2 more landmark decisions have been reached by the US Supreme Court. In May 1975, it declared that a juvenile cud not be held in double jeopardy, that is, co\* cud not be tried in both juvenile and adult court. Then the Court declared that girls have the right to abortion without parental consent at the same time it declared that a woman has a right to abortion without her husband's consent. The most significant right not yet afforded juveniles is that of a jury trial. I consider that some members of such a jury shud be peers of the accused. There are other decisions pending in regard to the rights of children. Look for them in the mass media and report them to CSC by sending clippings that are documented — name of publication, city and date of article.

For those who do not know how to work for children's liberation, working for their legal rights is timely and easy to follow thru on with so much court activity in progress. I am beginning by educating myself on children's legal rights by studying all of the abovementioned publications and looking for more. The study of law mite seem to be dry at first but I soon became greatly interested because the law deals with little people in trouble, people discriminated against because of age every da of their lives and treated as less than members of the hyman race. As 11 year old Hannah Bentley, editor of Kids Lib Magazine wrote over a year ago, "Children do not have any more rights than household pets." We now know that this statement is out of date already. Children are having their da in court on basic rights with the aid of adults working for their liberation.

Valida

\*himself/herself

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### Children's Rights Organization (CRO)

A youth organization, the majority of whom are under 18 but the president is an adult male, Morley Cowan, a psycho-therapist and family counselor. He founded the group in January 1973. Their ideas, requests, statements of testimony come directly from youth who live primarily in the Los Angeles area but information is shared nationally with other youth. They provide information and services to youth, families and interested persons. They advocate rights for youth and intervene in their behalf. There is no discrimination in regard to race, color or income. They work for the rights of children as persons to abolish status crimes such as truancy, staying out late at nite, running away from home, having sexual intercourse before 18, crimes that are not considered as such for adults, the right of youth to live alone and gain emancipation.

They work to eliminate child abuse at home, by police and in school by advocating no corporal punishment, for hiring of youth and equal pay for equal work, for adequate medical, legal and housing services for youth, for courses in school for children on how to live alone, how to cook and shop so that they will be able to live alone and be responsible. In a fu words CRO is working to eliminate ageism as well as racism or sexism which all prevent youth from exercising their inalienable rights as persons and to be a part of the body politic.

They have drafted a Bill of Rights for people under 18 with 16 items including the right to freedom from cruel and unusual punishment (US Constitutional Amendment VIII), religious freedom, (Amendment no. I), rights to privacy, (No. XIV), rights to sexual freedom, legal counsel of their choice, right to vote, (Yes!), right to medical, dental and psychiatric care and freedom from censorship. A Bill of Rights Educational Amendment has been added to the Bill of Rights. They issued an Emancipation Proclamation stating that no person under 18 can be owned, bought, sold, traded or in any way considered as property or possession.

They have issued a statement urging children to demand to see their school records under the Family Education Rights and Privacy Act and to protest legally for removal of false, damaging or unnecessary information. They have prepared a statement on child slavery and fugitive children and how they are treated by parents, social and governmental agencies if caught; on how a child can seek protection from a runaway centre that respects their confidence and gives service free. Instructions are given how a child living in California at age 15 or older can become emancipated. Regulations vary greatly from state to state. Also how to file suit against parents for physical injury.

And last and most delightful of all the papers prepared and available is the Student Evaluation of Faculty for the students to distribute to each of their teachers to be filled out and collected by the school student council representatives and results published in the school nuspaper. The questions show up teachers' personal prejudices, whether they used corporal punishment, know their subjects well and were insulting. The student gives his teachers a grade and recommends whether or not a teacher be fired and asks for teacher's signature to prove validity but promises not to publicize names. 500 questionnaires were distributed and collected. Each teacher was given



a grade. On child beating, it was found that 33% of the teachers have struck one or more students, both sexes. The severity and extent of the injuries varied. CRO believes that child beating goes on in every elementary, junior and senior hi-school in the nation.

Hannah Bentley, age 12, editor of Kids Lib Magazine is on the Youth Advisory Council; also Dr. Alan Horwitz, a child psychiatrist at Iowa University and state Senator John Vasconcellos, a liberal.

Membership for persons under 21 is \$5.00 annually, for over 21 is \$30 for a supporting membership. A literature packet including all of the above-described papers is available for \$5 and T shirts with CRO name and emblem are available for children and adults in white, blue or yellow for \$6.00 pp. Children's sizes for \$.00. Their final statement — "We are not afraid to take a stand. We are willing to act. We fight for teenagers and children."

#### Children's Rights: No Crime? No Punishment!

An article in NY Civil Liberties newspaper of the American Civil Liberties Union, March-April 1976, which reports: the supposedly benevolent PINS program (Persons in Need of Supervision) has done more harm than good to children it aims to rehabilitate and should be abolished. This program has resulted in the institutionalization of million of youngsters who were confined for offenses that wud not be a crime if committed by an adult. These offenses are status offenses "due to having been committed by a person having the status of a child." Children are confined for truancy, running awa from home, for being disobedient, staying out too late, associating with bad companions, using "vile language," intoxication and, smallest in percentage — 1% — for sexual misconduct. There are 600,000 PINS arrests annually, 200,000 juveniles spend time in severe detention (prisons), with about 65,000 to 70,000 in prison at any one time. Boys who suffer the most punitive treatment are the most likely to commit crimes later on and young people incarcerated commit more, rather than fewer, crimes later in life. The harshest penalties are meted out to poor and minority children. It costs over \$20,000 a year to maintain a child in a state training school, (a person) and about \$10,000 in less restrictive settings, sums that cud provide a family with the means to pay for private school tuition, special tutors, psychiatric aid, everything a family with money cud buy. The history of public intervention in the lives of troubled children shows that good intentions deeply disrupt children's lives and that generations later the detrimental effects become apparent.

The PINS program has led to a nightmare of custody, confinement and punishment resulting in brutality. Federal courts have recently begun to adopt a nu standard — when the state takes the power to confine people against their wil it cannot do so in a wa likely to debilitate the individual. "There is no justification for the state to break up families and condemn children to criminal careers in the guise of protecting them from harm" was the final statement of NY ACLU Director Ira Glasser to a NY State Assembly standing committee on child care in February 1976.

(CSC Nuscatherers' Service)



CHILD CARE CENTER  
HAWAII

Here in Hawaii, where the climate is so conducive to relaxation, the spirit of aloha (a feeling of love and brotherhood transcending family, ethnic, and national boundaries, given freely and unconditionally) is very much alive, although its sexual aspects are not so evident. Hawaiians and people of many other racial backgrounds are contending well with unemployment, a higher than average cost of living and sometimes ruthless land development (the song, "Waimanalo Blues," is a very popular lamentation) by helping one another with babysitting, entertainment, food and shelter: This harmonious cooperation is called kokua in Hawaiian.

The pre-school I 'worked' at for six months in Waimanalo, a country community on windward Oahu, is quite an exciting example of the revival of the Polynesian spirit, warmth and playfulness. Most of the adults at the school enjoy being there: it is more than a job. The keikis (kay-kees, kids) sense this enjoyment and like being with adults who like being with them: learning/living/loving. Their parents learn, too, because some kids would like to live at the school, or they are more able to express their feelings of affection, pleasure, hurt and fear with their parents than previously. The parents come in quite a bit and enjoy themselves alot.

The keikis know about making love. They call it making honey-honey. They ask us adults many questions, and continually test our values, trying to understand the fears and confusion some of us feel. They are two to five-year-olds, much segregated from pre-teens and teenagers, except in their families. The one-room, one safe world, school is not common yet! So, some of us adults will talk quietly with a keiki about expressing affection, anger, compassion and feelings, others can rough-house, pretend and play. I enjoy and encourage all kinds of physical and verbal expression, feeling it is beneficial to let it all hang out, for everyone to learn through doing and inter-relation: hugging, kissing, yelling, crying, hitting, nudity, peeing, etc. I feel that to block these expressions, or not encourage them, gives them undue importance in a person's life, or only symbolic expression. I encourage the keikis to make honey-honey, though I was afraid to let them play as they would like with me at the school! From such a variety of model behaviors, keikis learn what behaviors they like, which acceptable to whom and when, so that they are able to choose and create their own.

When the keikis would ask me about the 'mechanics' of making honey-honey (just checking!) or sex play, I tried to make it clear that their parents or other adults might not agree with, much less approve of my answers. Some might, but as I said earlier, the sexual aspects of aloha are still recovering from the missionary onslaught! I answered as specifically and positively as I was able, in terms they were most familiar with: okole (o-ko-lay) for ass, chi-chi-balls for tits, muffin for cunt, boto-boto for cock and uffa-uffa for fucking. They often wanted to know who my honey was (both boys and girls seemed to hope to be! I didn't discourage the fantasy!) and were happy to hear I like everyone, with varying favorites. Some of the keikis have seen their parents or others make honey-honey and enjoy sharing these exciting experiences. They seem relieved that there is someone who feels positive about these pleasurable activities. I feel this may begin to de-emphasize and de-mystify sexuality, allowing sex play to be a joyful learning, bodies and touching more acceptable, and multiple caring relationships more possible.

'Teaching' is subversive, of one thing or another: one cannot predict the effect anyone's example will have on keikis or adults, whether the 'student' will react negatively or positively. Parent can hardly ever understand where kids pick up those inconvenient/embarassing behaviors! Some of us here are subverting our missionary heritage it would seem: the age of consent is 14, as in Maine and Sweden. We are aided in this subversion by the media, and by the



nomadic confusions of the many souls traveling through the islands. As elsewhere in the world, people here are no longer quite so sure that their values are the only ones.

I enjoy playing, with keikis of all ages. Those at the school know this and do try to make up for lost time! A major frustration for us was my fear of being discovered or tattled on for the occasional sex play the keikis and I might enjoy. Perhaps a long term relationship with the keikis, parents and other adults at the school (as in Ann Arbor: 'Liberating Day Care', CSC Nusletter of Aug. 1976 Vol II, No. 3) might develop the understanding and somewhat alleviate my fear. But I am impatient to live with folks who share my feelings, at least for awhile. I like travelling, playing and learning.

So I am leaving Oahu for the neighbor isle of Maui, to visit another school, play in the deep mountain pools, on sunny beaches and in my friends' beds. I cannot continue to block my own desires and feelings without the kids perhaps beginning to block theirs too. They will find out for themselves what values they want to live with, and find people who share them. Or perhaps not. They may become 'delinquents' and change society indirectly! Trust the keikis to know their interests, make their mistakes and learn with us all!

September 1976      Robin Whiteman      Manoa, Oahu, Hawaii

#### Prospective Jurors Reveal Sex Views -

Article in Memphis Press - Scimitar, Tenn., for January 12, 1976. 130 people, the largest jury venire ever summoned to duty in federal court, for the first time ever were given a questionnaire in preparation for the trial of four defendants charged with transporting an alleged obscene movie, School Girl, across state lines into Tennessee. Jurors were given 17 possible phrases to complete open-ended statements. Jurors were warned to give honest answers. The aim was to get a complete personal and sexual profile, including degrees of tolerance and non-tolerance of the people called to jury duty. Not all the questions referred to sex. Vus on the bible and belief in god were included. The judge explained that the trial wud probe what constitutes obscenity and that the topic has to be dealt with frankly and openly. After jury selection all the questions and answers wud be destroyed.

Regardless of how this trial comes out this method of selecting jurors is a progressive one for a state that was once the scene of the Scopes Monkey Trials in 1925 when William Jennings Bryan made a monkey of himself.

(CSC Nusgatherers' Service)

#### Erickson Educational Foundation

Those interested in transsexualism and the progress in the recognition of it by law, those interested in gender identity, variant sex behavior and parapsychology, a copy of this foundation nusletter can be obtained free of charge by asking to be on their mailing list. The president is Reed Erickson, the director and editor is Zelda R. Supplee and Dr. John Money, president of the Society for the Scientific Study of Sex and co-author of Sexual Signatures (in CSC Library), is on the Board of Directors. Address: Erickson Educational Foundation, 1627 Moreland Ave., Baton Rouge, La 70808



## INCEST

by

Bill Malton

Any parent who is committed to the furtherance of childhood sexual liberation has the responsibility to appreciate at the outset that the implications of such a position are far from limited to the simple offering of sexual freedom to the child. Freedom is the state of being free; and one is not free if he is in any way fettered; there is no such thing as being half-free any more than one can be half-pregnant. The only legitimate limitation on freedom is that one's freedom may not impinge on the freedom of one's neighbor.

In consequence of this, when a child is reared in an atmosphere of sexual freedom he is going to take that ambiance at face value. He is not going to comprehend being the beneficiary of sexual freedom only under certain circumscribed circumstances. Children are extraordinarily logical because they have not yet been fully programmed into a pattern of sophistry of the "yes, but", "usually, except", or "naturally, however", variety of adult vacillations. So, your son is not going to have the slightest understanding of why he can "fool around" with other girls but not with his sister, for example. You will then be faced with the choice of steadfastly holding to the principle of liberty, meaning he can engage in sexual activity with any girl, including his sister, or else dissembling, which the child will clearly see as an insincere limitation on his liberty. So it is that having to deal with an incestuous situation is of considerable likelihood in the family oriented toward childhood sexual liberation, and it is hoped that a clear presentation of some of the myths concerning incest will aid parents in coming to terms with themselves on this sensitive subject.

There are three common pejoratives concerning incest: (1) it is a terrible sexual perversion, (2) it is the object of universal taboo, and, (3) it results in mentally retarded offspring. None of these statements has any validity.

Incest is not a sexual perversion at all, let alone a terrible one. The word perversion, unfortunate in itself, applies to a given act, not to the relationship between the partners who perform the act. A sexual act that is not considered a perversion when engaged in by unrelated individuals cannot suddenly become a perversion when engaged in by related individuals. Thus, the nature of incest is not perverse, but rather has been merely so declared by legislators, hence making it unique: it is the only "perversion" that is man-made rather than libidinally-made. It is evident that with incest we are dealing with the laws of man and not the laws of nature when we observe the sexual behavior of other mammals. Nature would have found a way of making impossible the mating of related animals if there were some threat to the survival of the species from such phenomena. Adios, myth.

Incest is not the object of universal taboo. This idea seems to be fostered by anthropologists, who should know better. Rather than tabooed, incest has been engaged in enthusiastically both historically and geographically. Apart from the several scriptural references to incest, we know that in ancient Egypt incest was enforced among the nobility, that Babylonians cavorted happily with their relatives, and that patrician Romans delighted in the piquancy of all-in-the-family sex. Even today we find incest being practiced on a wide scale in a



variety of cultures. In Polynesian societies, for instance, incest is a commonplace activity. There are certain restrictions upon it, which illustrate the perversity of human illogic, for in some of the South Sea cultures it is permitted to the nobility and denied to the commoner, whereas in others quite the reverse is true. (*Homo sapiens*?) Many Arabic cultures look upon incest as utterly ordinary, as is also frequently the case in India. Throughout all of Latin America incest is often so common as to be merely the object of giggling gossip. The famous universal taboo has never existed at any time or place that I have ever been able to discover. It certainly is true that Judaism decried incest, and from that source prohibitions entered into Christianity, but the number of peoples who adhere to the Judeo-Christian ethic is meager compared to the peoples of other cultural and religious persuasions. Adios, myth.

Incest does not result in mentally retarded offspring. Genetic law controls the intelligence of offspring. If two parents are low in intelligence, it is likely that their offspring will so be, whether or not the parents are related. The reverse will be true if the parents are of high intelligence. (The matter of dominant and recessive genes, and the statistical expectancies from their combinations is beyond the scope of this paper, but there are several popularizations in paperback form for persons who wish to know more about heredity.) It is true that it is unwise in our culture for parents to be closely related because of the complications involved in establishing the relative roles within the family. A father who impregnates his daughter becomes simultaneously the father and the grandfather of the child, and the daughter becomes simultaneously the mother and the sister of the child, all of which can create confusing roles for everyone to play; when the actors get their roles confused, the play usually flops. However, with contraception, none of these consequences are unavoidable. Adios, myth.

If these myths are just that, then why do not more people engage in incest? More people do, surprisingly, but they usually do not talk about it because it is often against the law. Just how much incest goes on? No one knows, because the only figures are the cases that get reported to law enforcement authorities, *id est*, the few people who get caught. Many welfare workers, social caseworkers, and other professionals in related activities, see it all the time. It is so common that most of the time they do not even bother to report it. Apart from that, many of us can think back to our childhood when sexual manipulation under the guise of "playing house" or "playing doctor" often involved our siblings as well as other playmates. Although my own circumstance is not probably typical, as, being a psychologist, I've often been involved in counselling situations in which things usually hidden are revealed, still, among my circle of relatives and friends, (not counselees), I know the following cases of intrafamilial sexual activity, the number of cases (not incidents) being in parentheses: father-daughter (2), mother-son (5), brother-sister (4), brother-brother (2), sister-sister (1), uncle-niece (3), and aunt-nephew (2). Most of these relationships continue, although some have been terminated by geographical distance or death. None of these people seems to have been affected in the slightest by their intrafamilial experiences, although all of them have the usual run-of-the-mill problems in life that we all experience off and on. If there is any single common denominator among them it is only an unusually active and varied sex life reflecting a sexual adjustment sufficiently mature to be able to reject conventional sexual limitations.

And speaking of sexual adjustment, one must wonder what effect incest could have upon it. The dogma of St. Sigmund insists that our sexual problems are due to Oedipus complexes and Electra complexes. (If it is true that we all have a desire,



at least on an unconscious level, to make it with our parent of the opposite sex, then maybe the best way to divest oneself of the complex would be to satisfy that wish.) However, there is not one whit of scientific evidence that such complexes exist, for Freudian theories remain just that; they have never been subjected to the rigors of the scientific method of proof. Of all of the incestuous relationships that I know of, not a single individual shows any evidence that the relationship has been psychologically harmful.

Concomitant to intrafamilial sexual relationships is the question of pedophilia. Again the parent who espouses childhood sexual liberation must anticipate that this matter will probably arise. Assuming that the parent has accepted the concept of sex between siblings, it will likely not be long before a son is going to ask why, if he can "play" with his sister cannot he do the same with his mother, for instance. Again we confront a prohibition that is a matter of law, not nature.

It is only since the early part of Victoria's reign that any law has existed in English-speaking countries that prohibits sexual activity between children and adults. (Despite the law, however, many peers of the realm thought it great sport to deflower ten-year-old virgins.) The United States, of course, as is its wont, soon commenced enacting a series of laws making such activity illegal, and these laws soon became converted into the rather ludicrous term "statutory rape", wherein a man who is actively solicited by a professional prostitute who happens to be under the "age of consent" can be charged with rape. (Curiously, few such laws exist prohibiting adult females from having sexual relations with male children. One is reminded again of Victoria, who signed a bill outlawing male homosexuality, but refused to sign a similar bill on female homosexuality on the ground that "women don't do that sort of thing".) As things presently stand, you can be guilty of statutory rape in one state and not in another despite the circumstances of the act being identical. (The bewildering variety of state laws on this subject almost compels the prudent traveller to carry a list of the ages of consent for all fifty states. The range runs from a low of 12 to a high of 21.) One shudders to think of how many of us could be imprisoned for lengthy terms merely by being caught at the right time in the wrong state.

Pedophilia is more often than not disdained due to embarrassment rather than to any legal inhibitions. No one wants to be known as a "dirty old man" or a "dirty old woman", which in our society are considered to be more shameful than immoral. This, though, should not often be the case among most parents, since likely if they have young children they themselves will be too young to be considered "old", even if they might be considered "dirty", by unenlightened neighbors. In any event, parents who genuinely believe in childhood sexual liberation have an obligation to closely examine their attitudes toward pedophilia and come to a decision as to how the issue is to be resolved when it rears.

Lastly, let us all remember that sexual freedom means the freedom to engage in, or not engage in, sexual activity, according to one's wishes. Anyone committed to the concept of childhood sexual liberation must accept that it is just as much an infringement of liberty to coerce a child into intrafamilial sexual activity as it is to prohibit a child from engaging in intrafamilial sexual activity. As William Hazlitt expressed it nearly two centuries ago: "The love of liberty is the love of others; the love of power is the love of ourselves." Parents should be love brokers, not power brokers.



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