


newsletter
on
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what happens
when you put
the manchild
in the
promised land?

an experience with censorship

By ELIZABETH GATES WHALEY, Chairman of the English Department in a small public academy in New Hampshire. Except for her husband, Ned, all names in this essay have been changed. The name of the school is withheld at the author's request.

A year ago last fall I attended a Pre-Centennial Symposium on Willa Cather at Merrimack College in North Andover, Massachusetts. I hoped the event would provide an impetus for me to complete my thesis on Cather's novel, *My Mortal Enemy*, so that I could receive the M.A. from the University of New Hampshire in June, 1973. It was the necessary impetus; I finished the thesis and the M.A. was duly awarded. The problems that M.A. may now present for me—a high school English teacher with five years' experience looking for a better job—could be the subject of another article. Right now I'm concerned with what happened the weekend following that 1972 conference. It was in sharp contrast to the intellectually stimulating and emotionally invigorating Cather symposium.

On Sunday, November 5, 1972, my husband, Ned, and I were reading the Sunday newspapers when we received a call from the headmaster of the small public academy where we both taught. (It is the local high school, run by an appointed board of trustees rather than an elected school board.) We were asked if we could come over to confer with the chairman of the board of trustees. We went over, knowing before we arrived what the discussion would concern. I have my notes of the time at hand, and I will present them, slightly edited. They record the sequence of events during a period which was the height of emotional tension, frustration, disappointment, and disillusionment in my high school teaching career.

Perhaps I was naive, but I had taught for five years at the academy without any trouble over book selection. It seemed ironic that the trouble should erupt over Claude Brown's *Manchild in the Promised Land*. I had passed out the syllabus for my junior-senior mini-course, "Black Literature," on September 6. The administration had received its usual copies. Required books listed in the syllabus included *I Know Why the Caged Bird Sings* by Maya Angelou, *Black Boy* by Richard Wright, and *Manchild*. No one had complained in September.

Friday, November 3. At about 11:15 a.m., my husband and I were called into the

titles now troublesome

Books

<i>Airport</i>	p. 145
<i>Blackbriar</i>	p. 147
<i>Bury My Heart at Wounded Knee</i>	p. 145
<i>The Catcher in the Rye</i>	p. 145
<i>Communicating</i>	p. 147
<i>Dynamics of Language</i>	p. 147
<i>The Exorcist</i>	p. 145
<i>The Fan Club</i>	p. 147
<i>Galaxy</i>	p. 147
<i>Girls and Sex</i>	p. 145
<i>The Godfather</i>	p. 145
<i>Gulag Archipelago</i>	p. 162
<i>In Search of a Response</i>	p. 156
<i>Inside Scientology</i>	p. 147
<i>Interaction</i>	p. 147
<i>The Language of Man</i>	p. 147
<i>The Last Whole Earth Catalog</i>	p. 145
<i>The Learning Tree</i>	p. 145
<i>Man</i>	p. 147
<i>Manchild in the Promised Land</i>	pp. 140, 152
<i>The Mind Benders</i>	p. 147
<i>The Naked Ape</i>	p. 145
<i>New Japanese History</i>	p. 162
<i>One Flew Over the Cuckoo's Nest</i>	p. 152
<i>One Sad Day</i>	p. 147

<i>Our Bodies, Ourselves</i>	p. 147
<i>Psychology for You</i>	p. 149
<i>Scientology: The Now Religion</i>	p. 147
<i>Seven Arrows</i>	p. 149
<i>Soul on Ice</i>	
<i>Summer of '42</i>	p. 145

Films

<i>Deep Throat</i>	pp. 150, 151, 152, 154
<i>The Devil in Miss Jones</i>	pp. 151, 152, 154
<i>Fiddler on the Roof</i>	p. 166
<i>Memories Within Miss Aggie</i>	p. 151
<i>Summer of '42</i>	p. 149

Periodicals

<i>Greaser</i>	p. 149
<i>Ms.</i>	p. 145
<i>Red Tide</i>	p. 152
<i>Rising Star</i>	p. 152
<i>Sharp Citizen</i>	p. 154
<i>Zap</i>	p. 149

Pamphlets

<i>Zing Comix</i>	p. 149
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headmaster's office to confer with Mrs. Barnes. Her son Dave is in my Black Lit mini (he's a senior); her son Steven is a sophomore student of my husband's. She was very, very angry because Steven had a copy of *Manchild*, and she had also discovered that it was required reading for Dave. (Steve had picked up a copy in my husband's room and was reading it on his own, evidently.) Ned and I tried to defend the book's eminent suitability for a Black Lit course: we referred to the consensus of critics; we tried to point out what a moral person Claude Brown was. We told her that Claude tried to guide his younger brother away from drugs; we said that he had gone on to rise from the ghetto and graduate from Harvard Law School. She, on the other hand, was adamant as "a Christian and a mother" that the book was filthy. She was referring to the four-letter words in general and to pages which "have to do with a boy's first sexual experience." The pages discuss masturbation in graphic ghetto terminology.

We asked her to read the whole book and to fill out the form which the board of trustees had adopted as part of

their procedure for dealing with censorship problems. (It was the procedure and policy recommended by NCTE.) She did not seem eager to do this. She only wished that her husband could have left work to come down to school with her. She knew her boys read *Playboy* and books like *Manchild* "in the closet," but for this book to be required school reading was another matter. I assured Mrs. Barnes that Dave did not have to finish the book; that he would not be tested on it any further; that he could get his dollar

(Continued on page 157)

Views of contributors to the **Newsletter on Intellectual Freedom** are not necessarily those of the editors, the Intellectual Freedom Committee, or the American Library Association.

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an analysis of censorship news reporting

By JOHN MARK TUCKER, Reference Librarian,
 Wabash College.

The idea for the present report grew out of a semester-long seminar on censorship conducted by members of the library staff at Wabash College. An attempt was made to arrive at an assessment of the prominence of roles played by individual citizens in efforts to control the availability and use of print and non-print materials. For purposes of analysis, the "Censorship Dateline" column of the *Newsletter on Intellectual Freedom* was examined for fifteen consecutive issues, November 1971 through March 1974.

"Censorship Dateline" functions as a vehicle for reporting incidents in which pressure, control, or censorship has arisen. Most such incidents were described in articles appearing in newspapers throughout the United States. Our analysis of the column's contents included tabulation of (1) types of pressure sources, (2) media of publication, and (3) locations of pressure-related incidents by state.

Table I

Source of pressure	Number of Incidents
school boards, principals, superintendents; public library boards	79
city councils; governmental agencies	72
individuals or groups of individuals appealing to distributors, retail outlets, or higher authorities	41
local citizens led by named individuals	41
media self-censorship: libraries, TV, radio, newspapers, periodicals	36
academic administrations	32
appointed/elected officials or candidates	26
local chapters of regional or national organizations	23
private business and foundations	17
groups of students	9

Table I illustrates the number of incidents which occurred according to the source of pressure. Each of the sources are grouped for definition and clarity and are divided to facilitate the identification of the grassroots origins of censorship activity.

As discovered in the news reporting, school boards, principals, and superintendents along with public library boards were involved in more pressure-related incidents

than any other group. Reports in this category often included situations in which one or more school board members discovered objectionable material and presented the matter to the entire board, the result being that material under question was either stricken from the curriculum or removed from library collections. Instances also recorded in this category include those in which private citizens presented objectionable material to library and school boards and witnessed action satisfying their preferences for restrictions. In such cases it was considered that both parties acted as censors and entries were registered in each category. However, incidents in which boards heard citizen complaints but took no restrictive action were recorded only in categories for individuals. Incidentally, controversies involving schools and school libraries heavily outweighed those concerning public libraries.

City councils and governmental agencies were cited in seventy-two instances of news reportage. On local levels these included situations in which town councils pressured school or library boards. In a few cases alcoholic beverage commissions revoked liquor licenses pending restrictions on freedom of expression, i.e., sexually explicit films, in taverns and bars. On state and national levels governmental agencies included state penal institutions and federal agencies such as the CIA, FBI, and FCC.

Forty-one incidents were counted for pressure from "individuals or groups of individuals" and for "local citizens led by named individuals." News items counted under the former heading typically mentioned "a mother of four" or "a group of angry parents" who presented complaints at meetings of boards or city councils. "Local citizens led by named individuals" recorded events in which the name of a person was provided, the implication being that that individual had taken an active, if not a leadership, role in filing complaints and in organizing others to sign petitions, demonstrate, or promote their views through similar methods. Some reports of this nature indicated that the named individual was the chairman of an independent, grassroots organization intended to bring pressure upon citizens promoting or using "questionable" materials.

In a number of cases these groups could conceivably evolve along the general lines of the following scenario. A parent discovers material which his child has borrowed from a school or public library. The parent feels an obligation to protect the child from material he considers to be obscene, pornographic, or ideologically improper, and he

(Continued on page 159)

let me say this about that

a column of reviews

Dissent and Protest. David T. Naylor. Hayden Book Company, 1974. 150 p. \$2.47.

Dissent and Protest is a text meant for high school and college classes. It is part of the Hayden Values Series: Challenges and Choices, edited by Jack Nelson. Here is an overview of the tradition in our country of dissent and protest with concentration on the explosive 60s. Black protest, student protest and anti-war protest spilling over into the 70s are carefully analyzed for the purpose of finding the answers to four provocative questions:

What is the "ethic of dissent"? The parade of witnesses coming up with possible answers include Abe Fortas, Socrates, Martin Luther King, Howard Zinn and Herbert Marcuse. The basic issue raised here is how far can we go with civil disobedience, with what penalties, if any.

Is contemporary dissent justified? Our distinguished witnesses pro and con include Justice William O. Douglas, Tom Anderson (*American Opinion*), the President's Commission on Campus Protest, Linda Hager Morse, political revolutionary, and Senator Edward M. Kennedy. In this penetrating discussion of the nature of dissent and the nature of our society, the weight of opinion seems very much in the affirmative.

When should society restrict dissent? Six well-known cases are presented, all relating to the exercise of free speech under the First Amendment. In four of these cases,

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the U.S. Supreme Court ruled in favor of free speech. One of these is the *Tinker* decision that upheld anti-war protest in the public schools of Des Moines, Iowa. Since the defendants were 8, 11, 13, 15 and 16 years of age, this decision represents a landmark for intellectual freedom in elementary and secondary schools. These case studies show that vigilance is still the price of liberty.

How should society restrict dissent? Various government methods for coping with dissent examined here (including compiling of data banks) present a dilemma—do we want a safe and secure society but without freedom?

In the concluding section is a simple form for conducting an attitude survey on the "Methods of Expressing Dissent" on a rating scale from 1 to 5, plus an interesting suggestion for checking on the availability of dissenting literature in the local school and/or community library. The assumption here is that divergent opinions should certainly be represented in the local "marketplace" of ideas. There is also a very impressive list of resource materials supporting the evidence on dissent and protest.

Going on the premise that protest is a vital ingredient of the democratic process for the present as well as the future, I do recommend this text for use in our schools and colleges on the grounds that it will help develop in our young people respect for the First Amendment and the *Library Bill of Rights*. Furthermore, those involved in training librarians in the battle against censorship, could use this text as a teaching tool.—Reviewed by David Cohen, Librarian, Plainview-Old Bethpage High School, Plainview, New York.

Media and the First Amendment in a Free Society. The Georgetown Law Journal Association. University of Massachusetts Press, 1973. 229 p. \$12.00.

This publication in book form of articles which originally appeared in the March 1972 issue of *The Georgetown Law Journal* includes four introductory essays. The first and most general is by Osmond K. Fraenkel, who explains the scope and purpose of the study. His remarks also serve to update some sections of the work through summer 1973.

Senator Sam Ervin introduces the first section on printed communications. He sketches the deep significance of the First Amendment and advocates a hands-off policy on the part of government and business regarding the content of both print and broadcast media. Reuven Frank, president of NBC News, commences the second section on the problems of the broadcast media. He argues that the First Amendment applies equally to both print and broad-

cast media and holds that any government control should be limited to the technical conduct of broadcasting and not to the regulation of content. The third section of the book, "Points of Conflict—Legal Issues Confronting Media Today," is introduced by Walter Cronkite. He reiterates the equality of broadcast and print media before the First Amendment and warns against legislative efforts to control the content of broadcast news.

Both media have a similar problem in the question of equal access, of the fairness doctrine; both have a common concern regarding censorship by the government. There is a good historical treatment of these areas, as well as a balanced presentation of current problems. For example, one learns that originally the First Amendment protected the press only and only from *prior* censorship. President Jefferson believed in punishing published opinion which his party deemed seditious. One learns of the contemporary problem of diversification and consolidation. Today's newspaper industry is characterized by a movement toward consolidation and bigness, i.e., toward a decline in multiple ownership and the concomitant reduction in diversity of

opinion. The government's response to this trend, itself precipitated by economic forces and necessities, is examined. In its effort to achieve the purpose of the First Amendment, i.e., the presentation of diverse opinion, the government has an interest in maintaining multiple or diverse ownership. Antitrust actions may thus possibly be brought to restrict the economic freedom of the press. Here one sees how a private freedom, that of a newspaper to merge, may be sacrificed to the larger public interest, to the freedom to receive diverse opinion. However, this same government interest in diversity of ownership and opinion must recognize existent economic realities and permit certain mergers and consolidations for the general economic health of the industry. In the Newspaper Preservation Act of 1970 one sees congressional recognition that economic competition may be impossible for many American dailies.

The broadcast media are often considered more susceptible to government control because of the licensing of the airways by the Federal Communications Commission.

(Continued on page 161)

Wisconsin schools badgered by censors

According to the results of a survey undertaken by the Wisconsin Education Association Council, library and curricular materials in Wisconsin schools are widely threatened by the censor. Twenty-two percent of the sixty-five percent who responded to a WEAC poll (mailed to its 430 affiliates) reported that controversy had arisen over books, magazines, and films in their school districts.

Library materials

Library books which became objects of attack included *The Catcher in the Rye*, *Airport*, *Summer of '42*, *The Exorcist*, and *The Naked Ape*. Dominant among the reasons cited by complaining parents, school administrators, and other citizens were "filthy" language and explicit sexual passages. In the Schiocton school district, the Catholic Women's Organization said that students should not read books which contain "cussing."

A Beaver Dam principal cited "homosexuality" as a reason for removing *The Last Whole Earth Catalog* and *Ms.* magazine from a school library.

Curricular materials

The Godfather, *The Catcher in the Rye*, and *Soul on Ice* were considered unfit as textbooks by various parents and

administrators. The Pecatonica school board president disliked *The Learning Tree* because of a sexual allusion in one segment of the book.

A Wild Rose district administrator who banned *Bury My Heart at Wounded Knee* objected to the viewpoint of the book. While admitting that he had never read the book, he said that he heard a radio review which led him to believe that it was "slanted." After discussing the book with an English teacher who did not find it "slanted," he decided that the book would not be used. "If there's a possibility that something might be controversial, then why not eliminate it," he said.

In Marshall, a district administrator said that public complaints led to the removal of *Girls and Sex* from the curriculum. However, *Boys and Sex* was allowed to remain.

Lack of policy blamed

Wisconsin Deputy Superintendent of Public Instruction Dwight Stevens told a reporter from the *Madison Capital Times* that school districts had invited complaints by their failure to develop logical book selection criteria. With regard to the handling of complaints, he suggested that one of the "first requirements would be to read the book." Reported in: *Madison Capital Times*, July 29, 31.

obscenity war 'wasteful'

In an article published in the *Los Angeles Times* (Sept. 1), Los Angeles City Attorney Burt Pines said that current obscenity laws are "virtually unworkable" and their enforcement "extremely expensive, in both economic and social terms."

Pines said that the California legislature should amend the laws to decriminalize the distribution of explicit material to adults who know what they are seeing or buying. He added, however, that criminal penalties should be retained to cover the distribution of obscenity to minors and the thrusting of obscenity on unwilling adults.

Pines argued that "an unenforceable and ineffective law gives the public the impression that justice is erratic and the law can be disregarded with impunity." He said that a strong analogy can be drawn between "the present prohibition on the distribution of explicit material and the now discredited prohibition that once existed on the distribution of alcohol."

It appears, however, that Pines' opinions are not shared by everyone in his department. Seizures of such films as *Deep Throat* and *The Devil in Miss Jones* have not been halted in Los Angeles (see "Is It Legal?").

South Africa increases censorship

The South African government has proposed a tough new censorship law that one opposition parliamentarian has said will lead the nation into a Kafka-esque nightmare. The new Publications and Entertainment Bill provides for squads of censors who will operate throughout the country under a central directorate. The censors will scrutinize objects of art, films, books, periodicals, and public entertainment.

The new bill is the special project of the minister of the interior and information, Connie Mulder, who is widely

notice to subscribers

Effective January 1, 1975, the yearly subscription fee for the *Newsletter on Intellectual Freedom* will be \$6.00. In addition, the following special rates will apply: 5 copies to the same address, \$27.50; 10 or more, \$5.00 each.

The yearly cost of the *Newsletter* has remained unchanged (\$5.00) since 1969. In view of the recent increase in the cost of virtually everything connected with producing a periodical, and the nearly 100% increase—since 1969—in the cost of library periodicals generally, we believe that the above increase is both modest and understandable.

regarded as likely to become South Africa's next prime minister.

South Africa is already burdened by a censorship policy that is absurd by any standard. For example, the Criminal Law Amendment Act makes it an offense "to use language or perform any act calculated to cause anyone else to contravene any law by way of protest against any law." Under this act, the mere publication of a story about a planned protest could be regarded as an incitement, and the penalty for such incitement includes imprisonment for up to five years and/or whipping, not to exceed ten strokes.

South African censors, at various times, have banned books by George Orwell, John Updike, Norman Mailer, D.H. Lawrence, Bertrand Russell, John Steinbeck, William Faulkner, Bernard Malamud, and Vladimir Nabokov. Reported in: *Washington Post*, August 27.

write your DA

Morality in Media, the anti-obscenity group headed by Father Morton A. Hill, S.J., has urged its members to write to their local district attorneys with specific complaints about films and books. New York's new obscenity law went into effect September 1, and Morality in Media believes that a coordinated letter writing campaign will cause local authorities to move fast against obscene materials.

New York booksellers and movie exhibitors are waiting to see how New York District Attorney Richard Kuh will act. Kuh made a name for himself by going after the late Lenny Bruce in the 1960s. Reported in: *Variety*, August 28.

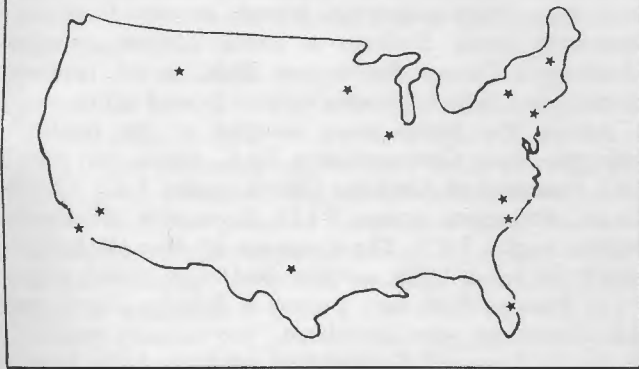
Soviets raze art show

Four Soviet artists and a photographer were convicted of "petty hooliganism" for their part in an attempt to hold an unofficial open-air show that was broken up by plainclothesmen posing as workmen. The five joined with other sponsors of the exhibit in protesting the convictions and pledging to make another attempt to hold a show in the same suburb of Moscow.

The "workmen," who claimed they were to build a park on the site, turned bulldozers, trucks, and high pressure water hoses on the gathering, destroying at least fourteen paintings.

The last time an exhibit by contemporary Soviet artists was held in Moscow was in 1967. In the destroyed exhibit twenty-seven painters had hoped to show art not sanctioned by the official Artists' Union. Reported in: *Christian Science Monitor*, September 16; *Washington Post*, September 17.

ensorship dateline



libraries

Riverside, California

A decision of the book selection committee of the Riverside City and County Public Library not to purchase Irving Wallace's bestselling *The Fan Club* prompted an angry reaction from the author. He called the decision "the ugliest kind of censorship."

In its report on the novel, the committee told the branch library heads not to order the book from the library system or interlibrary loan for six months, because "hopefully by then it will be in paperback and people can purchase it for themselves."

Albert Lake, library director, said the decision was not censorship but "selection and rejection." He added that the book was not purchased because it was "incredibly badly written." *The Fan Club*, which is partially set in the Arlington area of Riverside, is about four men who kidnap and rape a glamorous Hollywood starlet.

Writing from Italy, Wallace said the library's decision represents "a covert attack on freedom of expression in this country." He said his book was favorably reviewed by *Publishers Weekly* and by *Los Angeles Times* reviewer William Fadiman. Referring to the committee's request that the book not be ordered from the system or through interlibrary loan for six months, Wallace said he was shocked and hoped that Riverside County citizens would "rise up in protest and throw the rascals out . . . when they realize the implications of such arrogance and deceit."

The committee said that it was not its policy to buy "formula written commercial fiction just because it happens to appear on bestseller lists" or because "such books are set in the local area and unfortunately make a big splash in the local papers." The committee added that it "could not in good conscience spend the taxpayers' money for this book," noting that it would take fifty copies at \$10.00 a copy to fill a short-time demand. It said that \$500

"would purchase many books of more lasting value" for the library. Reported in: *Riverside Daily Enterprise*, July 26.

Hollywood, Florida

The Children's Book Council received a copy of Barbara Kohn's *One Sad Day* with an anonymous note affixed to it. The parcel was postmarked at Hollywood, Florida.

The note read: "Freedom of the press? Nevertheless it is most disappointing to find a copy of this very book in our local school library. Fortunately it was kept off the library shelves by a sensitive librarian. How would I have ever explained to my children this book—after their father fought twice in Vietnam?"

Bennington, Vermont

By a unanimous vote, the Mt. Anthony School Board decided not to renew the Mt. Anthony Union High School library's subscription to *Ms.* The board also voted five to four to reject a gift subscription offered by former Mt. Anthony school director Marian Cummings.

Last spring a controversy arose over several articles which had been published in *Ms.*, and although the board twice supported retention of the magazine in the school library, it voted to review the July, August, and September issues before deciding on the renewal.

Virginia

A Virginia school librarian returned William Sleator's *Blackbriar* to the publisher and refused to order the book for her school. In a letter to the ALA Children's Services Division, whose Book Evaluation Committee selected the book in 1972 as a "notable" book for children, the librarian said the author ruined the book by using "God" in a derogatory manner.

Canada

According to a report from the Canadian Library Association's Intellectual Freedom Task Force, the Church of Scientology of Canada has advised some libraries that they may be cited as defendants in a libel suit unless they remove certain books from their shelves.

Over the past year, several CLA members have been warned by the Church of Scientology regarding *Scientology: The Now Religion* by George Malko, *Inside Scientology* by Robert Kaufman, and *The Mind Benders* by Cyril Vosper. The Church advised CLA members that actions for libel had been begun by the Church against the authors, publishers, and distributors of these works before the Supreme Court of Ontario. The Church further advised that if CLA members did not withdraw the works in their collections from circulation until such time as the courts had settled these actions, they could be cited as defendants in the libel actions and be liable for damages.

According to Canadian libel law, damages in such a suit could be assessed from the time that a library was first given notice that a work was considered defamatory by the plaintiff, even though the courts might not rule on the nature of the work for some time. Several librarians received legal opinions from their solicitors recommending the withdrawal from circulation of the allegedly defamatory works in order to avoid potentially costly suits. Fortunately, both of the library boards—Hamilton Public and Etobicoke Public in Ontario—which were served with writs by the Church of Scientology decided not to withdraw the works from circulation.

schools

Charleston, West Virginia

The school year in Kanawha County began with picket lines and outbursts of violence as outraged parents organized to protest what they deemed “anti-Christian, anti-American, Communist, filthy-language” textbooks.

The seeds of the controversy were planted early last summer, when county school board member Alice Moore sat down to examine the textbooks ordered by teachers for the coming school year. She was dismayed, and word of her dissent from the decision to purchase the books began to spread. The Rev. Marvin Horan, pastor of the fundamentalist Freewill Baptist Church, formed a group called the Concerned Citizens of Kanawha County and urged parents to keep their children from school.

When the county schools opened last September, hundreds of parents attempted not only to close the schools, but also to disrupt the entire commercial life of the community. Picket lines idled thousands of workers as they closed mines, manufacturing plants, and construction sites. At least two persons were seriously injured when they attempted to cross the lines, and picket leaders were jailed when they defied a federal court order barring demonstrations.

Moore said that she regretted the violence that occurred, but insisted that the issue of the new textbooks had to be raised. She cited to reporters an example of what she considered an intolerable intrusion on the beliefs and rights of parents—an assignment from Harcourt-Brace-Jovanovich’s *Write On!*, an issue-oriented text for elective creative writing courses: “Recount some incidents you or those you know have experienced which illustrate how parental interference in the personal lives of their sons and daughters can lead to misunderstandings, broken relationships, or even to family tragedies.”

After embattled Superintendent Kenneth Underwood ordered the county’s 121 schools closed and all extra-curricular activities canceled until police officials could restore order, the school board attempted to arrive at a solution to the controversy. The disputed books were temporarily withdrawn from the schools, and a textbook

review committee was authorized by the board, with each board member to select three persons.

However, the attempted compromise and the establishment of a review committee brought protests from anti-censorship forces. Students at several schools, including Charleston’s George Washington High, signed petitions claiming that their rights were violated by mob action.

Among the many series involved in the textbook imbroglio were *Communicating* (D.C. Heath, for grades 1-6), *Dynamics of Language* (Heath, grades 7-12), *Galaxy* (Scott, Foresman, grades 7-12), *Interaction* (Houghton Mifflin, grades 7-12), *The Language of Man* (McDougal, Littell, for junior high), and *Man* (McDougal, Littell, grades 7-12). Passages from such authors as Eldridge Cleaver and E.E. Cummings were considered “too sexually explicit.” Works by Lawrence Ferlinghetti and Gwendolyn Brooks were criticized as “anti-Christian.” Ferlinghetti’s “Christ Climbed Down,” an indictment of the commercialization of Christmas, was attacked on the grounds that it implies that Christ could run away from unpleasant situations. Brooks’ “anti-religious” poem, “The Preacher: Ruminates Behind the Sermon” reads in part: *But who walks with Him?—Dares to take His arm, / To slap Him on the Shoulder, tweak His ear, / Buy Him a Coca-Cola or a beer, / Pooh-pooh His politics, call Him a fool? / . . . / Perhaps sometimes He tires of being great / In solitude. Without a hand to hold.* Reported in: *Charleston Gazette* September 6; *New York Times*, September 15, 16; *Wall Street Journal*, September 20; *Washington Post*, September 4, 9, 13, 20.

South St. Paul, Minnesota

Maintenance employees at South St. Paul High School who opened a box of new texts for the fall term were shocked at what they discovered in *Our Bodies, Ourselves—A Book by and for Women*. After they complained to school officials about the use of “pornography” in the classroom, Superintendent Ray Powell and Principal Robert Esko confiscated the books.

There was no controversy over removal of the books. Teachers Judith Mohr and William Hickok, who ordered the books, told their sixty students about the banning, but there was no student protest and no faculty complaint.

Esko objected to chapters on birth control and homosexuality, and Powell said he disliked the one on homosexuality.

The book was written by the Boston Women’s Health Book Collective and published by Simon and Schuster in 1971. It includes clinical material on sexual functions, but also contains chapters on nutrition, health care, and personal relationships. Reported in: *Minneapolis Tribune*, September 21.

Keyport, New Jersey

The Keyport Board of Education voted five to two to

ban the use of *Psychology for You* in its high school. Several board members complained about the book's inclusion of the Bible in a chapter on mythology, and one said he did not agree with "a lot of what is said" in sections on "sex" and "love."

The sole reference to the Bible made by the book's author, Sol Gordon, is the following: "Thus to say that the story of Jesus of Nazareth is a myth is not to say that the Bible is false but rather that the story is one which has great meaning for Christians because it expresses their relationship to the divine power in the universe—God. The factual or historical authenticity of the story is not the concern of the psychologist." Reported in: *Red Bank* (N.J.) *Daily Register*, September 4, 13.

bookstores, etc.

Laguna Beach, California

The owners of the Fahrenheit 451 bookstore in Laguna Beach were charged in December 1973 with a violation of California's obscenity law. Gordon and Evelyn Wilson, both former schoolteachers, were arrested by local police for selling and distributing pornography, which consisted of underground comic books (*Zap* and *Greaser*) purchased by a detective. The detective, on his own initiative, bought the comics and approached a deputy district attorney in Orange County to check whether the comics might be obscene. The deputy district attorney found the comics objectionable and recommended that charges be filed.

The Wilsons have received wide support from the Laguna Beach community, which has rallied to the cause. The Wilsons report that they never advertised or promoted the comics, and local newspapers have stated that the comics are still sold in other stores in the county.

Attorneys for the Wilsons say that they will challenge the constitutionality of the state's obscenity statute in the state court, where the Wilsons' case will be heard. If the motion to void the statute is dismissed, the attorneys can go to the federal court and request an injunction to stop the prosecution in state court. California's obscenity statute was declared unconstitutional by a three-judge federal panel in June 1974. Reported in: *Publishers Weekly*, August 12.

Lame Deer, Montana

Claiming that the book presents a bogus interpretation of their culture and religious observances, traditional Cheyennes gathered in Lame Deer to protest Harper & Row's publication of Hyemeyohsts Storm's *Seven Arrows*. During a meeting with Harper & Row representative Douglas L. Latimer, Joe Littlecoyote and other Cheyenne leaders denounced the drawings in the book as "sacrilegious fantasies."

At a meeting of the Northern Cheyenne Council of Chiefs, Elks, Kit-Fox, and Dog Soldiers Societies, a resolution was passed to "prevent and discourage written ma-

terials about Cheyenne spiritual customs, ceremonials, etc., by non-Indian and non-Cheyenne writers, journalists, anthropologists, sociologists." The resolution proclaimed that only "duly authorized" persons shall have the right "to give information about the meaning and details of spiritual ways." Reported in: *Wassaja*, August 1974.

Syracuse, New York

After a ruling of New York's highest court cleared the way for distribution of *Zing Comix—Ten Heavy Facts About Sex* at the 1974 New York State Fair (see *Newsletter*, Sept. 1974, p. 138), the bishop of the Catholic Diocese of Syracuse objected to the pamphlet.

The statement of the Most Reverend David F. Cunningham printed in the *Syracuse Herald-Journal* (August 9) read:

"While we uphold the sovereignty of the courts of our state, we are disappointed at such a decision regarding the mass distribution of what is patently pandering material.

"We distinguish between what is legally right and what is morally correct. Although due to the recent court decision, there is currently no legal barrier to such distribution, we greatly object to the possible damage to the moral values of the Christian community due to such inappropriate dissemination of this type of material.

"The New York State Fair is essentially a family oriented exposition—young people of all ages attend. The free access to such questionable material greatly disturbs the consciences of those interested in strengthening sound moral values in our community."

Despite opposition from the bishop and several local newspaper columnists, distribution of the pamphlet at the 1974 fair occurred virtually without incident.

San Antonio, Texas

Agents of the FBI began an investigation of threats to bomb San Antonio theaters and television outlets. The bomb threats, supposedly designed to stamp out pornography and questionable films, came from a group calling itself "Students to Overthrow Pornography."

Typewritten letters were received by the *San Antonio News*, KSAT-TV, and District Attorney Ted Butler. The threats came nine days after a bomb exploded on the roof of the Joy Adult Theater; four of twenty-five sticks of dynamite exploded, blowing a hole in the roof.

The group said it will sabotage by bombing and other methods all pornographic film houses, bookstores selling pornographic literature, theaters showing PG, R, and X-rated films, and television stations showing questionable films, such as *Summer of '42*.

The organization said its activities were necessitated by alleged inaction on the part of district attorneys, civic

(Continued on page 155)

from the bench



obscenity

Little Rock, Arkansas

The Arkansas Supreme Court upheld the 1971 conviction of Ruth Burns for selling an obscene book, and upheld the constitutionality of the statute under which she was tried, despite the fact that it does not define what constitutes obscenity.

The lack of definition, the court said, does not render the statute unconstitutional. In making the decision, the court relied on several U.S. Supreme Court decisions. The court observed that the high federal court has held that the language of a statute is sufficient if it conveys a clear warning to common understanding. The court also noted that the federal court had upheld the validity of a federal statute containing virtually the same language as the state statute.

Chief Justice Carleton Harris said the work in the case clearly depicted "hard-core sexual conduct" and that it was clearly obscene, despite the lack of precision in the state statute.

Two justices dissented from the majority opinion. Justice Conley Byrd said the court's decision placed the ordinary citizen at the mercy of the interpretation of any law enforcement official as to what is obscene. "That kind of vagueness should not exist in our criminal law enforcement," the justice said. Reported in: *Little Rock Democrat*, July 22.

Los Angeles, California

Describing the actions of Orange County authorities as "rampant misapplication of the law," U.S. District Court Judge Warren J. Ferguson issued a restraining order blocking any further seizures in Buena Park of the film *Deep Throat*. The order was granted upon the request of attorneys for the Pussycat Theater in Buena Park.

The judge also ordered Orange County officials involved in the seizures to appear in federal court to show cause why

they should not be held in contempt for violating an earlier court order by the judge prohibiting the raids.

Judge Ferguson noted that after the June 1974 federal court decision declaring California's obscenity law invalid, Orange County authorities had stipulated in a municipal court that they needed only one copy of the film for any criminal prosecution and that individual prints were not contraband. Reported in: *Los Angeles Times*, August 4.

Trenton, New Jersey

Ruling on a New Jersey obscenity statute overturned in 1972 by a three-judge federal court, the New Jersey Supreme Court held that the statute could be revived if it incorporated the standards established by the U.S. Supreme Court in *Miller v. California* (1973).

The state's high court said that there was no question that when the New Jersey legislature enacted the obscenity law in 1971, it intended to "proscribe obscenity to the extent consistent to the constitutional limitations." However, in a unanimous ruling written by Justice Nathan L. Jacobs, the court referred to earlier findings that "judicial surgery" could be used to bring a law into conformity with the Constitution.

In effect, the state court adopted the U.S. Supreme Court's opinion that obscenity is any "patently offensive" depiction of sexual conduct that violates local community standards and lacks serious value.

The court's ruling was made on an appeal of the separate obscenity convictions of John DeSantis of Atlantic County and Raymond Roth of Monmouth County.

In reviewing the two 1971 convictions, the court held that the men had been unfairly found guilty of violating the 1971 law because they had not been given "fair notice and due warning" of the standards set down by the U.S. Supreme Court.

Because the New Jersey statute is scheduled for review by the U.S. Supreme Court, some prosecutors in New Jersey expressed doubt whether any prosecutions could be begun while an injunction imposed by a three-judge federal panel remained in effect. Reported in: *Morristown Record*, August 7; *New York Times*, August 7.

San Jose, California

A three-judge federal panel voided a state court order and lifted an injunction that prevented the Pussycat II theater from showing *Deep Throat*. The federal panel held that the injunction handed down in 1973 by Superior Court Judge O. Vincent Bruno imposed "an impermissible prior restraint and created a clear danger of self-censorship."

Judge Bruno's injunction was based on California's Red Light Abatement Law, which deals with the containment of nuisances. Reported in: *San Jose Mercury*, August 1.

Baltimore, Maryland

Circuit Court Judge Meyer M. Cardin upheld the state censor board in banning showings in Maryland of *Deep Throat Part IV*, a revised version of the original *Deep Throat* film.

Judge Cardin said that he viewed both the original film and the revised version and found that the new version "differs only in matter of degree." He added that the "plot, dialogue, and theme are no different from the prior film." Reported in: *Baltimore Sun*, July 30.

St. Paul, Minnesota

A five-month campaign by St. Paul citizens and officials to shut down the Flick Theater was only temporarily thwarted by the Minnesota Supreme Court. After the high court issued a restraining order to stop the city from enforcing the revocation of the theater's license until a district court could review the matter, District Court Judge David E. Marsen ruled that a new St. Paul licensing ordinance is constitutional and that a municipality may "deny a license to an applicant convicted of a crime bearing a reasonable relation to the nature of the operations sought to be licensed." The theater's owner was once convicted of obscenity charges. Reported in: *St. Paul Dispatch*, August 6, 27.

Las Vegas, Nevada

The Clark County Commission ordered a halt to closed circuit showings of "adult" films at motels after viewing movies offered at the Gatewood Motel.

The six-man county board declared four adult films a nuisance and directed the County Business Licensing Department to close the movie concession offered at the motel. Reported in: *Las Vegas Review-Journal*, August 1.

Raleigh, North Carolina

The North Carolina Court of Appeals overturned sentences imposed on two men for selling obscene literature in a Burlington bookstore. In its unanimous decision the court said that a 1974 change in the state's obscenity law should be applied to the case, even though the men were charged before the change was enacted.

Writing for the court, Judge Naomi Morris said, "This appeal . . . presents us with the issue whether a favorable change in the applicable statute inures to the benefit of the defendants, the change having occurred subsequent to the offense and conviction, but prior to an appellate review of the trial. We hold it does."

Under the 1974 amendment, a person cannot be prosecuted until the material in question has been ruled obscene by a judge in a separate proceeding. A person can be prosecuted only if he continues to sell the material after such a ruling.

"It is unquestionably the law in this state that where there is an express repeal of a statute after the commission of a crime but prior to final judgment, no punishment can be imposed under the provisions of the repealed statute," the appeals court said. Reported in: *Durham Morning Herald*, August 22.

Cincinnati, Ohio

Last Tango in Paris was adjudged "not obscene" in a memorandum decision handed down by U.S. District Court Judge Timothy S. Hogan.

In 1973 the film played seven weeks at the Studio Cinema and then was suddenly withdrawn. United Artists, the film's distributor, filed a complaint in Federal court asking that Hamilton County Prosecutor Simon Leis be enjoined from interfering with the presentation of *Last Tango* in the county.

The operator of the Studio Cinema said that he was warned by Leis that "a grand jury could return an indictment against me personally." Reported in: *Cincinnati Enquirer*, July 11.

Columbus, Ohio

The Bexley Art Theater agreed to stop showings of *Memories Within Miss Aggie* after an adversary hearing was held before Municipal Court Justice G.W. Fais. A \$20,000 federal court suit filed on behalf of the theater and its manager against Bexley police and Judge Fais will be dismissed as part of the agreement.

The suit said a Bexley detective viewed the film August 1 and obtained a search warrant from Fais, and seized the film the following day. The suit contended that Bexley police had violated constitutional rights because no hearing had been held first. Reported in: *Variety*, August 28.

San Antonio, Texas

The management of the Broadway Cinema Theater learned that the fact that *Deep Throat* can be shown at one theater does not mean that it can be shown at others. The theater's film, projector, and speakers were confiscated after the film was viewed by a vice squad officer and Justice of the Peace J.P. Gutierrez. The judge held the film to be obscene.

In August, U.S. District Court Judge John V. Singleton Jr. issued a temporary restraining order that prohibited further raids at the Fiesta Theater in San Antonio, where copies of *Deep Throat* were seized on several occasions. Reported in: *Variety*, August 14, September 11.

obscenity convictions

Boston, Massachusetts

The manager of the Pru Cinema was found guilty of obscenity charges in Boston Municipal Court in connection

with showings of *Deep Throat* and *The Devil in Miss Jones*. He received a \$10,000 fine and two one-year sentences to the House of Correction. When the verdict was appealed to Suffolk County Superior Court, Judge David S. Nelson ruled that there was "sufficient cause to find preliminarily that the films are obscene" under Massachusetts' new obscenity law. The judge temporarily enjoined the company that operates the Pru Cinema from further showings of the films pending a trial. Reported in: *Boston Globe*, August 14; *Variety*, September 4.

St. Paul, Minnesota

A ticket taker at the Las Vegas Cinema theater was convicted on obscenity charges for showing *The Devil in Miss Jones*. Municipal Court Judge Joseph Salland said the defendant, Jewell Davis, had control over who saw the movie in that her duties included selling tickets in addition to selling popcorn and taking tickets. Reported in: *St. Paul Pioneer Press*, August 10.

Dallas, Texas

Warren H. Garrett, co-owner of the Art Flick Theater, was found guilty of exhibiting obscene material and was sentenced to six months in jail for showing *Deep Throat*. Upon leaving the courtroom Garrett vowed to continue showing the film. Reported in: *Dallas Times Herald*, July 26.

students' rights

Long Beach, California

The student editor of the off-campus *Rising Star* and seven other student plaintiffs were denied a preliminary injunction against the Long Beach Unified School District, which had banned the February issue of *Rising Star* from school grounds. Superior Court Judge Roy J. Brown ruled that the district acted properly against the publication and used valid rules governing student expression that were in conformance with state guidelines.

The legal advisor of the paper had argued that the district requirement that student newspapers be submitted for approval by the district before distribution violated the U.S. Supreme Court's ruling against attempts at prior restraint of the *New York Times* in its serial publication of the Pentagon Papers. However, the judge held that courts have ruled differently on cases involving freedom of the press in public school cases. Legal counsel retained by the school district argued that the *Rising Star* attempted to "use the First Amendment as a cloak to show contempt and disrespect for school officials."

A spokesman for the school district said the February issue was banned because of two obscene words in a letter to the editor from an anonymous "Mr. Long Hair." While conceding in court that the two words were "vulgar and profane," the paper's legal advisor said they lacked the

sexual connotation that higher court rulings generally have specified in obscenity findings. Reported in: *Long Beach Press-Telegram*, August 16.

Los Angeles, California

Superior Court Judge Campbell M. Lucas refused to enjoin University High School officials from preventing distribution of the off-campus student newspaper *Red Tide*. "Based on the facts of our education system," Lucas said, "high school students do not have complete and unfettered First Amendment rights."

In refusing to interfere with policies of the Los Angeles Unified School District, Lucas said that rules governing student publications should be left to the "sound discretion" of school administrators. He agreed with Deputy County Counsel Richard K. Mason, who argued that the California Education Code permits prior censorship of expressions that are obscene, libelous or capable of inciting disruption or dangerous conditions.

Lucas's ruling came in a civil suit brought by *Red Tide* staff member Susannah Bright, who claimed Vice Principal Homer Ganz had refused to permit distribution of the May 31 issue of the paper because of an article he considered "possibly" or "potentially" libelous. The article concerned a dress code at Locke High School which prohibited boys from wearing hats in class. Reported in: *Los Angeles Times*, August 29.

Strongsville, Ohio

Five Strongsville residents sued the Strongsville Board of Education in Common Pleas Court to keep two books out of the classroom. Their suit alleged that *Manchild in the Promised Land* and *One Flew Over the Cuckoo's Nest* violated Ohio laws on allowing minors access to pornographic materials.

On September 20, Common Pleas Court Judge George J. McMonagle prohibited use of the books in the general curriculum, but upheld the right of the school board to permit their use in elective courses. School Superintendent Edwin W. Boy heralded the ruling, saying that "the classroom is the place where [such books] can be put in their proper perspective."

The suit against the board stated that the books tend to glorify criminal activity, have a tendency to corrupt juveniles, and contain descriptions of bestiality, bizarre violence, torture, dismemberment, death, and human elimination. It was filed two weeks after U.S. District Court Judge Robert B. Krupansky ruled that the Strongsville board has a right to decide what books can be used in classes. Ruling on an ACLU suit contending that Strongsville high school pupils were deprived of academic freedom because the board refused to buy three controversial books, the judge said pupils could obtain the books at stores or libraries and discuss them in the classroom, but he held that the board

had the right to refuse to purchase the books as required texts.

Judge Krupansky added that the books—*Catch-22*, *Cat's Cradle* and *God Bless You, Mr. Rosewater*—“have literary value and are not obscene.” Reported in: *Cleveland Plain Dealer*, August 10, 21, September 21.

teachers' rights

New Orleans, Louisiana

A Texas teacher who lost his job in mid-year in 1968 after teaching a six-day unit on race relations will have his reinstatement claim reconsidered by a federal court. In June the U.S. Court of Appeals for the Fifth Circuit held improper a lower court's denial of Keith Sterzing's reinstatement claim because it would revive antagonisms and remanded the case for proper remedies. In May 1972, the federal court awarded him damages and found that the Fort Bend Independent School District had improperly restricted his right to speak and express his opinion in the classroom. Reported in: *DuShane Fund Reports*, July 15.

the press

Washington, Ohio

Thomas E. Summers, a college student and summer reporter at the *Washington Court House Record-Herald*, was acquitted of contempt of court charges for publishing the name of a trial witness named in open court.

Visiting Union County Common Pleas Court Judge Gwynn Sanders ruled that Fayette County Common Pleas Court Judge Evelyn W. Coffman had exceeded her authority when she cited Summers for contempt. Coffman had ordered the press not to print the name of a witness identified in court while a trial was in progress.

“This court is of the opinion that a judge has no right to gag the press for reporting actions which occur in the courtroom,” Judge Sanders said. Reported in: *Editor & Publisher*, September 7.

Philadelphia, Pennsylvania

In an opinion that defended a newspaper's First Amendment right not only to print but to sell its papers, U.S. District Court Judge Herbert A. Fogel invalidated a Borough of Swarthmore ordinance prohibiting newspaper vending machines on public sidewalks. “As long as the means of distribution do not create real hazards” for citizens, the judge ruled, newspapers have a constitutionally protected right to sell their papers in whatever public place people wish to buy them.

Judge Fogel said that municipalities have a right to regulate how and where newspaper machines are placed in a “narrow” sense—when, for example, damage to public

property is possible. But he held that newspaper machines cannot be banned altogether.

In a brief submitted to the court, the borough claimed that Philadelphia Newspapers Inc., publishers of the *Inquirer* and *Daily News*, attempted “to cloud the real issues with loud, repeated cries for free speech and free press.” The borough alleged that the First Amendment “imposes no such restraint on government” when profit making, or sale of newspapers, is at stake.

Judge Fogel rejected the argument. “There is nothing to indicate that the words ‘freedom of the press’ in the First Amendment were intended to include only the ‘non-commercial’ or not-for-profit press,” he said. “Without circulation, freedom of the press is a mockery.” Reported in: *Philadelphia Inquirer*, August 9.

television

Indiana

In November 1973 an Indiana circuit court judge issued an injunction preventing the broadcast of a forty-three second crib-burning scene in an ABC News television documentary, “Close-up on Fire.” In effect, the court charged trade libel. The crib's manufacturer, Smith Cabinet Manufacturing Co. of Salem, Indiana obtained the injunction on allegations that the segment—in which one of its plastic cribs is set aflame—was libelous. ABC complied with the injunction last November and in a June rebroadcast. It was believed to be the first time a state or federal court had ever issued a prior restraint against network news.

Later the Indiana Court of Appeals reversed the lower court, ruling that the injunction was an unconstitutional prior restraint in violation of the First Amendment. The court cited cases which it said “firmly establish that a prior restraint is not permissible for either a publication or republication of a statement of public interest.” The court rejected the manufacturer's argument that courts can enjoin publication of libelous statements. The “truth or falsity” of the crib-burning segment, the court said, is of “no consequence” in deciding whether to permit a prior restraint.

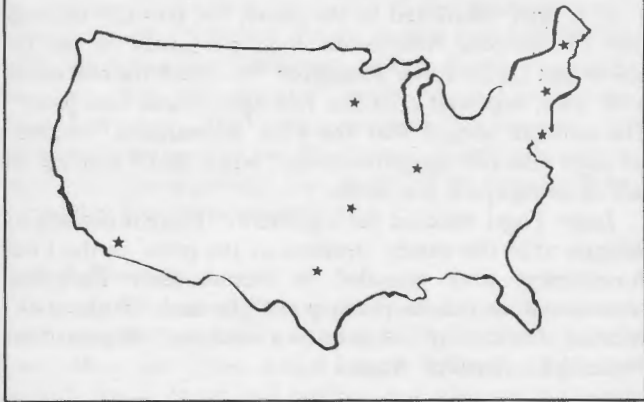
The court returned the injunction to the lower court for dismissal. Once the injunction is lifted, an ABC spokesman said, the network will broadcast the crib-burning segment nationally. Still standing is the crib manufacturer's claim for \$5.5 million in damages. Reported in: *Press Censorship Newsletter*, August-September.

Washington, D.C.

In 1972, the National Broadcasting Company aired an hour-long documentary, “Pensions,” which was highly critical of private pension plans in the United States. Last year, the Federal Communications Commission responded

(Continued on page 156)

is it legal?



obscenity law

Los Angeles, California

Armed with search warrants, members of the Los Angeles Central Division vice squad seized prints of *Deep Throat* and *The Devil in Miss Jones* at the Mayan Theater. In the opinion of the vice squad officers, the films are obscene and in violation of state law.

Police Sergeant Dan Jones said he would continue to "enforce the law in our area." He stated that a member of the city attorney's office went over the application for a search warrant before it was presented to Municipal Judge Mary E. Waters. Jones said it would be the city attorney's task to decide whether to present charges.

Although City Attorney Burt Pines said that no criminal charges would be filed with respect to *Deep Throat*, he deferred any decision concerning *The Devil in Miss Jones* until a three-judge federal panel clarified its decision holding the state obscenity statute unconstitutional. Reported in: *Los Angeles Times*, August 15.

Portland, Maine

The American Civil Liberties Union has decided to provide assistance in the case of Georgina Spelvin, who appears in *The Devil in Miss Jones*. Spelvin was indicted by a Memphis, Tennessee federal grand jury on a charge of conspiracy to transport obscene material across state lines by promoting the film at a press conference in Ft. Lauderdale, Florida.

Spelvin was brought before a U.S. magistrate in Portland on the charge because she works summers for the Brunswick Music Theatre.

Authur LaFrance, a professor of constitutional law at the University of Maine, who was assigned to the case by the ACLU, said the government wants to try Spelvin in Memphis because chances of obtaining a conviction are

better there than in New York where the film was made, or in Maine where she presently works and lives.

"Actors and writers and artists who have no control over where their work is displayed will be afraid their book or painting or film may end in Memphis, and result in their being dragged off to the Bible Belt for trial," LaFrance said.

LaFrance added that he feared that Memphis may become the standard for the entire country. Reported in: *Variety*, August 7.

Norwood, Massachusetts

Advised by the town council that they could not legally impose a ban on X-rated films, Norwood selectmen simply delayed granting the manager of the Norwood Theater a license until a voluntary ban was agreed upon.

Roger C. Lockwood, manager of the theater, agreed in writing that he would show no X-rated films, even if he felt that they were of high quality, without the approval of the selectmen.

An attorney affiliated with the Civil Liberties Union of Massachusetts stated that the ban on X-rated films was "totally unconstitutional prior restraint at its worst." He added that he did not believe any court could enforce the agreement. Reported in: *Variety*, September 4.

Dallas, Texas

In an unusual move, the owners of Cinema 69 in Dallas contended in federal court that a film they had shown was obscene and therefore not protected by the First Amendment or copyright laws.

Faced with a suit alleging that they had exhibited a bootleg copy of *Behind the Green Door*, the owners asked U.S. District Court Judge Robert M. Hill to dismiss the suit on the grounds that the film could not be protected by copyright laws because Congress "did not intend that the rights and guarantees granted [under copyright laws] be invoked to protect obscene material."

The Mitchell Brothers Film Group and Jartech Incorporated own the film's copyright. Reported in: *Dallas Times Herald*, September 6.

the press

Clay County, Arkansas

The U.S. Supreme Court dismissed on jurisdictional grounds the appeal of an Arkansas newspaper editor charged with violating the state's criminal libel law. The case reverted to a state circuit court for trial.

Joseph Weston, editor of the *Sharp Citizen*, was charged with criminal libel two years ago for a story he wrote which called a county judge illiterate and said a local politician owned a still inherited from his father. The trial judge ruled

(Continued on page 156)

success stories



Livingston, New Jersey

New Jersey liquor control agents may ban nude dancers from bars, but they cannot keep a Livingston druggist who sells liquor from dispensing magazines containing nude photos. The case involving a pharmacy came to an end when the state Division of Alcoholic Beverage Control ruled that its agents had erred in ordering the druggist to remove *Playboy* and *Penthouse* magazines from his shelves.

Druggist Rene Lagasi was satisfied with the decision. Lagasi said his protest was supported by a customer, a lawyer, who contended that the ABC's action was unconstitutional and arbitrary. Reported in: *Philadelphia Inquirer*, August 14.

Wilmington, North Carolina

Despite vociferous opposition to *The Curious Eye*, the New Hanover County School Board voted four to two to retain the anthology of short stories for use in the schools.

Spearheading opposition to use of the book as optional reading for junior and senior classes was Sheriff H.G. Grohman, who was supported by Wilmington Police Chief J.O. Flowers, Chief John Ward of Wrightsville Beach, and Chief Ray Padgett of Carolina Beach.

Grohman said the language used in the book was objectionable and obscene. Picked out for special criticism was the short story "An Alien Turf."

Teachers and students staunchly defended the book. Speaking on behalf of "An Alien Turf," one student said, "I find the poverty and despair described in the story obscene, not the words used to convey it." Reported in: *Raleigh News and Observer*, September 12.

Madison, Wisconsin

After a brief debate the Madison City Council refused to alter the city's obscenity ordinances. Changes proposed by Aldermen Loren Thorson and Thomas George would have

removed the "utterly without socially redeeming value" test for obscenity and would have authorized the use of local community standards in accordance with U.S. Supreme Court guidelines.

After the fifteen-to-seven vote to reject the changes, Mayor Paul Soglin's administrative assistant, James Rowen, viewed the vote as tacit support for placing a low priority on obscenity law enforcement. Reported in: *Madison State Journal*, August 21.

Prince William County, Virginia

Following an inquiry from a county police officer who asked for access to microfilm circulation records, the trustees of the Prince William County Library acted to defend patrons and adopted ALA's 1971 policy on confidentiality of library records. In accordance with that policy, all librarians and library employees were instructed not to reveal an individual's library records to any inquiring federal, state or local governmental agency without a proper court order issued under laws relating to discovery procedures or legislative investigatory power.

(*Censorship Dateline . . . from page 149*)

groups, and the U.S. Supreme Court. Reported in: *Variety*, September 18.

art exhibits

Blue Island, Illinois

Painters in Blue Island continued work on an outdoor mural depicting Mexican-American labor history, despite a city council order calling for a halt to the project. As a crowd stood by, some waving Mexican and American flags, three painters wielded brushes on the side of a building in the Chicago suburb.

Although officials made no immediate attempt to stop the painters, Mayor Richard W. Withers told a reporter that "they are knowingly breaking the law."

The mural project, funded by the Illinois Arts Council and the Illinois Labor History Society, was intended to be among the first visual displays in the state in preparation for the U.S. bicentennial celebration.

On September 9 the Blue Island City Council voted unanimously and without discussion to halt the mural painting. Reported in: *Chicago Sun-Times*, September 15.

South Charleston, West Virginia

Three paintings—female nudes—were removed from the Chemical City Art Exhibition by the show's director, Mrs. Glen Stephens. A painting of a mother breast-feeding her child, however, was allowed; Mrs. Stephens said she considered it a "semi-nude and not a vulgar painting." Almost every child knows most babies are breast-fed, she commented.

Mrs. Stephens explained that nudes are not allowed in the show because it is held in the South Charleston Recreation Center, which many youngsters visit.

South Charleston Mayor J. Alfred Poe contended that he had removed one of the paintings. He did so, he claimed, because a church—the Living Word Christian Church—held its services in the recreation center. “I was not going to tolerate that one with youngsters coming through,” the mayor said.

However, Mrs. Stephens said that the mayor did not remove a picture. “He said that to protect me. I removed the paintings because of our standing policy prohibiting nudes.” Reported in: *Charleston Mail*, August 6.

(From the Bench . . . from page 153)

to charges that the program was biased and ordered the network to broadcast additional material for the sake of “balance.”

NBC appealed the FCC ruling to the courts. After hearing arguments on the so-called Fairness Doctrine, the U.S. Court of Appeals for the District of Columbia refused to overturn the doctrine but held that the FCC had misapplied it.

The court’s two-to-one decision said that the doctrine does not give the FCC or anyone the power to compel the network to broadcast additional material for the sake of the guise of achieving “fairness.” Whenever a broadcaster exercises his news judgment in good faith, the court said, any power to compel changes or additions would substitute the FCC’s judgment for the broadcaster’s.

The court added that the FCC should act only when there is evidence showing that a broadcaster had abused his discretion by an act of bad faith, for example, by acting on behalf of some hidden interest.

Spokesmen for the networks hailed the ruling as an affirmation that broadcast journalism is protected by the First Amendment. Reported in: *New York Times*, September 29.

(Is It Legal . . . from page 154)

the law was unconstitutionally vague and dismissed the charges. The Arkansas Supreme Court last November upheld the constitutionality of the law, which provides for penalties of a \$5,000 fine and one year in jail.

Weston also faced trial in September on criminal libel charges arising out of another series he wrote attacking officials of Clay County. Last January he was jailed for three days on those charges before being released by a federal court judge.

The Arkansas law defines criminal libel as “malicious defamation . . . tending to blacken the memory of one who is dead or to impeach the honesty, integrity, veracity, virtue or reputation, or to publish the natural defects, of one who is living, and thereby expose him to public hatred, contempt and ridicule.” Reported in: *Press Censorship Newsletter*, August-September.

Rochester, Minnesota

The National Organization for Women (NOW) filed a complaint March 19, 1974 with the Rochester Human Rights Commission alleging that the *Rochester Post-Bulletin* violated state and city anti-discrimination ordinances by identifying married women by their husband’s first name in news stories. The *Post-Bulletin* identifies married women as Mrs. John (Mary) Smith.

The complaint said such a policy denied women the “full and equal enjoyment of the services, facilities, privileges and advantages of a place of public accommodation” in violation of a city anti-discrimination ordinance. *Post-Bulletin* editor Charles Withers responded to the complaint saying it raised a First Amendment issue. “If pressure groups, or local government agencies are successful in dictating to newspapers how they shall print the news,” Withers said, “obviously they could seek to dictate what shall be printed—or what shall not be printed.”

The Commission ruled May 15, 1974 that the “*Post-Bulletin* is a public accommodation” and that its identification of women by their husband’s first name “constitutes discrimination based on sex.” The Commission’s report was forwarded to the State Department of Human Rights for further investigation. Reported in: *Press Censorship Newsletter*, August-September.

New York, New York

A book published in New York last year detailed in anonymous fashion the case history of a woman psychiatric patient whose treatment had ended a decade ago. The patient had been treated for seven years by a psychiatrist who co-authored the book with her husband, a psychotherapist. The former patient sought to enjoin distribution of the book, *In Search of a Response*, on the grounds it violated the physician-patient privilege. In April 1973 the Supreme Court of New York issued a preliminary injunction against further circulation of the book, limiting its distribution solely to scientific and medical channels and barring it from distribution to the general public.

Noting that there was an “implied if not express agreement” that confidence would be respected, the court said an injunction was an appropriate remedy “when confidential information is learned, in confidence, under a contract that it shall not be disclosed.” The Appellate Division later affirmed the issuance of the injunction and broadened

it to prohibit any distribution. The Court of Appeals, the state's highest court, affirmed.

Lawyers for the authors and the publisher, who are identified in court papers only as Joan Roe, Peter Poe and Coe Press Inc., appealed to the U.S. Supreme Court. They claimed that the issuance of the injunction represented an unconstitutional prior restraint of freedom of the press in violation of the First Amendment. The Supreme Court has agreed to hear the case. Reported in: *Press Censorship Newsletter*, August-September.

Tennessee

Two Tennessee newspapers filed separate lawsuits charging two county school boards with violations of Tennessee's new Open Meetings Law.

The *Chattanooga Times* filed a complaint against the Hamilton County Board of Education, charging that *Times* reporters were instructed to leave the board room on two occasions when the board announced it would meet in closed sessions.

The *Oak Ridger* filed a similar complaint against the Roane County Board of Education, charging it had acted illegally by meeting in a closed caucus August 22. A reporter for the *Oak Ridger* was denied admission to the caucus, which board members said was merely for discussion.

Tennessee's Open Meetings Law, which took effect May 1, was declared constitutional by the Tennessee Supreme Court. Reported in: *Editor & Publisher*, September 7.

(What Happens . . . from page 142)

back; that he wouldn't be given any more books with four-letter words, etc., etc. This was not enough. She seemed appalled when we said we would certainly allow our sixteen-year-old son, if we had one, to read such a book. Finally, she left, but we felt sure that was not the end of the matter.

Saturday evening, November 4. Noticed lights in my classroom at school. Ned went over and discovered the headmaster looking for a copy of *Manchild* to read. He found a copy, but Ned was not able to engage him in any serious conversation about the problem.

Sunday, November 5. Called over to the academy by the headmaster to confer with the chairman of the board of trustees. Before the chairman arrived, the headmaster told us that both Mr. and Mrs. Barnes had called the chairman, demanding that he come over to their house to look at marked passages in the book. He did go over. When he asked to take the book with him, they were reluctant to give it to him, but finally did. They demanded that action be taken. They scoffed at the censorship policy and

wondered what sort of school the trustees were running that they would adopt such a policy. They wanted to see the by-laws of the school and threatened to go to the state department; they mentioned getting other parents involved. They wanted a reply by 1:30 Sunday afternoon.

The chairman said that he had looked the book over and had given it to his wife, "a fine woman." She didn't like it. He found it "a filthy, rotten book," with "10% worth of literary value to 90% filth." No, he couldn't recommend another book better suited to the purpose. If other parents found out about it, they'd be on our backs, and we'd lose half of the students because parents would remove them from a school in which dirty books were taught. (Parents can choose from among several area high schools, and the town will pay tuition.) He was very angry and insistent. I forced him to the point: he ordered me to remove the book from the class, to offer the students their dollars back, not to test them on it further, and never to use it again.

The headmaster said very little, except that perhaps we should review all our books. For example, "I don't think *Summer of '42* should be on your shelves." (He later objected to Elliott Baker's *The Penny Wars*. These books were single copies available for pleasure reading on a shelf in my classroom.) We asked why the policy adopted by the board for dealing with censorship problems was not being followed. The answer, in effect, was that once the chairman had looked at the book, Mrs. Barnes' cause became his own: he felt it was a "rotten" book, and he would tell that to the board of trustees when it met Wednesday night. If the board reversed him, okay. (We didn't feel the board would reverse him.)

Monday, November 6. I took a personal day and stayed away from the academy. I was very angry. I decided to call the chairman of the Intellectual Freedom Committee of the New Hampshire Library Council, and he volunteered to write a letter to the trustees. (This arrived in time for the Wednesday night meeting.) I didn't know what to do about *Manchild*. Rumors would be flying by now. I thought I would probably tell the students the next day that there would be no final exam, no final test on *Manchild*. If there were questions, I would refer them to the headmaster.

I conferred with the lawyer for the New Hampshire Education Association and tried to see several people in the state department of education, but they weren't in. I applied for a librarian opening nearby—and told the assistant superintendent something about the *Manchild* incident. (I later told the headmaster I was applying for the job; he said it was a good idea as by now the trustees were very angry with me and would be glad to release me from my contract. I did not get the job, and I wonder how much the *Manchild* affair had to do with that.)

My notes end with November 6. I also made other phone calls to local intellectual leaders, friends, fellow educators. On Wednesday evening, November 8, Ned and I attended

the trustees' meeting. I did not really want to go, but I felt it was my professional obligation and duty. I read my statement, addressed to the chairman and the trustees:

I did not want to come here tonight because I do not feel any constructive good will come of it for any of us—students, faculty, administration or trustees. However, for the record, I will state my position.

*I chose *Manchild* in the *Promised Land* by Claude Brown as the finest example of contemporary life in the Harlem ghetto and I stand solidly behind that choice. I cannot imagine teaching a course in Black Literature to college preparatory juniors and seniors in high school and not including that book. The fact that certain local people think the book is "filthy and rotten" does not impress me. I think these people may all be fine persons, but they are not aware, evidently, of what good literature is. But more pertinent perhaps than that, they are not aware of what today's high school student is like—how he perceives his own world, the world around him, and how maturely he is able to read about and discuss a multiplicity of contemporary problems.*

*Thus I am deeply disappointed not only in the failure of these people to see any good in *Manchild*, but in their persistence and insistence in banning the book. They have become censors and book banners. They do not uphold my judgment, and obviously they have little regard for the procedures established by the policy of this Board to deal with such matters.*

(signed) Elizabeth G. Whaley

I felt then as I do now that the cause was hopeless. From this post-Watergate vantage point, perhaps I should not have been so shocked that men in high places could take the law into their own hands with impunity, that an adopted policy will carry no weight if the policymakers themselves find it an embarrassment and an inconvenience.

The students, I should add, read *Manchild* with compassion, tears, insight, wonder, and awe. Not with enough anger, perhaps, but at least they had been moved by the book. We had some good discussions about it. For most students it was only their first or second reading about life in a black ghetto. Students like to find out about the larger world, and they cry out for such an opportunity.

Several days after the crisis, the headmaster asked me if I had given the students their money back, and I replied that I had not. I told him that if he wanted that done, he would have to do it himself. So he took over my class one day and made an announcement that students could have their money back if they wanted it. When students asked why they were being offered this reimbursement, he said that he "didn't think they should have to pay for such a book." Many of the students told me privately that they thought the whole affair was foolish and unfair. Some of them asked their parents to read *Manchild*, and the parents supported me for choosing that title. Perhaps there were other

parents who read the book and did *not* agree with me that it is an excellent book for high school juniors and seniors to read in a Black Literature course. If so, I didn't hear from them.

I also received strong support from many sources: the NHEA; the NH Civil Liberties Union; the President of the New England Association of Teachers of English wrote a good letter admonishing the headmaster and inviting him to write his version of the incident (the headmaster never answered the letter); the President of NCTE; the Executive Secretary of NCTE (who wrote a letter including specific suggestions for educating administrators who are book selectors).

These were helpful to me personally, but, of course, they did not lead to a reversed decision. In fact, later in the month, the headmaster issued the following memo:

TO: ALL TEACHERS
FROM: HEADMASTER
SUBJECT: PURCHASE AND USE OF BOOKS
DATE: NOVEMBER 28, 1972

1. Trustees are holding the Headmaster directly responsible for all books that are used at the Academy.

Therefore: No teacher is to purchase any books for the school until the book or books have been cleared through the Headmaster.

2. It is the INTENT of the Headmaster that many good books be provided for the students' use. It is also his INTENT that these books be acceptable to the parents of Academy students. It is the feeling of the Headmaster that there are enough books available which do not incorporate the use of sexual acts of various kinds or use undesirable language, so that those that do, need not be used at the Academy. It is Not the Intent of the Headmaster to be considered as a "bookbanner." Rather that decisions made in consultation with him would provide the most good for the majority of students, parents, and teacher of the Academy.

3. Books that are presently being used are to be reviewed and those which would be deemed "Dirty Books" by the majority of the parents in the communities which the Academy serves, are to be taken out of circulation. (This decision to remove a certain book shall be made in consultation with the Headmaster.)

4. A complete inventory of all books in the classroom by all departments is to be turned in to the Headmaster by January 1, 1973. All books on the inventory that are questionable as to their suitability by the above standards are to be checked with him.

Of course, this memo was meant exclusively for me, but the headmaster prized himself on not singling out any individual for blame. (I found paragraph three of the memo particularly noteworthy.)

All was not lost, however. *Manchild* was allowed to remain on the library shelves. Ned and I were not fired or non-renewed in the spring. We were offered contracts for the 1973-74 year. Our raises were not very substantial, but then, none of the other teachers' were either. Since our school has no salary schedule, we could not successfully contest our raises. My husband managed to find a much better job. I was not able to relocate; nor was I able to persuade the trustees to compensate me for the M.A. which I was awarded in June. I do not know how much the *Manchild* incident had to do with my failure to find another position, but I suspect that it was a contributing factor. I managed to get a little feedback from two of the ten interviews I had, and this convinced me that *Manchild* was a negative feature.

The final point I want to make is, I think, an important one: my quarrel ultimately is not with the headmaster or the trustees, though of course they should have supported me. My concern is with the townspeople who, for all their protestations, reflect the trustees' thinking on *Manchild*. I discovered only late in the affair that it wasn't the four-letter words to which some people in town objected so much as it was the idea that "some teacher up there is teaching all year about niggers" (in a nine-week, administration-approved mini-course on Black Literature).

I tell myself not to get discouraged. I write this article and wonder how much harm it will do me if it is published. I tell colleagues who get discouraged—who find that the more they really want to teach, the less they are being allowed to—to make the best of it. "Do what you can in your own classroom." "No situation is ideal, no school system is perfect." "Read or re-read Herndon's *How to Survive in Your Native Land*." There are no easy answers, but one thing is sure: censorship and related problems created by uptight communities are *not* going to get any better for the next few years. We will have to learn to live with them.

The Willa Cather Centennial was held this fall in Lincoln, Nebraska, and I couldn't get there. I think Miss Cather would have approved of Claude Brown's book, even though she would have decried the four-letter words. It is autobiography and not fiction, so she wouldn't have worried about extra "furniture" and verbiage. She would have understood all too well the individual struggling against an indifferent or hostile community. The author of *One of Ours*, "Paul's Case," "The Sculptor's Funeral" and "Tom Outland's Story" would have sympathized not only with Claude Brown but with my plight in its small New England setting. It's comforting to keep that in mind.

(Analysis . . . from page 143)

proceeds to contact other parents either to verify his concerns or to alert them to the dangers of the situation. A meeting is planned at which several concerned parents voice their fears regarding the availability of material they consider harmful. Thus, a group coalesces around a common cause which has perhaps broadened into a campaign against, not a specific item, but objectionable material in general. By this time one of the more vocal or more articulate parents has emerged in a leadership role and a news account of one or more meetings has been published. Sometimes groups of this nature manage to survive through affiliation with national organizations such as Citizens for Decency through Law (formerly, Citizens for Decent Literature). More often they dissolve after a few weeks or months in which their main function was to serve as avenues for censorship expression.

The "dateline" columns cited thirty-six instances of media self-censorship. Such censorship usually entailed decisions by television stations not to broadcast programs they felt would be objectionable to significant portions of their viewers. Occasionally it was reported that these stations had received requests not to air certain programs. Another often-cited instance occurred in announcements by newspapers of their decisions not to publish advertisements of X-rated movies.

Academic administrations were cited thirty-two times. The large majority of incidents involved colleges and universities attempting to suppress or otherwise control student publications. Many of these attempts were made through faculty-student publication committees; and sometimes they resulted from student complaints. (Students were counted nine times as being sources of censorship pressure.) It was not unusual for threats of legal action to be made, particularly if the setting involved a public institution.

Twenty-six cases involved appointed/elected officials or candidates. These reports normally mentioned individuals who issued statements with the apparent understanding that their comments would be published in news media. Statements by such persons usually noted intentions of raising issues before governing bodies such as library boards or city councils. Rarely was any official action mentioned in reports of this kind.

Two other groups deserve mention: "local chapters of regional or national organizations" and "private businesses and foundations." Local chapters included groups as diverse as the Southern Baptist Convention, the National Association for the Advancement of Colored People, and the John Birch Society. Private businesses and foundations that created pressure usually did so only against their own pub-

lications with censorship prior to publication being a common occurrence.

Table II

Medium, or Point of Controversy	Number of Incidents
schools: libraries, curriculum materials	93
student publications	54
newspapers, periodicals; printed	
advertising media	52
radio and TV	36
movie theaters and presentations; live	
theaters	33
freedom of expression including oral,	
musical, and dance presentations	32
public libraries	21
books	10
museums; art and art exhibitions	10
college and university classrooms	7
bookstores	6
movie, tape, and record producers and	
distributors	4
academic libraries	1

Turning to the objects of pressure, general comments are in order about what Table II refers to as "medium, or point of controversy." As shown in the table, objections focused on school curriculum or library materials more than any other area. While the accessibility of books and periodicals was at stake, the assumption (for the purpose of analysis) was that no objections would have arisen had the material under consideration not been available in public schools. Thus, the "point of controversy" excluded separate categories for "newspapers, periodicals" and "books." For example, if Baldwin's *Another Country* was refused by a school board for use in classrooms and libraries, the incident of censorship would be counted only under the heading of "schools." If, however, copies of the book were removed from drugstore newsstands, circumstances would suggest that the real objection was to the title itself, rather than the avenue of dissemination, and a tabulation would be entered under the heading of "books." The same method of tabulation was applied to "public libraries" and "academic libraries." "Student publications" referred to both secondary and academic institutions. "College and university classrooms" referred to incidents in which faculty members were dismissed or otherwise reprimanded because administrators or taxpayers objected to the dissemination of unpopular ideas. When bookstores were mentioned, the point of controversy was the store itself without reference to specific books or periodicals. Other categories of points of controversy should not need special explanation.

Geographically, the "dateline" column reported more censorship activity in California and New York than any-

where else. The states listed in Table III include only those from which five or more incidents were reported. As Table III demonstrates, there is a correlation between censorship activity and population density. The high incidence of activity in Washington, D.C. is due primarily to concentrations of federal agency headquarters.

Table III

State	Number of Incidents
California	34
New York	29
Washington, D.C.	25
Florida	22
Illinois	17
Michigan	17
Maryland	13
New Jersey	12
Texas	12
Missouri	11
Ohio	11
Pennsylvania	11
Rhode Island	10
Virginia	9
Massachusetts	8
Oregon	7
Tennessee	7
Wisconsin	7
Indiana	6
Minnesota	6
Georgia	5
Washington	5

What do these statistics have to say to persons interested in protecting First Amendment freedoms? One thing they suggest is that, perhaps contrary to popular opinion, parents are vitally interested in public schools and in what information is available to their children, even if only to offer negative criticism. It is also apparent that people interested in civil liberties need to continue educative efforts and remain constantly apprised of the views of public officials in order to make them as responsive as possible. This is the case because politicians, even if they do not use their official capacities to suppress the availability of information, are usually able to harness segments of the news media in the interest of positions they strongly support. It should go without saying that civil libertarians could benefit from additional exposure.

Institutions responsible to the public do not operate in a social or political vacuum. They may find themselves in situations requiring decision-making which is necessarily but unhappily based on momentary expediencies. As a result, some activities impinging on intellectual freedom depend on information which is perceived rather than factually supported. This factor pertains to many institu-

tions ranging from higher education to broadcast media.

Amidst the possible conclusions, perhaps the blessing in disguise is this: as evidenced in Table I, grass-roots support can be mobilized to oppose objectionable materials. If censors can voice their concerns and elicit public support, civil libertarians can do the same. Members of the legal, political, academic, and library professions who believe in intellectual freedom must be energetic and creative enough to articulate their views and cultivate an educated and committed constituency.

(Let Me Say This . . . from page 145)

Based on the original and traditional reason for regulation, this governmental control should extend only to the technical allocation of air space and not to the content or quality of programming. Yet pressures have been brought on the networks to limit certain genres of programming, ban certain kinds of advertising, and curtail certain types of news reporting and analysis.

One large, general problem arises when government is given expanded power to intervene in mass media to protect freedom, raising "the specter that this power might be abused by the government itself." What one sees here is the classic antagonism between negative and positive government. The First Amendment seemingly forbids government intervention. Yet, given the economic forces toward consolidation in newspapers and the need for some kind of favored treatment in postage rates for magazines and journals (often the vehicles of minority opinion), one might argue that to insure and promote public expression the First Amendment prohibition today becomes a positive task. Government must insure that private interests and monopolies do not impede the flow of ideas or limit the marketplace of opinion.

The foregoing conflict may be seen as one in which two opposing and equally legitimate interests rise from the same instrument. The First Amendment is the source of the two conflicting interests: the right of private media ownership and control vs. the public's right to know and hear all points of view. Other issues discussed in this study concern situations where the rights insured by the First Amendment run into rights guaranteed under other sections of the Constitution. For example, there is the possible confrontation between an accused's guaranteed right to due process and the media's and the public's right to information regarding a particular crime or trial.

The future problems and possibilities of cable television are also adequately and succinctly treated. The authors consider the threat of monopoly inherent in cable-casting and indicate the absence of effective and coherent federal regulations regarding cable networks. They discuss the possibility of cable television as a means of realizing First

Amendment ideals and propose that a public access requirement be formulated to make cable television a medium for minority expression and means of bringing "the debate of public issues into the home."

Media and the First Amendment in a Free Society, though apparently directed largely to the legal community and to those people directly involved in the mass media, is quite readable and can hold the interest of lay persons. For example, artists will be interested in the section on government grants in the arts, in the process of selection as possible prior censorship, and in remedies through the courts.

The footnotes accompanying the text are full and informative. They cite relevant court decisions to illustrate points made in the discussion and refer the reader to other sources of information. It is unfortunate that there is no index. The book is so full of information that one would like to be able to retrieve it easily.—*Reviewed by Lin Murphy, University of Saskatchewan.*

Lobbying for Freedom: Censorship. Kenneth P. Norwick. Playboy Foundation (919 N. Michigan Ave., Chicago 60611), 1974. 72 p. \$.75.

Lobbying for Freedom is a citizen's guide to lobbying and the legislative process. Excerpted from a forthcoming book of the same title (St. Martin's Press, 1975), the pamphlet reviews the considerations that must be kept in mind when attempting to influence or persuade legislators.

Since the author provides an in-depth analysis of anti-obscenity measures, the work should prove doubly useful to persons committed to defending the First Amendment. Copies are available from ALA. Write: Order Dept., 50 E. Huron St., Chicago, Ill. 60611.

public not averse to controversial television

Only two out of ten viewers disapprove of network broadcasts of shows dealing with controversial topics and only one out of ten has negative attitudes towards the sponsors of such shows, according to a survey conducted by Foote, Cone & Belding.

Taken in response to the furor aroused by the two abortion segments of "Maude" and the airing of "Sticks and Bones," the survey examined people's feelings about controversial shows and their attitudes toward their sponsors.

The results contained few surprises. They indicated that the younger, better educated, and more affluent viewers were more approving of controversial shows; and that viewers in the east and west urban areas were more favorably disposed toward controversial shows. Reported in *Variety*, August 21.

no 'Fiddler' in Chile

Fiddler on the Roof was banned in Chile, according to a spokesman for the cinema that intended to show the American-made film.

The spokesman said the Ministry of Education issued the ban because the movie contains "disruptive elements against the harmony of the Chileans and the process of national reconstruction." Reported in: *Washington Star-News*, August 26.

On the other hand, *Carnal Knowledge*, *A Clockwork Orange*, and *The Discreet Charm of the Bourgeoisie* were passed by the censor. Reported in: *Variety*, August 28.

textbook controversy in Japan

Controversy over a small book on Japanese history has made it a bestseller in bookstores throughout Japan. A decision of the Japanese Education Ministry to ban *New Japanese History* has made the book a focal point of discussions of the history of modern postwar Japan.

The volume's author, Saburo Ienaga, a professor at the Tokyo University of Education, explained the ministry's opposition to the use of his book: "Since around 1955, control by the government over education has been heightened, and students are blinded to the facts of real social structure and the bitter experience of the war."

The ministry has characterized Ienaga's book as "exaggerated" and has cited as an example Ienaga's description of Japan's entry in World War II as "reckless."

Ienaga said that his "deepest worry is that the government will try to change the constitution of Japan, which symbolizes democracy and peace. . . . Education should be based on the constitution," he added, "but nowadays it is difficult to teach the spirit of the constitution." Reported in: *Chicago Tribune*, August 9.

Actors Guild drops loyalty oath

One of the last remnants of the McCarthy era was tossed aside when the Screen Actors Guild decided to remove from its bylaws a requirement that members state that they are not members of the Communist Party.

The action came after a review committee heard complaints from Jessica Walter, who found the requirement "personally offensive" and questioned its legality.

Before the change, the bylaws read: "The application for guild membership shall contain the following statement, the signing of which shall be optional with the applicant: 'I am not now and will not become a member of the Communist

Party nor of any other organization that seeks to overthrow the government of the United States by force or violence.'"

Walter, in a letter to the Guild's New York branch, said the loyalty oath is "not only archaic" but unAmerican and anti-American." She said that she believes "strongly in freedom of conscience, speech and the right of any citizen to advocate anything he wishes, without being told by his union what course to follow." Reported in: *Variety*, August 21.

'Gulag' at the UN

More than 250 employees of the United Nations at Geneva protested the removal of Alexander Solzhenitsyn's *Gulag Archipelago* from two Swiss bookshops licensed to operate on the United Nation's premises at the Palais des Nations.

The removal, reportedly instigated by the Soviet Union, contravenes the Universal Declaration of Human Rights, which binds UN members to uphold the dissemination of ideas and information "through any media and regardless of frontiers."

During a July press conference conducted by UN Secretary-General Kurt Waldheim and Geneva Director-General Vittorio Winspeare-Guicciardi, it was admitted that the Palais bookshops had long been given "guidance." Winspeare-Guicciardi said the bookshops had a "duty" to avoid "publications *a caractere outrageant pour un Etat Membre*."

Waldheim, who said he would welcome any initiative "towards honoring" the Universal Declaration, was accused of doublethink by Shirley Hazzard (*New York Times Book Review*, August 25). "Doublethink," Orwell wrote, "means the power of holding two contradictory beliefs in one's mind simultaneously, and accepting both of them."

'sunshine' laws a failure

According to a report published by the Freedom of Information Foundation—"State Open Meeting Laws: An Overview," by Dr. John B. Adams, dean of journalism at the University of North Carolina—the "sunshine" legislation that has beamed down on twenty-six states during the last four years has failed to achieve the objective of open meetings. The thirty-one states with open meeting laws have numerous blurs and loopholes in their provisions.

Adams designed eleven criteria for an ideal law. Ideal laws (1) include a statement of public policy in support of openness; (2) provide for an open legislature; (3) provide for open legislative committees; (4) provide for open meet-

ings of state agencies or bodies; (5) provide for open meetings of agencies or bodies of political subdivisions; (6) provide for open county boards; (7) provide for open city councils; (8) forbid closed executive sessions; (9) provide legal recourse to halt secrecy; (10) declare actions taken in meetings which violate the law to be null and void; (11) provide penalties for those who violate the law.

Tennessee's new open meeting law scored the maximum

eleven points in Adams' report. Arizona, which also scored high, passed a revised open meeting law in the final hours of its 1974 legislative session. The new law, which became effective in mid-June, requires open meetings whenever a "collective decision, commitment of promise" is made by a majority of the members of a governing body, redefined to include subcommittees of public agencies. Reported in: *Editor & Publisher*, August 24.

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an invitation

From the Board of Trustees of the
Freedom to Read Foundation
An Invitation
to join other concerned persons
who, as Foundation members, are
helping to protect and promote our
important freedoms
under the First Amendment

Purpose

The First Amendment of the United States Constitution gives every citizen the right to express his ideas without governmental interference, and to read and listen to the ideas of others. The Freedom to Read Foundation was established to promote and defend this right; to foster libraries as institutions wherein every citizen's First Amendment freedoms are fulfilled; and to support the right of libraries to include in their collections and make available any work which they may legally acquire.

The organization of the Foundation in 1969 was the American Library Association's response to the interest of its members in having adequate means to support and defend librarians whose positions are jeopardized because of their resistance to abridgements of the First Amendment, and to set legal precedent for the freedom to read on behalf of all citizens.

Support and assistance

Through *the provision of financial and legal assistance* to libraries and librarians, the Foundation attempts to eliminate the difficult choice between practical expediency and principle in the selection and distribution of library materials. Persons committed to defending the freedom to read should be given an assurance that their commitment will not result in legal convictions, financial loss, and personal damage.

Through *fighting repressive* legislation, the Foundation benefits all members of the library profession. Obscenity statutes can be significantly dangerous to individuals and institutions, for they may permit, and even encourage, prosecution of non-commercial interests which have neither the incentive nor the resources to defend the propriety of individual works.

To render librarians vulnerable to criminal prosecution for purchasing and disseminating works which have not previously been held illegal through adversary hearings is to require every librarian to reject the primary philosophical basis of his role in society. The choice between censorship and criminal punishment is inimical to the concept of intellectual freedom and a derogation of the professional responsibilities of librarians. The Foundation will challenge the constitutionality of those laws which can inhibit librarians from including in their collections and disseminating to the public any work which has not previously been declared illegal.

The Board of Trustees invites you to join the membership of the Foundation in one of the following categories:

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Membership dues may be sent to the Freedom to Read Foundation, 50 East Huron St., Chicago, Ill. 60611. Please make your check payable to the Freedom to Read Foundation. All contributions to the Foundation are tax-deductible.

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