newsletter on intellectual freedom

IFC ALA

Co-editors: Judith F. Krug, Director, and Roger L. Funk, Assistant Director, Office for Intellectual Freedom, American Library Association

ISSN 0028-9485

May 1975 ☐ Volume XXIV ☐ No. 3

CIA wins right to censor book

In a ruling handed down February 7 by the U.S. Court of Appeals for the Fourth Circuit, the Central Intelligence Agency won the right to suppress classified information in Victor Marchetti and John Marks' book *The CIA and the Cult of Intelligence.*

Reversing a lower court, which found that only twenty-six of 168 contested items had been classified while Marchetti was an employee of the agency, the appeals court ruled that the authors failed to prove that the 168 deletions were improperly excised. During the trial in U.S. District Court, Judge Albert V. Bryan Jr. seemingly inclined at first toward the view of the CIA. But his scepticism grew as he heard testimony and read evidence. In the end, he found that only twenty-six items had been classified while Marchetti worked at the agency, and that others had been declared classified on an ad hoc basis by officials when they read his manuscript, or that they were simply nonsecret matters that had been included in documents stamped classified as a whole.

In requiring the government to prove that the deleted items were classified during Marchetti's employment, Appeals Court Judge Clement F. Haynsworth Jr. said, a burden of proof was established that was "far too stringent."

"There is a presumption of regularity," Haynsworth wrote, "in the performance by a public official of his public duty." To censor a particular item in Marchetti and Marks' manuscript, he declared, the CIA need not prove that an official had focused on it in classifying an entire document. "In short, the government was required to show no more than that each deletion item disclosed information which was required to be classified in any degree and which was contained in a document bearing a classification stamp."

Commenting on the significance of the leaking of a deleted passage, the appeals court said there might be a danger in letting an informed person confirm a rumor. The judges refused to equate a leak with official declassification.

The appeals court also brushed aside new amendments to the Freedom of Information Act authorizing courts to decide whether secret information was in fact classifiable and properly classified. Haynsworth argued that courts are not equipped to make such judgments, and added that complaints about classification should be taken to the interagency review committee established under Executive Order 11,652. The committee is composed of representatives of the Departments of State, Defense, and Justice, the Atomic Energy Commission, the Central Intelligence Agency, and the staff of the Security Council.

It was announced in March that the authors and their publisher, Alfred A. Knopf, would appeal the decision to the U.S. Supreme Court.

Published by the ALA Intellectual Freedom Committee, R. Kathleen Molz, Chairman

titles now troublesome

Books

Across 110th Street . . . . . p. 75
The Addict in the Street . . . . . p. 75
America's Birthday . . . . . p. 75
The Catcher in the Rye . . . . . p. 75
The CIA and the Cult of Intelligence . . . . . p. 85
Contemporary American Short Stories . . . . . p. 76
Deliverance . . . . . p. 75
Go Ask Alice . . . . . pp. 75, 76
The Godfather . . . . . p. 75
Hero, Anti-Hero . . . . . p. 77
Illustrated Family Guide to Life, Love and Sex for Pre-Teens . . . . . p. 76
Invisible Man . . . . . p. 77
Loophole . . . . . p. 75
Responding . . . . . p. 76
Soul on Ice . . . . . pp. 75, 87
Thumb Tripping . . . . . p. 75

Periodicals

Dayton Journal Herald . . . . . p. 78
Newsweek . . . . . p. 70
Playboy . . . . . pp. 82, 88
Time . . . . . pp. 76, 79

Films

The Best of the First Annual New York Erotic Film Festival . . . . . p. 77
The Best of the Second Annual New York Erotic Film Festival . . . . . p. 77
Deep Throat . . . . . pp. 74, 83, 84
The Devil in Miss Jones . . . . . pp. 77, 83, 84
It Happened in Hollywood . . . . . p. 83
Little Sisters . . . . . p. 83
The Lottery . . . . . p. 76
Tommy . . . . . p. 89

Television Shows

The Legend of Lizzie Borden . . . . . p. 78
Screw Magazine of the Air . . . . . p. 85
Underground Tonight Show . . . . . p. 85

Recordings

The Pill . . . . . p. 78
Seven Words You Can Never Say on TV . . . . . p. 92

---

new obscenity laws in four states

The first three months of 1975 saw the passage of obscenity bills in four states: Nebraksa, North Dakota, Utah, and Virginia. Two of the laws included refinements of previous statutes along the lines suggested by Chief Justice Warren E. Burger in *Miller* v. *California.* Two represented entirely new laws.

Nebraska's law, L.B. 77, was approved March 9 by the governor. It stipulates that "prurient appeal" shall be determined according to "the average person applying community standards." The law also deleted a section of the state's 1974 law which specified that the jury represents "the embodiment of community standards." However, L.B. 77 failed to provide a definition of the community whose standards are now to be employed.

Two bills in Virginia—S. 542 and S. 766—changed the state's criminal code to include the *Miller* test for "serious literary, artistic, political or scientific value" for adults and minors.

North Dakota's new law (H.1043), which includes the *Miller* tests for obscenity, requires prior civil proceedings to determine obscenity and denies authority for local ordinances. Schools, libraries, and museums are exempted from its provisions.

Utah's new *Miller* law (S. 23) applies to both adults and minors and states that the community standards shall be those of "the area where the alleged offense has occurred."

Three state legislatures adjourned without taking final action on any obscenity bill (Alabama, Louisiana, and Wyoming), and several in session had yet to have obscenity bills introduced as this issue went to press. States without obscenity bills included Alaska, Delaware, Idaho, Nevada, New Hampshire, North Carolina, and Vermont.

H.L. Mencken, where are you now that we need you?

A Dallas ordinance which went into effect March 28 forced news dealers to paste a label across the cover of *Newsweek* magazine. The cover showed a Vietnamese woman carrying a wounded child who was naked below the waist.

A city attorney, asked to interpret the ordinance, stated that covering the genitals of the child would be correct.

According to the law, pictures of human genitals cannot be displayed where a person under seventeen might see them.

the published word

a column of reviews

The Pornography Controversy. Ray C. Rist. Transaction Books, 1975. 279 p. $3.95.

The *Pornography Controversy* is a collection of fourteen essays which explores the philosophical, legal, and esthetic facets of the problem of obscenity. The existence of obscenity laws raises two kinds of considerations, philosophical and practical. The introductory essay presents the theoretical justification for the existence of obscenity legislation. These legal rationales are (1) the prevention of harm, and (2) the realization of social mores by their codification into law.

The most frequently quoted libertarian position on the relation of the individual to the state is that of J.S. Mill, in his essay *On Liberty:* the only basis upon which the state can intervene in the lives of individuals is to prevent their doing harm to others. It is difficult to apply this rationale here in view of the results of research conducted by the Commission on Obscenity and Pornography, which indicate that there is no experimental proof for the position that pornography is harmful to its consumers.

The second legal rationale is based on the conception of law as an embodiment of the sentiments and values of a society. Our heterogeneous society arguably precludes the very existence of public consensus on the issue of explicit sexual materials. Rather, it is a more accurate view that obscenity laws reflect the values of only one segment of the population who were vocal and ambitious enough to be able to transform their particular position into law and thereby coerce people into being virtuous.

As the legal rationales which justify the existence of our laws do not seem to support state regulation of obscenity, so does the practical difficulty of enforcement militate against its effectiveness. The tests by which obscenity is determined by the courts and legislatures are vague, unpredictable, and subjective. In his essay, "Obscenity Laws—A Shift to Reality," Earl Warren Jr. examines the difficulty in applying the definition of obscenity as set down in the 1966 Supreme Court decision in *Memoirs* v. *Massachusetts.* In this case, the test of obscenity was expressed in the following terms: "Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to a prurient interest . . . and the material is utterly without redeeming social value." Warren considers each of the three elements of this formula to be vague and uncertain. Does "prurient" mean merely shocking or pathologically diseased? Whose "interest" should the court consider as it measures a work by this definition? Is it reasonable to expect either judge or jury to know whether or not certain actions will appeal to the prurient interest of unspecified persons of unspecified ages, sexes, and cultural and religious backgrounds? The second element of this formula, "community standards," is similarly uncertain. The conception of "community" is almost as perplexing as that of the mythical average man. With the third element of the *Memoirs* test, "redeeming social value," one faces a problem of fantastic latitude in the interpretation and application of this imprecise phrase. If this criterion is satisfied, the material is automatically not obscene, regardless of how offended the average person may be. A further snag of this concept is that of "social value to whom," which is raised whenever psychiatrists testify that exposure to pornography is helpful in the treatment of certain persons.

Another aspect of the practical difficulty in enforcing obscenity laws can be found where a law lacks the support of the citizenry, as during the Prohibition Era. With respect to obscenity legislation, this lessening of support is due partly to increased concern for the First Amendment guarantees of freedom to read and see what one desires, and partly to the fact that, in the test against personal experience, the claims of harm and degeneracy do not hold up. The lack of public support creates an almost impossible duty for police authorities to enforce obscenity laws. As in other situations where there is no demonstrable victim, enforcement is often sporadic, arbitrary, and subject to the whims of the enforcers. Oliver Goldsmith wrote, "Nothing can be more certain than that numerous written laws are a sign of a degenerate community." The exclusive reliance on law to ensure virtue tends to weaken the particular morality on which it is based. Since the forbidden tends to be enticing, the law consequently finds itself in the untenable position of reinforcing what it was designed to eradicate.

Obscenity is more than just a legal category. The value of a collection of essays like *The Pornography Controversy* lies in its presentation of the phenomenon of obscenity as seen through different disciplines and opinions. The contributors to this collection are professors of philosophy, sociology and literature, a California judge, and a policy

(Continued on page 90)

Newsletter on Intellectual Freedom is published bimonthly (Jan., March, May, July, Sept., Nov.) by the American Library Association, 50 E. Huron St., Chicago, Illinois 60611. Subscription: $6 per year. Change-of-address, undeliverable copies, and orders for subscriptions should be sent to the Subscription Department, American Library Association. Editorial mail should be addressed to the Office for Intellectual Freedom, 50 E. Huron St., Chicago, Illinois 60611. Second C!ass postage paid at Chicago, Illinois and at additional mailing offices.

victory for common sense

In a February 28 editorial, the Sacramento Bee *supported the decision of Superior Court Judge Robert P. Schifferman which exempted librarians from the provisions of California's "harmful matter" law. The civil action in which the ruling came is funded by the Freedom to Read Foundation, the legal arm of the ALA intellectual freedom program. The editorial is printed in full here.*

California's librarians won a significant victory not only for themselves and their libraries, but the public interest as well, in a Los Angeles Superior Court ruling exempting them from a 1969 state law concerning the withholding of "harmful matter" from minors.

The law provides a jail term of up to one year for anyone who supplies a minor material that in the judgment of the average person "appeals to the prurient interest, a shameful or morbid interest in nudity, sex or excretion, which goes beyond the customary limits of candor and has no redeeming social value."

Manifestly this constituted a sword of Damocles hanging over the heads of public and school librarians.

It is the old story of the quagmire of censorship in the field of obscenity: Who is to determine what constitutes such "harmful matter"? Librarians everywhere would be vulnerable to attacks from every quarter of self-appointed censors.

How could any librarian carry out his or her duties in an atmosphere of such ambiguity as to what is "harmful matter" when, as experience has shown, there are those who regard even a photographic book of famous Greek or Roman statuary harmful to minors?

And the law, by using the catchall term "harmful matter," could be construed to go beyond obscenity. For some it could include literature capriciously deemed dangerously radical, or objectionable to religious doctrinaires.

The librarians in their lawsuit against the state sought to have the 1969 statute declared unconstitutional, violating—as in fact it does appear—both state and federal constitutional guarantees of freedom of speech and information.

Judge Robert P. Schifferman, however, limited his ruling to the exemption of librarians from the bounds of the statute and left the constitutional issue as it stands.

As far as it went, however, Schifferman's decision is a victory for reason and common sense, and for the freedom of libraries to serve their ultimate purpose—the widest dissemination of knowledge and information. The public, too, can take satisfaction that librarians are thus left free to exercise prudential judgment in their professional duties.

FCC seeks ban on "indecent" tv

The Federal Communications Commission announced in February that it would ask Congress to enact a law this year banning "obscene and indecent" material from television. The FCC, the federal agency that regulates the broadcast industry, made no attempt to define either "obscene" or "indecent," both of which are subject to wide legal dispute.

The FCC said a new law barring indecent material from television was needed because present law is vague about whether the commission has authority over the television industry on these matters.

New rules agreed to by networks

At the same time, the FCC also announced three new rules that it had established with the cooperation of the major television networks, CBS, NBC, and ABC. The rules will go into effect next September, and although the rules are not laws, it is expected that they will be followed since they were agreed upon by the networks and approved by the commission. The rules are:

- Two hours each evening (7:00-9:00 weekdays, 6:30-8:30 Sundays) will be set aside for "family viewing."
- During "prime time" (8:00-11:00 p.m.), "viewer advisories" will be broadcast, both spoken and printed on the screen, warning viewers about any programs that might be unfit for children.
- The networks will attempt to inform publishers of television program guides in advance of any borderline material to be aired during "family viewing" periods.

The ten-page report of the FCC generally applauded the industry for its attempt at self-regulation. However, the report failed to define key words in the commission's agreement with the networks, including "family viewing."

The FCC report seemed to recognize a major problem in creating television entertainment: "The industry proposal represents an effort to strike a balance between two conflicting objectives. On the one hand, it is imperative that licensees act to assist parents in protecting their children. . . . On the other hand, broadcasters believe that if the medium is to achieve its full maturity, it must continue to present sensitive and controversial themes which are appropriate,

(Continued on page 92)

Nixon tapes and papers to become available

Most of the tapes and papers of former President Richard M. Nixon will become available to the public, according to General Services Administrator of the U.S., Arthur F. Sampson. Sampson estimated that public access will be provided in mid-1977, when current litigation will probably be concluded.

Sampson and his staff have been at work on regulations for release of relevant portions of 880 tape reels and 42 million documents from the Nixon years. Sampson was charged with the task by the "Presidential Recordings and Materials Preservation Act," passed by Congress December 19.

According to Sampson, items that will not be released to the public—at least immediately—include those in which foreign leaders are called dirty names. Personal conversations with Nixon of no historical significance will also be withheld. Reported in: *New York Times,* March 16.

In a related action, the U.S. Court of Appeals for the District of Columbia heard arguments on whether U.S. District Court Judge Charles R. Richey complied with court procedures in handing down a decision January 31 on the ownership of presidential documents. Judge Richey ruled in a ninety-nine page opinion that the tape recordings, papers, and other items assembled during President Nixon's five years at the White House belonged almost without exception to the government, and that Nixon could not exercise any claims of executive privilege over them. Reported in: *New York Times,* February 2.

---

editors defend withholding of CIA story

Editors and news executives who cooperated with Central Intelligence Agency Director William E. Colby in suppressing accounts of the CIA's attempt to raise a sunken Soviet submarine insist that their actions were justified.

A.M. Rosenthal, managing editor of the *New York Times,* said, "We were told that this was an important, ongoing military operation. We believed in this case that the advantages of immediate publication did not outweigh the considerations of disclosing an important, ongoing military operation."

"This happens more often than the public might think," commented Benjamin C. Bradlee, executive editor of the *Washington Post,* which also withheld the story until it broke on March 19. Bradlee said it was necessary for an editor to arrive at a balance: "On the one side there is a claim by a government official of some standing that what you're about to print will harm the country's national security. But on the other side you have the conviction that you're being conned, that what is at stake is not any national security, but just plain embarrassment."

Bradlee pointed out that there are other kinds of cases, such as kidnappings, in which stories are often withheld.

Top news editors contacted by Colby to withhold the story also included those at the *Los Angeles Times, Parade Magazine,* CBS, NBC, *Time,* and *Newsweek.*

Columnist Jack Anderson claimed that many editors were shaken by the notion that the press has the power to topple a president. "A lot of editors and reporters are wearing a hair shirt—sackcloth and ashes and lace and they're overdoing it a little bit, trying to prove too hard how patriotic and responsible we are," Anderson said. Reported in: *Washington Post,* March 20.

---

controversial texts to be altered

Ginn & Company of Lexington, Massachusetts, publisher of the controversial *Responding* series of English literature textbooks, has decided to remove highly controversial materials from its books. According to Samuel O. Erskine, a senior Ginn editor, the company will expurgate text selections and other profane words that have stirred outrage in Virginia, West Virginia, and elsewhere in the country.

"Obviously we have trodden on the toes of many people who did not agree with us that these things are important in portraying reality," Erskine said. "It is a shame. That's America's one great contribution to letters: The feeling that tells us what life is all about."

Among the stories and other items to be dropped from future editions are William Melvin Kelley's "The Only Man on Liberty Street," Leonard Cohen's "Suzanne," Jean Toomer's "Karintha," Erskine Caldwell's "Indian Summer," and a dramatization of Herman Melville's *Billy Budd* by Louis O. Coxe and Robert Chapman. Reported in: *Washington Post,* March 8.

---

book and busing foes unite

About 1,300 opponents of busing to achieve school desegregation in South Boston and nearly 100 West Virginia foes of textbooks rallied in Washington in mid-March to urge congressional action in support of parents of students.

Later, at a press conference held March 18, representatives of parents in South Boston and Kanawha County announced the formation of a coalition of "forgotten silent Americans."

The Rev. Avis Hill, a fundamentalist preacher from Kanawha County, accused the government of trying to "dictate to us parents."

"The people of Boston are being hit over the head by the police the same as we are," Hill declared. He charged that "educational bureaucrats are being paid with public funds to push this [textbook] filth down our throats."

The Rev. Ezra Graley, a leader in the West Virginia textbook protest, reported that he had visited six states and would visit seven more in an effort to strengthen the coalition.

State Representative Ray Flynn of Massachusetts announced that he spoke for the state legislature in bitterly opposing forced busing in South Boston. Reported in: *Pittsburgh Press,* March 19, 20.

shallow Deep Throat arouses fans

An altered version of *Deep Throat* shown at San Antonio's Josephine Theater pleased the vice squad, but patrons were so outraged that they threw cups at the screen and filled the theater with catcalls.

Vice Squad Captain James Despres said that the theater had been advised to remove forty scenes depicting explicit sexual contact. Reported in: *San Antonio Light,* March 13.

nonconformists display art in Moscow

A week-long exhibition of paintings featured the work of nonconformist Soviet artists opened in February at a small pavilion in a national park not far from downtown Moscow.

The show at what is usually the bee-keeping pavilion of the National Exhibition of Economic Achievements represented a step forward for painters long denied the benefit and facilities of establishment sanction because of their unorthodox styles. Of the twenty artists who participated in the show, only three belonged to the official Union of Artists.

Elsewhere in the city, police prevented a group of artists visiting from Leningrad from showing their paintings in a private apartment and holding a press conference. The owner of the apartment was told that she was "disturbing the peace." Reported in: *Washington Post,* February 20.

CREDO
for
FREE AND RESPONSIBLE COMMUNICATION
IN A DEMOCRATIC SOCIETY

Recognizing the essential place of free and responsible communication in a democratic society, and recognizing the distinction between the freedoms our legal system should respect and the responsibilities our educational system should cultivate, we members of the Speech Communication Association endorse the following statement of principles:

WE BELIEVE that freedom of speech and assembly must hold a central position among American constitutional principles, and we express our determined support for the right of peaceful expression by any communicative means available to man.

WE SUPPORT the proposition that a free society can absorb with equanimity speech which exceeds the boundaries of generally accepted beliefs and mores; that much good and little harm can ensue if we err on the side of freedom, whereas much harm and little good may follow if we err on the side of suppression.

WE CRITICIZE as misguided those who believe that the justice of their cause confers license to interfere physically and coercively with the speech of others, and we condemn intimidation, whether by powerful majorities or strident minorities, which attempts to restrict free expression.

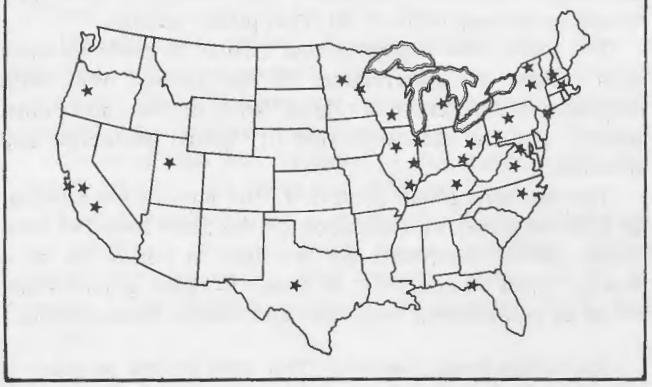
WE ACCEPT the responsibility of cultivating by precept and example, in our classrooms and in our communities, enlightened uses of communication; of developing in our students a respect for precision and accuracy in communication, and for reasoning based upon evidence and a judicious discrimination among values.

WE ENCOURAGE our students to accept the role of well-informed and articulate citizens, to defend the communication rights of those with whom they may disagree, and to expose abuses of the communication process.

WE DEDICATE ourselves fully to these principles, confident in the belief that reason will ultimately prevail in a free marketplace of ideas.

Endorsed by the Speech Communication Association, December 1972

censorship dateline



libraries

East Chicago, Indiana

Librarians at the East Chicago Public Library and at other public libraries in Indiana have received complaints from Indiana members of the American Legion concerning *America's Birthday.* The work is published by the People's Bicentennial Commission and described by them as "a planning and activity guide for citizens' participation during the bicentennial years."

In a letter to the East Chicago Public Library, the chairman of the Americanism Committee of an East Chicago legion post stated: "What is frightening is that this publication obviously hopes to establish a practice, that political system changes and isolated objectives should be gained through a continuous process of sit-ins, demonstrations, and other forms of confrontations and disruptions. . . . One gets the idea that because America is the result of 'revolution,' that revolutions are necessary from time to time to satisfy the whims of segments of the populace."

In a response which cited the *Library Bill of Rights,* Library Director Robert D. Wood said he agreed with the statement of the Americanism Committee's chairman, that "our citizens must have access to information and knowledge which comes from many sources and from various philosophies."

Montgomery County, Maryland

The Montgomery County School Board decided unanimously March 11 to be the panel of last resort for appeals concerning the appropriateness of curricular and library materials in the county school system. The board also agreed to review an evaluation committee's decision last December to continue library use of James Dickey's best-selling *Deliverance.*

In an editorial which pointed out that *Deliverance* is not required reading for any student, the *Montgomery County Sentinel* editorialized against the review: "Although we understand their reasoning, members of the Board of Education have stumbled badly with their decision to hear an appeal of a recent school system decision permitting use of [*Deliverance*].

"It is our understanding a majority of board members (only Marilyn Allen had the courage to dissent) believes the appeals process is necessary to let a certain, but unnamed, segment of the community know that they are aware of their concerns on this issue and are willing to step over backward to be fair.

"[But] if, as we suspect, a majority—if not all—of the board believes the original school system decision to have been correct, the appeals process is a sham anyway—a fact which the board's conservative critics will seize onto immediately."

In a related action, board members expressed unwillingness to include parents on book evaluation committees now composed of teachers and librarians.

In February, School Superintendent Homer O. Elseroad submitted a proposal suggesting that two citizens chosen from county-wide organizations be placed on review committees.

Mary Bowan, a representative of the conservative Citizens United for Responsible Education, labeled Elseroad's proposal a "crumb to the community." She called for "true citizen input" by having parents review books in advance of their appearance on library shelves. Reported in: *Washington Post,* March 12; *Montgomery County Sentinel,* March 20.

Randolph, New York

In February the Randolph Concerned Parents Committee considered a proposal submitted by Janet Mellon, state chairman of Parents of New York-United, who asked for a letter-writing crusade against what she called "unwholesome" books in the local high school library.

Included among the works singled out for attack were *The Addict in the Street, The Godfather, Across 110th Street, Go Ask Alice, Loophole, Soul on Ice,* and *Thumb Tripping.*

Mellon advised members of the Concerned Parents Committee to ask for a written reply from the board of education concerning its decision about the library books.

The materials selection policy of the Randolph School District provides that criticisms "will be considered by a committee of the faculty appointed by the district principal," and that "use of the books or materials involved will be suspended pending a decision in writing by the above committee." Reported in: *Salamanca Republican Press,* February 6.

Roseburg, Oregon

Two dozen publications, including *The Catcher in the*

Rye and a copy of *Time* magazine, were removed from the Roseburg High School library for fear they would run afoul of Oregon's new obscenity law.

Principal Dale Nees, who observed that librarians can be held liable for books deemed illegal under the law, said his policy was, "When in doubt, pull it off the shelf." Dan Getti, an educational law specialist with the Oregon Department of Education, said of the law: "Nobody is running around high school libraries trying to see if they're in violation. I can't imagine a high school that would be illegal under this law." Reported in: *Oakland Tribune,* March 23.

St. Marys, Pennsylvania

Members of local units of the United Presbyterian Women's Association and the Catholic Daughters of America complained to the director of the St. Marys Public Library about books on sex education and their availability to children. Cited as an "objectionable" example was the *Illustrated Family Guide to Life, Love and Sex for Pre-Teens.*

Spearheading the attack on the library was the president of the library board, who complained to the women's organizations that the library had been turned into "a center for sexual research."

schools

Sterling Heights, Michigan

Parents who found fault with *The Lottery* after it was shown in secondary schools in the Utica Community School District requested the board of education to restrict use of the film. Members of the Utica Community Concerned Parents Association viewed the film–produced by Encyclopaedia Britannica and based on a short story by Shirley Jackson–after it was called to the attention of Association President Sherry Johns by students who had viewed it.

Association members asked the board of education to draw up guidelines on the use of visual materials which would prevent the exhibition of "provocative" films; to restrict viewing of *The Lottery* to junior and senior students with parental consent; and to restrict the use of the film to pertinent classes such as those in the social sciences.

It was charged that the film insults the values of most parents by questioning religious and moral traditions taught in the home. Reported in: *Macomb Daily,* February 4.

South St. Paul, Minnesota

The South St. Paul Federation of Teachers executive council and individual teachers expressed outrage at the directives of School Superintendent Ray Powell banning birth control and abortion as classroom subjects and encouraging the teaching of traditional masculine and feminine roles.

In a memorandum issued late in February, Powell said that "effective immediately, no teaching, advising, directing, suggesting, or counseling of birth control or abortion" would be allowed in South St. Paul public schools.

The memo also suggested that efforts be made to teach such values as preservation of the family unit, with emphasis on the feminine role of "wife, mother, and homemaker" and the masculine role of "guide, protector, and provider."

The teachers' group protested "the implication inherent in [the directive] as a violation of the State Board of Education policy statement on sex bias in education, as a serious threat to education in South St. Paul, as an offense to us as professional educators and totally unacceptable."

The council also stated: "The crux of the problem is whether or not pronouncements of the superintendent without . . . discussion by staff or citizens of this district will continue to dictate the educational course of our school without even being questioned."

A council spokesman said an earlier directive from Powell banned classroom discussion of "occultism, extrasensory perception, and witchcraft." The spokesman added that Powell also forced a book on sex education to be withdrawn from the curriculum last fall without discussing the matter with the teachers involved. The book was *Our Bodies, Ourselves.* Reported in: *St. Paul Pioneer Press,* February 28.

Marcellus, New York

The governing board of the Marcellus School District voted to establish a committee to review the school district's book selection policy after hearing protests from more than 150 irate parents. Thomas C. Lathrop, chairman of the Independent Concerned Citizens, complained in particular about *Go Ask Alice.*

According to Lathrop, *Go Ask Alice,* approved for a selective reading list in an English course, projects "negative suggestions." He characterized the language of the book as "pretty bad."

The president of the board said the committee would be composed of parents, school personnel, and members of the board. The committee was assigned the responsibility of conducting a review of the district's policy on materials used in classrooms and the library. Reported in: *Syracuse Post Standard,* March 21.

Butler, Pennsylvania

The Butler District School Board voted in February first to burn and then just to ban use of a collection of short stories purchased for required reading in a high school English course. The book, *Contemporary American Short Stories,* includes works by James Baldwin, Ralph Ellison, Philip Roth, and John Updike.

The board's six-to-none vote to destroy the books came

in response to complaints from the parents of one student. They objected to "Battle Royal," the first chapter in Ellison's 1947 novel *The Invisible Man.*

The student's mother, Blanche Schnur, said they objected to several sentences in the work—one a description of an exotic dancer's breasts and others that include the words "nigger" and "black sonsabitches."

"Some people may approve of this material and that's fine," she said, "but don't push it on me."

The decision not to burn the books was made at a second board meeting, called by the president, William Smith, who missed the first meeting because of the flu. Smith is an English professor at Slippery Rock State College.

In its second meeting the board voted five to four to establish a committee of teachers and administrators to determine in what kind of courses and at what age level the anthology could be used. Reported in: *Philadelphia Inquirer,* February 16, 19; *New York Times,* February 16.

Herndon, Virginia

The controversy surrounding the use of *Hero, Anti-Hero* at Herndon High School was thought closed when a book review committee reported in February that it was the unanimous decision of the committee that the book be kept in the English department curriculum and that no restriction be placed on its use. However, complaining parents decided to appeal the matter to the school administration.

The center of the controversy was Richard Wright's "Fire and Cloud," written in 1938. Leaders of those who object to the book, Mr. and Mrs. Donald Wojdacz, claimed that the work violates the ten commandments, the Fairfax County Schools' handbook on secondary students rights and responsibilities, and the law of the town of Herndon by using racial slurs and profanity. Mrs. Wojdacz, who said the words "goddamn" and "nigger" are used so many times by Wright that she lost count, promised to withdraw her daughter from the public schools. "One year is enough for us in Fairfax County," she said. "I am not a dumb little hick—I have lived all over this United States and have never seen anything like the literature in the Fairfax County School System."

The teacher who assigned the story in her ninth and tenth grade English classes, Marcia Stirewalt, said that "it is stories of this sort which help to enlighten today's young people about the history of the problems of racial tensions which confront them—indeed right here at this school." Avoidance of the stories, she added, would be "tragic and short-sighted." Reported in: *Herndon Tribune,* March 13.

universities

San Francisco, California

Nearly 100 San Francisco State students occupied a classroom to halt the appearance of seven local Nazi Party leaders before a speech class. The Nazis were invited to address the class so students could learn how to deal with propaganda. University officials denounced the disruption. Reported in: *The Chronicle of Higher Education,* March 17.

Charleston, Illinois

The refusal of the Eastern Illinois University president to allow an exhibition of *The Best of the First Annual New York Erotic Film Festival* on campus led to protests from students, the campus newspaper, and the American Civil Liberties Union.

The president, Gilbert C. Fite, responded: "It's a question of the university having control over its own facilities. I couldn't care less about the film. They can take it to the Elk's Club and show it, but the taxpayers built these buildings. It's not a question of censorship. I've written too many books to be for censorship."

A spokesman for the ACLU characterized the move as "prior restraint." Lawyer John Elder said, "Without any review of the movie or due process, the film was banned."

The dispute began when the Eastern Film Society booked the movie to be shown at the university's fine arts theater. In a meeting with the students, Fite said he objected to the way the film was advertised—as *X*-rated—and because it was being shown for profit. He said he feared that other groups at EIU might start showing pornographic movies. Reported in: *Chicago Sun-Times,* March 12.

Edwardsville, Illinois

Censorship of *The Devil in Miss Jones* by officials at Southern Illinois University at Edwardsville was revealed during a week-long campus symposium on sex in the cinema.

Barbara Krawisz, student head of the symposium, said she was asked by an administrator to cancel a scheduled showing of *The Devil* or to postpone it until after the university's budget was approved by the state legislature.

Peter L. Simpson, an assistant to University President John S. Rendleman, admitted that "a certain amount of subtle arm twisting went on." He said university administrators had not discussed the merits of the movie, but only the possible effects of its showing on the legislature.

The showing was canceled. Krawisz said it could not be rescheduled without conflicting with other events. Reported in: *St. Louis Post Dispatch,* February 5.

Cincinnati, Ohio

A showing of the controversial videotape *The Best of the Second Annual New York Erotic Film Festival* at the University of Cincinnati's Tangeman Center was canceled because university officials feared the tape would be confiscated by the Hamilton County prosecutor's office.

John Trojanski, coordinator of the university's Office of Cultural Activities and Programs, said, "The videotape was

canceled because confiscation and legal action seemed imminent. We did not want to endanger any future programs at the university." Paul Steuer, supervisor of campus security, said he was notified by County Prosecutor Simon Leis Jr. that there would be an investigation of the show.

Prosecutor Leis also threatened legal action if the movie *Last Tango in Paris* was shown on the campus. A spokesman for the American Civil Liberties Union characterized Leis' moves as "a blatant use of police powers." Reported in: *Cincinnati Enquirer,* January 22, February 5.

Madison, Wisconsin

The showing of *Deep Throat* by a University of Wisconsin lecture group–Dirty Ed Productions–prompted a review of a policy permitting student groups to use the University of Wisconsin's name in promoting their events.

In January, Dean of Students Paul Ginsberg warned campus film society organizers that "there are implications for exercising [First Amendment] freedoms and putting on these programs. You have to be aware in terms of the reputation of this university."

Asked if the decision to bring *Deep Throat* to the campus would put the film program in jeopardy, Ginsberg said: "I hope not, but that risk is there. That risk is relevant not only to film societies but all organizations that use our facilities and generate revenue." Reported in: *Madison Times,* February 10; *Madison State Journal,* February 12.

the press

Dayton, Ohio

Charles Alexander resigned as editor and publisher of the *Dayton Journal Herald* after his employers characterized his decision to print an "improper" word as indefensible.

The word appeared twice on page one of the March 19 issue of the paper. It was included in the text of a statement made by a U.S. Treasury agent to authorities after the agent had shot and killed another agent in a dispute. In the statement, the agent quoted the victim as using the word.

The paper, a morning daily, is owned by Cox Enterprises. Reported in: *New York Times,* March 25.

radio-television

Louisville, Kentucky

Country music star Loretta Lynn's popular record, *The Pill,* has been banned from major country radio stations in Louisville, Atlanta, and elsewhere.

Herb Golombeck, general manager of WPLO in Atlanta, said the song was not banned by his station. "We simply are not playing it. We frankly didn't believe it belonged on the air. The song is all about a woman who takes the pill and thinks she can run around like her old man does," Golombeck stated.

Lynn responded to the attacks on her records: "If the radio stations get upset about *The Pill* they ought to ban all the soap operas, too. There's nothing wrong with *The Pill.* It's just a man and his wife fighting with each other.

"The wife is threatening the husband, you see. She's telling him that he's been running around on her all this time, but now he had better stay home with her or she'd start doing the same thing to him." Reported in: *Variety,* February 19; *Louisville Courier-Journal,* March 10.

New York, New York

The American Broadcasting Company, heavily criticized for its new series "Hot L Baltimore," ran into further difficulties with its presentation of "The Legend of Lizzie Borden." Borden was tried in 1892 on charges of axing to death both her mother and her father in their home in Fall River, Massachusetts. ABC stations in Philadelphia and Birmingham refused to carry the two-hour program.

The director and author of the television movie, Paul Wendkos, a former Philadelphian, said it surprised him that "a sophisticated community like Philadelphia would tolerate the obscenity of one man playing God and not be able to see what the rest of the country was seeing."

Eugene McCurdy, general manager of Philadelphia's WPVI-TV, characterized the final sequences of the film as "a literal bloodbath of incredible violence and brutality, ritualistically performed in virtually explicit detail." William Bast, the movie's writer, questioned in turn whether Philadelphians would ever be able to see a production of *Hamlet.* Reported in: *New York Post,* February 10; *Philadelphia Bulletin,* February 17.

art exhibits

Oakland, California

"Mother Peace," a monumental abstract sculpture erected in front of the Alameda County Courthouse, was removed in March under the watchful eye of retired Superior Court Judge Lewis Lercara, the standard bearer of its opposition.

The sculpture had been scheduled to remain on display in front of the courthouse until fall, when it would have been removed at the expense of the Oakland Museum. But the city council decided in February that the public had already seen too much of "Mother Peace" and allocated $2,400 to tear it down.

Asked about the propriety of a financially troubled city like Oakland assuming such an expense, Judge Lercara responded, "If there were a forty-foot pile of manure in front of the courthouse, nobody would be worried about spending public money to remove it."

Critics claimed that the work was everything from junk to a traffic hazzard, but most of the complaints centered about the work's name and a peace symbol cut into one of its girders.

A Christian group said the work represented a fallen cross and was decidedly "anti-Christian." War veterans objected to the fact that a bust of Lincoln, dedicated to the war dead, was moved to make room for the pacifist work.

One citizen wrote that "Mother Peace" was not only ugly but dangerous, a "rallying point for revolutionaries bent on the destruction of the American system." Reported in: *Washington Post,* March 13.

Rockford, Illinois

When a group of Rockford women began turning a nude painting to the wall, ten artists protested by withdrawing all their works from an exhibit at the Burpee Art Museum. The painting—on display periodically—was by Steven Dudek, who said it portrays a nude woman seated with her legs crossed. He said it was painted in the traditional style of the nineteenth and early twentieth centuries.

The exhibit was sponsored by the Rockford Art Association, and persons who hid the nude were members of the association's board of directors.

Joseph Ferguson, association director, said the painting was turned without consulting him or staff members. But he added, "Censorship is not really the issue.

"We are a very social agency which has to accommodate a great many people. All of us don't have the same judgment or the same sense of priorities." Reported in: *New York Post,* March 20.

Bronx, New York

Disclaiming any attempt at censorship, Owen McGivern, presiding justice of the Appellate Division of the New York Supreme Court, First Department, asked the Bronx County Museum of the Arts to dismantle a show of works containing "explicit male nudity" and at least one four-letter word.

The museum, established in 1971, is in the rotunda of the Bronx County Courthouse.

"I took it up with my learned brethren," said McGivern, referring to the other justices, "and we think that while a show of this nature may be appropriate for a museum where people have a choice of visiting, it is not for the corridor of a courthouse. We're all in sympathy with the arts," he commented, "but explicit male nudity in the corridor of a public courthouse is something else. And there is a certain vulgarity about four-letter words--if that's art, I'm not with it."

Before the closing of the show—which rendered the question moot—the museum's president said he had received a formal request from Justice McGivern, and that he had told the justice he would have to take the matter up with the museum's eighteen-member board.

The show, titled "The Year of the Woman," presented works by more than sixty women artists, including Alice Neel, Nancy Grossman, Sylvia Sleigh, Miriam Schapiro, Alice Baber, and Lynda Benglis. Reported in: *New York Times,* February 20.

obscenity, etc.

Sacramento, California

Two Baptist ministers and three of their parishioners, caught flinging the contents of an adult bookstore into the store's parking lot, were arrested for malicious mischief. "They told me they were on a mission for their church," said Sheriff's Detective Bill Rogers. "They said they didn't care for this type of thing and if the law didn't take care of it, then they would."

Attempts by police to close the store under a business license law were frustrated by Municipal Court Judge Robert N. Zarick, who ruled in February that the law was unconstitutional as applied to bookstores.

Zarick said it would be difficult to conceive "of a more pervasive indication of censorship under the cloak of regulation of business activity." Reported in: *Sacramento Union,* February 28.

Tampa, Florida

A magazine distributor serving 600 Tampa vendors and convenience stores said he received reports that local police had warned dealers not to display the March 17 issue of *Time* magazine. Robert A. Salo, manager of Hillsborough News, also reported that police ordered some dealers not to display the best selling novel *Jaws* and at least one Mickey Spillane novel.

Salo said store operators were told that the issue of *Time* magazine could not be displayed because of the picture of Cher Bono on its cover. Tampa's new display ordinance prohibits the exhibition of "offensive sexual material" in any area where it can be seen by a juvenile. Reported in: *Tampa Times,* March 18.

In a letter to the editor of the *Tampa Times,* Ada M. Bowen, chairperson, and Merrily E. Taylor of the Florida Library Association's Intellectual Freedom Committee declared: "The present situation is a perfect example of the absurdity of obscenity laws in general, since these laws are predicated upon the assumption that any one individual—no matter whether police officer, legislator, or judge—is more qualified to decide what is 'fit' for another person to see or hear than is that individual himself. That rather arrogant belief—'It won't hurt me, but I'm certainly not going to let YOU look at it'—is the underlying justification for all censorship and can as easily be extended to religious and political material as to items dealing with sex."

Concord, New Hampshire

Governor Meldrim Thompson Jr. rejected a $3,500 federal grant which would have financed poetry readings in New Hampshire because, he said, there were no safeguards against obscenity in the readings.

(Continued on page 88)

from the bench

U.S. Supreme Court rulings

In an unusual five-to-four split, the U.S. Supreme Court ruled that municipalities cannot censor live theater in advance unless they adhere to strict procedural safeguards aimed at protecting First Amendment rights. Justice Harry A. Blackmun, writing for the majority, said the decision of the city of Chattanooga to bar the road show of *Hair* from its municipal auditorium amounted to prior restraint.

"A free society," Justice Blackmun declared, "prefers to punish the few who abuse the rights of speech after they break the law than to throttle them and all others beforehand. It is always difficult to know in advance what an individual will say, and the line between legitimate and illegitimate speech is often so finely drawn that the risks of freewheeling censorship are formidable."

The Court held that the city of Chattanooga could not bar a production from its theater without observing certain procedural safeguards, including taking the initiative of going to court for a prompt judicial hearing in which the city would have the burden of proving the obscenity of scheduled shows.

Joining Justice Blackmun in the majority in the case (*Southeastern Promotions* v. *Conrad,* decided March 18) were Justices William J. Brennan Jr., Potter Stewart, Thurgood Marshall, and Lewis F. Powell Jr.

Dissenters Chief Justice Warren E. Burger and Justice Byron R. White seemed to think that the majority had compelled the city to permit the show, with its "simulated acts of anal intercourse, frontal intercourse, heterosexual intercourse, homosexual intercourse, and group intercourse."

Justice Blackmun, in a rare division from the Chief Justice, denied ordering Chattanooga to stage the show, but added that "the presumption against prior restraints is heavier—and the degree of protection broader—than that against limits on expression imposed by criminal penalties."

Justice William O. Douglas' grounds for dissent were very different from those of the others in the minority. "No matter how many procedural safeguards may be imposed," Justice Douglas wrote, "any system which permits governmental officials to inhibit or control the flow of disturbing and unwelcome ideas to the public threatens serious diminution of the breadth and richness of our cultural offerings."

News curb overturned

In a case involving freedom of the press (*Cohn* v. *Cox Broadcasting,* decided March 3), the Supreme Court ruled that a state cannot forbid a newspaper or broadcasting station to use the name of a rape victim if the name is available from the public record or in open court. The eight-to-one decision of the Court struck down a Georgia law that made it a misdemeanor to mention the name of a rape victim in the news.

The case arose out of a 1971 incident, in which a seventeen-year-old girl died after being raped by six teenage boys. WSB-TV in Atlanta, owned by the Cox Broadcasting Corporation, broadcast the victim's name after it appeared in the indictment of the six boys. The victim's father, Martin Cohn, filed an invasion of privacy suit against the corporation.

The case represented the first time that the Supreme Court was asked to declare that a personal right to privacy could outweigh the First Amendment right to report news which is indisputably accurate and true.

Writing for the court, Justice White said that "by placing the information in the public domain on official court records, the state must be presumed to have concluded that the public interest was thereby being served."

"Public records by their very nature are of interest to those concerned with the administration of government, and a public benefit is performed by the reporting of the true contents of the records by the media," Justice White wrote.

"The freedom of the press to publish that information appears to us to be of critical importance to our type of government in which the citizenry is the final judge of the proper conduct of public business."

In a concurring opinion, Justice Douglas declared that "there is no power on the part of government to suppress or penalize the publication of 'news of the day.' "

Dissenting Justice William H. Rehnquist argued that the Supreme Court did not have jurisdiction in the case because the judgment of the Supreme Court of Georgia was not "final."

In other First Amendment cases, the Court:

• Dismissed "as improvidently granted" its order to review the constitutionality of a New York court order suppressing a book pending a trial on the charges that the authors violated medical confidentiality by writing an extensive psychiatric history of a patient. The authors of *In Search of a Response,* a husband and wife psychiatrist-

psychotherapist team, and the publisher contended that the injunction of New York's highest court was an unprecedented and unjustified interference with their First Amendment rights. The patient contended that her right to privacy and the confidentiality of the physician-patient relationship were violated by the book.

In an *amicus* brief, the American Psychiatric Association and two other scientific groups called the record of the case "inadequate and confused" and urged that the Court dismiss the case.

• Refused without comment to hear the appeal of Will Lewis, a Los Angeles broadcaster, from a lower court order finding him guilty of contempt for refusing to hand over to authorities a tape recording that included the voice of Patricia Hearst and a document about a Weatherman bombing. Law enforcement officers had sought the recording and the document to see if they had any telling fingerprints. Lewis, general manager of radio station KPFK-FM, relied on California's shield law, which protects reporters from forced disclosures.

• Dismissed as "moot" a case involving the distribution of a student newspaper (*The Corn Cob Curtain*) at Arsenal Technical High School in Indianapolis. The graduation of the student editors, eight justices said, made it unnecessary for the Court to decide whether students have the same constitutional rights of freedom of expression as do adults. At issue was the right of Indianapolis school authorities to censor the content of student publications.

The lone dissenter, Justice Douglas, observed: "Any student who desires to express his views in a manner which may be offensive to school authorities is now put on notice that he not only faces a threat of immediate suppression of his ideas but also the prospect of a long and arduous court battle if he is to vindicate his rights of free expression."

• Refused to decide whether an Ohio nuisance statute is constitutional because the operator of a theater shut down for showing obscene films had sought relief in the federal courts before final state action in the case.

Ordinarily, a federal court will not intervene in state criminal proceedings until all remedies in state courts have been exhausted. In this case, the six-to-three majority concluded that such abstention was proper in civil cases as well. Dissenters were Justices Douglas, Brennan, and Marshall.

• Denied certiorari in *Rampey* v. *Allen,* thus letting stand an appellate court decision that fourteen faculty members at the Oklahoma College of Liberal Arts were terminated from their employment because of their exercise of First Amendment rights. The U.S. Court of Appeals for the Tenth Circuit, in a ruling handed down August 16, 1974, reversed an unfavorable lower court ruling and concluded that the record failed to show that the teachers' criticisms of the college's administrators were in any way excessive or unduly burdensome to the school. The court also cited a chancellor's report which showed that the conditions and problems which produced the criticisms were not illusory and that the administration had made no effort to ameliorate those conditions.

• Dismissed a request from the Times-Picayune Publishing Corporation to set aside an order by a Louisiana judge restricting press coverage of a rape and murder trial. Because the trial had been concluded, the Court said the controversy was "closed."

Last year, Justice Powell granted a stay against enforcement of the judge's order and the trial was conducted without the press "guidelines" the judge wanted to impose.

library records

Rockford, Illinois

An officer of the Rockford police department searched the city library's circulation files for two days early in March looking for a clue to the identity of the kidnapper of fifteen-year-old Joey Didier, later found dead after disappearing from his paper route.

Didier was the third newsboy to be kidnapped within two years. The previous two were found alive, but had suffered violence and a ritual-like spraying with paint. Police were following a hunch that the kidnappings were connected with an occult rite, and theorized that the kidnapper might have read library books on occultism.

ALA's policy on the confidentiality of library circulation records requires that they be kept closed until receipt of a proper court order. A spokesman for the library, who said the search was fruitless, told the ALA that the records were opened to the police on the order of a county court.

teachers' rights

Buffalo, New York

In a landmark case establishing the right of teachers to freedom of speech and expression, U.S. District Court Judge John T. Curtin awarded $21,000 in back pay plus attorneys' fees to an upstate New York high school English teacher. The instructor was suspended from his job and then fired for wearing a black armband in class to protest the Vietnam war in 1969.

The case, which received nationwide publicity in a series of two articles in the *New Yorker* (Richard Harris, "Annals of Law—A Scrap of Black Cloth," *New Yorker,* June 17 and 24, 1974), began when Addison High School teacher Charles James wore a black armband in his class on Vietnam Moratorium Day, November 14, 1969. He was suspended and later fired for "political" acts. His dismissal was upheld by the New York State Commissioner of Education.

The New York Civil Liberties Union's first suit in U.S. District Court was dismissed by Judge Harold Burke. Later, the U.S. Court of Appeals for the Second Circuit reversed the lower court and unanimously declared: "We are asked to decide whether a board of education, without transgress-

ing the First Amendment, may discharge . . . a teacher who did no more than wear a black armband in class in symbolic protest against the Vietnam war, although it is agreed that the armband did not disrupt classroom activities. We hold that the board may not take such action."

When the case was returned to U.S. District Court, Judge Curtin declared that First Amendment rights had been violated to the substantial detriment of a citizen and that damages were in order. Reported in: *New York Civil Liberties,* January 1975.

prisoners' rights

South Bend, Indiana

Indiana State Prison censorship policies have violated the First and Fourteenth Amendment rights on inmates, according to a ruling handed down by U.S. District Court Judge Robert Grant.

Judge Grant found that the policy at the prison was more restrictive than the overall policy of the Indiana State Corrections Department. He noted that the prison was the only Indiana correctional institution that did not give inmates access to *Playboy.*

The judge also said inmates should have access to the quotations of Chairman Mao Tse-tung. "It is an expression of the views of a Communist spokesman on a wide range of political and social topics," Grand said. "This court finds the defendants [state prison officials] have not established that the restriction of this book is necessary to the furtherance of important and substantial government interests."

The federal court's ruling also noted that censorship must be reasonable and necessarily related to a justifiable purpose of imprisonment. Reported in: *Louisville Courier-Journal,* March 1.

Burlington, Vermont

Ruling on a case involving censorship of *The Luparar,* a paper published by the inmates at the Vermont State Prison, U.S. District Court Judge Albert W. Coffrin ruled that prison officials may not censor the paper or prohibit its distribution except when necessary for prisoner rehabilitation or to preserve security and order.

Charging that certain of its articles were inflammatory, prison officials had refused to allow distribution of the January 1973 issue of the paper, either in or outside of the prison. Judge Coffrin said the distribution of the paper outside of the prison "may not be prevented . . . unless its distribution would be likely to interfere with the legitimate government interests of security, order, and rehabilitation. . . ." He added that distribution of the paper within the prison should be entitled to the same protections as distribution outside of the prison.

According to the ruling of federal court, the editorial staff of the prison newspaper must be notified of the rejection of any material submitted by it, provided with the reasons for the rejection, and given reasonable opportunity to protest the decision. Reported in: *Prison Law Reporter,* October 1974.

the press

Indianapolis, Indiana

All criminal charges against two *Indianapolis Star* reporters indicted by a grand jury for an alleged conspiracy to bribe a police officer were dismissed February 28. Indictment of reporters William E. Anderson and Richard E. Cady stemmed from activities connected with an investigation of corruption in the Indianapolis police force.

Anderson, acting as a spokesman for the team, said they were gratified with the dismissal brought about by Marion County Prosecutor James F. Kelley. But he added that they now wanted a full grand jury investigation into the reasons behind the indictment. According to Kelley, the charges were dropped because the grand jury which had handed down the indictment was improperly impaneled with persons over sixty-five excluded.

Before the dismissal of the charges was announced, the U.S. Department of Justice had promised to enter the case after receiving complaints from Senator Birch E. Bayh (D.-Ind.) and the Reporters Committee for Freedom of the Press. Reported in: *Editor & Publisher,* March 8.

St. Louis, Missouri

U.S. District Court Judge John F. Nangle ruled in February that *St. Louis Globe-Democrat* publisher G. Duncan Bauman and reporter Harry B. Wilson Jr. would not have to respond to subpoenas seeking the disclosure of confidential news sources. However, Judge Nangle reserved final action on the subpoenas pending completion of a civil trial involving the Mansion House Center.

A *Globe* investigation revealed that the federal government's handling of the Mansion House project had been marked with special treatment for the project's politically influential owners, questionable disbursement of federal funds, and conflicts of interest among high government officials. Reported in: *Editor & Publisher,* March 8.

obscenity law

Los Angeles, California

A physician who specializes in the treatment of sexual problems asked a Los Angeles federal judge to be allowed to receive through the mails pornographic material that he claims is "useful and necessary" to his medical practice.

Dr. Eugene Shoenfeld, who has written under the name of Dr. Hippocrates, told U.S. District Court Judge Matt Byrne that he uses pornographic material in his treatment of sexual problems.

Shoenfeld asked whether seven pieces of mail from Holland seized by U.S. Customs officials last summer are legally obscene. He argued that even if the items were obscene, because of his responsibilities as a physician he should have a right to receive them–even if the average citizen may not. Reported in: *Los Angeles Times,* March 12.

Baltimore, Maryland

A Baltimore County Circuit Court judge has given police a limited right to seize sexually explicit materials before an adversary hearing is called to determine if the items are legally obscene. Judge John N. Maguire restricted the right to a "small-scale seizure" which does not interfere with the public's access to nonobscene material.

The ruling appeared to void past state case law requiring police to obtain a judicial determination of obscenity–at a hearing involving all interested parties–before seizing items as evidence.

It was expected that the ruling would facilitate police raids on bookstores selling sexually explicit materials. Reported in: *Baltimore Sun,* February 17.

Baltimore, Maryland

Circuit Court Judge Joseph C. Howard affirmed the action of the state censor board in rejecting edited versions of the movies *The Devil in Miss Jones* and *Deep Throat.* The question is raised, Judge Howard said, "whether or not the removal of most of the explicit scenes of sexual activity and superimpositions over contiguous sexual contact in others is sufficient to make these movies, which would be otherwise patently offensive, acceptable under the law." Judge Howard concluded that his answer "must be in the negative." Reported in: *Baltimore Sun,* March 1.

Detroit, Michigan

The Michigan Court of Appeals upheld the closing of five Detroit-area theaters that showed *Deep Throat, The Devil in Miss Jones, It Happened in Hollywood,* and *Little Sisters.*

The theaters, located in suburban Highland Park and elsewhere, were ordered closed and furniture, assets, and contents padlocked for one year by Judge Thomas Foley, who said the pictures were "obscene even though they were exhibited in closed theaters to willing adults only." Reported in: *Variety,* March 12.

Columbia, Missouri

The Missouri Supreme Court reversed the circuit court conviction of a St. Louis County man who had been found guilty of showing an allegedly obscene film at his drive-in theater.

In reversing the circuit court, the state high court ruled that past cases have shown that it is unlawful for officers to seize a film without a prior judicial determination of probable obscenity. In a 1970 raid at the drive-in theater, four police officers viewed the film for about thirty minutes and then determined it was obscene. Reported in: *St. Louis Globe-Democrat,* March 11.

Lincoln, Nebraska

The Nebraska Supreme Court upheld the conviction of the operator of the Pussycat Theater in Omaha for sale of four obscene magazines. In upholding the Douglas County District Court conviction, the Supreme Court affirmed the constitutionality of the Nebraska obscenity statute which was repealed by the legislature in 1974 in favor of a new law. Reported in: *Lincoln Star,* March 14.

Alexandria, Virginia

In a case entitled *U.S.* v. *Two Cartons of Obscene Magazines,* a U.S. District Court jury ruled that 682 pounds of magazines imported from Holland were obscene and ineligible for legal sale in the United States.

The magazines, on their way to a bookstore in the District of Columbia, were seized at Dulles International Airport by U.S. Customs inspectors. Reported in: *Washington Post,* March 13.

Milwaukee, Wisconsin

A three-judge federal panel approved an agreement between the Waukesha County district attorney's office and the Unitarian Church in suburban Brookfield to dismiss all legal action against the church over its sex education course.

The order ended a battle which began three years ago when the church sued to stop Richard McConnell, then district attorney, from examining sex education materials for possible violations of Wisconsin's obscenity law.

The case reached the U.S. Supreme Court, which remanded it to the U.S. Court of Appeals for the Seventh Circuit, which in turn sent the case to the three-judge federal panel, saying it should hear the matter on the constitutionality of the state law.

In February, however, Waukesha County District Attorney Jerome H. Cahill directed that all legal action in the case be dropped. Reported in: *Milwaukee Journal,* March 1.

obscenity: some convictions and acquittals

Los Angeles, California

The owner and four employees of a Los Angeles film production and distribution company were assessed fines totalling $7,000 by Superior Court Judge Betty Jo Sheldon. The five were charged with distributing lewd magazines and

films in western states. Reported in: *Los Angeles Herald-Examiner,* February 21.

North Haverhill, New Hampshire

Grafton County Attorney John D. Eames was acquitted of obscenity charges for the second time in less than a year. A jury of four men and two women acquitted Eames and his sixty-two-year-old mother, charged with violating obscenity laws by showing two *X*-rated films in their family's theater in Bethlehem.

Eames characterized the case as a censorship trial and said the verdict confirmed "the rights of the people . . . to show what they want to consenting adults" as long as no one is harmed.

The attorney and his brother were found innocent in a trial on two other counts last October (see *Newsletter,* Jan. 1975, p. 20). Reported in: *Portsmouth Herald,* March 13.

Caldwell, Idaho

The owner and manager of the Top Theater in Caldwell were declared innocent by a jury, which decided that the sexually explicit materials in the case were not obscene under Idaho's obscenity law.

The jury, which deliberated more than ten hours, found that the films *Deep Throat, The Devil in Miss Jones,* and *Harlot* were not illegal. Idaho law requires that obscene materials be utterly without socially redeeming values.

Despite the acquittals, continued operation of the theater was threatened by a civil suit filed by Canyon County Prosecutor James Morfitt, Caldwell City Attorney Robert Tunnicliff, and Attorney General Wayne Kidwell, who alleged in a civil suit that the theater is a "public" and "moral" nuisance. Reported in: *Idaho Statesman,* March 22.

Chicago, Illinois

After prominent Chicago bookseller "Weird Harold" Rubin pleaded guilty to obscenity charges, Circuit Court Judge Marvin E. Aspen fined him $1,200 and ordered him to donate 3,000 non-obscene books and magazines to the Cook County Jail library.

Rubin took the sentence in stride. Of the book donation, he said, "There are those less fortunate than I am. I feel I have an obligation to them." Reported in: *Chicago Sun-Times,* March 12.

Cincinnati, Ohio

A $1,000 fine was levied against an employee of Stanley Marks' Adult City News Shop by Hamilton County Common Pleas Court Judge William J. Morrissey for illegal sale of an obscene book and sale of an obscene object. Marks and his employee agreed to plead guilty to obscenity charges, to charges of engaging in organized crime, and to drop an appeal filed with the U.S. Supreme Court in return for the agreed upon fine. Reported in: *Cincinnati Enquirer,* February 4.

Tulsa, Oklahoma

The Oklahoma Court of Criminal Appeals affirmed the conviction and $15,000 fine levied against a Tulsa bookseller, arrested during a 1973 war on pornography launched by District Attorney S.M. Fallis Jr. The appellate court said it could find no fundamental error in the trial. Reported in: *Tulsa World,* February 16.

Salt Lake City, Utah

Three Salt Lake City residents charged with showing an obscene film were found not guilty by a jury of two men and two women. After the verdict was announced before City Judge Joseph G. Jeppson, defense attorneys stated that they had been prepared to reveal the results of an opinion poll which showed that Salt Lake City adults favored permitting persons over eighteen to "choose materials they wish to read or see regardless of the content." Reported in: *Salt Lake City Deseret News,* February 6.

Fairfax County, Virginia

In the first Fairfax County obscenity prosecution since the U.S. Supreme Court established new standards in *Miller* v. *California* (1973), a Circuit Court jury of three men and two women found the operator of the county's only adult bookstore guilty of obscenity charges. Robert L. Eichorn was accused of selling an obscene magazine and film.

Assistant Commonwealth Attorney William M. Bechtold commented: "There's no personal vendetta, but we've only got one store selling this kind of material, and we're going to go after it." Reported in: *Washington Star-News,* February 6; *Washington Post,* February 7.

license laws

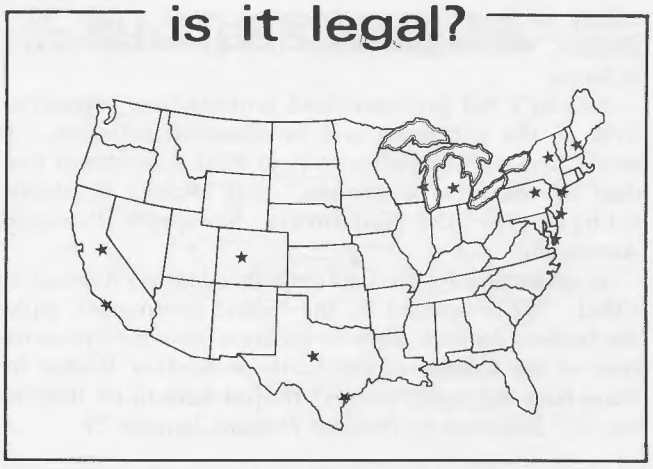
East St. Louis, Illinois

After two months of legal skirmishes between East St. Louis Mayor James E. Williams Sr. and operators of the Colony Theater, Circuit Court Judge John J. Hoban refused to grant a permanent injunction to allow the theater to operate without interference from the city. Hoban ruled that the theater had not yet exhausted "administrative review" procedures.

The controversy began last December when the theater opened with its license application pending. The city council denied the theater a license and the mayor promised to take every legal means to close the theater after it showed *The Devil in Miss Jones.* An earlier attempt to halt the city from interfering with the operation of the

(Continued on page 88)

is it legal?



in the U.S. Supreme Court

The U.S. Supreme Court was asked March 15 to resolve the censorship dispute between the Central Intelligence Agency and the authors of *The CIA and the Cult of Intelligence.* In the battle in lower courts, the CIA won a ruling from the U.S. Court of Appeals for the Fourth Circuit permitting the agency to delete 168 items from the book by Victor Marchetti and John D. Marks (see story on cover page of this issue).

The high court was told by the plaintiff authors and their publisher, Alfred A. Knopf, that the appeals court's decision would permit prior restraint despite the Supreme Court's declaration in the Pentagon Papers case, that such restraint comes before the bar with a heavy presumption against its constitutionality.

The case is complicated by the fact that Marchetti is ostensibly required to submit anything he writes about the CIA to that agency for approval. The requirement is part of a contract he signed upon assuming employment with the agency.

library records

Odessa, Texas

Texas Attorney General John Hill was asked in March to rule whether circulation information on file at the Ector County Library falls under Texas' open records law.

After Librarian Nona Szenasi declined a request from the *Odessa American* and refused to divulge names of city and county officials who checked out paintings from the fine arts department of the library, the Ector County Commissioners ordered County Attorney Bill McCoy to seek a formal opinion on the law from the attorney general.

The library has 140 paintings which it loans to residents for six-week periods. Szenasi said she considers the names of the people who check out paintings to be confidential. Releasing the information, she said, "would be an invasion of privacy." Reported in: *Odessa American,* March 24.

U.S. mails

Washington, D.C.

In a report submitted to Congress, the U.S. Postal Service revealed that last year it monitored and recorded for periods of a month or more the origins of all mail received by some 4,400 individuals and businesses in the United States. According to the postal service, the surveillance was undertaken at the request of dozens of federal, state, and local agencies.

Postal service officials maintain that the surveillances, or "covers," were legal but admitted that they did not know why agencies such as the Agriculture Department would want to look at people's mail.

According to postal service regulations, mail covers are available only to law enforcement agencies to protect the national security, locate a fugitive, or obtain evidence of a crime or attempted crime.

Despite this provision, mail cover statistics show that most agencies requesting them are not normally considered law enforcement agencies.

Mail surveillances, or mail covers, do not entail opening the mail. Instead, postal officials record before the mail is delivered the information on the outside of envelopes. Reported in: *Chicago Sun-Times,* March 18.

broadcasting

Washington, D.C.

Two California broadcast consultants have filed petitions with the Federal Communications Commission asking the agency to limit religious groups' use of radio and television frequencies reserved for noncommercial, educational programming.

In filing a "petition for rule making," Jeremy D. Lansman and Lorenzo W. Milam charged that instead of being educational with diversity in programming, much religious broadcasting spreads the tenets of only one view, American fundamentalist Christiantiy. The consultants also blasted stations owned by nonprofit corporations and tax-supported public institutions for a similar lack of diversity.

Since 1962, Lansman and Milam have helped at least ten community-based minority groups organize stations under a free-access, open-forum design on noncommercial radio frequencies in places like Seattle, St. Louis, and Atlanta. But educational frequencies have been consumed rapidly and are no longer available in major metropolitan markets. Reported in: *Washington Post,* February 28.

New York, New York

Producers of two sexually explicit shows for New York's

public access channels on cable television charged censorship by Sterling-Manhattan and Teleprompter, the two cable systems that service Manhattan.

Michael C. Luckman, producer of the "Underground Tonight Show," filed a letter of complaint with the Federal Communications Commission charging illegal censorship by the two companies.

Bruce David, producer of Milky Way Productions' "Screw Magazine of the Air," reported that Manhattan-Sterling censored a show even after the cable firm's lawyers had approved the content.

In a letter to FCC Cable Bureau Chief David Kinley, Luckman asked for hearings "for the purpose of revoking the licenses of both Sterling-Manhattan and Teleprompter." Luckman argued that "FCC regulations expressly prohibit cable companies from exercising any kind of control over users of the public access channels, except in cases of obscenity." What prompted Luckman's charges to the FCC was the cable firm's refusal to run an "Underground Tonight Show" segment featuring a demonstration of male masturbation. Sterling-Manhattan said that the segment was a violation of New York obscenity laws. Luckman countered that Sterling-Manhattan Vice-President Charlotte Jones defended the system's right to broadcast an "Underground Tonight Show" segment on female masturbation on the grounds it had socially redeeming values. Teleprompter backed out, claiming the segment was obscene. Reported in: *Variety,* March 5.

the press

Los Angeles, California

One day after the Los Angeles City Council upheld Mayor Tom Bradley's veto of an ordinance which would have banned coin-operated newsracks from the city's public sidewalks, the council ordered the drafting of another ordinance which would require opaque covers on all sidewalk newsracks to prevent public viewing of nudity or pornography.

The council instructed the city attorney to draft such an ordinance, despite a report by the Police, Fire, and Civil Defense Committee that the city attorney would not approve its legality.

The February 19 vote to override the mayor's veto was eight to five, but ten votes were required to overturn the mayor's action. In his veto message, Bradley declared that the proposed ordinance violated the First Amendment to the Constitution. Reported in: *Los Angeles,* February 20, 21.

Sacramento, California

While it may be a sin to tell a lie, State Senator John A. Nejedly believes it also ought to be against the law. A bill introduced by him would make it illegal to publish, distribute or broadcast any falsehood about a state ballot measure, with violators subject to a $1,000 fine for each violation.

Nejedly's bill provoked loud protests from representatives of the publishing and broadcasting industries. "It would have a chilling effect on our First Amendment freedom of the press guarantees," said Michael B. Dorais, lobbyist for the California Newspaper Publishers Association.

A spokesman for the California Broadcasters Association added: "We're licensed by the federal government, under the fairness doctrine. How do we know whether representatives of the Friends of the Earth or Another Mother for Peace have the 'right' answer? We just have to let them on the air." Reported in: *Oakland Tribune,* January 29.

freedom of expression

Concord, New Hampshire

U.S. District Court Judge Hugh H. Bownes issued a temporary restraining order permitting George and Maxine Maynard to cover the "Live Free or Die" motto on their state license plates and established a three-judge panel to determine whether they will be allowed permanently to cover the motto.

The Maynards, Jehovah's Witnesses, said they refused to be forced by the state to advertise a slogan which they found "morally, ethically, religiously, and politically abhorrent."

The Maynards were supported by the American Civil Liberties Union and the president of the New Hampshire Senate. Both, however, have lost their jobs and exhausted their financial resources in the battle against the motto. Reported in: *Boston Globe,* March 23.

Milwaukee, Wisconsin

Kareem Abdul-Jabbar, the Milwaukee Bucks' all-star center, asked the Wisconsin Civil Liberties Union to support his contention that the National Basketball Association violated his freedom of speech. Abdul-Jabbar charged that he was fined $250 by the NBA for a public blast at Referee Jerry Loeber during a game in which the Bucks lost to the Golden State Warriors. A spokesman for the Wisconsin affiliate of the ACLU said the organization would attempt to determine whether the fine was a denial of Abdul-Jabbar's right of free speech. Reported in: *New York Times,* March 19.

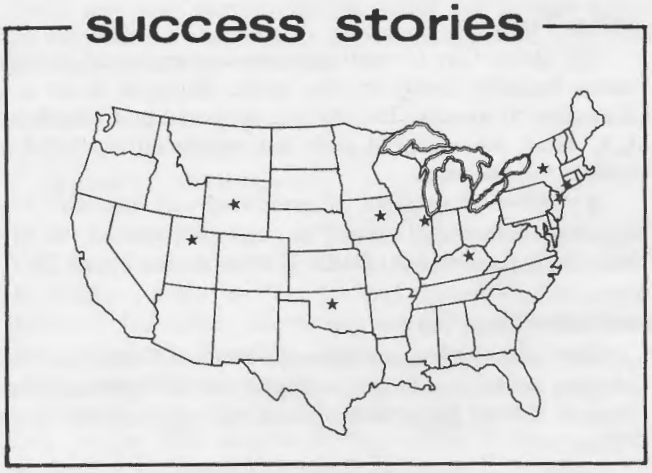
teachers' rights

Denver, Colorado

A junior high school teacher fired for letting students

(Continued on page 89)

success stories



Greenwich, Connecticut

After a lengthy discussion concerning charges against *Soul on Ice,* the Greenwich Board of Education voted to allow the book to remain in the local high school library. Members of the Concerned Citizens Committee of Greenwich had urged that the book be banned because, the committee said, the book "is crime provoking and anti-American as well as obscene and pornographic."

The school board noted that a review committee of fifteen persons had urged that the entire book be read before passing judgment on it, and had recommended that its dissemination be continued through the library.

"The campaign against the book was waged emotionally, not rationally," Board Chairman G. Harrison Houston Jr. said. "The persons attacking the book must not have read it completely but were forming their opinions only on some remarks and passages in the book." Reported in: *Greenwich Time,* March 10.

Clarendon Hills, Illinois

Last fall *The Three Poor Tailors* was removed from the library at the Gower West Elementary School after the local school board received a complaint from a parent who disliked the book "because of what the ending implies." After hearing the report of a review committee of three teachers and three parents, the board voted in February to reverse its decision.

The book closes with these lines: "They [the tailors] are saving their money very hard, because they want to buy a billy-goat. It can run *much* faster than a nanny-goat." The review committee commented: "There is an implication that the tailors may try to run away from an obligation again. However, the last lines . . . could be used by a parent or a teacher to lead to further discussion concerning the thoughts and decisions and values of the three tailors. This type of an open-ended story is frequently used by teachers to lead children to an awareness and establishment of their own values."

The review committee concluded: "The core of education is to provide the learner with opportunities to develop critical thinking with adult guidance. If we present only a one-sided viewpoint, we are limiting a child's growth, and leaving him vulnerable to a persuasive person or force. Children need opportunities to make their own decisions and choices with adult guidance and structure. They need to be exposed to reality—life as it exists!"

Grinnell, Iowa

The March 1975 issue of the *Newsletter* reported that *The Godfather, The Exorcist,* and *The Summer of '42* were temporarily moved from the library at the Grinnel-Newburg high school after the local school board received a complaint from a lay preacher for the Church of Christ.

In February the review committee appointed by the board recommended that all the books be retained in the library. The school board voted four to one to support the decision. The committee's report, however, did not end complaints about library materials. Among the works under recent attack was Steinbeck's *Grapes of Wrath.*

Pikeville, Kentucky

After receiving a demand from the Pikeville Ministerial Association that a transcendental meditation group be barred from further use of the Pikeville Public Library's activity room, the library board voted not to close the room to the group. The ministers claimed that transcendental meditation is a religion and thus improper for a library setting, and that it "is especially inimical to historic Christian belief and as such is odious to the majority of the citizens of our community who are the patrons and supporters of the library." Reported in: *LJ/SLJ Hotline,* February 24.

Churchville, New York

A member of the Churchville-Chili School Board, unhappy over sex education books in the district's junior high school library, resigned last December. Louise Embling, who objected in particular to *Boys and Sex* and *Girls and Sex,* accused the books of "endorsing sexuality."

Despite the complaints of Embling and other members of the community, the school board took no action to remove sex education publications from school libraries. "We didn't want to get into book censorship," Board President Helen Kruze said. "Our staff is well qualified and we follow their opinions."

New York, New York

When the *Observation Post,* City College's student newspaper, appeared on the stands Feburary 13, 1974, it touched off an uproar over the use of student fees to sub-

(Continued on page 90)

(Censorship Dateline . . . from page 79)

The veto came after the state executive council unanimously approved the grant to the New Hampshire Arts Commission from the National Endowment of the Arts.

Last year, Governor Thompson withheld a $750 grant from the New Hampshire Arts Commission to *Granite Magazine* on the grounds that one of its issues was obscene. Reported in: *New York Times,* February 9.

Danvers, Massachusetts

An all-night showing of Beatles' movies scheduled at the Sack Cinema was canceled after Danvers selectmen refused to grant an all-night license. The selectmen also rapped the moviehouse managers for a lack of consideration for the "wishes of the people of Danvers."

The assistant director of the theater said to the selectmen: "Gentlemen, I'm tired of coming before you and spending $2,000 to make $2." He explained that the Beatles show was designed by a promoter who thought nostalgia buffs would enjoy four straight screen performances by the entertainers.

Selectman Baron P. Mayer, who headed the opposition to the theater, said: "As far as I'm concerned, you guys have not shown a proper attitude as to what the people of the Town of Danvers want in the way of entertainment." Reported in: *Salem News,* March 5.

Holyoke, Massachusetts

Holyoke Police Chief Francis Sullivan said his ban on the sale of *Playboy* would remain in effect even though an obscenity case involving the magazine was thrown out of court. Sullivan reaffirmed his policy after Holyoke District Court Judge Michael J. Donahue declined to send a complaint involving *Playboy* to a grand jury. Reported in: *Boston Herald American,* February 22.

Minnesota

Minnesota's ten Roman Catholic bishops called on Minnesotans to rid their communities of obscenity by taking "full advantage" of the U.S. Supreme Court rulings in *Miller* v. *California* (1973). That ruling, the bishops said in a statement, gave local communities a right to establish and enforce their own standards in regulating the flow of pornography.

The bishops commended Minnesota legislators "who have the courage and the regard for their constituents' right to maintain a decent society and who vote for the passage of anti-pornography legislation."

The bishops' statement argued that pornography is "anti-sexual" because it distorts "authentic sexuality and reduces the human person to the proportions of an exploitable object." Reported in: *Minneapolis Star,* March 13.

Dallas, Texas

The Dallas City Council unanimously approved an ordinance banning nudity in any works displayed in an area accessible to minors. The statute, proposed by Councilman L.A. Murr, was adopted after last-minute efforts failed to table it for one week.

A number of speakers, all associated with area churches, appeared before the council to urge adoption of the new ordinance. Reported in: *Dallas Morning News,* March 25.

Salt Lake City, Utah

Salt Lake City commissioners abolished their citizens' advisory committee on pornography, but strengthened their business license law in order to control materials they deem "obscene."

Under the city's new rules, commissioners may revoke business licenses after a hearing which proves that the firm or its employees violated city ordinances. A Salt Lake City ordinance prohibits displays of sexual acts, poses, etc. Reported in: *Salt Lake City Tribune,* January 15.

(From the Bench . . . from page 84)

theater was refused in January by U.S. District Court Judge James Foreman. That decision was appealed to the U.S. Court of Appeals for the Fifth Circuit. In addition, a $2 million damage suit was filed against the city. Reported in: *East St. Louis Metro-East Journal,* February 20; *St. Louis Globe Democrat,* February 20.

St. Paul, Minnesota

St. Paul's ordinance allowing the revocation of operating licenses of theaters showing obscene movies was declared unconstitutional by the Minnesota Supreme Court. The high court reversed a district court decision which upheld the revocation of the license of the Flick Theater, whose owner pleaded guilty to showing an obscene picture.

The St. Paul law provided for license revocation upon a theater owner or employee's conviction for a crime related to the licensed operation. In an opinion written by Justice Harry MacLaughlin, the court cited a forty-five year old ruling of the U.S. Supreme Court that a law cannot deny the right of freedom of speech or the press because of a past abuse of the right.

MacLaughlin rejected the city's argument that if theater licenses could not be revoked, the city's only recourse would be "endless criminal prosecution against a known pornographic establishment." MacLaughlin said the city could establish a censorship system to determine which films are obscene and prohibit the showing of those that are. He said that such systems are constitutionally permissible if they provide safeguards guaranteeing the theater

owner a prompt decision by the censor and prompt action by the courts if the censor's decision is appealed. Reported in: *Minneapolis Star,* February 28.

(Is It Legal . . . from page 86)

write allegedly obscene graffiti on a blackboard filed suit in U.S. District Court asking for reinstatement and $500,000 in damages. Susan R. Peterson said the graffiti was appropriate to the subject matter she was assigned to teach and was recognized generally among educators as serving a serious educational purpose.

Peterson was fired as a language arts teacher at Canon City Junior High School in Canon City, Colorado, when students used the classroom chalk board to express sentiments against the school's principal. Reported in: *Milwaukee Journal,* January 20.

prisoners' rights

Rochester, New York

Genesee County Sheriff Roy J. Wullich told the New York Supreme Court that *Playboy* magazine is no longer available to prisoners in his jail because they fight over the centerfold. In an affidavit, Wullich said some prisoners would tear out the centerfold and hang it on a wall, touching off fights when other prisoners found the centerfold missing.

Wullich's conduct was challenged by an American Civil Liberties Union suit filed on behalf of prisoners who charged the sheriff with "cruel and unusual punishment." Reported in: *Baltimore Sun,* March 14.

obscenity, indecency, etc.

Denver, Colorado

The first legal challenge to Denver's method of enforcing its controversial obscenity ordinance failed in Denver District Court. District Court Judge John Brooks Jr. denied a motion filed by two Denver theaters requesting a preliminary injunction to halt the police practice of confiscating more than the one print of a film—one print being needed as evidence in adversary hearings held to determine whether there is an adequate reason to hold a trial in an obscenity case.

The attorney representing the theaters argued that seizure of all copies of a film before a declaration of obscenity by a jury violates First Amendment guarantees, since multiple seizures effectively end the exhibition of a film in the city. Reported in: *Rocky Mt. News,* March 5.

Wilmington, Delaware

A temporary restraining order was issued by U.S. District Court Judge Murray M. Schwartz to block enforcement of a new Delaware law, enacted March 7, prohibiting operators of drive-in theaters from showing films rated *R* or *X* or other movies "not suitable for minors."

Judge Schwartz' order banned prosecution of drive-in theater operators pending a decision on the issues in the case by a three-judge federal panel.

The attack on the law was led by Budco Quality Theaters Inc. of Doylestown, Pennsylvania. An earlier suit filed by Budco was dismissed November 1, 1974 by a three-judge U.S. District Court for lack of any "genuine threat of enforcement." In February 1975 Budco was warned by Colonel James L. Ford Jr., superintendent of the Delaware State Police, that "continued violation will result in arrest and prosecution." Reported in: *Variety,* March 5.

Dallas, Texas

A city ordinance restricting adult movie theaters from locations within 1,000 feet of a residential area, school or church was unanimously adopted March 10 by the Dallas City Council.

Adoption of the ordinance brought threats of legal action from one theater owner, and a Dallas attorney representing several theater owners said the ordinance would be tested in court. Reported in: *Dallas Times Herald,* March 11.

Dallas, Texas

Columbia Pictures filed suit in U.S. District Court protesting the constitutionality of the Dallas movie classification code. Columbia claimed that the city unfairly rated *Tommy* as "unsuitable for young persons" and that limiting the access of persons under the age of sixteen would cause Columbia irreparable financial damage.

At the same time, a city judge ordered Columbia to assign the "unsuitable" rating or halt showings of the picture. Reported in: *Dallas Morning News,* March 25.

Lansing, Michigan

The owners of the Pussycat Theater filed suit in U.S. District Court to stop "harassment" from Lansing officials. They also asked for $100,000 in damages and requested that a three-judge panel be convened to determine the constitutionality of Michigan's indecent exposure law.

The suit claims that the owners of the Pussycat Theater have a license to show both movies and live entertainment and that they have never engaged in pandering or forcing unwanted persons to see the shows. The dancing "does not pose a threat to the health, safety, or sanitation of the viewing audience," the suit states. Reported in: *Grand Rapids Press,* February 17.

Sunbury, Pennsylvania

Northumberland County District Attorney Samuel C.

Ranck announced in February the start of a campaign to rid the area of pornographic literature.

Ranck stated that he would form "a literary review committee" of fifteen members "who will represent all areas of the county and who will be representative of all walks of like." Ranck assigned the committee the task of determining community standards on obscenity and guiding him in action against pornographic literature. Reported in: *Sunbury Daily Item,* February 26.

In an open letter of protest, George M. Jenks, chairman of the Pennsylvania Library Association's Intellectual Freedom Committee, wrote: "The very name 'Literary Review Committee' is frightening and smacks of Germany of the 1930s. Let the district attorney devote his time and resources to fighting crime and leave the First Amendment alone."

(Success Stories . . . from page 87)

sidize campus publications. On a page of essays entitled "Mind Ooze," the paper lampooned *The Exorcist* with a drawing of a nun using a crucifix as a sex object.

Senator James L. Buckley (Con. R.-N.Y.) called for an investigation. State Senator John J. Marchi introduced a bill–later withdrawn–that would have prohibited using student fees to support college newspapers.

The matter was referred to a study committee composed of students, faculty, administrators, and outsiders. In February 1975, the group presented its report to the Board of Higher Education and upheld freedom of the student press.

The report advised that "controversial articles and publications may not be censored unless it can be shown that suppression is necessary to avoid material and substantial interference with the requirement of order and discipline of the college." The report also called attention to *Panarella* v. *Birenbaum* (1973), in which the New York State Court of Appeals decided "that student newspapers financed by college funds, including student activities, may not be prohibited from publishing an occasional article attacking a religion." Reported in: *New York Post,* February 25.

Norman, Oklahoma

The president of the University of Oklahoma revealed in February that university officials were pressured to revoke an invitation to Angela Davis, whose speech on the campus raised a storm of protest and was condemned by the Oklahoma Senate.

President Paul F. Sharp said he received numerous letters asking that Davis not be invited to address the student body. "All of us ought to be concerned when there are votes against freedom of speech, whether it be in the legislature or wherever," Sharp said.

Sharp pointed out that Davis' fee for her January 30 appearance was paid out of student fees, not state funds. Reported in: *New York Post,* February 13.

success?

Laramie, Wyoming

A suit against University of Wyoming President William Carlson and Vice-President of Student Affairs Joseph Geraud–filed in a battle over confiscation of an erotic film last year–was withdrawn from Albany County District Court after attorneys reached agreement on a procedure for handling complaints about films.

Under the agreement, known as Unireg 31, the Associated Students of the University of Wyoming will create a committee responsible for the selection of ASUW films.

According to a release from the Laramie Chapter of the American Civil Liberties Union, "If a film is charged with being obscene in a formal complaint to the Wyoming Student Union Management Committee, a meeting of this committee will be held to consider the charge on the basis of standards detailed in the regulations. The findings of this committee will be forwarded to the president and he then may seek a court order to prohibit the film from being shown. However, the president or his representative must view the film in its entirety and apply the standards of the regulation before seeking such a court order." Reported in: *Laramie Daily Boomerang,* March 1.

(The Published Word . . . from page 71)

analyst for the U.S. government. Their positions on the issue of obscenity range from liberal, e.g., Joseph Slade's sympathetic description, "Pornographic Theaters Off Times Square," to conservative, e.g., Walter Berns' denunciation of vulgarity and permissiveness in "Beyond the (Garbage) Pale." The result is that an open-minded reader, whatever his persuasion regarding the pornography controversy, is bound to modify his original position as he reads through these essays. A true believer in the right of free speech cannot easily dismiss the objections of those contributors who regret the decline in esthetic standards and the pandering to popular demand for exploitation of sexual themes. The cumulative effect of the essays is to bring the reader to dwell on the unsolved dilemma of guaranteeing the exercise of free speech and of protecting from unwanted vulgarity those who are offended by it.

The "soft-core pornography" phenomenon is well surveyed in John MacGregor's "The Modern Machiavellians: The Pornography of Sexual Game-Playing." He examines such publications as *Playboy, Cosmopolitan, The Art of Erotic Seduction,* and *Sex and the Single Girl.* The guides to seduction and swinging are in reality "guides to pornographic relationships among individuals in contemporary American society." In MacGregor's expanded definition,

pornography is that material which strips us of our humanity and of the human qualities of our relationship with other human beings. These guides provide explicit instruction to people on how to manipulate other human beings and reduce them to sex objects.

Perhaps the essay on soft-core pornography brings out the real problem of the obscenity controversy. A legal response, in addition to being neither theoretically justifiable nor really enforceable, is simply inadequate, for such materials do not come within its purview. Proceeding for the moment on the hypothesis that obscenity does cause harm and should therefor be suppressed, soft-core pornography would still escape legal action merely because our society does not yet generally recognize the danger of the manipulation through gratification attitude these publications express and encourage. In a similar vein, there is the possibility that esthetic values are being degraded by the incessant barrage of vulgarity, yet this degradation may continue unabated by any intrusion or regulation by law simply because the harm being done does not fall within the legal definitions so far expressed by the courts and the legislatures.–*Reviewed by Lin Murphy, University of Saskatchewan.*

The Rights of Students (an ACLU handbook). Alan H. Levine, with Eve Corly and Diane Divoky. Avon Books, 1973. $.95 paper.

Student Press Rights. Robert Trager. Journalism Education Association Publications, 1974. n.p.

Six or eight years ago, it would have been impossible to publish a thorough, reliable guide to the rights of students–the thing would have become outdated before it reached any readers. But today events aren't changing so quickly. It's possible now to publish a book about students' rights that will still be useful a couple years from now, and both the ACLU and the Journalism Education Association have done just that.

Student Press Rights, as its name implies, has the narrower scope of the two. Robert Trager discusses dozens of court cases and points out their implications for both school-sponsored and "underground" papers.

Some press rights have been clearly defined by the courts. A paper cannot be suppressed merely because it contains controversial or offensive material; a school administration must prove that it did cause, or would have caused, substantial disruption. In other areas, there are clear restrictions on student papers. And, in the many areas where courts have decided both ways, and nothing is clear, Trager admits that he can't draw any firm guidelines, though he outlines the trends and tendencies he sees.

As far as legal rights go, then, *Student Press Rights* is a clear, thorough, and comprehensive guide. But legal rights, unfortunately, aren't everything. In fact, unless they are backed up by a strong student-rights organization, or by a lawyer willing to go to court, legal rights can mean nothing. I learned this lesson in high school, when a group of us were harassed by the administration for publishing an underground paper. When the Supreme Court issued the *Tinker* ruling in 1969, granting high school students certain broad rights of free expression, we took a copy to the school board. They laughed. "That doesn't affect us," they said. "Go ahead, take us to court if you're so sure of yourselves." We wanted to. But as the school board knew, we had neither the money nor the parental backing needed for a lawsuit.

The ACLU's *Rights of Students* doesn't have that shortcoming. Its authors have received too many phone calls from students who were arbitrarily denied their rights to believe that rights guaranteed by a court will necessarily be realized in practice. They make it clear in the introduction that readers should be prepared to fight for their rights; while they don't give many guidelines about how that fight can be carried out, they have at least put everything in a proper perspective.

From there, they cover a wide range of areas–not only freedom of expression but also due process, corporal punishment, grades, and school records. A $.95 paperback can't be expected to cover so many areas in great detail, and this one doesn't, but it has everything that most students will need for most occasions. Where it falls short, the authors suggest other places to turn. It is really *the* basic book on high school students' rights.

But it's not perfect. While the authors avoid Trager's problem of seeming to sit in an ivory law office, they have their own affliction. It's like a reverse color blindness–where there is an area of gray, they describe it as being very rose, while the rights that students should have but don't, are often skimmed over or ignored.

"Can a school require a student who has religious objections to participation in war and military training to take part in ROTC or similar programs?" asks one question in the book. "No," the authors reply, citing a sixth circuit court decision. Yet they say nothing about whether other students can be required to enlist in such programs. Apparently they can be required to do so, but that is never specifically discussed or stated. A quick reading of the section would leave most students with just a general feeling about how nicely they are being treated by the courts. People who think they already have all their rights aren't likely to push for more.

Both books are valuable. *The Rights of Students,* especially, belongs in every school library (all the more so, if the principal tries to ban it). But remember their shortcomings. And above all, remember that they can only tell you what rights should exist–not what is there in reality. As the authors of the ACLU book say, "Rights do not have any effect merely because they exist in a lawbook. They are meaningful only if exercised."–*Reviewed by Jon Schaller, Youth Liberation, Ann Arbor, Michigan.*

Book reviews by Jon Schaller of Youth Liberation appear in this issue. Youth Liberation publishes *FPS: a magazine of young people's liberation,* which appears monthly with articles on organizing young people, young people's struggles for their basic rights, and problems in public schooling in the U.S. Four issues each year are devoted to education; the remaining issues analyze other important problems facing youth. The subscription price is $10.00 p.a. Orders should be sent to: Youth Liberation, 2007 Washtenaw Avenue, Ann Arbor, MI 48104.

(FCC . . . from page 72)

and of interest, to adult audiences.

"Parents, in our view, have–and should retain–the primary responsibility for their children's well being. . . ." Reported in: *Philadelphia Inquirer,* February 21; *Variety,* February 26.

FCC reprimands WBAI-FM

In February the FCC reprimanded station WBAI-FM in New York for broadcasting language it found "indecent." The commission took a new step in characterizing the language as indecent instead of obscene, apparently because the FCC had been overruled by courts that objected to findings of obscenity.

The offending material consisted of part of a recording made by George Carlin, described by the station as a satirist of American manners and language, on the subject of "Seven Words That You Can Never Say on TV," as part of a program on the use of language in our society. The program was preceded by an announcement that it would use language which might be regarded as offensive and that those who thought they might be offended should tune out until later. But the FCC noted that the program was carried in the afternoon, at a time when children might be expected to be listening.

Station manager Larry Josephson described the reprimand as "vague and chilling," and objected that while the station did "respect the feelings of those members of the community who find this language offensive, we're also concerned about the rights of others . . . who want to hear poetry, drama, and public affairs that unavoidably incorporate this kind of language." But, said Josephson, "the republic will survive George Carlin and may even survive the FCC." The station has not yet decided whether to appeal the ruling.

University station investigated

Prodded by complaints from local radio personality Ralph Collier and University of Pennsylvania campus critics of station WXPM, the Federal Communications Commission began an investigation of the student radio station, whose do-your-own-thing show, "The Vegetable Hour," has been the center of a long controversy.

"The station aired probably the most graphic, legally definitive obscene broadcast ever aired in the U.S.," Rob Frieden, president of Students for Responsible Media, said in January. Frieden referred to part of a program which included comments on the sparse sex life of a female caller and suggestions made by the show's male host. Reported in: *Philadelphia Inquirer,* January 30.

free press dies in Peru

In an action that left Peru without any opposition press, radio or television, the leftist military government of President Juan Velasco Alvarado closed the magazine *Caretas.* Although there was no official explanation of the move, it came as no surprise to observers.

Last year the government carried out the expropriation of the country's newspapers in order "to give Peru a truly representative press." Reported in: *New York Times,* March 22; *Christian Science Monitor,* March 25.

Canadians pressure Time and Reader's Digest

Recent efforts of the Canadian government to do away with the popular Canadian editions of *Time* magazine and *Reader's Digest* have sparked a national controversy over freedom of the press.

The proposed legislation dealing with the two U.S. magazines, among Canada's most popular, would require them to become largely "Canadian" in content if their advertisers are to benefit from a tax break under Canadian laws favoring Canadian publications. A growing nationalism and a feeling that Canada is overwhelmed by its large neighbor to the south prompted the proposed changes in Canadian law.

Some publications, including the prestigious *Globe and Mail,* charged that the proposed law would be a direct interference with the right of all Canadians to freedom in choosing what they want to express. Said the *Globe and Mail,* "Government would be defining what can be published."

Canadian content regulations have been successful in other fields, including broadcasting, where requirements that radio stations play at least thirty percent Canadian records has been given credit for the development of a strong Canadian popular music industry.

The editorial content of *Time* magazine's Canadian edition is substantially identical to the U.S. version with the addition of five pages or so of Canadian news in the front. Reported in: *New York Times,* March 21.

celebrating the first freedom

AA Paragraphs

Somewhat puzzled perhaps, but they came to dinner nonetheless—representatives of twenty-one diverse national organizations. The small, informal Washington gathering to which they came was, to quote the invitation from AAP President Townsend Hoopes, "to explore what, if anything, certain influential elements of the publishing, broadcast, press, and academic communities might wish to do during the coming bicentennial period to develop throughout America a better understanding of the First Amendment—the separate but related freedoms of press, speech, religion, and assembly."

If after dinner the guests retained some puzzlement as they departed, it might have been because of the absence of any "hidden agenda": no organization was formed, no officers elected, no by-laws adopted, no dues imposed, no program voted upon. AAP, pursuing an idea hatched last fall by Frederick G. Dutton, an imaginative Washington attorney, had truly sought only to act as catalyst for the exchange and stimulation of ideas about how the First Amendment might be publicly celebrated.

There was no dearth of such ideas, expressed both at the dinner and in subsequent communications from the participants to AAP; on the other hand, a few organization spokesmen candidly admitted that they had not given the matter much thought, but now might well do so. Here is a sampling of the current plans of some of the groups represented:

ABC plans a program series on religion and how well America has achieved the ethical goals set by the Founding Fathers, plus a publication, "The Pro and Con Book of Religious America," plus a special dramatic offering, "That Zenger Woman," to show how John Peter Zenger's wife carried on his fight for freedom of the press after he was jailed.

CBS will "continue exercising our right of free press" while pressing for recognition of the full First Amendment rights of the broadcast "press"; will produce a variety of informational and entertainment programs on the origins of the Constitution and will consider, together with the American Bar Association, the broadcasting of a First Amendment convocation.

NBC's "Today" show will devote a full two-hour program one day per week for fifty-two weeks to the history, culture and contemporary life of a single state (plus D.C. and territories); plans a David Brinkley series on "Life, Liberty and the Pursuit of Happiness," and, on July 4, 1976, will put on a full day of bicentennial-oriented broadcasts.

Among a round dozen planned activities, the *American Newspaper Publishers Association* will publish a booklet for high school students on the role of a free press in America and how the First Amendment protects it, and another book for young readers, "The Anatomy of a Newspaper," explaining how a newspaper works and the principles of fairness and objectivity it follows. Already in circulation are a booklet of famous quotations, "Speaking of a Free Press," and a catalogue of films about newspapers. Due in 1976 are companion books, co-published with the American Bar Association—one for lawyers, one for journalists—to improve their mutual understanding of their respective roles.

League of Women Voters: under a grant from the Endowment for the Humanities, the League plans a re-examination of the Constitution and the structure of American government through a series of seminars around the country at which scholars and experts would join League members in discussing *The Federalist Papers.* (Note: Through their Freedom to Read and Intellectual Freedom Committees, respectively, AAP and ALA have written to the president of each state League of Women Voters, urging their local groups to consider a study-and-action program on freedom of speech and the press at the state level.)

National Association of Theater Owners: while planning to work with established motion picture producers to encourage the production and dissemination of dramatic films with a bicentennial emphasis, NATO also would welcome "showable" 35-mm. films on the subject from any source.

American Association of University Women: many of the 1,800 branches will continue programs with an emphasis on First Amendment rights and responsibilities as an outgrowth of the just-ending, two-year national study-and-action program on "Media: Issues in Communications."

American Library Association: all states and territories will hold bicentennial-period conferences in anticipation of the White House Conference on Library and Information Services, to be held before 1978. Issues at the conferences reportedly will range "from cradle to grave, archives to satellites, and First Amendment rights to Twenty-fifth Amendment vice presidents."

Association of Research Libraries: besides publicizing freedom to read activities, will encourage its eighty-plus member libraries to stage First Amendment exhibits, and will support state-level legislative efforts in opposition to obscenity statutes.

National Newspaper Association: will tie in "National

This column is contributed by the Freedom to Read Committee of the Association of American Publishers.

Newspaper Week" materials with the bicentennial and the First Amendment.

Printing Industries of America: besides correlating traditional programs marking the birthday of Benjamin Franklin (printing's patron saint) with First Amendment and bicentennial subjects, PIA hopes to commission a series of paintings, using the origins of the nation and the Bill of Rights as themes.

The American Historical Association, reporting plans to publish a "right of historians" document on freedom of expression in teaching and research, also offers its services to other organizations planning historical treatment of the First Amendment. And, the Association representative at the dinner pointedly reminded fellow-guests, "as historians, our members will probably wait to celebrate the bicentennial of the First Amendment—until 1991!"

textbook controversy in Mexico

New textbooks on social and natural sciences distributed to Mexican public schools touched off angry charges from the National Parents Union that children would be indoctrinated in Marxist-Leninist ideology and "abnormal" sexual views. The government of President Luis Echeverria Alverez countered by accusing the protesters of using the textbooks as a pretext for attacking the government's liberal orientation. The National Parents Union, encouraged by conservative elements in Mexico's Roman Catholic Church, placed full-page advertisements in newspapers headlined "Subversion converted into enforced public teaching."

The greatest controversy was stirred by a book on the social sciences that praises the Cuban and Chinese revolutions and is highly critical of capitalism. "Domination of some countries by others is called colonialism, and the economic and political system that makes this possible is called imperialism," the book says.

After describing injustices in Latin America, the book notes that it is not surprising that a revolutionary movement should emerge "to try and break the economic dependence of developing countries on industrialized nations." Reported in: *New York Times,* March 9.

Yugoslavia jails writer

Mihajlo Mihajlov, the Yugoslav writer accused of having criticized the regime of President Tito in the Western press, was sentenced in February to seven years at hard labor. The presiding judge of the court also prohibited Mihajlov from any writing, public speaking or broadcasting for a period of four years after the completion of his sentence.

The forty-year-old defendant, the son of Russian emigre parents, was charged during his trial with hostile propaganda, specifically for four articles he wrote, one of which was published by the *New York Times.*

Journal closed

In other action in February, the only legal Yugoslav publication that regularly criticized the regime during the last eleven years was forced by the ruling Communist Party to close. The journal, *Praxis,* was published by the Croatian Philosophical Society. Although it had a circulation of only a few thousand, it was widely regarded as the voice of Yugoslav Marxists who believed that the orthodox party, the League of Communists, had gone astray in crucial respects.

Articles by foreign contributors, including American Marxist Herbert Marcuse, were often published by *Praxis* in Croatian translation.

Professors ousted

In January eight Belgrade University professors were ousted from their jobs by a legislative action that inflicted a heavy blow on intellectual and academic freedoms in Yugoslavia. The professors, whose published works argued that Yugoslavia's economy continues the political and economic alienation of the worker and that the working class is exploited by party bureaucrats, were accused of resisting Communist Party policies and of misusing their positions to prepare students for a "political confrontation" with the government. Reported in: *New York Times,* February 22, March 1; *Washington Post,* January 29.

pollution chief foils book burners

Plans to cap off Youth Revival Week in Kansas City with a book burning were thwarted by the chief of the city's Air Quality Division, who ruled that a censor's fire could not be considered an exception to clean air rules.

The Rev. Robert Gilstrap, pastor of the First United Pentecostal Church, had invited the faithful to Volker Park to burn books he said were pornographic or occult. "We didn't have a whole lot of material to burn," said Gilstrap. "People are embarrassed to bring things of their own." Reported in: *Chicago Tribune,* February 16.

Yale takes tough stand on free speech

The trustees of Yale University voted March 8 to adopt a policy calling for the suspension or expulsion of students who engage in "wilfull and persistent" disruption of free speech at the university.

In taking their action, the trustees approved the basic recommendations of the Woodward Committee, appointed to investigate the disruption of a debate involving Nobel Prize winner William Shockley, whose views on race and intelligence have caused great controversy (see *Newsletter,* March 1975, p. 40). Reported in: *New York Times,* March 10.

intellectual freedom bibliography

Compiled by PATRICIA R. HARRIS, Assistant to the Director, Office for Intellectual Freedom.

Alcott, Muriel. "Missouri's Access Law," *Freedom of Information Center Report,* No. 326, September 1974.

Bannon, Barbara. "The Three Marias: New Portuguese Letters," *Publishers Weekly,* January 20, 1975, p. 42.

"Bell Discusses Speech: Reiterates Main Points," *School Library Journal,* v. 21 (March 1975), p. 60-61.

Berney, Bruce. "Death of a Librarian," *New Jersey Libraries,* v. 8 (January 1975), p. 3, 15.

Berry, John. "Nickel Victories," *Library Journal,* v. 100 (February 15, 1975), p. 351.

Bowen, Ada M. "Freedom Corner," *Florida Libraries,* v. 25 (January-February 1975), p. 6.

Boyce, Emily S. "The United States Supreme Court and North Carolina Obscenity Laws," *North Carolina Libraries,* v. 32 (Winter 1974), p. 5-8.

"Censorship and the Teaching of English," *Arizona English Bulletin,* v. 17 (February 1975), 263 p.

"Censorship Issues: Materials Under Attack," *School Library Journal,* v. 21 (March 1975), p. 61-62.

"Censorship vs. Taste," *AB Bookman's Weekly,* February 17, 1975, p. 714.

"Connecticut Library Association–Intellectual Freedom Program 1974-75," *Connecticut Libraries,* v. 17 (no. 1), p. 42.

Connor, Harry L. "Democracy in the Newsroom," *Freedom of Information Center Report,* No. 328, October 1974.

Conolly, L.W. "Pornography," *Dalhousie Review,* v. 54 (Winter 1974-75), p. 698-709.

"Copying, The Reconciliation of Conflicting Interests: An Analysis of *Williams & Wilkins Co.* v. *United States,*" *Rutgers Journal of Computers and the Law,* v. 3 (1974) p. 328-44.

"Council Confronts Censorship Efforts," *Elementary English,* v. 52 (February 1975), p. 266.

Crowe, Linda D. "Intellectual Freedom Committee Report," *Illinois Libraries,* v. 57 (February 1975), p. 101-2.

Delaney, Oliver. "Intellectual Freedom Committee Workshop," *Oklahoma Librarian,* v. 25 (January 1975), p. 28.

"Ed. Commissioner Bell," *School Library Journal,* v. 21 (January 1975), p. 6.

Fahringer, H.P. and Brown, M.J. "The Rise and Fall of Roth," *Kentucky Law Journal,* v. 62 (no. 3), p. 731-68.

Fantini, Mario. "The School–Community Power Struggle," *The National Elementary Principal,* v. 54 (January-February 1975), p. 57-61.

Finley, Patricia. "Who Misunderstood?" *School Library Journal,* v. 21 (February 1975), p. 3. (Letter)

"The First Amendment: State Legislatures Reconvene; 23 Introduce New Obscenity Bills," *Publishers Weekly,* February 3, 1975, p. 20.

"Flight of the Phoenix: the Censor Returns," *South Dakota Law Review,* v. 19 (Winter 1974), p. 121-42.

"Freedom of the Press v. the Public's Right to Know," *University of Cincinnati Law Review,* v. 43 (1974), p. 164-74.

Gerhardt, Lillian N. "A Blush for Dr. Bell," *School Library Journal,* v. 21 (January 1975), p. 5.

Gerhardt, Lillian N. "Starting with Textbooks," *School Library Journal,* v. 21 (February 1975), p. 7.

Goldstein, Robert C. and Nolan, Richard L. "Personal Privacy versus the Corporate Computer," *Harvard Business Review,* v. 54 (March-April 1975), p. 62-70.

Haiman, Franklyn S. "How Much of Our Speech is Free?" *The Civil Liberties Review,* v. 2 (Winter 1975), p. 111-37.

Harris, Michael H. "The Role of the Public Library in American Life: A Speculative Essay," University of Illinois Graduate School of Library Science Occasional Paper, No. 117, January 1975, 42 p.

"High Court Deadlock Affirms Photocopying Okay," *Library Journal,* v. 100 (April 1, 1975), p. 619-20.

"Intellectual Freedom: Book Protests, Model Laws, Inhumane letters," *Library Journal,* v. 100 (March 15, 1975), p. 542-43.

"Intellectual Freedom: More Battles Reported," *Library Journal,* v. 100 (February 1, 1975), p. 251-252.

"Kanawha County Update," *School Library Journal,* v. 21 (January 1975), p. 8-9.

"Knopf's CIA Book Case Going to Supreme Court," *Publishers Weekly,* February 17, 1975, p. 33-34.

Kramer, Mary K. "Do Editors Read? The Textbook Crisis in West Virginia Raises the Question: Is it necessary to offend to educate?" *PLA Bulletin* (Pennsylvania Library Association), v. 30 (January 1975), p. 7.

Kramer, Victor H. and Weinberg, David B."The Freedom of Information Act," *The Georgetown Law Review,* v. 63 (October 1974), p. 49-67.

Lawrence, Thomas A. "Eclipse of Liberty: Civil Liberties in the United States during the First World War," *Wayne Law Review,* v. 21 (November 1974), p. 33-112.

Letwin, Leon. "Regulation of Underground Newspapers on Public School Campuses in California," *UCLA Law Review,* v. 22 (October 1974), p. 141-218.

"Local Pa. School Board Bows to Parental Pressure," *Publishers Weekly,* March 3, 1975, p. 22.

Lumpp, James A. "High School Press Restrictions," *Free-*

dom of Information Center Report, No. 329, October 1974.

McPheron, Judith. "Overdue: On to the tumbrils," *Wilson Library Bulletin,* v. 49 (February 1975), p. 446-7.

"Montgomery Co. Schools Retain Disrupted Titles," *School Library Journal,* v. 21 (January 1975), p. 8.

Moore, Everett T. "The Intellectual Freedom Saga in California: the Experience of Four Decades," *California Librarian,* v. 35 (October 1974), p. 48-57.

Moore, Everett T. "Program Report on the Suit Against the Attorney General of California," *CLA Newsletter* (California Library Association), v. 17 (March 1975), p. 16-17.

"More Textbook Fights; Obscenity Laws Opposed," *Library Journal,* v. 100 (April 1, 1975), p. 627-28.

"NEA Inquiry Panel Publishes Report on Kanawha County, West Virginia," *School Library Journal,* v. 21 (March 1975), p. 60.

"NEA Sees Kanawha Struggle as Blow to Academic Freedom," *Publishers Weekly,* February 17, 1975, p. 33.

Nyberg, Janet. "Minnesota's Press Council," *Freedom of Information Center Report,* No. 326, September 1975.

"Obscenity: Determined by Whose Standards?" University of *Florida Law Review,* v. 26 (Winter 1974), p. 324-9.

"Obscenity Legislation Policy Restated," *Ohio Libraries Newsletter* (Ohio Library Association), v. 5 (February 1975), p. 4.

"Pornography Battle Bynotes," *AB Bookman's Weekly,* February 17, 1975, p. 714.

"Pornography, the Local Option," *Baylor Law Review,* v. 26 (Winter 1974), p. 97-107.

Relyea, Harold C. "Opening Government to Public Scrutiny: A Decade of Federal Efforts," *Public Administration Review,* v. 35 (January-February 1975), p. 3-10.

Reynolds, Richard R. "Our Misplaced Reliance on Early Obscenity Cases," *American Bar Association Journal,* (February 1975), p. 220-22.

Saloschin, Robert L. "The Freedom of Information Act: A Governmental Perspective," *Public Administration Review,* v. 35 (January-February 1975), p. 10-14.

"Scientologists Stop Legal Action," *CLA Felicitor* (Canadian Library Association), v. 20 (December 1974), p. 9.

Smith, Shirley A. "Crisis in Kanawha County: a librarian looks at the textbook controversy," *School Library Journal,* v. 21 (January 1975), p. 34-35.

Stephenson, D. Grier. "The Mild Magistracy of the Law: U.S. v. Nixon," *Intellect,* v. 103 (February 1975), p. 288-92.

Symms, Steven D. and Hawks, Paula M. "The Threads of Privacy: The Evolution of 'Right to Privacy' and Current Legislative Trends," *Idaho Law Review,* v. 11 (Fall 1974), p. 11-27.

Tedford, Thomas. "Freedom of Speech and Censorship; A Dozen Paperbacks for Teacher and Student," *English Journal,* v. 64 (January 1975), p. 122-23.

Terry, B.J. "The Effect of Recent Obscenity Cases," *Washburn Law Journal,* v. 13 (Winter 1974), p. 26-32.

"Textbook Protests Are Gaining Momentum," *Library Journal,* v. 100 (February 15, 1975), p. 359.

Ventgen, Carol. "In the Wake of Ballot Measure 13," *Oregon Library News,* v. 20 (January-February 1975), p. 7-10.

Wagner, Susan. "New Coalition Aims for Copyright Protection," *Publishers Weekly,* March 24, 1975, p. 15.

Wagner, Susan. "Supreme Court Ruling Fails to Resolve Photocopying Issues," *Publishers Weekly,* March 10, 1975, p. 22.

NEWSLETTER ON INTELLECTUAL FREEDOM
50 East Huron Street • Chicago, Illinois 60611