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

January 1979 ☐ Volume XXVIII ☐ No. 1

South Dakota voters reject 'Parrish law'

By PHILLIP BROWN, Head, Reference Department, Hilton M. Briggs Library, South Dakota State University, and Editor, SDLA's Book Marks, *whose 1978 issues cover the battle over the "Parrish law" in depth.*

On November 7 the citizens of South Dakota buried an attempt to impose a Draconian obscenity law through an initiated referendum by voting "no" three to one. The spectacular defeat of the "Parrish law" must have astounded its author and sponsors as much as it surprised the initiative's principal opponents, the librarians of South Dakota.

Background: the state and its citizens for decency

South Dakota is generally not known as a hotbed of liberalism—political, social, or economic—in spite of its support of Senator George McGovern. It is also provincial; its citizens resent outsiders, federal bureaucrats or others, telling them what to do. The majority of South Dakotans live in quite small communities in which everyone knows the religious, professional, and political leadership on a personal basis. The weekly local newspaper (or daily in the larger communities) is mainly devoted to local news and statewide concerns and is the most influential medium in most homes.

South Dakota has recently enacted legislation on obscenity which essentially does not attempt to control dissemination of materials to adults. Dissemination of obscenity to minors is banned. Those persons who might come under attack for the alleged dissemination of obscene materials in the course of professional work (employees of schools, colleges, libraries, and museums) are granted immunity from prosecution. The legislature also enacted bans on "child porn" and required wrappings on displayed copies of "girlie" magazines. Yet, without tough anti-obscenity legislation South Dakota is not inundated with "hardcore pornography." The state has fewer than a half-dozen adult bookstores and *XXX* movie houses.

It was in this milieu that a small band of anti-pornography partisans made their effort to banish "smut" from the state. The leader of South Dakota Citizens for Decency is a Rapid City attorney, Fred Hendrickson, who in the wake of the U.S. Supreme Court's "local standards" ruling failed in 1975 to get a severe obscenity ordinance through the local city council, due in part to opposition from local librarians. Hendrickson in the fall of 1977 contacted Larry Parrish for advice on combatting pornography and received from that "archfoe of pornography" a draft of a "model obscenity law" which he had drawn up.

(Continued on page 15)

Published by the ALA Intellectual Freedom Committee, Frances C. Dean, Chairperson

titles now troublesome

Books and curricular materials

The Abortion: an Historical Romance (Simon & Schuster, 1971) . . . . . p. 11
Adam Bradford, Cowboy (Benefic, 1970) . . . . . p. 5
Animal Hat Shop (Follett, 1964) . . . . . p. 5
Apartment Three (Macmillan, 1971) . . . . . p. 5
Around Another Corner (Garrard, 1971) . . . . . p. 5
Around the Corner (Harper & Row, 1966) . . . . . p. 5
Ball for the Princess (Garrard, 1971) . . . . . p. 5
Barefoot Boy (Follett, 1964) . . . . . p. 5
Bennett Cerf's Book of Laughs (Beginner, 1959) . . . p. 5
Beware, Beware! A Witch Won't Share (Garrard, 1972) . . . . . p. 5
Black Boy . . . . . p. 6
Brownies–It's Christmas (Walck, 1955) . . . . . p. 5
Butternut Bill and the Train (Benefic, 1969) . . . . . p. 5
Carrie (Doubleday, 1974) . . . . . p. 6
Cattle Drive (Benefic, 1966) . . . . . p. 5
Charles (Harrow, 1971) . . . . . p. 5
Collected Poems (Random, 1974)) . . . . . p. 6
Come Over to My House (Beginner, 1966) . . . . . p. 5
A Confederate General from Big Sur (Grove, 1965) . p. 11
Country Fireman (Morrow, 1948) . . . . . p. 5
Cowboy Marshal (Benefic, 1970) . . . . . p. 5
Cowboy on the Mountain (Benefic, 1970) . . . . . p. 5
Cowboy on the Trail (Benefic, 1970) . . . . . p. 5
Cowboy Soldier (Benefic, 1970) . . . . . p. 5
Cowboy without a Horse (Benefic, 1970) . . . . . p. 5
Daddies–What They Do All Day (Lothrop, 1969) . . p. 5
Dan Frontier and the Wagon Train (Benefic, 1959) . p. 5
Dan Frontier Goes Exploring (Benefic, 1963) . . . . p. 5
Dan Frontier Scouts with the Army (Benefic, 1962) . p. 5
Dog Team for Ongluk (Melmont, 1962) . . . . . p. 5
Don and Donna Go to Bat (Beginner, 1966) . . . . . p. 5
Fish in the Air (Viking, 1948) . . . . . p. 5
Five Chinese Brothers (Coward, 1938) . . . . . p. 5
Follow the Fall (Putnam, 1961) . . . . . p. 5
For All the Wrong Reasons . . . . . p. 6
Georgie Goes West (Doubleday, 1973) . . . . . p. 5
Girl Who Was a Cowboy (Doubleday, 1964) . . . . . p. 5
Goat for Carlo (Garrard, 1971) . . . . . p. 5
Gone with the Wind . . . . . p. 6
Grandfather and I (Lothrop, 1959) . . . . . p. 5
Grandmother and I (Lothrop, 1969) . . . . . p. 5
Happiness Hill (Merrill, 1966) . . . . . p. 5
Hat (Parents, 1970) . . . . . p. 5
Human Sexuality (Van Nostrand, 1978) . . . . . p. 13
Indian Two Feet and His Horse (Childrens, 1959) . . p. 5
In John's Backyard (Follett, 1957) . . . . . p. 5
I Want to Be an Airline Hostess (Children, 1967) . . p. 5
I Want to Be a Beauty Operator (Childrens, 1969) . . p. 5
I Want to Be a Homemaker (Childrens, 1961) . . . . p. 5
I Want to Be a Mechanic (Childrens, 1959) . . . . . p. 5
I Want to Be a Nurse (Childrens, 1957) . . . . . p. 5
I Want to Be a Restaurant Owner (Childrens, 1959) . p. 5
I Want to Be a Secretary (Childrens, 1969) . . . . . p. 5
I Want to Be a Teacher (Childrens, 1957) . . . . . p. 5
I Want to Be a Telephone Operator (Childrens, 1958) p. 5
I Want to Be a Train Engineer (Childrens, 1956) . . . p. 5
I Want to Be a Truck Driver (Childrens, 1958) . . . . p. 5
I Went for a Walk (Walck, 1958) . . . . . p. 5
Janet and Mark . . . . . p. 5
Julius (Harper & Row, 1959) . . . . . p. 5
Learning About Sex (Holt Rinehart & Winston, 1978) p. 13
Leonard Discovers America(Harr Wagner, 1965) . . . p. 5
Let's Play House (Walck, 1944) . . . . . p. 5
Linda's Air Mail Letter (Follett, 1964) . . . . . p. 5
Lion and the Bird's Nest (Crowell, 1973) . . . . . p. 5
Little Fir Tree (Crowell, 1954) . . . . . p. 5
Little Leo (Scribner, 1951) . . . . . p. 5
Lucille (Harper & Row, 1964) . . . . . p. 5
Masculinity and Femininity (Houghton Mifflin, 1971) p. 13
Mighty Hunter (Macmillan, 1943) . . . . . p. 5
Miss Flora McFlimsey's Halloween (Lothrop) . . . . p. 5
Mr. Pine's Mixed-Up Signs (Wonder Books, 1961) . . p. 5
Mommies Are for Loving (Putnam, 1962) . . . . . p. 5
More Riddles (Beginner, 1961) . . . . . p. 5
Mouse Tales (Harper & Row, 1962) . . . . . p. 5
New Boy in School (Hastings, 1963) . . . . . p. 5
New Bugle (Grosset, 1966) . . . . . p. 5
Once a Bright Red Tiger (Walck, 1973) . . . . . p. 5
One, Two, Three for the Library (Atheneum, 1974) . p. 6
Pancho (Macmillan, 1942) . . . . . p. 5
Papa Small (Walck, 1951) . . . . . p. 5
Park Book (Harper & Row, 1944) . . . . . p. 5
Peeka the Traffic Light (Walker, 1970) . . . . . p. 5
Peter's Policeman (Follett, 1958) . . . . . p. 5
Pig War (Harper & Row, 1969) . . . . . p. 5
The Pill Versus the Spring Hill Mine Disaster (Dell, 1969) . . . . . p. 11 p. 5
Policeman Small (Walck, 1962) . . . . . p. 5
Pumpkin Patch (Putnam, 1966) . . . . . p. 5
Rabbit (Wonder Books, 1965) . . . . . p. 5
Real Hole (Morrow, 1960) . . . . . p. 5
Red Fox and His Canoe (Harper & Row, 1964) . . . p. 5
Rommel Drives Deep into Egypt (Delacorte, 1970) .p. 11
Rosa (Scribner, 1963) . . . . . p. 5
Secret Tunnel (Benefic, 1967) . . . . . p. 5
Shrinking of Treehorn (Holiday, 1971) . . . . . p. 5
Silas Marner . . . . . p. 6
Smokey (Houghton Mifflin, 1962) . . . . . p. 5
Story about Ping (Viking 1933) . . . . . p. 5
Story of Ferdinand (Viking, 1977) . . . . . p. 5
Things You See (Macmillan, 1965) . . . . . p. 5
Tim in Danger (Walck, 1966) . . . . . p. 5
Tiny's Big Umbrella (Houghton Mifflin, 1964) . . . . p. 5

Chelsea defense committee awarded legal fees

The final page of the story of the battle over *Male and Female Under 18* in the Chelsea (Mass.) High School library turned out to be very favorable for the Chelsea Right to Read Defense Committee. On September 29, U.S. District Court Judge Joseph L. Tauro ordered the Chelsea School Committee to pay $27,300 in legal fees and expenses incurred by the defense committee in its efforts to prevent censorship of the poetry anthology.

In July Judge Tauro ordered the school committee to cease its attempt to censor the anthology on the basis of prejudice against one poem, "The City to a Young Girl." The defense committee was formed to challenge censorship of *Male and Female,* and to protect Chelsea High Librarian Sonja Coleman, whose employment was threatened after she publicly protested efforts to censor the poem.

New York governor's conference on libraries backs wide access, opposes censorship

Following the New York State Governor's Conference on Libraries, held in Albany June 5-7, delegates gave priority rankings to the resolutions adopted by paper ballots. In all, nearly 250 resolutions were voted on.

The five resolutions that received the most votes were:

• *Resolved:* That the provision of library services is a basic governmental obligation at local, state, and federal levels.

• *Resolved:* That public libraries be open to all with quality and equality of service, with flexible hours, and with a program responsive to social, economic, educational, and special language needs of the area.

• *Resolved:* That the delegates assembled deplore the actions of individual citizens purging or censoring the contents of the school libraries and media centers of New York State.

• *Resolved:* That the Governor's Conference encourage school libraries to participate in regional programs for the development of and encouragement of cooperation among libraries of all types in the belief that the formal and informal standards of service growing from regional development will, among other things, lead to the professional staffing of school libraries.

• *Resolved:* That students, faculty, and academic research staff have free or inexpensive access to information retrieval services in their academic libraries, as an essential part of the educational process.

Resolutions on fees and restricted access for children were defeated:

• *Resolved:* That representatives of the local community participate directly in the selection of books for public library collections, and

• That public libraries permit unrestricted use of the library only to children with parental permission.

• *Resolved:* That public libraries may charge a fee for providing extensive research services.

The final report of the New York conference was mailed to 20,000 librarians, library trustees, and interested New York citizens in late October.

GAO: FBI not hampered by FoIA

A study conducted by the General Accounting Office last summer disputes the claims of many officials at the Federal Bureau of Investigation that the Freedom of Information Act interferes with law enforcement efforts.

(Continued on page 4)

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: $8 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 Class postage paid at Chicago, Illinois and at additional mailing offices.

John Ols, assistant director of the GAO and author of the study, told *Access Reports* in September that "we could not conclude that the [Freedom of Information Act] had a negative overall impact on the effectiveness of law enforcement."

The GAO undertook its inquiry after Senate Judiciary Committee Chairperson James O. Eastland (D.-Miss.) asked it to investigate the FoIA's effect on criminal investigations. The FBI then supplied the GAO with files on several cases in which informants had suddenly become silent, apparently because they feared their identities would be revealed through FoIA inquiries.

"After reading the best cases they could give us," Ols stated, "we still couldn't document any way in which the act seriously hindered [FBI] abilities. The FoIA has posed barriers for many FBI agents, but in most cases they were able to get the job done." Reported in: *Access Reports*, October 3.

Polish cardinal asks for free press

Speaking last year to an audience which included Kazimirez Kakol, the Polish minister of religious affairs, Stefan Cardinal Wyszynski advised the Polish state to retire its censors. He also demanded permits for more Roman Catholic publications.

Polish censors "should be given high pensions and be thanked for their work," the Catholic primate said in his November address at the University of Lublin. He added that "it should be no problem to expand limits for the press and publications."

The Catholic Church in Poland has frequently complained that the circulation of its papers and books is too low for a nation whose population is two-thirds Roman Catholic. Reported in: *Providence Journal,* November 13.

Carter signs presidential records bill

A measure to end the traditional presidential practice of claiming official records as private property was enacted by Congress in October and signed by President Jimmy Carter in a ceremony on November 6.

H.R. 13500, which won House approval October 10, was amended by the Senate and given final House consent on October 14.

Only in the case of President Nixon had the Congress ever passed legislation governing access to official presidential materials. The bill signed by President Carter will make presidential papers public property and subject to access under provisions of the Freedom of Information Act. Under the terms of the law, presidents who take the oath of office on or after January 20, 1981 will transfer their records to the U.S. Archivist on conclusion of their terms of office. Presidents may place restrictions on the availability of certain types of sensitive information for a period of up to twelve years.

With the exception of certain materials subject to mandatory restrictions, including classified foreign relations and national security information, the FoIA would apply immediately to all records not subject to presidential restrictions, and after the twelve-year period would govern release generally.

The Senate amendments placed an affirmative duty on the archivist to make all papers public as soon as possible. They also barred use of the FoIA's "inter-agency" exemption as a reason for denying access to any presidential papers after restrictions are lifted. The "inter-agency" exemption protects "inter-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency."

In signing the law, President Carter noted: "Even though the bill does not take effect until January 1981, I will ensure that the presidential papers created during my current term will be preserved and made available as part of the rich historical record for future generations of scholars."

the freedom to pledge—or not

Thanks to an agreement with school officials, reached through the efforts of Barbara Mello, an attorney for the American Civil Liberties Union, students at an Annapolis, Maryland junior high school can now decide for themselves whether they want to recite the Pledge of Allegiance.

In an October announcement to faculty members, the principal of the Wiley H. Bates Junior High School stated that the school's previous policy of requiring a student to receive parental permission not to say the pledge was "unconstitutional" and no longer in effect.

The Annapolis controversy began when school officials told Ruth Wyatt that she had to have a note from her parents approving her decision not to stand and recite the pledge. Her parents produced the note but later objected through the ACLU and threatened school officials with legal action.

A Maryland law requires daily school exercises, including recitation of the pledge, but Kenneth Muir, a spokesperson for the Montgomery County school system, said, "It's my guess that it's not a daily occurrence in any of our schools."

Meanwhile, in Virginia

In action proposed by one of its members, a retired Air Force colonel, the Alexandria, Virginia school board voted in October to require daily recitation of the pledge in all city schools.

Under the guidelines approved by the Alexandria board,

(Continued on page 18)

censorship dateline

libraries

Cedar Rapids, Iowa

More than one hundred books deemed "discriminatory"–i.e., racist, sexist or biased against handicapped people, sometimes by "omission"–were removed from the Kenwood Elementary School library last fall by a committee of three Cedar Rapids librarians. At the end of November permanent removal of all the volumes was recommended by the school district's Multi-Cultural Non-Sexist Advisory Committee.

In a statement made prior to the recommendation of the advisory committee, Steven Brown, executive director of the Iowa Civil Liberties Union, urged the Cedar Rapids school board not to bar the books from the library.

"Our schools, of all places, should be the last to deal with bad ideas by sweeping them under the rug. If any of these books have in them archaic concepts or bad ideas, they should be singled out for criticism in classroom discussion, not hidden away. These books are a reflection of a society which has been and continues to be racist and sexist in many subtle and not-so-subtle ways. The problem is not cured by removing books from the library, . . ." Brown stated.

Donna Barnes, a member of the advisory committee, responded to criticism of the proposed censorship, especially criticism in the press. "The influence of the written word, even when distorted, and the power of a journalist to profoundly lead thoughts and emotions of vulnerable adult minds has been evidenced in the public's response to local newspaper articles," Barnes said.

"As a matter of parallel, it seems illogical to assume that the author of a book for children does not also have the power to influence and indoctrinate vulnerable young minds with distortions based on the value judgments of the author," Barnes continued.

The books under scrutiny included these:

Gladys Adshead, *Brownies–It's Christmas.* Edward Adrizzone, *Lucy Brown and Mr. Grimes; Tim in Danger.* Betty Baker, *Pig War.* Eugene Baker, *I Want to Be a Beauty Operator; I Want to Be a Secretary.* Jerrold Beim, *Country Fireman; Two Is a Team.* Norman Bell, *Linda's Air Mail Letter.* Nathaniel Benchley, *Red Fox and His Canoe.* Claire Bishop, *Five Chinese Brothers.* Robert Bright, *Georgia Goes West.* Margaret Brown, *Little Fir Tree.* Dick Bruna, *Kitten Nell.* Jean de Brunhoff, *Travels of Babar.* Helen Buckley, *Grandfather and I; Grandmother and I.*

Bennett Cerf, *Bennett Cerf's Book of Laughs; More Riddles.* Edna Chandler, *Cattle Drive; Secret Tunnel.* Mae Clark, *Things You See.* Beverly Cleary, *Real Hole.* Gene Darby, *Leonard Discovers America.* Annie De Caprio, *New Bugle,* Ida Delage, *Beware, Beware! A Witch Won't Share.* Marjorie Flack, *Story About Ping.* Margaret Friskey, *Indian Two Feet and His Horse.* Carla Greene, *I Want to Be an Airline Hostess; I Want to Be a Homemaker; I Want to Be a Mechanic; I Want to Be a Nurse; I Want to Be a Restaurant Owner; I Want to Be a Teacher; I Want to Be a Telephone Operator; I Want to Be a Train Engineer; I Want to Be a Truck Driver.*

Berta Hader, *Mighty Hunter.* Emily Hearn, *Around Another Corner.* Florence Heide, *Shrinking of Treehorn.* Syd Hoff, *Julius.* Hunter, *Pancho.* William Hurley, *Dan Frontier and the Wagon Train; Dan Frontier Goes Exploring; Dan Frontier Scouts with the Army.* Leland Jacobs, *Happiness Hill.* May Justus, *New Boy in School.* Ezra Keats, *Apartment Three.* Leonard Kessler, *Mr. Pine's Mixed-Up Signs.* Eriko Kashida, *The Lion and the Bird's Nest.* Phyllis Krasilovsky, *Girl Who Was a Cowboy; Very Little Girl.*

Maxine Kumin, *Follow the Fall.* Mabel LaRue, *Tiny's Big Umbrella.* Anne Lattin, *Peter's Policeman.* Judith Lawrence, *Goat for Carlo.* Munro Leaf, *Story of Ferdinand.* Lois Lenski, *I Went for a Walk; Let's Play House; Papa Small; Policeman Small.* Theodore Le Sieg, *Come Over to My House.* Bee Lewi, *Ball for the Princess.* Mary Little, *One, Two, Three for the Library.* Arnold Lobel, *Lucille; Mouse Tales.* Mariana, *Miss Flora McFlimsey's Halloween.* Dorothy Marino, *Where Are the Mothers?* Patricia Martin, *Pumpkin Patch.* Tadashi Matsui, *Peeka the Traffic Light.* Edith McCall, *Butternut Bill and the Train.*

Esther Meeks, *In John's Backyard.* Gloria Miklowitz, *Barefoot Boy.* Lillian Moore, *Too Many Bozos.* Sara Murphey, *Animal Hat Shop.* Mabel O'Donnell, *Around the Corner; Janet and Mark.* Bill Peet, *Smokey.* Ruth Penn, *Mommies Are for Loving.* Al Perkins, *Don and Donna Go to Bat; Tubby and the Lantern.* Leo Politi, *Little Leo; Rosa.* Helen Puner, *Daddies–What They Do All Day.* Ann Rand, *Umbrellas, Hats and Wheels.* Donald Russell, *Adam Bradford, Cowboy; Cowboy Soldier; Cowboy Marshal; Cowboy on the Trail.* Dorothy Seymour, *Rabbit.* Terry Shannon, *Dog Team for Ongluk.*

Mary Simonson, *Cowboy on the Mountain; Cowboy without a Horse.* Liesel Skorpen, *Charles.* Alvin Tresselt, *Wake Up, City.* Tomi Ungerer, *Hat.* Alex Whitney, *Once a*

Bright Red Tiger. Kurt Wiese, *Fish in the Air.* Charlotte Zolotov, *Park Book.* Reported in: *Cedar Rapids Gazette,* September 12, 25, 26, October 1, 18, 25; *Des Moines Register,* September 26, 28.

Asheboro, North Carolina

Angry exchanges punctuated the November meeting of the Randolph County school board as trustees responded to the charges of Ellen Morris, mother of a seventh-grade student. During the heated meeting, Morris said her twelve-year-old daughter had obtained a copy of a "pornographic" book, *For All the Wrong Reasons,* from the Randleman Middle School library. She complained about "a lack of moral guidance" at the school and characterized the principal's performance as "unprofessional and inefficient."

Members of the board were upset by the fact that Morris had aired her grievance in letters to high state officials before coming to them. But in the end they agreed with her that library books on "sex and love" should be given "special attention."

One of Morris' letters to state officials declared: "I feel that the imposition of pornography on our children by society is one of the most horrendous forms of child abuse. Society is already beginning to pay the costs. But to allow the minds of our children to be handled so carelessly within the public school system (an institution to which we are forced to enroll our child for his life-long education) is deplorable and barbaric." Reported in: *High Point Enterprise,* November 13, 14.

Vergennes, Vermont

In action at its November meeting, the Vergennes school board voted to place *Carrie* on a special closed shelf at the Vergennes Union High School library. *Carrie* was the second book to be placed on the shelf. The first was *Dog Day Afternoon,* the work for which the shelf was created in the spring of 1978. Another book, *The Wanderers,* was banned from the library at that time.

The question of censoring *Carrie* was taken to the school board by Superintendent David Potter. Potter, who examined the book as part of his review of recent purchases for the library, told the board that the book could "harm" students, particularly "younger girls."

Librarian Elizabeth Phillips, who was not warned by Potter that the board would consider the issue of placing *Carrie* on the reserve shelf, said the work had been in the library for five years. The copy examined by Potter was a replacement volume which Phillips had ordered following the television release of the movie *Carrie.*

Phillips commented that Potter's decision to take the book directly to the school board violated established library policy. Potter, however, argued that the board had a right to act in the "best interests of students, parents, teachers, and community."

In a related development the propriety of the reserve shelf was challenged in U.S. District Court by several students and Librarian Phillips. (See "Is It Legal?" in this issue.) Reported in: *Middlebury Valley Voice,* November 8, 15.

Wauzeka, Wisconsin

The three-to-two decision of the Wauzeka school board to keep Paul Goodman's *Collected Poems* in the local high school library was too quickly reported as a "success story" in the July 1978 issue of the *Newsletter* (p. 97). In fact, the book was never returned to the shelves.

Writing in a November edition of the *Milwaukee Journal,* Education Reporter Jeff Browne revealed that former Board Member Dale Bruegmann had kept the book at his home after he and another supporter of the book had been defeated in their attempts to be reelected.

"You want it? I've got it at home," Bruegmann confessed. "The book is on a shelf in my closet. They don't know that. If I put it back on the library shelf, somebody would take it away and burn it."

The third board member who supported *Collected Poems,* Joyce Czajkowskii, resigned after the new board, offered Superintendent Burt Anderson $7,000 to resign. Anderson supported the book, but he said there were many other reasons for the desire to oust him.

Mary Jane Sime, who served as high school librarian and curriculum coordinator for Wauzeka High School, now operates a fabric shop.

"I did not resign because of Paul Goodman," Sime said. "It was the attitude. I'm just very disgusted with public education and very bitter. . . . You could put the book up there as a symbol to show how narrow-minded, hypocritical the whole system is."

schools

Anaheim, California

The Anaheim Secondary Teachers Association charged last fall that the trustees of the Anaheim Union High School District had "banned thousands of books from the English classrooms" and had severely restricted educational opportunities for students.

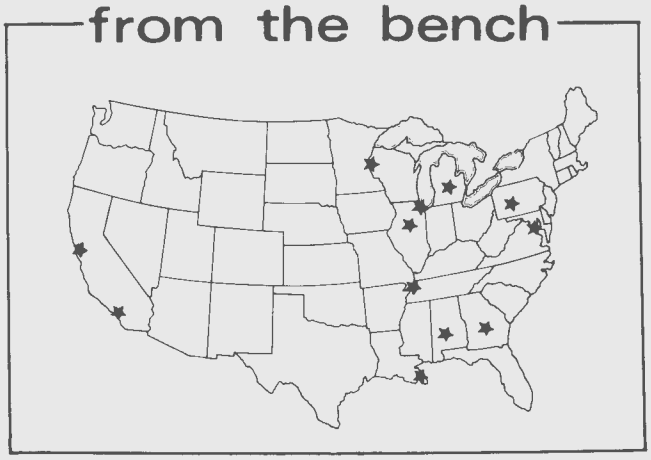
Association President Judith Harrison said the trustees, who acted on a recommendation of the district administration, had removed more than half of the reading material usually available to English classes.

According to the association, the works no longer approved for instruction included all of Shakespeare's works except *Hamlet* and *Romeo and Juliet;* all of Dickens' works except *Oliver Twist; Black Boy* by Richard Wright; *Silas Marner; Gone with the Wind;* and all but one of Mark Twain's works.

Board of Education President James P. Bonnell denied the accusations of the teachers' association, arguing that the list of books approved for instruction was adequate. "The

(Continued on page 12)

from the bench



U.S. Supreme Court rulings

The U.S. Supreme Court unanimously declined in November to hear an appeal filed by Reporter Myron A. Farber and the *New York Times* challenging their contempt convictions for refusing to surrender confidential files related to the New Jersey murder trial of Dr. Mario Jascalevich.

The justices issued their decision without comment, noting only that Justice William J. Brennan Jr. did not participate.

The action of the Court left intact the ruling of the New Jersey Supreme Court, which upheld the contempt citations against Farber and the *Times.* In presenting their case to the federal high bench, the reporter and the newspaper argued that they were denied their "due process" rights because they were not allowed in the courts below to challenge the validity of the subpoena for the confidential materials.

Farber's stories on a "Dr. X" connected with mysterious deaths at a New Jersey hospital first appeared in the *Times* in January 1976. In June 1978, shortly after Jascalevich was indicted on charges related to the deaths, the trial judge ordered Farber and the *Times* to surrender their files on the case. In July 1978 Farber and the *Times* were found guilty of both civil and criminal contempt.

Farber spent forty days in the Bergen County, New Jersey jail, and the *Times* paid $285,000 in fines.

The action of the Court appeared to close the book on the Farber case, but it was widely feared that the refusal of the justices to intervene would encourage the growing judicial practice of issuing subpoenas for reporters' investigative records.

The Reporters Committee for Freedom of the Press, which monitors such cases, noted that from 1960 to 1968 approximately a dozen subpoenas were served on news organizations. In the next two years, the number grew to approximately 150, and from 1970 to 1976 about 500 subpoenas were served on journalists. Since 1976, the number of subpoenas has been too great for the Reporters Committee to keep track of them all.

Library exemption left untouched

In October the Court declined to review a challenge to a Virginia obscenity statute that specifically exempts publicly funded libraries, schools, and colleges from its provisions.

The justices let stand state court rulings which upheld the constitutionality of the exemption. The defendant-appellant in the case, Broadway Books Inc. of Richmond, charged that the state allows exempted institutions to "commit an offense with impunity" and encourages unlawful conduct "contrary to the intent of its own legislature, making the state a party to the crime in addition to creating a gross denial of equal protection of the law as guaranteed by the Fourteenth Amendment to the U.S. Constitution."

A state court in Richmond rejected the arguments of Broadway Books, holding that the company could not be permitted to assert the rights of third parties. The court noted that Broadway Books was not deprived of any profits or sales because public libraries and schools did not engage in commercial competition with the firm.

The court also noted that even if the company did have standing to sue, the exemption would be upheld if any rational grounds could be found for the legislature's provision of it. The court said the legislature might have reasoned that the exempted institutions "would not use obscene materials for commercial, profit-making purposes, but would use them as objects of an art form; materials of artistical or historical significance, or as a form of expression of opinion in the marketplace of ideas; and for exhibits, presentations, shows or performances as a form of expression, speech, and information."

Consistent with their long-standing position, Justices Brennan and Thurgood Marshall said they would have accepted the case in order to reverse the conviction against the company. Both hold that the dissemination of so-called obscenity to consenting adults is constitutionally protected.

Brennan stays Massachusetts order

Two weeks before the November election Justice Brennan stayed an order of the Massachusetts Supreme Judicial Court enjoining the city of Boston from expending funds in support of a ballot referendum dealing with property taxes. Brennan said refusal of a stay would forever deny to the city any opportunity to underwrite communications to the state-wide electorate of its views in support of the tax referendum.

During the Court's 1977-78 term, the justices voided a Massachusetts law which barred private corporations from expending corporate funds to advocate their positions on ballot referenda.

All Skokie appeals denied

In other action the Court closed the book on the long legal battle between Skokie, Illinois and neo-Nazis who wanted to march in the suburb in their uniforms

emblazened with swastikas. By a seven-to-two vote the justices declined to review any court actions in the matter.

"I'm relieved. It's over. There's nothing left. It's been a long, painful road and I'm happy that we finally heard the end of it," said David Goldberger, the Illinois ACLU attorney who handled the defense of the neo-Nazis' right to march.

freedom of information

Washington, D.C.

More than 33,000 pages of notes and verbatim transcripts of telephone calls made by Henry Kissinger when he was secretary of state are government property, the U.S. Court of Appeals for the District of Columbia ruled in November. In its brief decision the appellate bench said it was "in full agreement on all issues" with an earlier decision of U.S. District Court Judge John Lewis Smith (see *Newsletter,* March 1978, p. 34).

Kissinger gave the records to the Library of Congress when he left office on the condition that they be kept secret for twenty-five years, or until five years after his death, whichever was later.

In December 1977 Judge Smith declared that the transcripts were "wrongfully removed" by Kissinger when he left the State Department. Smith ordered the papers returned to the department for processing for release under the Freedom of Information Act.

Access to the papers was sought under the FoIA by the Reporters Committee for Freedom of the Press, the American Historical Association, the American Political Science Association, the Military Audit Project, and various authors and journalists.

Jack Landau of the Reporters Committee hailed the decision, saying, "The citizens of our nation will have access to this critical mass of information compiled by a public official at public expense. We think it shows that all public officials—no matter how elevated their office—may not use government facilities and government personnel to compile information for their own private and exclusive use."

It was widely expected that Kissinger's attorneys would appeal the ruling to the U.S. Supreme Court. Reported in: *Washington Post,* November 10; *Access Reports,* November 14.

reporters' rights

San Francisco, California

A U.S. District Court post-verdict order requiring news media representatives to refrain from contact with the jurors in a criminal case was set aside as a violation of the First Amendment in September by Judge Thomas Tang of the U.S. Court of Appeals for the Ninth Circuit.

Judge Tang found that because the trial was concluded there was no possibility that contact between jurors and reporters could deprive the defendants of a fair trial. According to Tang, the reasons offered for the order—to enable the jurors to serve on future jury panels and to protect them from harassment—were insufficient to justify restrictions on the First Amendment freedoms of the press. Reported in: *West's Federal Case News,* September 29.

Pekin, Illinois

After a reporter for a Peoria newspaper refused in court in November to identify his source of information about a confession in a murder case, an Illinois circuit court judge ruled that the defense attorney could not force the disclosure of the source of information unless other efforts to discredit the confession failed.

Judge Richard Eagleton of the Tazewell County Circuit Court based his ruling on the Illinois Reporter's Privilege Act, which prohibits courts from forcing disclosure of a reporter's sources except under special circumstances. Eagleton's ruling represented the first test of the law.

Richard Ney, a reporter for the *Peoria Journal-Star,* invoked the shield law at a hearing concerning the pending trial of a seventeen-year-old accused of murdering his father, mother, and younger brother.

Pekin police maintained that they obtained a confession from the youth within twenty-four hours of the homicides. Ney later wrote that "sources close to the case" said the youth confessed after being interrogated for fourteen consecutive hours.

The youth's attorney, Joseph Napoli, contended that the confession was obtained under extreme duress and should be rejected by the court. He argued that the defense needed Ney's source to determine "what went on during those fourteen hours." Reported in: *Chicago Tribune,* November 9, 10.

Lansing, Michigan

By a vote of four to three the Michigan Supreme Court refused in November to interfere with the decision of a trial judge to release a reporter's interview notes to a prosecutor. The interview—with the defendant in a murder case—was conducted by a member of the staff of the *Traverse City Record Eagle.*

The high state court said it was "not persuaded that the court should review the questions presented at the current stage of the proceedings." The newspaper contended that release of the notes would in effect make it an arm of the prosecutor's office. Reported in: *Washington Post,* November 17.

libel

St. Paul, Minnesota

A $17.2 million libel suit against the publishers of *Time* and *U.S. News & World Report* was dismissed in November by a federal judge.

Donna W. Schuster and Donald E. Hanson, both of Rochester, Minn., had claimed that articles on Laetrile in the two magazines would be understood to refer to them, even though they were not mentioned by name.

A June 1976 issue of *U.S. News & World Report* included an article, "What the Health Quacks Are Peddling Now," on the Laetrile controversy. *Time* magazine reported on federal indictments handed down by a grand jury in San Diego in May 1976. Nineteen persons, including Schuster and Hanson, were charged by the grand jury with smuggling Laetrile. The dismissed suit claimed that the two were defamed because they were Laetrile distributors. Reported in: *Washington Post,* November 17.

minors' access to information

Atlanta, Georgia

A Georgia law restricting the sale, delivery or distribution of drug-related publications to minors was held unconstitutional in September by U.S. District Court Judge Richard C. Freeman.

Judge Freeman found that the statute infringed the rights of minors to have unrestricted access to information about drugs. He said the state had offered no evidence to demonstrate that the statutory limitation would reduce drug abuse among teenagers or strengthen familial ties. Reported in: *West's Federal Case News,* October 6.

employees' rights

Pittsburgh, Pennsylvania

A jury verdict awarding a former Pennsylvania state police sergeant $50,000 because he was transferred in retaliation for exercising freedom of expression was upheld in November by a federal court.

The former sergeant had discussed with other police employees his opposition to the imposition of a quota system on arrests and traffic citations. U.S. District Court Judge William W. Knox found that there was no evidence that the sergeant's discussions with troopers had had an adverse effect on worker harmony, and that there was no evidence indicating that the sergeant had been disparaging toward his superiors. Reported in: *West's Federal Case News,* November 24.

student broadcasting

Washington, D.C.

On-air "obscenities" justified the non-renewal of the broadcast license held by the University of Pennsylvania's student radio station, WXPN-FM, the Federal Communications Commission ruled in October.

The six-to-one ruling, which FCC attorneys called the first of its kind, was expected to influence the manner in which colleges and universities grant authority to students to exercise control over programming.

The case before the FCC stemmed from complaints which the FCC received in 1975 about a WXPN call-in host who gave advice to a female caller on how to improve her sex life, including apparently facetious advice about sexual relations with her three-year-old son.

The university paid a $2,000 fine in 1975 when it applied for the license renewal. In 1977, an administrative law judge denied the renewal, citing 130 examples of what he considered mismanagement and offensive programming between 1972 and 1975. The university appealed that ruling to the full FCC.

Morton H. Wilner, head of the telecommunications subcommittee of the university board of trustees, said the university would consider appealing the decision to the courts after the full text of the ruling had been studied.

Stating that "accountability and responsibility apply with equal vigor to all FCC licensees," the commissioners' forty-four-page ruling alleged that the university's "abdication [of control] was total and cannot be tolerated if licensing and operation of broadcast stations in the public interest is to have any meaning."

The commissioners rejected the university's contention that renewal was merited by the institution of new controls, including the installation of a professional station manager, since 1975, when complaints against the station were filed. "Even if we permitted one free bite at the apple, with over 9,000 licensees such a policy would make a mockery of broadcast regulation," the ruling stated. Reported in: *Philadelphia Inquirer,* October 21.

freedom of religion

Washington, D.C.

A federal law used by U.S. Park Police to arrest members of the Hare Krishna Society for soliciting money and distributing literature at the Kennedy Center was declared unconstitutional in November. U.S. District Court Judge Oliver Gasch held that the law violated First Amendment guarantees of freedom of speech and religion.

Judge Gasch said that because the Kennedy Center and the National Park Service permit the sale of souvenir programs and commemorative items in the center's "semi-public portions," the government "cannot attempt to impose an absolute ban on [the Hare Krishnas'] religious activities."

The Park Service said it had established the voided regulation because the Kennedy Center is a place "where an atmosphere of calm and tranquility . . . should be preserved." Judge Gasch said that restrictions on solicitations "can be imposed where access to a semi-public forum must be reconciled with the rights of other users, such as the rights of Kennedy Center patrons to be free of disruptions or intrusions that interfere with their enjoyment of a performance." Reported in: *Washington Post,* November 21.

Chicago, Illinois

City of Chicago regulations restricting religious solicitation at three municipal airports were struck down as vague

(Continued on page 14)

is it legal?

in the U.S. Supreme Court

The nation's highest tribunal agreed in October to review a lower court decision that voided Federal Communications Commission rules imposing public access requirements on cable television systems. The review was requested by the FCC, the American Civil Liberties Union, and various public interest groups seeking to use cable television channels.

The invalidated rules—overturned by the U.S. Court of Appeals for the Eighth Circuit at the request of Midwest Video Corp.—required that cable systems have the capacity to provide at least twenty channels, that they allow public, educational, and local governmental authorities and those who want to buy time to use channels that aren't being utilized by the system, and that they make available certain equipment and facilities to those third parties. The lower court found that the FCC lacked statutory authority to impose such requirements on cable systems. Moreover, the court opined that even if the FCC had been granted such authority, it might be found in violation of the First Amendment.

In its statements to the court, the ACLU contended that differences between newspapers and cable television justify, under the First Amendment, "minimal nonintrusive regulations designed to increase third party diversity and choice. . . ."

The ACLU noted that there are "very substantial practical limits" on the number of cables that can be deployed in any locality and that cable operators have frequently demanded and received exclusive franchises from local governments.

Other organizations which supported the position of the FCC were the National Black Media Coalition, Citizens for Cable Awareness in Pennsylvania, the Philadelphia Community Cable Coalition, and Consumers Union. Reported in: *Wall Street Journal,* October 3; *Variety,* October 4.

Juvenile name curb to be reviewed

The Court agreed in November to review a West Virginia law barring newspapers from publishing the name of a minor charged with a crime. A decision of the West Virginia Supreme Court that such a law violates the free press guarantees of the U.S. Constitution was appealed by Kanawha County Prosecutor Cletus Hanley (see *Newsletter,* Nov. 1978, p. 142).

The state law was successfully challenged by two Charleston newspapers after they ran a story in February 1978 identifying a fourteen-year-old student charged with the fatal shooting of a classmate in St. Albans, West Virginia. Reported in: *Chicago Tribune,* November 14.

Asked to look at confidentiality case

A Wichita television reporter cited for criminal contempt for his refusal to divulge the identity of a confidential source petitioned the Court in November to review his case. Joe Pennington, a reporter for KAKE-TV when he investigated the murder of Thad Sandstrom, was sentenced to sixty days in jail.

During the investigation of the death of Sandstrom, Pennington was told that a witness for the prosecution had threatened Sandstrom's life during an argument at a party several weeks before he was murdered. The confidential source informed Pennington that he had observed the argument.

Pennington disclosed the rumor to both the Shawnee County prosecutor and defense counsel, but he never broadcast the information.

The Kansas Supreme Court ruled that a reporter's qualified privilege to protect confidential news sources was outweighted in this case by the need for the name of the confidential source. Reported in: *News Media & the Law,* October 1978; *Editor & Publisher,* November 18.

Obscenity case accepted

The justices announced on November 27 that they would hear an appeal filed by a New York bookseller convicted in a state obscenity trial resulting from the seizure by local police of nearly 800 books, magazines, and films sold at his store.

The bookseller contends that the search warrant was deficient because it listed only two films by name, and that the local judge who spent six hours in his store looking through hundreds of magazines could not possibly have met the constitutional standard that works must be "taken as a whole" in judgments on their obscenity. Reported in: *New York Times,* November 28.

students' rights

Redding, California

Legal action challenging the removal of five novels by Richard Brautigan from Anderson Union High School was filed in Shasta County Superior Court in September by the American Civil Liberties Union.

The five books—*Trout Fishing in America, The Abortion: an Historical Romance, The Pill Versus the Spring Hill Mine Disaster, Rommel Drives Deep into Egypt,* and *A Confederate General from Big Sur*—were removed from Anderson Union High classrooms and the school library in action ordered by school district trustees. Administrators submitted a report to the trustees claiming that the novels are "objectionable" works which include "unsuitable obscene and sexual references."

The ACLU action was filed on behalf of Teachers V.I. Wexler and William Woods, five Anderson students, and Seymour Lawrence, the publisher of Brautigan's book. The ACLU claims that the censorship violates the rights of both teachers and students and the publisher under the First Amendment.

The five books were among nearly 2,000 kept in Wexler's classroom for use by his students in optional reading programs.

Review of the books was ordered by Anderson High Principal J. D. Leitaker, who referred the works to a committee of teachers (the Professional Relations Committee) and a committee of administrators (the Administrative Council) for evaluation.

According to the complaint filed in the Shasta County court, the Professional Relations Committee supported removal of *The Abortion, Trout Fishing,* and *The Pill.* Their report to the school district trustees cited "definite and explicit material which the general public would deem unsuitable for children."

Also according to the complaint, the Administrative Council supported the banning of *The Abortion, Trout Fishing, The Pill, A Confederate General,* and *Rommel Drives,* as well as two other works by Brautigan, *Revenge of the Lawn* and *In Watermelon Sugar.*

Trout Fishing in America is recommended for young adults by the ALA Young Adult Services Division. Astronauts of the 1972 Apollo 17 mission to the moon named a lunar crater after a character, "Shortie," in *Trout Fishing.*

Bulington, Vermont

In a civil action filed in U.S. District Court in October, nine students at the Vergennes Union HIgh School and Librarian Elizabeth Phillips challenged a decision of the Vergennes school board to create a special closed shelf at the school library (see "Censorship Dateline" in this issue). The suit also seeks a reversal of the board's decision to ban *The Wanderers* from the library, and to place a freeze on the expenditure of appropriated library funds pending the establishment of a process by which orders for new library materials can be "screened."

reporters' rights

Brooklyn, New York

In separate hearings in October, New York Supreme Court Justice Sybil Hart Kooper quashed a broad subpoena for the notes of Author Lee Hays and granted him a stay—until the end of November—to prepare a statement in reply to a more narrowly drawn subpoena. The notes and tapes of Hays' investigation of the LeGrand family of Brooklyn were sought by defense attorneys for Navatro LeGrand and his stepbrother, Steven Straun LeGrand, charged with committing murders in 1974.

Hays and his coauthor, Margaret Fuller, began their investigation of the LeGrand family, headed by a self-styled bishop headquartered in a large house in the Bedford-Stuyvesant section of Brooklyn, after indictments were handed down in the case and witnesses had already testified in extended legal proceedings. Hays said his case had to be distinguished from that of *New York Times* Reporter Myron A. Farber, whose investigative work contributed to the indictment of New Jersey Physician Mario Jascalevich.

"We started with the trial and worked backward—starting with family members, witnesses, the police and the district attorney's office. In no way were we responsible for the indictments," Hays said. Defense Attorney Joel Ezra learned of Hays' notes after talking with Hays at a court hearing. "The next thing I knew, I had this subpoena," Hays stated.

Attorney Ezra demanded that Hays surrender all his notes on interviews with three named persons, and "any and all other documentation pertinent or in any way concerning the trial of Navatro LeGrand." Hays and Attorney Melvin L. Wulf successfully argued before Justice Kooper that the subpoena was too broad. Kooper called it "a fishing expedition." Reported in: *Publishers Weekly,* November 13.

U.S. mails

New York, New York

Noting that important First Amendment issues were raised by two New York groups threatened with prosecution for depositing political notices and pamphlets in private mailboxes, the U.S. Court of Appeals for the Second Circuit decided in November to order a lower court to conduct a new hearing.

The appellate action reversed a U.S. District Court's decision to dismiss the complaint of the Council of Greenburgh Civil Associations and the Saw Mill Valley Civic Association. They were threatened with prosecution under a federal law which provides for a $300 fine for anyone who "willfully deposits any mailable matter" without proper postage in a letterbox on a mail route.

The two civic associations contend that hand-delivery to private mailboxes was the only practical method of delivering their messages to their constituents because the costs and delays of the regular mails barred effective communication.

"This is a sensitive First Amendment area," Judge J. Joseph Smith said in the appellate decision. In a concurring

opinion, Chief Judge Irving R. Kaufman declared that "the postal power, no more than any others delegated to Congress, may not be exercised in a manner that violates the fundamental freedoms guaranteed by the First Amendment." Judge Kaufman continued: "At the very least, the postal service must show that its asserted interest is substantial enough to outweigh the burden on free expression. And in scrutinizing the balance, we must keep our thumb on the First Amendment side of the scales to guarantee that free expression, the keystone of our constitutional structure, will not be shaken."

District Court Judge William C. Connor had dismissed the original complaint for failure to state a claim on which relief could be granted. Reported in: *New York Times,* November 12.

national security

Washington, D.C.

Government attorneys asked the U.S. Court of Appeals for the District of Columbia in November to approve special procedures for protecting national security data in the pending criminal trial of an officer of the International Telephone and Telegraph Corp.

The case involves past activities of Robert Berrellez, accused of lying to a Senate committee which investigated efforts of ITT to subvert the 1970 election of Salvador Allende as president of Chile.

In pre-trial hearings before U.S. District Court Judge Aubrey Robinson, attorneys for the Justice Department said that CIA documents which the defense proposed to use would reveal the identities of CIA employees and informants, or otherwise jeopardize intelligence sources and methods. Judge Robinson rejected the plan and told the Justice Department to take its proposal to the appellate court. Reported in: *Access Reports,* November 14.

obscenity

Providence, Rhode Island

So many actions were filed last summer against Rhode Island's new obscenity law that Superior Court Judge Donald F. Shea decided to transfer all cases against the constitutionality of the law to the Rhode Island Supreme Court. Judge Shea made the transfer even though no decision had been issued in his or any other lower court.

An agreement to transfer the cases was reached in a conference in the judge's chambers. In attendance were lawyers in various suits and Assistant Attorney General Allen P. Rubine.

"There are challenges to the law being filed all over the place," Rubine said, arguing that the Supreme Court should decide the constitutionality of the law "once and for all."

The law was attacked on the grounds that it violates the First Amendment. Rubine conceded that "there are a couple of technical things that are problems in the law."

In U.S. District Court, lawyers for Imperial Distributors Inc. petitioned Judge Raymond J. Pettine to order the return of 100 cartons of materials—allegedly "pornographic"—seized by state police in a raids on an Imperial warehouse in mid-November. Reported in: *Providence Journal,* October 12, November 21.

etc.

Washington, D.C.

After the Washington Metro rejected an advertisement prepared by the Gay Activist Alliance for use in subways and buses, the alliance called a press conference to announce a $10 million lawsuit charging the agency with discrimination and censorship.

The ad, stating that "someone in your life is gay," included photographs of Washington-area homosexuals.

Alliance President Bob Davis explained that the purpose of the ad was to educate the public. "When they talk about gay people they are talking about people they know. Respectable, hard working people," Davis said.

Metro General Manager Theodore Lutz said his staff based its rejection of the ad on guidelines adopted by the Metro board in September.

The Metro guidelines state in part: "Items which might be objectionable to a substantial segment of the community should be avoided. For example, advertising depicting or referring to undesirable social behavior or which might be offensive because of racial or religious references should be avoided." Reported in: *Washington Post,* October 26.

Atlanta, Georgia

A gubernatorial candidate who wanted to hypnotize Georgians into voting for him filed an $8 million suit in September against a television station which refused to air his "hypnotic" commercial. Nick Belluso, who ran fifth in a six-candidate Democratic field in an August primary, filed the action in U.S. District Court against WTCG-TV, alleging he was deprived of his First Amendment rights and was a victim of censorship.

The station rejected the commercial—featuring a bearded hypnotist in a cape telling viewers to vote for Belluso—because of concern that some people would become hypnotized during the one-minute spot. The station cited studies which it said shows that it is possible to hypnotize people over the air.

Belluso also filed a complaint against the station with the Federal Communications Commission. Reported in: *Atlanta Journal-Constitution,* September 12.

(Dateline . . . from page 6)

curtailment of this list of basic English books does not mean that students are deprived of other volumes," Bonnell said. "There are many others in literature courses . . . actually over 270 of them."

According to the association, Director of Curriculum Robert Ross told English department teachers that "they may mention other books in the classroom by title and author, but may not open the books or discuss their contents with students." Ross reportedly warned teachers that they would face reprimands if they deviated from his instructions.

Bonnell said he was sorry the teachers had decided to become so "childish" over the matter. Reported in: *Long Beach Press-Telegram,* September 30, October 5.

Annapolis, Maryland

Parents and clergy angrily told the Arundel County school board in November that two books and a film proposed for a high school sex education course were unacceptable. "Sections of this program as it now stand are nothing more than porno material," charged Eva Scones.

Scones, a mother of six children, said she objected to "dirty, filthy words" in *Learning about Sex,* a teachers' reference book proposed for the course.

The Rev. Anthony Spero, a local pastor, described the manual as "tasteless" and "in direct contradiction to the teachings of the Christian faith."

Complaints were also lodged against *Human Sexuality,* a proposed supplemental textbook, and *Are You Ready for Sex?,* a film. Mary Lou Ristaino, one of three dissenting members of the materials selection committee for the course, called the supplemental textbook "irresponsible."

The school board was scheduled to vote on three books and twelve films at its regular meeting in December. The Rev. Spero presented 1,700 signatures on petitions asking the board to delay its decision on the materials by at least ninety days.

However, a member of the board, Barbara R. MacCoy, said she "strongly objected" to those "1,700 signatures" because the signers had not been shown the entire committee report on the proposed sex education materials.

Thomas J. Paolino, a sixth-grade science teacher and a member of the committee on the materials, said the protesters had obtained signatures for the petitions by "misinformation, threats, and innuendos."

Eva Scones had charged that the materials were "pro-Communist." "It makes one wonder if change agents are infiltrating our schools to brainwash our children for a future Communist takeover," Scones told the school board. Reported in: *Baltimore Sun,* November 2.

Dumont, New Jersey

Five illustrations of human sex organs and a woman giving birth were snipped from copies of a supplementary sex education textbook used in a Dumont High School course on family living. The pictures were removed by Vice Principal Edward R. Fisco, who said he considered them "too explicit" for students.

"They were not the kind of pictures I want high school students to look at," Fisco said. "There were snapshots of male and female organs which I thought were too explicit. We have slides with the same thing, but the slides are locked up."

Copies of the book, *Masculinity and Femininity,* were purchased in 1976 for the family living course, required for all Dumont High School seniors.

"Perhaps if I didn't have two little girls at home, I would not have [removed the illustrations]," Fisco explained. "If it was a mistake, it was a human error, but it was done from an emotional standpoint."

Superintendent David Dervitz said he awaited an explanation from Fisco. "The philosophy of the board [of education] is that if you have to do that, you should not be using the book at all," Dervitz said. Reported in: *New York Post,* November 1.

universities

Kingston, Rhode Island

Faculty members at the University of Rhode Island and Rhode Island civil libertarians released statements in October sharply criticizing the attempt of a state legislator to restrict academic freedom on the URI campus. Representative Matthew J. Smith had condemned a conference held at the university as "a perversion of [the university's] proper role" and "an intolerable misuse of state funds."

Smith, chairperson of the Rhode Island House Finance Committee, had expressed his views on a URI conference, "Women and Men: America in Transition," in a letter to URI President Frank Newman.

The university chapter of the American Association of University Professors called Smith's attack on the program "a thinly veiled threat to academic freedom necessary for the pursuit of new and possibly controversial ideas."

Speaking for the ACLU, Carolyn R. Lenz noted that Smith would oversee future university budgets as chairperson of the Finance Committee. She said his action represented "a particularly insidious threat to constitutional guarantees of freedom of speech and thought because it may intimidate scholars who are concerned with the future financing of the university."

The ACLU statement claimed that "control of the financing of the state's educational institutions does not grant the legislature control of either the ideas that are expressed on campuses or of the methods of teaching."

Smith called the reactions of the ACLU and the AAUP unwarranted. He said he had not disputed the right of the university to hold the "Women and Men" forum, only the propriety of presenting controversial viewpoints without a look at more traditional ideas.

"I don't care if Kate Millett appears fifty times a semester," Smith said. Millett was a keynote speaker at the forum. Reported in: *Providence Journal,* October 24; *Civil Liberties Scene,* October 1978.

College Park, Maryland

A student-run movie theater at the University of Mary-

land was shut down in October after it showed an *X*-rated film, *Bel Ami,* which had not been approved by the Maryland Board of Censors.

James D. McKenzie Jr., faculty sponsor of the student cinema group, Company Cinemateque, admitted that he had authorized the showing of *Bel Ami* even though he believed it would violate state law.

William J. Thomas, campus vice chancellor for student affairs, suspended operation of the theater and announced that disciplinary action would be taken against McKenzie.

A spokesperson for the board of censors, Mary Avara, announced that the state attorney general's office would investigate the matter. She said she had warned McKenzie by telephone not to use the unapproved film.

McKenzie said the student organization screened sexually explicit movies in order to subsidize showings of foreign and other less popular films. "We couldn't sell the classy stuff. Nobody wants to show this *X*-rated junk; the point is it makes money." Reported in: *Baltimore Sun,* October 27.

public broadcasting

Chicago, Illinois and elsewhere

Thirty affiliate stations of the Public Broadcasting Service announced in October that they would refuse to air "California Reich" as scheduled by PBS. Some of the stations that rejected the three-year-old film about the neo-Nazi movement in California circulated letters among PBS' 270 affiliates urging them to cancel the program.

William J. McCarter, president of Chicago's WTTW, deplored the program as "almost a recruitment film."

WGBH in Boston reluctantly agreed to broadcast the film, but not at the hour arranged by PBS. Mark Stevens, director of WGBH program operations, commented: "It is a collection of sick ideas which, if viewed out of context, might be dangerous. But anybody who screens it in its entirety will be better informed."

PBS President Lawrence K. Grossman defended the program, arguing that it "shined the light in dark corners." Nominated for an Academy Award in 1976, the film has been shown in only a few theaters. Ten minutes of the film were shown on CBS' "60 Minutes," but the work has never been shown in its entirety on commercial television.

In a joint memo to PBS affiliates, Barry Chase, PBS director of current affairs programming, and Chuck Allen, senior vice president of sponsoring station KCET in Los Angeles, said: "PBS and KCET believe that public television viewers have the right to be informed of the existence of groups like the California Nazis. . . . To ignore their existence would be to ignore a phenomenon which has swallowed up democratic societies in other places and at other times. . . . America has chosen to engage in a gamble that free citizens can be trusted to draw the correct conclusions from an unrestrained flow of information and ideas, even information which may be repugnant to our ears and ideas which are alien to our commonly accepted notions of civil liberty and brotherhood. In that spirit, PBS has chosen to distribute 'California Reich.' . . ."

In reaction to the protest against the work, KCET added segments at the beginning and end of the film in which a narrator cautions viewers about the "disturbing reality" of the organized neo-Nazi movement. Reported in: *Christian Science Monitor,* October 12.

(Bench . . . from page 9)

and confusing by the U.S. Court of Appeals for the Seventh Circuit in an October ruling. The appellate bench upheld a lower court that found the regulations in violation of First Amendment rights.

The suit against the rules was filed in 1976, shortly after they became effective, by the Hare Krishna Society.

The appeals court agreed with the lower court's holding that the regulations were made defective by their failure to define groups "authorized" to solicit, and by their restricting each authorized organization to a maximum of one solicitor at any time.

The court observed that "the public areas of the airports are appropriate places in which to exercise First Amendment rights." Reported in: *Chicago Sun-Times,* October 11.

commercial speech

Washington, D.C.

In an uncommon intervention in the conduct of the Federal Trade Commission, a federal judge in November blocked FTC Chairperson Michael Pertschuk from further participation in FTC deliberations on a proposal to ban from television all advertising aimed at children.

The ruling was handed down by U.S. District Court Judge Gerhard A. Gesell in a suit filed against Pertschuk by the Kellogg Co., the American Association of Advertising Agencies, the Association of National Advertisers, and the Toy Manufacturers of America. The plaintiffs claimed that correspondence from Pertschuk demonstrated his prejudice against advertising targeted on children.

Gesell's sharply worded decision held that Pertschuk had effectively disqualified himself "by his use of conclusory statements of fact, his emotional use of derogatory terms and characterizations, and his affirmative efforts to propagate his settled views."

Gesell declared that further participation by Pertschuk would "taint" the proceedings. "The parties to this proceeding are as a matter of fundamental due process entitled to a final rulemaking decision that will be premised on factual determinations which have not been prejudiced in advance or tainted by the participation of one whose objectivity is subject to serious questions. A very substantial showing has been made that the chairman has conclusively prejudiced factual issues . . . whose resolution

will be necessary for a fair determination of the rulemaking as a whole."

Pertschuk, who said he was disappointed by the holding, announced that he would abide by the court's ruling. He said a decision on an appeal would have to be made by the entire commission.

Pertschuk has repeatedly characterized children's advertising as "inherently unfair" because youngsters are incapable of understanding commercial intent. Reported in: *Washington Post,* November 4; *Variety,* November 8.

obscenity

Montgomery, Alabama

Heavy fines were levied last year on two Montgomery firms in obscenity cases involving various bookstores operated by them. Montgomery County Circuit Court Judge Joseph Phelps imposed $30,000 in fines in Continental News Inc., which operates two stores in Montgomery. Circuit Court Judge Perry O. Hooper fined Mobile Bookmart Inc. $10,000 in each of two cases. Mobile operates two bookstores in the city.

In a related case an employee of Continental News, Beverly Wheat, was convicted of obscenity charges.

All cases were tried under Alabama's new pornography statute, adopted in 1978, and all involved the sale of "obscene" magazines. Reported in: *Montgomery Advertiser,* September 27, October 5.

New Orleans, Louisiana

The obscenity conviction of the New Orleans owner of a food and liquor store—for display of the July 1977 issue of *Screw* magazine—was confirmed in September by a four-to-three decision of the Louisiana Supreme Court. The action upheld the sentence of Warren Gambino to six months in prison and a fine of $1,000. Reported in: *New Orleans States-Item,* September 9.

etc.

San Francisco, California

A Montana statute forbidding corporations or banks from making contributions to advance or defeat any ballot referendum was declared unconstitutional in October in a ruling handed down by Judge Eugene A. Wright of the U.S. Court of Appeals for the Ninth Circuit.

Although the appellate court acknowledged that states may enact regulations to ensure disclosure of the source of political payments or contributions, it held that the complete suppression of expression created by the statute was overbroad and impermissible in the absence of a showing of a compelling state interest. Reported in: *West's Federal Case News,* October 13.

Memphis, Tennessee

A Memphis ordinance allowing the imposition of a curfew during a police strike in August was not unconstitutional, U.S. District Court Judge Harry W. Wellford declared in ruling on a suit filed against the law by the American Civil Liberties Union of West Tennessee.

Judge Wellford found that the curfew was justified by property damage that had occurred and by the threat of unrestrained crime. The court noted that the curfew was imposed only during the late night and early morning hours when the most serious threat of crime and violence was present. Reported in: *West's Federal Case News,* November 10.

(South Dakota voters . . . from page 1)

Parrish, a former Assistant U.S. Attorney in Memphis famous for his prosecution of Harry Reems (performer of *Deep Throat* notoriety), created his draft law because he thought pornography legislation across the country "is so poorly drafted that the problem is going to remain." Bidding to become the Anthony Comstock of the 1970s, he had his model law introduced into the Tennessee Legislature, where its passage was intended to lead to a parade of states adopting it. The "model obscenity law" was, nevertheless, amended in excess of 120 times, mainly to clarify unintelligible language and to insert some new ideas of Parrish. (The Tennessee law has been declared unconstitutional by a lower court and is on appeal to the Tennessee Supreme Court.)

In South Dakota, Fred Hendrickson's group wrote in repealing clauses for South Dakota's present obscenity legislation and printed Parrish's 6,000-word draft, as received, on petition forms which were then circulated, primarily in churches, for signatures to require the legislature to place the proposed law on the general election ballot as initiated legislation. The necessary signatures were acquired with little fanfare by assuring church-goers that the petition was for a law to fight pornography. Few read it to learn its pernicious contents. In late January the petitions were presented to the legislature, which duly certified them and ordered the bill onto the November ballot.

The "model" obscenity law

The 6,000-word bill cannot be adequately summarized here. The draft language is rough and vague, but it could not be changed from the wording on the petitions. It may be the most far-reaching of the efforts to draft a comprehensive obscenity law with punitive teeth that have occurred since the Supreme Court's 1973 *Miller* decision.

The model bill's definition of obscenity, in addition to being convoluted and confusing, contains a long "laundry list" of forbidden depictions. Its "average person" test requires the "average person" to find the material "personally acceptable," as opposed to that which he or she might "tolerate." A composite of all ages, including minors, is used for the "average person."

The bill requires severe punishments for violations, all of which, no matter how trivial, are felonies. Violations occur

for having anything at all to do with dissemination, from ownership of premises to purchase. Any first offense would be punishable by a minimum fine of six month's personal gross income up to a maximum of $10,000 and imprisonment of one to five years. The true impact of the criminal provisions come from their extension to persons who disseminate merely sexually explicit materials to minors.

Libraries could not be open to minors because of this last provision. A lawyer has estimated that ninety percent of the citizens and thirty-five percent of the retail businesses in South Dakota would have been placed in jeopardy by the proposed law.

The model law goes on to establish some novel criminal procedures. All prosecutions under the model law go to the top of the docket over all other criminal cases. A rigid schedule is set for completing various pretrial proceedings. Accused persons may not avoid a jury trial by pleading guilty, but they must post a bond equal to the maximum fine that they might be assessed if found guilty. They also must pay all court costs of prosecution if found guilty—unless they made no effort to defend themselves.

The final result of a conviction under the Parrish bill is to render the material found obscene contraband throughout the entire state and seizable for three years. Thus, the standard of the most illiberal community in South Dakota would have become the standard for the whole state—setting the intent of the local standards principle on its head.

In the course of study of the initiative, opponents found provisions that seemed to violate the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments, and ascertained that the entire bill infringed the First Amendment as a prior restraint of freedom of speech and the press.

The campaign

Parrish may have been surprised to learn in January that his model obscenity law was to be a referendum in South Dakota, but he responded quickly to his casting as the Howard Jarvis of anti-obscenity. He came to Rapid City and Sioux Falls on February 12 to kick off the Citizens for Decency campaign. The meetings were lightly attended (a harbinger of the response the Citizens for Decency got throughout the campaign) by monomaniac supporters—and by several librarians who had read the bill and wanted a measure of the people behind it. Several librarians who were to become leaders of the opposition were polarized by the experience.

Parrish returned in April to debate Bill Taylor, a Sioux Falls attorney, on public television. His emotional style contrasted unfavorably with the cool, calm reasoning of his Robert Redford-ish opponent.

The South Dakota Library Association has an excellent record of monitoring and lobbying the legislature, and it was quickly aware of the problems posed by the anti-obscenity referendum/intellectual freedom confrontation. Efforts were immediately begun to inform librarians of the problems in the proposed legislation. Efforts were made to identify other groups which were adversely affected and to enlist their public opposition. Librarians were urged to contact their local legislators and church leaders to head off the stampeding of these opinion leaders that the Citizens for Decency hoped to accomplish.

The SDLA newsletter, *Book Marks,* printed analyses of the proposed legislation, reported regularly upon the events on both sides, and urged the opposition effort on. Librarians in every statement stressed that they opposed obscenity while also opposing a bad, unworkable law. This tactic, designed to avoid the slur of being for pornography, obviously was successful.

Because the opposition—led by librarians and publicized by many newspapers and television stations—quite early exposed enormous problems in the bill, especially focusing on the effects on libraries and individual citizens, Citizens for Decency found itself on the defensive. Its leaders asserted frequently that librarians would not be affected and that the bill had to be constitutional because its author, Parrish, is the leading expert on obscenity law. The news that its Tennessee twin had been declared unconstitutional made that claim somewhat ludicrous, but the height of the absurdity came when Hendrickson confessed that he did not understand all of the bill and that no South Dakotan did.

By early summer the leadership of the Citizens for Decency conceded that the bill was not perfect and offered to sit down with Parrish and opposition librarians to draft amendments to be presented to the legislature in January 1979. The librarians refused to be co-opted. Nevertheless, a promise to take corrective amendments to the legislature became a major campaign tactic of Citizens for Decency.

Before the June primary most candidates for statewide office publicly opposed the obscenity initiative. Attorney General William Janklow, a controversial and popular man with a reputation for shooting from the hip and a Republican candidate for nomination for governor, remained silent because of a conflict of interest with his duty to write the ballot description of the law. That task accomplished, Janklow issued one of his hard-hitting statements against the obscenity measure, calling it "just plain nonsense" and "un-American." He assailed the law as unconstitutional, unenforceable, and vague. He charged, "The first prosecution would be the most expensive criminal trial in the state's history."

Parrish returned to South Dakota to try to co-opt Janklow by getting an agreement on some amendments, but only after charging that Janklow either favors pornography or is ignorant of obscenity law. His attempt to win Janklow over failed, and Janklow publicly rejected Parrish's endorsement. Since Janklow has become the pivot of South Dakota politics by the force of his personality and image, his thundering, well-publicized opposition must have added considerably to the opposition's margin of victory.

Several librarians and other interested parties decided in August to form an umbrella campaign organization, Citizens for Workable Law, to raise money and to conduct an advertising campaign. This organization continued the very effective use of press releases from groups opposing the bill—a program initiated so effectively by the state library commission's resolution in opposition, which was widely reprinted in newspapers. It spent $40,000 partly to create and air two ten-second television advertisements hitting on the constitutional issue and the large number of state organizations in opposition. A printed leaflet, "Fourteen Common Sense Reasons to Vote No on Initiated Measure 3," was produced for distribution in libraries, theaters, and door-to-door (40,000 copies), and its text was used in advertisements in the local newspapers so avidly read by South Dakotans. The money came in small sums from individuals (mostly librarians!) and in larger amounts from theater owners and the like.

The size of the victory was unexpected. The original tasks that were identified—to avoid identification with "porno pushers," to counter the natural tendency of the uninformed to vote for a law to uphold morality, to raise sufficient doubt to allow South Dakota voters to exercise their tendency to vote no on issues they do not understand, to capitalize on South Dakotans' dislike of outsiders telling them how to run their state—were apparently accomplished in abundance.

Some side benefits accrued to the library community. Many librarians got public exposure as opinion-makers. They raised the awareness of librarianship among the populace and leadership of the state. They established personal contacts with the influential. Surely they have fortified libraries and schools against attacks on intellectual freedom, and one hopes they have solidified their claim to support in a period of fiscal conservatism. Libraries, however, have been very vital in the sparse cultural lives of many rural South Dakota communities, and the very leadership of librarians in this struggle may have been a significant factor in the victory.

AAParagraphs

sweet prince, where are you?

"Hamlet," said the AAP friend-of-the-court brief, "was played in the court below without the Prince of Denmark."

That literary allusion was the publishers' association's way of telling the U.S. Court of Appeals for the Fourth Circuit that a lower court had grievously erred in treating the case of Frank Snepp as simple breach-of-contract prosecution.

Snepp, a former analyst for the Central Intelligence Agency, had written a book, *Decent Interval,* chronicling what he saw as mistakes and misdeeds of the CIA in the evacuation of Saigon. Although the government has never claimed that Snepp's book revealed any classified information, it prosecuted him for failing to have his writings reviewed and okayed by the CIA as, it contended, Snepp had in advance signed agreements to do. But last summer, in U.S. District Court at Alexandria, Va., Judge Oren Lewis, refusing Snepp's request for a jury trial on grounds that there were no facts in dispute for a jury to settle, refused also to listen to First Amendment arguments and termed the case a simple one involving a broken contract. Finding against Snepp, he ordered him to turn over to the government all royalties on his book and never again to write about his CIA employment without submitting his work to prior CIA review.

It was this decision by the lower court that led AAP, intervening as *amicus curiae,* to contend that the case had initially been tried without the participation of its principal figure—i.e., the First Amendment to the U.S. Constitution: "The result of this one-sided championship of government secrecy irrespective of First Amendment rights," stated the brief, principally written by AAP General Counsel Henry R. Kaufman, "was a grievously truncated and skewed District Court proceeding, and an outcome at odds with the First Amendment. . . . Only a grave and imminent threat to the very survival of the nation could possibly justify the result reached by the District Court. . . . Yet, the government's concessions in this case establish that no such threat is presented here."

Furthermore, AAP went on, the implications of the exclusion of First Amendment considerations are far broader than the particular case at bar: "Having improperly excluded First Amendment principles from consideration, the District Court necessarily failed to recognize the potential implications of its ruling upon the free speech right of current and former government employees, of publishers, authors and broadcasters, and of the public in general. The First Amendment mandates the broadest possible non-interference with the rights of all citizens—even former government employees—to discuss and debate the workings of government."

Where the government had contended that, even if he revealed no classified information, Snepp owed a "fiduciary duty" to his employer to have his writings reviewed, AAP

This column, contributed by the Freedom to Read Committee of the Association of American Publishers, was written by Richard P. Kleeman, the committee's staff director.

contended that "it is but a short step, indeed, from this purported breach to the establishment of an all-encompassing network of written contracts and implied fiduciary obligations effectively clamping a lid on information of all sorts at all levels of government." And while "our national experience over the past several years clearly suggests . . . that it is open and not closed government that is, ultimately, most likely to assure the national security," the lower-court rulings "revealed a marked preference for silence about the workings of government, with its necessary lid on the exposure of error, mismanagement and, possibly, corruption."

Joining AAP in its brief were two prominent professional organizations: the P.E.N. American Center, a group of leading writers, editors, and translators, and the Radio Television News Directors Association, a group that often intervenes in litigation to defend the First Amendment rights of news broadcasters.

During oral arguments on the case last November, one of the three judges hearing the appeal was heard to observe, "It's almost impossible to resolve." By the time this appears in print, however, the Court of Appeals probably will have had to attempt that resolution.

(Freedom to pledge . . . from page 4)

individual students will not be required to stand and say the pledge, nor will they be penalized if they remain silent and seated. But all teachers will be required to lead the pledge and teach it.

Three black members and one white member of the nine-member board either voted against the requirement or abstained.

John O. Peterson, one of the black members, said he had abstained from saying part of the pledge for fifteen years. He explained that he objected to the words, "one nation . . . indivisible, with liberty and justice for all," because this had not obtained for blacks. Reported in: *Washington Post,* October 19; *Washington Star,* October 30.

FBI put senator on 'detention' list

Documents compiled by the Federal Bureau of Investigation in Washington and obtained by the *Chicago Tribune* under the Freedom of Information Act revealed last year that the FBI had placed the late Senator Paul H. Douglas on a list of persons "whose arrest might be considered necessary" in wartime.

Douglas, a former professor of economics at the University of Chicago and a decorated World War II Marine Corps officer, served in the U.S. Senate from 1949 through 1966. He was named for possible "custodial detention" on the basis of information gathered by the FBI from various sources, including unsubstantiated charges made by informants.

The minutely detailed records in the 256-page report released to the *Tribune* refer to hundreds of other documents kept by the FBI's field office in Chicago.

Among the documents used to justify the inclusion of Douglas' name on the detention list were reports from informants that Douglas was "particularly active among the Negro population" and that he had always been "very close to the left-wing organizations." Reported in: *Chicago Tribune,* November 14.

Mormons seek to 'update' library collections

Ed Sanders, director of the Christian Communication Program at Harding College in Arkansas, has warned librarians that members of the Church of Jesus Christ of Latterday Saints are visiting libraries to "replace" volumes on Mormon history that seem "old" and "not in the best of condition." Writing in the religious publication *Alternatives,* Sanders said the replacement volumes (offered free) are in fact intended to correct "errors" which the Mormons want suppressed.

Sanders became aware of what he called "a nationwide pattern" to re-write Mormon history when Mormon representatives visited the Beaumont Memorial Library at Harding College in 1978.

polls show growing public support of press confidentiality

Surveys conducted by the Gallup Poll show that most Americans now believe a news reporter should not be required to reveal confidential sources of news information. By a three-to-one margin—68 to 23 percent—the public supports news media personnel.

In 1972, when the Gallup Poll first conducted surveys on the subject, 57 percent of the public supported the right of reporters to keep their sources confidential. Only one year later, the figure had climbed to 62 percent.

The 1978 figure—68 percent—reflected the largest increase in support since 1973.

The issue became a major controversy in 1972 when the U.S. Supreme Court decided that a reporter has no special privilege to protect sources when a court decides the information is necessary and issues a subpoena.

The Gallup survey revealed growing support for confidentiality among all groups polled: men, women,

college educated, high school educated, grade school educated, Republicans, Democrats, Independents, Easterners, Mideasterners, Southerners, and Westerners. Reported in: *Chicago Sun-Times,* October 5.

UNESCO compromises on world news statement

The 146 member countries of the United Nations Educational, Scientific and Cultural Organization unanimously adopted a declaration on the news media at the organization's twentieth general assembly in November. The delegates met in Paris.

The compromise document avoided straightforward suggestions that the news media should be controlled to help eliminate racism and war. It rejected controversial language first proposed by the USSR at a UNESCO meeting in Nairobi.

Ambassador John E. Reinhardt, the chief U.S. delegate, hailed the result of two years of negotiations as "a triumph of good will" and "of common sense."

William Attwood, a member of the U.S. delegation and the former publisher of Newsday, said the result prevented a Soviet takeover of UNESCO that would have resulted in congressional pressures on the U.S. government to withdraw from the organization. An earlier UNESCO resolution adopting an Arab-backed statement calling Zionism a form of racism prompted the U.S. Congress to withhold U.S. dues, which amount to twenty-five percent of UNESCO's regular budget. The back dues were only recently paid.

The compromise resolution was moved by Tunisia, which had led non-aligned Third World nations in seeking a condemnation of the Western "monopoly" of the international media. It was seconded by Poland, which represented the Soviet bloc nations.

Among the Western representatives, the Swiss and Dutch expressed grave reservations about the compromise. Members of the U.S. delegation said Ambassador Reinhardt did not want to voice any criticism which would ruin the climate of the agreement.

George Beebe, chairperson of the World Press Freedom Committee, made up of thirty-two major Western publishers and professional groups, said the press would have to be "vigilant" to prevent "abuse or misinterpretation" of the UNESCO declaration.

The document recognizes that "the exercise of freedom of opinion, expression and information" is a fundamental human right and is "a vital factor in the strengthening of peace and international understanding."

A provision addressed to member nations calls for countries to provide journalists with appropriate support to assure the best conditions for the exercise of their profession. Reported in: *New York Times,* November 23; *Washington Post,* November 23.

intellectual freedom bibliography

Compiled by LYNN E. LIVINGSTON, Assistant to the Director, Office for Intellectual Freedom.

C. Robert Blackmon, E. Joseph Broussard, and Whitney R. Mundt. "Before You Judge Your Next Student Press First Amendment Case." *Phi Delta Kappan,* October 1978, p. 105+.

Steven Brill. "Muscled by the FBI." *Esquire,* October 10, 1978, p. 18+.

John Consoli. "Top Court in N. J. orders Farber to Surrender Notes." *Editor & Publisher,* September 23, 1978, p. 11.

Clare Dixon. "Chile's Cultural Blackout." *Assistant Librarian.* May 1978, p. 66+.

Audrey B. Eaglen. " 'Where Did You Go?' 'To the Library.' 'What Did you Get?' 'Nothing.' " *SIECUS Report* (Sex Information and Education Council of the United States), September 1978, p. 1.

"FTC Examining Advertising's Non-verbal Content." *Folio: the Magazine for Magazine Management,* December 1978, p. 333.

Christopher B. Fagen and Richard Weisman. "High School Censorship: Best Way to Encourage Boredom." *Impact* (Journal of National Family Sex Education Week 1978), p. 45+.

Derek Fielding. "Librarians, Civil Liberties and Privacy." *Australian Library Journal,* July 1978, p. 181+.

Thomas J. Flygare. "Schools and the Law." *Phi Delta Kappan,* November 1978, p. 242+.

Eliot Fremont-Smith. "It's Dangerous to be Dumb." *Village Voice,* October 23, 1978, p. 119+.

John B. Harcourt. "Toward A Radical Pluralism." *The Chronicle of Higher Education,* September 11, 1978, p. 48.

Nat Hentoff. "Liz Holtzman: the Toothpick that Toppled the Washington Monument." *Village Voice,* November 27, 1978, p. 39-42.

_____. "The Poem That Frightened the Horses." *Village Voice,* November 6, 1978, p. 57+.

_____. "Sonja Coleman Embraced by U.S. Constitution." *Village Voice,* November 13, 1978, p. 61+.

_____. "What Happened After the Famous Victory in Chelsea?" *Village Voice,* November 20, 1978, p. 41.

I. William Hill. "Carter Sees No Threat to Press Freedom." *Editor & Publisher,* September 30, 1978, p. 14+.

_____. "Farber Receives FoI Award from Editors." *Editor & Publisher,* October 7, 1978, p. 15.

Keith Howes. "Gay News Fights On." *Assistant Librarian,* May 1978, p. 62+.

The Humanist, November/December 1978: articles on secular humanism and moral education.

Index on Censorship, September/October 1978: articles on Iran, South Africa, Chile, the United States, etc.

Index on Censorship, November/December 1978: articles on Northern Ireland, Vietnam, Hungary, Rumania, etc.

"Let's Keep 'Em in the Dark Ages." *Montana School Library Media Association Newsletter,* October 1978, p. 3.

Paul J. Levine. "Press Freedom Cases at Supreme Court." *Editor & Publisher,* September 23, 1978, p. 26.

Terry Lynn Nagle."The Case of the Offensive Nancy Drew." *Catholic Library World,* September 1978, p. 79.

"The Press and the Courts: Is News Gathering Shielded by the First Amendment?" *Columbia Journalism Review,* November/December 1978, p. 43-50.

Don Reuben. "Media's Deep Distrust of Courts is Basis of Dispute Over Farber." *National Law Journal,* October 16, 1978, p. 26.

Madalynne Reuter. "Seymour Laurence and ACLU Fight Ban on Brautigan Books." *Publishers Weekly,* October 16, 1978, p. 32.

Christina Rob. "Teaching the 3Rs +2." *New England Magazine* (supplement to the *Boston Sunday Globe*), November 19, 1978, p. 7+.

David Rubin. "The Teacher and the Law: Freedom to Teach." *Today's Education,* September/October 1978, p. 26.

Ann Seltz-Petrash. "Social Issue Film Use in Libraries and Schools." *Sightlines,* Fall 1978, p. 11-14.

Ronald F. Sigler. "Freedom to View: Focus on Los Angeles County–1970-71." *Sightlines,* Fall 1978, p. 5-6.

Athan G. Theoharis. "The Problem of Purging FBI Files." *USA Today,* November 1978, p. 48-50.

Joseph Turow. "The Impact of Differing Orientations of Librarians on the Process of Children's Book Selection: a Case Study of Library Tensions." *Library Quarterly,* July 1978, p. 276+.

L.B. Woods.. "The Most Censored Materials in the U.S." *Library Journal,* November 1, 1978, p. 2170+.

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